

# MINUTE RECORD

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

## LA VISTA CITY COUNCIL MEETING September 7, 2010

A meeting of the City Council of the City of La Vista, Nebraska was convened in open and public session at 7:00 p.m. on September 7, 2010. 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 Library Director Linhart, Police Chief Lausten, Fire Chief Uhl, Finance Director Lindberg, Recreation Director Stopak, Public Works Director Soucie, Community Development Director Birch, Building and Grounds Director Archibald, and Human Resource Generalist Karen Fagin.

A notice of the meeting was given in advance thereof by publication in the Times on August 26, 2010. Notice was simultaneously given to the Mayor and all members of the City Council and a copy of the acknowledgment of the receipt of notice attached to the minutes. Availability of the agenda was communicated to the Mayor and City Council in the advance notice of the meeting. All proceedings shown were taken while the convened meeting was open to the attendance of the public. Further, all subjects included in said proceedings were contained in the agenda for said meeting which is kept continuously current and available for public inspection at City Hall during normal business hours.

Mayor Kindig called the meeting to order and led the audience in the pledge of allegiance.

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

### SERVICE AWARD – TOM KACMARYNSKI – 5 YEARS

Mayor Kindig recognized Tom Kacmarynski for 5 years of service to the City

### APPOINTMENTS – FIRE DEPARTMENT RECRUITS – CHRIS GOLEY, LEE KORTUS, MIKE WEBSTER

Mayor Kindig stated that with the approval of Council he would like to appoint Chris Goley, Lee Kortus, and Mike Webster to the position of Fire Department Recruit. Councilmember Sheehan motioned the approval, seconded by Councilmember Sell. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

### SPECIAL REPORT – BRUCE FOUNTAIN – SARPY COUNTY ECONOMIC DEVELOPMENT CORP.

Bruce Fountain representing the Sarpy County Economic Development Corporation presented the second quarter report to the Mayor and City Council.

#### A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. APPROVAL OF CITY COUNCIL MINUTES FROM AUGUST 17, 2010
3. APPROVAL OF PARK & RECREATION ADVISORY COMMITTEE MINUTES FROM AUGUST 18, 2010
4. REQUEST FOR PAYMENT – HERITAGE-CRYSTAL CLEAN, LLC – PROFESSIONAL SERVICES - \$8,500.00
5. REQUEST FOR PAYMENT – VOGL TRAFFIC SERVICES – PROFESSIONAL SERVICES - \$6,212.50
6. REQUEST FOR PAYMENT – NEBRASKA DEPT. OF ECONOMIC DEVELOPMENT – CDBG BLOCK GRANT FUNDS - \$117,592.00
7. APPROVAL OF CLAIMS

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

A-RELIEF SERVICES, LV50 Concert	930.00
AA WHEEL & TRUCK SUPPLY, Vehicle Maint.	43.56
ABE'S PORTABLES, Rentals	210.00
ACCO UNLIMITED, Supplies	399.70

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

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ADDLEMAN, RUSSELL Contract Services	31.00
AFTERNOOENER'S Meals	22.54
ALAMAR UNIFORMS Wearing Apparel	221.49
AMSAN, Supplies	156.64
ANDERSON ELECTRIC, Building Maint	204.00
AOI CORPORATION, Office Supplies	517.06
ARAMARK UNIFORM, Contract Services	478.22
ASPHALT & CONCRETE MATERIALS, Street Maint.	462.70
BABER, BRAD ,Training	330.00
BAKER & TAYLOR BOOKS, Books	3290.09
BANKERS TRUST, Bond	500.00
BARCAL, ROSE, Mileage	80.30
BCDM,Professional Services	52.50
BEACON BUILDING SERVICES, Contract Services	6712.00
BENNETT REFRIGERATION, Building Maint.	226.00
BENNINGTON EQUIPMENT, Equip Maint	537.61
BENSON RECORDS MANAGEMENT, Contract Services	57.44
BEST ACCESS SYSTEMS DIVISION, Supplies	17.80
BIG RIG TRUCK ACCESSORIES, Vehicle Maint	255.00
BLACK HILLS ENERGY, Utilities	2031.43
BLUE CROSS BLUE SHIELD, Insurance	63.27
BOOKPAGE, Subscription	432.00
BRADFORD, CARLOS, Contract Services	18.00
BUETHE, PAM, Phone	20.00
BUILDERS SUPPLY, Street Maint.	71.01
BURT, STACIA, Training	236.00
CABELA'S, Wearing Apparel	268.67
CALENTINE, JEFFREY, Phone	30.00
CITY OF OMAHA, Contract Services	44028.57
COLOMBO/PHELPS, Concessions	573.32
CONSTRUCTION EXAM CENTER,Training	1390.00
CORNHUSKER INTL, Vehicle Maint.	2846.51
COX, Phone/Contract Services	237.80
CREIGHTON EMS ED,Training	1985.00
CROSS DILLON TIRE, Vehicle Maint.	29.90
D & D COMMUNICATIONS, Radio repair	1836.00
DECOSTA SPORTING GOODS,Supplies	10.50
DINAN, DENNY, League supplies	55.47
DRUMMOND, SONNY, Contract Services	18.00
DULTMEIER SALES & SERVICE, Vehicle Maint.	133.37
EASTERN LIBRARY SYSTEM, Meals/Mileage	125.00
ENTERPRISE LOCKSMITHS, Building Maint.	49.00
FAIRWAY GOLF, Contract Services	90.00
FARQUHAR, MIKE, Auto allowance	100.00
FEDEX, shipping	27.43
FILTER CARE, Vehicle Maint.	118.20
FIREGUARD, Contract Serv./equipment	1660.60
FIRMATURE, STEVE, Contract Services	18.00
FITZGERALD SCHORR BARMETTLER, Professional Services	15336.85
FLOHR ELECTRIC SERVICE, Building Maint.	48.33
FROELICH, RORYAuto allowance	100.00
GALE, Books/periodical	150.96
GCR OMAHA TRUCK TIRE CENTER, Vehicle Maint.	336.45
GOLDMAN, JOHN G, Phone	85.00
GREAT PLAINS UNIFORMS, Wearing Apparel	24.75
GREAT WESTERN BANK, Financial	250.00
GREENKEEPER CO, Grounds Maint.	954.00
GUNN, BRENDA, Phone	45.00
H & H CHEVROLET, Vehicle Maint.	121.86
HANEY SHOE STORE, Wearing Apparel	120.00
HARRISON HYDRA-GEN, Vehicle Maint	106.86
HEARTLAND PAPER, Supplies	166.00
HEARTLAND SERVICES, Equip Repair	371.66
HEIMES CORP, Street Maint	207.72
HELGET GAS PRODUCTS, Supplies	115.50
HOBBY LOBBY STORES, Supplies	56.42

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HY-VEE, Supplies	9.17
INDUSTRIAL SALES CO, Building Maint.	1171.66
J Q OFFICE EQUIP, Contract Services	1456.17
JINECO EQUIP CO, Equip.	58.95
KAUFMAN TRAILERS, Equip.	3930.00
KINDIG, DOUGLAS, Phone	80.00
KLINKER, MARK A, Professional Services	200.00
KOTTMANN, JOHN, Phone/Mileage	190.00
KRIHA FLUID POWER CO, Vehicle Maint.	70.90
KUSTOM SIGNALS , Equip Repair	229.00
LA VISTA COMMUNITY FOUND, LV50	50.00
LANGLEY ANIMAL HOSPITAL, Contract Services	19.00
LARSEN SUPPLY CO, Supplies	161.00
LEAGUE OF NEB MUN, Dues	1124.00
LEAGUE OF NEB MUN, Dues	25867.00
LEXIS NEXIS, Books/periodical	1098.45
LIFE ASSIST, Supplies	3132.66
LINWELD, Street Maint/Supplies	114.92
LOGAN CONTRACTORS SUPPLY, Vehicle Maint.	246.59
LOU'S SPORTING GOODS, Supplies	19.98
LUKASIEWICZ, BRIAN, Phone	50.00
MALLARD SAND & GRAVEL CO, Grounds Maint.	25.00
MARTIN MARIETTA, Street Maint.	707.29
MCNAMARA, CASSLYN, Contract Services	60.00
MCNAMARA, VICTORIA, Contract Services	130.00
METHODIST HOSPITAL, Contract Services	350.00
MAT, Contract Services	614.00
METROPOLITAN COMMUNITY COLLEGE, Utilities	8765.53
MUD, Utilities	5471.92
MICHAEL TODD, Street Supplies	59.28
MID AMERICA PAY PHONES, Phone	100.00
MID CON SYSTEMS, Vehicle/Building Maint.	333.27
MIDLANDS LIGHTING & ELECTRIC, Building Maint.	64.47
MIDWEST DISTRIBUTING, Building Maint.	468.33
MIDWEST RIGHT OF WAY, Contract Services	3016.00
MONARCH OIL, Street Maint.	949.00
MOORE WALLACE, Printing/Postage	478.50
MOORE, WAYNE, Contract Services	18.00
MSC INDUSTRIAL SUPPLY, Supplies	62.25
NEBRASKA LAW ENFORCEMENT, Training	186.00
NEBRASKA NATIONAL BANK, Lease	1163.43
NEFF TOWING, Vehicle Maint.	280.00
NEXTEL, Phone	440.21
NEXTEL, Phone	201.13
NMC EXCHANGE, Street Maint.	400.00
OABR PRINT SHOP, Printing	4060.15

## REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

Police Chief Lausten informed Council the promotional process has begun to fill a sergeant vacancy and his hope is to complete this by the end of the month.

Fire Chief Uhl had firefighter T.J. Markowsky inform Council of the upcoming fundraising events for Mark Strong which will be a pancake breakfast on September 25, 2010 from 8-11 and a spaghetti feed on September 26, 2010 from 1-5. Free will donations will be accepted.

Buildings and Grounds Director Archibald informed Council that the new heating and air conditioning unit is at the District 1 Fire Station.

Library Director Barcal informed Council that their next 50<sup>th</sup> Anniversary event will be a guest speaker from Ireland at the Library on Saturday at 1:00 to help teach people how to write personal history and about genealogy. Also, September 21, 2010 is the day that Runza in La Vista will donate a portion of their proceeds to help the library buy books for kids and all are encouraged to dine there on that day to help the cause.

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## **B. FISCAL YEAR 10/11 MUNICIPAL BUDGET**

### **1. APPROPRIATIONS ORDINANCE – FINAL READING**

Human Resource Generalist Fagin on behalf of the City Clerk read Ordinance No. 1126 entitled: AN ORDINANCE TO APPROPRIATE THE SUMS OF MONEY DEEMED NECESSARY TO DEFRAY ALL OF THE NECESSARY EXPENSES AND LIABILITIES OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA FOR THE FISCAL PERIOD BEGINNING ON OCTOBER 1, 2010 AND ENDING ON SEPTEMBER 30, 2011; SPECIFYING THE OBJECTS AND PURPOSES FOR WHICH SUCH APPROPRIATIONS ARE MADE AND THE AMOUNT TO BE APPROPRIATED FOR EACH OBJECT OR PURPOSE; SPECIFYING THE AMOUNT TO BE RAISED BY TAX LEVY; PROVIDING FOR THE CERTIFICATION OF THE TAX LEVY HEREIN SENT TO THE COUNTY CLERK OF SARPY COUNTY; AND PRESCRIBING THE TIME WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT.

Councilmember Sell made a motion to approve final reading and adopt Ordinance No. 1126. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: Sheehan. Absent: None. Motion carried.

### **2. MASTER FEE ORDINANCE – FINAL READING**

Human Resource Generalist Fagin on behalf of the City Clerk read Ordinance No. 1127 entitled: AN ORDINANCE TO AMEND ORDINANCE NO. 1109, AN ORDINANCE TO ESTABLISH THE AMOUNT OF CERTAIN FEES AND TAXES CHARGED BY THE CITY OF LA VISTA FOR VARIOUS SERVICES INCLUDING BUT NOT LIMITED TO BUILDING AND USE, ZONING, OCCUPATION, PUBLIC RECORDS, ALARMS, EMERGENCY SERVICES, RECREATION, LIBRARY, AND PET LICENSING; SEWER AND DRAINAGE SYSTEMS AND FACILITIES OF THE CITY FOR RESIDENTIAL USERS AND COMMERCIAL USERS (INCLUDING INDUSTRIAL USERS) OF THE CITY OF LA VISTA AND TO GRANDFATHER EXISTING STRUCTURES AND TO PROVIDE FOR TRACT PRECONNECTION PAYMENTS AND CREDITS; REGULATING THE MUNICIPAL SEWER DEPARTMENT AND RATES OF SEWER SERVICE CHARGES; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE THE EFFECTIVE DATE HEREOF.

Councilmember Crawford made a motion to approve final reading and adopt Ordinance No. 1127. Seconded by Councilmember Quick. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

### **3. INCREASE BASE OF RESTRICTED FUNDS AUTHORITY**

#### **a. PUBLIC HEARING**

At 7:17 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the increase base of restricted funds authority

At 7:17 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. Absent: None. Motion carried.

#### **b. RESOLUTION – APPROVE BASE INCREASE**

Councilmember Quick introduced and moved for the adoption of Resolution No. 10-097 entitled; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, TO INCREASE THE BASE OF RESTRICTED FUNDS AUTHORITY IN THE 2010-11 MUNICIPAL BUDGET BY AN ADDITIONAL ONE PERCENT.

WHEREAS, the Mayor and City Council, after notice and public hearing as required by state statute, approved the 2010-11 municipal budget on September 7, 2010; and

WHEREAS, the unused restricted funds authority was included in the notice of budget hearing; and

WHEREAS, an increase in the base of restricted funds authority by an additional one percent in the 2010-11 municipal budget is allowed following the approval of at least 75% of the governing body.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska, do hereby authorize an increase in the base of restricted funds authority in the 2010-11 municipal budget by an additional one percent.

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

## 4. SETTING THE PROPERTY TAX LEVY

### a. PUBLIC HEARING

At 7:18 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on setting the property tax levy.

At 7:18 p.m. Councilmember Ellerbeck made a motion to close the public hearing. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

### b. RESOLUTION – APPROVE PROPERTY TAX LEVY

Councilmember Ellerbeck introduced and moved for the adoption of Resolution No. 10-098 A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA ESTABLISHING THE PROPERTY TAX REQUEST FOR FY 10/11.

WHEREAS, Nebraska Revised Statute 77-1601.02 provides that the property tax request for the prior year shall be the property tax request for the current year for purposes of the levy set by the County Board of Equalization unless the Mayor and City Council of the City of La Vista passes by a majority vote a resolution or ordinance setting the tax request at a different amount; and

WHEREAS, a special public hearing was held as required by law to hear and consider comments concerning the property tax request; and

WHEREAS, it is in the best interest of the City of La Vista that the property tax request for the current year be a different amount than the property tax request for the prior year.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of the City of La Vista, Nebraska, by a majority vote, hereby resolve that:

The FY 10/11 property tax request be set at \$5,496,449.32 which would require a mill levy of \$0.5235.

A copy of this resolution be certified and forwarded to the County Clerk prior to October 13, 2010.

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

## C. AMEND COMPENSATION ORDINANCE AND SET RATES OF AUTO AND PHONE ALLOWANCE

### 1. RESOLUTION

Councilmember Gowan introduced and moved for the adoption of Resolution No. 10-099: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING MONTHLY VEHICLE AND MOBILE PHONE ALLOWANCES FOR SPECIFIC OFFICERS AND EMPLOYEES OF THE CITY.

WHEREAS, the Mayor and City Council establish by ordinance the compensation for officers and employees of the City of La Vista and said ordinance establishes that the Mayor and Council may additionally fix by resolution such vehicle and other allowances as may from time to time be fixed in the municipal budget; and

WHEREAS, the FY11 municipal budget establishes funds for vehicle and mobile phone allowances for various officers and employees of the City and are recommended by the Finance Director and City Administrator.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize the following vehicle and mobile phone allowances:

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Position	Monthly Vehicle Allowance	Position	Monthly Vehicle Allowance
Mayor	\$150	City Clerk	\$100
City Administrator	\$300	Assistant City Administrator	\$75
1st Asst. Fire Chief	\$100	2nd Asst. Fire Chief	\$100
District Fire Chief	\$100	Public Information Officer – Fire	\$100
Community Development		City Planner	\$50
Director	\$50	Community Relations Coord.	\$55
Library Director	\$59	Asst. Library Director	\$43
Park Superintendent	\$40	Recreation Director	\$75

NOW THEREFORE BE IT FURTHER RESOLVED, that the Finance Director may establish monthly mobile phone allowances as follows: mobile phone service for the Recreation Director, Park Superintendent and Golf Course Superintendent in an amount not to exceed \$65; mobile phone data package charges for the City Administrator, Assistant City Administrator, and City Clerk in an amount not to exceed \$45; and mobile phone service and data package charges for the Mayor, Public Works Director, Street Superintendent, and City Engineer in an amount not to exceed \$85.

Seconded by Councilmember Ellerbeck. City Administrator Gunn informed Council that staff will be looking for a more uniform way to decide allowances for next year. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## 2. ORDINANCE

Councilmember Crawford introduced Ordinance No. 1129 entitled: AN ORDINANCE TO FIX THE COMPENSATION OF OFFICERS AND EMPLOYEES OF THE CITY OF LA VISTA; TO PROVIDE FOR THE REPEAL OF ALL PRIOR ORDINANCES IN CONFLICT HEREWITH; ORDERING THE PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM; AND TO PROVIDE THE EFFECTIVE DATE HEREOF. Said ordinance was read by title.

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

Said ordinance was then read by title and thereafter Councilmember Gowan moved for final passage of the ordinance which motion was seconded by Councilmember Ellerbeck. Councilmember Carlisle inquired as to why longevity was in the ordinance. Assistant City Administrator Ramirez stated that there is still longevity for those under contract. The Mayor then stated the question was, "Shall Ordinance No.1129 be passed and adopted?" Upon roll call vote the following Councilmembers voted aye: Sell, Ronan, Quick, Carlisle, Crawford, Ellerbeck, and Gowan. The following voted nay: Sheehan. 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.

## D. 2011-2015 CAPITAL IMPROVEMENT PROGRAM

### 1. PUBLIC HEARING

At 7:25 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the 2011-2015 Capital Improvement Program

At 7:25 p.m. Councilmember Ellerbeck made a motion to close the public hearing. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

### 2. RESOLUTION – ADOPTION OF 2011-2015 CAPITAL IMPROVEMENT PROGRAM

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 10-100 A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, APPROVING THE 2011-2015 CAPITAL IMPROVEMENT PROGRAM (CIP) FOR INFRASTRUCTURE AND OTHER CAPITAL IMPROVEMENTS FOR THE CITY OF LA VISTA.

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

WHEREAS, the La Vista Planning Commission has reviewed the 2011-2015 Capital Improvement Program (CIP) for the City of La Vista and recommends to Council approval of the Plan, and

WHEREAS, the Mayor and City Council of the City of La Vista, Nebraska held a public hearing on the City of La Vista's 2011-2015 Capital Improvement Program (CIP) for infrastructure and other capital improvements for the City of La Vista; and

WHEREAS, the citizens of the City of La Vista have therefore had an opportunity to comment on the 2011-2015 Capital Improvement Program (CIP) for infrastructure and other capital improvements for the City of La Vista as submitted and reviewed by the La Vista City Council.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of La Vista, Nebraska that the 2011-2015 Capital Improvement Program (CIP) for infrastructure and other capital improvements for the City of La Vista as submitted and reviewed by the Mayor and City Council of the City of La Vista be, and the same hereby is, accepted and approved.

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

## E. RESOLUTION – AUTHORIZATION TO PURCHASE – PIPELINE TELEVISION INSPECTION SYSTEM (TABLED FROM 8/17/10 MEETING)

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 10-101; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE PURCHASE OF ONE (1) 2010 CUES MULTI CONDUCTOR PIPELINE TELEVISION INSPECTION SYSTEM FROM WOODHOUSE FORD, BLAIR, NE IN AN AMOUNT NOT TO EXCEED \$159,466.00.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of said pipeline television inspection system for the Public Works Department is necessary; and

WHEREAS, the FY 2010/11 Sewer Fund includes funds for the purchase of said pipeline television inspection system; and

WHEREAS, Woodhouse Ford has submitted the lowest most responsible bid for a pipeline television inspection system; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska, do hereby authorize the purchase of one (1) 2010 Cues Multi Conductor Pipeline Television Inspection System in an amount not to exceed \$159,466.00.

Seconded by Councilmember Sell. Public Works Director Soucie informed Council that his questions and concerns have been resolved and he is ready to move forward with this purchase. Councilmember Quick asked if Papillion would get the old camera and Soucie stated that they would. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## F. RESOLUTION - INTERLOCAL AGREEMENT METRO AREA DRUG TASK FORCE

Councilmember Sell introduced and moved for the adoption of Resolution No. 10-102; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING AN INTERLOCAL COOPERATION AGREEMENT WITH THE "PARTICIPATING AGENCIES" OF THE METRO AREA DRUG TASK FORCE (UNITED STATES DEPARTMENT

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OF JUSTICE-FBI & DEA, UNITED STATES DEPARTMENT OF TREASURY-IRS, CITY OF OMAHA, CITY OF BELLEVUE, CITY OF PAPILLION, SARPY COUNTY SHERIFF, DOUGLAS COUNTY SHERIFF, AND THE NEBRASKA STATE PATROL).

WHEREAS, it is the belief of informed law enforcement administrators that the most effective enforcement effort against drug trafficking and related crime in the Omaha/East Central Nebraska Metropolitan area can best be achieved through the cooperative efforts of multi-agency enforcement; and

WHEREAS, the provisions of Nebraska State Statutes Sections 13-801, et. seq., provide authority for the City of La Vista to join with other governmental agencies on a basis of mutual advantage and in a manner that will accord best with geographic, economic, population and other factors by signing an Interlocal Cooperation Agreement; and,

WHEREAS, Douglas County, Sarpy County, City of Bellevue, City of Papillion, City of Omaha, Nebraska State Patrol, United States Department of Treasury-Internal Revenue Service, and the United States Department of Justice-FBI & DEA are desirous of and agreeable to an extension of an Interlocal Cooperation Agreement forming a Metropolitan area drug task force;

WHEREAS, such an agreement is in the best interests of the citizens of the City of La Vista.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of La Vista, Nebraska, hereby authorize the Mayor to execute an Interlocal Cooperation Agreement with Douglas County, Sarpy County, City of Bellevue, City of Papillion, City of Omaha, Nebraska State Patrol, United States Department of Treasury-Internal Revenue Service, and the United States Department of Justice-FBI & DEA.

Seconded by Councilmember Quick. Councilmember Carlisle asked Police Chief Lausten if he sits on the board and he stated that he does. Lausten informed Council that with this new agreement La Vista will be eligible for grant money. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried

## G. RESOLUTION – SPECIAL DESIGNATED LIQUOR LICENSE APPLICATION – JDJND INC DBA JD'S LIQUOR LOCKER

Councilmember Sell introduced and moved for the adoption of Resolution No. 10-103; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE CONSUMPTION OF ALCOHOL AT A BEER TASTING EVENT AT 8052 SOUTH 84TH STREET ON OCTOBER 9, 2010.

WHEREAS, 8052 South 84<sup>th</sup> Street is located within the City of La Vista; and

WHEREAS, JDJND Inc dba JD's Liquor Locker has requested approval of a Special Designated Permit to serve beer at a tasting/sampling event at 8052 South 84<sup>th</sup> Street on October 9, 2010 from 1:00 p.m. to 3:00 p.m.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize JDJND Inc dba JD's Liquor Locker to proceed with the application for a "Special Designated License" from the Nebraska Liquor Control Commission to serve alcohol at 8052 South 84<sup>th</sup> Street, in conjunction with a tasting/sampling event.

Seconded by Councilmember Sheehan. J D Dropinski was in attendance to answer questions. Councilmember Carlisle asked if this was for a fundraiser. Dropinski stated that it is not but a sampler for the craft beers. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried

## H. DISCUSSION – AMEND THE TRAFFIC CODE

Discussion was held regarding proposed changes to the La Vista City Code regarding traffic tickets and the enforcement of. These changes would give a violator an appeal process along with other changes. With the direction of Council, Police Lausten will proceed with the proposed changes for a future meeting and will have the changes reviewed by the City Attorney.

# MINUTE RECORD

## I. SPECIAL ASSESSMENTS

### 1. PUBLIC HEARING

At 7:47 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on special assessments.

At 7:47 p.m. Councilmember Ellerbeck made a motion to close the public hearing. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

### 2. RESOLUTION

Councilmember Ellerbeck introduced and moved for the adoption of Resolution No. 10-104 A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE LA VISTA CITY CLERK TO FILE WITH THE SARPY COUNTY TREASURER A SPECIAL ASSESSMENT FOR PROPERTY IMPROVEMENTS AT LOCATIONS AND IN AMOUNTS CITED HEREIN.

WHEREAS, the property owners of 7121 Harrison St/Lot 1C EX PT TO RD/LA Vista Replat \$19,759.08; and were notified to clean up their property as they were in violation of multiple City of La Vista building, mechanical and electrical codes, or the City would do so and bill them accordingly, and

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

WHEREAS, the City sent the property owners bills for said clean up which have not been paid, and

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

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

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

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

### COMMENTS FROM THE FLOOR

Mayor Kindig asked if there were any comments from the floor; and stated that anyone having comments should limit them to three minutes. Public Works Director Soucie informed Council that the strip mall on 83<sup>rd</sup> Street will be demolished beginning the end of this week. The tire collection at public works will be held September 24<sup>th</sup> and 25<sup>th</sup>. The Golf Course will be closed on September 13<sup>th</sup> to be aerated. Work will begin on 108<sup>th</sup> and Chandler beginning October 4<sup>th</sup>.

## J. EXECUTIVE SESSION – PERSONNEL; CONTRACT NEGOTIATIONS

At 7:51 p.m. Councilmember Carlisle made a motion to go into executive session for protection of the public interest for contract negotiations, and for the protection of the reputation of an individual to discuss personnel matters. Seconded by Councilmember Ellerbeck. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried. Mayor Kindig stated the executive session would be limited to the subject matter contained in the motion.

# MINUTE RECORD

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

September 7, 2010

At 8:45 p.m. the Council came out of executive session. Councilmember Carlisle made a motion to reconvene in open and public session. Seconded by Councilmember Ellerbeck. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## COMMENTS FROM MAYOR AND COUNCIL

None.

At 8:48 p.m. Councilmember Crawford made a motion to adjourn the meeting. Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

PASSED AND APPROVED THIS 21ST DAY OF SEPTEMBER 2010

CITY OF LA VISTA

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Douglas Kindig, Mayor

ATTEST:

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Pamela A. Buethe, CMC  
City Clerk





BANK NO	BANK NAME	CHECK NO	DATE	VENDOR NO	VENDOR NAME	CHECK AMOUNT	CLEARED	VOIDED	MANUAL
1	Bank of Nebraska (600-873)								
101285	9/08/2010	4397	EASYWAY INTERNATIONAL			117,592.00			**MANUAL**
101286	9/08/2010	4178	HERITAGE CRYSTAL CLEAN LLC			8,500.00			**MANUAL**
101287	9/08/2010	1594	VOGEL TRAFFIC SERVICES			6,212.50			**MANUAL**
101288	9/10/2010	4399	BEAM-CLARKE, CHERRIE			157.00			**MANUAL**
101289	9/14/2010	3702	LAUGHLIN, KATHLEEN A, TRUSTEE			648.00			**MANUAL**
101290	9/21/2010	4252	84TH STREET CAFE			544.00			
101291	9/21/2010	3501	A & C TREE SERVICE			1,200.00			
101292	9/21/2010	2892	AA WHEEL & TRUCK SUPPLY INC			62.42			
101293	9/21/2010	268	AKSARBEN HEATING/ARS			12,596.75			
101294	9/21/2010	571	ALAMAR UNIFORMS			166.98			
101295	9/21/2010	1973	ANN TROE			735.00			
101296	9/21/2010	1302	AOI CORPORATION			1,096.14			
101297	9/21/2010	536	ARAMARK UNIFORM SERVICES INC			276.98			
101298	9/21/2010	188	ASPHALT & CONCRETE MATERIALS			147.10			
101299	9/21/2010	1839	BCDM-BERINGER CIACCIO DENNELL			707.50			
101300	9/21/2010	3965	BRAUMONT, MITCH			80.50			
101301	9/21/2010	793	BENNETT REFRIGERATION			948.00			
101302	9/21/2010	1784	BENNINGTON EQUIPMENT INC			873.34			
101303	9/21/2010	3774	BENSON RECORDS MANAGEMENT CTR			57.44			
101304	9/21/2010	410	BETTER BUSINESS EQUIPMENT			49.17			
101305	9/21/2010	196	BLACK HILLS ENERGY			21.11			
101306	9/21/2010	56	BOB'S RADIATOR REPAIR CO INC			220.00			
101307	9/21/2010	2757	BOBCAT OF OMAHA			33.82			
101308	9/21/2010	1242	BRENTWOOD AUTO WASH			84.00			
101309	9/21/2010	2625	CARDMEMBER SERVICE-ELAN			.00	**CLEARED**	**VOIDED**	
101310	9/21/2010	2625	CARDMEMBER SERVICE-ELAN			.00	**CLEARED**	**VOIDED**	
101311	9/21/2010	2625	CARDMEMBER SERVICE-ELAN			10,218.85			
101312	9/21/2010	1195	CHEMSEARCH			102.88			
101313	9/21/2010	83	CJ'S HOME CENTER			.00	**CLEARED**	**VOIDED**	
101314	9/21/2010	83	CJ'S HOME CENTER			.00	**CLEARED**	**VOIDED**	
101315	9/21/2010	83	CJ'S HOME CENTER			.00	**CLEARED**	**VOIDED**	
101316	9/21/2010	83	CJ'S HOME CENTER			879.03			
101317	9/21/2010	836	CORNHUSKER INTL TRUCKS INC			511.57			
101318	9/21/2010	2158	COX COMMUNICATIONS			224.25			
101319	9/21/2010	3136	D & D COMMUNICATIONS			185.50			
101320	9/21/2010	619	DELL MARKETING L.P.			.00	**CLEARED**	**VOIDED**	
101321	9/21/2010	619	DELL MARKETING L.P.			.00	**CLEARED**	**VOIDED**	
101322	9/21/2010	619	DELL MARKETING L.P.			.00	**CLEARED**	**VOIDED**	
101323	9/21/2010	619	DELL MARKETING L.P.			.00	**CLEARED**	**VOIDED**	
101324	9/21/2010	619	DELL MARKETING L.P.			.00	**CLEARED**	**VOIDED**	
101325	9/21/2010	619	DELL MARKETING L.P.			10,297.12			
101326	9/21/2010	364	DULTMEIER SALES & SERVICE			2.66			
101327	9/21/2010	3334	EDGEWEAR SCREEN PRINTING			280.80			
101328	9/21/2010	4110	EMERGENCY SERVICES MARKETING			45.08			
101329	9/21/2010	3460	FEDEX			16.95			
101330	9/21/2010	1245	FILTER CARE			27.40			
101331	9/21/2010	3132	FORT DEARborn LIFE INSURANCE			1,328.50			
101332	9/21/2010	4401	FOSTER, JASON			41.49			
101333	9/21/2010	3705	FUTUREWARE DISTRIBUTING INC			95.00			
101334	9/21/2010	53	GCR OMAHA TRUCK TIRE CENTER			207.00			
101335	9/21/2010	966	GENUINE PARTS COMPANY-OMAHA			.00	**CLEARED**	**VOIDED**	

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03.30.09

Tue Sep 21, 2010 9:03 AM

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City of LaVista  
ACCOUNTS PAYABLE CHECK REGISTER

OPER: AKH

PAGE 2

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101336	9/21/2010	966 GENUINE PARTS COMPANY-OMAHA	.00	**CLEARED**	**VOIDED**
101337	9/21/2010	966 GENUINE PARTS COMPANY-OMAHA	994.11		
101338	9/21/2010	285 GRAYBAR ELECTRIC COMPANY INC	276.09		
101339	9/21/2010	385 GREAT PLAINS ONE-CALL SVC INC	366.04		
101340	9/21/2010	71 GREENKEEPER COMPANY INC	206.20		
101341	9/21/2010	2224 FRED PETERSON	50.00		
101342	9/21/2010	3885 GROSSENBACHER BROTHERS INC	217.50		
101343	9/21/2010	2407 HEIMES CORPORATION	220.50		
101344	9/21/2010	1403 HELGET GAS PRODUCTS INC	10.00		
101345	9/21/2010	797 HOBBY LOBBY STORES INC	26.00		
101346	9/21/2010	2888 HOME DEPOT CREDIT SERVICES	299.00		
101347	9/21/2010	136 HUNTEL COMMUNICATIONS, INC	201.00		
101348	9/21/2010	3646 INTERNATIONAL CODE COUNCIL INC	852.00		
101349	9/21/2010	1896 J Q OFFICE EQUIPMENT INC	368.28		
101350	9/21/2010	831 JOHN DEERE LANDSCAPES/LESCO	455.98		
101351	9/21/2010	100 JOHNSTONE SUPPLY CO	37.11		
101352	9/21/2010	4328 KOTTMANN, JOHN	346.50		
101353	9/21/2010	1241 LEAGUE ASSN OF RISK MGMT	6.00		
101354	9/21/2010	4254 LINCOLN NATIONAL LIFE INS CO	.00	**CLEARED**	**VOIDED**
101355	9/21/2010	4254 LINCOLN NATIONAL LIFE INS CO	7,958.74		
101356	9/21/2010	877 LINWELD	125.00		
101357	9/21/2010	1573 LOGAN CONTRACTORS SUPPLY	2,824.10		
101358	9/21/2010	2664 LOU'S SPORTING GOODS	853.40		
101359	9/21/2010	4402 LOYA, GABINO	39.93		
101360	9/21/2010	919 MARTIN MARIETTA AGGREGATES	143.21		
101361	9/21/2010	3884 METRO LANDSCAPE MATERIALS &	210.00		
101362	9/21/2010	553 METROPOLITAN UTILITIES DIST.	1,207.98		
101363	9/21/2010	2298 MIDWEST DISTRIBUTING CORP	71.30		
101364	9/21/2010	1046 MIDWEST TURF & IRRIGATION	3.60		
101365	9/21/2010	3350 NEBRASKA IOWA SUPPLY	12,267.95		
101366	9/21/2010	451 NEBRASKA MOSQUITO/VECTOR ASSN	50.00		
101367	9/21/2010	593 NEFF TOWING INC	225.00		
101368	9/21/2010	3414 NEWTON VALVE	62.00		
101369	9/21/2010	4407 O'DONNELL FICENEC WILLS &	4,353.22		
101370	9/21/2010	1831 O'REILLY AUTOMOTIVE INC	23.76		
101371	9/21/2010	1014 OFFICE DEPOT INC-CINCINNATI	.00	**CLEARED**	**VOIDED**
101372	9/21/2010	1014 OFFICE DEPOT INC-CINCINNATI	.00	**CLEARED**	**VOIDED**
101373	9/21/2010	1014 OFFICE DEPOT INC-CINCINNATI	.00	**CLEARED**	**VOIDED**
101374	9/21/2010	1014 OFFICE DEPOT INC-CINCINNATI	.00	**CLEARED**	**VOIDED**
101375	9/21/2010	1014 OFFICE DEPOT INC-CINCINNATI	1,407.57		
101376	9/21/2010	79 OMAHA COMPOUND COMPANY	140.61		
101377	9/21/2010	195 OMAHA PUBLIC POWER DISTRICT	3,041.85		
101378	9/21/2010	181 OMAHA SLINGS INCORPORATED	170.67		
101379	9/21/2010	46 OMAHA WORLD HERALD COMPANY	4,357.43		
101380	9/21/2010	46 OMAHA WORLD HERALD COMPANY	794.13		
101381	9/21/2010	165 PALFLEET TRUCK EQUIPMENT	154.47		
101382	9/21/2010	2686 PARAMOUNT LINEN & UNIFORM	165.74		
101383	9/21/2010	1769 PAYLESS OFFICE PRODUCTS INC	683.58		
101384	9/21/2010	1821 PETTY CASH-PAM BUETHE	74.68		
101385	9/21/2010	191 READY MIXED CONCRETE COMPANY	3,978.72		
101386	9/21/2010	4388 SAFETY VISION	73.92		
101387	9/21/2010	292 SAM'S CLUB	2,421.14		
101388	9/21/2010	168 SARPY COUNTY LANDFILL	7.51		

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03.30.09

Tue Sep 21, 2010 9:03 AM

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City of LaVista  
ACCOUNTS PAYABLE CHECK REGISTER

OPER: AKH

PAGE 3

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101389	9/21/2010	4403 SCHAEFER, ROBERT	44.35	APPROVED BY COUNCIL MEMBERS
101390	9/21/2010	4404 SCHUMACHER, CLARE	40.07	<u>9/21/10</u>
101391	9/21/2010	4062 SECURITY EQUIPMENT INC.	130.00	
101392	9/21/2010	395 SHAMROCK CONCRETE COMPANY	354.96	
101393	9/21/2010	4405 SIEVERS, ALICE	80.50	
101394	9/21/2010	2704 SMOOTHER CUT ENTERPRISES INC	1,650.00	
101395	9/21/2010	4408 STEVEN D JOHNSON PC LLO	2,003.12	
101396	9/21/2010	4335 STOLTENBERG NURSERIES	2,325.00	
101397	9/21/2010	4276 SUPERIOR VISION SVCS INC	367.60	COUNCIL MEMBER
101398	9/21/2010	264 TED'S MOWER SALES & SERVICE	1,684.50	
101399	9/21/2010	143 THOMPSON DREESSEN & DORNER	317.35	
101400	9/21/2010	176 TURFWERKS	121.27	
101401	9/21/2010	167 U S ASPHALT COMPANY	501.85	
101402	9/21/2010	2737 UNIVERSAL STEERING HYDRAULIC	262.00	
101403	9/21/2010	3052 V & V MANUFACTURING INC	48.44	
101404	9/21/2010	3497 WITMER PUBLIC SAFETY GROUP INC	1,329.68	COUNCIL MEMBER

BANK TOTAL	241,558.04
OUTSTANDING	241,558.04
CLEARED	.00
VOIDED	.00

FUND

TOTAL

OUTSTANDING

COUNCIL MEMBER

VOIDED

01	GENERAL FUND	98,218.00
02	SEWER FUND	16,386.04
03	ECONOMIC DEVELOPMENT B.G.	117,592.00
08	LOTTERY FUND	6,357.75
09	GOLF COURSE FUND	2,392.23
15	OFF-STREET PARKING	612.02

98,218.00	98,218.00
16,386.04	16,386.04
117,592.00	117,592.00
6,357.75	6,357.75
2,392.23	2,392.23
612.02	612.02

.00	.00
.00	.00
.00	.00
.00	.00
.00	.00
.00	.00

REPORT TOTAL	241,558.04
OUTSTANDING	241,558.04
CLEARED	.00
VOIDED	.00

+ Gross Payroll 9-17-10	<u>238,553.75</u>
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GRAND TOTAL	<u>\$480,111.79</u>
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COUNCIL MEMBER
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COUNCIL MEMBER
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**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**SEPTEMBER 21, 2010 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
ZONING TEXT AMENDMENT — SECTION 2.02 DEFINITIONS	◆ RESOLUTION ◆ ORDINANCE RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

**SYNOPSIS**

A public hearing has been scheduled and an ordinance prepared to amend Section 2.02 of the Zoning Ordinance regarding definitions.

**FISCAL IMPACT**

N/A.

**RECOMMENDATION**

Approval.

**BACKGROUND**

The Community Development staff is proposing to remove two confusing sections of the sign definitions. These sections conflicted with regulations later in the Ordinance and were deemed unnecessary. The amendment also includes the addition of a definition for "Identification Sign". The Zoning Ordinance currently has regulations for identification signs however this term was not defined in Section 2.02.

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

The Planning Commission held a public hearing on July 15, 2010 and voted unanimously to recommend approval.

I:\Administration\BRENDA\COUNCIL\10 Memos\Zoning Text Amend. - Definitions.doc

height of two-and-a-half (2 ½) feet and ten (10) feet above the grades of the bottom of the curb of the intersecting streets, measured from the point of intersection of the centerline of the streets, sixty (60) feet in each direction along the centerline of the streets. At the intersection of major or *other* arterial streets, the sixty (60) foot distance shall be increased to ninety (90) feet for each arterial leg of the intersection. (*Ordinance No. 891, 2-04-03*)

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

~~2.02.274.01 A name plate or sign designating location, direction, information, or identification, providing the surface area or face of such sign does not exceed ten (10) square feet.~~

~~2.02.274.02 Signs less than twenty five (25) square feet in surface area advertising activities conducted on the premise, products grown, made, or produced on the premise.~~

~~2.02.274.03 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.

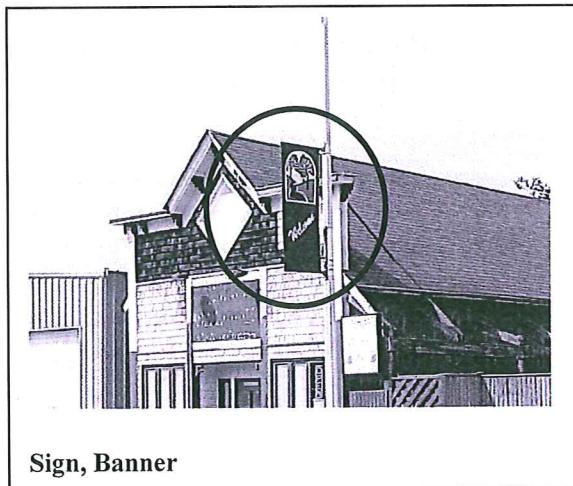
2.02.275 **SIGN, ANIMATED** shall mean any sign that uses movement or change of lighting to depict action or create a special effect or scene.

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*)

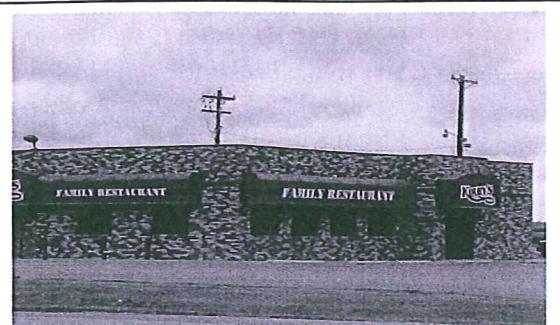
2.02.277 **SIGN, AUDIBLE** shall mean any sign that conveys either a written message supported by an audible noise including music, spoken message, and / or sounds to attract attention to the sign. Audible signs also include signs conveying only the audible noise including music, spoken message, and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

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



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



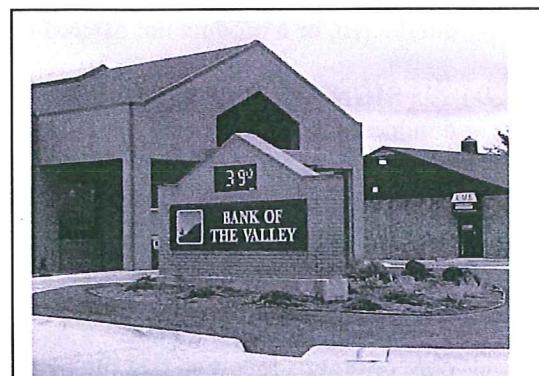
Sign, Canopy

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

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

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

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



Sign, Monument  
Sign, Electronic Message  
Sign, Flashing

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

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

2.02.287 **SIGN, 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.

2.02.287-288 **SIGN, ILLUMINATED** shall mean a sign illuminated in any manner by an artificial light source.

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, unplatte 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.

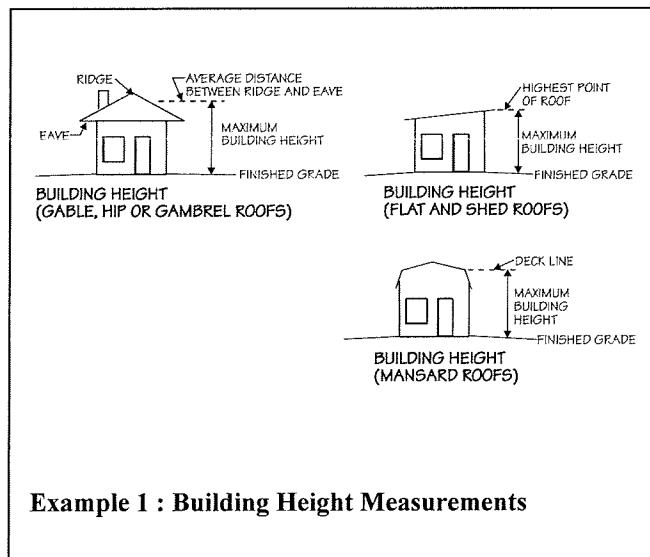
2.02.70 **BUILDING HEIGHT** shall mean the vertical distance above grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the average height of the highest gable of a pitched, hipped, or shed roof, measured from the highest adjoining sidewalk or ground surface 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 where allowed by the district regulations, that would not be appropriate generally throughout the zoning district without restrictions, but which, if controlled as to number, size, area, location, relation to the neighborhood or other minimal protective characteristics would not be detrimental to the public health, safety, and general welfare.

2.02.96 **CONDITIONAL USE PERMIT** shall mean a permit issued by the Planning Commission and City Council that authorizes the recipient to make conditional use of property in accordance with the provisions of Article 6 and any additional conditions placed upon, or required by said permit.

2.02.97 **CONDOMINIUM** shall be as defined in the Nebraska State Statutes Section 76-824 - 76-894, the Condominium Law, whereby four or more apartments are separately offered for sale.

2.02.98 **CONGREGATE HOUSING** shall mean a residential facility for four or more persons fifty-five (55) years or over, their spouses, or surviving spouses, providing living and sleeping facilities including meal preparation, dining areas, laundry services, room cleaning and common recreational, social, and service facilities for the exclusive use of all residents including resident staff personnel who occupy a room or unit in the residential facility. (Also see Housing for the elderly)

2.02.99 **CONSERVATION** shall mean the protection and care that prevent destruction or deterioration of historical or otherwise significant structures, buildings or natural resources.

2.02.100 **CONSERVATION AREA** shall mean environmentally sensitive and valuable lands protected from any activity that would significantly alter their ecological integrity, balance or character, except in overriding public interest, including but not limited to: wetlands, floodways, flood plains, drainage ways, river or stream banks, and areas of significant biological productivity or uniqueness.

2.02.101 **CONSERVATION EASEMENT** shall mean an easement granting a right or interest in real property that is appropriate to retaining land or water areas predominantly in their natural, scenic, open, or wooded

condition and retaining such areas as suitable habitat for fish, plants, or wildlife, or maintaining existing land uses.

2.02.102 **CONSTRUCTION** shall mean on-site erection, fabrication, installation, alteration, demolition, or removal of any structure, facility, or addition thereto, including all related activities, but not restricted to, clearing of land, earth moving, blasting and landscaping. *(Ordinance No. 1083, 2-17-09)*

2.02.103 **CONTIGUOUS** shall mean the same as "Abut".

2.02.104 **CONTINUING CARE RETIREMENT COMMUNITY** shall offer services and housing packages that allow access to senior independent living, assisted living, and nursing care facilities. Seniors who are independent may live in a single-family home, apartment or condominium within the Continuing Care Retirement Community. When members of the community begin to need help with activities of daily living (e.g. bathing, dressing, eating, etc.), they may be transferred to an assisted living or nursing care facility on the same site.

2.02.105 **CONVENIENCE STORE** shall mean a one-story, retail store that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a "supermarket.") It is dependent on, and is designed to attract and accommodate large volumes of stop-and-go traffic. Fuel sales shall be limited to automobiles, pick-up trucks, boats, recreational vehicles, motorcycles, and small motorized equipment. *(Ordinance No. 1083, 2-17-09)*

2.02.106 **DENSITY** shall mean the number of dwelling units per gross acre of land.

2.02.107 **DEVELOPER** shall mean any person, corporation, partnership, or entity that is responsible for any undertaking that requires a building or zoning permit, conditional use permit or sign permit.

2.02.108 **DEVELOPMENT** shall mean any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations for which necessary permits may be required. *Also, shall mean any material change in the use or appearance of any structure or in the land itself; the division of land into separate lots; any change in the intensity or use of land, such as an increase in the number of dwelling units in a structure or a change to a commercial or industrial use from a less intensive use; any activity that alters a river, stream, lake, pond, woodland, wetland, endangered species habitat, aquifer or other resource area.* *(Ordinance No. 1083, 2-17-09)*

2.02.109 **DOG KENNEL** (See Kennel)

2.02.110 **DOWNZONING** shall mean a change in zoning classification of land to a less intensive or more restrictive district such as from commercial district to residential district or from a multiple family residential district to single family residential district.

2.02.111 **DRAINAGE** shall mean the removal of surface water or groundwater from land by drains, grading, or other means that include runoff controls to minimize erosion and sedimentation during and after construction or development, the means for preserving the water supply, and the prevention or alleviation of flooding. *(Ordinance No. 1083, 2-17-09)*

2.02.112 **DRIVEWAY** shall mean any vehicular access to an off-street parking or loading facility.

2.02.113 **DUPLEX** shall mean the same as "Dwelling, Two (2) Family".

2.02.114 **DWELLING** Any building or portion thereof which is designed and used exclusively for single family residential purposes, excluding mobile homes.

2.02.115 **DWELLING, MOBILE HOME** Any prefabricated structure, composed of one or more parts, used for living and sleeping purposes, shipped or moved in essentially a complete condition and mounted on wheels,

skids or rollers, jacks blocks, horses, skirting or a permanent or temporary foundation or any prefabricated structure which has been or reasonably can be equipped with wheels or other devices for transporting the structure from place to place, whether by motive power or other means. The term mobile home shall include trailer home and camp car, but the definition shall not apply to any vehicle lawfully operated upon fixed rails.

- 2.02.115.1 Permanently Attached: Attached to real estate in such a way as to require dismantling, cutting away, unbolting from permanent continuous foundation or structural change in such mobile home in order to relocate it on another site in accordance to manufacturers recommendations.
- 2.02.115.2 Permanent Foundation: Base on which building rests to be constructed from either poured concrete or laid masonry block or brick placed on a footing located below ground level to a point below the frost line. *(Ordinance No. 1083, 2-17-09)*

2.02.116 **DWELLING, MULTIPLE FAMILY** shall mean a building or buildings designed and used for occupancy by three (3) or more families, all living independently of each other and having separate kitchen and toilet facilities for each family. *(Ordinance No. 1083, 2-17-09)*

2.02.117 **DWELLING, SINGLE FAMILY** a building having accommodations for or occupied exclusively by one family which meet all the following standards:

- 2.02.117.1 The home shall have no less than nine hundred (900) square feet of floor area, above grade, for single story construction;
- 2.02.117.2 The home shall have no less than an eighteen (18) foot exterior width;
- 2.02.117.3 The roof shall be pitched with a minimum vertical rise of two and one-half (2 1/2) inches for each twelve (12) inches of horizontal run;
- 2.02.117.4 The exterior material shall be of a color, material and scale comparable with those existing in residential site-built, single family construction;
- 2.02.117.5 The home shall have a non-reflective roof material that is or simulates asphalt or wood shingles, tile, or rock;
- 2.02.117.6 The home shall be placed on a continuous permanent foundation and have wheels, axles, transporting lights, and removable towing apparatus removed;
- 2.02.117.7 The home shall meet and maintain the same standards that are uniformly applied to all single-family dwellings in the zoning district; and
- 2.02.117.8 Permanent foundation: continuous perimeter base on which building rests to be constructed from either poured concrete or laid masonry block or brick *placed on a footing located below ground level to a point below the frost line.* *(Ordinance No. 1083, 2-17-09)*

2.02.118 **DWELLING, TWO (2) FAMILY** shall mean a building designed or used exclusively for the occupancy of two (2) families living independently of each other and having separate kitchen and toilet facilities for each family.

2.02.119 **DWELLING UNIT** One room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy or lease on a weekly, monthly, or longer basis, and physically separate from any other rooms or dwelling units which may be in the same structure, and containing independent cooking, toilet and sleeping facilities.

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

2.02.121 **EDUCATIONAL FACILITY** shall mean a public or nonprofit institution or facility which conducts regular academic instruction at preschool, kindergarten, elementary, secondary, and collegiate levels, including graduate schools, universities, junior colleges, trade schools, nonprofit research institutions and religious institutions. Such institutions must either: (1) Offer general academic instruction equivalent to the standards established by the State Board of Education; or (2) Confer degrees as a college or university or undergraduate or graduate standing; or (3) Conduct research; or (4) Give religious instruction. Private

schools, academies, or institutes incorporated or otherwise, which operate for a profit, commercial, or private trade schools are not included in this definition. (*Ordinance No. 1083, 2-17-09*)

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

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

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

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

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

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

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

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

2.02.130 **FAÇADE** 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.

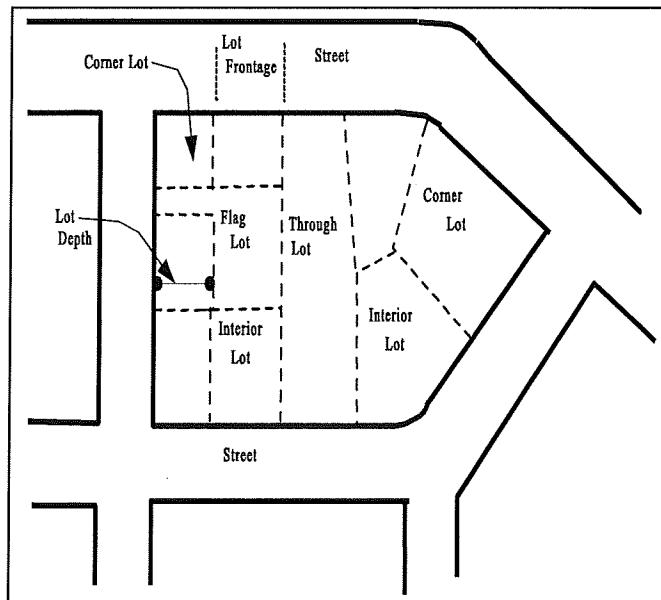
2.02.183 **LOT COVERAGE** shall mean the portion of a lot or building site which is occupied by any building or structure, excepting paved areas, walks and swimming pools, regardless of whether said building or structure is intended for human occupancy or not.

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*)

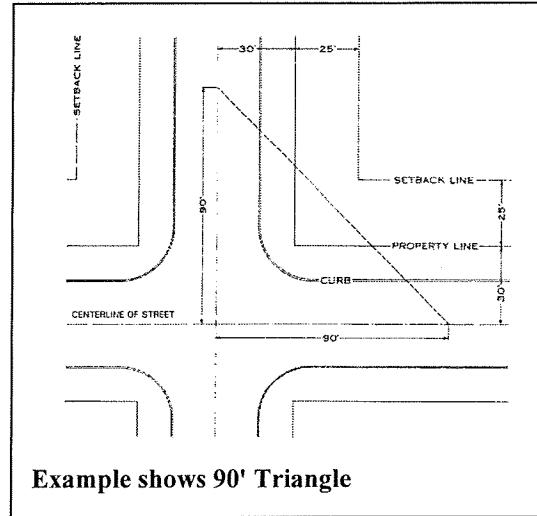
2.02.270 **SHOPPING CENTER** shall mean a group of commercial establishments planned, constructed, and managed as a total entity with customer and employee parking provided on-site, provisions for goods delivery that is separated from customer access, aesthetic considerations, and protection from the 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 ½) feet and ten (10) feet above the grades of the bottom of the curb of the intersecting streets, measured from the point of intersection of the centerline of the streets, sixty (60) feet in each direction along the centerline of the streets. At the intersection of major or *other* arterial streets, the sixty (60) foot distance shall be increased to ninety (90) feet for each arterial leg of the intersection. (*Ordinance No. 891, 2-04-03*)

2.02.274 **SIGN** shall mean and include any outdoor display, declaration, device, figure, drawing, illustration, message, placard, poster, billboard, insignia, or other things which are designed, intended, or used for



direction, information, identification, or to advertise, to inform, or to promote any business, product activity, service, or any interest, except the following:

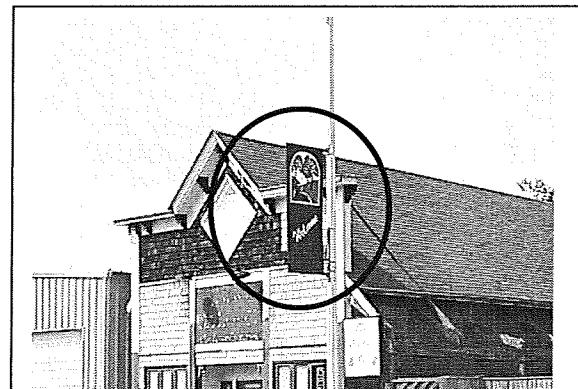
2.02.274.01 Signs less than fifty (50) square feet in area and less than twenty-five (25) feet in height of a public or quasi-public nature or other official notices that are authorized by the State of Nebraska, City of La Vista, or a Federal Government Agency, directional, informational, or other official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

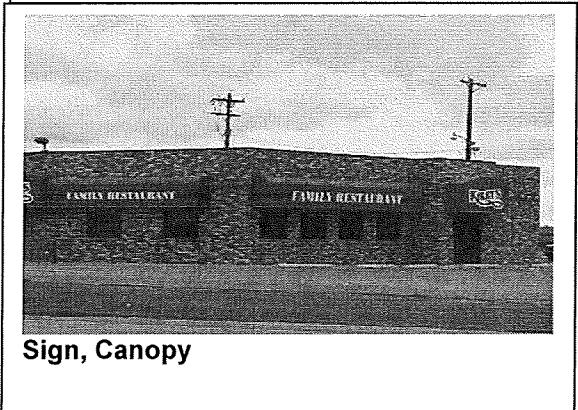
2.02.277 **SIGN, AUDIBLE** shall mean any sign that conveys either a written message supported by an audible noise including music, spoken message, and / or sounds to attract attention to the sign. Audible signs also include signs conveying only the audible noise including music, spoken message, and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

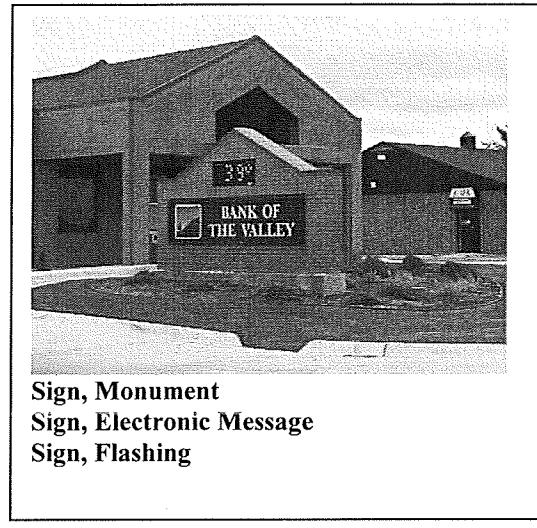
2.02.281 **SIGN, CANOPY** shall mean any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.  
*(Ordinance No. 1083, 2-17-09)*

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 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.



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, 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.

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

2.02.301 **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*)

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

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

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

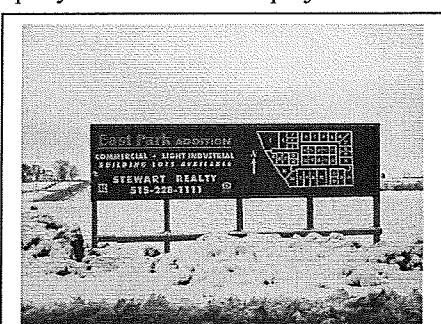
2.02.305 **SIGN, SUSPENDED** shall mean a sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

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

2.02.307 **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



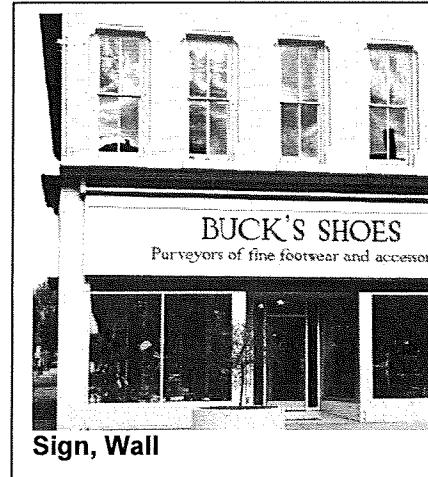
Sign, Projecting



Sign, Subdivision

video screen. *This definition shall include electronic message board signs. (Ordinance No. 1083, 2-17-09)*

2.02.308 **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.



2.02.309 **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.

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

2.02.311 **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.

2.02.312 **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.

2.02.313 **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)*

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

2.02.315 **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)*

2.02.316 **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.

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

- 2.02.317.01 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, zooterasty; or

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

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

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

2.02.317.05 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

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

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

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

2.02.319 **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.

2.02.320 **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.

2.02.321 **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.

2.02.322 **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.

2.02.323 **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.

2.02.324 **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.

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

2.02.326 **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)*

2.02.327 **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)*

2.02.328 **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.

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

2.02.330 **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.

2.02.331 **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)*

2.02.332 **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)*

2.02.333 **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)*

2.02.334 **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)*

2.02.335 **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)*

2.02.336 **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)*

2.02.337 **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.

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

2.02.339 **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.

2.02.340 **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)*

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

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

2.02.343 **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.

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

2.02.345 **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)*

2.02.346 **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)*

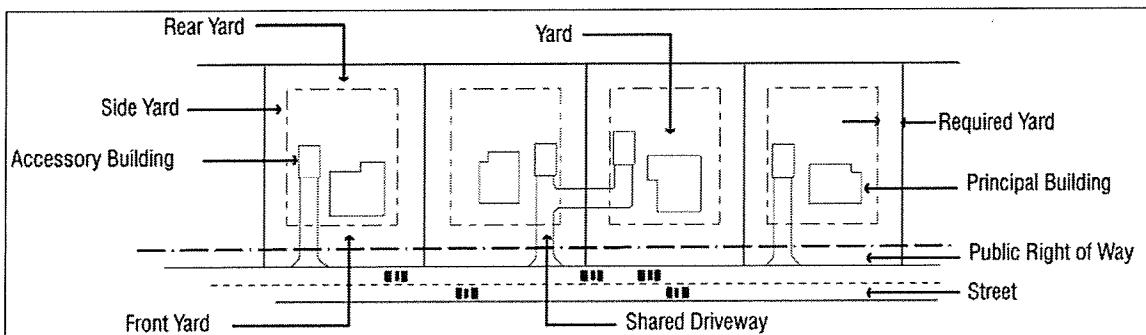
2.02.347 **WAREHOUSE** shall mean a building used primarily for the storage of goods and materials.

2.02.348 **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.

2.02.349 **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)*

2.02.350 **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)*

2.02.351 **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.



2.02.352 **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)*

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

2.02.354 **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.

2.02.355 **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 21<sup>ST</sup> DAY OF SEPTEMBER, 2010.

CITY OF LA VISTA

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Douglas Kindig, Mayor

ATTEST:

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Pamela A. Buethe, CMC  
City Clerk

2.02 9-21-10

**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**SEPTEMBER 21, 2006 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
APPLICATION FOR REPLAT — LOTS 1 & 2, BROOK VALLEY BUSINESS PARK REPLAT 4	◆ RESOLUTION ORDINANCE RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

**SYNOPSIS**

A public hearing has been scheduled and a resolution prepared to consider a replat application for Lots 1 and 2, Brook Valley Business Park Replat 4 (a replat of Lots 33C and 55A, Brook Valley Business Park), generally located southwest of 109<sup>th</sup> Avenue and Olive Street.

**FISCAL IMPACT**

None.

**RECOMMENDATION**

Hold the public hearing and table the resolution.

**BACKGROUND**

A public hearing has been scheduled to consider an application for a replat for Lots 1 and 2, Brook Valley Business Park Replat 4, generally located southwest of 109<sup>th</sup> Avenue and Olive Street. The application was submitted by one of the property owners, Zych Drywall, Inc. Both properties are zoned I-2, Heavy Industrial; the lots are developed as Zych Drywall and All About Storage.

The purpose of the proposed replat is to provide additional land to the rear of Lot 55A (Zych Drywall) in exchange for a utility easement to 109<sup>th</sup> Avenue granted to Lot 33C (All About Storage).

City engineer, John Kottmann, and staff have reviewed the application for the proposed replat and a detailed report is attached. Staff is recommending that the resolution be tabled pending completion of the following conditions:

1. The granting of an ingress/egress easement across proposed Lot 2, in a location approved by the City, for the City to have vehicular access for maintenance of an existing public sanitary sewer.
2. The applicant must submit a letter from the utility company stating they are agreeable to the proposed easement arrangement in order to extend gas service across proposed Lot 1 to reach Lot 2. This must be provided prior to Council consideration.
3. The applicant must submit a letter from the Burlington Northern Santa Fe (BNSF) railroad stating they will release the easement across proposed Lot 1 once it is replatted. The letter must also state BNSF has no interest in the remaining easement north of proposed Lot 1. This must be provided prior to Council consideration.

On August 19, 2010, the Planning Commission unanimously recommended approval of the proposed replat to Council subject to the conditions as outlined.

I:\BRENDA\WORD\COUNCIL\10 Memos\Brook Valley Bus Park Replat 4.doc

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, DETERMINING CONDITIONS FOR APPROVAL OF A REPLAT OF PART OF LOT 33A, BROOK VALLEY BUSINESS PARK, A SUBDIVISION LOCATED IN THE NE ¼ AND IN THE SE ¼ OF SECTION 17, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6<sup>TH</sup> P.M., AND ALSO LOT 55, BROOK VALLEY BUSINESS PARK, A SUBDIVISION LOCATED IN THE NE ¼, SECTION 17, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6<sup>TH</sup> P.M., SARPY COUNTY, NEBRASKA.

WHEREAS, the owners of the above described piece of property have made application for approval of a Replat for Part of Lot 33A, Brook Valley Business Park, a subdivision located in the NE ¼ and in the SE ¼ of Section 17, Township 14 North, Range 12 East of the 6<sup>th</sup> P.M., and also Lot 55, Brook Valley Business Park, a subdivision located in the NE ¼, Section 17, Township 14 North, Range 12 East of the 6<sup>th</sup> P.M., Sarpy County, Nebraska, to be replatted as Lots 1 and 2, Brook Valley Business Park Replat Four; and

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

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

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of La Vista, Nebraska, that the plat for Part of Lot 33A, Brook Valley Business Park, a subdivision located in the NE ¼ and in the SE ¼ of Section 17, Township 14 North, Range 12 East of the 6<sup>th</sup> P.M., and also Lot 55, Brook Valley Business Park, a subdivision located in the NE ¼, Section 17, Township 14 North, Range 12 East of the 6<sup>th</sup> P.M., Sarpy County, Nebraska, being replatted as Lots 1 and 2, Brook Valley Business Park Replat Four, generally located southwest of 109<sup>th</sup> Avenue and Olive Street, be, and hereby is, approved subject to the resolution of the following items identified by the City Engineer and staff:

1. The granting of an ingress/egress easement across proposed Lot 2, in a location approved by the City, for the City to have vehicular access for maintenance of an existing public sanitary sewer.
2. The applicant must submit a letter from the utility company stating they are agreeable to the proposed easement arrangement in order to extend gas service across proposed Lot 1 to reach Lot 2.
3. The applicant must submit a letter from the Burlington Northern Santa Fe (BNSF) railroad stating they will release the easement across proposed Lot 1 once it is replatted. The letter must also state BNSF has no interest in the remaining easement north of proposed Lot 1.

PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2010.

CITY OF LA VISTA

ATTEST:

Douglas Kindig, Mayor

---

Pamela A. Buethe, CMC  
City Clerk

Brook Valley Bus Park Replat 4

Tabler

**CITY OF LA VISTA  
PLANNING DIVISION**

**RECOMMENDATION REPORT**

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CASE NUMBER:

FOR HEARING OF: September 21, 2010  
Report Prepared on: September 14, 2010

**I. GENERAL INFORMATION**

**A. APPLICANT:**

Zych Drywall, Inc.  
7102 S. 109<sup>th</sup> Ave.  
La Vista, NE 68128

**B. PROPERTY OWNER:**

Zych Drywall, Inc.  
7102 S. 109<sup>th</sup> Ave.  
La Vista, NE 68128

Store It Now, LLC  
11109 Olive St,  
La Vista, NE, 68128

**C. LOCATION:** South 109<sup>th</sup> Avenue and Olive Street

**D. LEGAL DESCRIPTION:** Part of Lot 33A, Brook Valley Business Park,  
and also Lot 55A, Brook Valley Business Parks

**E. REQUESTED ACTION(S):** Replatting of the lots. Dedicating 0.544  
acres to Lot 55A.

**F. EXISTING ZONING AND LAND USE:** I-2, Heavy Industrial

**G. PURPOSE OF REQUEST:** Replat of the two properties, providing  
additional land to the existing Lot 55A, in exchange for a utility easement from  
Olive Street to the existing Lot 33C.

**H. SIZE OF SITE:** Lot 55A - 1.167 Acres; Lot 33C - 13.831 Acres;

**II. BACKGROUND INFORMATION**

**A. EXISTING CONDITION OF SITE:** Existing Lot 55A is flat. The  
portion of Lot 33C that is proposed to be dedicated is moderate to steeply  
sloping downward towards the remainder of the relatively flat Lot 33C.  
Lot 55A contains Zych Drywall's business offices. Lot 33C contains All  
About Storage, a self storage facility.

- B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:**
  - 1. **North:** I-2 Industrial
  - 2. **East:** I-2 Industrial
  - 3. **South:** I-2 Industrial
  - 4. **West:** I-2 Industrial
- C. RELEVANT CASE HISTORY:** Previous administrative plats have required the applicant to proceed through the replat process.
- D. APPLICABLE REGULATIONS:**
  - 1. Section 5.14 of the Zoning Regulations - I-2 Heavy Industrial
  - 2. Section 3.08 of the Subdivision Regulations – Replats

### **III. ANALYSIS**

- A. COMPREHENSIVE PLAN:** The Future Land Use Plan of the Comprehensive Plan designates the area for Industrial development.
- B. OTHER PLANS:** Not applicable.
- C. TRAFFIC AND ACCESS:**
  - 1. An ingress/egress easement across proposed Lot 2 is needed for the city to have vehicular access for maintenance of an existing public sanitary sewer that exists across the south end of Lot 2. The route and granting of this easement needs to be agreed upon prior to this plat being considered by the City Council.
- D. UTILITIES:** All utilities exist on the site. As discussed in III(C), an access easement needs for the existing public sanitary sewer needs to be agreed upon prior to plat consideration by the City Council.

### **IV. REVIEW COMMENTS:**

- 1. The applicant has stated that one of the reasons for this replatting is to provide an easement over proposed Lot 1 for gas service to be provided to the existing facility on proposed Lot 2. The applicant must submit a letter from the utility company stating they are agreeable to the proposed easement arrangement in order to extend gas service across Lot 1 to reach Lot 2. This must be provided prior to the City Council consideration.
- 2. Any new development on these lots that meets the definition of Significant Redevelopment as set forth in Chapter 154 of the City Municipal Code will be required to provide Post Construction Storm Water Management facilities.
- 3. The proposed development on Lot 1 may impact existing storm and sanitary sewers and may impact existing drainage paths. Prior to the issuance of any building permit on Lot 1, a drainage study addressing drainage paths for all storms up to 100-year events will be required.

**V. CITY COUNCIL RECOMMENDATION:** Table decision on the replat until the following conditions have been met:

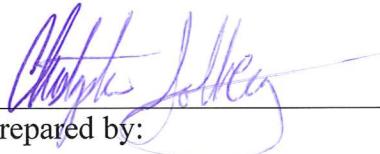
1. The granting of an ingress/egress easement across proposed Lot 2, in a location approved by the City, for the City to have vehicular access for maintenance of an existing public sanitary sewer.
2. The applicant needs to provide a letter from the utility company that they are agreeable to the proposed easement arrangement to provide gas service across Lot 1 to reach Lot 2. This must be provided prior to the City Council consideration.
3. The applicant needs to submit a letter from Burlington Northern Santa Fe (BNSF) railroad stating that they will release the easement across the proposed Lot 1 once it is replatted. The letter will also note that BNSF will have no interest in the remaining easement north of the proposed Lot 1. This must be provided prior to City Council consideration.

**VI. ATTACHMENTS TO REPORT:**

1. Vicinity Map
2. Replat
3. City Engineer's Report

**VII. COPIES OF REPORT SENT TO:**

1. Ron Zych, Zych Drywall
2. Larry Courtnage, Store It Now, LLC
3. Jason Thiellen, E&A Consulting Group
4. Public Upon Request

  
\_\_\_\_\_  
Prepared by:

  
\_\_\_\_\_  
Ann Forni  
Community Development Director      Date  
9-16-10



## Vicinity Map

### Brook Valley Replat 4

August 4, 2010  
CAS





July 19, 2010

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

RE: Application for Replat-Initial Review  
Brook Valley Replat 4

Chris:

I have reviewed the application you provided from Zych Drywall, Inc. requesting approval of a plat to revise the boundary between Lots 33C and 55A in Brook Valley Business Park. I offer the following comments:

**TRAFFIC & ACCESS:**

1. The lots involved are existing developed lots and no new access points or public right-of-way dedications are proposed.
2. An ingress/egress easement across proposed Lot 2 is needed for the City to have vehicular access for maintenance of an existing public sanitary sewer that exists across the south end of Lot 2. The route and granting of this easement needs to be agreed upon prior to this plat being considered by the City Council.
3. Sidewalks are not required in this subdivision at this time but may be required by the City Council in the future when there is a determination that sidewalks are needed in the area.

**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

**UTILITIES & DRAINAGE:**

4. One of the reasons stated for this replatting is that an easement will be provided over proposed Lot 1 to provide for a gas service to the existing facility on proposed Lot 2. The applicant needs to provide a letter from the utility company that they are agreeable to the proposed easement arrangement to provide gas service across Lot 1 to reach Lot 2. This needs to be provided prior to City Council consideration.

5. The properties presently have access to water, sanitary and power utilities.
6. Any development on these lots that meet the definition of Significant Redevelopment as set forth in Chapter 154 of the City Municipal Code will be required to provide Post Construction Storm Water Management facilities.
7. The proposed development on Lot 1 may impact existing storm and sanitary sewers and may impact existing drainage paths. Prior to the issuance of any building permit on Lot 1, a drainage study addressing drainage paths for all storms up to 100-year events will be required.

**PLAT APPLICATION & MISC:**

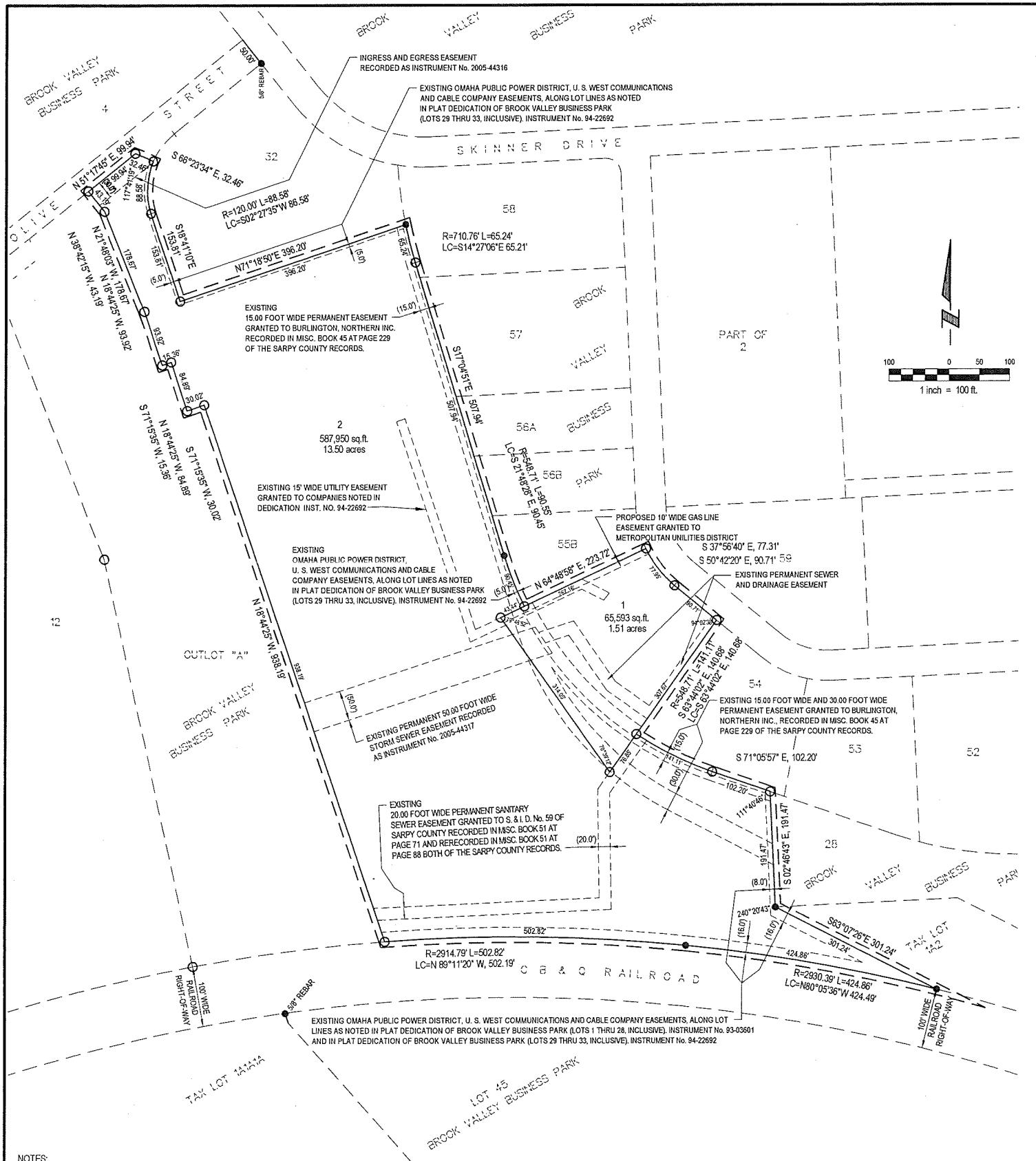
8. This platting is considered a Replatting per Section 3.08 of the La Vista Subdivision Regulations. That does allow for waiving the separate submission of preliminary and final plats, which is applicable in this situation. But, it does not mean that a preliminary plat is not required. A preliminary plat needs to be submitted concurrent with this final plat. The purpose would be to show the location of existing buildings and pavements in order to check that the new proposed lot line location does not cause setback violations and provides a basis for determining an agreeable access route for the maintenance access to the existing sanitary sewer.
9. The adjacent street right of way names and widths need to be shown on the final plat per Article 3.05.10. Also, the right of way width for Olive Street shown as 50 feet abutting 110<sup>th</sup> Street is not correct.
10. The curve data on the boundary abutting Lot 1 is not complete on the final plat.
11. The Owner of Lot 33C needs to sign on the plat application and needs to sign on the final plat. Also, any mortgage holders for Lots 55A and 33C need to appear on the final plat. The final plat will need to be revised since it does not provide for signature of Lot 33C owner.
12. The legal description in the Surveyor's Certificate on the final plat needs to have the total acreage in the final plat listed per Article 3.05.18.
13. The applicant for Lot 55A needs to submit a letter stating that he understands that if the BNSF does not release the spur track easement, he may not be able to utilize the additional property being added to Lot 55A in the manner that he desires. This letter should be submitted prior to Planning Board consideration.
14. A staking bond or a certification from the surveyor stating that all lot corners have been pinned as required is to be provided prior to obtaining the Mayor's signature. The surveyor's certificate on the final plat could also be modified to include such language if all pins have been found or set for the new lot configuration.

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

A handwritten signature in black ink that reads "John M. Kottmann". The signature is fluid and cursive, with "John M." on the first line and "Kottmann" on the second line.

John M. Kottmann  
City Engineer

Cc file



NOTES:

1. ALL ANGLES ARE 90° UNLESS OTHERWISE NOTED.

2. ALL LOT LINES ARE RADIAL TO CURVED STREETS UNLESS SHOWN AS NONRADIAL (N.R.).

3. ALL DIMENSIONS AND ANGLES SHOWN WITH PARENTHESES ARE FOR THE LOCATION OF EASEMENTS.

4. THE CHAMFERS FOR SIDEWALKS ON CORNER LOTS ARE SET AT FIVE FEET (5') RADII FROM THE INTERSECTION OF RIGHT-OF-WAY LINES. NO ANGLES SHOWN WHEN RIGHT-OF-WAY LINES HAVE 90° ANGLE.

ACCEPTANCE BY SARPY COUNTY REGISTER OF DEEDS

RECORDED ON THIS \_\_\_\_ DAY OF \_\_\_\_

SARPY COUNTY REGISTER OF DEEDS

LEGEND

- SET 5/8" REBAR W/CAP L.S. 579
- FOUND 1/2" OPEN (UNLESS NOTED)

FINAL PLAT  
CITY OF LA VISTA, NEBRASKA

BROOK VALLEY BUSINESS PARK REPLAT FOUR

A REPLATTING OF PART OF LOT 33A, BROOK VALLEY BUSINESS PARK, A SUBDIVISION LOCATED IN THE NE1/4 AND IN THE SE1/4 OF SECTION 17, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6TH P.M., AND ALSO LOT 55, BROOK VALLEY BUSINESS PARK, A SUBDIVISION LOCATED IN THE NE1/4, SECTION 17, TOWNSHIP 14 NORTH, RANGE 12 EAST, SARPY COUNTY, NEBRASKA

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE SURVEYED THE PROPERTY SHOWN ON THIS PLAT AND THAT ALL DIMENSIONS HAVE BEEN COMPUTED FOR ALL LOTS AND STREETS IN BROOK VALLEY BUSINESS PARK REPLAT FOUR (THE LOTS NUMBERED AS SHOWN) BEING A REPLATTING OF PART OF LOT 33A, BROOK VALLEY BUSINESS PARK, A SUBDIVISION LOCATED IN THE NE1/4 AND IN THE SE1/4 OF SECTION 17, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6TH P.M., AND ALSO LOT 55, BROOK VALLEY BUSINESS PARK, A SUBDIVISION LOCATED IN THE NE1/4, SECTION 17, TOWNSHIP 14 NORTH, RANGE 12 EAST, SARPY COUNTY, NEBRASKA

JOHN W. VON DOLLEN LS-579

DATE

DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT WE, ZYCH DRYWALL INC., LLC., OWNERS OF THE PROPERTY DESCRIBED IN THE CERTIFICATION OF SURVEY AND EMBRACED WITHIN THE PLAT, HAVE CAUSED SAID LAND TO BE SUBDIVIDED INTO LOTS AND STREETS TO BE NUMBERED AND NAMED AS SHOWN, SAID SUBDIVISION TO BE HERAFTER KNOWN AS BROOK VALLEY BUSINESS PARK REPLAT FOUR (LOTS TO BE NUMBERED AS SHOWN), AND WE DO HEREBY RATIFY AND APPROVE OF THE DISPOSITION OF OUR PROPERTY, AS SHOWN ON THE PLAT, AND WE DO HEREBY DEDICATE TO THE PUBLIC FOR PUBLIC USE THE STREETS, AVENUES AND CIRCLES, AND WE DO HEREBY GRANT EASEMENTS AS SHOWN ON THIS PLAT, WE DO FURTHER GRANT A PERPETUAL EASEMENT TO THE OMAHA PUBLIC POWER DISTRICT, QWEST COMMUNICATIONS AND ANY COMPANY WHICH HAS BEEN GRANTED A FRANCHISE TO PROVIDE A CABLE TELEVISION SYSTEM IN THE AREA TO BE SUBDIVIDED, THEIR SUCCESSORS AND ASSIGNS, TO ERECT, OPERATE, MAINTAIN, REPAIR AND RENEW POLES, WIRES, CABLES, CONDUITS AND OTHER RELATED FACILITIES, AND TO EXTEND THEREON WIRES OR CABLES FOR THE CARRYING AND TRANSMISSION OF ELECTRIC CURRENT FOR LIGHT, HEAT AND POWER, AND FOR THE TRANSMISSION OF SIGNALS AND SOUNDS OF ALL KINDS INCLUDING SIGNALS PROVIDED BY A CABLE TELEVISION SYSTEM, AND THE RECEPTION ON, OVER, THROUGH, UNDER AND ACROSS A FIVE-FOOT (5') WIDE STRIP OF LAND ABUTTING ALL FRONT AND SIDE BOUNDARY LOT LINES; AN EIGHT-FOOT (8') WIDE STRIP OF LAND ABUTTING THE REAR BOUNDARY LINES OF ALL INTERIOR LOTS; AND A SIXTEEN-FOOT (16') WIDE STRIP OF LAND ABUTTING THE REAR BOUNDARY LINES OF ALL EXTERIOR LOTS. THE TERM EXTERIOR LOTS IS HEREIN DEFINED AS THOSE LOTS FORMING THE OUTER PERIMETER OF THE ABOVE-DESCRIBED ADDITION. SAID SIXTEEN-FOOT (16') WIDE EASEMENT WILL BE REDUCED TO AN EIGHT-FOOT (8') WIDE STRIP WHEN THE ADJACENT LAND IS SURVEYED, PLATTED AND RECORDED AND WE DO FURTHER GRANT A PERPETUAL EASEMENT TO METROPOLITAN UTILITIES DISTRICT OF OMAHA AND BLACK HILLS ENERGY, THEIR SUCCESSORS AND ASSIGNS, TO ERECT, INSTALL, OPERATE, MAINTAIN, REPAIR AND RENEW PIPELINES, HYDRANTS AND OTHER RELATED FACILITIES, AND TO EXTEND THEREON PIPES FOR THE TRANSMISSION OF GAS AND WATER ON, THROUGH, UNDER AND ACROSS A FIVE-FOOT (5') WIDE STRIP OF LAND ABUTTING ALL CUL-DE-SAC STREETS. NO PERMANENT BUILDINGS OR RETAINING WALLS SHALL BE PLACED IN THE SAID EASEMENT WAYS, BUT THE SAME MAY BE USED FOR GARDENS, SHRUBS, LANDSCAPING AND OTHER PURPOSES THAT DO NOT THEN OR LATER INTERFERE WITH THE AFORESAID USES OR RIGHTS HEREIN GRANTED.

RON J. ZYCH

KAREN J. ZYCH

ACKNOWLEDGEMENT OF NOTARY

STATE OF NEBRASKA )  
COUNTY OF SARPY )

ON THIS \_\_\_\_ DAY OF \_\_\_\_ BEFORE ME, THE  
UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY, PERSONALLY CAME  
RON J. ZYCH, WHO IS PERSONALLY KNOWN TO BE THE IDENTICAL PERSON  
WHOSE NAME IS AFFIXED TO THE DEDICATION ON THIS PLAT AND  
ACKNOWLEDGED THE SAME TO BE HIS VOLUNTARY ACT AND DEED AS SUCH  
OFFICER OF SAID CORPORATION.

WITNESS MY HAND AND NOTARIAL SEAL THE DAY AND YEAR LAST ABOVE  
WRITTEN.

NOTARY PUBLIC

ACKNOWLEDGEMENT OF NOTARY

STATE OF NEBRASKA )  
COUNTY OF SARPY )

ON THIS \_\_\_\_ DAY OF \_\_\_\_ BEFORE ME, THE  
UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY, PERSONALLY CAME  
KAREN J. ZYCH, WHO IS PERSONALLY KNOWN TO BE THE IDENTICAL PERSON  
WHOSE NAME IS AFFIXED TO THE DEDICATION ON THIS PLAT AND  
ACKNOWLEDGED THE SAME TO BE HIS VOLUNTARY ACT AND DEED AS SUCH  
OFFICER OF SAID CORPORATION.

WITNESS MY HAND AND NOTARIAL SEAL THE DAY AND YEAR LAST ABOVE  
WRITTEN.

NOTARY PUBLIC

COUNTY TREASURER'S CERTIFICATE

THIS IS TO CERTIFY THAT I FIND NO REGULAR OR SPECIAL TAXES DUE OR DELINQUENT  
AGAINST THE PROPERTY DESCRIBED IN THE SURVEYOR'S CERTIFICATE AND  
EMBRACED IN THIS PLAT AS SHOWN BY THE RECORDS OF THIS OFFICE.

DATE COUNTY TREASURER

APPROVAL OF LA VISTA CITY PLANNING COMMISSION

THIS PLAT OF BROOK VALLEY BUSINESS PARK REPLAT FOUR (LOTS NUMBERED AS  
SHOWN) WAS APPROVED BY THE CITY PLANNING COMMISSION ON THIS  
DAY OF \_\_\_\_ 2010.

CHAIRMAN OF LA VISTA CITY PLANNING COMMISSION

ACCEPTANCE BY LA VISTA CITY COUNCIL

THIS PLAT OF BROOK VALLEY BUSINESS PARK REPLAT FOUR (LOTS NUMBERED AS  
SHOWN) WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF LA VISTA,  
NEBRASKA, ON THIS \_\_\_\_ DAY OF \_\_\_\_ 2010, IN ACCORDANCE WITH  
THE STATE STATUTES OF NEBRASKA.

ATTEST,  
CITY CLERK \_\_\_\_\_ MAYOR \_\_\_\_\_

REVIEW OF SARPY COUNTY SURVEYOR

THIS PLAT OF BROOK VALLEY BUSINESS PARK REPLAT FOUR (LOTS NUMBERED AS  
SHOWN) WAS REVIEWED BY THE OFFICE OF THE SARPY COUNTY SURVEYOR ON  
THIS \_\_\_\_ DAY OF \_\_\_\_ 2010.

SARPY COUNTY SURVEYOR

E&A CONSULTING GROUP, INC.  
ENGINEERS • PLANNERS • SURVEYORS



BROOK VALLEY BUSINESS PARK REPLAT FOUR  
CITY OF LA VISTA, SARPY COUNTY, NEBRASKA

FINAL PLAT

7100 SOUTH 28TH STREET SUITED  
LINCOLN, NE 68514-5841  
PHONE: (402) 426-7217  
FAX: (402) 426-7216

Proj. No.	P2010-208-001	Revisions	____
Date:	07/07/2010	No.	____
Designed By:		Date:	
Drawn By:		Date:	
Checked By:		Date:	
Sheet 1 of 1			

**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**SEPTEMBER 21, 2010 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
APPLICATION FOR CUP APPROVAL— LOT 5, HARRISON HEIGHTS	◆RESOLUTION ORDINANCE RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

**SYNOPSIS**

A public hearing has been scheduled and a resolution prepared to approve a Conditional Use Permit for Lot 4, Harrison Heights for the purpose of senior housing, generally located north and east of Gertrude Street and south of Harrison Street at 75<sup>th</sup>.

**FISCAL IMPACT**

None.

**RECOMMENDATION**

Approval.

**BACKGROUND**

A public hearing has been scheduled and a resolution prepared to approve a Conditional Use Permit for Lot 4, Harrison Heights for the purpose of 48 units of affordable senior housing, to be known as The Orchards at Wildwood, generally located north and east of Gertrude Street and south of Harrison Street at 75<sup>th</sup>.

On August 4, 2009, the Council approved an amendment to the Future Land Use Map of the Comprehensive Plan and a rezoning from TA, Transitional Agriculture, to R-3 PUD, High Density Residential Planned Unit Development, and C-2 PUD, General Commercial Planned Unit Development for Lots 1-5, Harrison Heights. The PUD Plan was approved with 112 units of senior market rate housing with 55 garages (Lot 4), and 48 units of affordable senior housing with surface parking (Lot 5). Three commercial buildings were also approved with a total of 20,500 square feet of commercial flex space (Lots 1, 2 & 3).

On January 19, 2010, a Conditional Use Permit was approved for senior housing on Lot 4. This application is for a Conditional Use Permit for Lot 5, which is comprised of 48 units of senior affordable housing with surface parking.

The property is not within the Gateway Corridor Overlay District however the applicant agreed to adopt the design guidelines as part of the PUD approval. Architectural review of the building has been completed however minor revisions based on comments from the City's design review architect will be completed prior to the issuance of a building permit. A detailed staff report is attached.

The Planning Commission held a public hearing on August 19, 2010, and unanimously recommended approval of the Conditional Use Permit for Lot 5, Harrison Heights, with conditions as noted in the CUP.

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF A CONDITIONAL USE PERMIT FOR MULTIPLE FAMILY DWELLINGS FOR SENIORS ON PROPOSED LOT 5, HARRISON HEIGHTS

WHEREAS, Chris Collett, on behalf of The Orchards at Wildwood, has applied for a conditional use permit for the purpose of having multiple family dwellings for seniors on proposed Lot 5, Harrison Heights; and

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

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

NOW THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista hereby authorize the execution of a Conditional Use Permit in form and content submitted at this meeting for The Orchards at Wildwood, represented by Chris Collett, for the purpose of having multiple family dwellings for seniors on proposed Lot 5, Harrison Heights.

PASSED AND APPROVED THIS 21ST DAY OF SEPTEMBER 2010.

CITY OF LA VISTA

ATTEST:

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Douglas Kindig, Mayor

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Pamela A. Buethe, CMC  
City Clerk

**CITY OF LA VISTA  
PLANNING DIVISION**

**RECOMMENDATION REPORT**

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CASE NUMBER: 2010-CUP-06

FOR HEARING OF: September 21, 2010  
Report Prepared on: September 16, 2010

**I. GENERAL INFORMATION**

- A. APPLICANT:** The Orchards at Wildwood
- B. PROPERTY OWNER:** The Orchards at Wildwood
- C. LOCATION:** Generally located at South 75<sup>th</sup> and Gertrude Streets
- D. LEGAL DESCRIPTION:** Lot 5, Harrison Heights Subdivision
- E. REQUESTED ACTION(S):** Conditional Use Permit for Lot 5, Harrison Heights, for multi-family senior housing
- F. EXISTING ZONING AND LAND USE:** R-3 – High Density Residential
- G. PURPOSE OF REQUEST:** Development of a 48-unit affordable senior housing complex.
- H. SIZE OF SITE:** 4.224 acres

**II. BACKGROUND INFORMATION**

- A. EXISTING CONDITION OF SITE:** The site has been graded for development; mature pine trees and deciduous trees have been preserved on the southern perimeter of the property.
- B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:**
  - 1. North:** City of Ralston, Residential Subdivision
  - 2. East:** R-3 – High Density Residential, Crestview Village
  - 3. South:** R-1 – Single-Family Residential
  - 4. West:** R-3 – High Density Residential, Undeveloped
- C. RELEVANT CASE HISTORY:** On September 4, 2008, the property was sold by the Metropolitan Utilities District to the Empire Group. Prior to the sale, the property had remained undeveloped and was being farmed.

On August 4, 2009 the City Council approved an amendment to the Future Land Use Plan of the City's Comprehensive Plan and a rezoning from TA, Transitional Agriculture, to R-3 PUD, High Density Residential Planned

Unit Development, and C-2 – PUD, General Commercial Planned Unit Development. The Preliminary PUD Plan was approved with 112 units of senior market rate housing with 55 garages, and 48 units of affordable senior housing with all surface parking. Three commercial buildings were also approved with a total of 20,500 square feet of commercial flex space.

On January 19, 2010 a Conditional Use Permit was approved for Lot 4 that allowed for 112 units of senior market rate housing, with 55 garages.

**D. APPLICABLE REGULATIONS:**

1. Section 5.08, Zoning Ordinance, regarding the R-3 High Density Residential District
2. Section 5.15, Zoning Ordinance, regarding the PUD Planned Unit Development Overlay District
3. Article 6, Zoning Ordinance, regarding Conditional Use Permits

**III. ANALYSIS**

**A. COMPREHENSIVE PLAN:** The Future Land Use Map of the Comprehensive Plan identifies this site for high density residential and commercial development. The Comprehensive Plan also identifies one of the General Community Goals as “Provide all residents with access to a variety of safe, decent, sanitary housing types, including elderly and persons with disabilities.” The Housing Policies also state “Promote development of residential options for La Vista’s residents of all income levels” and “Actively access affordable housing programs available from local, state and federal agencies/departments.”

**B. OTHER PLANS:** Traffic Impact Analysis, Harrison Heights PUD.

**C. TRAFFIC AND ACCESS:**

1. Access to Gertrude Street from the site is identified at two locations.
2. A traffic impact analysis was prepared by the subdivider’s engineer and reviewed by the City’s consulting traffic engineer when the application for the subdivision was reviewed in November 2009. This takes into consideration the possible development of a 48-unit affordable senior housing complex on Lot 5, as applied for, and identifies the Level of Service (LOS) on the surrounding roads and intersections are within acceptable ranges with the addition of the development.

**D. UTILITIES:** All utilities are available to the site.

**IV. REVIEW COMMENTS:**

1. Item B(11) on Page 4 of the application states that 48 covered and 26 uncovered parking stalls will be provided. This is different from the 60 uncovered parking spaces depicted within the Final PUD site plan. The applicant has since clarified that there will not be any covered parking in the development.

**V. CITY COUNCIL RECOMMENDATION:**

APPROVE a Conditional Use Permit for Lot 5, Harrison Heights, for multi-family senior housing.

**VI. ATTACHMENTS TO REPORT:**

1. Vicinity Map
2. Draft Conditional Use Permit
3. City Engineer's Report

**VII. COPIES OF REPORT SENT TO:**

1. Chris Collett, The Orchards at Wildwood
2. Matt Huffield, AIA, Nexus Architecture
3. Morgan Sykes, E&A Consulting Group
4. Victor Pelster, Empire Group, LLC
5. Public Upon Request

  
\_\_\_\_\_  
Prepared by:

  
\_\_\_\_\_  
Ami Brum  
Community Development Director      9-16-10  
\_\_\_\_\_  
Date



## Vicinity Map

### The Orchard at Wildwood CUP

August 4, 2010

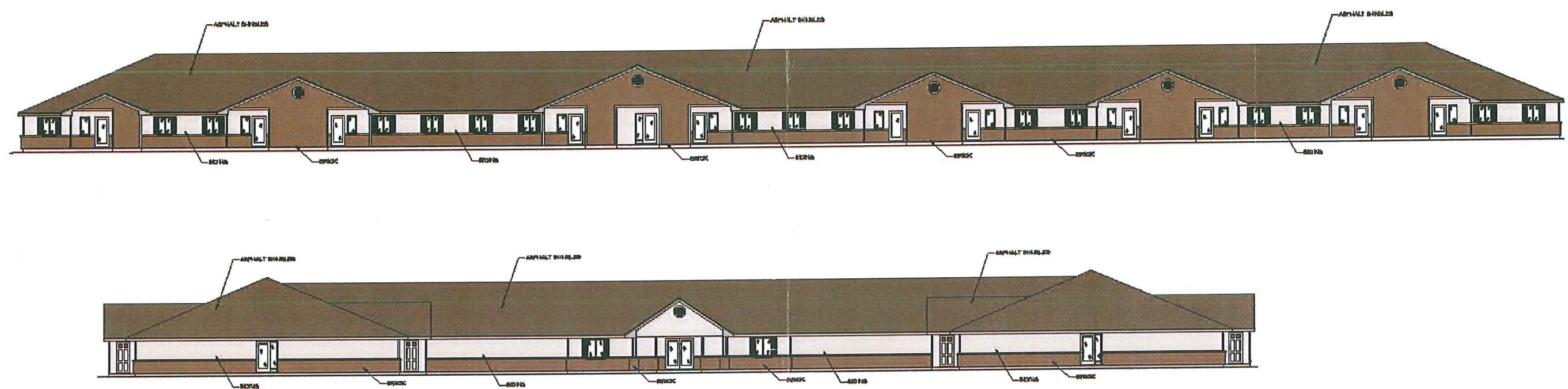
CAS



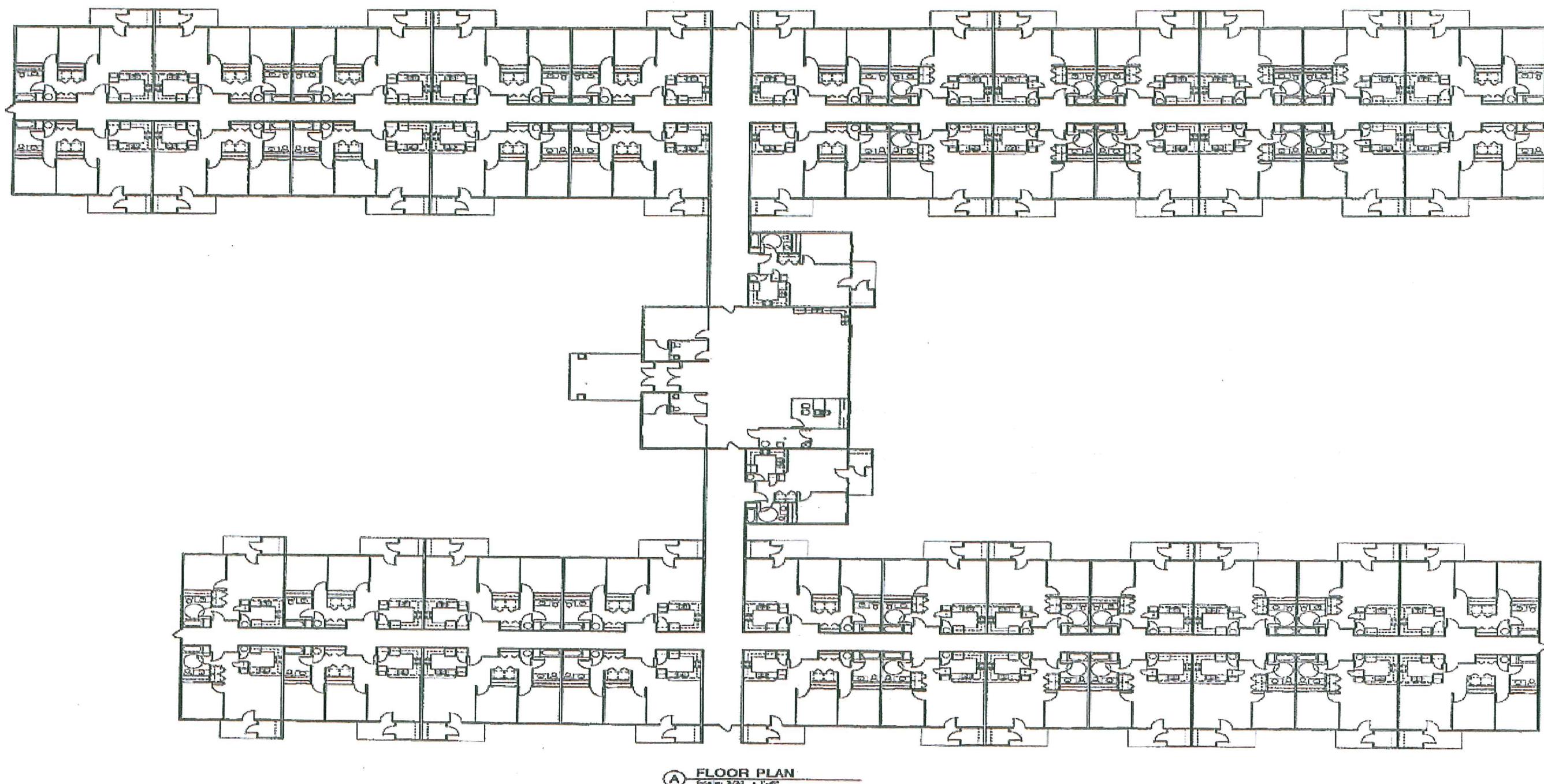
# Proposed Project

## Lot 5

### *The Orchards at Wildewood*



# Lot 5 Floor Plan



A FLOOR PLAN  
Scale 1/200 • 1'-0"

**City of La Vista  
Conditional Use Permit**

**Conditional Use Permit for Multi-family Housing, Lot 5 Harrison Heights**

This Conditional Use Permit issued this 21<sup>st</sup> day of September, 2010, by the City of La Vista, a municipal corporation in the County of Sarpy County, Nebraska ("City") to, The Orchard at Wildwood, LP. ("Owner"), pursuant to the La Vista Zoning Ordinance.

WHEREAS, Owner wishes to construct a multiple family dwelling complex to be known as The Orchard at Wildwood upon the following described tract of land within the City of La Vista zoning jurisdiction:

Lot 5 of Harrison Heights Subdivision, within the NE ¼ of Section 14, Township 14 North, Range 12 East of the 6th P.M. Sarpy County, Nebraska.

WHEREAS, Owner has applied for a conditional use permit for the purpose of the construction and continuing operation of a multiple family dwelling complex; 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 premises designated on Exhibit "A" hereto for a multiple family dwelling complex, 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 has been provided to the City and is attached to the permit as Exhibit "A".
  - b. The premises shall be developed and maintained in accordance with the site plan (Exhibit "A") as approved by the City and incorporated herein by this reference. Any modifications must be submitted to the Chief Building Official for approval.
  - c. These apartments are intended for senior independent living. Apartments shall be exclusively operated for, marketed and leased to, and occupied by persons age 55 and older, except for units occupied by an on-site manager or other employee of the Owner who is under the age of 55 and performs substantial duties related to management or maintenance of the facility (and said manager's or other employee's family members residing in the same unit); or as otherwise required to provide reasonable accommodations to disabled residents under applicable laws, rules or regulations. To carry out this requirement, Owner shall:

- (i) From time to time during this permit, adopt, publish and adhere to written rules, policies and procedures to implement and carry out said requirement in accordance with 24 CFR Section 100.36, as adopted, amended or superseded from time to time, subject to review and approval of the City Administrator, which approval shall not be withheld or refused so long as the rules, policies and procedures satisfy the requirements of "b" above and 24 CFR Section 100.36; and
- (ii) Take all other actions during this permit as may be required from time to time under the Federal Fair Housing Act, Housing for Older Persons Act of 1995, Nebraska Fair Housing Act, or any other applicable laws, rules or regulations, as adopted, amended or superseded from time to time, to carry out this subparagraph "b" in accordance with all applicable requirements, and specifically to qualify and continue the qualification of the facility as senior housing exempt from any applicable familial status protections.

- d. All parking for residents and visitors is to remain on-site; no on-street parking is allowed on Gertrude Street.
- e. There shall be no storage, placement or display of goods, supplies or any other material, substance, container or receptacle outside of the facility, except trash receptacles and those approved in writing by the City.
- f. There shall not be any outside storage of materials. All trash receptacles, benches and planters shall be placed on property and securely fastened to building or concrete. Trash dumpsters shall be placed with a trash enclosure of six feet in height and screened accordingly.
- g. Landscaping requirements from Section 7.17 of the City of La Vista Zoning Ordinance shall be satisfied and maintained in accordance with the landscaping plan (Exhibit "B").
- 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. The applicant's right to maintain the use as approved pursuant to these provisions shall be based on the following:
  - a. An annual inspection to determine compliance with the conditions of approval. The conditional use permit may be revoked upon a finding by the City that there is a violation of the terms of approval.
  - b. The use authorized by the conditional use permit must be initiated within one (1) year of approval and shall become void two (2) years after the date of approval unless the applicant has fully complied with the terms of approval.
  - c. All obsolete or unused structures, accessory facilities or materials with an environmental or safety hazard shall be abated and/or removed at owner's expense within twelve (12) months of cessation of the conditional use.
- 4. Notwithstanding any other provision herein to the contrary, this permit, and all rights granted hereby, shall expire and terminate as to a permitted use hereunder upon the first of the following to occur:
  - a. Owner's abandonment of the permitted use. Non-use thereof for a period of twelve (12) months

shall constitute a presumption of abandonment.

- b. Cancellation, revocation, denial or failure to maintain any federal, state or local permit required for the Use.
- c. Owner's construction or placement of a storage tank, structure or other improvement on the premises not specified in this permit. This shall not apply to storm water detention or retention tanks, as required by the City Engineer, to comply with storm water management regulations.
- d. Owner's breach of any other terms hereof and his failure to correct such breach within ten (10) days of City's giving notice thereof.

5. If the permitted use is not commenced within one (1) year from **June 15th, 2010**, this Permit shall be null and void and all rights hereunder shall lapse, without prejudice to owner's right to file for an extension of time pursuant to the La Vista Zoning Ordinance.

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

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

## **Miscellaneous**

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

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

**Contact Name and Address:** Chris Collett  
4110 Eaton Avenue, Suite A  
Caldwell, ID 83607  
(208) 459-8522

**Effective Date:**

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

THE CITY OF LA VISTA

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

Attest:

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Pamela A Buethe, CMC  
Deputy City Clerk

**CONSENT AND AGREEMENT**

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

Owner:

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

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

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

**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**SEPTEMBER 21, 2010 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
CONDITIONAL USE PERMIT — HOME OCCUPATION (FITNESS STUDIO) LOT 3, GILES CORNER REPLAT ONE	◆RESOLUTION ORDINANCE RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

**SYNOPSIS**

A public hearing has been scheduled and a resolution prepared for Council to consider an application for a Conditional Use Permit for a Home Occupation, to have an in-home fitness studio on Lot 3, Giles Corner Replat One, located at 7226 Peters Street.

**FISCAL IMPACT**

N/A.

**RECOMMENDATION**

Approval.

**BACKGROUND**

A public hearing has been scheduled to consider an application submitted by the property owner, Min Yu, to approve a Conditional Use Permit for a home occupation, to have an in-home fitness studio at 7226 Peters Street, on Lot 3 in the Giles Corner subdivision. The property is zoned "R-1" Single Family Residential and includes an existing single family dwelling. The proposal is to allow for a fitness studio to be located in the basement of the home.

A detailed staff report is attached. The Conditional Use Permit includes, among others, the following conditions:

1. The fitness studio will utilize the basement, approximately 1,000 s.f.
2. The hours of operation will generally be from 7:00 a.m. to 8:00 p.m. Monday through Saturday, by appointment only.
3. Client parking will consist of the owner's driveway.

The Planning Commission held a public hearing on August 19, 2010 and unanimously recommended approval of the Conditional Use Permit to City Council with the conditions as outlined in the CUP.

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF A CONDITIONAL USE PERMIT FOR A HOME OCCUPATION TO OPERATE A FITNESS STUDIO AT 7226 PETERS STREET ON LOT 3, GILES CORNER REPLAT ONE, LA VISTA NEBRASKA.

WHEREAS, Min Yu the property owner has applied for a conditional use permit for a home occupation to operate a fitness studio on Lot 3, Giles Corner Replat One, 7226 Peters Street; and

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

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

1. The fitness studio will utilize the basement, approximately 1,000 s.f.
2. The hours of operation will generally be from 7:00 a.m. to 8:00 p.m. Monday through Saturday, by appointment only.
3. Client parking will consist of the owner's driveway.

NOW THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista hereby authorize the execution of a Conditional Use Permit in form and content submitted at this meeting, for Min Yu to operate a home occupation fitness studio on Lot 3 in Giles Corner Replat One, 7226 Peters Street, subject to the conditions listed in the last recital above.

PASSED AND APPROVED THIS 21<sup>ST</sup> DAY OF SEPTEMBER 2010.

CITY OF LA VISTA

ATTEST:

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

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

**CITY OF LA VISTA  
PLANNING DIVISION**

**RECOMMENDATION REPORT**

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CASE NUMBER: 2010-CUP-07

FOR HEARING OF: September 21, 2010  
Report Prepared on: September 14, 2010

**I. GENERAL INFORMATION**

- A. APPLICANT:** Min Yu
- B. PROPERTY OWNER:** Min Yu
- C. LOCATION:** 7226 Peters Street
- D. LEGAL DESCRIPTION:** Lot 3, Giles Corner Replat One, a Subdivision of Sarpy County, Nebraska.
- E. REQUESTED ACTION(S):** Approval of a Conditional Use Permit to allow a Home Occupation - Fitness Studio
- F. EXISTING ZONING AND LAND USE:** R-1, Single Family Residential
- G. PURPOSE OF REQUEST:** The proposal is to allow the use of a fitness studio within the basement of a single-family house. Activities will be by appointment only with less than 20 appointments a week.
- H. SIZE OF SITE:** The size of the single-family lot is 0.179 acres. Proposed use will be conducted in a studio that will occupy the basement, approximately 1,000 square feet in size.

**II. BACKGROUND INFORMATION**

- A. EXISTING CONDITION OF SITE:** Single-family ranch style house constructed on typical residential lot in the Giles Corner subdivision. Lot slopes to the rear of the property, allowing for a walkout basement.
- B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:**
  - 1. North:** R-1, Single-Family Residential
  - 2. East:** R-1, Single-Family Residential
  - 3. South:** R-1, Single-Family Residential
  - 4. West:** R-1, Single-Family Residential
- C. RELEVANT CASE HISTORY:** N/A

**D. APPLICABLE REGULATIONS:**

1. Section 5.06, Zoning Ordinance, regarding R-1 Zoning District
2. Section 6.05, Zoning Ordinance, CUP Standards for Approval
3. Section 7.10, Zoning Ordinance, regarding Home Occupations

**III. ANALYSIS**

**A. COMPREHENSIVE PLAN:** Community and Economic Development Action Strategies - p.7.10: "Create a mix of businesses appropriate for the City of La Vista"

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

**C. TRAFFIC AND ACCESS:**

1. Ingress/egress to the subdivision is through S. 74<sup>th</sup> Ave. or Michelle Ave., utilizing Peters Street to access the property. With a maximum of 20 appointments per week, traffic impact is minimal. Parking for the use is required to be on the driveway, not on the abutting street.

**D. UTILITIES:** All utilities are available on the site.

**IV. REVIEW COMMENTS:**

1. The fitness studio will utilize the basement, approximately 1,000 sq. ft. in size.
2. Hours of operation will generally be from 7:00 a.m. to 8:00 p.m. Monday through Saturday, by appointment only.
3. Client parking will consist of owner's driveway.

**V. CITY COUNCIL RECOMMENDATION:**

The Planning Staff recommends the approval of the Conditional Use Permit to allow a Home Occupation - Fitness Studio.

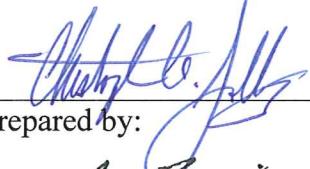
**VI. ATTACHMENTS TO REPORT:**

1. Vicinity Map
2. Draft Conditional Use Permit

**VII. COPIES OF REPORT SENT TO:**

1. Min Yu, Applicant/Owner
2. Public Upon Request

Prepared by:

  
Community Development Director

9-16-10  
Date



## Vicinity Map

### Min Yu Fitness Studio CUP

August 4, 2010  
CAS



**City of La Vista  
Conditional Use Permit**

**Conditional Use Permit for Home Occupation (Fitness Studio)**

This Conditional Use Permit issued this 21<sup>st</sup> day of September, 2010, by the City of La Vista, a municipal corporation in the County of Sarpy County, Nebraska ("City") to, Min Yu ("Owner"), pursuant to the La Vista Zoning Ordinance.

WHEREAS, Owner wishes to locate and operate a home occupation (fitness studio) in a single-family dwelling at 7226 Peters Street upon the following legally described property of land within the City of La Vista zoning jurisdiction:

Lot 3, Giles Corner Replat One, a Subdivision of Sarpy County, Nebraska.

WHEREAS, Owner has applied for a conditional use permit for the purpose of locating and operating a home occupation (fitness studio); 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 of the property described herein for a home occupation (fitness studio), 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. Permitted use will utilize approximately 1000 square feet in the basement.
  - b. Hours of operation will generally be from 7:00 a.m. to 8:00 p.m. Monday through Saturday, by appointment only.
  - c. There will be no employees.
  - d. Fires escapes shall be properly designated.
  - e. There shall be no storage, placement or display of goods or supplies outside described areas relating to permitted use.
  - f. Client parking will consist of owner's driveway.
  - g. Owner shall obtain all required permits from the City of La Vista and shall comply with any additional requirements as determined by the Building Inspector.
  - h. Owner shall comply (and shall ensure that all, 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.

- i. 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/her agents, employees, assigns, suppliers or invitees, including, but not limited to, any liability, loss, claim or expense arising out of or resulting from any violation on the premises of any environmental or safety law, rule or regulation.
3. The applicant's right to maintain the use as approved pursuant to these provisions shall be based on the following:
  - a. An annual renewal of a home occupation license and 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 and accessory facilities or materials specifically pertaining to such permitted use shall be removed at owner's expense within twelve (12) months of cessation of the conditional use, if required by the City.
4. Notwithstanding any other provision herein to the contrary, this permit, and all rights granted hereby, shall expire and terminate as 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/her failure to correct such breach within ten (10) days of City's giving notice thereof.
5. 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 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.
6. 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/her 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:** Min Yu  
7226 Peters Street  
La Vista, NE 68128

### **Effective Date:**

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

THE CITY OF LA VISTA

By \_\_\_\_\_  
Douglas Kendig, Mayor

Attest:

---

Pam Buethe  
City Clerk

### **CONSENT AND AGREEMENT**

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

Owner:

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

Title: owner/operator \_\_\_\_\_

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

**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**SEPTEMBER 21, 2010 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
COMPREHENSIVE PLAN — AMENDMENT CHAPTER 9, ANNEXATION PLAN	◆ RESOLUTION ORDINANCE RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

**SYNOPSIS**

A public hearing has been scheduled and a resolution prepared to approve an amendment to the City's Comprehensive Plan which is a revision to Chapter 9, Annexation Plan.

**FISCAL IMPACT**

N/A.

**RECOMMENDATION**

Approval.

**BACKGROUND**

A public hearing has been scheduled to consider an amendment to the City's Comprehensive Plan which is a revision to Chapter 9, Annexation Plan.

In October of 2009, the Council adopted a new Chapter 9 to the Comprehensive Plan, which provides a detailed annexation plan consisting of a narrative section, a chart and a map. The City's Strategic Plan identifies maintaining a long-range annexation plan as a key objective and indicates that it should be reviewed and updated annually.

The amendments include the following:

1. In the narrative, under Annexation Policies, the last policy identifies guidelines for the prioritization of annexation. A new guideline has been added which states "Logical extension of boundaries to fill in gaps or clarify jurisdictional boundaries for improved provision of services."
2. Under Annexation Study Process, item (3) identifies entities to be notified prior to the Planning Commission public hearing. The school district and fire district have been added to the list.
3. The SID Summary chart has been updated.
4. The map has been updated and the "10+ Year" category has been changed to "10-15 Years" and "15+ Years", and adjustments have been made to the areas considered for annexation in each of the four categories.

The Planning Commission held a public hearing on September 16, 2010 and unanimously recommended approval to the City Council.

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, IN SUPPORT OF AMENDING CHAPTER 9, ANNEXATION PLAN, OF THE COMPREHENSIVE PLAN

WHEREAS, the Comprehensive Plan currently has an Annexation Plan in Chapter 9 which includes a narrative section, a chart and a map; and

WHEREAS, amendments are proposed to update the Plan based on an annual review; and

WHEREAS, the Planning Commission has recommended approval of the amendments to Chapter 9, Annexation Plan; and

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

PASSED AND APPROVED THIS 21<sup>ST</sup> DAY OF SEPTEMBER 2010.

CITY OF LA VISTA

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Douglas Kindig, Mayor

ATTEST:

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Pamela A. Buethe, CMC  
City Clerk

# Chapter 9

## ANNEXATION PLAN

### INTRODUCTION

Annexation is a means of bringing unincorporated property into the corporate limits of the city and extending municipal services, regulations, voting privileges and taxing authority to new territory. It is also a tool for growth management by establishing more sensible jurisdictional boundaries, facilitating economic development, and fostering more coordinated land development. Annexation is also a means of ensuring that residents and businesses outside the city's corporate limits who benefit from access to the city's facilities and services share the tax burden associated with constructing and maintaining those facilities and services.

A city can only annex land within its extra-territorial jurisdiction (ETJ). The ETJ of a city is the contiguous unincorporated land adjacent to its corporate limits that is not within another city's ETJ. The size of a city's ETJ varies according to population, ranging from one mile for communities with less than 5,000 persons, to three miles for cities greater than 100,000. La Vista currently has a two-mile ETJ.

From an annexation perspective, a city's ETJ serves two functions. First, it prevents another municipality from annexing into another's ETJ. This provides a city with land that it alone can potentially annex. Second, cities are authorized to enforce their subdivision regulations, zoning regulations, and building codes within their ETJ. This is intended to be a means of ensuring that cities will not have to assume maintenance responsibilities for substandard infrastructure upon annexation. This however may not hold true for areas within La Vista's current ETJ and future growth area which have been developed while under Sarpy County's control.

Annexation is critical to the long-term well being of La Vista. This document details many of the considerations for annexation including conformity with Nebraska law, as well as a list of general policies, and finally it identifies areas for further study based on a one-to-five year, five-to-ten year, and ten-plus year schedule.

### ANNEXATION POLICIES

- The City will pursue an annexation program that adds to the economic stability of the city, protects and enhances its quality of life, and protects its environmental resources.
- The City will pursue an annexation program that promotes orderly growth and the provision of municipal services and preserves the city's fiscal position.
- The City will consider annexation of an area to increase the quality of life, upgrade public facilities, and provide the necessary services to meet the needs of the residents of the area.
- Upon annexation, the City will consider the extension of its ETJ as a means of managing growth and providing zoning and building controls.
- The City will oppose the extension of another municipality's jurisdiction or the creation of a special purpose district within the city's ETJ unless the city determines it cannot provide the necessary

services. The City will acknowledge interlocal cooperation agreements regarding growth boundaries created in corporation with other municipalities.

- The guidelines for the prioritization of annexation should include consideration of the following major issues:
  - Ability to meet State contiguity requirements.
  - Exploration of the cost/benefit ratio through a detailed fiscal plan.
  - Infrastructure capacities and feasibility of provision of services.
  - Importance for economic development purposes, controlling entrances to the city, or other reasons related to fostering more coordinated development or the provision of services.
  - *Logical extension of boundaries to fill in gaps or clarify jurisdictional boundaries for improved provision of services.*

## **ANNEXATION PLAN CONTENTS**

The Annexation Plan for La Vista identifies annexations that include Sanitary and Improvement Districts and other major tracts of land; miscellaneous lots and other tracts of land and rights-of-way may not be identified until a detailed annexation study is performed. The details of the provision of services and other provisions of State law which must be followed in annexing properties will also be identified in a detailed annexation study.

Attached to this plan narrative is a spreadsheet which primarily summarizes the cost and benefit of each area, organized by an annexation timeframe; and a map of the City's corporate limits, ETJ and future growth area which graphically identifies the annexation boundaries by timeframe.

## **ANNEXATION STUDY PROCESS**

(Per LB 495 and R.S. 1943, § 16-117, Annexation; powers; procedure; hearing.)

(1) Prepare a plan with complete information on the city's intentions for extending city services to the land proposed for annexation and state:

- a. The estimated cost impact of providing the services;
- b. The estimated method by which the city plans to finance the extension of services and how any services already provided will be maintained;
- c. A timetable for extending the services;
- d. A map drawn to scale delineating the land proposed for annexation, the current boundaries of the city, the proposed boundaries of the city after annexation, and the general land use pattern in the land proposed for annexation.

(2) The City Council adopts the resolution stating that the city is considering the annexation of the land and the plan for extending services. The resolution shall state:

- a. The time, date and location of the public hearing (#10 below);
- b. A description of the boundaries proposed for annexation;
- c. The plan for the extension of city services is available for inspection in the office of the City Clerk.

(3) Not later than 14 days prior to the Planning Commission public hearing, the City Clerk must send notice of the proposed annexation by certified mail, return receipt requested to any of the following entities serving customers in the City or area proposed for annexation:

- a. Natural gas public utility
- b. Natural gas utility owned or operated by the city
- c. Metropolitan utilities district
- d. Any municipality
- e. Public power district
- f. Public power and irrigation district
- g. Electric cooperative
- h. Any other governmental entity providing electronic services
- j. *School district*
- k. *Fire district*

This mailing must include:

- a. Description of the area proposed to be annexed, including a map showing the boundaries of the area proposed for annexation
- b. The date, time, and location of Planning Commission hearing
- c. How further information can be obtained, including an email or phone number

(4) The City must provide written notice of Planning Commission public hearing by regular mail to owners of property within the area proposed for annexation postmarked at least 10 working days prior to hearing. A certified letter must also be sent to the SID Clerk. The notice must include:

- a. Description of the area proposed to be annexed, including a map showing the boundaries of the area proposed for annexation
- b. The date, time, and location of Planning Commission hearing
- c. How further information can be obtained, including an email or phone number

(5) The Planning Commission reviews the proposed annexation plan and forwards a recommendation to the City Council.

(6) A copy of the resolution providing for the public hearing shall be published in the newspaper at least once not less than 10 days preceding the date of the public hearing. A map drawn to scale delineating the land proposed for annexation shall be published with the resolution.

(7) A copy of the resolution providing for the public hearing shall be sent by first-class mail following its passage to the school board of any school district proposed for annexation.

(8) The City must provide written notice of the City Council public hearing by regular mail to owners of property within the area proposed for annexation postmarked at least 10 working days prior to hearing. The notice must include:

- a. Description of the area proposed to be annexed, including a map showing the boundaries of the area proposed for annexation
- b. The date, time, and location of the City Council hearing
- c. How further information can be obtained, including an email or phone number

(9) The City Council introduces the annexation ordinance (first reading).

(10) The City Council holds the public hearing on the proposed annexation within 60 days following the adoption of the resolution (the City Council may recess the hearing, for good cause, to a time and date specified at the hearing). The City Council considers the second reading of the annexation ordinance.

- (11) The City Council considers the third and final reading of the annexation ordinance.
- (12) The City Clerk publishes the annexation ordinance and it becomes effective 15 days after passage.

## **CONCLUSION**

This document has been prepared to assist with the decision-making regarding annexation. The information provided is intended to ensure compliance with State law and aid in more complete and well thought out decisions by the city about future annexations. The city's goal is that the policies stated above be evaluated in order for annexation to have the least negative impact on the city and its residents and that the positive attributes and reasons for annexation may be more easily identified and applied to future decisions regarding city growth.

**City of La Vista  
SID Summary  
FY11**

General Description	Jurisdiction	Year Platted	SID #	Tax Levy /\$100	2010 Valuation	Tax Revenue Generated	Long-Term Debt FY09 Audit Principal Only	Debt to Valuation Ratio	Tax Revenue at COLV Levy	Current Population	Build-Out Population	Cash On-Hand 7/31/2010
<b>La Vista</b>												
<b>One - Five Year</b>												
108th & Harrison	1 Oakdale/Brookvalley	1971	59	0.260000	96,552,400	251,036	3,191,450	3.31%	505,452			972,519
108th & Harrison	1a Brookvalley II	1998	59	0.260000	39,769,413	103,400	1,303,550	3.28%	208,193			397,226
124th & Harrison	1b Performance Auto Plaza	2001			7,465,000	-	-	0.00%	39,079			
124th & Harrison	1c KV Development(storage)	Unplatted			2,033,965	-	-	0.00%	10,648			
72nd & Giles	1d Giles Corner	2003	239	0.791952	18,669,243	147,851	1,650,000	8.84%	97,733	239	332	941,852
96th & Portal	1e <sup>2</sup> Crossroads Ind Park	1979	82	0.787193	4,895,605	38,538	125,000	2.55%	25,628			48,798
126th & Giles	2 <sup>3</sup> Otte-Sarpy Ind Park	1998			2,065,635	-	-	0.00%	10,814			
126th & Giles	2a <sup>3</sup> Omaha Dev Foundation	1998			120,074	-	-	0.00%	629			
136th & Giles	2b <sup>3</sup> Interstate Industrial Park	1990			13,265,000	-	-		69,442			
132nd & Giles	2c <sup>3</sup> Claas	Unplatted			13,700,000	-	-	0.00%	71,720			
136th & Giles	2d Centech Business Park	1995	172	0.750002	49,071,171	368,035	2,195,000.00	4.47%	256,888			464,544
I-80 & Sapp Brothers	2e <sup>3</sup> I-80 Industrial Park	1993	163	0.410000	41,525,666	170,255	2,055,000.00	4.95%	217,387			337,494
144th & Chandler	2f <sup>3</sup> Chalco Valley Bus Park	1991			16,742,417	-	-	0.00%	87,547			
Port Grace & Eastport	3 Sod Farm	Unplatted			50,816	-	-	0.00%	266			
118th & Harry Anderson	4 <sup>3</sup> I-80 Business Park-2nd Add	2001			413,969	-	-	0.00%	2,167			
<b>Five-Ten Year</b>												
96th & Giles	1 Mayfair	1998	195	0.505000	42,976,398	217,031	2,780,000	6.47%	224,981	511	560	1,544,409
96th & Harrison	2 Cimarron Woods	2004	237	0.680000	99,421,809	676,068	6,325,000	6.36%	520,473	766	2382	1,538,209
100th & Giles	4 Portal Ridge	2006	276	0.900000	21,331,919	191,987	5,003,367	23.45%	111,673	101	696	1,475,967
114th & Giles	<sup>4</sup> OTC Business Park	2004			34,392,366	-	-	0.00%	180,044			
<b>Ten - Fifteen Year</b>												
SE 132nd & Harrison	Millard Highland South	1976	104	0.460005	124,010,620	570,455	2,000,000.00	1.61%	649,196	3760	4688 <sup>5</sup>	914,704
SE 138th & Harrison	Southridge	1985	133	0.580000	39,185,004	227,273	1,265,000.00	3.23%	205,133	821	821	378,972
SE Hwy 50 & Harrison	Stonybrook South	1977	111	0.659852	62,360,419	411,486	1,455,000.00	2.33%	326,457	974	974	599,557
E of Hwy 50 S of Giles	The Meadows	1972	65	0.586720	64,474,750	378,286	1,175,000.00	1.82%	337,525	1587	1587	411,635
144th & Giles	Lakeview South II				5,189,383			0.00%	27,166			

<sup>1</sup> Population estimate.

**City of La Vista  
SID Summary**

**FY11**

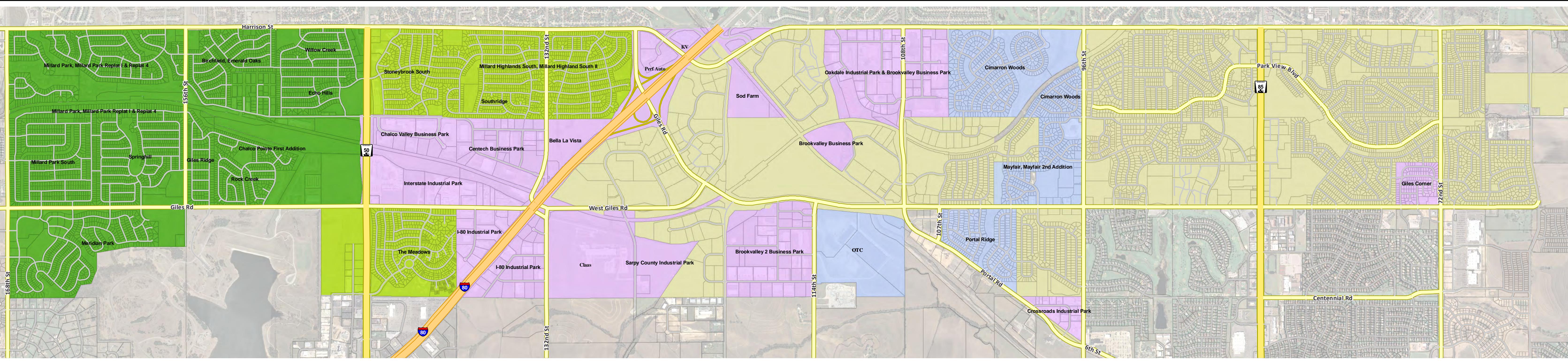
General Description	Jurisdiction	Year Platted	SID #	Tax Levy /\$100	2010 Valuation	Tax Revenue Generated	Long-Term Debt FY09 Audit Principal Only	Debt to Valuation Ratio	Tax Revenue at COLV Levy	Current Population	Build-Out Population	Cash On-Hand 7/31/2010
<b>Fifteen + Years</b>												
Hwy 50 & Harrison	Willow Creek	1974	96	0.434505	38,307,489	166,448	430,000.00	1.12%	200,540	*	*	
SW 144th & Harrison	Echo Hills	1975	68	0.621610	26,119,431	162,361	530,000.00	2.03%	136,735	*	*	
156th & Harrison	Emerald Oaks/Birchfield	1992	156	0.540000	64,976,462	350,873	3,255,000.00	5.01%	340,152	*	1150	
NE 156th & Giles	Rock Creek	1974	92	0.728623	29,290,668	213,419	845,000.00	2.88%	153,337	<i>Included with Chalco Point</i>		
NE 156th & Giles	Rock Creek Apts	2000			26,329,115	0		0.00%	137,833	<i>Included with Chalco Point</i>		
156th & Giles	Chalco Point	1994	165	0.665000	17,428,811	115,902	1,050,000.00	6.02%	91,240	*	1046	
156th & Giles	Giles Ridge	2001	225	0.899999	25,401,572	228,614	3,105,000.00	12.22%	132,977	*	457	
159th & Giles	Springhill Ridge	2003	233	0.850000	78,001,190	663,010	6,290,000.00	8.06%	408,336	1751	1751	
SW 156th & Harrison	Millard Park	1994	162	0.800000	136,816,955	1,094,536	8,285,000.00	6.06%	716,237	*	312	
SE 168th & Harrison	Millard Park South	2000	216	0.750004	86,538,230	649,040	5,505,000.00	6.36%	453,028	*	951	
168th & Giles	Stonecrest	2004	257	0.900000	68,765,475	618,889	5,479,900.00	7.97%	359,987			
<b>Total Valuation and revenue at La Vista's valuation</b>				0.523500	2,446,701,004	\$12,808,480						
<b>Total Valuation and revenue at SID's valuation</b>						\$8,014,794						
<b>Total Debt in SID's</b>									<b>\$65,298,267</b>			
<b>Total Population</b>										<b>29,448</b>	<b>36,645</b>	

<sup>2</sup> Complicated since the SID spans across two jurisdictions, City of La Vista and City of Papillion.

<sup>3</sup> Address the issue of the 132nd & Giles intersection improvements agreement.

<sup>4</sup> In accordance with the Subdivision agreement can not annex until 12/31/19.

\* Count in progress



**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**SEPTEMBER 21, 2010 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
LAND ACQUISITION - THOMPSON CREEK GRANT PROJECT	◆ RESOLUTION ORDINANCE RECEIVE/FILE	PAM BUETHE CITY CLERK

**SYNOPSIS**

A public hearing has been scheduled to hear comments, support, opposition or criticism with respect to the proposed purchase of properties located at 7548 Valley Road, 7602 Valley Road, and 7601 South 73<sup>rd</sup> Avenue. A resolution has been prepared to approve the purchase of the sites and to authorize and approve the execution of documents for the purchase of these sites located in the Thompson Creek grant project area.

**FISCAL IMPACT**

The FY 09/10 Budget contains funding for this project. Costs to acquire these three properties will be reimbursed as part of the federal Thompson Creek Hazard Mitigation Grant.

**RECOMMENDATION**

Approval.

**BACKGROUND**

At the February 2, 2010 City Council meeting the Council accepted a FEMA grant award of \$2,040,930.00 to facilitate the acquisition of up to 24 homes along Thompson Creek. In March and April agreements were approved for the appraisal, review appraisal, and acquisition services.

Upon completion of the appraisals the City Council designated the City Administrator to negotiate the purchase of the homes in the project area.

Currently there are three property owners that have accepted the offered price and are ready to sell their properties this month.

Pursuant to state statute, before purchasing an interest in real property, the acquisition must be authorized by City Council action at a public meeting after notice and public hearing which requirements will be satisfied at or before the meeting.

Additional offers have been accepted and will come before Council at a future meeting.

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA TO AUTHORIZE AND APPROVE THE PURCHASE OF THREE HOMES FOR THE THOMPSON CREEK HAZARD MITIGATION PROJECT AND TO AUTHORIZE THE EXECUTION AND DELIVERY OF DOCUMENTS NECESSARY TO PURCHASE THESE SITES

WHEREAS, the owners of the homes located at 7548 Valley Road, 7602 Valley Road, and 7601 South 73<sup>rd</sup> Avenue (together the homes are referred to herein as "Sites"), desire to sell the Sites to the City, and the City desires to purchase the Sites 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 Sites; and.
- (iii) Proposed purchase agreements for the Sites have been presented to the City Administrator by the owners of the Sites in form and content the City Administrator finds satisfactory and recommends; and
- (iv) Each purchase agreement provides for a purchase price equal to the appraised value, 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 Sites 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 Sites, to be held during the regular City Council meeting on September 21, 2010; 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 Sites from a certified real estate appraiser, which appraisals established each Site's fair market value at an amount equal to or greater than the price stated in the documents referred to in (iii) above, and 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 Sites 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.

PASSED AND APPROVED THIS 21ST DAY OF SEPTEMBER 2010.

CITY OF LA VISTA

ATTEST:

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Douglas Kindig, Mayor

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Pamela A. Buethe, CMC  
City Clerk

**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**SEPTEMBER 21, 2010 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
ADVERTISEMENT FOR BIDS – STORM SEWER REHABILITATION HARRISON ST. & PARK CREST DR.	◆ RESOLUTION ORDINANCE RECEIVE/FILE	JOHN KOTTMANN CITY ENGINEER

**SYNOPSIS**

A resolution has been prepared authorizing the advertisement of bids for the storm sewer rehabilitation project at Harrison Street and Park Crest Drive.

**FISCAL IMPACT**

The Fiscal Year 2010/11 Capital Improvement Program provides funds for the proposed improvements via sales tax dollars. One-half of the cost will be reimbursed from the City of Ralston upon completion of the work.

**RECOMMENDATION**

Approval

**BACKGROUND**

The City Engineer has prepared specifications to obtain bids to furnish and install a lining system inside the existing 30-inch CMP storm sewer that crosses under Harrison Street from La Vista into Ralston. The existing CMP pipe has substantial corrosion and needs to be repaired to prevent further deterioration and loss of soil surrounding the pipe. The Harrison Street pavement would be left in place. Depending upon the type of lining system that is selected, there may be excavation of access pits on adjacent side streets. The following schedule is suggested:

Publish Notice to Contractors	Sept. 30 and Oct. 7, 2010
Open Bids	Oct. 11, 2010
City Council Award Contract	Oct. 19, 2010

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE ADVERTISEMENT FOR BIDS FOR THE STORM SEWER REHABILITATION HARRISON STREET AND PARK CREST DRIVE.

WHEREAS, the City Council has determined that the rehabilitation of the storm sewer at Harrison Street and Park Crest Drive is necessary, and

WHEREAS, the FY 2010/11 Capital Improvement Program provides funding for the proposed improvements, and

WHEREAS, the City Engineer has prepared specifications for the rehabilitation of the Storm Sewer at Harrison Street and Park Crest Drive.

NOW, THEREFORE BE IT RESOLVED, that the City Administrator is hereby authorized to advertise for bids for the rehabilitation of the Storm Sewer at Harrison Street and Park Crest Drive in accordance with specifications prepared by the City Engineer, and said bids are to be opened and publicly read aloud at 10:00 a.m. at the office of the City Clerk 8116 Park View Boulevard, La Vista NE on October 11, 2010.

Publish Notice to Contractors	September 30 and October 7, 2010
Open Bids	October 11, 2010
Award Contract	October 19, 2010

PASSED AND APPROVED THIS 21ST DAY OF SEPTEMBER, 2010

CITY OF LA VISTA

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Douglas Kindig, Mayor

ATTEST:

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Pamela A. Buethe, CMC  
City Clerk

## NOTICE TO CONTRACTORS

### STORM SEWER REHABILITATION HARRISON ST. & PARK CREST DR. CITY OF LA VISTA, NEBRASKA

Sealed proposals will be received at the City Clerk's Office, City of La Vista, 8116 Park View Boulevard, La Vista, Nebraska 68128, until October 11, 2010, at 10:00 A.M., for Storm Sewer Rehabilitation, Harrison Street & Park Crest Dr., in and for said City according to plans and specifications for said improvements now available at the La Vista Public Works Department, 9900 Portal Road, La Vista, Nebraska 68128, which proposals at that time will be publicly opened and read aloud and tabulated.

The extent of the work involves furnishing and installing a lining system in an existing 30-inch CMP storm sewer approximately 80 feet long and grouting voids surrounding the existing pipe, appurtenances and related work.

All proposals must be submitted on bid forms furnished by the La Vista Public Works Department. Bids will be accepted only from plan holders of record as listed at the La Vista Public Works Department.

Acceptable lining systems are set forth in the specifications. Alternate lining systems must be submitted for approval by October 4, 2010 in accordance with the specifications.

Each bid shall be accompanied in a SEPARATE SEALED ENVELOPE by a certified check or bid bond in an amount not less than five (5) percent of the amount bid and such certified check or bid bond shall be payable to the Treasurer of the City of La Vista, Nebraska, as security that the Bidder to whom the contract may be awarded will enter into a contract to perform the work in accordance with this Notice and other contract documents, and will furnish the required bonds in amount equal to 100% of the contract price.

No Bidder may withdraw his proposal for a period of thirty (30) days after the date set for the opening of bids. The Owner reserves the right to reject any or all bids and to waive informalities.

**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**SEPTEMBER 21, 2010 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
ADVERTISEMENT FOR BIDS – BRIDGE JOINT REPAIRS- HARRISON ST. BRIDGE	◆ RESOLUTION ORDINANCE RECEIVE/FILE	JOHN KOTTMANN CITY ENGINEER

**SYNOPSIS**

A resolution has been prepared authorizing the advertisement for bids for the Bridge Joint Repairs, Harrison Street Bridge located where Harrison Street crosses over Eastport Parkway.

**FISCAL IMPACT**

The Fiscal Year 2010/11 Capital Improvement Program provides funds for the proposed improvements using sales tax dollars.

**RECOMMENDATION**

Approval

**BACKGROUND**

Thompson, Dreessen and Dorner, Inc. has prepared plans and specifications to obtain bids to reconstruct the existing end- of- bridge deck joints including additive alternates to remove and replace expansion joints in pavement adjacent to each end of the bridge. The existing joints have deteriorated significantly this year and need to be repaired prior to winter, if possible, to avoid additional damage from snow plowing operations.

The preliminary estimate to perform the bridge joint repairs is \$100,000. Thompson, Dreessen & Dorner, Inc. is consulting with contractors to refine the estimate and will provide that information prior to the Council meeting.

The work would be performed after Giles Road is fully opened to through traffic as it will be necessary to have traffic restrictions and/or closures on Harrison Street in order to perform the work. The following schedule is suggested:

Publish Notice to Contractors	Sept. 30 and Oct. 7, 2010
Open Bids	Oct. 11, 2010
City Council Award Contract	Oct. 19, 2010

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE ADVERTISEMENT FOR BIDS FOR THE BRIDGE JOINT REPAIRS ON THE HARRISON STREET BRIDGE OVER EASTPORT PARKWAY.

WHEREAS, the City Council has determined that the bridge joint repairs on the Harrison Street Bridge over Eastport Parkway are necessary, and

WHEREAS, the FY 2010/11 Capital Improvement Program provides funding for the proposed improvements, and

WHEREAS, the City Engineer, in conjunction with Thompson, Dreessen and Dorner, Inc., has prepared specifications for the bridge joint repairs on the Harrison Street Bridge.

NOW, THEREFORE BE IT RESOLVED, that the City Administrator is hereby authorized to advertise for bids for the bridge joint repairs on the Harrison Street Bridge over Eastport Parkway in accordance with specifications prepared by the City Engineer, in conjunction with Thompson, Dreessen and Dorner and said bids are to be opened and publicly read aloud at 10:00 a.m. at the office of the City Clerk 8116 Park View Boulevard, La Vista NE on October 11, 2010.

Publish Notice to Contractors	September 30 and October 7, 2010
Open Bids	October 11, 2010
Award Contract	October 19, 2010

PASSED AND APPROVED THIS 21ST DAY OF SEPTEMBER, 2010

CITY OF LA VISTA

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Douglas Kindig, Mayor

ATTEST:

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Pamela A. Buethe, CMC  
City Clerk

September 10, 2010

## Mayor and City Council Members

City of La Vista

c/o Mr. John Kottmann, P.E.

City Engineer

9900 Portal

La Vista, NE 68128

RE: Bridge Joint Repairs – Structure No. C002803005

Harrison Street Bridge over Eastport Parkway

City of La Vista, Nebraska

TD<sup>2</sup> File No. 171-382.3

The following is an Engineer's Estimate of Construction Costs in connection with the construction of the Bridge Joint Repairs – Structure No. C002803005 Harrison Street Bridge over Eastport Parkway – City of La Vista, Nebraska:

Item	Description	Approx. Quantity	Unit	Unit Price	Amount
1	Mobilization	2	L.S.	\$10,000.00	\$20,000.00
2	Barricade, Type III	36	BDAY	\$ 1.75	\$ 63.00
3	Temporary Sign Day	24	EA.	\$ 2.53	\$ 60.72
4	Changeable Message Sign	26	DAY	\$ 100.00	\$ 2,600.00
5	Traffic Control Management	6	DAY	\$ 85.87	\$ 515.22
6	Remove Bridge Expansion Joint	136	L.F.	\$ 185.00	\$25,160.00
7	Remove Existing Abutment P.C.C.	2.34	C.Y.	\$ 500.00	\$ 1,170.00
8	Concrete Pavement, Class PR- 3500	2.34	C.Y.	\$ 295.69	\$ 691.91
9	Install Wabo® ElastoFlex Bridge Series Expansion Joint	136	L.F.	\$ 220.00	\$29,920.00
10	Precompressed Polyurethane Foam Joint	50	L.F.	\$ 89.30	\$4,465.00
<b>Total Estimated Construction Cost.</b>					<b>\$64,582.85</b>
Estimated Engineering, Testing, and Staking					<b>\$9,687.43</b>
<b>Total Estimated Project Cost</b>					<b>\$74,270.28</b>

Mayor and City Council Members  
City of Papillion  
September 10, 2010  
Page 2

**ALTERNATE NO. 1**

11	Remove Pavement	169	S.Y.	\$	4.67	\$	789.23
12	Sawing Pavement	136	L.F.	\$	2.50	\$	340.00
13	6" Concrete Class 47B-3000 Median Surfacing	17	S.Y.	\$	35.05	\$	595.85
14	9" Concrete Pavement, Class 47B-HE-3500	152	S.Y.	\$	39.30	\$	5,973.60
15	Remove and Salvage Guardrail	200	L.F.	\$	4.05	\$	810.00
16	Reset Guardrail	200	L.F.	\$	23.00	\$	4,600.00
17	Subgrade Preparation	169	S.Y.	\$	1.56	\$	263.64
18	Expansion Joint	236	L.F.	\$	114.00	<u>\$26,904.00</u>	

<b>Total Estimated Construction Cost</b>	<b>\$40,276.32</b>
Estimated Engineering, Testing, and Staking	<u><b>\$6,041.45</b></u>
<b>Total Estimated Project Cost</b>	<b>\$46,317.77</b>

Sincerely,

THOMPSON, DREESSEN & DORNER, INC.



Brian L. Lodes, P.E.

BLL/bam



thompson, dreessen & dorner, inc.

## NOTICE TO CONTRACTORS

City of La Vista  
La Vista, Nebraska

### BRIDGE JOINT REPAIRS – STRUCTURE NO. C002803005 HARRISON STREET BRIDGE OVER EASTPORT PARKWAY CITY OF LA VISTA, NEBRASKA

Sealed proposals will be received at the City Clerk's Office, City of La Vista, 8116 Park View Boulevard, La Vista, Nebraska 68128, until October 11, 2010, at 10:00 A.M., for BRIDGE JOINT REPAIRS – STRUCTURE NO. C002803005 HARRISON STREET BRIDGE OVER EASTPORT PARKWAY, CITY OF LA VISTA, NEBRASKA, in and for said City according to specifications for said improvements now on file at the office of Thompson, Dreessen & Dorner, Inc., 10836 Old Mill Road, Omaha, Nebraska 68154, which proposals at that time will be publicly opened and read aloud and tabulated.

The extent of the work consists of the construction or other effectuation of the items listed below and other related preparatory and subsidiary work from issuance of the Notice to Proceed:

Item	Description	ESTIMATED QUANTITIES	
1	Mobilization	2	L.S.
2	Barricade, Type III	36	BDAY
3	Temporary Sign Day	24	EA.
4	Changeable Message Sign	26	DAY
5	Traffic Control Management	6	DAY
6	Remove Bridge Expansion Joint	136	L.F.
7	Remove Existing Abutment P.C.C.	2.34	C.Y.
8	Concrete Pavement, Class PR-3500	2.34	C.Y.
9	Install Wabo® ElastoFlex Bridge Series Expansion Joint	136	L.F.
10	Precompressed Polyurethane Foam Joint	50	L.F.
<b>ALTERNATE NO. 1</b>			
11	Remove Pavement	169	S.Y.
12	Sawing Pavement	136	L.F.
13	6" Concrete Class 47B-3000 Median Surfacing	17	S.Y.
14	9" Concrete Pavement, Class 47B-HE-3500	152	S.Y.
15	Remove and Salvage Guardrail	200	L.F.
16	Reset Guardrail	200	L.F.
17	Subgrade Preparation	169	S.Y.
18	Expansion Joint	236	L.F.

All proposals must be submitted on bid forms furnished by Thompson, Dreessen & Dorner, Inc., 10836 Old Mill Road, Omaha, Nebraska 68154. Bids will be accepted only from plan holders of record as listed at Thompson, Dreessen & Dorner, Inc.

Each bid shall be accompanied in a SEPARATE SEALED ENVELOPE by a certified check or bid bond in an amount not less than five (5) percent of the amount bid and such certified check or bid bond shall be payable to the Treasurer of the City of La Vista, Nebraska, as security that the Bidder to whom the contract may be awarded will enter into a contract to perform the work in accordance with this Notice and other contract documents, and will furnish the required bonds in amount equal to 100% of the contract price.

Specifications and Contract Documents may be examined at the office of the City Clerk, City of La Vista, 8116 Park View Boulevard, La Vista, Nebraska, and may be procured from the office of the Engineer, 10836 Old Mill Road, Omaha, Nebraska 68154, upon the payment of \$20.00, which no part will be refunded.

No Bidder may withdraw his proposal for a period of thirty (30) days after the date set for the opening of bids. The Owner reserves the right to reject any or all bids and to waive informalities.

TD<sup>2</sup> File No. 171-382.2

**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**SEPTEMBER 21, 2010 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
AUTHORIZATION TO PURCHASE SINGLE AXLE DUMP TRUCK	◆ RESOLUTION ORDINANCE RECEIVE/FILE	JOE SOUCIE PUBLIC WORKS DIRECTOR

**SYNOPSIS**

A resolution has been prepared authorizing the purchase of a 2011 International 7300 SFA 4x2 Dump Truck from Cornhusker International Trucks, Inc., Omaha, Nebraska for an amount not to exceed \$134,100.00.

**FISCAL IMPACT**

The FY 2010/11 General Fund Street Operating budget provides funding for the purchase of one single axle dump truck.

**RECOMMENDATION**

Approval

**BACKGROUND**

The dump truck purchase is to replace a 1988 Chevy Single Axle Dump Truck which has been out of service since February 2010 with a broken transmission. The truck will be sold as is via auction or sealed bid.

The chassis and cab purchase are being made from a current City of Omaha contract #527388. The body and equipment are being purchased from the State of Nebraska contract #12720(OC). Delivery time for the new truck is 90-120 days.

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE PURCHASE OF A 2011 INTERNATIONAL 7300 SFA 4X2 DUMP TRUCK FROM CORNHUSKER INTERNATIONAL TRUCKS, INC., OMAHA, NEBRASKA, IN AN AMOUNT NOT TO EXCEED \$134.100.00.

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

WHEREAS, the FY 2010/11 General Fund Street Operating Budget provides funding for said purchase; and

WHEREAS, the purchase will be from the State of Nebraska Contract #12720(OC) and City of Omaha contract #527388; and

WHEREAS, Subsection (C) (9) of Section 31.23 of the La Vista Municipal Code requires that the City Administrator secure council approval prior to authorizing any purchases over \$5,000.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, due hereby award the purchase of a 2011 International 7300 SFA 4x2 Dump Truck from Cornhusker International Trucks, Inc., Omaha, Nebraska, in an amount not to exceed \$134,100.00.

PASSED AND APPROVED THIS 21ST DAY OF SEPTEMBER, 2010

**CITY OF LA VISTA**

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**Douglas Kindig, Mayor**

ATTEST:

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Pamela A. Buethe, CMC  
City Clerk

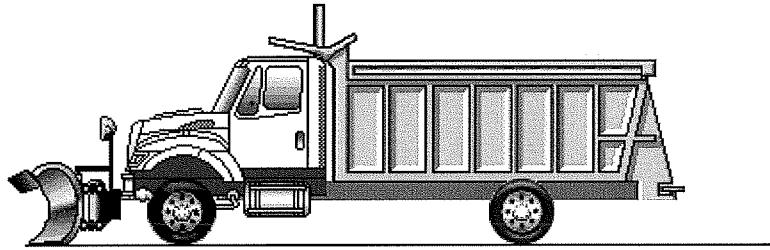
**Prepared For:**

City of LaVista  
 Greg Goldman  
 9900 Cornhusker Rd.  
 La Vista, NE 68128-3087  
 (402)331 - 8927  
 Reference ID: N/A

**Presented By:**

CORNHUSKER INTERNATIONAL TRUCKS, INC  
 Rob Roane  
 4502 S. 110th Street  
 Omaha NE 68137 -  
 (402)331-8801

Thank you for the opportunity to provide you with the following quotation on a new International truck. I am sure the following detailed specification will meet your operational requirements, and I look forward to serving your business needs.



**Model Profile**  
**2011 7300 SFA 4X2 (SA515)**

**APPLICATION:**

Front Plow and Wing with Spreader

**MISSION:**

Requested GVWR: 37000. Calc. GVWR: 37000

Calc. Start / Grade Ability: 40.70% / 2.07% @ 55 MPH

Calc. Geared Speed: 69.6 MPH

7.86 MPG @ 55 MPH

**FUEL ECONOMY:**

Wheelbase: 177.00, CA: 102.00, Axle to Frame: 61.00

**DIMENSION:**

{MaxxForce DT} EPA 10, 260 HP @ 2200 RPM, 660 lb-ft Torque @ 1300 RPM, 2400 RPM

**ENGINE, DIESEL:**

Governed Speed

**TRANSMISSION, AUTOMATIC:**

{Allison 3500\_RDS\_P} 4th Generation Controls; Wide Ratio, 6-Speed, With Double Overdrive; On/Off Hwy; Includes Oil Level Sensor, With PTO Provision, Less Retarder, With 80,000-lb GVW & GCW Max.

**CLUTCH:**

Omit Item (Clutch & Control)

**AXLE, FRONT NON-DRIVING:**

{Meritor MFS-14-143A} Wide Track, I-Beam Type, 14,000-lb Capacity

**AXLE, REAR, SINGLE:**

{Meritor RS-23-160} Single Reduction, 23,000-lb Capacity, 200 Wheel Ends, Driver Controlled Locking Differential Gear Ratio: 6.43

**CAB:**

Conventional

**TIRE, FRONT:**

(2) 12R22.5 HSC (CONTINENTAL) 483 rev/mile, load range H, 16 ply

**TIRE, REAR:**

(4) 11R22.5 HDR1 (CONTINENTAL) 495 rev/mile, load range G, 14 ply

**SUSPENSION, REAR, AIR, SINGLE:**

{Hendrickson PRIMAAEX} 23,000-lb Capacity, 9.0" Ride Height, With Shock Absorbers

**PAINT:**

Cab schematic 100GM

Location 1: 9219, Winter White (Std)

Chassis schematic N/A

<u>Code</u>	<u>Description</u>	<u>F/R Wt</u> (lbs)	<u>Tot Wt</u> (lbs)	<u>List</u> (USA DOLLAR)
SA51500	Base Chassis, Model 7300 SFA 4X2 with 177.00 Wheelbase, 102.00 CA, and 61.00 Axle to Frame.	6614/3664	10278	\$65,368.00
1CAJ	FRAME RAILS Heat Treated Alloy Steel (120,000 PSI Yield); 10.866" x 3.622" x 0.433" (276.0mm x 92.0mm x 11.1mm); 456.0" (11582mm) Maximum OAL	130/318	448	\$983.00
1LLA	BUMPER, FRONT Steel, Swept Back	0/0	0	\$0.00
	<u>Includes</u>			
	: BUMPER, FRONT Powder Coated Gray (Argent) Color			
1WDS	FRAME EXTENSION, FRONT Integral; 20" In Front of Grille	140/-35	105	\$221.00
1WEV	WHEELBASE RANGE 146" (370cm) Through and Including 195" (495cm)	0/0	0	\$0.00
2ARV	AXLE, FRONT NON-DRIVING {Meritor MFS-14-143A} Wide Track, I-Beam Type, 14,000-lb Capacity	58/0	58	\$973.00
	<u>Notes</u>			
	: The following features should be considered when calculating Front GAWR: Front Axles; Front Suspension; Brake System; Brakes, Front Air Cam; Wheels; Tires.			
3ADD	SUSPENSION, FRONT, SPRING Parabolic, Taper Leaf; 14,000-lb Capacity; With Shock Absorbers	37/0	37	\$129.00
	<u>Includes</u>			
	: SPRING PINS Rubber Bushings, Maintenance-Free			
	<u>Notes</u>			
	: The following features should be considered when calculating Front GAWR: Front Axles; Front Suspension; Brake System; Brakes, Front Air Cam; Wheels; Tires.			
4091	BRAKE SYSTEM, AIR Dual System for Straight Truck Applications	0/0	0	\$0.00
	<u>Includes</u>			
	: BRAKE LINES Color and Size Coded Nylon			
	: DRAIN VALVE Twist-Type			
	: DUST SHIELDS, FRONT BRAKE			
	: DUST SHIELDS, REAR BRAKE			
	: GAUGE, AIR PRESSURE (2) Air 1 and Air 2 Gauges; Located in Instrument Cluster			
	: PARKING BRAKE CONTROL Yellow Knob, Located on Instrument Panel			
	: PARKING BRAKE VALVE For Truck			
	: QUICK RELEASE VALVE Bendix On Rear Axle for Spring Brake Release: 1 for 4x2, 2 for 6x4			
	: SLACK ADJUSTERS, FRONT Automatic			
	: SLACK ADJUSTERS, REAR Automatic			
	: SPRING BRAKE MODULATOR VALVE R-7 for 4x2, SR-7 with relay valve for 6x4			
	<u>Notes</u>			
	: Rear Axle is Limited to 23,000-lb GAWR with Code 04091 BRAKE SYSTEM, AIR and Standard Rear Air Cam Brakes Regardless of Axle/Suspension Ordered.			
4732	DRAIN VALVE {Berg} Manual; With Pull Chain, for Air Tank	0/0	0	\$0.00

<u>Code</u>	<u>Description</u>	<u>F/R Wt</u> (lbs)	<u>Tot Wt</u> (lbs)	<u>List</u> (USA DOLLAR)
	<u>Includes</u> : DRAIN VALVE Mounted in Wet Tank			
4AZA	AIR BRAKE ABS {Bendix AntiLock Brake System} Full Vehicle Wheel Control System (4-Channel)	0/0	0	\$0.00
4EBD	AIR DRYER {Meritor Wabco System Saver 1200} with Heater	11/7	18	\$445.00
	<u>Includes</u> : AIR DRYER LOCATION Inside Left Rail, Back of Cab			
4ESX	BRAKE CHAMBERS, FRONT AXLE {Haldex} 20 SqIn	0/0	0	\$0.00
4EVL	BRAKE CHAMBERS, REAR AXLE {Haldex GC3030LHDHO} 30/30 Spring Brake	0/0	0	\$0.00
	<u>Includes</u> : BRAKE CHAMBERS, SPRING (2) Rear Parking; WITH TRUCK BRAKES: All 4x2, 4x4; WITH TRACTOR BRAKES: All 4x2, 4x4; 6x4 & 6x6 with Rear Tandem Axles Less Than 46,000-lb. or GVWR Up To 54,000-lb.			
4JCJ	BRAKES, FRONT, AIR CAM S-Cam; 16.5" x 5.0"; Includes 20 Sq. In. Long Stroke Brake Chambers	0/0	0	\$265.00
	<u>Notes</u> : The following features should be considered when calculating Front GAWR: Front Axles; Front Suspension; Brake System; Brakes, Front Air Cam; Wheels; Tires.			
4NDB	BRAKES, REAR, AIR CAM S-Cam; 16.5" x 7.0"; Includes 30/30 Sq.In. Long Stroke Brake Chamber and Spring Actuated Parking Brake	0/0	0	\$0.00
	<u>Notes</u> : The following features should be considered when calculating Rear GAWR: Rear Axles; Rear Suspension; Brake System; Brakes, Rear Air Cam; Brake Shoes, Rear; Special Rating, GAWR; Wheels; Tires.			
4SBC	AIR COMPRESSOR {Bendix Tu-Flo 550} 13.2 CFM Capacity	0/0	0	\$0.00
5708	STEERING COLUMN Tilting	10/0	10	\$125.00
5CAL	STEERING WHEEL 2-Spoke, 18" Diam., Black	0/0	0	\$0.00
5PSA	STEERING GEAR {Sheppard M-100} Power	0/0	0	\$0.00
7BEJ	EXHAUST SYSTEM Single, Horizontal, Aftertreatment Device Frame Mounted Outside Right Rail Under Cab; Includes Vertical Tail Pipe and Guard	0/0	0	\$738.00
	<u>Includes</u> : EXHAUST HEIGHT 10' Exhaust Height - Based on Empty Chassis with Standard Components (+ or - 1" Height) : MUFFLER/TAIL PIPE GUARD Non-Bright Finish			
8000	ELECTRICAL SYSTEM 12-Volt, Standard Equipment	0/0	0	\$0.00
	<u>Includes</u> : BATTERY BOX Steel with Fiberglass Cover : DATA LINK CONNECTOR For Vehicle Programming and Diagnostics In Cab			

<u>Code</u>	<u>Description</u>	<u>F/R Wt</u> (lbs)	<u>Tot Wt</u> (lbs)	<u>List</u> (USA DOLLAR)
	: FUSES, ELECTRICAL SAE Blade-Type : HAZARD SWITCH Push On/Push Off, Located on Top of Steering Column Cover : HEADLIGHT DIMMER SWITCH Integral with Turn Signal Lever : HEADLIGHTS (2) Sealed Beam, Round, with Chrome Plated Bezels : HORN, ELECTRIC Single : JUMP START STUD Located on Positive Terminal of Outermost Battery : PARKING LIGHT Integral with Front Turn Signal and Rear Tail Light : RUNNING LIGHT (2) Daytime, Included With Headlights : STARTER SWITCH Electric, Key Operated : STOP, TURN, TAIL & B/U LIGHTS Dual, Rear, Combination with Reflector : TURN SIGNAL SWITCH Self-Cancelling for Trucks, Manual Cancelling for Tractors, with Lane Change Feature : TURN SIGNALS, FRONT Includes Reflectors and Auxiliary Side Turn Signals, Solid State Flashers; Flush Mounted : WINDSHIELD WIPER SWITCH 2-Speed with Wash and Intermittent Feature (5 Pre-Set Delays), Integral with Turn Signal Lever : WINDSHIELD WIPERS Single Motor, Electric, Cowl Mounted : WIRING, CHASSIS Color Coded and Continuously Numbered			
8518	CIGAR LIGHTER Includes Ash Cup	1/0	1	\$18.00
8875	BATTERY TERMINALS Sealed	1/0	1	\$51.00
8GGZ	ALTERNATOR {Leece-Neville LBP2224H} Brush Type; 12 Volt 120 Amp. Capacity, Pad Mounted	0/0	0	\$0.00
8HAA	BODY BUILDER WIRING To Rear of Frame, With Stop, Tail, Turn, and Marker Lights Circuits, Ignition Controlled Auxiliary Feed and Ground, Less Trailer Socket	2/0	2	\$159.00
8MEZ	BATTERY SYSTEM {International} Maintenance-Free, (2) 12-Volt 1850CCA Total	5/1	6	\$56.00
8RGA	2-WAY RADIO Wiring Effects; Wiring With 20 Amp Fuse Protection, Includes Ignition Wire With 5 Amp Fuse, Wire Ends Heat Shrink and Routed to Center of Header Console in Cab	1/0	1	\$54.00
8RJV	RADIO {International} AM/FM Stereo With Weatherband, Clock, Auxiliary Input, Includes Multiple Speakers	0/0	0	\$338.00
	<u>Includes</u>			
	: SPEAKERS IN CAB (2) Dual-Cone with Deluxe Interior : SPEAKERS IN CAB (4) Coaxial with Premium Interior			
8THB	BACK-UP ALARM Electric, 102 dBA	0/3	3	\$120.00
8THJ	AUXILIARY HARNESS 3.0' for Auxiliary Front Head Lights and Turn Signals for Front Plow Applications	2/0	2	\$64.00
8TKB	STOP, TURN, TAIL & B/U LIGHTS {Truck Lite} Super 44, With LED Bulbs for Stop, Turn & Tail Lights and Truck Lite Super 40 for Backup lights, With Power Module, "International" Termination and Less Junction Box	0/5	5	\$191.00
8WBW	JUMP START STUD Remote Mounted	2/0	2	\$83.00

<u>Code</u>	<u>Description</u>	<u>F/R Wt</u> (lbs)	<u>Tot Wt</u> (lbs)	<u>List</u> (USA DOLLAR)
<u>Includes</u>				
: JUMP START STUD Mounted to Battery Box				
8WCL	HORN, AIR Black, Single Trumpet, Air Solenoid Operated	0/0	0	\$0.00
8WCS	BATTERY DISCONNECT SWITCH {Joseph Pollak 51-315} Positive Type, Lever Operated, Cab Mounted	1/0	1	\$148.00
8WML	HEADLIGHTS Long Life Halogen; for Two Light System	0/0	0	\$22.00
8WPH	CLEARANCE/MARKER LIGHTS (5) {Truck Lite} Amber LED Lights, Flush Mounted on Cab or Sunshade	0/0	0	\$70.00
8WPZ	TEST EXTERIOR LIGHTS Pre-Trip Inspection will Cycle all Exterior Lamps Except Back-up Lights	0/0	0	\$42.00
8WTK	STARTING MOTOR {Delco Remy 38MT Type 300} 12 Volt; less Thermal Over-Crank Protection	0/0	0	\$0.00
8WWJ	INDICATOR, LOW COOLANT LEVEL With Audible Alarm	1/0	1	\$0.00
8XAH	CIRCUIT BREAKERS Manual-Reset (Main Panel) SAE Type III With Trip Indicators, Replaces All Fuses Except For 5-Amp Fuses	0/0	0	\$0.00
9585	FENDER EXTENSIONS Rubber	6/0	6	\$104.00
9ANG	HOOD, HATCH (01) for Servicing	4/0	4	\$444.00
9HBM	GRILLE Stationary, Chrome	5/0	5	\$0.00
9WAC	BUG SCREEN Front End; Mounted Behind Grille	5/0	5	\$131.00
9WBC	FRONT END Tilting, Fiberglass, With Three Piece Construction; for 2007 Emissions	0/0	0	\$0.00
10060	PAINT SCHEMATIC, PT-1 Single Color, Design 100	0/0	0	\$0.00
<u>Includes</u>				
: PAINT SCHEMATIC ID LETTERS "GM"				
10761	PAINT TYPE Base Coat/Clear Coat, 1-2 Tone	0/0	0	\$0.00
11001	CLUTCH Omit Item (Clutch & Control)	-63/-12	-75	\$0.00
12851	PTO EFFECTS, ENGINE FRONT Less PTO Unit, Includes Adapter Plate on Engine Front Mounted	10/0	10	\$87.00
12959	BLOCK HEATER, ENGINE {Phillips} 120 Volt/1250 Watt	2/0	2	\$82.00
<u>Includes</u>				
: BLOCK HEATER SOCKET Receptacle Type; Mounted below Drivers Door				
12NUP	ENGINE, DIESEL {MaxxForce DT} EPA 10, 260 HP @ 2200 RPM, 660 lb-ft Torque @ 1300 RPM, 2400 RPM Governed Speed	52/2	54	\$2,147.00
<u>Includes</u>				
: AIR COMPRESSOR AIR SUPPLY LINE Naturally-Aspirated : COLD STARTING EQUIPMENT Intake Manifold Electric Grid Heater with Engine ECM Control : CRUISE CONTROL Electronic; Controls Integral to Steering Wheel : ENGINE OIL DRAIN PLUG Magnetic				

<u>Code</u>	<u>Description</u>	<u>F/R Wt</u> (lbs)	<u>Tot Wt</u> (lbs)	<u>List</u> (USA DOLLAR)
	: ENGINE SHUTDOWN Electric, Key Operated : FUEL FILTER Included with Fuel/Water Separator : FUEL/WATER SEPARATOR Fuel/Water Separator and Fuel Filter in a Single Assembly; With Water-in-Fuel Sensor; Engine Mounted : GOVERNOR Electronic : OIL FILTER, ENGINE Spin-On Type : WET TYPE CYLINDER SLEEVES			
12THT	FAN DRIVE {Horton Drivemaster} Direct Drive Type, Two Speed With Residual Torque Device for Disengaged Fan Speed	9/0	9	\$274.00
	<u>Includes</u> : FAN Nylon			
12UBB	RADIATOR Aluminum, Front to Back Cross Flow, Series System; 1663 SqIn Core and 885 SqIn Charge Air Cooler and 470 SqIn Low Temperature Radiator Down Flow	0/0	0	\$0.00
	<u>Includes</u> : ANTI-FREEZE Red Shell Rotella Extended Life Coolant; -40 Degrees F/ -40 Degrees C; for MaxxForce Engines : DEAERATION SYSTEM with Surge Tank : HOSE CLAMPS, RADIATOR HOSES Gates Shrink Band Type; Thermoplastic Coolant Hose Clamps : RADIATOR HOSES Premium, Rubber			
12UXG	FEDERAL EMISSIONS for 2010; MaxxForce DT Engines	0/0	0	\$6,000.00
12VAG	AIR CLEANER Single Element, with Integral Snow Valve and In-Cab Control	2/0	2	\$157.00
	<u>Includes</u> : GAUGE, AIR CLEANER RESTRICTION Air Cleaner Mounted			
12VXT	THROTTLE, HAND CONTROL Engine Speed Control; Electronic, Stationary, Variable Speed; Mounted on Steering Wheel	0/0	0	\$0.00
12VZA	ENGINE CONTROL, REMOTE MOUNTED Provision for; Includes Wiring for Body Builder Installation of PTO Controls; With Ignition Switch Control for MaxxForce post 2007 Emissions Electronic Engines	0/0	0	\$45.00
12WZE	EMISSION COMPLIANCE Federal, Does Not Comply With California Clean Air Regulations	0/0	0	\$0.00
13AJN	TRANSMISSION, AUTOMATIC {Allison 3500_RDS_P} 4th Generation Controls; Wide Ratio, 6-Speed, With Double Overdrive; On/Off Hwy; Includes Oil Level Sensor, With PTO Provision, Less Retarder, With 80,000-lb GVW & GCW Max.	0/0	0	\$8,613.00
	<u>Includes</u> : OIL FILTER, TRANSMISSION Mounted on Transmission : TRANSMISSION OIL PAN Magnet in Oil Pan			
13WAW	OIL COOLER, AUTO TRANSMISSION {Modine} Water to Oil, for Allison or CEEMAT Transmission	25/0	25	\$667.00
13WBL	TRANSMISSION SHIFT CONTROL {Allison} Push-Button Type; for Allison 3000 & 4000 Series Transmission	0/0	0	\$0.00

<u>Code</u>	<u>Description</u>	<u>F/R Wt</u> (lbs)	<u>Tot Wt</u> (lbs)	<u>List</u> (USA DOLLAR)
13WLP	TRANSMISSION OIL Synthetic; 29 thru 42 Pints	0/0	0	\$203.00
13WUC	ALLISON SPARE INPUT/OUTPUT for Rugged Duty Series (RDS); General Purpose Trucks, Construction	0/0	0	\$0.00
13WYH	TRANSMISSION TCM LOCATION Located Inside Cab	0/0	0	\$141.00
13WYL	SHIFT CONTROL PARAMETERS Allison Performance Programming in Primary and Allison Economy Programming in Secondary	0/0	0	\$0.00
14899	SUSPENSION AIR CONTROL VALVE Pressure Release Control In Cab	3/5	8	\$163.00
14ARB	AXLE, REAR, SINGLE {Meritor RS-23-160} Single Reduction, 23,000-lb Capacity, 200 Wheel Ends, Driver Controlled Locking Differential . Gear Ratio: 6.43	0/241	241	\$1,809.00
<u>Includes</u>				
: REAR AXLE DRAIN PLUG (1) Magnetic, For Single Rear Axle				
<u>Notes</u>				
: The following features should be considered when calculating Rear GAWR: Rear Axles; Rear Suspension; Brake System; Brakes, Rear Air Cam; Brake Shoes, Rear; Special Rating, GAWR; Wheels; Tires.				
: When Specifying Axle Ratio, Check Performance Guidelines and TCAPE for Startability and Performance				
14TBZ	SUSPENSION, REAR, AIR, SINGLE {Hendrickson PRIMAXX EX} 23,000-lb Capacity, 9.0" Ride Height, With Shock Absorbers	0/-76	-76	\$2,177.00
<u>Notes</u>				
: The following features should be considered when calculating Rear GAWR: Rear Axles; Rear Suspension; Brake System; Brakes, Rear Air Cam; Brake Shoes, Rear; Special Rating, GAWR; Wheels; Tires.				
14WLB	AXLE, REAR, LUBE {EmGard 75W-90} Synthetic Oil; 30 thru 39.99 Pints	0/0	0	\$115.00
15SGJ	FUEL TANK Top Draw; D Style, Non Polished Aluminum, 50 U.S. Gal., 189 L Capacity, 16" Tank Depth, With Quick Connect Outlet, Mounted Left Side, Under Cab	-39/-17	-56	\$0.00
16030	CAB Conventional	0/0	0	\$0.00
<u>Includes</u>				
: ARM REST (2) Molded Plastic; One Each Door				
: CLEARANCE/MARKER LIGHTS (5) Flush Mounted				
: COAT HOOK, CAB Located on Rear Wall, Centered Above Rear Window				
: CUP HOLDERS Two Cup Holders, Located in Lower Center of Instrument Panel				
: DOME LIGHT, CAB Rectangular, Door Activated and Push On-Off at Light Lens, Timed Theater Dimming, Integral to Console, Center Mounted				
: GLASS, ALL WINDOWS Tinted				
: GRAB HANDLE, CAB INTERIOR (1) "A" Pillar Mounted, Passenger Side				
: GRAB HANDLE, CAB INTERIOR (2) Front of "B" Pillar Mounted, One Each Side				

<u>Code</u>	<u>Description</u>	<u>F/R Wt</u> (lbs)	<u>Tot Wt</u> (lbs)	<u>List</u> (USA DOLLAR)
	: INTERIOR SHEET METAL Upper Door (Above Window Ledge) Painted Exterior Color : STEP (4) Two Steps Per Door			
16HBA	GAUGE CLUSTER English With English Electronic Speedometer	0/0	0	\$0.00
	<u>Includes</u> : GAUGE CLUSTER (6) Engine Oil Pressure (Electronic), Water Temperature (Electronic), Fuel (Electronic), Tachometer (Electronic), Voltmeter, Washer Fluid Level : ODOMETER DISPLAY, Miles, Trip Miles, Engine Hours, Trip Hours, Fault Code Readout : WARNING SYSTEM Low Fuel, Low Oil Pressure, High Engine Coolant Temp, and Low Battery Voltage (Visual and Audible)			
16HGH	GAUGE, OIL TEMP, ALLISON TRAN	1/0	1	\$48.00
16HHE	GAUGE, AIR CLEANER RESTRICTION {Filter-Minder} With Black Bezel Mounted in Instrument Panel	2/0	2	\$30.00
16HKT	IP CLUSTER DISPLAY On Board Diagnostics Display of Fault Codes in Gauge Cluster	0/0	0	\$0.00
16JNT	SEAT, DRIVER {National 2000} Air Suspension, High Back With Integral Headrest, Vinyl, Isolator, 1 Chamber Lumbar, With 2 Position Front Cushion Adjust, -3 to +14 Degree Angle Back Adjust	27/12	39	\$191.00
	<u>Includes</u> : SEAT BELT 3-Point, Lap and Shoulder Belt Type			
16PJH	SEAT, PASSENGER {Gra-Mag} Non Suspension, High Back, Fixed Back, Integral Headrest, Vinyl	0/0	0	\$0.00
	<u>Includes</u> : SEAT BELT 3-Point, Lap and Shoulder Belt Type			
16SDL	MIRRORS (2) {Lang Mekra} Rectangular, 7.44" x 14.84" & 7.44" sq. Convex Both Sides, 102" Inside Spacing, Breakaway Type, Heated Heads Thermostatic Controlled, Black Heads, Brackets and Arms	0/0	0	\$102.00
16SEE	GRAB HANDLE Chrome; Towel Bar Type With Anti-Slip Rubber Inserts; for Cab Entry Mounted Left Side Only at "B" Pillar	3/0	3	\$118.00
16VHX	CAB MOUNTING HEIGHT EFFECTS High Cab in Lieu of Mid High Cab Mounting (Approx. 4.5")	0/0	0	\$0.00
16WBY	ARM REST, RIGHT, DRIVER SEAT	3/0	3	\$39.00
16WCT	AIR CONDITIONER {Blend-Air} With Integral Heater & Defroster	0/0	0	\$823.00
	<u>Includes</u> : CLAMPS, HEATER HOSE Mubea Constant Tension Clamps : HEATER HOSES Premium : REFRIGERANT Hydrofluorocarbon HFC-134A			
16WJS	INSTRUMENT PANEL Center Section, Flat Panel	0/0	0	\$0.00
16WJU	WINDOW, POWER (2) And Power Door Locks, Left and Right Doors, Includes Express Down Feature	5/0	5	\$367.00

<u>Code</u>	<u>Description</u>	<u>F/R Wt</u> (lbs)	<u>Tot Wt</u> (lbs)	<u>List</u> (USA DOLLAR)
16WKY	FRESH AIR FILTER for HVAC	4/0	4	\$0.00
16WRZ	CAB INTERIOR TRIM Premium	0/0	0	\$304.00
<u>Includes</u>				
	: "A" PILLAR COVER Molded Plastic			
	: CAB INTERIOR TRIM PANELS Cloth Covered Molded Plastic, Full Height; All Exposed Interior Sheet Metal is Covered Except for the Following: with a Two-Man Passenger Seat or with a Full Bench Seat the Back Panel is Completely Void of Covering			
	: CAB SOUND INSULATION Includes Dash and Engine Cover Insulators			
	: CAB, INTERIOR TRIM, CLOSEOUT Lower Dash Closeout Panel; Molded Plastic; Under Instrument Panel Driver Side			
	: CONSOLE, OVERHEAD Molded Plastic; With Dual Storage Pockets with Retainer Nets, CB Radio Pocket, Speakers, and Reading Lights			
	: COURTESY LIGHT (2) Mounted In Front Map Pocket Left and Right Side			
	: DOOR TRIM PANELS with Cloth Insert on Bolster Driver and Passenger Doors			
	: FLOOR COVERING Rubber, Black			
	: GAUGE, TEMPERATURE, AMBIENT Includes Compass Readout and Wiring and Sensor With Display Unit Mounted in Cluster			
	: HEADLINER Soft Padded Cloth			
	: INSTRUMENT PANEL TRIM Molded Plastic with Black Center Section			
	: STORAGE POCKET, DOOR (2) Molded Plastic (Carpet Texture), Full-Length; Driver and Passenger Doors			
	: SUN VISOR (3) Padded Vinyl: 2 Moveable (Front-to-Side) Primary Visors, Driver Side with Vanity Mirror and Toll Ticket Strap, plus 1 Auxiliary Visor (Front Only), Driver Side			
16WSK	CAB REAR SUSPENSION Air Bag Type	0/0	0	\$0.00
16WSL	MIRROR, CONVEX, HOOD MOUNTED (2) {Lang Mekra} for Left and Right Sides 7.44" Sq.	0/0	0	\$137.00
16XWJ	WINDSHIELD WIPER BLADES Snow Type	2/0	2	\$26.00
27DMA	WHEELS, FRONT DISC; 22.5" Painted Steel, 2 Hand Hole, 10 Stud (285.75MM BC) Hub Piloted, Flanged Nut, Metric Mount, 8.25 DC Rims; With Steel Hubs	0/0	0	\$47.00
<u>Includes</u>				
	: PAINT IDENTITY, FRONT WHEELS White			
	: WHEEL SEALS, FRONT Oil Lubricated, Includes Wheel Bearings			
<u>Notes</u>				
	: Compatible Tire Sizes: 11R22.5, 12R22.5, 255/70R22.5, 255/80R22.5, 265/75R22.5, 275/70R22.5, 275/80R22.5, 295/75R22.5, 295/80R22.5			
28DMA	WHEELS, REAR DUAL DISC; 22.5" Painted Steel, 2 Hand Hole, 10-Stud (285.75MM BC) Hub Piloted, Flanged Nut, Metric Mount, 8.25 DC Rims; With Steel Hubs	0/0	0	\$80.00
<u>Includes</u>				
	: PAINT IDENTITY, REAR WHEELS White			

<u>Code</u>	<u>Description</u>	<u>F/R Wt</u> (lbs)	<u>Tot Wt</u> (lbs)	<u>List</u> (USA DOLLAR)
	: WHEEL SEALS, REAR Oil Lubricated, Includes Wheel Bearings			
	<u>Notes</u>			
	: Compatible Tire Sizes: 11R22.5, 12R22.5, 255/70R22.5, 255/80R22.5, 265/75R22.5, 275/70R22.5, 275/80R22.5, 295/75R22.5, 295/80R22.5			
7372135418	(4) TIRE, REAR 11R22.5 HDR1 (CONTINENTAL) 495 rev/mile, load range G, 14 ply	0/4	4	\$204.00
7382155408	(2) TIRE, FRONT 12R22.5 HSC (CONTINENTAL) 483 rev/mile, load range H, 16 ply	24/0	24	\$334.00
	<b>Total of Product Features</b>			<b>\$96,872.00</b>
	Cab schematic 100GM			
	Location 1: 9219, Winter White (Std)			
	Chassis schematic N/A			
	<b>Total Component Weight:</b>	<b>7108/4122</b>	<b>11230</b>	
	<b>Total List Price Including Options:</b>			<b>\$96,872.00</b>
1	10' Monroe RDS Body W/ Front Snow Plow, and Hydraulics as per Quote # 13566	0/0	0	\$62,942.00
	<b>Total Body Allied:</b>	<b>0/0</b>	<b>0</b>	<b>\$62,942.00</b>

The weight calculations included in this proposal are an estimate of future vehicle weight. The actual weight as manufactured may be different from the estimated weight. Navistar, Inc. shall not be liable for any consequences resulting from any differences between the estimated weight of a vehicle and the actual weight.

<u>Description</u>	(USA DOLLAR)	<u>Price</u>
Factory List Prices:		
Product Items	\$96,872.00	
Service Items	\$0.00	
Total Factory List Price Including Options:		\$96,872.00
Freight Charge	\$1,750.00	
Total Freight:		\$1,750.00
Total Factory List Price Including Freight:		\$98,622.00
Less Customer Allowance:		(\$27,464.00)
Total Vehicle Price:		\$71,158.00
Total Body/Allied Equipment:		\$62,942.00
Total Sale Price:		\$134,100.00
Total Per Vehicle Sales Price:		\$134,100.00
Net Sales Price:		\$134,100.00

Please feel free to contact me regarding these specifications should your interests or needs change. I am confident you will be pleased with the quality and service of an International vehicle.

**Approved by Seller:****Accepted by Purchaser:**

---

**Official Title and Date**

---

**Firm or Business Name**

---

**Authorized Signature**

---

**Authorized Signature and Date**

**This proposal is not binding upon the seller without  
Seller's Authorized Signature**

---

**Official Title and Date**



## HAWKEYE TRUCK EQUIPMENT

5800 - 2ND AVENUE, P.O. BOX 3283  
DES MOINES, IOWA 50316-0283  
1-800-622-8223 • 515-289-1765

"The Complete Truck Equipment Center"

## QUOTATION

Job No.	13566
Quote Date	09/09/10
Expire Date	10/09/10

Customer: 154100

CORNHUSKER INTERNATIONAL  
4502 110TH STREET

OMAHA NE 68137

Terms:				
N10				

Contact:

THO Order Tkr

THIS IS FOR THE CITY OF LA VISTA

\*\*\*\*\*

ATTN: ROB

PH: 402-290-6365

1-MONROE 10' R.D.S. COMBINATION DUMP BODY/SANDER, RADIUS DUMP BODY WITH A CENTER MOUNTED CONVEYOR THAT PULLS MATERIAL TO THE REAR OF THE BODY & DROPS ONTO A REAR MOUNT SPINNER, SPINNER IS REMOVABLE, 44" TALL SIDES WITH A 50" TALL TAILGATE, BODY IS CONSTRUCTED OF 3/16" MILD STEEL, FRONT MOUNT INVERTED TELESCOPIC CYLINDER, CONVEYOR IS 34" WIDE FOR MAXIMUM MATERIAL DISPLACEMENT, 28,000LB TENSILE STRENGTH CHAIN WITH BAR FLIGHTS ON 4-1/2" CENTERS, 8 TOOTH SPROCKETS WITH 2" DRIVE & IDLER SHAFTS, 1/2 CAB SHEILD, REAR RECESSED L.E.D. STROBES, AMBER L.E.D. STROBES IN THE FRONT & SIDES OF THE CAB SHEILD, SINGLE AXLE STEEL FENDERS, FOLD DOWN LADDER, LIGHTS, FLAPS, BODY WILL BE SHOT BLASTED, ALKALINE RINSED, POWDER COATED GREEN, AND BAKED ON FINISH.

1-MONROE LOAD SENSING HYDRAULIC SYSTEM, 6.0 C.I.D. CRANK DRIVEN PISTON PUMP, MONROE MMV MANIFOLD VALVE, ALL ELECTRIC OPERATION, MONROE "I" GRIP, SINGLE ELECTRONIC JOYSTICK CONTROLLER, ALL TO OPERATE S.A. PLOW UP/DN, D.A. PLOW ANGLE, S.A. MAIN HOIST UP/DN, 12 VOLT SPINNER, AUGER & PREWET, MONROE MC-270 CLOSED LOOP GROUND SPEED CONTROLLER, 40 GALLON "LS" RESERVOIR WITH SIGHT GLASS LOCATED BEHIND THE CAB ON TOP OF THE FRAME RAILS, VALVE ENCLOSURE, RETURN LINE FILTER, HOSES RAN TO THE FRONT & REAR OF CHASSIS FOR SNOW PLOW & SANDER FUNCTIONS, ALL COMPLETELY INSTALLED F.O.B. DES MOINES.

1- MONROE MP41R12-ISCT REVERSIBLE SNOW PLOW, 41" HIGH, 12' LONG, INTERGAL

\*\*\* CONTINUED NEXT PAGE \*\*\*



## HAWKEYE TRUCK EQUIPMENT

5800 - 2ND AVENUE, P.O. BOX 3263  
DES MOINES, IOWA 50316-0263  
1-800-622-8223 • 515-289-1755

"The Complete Truck Equipment Center"

## QUOTATION

Job No.	13566
Quote Date	09/09/10
Expire Date	10/09/10

Customer: 154100

CORNHUSKER INTERNATIONAL  
4502 110TH STREET

OMAHA NE 68137

Terms				
N10				

Contact:

TH: Order Trk

SHIELD, 10 GAUGE ROLL FORMED MOLDBOARD, SIX 1/2"X4" TAPERED ONE PIECE FLAME CUT RIBS, 2"X3"X3/8" TOP MOLDBOARD ANGLE, 4"X4"X3/4" BOTTOM MOLDBOARD ANGLE, HORIZONTAL MOLDBOARD BRACE ANGLES, DUAL COMPRESSION TRIP SPRING ASSEMBLIES, 4"X4"X3/8" CROSSTUBE SUPPORT, 3-1/2"X3-1/2"X1/2" SEMI CIRCLE, TWO 3"X10 DA POWER REVERSE CYLINDERS WITH CUSHION VALVE, BUILT IN LEVEL LIFT, CONT. WELDED, MC6000 PLOW PORTION QUICK HITCH, MC7000 TRUCK MOUNTED HITCH (QUICK HITCH), THRUST ARMS, 4"X10" SA LIFT CYLINDER, SNOW PLOW LIGHTS, 12" RUBBER SNOW DEFLECTOR, POWDER COATED ORANGE/BLACK, COMPLETELY INSTALLED F.O.B. DES MOINES

\*\*\*\*\*

ALSO INCLUDED IN THIS PRICE ARE THE FOLLOWING OPTIONS:

7 GPM CLOSED LOOP HYDRAULIC PRE-WET SYSTEM WITH (2) 75 GALLON TANKS

(2) EXTRA SNOW PLOW LIGHTS MOUNTED ON THE FRONT OF CAB SHEILD

12' PLOW IN LIEU OF 11'

MONROE PLOW QUICK HITCH IN LIEU OF PIN HITCH

FOLDING PICK ARM FOR PLOW LIFT IN LIEU OF STANDARD PICK ARM

SIDE MOUNT PIPING KIT FOR HYDRAULIC LINES INSTALLED

(2) HYDRAULIC SECTIONS FOR A WING TO BE ADDED LATER

BODY TO BE CONSTRUCTED OF 3/16" AR400 STEEL, SIDES, INSIDE TAILGATE SHEET, FRONT HEAD, AND AR400 STEEL CHAIN COVER INCLUDED ! ! !

\*\*\*\*\*

Sub total	\$ 62,942.00
Sales Tax	\$ 0.00
Freight	\$ 0.00
FET	\$ 0.00
Total	\$ 62,942.00

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
SEPTEMBER 21, 2010 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
AUTHORIZATION TO PURCHASE ARC TRAINER	◆ RESOLUTION ORDINANCE RECEIVE/FILE	SCOTT STOPAK RECREATION DIRECTOR

**SYNOPSIS**

A resolution has been prepared authorizing the purchase of one (1) Cybex 750 AT Total Body Arc Trainer from Nova Health Equipment Omaha, NE, in an amount not to exceed \$5,995.00.

**FISCAL IMPACT**

The FY 09/10 Recreation Capital Budget provides funding for the proposed purchase.

**RECOMMENDATION**

Approval.

**BACKGROUND**

The proposed equipment request will be an addition to the existing equipment.

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE PURCHASE OF ONE (1) CYBEX 750AT TOTAL BODY ARC TRAINER FOR THE LA VISTA COMMUNITY CENTER FROM NOVA HEALTH EQUIPMENT, OMAHA, NE, IN AN AMOUNT NOT TO EXCEED \$5,995.00.

WHEREAS, the mayor and City Council have determined that the purchase of a arc trainer for the Community Center is necessary; and

WHEREAS, the FY 2009/10 Recreation budget did include funds for the purchase of said arc trainer, and

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

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize the purchase of one (1) Cybex 750AT Total Body Arc Trainer for the La Vista Community Center from Nova Health Equipment, Omaha, NE, in an amount not to exceed \$5,995.00.

PASSED AND APPROVED THIS 21ST DAY OF SEPTEMBER, 2010.

CITY OF LA VISTA

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Douglas Kindig, Mayor

ATTEST:

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Pamela A. Buethe, CMC  
City Clerk

ITEM L

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
SEPTEMBER 21, 2010 AGENDA**

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

**SYNOPSIS**

On May 4, 2010 the City Council adopted the strategic plan that was developed during the annual strategic planning work session held by the Mayor and City Council on March 23, 2010. This is the first progress report since the adoption of the plan.

**FISCAL IMPACT**

N/A.

**RECOMMENDATION**

Receive/File.

**BACKGROUND**

On Tuesday, March 23, 2010 the Mayor and City Council held their annual strategic planning work session. As a result, the collaborative effort with the management team produced the City's Strategic Plan for 2010-2012 which Council approved via Resolution No. 10-053 on May 4, 2010.

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## Strategic Plan Update 2010 - 2012

### September 2010

#### 1. Pursue revitalization of the 84<sup>th</sup> Street corridor & other economic development opportunities

Key Objectives	Action Steps	Responsible Party	Timeline	Progress to Date	Anticipated Next Step(s)	Objective Achieved / Comments
a. Complete Vision 84	Charge Vision 84 Working Group to evaluate options and advise the City Council on a long-term vision for the corridor	CD/Admin	January 2009 - May 2010	Final concepts have been presented for public comment.	Public hearings at Planning Commission & City Council were held on April 8, 2010 & April 20, 2010, respectively. Council approval on 4/20/10.	Completed & Ongoing
	Facilitate the preparation of a long-range plan for City Council consideration	CD/Admin	June 2010	Complete	Final documents completed & being printed.	
	Keep public informed about issues and progress	CD/Admin	Summer 2010	Summer, Fall and Winter issues of Citywise included flyer, press release re: Community workshops, survey included in last newsletter, Television & OWH coverage, website. Publish final version plan and post on website.	Citywide mailing to report on final plan currently in design process. Scheduled to be mailed to all residents in September.	Ongoing
b. Develop Vision 84 Implementation Strategy	Prepare initial phasing strategy	CD/Admin/PW		Have conferred with AECOM and ERA Associates regarding a logical sequence and timeline for suggested implementation steps as well as which steps could be done in house. They are preparing recommendation. Anticipate working on design guidelines, infrastructure plan and civic park master plan during FY 11.		
	Prepare an infrastructure/drainage master plan	CD/Admin/PW		FY 11		
	Prepare preliminary design guidelines for buildings and public realm amenities	CD/Admin/PW		FY 11		
	Prepare park program & master plan	CD/Admin/PW/Rec		FY 11		
	Prepare financial/fiscal impact analysis for Phase 1	CD/Admin				
	Refine initial phase(s) based on financial analysis results and prepare pro forma	CD/Admin				
	Identify actions and incentives to be provided by the City	CD/Admin	immediate & ongoing	LB 1018 ballot initiative		Working to Commission a TIF study; seek LB 1018 approval from voters
	Finalize development of design guidelines	CD/Admin/PW				
	Design public improvements & obtain required permits & utility coordination	CD/PW				
	Prepare and submit development RFP for Phase 1	CD/Admin				



## Strategic Plan Update 2010 - 2012

### September 2010

1. Pursue revitalization of the 84 <sup>th</sup> Street corridor & other economic development opportunities (continued)						
Key Objectives	Action Steps	Responsible Party	Timeline	Progress to Date	Anticipated Next Step(s)	Objective Achieved / Comments
	Incorporate holiday of lights initiative	CD/Admin/Committee			Incorporate with Civic Park Master Plan	
	Coordinate with Comp Plan update & 84th Street signal coordination study now in progress	CD/PW		The first phase of 84th Street Signal Coordination Project has been delivered for review. Have met with Leo Daly twice in last 45 days.	Final campus plan will be completed by 9/30/10.	
	Integrate Vision 84 with Municipal Facilities Plan	CD/Admin/PW	Summer 2010	Leo A. Daly is working on a campus plan for City Hall area and connection to 84th St.		
	Coordinate with neighboring cities	CD/PW/Admin	Ongoing	This will be an ongoing effort		
c. Rigorously pursue actions to encourage property owners with vacant space to lease or sell their property to viable businesses	Involve property owners in Vision 84 as stakeholders	CD/Admin	immediate & ongoing	Owners & tenants were invited to meet with consultants and attend all meetings.	Ongoing efforts will be made to keep property owners informed on Vision 84 developments.	
	Work with property owners and/or their representatives to facilitate implementation of Vision 84	CD/Admin	Ongoing	All property owners were made aware of opportunities for participation in Vision 84. We have communicated directly with targeted owners/representatives of some of the larger parcels	Anticipate a public input process associated with the city park master plan development.	
d. Develop and cultivate relationships with commercial/shopping center owners, developers, leasing agents and retailers	In addition to pursuing 84th Street redevelopment opportunities, continue to seek out opportunities to ensure successful build out of Southport and other areas of the city.	Admin/CD	immediate & ongoing	The passage of LB 1018 provides an additional economic development tool. The City Council authorized the placement of this initiative on the November 2010 ballot.	November election	
	Continued ICSC Participation & Exposure	Admin/CD	immediate & ongoing	Attend ICSC Alliance, regional events and annual conference.	2011 registration	
	Continue to market La Vista to targeted retailers, restaurants & corporations	Admin/CD	immediate & ongoing			



**Strategic Plan Update 2010 - 2012**  
**September 2010**

**1. Pursue revitalization of the 84<sup>th</sup> Street corridor & other economic development opportunities *(continued)***

Key Objectives	Action Steps	Responsible Party	Timeline	Progress to Date	Anticipated Next Step(s)	Objective Achieved / Comments
	Develop inventory of vacant commercial/retail properties and link to site that lists available properties	CD	Spring 2011		Need to determine feasibility of developing and maintaining an accurate list for a subsequent recommendation to the Mayor & Council	
e. Work to ensure adequate public transportation	Continue working with Metro Area Transit (MAT) for increased and better service routes	CD/PW	immediate & ongoing	Have held multiple meetings with MAT regarding service within Sarpy County; no follow through on their part.	Need to work with MAPA to develop a strategy for dealing with MAT officials.	



## Strategic Plan Update 2010 - 2012

### September 2010

#### 2. Provide for planned, fiscally responsible expansion of the city's boundaries

Key Objectives	Action Steps	Responsible Party	Timeline	Progress to Date	Anticipated Next Step(s)	Objective Achieved / Comments
a. Comprehensive Plan Update	Include funding in FY12 municipal budget	CD	Spring 2011		The Comp Plan update will need to occur after the U.S. Census information is available.	
	Prepare RFP	CD	Fall 2011			
b. Maintain long-range annexation plan	Review and update annexation plan annually	Fin/CD	Feb/March 2011	Annexation plan adopted as Chapter 9 of the Comprehensive Plan by the City Council on 10/6/09.	The 2010 update is scheduled for public hearings in Sept./Oct.	
c. Implementation of annexation plan	Assume responsibility for providing services in recently annexed areas (12/10/09).	All	December 1, 2010	Lawsuit was filed protesting annexation of the northern portion of SID 59; provision of services pending in this area. Other areas annexed to have city services in December 2010.		
	Consider extending the City's ETJ	CD/Admin	Summer 2010	Currently working on a recommendation	Anticipate making recommendation to M&C as part of the updated annexation plan.	
d. Ensure budget and CIP provide for infrastructure improvements necessary to serve areas targeted in annexation plan	Evaluate infrastructure in areas contemplated for annexation	PW/CIP Committee	ongoing	Annual review as part of CIP update process.		
	Incorporate infrastructure improvements as part of the CIP process	PW/CIP Committee	Ongoing	The final CIP was approved by Council on September 7, 2010. Year 1 was incorporated into the FY 2011 budget.		
e. Communicate annexation plan & property tax implications to residents and businesses located in new growth areas	Letters to property owners, Quarterly Newsletter, Website, Public Meetings	CD/Admin	TBD based on plan		Review notification requirements (i.e. confirmation of notification)	



**Strategic Plan Update 2010 - 2012  
September 2010**

**2. Provide for planned, fiscally responsible expansion of the city's boundaries (continued)**

<b>Key Objectives</b>	<b>Action Steps</b>	<b>Responsible Party</b>	<b>Timeline</b>	<b>Progress to Date</b>	<b>Anticipated Next Step(s)</b>	<b>Objective Achieved / Comments</b>
f. Work with neighboring cities to protect the integrity of each city's boundaries and ETJs	Pursue this discussion through the United Cities format	Admin	ongoing		Currently working with Papillion to address adjacent city limit issues	



## Strategic Plan Update 2010 - 2012

### September 2010

<b>3. Maintain Quality of Older Residential Neighborhoods</b>						
<b>Key Objectives</b>	<b>Action Steps</b>	<b>Responsible Party</b>	<b>Timeline</b>	<b>Progress to Date</b>	<b>Anticipated Next Step(s)</b>	<b>Objective Achieved / Comments</b>
a. Provide for essential maintenance & priority improvements in neighborhood public facilities through CIP	Submit public facility improvements as part of the CIP process	PW/CIP Committee	ongoing	2011 CIP approved as part of the budget	Begin working on 2012 CIP in October	
b. Ensure attractive neighborhoods by strengthening and enforcing city building and environmental codes	Review and propose improvements to municipal codes	CD/PD/PW	ongoing	Adopted 2006 Codes		
	Work to be more proactive in code enforcement	CD/PD	Summer 2010	Implementation of the code enforcement transition.	Continue to work through code enforcement issues that come up.	
	Evaluate using a private vendor to complete property clean up and mowing	PW	Spring 2011		Recommendations to be incorporated into 2012 budget	
c. Contribute to the safety and attractiveness of rental housing through a rental inspection program	Continue implementation of the RHIP program approved by Council on 10/20/09.	CD	ongoing	RHIP has been in effect since January 2010. Approximately 286 properties are registered. In process of completing inspections and working to address the non-compliant properties.		
d. Continue to develop strategy to address the erosion and maintenance issues related to Thompson Creek	Work to ensure success of Voluntary Home Acquisition Program	PW/Admin	Spring 2012	Appraisals complete and offers have been made.	Continue with the acquisition process and preparation of demolition specifications.	
	Ensure effective communication with property owners and members of the public.	PW/Admin	Ongoing	A meeting to review project details and answer homeowner and renter questions was held on April 22, 2010.	Will continue to work through the appraisal & acquisition process	
	Provide regular progress reports to the Mayor & Council.	PW/Admin	immediate & ongoing		Staff will continue to update M&C at Council meetings; M&C will be copied on quarterly FEMA progress reports	



**Strategic Plan Update 2010 - 2012**  
**September 2010**

**3. Maintain Quality of Older Residential Neighborhoods (continued)**

<b>Key Objectives</b>	<b>Action Steps</b>	<b>Responsible Party</b>	<b>Timeline</b>	<b>Progress to Date</b>	<b>Anticipated Next Step(s)</b>	<b>Objective Achieved / Comments</b>
	Pursue grant opportunities to fund channel improvements	PW	immediate & ongoing			
	Begin seeking Corps permits	PW	immediate & ongoing			
e. Evaluate need for Neighborhood Revitalization Program	Research the need for and the City's role in a Neighborhood Revitalization Program	CD	2013		Incorporate recommendation as part of the Comp Plan update	



## Strategic Plan Update 2010 - 2012

### September 2010

4. Enhance La Vista's identity and raise awareness of the city's many qualities						
Key Objectives	Action Steps	Responsible Party	Timeline	Progress to Date	Anticipated Next Step(s)	Objective Achieved / Comments
a. Increase communications with La Vista residents and other key audiences.	Investigate the feasibility of providing live and/or archived web casts of City Council meetings	Admin	Spring 2011		Recommendation as part of the FY 2012 budget	
	Investigate social media for city broadcast	Admin	Spring/Summer 2010	Currently working on a social media usage policy.	Policy to be recommended to Council.	
b. Increase citizen-council engagement	Conduct town hall or neighborhood meetings in various venues	Admin	Summer/Fall 2011			
	Continue to provide citizen education on City activities and performance	All	Ongoing			
	Recommendation for citizens leadership academy program	Admin	Spring/Summer 2011		Program recommendation as part of the FY 2012 budget.	
	Recommendation for Mayor's youth leadership council	Admin	Spring/Summer 2011		Program recommendation as part of the FY 2012 budget.	
c. Develop and aggressively market a La Vista community identity through strategic partnerships with the Chamber of Commerce and the Community Foundation	Provide funding for community marketing materials	Admin	immediate & ongoing	A number of items are currently available to commemorate La Vista 50.	Consider developing and providing marketing materials for distribution at area hotels & conference center	
	Expand usage of banners & signage to "brand" La Vista	Admin		La Vista 50 banners have been installed on Giles Road, 84th Street & 72nd Street.	Once 50th Celebration is complete, old banners will be used. Additional banners will be acquired for newly bracketed poles.	Completed & Ongoing
	Identify opportunities for cooperative efforts with Chamber and Foundation	All	ongoing	The La Vista Community Foundation has taken a leadership role in fundraising for La Vista 50 and the La Vista Chamber has been included on the LV50 steering committee and will participate in some of the events		



## Strategic Plan Update 2010 - 2012

### September 2010

#### 5. Improve and expand the City's quality of life amenities for residents and visitors

Key Objectives	Action Steps	Responsible Party	Timeline	Progress to Date	Anticipated Next Step(s)	Objective Achieved / Comments
a. Provide leadership to accomplish a significant celebration of the community's 50th anniversary	Work with 50th Anniversary Celebration Committee to identify and facilitate a variety of events during 2010	All	Throughout 2010	28 events have been planned to commemorate La Vista 50 throughout the year. Events were intended to engage residents and appeal to all age groups and segments of the community.	Determine if sponsorships are available to continue some of the events.	
b. Create new opportunities that bring residents together for celebration, leisure pursuits or civic engagement	Look for opportunities to initiate ongoing events such as community movie nights	LV50 Movie Night Committee	Summer 2010 & ongoing	Equipment has been purchased and (4) movie nights will be held in the Summer of 2010.	Movie series completed. Continue for summer 2011	
	Summer Concert Series	LV50 Summer Concert Series Committee	Summer 2010 & ongoing	Three free outdoor summer concerts will be held at the Library/MCC Sarpy Center. A larger outdoor concert will be held at PayPal.	Concerts completed. Continue for summer 2011 if sponsorships can be obtained.	
	La Vista Daze	All	Ongoing	The City assumed responsibility for La Vista Daze 2010 and plans are to continue with the City taking primary responsibility for this annual community celebration.	La Vista Daze 2011-Memorial Day weekend May 26-29	
	Veteran's Day Celebration	Veteran's Day committee	November 2010	Plans are underway to recognize and celebrate local Veterans.	Guest list and program details will be finalized. Invitations will be mailed early-October.	
	Investigate feasibility of Holiday Lights initiative	LV50 Holiday Lights Committee	TBD based on Vision 84		Incorporation into the civic park planning process.	
	Identify & promote development of new cultural amenities in partnership with other community groups such as the La Vista Community Foundation, area Chambers of Commerce & local service groups.	All	ongoing	Much will be learned from LV50 activities and events. There is something for everyone and we anticipate getting a good idea of what works, what doesn't and what people want.	Evaluate success of La Vista 50 & La Vista Daze events and make subsequent recommendations for improvement and/or continuance	



## Strategic Plan Update 2010 - 2012

### September 2010

#### 5. Improve and expand the City's quality of life amenities for residents and visitors (continued)

Key Objectives	Action Steps	Responsible Party	Timeline	Progress to Date	Anticipated Next Step(s)	Objective Achieved / Comments
c. Address the needs associated with the City's aging swimming pool facility	Make recommendations to address operational issues with the existing swimming pool as they arise	Admin/PW/ Rec	ongoing	Public Works continues to keep the pool functional until a decision is reached on future pool status.	Discussion at an upcoming City Council meeting.	
	Following completion of the Vision 84 process, make a recommendation regarding the future of the existing swimming pool.	Admin/PW/ Rec	ongoing	Options regarding pool included in Vision 84 preliminary concepts.	Will be part of the discussion as conceptual plans for Vision 84 are finalized.	
d. Identify options for creation of public green space with the property owner of the sod farm and develop a plan	Develop master park plan.	CD/Rec/PW	Summer 2011	Funding included in 2010 CIP	<b>RFP process anticipated in FY 11</b>	
	Seek participation from current property owner	Admin		Have had an initial contact meeting with owner's representative.	Will make sure that property owner is informed and given an opportunity to participate at desired level.	
	Explore opportunities with the La Vista Community Foundation	Admin	TBD	This will be dependent on the plan		
e. Expand recreation programs and services for all age groups	Evaluate existing programs for popularity and effectiveness	Rec	ongoing	Included in Strategic Planning review materials		
	Research & recommend new programs or changes to existing programs	Rec	ongoing	Several new programs started: soccer clinic, BBQ school, Zumba Fitness, Baton Lessons, Women's self-defense, New Belgium beer tasting, splash bash, holiday bazaar/garage sale, neighborhood park party, yoga, photography, kick boxing	Continue to monitor existing programs and develop new programs.	
	Review current marketing practices and make recommendations for improvement and/or exploring new opportunities	Rec/Admin	Spring 2011		Consider how facilities & programs can be marketed for more events/tournaments	



## Strategic Plan Update 2010 - 2012

### September 2010

#### 5. Improve and expand the City's quality of life amenities for residents and visitors (continued)

Key Objectives	Action Steps	Responsible Party	Timeline	Progress to Date	Anticipated Next Step(s)	Objective Achieved / Comments
f. Maintain and enhance City's existing & future park areas & green spaces	Create mini-plan for each City park that identifies needed amenities	Park Committee	immediate and ongoing	Internal work has been completed and conceptual drawings are being prepared. Completed plans will be utilized to develop an overall funding strategy for Council consideration.	A joint meeting with the City Council and the Park & Rec Advisory Board to review park concepts is scheduled for 9/28/10. The Park & Rec Advisory Board will also hold public input sessions for neighboring residents this fall.	
	Prepare and present to M&C for adoption 1 & 4 Year Tree Plan ( <i>in accordance with section 94.14 of the municipal code</i> )	Park Committee & Park & Rec Advisory Board	Fall 2011		Incorporate into CIP	
	Develop a plan for financing park amenities and incorporate into the CIP	Park Committee	FY 2012		Once above referenced meetings are held, work will begin on financing plan.	
	Look for opportunities to incorporate elements such as a community garden or memorial feature into future park and facility improvements	Park Committee	ongoing	Mini park plans have been developed which contain special features. The Champion Park concept was unveiled as part of the LV50 Tree Planting event in April and focuses on a Memorial park concept.		
	Need to review & recommend security measures to combat vandalism.	PD/PW			Incorporate with mini park planning efforts	
g. Develop & begin implementation of a "green plan" that identifies the City's role, through its facilities and programs, in contributing to a sustainable community	Continued involvement with the Papillion Creek Watershed Partnership	PW	ongoing	The City is installing their first storm sewer debris separating unit in September 2010.		
	Explore the development of an organizational recycling program	Bldgs & Grounds	ongoing	Recycling containers and pickup for City Hall, Community Center, Library, Police Facility, Fire Districts #1 & #2 began this fall.	Public Shredding to be incorporated into Public clean up day scheduled for November 6, 2010.	



**Strategic Plan Update 2010 - 2012**  
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**5. Improve and expand the City's quality of life amenities for residents and visitors (continued)**

Key Objectives	Action Steps	Responsible Party	Timeline	Progress to Date	Anticipated Next Step(s)	Objective Achieved / Comments
	Explore options to incorporate green building principals as city facilities are remodeled or new facilities are constructed	Bldgs & Grounds	ongoing	Presentation by EDAW on "Sustainable Communities" at November 18th Community Workshop.	Work with OPPD & UNO to receive Energy Star rating for City facilities.	



## Strategic Plan Update 2010 - 2012

### September 2010

#### 6. Pursue action that enables the City to be more proactive on legislative issues

Key Objectives	Action Steps	Responsible Party	Timeline	Progress to Date	Anticipated Next Step(s)	Objective Achieved / Comments
a. Participate in UCSC to promote shared interests of La Vista and its partner communities	Continue regular meetings of the Mayors of Sarpy County communities	Admin	Ongoing		Working to develop 2011 legislative agenda.	
	Work with Sarpy County to resolve planning & sewer issues	CD/PW/Admin	Ongoing			
b. Adopt and lobby on behalf of a legislative agenda specific to the City	Continue joint lobbying efforts with UCSC	Admin	Ongoing	Legislative agenda adopted annually.		
	Identify legislative issues of specific interest to La Vista and allocate resources for lobbying.	Admin	ongoing			
c. Monitor U.S. Census results as it pertains to redistricting	Work with MAPA to develop options for redistricting the City's Council wards.	Admin	Spring 2011			
	Monitor redistricting efforts of Sarpy County	Admin	Spring 2011			



## Strategic Plan Update 2010 - 2012

### September 2010

#### 7. Adopt and implement standards of excellence for the administration of City services.

Key Objectives	Action Steps	Responsible Party	Timeline	Progress to Date	Anticipated Next Step(s)	Objective Achieved / Comments
a. Maintain City's Volunteer Fire Department	Monitor current operational procedures in comparison to NFPA Standards	Fire	immediate & ongoing	Brought on 10 additional members 12/1/09. Steady improvement toward NFPA 1720 compliance. Implementation of appointed fire officers.	Implement additional leadership training & educate department staff in city government relations.	
	Make recommendations for changes to Department into compliance with NFPA 1720 Standards for volunteer departments.	Fire	FY 11	Incorporated several new programs to enhance retention, improve response times, and attract viable recruit candidates. Purchasing 12-lead monitors to enhance EMS services.		
	Design and incorporate a firefighter residence program that will provide for manning at the D-2 fire station during the most vulnerable times of day.	Fire	FY 11	Program design is underway.	Program recommendation for Council review and approval and determination of program interest prior to authorization to proceed with construction.	
	Establish targets for recommended changes & incorporate funding into budget and/or CIP	Fire & CIP Committee	immediate & ongoing	Funding incorporated in FY 11 budget.		
	Begin preliminary planning work for District 1 Fire Station	Admin/Fire		Funding incorporated in FY 11 budget.		
b. Determine role City government should play in the delivery of solid waste services	Gauge level of citizen interest through some form of survey.	Admin	Summer 2010	Information regarding solid waste removal service was provided to the M&C during their strategic planning session in March 2010. Staff recommended that citizen input be sought before Council direction is provided.	Citizen survey regarding this issue to be included in Fall 2010 issue of City newsletter.	
c. Provide for the orderly and uninterrupted transition of personnel into key City appointed positions through a succession plan	Utilize hiring process to review position descriptions to articulate long term organizational expectations	HR	immediate & ongoing			



## Strategic Plan Update 2010 - 2012

### September 2010

#### 7. Adopt and implement standards of excellence for the administration of City services. (continued)

Key Objectives	Action Steps	Responsible Party	Timeline	Progress to Date	Anticipated Next Step(s)	Objective Achieved / Comments
	Fund and provide training opportunities	Admin	Ongoing	Department Heads continue to cycle thru LEAD. One MLM will also attend in FY 11.	Funding included in FY 11 to bring HPO training in-house for Department Heads and MLM group.	
	Review and make recommendation regarding the City's policies for funding for employee educational assistance	HR	Spring 2011		Will discuss with employee focus group.	
	Continue regular meetings between mid-level supervisors and City Administrator	Admin	ongoing	Continue training & meeting opportunities.		
	Continue to explore options for involving mid-level managers in organizational initiatives and special projects	All	ongoing	Initial meeting wil MLM small group to discuss how to move forward.	Meet again with MLM to make recommendations for ongoing training, relationship building and team development opportunites.	
	Consider establishing a City Hall internship for an up and coming supervisor	Admin			Difficult to do at this time as a result of staffing issues. Will keep it on the list for future opportunities.	
d. Contribute to the successful recruitment and retention of high quality City staff through implementation of the pay recommendations in the City's 2008 Compensation Plan	Review pay for performance (PFP) appraisal system.	HR	Summer/Fall 2010	A PFP appraisal system was implemented on 10/01/09. Since it has been utilized for nearly one year it is a good idea to review and make improvements where necessary.	Meeting with a group of employees in early September re: a review of 1st year of PFP, will be seeking input for suggested changes and bringing along any recommendations to Council.	
e. Update the City's Emergency Preparedness Plan	Provide opportunities for appropriate staff and officials to receive the NIMS 100 and 700 training.	Safety Committee	ongoing	All police officers have completed the required NIMS 100, 200 and 700 training. Command personnel have completed 100, 200, 300, 400, 700 and 800. All Public Works supervisors have completed NIMS 100, 200 and 700. The Fire Dept. has a certified NIMS instructor for this purpose. Bldg/Grds. Director completed NIMS 100, 200 & 700.	Anticipate establishing appropriate training for elected and appointed officials.	



## Strategic Plan Update 2010 - 2012

### September 2010

#### 7. Adopt and implement standards of excellence for the administration of City services. (continued)

Key Objectives	Action Steps	Responsible Party	Timeline	Progress to Date	Anticipated Next Step(s)	Objective Achieved / Comments
	Complete Pandemic Plan	PILOT Team	Summer 2010	A plan was approved by the Mayor & Council on March 16, 2010.	Review with employees	
	Keep Local Emergency Operations Plan (LEOP) up to date	Safety Committee	Ongoing		Sarpy County Emergency Management is updating plan in 2010.	
	Communicate Emergency Preparedness Plan to elected officials through periodic review	Safety Committee	Ongoing	A table-top exercise for elected officials and key City staff is being developed by the LVPD.	Anticipate reviewing with elected officials at a future workshop.	
f. Actively pursue funding opportunities for organizational strategic initiatives and projects consistent with departmental operations.	Pursue grant opportunities	All	immediate & ongoing	Currently on working to secure grant funding for Fire Training Officer position. Received grant for trees at Public Buildings.	Coordinate with US Census to identify low income areas to assist with grant applications	
	Track and report on grant applications and grants received.	Fin/All	January 2011		Will provide annual reports for M&C prior to annual strategic planning	
g. Identify opportunities for developing Boards & Commissions	Develop orientation program for new B&C members	Staff Committee	Spring 2011		Recommendation as part of the FY 2012 budget	
	Provide training opportunities for B&C members	Staff Committee			Recommendation as part of the FY 2012 budget	
	B&C review of pertinent sections of the Municipal Code	Staff Committee	Spring 2011		Recommendations for compliance and/or updates	
	Update B&C regarding Council's strategic priorities	Admin/MC	Summer/Fall 2010		CA & Council President to present to B&C's	
h. Begin the process of developing a high performance work culture	Provide opportunities for appropriate staff training		ongoing	Funding in FY 11 to bring some HPO training in house.	Continue Department Heads cycling thru LEAD; provide similar opportunities for MLM group. Provide in-house HPO training	
	Formulate recommendations for development of organizational and department performance measures	Admin/Internal Committee	Spring 2011		Budgeted for this training in FY 2011 as well as performance measurement program.	



**Strategic Plan Update 2010 - 2012  
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**7. Adopt and implement standards of excellence for the administration of City services. *(continued)***

<b>Key Objectives</b>	<b>Action Steps</b>	<b>Responsible Party</b>	<b>Timeline</b>	<b>Progress to Date</b>	<b>Anticipated Next Step(s)</b>	<b>Objective Achieved / Comments</b>
	Development of monthly department operational reports	All	January 2011 & ongoing		Monthly operational reports to be submitted by all departments.	
	Ensure that citizen feedback is solicited and utilized in the evaluation and development of programs and services		2013		A Citizen Survey will be a part of the Comprehensive Plan update.	



## Strategic Plan Update 2010 - 2012

### September 2010

#### 8. Insure efficient, effective investment in technology to enhance service delivery.

Key Objectives	Action Steps	Responsible Party	Timeline	Progress to Date	Anticipated Next Step(s)	Objective Achieved / Comments
a. Secure outside expertise to work with the City's Internal Technology Committee regarding a review of the city's existing technology and recommendations for new technology that could enhance productivity.		IT Committee	Fall 2010	Contacted two companies to get estimates for analysis. Draft RFP completed. Funding included in FY 11 budget.	Send out RFP.	
b. Develop a long-range technology plan		IT Committee	Summer 2011	Department Heads continue to cycle thru LEAD. One MLM will attend in FY 11.	Plan will be based upon study recommendation.	
c. Develop a multi-year plan for financing technology improvements		IT Committee	Summer 2011		Financing strategy will be based upon long-range technology plan and incorporated into the CIP	
d. Designate adequate resources to provide appropriate technology training for city staff		IT Committee	ongoing	Upgrade to Office 2007 in March-training provided with transition.		