



## CITY OF LA VISTA

### CERTIFICATE OF APPRECIATION

A CERTIFICATE OF APPRECIATION PRESENTED TO **STEVEN BRAND**, of the La Vista Public Works Department, FOR 25 YEARS OF FAITHFUL AND EFFICIENT SERVICE TO THE CITY OF LA VISTA.

WHEREAS, *Steven Brand*, has served the City of La Vista since May 12, 1986, and

WHEREAS, *Steven Brand'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 *Steven Brand* on behalf of the City of La Vista for 25 years of service to the City.

DATED THIS 17TH DAY OF MAY, 2011.

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Douglas Kindig, Mayor

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Ronald Sheehan  
Councilmember, Ward I

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Brenda L. Carlisle  
Councilmember, Ward I

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Mike Crawford  
Councilmember, Ward II

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Terrilyn Quick  
Councilmember, Ward II

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Mark D. Ellerbeck  
Councilmember, Ward III

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Alan W. Ronan  
Councilmember, Ward III

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Kelly R. Sell  
Councilmember, Ward IV

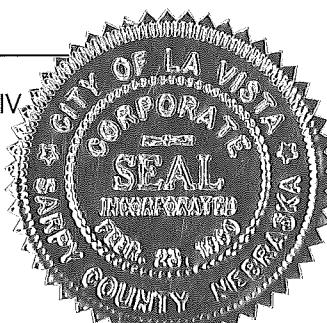
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Anthony J. Gowan  
Councilmember, Ward IV

ATTEST:

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Pamela A. Buethe, CMC  
City Clerk





## CITY OF LA VISTA

### CERTIFICATE OF APPRECIATION

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

WHEREAS, Mike Richardson, has served the City of La Vista since May 8, 2006, and

WHEREAS, Mike Richardson'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 Mike Richardson on behalf of the City of La Vista for 5 years of service to the City.

DATED THIS 17TH DAY OF MAY, 2011.

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Douglas Kindig, Mayor

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Ronald Sheehan  
Councilmember, Ward I

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Brenda L. Carlisle  
Councilmember, Ward I

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Mike Crawford  
Councilmember, Ward II

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Terrilyn Quick  
Councilmember, Ward II

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Mark D. Ellerbeck  
Councilmember, Ward III

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Alan W. Ronan  
Councilmember, Ward III

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Kelly R. Sell  
Councilmember, Ward IV

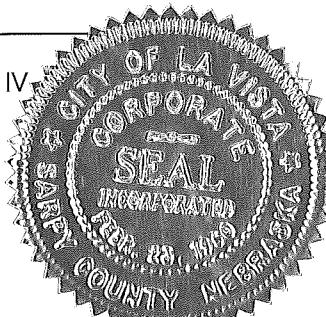
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Anthony J. Gowan  
Councilmember, Ward IV

ATTEST:

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Pamela A. Buethe, CMC  
City Clerk



# MINUTE RECORD

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

## LA VISTA CITY COUNCIL MEETING May 3, 2011

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 May 3, 2011. Present were Councilmembers: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck and Gowan. Also in attendance were City Attorney McKeon, City Administrator Gunn, Assistant City Administrator Ramirez, City Clerk Buethe, Library Director Barcal, Police Captain Barcal, Finance Director Lindberg, Public Works Director Soucie, Public Buildings and Grounds Director Archibald, and Recreation Director Stopak.

A notice of the meeting was given in advance thereof by publication in the Times on April 20, 2011. 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

### SERVICE AWARDS – JEFF THORNBURG – 10 YEARS; BRIAN STOLLEY, JAMIE SCHUSTER – 5 YEARS

Mayor Kindig recognized Jeff Thornburg for 10 years of service to the City, and Jamie Schuster and Brian Stolley for 5 years of service to the City.

### PROCLAMATIONS – BUILDING SAFETY MONTH, MUNICIPAL CLERKS' WEEK, NATIONAL PUBLIC WORKS WEEK, NATIONAL POLICE WEEK, EMERGENCY MEDICAL SERVICES WEEK

Mayor Kindig read proclamations for Building Safety Month, Municipal Clerks' Week, National Public Works Week, National Police Week, and Emergency Medical Services Week.

Mayor Kindig recognized a local Tiger Cub Troop who had toured the facility and attended the City Council Meeting.

#### A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. APPROVAL OF CITY COUNCIL MINUTES FROM APRIL 19, 2011
3. APPROVAL OF CIVIL SERVICE COMMISSION MINUTES FROM SEPTEMBER 23, 2010
4. APPROVAL OF PARK AND RECREATION ADVISORY BOARD MINUTES FROM MARCH 16, 2011
5. PAY REQUEST – MIDWEST RIGHT OF WAY SERVICES, INC. – PROFESSIONAL SERVICES – \$680.00
6. PAY REQUEST – THOMPSON, DREESSEN & DORNER, INC. – PROFESSIONAL SERVICES - \$5,000.00
7. APPROVAL OF CLAIMS

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

ACTION BATTERIES UNLTD, maint.	136.90
ACW MANUFACTURING, maint.	116.00
ADAMSON INDUSTRIES, supplies	232.90
ADVANTAGE COUPONS, misc.	499.00
ALAMAR UNIFORMS, wearing apparel	1301.06
ANDERSON EXCAVATING COMPANY, services	48444.12
APWA-AMER PUBLIC WORKS ASSN, dues	145.00

# MINUTE RECORD

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

May 3, 2011

INTERSTATE ALL BATTERY CENTER, supplies	297.00
J Q OFFICE EQUIPMENT, rentals	210.89
JONES AUTO., maint.	1569.69
KADOW, B., services	198.48
KINDIG, D., phone	80.00
KLINKER, M., services	200.00
KOTTMANN, J., phone	65.00
LA VISTA COMM FOUND., misc.	75.00
LANDPORT SYSTEMS, services	125.00
LAUGHLIN, KATHLEEN A, TRUSTEE, misc	648.00
LEO A DALY COMP., services	2390.77
LERNER PUBLISHING GROUP, books	583.16
LIFE ASSIST, supplies	42.10
LOGAN CONTRACTORS SUPPLY, supplies	27.84
LOVELAND GRASS PAD, bld&grnds	3866.40
LUKASIEWICZ, B., phone	65.00
LYMAN-RICHEY SAND & GRAVEL, bld&grnds	199.92
MARKOWSKY, T J., auto	100.00
MARTIN MARIETTA AGGREGATES, maint.	211.34
MARTIN, A., travel	107.00
MATT FRIEND TRUCK EQUIP., maint.	281.36
MCCANN PLUMBING SERVICE, bld&grnds	62.00
METRO LANDSCAPE MATERIALS, bld&grnds	2772.00
MID AMERICA, pay phones	50.00
MID-STATES UTILITY TRAILER, maint.	82.64
MIDWEST SERVICE & SALES, supplies	806.50
MIDWEST TAPE, media	73.72
MIDWEST TURF & IRRIGATION, equip.	44.41
MONARCH OIL, maint.	486.50
MUD, utilities	1077.21
NATIONAL ENTERTAINMENT, supplies	360.00
NATIONAL PATENT ANALYTICAL, equip.	192.15
NE DEPT OF LABOR-WORKFORCE DEV, ins	4983.38
NE DEPT OF REVENUE-LOTT/51, taxes	90250.00
NE STATE VOLUNTEER, training	300.00
NE TURF PRODUCTS, supplies	435.00
NEXTEL COMM., phone	204.63
NIKE, supplies	812.85
NPZA, training	405.00
OCLC, library misc.	30.17
OFFICE DEPOT, supplies	1504.11
OFFUTT YOUTH CENTER, services	1008.00
OMAHA WORLD HERALD, services	335.38
ON YOUR MARKS, supplies	384.30
OVERHEAD DOOR COMP., bld&grnds	56.00
PAPILLION TIRE, maint.	263.49
PARAMOUNT LINEN & UNIFORM, wearing apparel	1184.24
PAYLESS OFFICE, supplies	129.64
PENWORTHY, books	1319.43
PERFORMANCE CHRYSLER JEEP, maint.	258.59
PFEIFER, V., travel	107.00
PITNEY BOWES, supplies	221.00
PRINCIPAL LIFE-FLEX SPENDING	216.00
QWEST, phone	1076.80
QWEST, phone	34.62
RAINBOW GIRLS SOFTBALL LEAGUE, rec.	1650.00
RAINBOW GLASS & SUPPLY, maint.	24.95

# MINUTE RECORD

BE IT FURTHER RESOLVED, that, in consideration of the foregoing, the Mayor and City Council hereby adopt and approve the purchase of the Site as described above and on such other terms and conditions satisfactory to the City Administrator.

BE IT FURTHER RESOLVED, that the Mayor or his designee is hereby authorized to execute purchase agreements and other documents and take such other actions as are necessary or appropriate to carry out the Resolutions approved herein.

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

Councilmember Quick introduced and moved for adoption of Resolution 11-054: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA TO AUTHORIZE AND APPROVE THE PURCHASE OF ONE HOUSE FOR THE THOMPSON CREEK HAZARD MITIGATION PROJECT AND TO AUTHORIZE THE EXECUTION AND DELIVERY OF DOCUMENTS NECESSARY TO PURCHASE THIS SITE

WHEREAS, the owners of the house located at 7221 Park View Blvd (referred to herein as "Site"), desire to sell the Site to the City, and the City desires to purchase the Site from the owners.

NOW THEREFORE, BE IT RESOLVED, that the Mayor and City Council find and determine that:

- (i) By action at the August 3, 2010 City Council meeting, the City Council authorized the City Administrator to negotiate for the voluntary purchase and sale of homes in the Thompson Creek Hazard Mitigation area; and
- (ii) The City Administrator subsequently negotiated the purchase of the Site; and.
- (iii) Proposed purchase agreements for the Site have been presented to the City Administrator by the owners of the Site in form and content the City Administrator finds satisfactory and recommends; and
- (iv) Each purchase agreement provides for a purchase price approved by the City Administrator, plus certain closing and other costs that the City Administrator has determined the City is required to pay pursuant to the federal grant for the purchase of the Site or is otherwise acceptable, in addition to other terms and conditions; and
- (v) Neb. Rev. Stat. Section 18-1755 requires that the City, before purchasing an interest in real property, authorize the acquisition by action at a public meeting after notice and public hearing; and
- (vi) The City published notice of public hearing on the proposed purchase of the Site, to be held during the regular City Council meeting on April 19, 2011; which notice is hereby approved, and public hearing was held and completed prior to consideration of this Resolution; and
- (vii) The City obtained appraisals of the Site from a certified real estate appraiser, which appraisals the City Administrator found satisfactory.

BE IT FURTHER RESOLVED, that, in consideration of the foregoing, the Mayor and City Council hereby adopt and approve the purchase of the Site as described above and on such other terms and conditions satisfactory to the City Administrator.

BE IT FURTHER RESOLVED, that the Mayor or his designee is hereby authorized to execute purchase agreements and other documents and take such other actions as are necessary or appropriate to carry out the Resolutions approved herein.

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

## C. ORDINANCE- AMEND SECTION 95.05 OF MUNICIPAL CODE

# MINUTE RECORD

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

May 3, 2011

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby approve the changes to Council Policy Statement entitled Employee Compensation – Pay for Performance and do further hereby direct the distribution of said Council Policy Statement to the appropriate City Departments.

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

## F. RESOLUTION – INTERLOCAL AGREEMENT CITY OF PAPILLION

Councilmember Quick introduced and moved for the adoption of Resolution No. 11-057; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING AN INTERLOCAL AGREEMENT WITH THE CITY OF PAPILLION, FOR THE PAPILLION FIRE DEPARTMENT TO CONDUCT TRAINING EXERCISES IN THE HOUSES ACQUIRED BY THE CITY OF LA VISTA ALONG THOMPSON CREEK IN A FORM SATISFACTORY TO THE CITY ADMINISTRATOR AND CITY ATTORNEY.

WHEREAS, The City of Papillion and the Papillion Fire Department have requested permission to conduct training exercises in the vacant houses the City of La Vista purchased for the Thompson Creek Hazard Mitigation project; and

WHEREAS, The City of La Vista has allowed other public safety agencies to train in some of these houses; and

WHEREAS, The City of Papillion is requesting to enter in to an Interlocal agreement with the City of La Vista and said Interlocal agreement will expire on May 31, 2011;

NOW THEREFORE, BE IT RESOLVED, that an Interlocal Agreement with the City of Papillion for the Papillion Fire Department to conduct training exercises in the houses acquired by the City of La Vista along the Thompson Creek, and that 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 Quick. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Gowan and Ellerbeck. Nays: None. Abstain: None. Absent: None. Motion carried.

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

## COMMENTS FROM THE FLOOR

There were no comments from the floor.

## G. EXECUTIVE SESSION – CONTRACT NEGOTIATIONS; PERSONNEL; LITIGATION

At 7:39 p.m. Councilmember Carlisle made a motion to go into executive session for protection of the public interest for Contract Negotiations and Litigation and for the protection of an individual for personnel. Seconded by Councilmember Crawford. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Gowan and Ellerbeck. Nays: None. Abstain: None. Absent: None. Motion carried. Mayor Kindig stated the executive session would be limited to the subject matter contained in the motion.

At 8:37 p.m. the Council came out of executive session. Councilmember Quick made a motion to reconvene in open and public session. Seconded by Councilmember Sell. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Gowan and Ellerbeck. Nays: None. Abstain: None. Absent: None.

## COMMENTS FROM MAYOR AND COUNCIL

At 8:41 p.m. Councilmember Carlisle made a motion to adjourn the meeting. Seconded by Councilmember Crawford. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Gowan and Ellerbeck. Nays: None. Abstain: None. Absent: None.

PASSED AND APPROVED THIS 3RD DAY OF MAY, 2011



**CITY OF LA VISTA**  
**8116 PARK VIEW BOULEVARD**  
**LA VISTA, NE 68128**  
**P: (402) 331-4343**

**PLANNING COMMISSION MINUTES**  
**FEBRUARY 17, 2011**

The City of La Vista Planning Commission held a regular meeting on Thursday, February 17, 2011, in the Harold "Andy" Anderson Council Chamber at La Vista City Hall, 8116 Park View Boulevard. Chairman Krzywicki called the meeting to order at 7:00 p.m. with the following members present: Nielsen, Circo, Kramolisch, Krzywicki, Malmquist, Andsager and Alexander. Members absent were: Hewitt, Gahan and Miller. Also in attendance were Ann Birch, Community Development Director, Chris Solberg, City Planner and John Kottmann, Assistant Public Works Director/City Engineer.

Legal notice of the public meeting and hearing were posted, distributed and published according to Nebraska law. Notice was simultaneously given to all members of the Planning Commission. All proceedings shown were taken while the convened meeting was open to the attendance of the public.

**1. Call to Order**

- a. The meeting was called to order by Chairman Krzywicki at 7:00 p.m. Copies of the agenda and staff reports were made available to the public.

**2. Approval of Meeting Minutes – December 9, 2010**

- a. Circo moved, seconded by Andsager to approve the December 9, 2010 minutes as submitted. **Ayes:** Nielsen, Circo, Kramolisch, Krzywicki, Malmquist, Andsager and Alexander. **Nays:** None. **Abstain:** None. **Absent:** Hewitt, Gahan and Miller. **Motion Carried.** (7-0)

**3. Old Business**

*None.*

**4. New Business**

- A. **Public Hearing to consider annexation of Sanitary & Improvement District No. 239 (Giles Corner), Sanitary & Improvement District No. 82 (Crossroads Industrial Park) and miscellaneous lot, Performance Auto Plaza & Attic Storage, Part of Sanitary & Improvement District No. 59 (Brook Valley II Business Park) and adjoining street rights-of-way.**

- i. **Staff Report:** Solberg stated each year the City looks into the Comprehensive and Annexation Plans. An update to the Annexation Plan was done in September 2010 and made a decision on what time periods the annexations should take place. Staff feels that all areas within the annexation package concur with the comprehensive plan as it stands now and fills in the holes within the current City Limits as well as squares of boundaries and helps to clarify jurisdictional boundaries to help fire and rescue units know where they can provide services.

ii. **Public Hearing Opened:** Malmquist moved, seconded by Andsager to open the public hearing. **Ayes:** Nielsen, Circo, Kramolisch, Krzywicki, Malmquist, Andsager and Alexander. **Nays:** None. **Abstain:** None. **Absent:** Hewitt, Gahan and Miller.

**Motion Carried. (7-0)**

Scott D. Jochim came forward representing SID 59. He stated he looked at the annexation report discussing part of SID 59 and on page 5 of the report it talked about pending litigation and he believed that part of the report was incorrect. A law suit was filed by US Cold Storage in December of 2009. Mr. Jochim stated La Vista passed Ordinance number 1107 in late 2009 and US Cold Storage and other class action plaintiffs filed a lawsuit to stop the annexation ordinance number 1107 which dealt with the entire boundary of SID 59 so it was a total annexation ordinance which is subject to the lawsuit. The report talked about the lawsuit only involving the industrial area that is part of the northerly section of the SID but that is incorrect and there are allegations in the complaint and SID 59 is a co-defendant with La Vista in the case, but District Court Judge Kelch entered an order on January 19, 2010, denying US cold Storage the request for an injunction, but as part of his order he cited Nebraska Revised Statute 31-765 which essentially says they did not need an injunction because they have one because there is a statute that says that the merger shall not be effective until thirty days after final determination of validity of the ordinance 1107. As it stands the lawsuit is still pending dealing with allegations pertaining to all of SID 59. One of the causes of action brought by the class action plaintiffs does deal with a carve out section of an industrial area in the northern part of the SID. There are other allegations pertaining to the entirety of the SID including allegations of notice issues and revenue purposes. Mr. Jochim provided copies of the complaint and the answer that was filed by La Vista essentially admitting in the law suit that the allegations pertain to the entire SID. Mr. Jochim stated his point was this might be in violation of Judge Kelch's January 10<sup>th</sup> order and he doesn't believe La Vista can annex something twice. We have an annexation ordinance in 1107 which passed late 2009 and is currently subject to a law suit where the judge has specifically cited a statute saying that essentially the merger does not become effective until 30 days after final determination of the validity of the ordinance 1107.

Commissioner Krzywicki questioned if staff received this information prior to this meeting.

Mr. Jochim stated staff did not receive this information prior to the meeting.

Commissioner Malmquist asked if the judge said the merger meant annexation.

Mr. Jochim stated yes the judge was citing a statute regarding annexations of Sanitary Improvement Districts, in particular the one he cites deals with the total annexation which is what ordinance number 1107 was.

Commissioner Malmquist questioned if 1107 was activated.

Mr. Jochim stated the final determination has not been made that the case is still pending in District Court and may actually go to the Court of Appeals.

Marv Zuroske, from SID 239, came forward and questioned if Mr. Jochim's statements would affect the entire annexation request.

Solberg stated that it would be proposed as separate ordinances before the City Council.

iii. **Public Hearing Closed:** Malmquist moved, seconded by Kramolisch to close the public hearing. **Ayes:** Nielsen, Circo, Kramolisch, Krzywicki, Malmquist, Andsager and Alexander. **Nays:** None. **Abstain:** None. **Absent:** Hewitt, Gahan and Miller.

**Motion Carried.** (7-0)

iv. **Recommendation:** Malmquist moved, seconded by Nielsen to recommend a positive recommendation of the annexation package to the City Council. **Ayes:** Nielsen, Circo, Kramolisch, Krzywicki, Malmquist, Andsager and Alexander.

**Nays:** None. **Abstain:** None. **Absent:** Hewitt, Gahan and Miller.

**Motion Carried.** (7-0)

**B. Public Hearing regarding amendments to Sections 2.2 and 7.01, Zoning Regulations, regarding Signage.**

i. **Staff Report:** Solberg stated the package was not ready due to NDOR regulations and should be on the March Planning Commission agenda.

**C. Public Hearing for the review of the One & Six Year Road Plan.**

i. **Staff Report:** Goldberg came forward and discussed the staff proposal for the 2012 through 2017 road plan. Documents were provided including the form eleven (11) report from the previous year and the summary of the six year plan. Two maps were provided that indicated the locations of all proposed road improvement projects.

ii. **Open Public Hearing:** Malmquist moved, seconded by Alexander to open the public hearing. **Ayes:** Nielsen, Circo, Kramolisch, Krzywicki, Malmquist, Andsager and Alexander. **Nays:** None. **Abstain:** None. **Absent:** Hewitt, Gahan and Miller.

**Motion Carried.** (7-0)

No one came forward.

iii. **Public Hearing Closed:** Circo moved, seconded by Malmquist to close the public hearing. **Ayes:** Nielsen, Circo, Kramolisch, Krzywicki, Malmquist, Andsager and Alexander. **Nays:** None. **Abstain:** None. **Absent:** Hewitt, Gahan and Miller.

**Motion Carried.** (7-0)

iv. **Recommendation:** Malmquist moved, seconded by Kramolisch to recommend approval of the One & Six Year Road Plan as presented. **Ayes:** Nielsen, Circo,

Kramolisch, Krzywicki, Malmquist, Andsager and Alexander. **Nays: None.**  
**Abstain: None. Absent:** Hewitt, Gahan and Miller.  
**Motion Carried. (7-0)**

**D. Public Hearing for annual review of the Comprehensive Plan.**

- i. **Staff Report:** Solberg reviewed the goals and policies of the comprehensive plan and provided a report as to what was accomplished for the past year as well as goals for the upcoming year in relation to the comprehensive plan. A lot of the items relate to the Vision 84 study completion, La Vista Daze and 50<sup>th</sup> Anniversary celebrations and those activities covered many goals within the Comprehensive Plan. The 2011 items are listed on page three of the report. Solberg stated that an RFP is being developed to commence phase two of the Vision 84 process and developing an RFP for a blight study for certain areas along that corridor to improve funding options to redevelop some of those areas. The mini park plans will go to the City Council March 15, 2011.
- ii. **Open Public Hearing:** Circo moved, seconded by Nielsen to open the public hearing. **Ayes:** Nielsen, Circo, Kramolisch, Krzywicki, Malmquist, Andsager and Alexander. **Nays: None. Abstain: None. Absent:** Hewitt, Gahan and Miller.  
**Motion Carried. (7-0)**

No one came forward.

Malmquist questioned action 1 in the report.

Solberg stated that one of the RFP's is for a park plan to consider changes to what is now the golf course, but the Vision 84 project called for a central park.

- iii. **Public Hearing Closed:** Malmquist moved, seconded by Kramolisch to close the public hearing. **Ayes:** Nielsen, Circo, Kramolisch, Krzywicki, Malmquist, Andsager and Alexander. **Nays: None. Abstain: None. Absent:** Hewitt, Gahan and Miller.  
**Motion Carried. (7-0)**

**5. Comments from the Floor**

None.

**6. 2011 Election of Officers**

Chairman Krzywicki questioned if anyone not currently serving as an officer was interested in serving or if anyone was interested in making a recommendation.

**Recommendation:** Circo moved, seconded by Nielsen to approve officers remaining the same, President Krzywicki, Vice President Circo and Secretary Gahan. **Ayes:** Nielsen, Circo, Kramolisch, Krzywicki, Malmquist, Andsager and Alexander. **Nays: None. Abstain: None.**  
**Absent:** Hewitt, Gahan and Miller.  
**Motion Carried. (7-0)**

7. **Adoption of the 2011 scheduled of Planning Commission hearings/City of La Vista review schedule.**

Malmquist moved, seconded by Andsager, to accept 2011 review schedule as printed. **Ayes:** Nielsen, Circo, Kramolisch, Krzywicki, Malmquist, Andsager and Alexander. **Nays:** None. **Abstain:** None. **Absent:** Hewitt, Gahan and Miller.

**Motion Carried.** (7-0)

8. **Comments from the Planning Commission.**

Solberg provided information about the NPZA conference.

Alfaro provided information about the La Vista Commemorative Cookbooks.

9. **Adjournment**

Malmquist moved, seconded by Alexander, to adjourn. **Ayes:** Nielsen, Circo, Kramolisch, Krzywicki, Malmquist, Andsager and Alexander. **Nays:** None. **Abstain:** None. **Absent:** Hewitt, Gahan and Miller.

**Motion Carried.** (7-0)

Reviewed by Planning Commission:

Michele Alfaro  
Recorder

Michael J Krzywicki  
Planning Commission Chair

4-21-2011  
Approval Date



**CITY OF LA VISTA**  
8116 PARK VIEW BOULEVARD  
LA VISTA, NE 68128  
P: (402) 331-4343

**DRAFT**

**PLANNING COMMISSION MINUTES**  
**APRIL 21, 2011**

The City of La Vista Planning Commission held a regular meeting on Thursday, April 21, 2011, in the Harold "Andy" Anderson Council Chamber at La Vista City Hall, 8116 Park View Boulevard. Chairman Krzywicki called the meeting to order at 7:00 p.m. with the following members present: Nielsen, Circo, Hewitt, Krzywicki, Malmquist, Gahan, Andsager and Miller. Members absent were: Kramolisch and Alexander. Also in attendance were Chris Solberg, City Planner and John Kottmann, Assistant Public Works Director/City Engineer.

Legal notice of the public meeting and hearing were posted, distributed and published according to Nebraska law. Notice was simultaneously given to all members of the Planning Commission. All proceedings shown were taken while the convened meeting was open to the attendance of the public.

**1. Call to Order**

- a. The meeting was called to order by Chairman Krzywicki at 7:00 p.m. Copies of the agenda and staff reports were made available to the public.

**2. Approval of Meeting Minutes – February 17, 2011**

- a. *Circo* moved, seconded by *Nielsen* to approve the February 17, 2011 minutes noting that Commissioner Hewitt was not reappointed by the February 17<sup>th</sup> meeting. **Ayes:** Nielsen, Circo, Hewitt, Krzywicki, Malmquist, Andsager and Miller. **Nays: None.**  
**Abstain: Gahan.** **Absent:** Kramolisch and Alexander.  
**Motion Carried.** (7-0)

**3. Old Business**

*None.*

**4. New Business**

**A. Public Hearing regarding amendments to Sections 2.2 and 7.01 Zoning Regulations, regarding Signage**

- i. **Staff Report:** Solberg stated staff was proposing to amend the definition of Electronic Message Board Sign and proposing to add a definition for Project Directory Sign. These definitions relate to additional sign uses proposed to be allowed within the Zoning Regulations.

The amendments also include modifications to 7.01.05.02 Center Identification Signs of the Zoning Regulations to allow for limited use of Electronic Message Boards as part of a Center Identification Sign.

Amendments also include the new sign type, Project Directory Signs which are multi-tenant signs that will be allowed as off-premise signage within certain

proximity of the advertised business. The proposed sign type limits the proximity of Project Directory Signs to other Project Directory Signs, therefore limiting the over-proliferation of off-premise signage through this sign type.

Staff recommended to approve the amendments to Section 2.02 and 7.01 of the Zoning Regulations regarding signs.

- ii. **Public Hearing Opened:** Malmquist moved, seconded by Miller to open the public hearing. **Ayes:** Nielsen, Circo, Hewitt, Krzywicki, Malmquist, Andsager, Gahan, and Miller. **Nays:** None. **Abstain:** None. **Absent:** Kramolisch and Alexander. **Motion Carried.** (8-0)

None came forward.

- iii. **Public Hearing Closed:** Circo moved, seconded by Nielsen to close the public hearing. **Ayes:** Nielsen, Circo, Hewitt, Krzywicki, Malmquist, Andsager, Gahan, and Miller. **Nays:** None. **Abstain:** None. **Absent:** Kramolisch and Alexander. **Motion Carried.** (8-0)

Solberg explained and discussed examples of Project Directory Signs and multi-tenant signs assisting with advertisement as off-premise siding.

Commissioners questioned if electronic message boards would be constantly changing.

Solberg explained the restrictions for the electronic message boards including how frequently the sign changes and overall square footage.

Commissioner Krzywicki questioned if the grandfathered signs would continue to be grandfathered until they had to replace the sign.

Solberg stated that was correct.

Commissioners questioned if every new business would be allowed to have an electronic message board.

Solberg stated that not every new business would be allowed to have an electronic message board. Some requirements include that they have to have multiple tenants and also a restriction that says that no two electronic message boards will be within 500' (feet) of another.

- iv. **Recommendation:** Malmquist moved, seconded by Andsager to recommend approval of the amendment to Section 2.2 and 7.01 of the Zoning Regulations regarding Signs as presented. **Ayes:** Nielsen, Circo, Hewitt, Krzywicki, Malmquist, Andsager, Gahan, and Miller. **Nays:** None. **Abstain:** None. **Absent:** Kramolisch and Alexander. **Motion Carried.** (8-0)

**B. Public Hearing regarding amendments to Sections 7.05 and 7.06, Zoning Regulations, regarding Off-Street Parking.**

i. **Staff Report:** Solberg stated staff was proposing to add Section 7.05.08 to Off-Street Automobile Storage to include language regarding requirements for enclosed garage parking. This will require new multi-family, apartment and condominium developments to construct 0.5 garages per unit.

An analysis of four of the most recent apartment complexes was provided breaking down the number of garages that were constructed per unit. The proposed amendments were developed to increase safety within the complexes and reduce the amount of police calls due to vehicle break-ins.

Staff recommended approval of the amendments to Sections 7.05 and 7.06 of the Zoning Regulations, regarding Off-Street Parking.

ii. **Public Hearing Opened:** Miller moved, seconded by Circo to open the public hearing. **Ayes:** Nielsen, Circo, Hewitt, Krzywicki, Malmquist, Andsager, Gahan, and Miller. **Nays:** None. **Abstain:** None. **Absent:** Kramolisch and Alexander. **Motion Carried.** (8-0)

None came forward.

iii. **Public Hearing Closed:** Malmquist moved, seconded by Gahan to close the public hearing. **Ayes:** Nielsen, Circo, Hewitt, Krzywicki, Malmquist, Andsager, Gahan, and Miller. **Nays:** None. **Abstain:** None. **Absent:** Kramolisch and Alexander. **Motion Carried.** (8-0)

Commissioner Krzywicki questioned what research was done and if existing complexes were notified of the potential zoning change and how it could affect them. He also questioned if research was done to see what percentage of people use the garage as storage instead of a garage.

Solberg stated that developments were not contacted to see how existing garages are utilized. Solberg stated garages should be available regardless of occupation just in case there is an increase in demand for garages due to the number of vehicle break-ins. Solberg stated staff compared the number of garages across the board with existing developments. This particular change does not affect existing developments. It is only for new developments.

Commissioner Hewitt questioned if projects that were permitted but not completed would be required to go back and get a conditional use permit. She felt that the wording should be re-worded to include more than just started since some projects will go before the Commission, go through the platting process, and not have broken ground. Hewitt and Solberg suggested possibly changing the wording to “developments approved by the City prior to the date”.

Commissioner Krzywicki suggested to change the wording from “shall have 0.5 enclosed garages” to “minimum of”.

Commissioners questioned what the previous requirement was for garages.

Solberg stated that there was not a previous requirement for garages.

Commissioner Krzywicki questioned the impact on the developer and the impact on the renters due to increased cost of apartment rental.

Solberg stated staff had that concern; however, staff had spoken to a developer of subsidized housing and the developer felt the apartments could still be sold even though the City Council pushed for garages and other design improvements.

Commissioner Hewitt questioned if they could get a Conditional Use Permit if there was a complex where most tenants do not drive and have van support.

Solberg stated it might be possible to look at a P.U.D. for that example because a Conditional Use Permit would not allow for the alteration of verbiage in the Zoning Regulations.

Commissioner Malmquist stated they may also be able to go through the variance process.

iv. **Recommendation:** Gahan moved, seconded by Malmquist to recommend approval the amendments to sections 7.05 and 7.06 to the Zoning Regulations regarding Off-Street Parking with the changes discussed. **Ayes:** Nielsen, Circo, Hewitt, Krzywicki, Malmquist, Andsager, Gahan, and Miller. **Nays:** None. **Abstain:** None. **Absent:** Kramolisch and Alexander.  
**Motion Carried.** (8-0)

**5. Comments from the Floor**

None.

**6. Comments from the Planning Commission.**

**7. Adjournment**

Malmquist moved, seconded by Nielsen, to adjourn. **Ayes:** Nielsen, Circo, Hewitt, Krzywicki, Malmquist, Andsager, Gahan, and Miller. **Nays:** None. **Abstain:** None. **Absent:** Kramolisch and Alexander.

**Motion Carried.** (8-0)

Reviewed by Planning Commission:

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Recorder

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Planning Commission Chair

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Approval Date

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

**MINUTES OF MEETING  
March 10, 2011**

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

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

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

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

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

**Agenda Item #3: Introductions**

Practicum student Sarah Letheby was introduced to the Library Board.

**Agenda Item #4: Approval of Minutes of January 13, 2011 Meeting**

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

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

- a. Programs: an update on programming was giving including the new adult programming that is being conducted due to a grant opportunity. A knitting group will be started at the library thanks to volunteers. This was sparked by one of the grant programs.
- b. Employee updates were given including the 50 hours covered by Sarah Letheby, the practicum student.
- c. Library Meetings were reviewed including a meeting with the high school media specialist concerning possible grant partnering opportunities. The Sarpy County Library Directors continue to meet. Library Legislative Day was in Lincoln in February.
- d. General Library Information was reviewed including additional programming due to a donation from Papillion Sanitation. A joint storytime was held with the La Vista Recreation Center. Amnesty week was held in January and 4 boxes of food were given to the local food pantry.

**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 grants were reviewed. Continuing Education Grant from Eastern Library System for adult programming continues. The American Recovery and Reinvestment Act for the Nebraska Library Commission Broadband Technology Opportunities Program was awarded. La Vista Public Library is one of 147 Nebraska libraries impacted by this award. The Nebraska Library Commission for Continuing Education and Training was awarded.

- b. Summer Reading Program. The 2011 Summer Program is fast approaching. Planning is still underway. The program will be 10 weeks.
- c. State Library Report. A condensed Library Report was distributed.

Agenda Item #8: New Business

- a. Budget FY2011-2012. The City's strategic planning is in March. The library will be adding the language database: Mango.

Agenda Item #9: Comments from the Floor

There were no comments from the floor.

Agenda Item #10: Comments from the Board

There were no comments from the Board.

There was a motion Podoll and seconded by Westlund to adjourn the meeting at 6:07 p.m.

The next meeting is scheduled for May 12, 2011 at 5:30 p.m. at the La Vista Public Library, Conference Room #142.



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

## BUDGET AND ACTUAL

58% of the Fiscal Year

**MULLEN & MULLEN**  
Attorneys at Law  
10050 Regency Circle, Ste. 505  
Omaha, NE 68114

John P. Mullen, P.C., LLO

TEL: (402) 341-1080  
FAX: (402) 341-8052

27-Apr-11

Federal Tax ID: 47-0843400

Brenda Sedlacek Gunn, Administrator  
CITY OF LAVISTA  
8116 Park View Blvd.  
LaVista, NE 68128

ATTORNEY WORK PRIVILEGE  
ATTORNEY CLIENT PRIVILEGE

Re: City of La Vista-OTC-Sarpy County Lawsuit and issues  
regarding OTC's bankruptcy

**STATEMENT FOR PROFESSIONAL SERVICES AND COSTS ADVANCED**

Date	Description	TIME
For professional services rendered from December 18, 2010 through March 31, 2011 regarding the lawsuit of Oriental Trading Co. ("O.T.C.") v. City of LaVista et al, wherein O.T.C. is seeking the return of previously paid sewer fees and related issues involving OTC's Chapter 11 Bankruptcy.		
	<b>TOTAL FEE</b>	\$ 11,936.00
	<b>DISBURSEMENT - COSTS ADVANCED</b>	\$ 490.51
	<b>TOTAL BALANCE DUE:</b>	<u>\$ 12,426.51</u>

on P&S 5/17/11  
5/17/11  
Consent Agenda  
242-0321

## INVOICE

FROM: **ANDERSON EXCAVATING CO.**  
 1920 DORCAS STREET  
 OMAHA, NEBRASKA 68108  
 Phone: (402) 345-8811

02906

DATE: May 3, 2011

Attn: John Kottman  
 TO: City of LaVista

8116 Parkview Blvd.LaVista, NE 68128phone: 402-331-8927 fax: 402-331-1051JOB NAME: Thompson Creek PropertyLOCATION: Phase 2 DemolitionProgress Payment #1

PURCHASE ORDER NO.	JOB NO.	% JOB COMPLETED	CONTRACT AMOUNT.....\$ 80,995.00		
	4868-3-11	80% %	ADDENDUM AMOUNT.....\$ 80,995.00		
QUANTITY	HOURS	RATE	TYPE OF WORK PERFORMED	TYPE OF MATERIAL	AMOUNT
			<u>Asbestos removal and demolition of the following properties:</u>  <u>Original Contract: Amount Per Contract</u> 7201 Park View Blvd. \$ 7,675.00 80% \$ 6,140.00 7209 Park View Blvd. \$ 8,095.00 80% \$ 6,476.00 7213 Park View Blvd. \$ 9,420.00 80% \$ 7,536.00 7229 Park View Blvd. \$ 8,140.00 80% \$ 6,512.00 7233 Park View Blvd. \$10,470.00 80% \$ 8,376.00 7305 Park View Blvd. \$ 8,630.00 80% \$ 6,904.00 7309 Park View Blvd. \$ 7,255.00 80% \$ 5,804.00 7409 Park View Blvd. \$ 7,110.00 80% \$ 5,688.00 7603 Park View Blvd. \$14,200.00 80% \$ 11,360.00  <u>TOTAL</u> \$80,995.00  <u>Less 10% retainage</u> -  <u>NET AMOUNT DUE</u>  <u>05.71.0645.09</u> <u>O.K. to pay</u> <u>J. Kottman</u> <u>5/5/2011</u>  <u>Consent</u> <u>Agenda</u>		
					\$ 64,796.00 <u>- 6,479.60</u> <u>\$ 58,316.40</u>

An Equal Opportunity Employer

TOTAL THIS INVOICE \$ 58,316.40

# MIDWEST

Right of Way Services, Inc.

May 1, 2011

Ms. Pam Buethe, City Clerk  
City of LaVista  
8116 Parkview Blvd.  
LaVista, Nebraska 68128

**Invoice No.: 2884**  
Midwest Right of WayServices #273

**Right of Way Services in connection with  
Thompson Creek/LaVista FEMA Buyout**

For the period of April 1, 2011 through April 30, 2011

Total Contract	\$ 129,800.00
Total Billed through March 31, 2011	\$ 52,032.00

Project Manager	- hours at \$80 per hour	\$ -
Acquisition Agent	25.00 hours at \$68 per hour	\$ 1,700.00
Relocation Agent	hours at \$68 per hour	\$ -

**Total Amount Due for this Invoice** \$ 1,700.00

Total Remaining on Contract	\$ 76,068.00
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**Past Due Invoices:**  
MROW Invoice #2854 (April 1, 2011) \$ 680.00  
**Total Amount for Past Due Invoices** \$ 680.00

**Total Amount Currently Due** \$ 2,380.00

For questions regarding this invoice, please call Jack Borgmeyer at 955-2900.

Consent  
Agenda  
OK to pay  
05. 71. 06 \$5.09  
Bueche  
5/9/11

BANK NO BANK NAME

CHECK NO DATE VENDOR NO VENDOR NAME

CHECK AMOUNT CLEARED VOIDED MANUAL

1 Bank of Nebraska (600-873)

46122 Payroll Check

46123 Thru 103656 Gap in Checks

103657	5/04/2011	1270 PREMIER-MIDWEST BEVERAGE CO	430.80	**MANUAL**
103658	5/04/2011	1194 QUALITY BRANDS OF OMAHA	719.95	**MANUAL**
103659	5/04/2011	4326 MIDWEST RIGHT OF WAY SVCS INC	680.00	**MANUAL**

103660		Gap in Checks	**Voided check-not system entered-duplicate of check #103644 issued 5/3/11	
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103661	5/06/2011	2888 HOME DEPOT CREDIT SERVICES	119.89	**MANUAL**
103662	5/09/2011	1840 NE DEPT OF MOTOR VEHICLE-94789	6.60	**MANUAL**
103663	5/09/2011	4272 SOLBERG, CHRISTOPHER	1,048.36	**MANUAL**
103664	5/11/2011	3702 LAUGHLIN, KATHLEEN A, TRUSTEE	648.00	**MANUAL**
103665	5/11/2011	4212 NEBRASKA TITLE COMPANY	97,548.00	**MANUAL**
103666	5/17/2011	804 3E-ELECTRICAL ENGINEERING	46.27	
103667	5/17/2011	2997 A.S.P. ENTERPRISES INC	40.00	
103668	5/17/2011	2892 AA WHEEL & TRUCK SUPPLY INC	108.69	
103669	5/17/2011	4298 AAT (US) INC	4,766.00	
103670	5/17/2011	762 ACTION BATTERIES UNLTD INC	56.85	
103671	5/17/2011	765 ADT SECURITY SERVICES	260.31	
103672	5/17/2011	268 AKSARBEN HEATING/ARS	38.00	
103673	5/17/2011	1524 AMERICAN MARKING CORPORATION	33.08	
103674	5/17/2011	1973 ANN TROE	.00	**Cleared** **Voided**
103675	5/17/2011	1973 ANN TROE	1,095.00	
103676	5/17/2011	536 ARAMARK UNIFORM SERVICES INC	580.79	
103677	5/17/2011	201 BAKER & TAYLOR BOOKS	1,363.50	
103678	5/17/2011	1839 BCDM-BERINGER CIACCIO DENNELL	317.00	
103679	5/17/2011	793 BENNETT REFRIGERATION	192.00	
103680	5/17/2011	1784 BENNINGTON EQUIPMENT INC	1,015.24	
103681	5/17/2011	3318 BIG RIG TRUCK ACCESSORIES INC	415.08	
103682	5/17/2011	196 BLACK HILLS ENERGY	5,562.64	
103683	5/17/2011	4229 BLACKHAWK	82.93	
103684	5/17/2011	56 BOB'S RADIATOR REPAIR CO INC	154.00	
103685	5/17/2011	3524 BOLTE, JAN	67.32	
103686	5/17/2011	1613 BOTACH TACTICAL	25.93	
103687	5/17/2011	76 BUILDERS SUPPLY CO INC	180.07	
103688	5/17/2011	2625 CARDMEMBER SERVICE-ELAN	.00	**Cleared** **Voided**
103689	5/17/2011	2625 CARDMEMBER SERVICE-ELAN	.00	**Cleared** **Voided**
103690	5/17/2011	2625 CARDMEMBER SERVICE-ELAN	6,873.73	
103691	5/17/2011	3336 CELEBRITY STAFFING-OMAHA	4,500.00	
103692	5/17/2011	3683 CITY OF OMAHA SHOW MOBILE	1,160.00	
103693	5/17/2011	4504 CITY OF OMAHA-CLIMBING WALL	365.00	
103694	5/17/2011	83 CJ'S HOME CENTER	.00	**Cleared** **Voided**
103695	5/17/2011	83 CJ'S HOME CENTER	.00	**Cleared** **Voided**
103696	5/17/2011	83 CJ'S HOME CENTER	.00	**Cleared** **Voided**
103697	5/17/2011	83 CJ'S HOME CENTER	.00	**Cleared** **Voided**
103698	5/17/2011	83 CJ'S HOME CENTER	1,022.12	

BANK NO	BANK NAME						
CHECK NO	DATE	VENDOR NO	VENDOR NAME	CHECK AMOUNT	CLEARED	VOIDED	MANUAL
103699	5/17/2011	2683	COLOMBO/PHELPS COMPANY	448.42			
103700	5/17/2011	3125	COMMERCIAL TURF SERVICES	1,015.00			
103701	5/17/2011	468	CONTROL MASTERS INCORPORATED	145.00			
103702	5/17/2011	836	CORNHUSKER INTL TRUCKS INC	322.60			
103703	5/17/2011	4492	CORNHUSKER MARRIOTT HOTEL	119.00			
103704	5/17/2011	2158	COX COMMUNICATIONS	251.50			
103705	5/17/2011	3136	D & D COMMUNICATIONS	159.90			
103706	5/17/2011	3776	ELECTRIC SPECIALTIES CO INC	120.00			
103707	5/17/2011	4110	EMERGENCY SERVICES MARKETING	800.00			
103708	5/17/2011	1245	FILTER CARE	18.25			
103709	5/17/2011	142	FITZGERALD SCHORR BARMETTLER	23,414.53			
103710	5/17/2011	3834	FLEET US LLC	2,214.78			
103711	5/17/2011	4035	FLORATINE CENTRAL TURF PRODS	270.00			
103712	5/17/2011	3415	FOCUS PRINTING	.00	**CLEARED**	**VOIDED**	
103713	5/17/2011	3415	FOCUS PRINTING	855.24			
103714	5/17/2011	3132	FORT DEARBORN LIFE INSURANCE	1,296.50			
103715	5/17/2011	1344	GALE	164.22			
103716	5/17/2011	1697	GAYLORD BROS	432.64			
103717	5/17/2011	53	GCR TIRE CENTERS	401.80			
103718	5/17/2011	966	GENUINE PARTS COMPANY-OMAHA	.00	**CLEARED**	**VOIDED**	
103719	5/17/2011	966	GENUINE PARTS COMPANY-OMAHA	.00	**CLEARED**	**VOIDED**	
103720	5/17/2011	966	GENUINE PARTS COMPANY-OMAHA	1,646.03			
103721	5/17/2011	1660	GODFATHER'S PIZZA	71.11			
103722	5/17/2011	164	GRAINGER	101.34			
103723	5/17/2011	285	GRAYBAR ELECTRIC COMPANY INC	313.68			
103724	5/17/2011	4086	GREAT PLAINS UNIFORMS	9.50			
103725	5/17/2011	1044	H & H CHEVROLET LLC	27.75			
103726	5/17/2011	3470	HAMILTON COLOR LAB INC	1,392.50			
103727	5/17/2011	4187	HEARTLAND SERVICES INC	443.19			
103728	5/17/2011	390	HOLIDAY INN-KEARNEY	79.95			
103729	5/17/2011	513	HOSE & HANDLING INCORPORATED	47.72			
103730	5/17/2011	526	HOST COFFEE SERVICE INC	25.45			
103731	5/17/2011	218	HOTSY EQUIPMENT COMPANY	123.13			
103732	5/17/2011	4491	HY-VEE 9707	60.00			
103733	5/17/2011	1498	INDUSTRIAL SALES COMPANY INC	214.91			
103734	5/17/2011	162	INLAND TRUCK PARTS	80.58			
103735	5/17/2011	1896	J Q OFFICE EQUIPMENT INC	719.18			
103736	5/17/2011	2653	JONES AUTOMOTIVE INC	273.96			
103737	5/17/2011	3442	KAR SIM KENNEL, INC	48.00			
103738	5/17/2011	4506	KIRCHER, MICHAEL	15.00			
103739	5/17/2011	2394	KRIHA FLUID POWER CO INC	297.03			
103740	5/17/2011	1241	LEAGUE ASSN OF RISK MGMT	78.00			
103741	5/17/2011	1288	LIFE ASSIST	499.60			
103742	5/17/2011	4254	LINCOLN NATIONAL LIFE INS CO	.00	**CLEARED**	**VOIDED**	
103743	5/17/2011	4254	LINCOLN NATIONAL LIFE INS CO	9,177.65			
103744	5/17/2011	3674	LOCATE	50.00			
103745	5/17/2011	1573	LOGAN CONTRACTORS SUPPLY	285.35			
103746	5/17/2011	2664	LOU'S SPORTING GOODS	.00	**CLEARED**	**VOIDED**	
103747	5/17/2011	2664	LOU'S SPORTING GOODS	2,993.51			
103748	5/17/2011	919	MARTIN MARIETTA AGGREGATES	272.86			
103749	5/17/2011	153	METRO AREA TRANSIT	598.00			
103750	5/17/2011	872	METROPOLITAN COMMUNITY COLLEGE	12,842.65			
103751	5/17/2011	553	METROPOLITAN UTILITIES DIST.	382.39			

BANK NO	BANK NAME						
CHECK NO	DATE	VENDOR NO	VENDOR NAME	CHECK AMOUNT	CLEARED	VOIDED	MANUAL
103752	5/17/2011	3921	MID-STATES UTILITY TRAILER	269.24			
103753	5/17/2011	1526	MIDLANDS LIGHTING & ELECTRIC	26.32			
103754	5/17/2011	2299	MIDWEST TAPE	33.98			
103755	5/17/2011	1046	MIDWEST TURF & IRRIGATION	166.65			
103756	5/17/2011	590	NE DEPT OF ROADS	43,638.00			
103757	5/17/2011	2883	NEBRASKA LANDSCAPE SOLUTIONS	1,791.80			
103758	5/17/2011	479	NEBRASKA LIBRARY COMMISSION	1,403.60			
103759	5/17/2011	2685	NEBRASKA TURF PRODUCTS	360.00			
103760	5/17/2011	2631	NEXTEL COMMUNICATIONS	484.06			
103761	5/17/2011	179	NUTS AND BOLTS INCORPORATED	2.34			
103762	5/17/2011	1014	OFFICE DEPOT INC-CINCINNATI	.00	**CLEARED**	**VOIDED**	
103763	5/17/2011	1014	OFFICE DEPOT INC-CINCINNATI	.00	**CLEARED**	**VOIDED**	
103764	5/17/2011	1014	OFFICE DEPOT INC-CINCINNATI	940.52			
103765	5/17/2011	79	OMAHA COMPOUND COMPANY	239.97			
103766	5/17/2011	195	OMAHA PUBLIC POWER DISTRICT	.00	**CLEARED**	**VOIDED**	
103767	5/17/2011	195	OMAHA PUBLIC POWER DISTRICT	.00	**CLEARED**	**VOIDED**	
103768	5/17/2011	195	OMAHA PUBLIC POWER DISTRICT	42,453.52			
103769	5/17/2011	109	OMNIGRAPHICS	81.85			
103770	5/17/2011	3413	ON YOUR MARKS	862.89			
103771	5/17/2011	3039	PAPILLION SANITATION	304.11			
103772	5/17/2011	2589	PAPIO-MO RVR NATURAL RESOURCES	5,000.00			
103773	5/17/2011	1769	PAYLESS OFFICE PRODUCTS INC	187.26			
103774	5/17/2011	1821	PETTY CASH-PAM BUETHE	100.76			
103775	5/17/2011	3362	PUBLIC AGENCY TRAINING COUNCIL	250.00			
103776	5/17/2011	219	QWEST	132.09			
103777	5/17/2011	191	READY MIXED CONCRETE COMPANY	280.25			
103778	5/17/2011	3139	RECORDED BOOKS, LLC	426.75			
103779	5/17/2011	3090	REGAL AWARDS OF DISTINCTION	38.59			
103780	5/17/2011	1063	ROSE EQUIPMENT INCORPORATED	298.41			
103781	5/17/2011	292	SAM'S CLUB	744.53			
103782	5/17/2011	624	SAPP BROS SERVICE CENTERS	967.68			
103783	5/17/2011	3250	SARPY COMMUNITY YMCA	50.00			
103784	5/17/2011	168	SARPY COUNTY LANDFILL	56.43			
103785	5/17/2011	490	SARPY COUNTY REGISTER OF DEEDS	236.00			
103786	5/17/2011	1985	SHANK, CHRISTINE	16.00			
103787	5/17/2011	4276	SUPERIOR VISION SVCS INC	351.36			
103788	5/17/2011	264	TED'S MOWER SALES & SERVICE	10.53			
103789	5/17/2011	143	THOMPSON DREESSEN & DORNER	752.25			
103790	5/17/2011	4231	TORNADO WASH LLC	165.00			
103791	5/17/2011	161	TRACTOR SUPPLY CREDIT PLAN	221.32			
103792	5/17/2011	167	U S ASPHALT COMPANY	.00	**CLEARED**	**VOIDED**	
103793	5/17/2011	167	U S ASPHALT COMPANY	1,282.81			
103794	5/17/2011	2426	UNITED PARCEL SERVICE	6.69			
103795	5/17/2011	3548	US TREASURY/DEPT OF THE ARMY	258.97			
103796	5/17/2011	300	UTILITY EQUIPMENT COMPANY	44.72			
103797	5/17/2011	3052	V & V MANUFACTURING INC	113.85			
103798	5/17/2011	766	VIERREGGER ELECTRIC COMPANY	1,330.00			
103799	5/17/2011	78	WASTE MANAGEMENT NEBRASKA	1,171.27			
103800	5/17/2011	968	WICK'S STERLING TRUCKS INC	48.32			

BANK NO BANK NAME

CHECK NO DATE VENDOR NO VENDOR NAME

CHECK AMOUNT CLEARED VOIDED MANUAL

BANK TOTAL	304,743.24
OUTSTANDING	304,743.24
CLEARED	.00
VOIDED	.00

FUND	TOTAL	OUTSTANDING	CLEARED	VOIDED
01 GENERAL FUND	131,453.98	131,453.98	.00	.00
02 SEWER FUND	16,124.87	16,124.87	.00	.00
05 CONSTRUCTION	142,900.88	142,900.88	.00	.00
08 LOTTERY FUND	5,931.67	5,931.67	.00	.00
09 GOLF COURSE FUND	6,976.55	6,976.55	.00	.00
15 OFF-STREET PARKING	1,355.29	1,355.29	.00	.00
REPORT TOTAL	304,743.24			
OUTSTANDING	304,743.24			
CLEARED	.00			
VOIDED	.00			
+ Gross Payroll 5/13/11	<u>226,636.78</u>			
GRAND TOTAL	<u>\$531,380.02</u>			

APPROVED BY COUNCIL MEMBERS 5/17/11

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**MAY 17, 2011 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
ZONING TEXT AMENDMENT— SECTION 2.2 DEFINITIONS AND SECTION 7.01 SIGNS	<input checked="" type="checkbox"/> RESOLUTION <input checked="" type="checkbox"/> ORDINANCE <input type="checkbox"/> RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

**SYNOPSIS**

A public hearing has been scheduled and an ordinance prepared to amend Sections 2.2 and 7.01 of the Zoning Ordinance regarding signage.

**FISCAL IMPACT**

N/A.

**RECOMMENDATION**

Approval.

**BACKGROUND**

Community Development staff is proposing to amend Section 2.2 of the Zoning Ordinance regarding the definition of "Electronic Message Board Sign". Staff is also proposing to add a definition for "Project Directory Sign". These definitions relate to additional sign uses proposed to be allowed within the Zoning Regulations.

The amendments also include modifications to 7.01.05, #2. "Center Identification Signs" of the Zoning Ordinance to allow for limited use of "Electronic Message Boards" as part of a Center Identification Sign. See proposed subsection "H" for regulations specifically related to Electronic Message Boards. Electronic Message Boards are not proposed to be allowed as part of any other sign type.

Finally, the amendments also include a new sign type, "Project Directory Signs". These are multi-tenant signs that will be allowed as off-premise signage within certain proximity of the advertised business. The proposed sign type limits the proximity of Project Directory Signs to other Project Directory Signs, thereby limiting the over-proliferation of off-premise signage through this sign type.

A red-lined copy of the proposed amendments is attached.

The Planning Commission held a public hearing on April 21, 2011 and voted unanimously (8-0) to recommend approval.

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 any sign capable of displaying words, symbols, figures, or images that can be electronically or mechanically changed by remote or automatic means.

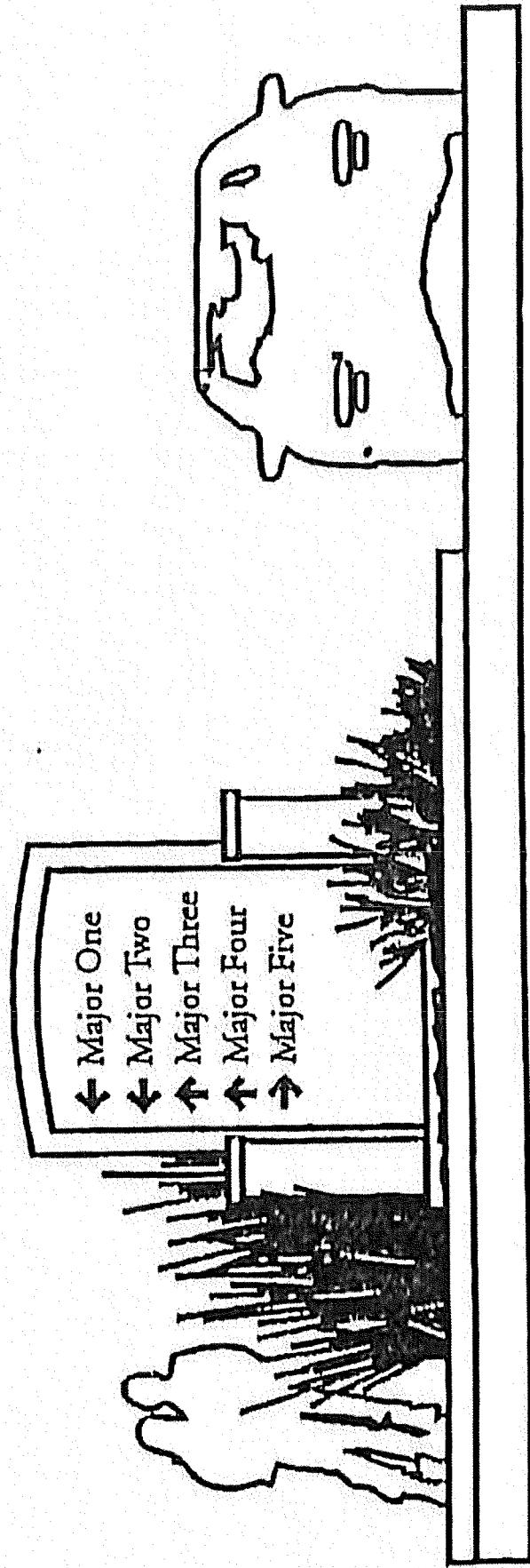
# Center Identification Sign

## Electronic Message Board



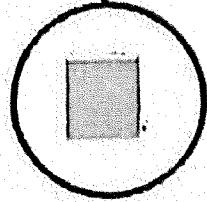
2.02.299 **SIGN, PROJECT DIRECTORY**

A sign fronting on a road containing only the name of the principal use and directional arrow to the principal use. Project directory signs are intended to direct attention to planned multi-tenant developments which are not easily accessible off of such roads and where on-premise signage for that development (or any tenants within the development) would not otherwise be visible by the motorists traveling on nearby arterial or collector roads at the closest point of access.



## Project Directory Sign – Vehicular

SCALE:  $1/8'' = 1'-0''$



2. ***Center Identification Signs***

A. All Center Identification signs shall be a ground monument style sign.

B. A maximum of two Center Identification signs per development shall be allowed. No two signs shall be allowed closer than five-hundred (500) feet to each other on the same side of the street, measured along the edge of the street.

B.C. All Center Identification signs shall be constructed in a manner that is permanent and permeable.

C.D. Acceptable materials include:

- Exterior Insulation Finish System (EIFS)
- Brick
- Split face Concrete Masonry Units
- Stone
- Metal
- Simulated Acrylic, or
- Other materials provided said design is reflective of the character of the use.

D.E. All Center Identification signs shall advertise only the name of the development and/or major tenants, unless in compliance with Subsection F below.

E.F. Setbacks for all Center Identification Signs shall be twenty (20) feet along a street designated as an arterial or collector and ten (10) feet along any street designated as a local, minor or private street.

F.G. Change panels and/ or changeable copy may be allowed provided:

- No panel shall be translucent and / or backlit
- Panels shall be opaque
- Panels shall not include any individual business logos
- Signs shall only include business names or logos
- Fonts shall be similar to that of the development name
- Said panels and / or copy match in color and material to the overall sign.

H. Electronic Message Boards shall only be allowed as part of a Center Identification Sign, provided the following:

- No more than one-half of the permitted sign area shall be used for changeable copy or electronic message board signs.
- The board may be double-faced.
- Each board shall be permanently installed or located.
- Electronic messages shall not be animated or flash continuously (blinking) in any manner.
- Electronic message boards must use automatic level controls to reduce light levels at night and under cloudy and other darkened conditions, in accordance with the standards set forth in this sub-section. All electronic message boards must have installed ambient light monitors, and must at all times allow such monitors to automatically adjust the brightness level of the electronic sign based on ambient light conditions. Maximum brightness levels for electronic message boards may not exceed 5000 nits when measured from the signs face at its maximum brightness, during daylight hours, and 500 nits when measured from the signs face at its maximum brightness between sunset and sunrise, as those times are determined by the National Weather Service.
- The message cannot change copy at intervals of less than one (1) minute. Changes of message image must be instantaneous as seen by the human eye and may not use fading, rolling, window shading, dissolving, or similar effects as part of the change.

G.I. The following criteria apply to Center Identification signs:

District	Design Limitations for Center Identification Signs		
	Max. Size	Max. Height	Max. Number
<b>TA</b>			
<b>R-1</b>			
<b>R-2</b>			
<b>R-3</b>			
<b>R-4</b>			
<b>C-1</b>	100 square feet	20 feet	One (1) <i>per main entrance but not more than two (2) per street frontage of the development</i>
<b>C-2</b>	100 square feet	20 feet	One (1) <i>per main entrance but not more than two (2) per street frontage of the development</i>
<b>C-3</b>	150 square feet	24 feet	One (1) per main entrance but not more than three (3); plus, one (1) when abutting Interstate 80
<b>I-1</b>	100 square feet	20 feet	One (1) per main entrance but not more than three (3); plus, one (1) when abutting Interstate 80
<b>I-2</b>	100 square feet	20 feet	One (1) per main entrance but not more than three (3); plus, one (1) when abutting Interstate 80
<b>PUD</b>	The maximum allowed within the underlying zoning district	The maximum allowed within the underlying zoning district	The maximum allowed within the underlying zoning district

5. **Project Directory Signs**

In order to maintain the flow of traffic on arterial and collector roads and to promote vehicular safety, emphasis is made to limit the number of ingress and egress points off of such roads. Project directory signs are intended to direct attention to planned multi-tenant developments which are not easily accessible off of such roads and where on-premise signage for that development (or any tenants within the development) would not otherwise be visible by the motorists traveling on nearby arterial or collector roads at the closest point of access. Provisions are provided to allow project directory signs which identify the name of the particular development and/or the names of their tenants. Such signs would be supplemental to signage otherwise provided for such developments.

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Supplemental directional signs may be erected under the following conditions:

- A. Access to the development is restricted. Full ingress and egress to the development off an arterial or collector road is limited by access constraints or non-existent.  
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- B. Such signs may be placed on or off-premises. All such signs shall be constructed and located, however, so as to be visible by the motorist traveling on the arterial or collector road which intersects with the local road providing access to the development.  
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- C. Setbacks for all Project Directory Signs shall be twenty (20) feet along a street designated as an arterial or collector and ten (10) feet along any street designated as a local, minor or private street.  
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- D. A maximum of two project directory signs per development shall be allowed. No two signs shall be allowed closer than five-hundred (500) feet to each other on the same side of the street, measured along the edge of the street.  
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- E. No such sign shall be allowed further than one-thousand (1,000) feet from any entity advertising on the sign using the closest straight line measurement.  
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- F. The minimum distance between a sign location and any residential zoning district shall be 50 feet.  
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- G. The sign may contain the name of the development, names of tenants within the development, directional arrows and distance information. If off-premises, sign shall identify multiple businesses or industries.  
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- H. The size of each sign shall be a function of the number of tenants within the development. Each eight (8) square feet per principal use within the development, whichever is greater, with a maximum area of eighty (80) square feet.  
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- I. All such signs shall be a ground-mounted, monument-style sign.  
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- J. Such signs shall be subject to the design standards of the PUD or Gateway Corridor Overlay District, if within such district.  
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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 the Ordinance No. 848 is hereby amended to read as follows:

**Section 2.02 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 **APPURTEANCES** 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.

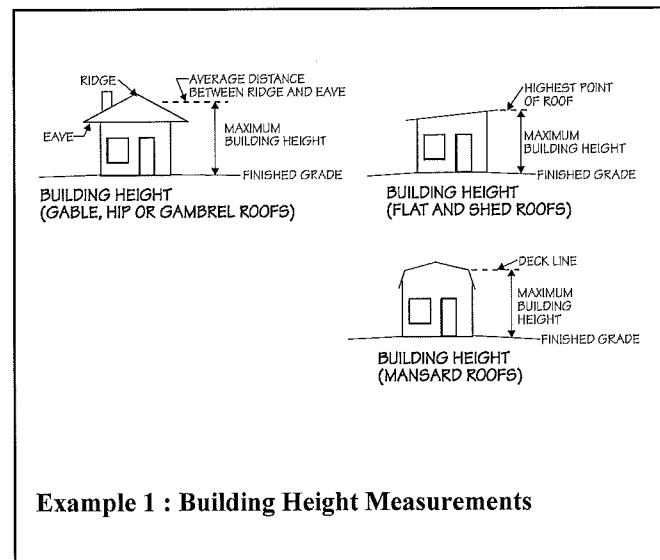
2.02.70 **BUILDING HEIGHT** shall mean the vertical distance above grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the average height of the highest gable of a pitched, hipped, or shed roof, measured from the highest adjoining sidewalk or ground surface 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*)



Example 1 : Building Height Measurements

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 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)

2.02.158.03 A 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.

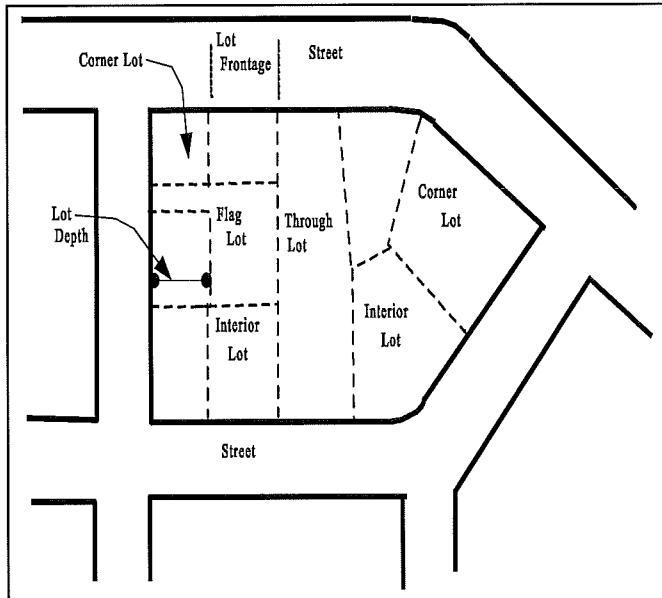
2.02.183 **LOT COVERAGE** shall mean the portion of a lot or building site which is occupied by any building or structure, excepting paved areas, walks and swimming pools, regardless of whether said building or structure is intended for human occupancy or not.

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*)

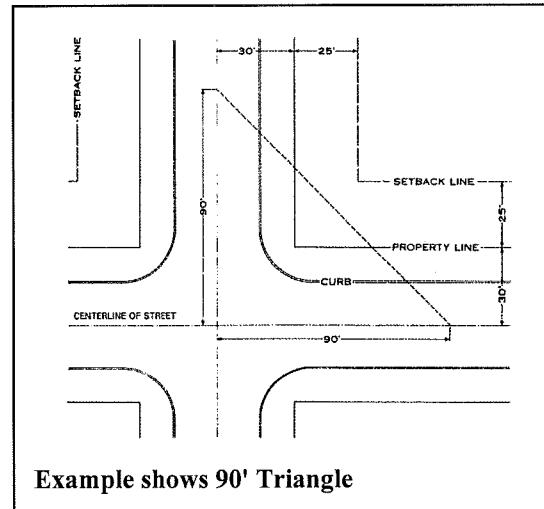
2.02.270 **SHOPPING CENTER** shall mean a group of commercial establishments planned, constructed, and managed as a total entity with customer and employee parking provided on-site, provisions for goods delivery that is separated from customer access, aesthetic considerations, and protection from the 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 1/2) 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:

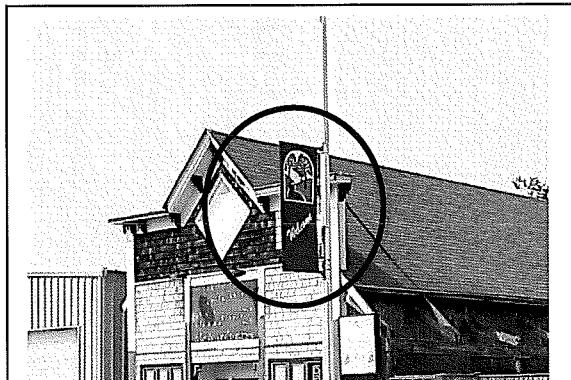
2.02.274.01 Signs less than fifty (50) square feet in area and less than twenty-five (25) feet in height of a public or quasi-public nature or other official notices that are authorized by the State of Nebraska, City of La Vista, or a Federal Government Agency, directional, informational, or other official 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)*

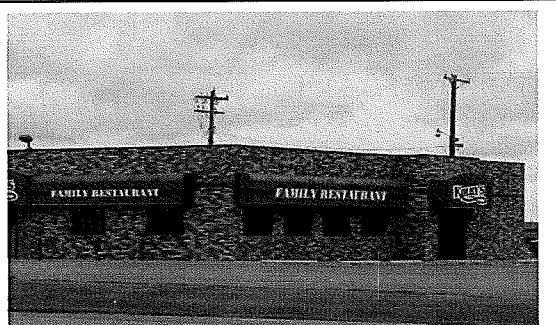
2.02.277 **SIGN, AUDIBLE** shall mean any sign that conveys either a written message supported by an audible noise including music, spoken message, and / or sounds to attract attention to the sign. Audible signs also include signs conveying only the audible noise including music, spoken message, and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



Sign, Canopy

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.

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

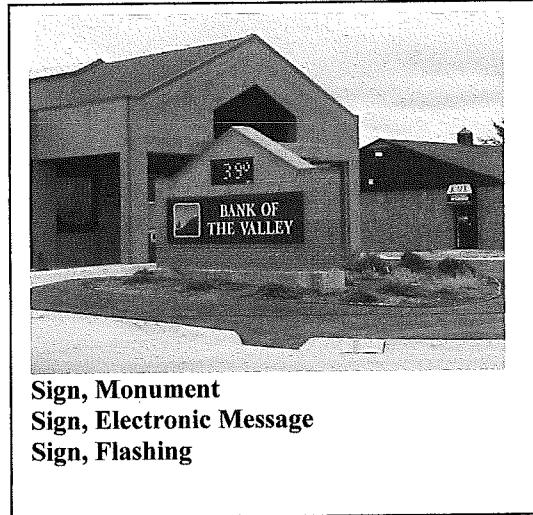
include the name of said development and may include the names of major tenants of the development. Center Identification Signs shall typically be similar to Ground (Monument) signs. (*Ordinance No. 1083, 2-17-09*)

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 any sign capable of displaying words, symbols, figures, or images that can be electronically or mechanically changed by remote or automatic means. (*Ordinance No. \_\_\_\_\_, 5-17-11*)

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, IDENTIFICATION** shall mean a sign giving the nature, logo, trademark, or other identifying symbol; address; or any combination of the name, symbol, and address of a building, business, development, or establishment on the premises where it is located.

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

2.02.289 **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*)

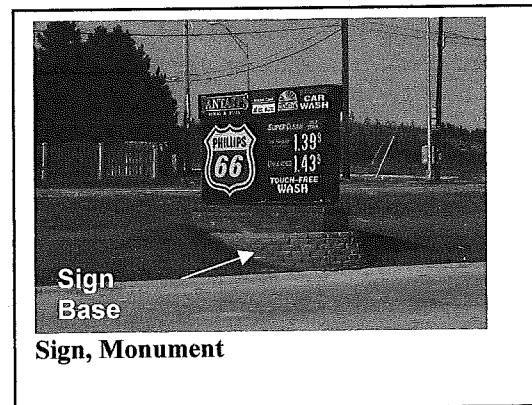
2.02.290 **SIGN, MARQUEE** shall mean any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

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

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

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

2.02.294 **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.

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

2.02.296 **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.

2.02.297 **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.

2.02.298 **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.

2.02.299 **SIGN, PROJECT DIRECTORY** shall mean a sign fronting on a road containing only the name of the principal use and directional arrow to the principal use. Project directory signs are intended to direct attention to planned multi-tenant developments which are not easily accessible off of such roads and where on-premise signage for that development (or any tenants within the development) would not otherwise be visible by the motorists traveling on nearby arterial or collector roads at the closest point of access. *(Ordinance No. \_\_\_, 5-17-11)*

2.02.300 **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.

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

2.02.302 **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)*

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

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

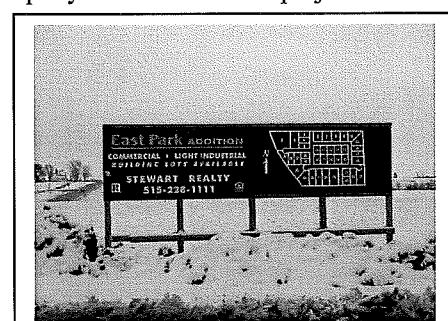
2.02.305 **SIGN SURFACE** shall mean the entire area of a sign.

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

2.02.307 **SIGN, TEMPORARY** shall mean a sign constructed of cloth,



Sign, Projecting

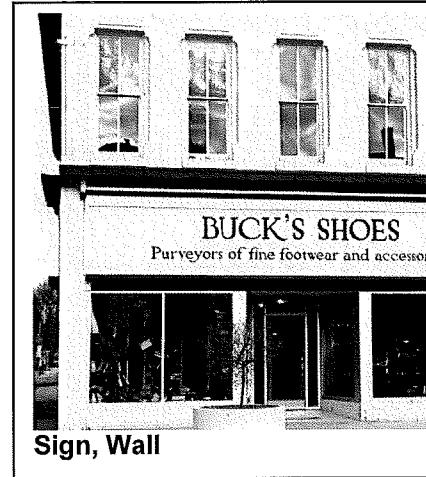


Sign, Subdivision

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.

2.02.308 **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)*

2.02.309 **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.



2.02.310 **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.

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

2.02.312 **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.

2.02.313 **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.

2.02.314 **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)*

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

2.02.316 **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)*

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

- 2.02.316.1 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,
- 2.02.316.2 Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

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

2.02.318.01 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

2.02.318.02 Clearly depicted human genitals in the state of sexual stimulation, arousal, or tumescence; or

2.02.318.03 Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation; or

2.02.318.04 Fondling or touching of nude human genitals, pubic region, buttocks, or female breast(s); or

2.02.318.05 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

2.02.318.06 Erotic or lewd touching, fondling, or other sexually-oriented contact with an animal by a human being; or

2.02.318.07 Human excretion, urination, menstruation, vaginal, or anal irrigation.

2.02.319 **STATE** shall mean the State of Nebraska.

2.02.320 **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.

2.02.321 **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.

2.02.322 **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.

2.02.323 **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.

2.02.324 **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.

2.02.325 **STREET FRONTEAGE** 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.

2.02.326 **STREET, LOCAL** shall mean a street designed for local traffic that provides direct access to abutting residential, commercial, or industrial properties.

2.02.327 **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)*

2.02.328 **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)*

2.02.329 **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.

2.02.330 **STRUCTURE, TEMPORARY** shall mean a structure permitted as a temporary use. (*Ordinance No. 1083, 2-17-09*)

2.02.331 **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.

2.02.332 **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*)

2.02.333 **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*)

2.02.334 **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*)

2.02.335 **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*)

2.02.336 **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*)

2.02.337 **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*)

2.02.338 **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.

2.02.339 **TOWER** shall mean a structure situated on a site that is intended for transmitting or receiving television, radio, or telephone communications. (Also, see Antenna)

2.02.340 **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.

2.02.341 **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*)

2.02.342 **USE, PRINCIPAL** shall mean the main use of land or structure, as distinguished from an accessory use. (Also, see Principal Building)

2.02.343 **UTILITARIAN STRUCTURE** shall mean a structure or enclosure relating to mechanical or electrical services to a building or development.

2.02.344 **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.

2.02.345 **UTILITY SERVICE** shall mean any device, including wire, pipe, and conduit, which carries gas, water, electricity, oil and communications into a building or development.

2.02.346 **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)*

2.02.347 **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)*

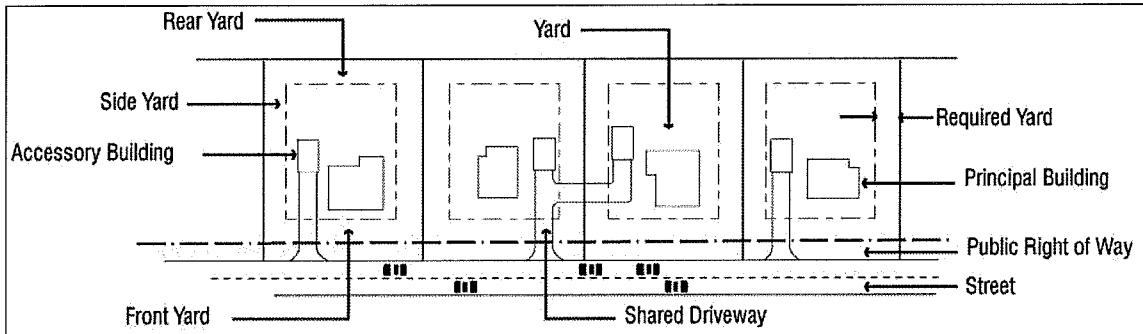
2.02.348 **WAREHOUSE** shall mean a building used primarily for the storage of goods and materials.

2.02.349 **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.

2.02.350 **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)*

2.02.351 **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)*

2.02.352 **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.



2.02.353 **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*)

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

2.02.355 **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.

2.02.356 **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 17<sup>TH</sup> DAY OF MAY, 2011.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

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Pamela A. Buethe, CMC  
City Clerk

I:\Administration\BRENDA\ COUNCIL\ORDINANCE\2.02 5-17-11.Doc

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

AN ORDINANCE TO AMEND SECTION 7.01.05 OF ORDINANCE NO. 848 (ZONING ORDINANCE); TO REPEAL SECTION 7.01.05 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 7.01.05. Section 7.01.05 of Ordinance No. 848 is hereby amended to read as follows:

**7.01.05 Permitted Signs and Limitations**

1. ***Ground Monument***

- A. Monument signs shall be located along the frontage of the zoned lot. All signs shall be of permanent construction and are subject to the provisions of local codes and ordinances. On corner lots, the monument sign may be placed on either frontage.
- B. All ground monument signs shall be located on the same lot as the advertised use.
- C. Signs shall contain only the name or trademark of the business, building or complex which it identifies.
- D. With the exception of change panels permitted for gas stations to advertise gasoline prices, no change panels, advertising or names of individual tenants will be allowed.
- E. Setbacks for all ground monument signs are ten (10) feet.
- F. The following criteria apply to Ground Monument signs:

District	Design Limitations for Ground Monuments		
	Max. Size	Max. Height	Max. Number
	50 square feet	10 feet	One (1) per lot frontage.
R-1	32 square feet	10 feet	One (1) per lot frontage.
R-2	32 square feet	10 feet	One (1) per lot frontage.
R-3	32 square feet	10 feet	One (1) per lot frontage.
R-4	32 square feet	10 feet	One (1) per lot frontage.
C-1	32 square feet	10 feet	One (1) per lot frontage.
C-2	32 square feet	10 feet	One (1) per lot frontage.
C-3	50 square feet	10 feet	Two (2) per lot frontage
I-1	32 square feet	10 feet	One (1) per lot frontage.
I-2	32 square feet	10 feet	One (1) per lot frontage.
PUD	The maximum allowed within the underlying zoning district	The maximum allowed within the underlying zoning district	The maximum allowed within the underlying zoning district

2. ***Center Identification Signs***

- A. All Center Identification signs shall be a ground monument style sign.
- B. *A maximum of two Center Identification Signs per development shall be allowed. No two signs shall be allowed closer than five-hundred (500) feet to each other on the same side of the street, measured along the edge of the street.*
- C. All Center Identification signs shall be constructed in a manner that is permanent.
- D. Acceptable materials include:
  - Exterior Insulation Finish System (EIFS)
  - Brick

- Split face Concrete Masonry Units
- Stone
- Metal
- Simulated Acrylic, or
- Other materials provided said design is reflective of the character of the use.

E. All Center Identification signs shall advertise only the name of the development and/or major tenants.

F. Setbacks for all Center Identification Signs shall be twenty (20) feet along a street designated as an arterial or collector and ten (10) feet along any street designated as a local, minor or private street.

G. Change panels may be allowed provided:

- Signs shall only include business names or logos
- Fonts shall be similar to that of the development name
- Said panels and / or copy match in color and material to the overall sign.

H. *Electronic Message Boards shall only be allowed as part of a Center Identification Sign, provided the following:*

- *No more than one-half of the permitted sign area shall be used for changeable copy or electronic message board signs.*
- *The board may be double-faced.*
- *Each board shall be permanently installed or located.*
- *Electronic messages shall not be animated or flash continuously (blinking) in any manner.*
- *Electronic message boards must use automatic level controls to reduce light levels at night and under cloudy and other darkened conditions, in accordance with the standards set forth in this sub-section. All electronic message boards must have installed ambient light monitors, and must at all times allow such monitors to automatically adjust the brightness level of the electronic sign based on ambient light conditions. Maximum brightness levels for electronic message boards may not exceed 5000 nits when measured from the signs face at its maximum brightness, during daylight hours, and 500 nits when measured from the signs face at its maximum brightness between sunset and sunrise, as those times are determined by the National Weather Service.*
- *The message cannot change copy at intervals of less than one (1) minute. Changes of message image must be instantaneous as seen by the human eye and may not use fading, rolling, window shading, dissolving, or similar effects as part of the change. (Ordinance No. \_\_\_, 5-17-11)*

I. The following criteria apply to Center Identification signs:

District	Design Limitations for Center Identification Signs		
	Max. Size	Max. Height	Max. Number
R-1			
R-2			
R-3			
R-4			
C-1	100 square feet	20 feet	One (1) per main entrance but not more than two (2) per street frontage of the development
C-2	100 square feet	20 feet	One (1) per main entrance but not more than two (2) per street frontage of the development
C-3	150 square feet	24 feet	One (1) per main entrance but not more than three (3); plus, one (1) when abutting Interstate 80
I-1	100 square feet	20 feet	One (1) per main entrance but not more than three (3); plus, one (1) when abutting Interstate 80

I-2	100 square feet	20 feet	One (1) per main entrance but not more than three (3); plus, one (1) when abutting Interstate 80
PUD	The maximum allowed within the underlying zoning district	The maximum allowed within the underlying zoning district	The maximum allowed within the underlying zoning district

**(Ordinance No. 883, 11-19-02) (Ordinance No. 896, 2-04-03)**

### 3. **Wall Signs**

- A. All wall signs shall be mounted to the primary face of the use, *unless otherwise substituted by the Building Official. (Ordinance No. 988, 4-18-06)*
- B. The following criteria apply to Wall Signs:

District	Design Limitations for Wall Signs		
	Max. Size	Max. Height	Max. Number
	1.5 square feet per lineal foot of building / storefront to a Max. of 400 sq. ft.	45 feet above grade	One (1) per storefront Dual Frontage = one (1) additional Wall Sign may be used provided the combined total area does not exceed 150% of the initial allowable area.
R-1			
R-2			
R-3			
R-4			
C-1	1.5 square feet per lineal foot of building / storefront to a Max. of 400 sq. ft.	45 feet above grade	One (1) per storefront Dual Frontage = one (1) additional Wall Sign may be used provided the combined total area does not exceed 150% of the initial allowable area.
C-2	1.5 square feet per lineal foot of building / storefront to a Max. of 400 sq. ft.	45 feet above grade	One (1) per storefront Dual Frontage = one (1) additional Wall Sign may be used provided the combined total area does not exceed 150% of the initial allowable area.
C-3	2.5 square feet per lineal foot of building / storefront to a Max. of 600 sq. ft.	45 feet above grade	One (1) per main frontage One (1) additional Wall Sign may be used provided the combined total area does not exceed 150% of the initial allowable area.
I-1	1.5 square feet per lineal foot of building / storefront to a Max. of 400 sq. ft.	45 feet above grade	One (1) per main frontage Dual Frontage = one (1) additional Wall Sign may be used provided the combined total area does not exceed 150% of the initial allowable area.
I-2	1.5 square feet per lineal foot of building / storefront to a Max. of 400 sq. ft.	45 feet above grade	One (1) per main frontage Dual Frontage = one (1) additional Wall Sign may be used provided the combined total area does not exceed 150% of the initial allowable area.
PUD	The maximum allowed within the underlying zoning district, <i>or otherwise prescribed in the approved P.U.D Plan of said lot/development.</i>	The maximum building height allowed in the approved P.U.D Plan of said lot/development.	The maximum allowed within the underlying zoning district, <i>or otherwise prescribed in the approved P.U.D Plan of said lot/development.</i>

**(Ordinance No. 988, 4-18-06)**

### 4. **Incidental Signs**

- A. Incidental signs shall be placed in locations along the primary face of the building.

- B. Incidental signs may be placed on a second building face, when the building has dual frontage.
- C. The following criteria apply to Incidental Signs:

District	Design Limitations for Incidental Signs		
	Max. Size	Max. Height	Max. Number
	25 sq. ft. of area each	45 feet above grade	One (1) per forty lineal feet of storefront
R-1			
R-2			
R-3			
R-4			
C-1	25 sq. ft. of area each	45 feet above grade	One (1) per forty lineal feet of storefront
C-2	25 sq. ft. of area each	45 feet above grade	One (1) per forty lineal feet of storefront
C-3	25 sq. ft. of area each	45 feet above grade	One (1) per forty lineal feet of storefront
I-1	25 sq. ft. of area each	45 feet above grade	One (1) per forty lineal feet of storefront
I-2	25 sq. ft. of area each	45 feet above grade	One (1) per forty lineal feet of storefront
PUD	The maximum allowed within the underlying zoning district	The maximum allowed within the underlying zoning district	The maximum allowed within the underlying zoning district

##### **5. Project Directory Signs**

*In order to maintain the flow of traffic on arterial and collector roads and to promote vehicular safety, emphasis is made to limit the number of ingress and egress points off of such roads. Project directory signs are intended to direct attention to planned multi-tenant developments which are not easily accessible off of such roads and where on-premise signage for that development (or any tenants within the development) would not otherwise be visible by the motorists traveling on nearby arterial or collector roads at the closest point of access. Provisions are provided to allow project directory signs which identify the name of the particular development and/or the names of their tenants. Such signs would be supplemental to signage otherwise provided for such developments.*

*Supplemental directional signs may be erected under the following conditions:*

- A. Access to the development is restricted. Full ingress and egress to the development off an arterial or collector road is limited by access constraints or non-existent.
- B. Such signs may be placed on or off-premises. All such signs shall be constructed and located, however, so as to be visible by the motorist traveling on the arterial or collector road which intersects with the local road providing access to the development.
- C. A maximum of two project directory signs per development shall be allowed. No two signs shall be allowed closer than five-hundred (500) feet to each other on the same side of the street, measured along the edge of the street.
- D. No such sign shall be allowed further than one-thousand (1,000) feet from any entity advertising on the sign using the closest straight line measurement.
- E. The minimum distance between a sign location and any residential zoning district shall be 50 feet.
- F. The sign may contain the name of the development, names of tenants within the development, directional arrows and distance information. If off-premises, sign shall identify multiple businesses or industries.

G. The size of each sign shall be a function of the number of tenants within the development. Each eight (8) square feet per principal use within the development, whichever is greater, with a maximum area of eighty (80) square feet.

H. All such signs shall be a ground-mounted, monument-style sign.

I. Such signs shall be subject to the design standards of the PUD or Gateway Corridor Overlay District, if within such district. (Ordinance No.       , 5-17-11)

6. **Other Permitted Signs**

Canopy

Identification

Projecting

Real Estate

Nameplate

Temporary (see Section 7.03.02)

Window

Subdivision (Ordinance No. 873, 10-15-02)

Construction (Ordinance No. 873, 10-15-02)

Signs shall be permitted in the various districts at the listed square footage and heights according to the following schedule:

<u>Zoning District</u>	<u>FW</u>	<u>TA</u>	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>R-4</u>	<u>C-1</u>	<u>C-2</u>	<u>C-3</u>	<u>I-1</u>	<u>I-2</u>	<u>PUD</u>
<b><u>Sign Type</u></b>												
<b><u>Identification</u></b>												
Max. Size (Square Ft.)	-	2 <sup>1</sup>										
Max. Height (Ft.)	-	NA										
Number Allowed per building	-	1	1	1	1	1	1	1	1	1	1	1
<b><u>Real Estate</u></b>												
Max. Size (Square Ft.)	-	32	6	6	6	6	32	32	32	32	32	6
Max. Height (Ft.)	-	6	-	-	-	-	6	6	6	6	6	-
Number Allowed per lot	-	2	1	1	1	1	2 <sup>7</sup>	1				
<b><u>Subdivision</u></b>												
Max. Size (Square Ft.)	-	32	32	32	32	32	32	32	50	32	32	32
Max. Lot Coverage (Sq. Ft.)	-	2,500 <sup>4</sup>										
Max. Height (Ft.)	-	10	10	10	10	10	10	10	15	10	10	10
Number Allowed per lot	-	2 <sup>5</sup>										
<b><u>Construction</u></b>												
Max. Size (Square Ft.)	-	32	32	32	32	32	32	32	32	32	32	32
Max. Height (Ft.)	-	8	8	8	8	8	8	8	8	8	8	8
Number Allowed per lot	-	4 <sup>6</sup>										
<b><u>Canopy</u></b>												
Max. Size	-	25% <sup>2</sup>	-	-	-	-	25% <sup>2</sup>					
Max. Height (Ft.)	-	NA	-	-	-	-	NA	NA	NA	NA	NA	NA
Number Allowed per building	-	1	-	-	-	-	1	1	1	1	1	1
<b><u>Window</u></b>												
Max. Size	-	25% <sup>3</sup>	-	-	-	-	25% <sup>3</sup>					
Max. Height (Ft.)	-	NA	-	-	-	-	NA	NA	NA	NA	NA	NA
Number Allowed per building/ storefront	-	2	-	-	-	-	2	2	2	2	2	2
<b><u>Projecting</u></b>												
Max. Size (Square Ft.)	-	12	12	12	12	12	12	12	12	12	12	12
Max. Height (Ft.)	-	NA										
Number Allowed per building	-	1	1	1	1	1	1	1	1	1	1	1
<b><u>Nameplate</u></b>												
Max. Size (Square Ft.)	-	2	2	2	2	2	2	-	-	-	-	2
Max. Height (Ft.)	-	NA	NA	NA	NA	NA	NA	-	-	-	-	NA
Number Allowed per building	-	1	1	1	1	1	1	-	-	-	-	1

-: not permitted

NA: Not Applicable

(Ordinance No. 873, 10-15-02) (Ordinance No. 897, 2-04-03) (Ordinance No. 951, 3-15-05)

1: Maximum letter height is equal to 12 inches

- 2: percentage of total Canopy area
- 3: percentage of total window area
- 4: When constructed as a landscaping element on an outlot or plat lot
- 5: Per Entrance
- 6: Maximum number equal to four (4) when every sign equals the maximum size, no maximum number when using six (6) square foot signs
- 7: *On corner lots or lots one (1) acre or greater, otherwise one (1) per lot (Ordinance No. 897, 2-04-03)*

**Note: All signs shall have a Vertical Clearance of nine (9) feet above any sidewalk, private drive, or parking.**  
**All signs shall have a Vertical Clearance of twelve (12) feet above any Public Street.**

SECTION 2. Repeal of Section 7.01.05 as Previously Enacted. Section 7.01.05 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 5. Effective Date. This ordinance shall be in full force and effect from and after passage, approval and publication as provided by law.

SECTION 6. This ordinance shall be published in pamphlet form and take effect as provided by law.

PASSED AND APPROVED THIS 17<sup>TH</sup> DAY OF MAY, 2011.

CITY OF LA VISTA

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Douglas Kindig, Mayor

ATTEST:

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Pamela A. Buethe, CMC  
City Clerk

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**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**MAY 17, 2011 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
ZONING TEXT AMENDMENT— SECTION 7.05 AND 7.06 OFF-STREET PARKING	◆ RESOLUTION ◆ ORDINANCE RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

**SYNOPSIS**

A public hearing has been scheduled and an ordinance prepared to amend Sections 7.05 and 7.06, Zoning Regulations, regarding Off-Street Parking.

**FISCAL IMPACT**

N/A.

**RECOMMENDATION**

Approval.

**BACKGROUND**

A public hearing has been scheduled for the Planning Commission to consider amendments to the Zoning Regulations.

Community Development staff is proposing to add Section 7.05.08 to Off-Street Automobile Storage to include language regarding requirements for enclosed garage parking. This will require new multi-family, apartment and condominium developments to construct 0.5 garages per unit.

An analysis of four of the most recent apartment complexes with garages is attached. The analysis breaks down the number of garages that were constructed per unit. Furthermore, these amendments were developed to increase safety within these complexes and to reduce the amount of police calls due to vehicle break-ins.

A red-lined copy of the proposed amendment is attached.

The Planning Commission held a public hearing on April 21, 2011. Hewitt and Solberg suggested possibly changing the wording in the last sentence of 7.05.08 to “developments approved by the City prior to the date”. Commissioner Krzywicki suggested changing the wording in the first sentence of 7.05.08 from “shall have 0.5 enclosed garages” to include “a minimum of”. The Planning Commission voted unanimously (8-0) to recommend approval with the changes as noted.

## Garages per Bedroom (BR) and per Apartment Unit (APT)

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## **Section 7.05 Off-Street Automobile Storage.**

7.05.01 Off-street automobile storage or standing space shall be provided on any lot on which any of the following uses are hereafter established; such space shall be provided with vehicular access to a street or an alley. For purposes of computing the number of parking spaces available in a given area, the ratio of two hundred fifty (250) square feet per parking space shall be used.

7.05.02 If vehicle storage space or standing space required in section 7.06 cannot be reasonably provided on the same lot on which the principal use is conducted in the opinion of the Building Inspector, the Building Inspector may permit such space to be provided on other off-street property, provided such space lies within four hundred (400) feet of an entrance to such principal use. Such vehicle standing space shall be deemed to be required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner. *(Ordinance No. 975, 12-20-05)*

7.05.03 All parking spaces for *residential, commercial, industrial, public or quasi-public uses* shall be paved with asphalt or concrete. *(Ordinance No. 975, 12-20-05)* *All parking spaces for permitted temporary uses not located on the same lot as a permitted principle use may be exempt from a paved surface but shall have access to a hard-surface road and have a rock drive for emergency vehicles.* *(Ordinance No. 994, 6-6-06)*

7.05.04 Where calculations in accordance with the foregoing list results in requiring a fractional space, any fraction less than one-half shall be disregarded and any fraction of one-half or more shall require one space.

7.05.05 In Districts R-1, R-2, R-3, and R-4, required off-street parking shall be provided on the lot on which it is located the use to which the parking pertains. In other Districts, such parking may be provided either on the same lot or an adjacent or other lot provided the lot on which the use requiring them is located are not separated by more than three hundred (300) feet at closest points, measured along a street or streets.

7.05.06 Where off-street parking is located on a lot other than the lot occupied by the use, which requires it, site plan approval for both lots is required.

7.05.07 Some uses may require two (2) different use types to be calculated together in order to determine the total parking requirement (Example: Primary schools may require a tabulation for classrooms and assembly areas)

7.05.08 In Districts R-3 and R-4, multi-family, apartment, and condominium dwellings shall have a minimum of 0.5 enclosed garages per unit. The required garages may count towards the total number of parking spaces required as per Section 7.06. Multi-family, apartment, and condominium developments approved by the City prior to \_\_\_\_\_ shall be exempt of this requirement.

## Section 7.06 Schedule of Minimum Off-Street Parking Requirements

(Ordinance No. 1070, 8-19-08)

Uses	Parking Requirements
<b>Adult Entertainment Establishments</b>	One (1) space per 100 sq. feet of gross floor area; plus one (1) space per employee on peak shift
<b>Amusement Arcades</b>	One (1) space for each 100 sq. feet of gross floor area, in addition to one (1) space for each employee on the maximum shift
<b>Animal Specialty Services</b>	One (1) space per 300 sq. feet of gross floor area
<b>Bed and Breakfast/Boarding House</b>	One (1) space per rental unit
<b>Churches, Synagogues, and Temples</b>	One (1) space per 4 seats in main worship area
<b>Social clubs or Fraternal Organizations</b>	One (1) space per 500 sq. feet of gross floor area
<b>Commercial Uses</b>	
<b>Agricultural Sales / Service</b>	One (1) space per 500 sq. feet of gross floor area
<b>Automotive Rental / Sales</b>	One (1) space per 500 sq. feet of gross floor area
<b>Automotive Repair Services</b>	Three (3) spaces per repair stall
<b>Bars, Taverns, Nightclubs</b>	One (1) space per 100 sq. feet of gross floor area, including outside seating; plus one (1) space per employee on peak shift
<b>Equipment Rental / Sales</b>	One (1) space per 500 sq. feet of gross floor area
<b>Campground</b>	One (1) space per camping unit
<b>Communication Services</b>	One (1) space per 500 sq. feet of gross floor area
<b>Construction Sales / Services</b>	One (1) space per 500 sq. feet of gross floor area
<b>Convenience Store with Limited Fuel Sales</b>	One (1) space per 200 sq. feet of gross floor area; spaces adjacent to fuel pump are included in total number
<b>Food Sales (limited)</b>	One (1) space per 300 sq. feet of gross floor area
<b>Food Sales (general)</b>	One (1) space per 200 sq. feet of gross floor area
<b>General Retail Sales Establishments</b>	One (1) space per 200 sq. feet of gross floor area
<b>Laundry Services</b>	One (1) space per 200 sq. feet of gross floor area
<b>Restaurants w/ Drive-thru</b>	One (1) space per 150 sq. feet of gross floor area; plus five (5) stacking spaces for drive through window
<b>Restaurants (General)</b>	One (1) space per four (4) seats or 1 per 100 sq. feet of gross floor area, including outside seating (whichever is greater); plus one (1) space per employee on peak shift
<b>Nursing Home</b>	One (1) space per 3 beds plus 1 per employee on the largest shift.
<b>Child Care Center</b>	One (1) space per employee plus (one) 1 space per 10 children.
<b>Educational Uses, Primary facilities - Kindergarten, Elementary School, Junior High</b>	Two (2) spaces per classroom
<b>Educational Uses, Secondary Facilities - High School</b>	Eight (8) spaces per classroom plus 1 space per teacher
<b>Funeral Homes and Chapels</b>	Eight (8) spaces per reposing room
<b>Group Care Home</b>	One (1) space per 4 residents plus one additional space for each employee
<b>Health Club</b>	One (1) space per 200 sq. feet of gross floor area, plus one space for each employee on peak shift
<b>Hospitals</b>	One and one-half (1 1/2) spaces per 2 licensed beds; plus, .75 times the maximum number of employees during the largest shift
<b>Hotels and Motels</b>	One (1) space per rental unit
<b>Housing (Congregate)</b>	
<b>Assisted-living facilities</b>	One (1) space per dwelling unit plus 1 space per employee on the largest shift
<b>Duplex</b>	Two (2) spaces per dwelling unit
<b>Multi-family / Apartments / Condominiums</b>	One (1) space per bedroom. (See Section 7.05.08 for additional requirements)
<b>Industrial Uses / Flex Space for Industrial</b>	One (1) space per 3,000 sq. feet of gross floor area
<b>Libraries</b>	One (1) space 500 sq. feet of gross floor area
<b>Medical Clinics</b>	One (1) space per 250 sq. feet of gross floor area
<b>Mobile Home Park</b>	Two (2) per dwelling unit
<b>Offices and Office Buildings</b>	One (1) space per 200 sq. feet of gross floor area
<b>Recreational Facilities</b>	One (1) space per four (4) occupants or, in the case of a nonstructural facility, one (1) space per four (4) persons the facility is intended to accommodate
<b>Residential (Single-family, attached and detached)</b>	Two (2) spaces per dwelling unit with 1 required to be enclosed
<b>Roadside Stands</b>	Four (4) spaces per stand
<b>Special and Vocational Training</b>	One (1) space per 500 sq. feet of gross floor area
<b>Theaters, Auditoriums, and Places of Assembly</b>	One (1) space per 4 seats
<b>Veterinary Establishments / Pet Health Services</b>	One (1) space for every 300 sq. feet of gross floor area (excluding floor area used for keeping and caring for large farm animals)
<b>Wholesaling / Distribution Operations</b>	One (1) space per 5,000 sq. feet of gross floor area

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

AN ORDINANCE TO AMEND SECTION 7.05 AND SECTION 7.06 OF ORDINANCE NO. 848 (ZONING ORDINANCE); TO REPEAL SECTION 7.05 AND SECTION 7.06 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 7.05. Section 7.05 of Ordinance No. 848 is hereby amended to read as follows:

**Section 7.05 Off-Street Automobile Storage.**

7.05.01 Off-street automobile storage or standing space shall be provided on any lot on which any of the following uses are hereafter established; such space shall be provided with vehicular access to a street or an alley. For purposes of computing the number of parking spaces available in a given area, the ratio of two hundred fifty (250) square feet per parking space shall be used.

7.05.02 If vehicle storage space or standing space required in section 7.06 cannot be reasonably provided on the same lot on which the principal use is conducted in the opinion of the Building Inspector, the Building Inspector may permit such space to be provided on other off-street property, provided such space lies within four hundred (400) feet of an entrance to such principal use. Such vehicle standing space shall be deemed to be required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner. (*Ordinance No. 975, 12-20-05*)

7.05.03 All parking spaces for residential, commercial, industrial, public or quasi-public uses shall be paved with asphalt or concrete. (*Ordinance No. 975, 12-20-05*) All parking spaces for permitted temporary uses not located on the same lot as a permitted principle use may be exempt from a paved surface but shall have access to a hard-surface road and have a rock drive for emergency vehicles. (*Ordinance No. 994, 6-6-06*)

7.05.04 Where calculations in accordance with the foregoing list results in requiring a fractional space, any fraction less than one-half shall be disregarded and any fraction of one-half or more shall require one space.

7.05.05 In Districts R-1, R-2, R-3, and R-4, required off-street parking shall be provided on the lot on which it is located the use to which the parking pertains. In other Districts, such parking may be provided either on the same lot or an adjacent or other lot provided the lot on which the use requiring them is located are not separated by more than three hundred (300) feet at closest points, measured along a street or streets.

7.05.06 Where off-street parking is located on a lot other than the lot occupied by the use, which requires it, site plan approval for both lots is required.

7.05.07 Some uses may require two (2) different use types to be calculated together in order to determine the total parking requirement (Example: Primary schools may require a tabulation for classrooms and assembly areas)

7.05.08 In Districts R-3 and R-4, multi-family, apartment, and condominium dwellings shall have a minimum of 0.5 enclosed garages per unit. The required garages may count towards the total number of parking spaces required as per Section 7.06. Multi-family, apartment, and condominium developments approved by the City prior to \_\_\_\_\_ shall be exempt of this requirement.

SECTION 2. Amendment of Section 7.06. Section 7.06 of Ordinance No. 848 is hereby amended to read as follows:

**Section 7.06 Schedule of Minimum Off-Street Parking Requirements**

<b>Uses</b>	<b>Parking Requirements</b>
<b>Adult Entertainment Establishments</b>	One (1) space per 100 sq. feet of gross floor area; plus one (1) space per employee on peak shift.
<b>Amusement Arcades</b>	One (1) space for each 100 sq. feet of gross floor area, in addition to one (1) space for each employee on the maximum shift.
<b>Animal Specialty Services</b>	One (1) space per 300 sq. feet of gross floor area.
<b>Bed and Breakfast/Boarding House</b>	One (1) space per rental unit.
<b>Churches, Synagogues, and Temples</b>	One (1) space per 4 seats in main worship area.
<b>Social clubs or Fraternal Organizations</b>	One (1) space per 500 sq. feet of gross floor area.
<b>Commercial Uses</b>	
<b>Agricultural Sales / Service</b>	One (1) space per 500 sq. feet of gross floor area.
<b>Automotive Rental / Sales</b>	One (1) space per 500 sq. feet of gross floor area.
<b>Automotive Repair Services</b>	Three (3) spaces per repair stall.
<b>Bars, Taverns, Nightclubs</b>	One (1) space per 100 sq. feet of gross floor area, including outside seating; plus one (1) space per employee on peak shift.
<b>Equipment Rental / Sales</b>	One (1) space per 500 sq. feet of gross floor area.
<b>Campground</b>	One (1) space per camping unit.

<b>Communication Services</b>	One (1) space per 500 sq. feet of gross floor area.
<b>Construction Sales / Service</b>	One (1) space per 500 sq. feet of gross floor area.
<b>Convenience Store with Limited Fuel Sales</b>	One (1) space per 200 sq. feet of gross floor area; spaces adjacent to fuel pump are included in total number.
<b>Food Sales (limited)</b>	One (1) space per 300 sq. feet of gross floor area.
<b>Food Sales (general)</b>	One (1) space per 200 sq. feet of gross floor area.
<b>General Retail Sales Establishments</b>	One (1) space per 200 sq. feet of gross floor area.
<b>Laundry Services</b>	One (1) space per 200 sq. feet of gross floor area.
<b>Restaurants w/ Drive-thru</b>	One (1) space per 150 sq. feet of gross floor area; plus five (5) stacking spaces for drive through window.
<b>Restaurants (General)</b>	One (1) space per four (4) seats or 1 per 100 sq. feet of gross floor area, including outside seating (whichever is greater); plus one (1) space per employee on peak shift.
<b>Nursing Home</b>	One (1) space per 3 beds plus 1 per employee on the largest shift.
<b>Child Care Center</b>	One (1) space per employee plus (one) 1 space per 10 children.
<b>Educational Uses, Primary facilities - Kindergarten, Elementary School, Junior High</b>	Two (2) spaces per classroom.
<b>Educational Uses, Secondary Facilities - High School</b>	Eight (8) spaces per classroom plus 1 space per teacher.
<b>Funeral Homes and Chapels</b>	Eight (8) spaces per reposing room.
<b>Group Care Home</b>	One (1) space per 4 residents plus one additional space for each employee.
<b>Health Club</b>	One (1) space per 200 sq. feet of gross floor area, plus one space for

	each employee on peak shift.
<b>Hospitals</b>	One and one-half (1 1/2) spaces per 2 licensed beds; plus, .75 times the maximum number of employees during the largest shift.
<b>Hotels and Motels</b>	One (1) space per rental unit.
<b>Housing (Congregate)</b>	
<b>Assisted-living facilities</b>	One (1) space per dwelling unit plus 1 space per employee on the largest shift.
<b>Duplex</b>	Two (2) spaces per dwelling unit.
<b>Multi-family / Apartments / Condominiums</b>	One (1) space per bedroom. <i>(See Section 7.05.08 for additional requirements.)</i>
<b>Industrial Uses / Flex Space for Industrial</b>	One (1) space per 3,000 sq. feet of gross floor area.
<b>Libraries</b>	One (1) space 500 sq. feet of gross floor area.
<b>Medical Clinics</b>	One (1) space per 250 sq. feet of gross floor area.
<b>Mobile Home Park</b>	Two (2) per dwelling unit.
<b>Offices and Office Buildings</b>	One (1) space per 200 sq. feet of gross floor area.
<b>Recreational Facilities</b>	One (1) space per four (4) occupants or, in the case of a nonstructural facility, one (1) space per four (4) persons the facility is intended to accommodate.
<b>Residential (Single-family, attached and detached)</b>	Two (2) spaces per dwelling unit with 1 required to be enclosed.
<b>Roadside Stands</b>	Four (4) spaces per stand.
<b>Special and Vocational Training</b>	One (1) space per 500 sq. feet of gross floor area.
<b>Theaters, Auditoriums, and Places of</b>	One (1) space per 4 seats.

**Assembly**

**Veterinary Establishments / Pet Health Services**      One (1) space for every 300 sq. feet of gross floor area (excluding floor area used for keeping and caring for large farm animals.)

**Wholesaling / Distribution Operations**      One (1) space per 5,000 sq. feet of gross floor area.

**SECTION 3. Repeal of Section 7.05 and Section 7.06 as Previously Enacted.** Section 7.05 and Section 7.06 of Ordinance No. 848 as previously enacted is hereby repealed.

**SECTION 4. 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 5. Effective Date.** This ordinance shall be in full force and effect from and after passage, approval and publication as provided by law.

**SECTION 6.** This ordinance shall be published in pamphlet form and take effect as provided by law.

PASSED AND APPROVED THIS 17<sup>TH</sup> DAY OF MAY, 2011.

CITY OF LA VISTA

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Douglas Kindig, Mayor

ATTEST:

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Pamela A. Buethe, CMC  
City Clerk

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ITEM D

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
MAY 17, 2011 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
CALL FOR REDEMPTION OF BONDS AND GO REFUNDING SERIES 2011A BOND ISSUE	◆ RESOLUTION ◆ ORDINANCE RECEIVE/FILE	SHEILA LINDBERG FINANCE DIRECTOR

**SYNOPSIS**

A resolution has been prepared authorizing bonds called for redemption of the Refunding Bonds, Series 2005; and General Obligation Bonds, Series 2002, Sanitary Improvement District 214.

An ordinance has been prepared authorizing the Refunding of the 2005 \$4,000,000 Refunding Bond Issue, and the 2002 \$800,000 Sanitary District 214 Bond Issue. This will be the General Obligation Refunding Bonds, Series 2011A in the principal amount not to exceed \$3,645,000.

**FISCAL IMPACT**

Savings of approximately \$300,150 will be recognized over time in the Debt Service Fund as a result of the lower interest rate.

**RECOMMENDATION**

Approval.

**BACKGROUND**

The City is paying an average coupon (interest) rate of 4.7% on these current bond issues; however, with the refunding, the average coupon rate will fall to approximately 3.4%. The refinancing of these bond issues will help the Debt Service Fund's long term sustainability.

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING THE CALL FOR REDEMPTION OF REFUNDING BONDS, SERIES 2005.

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

Section 1. The following obligations of the City of La Vista, Nebraska in accordance with their option provisions are hereby authorized to be called for redemption on such date as set forth in the Designation of Call Date (as defined below), after which date interest on the bonds will cease:

Refunding Bonds, Series 2005, date of original issue - December 15, 2005, in the principal amount of Three Million Four Hundred Forty-five Thousand Dollars (\$3,445,000), numbered as shown on the books of the Paying Agent and Registrar, in denomination of \$5,000 each, becoming due and bearing interest as follows:

<u>Principal Amount</u>	<u>Maturity Date:</u> <u>December 15</u>	<u>Interest Rate</u>	<u>CUSIP</u>
\$155,000	2011	4.00%	505318 KA2
160,000	2012	4.10	505318 KB0
165,000	2013	4.15	505318 KC8
175,000	2014	4.25	505318 KD6
180,000	2015	4.30	505318 KE4
190,000	2016	4.35	505318 KF1
195,000	2017	4.40	505318 KG9
205,000	2018	4.45	505318 KH7
215,000	2019	4.50	505318 KJ3
225,000	2020	4.55	505318 KK0
235,000	2021	4.65	505318 KL8
245,000	2022	4.70	505318 KM6
1,100,000	2026	4.80	505318 KN4

Said bonds are hereinafter referred to as the "Refunded Bonds."

The Refunded Bonds are subject to redemption at any time on or after December 15, 2010, at par and accrued interest, and said interest is payable semiannually. The proceeds of the Refunded Bonds were used for the purpose of satisfying the City's contractual obligation with respect to certain warrants issued by Sanitary and Improvement District Nos. 218 and 253 by calling and redeeming such warrants.

Section 2. The Refunded Bonds are to be paid at the office of the Treasurer of the City of La Vista, in La Vista, Nebraska, as paying agent and registrar.

Section 3. The Mayor or Clerk of the City (each, an "Authorized Officer") are each individually hereby authorized at any time on or after the date of this resolution to determine the call date for said Bonds on behalf of the City and such determination, when made in writing (the "Designation of Call Date"), shall constitute the action of the City without further action of the Mayor and Council of the City. The Call Date shall be set for any date prior to September 1,

2011, and after such date the Authorized Officers shall have no authority to make any such determination hereunder without further action of the Mayor and Council of the City and this resolution shall be of no further force and effect.

Section 4. A true copy of the Designation of Call Date shall be filed at least thirty days prior to the Call Date with the Treasurer of the City of La Vista as Paying Agent for the Refunded Bonds, and said Paying Agent is hereby instructed to mail notice to each registered owner of said bonds not less than thirty days prior to the date fixed for redemption, all in accordance with the ordinance and authorizing the Refunded Bonds.

PASSED AND APPROVED THIS 17TH DAY OF MAY, 2011

CITY OF LA VISTA

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Douglas Kindig, Mayor

ATTEST:

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Pamela A. Buethe, CMC  
City Clerk

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

AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2011A, OF THE CITY OF LA VISTA, NEBRASKA, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED THREE MILLION SIX HUNDRED FORTY-FIVE THOUSAND DOLLARS (\$3,645,000) FOR THE PURPOSE OF PROVIDING FUNDS WHICH WILL PAY AND REDEEM REFUNDING BONDS, SERIES 2005, OF THE CITY, AND GENERAL OBLIGATION BONDS, SERIES 2002, ORIGINALLY ISSUED BY ANNEXED SANITARY AND IMPROVEMENT DISTRICT NO 214 OF SARPY COUNTY, NEBRASKA; DIRECTING THE APPLICATION OF THE PROCEEDS OF SAID BONDS; PRESCRIBING THE FORM OF SAID BONDS; PROVIDING FOR THE LEVY AND COLLECTION OF TAXES TO PAY THE SAME; PROVIDING FOR THE SALE OF THE BONDS; AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER; AND ORDERING THE ORDINANCE PUBLISHED IN PAMPHLET FORM.

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

Section 1. The Mayor and Council of the City of La Vista, Nebraska hereby find and determine that there have been heretofore issued and are now outstanding and unpaid valid and interest bearing obligations of the City of La Vista, Nebraska, as follows:

Refunding Bonds, Series 2005, date of original issue - December 15, 2005, in the principal amount of Three Million Four Hundred Forty-five Thousand Dollars (\$3,445,000), numbered as shown on the books of the Paying Agent and Registrar, in denomination of \$5,000 each, becoming due and bearing interest as follows:

<u>Principal Amount</u>	<u>Maturity Date:</u> <u>December 15.</u>	<u>Interest Rate</u>	<u>CUSIP</u>
\$155,000	2011	4.00%	505318 KA2
160,000	2012	4.10	505318 KB0
165,000	2013	4.15	505318 KC8
175,000	2014	4.25	505318 KD6
180,000	2015	4.30	505318 KE4
190,000	2016	4.35	505318 KF1
195,000	2017	4.40	505318 KG9
205,000	2018	4.45	505318 KH7
215,000	2019	4.50	505318 KJ3
225,000	2020	4.55	505318 KK0
235,000	2021	4.65	505318 KL8
245,000	2022	4.70	505318 KM6
1,100,000	2026	4.80	505318 KN4

(Said bonds are hereinafter referred to as the "Series 2005 Called Bonds"), which Series 2005 Called Bonds are subject to redemption at any time on or after December 15, 2010, at par and accrued interest, and said interest is payable semiannually. The proceeds of the Series 2005 Called Bonds were used for the purpose of satisfying the City's contractual obligation with respect to certain warrants issued by Sanitary and Improvement District Nos. 218 and 253 by calling and redeeming such warrants; and

General Obligation Bonds, Series 2002, originally issued by Sanitary and Improvement District No 214 of Sarpy County, Nebraska, ("SID 214") in the principal amount of One Hundred Sixty Thousand Dollars (\$160,000), numbered as shown on the books of the Paying Agent and Registrar, in denomination of \$5,000 each, becoming due and bearing interest as follows:

<u>Principal Amount</u>	<u>Maturity Date:</u> <u>June 1 15.</u>	<u>Interest Rate</u>
\$35,000	2012	5.20%
40,000	2013	5.30
40,000	2014	5.40
45,000	2015	5.50

(said bonds are hereinafter referred to as the "SID 214 Called Bonds"; and together with

the Series 2005 Called Bonds, the "Refunded Bonds") which SID 214 Called Bonds are currently subject to redemption at any time, at par and accrued interest, and said interest is payable semiannually. The proceeds of the SID 214 Called Bonds were used for the purpose of financing various infrastructure improvements for SID 214, and such SID 214 Called Bonds are obligations of the City by virtue of annexation of SID 214 by the City.

The Refunded Bonds are valid, interest bearing obligations of the City of La Vista, Nebraska, and that by resolution of the Mayor and Council of the City adopted contemporaneously with this resolution (the "Call Resolution") all of the Refunded Bonds have been authorized to be called for redemption on such date as determined pursuant to the Call Resolution (the "Redemption Date"); since the Refunded Bonds were issued, the rates of interest have so declined in the markets that by taking up and paying off said Refunded Bonds on said call date, a substantial savings in the amount of yearly running interest will be made to the City; that for the purpose of redeeming the Refunded Bonds it is for the best interest of the City to issue general obligation refunding bonds of the City in the principal amount of not to exceed \$3,645,000; that all conditions, acts and things required to exist or to be done precedent to the issuance of the various purpose bonds of the City of La Vista, Nebraska, in the principal amount of not to exceed Three Million Six Hundred Forty-five Thousand Dollars (\$3,645,000), pursuant to Section 10-142, 10-615, 10-616, 18-1801 and 18-1802 R.R.S. Neb. 2007, do exist and have been done as required by law.

Section 2. To provide for the refunding of the Refunded Bonds as set forth in Section 2 hereof, there shall be and there are hereby ordered issued the various purpose bonds of the City of La Vista, Nebraska, to be called "General Obligation Refunding Bonds, Series 2011A," in the principal amount of not to exceed Three Million Six Hundred Forty-five Thousand Dollars (\$3,645,000) (the "Bonds") with said bonds maturing on December 15 of each year in the principal amounts as follows:

<u>Principal</u>	<u>Date of Maturity</u>
\$165,000	December 15, 2011
225,000	December 15, 2012
230,000	December 15, 2013
235,000	December 15, 2014
235,000	December 15, 2015
200,000	December 15, 2016
205,000	December 15, 2017
210,000	December 15, 2018
215,000	December 15, 2019
220,000	December 15, 2020
230,000	December 15, 2021
235,000	December 15, 2022
245,000	December 15, 2023
255,000	December 15, 2024
265,000	December 15, 2025
275,000	December 15, 2026

*provided, that the Bonds shall bear interest at the rates per annum as shall be determined in a written designation (the "Designation") signed by the Mayor and/or Clerk of the City (the "Authorized Officers") on behalf of the Mayor and Council of the City and which may be agreed to by D.A. Davidson & Co. (the "Underwriter"), which Designation may also determine or modify the principal*

*amount for each maturity of the Bonds, mandatory redemption provisions (if any), and pricing terms as set forth in Section 8 below, all within the following limitations:*

- (a) *the aggregate principal amount of the Bonds shall not exceed \$3,645,000*
- (b) *the aggregate amount of original issue premium and original issue discount (if any) may result in an aggregate net original issue discount (if any) not in excess of one percent (1.00%) of the stated principal amount of the Bonds;*
- (c) *the longest maturity of the Bonds may not be later than December 15, 2026;*
- (d) *the Bonds shall bear interest at such rates per annum so that debt service payable on the Bonds provides at least a net present value savings to the City over the debt service payable on the Refunded Bonds;*
- (e) *two or more of the principal maturities may be combined and issued as "term bonds" and the Authorized Officer may determine the mandatory sinking fund payments and mandatory redemption amounts. Any Bonds issued as "term bonds" shall be redeemed at a redemption price equal to 100% of the principal amount thereof plus accrued interest thereon to the date of redemption and may be selected for redemption by any random method of selection determined appropriate by the Registrar (as hereinafter designated) or by the Depository (as hereinafter designated).*

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

The Bonds shall be issued in fully registered form in the denomination of \$5,000 or any integral multiple thereof. The Bonds shall bear as the date of original issue the date of delivery thereof. Interest on the Bonds, at the respective rates for each maturity, shall be payable semiannually on June 15 and December 15 of each year, commencing December 15, 2011 (or such other date as may be determined in the Designation, each of said dates an "Interest Payment Date") and the Bonds shall bear such interest from the date of original issue or the most recent Interest Payment Date, whichever is later. The interest due on each Interest Payment Date shall be payable to the registered owners of record as of the close of business on the fifteenth day immediately preceding the Interest Payment Date (the "Record Date"), subject to the provisions of Section 5 hereof. The Bonds shall be numbered from 1 upwards in the order of their issuance. No Bond shall be issued originally or upon transfer or partial redemption having more than one principal maturity. The initial bond numbering and principal amounts for each of the Bonds issued shall be designated by the City's Treasurer as directed by the initial purchaser thereof. Payments of interest due on the Bonds prior to maturity or date of redemption shall be made by the Paying Agent and Registrar, as designated pursuant to Section 4 hereof, by mailing a check or draft in the amount due for such interest on each Interest Payment Date to the registered owner of each Bond, as of the Record Date for such Interest Payment Date, to such owner's registered address as shown on the books of registration as required to be maintained in Section 4 hereof. Payments of principal and accrued interest thereon due at maturity or at any date fixed for redemption prior to maturity shall be made by said Paying Agent and Registrar to the registered owners upon presentation and surrender of the Bonds to said Paying Agent and Registrar. The

City and said Paying Agent and Registrar may treat the registered owner of any Bond as the absolute owner of such Bond for the purpose of making payments thereon and for all other purposes and neither the City nor the Paying Agent and Registrar shall be affected by any notice or knowledge to the contrary, whether such Bond or any installment of interest due thereon shall be overdue or not. All payments on account of interest or principal made to the registered owner of any Bond in accordance with the terms of this Ordinance shall be valid and effectual and shall be a discharge of the City and said Paying Agent and Registrar, in respect of the liability upon the Bonds or claims for interest to the extent of the sum or sums so paid.

Section 3. The City Treasurer is hereby designated as the Paying Agent and Registrar for the Bonds provided that the City reserves the right to designate a bank or trust company to serve in such capacity and upon such agreed terms as shall be determined by the Mayor and Council. The Paying Agent and Registrar shall keep and maintain for the City books for the registration and transfer of the Bonds at the City offices. The names and registered addresses of the registered owner or owners of the Bonds shall at all times be recorded in such books. Any Bond may be transferred pursuant to its provisions at the office of said Paying Agent and Registrar by surrender of such Bond for cancellation, accompanied by a written instrument of transfer, in form satisfactory to said Paying Agent and Registrar, duly executed by the registered owner in person or by such owner's duly authorized agent, and thereupon the Paying Agent and Registrar on behalf of the City will deliver at its office (or send by registered mail to the transferee owner or owners thereof at such transferee owner's or owners' risk and expense), registered in the name of such transferee owner or owners, a new Bond or Bonds of the same interest rate, aggregate principal amount and maturity. To the extent of the denominations authorized for the Bonds by this Ordinance, one Bond may be transferred for several such Bonds of the same interest rate and maturity, and for a like aggregate principal amount, and several such Bonds may be transferred for one or several such Bonds, respectively, of the same interest rate and maturity and for a like aggregate principal amount. In every case of transfer of a Bond, the surrendered Bond shall be canceled and destroyed. All Bonds issued upon transfer of the Bonds so surrendered shall be valid obligations of the City evidencing the same obligations as the Bonds surrendered and shall be entitled to all the benefits and protection of this Ordinance to the same extent as the Bonds upon transfer of which they were delivered. The City and said Paying Agent and Registrar shall not be required to transfer any Bond during any period from any Record Date until its immediately following Interest Payment Date or to transfer any Bond called for redemption for a period of 30 days next preceding the date fixed for redemption.

Section 4. In the event that payments of interest due on the Bonds on an Interest Payment Date are not timely made, such interest shall cease to be payable to the registered owners as of the Record Date for such Interest Payment Date and shall be payable to the

registered owners of the Bonds as of a special date of record for payment of such defaulted interest as shall be designated by the Paying Agent and Registrar whenever monies for the purpose of paying such defaulted interest become available.

Section 5. If the date for payment of the principal of or interest on the Bonds shall be a Saturday, Sunday, legal holiday or a day on which banking institutions in the City of La Vista, Nebraska, are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not a Saturday, Sunday, legal holiday or a day on which such banking institutions are authorized to close, and payment on such day shall have the same force and effect as if made on the nominal date of payment.

Section 6. Bonds maturing December 15, 2016 and thereafter shall be subject to redemption, in whole or in part, prior to maturity at any time on or after the fifth anniversary of the date of original issue thereof, at par plus accrued interest on the principal amount redeemed to the date fixed for redemption. The City may select the Bonds to be redeemed in its sole discretion but the Bonds shall be redeemed only in amounts of \$5,000 or integral multiples thereof. Bonds redeemed in part only shall be surrendered to said Paying Agent and Registrar in exchange for new Bonds evidencing the unredeemed principal thereof. Notice of redemption of any Bond called for redemption shall be given at the direction of the City by said Paying Agent and Registrar by mail not less than 30 days prior to the date fixed for redemption, first class, postage prepaid, sent to the registered owner of such Bond at said owner's registered address. Such notice shall designate the Bond or Bonds to be redeemed by maturity or otherwise, the date of original issue and the date fixed for redemption and shall state that such Bond or Bonds are to be presented for prepayment at the office of said Paying Agent and Registrar. In case of any Bond partially redeemed, such notice shall specify the portion of the principal amount of such Bond to be redeemed. No defect in the mailing of notice for any Bond shall affect the sufficiency of the proceedings of the City designating the Bonds called for redemption or the effectiveness of such call for Bonds for which notice by mail has been properly given and the City shall have the right to further direct notice of redemption for any such Bond for which defective notice has been given.

Section 7. The Bonds shall be in substantially the following form:

**UNITED STATES OF AMERICA**  
**STATE OF NEBRASKA**  
**COUNTY OF SARPY**  
**GENERAL OBLIGATION REFUNDING BOND**  
**OF THE CITY OF LA VISTA, NEBRASKA**  
**SERIES 2011A**

No.	\$		
<u>Interest Rate</u>	<u>Maturity Date</u>	<u>Date of Original Issue</u>	<u>CUSIP No.</u>
		_____, 2011	

Registered Owner:

Principal Amount:	Dollars (\$        )
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KNOW ALL PERSONS BY THESE PRESENTS: That the City of La Vista, in the County of Sarpy, in the State of Nebraska, hereby acknowledges itself to owe and for value received promises to pay to the registered owner specified above, or registered assigns, the principal amount specified above in lawful money of the United States of America on the date of maturity specified above with interest thereon to maturity (or earlier redemption) from the date of original issue or most recent Interest Payment Date, whichever is later, at the rate per annum specified above, payable semiannually on June 15 and December 15 of each year, commencing December 15, 2011 (each of said dates an "Interest Payment Date"). Said interest shall be computed on the basis of a 360-day year consisting of twelve 30-day months. The principal hereof and unpaid accrued interest thereon due at maturity or upon redemption prior to maturity are payable upon presentation and surrender of this bond at the office of the City Treasurer, the Paying Agent and Registrar, in La Vista, Nebraska. Interest on this bond due prior to maturity or earlier redemption will be paid on each Interest Payment Date by a check or draft mailed by the Paying Agent and Registrar to the registered owner of this bond, as shown on the books of record maintained by the Paying Agent and Registrar, at the close of business on the fifteenth day immediately preceding the Interest Payment Date, to such owner's registered address as shown on such books and records. Any interest not so timely paid shall cease to be payable to the person entitled thereto as of the record date such interest was payable, and shall be payable to the person who is the registered owner of this bond (or of one or more predecessor bonds hereto) on such special record date for payment of such defaulted interest as shall be fixed by the Paying Agent and Registrar whenever monies for such purpose become available.

This bond is one of an issue of fully registered bonds of the total principal amount of \_\_\_\_\_ Thousand Dollars (\$\_\_\_\_\_), of even date and like tenor except as to date of maturity, rate of interest and denomination which were issued by the City for the purpose of providing funds which, along with City funds on hand, refunded Refunding Bonds, Series 2005, of the City, and General Obligation Bonds, Series 2002, originally issued by Sanitary and Improvement District No 214 of Sarpy County, Nebraska, which are an obligation of the City by virtue of annexation of such Sanitary and Improvement District; all pursuant to Sections 10-142, 10-615, 10-616, 18-1801 and 18-1802, R.R.S. Neb. 2007, as amended. The issuance of said bonds has been authorized by proceedings duly had and an ordinance legally passed, approved and published by the Mayor and Council of said City (the "Ordinance").

Bonds of this issue maturing December 15, 2016, and thereafter are subject to redemption at the option of the City, in whole or in part, at any time on or after the fifth anniversary of the date of original issue thereof, at par plus interest accrued on the principal amount redeemed to the date fixed for redemption. Notice of redemption shall be given by mail to the registered owner of any bond to be redeemed at said registered owner's address in the manner specified in the Ordinance. Individual bonds may be redeemed in part but only in \$5,000 amounts or integral multiples thereof.

This bond is transferable by the registered owner or such owner's attorney duly authorized in writing at the office of the Paying Agent and Registrar upon surrender and cancellation of this bond, and thereupon a new bond or bonds of the same aggregate principal amount, interest rate and maturity will be issued to the transferee as provided in the Ordinance, subject to the limitations therein prescribed. The City, the Paying Agent and Registrar and any other person may treat the person in whose name this bond is registered as the absolute owner hereof for the purpose of receiving payment due hereunder and for all purposes and shall not be affected by any notice to the contrary, whether this bond be overdue or not.

If the date for payment of the principal of or interest on this bond shall be a Saturday, Sunday, legal holiday or a day on which banking institutions in the City of La Vista, Nebraska, are authorized by law or executive order to close, then the date for such payment shall be the next

succeeding day which is not a Saturday, Sunday, legal holiday or a day on which such banking institutions are authorized to close, and payment on such day shall have the same force and effect as if made on the nominal date of payment.

IT IS HEREBY CERTIFIED AND WARRANTED that all conditions, acts and things required by law to exist or to be done precedent to and in the issuance of this bond and in the issuance of the bonds refunded hereby did exist, did happen and were done and performed in regular and due form and time as required by law and that the indebtedness of said City, including this bond, does not exceed any limitation imposed by law. The City agrees that it will cause to be levied and collected annually a tax by valuation on all the taxable property in the City, in addition to all other taxes, sufficient in rate and amount to pay the principal and interest of said bonds as the same become due.

AS PROVIDED IN THE ORDINANCE REFERRED TO HEREIN, UNTIL THE TERMINATION OF THE SYSTEM OF BOOK-ENTRY-ONLY TRANSFERS THROUGH THE DEPOSITORY TRUST COMPANY, NEW YORK, NEW YORK (TOGETHER WITH ANY SUCCESSOR SECURITIES DEPOSITORY APPOINTED PURSUANT TO THE ORDINANCE, "DTC"), AND NOTWITHSTANDING ANY OTHER PROVISIONS OF THE ORDINANCE TO THE CONTRARY, A PORTION OF THE PRINCIPAL AMOUNT OF THIS BOND MAY BE PAID OR REDEEMED WITHOUT SURRENDER HEREOF TO THE PAYING AGENT AND REGISTRAR. DTC OR A NOMINEE, TRANSFEREE OR ASSIGNEE OF DTC OF THIS BOND MAY NOT RELY UPON THE PRINCIPAL AMOUNT INDICATED HEREON AS THE PRINCIPAL AMOUNT HEREOF OUTSTANDING AND UNPAID. THE PRINCIPAL AMOUNT HEREOF OUTSTANDING AND UNPAID SHALL FOR ALL PURPOSES BE THE AMOUNT DETERMINED IN THE MANNER PROVIDED IN THE ORDINANCE.

UNLESS THIS BOND IS PRESENTED BY AN AUTHORIZED OFFICER OF DTC (A) TO THE PAYING AGENT AND REGISTRAR FOR REGISTRATION OF TRANSFER OR EXCHANGE OR (B) TO THE PAYING AGENT AND REGISTRAR FOR PAYMENT OF PRINCIPAL, AND ANY BOND ISSUED IN REPLACEMENT HEREOF OR SUBSTITUTION HEREOF IS REGISTERED IN THE NAME OF DTC AND ANY PAYMENT IS MADE TO DTC OR ITS NOMINEE, ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSONS IS WRONGFUL BECAUSE ONLY THE REGISTERED OWNER HEREOF, DTC OR ITS NOMINEE, HAS AN INTEREST HEREIN.

This bond shall not be valid and binding on the City until authenticated by the Paying Agent and Registrar.

IN WITNESS WHEREOF, the Mayor and Council of the City of La Vista, Nebraska, have caused this bond to be executed on behalf of the City with the facsimile signatures of the Mayor and the City Clerk and by causing the official seal of the City to be imprinted hereon or affixed hereto, all as of the date of original issue specified above.

CITY OF LA VISTA, NEBRASKA

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Mayor

ATTEST:

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City Clerk

(SEAL)

**CERTIFICATE OF AUTHENTICATION  
AND REGISTRATION**

This bond is one of the series designated therein and has been registered to the owner named in said bond and the name of such owner has been recorded in the books of record maintained by the undersigned as Paying Agent and Registrar for said issue of bonds.

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City Treasurer,  
Paying Agent and Registrar  
for the City of La Vista, Nebraska

(Form of Assignment)

For value received \_\_\_\_\_ hereby sells, assigns and transfers  
unto \_\_\_\_\_ (Social  
Security or Taxpayer I.D. No. \_\_\_\_\_) the within bond and hereby irrevocably  
constitutes and appoints \_\_\_\_\_, attorney, to transfer the same on  
the books of registration in the office of the within mentioned Paying Agent and Registrar with full  
power of substitution in the premises.

Dated: \_\_\_\_\_

Registered Owner(s)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature Guaranteed

By \_\_\_\_\_  
Authorized Officer(s)

Note: The signature(s) on this assignment MUST CORRESPOND with the name(s) as written on the face of the within bond in every particular, without alteration, enlargement or any change whatsoever, and must be guaranteed by a commercial bank or a trust company or by a firm having membership on the New York, Midwest or other stock exchange.

Section 9. Each of the Bonds shall be executed on behalf of the City with the facsimile signatures of the Mayor and the City Clerk and shall have imprinted thereon the City's seal. The Bonds shall be issued initially as "book-entry-only" bonds under the services of The Depository Trust Company (the "Depository"), with one typewritten bond per maturity being issued to the Depository. In such connection said officers are authorized to execute and deliver a Letter of Representations (the "Letter of Representations") in the form required by the Depository (which may be in the form of a blanket letter, including any such letter previously executed and delivered), for and on behalf of the City, which shall thereafter govern matters with respect to registration, transfer, payment and redemption of the Bonds. With respect to the issuance of the Bonds as "book-entry-only" bonds, the following provisions shall apply:

(a) The City and the Paying Agent and Registrar shall have no responsibility or obligation to any broker-dealer, bank or other financial institution for which the Depository holds Bonds as securities depository (each, a "Bond Participant") or to any person who is an actual purchaser of a Bond from a Bond Participant while the Bonds are in book-entry form (each, a "Beneficial Owner") with respect to the following:

(i) the accuracy of the records of the Depository, any nominees of the Depository or any Bond Participant with respect to any ownership interest in the Bonds;

(ii) the delivery to any Bond Participant, any Beneficial Owner or any other person, other than the Depository, of any notice with respect to the Bonds, including any notice of redemption; or

(iii) the payment to any Bond Participant, any Beneficial Owner or any other person, other than the Depository, of any amount with respect to the Bonds. The Paying Agent and Registrar shall make payments with respect to the Bonds only to or upon the order of the Depository or its nominee, and all such payments shall be valid and effective fully to satisfy and discharge the obligations with respect to such Bonds to the extent of the sum or sums so paid. No person other than the Depository shall receive an authenticated Bond, except as provided in (e) below.

(b) Upon receipt by the Paying Agent and Registrar of written notice from the Depository to the effect that the Depository is unable or unwilling to discharge its responsibilities, the Paying Agent and Registrar shall issue, transfer and exchange Bonds requested by the Depository in appropriate amounts. Whenever the Depository requests the Paying Agent and Registrar to do so, the Paying Agent and Registrar will cooperate with the Depository in taking appropriate action after reasonable notice (i) to arrange, with the prior written consent of the City, for a substitute depository willing and able upon reasonable and customary terms to maintain custody of the Bonds or (ii) to make available Bonds registered in whatever name or names as the Beneficial Owners transferring or exchanging such Bonds shall designate.

(c) If the City determines that it is desirable that certificates representing the Bonds be delivered to the ultimate beneficial owners of the Bonds and so notifies the Paying Agent and Registrar in writing, the Paying Agent and Registrar shall so notify the Depository, whereupon the Depository will notify the Bond Participants of the availability through the Depository of bond certificates representing the Bonds. In such event, the Paying Agent and Registrar shall issue, transfer and exchange bond certificates representing the Bonds as requested by the Depository in appropriate amounts and in authorized denominations.

(d) Notwithstanding any other provision of this Ordinance to the contrary, so long as any Bond is registered in the name of the Depository or any nominee thereof, all payments with respect to such Bond and all notices with respect to such Bond shall be made and given, respectively, to the Depository as provided in the Letter of Representations.

(e) Registered ownership of the Bonds may be transferred on the books of registration maintained by the Paying Agent and Registrar, and the Bonds may be delivered in physical form to the following:

(i) any successor securities depository or its nominee; or

(ii) any person, upon (A) the resignation of the Depository from its functions as depository or (B) termination of the use of the Depository pursuant to this Section.

(f) In the event of any partial redemption of a Bond unless and until such partially redeemed bond has been replaced in accordance with the provisions of this Ordinance, the books and records of the Paying Agent and Registrar shall govern and establish the principal amount of such bond as is then outstanding and all of the Bonds issued to the Depository or its nominee shall contain a legend to such effect.

If for any reason the Depository is terminated or resigns and is not replaced, the City shall immediately provide a supply of printed bond certificates, duly executed by manual or facsimile signatures of the Mayor and City Clerk and sealed with the City's seal, for issuance upon the transfers from the Depository and subsequent transfers or in the event of partial redemption. In the event that such supply of certificates shall be insufficient to meet the requirements of the Paying Agent and Registrar for issuance of replacement certificates upon transfer or partial redemption, the City agrees to order printed an additional supply of such certificates and to direct their execution by manual or facsimile signatures of its then duly qualified and acting Mayor and City Clerk and by imprinting thereon or affixing thereto the City's seal. In case any officer whose signature or facsimile thereof shall appear on any Bond shall cease to be such officer before the delivery of such bond (including such certificates delivered to the Paying Agent and Registrar for issuance upon transfer or partial redemption), such signature or such facsimile signature shall nevertheless be valid and sufficient for all purposes the same as if such officer or officers had remained in office until the delivery of such bond. The Bonds shall not be valid and binding on the City until authenticated by the Paying Agent and Registrar. The Bonds shall be delivered to the Paying Agent and Registrar for registration and authentication. Upon execution, registration, and authentication of the Bonds, they shall be delivered to the City Treasurer, who is authorized to deliver them to the Underwriter, as initial purchaser thereof. The Bonds are hereby sold to said purchaser for 99.25% of the principal amount of the Bonds plus accrued interest thereon to date of payment of the Bonds (which purchase price may be modified by the terms of the Designation). Such purchaser and its agents, representatives and counsel (including its bond counsel) are hereby authorized to take such actions on behalf of the City as are necessary to effectuate the closing of the issuance and sale of the Bonds, including without limitation, authorizing the release of the Bonds by the Depository at closing. Said initial purchaser shall have the right to direct the registration of the Bonds and the denominations thereof within each maturity, subject to the restrictions of this Ordinance. The officers of the City (or any one of them) are hereby authorized to execute and deliver the Bond Purchase Agreement, in substantially the form presented herewith but with such changes as such officers deem appropriate, for and on behalf of the City. The Treasurer of the City shall maintain a record of information with respect to the Bonds as required under Section 10-140, R.R.S. 2007, and shall cause the same to be filed in the office of the Auditor of Public Accounts of the State of Nebraska. The City Clerk shall make and certify a duplicate transcript of the proceedings of the Mayor and Council with respect to the Bonds which shall be delivered to said purchaser. The officers of the City are further authorized to take such actions as such officers may deem necessary or appropriate in order to carry out the terms of this

Ordinance.

Section 10. The proceeds of the Bonds along with City funds on hand shall be applied to the payment and satisfaction of principal of and interest on the Refunded Bonds as called for redemption on the Redemption Date as described in Section 2 hereof. Accrued interest received from the sale of the Bonds, if any, shall be applied to pay interest falling due on said Bonds on December 15, 2011. Expenses of issuance of the Bonds may be paid from the proceeds of the Bonds.

Section 11. The holders of the Bonds shall be subrogated to all rights of the holders of the Refunded Bonds from and after their payment and redemption on the Redemption Date. The City agrees that it shall cause to be levied and collected annually a special levy of taxes on all the taxable property in the City, in addition to all other taxes, sufficient in rate and amount to fully pay the principal and interest of the Bonds when and as such principal and interest become due.

Section 12. The City hereby covenants to the purchasers and holders of the Bonds hereby authorized that it will make no use of the proceeds of said bond issue, including monies held in any sinking fund for the Bonds, which would cause the Bonds to be arbitrage bonds within the meaning of Sections 103(b) and 148 of the Internal Revenue Code of 1986, as amended (the "Code"), and further covenants to comply with said Sections 103(b) and 148 and all applicable regulations thereunder throughout the term of said bond issue. The City hereby covenants and agrees to take all actions necessary under the Code to maintain the tax exempt status (as to taxpayers generally) of interest payable on the Bonds. The Mayor and/or City Treasurer are hereby authorized to make any and all elections or allocations deemed necessary by them in connection with the issuance and tax-exempt status of interest on the Bonds.

Section 13. The City's obligations under this Ordinance with respect to any or all of the Bonds herein authorized shall be fully discharged and satisfied as to any or all of such Bonds and any such Bond shall no longer be deemed to be outstanding hereunder if such Bond has been purchased by the City and canceled or when the payment of the principal of and interest thereon to the respective date of maturity or redemption (a) shall have been made or caused to be made in accordance with the terms thereof or (b) shall have been provided for by depositing with a national or state bank having trust powers, or trust company, in trust, solely for such payment (i) sufficient money to make such payment and/or (ii) direct general obligations (including obligations issued or held in book entry form on the books of the Department of Treasury of the United States of America) of or obligations the principal and interest of which are unconditionally guaranteed by the United States of America (herein referred to as "U.S. Government Obligations") in such amount and bearing interest payable and maturing or redeemable at stated fixed prices at the

option of the holder as to principal, at such time or times, as will ensure the availability of sufficient money to make such payment; provided, however, that with respect to any Bond to be paid prior to maturity, the City shall have duly called such bond for redemption and given notice of such redemption as provided by law or made irrevocable provision for the giving of such notice. Any money so deposited with such bank or trust company may be invested or reinvested in U.S. Government Obligations at the direction of the City, and all interest and income from U.S. Government Obligations in the hands of such bank or trust company in excess of the amount required to pay principal of and interest on the Bonds for which such monies or U.S. Government Obligations were deposited shall be paid over to the City as and when collected.

Section 14. In accordance with the requirements of Rule 15c2-12 (the "Rule") promulgated by the Securities and Exchange Commission, the City, being the only "obligated person" with respect to the Bonds, agrees that it will provide the following continuing disclosure information to the Municipal Securities Rulemaking Board (the "MSRB") in an electronic format as prescribed by the MSRB:

(a) not later than seven months after the end of each fiscal year of the City (the "Delivery Date"), financial information or operating data for the City of the type included in Appendix A of the final official statement under the heading(s) "SELECTED FINANCIAL AND OPERATING INFORMATION" ("Annual Financial Information");

(b) when and if available, audited financial statements for the City; audited financial information shall be prepared on the basis of generally accepted accounting principles; and

(c) in a timely manner not in excess of ten business days after the occurrence of the event, notice of the occurrence of any of the following events with respect to the Bonds:

(1) principal and interest payment delinquencies;

(2) non-payment related defaults, if material;

(3) unscheduled draws on debt service reserves reflecting financial difficulties;

(4) unscheduled draws on credit enhancements reflecting financial difficulties;

(5) substitution of credit or liquidity providers, or their failure to perform;

(6) adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Bonds, or other material events affecting the tax status of the Bonds;

(7) modifications to rights of the holders of the Bonds, if material;

(8) bond calls, if material, and tender offers;

(9) defeasances;

(10) release, substitution, or sale of property securing repayment of the Bonds, if material;

(11) rating changes;

(12) bankruptcy, insolvency, receivership or similar events of the City (this event is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent or similar officer for the City in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the City, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the City);

(13) the consummation of a merger, consolidation, or acquisition involving the City or the sale of all or substantially all of the assets of the City, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;

(14) appointment of a successor or additional trustee or the change of name of a trustee, if material.

The City has not undertaken to provide notice of the occurrence of any other event, except the events listed above.

(d) in a timely manner, notice of any failure on the part of the City to provide Annual Financial Information not later than the Delivery Date.

The City agrees that all documents provided to the MSRB under the terms of this continuing disclosure undertaking shall be in such electronic format and accompanied by such identifying information as shall be prescribed by the MSRB. The City reserves the right to modify from time to time the specific types of information provided or the format of the presentation of such information or the accounting methods in accordance with which such information is presented, to the extent necessary or appropriate in the judgment of the City, consistent with the Rule. The City agrees that such covenants are for the benefit of the registered owners of the Bonds (including Beneficial Owners) and that such covenants may be enforced by any registered owner or Beneficial Owner, provided that any such right to enforcement shall be limited to specific enforcement of such undertaking and any failure shall not constitute an event of default under the Resolution. The continuing disclosure obligations of the City, as described above, shall cease when none of the Bonds remain outstanding.

Section 15. The Preliminary Official Statement is hereby approved in the form presented and the Mayor and City Clerk are hereby authorized to approve such changes as determined appropriate and deem the Preliminary Official Statement final. The Mayor and City Clerk are hereby authorized to approve on behalf of the City a final Official Statement with any changes deemed appropriate by them.

Section 16. This Ordinance shall be in force and take effect from and after its passage and publication in pamphlet form as provided by law.

PASSED AND APPROVED THIS 17TH DAY OF MAY, 2011.

CITY OF LA VISTA

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Douglas Kindig, Mayor

ATTEST:

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Pamela A. Buethe, CMC  
City Clerk

ITEM E

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
MAY 17, 2011 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
CALL FOR REDEMPTION OF BONDS & OFF-STREET PARKING REFUNDING SERIES 2011B BOND ISSUE	◆ RESOLUTION ◆ ORDINANCE RECEIVE/FILE	SHEILA LINDBERG FINANCE DIRECTOR

**SYNOPSIS**

A resolution has been prepared authorizing bonds called for redemption of the General Obligation Bonds, Series 2006, Off -Street Parking.

An ordinance has been prepared authorizing the Refunding of the 2006 \$7,940,000 Off-Street Parking Bond Issue. This will be the General Obligation Off-Street Parking Refunding Bonds, Series 2011B in the principal amount not to exceed \$6,495,000.

**FISCAL IMPACT**

Savings of approximately \$533,710 will be recognized over time in the Off-Street Parking Fund as a result of the lower interest rate.

**RECOMMENDATION**

Approval.

**BACKGROUND**

The City is paying an average coupon (interest) rate of 4.6% on these current bond issues; however, with the refunding, the average coupon rate will fall to approximately 3.3%. The refinancing of this bond issue will reduce the amount that is transferred from the General Fund to the Off-Street Parking Fund.

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING THE CALL FOR REDEMPTION GENERAL OBLIGATION OFF-STREET PARKING BONDS, SERIES 2006.

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

Section 1. The following obligations of the City of La Vista, Nebraska in accordance with their option provisions are hereby authorized to be called for redemption on such date as set forth in the Designation of Call Date (as defined below), after which date interest on the bonds will cease:

General Obligation Off-Street Parking Bonds, Series 2006, date of original issue – April 15, 2006, in the principal amount of Six Million Four Hundred Thirty Thousand Dollars (\$6,430,000), numbered as shown on the books of the Paying Agent and Registrar, in denomination of \$5,000 each, becoming due and bearing interest as follows:

<u>Principal Amount</u>	<u>Maturity Date</u>	<u>Interest Rate</u>	<u>CUSIP</u>
	<u>April 15,</u>		
\$340,000	2012	4.375%	505318 KU8
355,000	2013	4.375	505318 KV6
760,000	2015	4.500	505318 KW4
405,000	2016	4.500	505318 KX2
425,000	2017	4.400	505318 KY0
440,000	2018	4.450	505318 KZ7
460,000	2019	4.500	505318 LA1
480,000	2020	4.550	505318 LB9
505,000	2021	4.600	505318 LC7
2,260,000	2025	4.700	505318 LD5

Said bonds are hereinafter referred to as the "Refunded Bonds."

The Refunded Bonds are subject to redemption at any time on or after April 15, 2011, at par and accrued interest, and said interest is payable semiannually. The proceeds of the Refunded Bonds were used for the purpose of paying the costs of off-street parking facilities in Vehicle Off-Street Parking District No. 1 of the City of La Vista.

Section 2. The Refunded Bonds are to be paid at the office of the Treasurer of the City of La Vista, in La Vista, Nebraska, as paying agent and registrar.

Section 3. The Mayor or Clerk of the City (each, an "Authorized Officer") are each individually hereby authorized at any time on or after the date of this resolution to determine the Call Date for said Bonds on behalf of the City and such determination, when made in writing (the "Designation of Call Date"), shall constitute the action of the City without further action of the Mayor and Council of the City. The Call Date shall be set for any date prior to September 1, 2011, and after such date the Authorized Officers shall have no authority to make any such determination hereunder without further action of the Mayor and Council of the City and this resolution shall be of no further force and effect.

Section 4. A true copy of the Designation of Call Date shall be filed at least thirty days prior to the Call Date with the Treasurer of the City of La Vista as Paying Agent for the Refunded Bonds, and said Paying Agent is hereby instructed to mail notice to each registered owner of said bonds not less than thirty days prior to the date fixed for redemption, all in accordance with the ordinance and authorizing the Refunded Bonds.

PASSED AND APPROVED THIS 17TH DAY OF MAY, 2011

CITY OF LA VISTA

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Douglas Kindig, Mayor

ATTEST:

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Pamela A. Buethe, CMC  
City Clerk

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

AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS (OFF-STREET PARKING PROJECT), SERIES 2011B, OF THE CITY OF LA VISTA, NEBRASKA, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED SIX MILLION FOUR HUNDRED NINETY-FIVE THOUSAND DOLLARS (\$6,495,000) FOR THE PURPOSE OF PROVIDING FUNDS WHICH WILL PAY AND REDEEM GENERAL OBLIGATION OFF-STREET PARKING BONDS, SERIES 2006, OF THE CITY; DIRECTING THE APPLICATION OF THE PROCEEDS OF SAID BONDS; PRESCRIBING THE FORM OF SAID BONDS; PROVIDING FOR THE LEVY AND COLLECTION OF TAXES TO PAY THE SAME; PROVIDING FOR THE SALE OF THE BONDS; AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER; AND ORDERING THE ORDINANCE PUBLISHED IN PAMPHLET FORM.

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

Section 1. The Mayor and Council of the City of La Vista, Nebraska hereby find and determine that there have been heretofore issued and are now outstanding and unpaid valid and interest bearing obligations of the City of La Vista, Nebraska, as follows:

General Obligation Off-Street Parking Bonds, Series 2006, date of original issue – April 15, 2006, in the principal amount of Six Million Four Hundred Thirty Thousand Dollars (\$6,430,000), numbered as shown on the books of the Paying Agent and Registrar, in denomination of \$5,000 each, becoming due and bearing interest as follows:

<u>Principal Amount</u>	<u>Maturity Date</u>	<u>Interest Rate</u>	<u>CUSIP</u>
\$340,000	2012	4.375%	505318 KU8
355,000	2013	4.375	505318 KV6
760,000	2015	4.500	505318 KW4
405,000	2016	4.500	505318 KX2
425,000	2017	4.400	505318 KY0
440,000	2018	4.450	505318 KZ7
460,000	2019	4.500	505318 LA1
480,000	2020	4.550	505318 LB9
505,000	2021	4.600	505318 LC7
2,260,000	2025	4.700	505318 LD5

Said bonds are hereinafter referred to as the "Refunded Bonds."

The Refunded Bonds are subject to redemption at any time on or after April 15, 2011, at par and accrued interest, and said interest is payable semiannually. The proceeds of the Refunded Bonds were used for the purpose of paying the costs of off-street parking facilities in Vehicle Off-Street Parking District No. 1 of the City of La Vista.

The Refunded Bonds are valid, interest bearing obligations of the City of La Vista, Nebraska, and that by resolution of the Mayor and Council of the City adopted contemporaneously with this resolution (the "Call Resolution") all of the Refunded Bonds have been authorized to be called for redemption on such date as determined pursuant to the Call Resolution (the "Redemption Date"); since the Refunded Bonds were issued, the rates of interest have so declined in the markets that by taking up and paying off said Refunded Bonds on said call date, a substantial savings in the amount of yearly running interest will be made to the City; that for the purpose of redeeming the Refunded Bonds it is for the best interest of the City to issue general obligation off-street parking refunding bonds of the City in the principal amount of not to exceed \$6,495,000; that all

conditions, acts and things required to exist or to be done precedent to the issuance of the various purpose bonds of the City of La Vista, Nebraska, in the principal amount of not to exceed Six Million Four Hundred Ninety-five Thousand Dollars (\$6,495,000), pursuant to Sections 10-142 and 19-3317 R.R.S. Neb. 2007, do exist and have been done as required by law.

Section 2. To provide for the refunding of the Refunded Bonds as set forth in Section 2 hereof, there shall be and there are hereby ordered issued the various purpose bonds of the City of La Vista, Nebraska, to be called "General Obligation Refunding Bonds (Off-Street Parking Project), Series 2011B," in the principal amount of not to exceed Six Million Four Hundred Ninety-five Thousand Dollars (\$6,495,000) (the "Bonds") with said bonds bearing interest at the rates per annum (said interest to be computed on the basis of a 360-day year consisting of twelve 30-day months) and maturing on April 15 of each year in the principal amounts as follows:

<b>Principal</b>	<b>Date of Maturity</b>
\$385,000	April 15, 2012
405,000	April 15, 2013
410,000	April 15, 2014
420,000	April 15, 2015
425,000	April 15, 2016
435,000	April 15, 2017
445,000	April 15, 2018
460,000	April 15, 2019
470,000	April 15, 2020
490,000	April 15, 2021
505,000	April 15, 2022
525,000	April 15, 2023
550,000	April 15, 2024
570,000	April 15, 2025

*provided, that the Bonds shall bear interest at the rates per annum as shall be determined in a written designation (the "Designation") signed by the Mayor and/or Clerk of the City (the "Authorized Officers") on behalf of the Mayor and Council of the City and which may be agreed to by D.A. Davidson & Co. (the "Underwriter"), which Designation may also determine or modify the principal amount for each maturity of the Bonds, mandatory redemption provisions (if any), and pricing terms as set forth in Section 8 below, all within the following limitations:*

- (a) *the aggregate principal amount of the Bonds shall not exceed \$6,495,000*
- (b) *the aggregate amount of original issue premium and original issue discount (if any) may result in an aggregate net original issue discount (if any) not in excess of one percent (1.00%) of the stated principal amount of the Bonds;*
- (c) *the longest maturity of the Bonds may not be later than April 15, 2025;*
- (d) *the Bonds shall bear interest at such rates per annum so that debt service payable on the Bonds provides at least a net present value savings to the City over the debt service payable on the Refunded Bonds;*
- (e) *two or more of the principal maturities may be combined and issued as "term bonds" and the Authorized Officer may determine the mandatory sinking fund payments and mandatory redemption amounts. Any Bonds issued as "term bonds" shall be redeemed at a redemption price equal to 100% of the principal amount thereof plus accrued interest thereon to the date of redemption and may be selected for redemption by any random method of selection determined appropriate by the Registrar (as hereinafter designated) or by the Depository (as hereinafter designated).*

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

The Bonds shall be issued in fully registered form in the denomination of \$5,000 or any integral multiple thereof. The Bonds shall bear as the date of original issue the date of delivery thereof. Interest on the Bonds, at the respective rates for each maturity, shall be payable semiannually on April 15 and October 15 of each year, commencing October 15, 2011 (or such other date as may be determined in the Designation, each of said dates an "Interest Payment Date") and the Bonds shall bear such interest from the date of original issue or the most recent Interest Payment Date, whichever is later. The interest due on each Interest Payment Date shall be payable to the registered owners of record as of the close of business on the fifteenth day immediately preceding the Interest Payment Date (the "Record Date"), subject to the provisions of Section 5 hereof. The Bonds shall be numbered from 1 upwards in the order of their issuance. No Bond shall be issued originally or upon transfer or partial redemption having more than one principal maturity. The initial bond numbering and principal amounts for each of the Bonds issued shall be designated by the City's Treasurer as directed by the initial purchaser thereof. Payments of interest due on the Bonds prior to maturity or date of redemption shall be made by the Paying Agent and Registrar, as designated pursuant to Section 4 hereof, by mailing a check or draft in the amount due for such interest on each Interest Payment Date to the registered owner of each Bond, as of the Record Date for such Interest Payment Date, to such owner's registered address as shown on the books of registration as required to be maintained in Section 4 hereof. Payments of principal and accrued interest thereon due at maturity or at any date fixed for redemption prior to maturity shall be made by said Paying Agent and Registrar to the registered owners upon presentation and surrender of the Bonds to said Paying Agent and Registrar. The City and said Paying Agent and Registrar may treat the registered owner of any Bond as the absolute owner of such Bond for the purpose of making payments thereon and for all other purposes and neither the City nor the Paying Agent and Registrar shall be affected by any notice or knowledge to the contrary, whether such Bond or any installment of interest due thereon shall be overdue or not. All payments on account of interest or principal made to the registered owner of any Bond in accordance with the terms of this Ordinance shall be valid and effectual and shall be a discharge of the City and said Paying Agent and Registrar, in respect of the liability upon the Bonds or claims for interest to the extent of the sum or sums so paid.

Section 3. The City Treasurer is hereby designated as the Paying Agent and Registrar for the Bonds provided that the City reserves the right to designate a bank or trust company to serve in such capacity and upon such agreed terms as shall be determined by the Mayor and Council. The Paying Agent and Registrar shall keep and maintain for the City books for the registration

and transfer of the Bonds at the City offices. The names and registered addresses of the registered owner or owners of the Bonds shall at all times be recorded in such books. Any Bond may be transferred pursuant to its provisions at the office of said Paying Agent and Registrar by surrender of such Bond for cancellation, accompanied by a written instrument of transfer, in form satisfactory to said Paying Agent and Registrar, duly executed by the registered owner in person or by such owner's duly authorized agent, and thereupon the Paying Agent and Registrar on behalf of the City will deliver at its office (or send by registered mail to the transferee owner or owners thereof at such transferee owner's or owners' risk and expense), registered in the name of such transferee owner or owners, a new Bond or Bonds of the same interest rate, aggregate principal amount and maturity. To the extent of the denominations authorized for the Bonds by this Ordinance, one Bond may be transferred for several such Bonds of the same interest rate and maturity, and for a like aggregate principal amount, and several such Bonds may be transferred for one or several such Bonds, respectively, of the same interest rate and maturity and for a like aggregate principal amount. In every case of transfer of a Bond, the surrendered Bond shall be canceled and destroyed. All Bonds issued upon transfer of the Bonds so surrendered shall be valid obligations of the City evidencing the same obligations as the Bonds surrendered and shall be entitled to all the benefits and protection of this Ordinance to the same extent as the Bonds upon transfer of which they were delivered. The City and said Paying Agent and Registrar shall not be required to transfer any Bond during any period from any Record Date until its immediately following Interest Payment Date or to transfer any Bond called for redemption for a period of 30 days next preceding the date fixed for redemption.

Section 4. In the event that payments of interest due on the Bonds on an Interest Payment Date are not timely made, such interest shall cease to be payable to the registered owners as of the Record Date for such Interest Payment Date and shall be payable to the registered owners of the Bonds as of a special date of record for payment of such defaulted interest as shall be designated by the Paying Agent and Registrar whenever monies for the purpose of paying such defaulted interest become available.

Section 5. If the date for payment of the principal of or interest on the Bonds shall be a Saturday, Sunday, legal holiday or a day on which banking institutions in the City of La Vista, Nebraska, are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not a Saturday, Sunday, legal holiday or a day on which such banking institutions are authorized to close, and payment on such day shall have the same force and effect as if made on the nominal date of payment.

Section 6. Bonds maturing April 15, 2017 and thereafter shall be subject to redemption, in whole or in part, prior to maturity at any time on or after the fifth anniversary of the date of original issue thereof, at par plus accrued interest on the principal amount redeemed to the date fixed for

redemption. The City may select the Bonds to be redeemed in its sole discretion but the Bonds shall be redeemed only in amounts of \$5,000 or integral multiples thereof. Bonds redeemed in part only shall be surrendered to said Paying Agent and Registrar in exchange for new Bonds evidencing the unredeemed principal thereof. Notice of redemption of any Bond called for redemption shall be given at the direction of the City by said Paying Agent and Registrar by mail not less than 30 days prior to the date fixed for redemption, first class, postage prepaid, sent to the registered owner of such Bond at said owner's registered address. Such notice shall designate the Bond or Bonds to be redeemed by maturity or otherwise, the date of original issue and the date fixed for redemption and shall state that such Bond or Bonds are to be presented for prepayment at the office of said Paying Agent and Registrar. In case of any Bond partially redeemed, such notice shall specify the portion of the principal amount of such Bond to be redeemed. No defect in the mailing of notice for any Bond shall affect the sufficiency of the proceedings of the City designating the Bonds called for redemption or the effectiveness of such call for Bonds for which notice by mail has been properly given and the City shall have the right to further direct notice of redemption for any such Bond for which defective notice has been given.

Section 7. The Bonds shall be in substantially the following form:

**UNITED STATES OF AMERICA  
 STATE OF NEBRASKA  
 COUNTY OF SARPY  
 GENERAL OBLIGATION REFUNDING BOND  
 (OFF-STREET PARKING PROJECT)  
 OF THE CITY OF LA VISTA, NEBRASKA  
 SERIES 2011B**

No.	\$		
<u>Interest Rate</u>	<u>Maturity Date</u>	<u>Date of Original Issue</u>	<u>CUSIP No.</u>
		_____, 2011	

Registered Owner:

Principal Amount:	Dollars (\$      )
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KNOW ALL PERSONS BY THESE PRESENTS: That the City of La Vista, in the County of Sarpy, in the State of Nebraska, hereby acknowledges itself to owe and for value received promises to pay to the registered owner specified above, or registered assigns, the principal amount specified above in lawful money of the United States of America on the date of maturity specified above with interest thereon to maturity (or earlier redemption) from the date of original issue or most recent Interest Payment Date, whichever is later, at the rate per annum specified above, payable semiannually on April 15 and October 15 of each year, commencing October 15, 2011 (each of said dates an "Interest Payment Date"). Said interest shall be computed on the basis of a 360-day year consisting of twelve 30-day months. The principal hereof and unpaid accrued interest thereon due at maturity or upon redemption prior to maturity are payable upon presentation and surrender of this bond at the office of the City Treasurer, the Paying Agent and Registrar, in La Vista, Nebraska. Interest on this bond due prior to maturity or earlier redemption will be paid on each Interest Payment Date by a check or draft mailed by the Paying Agent and Registrar to the registered owner of this bond, as shown on the books of record maintained by the Paying Agent and Registrar, at the close of business on the fifteenth day immediately preceding the Interest Payment Date, to such owner's registered address as shown on such books and records. Any interest not so timely paid shall cease to be payable to the person entitled thereto as of the record date such interest was payable, and shall be payable to the person who is the registered owner of this bond (or of one or more predecessor bonds hereto) on such special record date for payment of such defaulted interest as shall be fixed by the Paying Agent and Registrar whenever monies for such purpose become available.

This bond is one of an issue of fully registered bonds of the total principal amount of \_\_\_\_\_ Thousand Dollars (\$\_\_\_\_\_), of even date and like tenor except as to date of maturity, rate of interest and denomination which were issued by the City for the purpose of providing funds to refund the City's General Obligation Off-Street Parking Bonds, Series 2006; all pursuant to Sections 10-142 and 19-3317, R.R.S. Neb. 2007, as amended. The issuance of said bonds has been authorized by proceedings duly had and an ordinance legally passed, approved and published by the Mayor and Council of said City (the "Ordinance").

Bonds of this issue maturing April 15, 2017, and thereafter are subject to redemption at the option of the City, in whole or in part, at any time on or after the fifth anniversary of the date of original issue thereof, at par plus interest accrued on the principal amount redeemed to the date fixed for redemption. Notice of redemption shall be given by mail to the registered owner of any bond to be redeemed at said registered owner's address in the manner specified in the Ordinance. Individual bonds may be redeemed in part but only in \$5,000 amounts or integral multiples thereof.

This bond is transferable by the registered owner or such owner's attorney duly authorized in writing at the office of the Paying Agent and Registrar upon surrender and cancellation of this bond, and thereupon a new bond or bonds of the same aggregate principal amount, interest rate and maturity will be issued to the transferee as provided in the Ordinance, subject to the limitations therein prescribed. The City, the Paying Agent and Registrar and any other person may treat the person in whose name this bond is registered as the absolute owner hereof for the purpose of receiving payment due hereunder and for all purposes and shall not be affected by any notice to the contrary, whether this bond be overdue or not.

If the date for payment of the principal of or interest on this bond shall be a Saturday, Sunday, legal holiday or a day on which banking institutions in the City of La Vista, Nebraska, are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not a Saturday, Sunday, legal holiday or a day on which such banking

institutions are authorized to close, and payment on such day shall have the same force and effect as if made on the nominal date of payment.

IT IS HEREBY CERTIFIED AND WARRANTED that all conditions, acts and things required by law to exist or to be done precedent to and in the issuance of this bond and in the issuance of the bonds refunded hereby did exist, did happen and were done and performed in regular and due form and time as required by law and that the indebtedness of said City, including this bond, does not exceed any limitation imposed by law. The City agrees that it will cause to be levied and collected annually a tax by valuation on all the taxable property in the City, in addition to all other taxes, sufficient in rate and amount to pay the principal and interest of said bonds as the same become due. The City reserves the right to provide for payments of principal and interest on said bonds in any fiscal year from other available funds, including general sales tax receipts, as appropriated and applied, and thereby satisfy its obligation to levy taxes on property as provided in the Ordinance authorizing said bonds.

AS PROVIDED IN THE ORDINANCE REFERRED TO HEREIN, UNTIL THE TERMINATION OF THE SYSTEM OF BOOK-ENTRY-ONLY TRANSFERS THROUGH THE DEPOSITORY TRUST COMPANY, NEW YORK, NEW YORK (TOGETHER WITH ANY SUCCESSOR SECURITIES DEPOSITORY APPOINTED PURSUANT TO THE ORDINANCE, "DTC"), AND NOTWITHSTANDING ANY OTHER PROVISIONS OF THE ORDINANCE TO THE CONTRARY, A PORTION OF THE PRINCIPAL AMOUNT OF THIS BOND MAY BE PAID OR REDEEMED WITHOUT SURRENDER HEREOF TO THE PAYING AGENT AND REGISTRAR. DTC OR A NOMINEE, TRANSFEREE OR ASSIGNEE OF DTC OF THIS BOND MAY NOT RELY UPON THE PRINCIPAL AMOUNT INDICATED HEREON AS THE PRINCIPAL AMOUNT HEREOF OUTSTANDING AND UNPAID. THE PRINCIPAL AMOUNT HEREOF OUTSTANDING AND UNPAID SHALL FOR ALL PURPOSES BE THE AMOUNT DETERMINED IN THE MANNER PROVIDED IN THE ORDINANCE.

UNLESS THIS BOND IS PRESENTED BY AN AUTHORIZED OFFICER OF DTC (A) TO THE PAYING AGENT AND REGISTRAR FOR REGISTRATION OF TRANSFER OR EXCHANGE OR (B) TO THE PAYING AGENT AND REGISTRAR FOR PAYMENT OF PRINCIPAL, AND ANY BOND ISSUED IN REPLACEMENT HEREOF OR SUBSTITUTION HEREOF IS REGISTERED IN THE NAME OF DTC AND ANY PAYMENT IS MADE TO DTC OR ITS NOMINEE, ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSONS IS WRONGFUL BECAUSE ONLY THE REGISTERED OWNER HEREOF, DTC OR ITS NOMINEE, HAS AN INTEREST HEREIN.

This bond shall not be valid and binding on the City until authenticated by the Paying Agent and Registrar.

IN WITNESS WHEREOF, the Mayor and Council of the City of La Vista, Nebraska, have caused this bond to be executed on behalf of the City with the facsimile signatures of the Mayor and the City Clerk and by causing the official seal of the City to be imprinted hereon or affixed hereto, all as of the date of original issue specified above.

CITY OF LA VISTA, NEBRASKA

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Mayor

ATTEST:

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City Clerk

(SEAL)

**CERTIFICATE OF AUTHENTICATION  
AND REGISTRATION**

This bond is one of the series designated therein and has been registered to the owner named in said bond and the name of such owner has been recorded in the books of record maintained by the undersigned as Paying Agent and Registrar for said issue of bonds.

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City Treasurer,  
Paying Agent and Registrar  
for the City of La Vista, Nebraska

(Form of Assignment)

For value received \_\_\_\_\_ hereby sells, assigns and transfers unto \_\_\_\_\_ (Social Security or Taxpayer I.D. No. \_\_\_\_\_) the within bond and hereby irrevocably constitutes and appoints \_\_\_\_\_, attorney, to transfer the same on the books of registration in the office of the within mentioned Paying Agent and Registrar with full power of substitution in the premises.

Dated: \_\_\_\_\_

Registered Owner(s)

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Signature Guaranteed

By \_\_\_\_\_  
Authorized Officer(s)

Note: The signature(s) on this assignment MUST CORRESPOND with the name(s) as written on the face of the within bond in every particular, without alteration, enlargement or any change whatsoever, and must be guaranteed by a commercial bank or a trust company or by a firm having membership on the New York, Midwest or other stock exchange.

Section 9. Each of the Bonds shall be executed on behalf of the City with the facsimile signatures of the Mayor and the City Clerk and shall have imprinted thereon the City's seal. The Bonds shall be issued initially as "book-entry-only" bonds under the services of The Depository Trust Company (the "Depository"), with one typewritten bond per maturity being issued to the Depository. In such connection said officers are authorized to execute and deliver a Letter of Representations (the "Letter of Representations") in the form required by the Depository (which may be in the form of a blanket letter, including any such letter previously executed and delivered), for and on behalf of the City, which shall thereafter govern matters with respect to registration, transfer, payment and redemption of the Bonds. With respect to the issuance of the Bonds as "book-entry-only" bonds, the following provisions shall apply:

(a) The City and the Paying Agent and Registrar shall have no responsibility or obligation to any broker-dealer, bank or other financial institution for which the Depository holds Bonds as securities depository (each, a "Bond Participant") or to any person who is an actual purchaser of a Bond from a Bond Participant while the Bonds are in book-entry form (each, a "Beneficial Owner") with respect to the following:

(i) the accuracy of the records of the Depository, any nominees of the Depository or any Bond Participant with respect to any ownership interest in the Bonds;

(ii) the delivery to any Bond Participant, any Beneficial Owner or any other person, other than the Depository, of any notice with respect to the Bonds, including any notice of redemption; or

(iii) the payment to any Bond Participant, any Beneficial Owner or any other person, other than the Depository, of any amount with respect to the Bonds. The Paying Agent and Registrar shall make payments with respect to the Bonds only to or upon the order of the Depository or its nominee, and all such payments shall be valid and effective fully to satisfy and discharge the obligations with respect to such Bonds to the extent of the sum or sums so paid. No person other than the Depository shall receive an authenticated Bond, except as provided in (e) below.

(b) Upon receipt by the Paying Agent and Registrar of written notice from the Depository to the effect that the Depository is unable or unwilling to discharge its responsibilities, the Paying Agent and Registrar shall issue, transfer and exchange Bonds requested by the Depository in appropriate amounts. Whenever the Depository requests the Paying Agent and Registrar to do so, the Paying Agent and Registrar will cooperate with the Depository in taking appropriate action after reasonable notice (i) to arrange, with the prior written consent of the City, for a substitute depository willing and able upon reasonable and customary terms to maintain custody of the Bonds or (ii) to make available Bonds registered in whatever name or names as the Beneficial Owners transferring or exchanging such Bonds shall designate.

(c) If the City determines that it is desirable that certificates representing the Bonds be delivered to the ultimate beneficial owners of the Bonds and so notifies the Paying Agent and Registrar in writing, the Paying Agent and Registrar shall so notify the Depository, whereupon the Depository will notify the Bond Participants of the availability through the Depository of bond certificates representing the Bonds. In such event, the Paying Agent and Registrar shall issue, transfer and exchange bond certificates representing the Bonds as requested by the Depository in appropriate amounts and in authorized denominations.

(d) Notwithstanding any other provision of this Ordinance to the contrary, so long as any Bond is registered in the name of the Depository or any nominee thereof, all payments with respect to such Bond and all notices with respect to such Bond shall be made and given, respectively, to the Depository as provided in the Letter of Representations.

(e) Registered ownership of the Bonds may be transferred on the books of registration maintained by the Paying Agent and Registrar, and the Bonds may be delivered in physical form to the following:

- (i) any successor securities depository or its nominee; or
- (ii) any person, upon (A) the resignation of the Depository from its functions as depository or (B) termination of the use of the Depository pursuant to this Section.

(f) In the event of any partial redemption of a Bond unless and until such partially redeemed bond has been replaced in accordance with the provisions of this Ordinance, the books and records of the Paying Agent and Registrar shall govern and establish the principal amount of such bond as is then outstanding and all of the Bonds issued to the Depository or its nominee shall contain a legend to such effect.

If for any reason the Depository is terminated or resigns and is not replaced, the City shall immediately provide a supply of printed bond certificates, duly executed by manual or facsimile signatures of the Mayor and City Clerk and sealed with the City's seal, for issuance upon the transfers from the Depository and subsequent transfers or in the event of partial redemption. In the event that such supply of certificates shall be insufficient to meet the requirements of the Paying Agent and Registrar for issuance of replacement certificates upon transfer or partial redemption, the City agrees to order printed an additional supply of such certificates and to direct their execution by manual or facsimile signatures of its then duly qualified and acting Mayor and City Clerk and by imprinting thereon or affixing thereto the City's seal. In case any officer whose signature or facsimile thereof shall appear on any Bond shall cease to be such officer before the delivery of such bond (including such certificates delivered to the Paying Agent and Registrar for issuance upon transfer or partial redemption), such signature or such facsimile signature shall nevertheless be valid and sufficient for all purposes the same as if such officer or officers had remained in office until the delivery of such bond. The Bonds shall not be valid and binding on the City until authenticated by the Paying Agent and Registrar. The Bonds shall be delivered to the Paying Agent and Registrar for registration and authentication. Upon execution, registration, and authentication of the Bonds, they shall be delivered to the City Treasurer, who is authorized to deliver them to the Underwriter, as initial purchaser thereof. The Bonds are hereby sold to said purchaser for 99.25% of the principal amount of the Bonds plus accrued interest thereon to date of payment of the Bonds (which purchase price may be modified by the terms of the Designation). Such purchaser and its agents, representatives and counsel (including its bond counsel) are hereby authorized to take such actions on behalf of the City as are necessary to effectuate the closing of the issuance and sale of the Bonds, including without limitation, authorizing the release of the Bonds by the Depository at closing. Said initial purchaser shall have the right to direct the registration of the Bonds and the denominations thereof within each maturity, subject to the restrictions of this Ordinance. The officers of the City (or any one of them) are hereby authorized to execute and deliver the Bond Purchase Agreement, in substantially the form presented herewith but with such changes as such officers deem appropriate, for and on behalf of the City. The Treasurer of the City shall maintain a record of information with respect to the Bonds as required under Section 10-140, R.R.S. 2007, and shall cause the same to be filed in the office of the Auditor of Public Accounts of the State of Nebraska. The City Clerk shall make and certify a duplicate transcript of the proceedings of the Mayor and Council with respect to the Bonds which shall be delivered to said purchaser. The officers of the City are further authorized to take such actions as such officers may deem necessary or appropriate in order to carry out the terms of this

Ordinance.

Section 10. The proceeds of the Bonds along with City funds on hand shall be applied to the payment and satisfaction of principal of and interest on the Refunded Bonds as called for redemption on the Redemption Date as described in Section 2 hereof. Accrued interest received from the sale of the Bonds, if any, shall be applied to pay interest falling due on said Bonds on October 15, 2011. Expenses of issuance of the Bonds may be paid from the proceeds of the Bonds.

Section 11. The holders of the Bonds shall be subrogated to all rights of the holders of the Refunded Bonds from and after their payment and redemption on the Redemption Date. The City agrees that it shall cause to be levied and collected annually a special levy of taxes on all the taxable property in the City, in addition to all other taxes, sufficient in rate and amount to fully pay the principal and interest of the Bonds when and as such principal and interest become due. The City reserves the right to provide for payments of principal and interest on said bonds in any fiscal year from other available funds, including general sales tax receipts, as appropriated and applied, and thereby satisfy its obligation to levy taxes on property as provided in this section 11.

Section 12. The City hereby covenants to the purchasers and holders of the Bonds hereby authorized that it will make no use of the proceeds of said bond issue, including monies held in any sinking fund for the Bonds, which would cause the Bonds to be arbitrage bonds within the meaning of Sections 103(b) and 148 of the Internal Revenue Code of 1986, as amended (the "Code"), and further covenants to comply with said Sections 103(b) and 148 and all applicable regulations thereunder throughout the term of said bond issue. The City hereby covenants and agrees to take all actions necessary under the Code to maintain the tax exempt status (as to taxpayers generally) of interest payable on the Bonds. The Mayor and/or City Treasurer are hereby authorized to make any and all elections or allocations deemed necessary by them in connection with the issuance and tax-exempt status of interest on the Bonds.

Section 13. The City's obligations under this Ordinance with respect to any or all of the Bonds herein authorized shall be fully discharged and satisfied as to any or all of such Bonds and any such Bond shall no longer be deemed to be outstanding hereunder if such Bond has been purchased by the City and canceled or when the payment of the principal of and interest thereon to the respective date of maturity or redemption (a) shall have been made or caused to be made in accordance with the terms thereof or (b) shall have been provided for by depositing with a national or state bank having trust powers, or trust company, in trust, solely for such payment (i) sufficient money to make such payment and/or (ii) direct general obligations (including obligations issued or held in book entry form on the books of the Department of Treasury of the United States

of America) of or obligations the principal and interest of which are unconditionally guaranteed by the United States of America (herein referred to as "U.S. Government Obligations") in such amount and bearing interest payable and maturing or redeemable at stated fixed prices at the option of the holder as to principal, at such time or times, as will ensure the availability of sufficient money to make such payment; provided, however, that with respect to any Bond to be paid prior to maturity, the City shall have duly called such bond for redemption and given notice of such redemption as provided by law or made irrevocable provision for the giving of such notice. Any money so deposited with such bank or trust company may be invested or reinvested in U.S. Government Obligations at the direction of the City, and all interest and income from U.S. Government Obligations in the hands of such bank or trust company in excess of the amount required to pay principal of and interest on the Bonds for which such monies or U.S. Government Obligations were deposited shall be paid over to the City as and when collected.

Section 14. In accordance with the requirements of Rule 15c2-12 (the "Rule") promulgated by the Securities and Exchange Commission, the City, being the only "obligated person" with respect to the Bonds, agrees that it will provide the following continuing disclosure information to the Municipal Securities Rulemaking Board (the "MSRB") in an electronic format as prescribed by the MSRB:

(a) not later than seven months after the end of each fiscal year of the City (the "Delivery Date"), financial information or operating data for the City of the type included in Appendix A of the final official statement under the heading(s) "SELECTED FINANCIAL AND OPERATING INFORMATION" ("Annual Financial Information");

(b) when and if available, audited financial statements for the City; audited financial information shall be prepared on the basis of generally accepted accounting principles; and

(c) in a timely manner not in excess of ten business days after the occurrence of the event, notice of the occurrence of any of the following events with respect to the Bonds:

(1) principal and interest payment delinquencies;

(2) non-payment related defaults, if material;

(3) unscheduled draws on debt service reserves reflecting financial difficulties;

(4) unscheduled draws on credit enhancements reflecting financial difficulties;

(5) substitution of credit or liquidity providers, or their failure to perform;

(6) adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Bonds, or other material events affecting the tax status of the Bonds;

(7) modifications to rights of the holders of the Bonds, if material;

(8) bond calls, if material, and tender offers;

- (9) defeasances;
- (10) release, substitution, or sale of property securing repayment of the Bonds, if material;
- (11) rating changes;
- (12) bankruptcy, insolvency, receivership or similar events of the City (this event is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent or similar officer for the City in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the City, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the City);
- (13) the consummation of a merger, consolidation, or acquisition involving the City or the sale of all or substantially all of the assets of the City, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;
- (14) appointment of a successor or additional trustee or the change of name of a trustee, if material.

The City has not undertaken to provide notice of the occurrence of any other event, except the events listed above.

(d) in a timely manner, notice of any failure on the part of the City to provide Annual Financial Information not later than the Delivery Date.

The City agrees that all documents provided to the MSRB under the terms of this continuing disclosure undertaking shall be in such electronic format and accompanied by such identifying information as shall be prescribed by the MSRB. The City reserves the right to modify from time to time the specific types of information provided or the format of the presentation of such information or the accounting methods in accordance with which such information is presented, to the extent necessary or appropriate in the judgment of the City, consistent with the Rule. The City agrees that such covenants are for the benefit of the registered owners of the Bonds (including Beneficial Owners) and that such covenants may be enforced by any registered owner or Beneficial Owner, provided that any such right to enforcement shall be limited to specific enforcement of such undertaking and any failure shall not constitute an event of default under the Resolution. The continuing disclosure obligations of the City, as described above, shall cease when none of the Bonds remain outstanding.

Section 15. The Preliminary Official Statement is hereby approved in the form presented and the Mayor and City Clerk are hereby authorized to approve such changes as determined appropriate and deem the Preliminary Official Statement final. The Mayor and City Clerk are hereby authorized to approve on behalf of the City a final Official Statement with any changes deemed appropriate by them.

Section 16. This Ordinance shall be in force and take effect from and after its passage and publication in pamphlet form as provided by law.

PASSED AND APPROVED THIS 17TH DAY OF MAY, 2011.

CITY OF LA VISTA

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Douglas Kindig, Mayor

ATTEST:

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Pamela A. Buethe, CMC  
City Clerk

**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**MAY 17, 2011 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
AMENDMENT TO LEASE-PURCHASE AND REFUNDING SERIES 2011 BOND ISSUE	RESOLUTION ◆ ORDINANCE RECEIVE/FILE	SHEILA LINDBERG FINANCE DIRECTOR

**SYNOPSIS**

An ordinance has been prepared authorizing an amendment to the lease-purchase agreement with the Facilities Corporation with regards to the Refunding of the 2005 \$5,900,000 Fire Station Project (District II) Lease Purchase Bond Issue. This will be the Refunding Bonds, (La Vista Fire Station Project) Series 2011 in the principal amount not to exceed \$4,975,000.

**FISCAL IMPACT**

Savings of approximately \$380,180 will be recognized over time in the Debt Service Fund as a result of the lower interest rate.

**RECOMMENDATION**

Approval.

**BACKGROUND**

The City is paying an average coupon (interest) rate of 4.7% on these current bond issues; however, with the refunding, the average coupon rate will fall to approximately 3.6%. The refinancing of this bond issue will help the Debt Service Fund's long term sustainability.

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

AN ORDINANCE APPROVING AN AMENDMENT TO THE EXISTING LEASE-PURCHASE AGREEMENT WITH CITY OF LA VISTA FACILITIES CORPORATION RELATING TO THE CITY'S FIRE STATION BUILDING USED BY THE CITY OF LA VISTA, NEBRASKA; APPROVING THE EXECUTION OF DOCUMENTS AND ISSUANCE OF REFUNDING BONDS IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$4,975,000 BY SUCH CORPORATION WITH RESPECT TO AND IN CONNECTION WITH SAID AMENDMENT TO LEASE-PURCHASE AGREEMENT; AND PROVIDING FOR THE PUBLISHING OF THIS ORDINANCE.

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

Section 1. The Mayor and Council hereby find and determine that the City of La Vista Facilities Corporation (the "Corporation") has been formed under the Nebraska nonprofit corporation laws for the purposes of acquiring real and personal property and leasing the same to the City; that the Corporation has entered into a Lease-Purchase Agreement dated as of December 15, 2005, with the City (the "Original Agreement") whereby the City has agreed to acquire and construct a fire station facility and related improvements for the City (the "Project") all pursuant to the provisions of Section 19-2421, R.R.S. Neb. 2007; that Building Bonds (La Vista Fire Station Project), Series 2005, in the aggregate principal amount of \$5,900,000, (the "2005 Bonds") were issued on behalf of the City by the Corporation in order to finance the construction of the Project, and that since the 2005 Bonds were issued, the rates of interest available in the market have so declined that by issuing its refunding bonds to provide for the payment and redemption of the 2005 Bonds, a substantial savings in the amount of yearly running interest will be made and the final maturity of such indebtedness may be shortened thereby reducing the amount of payments required of the City under the Lease-Purchase Agreement; that in order to issue such refunding bonds, it is necessary and advisable for the City to enter into an amendment to the Original Agreement with the Corporation (the "Amendment"; and together with the Original Agreement, the "Lease-Purchase Agreement"); that the documents necessary for the transaction have been prepared and said documents should be approved in substantially the form presented herewith and their execution authorized.

Section 2. The City of La Vista shall enter into the First Amendment to Lease-Purchase Agreement with the Corporation, whereby the Corporation will continue to lease the Project to the City and that said First Amendment to Lease-Purchase Agreement in substantially the form and content presented at this meeting is hereby approved.

Section 3. The Mayor and City Clerk of the City be and they are hereby authorized and directed to execute and deliver on behalf of the City said First Amendment to Lease-Purchase Agreement, including any necessary counterparts, in substantially the form and content as presented to this meeting, but with such changes or modifications therein (including any reductions in stated amounts of basic rentals determined based upon the terms of the bonds described in

Section 4 of this Ordinance) as to them seem necessary, desirable or appropriate for or on behalf of the City, such determination to be evidenced by the execution thereof; and said Mayor and City Clerk are further authorized and directed to execute and deliver any other documents or certificates and to do all other things necessary or appropriate in connection with said First Amendment to Lease-Purchase Agreement.

Section 4. The Mayor and Council have heretofore approved and hereby approve the formation of City of La Vista Facilities Corporation (the "Corporation"), including the Articles of Incorporation and Bylaws thereof and the three directors thereof; and further approves the First Supplemental Trust Indenture and Security Agreement from the Corporation in substantially the form and content presented at this meeting to be executed in favor of The Fremont National Bank and Trust Company, Fremont, Nebraska, as trustee, under which Refunding Bonds (La Vista Fire Station Project), Series 2011, in the aggregate principal amount of not to exceed \$4,975,000, (the "Refunding Bonds") are to be issued, and the City hereby approves the issuance of said Refunding Bonds, in such principal amount and bearing such rates of interest as shall be approved by the Mayor and City Clerk; provided, however, the final maturity of such Refunding Bonds may not be later than December 15, 2026, and the debt service payable on the Refunding Bonds must provide at least a net present value savings to the City on its payments under the First Amendment to Lease Purchase Agreement over its payments under the Original Agreement. The Mayor and Council hereby further approve the sale of the Refunding Bonds to D.A. Davidson & Co., at the price of 99.25% of the principal amount thereof (or such more favorable price as can be agreed upon) plus accrued interest to the date of purchase. The Mayor is hereby further authorized to approve a bond purchase agreement, in standard form, by and between City of La Vista Facilities Corporation and said purchaser and to approve at the time of closing of the purchase of said Refunding Bonds and approve the final form of said First Supplemental Trust Indenture and Security Agreement in substantially the form and content presented at this meeting, but with such changes or modifications as to him seem necessary, desirable or appropriate for or on behalf of the City, such determination to be evidenced by the execution thereof. The Mayor and Council of the City hereby authorizes and directs the Corporation to execute and deliver any and all notices or directions for call as may be necessary and appropriate in order to call the 2005 Bonds for redemption in connection with the issuance of the Refunding Bonds, and authorizes the Mayor or City Clerk to execute and deliver any documents deemed necessary and appropriate in connection therewith. The City further authorizes the Mayor, City Clerk and City Treasurer (Finance Director) to take any and all actions necessary and appropriate to effect the redemption of the 2005 Bonds.

Section 5. The Mayor and Council hereby state that it is the intention of the City that interest on said Refunding Bonds issued by said Corporation shall be excludable from gross income under the federal income tax by virtue of Section 103 of the Internal Revenue Code of 1986, as amended, and Revenue Ruling 63-20 and Revenue Procedure 82-26 of the Internal Revenue Service and the Mayor and Council hereby authorize the Mayor, the City Clerk and the City Treasurer (or any one of more of them) to take all actions necessary or appropriate to carry out said intention and for obtaining such interest exclusion. The City hereby covenants with Corporation for the benefit of the purchasers and holders of said Refunding Bonds that it will make no use of the proceeds of said issue, including monies held in any sinking fund for the payment of lease rentals or principal and interest on said Refunding Bonds, which would cause said Refunding Bonds to be arbitrage bonds within the meaning of Section 103 and 148 and other related sections of the Internal Revenue Code of 1986, as amended, and further covenants to comply with said Sections 103 and 148 and related sections and all applicable regulations thereunder throughout the term of said issue, including all requirements with respect to reporting and payment of rebates, if applicable.

Section 6. The Mayor and Council hereby approves the draft Preliminary Official Statement in substantially the form and content presented at this meeting with respect to said Refunding Bonds and hereby authorizes the Mayor to approve a Preliminary Official Statement in definitive form, but with such changes or modifications as to him seem necessary, desirable or appropriate for or on behalf of the City, and further approves the final Official Statement for said Refunding Bonds with appropriate changes to reflect the final terms for said Refunding Bonds such approval to be evidenced by his execution thereof.

Section 7. The City Clerk and City Administrator are hereby designated as the initial Project Manager and Alternate Project Manager under the terms of the First Supplemental Trust Indenture and Security Agreement as approved in this Ordinance.

Section 8. This Ordinance shall be in force and take effect from and after its publication as provided by law.

PASSED AND APPROVED THIS 17TH DAY OF MAY, 2011.

CITY OF LA VISTA

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Douglas Kindig, Mayor

ATTEST:

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Pamela A. Buethe, CMC  
City Clerk

**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**MAY 17, 2011 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
AUTHORIZE REQUEST FOR PROPOSALS — CIVIC CENTER PARK MASTER PLAN	◆ RESOLUTION ORDINANCE RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

**SYNOPSIS**

A resolution has been prepared authorizing a Request for Proposals (RFP) for the preparation of Park Master Plan for Civic Center Park.

**FISCAL IMPACT**

Funding has been budgeted in the CIP for FY 10/11, however it is anticipated that the majority of this funding will be carried over to the FY 11/12 budget with an additional allocation which has also been budgeted.

**RECOMMENDATION**

Approval.

**BACKGROUND**

In 2010, the City Council adopted *A Vision Plan for 84<sup>th</sup> Street* which included an extensive public process resulting in a master plan which identifies that the vision for 84<sup>th</sup> Street is the creation of a downtown for the community. One of the goals of the vision is to realize the full potential of the Thompson Creek basin as an identifiable gateway into La Vista. The plan proposes the transformation of the golf course into La Vista Civic Center Park which becomes the centerpiece of the redevelopment of 84<sup>th</sup> Street, and serves as the key incentive and amenity for future development along the corridor.

The preparation of a park master plan was identified in the vision plan as one of the next steps to advance the plan, stating “Identify desired elements to be included in the park, and prepare several conceptual park alternatives. Orchestrate a public involvement process to gather community input on the desired park elements and the alternatives. Refine the alternatives into a preferred master plan concept, and prepare a budgetary cost estimate for the park.”

A Request For Proposals (RFP) and Draft Scope of Services have been prepared and are intended to include techniques to engage a community members and elicit their input. The outcome should be a Park Master Plan that clearly articulates the community’s goals.

The proposed schedule for the RFP and consultant selection process is the following:

Advertise the RFP (publish and mail to firms)	May 20, 2011
Proposals Due	June 20, 2011
Interviews	July 11-15, 2011

**City Council Award Contract  
Kick Off Meeting**

**August 2, 2011  
August 22, 2011**

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA,  
NEBRASKA AUTHORIZING THE ADVERTISEMENT FOR BIDS FOR PREPARATION OF A  
MASTER PLAN FOR CIVIC CENTER PARK.

WHEREAS, the City wishes to contract for consulting services to prepare a Park Master Plan for Civic Center Park; and

WHEREAS, the City has prepared a Request for Proposals (RFP) and draft Scope of Services for this work.

NOW, THEREFORE BE IT RESOLVED, that the City of La Vista hereby authorizes the advertisement of bids for the preparation of a Park Master Plan for Civic Center Park with a Request for Proposals (RFP) and draft Scope of Work prepared by City staff, which copies of said RFP may be obtained from the City Clerk and said proposals are to be submitted by 4:30 p.m. at La Vista City Hall, 8116 Park View Blvd., La Vista, Nebraska on June 20, 2011.

Advertise for Bids May 20, 2011

Proposals Due June 20, 2011

Tentative Award Date August 2, 2011

PASSED AND APPROVED THIS 17<sup>TH</sup> DAY OF MAY, 2011.

## CITY OF LA VISTA

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Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC  
City Clerk

## REQUEST FOR PROPOSALS

### Civic Center Park Master Plan (currently La Vista Falls Golf Course and Central Park)

#### Section 1: Background

##### About La Vista

The City of La Vista is situated southwest of the Omaha metropolitan area. The youngest city in Nebraska, La Vista is one of the fastest growing communities in the state and enjoys access from Interstate 80. La Vista borders Omaha, Bellevue, Papillion, and Ralston. As of 2010, the projected growth area for La Vista indicates the community will be home to over 38,000 residents. La Vista's commercial areas are developing quickly in the western portion of the city with nationally recognized companies, such as PayPal, Cabela's, and a new John Q. Hammons Embassy Suites and Marriott Courtyard Hotels and adjoining La Vista Conference Center.

##### Project History and Objectives

The Mayor and City Council have identified the revitalization of the 84<sup>th</sup> Street Corridor as one of their top priorities in the city's Strategic Plan.

In 2010, the city completed **A Vision Plan for 84<sup>th</sup> Street** which included an extensive public process and the adoption of a master plan which identifies that the vision for 84<sup>th</sup> Street is the creation of a downtown for the community. *"The 84<sup>th</sup> Street corridor will be the central city core, with a memorable and distinct identity, a vibrant mix of land uses, a sense of community and a high quality of life for residents. The existing golf course is transformed into La Vista Civic Center Park, the signature park for the community. The park provides a venue for a variety of community and leisure time activities. The park connects a new City Center with the existing civic campus to create a new downtown for La Vista."*

The vision plan identifies as one of the goals for the new 84<sup>th</sup> Street to **Realize the Full Potential of Thompson Creek Basin**. *"The Thompson Creek Basin, as a striking and readily identifiable gateway into La Vista, is an exceptional amenity than can be integrated with the redevelopment of 84<sup>th</sup> Street as part of a new heart for the community. The Thompson Creek Basin currently includes the La Vista Falls Golf Course, Central Park, the City swimming pool and Kelly McMahon Field. There is opportunity to create better transitions and connections between the commercial areas along the corridor to these green spaces, and to incorporate them as a central part of the redevelopment strategy for 84<sup>th</sup> Street. One way to accomplish this is to consider alternate uses for the basin other than a golf course. A large civic*

*park in Thompson Creek Basin has broader appeal to more users, has potential to become the signature gathering space for the community, and can serve as a key incentive and amenity for future development along the corridor.”*

The vision plan proposes that **“the transformation of the golf course into La Vista Civic Center Park is the centerpiece of the redevelopment of 84<sup>th</sup> Street.** As a unique and beautiful amenity located centrally within the city, the park serves as the primary catalyst for redevelopment to occur. Park elements may include a large lake, an amphitheater, trails, picnic areas, community gardens, a playground, and a civic green where community events can be held.

*A new pedestrian underpass extends underneath 84<sup>th</sup> Street, providing safe passage underneath the street, connecting the east side of 84<sup>th</sup> to the west side. The existing detention basin within the golf course can be readily converted to a small lake, providing a recreational amenity for the entire community to enjoy. An amphitheater provides a venue for public events and performances, with potential to create a regional attraction for the community. Together, these elements create a unique and desirable gathering place for the community, and create an attractive catalyst for redevelopment to occur adjacent to the park.”*

Ultimately, the City wants to revitalize the area to be more appealing to residents and visitors. In addition, La Vista would like to utilize the land more effectively. The purpose of this study is to prepare a **Park Master Plan for the La Vista Civic Center Park** through a highly community-interactive process.

## **Section 2: Qualifications**

The City is sending this RFP to consulting firms for their park planning expertise. There are five primary areas in which the city is interested:

1. *Process:* Expertise in setting up and managing the overall structure of the project.
2. *Content:* A park plan that will be bold and imaginative, but based on a design program that is well thought out, carefully researched, and shows an understanding of how public spaces are used.
3. *Outreach:* Effectively connecting with a wide range of community members and other stakeholders.
4. *Facilitation:* Making sure meetings run fairly and efficiently, and helping to articulate the opinions of those unfamiliar with land use and government terminology.
5. *Planning:* Experience in park master planning or related fields.

The City will establish a project page on the City's website for the Civic Center Park Master Plan project, which will be available at the following address:

[www.cityoflavista.org](http://www.cityoflavista.org)

In addition, the City will be including articles in the CityWise quarterly newsletter to notify community members about the project and describe the opportunities for involvement.

### **Section 3: Scope of Work**

The output of this project will be a **Park Master Plan for the La Vista Civic Center Park** that builds upon a sense of place that is uniquely La Vista. The two main project goals are:

- 1. Commitment to design excellence.** The location offers the opportunity to design a park that creates a distinctive identity and symbol of the city. In its present form, the golf course is an expansive lawn that provides a pleasant view for golfers and passing motorists. The redesign should maintain what people like about it now – the open space and large expanse of lawn – but integrate it into a new plan that is bold, imaginative, and sets a new, and the most visible, standard of excellence for the city's parks. While distinctive and imaginative, the plan should also be timeless in design, providing a framework of open spaces that can accommodate changes in use while offering basic activities that people participate in year after year, in the same way Central Park in NYC has retained its original vision while adapting to new users.
- 2. Commitment to the creation of a functional public space.** The commitment to design excellence is accompanied by an equal commitment to the creation of a park that works as a public space. Park user groups are anticipated to be residents from adjacent neighborhoods as well as the entire community, day care providers, school children, residents of future multi-story mixed use buildings, employees from future office buildings, visitors to future shopping and dining establishments, and attendees of outdoor events or attractions. Because of its urban setting, focus should be placed on promoting conservation of resources and sustainability, active recreational uses, classes, programs, and events – the park will be the setting for many of the city's outdoor cultural events including the annual La Vista Daze community celebration. Additionally, the design should anticipate a new pedestrian underpass which will extend underneath 84<sup>th</sup> Street, connecting the east side of 84<sup>th</sup> to the west side and the City's swimming pool.

To summarize, the master plan must be bold and imaginative, but it is imperative that the plan be based on a design program that is well thought out, carefully researched, and based on an understanding of how public spaces are used.

A draft **Scope of Work** has been prepared and is attached to act as a basis for the proposal. Proposals should describe in detail the techniques that

would be used, including but not limited to a combination of some or all of the elements listed below. Proposals should clearly articulate how the selected techniques achieve the overall project goals and meet the unique needs of La Vista. Additionally, proposals should address opportunities for modifications to the approach based on community input during the planning process.

- ***Kick-Off:*** Initial announcement to educate and energize community members about the overall park planning process and opportunities to participate.
- ***Stakeholder Interviews:*** Interviews with key stakeholders, such as: residents from adjacent neighborhoods, City staff, members of the Park Advisory Board, Planning Commission and City Council, intended to identify unique opportunities and challenges.
- ***Community Workshops:*** Interactive public events that help refine any preliminary findings (such as from the stakeholder interviews, site survey and storm water analysis) into specific alternatives. The workshops should help community members reach common ground.
- ***Working Group:*** An advisory group of residents, elected/appointed officials, staff, and other stakeholders to regularly review the progress of the planning process and provide input to the consultant and staff.
- ***Project Web Site:*** Expand or supplement the City's website to provide all relevant information about the project, including: reports, presentations, project schedule, and related documents.
- ***Newsletter:*** Quarterly articles in the CityWise newsletter to inform the community of the progress of the project, including opportunities for involvement.
- ***Planning Commission Meeting***
- ***City Council Meeting***
- ***Other Items:*** The consultant should include any additional tasks that would help achieve the goal of reaching out to and engaging a broad range of community members.

The final product will be a document that clearly and succinctly identifies the community's Park Master Plan for Civic Center Park, along with a complete description of the process by which the plan was created. The Park Master Plan should provide a foundation for the subsequent implementation of the park redevelopment.

## **Section 4: Proposal Content**

### **Cover Letter**

Please begin with a letter introducing your firm and summarizing your general qualifications and your specific approach to completing the planning process. This section should indicate the length of time for which the proposal is effective (minimum of 90 days).

### Work Program

Please provide a detailed plan for the services to be provided. Identify any tasks that City staff are expected to complete.

### Schedule

The proposal shall include a preliminary project schedule that identifies milestones and completion dates by task from the beginning through formal review and acceptance of the Park Master Plan by the City Council. Initial project work should commence in August 2011 and conclude within 10 to 12 months from the date of commencement.

### Budget and Fees

The consultant should provide a fee estimate, on a task-by-task basis. The proposal shall include a spreadsheet identifying personnel, hourly rates, project responsibilities, and estimated amount of time expected for each task, expressed in person-hours. The proposed budget is to be presented as not-to-exceed, with all overhead/expenses included in the figure. The consultant should outline the terms of payment, based on monthly billings to the City.

### Key Personnel

The consultant should provide the names of key personnel, their respective titles, experience, and periods of service with the firm. Please clearly identify the primary contact for the proposal. If sub-consultants will be used in any aspects of the plan, include details for these sub-consultants in this section.

### Qualifications/Project List

Provide a synopsis of previous projects of a similar nature (*maximum of 10 examples*), focusing particularly on the five criteria listed in Section 2, along with relevant background information. For projects that were completed by a team of consultants, please clarify the specific contribution of your firm.

### Availability

Provide a brief statement of the availability of key personnel of the firm to undertake the proposed project.

### References

Names and contact information of persons whom the City can call for references regarding the firm's performance, preferably on similar projects.

## **Section 5: Selection Process**

Please submit seven (7) bound copies, one (1) unbound, single-sided copy on standard-weight paper (no heavy-weight paper or tabbed dividers), and one (1) CD-R including a PDF copy of your proposal at your earliest convenience, but no later than June 20, 2011, at 4:30 p.m. to:

Pamela A. Buethe, City Clerk

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

Proposals will be reviewed by an internal review committee. The review committee will conduct interviews during the week of July 11-15, 2011, with the intent of providing a single recommendation for the review and approval of the full City Council at a public meeting on August 2, 2011.

### **Section 6: Evaluation, Right to Reject, Etc.**

Due to the nature of the services sought, evaluation of proposals will in large part be subjective. Award of a contract will be based on a number of factors, and may or may not be on the basis of lowest cost to the City. The City reserves the right to accept any proposal in whole or in part and to reject any and all proposals, to waive irregularities and to negotiate and revise terms with proposers without notice to other proposers.

### **Section 7: Enclosures/Reference Material**

- A Vision Plan for 84<sup>th</sup> Street – (<http://www.cityoflavista.org/index.aspx?nid=704>)
- La Vista Falls Golf Course and Central Park – Map of Study Area

*If you have any questions during the preparation of your proposal, please contact Pam Buethe, City Clerk, at (402) 331-4343.*



**Map of Study Area**

**Civic Center Park Master Plan**

May 12, 2011  
CAS



## **WORK SCOPE, COSTS AND SCHEDULE**

### **Civic Center Park Master Plan**

#### **Section 1: Draft Scope of Services**

##### **Task A. Project Start-Up**

In this task, the consultant will work with City staff to initiate the project and gain an understanding of the Study Area.

###### **1. Survey of Park Site<sup>1</sup>**

The City has established a boundary for the Study Area (La Vista Falls Golf Course and Central Park survey). The City will provide field survey work to include locating all public utility lines (above ground and below ground) within the Study Area. Topography will also be provided from Sarpy County 2010 GIS LiDAR data. The City will conduct a title search on the Study Area and plot all recorded easements.

###### **2. Storm Water Concept Plan<sup>2</sup>**

The City will consult with the Nebraska Department of Natural Resources (DNR) to discuss how modification of storm water detention volumes within the dry dam structure need to be documented in order to maintain compliance with the regulations related to the dry dam structure. This would occur after initial park concepts, including proposed grading changes, are presented to the City. After discussion with the DNR the City will arrange for an engineering feasibility review to verify that storm water detention and routing of flows will be in compliance with the criteria pertaining to the Class C, High Hazard Thompson Creek Dry Dam Structure (criteria established by the DNR). The results of the analysis and discussions with the DNR will be provided to the consultant to use in preparing a final concept for the Civic Center Park.

###### **3. Project Start-Up Meeting**

The consultant will attend a meeting with City staff to identify concerns and issues, review information provided by the City and discuss expectations for the process and products. During this meeting, key stakeholders and staff that are important to the development of the Park Master Plan will be identified in preparation for the Stakeholder Meetings, Task B.1. In addition, any necessary scope and schedule refinements will be identified in preparation for Task A.5.

###### **4. Study Area Tour**

Following the project start-up meeting, the consultant will tour the Study Area with City staff to discuss issues and opportunities related to the Thompson Creek

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<sup>1</sup> Not part of this contract.

<sup>2</sup> Not part of this contract.

Basin, proposed 84<sup>th</sup> Street underpass, and the City's swimming pool. The consultant will take digital photographs of key locations and the surrounding context to document the Study Area's characteristics.

#### **5. Scope Refinement**

If necessary, the consultant will refine the project scope of work or schedule to reflect the discussion held with City staff during the Project Start-Up Meeting. If necessary, the scope of work for this project can be modified as the planning process proceeds. The consultant will work with City staff to determine when substitutions may be made during the process and how to keep these changes within the existing project budget.

#### **6. Review Provided Information**

The consultant will review information being provided by the City related to the site survey, storm water analysis, swimming pool and any other plans for projects within the Study Area. In addition, the consultant will review A Vision Plan for 84<sup>th</sup> Street, as well as the results of the community survey conducted as part of the Vision Plan.

#### **7. Establish Working Group**

The City will establish the Working Group for the Park Master Plan. Given the level of interest in this project, it is anticipated that members of the City Council, Planning Commission, Park and Recreation Advisory Board, Metropolitan Area Planning Agency, and City staff will be included. The Working Group will be appointed through a process as directed by the City Council. The consultant will prepare brief summaries of each Working Group meeting.

It is expected that the members of the Working Group can provide a connection to other community members who might participate in other portions of the work, such as the Community Workshops. The Working Group meetings will be publicly accessible and will include a period for public comment.

#### **8. Base Map Preparation**

The consultant should use ArcView 10.x compatible shapefiles and/or geodatabases provided by the City/County for the development of a detailed base map and subsequent thematic maps to be used throughout the planning process. The base map will show the Study Area boundary and surrounding areas for context, parcel boundaries, and other relevant features. After creating the initial base map, the consultant will provide a copy to the City for review and approval prior to use in subsequent phases of the project.

At the conclusion of the project, a CD will be provided to the City containing all original data as well as project-specific data layers modified or created by the consultant.

## 9. Project Website<sup>3</sup>

The city will post the project on the City's website. The City will provide ongoing updates, including information about upcoming meetings and concept plans, which the City will post on the main project page.

## 10. Newsletter #1<sup>4</sup>

City staff will introduce the project in the CityWise quarterly newsletter and describe opportunities for public involvement, such as the Community Workshop meetings. The consultant will assist with content if requested by staff. This and any subsequent newsletters will use the same format for project identification and will be posted on the project website.

## Task B. Preliminary Park Concept Development

In this task, the consultant will work with the community to develop preliminary park concepts that will ultimately become the plan.

### 1. Stakeholder Meetings

The consultant will conduct interviews with key stakeholders, such as residents from adjacent neighborhoods, City staff, developers, Metro Area Transit, members of the Park Advisory Board, Planning Commission and City Council. The meetings could be with one person or with a group of people with similar interests. The interviews are intended to spark useful discussion and identify unique opportunities and challenges. The consultant will produce a memorandum summarizing the information gathered in the Stakeholder Meetings.

### 2. Assemble Park Element Examples

The consultant will assemble a list of potential program elements for the park, accompanied by photographs or plans from other parks. This list of preliminary park elements will be assembled based upon ideas already suggested by the community in the Vision Plan, as well as other recommendations from staff, the stakeholder interviews, and the consultant.

### 3. Working Group Meeting #1

At the Working Group's first meeting, an overview of the park planning process will be provided and the Working Group's role in that process will be explained. The consultant should also present information on the study area, including issues associated with the site survey, storm water analysis (Tasks A.1 and A.2), and the relationship/status of the underpass and swimming pool projects. This will allow the Working Group to immediately begin delving into the issues associated with the site. The consultant will also review and discuss the park element examples (Task B.2) in preparation for Community Workshop #1.

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<sup>3</sup> Not part of this contract.

<sup>4</sup> Not part of this contract.

#### 4. Community Workshop #1

The first Community Workshop will be conducted as an open house to solicit input from the community regarding the preferred program elements to be included in the park, as well as to present case studies that illustrate the economic benefits of a park in the context of the redevelopment of 84<sup>th</sup> Street. The consultant will utilize the Sketch-Up model developed during the Vision Plan process or other 3-D visualization or modeling software to illustrate the park site potential, as well as present the preliminary park element examples (Task B2). Attendees will have an opportunity to indicate their preferences and suggest other elements not proposed.

#### 5. Revise Park Element Examples

Based on input from the stakeholder interviews, the Working Group, and attendees at the Community Workshop, the consultant will assemble a revised list of park elements. This will be used in the development of park alternatives.

### Task C. Prepare a Park Master Plan

In this task the information from Task A and input that was received in Task B will be taken and formed into alternative park concepts and ultimately a Park Master Plan.

#### 1. Prepare Alternative Park Concept Diagrams

The consultant will prepare three conceptual diagrams for the park that identify locations for proposed elements and identify pros and cons for each of the diagrams. The diagrams will be discussed with staff and revised if necessary prior to being presented to the Working Group.

#### 2. Prepare Alternatives for Park Interface with City Center

The consultant will prepare two conceptual designs of the interface of the park with the City Center redevelopment area (see Vision Plan). The relationship between the two is central to the success of the park. Illustrations should include both plan views and cross-section views, and any other sketches needed to distinguish between the two alternatives. Cost estimates for each of the alternatives should also be provided. The alternatives will be discussed with staff and revised if necessary prior to being presented to the Working Group.

#### 3. Prepare Preferred 84<sup>th</sup> Street Underpass Location

The consultant will prepare a conceptual design of the location of a new pedestrian underpass to be extended underneath 84<sup>th</sup> Street, connecting the east side to the west side (see Vision Plan). The underpass will provide safe passage for pedestrians as well as an important connection between the park and the City's swimming pool. Illustrations should include both plan views and cross-section views, and any other sketches needed to understand how this was concluded to be the preferred location. The location will be discussed with staff and revised if necessary prior to being presented to the Working Group.

#### **4. Working Group Meeting #2**

The Working Group will review the results of Community Workshop #1. The consultant will present the three alternative conceptual diagrams of the park, and identify pros and cons of each. At this meeting, the park diagrams will be analyzed to determine which concepts should be refined further as part of the park alternatives. The Working Group will also review the two City Center/Civic Park interface alternatives and the preferred underpass location.

#### **5. Community Workshop #2**

At this second workshop, the consultant will present the range of alternatives developed in Tasks C.1, C.2, C.3 and C.4. The consultant and City staff will work with the community to gather their feedback on these alternatives, including whether there are additional alternatives that should be considered and their preferences for each alternative presented. The consultant will be asked to summarize the results, including whether there is a preference for a particular set of alternatives.

#### **6. City Council Meeting/Workshop #1<sup>5</sup>**

The City Council will have the opportunity to study the Park Concept Diagrams, the Alternatives for Park Interface with City Center, and the Preferred 84<sup>th</sup> Street Underpass Location, and will hear a summary of the process from which they resulted. The Council members will also hear a summary of recommendations from the Working Group and will be asked to give the consultant direction regarding preparation of a final Vision Plan, with any modifications requested by the City Council. The consultant will attend and make the presentation at this meeting.

#### **7. Alternate: City Council Meeting/Workshop #2**

If the City Council needs additional time to study the information presented in Task C.6 prior to making a recommendation to the consultant, an additional meeting will be scheduled. This meeting should be listed in the fee estimate as an alternate.

#### **8. Prepare a Preferred Park Master Plan Concept and Cost Estimate**

Based on preferences from the Working Group, attendees at the Community Workshop and direction from the City Council, the consultant will prepare a final concept for Civic Center Park. The plan should include diagrams, sketches, photographs and other drawings to illustrate the scale and character of the park elements. The consultant will also prepare a preliminary park cost estimate and phasing plan. The plans will be discussed with staff and revised if necessary prior to being presented to a joint workshop meeting of the Parks and Recreation Advisory Committee, Planning Commission and City Council.

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<sup>5</sup> The City will initiate the preparation of the storm water concept plan after this meeting (see Task A.2).

9. Parks and Recreation Advisory Committee, Planning Commission and City Council Joint Workshop

The consultant will make a presentation at a joint workshop meeting. The presentation will summarize the process which resulted in the proposed final concept for Civic Center Park. The format as a workshop will enable the members to view the maps and diagrams, review the process and understand the results. The members will be asked for detailed feedback and any recommendations for modification.

**Task D. Adoption of Park Master Plan**

In this task the consultant will prepare the documents for adoption of a Park Master Plan for Civic Center Park.

**1. Prepare Administrative Draft of Plan**

The consultant will prepare an Administrative Draft of the Park Master Plan for Civic Center Park for City staff review. It will include the following components:

♦ Introduction and Summary of Process. This section will set the stage for the remainder of the document, summarizing why the plan was undertaken and the process that led up to the final concept for Civic Center Park.

♦ Conceptual Plan. The Conceptual Plan will graphically illustrate Civic Center Park, including plan views, cross-section views, photographs, diagrams or other illustrations.

♦ Cost Estimates and Phasing. The final section of the Park Plan will include an estimate of construction costs and a phasing plan. The phasing plan will take into consideration the proposed 84<sup>th</sup> Street underpass and the status of the City's swimming pool. The Park Plan should provide a foundation for the subsequent implementation of the park redevelopment.

**2. Prepare Final Documents**

Once City staff has reviewed the administrative draft and provided comments, the consultant will prepare a Final Park Master Plan for Civic Center Park for publication.

**3. Newsletter #2<sup>6</sup>**

This article in the CityWise newsletter will summarize the information in the Final Park Master Plan, indicate how interested readers can get a copy and explain what will happen next as the City works toward the implementation of the Park Master Plan for Civic Center Park within the wider context of the Vision Plan for 84<sup>th</sup> Street. The consultant will assist with content if requested by staff.

**4. Alternate: Parks and Recreation Advisory Committee Public Hearing**

The Parks and Recreation Advisory Committee will conduct a public hearing on the Final Park Master Plan for Civic Center Park. After receiving public

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<sup>6</sup> Not part of this contract.

testimony, the Parks Committee will be asked to give detailed feedback on the Plan. This information, and any recommendations for modification, will be forwarded to the Planning Commission. The consultant will make a presentation at this hearing. This meeting should be listed in the fee estimate as an alternate.

#### 5. Alternate: Planning Commission Public Hearing

The Planning Commission will conduct a public hearing on the Final Park Master Plan for Civic Center Park and will hear a summary of recommendations from the Parks and Recreation Advisory Committee. After receiving public testimony, the Planning Commission will be asked to give detailed feedback on the Plan. This information, and any recommendations for modification, will be forwarded to the City Council. The consultant will make a presentation at this hearing. This meeting should be listed in the fee estimate as an alternate.

#### 6. Alternate: City Council Public Hearing and Adoption of Park Master Plan

The City Council will conduct a public hearing on the Final Park Master Plan for Civic Center Park and will hear a summary of recommendations from the Parks and Recreation Advisory Committee and Planning Commission. After receiving public testimony, the City Council will make a recommendation for adoption, with any modifications if necessary. The consultant will make a presentation at this hearing. This meeting should be listed in the fee estimate as an alternate.

### **Section 2: Cost**

The estimated cost to complete this scope of work must be provided. The consultant will complete this scope of work for a fixed fee not to exceed this amount. The billing rates for each team member must be included in a table.

#### A. Cost Guarantee

A statement regarding a guarantee that the firm will complete a contracted scope of work for the contracted cost must be provided. Any in-contract cost overruns are absorbed by the firm and are not passed on to the client. The consultant will submit their standard contract for review if selected for the project.

#### B. Assumptions

This scope of work and cost estimate assumes that:

- ♦ Billing rates for this project are guaranteed through (date).
- ♦ City staff will act as a clearinghouse for comments on all draft documents and will provide the consultant with a single, internally reconciled set of comments on each draft.
- ♦ There will be a comprehensive staff review process for each of the draft documents. If City staff feels that review of additional drafts is needed based on the revisions, submission of additional draft documents will be required.
- ♦ The consultant will use ArcView 10.x compatible shapefiles and/or geodatabases from City/County staff for the development of the project's base map and subsequent thematic maps. All files delivered by City staff are assumed

to be current, spatially accurate and aligned with one another, and referenced to a common coordinate system appropriate for the area. Each shapefile will arrive with the appropriate coordinate system definitions (i.e. .PRJ files); likewise, the coordinate system of geodatabases, if applicable, will contain proper coordinate system definitions. This scope assumes that the City's/County's existing GIS information, including attribute data, are essentially complete and that any needed adjustments by the consultant will be minor. A maximum of 8 hours will be allotted for data quality control procedures. Additionally, the consultant will expect metadata documentation for each shapefile and/or geodatabase submitted for this project including, but not limited to, data author and description, data creation date, attribute field definitions, and frequency of data updates.

- ♦ After creating the initial base map, the consultant will provide a copy to City staff for review and approval prior to use for subsequent mapping work. At the conclusion of the project, the consultant will provide a CD to City staff containing all original data as well as project-specific data layers modified or created by the consultant along with pertinent metadata documentation.
- ♦ All products will be submitted to City staff in electronic (PDF) format, except for printed copies that are specifically identified in Section 3.
- ♦ This project will include an allowance for printing shown in Section 3 below. This is an allowance only, based on the numbers of products and copies shown in Section 3.
- ♦ City staff will be responsible for meeting logistics, including schedule coordination, document production, printing notices, mailing costs, room reservations, meeting room set-up and take-down, and refreshments.
- ♦ The consultant will provide two facilitators for the Community Workshops. Additional facilitators will be drawn from City staff or the Working Group members. The consultant will provide training for facilitators immediately before each workshop.
- ♦ City staff will be responsible for designing notices for Community Workshops, and will handle the printing and mailing, or posting in other manners.

### **Section 3: Products**

- ♦ Digital Photos (Task A.4)
- ♦ Detailed Base Map (Task A.8)
- ♦ Stakeholder Meeting Summary (Task B.1)
- ♦ Park Element Examples (Task B.2 and B.5)
- ♦ Working Group Meeting #1 Summary (Task B.3)
- ♦ Case Studies (Task B.4)
- ♦ 3-D Visualization (Task B.4)
- ♦ Park Concept Diagrams (Task C.1)
- ♦ City Center/Civic Park Interface Alternatives (Task C.2)
- ♦ Preferred 84<sup>th</sup> Street Underpass Location (Task C.3)
- ♦ Working Group Meeting #2 Summary (Task C.4)
- ♦ Preferred Park Master Plan Concept, Cost Estimate, Phasing Plan (Task C.8)
- ♦ Administrative Draft of Park Master Plan (Task D.1)

- ◆ Final Park Master Plan (Task D.2)
  - 1 screencheck version in Word and PDF format
  - 2 color printed copies
  - 1 camera-ready, unbound, printed color copy
  - 1 version in Word on writable CD
  - 1 PDF version on CD
  - geodatabase containing feature classes and associated data tables for ArcView 10.x

#### **Section 4: Schedule**

The schedule for the work will be graphically presented in a figure.

**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**MAY 17, 2011 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
THOMPSON CREEK ACQUISITION & DEMOLITION PROJECT-NRD INTERLOCAL AGREEMENT	◆ RESOLUTION ORDINANCE RECEIVE/FILE	JOHN KOTTMANN CITY ENGINEER/ASSISTANT PUBLIC WORKS DIRECTOR

**SYNOPSIS**

A resolution has been prepared authorizing the Mayor to execute an Interlocal Agreement with the Papio-Missouri River Natural Resources District for the acquisition and demolition of 24 houses along Thompson Creek.

**FISCAL IMPACT**

The FY 10/11 Capital Improvement Program contains funding for this expenditure, 75% is reimbursed by FEMA, 12.5% reimbursed by Papio-Missouri River NRD and the remaining 12.5% is the City's share .

**RECOMMENDATION**

Approval

**BACKGROUND**

At the February 2, 2010 City Council meeting the Council accepted a FEMA grant award of \$2,040,930 to facilitate the voluntary acquisition of up to 24 houses along Thompson Creek. This grant amount represents 75% of the estimated total project costs for acquisition and demolition. The remaining 25%, or \$680,310, is to be split between the City of La Vista and the Papio-Missouri River NRD. The NRD Board of Directors approved participation in this project at their February 11, 2011 meeting with payments to be made over a 3-year period. In order to facilitate making the first payment, the NRD has requested that the City enter into the attached interlocal agreement.

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, APPROVING AN INTERLOCAL AGREEMENT WITH THE PAPIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT FOR PARTIAL REIMBURSEMENT FOR ACQUISITION AND DEMOLITION OF 24 HOUSES ALONG THE THOMPSON CREEK.

WHEREAS, the City Council of the City of La Vista has determined that the acquisition and demolition of 24 houses along the Thompson Creek is necessary; and

WHEREAS, the FY 10/11 Capital Improvement Program contains funds for this expenditure; and

WHEREAS, the Papio-Missouri River Natural Resources District will reimburse the City 12.5% of the total project costs up to a maximum of \$340,155.00 for acquisition and demolition; and

WHEREAS the NRD Board of Directors approved participation in this project at their February 11, 2011 meeting with payments to be made over a 3-year period; and

WHEREAS the NRD is requesting to enter into an Interlocal Agreement with the City of La Vista,

NOW, THEREFORE, BE IT RESOLVED, that an Interlocal Agreement with the Papio-Missouri River Natural Resources District for partial reimbursement for the acquisition and demolition of 24 houses along the Thompson Creek is approved and that 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.

PASSED AND APPROVED THIS 17TH DAY OF MAY, 2011.

CITY OF LA VISTA

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Douglas Kindig, Mayor

ATTEST:

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Pamela A. Buethe, CMC  
City Clerk

**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**MAY 17, 2011 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
BID AWARD – LED TRAFFIC SIGNAL MODULES EECBG AWARD No. 9/10-E062	◆ RESOLUTION ORDINANCE RECEIVE/FILE	JOHN KOTTMANN CITY ENGINEER/ASST. PW DIRECTOR

**SYNOPSIS**

A resolution has been prepared to award a contract to Brown Traffic Products, Davenport, Iowa for LED traffic signal modules to replace existing lamps in an amount not to exceed \$31,874.75. This bid is for materials only with installation provided by City forces.

**FISCAL IMPACT**

The FY 10/11 General Fund Budget provides funding for this project. Grants from the U.S. Department of Energy and the American Recovery and Reinvestment Act of 2009 provide 80% of the funding.

**RECOMMENDATION**

Approval

**BACKGROUND**

On April 19, 2011, the City Council approved a resolution which authorized the advertisement for bids for LED Traffic Signal Modules. Three suppliers took out plans and two bids were received as set forth on the attached tabulation. Brown Traffic Products is the low bidder in the amount of \$31,874.75. Brown Traffic Products is a qualified supplier and has proposed to supply materials in accordance with the specifications. It is recommended that a contract be awarded to them.

The bidding results are summarized as follows:

Brown Traffic Products	\$31,874.75
General Traffic Controls	\$35,175.00
Leotek Electronics USA Corp	No Bid

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AWARDING A CONTRACT TO BROWN TRAFFIC PRODUCTS, DAVENPORT, IA FOR LED TRAFFIC SIGNAL MODULES EECBG AWARD NO. 9/10-E062, IN AN AMOUNT NOT TO EXCEED \$31,874.75.

WHEREAS, the City Council of the City of La Vista has determined that the replacement of existing lamps with LED traffic signal modules is necessary; and

WHEREAS, the FY 10/11 General Fund Budget contains funds for this expenditure; and

WHEREAS, the City Council authorized the advertisement of bids for LED Traffic Signal Modules on April 19, 2011, and

WHEREAS Brown Traffic Products of Davenport, Iowa, has submitted the low, qualified bid, and

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

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska designate Brown Traffic Products of Davenport, Iowa as the low qualified bidder for LED traffic signal modules EECBG Award No. 9/10-E062, in an amount not to exceed \$31,874.75.

PASSED AND APPROVED THIS 17TH DAY OF MAY, 2011.

CITY OF LA VISTA

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Douglas Kindig, Mayor

ATTEST:

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Pamela A. Buethe, CMC  
City Clerk

SUBMITTED PROPOSALS & COSTS		La Vista		Brown Traffic Products		Leotek Electronics USA Corp.		General Traffic Controls	
Date of Bid: May 9, 2011 10:00 am CDT				736 Federal St, Suite 2312		726 S. Hillview Dr.		2919 11th Avenue SW	
Client: City of La Vista				Davenport, IA 52803		Milpitas, CA 95035		Spencer, IA 51301	
ITEM	DESCRIPTION	QUANTITY	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	
1	Furnish Red LED Ball	101	\$32.75	\$3,307.75			\$34.65		\$3,499.65
2	Furnish Yellow LED Ball	206	\$42.25	\$8,703.50			\$44.10		\$9,084.60
3	Furnish Green LED Ball	129	\$38.00	\$4,902.00			\$34.65		\$4,469.85
4	Furnish Yellow LED Arrow	40	\$34.25	\$1,370.00			\$34.65		\$1,386.00
5	Furnish Red LED Arrow	2	\$40.00	\$80.00			\$37.80		\$75.60
6	Furnish Green LED Arrow	26	\$37.00	\$962.00			\$32.55		\$846.30
7	Furnish Crosswalk LED Panel (Walk/Dont Walk)	18	\$97.00	\$1,746.00			\$69.25		1606.50
8	Furnish Crosswalk LED Panel (Countdown)	82	\$131.75	\$10,803.50			\$173.25		\$14,206.50

ITEM 5

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
MAY 17, 2011 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT – WATER'S EDGE AQUATIC DESIGN	◆ RESOLUTION ORDINANCE RECEIVE/FILE	JOE SOUCIE, PUBLIC WORKS DIRECTOR SCOTT STOPAK, RECREATION DIRECTOR

**SYNOPSIS**

A resolution has been prepared to authorize an amendment to the professional services agreement with Water's Edge Aquatic Design, Lenexa, Kansas in an amount not to exceed \$6,700.

**FISCAL IMPACT**

Funding in FY11 budget is available through savings in the Lottery Fund

**RECOMMENDATION**

Approval.

**BACKGROUND**

In June 2005, the City Council authorized a contract with Water's Edge Aquatic Design (WEAD), Lenexa, Kansas to provide professional services associated with the development of a Municipal Aquatics Study. The study of the existing swimming pool facility was completed and a citizen advisory committee was appointed to review, study and make recommendations regarding the existing pool facility. Along with a recommendation that a new aquatic facility be constructed, the Committee worked with WEAD to develop a conceptual plan that was presented to the voters in November 2008. The bond issue was narrowly defeated.

Understanding that the longevity of the existing pool is unknown, the City Council recently gave staff direction to determine what amenities could be included in a scaled back version of the project.

As a result, staff requested a proposal from WEAD to provide professional services necessary to assist with this planning process. Their fee proposal is for \$6,700. A copy of their proposal is attached for your review.

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH WATER'S EDGE AQUATIC DESIGN, LENEXA, KANSAS, IN AN AMOUNT NOT TO EXCEED \$6,700.

WHEREAS, the development of a Municipal Aquatic Study was identified in the Action Plan section of Park & Recreation Master Plan as a priority; and

WHEREAS, Water's Edge Aquatic Design (WEAD), Lenexa, Kansas has prepared *and presented a Municipal Aquatics Study*; and

WHEREAS, WEAD worked with a citizens advisory committee to develop the conceptual plan that was presented to the voters in November 2008; and

WHEREAS, additional professional services are needed in order to continue the planning process; and

WHEREAS, funding is available in the FY 10/11 budget.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of La Vista, Nebraska, that staff is hereby authorized to negotiate an amendment to the professional services agreement with Water's Edge Aquatic Design, Lenexa, Kansas in an amount not to exceed \$6,700.

PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2011.

CITY OF LA VISTA

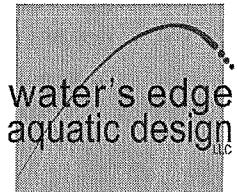
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Douglas Kindig, Mayor

ATTEST:

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Rita M. Ramirez, CMC  
City Clerk



11205 W. 79th St.  
Lenexa, KS 66214  
t. 913.438.4338  
f. 913.438.1465

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

May 10, 2011

**VIA ELECTRONIC MAIL TO: [SSTOPAK@CITYOFLAVISTA.ORG](mailto:SSTOPAK@CITYOFLAVISTA.ORG)**

Scott Stopak, Recreation Director  
8116 Park View Boulevard  
La Vista, NE 68128

**Re: Letter Agreement for Aquatic Concept Planning Services  
La Vista, NE Outdoor Community Aquatic Center**

Dear Scott:

Based on our meeting last week, I've developed the following scope of work and related compensation. We are assuming that this will be a continuation of the pool project and thus this letter can act as an Addendum to our Agreement for Professional Engineering Services dated July 5, 2005.

**Scope of Services**

Water's Edge Aquatic Design (WEAD) will provide concept planning services to include the following:

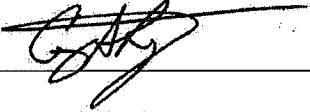
- Develop up to two revised concept plans using the previously developed concept plan from June 2008.
- Provide a menu list of possible cost saving options to reduce the cost of the June 2008 final concept plan.
- Provide statistical data for population based pool sizing.
- For each layout, including the June 2008 concept, prepare project costs and revenue/expense projections.
- Meet with the pool committee.
- Present the final concept plan to the City Council.

**Compensation**

We request a lump sum fee of \$6,700. This includes all of our direct expenses such as travel, printing, copying, and related items. The above proposed scope includes a total of three meetings. If additional meetings or presentations are requested, we ask additional compensation of \$1,250 for each single day visit.

In Witness whereof, the parties hereto have executed this Agreement, the Effective Date of which is indicated below.

*FOR: Water's Edge Aquatic Design, LLC*

By: 

Name: Craig A. Roy

Title: Principal

Date: May 10, 2011

*FOR: City of La Vista, Nebraska*

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

Name: \_\_\_\_\_

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

Date: \_\_\_\_\_  
(Effective Date)