



## CITY OF LA VISTA

### CERTIFICATE OF APPRECIATION

A CERTIFICATE OF APPRECIATION PRESENTED TO RICK ROY, SR, of the La Vista Public Works Department, FOR 5 YEARS OF FAITHFUL AND EFFICIENT SERVICE TO THE CITY OF LA VISTA.

WHEREAS, Rick Roy , has served the City of La Vista since March 28, 2005, and

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

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

DATED THIS 6TH DAY OF APRIL, 2010.

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

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Ronald Sheehan  
Councilmember, Ward I

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Brenda L. Carlisle  
Councilmember, Ward I

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

\_\_\_\_\_  
Terrilyn Quick  
Councilmember, Ward II

\_\_\_\_\_  
Mark D. Ellerbeck  
Councilmember, Ward III

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Alan W. Ronan  
Councilmember, Ward III

\_\_\_\_\_  
Kelly R. Sell  
Councilmember, Ward IV

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Anthony J. Gowan  
Councilmember, Ward IV

ATTEST:

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







**CITY OF LA VISTA**

**CERTIFICATE OF APPRECIATION**

A CERTIFICATE OF APPRECIATION PRESENTED TO RYAN SOUTH, of the La Vista Recreation Department, FOR 5 YEARS OF FAITHFUL AND EFFICIENT SERVICE TO THE CITY OF LA VISTA.

WHEREAS, Ryan South, has served the City of La Vista since March 31, 2005, and

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

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

DATED THIS 6TH DAY OF APRIL, 2010.

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

\_\_\_\_\_  
Ronald Sheehan  
Councilmember, Ward I

\_\_\_\_\_  
Brenda L. Carlisle  
Councilmember, Ward I

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Mike Crawford  
Councilmember, Ward II

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Terrilyn Quick  
Councilmember, Ward II

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Mark D. Ellerbeck  
Councilmember, Ward III

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Alan W. Ronan  
Councilmember, Ward III

\_\_\_\_\_  
Kelly R. Sell  
Councilmember, Ward IV

\_\_\_\_\_  
Anthony J. Gowan  
Councilmember, Ward IV

ATTEST:

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Pamela A. Buethe, CMC  
City Clerk







**CITY OF LA VISTA**

**CERTIFICATE OF APPRECIATION**

A CERTIFICATE OF APPRECIATION PRESENTED TO **RANDY RUHGE**, of the **La Vista Police Department**, FOR 10 YEARS OF FAITHFUL AND EFFICIENT SERVICE TO THE CITY OF LA VISTA.

WHEREAS, **Randy Ruhge**, has served the City of La Vista since March 27, 2000, and

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

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

DATED THIS 6TH DAY OF APRIL, 2010.

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

\_\_\_\_\_  
Ronald Sheehan  
Councilmember, Ward I

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Brenda L. Carlisle  
Councilmember, Ward I

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Mike Crawford  
Councilmember, Ward II

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Terrilyn Quick  
Councilmember, Ward II

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Mark D. Ellerbeck  
Councilmember, Ward III

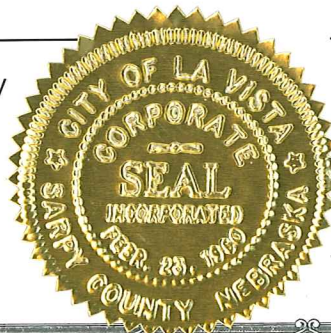
\_\_\_\_\_  
Alan W. Ronan  
Councilmember, Ward III

\_\_\_\_\_  
Kelly R. Sell  
Councilmember, Ward IV

\_\_\_\_\_  
Anthony J. Gowan  
Councilmember, Ward IV

ATTEST:

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







CITY OF LA VISTA

**CERTIFICATE OF APPRECIATION**

A CERTIFICATE OF APPRECIATION PRESENTED TO **BRADLEY WOOD**, of the **La Vista Police Department**, FOR 10 YEARS OF FAITHFUL AND EFFICIENT SERVICE TO THE CITY OF LA VISTA.

WHEREAS, **Brad Wood**, has served the City of La Vista since March 27, 2000, and

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

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

DATED THIS 6TH DAY OF APRIL, 2010.

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

\_\_\_\_\_  
Ronald Sheehan  
Councilmember, Ward I

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Brenda L. Carlisle  
Councilmember, Ward I

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Mike Crawford  
Councilmember, Ward II

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Terrilyn Quick  
Councilmember, Ward II

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Mark D. Ellerbeck  
Councilmember, Ward III

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Alan W. Ronan  
Councilmember, Ward III

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Kelly R. Sell  
Councilmember, Ward IV

\_\_\_\_\_  
Anthony J. Gowan  
Councilmember, Ward IV

ATTEST:

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Pamela A. Buethe, CMC  
City Clerk







**PROCLAMATION  
NATIONAL LIBRARY WEEK 2010**

- WHEREAS, our nation's school, academic, public and special libraries make a difference in the lives of millions of Americans, today, more than ever;
- WHEREAS, librarians are trained professionals, helping people of all ages and backgrounds find and interpret the information they need to live, learn and work in the a challenging economy;
- WHEREAS, libraries are part of the American Dream – places for opportunity, education, self-help and lifelong learning;
- WHEREAS, library use is up nationwide among all types of library users, continuing a decade-long trend;
- WHEREAS, libraries can help you discover a world of knowledge, both in person and online, as well as personal service and assistance in finding what you need, when you need it;
- WHEREAS, it is most appropriate that we recognize and extend appreciation to our Library Director, Rose Barcal, and to all of our library staff for the vital services they perform.

NOW, THEREFORE, I, Douglas Kindig, Mayor of the City of La Vista, do hereby proclaim the week of April 11 - 17, 2010 as **NATIONAL LIBRARY WEEK** in La Vista. I encourage all residents to visit the library this week to take advantage of the wonderful library resources available and thank their librarians and library workers for making information accessible to all who walk through the library's doors. Worlds connect @ your library.

IN WITNESS WHEREOF, I have set my hand and caused the official Seal of the City of La Vista to be affixed this 6th day of April, 2010.



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

ATTEST:

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





***PROCLAMATION  
NATIONAL KITE MONTH 2010***

- WHEREAS, kite flying is family friendly, nonpolluting, healthy, educational, outdoor oriented, and fun;
- WHEREAS, kite flying and kite fliers, from Benjamin Franklin to Charlie Brown, are a constructive and essential part of our own American culture;
- WHEREAS, kites have made significant contributions to the arts, science, mathematics, cultural awareness, and history;
- WHEREAS, the American Kitefliers Association and the Kite Trade Association International have designated April to be National Kite Month, and are promoting kite festivals and kite workshops across the entire country;
- WHEREAS, the Annual Spring Kite Festival will be held on April 25th at the La Vista Sports Complex;

BE IT HEREBY RESOLVED that I, Douglas Kindig, Mayor of the City of La Vista, officially designate April as **La Vista Kite Month**. I encourage everyone to participate in the joy and excitement of kite flying and urge all citizens to Go Fly a Kite!

IN WITNESS WHEREOF, I have set my hand and caused the official Seal of the City of La Vista to be affixed this 6th day of April, 2010.



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

ATTEST:

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



# MINUTE RECORD

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

## LA VISTA CITY COUNCIL MEETING March 16, 2010

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 March 16, 2010. Present were Councilmembers: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Absent: None. Also in attendance were City Attorney McKeon, City Engineer Kottmann, City Administrator Gunn, Assistant City Administrator Ramirez, City Clerk Buethe, Library Director Barcal, Police Chief Lausten, Fire Chief Uhl, 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 March 4, 2010. 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 regarding the agenda policy statement providing for an expanded opportunity for public comment on the agenda items.

### A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. APPROVAL OF CITY COUNCIL MINUTES FROM MARCH 2, 2010
3. MONTHLY FINANCIAL REPORT – FEBRUARY 2010
4. APPROVAL OF CLAIMS

Councilmember Carlisle made a motion to approve the consent agenda. Seconded by Councilmember Crawford. Councilmember Ellerbeck 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	269.85
ANN TROE, Design	360.00
APPLE RECYCLING & TRASH, Contract Services	325.03
ARAMARK UNIFORM, Contract Services	326.25
ASPHALT & CONCRETE MATERIALS, Street Maint.	446.52
ASSOCIATED FIRE PROTECTION, Contract Services	949.82
BAKER & TAYLOR BOOKS, Books	974.94
BCDM-BERINGER CIACCIO DENNELL, Professional Services	200.00
BENNETT REFRIGERATION, Repair	930.00
BENNINGTON EQUIPMENT, Vehicle Maint.	957.55
BETTER BUSINESS EQUIPMENT, Rentals	43.93
BIG RIG TRUCK ACCESSORIES, Vehicle Maint.	220.00
BLACK HILLS ENERGY, Utilities	10,431.89
BOB'S RADIATOR REPAIR, Vehicle Maint.	139.75
BOTACH TACTICAL, Wearing Apparel	27.53
BRAND, STEVEN, Travel	50.00
BUETHE, JOSH, Wearing Apparel	119.99
BUETHE, PAMELA, Training/Vehicle Maint/Travel	239.93
BUILDERS SUPPLY, Bldg & Grnds	131.80
BURT, STACIA, Training	360.00
CARDMEMBER SERVICE, Training/Travel/Dues	14,996.28
CARL JARL LOCKSMITHS, Squad Supplies	13.70
CDW GOVERNMENT, Supplies	922.44
CITY OF OMAHA, Contract Services	625.96
CJ'S HOME CENTER, Vehicle Maint./Bldg & Grnds/	581.76
CONTROL MASTERS, Repair	975.00
CORNHUSKER INTL TRUCKS, Vehicle Maint.	356.91
COX, Phone	58.65
DAVIDSON TITLE, Books	671.00
DAYMARK SOLUTIONS, Contract Services/Bldg & Grnds	835.50
DELL, Contract Services	6,781.10



# MINUTE RECORD

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

March 16, 2009

DIAMOND VOGEL PAINTS, Bldg & Grnds	214.52
DISPLAY SALES, LV50 Banners	5,940.00
DOUGLAS COUNTY HEALTH DEPT, Training	300.00
ED M. FELD EQUIPMENT, Supplies	95.00
EDGEWEAR SCREEN PRINTING, LV50 T-Shirts	1,095.00
ELECTRONIC ENGINEERING, Vehicle Maint.	283.00
EMBASSY SUITES HOTEL, Luncheon/Workshop/Dinner	2,793.72
EVANS, KENNETH AND MARY, Deposit Refund	2,342.00
FASTENAL COMPANY, Vehicle Maint.	90.01
FBINAA-FBI NATL ACAD ASSOCS, Training	75.00
FOSTER, TERRY, Travel	70.00
FUN SERVICES - OM, Deferred Revenue	438.45
GALE, Books	141.37
GCR OMAHA TRUCK TIRE CENTER, Vehicle Supplies/Maint.	202.14
GENUINE PARTS COMPANY, Vehicle Maint./Supplies/Bldg & Grnds	2,503.79
GOMEZ, PONCE AND HEATHER, Deposit Refund	900.00
GRAINGER, Supplies/Bldg & Grnds	215.83
GRAYBAR ELECTRIC, Bldg & Grnds	163.92
GREAT PLAINS ONE-CALL SVC, Contract Services	76.12
GREAT PLAINS UNIFORMS, Wearing Apparel	114.00
GREAT WESTERN BANK, Fees	250.00
H & H CHEVROLET, Vehicle Maint.	91.06
HEARTLAND PAPER, Supplies	97.00
HOME DEPOT, Bldg & Grnds/Supplies	123.10
HUNTEL, Contract Services	171.00
HY-VEE, Supplies	150.74
IIMC CONFERENCE REGISTRATION, Training	510.00
J P COOKE, Supplies	25.56
J Q OFFICE EQUIPMENT, Supplies	661.54
JACK'S UNIFORMS & EQUIPMENT, Handgun	2,045.00
JUSTIN THYME CAFÉ, Supplies	450.00
LA VISTA PHARMACY, Squad Supplies	25.77
LAUGHLIN, KATHLEEN, Payroll Withholding	809.00
LEAGUE ASSN OF RISK MGMT, Insurance	707.00
LEXIS NEXIS MATTHEW BENDER, Books	119.46
LIBRARY ADVANTAGE, Supplies	210.00
LINCOLN NATIONAL LIFE INS, Employee Benefits	7,347.81
LINWELD, Supplies	145.17
LOU'S SPORTING GOODS, Supplies	192.16
M B WILDER, Vehicle Maint.	60.00
MAACO, Vehicle Maint.	300.00
MALLARD SAND & GRAVEL, Winter Maint.	3,134.55
MENARDS, Bldg & Grnds	495.07
MICHAEL TODD AND COMPANY, Vehicle Maint.	827.00
MIDLANDS LIGHTING & ELECTRIC, Bldg & Grnds/Street Maint.	166.69
MIDWEST TURF & IRRIGATION, Vehicle Maint.	1,716.55
MIXAN HEATING & AIR COND, Bldg & Grnds	4,233.00
NATIONAL PAPER COMPANY, Supplies	278.60
NE DEPT HEALTH/HUMAN SERVICES, Permit	40.00
NE DEPT OF LABOR, Contract Services	396.00
NEBRASKA CODE OFFICIALS ASSN, Dues	130.00
NEBRASKA FOREST TREE SERVICE, Training	105.00
NEBRASKA GOLF COURSE, Training	35.00
NEBRASKA TURF PRODUCTS, Bldg & Grnds	384.65
NEW YORK TIMES, Books	195.00
NEXTEL, Phone	682.25
NLA-MEMBERSHIPS, Dues	260.00
NMC EXCHANGE, Vehicle Maint.	4,050.10
NORTHERN WATER WORKS SUPPLY, Equipment	750.75
NUTS AND BOLTS, Bldg & Grnds	17.25
OABR PRINT SHOP, Printing	166.47
ODEY'S, Supplies	210.99
OFFICE DEPOT, Supplies	1,267.33
OMAHA COMPOUND, Supplies	110.84
OMAHA WINNELSON, Bldg & Grnds	20.74
OMNIGRAPHICS, Books	61.63
OPPD, Utilities	41,089.83
PALTEC TRUCK EQUIPMENT, Winter Maint.	190.26
PAPILLION SANITATION, Contract Services	304.11
PAPILLION TIRE, Vehicle Maint.	71.00



# MINUTE RECORD

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

March 16, 2009

PARAMOUNT LINEN & UNIFORM, Uniform Cleaning	370.96
PERFORMANCE CHRYSLER JEEP, Vehicle Maint.	371.38
PRINCIPAL LIFE-FLEX SPENDING, Employee Benefits	222.75
PRO, Contract Services	1,400.00
PROGRESSIVE BUSINESS, Supplies	320.00
QUALITY IRRIGATION, Contract Services	677.00
QWEST, Phone	104.08
REDFIELD & COMPANY, Supplies	217.00
REGAL AWARDS, Awards	1,247.55
RUSTY ECK FORD, Vehicle Maint.	182.89
SARPY COUNTY EDC, Travel	410.00
SARPY COUNTY TREASURER, Contract Services	8,750.00
SCHOLASTIC LIBRARY PUBLISHING, Books	202.80
SECURITY EQUIPMENT, Bldg & Grnds	15.00
SIMPLEX GRINNELL, Vehicle Maint/Bldg & Grnds	1,198.00
SOUICIE, JOSEPH, Phone	194.97
STATE STEEL, Bldg & Grnds	110.70
STEVENS, MARK, Travel	24.00
STOPAK, SCOTT, Travel	130.00
STRIKE TACTICAL SOLUTIONS, Training	350.00
SUBURBAN NEWSPAPERS, Dues	39.50
SUMMER KITCHEN, Supplies	62.64
SUPERIOR VISION, Employee Benefits	669.28
TARGET BANK, Equipment	6.99
THERMO KING CHRISTENSEN, Winter Maint/Vehicle Maint.	282.33
THOMPSON DREESSEN & DORNER, Professional Services	14,007.74
TORNADO WASH, Vehicle Maint.	145.00
UNIVERSITY OF NEBRASKA LINCOLN, Dues/Training	480.00
WAL-MART, Supplies	869.32
WASTE MANAGEMENT, Contract Services	760.94
WEATHER OR NOT, Professional Services	250.00
WICK'S STERLING TRUCKS, Vehicle Maint.	82.13

## REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

City Administrator Gunn reminded Council the Strategic Planning Meeting will be held on Tuesday, March 23, 2010 at 5:30 p.m. at the Police Station.

Police Chief Lausten informed Council of the 911 call from a residence in La Vista. A car was left running in the garage, so the house filled with carbon monoxide. The case is under investigation. Lausten reported on a "shaken baby" case in La Vista. Lausten stated D.A.R.E. graduation will be held at G. Stanley Hall on April 9<sup>th</sup>.

Public Works Director Soucie informed Council he attended LEAD training in Virginia. Soucie informed Council that work on the backstop at the Sports Complex started today; and street sweeping and pot hole patching continues.

Recreation Director Stopak informed Council he also attended LEAD training in Virginia. Stopak informed Council the Park and Recreation Meeting will be held on Wednesday night. The senior St. Patrick's Day lunch will also be held on Wednesday. There is both tax and census assistance available at the Recreation Center.

Library Director Barcal informed Council the City received a letter from the Library Commission informing her that the state aid award amount was reduced due to a cut in funding.

## B. RESOLUTION - FY 2008/2009 AUDIT REPORT - BKD, LLP

Councilmember Gowan introduced and moved for the adoption of Resolution No. 10-024: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING THE FISCAL YEAR 2008 - 2009 MUNICIPAL AUDIT AS PREPARED BY THE AUDITING FIRM OF BKD, LLP, OMAHA, NEBRASKA.

WHEREAS, the City of La Vista has contracted with the firm of BKD, LLP, Omaha, Nebraska, to complete an audit of the City's fiscal year 2008-2009 municipal operations; and

WHEREAS, BKD, LLP has completed said audit and provided copies of their findings.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, that the 2008-2009 municipal audit is hereby accepted and approved.



# MINUTE RECORD

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

March 16, 2009

Seconded by Councilmember Quick. Roger Watton, from BKD presented hi-lighted portions of the audit. Watton also commented that the process in place by staff for approval of claims is sound and he does not recommend. His recommendation as to what Council is looking for large amounts or claims to unknown vendors. Tanya from BKD commented on how nice it was to work with City staff. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## **C. CIMARRON TERRACE** **1. PUBLIC HEARING**

At 7:26 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on Cimarron Terrace.

Larry Jobeun, with E&A Consulting addressed Council to state that by conforming to the plans approved by Council, the plan no longer warrants the addition of a traffic signal. Craig Martin, President of the Cimarron Woods Homeowners Association, addressed Council to state that a traffic signal should be installed at 99<sup>th</sup> and Harrison Street. Chaz Williamson, a Cimarron Woods resident, stated he is concerned with this type of development. There is no motivation to maintain the property. Martin stated the 42% contribution by Pedcor is appreciated but they would like Pedcor to help with all the landscape areas. Jobeun re-addressed Council to state the traffic signal is no longer warranted by the City of Omaha, due to the reduced number of apartments. There is potential liability and the City could lose federal funding if a signal is put in at a location where it is not warranted. Councilmember Quick asked for the number to warrant a signal. City Engineer Kottmann stated the number is 100 vehicles at peak times, where the current estimate is 70 vehicles. Councilmember Crawford asked about the use of a caution light for traffic entering. City Engineer Kottmann stated he would work with Omaha and Sarpy County to find out if warrants are necessary. He does not have an answer at this time. Jobeun stated the development would be built in two phases, with phase 1 consisting of 84 units, and phase 2 consisting of 192 units. Councilmember Quick asked how soon phase 1 would begin. Jobeun stated the project would begin as soon as market conditions improve.

At 7:50 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 – FINAL PLANNED UNIT DEVELOPMENT**

Councilmember Gowan introduced and moved for the adoption of Resolution No. 10-025: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, DETERMINING CONDITIONS FOR APPROVAL OF FINAL PLANNED UNIT DEVELOPMENT (PUD) PLAN FOR LOT 380, CIMARRON WOODS, REPLATTED AS LOTS 1 AND 2, CIMARRON WOODS, A SUBDIVISION LOCATED IN THE NORTH ½ OF SECTION 16, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6<sup>TH</sup> P.M., SARPY COUNTY, NEBRASKA.

WHEREAS, the owners of the above described piece of property have made application for approval of final PUD plan for Lot 380, Cimarron Woods, replatted as Lots 1 and 2, Cimarron Woods; and

WHEREAS, the City Administrator and the City Engineer have reviewed the preliminary plat and preliminary PUD plan; and

WHEREAS, on November 19, 2010, the La Vista Planning Commission held a public hearing and reviewed the final PUD plan and recommended approval subject to resolution of items identified by the city engineer and staff.

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of La Vista, Nebraska, that the final PUD plan for Lot 380, Cimarron Woods, replatted as Lots 1 and 2, Cimarron Woods, a subdivision located in the North 1/2 of Section 16, Township 14 North, Range 12 East of the 6<sup>th</sup> P.M., Sarpy County, Nebraska, generally located southwest of 96<sup>th</sup> and Harrison Street, be, and hereby is, approved.

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

## **3. RESOLUTION – FINAL PLAT**



# MINUTE RECORD

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

March 16, 2009

Councilmember Ellerbeck introduced and moved for the adoption of Resolution No. 10-026: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF A CONDITIONAL USE PERMIT FOR THE PEDCOR INVESTMENTS LLC FOR A MULTI-FAMILY RESIDENTIAL DEVELOPMENT GENERALLY LOCATED SOUTHWEST OF 96<sup>TH</sup> AND HARRISON STREET

WHEREAS, Pedcor Investments, LLC, on behalf of the property owner, Torco Development, Inc., has applied for a conditional use permit for the purpose of having a multi-family residential development; 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 property has to be maintained and developed in accordance with the site plan, PUD Plan and Subdivision Agreement.
2. Pavement modifications to 99<sup>th</sup> Street and an as-built topographic survey of storm water detention areas is required before Certificates of Occupancy can be issued.
3. An off-site wetlands mitigation area must be acquired prior to any grading permits being issued.
4. No vehicle repair or storage of inoperable or abandoned vehicles is allowed in the parking areas.
5. A drainage study identifies that peak storm water runoff volumes are reduced after construction of the project, and the developer agrees to cooperate with the SID to take additional action if they are not reduced to the volumes shown in the study.
6. The clubhouse must be professionally staffed during open hours.

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 Pedcor Investments, LLC, for the purpose of having a multi-family residential development, subject to the conditions listed in the last recital above.

Seconded by Councilmember Gowan. Councilmember Sheehan stated the development has done a good job, but he has never been in favor of building an apartment complex at that location. Councilmembers voting aye: Sell, Ronan, Quick, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: Sheehan. Absent: None. Motion carried.

## **4. RESOLUTION – CONDITIONAL USE PERMIT**

Councilmember Gowan introduced and moved for the adoption of Resolution No. 10-027: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, DETERMINING CONDITIONS FOR APPROVAL OF THE FINAL PLAT FOR LOT 380, CIMARRON WOODS A SUBDIVISION IN THE NORTH ½ OF SECTION 16, TOWNSHIP 14N, RANGE 12E OF THE 6<sup>TH</sup> P.M., SARPY COUNTY, NEBRASKA .

WHEREAS, the owners of the above described piece of property have made application for approval of a Final Plat Lot 380, Cimarron Woods, to be replatted as Lots 1 and 2, Cimarron Woods Replat Two; and

WHEREAS, the City Administrator and the City Engineer have reviewed the final plat; and

WHEREAS, on November 19, 2009, the La Vista Planning Commission held a public hearing and reviewed the final plat and recommended approval subject to resolution of items identified by the city engineer and staff.

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of La Vista, Nebraska, that the plat for Lot 380, Cimarron Woods, to be replatted as Lots 1 and 2, Cimarron Woods Replat Two, a subdivision located in the North ½ of Section 16, Township 14 North, Range 12 East of the 6<sup>th</sup> P.M., Sarpy County, Nebraska, generally located southwest of 96<sup>th</sup> and Harrison Street, be, and hereby is, approved subject to the resolution of the following items identified by the City Engineer and staff:

1. The necessary mylar copies of the final plat must be submitted with all required signatures.



# MINUTE RECORD

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

March 16, 2009

Seconded by Councilmember Ellerbeck. Councilmember Carlisle wanted to make sure the City keeps track of traffic studies in the area. Councilmembers voting aye: Sell, Ronan, Quick, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: Sheehan. Absent: None. Motion carried.

## **5. RESOLUTION – SUBDIVISION AGREEMENT**

Councilmember Sell introduced and moved for the adoption of Resolution No. 10-028: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING A SUBDIVISION AGREEMENT FOR THE CIMARRON WOODS LOT 380 SUBDIVISION IN A FORM SATISFACTORY TO THE CITY ADMINISTRATOR AND CITY ATTORNEY.

WHEREAS, the City Council did on March 16 2010, approve the final plat for the Cimarron Woods Lot 380 Subdivision subject to certain conditions; and

WHEREAS, the Developer, Pedcor Investments, LLC, has agreed to execute a subdivision Agreement satisfactory in form to the City Attorney and City Engineer; and

NOW THEREFORE, BE IT RESOLVED, that the Subdivision Agreement presented at the March 16, 2010 City Council meeting for the Cimarron Woods Lot 380 Subdivision be, and hereby is approved and the Mayor and City Clerk be and hereby are, authorized to execute same on behalf of the City with such revisions or amendments thereto that the City Administrator and City Attorney may determine necessary to carry out the intent of the City Council.

Seconded by Councilmember Gowan. Councilmember Gowan stated that he has been a harsh critic of the project, but the developer has done everything the City has asked for. He understands the process for the installation of a traffic signal. Councilmembers voting aye: Sell, Ronan, Quick, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: Sheehan. Absent: None. Motion carried.

## **D. AMEND ZONING REGULATIONS – SECTION 2.02, 5.06, 5.07, 5.08, AND 5.09**

### **1. PUBLIC HEARING**

At 7:55 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on amending Zoning Regulations – Section 2.02, 5.06, 5.07, 5.08, and 5.09.

At 8:03 p.m. Councilmember Carlisle made a motion to close the public hearing. Seconded by Councilmember Crawford. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## **2. ORDINANCE – AMEND SECTION 2.02 OF ZONING REGULATIONS – RESIDENTIAL**

Councilmember Carlisle motion to table Ordinance No. 1117 entitled: AN ORDINANCE TO AMEND SECTION 2.02 OF ORDINANCE NO. 848 (ZONING ORDINANCE); TO REPEAL SECTION 2.02 OF ORDINANCE NO. 848 AS PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF and Ordinance No. 1118 entitled: Councilmember AN ORDINANCE TO AMEND SECTIONS 5.06, 5.07, 5.08, AND 5.09 OF ORDINANCE NO. 848 (ZONING ORDINANCE); TO REPEAL SECTIONS 5.06, 5.07, 5.08, AND 5.09 OF ORDINANCE NO. 848 AS PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF until the April 6<sup>th</sup> City Council meeting.

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

## **E. ZONING TEXT AMENDMENT – FF/FW FLOOD PLAIN DISTRICTS**

### **1. PUBLIC HEARING**

At 8:03 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on Zoning Text Amendment – FF/FW Flood Plain Districts.

At 8:04 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. ORDINANCE – AMEND SECTION 5.18 OF ZONING REGULATIONS**



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Councilmember Gowan introduced Ordinance No. 1119 entitled: AN ORDINANCE TO AMEND SECTION 5.18 OF ORDINANCE NO. 848 (ZONING ORDINANCE); TO REPEAL SECTION 5.18 OF ORDINANCE NO. 848 AS PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

Councilmember Carlisle 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 Carlisle moved for final passage of the ordinance which motion was seconded by Councilmember Sell. The Mayor then stated the question was, "Shall Ordinance No. 1119 be passed and adopted?" Upon roll call vote the following Councilmember 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.

## **F. ZONING TEXT & MAP AMENDMENTS – ADDING 84<sup>TH</sup> STREET TO THE GATEWAY CORRIDOR OVERLAY DISTRICT**

### **1. ORDINANCE – APPROVE AMENDMENTS TO ZONING ORDINANCE – SECOND READING**

City Clerk Buethe read Ordinance No. 1113 entitled: AN ORDINANCE TO AMEND SECTIONS 5.17.01, 5.17.03 AND 5.17.04 OF ORDINANCE NO. 848 (ZONING ORDINANCE); TO REPEAL SECTION 5.17.01, 5.17.03, AND 5.17.04 OF ORDINANCE NO. 848 AS PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF. Said ordinance was read by title.

Councilmember Carlisle made a motion to waive the second reading and move to final passage. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

Said ordinance was then read by title and thereafter Councilmember Gowan moved for final passage of the ordinance which motion was seconded by Councilmember Carlisle. The Mayor then stated the question was, "Shall Ordinance No. 1113 be passed and adopted?" Upon roll call vote the following Councilmember 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.

### **2. ORDINANCE – APPROVE AMENDMENTS TO OFFICIAL ZONING MAP – SECOND READING**

City Clerk Buethe read Ordinance No. 1114 entitled: 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. Said ordinance was read by title.

Councilmember Carlisle made a motion to waive the second reading and move to final passage. Seconded by Councilmember Ellerbeck. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

Said ordinance was then read by title and thereafter Councilmember Carlisle moved for final passage of the ordinance which motion was seconded by Councilmember Ellerbeck. The Mayor then stated the question was, "Shall Ordinance No. 1114 be passed and adopted?" Upon roll call vote the following Councilmember 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

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Council, signed and approved the ordinance and the City Clerk attested the passage/approval of the same and affixed her signature thereto.

## **G. FIREWORKS PERMITS**

Discussion was held regarding the number of permits that should be issued and whether they should be limited in trying to help economic growth. Quick motioned to change the city Code of Ordinances with regard to the number of permits and bring this to the next meeting to be voted on. Seconded by Crawford. Voting aye: Sell, Quick, Carlisle, Crawford, and Ellerbeck. Nays: Ronan, Sheehan, and Gowan. Motion carried.

### **1. RESOLUTION – ESTABLISH NUMBER OF PERMITS**

Councilmember Sheehan motioned to table Resolution No. 10-029 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, ESTABLISHING THE MAXIMUM NUMBER OF FIREWORKS STANDS TO BE PERMITTED IN THE CITY OF LA VISTA FOR CALENDAR YEAR 2010. Seconded by Councilmember Sell. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

### **2. RESOLUTION – ISSUANCE OF PERMITS**

Councilmember Sheehan motioned to table Resolution No. 10-030 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING THE FIREWORKS STAND PERMIT APPLICATION OF \_\_\_\_\_,

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

Councilmember Quick made a motion to introduce an ordinance to establish the number of allowable permits, based on a recommendation of staff. Seconded by Councilmember Crawford. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

A discussion was held concerning the number of firework permits to be allowed each year. Several Councilmembers felt the number of allowable permits should be removed from the ordinance to help with economic development. Other Councilmembers felt the current ordinance should not be changed.

Councilmember Quick made a motion to bring an ordinance to the April 6<sup>th</sup> City Council meeting to determine the allowed number of firework permits. Seconded by Councilmember Crawford.

Discussion continued, with concerns as to whether now is the correct time for a change in the ordinance. Rich Richt, a representative of several applicants, commented that applicants should know the rules before they apply for the firework permits, and the deadline was January 15<sup>th</sup>. Warren Neffler, a representative of Cornerstone Church, stated they want to be able to help the community.

## **H. LIQUOR LICENSE APPLICATION – JDJND, INC. DBA JD'S LIQUOR LOCKER**

### **1. PUBLIC HEARING**

At 8:47 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on a Liquor License Application – JDJND, Inc. dba JD's Liquor Locker.

At 8:48 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 – APPROVAL OF LIQUOR LICENSE**

Councilmember Ellerbeck introduced and moved for the adoption of Resolution No. 10-031: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA RECOMMENDING TO THE NEBRASKA LIQUOR CONTROL COMMISSION, APPROVAL OF THE CLASS DK LIQUOR LICENSE APPLICATION FOR JDJND INC. DBA JD'S LIQUOR LOCKER, LA VISTA, NEBRASKA.

WHEREAS, JDJND Inc. dba JD's Liquor Locker, 8052 S 84<sup>th</sup> Street, La Vista, Sarpy County, Nebraska, has applied to the Nebraska Liquor Control Commission for a Class DK Liquor License, and



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

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, hereby recommend to the Nebraska Liquor Control Commission approval of the Class DK Liquor License application submitted by JDJND Inc. dba JD's Liquor Locker, 8052 S 84<sup>th</sup> Street, La Vista, NE.

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

## **I. RESOLUTION - APPROVE AGREEMENT - TRIPLE CROWN SPORTS, INC.**

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 10-032: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE MAYOR TO EXECUTE A FIVE YEAR AGREEMENT WITH TRIPLE CROWN SPORTS INC, FORT COLLINS CO, TO ALLOW USE OF THE CITY SPORTS FACILITIES FOR A YOUTH BASEBALL TOURNAMENT AND SLUMP BUSTER FESTIVAL .

WHEREAS, the City has determined that it is desirable to have a long term agreement with Triple Crown Sports Inc; and

WHEREAS, Triple Crown Sports have been renting the Sports facilities for the last several years; and

WHEREAS, this agreement will insure the return of this event to the City of La Vista in the future; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize the Mayor to sign an agreement with Triple Crown Sports Inc, Fort Collins CO, to allow use of the City sports facilities for a youth baseball tournament and slump buster festival for the next five years.

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

## **J. RESOLUTION - APPOINTMENT OF SAFETY STEERING COMMITTEE MEMBERS**

Councilmember Crawford introduced and moved for the adoption of Resolution No. 10-033: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA PROVIDING FOR THE APPOINTMENT OF SAFETY COMMITTEE MEMBERS.

WHEREAS, THE City Council of the City of La Vista has determined that the appointments to the La Vista Safety Committee are necessary; and

WHEREAS, a recommendation by the City Administrator, in consultation with the staff, has been made regarding appointments; and

WHEREAS, the recommended appointments comply with N.R.S. 48-443:

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby appoint the following city employees to the La Vista Safety Committee for the term specified:

Rich Carstensen - Employee representative	2 year term
Jeff Siebels - Employee representative	2 year term
Pat Cavlovic - Employer representative	2 year term

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Bob Lausten – Employer representative

2 year term

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

## **K. RESOLUTION – ADOPT PANDEMIC FLU PLAN**

Councilmember Carlisle motioned to table Resolution No. 10-034 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING THE LA VISTA PANDEMIC INFLUENZA PREPAREDNESS PLAN.

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

## **L. RESOLUTION – PURCHASE BUNKER GEAR**

Councilmember Sell introduced and moved for the adoption of Resolution No. 10-035: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE PURCHASE OF SEVEN SETS OF GLOBE G7 BUNKER GEAR AND TWO PAIR OF FIREFIGHTING BOOTS FROM MUNICIPAL EMERGENCY SERVICES, INC., SNYDER, NEBRASKA IN AN AMOUNT NOT TO EXCEED \$13,230.00.

WHEREAS, the Mayor and City Council have determined that it is necessary to purchase bunker gear and accessories 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 this bunker gear will bring the department closer to attaining NFPA 1971 compliance for the 2007 standards for protective gear; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska authorizes the purchase of seven sets of Globe G7 Bunker Gear and two pair of firefighting boots from Municipal Emergency Services, Inc., Snyder, Nebraska in an amount not to exceed \$13,230.00.

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

## **M. RESOLUTION – APPROVE BASE RATE**

Councilmember Sell introduced and moved for the adoption of Resolution No. 10-036: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA DIRECTING THE PREPARATION OF THE FY 2011 BUDGET WITH A PAY-FOR-PERFORMANCE BASE FACTOR OF 2.5% AND AN ADJUSTMENT TO THE SALARY RANGES OF 2.5%.

WHEREAS, the City Council has adopted a pay-for-performance compensation system for employees; and

WHEREAS, the Council Policy Statement governing the administration of the pay-for-performance compensation system calls for the City Council to establish a base factor for salary increases and consider adjustments to the established salary ranges; and

WHEREAS, City staff has researched and presented data regarding salary trends for 2009 and 2010; and

WHEREAS, based on the data presented and the overall financial condition of the City, a PFP base factor of 2.5% and salary range adjustments of 2.5% are recommended for FY 2011; and

WHEREAS, official action to establish the PFP base factor and determine salary ranges will be taken by Council in conjunction with the adoption of the FY 2011 budget.



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NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby direct that the FY 2011 budget be prepared with a pay-for-performance base factor of 2.5% and an adjustment to the salary ranges of 2.5%, all effective October 1, 2010.

Seconded by Councilmember Ellerbeck. Councilmember Crawford asked if there is a history yet with the companies used. Councilmember Sheehan asked how the 2.5 percentage was determined. Assistant City Administrator Ramirez stated that projected increases were reviewed. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## **N. SPECIAL ASSESSMENTS**

### **1. PUBLIC HEARING**

At 9:09 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on Special Assessments.

At 9:10 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 SPECIAL ASSESSMENTS**

Councilmember Ellerbeck introduced and moved for the adoption of Resolution No. 10-037: 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  
7354 S 70<sup>th</sup> Street, Lot 202/La Vista Replat, \$141.64;  
7109 S 69<sup>th</sup> Street, Lot 120/La Vista Replat, \$133.79; and  
7818 Terry Drive, Lot 1255/La Vista, \$116.85  
were notified to clean up their property as they were in violation of the City Municipal Code, Section 93.015, 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 Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

### **COMMENTS FROM THE FLOOR**

Mayor Kindig asked if there were any comments from the floor; and stated that anyone having comments should limit them to three minutes. There were no comments from the floor.

### **COMMENTS FROM MAYOR AND COUNCIL**

There were no comments from Mayor and Council.

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At 9:13 p.m. Councilmember Ellerbeck made a motion to adjourn the meeting. Seconded by Councilmember Crawford. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

PASSED AND APPROVED THIS 6TH DAY OF APRIL 2010

CITY OF LA VISTA

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

ATTEST:

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

K:\APPS\CITYHALL\09COUNCIL MINUTES\March 16, 2010



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

**MINUTES OF MEETING  
January 14, 2010**

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

Agenda Item #1: Call to Order

The meeting was called to order at 5:34 p.m.

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

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

Agenda Item #3: Introductions

Lisa Paquette was introduced. She is a student at UNO conducting her 90-hour practicum at the library.

Agenda Item #4: Approval of Minutes of November 12, 2009 Meeting

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

Agenda Item #5: Library Director's Report

- a. Programs: an overview of various programs was given including the Internet Safety class which will occur again in six months.
- b. Employee updates were given.
- c. Library Meetings were reviewed.
- d. General Library Information included the snow days at the library.

Agenda Item #6: Circulation Report

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

Agenda Item #7: Old Business

- a. Current and future grants were reviewed. The Midland Community Foundation Grant for Grieving Teen/Child Book Bags was awarded to Ted E. Bear Hollow. The La Vista Public Library as well as other Sarpy County public libraries was included in the grant. Staff member Marjorie Shaw received a grant for more in depth training through the center.

Agenda Item #8: New Business

- a. State Report. The report is being compiled and submitted. This report is a requirement for State Aid funding.
- b. Amnesty Days were discussed for the upcoming year.

Agenda Item #9: Comments from the Floor

There were no comments from the floor.

Agenda Item #10: Comments from the Board

Schmit-Pokorny asked about the Kindle. It is a hand-held device available from Amazon.com to download their audio books. Russell mentioned the possibility of grants for the devices.

There was a motion by Schmit-Pokorny and seconded by Westlund to adjourn the meeting at 6:40 p.m.

The next meeting is scheduled for May 13, 2010 at 5:30 p.m. at the La Vista Public Library, Conference Room #142.

**LA VISTA CIVIL SERVICE COMMISSION  
MEETING MINUTES  
March 11, 2010**

A meeting of the Civil Service Commission of the City of La Vista, Nebraska was convened at 4:10 p.m. on March 11, 2010 at the Harold "Andy" Anderson Council Chambers at La Vista City Hall, 8116 Park View Blvd. Present were Chairman Filbrandt, and Commissioners Birkey, Christensen, Lewis, and Vendetti. Also in attendance were: City Administrator Gunn, Police Chief Lausten, and Civil Service Secretary Pam Buethe.

A notice of the meeting was given in advance by advertising in the Times Newspaper on March 4, 2010. Notice was simultaneously given to the Chairman and all members of the Civil Service Commission and a copy of the acknowledgement of the receipt of notice was attached to the minutes. Availability of the agenda was communicated to the Civil Service Commission members in the advance notice of the meeting. All proceedings shown were taken while the convened meeting was open to the attendance of the public. Further, all subjects included in said proceedings were contained in the agenda for said meeting which is kept continuously current and available for public inspection within 10 days after said meeting and prior to the next convened meeting of said body.

**I. CALL TO ORDER**

Chairman Filbrandt called the meeting to order at 4:10 p.m.

**II. APPROVE MINUTES OF MAY 12, 2009 CIVIL SERVICE COMMISSION MEETING**

Commissioner Birkey made a motion to approve the minutes of the May 12, 2009 Civil Service Commission meeting. Seconded by Commissioner Vendetti. Ayes: Birkey, Christensen, Filbrandt, Lewis, and Vendetti. Nays: None. Absent: None. Motion carried.

**III. ELECTION OF OFFICERS**

Chairperson Filbrandt opened the floor for nominations for the position of Chairperson. Commissioner Birkey nominated Larry Filbrandt to be re-elected as Chairperson. Seconded by Commissioner Vendetti. Ayes Birkey, Christensen, Lewis, and Vendetti. Nays: None. Abstain: Filbrandt. Motion carried.

Commissioner Filbrandt made a motion that Marv Birkey be re-elected as Vice-Chairperson. Seconded by Commissioner Christensen. Ayes: Christensen, Filbrandt, Lewis, and Vendetti. Nays: None. Abstain: Birkey. Motion carried.

**IV. POLICE CHIEF'S REPORT**

Police Chief Lausten reported that tonight the commission is being asked to certify 4 candidates for at least one open position for police officer. City Administrator Gunn stated that she would like to go to council to ask for an over hire which would bring in a second hire due to the long term absence of a current officer due to the military.



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

Police Chief Lausten reported that approximately 53 applicants took the agility and written tests. The police department did background checks on 28 of those applicants. 14 candidates were interviewed by a police panel and 10 will be interviewing tonight.

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

10 candidates were interviewed for the position of entry level police officer.

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

The commission reviewed the scores and certified the eligibility list of 4 candidates. Commissioner Vendetti made a motion to certify the eligibility list of 4 candidates. Seconded by Lewis. Ayes: Birkey, Christensen, Filbrandt, Vendetti, and Lewis. Nays: None. Motion carried.

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

City Administrator Gunn stated that she had no report but would answer any questions the Commission might have regarding the City. The Commission inquired as to the 84<sup>th</sup> Street Vision Plan. Gunn gave an update of progress of the plan.

#### **IX. COMMENTS FROM THE FLOOR**

There were no comments from the floor.

#### **X. COMMENTS FROM THE COMMISSION**

There were no comments from the Commission.

#### **XI. ADJOURNMENT**

At 8:09 p.m. Commissioner Birkey made a motion to adjourn the meeting. Seconded by Commissioner Christensen. Ayes: Birkey, Christensen, Filbrandt, Vendetti, and Lewis. Nays: None. Motion carried.

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Pamela A. Bueth, CMC  
Civil Service Secretary

## Invoice

FEB 11 2010

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

February 9, 2010  
Project No: 08030111.01  
Invoice No: 11

Project 08030111.01 84th Street Redevelopment Vision

Description of Services: Draft report development

**Professional Services from January 2, 2010 to January 29, 2010**

## Fee

Billing Phase	Fee	Percent Complete	Earned	Previous Fee Billing	Current Fee Billing
Project	42,840.00	100.00	42,840.00	42,840.00	0.00
Startup/Inventory/Analysis					
Initial Outreach	51,724.00	100.00	51,724.00	51,724.00	0.00
Developing A Vision	52,822.00	100.00	52,822.00	52,822.00	0.00
Vision Plan Preparation	24,559.00	100.00	24,559.00	24,559.00	0.00
Vision Plan Refinement	27,844.00	98.00	27,287.12	23,945.84	3,341.28
Total Fee	199,789.00		199,232.12	195,890.84	3,341.28
Total Fee				3,341.28	

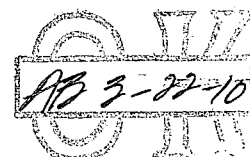
Total this Invoice

**\$3,341.28**

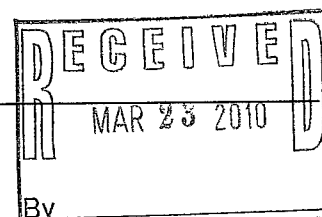
## Outstanding Invoices

Number	Date	Balance
10	1/11/10	1,670.64
<b>Total</b>		<b>1,670.64</b>

4-6-10  
Consent  
Agenda



05-71-0830.01



Remit payment to EDAW Inc. Dept 9269-03. Los Angeles California 90084-9269. Tel 970.484.6073  
Wire payment to Wells Fargo Bank. 420 Montgomery Street. San Francisco California 94104. Routing #121000248 (Domestic)  
Swift #WFBUS6S (Intl). Acct #4030013163

When making payment, please reference itemized amount by invoice number and EDAW job number. Payment terms net 30 days.  
A 1.5% per month finance charge will be assessed on all past due accounts.

BANK NO	BANK NAME	CHECK NO	DATE	VENDOR NO	VENDOR NAME	CHECK AMOUNT	CLEARED	VOIDED	MANUAL
-----									
1	Bank of Nebraska (600-873)								
99361	3/17/2010	3702	LAUGHLIN, KATHLEEN A, TRUSTEE	809.00					**MANUAL**
99362	3/22/2010	4290	KALLEMEYN, LARRY	1,300.00					**MANUAL**
99363	3/25/2010	2483	NE DEPT OF REVENUE-50G GAMING	100.00					**MANUAL**
99364	3/25/2010	4222	GREAT PLAINS GFOA	100.00					**MANUAL**
99365	3/30/2010	4295	PROSOURCE OF OMAHA	25.00					**MANUAL**
99366	3/31/2010	615	MILLER BRANDS OF OMAHA INC	91.50					**MANUAL**
99367	3/31/2010	1270	PREMIER-MIDWEST BEVERAGE CO	91.50					**MANUAL**
99368	3/31/2010	1194	QUALITY BRANDS OF OMAHA	371.80					**MANUAL**
99369	3/31/2010	3702	LAUGHLIN, KATHLEEN A, TRUSTEE	809.00					**MANUAL**
99370	3/31/2010	2803	PERFORMANCE DODGE	63,928.00					**MANUAL**
99371	4/06/2010	4252	84TH STREET CAFE	346.38					
99372	4/06/2010	762	ACTION BATTERIES UNLTD INC	90.95					
99373	4/06/2010	4009	ACW MANUFACTURING INC	70.00					
99374	4/06/2010	2868	AIR POWER OF NEBRASKA	225.49					
99375	4/06/2010	571	ALAMAR UNIFORMS	16.88					
99376	4/06/2010	87	AMERICAN FENCE COMPANY INC	.00		**CLEARED**	**VOIDED**		
99377	4/06/2010	87	AMERICAN FENCE COMPANY INC	701.48					
99378	4/06/2010	81	AMSAN	161.61					
99379	4/06/2010	536	ARAMARK UNIFORM SERVICES INC	424.91					
99380	4/06/2010	188	ASPHALT & CONCRETE MATERIALS	901.58					
99381	4/06/2010	55	BADGER BODY	28.08					
99382	4/06/2010	201	BAKER & TAYLOR BOOKS	1,588.11					
99383	4/06/2010	2554	BARCAL, ROSE	198.00					
99384	4/06/2010	1839	BCDM-BERINGER CIACCIO DENNELL	1,725.00					
99385	4/06/2010	4168	BCR-BIBLIOGRAPHICAL	23.97					
99386	4/06/2010	929	BEACON BUILDING SERVICES	6,712.00					
99387	4/06/2010	3965	BEAUMONT, MITCH	99.50					
99388	4/06/2010	1784	BENNINGTON EQUIPMENT INC	886.79					
99389	4/06/2010	3774	BENSON RECORDS MANAGEMENT CTR	53.92					
99390	4/06/2010	410	BETTER BUSINESS EQUIPMENT	46.30					
99391	4/06/2010	196	BLACK HILLS ENERGY	4,095.67					
99392	4/06/2010	56	BOB'S RADIATOR REPAIR CO INC	104.50					
99393	4/06/2010	2757	BOBCAT OF OMAHA	31.00					
99394	4/06/2010	1242	BRENTWOOD AUTO WASH	120.00					
99395	4/06/2010	3760	BUETHE, PAM	336.00					
99396	4/06/2010	76	BUILDERS SUPPLY CO INC	1,047.16					
99397	4/06/2010	4279	BURCAW, LAURIE	10.39					
99398	4/06/2010	3930	C E SMITH CABINETS INC	5,464.51					
99399	4/06/2010	4024	CALENTINE, JEFFREY	30.00					
99400	4/06/2010	2958	CALLAWAY GOLF COMPANY	671.88					
99401	4/06/2010	4285	CAROLINA CUSTARD	30.00					
99402	4/06/2010	2078	CAVLOVIC, PAT	120.00					
99403	4/06/2010	1370	CDW GOVERNMENT INC	5,937.41					
99404	4/06/2010	4280	CHOQUETTE, ALYSA	4.99					
99405	4/06/2010	152	CITY OF OMAHA	45,029.30					
99406	4/06/2010	2683	COLOMBO/PHELPS COMPANY	137.17					
99407	4/06/2010	3176	COMP CHOICE INC	349.50					
99408	4/06/2010	836	CORNHUSKER INTL TRUCKS INC	95.76					
99409	4/06/2010	2158	COX COMMUNICATIONS	179.15					
99410	4/06/2010	3136	D & D COMMUNICATIONS	973.25					
99411	4/06/2010	3107	DAVIDSON TITLE INC	73.36					



## ACCOUNTS PAYABLE CHECK REGISTER

BANK NO	BANK NAME	CHECK NO	DATE	VENDOR NO	VENDOR NAME	CHECK AMOUNT	CLEARED	VOIDED	MANUAL
99412	4/06/2010	111	DEMCO INCORPORATED		928.93				
99413	4/06/2010	4281	DENNE, STACY		11.99				
99414	4/06/2010	4259	DHS SYSTEMS LLC		186.51				
99415	4/06/2010	374	DISPLAY SALES		11,285.00				
99416	4/06/2010	804	ELECTRIC FIXTURE & SUPPLY CO		152.10				
99417	4/06/2010	2566	ELECTRONIC ENGINEERING		76.91				
99418	4/06/2010	475	ELLIOTT EQUIPMENT COMPANY		387.28				
99419	4/06/2010	4110	EMERGENCY SERVICES MARKETING		800.00				
99420	4/06/2010	4288	FAMILY CHRONICLE		20.00				
99421	4/06/2010	3463	FARQUHAR, MIKE		100.00				
99422	4/06/2010	3460	FEDEX		6.00				
99423	4/06/2010	1245	FILTER CARE		168.40				
99424	4/06/2010	142	FITZGERALD SCHORR BARMETTLER		.00	**CLEARED**	**VOIDED**		
99425	4/06/2010	142	FITZGERALD SCHORR BARMETTLER		48,453.69				
99426	4/06/2010	4274	FITZGERALD, MIKE		16.00				
99427	4/06/2010	3132	FORT DEARBORN LIFE INSURANCE		1,235.00				
99428	4/06/2010	4050	FROEHLICH, RORY		100.00				
99429	4/06/2010	3705	FUTUREWARE DISTRIBUTING INC		.00	**CLEARED**	**VOIDED**		
99430	4/06/2010	3705	FUTUREWARE DISTRIBUTING INC		9.00				
99431	4/06/2010	3984	G I CLEANER & TAILORS		182.80				
99432	4/06/2010	1344	GALE		95.19				
99433	4/06/2010	1161	GALLS, AN ARAMARK COMPANY		75.46				
99434	4/06/2010	53	GCR OMAHA TRUCK TIRE CENTER		421.55				
99435	4/06/2010	35	GOLDMAN, JOHN G		85.00				
99436	4/06/2010	4086	GREAT PLAINS UNIFORMS		25.00				
99437	4/06/2010	3885	GROSSENBACHER BROTHERS INC		253.00				
99438	4/06/2010	1624	GUNN, BRENDA		201.00				
99439	4/06/2010	1044	H & H CHEVROLET LLC		53.38				
99440	4/06/2010	387	HARM'S CONCRETE INC		136.00				
99441	4/06/2010	3657	HEARTLAND PAPER		100.00				
99442	4/06/2010	1403	HELGET GAS PRODUCTS INC		73.00				
99443	4/06/2010	797	HOBBY LOBBY STORES INC		153.49				
99444	4/06/2010	86	HOLIDAY INN-MIDTOWN GI		140.00				
99445	4/06/2010	2888	HOME DEPOT CREDIT SERVICES		183.97				
99446	4/06/2010	1612	HY-VEE INC		386.58				
99447	4/06/2010	162	INLAND TRUCK PARTS		179.10				
99448	4/06/2010	1760	INTERSTATE ALL BATTERY CENTER		119.90				
99449	4/06/2010	530	IPMA		360.00				
99450	4/06/2010	1896	J Q OFFICE EQUIPMENT INC		918.53				
99451	4/06/2010	4282	JONES, JESSICA W		4.99				
99452	4/06/2010	788	KINDIG, DOUGLAS		80.00				
99453	4/06/2010	1054	KLINKER, MARK A		200.00				
99454	4/06/2010	2394	KRIHA FLUID POWER CO INC		80.97				
99455	4/06/2010	1061	KUSTOM SIGNALS INCORPORATED		19.13				
99456	4/06/2010	2057	LA VISTA COMMUNITY FOUNDATION		50.00				
99457	4/06/2010	906	LA VISTA FIREFIGHTERS ASSN		250.00				
99458	4/06/2010	231	LEAGUE OF NEBRASKA MUNICIPA-		708.00				
99459	4/06/2010	3138	LIBRARY STORE INC		62.48				
99460	4/06/2010	4292	LINDSEY ENTERPRISES		175.00				
99461	4/06/2010	877	LINWELD		80.28				
99462	4/06/2010	4105	LITTLE, TROY		264.00				
99463	4/06/2010	2124	LUKASIEWICZ, BRIAN		50.00				
99464	4/06/2010	544	MAPA-METRO AREA PLANNING AGNCY		60.00				

## ACCOUNTS PAYABLE CHECK REGISTER

BANK NO	BANK NAME						
CHECK NO	DATE	VENDOR NO	VENDOR NAME	CHECK AMOUNT	CLEARED	VOIDED	MANUAL
99465	4/06/2010	3806	MARKOWSKY, THOMAS J	264.00			
99466	4/06/2010	1875	MARSHALL CAVENDISH CORP	117.52			
99467	4/06/2010	3770	MATT FRIEND TRUCK EQUIPMENT	198.25			
99468	4/06/2010	3066	MATT PARROTT AND SONS COMPANY	.00	**CLEARED**	**VOIDED**	
99469	4/06/2010	3066	MATT PARROTT AND SONS COMPANY	540.28			
99470	4/06/2010	588	MENARDS-BELLEVUE	.00	**CLEARED**	**VOIDED**	
99471	4/06/2010	588	MENARDS-BELLEVUE	2,139.00			
99472	4/06/2010	153	METRO AREA TRANSIT	516.00			
99473	4/06/2010	872	METROPOLITAN COMMUNITY COLLEGE	17,086.88			
99474	4/06/2010	553	METROPOLITAN UTILITIES DIST.	.00	**CLEARED**	**VOIDED**	
99475	4/06/2010	553	METROPOLITAN UTILITIES DIST.	.00	**CLEARED**	**VOIDED**	
99476	4/06/2010	553	METROPOLITAN UTILITIES DIST.	1,420.41			
99477	4/06/2010	98	MICHAEL TODD AND COMPANY INC	1,130.58			
99478	4/06/2010	2497	MID AMERICA PAY PHONES	50.00			
99479	4/06/2010	1526	MIDLANDS LIGHTING & ELECTRIC	70.07			
99480	4/06/2010	1046	MIDWEST TURF & IRRIGATION	254.93			
99481	4/06/2010	4273	MR CHEF INC	800.00			
99482	4/06/2010	4265	N U DRYWALL	3,035.00			
99483	4/06/2010	1028	NATIONAL PAPER COMPANY INC	53.74			
99484	4/06/2010	3459	NEBRASKA APA CHAPTER	80.00			
99485	4/06/2010	3328	NEBRASKA MEDICAL CENTER	335.16			
99486	4/06/2010	4289	NEBRASKA MUNICIPAL CHIEFS ASSN	50.00			
99487	4/06/2010	3284	NEBRASKA TURFGRASS ASSOCIATION	250.00			
99488	4/06/2010	3303	NEBRASKA WELDING LTD	277.00			
99489	4/06/2010	2631	NEXTEL COMMUNICATIONS	492.43			
99490	4/06/2010	2631	NEXTEL COMMUNICATIONS	201.13			
99491	4/06/2010	3973	NIKE USA INC	721.23			
99492	4/06/2010	1152	NLA-MEMBERSHIPS	100.00			
99493	4/06/2010	408	NOBBIES INC	26.57			
99494	4/06/2010	4294	NP DODGE MGMT COMPANY INC	15.00			
99495	4/06/2010	124	NPZA-NE PLANNING/ZONING ASSN	210.00			
99496	4/06/2010	179	NUTS AND BOLTS INCORPORATED	43.45			
99497	4/06/2010	1968	O'KEEFE ELEVATOR COMPANY INC	637.00			
99498	4/06/2010	1831	O'REILLY AUTOMOTIVE INC	.00	**CLEARED**	**VOIDED**	
99499	4/06/2010	1831	O'REILLY AUTOMOTIVE INC	641.31			
99500	4/06/2010	1014	OFFICE DEPOT INC-CINCINNATI	.00	**CLEARED**	**VOIDED**	
99501	4/06/2010	1014	OFFICE DEPOT INC-CINCINNATI	.00	**CLEARED**	**VOIDED**	
99502	4/06/2010	1014	OFFICE DEPOT INC-CINCINNATI	911.84			
99503	4/06/2010	195	OMAHA PUBLIC POWER DISTRICT	1,650.13			
99504	4/06/2010	319	OMAHA WINNELSON	28.60			
99505	4/06/2010	46	OMAHA WORLD HERALD COMPANY	1,209.46			
99506	4/06/2010	2129	OMB EXPRESS POLICE SUPPLY	8.99			
99507	4/06/2010	3935	ORIENTAL TRADING COMPANY	43.90			
99508	4/06/2010	3477	ORIZON CPAS LLC	16,100.00			
99509	4/06/2010	2686	PARAMOUNT LINEN & UNIFORM	.00	**CLEARED**	**VOIDED**	
99510	4/06/2010	2686	PARAMOUNT LINEN & UNIFORM	607.29			
99511	4/06/2010	1769	PAYLESS OFFICE PRODUCTS INC	605.38			
99512	4/06/2010	4284	PELAN, ANGELA	13.96			
99513	4/06/2010	3058	PERFORMANCE CHRYSLER JEEP	105.60			
99514	4/06/2010	1821	PETTY CASH-PAM BUETHE	131.42			
99515	4/06/2010	1821	PETTY CASH-PAM BUETHE	79.10			
99516	4/06/2010	74	PITNEY BOWES INC-KY	.00	**CLEARED**	**VOIDED**	
99517	4/06/2010	74	PITNEY BOWES INC-KY	221.00			

## ACCOUNTS PAYABLE CHECK REGISTER

BANK NO	BANK NAME	CHECK NO	DATE	VENDOR NO	VENDOR NAME	CHECK AMOUNT	CLEARED	VOIDED	MANUAL
99518	4/06/2010	159	PRECISION INDUSTRIES		127.61				
99519	4/06/2010	1921	PRINCIPAL LIFE-FLEX SPENDING		229.50				
99520	4/06/2010	3017	PRO-SIGN & SCREEN PRINTING		250.00				
99521	4/06/2010	3743	PROGRESSIVE BUSINESS		335.00				
99522	4/06/2010	2516	QUALITY INN		243.80				
99523	4/06/2010	219	QWEST		1,160.46				
99524	4/06/2010	58	RAINBOW GLASS & SUPPLY		48.00				
99525	4/06/2010	427	RAMIREZ, RITA M		43.00				
99526	4/06/2010	3139	RECORDED BOOKS, LLC		734.43				
99527	4/06/2010	3090	REGAL AWARDS OF DISTINCTION		19.34				
99528	4/06/2010	4037	RUSTY ECK FORD		101.99				
99529	4/06/2010	292	SAM'S CLUB		719.24				
99530	4/06/2010	487	SAPP BROS PETROLEUM INC		492.50				
99531	4/06/2010	2240	SARPY COUNTY COURTHOUSE		3,495.03				
99532	4/06/2010	490	SARPY COUNTY REGISTER OF DEEDS		202.00				
99533	4/06/2010	1652	SCHOLASTIC BOOK FAIRS		150.95				
99534	4/06/2010	3925	SINNETT, HELEN		30.00				
99535	4/06/2010	1864	SINNETT, JEFF		22.53				
99536	4/06/2010	4283	SMITH, LI ANN		13.96				
99537	4/06/2010	2681	SOFTCHOICE CORPORATION		658.35				
99538	4/06/2010	4272	SOLBERG, CHRISTOPHER		188.27				
99539	4/06/2010	533	SOUICIE, JOSEPH H JR		111.25				
99540	4/06/2010	3838	SPRINT		119.91				
99541	4/06/2010	2634	STERIL MANUFACTURING CO		226.00				
99542	4/06/2010	910	STEVENS, MARK		264.00				
99543	4/06/2010	871	STOPAK, SCOTT		50.00				
99544	4/06/2010	4270	STUDIO C 41		330.00				
99545	4/06/2010	47	SUBURBAN NEWSPAPERS INC		557.24				
99546	4/06/2010	913	TARGET BANK		5.72				
99547	4/06/2010	822	THERMO KING CHRISTENSEN		107.10				
99548	4/06/2010	143	THOMPSON DREESSEN & DORNER		.00	**CLEARED**	**VOIDED**		
99549	4/06/2010	143	THOMPSON DREESSEN & DORNER		11,318.67				
99550	4/06/2010	4224	TIEHEN, JAMES		100.00				
99551	4/06/2010	2993	TITLEIST		408.41				
99552	4/06/2010	4278	TOMLINSON, RALPH F		180.76				
99553	4/06/2010	161	TRACTOR SUPPLY CREDIT PLAN		247.84				
99554	4/06/2010	3735	TY'S OUTDOOR POWER & SVC INC		260.00				
99555	4/06/2010	2426	UNITED PARCEL SERVICE		17.41				
99556	4/06/2010	559	UNIVERSITY OF NEBRASKA LINCOLN		150.00				
99557	4/06/2010	3203	UNIVERSITY MEDICAL ASSOCIATES		806.00				
99558	4/06/2010	988	UPSTART		376.95				
99559	4/06/2010	4223	VAIL, ADAM		100.00				
99560	4/06/2010	809	VERIZON WIRELESS, BELLEVUE		193.98				
99561	4/06/2010	1174	WAL-MART COMMUNITY BRC		326.50				
99562	4/06/2010	4286	WALSWORTH PUBLISHING COMPANY		7,941.60				
99563	4/06/2010	4277	WHEELER, ANDREW		15.00				
BANK TOTAL						303,886.27			
OUTSTANDING						303,886.27			
CLEARED						.00			
VOIDED						.00			



BANK NO	BANK NAME						
CHECK NO	DATE	VENDOR NO	VENDOR NAME	CHECK AMOUNT	CLEARED	VOIDED	MANUAL
FUND			TOTAL	OUTSTANDING	CLEARED	VOIDED	
01	GENERAL FUND		205,340.81	205,340.81	.00	.00	
02	SEWER FUND		53,198.79	53,198.79	.00	.00	
05	CONSTRUCTION		3,279.40	3,279.40	.00	.00	
08	LOTTERY FUND		37,777.83	37,777.83	.00	.00	
09	GOLF COURSE FUND		4,055.15	4,055.15	.00	.00	
15	OFF-STREET PARKING		234.29	234.29	.00	.00	
REPORT TOTAL				303,886.27			
OUTSTANDING				303,886.27			
CLEARED				.00			
VOIDED				.00			
+ Gross Payroll 03/19/10				206,209.67			
+ Gross Payroll 04/02/10				208,089.26			
GRAND TOTAL				<u>\$718,185.20</u>			

APPROVED BY COUNCIL MEMBERS 4/6/10

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COUNCIL MEMBER

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COUNCIL MEMBER

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COUNCIL MEMBER

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COUNCIL MEMBER

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
APRIL 6, 2010 AGENDA**

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

**SYNOPSIS**

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

**FISCAL IMPACT**

N/A.

**RECOMMENDATION**

Receive/File.

**BACKGROUND**

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

## LA VISTA CITIZEN ADVISORY REVIEW COMMITTEE

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To: Mayor and Members of the City Council

Dt: March 25, 2010

Fr: Citizen Advisory Review Committee

Re: Economic Development Program Bi-Annual Report

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Pursuant to §117-15 (g) the Citizen Advisory Review Committee shall report to the Mayor and City Council, at least once every six months, regarding the Economic Development Program. The following report generally covers activity for the period of September 2009 to date:

1. One application to the Economic Development Program has been received to date. The application was from John Q. Hammons to construct a full service Embassy Suites Hotel and conference center facility, which opened in July of 2008 and a Marriott Courtyard Hotel, which opened in May of 2009. These facilities are located in the Southport West subdivision.
2. The City has been collecting sales tax revenue for the Economic Development fund since its effective date and the fund had accumulated approximately \$480,000. In FY 09 the fund received approximately \$18,514 in interest income and \$1,128,036 in loan payments (interest only) from John Q. Hammons. Expenditures in 2009 included \$1,509,683 for debt service associated with the grant and construction loan, \$3,318 for legal fees, and \$1,627,645 for land and construction costs (the construction loan and land grant to JQH).
3. The Economic Development Fund Budget for Fiscal Year 2010 anticipates that \$1,630,020 will be carried forward from FY 09 and the fund will receive \$1,186,573 in revenue from loan payments (interest only) by John Q. Hammons. Expenditures in FY 10 will include debt service payments (interest only) of \$1,509,683.
4. The City's assessed valuation for 2010 is over \$1 billion, up approximately 7.2% from 2009. Over the past 10 years, growth in the City's valuation has averaged about 12.1%.
5. Net taxable sales remained fairly consistent from 2008 to 2009 - \$180,377,174 to \$180,688,892.
6. During the 2009 fiscal year (October 1, 2008 through September 30, 2009), the City received \$3,203,279 in local option sales tax revenue. This is an increase of approximately 10.5% as compared to the prior fiscal year.
7. Building permits were down in 2008 (total permit valuation of \$43,487,781), and again in 2009 (total permit valuation of \$27,316,647), making 2009 the lowest year for permit valuations in 10 years. In light of the overall economic conditions and the subsequent slowdown in construction, this is not totally unexpected. However, since 1997 the City has issued building permits totaling nearly \$815 million in valuation.

The members of the Citizen Advisory Review Committee consider themselves trustees of La Vista's Economic Development Program, based upon the parameters of Ordinance 921. In submitting this bi-annual report, the Committee notes that it has a sincere interest in monitoring and reporting to the Mayor



and City Council on the City's economic health and objectively evaluating the City's progress and success in the economic arena. Thank you for this opportunity and we are happy to answer any questions.

Respectfully submitted:

Lynda Shafer, Chair  
Doug Kellner, Vice-Chair  
Rick Burns, Secretary

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
APRIL 6, 2010 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
ZONING TEXT AMENDMENTS — RESIDENTIAL ZONING DISTRICTS & DEFINITIONS	RESOLUTION ◆ ORDINANCE (2) RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

**SYNOPSIS**

A public hearing was held by the Council at their March 16, 2010 meeting to approve amendments to the Zoning Ordinance regarding types of senior housing uses permitted. The ordinances were tabled pending several changes. The revised ordinances have been prepared to approve amendments to Section 2.02, Definitions, and Sections 5.06, 5.07, 5.08 and 5.09, the Residential Districts, of the Zoning Ordinance.

**FISCAL IMPACT**

N/A.

**RECOMMENDATION**

Approval.

**BACKGROUND**

A public hearing was held at the March 16, 2010, Council meeting, however the ordinances to amend Section 2.02 of the Zoning Ordinance regarding Definitions and Sections 5.06, 5.07, 5.08 and 5.09 regarding the R-1, R-2, R-3 and R-4 Districts were tabled pending the following revisions:

1. The ordinance to revise Section 2.02, Definitions, must contain the entire section with the new definitions included; and
2. Remove "Nursing care and rehabilitation facilities, or assisted living facilities" from the Permitted Conditional Uses of the R-1, Single-Family Residential district.

The revised ordinances have been prepared and are attached. The proposed amendments were initiated primarily for the purpose of replacing out of date terminology for types of senior housing. Additionally, changes were made to list "group care homes" as a permitted use, and general revisions for clarity and consistency with other parts of the code.

The Planning Commission held a public hearing on July 16, 2009, and recommended approval of the changes to the residential districts, and on February 18, 2010, the Planning Commission held a public hearing and recommended approval of the definitions.

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

AN ORDINANCE TO AMEND SECTION 2.02 OF ORDINANCE NO. 848 (ZONING ORDINANCE); TO REPEAL SECTION 2.02 OF ORDINANCE NO. 848 AS PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

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

SECTION 1. Amendment of Section 2.02. Section 2.02 of Ordinance No. 848 is hereby amended to include the following definitions:

- 2.02.01 **ABANDONMENT** shall mean to cease or discontinue a use or activity without intent to resume as distinguished from short term interruptions such as during periods of remodeling, maintenance, or normal periods of vacation or seasonal closure.
- 2.02.02 **ABUT, ABUTTING** shall mean to border on, being contiguous with or have property or district lines in common, including property separated by an alley.
- 2.02.03 **ACCESS OR ACCESS WAY** shall mean the place, means, or way by which pedestrians and vehicles shall have safe, adequate and usable ingress and egress to a property or use as required by this Regulation.
- 2.02.04 **ACCESSORY BUILDING** (see Building, accessory)
- 2.02.05 **ACCESSORY STRUCTURE** shall mean a detached subordinate structure located on the same lot with the principal structure, the use of which is incidental and accessory to that of the principal structure.
- 2.02.06 **ACCESSORY USE** shall mean a use incidental, related, appropriate and clearly subordinate to the main use of the lot or building, which accessory use does not alter the principal use of the subject lot or affect other properties in the district.
- 2.02.07 **ADJACENT** shall mean near, close, or abutting; for example, an Industrial District across the street or highway from a Residential District shall be considered as "Adjacent".
- 2.02.08 **ADULT BOOKSTORE** shall mean any premises from which minors are excluded and in which the retail sale of books, magazines, newspapers, movie films, devices, slides, or other photographic or written reproductions is conducted as a principal use of the premises, if such services are distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas." (**Ordinance No. 1083, 2-17-09**)
- 2.02.09 **ADULT COMPANIONSHIP ESTABLISHMENT** shall mean an establishment which provides the service of engaging in or listening to conversation, talk or discussion between an employee of the establishment and a customer, if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."
- 2.02.10 **ADULT ENTERTAINMENT ESTABLISHMENT** shall mean any business which offers its patrons services or entertainment characterized by an emphasis on matter depicting, exposing, describing, discussing or relating to "specified sexual activities" or "specified anatomical areas," including, but without limitation, adult bookstores, adult motion picture theaters, adult saunas, adult companionship establishments, adult health clubs, adult cabarets, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotel or motel, adult internet industries, and adult massage parlor / health club. (**Ordinance No. 1083, 2-17-09**)
- 2.02.11 **ADULT HOTEL OR MOTEL** shall mean a hotel or motel from which minors are specifically excluded from patronage and wherein material is presented which is distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."
- 2.02.12 **ADULT INTERNET INDUSTRIES** shall mean any business within an enclosed building or outdoors that is producing materials for distribution on the Internet, including live video



*streaming, tape delayed video broadcasts, live simulcasting, still photographs, audio broadcasts, animated video or hard copy, wherein material is presented which is distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas." Said uses are intended for viewing by other parties while on-line and for a specified charge. (Ordinance No. 891, 2-04-03); (Ordinance No. 1083, 2-17-09)*

- 2.02.13 **ADULT MASSAGE PARLOR, HEALTH CLUB** shall mean a massage parlor or health club, which restricts minors by reason of age, and which provides the services of massage, if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."
- 2.02.14 **ADULT MINI-MOTION PICTURE THEATER** shall mean a business premises within an enclosed building with a capacity for less than 50 persons used for presenting visual-media material if such business as a prevailing practice excludes minors by virtue of age, or if said material is distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.
- 2.02.15 **ADULT MOTION PICTURE ARCADE** shall mean any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled still or motor picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing "specified sexual activities" or "specified anatomical areas."
- 2.02.16 **ADULT MOTION PICTURE THEATERS** shall mean a business premises within an enclosed building with a capacity of 50 or more persons used for presenting visual media material if said business as a prevailing practice excludes minors by virtue of age, or if said material is distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.
- 2.02.17 **ADULT NOVELTY BUSINESS** shall mean a business which has as a principal activity of the sale of devices which simulate human genitals or devices which are designed for sexual stimulation.
- 2.02.18 **ADULT SAUNA** shall mean a sauna which excludes minors by reason of age, or which provides a steam bath or heat bathing room used for the purpose of bathing, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing or reducing agent, if the service provided by the sauna is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."
- 2.02.19 **ADVERTISING STRUCTURE** shall mean any notice or advertisement, pictorial or otherwise, and all such structures used as an outdoor display, regardless of size and shape, for the purposes of making anything known, the origin or place of sale of which is not on the property with such Advertising Structure.
- 2.02.20 **AGRICULTURAL AND FARM BUILDINGS AND STRUCTURES** shall mean any building or structure which is necessary or incidental to the normal conduct of a farm including but not limited to residence of the operator, residence of hired men, barns, buildings and sheds for housing livestock, poultry and farm machinery, buildings for the storage or shelter of grain, hay and other crops, silos, windmills and water storage tanks.
- 2.02.21 **AGRICULTURE** shall mean the use of land for agricultural purposes, of obtaining a profit by raising, harvesting, and selling crops or by the feeding, breeding, management, and sale of, or the produce of, livestock, poultry, fur-bearing animals, or honeybees, or for dairying and the sale of dairy products, or any other agricultural or horticultural use. Agricultural use shall not be construed to include any parcel of land of less than twenty acres or any non-agricultural commercial or industrial development.
- 2.02.22 **AIRPORT** shall mean any area which is used or is intended to be used for the taking off and landing of aircraft, including helicopters, and any appurtenant areas which are used or are intended to be used for airport buildings or facilities, including open spaces, taxiways, and tie-down areas.

- 2.02.23 **ALLEY** shall mean a minor public service street or public thoroughfare 20 feet or less in width, through a block of lots primarily for vehicular service access to the rear or side of properties otherwise abutting on another street. Buildings facing an alley shall not be construed as satisfying the requirements of this regulation related to frontage on a dedicated street.
- 2.02.24 **ALTERATION** shall mean any change, addition or modification in construction or occupancy of an existing structure.
- 2.02.25 **AMENDMENT** shall mean a change in the wording, context, or substance of this Regulation, an addition or deletion or a change in the district boundaries or classifications upon the zoning map.
- 2.02.26 **AMUSEMENT ARCADE** shall mean a building or a part of a building where five or more pinball machines, video games, or other similar player-orientated amusement devices are available and are maintained for use.
- 2.02.27 **ANIMAL HOSPITAL** (see Hospital, animal)
- 2.02.28 **ANIMAL SPECIALTY SERVICES** shall refer to establishments primarily engaged in pet grooming, clipping, bathing, daycare, training courses, obedience classes, and similar services. Does not include veterinary services or overnight boarding kennels. (**Ordinance No. 1053, 1-15-08**)
- 2.02.29 **ANTENNA** shall mean any attached or external system of wires, poles, rods, reflecting disks or similar devices used for the transmission or reception of electromagnetic waves. (Also, see Satellite Dish Antenna.)
- 2.02.30 **ANTIQUE STORE** shall mean a place offering primarily antiques for sale. An antique for the purpose of this ordinance shall be a work of art, piece of furniture, decorative object, or the like, belonging to the past, at least 30 years old. (**Ordinance No. 1083, 2-17-09**)
- 2.02.31 **APARTMENT** shall mean a room or a suite of rooms within an apartment house or multiple family dwelling arranged, intended or designed for a place of residence of a single family or group of individuals living together. (Also, see Dwelling Unit)
- 2.02.32 **APPAREL SHOP** shall mean retail stores where clothing is sold, such as department stores, shoe stores, and dress, hosiery, and millinery shops. (**Ordinance No. 1083, 2-17-09**)
- 2.02.33 **APPLIANCE STORE** shall refer to retail shops selling equipment used for domestic functions. A store may include heavy appliances such as refrigerators, washers, dryers, ovens, dishwashers, or other similar domestic equipment. The store may also include smaller appliances such as televisions, computers, radios, microwaves, and other similar domestic equipment. (**Ordinance No. 1083, 2-17-09**)
- 2.02.34 **APPEARANCE** shall mean the outward aspect visible to the public.
- 2.02.35 **APPROPRIATE** shall mean the sympathetic, or fitting, to the context of the site and the whole community.
- 2.02.36 **APPURTENANCES** shall mean the visible, functional objects accessory to and part of buildings.
- 2.02.37 **ARCHITECTURAL CANOPY SIGN** (see Sign, architectural canopy)
- 2.02.38 **ARCHITECTURAL CHARACTER** (see Architectural Concept)
- 2.02.39 **ARCHITECTURAL CONCEPT** shall mean the basic aesthetic idea of a building, or group of buildings or structures, including the site and landscape development. (**Ordinance No. 1083, 2-17-09**)
- 2.02.40 **ARCHITECTURAL FEATURE** shall mean a prominent or significant part or element of a building, structure, or site. Architectural features may include special lines, massing, and/or texture.
- 2.02.44.01 **LINES** shall mean visual elements of the building, either within the façade or on the building edge, which are in a linear form either horizontally or vertically and may be composed of masonry, glass, or other related materials.

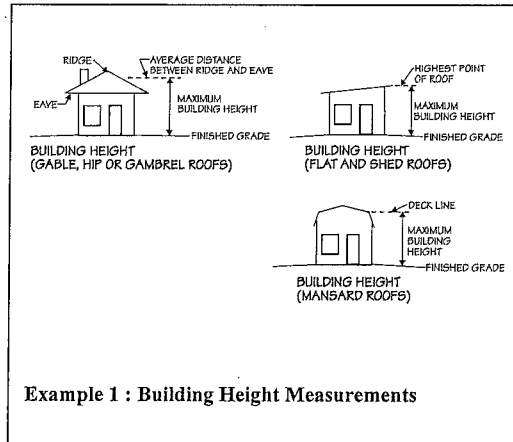
- 2.02.44.02 **MASS** shall pertain to the volume or bulk of a building or structure.
- 2.02.44.03 **TEXTURE** shall mean the quality of a surface, ranging from mirror finish, smooth, to coarse and unfinished.
- 2.02.41 **ARCHITECTURAL STYLE** shall mean the characteristic form and detail, as of buildings of a particular historic period.
- 2.02.42 **ART GALLERY** shall mean an establishment engaged in the sale, loan, or display of art books, paintings, sculpture, or other works of art. This clarification does not include libraries, museums, or non-commercial art galleries. (Ordinance No. 1083, 2-17-09)
- 2.02.43 **ASSISTED LIVING FACILITIES** shall mean a type of long-term care facility for elderly or disabled people needing assistance with daily activities such as eating, bathing, dressing, laundry, housekeeping, and medicating. These facilities typically have a central cafeteria and nursing staff on call.
- 2.02.44 **ATTACHED** shall mean attached to real estate in such a way as to require dismantling, cutting away, unbolting from a permanent foundation or structural change in such structure in order to relocate it to another site. (Ordinance No. 1083, 2-17-09)
- 2.02.45 **AUCTION SALES** shall mean a building or structure or lands used for the storage of goods, materials or livestock which are to be sold on the premises by public auction and for the sale of the said goods, materials or livestock by public auction and on an occasional basis. Auction sales also includes motor vehicle wholesale sales, including trailers, trucks, vans, recreational vehicles, boats or motorcycles or other similar motorized transportation vehicles. (Ordinance No. 891, 2-04-03)
- 2.02.46 **AUTOMATED TELLER MACHINE (ATM)** shall mean an automated device that performs banking or financial functions at a location remote from the controlling financial institution. (Ordinance No. 1083, 2-17-09)
- 2.02.47 **AUTOMOBILE SALES** shall mean the storage and display for sale or lease of more than two motor vehicles or any type of trailer (provided the trailer is unoccupied) at any one time and/or a total of ten or more sold or leased during the course of a calendar year, and where repair or body work is incidental to the operation of the new or used vehicle sales or leasing. Automobile sales includes all motor vehicle retail sales and leases including trucks, vans, recreational vehicles, boats or motorcycles or other similar motorized transportation vehicles. (Also, see Auction Sales) (Ordinance No. 891, 2-04-03)
- 2.02.48 **AUTOMOTIVE REPAIR SERVICES** shall refer to any building, structure, improvements, or land used for the repair and maintenance of automobiles, motorcycles, trucks, trailers, or similar vehicles including but not limited to body, fender, muffler, or upholstery work; oil change and lubrication; major painting services; collision services; and tire service and sales. (Ordinance No. 1053, 1-15-08)
- 2.02.49 **AUTOMOTIVE SERVICES** shall refer to any building, structure, improvements or land used for the general maintenance of automobiles, motorcycles, trucks, trailers or similar vehicles including but not limited to washing, cleaning, and/or detailing; installation of car stereos, accessories, or other light equipment; and minor painting. (Ordinance No. 1053, 1-15-08)
- 2.02.50 **BAKERY SHOP** shall mean an establishment primarily engaged in the retail sale of baked products. The products may be prepared either on or off site. A bakery shall be considered a general retail use. (Ordinance No. 1083, 2-17-09)
- 2.02.51 **BANK** shall mean a freestanding building or secondary use within a building, with or without a drive-up window, for the custody, loan, or exchange of money; for the extension of credit; and for facilitating the transmission of funds. (Ordinance No. 1083, 2-17-09)
- 2.02.52 **BASEMENT** shall mean a building space partly underground, and having at least one-half (1/2) of its height, measuring from its floor to its ceiling, above the average adjoining finished ground grade line.

- 2.02.53 **BEACON** shall mean any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one or more beams that rotate or move.
- 2.02.54 **BEAUTY SHOP** shall mean any establishment where cosmetology services are provided including hair care, nail care, and skin care on a regular basis for compensation. *(Ordinance No. 1083, 2-17-09)*
- 2.02.55 **BED and BREAKFAST** shall mean a house, or portion thereof, where short-term lodging rooms and meals are provided. The operator shall live on the premises. *(Ordinance No. 1083, 2-17-09)*
- 2.02.56 **BEDROOM** shall mean a room within a dwelling unit planned and intended for sleeping, separated from other rooms by a door.
- 2.02.57 **BERM** shall mean a raised form of earth to provide screening or to improve the aesthetic character.
- 2.02.58 **BILLBOARD** (see Sign, Billboard)
- 2.02.59 **BLOCK** shall mean a parcel of land platted into lots and bounded by public streets or by waterways, rights-of-way, unplatted land, City-County boundaries, or adjoining property lines.
- 2.02.60 **BOARD OF ADJUSTMENT** shall mean that board that has been created by the city and which has the statutory authority to hear and determine appeals, interpretations of, and variances to the zoning regulations.
- 2.02.61 **BOARDING HOUSE** shall mean a building containing a single dwelling unit and provisions for not more than five (5) guests, where lodging is provided with or without meals for compensation. *(Also, see Bed and Breakfast) (Ordinance No. 1083, 2-17-09)*
- 2.02.62 **BOOK STORE** shall mean a retail establishment that, as its primary business, engages in the sale, rental, or other charge-for-use of books, magazines, newspapers, greeting cards, postcards, videotapes, computer software, or any other printed or electronically conveyed information or media, excluding any uses defined as "adult entertainment establishments." *(Ordinance No. 1083, 2-17-09)*
- 2.02.63 **BOWLING CENTER** shall mean an establishment that devotes more than 50 percent of its gross floor area to bowling lanes, equipment, and playing area. Accessory uses such as the retail sale of snacks, the retail sale of beverages, and a video game arcade are customary. *(Ordinance No. 1083, 2-17-09)*
- 2.02.64 **BREW-ON PREMISES STORE** shall mean a facility that provides the ingredients and equipment for a customer to use to brew malt liquor at the store. Brew-on-premises stores do not include the sale of intoxicating liquor, unless the owner of the brew-on-premises store holds the appropriate liquor license.
- 2.02.65 **BREW PUB** shall mean a restaurant or hotel which includes the brewing of beer as an accessory use. The brewing operation processes water, malt, hops, and yeast into beer or ale by mashing, cooking, and fermenting. By definition, these establishments produce no more than 10,000 barrels of beer or ale annually. The area, by definition, used for brewing, including bottling and kegging, shall not exceed twenty-five (25) percent of the total floor area of the commercial space.
- 2.02.66 **BUFFER** shall mean a strip of land established to protect one type of land use from another incompatible land use or between a land use and a private or public road. *(Also, see Screening)*
- 2.02.67 **BUILDING** shall mean any structure built and maintained for the support, shelter or enclosure of persons, animals, chattels, or property of any kind, but shall not include temporary buildings as defined in "Structure, Temporary". Trailers, with or without wheels, shall not be considered as buildings.
- 2.02.68 **BUILDING, ACCESSORY** shall mean any detached subordinate building which serves a function customarily incidental to that of the main building or main use of the premises. Customary accessory building includes farm buildings, garages, carports, and small storage sheds.



2.02.69 **BUILDING CODE** shall mean the various codes of the City that regulate construction and requires building permits, electrical permits, mechanical permits, plumbing permits, and other permits to do work regulated by the Uniform Building Code, and other codes adopted by the City that pertain to building construction.

2.02.70 **BUILDING HEIGHT** shall mean the vertical distance above grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the average height of the highest gable of a pitched, hipped, or shed roof, measured from the highest adjoining sidewalk or ground surface within a five (5) foot horizontal distance at the exterior wall of the building. (Also, see Height) (*Ordinance No. 1083, 2-17-09*)



2.02.71 **BUILDING INSPECTOR** shall mean the *Chief Building Official* of the City of La Vista, Nebraska. (*Ordinance No. 1083, 2-17-09*)

2.02.72 **BUILDING SETBACK LINE** shall mean the minimum of distance as prescribed by this regulation between any property line and the closest point of the building line or face of any building or structure related thereto.

2.02.73 **BUSINESS OR TRADE SCHOOL** (see *Special or Vocational Training Facilities*) (*Ordinance No. 1083, 2-17-09*)

2.02.74 **BUSINESS SERVICES** shall mean establishments primarily engaged in rendering services to business establishments on a contract or fee basis, such as advertising, credit reporting, collection of claims, mailing, reproduction, stenographic, news syndicates, computer programming, photocopying, duplicating, data processing, services to buildings, and help supply services. (See also *Standard Industrial Classification (SIC) Major Group 73*, published by the U.S. Department of Labor.) (*Ordinance No. 1053, 1-15-08*)

2.02.75 **CAMPGROUND** shall mean a parcel of land intended for the temporary occupancy of tents, campers, and recreational vehicles and which primary purpose is recreational, having open areas that are natural in character.

2.02.76 **CAR WASH** shall mean a building or structure or an area of land with machine or hand operated facilities for the cleaning, washing, polishing, or waxing of motor vehicles, not including semi-trailer tractors, buses, and commercial fleets.

2.02.77 **CARPORT** shall mean a permanent roofed structure with not more than two (2) enclosed sides used or intended to be used for automobile shelter and storage.

2.02.78 **CELLAR** shall mean a building space having more than one-half (1/2) of its height below the average adjoining grade lines.

2.02.79 **CEMETERY** shall mean land used or intended to be used for the burial of the dead and dedicated for such purposes, including columbariums, crematoriums, and mausoleums.

2.02.80 **CHANGEABLE COPY** shall refer to a sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without, altering the face or the surface of the sign. A sign on which the message changes more than eight times per day shall be considered an animated sign and not a changeable copy sign for purposes of this ordinance. A sign on which the only copy changes is an electronic or mechanical indication of time or temperature shall be considered a "time and temperature" portion of a sign and not a changeable copy sign for purposes of this ordinance. (*Ordinance No. 1083, 2-17-09*)

2.02.81 **CHANNEL** shall mean the geographical area within either the natural or artificial banks of a watercourse or drainway.

- 2.02.82 **CHARITABLE ORGANIZATION or CLUB** shall mean a public or semi-public institutional use of a philanthropic, charitable, benevolent, religious, or eleemosynary character, but not including sheltering or caring of animals. (*Ordinance No. 1083, 2-17-09*)
- 2.02.83 **CHILD CARE CENTER** shall mean an establishment other than a public or parochial school, which provides day care, play groups, nursery schools or education for thirteen (13) or more children under age 13, at any one time, from families other than that of the provider. In addition to these regulations, Child Care Centers shall meet all requirements of the State of Nebraska.
- 2.02.84 **CHILD CARE HOME** shall mean an operation in the provider's place of residence which serves at least four (4), but not more than eight (8) children at any one time, from families other than that of the provider. A Family Child Care Home I provider may be approved to serve no more than two (2) additional school-age children during non-school hours. A Family Child Care Home II operation may be either in the provider's own place of residence or a site other than the residence, serving twelve (12) or fewer children at any one time. In addition to these regulations, Child Care Homes shall meet all requirements of the State of Nebraska.
- 2.02.85 **CITY** shall mean the City of La Vista.
- 2.02.86 **CODE** shall mean the Municipal Code of the City of La Vista.
- 2.02.87 **COFFEE KIOSK** shall mean a retail food business in a freestanding building that sells coffee, or other beverages, and remade bakery goods from a drive-through window or walk-up window. (*Ordinance No. 1053, 1-15-08*).
- 2.02.88 **COMMISSION** shall mean the La Vista Planning Commission.
- 2.02.89 **COMMERCIAL MESSAGE** shall mean any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity. (*Ordinance No. 1083, 2-17-09*)
- 2.02.90 **COMMON AREA OR PROPERTY** shall mean a parcel or parcels of land, together with the improvements thereon, the use and enjoyment of which are shared by the owners of the individual building sites in a Planned Development or condominium development.
- 2.02.91 **COMMUNICATION SERVICES** shall mean establishments primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms. Excluded are facilities classified as major utility services or wireless communication towers. Typical uses include television studios, communication service centers, internet service offices, or film and sound recording facilities. (*Ordinance No. 1083, 2-17-09*)
- 2.02.92 **COMPATIBILITY** shall mean harmony in the appearance of two or more external design features in the same vicinity.
- 2.02.93 **COMPATIBLE USES** shall mean a land use which is congruous with, tolerant of, and has no adverse effects on existing neighboring uses. Incompatibility may be affected by pedestrian or vehicular traffic generation, volume of goods handled and environmental elements such as noise, dust, odor, air pollution, glare, lighting, debris generated, contamination of surface or ground water, aesthetics, vibration, electrical interference, and radiation.
- 2.02.94 **COMPREHENSIVE PLAN** shall mean the Comprehensive Plan of La Vista, Nebraska as adopted by the City Council, setting forth policies for the present and foreseeable future community welfare as a whole and meeting the purposes and requirements set forth in Section 19-903, R.R.S. 1943, as the same may, from time-to-time, be amended.
- 2.02.95 **CONDITIONAL USE** shall mean a use where allowed by the district regulations, that would not be appropriate generally throughout the zoning district without restrictions, but which, if controlled as to number, size, area, location, relation to the neighborhood or other minimal protective characteristics would not be detrimental to the public health, safety, and general welfare.
- 2.02.96 **CONDITIONAL USE PERMIT** shall mean a permit issued by the Planning Commission and City Council that authorizes the recipient to make conditional use of property in

accordance with the provisions of Article 6 and any additional conditions placed upon, or required by said permit.

- 2.02.97 **CONDOMINIUM** shall be as defined in the Nebraska State Statutes Section 76-824 - 76-894, the Condominium Law, whereby four or more apartments are separately offered for sale.
- 2.02.98 **CONGREGATE HOUSING** shall mean a residential facility for four or more persons fifty-five (55) years or over, their spouses, or surviving spouses, providing living and sleeping facilities including meal preparation, dining areas, laundry services, room cleaning and common recreational, social, and service facilities for the exclusive use of all residents including resident staff personnel who occupy a room or unit in the residential facility. (Also see Housing for the elderly)
- 2.02.99 **CONSERVATION** shall mean the protection and care that prevent destruction or deterioration of historical or otherwise significant structures, buildings or natural resources.
- 2.02.100 **CONSERVATION AREA** shall mean environmentally sensitive and valuable lands protected from any activity that would significantly alter their ecological integrity, balance or character, except in overriding public interest, including but not limited to: wetlands, floodways, flood plains, drainage ways, river or stream banks, and areas of significant biological productivity or uniqueness.
- 2.02.101 **CONSERVATION EASEMENT** shall mean an easement granting a right or interest in real property that is appropriate to retaining land or water areas predominantly in their natural, scenic, open, or wooded condition and retaining such areas as suitable habitat for fish, plants, or wildlife, or maintaining existing land uses.
- 2.02.102 **CONSTRUCTION** shall mean *on-site erection, fabrication, installation, alteration, demolition, or removal of any structure, facility, or addition thereto, including all related activities, but not restricted to, clearing of land, earth moving, blasting and landscaping. (Ordinance No. 1083, 2-17-09)*
- 2.02.103 **CONTIGUOUS** shall mean the same as "Abut".
- 2.02.104 **CONTINUING CARE RETIREMENT COMMUNITY** shall offer services and housing packages that allow access to senior independent living, assisted living, and nursing care facilities. *Seniors who are independent may live in a single-family home, apartment or condominium within the Continuing Care Retirement Community. When members of the community begin to need help with activities of daily living (e.g. bathing, dressing, eating, etc.), they may be transferred to an assisted living or nursing care facility on the same site.*
- 2.02.105 **CONVENIENCE STORE** shall mean a one-story, retail store that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a "supermarket.") It is dependent on, and is designed to attract and accommodate large volumes of stop-and-go traffic. *Fuel sales shall be limited to automobiles, pick-up trucks, boats, recreational vehicles, motorcycles, and small motorized equipment. (Ordinance No. 1083, 2-17-09)*
- 2.02.106 **DENSITY** shall mean the number of dwelling units per gross acre of land.
- 2.02.107 **DEVELOPER** shall mean any person, corporation, partnership, or entity that is responsible for any undertaking that requires a building or zoning permit, conditional use permit or sign permit.
- 2.02.108 **DEVELOPMENT** shall mean any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations for which necessary permits may be required. *Also, shall mean any material change in the use or appearance of any structure or in the land itself; the division of land into separate lots; any change in the intensity or use of land, such as an increase in the number of dwelling units in a structure or a change to a commercial or industrial use from a less intensive use; any activity that alters a river, stream, lake, pond, woodland, wetland, endangered species habitat, aquifer or other resource area. (Ordinance No. 1083, 2-17-09)*
- 2.02.109 **DOG KENNEL** (See Kennel)

- 2.02.110 **DOWNZONING** shall mean a change in zoning classification of land to a less intensive or more restrictive district such as from commercial district to residential district or from a multiple family residential district to single family residential district.
- 2.02.111 **DRAINAGE** shall mean the removal of surface water or groundwater from land by drains, grading, or other means that include runoff controls to minimize erosion and sedimentation during and after construction or development, the means for preserving the water supply, and the prevention or alleviation of flooding. (*Ordinance No. 1083, 2-17-09*)
- 2.02.112 **DRIVEWAY** shall mean any vehicular access to an off-street parking or loading facility.
- 2.02.113 **DUPLEX** shall mean the same as "Dwelling, Two (2) Family".
- 2.02.114 **DWELLING** Any building or portion thereof which is designed and used exclusively for single family residential purposes, excluding mobile homes.
- 2.02.115 **DWELLING, MOBILE HOME** Any prefabricated structure, composed of one or more parts, used for living and sleeping purposes, shipped or moved in essentially a complete condition and mounted on wheels, skids or rollers, jacks blocks, horses, skirting or a permanent or temporary foundation or any prefabricated structure which has been or reasonably can be equipped with wheels or other devices for transporting the structure from place to place, whether by motive power or other means. The term mobile home shall include trailer home and camp car, but the definition shall not apply to any vehicle lawfully operated upon fixed rails.
- 2.02.115.1 Permanently Attached: Attached to real estate in such a way as to require dismantling, cutting away, unbolting from permanent continuous foundation or structural change in such mobile home in order to relocate it on another site in accordance to manufacturers recommendations.
- 2.02.115.2 Permanent Foundation: Base on which building rests to be constructed from either poured concrete or laid masonry block or brick placed on a footing located below ground level to a point below the frost line. (*Ordinance No. 1083, 2-17-09*)
- 2.02.116 **DWELLING, MULTIPLE FAMILY** shall mean a building or buildings designed and used for occupancy by three (3) or more families, all living independently of each other and having separate kitchen and toilet facilities for each family. (*Ordinance No. 1083, 2-17-09*)
- 2.02.117 **DWELLING, SINGLE FAMILY** a building having accommodations for or occupied exclusively by one family which meet all the following standards:
- 2.02.117.1 The home shall have no less than nine hundred (900) square feet of floor area, above grade, for single story construction;
- 2.02.117.2 The home shall have no less than an eighteen (18) foot exterior width;
- 2.02.117.3 The roof shall be pitched with a minimum vertical rise of two and one-half (2 1/2) inches for each twelve (12) inches of horizontal run;
- 2.02.117.4 The exterior material shall be of a color, material and scale comparable with those existing in residential site-built, single family construction;
- 2.02.117.5 The home shall have a non-reflective roof material that is or simulates asphalt or wood shingles, tile, or rock;
- 2.02.117.6 The home shall be placed on a continuous permanent foundation and have wheels, axles, transporting lights, and removable towing apparatus removed;
- 2.02.117.7 The home shall meet and maintain the same standards that are uniformly applied to all single-family dwellings in the zoning district; and
- 2.02.117.8 Permanent foundation: continuous perimeter base on which building rests to be constructed from either poured concrete or laid masonry block or brick placed on a footing located below ground level to a point below the frost line. (*Ordinance No. 1083, 2-17-09*)
- 2.02.118 **DWELLING, TWO (2) FAMILY** shall mean a building designed or used exclusively for the occupancy of two (2) families living independently of each other and having separate kitchen and toilet facilities for each family.
- 2.02.119 **DWELLING UNIT** One room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy or lease on a weekly, monthly, or longer basis, and physically separate from any other rooms or dwelling units



which may be in the same structure, and containing independent cooking, toilet and sleeping facilities.

2.02.120 **EASEMENT** shall mean a space or a lot or parcel of land reserved for or used for public utilities or public or private uses.

2.02.121 **EDUCATIONAL FACILITY** shall mean a public or nonprofit institution or facility which conducts regular academic instruction at preschool, kindergarten, elementary, secondary, and collegiate levels, including graduate schools, universities, junior colleges, trade schools, nonprofit research institutions and religious institutions. Such institutions must either: (1) Offer general academic instruction equivalent to the standards established by the State Board of Education; or (2) Confer degrees as a college or university or undergraduate or graduate standing; or (3) Conduct research; or (4) Give religious instruction. Private schools, academies, or institutes incorporated or otherwise, which operate for a profit, commercial, or private trade schools are not included in this definition. **(Ordinance No. 1083, 2-17-09)**

2.02.122 **EFFECTIVE DATE** shall mean the date that this Ordinance shall have been adopted, amended, or the date land areas became subject to the regulations contained in this Ordinance as a result of such adoption or amendment.

2.02.123 **ENCROACHMENT** shall mean an advancement or intrusion beyond the lines or limits as designated and established by the Regulation, and to infringe or trespass into or upon the possession or right of others without permission.

2.02.124 **ENLARGEMENT** shall mean the expansion of a building, structure, or use in volume, size, area, height, length, width, depth, capacity, ground coverage, or in number.

2.02.125 **ERECTED** shall mean constructed upon or moved onto a site.

2.02.126 **EVENT CENTER** shall mean all buildings and associated parking facilities which are kept, used, maintained, advertised, held out, leased out, or otherwise made available to private groups and/or the general public for such purposes as meetings, civic, educational, political, religious or social purpose such as receptions, dances, entertainment, secondhand merchandise sales and the like, and may include a banquet hall, private club or fraternal organization, but not including uses defined in Adult Establishment. **(Ordinance No. 955, 7-19-05)**

2.02.127 **EXERCISE, FITNESS and TANNING SPA** shall mean an establishment that provides exercise facilities for the purposes of running, jogging, aerobics, weight lifting, court sports, and/or swimming, as well as locker rooms, showers, massage rooms, tanning beds, hot tubs, saunas or other related accessory uses; however, excluding any uses defined as "adult entertainment establishments". **(Ordinance No. 1083, 2-17-09)**

2.02.128 **EXTERNAL DESIGN FEATURE** shall mean the general arrangement of any portion of a building, sign, landscaping, or structure and including the kind, color, and texture of the materials of such portion, and the types of roof, windows, doors, lights, attached or ground signs, or other fixtures appurtenant to such portions as will be open to public view from any street, place, or way.

2.02.129 **EXTRATERRITORIAL JURISDICTION** shall mean the area beyond the corporate limits, in which the City has been granted the powers by the state to exercise zoning and building regulations and is exercising such powers.

2.02.130 **FACADE** shall mean the exterior wall of a building exposed to public view from the building's exterior.

2.02.131 **FACTORY** shall mean a structure or plant within which something is made or manufactured from raw or partly wrought materials into forms suitable for use.

2.02.132 **FAMILY** shall mean a person living alone, or any of the following groups living together as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking, and eating facilities: (1) any number of people related by blood, marriage, adoption, guardianship, or duly-authorized custodial relationship; (2) up to four unrelated people and any related children; and (3) a group care home.

*Family does not include any society, club, fraternity, sorority, association, lodge, organization, group of students, or other individuals where the common living*

*arrangement is temporary or seasonal. Also, the term does not include any group of individuals who are in a group living arrangement as a result of criminal offenses.*

**(Ordinance No. 1083, 2-17-09)**

2.02.133 **FARM** an area containing at least twenty (20) acres or more which is used for growing of the usual farm products such as vegetables, fruit, and grain; *storing of such products; and/or raising farm animals.* The term farming includes the operating of such area for two or more of the above uses with the necessary accessory uses for treating or storing the produce and the feeding of livestock as hereinafter prescribed provided such accessory uses do not include the feeding of garbage or offal to swine or other animals. **(Ordinance No. 1083, 2-17-09)**

2.02.134 **FEEDLOT** shall mean a lot, yard, corral or other area in which livestock are confined, primarily for the purpose of feeding and growth prior to slaughter. The term does not include areas which are used for raising crops or other vegetation or upon which livestock are allowed to graze.

2.02.135 **FENCE, OPEN** shall mean a fence, including gates, which has fifty percent (50%) or more of the surface area in open spaces which affords direct views through the fence. **(Ordinance No. 1083, 2-17-09)**

2.02.136 **FENCE, SEASONAL** shall mean a temporary fence constructed of plastic or wood lathe erected and maintained from October through April to prevent snow drifting. **(Ordinance No. 871, 10-15-02)**

2.02.137 **FENCE, SOLID** shall mean any fence which does not qualify as an open fence.

2.02.138 **FESTIVAL** shall mean the sale of ethnic specialty, regional, and gourmet foods, art and crafts, live musical entertainment, in an outdoor setting. **(Ordinance No. 1083, 2-17-09)**

2.02.139 **FLOOD** (see Section 5.18.25 of this Ordinance)

2.02.140 **FLOOD PLAIN** (see Section 5.18.25 of this Ordinance)

2.02.141 **FLOODWAY** (see Section 5.18.25 of this Ordinance)

2.02.142 **FLOOR AREA** whenever the term "floor area" is used in this Regulation as a basis for requiring off-street parking for any structure, it shall be assumed that, unless otherwise stated, said floor area applies not only to the ground floor area but also to any additional stories of said structure. All horizontal dimensions shall be taken from the exterior faces of walls.

2.02.143 **FOOD SALES** shall mean establishments or places of business primarily engaged in the retail sale of food or household products for home consumption. Typical uses include groceries, delicatessens, meat markets, retail bakeries, and candy shops.

2.02.143.1 **FOOD SALES (LIMITED)** shall mean food sales establishments occupying 10,000 square feet or less of space.

2.02.143.2 **FOOD SALES (GENERAL)** shall mean food sales establishments occupying more than 10,000 square feet of space. Typically a supermarket.

2.02.144 **FRONTAGE** shall mean that portion of a parcel of property which abuts a dedicated public street or highway.

2.02.145 **GARAGE** shall mean a detached accessory building or an attached portion of a dwelling for the housing of vehicles, including carports. **(Ordinance No. 1083, 2-17-09)**

2.02.146 **GRADE** shall mean the average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within five feet of a sidewalk, the ground level shall be measured at the sidewalk.

2.02.147 **GREENHOUSE** shall mean a building or premises used for growing plants, preparation of floral arrangements for off-site delivery to customers, cold storage of flowers or dry storage of materials used for agricultural or horticultural purposes.

2.02.148 **GROUND COVER** shall mean plant material used in landscaping which remains less than twelve (12) inches in height at maturity. (Also, see Landscaping)

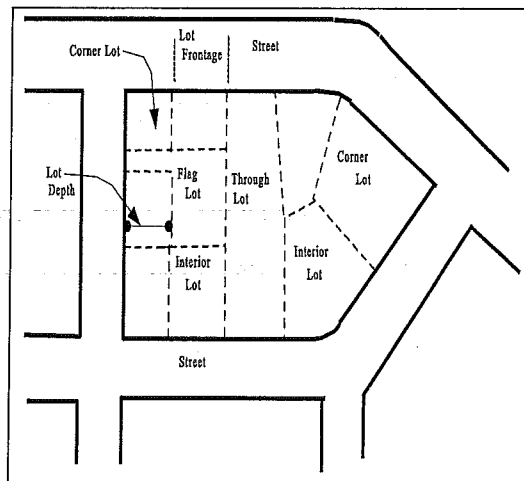
- 2.02.149 **GROUP CARE HOME** shall mean a home which is operated under the auspices of an organization which is responsible for providing social services, administration, direction, and control for the home which is designed to provide twenty-four (24) hour care for individuals in a residential setting. *This term does not include any society, club, fraternity, sorority, association, lodge, organization, or group of students or other individuals where the common living arrangement is temporary or seasonal. Also, the term does not include any group of individuals who are in a group living arrangement as a result of criminal offenses. (Ordinance No. 1083, 2-17-09)*
- 2.02.150 **GUNSMITH** shall mean a shop that designs, makes or repairs small firearms. *(Ordinance No. 1083, 2-17-09)*
- 2.02.151 **GUEST ROOM** shall mean a room which is designed to be occupied by one (1) or more guest for sleeping purposes, having no kitchen facilities, not including dormitories.
- 2.02.152 **HARD SURFACED** shall mean any surface used for movement of vehicular and / or pedestrians which is properly designed with permeable pavement, bricks, interlocking concrete pavers, asphalt or concrete. *(Ordinance No. 1083, 2-17-09)*
- 2.02.153 **HARMONY** shall mean a quality that represents an appropriate and congruent arrangement of parts, as in an arrangement of varied architectural and landscape elements.
- 2.02.154 **HAZARDOUS WASTE / MATERIALS** shall mean waste products of industrial or chemical process including finished surplus, used, contaminated or unwanted fertilizer, herbicide, petroleum products, or other such processed waste material. *(Ordinance No. 1083, 2-17-09)*
- 2.02.155 **HEALTH CLUB** shall mean privately owned for profit facilities such as gymnasiums, athletic clubs, recreational clubs, reducing salons, and weight control establishments. *(Ordinance No. 1083, 2-17-09)*
- 2.02.156 **HEDGE** shall mean a plant or series of plants, shrubs or other landscape material, so arranged as to form a physical barrier or enclosure.
- 2.02.157 **HOME OCCUPATION** shall mean an "in-home" or "home-based" business, industry, or service (not including uses defined as Adult Entertainment Establishment) operating from within a residential dwelling, or within an accessory structure in a residential zoning district. Home occupations shall be secondary and incidental in nature to the primary residential structure and/or property. Home Occupations shall satisfy the standards set forth in Section 7.10 of the City's Zoning Ordinance.
- 2.02.157.01 **Home Occupation I (Major):** shall mean Home Occupations that include on-site sales or services and/or one part-time or full-time employee that does not reside on the premises.
- 2.02.157.02 **Home Occupation II (Minor):** shall mean a Home Occupation that is not a Home Occupation I, including the following (a) a Home Occupation in which the sole activity is maintenance and use of an office in the home for telecommuting and/or deriving other income or sales; and (b) home-based craftmaking or cooking, which does not involve on-site sales. *(Ordinance No. 879, 11-19-02)*
- 2.02.157.03 Occupations defined as Home Occupation II are exempt from a conditional use permit and Home Occupation License. All Home Occupation I uses are required to have a Home Occupation License. *(Ordinance No. 879, 11-19-02)*
- 2.02.158 **HOME OCCUPATION LICENSE** shall mean a license provided to the owner/operator of a home occupation. Such license shall include (but not limited to) the following:
- 2.02.158.01 Application fee in accordance with Master Fee Schedule. *(Ordinance No. 879, 11-19-02)*
- 2.02.158.02 For major Home Occupations requiring a Conditional Use Permit, a minimum of seventy-five percent (75%) of the households within two hundred feet (200') of the proposed home occupation shall indicate no objections, in writing, to the operation of such home occupation. A "no objections" signature form shall be provided by the City and said residents shall sign next to their respective address. *(Ordinance No. 879, 11-19-02)*
- 2.02.158.03A Conditional Use Permit is required for Home Occupation I uses, except Child Care Homes. *(Ordinance No. 879, 11-19-02)*

- 2.02.159 **HOME OCCUPATION PERMIT** (see Home Occupation License) (**Ordinance No. 879, 11-19-02**)
- 2.02.160 **HOME OCCUPATION TAX** (see Home Occupation License) (**Ordinance No. 879, 11-19-02**)
- 2.02.161 **HOSPITAL, ANIMAL** shall mean a place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use as a kennel shall be limited to short-time boarding and shall be only incidental to such hospital use. (**Ordinance No. 871, 10-15-02**)
- 2.02.162 **HOTEL** shall mean a building or portion thereof, or a group of buildings, offering transient lodging accommodations on a daily rate to the general public and providing services associated with restaurants, meeting rooms, and recreational facilities. (**Ordinance No. 1083, 2-17-09**)
- 2.02.163 **HOUSE TRAILER** (see Dwelling, Mobile Home)
- 2.02.164 **HOUSEHOLD PET** shall mean an animal that is customarily kept for personal use or enjoyment within the home. Household pet shall include but not be limited to domestic dogs, domestic cats, domestic tropical birds, fish, and rodents.
- 2.02.165 **INCIDENTAL** shall mean a use, which is subordinate to the main use of a premise.
- 2.02.166 **INDOOR RECREATIONAL FACILITY** shall refer to use of a facility for purposes of recreation. The use shall be completely enclosed within a building with the exception of retractable roofs. Examples include, but are not limited to sports courts, gymnastics, kart racing, batting cages, practice fields, and miniature golf. (**Ordinance No. 1083, 2-17-09**)
- 2.02.167 **INDUSTRY** shall mean the manufacture, fabrication, processing reduction or destruction of any article, substance or commodity, or any other treatment thereof in such a manner as to change the form, character, or appearance thereof and including storage elevators, truck storage yards, warehouses, wholesale storage and other similar types of enterprise.
- 2.02.168 **INOPERABLE MOTOR VEHICLE** shall mean any motor vehicle which: (1) Does not have a current state license plate; or, (2) Which may or may not have a current state license plate, but is disassembled or wrecked in part or in whole, or is unable to move under its own power, or is not equipped as required by Nebraska State Law for operation upon streets or highways. A vehicle which is wholly or partially dismantled shall not be considered inoperable when said vehicle is inside a completely enclosed building.
- 2.02.169 **INTENSITY** shall mean the degree to which land is used referring to the levels of concentration or activity in uses ranging from uses of low intensity being agricultural and residential to uses of highest intensity being heavy industrial uses. High intensity uses are normally uses that generate concentrations of vehicular traffic and daytime population and are less compatible with lower intensive uses.
- 2.02.170 **INTENT AND PURPOSE** shall mean that the Commission and Council by the adoption of this Ordinance have made a finding that the health, safety, and welfare of the community will be served by the creation of the zoning districts and by the regulations prescribed therein.
- 2.02.171 **JUICE BAR** (See Adult Establishment)
- 2.02.172 **JUNK** shall be any worn-out, cast-off, old, or discarded articles of scrap, copper, brass, iron, steel, rope, rags, batteries, paper, trash, rubber, debris, waste, dismantled or wrecked automobiles, or parts thereof, and other old or scrap ferrous or nonferrous material.
- 2.02.173 **KENNEL** shall mean an establishment where three (3) or more dogs, cats, or other household pets, or non-farm/non-domestic or any combination of five (5) or more thereof, at least four (4) months of age are boarded as a business. (**Ordinance No. 1083, 2-17-09**)
- 2.02.174 **LABORATORY** shall mean a facility used for testing and analyzing medical and dental samples from off-site locations. Testing laboratories shall refer to soil and geotechnical research and analysis. Laboratories do not include human or animal research / testing facilities. (**Ordinance No. 1083, 2-17-09**)
- 2.02.175 **LANDSCAPE** shall mean plant materials, topography, and other natural physical elements combined in relation to one another and to man-made structures.

- 2.02.176 **LANDSCAPING** shall include the original planting of suitable vegetation in conformity with the requirements of this Regulation and the continued maintenance thereof.
- 2.02.177 **LAUNDRY SERVICE** shall mean an establishment that provides home-type washing, drying, and/or ironing facilities for customers on the premises. (*Ordinance No. 1083, 2-17-09*)
- 2.02.178 **LOADING AREA** shall mean an off-street space or berth on the same lot with a main building, or contiguous to a group of buildings, for the temporary parking of commercial vehicles while loading or unloading, and which abuts a street, alley, or other appropriate means of ingress and egress. (*Ordinance No. 1083, 2-17-09*)
- 2.02.179 **LOGIC OF DESIGN** shall mean accepted principles and criteria of validity in the solution of the problem of design.
- 2.02.180 **LOT** shall mean a parcel or tract of land which is or may be occupied by a use herein permitted, together with yards, and other open spaces herein required, that has frontage upon a street, and is a part of a recorded subdivision plat or has been recorded prior to the adoption of the Regulation, or a parcel of real property delineated on an approved record of survey, lot-split or sub-parceling map as filed in the office of the County Register of Deeds and abutting at least one (1) public street or right-of-way, two (2) easements with dedicated public access, or one (1) private road. (*Ordinance No. 1083, 2-17-09*)
- 2.02.181 **LOT AREA** shall mean the total area, on a horizontal plane, within the lot lines of a lot.
- 2.02.182 **LOT, CORNER** shall mean a lot located at the intersection of two (2) or more streets at an angle of not more than one hundred thirty-five (135) degrees. If the angle is greater than one hundred thirty-five (135) degrees, the lot shall be considered an "Interior Lot". The setbacks for a front yard shall be met on all abutting streets.

- 2.02.183 **LOT COVERAGE** shall mean the portion of a lot or building site which is occupied by any building or structure, excepting paved areas, walks and swimming pools, regardless of whether said building or structure is intended for human occupancy or not.

- 2.02.184 **LOT DEPTH** shall mean the horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.



- 2.02.185 **LOT, DOUBLE FRONTAGE** shall mean a lot having a frontage on two non-intersecting streets as distinguished from a corner lot.
- 2.02.186 **LOT, FRONTAGE** shall mean the side of a lot abutting on a legally accessible street right-of-way other than an alley or an improved county road. For the purposes of this definition, on corner lots, all sides of a lot adjacent to streets or roads shall be considered frontage.
- 2.02.187 **LOT, INTERIOR** shall mean a lot other than a corner lot.
- 2.02.188 **LOT LINE** shall mean the property line bounding a lot.
- 2.02.189 **LOT LINE, FRONT** shall mean the property line abutting a street.
- 2.02.190 **LOT LINE, REAR** shall mean a lot line not abutting a street which is opposite and most distant from the front lot line.



- 2.02.191 **LOT LINE, SIDE** shall mean any lot line *that is* not a front lot line or rear lot line.  
(Ordinance No. 1083, 2-17-09)
- 2.02.192 **LOT, THROUGH** shall mean a lot having frontage on two (2) dedicated streets, not including a corner lot.
- 2.02.193 **LOT OF RECORD** shall mean a lot held in separate ownership as shown on the records of the County Register of Deeds at the time of the passage of a regulation or regulations establishing the zoning district in which the lot is located.
- 2.02.194 **LOT WIDTH** shall mean the average horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines.
- 2.02.195 **MAIL ORDER SERVICES** shall mean an establishment primarily engaged in the retail sale of products by television, telemarketing, internet, catalog, and mail order. Such a use may include warehousing, shipping, and receiving of merchandise intended for retail sale. (Ordinance No. 1083, 2-17-09)
- 2.02.196 **MANUFACTURED HOME** A factory-built structure which is to be used as a place for human habitation, which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than to a permanent site, which does not have permanently attached to its body or frame any wheels or axles, and which bears a label certifying that it was built in compliance with standards promulgated by the United States Department of Housing and Urban Development. (Ordinance No. 1083, 2-17-09)
- 2.02.197 **MANUFACTURED HOME PARK** shall mean a parcel of land under single ownership that has been planned and improved for the placement of manufactured housing used or to be used for dwelling purposes and where manufactured home spaces are not offered for sale or sold. The term "manufactured home park" does not include sales lots on which new or used manufactured homes are parked for the purposes of storage, inspection, or sale.
- 2.02.198 **MANUFACTURED HOME SUBDIVISION** shall mean any area, piece, parcel, tract or plot of ground subdivided and used or intended to be used for the purpose of selling lots for occupancy by manufactured homes.
- 2.02.199 **MANUFACTURING** shall mean uses primarily engaged in the mechanical or chemical transformation of materials or substances into new products. These uses are usually described as plants, factories, or mills and characteristically use power driven machines and materials handling equipment. Uses engaged in assembling component parts of manufactured products are also considered manufacturing if the new product is neither a structure nor other fixed improvement. Also included is the blending of material such as lubricating oils, plastics, resins, or liquors. Manufacturing production is usually carried on for the wholesale market, for interplant transfer, or to order for industrial users, rather than for direct sale to the domestic consumer.
- 2.02.200 **MANUFACTURING, LIGHT** shall mean an establishment engaged in the indoor manufacturing, assembly, fabrication, packaging or other industrial processing of finished parts or products, primarily from previously prepared materials, or the indoor provision of industrial services, where there are few external effects across property lines. This term includes but is not limited to a business engaged in the processing, fabrication, assembly, treatment, or packaging of food, textile, leather, wood, paper, chemical, plastic, or metal products, but does not include basic industrial processing from raw materials. (Ordinance No. 1053, 1-15-08)
- 2.02.201 **MAP, OFFICIAL ZONING DISTRICT** shall mean a map delineating the boundaries of zoning districts which, along with the zoning text, is officially adopted by the La Vista City Council.
- 2.02.202 **MASTER FEE SCHEDULE** shall mean a fee schedule maintained by the City of La Vista and passed, and amended periodically, which establishes the required fees to be collected for specific Planning, Zoning, Subdivision, and Building Inspection activities.
- 2.02.203 **MECHANICAL EQUIPMENT** shall mean equipment, devices, and accessories, the use of which relates to water supply, drainage, heating, ventilating, air conditioning, and similar purposes.

- 2.02.204 **MEDICAL / DENTAL OFFICES / CLINICS** shall mean a building or portion of a building containing offices and facilities for providing medical, dental, and psychiatric services for outpatients only. (Ordinance No. 1083, 2-17-09)
- 2.02.205 **MEETING HALL** shall mean a building designed for public assembly. (Ordinance No. 1083, 2-17-09)
- 2.02.206 **MICROBREWERY** (see Brew Pub) (Ordinance No. 1083, 2-17-09)
- 2.02.207 **MINI-STORAGE OR MINI-WAREHOUSE** (See Self-Service Storage Facility)
- 2.02.208 **MISCELLANEOUS REPAIR SERVICES** shall include electrical repair shops; watch, clock and jewelry repair shops; and re-upholstery and furniture repair. (See also Standard Industrial Classification (SIC) Major Group 76, published by the U.S. Department of Labor) (Ordinance No. 1053, 1-15-08)
- 2.02.209 **MISCELLANEOUS STRUCTURES** shall mean structures, other than buildings, visible from public ways. Examples are: memorials, antennas, water tanks and towers, sheds, shelters, fences, and walls, kennels, transformers, drive-up facilities. (Ordinance No. 1083, 2-17-09)
- 2.02.210 **MIXED USE** shall mean properties where various uses, such as office, commercial, institutional, and residential, are combined in a single building or on a single site in an integrated development project with significant functional interrelationships and a coherent physical design.
- 2.02.211 **MOBILE HOME** (See Dwelling, Mobile Home)
- 2.02.212 **MOBILE HOME PARK** (See Manufactured Home Park)
- 2.02.213 **MOBILE HOME SUBDIVISION** (See Manufactured Home Subdivision)
- 2.02.214 **MORTUARY** shall mean an establishment in which the deceased are prepared for burial or cremation. The facility may include funeral services and spaces for informal gatherings or display of funeral equipment. This classification excludes cemeteries. (Ordinance No. 1083, 2-17-09)
- 2.02.215 **MOTEL** (See Hotel)
- 2.02.216 **MOTOR VEHICLE** shall mean every self-propelled vehicle, not operated upon rails, except mopeds and self-propelled invalid chairs. (Ordinance No. 891, 2-04-03)
- 2.02.217 **NEWSSTAND** shall mean a temporary structure manned by a vendor, whom sells newspapers, magazines and other periodicals. (Ordinance No. 1083, 2-17-09)
- 2.02.218 **NON-CONFORMING STRUCTURE** shall mean a building or portion thereof which was lawful when established but which does not conform to subsequently established zoning or zoning regulations. (Ordinance No. 1083, 2-17-09)
- 2.02.219 **NON-CONFORMING USE** shall mean a use lawful when established but which does not conform to subsequently established zoning or zoning regulations.
- 2.02.220 **NUISANCE** shall mean anything that interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses such as noise, dust, odor, smoke, gas, pollution, congestion, lighting, and litter.
- 2.02.221 **NURSERY** shall mean the use of a premises for the propagation, cultivation, and growth of trees, shrubs, plants, vines, and the like from seed or stock, and the sale thereof, and including the sale of trees, shrubs, plants, vines, and the like purchased elsewhere and transplanted into the soil of the premises. In connection with the sale of plants, such fungicides, insecticides, chemicals, peat moss, humus, mulches, and fertilizers as are intended to be used in preserving the life and health of the plants may be sold.
- 2.02.222 **NURSING CARE AND REHABILITATION FACILITIES** shall mean a type of care facility for persons with chronic illness or disability, particularly older people who have mobility and eating problems. These facilities are licensed by the State of Nebraska and offer 24-hour room and board and health care services, including basic and skilled

*nursing care, rehabilitation, hospice, and a full range of other therapies, treatments, and programs.*

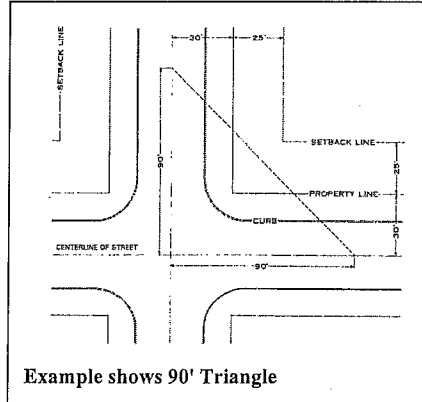
- 2.02.223 **OFFICE** shall mean a building or a portion of a building wherein services are performed involving, primarily, administrative, professional, or clerical operations.
- 2.02.224 **OFFICE PARK** shall mean a development which contains two or more separate office buildings, accessory and supporting uses, and open space all designed, planned, constructed, and maintained on a coordinated basis. **(Ordinance No. 1083, 2-17-09)**
- 2.02.225 **OPEN SPACE** shall mean a parcel or parcels of land, together with the improvements thereon, primarily set aside for recreational use and enjoyment, exclusive of land areas used for streets, alleys, roads, driveways, parking areas, structures, and buildings.
- 2.02.226 **OPEN SPACE, COMMON** shall mean a separate and distinct area set aside as open space within or related to a development, and not on individually owned lots or dedicated for public use, but which is designed and intended for the common use or enjoyment of the residents of the development. Rights-of-way, private streets, driveways, parking lots or other surfaces designed or intended for vehicular use or required yards shall not be included as common open space.
- 2.02.227 **OUTLOT** shall mean a lot remnant or parcel of land left over after platting, which is intended as open space or other use, for which no building permit shall be issued on any private structures.
- 2.02.228 **OUTDOOR STORAGE** shall mean the storage of any material for a period greater than 72 hours not in an enclosed building, including items for sale, lease, processing, and repair (including motor vehicles). **(Ordinance No. 1083, 2-17-09)**
- 2.02.229 **OVERLAY DISTRICT** shall mean a district in which additional requirements act in conjunction with the underlying zoning district. The *underlying* zoning district designation does not change. **(Ordinance No. 1083, 2-17-09)**
- 2.02.230 **OWNER** shall mean one (1) or more persons, including corporations, who have title to the property, building or structure in question.
- 2.02.231 **PARCEL** shall mean a lot or a contiguous group of lots in single ownership or under single control, which may be considered as a unit for purposes of development.
- 2.02.232 **PARK** shall mean any public or private land available for recreational, educational, cultural, or aesthetic use.
- 2.02.233 **PARKING AREA or VEHICULAR USE AREA** shall refer to all off street areas and spaces designed, used, required, or intended to be used for parking, including driveways or access ways in and to such areas. **(Ordinance No. 1083, 2-17-09)**
- 2.02.234 **PARKING SPACE** shall mean an area, other than a street or alley, reserved for the parking of an automobile, such space having a dimension not less than nine (9) feet *wide* by eighteen (18) feet *long*, plus such additional area as is necessary to afford adequate ingress and egress. **(Ordinance No. 1083, 2-17-09)**
- 2.02.235 **PERMANENT FOUNDATION** shall mean a base constructed from either poured concrete or laid masonry rock or brick and placed on a footing located below ground level to a point below the frost line upon which a building or structure is permanently attached.
- 2.02.236 **PERMANENTLY ATTACHED** shall mean connected to real estate in such a way as to require dismantling, cutting away, or unbolting in order to remove, relocate, or replace.
- 2.02.237 **PERMITTED USE** shall mean any land use allowed without condition within a zoning district.
- 2.02.238 **PERSON** shall mean an individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver, syndicate, City, County, special district or any other group or combination acting as an entity, except that it shall not include La Vista, Nebraska.
- 2.02.239 **PET HEALTH SERVICE** (see *Hospital, Animal*) **(Ordinance No. 871, 10-15-02)**

- 2.02.240 **PET SHOP** shall mean a retail establishment primarily involved in the sale of domestic animals, such as dogs, cats, fish, birds, and reptiles, excluding exotic animals and farm animals such as horses, cattle, goats, sheep and poultry.
- 2.02.241 **PINBALL or VIDEO GAMES BUSINESS** (See Amusement Arcade) (**Ordinance No. 1083, 2-17-09**)
- 2.02.242 **PLANNED UNIT DEVELOPMENT** shall mean a development designed to provide for an unusual or different arrangement of residential, business, or industrial uses in accordance with an approved development plan. (**Ordinance No. 891, 2-04-03**)
- 2.02.243 **PLANNING COMMISSION** shall mean the Planning Commission of La Vista, Nebraska.
- 2.02.244 **PLANT MATERIALS** shall mean trees, shrubs, vines, ground covers, grass, perennials, annuals, and bulbs.
- 2.02.245 **PLAT** shall mean a map showing the location, boundaries, and legal description of individual properties.
- 2.02.246 **POSTAL STATION** shall mean a commercial business which conducts the retail sale of stationery products, provides packaging and mail services (both U.S. Postal and private service), and provides mailboxes for lease. (**Ordinance No. 1083, 2-17-09**)
- 2.02.247 **PREMISES** shall mean a tract of land, consisting of one lot or irregular tract, or more than one lot or irregular tract, provided such lots or tracts are under common ownership, contiguous, and used as a single tract (See also, Parcel) (**Ordinance No. 1083, 2-17-09**)
- 2.02.248 **PRESCHOOL** shall mean a school or center for children under school age, whether licensed as a day care center or not, shall be approved by the Nebraska State Fire Marshall as being in safety conformance with the National Fire Protection Association, Pamphlet 101, known as the Life Safety Code and shall be approved by the Nebraska Department of Health and Welfare as meeting their health and welfare standards. (**Ordinance No. 1083, 2-17-09**)
- 2.02.249 **PRINCIPAL BUILDING** shall mean a building within which the main or primary use of the lot or premises is located. (See also Use, Principal) (**Ordinance No. 1083, 2-17-09**)
- 2.02.250 **PUBLIC FACILITIES** shall mean any building held, used, or controlled exclusively for public purposes by any department or branch of federal, state, county, or city government. A building belonging to or used by the public for the transaction of public or quasi-public business. Public services may be rendered from such facilities. (**Ordinance No. 1083, 2-17-09**)
- 2.02.251 **PUBLIC SERVICES** shall mean services provided by a public agency within a government facility for purposes of public safety and emergency services, including a facility that provides police or fire protection and related administrative facilities. (**Ordinance No. 1083, 2-17-09**)
- 2.02.252 **RECREATIONAL ESTABLISHMENT** (see Recreational Facility) (**Ordinance No. 891, 2-04-03**)
- 2.02.253 **RECREATIONAL FACILITY** shall mean public or private facilities for the use of passive and active recreation including tennis, handball, racquetball, basketball, track and field, jogging, baseball, soccer, skating, swimming, or golf. This shall include country clubs and athletic clubs, but not facilities accessory to a private residence used only by the owner and guests, nor arenas or stadiums used primarily for spectators to watch athletic events. In addition, recreational facilities shall mean museums, amphitheaters, race tracks (including all motor powered vehicles) and wildlife conservation areas (used for public viewing), and theme parks. (**Ordinance No. 891, 2-04-03**)
- 2.02.254 **RECREATIONAL VEHICLE (RV)** shall mean a vehicular unit less than forty (40) feet in overall length, eight (8) feet in width, or twelve (12) feet in overall height, primarily designed as a temporary living quarters for recreational camping or travel use having either its own power or designed to be mounted on or drawn by a motor vehicle. Recreational vehicle includes motor home, truck camper, travel trailer, camping trailer, and fifth wheel.

- 2.02.255 **RESIDENCE** shall mean a building used, designed, or intended to be used as a home or dwelling place for one (1) or more families.
- 2.02.256 **RESERVATION CENTER** shall mean a travel agency; or other such agency involved in selling and arranging transportation, tours, trips, and accommodations for tourists.  
(Ordinance No. 1083, 2-17-09)
- 2.02.257 **RESTAURANT** shall mean a public eating establishment at which the primary function is the preparation and serving of food primarily to persons seated within the building.
- 2.02.258 **RESTAURANT, FAST FOOD** shall mean an establishment whose principal business is the sale of food and/or beverages in ready-to-consume individual servings, for consumption either within the establishment, for carryout, *drive-thru*, or drive-in; and where food and/or beverages are usually served in paper, plastic, or other disposable containers. (Ordinance No. 1083, 2-17-09)
- 2.02.259 **RETAIL TRADE** shall mean uses primarily engaged in selling merchandise for personal or household consumption and rendering services incidental to the sale of goods. Uses engaged in retail trade sell merchandise to the general public or to households for personal consumption.
- 2.02.260 **REZONING** shall mean an amendment to or change to the *Official Zoning District Map*.  
(Ordinance No. 1083, 2-17-09)
- 2.02.261 **RIGHT-OF-WAY** shall mean an area or strip of land, either public or private, on which an irrevocable right of passage has been dedicated, recorded, or otherwise legally established for the use of vehicles or pedestrians or both.
- 2.02.262 **ROAD, PRIVATE** shall mean a way, other than driveways, open to vehicular ingress and egress established for the benefit of certain, adjacent properties.
- 2.02.263 **ROAD, PUBLIC** shall mean all public right-of-way reserved or dedicated for *utilities and vehicular and pedestrian* traffic. (Ordinance No. 1083, 2-17-09)
- 2.02.264 **SATELLITE DISH ANTENNA** shall mean a round, parabolic antenna incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, or cone and used to transmit and/or receive radio or electromagnetic waves.
- 2.02.265 **SCREENING** shall mean a structure or planting that conceals from view from public ways the area behind such structure or planting.
- 2.02.266 **SELF-SERVICE STORAGE FACILITY** shall mean a building or group of buildings containing individual, compartmentalized, and controlled access stalls or lockers for storage.
- 2.02.267 **SERVICE STATIONS** shall mean buildings and premises where the primary use is the supply and dispensing at retail of motor fuels, lubricants, batteries, tires, and motor vehicle accessories and where light maintenance activities such as engine tune-ups, lubrications, and washing may be conducted, but not including heavy maintenance and repair such as engine overhauls, painting, and body repair.
- 2.02.268 **SETBACK, FRONT YARD** shall mean the line which defines the depth of the required front yard. Said setback line shall be parallel with the right-of-way line or other access way. (Ordinance No. 1083, 2-17-09)
- 2.02.269 **SETBACK, REAR YARD OR SIDE YARD** shall mean the line which defines the width or depth of the required rear or side yard. Said setback line shall be parallel with the property line, offset by the perpendicular distance prescribed for the yard in the district.  
(Ordinance No. 1083, 2-17-09)
- 2.02.270 **SHOPPING CENTER** shall mean a group of commercial establishments planned, constructed, and managed as a total entity with customer and employee parking provided on-site, provisions for goods delivery that is separated from customer access, aesthetic considerations, and protection from the elements.
- 2.02.271 **SHOPPING CENTER, COMMERCIAL STRIP** shall mean a commercial development, usually one store deep, that fronts on a major street for a distance of one city block or

more. Includes individual buildings on their own lots, with or without on-site parking and small linear shopping centers with shallow on-site parking in front of the stores.

2.02.272 **SHOPPING CENTER, OUTLET** shall mean a commercial development that consists mostly of manufacturers' outlet stores selling their own brands at a discounted price. This definition includes all forms of centers, such as strip style, enclosed mall style, and village clustered style centers.



2.02.273 **SIGHT TRIANGLE** is an area at a street intersection in which nothing shall be erected, placed, planted, or allowed to grow, in such a manner as to materially impede vision between a height of two-and-a-half (2 ½) feet and ten (10) feet above the grades of the bottom of the curb of the intersecting streets, measured from the point of intersection of the centerline of the streets, sixty (60) feet in each direction along the centerline of the streets. At the intersection of major or *other* arterial streets, the sixty (60) foot distance shall be increased to ninety (90) feet for each arterial leg of the intersection. (**Ordinance No. 891, 2-04-03**)

2.02.274 **SIGN** shall mean and include any outdoor display, declaration, device, figure, drawing, illustration, message, placard, poster, billboard, insignia, or other things which are designed, intended, or used for direction, information, identification, or to advertise, to inform, or to promote any business, product activity, service, or any interest, except the following:

- 2.02.274.01 A name plate or sign designating location, direction, information, or identification, providing the surface area or face of such sign does not exceed ten (10) square feet.
- 2.02.274.02 Signs less than twenty-five (25) square feet in surface area advertising activities conducted on the premise, products grown, made, or produced on the premise.
- 2.02.274.03 Signs less than fifty (50) square feet in area and less than twenty-five (25) feet in height of a public or quasi-public nature or other official notices that are authorized by the State of Nebraska, City of La Vista, or a Federal Government Agency, directional, informational, or other official signs or notices authorized by law.

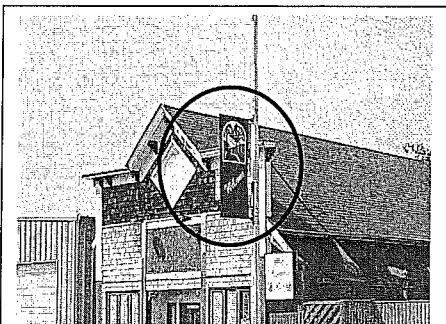
2.02.275 **SIGN, ANIMATED** shall mean any sign that uses movement or change of lighting to depict action or create a special effect or scene.

2.02.276 **SIGN AREA** shall refer to that portion of a sign on which copy can be placed but not including the minimal supporting framework or bracing. The area of individually painted letter signs, individual letter signs or directly or indirectly illuminated individual letter signs, shall be calculated on the basis of the smallest geometric figure that will enclose the entire copy area of the sign. Any such calculation shall include the areas between the letters and lines, as well as the areas of any devices, illuminated or non-illuminated.

***(Ordinance No. 1083, 2-17-09)***

2.02.277 **SIGN, AUDIBLE** shall mean any sign that conveys either a written message supported by an audible noise including music, spoken message, and / or sounds to attract attention to the sign. Audible signs also include signs conveying only the audible noise including music, spoken message, and / or sounds to attract attention.

2.02.278 **SIGN, BANNER** shall mean any sign of lightweight fabric or similar material that is permanently mounted to a pole or building by a permanent frame at one or more edges. National flags, state or municipal flags, or official flag of any institution or business shall not be considered banners. Banner signs shall not represent a commercial message.

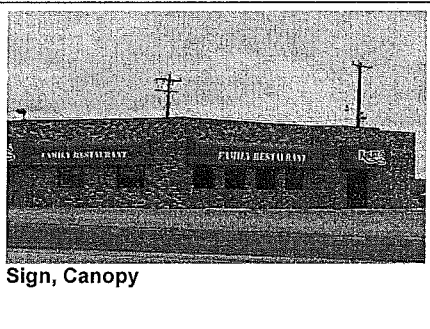


### Sign, Banner



2.02.279 **SIGN, BILLBOARD** shall mean a sign that identifies or communicates a commercial or noncommercial message related to an activity conducted, a service rendered, or a commodity sold at a location other than where the sign is located.

2.02.280 **SIGN, BUILDING MARKER** shall mean any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.



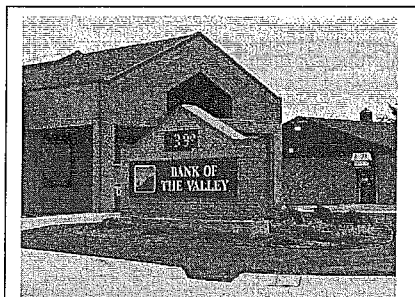
Sign, Canopy

2.02.281 **SIGN, CANOPY** shall mean any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy. (*Ordinance No. 1083, 2-17-09*)

2.02.282 **SIGN, CENTER IDENTIFICATION** shall mean any sign erected to provide direction to a development including multiple uses and / or structures within the development. Center Identification signs shall include the name of said development and may include the names of major tenants of the development. Center Identification Signs shall typically be similar to Ground (Monument) signs. (*Ordinance No. 1083, 2-17-09*)

2.02.283 **SIGN, CONSTRUCTION** shall mean a temporary sign identifying an architect, engineer, contractor, subcontractor, and/or building material supplier who participates in construction on the property on which the sign is located. (*Ordinance No. 871, 10-15-02*); (*Ordinance No. 1083, 2-17-09*)

2.02.284 **SIGN, ELECTRONIC MESSAGE BOARD** shall mean a sign that uses changing lights to form a sign message or messages wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes.



Sign, Monument  
Sign, Electronic Message  
Sign, Flashing

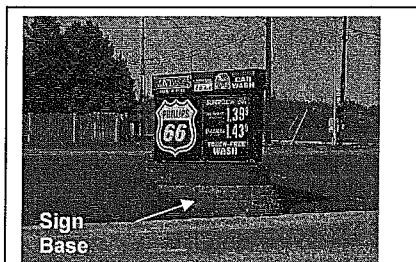
2.02.285 **SIGN, FLASHING** shall mean a sign, which, by method or manner of illumination, flashes on or off, winks, or blinks with varying light intensity, shows motion, or creates the illusion of being on or off.

2.02.286 **SIGN, FREESTANDING** shall mean any sign supported by uprights or braces placed on or in the ground, which is used principally for advertising or identification purposes and is not supported by any building.

2.02.287 **SIGN, ILLUMINATED** shall mean a sign illuminated in any manner by an artificial light source.

2.02.288 **SIGN, INCIDENTAL** shall mean a sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as "no parking," "entrance," "loading only," "telephone," and other similar directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental. Incidental signs may be attached or painted on the wall, or they may be freestanding signs. (*Ordinance No. 1083, 2-17-09*)

2.02.289 **SIGN, MARQUEE** shall mean any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.



Sign  
Base  
Sign, Monument

2.02.290 **SIGN, MONUMENT** shall mean a sign mounted directly to the ground with a maximum height not to exceed ten (10) feet.

2.02.291 **SIGN, NAMEPLATE** shall mean a sign not exceeding two (2) square feet for each dwelling.

2.02.292 **SIGN, NONCONFORMING** shall mean any sign that does not conform to the requirements of this ordinance

2.02.293 **SIGN, OFF-PREMISES** shall mean a sign including the supporting sign structure which directs the attention of the general public to a business, service, or activity not usually conducted, or a product not offered or sold, upon the premises where such sign is located.

2.02.294 **SIGN, ON-PREMISE** shall mean a sign, display, or device-advertising activities conducted on the property on which such sign is located.

2.02.295 **SIGN, PENNANT** shall mean any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

2.02.296 **SIGN, POLE** shall mean a sign that is mounted on a freestanding pole or other support so that the bottom edge of the sign face is six (6) feet or more above grade.

2.02.297 **SIGN, PORTABLE** shall mean a sign, usually of a temporary nature, not securely anchored to the ground or to a building or structure and which obtains some or all of its structural stability with respect to wind or other normally applied forces by means of its geometry or character. Examples are: menu and sandwich board signs, balloons used as signs, umbrellas used for advertising, and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations (deliveries and transportation of personnel) of the business. This definition also includes any and all sandwich boards supported by human beings or animals.



Sign, Projecting

2.02.298 **SIGN, PROJECTING** shall mean a projecting sign attached to a building in such a manner that its leading edge extends more than eight (8) inches beyond the surface of such building or wall.

2.02.299 **SIGN, REAL ESTATE** shall mean a temporary sign that identifies property or properties that are for sale or lease.

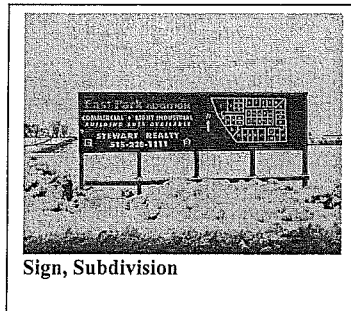
2.02.300 **SIGN, ROOF** shall mean a sign identifying the name of a business, enterprise, or the product sold on the premises and erected on or over the roof of a building. (*Ordinance No. 1083, 2-17-09*)

2.02.301 **SIGN SETBACK** shall mean the horizontal distance from the property line to the nearest projection of the existing or proposed sign.

2.02.302 **SIGN, SUBDIVISION** shall mean a sign erected on a subdivision which identifies the platted subdivision where the sign is located.

2.02.303 **SIGN SURFACE** shall mean the entire area of a sign.

2.02.304 **SIGN, SUSPENDED** shall mean a sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

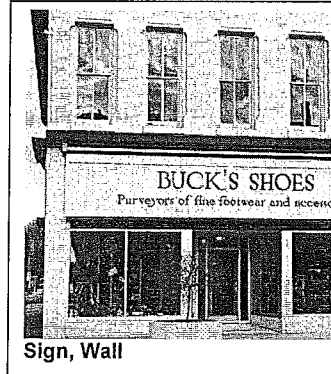


Sign, Subdivision

2.02.305 **SIGN, TEMPORARY** shall mean a sign constructed of cloth, fabric, or other material with or without a structural frame intended for a limited period of display, including displays for holidays or public demonstrations. Temporary signs shall include portable signs as defined in this section.

2.02.306 **SIGN, VIDEO** shall mean any on-premises or off-premises sign that conveys either a commercial or non-commercial message, including a business or organization name, through means of a television or other video screen. *This definition shall include electronic message board signs. (Ordinance No. 1083, 2-17-09)*

2.02.307 **SIGN, WALL** shall mean any sign attached parallel to, but within eight inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.



2.02.308 **SIGN, WINDOW** shall mean any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

2.02.309 **SIGN BASE** shall mean any decorative, functional element extending upward from grade to the start of the sign.

2.02.310 **SIMILAR USE** shall mean the use of land, buildings, or structures of like kind or general nature with other uses within a zoning district as related to bulk, intensity of use, traffic generation and congestion, function, public services requirements, aesthetics or other similarities.

2.02.311 **SITE PLAN** shall mean a plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses, drives, parking, drainage, landscape features, and other principal site development improvements for a specific parcel of land.

2.02.312 **SOCIAL CLUB OR FRATERNAL ORGANIZATIONS** shall mean an association of persons (whether or not incorporated), religious or otherwise, for a common purpose, but not including groups which are organized primarily to render a service carried on as a business for profit. *(Ordinance No. 1083, 2-17-09)*

2.02.313 **SOLID WASTE** shall mean waste materials consisting of garbage, trash, refuse, rubble, sewage, offal, dead animals, or paunch manure.

2.02.314 **SPECIAL or VOCATIONAL TRAINING FACILITIES** shall mean a specialized instructional establishment that provides on-site training of business, commercial, and/or trade skills such as accounting, data processing, and computer repair. *This classification excludes establishments providing training in an activity that is not otherwise permitted in the zone. Incidental instructional services in conjunction with another primary use shall not be included in this definition. (Ordinance No. 1083, 2-17-09)*

2.02.315 **SPECIFIED ANATOMICAL AREAS** shall mean anatomical areas consisting of:

- 2.02.315.1 Less than completely and opaquely covered human genitals, pubic region, buttock, anus, or female breast(s) below a point immediately above the top of the areola; and,
- 2.02.315.2 Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

2.02.316 **SPECIFIED SEXUAL ACTIVITIES** shall mean activities consisting of the following:

- 2.02.316.01 Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following sexually-oriented acts of conduct: Anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zoerasty; or
- 2.02.316.02 Clearly depicted human genitals in the state of sexual stimulation, arousal, or tumescence; or
- 2.02.316.03 Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation; or

- 2.02.316.04 Fondling or touching of nude human genitals, pubic region, buttocks, or female breast(s); or
- 2.02.316.05 Situation involving a person or persons, any of whom are nude, clad in undergarments or in sexually revealing costumes, and who are engaged in activities involving the flagellation, torture, fettering, binding, or other physical restraint or any such persons; or
- 2.02.316.06 Erotic or lewd touching, fondling, or other sexually-oriented contact with an animal by a human being; or
- 2.02.316.07 Human excretion, urination, menstruation, vaginal, or anal irrigation.
- 2.02.317 **STATE** shall mean the State of Nebraska.
- 2.02.318 **STORAGE** shall mean the keeping, in a roofed or unroofed area, of any goods, junk, material, merchandise, or vehicles on the same tract or premises for more than thirty (30) days.
- 2.02.319 **STORY** shall mean a space in a building between the surface of any floor and the surface of the floor above, or if there is not floor above, then the space between such floor and the ceiling or roof above.
- 2.02.320 **STREET** shall mean a public thoroughfare or right-of-way dedicated, deeded, or condemned for use as such, other than an alley, which affords the principal means of access to abutting property including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare except as excluded in this Regulation.
- 2.02.321 **STREET, ARTERIAL** shall mean a street designed with the primary function of efficient movement of through traffic between and around areas of a City, City, or county with controlled access to abutting property.
- 2.02.322 **STREET, COLLECTOR** shall mean a street or high way, which is intended to carry traffic from a minor street to major streets. Collector streets are usually the principal entrance streets to residential developments and the streets for circulation within the development.
- 2.02.323 **STREET FRONTAGE** shall mean the distance for which a lot line of a zone lot adjoins a public street, from one lot line intersecting said street to the furthest distant lot line intersecting the same street.
- 2.02.324 **STREET, LOCAL** shall mean a street designed for local traffic that provides direct access to abutting residential, commercial, or industrial properties.
- 2.02.325 **STREET, PRIVATE** shall mean an open, unoccupied space, other than a street or alley dedicated to the public, but permanently established as the principal means of vehicular access to abutting properties. (*Ordinance No. 1083, 2-17-09*)
- 2.02.326 **STREETSCAPE** shall mean the scene as may be observed along a street *right-of-way* composed of natural and man-made components, including buildings, paving, plantings, poles, signs, benches, and other miscellaneous amenities. (*Ordinance No. 1083, 2-17-09*)
- 2.02.327 **STRUCTURE** shall mean anything constructed or built, any edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, which requires location on the ground or is attached to something having a location on the ground, including swimming and wading pools and covered patios, excepting outdoor areas such as paved areas, walks, tennis courts, and similar recreation areas.
- 2.02.328 **STRUCTURE, TEMPORARY** shall mean a structure permitted as a temporary use. (*Ordinance No. 1083, 2-17-09*)
- 2.02.329 **STRUCTURAL ALTERATION** shall mean any change in the support members of a building, such as in a bearing wall, column, beam or girder, floor or ceiling joists, roof rafters, roof diaphragms, foundations, piles, or retaining walls or similar components.
- 2.02.330 **SUBDIVISION** shall mean the division of land, lot, tract, or parcel into two or more lots, parcels, plats, or sites, or other divisions of land for the purpose of sale, lease, offer, or development, whether immediate or future. (*Ordinance No. 1083, 2-17-09*)

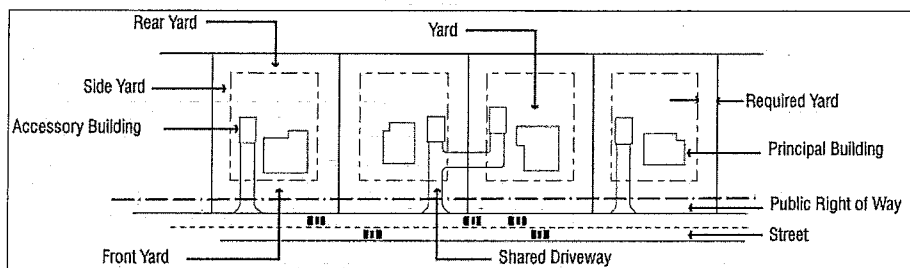
- 2.02.331 **TANNING SPA or SALON** shall mean any business that uses artificial lighting or other systems to produce a tan on an individual's body. These facilities may be either a stand-alone business or as an accessory use in spas, gymnasiums, athletic clubs, health clubs, and styling salons. This use is not included with any type of adult establishment. (Ordinance No. 1083, 2-17-09)
- 2.02.332 **TAVERN AND COCKTAIL LOUNGE** shall mean any establishment whose principal business is serving alcoholic beverages at retail for consumption on the premises. (Ordinance No. 1083, 2-17-09)
- 2.02.333 **TELECOMMUNICATIONS FACILITY** shall mean any facility that transmits and/or receives signals by electromagnetic or optical means, including antennas, microwave dishes, horns, or similar types of equipment, towers or similar structures supporting such equipment, and equipment buildings. (Ordinance No. 1083, 2-17-09)
- 2.02.334 **TELEPHONE EXCHANGE** shall mean a building used exclusively for the transmission and exchange of telephone messages, but the term shall not include wireless communication towers. (Ordinance No. 1083, 2-17-09)
- 2.02.335 **TEMPORARY USE** shall mean a use intended for limited duration, not to exceed six (6) months, to be located in a zoning district not permitting such use. (Ordinance No. 1083, 2-17-09)
- 2.02.336 **THEATER** shall mean a building or structure used for dramatic, operatic, motion pictures, or other performance, for admission to which entrance money is received and no audience participation or meal service.
- 2.02.337 **TOWER** shall mean a structure situated on a site that is intended for transmitting or receiving television, radio, or telephone communications. (Also, see Antenna)
- 2.02.338 **TOWNHOUSE** shall mean a one-family dwelling unit, with a private entrance, which is part of a structure whose dwelling units are attached horizontally in a linear arrangement, and having a totally exposed front and rear wall to be used for access, light, and ventilation.
- 2.02.339 **TRANSPORTATION SERVICES** shall mean establishments providing services incidental to transportation, such as forwarding, packing, crating, or other means of preparing goods for shipping. (See also Standard Industrial Classification (SIC) Industry Group 473 and description 4783, published by the U.S. Department of Labor.) (Ordinance No. 1053, 1-15-08)
- 2.02.340 **USE, PRINCIPAL** shall mean the main use of land or structure, as distinguished from an accessory use. (Also, see Principal Building)
- 2.02.341 **UTILITARIAN STRUCTURE** shall mean a structure or enclosure relating to mechanical or electrical services to a building or development.
- 2.02.342 **UTILITY HARDWARE** shall mean devices such as poles, crossarms, transformers and vaults, gas pressure regulating assemblies, hydrants, and buffalo boxes that are used for water, gas, oil, sewer, and electrical services to a building or a project.
- 2.02.343 **UTILITY SERVICE** shall mean any device, including wire, pipe, and conduit, which carries gas, water, electricity, oil and communications into a building or development.
- 2.02.344 **VARIANCE** shall mean a relief granted by the Board of Adjustment from or variation of the provisions of this Ordinance, other than use regulations, as applied to a specific piece of property, as distinct from rezoning. (Ordinance No. 1083, 2-17-09)
- 2.02.345 **VETERINARY SERVICES** shall mean a building or part of a building used for the care, diagnosis, and treatment of sick, ailing, infirm, or injured animals, and those who are in need of medical or surgical attention. Such clinics may or may not also provide long-term lodging for ill or unwanted animals, or lodging for healthy animals on a fee basis. Such clinics may or may not also provide general grooming practices for such animals. (Ordinance No. 871, 10-15-02)
- 2.02.346 **WAREHOUSE** shall mean a building used primarily for the storage of goods and materials.

2.02.347 **WHOLESALE TRADE** shall mean a use primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, farm or professional business users; or to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. The principal types of establishments included are: Merchant wholesalers; sales branches and sales offices (but not retail stores) maintained by manufacturing enterprises apart from their plants for the purpose of marketing their products; agents, merchandise or commodity brokers, and commission merchants; petroleum bulk storage, assemblers, buyers, and associations engaged in cooperative marketing of farm products. The chief functions of uses in wholesale trade are selling goods to trading establishments, or to industrial, commercial, institutional, farm and professional; and bringing buyer and seller together. In addition to selling, functions frequently performed by wholesale establishments include maintaining inventories of goods; extending credit; physically assembling, sorting and grading goods in large lots, breaking bulk and redistribution in smaller lots; delivery; refrigeration; and various types of promotion such as advertising and label designing.

2.02.348 **WIND ENERGY SYSTEM or WIND ENERGY CONVERSION SYSTEM (WECS)** shall mean a wind-driven machine that converts wind energy into electrical power for the primary purpose of on-site use or resale for off-site use. (Ordinance No. 1083, 2-17-09)

2.02.349 **WIRELESS COMMUNICATIONS TOWER** shall mean a structure designed and constructed to support one or more antennas used by commercial wireless telecommunication facilities and including all appurtenant devices attached to it. A tower can be freestanding (solely self-supported by attachment to the ground) or supported (attached directly to the ground and with guy wires), of either lattice or monopole construction. (Ordinance No. 1083, 2-17-09)

2.02.350 **YARD** shall mean any open space on the same lot with a building or a dwelling group, which open space is unoccupied and unobstructed from the ground upward to the sky, except for building projections or for accessory buildings or structures permitted by this Regulation.



2.02.351 **YARD, FRONT** shall mean a space between the front yard setback line and the front lot line or right-of-way line, and extending the full width of the lot. (Ordinance No. 1083, 2-17-09)

2.02.352 **YARD, REAR** shall mean a space between the rear yard setback line and the rear lot line, extending the full width of the lot.

2.02.353 **YARD, SIDE** shall mean a space extending from the front yard or from the front lot line where no front yard is required by this Regulation, to the rear yard, or rear lot line, between a side lot line and the side yard setback line.

2.02.354 **ZONE LOT** shall mean a parcel of land in single ownership that is of sufficient size to meet minimum zoning requirements for area, coverage, and use, and that can provide such yards and other open spaces as required by the zoning regulations.



SECTION 2. Repeal of Section 2.02 as Previously Enacted. Section 2.02 of Ordinance No. 848 as previously enacted is hereby repealed.

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

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

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

PASSED AND APPROVED THIS 6TH DAY OF APRIL 2010.

CITY OF LA VISTA

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

ATTEST:

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

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

AN ORDINANCE TO AMEND SECTIONS 5.06, 5.07, 5.08, AND 5.09 OF ORDINANCE NO. 848 (ZONING ORDINANCE); TO REPEAL SECTIONS 5.06, 5.07, 5.08, AND 5.09 OF ORDINANCE NO. 848 AS PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

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

SECTION 1. Amendment of Sections 5.06, 5.07, 5.08 and 5.09. Sections 5.06, 5.07, 5.08, and 5.09 of Ordinance No. 848 are hereby amended to read as follows:

**Section 5.06 R-1 Single-Family Residential.**

**5.06.01 Intent:** The Single-Family Residential District is intended to permit low to medium-density residential developments to accommodate residential and compatible uses.

**5.06.02 Permitted Uses:**

- 5.06.02.01 Single family dwellings.
- 5.06.02.02 Public and private schools.
- 5.06.02.03 Public Services.
- 5.06.02.04 Publicly owned and operated facilities.
- 5.06.02.05 *Child Care Home, as per Section 7.10. (Ordinance No. 880, 11-19-02)*
- 5.06.02.06 *Group Care Home*

**5.06.03 Permitted Conditional Uses:**

- 5.06.03.01 Public and private recreation areas as, country clubs, golf courses, lakes, common areas and swimming pools.
- 5.06.03.02 Churches, temples, seminaries, convents, including residences for teachers and pastors.
- 5.06.03.03 Public utility main transmission lines including substations, distribution centers, regulator stations, pumping stations, storage, equipment buildings, garages, towers, or similar public service uses.
- 5.06.03.04 Home Occupations, as per Section 7.10.
- 5.06.03.05 Child Care Center.

**5.06.04 Permitted Accessory Uses:**

- 5.06.04.01 Buildings and uses customarily incidental to the permitted uses.
- 5.06.04.02 Decks, elevated patios either attached or detached.
- 5.06.04.03 Private swimming pool, tennis court, and other recreational facilities in conjunction with a residence.
- 5.06.04.04 Parking for permitted uses as per Section 7.05 through 7.09.
- 5.06.04.05 Signs allowed in Section 7.01 through 7.04.
- 5.06.04.06 Temporary buildings incidental to construction work where such building or structures are removed upon completion of work.
- 5.06.04.07 Landscaping as required by Section 7.17.

**5.06.05 Height and Lot Requirements:**

5.06.05.01 The height and minimum lot requirements shall be as follows:

Uses	Lot Area (SF)	Lot Width (ft)	Front Yard	Side Yard	Rear Yard	Max. Height (ft)	Max. Building Coverage
Single-family Dwelling (existing development <sup>4</sup> ) <sup>2</sup>	5,000	60'	30'	5'	30'	35'	35%
Single-family Dwelling (future development <sup>3</sup> ) <sup>2</sup>	7,000	70'	30'	10'	30'	35'	40%
Other Permitted Uses	8,000	75'	25'	25'	25'	35'	25%
Other Conditional Uses	8,000	75'	25'	25'	25'	45'	25%
Accessory Buildings	-	-	50'	5'	5'	17'	10% <sup>1</sup>

<sup>1</sup> Provided total area of accessory structures for single family does not exceed 700 sq. ft. and the total lot coverage of all buildings and accessory structure does not exceed 50%

- <sup>2</sup> On Corner Lots the following criteria apply to setbacks. In existing developed areas, the Street Side Yard setback may conform to existing setbacks of existing structures along that street. In new developments, the Street Side Yard setback shall be equal to the Front Yard setback.
- <sup>3</sup> Future development shall be defined as all new subdivisions created after *the adoption of Ordinance No. 848 on November 20, 2001.*
- <sup>4</sup> Existing development shall be defined as existing prior to the adoption of this regulation and shall not include any replatting or lot splits done after the date of original adoption.

## **Section 5.07 R-2 Two-Family Residential**

**5.07.01 Intent:** The purpose of this district is to permit single-family density residential with an increase of density to include duplexes and similar residential development in areas providing all public facilities and supporting facilities to maintain a sound and pleasant environment for the inhabitants.

### **5.07.02 Permitted Uses:**

- 5.07.02.01 Single family detached dwellings.
- 5.07.02.02 Single family attached.
- 5.07.02.03 Two-family, duplex, dwellings.
- 5.07.02.04 Public and private schools.
- 5.07.02.05 Publicly owned and operated facilities.
- 5.07.02.06 Public Services.
- 5.07.02.07 *Child Care Home, as per Section 7.10. (Ordinance No. 880, 11-19-02)*
- 5.07.02.08 *Group Care Home*

### **5.07.03 Permitted Conditional Uses:**

- 5.07.03.01 Bed and Breakfasts.
  - 1. Guest rooms shall be within the principal residential building only and not within an accessory building.
  - 2. Each room that is designated for guest occupancy must be provided with a smoke detector which is kept in good working order.
- 5.07.03.02 Churches, temples, seminaries, and convents including residences for teachers and pastors.
- 5.07.03.03 *Nursing care and rehabilitation facilities, or assisted living facilities*
- 5.07.03.04 Public utility substations, distribution centers, regulator stations, pumping stations, storage, equipment buildings, garages, towers, or similar uses.
- 5.07.03.05 Home Occupations as per Section 7.10.
- 5.07.03.06 Child Care Center.

### **5.07.04 Permitted Accessory Uses:**

- 5.07.04.01 Buildings and uses customarily incidental to the permitted uses.
- 5.07.04.02 Decks, elevated patios either attached or detached.
- 5.07.04.03 Temporary buildings incidental to construction work where such buildings or structures are removed upon completion of work.
- 5.07.04.04 Signs as provided for in Section 7.01 through 7.04.
- 5.07.04.05 Parking as provided for in Section 7.05 through 7.09.
- 5.07.04.06 Private swimming pool, tennis court, and other recreational facilities in conjunction with a residence.
- 5.07.04.07 Landscaping as required by Section 7.17.

### **5.07.05 Height and Lot Requirements:**

5.07.05.01 The height and minimum lot requirements shall be follows:

	Lot Area (SF)	Lot Width h	Front Yard t	Side Yard 3	Rear Yard	Max. Height ht	Max. Building Coverage
Single-family Dwelling (existing development <sup>5</sup> ) <sup>2</sup>	5,000	50'	30'	5'	30'	35'	35%
Single-family Dwelling (future development <sup>4</sup> ) <sup>2</sup>	7,000	70'	30'	10'	30'	35'	40%
Two-family Dwelling <sup>2</sup>	10,000	100'	30'	10'	30'	35'	40%
Single-family attached	4,500 per	50'	30'	10'	30'	35'	40%

	unit	unit					
Other Permitted Uses	8,00	75'	30'	10'	30'	35'	30%
Other Conditional Uses	0	75'	30'	10'	30'	45'	30%
	8,00						
	0						
Accessory Buildings	-	-	50'	5'	5'	17'	10% <sup>1</sup>

<sup>1</sup> Provided total area of accessory structures for single family does not exceed 700 sq. ft. and the total lot coverage of all buildings and accessory structure does not exceed 50%

<sup>2</sup> On Corner Lots the following criteria apply to setbacks. In existing developed areas, the Street Side Yard setback may conform to existing setbacks of existing structures along that street. In new developments, the Street Side Yard setback shall be equal to the Front Yard setback.

<sup>3</sup> The side yard along the common wall shall be 0 feet. The common wall shall be along the adjoining lot line.

<sup>4</sup> Future development shall be defined as all new subdivisions created after the adoption of Ordinance No. 848 on November 20, 2001.

<sup>5</sup> Existing development shall be defined as existing prior to the adoption of Ordinance No. 848 and shall not include any replatting or lot splits done after the adoption of Ordinance No. 848 on November 20, 2001.

(Ordinance No. 895, 2-04-03) (Ordinance No. 968, 11-15-05)

### **Section 5.08 R-3 High Density Residential**

**5.08.01 Intent:** The purpose of this district is to permit high density residential in areas providing all public facilities and supporting facilities to maintain a sound and pleasant environment for the inhabitants.

#### **5.08.02 Permitted Uses:**

- 5.08.02.01 Townhouses and Condominiums.
- 5.08.02.02 Public and private schools.
- 5.08.02.03 Publicly owned and operated facilities.
- 5.08.02.04 Public Services.
- 5.08.02.05 Child Care Home, as per Section 7.10. (Ordinance No. 880, 11-19-02)
- 5.08.02.06 Group Care Home

#### **5.08.03 Permitted Conditional Uses:**

- 5.08.03.01 Multiple family dwellings.
- 5.08.03.02 Bed and Breakfast.
  - 1. Guest rooms shall be within the principal residential building only and not within an accessory building.
  - 2. Each room that is designated for guest occupancy must be provided with a smoke detector which is kept in good working order.
- 5.08.03.03 Public utility substations, distribution centers, regulator stations, pumping stations, storage, equipment buildings, garages, towers, or similar uses.
- 5.08.03.04 Home Occupations, as per Section 7.10.
- 5.08.03.05 Child Care Center.
- 5.08.03.06 Charitable clubs and organizations.
- 5.08.03.07 Nursing care and rehabilitation facilities, and assisted living facilities
- 5.08.02.07 Congregate housing, senior apartments (age restricted to 55+ years old), or continuing care retirement community.

#### **5.08.04 Permitted Accessory Uses:**

- 5.08.04.01 Buildings and uses customarily incidental to the permitted uses.
- 5.08.04.02 Decks, elevated patios either attached or detached.
- 5.08.04.03 Temporary buildings incidental to construction work where such buildings or structures are removed upon completion of work.
- 5.08.04.04 Signs as provided for in Section 7.01 through 7.04.
- 5.08.04.05 Parking as provided for in Section 7.05 through 7.09.
- 5.08.04.06 Private swimming pool, tennis court, and other recreational facilities in conjunction with a residence.
- 5.08.04.07 Landscaping as required by Section 7.17.

#### 5.08.05 Height and Lot Requirements:

5.08.05.01 The height and minimum lot requirements shall be follows:

Uses	Lot Area (SF)	Lot Width	Front Yard	Side Yard	Rear Yard	Max. Height	Max. Building Coverage
Townhouses/Condominiums <sup>4</sup>	2,500 per unit	25' per unit	30'	10' <sup>5</sup>	30'	35'	40%
Multi-family Dwelling <sup>3</sup>	2,250 per unit	100'	30'	( <sup>1</sup> )	30'	45' <sup>1</sup>	40%
Other Permitted Uses	8,500	75'	30'	10'	30'	35'	30%
Other Conditional Uses	8,500	75'	30'	10'	30'	45'	30%
Accessory Buildings	-	-	50'	5'	5'	17'	10% <sup>2</sup>

- <sup>1</sup> For Multi-Family units the side yard shall be 10 feet if it is a 3-story structure, and 5 feet additional side yard on each side shall be provided for each story in excess of 3 stories.
- <sup>2</sup> Provided total area of accessory structures for single family does not exceed 700 sq. ft. and the total lot coverage of all buildings and accessory structure does not exceed 50%
- <sup>3</sup> On Corner Lots the following criteria apply to setbacks. In existing developed areas, the Street Side Yard setback may conform to existing setbacks of existing structures along that street. In new developments, the Street Side Yard setback shall be equal to the Front Yard setback.
- <sup>4</sup> This applies to Condominiums and Townhouses where there are three (3) more units connected and where there is a minimum of two (2) common walls; otherwise the criteria for single-family attached or two-family dwelling shall apply depending upon the appropriate condition.
- <sup>5</sup> Where there are three (3) or more units connected the side yard at the ends shall meet this criteria otherwise the side yard setback shall zero (0) at common walls.

#### Section 5.09 R-4 Condominium Residential

5.09.01 **Intent:** The purpose of this district is to permit high density residential, including condominium dwellings, in areas providing all public facilities and supporting facilities to maintain a sound and pleasant environment for the inhabitants.

##### 5.09.02 Permitted Uses:

- 5.09.02.01 Townhouses and Condominium dwellings.
- 5.09.02.02 Public and private schools.
- 5.09.02.03 Publicly owned and operated facilities.
- 5.09.02.04 *Child Care Home, as per Section 7.10. (Ordinance No. 880, 11-19-02)*

##### 5.09.03 Permitted Conditional Uses:

- 5.09.03.01 Multiple family dwellings.
- 5.09.03.02 Bed and Breakfast.
  - 1. Guest rooms shall be within the principal residential building only and not within an accessory building.
  - 2. Each room that is designated for guest occupancy must be provided with a smoke detector which is kept in good working order.
- 5.09.03.03 Churches, temples, seminaries, and convents including residences for teachers and pastors.
- 5.09.03.04 Public utility substations, distribution centers, regulator stations, pumping stations, storage, equipment buildings, garages, towers, or similar uses.
- 5.09.03.05 Home Occupations, as per Section 7.10.
- 5.09.03.06 Child Care Center.
- 5.09.03.07 Charitable clubs and organizations.
- 5.09.03.08 *Nursing care and rehabilitation facilities, and assisted living facilities*

##### 5.09.04 Permitted Accessory Uses:

- 5.09.04.01 Buildings and uses customarily incidental to the permitted uses.
- 5.09.04.02 Decks, elevated patios either attached or detached.
- 5.09.04.03 Temporary buildings incidental to construction work where such buildings or structures are removed upon completion of work.

- 5.09.04.04 Signs as provided for in Section 7.01 through 7.04.
- 5.09.04.05 Parking as provided for in Section 7.05 through 7.09.
- 5.09.04.06 Private swimming pool, tennis court, and other recreational facilities in conjunction with a residence.
- 5.09.04.07 Landscaping as required by Section 7.17.

**5.09.05 Height and Lot Requirements:**

5.09.05.01 The height and minimum lot requirements shall be follows:							
Uses	Lot Area (SF)	Lot Width	Front Yard	Side Yard	Rear Yard	Max. Height	Max. Building Coverage
Townhouses/Condominiums <sup>4</sup>	2,500 per unit	25' per unit	30'	10' <sup>5</sup>	30'	35'	40%
Multi-family Dwelling <sup>3</sup>	2,250 per unit	100'	30'	( <sup>1</sup> )	30'	45' <sup>1</sup>	40%
Other Permitted Uses	8,500	75'	30'	10'	30'	35'	30%
Other Conditional Uses	8,500	75'	30'	10'	30'	45'	30%
Accessory Buildings	-	-	50'	8'	10'	17'	10% <sup>2</sup>

- <sup>1</sup> For Multi-Family units the side yard shall be 10 feet if it is a 3-story structure, and 5 feet additional side yard on each side shall be provided for each story in excess of 3 stories.
- <sup>2</sup> Provided total area of accessory structures for single family does not exceed 700 sq. ft. and the total lot coverage of all buildings and accessory structure does not exceed 50%
- <sup>3</sup> On Corner Lots the following criteria apply to setbacks. In existing developed areas, the Street Side Yard setback may conform to existing setbacks of existing structures along that street. In new developments, the Street Side Yard setback shall be equal to the Front Yard setback.
- <sup>4</sup> This applies to Condominiums and Townhouses where there are three (3) or more units connected and where there is a minimum of two (2) common walls; otherwise the criteria for single-family attached or two-family dwelling shall apply depending upon the appropriate condition.
- <sup>5</sup> Where there are three (3) or more units connected the side yard at the ends shall meet these criteria otherwise the side yard setback shall zero (0) at common walls.

**(Ordinance No. 881, 11-19-02)**

SECTION 2. Repeal of Sections 5.06, 5.07, 5.08 and 5.09 of Ordinance No. 848 as previously enacted are hereby repealed.

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

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

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

PASSED AND APPROVED THIS 6TH DAY OF APRIL 2010.

CITY OF LA VISTA

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

ATTEST:

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



**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
APRIL 6, 2010 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
CONTRACT WITH DED FOR CDBG FUNDING — EASYWAY INTERNATIONAL, LLC	◆ RESOLUTION ORDINANCE RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

**SYNOPSIS**

The City received notice from the Nebraska Department of Economic Development (DED) that our Community Development Block Grant (CDBG) application was approved in the amount of \$505,000. A resolution has been prepared to approve the contract between the City and DED for the administration of the grant.

**FISCAL IMPACT**

The project involves a CDBG award of \$505,000 from the Nebraska Department of Economic Development to the City, \$5,000 of which is for the City's costs administering the grant (which will be paid to MAPA), and \$500,000 of which is to be loaned to the applicant, Easyway International, LLC, for working capital.

**RECOMMENDATION**

Approval.

**BACKGROUND**

The Nebraska Department of Economic Development (NDED) has been working with the Omaha Chamber of Commerce's International Business Division to assist in locating an office facility to serve as North American corporate headquarters for Easyway International, LLC, a freight company based in China. The Company has now leased space in the Southport Professional Building at 12120 Port Grace Blvd. in Southport East.

The grant amount is for \$505,000, with \$500,000 to be provided to Easyway in the form of a performance-based forgivable loan and \$5,000 to be used by the City for general administration of the project. MAPA has agreed to perform this function for the City and will be paid \$5,000 for this service. Conditions of funding for the company are to provide an additional \$500,000 in working capital from corporate proceeds and to create and maintain 19 new jobs at the facility for three years from the date of the award. At least 51% of all new jobs at the facility are to be taken by persons from low-to moderate income households. Presently, the company intends to transfer four executives from China and hire fifteen (15) new local employees.

On February 23, 2010, the City received notice of approval of the grant. On March 12, 2010, a contract document was received from DED. That document has been reviewed by the City Attorney and is attached for Council approval.

A resolution has been prepared which approves the contract with DED for the project administration and authorizes the Mayor to execute the document.

\\Lvdcfp01\users\Administration\BRENDA\COUNCIL\10 Memos\CDBG Funds Easyway.DOC

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, APPROVING THE MAYOR TO EXECUTE A CONTRACT BETWEEN THE CITY OF LA VISTA AND THE NEBRASKA DEPARTMENT OF ECONOMIC DEVELOPMENT(DED) FOR ADMINISTRATION OF THE COMMUNITY DEVELOPMENT BLOCK GRANT IN AN AMOUNT NOT TO EXCEED \$505,000.00.

WHEREAS, the City has determined that it is desirable to approve the contract with the DED for the administration of the CDBG grant; and

WHEREAS, the project award is \$505,000.00 of which \$5,000.00 will be paid to MAPA for administering the grant and \$500,000.00 will be loaned to Easyway International, LLC for working capital; and

WHEREAS, Easyway International, LLC will create and maintain 19 new jobs at the facility for three years from the date of the award and at least 51% of all new jobs will be by persons from low to moderate income households; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize the Mayor to execute a contract between the City of La Vista and the Nebraska Department of Economic Development for administration of the Community Development Block Grant in an amount not to exceed \$505,000.00.

PASSED AND APPROVED THIS 6TH DAY OF APRIL 2010

CITY OF LA VISTA

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

ATTEST:

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

**STATE OF NEBRASKA DEPARTMENT OF ECONOMIC DEVELOPMENT  
COMMUNITY DEVELOPMENT BLOCK GRANT CONTRACT NO. 09-ED-007  
(involving a special economic development activity with  
Easyway International, LLC as the benefited business)  
[CFDA #14.228]**

This contract is entered into between the State of Nebraska Department of Economic Development ("Department"), and the City of La Vista, Nebraska ("Grantee"), upon the date of signature by both parties.

**RECITALS:**

**A.** The Department has been designated by the United States Department of Housing and Urban Development ("HUD") to administer; and HUD has awarded the Department funds for; the Community Development Block Grant Program ("CDBG").

**B.** The Grantee has submitted, and the Department has approved, Grantee's application which will undertake community development activities authorized under the Housing and Community Development Act of 1974, as amended ("HCDA" or "Act"), and as authorized under the federal regulations governing CDBG at 24 C.F.R. Part 570.

**C.** The Grantee; the Department; and Easyway International, LLC ("Business"); have executed a Memorandum of Understanding ("MOU") dated variously by the parties in January 2010, and February 2010, which MOU is incorporated by this reference, agreeing to the terms and conditions provided in the MOU.

**D.** In approving the application the Department has relied upon the information submitted by the Grantee (and the Business) as material and as full and accurate representations of:

1. the nature and scope of the project activities.
2. the number of Full Time Equivalent ("FTE") positions to be created or retained, and maintained, by the Business as a result of the project.
3. the commitment of the Business to achieve the required CDBG national objective by having the FTE positions created or retained principally benefit low-to-moderate income ("LMI") persons.
4. the management abilities of those involved with; the marketing potential of; the existing financial condition of; and the projected financial viability of; the Business.
5. the commitments of others to invest funds in the project.

**AGREEMENT:**

Premised on the Recitals above, and in consideration of the mutual promises and understandings of the parties set forth below, the parties agree as follows:

**PART I: TERMS AND CONDITIONS.**

### **§1.01 Amount, Use, and Payment of CDBG Funds.**

The total amount of CDBG funds paid by the Department to the Grantee for allowable expenses incurred will not exceed \$505,000. Of that amount, approved administrative and audit expenses will not exceed \$5,000.

\$500,000 of the CDBG funds will be loaned by the Grantee to the Business to assist the Business in meeting its working capital needs for the Business facility in La Vista, Nebraska. The terms of the loan are specified in the MOU and referenced later in this contract.

The payment of CDBG funds requires adherence to the various requirements, conditions, and limitations as set forth and explained in §3.01 and in §3.08.

Part V (Compliance with Applicable Laws and Regulations) of this contract incorporates, as being applicable to this contract, all of the Department's administrative requirements which are contained in the *Nebraska Community Development Block Grant Program Administration Manual*. Those administrative requirements contain many restrictions governing the receipt of CDBG funds from the Department. Included among those restrictions are limitations on the amount of administration expenses the Grantee is allowed, dependent on the Project's status.

Requests by the Grantee for reimbursement of project administration expenses will not be paid by the Department unless a CDBG Certified Administrator is identified and available to conduct administration of the project, at the time of each request for reimbursement of administration expenses, with this requirement applicable at all times through project completion (including final project reports). As a cross-reference, note that §2.07 requires a CDBG Certified Administrator to achieve the initial Release of Funds for the project.

To request payment of allowable expenses, the Grantee must submit a request for payment to the Department, in the manner and form prescribed from time to time by the Department, mailed to the Community and Rural Development Division, Department of Economic Development, 301 Centennial Mall South, P.O. Box 94666, Lincoln, Nebraska 68509-4666.

### **§1.02 Incorporation of RECITALS Paragraphs as Agreed Terms of Contract.**

All provisions of paragraphs A, B, C, and D of the RECITALS above are incorporated as agreed provisions of the contract.

### **§1.03 Reimbursement of Pre-Agreement Costs Incurred.**

As previously authorized by the Department in a separate letter dated December 21, 2009, costs incurred on and after December 18, 2009, will be considered part of this project and reimbursable under this contract—provided such costs were for eligible

activities, and, were undertaken in compliance with the requirements of 24 C.F.R. Part 58 (which HUD regulation addresses compliance with the National Environmental Policy Act of 1969).

#### **§1.04 Time of Performance.**

The period covered under this contract will be 24 months from February 23, 2010. The termination date of this contract will be February 23, 2012. All of the activities and services required of the Grantee, except for administration and audit, will be completed on or before this date.

#### **§1.05 Program Income.**

Program income is regulated by the provisions of 24 C.F.R. §570.489(e). The text of this regulation should be consulted for definitions and for other guidance concerning program income.

All CDBG economic development ("ED") category program income received by the Grantee (including program income from other CDBG ED projects) must be the first funds to be disbursed to pay for project activities prior to requesting ("drawing down") additional CDBG funds from the Department. In other words, program income must be the "first out" and must be fully depleted before the Grantee requests "new" CDBG funds from the Department.

**Notice of Intent.** If the Grantee intends to keep program income (normally generated from loan repayments by a benefited business, and normally kept in a revolving loan fund) to carry out CDBG ED activities in the future, the community must notify the Department of this intent within three months of the date of the Notice of Approval for a project which is to generate the program income. Note the three-month time limit for this notification. More details and other time limitations associated with establishing and administering a revolving loan fund are set forth below.

In the absence of such timely notice of intent being received by the Department, the default position is that all program income must be returned to the Department.

Also note that certain program provisions in the CDBG ED category may limit the amount of program income the Grantee may be allowed to keep for a particular project, requiring amounts over certain limits to be returned to the Department.

Program income generally means gross income received by the Grantee, or by a subrecipient of the Grantee, that was generated from the use of CDBG funds. Some exceptions to this general rule are detailed in 24 C.F.R. §570.489(e)(2). Program income includes, but is not limited to, the following:

- payments of principal and interest on loans made using CDBG funds.
- proceeds from the disposition (by sale or long-term lease) of real property

- purchased or improved with CDBG funds.
- proceeds from the disposition of equipment purchased with CDBG funds.
- interest earned on program income pending its disposition.
- interest earned on CDBG funds held in a revolving loan fund's cash balance interest-bearing account.

All program income is and remains subject to all requirements of the HCDA and CDBG regulations. Program income which may become a part of a Department approved community CDBG revolving loan fund remains subject to all requirements of the HCDA and CDBG regulations. This means all loans made from such a fund, including second and subsequent generation loans, are, and continue to be, subject to all CDBG requirements.

**Notice of Intent and more about reuse plans.** Program income cannot be committed to a revolving loan fund until the Grantee submits a written notice of its intent to propose a reuse plan for the program income. This notice must state whether the Grantee intends to retain program income at the local level, or intends to join a regional organization's plan. The notice must be submitted to the Department within three months of the date of the Notice of Approval for a project which is to generate the program income. If not submitted by that date, program income will be required to be returned to the Department.

- Local Administration.
  - If the notice of intent is submitted within the specified period and the Grantee intends to retain program income at the local level, the Grantee will have six months from the date of the Notice of Approval for the project to submit to the Department a plan for the administration of the program income. If the plan is not submitted by the six-month deadline, program income will be required to be returned to the Department.
  - The plan must include either: (a) a detailed description of the organization, administration, and priorities of the program income projects to be approved by the Grantee; or (b) a detailed description of the organization and administration plans, together with an incorporation of the Department's CDBG ED category objectives, including an agreement to incorporate all future changes made by the Department.
  - If the Grantee timely submits a plan, and if the plan is approved by the Department, the Grantee then must, within 24 months from the date of their initial receipt of any program income via loan repayment to them, obligate program income to another project, and seek and obtain the Department's approval for such new project.
  - During this 24-month period, program income must be placed in an interest-bearing account controlled by the Grantee (which account must be



deposit insured/secured as required by state law). If no new project is approved within this 24-month period, program income will be required to be returned to the Department.

- Regional Administration.

- If the notice of intent is submitted within the specified period and the Grantee intends to retain program income at the regional level, the Grantee will have six months from the date of the Notice of Approval for the project to submit to the Department evidence of: (a) the Grantee having entered into an agreement with other local governments which newly establishes a regional plan for the administration of the program income; or, (b) having entered into an agreement with an existing regional plan for administration of the program income. If this evidence of a regional plan is not submitted by the six-month deadline, program income will be required to be returned to the Department.
- The regional plan must include either: (a) a detailed description of the organization, administration, and priorities of the program income projects to be approved under the authority of the regional plan; or (b) a detailed description of the organization and administration plans, together with an incorporation of the Department's CDBG ED category objectives, including an agreement to incorporate all future changes made by the Department.
- If a newly established regional plan is timely submitted, and if the plan is approved by the Department, the regional administrator of the plan then must, within 36 months from the date of their initial receipt of any program income via loan repayment to them, obligate program income to another project, and seek and obtain the Department's approval for such new project.
- During this 36-month period, program income must be placed in an interest-bearing account controlled by the regional administrator (which account must be deposit insured/secured). If no new project is approved within this 36-month period, program income will be required to be returned to the Department.
- **Allocation of program income (when such program income is in the form of loan repayments by the benefited business)—between the Department and the Grantee.** If the terms specified in the MOU for this project involve loan repayments by the benefited business, such repayments must be allocated between the Department and the Grantee as agreed in the MOU. In the absence of an express provision in the MOU addressing such allocation, such repayments shall be all repaid to the Department unless the Department agrees otherwise, in writing. The timing and logistics for handling such loan repayments shall be: after each payment is received by the Grantee from the benefited business, the appropriate portion of the amount received by the Grantee for each payment on the loan will be repaid to the

Department, by check from the Grantee to the Department, within a reasonably contemporaneous time.

## **PART II: SPECIAL CONDITIONS FOR RELEASE OF FUNDS.**

Funding of the amount stipulated in §1.01 of this contract will not be released to the Grantee by the Department until the following special conditions for release of funds are met. These special conditions must be satisfactorily completed no later than May 23, 2010. The Department reserves the right to cancel the contract if these special conditions are not met within this specified time frame.

### **§2.01 Grantee Information Sheet.**

Completion, and submission to the Department, of the Department's Grantee Information Sheet.

### **§2.02 Authorization to Request Funds Form.**

Completion by the appropriate chief elected official of the Grantee, and submission to the Department, of the Department's Authorization to Request Funds form.

### **§2.03 Environmental Review.**

Documentation evidencing the Grantee's completion of its responsibilities for environmental review and decision-making pertaining to the project, and its compliance with the National Environmental Policy Act of 1969 (NEPA), and other provisions of Federal law as specified in 24 C.F.R. Part 58 which further the purposes of NEPA.

### **§2.04 Procurement Standards.**

Documentation evidencing adoption of procurement standards equivalent to those established in 24 C.F.R. §85.36 and in 24 C.F.R. §570.489. Procurement standards are explained in the CDBG Administration Manual published by the Department which can be found on the Department's website.

### **§2.05 Fair Housing.**

Documentation that the Grantee has specifically provided a description of the actions they will take during the course of the grant to fulfill the requirements to affirmatively further fair housing.

### **§2.06 Excessive Force Certification.**

Documentation that the Grantee has adopted a policy to prohibit the use of excessive force by local law enforcement agencies against any individual engaged in nonviolent civil rights demonstrations.

## **§2.07 CDBG Certified Administrator Required.**

Documentation must be submitted to the Department identifying the CDBG Certified Administrator the Grantee will use for the project. The Department's *Nebraska Community Development Block Grant Program Administration Manual* contains details about the certification process.

In addition to satisfying this special condition as a prerequisite for receiving a Notice of Release of Funds, Grantee should note as a cross-reference the contract provision in §1.01 providing that requests by the Grantee for reimbursement of project administration expenses will not be paid by the Department unless a CDBG Certified Administrator is identified and available to conduct administration of the project at the time of the request(s) for reimbursement.

## **§2.08 Other Special Conditions.**

None.

# **PART III: SOURCES AND USES OF FUNDS; AND OTHER REQUIREMENTS.**

## **§3.01 Sources and Uses of Funds.**

The Sources and Uses of Funds table below reflects:

- The anticipated total costs of the CDBG-assisted project.
- The CDBG-assisted activities being funded.
- The sources and amounts of other matching funds required for each activity.
- The maximum authorized CDBG funds for each CDBG-assisted activity.
- The ratio (derived by computation, not expressly shown) of CDBG funds to other matching funds for each CDBG-assisted activity, which ratio is a further limitation upon the maximum authorized CDBG funds which may be paid for each activity. The ratio is invoked as a limitation if the actual total costs of the activity are less than anticipated.

[An example illustrates this point: If the anticipated cost of an activity such as the acquisition of equipment was \$100,000, with \$40,000 to be from CDBG funds as the source, and \$60,000 to be from the benefited business as the source—but the actual cost of the machinery turned out to be \$90,000—then the 40% ratio limits CDBG funding to \$36,000, rather than the \$40,000 originally anticipated.]

- The proportionality (derived by computation, not expressly shown) of funding from all funding sources, for each activity and for the project in total. Disbursement of CDBG funds will be made only on a pro rata basis with all other funding sources, for each activity and for the project in total. CDBG funds will not be the first funds invested in the project—but rather—CDBG funds will flow into the project in proportion to all other funding sources.
- The timing (of CDBG funds flowing into the project on a pro rata basis) is that CDBG funding is reimbursement funding. If contrary, specific provisions have been made in the MOU regarding reimbursement funding for the project, then those MOU provisions will prevail. Absent such contrary, specific provisions in the MOU,

reimbursement after-the-fact of the expense having been incurred is what will be done. This timing may well result in the benefited business having to temporarily carry the costs which are then later reimbursed through CDBG funding.

[An example illustrates this point: If the actual cost of an activity such as the acquisition of equipment was \$100,000, with \$40,000 to be from CDBG funds as the source, and \$60,000 to be from the benefited business as the source—then the benefited business would have to first pay the entire \$100,000 cost of acquisition, and then seek reimbursement of \$40,000 from CDBG funding.]

SOURCES→	CDBG	BUSINESS	TOTAL
USES (Activities)↓			
0700 Direct financial assistance to for-profit business	\$500,000	\$500,000	\$1,000,000
0181 General Administration	\$5,000	\$0	\$5,000
TOTAL	\$505,000	\$500,000	\$1,005,000

### §3.02 Use of CDBG Proceeds.

The use of the CDBG proceeds will be as stated in §1.01.

### §3.03 Terms of the Loan to the Business; and Guarantees.

The terms of the loan to be made to the Business by the Grantee using CDBG funds, and the requirements for guarantees of the loan, are specified in the MOU.

### §3.04 Job Creation or Retention, and Job Maintenance Requirements.

The job creation requirements, and the job maintenance requirements, for the benefited Business are specified in the MOU, and for emphasis will be repeated here. These requirements must be satisfied in order for the project to meet the CDBG national objective, which requires that of all the jobs created as a result of the project activities, 51% or more of those jobs (on an FTE basis) must be held by (or if not actually *held by*, then the Business must meet the required regulatory standards so as to be considered to have made the jobs *available to*) LMI persons. The 51% LMI requirement applies to all jobs created—the 51% LMI requirement does not just apply to the number of jobs to be created which was agreed by the Department in the MOU as the minimum number of jobs required to be created.

Thus, the Business is to:

- (a) create at least 15, new, permanent jobs (on an FTE basis), in the Business' facility in La Vista, Nebraska:
  - (1) within the time specified in the MOU which is within 12 months of the date on the Notice of Approval letter from the Department.
  - (2) meeting the requirement that 51% or more (on an FTE basis) of those new, permanent jobs must be held by (or if not actually "held by", then the Business must meet the required regulatory standards so as to be considered to have

- made the jobs "available to") LMI persons.
- (b) maintain the 15 FTE positions for the time specified in the MOU which is 36 months measured from the date of hire for each respective job.
  - (c) adhere to any and all other specific requirements associated with the jobs as set forth in the MOU, e.g., the need to pay a minimum wage and provide an appropriate package of benefits to employees.

### **§3.05 Due on Sale Clause.**

A so-called "due on sale" clause has been included in the MOU, binding the Business to repayment requirements in the event of the sale or transfer of assets acquired with CDBG funds, or upon a material change in the majority ownership of the Business. This provision exists to protect the interests of the Department and of the Grantee in the event of such a sale of assets or a sale of the Business.

### **§3.06 Maintain Location of Project.**

The Business has agreed in the MOU to maintain the project Business facility in La Vista, Nebraska, and has agreed to not relocate to any other location in Nebraska, or out-of-state, under penalty as specified in the MOU.

### **§3.07 Default in Meeting Job Creation or Retention Requirements, or Default in Meeting Job Maintenance Requirements.**

If the Business does not meet the Job Creation or Retention Requirements, or the Job Maintenance Requirements, in the MOU and §3.04 above, CDBG funds will be disallowed, and the repayment consequences to the Business specified in the MOU and this contract will follow. In the absence of such repayment consequences to the Business being specified in the MOU, the general penalty invoked will be immediate and full repayment by the Business of all drawn CDBG funds.

When the CDBG assistance provided to the Business is in the form of a repayable loan, then full repayment of that loan is required in any event. If the Business with a repayable loan obligation fails to achieve a national objective, the consequence is that immediate acceleration of the note obligation will be declared, requiring immediate, full repayment of the note.

When the CDBG assistance provided to the Business is wholly, or partly, in the form of a forgivable loan or a job training grant, then if the Business fails to achieve a national objective, or otherwise fails to achieve related job creation or job maintenance requirements of the project award, the consequences vary depending on the nature of the failure and upon the agreed provisions of the MOU. CDBG federal statutes and regulations require CDBG funded projects to meet the national objective of principally benefiting low-to-moderate income (LMI) persons. These statutes and regulations require that at least 51% of the created jobs benefit LMI persons; with such benefit achieved by having at least 51% of the created jobs either held by, or made available

to, LMI persons. If the benefited Business fails to meet the national objective by not having at least 51% of the created jobs benefit LMI persons (as a result of not having at least 51% of the created jobs either held by, or made available to, LMI persons), then the loan is not forgiven or the job training grant is not made unconditional, and immediate, full repayment of the CDBG funding is required.

**Proration of the Repayment Obligation:**

- (a) CDBG statutes and regulations require CDBG-assisted projects to meet the national objective of principally benefiting low-to-moderate income (LMI) persons. These statutes and regulations require that at least 51% of the created/retained jobs benefit LMI persons. If Business fails to meet the national objective by not having at least 51% of the created/retained jobs benefiting LMI persons, then full repayment of the CDBG funding is required, and no proration is allowed.
- (b) If the national objective (51% LMI benefit) is met, but the job creation/retention requirement (15 jobs in this instance) is not achieved, then a pro rata portion of the CDBG funds will be required to be repaid, equivalent to the ratio of→jobs not created, divided by the number of jobs required to be created.
- (c) If the national objective (51% LMI benefit) is met, but the jobs are not maintained for the required job maintenance period (36 months in this instance), then a pro rata portion of the CDBG funds will be required to be repaid, equivalent to the ratio of→the required maintenance period in months, less the number of months the jobs were maintained, divided by the required maintenance period in months.
- (d) If the national objective (51% LMI benefit) is met, but there is a failure as to both the job creation/retention requirement and the job maintenance period, then a pro rata portion of the CDBG funds will be required to be repaid, equivalent to→using the number of jobs required to be created, multiplied by the number of months the jobs were to be maintained, resulting in a computational factor of "required job-months"—then using the number of jobs actually created multiplied by the number of months the jobs were actually maintained, resulting in a computational factor of "achieved job-months"—and then subtracting the "achieved job-months" factor from the "required job-months" factor to calculate a "failed job-months" factor—and then establishing the ratio of:

$$\frac{\text{"failed job-months"}}{\text{"required job-months"}}$$

with such ratio (with "failed job-months" as the numerator, and "required job-months" as the denominator), being the required pro rata portion of CDBG funds to be repaid.

An example to illustrate application of this requirement is:

CDBG assistance total	= \$250,000
# of jobs to be created	= 20
# of months the jobs were to be maintained	= 24
# of jobs actually created	= 15
# of months the jobs were actually maintained	= 16

20 x 24	= 480 "required job-months"
15 x 16	= 240 "achieved job-months"
480 - 240	= 240 "failed job-months"

240 "failed job-months"	
-----	= .50
480 "required job-months"	

$\$250,000 \times .50 = \$125,000$  to be repaid.

The Grantee, as Grantee determines necessary or advisable, is responsible for, and will bear the expenses of, pursuing all reasonable and necessary collection actions (including legal enforcement through the courts) against the Business to enforce and collect such default penalties from the Business.

### **§3.08 Conditions Precedent to Drawdown of CDBG Funds. .**

The Grantee must meet all of the following conditions prior to drawdown of CDBG funds:

- (a) All drawdowns require adherence to the various requirements, conditions, and limitations as set forth and explained in §3.01.
- (b) Documentation, in such form as the Department may prescribe, showing disbursement by other funding sources, will be required by the Department.
- (c) Documentation, in such form as the Department may prescribe, substantiating that qualified expenses having been incurred by the benefited Business, will be required by the Department.
- (d) Proper execution of this contract between the Grantee and the Department.
- (e) Documentation evidencing the Grantee's completion of its responsibilities for environmental review and decision making pertaining to the project, and its compliance with the National Environmental Policy Act of 1969 (NEPA), and other provisions of Federal law as specified in 24 C.F.R. Part 58 which further the purposes of NEPA.
- (f) Proper execution of all required loan documents by the Business.



(g) Fulfillment of any and all other conditions identified in the MOU.

#### **PART IV: OTHER CONTRACTUAL CONDITIONS.**

##### **§4.01 Matching Requirements.**

The Business is to provide matching and other leveraged funds for each approved activity in the amounts, ratios, and proportions set forth in §3.01 of this contract. Matching and other leveraged funds must be expended during the grant period.

Grantees are required to certify, with each request for CDBG funds, the amount of matching funds applied to the Project. Project costs are to be paid from grant and matching funds as specified in §3.01 of this contract. The Business will be responsible for costs that exceed the total Project costs set forth in §3.01.

##### **§4.02 Legal Authority; and Acceptance of Environmental Review Responsibility.**

By signing this contract, the Grantee certifies that it possesses legal authority to accept CDBG funds, and to carry out the project described in this contract; and that the Grantee's chief elected official:

- (a) Consents to assume the status of responsible Federal official and the responsibilities for environmental review and decision making under the National Environmental Policy Act of 1969 (NEPA) and other provisions of Federal law as specified in 24 C.F.R. Part 58 which further the purposes of NEPA; and,
- (b) Is authorized and consents on behalf of the Grantee that they accept the jurisdiction of the Federal courts for the purpose of enforcement of their responsibilities as such responsible Federal official.

##### **§4.03 Designation of Officials to Execute Contract and Amendments.**

The Director of the Department or their designee is the official authorized to execute this contract and any amendments to this contract, on behalf of the Department.

The Chief Elected Official of the Grantee is the official authorized to execute this contract and any amendments to this contract, on behalf of the Grantee.

The Grantee or the Department may request amendments to this contract. Amendments will not take effect until mutually agreed to in writing by both parties.

##### **§4.04 Grantee Compliance with CDBG Regulations Generally, and Particularly Regarding Uniform Administrative Requirements.**

The Grantee will comply with 24 C.F.R. Part 570, including particularly the Uniform Administrative Requirements set forth in 24 C.F.R. §570.502, or any reasonably equivalent procedures and requirements that the Department may prescribe.

#### **§4.05 Record Keeping.**

The Grantee agrees to keep such records as specified in 24 C.F.R. §570.506, *Records to be Maintained*, and any other records as the Department may reasonably require. The Grantee agrees to keep such records so as to allow the Department to perform a 24 C.F.R. §570.492, *State's review and audits*.

All records pertinent to this grant and work undertaken as part of the project, will be retained by the Grantee for a period of ten (10) years after notification by the Department that the grant has been closed. If any claim, litigation, or audit is initiated before the expiration of the ten-year period, the records must be retained until all claims, litigation, or audits have been resolved.

The Department and duly authorized officials of the state and federal government will have full access to, and the right to examine, audit, excerpt and/or transcribe, any of the Grantee's records pertaining to all matters covered by this contract.

#### **§4.06 Reports.**

The Grantee will submit semiannual reports to the Department, in such form as the Department may prescribe, pertaining to the activities undertaken as a result of this contract. The Grantee will also be required to submit a final performance and financial report, in such form and within such times as the Department may prescribe, at the occasion of grant closeout.

#### **§4.07 Audits.**

Audits of this grant will be conducted in accordance with the Single Audit Act of 1984, as amended, and the Office of Management and Budget (OMB) Circular A-133. Generally Accepted Government Auditing Standards (GAGAS) must be followed. If the Grantee meets the requirement for a Program-specific audit as defined in OMB Circular A-133, Department approval for such a Program-specific audit is required and audit procedures established by the Department will be followed.

Audit costs are an allowable general administration cost subject to limitations established by the Act and the Department.

#### **§4.08 Conflict of Interest.**

The Grantee will comply with the conflict of interest prohibitions set forth for the CDBG program at 24 C.F.R. §570.489. In the event prohibited conflicts of interest arise, exceptions to the prohibition may be granted, on a case-by-case basis, by the Department. The procedures governing such exception requests are set forth in the Department's CDBG Administration Manual.

#### **§4.09 Applicability to Subrecipients and Contractors.**

The provisions of the contract will be made binding on any subrecipient or contractor of the Grantee, and the Grantee will remain fully obligated under the provisions of this contract.

#### **§4.10 Waivers; and Assignment of Interest.**

No conditions or provisions of this contract can be waived unless approved by the Department in writing. The Grantee will not assign or transfer any interest in this contract to any other party without the written consent of the Department.

#### **§4.11 Non-Waiver of Rights.**

The Department's failure to insist upon the strict performance of any provision of this contract, or failure to exercise any right based upon breach, will not constitute a waiver of any rights under this contract.

#### **§4.12 Severability.**

If any provision of this contract, or its application to any person or circumstances, is held invalid by any court of competent jurisdiction, the invalidity will not affect other provisions of this contract.

#### **§4.13 Termination by Mutual Agreement.**

This contract may be terminated in whole or in part, prior to the completion of contract project activities, when both parties agree that continuation is not feasible or would not produce beneficial results commensurate with the further expenditure of funds. The parties must agree on the termination conditions, including effective date and the portion to be terminated.

The Grantee will not incur new obligations for the terminated portion after the effective date, and will cancel as many outstanding obligations as possible. The Department will make funds available to the Grantee to pay for allowable expenses incurred before the effective date of termination.

#### **§4.14 Termination for Cause.**

In the event of a default or violation of the terms of this contract by the Grantee or failure to use the grant for only those purposes set forth, the Department may take the following actions (which are additional to other default remedies specified elsewhere in this contract):

- (a) Suspension. After notice to the Grantee, suspend the contract and withhold any further payment or prohibit the Grantee from incurring additional obligations of grant funds, pending corrective action by the Grantee or a decision to terminate.
- (b) Termination. Terminate the contract in whole, or in part, at any time before the date of completion, whenever it is determined that the Grantee has failed to comply with the terms and conditions of the contract. The Department will promptly notify the Grantee in writing of the determination and the reasons for the termination, together with the effective date. Payments made to the Grantee or recoveries by the Department under contracts terminated for cause will be in accord with the legal rights and liabilities of the parties. Payments and recoveries may include, but are not limited to, payments allowed for costs determined to be in compliance with the terms of this contract up to the date of termination. The Grantee will return to the Department all unencumbered funds. Further, any costs previously paid by the Department which are subsequently determined to be unallowable through audit and closeout procedures may be recovered from present grant funds or deducted from future grants.

#### **§4.15 Termination Due to Loss of Funds.**

This contract will terminate in full or in part, at the discretion of the Department, in the event the Department suffers a loss of funding or termination of the federal funds which permit it to fund this grant. In the event the Department suffers such a loss of funding, the Department will give the Grantee written notice which will set forth the effective date of full or partial termination, or if a change in funding is required, setting forth the change in funding.

#### **§4.16 Entire Agreement, Binding Effect, and Counterparts.**

This instrument, along with any attachments, the approved grant application, and those items incorporated by reference (such as the MOU), contain the entire agreement between the parties. Any statements, inducements, or promises not contained therein will not be binding upon the parties.

This agreement will be binding upon, and will inure to the benefit of, the successors, assigns, and legal representatives of the parties.

This agreement, or any amendment of this agreement, may be signed in any number of counterparts, each of which will be an original, but all of which taken together will constitute one agreement (or amendment, as the case may be).

#### **§4.17 Governing Law.**

This agreement shall be governed by; construed according to the laws and regulations of; and subject to the jurisdiction of; the State of Nebraska.

#### **§4.18 Verification of Work Eligibility Status for New Employees.**

The Grantee is required and hereby agrees to use a federal immigration verification system to determine the work eligibility status of new employees physically performing services within the State of Nebraska. In this context, "new employees" means employees hired on or after the effective date of this contract. A "federal immigration verification system" means the electronic verification of the work authorization program authorized by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, 8 U.S.C. 1324a, known as the E-Verify Program, or an equivalent federal program designated by the United States Department of Homeland Security or other federal agency authorized to verify the work eligibility status of a newly hired employee.

This contractual obligation to verify work eligibility status for new employees physically performing services within the State of Nebraska also applies to any and all subcontractors utilized by the Grantee in performing this contract. The Grantee will be responsible to the Department for enforcing this requirement with Grantee's subcontractors.

A failure by the Grantee to adhere to these requirements is violative of the statutory requirements in Neb. Rev. Stat. §4-114 and as such will be deemed a substantial breach of this contract which could result in the Department declaring Grantee to be in default on the contract.

#### **PART V: COMPLIANCE WITH APPLICABLE LAWS AND REGULATIONS.**

The Grantee agrees to comply with the Department's and HUD's administrative requirements for the CDBG program, and with the provisions of the Department's CDBG Economic Development Application Guidelines, and with all federal (and state) laws, regulations, and executive orders applicable to the CDBG-assisted project, including, but not limited to:

- Housing and Community Development Act of 1974, as amended ("HCDA").
- 24 C.F.R. Part 570.
- National Environmental Policy Act of 1969 and regulations at 24 C.F.R. Part 58.
- The Davis-Bacon Act (and related acts).
- Lead-Based Paint Poisoning Prevention Act and regulations at 24 C.F.R. Part 35.
- Section 3 of the Housing and Urban Development Act of 1968.
- The Architectural Barriers Act of 1968 and the Americans with Disabilities Act.
- The requirement in the HCDA to affirmatively further fair housing.

**ACCEPTANCE PROVISIONS.**

The parties acknowledge they have read and understand this contract and agree to its provisions, and that it will be effective on the date when both parties have signed.

<b>NEBRASKA DEPARTMENT OF ECONOMIC DEVELOPMENT</b>	<b>GRANTEE→La Vista, Nebraska</b>
By: _____ (Signature of Director or Designee)	By: _____ (Signature of Chief Elected Official)
_____ (Typed or Printed Name/Title)	_____ (Typed or Printed Name/Title)
_____ (Date)	_____ (Date)
	<u>47-6050031</u> (Federal Identification Number)

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
APRIL 6, 2010 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
FIREWORKS PERMITS	♦ RESOLUTIONS ♦ ORDINANCE RECEIVE/FILE	PAM BUETHE CITY CLERK

**SYNOPSIS**

An ordinance has been prepared to amend Section 111.17 of the municipal code with respect to setting the maximum number of fireworks permits issued each year.

Two resolutions have been prepared to approve the issuance of conditional 2010 retail fireworks sales permits. The first resolution establishes the number of permits the City will issue. The second resolution conditionally grants permits to the organizations approved by Council.

Applications have been received from:

- La Vista Youth Football and Cheerleading
- La Vista Area Chamber of Commerce
- La Vista Youth
- La Vista Lancers Soccer Club
- Monarchs Wrestling Club
- La Vista Youth Baseball Association
- Cornerstone Church, SBC

**FISCAL IMPACT**

A \$2,500 permit fee is required of each applicant. Additionally, a tent permit fee of \$150, and an explosive materials storage permit fee of \$100 are required. The City has received a \$500 application deposit and the additional required permit fees from each of the applicants. For each permit issued, the remaining \$2,000 fireworks sales permit fee balance is due no later than noon on June 25, 2010.

**RECOMMENDATION**

All applicants have met the criteria as set forth in Municipal Code Section 111.17 and in the City Zoning regulations.

**BACKGROUND**

In response to the discussion by Council at the March 16, 2010 meeting staff is recommending that Section 111.17 (A) of the municipal code which currently states in part, that "Each year the City Council shall, by resolution, establish the maximum number of permits to be issued, however this number shall not in any event exceed six" be amended to remove the words "however the number shall not in any event exceed six".



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

AN ORDINANCE TO AMEND SECTION 111.17 OF THE LA VISTA MUNICIPAL CODE AS IT PERTAINS TO PERMIT, APPLICATION AND FEE REQUIREMENTS FOR THE SALE OF PERMISSIBLE FIREWORKS; TO REPEAL SECTION 111.17 AS PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

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

SECTION 1. Amendment of Section 111.17. Section 111.17 of the La Vista Municipal Code is hereby amended to read as follows:

**111.17 SALE OF PERMISSIBLE FIREWORKS; PERMIT REQUIRED; APPLICATION; PERMIT FEE.**

(A) Each year the City Council shall determine whether or not to allow fireworks stands to operate in the City. If the City Council determines that fireworks stands will be permitted, the Council shall, by resolution, establish the maximum number of permits to be issued, ~~however this number shall not in any event exceed six.~~

(B) It shall be unlawful for any person to sell, hold for sale or offer for sale any permissible fireworks within the corporate limits of the city unless such person has first obtained a permit from the City Council to do so.

(C) Application for said permit shall be made in the following manner:

(1) Application shall be made on such form as shall be prescribed by the City Council and shall be filed with the City Clerk by noon on January 15 of the year for which the permit is sought. If January 15 falls on a weekend or a holiday when City offices are closed, the deadline will move to noon on the next business day. The City shall, by publication, give notice each November of the procedure and deadline for submitting a permit application.

(2) Only nonprofit organizations and associations using volunteer sales persons and which will use the net proceeds from the sale of fireworks for community betterment purposes within the city shall be eligible for a permit.

(3) If the applicant organization has held a permit in any of the three preceding years, it must file as part of the application a written statement of the income and expenses from the sale of its fireworks within the city for each of such years, together with a statement of its community betterment type expenditures made from the net proceeds from the sale of fireworks in each said year.

(4) The applicant shall state the nature of the community betterment purpose for which the net proceeds from the current year's sale of fireworks will be utilized if the permit be granted.

(5) The application organization must identify the proposed location for the retail fireworks stand in the permit application. A signed statement from the property owner granting the application organization permission to utilize the property must accompany the application.

(6) All applications for permits must be approved by the City Council. The City Clerk shall be responsible for reviewing applications, tallying points and making recommendations to the Council for permits. Applications will be evaluated on the following criteria/point system:

(a) Each year all applications will start out with a total of twenty (20) points.

(b) Applications shall be automatically disqualified if they are received after the application deadline of January 15; if they are incomplete based on the checklist that is included on the application form; or if the applicant organization is a prior-year permit holder that has displayed and/or sold or attempted to sell illegal fireworks or has otherwise violated the law regarding the operation of their fireworks stand.

(c) Applications that are not disqualified will be reviewed by the City Clerk and will lose points according to the following schedule:

Point Deduction	Infraction
2	Information missing from the fireworks permit application
2	Information missing from the tent permit application
2	Information missing from the sign permit application
2	Information missing from the explosive materials storage permit application
2	Information missing from site plan
5	Lack of sufficient detail regarding proposed community betterment expenditures
5	Lack of sufficient detail regarding previous years income and expenditures
5-20	Concerns with proposed location based on recommendation from public safety personnel

In the event of a tie(s) after ranking, first preference shall be given to those eligible organizations that identify community betterment acquisitions, services or programs which will benefit the city as a whole. Those that benefit only particular areas or neighborhoods of the city shall have second preference. If all other application requirements are met, special consideration will be given to organizations agreeing to co-locate and operate a fireworks stand.

(7) Permits will be valid only for the period specified on the face of the permit and will automatically terminate on the specified ending date. Permit holders shall not have any right to or expectation of receiving a permit or operating a fireworks stand in the City in any future year or period. Notwithstanding anything herein to the contrary, permits are revocable at the will of the City, at any time, with or without cause.

(8) As used herein, the following terms shall have the following meaning:

(a) **COMMUNITY BETTERMENT** shall mean that which generally betters or enhances the community of the city, such as:

1. The acquisition, improvement and maintenance of parks and recreational facilities, public equipment and other items for community use and enjoyment or to be used by the city in service to the community;
2. The recruitment and attraction of new businesses and jobs to the city community;
3. Athletic programs for the community; and
4. Other acquisitions, services or programs of general benefit to the city community.

(b) **NET PROCEEDS** shall mean gross sales less the cost of fireworks, permit fee, rental or lease expense, advertising and similar costs of operation of the fireworks stand. Volunteer salespersons shall be used and any remuneration paid or given to persons performing services in connection with the sale of fireworks shall not be deemed a cost of operation.

(9) A permit fee to sell, hold for sale or offer for sale permissible fireworks in such amount as set from time to time by the Mayor and City Council and a current record of which shall be maintained by the City Clerk, shall be collected by the city. A permit application deposit of \$500 must accompany the permit application; and, if a permit is issued, the remaining balance shall be due and payable no later than June 25th of the year for which the permit has been issued. If the permit is denied, \$400 of the deposit will be refunded.

(10) Prior to issuance of the permit, applicant shall supply to the City a copy of a certificate of insurance issued by an insurance company in good standing, authorized to do business in Nebraska, providing combined liability coverage for bodily injury and property damage in a minimum amount of \$300,000 per occurrence and \$1,000,000 in aggregate coverage and naming the City of La Vista as an additional insured.

**SECTION 2. Repeal of Section 111.17 as Previously Enacted.** Section 111.17 of the La Vista Municipal Code as previously enacted is hereby repealed.

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

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

PASSED AND APPROVED THIS 6TH DAY OF APRIL 2010.

CITY OF LA VISTA

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

ATTEST:

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

K:\APPS\CITYHALL\ORDINANCES\ Amend 111.17 City Code Fireworks

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, ESTABLISHING THE MAXIMUM NUMBER OF FIREWORKS STANDS TO BE PERMITTED IN THE CITY OF LA VISTA FOR CALENDAR YEAR 2010.

WHEREAS, Section 111.17 and Section 111.18 of the Municipal Code establish criteria that must be met for the issuance of fireworks stand permits, and

WHEREAS, Section 111.17 (A) of the Municipal Code states in part that, "Each year the City Council shall, by resolution, establish the maximum number of permits to be issued."

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska, that the maximum number of fireworks stand permits to be issued in calendar year 2010 shall not exceed \_\_\_\_\_.

BE IT FURTHER RESOLVED, that per Section 111.17 (C) (10) of the Municipal Code, permit holders shall provide the City of La Vista with a certificate of insurance for their fireworks stand in the type and amount outlined.

BE IT FURTHER RESOLVED, that the written statement of income and expenses, which is required by Section 111.17 (C) (3) of the Municipal Code, be detailed and provide the City with a breakdown of specific expenditures related to the fireworks operation, income from the sale of fireworks, net profit, and specific community betterment expenditures.

BE IT FURTHER RESOLVED, that the issuance of a fireworks permit is conditional upon compliance with the Municipal Code, the Zoning Ordinance, and any other applicable regulations.

PASSED AND APPROVED THIS 6TH DAY OF APRIL 2010.

CITY OF LA VISTA

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

ATTEST:

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

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA  
APPROVING THE FIREWORKS STAND PERMIT APPLICATION OF \_\_\_\_\_

\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_  
\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_

WHEREAS, the City of La Vista requires City approval of the sale of fireworks within the City limits,  
and

WHEREAS, the guidelines for application and sale of fireworks in La Vista are specified in the La  
Vista Municipal Code, Section 111.17 and Section 111.18; and

WHEREAS, seven (7) non-profit organizations have applied for permission to sell fireworks in the  
City of La Vista in conformance with the Municipal Code, the Zoning Ordinance and  
any other applicable regulations; and

WHEREAS, City staff has reviewed all applications received in 2010 for the purpose of determining  
which applications were compliant with the Municipal Code, the Zoning Ordinance or  
any other applicable regulations.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska,  
hereby conditionally grant a permit to:

\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_  
\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_  
\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_

to sell fireworks within the City of La Vista for the 2010 calendar year subject to  
receipt of all appropriate application materials and compliance with  
recommendations made by the Chief Building Official regarding their site plan;  
compliance with the Municipal Code, the Zoning Ordinance and any other applicable  
regulations; and attendance by an official of the nonprofit organization which applied  
for the permit at a meeting with City staff (date and time to be established).

PASSED AND APPROVED THIS 6TH DAY OF APRIL 2010.

CITY OF LA VISTA

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

ATTEST:

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

## **2010 Fireworks Application Review**

### La Vista Youth Football and Cheerleading (20 points) (7302 Harrison Street)

- Police Chief stated that the site has been used in the past and concerns have been with access to the site. No traffic collisions reported last year at the sight. Concern with proximity of their tent to the La Vista Lancers Soccer Club tent.
- No complaints reported in 2009
- Building Official stated that a porta potty was identified but not shown on site map.
- Fire Chief did not state any concerns

### La Vista Area Chamber of Commerce (20 points) (7200 So. 84<sup>th</sup> Street – Mortgage Express)

- Police Chief had no concerns with the proposed site.
- No complaints reported in 2009.
- Building Official stated that it is mandatory the sign on the trailer can be no larger than 32 square feet.
- Fire Chief did not state any concerns

### La Vista Youth (20 points) (8011 S 83<sup>rd</sup> Street)

- Police Chief had no concerns with the proposed site.
- No complaints reported in 2009.
- Building Official stated the storage trailer must be a minimum of 25 feet from the tent and the 8'x30' foot banner on the site map cannot be more that 32 square feet.
- Fire Chief did not state any concerns

### La Vista Lancers Soccer Club (20 points) (7302 Harrison Street)

- Police Chief stated the site has been used in the past and concerns have been with access to the site. No traffic collisions were reported last year at the site. He is concerned with proximity of the tent to the La Vista Youth Football tent.
- No complaints reported in 2009.
- Building Official did not state any concerns.
- Fire Chief did not state any concerns

### Monarchs Wrestling Club (20 points) (8110 So. 84<sup>th</sup> Street – Brentwood Square)

- Police Chief had no concerns with the proposed site.
- No complaints reported in 2009 when the application was under the La Vista Vipers Wrestling Club.
- Building Official stated that it is mandatory they must keep signage off of the 84<sup>th</sup> Street Right-of-Way and maintain all required setbacks. The maximum size of the signs cannot be more that 32 square feet.
- Fire Chief did not state any concerns

### La Vista Youth Baseball Association (20 points) (96<sup>th</sup> & Giles Road)

- Police Chief had no concerns with the proposed site.
- No complaints reported in 2009.
- Building Official stated that parking needs some sort of surfacing – gravel/rock.
- Building Official stated that they need a 25' setback between storage trailers and any other structure.
- Fire Chief did not state any concerns

### Cornerstone Church (20 points) (96<sup>th</sup> and Harrison)

- Did not sell fireworks in La Vista previous to this year.
- Police Chief had no concerns with the proposed site.
- Building Official stated that the proposed strobe lights are prohibited.
- Building Official stated that it is maximum size for temporary signs are 32 square feet.
- Fire Chief did not state any concerns

**CITY OF LA VISTA, NEBRASKA  
PERMIT APPLICATION  
SALE OF PERMISSIBLE FIREWORKS**

Pursuant to §111.17 of the La Vista Municipal Code it shall be unlawful for any person to sell, hold for sale or offer for sale any permissible fireworks within the corporate limits of the City of La Vista unless such person has first obtained a permit. Only nonprofit organizations and associations using volunteer salespersons and which will use the net proceeds from the sale of fireworks for community betterment purposes within the City of La Vista shall be eligible for a permit.

**PLEASE TYPE OR PRINT CLEARLY**

Name of Nonprofit Organization La Vista Youth Football & cheerleading Today's Date 12/16/09

Street Address 8101 Marisa Ln.

City La Vista State NE Zip 68128

Contact Person Steve Ashby Phone (daytime) 510-9152 (evening) \_\_\_\_\_

**APPLICANT READ**

This permit application is used by the City Council to evaluate your organization's qualifications for a Fireworks Permit. Please answer all questions completely and accurately. Failure to submit the application pursuant to the deadlines contained herein or submission of an incomplete application may result in denial of a permit. The City is not responsible for determining whether your application is complete at the time of submission nor will you be allowed to submit additional information after the deadlines noted herein.

**To be eligible for City Council review, each application submittal must include the following in one packet:**


- ✓ Completed Permit Application Form and a \$500 permit application deposit fee received at City Hall, 8116 Park View Boulevard, La Vista, NE, 68128, no later than noon on January 15 of the permit year (or the next business day if January 15 falls on a weekend or holiday). If your permit is denied, \$400 of this fee will be refunded to your organization. If you are issued a permit, the remaining amount of the permit application fee as established in the Master Fee Ordinance will be due and payable to the City of La Vista no later than noon on June 25 of the permit year to receive permit.
- ✓ A site plan on 8 ½ " x 11" paper which details the dimensions, location and distance between all proposed components of your group's fireworks stand (including but not limited to: tent, storage, garbage, portable restrooms, signs, parking, etc.) The site plan must be neat and legible, with an attempt made to show components as close to scale as possible.
- ✓ A signed statement from the land-owner where your proposed fireworks sales will occur, granting permission to your organization to utilize the property (written permission from retail store managers is not acceptable).
- ✓ The City of La Vista's *Accessory and Light Remodeling Permit* and the permit application fee as established in the Master Fee Ordinance must be received at City Hall no later than noon on January 15 of the permit year (or the next business day if January 15 falls on a weekend or holiday), for your tent (please note, no more than one tent is allowed). Your permit must note the proposed date and time of your site set up. Please contact the Chief Building Official for assistance in completing this permit. If your permit application is denied, this fee will be refunded.
- ✓ The City of La Vista's *Sign Permit* and the permit application fee per sign (maximum of four), as established in the Master Fee Ordinance must be received at City Hall no later than noon on January 15 of the permit year (or the next business day if January 15 falls on a weekend or holiday), for any and all temporary signage. (The size and location of signs must be in compliance with the City's zoning regulations regarding temporary signs.) Please contact the Chief Building Official for assistance in completing this permit. If your permit is denied, this fee will be refunded.
- ✓ The City of La Vista's *Explosive Materials Storage Permit* and the permit application fee as established in the

Master Fee Ordinance must be received at City Hall no later than noon on January 15 of the permit year (or the next business day if January 15 falls on a weekend or holiday). If your permit is denied, \$100 of this fee is refunded to your organization.

- ✓ A signed City of La Vista *Statement of Proposed Community Betterment Expenditures* from your organization describing in detail how net proceeds from the sale of fireworks will be used for Community Betterment in the City of La Vista must be received at City Hall no later than noon on January 15 of the permit year (or the next business day if January 15 falls on a weekend or holiday).
- ✓ If your organization has held a permit in any of the three (3) years preceding this application, a City of La Vista *Statement of Annual Income for Fireworks Sales* must be completed for each of the three years and received at City Hall no later than noon on January 15 of the permit year (or the next business day if January 15 falls on a weekend or holiday).
- ✓ If the permit is approved your organization will need to furnish to City Hall no later than noon on June 25th of the permit year an insurance certificate meeting the requirements outlined in City Code.
- ✓ If the permit is approved your organization will need to furnish to City Hall no later than noon on June 25th of the permit year, the balance of the permit fee in the amount of \$2,000 and a State Fire Marshal Certificate meeting the requirements outlined in City Code.

#### CERTIFICATION AND RELEASE

I certify that I have read and understand the "Applicant Read" paragraph on page one of this permit application and that all information, statements, materials and permits submitted as a part of this Permit Application are complete and true to the best of my knowledge and belief. I understand that any false information, omissions or misrepresentations of facts called for in this application may result in denial of my permit. I authorize the City and/or its agents, to verify any of this information. I authorize all persons, companies and government authorities to release any information relating to this application and hereby release any said persons, companies and government authorities from any liability for any damage whatsoever for issuing this information. I also understand that the use or sales of illegal fireworks is prohibited. I hereby further provide written assurance that this organization will file a certificate of insurance issued by an insurance company in good standing, authorized to do business in Nebraska, providing liability insurance in the amounts and for the coverages required by the City Council. I understand this certificate of insurance is a condition of issuance of the permit.

  
Signature and Title of Organization Official

Steve Ashby  
Printed Name of Organization Official

#### FOR CITY HALL USE ONLY

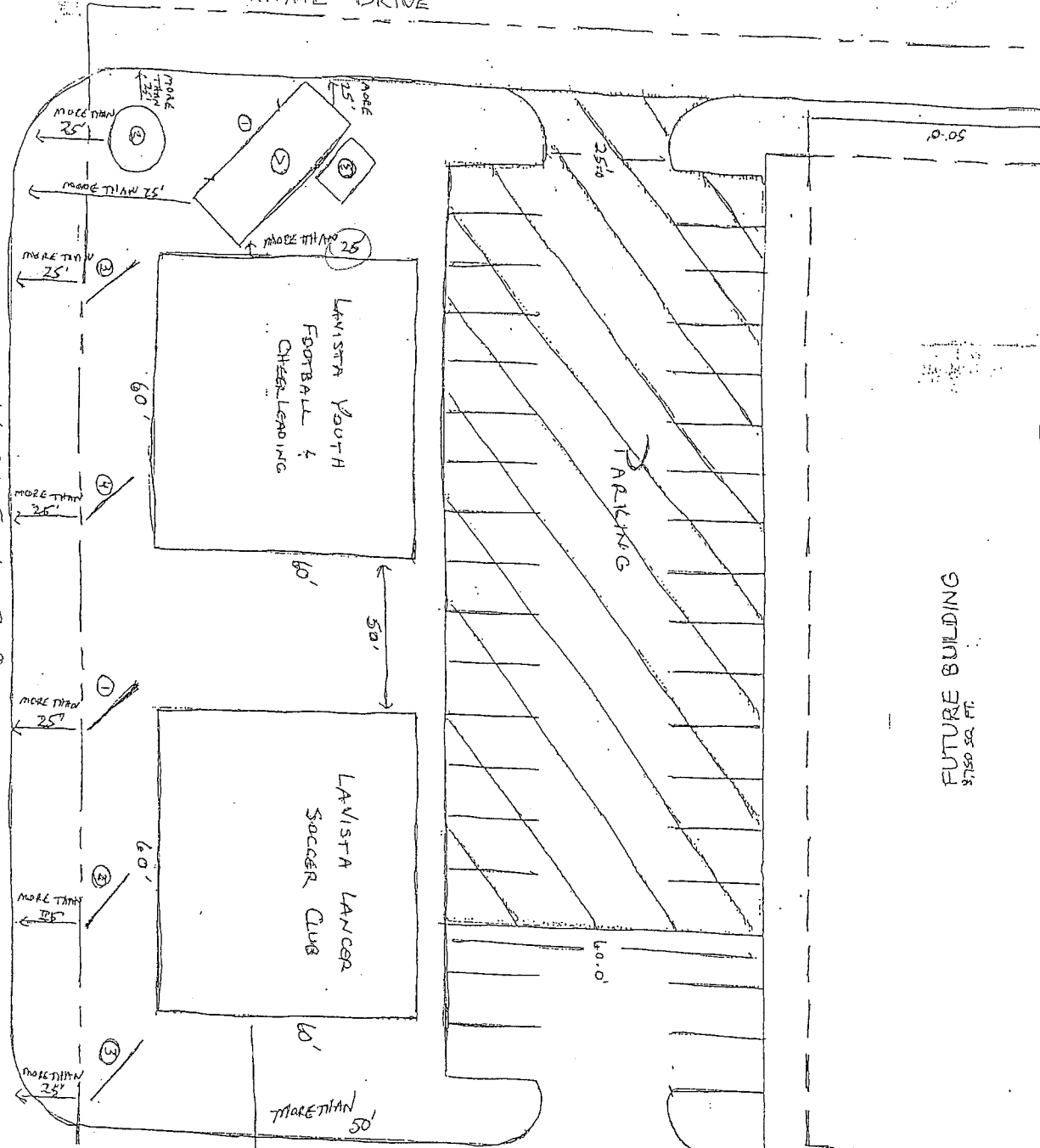
Date Received: \_\_\_\_\_ Received by: \_\_\_\_\_

- ☐ \$500 permit application deposit fee.
- ☐ Site Plan.
- ☐ A written statement of permission from the land-owner.
- ☐ The City of La Vista's *Accessory and Light Remodeling Permit* and \$150 permit application fee for Tent.
- ☐ The City of La Vista's *Sign Permit* application (maximum of four signs) and applicable fee.
- ☐ The City of La Vista's *Explosive Materials Storage Permit* and \$100 permit application fee.
- ☐ Statement of Proposed Community Betterment Expenditures.
- ☐ Three *Statements of Annual Income for Fireworks Sales*.
- ☐ Insurance certificate (due by 12:00 noon on June 25<sup>th</sup>).
- ☐ State Fire Marshal Certificate (due by 12:00 noon on June 25<sup>th</sup>).
- ☐ \$2,000 Permit Fee Balance (due by 12:00 noon on June 25<sup>th</sup>).

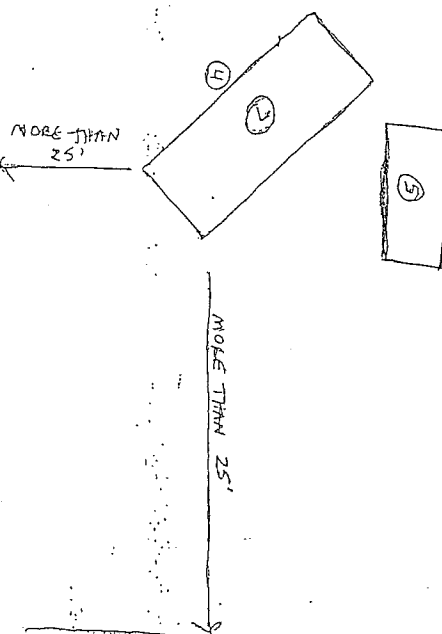
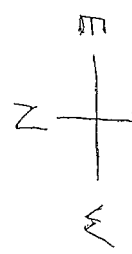


PRIVATE DRIVE

MARRISON STREET



FUTURE BUILDING  
\$750 SQ. FT.



⑥ Porta Potty Identified but not shown on map

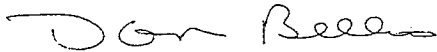
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|---|---|
| <p><u>LAVISTA YOUTH FB</u></p> <ol style="list-style-type: none"> <li>1. SIGN ON TRAILER</li> <li>2. INFLATABLE 32' MAX</li> <li>3. SIGN 4'x8'</li> <li>4. SIGN 4'x8'</li> <li>5. DUMPSTER</li> <li>6. PORTA Potty</li> <li>7. STORAGE TRAILER</li> </ol> | <p><u>LAVISTA LANCER</u></p> <ol style="list-style-type: none"> <li>1. SIGN 4'x8'</li> <li>2. SIGN 4'x8'</li> <li>3. SIGN 4'x8'</li> <li>4. SIGN ON TRAILER 32' MAX</li> <li>5. DUMPSTER</li> <li>6. PORTA Potty</li> <li>7. STORAGE TRAILER</li> </ol> |
|---|---|

# Bellino Properties

501 Olson Drive, Suite 210 Papillion, NE 68046 Phone: 402-935-1916 Fax: 402-339-9001

## PERMISSION TO OCCUPY

I hereby give La Vista Youth Football & Cheerleading permission to occupy my property at 73<sup>rd</sup> & Harrison Street, La Vista, Nebraska, to operate a retail fireworks stand from June 20<sup>th</sup> through July 6<sup>th</sup>.



---

Don Bellino, Owner

Bellino Harrison Street Property, LLC



# City of La Vista

## Light Remodeling and Accessory Permit Application

8116 Park View Blvd, La Vista, NE 68128 Phone: 402-331-4343 Fax: 402-331-4375

The city is not responsible for permits taken out that were not allowable within your particular subdivision.

We suggest that you consult your subdivision covenants before applying for permits.

**\*\* 2003 IRC (Int'l Residential Code) - Adopted Feb. 13, 2006\*\***

Date of Application 12/8/09 Mail Permit to: (circle) Contractor Owner: \_\_\_\_\_ Permit # \_\_\_\_\_

Project Address: 7302 Harrison St.  
Lot Number: 4 Subdivision Schaefer's 1st Addition Is this a rental property: Yes No

Print Applicant Name/Address: Rock Richt / La Vista Lancers Soccer Club  
7821 S. 71st Ave, La Vista, NE 68128 Phone #: 292-9894

Print Owner Name/Address: Bellino Harrison street property LLC  
501 Olson Dr. suite 210 papillion NE 68046 Phone #: 935-1916

Print Contractor Name/Address: Same as Applicant  
Phone #: \_\_\_\_\_

**CALL BEFORE YOU DIG!**

**UNDERGROUND HOT LINE 344-3565**

**FENCE:** Height: \_\_\_\_\_ Type: \_\_\_\_\_ Location: \_\_\_\_\_ Est. Materials: \$ \_\_\_\_\_ Fee: \$ \_\_\_\_\_

- Site plan required showing fence location, type and height
- Fence posts must be set in concrete 24" minimum depth for wood and chain link
- Fence location on or into *fence owners* property (may require survey).
- All wood pickets or boards to face to the outside
- Front yard fences need to be 12-1/2' from curb & no more than 4' high—open picket, split rail & chain link(2003 IRC)
- Sideyard fences, on a corner lot, need to be 12-1/2' from the curb or off the right of way

**SHED:** Height: \_\_\_\_\_ Type: \_\_\_\_\_ Location: \_\_\_\_\_ Est. Materials: \$ \_\_\_\_\_ Fee: \$ \_\_\_\_\_

- Site plan of property required showing shed location and spacing
- Shed **MUST BE** located a minimum of 5 feet from the rear and side property line/s.
- Concrete slab shed floor to have 1/2" dia. anchor bolts at max. 6'0" o.c. spacing for shed tie-down
- Wood floors of sheds must be provided with 4 shed tie-downs anchors to meet city code
- Maximum shed height 17', or less if restricted by local governing covenants (15').
- Shed **MUST BE** located a minimum of 6'0" from any structure, or fire proofed to meet city code.

**DECK:** Type: \_\_\_\_\_ Location: \_\_\_\_\_ Est. Materials: \$ \_\_\_\_\_ Fee: \$ \_\_\_\_\_

- Site plan of property showing house and deck location and size
- Deck drawing required showing the following:
  - a. Over-all deck size and stair location
  - b. Uncovered decks must be a distance of 15 feet from rear property lines; and, 5 feet from side property lines.
  - c. Decks must be 6 feet from any other detached structure
  - d. Post hole locations require 42" deep frost footings when attached to the house
  - e. Indicate size of wood beam on your drawing; and, know that column post sizes must be 6" x 6"
  - f. Indicate wood joist sizes and spacing measurement
  - g. Ledger beam attached to house with 1/2" dia. lag bolts that are 5" long (or equiv.) at 24" on center (staggered)
  - h. Galvanized joist hangers at ledger beam
  - i. Handrails to be 3'0" high with vertical spindle spacing not more than 4" apart
  - j. Stair detail as provided by City
  - k. Call for footing inspection once holes are dug, prior to filling. When project completed, call for final.

### CURB-CUT / DRIVEWAYS / SIDEWALK

Curb Cut Length: \_\_\_\_\_ Driveway Width: \_\_\_\_\_ Driveway Length: \_\_\_\_\_

Sidewalk Length: \_\_\_\_\_ Concrete Depth: \_\_\_\_\_

Fee: \$ \_\_\_\_\_

Driveways must meet specifications of City Code & **MUST** be inspected before pouring

### OTHER ACCESSORY PROJECTS

Describe Project: Tent

Length: 60' Width: 60' # Door/s: \_\_\_\_\_ # Window/s: \_\_\_\_\_

Etc: set up 6/20/10 ; Teardown 7/5/10

Fee: \$ 150.00

**Total of all FEES DUE: \$** 150.00

Applicant certifies that this information has been read, understood and that projects will be constructed in compliance with all city ordinances; that all information is correct; and, that inspections will be requested.

Please phone 24 hours in advance for a final on all projects and any other inspections as noted above.

Signature of Applicant: Richard P. Richt Date: 12/23/09

Approved By City Official: \_\_\_\_\_ Permit Clerk \_\_\_\_\_

Date of Approval: \_\_\_\_\_



# CITY OF LA VISTA

8116 Park View Boulevard

La Vista, NE 68128

(402) 331-4343

## SIGN PERMIT APPLICATION

### Attached to this application must be:

- A detailed drawing showing the layout, dimensions (including square feet), colors, and materials of the proposed sign(s).
- A building elevation showing the location of the sign and the dimensions of the business facade/wall on which the sign is located (Wall Signs ONLY)
- A plot plan of the site showing the location of the sign(s) relative to the property lines (ground monument, center ID, master signage plan, common signage plan). A Master Signage Plan or Common Signage Plan is required for any zoned lot on which an owner proposes to erect more than one sign requiring a permit.

Incomplete applications or applications without adequate drawings will cause a delay in the processing of your application.

Street Address of Sign Location: 73rd + Harrison St

Name of Development Schaefer's 1st Addition

### Applicant Information

Company Name: LaVista Lancers Soccer Club Contact: Rock Richt

Address: 7821 S 71st Ave City: LaVista State NE Zip 68128

Phone: 292-9894 Fax: \_\_\_\_\_ E-mail: \_\_\_\_\_

### Business/Organization (that is the subject of the sign)

Company Name: Same above Contact: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ E-mail: \_\_\_\_\_

### Sign Type

☐ Wall ☐ Monument ☐ Center Identification ☐ Construction ☐ Subdivision Sign ☒ Temporary sign  
☐ Master Signage Plan ☐ Common Signage Plan ☐ Other, please indicate \_\_\_\_\_

Message on Sign(s): Fireworks Sales

Dates of sign/s display: 6-24-10 - 7-4-10

Illumination: ☒ None ☐ Internal ☐ External If yes, describe \_\_\_\_\_

Estimated cost of sign(s): \$15.00/sign Are any existing signs at this location to remain? ☒ Yes ☐ No

Total number and types of signs at this business location One "For Lease" sign

Is the location for this sign part of a shopping center, office park, or industrial park? ☐ Yes ☒ No

If yes, describe and name: \_\_\_\_\_

### Sign Size Total 4 signs as noted in site plan

Sign width 4' Sign length 8' Total square feet 32 Height from grade to top of sign 6' ft.

Setback from nearest property line 25' ft.

(Wall Signs)

Business facade width \_\_\_\_\_ ft. Height \_\_\_\_\_ ft. Total business facade area \_\_\_\_\_ sq. ft.

Side of Building ☐ North ☐ South ☐ East ☐ West Number of sides lot/bay abutting street \_\_\_\_\_

### Applicant's Signature

I believe that all of the information on this application and on drawings submitted in support of this application is accurate. I understand that any sign which is installed that is inconsistent or in conflict with this application, the supporting drawings, or the sign regulations contained in the City's Unified Development Ordinance is a violation of the City of La Vista municipal code. I further understand that the inadvertent approval of a sign application by the City that is not in compliance with the sign regulations does not create any legal nonconforming status nor does it remove any obligation to bring the sign into compliance. I understand that no sign shall be installed until a sign permit has been approved by the City of La Vista and the associated sign fee has been paid. Once a sign permit has been approved, all sign installation work must be completed in six months or the permit will expire.

Richard P. Richt  
(Signature of Applicant)

12/23/09  
(Date)

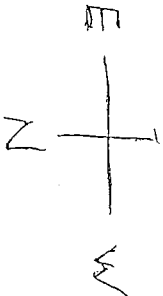
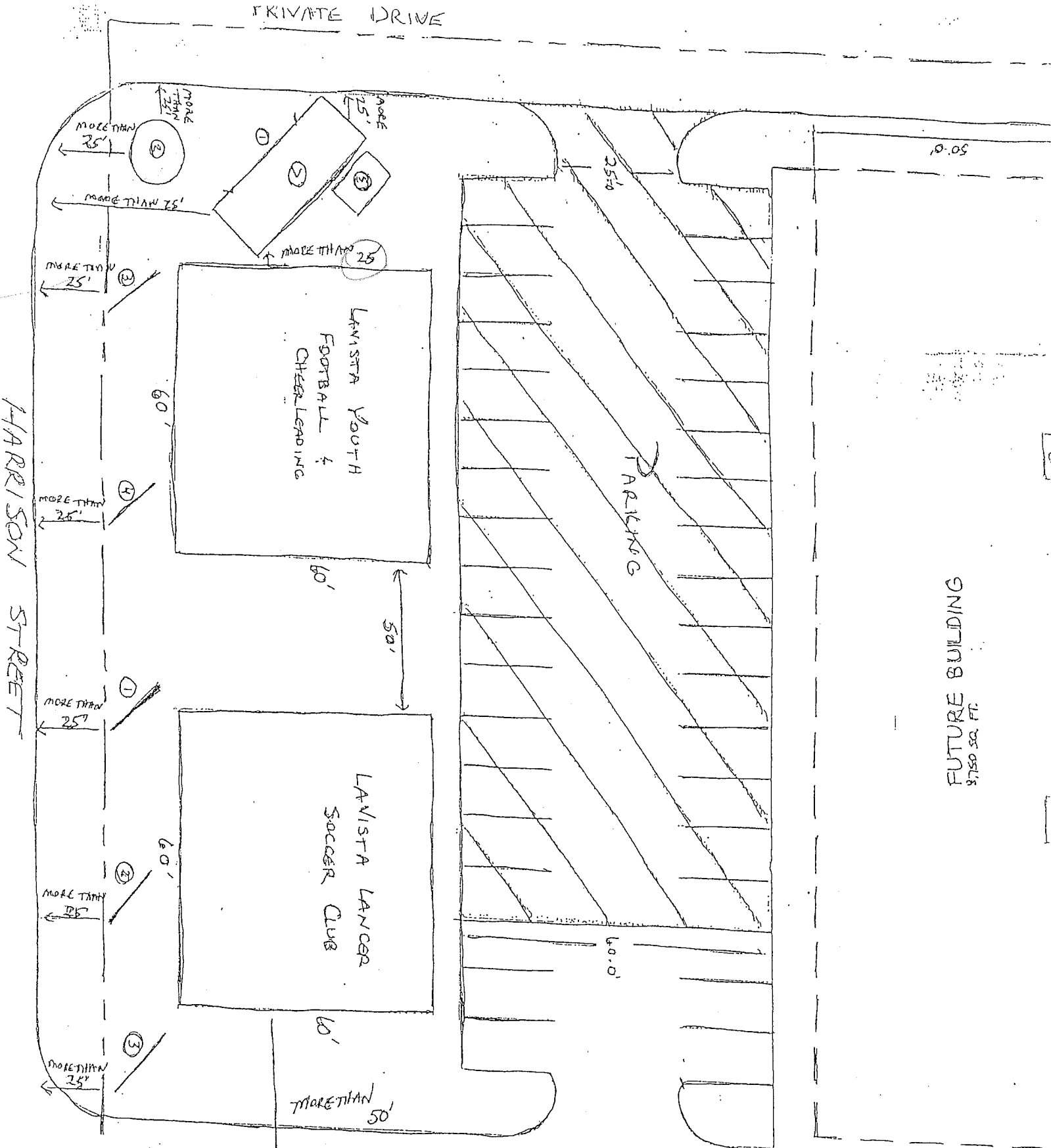
### Office Use Only

Rec'd By	Date Rec'd	# of Temp Signs this Year	Zoning at Sign Site at site

Sign Permit Fee	Plan Fee	Total Fee

☐ Approved ☐ Disapproved By: \_\_\_\_\_ Date: \_\_\_\_\_

Reason(s) for disapproval \_\_\_\_\_



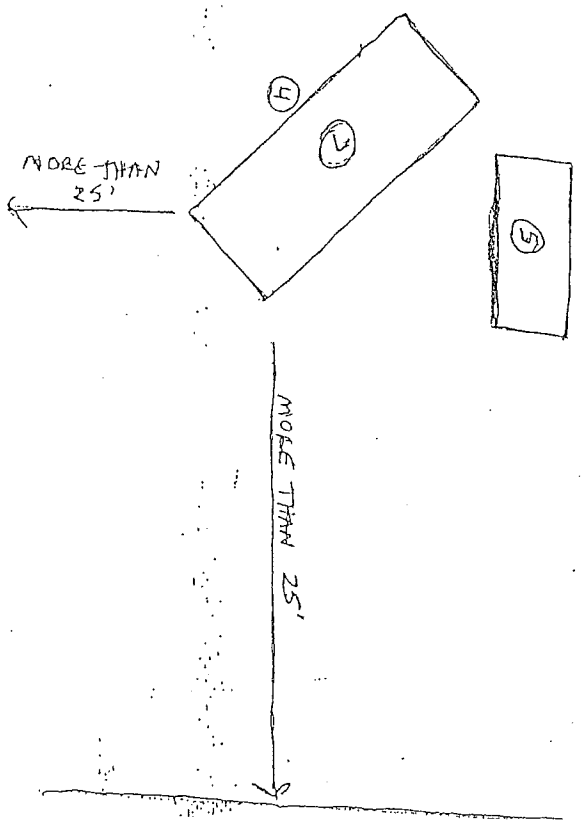
Lavista Youth F.B.

1. SIGN ON TRAILER
2. INFLATABLE 32' MAX
3. SIGN 4'x8'
4. SIGN 4'x8'
5. DUMPSTER
6. PORTA Potty
7. STORAGE TRAILER

LAVISTA LANCER

1. SIGN 4'x8'
2. SIGN 4'x8'
3. SIGN 4'x8'
4. SIGN ON TRAILER 32' MAX
5. DUMPSTER
6. PORTA Potty
7. STORAGE TRAILER

⑥ Porta Potty Identified - but not shown on map



**CITY OF LA VISTA, NEBRASKA**  
**PERMIT APPLICATION EXPLOSIVE MATERIALS STORAGE**

Pursuant to §91.46 of the La Vista Municipal Code any person desiring to store or keep for any period of time explosive materials defined in Neb. RS 28-1213, shall file with the City Clerk an application for an explosive material storage permit.

PLEASE TYPE OR PRINT CLEARLY

Name of Applicant Steve Ashby Today's Date 12/16/09

Age of Applicant Over Age 25

Street Address 8101 Marisa Ln / 7310 Josephine Ct

City La Vista State NE Zip 68128

Phone (daytime) 510-9152 (evening) \_\_\_\_\_

Name of Employer Controlled Comfort

Street Address of Employer 11701 Centennial Rd.

City La Vista State NE Zip 68117

Have you been instructed in the use of Explosives ☐ yes ☒ no Will be 6/2010

If yes, by whom? The distributor

What type of instruction Sales, safety & storage

Date of instruction 6/2010 Length of time of instruction 2 hours

List your experience in the use of explosives, giving three distinct examples of the type and usage you have personally done

1 year experience sales class "C" consumer fireworks

Safety of class "C" fireworks (consumer)

storage of class "C" fireworks (consumer)

List the type of explosives you have been trained on and used \_\_\_\_\_

Class "C" consumer fireworks (training 7/2010)

Enclose copies of any training certificate, explosive permits from other states or other pertinent documentation.

**CERTIFICATION AND RELEASE**

I certify that all information and statements contained herein are complete and true to the best of my knowledge and belief. I understand that any false information, omissions or misrepresentations of facts called for in this application may result in denial of my permit. I authorize the City and/or its agents, to verify any of this information. I authorize all persons, companies and government authorities to release any information relating to this application and hereby release any said persons, companies and government authorities from any liability for any damage whatsoever for issuing this information.

Steve Ashby  
Signature of Applicant

Steve Ashby  
Printed Name of Applicant

FOR CITY HALL USE ONLY

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

Received by: \_\_\_\_\_

☐ \$100 permit application fee.

**CITY OF LA VISTA, NEBRASKA**  
**STATEMENT OF PROPOSED COMMUNITY BETTERMENT EXPENDITURES**

Pursuant to §111.17 of the La Vista Municipal Code, only nonprofit organizations using volunteer salespersons are eligible for a permit to sell fireworks and net proceeds must be used for community betterment purposes within the City of La Vista.

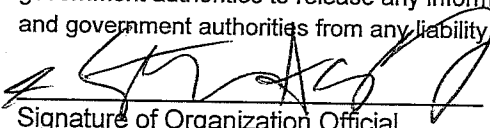
**PLEASE TYPE AND LIMIT STATEMENT TO THIS PAGE ONLY**

Name of Nonprofit Organization LaVista Youth Football and Cheerleading

LaVista Youth Football and Cheerleading Association enjoyed participation by over 80 local youths this year. They ranged in age from eight to fourteen and was headed by a dedicated, local, all volunteer staff. Our organization prides itself on the guidance and skills it provides to those who participate. Community betterment and team concept are mainstays of our philosophy. We enjoyed participation in local events such as the annual Easter egg hunt and the adopt-a-family for Christmas programs.

**CERTIFICATION AND RELEASE**

I certify that all information and statements contained herein are complete and true to the best of my knowledge and belief. I understand that any false information, omissions or misrepresentations of facts called for in this application may result in denial of my permit. I authorize the City and/or its agents, to verify any of this information. I authorize all persons, companies and government authorities to release any information relating to this application and hereby release any said persons, companies and government authorities from any liability for any damage whatsoever for issuing this information.

  
Signature of Organization Official

Steve Ashby  
Printed Name of Organization Official

President  
Title of Organization Official

**CITY OF LA VISTA, NEBRASKA**  
**STATEMENT OF ANNUAL INCOME FOR FIREWORKS SALES**  
**IN PERMIT YEAR 2009**

Pursuant to §111.17 of the La Vista Municipal Code only nonprofit organizations using volunteer salespersons are eligible for a permit to sell fireworks and net proceeds must be used for community betterment purposes within the City of La Vista.

*Net proceeds shall mean gross sales less the cost of fireworks, permit fee, rental or lease expense, advertising and similar costs of operation of the fireworks stand. Volunteer salespersons shall be used and any remuneration paid or given to persons performing services in connection with the sale of fireworks shall not be deemed a cost of operation and cannot be deducted from gross sales as an expense in determining net proceeds.*

**PLEASE TYPE OR PRINT CLEARLY**

Name of Nonprofit Organization La Vista Youth Football & Cheerleading

**Annual Income**

Gross Fireworks Sales 102,424.03

**Expenses**

Wholesale Cost of Fireworks 53,190.15

(please provide copy of invoice)

State Sales Tax 6,700.64

Permit Fees:

Local 2,870.00

State 25.00

Insurance 2,144.73

Rent or Lease Expenses 6,000.00

Advertising 2,785.05

Miscellaneous (please describe) Tent → 2,1278.01

Utilities, usage & installation

• Lights, Electrical & Phone } 2,573.69

Registers, Tables, credit card machines, } 4,861.40

• Fire safety, & other equipment } 4,432.45

product shrink, bad checks or credit } B 1,000.00

• Cards, Discounts Given to members } 1,000.00

• Security 1,000.00

Total Expenses 84,984.35

Net Proceeds (profits) 17,519.68

♦♦♦♦♦



# Permit Year 2010

## Annual Expenditures of Net Proceeds

Date	Project Description or Event & Who Participated	Location	Cost
10/6	1046 - Coaches shirts	N/A	198.00
10/21	1047 - Team apparel	N/A	746.00
10/1	1061 - uniforms	N/A	7,094.68
10/3	1048 - mick koury season awards	La Vista	80.00
11/6	1049 - Team Bowling party 1050	La Vista	342.00
11/13	1051 - Anderson Awards - trophies plaques		1346.00
11/13	1052 September Bowling party supplies 1053 and expenses	La Vista	307.72
11/13	1054 Team Banquet - food & supplies 1055 1056	La Vista	856.37

## Total Community Betterment Expenditures

10,970.77

Please detail costs associated with projects and/or events.

## Annual Expenditures of Net Proceeds

Project Description or Event &amp; Who Participated

**Cost**

Levitts

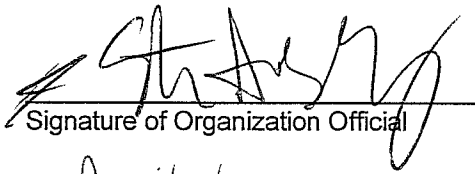
1137.33

12,108.03

Please detail costs associated with projects and/or events.

**CERTIFICATION AND RELEASE**

I certify that all information and statements contained herein are complete and true to the best of my knowledge and belief. I understand that any false information, omissions or misrepresentations of facts called for in this application may result in denial of my permit. I authorize the City and/or its agents, to verify any of this information. I authorize all persons, companies and government authorities to release any information relating to this application and hereby release any said persons, companies and government authorities from any liability for any damage whatsoever for issuing this information.



Signature of Organization Official

President

Title of Organization Official

Steve Ashby

Printed Name of Organization Official

Signature of Organization Official

Printed Name of Organization Official

Title of Organization Official

CITY OF LA VISTA, NEBRASKA  
STATEMENT OF ANNUAL INCOME FOR FIREWORKS SALES  
IN PERMIT YEAR 2008

Pursuant to §111.17 of the La Vista Municipal Code only nonprofit organizations using volunteer salespersons are eligible for a permit to sell fireworks and net proceeds must be used for community betterment purposes within the City of La Vista.

*Net proceeds shall mean gross sales less the cost of fireworks, permit fee, rental or lease expense, advertising and similar costs of operation of the fireworks stand. Volunteer salespersons shall be used and any remuneration paid or given to persons performing services in connection with the sale of fireworks shall not be deemed a cost of operation and cannot be deducted from gross sales as an expense in determining net proceeds.*

PLEASE TYPE OR PRINT CLEARLY

Name of Nonprofit Organization La Vista Youth Football & Cheerleading

**Annual Income**

Gross Fireworks Sales

\$105,476.15

**Expenses**

Wholesale Cost of Fireworks

(please provide copy of invoice)

\$53,292.84

State Sales Tax

\$ 6,900.31

Permit Fees:

Local

\$ 2,870.00

State

\$ 25.00

Insurance

\$ 1,949.76

Rent or Lease Expenses

\$ 6,000.00

Advertising

\$ 2,531.87

Miscellaneous (please describe) Tent →

\$ 2,927.52

Utilities Usage & Installation

• Lights, Electrical & Phone

\$ 2,339.72

Registers, Tables, Credit Card Machines

• Fire Safety & Other Equipment

\$ 4,419.46

Product Shrink, Bad Checks or Credit

• Cards, Discounts Given to members

\$ 4,029.50

• Security

\$ 1,000.00

Total Expenses

\$88,285.98

Net Proceeds (profits)

\$17,190.17

\*\*\*\*\*

## La Vista Football and Cheerleading Association Statement of Community Betterment and Financial Report 2008

The La Vista Youth Football and Cheerleading Association had 170 Youth participating in the program this year. The boys and girls ranged in age from six to fourteen. This year the program had 37 volunteers that helped by coaching or serving on the board.

The Football and Cheerleading Association was able to provide rosters with each child's name and team schedule for each family to hand out during opening ceremonies in early September. The cost of these booklets was approximately \$50. We will continue to provide these rosters and schedules to families in 2009.

Approximately \$11,600 was spent on new uniforms for the tackle football teams. The new uniforms included 120 jersey and pants, 120 belts, and 100 pair of socks. All youth participating in the program, and the program itself, benefit from this purchase by keeping the program up to date and competitive with what other programs are offering their youth. The old uniforms will be donated to another program that is in need of uniforms due to lack of funds in order to provide for their own.

An estimate of \$800 was spent on new warm up pants, turtlenecks, and bags for the cheerleaders. Approximately, \$165 was used to provide 3 boom boxes for the girls as well. And as done annually, bloomers were purchased to eliminate this added expense for the families.

The club also spent approximately \$950 on a special "Homecoming Day" event. Some of the events of the day included rental of scaffolding, a helium tank for balloons, and a live DJ with music and an announcer to call the plays of the game and the players' names. The day also included raffle prizes, which showed to be a great crowd-participating event. This Homecoming event has been a tradition that the families and youth have come to enjoy. We hope to continue the tradition in 2009.

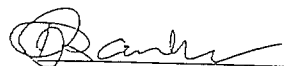
Approximately \$1000 was spent on additional items for players and volunteers. Shirts for kids, and shirts, hats, and wind jackets for the volunteer coaches and cheerleading coaches were also purchased. The club was excited to provide these items to the people in the community who willingly volunteer so many hours to working with the youth of La Vista. The club spent \$600 on entry fees for the Papillion Tournament. The kids were able to play two games. Some games were played at the High School Stadium located at Papillion La Vista South. The kids enjoyed the experience of playing at the stadium.

An End-of-Season Banquet provided all players, cheerleaders, and coaches, and families with a day of celebration. Players and Cheerleaders were presented with trophies. All coaches were presented with plaques and team pictures. The club spent approximately \$2050 for the entire banquet, including food, snacks, and drinks.

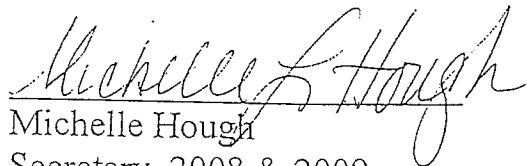
The football and cheerleading club also continues to support other programs and events for children in La Vista. This year \$300 was spent on candy and miscellaneous items for the Easter Egg Hunt. This year the club participated in the adopt-a-family program for Christmas by donating over \$800 worth of gifts and food for a family in need.

We look forward to another successful year in 2009!

Respectfully,



Randy-Anderson  
President, 2008 & 2009



Michelle Hough  
Secretary, 2008 & 2009

# Permit Year 2009

## Annual Expenditures of Net Proceeds

Date	Project Description or Event & Who Participated	Location	Cost
9/08	Opening ceremonies; 170 players & cheerleaders, plus coaches and families	Sports complex	\$50.00
9/08	New uniforms; 120 jerseys & pants, 120 belts, 100 pairs of socks (for tackle football teams)	N/A	\$11,100.00
9/08	New warm-up pants, twinecks & bags for cheerleaders	N/A	\$800.00
9/08	3 boom boxes for cheerleaders	N/A	\$65.00
10/08	Homecoming; 170 players & cheerleaders, plus coaches and families	Sports complex	\$950.00
9/08 - 11/08	Items/clothing for players, coaches, volunteers (shirts, hats, and wind jackets)	N/A	\$1,000.00
11/08	Tournament; 170 players & cheerleaders, plus coaches	Pavillion	\$600.00
11/08	Benquet; trophies for 170 players & cheerleaders, plaques & team pictures for coaches, food/drinks	Community Center	\$2,050.00
8/3/08	Easter Egg Hunt; La Vista Youth	Community Center	\$300.00
12/08	Adopt-a-family Christmas project	N/A	\$800.00

## Total Community Betterment Expenditures

\$18,315.00

Please detail costs associated with projects and/or events.

Permit Year 2008

CITY OF LA VISTA, NEBRASKA  
STATEMENT OF ANNUAL INCOME FOR FIREWORKS SALES  
IN PERMIT YEAR 2007

Pursuant to §111.17 of the La Vista Municipal Code only nonprofit organizations using volunteer salespersons are eligible for a permit to sell fireworks and net proceeds must be used for community betterment purposes within the City of La Vista.

*Net proceeds shall mean gross sales less the cost of fireworks, permit fee, rental or lease expense, advertising and similar costs of operation of the fireworks stand. Volunteer salespersons shall be used and any remuneration paid or given to persons performing services in connection with the sale of fireworks shall not be deemed a cost of operation and cannot be deducted from gross sales as an expense in determining net proceeds.*

PLEASE TYPE OR PRINT CLEARLY

Name of Nonprofit Organization La Vista Youth Football (Cheerleading)

	2007
<u>Annual Income</u>	
Gross Fireworks Sales	\$ 113,029.80
<u>Expenses</u>	
Cost of Wholesale Fireworks	\$ 60,812.71
State and City Sales Tax	\$ 7,394.47
Local License / Permit Fees	\$ 2,870.00
State License / Permit Fees	\$ 25.00
Insurance	\$ 1,695.45
Rental / Lease Expenses	\$ 6,000.00
Advertising / Marketing	\$ 2,373.63
Miscellaneous	
Tent	\$ 2,850.00
Utilities, Usage, and Installation	
Lights, Electrical, and Phone	\$ 2,034.54
Registers, Tables, Credit Card Machines, Fire Safety and Other Equipment	\$ 3,843.01
Product Shrink, Bad Checks, or Credit Cards	
Discounts Given to Members	\$ -3,503.92
Security	\$ 1,000.00
TOTAL EXPENSES	\$ 94,402.73
NET PROCEEDS (profits)	\$ 18,627.07



## La Vista Football and Cheerleading Association Statement of Community Betterment and Financial Report 2007

The La Vista Youth Football and Cheerleading Association had 163 Youth participating in the program this year. The boys and girls ranged in age from six to fourteen. This year the program had 58 volunteers that helped by coaching or serving on the board.

The Football and Cheerleading Association was able to provide a pool party for all youth and their families as a "kickoff" event. A huge swimming party included free hotdogs, pop, cotton candy, and snow cones for everyone. It was a huge success, bringing together lots of people from the community. The cost of the party was \$558. We look forward to hosting another event in 2008.

The football club provided rosters with each child's name and team schedule for each family to hand out during the opening ceremonies in early September. The cost of these booklets was approximately \$114. We will continue to provide these rosters and schedules to families in 2008.

Approximately \$950 was spent on a special "Homecoming" day. All youth participating in the program benefited from this fun-filled day. Some of the special events of the day included rental of a generator and a sound system that allowed players to have the game announced and to run onto the field as their names were read. It also gave the cheerleaders a special opportunity to perform a dance routine to music at half-time. The day also included balloons for the kids (family members of the players and cheerleaders), prizes, a pop bottle toss, and a lot of fun! This has

been a tradition that the families and the youth have come to enjoy. We hope to provide this fun day again in 2008.

This past year, we were able to offer scholarships to 21 boys and girls who were not eligible to receive scholarships through the recreation department. An incentive was offered to all families who volunteered for the main fund-raiser. Over \$775 was provided in scholarships to these families. It was great to see so many youth and their families volunteering this year. The club hopes to offer this same incentive in 2008.

The football club was able to provide over \$11,000 in new equipment for the Recreation Department this year! Equipment purchased this past year included 2 new tackle sleds, 2 footwork ropes, stakes and flags to designate "player only" areas, water bottles and carriers, first-aid kits and ice packs. The club was also able to purchase a number of uniforms for the recreation department. 25 Helmets, 40 Practice pants, 40 Game pants, 60 Jerseys, 2 Cheerleading outfits, and 50 cheerleading jackets were purchased this year. The club hopes to continue replacing uniforms and enhancing the program with new equipment as needed in 2008.

Approximately \$3000 was spent on additional items for players and volunteers. The football club was once again able to provide all players with socks, and cheerleaders with bloomers. We were happy to eliminate this added expense for the families. Shirts for kids, and shirts, hats, and wind jackets for volunteer coaches and cheerleading coaches were also purchased. The club was excited to provide these items to the people in the community who willingly volunteer so many hours to working with the youth of La Vista.

\$1200 was spent on entry fees for a tournament in Papillion. The kids were able to play two or three games. Some of these games were played at the High School Stadium located at Papillion La Vista South. The kids enjoyed the experience of playing at the stadium. The cheerleaders were even able to utilize the sound system to perform at half-time.

An pizza party and banquet at the end of the season provided all players, cheerleaders, coaches, and families with a day of celebration. Players and Cheerleaders were presented with trophies. Coaches and Cheerleading coaches were presented with plaques and team pictures. The football club paid the entire expense for the trophies, not asking for partial reimbursement from the recreation department as allowed. In 2008, the club plans to again provide this fun day for the kids and volunteers.

The football and cheerleading club also continues to support other programs and events for children in La Vista. This year over \$500 was spent on candy for the Halloween event at the community center and the Easter Egg Hunt. The club plans to contribute to these events again in 2008. This year at Christmas, the club participated in an adopt-a-family program, donating over \$600 worth of gifts for a family in need.

Respectfully Submitted:



Laura Carlow  
President, 2007



Randy Anderson  
President, 2008

## Annual Expenditures of Net Proceeds

Permit Year 2008

Date	Project Description or Event & who participated	Location	Cost
8/26/07	Pool Party; 163 players and cheerleaders, coaches, and families	Pool	\$558
9/16/07	Opening ceremonies; 163 players and cheerleaders, coaches, and families	Sports complex	\$114
10/21/07	Homecoming; 163 players and cheerleaders, coaches, and families	Sports complex	\$950
8/07	Scholarships; 21 players and cheerleaders	N/A	\$775
9/07-11/07	Equipment and uniforms for Recreation Department	Community Center	\$11,000
9/07-11/07	Socks for players, bloomers for cheerleaders, shirts, hats, jackets for volunteers	N/A	\$3000
11/07	Tournament; 163 players and cheerleaders, coaches	Papillion	\$1200
11/11/07	Banquet; trophies for 163 players and cheerleaders, Plaques and team pictures for coaches; Pizza Party for Players, families, coaches, etc.	Community Center	\$2100
4/07	Easter Egg Hunt: La Vista Youth	City Park	\$250
10/07	Halloween Candy ; La Vista Youth	Community Center	\$250
12/07	Adopt-a- family Christmas Project	N/A	\$650

Total Community Betterment Expenditures for 2007

\$20,847

**ACORD™ CERTIFICATE OF LIABILITY INSURANCE**

DATE (MM/DD/YYYY)

12/22/2009

PRODUCER Phone: 440-248-4711 Fax: 440-248-5406  
Britton-Gallagher and Associates, Inc.  
6240 SOM Center Rd.  
Cleveland OH 44139

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

**INSURERS AFFORDING COVERAGE**

NAIC #

INSURED  
Bellino Fireworks Inc  
501 Olson Drive, St 210  
Papillion NE 68046

INSURER A: Lexington Insurance Co

INSURER B:

INSURER C:

INSURER D:

INSURER E:

**COVERAGES**

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR ADD'L LTR INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A	<b>GENERAL LIABILITY</b> <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO- JECT <input checked="" type="checkbox"/> LOC	5379100-02	5/4/2010	5/4/2011	EACH OCCURRENCE \$1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$50,000 MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$1,000,000 GENERAL AGGREGATE \$2,000,000 PRODUCTS - COMP/OP AGG \$2,000,000
	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS				COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	<b>GARAGE LIABILITY</b> <input type="checkbox"/> ANY AUTO				AUTO ONLY - EA ACCIDENT \$ OTHER THAN EA ACC AGG \$ AUTO ONLY: \$
	<b>EXCESS/UMBRELLA LIABILITY</b> <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE  DEDUCTIBLE RETENTION \$				EACH OCCURRENCE \$ AGGREGATE \$ \$ \$ \$
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below				WC STATU- TORY LIMITS E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
	<b>OTHER</b>				

**DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS**

Location: 7302 Harrison St. LaVista Ne.  
Lot 5 Schaefer's 1st Addition  
Additional Insured:  
City of LaVista Ne.  
LaVista Youth Football & Cheerleading  
Bellino Harrison Street Property LLC  
Donald J. & Valerie R. Bellino

**CERTIFICATE HOLDER**

Bellino Fireworks Inc.  
501 Olson Drive Suite 210  
Papillion NE 68046

**CANCELLATION**

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE



## Nebraska State Fire Marshal's Online Fireworks License Application

## APPLICATION COMPLETE:

[Click here to print your receipt](#)

Your application has been completed.

Upon approval, you will receive your permit within the next 14 business days.

Please print this page as a record of your request and payment.

Need the [Rules for Retail Sales of Fireworks?](#)

**\*\* This is not a license \*\***

Your Pending Application Order Verification Number Is:

115696

To make a change to your application, please call (402) 471-2011

## PRICE TOTAL:

1 Retail Stand(s) @ \$25.00 per stand: \$	25.00
Total: \$	25.00

LaVista Youth Football



# NEBRASKA STATE FIRE MARSHAL

246 South 14th Street  
Lincoln, NE 68508-1804

## LICENSE FOR SALE OF FIREWORKS

Permissible fireworks may be sold at retail commencing 12:01 AM June 25 and ending 11:59 PM July 4 and must be purchased from a licensed distributor or jobber. A jobber may not sell retail. Invoice copies for all fireworks must be kept available for inspection and must show the license number of the distributor or jobber. Fireworks may not be sold outside the city limits of an incorporated town or village. Violations of State Fire Marshal regulations may result in immediate revocation of this license.

### LICENSE GOOD ONLY FOR JUNE 25 - JULY 4 OF YEAR LICENSE ISSUED

This copy signed, dated and numbered by the STATE FIRE MARSHAL constitutes issuance of a LICENSE pursuant to the provisions of Nebraska Revised Statute 28-1246 (1994 Supp.). Such license shall be displayed at licensee's place of business.

#### DATE RECEIVED:

1/13/2010

All regulations can be found at our  
website: <http://www.sfm.ne.gov>.

#### TYPE OF LICENSE AND FEE:

RETAILER

\$25

#### LOCATION OF OUTLET FOR RETAIL SALE OF FIREWORKS:

Stand#: 2010-RP-115696-718-RL-001

7302 HARRISON ST  
LAVISTA

COUNTY  
SARPY

#### STORAGE LOCATION:

7302 HARRISON ST  
LAVISTA

SARPY

#### DISTRIBUTOR(S)/JOBBER:

BELLINO FIREWORKS INC

#### SALES TAX NUMBER:

057853408

#### DATE ISSUED:

1/25/2010

A handwritten signature in cursive script, reading "John E. Falcione".

STATE FIRE MARSHAL

#### LICENSE HOLDER:

LAVISTA YOUTH FOOTBALL AND CHEERLEADING  
501 OLSON DRIVE SUITE 210

PAPILLION

NE 68046-

#### LICENSE NUMBER

2010-RP-115696-718

**CITY OF LA VISTA, NEBRASKA  
PERMIT APPLICATION  
SALE OF PERMISSIBLE FIREWORKS**

Pursuant to §111.17 of the La Vista Municipal Code it shall be unlawful for any person to sell, hold for sale or offer for sale any permissible fireworks within the corporate limits of the City of La Vista unless such person has first obtained a permit. Only nonprofit organizations and associations using volunteer salespersons and which will use the net proceeds from the sale of fireworks for community betterment purposes within the City of La Vista shall be eligible for a permit.

**PLEASE TYPE OR PRINT CLEARLY**

Name of Nonprofit Organization La Vista area Chamber of Commerce Today's Date 12/9/09

Street Address 8040 S. 84<sup>th</sup> St

City La Vista State NE Zip 68128

Contact Person Kim Madrigal Phone (daytime) 339-2078 (evening) \_\_\_\_\_

**APPLICANT READ**

This permit application is used by the City Council to evaluate your organization's qualifications for a Fireworks Permit. Please answer all questions completely and accurately. Failure to submit the application pursuant to the deadlines contained herein or submission of an incomplete application may result in denial of a permit. The City is not responsible for determining whether your application is complete at the time of submission nor will you be allowed to submit additional information after the deadlines noted herein.

**To be eligible for City Council review, each application submittal must include the following in one packet:**

- ✓ Completed Permit Application Form and a \$500 permit application deposit fee received at City Hall, 8116 Park View Boulevard, La Vista, NE, 68128, no later than noon on January 15 of the permit year (or the next business day if January 15 falls on a weekend or holiday). If your permit is denied, \$400 of this fee will be refunded to your organization. If you are issued a permit, the remaining amount of the permit application fee as established in the Master Fee Ordinance will be due and payable to the City of La Vista no later than noon on June 25 of the permit year to receive permit.
- ✓ A site plan on 8 ½ " x 11" paper which details the dimensions, location and distance between all proposed components of your group's fireworks stand (including but not limited to: tent, storage, garbage, portable restrooms, signs, parking, etc.) The site plan must be neat and legible, with an attempt made to show components as close to scale as possible.
- ✓ A signed statement from the land-owner where your proposed fireworks sales will occur, granting permission to your organization to utilize the property (written permission from retail store managers is not acceptable).
- ✓ The City of La Vista's *Accessory and Light Remodeling Permit* and the permit application fee as established in the Master Fee Ordinance must be received at City Hall no later than noon on January 15 of the permit year (or the next business day if January 15 falls on a weekend or holiday), for your tent (please note, no more than one tent is allowed). Your permit must note the proposed date and time of your site set up. Please contact the Chief Building Official for assistance in completing this permit. If your permit application is denied, this fee will be refunded.
- ✓ The City of La Vista's *Sign Permit* and the permit application fee per sign (maximum of four), as established in the Master Fee Ordinance must be received at City Hall no later than noon on January 15 of the permit year (or the next business day if January 15 falls on a weekend or holiday), for any and all temporary signage. (The size and location of signs must be in compliance with the City's zoning regulations regarding temporary signs.) Please contact the Chief Building Official for assistance in completing this permit. If your permit is denied, this fee will be refunded.
- ✓ The City of La Vista's *Explosive Materials Storage Permit* and the permit application fee as established in the

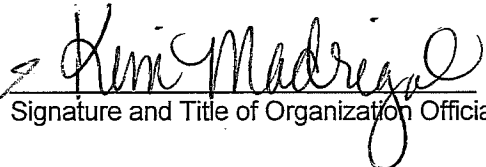


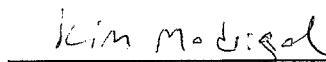
Master Fee Ordinance must be received at City Hall no later than noon on January 15 of the permit year (or the next business day if January 15 falls on a weekend or holiday). If your permit is denied, \$100 of this fee is refunded to your organization.

- ✓ A signed City of La Vista *Statement of Proposed Community Betterment Expenditures* from your organization describing in detail how net proceeds from the sale of fireworks will be used for Community Betterment in the City of La Vista must be received at City Hall no later than noon on January 15 of the permit year (or the next business day if January 15 falls on a weekend or holiday).
- ✓ If your organization has held a permit in any of the three (3) years preceding this application, a City of La Vista *Statement of Annual Income for Fireworks Sales* must be completed for each of the three years and received at City Hall no later than noon on January 15 of the permit year (or the next business day if January 15 falls on a weekend or holiday).
- ✓ If the permit is approved your organization will need to furnish to City Hall no later than noon on June 25th of the permit year an insurance certificate meeting the requirements outlined in City Code.
- ✓ If the permit is approved your organization will need to furnish to City Hall no later than noon on June 25th of the permit year, the balance of the permit fee in the amount of \$2,000 and a State Fire Marshal Certificate meeting the requirements outlined in City Code.

#### CERTIFICATION AND RELEASE

I certify that I have read and understand the "Applicant Read" paragraph on page one of this permit application and that all information, statements, materials and permits submitted as a part of this Permit Application are complete and true to the best of my knowledge and belief. I understand that any false information, omissions or misrepresentations of facts called for in this application may result in denial of my permit. I authorize the City and/or its agents, to verify any of this information. I authorize all persons, companies and government authorities to release any information relating to this application and hereby release any said persons, companies and government authorities from any liability for any damage whatsoever for issuing this information. I also understand that the use or sales of illegal fireworks is prohibited. I hereby further provide written assurance that this organization will file a certificate of insurance issued by an insurance company in good standing, authorized to do business in Nebraska, providing liability insurance in the amounts and for the coverages required by the City Council. I understand this certificate of insurance is a condition of issuance of the permit.

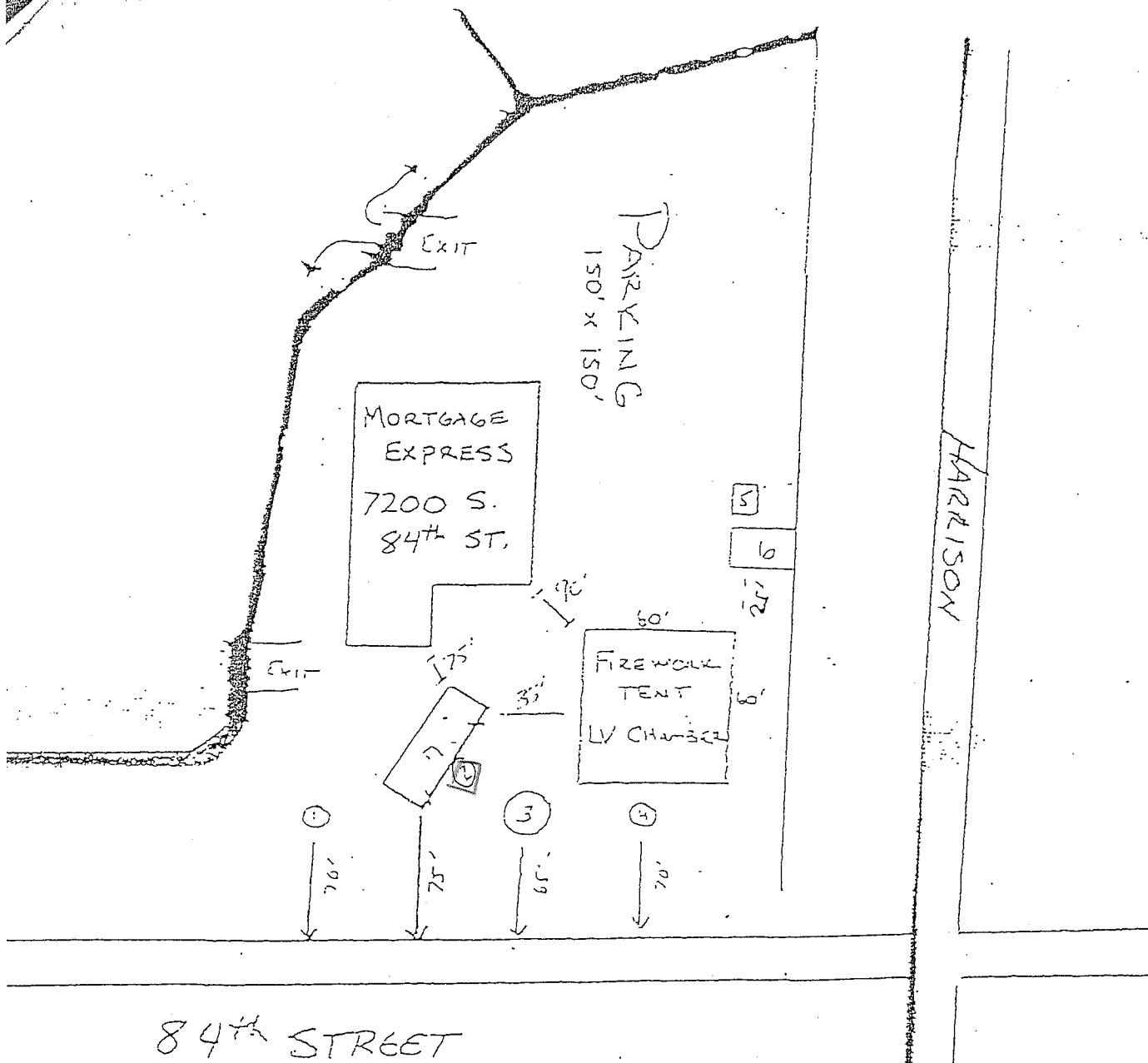
  
Signature and Title of Organization Official

  
Printed Name of Organization Official

#### FOR CITY HALL USE ONLY

Date Received: \_\_\_\_\_ Received by: \_\_\_\_\_

- ☐ \$500 permit application deposit fee.
- ☐ Site Plan.
- ☐ A written statement of permission from the land-owner.
- ☐ The City of La Vista's *Accessory and Light Remodeling Permit* and \$150 permit application fee for Tent.
- ☐ The City of La Vista's *Sign Permit* application (maximum of four signs) and applicable fee.
- ☐ The City of La Vista's *Explosive Materials Storage Permit* and \$100 permit application fee.
- ☐ Statement of Proposed Community Betterment Expenditures.
- ☐ Three *Statements of Annual Income for Fireworks Sales*.
- ☐ Insurance certificate (due by 12:00 noon on June 25<sup>th</sup>).
- ☐ State Fire Marshal Certificate (due by 12:00 noon on June 25<sup>th</sup>).
- ☐ \$2,000 Permit Fee Balance (due by 12:00 noon on June 25<sup>th</sup>).



### LAVISTA CHAMBER

1. SIGN 4'x8'
2. SIGN ON TRAILER 32" max
3. INFLATABLE
4. SIGN 4'x8'
5. PORTA POTTY
6. DUMPSTER
7. STORAGE TRAILER

Bellino Enterprises

402 339 9001

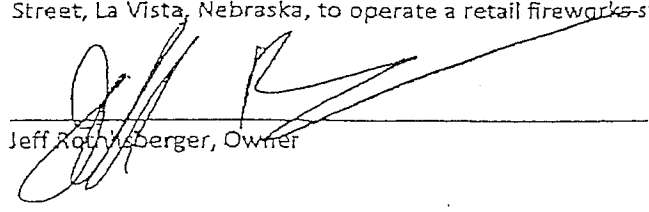
p.2



Bellino Fireworks, Inc.  
501 Olson Drive, Suite 210 Papillion, NE 68046  
402-935-1916

### PERMISSION TO OCCUPY

I hereby give the La Vista Area Chamber of Commerce permission to occupy my property at 7200 S. 84<sup>th</sup> Street, La Vista, Nebraska, to operate a retail fireworks stand from June 20<sup>th</sup> through July 5<sup>th</sup>.

  
\_\_\_\_\_  
Jeff Rothberger, Owner



# City of La Vista

## Light Remodeling and Accessory Permit Application

8116 Park View Blvd, La Vista, NE 68128 Phone: 402-331-4343 Fax: 402-331-4375

The city is not responsible for permits taken out that were not allowable within your particular subdivision.

We suggest that you consult your subdivision covenants before applying for permits.

**\*\* 2003 IRC (Int'l Residential Code) - Adopted Feb. 13, 2006\*\***

Date of Application 12-9-09 Mail Permit to: (circle) Contractor Owner: \_\_\_\_\_ Permit # \_\_\_\_\_

Project Address: 7200 S. 84th St  
Lot Number: 159C Subdivision Park View Heights Is this a rental property: Yes No

Print Applicant Name/Address: LaVista Area Chamber of Commerce  
5840 S. 84th St, La Vista NE 68128 Phone #: 379-2078

Print Owner Name/Address: Jeff Rothlisberger  
7200 S. 84th St, La Vista NE 68128 Phone #: 616-0822

Print Contractor Name/Address: Same as Applicant Phone #: \_\_\_\_\_

**CALL BEFORE YOU DIG!**

**UNDERGROUND HOT LINE 344-3565**

**FENCE:** Height: \_\_\_\_\_ Type: \_\_\_\_\_ Location: \_\_\_\_\_ Est.Materials: \$ \_\_\_\_\_ Fee:\$ \_\_\_\_\_

- Site plan required showing fence location, type and height
- Fence posts must be set in concrete 24" minimum depth for wood and chain link
- Fence location on or into fence owners property (may require survey).
- All wood pickets or boards to face to the outside
- Front yard fences need to be 12-1/2' from curb & no more than 4' high—open picket, split rail & chain link(2003 IRC)
- Sideyard fences, on a corner lot, need to be 12-1/2' from the curb or off the right of way

**SHED:** Height: \_\_\_\_\_ Type: \_\_\_\_\_ Location: \_\_\_\_\_ Est.Materials: \$ \_\_\_\_\_ Fee:\$ \_\_\_\_\_

- Site plan of property required showing shed location and spacing
- Shed **MUST BE** located a minimum of 5 feet from the rear and side property line/s.
- Concrete slab shed floor to have 1/2" dia. anchor bolts at max. 6'0" o.c. spacing for shed tie-down
- Wood floors of sheds must be provided with 4 shed tie-downs anchors to meet city code
- Maximum shed height 17', or less if restricted by local governing covenants (15').
- Shed **MUST BE** located a minimum of 6'0" from any structure, or fire proofed to meet city code.

**DECK:** Type: \_\_\_\_\_ Location: \_\_\_\_\_ Est. Materials: \$ \_\_\_\_\_ Fee:\$ \_\_\_\_\_

- Site plan of property showing house and deck location and size
- Deck drawing required showing the following:
  - a. Over-all deck size and stair location
  - b. Uncovered decks must be a distance of 15 feet from rear property lines; and, 5 feet from side property lines.
  - c. Decks must be 6 feet from any other detached structure
  - d. Post hole locations require 42" deep frost footings when attached to the house
  - e. Indicate size of wood beam on your drawing; and, know that column post sizes must be 6" x 6"
  - f. Indicate wood joist sizes and spacing measurement
  - g. Ledger beam attached to house with 1/2" dia. lag bolts that are 5" long (or equiv.) at 24" on center (staggered)
  - h. Galvanized joist hangers at ledger beam
  - i. Handrails to be 3'0" high with vertical spindle spacing not more than 4" apart
  - j. Stair detail as provided by City
  - k. Call for footing inspection once holes are dug, prior to filling. When project completed, call for final.

### CURB-CUT / DRIVEWAYS / SIDEWALK

Curb Cut Length: \_\_\_\_\_ Driveway Width: \_\_\_\_\_ Driveway Length: \_\_\_\_\_

Sidewalk Length: \_\_\_\_\_ Concrete Depth: \_\_\_\_\_

Fee:\$ \_\_\_\_\_

Driveways must meet specifications of City Code & **MUST** be inspected before pouring

### OTHER ACCESSORY PROJECTS

Describe Project: Tent

Length: 60' Width: 60' # Door/s: \_\_\_\_\_ # Window/s: \_\_\_\_\_

Etc: Set up 6/20/10; Tear down 7/5/10

Fee:\$ 150.00

**Total of all FEES DUE: \$** 150.00

Applicant certifies that this information has been read, understood and that projects will be constructed in compliance with all city ordinances; that all information is correct; and, that inspections will be requested.

Please phone 24 hours in advance for a final on all projects and any other inspections as noted above.

Signature of Applicant: Kim Madry Date: 12/23/09

Approved By City Official: \_\_\_\_\_ Permit Clerk \_\_\_\_\_

Date of Approval: \_\_\_\_\_



# CITY OF LA VISTA

8116 Park View Boulevard

La Vista, NE 68128

(402) 331-4343

## SIGN PERMIT APPLICATION

### Attached to this application must be:

- A detailed drawing showing the layout, dimensions (including square feet), colors, and materials of the proposed sign(s).
- A building elevation showing the location of the sign and the dimensions of the business facade/wall on which the sign is located (Wall Signs ONLY)
- A plot plan of the site showing the location of the sign(s) relative to the property lines (ground monument, center ID, master signage plan, common signage plan). A Master Signage Plan or Common Signage Plan is required for any zoned lot on which an owner proposes to erect more than one sign requiring a permit.

Incomplete applications or applications without adequate drawings will cause a delay in the processing of your application.

Street Address of Sign Location: 7200 S. 84<sup>th</sup>

Name of Development Park View Heights

### Applicant Information

Company Name: La Vista Area Chamber of Commerce Contact: Kim Madrigal

Address: 8040 S. 84<sup>th</sup> City: La Vista State NE Zip 68128

Phone: 338-2078 Fax: 338-2076 E-mail: kim.madrigal@lavistachamber.org

### Business/Organization (that is the subject of the sign)

Company Name: Same as above Contact: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ E-mail: \_\_\_\_\_

### Sign Type

☐ Wall ☐ Monument ☐ Center Identification ☐ Construction ☐ Subdivision Sign ☒ Temporary sign  
☐ Master Signage Plan ☐ Common Signage Plan ☐ Other, please indicate \_\_\_\_\_

Message on Sign(s): Fireworks sales

Dates of sign/s display: 6-24-10 - 7-4-10

Illumination: ☒ None ☐ Internal ☐ External If yes, describe \_\_\_\_\_

Estimated cost of sign(s): \$65.00/sign Are any existing signs at this location to remain? ☐ Yes ☒ No

Total number and types of signs at this business location \_\_\_\_\_

Is the location for this sign part of a shopping center, office park, or industrial park? ☐ Yes ☒ No

If yes, describe and name: \_\_\_\_\_

### Sign Size 4 signs total as noted in site plan

Sign width 4 Sign length 8 Total square feet 32 Height from grade to top of sign 6 ft.

Setback from nearest property line 25 ft.

(Wall Signs)

Business facade width \_\_\_\_\_ ft. Height \_\_\_\_\_ ft. Total business facade area \_\_\_\_\_ sq. ft.

Side of Building ☐ North ☐ South ☐ East ☐ West Number of sides lot/bay abutting street \_\_\_\_\_

### Applicant's Signature

I believe that all of the information on this application and on drawings submitted in support of this application is accurate. I understand that any sign which is installed that is inconsistent or in conflict with this application, the supporting drawings, or the sign regulations contained in the City's Unified Development Ordinance is a violation of the City of La Vista municipal code. I further understand that the inadvertent approval of a sign application by the City that is not in compliance with the sign regulations does not create any legal nonconforming status nor does it remove any obligation to bring the sign into compliance. I understand that no sign shall be installed until a sign permit has been approved by the City of La Vista and the associated sign fee has been paid. Once a sign permit has been approved, all sign installation work must be completed in six months or the permit will expire.

Kim Madrigal  
(Signature of Applicant)

12/23/09  
(Date)

### Office Use Only

Rec'd By	Date Rec'd	# of Temp Signs this Year	Zoning at Sign Site at site

Sign Permit Fee	Plan Fee	Total Fee

☐ Approved ☐ Disapproved By: \_\_\_\_\_ Date: \_\_\_\_\_

Reason(s) for disapproval: \_\_\_\_\_

**CITY OF LA VISTA, NEBRASKA**  
**PERMIT APPLICATION EXPLOSIVE MATERIALS STORAGE**

Pursuant to §91.46 of the La Vista Municipal Code any person desiring to store or keep for any period of time explosive materials defined in Neb. RS 28-1213, shall file with the City Clerk an application for an explosive material storage permit.

PLEASE TYPE OR PRINT CLEARLY

Name of Applicant Kim Madrigal / La Vista Area Chamber of Commerce Today's Date 12/9/09

Age of Applicant over age 25

Street Address 8040 S. 84<sup>th</sup> St

City La Vista State NE Zip 68128

Phone (daytime) 339-2078 (evening) \_\_\_\_\_

Name of Employer La Vista Area Chamber of Commerce

Street Address of Employer 8040 S 84 St

City La Vista State NE Zip 68128

Have you been instructed in the use of Explosives ☒ yes ☐ no

If yes, by whom? The distributor

What type of instruction Sales, safety + storage

Date of instruction 6/2009 Length of time of instruction 2 hours

List your experience in the use of explosives, giving three distinct examples of the type and usage you have personally done

1 year experience with sales of class "C" consumer fireworks  
storage of class "C" consumer fireworks  
safety of class "C" consumer fireworks

List the type of explosives you have been trained on and used \_\_\_\_\_

Class "C" consumer fireworks

Enclose copies of any training certificate, explosive permits from other states or other pertinent documentation.

**CERTIFICATION AND RELEASE**

I certify that all information and statements contained herein are complete and true to the best of my knowledge and belief. I understand that any false information, omissions or misrepresentations of facts called for in this application may result in denial of my permit. I authorize the City and/or its agents, to verify any of this information. I authorize all persons, companies and government authorities to release any information relating to this application and hereby release any said persons, companies and government authorities from any liability for any damage whatsoever for issuing this information.

Kim Madrigal  
Signature of Applicant

Kim Madrigal  
Printed Name of Applicant

FOR CITY HALL USE ONLY

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

Received by: \_\_\_\_\_

☐ \$100 permit application fee.

**CITY OF LA VISTA, NEBRASKA**  
**STATEMENT OF PROPOSED COMMUNITY BETTERMENT EXPENDITURES**

Pursuant to §111.17 of the La Vista Municipal Code, only nonprofit organizations using volunteer salespersons are eligible for a permit to sell fireworks and net proceeds must be used for community betterment purposes within the City of La Vista.

**PLEASE TYPE AND LIMIT STATEMENT TO THIS PAGE ONLY**

Name of Nonprofit Organization La Vista Area Chamber of Commerce

Promotion of the City of La Vista and its businesses through projects including but not limited to relocation packets, Halloween Safe Night, workforce education, community block party, chili feed / Tree Lighting ceremony, website development, and community directory.

**CERTIFICATION AND RELEASE**

I certify that all information and statements contained herein are complete and true to the best of my knowledge and belief. I understand that any false information, omissions or misrepresentations of facts called for in this application may result in denial of my permit. I authorize the City and/or its agents, to verify any of this information. I authorize all persons, companies and government authorities to release any information relating to this application and hereby release any said persons, companies and government authorities from any liability for any damage whatsoever for issuing this information.

Kim Madrigal  
Signature of Organization Official

Kim Madrigal  
Printed Name of Organization Official

President  
Title of Organization Official

Permit Year 2010

**CERTIFICATION AND RELEASE**

I certify that all information and statements contained herein are complete and true to the best of my knowledge and belief. I understand that any false information, omissions or misrepresentations of facts called for in this application may result in denial of my permit. I authorize the City and/or its agents, to verify any of this information. I authorize all persons, companies and government authorities to release any information relating to this application and hereby release any said persons, companies and government authorities from any liability for any damage whatsoever for issuing this information.

Kim Madrigal  
Signature of Organization Official

President  
Title of Organization Official

Kim Madrigal  
Printed Name of Organization Official

\_\_\_\_\_  
Signature of Organization Official

\_\_\_\_\_  
Printed Name of Organization Official

\_\_\_\_\_  
Title of Organization Official



**CITY OF LA VISTA, NEBRASKA**  
**STATEMENT OF ANNUAL INCOME FOR FIREWORKS SALES**  
**IN PERMIT YEAR 2009**

Pursuant to §111.17 of the La Vista Municipal Code only nonprofit organizations using volunteer salespersons are eligible for a permit to sell fireworks and net proceeds must be used for community betterment purposes within the City of La Vista.

*Net proceeds shall mean gross sales less the cost of fireworks, permit fee, rental or lease expense, advertising and similar costs of operation of the fireworks stand. Volunteer salespersons shall be used and any remuneration paid or given to persons performing services in connection with the sale of fireworks shall not be deemed a cost of operation and cannot be deducted from gross sales as an expense in determining net proceeds.*

**PLEASE TYPE OR PRINT CLEARLY**

Name of Nonprofit Organization La Vista Area Chamber of Commerce

**Annual Income**

Gross Fireworks Sales

111,637.28

**Expenses**

Wholesale Cost of Fireworks

64,747.80

(please provide copy of invoice)

State Sales Tax

7,303.37

Permit Fees:

Local

2870.00

State

25.00

Insurance

1753.76

Rent or Lease Expenses

5,500.00

Advertising

2455.17

Miscellaneous (please describe) Tent

2,278.01

- Stocking + security  
utilities, usage + installation

500.00

- Lights, Electrical + phone  
Registers, Tables, Credit card

2104.52

- Machines, Fire + safety + other equipment  
Product shrink, Bad checks or Credit

3975.21

- Cards, Discounts given to members

3624.44

Total Expenses

97,137.28

Net Proceeds (profits)

14,500.00

◆◆◆◆◆

Annual Expenditures of Net Proceeds

Date	Project Description or Event & Who Participated	Location	Cost
06/09	La Vista Pays	Central Park	6470.00
11/09	Business & Community Awards Dinner	Embassy Suites	500.00
1/09-12/09	Relocation packets to prospective businesses & residents	Nationwide	500.00
1/09-12/09	Educational Speakers/Training	La Vista Library	1000.00
12/09	Tree Lighting Ceremony/ Festival of Trees	City Hall	150.00
1/09-12/09	Welcome Baskets to new businesses/ Ribbon Cuttings	La Vista	200.00

Total Community Betterment Expenditures

\$ 8,820.00

Please detail costs associated with projects and/or events.

CITY OF LA VISTA, NEBRASKA  
STATEMENT OF ANNUAL INCOME FOR FIREWORKS SALES  
IN PERMIT YEAR 2008

Pursuant to §111.17 of the La Vista Municipal Code only nonprofit organizations using volunteer salespersons are eligible for a permit to sell fireworks and net proceeds must be used for community betterment purposes within the City of La Vista.

*Net proceeds shall mean gross sales less the cost of fireworks, permit fee, rental or lease expense, advertising and similar costs of operation of the fireworks stand. Volunteer salespersons shall be used and any remuneration paid or given to persons performing services in connection with the sale of fireworks shall not be deemed a cost of operation and cannot be deducted from gross sales as an expense in determining net proceeds.*

PLEASE TYPE OR PRINT CLEARLY

Name of Nonprofit Organization La Vista Area Chamber of Commerce

**Annual Income**

Gross Fireworks Sales

\$116,124.26

**Expenses**

Wholesale Cost of Fireworks

(please provide copy of invoice)

\$ 69,056.54

State Sales Tax

\$ 7,596.91

Permit Fees:

Local

\$ 2,870.00

State

\$ 25.00

Insurance

\$ 1,594.33

Rent or Lease Expenses

\$ 5,500.00

Advertising

\$ 2,231.98

Miscellaneous (please describe) Tent →

\$ 2,927.52

Utilities, Usage & Installation >

• Lights, Electrical & Phone >

\$ 1,913.20

• Registers, Tables, Credit Card >

• Machines, Fire Safety & Other Equipment >

\$ 3,613.83

• Product Shrink, Bad checks, or >

• Credit Cards, Discounts Given to Members >

\$ 3,294.95

• Security

\$ 1,000.00

Total Expenses

\$101,624.26

Net Proceeds (profits)

\$ 14,500.00

\*\*\*\*\*

Permit Year 2009

Annual Expenditures of Net Proceeds

Date	Project Description or Event & Who Participated	Location	Cost
10/31/08	Halloween Safe Night	La Vista Community Center	\$100.00
12/2/08	Tree Lighting Ceremony/Chili Feed	La Vista Community Center	\$150.00
6/4/08-6/8/08	La Vista Days	Centra Park & LV Sports Complex	\$14,000
3/08	La Vista Life Magazine Distribution	NA	\$500.00
Ongoing	Relocation Packets	NA	\$500.00
Ongoing	Educational Speakers & Seminars		\$1000.00
Ongoing	Welcomes baskets for new businesses		\$150.00

Total Community Betterment Expenditures

Please detail costs associated with projects and/or events

\$16,400

Permit Year 2008

CITY OF LA VISTA, NEBRASKA  
STATEMENT OF ANNUAL INCOME FOR FIREWORKS SALES  
IN PERMIT YEAR 2007

Pursuant to §111.17 of the La Vista Municipal Code only nonprofit organizations using volunteer salespersons are eligible for a permit to sell fireworks and net proceeds must be used for community betterment purposes within the City of La Vista.

*Net proceeds shall mean gross sales less the cost of fireworks, permit fee, rental or lease expense, advertising and similar costs of operation of the fireworks stand. Volunteer salespersons shall be used and any remuneration paid or given to persons performing services in connection with the sale of fireworks shall not be deemed a cost of operation and cannot be deducted from gross sales as an expense in determining net proceeds.*

PLEASE TYPE OR PRINT CLEARLY

Name of Nonprofit Organization La Vista Area Chamber of Commerce

	2007
<u>Annual Income</u>	
Gross Fireworks Sales	\$ 92,425.27
<u>Expenses</u>	
Cost of Wholesale Fireworks	\$ 48,359.40
State and City Sales Tax	\$ 6,046.51
Local License / Permit Fees	\$ 2,870.00
State License / Permit Fees	\$ 25.00
Insurance	\$ 1,386.38
Rental / Lease Expenses	\$ 5,500.00
Advertising / Marketing	\$ 1,940.93
Miscellaneous	
Tent	\$ 2,850.00
Utilities, Usage, and Installation	
Lights, Electrical, and Phone	\$ 1,663.65
Registers, Tables, Credit Card Machines, Fire Safety and Other Equipment	\$ 3,142.46
Product Shrink, Bad Checks, or Credit Cards	
Discounts Given to Members	\$ 2,865.18
Security	\$ 1,000.00
TOTAL EXPENSES	\$ 77,649.52
----- NET PROCEEDS (profits)	\$ 14,775.75

# Annual Expenditures of Net Proceeds

Permit Year 2008

Date	Project Description or Event & Who Participated	Location	Cost
10-2007	LaVista Days Parade, Awards	Central Park LaVista, NE	14,600.00
11-2007	Fireworks, Scholarships, Entertainment Tree Lighting Ceremony	Community Center LaVista, NE	150.00
1-07/12-07	Relaxation Packets to prospective businesses and residents	Nationwide	500.00
1-07/12-07	Educational Speakers + Seminars	LaVista Library	1500.00
1-07/12-07	Welcome baskets for new businesses	LaVista, NE	150.00

Total Community Betterment Expenditures

Please detail costs associated with projects and/or events.

116,900.00

# ACORD<sup>TM</sup> CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

12/22/2009

PRODUCER Phone: 440-248-4711 Fax: 440-248-5406  
Britton-Gallagher and Associates, Inc.  
6240 SOM Center Rd.  
Cleveland OH 44139

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURED  
Bellino Fireworks Inc  
501 Olson Drive, St 210  
Papillion NE 68046

**INSURERS AFFORDING COVERAGE**

NAIC #

INSURER A: Lexington Insurance Co

INSURER B:

INSURER C:

INSURER D:

INSURER E:

**COVERAGES**

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR ADD'L LTR INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A	<b>GENERAL LIABILITY</b> <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input checked="" type="checkbox"/> LOC	5379100-02	5/4/2010	5/4/2011	EACH OCCURRENCE \$1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$50,000 MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$1,000,000 GENERAL AGGREGATE \$2,000,000 PRODUCTS - COMP/OP AGG \$2,000,000
	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS				COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	<b>GARAGE LIABILITY</b> <input type="checkbox"/> ANY AUTO				AUTO ONLY - EA ACCIDENT \$ OTHER THAN EA ACC AGG \$
	<b>EXCESS/UMBRELLA LIABILITY</b> <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE  DEDUCTIBLE RETENTION \$				EACH OCCURRENCE \$ AGGREGATE \$ \$ \$ \$
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below				WC STATU-TORY LIMITS <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
	<b>OTHER</b>				

**DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS**

Location: 7200 S. 84th St. LaVista Ne.  
Lot 159C Parkview Heights  
Additional Insured:  
City of LaVista Ne.  
LaVista Area Chamber of Commerce  
Rothlisberger LLC & Jeffrey Rothlisberger  
Donald J. & Valerie R. Bellino

**CERTIFICATE HOLDER**

Bellino Fireworks Inc.  
501 Olson Drive Suite 210  
Papillion NE 68046

**CANCELLATION**

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE



## Nebraska State Fire Marshal's Online Fireworks License Application

## APPLICATION COMPLETE:

[Click here to print your receipt](#)

Your application has been completed.  
Upon approval, you will receive your permit within the next 14 business days.

Please print this page as a record of your request and payment.

Need the [Rules for Retail Sales of Fireworks?](#)

**\*\* This is not a license \*\***

Your Pending Application Order Verification Number Is:

115646

To make a change to your application, please call (402) 471-2011

## PRICE TOTAL:

1 Retail Stand(s) @ \$25.00 per stand: \$	25.00
Total: \$	25.00

*LaViste chamber of commerce*





# NEBRASKA STATE FIRE MARSHAL

246 South 14th Street  
Lincoln, NE 68508-1804

## LICENSE FOR SALE OF FIREWORKS

Permissible fireworks may be sold at retail commencing 12:01 AM June 25 and ending 11:59 PM July 4 and must be purchased from a licensed distributor or jobber. A jobber may not sell retail. Invoice copies for all fireworks must be kept available for inspection and must show the license number of the distributor or jobber. Fireworks may not be sold outside the city limits of an incorporated town or village. Violations of State Fire Marshal regulations may result in immediate revocation of this license.

### LICENSE GOOD ONLY FOR JUNE 25 - JULY 4 OF YEAR LICENSE ISSUED

This copy signed, dated and numbered by the STATE FIRE MARSHAL constitutes issuance of a LICENSE pursuant to the provisions of Nebraska Revised Statute 28-1246 (1994 Supp.). Such license shall be displayed at licensee's place of business.

#### DATE RECEIVED:

1/13/2010

#### TYPE OF LICENSE AND FEE:

RETAILER

\$25

All regulations can be found at our  
website: <http://www.sfm.ne.gov>.

#### LOCATION OF OUTLET FOR RETAIL SALE OF FIREWORKS:

Stand#: 2010-RP-115646-716-RL-001  
7200 S 84TH ST  
LAVISTA

COUNTY  
SARPY

#### STORAGE LOCATION:

7200 S 84TH ST  
LAVISTA

SARPY

#### DISTRIBUTOR(S)/JOBBER:

BELLINO FIREWORKS INC

#### SALES TAX NUMBER:

470650061

#### DATE ISSUED:

1/25/2010

STATE FIRE MARSHAL

#### LICENSE HOLDER:

LAVISTA AREA CHAMBER OF COMMERCE  
501 OLSON DRIVE, SUITE 210

PAPILLION

NE 68046-

#### LICENSE NUMBER

2010-RP-115646-716

**CITY OF LA VISTA, NEBRASKA  
PERMIT APPLICATION  
SALE OF PERMISSIBLE FIREWORKS**

Pursuant to §111.17 of the La Vista Municipal Code it shall be unlawful for any person to sell, hold for sale or offer for sale any permissible fireworks within the corporate limits of the City of La Vista unless such person has first obtained a permit. Only nonprofit organizations and associations using volunteer salespersons and which will use the net proceeds from the sale of fireworks for community betterment purposes within the City of La Vista shall be eligible for a permit.

**PLEASE TYPE OR PRINT CLEARLY**

Name of Nonprofit Organization La Vista Youth Today's Date 12-15/09  
 Street Address 7110 S. 79th St  
 City La Vista State NE Zip 68128  
 Contact Person Andrea Means Phone (daytime) 597-3196 (evening) 515-5792

**APPLICANT READ**

This permit application is used by the City Council to evaluate your organization's qualifications for a Fireworks Permit. Please answer all questions completely and accurately. Failure to submit the application pursuant to the deadlines contained herein or submission of an incomplete application may result in denial of a permit. The City is not responsible for determining whether your application is complete at the time of submission nor will you be allowed to submit additional information after the deadlines noted herein.

**To be eligible for City Council review, each application submittal must include the following in one packet:**

- ✓ Completed Permit Application Form and a \$500 permit application deposit fee received at City Hall, 8116 Park View Boulevard, La Vista, NE, 68128, no later than noon on January 15 of the permit year (or the next business day if January 15 falls on a weekend or holiday). If your permit is denied, \$400 of this fee will be refunded to your organization. If you are issued a permit, the remaining amount of the permit application fee as established in the Master Fee Ordinance will be due and payable to the City of La Vista no later than noon on June 25 of the permit year to receive permit.
- ✓ A site plan on 8 1/2" x 11" paper which details the dimensions, location and distance between all proposed components of your group's fireworks stand (including but not limited to: tent, storage, garbage, portable restrooms, signs, parking, etc.) The site plan must be neat and legible, with an attempt made to show components as close to scale as possible.
- ✓ A signed statement from the land-owner where your proposed fireworks sales will occur, granting permission to your organization to utilize the property (written permission from retail store managers is not acceptable).
- ✓ The City of La Vista's *Accessory and Light Remodeling Permit* and the permit application fee as established in the Master Fee Ordinance must be received at City Hall no later than noon on January 15 of the permit year (or the next business day if January 15 falls on a weekend or holiday), for your tent (please note, no more than one tent is allowed). Your permit must note the proposed date and time of your site set up. Please contact the Chief Building Official for assistance in completing this permit. If your permit application is denied, this fee will be refunded.
- ✓ The City of La Vista's *Sign Permit* and the permit application fee per sign (maximum of four), as established in the Master Fee Ordinance must be received at City Hall no later than noon on January 15 of the permit year (or the next business day if January 15 falls on a weekend or holiday), for any and all temporary signage. (The size and location of signs must be in compliance with the City's zoning regulations regarding temporary signs.) Please contact the Chief Building Official for assistance in completing this permit. If your permit is denied, this fee will be refunded.
- ✓ The City of La Vista's *Explosive Materials Storage Permit* and the permit application fee as established in the

Master Fee Ordinance must be received at City Hall no later than noon on January 15 of the permit year (or the next business day if January 15 falls on a weekend or holiday). If your permit is denied, \$100 of this fee is refunded to your organization.

- ✓ A signed City of La Vista *Statement of Proposed Community Betterment Expenditures* from your organization describing in detail how net proceeds from the sale of fireworks will be used for Community Betterment in the City of La Vista must be received at City Hall no later than noon on January 15 of the permit year (or the next business day if January 15 falls on a weekend or holiday).
- ✓ If your organization has held a permit in any of the three (3) years preceding this application, a City of La Vista *Statement of Annual Income for Fireworks Sales* must be completed for each of the three years and received at City Hall no later than noon on January 15 of the permit year (or the next business day if January 15 falls on a weekend or holiday).
- ✓ If the permit is approved your organization will need to furnish to City Hall no later than noon on June 25th of the permit year an insurance certificate meeting the requirements outlined in City Code.
- ✓ If the permit is approved your organization will need to furnish to City Hall no later than noon on June 25th of the permit year, the balance of the permit fee in the amount of \$2,000 and a State Fire Marshal Certificate meeting the requirements outlined in City Code.

#### CERTIFICATION AND RELEASE

I certify that I have read and understand the "Applicant Read" paragraph on page one of this permit application and that all information, statements, materials and permits submitted as a part of this Permit Application are complete and true to the best of my knowledge and belief. I understand that any false information, omissions or misrepresentations of facts called for in this application may result in denial of my permit. I authorize the City and/or its agents, to verify any of this information. I authorize all persons, companies and government authorities to release any information relating to this application and hereby release any said persons, companies and government authorities from any liability for any damage whatsoever for issuing this information. I also understand that the use or sales of illegal fireworks is prohibited. I hereby further provide written assurance that this organization will file a certificate of insurance issued by an insurance company in good standing, authorized to do business in Nebraska, providing liability insurance in the amounts and for the coverages required by the City Council. I understand this certificate of insurance is a condition of issuance of the permit.

  
Signature and Title of Organization Official

Andrea M. Means  
Printed Name of Organization Official

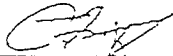
#### FOR CITY HALL USE ONLY

Date Received: \_\_\_\_\_ Received by: \_\_\_\_\_

- ☐ \$500 permit application deposit fee.
- ☐ Site Plan.
- ☐ A written statement of permission from the land-owner.
- ☐ The City of La Vista's *Accessory and Light Remodeling Permit* and \$150 permit application fee for Tent.
- ☐ The City of La Vista's *Sign Permit* application (maximum of four signs) and applicable fee.
- ☐ The City of La Vista's *Explosive Materials Storage Permit* and \$100 permit application fee.
- ☐ Statement of Proposed Community Betterment Expenditures.
- ☐ Three *Statements of Annual Income for Fireworks Sales*.
- ☐ Insurance certificate (due by 12:00 noon on June 25<sup>th</sup>).
- ☐ State Fire Marshal Certificate (due by 12:00 noon on June 25<sup>th</sup>).
- ☐ \$2,000 Permit Fee Balance (due by 12:00 noon on June 25<sup>th</sup>).

## PERMISSION TO OCCUPY

I hereby give the LaVista Youth permission to occupy my property at 8011 South 83<sup>rd</sup> Street,  
LaVista, NE to operate a retail fireworks stand from June 20<sup>th</sup> through July 6<sup>th</sup>.



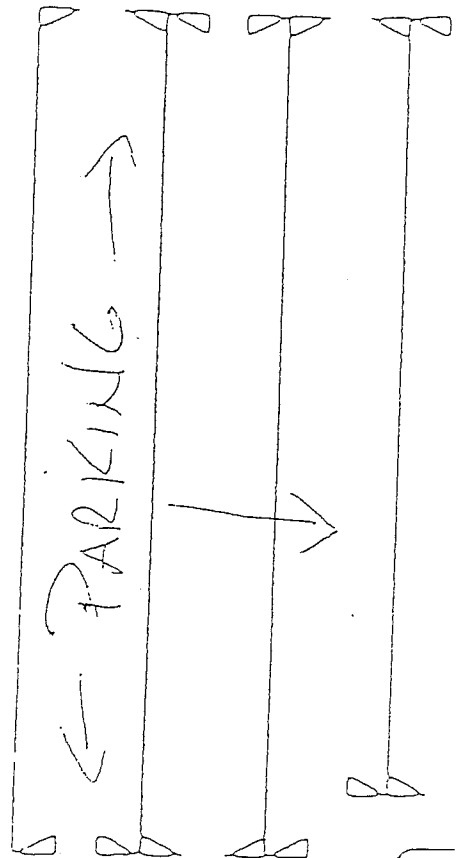
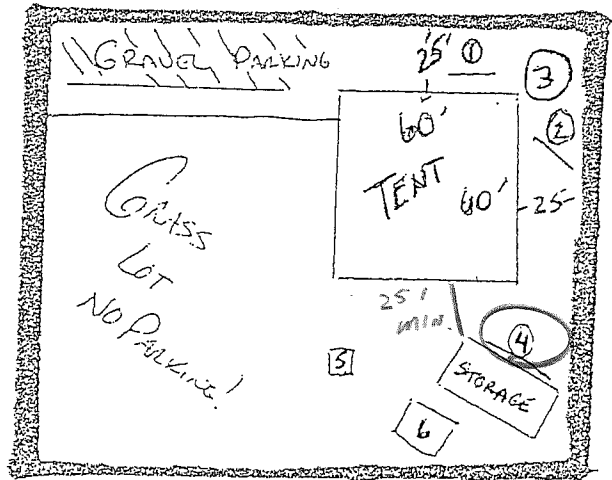
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Chuck Guilford / Brentwood Crossing Associates

*Property Manager*

McDonald's

LAVISTA YOUTH  
& CITY BETTERMENT



- ① 4x8 sign
- ② 4x8 sign
- ③ Inflatable
- ④ 8'x30' BANNER
- ⑤ portable restroom
- ⑥ Dumpster

7,03.02 - MAX SIZE FOR  
TEMP. SIGN IS 32 sq. ft.

WAL-MART  
14,086 sq. ft.

CLOSED



# City of La Vista

## Light Remodeling and Accessory Permit Application

8116 Park View Blvd, La Vista, NE 68128 Phone: 402-331-4343 Fax: 402-331-4375

The city is not responsible for permits taken out that were not allowable within your particular subdivision.  
We suggest that you consult your subdivision covenants before applying for permits.

**\*\* 2003 IRC (Int'l Residential Code) - Adopted Feb. 13, 2006\*\***

Date of Application 12/16/09 Mail Permit to: (circle) Contractor Owner: \_\_\_\_\_ Permit # \_\_\_\_\_

Project Address: 8011 S. 83rd St Lot 4 Brentwood crossing  
Lot Number: 4 Subdivision Brentwood crossing Is this a rental property: Yes No

Print Applicant Name/Address: Louisa Youth & Community Betterment  
7110 S. 79th St., La Vista, NE 68128 Phone #: 597-3196

Print Owner Name/Address: Chuck Guilford / Brentwood crossing Associates  
211 N. stadium Blvd. Ste 201 Columbia, MO 65203 Phone #: 573-449-8323

Print Contractor Name/Address: Same as Applicant Phone #: \_\_\_\_\_

**CALL BEFORE YOU DIG!**

**UNDERGROUND HOT LINE 344-3565**

**FENCE:** Height: \_\_\_\_\_ Type: \_\_\_\_\_ Location: \_\_\_\_\_ Est. Materials: \$ \_\_\_\_\_ Fee: \$ \_\_\_\_\_

- Site plan required showing fence location, type and height
- Fence posts must be set in concrete 24" minimum depth for wood and chain link
- Fence location on or into fence owners property (may require survey).
- All wood pickets or boards to face to the outside
- Front yard fences need to be 12-1/2' from curb & no more than 4' high—open picket, split rail & chain link(2003 IRC)
- Sideyard fences, on a corner lot, need to be 12-1/2' from the curb or off the right of way

**SHED:** Height: \_\_\_\_\_ Type: \_\_\_\_\_ Location: \_\_\_\_\_ Est. Materials: \$ \_\_\_\_\_ Fee: \$ \_\_\_\_\_

- Site plan of property required showing shed location and spacing
- Shed **MUST BE** located a minimum of 5 feet from the rear and side property line/s.
- Concrete slab shed floor to have 1/2" dia. anchor bolts at max. 6'0" o.c. spacing for shed tie-down
- Wood floors of sheds must be provided with 4 shed tie-downs anchors to meet city code
- Maximum shed height 17', or less if restricted by local governing covenants (15').
- Shed **MUST BE** located a minimum of 6'0" from any structure, or fire proofed to meet city code.

**DECK:** Type: \_\_\_\_\_ Location: \_\_\_\_\_ Est. Materials: \$ \_\_\_\_\_ Fee: \$ \_\_\_\_\_

- Site plan of property showing house and deck location and size
- Deck drawing required showing the following:
  - a. Over-all deck size and stair location
  - b. Uncovered decks must be a distance of 15 feet from rear property lines; and, 5 feet from side property lines.
  - c. Decks must be 6 feet from any other detached structure
  - d. Post hole locations require 42" deep frost footings when attached to the house
  - e. Indicate size of wood beam on your drawing; and, know that column post sizes must be 6" x 6"
  - f. Indicate wood joist sizes and spacing measurement
  - g. Ledger beam attached to house with 1/2" dia. lag bolts that are 5" long (or equiv.) at 24" on center (staggered)
  - h. Galvanized joist hangers at ledger beam
  - i. Handrails to be 3'0" high with vertical spindle spacing not more than 4" apart
  - j. Stair detail as provided by City
  - k. Call for footing inspection once holes are dug, prior to filling. When project completed, call for final.

### CURB-CUT / DRIVEWAYS / SIDEWALK

Curb Cut Length: \_\_\_\_\_ Driveway Width: \_\_\_\_\_ Driveway Length: \_\_\_\_\_  
Sidewalk Length: \_\_\_\_\_ Concrete Depth: \_\_\_\_\_ Fee: \$ \_\_\_\_\_

*Driveways must meet specifications of City Code & **MUST** be inspected before pouring*

### OTHER ACCESSORY PROJECTS

Describe Project: Tent  
Length: 60' Width: 60' # Door/s: \_\_\_\_\_ # Window/s: \_\_\_\_\_  
Etc: setup 6/20/10; Takedown 7/5/10 Fee: \$ 150.00

**Total of all FEES DUE: \$ 150.00**

Applicant certifies that this information has been read, understood and that projects will be constructed in compliance with all city ordinances; that all information is correct; and, that inspections will be requested.

Please phone 24 hours in advance for a final on all projects and any other inspections as noted above.

Signature of Applicant: Andrea M. Means Date: 1/8/10

Approved By City Official: \_\_\_\_\_ Permit Clerk: \_\_\_\_\_  
Date of Approval: \_\_\_\_\_



# CITY OF LA VISTA

8116 Park View Boulevard

La Vista, NE 68128

(402) 331-4343

## SIGN PERMIT APPLICATION

### Attached to this application must be:

- A detailed drawing showing the layout, dimensions (including square feet), colors, and materials of the proposed sign(s).
- A building elevation showing the location of the sign and the dimensions of the business facade/wall on which the sign is located (Wall Signs ONLY)
- A plot plan of the site showing the location of the sign(s) relative to the property lines (ground monument, center ID, master signage plan, common signage plan). A Master Signage Plan or Common Signage Plan is required for any zoned lot on which an owner proposes to erect more than one sign requiring a permit.

Incomplete applications or applications without adequate drawings will cause a delay in the processing of your application.

Street Address of Sign Location: 8011 S. 83<sup>rd</sup> St. (Lot 4, Brentwood crossing)

Name of Development Brentwood Crossing

### Applicant Information

Company Name: La Vista Youth Contact: Andrea Means

Address: 7110 S. 79<sup>th</sup> St City: La Vista State NE Zip 68128

Phone: 402-597-3196 Fax: \_\_\_\_\_ E-mail: \_\_\_\_\_

### Business/Organization (that is the subject of the sign)

Company Name: Same as above Contact: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ E-mail: \_\_\_\_\_

### Sign Type

☐ Wall ☐ Monument ☐ Center Identification ☐ Construction ☐ Subdivision Sign ☒ Temporary sign  
☐ Master Signage Plan ☐ Common Signage Plan ☐ Other, please indicate \_\_\_\_\_

Message on Sign(s): Fireworks Sales

Dates of sign/s display: 6/24/10 - 7/4/10

Illumination: ☒ None ☐ Internal ☐ External If yes, describe \_\_\_\_\_

Estimated cost of sign(s): \$65.00/sign Are any existing signs at this location to remain? ☐ Yes ☒ No

Total number and types of signs at this business location \_\_\_\_\_

Is the location for this sign part of a shopping center, office park, or industrial park? ☐ Yes ☒ No

If yes, describe and name: \_\_\_\_\_

### Sign Size 4 signs total as noted on site plan

Sign width 4' Sign length 8' Total square feet 32 Height from grade to top of sign 6 ft.

Setback from nearest property line 25 ft.

(Wall Signs)

Business facade width \_\_\_\_\_ ft. Height \_\_\_\_\_ ft. Total business facade area \_\_\_\_\_ sq. ft.

Side of Building ☐ North ☐ South ☐ East ☐ West Number of sides lot/bay abutting street \_\_\_\_\_

### Applicant's Signature

I believe that all of the information on this application and on drawings submitted in support of this application is accurate. I understand that any sign which is installed that is inconsistent or in conflict with this application, the supporting drawings, or the sign regulations contained in the City's Unified Development Ordinance is a violation of the City of La Vista municipal code. I further understand that the inadvertent approval of a sign application by the City that is not in compliance with the sign regulations does not create any legal nonconforming status nor does it remove any obligation to bring the sign into compliance. I understand that no sign shall be installed until a sign permit has been approved by the City of La Vista and the associated sign fee has been paid. Once a sign permit has been approved, all sign installation work must be completed in six months or the permit will expire.

Andrea M. Means  
(Signature of Applicant)

1/8/10  
(Date)

### Office Use Only

Rec'd By	Date Rec'd	# of Temp Signs this Year	Zoning at Sign Site at site

Sign Permit Fee	Plan Fee	Total Fee

\_\_\_\_ Approved \_\_\_\_ Disapproved By: \_\_\_\_\_ Date \_\_\_\_\_

Reason(s) for disapproval \_\_\_\_\_

**CITY OF LA VISTA, NEBRASKA**  
**PERMIT APPLICATION EXPLOSIVE MATERIALS STORAGE**

Pursuant to §91.46 of the La Vista Municipal Code any person desiring to store or keep for any period of time explosive materials defined in Neb. RS 28-1213, shall file with the City Clerk an application for an explosive material storage permit.

PLEASE TYPE OR PRINT CLEARLY

Name of Applicant Andrea Means Today's Date 12-16-09

Age of Applicant over age 25

Street Address 7110 S. 79 st

City La Vista State NE Zip 68128

Phone (daytime) 597-3196 (evening) 515-5192

Name of Employer Door Express

Street Address of Employer 726 N. Frontier

City Papillion State NE Zip 68128

Have you been instructed in the use of Explosives ☒ yes ☐ no

If yes, by whom? The distributor

What type of instruction Sales, safety & storage

Date of instruction 6/2009 Length of time of instruction 2 hours

List your experience in the use of explosives, giving three distinct examples of the type and usage you have personally done

3 years experience in sales of class "C" consumer fireworks  
safety of class "C" consumer fireworks  
Storage of class "C" consumer fireworks

List the type of explosives you have been trained on and used \_\_\_\_\_

Class "C" consumer fireworks

Enclose copies of any training certificate, explosive permits from other states or other pertinent documentation.

**CERTIFICATION AND RELEASE**

I certify that all information and statements contained herein are complete and true to the best of my knowledge and belief. I understand that any false information, omissions or misrepresentations of facts called for in this application may result in denial of my permit. I authorize the City and/or its agents, to verify any of this information. I authorize all persons, companies and government authorities to release any information relating to this application and hereby release any said persons, companies and government authorities from any liability for any damage whatsoever for issuing this information.

Andrea M. Means  
Signature of Applicant

Andrea M. Means  
Printed Name of Applicant

FOR CITY HALL USE ONLY

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

Received by: \_\_\_\_\_

☐ \$100 permit application fee.



**CITY OF LA VISTA, NEBRASKA**  
**STATEMENT OF PROPOSED COMMUNITY BETTERMENT EXPENDITURES**

Pursuant to §111.17 of the La Vista Municipal Code, only nonprofit organizations using volunteer salespersons are eligible for a permit to sell fireworks and net proceeds must be used for community betterment purposes within the City of La Vista.

**PLEASE TYPE AND LIMIT STATEMENT TO THIS PAGE ONLY**

Name of Nonprofit Organization La Vista Youth

Community donations through various organizations and activities listed below but not exclusive to:

La Vista Days Face Painting  
 La Vista Community Foundation  
 La Vista Youth Baseball Association  
 La Vista Halloween safe night  
 La Vista Parks and Recreation  
 La Vista Parks and Recreation Boys and Girls  
 Grades 3-6 Basketball  
 La Vista Seniors Valentines Day Luncheon  
 La Vista Easter Egg Hunt  
 La Vista Parks and Recreation Girls Softball

**CERTIFICATION AND RELEASE**

I certify that all information and statements contained herein are complete and true to the best of my knowledge and belief. I understand that any false information, omissions or misrepresentations of facts called for in this application may result in denial of my permit. I authorize the City and/or its agents, to verify any of this information. I authorize all persons, companies and government authorities to release any information relating to this application and hereby release any said persons, companies and government authorities from any liability for any damage whatsoever for issuing this information.

Andrea M. Means  
 Signature of Organization Official

Andrea M. Means  
 Printed Name of Organization Official

President  
 Title of Organization Official

**CITY OF LA VISTA, NEBRASKA**  
**STATEMENT OF ANNUAL INCOME FOR FIREWORKS SALES**  
**IN PERMIT YEAR 2009**

Pursuant to §111.17 of the La Vista Municipal Code only nonprofit organizations using volunteer salespersons are eligible for a permit to sell fireworks and net proceeds must be used for community betterment purposes within the City of La Vista.

*Net proceeds shall mean gross sales less the cost of fireworks, permit fee, rental or lease expense, advertising and similar costs of operation of the fireworks stand. Volunteer salespersons shall be used and any remuneration paid or given to persons performing services in connection with the sale of fireworks shall not be deemed a cost of operation and cannot be deducted from gross sales as an expense in determining net proceeds.*

**PLEASE TYPE OR PRINT CLEARLY**

Name of Nonprofit Organization La Vista Youth + Community Betterment

**Annual Income**

Gross Fireworks Sales

63,794.45

**Expenses**

Wholesale Cost of Fireworks

(please provide copy of invoice)

State Sales Tax

Permit Fees:

Local

State

Insurance

Rent or Lease Expenses

Advertising

Miscellaneous (please describe) Tent →

Utilities, usage + Installation →

- Lights, Electrical + phone →
- Registers, Tables, credit card machines →
- Fire safety + other equipment →
- product shrink, bad checks or credit →
- Cards, Discounts given to members →
- Security →

31,235.71

4,173.47

2,870.00

25.00

1128.54

4,000.00

1579.96

2,238.01

1,354.24

2558.01

2332.31

1,000.00

Total Expenses

54,445.25

Net Proceeds (profits)

9,299.20

◆◆◆◆◆

# Permit Year 2010

## Annual Expenditures of Net Proceeds

Date	Project Description or Event & Who Participated	Location	Cost
3-27-09	Check # 1021 City of LaVista Annual Easter Egg Hunt	La Vista	300.00
4-7-09	check # 1022 LaVista Community Foundation Golf outing	La Vista	65.00
4-30-09	check # 1023 City of LaVista - city Employee picnic Donation	La Vista	250.00
9-21-09	check # 1026 LaVista Baseball - Equipment, Uniforms, and fees	La Vista	2,250.00
10-27-09	check # 1027 Halloween candy - LaVista Community center	La Vista	240.65
12-29-09	check # 1028 LaVista Community Foundation 50th Anniversary	La Vista	5,000.00

## Total Community Betterment Expenditures

8,125.65

Please detail costs associated with projects and/or events.

**CERTIFICATION AND RELEASE**

I certify that all information and statements contained herein are complete and true to the best of my knowledge and belief. I understand that any false information, omissions or misrepresentations of facts called for in this application may result in denial of my permit. I authorize the City and/or its agents, to verify any of this information. I authorize all persons, companies and government authorities to release any information relating to this application and hereby release any said persons, companies and government authorities from any liability for any damage whatsoever for issuing this information.

  
Signature of Organization Official

President  
Title of Organization Official

Andrea M. Means  
Printed Name of Organization Official

\_\_\_\_\_  
Signature of Organization Official

\_\_\_\_\_  
Printed Name of Organization Official

\_\_\_\_\_  
Title of Organization Official

CITY OF LA VISTA, NEBRASKA  
STATEMENT OF ANNUAL INCOME FOR FIREWORKS SALES  
IN PERMIT YEAR 2008

Pursuant to §111.17 of the La Vista Municipal Code only nonprofit organizations using volunteer salespersons are eligible for a permit to sell fireworks and net proceeds must be used for community betterment purposes within the City of La Vista.

*Net proceeds shall mean gross sales less the cost of fireworks, permit fee, rental or lease expense, advertising and similar costs of operation of the fireworks stand. Volunteer salespersons shall be used and any remuneration paid or given to persons performing services in connection with the sale of fireworks shall not be deemed a cost of operation and cannot be deducted from gross sales as an expense in determining net proceeds.*

PLEASE TYPE OR PRINT CLEARLY

Name of Nonprofit Organization La Vista Youth

Annual Income

Gross Fireworks Sales

\$68,443.92

Expenses

Wholesale Cost of Fireworks

(please provide copy of invoice)

\$34,736.33

State Sales Tax

\$4,477.64

Permit Fees:

Local

\$2,870.00

State

\$25.00

Insurance

\$1,025.95

Rent or Lease Expenses

\$4,000.00

Advertising

\$1,436.33

Miscellaneous (please describe) Tent →

\$2,927.52

Utilities Usage & Installation

• Lights Electrical & Phone

\$1,231.13

Registers, Tables, Credit Card Machines

• Fire Safety & Other Equipment

\$1,325.47

Product Shrink, Bad Checks or Credit

• Cards Discounts Given to Members

\$2,120.29

• Security

\$1,000.00

Total Expenses

\$58,175.66

Net Proceeds (profits)

\$10,268.26

\*\*\*\*\*

Annual Expenditures of Net Proceeds

Date	Project Description or Event & Who Participated	Location	Cost
<u>1-2-08</u>	<u>Check #1005 - City of La Vista - Parks &amp; Rec</u>	<u>N/A</u>	<u>\$712.80</u>
	<u>Youth Basketball uniforms Grades 2-6</u>		
<u>1-11-08</u>	<u>Check #1006 - City of La Vista - Parks &amp; Rec</u>	<u>La Vista, NE</u>	<u>\$500.00</u>
	<u>Valentine's Day Luncheon</u>		
<u>1-11-08</u>	<u>Check #1008 - La Vista Community Foundation</u>	<u>N/A</u>	<u>\$500.00</u>
	<u>La Vista Community Betterment</u>		
<u>3-6-08</u>	<u>Check #1009 - City of La Vista - Parks &amp; Rec</u>	<u>La Vista, NE</u>	<u>\$300.00</u>
	<u>Easter Egg Hunt</u>		
<u>3-26-08</u>	<u>Check #1010 - Citizens for Sales Tax Campaign</u>	<u>N/A</u>	<u>\$400.00</u>
<u>4-28-08</u>	<u>Check #1011 - Prime Time Sporting Goods -</u>	<u>N/A</u>	<u>\$492.20</u>
	<u>Girls' Softball uniforms/equipment</u>		
<u>5-5-08</u>	<u>Check #1012 - City of La Vista - Employee Picnic</u>	<u>La Vista, NE</u>	<u>\$200.00</u>
<u>9-5-08</u>	<u>Check #1015 - La Vista Youth Baseball Association</u>	<u>N/A</u>	<u>\$2,250.00</u>
	<u>Equipment, uniforms, and fees</u>		

Total Community Betterment Expenditures

Please detail costs associated with projects and/or events.

CONTINUED ON NEXT PAGE  
↓

Project Description or Event &amp; Who Participated

Check #1017 - Sam's Club - Candy for

Safe Halloween Night at Parks & Rec

Check #1018 - City of La Vista - City

## Christmas Tree Lighting

check # 1019 - City of La Vista - Parks & Rec

## Defibrillator

La Vista NE

\$225.28

\$200.00

2/10

\$1853.00

\$7,633.28

Please detail costs associated with projects and/or events.

Permit Year 2008

CITY OF LA VISTA, NEBRASKA  
STATEMENT OF ANNUAL INCOME FOR FIREWORKS SALES  
IN PERMIT YEAR 2007

Pursuant to §111.17 of the La Vista Municipal Code only nonprofit organizations using volunteer salespersons are eligible for a permit to sell fireworks and net proceeds must be used for community betterment purposes within the City of La Vista.

*Net proceeds shall mean gross sales less the cost of fireworks, permit fee, rental or lease expense, advertising and similar costs of operation of the fireworks stand. Volunteer salespersons shall be used and any remuneration paid or given to persons performing services in connection with the sale of fireworks shall not be deemed a cost of operation and cannot be deducted from gross sales as an expense in determining net proceeds.*

PLEASE TYPE OR PRINT CLEARLY

Name of Nonprofit Organization La Vista Youth

	2007
<u>Annual Income</u>	
Gross Fireworks Sales	\$ 59,475.10
<u>Expenses</u>	
Cost of Wholesale Fireworks	\$ 30,391.65
State and City Sales Tax	\$ 3,890.89
Local License / Permit Fees	\$ 2,870.00
State License / Permit Fees	\$ 25.00
Insurance	\$ 892.13
Rental / Lease Expenses	\$ 4,000.00
Advertising / Marketing	\$ 1,248.98
Miscellaneous	
Tent	\$ 2,850.00
Utilities, Usage, and Installation	
Lights, Electrical, and Phone	\$ 1,070.55
Registers, Tables, Credit Card Machines, Fire Safety and Other Equipment	\$ 2,022.15
Product Shrink, Bad Checks, or Credit Cards	
Discounts Given to Members	\$ 1,843.73
Security	\$ 1,000.00
TOTAL EXPENSES	\$ 52,105.08
NET PROCEEDS (profits)	\$ 7,370.02



## Annual Expenditures of Net Proceeds

Date	Project Description or Event & Who Participated	Location	Cost
10-2007	Lavista Days Face Painting - Lavista Community Foundation	Lavista, NE	125 <sup>00</sup>
9-2007	2007 Equipment & Uniforms for 6 teams - Lavista Youth Baseball Association	Lavista, NE	2,000 <sup>00</sup>
10-2007	Candy Parade for the Halloween Sale Night Held at Lavista Parks & Recreation	Lavista, NE	275 <sup>00</sup>
1-2008	Charles 3rd Boys & Girls Basketball Uniforms - Lavista Parks & Recreation	Lavista, NE	712.54
1-2008	2008 Equipment, Uniforms, and fees - Lavista Youth Baseball Association	Lavista, NE	1,000 <sup>00</sup>
1-2008	Seniors Valentine's Day Luncheon - Lavista Parks & Recreation	Lavista, NE	500 <sup>00</sup>
1-2008	Lavista Community Breakfast - Lavista Community Foundation	Lavista, NE	500 <sup>00</sup>
1-2008	Girls Softball Equipment - Lavista Parks and Recreation	Lavista, NE	300 <sup>00</sup>
3-2008	Easter Egg Hunt - Lavista Parks and Recreation	Lavista, NE	250 <sup>00</sup>

Total Community Betterment Expenditures

5,662.82

Please detail costs associated with projects and/or events.

**ACORD<sup>TM</sup> CERTIFICATE OF LIABILITY INSURANCE**

DATE (MM/DD/YYYY)

1/11/2010

PRODUCER Phone: 440-248-4711 Fax: 440-248-5406  
Britton-Gallagher and Associates, Inc.  
6240 SOM Center Rd.  
Cleveland OH 44139

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION  
ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE  
HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR  
ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

**INSURERS AFFORDING COVERAGE**

NAIC #

**INSURED**

Bellino Fireworks Inc  
501 Olson Drive, St 210  
Papillion NE 68046

INSURER A: Lexington Insurance Co

INSURER B:

INSURER C:

INSURER D:

INSURER E:

**COVERAGES**

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED.  
NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS  
CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE  
TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR ADD'L LTR INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A	<b>GENERAL LIABILITY</b> <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY CLAIMS MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO- JECT <input checked="" type="checkbox"/> LOC	5379100-02	5/4/2010	5/4/2011	EACH OCCURRENCE \$1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$50,000 MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$1,000,000 GENERAL AGGREGATE \$2,000,000 PRODUCTS - COMP/OP AGG \$2,000,000
	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS				COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	<b>GARAGE LIABILITY</b> <input type="checkbox"/> ANY AUTO				AUTO ONLY - EA ACCIDENT \$ OTHER THAN EA ACC \$ AUTO ONLY: AGG \$
	<b>EXCESS/UMBRELLA LIABILITY</b> <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE DEDUCTIBLE RETENTION \$				EACH OCCURRENCE \$ AGGREGATE \$ \$ \$ \$
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below				WC STATU- TORY LIMITS OTH- ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
	<b>OTHER</b>				

**DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS**

Location: 8011 S. 83rd St. LaVista Ne.  
Lot 4 Brentwood Crossing  
Additional Insured:  
City of LaVista Ne.  
LaVista Youth  
The Kroenke Group and TKG Management Inc.  
See Attached...

**CERTIFICATE HOLDER**

Bellino Fireworks Inc.  
501 Olson Dr. Suite 210  
Papillion NE 68046

**CANCELLATION**

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED  
BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER  
WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE  
CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO  
SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON  
THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE



**DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS / SPECIAL PROVISIONS**

Chuck Guilford

Donald J. & Valerie R. Bellino

## Nebraska State Fire Marshal's Online Fireworks License Application

## APPLICATION COMPLETE:

[Click here to print your receipt](#)

Your application has been completed.

Upon approval, you will receive your permit within the next 14 business days.

Please print this page as a record of your request and payment.

Need the [Rules for Retail Sales of Fireworks?](#)**\*\* This is not a license \*\***

Your Pending Application Order Verification Number Is:

115608

To make a change to your application, please call (402) 471-2011

## PRICE TOTAL:

1 Retail Stand(s) @ \$25.00 per stand: \$	25.00
Total: \$	25.00

Lauista youth



# NEBRASKA STATE FIRE MARSHAL

246 South 14th Street  
Lincoln, NE 68508-1804

## LICENSE FOR SALE OF FIREWORKS

Permissible fireworks may be sold at retail commencing 12:01 AM June 25 and ending 11:59 PM July 4 and must be purchased from a licensed distributor or jobber. A jobber may not sell retail. Invoice copies for all fireworks must be kept available for inspection and must show the license number of the distributor or jobber. Fireworks may not be sold outside the city limits of an incorporated town or village. Violations of State Fire Marshal regulations may result in immediate revocation of this license.

LICENSE GOOD ONLY FOR JUNE 25 - JULY 4 OF YEAR LICENSE ISSUED

This copy signed, dated and numbered by the STATE FIRE MARSHAL constitutes issuance of a LICENSE pursuant to the provisions of Nebraska Revised Statute 28-1246 (1994 Supp.). Such license shall be displayed at licensee's place of business.

**DATE RECEIVED:**

1/12/2010

**TYPE OF LICENSE AND FEE:**

RETAILER

\$25

All regulations can be found at our  
website: <http://www.sfm.ne.gov>.

**LOCATION OF OUTLET FOR RETAIL SALE OF FIREWORKS:**

Stand#: 2010-RP-115608-715-RL-001

8011 S 83RD ST  
LAVISTA

COUNTY  
SARPY

**STORAGE LOCATION:**

8011 S 83RD ST  
LAVISTA

SARPY

**DISTRIBUTOR(S)/JOBBER:**

BELLINO FIREWORKS INC

**SALES TAX NUMBER:**

18187363

**DATE ISSUED:**

1/25/2010

STATE FIRE MARSHAL

**LICENSE HOLDER:**

LAVISTA YOUTH  
501 OLSON DRIVE, SUITE 210

PAPILLION

NE 68046-

**LICENSE NUMBER**

2010-RP-115608-715

**CITY OF LA VISTA, NEBRASKA**  
**PERMIT APPLICATION**  
**SALE OF PERMISSIBLE FIREWORKS**

Pursuant to §111.17 of the La Vista Municipal Code it shall be unlawful for any person to sell, hold for sale or offer for sale any permissible fireworks within the corporate limits of the City of La Vista unless such person has first obtained a permit. Only nonprofit organizations and associations using volunteer salespersons and which will use the net proceeds from the sale of fireworks for community betterment purposes within the City of La Vista shall be eligible for a permit.

**PLEASE TYPE OR PRINT CLEARLY**

Name of Nonprofit Organization La Vista Lancers Soccer Club Today's Date 12/8/09  
 Street Address 7821 S. 71<sup>st</sup> Ave  
 City La Vista State NE Zip 68128  
 Contact Person Rick Richt Phone (daytime) 292-9894 (evening) 593-7549

**APPLICANT READ**

This permit application is used by the City Council to evaluate your organization's qualifications for a Fireworks Permit. Please answer all questions completely and accurately. Failure to submit the application pursuant to the deadlines contained herein or submission of an incomplete application may result in denial of a permit. The City is not responsible for determining whether your application is complete at the time of submission nor will you be allowed to submit additional information after the deadlines noted herein.

**To be eligible for City Council review, each application submittal must include the following in one packet:**

- ✓ Completed Permit Application Form and a \$500 permit application deposit fee received at City Hall, 8116 Park View Boulevard, La Vista, NE, 68128, no later than noon on January 15 of the permit year (or the next business day if January 15 falls on a weekend or holiday). If your permit is denied, \$400 of this fee will be refunded to your organization. If you are issued a permit, the remaining amount of the permit application fee as established in the Master Fee Ordinance will be due and payable to the City of La Vista no later than noon on June 25 of the permit year to receive permit.
- ✓ A site plan on 8 ½" x 11" paper which details the dimensions, location and distance between all proposed components of your group's fireworks stand (including but not limited to: tent, storage, garbage, portable restrooms, signs, parking, etc.) The site plan must be neat and legible, with an attempt made to show components as close to scale as possible.
- ✓ A signed statement from the land-owner where your proposed fireworks sales will occur, granting permission to your organization to utilize the property (written permission from retail store managers is not acceptable).
- ✓ The City of La Vista's *Accessory and Light Remodeling Permit* and the permit application fee as established in the Master Fee Ordinance must be received at City Hall no later than noon on January 15 of the permit year (or the next business day if January 15 falls on a weekend or holiday), for your tent (please note, no more than one tent is allowed). Your permit must note the proposed date and time of your site set up. Please contact the Chief Building Official for assistance in completing this permit. If your permit application is denied, this fee will be refunded.
- ✓ The City of La Vista's *Sign Permit* and the permit application fee per sign (maximum of four), as established in the Master Fee Ordinance must be received at City Hall no later than noon on January 15 of the permit year (or the next business day if January 15 falls on a weekend or holiday), for any and all temporary signage. (The size and location of signs must be in compliance with the City's zoning regulations regarding temporary signs.) Please contact the Chief Building Official for assistance in completing this permit. If your permit is denied, this fee will be refunded.
- ✓ The City of La Vista's *Explosive Materials Storage Permit* and the permit application fee as established in the

Master Fee Ordinance must be received at City Hall no later than noon on January 15 of the permit year (or the next business day if January 15 falls on a weekend or holiday). If your permit is denied, \$100 of this fee is refunded to your organization.

- ✓ A signed City of La Vista *Statement of Proposed Community Betterment Expenditures* from your organization describing in detail how net proceeds from the sale of fireworks will be used for Community Betterment in the City of La Vista must be received at City Hall no later than noon on January 15 of the permit year (or the next business day if January 15 falls on a weekend or holiday).
- ✓ If your organization has held a permit in any of the three (3) years preceding this application, a City of La Vista *Statement of Annual Income for Fireworks Sales* must be completed for each of the three years and received at City Hall no later than noon on January 15 of the permit year (or the next business day if January 15 falls on a weekend or holiday).
- ✓ If the permit is approved your organization will need to furnish to City Hall no later than noon on June 25th of the permit year an insurance certificate meeting the requirements outlined in City Code.
- ✓ If the permit is approved your organization will need to furnish to City Hall no later than noon on June 25th of the permit year, the balance of the permit fee in the amount of \$2,000 and a State Fire Marshal Certificate meeting the requirements outlined in City Code.

#### CERTIFICATION AND RELEASE

I certify that I have read and understand the "Applicant Read" paragraph on page one of this permit application and that all information, statements, materials and permits submitted as a part of this Permit Application are complete and true to the best of my knowledge and belief. I understand that any false information, omissions or misrepresentations of facts called for in this application may result in denial of my permit. I authorize the City and/or its agents, to verify any of this information. I authorize all persons, companies and government authorities to release any information relating to this application and hereby release any said persons, companies and government authorities from any liability for any damage whatsoever for issuing this information. I also understand that the use or sales of illegal fireworks is prohibited. I hereby further provide written assurance that this organization will file a certificate of insurance issued by an insurance company in good standing, authorized to do business in Nebraska, providing liability insurance in the amounts and for the coverages required by the City Council. I understand this certificate of insurance is a condition of issuance of the permit.

Richard P. Richt  
Signature and Title of Organization Official

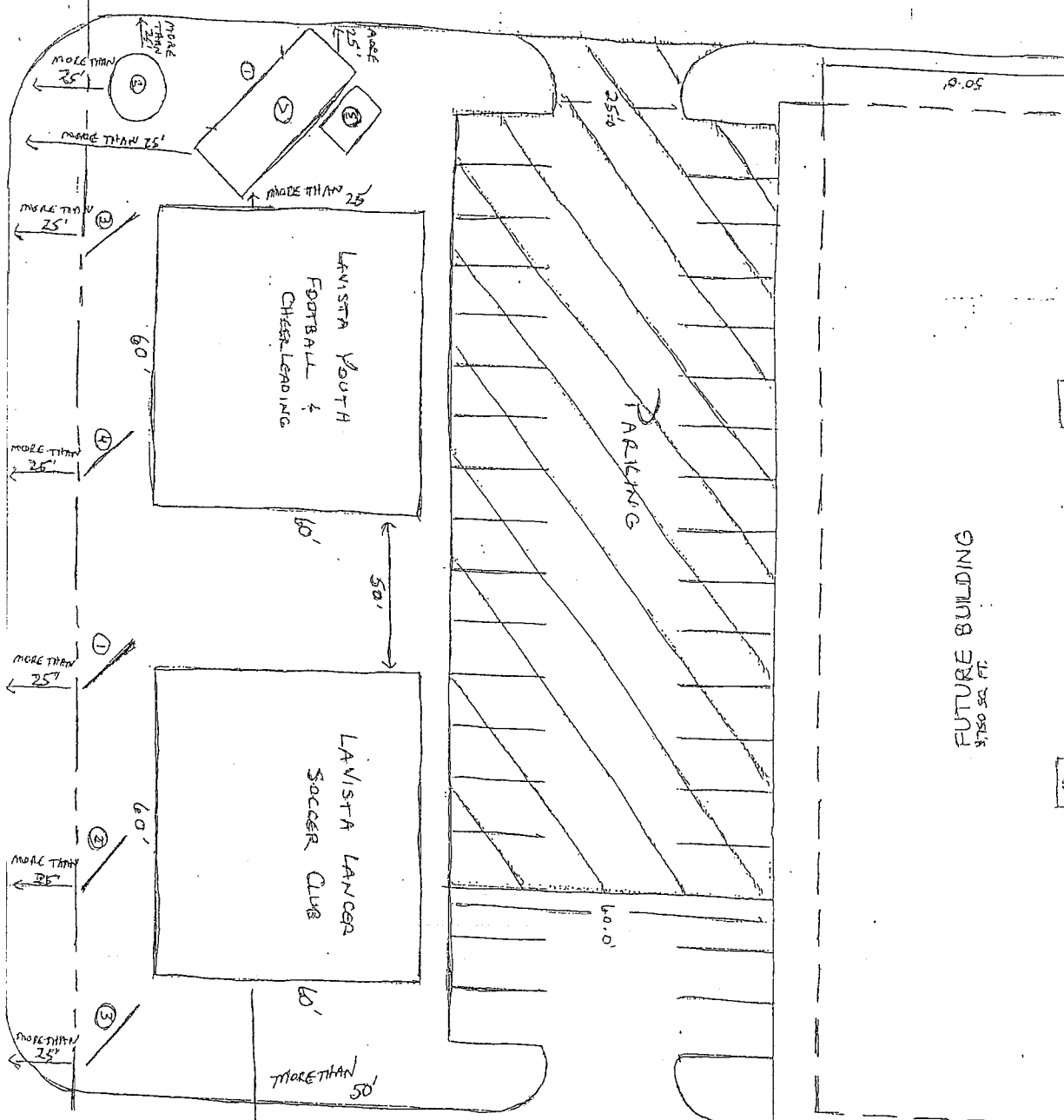
Richard P. Richt  
Printed Name of Organization Official

#### FOR CITY HALL USE ONLY

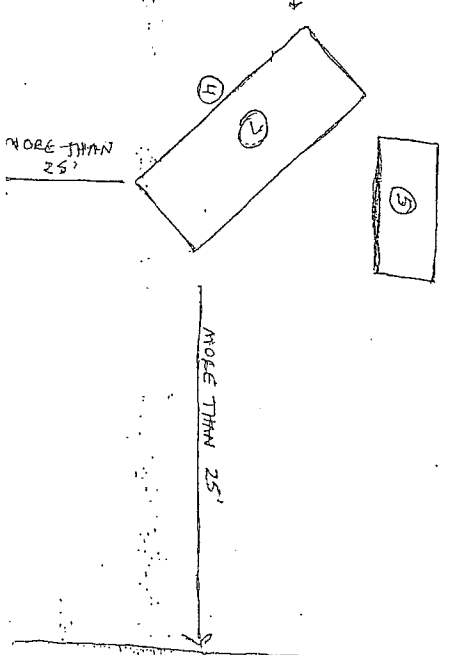
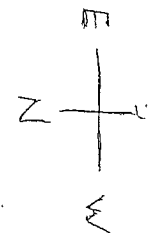
Date Received: \_\_\_\_\_ Received by: \_\_\_\_\_

- ☐ \$500 permit application deposit fee.
- ☐ Site Plan.
- ☐ A written statement of permission from the land-owner.
- ☐ The City of La Vista's *Accessory and Light Remodeling Permit* and \$150 permit application fee for Tent.
- ☐ The City of La Vista's *Sign Permit* application (maximum of four signs) and applicable fee.
- ☐ The City of La Vista's *Explosive Materials Storage Permit* and \$100 permit application fee.
- ☐ Statement of Proposed Community Betterment Expenditures.
- ☐ Three *Statements of Annual Income for Fireworks Sales*.
- ☐ Insurance certificate (due by 12:00 noon on June 25<sup>th</sup>).
- ☐ State Fire Marshal Certificate (due by 12:00 noon on June 25<sup>th</sup>).
- ☐ \$2,000 Permit Fee Balance (due by 12:00 noon on June 25<sup>th</sup>).

PRIVATE DRIVE



FUTURE BUILDING  
150 SQ. FT.



6. Porta Potty identified - but not shown on site plan

- LAVISTA YOUTH F.B.
1. SIGN ON TRAILER 32' MAX
  2. INFLATABLE
  3. SIGN 4'x8'
  4. SIGN 4'x8'
  5. DUMPSTER
  6. PORTA POTTY
  7. STORAGE TRAILER

- LAVISTA LANCER
1. SIGN 4'x8'
  2. SIGN 4'x8'
  3. SIGN 4'x8'
  4. SIGN ON TRAILER 32' MAX
  5. DUMPSTER
  6. PORTA POTTY
  7. STORAGE TRAILER

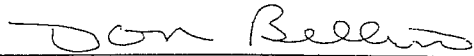


# Bellino Properties

501 Olson Drive, Suite 210 Papillion, NE 68046 Phone: 402-935-1916 Fax: 402-339-9001

## PERMISSION TO OCCUPY

I hereby give La Vista Lancers Soccer Club permission to occupy my property at 73<sup>rd</sup> & Harrison Street, La Vista, Nebraska, to operate a retail fireworks stand from June 20<sup>th</sup> through July 6<sup>th</sup>.



Don Bellino, Owner

Bellino Harrison Street Property, LLC



# City of La Vista

## Light Remodeling and Accessory Permit Application

8116 Park View Blvd, La Vista, NE 68128 Phone: 402-331-4343 Fax: 402-331-4375

The city is not responsible for permits taken out that were not allowable within your particular subdivision.

We suggest that you consult your subdivision covenants before applying for permits.

**\*\* 2003 IRC (Int'l Residential Code) - Adopted Feb. 13, 2006\*\***

Date of Application 12/16/09 Mail Permit to: (circle) Contractor Owner: \_\_\_\_\_ Permit # \_\_\_\_\_

Project Address: 7302 Harrison NA  
Lot Number: 5 Subdivision Schaefer's 1<sup>st</sup> Addition Is this a rental property: Yes No

Print Applicant Name/Address: Steve Ashby / La Vista Youth Football and cheerleading  
8101 Marisa Ln, La Vista NE, 68128 Phone #: 510-9152

Print Owner Name/Address: Bellino Harrison street property LLC  
561 Olson Dr. Ste 210, Papillion NE 68046 Phone #: 935-1916

Print Contractor Name/Address: same as applicant  
Phone #: \_\_\_\_\_

### CALL BEFORE YOU DIG!

**UNDERGROUND HOT LINE 344-3565**

**FENCE:** Height: \_\_\_\_\_ Type: \_\_\_\_\_ Location: \_\_\_\_\_ Est. Materials: \$ \_\_\_\_\_ Fee: \$ \_\_\_\_\_

- Site plan required showing fence location, type and height
- Fence posts must be set in concrete 24" minimum depth for wood and chain link
- Fence location on or into *fence owners* property (may require survey).
- All wood pickets or boards to face to the outside
- Front yard fences need to be 12-1/2' from curb & no more than 4' high—open picket, split rail & chain link(2003 IRC)
- Sideyard fences, on a corner lot, need to be 12-1/2' from the curb or off the right of way

**SHED:** Height: \_\_\_\_\_ Type: \_\_\_\_\_ Location: \_\_\_\_\_ Est. Materials: \$ \_\_\_\_\_ Fee: \$ \_\_\_\_\_

- Site plan of property required showing shed location and spacing
- Shed **MUST BE** located a minimum of 5 feet from the rear and side property line/s.
- Concrete slab shed floor to have 1/2" dia. anchor bolts at max. 6'0" o.c. spacing for shed tie-down
- Wood floors of sheds must be provided with 4 shed tie-downs anchors to meet city code
- Maximum shed height 17', or less if restricted by local governing covenants (15').
- Shed **MUST BE** located a minimum of 6'0" from any structure, or fire proofed to meet city code.

**DECK:** Type: \_\_\_\_\_ Location: \_\_\_\_\_ Est. Materials: \$ \_\_\_\_\_ Fee: \$ \_\_\_\_\_

- Site plan of property showing house and deck location and size
- Deck drawing required showing the following:
  - a. Over-all deck size and stair location
  - b. Uncovered decks must be a distance of 15 feet from rear property lines; and, 5 feet from side property lines.
  - c. Decks must be 6 feet from any other detached structure
  - d. Post hole locations require 42" deep frost footings when attached to the house
  - e. Indicate size of wood beam on your drawing; and, know that column post sizes must be 6" x 6"
  - f. Indicate wood joist sizes and spacing measurement
  - g. Ledger beam attached to house with 1/2" dia. lag bolts that are 5" long (or equiv.) at 24" on center (staggered)
  - h. Galvanized joist hangers at ledger beam
  - i. Handrails to be 3'0" high with vertical spindle spacing not more than 4" apart
  - j. Stair detail as provided by City
  - k. Call for footing inspection once holes are dug, prior to filling. When project completed, call for final.

### CURB-CUT / DRIVEWAYS / SIDEWALK

Curb Cut Length: \_\_\_\_\_ Driveway Width: \_\_\_\_\_ Driveway Length: \_\_\_\_\_

Sidewalk Length: \_\_\_\_\_ Concrete Depth: \_\_\_\_\_ Fee: \$ \_\_\_\_\_

*Driveways must meet specifications of City Code & **MUST** be inspected before pouring*

### OTHER ACCESSORY PROJECTS

Describe Project: Tent  
Length: 60' Width: 40' # Door/s: \_\_\_\_\_ # Window/s: \_\_\_\_\_  
Etc: Set up 6/20/10; Teardown 7/5/10 Fee: \$ 150.00

**Total of all FEES DUE: \$ 150.00**

Applicant certifies that this information has been read, understood and that projects will be constructed in compliance with all city ordinances; that all information is correct; and, that inspections will be requested.

Please phone 24 hours in advance for a final on all projects and any other inspections as noted above.

Signature of Applicant: [Signature] Date: 12/16/09

Approved By City Official: \_\_\_\_\_ Permit Clerk \_\_\_\_\_

Date of Approval: \_\_\_\_\_



# CITY OF LA VISTA

8116 Park View Boulevard

La Vista, NE 68128

(402) 331-4343

## SIGN PERMIT APPLICATION

### Attached to this application must be:

- A detailed drawing showing the layout, dimensions (including square feet), colors, and materials of the proposed sign(s).
- A building elevation showing the location of the sign and the dimensions of the business facade/wall on which the sign is located (Wall Signs ONLY)
- A plot plan of the site showing the location of the sign(s) relative to the property lines (ground monument, center ID, master signage plan, common signage plan). A Master Signage Plan or Common Signage Plan is required for any zoned lot on which an owner proposes to erect more than one sign requiring a permit.

Incomplete applications or applications without adequate drawings will cause a delay in the processing of your application.

Street Address of Sign Location: 73<sup>rd</sup> & Harrison

Name of Development Schaefer's 1<sup>st</sup> Addition

### Applicant Information

Company Name: La Vista Youth Football & cheerleading Contact: Steve Ashby

Address: 8101 Marisa Ln City: La Vista State NE Zip 68128

Phone: 321-5006/510-9152 Fax: \_\_\_\_\_ E-mail: \_\_\_\_\_

### Business/Organization (that is the subject of the sign)

Company Name: Same as above Contact: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ E-mail: \_\_\_\_\_

### Sign Type

☐ Wall ☐ Monument ☐ Center Identification ☐ Construction ☐ Subdivision Sign ☒ Temporary sign  
☐ Master Signage Plan ☐ Common Signage Plan ☐ Other, please indicate \_\_\_\_\_

Message on Sign(s): Fireworks Sales

Dates of sign/s display: 6-24-10 - 7-4-10

Illumination: ☒ None ☐ Internal ☐ External If yes, describe \_\_\_\_\_

Estimated cost of sign(s): \$65.00/sign Are any existing signs at this location to remain? ☒ Yes ☐ No

Total number and types of signs at this business location One "For Lease" Sign

Is the location for this sign part of a shopping center, office park, or industrial park? ☐ Yes ☒ No

If yes, describe and name: \_\_\_\_\_

### Sign Size 4 signs total as noted on site plan

Sign width 4' Sign length 8' Total square feet 32 Height from grade to top of sign 6 ft.

Setback from nearest property line 25 ft.

(Wall Signs)

Business facade width \_\_\_\_\_ ft. Height \_\_\_\_\_ ft. Total business facade area \_\_\_\_\_ sq. ft.

Side of Building ☐ North ☐ South ☐ East ☐ West Number of sides lot/bay abutting street \_\_\_\_\_

### Applicant's Signature

I believe that all of the information on this application and on drawings submitted in support of this application is accurate. I understand that any sign which is installed that is inconsistent or in conflict with this application, the supporting drawings, or the sign regulations contained in the City's Unified Development Ordinance is a violation of the City of La Vista municipal code. I further understand that the inadvertent approval of a sign application by the City that is not in compliance with the sign regulations does not create any legal nonconforming status nor does it remove any obligation to bring the sign into compliance. I understand that no sign shall be installed until a sign permit has been approved by the City of La Vista and the associated sign fee has been paid. Once a sign permit has been approved, all sign installation work must be completed in six months or the permit will expire.

[Signature]  
(Signature of Applicant)

12/16/09  
(Date)

### Office Use Only

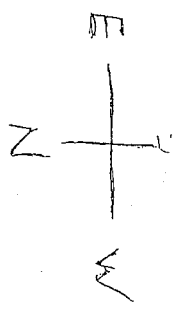
Rec'd By	Date Rec'd	# of Temp Signs this Year	Zoning at Sign Site at site

Sign Permit Fee	Plan Fee	Total Fee

☐ Approved ☐ Disapproved By: \_\_\_\_\_ Date \_\_\_\_\_

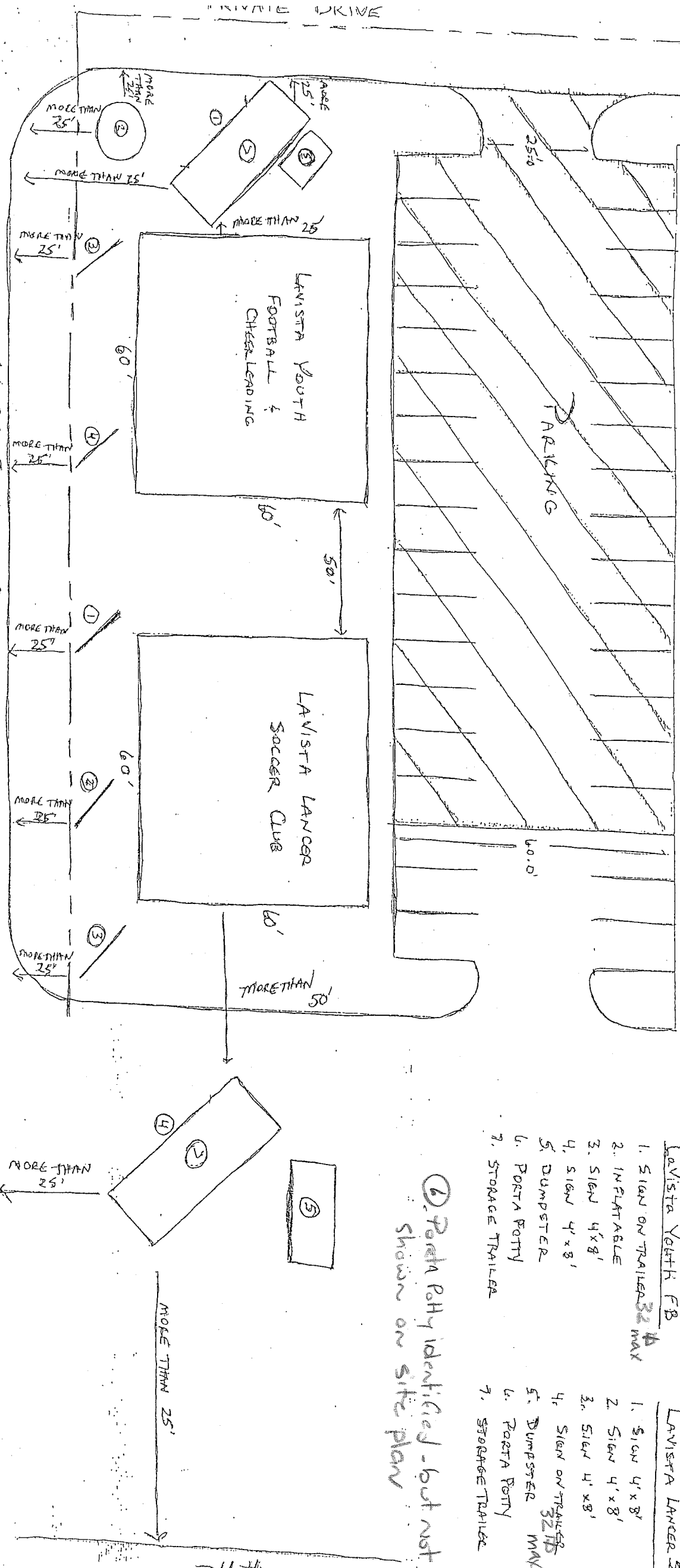
Reason(s) for disapproval \_\_\_\_\_

FUTURE BUILDING  
14,350 SQ. FT.



- | LAVISTA YOUTH FB           | LAVISTA LANCER 2           |
|----------------------------|----------------------------|
| 1. SIGN ON TRAILER 32' MAX | 1. SIGN 4'x8'              |
| 2. INFLATABLE              | 2. SIGN 4'x8'              |
| 3. SIGN 4'x8'              | 3. SIGN 4'x8'              |
| 4. SIGN 4'x8'              | 4. SIGN ON TRAILER 32' MAX |
| 5. DUMPSTER                | 5. DUMPSTER                |
| 6. PORTA POTTY             | 6. PORTA POTTY             |
| 7. STORAGE TRAILER         | 7. STORAGE TRAILER         |

⑥ Porta Potty identified - but not shown on site plan



**CITY OF LA VISTA, NEBRASKA**  
**PERMIT APPLICATION EXPLOSIVE MATERIALS STORAGE**

Pursuant to §91.46 of the La Vista Municipal Code any person desiring to store or keep for any period of time explosive materials defined in Neb. RS 28-1213, shall file with the City Clerk an application for an explosive material storage permit.

PLEASE TYPE OR PRINT CLEARLY

Name of Applicant Trick Richt Today's Date 12/8/09

Age of Applicant over age 25

Street Address 7821 S. 71<sup>st</sup> Ave

City La Vista State NE Zip 68128

Phone (daytime) 292-9894 (evening) 593-7599

Name of Employer Astro Buildings

Street Address of Employer 1109 S. 19<sup>th</sup> St

City Omaha State NE Zip 68108

Have you been instructed in the use of Explosives ☒ yes ☐ no

If yes, by whom? The Distributor

What type of instruction Sales, Safety & Storage

Date of instruction 6/2009 Length of time of instruction 2 hours

List your experience in the use of explosives, giving three distinct examples of the type and usage you have personally done

over 8 years experience with sales of class "C" consumer fireworks

safety of class "C" consumer fireworks

storage of class "C" consumer fireworks

List the type of explosives you have been trained on and used

CLASS "C" consumer fireworks

Enclose copies of any training certificate, explosive permits from other states or other pertinent documentation.

**CERTIFICATION AND RELEASE**

I certify that all information and statements contained herein are complete and true to the best of my knowledge and belief. I understand that any false information, omissions or misrepresentations of facts called for in this application may result in denial of my permit. I authorize the City and/or its agents, to verify any of this information. I authorize all persons, companies and government authorities to release any information relating to this application and hereby release any said persons, companies and government authorities from any liability for any damage whatsoever for issuing this information.

Richard P. Richt  
Signature of Applicant

Richard P. Richt  
Printed Name of Applicant

FOR CITY HALL USE ONLY

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

Received by: \_\_\_\_\_

☐ \$100 permit application fee.

**CITY OF LA VISTA, NEBRASKA**  
**STATEMENT OF PROPOSED COMMUNITY BETTERMENT EXPENDITURES**

Pursuant to §111.17 of the La Vista Municipal Code, only nonprofit organizations using volunteer salespersons are eligible for a permit to sell fireworks and net proceeds must be used for community betterment purposes within the City of La Vista.

PLEASE TYPE AND LIMIT STATEMENT TO THIS PAGE ONLY

Name of Nonprofit Organization LaVista Lancers Soccer Club

The LaVista Lancers Soccer Club has merged activities with the LaVista Rec Dept. We will be a partner with the Rec Dept. soccer programs and will incorporate the Rec Dept. programs into our fundraising and sponsorship programs during 2010. The following projects will be receiving money during 2010:

Money for team parties, Player Registration & Equipment for the soccer programs.

Donation to LaVista Easter Egg Hunt

11ege Scholarships for past club players

LaVista 50 year anniversary celebration

LaVista Halloween Safe Night

Donations to assist previous club players who continue their soccer participation in high schools.

**CERTIFICATION AND RELEASE**

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Richard P. Richt  
 Signature of Organization Official

Richard P. Richt  
 Printed Name of Organization Official

President  
 Title of Organization Official

Permit Year 2010

**CERTIFICATION AND RELEASE**

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Richard P. Richt  
Signature of Organization Official

President  
Title of Organization Official

Richard P. Richt  
Printed Name of Organization Official

\_\_\_\_\_  
Signature of Organization Official

\_\_\_\_\_  
Printed Name of Organization Official

\_\_\_\_\_  
Title of Organization Official

**CITY OF LA VISTA, NEBRASKA**  
**STATEMENT OF ANNUAL INCOME FOR FIREWORKS SALES**  
**IN PERMIT YEAR 2010**

Pursuant to §111.17 of the La Vista Municipal Code only nonprofit organizations using volunteer salespersons are eligible for a permit to sell fireworks and net proceeds must be used for community betterment purposes within the City of La Vista.

*Net proceeds shall mean gross sales less the cost of fireworks, permit fee, rental or lease expense, advertising and similar costs of operation of the fireworks stand. Volunteer salespersons shall be used and any remuneration paid or given to persons performing services in connection with the sale of fireworks shall not be deemed a cost of operation and cannot be deducted from gross sales as an expense in determining net proceeds.*

**PLEASE TYPE OR PRINT CLEARLY**

Name of Nonprofit Organization La Vista Lancers Soccer Club

**Annual Income**

Gross Fireworks Sales 100,991.78

**Expenses**

Wholesale Cost of Fireworks 51,419.59  
 (please provide copy of invoice)

State Sales Tax 6,606.94

Permit Fees: 2,870.00  
 Local

State 25.00

Insurance 1,876.54

Rent or Lease Expenses 6,000.00

Advertising 2,553.50

Miscellaneous (please describe) 2,278.01

• Test → utilities, usage + installation  
Lights electrical + phone

• Registers, labels, credit card machines 2,184.68

• Fire safety + other equipment 4,119.96

• product shrink, bad checks or

• credit cards, discounts given to members 3,811.59

• Security 1,000.00

Total Expenses 84,745.81

Net Proceeds (profits) 16,251.97

◆◆◆◆◆



Annual Expenditures of Net Proceeds

Date	Project Description or Event & Who Participated	Location	Cost
Feb/May/July	Money for team Parties (Dynamite, Fireballs, Terminators)	Various	766.00
March	LaVista Easter Egg Hunt	LaVista	300.00
April	Soccer Tournament Fee (Cheetahs)		220.00
June	6-\$500 College Scholarships for past players (Redding / Behm / Smith / White / White / Schroeder)	PLV HS	3000.00
July/Aug	Soccer fees for past players continuing to play soccer (Pier's, Long, Scalise)	Papillion / PLHS	1128.00
July	Team Money for Registrations (Mauricks)	ENSA League	500.00
August	LaVista kids on Papillion Team		
	Boy Scout Summer Camp Registration for previous player (Anthony White)		410.00
October	Team Money for Registrations, Equipment, Team Party (Mauricks)	P/LV	1000.00

Total Community Betterment Expenditures

7324.00

Please detail costs associated with projects and/or events.

Permit Year 2009

CITY OF LA VISTA, NEBRASKA  
STATEMENT OF PROPOSED COMMUNITY BETTERMENT EXPENDITURES

Pursuant to §111.17 of the La Vista Municipal Code, only nonprofit organizations using volunteer salespersons are eligible for a permit to sell fireworks and net proceeds must be used for community betterment purposes within the City of La Vista.

PLEASE TYPE AND LIMIT STATEMENT TO THIS PAGE ONLY

Name of Nonprofit Organization LaVista Lancers Soccer Club

City of LaVista Easter Egg Hunt Candy	200.00
LaVista Dave Golf Sponsorship	65.00
Scholarships for Graduating Seniors	2000.00
Spring Team Parties / Rec Team Giveaway	500.00
Candy for Halloween Safe Night	200.00
Tournament Fees	400.00
Team Uniforms	200.00
Team Equipment	500.00
* Team Clothing	500.00
* Team Parties	500.00
Field Use Fees	500.00

\* This money is allotted to teams for volunteering at Fireworks Stand.

CERTIFICATION AND RELEASE

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Richard P. Licht  
Signature of Organization Official

President  
Title of Organization Official

Richard P. Licht  
Printed Name of Organization Official

Permit Year 2009

CITY OF LA VISTA, NEBRASKA  
STATEMENT OF ANNUAL INCOME FOR FIREWORKS SALES  
IN PERMIT YEAR 2008

Pursuant to §111.17 of the La Vista Municipal Code only nonprofit organizations using volunteer salespersons are eligible for a permit to sell fireworks and net proceeds must be used for community betterment purposes within the City of La Vista.

*Net proceeds shall mean gross sales less the cost of fireworks, permit fee, rental or lease expense, advertising and similar costs of operation of the fireworks stand. Volunteer salespersons shall be used and any remuneration paid or given to persons performing services in connection with the sale of fireworks shall not be deemed a cost of operation and cannot be deducted from gross sales as an expense in determining net proceeds.*

PLEASE TYPE OR PRINT CLEARLY

Name of Nonprofit Organization La Vista Lancers Soccer Club

Annual Income

Gross Fireworks Sales

\$108,502.45

Expenses

Wholesale Cost of Fireworks

(please provide copy of invoice)

\$57,601.78

State Sales Tax

\$7,098.29

Permit Fees:

Local

\$2,870.00

State

\$25.00

Insurance

\$1,705.95

Rent or Lease Expenses

\$6,000.00

Advertising

\$3,321.40

Miscellaneous (please describe) Tent →

\$2,927.52

Utilities Usage & Installation

• Lights, Electrical & Phone

\$1,986.08

Registers, Tables, Credit Card machines

• Fire Safety & Other Equipment

\$3,745.42

Product Shrink, Bad Checks or

• Credit Cards, Discounts Given to members

\$3,465.18

• Security

\$1,000.00

Total Expenses

\$90,746.62

Net Proceeds (profits)

\$17,755.83

\*\*\*\*\*

Annual Expenditures of Net Proceeds

Date	Project Description or Event & Who Participated	Location	Cost
3/13/08	City of La Vista Easter Egg Candy	City Park	185.40
	Pat Lodes		
5/8/08	La Vista Dave Golf Sponsorship		65.00
	Kenny Pleiss		
5/08	Scholarships for Previous Club Players	PLV High School	1500.00
	Lodes (500) Leiper (500) Munson (500) Pat Lodes		
5/08	Free Mini Frosty to La Vista Rec Players	Soccer Fields	217.00
	Rick Richt		
10/31/08	Candy for Halloween Safe Night	Rec Center	93.90
	Rick Richt		
3/08 + 9/08	Cheetahs Tournament Fees		390.00
	Craig Siedlik		
May/Oct 2008	Soccer Internationale		1048.60
	Team Uniforms & Equipment		
Oct 2008	Team Clothing, Parties		2245.50

Total Community Betterment Expenditures

5745.50

Please detail costs associated with projects and/or events.

## Annual Expenditures

Annual Expenditure of Net Proceeds Object & Cost	2007		2006		2005		2004	
	Date	Amount	Date	Amount	Date	Amount	Date	Amount
\$35 discount to each registered L.L.S.C. player for British Soccer Club			June	\$500.00	Jun 9-13	\$0.00	Jun 9-13	\$465.00
**Scholarships to high school seniors who played three years with the Club	June	\$2,500.00	May	\$3,000.00	10-Jun	\$500.00	10-Jun	\$500.00
Fall & spring parties for the soccer players	May/Oct	\$1,417.00	May/Oct	\$1,270.00	Jun & Nov	\$595.00	Jun & Nov	\$1,355.00
Easter Candy Donation	Mar	\$300.00	March	\$200.00	10-Apr	\$50.00	10-Apr	\$100.00
Donation for firework display for LaVista Day Celebration								
Amts given to each team for trophies, tournaments, indoor soccer, etc.		\$2,677.00	Various	\$2,276.00	Various	\$770.00	Various	\$1,495.00
Equipment for Teams	Year	\$2,568.00	Various	\$3,250.00	Various	\$1,060.00	Various	\$2,800.00
Spring Club Jamboree	May	\$1,314.00	May	\$1,200.00	5-May	\$650.00		
Fall Club Jamboree	October	\$1,500.00				\$1,475.00		
Improvements for Soccer Fields	October	\$1,490.00				\$325.00		
Coach Clinic						\$100.00		
Halloween Candy Donation	October	\$82.00	October	\$100.00		\$45.00		
Style House Donation	May	\$65.00						
<b>Total Expenditures</b>		<b>\$13,913.00</b>		<b>\$11,796.00</b>		<b>\$6,070.00</b>		<b>\$7,215.00</b>
		<b>**Scholarships awarded to:</b>		<b>**Scholarships awarded to:</b>		<b>**Scholarships awarded to:</b>		
Hollie Obrecht		\$500.00	Jena Fitch	\$500.00	Julie Gardner	\$500.00	Klie Workman	\$500.00
Jordan Anderson		\$500.00	Joshua Kozak	\$500.00	Brett Lodes	\$500.00	Ryan Garcia	\$500.00
Kari Haru		\$500.00	Cait Lastovica	\$500.00				
Hillary Richt		\$500.00	Autumn Nohr	\$500.00				
Patrick Ernst		\$500.00	Andrea White	\$500.00				
			Emily Ronan	\$500.00				

LaVista Soccer Club  
Statement of Annual Income from Fireworks Sales

Annual Income	2007	2006	2005	2004
Gross Fireworks Sales	\$103,390.68	\$98,918.48	\$96,881.30	\$60,328.48
Expenses				
Wholesale Cost of Fireworks	\$54,777.95	\$52,952.94	\$51,763.36	\$29,661.90
State Sales Tax	\$6,763.88	\$6,471.30	\$6,338.03	\$3,946.72
Permit Fees				
local	\$2,870.00	\$2,750.00	\$2,750.00	\$2,160.00
state	\$25.00	\$25.00	\$25.00	\$25.00
Insurance	\$1,550.86	\$1,483.78	\$1,453.22	\$904.93
Rent/Lease Expense	\$6,000.00	\$5,638.35	\$5,522.23	\$4,750.00
Delivery & Storage				\$1,960.68
Advertising	\$2,171.20	\$2,077.29	\$2,034.51	\$1,275.00
Miscellaneous				
Tent	\$2,850.00	\$2,345.15	\$2,345.15	\$2,769.28
Electrician & electrical equip	\$1,861.03	\$1,780.53	\$1,743.86	\$820.00
Fire Safety equipment				\$85.00
Registers & tables	\$3,515.28	\$3,363.23	\$3,293.96	\$1,850.00
Give Aways (bags, punks, etc.)				\$693.78
Product strink & bad checks	\$3,205.11	\$3,066.47	\$3,003.32	\$1,266.90
Discount products to members				\$542.96
Night security	\$1,000.00	\$1,000.00	\$1,000.00	\$1,100.00
Total Expenses	\$86,590.31	\$82,954.04	\$81,272.64	\$53,812.15
Net Proceeds (profits)	\$16,800.37	\$15,964.44	\$15,608.66	\$6,516.33

# ACORD™ CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

12/22/2009

PRODUCER Phone: 440-248-4711 Fax: 440-248-5406  
Britton-Gallagher and Associates, Inc.  
5240 SOM Center Rd.  
Cleveland OH 44139

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURED  
Bellino Fireworks Inc  
501 Olson Drive, St 210  
Papillion NE 68046

**INSURERS AFFORDING COVERAGE**

NAIC #

INSURER A: Lexington Insurance Co

INSURER B:

INSURER C:

INSURER D:

INSURER E:

**COVERAGES**

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

NSR ADD'L LTR INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A	<b>GENERAL LIABILITY</b> <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input checked="" type="checkbox"/> LOC	5379100-02	5/4/2010	5/4/2011	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$50,000 MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$1,000,000 GENERAL AGGREGATE \$2,000,000 PRODUCTS - COMP/OP AGG \$2,000,000
	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS				COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	<b>GARAGE LIABILITY</b> <input type="checkbox"/> ANY AUTO				AUTO ONLY - EA ACCIDENT \$ OTHER THAN EA ACC AGG \$ AUTO ONLY: \$
	<b>EXCESS/UMBRELLA LIABILITY</b> <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE  DEDUCTIBLE RETENTION \$				EACH OCCURRENCE \$ AGGREGATE \$ \$ \$ \$
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below OTHER				WC STATUTORY LIMITS OTHER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

**DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS**

Location: 7302 Harrison St. Lavista Ne.  
Lot 4 Schaefer's 1st Addition  
Additional Insured:  
City of LaVista Ne.  
LaVista Lancer Soccer Club  
Bellino Harrison Street Property LLC  
Donald J. & Valerie R. Bellino


**CERTIFICATE HOLDER**

Bellino Fireworks Inc.  
501 Olson Dr. Suite 210  
Papillion NE 68046

**CANCELLATION**

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE



## Nebraska State Fire Marshal's Online Fireworks License Application

## APPLICATION COMPLETE:

[Click here to print your receipt](#)

Your application has been completed.  
Upon approval, you will receive your permit within the next 14 business days.

Please print this page as a record of your request and payment.

Need the [Rules for Retail Sales of Fireworks?](#)

**\*\* This is not a license \*\***

Your Pending Application Order Verification Number Is:

115674

To make a change to your application, please call (402) 471-2011

## PRICE TOTAL:

1 Retail Stand(s) @ \$25.00 per stand: \$	25.00
Total: \$	25.00

Lavista Lancers Soccer





# NEBRASKA STATE FIRE MARSHAL

246 South 14th Street  
Lincoln, NE 68508-1804

## LICENSE FOR SALE OF FIREWORKS

Permissible fireworks may be sold at retail commencing 12:01 AM June 25 and ending 11:59 PM July 4 and must be purchased from a licensed distributor or jobber. A jobber may not sell retail. Invoice copies for all fireworks must be kept available for inspection and must show the license number of the distributor or jobber. Fireworks may not be sold outside the city limits of an incorporated town or village. Violations of State Fire Marshal regulations may result in immediate revocation of this license.

### LICENSE GOOD ONLY FOR JUNE 25 - JULY 4 OF YEAR LICENSE ISSUED

This copy signed, dated and numbered by the STATE FIRE MARSHAL constitutes issuance of a LICENSE pursuant to the provisions of Nebraska Revised Statute 28-1246 (1994 Supp.). Such license shall be displayed at licensee's place of business.

#### DATE RECEIVED:

1/13/2010

#### TYPE OF LICENSE AND FEE:

RETAILER

\$25

All regulations can be found at our  
website: <http://www.sfm.ne.gov>.

#### LOCATION OF OUTLET FOR RETAIL SALE OF FIREWORKS:

Stand#: 2010-RP-115674-717-RL-001

7302 HARRISON ST  
LAVISTA

COUNTY

SARPY

#### STORAGE LOCATION:

7302 HARRISON ST  
LAVISTA

SARPY

#### DISTRIBUTOR(S)/JOBBER(S):

BELLINO FIREWORKS INC

#### SALES TAX NUMBER:

17617569

#### DATE ISSUED:

1/25/2010

STATE FIRE MARSHAL

#### LICENSE HOLDER:

LAVISTA LANCERS SOCCER CLUB  
501 OLSON DRIVE, SUITE 210

PAPILLION

NE 68046-

#### LICENSE NUMBER

2010-RP-115674-717

**CITY OF LA VISTA, NEBRASKA  
PERMIT APPLICATION  
SALE OF PERMISSIBLE FIREWORKS**

Pursuant to §111.17 of the La Vista Municipal Code it shall be unlawful for any person to sell, hold for sale or offer for sale any permissible fireworks within the corporate limits of the City of La Vista unless such person has first obtained a permit. Only nonprofit organizations and associations using volunteer salespersons and which will use the net proceeds from the sale of fireworks for community betterment purposes within the City of La Vista shall be eligible for a permit.

**PLEASE TYPE OR PRINT CLEARLY**

Name of Nonprofit Organization Monarchs wrestling club Today's Date 12/30/09  
 Street Address 7712 S. 71st st  
 City La Vista State NE Zip 68128  
 Contact Person Jeff Niemiec Phone (daytime) 594-5360 (evening) 537-9015

**APPLICANT READ**

This permit application is used by the City Council to evaluate your organization's qualifications for a Fireworks Permit. Please answer all questions completely and accurately. Failure to submit the application pursuant to the deadlines contained herein or submission of an incomplete application may result in denial of a permit. The City is not responsible for determining whether your application is complete at the time of submission nor will you be allowed to submit additional information after the deadlines noted herein.

**To be eligible for City Council review, each application submittal must include the following in one packet:**

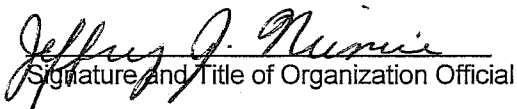
- ✓ Completed Permit Application Form and a \$500 permit application deposit fee received at City Hall, 8116 Park View Boulevard, La Vista, NE, 68128, no later than noon on January 15 of the permit year (or the next business day if January 15 falls on a weekend or holiday). If your permit is denied, \$400 of this fee will be refunded to your organization. If you are issued a permit, the remaining amount of the permit application fee as established in the Master Fee Ordinance will be due and payable to the City of La Vista no later than noon on June 25 of the permit year to receive permit.
- ✓ A site plan on 8 ½" x 11" paper which details the dimensions, location and distance between all proposed components of your group's fireworks stand (including but not limited to: tent, storage, garbage, portable restrooms, signs, parking, etc.) The site plan must be neat and legible, with an attempt made to show components as close to scale as possible.
- ✓ A signed statement from the land-owner where your proposed fireworks sales will occur, granting permission to your organization to utilize the property (written permission from retail store managers is not acceptable).
- ✓ The City of La Vista's *Accessory and Light Remodeling Permit* and the permit application fee as established in the Master Fee Ordinance must be received at City Hall no later than noon on January 15 of the permit year (or the next business day if January 15 falls on a weekend or holiday), for your tent (please note, no more than one tent is allowed). Your permit must note the proposed date and time of your site set up. Please contact the Chief Building Official for assistance in completing this permit. If your permit application is denied, this fee will be refunded.
- ✓ The City of La Vista's *Sign Permit* and the permit application fee per sign (maximum of four), as established in the Master Fee Ordinance must be received at City Hall no later than noon on January 15 of the permit year (or the next business day if January 15 falls on a weekend or holiday), for any and all temporary signage. (The size and location of signs must be in compliance with the City's zoning regulations regarding temporary signs.) Please contact the Chief Building Official for assistance in completing this permit. If your permit is denied, this fee will be refunded.
- ✓ The City of La Vista's *Explosive Materials Storage Permit* and the permit application fee as established in the

Master Fee Ordinance must be received at City Hall no later than noon on January 15 of the permit year (or the next business day if January 15 falls on a weekend or holiday). If your permit is denied, \$100 of this fee is refunded to your organization.

- ✓ A signed City of La Vista *Statement of Proposed Community Betterment Expenditures* from your organization describing in detail how net proceeds from the sale of fireworks will be used for Community Betterment in the City of La Vista must be received at City Hall no later than noon on January 15 of the permit year (or the next business day if January 15 falls on a weekend or holiday).
- ✓ If your organization has held a permit in any of the three (3) years preceding this application, a City of La Vista *Statement of Annual Income for Fireworks Sales* must be completed for each of the three years and received at City Hall no later than noon on January 15 of the permit year (or the next business day if January 15 falls on a weekend or holiday).
- ✓ If the permit is approved your organization will need to furnish to City Hall no later than noon on June 25th of the permit year an insurance certificate meeting the requirements outlined in City Code.
- ✓ If the permit is approved your organization will need to furnish to City Hall no later than noon on June 25th of the permit year, the balance of the permit fee in the amount of \$2,000 and a State Fire Marshal Certificate meeting the requirements outlined in City Code.

#### CERTIFICATION AND RELEASE

I certify that I have read and understand the "Applicant Read" paragraph on page one of this permit application and that all information, statements, materials and permits submitted as a part of this Permit Application are complete and true to the best of my knowledge and belief. I understand that any false information, omissions or misrepresentations of facts called for in this application may result in denial of my permit. I authorize the City and/or its agents, to verify any of this information. I authorize all persons, companies and government authorities to release any information relating to this application and hereby release any said persons, companies and government authorities from any liability for any damage whatsoever for issuing this information. I also understand that the use or sales of illegal fireworks is prohibited. I hereby further provide written assurance that this organization will file a certificate of insurance issued by an insurance company in good standing, authorized to do business in Nebraska, providing liability insurance in the amounts and for the coverages required by the City Council. I understand this certificate of insurance is a condition of issuance of the permit.

  
Signature and Title of Organization Official

Jeff Niemiec  
Printed Name of Organization Official

#### FOR CITY HALL USE ONLY

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

Received by: \_\_\_\_\_

- ☐ \$500 permit application deposit fee.
- ☐ Site Plan.
- ☐ A written statement of permission from the land-owner.
- ☐ The City of La Vista's *Accessory and Light Remodeling Permit* and \$150 permit application fee for Tent.
- ☐ The City of La Vista's *Sign Permit* application (maximum of four signs) and applicable fee.
- ☐ The City of La Vista's *Explosive Materials Storage Permit* and \$100 permit application fee.
- ☐ Statement of Proposed Community Betterment Expenditures.
- ☐ Three *Statements of Annual Income for Fireworks Sales*.
- ☐ Insurance certificate (due by 12:00 noon on June 25<sup>th</sup>).
- ☐ State Fire Marshal Certificate (due by 12:00 noon on June 25<sup>th</sup>).
- ☐ \$2,000 Permit Fee Balance (due by 12:00 noon on June 25<sup>th</sup>).

Signs to stay off of  
84th St ROW

150' 150' 145'  
① ② ③ ④

125'

FIREWORKS  
TENT  
LV WREST.  
60'x60'

45' 11' 2'

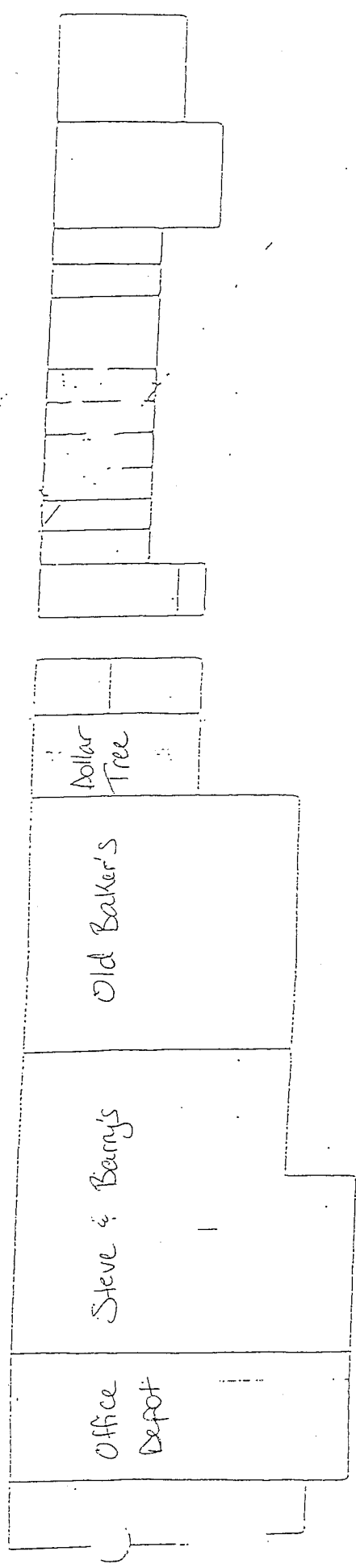
Blockbuster

Wendy's

# PARKING LOT

- ① - Porta Potty
- ② - Dumpster
- ③ - SIGN
- ④ - INFLATABLE
- ⑤ - SIGN (4'x8')
- ⑥ - SIGN (4'x8')

8110 S. 84th ST.



Bellino Fireworks, Inc.

501 Olson Drive Suite 210 Papillion, NE 68046

Phone: (402) 935-1916

Permission to Occupy

I hereby give the LaVista Wrestling Club permission to occupy my property at 8110 S. 84<sup>th</sup> St. LaVista, NE to operate a retail fireworks stand from June 20<sup>th</sup> through July 6<sup>th</sup>.

Randall Wieseler  
Randall Wieseler, President/ 1<sup>st</sup> Management



# City of La Vista

## Light Remodeling and Accessory Permit Application

8116 Park View Blvd, La Vista, NE 68128 Phone: 402-331-4343 Fax: 402-331-4375

The city is not responsible for permits taken out that were not allowable within your particular subdivision.

We suggest that you consult your subdivision covenants before applying for permits.

**\*\* 2003 IRC (Int'l Residential Code) - Adopted Feb. 13, 2006\*\***

Date of Application 12/30/09 Mail Permit to: (circle) Contractor Owner: \_\_\_\_\_ Permit # \_\_\_\_\_

Project Address: 8110 S. 84<sup>th</sup>  
Lot Number: 2A3 Subdivision Willow Brook Addition Is this a rental property: Yes No

Print Applicant Name/Address: Jeff Niemiec / Monarchs Wrestling Club  
7712 S. 71<sup>st</sup> St. La Vista NE 68128 Phone #: 594-5360

Print Owner Name/Address: Frank Krecjci / First Management Inc.  
1941 S. 92<sup>nd</sup> St Ste 550, Omaha, NE 68105-2982 Phone #: 402-344-9600

Print Contractor Name/Address: Same as applicant Phone #: \_\_\_\_\_

### CALL BEFORE YOU DIG!

**UNDERGROUND HOT LINE 344-3565**

**FENCE:** Height: \_\_\_\_\_ Type: \_\_\_\_\_ Location: \_\_\_\_\_ Est. Materials: \$ \_\_\_\_\_ Fee: \$ \_\_\_\_\_

- Site plan required showing fence location, type and height
- Fence posts must be set in concrete 24" minimum depth for wood and chain link
- Fence location on or into fence owners property (may require survey).
- All wood pickets or boards to face to the outside
- Front yard fences need to be 12-1/2' from curb & no more than 4' high—open picket, split rail & chain link(2003 IRC)
- Sideyard fences, on a corner lot, need to be 12-1/2' from the curb or off the right of way

**SHED:** Height: \_\_\_\_\_ Type: \_\_\_\_\_ Location: \_\_\_\_\_ Est. Materials: \$ \_\_\_\_\_ Fee: \$ \_\_\_\_\_

- Site plan of property required showing shed location and spacing
- Shed **MUST BE** located a minimum of 5 feet from the rear and side property line/s.
- Concrete slab shed floor to have 1/2" dia. anchor bolts at max. 6'0" o.c. spacing for shed tie-down
- Wood floors of sheds must be provided with 4 shed tie-downs anchors to meet city code
- Maximum shed height 17', or less if restricted by local governing covenants (15').
- Shed **MUST BE** located a minimum of 6'0" from any structure, or fire proofed to meet city code.

**DECK:** Type: \_\_\_\_\_ Location: \_\_\_\_\_ Est. Materials: \$ \_\_\_\_\_ Fee: \$ \_\_\_\_\_

- Site plan of property showing house and deck location and size
- Deck drawing required showing the following:
  - a. Over-all deck size and stair location
  - b. Uncovered decks must be a distance of 15 feet from rear property lines; and, 5 feet from side property lines.
  - c. Decks must be 6 feet from any other detached structure
  - d. Post hole locations require 42" deep frost footings when attached to the house
  - e. Indicate size of wood beam on your drawing; and, know that column post sizes must be 6" x 6"
  - f. Indicate wood joist sizes and spacing measurement
  - g. Ledger beam attached to house with 1/2" dia. lag bolts that are 5" long (or equiv.) at 24" on center (staggered)
  - h. Galvanized joist hangers at ledger beam
  - i. Handrails to be 3'0" high with vertical spindle spacing not more than 4" apart
  - j. Stair detail as provided by City
  - k. Call for footing inspection once holes are dug, prior to filling. When project completed, call for final.

### CURB-CUT / DRIVEWAYS / SIDEWALK

Curb Cut Length: \_\_\_\_\_ Driveway Width: \_\_\_\_\_ Driveway Length: \_\_\_\_\_

Sidewalk Length: \_\_\_\_\_ Concrete Depth: \_\_\_\_\_

Fee: \$ \_\_\_\_\_

Driveways must meet specifications of City Code & **MUST** be inspected before pouring

### OTHER ACCESSORY PROJECTS

Describe Project: Tent

Length: 60' Width 60' # Door/s: \_\_\_\_\_ # Window/s: \_\_\_\_\_

Etc: set up 6/20/10 ; Teardown 7/5/10

Fee: \$ 150.00

**Total of all FEES DUE: \$ 150.00**

Applicant certifies that this information has been read, understood and that projects will be constructed in compliance with all city ordinances; that all information is correct; and, that inspections will be requested.

Please phone 24 hours in advance for a final on all projects and any other inspections as noted above.

Signature of Applicant: Jeffrey J. Niemiec Date: 12/31/09

Approved By City Official: \_\_\_\_\_ Permit Clerk \_\_\_\_\_

Date of Approval: \_\_\_\_\_



# CITY OF LA VISTA

8116 Park View Boulevard

La Vista, NE 68128

(402) 331-4343

## SIGN PERMIT APPLICATION

### Attached to this application must be:

- A detailed drawing showing the layout, dimensions (including square feet), colors, and materials of the proposed sign(s).
- A building elevation showing the location of the sign and the dimensions of the business facade/wall on which the sign is located (Wall Signs ONLY)
- A plot plan of the site showing the location of the sign(s) relative to the property lines (ground monument, center ID, master signage plan, common signage plan). A Master Signage Plan or Common Signage Plan is required for any zoned lot on which an owner proposes to erect more than one sign requiring a permit.

Incomplete applications or applications without adequate drawings will cause a delay in the processing of your application.

Street Address of Sign Location: 8110 S. 84<sup>th</sup>

Name of Development Brentwood Square shopping center

### Applicant Information

Company Name: Monarchs wrestling club Contact: Jeff Niemiec

Address: 7712 S. 71<sup>st</sup> St City: La Vista State NE Zip 68128

Phone: 594-5360 Fax: \_\_\_\_\_ E-mail: \_\_\_\_\_

### Business/Organization (that is the subject of the sign)

Company Name: Same as above Contact: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ E-mail: \_\_\_\_\_

### Sign Type

☐ Wall ☐ Monument ☐ Center Identification ☐ Construction ☐ Subdivision Sign ☒ Temporary sign

☐ Master Signage Plan ☐ Common Signage Plan ☐ Other, please indicate \_\_\_\_\_

Message on Sign(s): Fireworks sales

Dates of sign/s display: 6/24 through 7/4/10

Illumination: ☒ None ☐ Internal ☐ External If yes, describe \_\_\_\_\_

Estimated cost of sign(s): \$65.00/1050 Are any existing signs at this location to remain? ☒ Yes ☐ No

Total number and types of signs at this business location \_\_\_\_\_

Is the location for this sign part of a shopping center, office park, or industrial park? ☒ Yes ☐ No

If yes, describe and name: Brentwood Square shopping center

### Sign Size 4 signs total as noted on site plan

Sign width 4' Sign length 8' Total square feet 32 Height from grade to top of sign 6 ft.

Setback from nearest property line 25 ft.

(Wall Signs)

Business facade width \_\_\_\_\_ ft. Height \_\_\_\_\_ ft. Total business facade area \_\_\_\_\_ sq. ft.

Side of Building ☐ North ☐ South ☐ East ☐ West Number of sides lot/bay abutting street \_\_\_\_\_

### Applicant's Signature

I believe that all of the information on this application and on drawings submitted in support of this application is accurate. I understand that any sign which is installed that is inconsistent or in conflict with this application, the supporting drawings, or the sign regulations contained in the City's Unified Development Ordinance is a violation of the City of La Vista municipal code. I further understand that the inadvertent approval of a sign application by the City that is not in compliance with the sign regulations does not create any legal nonconforming status nor does it remove any obligation to bring the sign into compliance. I understand that no sign shall be installed until a sign permit has been approved by the City of La Vista and the associated sign fee has been paid. Once a sign permit has been approved, all sign installation work must be completed in six months or the permit will expire.

Jeffrey J. Niemiec  
(Signature of Applicant)

12/31/09  
(Date)

### Office Use Only

Rec'd By	Date Rec'd	# of Temp Signs this Year	Zoning at Sign Site at site

Sign Permit Fee	Plan Fee	Total Fee

☐ Approved ☐ Disapproved By: \_\_\_\_\_ Date: \_\_\_\_\_

Reason(s) for disapproval \_\_\_\_\_

**CITY OF LA VISTA, NEBRASKA**  
**PERMIT APPLICATION EXPLOSIVE MATERIALS STORAGE**

Pursuant to §91.46 of the La Vista Municipal Code any person desiring to store or keep for any period of time explosive materials defined in Neb. RS 28-1213, shall file with the City Clerk an application for an explosive material storage permit.

PLEASE TYPE OR PRINT CLEARLY

Name of Applicant Jeff Niemiec Today's Date 12/8/09

Age of Applicant over age 25

Street Address 7712 S. 71<sup>st</sup> St

City La Vista State NE Zip 68128

Phone (daytime) 594-5360 (evening) 537-9015

Name of Employer Con Agra Foods

Street Address of Employer 7350 World Communication Drive

City Omaha State NE Zip

Have you been instructed in the use of Explosives ☒ yes ☐ no

If yes, by whom? The distributor

What type of instruction Sales, Safety + Storage

Date of instruction 6/2009 Length of time of instruction 2 hours

List your experience in the use of explosives, giving three distinct examples of the type and usage you have personally done

Over 8 years experience with the sales of Class "C" Consumer Fireworks

Safety of class "C" consumer fireworks

Storage of class "C" consumer fireworks

List the type of explosives you have been trained on and used

Class "C" consumer fireworks

Enclose copies of any training certificate, explosive permits from other states or other pertinent documentation.

**CERTIFICATION AND RELEASE**

I certify that all information and statements contained herein are complete and true to the best of my knowledge and belief. I understand that any false information, omissions or misrepresentations of facts called for in this application may result in denial of my permit. I authorize the City and/or its agents, to verify any of this information. I authorize all persons, companies and government authorities to release any information relating to this application and hereby release any said persons, companies and government authorities from any liability for any damage whatsoever for issuing this information.

Jeffrey J. Niemiec  
Signature of Applicant

Jeff Niemiec  
Printed Name of Applicant

FOR CITY HALL USE ONLY

Date Received:

Received by:

☐ \$100 permit application fee.



**CITY OF LA VISTA, NEBRASKA**  
**STATEMENT OF PROPOSED COMMUNITY BETTERMENT EXPENDITURES**

Pursuant to §111.17 of the La Vista Municipal Code, only nonprofit organizations using volunteer salespersons are eligible for a permit to sell fireworks and net proceeds must be used for community betterment purposes within the City of La Vista.

**PLEASE TYPE AND LIMIT STATEMENT TO THIS PAGE ONLY**

Name of Nonprofit Organization Monarchs wrestling Club

The Monarchs wrestling Club currently has over 70 kids participating from the Lavista area with approximately 12 volunteer coaches. Every wrestler in the club is provided with instruction on the sport of wrestling. The club pays for every competition for every wrestler allowing an inexpensive way for a child to participate in a great sport. Everything is voluntary and nearly every expense is incurred by the club.

**CERTIFICATION AND RELEASE**

I certify that all information and statements contained herein are complete and true to the best of my knowledge and belief. I understand that any false information, omissions or misrepresentations of facts called for in this application may result in denial of my permit. I authorize the City and/or its agents, to verify any of this information. I authorize all persons, companies and government authorities to release any information relating to this application and hereby release any said persons, companies and government authorities from any liability for any damage whatsoever for issuing this information.

Jeffrey J. Nunn  
Signature of Organization Official

President  
Title of Organization Official

Jeff Niemier  
Printed Name of Organization Official

**CITY OF LA VISTA, NEBRASKA**  
**STATEMENT OF ANNUAL INCOME FOR FIREWORKS SALES**  
**IN PERMIT YEAR 2009**

Pursuant to §111.17 of the La Vista Municipal Code only nonprofit organizations using volunteer salespersons are eligible for a permit to sell fireworks and net proceeds must be used for community betterment purposes within the City of La Vista.

*Net proceeds shall mean gross sales less the cost of fireworks, permit fee, rental or lease expense, advertising and similar costs of operation of the fireworks stand. Volunteer salespersons shall be used and any remuneration paid or given to persons performing services in connection with the sale of fireworks shall not be deemed a cost of operation and cannot be deducted from gross sales as an expense in determining net proceeds.*

**PLEASE TYPE OR PRINT CLEARLY**

Name of Nonprofit Organization Monarchs wrestling club

**Annual Income**

Gross Fireworks Sales 82,985.90

**Expenses**

Wholesale Cost of Fireworks 42,027.67  
 (please provide copy of invoice)

State Sales Tax 5,428.96

Permit Fees:  
 Local 2,870.00

State 25.00

Insurance 1,559.18

Rent or Lease Expenses 6,000.00

Advertising 2,182.86

Miscellaneous (please describe) Tent 2,278.01

utilities usage and installation  
 • Lights, electrical & phone 1,871.03

Registers, Tables, credit card machines 3,534.16

• Fire safety & other equipment  
 Product shrink, Bad checks or credit 3,222.32

• Cards, Discounts to members 1,000.00

• Security

Total Expenses 71,999.19

Net Proceeds (profits) 10,986.31

◆◆◆◆◆

# Permit Year 2010

## Annual Expenditures of Net Proceeds

Date	Project Description or Event & Who Participated	Location	Cost
10-9-9	New singlets for wrestlers	N/A	7,130.00
10-9-9	wrestling mat supplies	N/A	1,200.00
10-9-9	wrestling Tournament Entry Fees	Various	8900.00
12-9-9	Hosting wrestling tournament expenses	Papillion High School	4,000
4-10-9	Dinner awards for wrestlers	Papillion High school	2,100
10-9-9	USA Insurance	N/A	700

## Total Community Betterment Expenditures

24,030

Please detail costs associated with projects and/or events.

Permit Year 2010

**CERTIFICATION AND RELEASE**

I certify that all information and statements contained herein are complete and true to the best of my knowledge and belief. I understand that any false information, omissions or misrepresentations of facts called for in this application may result in denial of my permit. I authorize the City and/or its agents, to verify any of this information. I authorize all persons, companies and government authorities to release any information relating to this application and hereby release any said persons, companies and government authorities from any liability for any damage whatsoever for issuing this information.

Jeffrey J. Niemiec  
Signature of Organization Official

President  
Title of Organization Official

Jeffrey Niemiec  
Printed Name of Organization Official

\_\_\_\_\_  
Signature of Organization Official

\_\_\_\_\_  
Printed Name of Organization Official

\_\_\_\_\_  
Title of Organization Official

CITY OF LA VISTA, NEBRASKA  
STATEMENT OF ANNUAL INCOME FOR FIREWORKS SALES  
IN PERMIT YEAR 2008

Pursuant to §111.17 of the La Vista Municipal Code only nonprofit organizations using volunteer salespersons are eligible for a permit to sell fireworks and net proceeds must be used for community betterment purposes within the City of La Vista.

*Net proceeds shall mean gross sales less the cost of fireworks, permit fee, rental or lease expense, advertising and similar costs of operation of the fireworks stand. Volunteer salespersons shall be used and any remuneration paid or given to persons performing services in connection with the sale of fireworks shall not be deemed a cost of operation and cannot be deducted from gross sales as an expense in determining net proceeds.*

PLEASE TYPE OR PRINT CLEARLY

Name of Nonprofit Organization La Vista Vipers Wrestling Club

Annual Income  
Gross Fireworks Sales \$94,383.51

Expenses

Wholesale Cost of Fireworks \$49,024.52  
(please provide copy of invoice)

State Sales Tax \$ 6,174.62

Permit Fees:  
Local \$ 2,870.00

State \$ 25.00

Insurance \$ 1,417.44

Rent or Lease Expenses \$ 6,000.00

Advertising \$ 1,984.42

Miscellaneous (please describe) Tent → \$ 2,927.52

Utilities Usage & Installation  
• Lights, Electrical & Phone \$ 1,700.94

Registers, Tables, Credit Card Machines  
• Fire Safety & Other Equipment \$ 3,212.88

Product Shrink, Bad checks, or Credit  
• Cards, Discounts Given to Members \$ 2,929.39

• Security \$ 1,000.00

Total Expenses \$79,266.73

Net Proceeds (profits) \$15,116.78

\*\*\*\*\*

Annual Expenditures of Net Proceeds

Date	Project Description or Event & Who Participated	Location	Cost
10/08	New wrestling singlets for wrestlers	N/A	\$2,320.00
10/08	New wrestling warmups for wrestlers	N/A	\$3,930.00
10/08	Head gear for wrestlers	N/A	\$1,320.00
10/08	Wrestling mat supplies (cleaners, tape, etc.)	N/A	\$1,043.00
11/08-4/09	Wrestling tournament entry fees	Various	\$6,280.00
4/09	Banquet and awards for wrestlers	Rec center	\$1,160.00
11/08	AAU Wrestling Insurance	N/A	\$700.00

Total Community Betterment Expenditures

\$16,753.00

Please detail costs associated with projects and/or events.

Permit Year 2008

CITY OF LA VISTA, NEBRASKA  
STATEMENT OF ANNUAL INCOME FOR FIREWORKS SALES  
IN PERMIT YEAR 2007

Pursuant to §111.17 of the La Vista Municipal Code only nonprofit organizations using volunteer salespersons are eligible for a permit to sell fireworks and net proceeds must be used for community betterment purposes within the City of La Vista.

*Net proceeds shall mean gross sales less the cost of fireworks, permit fee, rental or lease expense, advertising and similar costs of operation of the fireworks stand. Volunteer salespersons shall be used and any remuneration paid or given to persons performing services in connection with the sale of fireworks shall not be deemed a cost of operation and cannot be deducted from gross sales as an expense in determining net proceeds.*

PLEASE TYPE OR PRINT CLEARLY

Name of Nonprofit Organization: La Vista Fireworks

	2007
<u>Annual Income</u>	
Gross Fireworks Sales	\$ 82,170.89
<u>Expenses</u>	
Cost of Wholesale Fireworks	\$ 41,437.84
State and City Sales Tax	\$ 5,375.67
Local License / Permit Fees	\$ 2,870.00
State License / Permit Fees	\$ 25.00
Insurance	\$ 1,232.56
Rental / Lease Expenses	\$ 6,000.00
Advertising / Marketing	\$ 1,725.59
Miscellaneous	
Tent	\$ 2,850.00
Utilities, Usage, and Installation	
Lights, Electrical, and Phone	\$ 1,479.08
Registers, Tables, Credit Card Machines, Fire Safety and Other Equipment	\$ 2,793.81
Product Shrink, Bad Checks, or Credit Cards	
Discounts Given to Members	\$ 2,547.30
Security	\$ 1,000.00
TOTAL EXPENSES	\$ 69,336.85
NET PROCEEDS (profits)	\$ 12,834.04

Vipers Wrestling Expenses for 2007

\$1900.00 – New Wrestling Singlets for wrestlers

\$3680.00 – New Wrestling warmups for wrestlers

\$1040.00 – Headgear for wrestlers

\$768.00 – Wrestling mat supplies (cleaners, tape, etc)

\$5940.00 – Wrestling tournament entry fees (45 wrestlers X \$12 each X 11 tournaments)

-----  
\$13228.00



**ACORD™ CERTIFICATE OF LIABILITY INSURANCE**

DATE (MM/DD/YYYY)

12/30/2009

**PRODUCER** Phone: 440-248-4711 Fax: 440-248-5406  
Britton-Gallagher and Associates, Inc.  
6240 SOM Center Rd.  
Cleveland OH 44139

**THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.**

**INSURED**  
Bellino Fireworks Inc  
501 Olson Drive, St 210  
Papillion NE 68046

**INSURERS AFFORDING COVERAGE****NAIC #**

INSURER A: Lexington Insurance Co

INSURER B:

INSURER C:

INSURER D:

INSURER E:

**COVERAGES**

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR ADD'L LTR INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A	<b>GENERAL LIABILITY</b> <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input checked="" type="checkbox"/> LOC	5379100-02	5/4/2010	5/4/2011	EACH OCCURRENCE \$1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$50,000 MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$1,000,000 GENERAL AGGREGATE \$2,000,000 PRODUCTS - COMP/OP AGG \$2,000,000
	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS				COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	<b>GARAGE LIABILITY</b> <input type="checkbox"/> ANY AUTO				AUTO ONLY - EA ACCIDENT \$ OTHER THAN EA ACC \$ AUTO ONLY: AGG \$
	<b>EXCESS/UMBRELLA LIABILITY</b> <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE  DEDUCTIBLE RETENTION \$				EACH OCCURRENCE \$ AGGREGATE \$ \$ \$ \$
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below				WC STATU-TORY LIMITS <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
	<b>OTHER</b>				

**DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS**

Location: 8110 S 84th St. LaVista Ne.  
Lot 2A3 Willow Brook Addition  
Additional Insured:  
City of LaVista Ne.  
Monarch Wrestling Club  
Frank Krejci  
See Attached...

**CERTIFICATE HOLDER**

Bellino Fireworks Inc.  
501 Olson Drive Suite 210  
Papillion NE 68046

**CANCELLATION**

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE



<b>DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS / SPECIAL PROVISIONS</b>
---

F&J Realty

Donald J. & Valerie R. Bellino

## Nebraska State Fire Marshal's Online Fireworks License Application

## APPLICATION COMPLETE:

[Click here to print your receipt](#)

Your application has been completed.  
Upon approval, you will receive your permit within the next 14 business days.

Please print this page as a record of your request and payment.

Need the [Rules for Retail Sales of Fireworks?](#)

**\*\* This is not a license \*\***

Your Pending Application Order Verification Number Is:

115722

To make a change to your application, please call (402) 471-2011

## PRICE TOTAL:

1 Retail Stand(s) @ \$25.00 per stand: \$	25.00
Total: \$	25.00

*Marachs wrestling*



# NEBRASKA STATE FIRE MARSHAL

246 South 14th Street  
Lincoln, NE 68508-1804

## LICENSE FOR SALE OF FIREWORKS

Permissible fireworks may be sold at retail commencing 12:01 AM June 25 and ending 11:59 PM July 4 and must be purchased from a licensed distributor or jobber. A jobber may not sell retail. Invoice copies for all fireworks must be kept available for inspection and must show the license number of the distributor or jobber. Fireworks may not be sold outside the city limits of an incorporated town or village. Violations of State Fire Marshal regulations may result in immediate revocation of this license.

### LICENSE GOOD ONLY FOR JUNE 25 - JULY 4 OF YEAR LICENSE ISSUED

This copy signed, dated and numbered by the STATE FIRE MARSHAL constitutes issuance of a LICENSE pursuant to the provisions of Nebraska Revised Statute 28-1246 (1994 Supp.). Such license shall be displayed at licensee's place of business.

#### DATE RECEIVED:

1/13/2010

All regulations can be found at our  
website: <http://www.sfm.ne.gov>.

#### TYPE OF LICENSE AND FEE:

RETAILER

\$25

#### LOCATION OF OUTLET FOR RETAIL SALE OF FIREWORKS:

Stand#: 2010-RP-115722-719-RL-001

8110 S 84TH ST  
LAVISTA

COUNTY  
SARPY

#### STORAGE LOCATION:

8110 S 84TH ST  
LAVISTA

SARPY

#### DISTRIBUTOR(S)/JOBBER:

BELLINO FIREWORKS INC

#### SALES TAX NUMBER:

17823304

#### DATE ISSUED:

1/25/2010

A handwritten signature in cursive script, reading "John E. Fagone".

STATE FIRE MARSHAL

#### LICENSE HOLDER:

MONARCHS WRESTLING CLUB  
501 OLSON DRIVE, SUITE 210

PAPILLION

NE 68046-

#### LICENSE NUMBER

2010-RP-115722-719

**CITY OF LA VISTA, NEBRASKA**  
**PERMIT APPLICATION**  
**SALE OF PERMISSIBLE FIREWORKS**

Pursuant to §111.17 of the La Vista Municipal Code it shall be unlawful for any person to sell, hold for sale or offer for sale any permissible fireworks within the corporate limits of the City of La Vista unless such person has first obtained a permit. Only nonprofit organizations and associations using volunteer salespersons and which will use the net proceeds from the sale of fireworks for community betterment purposes within the City of La Vista shall be eligible for a permit.

**PLEASE TYPE OR PRINT CLEARLY**

Name of Nonprofit Organization La Vista Youth Baseball Association Today's Date 12/8/09  
 Street Address 8506 Birch Drive  
 City LA VISTA State NE Zip 68128  
 Contact Person Randy & Karen Cahill Phone (daytime) 339-4385 (evening) 968-7725

**APPLICANT READ**

This permit application is used by the City Council to evaluate your organization's qualifications for a Fireworks Permit. Please answer all questions completely and accurately. Failure to submit the application pursuant to the deadlines contained herein or submission of an incomplete application may result in denial of a permit. The City is not responsible for determining whether your application is complete at the time of submission nor will you be allowed to submit additional information after the deadlines noted herein.

**To be eligible for City Council review, each application submittal must include the following in one packet:**

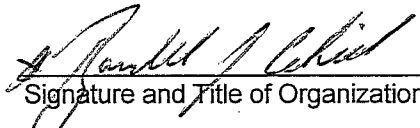
- ✓ Completed Permit Application Form and a \$500 permit application deposit fee received at City Hall, 8116 Park View Boulevard, La Vista, NE, 68128, no later than noon on January 15 of the permit year (or the next business day if January 15 falls on a weekend or holiday). If your permit is denied, \$400 of this fee will be refunded to your organization. If you are issued a permit, the remaining amount of the permit application fee as established in the Master Fee Ordinance will be due and payable to the City of La Vista no later than noon on June 25 of the permit year to receive permit.
- ✓ A site plan on 8 ½ " x 11" paper which details the dimensions, location and distance between all proposed components of your group's fireworks stand (including but not limited to: tent, storage, garbage, portable restrooms, signs, parking, etc.) The site plan must be neat and legible, with an attempt made to show components as close to scale as possible.
- ✓ A signed statement from the land-owner where your proposed fireworks sales will occur, granting permission to your organization to utilize the property (written permission from retail store managers is not acceptable).
- ✓ The City of La Vista's *Accessory and Light Remodeling Permit* and the permit application fee as established in the Master Fee Ordinance must be received at City Hall no later than noon on January 15 of the permit year (or the next business day if January 15 falls on a weekend or holiday), for your tent (please note, no more than one tent is allowed). Your permit must note the proposed date and time of your site set up. Please contact the Chief Building Official for assistance in completing this permit. If your permit application is denied, this fee will be refunded.
- ✓ The City of La Vista's *Sign Permit* and the permit application fee per sign (maximum of four), as established in the Master Fee Ordinance must be received at City Hall no later than noon on January 15 of the permit year (or the next business day if January 15 falls on a weekend or holiday), for any and all temporary signage. (The size and location of signs must be in compliance with the City's zoning regulations regarding temporary signs.) Please contact the Chief Building Official for assistance in completing this permit. If your permit is denied, this fee will be refunded.
- ✓ The City of La Vista's *Explosive Materials Storage Permit* and the permit application fee as established in the

Master Fee Ordinance must be received at City Hall no later than noon on January 15 of the permit year (or the next business day if January 15 falls on a weekend or holiday). If your permit is denied, \$100 of this fee is refunded to your organization.

- ✓ A signed City of La Vista *Statement of Proposed Community Betterment Expenditures* from your organization describing in detail how net proceeds from the sale of fireworks will be used for Community Betterment in the City of La Vista must be received at City Hall no later than noon on January 15 of the permit year (or the next business day if January 15 falls on a weekend or holiday).
- ✓ If your organization has held a permit in any of the three (3) years preceding this application, a City of La Vista *Statement of Annual Income for Fireworks Sales* must be completed for each of the three years and received at City Hall no later than noon on January 15 of the permit year (or the next business day if January 15 falls on a weekend or holiday).
- ✓ If the permit is approved your organization will need to furnish to City Hall no later than noon on June 25th of the permit year an insurance certificate meeting the requirements outlined in City Code.
- ✓ If the permit is approved your organization will need to furnish to City Hall no later than noon on June 25th of the permit year, the balance of the permit fee in the amount of \$2,000 and a State Fire Marshal Certificate meeting the requirements outlined in City Code.

#### CERTIFICATION AND RELEASE

I certify that I have read and understand the "Applicant Read" paragraph on page one of this permit application and that all information, statements, materials and permits submitted as a part of this Permit Application are complete and true to the best of my knowledge and belief. I understand that any false information, omissions or misrepresentations of facts called for in this application may result in denial of my permit. I authorize the City and/or its agents, to verify any of this information. I authorize all persons, companies and government authorities to release any information relating to this application and hereby release any said persons, companies and government authorities from any liability for any damage whatsoever for issuing this information. I also understand that the use or sales of illegal fireworks is prohibited. I hereby further provide written assurance that this organization will file a certificate of insurance issued by an insurance company in good standing, authorized to do business in Nebraska, providing liability insurance in the amounts and for the coverages required by the City Council. I understand this certificate of insurance is a condition of issuance of the permit.

  
Signature and Title of Organization Official

Randall J. Cahill  
Printed Name of Organization Official

#### FOR CITY HALL USE ONLY

Date Received: \_\_\_\_\_ Received by: \_\_\_\_\_

- ☐ \$500 permit application deposit fee.
- ☐ Site Plan.
- ☐ A written statement of permission from the land-owner.
- ☐ The City of La Vista's *Accessory and Light Remodeling Permit* and \$150 permit application fee for Tent.
- ☐ The City of La Vista's *Sign Permit* application (maximum of four signs) and applicable fee.
- ☐ The City of La Vista's *Explosive Materials Storage Permit* and \$100 permit application fee.
- ☐ Statement of Proposed Community Betterment Expenditures.
- ☐ Three *Statements of Annual Income for Fireworks Sales*.
- ☐ Insurance certificate (due by 12:00 noon on June 25<sup>th</sup>).
- ☐ State Fire Marshal Certificate (due by 12:00 noon on June 25<sup>th</sup>).
- ☐ \$2,000 Permit Fee Balance (due by 12:00 noon on June 25<sup>th</sup>).

GILES RD.

SIGN

SIGN

DUMPSTER

PORTRA PATTY

INFLATABLE

SIGN

SIGN

TENT  
60' X 60'

NEED 25'  
MORE THAN  
20 FT

MORE THAN  
50 FT

CLUSTERS

25' MIN

MIN 15'

MORE THAN  
50 FT

PARKING

TYPE OF PARKING SURFACE

96th ST.

**B.H.I. INVESTMENT CO.**

11205 SO. 150<sup>TH</sup> ST., STE. 100

OMAHA, NE 68138

(402) 592-6942

Fax: 592-5381

December 23, 2009

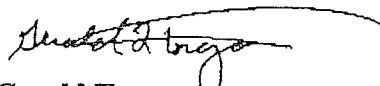
LaVista Youth Baseball Association  
Attn: Rick Dooley

Dear Rick,

B.H.I. INVESTMENT CO. gives permission to LaVista Youth Baseball Association to occupy the property of 96<sup>th</sup> & Giles from June 20, 2010 until July 6, 2010 unless the property is sold.

LaVista Youth Baseball Association has permission to set up a fireworks stand during this time.

Thank you,

  
Gerald Torczon





# City of La Vista

## Light Remodeling and Accessory Permit Application

8116 Park View Blvd, La Vista, NE 68128 Phone: 402-331-4343 Fax: 402-331-4375

The city is not responsible for permits taken out that were not allowable within your particular subdivision.

We suggest that you consult your subdivision covenants before applying for permits.

**\*\* 2003 IRC (Int'l Residential Code) - Adopted Feb. 13, 2006\*\***

Date of Application 12/8/09 Mail Permit to: (circle) Contractor Owner: \_\_\_\_\_ Permit # \_\_\_\_\_

Project Address: 96th + Gies  
Lot Number: 177 Subdivision Southwind Is this a rental property: Yes No

Print Applicant Name/Address: Randy Cahill / La Vista Youth Baseball Association  
8506 Birch Drive La Vista NE 68128 Phone #: 339-4385

Print Owner Name/Address: B.H.I. Development Inc.  
11205 S. 150th Ste 100 Omaha NE 68138 Phone #: 402-592-6942

Print Contractor Name/Address: Same as A Phone #: \_\_\_\_\_

### CALL BEFORE YOU DIG!

**UNDERGROUND HOT LINE 344-3565**

**FENCE:** Height: \_\_\_\_\_ Type: \_\_\_\_\_ Location: \_\_\_\_\_ Est. Materials: \$ \_\_\_\_\_ Fee: \$ \_\_\_\_\_

- Site plan required showing fence location, type and height
- Fence posts must be set in concrete 24" minimum depth for wood and chain link
- Fence location on or into fence owners property (may require survey).
- All wood pickets or boards to face to the outside
- Front yard fences need to be 12-1/2' from curb & no more than 4' high—open picket, split rail & chain link(2003 IRC)
- Sideyard fences, on a corner lot, need to be 12-1/2' from the curb or off the right of way

**SHED:** Height: \_\_\_\_\_ Type: \_\_\_\_\_ Location: \_\_\_\_\_ Est. Materials: \$ \_\_\_\_\_ Fee: \$ \_\_\_\_\_

- Site plan of property required showing shed location and spacing
- Shed **MUST BE** located a minimum of 5 feet from the rear and side property line/s.
- Concrete slab shed floor to have 1/2" dia. anchor bolts at max. 6'0" o.c. spacing for shed tie-down
- Wood floors of sheds must be provided with 4 shed tie-downs anchors to meet city code
- Maximum shed height 17', or less if restricted by local governing covenants (15').
- Shed **MUST BE** located a minimum of 6'0" from any structure, or fire proofed to meet city code.

**DECK:** Type: \_\_\_\_\_ Location: \_\_\_\_\_ Est. Materials: \$ \_\_\_\_\_ Fee: \$ \_\_\_\_\_

- Site plan of property showing house and deck location and size
- Deck drawing required showing the following:
  - a. Over-all deck size and stair location
  - b. Uncovered decks must be a distance of 15 feet from rear property lines; and, 5 feet from side property lines.
  - c. Decks must be 6 feet from any other detached structure
  - d. Post hole locations require 42" deep frost footings when attached to the house
  - e. Indicate size of wood beam on your drawing; and, know that column post sizes must be 6" x 6"
  - f. Indicate wood joist sizes and spacing measurement
  - g. Ledger beam attached to house with 1/2" dia. lag bolts that are 5" long (or equiv.) at 24" on center (staggered)
  - h. Galvanized joist hangers at ledger beam
  - i. Handrails to be 3'0" high with vertical spindle spacing not more than 4" apart
  - j. Stair detail as provided by City
  - k. Call for footing inspection once holes are dug, prior to filling. When project completed, call for final.

### CURB-CUT / DRIVEWAYS / SIDEWALK

Curb Cut Length: \_\_\_\_\_ Driveway Width: \_\_\_\_\_ Driveway Length: \_\_\_\_\_

Sidewalk Length: \_\_\_\_\_ Concrete Depth: \_\_\_\_\_ Fee: \$ \_\_\_\_\_

Driveways must meet specifications of City Code & **MUST** be inspected before pouring

### OTHER ACCESSORY PROJECTS

Describe Project: Test  
Length: 60' Width 60' # Door/s: \_\_\_\_\_ # Window/s: \_\_\_\_\_  
Etc: Setup 6/20/10 Tear-down 7/5/10 Fee: \$ 150.00

**Total of all FEES DUE: \$ 150.00**

Applicant certifies that this information has been read, understood and that projects will be constructed in compliance with all city ordinances; that all information is correct; and, that inspections will be requested.

Please phone 24 hours in advance for a final on all projects and any other inspections as noted above.

Signature of Applicant: [Signature] Date: 12/8/09

Approved By City Official: \_\_\_\_\_ Permit Clerk \_\_\_\_\_

Date of Approval: \_\_\_\_\_



# CITY OF LA VISTA

8116 Park View Boulevard

La Vista, NE 68128

(402) 331-4343

## SIGN PERMIT APPLICATION

### Attached to this application must be:

- A detailed drawing showing the layout, dimensions (including square feet), colors, and materials of the proposed sign(s).
- A building elevation showing the location of the sign and the dimensions of the business facade/wall on which the sign is located (Wall Signs ONLY)
- A plot plan of the site showing the location of the sign(s) relative to the property lines (ground monument, center ID, master signage plan, common signage plan). A Master Signage Plan or Common Signage Plan is required for any zoned lot on which an owner proposes to erect more than one sign requiring a permit.

Incomplete applications or applications without adequate drawings will cause a delay in the processing of your application.

Street Address of Sign Location: 96<sup>th</sup> & G.les Legal description: lot 177 southwind

Name of Development Southwind

### Applicant Information

Company Name: La Vista Youth Baseball Association Contact: Randy Cahill

Address: 8506 Birch Dr. City: La Vista State NE Zip 68128

Phone: 339-4385 Fax: \_\_\_\_\_ E-mail: LaVistaPanthers@yahoo.com

### Business/Organization (that is the subject of the sign)

Company Name: Same as above Contact: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ E-mail: \_\_\_\_\_

### Sign Type

☐ Wall ☐ Monument ☐ Center Identification ☐ Construction ☐ Subdivision Sign ☒ Temporary sign

☐ Master Signage Plan ☐ Common Signage Plan ☐ Other, please indicate \_\_\_\_\_

Message on Sign(s): Fireworks sales

Dates of sign/s display: 6-24-10 through 7-4-10

Illumination: ☒ None ☐ Internal ☐ External If yes, describe \_\_\_\_\_

Estimated cost of sign(s): \$65.00/sign Are any existing signs at this location to remain? ☐ Yes ☒ No

Total number and types of signs at this business location \_\_\_\_\_

Is the location for this sign part of a shopping center, office park, or industrial park? ☐ Yes ☒ No

If yes, describe and name: \_\_\_\_\_

### Sign Size 4 signs total as noted on site plan

Sign width 4' Sign length 8' Total square feet 32 Height from grade to top of sign 6 ft.

Setback from nearest property line 25 ft.

(Wall Signs)

Business facade width \_\_\_\_\_ ft. Height \_\_\_\_\_ ft. Total business facade area \_\_\_\_\_ sq. ft.

Side of Building ☐ North ☐ South ☐ East ☐ West Number of sides lot/bay abutting street \_\_\_\_\_

### Applicant's Signature

I believe that all of the information on this application and on drawings submitted in support of this application is accurate. I understand that any sign which is installed that is inconsistent or in conflict with this application, the supporting drawings, or the sign regulations contained in the City's Unified Development Ordinance is a violation of the City of La Vista municipal code. I further understand that the inadvertent approval of a sign application by the City that is not in compliance with the sign regulations does not create any legal nonconforming status nor does it remove any obligation to bring the sign into compliance. I understand that no sign shall be installed until a sign permit has been approved by the City of La Vista and the associated sign fee has been paid. Once a sign permit has been approved, all sign installation work must be completed in six months or the permit will expire.

[Signature]  
(Signature of Applicant)

12/08/09  
(Date)

### Office Use Only

Rec'd By	Date Rec'd	# of Temp Signs this Year	Zoning at Sign Site at site

Sign Permit Fee	Plan Fee	Total Fee

☐ Approved ☐ Disapproved By: \_\_\_\_\_ Date: \_\_\_\_\_

Reason(s) for disapproval \_\_\_\_\_

**CITY OF LA VISTA, NEBRASKA**  
**PERMIT APPLICATION EXPLOSIVE MATERIALS STORAGE**

Pursuant to §91.46 of the La Vista Municipal Code any person desiring to store or keep for any period of time explosive materials defined in Neb. RS 28-1213, shall file with the City Clerk an application for an explosive material storage permit.

PLEASE TYPE OR PRINT CLEARLY

Name of Applicant Randy Cahill Today's Date 12/8/09

Age of Applicant over age 25

Street Address 8506 Birch Drive

City La Vista State NE Zip 68128

Phone (daytime) 339-4385 (evening) 871-6071

Name of Employer University of Nebraska Medical Center

Street Address of Employer 987680 Nebraska Medical Center

City Omaha State NE Zip 68198

Have you been instructed in the use of Explosives ☒ yes ☐ no

If yes, by whom? The Distributor

What type of instruction Sales, safety, and storage

Date of instruction 6/09 Length of time of instruction 2 hours

List your experience in the use of explosives, giving three distinct examples of the type and usage you have personally done

1 year experience in the sales of class "C" consumer fireworks

safety of class "C" consumer fireworks

storage of class "C" consumer fireworks

List the type of explosives you have been trained on and used \_\_\_\_\_

CLASS "C" consumer fireworks

Enclose copies of any training certificate, explosive permits from other states or other pertinent documentation.

**CERTIFICATION AND RELEASE**

I certify that all information and statements contained herein are complete and true to the best of my knowledge and belief. I understand that any false information, omissions or misrepresentations of facts called for in this application may result in denial of my permit. I authorize the City and/or its agents, to verify any of this information. I authorize all persons, companies and government authorities to release any information relating to this application and hereby release any said persons, companies and government authorities from any liability for any damage whatsoever for issuing this information.

[Signature]  
Signature of Applicant

Randall J. Cahill  
Printed Name of Applicant

FOR CITY HALL USE ONLY

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

Received by: \_\_\_\_\_

☐ \$100 permit application fee.

**CITY OF LA VISTA, NEBRASKA**  
**STATEMENT OF PROPOSED COMMUNITY BETTERMENT EXPENDITURES**

Pursuant to §111.17 of the La Vista Municipal Code, only nonprofit organizations using volunteer salespersons are eligible for a permit to sell fireworks and net proceeds must be used for community betterment purposes within the City of La Vista.

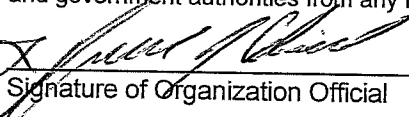
**PLEASE TYPE AND LIMIT STATEMENT TO THIS PAGE ONLY**

Name of Nonprofit Organization LaVista Youth Baseball Association

- Youth Scholarships
- Uniforms for approximately 75 children
- Equipment
- Umpire fees
- Field Improvements
- Facility Improvements
- Community Service Projects

**CERTIFICATION AND RELEASE**

I certify that all information and statements contained herein are complete and true to the best of my knowledge and belief. I understand that any false information, omissions or misrepresentations of facts called for in this application may result in denial of my permit. I authorize the City and/or its agents, to verify any of this information. I authorize all persons, companies and government authorities to release any information relating to this application and hereby release any said persons, companies and government authorities from any liability for any damage whatsoever for issuing this information.

  
 Signature of Organization Official

Randall J. Cahill  
 Printed Name of Organization Official

\_\_\_\_\_  
 Title of Organization Official

**CITY OF LA VISTA, NEBRASKA**  
**STATEMENT OF ANNUAL INCOME FOR FIREWORKS SALES**  
**IN PERMIT YEAR 2009**

Pursuant to §111.17 of the La Vista Municipal Code only nonprofit organizations using volunteer salespersons are eligible for a permit to sell fireworks and net proceeds must be used for community betterment purposes within the City of La Vista.

*Net proceeds shall mean gross sales less the cost of fireworks, permit fee, rental or lease expense, advertising and similar costs of operation of the fireworks stand. Volunteer salespersons shall be used and any remuneration paid or given to persons performing services in connection with the sale of fireworks shall not be deemed a cost of operation and cannot be deducted from gross sales as an expense in determining net proceeds.*

**PLEASE TYPE OR PRINT CLEARLY**

Name of Nonprofit Organization La Vista Youth Baseball Association

**Annual Income**

Gross Fireworks Sales

86,176.62

**Expenses**

Wholesale Cost of Fireworks

41,891.03

(please provide copy of invoice)

State Sales Tax

5,637.72

Permit Fees:

Local

2,870.00

State

25.00

Insurance

2,144.73

Rent or Lease Expenses

6,000.00

Advertising

2,785.05

Miscellaneous (please describe)

Text →

Utilities, usage & installation

2,278.01

- Lights, Electrical & phone

Registers, Tablets, Credit card machine

2,573.69

- Fire safety & other equipment

Product shrink, Bad checks or

4,861.11

- Credit cards, Discounts to members

3,627.50

- Security

1,000.00

Total Expenses

74,693.84

Net Proceeds (profits)

11,482.78

♦♦♦♦♦

# Permit Year 2010

## Annual Expenditures of Net Proceeds

Date	Project Description or Event & Who Participated	Location	Cost
4/5/09	check # 1260 - city of La Vista	La Vista	300.00
	Easter egg hunt		
4/17/09	Scholarship for local youth	La Vista	1,200.00
5/15/09	check # 1254 - Garretts cause Donation (injured local youth)	La Vista	100.00
6/1/09	check # 1240 - Equipment purchase	Omaha / LeVista	10,931.00
	Prime time Sporting Goods		
6/30/09	Tournament fees throughout season		7000.00
	multiple / USSSA Baseball		
7/20/09	check # 1379 city of LeVist	LeVista	4,430.00
	field usage fees		
12/1/09	Cash Donation - Lorrie Whenhoff	La Vista	500.00
	memorial		

No sales prior to 2009

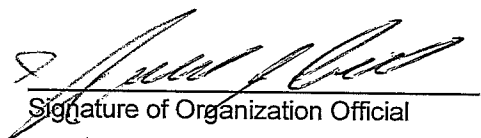
## Total Community Betterment Expenditures

24,371.00

Please detail costs associated with projects and/or events.

**CERTIFICATION AND RELEASE**

I certify that all information and statements contained herein are complete and true to the best of my knowledge and belief. I understand that any false information, omissions or misrepresentations of facts called for in this application may result in denial of my permit. I authorize the City and/or its agents, to verify any of this information. I authorize all persons, companies and government authorities to release any information relating to this application and hereby release any said persons, companies and government authorities from any liability for any damage whatsoever for issuing this information.

  
Signature of Organization Official

Chairman  
Title of Organization Official

Randall J. Cahill  
Printed Name of Organization Official

  
Signature of Organization Official

Treasurer  
Title of Organization Official

Karen K Cahill  
Printed Name of Organization Official

**ACORD™ CERTIFICATE OF LIABILITY INSURANCE**

DATE (MM/DD/YYYY)

12/22/2009

PRODUCER Phone: 440-248-4711 Fax: 440-248-5406  
Britton-Gallagher and Associates, Inc.  
6240 SOM Center Rd.  
Cleveland OH 44139

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

**INSURERS AFFORDING COVERAGE**

NAIC #

**INSURED**

Bellino Fireworks Inc  
501 Olson Drive, St 210  
Papillion NE 68046

INSURER A: Lexington Insurance Co

INSURER B:

INSURER C:

INSURER D:

INSURER E:

**COVERAGES**

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR ADD'L LTR	INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A		<b>GENERAL LIABILITY</b> <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input checked="" type="checkbox"/> LOC	5379100-02	5/4/2010	5/4/2011	EACH OCCURRENCE \$1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$50,000 MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$1,000,000 GENERAL AGGREGATE \$2,000,000 PRODUCTS - COMP/OP AGG \$2,000,000
		<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS				COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
		<b>GARAGE LIABILITY</b> <input type="checkbox"/> ANY AUTO				AUTO ONLY - EA ACCIDENT \$ OTHER THAN EA ACC \$ AUTO ONLY: AGG \$
		<b>EXCESS/UMBRELLA LIABILITY</b> <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE  DEDUCTIBLE RETENTION \$				EACH OCCURRENCE \$ AGGREGATE \$ \$ \$ \$
		<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below				WC STATU-TORY LIMITS <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
		<b>OTHER</b>				

**DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS**

Location: 96th & Giles LaVista Ne.  
Lot 177 Southwind  
Additional Insured:  
City of LaVista Ne.  
LaVista Youth Baseball Association  
BHI Development Inc.  
See Attached...


**CERTIFICATE HOLDER**

Bellino Fireworks Inc.  
501 Olson Drive Suite 210  
Papillion NE 68046

**CANCELLATION**

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE





**DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS / SPECIAL PROVISIONS**

Gerald L. Torczon  
Donald J. & Valerie R. Bellino

## Nebraska State Fire Marshal's Online Fireworks License Application

## APPLICATION COMPLETE:

[Click here to print your receipt](#)

Your application has been completed.  
Upon approval, you will receive your permit within the next 14 business days.

Please print this page as a record of your request and payment.

Need the [Rules for Retail Sales of Fireworks?](#)

**\*\* This is not a license \*\***

Your Pending Application Order Verification Number Is:

115782

To make a change to your application, please call (402) 471-2011

## PRICE TOTAL:

1 Retail Stand(s) @ \$25.00 per stand: \$	25.00
Total: \$	25.00

LeViste Youth Baseball



# NEBRASKA STATE FIRE MARSHAL

246 South 14th Street  
Lincoln, NE 68508-1804

## LICENSE FOR SALE OF FIREWORKS

Permissible fireworks may be sold at retail commencing 12:01 AM June 25 and ending 11:59 PM July 4 and must be purchased from a licensed distributor or jobber. A jobber may not sell retail. Invoice copies for all fireworks must be kept available for inspection and must show the license number of the distributor or jobber. Fireworks may not be sold outside the city limits of an incorporated town or village. Violations of State Fire Marshal regulations may result in immediate revocation of this license.

### LICENSE GOOD ONLY FOR JUNE 25 - JULY 4 OF YEAR LICENSE ISSUED

This copy signed, dated and numbered by the STATE FIRE MARSHAL constitutes issuance of a LICENSE pursuant to the provisions of Nebraska Revised Statute 28-1246 (1994 Supp.). Such license shall be displayed at licensee's place of business.

#### DATE RECEIVED:

1/13/2010

All regulations can be found at our  
website: <http://www.sfm.ne.gov>.

#### TYPE OF LICENSE AND FEE:

RETAILER

\$25

#### LOCATION OF OUTLET FOR RETAIL SALE OF FIREWORKS:

Stand#: 2010-RP-115782-720-RL-001

96TH AND GILES  
LAVISTA

COUNTY

SARPY

#### STORAGE LOCATION:

96TH AND GILES  
LAVISTA

SARPY

#### DISTRIBUTOR(S)/JOBBER:

BELLINO FIREWORKS INC

#### SALES TAX NUMBER:

001-010561412

#### DATE ISSUED:

1/25/2010

STATE FIRE MARSHAL

#### LICENSE HOLDER:

LAVISTA YOUTH BASEBALL ASSOCIATION  
501 OLSON DRIVE, SUITE 210

PAPILLION

NE 68046-

#### LICENSE NUMBER

2010-RP-115782-720

**CITY OF LA VISTA, NEBRASKA  
PERMIT APPLICATION  
SALE OF PERMISSIBLE FIREWORKS**

Pursuant to §111.17 of the La Vista Municipal Code it shall be unlawful for any person to sell, hold for sale or offer for sale any permissible fireworks within the corporate limits of the City of La Vista unless such person has first obtained a permit. Only nonprofit organizations and associations using volunteer salespersons and which will use the net proceeds from the sale of fireworks for community betterment purposes within the City of La Vista shall be eligible for a permit.

**PLEASE TYPE OR PRINT CLEARLY**

Name of Nonprofit Organization: Cornerstone Church, SBC, a Nebraska non-profit corporation Today's Date: 1/12/10

Street Address: 9505 Harrison Street

City La Vista

State NE

Zip 68128

Contact Person Jim Hayes, Senior Pastor and Registered Agent Phone (daytime) 592-1226(evening) 490-2246

**APPLICANT READ**

This permit application is used by the City Council to evaluate your organization's qualifications for a Fireworks Permit. Please answer all questions completely and accurately. Failure to submit the application pursuant to the deadlines contained herein or submission of an incomplete application may result in denial of a permit. The City is not responsible for determining whether your application is complete at the time of submission nor will you be allowed to submit additional information after the deadlines noted herein.

**To be eligible for City Council review, each application submittal must include the following in one packet:**

- ✓ Completed Permit Application Form and a \$500 permit application deposit fee received at City Hall, 8116 Park View Boulevard, La Vista, NE, 68128, no later than noon on January 15 of the permit year (or the next business day if January 15 falls on a weekend or holiday). If your permit is denied, \$400 of this fee will be refunded to your organization. If you are issued a permit, the remaining amount of the permit application fee as established in the Master Fee Ordinance will be due and payable to the City of La Vista no later than noon on June 25 of the permit year to receive permit.
- ✓ A site plan on 8 1/2 " x 11" paper which details the dimensions, location and distance between all proposed components of your group's fireworks stand (including but not limited to: tent, storage, garbage, portable restrooms, signs, parking, etc.) The site plan must be neat and legible, with an attempt made to show components as close to scale as possible.
- ✓ A signed statement from the land-owner where your proposed fireworks sales will occur granting permission to your organization to utilize the property (written permission from retail store managers is not acceptable).
- ✓ The City of La Vista's *Accessory and Light Remodeling Permit* and the permit application fee as established in the Master Fee Ordinance must be received at City Hall no later than noon on January 15 of the permit year (or the next business day if January 15 falls on a weekend or holiday), for your tent (please note, no more than one tent is allowed). Your permit must note the proposed date and time of your site set up. Please contact the Chief Building Official for assistance in completing this permit. If your permit application is denied, this fee will be refunded.
- ✓ The City of La Vista's *Sign Permit* and the permit application fee per sign (maximum of four), as established in the Master Fee Ordinance must be received at City Hall no later than noon on January 15 of the permit year (or the next business day if January 15 falls on a weekend or holiday), for any and all temporary signage. (The size and location of signs must be in compliance with the City's zoning regulations regarding temporary signs.) Please contact the Chief Building Official for assistance in completing this permit. If your permit is denied, this fee will be refunded.
- ✓ The City of La Vista's *Explosive Materials Storage Permit* and the permit application fee as established in the

Master Fee Ordinance must be received at City Hall no later than noon on January 15 of the permit year (or the next business day if January 15 falls on a weekend or holiday). If your permit is denied, \$100 of this fee is refunded to your organization.

- ✓ A signed City of La Vista *Statement of Proposed Community Betterment Expenditures* from your organization describing in detail how net proceeds from the sale of fireworks will be used for Community Betterment in the City of La Vista must be received at City Hall no later than noon on January 15 of the permit year (or the next business day if January 15 falls on a weekend or holiday).
- ✓ If your organization has held a permit in any of the three (3) years preceding this application, a City of La Vista *Statement of Annual Income for Fireworks Sales* must be completed for each of the three years and received at City Hall no later than noon on January 15 of the permit year (or the next business day if January 15 falls on a weekend or holiday).
- ✓ If the permit is approved your organization will need to furnish to City Hall no later than noon on June 25th of the permit year an insurance certificate meeting the requirements outlined in City Code.
- ✓ If the permit is approved your organization will need to furnish to City Hall no later than noon on June 25th of the permit year, the balance of the permit fee in the amount of \$2,000 and a State Fire Marshal Certificate meeting the requirements outlined in City Code.

#### CERTIFICATION AND RELEASE

I certify that I have read and understand the "Applicant Read" paragraph on page one of this permit application and that all information, statements, materials and permits submitted as a part of this Permit Application are complete and true to the best of my knowledge and belief. I understand that any false information, omissions or misrepresentations of facts called for in this application may result in denial of my permit. I authorize the City and/or its agents, to verify any of this information. I authorize all persons, companies and government authorities to release any information relating to this application and hereby release any said persons, companies and government authorities from any liability for any damage whatsoever for issuing this information. I also understand that the use or sales of illegal fireworks is prohibited. I hereby further provide written assurance that this organization will file a certificate of insurance issued by an insurance company in good standing, authorized to do business in Nebraska, providing liability insurance in the amounts and for the coverages required by the City Council. I understand this certificate of insurance is a condition of issuance of the permit.

  
Signature and Title of Organization Official

JIM HAYES  
Printed Name of Organization Official

#### FOR CITY HALL USE ONLY

Date Received: \_\_\_\_\_ Received by: \_\_\_\_\_

- ☐ \$500 permit application deposit fee.
- ☐ Site Plan.
- ☐ A written statement of permission from the land-owner.
- ☐ The City of La Vista's *Accessory and Light Remodeling Permit* and \$150 permit application fee for Tent.
- ☐ The City of La Vista's *Sign Permit* and \$30 permit application fee per sign, (maximum of four) for temporary signage.
- ☐ The City of La Vista's *Explosive Materials Storage Permit* and \$100 permit application fee.
- ☐ Statement of Proposed Community Betterment Expenditures.
- ☐ Three *Statements of Annual Income for Fireworks Sales*.
- ☐ Insurance certificate (due June 25<sup>th</sup>).
- ☐ State Fire Marshal Certificate (due June 25<sup>th</sup>).
- ☐ \$2,000 Permit Fee Balance (due June 25<sup>th</sup>).

**CITY OF LA VISTA, NEBRASKA**  
**STATEMENT OF PROPOSED COMMUNITY BETTERMENT EXPENDITURES**

Pursuant to §111.17 of the La Vista Municipal Code, only nonprofit organizations using volunteer salespersons are eligible for a permit to sell fireworks and net proceeds must be used for community betterment purposes within the City of La Vista.

**PLEASE TYPE AND LIMIT STATEMENT TO THIS PAGE ONLY**

Name of Nonprofit Organization: Cornerstone Church, SBC, a Nebraska non-profit corporation

Cornerstone Church has been an active and outstanding member and contributor to the City of La Vista for over 25 years. Located on the southeast corner of 96<sup>th</sup> & Harrison it has provided an excellent location for local baseball teams to play baseball. Cornerstone has a baseball field located on it's Property and has donated this field to many La Vista little league teams to use at their convenience. Cornerstone would like to utilize some of the proceeds that it will receive to maintain the integrity of this baseball field so that it can continue to be enjoyed by the La Vista baseball community for many years to come.

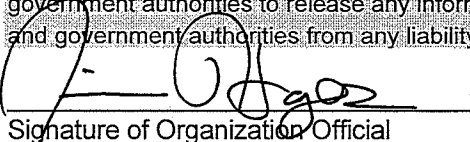
Cornerstone has also participated in 9<sup>th</sup> Inning Ministries which promotes Christian Values and encourages personal responsibility. This ministry has helped a countless number of La Vista and other regional youth in setting a course of positive behavior and dedication in their lives.

Cornerstone has participated in numerous prayer gatherings and organized community events every year in the City of La Vista.

Cornerstone, as well as many local businesses, have felt the impact of this current recession. Having the opportunity of being able to raise additional funds through firework sales could make the difference in keeping the programs that Cornerstone has and will participate in a viable option for the future.

**CERTIFICATION AND RELEASE**

I certify that all information and statements contained herein are complete and true to the best of my knowledge and belief. I understand that any false information, omissions or misrepresentations of facts called for in this application may result in denial of my permit. I authorize the City and/or its agents, to verify any of this information. I authorize all persons, companies and government authorities to release any information relating to this application and hereby release any said persons, companies and government authorities from any liability for any damage whatsoever for issuing this information.

  
 Signature of Organization Official

JIM HAYES  
 Printed Name of Organization Official

SENIOR PASTOR / REGISTERED AGENT  
 Title of Organization Official

**CITY OF LA VISTA, NEBRASKA**  
**STATEMENT OF ANNUAL INCOME FOR FIREWORKS SALES**  
**IN PERMIT YEAR 2010**

Pursuant to §111.17 of the La Vista Municipal Code only nonprofit organizations using volunteer salespersons are eligible for a permit to sell fireworks and net proceeds must be used for community betterment purposes within the City of La Vista.

*Net proceeds shall mean gross sales less the cost of fireworks, permit fee, rental or lease expense, advertising and similar costs of operation of the fireworks stand. Volunteer salespersons shall be used and any remuneration paid or given to persons performing services in connection with the sale of fireworks shall not be deemed a cost of operation and cannot be deducted from gross sales as an expense in determining net proceeds.*

**PLEASE TYPE OR PRINT CLEARLY**

Name of Nonprofit Organization Cornerstone Church, a Nebraska non-profit corporation

**Annual Income**

Gross Fireworks Sales

**Not Applicable-we have not sold fireworks in the past**

**Expenses**

Wholesale Cost of Fireworks

(please provide copy of invoice)

State Sales Tax

Permit Fees:

Local

State

Insurance

Rent or Lease Expenses

Advertising

Miscellaneous (please describe)

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

Total Expenses

Net Proceeds (profits)

◆◆◆◆◆

**NOT APPLICABLE**

### Project Description or Event & Who Participated

## Location

**Cost**

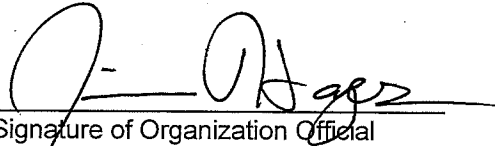
### Total Community Betterment Expenditures

Please detail costs associated with projects and/or events.



**CERTIFICATION AND RELEASE**

I certify that all information and statements contained herein are complete and true to the best of my knowledge and belief. I understand that any false information, omissions or misrepresentations of facts called for in this application may result in denial of my permit. I authorize the City and/or its agents, to verify any of this information. I authorize all persons, companies and government authorities to release any information relating to this application and hereby release any said persons, companies and government authorities from any liability for any damage whatsoever for issuing this information.



Signature of Organization Official

JIM HAYES

Printed Name of Organization Official

SENIOR PASTOR/REGISTERED AGENT

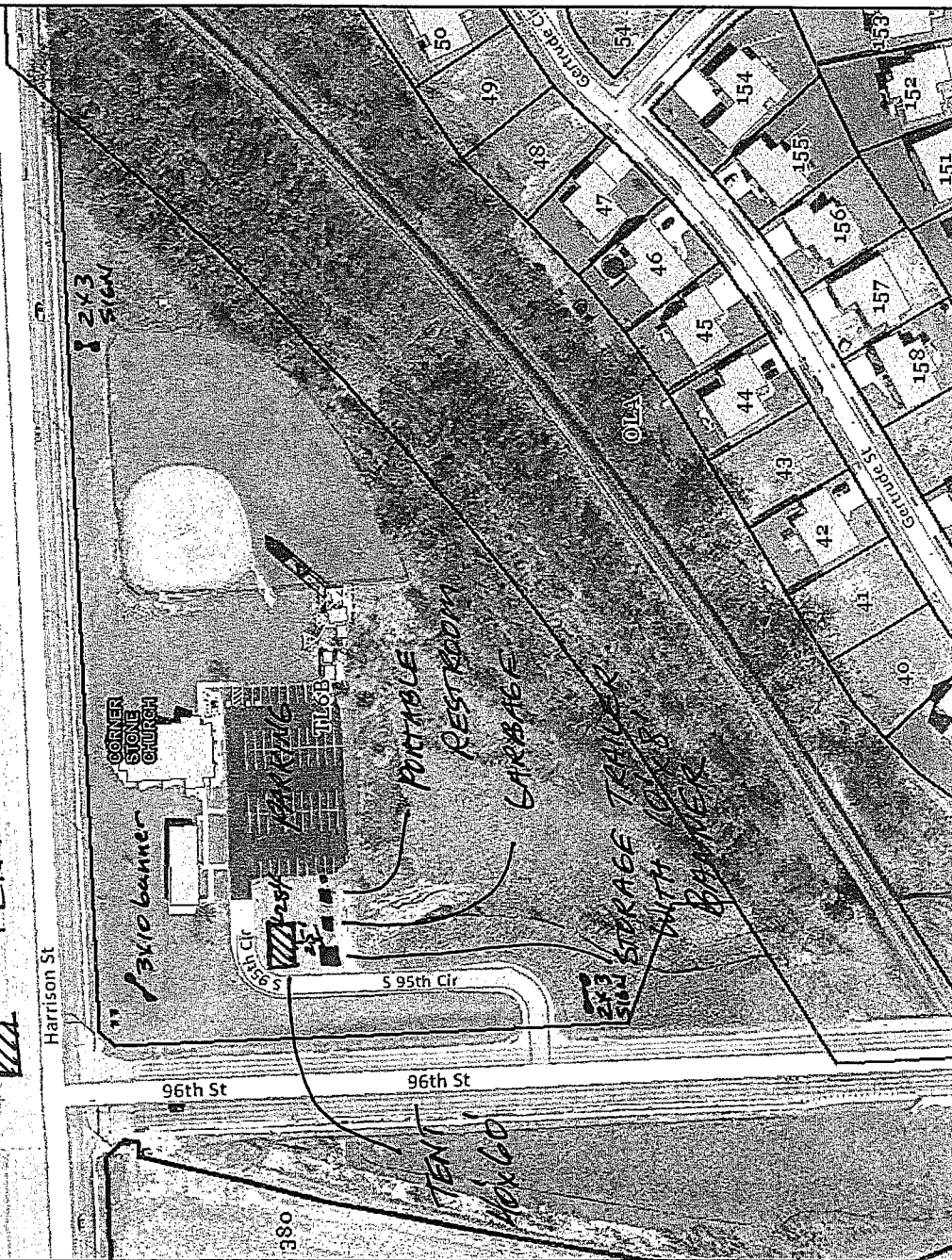
Title of Organization Official

\_\_\_\_\_  
Signature of Organization Official

\_\_\_\_\_  
Printed Name of Organization Official

\_\_\_\_\_  
Title of Organization Official

1. ALL SIGNS TO BE 25' OFF PROPERTY LINES.
  2. ALL STORAGE (FIREWORKS), GARBAGE AND PORTABLE RESTROOMS TO BE 25' SOUTH OF TENT
  3. TENT 40' x 60'
  4. TWO 2x3 SIGNS AND A 3'x10' BANNER / 10'x8' BANNER
- MAX. SIZE GR TEMP SIGN IS 32 sq ft.
- VA - TENT



# City of La Vista, Nebraska

## Agreement to Conditions of Permit to Sell Permissible Fireworks



Name of Nonprofit Organization (Permit Holder): Cornerstone Church, a Nebraska non-profit corporation.

Following are terms and conditions of the permit issued by the City of La Vista, Nebraska, to Permit Holder to sell permissible fireworks.

Permit Holder agrees to all of the terms and conditions, as well as all terms, conditions, requirements and provisions of any application made by Permit Holder, State Statute, the La Vista Municipal Code and any other applicable laws, rules or regulations, or requirements of the City as established and amended from time to time with respect to applications, permits or operation of fireworks stands, ("Requirements"), all of which are incorporated herein by this reference. If any ambiguity or conflict in, between, or among any Requirements ever arises, the terms conditions, documents, instruments, laws, rules, regulations, requirements or interpretations most beneficial to the City and its interests shall prevail and control.

Pursuant to §111.17 of the La Vista Municipal Code it shall be unlawful for any person to sell, hold for sale or offer for sale any permissible fireworks within the corporate limits of the City of La Vista unless such person has first obtained a permit from the City. Only nonprofit organizations and associations using volunteer salespersons and which will use the net proceeds from the sale of fireworks for community betterment purposes within the City of La Vista shall be eligible for a permit. Permit holders shall be subject to State Statute, the Municipal Code, as well as all conditions contained herein and other applicable requirements.

The City Clerk will review applications and recommend to the City Council those organizations to be issued permits. When reviewing applications, the City Clerk shall use a point system as established in §111.17 of the La Vista Municipal Code that allocates points based on specific application criteria, as well as deducts points for application deficiencies or violations of Requirements by an applicant in any prior years. The City Council shall make the final determination of the organizations to be issued permits.

A permit shall be valid only for the manner, scope and period specified in the permit. The permit will automatically terminate on the specified ending date without any action required of either party, unless earlier surrendered or revoked. Permit holders shall not have any right to or expectation of receiving a permit or operating a fireworks stand in the City in any future year or period. Violation of any of the Requirements will, at the election of the City, result in the surrender of the permit to sell fireworks and/or will make the Permit Holder ineligible for a future permit. Notwithstanding anything herein to the contrary, permits are revocable at the will of the City, at any time, with or without cause.

**Conditions of the Permit:** Not in limitation of any other Requirements, the following conditions apply to permits for the sale of permissible fireworks:

- ☒ Permit application was submitted by the annual deadline and was complete at the time of submission.
- ☒ Parking for the site complies with City requirements.
- ☒ Site is in compliance with site plan approved by the City of La Vista in regard to the dimensions and location of all proposed components for the Permit Holder's fireworks sales operation (including, but not limited to, tent, storage, garbage, portable restrooms, parking, etc.)
- ☒ A signed statement from the land-owner where the proposed fireworks sales will occur, granting permission for use of the property has been submitted. (Written permission from retail store managers is not acceptable.)

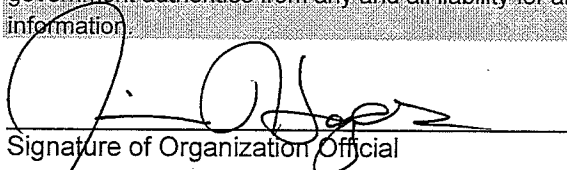
- ☒ The purchase, transportation, stocking, sale and storage of all explosive materials is in compliance with the orders and directions of the State Fire Marshal. No illegal materials, as determined by the State Fire Marshal or the La Vista Fire Chief shall be sold or displayed.
- ☒ All permit fees have been paid in full within established deadlines (see application).
- ☒ Insurance certificates and State Fire Marshal Certificates meeting the requirements outlined in City Code, will be provided within established deadlines (see application).
- ☒ The Permit Holder will utilize net proceeds for Community Betterment purposes as outlined in the City Code.
- ☒ Operation of the stand shall in all respects be in accordance with all Requirements.

### CERTIFICATION AND RELEASE

By signing below, we acknowledge and certify for ourselves and on behalf of the nonprofit organization Permit Holder that we have read and fully understand and agree to all terms and conditions of this Agreement. Not in limitation of the foregoing, we further acknowledge, understand, certify and agree that:

1. The nonprofit organization Permit Holder will comply with all Requirements including, but not limited to, the conditions of this Agreement, prior to, during and after issuance of a permit and operation of the fireworks stand;
2. The nonprofit organization Permit Holder will be fully and solely responsible and liable for and releases the City and holds it harmless from, and indemnifies the City against, any and all liabilities, losses, costs and expenses whatsoever arising out of or resulting from the permit or operation of the fireworks stand;
3. The nonprofit corporation Permit Holder will, upon the election of the City, surrender its permit to sell fireworks for any violation of this Agreement or other applicable Requirements, and/or be ineligible for future permits;
4. The sale of fireworks to the public and the distribution of community betterment proceeds from the sale of fireworks is a significant responsibility, carrying with it significant risks;
5. Providing any false information or making any omissions or misrepresentations of facts in any application, request, inquiry or investigation for, of, or related to any permit or activities or operations of the Permit Holder, will, at the election of the City Council, result in surrender of the permit and/or denial of a future permit.

We authorize the City and/or its agents to contact such persons and obtain such information as the City determines in its sole discretion necessary or appropriate to review or consider the Permit Holder's application, operations, activities or compliance with this Agreement or any other Requirements. We authorize all persons, entities and government authorities to release any information to the City and/or its agents and hereby release all said persons, entities and government authorities from any and all liability for any damage whatsoever for releasing or providing any such information.

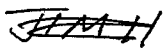
  
Signature of Organization Official

*SENIOR PASTOR / REGISTERED AGENT*  
Title of Organization Official

*JIM HAYES*  
Printed Name of Organization Official

*592-1226*  
Daytime Telephone #

*490-2246*  
Evening Telephone #

  
Signature of Organization Official

\_\_\_\_\_  
Title of Organization Official

\_\_\_\_\_  
Printed Name of Organization Official

\_\_\_\_\_  
Daytime Telephone #

\_\_\_\_\_  
Evening Telephone #

**CITY OF LA VISTA, NEBRASKA**  
**PERMIT APPLICATION EXPLOSIVE MATERIALS STORAGE**

Pursuant to §91.46 of the La Vista Municipal Code any person desiring to store or keep for any period of time explosive materials defined in Neb. RS 28-1213, shall file with the City Clerk an application for an explosive material storage permit.

PLEASE TYPE OR PRINT CLEARLY

Name of Applicant CONERSTONE CHURCH, SBC, Today's Date 1/6/10  
a NE. NON-PROFIT CORP.

Age of Applicant 50

Street Address 9505 HARRISON ST., ~~LA VISTA~~

City LA VISTA State NE Zip 68128

Phone (daytime) 592-1226 (evening) 490-2246

WHOLESALE DISTRIBUTOR  
Name of Employer DAN WILLIAMS - WILD WILLY'S FIREWORKS

Street Address of Employer 7913 HIDDEN VALLEY DRIVE

City PAPILLION State NE Zip 68046

Have you been instructed in the use of Explosives ☐ yes ☒ no HOWEVER, DISTRIBUTOR HAS EXTENSIVE FIREWORKS EXPERIENCE

If yes, by whom? \_\_\_\_\_

What type of instruction \_\_\_\_\_

Date of instruction \_\_\_\_\_ Length of time of instruction \_\_\_\_\_

DISTRIBUTOR:  
List your experience in the use of explosives, giving three distinct examples of the type and usage you have personally done

DAN WILLIAMS IS A MEMBER OF PGI - PYROTECHNICS GUILD  
INTERNATIONAL; MEMBER OF NFA - NATIONAL FIREWORKS ASSOCIATION;  
SALES AND DISTRIBUTION OF FIREWORKS - 4 YEARS; ATTENDEE OF THE  
CPSC SEMINAR 2009; ATTENDEE/SHOOTER - NE. STATE FIRE MARSHALL DEMO SEMINAR  
List the type of explosives you have been trained on and used ALL CLASS C AND SOME 2009.

CLASS B - DAN WILLIAMS

Enclose copies of any training certificate, explosive permits from other states or other pertinent documentation.

**CERTIFICATION AND RELEASE**

I certify that all information and statements contained herein are complete and true to the best of my knowledge and belief. I understand that any false information, omissions or misrepresentations of facts called for in this application may result in denial of my permit. I authorize the City and/or its agents, to verify any of this information. I authorize all persons, companies and government authorities to release any information relating to this application and hereby release any said persons, companies and government authorities from any liability for any damage whatsoever for issuing this information.

Signature of Applicant [Signature]

JIM HAYES  
Printed Name of Applicant

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

FOR CITY HALL USE ONLY

Received by: \_\_\_\_\_

☐ \$100 permit application fee.



# City of La Vista

## Light Remodeling and Accessory Permit Application

8116 Park View Blvd, La Vista, NE 68128 Phone: 402-331-4343 Fax: 402-331-4375

The city is not responsible for permits taken out that were not allowable within your particular subdivision.

We suggest that you consult your subdivision covenants before applying for permits.

**\*\* 2003 IRC (Int'l Residential Code) - Adopted Feb. 13, 2006 \*\***

Date of Application 1/6/10 Mail Permit to: (circle) Contractor Owner Permit # \_\_\_\_\_

Project Address: 9505 HARRISON STREET, LA VISTA, NE 68128  
Lot Number: \_\_\_\_\_ Subdivision \_\_\_\_\_ Is this a rental property: Yes No

Print Applicant Name/Address: CORNERSTONE CHURCH, 9505 HARRISON ST., LA VISTA, NE 68128 Phone #: 592-1226

Print Owner Name/Address: BIG RED FIREWORKS, LLC - DENNIS HOTH, 11213 DAVENPORT ST, ST. 300, OMAHA, NE 68154 Phone #: 697-5845

Print Contractor Name/Address: FUND WAYS, INC., 4990 G STREET, OMAHA, NE 681 Phone #: \_\_\_\_\_

### CALL BEFORE YOU DIG!

UNDERGROUND HOT LINE 344-3565

**FENCE:** Height: \_\_\_\_\_ Type: \_\_\_\_\_ Location: \_\_\_\_\_ Estimate cost: \$ \_\_\_\_\_ Fee: \$ \_\_\_\_\_

- Site plan required showing fence location, type and height
- Fence posts must be set in concrete 24" minimum depth for wood and chain link
- Fence location on or into fence owners property (may require survey).
- All wood pickets or boards to face to the outside
- Front yard fences need to be 12-1/2' from curb & no more than 4' high—open picket, split rail & chain link(2003 IRC)
- Sideyard fences, on a corner lot, need to be 12-1/2' from the curb or off the right of way

**SHED:** Height: \_\_\_\_\_ Type: \_\_\_\_\_ Location: \_\_\_\_\_ Estimate cost: \$ \_\_\_\_\_ Fee: \$ \_\_\_\_\_

- Site plan of property required showing shed location and spacing
- Shed **MUST BE** located a minimum of 5 feet from the rear and side property line/s.
- Concrete slab shed floor to have 1/2" dia. anchor bolts at max. 6'0" o.c. spacing for shed tie-down
- Wood floors of sheds must be provided with 4 shed tie-downs anchors to meet city code
- Maximum shed height 17', or less if restricted by local governing covenants (15').
- Shed **MUST BE** located a minimum of 6'0" from any structure, or fire proofed to meet city code.

**DECK:** Type: \_\_\_\_\_ Location: \_\_\_\_\_ Estimated Cost: \$ \_\_\_\_\_ Fee: \$ \_\_\_\_\_

- Site plan of property showing house and deck location and size
- Deck drawing required showing the following:
  - Over-all deck size and stair location
  - Uncovered decks must be a distance of 15 feet from rear property lines; and, 5 feet from side property lines.
  - Decks must be 6 feet from any other detached structure
  - Post hole locations require 42" deep frost footings when attached to the house
  - Indicate size of wood beam on your drawing; and, know that column post sizes must be 6" x 6"
  - Indicate wood joist sizes and spacing measurement
  - Ledger beam attached to house with 1/2" dia. lag bolts that are 5" long (or equiv.) at 24" on center (staggered)
  - Galvanized joist hangers at ledger beam
  - Handrails to be 3'0" high with vertical spindle spacing not more than 4" apart
  - Stair detail as provided by City
  - Call for footing inspection once holes are dug, prior to filling. When project completed, call for final.

### CURB-CUT / DRIVEWAYS / SIDEWALK

Curb Cut Length: \_\_\_\_\_ Driveway Width: \_\_\_\_\_ Driveway Length: \_\_\_\_\_  
Sidewalk Length: \_\_\_\_\_ Concrete Depth: \_\_\_\_\_ Fee: \$ \_\_\_\_\_

Driveways must meet specifications of City Code & **MUST** be inspected before pouring

### OTHER ACCESSORY PROJECTS

Describe Project: TEMPORARY TENT FOR FIREWORKS SALES  
Length: 60' Width: 40' # Door/s: ONE # Window/s: 0  
Etc: ERECTED ON JUNE 21, 2010 AND REMOVED JULY 6, 2010. Fee: \$ 150

**Total of all FEES DUE: \$ 150**

Applicant certifies that this information has been read, understood and that projects will be constructed in compliance with all city ordinances; that all information is correct; and, that inspections will be requested.

Please phone 24 hours in advance for a final on all projects and any other inspections as noted above.

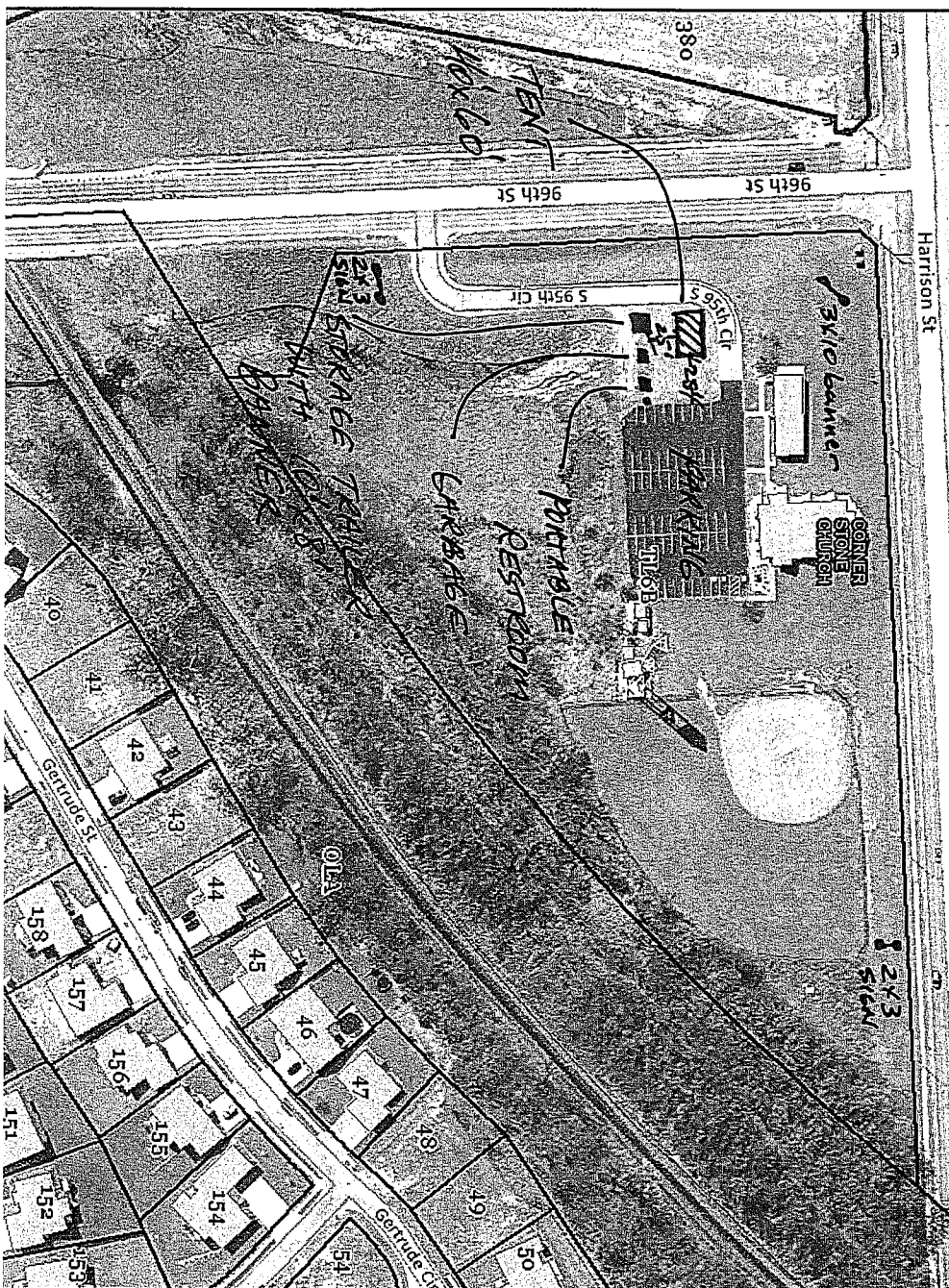
Signature of Applicant: [Signature] Date: 1/6/10

Approved By City Official: \_\_\_\_\_ Permit Clerk \_\_\_\_\_  
Date of Approval: \_\_\_\_\_ (sdennis/forms/bldgdept/Lt Remodel.&Access.Permit Appl. w/checklist) Mar 2007



1. ALL SIGNS TO BE 25' OFF PROPERTY LINES.
2. ALL STORAGE (FIREWORKS), GARBAGE AND PORTABLE RESTROOMS TO BE 25' SOUTH OF TENT.
3. TENT 40' x 60'
4. TWO 2x3 SIGNS AND A 3'x10' BANNER / 10'x8' BANNER

**1A - TENT**





Jim Hayes  
Senior Pastor  
pastorjim@cornerstoneomaha.org

9505 Harrison Street  
LaVista, NE 68128  
402.592.1226  
402.339.9275 (fax)

City Of La Vista  
8116 Park View Boulevard  
La Vista, NE 68128

RE: Fireworks Sales at  
Cornerstone Church  
9505 Harrison Street  
La Vista, NE 68128

January 14, 2010

To Whom This May Concern:

Cornerstone Church, the property owner of the above referenced property, hereby gives permission to utilize the property for the sales of fireworks for the 2010 fireworks season to Big Red Fireworks, LLC and Wild Willy Fireworks, LLC. Cornerstone Church has also agree to be the non-profit applicant for this permit as well. Big Red Fireworks, LLC, owned by Dennis Hoth and Wild Willy's Fireworks, owned by Dan Williams will manage the firework sales process.

Hopefully this information will be helpful in the permitting process and we are looking forward to working together for a successful event.

Sincerely,

Jim Hayes, Senior Pastor

g r o w i n g   f o r   l i f e





# CITY OF LA VISTA

8116 Park View Boulevard  
La Vista, NE 68128  
(402) 331-4343

## SIGN PERMIT APPLICATION

### Attached to this application must be:

- A detailed drawing showing the layout, dimensions (including square feet), colors, and materials of the proposed sign(s).
- A building elevation showing the location of the sign and the dimensions of the business facade/wall on which the sign is located (Wall Signs ONLY)
- A plot plan of the site showing the location of the sign(s) relative to the property lines (ground monument, center ID, master signage plan, common signage plan). A Master Signage Plan or Common Signage Plan is required for any zoned lot on which an owner proposes to erect more than one sign requiring a permit.

Incomplete applications or applications without adequate drawings will cause a delay in the processing of your application.

Street Address of Sign Location: 9505 HARRISON ST., LA VISTA, NE 68128

Name of Development CORNERSTONE CHURCH

### Applicant Information

Company Name: BIG RED FIREWORKS, LLC Contact: DENNIS HOTH

Address: 11213 DAVENPORT ST., #300 City: OMAHA State: NE Zip: 68116

Phone: 697-5845 Fax: 697-5859 E-mail: dennis.hoth@cbre.com

### Business/Organization (that is the subject of the sign)

Company Name: \_\_\_\_\_ Contact: \_\_\_\_\_

Address: SAME City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ E-mail: \_\_\_\_\_

### Sign Type

☐ Wall ☐ Monument ☐ Center Identification ☐ Construction ☐ Subdivision Sign ☒ Temporary sign

☐ Master Signage Plan ☐ Common Signage Plan ☐ Other, please indicate \_\_\_\_\_

Message on Sign(s): BIG RED FIREWORKS, 96% OFF HARRISON, HUGE DISCOUNTS

Dates of sign/s display: JUNE 14, 2010 TO JULY 5, 2010

Illumination: ☒ None ☐ Internal ☐ External If yes, describe \_\_\_\_\_

Estimated cost of sign(s): 300 Are any existing signs at this location to remain? ☐ Yes ☒ No

Total number and types of signs at this business location \_\_\_\_\_

Is the location for this sign part of a shopping center, office park, or industrial park? ☐ Yes ☒ No

If yes, describe and name: \_\_\_\_\_

### Sign Size

Sign width 80' Sign length 10' Total square feet 80 Height from grade to top of sign 14 ft.

Setback from nearest property line \_\_\_\_\_ ft.

(Wall Signs)

Business facade width \_\_\_\_\_ ft. Height \_\_\_\_\_ ft. Total business facade area \_\_\_\_\_ sq. ft.

Side of Building ☐ North ☐ South ☐ East ☐ West Number of sides lot/bay abutting street \_\_\_\_\_

### Applicant's Signature

I believe that all of the information on this application and on drawings submitted in support of this application is accurate. I understand that any sign which is installed that is inconsistent or in conflict with this application, the supporting drawings, or the sign regulations contained in the City's Unified Development Ordinance is a violation of the City of La Vista municipal code. I further understand that the inadvertent approval of a sign application by the City that is not in compliance with the sign regulations does not create any legal nonconforming status nor does it remove any obligation to bring the sign into compliance. I understand that no sign shall be installed until a sign permit has been approved by the City of La Vista and the associated sign fee has been paid. Once a sign permit has been approved, all sign installation work must be completed in six months or the permit will expire.

[Signature]  
(Signature of Applicant)

1/12/10  
(Date)

### Office Use Only

Rec'd By	Date Rec'd	# of Temp Signs this Year	Zoning at Sign Site at site

Sign Permit Fee	Plan Fee	Total Fee

\_\_\_\_ Approved \_\_\_\_ Disapproved By: \_\_\_\_\_ Date: \_\_\_\_\_

Reason(s) for disapproval: \_\_\_\_\_

**BIG RED  
FIREWORKS**

**96th & Harrison**

**HUGE DISCOUNTS**



# CITY OF LA VISTA

8116 Park View Boulevard  
La Vista, NE 68128  
(402) 331-4343

## SIGN PERMIT APPLICATION

### Attached to this application must be:

- A detailed drawing showing the layout, dimensions (including square feet), colors, and materials of the proposed sign(s).
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- A plot plan of the site showing the location of the sign(s) relative to the property lines (ground monument, center ID, master signage plan, common signage plan). A Master Signage Plan or Common Signage Plan is required for any zoned lot on which an owner proposes to erect more than one sign requiring a permit.

Incomplete applications or applications without adequate drawings will cause a delay in the processing of your application.

Street Address of Sign Location: 9505 HARRISON ST LA VISTA, NE 68128  
Name of Development: CORNERSTONE CHURCH

### Applicant Information

Company Name: BIG RED FIREWORKS, LLC Contact: DENNIS HOTH  
Address: 11213 DAVENPORT ST., ST. 300 City: OMAHA State: NE Zip: 68154  
Phone: 402-697-5845 Fax: 402-697-5857 E-mail: dennis.hoth@cbre.com

### Business/Organization (that is the subject of the sign)

Company Name: GAME Contact: \_\_\_\_\_  
Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ E-mail: \_\_\_\_\_

### Sign Type

☐ Wall ☐ Monument ☐ Center Identification ☐ Construction ☐ Subdivision Sign ☒ Temporary sign

☐ Master Signage Plan ☐ Common Signage Plan ☐ Other, please indicate \_\_\_\_\_

Message on Sign(s): BIG RED FIREWORKS, 96th & HARRISON, HUGE DISCOUNTS

Dates of sign/s display: JUNE 14, 2010 to JULY 5, 2010

Illumination: ☒ None ☐ Internal ☐ External If yes, describe \_\_\_\_\_

Estimated cost of sign(s): \$300 Are any existing signs at this location to remain? ☐ Yes ☒ No

Total number and types of signs at this business location ONE

Is the location for this sign part of a shopping center, office park, or industrial park? ☐ Yes ☒ No

If yes, describe and name: \_\_\_\_\_

### Sign Size

Sign width 3' Sign length 10' Total square feet 30 Height from grade to top of sign 4' ft.

Setback from nearest property line 25 ft.

(Wall Signs)

Business facade width \_\_\_\_\_ ft. Height \_\_\_\_\_ ft. Total business facade area \_\_\_\_\_ sq. ft.

Side of Building ☐ North ☐ South ☐ East ☐ West Number of sides lot/bay abutting street \_\_\_\_\_

### Applicant's Signature

I believe that all of the information on this application and on drawings submitted in support of this application is accurate. I understand that any sign which is installed that is inconsistent or in conflict with this application, the supporting drawings, or the sign regulations contained in the City's Unified Development Ordinance is a violation of the City of La Vista municipal code. I further understand that the inadvertent approval of a sign application by the City that is not in compliance with the sign regulations does not create any legal nonconforming status nor does it remove any obligation to bring the sign into compliance. I understand that no sign shall be installed until a sign permit has been approved by the City of La Vista and the associated sign fee has been paid. Once a sign permit has been approved, all sign installation work must be completed in six months or the permit will expire.

Dennis Hoth  
(Signature of Applicant)

1/12/10  
(Date)

### Office Use Only

Rec'd By	Date Rec'd	# of Temp Signs this Year	Zoning at Sign Site at site

Sign Permit Fee	Plan Fee	Total Fee

\_\_\_\_ Approved \_\_\_\_ Disapproved By: \_\_\_\_\_ Date: \_\_\_\_\_

Reason(s) for disapproval \_\_\_\_\_

120"

# **BIG RED FIREWORKS**

**96th & Harrison**

# **HUGE DISCOUNTS**



# CITY OF LA VISTA

8116 Park View Boulevard  
La Vista, NE 68128  
(402) 331-4343

## SIGN PERMIT APPLICATION

### Attached to this application must be:

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Incomplete applications or applications without adequate drawings will cause a delay in the processing of your application.

Street Address of Sign Location: 9505 HARRISON STREET, LA VISTA, NE 68128  
Name of Development CORNERSTONE CHURCH

### Applicant Information

Company Name: BIG RED FIREWORKS, LLC Contact: DENNIS HOTH  
Address: 11213 DAVENPORT ST., ST. 300 City: OMAHA State NE Zip 68154  
Phone: 697-5845 Fax: 697-5859 E-mail: dennis.hoth@cbre.com

### Business/Organization (that is the subject of the sign)

Company Name: \_\_\_\_\_ Contact: \_\_\_\_\_  
Address: SAME City: \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ E-mail: \_\_\_\_\_

### Sign Type

☐ Wall ☐ Monument ☐ Center Identification ☐ Construction ☐ Subdivision Sign ☒ Temporary sign  
☐ Master Signage Plan ☐ Common Signage Plan ☐ Other, please indicate \_\_\_\_\_  
Message on Sign(s): BIG RED FIREWORKS, 9644 E HARRISON, HUGE DISCOUNTS  
Dates of sign/s display: JUNE 14, 2010 to JULY 5, 2010  
Illumination: ☒ None ☐ Internal ☐ External If yes, describe \_\_\_\_\_  
Estimated cost of sign(s): \$500 Are any existing signs at this location to remain? ☐ Yes ☒ No  
Total number and types of signs at this business location ~~ONE~~ TWO  
Is the location for this sign part of a shopping center, office park, or industrial park? ☐ Yes ☒ No  
If yes, describe and name: \_\_\_\_\_

### Sign Size

Sign width 3' Sign length 2' Total square feet 5 Height from grade to top of sign 5 ft.  
Setback from nearest property line 25 ft.

(Wall Signs)

Business facade width \_\_\_\_\_ ft. Height \_\_\_\_\_ ft. Total business facade area \_\_\_\_\_ sq. ft.

Side of Building ☐ North ☐ South ☐ East ☐ West Number of sides lot/bay abutting street \_\_\_\_\_

### Applicant's Signature

I believe that all of the information on this application and on drawings submitted in support of this application is accurate. I understand that any sign which is installed that is inconsistent or in conflict with this application, the supporting drawings, or the sign regulations contained in the City's Unified Development Ordinance is a violation of the City of La Vista municipal code. I further understand that the inadvertent approval of a sign application by the City that is not in compliance with the sign regulations does not create any legal nonconforming status nor does it remove any obligation to bring the sign into compliance. I understand that no sign shall be installed until a sign permit has been approved by the City of La Vista and the associated sign fee has been paid. Once a sign permit has been approved, all sign installation work must be completed in six months or the permit will expire.

Dennis Hoth  
(Signature of Applicant)

1/6/10  
(Date)

### Office Use Only

Rec'd By	Date Rec'd	# of Temp Signs this Year	Zoning at Sign Site at site

Sign Permit Fee	Plan Fee	Total Fee

\_\_\_\_ Approved \_\_\_\_ Disapproved By: \_\_\_\_\_ Date \_\_\_\_\_

Reason(s) for disapproval \_\_\_\_\_

36"

# BIG RED FIREWORKS

96th & Harrison

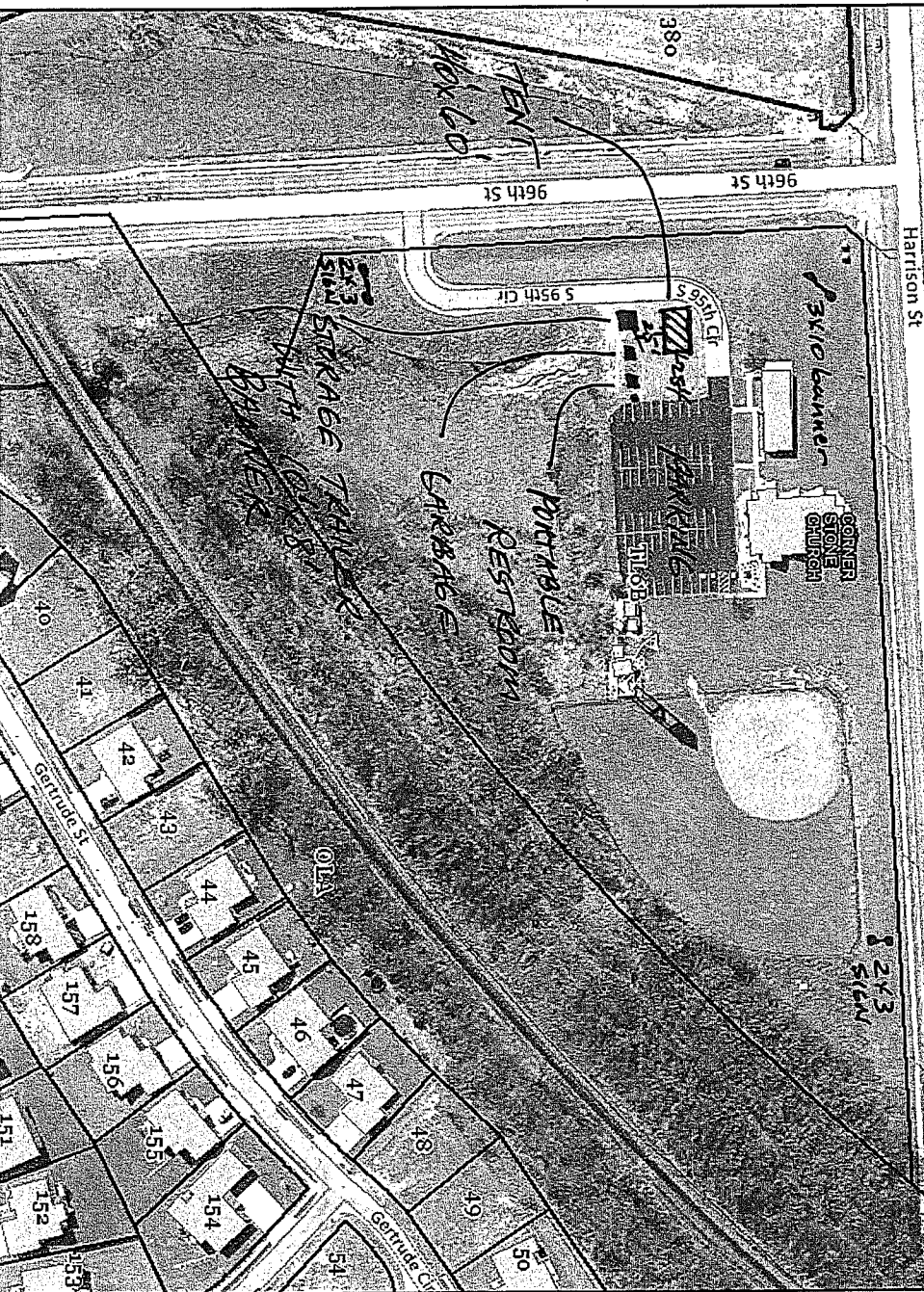
# HUGE DISCOUNTS

24"



Sarpy County, Nebraska

1. ALL SIGNS TO BE 25' OFF PROPERTY LINES.
2. ALL STORAGE (FIREWORKS), GARBAGE AND PORTABLE RESTROOMS TO BE 25' SOUTH OF TENT
3. TENT 40' x 60'
4. TWO 2x3 SIGNS AND A 3'x10' BANNER / 10'x8' BANNER



**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
APRIL 6, 2010 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
REVIEW APPRAISAL SERVICES - THOMPSON CREEK PROJECT	◆ RESOLUTION ORDINANCE RECEIVE/FILE	PAM BUETHE CITY CLERK

**SYNOPSIS**

A resolution has been prepared to accept the proposal submitted by Valuation Services for review appraisal services associated with the Thompson Creek grant project in an amount not to exceed \$6,000.00.

**FISCAL IMPACT**

The FY 09/10 Budget contains funding for this project.

**RECOMMENDATION**

Approval.

**BACKGROUND**

At the February 2, 2010 City Council meeting the Council accepted a FEMA grant award of \$2,040,930.00 to facilitate the acquisition of 24 homes along Thompson Creek. At the March 2, 2010 City Council meeting the Council approved Thomas E. Stevens & Associates for appraisal services for the purpose of determining the value of the 24 homes in the mitigation area. The next step is to acquire the services of a review appraiser as is required as part of the grant.

Proposals were requested from Valuation Services, John Moran & Associates, and Johnson Appraisal. The proposals from each company include a price for the valuation of 12, 18, and 24 homes as follows

Valuation Services	\$3,000.00 - \$6,000.00
John Moran & Associates	Withdrew proposal due to potential for appearance of a conflict of interest.
Johnson Appraisal	\$5,300.00 - \$8,400.00

Staff has reviewed the proposals and recommends Valuation Services as the most responsible proposal.

Valuation Services will complete each appraisal review within three weeks from the date the appraisals are received. If any re-reviews are needed due to changes there would be an additional expense agreed upon at the time of revisions.



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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA ACCEPTING THE PROPOSAL FOR REVIEW EVALUATION SERVICES ASSOCIATED WITH THE THOMPSON CREEK PROJECT AS SUBMITTED BY VALUATION SERVICES IN AN AMOUNT NOT TO EXCEED \$6,000.00

WHEREAS, the City Council of the City of La Vista has determined that said review appraisal services are necessary as part of the FEMA requirements for the acquisition of 24 homes along Thompson Creek; and

WHEREAS, the FY 2009/10 Budget includes funding for this project; and

WHEREAS, the City council accepted a FEMA grant award of \$2,040,930.00 to facilitate the acquisition of 24 homes along Thompson Creek; and

WHEREAS, the City received proposals from three separate appraisal services; and

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska, to accept the proposal for review evaluation services associated with the Thompson Creek Project as submitted by Valuation Services in an amount not to exceed \$6,000.00.

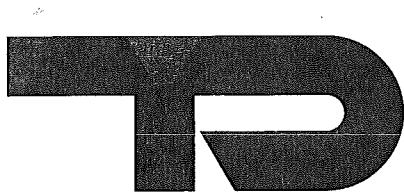
PASSED AND APPROVED THIS 6TH DAY OF APRIL 2010

CITY OF LA VISTA

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

ATTEST:

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



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

March 22, 2010

Ms. Pam Buethe  
City Clerk  
City of La Vista  
8116 Park View Blvd.  
La Vista, NE 68128

Robert E. Dreessen, P.E.  
Ka "Kip" P. Squire III, P.E., S.E.  
Douglas S. Dreessen, P.E.  
Chris E. Dornier, L.S.  
Nelson J. Hymans, P.E.  
James D. Warner, L.S.  
Charles E. Riggs, P.E.  
John M. Kottmann, P.E.  
Arthur D. Beccard, P.E.  
Dean A. Jaeger, P.E.  
Richard M. Broyles, L.S.

David H. Neef, L.S.  
Ronald M. Koenig, L.S.  
Michael J. Smith, L.S.  
Troy J. Nissen, P.E., S.E.  
Douglas E. Kellner, P.E.  
Gary A. Norton, P.E.  
Brian L. Lodes, P.E. LEED AP  
Kurtis L. Rohn, P.E.  
Jeffrey L. Thompson, P.E.  
Daren A. Konda, P.E.  
Michael T. Caniglia, L.S.  
Jeremy T. Steenhoek, P.E.  
Joshua J. Storm, P.E.

RE: Thompson Creek HMG Property Acquisition  
Summary of Proposals for Review Appraisal Services  
TD<sup>2</sup> File No.171-379.10

Pam:

We sent a request for proposals for review of appraisal services to three firms. All three firms responded. However, one of the three firms withdrew their proposal due to the potential appearance of a conflict of interest. A summary of the two proposals from Johnson Appraisal, LLC and Valuation Services is attached, as well as a copy of the letter from John A. Moran & Associates withdrawing their proposal.

Both Johnson Appraisal, LLC and Valuation Services are qualified and familiar with the Federal and NDOR LPA procedures. I recommend that the proposal from Valuation Services be accepted.

A copy of the proposal submitted by each firm is also enclosed.

Submitted by:

THOMPSON, DREESSEN & DORNER, INC.

John M. Kottmann, P.E.

JMK/bam

cc: File  
Ms. Ann Birch  
Mr. Joe Soucie

THOMPSON CREEK HMG  
REVIEW APPRAISALS  
SUMMARY OF PROPOSALS RECEIVED  
MAR. 10, 2010

Company	John Moran & Assoc.	Johnson Appraisal	Valuation Services
	John A. Moran	Gary Hassebrook	Kip Withers

Scope  
No. of Homes

12 Homes	*	\$5,300	\$3,000**
18 Homes	*	\$7,050	\$4,500**
24 Homes	*	\$8,400	\$6,000**

Time frames:

Johnson Appraisal cannot begin the review of appraisals until June 1, 2010 but would be able to conduct interior inspections prior to that date.

Kip Withers will complete each appraisal review within three weeks from the date the appraisals are received for review.

Footnotes:

\* Mr. Moran withdrew his proposal due to the potential for the appearance of a conflict of interest.

\*\* Mr. Withers advised that any re-reviews due to changes would be an additional expense to be agreed upon at the time of revisions.

# *Valuation Services*

11640 Arbor Street, Suite 101

Omaha, Nebraska 68144

(402)397-8080

March 10, 2010

Mr. John M. Kottmann, P.E.  
Thompson, Dreessen & Dorner, Inc.  
10836 Old Mill Road  
Omaha, NE 68154-2685

Re: Bid proposal to prepare appraisal reviews  
Project No. DR-1674-NE-0055  
Thompson Creek Property Acquisition  
City of La Vista

Dear Mr. Kottmann:

As requested, I am submitting a proposal to prepare appraisal reviews for the tracts to be acquired as part of the above captioned project. It is my understanding that this project is funded by FEMA through the Nebraska Emergency Management Agency with participation by local agencies. Consequently, the scope of work to be completed consists of preparing appraisal reviews that adhere to Federal requirements and follow the guidelines set forth in the NDOR LPA Manual.


Based on my review of the properties involved and the scope of work to be performed, I have estimated a fee of \$250 per tract. Any revisions or corrections to the original reviews which result from changes in original facts made by the City of La Vista and/or its affiliates shall be at additional expense to the City of La Vista. These additional charges will be approved in writing by the City of La Vista prior to making these revisions.

The above outlined review fees do not include compensation for time required in the event of eminent domain proceedings. Time required for pre-trial preparation and subsequent hearings shall be billed in addition to the above outlined fees. Hours involved in court testimony and condemnation proceedings will be billed at a rate of \$150.00 per hour, \$1,200 per day, or \$600 per half day. An itemized list detailing the time spent on these items will be provided at the time any invoice requesting payment for said services is submitted to the City of La Vista.

Provided the appraisals are provided to the reviewer and there is no undue delay in obtaining the materials required to complete this assignment, Valuation Services will provide you with one (1) hard copy and one (1) electronic copy of each appraisal review within three weeks of the date we receive the appraisals prepared by Thomas E Stevens & Associates. In order to meet this time frame, Kevin Kroeger, (Co-President of Valuation Services and Certified General Appraiser) may be providing assistance throughout the course of the assignment.

Should you elect to retain my services, please issue a purchase order and return one copy of this letter to my attention. If you have any questions concerning this proposal, please contact me at your convenience.

Sincerely,



Kip A. Withers  
Co-President  
Valuation Services

Acceptance:

---

Mr. John M. Kottmann, P.E.  
Thompson, Dreessen & Dorner, Inc.

---

Acceptance Date

# Johnson Appraisal, LLC

Real Estate Appraisers and Consultants

5901 South 58<sup>th</sup> Street, Suite B

Lincoln, Nebraska 68516

Dwight L. Johnson, CG  
Retired (MAI, SRA) 1/1/02  
Randy G. Johnson, SRA, CR  
Gary E. Hassebrook, Associate Member, CG

Phone (402) 420-1111  
Fax (402) 420-1458

March 10, 2010

Mr. John M. Kottmann, P.E.  
Thompson, Dreessen and Dorner, Inc.  
10836 Old Mill Road  
Omaha, NE 68154-2685

RE: Appraisal Review Services  
HMG Project DR-1674-NE-0055

Dear Mr. Kottmann:

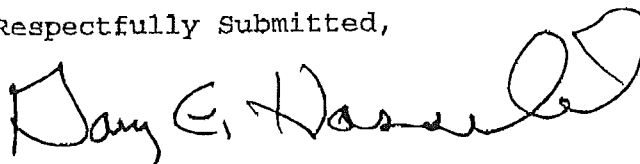
Thank you for the request. The reviews will follow the guidelines in the NDOR LPA Manual. The fee will be on a sliding scale because the number of reviews is not known. A higher number will have lower fees. The proposed fees are as follows:

1 - 5	Reviews:	\$500.00 each
6 - 10	Reviews:	450.00 each
11 - 15	Reviews:	400.00 each
16 - 24	Reviews:	350.00 each

The earliest I can begin the reviews is around June 1, 2010. I would be available at an earlier date to inspect the properties with Tom Stevens. Hopefully, a number of them could be seen on the same day.

Thanks.

Respectfully Submitted,



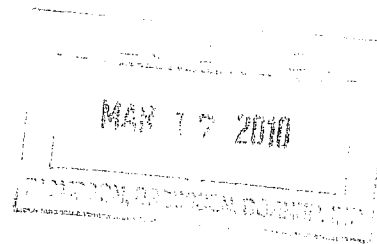
Gary E. Hassebrook, Associate Member  
CG #920275  
For the Company

GEH/lg

**JOHN A. MORAN & ASSOCIATES**

1011 South 78th Street  
OMAHA, NEBRASKA 68114

Telephone (402) 397-2280  
Fax (402) 397-2080  
jamoran@moranappraisals.com



March 15, 2010

Mr. John M. Kottmann, P.E.  
Thompson, Dreessen & Dorner, Inc.  
10836 Old Mill Road  
Omaha, NE 68154-2685

RE: Appraisal Review Services  
HMG Project DR-1674-NE-0055  
Thompson Creek Property Acquisition  
City of LaVista  
TD<sup>2</sup> File No. 171-379.9

Dear Mr. Kottmann:

This will confirm our March 12, 2010, telephone conversation in which I formally withdrew my bid on the referenced project. As discussed, the principal appraiser's company (Thomas E. Stevens & Associates) and mine (John A. Moran & Associates) occupy the same office condominium, and, on occasion, share office support staff. While I am certain this office sharing arrangement would in no way influence or impact the rendering of my professional services, I am mindful that some could allege a conflict of interest. Accordingly, in the interest of full transparency, my bid with respect to the referenced project is withdrawn as of March 12, 2010. I hope to be service in the future.

Respectfully Submitted

John A. Moran, SRA

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
APRIL 6, 2010 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
ACQUISITION SERVICES - THOMPSON CREEK PROJECT	◆ RESOLUTION ORDINANCE RECEIVE/FILE	PAM BUETHE CITY CLERK

**SYNOPSIS**

A resolution has been prepared to accept the proposal submitted by Midwest Right of Way for acquisition and relocation services associated with the Thompson Creek grant project in an amount not to exceed \$129,800.00.

**FISCAL IMPACT**

The FY 09/10 Budget contains funding for this project.

**RECOMMENDATION**

Approval.

**BACKGROUND**

At the February 2, 2010 City Council meeting the Council accepted a FEMA grant award of \$2,040,930.00 to facilitate the acquisition of 24 homes along Thompson Creek. One of the next steps in the process is to contract for acquisition and relocation services necessary for this project.

Staff has reviewed and recommends approval of the proposal submitted by Midwest Right of Way Services. The City has had considerable experience with this company and it is the only local company on the NDOR list of approved consultants which has extensive experience working on Federal projects such as this. The City Engineer and staff believe this company is well qualified in this type of acquisition service. The proposal is based on 24 homes and includes fees for title services in the amount of \$14,400.00 and acquisition and relocation services in the amount of \$115,400.00.

Once acquisition and appraisal services are in place a meeting will be set up with those affected by this project to explain the process and give them the opportunity to ask questions and seek additional information. A tentative date for this public meeting is April 22, 2010.



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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA TO ACCEPT THE PROPOSAL SUBMITTED BY MIDWEST RIGHT OF WAY SERVICES, INC. FOR ACQUISITION AND RELOCATION SERVICES ASSOCIATED WITH THE THOMPSON CREEK GRANT PROJECT IN AN AMOUNT NOT TO EXCEED \$129,800.00

WHEREAS, the City Council of the City of La Vista has determined that said acquisition and relocation services are necessary as part of the FEMA requirements for the acquisition of 24 homes along Thompson Creek; and

WHEREAS, the FY 2009/10 Budget includes funding for this project; and

WHEREAS, the City council accepted a FEMA grant award of \$2,040,930.00 to facilitate the acquisition of 24 homes along Thompson Creek; and

WHEREAS, the City Engineer has determined that this is the only local acquisition consultants on the NDOR list of approved consultants with extensive experience working on federal grant projects such as this one; and

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska, to accept the proposal submitted by Midwest Right of Way Services, Inc. for acquisition and relocation services associate with the Thompson Creek Grant Project in an amount not to exceed \$129,800.00.

PASSED AND APPROVED THIS 6TH DAY OF APRIL 2010

CITY OF LA VISTA

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

ATTEST:

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

# MIDWEST

Right of Way Services, Inc.

---

March 23, 2009

RE: Proposal for Right of Way Services  
City of La Vista  
Flood Hazard Mitigation Program  
Thompson Creek

City of La Vista  
C/o Pam Buethe, City Clerk  
8116 Parkview Blvd.  
La Vista, Nebraska 68128

Dear Ms. Buethe:

Midwest Right of Way Services, Inc. is pleased to provide this proposal for right of way services for the above referenced project in La Vista, Nebraska. We have discussed the project with the design engineer and City staff and have examined the project in the field. With this background information, we provide the following information for your consideration.

## *Consultant and Key Personnel*

**Consultant-** Midwest Right of Way Services  
13425 "A" Street  
Omaha, Nebraska 68144  
(402) 955-2900  
(402) 955-2903 FAX

**Key Personnel-** Jack Borgmeyer – President  
Chris Pawloski – Project Manager

## *Project Understanding*

This project involves the acquisition of land and improvements for a Flood Hazard Mitigation Program funded by FEMA, the City of La Vista and the Papio-Missouri River Natural Resources District. The properties involved are located along Thompson Creek West of 72nd Street on Park View Boulevard and Valley Streets. The project will require the potential acquisition of land and improvements from twenty-one property owners.

### ***Project Management***

This task will involve coordination of all project elements so that work is initiated as it should be, appropriate progress is made, and schedules are met. Coordination and scheduling of the land acquisition and easements along with the payment process will be the responsibility of the project manager.

### ***Title Insurance and Closings***

Title commitments will be obtained on all affected properties in order to determine fee ownership and any liens and encumbrances which will affect the title. Nebraska Title Company will provide the commitments for twenty-four properties and subsequent title insurance for those properties which accept the City's offer to purchase. Nebraska Title Company will also handle the closings for the transactions which includes the recording of the deeds, preparation of closing statements, preparation of IRS Forms 1099S and transfer of funds.

### ***Appraisals & Review Appraisals***

This task involves preparation of appraisal reports and review appraisal reports which will provide values for the land and improvements to be acquired. Thomas Stevens and Associates has been hired by the City to provide appraisal reports for the project. Valuation Services has been hired by the City to provide the appraisal reviews. Copies of the appraisal reports and reviews will be furnished to Midwest Right of Way Services for use in our tract files. The appraisals and review appraisals must be approved by the City of LaVista before an offer to purchase can be made to each property owner.

### ***Acquisition***

Midwest Right of Way Services' acquisition agents will make every effort to understand the project's objective before meeting with individual property owners. They will prepare all documents in accordance with FEMA regulations, present and explain the offers, answer all acquisition-related questions, and secure signatures from all interested parties. Our acquisition agents will obtain tenant information from property owners and proceed to obtain signed leasehold contracts. Each contact with property owners and tenants will be recorded on a call report and placed in the individual tract file as a permanent record.

Midwest Right of Way Services will perform the services in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

### ***Relocation Assistance Services***

Midwest's relocation agents will provide relocation assistance and advisory services in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and the Nebraska Relocation Assistance Act. The relocation agents will meet with the City to review the program and discuss the scope of work before beginning any activities relating to relocation assistance. They will follow the general procedures, provide services, create and maintain records, and submit reports and status reports as required by Federal procedures. The tasks involved with relocation activities include initial interviews with displacees, preparation of studies, presentation of offers, inspecting replacement properties, attending closings, monitoring moves, processing and reviewing claims, and providing advisory assistance. Relocation studies will be sent to the City for review and approval before offers of relocation assistance are made.

### ***Audit Compliance***

Midwest Right of Way Services, Inc. will retain copies of the recorded documents and payment vouchers or checks in our individual parcel files. Midwest will also keep an electronic copy of all completed tract files for future audit purposes by the City or Federal Emergency Management Agency.

### ***Status Reports and Progress Meetings***

Status reports will be furnished to the City on a regular basis as determined by the City. Progress meetings will be held with the City of LaVista periodically to review the progress of the negotiations, closings and relocation assistance for the project.

### ***Team Members***

*Jack Borgmeyer*, SR/WA, RW-RAC, is President of Midwest Right of Way Services, Inc. Borgmeyer is qualified to complete all aspects of the right of way process. His experience includes right of way title searches, land and easement acquisition, relocation, condemnation testimony, and project management. Borgmeyer has over 30 years of experience relating to real estate and right of way.

*Chris Pawloski*, SR/WA, R/W-RAC, is our Project Manager. His experience includes project management, condemnation testimony, title searches, acquisition negotiations, relocation assistance, and federal regulation compliance for all types of local, state, and federally funded projects in Iowa, Kansas, and Nebraska. Pawloski has over 9 years of experience relating to real estate and right of way.

*Gene Gilmore*, R/W-RAC, *Relocation Agent*, will provide relocation and advisory assistance as needed. Gilmore has over 35 years experience handling all types of relocation cases in Nebraska and Kansas. His experience includes residential owners and tenants, businesses, farms and non-profit organizations. He has also handled the relocation of several large, complicated businesses such as foundries, salvage yards, and lumber yards.

*Stacey Kroeger*, RW-RAC, has worked for Midwest Right of Way Services for over seven years. She has performed acquisition negotiations and relocation assistance for a variety of projects including avigation, roadway and water resources projects. Her experience includes residential and business property acquisitions and relocations.

*Brent Lundgren*, *Right of Way Agent*, has over four years of experience in land and easement acquisition, land development, office condominium development and property management. Brent is a licensed real estate broker in Nebraska and South Dakota and has worked as a right of way agent at Midwest since May 2007.

#### ***Fees***

Midwest Right of Way Services will provide the above described right of way services for the following hourly fees:

<b>TITLE SERVICES – Nebraska Title Company</b>	<b>Lump Sum Fees</b>
Title Insurance Commitments - 24 @ \$150.00 each	\$ 3,600.00
Closings - 24 @ \$200.00 each	\$ 4,800.00
Title Insurance Estimate - 24 @ \$250.00 each	<u>\$ 6,000.00</u>
<b>Total Estimated Title Services Fees</b>	<b>\$ 14,400.00</b>

#### **ACQUISITIONS - Midwest Right of Way Services:**

	<u><b>Hourly Salary Rates</b></u>	
Project Manager	\$80.00	
Right of Way Agent	\$68.00	
		<b>Maximum Fees</b>
Tract Acquisitions - 21 Owners @ \$2,000.00 per owner		\$ 42,000.00
Relocation/Tenants - 13 Cases @ \$5,000.00 per case		\$ 65,000.00
Project Management - 21 Owners @ \$ 400.00 per owner		<u>\$ 8,400.00</u>
<b>Total Maximum Acquisition and Relocation Costs:</b>		<b>\$115,400.00</b>

Ms. Pam Buethe  
March 23, 2010  
Page 5

These fees are based on the initial estimate of the number of property owners and tenants. Fees will be charged according to the actual number of owners and cases acquired and relocated. If the City decides to offer an owner additional benefits based upon the special needs of their household, Midwest and the City shall agree on a supplemental agreement for these additional services before the commencement of any additional work.

Invoices will be sent on an approximate monthly basis for services rendered.

If the above described items are satisfactory to you, please sign and date the original and duplicate original of this letter in the space provided. Keep one executed copy of this letter for your files and return the duplicate copy to us for our files. Receipt of this letter contract will be considered our formal notice to proceed with the work.

Sincerely,

MIDWEST RIGHT OF WAY SERVICES, INC.



Jack Borgmeyer  
President

**ACCEPTANCE OF PROPOSAL AND AUTHORIZATION TO PROCEED**

\_\_\_\_\_  
Authorized Representative  
City of La Vista

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

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
APRIL 6, 2010 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
INTERLOCAL COOPERATION AGREEMENT —LEAGUE ASSOCIATION OF RISK MANAGEMENT (LARM)	◆ RESOLUTION ORDINANCE RECEIVE/FILE	PAM BUETHE CITY CLERK

**SYNOPSIS**

A resolution has been prepared to establish that La Vista will continue its participation in the League Association of Risk Management (LARM) the next three years and will agree to provide 180 days notice should it intend to end participation in 2013.

**FISCAL IMPACT**

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

**RECOMMENDATION**

Approval.

**BACKGROUND**

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

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

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

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

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

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

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

NOW THEREFORE, BE IT RESOLVED that the Mayor and City Council of the City of La Vista, Nebraska, in consideration of the contribution credits provided under the LARM Board's plan, agrees to provide written notice of termination at least 180 days prior to the desired termination date, which date shall be no sooner than September 30, 2013, and hereby authorize the Mayor to execute the necessary agreements to implement the action authorized herein.

PASSED AND APPROVED THIS 6TH DAY OF APRIL 2010.

CITY OF LA VISTA

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

ATTEST:

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





3/9/2010

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

Dear Board or Council Members,

The LARM Board of Directors is offering two options for Members to modify their annual contributions in the upcoming 2010/2011 coverage year, the **Participation Discount Plan** and the **Installment Plan**.

Once again, Members are being given the opportunity to take a 5% discount by extending their membership to September 30, 2013. The Participation Discount plan is illustrated in the chart below:

**Participation Discount Table**

<b>Discount 180 Days Notice</b>	<b>Discount Multi Year Commitment</b>	<b>Additional Discount for Both</b>	<b>Discount Total</b>
2%	2 % (3 year) – Sept 2013	1%	5%
2%	1% (2 year) - Sept 2012	1%	4%
2%	0% (1 year) - Sept 2011	0%	2%

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

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

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

Sincerely,

  
Shannon Novotny  
LARM Customer Service Representative

Enclosure

### **Participation Discount Plan**

(Please check one)

- ☐ The **City of La Vista** has resolved to extend its membership in the League Association of Risk Management in consideration of the contribution credits provided under the Participation Discount plan as described in the *attached resolution*.
- ☐ The **City of La Vista** does not plan to extend membership to take part in the Participation Discount Plan.

### **Installment Plan**

(Please check one)

- ☐ The **City of La Vista** will make quarterly installments on contribution to LARM to be due October 2010, January 2011, April 2011, and July 2011 with the understanding that there will be a 2% additional charge applied to total annual contribution.
- ☐ The **City of La Vista** will make semi-annual installments on contribution to LARM to be due October 2010, and April 2011 with the understanding that there will be a 2% additional charge applied to the total annual contribution.
- ☐ The **City of La Vista** will make one payment to LARM for the total annual contribution to be due in October 2010.

**Please make your selections above and return this form to:**

**Shannon Novotny  
League Association of Risk Management  
1335 L Street, Suite 200  
Lincoln, NE 68508**

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

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

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

WHEREAS, the Board of Directors of LARM has adopted a plan to provide contribution credits in consideration of certain agreements by members of LARM as provided in the attached letter.

BE IT RESOLVED that the governing body of **City of La Vista**, Nebraska, in consideration of the contribution credits provided under the LARM Board's plan, agrees to:

- ( ) Provide written notice of termination at least 180 days prior to the desired termination date, which date shall be no sooner than September 30, 2013. **(180 day, 3 year commitment)**
- ( ) Provide written notice of termination at least 180 days prior to the desired termination date, which date shall be no sooner than September 30, 2012. **(180 day, 2 year commitment)**
- ( ) Provide written notice of termination at least 180 days prior to the desired termination date, which date shall be no sooner than September 30, 2011. **(180 day notice only)**
- ( ) Provide written notice of termination at least 90 days prior to the desired termination date, which date shall be no sooner than September 30, 2013. **(3 year commitment only)**
- ( ) Provide written notice of termination at least 90 days prior to the desired termination date, which date shall be no sooner than September 30, 2012. **(2 year commitment only)**

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

Signature: \_\_\_\_\_

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

ATTEST: \_\_\_\_\_

Clerk

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
APRIL 6, 2010 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
PANDEMIC INFLUENZA PREPAREDNESS PLAN	◆ RESOLUTION ORDINANCE RECEIVE/FILE	BOB LAUSTEN POLICE CHIEF

**SYNOPSIS**

A resolution has been prepared to approve the Pandemic Influenza Preparedness Plan developed by the City's Pandemic Influenza Leadership Operations Team (PILOT).

**FISCAL IMPACT**

N/A

**RECOMMENDATION**

Approval.

**BACKGROUND**

Although the threat of a global pandemic is not a new phenomenon, it appears to be an increasing risk with the H1N1 outbreak last year as well as the continued long-term threat of the H5N1 avian flu. Based on scenarios projected by the World Health Organization, Centers for Disease Control, National Institutes of Health, and Homeland Security Council, a global pandemic portends serious consequences for our City governmental process. We must anticipate possible consequences for our operations and the public, and develop plans that will allow us to continue operating throughout a pandemic cycle.

The City Administrator appointed a select staff to be part of the City's Pandemic Influenza Leadership Operations Team charged with the development and implementation of a pandemic response plan for the continuity of city services in the event of a pandemic. The basic strategy centers on these fundamental questions: What can we do to prevent flu? How do we conduct our work during a pandemic?

The result of the team's strategy for the continuity of essential municipal services is the La Vista Pandemic Influenza Preparedness Plan, attached for your review.

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING THE LA VISTA PANDEMIC INFLUENZA PREPAREDNESS PLAN.

WHEREAS, it had been determined that a Pandemic Influenza Preparedness Plan has been developed in order to provide for the continuity of essential municipal services in response to pandemic in La Vista; and

WHEREAS, in order to provide for the continuity of essential municipal services in response to a pandemic in La Vista, the City Council of La Vista deems it advisable and in the best interest of the community to approve said Pandemic Influenza Preparedness Plan;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of La Vista, Nebraska, that the Pandemic Influenza Preparedness Plan be, and hereby is, approved.

PASSED AND APPROVED THIS 6TH DAY OF APRIL, 2010.

CITY OF LA VISTA

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

ATTEST:

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

# **PANDEMIC INFLUENZA PREPAREDNESS PLAN**

**City of La Vista**



## **Continuity of Essential Municipal Services**

**MARCH 2010**

**Pandemic Influenza  
Leadership Operations Team**

# CITY OF LA VISTA PANDEMIC INFLUENZA PREPAREDNESS PLAN

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*"Pandemics are global in nature, but their impact is local. When the next pandemic strikes, as it surely will, it is likely to touch the lives of every individual, family, and community. Our task is to make sure that when this happens, we will be a Nation prepared."*

Michael O. Leavitt, Former Secretary  
U.S. Department of Health and Human Services

## INTRODUCTION

Most of us are familiar with seasonal influenza or the "flu," a viral infection that, despite annual vaccinations, results in approximately 36,000 deaths in the United States and more than 200,000 hospitalizations annually. Over the centuries, changes in the genetic makeup of the influenza virus result in new strains to which people have never been exposed. These new strains have the potential to cause a pandemic or worldwide outbreak of influenza with potentially catastrophic consequences.

History has shown that such pandemics do occur periodically. Prudence therefore dictates that the City of La Vista achieve a level of preparedness that ensures, at a minimum, the maintenance of essential municipal services during times in which widespread disease affects the health care system, the broader economy, and society as a whole.

In order to facilitate the development of a pandemic preparedness plan, the Pandemic Influenza Leadership Operations Team (PILOT) was established and consists of the following members:

- Pam Bueth - Administration
- Bob Lausten - Police Department
- Rich Uhl - Fire Department
- Joe Soucie - Public Works
- Scott Stopak - Recreation

Each department has also identified a pandemic planning coordinator to oversee the development of specific departmental plans.

The outline of the City of La Vista's plan is based on the Federal Department of Health and Human Services (HHS) and the Center for Disease Control and Prevention's "Business Pandemic Influenza Planning Checklist."



## **SECTION A: WHAT ARE THE OBJECTIVES OF THIS PLAN?**

In preparation for the threat of an influenza pandemic, the City of La Vista has developed this plan to meet the following objectives:

1. Establish departmental service continuity plans in the event of pandemic influenza to insure delivery of basic city services.
2. Mitigate the spread of seasonal influenza and pandemic influenza among employees.
3. Assist employees and their families in managing personal and/or family illnesses during a pandemic influenza outbreak.

## **SECTION B: WHAT IS A PANDEMIC?**

A *pandemic* is a disease outbreak that occurs over a wide geographic area and affects a high proportion of the population. An influenza pandemic is expected to affect the entire world over a period of 12-18 months.

### **Pandemic vs. Seasonal Influenza**

Pandemic influenza is quite different from the seasonal influenza that occurs annually in the northern and southern hemispheres during the winter months.

#### **Seasonal Influenza**

The seasonal influenza virus is continually changing. Small changes known as genetic drift occur and result in slightly different strains of influenza virus each winter. This is why the population suffers seasonal flu annually – people have limited residual immunity to the new, slightly different version of flu even if they had an influenza infection the year before. Seasonal influenza is a serious infection that kills over 36,000 people in the US annually. People who are very young or very old are the most at risk.

#### **Pandemic Influenza**

A pandemic is triggered when the human population is exposed to an influenza virus to which it has virtually no immunity. Pandemic influenza can be a much more serious illness with much higher death rates than seasonal influenza. Especially important is the fact that young, healthy people can be seriously affected.

An episode of pandemic influenza is the viral equivalent of a perfect storm. Three essential conditions must be met for an outbreak of pandemic influenza to begin.

1. A new flu virus must emerge from the animal reservoirs that have produced and harbored such viruses—one that has never infected human beings and therefore one for which no person has developed antibodies.
2. The virus has to make humans sick (most do not).
3. The virus must be able to spread efficiently, through coughing, sneezing, or a handshake, or through contaminated media such as doorknobs.

Based on a historic review of pandemic episodes, it is likely that the initial pandemic episode (or wave) will last 8-12 weeks. It will be followed by a second and possibly even a third wave of disease that will occur 8-12 weeks after the initial wave of the disease has passed. The entire pandemic period may take over a year to complete the three waves. During each wave of a severe pandemic, absenteeism rates could reach 40 percent as a result of illness, caring for sick family members, and fear of social contact.

In order to evaluate the risk level of a pandemic eventuating, the World Health Organization has divided a pandemic into "Phases." The phases refer to an increasing risk of a pandemic eventuating, and are used, and sometimes modified, in most national pandemic planning responses. (See following chart)

### Pandemic Phases (Issued by WHO in April 2005)

Interpandemic Period	
Phase 1 (GREEN)	No new influenza virus subtypes have been detected in humans. An influenza virus subtype that has caused human infection may be present in animals. If present in animals, the risk of human infections or disease is considered to be low.
Phase 2 (GREEN)	No new influenza virus subtypes have been detected in humans. However, a circulating animal influenza virus subtype poses a substantial risk of human disease.
Pandemic Alert Period	
Phase 3 (YELLOW)	Human infection(s) with a new subtype. No human-to-human spread, or at most rare instances of spread to a close contact.
Phase 4 (ORANGE)	Small cluster(s) with limited human-to-human transmission. Spread is highly localized, suggesting that the virus is not well adapted to humans.
Phase 5 (RED)	Larger cluster(s) but human-to-human spread still localized, suggesting that the virus is becoming increasingly better adapted to humans, but may not yet be fully transmissible (substantial pandemic risk).
Pandemic Period	
Phase 6 (BLACK)	Pandemic: increased and sustained transmission in general population.

### SECTION C: WHY PREPARE?

Management of an outbreak has been the primary focus of the pandemic planning at both the national and state levels. Maintaining operations during an outbreak however, is rapidly becoming an equal concern because of the impact that the disease will have on economic, social, and political aspects of our nation's day-to-day routine.

State and local officials must address not just the immediate outbreak of influenza, but also the inter-pandemic phase and the possibility that the worst effects may occur in a second or third wave.

After a pandemic wave is over, it can be expected that many people will have lost friends and/or relatives, suffer from fatigue, or have financial losses as a result of the interruption of business. State governments or other state and local authorities will need to address these concerns while also preparing to respond to the next phase or wave of disease.

**A KEY priority will be ensuring that essential City operations continue.** Each department must identify a list of service priorities and develop plans to address them.

Managing in the pandemic—focusing on maintaining continuity of essential operations with considerable loss of staff, depleted resources, a struggling economy, and a nervous public—will be a considerable challenge to leadership.

Planning increases the likelihood that the City of La Vista will be able to continue service operations during a global health crisis.

## **SECTION D: ASSUMPTIONS**

A flu pandemic will be unlike any crisis we have encountered. No one can predict when it might arrive, where it might strike, how long it might last, or how serious its impacts might be. Prudence requires that we assume and plan for a worst-case scenario. Accordingly, the City of La Vista's Pandemic Influenza Preparedness Plan is based on the following assumptions:

- As many as 30 to 40 percent of the City's employees could become ill at the pandemic's peak; another 5 percent may refuse to report to work, either because they fear becoming ill or because they are caring for afflicted family members.
- The government will not be able to perform all functions and provide all services at full capacity throughout the pandemic.
- Any City office may be closed because of staffing shortages or because of a limited community quarantine.
- An indeterminate number of people in the community will be unable to reach City offices to conduct normal business activities.
- Confusion within the community and demand for information could overwhelm our existing communications systems.
- Some vendors will be unable to provide services or deliver supplies, such as fuel.
- Travel will be restricted for some periods of time within and outside the community.
- Pandemic-related financial impacts, possible community-wide stress, and enhanced opportunities will increase security risks.
- The pandemic will cause a serious economic downturn, the scope and duration of which are impossible to predict.

# **CITY OF LA VISTA PANDEMIC INFLUENZA PREPAREDNESS PLAN**

## **CHAPTER 1: HYGIENE, INFECTION CONTROL, AND RISK REDUCTION**

<b>SECTION 1.1</b>	<b>INTRODUCTION</b>	<b>1-1</b>
<b>SECTION 1.2</b>	<b>PREVENTING FLU SPREAD AT WORKSITE</b>	<b>1-2</b>
<b>SECTION 1.3</b>	<b>EMPLOYEES EXPOSED OR SUSPECTED OF EXPOSURE</b>	<b>1-3</b>
<b>SECTION 1.4</b>	<b>GUIDELINES TO MODIFY FREQUENCY AND TYPE OF FACE-TO FACE CONTACT AMONG EMPLOYEES AND BETWEEN EMPLOYEES AND CUSTOMERS</b>	<b>1-4</b>
<b>SECTION 1.5</b>	<b>INFECTION CONTROL SUPPLIES</b>	<b>1-5</b>
<b>SECTION 1.6</b>	<b>EMPLOYEE EDUCATION</b>	<b>1-5</b>

## **CHAPTER 1: HYGIENE, INFECTION CONTROL, AND RISK REDUCTION**

### **SECTION 1.1 INTRODUCTION**

#### **1.1.1 Background**

Good hygiene practices and other non-medical interventions will be the principal methods used to protect against, or at least delay, infection during an influenza pandemic. Delaying infection prior to the availability of a vaccine against the pandemic strain of influenza is most important in the very likely event that antiviral drugs are scarce.

#### **1.1.2 Infectivity**

Because it is unknown which virus will cause the next influenza pandemic, it is not possible to fully predict how the pandemic virus will behave. The pandemic virus may have an infectivity period similar to current human influenza viruses, as described below. Alternatively, pandemic flu may cause prolonged viral shedding since humans will have no immunity to this new strain. Persons infected with seasonal human influenza are infectious for one day before they show symptoms. Adults remain infectious for up to five days, and children up to seven days, after the onset of the illness. Infants, young children and immuno-compromised people may be infectious for even longer.

##### **Transmission of the influenza virus**

In the case of ordinary human influenza, people contract the disease when the virus spreads from an infected individual's oropharyngeal secretions (saliva, sputum and nasal secretions) to the oral, nasal and possibly conjunctival mucous membranes of an uninfected person. Human influenza can be transmitted through both "direct" and "indirect" transmission:

Direct transmission occurs when the virus is transmitted by direct contact with the infected person (e.g. kissing).

Indirect transmission occurs when the virus contaminates an intermediate object (e.g. a door knob or computer keyboard) and the virus is transmitted to someone who comes into contact with the object.

The influenza virus can survive on hard, non-porous surfaces for 24-48 hours; on cloth, paper and tissue for 8-12 hours; and on hands for 5 minutes. A person infected with influenza virus can produce larger "droplets" or smaller "droplet nuclei." Both can transmit the virus. In droplet transmission, an infected person generates larger virus-containing droplets (>5 microns), usually by coughing or sneezing. Because of their size, these are propelled less than one meter through the air and do not remain airborne. Droplet transmission is, in general, the major form of transmission of influenza virus. In droplet nuclei (airborne) transmission, the disease is passed in small virus-containing droplets (<5 microns). These can remain suspended in the air and then be inhaled by an uninfected person. The small droplets are widely dispersed by air currents, and so can be inhaled by people who are some distance away. Special ventilation and air-handling procedures are required to clear the air of droplet nuclei.

It is widely believed that influenza principally spreads via large droplets. However, airborne transmission of influenza may occur. Airborne transmission is probably a more important consideration when large groups of people are contained in confined spaces for prolonged periods of time. It is unknown whether a pandemic virus will be readily transmitted between persons via the airborne route.

#### **1.1.3 Different responses for different pandemic phases**

The routes of influenza transmission are not expected to change as the pandemic changes phases. However, once the virus causing the pandemic has been studied, the emphasis on different types of hygiene practices may change. The response will be guided by the behavior of the virus as the following characteristics become known:

- Pathogenicity (the ability of the virus to cause disease)
- Principal mode of transmission
- Age group most affected
- Duration of virus shedding
- Virus's susceptibility to antiviral drugs
- Availability of vaccine

During the "Pandemic Alert Period" (phases 3, 4, & 5), increased personal hygiene and the use of personal protective equipment (PPE) are likely to be important to limit the spread of the virus. PPE is mainly used in the healthcare environment. During the "Pandemic Period" (phase 6), the virus will be ubiquitous in the general community and, taking into account its likely highly infectious properties, virtually all members of the community will be exposed to a degree. In that situation, the importance and relevance of PPE will probably diminish.

#### **1.1.4 Hygiene and Disinfection**

The aim of these activities is to prevent transmission of the virus from infected to non-infected persons. Hand washing is a vital hygiene practice. Its importance during the pandemic alert period (phases 3, 4 & 5) and throughout the active pandemic period (phase 6) cannot be overemphasized (see Appendix A.1.3). As pandemic phases progress, the general community should be encouraged to wash their hands and perform household disinfection on potentially contaminated surfaces far more frequently.

### **SECTION 1.2 PREVENTING FLU SPREAD AT THE WORKSITE**

#### **1.2.1 Promoting respiratory hygiene/cough etiquette**

The City of La Vista will promote hygiene and cough etiquette through a variety of methods in order to help reduce the spread of the flu virus at the worksite. Though respiratory hygiene and cough etiquette are simple concepts, during a pandemic they become a vital defense to a potentially dangerous outbreak. Hand sanitizer lotion and tissues will be provided in each work site for employees to practice proper cough and hygiene etiquette. Also, masks, similar to those worn by hospital personnel, will be provided to all employees in the event of an outbreak. The masks will be placed in each department and made readily available to staff and customers.

All customers coming into a department will be advised to wear the mask while in the building. Even with the mask, simple hygiene continues to be important; cover your mouth when coughing or sneezing, wash your hands immediately thereafter. Don't be afraid to remind co-workers to do the same. Additionally, all employees should avoid close contact. Use the telephone or e-mail to communicate whenever possible.

Also, the City will:

- Disseminate information on the flu virus and how it is spread
- Disseminate information to employees on proper hygiene methods and other behavior activities and/or restrictions that will reduce the risk of spreading the flu virus among the workforce
- Post educational posters to remind people of proper cough etiquette, hand washing, and other behaviors that will reduce risk of infection
- Place any employee exposed or suspected of exposure on immediate mandatory sick leave.

### **1.2.2 Hand Washing**

As indirect transmission (e.g. from hand-to-hand, or hand to contaminated object and then contaminated object to hand) is the main way in which influenza is passed from person to person; educational programs should reiterate the need for routine and frequent hand washing (**See Appendix A.1.3**).

The influenza virus is relatively easy to destroy. Washing with plain soap or alcohol or other antiseptic-based hand wash products eliminates the virus. It is important to wash hands even if protective gloves have been worn. Gloves are not a substitute for hand washing.

## **SECTION 1.3 EMPLOYEES EXPOSED OR SUSPECTED OF EXPOSURE**

### **1.3.1 Infection control response**

Employees should be conscious of their own health. If you experience any flu like symptoms, stay home. If you experience such symptoms at work, go home. Sick leave resulting from any pandemic episode will be processed as per the Pandemic Sick Leave (PSL) Policy found at Section 3.3.2. During a pandemic, digital thermometers will be available in City owned facilities. Any employee who believes that he/she is symptomatic is encouraged to check his/her temperature daily to determine individual wellness. In the event an employee believes himself to be experiencing flu symptoms, a supervisor should be notified. The employee's absence will be noted and the employee should see his/her personal physician prior to returning to the workplace. City of La Vista Department Heads will work with the Sarpy/Cass Public Health Department to determine return to work guidelines based on the characteristics of the pandemic, geographic distribution, and the magnitude of adverse conditions.



## **SECTION 1.4 GUIDELINES TO MODIFY FREQUENCY AND TYPE OF FACE-TO-FACE CONTACT AMONG EMPLOYEES AND BETWEEN EMPLOYEES AND CUSTOMERS**

### **1.4.1 Hand-shaking, seating in meetings, office layout, shared workstations**

#### **Face-to-Face:**

In face-to-face meetings, individuals should limit face-to-face contact. Employees should practice staying about three (3) feet from each other. This also helps to resist the temptation of shaking hands.

#### **Hand-Shaking:**

Employees should stop shaking hands with each other and customers if there is a pandemic influenza outbreak to help reduce the spread of the disease. If employees find themselves shaking hands they should ensure the establishment of an aggressive hand hygiene regiment.

#### **Hand Hygiene:**

Hand hygiene is an important step in preventing the spread of infectious diseases, including influenza. Hand hygiene can be performed with soap and warm water or by using waterless alcohol-based hand sanitizers (**see Appendix A.1.3**).

Transmission of influenza can occur by indirect contact from hands and articles freshly soiled with discharges of the nose and throat of an acutely ill individual. By frequently washing your hands you wash away germs that you have picked up from other people, or from contaminated surfaces, or from animals and animal waste.

The influenza virus is readily inactivated by soap and water. Antibacterial hand wash products are not required because routine products, along with proper hand washing procedures, will inactivate the influenza virus.

Waterless alcohol-based hand sanitizers can be used as an alternative to hand-washing and are especially useful when access to sinks or warm running water is limited. Placing alcohol-based hand sanitizers at the entrance of facilities is useful in preventing transmission of infectious diseases.

#### **Meetings:**

Employees should limit meetings. They should suspend meetings when the same information can be accomplished with a conference call, video conferencing, e-mails, or through chat groups over the internet. If, however, a face-to-face meeting is necessary, following the rules listed below may help ensure transmission of the virus is limited or nonexistent:

- Have the room cleaned and disinfected by cleaning the table, chairs, phones, and other places one might be expected to touch
- Prop open the door to keep attendees from touching the door
- Spread out as much as possible and no hand shaking
- Minimize the time of the meeting
- Meet in a larger room
- Insist that all individuals wash hands after leaving the meeting
- Clean the room again after all have left

**Increase Social Distancing:**

Social distancing means minimizing human-to human contact in peak phases of pandemic influenza. Contacts are those persons who have had close (one yard or less) physical or confined airspace contact with an infected person within four days of that person developing symptoms. These are likely to include family members and/or other living companions, workmates (if in confined airspace environments) and possibly recreational companions.

Employees will be encouraged not to circulate in crowded places and large gatherings of people during pandemic influenza. It is the policy of the City of La Vista to encourage the use of technologies to facilitate social distancing by using communications networks, remote access and web access to maintain distance among employees and between employees and customers.

**1.4.2 Flu containment information**

Influenza containment information will be provided to employees as outlined above and also in Sections 3.2.4 and 4.3 of this plan.

**SECTION 1.5 INFECTION CONTROL SUPPLIES****1.5.1 Hand-hygiene products, tissues, disposal receptacles**

The City will identify the products or supplies needed, the sources from which to obtain them, and maintain an inventory of those items, such as hand sanitizer, tissues, masks, and other Personal Protective Equipment items for use by employees in their work area. The primary inventory of items will be maintained at each City facility by the Department Head at the respective site. Any indication of an increase threat level will result in an automatic audit and review of inventory levels, available supplies and a determination will be made if any increase in the inventory of products is necessary.

**1.5.2 Availability of medical consultation and advice**

The City will use a combination of sources for medical consultation and advice, including the Center for Disease Control (CDC) information (web based and other formats), the Sarpy-Cass Health Department, and the City of La Vista designated occupational physicians. An increase in the threat alert level would trigger a review to determine if medical consultation is necessary.

**SECTION 1.6 EMPLOYEE EDUCATION****1.6.1 Pandemic fundamentals**

The City of La Vista will develop information regarding a pandemic for employees. Please refer to **Section 4.3.1** of this plan.

**1.6.2 Personal and family protection response strategies**

The City of La Vista will provide information to employees to assist them in protecting themselves and their families during a pandemic. Please refer to **Section 4.3.2** and **Section 3.2** to **Section 3.4** of this plan.

# **CITY OF LA VISTA PANDEMIC INFLUENZA PREPAREDNESS PLAN**

## **CHAPTER 2: ESSENTIAL SERVICES AND OPERATIONS CONTINUITY**

<b>SECTION 2.1</b>	<b>INTRODUCTION</b>	<b>2-1</b>
<b>SECTION 2.2</b>	<b>ESSENTIAL OPERATIONS &amp; SERVICE REDUCTION SCENARIOS</b>	<b>2-1</b>
<b>SECTION 2.3</b>	<b>ANCILLARY WORKFORCE</b>	<b>2-1</b>
<b>SECTION 2.4</b>	<b>IDENTIFICATION OF ESSENTIAL EMPLOYEES AND OTHER CRITICAL INPUTS</b>	<b>2-2</b>
<b>SECTION 2.5</b>	<b>ENHANCEMENT OF REMOTE COMMUNICATION CAPABILITY</b>	<b>2-2</b>

## **CHAPTER 2: ESSENTIAL SERVICES AND OPERATIONS CONTINUITY**

### **SECTION 2.1 INTRODUCTION**

#### **2.1.1 Background**

Essential City services have the best chance of continuing effectively during a pandemic if the City pre-plans which minimum personnel and materials are required to provide core services. Planning was initiated by each department answering a few key questions: What might happen if our workforce was reduced by 25 percent? by 30 or 40 percent? What services would have to be reduced or eliminated? What are each department's top service priorities? Who are the critical essential employees needed to continue priority services? Who would/could replace an employee absent due to personal or family member's illness? Which employees would be able to work from remote locations if able to do so?

#### **2.1.2 Preparation Process**

Each department addressed the above questions and then identified essential operations within their departments and developed various service reduction scenarios. They also identified essential employees and other critical inputs needed for core services and identified a potential ancillary work force. Finally, the City examined its existing remote work-site technology and what enhancements would be necessary to expand and improve our capability. The following outlines the plans to meet those needs.

### **SECTION 2.2 SERVICE REDUCTION SCENARIOS**

The Essential Operations and Service Reduction Scenarios for each department are included in Appendices 4 and 5.

### **SECTION 2.3 ANCILLARY WORKFORCE**

#### **2.3.1 Employees in other job titles**

Each department completed worksheets that identified current employees with transferable skills. This is considered confidential Information and will be retained on file in the Human Resources Department.

#### **2.3.2 Contractors**

Each department completed worksheets that identified possible options to contract for employees. This is considered confidential Information and will be retained on file in the Human Resources Department.

#### **2.3.3 Retirees**

Each department completed worksheets that identified former employees that may be able to work during a pandemic event. This is considered confidential information and will be retained on file in the Human Resources Department.

## **SECTION 2.4 IDENTIFICATION OF ESSENTIAL EMPLOYEES AND OTHER CRITICAL INPUTS**

### **2.4.1 Essential employees**

Each department completed worksheets that identified their essential employees. This is considered confidential information and will be retained on file in Human Resources (HR) Department.

### **2.4.2 Materials, suppliers, sub-contractor services/supplies**

Each department completed worksheets that identified their critical materials and suppliers. This is considered confidential information and will be retained in the City Clerk's office.

### **2.4.3 Information Systems**

Recognizing that Information Systems (IS) is a critical function on which other critical functions rely, the City of La Vista has contracted with Sarpy County for IS support.

The Sarpy County Information Services Department Director, in conjunction with the pandemic planning committee, has reviewed the pandemic response plan of the City of La Vista's primary systems and determined that the appropriate steps are documented to ensure the ability to provide essential services to the City of La Vista. Those steps include back-up support from hardware and software vendors who could provide remote support for information technology functions for the City if the primary staff are unable to do so.

Computer and Data Security To strengthen our computer and data security measures and address the vulnerabilities a pandemic will create, the City of La Vista has or will take the following steps:

- Instructed the Information Services Department to obtain back-up for all its essential equipment.
- Instructed the Information Services Department to review all existing security programs to ensure their effectiveness and to enhance those programs as needed to cope with the heightened security risks anticipated in an avian flu pandemic.
- Implement required password changes for all employees to change their computer access passwords every 90 days.
- Provided educational materials for employees informing them about the risks of Internet hoaxes and how to avoid them.

## **SECTION 2.5 ENHANCEMENT OF REMOTE COMMUNICATION CAPABILITY**

### **2.5.1 Technology supporting employee telecommuting**

For each employee identified by their department as essential employees, the remote technology needs worksheet was completed. Those needing access to the city's network will be instructed on proper use of VPN (Virtual Private Network) for access to the network. This is considered confidential information and will be retained on file in the Human Resources Department.

### **2.5.2 Remote customer access**

Nothing currently; limited access in the near future.

## **CITY OF LA VISTA PANDEMIC INFLUENZA PREPAREDNESS PLAN**

### **CHAPTER 3: ADMINISTRATION AND HUMAN RESOURCES**

<b>SECTION 3.1</b>	<b>INTRODUCTION</b>	<b>3-1</b>
<b>SECTION 3.2</b>	<b>PANDEMIC INFLUENZA PLANNING AND RESPONSE</b>	<b>3-1</b>
<b>SECTION 3.3</b>	<b>SPECIAL ADMINISTRATIVE POLICIES DURING PANDEMIC</b>	<b>3-6</b>
<b>SECTION 3.4</b>	<b>TRACKING OF ANNUAL INFLUENZA VACCINATIONS FOR EMPLOYEES</b>	<b>3-11</b>
<b>SECTION 3.5</b>	<b>EMPLOYEE ACCESS TO AVAILABLE HEALTHCARE AND MENTAL HEALTH SERVICES</b>	<b>3-12</b>
<b>SECTION 3.6</b>	<b>IDENTIFICATION OF EMPLOYEES WITH SPECIAL NEEDS</b>	<b>3-13</b>
<b>SECTION 3.7</b>	<b>COLLABORATION WITH INSURERS, HEALTH PLAN ADMINISTRATOR AND MAJOR HEALTH CARE AGENCIES</b>	<b>3-13</b>
<b>SECTION 3.8</b>	<b>COLLABORATION WITH FEDERAL, STATE, AND LOCAL PUBLIC HEALTH AGENCIES</b>	<b>3-13</b>
<b>SECTION 3.9</b>	<b>POTENTIAL FINANCIAL IMPACT ON CITY REVENUES AND EXPENDITURES</b>	<b>3-13</b>

## **CHAPTER 3: ADMINISTRATION AND HUMAN RESOURCES**

### **SECTION 3.1 INTRODUCTION**

Before, during, and after a pandemic influenza outbreak occurs, the City of La Vista will need to implement special policies and practices to effectively manage municipal operations. Once a pandemic has started there will be no time for planning and consulting. The workplace will be in response/reaction mode. To that end, the City of La Vista has assembled this plan with specific components to address the most likely circumstances occurring in the event of a pandemic. Since it is impossible to address all scenarios that could occur, this plan is designed to act as a template for the City of La Vista organization in the event a pandemic event happens. There will likely be state and federal mandates to follow in the event of an actual emergency and we will maintain communications with the appropriate agencies to keep all employees properly informed. The City will also need to look at the financial impacts of a pandemic influenza outbreak to insure that basic city services can continue.

### **SECTION 3.2 PANDEMIC INFLUENZA PLANNING AND RESPONSE**

#### **3.2.1 Pandemic Planning and Response Team**

In October 2007 the City Administrator directed each department to prepare contingency plans in the event of an avian flu pandemic. The City Administrator also directed the Chief of Police to manage the process and develop a pandemic response plan for the City of La Vista. The Chief of Police then established the Pandemic Influenza Leadership Operations Team (PILOT) to prepare a detailed response plan in the event of a flu pandemic. The following staff members are included on the team:

- Chief of Police
- Fire Chief
- Public Works Director
- City Clerk
- Recreation Director

The Chief of Police serves as the PILOT Coordinator. This team will also serve as the City's Pandemic Response Team and will include the City Administrator and others as designated. This team will direct the City's response to a flu pandemic.

#### **3.2.2 Trigger Events**

The following events should be considered trigger events for implementation of all or portions of this plan:

1. The United States Federal Government through their official agencies issues a pandemic declaration for the United States; and/or
2. The State of Nebraska through the Office of the Governor or other official State Office issues a pandemic declaration for the State; and/or

3. The Mayor of the City of La Vista or his /her designee declares a pandemic emergency for the City of La Vista; and/or
4. Directive of the Sarpy-Cass Health Department to implement a response plan; and/or
5. Irrefutable evidence that an outbreak has occurred within the City of La Vista/Omaha metro area; and/or
6. Excessive employee absenteeism, whether pandemic-induced or not, as noted and reported by Department Heads, that results in the City of La Vista being in jeopardy of experiencing pandemic related operations crises.
7. Confirmation of employee exposure to flu contagions.

### **3.2.3 Plan Activation**

Once a flu pandemic crisis is imminent or has occurred, the City's PILOT Team as noted in Section 3.2.1 will follow the guidelines in Table A (Section 3.2.5-A) and B (Section 3.2.5-B) below.

### **3.2.4 Personnel and Community Safety**

Upon activation of this plan, the first and most important goal is to protect the health and safety of employees and residents of La Vista. If the PILOT Team determines that "normal" operations or altered operations can be maintained at any office, maximum efforts should be made to eliminate or minimize any potential for infection or other danger to employees or people in the community.

### **3.2.5 Flu Crisis Assessment**

Upon activation of a flu crisis, the response team coordinator:

- Immediately informs all members of the Pandemic Influenza Leadership Operations Team (PILOT) and others as designated.
- Makes notification via calling tree in case all personnel are not present in City offices or if the declaration does not occur during normal business hours.
- Includes a date, place and time of the first meeting of the response team, which should be within hours of the completion of the notification process. If the members are unable to physically meet due to governmental limitations on travel or quarantine, they will meet by conference call.

At the first meeting PILOT will:

- Make an initial risk determination to define the extent of the crisis and what portions of the program need to be implemented based on that analysis.
- Contact other government officials, community leaders, regional partners, or other resources as necessary to accomplish the objectives of this plan.



- Meet on a scheduled or as-needed basis either in person or by telephone, to continually assess the severity of the crisis, the efficiency of the City of La Vista's response and Nebraska State governmental responses, and whether any changes need to be made to implement additional elements of the plan.

### 3.2.5—A: Alert Levels

In the event that human to human transfer of a pandemic flu virus is confirmed, the City of La Vista's Pandemic Influenza Leadership Operations Team may follow the actions shown in Table "B" against the following Alert Points in the Table "A" below. The trigger points are derived from those used by the World Health Organization (see Forward, Section B).

**TABLE A**

City of La Vista Alert Level	WHO Alert Level	Description
<b>Level 1</b>	Level 3 (yellow)  Pandemic Alert Period (Levels 3-5)	<b>Human infection(s) with a new subtype. No human-to-human spread or at most rare instances of spread to a close contact.</b>
<b>Level 2</b>	Level 4 (orange)	<b>Small cluster(s) with limited human-to-human transmission. Spread is highly localized, suggesting that the virus is not well adapted to humans.</b>
<b>Level 3</b>	Level 5 (red)	<b>Larger cluster(s) but human-to-human spread still localized, suggesting that the virus is becoming increasingly better adapted to humans, but may not yet be fully transmissible (substantial pandemic risk).</b>
<b>Level 4</b>	Level 6 (black)  Pandemic Period	<b>Pandemic: increased and sustained transmission in general population. Federal and State Government confirm Avian Flu in human cases in vicinity of the City of La Vista and/or local communities.</b>

### 3.2.5—B: Leadership Action Table

The following Alert Level and Leadership Action table, Table B, provides a guide for the Pandemic Influenza Leadership Operations Team to manage a pandemic influenza event. The table has suggested action steps that the Leadership Team may implement as they deem appropriate and will be determined during each phase of a pandemic event.



**TABLE B**

Alert Level	Description	Actions for Pandemic Influenza Leadership Operations Team
<p><b>Level 1</b></p> <p><b>(WHO Level 3)</b></p>	<p>Confirmation that the Flu virus can be transmitted from Human to Human and that there are limited cases.</p>	<ol style="list-style-type: none"> <li>1. Convene the Pandemic Influenza Leadership Team and set up regular review times.</li> <li>2. Send communication to staff of the raised alert level and inform them of :               <ol style="list-style-type: none"> <li>a. The plan for potential pandemic.</li> <li>b. Policies for sick leave and tending to sick family members.</li> </ol> </li> <li>3. Employees that work directly with outside customers should follow department instructions on social distancing, providing they do not place staff in danger, and consider activating any alternative working procedures.</li> <li>4. Contact local authorities and health providers and get up to date news, advice, and local/county wide pandemic plans.</li> <li>5. Direct Building and Grounds Department to inventory infection control supplies (plan section 1.51)</li> <li>6. Step up surveillance and issue weekly reports to staff.</li> <li>7. Implement increased cleaning routines.</li> <li>8. Consider issuing surgical masks and make them available for staff if required.</li> <li>9. Review remote working arrangements.</li> <li>10. Place signage, information, poster, and leaflets in appropriate places in offices.</li> <li>11. Take a measure of the psychological effects of the staff working under threat.</li> <li>12. Staff should report to management if they being to show symptoms of the strain of pandemic Flu and seek medical attention immediately. Staff must refrain from going back to work until is considered safe by a doctor. The initial symptoms of the pandemic Flu will be similar to those of other Flu viruses, including: Fever/ Generalized muscle pain/ Cough and sore throat.</li> </ol>
<p><b>Level 2</b></p> <p><b>(WHO Level 4)</b></p>	<p>Evidence of increased Human to Human transmission.</p>	<ol style="list-style-type: none"> <li>1. Alert staff to status and restrictions.</li> <li>2. Increase any specialized and comprehensive cleansing services.</li> <li>3. Check to see if any staff or staff family members could have traveled to and from affected countries or areas and notify the appropriate authorities and Human Resources of any staff or staff family members that are affected.</li> <li>4. Employees who return from travel warning countries may be requested not to come into the office until cleared by a medical professional.</li> <li>5. Review telecommuting opportunities and consider requesting staff work from home as deemed necessary to reduce spread of flu virus.</li> </ol>



Alert Level	Description	Actions for Pandemic Influenza Leadership Operations Team
Level 2 (con't)		<ol style="list-style-type: none"> <li>Limit all face-to-face customer meetings to a minimum and only on an essential basis, until further notice. Customer contact will continue either through phone, email or video conferencing.</li> <li>Consider the distribution of surgical masks to staff, enforcing their use in City of La Vista offices.</li> <li>Instruct staff to report to their supervisor if there are any suspected cases in their living area/social circle.</li> <li>Advise staff on the travel restrictions and travel warning countries.</li> <li>Update staff training of pandemic issues.</li> <li>Advise staff to minimize personal movements where appropriate for their own safety.</li> </ol>
Level 3 (WHO Level 5)	Evidence of significant human to human transmission and Government confirms human cases in your country in a sporadic manner.	<ol style="list-style-type: none"> <li>Actions under Level 2 will continue.</li> <li>Close all City offices and restricting staff from traveling between facilities.</li> <li>Review telecommuting opportunities and request staff work from home as deemed necessary to reduce spread of flu virus.</li> <li>Cancel all out-of-state staff training.</li> <li>Restrictions on city business travel will be enforced. Personal travel should be kept to a minimum and on an essential basis (see travel policy).</li> <li>Send staff home if [he/she or family members] are waiting for the laboratory test result.</li> </ol>
Level 4 (WHO Level 6)	<p>Efficient and sustained human to human transmission and Government confirms pandemic Flu in human cases in vicinity of the office and/or local communities and may include:</p> <ul style="list-style-type: none"> <li>Confirmed Staff infection or death as a result of the pandemic Flu.</li> <li>Building Closure.</li> </ul>	<ol style="list-style-type: none"> <li>Actions under Level 1, 2, and 3 will continue where appropriate.</li> <li>Ensure that managers are communicating with staff working remotely.</li> <li>Evacuate and isolate immediately any area where suspected cases occur and suspend work in the affected location.</li> </ol>

### **SECTION 3.3 SPECIAL ADMINISTRATIVE POLICIES DURING PANDEMIC**

The City of La Vista will implement special administrative policies during a ***declared pandemic influenza*** to meet the unique needs of employees and customers caused by a pandemic influenza. These policies will be in effect when an official pandemic has been declared (see Section 3.2.2).

#### **3.3.1 Compensation**

Though the City of La Vista intends to continue complying with all local, state and federal mandates, including applicable collective bargaining agreements during any pandemic event, it is important to note that an emergency situation may act to suspend certain compensatory benefits available to our workforce (such as wellness time).

#### **3.3.2 Sick Leave**

During a ***declared pandemic influenza*** (see Section 3.2.2), the following sick leave policy will replace all other policies in the City of La Vista:

- A. All employees, excluding temporary or part-time workers, shall be provided **eighty (80)** sick leave hours, to be known as Pandemic Sick Leave (PSL), in addition to any days already earned as regular sick time.
- B. If an employee has been required to utilize other eligible leave time for an illness or event that is not identified as pandemic flu/influenza at the time of the request, but is later medically diagnosed as such, any eligible leave time previously used for said illness or event may be reinstated to that employee.
- C. An eligible event, as the term is used herein, refers to:
  - 1. the employee's medical diagnosis of pandemic flu/influenza,
  - 2. the diagnosis of the employee's spouse, child(ren) or other member of the employee's household with pandemic flu/influenza,
  - 3. the announcement that the employee's community is under quarantine as a result of a pandemic flu epidemic, and as a result, the employee is unable to come to work,
  - 4. the announcement that the employee's spouse's workplace or child(ren)'s school is subject to an order of quarantine or is otherwise closed as a result of a pandemic flu epidemic, and as a result the employee is unable to come to work.
- D. Any request for additional PSL days must be made in writing, accompanied by a physician's statement that such additional time off is necessary for the recovery of the employee or the employee's immediate family or household member. Said request must be directed to the employee's Department Head who will forward same to the attention of the City Administrator. The City Administrator (or his/her designee) shall make all final decisions regarding the extension of PSL days and any such decision shall not be subject to the grievance procedure.
- E. Any PSL days shall be treated the same as a non-PSL sick day for purposes of pay and accumulation.

### **3.3.3 Return to work after illness**

No employee shall return to work until they have recovered from the pandemic flu or are taking an effective antiviral medication. If an employee was exposed to someone with a flu-like illness (child, spouse, etc), the employee may return to work if they have not become ill. In some cases employees may be asked to certify that returning to work is now safe. This request would be made in an effort to protect others.

### **3.3.4 Prevention at worksite (see also Chapter 1: Section 1.2)**

All employees are expected to be responsible for their own health. It is important that employees be aware of safety and prevention practices while at work. These include avoiding close contact when unnecessary, washing hands often, covering the nose and mouth when sneezing and/or coughing and washing hands immediately thereafter. Additionally, masks and hand sanitizers will be available in all municipal facilities. Employees are directed to utilize these products during the workday, to remind colleagues to utilize same and to notify citizens, customers and vendors coming into the workplace to do the same. Employees are also encouraged to get a preventative flu shot if their medical condition allows. If an employee suspects that he or she may be experiencing flu-like symptoms, the employee shall notify his immediate supervisor and go home. If the employee is unable to make contact with the supervisor, notify a coworker and contact the supervisor as soon thereafter as is practical. The employee's absence will be noted and if applicable, the PSL policy regarding leave will be followed.

### **3.3.5 Employees who have been exposed to pandemic influenza, suspected to be ill, or becomes ill at the worksite**

Any employee that has been exposed to the pandemic flu or other influenza virus should consult his/her personal physician or other medical professional of the employee's choice as soon as possible. The employee must notify his/her immediate supervisor of the exposure and leave the workplace. In the event the exposure happens outside the workplace or before arriving at work, the employee should make contact with his/her immediate supervisor to make the supervisor aware of the employee's condition. The supervisor must note the absence, apply the PSL procedure if appropriate and inform the employee of his/her responsibility to secure a doctor's statement regarding his/her ability to safely return to the workplace before being allowed to so return. The supervisor or manager should notify Human Resource personnel upon receipt of the employee communication.

If it is necessary due to internal or external spread of the disease, Personal Protective Equipment will be distributed to employees to be worn in the work and home setting. Social distancing strategies will also be implemented as noted in SECTION 1.4 to reduce the frequency of contact between personnel, including but are not limited to:

- Avoiding face-to-face meetings by using telephone, video conferencing, web meetings, e-mail, even when co-workers are in the same facility. If people must meet, they should wear masks and should remain at least three (3) feet from each other.

- Avoiding or eliminating travel to other businesses, meetings, work-related social gatherings, conferences, and workshops. If employees must travel, they should wear a mask while on the airplane and in other public areas.
- Wherever possible, for City facilities operating multiple shifts, provide an interval time between shifts to ventilate the facility and minimize face-to-face contact.
- For those individuals with cell phones and computers, increasing work from home, as approved by and under supervisory direction.
- Avoiding public transportation.
- Avoiding communal lunch periods (bring lunch from home to avoid restaurants), communal coffee breaks, and communal smoke breaks.
- Use basic hygiene tools, such as washing hands numerous times per day. If it is not possible to do so, use a hand sanitizer.

**3.3.6 Travel restrictions** During a declared pandemic influenza the following travel policy will be instituted:

- A. Upon the announcement of the Governor of the State of Nebraska, the Nebraska Department of Health & Human Services or other federal/state department of health or policy that the state is subject to a pandemic influenza outbreak, all duty related travel shall immediately be suspended.
- B. If travel is imminent due to the dates of any conference or other meeting and all travel arrangements have been made without the availability of refund, the City Administrator may decide to allow the employee to take the prearranged trip with a doctor's statement indicating an absence of any pandemic flu virus.
- C. In order for any duty related travel to be considered "imminent" said travel dates must be less than ten (10) days hence at the time the pandemic announcement is made.
- D. If an announcement of a pandemic influenza outbreak is made by the Mayor of the City of La Vista or his/her designee, the same travel ban as previously stated will be in place.
- E. If an employee lives in a community that is subject to a pandemic announcement by its local government, health department or other responsible entity or is otherwise quarantined due to such an outbreak, the employee shall make his/her department head aware of such announcement as soon as the employee is made aware of same. Any employee so affected shall refrain from travel to and from the workplace until such time as any announcement or quarantine is lifted and the employee is in receipt of a physician's statement indicating the absence of any avian flu virus.

## **SECTION 3.3.7 TELECOMMUTING AND FLEXIBLE WORK SCHEDULE**

### **TELECOMMUTING POLICY**

**Purpose:** The purpose of this policy is to establish procedures for City Employees that volunteer or are required to participate in a Flexible Worksite or Telecommuting program during a declared pandemic.

**Definition:** Telecommuting is defined as a work arrangement whereby selected City employees are allowed to perform the normal duties and responsibilities of their position, through the use of computers or other telecommunications, at home or another place apart from the employees' usual place of work. Telecommuting can be full-time or part-time and the employee is expected to report to the official work site on a scheduled basis.

#### **Policy Statements:**

- Participation in telecommuting during a pandemic may be mutually agreed to by the employee and their department head. The employee's position must be identified as telecommuting capable. The City may, however, require an employee to telecommute in order to reduce the risk of spreading the flu virus at the worksite. This would be determined on a case by case basis as work site conditions and the health status of an employee warrants.
- The City of La Vista has identified job classes and positions considered appropriate for telecommuting. Requests will be considered on an individual basis to determine if the position description meets the requisite job functions and duties necessary to allow for telecommuting.
- A Telecommuting Agreement or contract must be signed by the telecommuter, their department head and the City Administrator prior to beginning the program (see Appendix 3). Exceptions may be made to facilitate emergency situations under the pandemic event as determined by the department head.
- Telecommuters may elect to cease their participation in the program at any time, unless, due to the pandemic, they are required to work in the program due to illness or other worksite separation needs. These will be determined by the employee's department head. The department head may cancel the agreement at any time when it is determined that continuation would not be productive, efficient or otherwise not in the best interest of the department.
- Telecommuters will be compensated for all pay, leave, and overtime and travel entitlement as if duties were being performed at the City work location. Overtime shall not be worked unless authorized in advance by the department head.

- Telecommuters are subject to the same rules and procedures as other employees and are covered by worker's compensation when performing official work duties at the alternate work site.
- Telecommuters shall verify in writing that their home provides work space that is free of safety and fire hazards and shall agree that the City of La Vista will be held harmless against any and all claims, excluding worker's compensation claims that result from working at the home office.
- No employee engaged in telecommuting will be allowed to conduct face-to-face business at their home.
- The City of La Vista is not required to provide equipment for telecommuting; however, the City may provide all or part of the equipment necessary for accomplishing work assignments, including the installation and maintenance of City-owned equipment at the home. The City will not cover the cost of repair or maintenance of the telecommuter's personal equipment. Equipment needs will be determined on a case by case basis as determined by the department's need during the pandemic event.
- The City will establish security controls and conditions for use of City equipment. The telecommuting employee must apply approved safeguards to protect City equipment and supplies. All official City records, files and documents must be protected from unauthorized disclosure or damage and returned safely to the office.
- Employees currently on a performance improvement plan are not eligible for telecommuting. Exceptions may be made if warranted due to the pandemic influenza crises.

**Procedures:** Employees interested in participating in the telecommuting program should contact their supervisor to discuss the feasibility of telecommuting. They must hold a telecommuting eligible position as identified by the City. If an employee does not hold an eligible position, he/she may apply if they believe telecommuting may work for their specific circumstances. If the employee and the position are deemed suitable for telecommuting, an agreement or contract specifying the terms and conditions of telecommuting must be signed by the employee, the department head, and the city manager. Copies of the Telecommuting Agreement are available from the City's Human Resources Department.

The original of the Telecommuting Agreement should be sent to the Human Resources Department for inclusion in the employee's official personnel file. The employee and the supervisor should retain a copy.

The department head and employee must agree upon the equipment to be used in telecommuting. Subject to approval by the department head director and the City Administrator, City equipment may be relocated to the home under any of the following conditions:



- Employee's present equipment is not needed at the office and can be moved to the telecommuting site
- Employee's present equipment is portable and can easily be moved from office to home and back
- City has additional equipment, suitable for telecommuting, available for use by a telecommuter
- City has the funds and elects to purchase additional equipment for telecommuting.

A Telecommuting Work Plan must be included as part of the Telecommuting Agreement. The Work Plan must include at a minimum:

- specific description of the duties to be performed
- established workdays and normal work hours
- explanation as to how supervision will be provided
- explanation as to how work products and outputs will be monitored and reviewed
- explanation as to how attendance and leave records will be maintained and processed

The City's Human Resource Office should be notified in writing of modifications to, or cancellation of, the telecommuting arrangement.

## **FLEXIBLE WORK SCHEDULE**

Work schedules are determined by the service needs of the department/division and are managed accordingly. Once schedules are defined and communicated to employees, an employee who requests a deviation in that schedule must do so in writing to the department head for approval. The department head will determine an appropriate schedule for an employee to best fit the needs of the department during a pandemic influenza event.

The department head may require employees to change work schedules in order to reduce the risk of the pandemic influenza spreading at the work site. The department head may develop alternative work schedules for one or more employees with approval of the Pandemic Influenza Crises Team, which includes the City Administrator.

## **SECTION 3.4 TRACKING OF ANNUAL INFLUENZA VACCINATIONS FOR EMPLOYEES**

Employees are encouraged to get a preventative flu shot if their medical condition allows. The City will maintain a record of those employees who have received an annual flu shot through the City of La Vista Flu Shot Program. Employee obtaining flu shots from other sources are encouraged to advise Human Resources that they have received their flu shot.

## **SECTION 3.5 EMPLOYEE ACCESS TO AVAILABLE HEALTHCARE SERVICES AND MENTAL HEALTH SERVICES**

### **3.5.1 HEALTH CARE SERVICES**

The City of La Vista will endeavor to use the City's designated occupational medicine physicians to the extent possible where employees within our organization can go to receive a faster evaluation of their illness to determine if that individual is sick or not. The City may consider allowing an employee to also have their family access to be evaluated as well. This may allow employees to stay at work or return to work faster without being bogged down by the normal medical infrastructure that may be overwhelmed. Below is a chart that can assist employees in determining whether they have just a cold or the onset of the flu. If their symptoms are flu-like, they should seek medical assistance immediately.

#### ***Difference Between Influenza and a Common Cold***

<b>SYMPTOM</b>	<b>INFLUENZA</b>	<b>COMMON COLD</b>
Fever	Usual, sudden onset 100-104 degrees and lasts 3-4 days	Rare
Headache	Usual and can be severe	Rare
Aches and Pains	Usual and can be severe	Rare
Fatigue and Weakness	Usual and can last 2-3 weeks or more after the acute illness	Sometimes, but mild
Debilitating fatigue	Usual, early onset can be severe	Rare
Nausea, vomiting, diarrhea	In children <5 years old	Rare
Watering of the eyes	Rare	Usual
Runny, stuffy nose	Rare	Usual
Sneezing	Rare in early stages	Usual
Sore throat	Usual	Usual
Chest discomfort	Usual and can be severe	Sometimes, but mild to moderate
Complications	Respiratory failure; can worsen a current chronic condition; can be life threatening	Congestion or earache
Fatalities	Well recognized	Not reported
Prevention	Influenza vaccine; frequent hand-washing	Frequent hand-washing; cover your cough

### **3.5.2 MENTAL HEALTH CARE SERVICES**

The City of La Vista provides an Employee Assistance Program (EAP) that gives employees access to mental health providers. Employees that need assistance should seek help through the normal EAP process.

### **SECTION 3.6 IDENTIFICATION OF EMPLOYEES WITH SPECIAL NEEDS**

The Human Resource Department will maintain a file of employees for those individuals who have chosen to indicate they have special needs.

### **SECTION 3.7 COLLABORATION WITH INSURERES, HEALTH PLAN ADMINISTRATOR AND MAJOR HEALTH CARE AGENCIES**

Upon the activation of the Pandemic Plan by one of the aforementioned events, the City Administrator shall direct the Human Resources department to make appropriate contact with our insurance carriers and health plan administrators in order to respond to any question or concern regarding the pandemic event and its affect on City staff.

### **SECTION 3.8 COLLABORATION WITH FEDERAL, STATE, AND LOCAL PUBLIC HEALTH AGENICES**

The City of La Vista, through the Sarpy County Emergency Management Agency (SCEMA), shall maintain communication with the federal and state government during the course of any pandemic event. The purpose of said communication will be to keep the citizens abreast of any and all events, announcements, warnings, admonishments and recommendations regarding the pandemic event.

There will be a central location for all communications such that citizens seeking information regarding the pandemic will be immediately dispatched to the appropriate municipal location or other state or federal government entity able to respond to their inquiry.

### **SECTION 3.9 POTENTIAL FINANCIAL IMPACT ON CITY REVENUES AND EXPENDITURES**

Just as it is difficult to forecast the severity of a pandemic, it is hard to predict its economic effects, even if the outbreak's scope and severity are known. Based on past influenza pandemics and the SARS outbreak, the most significant impacts would be a sharp decline in demand as people avoided shopping malls, restaurants, and other public spaces, and a reduction in the labor supply as workers become ill, stay home out of fear, or take care of others who are sick.

**Revenues** The general slowdown in economic activity would reduce the City's elastic revenues, such as local sales taxes, hotel/restaurant/amusement tax, and property tax. The City could see an estimated loss of sales tax from three percent (mild scenario) to 30, 40, 50, or even 60 percent (severe scenario) in those revenues. This could mean the loss of anywhere between \$100,000 to \$3M in city revenues depending on the severity of the pandemic.

**Expenditures** A pandemic influenza event would result in a reduction in the labor supply as workers become ill or stay at home to take care of others who are sick. A pandemic event would also affect the City's ability to obtain materials and supplies, as

well as, the ability to use contract labor as there would be a shortage in the workforce. The City should expect a decline in service levels; therefore, expenditures relating to contractual costs, materials, and supplies should also decrease. However any decrease in cost relating to this decline in service levels may be offset by the increase in future medical premiums.

While these predictions are based on very rough estimates, they do provide a general picture of the potential economic impact of a pandemic.

### **SECTION 3.10 CLOSING OF CITY OFFICES TO THE PUBLIC**

In the event of a pandemic influenza, the City Administrator or his/her designee shall determine if adequate resources are available to staff and keep public access available to City Hall, Community Center, Fire Stations, Police Station, Public Library, and the Public Works facility.

Upon such determination, the opening and closing times shall be determined by the City Administrator or his/her designee. The City Office employee notification calling tree shall then be activated if the facilities are not yet open for business. The media will be notified in the event of city facilities delayed openings and closings. Notification shall be posted at all public entrances to their respective facilities if possible.

In determining opening and closing times for the Public Library, the Library Director shall consider any determination made by Metropolitan Community College to close the Sarpy Center.

Generally, the time of any delayed opening and closing will be consistent for City Hall, Community Center, Fire Station, Police Station and the Public Works facility. The time of any delayed opening and closing of the Public Library will generally be consistent with Metropolitan Community College's hours. The Library Director or his/her designee shall notify City Hall of any closings consistent with MCC which may not be consistent with that of other city facilities. In the event that the City would delay opening until later or close earlier than MCC, the library will close with other City facilities.

### **SECTION 3.11 CITY COUNCIL, COMMISSION AND BOARD MEETINGS**

Upon the issuance of a pandemic emergency declaration by the Mayor of the City of La Vista (see Section 3.2.2), City Council, City Commission, and Board meetings may be rescheduled or held by electronic device (teleconference, video conference, etc) during the time of the declared emergency.

## **CITY OF LA VISTA PANDEMIC INFLUENZA PREPAREDNESS PLAN**

### **CHAPTER 4: COMMUNICATION**

<b>SECTION 4.1</b>	<b>INTRODUCTION</b>	<b>4-1</b>
<b>SECTION 4.2</b>	<b>EMERGENCY COMMUNICATION PLAN - PANDEMIC INFLUENZA</b>	<b>4-1</b>
<b>SECTION 4.3</b>	<b>DEVELOPMENT AND DISSEMINATION OF MATERIALS</b>	<b>4-1</b>
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<b>SECTION 4.5</b>	<b>DISSEMINATION OF INFORMATION TO EMPLOYEES ABOUT PANDEMIC PLAN</b>	<b>4-2</b>
<b>SECTION 4.6</b>	<b>INFORMATION ON AT-HOME CARE OF FAMILY MEMBERS</b>	<b>4-2</b>
<b>SECTION 4.7</b>	<b>PLATFORMS FOR COMMUNICATING PANDEMIC STATUS AND ACTIONS</b>	<b>4-3</b>
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<b>SECTION 4.9</b>	<b>SHARING OF BEST PRACTICES TO IMPROVE COMMUNITY RESPONSE EFFORTS</b>	<b>4-4</b>

## **CHAPTER 4: COMMUNICATION**

### **SECTION 4.1 INTRODUCTION**

#### **4.1.1 Communication Plan**

The City of La Vista has identified a variety of methods to communicate to its employees, vendors/suppliers, and citizens, information on a pandemic event. The goal is to provide accurate and timely information in order to manage the effects of a pandemic.

#### **4.1.2 Web links to up-to-date pandemic influenza information**

The Centers for Disease Control and Prevention provides a website with extensive information regarding pandemic influenza. The address is [www.cdc.gov/flu/](http://www.cdc.gov/flu/). Information can also be accessed at [www.pandemicflu.gov](http://www.pandemicflu.gov) and from the World Health Organization, [www.who.com](http://www.who.com) and the International SOS, [www.internationalsos.com](http://www.internationalsos.com).

### **SECTION 4.2 EMERGENCY COMMUNICATION PLAN – PANDEMIC INFLUENZA**

#### **4.2.1 Reference the City of La Vista's Emergency Communications Plan on the City's Intranet.** The Human Resources Assistant will:

- a. Set-up a phone number with a pre-recorded message for employees.
- b. Set-up a phone number for department heads to call about the health status of their employees.
- c. Send out a daily e-mail update of who is out ill.
- d. Set-up a data base to track people.
- e. Provide a spreadsheet on the City's Intranet for supervisors to access and list employees who are absent.

### **SECTION 4.3 DEVELOPMENT AND DISSEMINATION OF MATERIALS**

#### **4.3.1 Pandemic fundamentals**

The City will do the following to keep employees up to date on the pandemic:

- Relay information to employees through the employee newsletter, e-mail, the City's Intranet, and send mailings to employees at their homes.
- Develop and distribute flyers containing accurate and up-to-date information about the situation.
- Provide a central bulletin board in City facilities to post information.
- Also refer to Section 1.6 of this Pandemic Plan.

#### **4.3.2 Personal and family protection response strategies**

The City will work with the Sarpy-Cass Health Department to gather information on personal and family preparedness for a pandemic. This will assist employees in taking care of themselves and/or family members who become ill. An information packet will be distributed to employees.

### **SECTION 4.4 ANTICIPATION OF EMPLOYEE FEAR AND ANXIETY, RUMORS AND MISINFORMATION**

**4.4.1 Communication of accurate and timely information to employees.** In order to allay fears of a pandemic, both before and during, and to dispel rumors and the spread of misinformation, the City will communicate to employees the latest and most accurate information regarding the pandemic through the following means:

- Distribute flyers containing accurate and up-to-date information about the situation.
- The Pandemic Influenza Operations Plan will be placed on the City's Intranet. We will also have a copy of the plan for each department to keep in a common access area.
- Relay information to employees through the employee newsletter, e-mail, public drive and send mailings to employees at their homes.
- Make employees aware of the importance of updating their files so we have up-to-date home addresses and phone numbers.

### **SECTION 4.5 DISSEMINATION OF INFORMATION TO EMPLOYEES ABOUT PANDEMIC PLAN**

The Pandemic Influenza Operations Plan will be placed on the City's Intranet. A copy of the plan will be provided to each employee and members of the PILOT will be available to discuss the plan with all employees.

### **SECTION 4.6 INFORMATION ON AT-HOME CARE OF FAMILY MEMBERS**

The City will work with the Sarpy-Cass Health Department to gather information about taking care of employees and family members who become ill (see Section 4.3.2).

## **SECTION 4.7 PLATFORMS FOR COMMUNICATING PANDEMIC STATUS AND ACTIONS**

### **4.7.1 Employees, Customers, and Vendors/Suppliers**

The City will use the following methods to provide current information on the pandemic to employees, citizens, and vendors:

- Communicate the status and actions to employees through voice mail, e-mail and a phone number with a pre-recorded message.
- The City will have flyers prepared to instruct the public regarding specific instructions about entering and leaving City buildings. The City will need to inform the public that the City of La Vista has several employees absent due to a Pandemic virus and people entering any City building may be required to wear a mask and follow other "social distancing" protocols (see Section 1.4).
- Each day during each Alert period (see Section 3.2.5) the status of the City will be posted on the website. Also, the City may place information about the Pandemic situation on the Cable Channel 18 bulletin board.
- The City's financial computer data base has a list of all City vendors and suppliers.
- The City will develop a form letter that will provide the status of City operations.
- The City will work with the Health Department to get accurate information.

In the area of public information, the City must communicate to the public the level of service they may expect during a pandemic event. The City Administrator will designate an employee to:

- 1) Use the City's telephone system to convey information specific to a pandemic event, to enable callers to leave detailed messages, and to route calls to provide greater access to staff.
- 2) Disseminate prepared news releases via the Emergency Communications Center to the news media.
- 3) Use the City Intranet to update employees of pandemic status.
- 4) Provide citizens with information via the City's website and City Newsletter,
- 5) Communicate with the Mayor, Council, City Administrator and Department Heads via voicemail and e-mail technology. This will enable regular updates to be provided.



## **SECTION 4.8 COMMUNITY SOURCES FOR TIMELY AND ACCURATE INFORMATION**

### **4.8.1 Resources for obtaining counter-measures (vaccines/antivirals)**

We will work with the Health Department to get the latest information on the Pandemic and in the availability of vaccines for employees.

## **SECTION 4.9 SHARING OF BEST PRACTICES TO IMPROVE COMMUNITY RESPONSE EFFORTS**

The City of La Vista will share this pandemic plan with any organization as requested. The City has, and will continue to, refer to other plans and information on best practices in preparing for a pandemic. The City will continually update this plan to ensure that it contains accurate information and the best procedures in managing the City's operations during a pandemic.

The City Administrator or their designee will lead the City's response during a pandemic. He or she will give overall direction for the community response based on the City's plan and the day-to-day contingencies.

# **CITY OF LA VISTA PANDEMIC INFLUENZA PREPAREDNESS PLAN**

## **CHAPTER 5: CONCEPT OF OPERATIONS**

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## **CHAPTER 5: CONCEPT OF OPERATIONS**

### **SECTION 5.1 GOALS**

It is the policy of the City of La Vista to provide the best level of services possible to its citizens and economic partners in and around the City of La Vista. During a Pandemic Flu Emergency, some City services may have to be rescheduled or curtailed due to insufficient personnel.

### **SECTION 5.2 MANAGEMENT**

The National Incident Management System (NIMS) will be used to coordinate all activities within the city government.

City of La Vista personnel are under the overall command of the City Administrator or his/her designee.

A designated PILOT Committee member will be provided a staffing report by 8:30 a.m. each morning via telephone and/or e-mail by each Department Head regarding personnel absences. Reassigned personnel will be under the direct supervision of the department to which they are assigned.

Departments with critical functions requiring specialized pre-event training are responsible for scheduling and conducting such training prior to the use of temporary staff.

#### **5.2.1 Continuity Of Government**

The following order of succession shall be utilized:

City Council – Mayor

City Council President

City Council members in order of seniority

City Government – City Administrator

Assistant City Administrator

Police Chief

City Clerk

#### **5.2.2 Employees Subject To Recall**

As an employee of the City of La Vista, all employees are subject to recall as necessary during an emergency or in the event of a pending emergency situation.

Each Department Head is responsible for providing the City's Human Resources Assistant with an updated employee contact/telephone roster for each Division/Unit within in their span of control.

### **SECTION 5.3      ESSENTIAL CITY SERVICES**

The following City Departments have been identified as providing essential health and public safety services. These services shall continue to be provided, or provided in part, even during emergencies and/or periods of low staffing.

➤ **City Clerk**

- Ensure proper legal notices are filed.

➤ **City Administration**

- Communication with elected officials.
- Provide frequent news releases about changes in City services.
- Assist with communication of educational messages to the public regarding the conditions the public can expect to experience during a pandemic.
- Communicate educational messages regarding influenza prevention, surveillance and treatment to the media and the public.
- Disseminate public information about disease prevention measures.
- Communicate restrictions on travel, trade, and the prohibition of large public gatherings.
- Maintain rumor control.
- Communicate the lifting/revocation of public health orders that are no longer necessary.

➤ **Finance**

- Ensure the ability of the City to purchasing goods and services as necessary.
- Payroll, account payable and receivable
- Cash and debt management

➤ **Fire**

- Continue coordination of fire suppression services, hazardous materials management including on-site management and decontamination and search and rescue operations throughout the pandemic emergency response as outlined in the Fire Department's Service Reduction scenario.
- Assist with patient transport as possible based on staffing.
- Provide after action reports, situational reports or other support documentation to Sarpy/Cass County Health as requested.

➤ **Human Resources**

- Provide employee benefits support.

➤ **Information Technology (Sarpy County)**

- Ensure the City's computer network stays operational.
- Provide Public Safety Application Support.
- Provide Geographic Information System (GIS) support.

➤ **Police**

- Provide essential law enforcement functions. Non-emergency calls, which do not require an officer response, may be handled by telephone as outlined in the Police Department's Service Reduction scenario.
- Assist with security, access control, and traffic control measures in and around treatment sites, dispensing centers, clinics, and pharmaceutical warehouse operations as requested.
- Assist with distribution and enforcement of public health orders to include, quarantine measures and restrictions on travel as possible based on staffing.
- Provide after action reports, situational reports or other support documentation to Sarpy/Cass County Health as requested.

➤ **Public Works**

**Streets**

- Maintain automatic traffic control devices.
- Snow and ice control.

**Fleet**

- Ensure continuity of fleet management

**Sewer**

- Maintenance of sanitary sewer plugs and back-ups

**5.3.1 Support Functions**

All other City of La Vista Departments are identified as support functions during emergency periods of low staffing. Personnel may be temporarily reassigned to insure that critical services are provided.

# **CITY OF LA VISTA PANDEMIC INFLUENZA PREPAREDNESS PLAN**

## **APPENDICES**

### **Appendix 1: STOPPING THE SPREAD OF GERMS AT WORK**

- A.1.1 How Germs Spread
- A.1.2 Cover Your Mouth and Nose when You Sneeze or Cough
- A.1.3 Clean Your Hands Often
- A.1.4 Avoid Touching Your Eyes, Nose or Mouth
- A.1.5 Stay Home When You are Sick
- A.1.6 Practice Other Good Health Habits

### **Appendix 2: INFLUENZA EDUCATION POSTERS**

- A.2.1 Cover Your Cough
- A.2.2 Take a Flu Break
- A.2.3 Ready for Flu Season

### **Appendix 3: TELECOMMUTING AGREEMENT**

- A.3.1 Telecommuting Agreement

### **Appendix 4: DEPARTMENT SERVICE REDUCTION SCENARIOS (CONFIDENTIAL)**

- A.4.1 Buildings & Grounds
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## APPENDIX 1

### STOPPING THE SPREAD OF GERMS AT WORK

**A.1.1 How Germs Spread** Illnesses like the flu (influenza) and colds are caused by viruses that infect the nose, throat, and lungs. The flu and colds usually spread from person to person when an infected person coughs or sneezes.

How to Help Stop the Spread of Germs

Take care to:

- Cover your mouth and nose when you sneeze or cough
- Clean your hands often
- Avoid touching your eyes, nose or mouth
- Stay home when you are sick and check with a health care provider when needed
- Practice other good health habits.

**A.1.2 Cover your mouth and nose when you sneeze or cough** Cough or sneeze into a tissue and then throw it away. Cover your cough or sneeze if you do not have a tissue. Then clean your hands, and do so every time you cough or sneeze.

**A.1.3 Clean your hands often** Keeping hands clean is one of the most important steps we can take to avoid getting sick and spreading germs to others. It is best to wash your hands with soap and clean running water for 20 seconds. However, if soap and clean water are not available, use an alcohol-based product to clean your hands. Alcohol-based hand rubs significantly reduce the number of germs on skin and are fast acting.

**When washing hands with soap and water:**

- Wet your hands with clean running water and apply soap. Use warm water if it is available.
- Rub hands together to make a lather and scrub all surfaces.
- Continue rubbing hands for 20 seconds. Need a timer? Imagine singing "Happy Birthday" twice through to a friend!
- Rinse hands well under running water
- Dry your hands using a paper towel or air dryer. If possible, use your paper towel to turn off the faucet

Remember: If soap and water are not available, use alcohol-based gel to clean hands.

**When using an alcohol-based hand sanitizer:**

- Apply product to the palm of one hand
- Rub hands together
- Rub the product over all surfaces of hands and fingers until hands are dry.

**When should you wash your hands?**

- Before preparing or eating food, wash hands *before* and *after* you prepare food and especially after preparing raw meat, poultry, eggs, and seafood.
- After going to the bathroom
- After changing diapers or cleaning up a child who has gone to the bathroom
- Before and after tending to someone who is sick
- After blowing your nose, coughing, or sneezing
- After handling an animal or animal waste
- After handling garbage
- Before and after treating a cut or wound.

**A.1.4 Avoid touching your eyes, nose, or mouth** Germs are often spread when a person touches something that is contaminated with germs and then touches their eyes, nose, or mouth. Germs can live for a long time (some can live for two hours or more) on surfaces like doorknobs, desks, and tables.

**A.1.5 Stay home when you are sick and check with a health care provider when needed** When you are sick or have flu symptoms, stay home, get plenty of rest, and check with a health care provider as needed. Follow the City of La Vista's sick leave policy. Remember: Keeping your distance from others may protect them from getting sick. Common symptoms of the flu include:

- fever
- headache
- extreme tiredness
- cough
- sore throat
- runny or stuffy nose
- muscle aches, and
- nausea, vomiting, and diarrhea (much more common among children than adults).

**A.1.6 Practice other good health habits** Get plenty of sleep, be physically active, manage your stress, drink plenty of fluids, and eat nutritious food. Practicing healthy habits will help you stay healthy during flu season and all year long.

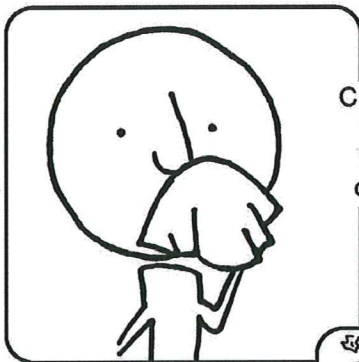


## **APPENDIX 2**

### **INFLUENZA EDUCATION POSTERS**

Stop the spread of germs that make you and others sick!

# Cover your Cough



Cover your mouth  
and nose with a  
tissue when you  
cough or sneeze

or  
cough or sneeze into  
your upper sleeve,  
not your hands.

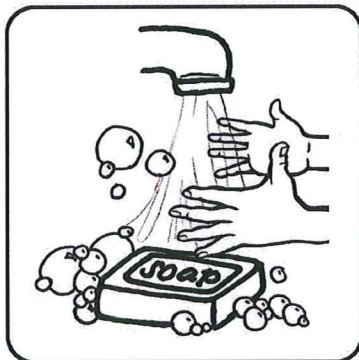


Put your used tissue in  
the waste basket.



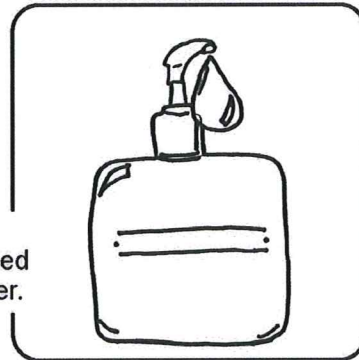
# Clean your Hands

after coughing or sneezing.



Wash hands  
with soap and  
warm water

or  
clean with  
alcohol-based  
hand cleaner.

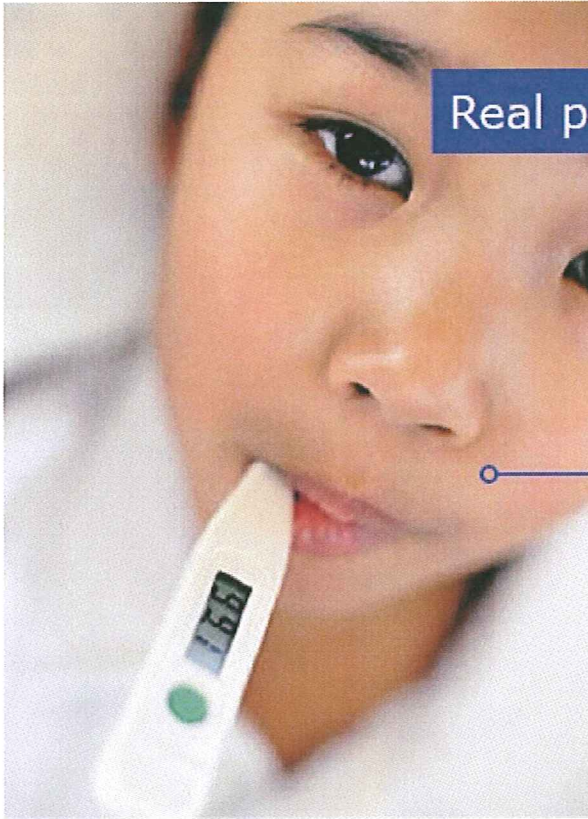


Minnesota Department of Health  
717 SE Delaware Street  
Minneapolis, MN 55414  
612-676-5414 or 1-877-676-5414  
www.health.state.mn.us



Minnesota  
Antibiotic  
Resistance  
Collaborative





Real people.

## I had to take a flu break.

"When I got the flu, my mom kept me home. I missed school, church and soccer practice. I couldn't see my friends at school and on the team, but my mom said I was helping others by not spreading my flu germs."

Since the flu can make some people really sick, or even kill them, everyone ought to stay home and see a doctor when they get sick.

Staying home when you have the flu is one way to help others from getting sick.

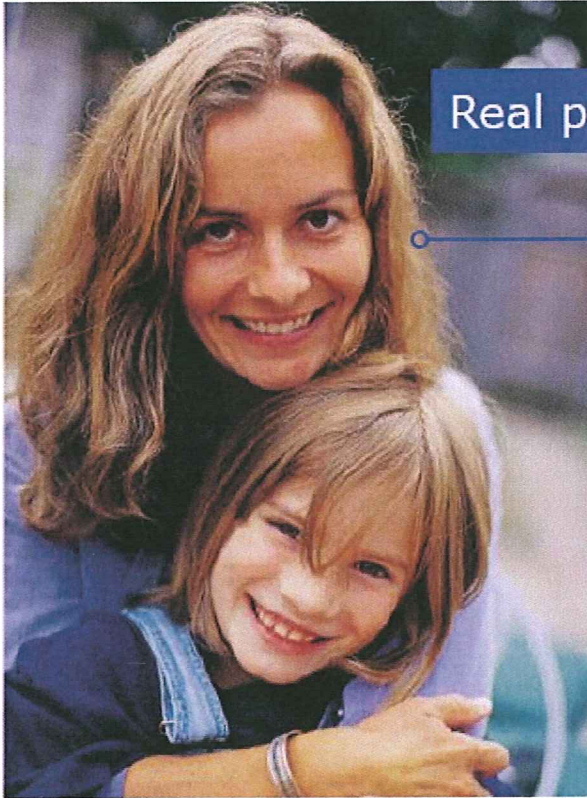
Real solutions.

Visit [www.cdc.gov/flu/](http://www.cdc.gov/flu/)

Call 800-CDC-INFO; TTY: 800-243-7889

The best protection against flu is to get vaccinated when possible.





Real people.

I'm ready for anything—even flu season.

"As a mom, keeping my family safe and healthy is my top priority. When we are on the go, running errands or going to a game, I help protect us from the spread of germs with alcohol-based hand sanitizers to clean hands and faces when we can't get to soap and water."

You can help reduce the spread of flu if you:

- Avoid close contact with people who are sick.
- Keep alcohol-based hand sanitizers in your purse, car and backpack, when soap and water is not available.
- Cover your mouth and nose with a tissue when you cough or sneeze. Then throw away your used tissue.

You can help protect your family against the flu.

Real solutions.

Visit [www.cdc.gov/flu/](http://www.cdc.gov/flu/)

Call 800-CDC-INFO; TTY: 800-243-7889

The best protection against flu is to get vaccinated when possible.





## **APPENDIX 3**

### **City of La Vista Telecommuting Agreement**

City of La Vista  
Telecommuting Agreement  
(For use in event of Pandemic Declaration)

This Agreement confirms the telecommuting agreement by and between the City of La Vista, Nebraska (hereinafter "City") and \_\_\_\_\_ (employee), \_\_\_\_\_, (job title) consistent with the City of La Vista Telecommuting Policy as provided for in the Pandemic Influenza Preparedness Plan.

1. By signing this agreement, the employee acknowledges that he/she has read, reviewed and understood same and agrees to abide by the terms and conditions outlined herein, which include, but are not limited to the following:

- ◆ Work hours, accessibility and performance expectations,
- ◆ Use and responsibility for City owned equipment and other resources,
- ◆ Establishing a workspace acceptable to the City,
- ◆ Safety and ergonomics.
- ◆ Work related injuries,
- ◆ Confidentiality of information and data,
- ◆ City ownership of any and all intellectual property, and
- ◆ Revocability of the agreement

2. Terms of Employment. The employee understands that this telecommuting agreement is not a separate and distinct contract of employment between the City and the employee and does not provide any additional or other contractual rights regarding employment. This agreement does not supersede the terms of the existing employment relationship. The employee remains obligated to comply with all City rules, policies, practices and instructions that would ordinarily apply if the employee were working at his/her regular City worksite. Work products developed or produced by the employee while telecommuting remain the property of the City.

Work hours, compensation and leave scheduling while telecommuting shall continue to conform to all applicable City policies and individual collective bargaining agreements. Any requests to work overtime or use leave time shall require prior approval by the employee's supervisor in the same manner as when working at the regular City worksite.

3. Length of Assignment and Reversibility. This telecommuting agreement shall begin on \_\_\_\_\_ (date) and continue until \_\_\_\_\_ (date) or until ended by the employer based on official notification regarding the status of the pandemic event. This Agreement shall be considered the employee's written notice of telecommuting end date and no further notice shall be required nor provided unless said notice regards an extension of the date. Any such extension or continuation of this agreement is based upon the review of the City's needs and the productivity effectiveness of the telecommuting arrangement and may be revoked at the option of the City.

4. Telecommuting Work Assignment, Accountability and Performance Measurement. The employee understands and agrees that he/she is responsible for producing work at the same level of quality and quantity as that which was expected while working at the regular City worksite. Employee further understands that he/she is responsible for maintaining communication with any customers or coworkers who may be affected by the telecommuting arrangement. Employee shall keep the supervisor informed of progress on all work assignments worked while telecommuting and any problems encountered. Employee understands and agrees that the length and start and end times of the workday shall not be altered by this telecommuting agreement and attendance at any necessary meeting, by telephone or e-mail shall be required and will be arranged by the supervisor.
5. Equipment and Office Supplies. City owned resources, equipment, supplies and materials may only be used for City business. The employee is responsible for ensuring that all such City owned items are properly used and maintained. Employee further agrees to take all reasonable steps to protect all City owned property from theft, damage or misuse. This includes maintaining data security and record confidentiality to at least the same degree as expected when working at the regular City worksite. The employee may not duplicate City owned software and will comply with licensing agreements for the use of all software owned and utilized by the City. Depending on the circumstances, the employee may be responsible for damage to or loss of City property.

In the event the employee uses any of his/her own equipment, data, furniture or supplies while telecommuting, though the City has provided all such equipment, furniture and supplies as is necessary to effectively operate from the remote location, the employee will be responsible for any repair or maintenance of such equipment, furniture and supplies and the City shall assume no liability for same; this includes any damage to, wear of or loss of the employee's personal property.

The employee agrees to allow the City necessary access to the remote location for the purpose of delivering, servicing, repairing and collecting any and all City owned equipment, furniture and supplies used by the employee while telecommuting. All such items shall be returned to the City in good working order at the time requested by the City or upon discontinuance of the telecommuting arrangement.

6. Telecommuting Site Safety and Ergonomics. The employee and the City agree to work together to ensure that the remote worksite is safe and ergonomically suitable. The employee's supervisor, or other person designated by the City Administrator may make on-site visits to the remote location as can be safely accomplished during a pandemic event. The employee shall allow access to the location, at a reasonable time during the workday, to allow an inspection to ensure that the work space is free from hazards and to maintain, prepare, inspect or retrieve any City owned equipment, software, data, supplies and furniture. Employee also agrees that the City may take photographs of the work area for purposes of maintaining a record of same.

The employee will be covered by workers' compensation for job-related injuries that occur in the course and scope of employment while telecommuting. The employee remains liable for injuries to third parties and/or members of the employee's family on the employee's premises.

7. Signature. The employee's signature on this Agreement indicates that it has been reviewed and agreed upon by the City Administrator, the employee, the supervisor and if different, the department head.

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Employee

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Date

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Department Head

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Date

---

City Administrator

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Date



## **APPENDIX 4**

### **DEPARTMENT SERVICE REDUCTION SCENARIOS (CONFIDENTIAL)**

- A.4.1 Buildings & Grounds**
- A.4.2 City Hall (City Admin., Clerk, Finance, Human Resources)**
- A.4.3 Community Development**
- A.4.4 Fire**
- A.4.5 Library**
- A.4.6 Police**
- A.4.7 Public Works**
- A.4.8 Recreation**

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
APRIL 6, 2010 AGENDA**

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

**SYNOPSIS**

A resolution has been prepared authorizing the purchase of one used 40' x 100' tent with sides from Lincoln Tent Inc., Lincoln, Nebraska, in an amount not to exceed \$9,790.00.

**FISCAL IMPACT**

The FY 2009/2010 Community Betterment Fund provides funding for the purchase of the tent. La Vista's contribution is \$3,264.00

**RECOMMENDATION**

Approval.

**BACKGROUND**

As part of the La Vista Daze process a discussion regarding the possibility of purchasing a tent ensued. There are numerous occasions throughout the year in which a tent would be great to have available.

We approached the cities of Ralston and Papillion who have similar needs and as such have agreed to fund at 1/3 each.

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE PURCHASE OF ONE (1) USED 40' X 100' TENT WITH SIDES FROM LINCOLN TENT INC., LINCOLN, NEBRASKA, IN AN AMOUNT NOT TO EXCEED \$9,790.00.

WHEREAS, the City Council of the City of La Vista has determined that the joint purchase of one tent with sides is necessary and of value to the city; and

WHEREAS, the cities of Ralston and Papillion have agreed to share in the cost of this purchase in the amount of 1/3 of the purchase price each; and

WHEREAS, the FY 2009/2010 Community Betterment Fund Budget provides funding for the purchase of said tent; and

WHEREAS, Lincoln Tent, Inc., provided the lowest most responsible quote; 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 used 40' x 100' tent from Lincoln Tent, Inc., Lincoln NE in an amount not to exceed \$9,790.00.

PASSED AND APPROVED THIS 6TH DAY OF APRIL 2010.

CITY OF LA VISTA

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

ATTEST:

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

Custom Made By



CITY OF LAVISTA  
8116 PARKVIEW BLVD  
LAVISTA, NE 68128

INVOICE NO. I5884  
INVOICE DATE MARCH 15, 2010  
PHONE #  
2ND #

PURCHASE ONE USED 40 X 100 TENT W/SIDES  
MILEAGE TO DELIVER & INSTUCT ON INSTALLATION 1ST TIME  
TAX GOV - LAVISTA NE  
TOTAL

\$	9700.00
\$	90.00
\$	0.00
\$	9790.00

A SERVICE CHARGE OF 1 1/2% PER MONTH (18% PER ANNUM)  
WILL BE CHARGED ON PAST DUE ACCOUNTS

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
APRIL 6, 2010 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
CODE ENFORCEMENT	RESOLUTION ORDINANCE RECEIVE/FILE	RITA RAMIREZ ASST. CITY ADMINISTRATOR ROBERT S. LAUSTEN, POLICE CHIEF ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

**SYNOPSIS**

Discussion regarding a proposal to place the code enforcement position under the direction of the Police Department.

**FISCAL IMPACT**

N/A

**RECOMMENDATION**

Discussion only

**BACKGROUND**

The position of Code Enforcement Officer is currently vacant due to the recent resignation of Valerie Houloose. As we do with all vacancies, staff conducted a review of the position description and associated duties.

The Code Enforcement position has evolved from a part time position to a full time position within the Community Development Department over the past ten years. During this time the City experienced unprecedented population growth and significant development. While the Code Enforcement position became an important and necessary component of the city services La Vista provides, a comprehensive analysis of the best method to deliver these services has never been completed. The recent vacancy gave us an opportunity to take a close look at our service delivery method and determine whether improvements could be made. We have concluded the City would be able to increase our ability to conduct more comprehensive code enforcement services by placing supervision of the position under the direction of the Police Department.

During our discussion the Community Development Director indicated she has become increasingly concerned about the types of situations the Code Enforcement Officer must deal with and the potential for confrontation. Code enforcement is actually a specialized form of enforcement, subject to all of the legal standards and constitutional limitations that law enforcement entails. In this sense, the Code Enforcement Officer is the "police officer" of the land use process, which further supports the notion that the position would fit well under the supervision of the Police Department. Additionally, this concept has been successfully embraced by other cities. Some of the advantages/challenges we discussed include:

- Code enforcement is the means by which the building, property maintenance, land use and zoning codes adopted by the City Council are carried out. It is a unique position that requires an in-depth knowledge of the codes, an understanding of the reasons for the regulations, and the legal limits placed on the enforcement process.

- Code enforcement in La Vista has typically been a Monday through Friday, 8 a.m. to 5 p.m. endeavor due in large part to the limitations of working out of City Hall. Moving the position to the Police Department would allow the Code Enforcement Officer to work varying shifts (some weekend and evening hours if necessary) to better facilitate contact with residents. Additionally, supervision and assistance would always be available during the varying shift hours. Many times code violators are not home during the day and receive notice via a “yellow tag” left at the property or by mail, never speaking directly to the Code Enforcement Officer. Face-to-face contact is a much better method of resolving problems and this would give us the opportunity to handle or follow up on many complaints in person.
- While the Police Department has expertise in the areas of investigation, mediation, resolution, and the filing of charges when appropriate (all of which are valuable to the code enforcement process), they do not have the background and knowledge regarding land use standards, zoning regulations and building codes. The Code Enforcement Officer will bring this knowledge to the position creating what we feel will be a mutually beneficial partnership. Opportunities for cross department training on both sides will result in a more effective and efficient process.
- Police officers currently handle some code violations such as vehicles parked in violation of the snow ordinance, vehicles parked on the grass, and off-street vehicle violations. A civilian Code Enforcement Officer working under Police Department supervision would be responsible for handling all types of code violations, freeing up officers for other duties while having Police Department support and backup when necessary. We are proposing that the Code Enforcement Officer be supervised by the Sergeant in charge of the Special Enforcement Bureau (SEB). SEB currently has the enforcement of traffic related violations on public and private property as part of their responsibilities.
- The Police Department has access to data and records database systems which will enable the Code Enforcement Officer to have valuable information prior to visiting a property. Knowing whether there has been previous law enforcement contact associated with a property and the nature of those contacts will make code enforcement safer for everyone. Additionally, the code enforcement data can then be entered into the record system(s) creating a more complete history on all types of contacts with an address.

If Council agrees with this recommendation the next steps in this transition would include:

- The Community Development Director and the Police Chief will prepare an implementation/ transition plan that would outline, among other things, the necessary training and logistics necessary to transfer this position to the Police Department as well as associated timelines.
- The Community Development Director and the Police Chief will prepare a revised job description for approval and facilitate the subsequent hiring of the position.
- Ongoing refinement and revision of the process for the two departments to continue to work together on code enforcement issues.

We understand that this transition will take cooperation and coordination on the part of the Community Development staff as well as the Police Department staff. Both departments are committed to that effort and agree that the end result will be a better process and better code enforcement service for the citizens of La Vista.