

MINUTE RECORD

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

LA VISTA CITY COUNCIL MEETING October 6, 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 October 6, 2009. Present were Councilmembers: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Absent: None. Also in attendance were City Attorney McKeon, City Engineer Kottmann, Assistant City Administrator Ramirez, City Clerk Buethe, Library Director Barcal, Community Development Director Birch, Police Chief Lausten, District Chief Froehlich, Recreation Director Stopak, Building and Grounds Director Archibald, and Public Works Director Soucie.

A notice of the meeting was given in advance thereof by publication in the Times on September 24, 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 agenda policy statement providing for expanded opportunity for public comment on agenda items.

SERVICE AWARD – MARY LOU PEREKSTA – 10 YEARS

Mayor Kindig presented a service award to Mary Lou Pereksta for 10 years of service to the City.

PROCLAMATIONS – FIRE PREVENTION WEEK, FINANCIAL PLANNING WEEK

Mayor Kindig presented a proclamation for Fire Prevention Week to District Fire Chief Froehlich and a proclamation for Financial Planning Week to Dennis King, who accepted on behalf of Securities America and the Financial Planning Association.

A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. APPROVAL OF CITY COUNCIL MINUTES FROM SEPTEMBER 15, 2009
3. APPROVAL OF PARK & RECREATION ADVISORY COMMITTEE MINUTES FROM AUGUST 19, 2009
4. APPROVAL OF PLANNING COMMISSION MINUTES FROM AUGUST 20, 2009
5. APPROVAL OF LIBRARY ADVISORY BOARD MINUTES FROM SEPTEMBER 10, 2009
6. APPROVAL OF BOARD OF APPEAL MINUTES FROM SEPTEMBER 23, 2009
7. PAY REQUEST NO. 6 FROM EDAW – 84TH STREET REDEVELOPMENT VISION - \$25,911.90
8. APPROVAL OF CLAIMS

Councilmember Sell made a motion to approve the consent agenda. Seconded by Councilmember Quick. 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.

ACTION BATTERIES, Vehicle Supplies	224.85
ALAMAR UNIFORMS, Wearing Apparel	38.99
ALEX, MARY, Travel	42.13
AMENTA, JOE, Refund	15.00
AMERICAN LIBRARY ASSN, Supplies	39.50
ARAMARK UNIFORM, Contract Services	238.24
ARNOLD, MATT, Refund	95.00
ASSOCIATED FIRE PROTECTION, Contract Services	323.50
BAKER & TAYLOR BOOKS, Books	8,146.60
BATTERIES PLUS, Batteries	484.00
BCR-BIBLIOGRAPHICAL, CD Rom	29.28

MINUTE RECORD

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

October 6, 2009

BEACON BUILDING SERVICES, Contract Services	6,437.00
BEAUMONT, MITCH, Professional Services	3,050.00
BENNINGTON EQUIPMENT, Vehicle Maint.	610.29
BETTER BUSINESS EQUIPMENT, Rentals	47.83
BLACK HILLS ENERGY, Utilities	22.73
BLEACH, LARRY, Equipment	75.00
BRENTWOOD AUTO WASH, Vehicle Maint.	72.00
BUETHE, PAM, Books, Postage, Travel/Supplies	184.80
BUILDERS SUPPLY, Material	2,808.95
BULLET HOLE, Equipment	99.00
CENTER POINT PUBLISHING, Books	240.84
CHEMSEARCH, Vehicle Maint.	173.23
CITY OF OMAHA, Contract Services	35,882.50
COLOMBO/PHELPS, Concessions	486.03
COMP CHOICE, Professional Services	262.50
CONTROL MASTERS, Bldg & Grnds	515.45
COX, Contract Services	39.00
DECOSTA SPORTING GOODS, Equipment	36.45
DEETER FOUNDRY, Repair	260.00
DINAN, DENNY, Banquet	78.92
DULTMEIER SALES & SERVICE, Vehicle Maint.	296.41
EDAW, Vision 84	15,791.70
EDGEWEAR SCREEN PRINTING, Equipment	1,152.00
ELECTRONIC ENGINEERING, Vehicle Maint.	38.41
ELLIOTT EQUIPMENT, Vehicle Maint.	169.52
ENTERPRISE LOCKSMITHS, Bldg & Grnds	25.00
EZRA, GAYLA, Refund	95.00
FAIRWAY GOLF, Wearing Apparel	1,629.06
FILTER CARE, Vehicle Maint.	52.40
FIRE-EXTRICATION-HAZMAT, Rescue Revenue	67.80
FLEET US, Bldg & Grnds	1,102.00
G I CLEANER & TAILORS, Uniform Cleaning	150.20
GALE, Books	71.86
GASSERT, MIKE, Contract Services	768.00
GCR OMAHA TRUCK TIRE CENTER, Vehicle Supplies/Maint.	2,145.11
GODFATHER'S PIZZA, Reading Program	88.85
GOLDEN HORSE, Books	36.95
GRAYBAR ELECTRIC, Bldg & Grnds	179.06
GREENKEEPER, Supplies	78.00
GUNN, BRENDA, Travel	55.00
HEARTLAND PAPER, Supplies	85.00
HEARTLAND TIRES AND TREADS, Vehicle Supplies	126.80
HEIMES CORPORATION, Maintenance	74.58
HELGET GAS, Squad Supplies	73.00
HIGHSMITH, Supplies	402.04
HOST COFFEE, Concessions	21.50
HUNTEL, Contract Services	242.86
HY-VEE, Supplies	98.87
INDUSTRIAL SALES, Bldg & Grnds	57.60
IOWA STATE UNIVERSITY, Training	300.00
IVERSON, DENNIS, Travel	15.00
J Q OFFICE EQUIPMENT, Contract Services/Supplies	881.02
JOHN DEERE, Supplies	393.90
JOHNSON CONTROLS, Bldg & Grnds	247.00
KELLER, RON, Travel	15.00
KENCOAT, Bldg & Grnds	562.00
KIMBALL MIDWEST, Vehicle Maint.	108.10
KIRKHAM MICHAEL & ASSOC, Professional Services	4,800.00
KRIHA FLUID POWER, Vehicle Maint.	45.25
LA VISTA COMMUNITY FOUNDATION, Payroll Deductions	70.00
LAUGHLIN, KATHLEEN, Payroll Withholding	809.00
LIFE ASSIST, Squad Supplies	482.56
LINWELD, Street Maint.	185.70
LOU'S SPORTING GOODS, Equipment	784.46
MARSHALL CAVENDISH CORP, Books	117.52
METRO AREA TRANSIT, August Fees	525.00
METRO COMMUNITY COLLEGE, Utilities/Phone, Contract Services	22,064.10

MINUTE RECORD

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

October 6, 2009

MUD, Utilities	4,672.84
MID AMERICA PAY PHONES, Phones	100.00
MIDLANDS BUSINESS JOURNAL, Books	140.00
MID-STATE DISTRIBUTING, Vehicle Maint/Traffic Signs	145.25
MID-STATES UTILITY TRAILER, Vehicle Maint.	99.05
MIDWEST TURF & IRRIGATION, Vehicle Maint.	1,008.87
MILLER BRANDS, Concessions	118.65
MILLER PRESS, Printing	427.00
MOIS, DEREK, Refund	15.00
MONARCH OIL, Street Maint.	234.00
MONROE TRUCK EQUIPMENT, Vehicle Maint.	260.60
MORRELL HEATING AND COOLING, Construction Costs	6,640.00
MOTOROLA, Radios	8,939.00
NEBRASKA GOLF & TURF, Maintenance	55.36
NEBRASKA MIDGET FOOTBALL, Registration	1,485.00
NEBRASKA SOFTBALL ASSN, Registration	1,672.00
NEUMAN EQUIPMENT COMPANY, Vehicle Supplies	90.00
NEXTEL COMMUNICATIONS, Phones	721.59
ODEY'S, Bldg & Grnds	1,581.42
OFFICE DEPOT, Supplies	388.96
OMAHA DOOR & WINDOW, Capital Outlay	1,212.59
OSSENFORT, MATT, Refund	15.00
PAPILLION LA VISTA SCHL DISTR, Tobacco/Liquor License Revenue	7,127.50
PAPILLION SANITATION, Contract Services	212.11
PARAMOUNT LINEN & UNIFORM, Uniform Cleaning	382.46
PAYLESS, Supplies	546.34
PITNEY BOWES, Supplies	221.00
PRAIRIE MECHANICAL CORPORATION, Bldg & Grnds	13,440.00
PRECISION INDUSTRIES, Vehicle Maint.	113.77
PREMIER-MIDWEST BEVERAGE, Concessions	89.75
PRINCIPAL LIFE-FLEX SPENDING, Employee Benefits	216.00
PSI PLASTIC GRAPHICS, Supplies	473.31
QUALITY BRANDS OF OMAHA, Concessions	447.65
QWEST, Phones	1,150.61
RAMIREZ, RITA, Travel/Supplies	106.12
READY MIXED CONCRETE, Repair	2,561.66
REGAL AWARDS, Equipment	714.37
ROOKER, BARBARA, Bldg & Grnds	23.97
SAPP BROS, Vehicle Supplies	3,287.60
SCHROEDER, ROBERT, Refund	85.00
SEVENER, DUTCH, Travel	15.00
SHAW, MARJORIE, Books	12.99
SIMPLEX GRINNELL, Vehicle Maint.	105.56
SMOOTHER CUT ENTERPRISES, Contract Services	1,320.00
SOUCIE, JOSEPH, Travel	677.16
SPRINT, Phone	109.97
STATE STEEL, Vehicle Maint.	351.43
STATE TROOPERS ASSN, Training	75.00
STAWNIAK, TAMMY, Refund	85.00
STEHMAN, KILEY, Refund	15.00
STERIL MANUFACTURING, Repair	75.00
STRYKER MEDICAL, Squad Supplies	4,362.82
SUBURBAN NEWSPAPERS, Legal Advertising	729.54
SUMMER KITCHEN, Supplies	37.85
SUN COUNTRY DISTRIBUTING, Supplies	133.24
TAPE STOCK ONLINE, Supplies	25.98
TED'S MOWER SALES & SERVICE, Vehicle Maint.	450.61
THERMO KING CHRISTENSEN, Vehicle Maint.	250.00
THIELE GEOTECH, Sidewalk Maint.	25.00
TRACTOR SUPPLY, Travel/Bldg & Grnds	275.86
TURFWERKS, Bldg & Grnds/Maintenance	671.26
U S ASPHALT, Street Maint.	877.60
UPS, Postage	9.76
UTILITY EQUIPMENT, Storm Sewer Maint.	202.10
VANGUARD INDUSTRIES, Bldg & Grnds/Vehicle Maint.	750.00
VERIZON, Phone	201.92
WAL-MART, Supplies/Equip.	704.46

MINUTE RECORD

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

October 6, 2009

WARD, DON, Travel	15.00
ZIMCO SUPPLY, Supplies	488.80
ZOLL MEDICAL, Cardiac Monitors	40,000.00

REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

Assistant City Administrator Ramirez informed Council the employee evaluation system is now up and running. Ramirez stated she also has received a draft of the La Vista history book.

Public Works Director Soucie stated the City received a stimulus grant in the amount of \$7,500 to retrofit the exhaust system on the dump truck. Soucie stated that the tire collection was successful. There were 368 car tires, 8 truck tires, and 1 tractor tire turned in.

Soucie informed Council that the annual fall leaf collection day will be held on November 7, 2009. Soucie stated there will be a meeting with the Val Vista homeowners on October 27th at 7:00 p.m. regarding the greenway project.

Building and Grounds Director Archibald informed Council the City will begin recycling at the end of this week.

B. CITIZEN ADVISORY REVIEW COMMITTEE – EDP REPORT

1. PUBLIC HEARING

At 7:13 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the Citizen Advisory Review Committee – EDP Report. Lynda Shafer was present to answer any questions.

At 7:14 p.m. Councilmember Gowan made a motion to close the public hearing. Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

C. RENTAL INSPECTION PROGRAM

1. ORDINANCE NO. 1095 – ADOPT RENTAL INSPECTION PROGRAM (SECOND READING) **(TABLED FROM 9/15/09 MEETING)**

Community Development Director Birch updated Council on new developments on the rental inspection program. City staff met with representatives of operation landlord. She received suggestions from Councilmember Crawford, which staff thought were good and could be implemented. There have been minor changes to the ordinance. Councilmember Gowan asked if it would be an issue for inspectors to work weekend and evenings. Birch stated the winter months would be difficult due to early darkness. Otherwise, she thought it would be workable.

Terrie Russell, 7427 S 69th Street, addressed Council and provided pictures. She spoke in favor of the rental inspection program.

Tom Klinkacek, 13426 Edna Street, addressed Council to state his concern was that this was not started as a team process, with no input from landlords. He feels there are processes in place to take care of issues for renters now. He feels there are not remedies in place as to what the City will do.

John Chatelain addressed Council to state he met with city officials. He is not from operation landlord; he is from the real estate industry. His concern is on the rights of tenants under the 4th amendment. He feels these inspections are searches.

Douglas Lane, 7327 La Vista Drive, stated he owns property across from Councilmember Carlisle. He feels there are laws in place to take care of properties. He feels scheduling for inspections will be difficult.

Tabetha Wheeler, 7540 Edward, is a tenant who doesn't want to see the City come into her home. She stated she has a good landlord, and she doesn't like that inspectors can come in at any time.

Councilmember Sheehan went to 11 properties; 4 rentals, 2 foreclosures, and 6 owner occupied. His concern is the right to privacy. He feels the renter is being held to a higher standard. Sheehan feels properties need to be inspected the first time the property is rented, and then only when vacant between tenants.

MINUTE RECORD

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

October 6, 2009

Councilmember Gowan stated he does not have a problem with either suggestion. He could accept stating inspections would only occur when vacant. Gowan said Council has a responsibility to citizens to be sure properties are safe. Gowan inquired of the City Attorney about the 4th amendment.

City Attorney McKeon explained how fourth amendment rights work. The fourth amendment protects against unreasonable searches. Under the proposed ordinance, notice of inspections and 4th amendment rights would be given to landlords and tenants. Landlords and tenants could voluntarily consent to inspections; or a landlord or tenant could withhold consent. If consent is withheld, the ordinance would require the City to obtain an inspection warrant. Cases have held that issuance of a warrant to carry out a generally applicable inspection program is permissible without violating fourth amendment rights of the landlord or tenant. The inspection warrant process, and thereby putting a judge between the City and the property owner and tenant, is the accepted methods of courts to ensure fourth amendment rights are protected.

Councilmember Gowan made a motion to amend proposed Ordinance No. 1095 as presented at this meeting. Seconded by Ellerbeck. Voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nay: Sheehan. Motion carried.

City Clerk Buethe read Ordinance No. 1095 entitled: AN ORDINANCE TO ADOPT AND CODIFY A RENTAL LICENSING AND INSPECTION PROGRAM AS SECTION 150.6 OF THE LA VISTA MUNICIPAL CODE; TO REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF. Said ordinance was read by title.

Discussion was held.

Councilmember Gowan made a motion to suspend the statutory rule requiring second and third readings. Seconded by Councilmember Sell. Councilmembers voting aye: Sell, Quick, Sheehan, Ellerbeck and Gowan. Nays: Ronan, Carlisle, and Crawford. Absent: None. Motion failed for failure to obtain the required three-fourths majority vote.

Councilmember Gowan made a motion to approve Ordinance No. 1095 on its second reading and pass it on to a third and final reading. Seconded by Councilmember Sell. Councilmembers voting aye: Sell, Quick, Ellerbeck, and Gowan. Nays: Ronan, Sheehan, Carlisle, and Crawford. Absent: None. Mayor Kindig voted aye to break a tie vote. Motion carried.

D. KEYSTONE TRAIL PROJECT - PURCHASE AGREEMENT AND TEMPORARY EASEMENT – STEPANEK (TABLED FROM 9/15/09 MEETING)

1. PUBLIC HEARING

At 7:54 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the Keystone Trail Project - Purchase Agreement and Temporary Easement – Stepanek.

At 7:55 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.

2. RESOLUTION – APPROVE PURCHASE AGREEMENT AND TEMPORARY EASEMENT

Councilmember Ellerbeck introduced and moved for the adoption of Resolution No. 09-096: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE MAYOR TO EXECUTE A PURCHASE AGREEMENT AND TEMPORARY EASEMENT AGREEMENT RELATING TO THE LA VISTA LINK – KEYSTONE TRAIL PROJECT AND AUTHORIZING PAYMENT FOR SAID EASEMENT TO VICTOR STEPANEK AND LINDA S. PODANY-STEPANEK IN AN AMOUNT NOT TO EXCEED \$27,100.00.

WHEREAS, right-of-way acquisition is necessary for construction of the La Vista Link – Keystone Trail Project on a tract of land owned by Victor Stepanek and Linda S. Podany-Stepanek; and

WHEREAS, a temporary construction easement for construction of the La Vista Link – Keystone Trail Project on a tract of land owned by Victor Stepanek and Linda S. Podany-Stepanek; and

MINUTE RECORD

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

October 6, 2009

WHEREAS, the FY08/09 Capital Fund Budget provides for the expenses related to the Construction of the La Vista Link – Keystone Trail Project; and

WHEREAS, Paragraph 9 of Section 1-316 of the La Vista Municipal Code requires that the City Administrator secure Council approval prior to authorizing any purchase over \$5000.00.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize the Mayor to execute a purchase agreement and temporary easement relating to the construction of the La Vista Link – Keystone Trail Project and authorize payment for said purchase and easement to Victor Stepanek and Linda S. Podany-Stepanek in and amount not to exceed \$27,100.00.

Seconded by Councilmember Quick. Councilmember Sheehan asked if the temporary easement is for construction purposes and would require no long term maintenance by the City. Public Works Director Soucie responded that he was correct. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

E. KEYSTONE TRAIL PROJECT - PURCHASE AGREEMENT AND TEMPORARY EASEMENT – MULDER (TABLED FROM 9/15/09 MEETING)

1. PUBLIC HEARING

At 7:56 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the Keystone Trail Project - Purchase Agreement and Temporary Easement – Mulder.

At 7:56 p.m. Councilmember Ellerbeck made a motion to close the public hearing. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

2. RESOLUTION – APPROVE PURCHASE AGREEMENT AND TEMPORARY EASEMENT

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 09-097: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE MAYOR TO EXECUTE A PURCHASE AGREEMENT AND TEMPORARY EASEMENT AGREEMENT RELATING TO THE LA VISTA LINK – KEYSTONE TRAIL PROJECT AND AUTHORIZING PAYMENT FOR SAID EASEMENT TO BERNARD A. MULDER, JR. IN AN AMOUNT NOT TO EXCEED \$1,500.00.

WHEREAS, right-of-way acquisition is necessary for construction of the La Vista Link – Keystone Trail Project on a tract of land owned by Bernard A. Mulder, Jr.; and

WHEREAS, a temporary construction easement for construction of the La Vista Link – Keystone Trail Project on a tract of land owned by Bernard A. Mulder, Jr; and

WHEREAS, the FY08/09 Capital Fund Budget provides for the expenses related to the Construction of the La Vista Link – Keystone Trail Project; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize the Mayor to execute a purchase agreement and temporary easement relating to the construction of the La Vista Link – Keystone Trail Project and authorize payment for said purchase and easement to Bernard A. Mulder, Jr. in and amount not to exceed \$1,500.00.

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

F. KEYSTONE TRAIL PROJECT - PURCHASE AGREEMENT AND TEMPORARY EASEMENT – CORONA (TABLED FROM 9/15/09 MEETING)

1. PUBLIC HEARING

At 7:57 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the Keystone Trail Project - Purchase Agreement and Temporary Easement – Corona.

MINUTE RECORD

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

October 6, 2009

At 7:57 p.m. Councilmember Quick made a motion to close the public hearing. Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

2. RESOLUTION – APPROVE PURCHASE AGREEMENT AND TEMPORARY EASEMENT

Councilmember Gowan introduced and moved for the adoption of Resolution No. 09-098: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE MAYOR TO EXECUTE A TEMPORARY EASEMENT AGREEMENT RELATING TO THE LA VISTA LINK – KEYSTONE TRAIL PROJECT AND AUTHORIZING PAYMENT FOR SAID EASEMENT TO DEANNA CORONA IN AN AMOUNT NOT TO EXCEED \$25.00.

WHEREAS, a temporary construction easement for construction of the La Vista Link – Keystone Trail Project on a tract of land owned by Bernard A. Mulder, Jr and leased by Deanna Corona; and

WHEREAS, the FY08/09 Capital Fund Budget provides for the expenses related to the Construction of the La Vista Link – Keystone Trail Project; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize the Mayor to execute a temporary easement relating to the construction of the La Vista Link – Keystone Trail Project and authorize payment for said purchase and easement to Deanna Corona in an amount not to exceed \$25.00.

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

G. COMPREHENSIVE PLAN – AMENDMENT (NEW CHAPTER 9)

1. PUBLIC HEARING

Community Development Director Birch introduced this agenda item. She stated the revisions are due to a legislative change.

At 8:01 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the Comprehensive Plan – Amendment (New Chapter 9).

At 8:01 p.m. Councilmember Gowan made a motion to close the public hearing. Seconded by Councilmember Sell. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

2. RESOLUTION – APPROVE AMENDMENT TO THE CITY'S COMPREHENSIVE PLAN

Councilmember Sell introduced and moved for the adoption of Resolution No. 09-099: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, IN SUPPORT OF AMENDING THE COMPREHENSIVE PLAN TO ADD A NEW CHAPTER, CHAPTER 9, ANNEXATION PLAN

WHEREAS, the Comprehensive Plan currently has a section in Chapter 8, Plan Maintenance and Implementation, regarding an annexation policy which briefly describes that any annexation will be in conformance with Nebraska State Statutes; and

WHEREAS, the addition of a new chapter, Chapter 9, Annexation Plan will provide a more detailed annexation plan consisting of a narrative section, a chart and a map; and

WHEREAS, the Planning Commission has recommended approval of a request to amend the Comprehensive Plan to add a new chapter, Chapter 9, Annexation Plan; and

NOW THEREFORE, BE IT RESOLVED that the Mayor and City Council of the City of La Vista, Nebraska, hereby directs the City Administrator to have prepared the necessary amendment to the Comprehensive Plan to add a new chapter, Chapter 9, Annexation Plan.

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

MINUTE RECORD

H. RESOLUTION – ANNEXATION – SID 59, SID 214, MISCELLANEOUS LOTS, ADJOINING STREET RIGHT OF WAY

Councilmember Quick introduced and moved for the adoption of Resolution No. 09-100: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA STATING THAT THE CITY OF LA VISTA IS CONSIDERING THE ANNEXATION OF SID NO.59, OAKDALE PARK AND BROOK VALLEY BUSINESS PARKS, AND SID NO. 214, PAPIO VALLEY 1 AND 2 BUSINESS PARKS, SUBDIVISIONS AS SURVEYED, PLATTED AND RECORDED IN SARPY COUNTY, NEBRASKA, AND CERTAIN ADJACENT LAND; TAX LOT 6B LOCATED IN SECTION 19, T14N, R12E OF THE 6TH P.M., TAX LOT 8 LOCATED IN SECTION 18, T14N, R12E OF THE 6TH P.M., TAX LOT 6C1 LOCATED IN SECTION 19, T14N, R12E OF THE 6TH P.M., TAX LOT 15 AND VAC ROW ADJ LOCATED IN SECTION 18, T14N R12E OF THE 6TH P.M., TAX LOT 13 LOCATED IN SECTION 19, T14N, R12E OF THE 6TH P.M., TAX LOT 14 LOCATED IN SECTION 19, T14N, R12E OF THE 6TH P.M., SARPY COUNTY, NEBRASKA; AND PORTIONS OF ANY ADJOINING STREET RIGHT-OF-WAY; DESCRIBING BOUNDARIES OF THE LAND PROPOSED FOR ANNEXATION; APPROVING AND ADOPTING A PLAN FOR EXTENDING CITY SERVICES TO THE LAND PROPOSED FOR ANNEXATION, AND MAKING THE PLAN AVAILABLE FOR INSPECTION; PROVIDING FOR A PUBLIC HEARING DATE, TIME AND LOCATION ON THE PROPOSED ANNEXATION; PROVIDING FOR PUBLICATION OF NOTICE OF SUCH HEARING AND OF THE MAP DRAWN TO SCALE DELINEATING THE LAND PROPOSED FOR ANNEXATION; AND PROVIDING FOR NOTICE TO UTILITY COMPANIES SID CLERKS AND LANDOWNERS OF THE PROPERTY WITHIN THE PROPOSED AREA, AND PROVIDING FOR THE DELIVERY OF A COPY OF THIS RESOLUTION TO ANY SCHOOL DISTRICT WITHIN THE AREA PROPOSED TO BE ANNEXED, AND TO THE PLANNING COMMISSION FOR RECOMMENDATION.

WHEREAS, the City of La Vista desires to annex certain land, and

WHEREAS, the Nebraska Revised Statutes, Section 16-117 requires the City Council to adopt a resolution stating that the City is considering the annexation of land and a plan for extension of City services to said land.

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

1. The City of La Vista is considering the annexation of SID No.59, Oakdale Park And Brook Valley Business Parks, and SID No. 214, Papio Valley 1 and 2 Business Parks, subdivisions as surveyed, platted and recorded In Sarpy County, Nebraska, and certain adjacent land; Tax Lot 6B located in Section 19, T14N, R12E of the 6th P.M., Tax Lot 8 located in Section 18, T14N, R12E of the 6th P.M., Tax Lot 6C1 located in Section 19, T14N, R12E of the 6th P.M., Tax Lot 15 And Vacated ROW Adjacent located in Section 18, T14N R12E of the 6th P.M., Tax Lot 13, located in Section 19, T14N, R12E of the 6th P.M., Tax Lot 14, located in Section 19, T14N, R12E of the 6th P.M., Sarpy County, Nebraska; and portions of any adjoining street right-of-way; describing boundaries of the land proposed for annexation, more particularly described as follows:

LOTS 1, 2A, 2B, 3 THROUGH 8, 13 THROUGH 18, 19A, 21A, 21B, 22, 26, 27, 28A, AND 28B, OAKDALE PARK, A SUBDIVISION IN SARPY COUNTY, NEBRASKA, AND ALL PUBLIC STREETS LYING WITHIN SAID OAKDALE PARK;

TOGETHER WITH PART OF 108TH STREET RIGHT-OF-WAY AND PART OF HARRISON STREET RIGHT-OF-WAY ADJOINING SAID OAKDALE PARK;

TOGETHER WITH TAX LOTS 8A1A AND 8A2, EXCEPT THAT PART TAKEN FOR 104TH STREET RIGHT-OF-WAY, TAX LOTS 8A1B, 8B, 8C1, 8C2A, 8C3A AND 8C4, ALL LYING WITHIN THE WEST 1/2 OF THE NW1/4 OF SECTION 16, T14N, R12E OF THE 6TH P.M., IN SAID SARPY COUNTY;

TOGETHER WITH PART OF GERTRUDE STREET RIGHT-OF-WAY, AND HARRISON STREET RIGHT-OF-WAY ADJOINING SAID TAX LOTS;

TOGETHER WITH THAT PART OF THE SW1/4 OF THE NW1/4 OF SAID SECTION 16 LYING WEST OF LOT 1, AND SOUTH OF LOT 2A, SAID OAKDALE PARK;

TOGETHER WITH PART OF 108TH STREET RIGHT-OF-WAY ADJOINING SAID PART OF THE SW1/4 OF THE NW1/4 OF SAID SECTION 16;

MINUTE RECORD

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

October 6, 2009

TOGETHER WITH LOTS 1B, 2B, 4A, 4B, 5A, 5B, 6, 12, 13B, 14, 15A, 15B, LOT 16 (REPLAT OF LOTS 16, 17, 18B, 21B, 22 AND 23), LOTS 18A, 19, 20, 21A, 24A, 24B, 25, 27, 28A1, 32, 33C, 47, 48, 49, 50A, 50B, 51, 52, 53, 54, 55A, 55B, 56B, LOT 57 AND THE NORTH 100 FEET OF LOT 56, LOTS 58, 59, 60 AND OUTLOT B, BROOK VALLEY BUSINESS PARK, A SUBDIVISION IN SAID SARPY COUNTY,

TOGETHER WITH LOTS 1 AND 2, BROOK VALLEY BUSINESS PARK REPLAT 1, A SUBDIVISION IN SAID SARPY COUNTY;

TOGETHER WITH LOTS 1 AND 2, BROOK VALLEY BUSINESS PARK REPLAT 2, A SUBDIVISION IN SAID SARPY COUNTY; AND ALL PUBLIC STREETS LYING WITHIN SAID BROOK VALLEY BUSINESS PARK, AND SAID BROOK VALLEY BUSINESS PARK REPLATS 1 AND 2;

TOGETHER WITH PART OF 108TH STREET RIGHT-OF-WAY AND HARRISON STREET RIGHT-OF-WAY ADJOINING SAID BROOK VALLEY BUSINESS PARK AND SAID BROOK VALLEY BUSINESS PARK REPLATS 1 AND 2;

TOGETHER WITH TAX LOT 1A2, LYING NORTH OF THE CHICAGO BURLINGTON & QUINCY RAILROAD WITHIN THE SE1/4 OF SECTION 17, T14N, R12E OF THE 6TH P.M., SAID SARPY COUNTY;

TOGETHER WITH ALL OF TAX LOT 1A1A1A, LYING WITHIN THE SE1/4 AND ALL OF TAX LOT 2B2 LYING WITHIN THE SW1/4 OF SAID SECTION 17;

TOGETHER WITH PART OF 110TH STREET RIGHT-OF-WAY ADJOINING SAID TAX LOT 1A1A1A;

TOGETHER WITH LOTS 1 THROUGH 7, LOTS 9, 10, 11B, 12, 13, LOTS 14A AND 14B, REPLAT OF LOT 14, LOTS 15, 16A, 16B, 17A, 17B, 18, 19, 20, LOTS 22 THROUGH 37, VACATED VIRGINIA STREET LYING WEST OF 114TH STREET AND EAST OF 117TH STREET, BROOK VALLEY II BUSINESS PARK, A SUBDIVISION IN SAID SARPY COUNTY;

TOGETHER WITH LOT 1, BROOK VALLEY II BUSINESS PARK REPLAT ONE; A SUBDIVISION IN SAID SARPY COUNTY;

TOGETHER WITH LOTS 1 AND 2, BROOK VALLEY II BUSINESS PARK REPLAT 2, A SUBDIVISION IN SAID SARPY COUNTY, AND ALL PUBLIC STREETS LYING WITHIN SAID BROOK VALLEY II BUSINESS PARK AND SAID BROOK VALLEY II BUSINESS PARK REPLATS ONE AND 2;

TOGETHER WITH PART OF 120TH STREET RIGHT-OF-WAY AND ALL OF 114TH STREET RIGHT-OF-WAY ADJOINING SAID BROOK VALLEY II BUSINESS PARK;

TOGETHER WITH LOTS 1 AND 2, PART OF LOT 3A, LOTS 4, 5, 6, 7A, 7B AND 8, PAPIO VALLEY I BUSINESS PARK, A SUBDIVISION IN SARPY COUNTY, NEBRASKA; AND ALL PUBLIC STREETS LYING WITHIN SAID PAPIO VALLEY I BUSINESS PARK;

TOGETHER WITH LOTS 1 THROUGH 9, PAPIO VALLEY 2 BUSINESS PARK, A SUBDIVISION IN SAID SARPY COUNTY, AND ALL PUBLIC STREETS LYING WITHIN SAID PAPIO VALLEY 2 BUSINESS PARK;

TOGETHER WITH PART OF OLD GILES ROAD RIGHT-OF-WAY AND 120TH STREET RIGHT-OF-WAY ADJOINING SAID PAPIO VALLEY I BUSINESS PARK AND SAID PAPIO VALLEY 2 BUSINESS PARK;

TOGETHER WITH TAX LOT 8 IN THE SE 1/4 OF SECTION 18, T14N, R12E OF THE 6TH P.M., SARPY COUNTY, NEBRASKA;

TOGETHER WITH TAX LOT 15 & VAC ROW ADJ IN THE SE 1/4 OF SECTION 18 T14N, R12E OF THE 6TH P.M., SARPY COUNTY, NEBRASKA;

TOGETHER WITH TAX LOT 6B IN THE NORTHEAST 1/4 OF SECTION 19, T14N, R12E OF THE 6TH P.M., SARPY COUNTY, NEBRASKA;

MINUTE RECORD

TOGETHER WITH TAX LOT 6C1 IN THE NORTHEAST 1/4 OF SECTION 19, T14N, R12E OF THE 6TH P.M., SARPY COUNTY, NEBRASKA;

TOGETHER WITH TAX LOT 13 IN THE NORTHEAST 1/4 OF SECTION 19, T14N, R12E OF THE 6TH P.M., SARPY COUNTY, NEBRASKA;

TOGETHER WITH TAX LOT 14 IN THE NORTHEAST 1/4 OF SECTION 19, T14N, R12E OF THE 6TH P.M., SARPY COUNTY, NEBRASKA;

TOGETHER WITH RAILROAD RIGHT-OF-WAY ADJOINING SAID TAX LOTS IN SAID SECTIONS 18 AND 19, T14N, R12E OF THE 6TH P.M., SARPY COUNTY, NEBRASKA;

TOGETHER WITH GILES ROAD RIGHT-OF-WAY, WEST GILES ROAD RIGHT-OF-WAY, AND OLD GILES ROAD RIGHT-OF-WAY IN SAID SECTIONS 18 AND 19 ADJOINING SAID TAX LOTS.

2. That the plan of the City for the extension of City services to the above land proposed for annexation, as presented at this meeting, and incorporated herein by this reference, be and the same hereby is, adopted and approved, subject to any changes by the City Council after public hearings on the proposed annexation and recommendations from the Planning Commission, and is available for inspection during regular business hours in the office of the City Clerk, located at 8116 Park View Boulevard, La Vista, Nebraska.
3. That a public hearing on the proposed annexation at which the City Council shall receive testimony from any interested persons shall be held on the 17th day of November, 2009, at the hour of 7:00 p.m. in the Council Chambers of the City of La Vista located at 8116 Park View Boulevard, La Vista, Nebraska.
4. That a copy of this Resolution and a map drawn to scale and delineating the area proposed to be annexed shall be published in the official newspaper of the City at least once not less than ten (10) days preceding the date of the public hearing.
5. That a copy of this Resolution be mailed by first class mail following its passage to the school board of any school district in the land proposed for annexation.
6. That required notices will be provided to utility companies, SID Clerks, and owners of the property as required by applicable statutes.
7. That a copy of this Resolution be forwarded to the Planning Commission for recommendation following its passage.

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

I. RESOLUTION – INTERLOCAL AGREEMENT – ANALYSIS OF HELL CREEK STABILIZATION

Councilmember Sell introduced and moved for the adoption of Resolution No. 09-101: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING AN INTERLOCAL AGREEMENT WITH DOUGLAS COUNTY, SARPY COUNTY, NEBRASKA AND THE CITY OF LA VISTA CONCERNING ANALYSIS OF THE STABILIZATION OF HELL CREEK, IN A FORM SATISFACTORY TO THE CITY ADMINISTRATOR AND CITY ATTORNEY.

WHEREAS, La Vista, Sarpy County, and Douglas County have determined that the stream segment between the "Q" Street Bridge and the confluence with the South Papillion Creek is experiencing severe bank erosion and channel degradation; and

WHEREAS, La Vista, Sarpy County, and Douglas County have determined that it is each jurisdiction's duty and responsibility to hire professional engineering services for the analysis of Hell Creek stabilization alternatives for this stream segment and the cost for these services will be equally shared.

NOW THEREFORE, BE IT RESOLVED, that an Interlocal Agreement with Douglas County and Sarpy County, Nebraska concerning the analysis of Hell Creek stabilization alternatives for the stream segment between the "Q" Street Bridge and the

MINUTE RECORD

confluence with the South Papillion Creek is hereby approved, and the Mayor and City Clerk be and hereby are, authorized to execute same on behalf of the City with such revisions or amendments thereto that the City Administrator and City Attorney may determine necessary to carry out the intent of the City Council.

Seconded by Councilmember Gowan. Public Works Director Soucie informed Council that the storms last May and June caused severe damage to the north and east side. There have only been emergency repairs to temporarily fix the problem to date. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

J. RESOLUTION – INTERLOCAL AGREEMENT – PAPILLION CREEK WATERSHED PARTNERSHIP CONTINUATION

Councilmember Gowan introduced and moved for the adoption of Resolution No. 09-102: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING AN INTERLOCAL COOPERATION AGREEMENT BETWEEN THE CITIES OF BELLEVUE, BOYSTOWN, GRETNA, LA VISTA, OMAHA, PAPIO-MISSOURI RIVER NRD, PAPILLION, RALSTON, AND SARPY COUNTY FOR THE CONTINUATION OF THE PAPILLION CREEK WATERSHED PARTNERSHIP.

WHEREAS, the Mayor and City Council approved La Vista's participation in the initial Interlocal Cooperation Agreement regarding this Partnership in 2001 and an Interlocal Cooperation Act Agreement for Continuation was approved in 2004; and

WHEREAS, the Continuation expired on July 31, 2009; and

WHEREAS, the Interlocal Cooperation Agreement was developed in response to the federal NPDES Phase II requirements related to storm water that impact communities and counties in the Papillion Creek Watershed; and

WHEREAS, maintaining the Interlocal Cooperation Agreement will allow the City and other participating jurisdictions to continue to propose, enact and implement common standards, increasing effectiveness and cost-sharing capabilities;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of La Vista, Nebraska, that the Interlocal agreement between the cities of Bellevue, Boystown, Gretna, La Vista, Omaha, Papio-Missouri River NRD, Papillion, Ralston, and, Sarpy County, is hereby accepted and approved as presented and that the Mayor and City Clerk are hereby authorized to execute said agreement on behalf of the City of La Vista.

Seconded by Councilmember Quick. Public Works Director Soucie explained that "amendment" was not to be in the Interlocal; and also, Douglas County and Bennington are no longer part of the Interlocal, due to differing views as to restrictions on building. The changes will not affect what the City owes on an annual basis for the next 5 years, which is capped at \$5,000, but work will be scaled back because Douglas County was one of the larger contributors. Mayor Kindig asked if there could be increased costs in the future. Public Works Director Soucie stated that is a possibility. Councilmember Sheehan asked if Douglas County could be let back in. Public Works Director Soucie stated there are no hard feelings, and they could be added back into the Interlocal. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

K. 2010-2014 CAPITAL IMPROVEMENT PROGRAM **1. PUBLIC HEARING**

At 8:12 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the 2010-2014 Capital Improvement Program.

At 8:13 p.m. Councilmember Carlisle made a motion to close the public hearing. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

2. RESOLUTION – ADOPTION OF 2010-2014 CAPITAL IMPROVEMENT PROGRAM

Councilmember Carlisle introduced and moved for the adoption of Resolution No 09-103: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA,

MINUTE RECORD

NEBRASKA, APPROVING THE 2010-2014 CAPITAL IMPROVEMENT PROGRAM (CIP) FOR INFRASTRUCTURE AND OTHER CAPITAL IMPROVEMENTS FOR THE CITY OF LA VISTA.

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

WHEREAS, the La Vista Planning Commission has reviewed the 2010-2014 Capital Improvement Program (CIP) for the City of La Vista and recommends to Council approval of the Plan, and

WHEREAS, the Mayor and City Council of the City of La Vista, Nebraska held a public hearing on the City of La Vista's 2010-2014 Capital Improvement Program (CIP) for infrastructure and other capital improvements for the City of La Vista; and

WHEREAS, the citizens of the City of La Vista have therefore had an opportunity to comment on the 2010-2014 Capital Improvement Program (CIP) for infrastructure and other capital improvements for the City of La Vista as submitted and reviewed by the La Vista City Council.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of La Vista, Nebraska that the 2010-2014 Capital Improvement Program (CIP) for infrastructure and other capital improvements for the City of La Vista as submitted and reviewed by the Mayor and City Council of the City of La Vista be, and the same hereby is, accepted and approved.

Seconded by Councilmember Gowan. Assistant City Administrator Ramirez stated the Capital Improvement Program is in a blue notebook. The approved portion for this year is in the budget. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

L. ORDINANCE – AMEND THE COMPENSATION ORDINANCE

Councilmember Sell introduced Ordinance No. 1103 entitled: AN ORDINANCE TO FIX THE COMPENSATION OF OFFICERS AND EMPLOYEES OF THE CITY OF LA VISTA; TO PROVIDE FOR THE REPEAL OF ALL PRIOR ORDINANCES IN CONFLICT HERewith; ORDERING THE PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM; AND TO PROVIDE THE EFFECTIVE DATE HEREOF.

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

Said ordinance was then read by title and thereafter Councilmember Sheehan moved for final passage of the ordinance which motion was seconded by Councilmember Carlisle. The Mayor then stated the question was, "Shall Ordinance No.1103 be passed and adopted?" Upon roll call vote the following Councilmembers voted aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. The following voted nay: None. The following were absent: None. The passage and adoption of said ordinance having been concurred on by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor, in the presence of the Council, signed and approved the ordinance and the City Clerk attested the passage/approval of the same and affixed her signature thereto.

M. SPECIAL ASSESSMENTS

1. PUBLIC HEARING

At 8:15 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on Special Assessments.

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

2. RESOLUTION

MINUTE RECORD

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

October 6, 2009

Councilmember Sell introduced and moved for the adoption of Resolution No. 09-104 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE LA VISTA CITY CLERK TO FILE WITH THE SARPY COUNTY TREASURER A SPECIAL ASSESSMENT FOR PROPERTY IMPROVEMENTS AT LOCATIONS AND IN AMOUNTS CITED HEREIN.

WHEREAS, the property owners of
7121 Harrison St., Lot 1C EX PT TO RD La Vista Replat, \$371.83,
7313 Joseph Ave., Lot 392/La Vista Replat, \$287.79,
7421 Ivy Lane Dr., Lot 124/S & S's Harvest Hill, \$265.29,
7217 Park View Blvd., Lot 941/La Vista, \$253.59,
7702 Greenleaf Dr., Lot 1470/La Vista, \$281.94,
7780 Greenleaf Dr., Lot 210/Granville East, \$281.29,
7354 S 70th St., Lot 202/La Vista Replat, \$349.06, and
12958 Margo St., Lot 15/Millard Highlands South 2nd Platting, \$252.29
were notified to clean up their property as they were in violation of the City Municipal Code, Section 133.01, or the City would do so and bill them accordingly, and

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

WHEREAS, the City sent the property owners bills for said clean up 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 Special Assessments for Improvements in the amounts and against the properties specified above, all located within Sarpy County, La Vista, Nebraska.

Seconded by Councilmember Carlisle. Councilmember Crawford asked if there is anything that can be done for the repeat offenders, some for the 3rd and 4th time. Community Development Director Birch stated that repeat offenders will not receive notice after their initial notice for the season. Most of these properties are vacant at this time, so ticketing someone would be difficult if not impossible. Councilmember Gowan asked if Margo Street is in the City limits. Community Development Director Birch stated that Margo Street is not in the City limits. Councilmember Gowan asked if we fix the streets there. Public Works Director Soucie stated that we would generally contact the SID or engineer unless it is an emergency and they cannot be reached then we will fix it and contact them for reimbursement. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

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

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. There were no comments from the floor.

N. EXECUTIVE SESSION – STRATEGY SESSION/NEGOTIATING GUIDANCE – FOP; PERSONNEL

At 8:20 p.m. Councilmember Carlisle made a motion to go into executive session for protection of the public interest for Strategy Session/Negotiating guidance with FOP. 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 8:46 p.m. the Council came out of executive session. Councilmember Carlisle 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.

MINUTE RECORD

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

October 6, 2009

COMMENTS FROM MAYOR AND COUNCIL

Mayor Kindig asked Council if they would like to sponsor the Chili Feed again this year. He stated that Rita needs to know by Friday for the newsletter, and the \$25.00 contribution needs to be to Mary by November 30th.

Mayor Kindig encouraged everyone to attend the "Worthy Women" award presentation for Councilmember Quick on Thursday, October 22nd. The award is based on civic contributions, innovation, and insight, volunteerism, and impacting the lives of people in the community. The event states at 4:00 p.m. Please RSVP to Mary by October 12th.

Councilmember Gowan commended Councilmember Sell for his work to have the street sign made for Marv Carcich.

Councilmember Sheehan asked for information to show how much the cost would be for a warrant to inspect a property. He would also like to see a copy of the letter and correspondence that will be sent to a tenant and an owner. City Attorney McKeon stated he has discussed these issues with Community Development Director Birch and they will get him the information he has requested.

At 8:51 p.m. Councilmember Gowan made a motion to adjourn the meeting. Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

PASSED AND APPROVED THIS 20TH DAY OF OCTOBER 2009.

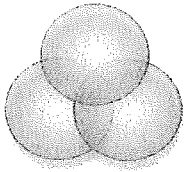
CITY OF LA VISTA

ATTEST:

Douglas Kindig, Mayor

Pamela A. Buethe, CMC
City Clerk

K:\APPS\CITYHALL\09 COUNCIL MINUTES\October 6, 2009



Bainbridge Leadership Center

Facilitating emergent leadership for an integral world.

INVOICE

DATE THIS INVOICE: October 9, 2009

DESCRIPTION: Leadership Coaching

CLIENT: Brenda Gunn and City of La Vista, NE

AMOUNT: \$7500.00

TOTAL Due: \$7500.00

PAYABLE TO: Bainbridge Leadership Center
321 High School Rd. NE – STE 3D PMB 295
Bainbridge Island, WA 98110

TAX I.D.: 16-1735038

Ok PLS
10/20/09 Consent Agenda
Split
1-14-0313
2-41-0313
Final Payment

**KISSEL / E & S ASSOCIATES, LLC**

301 S 13TH STREET
LINOLN, NE 68506

Invoice**Invoice #:** 361**Invoice Date:** 10/1/2009**Due Date:** 10/1/2009**Bill To:**

United Cities of Sarpy County
C/O Benda Gunn, City Administrator
City of LaVisata
8116 Park View Blvd
LaVisa, NE 68128

Date	Description		Amount
10/1/2009	Legislative Services: October 2009 - September 2010 Divided between 5 members:\$31,500/5 Credit from interest	\$31,500.00	0.00 6,300.00 -34.93

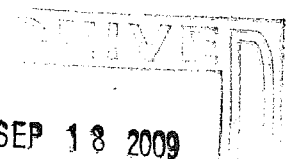
Total \$6,265.07**Payments/Credits** \$0.00**Balance Due** \$6,265.07

Due upon receipt.

Please sent payment to:
Kissel/E&S Associates
Attn:Joseph D. Kohout
301 S 13th St, Ste. 400
Lincoln, NE 68508

OK
BAS
10-20-09
Consent
11-0314

59624



CITY OF OMAHA - PUBLIC WORKS DEPARTMENT

SEP 18 2009

BILLING

No. 84

Date: Sept. 16, 2009

Bill To: City of LaVista
8116 Park View Boulevard
LaVista, NE 68128-2198

Material & Supplies	Quantity	Unit Price	Amount
------------------------	----------	---------------	--------

Billing for OPW 50007, Harrison Street Improvements 48th to 71st Street:

MFT Construction \$697,253.12 @ 4% \$27,890.12
Payment Estimate #21 - 24

OK for payment
J 10-5-09
05.71.09/12.03

TOTAL: \$27,890.12

2006 Transportation Bond

2009.13182.117113.1879.45399.0000 TOTAL BILLED: \$27,890.12

Patty Cantrell
Prepared By

Harold Stahm
Approved

September 30, 2009

City of La Vista
9900 Portal Road
La Vista, Nebraska 68128

Attention: Joe Soucie

Invoice: 75871
File: 0906225

Professional engineering services in connection with
the GIS conversion storm sewer project (Pilot Area
Number 3) for the City of La Vista per the authorization
to proceed signed June 3, 2009.

Lump Sum of \$20,000.00

Services through September 18, 2009

67% of \$20,000.00	\$ 13,400.00
Less Previous Invoices	<u>\$ 10,600.00</u>
AMOUNT DUE THIS INVOICE	<u>\$ 2,800.00</u>

PLEASE RETURN A COPY OF THIS INVOICE WITH YOUR REMITTANCE

For Billing Questions Please Call
Jennifer Frederiksen @ 402-343-3903

OK for payment
J 10-5-09
02-43.0505

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)								
		46060			Payroll Checks				
Thru		46064							
		46065			Gap in Checks				
Thru		97782							
97783	10/01/2009	26	NLA/NEMA CONFERENCE		431.00				**MANUAL**
97784	10/01/2009	3702	LAUGHLIN, KATHLEEN A, TRUSTEE		809.00				**MANUAL**
97785	10/07/2009	2625	CARDMEMBER SERVICE-ELAN		7,326.56				**MANUAL**
97786	10/07/2009	2888	HOME DEPOT CREDIT SERVICES		492.78				**MANUAL**
97787	10/07/2009	2388	NEBRASKA NATIONAL BANK		1,823.43				**MANUAL**
97788	10/07/2009	913	TARGET BANK		40.45				**MANUAL**
97789	10/07/2009	4123	EDAW INCORPORATED		25,911.90				**MANUAL**
97790	10/08/2009	1222	KARLSON, DAVID		324.00				**MANUAL**
97791	10/14/2009	3702	LAUGHLIN, KATHLEEN A, TRUSTEE		809.00				**MANUAL**
97792	10/20/2009	3983	ABE'S PORTABLES INC		190.00				
97793	10/20/2009	762	ACTION BATTERIES UNLTD INC		74.95				
97794	10/20/2009	536	ARAMARK UNIFORM SERVICES INC		403.89				
97795	10/20/2009	1678	ASPEN EQUIPMENT COMPANY		821.00				
97796	10/20/2009	188	ASPHALT & CONCRETE MATERIALS		242.94				
97797	10/20/2009	1839	BCDM-BERINGER CIACCIO DENNELL		3,257.85				
97798	10/20/2009	3965	BEAUMONT, MITCH		2,250.00				
97799	10/20/2009	3774	BENSON RECORDS MANAGEMENT CTR		1,156.32				
97800	10/20/2009	196	BLACK HILLS ENERGY		1,306.90				
97801	10/20/2009	4051	BOLEY, ANN		100.00				
97802	10/20/2009	1242	BRENTWOOD AUTO WASH		6.00				
97803	10/20/2009	3760	BUETHE, PAM		20.00				
97804	10/20/2009	76	BUILDERS SUPPLY CO INC		126.25				
97805	10/20/2009	4024	CALENTINE, JEFFREY		30.00				
97806	10/20/2009	4176	CHEROKEE PRODUCTIONS INC		885.00				
97807	10/20/2009	152	CITY OF OMAHA		75,278.04				
97808	10/20/2009	4181	CJ SERVICES		975.00				
97809	10/20/2009	83	CJ'S HOME CENTER		.00	**CLEARED**	**VOIDED**		
97810	10/20/2009	83	CJ'S HOME CENTER		.00	**CLEARED**	**VOIDED**		
97811	10/20/2009	83	CJ'S HOME CENTER		1,045.90				
97812	10/20/2009	3186	CLASSIC REFRIGERATION		492.91				
97813	10/20/2009	836	CORNHUSKER INTL TRUCKS INC		241.65				
97814	10/20/2009	4182	CORONA, DEANNA		25.00				
97815	10/20/2009	2158	COX COMMUNICATIONS		242.75				
97816	10/20/2009	4177	CYPRESS BENEFIT ADMINISTRATION		338.81				
97817	10/20/2009	4013	D & B SALVAGE		810.00				
97818	10/20/2009	846	DATA TECHNOLOGIES INC		487.50				
97819	10/20/2009	4049	ECCLES, PAT		100.00				
97820	10/20/2009	4110	EMERGENCY SERVICES MARKETING		22.40				
97821	10/20/2009	2343	ENFIELD'S ARBORIST SUPPLIES		90.48				
97822	10/20/2009	3617	FAIRWAY GOLF LLC		525.56				
97823	10/20/2009	3463	FARQUHAR, MIKE		100.00				
97824	10/20/2009	3159	FASTENAL COMPANY		74.88				
97825	10/20/2009	1235	FEDEX KINKO'S		.00	**CLEARED**	**VOIDED**		

ACCOUNTS PAYABLE CHECK REGISTER

BANK NO	BANK NAME						
CHECK NO	DATE	VENDOR NO	VENDOR NAME	CHECK AMOUNT	CLEARED	VOIDED	MANUAL
97826	10/20/2009	1235	FEDEX KINKO'S	25.53			
97827	10/20/2009	1245	FILTER CARE	27.15			
97828	10/20/2009	142	FITZGERALD SCHORR BARMETTLER	13,321.10			
97829	10/20/2009	3132	FORT DEARBORN LIFE INSURANCE	1,297.50			
97830	10/20/2009	4050	FROEHLICH, RORY	100.00			
97831	10/20/2009	3705	FUTUREWARE DISTRIBUTING INC	45.00			
97832	10/20/2009	3984	G I CLEANER & TAILORS	122.25			
97833	10/20/2009	53	GCR OMAHA TRUCK TIRE CENTER	315.73			
97834	10/20/2009	966	GENUINE PARTS COMPANY-OMAHA	.00	**CLEARED**	**VOIDED**	
97835	10/20/2009	966	GENUINE PARTS COMPANY-OMAHA	686.81			
97836	10/20/2009	35	GOLDMAN, JOHN G	105.00			
97837	10/20/2009	385	GREAT PLAINS ONE-CALL SVC INC	291.46			
97838	10/20/2009	2062	GREAT WESTERN BANK	250.00			
97839	10/20/2009	71	GREENKEEPER COMPANY INC	342.00			
97840	10/20/2009	1624	GUNN, BRENDA	45.00			
97841	10/20/2009	426	HANEY SHOE STORE	120.00			
97842	10/20/2009	3657	HEARTLAND PAPER	280.00			
97843	10/20/2009	892	HONEYMAN RENT-ALL	58.86			
97844	10/20/2009	1612	HY-VEE INC	9.33			
97845	10/20/2009	4180	IVERSEN, BEN	232.75			
97846	10/20/2009	1896	J Q OFFICE EQUIPMENT INC	750.32			
97847	10/20/2009	788	KINDIG, DOUGLAS	80.00			
97848	10/20/2009	1835	KINSEY, JEREMY	232.75			
97849	10/20/2009	1054	KLINKER, MARK A	200.00			
97850	10/20/2009	2394	KRIHA FLUID POWER CO INC	220.59			
97851	10/20/2009	381	LANDS' END BUSINESS OUTFITTERS	25.00			
97852	10/20/2009	1241	LEAGUE ASSN OF RISK MGMT	410,088.00			
97853	10/20/2009	877	LINWELD	811.35			
97854	10/20/2009	1573	LOGAN CONTRACTORS SUPPLY	598.35			
97855	10/20/2009	263	LOVELAND LAWNS	33.48			
97856	10/20/2009	2124	LUKASIEWICZ, BRIAN	270.00			
97857	10/20/2009	94	MCCANN PLUMBING SERVICE INC	19.95			
97858	10/20/2009	1119	MEADOWBROOK INC	734.39			
97859	10/20/2009	3921	MID-STATES UTILITY TRAILER	328.74			
97860	10/20/2009	1526	MIDLANDS LIGHTING & ELECTRIC	30.50			
97861	10/20/2009	2298	MIDWEST DISTRIBUTING CORP	216.87			
97862	10/20/2009	288	MOTOROLA INC	4,833.00			
97863	10/20/2009	4183	MULDER, BERNARD A., JR	1,500.00			
97864	10/20/2009	1120	NAPE-NE ASSN PROPERTY/EVIDENCE	20.00			
97865	10/20/2009	370	NEBRASKA LAW ENFORCEMENT	290.00			
97866	10/20/2009	2685	NEBRASKA TURF PRODUCTS	269.50			
97867	10/20/2009	593	NEFF TOWING INC	190.00			
97868	10/20/2009	1014	OFFICE DEPOT INC-CINCINNATI	328.94			
97869	10/20/2009	195	OMAHA PUBLIC POWER DISTRICT	.00	**CLEARED**	**VOIDED**	
97870	10/20/2009	195	OMAHA PUBLIC POWER DISTRICT	.00	**CLEARED**	**VOIDED**	
97871	10/20/2009	195	OMAHA PUBLIC POWER DISTRICT	42,981.94			
97872	10/20/2009	181	OMAHA SLINGS INCORPORATED	76.98			
97873	10/20/2009	46	OMAHA WORLD HERALD COMPANY	693.89			
97874	10/20/2009	2129	OMB EXPRESS POLICE SUPPLY	53.90			
97875	10/20/2009	3039	PAPILLION SANITATION	212.11			
97876	10/20/2009	2686	PARAMOUNT LINEN & UNIFORM	573.69			
97877	10/20/2009	1821	PETTY CASH-PAM BUETHE	101.77			
97878	10/20/2009	3362	PUBLIC AGENCY TRAINING COUNCIL	295.00			

ACCOUNTS PAYABLE CHECK REGISTER

BANK NO	BANK NAME	CHECK NO	DATE	VENDOR NO	VENDOR NAME	CHECK AMOUNT	CLEARED	VOIDED	MANUAL
97879	10/20/2009	219	QWEST			133.11	APPROVED BY COUNCIL MEMBERS		
97880	10/20/2009	427	RAMIREZ, RITA M			43.00	10/20/09		
97881	10/20/2009	292	SAM'S CLUB			372.48			
97882	10/20/2009	2240	SARPY COUNTY COURTHOUSE			3,487.34			
97883	10/20/2009	2740	SARPY COUNTY FISCAL ADMINSTRTN			8,874.00			
97884	10/20/2009	168	SARPY COUNTY LANDFILL			22.53			
97885	10/20/2009	150	SARPY COUNTY TREASURER			27,931.00			
97886	10/20/2009	2704	SMOOTHER CUT ENTERPRISES INC			1,650.00			
97887	10/20/2009	533	SOUCIE, JOSEPH H JR			82.00	COUNCIL MEMBER		
97888	10/20/2009	4184	STEPANEK, VICTOR			27,100.00			
97889	10/20/2009	871	STOPAK, SCOTT			50.00			
97890	10/20/2009	47	SUBURBAN NEWSPAPERS INC			39.50			
97891	10/20/2009	3795	SUN COUNTRY DISTRIBUTING LTD			133.24			
97892	10/20/2009	3718	SUN LIFE & HEALTH INSURANCE CO			1,959.78			
97893	10/20/2009	264	TED'S MOWER SALES & SERVICE			8.03	COUNCIL MEMBER		
97894	10/20/2009	143	THOMPSON DREESSEN & DORNER			.00	**CLEARED** **VOIDED**		
97895	10/20/2009	143	THOMPSON DREESSEN & DORNER			17,880.51			
97896	10/20/2009	2485	THORNBURG, JEFF			220.00			
97897	10/20/2009	4179	TITAN MACHINERY			572.73			
97898	10/20/2009	2830	TREAT AMERICA FOOD SERVICES			249.19			
97899	10/20/2009	167	U S ASPHALT COMPANY			.00	**CLEARED** **VOIDED**		
97900	10/20/2009	167	U S ASPHALT COMPANY			1,645.19			
97901	10/20/2009	2710	ULTRAMAX			1,834.20			
97902	10/20/2009	2426	UNITED PARCEL SERVICE			47.84			
97903	10/20/2009	2337	VALUATION SERVICES			625.00			
97904	10/20/2009	766	VIERREGGER ELECTRIC COMPANY			628.75			
97905	10/20/2009	78	WASTE MANAGEMENT NEBRASKA			1,122.69			
97906	10/20/2009	968	WICK'S STERLING TRUCKS INC			201.40	COUNCIL MEMBER		
BANK TOTAL						711,340.09			
OUTSTANDING						711,340.09			
CLEARED						.00			
VOIDED						.00			

FUND	TOTAL	OUTSTANDING	CLEARED	VOIDED
01 GENERAL FUND	437,642.25	437,642.25	.00	.00
02 SEWER FUND	190,710.46	190,710.46	.00	.00
04 BOND(S) DEBT SERVICE FUND	250.00	250.00	.00	.00
05 CONSTRUCTION	67,165.80	67,165.80	.00	.00
08 LOTTERY FUND	2,250.00	2,250.00	.00	.00
09 GOLF COURSE FUND	13,321.58	13,321.58	.00	.00

REPORT TOTAL	711,340.09
OUTSTANDING	711,340.09
CLEARED	.00
VOIDED	.00
+ Gross Payroll 10-16-09	206,402.88
GRAND TOTAL	<u>\$917,742.97</u>

COUNCIL MEMBER

COUNCIL MEMBER

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
OCTOBER 20, 2009 AGENDA**

Subject:	Type:	Submitted By:
RENTAL HOUSING INSPECTION PROGRAM — ORDINANCE	RESOLUTION ◆ ORDINANCE RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

SYNOPSIS

A public hearing was held on August 4, 2009, and on August 18, 2009, the Council passed first reading of an ordinance to adopt the proposed Rental Housing Inspection Program. On September 15, 2009, the ordinance was continued to the October 6, 2009 meeting, at which time the ordinance was passed on second reading.

FISCAL IMPACT

The Occupation Tax for leasing of rental property has been deleted in the Master Fee Ordinance. Depending on whether or not the Rental Inspection Program is adopted, the Master Fee Ordinance will need to be amended to either adopt the licensing fees under the Rental Inspection Program or replace the Occupation Tax.

RECOMMENDATION

Approve Rental Inspection Program. It is further recommended that the fees for the initial license be waived unless subsequent follow-up inspections are required.

BACKGROUND

A public hearing regarding the proposed Rental Housing Inspection Program was held on August 4, 2009. On August 18, 2009, the Council approved first reading of the ordinance. On September 15, 2009, the City Council continued the ordinance to the October 6th meeting pending a meeting with representatives from the Landlord Association. On October 6, 2009, the Council approved the second reading of the ordinance.

At the October 6th Council meeting, Councilmember Sheehan asked about expected legal fees to obtain inspection warrants. Other than possibly helping develop forms and support initial requests, staff does not anticipate legal fees to obtain inspection warrants on an ongoing basis. Ultimately, we would expect that inspectors would obtain inspection warrants, if needed, based on an inspector's affidavit and review and approval of a judge, without involvement of the City Attorney, pursuant to the procedure provided by Nebraska Statutes beginning at Section 29-830.

Councilmember Sheehan also requested copies of the inspection notices that would be sent to the landlords and tenants. Those forms are currently being prepared and if the program is adopted, staff will provide Council with copies of the forms and other information for review and approval prior to the implementation of the program.

The purpose of the Rental Housing Inspection Program is to proactively identify blighted, deteriorated and substandard rental housing stock and to ensure the rehabilitation or elimination of such housing that does not

meet minimum standards. Not only do these standards address life, health and safety issues, but also the results of deferred or inadequate maintenance. The program is intended to assure the preservation of the existing housing supply, help maintain property values, and maintain a safe and healthful living environment.

Adoption of the program is consistent with the City's Comprehensive Plan and was an objective of the City's 2009 Strategic Plan.

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ORDINANCE NO. _____

AN ORDINANCE TO ADOPT AND CODIFY A RENTAL LICENSING AND INSPECTION PROGRAM AS SECTION 150.6 OF THE LA VISTA MUNICIPAL CODE; TO REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

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

I. That the rental inspection program set forth below is hereby adopted, enacted and codified as Section 150.6 of the La Vista Municipal Code.

SECTION 150.6: RENTAL INSPECTION PROGRAM

Section

150.60	Establishment of Rental Inspection Program
150.61	Findings, Purpose and Intent of Rental Inspection Program
150.62	Scope
150.63	Definitions
150.64	Rental license
150.65	Rental license application requirements
150.66	Inspections
150.67	Inspection access
150.68	Local agent required
150.69	Violations, offenses, remedies and special rules

Section 150.60. ESTABLISHMENT OF RENTAL INSPECTION PROGRAM.

A Rental Inspection Program is hereby established for the City of La Vista, Nebraska pursuant to authority granted by Nebraska law, as adopted or amended from time to time, including, but not limited to, Neb. Rev. Stat. Section 16-246.

Section 150.61 FINDINGS, PURPOSE AND INTENT OF THE RENTAL INSPECTION PROGRAM.

The Mayor and City Council make the following findings:

(1) Much of the original housing of the City is approaching 50 years of age. As housing ages, there is an increasing need for regular monitoring and action to maintain it and keep the City's neighborhoods in good, safe and sanitary condition and repair.

(2) A significant portion of the original housing and neighborhoods of the City have transitioned from owner occupied to rental homes, making consistent monitoring and necessary maintenance more difficult.

(3) Transition to rental properties can be a significant factor contributing to the risk of deteriorating conditions of original housing and neighborhoods of the City.

(4) Multi-unit residential apartment complexes have been constructed in and around the City in recent years.

(5) Failure to properly maintain multi-unit apartment complexes places multiple tenants at risk.

(6) In cases of both single family and multi-unit residential housing, failure to properly maintain can have a deleterious affect and be a significant contributing factor to the decline of entire neighborhoods.

(7) Tenants of rental housing can face landlord resistance to needed maintenance or repairs; and tenants might be reluctant to report deficiencies to landlords.

(8) A program that encourages regular maintenance and repair of rental dwellings is in the public interest, good for tenants and neighborhoods in which such properties are located, and in the interests of all residents of the City to keep them in safe, sanitary, and properly maintained condition. Livable housing and neighborhoods also sustain the City's property tax base.

Based on the foregoing, the Mayor and City Council have determined that it is necessary, desirable, appropriate and in the public interest to implement a uniform rental housing licensing and inspection program.

The purpose of this Rental Inspection Program is to provide for licensing and inspection of rental dwellings to promote compliance with the International Property Maintenance Code (IPMC) and other applicable laws, and to require property owners of rental dwellings, including single-family rental dwellings, to obtain licenses for the occupancy of rental dwellings. The intent of this Rental Inspection Program includes:

(1) Promoting the health, safety, and welfare of the persons living in and near rental dwellings;

(2) Preserving of the existing housing supply and neighborhoods;

(3) Helping to maintain property values and the City's tax base;

(4) Working toward preventing or eliminating substandard and deteriorating rental housing; and

(5) Maintaining a living environment that contributes to healthful individual and family living.

Section 150.62 SCOPE.

This Section 150.6 applies to any rental dwelling within the corporate limits of the City of La Vista, Nebraska, with the following exceptions:

- (1) Nursing care and rehabilitation facilities, and assisted living facilities, as defined in the La Vista Zoning Ordinance; and,
- (2) Hotels and motels, as defined in the La Vista Zoning Ordinance.

Section 150.63 DEFINITIONS. Unless otherwise provided herein either expressly or by the context, the following terms shall have the corresponding meanings when used in this Section 150.6:

“BUILDING OFFICIAL” means the Chief Building Official of the City of La Vista or his or her designee.

“EFFECTIVE DATE” means the effective date of this Section 150.6, which shall be January 1, 2010.

“FOLLOW-UP INSPECTION” means an inspection performed by the Building Official subsequent to the identification of a violation, the purpose of which is to determine whether the violation has been corrected.

“IPMC” means the International Property Maintenance Code, published by the International Code Council (ICC), as from time to time adopted, amended or superseded by the City of La Vista. The terms of the IPMC are incorporated herein by this reference.

“MAJOR CODE VIOLATION” means a defect that poses a significant risk of danger, harm or damage to the life, health, safety or welfare of the tenant, passersby, occupants or visitors of the rental dwelling or other property, the environment or general public.

“MINOR CODE VIOLATION” means a defect other than that of a major code violation described above; provided, however, that the Building Official may determine that multiple minor code violations cumulatively constitute a major code violation and the violations and rental property or rental dwelling will be categorized accordingly.

“PERSON” means any individual, corporation, partnership, limited liability company, trust or any other entity or association.

“PRIMARY INSPECTION” means an initial interior and/or exterior inspection for compliance with the IPMC and any other applicable requirements performed by the Building Official upon submission of an application for a rental license or renewal thereof.

“PROPERTY MANAGER” means a person responsible for the management of the rental dwelling other than the property owner. A property manager shall be deemed to be the property owner's agent for purposes of this Section 150.6 unless the property owner otherwise advises the City in writing.

"PROPERTY OWNER" means any person holding legal title to a rental dwelling or rental property as recorded with the Sarpy County Register of Deeds, or otherwise having control of the rental dwelling as guardian, conservator, receiver, trustee, executor, administrator or other similar representative capacity of any such person or his or her estate, to the extent proof of such control is presented to the satisfaction of the Building Official; provided, however, that the term "property owner" does not include any person whose only interest in a rental dwelling is as a tenant pursuant to a lease.

"PROPERTY OWNER'S AGENT" means a person designated by a property owner as an agent to act on behalf of and bind the property owner in all matters arising out of or under this Section 150.6, except to the extent such authority shall be expressly limited as provided in writing to the Building Official. A property manager shall be deemed to be the property owner's agent for purposes of this Section 150.6 unless the property owner otherwise advises the City in writing.

"RENTAL DWELLING" means one or more rooms for lease in an enclosed structure arranged, designed, and intended for use as a residence or living quarters for shelter, cooking, eating, sanitation and/or sleeping by one or more persons who are not its owners and contained within a rental property as defined herein. In the case of a building containing multiple rental dwellings, each separately identifiable unit for lease shall constitute a rental dwelling separate from all other rental dwellings. Provided, however, for purposes of inspections and compliance under this Section 150.6, a rental dwelling shall include all accessory buildings, common areas, facilities, structures, fixtures, equipment, appurtenances and improvements of, to or servicing any such rental dwelling, and premises on, in or over which any such rental dwelling, buildings, common areas, facilities, structures, fixtures, equipment, appurtenances or improvements are located.

"RENTAL LICENSE" means a license issued to the property owner by the City of La Vista authorizing the occupancy of a rental dwelling pursuant to a lease.

"RENTAL PROPERTY" means a structure with one or more rental dwelling leased for occupancy.

"TRANSFER" means when a property owner discontinues operation of a rental dwelling, or sells, gives or disposes of a rental dwelling to any other person, or a rental dwelling is in any other manner voluntarily or involuntarily transferred or conveyed to any other person.

Other terms used in this Section 150.6 and not expressly defined herein, but defined in Section 202 of the IPMC, shall have the meaning as set forth in said Section 202, unless otherwise provided by the context.

Section 150.64 RENTAL LICENSE.

(A) Rental License Required.

(1) General Rule. On and after the effective date of this Section 150.6, no person shall lease or continue to lease a rental dwelling to any other person unless a rental license is in effect for the rental dwelling. The following are the requirements for a rental license:

- (a) Satisfaction of all application-related requirements for a rental license;
- (b) Payment of all applicable application and inspection fees and other amounts;
- (c) Satisfaction of all inspection-related requirements; and
- (d) Ongoing compliance with all requirements of this Section 150.6;

all of which as further provided in this Section 150.6.

(2) Duration of License. Rental licenses required herein shall expire annually on the last day of the month of March. Provided, however, see Subsection (B)(2) below for extension of the term of a license for which an application to renew has been timely made.

(B) Special Rules.

(1) Multiple Unit Apartment Buildings. A rental license shall be required for each rental dwelling covered by a separate lease. Provided, however, that the Building Official may for administrative convenience include in a single license all rental dwellings of a multi-unit building for which a license is granted; though by doing so, the Building Official shall not be prohibited from dealing under this Section 150.6 with each rental dwelling of the building as separately licensed.

(2) Licensing Term Prolonged Pending Inspection upon Application for Renewal. The term of a rental license shall be prolonged and the property owner shall be permitted to continue operation of the rental dwelling beyond the last day of March of any year that an inspection is required of the dwelling pursuant to Section 150.66(B) below, provided that applicant has satisfied all application requirements pursuant to Section 150.65 in a timely manner and is waiting for inspection, and so long as "a" and "b" below are satisfied.

- (a) The Building Official is provided access to the rental dwelling for inspection either by voluntary consent or pursuant to a warrant or other court order in accordance with applicable law.
- (b) There is no finding of a major code violation of the IPMC in effect with respect to the rental dwelling on the date specified in the first sentence of Subsection (A)(2) above or anytime during the period the license term is extended pursuant to this Subsection (B)(2).

Extension of a license term in any case shall cease no later than the Building Official's inspection and grant or denial of renewal of the rental license.

(C) Ongoing Compliance Required. To maintain a rental license in effect requires ongoing compliance with applicable requirements of this Section 150.6 and other laws, rules and regulations during the duration of the license, including ongoing compliance with the IPMC and other requirements that are the subject of periodic inspections hereunder or under other applicable laws, rules or regulations. Any deficiency or failure to comply shall be subject to such actions, orders, rights and remedies of the Building Official as set forth in this Section 150.6, the IPMC or other applicable laws, rules or regulations as enacted or amended from time to time, up to and including suspension or revocation of a rental license, charges, and issuance or assessment of citations, fines, penalties and orders related to violations and to vacate the premises, all of which shall be carried out in accordance with applicable law.

(D) Transfers of Rental Dwellings. In the event a property owner transfers a rental dwelling within the meaning of Section 150.63 above, and the subject property remains a rental dwelling, the current license may be continued by the new property owner for the remaining duration of the license for the dwelling if the new property owner files a properly completed application described in Section 150.65 below within 30 days after the transfer. No additional fees are necessary for continuing a license for the remaining license period. However, the new property owner shall take all actions as and when required to renew the license and maintain it in effect, including paying all fees and other amounts specified in this Section 150.6. A rental license shall not be transferred to any other rental dwelling unit.

Section 150.65. RENTAL LICENSE APPLICATION REQUIREMENTS.

(A) General Rule. Application for a rental license satisfying the requirements of this Section 150.6 shall be filed with the City of La Vista and be accompanied by all applicable licensing and inspection fees as described herein and/or established by the master fee ordinance from time to time.

(B) License Application Deadline.

(1) General Rule. Except as provided in "2" immediately following, an application for a rental license and applicable fees shall be filed and paid by the first day of March, annually.

(2) Special Rule Application for a rental license for a rental dwelling completed or converted to a rental dwelling after the effective date of this Section 150.6, as defined in Section 150.63 above, shall be filed and the applicable fees paid within 30 days after the completion of or conversion to a rental dwelling and prior to occupancy. Subsequent applications and fees shall be filed and paid within the time specified in "1" immediately above.

(C) Required License Application Information. Application for a rental license shall be made in such manner as determined from time to time by the Building Official and include the following information:

- (1) Name, street address, telephone number, and e-mail address (if applicable) of the property owner of the rental dwelling (and rental property, if different);
- (2) If different than "1" above, name, street address and telephone number of the property manager of the rental dwelling (or rental property, if different), as defined in Section 150.63.
- (3) Name, street address, telephone number, and e-mail address (if applicable) of the property owner's agent, if applicable. Unless otherwise specified by the property owner in writing, the property manager shall be deemed to be the property owner's agent for purposes of this Section 150.6.
- (4) Legal address of the premises;
- (5) Number of rental dwellings in each building within the rental property;
- (6) Occupancy as permitted under the Zoning Ordinance, or as specified in the certificate of occupancy;
- (7) Signed statement of property owner and property manager indicating that the property owner and property manager are aware of the occupancy requirements of the Zoning Ordinance or Building Code and the legal ramifications for knowingly violating said codes;
- (8) The name and address of the registered agent, if the property owner is not an individual and is required by applicable law to have a registered agent;
- (9) Proof of pest extermination, pursuant to Section 308.2 of the IPMC; and
- (10) Such other information as the Building Official from time to time determines necessary in accordance with the purpose and intent of this Section 150.6.

(D) License Fees. Rental license fees shall be in such amounts as provided in the master fee ordinance from time to time. If a rental license is required for a rental dwelling under this Section 150.6 and the City does not receive a properly completed application for the license within thirty (30) days after the required filing date for said application as provided in this Section 150.65, an additional administrative processing fee as set forth in the master fee ordinance shall apply. This additional fee shall be in addition to the regular license fee.

Section 150.66. INSPECTIONS.

(A) Upon receipt of a properly completed application and payment of the applicable fees and other amounts for a rental license, the Building Official shall schedule and notify the property owner of a primary inspection of the property as soon as is practicable after review of the license application. At least 10 days advance written notice of the inspection shall be provided to the property owner and tenant in accordance with applicable law. If either the owner or tenant of a rental dwelling refuses to consent to an inspection, the Building Official

shall obtain a warrant for the inspection in accordance with applicable law, including, but not limited to, Neb. Rev. Stat. Section 29-830 et seq.

The primary inspection will be conducted to determine if the rental dwelling satisfies all applicable requirements of the IPMC and other building-related codes or ordinances adopted or amended from time to time by the City of La Vista for the health, safety, and welfare of the persons living in and near rental dwellings. The Building Official shall be authorized to take such actions as the Building Official determines necessary or appropriate to implement, administer and carry out the inspection requirements of this Section 150.6, including, but not limited to, scheduling inspections for the efficient use of City resources.

(1) Newly Constructed Rental Dwellings. Provided the required application and fees and other amounts are filed and paid as required, a certificate of occupancy issued by the Building Official for any rental dwelling completed after the effective date of this Section 150.6 shall also satisfy the initial inspection requirement for a rental license. If filing of the application or payment of the fee is delayed, the rental dwelling shall be subject to such application, licensing, inspection and fee requirements as applicable to any other rental dwelling before a rental license is issued.

(B) All rental dwellings required to be licensed shall be classified by the Building Official based on primary inspections (with the exception of properties described in Class N) and subject to subsequent inspections as follows:

Class A - Rental dwelling with minor or no code violations; inspected two (2) years thereafter. If a minor code violation noted in a primary inspection exists upon re-inspection two (2) years later, follow-up inspection shall be required to confirm that all outstanding violations have been corrected before licensing is issued.

Class B - Rental dwelling with major code violations, follow-up inspection required before licensing is issued; inspected one (1) year thereafter; and, if no major code violations noted during the one-year inspection, inspected thereafter as a Class A rental property.

Class N - Rental dwelling newly constructed, with construction completed after the effective date of this Section 150.6; inspected three (3) years thereafter.

All inspections shall be subject to and carried out in accordance with the requirements set forth in Subsection 150.66(A) above.

(C) When the primary inspection of a rental dwelling reveals any violation of applicable requirements, a notice shall be provided to the property owner as specified in Section 107 of the IPMC. The notice shall contain a time frame set by the Building Official necessary to correct the violations based on the number and severity of the violations. Correction of minor code violations noted shall be deemed to be a condition of the license that is issued or renewed immediately following the inspection during which the violations were noted. If a minor code violation noted in a primary inspection exists upon re-inspection two (2) years later, follow-up inspection shall be required to confirm that all outstanding

violations have been corrected before licensing is issued. Major code violations shall be corrected to the satisfaction of the Building Official upon re-inspection before any license is issued or renewed.

(D) A follow-up inspection of any major violation will be conducted at the end of the time frame set by the Building Official to correct the violations before a license is issued or renewed. If the Building Official finds that any such violation has not been corrected, the license or license renewal shall be denied. A major code violation after a license has been issued or renewed shall be subject to such enforcement action as determined necessary or advisable in accordance with applicable law, up to and including revocation of the license, order vacating the premises and assessment of fines and penalties.

(E) Inspection Fees. The primary inspection shall be conducted at no charge. All inspections of a Class B property after the primary inspection shall be charged a fee in accordance with the master fee ordinance, which fee shall be due and payable before said inspection is conducted or license for said property is issued or renewed.

(F) Inspections may also be conducted at other times as the Building Official determines necessary, including inspections on a complaint-basis.

(G) Inspections provided under this Section 150.6 shall be in addition and supplemental to any other inspection or access authorized under applicable law.

Section 150.67. INSPECTION ACCESS.

(A) It shall be the responsibility of the property owner or the property owner's agent, as defined herein, to be present at the rental property on the date and time of all primary and follow-up inspections to provide access for the inspection. Failure to be present at any primary or follow-up inspection will result in an additional administrative and rescheduling fee in accordance with the master fee ordinance, in addition to any other rights or remedies available to the City.

(B) In the case of a rental property that contains two (2) or more buildings, the Building Official shall inspect no less than two (2) rental dwellings within the building each time an inspection is required hereunder. Multifamily complexes shall be dealt with as a single property. The property owner or the property owner's agent, as defined herein, shall be prepared to show the units specified in the notice of inspection.

(C) If any property owner, tenant, or other person lawfully in control of a rental property or a rental dwelling contained therein fails or refuses to consent to access and entry to the rental property or rental dwelling under its/his/her ownership or control for any inspection pursuant to this Section 150.6, the Building Official shall apply for and obtain a warrant or other appropriate court order authorizing such inspections in accordance with applicable law, including but not limited to, Neb. Rev. Stat. Section 29-830 et seq. Obstruction by a property owner, tenant or other person of an inspection authorized by a legally enforceable warrant or other court order, shall be grounds for denial or revocation of the rental license or renewal thereof, in addition to any other rights or remedies of the City under applicable law.

(D) Access requirements of this Section 150.6 shall be in addition and supplemental to any other access authorized under applicable law.

Section 105.68. LOCAL AGENT REQUIRED.

The property owner of any rental property or rental dwelling covered by this Section 150.6 shall be available to the tenant to respond to an emergency on a twenty-four (24) hour basis. This requirement may be met by maintaining an operating business or residence within sixty (60) miles of the property at which the property owner or property owner's agent is regularly present, or by use of a responsible local agent who resides within Sarpy County or an adjoining county; any of whom can be contacted on a twenty-four (24) hour basis. If the property owner's agent or a local agent is used, the property owner shall provide the City with the name, address, and telephone number of the property owner's agent or local agent in addition to owner information. A post office box, mailing address, or toll free numbers shall not be deemed sufficient to meet the provisions of this section.

Section 150.69. VIOLATIONS, OFFENSES, REMEDIES AND SPECIAL RULES. In addition to other provisions of this Section 150.6:

(A) If a rental license is required under this Section 150.6 and the same is not obtained or is revoked for failure to comply with any requirement of this Section 150.6, or the property fails upon inspection to meet applicable requirements, the procedures and penalties for noncompliance shall be as set forth in Section 106 of the IPMC or provided by other applicable law.

(B) Notice of violations of the provisions of the IPMC and/or other applicable codes or ordinances issued by the Building Official pursuant to this Section 150.6 shall be divided into either of the following categories:

(1) **Major Code Violation** shall have the meaning in Section 150.63.

(2) **Minor Code Violation** shall have the meaning in Section 150.63.

(C) Such violations shall be cited in the notice of violation as major or minor code violations, and the nature of the violations and time allotted for repair shall be specified on the notice. Correction of minor code violations noted shall be deemed to be a condition of the license that is issued or renewed after the inspection during which the violations were noted. If a minor code violation noted in a primary inspection exists upon re-inspection two (2) years later, follow-up inspection shall be required to confirm that all outstanding violations have been corrected before licensing is issued. Major code violations shall be corrected to the satisfaction of the Building Official upon re-inspection before any license is issued or renewed. After the time specified for correction, the Building Official shall re-inspect the premises to confirm that the major code violations have been corrected.

(D) A rental license or license renewal may be suspended, denied or revoked by the Building Official, and an order issued by the Building Official to vacate a rental dwelling or rental property, upon the failure of the property owner to take corrective action within the

specified time frame or if the rental property or rental dwelling is found to be unsafe pursuant to the IPMC, including Section 108 thereof. If a license is suspended, denied or revoked, the Building Official shall notify the property owner, in writing, of the same and the reasons therefore and any appeal rights.

(E) Other Rules.

(1) Rights and Remedies. All rights and remedies provided in this Section 150.6 shall be nonexclusive and cumulative of all other rights and remedies available at law or in equity, including, but not limited to, the IPMC.

(2) Penalties. Except as otherwise expressly provided by the IPMC or other applicable law, penalties for violations of this Section 150.6 may be as specified in Section 150.99. Each day a violation continues shall constitute a separate offense and violation subject to prosecution.

(3) No Refunds. No license or application fee or any other amount paid the City under this Section 150.6 in any case shall be refunded, including, but not limited to, fees paid in cases in which a license or renewal thereof is suspended, denied or revoked, operation of a rental dwelling is suspended, interrupted or ceases, or a rental dwelling or rental property is transferred, except to the extent equity may require as determined by the Mayor and City Council in their sole discretion.

(4) Notice and Other Rights. To the extent required by applicable law:

(a) Property owners and other interested persons shall be provided notice of actions or determinations of the Building Official, including actions or determinations to grant, deny, suspend or revoke a rental license or renewal thereof; and

(b) Actions or determinations of the Building Official shall be subject to any applicable procedural requirements including any rights of appeal pursuant to the IPMC or other applicable law.

II. REPEAL OF CONFLICTING PROVISIONS. Any conflicting provision of any previously enacted ordinance is hereby repealed.

III. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this ordinance. The Mayor and City Council of the City of La Vista hereby declare that it would have passed this ordinance and each section, subsection, sentence, clause or phrase hereof, irrespective of

the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

IV. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

PASSED AND APPROVED THIS ____ DAY OF _____, 2009.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

K:\APPS\City Hall\ORDINANCES\1095 Rental Inspection Program - with changes per ACLU letter.DOC

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
OCTOBER 20, 2009 AGENDA**

Subject:	Type:	Submitted By:
CONDITIONAL USE PERMIT — HOME OCCUPATION (DOG GROOMING) LOT 177, ARDMORE	◆ 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 a Home Occupation, to do dog grooming on Lot 177, Ardmore, located at 7005 Michelle Avenue.

FISCAL IMPACT

N/A.

RECOMMENDATION

Approval.

BACKGROUND

A public hearing has been scheduled to consider an application submitted by the property owner, Terry & Dorothy Grindstaff, to approve a Conditional Use Permit for a Home Occupation, to perform dog grooming services at 7005 Michelle Avenue, on Lot 177 in the Ardmore subdivision. The property is zoned "R-1" Single Family Residential and includes an existing single family dwelling with a detached accessory building in the rear yard. The proposal is to allow for a business called the Bow Wow Boutique to be located in the detached accessory structure.

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 September 17, 2009 and recommended approval of the conditional use permit to City Council subject to the resolution of items identified by the City Engineer and staff.

\\Lvdcp01\users\Administration\BRENDA\COUNCIL\09 Memos\CUP Bow Wow Boutique.DOC

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 A HOME OCCUPATION TO PERFORM DOG GROOMING AT 7005 MICHELLE AVENUE ON LOT 177, ARDMORE, LA VISTA NEBRASKA.

WHEREAS, Terry and Dorothy Grindstaff the property owners have applied for a conditional use permit a home occupation to perform dog grooming on Lot 177 in Ardmore, 7005 Michelle Avenue; 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. The plumbing drain needs to be tied into the sanitary sewer for the installation of the bathtub.
2. The type of heating for the building needs to be approved by the City of La Vista through the applicant's building permit.
3. There needs to be a hard-surfaced sidewalk constructed from the accessory building to the driveway.

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 Terry and Dorothy Grindstaff to operate home occupation to perform dog grooming on Lot 177 in Ardmore, 7005 Michelle Avenue, subject to the condition listed in the last recital above.

PASSED AND APPROVED THIS 20TH DAY OF OCTOBER 2009.

CITY OF LA VISTA

ATTEST:

Douglas Kindig, Mayor

Pamela A. Bueth, CMC
City Clerk



CITY OF LA VISTA
CITY COUNCIL

STAFF REPORT

CONDITIONAL USE PERMIT
BOW WOW BOUTIQUE

DATE OF HEARING:

October 20, 2009

PROPOSAL:

Home business for dog grooming

PROPERTY INFORMATION

APPLICANT:

Terry & Dorothy Grindstaff
7005 Michelle Avenue
La Vista, NE 68128

PROPERTY OWNER:

Terry & Dorothy Grindstaff
7005 Michelle Avenue
La Vista, NE 68128

LOCATION AND SIZE:

7005 Michelle Avenue
Lot 177, Ardmore Subdivision
Lot Size = 0.21 acres

CURRENT ZONING:

R-1, Single Family Residential

BACKGROUND

History of Subject Property:

In 2003, the property owners had several complaints filed against them regarding a grooming business operating without a permit and having too many dogs / pets at the residence. Code enforcement did many follow-ups to check for compliance at that time.

Description of Proposed Development:

Bow Wow Boutique is looking to downsize and move their business from a leased commercial space to the owner's residence. The pet grooming shop would be operated out of an existing accessory building behind the house.

No additional construction is proposed at this time.

Existing Conditions of Site:

Residential home with accessory building in the back

Surrounding Area and Adjacent Neighborhoods Land Uses and Zoning:

North – R-1, Ardmore Subdivision;

East – R-1, Ardmore Subdivision;

South – R-1, Ardmore Subdivision; and

West – R-1, Ardmore Subdivision

Applicable Regulations:

Section 5.06, Zoning Ordinance, regarding R-1 Zoning District

Section 6.05, Zoning Ordinance, CUP Standards for Approval

Section 7.10, Zoning Ordinance, regarding Home Occupations

Applicable Plans:

None

REVIEW COMMENTS FROM CITY STAFF AND OUTSIDE AGENCIES

City Engineer, John Kottmann:

No comments received.

Chief Building Official, Jeff Sinnett

- Plumbing drain needs to be tied into sanitary sewer for the installation of the bathtub
- What type of heating are they using for the building?

- Need a hard-surfaced sidewalk from the accessory building to the driveway or house

Fire Chief, Rich Uhl

No comments received.

Police Chief, Bob Lausten

No concerns with proposal.

Public Works Director, Joe Soucie

Wants to see plumbing and HVAC issues addressed

PUBLIC COMMENTS

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

CITY PLANNER'S ANALYSIS

Land Use:

Home occupations are conditionally permitted in R-1, Single Family Residential, if all of the criteria in Section 7.10 of the Zoning Ordinance can be satisfied. The application appears to be in compliance with Section 7.10 at this time.

The applicant has assured staff and Planning Commission that the hard surface sidewalk would not be a problem to construct to the 16' x 16' x 16' building from the driveway. The applicant has also said the accessory building will have heating, cooling and indoor plumbing. Insulation will be installed to help regulate temperatures and reduce noise from barking dogs. Animal waste will need to be regularly cleaned up on the premises to avoid odors and health hazards.

Transportation:

Off-street and on-street parking are both options for customers.

Landscaping:

N/A

Stormwater Drainage:

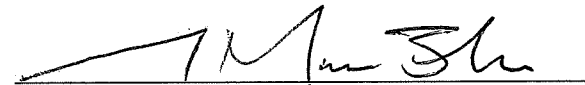
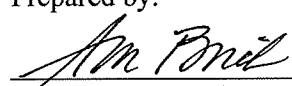
N/A

PLANNING COMMISSION RECOMMENDATION

Planning Commission recommends approval of the conditional use permit to allow animal specialty services as a home occupation at this proposed location from the hours of 8 a.m. – 5 p.m., M-F and Saturday 8 a.m. - noon, provided they can address the concerns of the Chief building Official, Public Works Director and City Engineer.

Attachments:

1. Vicinity Map
2. Conditional Use Permit


Prepared by:
 10-14-09
Community Development Director Date

City of La Vista Conditional Use Permit

Conditional Use Permit for Animal Specialty Services (Bow Wow Boutique)

This Conditional Use Permit issued this 20th day of October, 2009, by the City of La Vista, a municipal corporation in the County of Sarpy County, Nebraska ("City") to Dorothy Grindstaff. ("Owner"), pursuant to the La Vista Zoning Ordinance.

WHEREAS, Owner wishes to construct and operate animal specialty services upon the following described tract of land within the City of La Vista zoning jurisdiction:

Lot 177, Ardmore Subdivision located within the SW ¼ Section 13, Township 14 North, Range 12 East of the 6th P.M. Sarpy County, Nebraska, located at 7005 Michelle Avenue.

WHEREAS, Owner has applied for a conditional use permit for the purpose of locating and operating animal specialty services, specifically a dog grooming and pet supply store; 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 animal specialty services, 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 "A".
 - b. A concrete path or other approved hard-surface pathway shall be constructed from the driveway to the accessory building.
 - c. The accessory building shall have plumbing installed to have bath water transferred to the sanitary sewer system.
 - d. The accessory building shall have HVAC installed for heating and cooling the inside of the building.
 - e. Hours of operation for said Permitted Use will generally be from 8:00 a.m. to 5:00 p.m. Monday through Friday and from 8:00 a.m. to noon on Saturdays.
 - f. There will be 1 employee for the Permitted Use.
 - g. There shall be no storage, placement or display of goods, supplies or any other material, substance, container or receptacle outside of the indoor rec. facility, except trash receptacles and those approved in writing by the City.

- h. There shall not be any outside storage of materials. All trash receptacles, benches and planters shall be placed on property and securely fastened to building or concrete. Trash dumpsters shall be placed with a trash enclosure of six feet in height.
 - i. Off-street parking shall be provided for the Permitted Use and the number of parking spaces shall be adequate to accommodate the patrons and guests of the Permitted Use without negatively impacting or limiting the number of parking spaces for neighboring properties.
 - j. Outdoor clean-up of solid animal wastes shall be performed to keep the premises sanitary and safe.
 - k. 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.
 - l. 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.
 - m. 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 October 20, 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:

Dorothy Grindstaff
7005 Michelle Avenue
La Vista, NE 68128
(402) 331-8216

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.

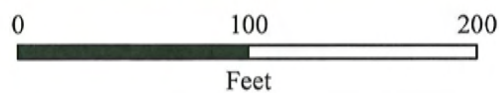
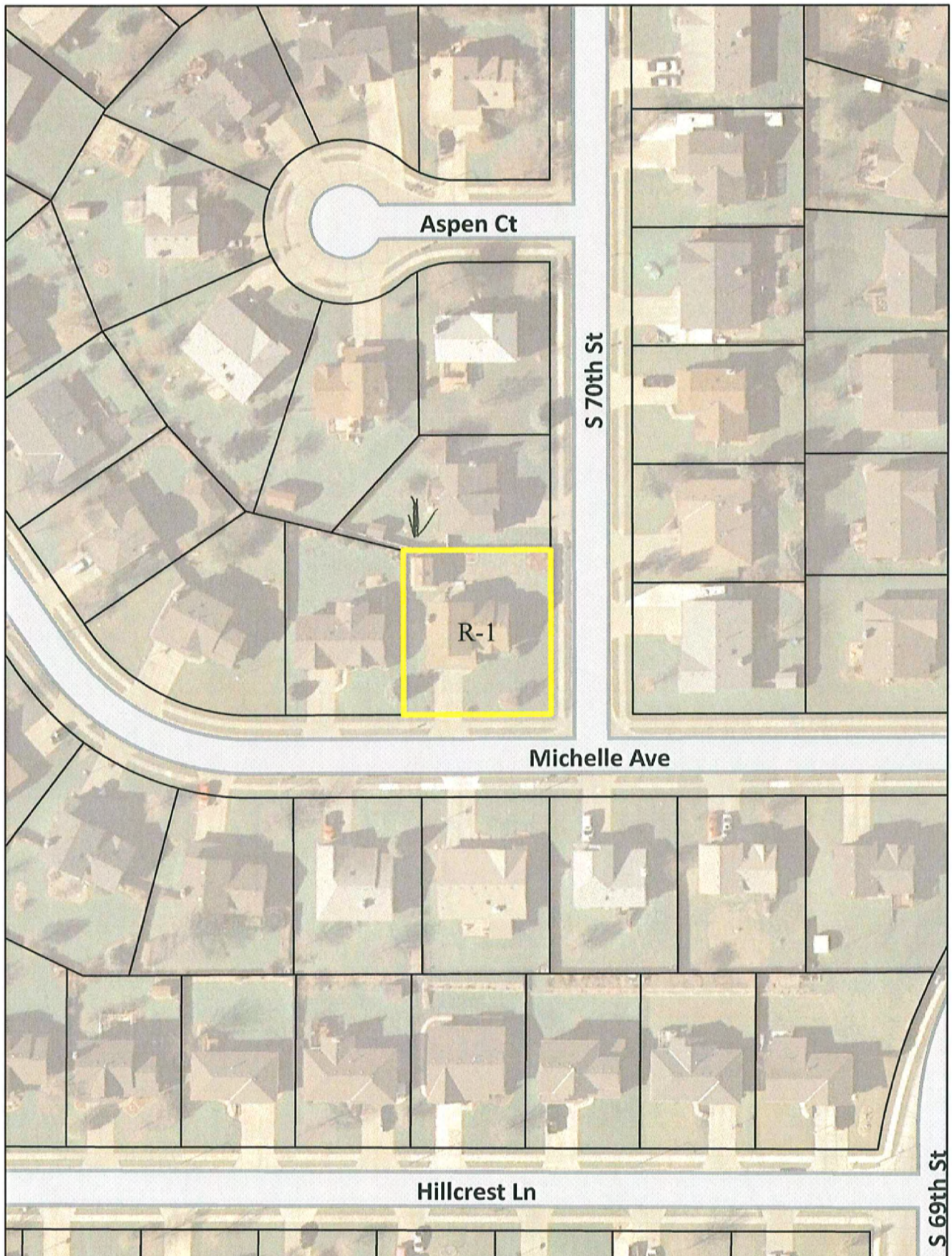
Owner:

By: _____



Title: _____

Date: _____

Vicinity Map



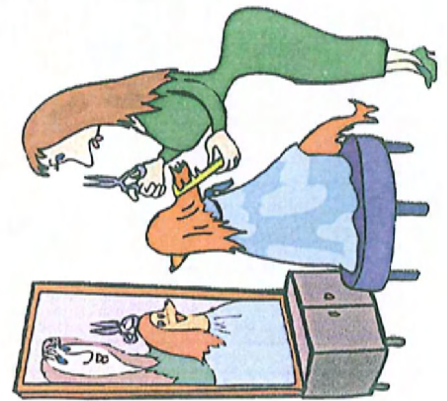
Legend

-  Parcels
-  Bow Wow Boutique

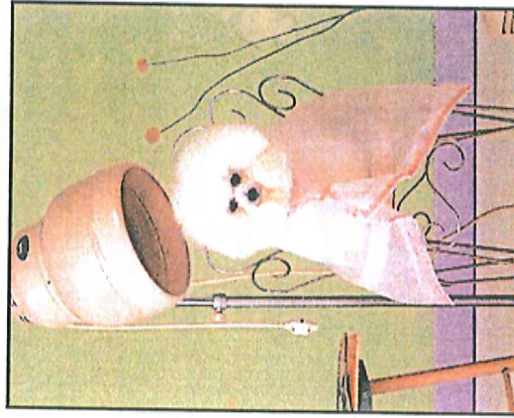
Services

All grooms include:

- Hydrosurge massage bath
- Brush Out
- Hair cut
- Toe nail trim
- Anal glands expressed
- Ear cleaning & Hair removal



Bow Wow Boutique



10841 Q St.
Suite 106
Roxbury Plaza
Omaha, NE 68137
Phone: 402-597-5299
Omahadoggrooming.com
Dorothy@omahadoggrooming.com

Bow Wow Boutique Pet Salon



- ♦ Dorothy Grindstaff
- ♦ 7005 Michelle Ave.
- ♦ In-Home Dog Grooming
- ♦ Signature requested
- ♦ Clean, Quiet and Recommended by Vets

Owner



Dorothy Grindstaff is the owner of the Bow Wow Boutique on 108th and Q St. She lives in Ardmore at 7005 Michelle Ave. She has been grooming for 12 years and opened her own grooming salon five years ago. Dorothy is a Christian business owner and treats her customers—both people and dogs, with respect. She has a true love for animals and takes pride in the quality of her work.

My Proposal

Although I really enjoy owning and running my own small business, I am ready to scale back. I really enjoy grooming and being around the dogs daily, but don't want the responsibility of a large shop anymore. I would like to downsize and begin running my grooming business out of my home. I would groom 4-6 dogs daily and work four days per week. This would allow me to work less hours and spend more time with my family and new granddaughter.

The grooming salon that I run currently is extremely clean and run in a very professional manner. I plan to continue this practice. Several vets in the area also recommend my services to their customers.

I'm requesting your signature to support my In-Home dog grooming business. Your consideration is highly appreciated!

Quality Grooming

The quality of our work is that of an upscale boutique. We strive to make the dogs look beautiful and feel happy.

"I want our customers to feel completely confident about leaving their beloved pooches with us while they are tending to their busy days."

We try to go the extra mile for the dogs that visit our salon. We use only the highest quality products, will walk dogs that need to stay the day while the owner is at work, and often offer homemade dog treats for dessert.



**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
OCTOBER 20, 2009 AGENDA**

Subject:	Type:	Submitted By:
APPLICATION FOR REPLAT — LA VISTA CIVIC CENTER (NE OF 83 RD & PARK VIEW BLVD.)	◆ RESOLUTION ORDINANCE RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

SYNOPSIS

A public hearing has been scheduled and a resolution has been prepared to consider a replat of 8.10 acres to be known as Lot 1, La Vista Civic Center (a replat of part of Lot 1243, together with Lot 1244 & Part of Lot 1245, Lot 1280, Part of Lot 1281, together with Part of Sublots "M", "N" & "R" of Commercial Lot 1282 and all of Sublots "P" & "Q" of Commercial Lot 1282), located northeast of 83rd Street and Park View Blvd.

FISCAL IMPACT

None.

RECOMMENDATION

Approval.

BACKGROUND

A public hearing has been scheduled and a resolution has been prepared to consider a replat of 8.10 acres to be known as Lot 1, La Vista Civic Center (a replat of part of Lot 1243, together with Lot 1244 & Part of Lot 1245, Lot 1280, Part of Lot 1281, together with Part of Sublots "M", "N" & "R" of Commercial Lot 1282 and all of Sublots "P" & "Q" of Commercial Lot 1282), located northeast of 83rd Street and Park View Blvd. The property is currently split by two zoning districts, C-2 and R-3, however an amendment to the Official Zoning Map is proposed on this Council agenda.

The replat has been proposed to combine all of the City-owned property, which includes City Hall, the Recreation Center, the District 1 Fire Station and the vacant property to the west, into one lot to be known as the La Vista Civic Center. The replat is intended to consolidate the lots and dissolve the internal lot lines so that future buildings and improvements are not impeded by unnecessary setbacks.

The Planning Commission held a public hearing on September 17, 2009 and recommended approval of the replat.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING APPROVAL OF A REPLAT OF 8.10 ACRES TO BE KNOWN AS LOT 1, LA VISTA CIVIC CENTER BEING A REPLAT OF PART OF LOT 1243, TOGETHER WITH LOT 1244 AND PART OF LOT 1245, LOT 128, PART OF LOT 1281 TOGETHER WITH PART OF SUBLITS "M", "N" AND "R" OF COMMERCIAL LOT 1232 AND ALL OF SUBLOTS "P" AND "Q" OF COMMERCIAL LOT 1232, LOCATED NORTHEAST OF 83RD STREET AND PARK VIEW BOULEVARD, LA VISTA, SARPY COUNTY, NEBRASKA,

WHEREAS, the City of La Vista, owners of the above described piece of property, have made application for approval of a replat for the proposed Replat; and

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

WHEREAS, on September 17, 2009, the La Vista Planning Commission held a public hearing and reviewed the replat proposal and has recommended approval.

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of La Vista, Nebraska, that the replat Of 8.10 acres to be known as Lot 1, La Vista Civic Center being a Replat of Part of Lot 1243, together with Lot 1244 and Part of Lot 1245, Lot 128, Part of Lot 1281 together with Part of Sublots "M", "N" and "R" of Commercial Lot 1232 and all of Sublots "P" and "Q" of Commercial Lot 1232, Located Northeast of 83rd Street and Park View Boulevard, La Vista, Sarpy County, Nebraska, and hereby is, approved.

PASSED AND APPROVED THIS 20TH DAY OF OCTOBER 2009.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
OCTOBER 20, 2009 AGENDA**

Subject:	Type:	Submitted By:
ZONING MAP AMENDMENT — LA VISTA CIVIC CENTER PLAT (NE OF 83 RD & PARK VIEW BLVD.)	RESOLUTION ◆ ORDINANCE RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

SYNOPSIS

A public hearing has been scheduled and an ordinance has been prepared to amend the Official Zoning Map for an area being replatted as the La Vista Civic Center from “R-3” High Density Residential to “C-2” General Commercial for the purpose of creating a consistent district for the City Hall complex. The property is generally located northeast of 83rd Street and Park View Blvd.

FISCAL IMPACT

N/A.

RECOMMENDATION

Approval.

BACKGROUND

A public hearing has been scheduled to consider an amendment to the Official Zoning Map from R-3 to C-2 for proposed Lot 1, La Vista Civic Center, located in the W ½ of the NW ¼ of Section 14, T-14-N, R-12-E of the 6th P.M., Sarpy County, Nebraska. The property is the current location of La Vista City Hall, the Recreation Center, the District 1 Fire Station, and the City-owned vacant property to the west of City Hall. The property is currently split with two different zoning designations; the west area zoned C-2 and the east area zoned R-3. This amendment has been proposed by city staff to create a consistent district for the La Vista Civic Center. The amendment will not create any non-conforming uses or structures.

The Planning Commission held a public hearing on September 17, 2009 and recommended approval to the City Council as the zoning map amendment is consistent with existing land uses and the Comprehensive Plan.

ORDINANCE NO. _____

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

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

Section 1. Approval of Rezoning. On September 17, 2009, the La Vista Planning Commission conducted a public hearing on the matter of rezoning the tract of land set forth in Section 2 of this ordinance and reported to the City Council that it recommended the zoning of said tract be changed from "R-3" High Density Residential to "C-2" General Commercial. On October 20, 2009, the City Council held a public hearing on said proposed change in zoning and found and determined that said proposed change in zoning is advisable and in the best interests of the City. The City Council further found and determined that public hearings were duly held and notices, including published notice, written notice to property owners and notice posted at the properties, were duly given pursuant to Section 9.01 of the La Vista Zoning Ordinance. The City Council hereby approves said proposed changes in zoning as set forth in Section 2 of this ordinance.

Section 2. Amendment of the Official Zoning Map. Pursuant to Section 3.02 of the La Vista Zoning Ordinance, the following described tract of land is hereby rezoned from "R-3" High Density Residential to "C-2" General Commercial, and the Official Zoning Map of the City of La Vista is hereby amended to reflect the changes in zoning of the following described tract of land "C-2" General Commercial.

Lot 1, La Vista Civic Center, located in the W ½ of the NW ¼ of Section 14, Township 14 North, Range 12 East of the 6th P.M., Sarpy County, Nebraska.

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

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

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

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

PASSED AND APPROVED THIS 20TH DAY OF OCTOBER 2009.

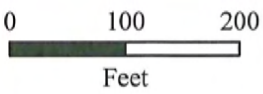
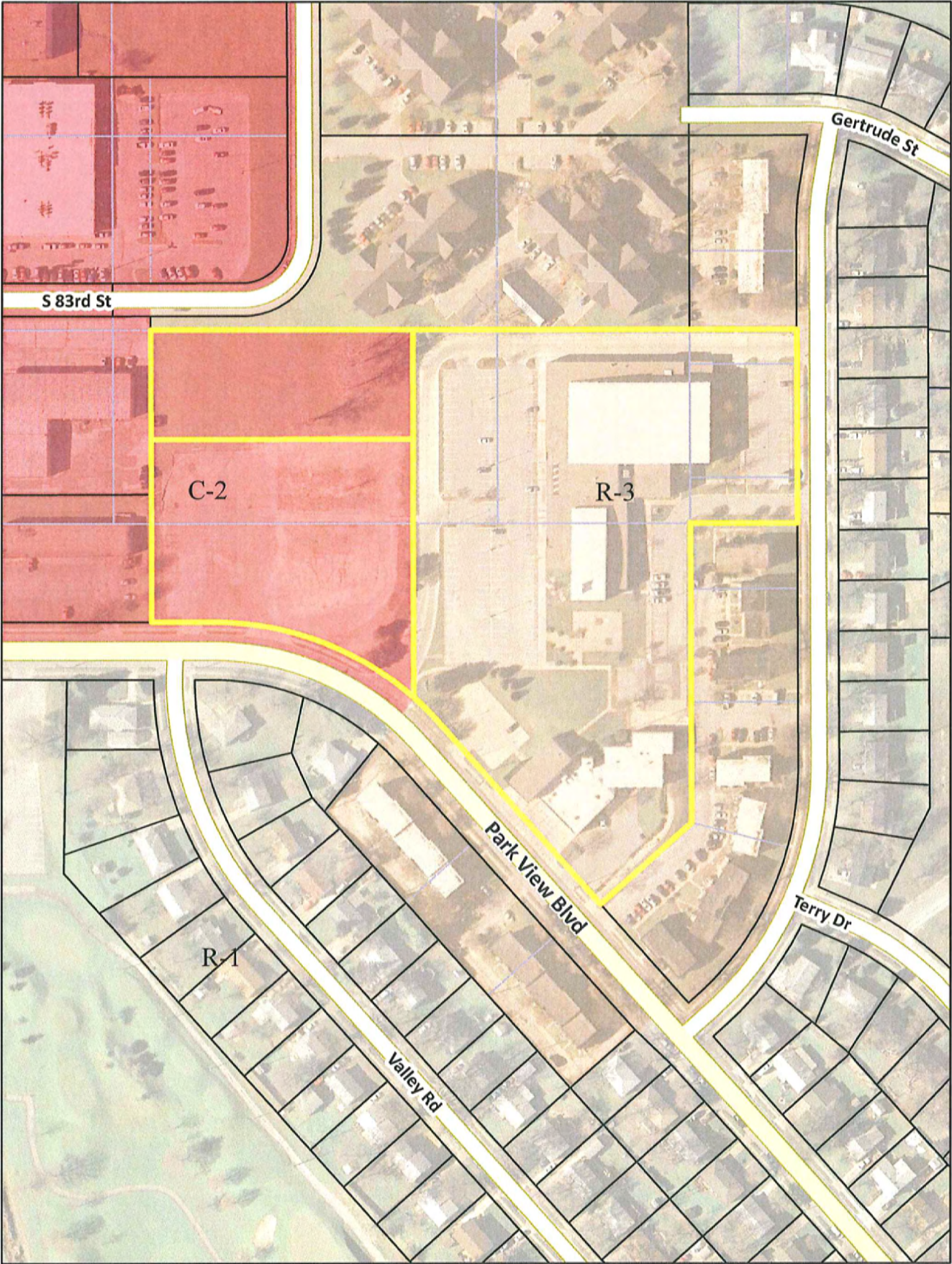
CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Bueth, CMC
City Clerk

Vicinity Map



Legend

- Parcels
- La Vista Civic Center

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
OCTOBER 20, 2009 AGENDA**

Subject:	Type:	Submitted By:
ZONING MAP AMENDMENT — BROOK VALLEY BUSINESS PARK (S OF HARRISON, 108 TH – 109 TH ST.)	RESOLUTION ◆ ORDINANCE RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

SYNOPSIS

A public hearing has been scheduled and an ordinance has been prepared to amend the Official Zoning Map for an area of Brook Valley Business Park from “I-2” Heavy Industrial to “I-1” Light Industrial for the purpose of creating a consistent I-1 District along Harrison Street. The property is generally located south of Harrison between 108th and 109th Streets.

FISCAL IMPACT

N/A.

RECOMMENDATION

Approval.

BACKGROUND

A public hearing has been scheduled to consider an amendment to the Official Zoning Map from I-2 to I-1 for Lots 1 & 2, Brook Valley Business Park Replat 2, and Lots 12 & 13B, Brook Valley Business Park, located in the NE ¼ of Section 17, T-14-N, R-12-E of the 6th P.M., Sarpy County, Nebraska. The property is in the Brook Valley Business Park and is generally located on the south side of Harrison Street between 108th and 109th Streets. The current I-2 zoning designation is not consistent with other property abutting Harrison Street in this vicinity. This amendment has been proposed by city staff to create a consistent light industrial district abutting Harrison Street west of 108th Street. The amendment will not create any non-conforming uses or structures; setback requirements are identical.

The Planning Commission held a public hearing on September 17, 2009 and recommended approval to the City Council as the zoning map amendment is consistent with existing land uses and the Comprehensive Plan.

ORDINANCE NO. _____

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

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

Section 1. Approval of Rezoning. On September 17, 2009, the La Vista Planning Commission conducted a public hearing on the matter of rezoning the tract of land set forth in Section 2 of this ordinance and reported to the City Council that it recommended the zoning of said tract be changed from "I-2" Heavy Industrial to "I-1" Light Industrial. On October 20, 2009, the City Council held a public hearing on said proposed change in zoning and found and determined that said proposed change in zoning is advisable and in the best interests of the City. The City Council further found and determined that public hearings were duly held and notices, including published notice, written notice to property owners and notice posted at the properties, were duly given pursuant to Section 9.01 of the La Vista Zoning Ordinance. The City Council hereby approves said proposed changes in zoning as set forth in Section 2 of this ordinance.

Section 2. Amendment of the Official Zoning Map. Pursuant to Section 3.02 of the La Vista Zoning Ordinance, the following described tract of land is hereby rezoned from "I-2" Heavy Industrial to "I-1" Light Industrial, and the Official Zoning Map of the City of La Vista is hereby amended to reflect the changes in zoning of the following described tract of land "I-1" Light Industrial.

Lots 1 & 2, Brook Valley Business Park Replat 2, and Lots 12 & 13B, Brook Valley Business Park, located in the NE ¼ of Section 17, Township 14 North, Range 12 East of the 6th P.M., Sarpy County, Nebraska.

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

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

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

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

PASSED AND APPROVED THIS 20TH DAY OF OCTOBER 2009.

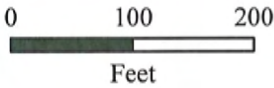
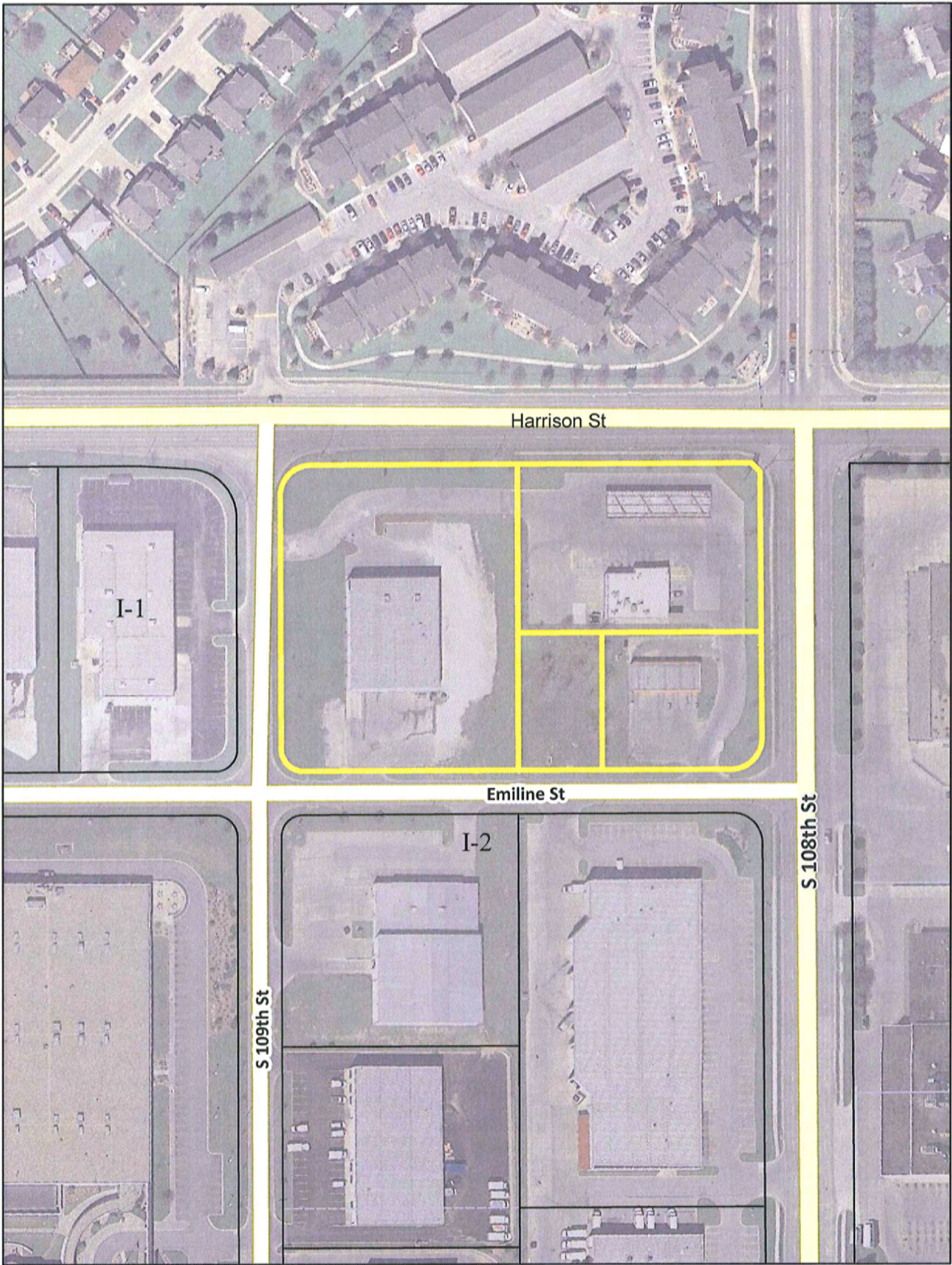
CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Bueth, CMC
City Clerk

Vicinity Map



Legend

- Parcels
- Brook Valley Business Park Subject Parcels

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
OCTOBER 20, 2009 AGENDA**

Subject:	Type:	Submitted By:
AMENDMENT TO REFUNDING SERIES 2009 BOND ISSUE	RESOLUTION ◆ ORDINANCE RECEIVE/FILE	SHEILA LINDBERG FINANCE DIRECTOR

SYNOPSIS

An ordinance has been prepared by bond counsel to amend Ordinance 1101 for the General Obligation Various Purpose Refund Bonds, Series 2009.

FISCAL IMPACT

None.

RECOMMENDATION

Approval.

BACKGROUND

The City Council approved Ordinance 1101 on September 15, 2009 which authorized the Refunding of the 2003 \$3,300,000 G.O. Bond Issue, the 2003 \$3,570,000 Various Purpose Refunding Bond Issue, the 2004 \$2,000,000 Refunding Bond Issue and the 2004 \$2,200,000 G.O. Various Purpose Bond Issue. The closing of this refunding will not be until November 2, 2009 so the amendment moves the first interest payment on the refunding bond issue from November 15, 2009 to May 15, 2010.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LA VISTA, NEBRASKA, AMENDING SECTION 2 OF ORDINANCE NO. 1101 TO MAKE CORRECTION TO THE FIRST INTEREST PAYMENT DATE FOR THE GENERAL OBLIGATION VARIOUS PURPOSE REFUNDING BONDS, SERIES 2009, OF THE CITY OF LA VISTA; REPEALING ORIGINAL SECTION 2 OF ORDINANCE NO. 1101; DETERMINING THIS ORDINANCE A MEASURE NECESSARY TO CARRY OUT CONTRACTUAL OBLIGATIONS AND PROVIDING FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

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

Section 1. The Mayor and Council hereby determine that it is necessary and appropriate to amend Section 2 of Ordinance No. 1101 in order to correct the first interest payment date for the City's General Obligation Various Purpose Refunding Bonds, Series 2009, (the Bonds") being issued to refund certain of the City's outstanding obligations as described in Ordinance No. 1101.

Section 2. Section 2 of Ordinance No. 1101 is hereby amended to read as follows:

Section 2. To provide for the issuance of refunding bonds as authorized under Sections 10-142, 10-415 and 10-416 as described in Section 1 hereof, there shall be and there are hereby ordered issued as further authorized under Sections 18-1801 and 18-1802, R.R.S. Neb. 2007, the City's General Obligation Various Purpose Bonds, Series 2009, of the City of La Vista, Nebraska, in the principal amount of not to exceed Eight Million Three Hundred Twenty Thousand Dollars (\$8,320,000) (the "Bonds"), with said Bonds bearing interest at the rates per annum and to become due on November 15 of each year as indicated below:

<u>Principal Amount</u>	<u>Maturing November 15 of Year</u>	<u>Interest Rate</u>
\$635,000	2010	5.10%
645,000	2011	5.10%
655,000	2012	5.10%
675,000	2013	5.10%
585,000	2014	5.10%
605,000	2015	5.10%
620,000	2016	5.10%
635,000	2017	5.10%
650,000	2018	5.10%
660,000	2019	5.10%
520,000	2020	5.10%
545,000	2021	5.10%
570,000	2022	5.10%
320,000	2023	5.10%

provided that the Bonds may bear interest at any such lower interest rate per annum for each maturity (the principal amount for each maturity of which, mandatory redemption provisions (if any), and pricing terms as set forth in Section 8 below, may also be modified and/or determined, but in no event may the aggregate stated principal amount of the Bonds exceed \$8,320,000) as the Mayor and/or City Clerk (each an "Authorized Officer") of the City may determine in a written designation (the "Designation") on signed by an Authorized Officer on behalf of the City and which may be agreed to by D.A. Davidson & Co. (the "Underwriter"), provided that:

- (a) *the aggregate amount of original issue premium and original issue discount (if any) may result in an aggregate net original issue discount (if any) not in excess of one percent (1.00%) of the stated principal amount of the Bonds;*

- (b) *the longest maturity of the Bonds may not be later than November 15, 2023;*
- (c) *the debt service payable on the Bonds must provide at least a net present value savings to the City over the debt service payable on the Called Outstanding Bonds; and*
- (d) *two or more of the principal maturities may be combined and issued as "term bonds" and the Authorized Officer may determine the mandatory sinking fund payments and mandatory redemption amounts. Any Bonds issued as "term bonds" shall be redeemed at a redemption price equal to 100% of the principal amount thereof plus accrued interest thereon to the date of redemption and may be selected for redemption by any random method of selection determined appropriate by the Registrar (as hereinafter designated) or by the Depository (as hereinafter designated).*

The Authorized Officers (or any one of them) are hereby authorized to make such determinations on behalf of the City and to evidence the same by execution and delivery of the Designation and such determinations, when made and agreed to by the Underwriter, shall constitute the action of the City without further action of the Mayor and City Council.

The Bonds shall be issued in fully registered form in the denomination of \$5,000 or any integral multiple thereof. The date of original issue for the Bonds shall be the date of delivery thereof. Interest on the Bonds, at the respective rates for each maturity, shall be payable semi-annually on May 15 and November 15 of each year beginning May 15, 2010 (each an "Interest Payment Date"), and the Bonds shall bear such interest from the date of original issue or the most recent Interest Payment Date, whichever is later. The interest due on each Interest Payment Date shall be payable to the registered owners of record as of the fifteenth day immediately preceding the Interest Payment Date (the "Record Date"), subject to the provisions of Section 4 hereof. The Bonds shall be numbered from 1 upwards in the order of their issuance. No Bond shall be issued originally or upon transfer or partial redemption having more than one principal maturity. The initial bond numbering and principal amounts for each of the Bonds issued shall be as directed by the initial purchaser thereof. Payments of interest due on the Bonds prior to maturity or earlier redemption shall be made by the Paying Agent and Registrar, as designated pursuant to Section 3 hereof, by mailing a check or draft in the amount due for such interest on each Interest Payment Date to the registered owner of each Bond, as of the Record Date for such Interest Payment Date, to such owner's registered address as shown on the books of registration as required to be maintained in Section 3 hereof. Payments of principal due at maturity or at any date fixed for redemption prior to maturity, together with unpaid accrued interest thereon, shall be made by said Paying Agent and Registrar to the registered owners upon presentation and surrender of the Bonds to said Paying Agent and Registrar. The City and said Paying Agent and Registrar may treat the registered owner of any Bond as the absolute owner of such Bond for the purpose of making payments thereon and for all other purposes and neither the City nor the Paying Agent and Registrar shall be affected by any notice or knowledge to the contrary, whether such Bond or any installment of interest due thereon shall be overdue or not. All payments on account of interest or principal made to the registered owner of any Bond in accordance with the terms of this Ordinance shall be valid and effectual and shall be a

discharge of the City and said Paying Agent and Registrar, in respect of the liability upon the Bonds or claims for interest to the extent of the sum or sums so paid.

Section 3. Original Section 2 of Ordinance No. 1101 is hereby repealed.

Section 4. The officers of the City or any one or more of them are hereby authorized to take any and all actions deemed necessary or appropriate to carry out this Ordinance. Ordinance No. 1101, as amended hereby, is confirmed in all respects. This Ordinance is hereby determined to be a measure necessary to carry out the City's contractual obligations relating to the issuance of bonds and shall be published in pamphlet form and shall be in force and effect from and after its passage and publication as provided by law.

PASSED AND APPROVED THIS 20TH DAY OF OCTOBER, 2009.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Bueth, CMC
City Clerk

Ordinance No. _____

The undersigned City Clerk of the City of La Vista, Nebraska, does hereby certify that the above and foregoing is a true and correct extract from the minutes of the City Council of the City of La Vista for the meeting indicated therein; that the subjects shown as considered in said minutes were contained in the agenda for said meeting, which agenda, kept continually current, was available for public inspection at the office of the City Clerk; that such subjects were contained in said agenda for at least 24 hours prior to said meeting; that a current copy of the Nebraska Open Meetings Act was available and accessible to members of the public, publicly announced and posted during such meeting in the room in which such meeting was held; that at least one copy of all ordinances, resolutions or other reproducible materials discussed at the meeting was available at the meeting for examination and copying by members of the public; that the minutes of the City Council of the City of La Vista, Nebraska from which the annexed and foregoing transcript of proceedings has been extracted, were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that all news media requesting notification concerning meetings of the City Council of the City of La Vista were provided the advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

City Clerk

[SEAL]

Ordinance No. _____

NOTICE OF PUBLICATION
OF ORDINANCE NO. _____
IN PAMPHLET FORM

Public Notice is hereby given that at a meeting of the Mayor and City Council of the City of La Vista, Nebraska, held on Tuesday, September 15, 2009, there was passed and adopted Ordinance No. _____ entitled:

AN ORDINANCE OF THE CITY OF LA VISTA, NEBRASKA, AMENDING SECTION 2 OF ORDINANCE NO. 1101 TO MAKE CORRECTION TO THE FIRST INTEREST PAYMENT DATE FOR THE GENERAL OBLIGATION VARIOUS PURPOSE REFUNDING BONDS, SERIES 2009, OF THE CITY OF LA VISTA; REPEALING ORIGINAL SECTION 2 OF ORDINANCE NO. 1101; DETERMINING THIS ORDINANCE A MEASURE NECESSARY TO CARRY OUT CONTRACTUAL OBLIGATIONS AND PROVIDING FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

Said Ordinance was published in pamphlet form on _____, 2009. Copies of said Ordinance as published in pamphlet form are available for inspection and distribution at the Office of the City Clerk, in the City of La Vista, Nebraska.

City Clerk

K:\APPS\City Hall\ORDINANCES\Ordinance amending various purpose ordinance 2009.DOC

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
OCTOBER 20, 2009 AGENDA**

Subject:	Type:	Submitted By:
ARBITRAGE REBATE SERVICE AGREEMENT	◆ RESOLUTION ORDINANCE RECEIVE/FILE	SHEILA LINDBERG FINANCE DIRECTOR

SYNOPSIS

A resolution has been prepared authorizing the Mayor to execute an agreement with Berens-Tate Consulting Group to provide arbitrage rebate services for the City of La Vista in an amount not to exceed \$7,000.

FISCAL IMPACT

The funds are budgeted in the FY10 Bond Fund for these services.

RECOMMENDATION

Approval.

BACKGROUND

There are two bond issues that the City's auditor's, BKD, LLP, suggested that the City obtain an outside service to perform the arbitrage rebate calculations and Berens-Tate is the only local provider of this service.

Arbitrage rebate calculation ensures that the City did not profit unfairly through the issuance of tax exempt bonds for the La Vista Fire Station and Off-Street Parking.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH BERENS-TATE CONSULTING GROUP, OMAHA, NEBRASKA, TO PROVIDE ARBITRAGE REBATE SERVICES FOR THE CITY OF LA VISTA IN AN AMOUNT NOT TO EXCEED \$7,000.00

WHEREAS, the City has determined that it is desirable to contract with an outside service to perform the arbitrage rebate calculations; and

WHEREAS, Berens-Tate is the local provider of said service; and

WHEREAS, the purpose of the calculation ensures that the City did not profit unfairly through the issuance of tax exempt bonds for the La Vista Fire Station and Off-Street Parking; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize the Mayor to sign and agreement with Berens-Tate Consulting Group, Omaha, Nebraska, to provide arbitrage rebate services for the City of La Vista in an amount not to exceed \$7,000.00

PASSED AND APPROVED THIS 20TH DAY OF OCTOBER, 2009

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

BERENS-TATE CONSULTING GROUP

SPECIALIZING IN PUBLIC SECTOR ACCOUNTING AND FINANCE

October 1, 2009

Sheila A. Lindberg
City of LaVista
8116 Park View Blvd
Lavista, NE 68128

Dear Ms. Lindberg:

Thank you for the opportunity to provide arbitrage rebate services to City of LaVista ("City"). This letter outlines my understanding of the project.

SCOPE

We will perform an arbitrage rebate calculation for the following bonds for the three years ending November 30, 2008:

- City of LaVista Facilities Corporation
\$5,900,000 Building Bonds (La Vista Fire Station Project)
Series 2005

and for the following bonds for the three years ending March 31, 2009:

- City of LaVista, Nebraska
\$7,940,000 General Obligation Off-Street Parking Bonds
Series 2006

PROCEDURES

We will perform the following procedures:

- Review of bond documentation (official statement, arbitrage certificate, investment information, IRS Form 8038, etc.).
- Determine the bond yield.
- Compute the rebate amount (based upon the net future value of the non-purpose investments or the "cash flow method").
- Work closely with bond counsel to resolve any questions which may arise.
- Work with you to determine the appropriate investment strategy for each bond issue/account, as well as the funding of and accounting for any rebate liability which might exist.

REPORTS

We will prepare the following reports:

- Summary report - describes procedures performed and the amount of any rebate owed.
- Arbitrage rebate report - includes details of all transactions, sources of information, assumptions, as well as the calculation.
- IRS Form 8038-T - prepare the proper IRS Form if any rebate is owed and paid at this time.

CITY'S RESPONSIBILITIES

The City is responsible for providing the Consulting Group with the documentation necessary to complete the calculation. This would include bond documentation (official statement, arbitrage certificate, 8038, etc.), as well as expenditure and investment information (trust statements/activity summary by fund, investment summary, disposition of bond proceeds, etc.). In determining the rebate amount for the Bonds, we will rely on the information provided by you without independent verification. We will retain copies of the records you have supplied us, along with our work papers for your engagement. However, our work papers and files are not a substitute for the original records of the client.


FEES

We estimate our fees for the project will be \$2,500-\$3,000 per issue plus actual out-of-pocket expenses (travel, delivery charges, etc.). This fee is dependent on the availability, quality, and completeness of the records noted above and will be due within 30 days of completion of the project. If unexpected problems arise which are beyond the scope of our work and would affect our fee quote we would discuss these with you and obtain the necessary authorization from you before performing any additional procedures.

We look forward to working with the City of LaVista on this project and appreciate this opportunity to serve you.

Sincerely,

BERENS-TATE CONSULTING GROUP



Chris D. Berens

If you agree with the services outlined in this letter, please sign in the space provided below and return a copy to me.

Accepted by: _____

Date: _____

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE CONSUMPTION OF BEER AND WINE AT AN "INVITATION ONLY" CUSTOMER APPRECIATION EVENT AT CABLELA'S SPORTING GOODS STORE, 12703 WESTPORT PARKWAY, LA VISTA NEBRASKA, ON NOVEMBER 22, 2009 FROM 6:00 P.M. TO 10:00 P.M.

WHEREAS, Cablela's Sporting Goods Store is located within the City of La Vista; and

WHEREAS, Stonebridge Vineyard Inc. dba Schilling Bridge Winery & Microbrewery has requested approval of a Special Designated License to serve beer and wine at Cabela's on November 22, 2009 from 6:00 p.m. to 10:00 p.m. in conjunction with and "Invitation Only" Customer Appreciation Event.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize Stonebridge Vineyard Inc. dba Schilling Bridge Winery & Microbrewery to proceed with the application for a "Special Designated License" from the Nebraska Liquor Control Commission to sell beer and wine at Cabela's on November 22, 2009 from 6:00 p.m. to 10:00 p.m. in conjunction with and "Invitation Only" Customer Appreciation Event.

PASSED AND APPROVED THIS 20TH DAY OF OCTOBER, 2009.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk



October 6, 2009

Schilling Bridge Winery
Attn: Sharon Schilling
62193 710th Rd
PO Box 307
Pawnee City, NE 68420

RE: Special Designated Liquor License Application for Event at Cabela's on
November 22, 2009.

Dear Ms. Schilling:

This letter is to inform you that the City of La Vista has received the application for a Special Designated Liquor License for Schilling Bridge Winery to serve at an event at the La Vista location Cabela's on November 22, 2009.

Please note that the La Vista City Council will vote on this application at their regularly scheduled meeting on October 20, 2009. The meeting will be called to order at 7:00 p.m. and will be held at La Vista City Hall, 8116 Park View Blvd., La Vista, Nebraska. We ask that a representative from the company or the company's legal counsel be present to answer any questions that the Mayor or members of the City Council may have concerning the application.

If you have any questions please feel free to contact me.

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 Portal Rd.
p: 402-331-8927
f: 402-331-1051

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



<p>LA VISTA POLICE DEPARTMENT INTER-DEPARTMENT MEMO</p>
--

TO: Pam Buethe, City Clerk

FROM: Robert S. Lausten, Police Chief

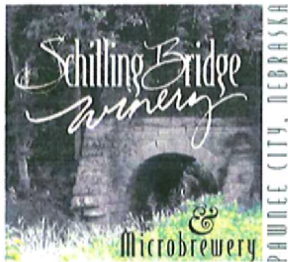
DATE: October 5, 2009

RE: Application for SDL

CC:

Re: ShillingBridge Winery and Microbrewery
Special Designated Use Permit

The La Vista Police Department has been informed and has reviewed the request by ShillingBridge Winery and Microbrewery for a special designated use permit to have a wine tasting event on November 22, 2009 at Cabela's, 12703 Westport Parkway in La Vista. There have been no concerns regarding the event identified by the police department.



62193 710TH ROAD
P.O. BOX 307 PAWNEE CITY, NE 68420
(402) 852-2400 FAX: 402-852-2407
SHARON@SCHILLINGBRIDGEWINERY.COM WWW.SCHILLINGBRIDGEWINERY.COM

Dear Council Members of LaVista, Nebraska

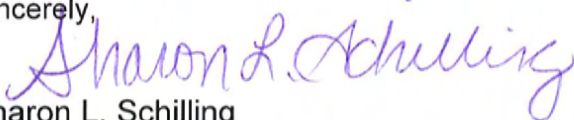
I am preparing an application for a Special Designated License with the Nebraska Liquor Control Commission. This application is in reference to a request made to us by Cabela's Sporting Goods Store located at 12703 Westport Parkway, Lavista, Nebraska. They are having an "Invitation-Only" Customer Appreciation Event at which time the store will be closed to the general public and they would like to offer their guests at no charge, a glass of our wine and/or beer (maximum limit of two per person age 21 and over). ID's will be checked. This event is scheduled for November 22, 2009 from 6:00 pm to 10:00 pm.

We have visited with Mary Messman at the Nebraska Liquor Control Commission regarding this event and while there will be no sales being made at the event itself, since there will be consumption on the premise, she recommended that we apply for a Special Designated License. As you are aware, the application to the Nebraska Liquor Control Commission requires a signed statement from the LaVista City Council recommending approval of this SDL License. So please consider this letter a request for your support as well as a request for a signed letter.

As a Nebraska business producing Nebraska products, we are looking forward to being able to share our Award-winning Wines and hand-crafted micro-brewed beers and to promote our "Revitalizing Rural Nebraska, One Beer at a Time" vision in your fine community.

Thank you in advance for your support. We look forward to hearing from you. If approved, you may send the approval letter to the above address.

Sincerely,



Sharon L. Schilling

President

SchillingBridge Winery & Microbrewery

**APPLICATION FOR SPECIAL
DESIGNATED LICENSE
RETAIL LICENSE HOLDERS**

NEBRASKA LIQUOR CONTROL COMMISSION
301 CENTENNIAL MALL SOUTH
PO BOX 95046
LINCOLN, NE 68509-5046
PHONE: (402) 471-2571
FAX: (402) 471-2814
Website: www.lcc.ne.gov/

BEFORE SUBMITTING APPLICATION TO THE LIQUOR CONTROL COMMISSION

- ☐ Include approval from the City, Village or County Clerk where the event is to be held
- ☐ A license fee \$40 (payable to Nebraska Liquor Control Commission) for each day/event to be licensed (i.e. if you have two separate areas at one event they both need to be licensed) (unless licensed as a K Caterer no fees required)
- ☐ Application MUST be received at the Liquor Control Commission Office no later than 10 working days prior to event (excluding weekends, Federal and State observed holidays)

COMPLETE ALL QUESTIONS

1. Type of alcohol to be served and/or consumed

☒ Beer ☒ Wine ☐ Distilled Spirits

2. Liquor license number and class (i.e. C-55441)

L-75922, IDK-74253, Y-75927

3. Licensee name (last, first, middle), Corporate name, Limited Liability Company (LLC)

NAME: Stonebridge Vineyard Inc. dba SchillingBridge Winery & Microbrewery

ADDRESS: 62193 710th Rd.P.O.Box307 Pawnee City, NE68420

CITY Pawnee City ZIP 68420

4. Location where event will be held; name, address, city, county, zip code

ADDRESS: 12703 Westport Parkway

CITY LaVista ZIP 68138

COUNTY Sarpy

- a. Is this location within the city/village limits? ☒ YES ☐ NO
- b. Is this location within the 150' of church, school, hospital or home aged/indigent or for veterans their wives? ☐ YES ☒ NO
- c. Is this location within 300' of any university or college campus? ☐ YES ☒ NO

Must be consecutive days

5. Date(s) and Time(s) of event (no more then six (6) consecutive days on one application)

Date Nov. 22nd 2011	Date	Date	Date	Date	Date
Hours From 6:00pm	Hours From	Hours From	Hours From	Hours From	Hours From
To 10:00pm	To	To	To	To	To

a. Alternate date: NONE

b. Alternate location: NONE
(Alternate date or location must be approved by local)

6. Indicate type of activity to be carried on during event
☐ Dance ☐ Reception ☐ Fund Raiser ☐ Beer Garden ☒ Sampling/Tasting ☐ Other _____

7. Description of area to be licensed
☒ Inside building, dimensions of area to be covered IN FEET 425 x 326
 Name of building Cabela's LaVista Store (not square feet or acres)

☐ Outdoor area dimensions of area to be covered IN FEET _____ x _____
 (not square feet or acres)

If outdoor area, how will premises be enclosed

☐ fence, type of fence ☐ snow fence ☐ chain link ☐ cattle panels ☐ other _____
☐ tent
☐ other, explain _____

*If both inside and outdoor area to be licensed include **simple sketch**

8. How many attendees do you expect at event? 1,500

9. If over 150, indicate the steps that will be taken to prevent underage persons from obtaining alcohol beverages. IDs will be checked

10. Will premises to be covered by license comply with all Nebraska sanitation laws?
☒ YES ☐ NO

a. Are there separate toilets for both men and women? ☒ YES ☐ NO

11. Where will you be purchasing your alcohol ☐ wholesaler ☐ retailer ☐ both SB produces what they will be serving

12. Will there be any games of chance operating during the event? ☐ YES ☒ NO
 If so, describe activity _____

NOTE: Only games of chance approved by the Department of Revenue, Charitable Gaming Division are permitted. All other forms of gambling are prohibited by State Law: There are no exceptions for Non Profit Organizations or any events raising funds for a charity. This is only an application for a Special Designated License under the Liquor Control Act and is not a gambling permit application.

SEP-25-2009 11:39

CABELAS MKT/BM

SEP-24-2009 11:24H FROM: SCHILLINGBRIDGE WINE (402) 802-2701

308 255 1350

P.002

13. Any other information or requests for exemptions:

14. Name and telephone number/cell phone number of immediate supervisor. This person will be at the location of the event when it occurs, able to answer any questions from Commission and/or law enforcement before and during the event, and who will be responsible for ensuring that any applicable laws, ordinances, rules and regulations are adhered to.

→ Melissa Kavan Phone: Before 402-861-4809 During Same
Print name of Event Supervisor

→ Melissa Kavan
Signature of Event Supervisor

Consent of Authorized Representative/Applicant

15. I declare that I am the authorized representative of the above named license applicant and that the statements made on this application are true to the best of my knowledge and belief. I also consent to an investigation of my background including all records of every kind including police records. I agree to waive any rights or causes of action against the Nebraska Liquor Control Commission, the Nebraska State Patrol or any other individual releasing said information to the Liquor Control Commission or the Nebraska State Patrol. I further declare that the license applied for will not be used by any other person, group, organization or corporation for profit or not for profit and that the event will be supervised by persons directly responsible to the holder of this Special Designated License.

sign
here

Sharon Schilling
Authorized Representative/Applicant

President
Title

9-30-09
Date

Sharon L. Schilling
Print Name

This individual must be listed on the application as an officer or stockholder unless a letter has been filed appointing an individual as the catering manager allowing them to sign all SDL applications.

The law requires that no special designated license provided for by this section shall be issued by the Commission without the approval of the local governing body. For the purposes of this section, the local governing body shall be the city or village within which the particular place for which the special designated license is requested is located, or if such place is not within the corporate limits of a city or village, then the local governing body shall be the county within which the place for which the special designated license is requested is located.

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
OCTOBER 20, 2009 AGENDA**

Subject:	Type:	Submitted By:
ELECTION OF DIRECTORS TO THE LA VISTA METROPOLITAN COMMUNITY COLLEGE BOARD OF DIRECTORS	◆ RESOLUTION ORDINANCE RECEIVE/FILE	BRENDA S. GUNN CITY ADMINISTRATOR

SYNOPSIS

A resolution has been prepared to designate and ratify, as well as affirm and approve the re-election of, the City's three directors of the La Vista Metropolitan Community College Board of Directors for the purposes of the Condominium Board for the public library and MCC Sarpy Center and approving actions of the directors at the 2009 Annual Meeting.

FISCAL IMPACT

N/A.

RECOMMENDATION

Approval.

BACKGROUND

Currently, the City Council has elected the following persons to the Condominium Board:

- City Administrator
- Library Director
- Director of Public Buildings and Grounds

It is proposed that Council designate these positions to hold a seat on the Board on behalf of the City. Additionally, the Condominium Board of Directors will hold its annual meeting on November 2, 2009, at which time the above directors will take action on behalf of the City and the resolution will ratify their actions.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA TO ELECT DIRECTORS OF THE LA VISTA/METROPOLITAN COMMUNITY COLLEGE CONDOMINIUM OWNERS ASSOCIATION, INC.

WHEREAS, the City of La Vista Facilities Corporation ("City Facility Corporation") and the Metropolitan Community College Facilities Corporation made and entered a Declaration and Master Deed of La Vista Metropolitan Community College Condominium Property Regime dated December 29, 1997 ("Declaration") for the purposes of administering the condominium property regime and maintaining common areas of the Library/Sarpy Center; and

WHEREAS, the La Vista/Metropolitan Community College Condominium Owners Association, Inc., ("Association") was incorporated for purposes of administering the condominium property regime and maintaining the common areas under the Declaration, and the Association is governed by a Board of Directors; and

WHEREAS, pursuant to Article 1.24 of the Declaration, as amended, the City Facilities Corporation delegated to and authorized the City of La Vista ("City") to exercise voting rights with respect to the Association and its Board of Directors, and the City desires to exercise said voting rights to elect Directors of the Association.

WHEREAS, the following positions (and the individuals holding the titles) have been previously designated by the Mayor and City Council to be the City's three directors on the Association's Board of Director's ("City's Director's"):

City Administrator
Library Director
Director of Public Buildings and Grounds

WHEREAS, the Association will hold its 2009 Annual Meeting on November 2, 2009, at which time and at such meeting the City's Directors shall vote on behalf of the City and in accordance with the desire of the City Council and the Mayor to nominate and re-elect the City's Director's to the Association's Board of Directors; and

WHEREAS, the Mayor and City Council desire to designate, and ratify, affirm and approve the re-election of the City's Directors.

NOW, THEREFORE, BE IT RESOLVED, that effective November 2, 2009, the following are hereby designated and re-elected to serve as the City's appointees to the Board of Director's of the Association:

City Administrator
Library Director
Director of Public Buildings and Grounds

and further that their attendance, participation, voting and exercise of other rights

on behalf of the City (in exercise of the delegated rights of the City Facilities Corporation) to nominate and re-elect said individuals as directors at the annual meeting of the Association held November 2, 2009 (and all other related actions) are hereby ratified, affirmed and approved.

PASSED AND APPROVED THIS 20TH DAY OF OCTOBER 2009.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
OCTOBER 20, 2009 AGENDA**

Subject:	Type:	Submitted By:
AUTHORIZATION TO PURCHASE WHEEL LOADER	◆ RESOLUTION ORDINANCE RECEIVE/FILE	JOE SOUCIE PUBLIC WORKS DIRECTOR

SYNOPSIS

A resolution has been prepared authorizing the purchase of a Caterpillar 938 HQ Wheel Loader and optional equipment from Nebraska Machinery Company, 11002 Sapp Brothers Drive, Omaha, Nebraska 68138, for an amount not to exceed \$201,214.00.

FISCAL IMPACT

The FY 2009/10 General Fund – Street Operating budget provides funding for financing the proposed purchase.

RECOMMENDATION

Approval

BACKGROUND

The proposed purchase is being made from a City of Kearney, Nebraska sealed bid process from November 4, 2008. All documents included in the bid process have been attached. The Nebraska Machinery Company agreed to honor the purchase price from the City of Kearney bid proposal for the base machine. The Public Works Department has requested additional optional equipment to equip the loader for snow removal operations and debris removal operations.

While the Caterpillar loader was not the low bid, the Public Works Department is recommending the purchase of the Caterpillar for the following reasons:

- Public Works currently owns a 1996 Caterpillar Wheel Loader; all the attachments for the loaders are inter-changeable.
- The current Cat loader has experienced no major mechanical problems in 12-years.
- The Caterpillar distributor is located in Sarpy County which allows for quick service and parts pickup.
- The operators are familiar and comfortable with the operation of the Caterpillar. After demoing other loaders the operators preferred the Cat.

The following is a description of the base machine and optional equipment:

Caterpillar 938HQ Wheel Loader	\$158,292.00
Hydraulic System & Differential Lock	\$ 9,666.00
Comfort Plus Package	\$ 1,676.00
Convenience Package	\$ 1,044.00
Monroe Plow Package	\$ 14,118.00
Monroe Box Plow Package	\$ 7,218.00
Grapple Bucket Attachment	\$ 9,200.00
	<u>\$201,214.00</u>

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE PURCHASE OF ONE (1) CATERPILLAR 938 HQ WHEEL LOADER AND OPTIONAL EQUIPMENT FROM NEBRASKA MACHINERY COMPANY, 11002 SAPP BROTHERS DRIVE, OMAHA, NEBRASKA, IN AN AMOUNT NOT TO EXCEED \$201,214.00.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of one new Wheel Loader for the Public Works Department is necessary; and

WHEREAS, the FY09/10 General Fund – Street Operating budget does include funds for the lease/purchase of said equipment; and

WHEREAS, Nebraska Machinery Company, Omaha, Nebraska, is the most responsible bidder; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize the purchase of one Caterpillar 938 HQ Wheel Loader and optional equipment for the Public Works Department from Nebraska Machinery Company, Omaha, Nebraska, in an amount not to exceed \$201,214.00.

PASSED AND APPROVED THIS 20TH DAY OF OCTOBER 2009.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk



Quote 108659-01

October 10, 2009

CITY OF LAVISTA
8116 PARK VIEW BLVD
LA VISTA NE 68128-2132

Attention: JOE SOUCIE

Dear Joe,

We would like to thank you for your interest in our company and our products, and are pleased to quote the following for your consideration.

CATERPILLAR Model: 938HQ Wheel Loader

MACHINE SPECIFICATIONS

Description	Reference No
938H WHEEL LOADER	237-7545
LANE 3 ORDER	0P-9003
CONTROL, JOYSTICK, 4 VALVE	257-5666
TIRES, 20.5R25 * L3 MX XHA Michelin	264-1338
RADIO, AM/FM CD PLAYER	284-4739
PP12: 3V, RIDE, AUTO DIFF 3 Valve Hydraulic System Auto Differential Lock, Front and Rear Ride Control	317-8366
PKG. D: COLD START (120V) Engine Coolant Heater Ether Starting Aid Heavy Duty Alternator	317-9486
PKG. E: WORK LIGHTING Warning Beacon Auxiliary Cab Lights, Halogen	317-9487
3.65 GP bucket with bolt on cutting edge	215-1278
Hydraulic quick coupler with hydraulic supply lines	315-6334

Sell Price	\$158,292.00
Ext Warranty	Included

Delivery approx. 14 weeks ARO

WARRANTY

Standard Warranty: 6 months full machine
Extended Warranty: 12 Month Unlimited Hours Premier ESC Governmental

We wish to thank you for the opportunity of quoting on your equipment needs. This quotation is valid for 30 days, after which time we reserve the right to re-quote. If there are any questions, please do not hesitate to contact me.

Sincerely,

Jim Fischer
Machine Sales Representative

OPTIONAL ATTACHMENTS

PP14: 4V ride, auto diff 4V Hydraulic System Auto Differential lock, front & rear	317-8366	\$9,666
Pkg B: Comfort Plus: Air suspension seat Heated external mirrors Rear sunscreen	317-9483	\$1,676
Pkg C: Convenience Tool box Pre cleaner Axle Ecology drains	317-9484	\$1,044
Camera, Rear Vision Provides a 115 degree color camera Mounted on the rear of the hood that Is connected to a 7" color display Mounted in the cab which shows the View behind the machine.	284-1300	\$3,765
Fan, Variable Pitch Provides a fan system capable of Reversing the air flow to purge debris from the radiator cores and grill. When Activated, this system rotates each blade 180 degrees to reverse the airflow. Reversing the airflow will happen automatically or can be activated by a manual control. Automatic settings can be set up from once every 20 seconds to once every 60 minutes.	311-0013	\$4,855
Monroe, Model MP41R11-1SCT Plow with wing attachment. Hydraulic system and mounting to be included in this package.		\$11,907
Monroe, Model MP41R14-1SCT Plow with wing attachment. Hydraulic system and mounting to be included in this package.		\$14,118
Monroe, Model MP5014 14 foot snow bully		\$7,218
Grabtec, Model GA965 Grapple installed on loader bucket		\$9,200



COUNCIL AGENDA MEMO

ITEM NO. IV - #10

FROM: Rodney Wiederspan, Director of Public Works

MEETING: February 10, 2009

SUBJECT: Four-Wheel Drive Loader

PRESENTER: No Presenter – Consent Agenda

Discussion:

On November 4, 2008, the City received bids for an articulated frame four-wheel drive loader. There were five firms with six bids on the loader specified. The bids are as follows:

Titan Machinery	Case 721E	\$138,593.00 Demonstrated
5-Year buy back	Unlimited hrs.	\$ 50,000.00
5-Year cost		\$ 78,593.00
Murphy Tractor & Equip.	John Deere 624 K	\$167,865.00 Demonstrated
5-Year buy back	Max. 3750 hrs.	\$110,000.00
5-Year cost		\$ 57,865.00
Murphy Tractor & Equip.	John Deere 544 K	\$141,985.00
5-Year buy back	Max. 3750 hrs.	\$ 90,000.00
5-Year cost		\$ 51,985.00
Fairbanks International	New Holland W170B	\$135,769.00 Demonstrated
5-Year buy back	Max. 4000 hrs.	\$ 95,769.00
5-Year cost		\$ 40,000.00
Road Builders Machinery	Komatsu WA 320-6	\$141,020.00 Demonstrated
5-Year buy back	Unlimited hrs.	\$ 75,000.00
5-Year cost		\$ 66,020.00
Nebraska Machinery Co.	Caterpillar 938H	\$158,292.00 Demonstrated
5-Year buy back	Unlimited hrs.	\$ 96,000.00
5-Year cost		\$ 62,292.00

After reviewing the bids, the 5-year buy back option including the hour restrictions, and demonstration of the loaders, City staff believes that the best bid is from Nebraska Machinery for \$158,292.00 for the Caterpillar 938H Series Loader.

ITEM NO. IV - #10

Fiscal Note:

Public Works/Transportation Division budgeted \$180,000.00 for the purchase of one loader this fiscal year.

Recommended Action:

Staff recommends approval of the bid submitted by Nebraska Machinery in the amount of \$158,292.00 for the Caterpillar 938H Series loader.

October 8, 2008

NOTICE TO BIDDERS

Sealed bids will be received by the City of Kearney, Nebraska, at the office of the City Clerk, City Hall, 18 East 22nd Street, Kearney, Nebraska, 68847 until 2:00 p.m. C.D.T. on November 4, 2008, and then publicly opened and then read aloud in the City Manager's Conference Room, for the purchase, with guaranteed buy back at the end of five years, of one current production Articulated Frame Four-Wheel Drive Loader. Copies of the specifications may be obtained from the office of the City Clerk, City Hall, 18 East 22nd Street, Kearney, Nebraska, 68847 or by going to the City's website at www.cityofkearney.org.

Bids must be made on the Proposal form found in the Specifications and submitted in a sealed envelope labeled **"BID FOR PURCHASE OF AN ARTICULATED FRAME FOUR-WHEEL DRIVE LOADER"** to the office of the City Clerk. The City will accept only those sealed bids, either hand delivered or received via the U.S. Mail or other commercial carrier. Items transmitted by facsimile or electronically will not be accepted.

The City of Kearney reserves the right to reject any or all bids and to waive any irregularities or informalities in any bid received, and to accept any bid which is deemed most favorable to the City of Kearney, at the time and under conditions stipulated in the General Conditions. Bids received after the specified time of closing will be returned unopened.

If you have any questions regarding this invitation to bid, please contact Gary Story, Transportation Superintendent, at 308-233-3247.

CITY OF KEARNEY

Michael W. Morgan
City Manager

GENERAL CONDITIONS

SCOPE

The City of Kearney desires to purchase, with guaranteed buy back at the end of five years, one Articulated Frame Four-Wheel Drive Loader to be used in the Transportation Division of the Department of Public Works.

The City of Kearney reserves the right to reject any or all bids, to award the bid in part or in whole, and to waive any informalities or irregularities as provided by Section 1-1505 "Formal Contract Procedure" of the Kearney City Code, and to accept any proposal which is deemed most favorable to the City of Kearney.

Bidders must submit with their bid the latest printed specifications and advertising literature on the unit they propose to furnish. Any options listed as enhancements to the operation of this unit must also include the latest published literature.

The bidder shall list on the attached sheet labeled "Exceptions to Bid Specifications Sheet B" any variations from, or exceptions to, the conditions and specifications of this bid.

The price or prices quoted shall include all transportation charges fully prepaid to and from the City of Kearney Public Works Building, 1919 15th Avenue, Kearney, Nebraska 68845.

Purchaser desires delivery to be completed within 90 days from date of award. Bidder will certify delivery date on the proposal form.

Awards will be made to the lowest responsible bidder as provided by Section 1-1505 "Formal Contract Procedure" of the Kearney City Code. The quality of the articles to be supplied, their conformity with the specifications, their suitability to requirements, delivery terms and guarantee clauses shall be taken into consideration.

SPECIFICATIONS

The intent of this specification is to describe an Articulated Frame Four-Wheel Drive Loader in the 180 H.P. category for use by the City of Kearney Public Works Department.

1. Model

- 1.1 Unit shall be new, standard model of the latest current design.

Meets Specifications: Yes ☐ No ☐

2. Engine and Related Equipment

- 2.1 Six cylinder minimum.

Meets Specifications: Yes ☐ No ☐

- 2.2 Diesel power.

Meets Specifications: Yes ☐ No ☐

- 2.3 Water cooled engine.

Meets Specifications: Yes ☐ No ☐

- 2.4 160 net flywheel horse power minimum.

Meets Specifications: Yes ☐ No ☐

- 2.5 Engine governor.

Meets Specifications: Yes ☐ No ☐

- 2.6 Manufacturer's standard pre-cleaner.

Meets Specifications: Yes ☐ No ☐

- 2.7 Pop-up restriction indicator.

Meets Specifications: Yes ☐ No ☐

- 2.8 Full flow spin on oil filter.

Meets Specifications: Yes ☐ No ☐

- 2.9 Fuel filter and water separator.

Meets Specifications: Yes ☐ No ☐

- 2.10 12 or 24 volt electric start.

Meets Specifications: Yes ☐ No ☐

- 2.11 Anti-freeze protection to -30 degrees F (low silicate).

Meets Specifications: Yes ☐ No ☐

- 2.12 Muffler with bent elbow preferred or rain cap (vertical stack cab height).

Meets Specifications: Yes ☐ No ☐

- 2.13 Cold weather starting aid.

Meets Specifications: Yes ☐ No ☐

- 2.14 Engine side enclosures.
Meets Specifications: Yes ☐ No ☐
- 2.15 Fuel priming pump.
Meets Specifications: Yes ☐ No ☐
- 2.16 50 AMP alternator.
Meets Specifications: Yes ☐ No ☐
- 2.17 Heavy-duty maintenance free batteries 570 CCA.
Meets Specifications: Yes ☐ No ☐
- 2.18 24 Volt to 12 volt converter (regulator) to equalize draw on both batteries.
Meets Specifications: Yes ☐ No ☐

3. Transmission

- 3.1 Full power shift.
Meets Specifications: Yes ☐ No ☐
- 3.2 Capable of direction change under full power without damage to machine.
Meets Specifications: Yes ☐ No ☐
- 3.3 Minimum four (4) speeds forward.
Meets Specifications: Yes ☐ No ☐
- 3.4 Minimum three (3) speeds reverse.
Meets Specifications: Yes ☐ No ☐
- 3.5 20 mph approximate road speed.
Meets Specifications: Yes ☐ No ☐
- 3.6 Single-stage, single-phase torque converter.
Meets Specifications: Yes ☐ No ☐

4. Differential and Final Drive

- 4.1 Standard front.
Meets Specifications: Yes ☐ No ☐
- 4.2 Rear to be no spin or power-transfer on both axles.
Meets Specifications: Yes ☐ No ☐

5. Drive Axles

- 5.1 Fixed front axle.
Meets Specifications: Yes ☐ No ☐
- 5.2 11 degree plus/minus rear axle oscillation minimum.
Meets Specifications: Yes ☐ No ☐

6. Final Drive

- 6.1 All wheel drive planetary reduction.
Meets Specifications: Yes ☐ No ☐

7. Service Brakes

- 7.1 Power assist four wheel brakes.
Meets Specifications: Yes ☐ No ☐
- 7.2 Internal wet disc system **OR** External caliper disc.
Meets Specifications: Yes ☐ No ☐
- 7.3 Independent brake circuits for front and rear axles.
Meets Specifications: Yes ☐ No ☐
- 7.4 Twin pedal system, right pedal brakes only left pedal brakes while neutralizing transmission.
Meets Specifications: Yes ☐ No ☐
- 7.5 Air dryer with air brake system.
Meets Specifications: Yes ☐ No ☐
- 7.6 Brake system conforms to SAE J1152 and current OSHA regulations.
Meets Specifications: Yes ☐ No ☐

8. Parking Brake

- 8.1 Direct mechanical on either transmission or axle.
Meets Specifications: Yes ☐ No ☐
- 8.2 Brake system conforms to SAE J1152 and current OSHA regulations.
Meets Specifications: Yes ☐ No ☐

9. Steering

- 9.1 Full power, frame articulated.
Meets Specifications: Yes ☐ No ☐
- 9.2 35 degree articulation each way from center point.
Meets Specifications: Yes ☐ No ☐
- 9.3 Hydraulic system designed to allow full power assist at all operating RPM ranges including idle.
Meets Specifications: Yes ☐ No ☐

10. Tires

- 10.1 Front - shall be 20.5 x R 25 - 12PR (L3) rating Radials.
Meets Specifications: Yes ☐ No ☐
- 10.2 Rear - (Same).
Meets Specifications: Yes ☐ No ☐

11. Bucket

- 11.1 4 cubic yard general purpose SAE rated (nominally heaped).
Meets Specifications: Yes ☐ No ☐
- 11.2 Loose material design.
Meets Specifications: Yes ☐ No ☐
- 11.3 Bolt-on cutting edge, furnished.
Meets Specifications: Yes ☐ No ☐
- 11.4 Quicktach mounting shall be Rylind hydraulic wedge Model LH 2042.
Meets Specifications: Yes ☐ No ☐

12. Bucket Control System

- 12.1 Either single or dual lever controls.
Meets Specifications: Yes ☐ No ☐
- 12.2 Lift circuit - raise, lower, hold, float.
Meets Specifications: Yes ☐ No ☐
- 12.3 Automatic full height kick-out.
Meets Specifications: Yes ☐ No ☐
- 12.4 Bucket circuit - rollback, hold, dump.
Meets Specifications: Yes ☐ No ☐
- 12.5 Automatic return to dig kick-out (adjustable).
Meets Specifications: Yes ☐ No ☐

13. Lift Arm and Linkage

- 13.1 Sealed pivot points in lift arms.
Meets Specifications: Yes ☐ No ☐

14. Performance Specifications

- 14.1 Dump clearance at full lift and 45 degree discharge - 8'8" minimum.
Meets Specifications: Yes ☐ No ☐
- 14.2 Static tipping load in full turn position - 13,500 pounds minimum.
Meets Specifications: Yes ☐ No ☐
- 14.3 Reach at full lift and 45 degree dump angle - 35 inches minimum.
Meets Specifications: Yes ☐ No ☐
- 14.4 Breakout force - 24,400 pounds minimum.
Meets Specifications: Yes ☐ No ☐
- 14.5 Operating weight - 29,600 pounds minimum.
NOTE: Operating weight shall be calculated including fuel, lubricants, operator and ballast as specified.
Meets Specifications: Yes ☐ No ☐

15. Hydraulic System

- 15.1 Fully sealed.
Meets Specifications: Yes ☐ No ☐
- 15.2 Adequate capacity to supply all functions.
Meets Specifications: Yes ☐ No ☐
- 15.3 Three spool valve kit.
Meets Specifications: Yes ☐ No ☐
- 15.4 Factory Ride Control System.
Meets Specifications: Yes ☐ No ☐

16. Cab and Related Equipment

- 16.1 Fully enclosed cushion mounted.
Meets Specifications: Yes ☐ No ☐
- 16.2 Sound suppression design.
Meets Specifications: Yes ☐ No ☐
- 16.3 ROPS structure to be integral with cab and meet or exceed SAE J394, SAE J1040c and ISO3471.
Meets Specifications: Yes ☐ No ☐
- 16.4 High output two speed heater and defroster - 35,000 BTU minimum.
Meets Specifications: Yes ☐ No ☐
- 16.5 Deluxe suspension seat with safety belt.
Meets Specifications: Yes ☐ No ☐
- 16.6 Inside rear vision mirror.
Meets Specifications: Yes ☐ No ☐
- 16.7 Key locking door latches.
Meets Specifications: Yes ☐ No ☐
- 16.8 Handrails and access ladders.
Meets Specifications: Yes ☐ No ☐
- 16.9 Front and rear two speed windshield wipers and washers.
Meets Specifications: Yes ☐ No ☐
- 16.10 Rubber floor mats.
Meets Specifications: Yes ☐ No ☐
- 16.11 W.C. mirrors.
Meets Specifications: Yes ☐ No ☐

16.12 Radio - AM/FM.
Meets Specifications: Yes ☐ No ☐

16.13 Must be air-conditioned.
Meets Specifications: Yes ☐ No ☐

16.14 Switch, lift lever F-N-R.
Meets Specifications: Yes ☐ No ☐

16.15 Joystick lever.
Meets Specifications: Yes ☐ No ☐

17. Instruments, Gauges and Meters

17.1 Engine water temperature gauge.
Meets Specifications: Yes ☐ No ☐

17.2 Ammeter or voltmeter.
Meets Specifications: Yes ☐ No ☐

17.3 Engine oil pressure gauge.
Meets Specifications: Yes ☐ No ☐

17.4 Torque converter oil temperature gauge.
Meets Specifications: Yes ☐ No ☐

17.5 Engine hour meter.
Meets Specifications: Yes ☐ No ☐

17.6 Park brake indicator light.
Meets Specifications: Yes ☐ No ☐

17.7 Key locking starter switch.
Meets Specifications: Yes ☐ No ☐

18. System Failure Emergency Warning

18.1 Audible warning for low engine oil pressure.
Meets Specifications: Yes ☐ No ☐

18.2 Audible warning for high engine temperature.
Meets Specifications: Yes ☐ No ☐

18.3 Audible warning for high torque converter oil temperature.
Meets Specifications: Yes ☐ No ☐

18.4 Audible warning for braking system failure.
Meets Specifications: Yes ☐ No ☐

18.5 Audible warning for low hydraulic oil.
Meets Specifications: Yes ☐ No ☐

19. Lighting

- 19.1 Two (2) front seal beam work lights.
Meets Specifications: Yes ☐ No ☐
- 19.2 Two (2) rear seal beam work lights.
Meets Specifications: Yes ☐ No ☐
- 19.3 Two (2) stop and tail lights.
Meets Specifications: Yes ☐ No ☐
- 19.4 Two (2) double-faced turn and warning lights.
Meets Specifications: Yes ☐ No ☐
- 19.5 Cab-mounted dome light.
Meets Specifications: Yes ☐ No ☐
- 19.6 Instrument panel lamp.
Meets Specifications: Yes ☐ No ☐

20. Paint

- 20.1 Two (2) coats primer.
Meets Specifications: Yes ☐ No ☐
- 20.2 One (1) coat manufacturer's standard color paint.
Meets Specifications: Yes ☐ No ☐

21. Manuals

- 21.1 One (1) complete service manual.
Meets Specifications: Yes ☐ No ☐
- 21.2 One (1) complete parts manual.
Meets Specifications: Yes ☐ No ☐
- 21.3 One (1) complete operator's manual.
Meets Specifications: Yes ☐ No ☐

22. Miscellaneous Equipment

- 22.1 Electric or air horn.
Meets Specifications: Yes ☐ No ☐
- 22.2 Articulation lock.
Meets Specifications: Yes ☐ No ☐
- 22.3 Fixed draw bar with drop pin.
Meets Specifications: Yes ☐ No ☐
- 22.4 Electric back-up alarm.
Meets Specifications: Yes ☐ No ☐

- 22.5 Front and rear fenders.
Meets Specifications: Yes ☐ No ☐
- 22.6 Tool box.
Meets Specifications: Yes ☐ No ☐
- 22.7 Strobe light mounted on cab 1 million candlepower.
Meets Specifications: Yes ☐ No ☐
- 22.8 Rear counter weight - 650 pounds minimum.
Meets Specifications: Yes ☐ No ☐
- 22.9 All drive train components, shafts, u-joints shall have sufficient guards to prevent wrapping of trash and debris. Transmission and engine compartments shall have mounted belly pans to prevent damage to components from materials under the machine.
Meets Specifications: Yes ☐ No ☐
- 22.10 Purge valves or orifices to collect oil samples from engine, transmission, hydraulic system.
Meets Specifications: Yes ☐ No ☐

EXCEPTIONS TO BID SPECIFICATIONS SHEET B

Line #

Explanation

[illegible]

PROPOSAL FOR PURCHASE OF NEW ARTICULATED FRAME FOUR-WHEEL DRIVE LOADER

TO: The City of Kearney
18 East 22nd Street
P.O. Box 1180
Kearney, Nebraska 68848

Gentlemen:

The undersigned hereby certify that we have personally and carefully examined the specifications for your purchase, with guaranteed buy back at the end of five years, a new Articulated Frame Four-Wheel Drive Loader. We understand and agree that the City of Kearney reserves the right to reject any or all bids as provided by Section 1-1505 "Formal Contract Procedure" of the Kearney City Code, to award the bid in part or in whole, and to waive any technicalities in awarding the bid.

Having made such examination, the undersigned hereby agrees to sell the following new Articulated Frame Four-Wheel Drive Loader provided that the unit bid is acceptable after an inspection by the City of Kearney personnel and that the bid is accepted by the Kearney City Council.

_____	_____	\$ _____
Manufacturer	Model Number	Total Amount of Bid

Guaranteed buy back at end of five years \$ _____

The undersigned further agrees to deliver the Articulated Frame Four-Wheel Drive Loader to the City of Kearney Public Works Building at 1919 15th Avenue, Kearney, Nebraska within _____ days after notification of bid acceptance has been given. Delivery of the Articulated Frame Four-Wheel Drive Loader will be at the bidder's expense and the City of Kearney will not be responsible for any delivery expenses incurred.

Dated this _____ day of _____, 2008.

_____	_____
Bidder/Company Name	(Telephone Number)

_____	_____
(Business Address)	(E-Mail Address)

Check appropriate box: ☐ Individual/Sole Proprietor ☐ Corporation ☐ Partnership ☐ Other _____

Employer Identification Number or Social Security Number _____

By: _____
Authorized Signature

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
OCTOBER 20, 2009 AGENDA**

Subject:	Type:	Submitted By:
AUTHORIZATION TO PURCHASE PAGERS	◆ RESOLUTION ORDINANCE RECEIVE/FILE	RICH UHL FIRE CHIEF

SYNOPSIS

A resolution has been prepared authorizing the purchase of fifteen Motorola Minitor V pagers from D & D Communications; Omaha, NE in an amount not to exceed \$7,110.00.

FISCAL IMPACT

The FY 09/10 Fire Department budget provides funding for the proposed purchase.

RECOMMENDATION

Approval

BACKGROUND

Funding is included in the current year's budget for the purchase of new pagers. This purchase will reduce response times in dual response areas due to the substantial lag time from Douglas to Sarpy County dispatch. It will also enhance the Sarpy County Dispatch Center's ability to reach responders located in weak or fringe signal areas.

Research indicates that the Motorola Minitor V will provide excellent geographic coverage, while providing an intrinsically safe product for fire fighting and hazardous materials response applications. As the Fire Department progresses with regard to both staffing and the use of technological improvements, the purchase of this equipment is essential to our operation. We are in need of additional pagers to outfit the increasing numbers of our staff so they may respond to emergencies in a timely fashion. The conclusion has been drawn that this particular selection will best meet the needs of the firefighters of the La Vista Fire Department.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE PURCHASE OF FIFTEEN MOTOROLA MINITOR V PAGERS FROM D & D COMMUNICATIONS, OMAHA, NEBRASKA IN AN AMOUNT NOT TO EXCEED \$7,110.00.

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

WHEREAS, funds are provided in the FY 09/10 General Fund Budget for the proposed purchase; and

WHEREAS, the purchase of these pagers will reduce dual response times and enhance the ability for the signal to reach responders located in weak or fringe signal areas; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska authorizes the purchase of fifteen Motorola Minitor V pagers from D & D Communications, Omaha, Nebraska in an amount not to exceed \$7,110.00.

PASSED AND APPROVED THIS 20TH DAY OF OCTOBER 2009.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
OCTOBER 20, 2009 AGENDA**

Subject:	Type:	Submitted By:
AUTHORIZATION TO PURCHASE SCISSORS LIFT	◆ RESOLUTION ORDINANCE RECEIVE/FILE	PAT ARCHIBALD DIRECTOR PUBLIC BUILDINGS & GROUNDS

SYNOPSIS

A resolution has been prepared authorizing the purchase of a 26' Scissors Lift for the Buildings and Grounds Department in an amount not to exceed \$9,000.00.

FISCAL IMPACT

Funding is provided in the FY 09/10 General fund budget.

RECOMMENDATION

Approval.

BACKGROUND

The Buildings and Grounds Department is in need of a Scissors Lift for the repair of Parking Lot and Building Lights, Gym Equipment, and Garage Door openers in the Police Facility and District 2 Fire Station. Our current lift is a one man lift with a maximum of 250 Lbs. and has limited access due to the need for electricity to run it. The one man lift will continue to be used for the Gymnasium and other high lights in the Community Center and City Hall. The new lift will be 30" wide to accommodate walk through doors.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE PURCHASE OF A 26' SCISSORS LIFT FOR THE BUILDINGS AND GROUNDS DEPARTMENT IN AN AMOUNT NOT TO EXCEED \$9,000.00

WHEREAS, it has been determined that the Buildings and Grounds Department is in need of a Scissors Lift for the repair of Parking Lot and Building Lights, Gym Equipment, and Garage Door openers in the Police Facility and District 2 First Station; and

WHEREAS, funds are provided in the FY 09/10 General Fund Budget for the proposed purchase; and

WHEREAS, proposals are being sought for the purchase of this scissors lift; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska, do hereby authorize the purchase of a 26' Scissors Lift in an amount not to exceed \$9,000.00

PASSED AND APPROVED THIS 20TH DAY OF OCTOBER 2009.

CITY OF LA VISTA

ATTEST:

Douglas Kindig, Mayor

Pamela A. Buethe, CMC
City Clerk

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
OCTOBER 20, 2009 AGENDA**

Subject:	Type:	Submitted By:
AUTHORIZATION TO PURCHASE GROUNDS UTILITY VEHICLE	◆ RESOLUTION ORDINANCE RECEIVE/FILE	PAT ARCHIBALD DIRECTOR PUBLIC BUILDINGS & GROUNDS

SYNOPSIS

A resolution has been prepared authorizing the purchase of one grounds utility vehicle for the Buildings and Grounds Department in an amount not to exceed \$8,500.00.

FISCAL IMPACT

Funding is provided in the FY 09/10 General fund budget.

RECOMMENDATION

Approval.

BACKGROUND

The Buildings and Grounds Department is requesting the replacement of the Cushman Truckster we are now using. This unit was surplus from Golf Maintenance. The engine is bad and difficult to start. The starter is now bad to the point it has to be tapped with a hammer to get it to work. This unit has been used for hauling mulch, lawn maintenance, daily trash pickup, repair of irrigation systems and transporting tools and equipment. This winter we will use the utility vehicle to transport the hand snow blower, shovels and spreading ice melt. This vehicle will be used at all facilities.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE PURCHASE OF A GROUNDS UTILITY VEHICLE FOR THE BUILDINGS AND GROUNDS DEPARTMENT IN AN AMOUNT NOT TO EXCEED \$8,500.00

WHEREAS, it has been determined that the Buildings and Grounds Department is in need of a grounds utility vehicle to replace the Cushman Truckster; and

WHEREAS, funds are provided in the FY 09/10 General Fund Budget for the proposed purchase; and

WHEREAS, proposals are being sought for the purchase of this utility vehicle; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska, do hereby authorize the purchase of a Grounds Utility Vehicle in an amount not to exceed \$8,500.00

PASSED AND APPROVED THIS 20TH DAY OF OCTOBER 2009.

CITY OF LA VISTA

ATTEST:

Douglas Kindig, Mayor

Pamela A. Buethe, CMC
City Clerk

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 LOCATIONS AND IN AMOUNTS CITED HEREIN.

WHEREAS, the property owners of
14005 Virginia St., Lot 86/Meadows Replat IX, \$251.64, and
12958 Margo St., Lot 15/Millard Highlands South 2nd Platting, \$292.94
were notified to clean up their property as they were in violation of the City Municipal Code, Section 133.01, or the City would do so and bill them accordingly, and

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

WHEREAS, the City sent the property owners bills for said clean up 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 Special Assessments for Improvements in the amounts and against the properties specified above, all located within Sarpy County, La Vista, Nebraska.

PASSED AND APPROVED THIS 20TH DAY OF OCTOBER, 2009

CITY OF LA VISTA

ATTEST:

Douglas Kindig, Mayor

Pamela A. Buethe, CMC
City Clerk

7009 0820 0001 7684 4558

U.S. Postal Service™	
CERTIFIED MAIL™ RECEIPT	
<i>(Domestic Mail Only; No Insurance Coverage Provided)</i>	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
Postage \$	Postmark Here 72 9-1-09
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees \$	
Sent To <u>THE BANK OF NEW YORK</u>	
Street, Apt. No., or PO Box No. <u>400 COUNTRYWIDE WAY</u>	
City, State, ZIP+4 <u>Simi VALLEY CA 93065</u>	
PS Form 3800, August 2006	
See Reverse for Instructions	

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none">■ Complete Items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.■ Print your name and address on the reverse so that we can return the card to you.■ Attach this card to the back of the mailpiece, or on the front if space permits.		A. Signature X <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to: <u>THE BANK OF NEW YORK</u> <u>400 COUNTRYWIDE WAY</u> <u>Simi VALLEY, CA 93065</u>		B. Received by (Printed Name) <u>NELSON A. HERNANDEZ</u> C. Date of Delivery <u>SEP - 3 2009</u>	
2. Article Number (Transfer from service label) <u>7009 0820 0001 7684 4510</u>		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
3. Service Type <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.		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
PS Form 3811, February 2004		Domestic Return Receipt	
		102595-02-M-1540	

September 1, 2009



The Bank of New York
400 Countrywide Wy
Simi Valley, CA 93065

RE: 14005 Virginia St
Lot 86/The Meadows Replat IX

To Whom It May Concern:

On July 28, 2009, the property on Virginia St. in La Vista was in violation of the City of La Vista's Municipal Code, Section 133.01. On August 18, 2009, the Public Works Department mowed and line-trimmed the entire yard. The cost of \$251.64 was incurred by the City for the clean up. The cost breakdown is as follows:

Administrative Fee	\$	50.00
Mow and Line-Trim		
Two Workers, 2 Hours Each		75.54
Equipment Cost		123.50
Material		2.60
TOTAL	\$	<u>251.64</u>

Please remit \$251.64, 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 October 20, 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 Portal Rd.
p: 402-331-8927
f: 402-331-1051

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

August 19, 2009

TO: Valerie Houloose
Code Enforcement

FR: Joe Soucie
Public Works Director

RE: Residential Property Clean-Up
14005 Virginia St.

The following is a list of the expenses incurred by the Public Works Department on August 18, 2009 while mowing and line-trimming the entire property; and removing a tire at 14005 Virginia St., per your request.

LABOR:

	<u>HOURLY WAGE</u>	<u>HOURS</u>	<u>TOTAL</u>
Employee #1	\$28.77	2	\$57.54
Employee #2	\$9.00	2	\$18.00
TOTAL			\$75.54

EQUIPMENT:

	<u>HOURLY RATE</u>	<u>HOURS</u>	<u>TOTAL</u>
(1) 1/2 ton pickup	\$19.00	2	\$38.00
(1) 2-wheel trailer	\$4.75	2	\$9.50
(1) 36" walk behind mower	\$15.00	2	\$30.00
(1) leaf blower	\$8.00	2	\$16.00
(2) line-trimmers at \$7.50 each	\$15.00	2	\$30.00
TOTAL			\$123.50

MATERIALS:

(4) heavy duty trash bags at \$.65 each	\$2.60
TOTAL	\$2.60

TOTAL LABOR, EQUIPMENT and MATERIALS: \$201.64

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
 ■ Print your name and address on the reverse so that we can return the card to you.
 ■ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Jill Van Hook
 14005 Virginia St.
 Omaha, NE 68138

2. Article Number

(Transfer from service label)

7009 0820 0001 7684 7672

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

☒ Agent ☐ Addressee

B. Received by (Printed Name)

Jill Van Hook

C. Date of Delivery

JUL 30 2009

D. Is delivery address different from item 1?

If YES, enter delivery address below:

☐ Yes ☐ No

3. Service Type

☒ Certified Mail

☐ Registered

☐ Insured Mail

☐ Express Mail

☒ Return Receipt for Merchandise

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

U.S. Postal ServiceTM
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 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$ 2.44	Postmark Here
Certified Fee	2.80	
Return Receipt Fee (Endorsement Required)	2.30	
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$5.54	

Sent To

Jill Van Hook

Street, Apt. No.,

or PO Box No.

City, State, ZIP+4

Omaha, NE 68138

PS Form 3800, August 2005

See Reverse for Instructions

Date

Location

Violation

Time to Comply

Vehicle Description

Follow-up Officer

7009 0820 0001 7684 7672

Domestic Return Receipt

102595-02-M-1540

U.S. Postal ServiceTM
 CERTIFIED MAILTM RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$ 2.44	Postmark Here
Certified Fee	2.80	
Return Receipt Fee (Endorsement Required)	2.30	
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$5.54	

Sent To

Jill Van Hook

Street, Apt. No.,

or PO Box No.

City, State, ZIP+4

Omaha, NE 68138

PS Form 3800, August 2005

See Reverse for Instructions

Date

Location

Violation

Time to Comply

Vehicle Description

Follow-up Officer

7/28/2009

Jill Van Hook
14005 Virginia Street
Omaha, NE 68138

Re: Lot #86
The Meadows Replat IX

To: Jill Van Hook,

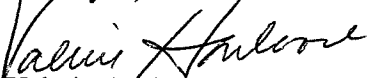
The City of La Vista continues to emphasize citizen participation in improving our community. Through our efforts we hope to make La Vista a safe and more attractive place.

Weeds/grass must be maintained on the property. A yellow tag was left on the property with a due date of 7/29/2009. Only one notice is required for the entire growing season. A copy of the ordinance has been enclosed for you to read. If the property does become non-compliant again, a City crew can mow the property without prior notification.

Please have the violation corrected by 8/04/2009 or the property will be put on a schedule to be mowed by City personnel. All charges are assessed against the property when a City crew corrects a violation.

If you have any questions or concerns pertaining to this matter please contact our office at 331-4343.

Thank you,


Valerie Houloose
Code Enforcement Inspector

895-7168
Ext. 7/29
or possibly 8/4 she will keep
in truck.
8/6/09 Front out
back not; took pictures
and turned over to
P.W. to mow/line
trim & dispose of
one time on 8/7/09.
Faxed to P.W.

Work Order for Clean-Up

Date: 8/7/09

Name:

Address: 14005 Virginia Street

City, State, Zip Omaha, NE 68138

The Meadows Replat IX

Violation: 133.01 weeds

7.13 Car parts

Work needed to be done:

Mow & line trim the property.

The front yard was mowed but needs some trimming still.

Dispose of the one tire in the driveway.

Before pictures taken 8/6/09.

Valerie Houloose

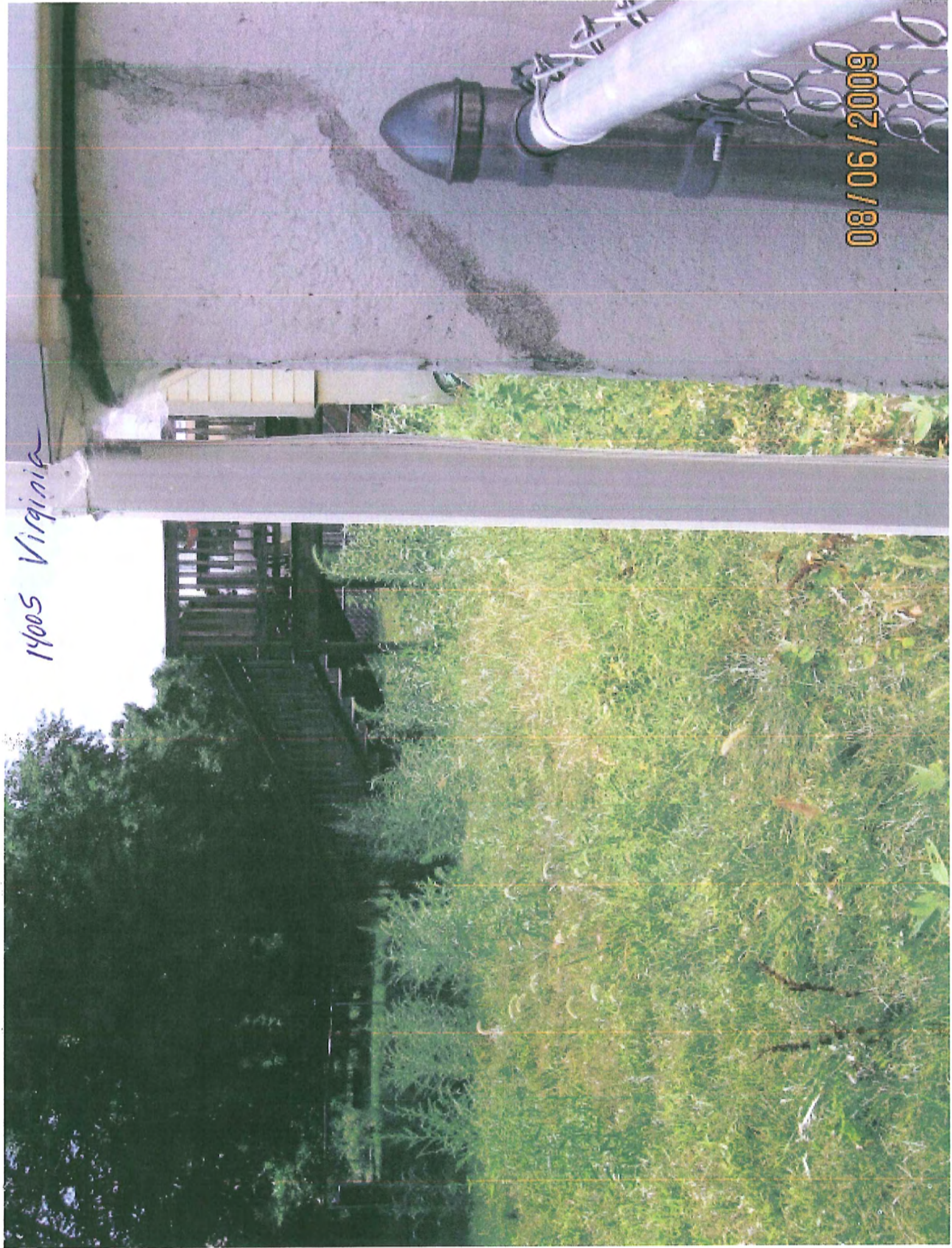
Valerie Houloose

Code Enforcement Officer

City of La Vista

14005 Virginia

08/06/2009



08/06/2009





31B76

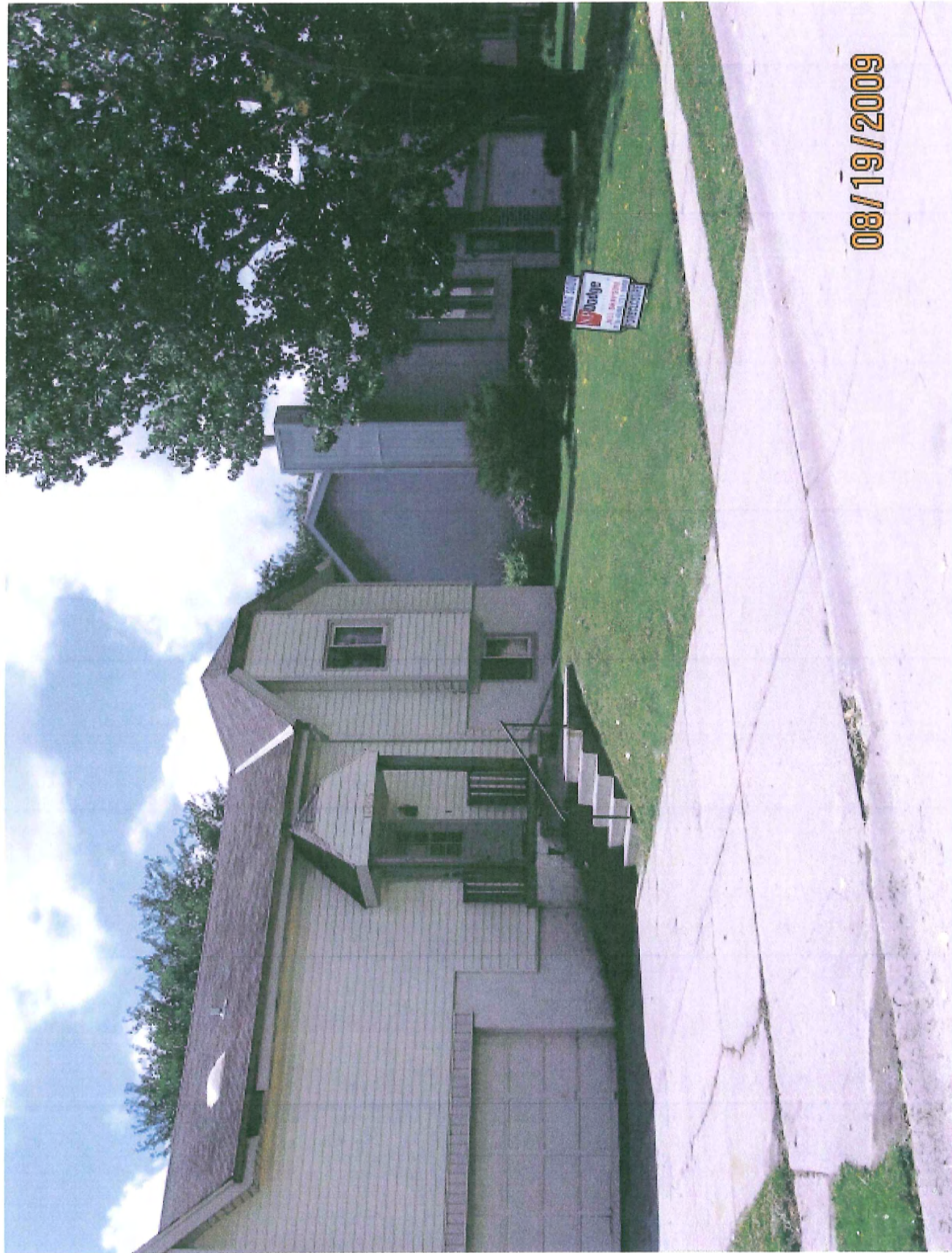
08/06/2009

08/06/2009





08/19/2009



08/19/2009

08/19/2009





08/19/2009

Active

Parcel Number: 011034688
 Location: 14005 VIRGINIA ST
 Owner: THE BANK OF NEW YORK
 C/O TRUSTEE
 Mail Address: 400 COUNTRYWIDE WY
 SIMI VALLEY CA 93065-
 Legal: LOT 86 THE MEADOWS REPLAT IX
 Tax District: 17020
 Map #: 2957-24-2-60315-000-0086



Click Picture/Sketch for Larger View.

Residential Information for 1 January Roll Year 2009

Style:	Split Entry		
Year Built:	1983	Bedrooms	3
Bathrooms	2	Total Sqft	1056
Total Bsmt Finish Sqft	510	Bsmt Total Sqft	1056
Garage Type		Garage Sqft	0
Lot Depth	1	Lot Width	6005

Misc

Description	Sqft or Quantity
BSMT GARAGE FINISH	480
COVERED OPEN PORCH	24
WOOD DECK	100
SGLE 1/S FIREPLACE	1
DRIVEWAY	1
PATIO	140

Sales Information (Updated 8/30/2009)

Sale Date B & P	Grantor	Grantee	Total Sale Price	Adjusted Sale Price
7/28/2009 2009-23737	VAN HOOK/JILL L 14005 VIRGINIA ST OMAHA NE 68138-0000	THE BANK OF NEW YORK TRUSTEE 400 COUNTRYWIDE WY SIMI VALLEY CA 93065-	\$97,750	\$97,750

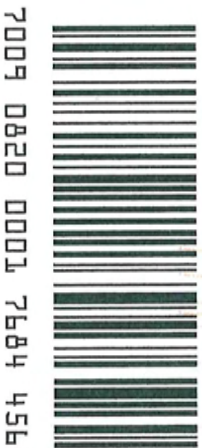
Valuation Information

Valuation
PV = Partial Valuation

Roll Year	Land Value	Impr Value	Outbuildings	Total Value	PV
2009	\$19,000	\$106,345	\$0	\$125,345	NO
2008	\$19,000	\$107,682	\$0	\$126,682	NO
2007	\$19,000	\$101,513	\$0	\$120,513	NO
2006	\$19,000	\$96,701	\$0	\$115,701	NO
2005	\$19,000	\$89,926	\$0	\$108,926	NO
2004	\$19,000	\$84,013	\$0	\$103,013	NO
2003	\$18,000	\$82,387	\$0	\$100,387	NO
2002	\$18,000	\$78,786	\$0	\$96,786	NO
2001	\$18,000	\$72,894	\$0	\$90,894	NO
2000	\$17,460	\$69,829	\$0	\$87,289	NO
1999	\$17,280	\$66,493	\$0	\$83,773	NO
1998	\$11,280	\$65,100	\$0	\$76,380	NO



City of La Vista
8116 Park View Blvd.
La Vista, NE 68128



7009 0820 0001 7684 4565

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Chad and Crystal Howard
12958 Margo St.
Omaha, NE 68138

NIXIE 681 SE 1 84 09/04/09

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Sent To	CHAD & CRYSTAL HOWARD
Street, Apt. No. or PO Box No.	12958 MARGO ST
City, State, ZIP+4	OMAHA NE 68138

PS Form 3800, August 2006 See Reverse for Instructions

September 1, 2009



Chad and Crystal Howard
12958 Margo St.
Omaha, NE 68138

RE: Lot 15/Millard Highlands South 2nd Platting

Dear Mr. and Mrs. Howard:

On August 14, 2009, your property on Margo St. in La Vista was in violation of the City of La Vista's Municipal Code, Section 133.01. On August 25, 2009, the Public Works Department mowed and line-trimmed the entire yard, and removed trash. The cost of \$292.94 was incurred by the City for the clean up. The cost breakdown is as follows:

Administrative Fee	\$	50.00
Mow and Line-Trim and Remove Trash		
Two Workers, 2 Hours Each		100.94
Equipment Cost		135.50
Material		6.50
 TOTAL	\$	<u>292.94</u>

Please remit \$292.94, 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 October 20, 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,

A handwritten signature in cursive script that reads "Pamela A. Buethe".

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 Portal Rd.
p: 402-331-8927
f: 402-331-1051

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

August 27, 2009

TO: Valerie Houloose
Code Enforcement

FR: Joe Soucie
Public Works Director

RE: Residential Property Clean-Up
12958 Margo St.

The following is a list of the expenses incurred by the Public Works Department on August 25, 2009 while mowing and line-trimming the entire property; and removing trash at 12958 Margo St., per your request.

LABOR:

	<u>HOURLY WAGE</u>	<u>HOURS</u>	<u>TOTAL</u>
Employee #1	\$28.77	2	\$57.54
Employee #2	\$21.70	2	\$43.40
TOTAL			\$100.94

EQUIPMENT:

	<u>HOURLY RATE</u>	<u>HOURS</u>	<u>TOTAL</u>
(1) 3/4 ton pickup	\$25.00	2	\$50.00
(1) 2-wheel trailer	\$4.75	2	\$9.50
(1) 36" walk behind mower	\$15.00	2	\$30.00
(1) leaf blower	\$8.00	2	\$16.00
(2) line-trimmers at \$7.50 each	\$15.00	2	\$30.00
TOTAL			\$135.50

MATERIALS:

(10) heavy duty trash bags at \$.65 each	\$6.50
TOTAL	\$6.50

TOTAL LABOR, EQUIPMENT and MATERIALS: \$242.94

City of La Vista

Service Request Form



☐ Council Member

☒ Citizen

☐ Employee

Caller's Name: .

Address: .

Phone Number: .

Date Received: 8/14/9

Time Received: 11:25am

Received By: TEK

☒ Request by Phone

☐ Request by Mail

☐ Request in Person

Nature of Request: At 12958 Margo St., lot needs mowed, especially in the back yard...vacant house which has been called on before.

Department Responsible for Action:

Assigned Date:

Report of Action:

Date Accomplished:

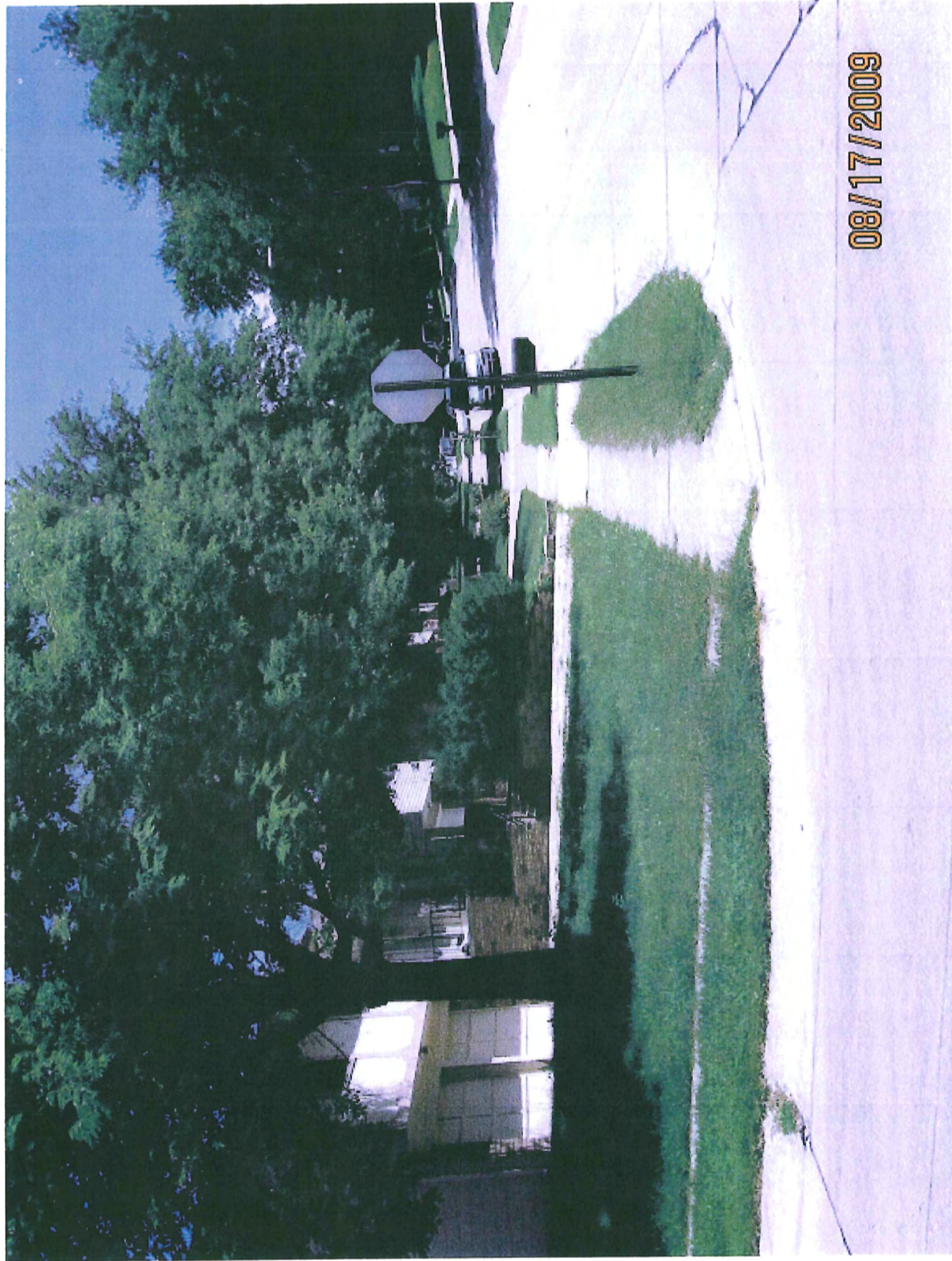
Reviewed by DH:

Date:

Reviewed by CA:

Date:

Date Mailed:



08/17/2009



08/17/2009





08/17/2009



08/28/2009

08/28/2009

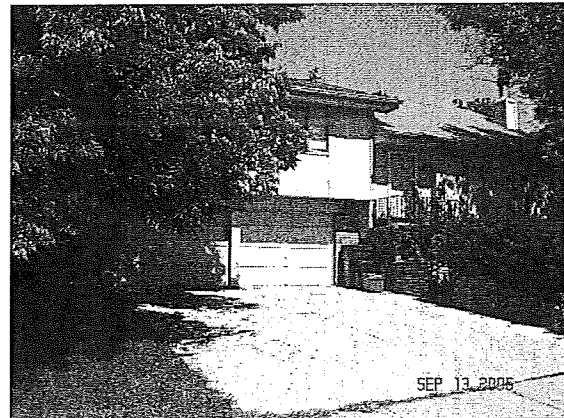


08/28/2009



Active

Parcel Number: 010955194
 Location: 12958 MARGO ST
 Owner: HOWARD/CHAD D & CRYSTAL A
 C/O
 Mail Address: 12958 MARGO ST
 OMAHA NE 68138-
 Legal: LOT 15 MILLARD HIGHLANDS SOUTH 2ND
 PLATTING
 Tax District: 17014
 Map #: 2959-18-0-60232-000-0015



Click Picture/Sketch for Larger View.

Residential Information for 1 January Roll Year 2009			
Style:	Front to Back Split		
Year Built:	1980	Bedrooms	3
Bathrooms	1	Total Sqft	1159
Total Bsmt Finish Sqft	385	Bsmt Total Sqft	1098
Garage Type		Garage Sqft	
Lot Depth	142	Lot Width	67
Misc			
Description	Sqft or Quantity		
CONCRETE STOOP	24		
WOOD DECK	100		
SGLE 1/S FIREPLACE	1		
DRIVEWAY	1		
PATIO	100		
GARAGE,BSMT~FINISH	552		

Sales Information (Updated 8/30/2009)				
Sale Date B & P	Grantor	Grantee	Total Sale Price	Adjusted Sale Price
4/30/2004 2004-16386	NELSON/CRAIG W 12958 MARGO OMAHA NE 68138-	HOWARD/CHAD D & CRYSTAL A 12958 MARGO ST OMAHA NE 68138-	\$124,900	\$124,900
1/29/1999 1999-3204	LUNEKE/DANIEL L & ROBIN L RYE 12958 MARGO OMAHA NE 68138-0000	NELSON/CRAIG W 12958 MARGO OMAHA NE 68138-	\$93,000	\$93,000
9/1/1996 1996-21697			\$90,500	\$90,500

Valuation Information					
Valuation PV = Partial Valuation					
Roll Year	Land Value	Impr Value	Outbuildings	Total Value	PV
2009	\$24,000	\$101,735	\$0	\$125,735	NO
2008	\$24,000	\$102,509	\$0	\$126,509	NO
2007	\$24,000	\$101,738	\$0	\$125,738	NO