

MINUTE RECORD

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

LA VISTA CITY COUNCIL MEETING June 21, 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 June 21, 2011. Present were Councilmembers: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck and Gowan. Absent: None. Also in attendance were City Attorney McKeon, City Administrator Gunn, Assistant City Administrator Ramirez, City Clerk Buethe, Library Director Barcal, Police Chief Lausten, Fire Chief Uhl, Finance Director Lindberg, Community Development Director Birch, 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 June 9, 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

A. CONSENT AGENDA

- 1.APPROVAL OF THE AGENDA AS PRESENTED
- 2.APPROVAL OF CITY COUNCIL MINUTES FROM JUNE 7, 2011
- 3.APPROVAL OF PARKS & RECREATION ADVISORY COMMITTEE MINUTES FROM
MAY 18, 2011.
- 4.MONTHLY FINANCIAL REPORT – MAY 2011
- 5.PAY REQUEST FINAL – ANDERSON EXCAVATING CO. – DEMOLITION SERVICES –
THOMPSON CREEK PROJECT – PHASE 2 - \$8,379.60.
- 6.PAY REQUEST – MIDWEST RIGHT OF WAY SERVICES, INC. – PROFESSIONAL
SERVICES - \$1724.00
- 7.PAY REQUEST – PPE, INC. – EMT TRAINING - \$8,450.00
- 8.APPROVAL OF CLAIMS

Councilmember Gowan made a motion to approve the consent agenda. Seconded by Councilmember Quick. Councilmember Quick 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, Ellerbeck and Gowan. Nays: None. Abstain: None. Absent: None. Motion carried.

A.S.P. ENTERPRISES, bld&grnds	102.40
AAT, supplies	872.00
ABE'S PORTABLES, rental	85.00
ACCO UNLIMITED, bld&grnds	453.95
ACCURATE TESTING, utilities	70.00
ACTION BATTERIES UNLTD, supplies	313.30
ACTION SIGNS, supplies	194.00
AMERICAN FENCE, bld&grnds	57.02
ANDERSON EXCAVATING, services	34750.88
AOI, supplies	884.34
ARAMARK, services	371.49
ASPHALT & CONCRETE MATERIALS, maint.	162.88
BAKER & TAYLOR BOOKS, books	3202.97
BCDM-BERINGER CIACCIO DENNELL, services	2160.45
BEACON BUILDING SERVICES, supplies	1273.00
BELIK, M., refund	50.00
BENNINGTON EQUIPMENT, maint.	539.43
BIERBRAUER, A., travel	60.00
BIERMAN, B., travel	60.00

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MARSH, D., services	203.00
MARTIN MARIETTA AGGREGATES, maint.	274.33
MATHESON TRI-GAS, supplies	267.90
MEISTER, R., refund	42.50
MIDWEST GANG INVESTIGATORS, training	30.00
MIDWEST TAPE, media	205.64
MIDWEST TURF & IRRIGATION, bld&grnds	391.89
MPH INDUSTRIES INC., maint.	73.60
MUD, utilities	337.46
NACR INC., services	650.00
NAVARRO ENTERPRISE CONSTR., services	25223.40
NE DEPT OF MOTOR VEHICLE	6.60
NEBRASKA AIR FILTER, bld&grnds	82.20
NEBRASKA REGIONAL LIBR, training	225.00
NMC EXCHANGE, services	2500.00
NOBBIES, supplies	32.69
OFFICE DEPOT, supplies	443.10
OMAHA SLINGS, supplies	162.75
OMAHA WORLD HERALD, adv.	633.66
OPPD, utilities	44256.56
OPPD, utilities	147.50
O'REILLY AUTO., maint.	773.54
OXMOOR HOUSE, books	36.91
PAPILLION SANITATION, services	304.11
PARAMOUNT LINEN & UNIFORM, services	385.40
PAYLESS OFFICE PRODUCTS, supplies	158.65
PEPSI, supplies	645.30
PETTY CASH	64.29
PETTY CASH	263.13
PREMIER-MIDWEST BEVERAGE, supplies	383.10
QUALITY BRANDS , supplies	739.00
QWEST, phone	48.30
RAINBOW GLASS & SUPPLY, bld&grnds	156.00
RAPPLEY, M., travel	60.00
RETRIEVEX, services	59.63
RINKER MATERIALS, supplies	135.00
ROTELLA'S ITALIAN BAKERY, supplies	75.60
RUSTY ECK FORD, maint.	12.00
SAM'S CLUB, supplies	1776.21
SAPP BROS PETROLEUM, supplies	13335.60
SAPP BROS SERVICE CENTERS, supplies	483.84
SARPY COUNTY LANDFILL, maint.	13.67
SHEPPARD'S BUSINESS INTERIORS, supplies	3116.80
SID DILLON COMMERCIAL/FLEET, supplies	31168.00
SINATRA UNIFORM, apparel	501.00
SMITH, M., travel	60.00
STEPHENSON, M., refund	30.00
STEVENS, M., travel	60.00
STOLTENBERG NURSERIES, supplies	3525.00
SUN COUNTRY DISTRIBUTING, bld&grnds	356.44
SUPERIOR SPA & POOL, bld&grnds	39.98
THIELE GEOTECH, services	726.00
THOMPSON DREESSEN & DORNER, services	1276.85
THOMPSON DREESSEN & DORNER, services	1487.30
TOMANEK, M., refund	50.00
TRACTOR SUPPLY, maint.	443.96
TRAVELODGE, travel	414.00

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C. CONDITIONAL USE PERMIT AMENDMENT – AUTOMOBILE DISPLAY, SALES, SERVICE AND REPAIR, LOT 16 SOUTHPORT EAST

1. PUBLIC HEARING

At 7:11 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the Conditional Use Permit Amendment- Automobile Display, Sales, Service and Repair, Lot 16 Southport East. Councilmember Carlisle motioned to continue the Public Hearing to the July 5th, 2011 meeting. Seconded by Councilmember Sell. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Abstain: None. Absent: None. Motion carried.

D. STREET NAMING – JAMES AVENUE – EAST OF 69TH STREET TO EAST LINE OF LOT

148

1. PUBLIC HEARING

At 7:12 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on Street Naming of James Avenue, East of 69th Street to East of Line of Lot 148. Anyone desiring to comment was asked to keep their comments to three minutes.

At 7:13 p.m. Councilmember Ellerbeck made a motion to close the public hearing. Seconded by Councilmember Crawford. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Abstain: None. Absent: None. Motion carried.

2. ORDINANCE

Councilmember Gowan introduced and moved for adoption of Ordinance 1151 entitled: AN ORDINANCE OF THE CITY OF LA VISTA, NEBRASKA TO NAME AN UNNAMED STREET TO JAMES AVENUE; AND TO PROVIDE FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

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

Said ordinance was then read by title and thereafter Councilmember Sheehan moved for final passage of the ordinance which motion was seconded by Councilmember Carlisle. The Mayor then stated the question, "Shall Ordinance No. 1151 be passed and adopted?" Upon roll call vote the following Councilmember voted aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. The following voted nay: None. The following were absent: None. The passage and adoption of said ordinance having been concurred on by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor, in the presence of the Council, signed and approved the ordinance and the City Clerk attested the passage/approval of the same and affixed her signature thereto.

E. RESOLUTION- JAMES AVENUE – EAST OF 69TH STREET – NO PARKING DESIGNATION

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 11-073; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA ESTABLISHING A NO PARKING ZONE ON THE NORTH SIDE OF JAMES AVENUE FROM THE EAST LINE OF 69TH STREET EASTERLY FOR A DISTANCE OF 165 FEET.

WHEREAS, the Mayor and City Council have determined that a "No Parking Zone" is necessary to preserve access to a property upon construction of the Keystone Trail-La Vista Link; and

WHEREAS, City Engineer and staff have reviewed the plan and recommend approval,

NOW, THEREFORE, BE IT RESOLVED, that the "No Parking Zone" on the North side of James Avenue from the East line of 69th Street Easterly for a distance of 165 feet is approved,

BE IT FURTHER RESOLVED, that the Public Works Department be, and hereby is, authorized to install the appropriate signage designating this "No Parking Zone".

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

G. RESOLUTION – AWARD CONTRACT – LANDSCAPING IMPROVEMENTS – VAL VERDE PARK

Councilmember Sell introduced and moved for the adoption of Resolution No. 11-075; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, ACCEPTING THE PROPOSAL SUBMITTED BY MULHALL'S, OMAHA NEBRASKA FOR LANDSCAPING IMPROVEMENTS TO VAL VERDE PARK IN AN AMOUNT NOT TO EXCEED \$10,009.00.

WHEREAS, the City Council of the City of La Vista has determined that landscaping improvements to Val Verde Park is necessary; and

WHEREAS, the FY 10/11 General Fund Budget contains funding for this project; and

WHEREAS, the City of La Vista has received two grants that will cover the entire project; 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 accept the proposal submitted by Mulhall's, Omaha Nebraska for landscaping improvements to Val Verde Park in an amount not to exceed \$10,009.00.

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

H. RESOLUTION – APPROVE AGREEMENT FOR SERVICES - REDISTRICTING

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 11-076; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING AN AGREEMENT FOR SERVICES WITH THE METROPOLITAN AREA PLANNING AGENCY (MAPA) FOR DEVELOPMENT AND ANALYSIS OF CITY COUNCIL ELECTION DISTRICTS (WARDS) IN AN AMOUNT NOT TO EXCEED \$1,200.00.

WHEREAS, the Mayor and City Council have determined that it is necessary to look at the existing ward boundaries following the 2010 U.S. Census to determine if new boundaries need to be established; and

WHEREAS, MAPA has prepared an Agreement with the City to analysis and develop possible new election district boundaries; and

WHEREAS, the Attachment A to the agreement outlines the scope of work that will be done by MAPA; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska, hereby authorize the Mayor to an Agreement for Services with the Metropolitan Area Planning Agency (MAPA) for development and analysis of City Council Election Districts (Wards) in an amount not to exceed \$1,200.00.

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

COMMENTS FROM THE FLOOR

There were no comments from the floor.



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

DRAFT

PLANNING COMMISSION MINUTES
MAY 19, 2011

The City of La Vista Planning Commission held a regular meeting on Thursday, May 19, 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, Hewitt, Kramolisch, Krzywicki, Malmquist, Gahan, Andsager and Alexander. Members absent were: Circo and Miller. Also in attendance were Christopher 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 – April 21, 2011

- a. Malmquist moved, seconded by Kramolisch to approve the April 21, 2011 minutes as submitted. **Ayes:** Nielsen, Kramolisch, Krzywicki, Malmquist, Gahan, Andsager and Alexander. **Nays:** None. **Abstain:** Hewitt. **Absent:** Circo and Miller
Motion Carried. (7-0)

3. Old Business

None.

4. New Business

- A. **Public Hearing regarding Performance Auto Plaza Conditional Use Permit Amendment at Lot 4 Performance Auto Plaza and Lot 16 Southport East, located in the NE ¼ of Section 18, Township 14N, Range 12E of the 6th P.M. Sarpy County, Nebraska.**

- i. **Staff Report:** Solberg stated Performance Auto was looking to expand their business to Lot 16 Southport East from their existing development to allow for automobile display and sales. Staff recommends approval of the amendment to the Conditional Use Permit for Performance Auto Plaza to include Lot 16 Southport East, contingent on the satisfactory resolution of items #1 and #4 in the Review Comments.

Larry Jobeun, attorney, came forward on behalf of the applicant, and stated that they concurred with Christopher Solberg's comments. This will allow for the expansion of the operation of Performance Auto Plaza which is located on Lot 4. With the addition of Lot 16 it will allow for additional inventory to be carried as

well as customer display areas.

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

None came forward.

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

Commissioner Krzywicki questioned if the lot would be used primarily for storage of vehicles.

Mr. Jobeun stated that yes that would be initially true and the concept behind it is to make it a nice parameter view that will be fenced with a security gate. Initially it will be for excess carry inventory and also for customer viewing.

Commissioner Krzywicki questioned the car capacity.

Mr. Jobeun stated there were 290 parking spaces.

iv. **Recommendation:** Malmquist moved, seconded by Gahan to recommend to forward to the City Council for approval of the Amendment to the Conditional Use Permit for Performance Auto Plaza to include Lot 16 Southport East contingent upon Items #1 and #4. **Ayes:** Nielsen, Kramolisch, Krzywicki, Malmquist, Gahan, Andsager and Alexander. **Nays:** None. **Abstain:** Hewitt. **Absent:** Circo and Miller **Motion Carried.** (7-0)

5. **Comments from the Floor**

None.

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

7. **Adjournment**

Gahan moved, seconded by Andsager, 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:

Recorder

Planning Commission Chair

Approval Date

Invoice

FELSBURG
HOLT &
ULLEVIG

engineering paths to transportation solutions

Mail Payments to:
Department 1704
Denver, CO 80291-1704
303.721.1440 • 303.721.0832 fax

June 10, 2011
Project No: 09-025-01
Invoice No: 5434

Mr. John Kottmann, PE
City Engineer
City of La Vista
9900 Portal Rd
La Vista, NE 68128

Project 09-025-01 La Vista Quiet Zone Final Design

Professional Services for the Period: May 01, 2011 to May 31, 2011

Professional Personnel

	Hours	Rate	Amount
Associate	1.00	145.00	145.00
Labor	1.00		145.00
Total Labor			145.00
		TOTAL AMOUNT DUE	\$145.00

Billed-To-Date Summary

	Current	Prior	Total
Labor	145.00	11,732.50	11,877.50
In-House	0.00	44.83	44.83
Totals	145.00	11,777.33	11,922.33

Invoice is due upon receipt.

Project Manager Kyle Anderson

Okay to pay
Acct. Code 05.71.0824.03

SMK

6-22-2011

Douglas County

ENGINEERS

Date 27-MAY-11

1 of 1

Remit To: Douglas County Treasurer
RM H03
1819 Farnam St.
Omaha NE 68183

Customer No: 28660

Bill To: CITY OF LAVISTA
8116 PARK VIEW BLVD
LAVISTA NE 68128

Ship To:

Sales Order Number:

Transaction Type: ENGINEERS

Payment Method: 12532

Invoice Number: 21653

Terms: 30 NET

Total Due: 5,000.00

PLEASE RETURN TOP PORTION WITH REMITTANCE

Item No.	DESCRIPTION	QTY	UOM	TAX	UNIT PRICE	EXTENDED PRICE
1	CITY OF LAVISTA 25% SHARE OF LAMP RYNEARSON & ASSOCIATES INVOICE 110088.01-6 FOR DOUGLAS COUNTY PROJECT C-28(498)A	5000	5000		1.00	5,000.00
SPECIAL INSTRUCTION				DUE DATE	TOTAL DUE	
				26-JUN-11	5,000.00	

O.K. to pay

05.71.0842.03

fmk
6/21/2011

ENGINEERS

C-28 (498) A



LAMP RYNEARSON
& ASSOCIATES
ENGINEERS | SURVEYORS | PLANNERS

14710 W. Dodge Rd., Ste. 100
Omaha, NE 68154
[P] 402.496.2498
[F] 402.496.2730
www.LRA-inc.com

REQ 13875

May 20, 2011

Invoice No: 0110088.01 - 0000006

DOUGLAS COUNTY
ATTN: MR. DAN KUTILEK
15505 WEST MAPLE ROAD
OMAHA, NE 68116-5173

Project	0110088.01	HELL CREEK STREAM STABILIZATION -PHASE I
<u>Professional Services through April 30, 2011</u>		
Task	016 FINAL DESIGN	<u>\$20,000.00</u>

TOTAL INVOICE AMOUNT	<u>\$20,000.00</u>
----------------------	--------------------

OK
TSK
5/26/11

Terms: Due Upon Receipt

BANK NO	BANK NAME	CHECK NO	DATE	VENDOR NO	VENDOR NAME	CHECK AMOUNT	CLEARED	VOIDED	MANUAL
1	Bank of Nebraska (600-873)								
		46144			Payroll Checks				
Thru		46150							
		46151			Gap in Checks				
Thru		104205							
104206	6/22/2011	2705	ANDERSON EXCAVATING COMPANY			8,379.60			**MANUAL**
104207	6/22/2011	4326	MIDWEST RIGHT OF WAY SVCS INC			1,724.00			**MANUAL**
104208	6/22/2011	4447	PPE INCORPORATED			8,450.00			**MANUAL**
104209	6/22/2011	3702	LAUGHLIN, KATHLEEN A, TRUSTEE			648.00			**MANUAL**
104210	6/27/2011	1270	PREMIER-MIDWEST BEVERAGE CO			184.50			**MANUAL**
104211	6/27/2011	1194	QUALITY BRANDS OF OMAHA			384.30			**MANUAL**
104212	7/05/2011	3348	3M			4,415.00			
104213	7/05/2011	4545	4 SEASONS AWARDS			30.00			
104214	7/05/2011	4354	A-RELIEF SERVICES INC			1,334.00			
104215	7/05/2011	2997	A.S.P. ENTERPRISES INC			722.50			
104216	7/05/2011	2892	AA WHEEL & TRUCK SUPPLY INC			55.04			
104217	7/05/2011	4332	ACCO UNLIMITED CORP			300.20			
104218	7/05/2011	886	ACCURATE TESTING INC			525.00			
104219	7/05/2011	762	ACTION BATTERIES UNLTD INC			92.31			
104220	7/05/2011	571	ALAMAR UNIFORMS			1,671.94			
104221	7/05/2011	3730	ALEX, MARY			185.03			
104222	7/05/2011	1060	AMERICAN BOTTLING COMPANY			161.96			
104223	7/05/2011	4550	AMMERMAN, JOHN			36.00			
104224	7/05/2011	536	ARAMARK UNIFORM SERVICES INC			209.30			
104225	7/05/2011	188	ASPHALT & CONCRETE MATERIALS			3,458.76			
104226	7/05/2011	2945	AVI SYSTEMS INC			2,700.00			
104227	7/05/2011	201	BAKER & TAYLOR BOOKS			1,649.58			
104228	7/05/2011	4241	BANKERS TRUST			500.00			
104229	7/05/2011	929	BEACON BUILDING SERVICES			6,712.00			
104230	7/05/2011	1784	BENNINGTON EQUIPMENT INC			738.89			
104231	7/05/2011	410	BETTER BUSINESS EQUIPMENT			53.19			
104232	7/05/2011	196	BLACK HILLS ENERGY			701.28			
104233	7/05/2011	56	BOB'S RADIATOR REPAIR CO INC			75.00			
104234	7/05/2011	4454	BRAKE, AUSTIN			100.00			
104235	7/05/2011	3760	BUETHE, PAM			188.30			
104236	7/05/2011	76	BUILDERS SUPPLY CO INC			66.18			
104237	7/05/2011	4024	CALENTINE, JEFFREY			30.00			
104238	7/05/2011	92	CARL JARL LOCKSMITHS			7.50			
104239	7/05/2011	152	CITY OF OMAHA			66,580.55			
104240	7/05/2011	3176	COMP CHOICE INC			.00	**CLEARED**	**VOIDED**	
104241	7/05/2011	3176	COMP CHOICE INC			.00	**CLEARED**	**VOIDED**	
104242	7/05/2011	3176	COMP CHOICE INC			2,367.00			
104243	7/05/2011	468	CONTROL MASTERS INCORPORATED			339.24			
104244	7/05/2011	1346	COSGRAVE COMPANY			94.00			
104245	7/05/2011	2158	COX COMMUNICATIONS			270.89			
104246	7/05/2011	1676	CRANE, RAY			31.00			
104247	7/05/2011	23	CUMMINS CENTRAL POWER LLC #410			526.97			
104248	7/05/2011	3136	D & D COMMUNICATIONS			160.00			

BANK NO	BANK NAME						
CHECK NO	DATE	VENDOR NO	VENDOR NAME	CHECK AMOUNT	CLEARED	VOIDED	MANUAL
104249	7/05/2011	3486	DANKO EMERGENCY EQUIPMENT CO	102.15			
104250	7/05/2011	270	DECOSTA SPORTING GOODS	28.99			
104251	7/05/2011	619	DELL MARKETING L.P.	824.86			
104252	7/05/2011	4076	DIGITAL ALLY INCORPORATED	172.50			
104253	7/05/2011	364	DULTMEIER SALES & SERVICE	19.30			
104254	7/05/2011	4551	DURAN, TAMMY	51.78			
104255	7/05/2011	159	DXP ENTERPRISES INC	52.52			
104256	7/05/2011	341	E & A CONSULTING GROUP	754.19			
104257	7/05/2011	3334	EDGEWEAR SCREEN PRINTING	117.00			
104258	7/05/2011	3789	ESRI INC	2,350.00			
104259	7/05/2011	3159	FASTENAL COMPANY	22.61			
104260	7/05/2011	1235	FEDEX KINKO'S	101.50			
104261	7/05/2011	1042	FELD FIRE	1,413.86			
104262	7/05/2011	142	FITZGERALD SCHORR BARMETTLER	26,723.05			
104263	7/05/2011	4050	FROEHLICH, RORY	100.00			
104264	7/05/2011	3984	G I CLEANER & TAILORS	157.75			
104265	7/05/2011	1344	GALE	638.92			
104266	7/05/2011	1248	GASSERT, MIKE	618.00			
104267	7/05/2011	35	GOLDMAN, JOHN G	85.00			
104268	7/05/2011	2062	GREAT WESTERN BANK	250.00			
104269	7/05/2011	71	GREENKEEPER COMPANY INC	1,145.75			
104270	7/05/2011	1624	GUNN, BRENDA	45.00			
104271	7/05/2011	387	HARM'S CONCRETE INC	117.35			
104272	7/05/2011	3775	HARTS AUTO SUPPLY LLC	284.00			
104273	7/05/2011	4552	HEALTH NET	42.48			
104274	7/05/2011	1403	HELGET GAS PRODUCTS INC	83.00			
104275	7/05/2011	2888	HOME DEPOT CREDIT SERVICES	139.78			
104276	7/05/2011	892	HONEYMAN RENT-ALL #1	685.79			
104277	7/05/2011	4555	HONEYMAN RENT-ALL #2	348.80			
104278	7/05/2011	1612	HY-VEE INC	51.29			
104279	7/05/2011	3440	ICSC-INTL COUNCIL OF SHPG CTRS	3,580.00			
104280	7/05/2011	162	INLAND TRUCK PARTS	636.73			
104281	7/05/2011	835	IVERSON, DENNIS	120.00			
104282	7/05/2011	1896	J Q OFFICE EQUIPMENT INC	5.56			
104283	7/05/2011	4291	J A HEIM FARMS	4,914.00			
104284	7/05/2011	100	JOHNSTONE SUPPLY CO	10.62			
104285	7/05/2011	788	KINDIG, DOUGLAS	80.00			
104286	7/05/2011	1054	KLINKER, MARK A	200.00			
104287	7/05/2011	4328	KOTTMANN, JOHN	160.37			
104288	7/05/2011	2394	KRIHA FLUID POWER CO INC	176.10			
104289	7/05/2011	253	LA VISTA CHAMBER OF COMMERCE	24.00			
104290	7/05/2011	2057	LA VISTA COMMUNITY FOUNDATION	50.00			
104291	7/05/2011	4425	LANDPORT SYSTEMS INC	125.00			
104292	7/05/2011	381	LANDS' END BUSINESS OUTFITTERS	455.50			
104293	7/05/2011	1241	LEAGUE ASSN OF RISK MGMT	1,111.00			
104294	7/05/2011	231	LEAGUE OF NEBRASKA MUNICIPAL	275.00			
104295	7/05/2011	2380	LEXIS NEXIS MATTHEW BENDER	37.47			
104296	7/05/2011	4254	LINCOLN NATIONAL LIFE INS CO	.00	**CLEARED**	**VOIDED**	
104297	7/05/2011	4254	LINCOLN NATIONAL LIFE INS CO	9,373.04			
104298	7/05/2011	1573	LOGAN CONTRACTORS SUPPLY	113.00			
104299	7/05/2011	263	LOVELAND GRASS PAD	293.74			
104300	7/05/2011	2124	LUKASIEWICZ, BRIAN	65.00			
104301	7/05/2011	838	LYMAN-RICHEY SAND & GRAVEL CO	206.75			

BANK NO	BANK NAME						
CHECK NO	DATE	VENDOR NO	VENDOR NAME	CHECK AMOUNT	CLEARED	VOIDED	MANUAL
104302	7/05/2011	544	MAPA-METRO AREA PLANNING AGNCY	75.00			
104303	7/05/2011	4456	MARKOWSKY, T J	100.00			
104304	7/05/2011	872	METROPOLITAN COMMUNITY COLLEGE	21,191.27			
104305	7/05/2011	553	METROPOLITAN UTILITIES DIST.	.00	**CLEARED**	**VOIDED**	
104306	7/05/2011	553	METROPOLITAN UTILITIES DIST.	.00	**CLEARED**	**VOIDED**	
104307	7/05/2011	553	METROPOLITAN UTILITIES DIST.	3,551.56			
104308	7/05/2011	2497	MID AMERICA PAY PHONES	100.00			
104309	7/05/2011	640	MID CONTINENT SAFETY LLC	675.00			
104310	7/05/2011	4479	MID-IOWA SOLID WASTE EQUIP CO	1,833.05			
104311	7/05/2011	1526	MIDLANDS LIGHTING & ELECTRIC	173.50			
104312	7/05/2011	2701	MIDWEST MUDJACKING INC	97.29			
104313	7/05/2011	1050	MILLER PRESS	270.00			
104314	7/05/2011	2382	MONARCH OIL INC	679.00			
104315	7/05/2011	2229	MOORE, WAYNE	18.00			
104316	7/05/2011	1028	NATIONAL PAPER COMPANY INC	350.64			
104317	7/05/2011	1965	NEBRASKA FIRE CHIEF'S ASSN	20.00			
104318	7/05/2011	2388	NEBRASKA NATIONAL BANK	1,858.43			
104319	7/05/2011	1290	NEBRASKA NOTARY ASSOCIATION	98.25			
104320	7/05/2011	31	NEBRASKA STATE VOLUNTEER	1,400.00			
104321	7/05/2011	4212	NEBRASKA TITLE COMPANY	400.00			
104322	7/05/2011	593	NEFF TOWING INC	235.00			
104323	7/05/2011	2631	NEXTEL COMMUNICATIONS	337.00			
104324	7/05/2011	2631	NEXTEL COMMUNICATIONS	204.63			
104325	7/05/2011	2304	NFPA	150.00			
104326	7/05/2011	1808	OCLC INC	28.40			
104327	7/05/2011	1014	OFFICE DEPOT INC-CINCINNATI	476.69			
104328	7/05/2011	79	OMAHA COMPOUND COMPANY	838.47			
104329	7/05/2011	319	OMAHA WINNELSON	20.67			
104330	7/05/2011	46	OMAHA WORLD HERALD COMPANY	4,897.10			
104331	7/05/2011	109	OMNIGRAPHICS	81.85			
104332	7/05/2011	976	PAPILLION TIRE INCORPORATED	207.14			
104333	7/05/2011	4346	PAPILLION-LA VISTA SOUTH BAND	50.00			
104334	7/05/2011	2686	PARAMOUNT LINEN & UNIFORM	373.40			
104335	7/05/2011	709	PEPSI COLA COMPANY	493.80			
104336	7/05/2011	1821	PETTY CASH-PAM BUETHE	87.73			
104337	7/05/2011	1821	PETTY CASH-PAM BUETHE	1,560.00			
104338	7/05/2011	4543	PHOENIX POOLS & WATERFALLS INC	50.00			
104339	7/05/2011	74	PITNEY BOWES INC-PA	.00	**CLEARED**	**VOIDED**	
104340	7/05/2011	74	PITNEY BOWES INC-PA	221.00			
104341	7/05/2011	1921	PRINCIPAL LIFE-FLEX SPENDING	209.25			
104342	7/05/2011	219	QWEST	1,147.43			
104343	7/05/2011	58	RAINBOW GLASS & SUPPLY	160.00			
104344	7/05/2011	1121	RALSTON ADVERTISING	189.00			
104345	7/05/2011	427	RAMIREZ, RITA M	43.00			
104346	7/05/2011	3139	RECORDED BOOKS, LLC	534.12			
104347	7/05/2011	3090	REGAL AWARDS OF DISTINCTION	47.95			
104348	7/05/2011	1783	RON TURLEY ASSOCIATES INC	800.00			
104349	7/05/2011	4037	RUSTY ECK FORD	34.15			
104350	7/05/2011	487	SAPP BROS PETROLEUM INC	.00	**CLEARED**	**VOIDED**	
104351	7/05/2011	487	SAPP BROS PETROLEUM INC	.00	**CLEARED**	**VOIDED**	
104352	7/05/2011	487	SAPP BROS PETROLEUM INC	29,102.00			
104353	7/05/2011	624	SAPP BROS SERVICE CENTERS	483.84			
104354	7/05/2011	2240	SARPY COUNTY COURTHOUSE	3,588.49			

BANK NO BANK NAME

CHECK NO DATE VENDOR NO VENDOR NAME CHECK AMOUNT CLEARED VOIDED MANUAL

104355	7/05/2011	2740 SARPY COUNTY FISCAL ADMINSTRTN	8,874.00	<u>APPROVED BY COUNCIL MEMBERS 7-5-11</u>		
104356	7/05/2011	4536 SHELTER DISTRIBUTION-MW	165.40			
104357	7/05/2011	3502 SID DILLON COMMERCIAL/FLEET	46,262.00			
104358	7/05/2011	738 SIGN IT	2,072.00			
104359	7/05/2011	2704 SMOOTHER CUT ENTERPRISES INC	1,650.00			
104360	7/05/2011	533 SOUCIE, JOSEPH H JR	60.00			
104361	7/05/2011	3838 SPRINT	120.45			
104362	7/05/2011	505 STANDARD HEATING AND AIR COND	289.00	<u>COUNCIL MEMBER</u>		
104363	7/05/2011	3069 STATE STEEL OF OMAHA	281.96			
104364	7/05/2011	4335 STOLTENBERG NURSERIES	379.00			
104365	7/05/2011	871 STOPAK, SCOTT	50.00			
104366	7/05/2011	4276 SUPERIOR VISION SVCS INC	367.84			
104367	7/05/2011	4539 SWANK MOTION PICTURES INC	421.00			
104368	7/05/2011	822 THERMO KING CHRISTENSEN	218.78	<u>COUNCIL MEMBER</u>		
104369	7/05/2011	4179 TITAN MACHINERY	138.00			
104370	7/05/2011	547 TODCO BARRICADE COMPANY	225.00			
104371	7/05/2011	4231 TORNADO WASH LLC	105.00			
104372	7/05/2011	4548 UNRUH, RITA	30.00			
104373	7/05/2011	2720 USI EDUCATION/GOV'T SALES	104.19			
104374	7/05/2011	4223 VAIL, ADAM	100.00	<u>COUNCIL MEMBER</u>		
104375	7/05/2011	4496 VALLEY OPORTUNAL WEAR LLC	880.58			
104376	7/05/2011	809 VERIZON WIRELESS	185.39			
104377	7/05/2011	766 VIERREGGER ELECTRIC COMPANY	360.22			
104378	7/05/2011	1174 WAL-MART COMMUNITY BRC	.00	**CLEARED** **VOIDED**		
104379	7/05/2011	1174 WAL-MART COMMUNITY BRC	952.10			
104380	7/05/2011	3571 WARD, DON	31.00			
104381	7/05/2011	4549 WOLFF, DEBBIE	270.00			
104382	7/05/2011	4540 WOWT	1,600.00			
104383	7/05/2011	3941 WPS MEDICARE PART B	296.40	<u>COUNCIL MEMBER</u>		

BANK TOTAL	322,431.52
OUTSTANDING	322,431.52
CLEARED	.00
VOIDED	.00

FUND	TOTAL	OUTSTANDING	CLEARED	VOIDED
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01	GENERAL FUND	161,289.23	161,289.23	.00	.00
02	SEWER FUND	125,427.49	125,427.49	.00	.00
04	BOND(S) DEBT SERVICE FUND	750.00	750.00	.00	.00
05	CONSTRUCTION	10,710.10	10,710.10	.00	.00
08	LOTTERY FUND	16,092.82	16,092.82	.00	.00
09	GOLF COURSE FUND	7,095.77	7,095.77	.00	.00
15	OFF-STREET PARKING	1,066.11	1,066.11	.00	.00

REPORT TOTAL	322,431.52
OUTSTANDING	322,431.52
CLEARED	.00
VOIDED	.00

+ Gross Payroll 6-24-11	250,926.21
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GRAND TOTAL	<u>\$573,357.73</u>
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COUNCIL MEMBER

CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
JULY 5, 2011 AGENDA

Subject:	Type:	Submitted By:
CONDITIONAL USE PERMIT AMENDMENT – AUTOMOBILE DISPLAY, SALES, SERVICE AND REPAIR, LOT 16 SOUTHPORT EAST	◆RESOLUTION ORDINANCE RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

SYNOPSIS

A public hearing has been scheduled for Council to consider an application for an amendment to allow for the expansion of the Conditional Use Permit for Lot 4, Performance Auto Plaza, to include Lot 16, Southport East, for Automobile Display, Sales, Service and Repair, generally located near Eastport Parkway and Harrison Streets.

FISCAL IMPACT

N/A.

RECOMMENDATION

Approval.

BACKGROUND

A public hearing has been scheduled to consider an application submitted by 90/370 LLC, on behalf of the property owner, R.S. Land, Inc., to approve a conditional use permit amendment to allow for the expansion of automobile display, sales, service and repair to Lot 16 Southport East from Lot 4, Performance Auto Plaza, generally located near Eastport Parkway and Harrison Streets. The properties are zoned C-3 Highway Commercial / Office Park. The proposal is to allow automobile display and sales on Lot 16, Southport East. The proposed use would occupy most of the 3.56 acre lot.

A detailed staff report is attached.

The Planning Commission held a public hearing on May 19, 2011 and unanimously recommended approval of the conditional use permit amendment to City Council.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF AN AMENDED CONDITIONAL USE PERMIT FOR AUTOMOBILE DISPLAY, SALES, SERVICE AND REPAIR ON LOT 4, PERFORMANCE AUTO PLAZA, AND LOT 16, SOUTHPORT EAST, LA VISTA, NEBRASKA.

WHEREAS, 90/370, LLC, has applied to amend the conditional use permit for automobile display, sales, service and repair on Lot 4, Performance Auto Plaza, to include Lot 16, Southport East; and

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

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

1. On June 21, 2011 the City Council approved the addition right of way dedication for Eastport Parkway. The City will record this document.
2. Amendments to the initial application have appeased items #2-5 of the City Engineer's Report. FAA approval will need to be obtained prior to any building permit approval.
3. The applicant has provided documentation approving of the release of the property from the Southport East covenants.
4. The design review for Lot 16 Southport East has been completed.
5. There will be no significant change in impact on existing infrastructure such as utilities and roads as a result of this CUP amendment.

NOW THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista hereby authorize the execution of an amended Conditional Use Permit in form and content submitted at this meeting, for 90/370, LLC, for automobile display, sales, service and repair on Lot 4, Performance Auto Plaza, and Lot 16, Southport East, subject to the conditions listed in the last recital above.

PASSED AND APPROVED THIS 5TH DAY OF JULY 2011.

CITY OF LA VISTA

ATTEST:

Douglas Kindig, Mayor

Pamela A. Buethe, CMC
City Clerk



**CITY OF LA VISTA
PLANNING DIVISION**

RECOMMENDATION REPORT

CASE NUMBER:

FOR HEARING OF: July 5, 2011
Report Prepared on: June 29, 2011

I. GENERAL INFORMATION

A. APPLICANT:
90/370, LLC

B. PROPERTY OWNER:
R.S. Land, Inc.

C. LOCATION:
East of Interstate 80, North of Harrison Street

D. LEGAL DESCRIPTION:
Lot 4 Performance Auto Plaza and Lot 16 Southport East, located in the NE ¼ of Section 18, Township 14 North, Range 12 East of the 6th P.M. Sarpy County, Nebraska.

E. REQUESTED ACTION(S):
Amendment of Conditional Use Permit to include Lot 16 Southport East

F. EXISTING ZONING AND LAND USE:
C-3 – Highway Commercial / Office Park District, Vacant

G. PURPOSE OF REQUEST:
Development of lot to allow for automobile display and sales.

H. SIZE OF SITE:
3.53 acres

II. BACKGROUND INFORMATION

A. EXISTING CONDITION OF SITE:
Generally flat with extensive slopes outside of property lines that lead up to Harrison Street and the Interstate.

B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:

- 1. North:** Vacant – I-1
- 2. East:** Agricultural\Vacant – TA\I-1\C-3
- 3. South:** Commercial – C-3
- 4. West:** Commercial – C-3

C. **RELEVANT CASE HISTORY:** The original Conditional Use Permit was approved on September 20, 2005.

D. **APPLICABLE REGULATIONS:**

1. Section 5.12 – C-3 Highway Commercial / Office Park District
2. Article 6 – Conditional Use Permits

III. ANALYSIS

A. **COMPREHENSIVE PLAN:**

The Future Land Use Map designates this property as commercial.

B. **OTHER PLANS: N/A**

C. **TRAFFIC AND ACCESS:**

1. The property has access to Eastport Parkway through the northern edge of the property.

D. **UTILITIES:**

All utilities are available to the site.

IV. REVIEW COMMENTS:

1. On June 21, 2011 the City Council approved the addition right of way dedication for Eastport Parkway. The City will record this document.
2. Amendments to the initial application have appeased items #2-5 of the City Engineer's Report (attached). FAA approval will need to be obtained prior to any building permit approval.
3. The applicant has provided documentation approving of the release of the property from the Southport East covenants.
4. The design review for Lot 16 Southport East has been completed (see attached letters.)
5. There will be no significant change in impact on existing infrastructure such as utilities and roads as a result of this CUP.

V. STAFF RECOMMENDATION:

Staff recommends approval of the amendment to the Conditional Use Permit for Performance Auto Plaza to include Lot 16 Southport East.

VI. PLANNING COMMISSION RECOMMENDATION:

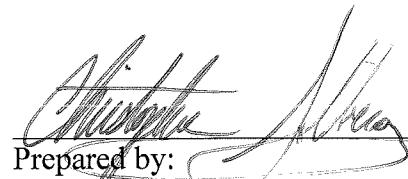
On May 19, 2011, the Planning Commission voted unanimously to approve the amendment contingent upon resolution of items.

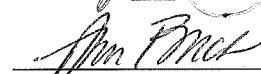
VII. ATTACHMENTS TO REPORT:

1. Draft Conditional Use Permit
2. Vicinity Map
3. Landscape Plan – E&A
4. ALTA\ACSM Land Title Survey – E&A
5. Post-Construction Storm Water Management Plan – E&A
6. Site Lighting Plan – E&A
7. City Engineer's Report

VII. COPIES OF REPORT SENT TO:

1. Steve Farrell, 90/370 LLC
2. Mick Diesing, R.S. Land, Inc.
3. Jeff Elliot, E&A Consulting Group
4. Larry Jobeun, Fullenkamp, Doyle & Jobeun
5. Public Upon Request


Prepared by:

 6-30-11
Community Development Director Date

City of La Vista Conditional Use Permit

Conditional Use Permit for Automobile Display, Sales, Service and Repair

This Conditional Use Permit issued this _____ day of _____, 2005/2011, by the City of La Vista, a municipal corporation in the County of Sarpy County, Nebraska ("City") to, Tal Anderson _____ ("Owner"), pursuant to the La Vista Zoning Ordinance.

WHEREAS, Owner wishes to expand an existing automobile display, sales, service and repair business upon the following described tracts of land within the City of La Vista zoning jurisdiction:

- Lot 4, Performance Auto Plaza located in the NW ¼ NE¼, Section 18, Township 14th North, Range 12 East of the 6th P.M. Sarpy County, Nebraska (7010 S. 124th Circle).
- Lot 16, Southport East, an Addition to the City of La Vista, as surveyed, platted and recorded in Sarpy County, Nebraska

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WHEREAS, Owner has applied for a conditional use permit for the purpose of expanding and operating an automobile display, sales, service and repair business; and

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

NOW, THEREFORE, BE IT KNOWN THAT subject to the conditions hereof, this conditional use permit is issued to the owner to use the area designated on Exhibit "A-1", and "A-2", and "A-3" hereto for an automobile display, sales, service and repair business, said use hereinafter being referred to as "Permitted Use or Use".

Conditions of Permit

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

1. The rights granted by this permit are transferable and any variation or breach of any terms hereof shall cause permit to expire and terminate without the prior written consent of the City (amendment to permit) or unless exempted herein.
2. In respect to the proposed Use:
 - a. A site plan showing the property boundaries of the tract of land and easements, proposed structures, parking, access points, and drives is provided on the Paving Plan, Sheet No. C-1 dated April 16, 2001, and on the Expansion Site Grading and Utilities Plan, Sheet No. C3.1 dated June 30, 2005 and on the Lot 16 Southport East Site Plan dated March 29, 2011, and attached to the permit as Exhibit "B".
 - b. The hours of operation for service will generally be from 7:00 a.m. to 6:00 p.m. Monday through Friday, 7:30 a.m. – 5:30 p.m. Saturday. Sales hours will be 8:30 a.m. to 9:00 p.m. Monday through Thursday and 9:00 a.m. to 6:00 p.m. on Friday and Saturday.
 - c. There will be approximately 870 employees to work full or part time.
 - d. The sales and service will consist of passenger vehicles.

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- e. There shall not be any outside storage of materials. All trash receptacles, benches and planters shall be placed on property and securely fastened to building or concrete.
- f. The premises shall be developed and maintained in accordance with the site plans (Sheets C-1 and C3.1 described above) as approved by the City and incorporated herein by this reference. Any modifications must be submitted to the Chief Building Official for approval.
- g. Exterior lighting, when used, shall enhance the building design and the adjoining landscape. Building fixtures shall be of a design and size compatible with the building and adjacent areas. Lighting shall be restrained in design and excessive brightness avoided. Lighting shall be designed to a standard that does not impact adjoining properties, especially residential areas. Lighting levels shall not exceed 75 foot candles at any point of the site. Street front display shall be designed for an average of 30 to 40 foot candles and any back storage areas shall be designed for an average of 10 to 20 foot candles. If adjoining properties are impacted such alternatives may include 1) reducing the light intensity between the hours of 11:00 p.m. and dusk and 2) turning off the perimeter lighting to the parking lot between 11:00 p.m. and dusk relying on the existing street lighting.
- h. Owner shall obtain all required permits from the City of La Vista and shall comply with any additional requirements as determined by the Chief Building Official, including, but not limited to, building, fire, and ADA.
- i. Owner shall comply (and shall ensure that all employees, invitees, suppliers, structures, appurtenances and improvements, and all activities occurring or conducted, on the premises at any time comply) with any applicable federal, state and/or local regulations, as amended or in effect from time to time, including, but not limited to, applicable environmental or safety laws, rules or regulations.
- j. Owner hereby indemnifies the City against, and holds the City harmless from, any liability, loss, claim or expense whatsoever (including, but not limited to, reasonable attorney fees and court cost) arising out of or resulting from the acts, omissions or negligence of the owner, his agents, employees, assigns, suppliers or invitees, including, but not limited to, any liability, loss, claim or expense arising out of or resulting from any violation on the premises of any environmental or safety law, rule or regulation.

3. In respect to the Gateway Corridor Overlay District and Performance Auto Plaza design criteria:

- a. Building Exterior (Style and Building Materials)
 - i. The elevation plans (Exterior Elevations, Sheet No. A2.1 dated May 2, 2001 and Building Elevations for the addition, Sheet No. A3.1 dated June 30, 2005 and attached as Exhibit C) and material submitted indicate a combination of integrally colored split face CMU, CMU and EIFS.
- b. Mechanical Units
 - i. The roof top mechanical units will be screened from all sides by roof top screens as shown in the building elevations (Exterior Elevations, Sheet No. A2.1 dated May 2, 2001 and Building Elevations for the addition, Sheet No. A3.1 dated June 30, 2005 and attached as Exhibit C) and the Second Floor and Roof HVAC plan (Sheet No. M2.2 dated May 2, 2001).
- c. Trash Enclosure
 - i. The Site and Paving Plan, Sheet No. C1.1 dated April 16, 2001 and the Site Dimension Plan, Sheet No. C4.1d dated June 30, 2005 and attached as Exhibit D indicate screening (trash enclosure) around the refuse dumpsters located on the south side of the building. The walls of the trash enclosure are to be split face CMU that matches the building and the two 48" wide x 60" high gates with steel frames will be finished to match the split face block.
- d. Exterior Light Fixtures
 - i. All exterior light fixtures used on this project according to the lighting plans (Electrical Site Plan, Sheet No. E0.1 dated May 2, 2001 and New Mechanical/Electrical Site Plan, Sheet Number ME1.0 dated June 30, 2005 and attached as Exhibit E) shall be "Design 129-29" by Quality Lighting as shown in the light fixture schedule on the Electrical Site Plan, Sheet No. E0.1 dated May 2, 2001 and shall be a round fixture on 27 ft. tall poles and white in color.
 - ii. All additional exterior light fixtures must be submitted for approval.

e. Landscaping and Site Treatment

- i. The Landscape Plan on Sheet No. LA1.1 dated April 29, 2002 (Exhibit "F-1"), the landscaping drainage channel plan as per wetland mitigation on Sheet No. 881-106 dated July 29, 2004 (Exhibit "F-2"), and the expansion Landscape Plan on Sheet No. LS1.1 dated August 8, 2005 (Exhibit "F-3") and the Lot 16 Southport East Landscape Plan dated March 29, 2011 has identified the required landscaping to the site and shall be incorporated accordingly.
- ii. Any changes to the landscape plan must be approved by the City of La Vista.

f. Signage

- i. All signs shall comply with the City's sign regulations.
- ii. No signage, easily visible from the interstate, shall be erected.

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

- a. An annual inspection to determine compliance with the conditions of approval. The conditional use permit may be revoked upon a finding by the City that there is a violation of the terms of approval.
- b. The use authorized by the conditional use permit must be initiated within one (1) year of approval and shall become void two (2) years after the date of approval unless the applicant has fully complied with the terms of approval.
- c. All obsolete or unused structures, accessory facilities or materials with an environmental or safety hazard shall be abated and/or removed at owner's expense within twelve (12) months of cessation of the conditional use.

5. Notwithstanding any other provision herein to the contrary, this permit, and all rights granted hereby, shall expire and terminate as to a permitted use hereunder upon the first of the following to occur:

- a. Owner's abandonment of the permitted use. Non-use thereof for a period of twelve (12) months shall constitute a presumption of abandonment.
- b. Cancellation, revocation, denial or failure to maintain any federal, state or local permit required for the Use.
- c. Owner's breach of any other terms hereof and his failure to correct such breach within ten (10) days of City's giving notice thereof.

6. If the permitted use is not commenced on Lot 16 Southport East within one (1) year from 20052011, this amendment to the Permit shall be null and void and all rights hereunder shall lapse, without prejudice to owner's right to file for an extension of time pursuant to the La Vista Zoning Ordinance. If the permitted use is not commenced within the aforementioned period and the Permit is declared null and void, the existing Permit will remain in effect for Lot 4 Performance Auto Plaza.

7. In the event of the owner's failure to promptly remove any safety or environmental hazard from the premises, or the expiration or termination of this permit and the owner's failure to promptly remove any permitted materials or any remaining environmental or safety hazard, the City may, at its option (but without any obligation to the owner or any third party to exercise said option) cause the same to be removed at owner's cost (including, but not limited to, the cost of any excavation and earthwork that is necessary or advisable) and the owner shall reimburse the City the costs incurred to remove the same. Owner hereby irrevocably grants the City, its agents and employees the right to enter the premises and to take whatever action as is necessary or appropriate to remove the structures or any environmental or safety hazards in accordance with the terms of this permit, and the right of the City to enter the premises as necessary or appropriate to carry out any other provision of this permit.

8. If any provision, or any portion thereof, contained in this agreement is held to be unconstitutional, invalid, or unenforceable, the remaining provisions hereof, or portions thereof, shall be deemed severable, shall not be affected, and shall remain in full force and effect.

Miscellaneous

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

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

Contact Name and Address: Kevin QuinnSteve Farrell
Performance Chrysler-Jeep-Dodge90/370 LLC
41910 W. Dodge Rd.11301 Davenport Street
Omaha, NE 68154

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Effective Date:

This permit shall take effect upon the filing hereof with the City Clerk a signed original hereof.

THE CITY OF LA VISTA

By Harold AndersonDouglas Kindig, Mayor

Attest:

Rita RamirezPamela A. Buethe
City Clerk

CONSENT AND AGREEMENT

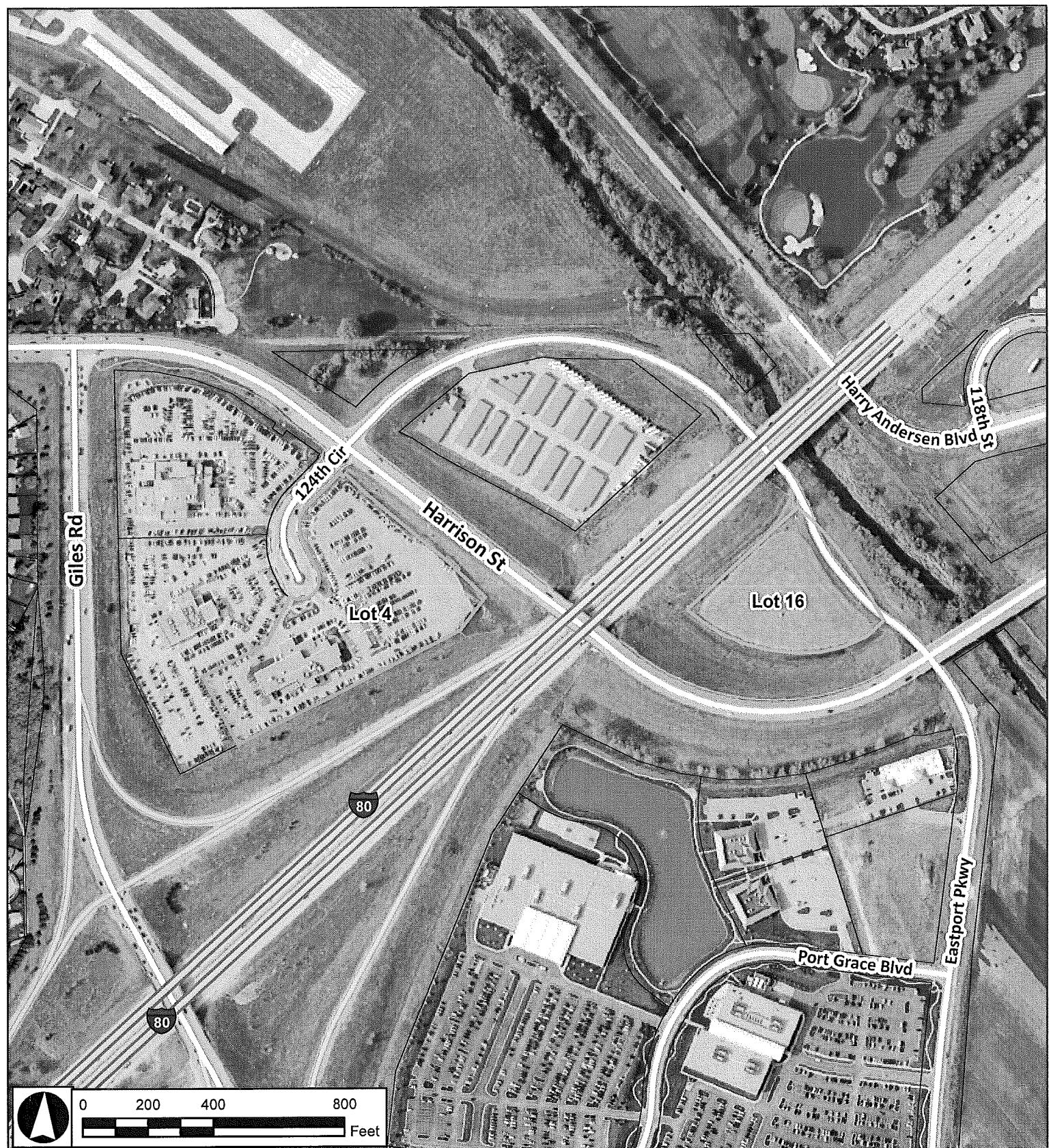
The undersigned does hereby consent and agree to the conditions of this permit and that the terms hereof constitute an agreement on the part of the undersigned to fully and timely perform each and every condition and term hereof, and the undersigned does hereby warrant, covenant and agree to fully and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

Owner:

By: _____

Title: _____

Date: _____



Vicinity Map

Performance Auto CUP Amendment

May 12, 2011
CAS





April 26, 2011

Mr. Christopher Solberg
City Planner
City of La Vista
8116 Park View Blvd.
La Vista, NE 68128

RE: Conditional Use Permit Application-Initial Review
Performance Auto-Lot 16, Southport East
Proposed Auto Sales in C-3 Zoning

Chris:

I have reviewed the site plan and documents accompanying the application that I received from you for a proposed conditional use permit for the Performance Auto Plaza expansion of sales area onto Lot 16 of Southport East. Based on the elements for consideration set forth in Article 6.05 of the Zoning Regulations, I have the following comments:

1. The applicant needs to submit a right-of-way dedication for the portion of Eastport Parkway as illustrated on the site plan. This dedication should be processed through the Planning Commission and City Council and is needed whether the CUP is approved or not. The CUP should not be approved if the dedication is not provided.
2. The applicant needs to prepare a conceptual Post Construction Storm Water Management Plan that provides for water quality treatment of the first-half inch of storm water runoff and provides for maintaining no increase in 2-year storm peak runoff flows above existing conditions. This is needed for compliance with the Papillion Creek Watershed Partnership policies. This should be submitted prior to Planning Commission consideration as it could impact the proposed site plan and the quantity of greenspace provided to meet the requirements.
3. I recommend that a Site Electrical/Lighting Plan be part of the CUP. It appears that this type of plan was included in the prior CUP documents.
4. In regards to the text of the CUP document I have a couple of comments as follow:
 - a. In Item 2.c, will the work force increase from the 80 that was previously stated?
 - b. Does Item 6 need to have the date changed to reflect the date of this amendment, if approved, and identified to pertain to the amendment and not the whole CUP?

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

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

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

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

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

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

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

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

5. The applicant should be aware that they will need to obtain a floodplain development permit, a grading and erosion control permit, and FAA approval as part of obtaining a building permit if the CUP is approved.

Please feel free to contact me if you have questions about my recommendations.



John M. Kottmann

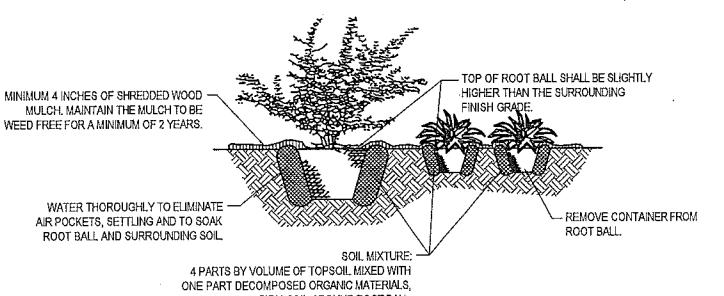
City Engineer



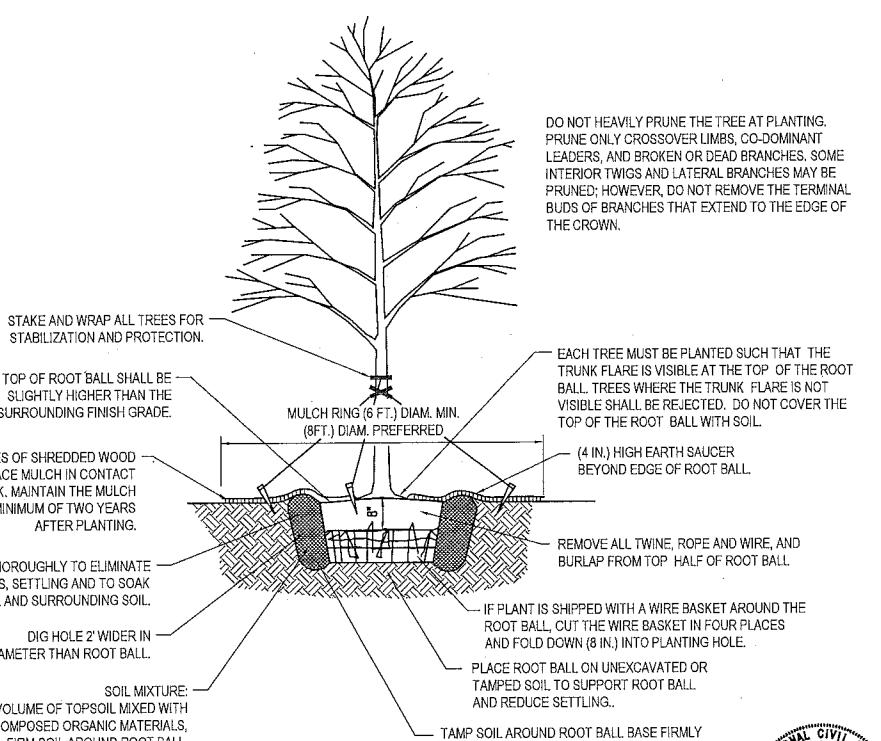
PLANT SCHEDULE

SYM	QTY	BOTANICAL NAME	COMMON NAME	SIZE	TYPE
A	18	<i>Gleditsia triacanthos 'Shademaster'</i>	Shademaster Honeylocust	3"	B&B
B	9	<i>Acer rubrum 'Franksred'</i>	Red Sunset Maple	3"	B&B
C	9	<i>Quercus rubra</i>	Northern Red Oak	3"	B&B
D	15	<i>Malus 'Spring Snow'</i>	Spring Snow Crabapple	2 1/2"	B&B
E	17	<i>Malus 'Indian Magic'</i>	Indian Magic Crabapple	2 1/2"	B&B
F	23	<i>Amelanchier canadensis</i>	Shadblow Serviceberry	2 1/2"	B&B
G	18	<i>Malus 'Snowdrift'</i>	Snowdrift Crabapple	2 1/2"	B&B
H	72	<i>Taxus densiformis</i>	Dense Yew	18-24"	CONT.
I	9	<i>Rosa 'Nearly Wild'</i>	Nearly Wild Rose	3 GAL	CONT.

NOTE: ALL ISLANDS AND PERIMETER WITHIN PROPERTY LINE TO BE SEEDED AND IRRIGATED.



SHRUB & PERENNIAL PLANTING DETAIL
NOT TO SCALE



EDICATION NOTES:

- Irrigation bid to include meter pit and MUD fees.
- Irrigation controller to be mounted in a steel utility box with hasp for pad lock.
- Irrigation system to be guaranteed for 1 year. Written guarantee to be supplied prior to final payment.
- Irrigation contractor responsible to winterize system one time.
- Irrigation contractor to furnish as built drawing of the system and catalogue cuts of the installed equipment prior to final payment.
- Irrigation contractor to provide owner and engineer an irrigation plan shop drawing and equipment catalog cuts for approval prior to installation.
- Contractor to coordinate work with other amenities contractors.

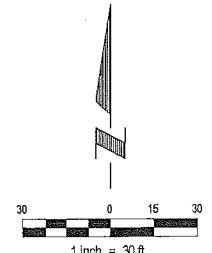
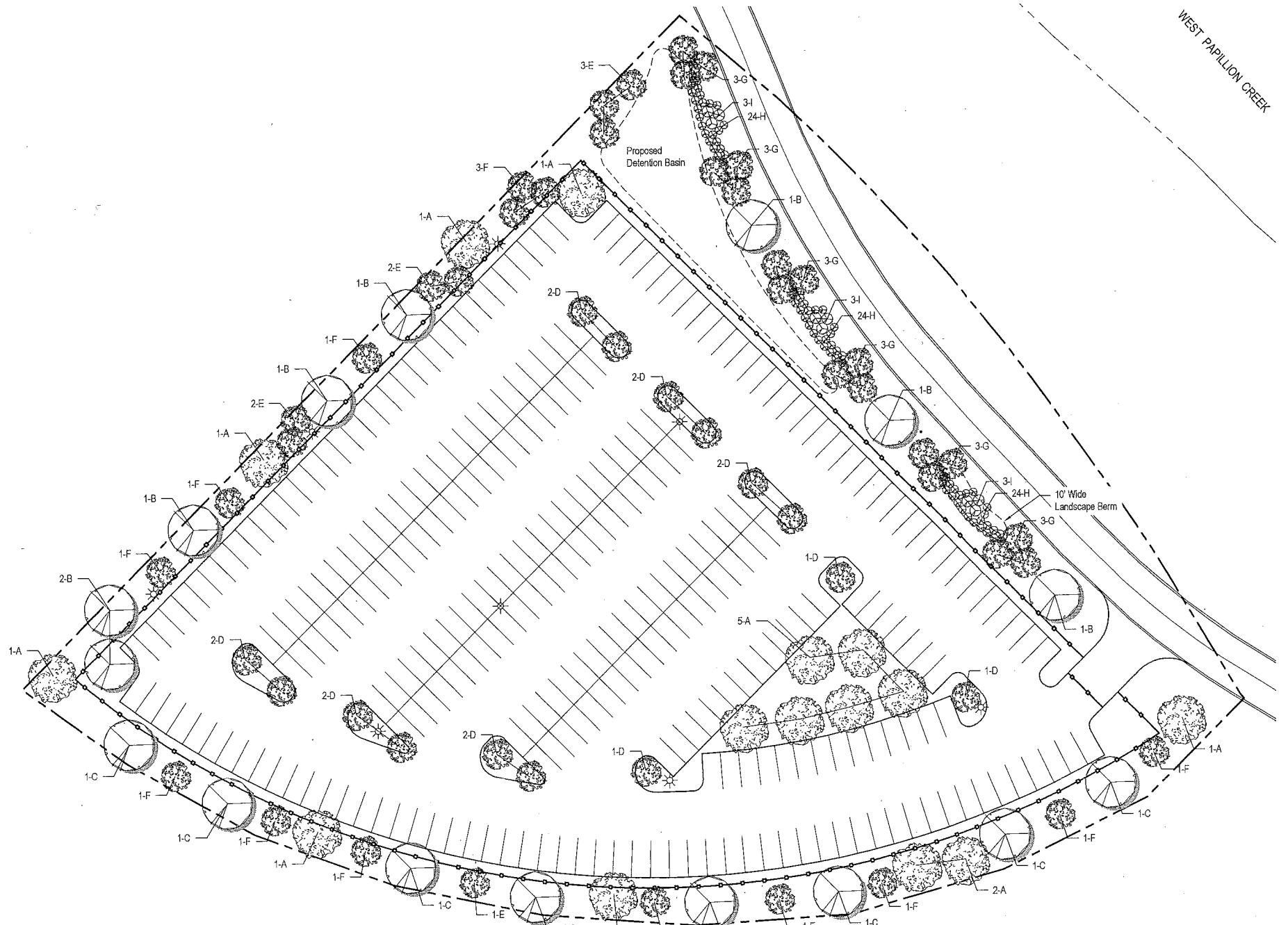
SEEING NOTES:

Seed to be installed as per City of Omaha specifications. Use the Type A seed in Table 802.06 Seed Application Rates of Part (D) of Section 802.03, which is the Tall Fescue in Table 802.01 Non-Irrigated Lawn and Turf Seed of Part (B) of Section 802.02.



LANDSCAPE NOTES:

1. Locate and verify the location of all underground utilities prior to the start of any construction. Care should be taken not to disturb any existing utilities during construction. Any damage to utilities or other improvements caused by the Contractor will be repaired at no cost to the Owner.
2. All plant material shall be of good quality and sizes shall meet required size specifications. Owner reserves the right to substitute plant material type, size and/or quantity.
3. All plants are to be watered in immediately after planting and then watered once a week for a period of two months from time of planting.
4. All plant material shall be guaranteed to be in a live and healthy growing condition for two full growing seasons (two years) after final project acceptance or shall be replaced free of charge with the same grade and species including labor.
5. Verify all dimensions and conditions prior to starting construction. The location of plant material is critical and shall be installed as indicated on plans. Field adjustments may be necessary based on field conditions (i.e., root ball and drop inlet conflict). All adjustments must be approved by the landscape architect.
6. The Landscape Contractor shall remove all construction debris and materials injurious to plant growth from planting pits and beds prior to backfilling with planting mix. All planting areas shall be free of weeds and debris prior to any work.
7. Provide locally available shredded hardwood mulch on all trees and in all planting beds to a 3-4 inch minimum depth on top of Landscape fabric unless otherwise noted. Mulch ring to extend 1'-0" minimum beyond planting pit. Minor site grading to be included if needed.
8. All trees are to be staked for a period of not less than one year from time of planting.
9. Contractor to coordinate work with other amenities contractors.

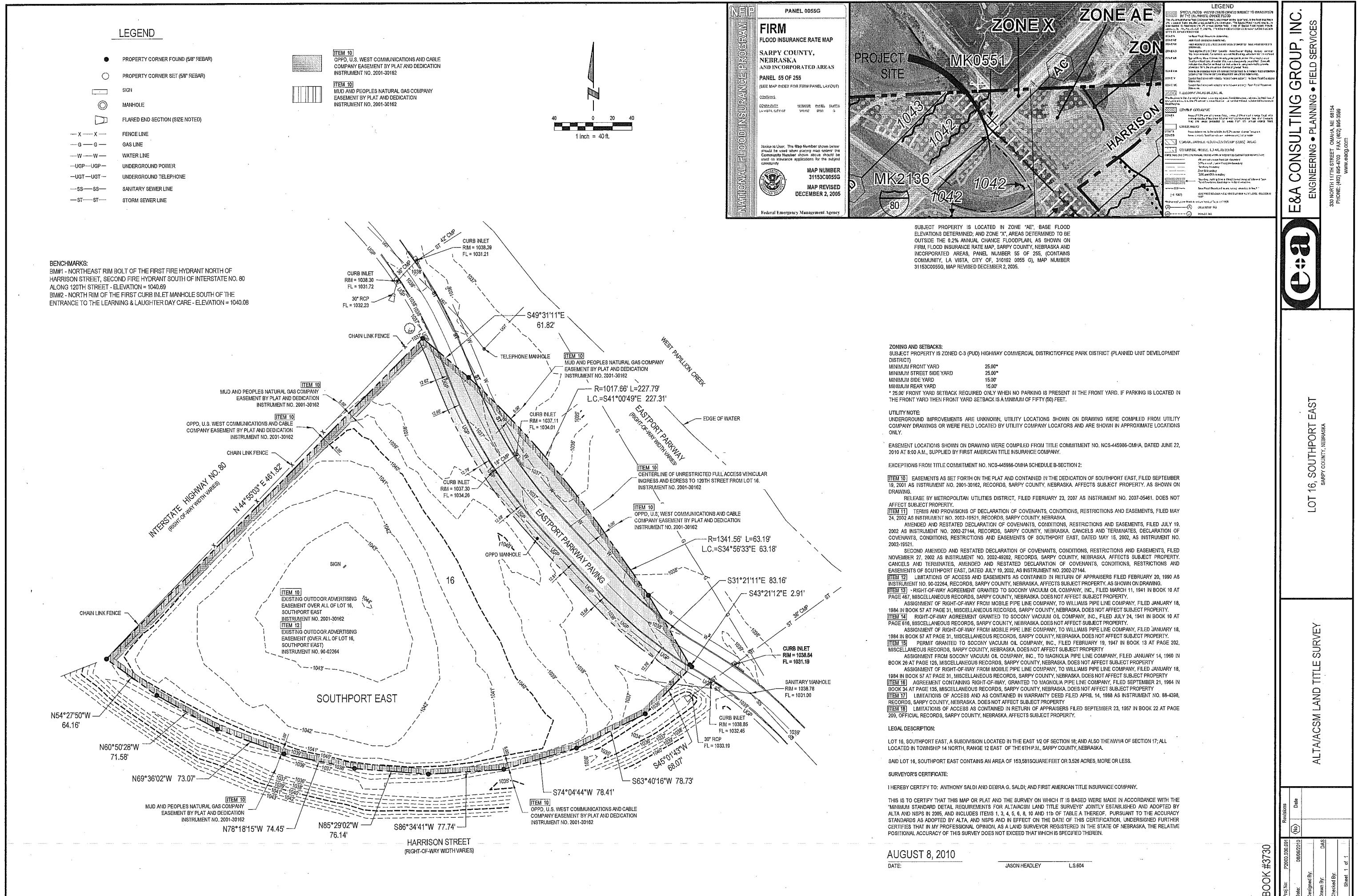


WEST PAPILLION CREEK

LOT 16 SOUTHPORT EAST

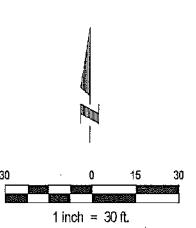
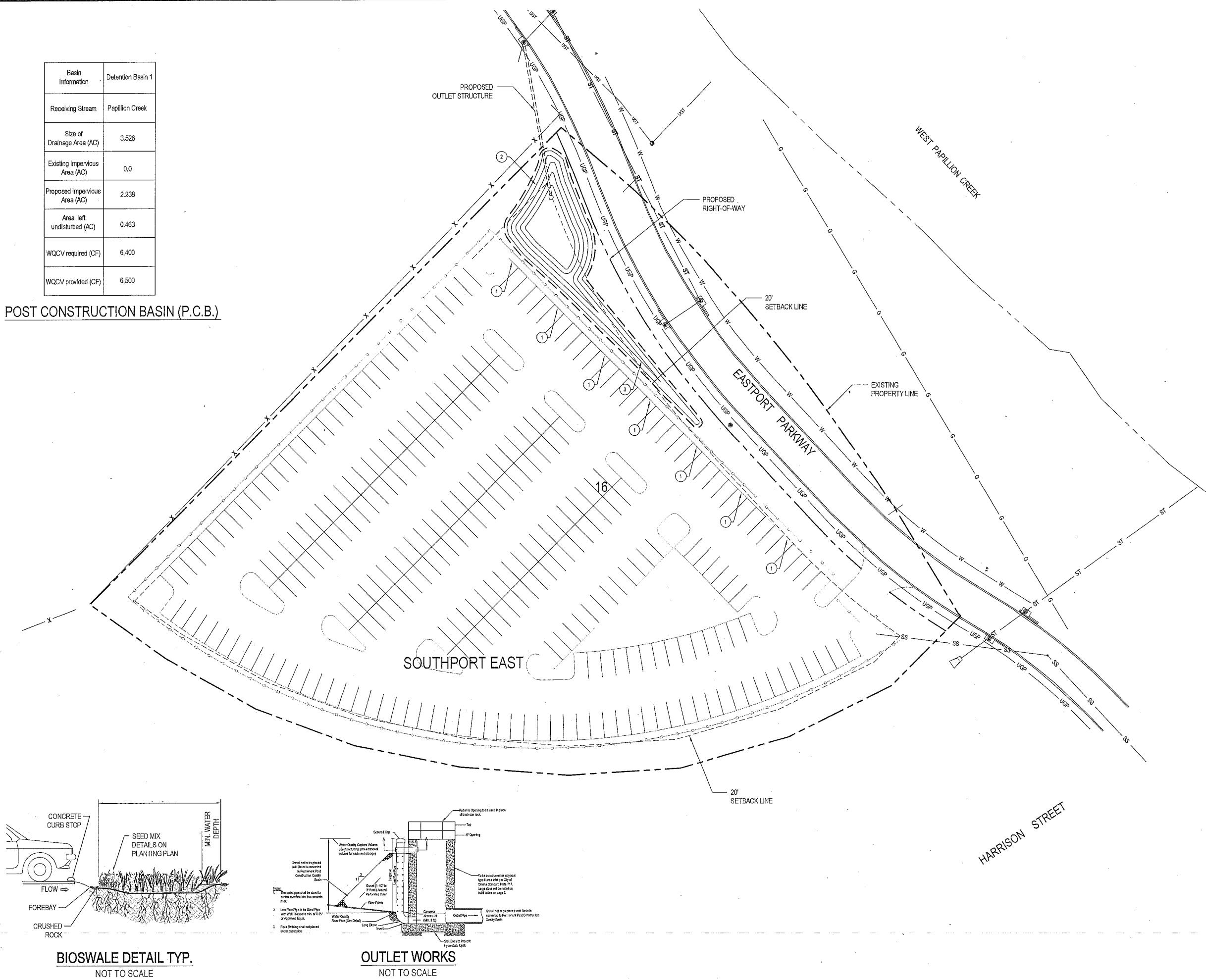
LANDSCAPE PLAN

 <p>E&G CONSULTING GROUP, INC.</p>		<p>ENGINEERING • PLANNING • FIELD SERVICES</p>	
		<p>338 NORTH 17TH STREET, OMAHA, NE 68154 PHONE: (402) 885-7100 FAX: (402) 885-3599 www.eacg.com</p>	
<p>LOT 16 SOUTHPORT EAST</p> <p>LA VISTA, NEBRASKA</p> <p>LANDSCAPE PLAN</p>			
Revised	Date	Revision	No.
	05/20/2011	1	05/20/2011
Designed By:	MAIT	Drawn By:	MAIT
Checked By:	JMT	Approved By:	JMT
<p>Sheet 1 of 1</p>			



Basin Information	Detention Basin 1
Receiving Stream	Papillion Creek
Size of Drainage Area (Ac)	3.526
Existing Impervious Area (Ac)	0.0
Proposed Impervious Area (Ac)	2.238
Area left undisturbed (Ac)	0.463
WQCV required (CF)	6,400
WQCV provided (CF)	6,500

POST CONSTRUCTION BASIN (P.C.B.)



LEGEND

- EXIST. PROPERTY LINE
- PROPOSED R.O.W.
- SETBACK LINE
- PROPOSED BASIN BOUNDARY
- PROPOSED 6' BLACK ALUMINUM SECURITY FENCE
- EXIST. WATER
- UGP — EXIST. UNDERGROUND POWER
- UGT — EXIST. UNDERGROUND TELEPHONE / TV LINE
- G — EXIST. GAS LINE
- X — EXIST. FENCE
- ST — EXIST. STORM SEWER
- SS — EXIST. SANITARY SEWER

NOTES

- ① 2' CURB CUT
- ② PROPOSED DETENTION BASIN
- ③ PROPOSED BIOSWALE

PROJECT INFORMATION

AREA LOT 16 3.526 Ac.
AREA LOT 16 LESS ROW 3.063 Ac.
OPEN SPACE 0.825 Ac.
PAVED IMPERVIOUS AREA 2.238 Ac.
PARKING SPACES PROVIDED 280

LEGAL DESCRIPTION:

LOT 16, SOUTHPORT EAST, A SUBDIVISION LOCATED IN THE EAST 1/2 OF SECTION 18; AND ALSO THE NW 1/4 OF SECTION 17; ALL LOCATED IN TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA.

E&A CONSULTING GROUP, INC.
ENGINEERING • PLANNING • FIELD SERVICES

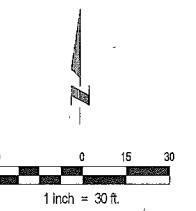
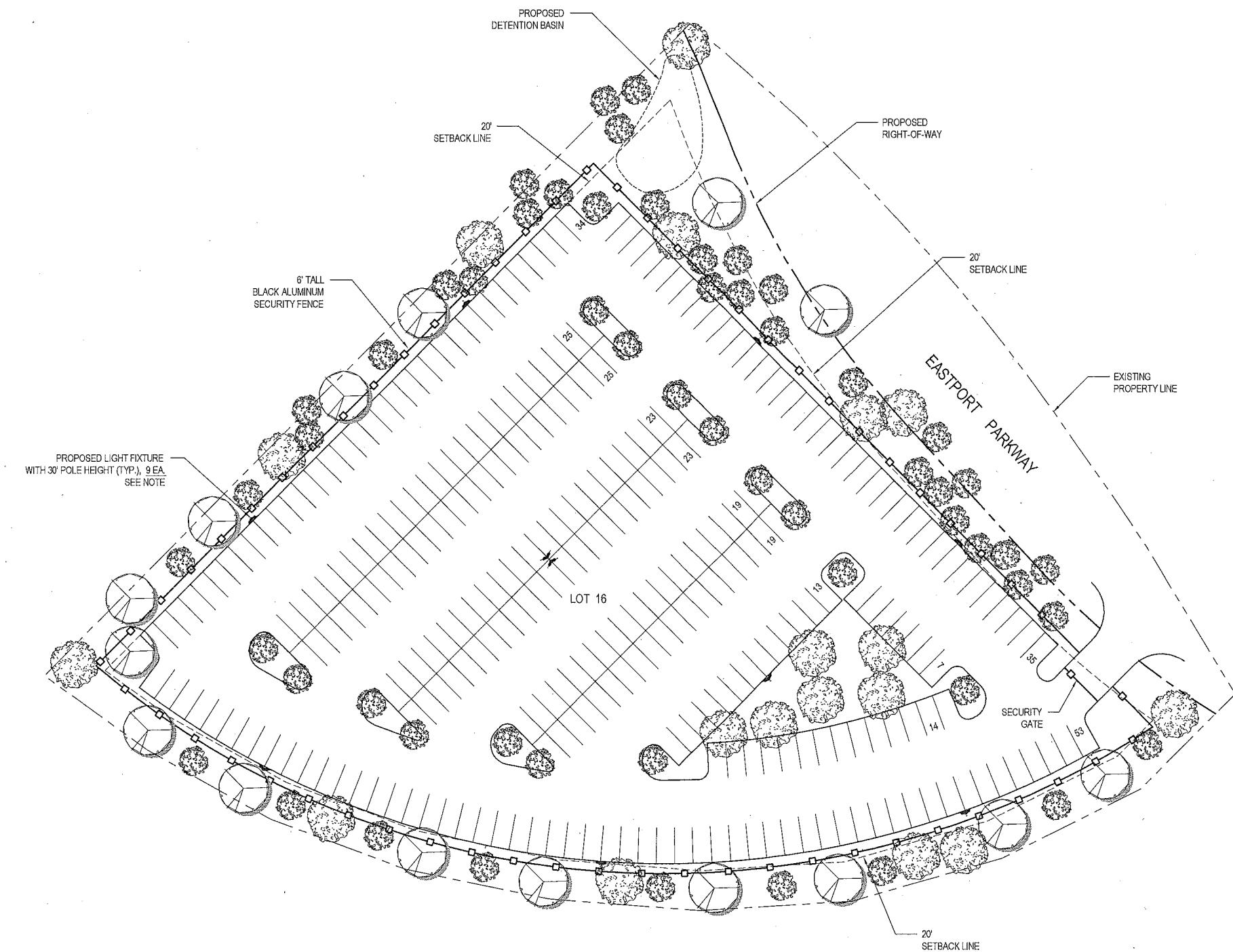
330 NORTH 117TH STREET, OMAHA, NE 68154
PHONE: (402) 855-4700 FAX: (402) 855-3569
www.eacg.com

LOT 16 SOUTHPORT EAST

LA VISTA, NEBRASKA

PCSMP
SITE PLAN

Proj. No.	P200-030-092	Revisions	
Date:	05/02/2011	Date:	
Designed By:	D.W.	Drawn By:	
Scale:	1" = 30'	Sheet:	1 of 1
R20111119-14-10 PM			



LEGEND

- Existing Property Line
- Proposed R.O.W.
- Setback Line
- Proposed 6' Black Aluminum Security Fence
- Proposed Light Fixture

NOTE:
LIGHT FIXTURES TO BE SIMILAR TO THOSE USED
AT PERFORMANCE AUTO PLAZA OF LA VISTA

PROJECT INFORMATION

AREA LOT 16	3.526 Ac.
AREA LOT 16 LESS ROW	3.063 Ac.
OPEN SPACE	1.014 Ac.
PAVED IMPERVIOUS AREA	1.202 Ac.
PARKING SPACES PROVIDED	290

LEGAL DESCRIPTION:

LOT 16, SOUTHPORT EAST, A SUBDIVISION LOCATED IN THE EAST 1/2 OF SECTION 18; AND ALSO THE NW1/4 OF SECTION 17; ALL LOCATED IN TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA.

HARRISON STREET

E&A E&A CONSULTING GROUP, INC.
ENGINEERING • PLANNING • FIELD SERVICES

330 NORTH 117TH STREET, OMAHA, NE 68154
PHONE: (402) 885-4700, FAX: (402) 885-3599
www.eaqc.com

LOT 16 SOUTHPOR EAST
LA VISTA, NEBRASKA

CONDITIONAL USE PERMIT
SITE LIGHTING PLAN

Proj No.	P2003030.092	Revisions
Date:	03/22/2011	(No) Date
Designed By:	JL	
Drawn By:	BY OTHERS	
Scale:	1" = 30'	Sheet 1 of 1
	REPRINT 15161925 PM	15161925 PM