

MINUTE RECORD

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

LA VISTA CITY COUNCIL MEETING October 5, 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 October 5, 2010. Present were Councilmembers: Sell, Ronan, Quick, Carlisle, Crawford, Ellerbeck, and Gowan. Absent: Sheehan. Also in attendance were City Attorney McKeon, City Administrator Gunn, City Clerk Buethe, Library Director Barcal, Police Chief Lausten, Fire Chief Uhl, Finance Director Lindberg, Assistant Public Works Director/City Engineer Kottmann, Community Development Director Birch, Building and Grounds Director Archibald, and Recreation Program Coordinate Carstensen.

A notice of the meeting was given in advance thereof by publication in the Times on September 9, 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

SWEAR IN POLICE SERGEANT – JOHN YORK

Mayor Kindig administered the oath of office for police sergeant to John York

A. CONSENT AGENDA

- 1.APPROVAL OF THE AGENDA AS PRESENTED
- 2.APPROVAL OF CITY COUNCIL MINUTES FROM SEPTEMBER 21, 2010
- 3.APPROVAL OF CIVIL SERVICE COMMISSION MINUTES FOR AUGUST 12, 2010
- 4.APPROVAL OF CIVIL SERVICE COMMISSION MINUTES FOR SEPTEMBER 23, 2010
- 5.APPROVAL OF PARK & RECREATION ADVISORY COMMITTEE MINUTES – SEPTEMBER 15, 2010
- 6.REQUEST FOR PAYMENT – SARPY COUNTY – DATA PROCESSING - \$9,187.50
- 7.REQUEST FOR PAYMENT – SARPY COUNTY – GIS SERVICES - \$11,693.00
- 8.REQUEST FOR PAYMENT – SARPY COUNTY – E-911 COMMUNICATION SERVICES - \$16,167.18
- 9.REQUEST FOR PAYMENT – MIDWEST RIGHT OF WAY SERV. – PROFESSIONAL SERVICES - \$9,308.00
- 10.APPROVAL OF CLAIMS

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

ABE'S PORTABLES, Rentals	125.00
ACCO UNLIMITED, Supplies	159.30
ACTION BATTERIES, Supplies	260.60
ALAMAR UNIFORMS, Wearing Apparel	68.25
ALEX, MARY, Mileage	54.85
AMERICAN RED CROSS, Services	100.00
AOI, Equip.	2013.54
ARAMARK UNIFORM, Services	116.03
ASPHALT & CONCRETE MATERIALS, Street Maint.	117.12
AUSTAD'S GOLF, Supplies	367.60
AUSTIN PETERS GROUP, Training	1920.00
BAKER & TAYLOR BOOKS, books	799.87
BCDM, Services	3525.00

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BEACON BUILDING SERVICES, Services	6712.00
BEAUMONT, MITCH, Mileage	9.50
BENNETT REFRIGERATION, Bldg & Grnds	865.84
BENNINGTON EQUIPMENT, Vehicle Maint.	46.77
BETTER BUSINESS EQUIP, Rentals	47.92
BLACK HILLS ENERGY, Utilities	24.42
BOUND TREE MEDICAL, Supplies	1008.96
BRODART, Supplies	42.28
BUILDERS SUPPLY, Bldg & Grnds	151.50
CENTER POINT PUBLISHING, books	485.28
CITY OF OMAHA, Services	629.46
CITY OF PAPILLION PARKS/RECR, Misc.	36.00
COLOMBO/PHELPS, concessions	323.31
CORNHUSKER INTL TRUCKS, Vehicle Maint.	821.05
COX COMMUNICATIONS, Services	39.00
CPS HUMAN RESOURCE SERVICES, Supplies	424.60
D & D COMMUNICATIONS, Repair	1587.50
D & J BEVERAGE SERVICE, Bldg & Grnds	130.00
DEMCO INC., Supplies	674.41
DOUGLAS COUNTY SHERIFF'S OFF, Services	525.00
DOUGLAS PRODUCTS AND PACKAGING, supplies	4200.00
DULTMEIER SALES & SERVICE, Bldg & Grnds	2623.20
EDGEWEAR SCREEN PRINTING, Wearing Apparel	652.50
ELECTRIC FIXTURE & SUPPLY CO, Bldg & Grnds	72.77
ELLIOTT EQUIPMENT COMPANY, Vehicle Maint.	419.27
FIREGUARD, Equip.	5425.79
FUTUREWARE DISTRIBUTING INC, Repair	350.00
G I CLEANER & TAILORS, Cleaning Service	203.00
GALE, books	505.72
GALLS, LV 50 Concert	192.99
GASSERT, MIKE, Services	1086.00
GAYLORD BROS, Supplies	212.13
GCR OMAHA TRUCK TIRE, Vehicle Maint.	4446.95
GODFATHER'S PIZZA, Reading program supplies	160.77
GREENKEEPER COMPANY INC, Bldg & Grnds	945.00
HEIMES CORPORATION, Street Maint.	56.16
HELGET GAS PRODUCTS INC, Supplies	78.00
HERITAGE CRYSTAL CLEAN LLC, Services	185.50
HIGHSMITH, Supplies	54.42
HOLSTEIN'S HARLEY DAVIDSON, Vehicle Maint.	21.60
HOST COFFEE SERVICE INC, Concessions	21.50
HUNTEL COMMUNICATIONS, Services	783.50
INDUSTRIAL SALES COMPANY INC, Equip	462.00
J Q OFFICE EQUIPMENT, Services	813.82
JNFS ENGINEERING COMPANY, Services	634.38
JONES AUTOMOTIVE INC, Radio repair	4596.42
JONES, MATTHEW "SITTING BEAR, LV 50 services	192.00
LA VISTA COMMUNITY FOUNDATION, Misc.	50.00
LANDS' END BUSINESS OUTFITTERS, Wearing Apparel	179.20
LARRY'S BOILER SERVICE INC, Bldg & Grnds	92.00
LEO A DALY COMPANY, Services	545.18
LINWELD, Supplies	98.67
LOVELAND LAWNS, Bldg & Grnds	56.90
MARTIN MARIETTA AGGREGATES, Street Maint.	148.28
METRO LANDSCAPE MATERIALS, Maint.	840.00
METROPOLITAN COMMUNITY COLLEGE, Services/Utilities	23696.64

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METROPOLITAN UTILITIES DIST, Utilities	6090.29
MID AMERICA PAY PHONES, phone	100.00
MID CON SYSTEMS INCORPORATED, Bldg & Grnds	197.47
MIDLANDS BUSINESS JOURNAL, subscription	140.00
MIDLANDS LIGHTING & ELECTRIC, Bldg & Grnds	109.64
MIDWEST TURF & IRRIGATION, Bldg & Grnds	240.01
MINITEX - CPP, Supplies	142.00
MOTOROLA, equipment	5295.50
MSC INDUSTRIAL SUPPLY CO, Bldg & Grnds	704.95
MYERS TIRE, Vehicle Maint.	1235.35
NATIONAL PAPER COMPANY, Supplies	265.90
NEBRASKA GOLF COURSE, Training	-35.00
NEBRASKA LAW ENFORCEMENT, Training	200.00
NEBRASKA LIBRARY COMMISSION, Services	23.74
NEBRASKA SOFTBALL ASSN, Misc.	1619.00
NEBRASKA TITLE COMPANY, acquisition	92208.79
NEBRASKA TITLE COMPANY, acquisition	88172.79
NEBRASKA TITLE COMPANY, acquisition	78216.23
NEBRASKA TURF PRODUCTS, Supplies	443.55
NEBRASKA WILDLIFE REHAB, Supplies	50.00
NEW YORK TIMES, book	195.00
NEXTEL COMMUNICATIONS, Phones	204.31
NEXTEL COMMUNICATIONS, Phones	526.39
NIKE USA, Supplies	873.20
NLA/NEMA CONFERENCE, Training	189.00
NMC EXCHANGE LLC, Vehicle Maint.	26.58
OCLC INC, books	31.94
OFFICE DEPOT, Supplies	3335.97
OFFUTT YOUTH CENTER, Services	864.00
OMAHA WORLD HERALD COMPANY, Advertising	43.75
PAPILLION LA VISTA SCHL DISTR, license fees	6825.00
PARAMOUNT LINEN & UNIFORM, Cleaning services	548.62
PERFORMANCE CHRYSLER JEEP, Vehicle Maint.	429.14
PETTY CASH, travel/supplies/maint.	145.80
PETTY CASH, Vehicle maint/supplies, travel	127.56
PITNEY BOWES, supplies	500.46
PRINCIPAL LIFE	236.25
PROTEX CENTRAL INCORPORATED, supplies	85.00
PSI PLASTIC GRAPHICS, Supplies	452.79
QUALITY BRANDS OF OMAHA, Concessions	249.70
QWEST, Phone	1090.74
QWEST, Phone	110.93
RAMIREZ, JOHN, Services	18.00
READY MIXED CONCRETE COMPANY, Street Maint.	644.89
REGAL AWARDS OF DISTINCTION, Supplies	869.00
RIOS, SUZANNE, refund	15.00
SAPP BROS PETROLEUM INC, Vehicle Maint.	138.60
SCARPA, DAN, other services	31.00
SHAMROCK CONCRETE COMPANY, Street Maint.	1286.74
SMITHERS INCORPORATED, Bldg & Grnds	90.00
SOCCER INTERNATIONALE, Wearing Apparel	385.00
SPRINT, Phone	162.67
STOLTENBERG NURSERIES, Supplies	2348.00
SUN COUNTRY DISTRIBUTING LTD, Bldg & Grnds	118.94
SUTPHEN CORPORATION, Services	2400.00

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TED'S MOWER SALES & SERVICE, Equip/repair	1890.00
THERMO KING CHRISTENSEN, Equip.	111.86
THOMPSON DREESSEN & DORNER, Services	5646.44
TORNADO WASH LLC, Vehicle Maint.	120.00
UNDERWRITERS LABORATORIES INC, Services	3095.00
VARSITY TRANSPORTATION INC, DARE program	212.00
VERIZON WIRELESS, phone	194.88
VIERREGGER ELECTRIC COMPANY, Maint.	336.17
WAL-MART COMMUNITY, Supplies	411.48
WITMER PUBLIC SAFETY GROUP INC, Wearing Apparel	4279.00
YOST, JOHN, Wearing Apparel	101.24
ZIMCO SUPPLY COMPANY, Supplies	250.00

REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

Police Chief Lausten informed Council the process of transitioning Leda to a new handler will begin when a new course becomes available. Lausten reported that project lifesaver was activated and worked as it should have.

Fire Chief Uhl informed Council that the fundraiser for Mark Strong was successful, raising almost \$8,500.00 and thanked everyone for their support.

Assistant Public Works Director/City Engineer Kottmann reported to Council on the 83rd Street demolition, and the Giles Road project.

Community Development Director Birch thanked Council for the opportunity to attend the LEAD Conference. Birch reported that Don Simon passed another certification for inspections.

Recreation program coordinator Carstensen reported on the fall kite festival and the lunch and learn for employees.

Library Director Barcal informed Council that the guest author will be coming to the library on October 9 from 2:00 p.m. to 5:00 p.m.

B. CITIZEN ADVISORY REVIEW COMMITTEE – ECONOMIC DEVELOPMENT PROGRAM BI-ANNUAL REPORT

1. PUBLIC HEARING

At 7:21 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the Bi-Annual EDP report. Lynda Schafer was present to answer questions.

At 7:22 p.m. Councilmember Ellerbeck made a motion to close the public hearing. Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Abstain: None. Absent: Sheehan. Motion carried.

C. THOMPSON CREEK HAZARD MITIGATION PROJECT – PURCHASE OF REAL PROPERTY

1. PUBLIC HEARING

At 7:23 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the Thompson Creek hazard mitigation project – purchase of real property.

At 7:24 p.m. Councilmember Ellerbeck made a motion to close the public hearing. Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Abstain: None. Absent: Sheehan. Motion carried.

2. RESOLUTION

Councilmember Quick introduced and moved for the adoption of Resolution No. 10-114; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA TO AUTHORIZE AND APPROVE THE PURCHASE OF FIVE HOMES FOR THE THOMPSON

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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 7201 Park View Blvd., 7205 Park View Blvd., 7233 Park View Blvd., 7309 Park View Blvd., and 7405 Park View Blvd (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 October 5, 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.

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

D. RESOLUTION – APPROVE PLANS & SPECIFICATIONS AND AUTHORIZE SID 237 TO CONTRACT CONCRETE TRAIL AND 99TH STREET LANE MODIFICATIONS

Councilmember Crawford introduced and moved for the adoption of Resolution No. 10-115; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE APPROVAL OF THE PLANS AND SPECIFICATIONS FOR THE CONSTRUCTION OF A CONCRETE TRAIL AND 99TH STREET LANE MODIFICATIONS IN SANITARY IMPROVEMENT DISTRICT NO. 237 CIMARRON WOODS, AND AUTHORIZING THE EXECUTION OF CONTRACTS AND CONSTRUCTION.

WHEREAS, Sanitary Improvement District No. 237 of Sarpy County ("District"), Cimarron Woods and the City of La Vista ("City") entered into a Subdivision Agreement concerning the improvements related to the improvements related to the proposed

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Cimarron Terrace Apartments within the zoning jurisdiction of the City ("Subdivision Agreement"); and

WHEREAS, District has presented to City for approval plans and specifications to construct certain improvements; and

WHEREAS, said plans and specifications were prepared by E & A Consulting Group and reviewed by the City Engineer has certified to the City that said plans and specifications are in accordance with the Subdivision Agreement and all of the applicable ordinances, policies and regulations of the City and that improvements constructed pursuant to such plans will be adequate for their intended purpose subject to the following conditions;

1. Providing a corrected bond form naming the City of La Vista as a dual-obligee.
2. Providing and acceptable final design of the retaining wall prior to construction of the wall.
3. The final plat of Cimarron Woods Replat Two being recorded to provide the easement for the trail; and

WHEREAS, The La Vista Public Works Department, has been presented the plans for review.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska does hereby approve the plans and specifications for construction of a concrete trail and 99th Street lane modifications, copies of which have been filed with the City Clerk, approved by the City Engineer/Assistant Public Works Director.

BE IT FURTHER RESOLVED, that the City Council does hereby approve the execution of a contract by the District for said improvements with Omni Engineering in the amount of \$77,008.80.

BE IT FURTHER RESOLVED, that the approval herein given is conditioned upon District, prior to its granting authorization of commencement of construction, shall meet the conditions stated above.

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

E. RESOLUTION – APPROVE PLANS & SPECIFICATIONS AND AUTHORIZE SID 237 TO CONTRACT 2010 PARK IMPROVEMENTS – SECTION II

Councilmember Quick introduced and moved for the adoption of Resolution No. 10-116; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE APPROVAL OF THE PLANS AND SPECIFICATIONS FOR THE CONSTRUCTION OF THE 2010 PARK IMPROVEMENTS – SECTION II IN SANITARY DISTRICT NO. 237 CIMARRON WOODS, AND AUTHORIZING THE EXECUTION OF CONTRACTS AND CONSTRUCTION.

WHEREAS, Sanitary Improvement District No. 237 of Sarpy County ("District"), Cimarron Woods and the City of La Vista ("City") entered into a Subdivision Agreement concerning public park improvements within the zoning jurisdiction of the City ("Subdivision Agreement"); and

WHEREAS, District has presented to City for approval plans and specifications to construct certain improvements; and

WHEREAS, said plans and specifications were prepared by E & A Consulting Group and reviewed by the City Engineer who has certified to the City that said plans and specifications are in accordance with the Subdivision Agreement and all of the applicable ordinances, policies and regulations of the City and that improvements constructed pursuant to such plans will be adequate for their intended purpose subject to the following conditions:

1. Providing acceptable revisions to the plans per the City Engineer's request.
2. Providing copies of recorded major storm drainage easements over portions of Lots 7, 8, 9 and 10 of Cimarron Woods and damage waivers if applicable.

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3. Providing revisions to the plans for the proposed restroom building per the Chief Building Official's review.
4. Providing a copy of a valid first right of refusal for SID 237 to purchase Lot 285, Cimarron Woods.; and

WHEREAS, The La Vista Public Works Department, has been presented the plans for review.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska does hereby approve the plans and specifications for construction of the 2010 Park Improvements – Section II, copies of which have been filed with the City Clerk, approved by the City Engineer/Assistant Public Works Director.

BE IT FURTHER RESOLVED, that the City Council does hereby approve the execution of a contract by the District for said improvements with LawnSmith & Co., Inc in the amount of \$454,327.00.

BE IT FURTHER RESOLVED, that the approval herein given is conditioned upon District, prior to its granting authorization of commencement of construction, shall meet the conditions stated above.

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

**F. RESOLUTION – APPROVE PLANS & SPECIFICATIONS AND AUTHORIZE SID 237
TO CONTRACT TRAFFIC SIGNAL IMPROVEMENTS 2010 – 99TH AND HARRISON
STREETS**

Councilmember Sell introduced and moved for the adoption of Resolution No. 10-117 A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE APPROVAL OF THE PLANS AND SPECIFICATIONS FOR THE 2010 TRAFFIC SIGNAL IMPROVEMENTS AT 99TH AND HARRISON STREETS IN SANITARY IMPROVEMENT DISTRICT NO. 237 CIMARRON WOODS, AND AUTHORIZING THE EXECUTION OF CONTRACTS AND CONSTRUCTION.

WHEREAS, Sanitary Improvement District No. 237 of Sarpy County ("District"), Cimarron Woods and the City of La Vista ("City") entered into a Subdivision Agreement concerning the improvements related to the improvements related to the proposed Cimarron Terrace Apartments within the zoning jurisdiction of the City ("Subdivision Agreement"); and

WHEREAS, District has presented to City for approval plans and specifications to construct certain improvements; and

WHEREAS, said plans and specifications were prepared by E & A Consulting Group and reviewed by the City Engineer has certified to the City that said plans and specifications are in accordance with the Subdivision Agreement and all of the applicable ordinances, policies and regulations of the City and that improvements constructed pursuant to such plans will be adequate for their intended purpose.

WHEREAS, The La Vista Public Works Department, has been presented the plans for review.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska does hereby approve the plans and specifications the 2010 traffic signal improvements at 99th and Harrison Streets, copies of which have been filed with the City Clerk, approved by the City Engineer/Assistant Public Works Director.

BE IT FURTHER RESOLVED, that the City Council does hereby approve the execution of a contract by the District for said improvements with Vierregger Electric Co. in the amount of \$19,008.82

BE IT FURTHER RESOLVED, that the approval herein given is conditioned upon District, prior to its granting authorization of commencement of construction, shall meet the conditions stated above.

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

G. RESOLUTION – APPROVE PLANS & SPECIFICATIONS AND AUTHORIZE SID 237 TO CONTRACT STORM SEWER SECTION II

Councilmember Gowan introduced and moved for the adoption of Resolution No. 10-118; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE APPROVAL OF THE PLANS AND SPECIFICATIONS FOR THE CONSTRUCTION OF STORM SEWER SECTION II IN SANITARY IMPROVEMENT DISTRICT NO. 237 CIMARRON WOODS, AND AUTHORIZING THE EXECUTION OF CONTRACTS AND CONSTRUCTION.

WHEREAS, Sanitary Improvement District No. 237 of Sarpy County ("District"), Cimarron Woods and the City of La Vista ("City") entered into a Subdivision Agreement concerning the improvements related to the improvements related to the proposed Cimarron Terrace Apartments within the zoning jurisdiction of the City ("Subdivision Agreement"); and

WHEREAS, District has presented to City for approval plans and specifications to construct certain improvements; and

WHEREAS, said plans and specifications were prepared by E & A Consulting Group and reviewed by the City Engineer has certified to the City that said plans and specifications are in accordance with the Subdivision Agreement and all of the applicable ordinances, policies and regulations of the City and that improvements constructed pursuant to such plans will be adequate for their intended purpose.

WHEREAS, The La Vista Public Works Department, has been presented the plans for review.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska does hereby approve the plans and specifications the the construction of storm sewer section II, copies of which have been filed with the City Clerk, approved by the City Engineer/Assistant Public Works Director.

BE IT FURTHER RESOLVED, that the City Council does hereby approve the execution of a contract by the District for said improvements with Jochim Precast Concrete in the amount of \$39,195.00

BE IT FURTHER RESOLVED, that the approval herein given is conditioned upon District, prior to its granting authorization of commencement of construction, shall meet the conditions stated above.

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

H. RESOLUTION – AUTHORIZE PURCHASE - SNOW PLOW BLADES

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 10-119; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE PURCHASE OF SNOW PLOW BLADES FROM MICHAEL TODD & COMPANY INC., IN AN AMOUNT NOT TO EXCEED \$11,572.32.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of snow plow blades is necessary; and

WHEREAS, the purchase has been included in the FY 2010/11 General Fund; Street Operating Budget; 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, by the Mayor and City Council of La Vista, Nebraska authorizing the purchase snow plow blades in an amount not to exceed \$11,572.32

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

I. RESOLUTION – AUTHORIZE PURCHASE – ICE CONTROL SALT

Councilmember Quick introduced and moved for the adoption of Resolution No. 10-120; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE PURCHASE OF 500 TONS OF ICE CONTROL SALT FROM NEBRASKA SALT & GRAIN, INC., IN AN AMOUNT NOT TO EXCEED \$27,500.00.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of ice control salt is necessary; and

WHEREAS, the purchase has been included in the FY 2010/11 General Fund; Street Operating Budget; and

WHEREAS, orders for the ice control salt maybe placed at different times over the fiscal year; 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, by the Mayor and City Council of La Vista, Nebraska authorizing the purchase of ice control salt in an amount not to exceed \$27,500.00.

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

J. RESOLUTION – AUTHORIZE PURCHASE – ICE SLICER

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 10-121; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE PURCHASE OF 90 TONS OF ICE SLICER GRANULAR ICE MELT FROM NEBRASKA SALT & GRAIN, INC., IN AN AMOUNT NOT TO EXCEED \$15,000.00.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of ice slicer is necessary; and

WHEREAS, the purchase has been included in the FY 2010/11 General Fund; Street Operating Budget; and

WHEREAS, orders for the ice slicer maybe placed at different times over the fiscal year; 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, by the Mayor and City Council of La Vista, Nebraska authorizing the purchase of ice slicer granular ice melt in an amount not to exceed \$15,000.00.

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

K. RESOLUTION – AUTHORIZE PURCHASE – APEX LIQUID DEICER

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 10-122; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA

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AUTHORIZING THE PURCHASE OF 6,500 GALLONS OF APEX LIQUID DEICER FROM ENVIRO-TECH SERVICES, INC., IN AN AMOUNT NOT TO EXCEED \$7,000.00.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of liquid deicer is necessary; and

WHEREAS, the purchase has been included in the FY 2010/11 General Fund; Street Operating Budget; and

WHEREAS, orders for the ice liquid deicer will placed at different times over the fiscal year; 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, by the Mayor and City Council of La Vista, Nebraska authorizing the purchase of APEX Liquid Deicer in an amount not to exceed \$7,000.00.

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

L. SPECIAL ASSESSMENTS 1. PUBLIC HEARING

At 7:41 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on special assessments.

At 7:42 p.m. Councilmember Ellerbeck made a motion to close the public hearing. Seconded by Councilmember Carlisle. . Councilmembers voting aye: Sell, Ronan, Quick, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Abstain: None. Absent: Sheehan. Motion carried

2. RESOLUTION

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 10-123 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
7109 S 69th St., Lot 120/La Vista Replat/Sarpy County, \$247.29;
7607 Teal St., Lot 489/La Vista, \$232.27;
7708 Briar Court, Lot 167/Granville East, \$476.08;
7002 Michelle Ave., Lot 43/Ardmore, \$469.58;
7421 Ivy Lane Dr., Lot 124/S & S's harvest Hill, \$372.56; and
7780 Greenleaf Dr., Lot 210/Granville, \$470.11
were notified to clean up their property as they were in violation of the City Municipal Code, Section 133.01 and/or 50.03, 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.

MINUTE RECORD

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

October 5, 2010

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

M. DISCUSSION - FIREWORKS

Discussion was held regarding the changes to legislation affecting the days of sale of fireworks. Staff recommended that the Council wait to change the code until we see how this works for other cities and until we can work through changes that would need to be made to other sections of the code along with safety issues. Councilmember agreed that we should wait.

N. MOTION TO CHANGE START TIME OF CITY COUNCIL MEETING ON NOVEMBER 2, 2010 TO 6:00 P.M.

Councilmember Sell made a motion to change the meeting time for the November 2, 2010 City Council meeting to 5:30 upon consensus of the council. Seconded by Councilmember Quick. Councilmembers voting aye: Sell, Ronan, Quick, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Abstain: None. Absent: Sheehan. Motion carried.

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

COMMENTS FROM THE FLOOR

None

O. EXECUTIVE SESSION – PERSONNEL

At 7:50 p.m. Councilmember Carlisle made a motion to go into executive session for protection of the reputation of an individual to discuss personnel matters. Seconded by Councilmember Crawford. Councilmembers voting aye: Sell, Ronan, Quick, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Abstain: None. Absent: Sheehan. Motion carried. Mayor Kindig stated the executive session would be limited to the subject matter contained in the motion.

At 8:32 p.m. the Council came out of executive session. Councilmember Carlisle made a motion to reconvene in open and public session. Seconded by Councilmember Crawford. Councilmembers voting aye: Sell, Ronan, Quick, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Abstain: None. Absent: Sheehan. Motion carried

COMMENTS FROM MAYOR AND COUNCIL

None.

At 8:33 p.m. Councilmember Gowan made a motion to adjourn the meeting. Seconded by Councilmember Crawford. Councilmembers voting aye: Sell, Ronan, Quick, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Abstain: None. Absent: Sheehan. Motion carried

PASSED AND APPROVED THIS 19TH DAY OF OCTOBER 2010

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

CITY OF LAVISTA, NEBRASKA
COMBINED STATEMENT OF REVENUES, EXPENDITURES
AND CHANGES IN FUND BALANCE-ALL GOVERNMENTAL FUND TYPES
For the twelve months ended September 30, 2010
100% of the Fiscal Year

	General Fund										Debt Service Fund					Capital Fund				
	Budget (12 month)	MTD Actual	YTD Actual	Over/(under) Budget	% of budget Used	Budget	MTD Actual	YTD Actual	Over/(under) Budget	Budget	MTD Actual	YTD Actual	Over/(under) Budget	Budget	MTD Actual	YTD Actual	Over/(under) Budget			
REVENUES																				
Property Taxes	\$ 4,834,007	\$ 274,040	\$ 4,867,994	\$ 33,988	101%	\$ 816,253	\$ 41,803	\$ 894,017	\$ 77,764	\$ -	\$ 573,656	\$ 493,000	\$ 493,000	\$ -	\$ -	\$ -	\$ -	\$ -		
Sales and use taxes	1,955,000	185,906	2,332,793	377,793	119%	977,500	92,953	1,166,396	188,896											
Payments in Lieu of taxes	90,000	-	116,883	26,883	130%	-	-	-	-											
State revenue	915,403	72,996	1,032,386	116,983	113%	-	-	-	-											
Occupation and franchise taxes	650,000	11,626	739,823	89,823	114%	-	-	-	-											
Hotel Occupation Tax	474,407	60,217	637,686	163,279	134%	-	-	-	-											
Licenses and permits	472,600	17,700	444,909	(27,691)	94%	-	-	-	-											
Interest income	50,000	737	57,984	7,984	116%	75,000	1,551	85,134	10,134	-	-	-	-	-	-	-	-	-		
Recreation fees	131,000	16,359	142,651	11,651	109%	-	-	-	-											
Special Services	16,490	1,469	18,751	2,261	114%	-	-	-	-											
Grant Income	348,059	3,476	98,350	(249,709)	28%	-	-	-	-											
Other	2,418,256	29,482	583,488	(1,834,768)	24%	965,156	11,584	634,299	-	7,960,166	337,627	342,596	(7,617,570)							
Total Revenues	12,355,222	674,011	11,073,701	(1,281,521)	90%	2,833,909	147,892	2,779,847	(54,062)	1,276,000	45,000	45,000	(1,231,000)	9,809,822	875,627	880,596	(8,929,226)			
EXPENDITURES																				
Current:																				
Mayor and Council	182,262	34,158	148,302	(33,960)	81%	-	-	-	-	-	-	-	-	-	-	-	-	-		
Boards & Commissions	10,685	1,082	13,707	3,022	128%	-	-	-	-	-	-	-	-	-	-	-	-	-		
Public Buildings & Grounds	532,224	64,545	470,110	(62,114)	88%	-	-	-	-	-	-	-	-	-	-	-	-	-		
Administration	706,494	52,899	640,074	(66,420)	91%	225,000	1,342	141,818	(83,182)	-	-	-	-	-	-	-	-	-		
Police and Animal Control	3,607,692	278,951	3,352,756	(254,936)	93%	-	-	-	-	-	-	-	-	-	-	-	-	-		
Fire	598,696	53,603	405,189	(193,507)	68%	-	-	-	-	-	-	-	-	-	-	-	-	-		
Community Development	674,982	69,943	659,096	(15,886)	98%	-	-	-	-	-	-	-	-	-	-	-	-	-		
Public Works	2,864,921	254,281	2,777,535	(87,386)	97%	-	-	-	-	-	-	-	-	-	-	-	-	-		
Recreation	610,485	54,663	548,893	(61,592)	90%	-	-	-	-	-	-	-	-	-	-	-	-	-		
Library	634,871	54,486	555,985	(78,886)	88%	-	-	-	-	-	-	-	-	-	-	-	-	-		
Human Resources	457,321	18,961	419,412 *	(37,909)	92%	-	-	-	-	-	-	-	-	-	-	-	-	-		
Special Services & Tri-City Bus	80,676	5,029	59,612	(21,064)	74%	-	-	-	-	-	-	-	-	-	-	-	-	-		
Capital outlay	406,816	11,539	199,500	(207,316)	49%	-	-	-	-	-	-	-	-	-	-	-	-	-		
Debt service: (Warrants)	-	-	-	-	-	398,898	-	-	-	(398,898)	-	-	-	-	-	-	-	-		
Principal	-	-	-	-	-	13,545,000	-	13,195,390	(349,610)	-	-	-	-	-	-	-	-	-		
Interest	-	-	-	-	-	1,550,878	-	1,235,376	(315,502)	-	-	-	-	-	-	-	-	-		
Total Expenditures	11,368,125	954,138	10,250,168	(1,117,957)	90%	15,719,776	1,342	14,572,584	(1,147,192)	10,273,825	585,164	855,769	(9,418,056)							
EXCESS OF REVENUES OVER (UNDER) EXPENDITURES	987,097	(280,127)	823,532	163,564	83%	(12,885,867)	146,550	(11,792,737)	(1,093,130)	(464,003)	290,464	24,827	(488,830)							
OTHER FINANCING SOURCES (USES)																				
Operating transfers in (out)	(669,000)	(639,000)	(639,000)	30,000	-	395,784	434,245	434,245	38,461	65,105	55,000	55,000	(10,105)							
Bond/registered warrant proceeds	-	-	-	-	-	11,758,898	11,370,000	11,370,000	(398,898)	398,898	-	-	(398,898)							
Total other Financing Sources (Uses)	(669,000)	(639,000)	(639,000)	30,000	-	12,154,682	11,804,245	11,804,245	(350,437)	464,003	55,000	55,000	(409,003)							
EXCESS OF REVENUES AND OTHER FINANCING SOURCES OVER (UNDER) EXPENDITURES AND OTHER FINANCING USES	\$ 318,097	\$ (919,127)	\$ 184,532	\$ 133,564	-	\$ (731,185)	\$ 11,950,795	\$ 11,508	\$ (742,693)	\$ -	\$ 345,464	\$ 79,827	\$ (79,827)							
FUND BALANCE, beginning of the year						4,534,624				7,701,176							66,756			
FUND BALANCES, END OF PERIOD **						\$ 4,719,156				\$ 7,712,684							\$ 146,583			

* FY10 Liability and Workers' Comp Insurance

**Preliminary due to accruals and audit adjustments

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

BUDGET AND ACTUAL

For the twelve months ended September 30, 2010

100% of the Fiscal Year

	Sewer Fund					Golf Course Fund				
	Budget	MTD Actual	YTD Actual	Over (Under) Budget	% of Budget Used	Budget	MTD Actual	YTD Actual	Over (Under) Budget	% of Budget Used
REVENUES										
User fees	\$ 1,454,126	\$ 118,099	\$ 1,457,228	\$ 3,102	100%	\$ 185,000	\$ 14,395	\$ 206,189	\$ 21,189	111%
Service charge and hook-up fees	250,000	4,400	105,449	(144,551)	42%	-	-	-	-	-
Merchandise sales	-	-	-	-	-	33,800	3,655	40,272	6,472	119%
Grant	30,000	-	27,389	(2,611)	n/a	-	-	-	-	-
Miscellaneous	200	16	253	53	127%	-	-	-	-	-
Total Revenues	1,734,326	122,515	1,590,320	(144,006)	92%	219,100	76	478	246,939	27,661
EXPENDITURES										
General Administrative	388,427	32,164	361,287	(27,140)	93%	-	-	-	-	-
Cost of merchandise sold	-	-	-	-	-	23,500	4,359	31,984	8,484	136%
Maintenance	1,247,842	99,004	1,020,696	(227,146)	82%	185,771	16,413	180,254	(5,517)	97%
Production and distribution	-	-	-	-	-	134,122	10,814	113,832	(20,290)	85%
Capital Outlay	11,550	608	4,138	(7,412)	36%	5,000	-	4,561	(439)	91%
Debt Service:	-	-	-	-	-	100,000	-	100,000	-	100%
Principal	-	-	-	-	-	28,178	-	28,178	-	100%
Interest	-	-	-	-	-	476,571	31,587	458,810	(17,761)	96%
Total Expenditures	1,647,819	131,776	1,386,121	(261,698)	84%					
OPERATING INCOME (LOSS)	86,507	(9,261)	204,199	(117,692)	-	(257,471)	(13,461)	(211,870)	45,422	-
NON-OPERATING REVENUE (EXPENSE)										
Interest income	30,000	149	6,515	(23,485)	22%	25	4	166	141	665%
INCOME (LOSS) BEFORE OPERATING TRANSFERS	30,000	149	6,515	(23,485)	22%	25	4	166	141	665%
Operating transfers in (out)	-	-	-	-	-	(257,446)	(13,456)	(211,704)	45,742	-
NET INCOME (LOSS)	\$ 116,507	\$ (9,112)	\$ 210,714	\$ (94,207)	-	\$ 255,000	\$ 215,000	\$ 215,000	\$ (40,000)	84%
NET ASSETS, Beginning of the year			4,611,811						185,927	
NET ASSETS, End of the year **			\$ 4,822,525						\$ 189,223	

**Preliminary due to accruals and audit adjustments

**INTERSTATE
PowerSystems**

10143 SOUTH 136TH STREET
OMAHA, NE 68138
PHONE: (402) 331-4104
FAX: (402) 331-2961
www.istate.com

Page 2 of 4

ACCOUNT NUMBER: 22465
INVOICE NUMBER: R013021888:01
INVOICE DATE: 09/27/2010
INVOICE TERMS: NET30
PURCHASE ORDER#: 55001
VEHICLE#: 310352

BILL-TO

CITY - LAVISTA
8116 PARKVIEW
ATTN FIRE DEPARTMENT
RALSTON, NE 68128

SHIP-TO

CITY - LAVISTA
8116 PARKVIEW
ATTN FIRE DEPARTMENT
LAVISTA, NE 68128

Cust. Unit #:	Make:	unknown	Model:	FIRETRUCK	Tag #:	NON
V.I.N: 1S9A3JSE0N1003008	Model #:		In Serv Date:	12/31/9999	Year:	1992
Engine S/N:	Model #:		In Serv Date:		Mileage:	12,500
Tran S/N:	Model #:		In Serv Date:		Eng Hrs:	0
Reefer S/N:	Model #:		In Serv Date:		Warr ID:	
APU S/N:	APU Gen S/N:		In Serv Date:		Date Create:	08/13/2010
			BOM/Spec:			

Qty	Item	Description	Price Each	Extended
	DETOTH21176	Truck Others: GENERAL OPERATION: 12.99-00		6,800.00
	DETOTH21176	Truck Others: GENERAL OPERATION: 12.99-00		1,700.00
1	8V92DDECII	8V92 DDECII	17,350.00	17,350.00
100	83323-013	12 X 3/4 SELF-DRILLING W/WS	0.32	32.00
35	83315-013	10 X 1 SELF-DRILLING W/WSHR	0.29	10.15
10	103744-013	1/4-20 X 1-1/2 PH P H M/S S	0.44	4.40
10	103741-013	1/4-20 X 3/4 PH P H M/S SS	0.23	2.30
20	100620-013	1/4-20 NYL L/N SS	0.24	4.80
10	102336-013	1/4-20 X 3/4 SS FLAT HD SK	0.34	3.40
8	HB311	SHOCK ABS BUSHING	2.77	22.16
1	100696N	MIDLAND AIR FILTER	66.79	66.79
-1	C8V92DDECII-CORE	8V92 DDECII CORE	4,000.00	-4,000.00
1	G34212-0505	5C5-5RFJSX90	11.42	11.42
1	G34210-0505	5C5-5RFJSX	4.64	4.64
36	85681	5C5D X50FT	0.31	11.16
2	90317	PIPE ADAPTER	0.99	1.98
36	85683	8C5D X50FT	0.36	12.96
1	05100860	GASKET	4.10	4.10
4	DDE 12103881	C--TERMINAL	1.16	4.64
8	HB86	ISOLATOR-RADIATOR	1.29	10.32
1	DDE 05100532	M--PLATE	10.37	10.37
2	DDE 23515145	M--GASKET	2.74	5.48
6	DDE 23512701	1GAL 1240D	15.89	95.34
4	95973	2.25 SIL HOSE PER INCH	2.36	9.44
1	0517223000	RAD CAP	5.16	5.16
17	OWI 23528203	COOLANT-GAL	9.46	160.82
5	4YT87	MASTIC ELECTRIC TAPE	20.20	101.00
2	5A463	SILICONE RUBBER-CLEAR	11.47	22.94
2	72331	#10 H/CLAMP	1.08	2.16
1	C8V92DDECII-CORE	8V92 DDECII CORE	4,000.00	4,000.00
1	OTHER	SUBLET- OTHER - RADIATOR	1,950.00	1,950.00
1	P-FRT	PARTS- FREIGHT CHARGE-MIDLAND AIR FILTER	25.00	25.00

**INTERSTATE
PowerSystems**

10143 SOUTH 136TH STREET
OMAHA, NE 68138
PHONE: (402) 331-4104
FAX: (402) 331-2961
www.istate.com

Page 3 of 4

ACCOUNT NUMBER: 22465
INVOICE NUMBER: R013021888:01
INVOICE DATE: 09/27/2010
INVOICE TERMS: NET30
PURCHASE ORDER#: 55001
VEHICLE#: 310352

BILL-TO

CITY - LAVISTA
8116 PARKVIEW
ATTN FIRE DEPARTMENT
RALSTON, NE 68128

SHIP-TO

CITY - LAVISTA
8116 PARKVIEW
ATTN FIRE DEPARTMENT
LAVISTA, NE 68128

Total Labor	8,500.00	Total Parts	17,969.93	Total Sub/Misc	1,975.00	Total	28,444.93
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Job#3	CI	COURTESY TRUCK INSPECTION	S-CUST
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Condition COURTESY TRUCK INSPECTION

Cause

Correction

Qty	Item	Description	Price Each	Extended			
1	Canda-CI	COURTESY INSPECTION	0.00	0.00			
Total Labor	0.00	Total Parts	0.00	Total Sub/Misc	0.00	Total	0.00
Labor/Diagnostic/Tech Services: 8,787.00 Misc. Charges: 25.00 Parts: 17,969.93 Sublet: 1,950.00 Environmental Charges: 250.00 Taxes: 0.00 <hr/> Total: 28,981.93							

10/19/10
Consent
Agenda
01-17-0410
10

KISSEL / E & S ASSOCIATES, LLC
301 S 13TH STREET
LINCOLN, NE 68506

Invoice

Invoice #: 452

Invoice Date: 10/1/2010

Due Date: 10/1/2010

Bill To:

United Cities of Sarpy County
C/O Brenda Gunn, City Administrator
City of LaVista
8116 Park View Blvd
LaVista, NE 68128

Date	Service	Fee
10/1/2010	Legislative Services: October 2010 - September 2011 Divided between 5 members: \$33,075/5 Credit from interest	6,615.00 -19.96

Total \$6,595.04

Payments/Credits \$0.00

Balance Due \$6,595.04

Due upon receipt.

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

OK-PBS
10/19/10
Consent Agenda
1-11-0314

MIDWEST

Right of Way Services, Inc.

October 1, 2010

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

Invoice No.: 2696
Midwest Right of WayServices #273

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

For the period of September 1, 2010 through September 30, 2010

Project Manager	-	hours at	\$80 per hour	\$ -
Acquisition Agent	99.00	hours at	\$68 per hour	\$ 6,732.00
Relocation Agent		hours at	\$68 per hour	\$ -

Total Amount Due for this Invoice

\$ 6,732.00

Past Due Invoices:

MROW Invoice #2670 (September 1, 2010) *Pd 10/5/10* ~~\$ 9,308.00~~

Total Amount for Past Due Invoices

~~\$ 9,308.00~~

Total Amount Currently Due

\$ 16,040.00
6,732.00

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

*Consent
Agenda
05.71.06 45.09
Buethe
10/18/10*



OPPD INVOICE

AMOUNT DUE: 2,453.27 USD

Amount Remitted _____

Page: 1
Invoice No: SL0001685
Invoice Date: 08/25/2010
Customer Number: ARM01023
Payment Terms: Net 30
Due Date: 09/24/2010

Bill To:

CITY OF LAVISTA
ATTN: JOHN M KOTTMANN, P.E.
CITY ENGINEER
9900 PORTAL ROAD
LA VISTA NE 68128
United States

Please Remit To:

OMAHA PUBLIC POWER DISTRICT
P.O. Box 3995
Omaha NE 68103-0995
United States

For billing questions, please call 402-636-3333

Line	Adj	Identifier	Description	Quantity	UOM	Unit Amt	Net Amount
			BORING COST TO INSTALL SERVICE FOR WARNING FLASHER				
			OPPD WO #341935				
1			LABOR, MATERI & EQUIPMENT	1.00	LT	2,453.27	2,453.27
			SUBTOTAL:				2,453.27
			TOTAL AMOUNT DUE :				2,453.27

OKAY TO PAY
Acct. Code
05.71.0835.03

JK
10-8-10

LUMP SUM

Original



Invoice

**FELSBURG
HOLT &
ULLEVIG**

engineering paths to transportation solutions

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

September 17, 2010
Project No: 09-025-01
Invoice No: 4168

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

Project 09-025-01 La Vista Quiet Zone Final Design
Professional Services for the Period: August 01, 2010 to August 31, 2010

Professional Personnel

	Hours	Rate	Amount
Associate	0.50	145.00	72.50
Labor	0.50		72.50
Total Labor			72.50
In-House Units			
B&W Printing	2.0	B&W Prints @ 0.08	0.16
Color Printing	2.0	Prints @ 0.19	0.38
Total In-House	1.1 times		0.54
		TOTAL AMOUNT DUE	\$73.09

Billed-To-Date Summary

	Current	Prior	Total
Labor	72.50	11,660.00	11,732.50
In-House	0.59	44.24	44.83
Totals	73.09	11,704.24	11,777.33

Invoice is due upon receipt.

Project Manager Kyle Anderson

OKAY To PAY
Acct. CODE
05.71.0824.03
Note this is to
come from FY 09/10

JK

10-8-10

ACCOUNTS PAYABLE CHECK REGISTER

BANK NO BANK NAME

CHECK NO

DATE

VENDOR NO VENDOR NAME

CHECK AMOUNT

CLEARED

VOIDED

MANUAL

1 Bank of Nebraska (600-873)

46106 Payroll Checks
 Thru 46109

46110 Gap in Checks
 Thru 101551

101552	10/01/2010	3702 LAUGHLIN, KATHLEEN A, TRUSTEE	648.00	**MANUAL**
101553	10/01/2010	4410 DRAPER, DARREL	135.00	**MANUAL**
101554	10/01/2010	1770 RUFFNER, JAMES	46.00	**MANUAL**
101555	10/01/2010	871 STOPAK, SCOTT	396.00	**MANUAL**
101556	10/01/2010	1624 GUNN, BRENDA	321.00	**MANUAL**
101557	10/01/2010	3230 FAGIN, KAREN	294.00	**MANUAL**
101558	10/06/2010	4212 NEBRASKA TITLE COMPANY	95,199.62	**MANUAL**
101559	10/06/2010	4212 NEBRASKA TITLE COMPANY	94,207.82	**MANUAL**
101560	10/06/2010	4212 NEBRASKA TITLE COMPANY	93,672.94	**MANUAL**
101561	10/06/2010	4212 NEBRASKA TITLE COMPANY	77,127.93	**MANUAL**
101562	10/06/2010	150 SARPY COUNTY TREASURER	9,187.50	**MANUAL**
101563	10/06/2010	150 SARPY COUNTY TREASURER	16,167.18	**MANUAL**
101564	10/06/2010	2740 SARPY COUNTY FISCAL ADMINSTRTN	11,693.00	**MANUAL**
101565	10/06/2010	4326 MIDWEST RIGHT OF WAY SVCS INC	9,308.00	**MANUAL**
101566	10/07/2010	4424 THOMAS, SCOTT AND MELANIE	300.00	**MANUAL**
101567	10/13/2010	1194 QUALITY BRANDS OF OMAHA	240.65	**MANUAL**
101568	10/13/2010	3702 LAUGHLIN, KATHLEEN A, TRUSTEE	648.00	**MANUAL**
101569	10/13/2010	4424 THOMAS, SCOTT AND MELANIE	1,000.00	**MANUAL**
101570	10/15/2010	480 UNITED STATES POSTAL SERVICE	1,426.34	**MANUAL**
101571	10/19/2010	3883 3CMA MEMBERSHIP	375.00	
101572	10/19/2010	3983 ABE'S PORTABLES INC	125.00	
101573	10/19/2010	762 ACTION BATTERIES UNLTD INC	8.32	
101574	10/19/2010	87 AMERICAN FENCE COMPANY INC	338.00	
101575	10/19/2010	536 ARAMARK UNIFORM SERVICES INC	468.97	
101576	10/19/2010	706 ASSOCIATED FIRE PROTECTION	360.00	
101577	10/19/2010	201 BAKER & TAYLOR BOOKS	967.37	
101578	10/19/2010	828 BARCAL, D.J.	250.00	
101579	10/19/2010	1839 BCDM-BERINGER CIACCIO DENNELL	166.25	
101580	10/19/2010	1784 BENNINGTON EQUIPMENT INC	617.96	
101581	10/19/2010	249 BKD LLP	2,100.00	
101582	10/19/2010	56 BOB'S RADIATOR REPAIR CO INC	877.00	
101583	10/19/2010	1143 BRAND, STEVEN	45.00	
101584	10/19/2010	3760 BUETHE, PAM	20.00	
101585	10/19/2010	76 BUILDERS SUPPLY CO INC	41.99	
101586	10/19/2010	4024 CALENTINE, JEFFREY	30.00	
101587	10/19/2010	2625 CARDMEMBER SERVICE-ELAN	.00	**CLEARED** **VOIDED**
101588	10/19/2010	2625 CARDMEMBER SERVICE-ELAN	.00	**CLEARED** **VOIDED**
101589	10/19/2010	2625 CARDMEMBER SERVICE-ELAN	.00	**CLEARED** **VOIDED**
101590	10/19/2010	2625 CARDMEMBER SERVICE-ELAN	5,854.45	
101591	10/19/2010	2078 CAVLOVIC, PAT	45.00	
101592	10/19/2010	4419 CHERECK, TINA	60.00	
101593	10/19/2010	152 CITY OF OMAHA	43,974.71	
101594	10/19/2010	83 CJ'S HOME CENTER	.00	**CLEARED** **VOIDED**

BANK NO	BANK NAME	CHECK NO	DATE	VENDOR NO	VENDOR NAME	CHECK AMOUNT	CLEARED	VOIDED	MANUAL
101595	83 CJ'S HOME CENTER		10/19/2010			.00	**CLEARED**	**VOIDED**	
101596	83 CJ'S HOME CENTER		10/19/2010			.00	**CLEARED**	**VOIDED**	
101597	83 CJ'S HOME CENTER		10/19/2010			621.65			
101598	2683 COLOMBO/PHELPS COMPANY		10/19/2010			306.97			
101599	3176 COMP CHOICE INC		10/19/2010			97.50			
101600	468 CONTROL MASTERS INCORPORATED		10/19/2010			155.00			
101601	836 CORNHUSKER INTL TRUCKS INC		10/19/2010			121.89			
101602	2158 COX COMMUNICATIONS		10/19/2010			79.15			
101603	4013 D & B SALVAGE		10/19/2010			796.00			
101604	3136 D & D COMMUNICATIONS		10/19/2010			320.00			
101605	2374 DAYSPRING PRINTING		10/19/2010			825.00			
101606	270 DECOSTA SPORTING GOODS		10/19/2010			135.00			
101607	111 DEMCO INCORPORATED		10/19/2010			767.24			
101608	77 DIAMOND VOGEL PAINTS		10/19/2010			79.80			
101609	3084 EBSCO SUBSCRIPTION SERVICES		10/19/2010			3,249.07			
101610	3334 EDGEWEAR SCREEN PRINTING		10/19/2010			310.50			
101611	3608 EZRA,GAYLA		10/19/2010			130.00			
101612	3463 FARQUHAR, MIKE		10/19/2010			100.00			
101613	1245 FILTER CARE		10/19/2010			40.30			
101614	142 FITZGERALD SCHORR BARMETTLER		10/19/2010			26,999.99			
101615	3132 FORT DEARBORN LIFE INSURANCE		10/19/2010			1,319.50			
101616	3673 FOSTER, TERRY		10/19/2010			45.00			
101617	4050 FROEHLICH, RORY		10/19/2010			100.00			
101618	1344 GALE		10/19/2010			125.53			
101619	53 GCR OMAHA TRUCK TIRE CENTER		10/19/2010			478.29			
101620	966 GENUINE PARTS COMPANY-OMAHA		10/19/2010			.00	**CLEARED**	**VOIDED**	
101621	966 GENUINE PARTS COMPANY-OMAHA		10/19/2010			.00	**CLEARED**	**VOIDED**	
101622	966 GENUINE PARTS COMPANY-OMAHA		10/19/2010			1,460.62			
101623	3491 GEORGE, ROBERT		10/19/2010			240.00			
101624	35 GOLDMAN, JOHN G		10/19/2010			130.00			
101625	1624 GUNN, BRENDA		10/19/2010			45.00			
101626	1044 H & H CHEVROLET LLC		10/19/2010			255.05			
101627	426 HANEY SHOE STORE		10/19/2010			217.90			
101628	2407 HEIMES CORPORATION		10/19/2010			122.64			
101629	4178 HERITAGE CRYSTAL CLEAN LLC		10/19/2010			185.50			
101630	433 HIGHSMITH		10/19/2010			190.20			
101631	797 HOBBY LOBBY STORES INC		10/19/2010			69.17			
101632	4412 HOLMES, MARY		10/19/2010			85.00			
101633	4151 HUNDEN STRATEGIC PARTNERS		10/19/2010			24,420.00			
101634	136 HUNTEL COMMUNICATIONS, INC		10/19/2010			125.00			
101635	162 INLAND TRUCK PARTS		10/19/2010			42.66			
101636	1896 J Q OFFICE EQUIPMENT INC		10/19/2010			376.34			
101637	788 KINDIG, DOUGLAS		10/19/2010			80.00			
101638	1054 KLINKER, MARK A		10/19/2010			200.00			
101639	4328 KOTTMANN, JOHN		10/19/2010			327.50			
101640	4413 KRAFT, TIFFANY		10/19/2010			95.00			
101641	2394 KRIHA FLUID POWER CO INC		10/19/2010			120.28			
101642	1883 LAKELAND ENGINEERING EQUIP CO		10/19/2010			27.00			
101643	4330 LARSEN SUPPLY COMPANY		10/19/2010			188.00			
101644	1186 LAUSTEN, ROBERT S		10/19/2010			250.00			
101645	1241 LEAGUE ASSN OF RISK MGMT		10/19/2010			440,465.00			
101646	231 LEAGUE OF NEBRASKA MUNICIPA-		10/19/2010			100.00			
101647	3931 LIBRARY ADVANTAGE		10/19/2010			380.00			

BANK NO	BANK NAME	CHECK NO	DATE	VENDOR NO	VENDOR NAME	CHECK AMOUNT	CLEARED	VOIDED	MANUAL
101648	10/19/2010	4254	LINCOLN NATIONAL LIFE INS CO	.00	**CLEARED**	**VOIDED**			
101649	10/19/2010	4254	LINCOLN NATIONAL LIFE INS CO	7,586.06					
101650	10/19/2010	877	LINWELD	74.16					
101651	10/19/2010	1573	LOGAN CONTRACTORS SUPPLY	1,221.55					
101652	10/19/2010	2664	LOU'S SPORTING GOODS	116.83					
101653	10/19/2010	2124	LUKASIEWICZ, BRIAN	65.00					
101654	10/19/2010	4138	MARTIN, ALEX	264.83					
101655	10/19/2010	1119	MEADOWBROOK INC	708.64					
101656	10/19/2010	153	METRO AREA TRANSIT	1,236.00					
101657	10/19/2010	1600	MIDLANDS COMMUNITY HOSPITAL	150.00					
101658	10/19/2010	1526	MIDLANDS LIGHTING & ELECTRIC	89.85					
101659	10/19/2010	2030	MIDWEST FENCE COMPANY	1,057.64					
101660	10/19/2010	4414	MILLER, KELLY	85.00					
101661	10/19/2010	4420	MOIS, LISA	15.00					
101662	10/19/2010	2229	MOORE, WAYNE	54.00					
101663	10/19/2010	981	NEBRASKA CHAPTER APWA	160.00					
101664	10/19/2010	407	NEBRASKA CODE OFFICIALS ASSN	100.00					
101665	10/19/2010	3350	NEBRASKA IOWA SUPPLY	3,569.37					
101666	10/19/2010	3565	NEBRASKA LTAP TRAINING	60.00					
101667	10/19/2010	97	NEBRASKA MIDGET FOOTBALL LEAG	990.00					
101668	10/19/2010	2388	NEBRASKA NATIONAL BANK	1,163.43					
101669	10/19/2010	2685	NEBRASKA TURF PRODUCTS	369.00					
101670	10/19/2010	653	NEUMAN EQUIPMENT COMPANY	93.00					
101671	10/19/2010	2530	NOVA HEALTH EQUIPMENT	5,995.00					
101672	10/19/2010	1468	NWEA-NE WATER ENVIRONMENT ASSN	600.00					
101673	10/19/2010	1808	OCLC INC	27.51					
101674	10/19/2010	1014	OFFICE DEPOT INC-CINCINNATI	337.83					
101675	10/19/2010	3154	OMAHA WINDUSTRIAL CO	21.09					
101676	10/19/2010	319	OMAHA WINNELSON	181.15					
101677	10/19/2010	3039	PAPILLION SANITATION	304.11					
101678	10/19/2010	976	PAPILLION TIRE INCORPORATED	81.15					
101679	10/19/2010	792	PAPILLION WELDING	225.00					
101680	10/19/2010	2686	PARAMOUNT LINEN & UNIFORM	409.76					
101681	10/19/2010	1821	PETTY CASH-PAM BUETHE	23.62					
101682	10/19/2010	2552	PLUTA, DON	45.00					
101683	10/19/2010	159	PRECISION INDUSTRIES	423.54					
101684	10/19/2010	58	RAINBOW GLASS & SUPPLY	56.00					
101685	10/19/2010	427	RAMIREZ, RITA M	43.00					
101686	10/19/2010	191	READY MIXED CONCRETE COMPANY	2,668.52					
101687	10/19/2010	4415	ROGERS, AMY	95.00					
101688	10/19/2010	4037	RUSTY ECK FORD	127.32					
101689	10/19/2010	292	SAM'S CLUB	867.38					
101690	10/19/2010	624	SAPP BROS TRUCK STOPS	224.00					
101691	10/19/2010	2240	SARPY COUNTY COURTHOUSE	3,495.03					
101692	10/19/2010	168	SARPY COUNTY LANDFILL	234.64					
101693	10/19/2010	490	SARPY COUNTY REGISTER OF DEEDS	31.00					
101694	10/19/2010	609	SARPY COUNTY TREASURER	30,910.00					
101695	10/19/2010	3457	SCARPA, DAN	45.00					
101696	10/19/2010	3779	SEVENER, DUTCH	31.00					
101697	10/19/2010	2186	SID 195 - MAYFAIR	2,640.00					
101698	10/19/2010	1864	SINNETT, JEFF	306.00					
101699	10/19/2010	4081	SMITHERS INCORPORATED	90.00					
101700	10/19/2010	533	SOUCIE, JOSEPH H JR	105.00					

BANK NO	BANK NAME	CHECK NO	DATE	VENDOR NO	VENDOR NAME	CHECK AMOUNT	CLEARED	VOIDED	MANUAL
101701	10/19/2010	2634	STERIL MANUFACTURING CO	75.00	APPROVED BY COUNCIL MEMBERS				
101702	10/19/2010	871	STOPAK, SCOTT	50.00	<u>10/19/10</u>				
101703	10/19/2010	3893	STRATEGIC INSIGHTS INC	675.00					
101704	10/19/2010	47	SUBURBAN NEWSPAPERS INC	39.50					
101705	10/19/2010	4276	SUPERIOR VISION SVCS INC	327.28					
101706	10/19/2010	264	TED'S MOWER SALES & SERVICE	394.00					
101707	10/19/2010	143	THOMPSON DREESSEN & DORNER	3,165.81					
101708	10/19/2010	4224	TIEHEN, JAMES	100.00					
101709	10/19/2010	1122	TURF CARS LTD	85.95	COUNCIL MEMBER				
101710	10/19/2010	2737	UNIVERSAL STEERING HYDRAULIC	250.00					
101711	10/19/2010	4223	VAIL, ADAM	100.00					
101712	10/19/2010	4421	VALDES, JUAN	95.00					
101713	10/19/2010	968	WICK'S STERLING TRUCKS INC	847.03					
			BANK TOTAL	1,052,222.82					
			OUTSTANDING	1,052,222.82	COUNCIL MEMBER				
			CLEARED	.00					
			VOIDED	.00					
			FUND						
				TOTAL	OUTSTANDING	CLEARED	VOIDED		
01	GENERAL FUND		447,868.11	447,868.11	.00	.00			
02	SEWER FUND		213,656.13	213,656.13	.00	.00			
05	CONSTRUCTION		371,507.31	371,507.31	.00	.00			
08	LOTTERY FUND		2,681.64	2,681.64	.00	.00			
09	GOLF COURSE FUND		16,433.78	16,433.78	.00	.00			
15	OFF-STREET PARKING		75.85	75.85	.00	.00			
			REPORT TOTAL	1,052,222.82					
			OUTSTANDING	1,052,222.82					
			CLEARED	.00					
			VOIDED	.00					
			+ Gross Payroll 10-15-10	<u>220,468.38</u>					
			GRAND TOTAL	<u>1,272,691.20</u>	COUNCIL MEMBER				

COUNCIL MEMBER

COUNCIL MEMBER

CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
OCTOBER 19, 2010 AGENDA

Subject:	Type:	Submitted By:
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 property located at 7309 Park View Boulevard. A resolution has been prepared to approve the purchase of the site and to authorize and approve the execution of documents for the purchase of this site located in the Thompson Creek grant project area.

FISCAL IMPACT

The FY 10/11 Budget contains funding for this project. Costs to acquire this property 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.

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 ONE HOME FOR THE THOMPSON CREEK HAZARD MITIGATION PROJECT AND TO AUTHORIZE THE EXECUTION AND DELIVERY OF DOCUMENTS NECESSARY TO PURCHASE THESE SITE

WHEREAS, the owners of the home located at 7309 Park View Boulevard (referred to herein as "Site"), desire to sell the Site to the City, and the City desires to purchase the Site from the owners.

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

- (i) By action at the August 3, 2010 City Council meeting, the City Council authorized the City Administrator to negotiate for the voluntary purchase and sale of homes in the Thompson Creek Hazard Mitigation area; and
- (ii) The City Administrator subsequently negotiated the purchase of the Site; and
- (iii) Proposed purchase agreements for the Site have been presented to the City Administrator by the owners of the Site in form and content the City Administrator finds satisfactory and recommends; and
- (iv) Each purchase agreement provides for a purchase price equal to the appraised value or a price within the amounts authorized by the Council for the City Administrator to negotiate, plus certain closing and other costs that the City Administrator has determined the City is required to pay pursuant to the federal grant for the purchase of the Site or is otherwise acceptable, in addition to other terms and conditions; and
- (v) Neb. Rev. Stat. Section 18-1755 requires that the City, before purchasing an interest in real property, authorize the acquisition by action at a public meeting after notice and public hearing; and
- (vi) The City published notice of public hearing on the proposed purchase of the Site, to be held during the regular City Council meeting on October 19, 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 Site 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 Site as described above and on such other terms and conditions satisfactory to the City Administrator.

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

PASSED AND APPROVED THIS 19TH DAY OF OCTOBER 2010.

CITY OF LA VISTA

ATTEST:

Douglas Kindig, Mayor

Pamela A. Buethe, CMC
City Clerk

CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
OCTOBER 5, 2010 AGENDA

Subject:	Type:	Submitted By:
RELOCATION EXPENSE APPROVAL - THOMPSON CREEK PROJECT	◆ RESOLUTION ORDINANCE RECEIVE/FILE	PAM BUETHE/JOHN KOTTMANN CITY CLERK/CITY ENGINEER

SYNOPSIS

A resolution has been prepared to approve relocation costs for qualifying tenants of properties associated with the Thompson Creek grant project in an amount not to exceed \$5,250.00 plus moving expenses not to exceed \$2,500.00.

FISCAL IMPACT

The FY 10/11 Budget contains funding for this project. Relocation costs for these tenants 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 24 homes along Thompson Creek.

As part of the Thompson Creek grant project relocation and moving expenses must be paid to tenants who meet the requirements stipulated in the grant. An interview done at the time of closing on a property by Midwest Right of Way will determine eligibility of the tenants. The relocation amount is based on the FEMA grant requirements. Those eligible for relocation costs and moving expenses will be reimbursed from actual expenses incurred(paid directly to the moving company) or in the case of a "self move" reimbursement will be taken from the NDOR schedule of reimbursement.

If moving expenses would exceed \$2,500.00 they would be brought back the City Council for approval.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA TO APPROVE RELOCATION COSTS FOR QUALIFYING TENANTS OF PROPERTIES ASSOCIATED WITH THE THOMPSON CREEK HAZARD MITIGATION PROJECT IN AN AMOUNT NOT TO EXCEED \$5,250.00 PLUS MOVING EXPENSES NOT TO EXCEED \$2,500.00 PER QUALIFYING TENANT

WHEREAS, the qualifying tenants of the homes located in the Thompson Creek Hazard Mitigation project area are eligible for relocation costs and moving expenses; and

WHEREAS, the owners of the properties in which qualifying tenants live have sold their properties to the City of La Vista thus forcing the tenants to relocate; and

WHEREAS, the grant requires payment of these costs and expenses to the tenants who have been interviewed and it is determined they qualify under this program;

NOW THEREFORE, BE IT RESOLVED, that the Mayor and City Council approve and authorize relocation costs for qualifying tenants of properties associated with the Thompson Creek Hazard Mitigation Project in an amount not to exceed \$5,250.00 plus moving expenses not to exceed \$2,500.00 per qualifying tenant in a form satisfactory to the City Administrator.

PASSED AND APPROVED THIS 19TH DAY OF OCTOBER 2010.

CITY OF LA VISTA

ATTEST:

Douglas Kindig, Mayor

Pamela A. Buethe, CMC
City Clerk

CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
OCTOBER 19, 2010 AGENDA

Subject:	Type:	Submitted By:
HAZARDOUS MATERIALS INSPECTION SERVICES THOMPSON CREEK HMG PROPERTIES	◆ RESOLUTION ORDINANCE RECEIVE/FILE	PAM BUETHE/JOHN KOTTMANN CITY CLERK/CITY ENGINEER

SYNOPSIS

A resolution has been prepared to accept the proposal submitted by AQS Environmental for inspection of the acquired residential properties for asbestos, lead and mercury prior to demolition in the amount of \$450.00 per home, not exceeding \$9,900.00 for up to 22 homes.

FISCAL IMPACT

The FY 10/11 Capital budget provides funding. These costs will be partially reimbursed as part of the 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. The conditions of the grant require the demolition of the properties. In order to obtain demolition bids it is necessary to have inspections performed and the results made available to the demolition contractors prior to submitting bids.

Proposals were obtained from AQS Environmental, AMI Environmental, and RDG Geoscience & Engineering. The proposals from each company are attached. A summary of the proposed fee per home from each company is as follows:

AQS Environmental	\$450.00/home
AMI Environmental	\$495.00/home
RDG Geosciences & Engineering	\$925.00/home

The City Engineer has reviewed the proposals and recommends that the proposal from AQS Environmental be accepted. They are qualified to perform the services.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA TO ACCEPT THE PROPOSAL SUBMITTED BY AQS ENVIRONMENTAL FOR HAZARDOUS MATERIALS INSPECTION SERVICES ASSOCIATED WITH THE THOMPSON CREEK GRANT PROJECT IN AN AMOUNT NOT TO EXCEED \$9,900.00 FOR UP TO 22 HOMES

WHEREAS, the City Council of the City of La Vista has determined that said acquisition and relocation services are necessary as part of the FEMA requirements for the acquisition of 24 homes along Thompson Creek; and

WHEREAS, the FY 2010/11 Budget includes funding for this project; and

WHEREAS, the City council accepted a FEMA grant award of \$2,040,930.00 to facilitate the acquisition of 24 homes along Thompson Creek, and

WHEREAS, the City Engineer has reviewed the proposals and has recommended AQS Environmental as the most responsible bidder; and

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska, to accept the proposal submitted by AQS Environmental for hazardous materials inspection services associated with the Thompson Creek Grant Project in an amount not to exceed \$9,900.00 for up to 22 homes.

PASSED AND APPROVED THIS 19TH DAY OF OCTOBER 2010

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk



September 27, 2010

Mr. John Kottman
City of La Vista
9900 Portal Rd.
La Vista, NE 68128

RE: ENVIRONMENTAL PRE-DEMOLITION INSPECTION SERVICES
Residential Properties
Thompson Creek
La Vista, NE
AQS Proposal No. P101116

Dear Mr. Kottman:

AQS Environmental (AQS) appreciates the opportunity to submit this proposal to the City of La Vista to provide environmental pre-demolition inspection services which include: asbestos and lead-based paint, mercury services at residential properties along Thompson Creek in La Vista, Nebraska.

Based upon our understanding of the project, the professional services to be provided by AQS are described and limited to the tasks as stated in our SCOPE OF SERVICES.

SCOPE OF SERVICES

TASK 1: Asbestos Inspection and Testing Services

1. Conduct an asbestos building inspection to identify, sample and quantify suspect asbestos containing building materials on the interior and exterior of the building.
2. Provide laboratory analysis of collected bulk samples.

Omaha Office
5064 South 107th Street
Omaha, NE 68127
Phone - (402) 593-8100
Fax - (402) 593-8108

Lincoln Office
1135 "M" Street, Suite 2
Lincoln, NE 68508
Phone - (402) 438-0450
Fax - (402) 438-0451

**Environmental Pre-Demolition Inspection Services
Residential Properties
Thompson Creek
La Vista, NE
Proposal No.: P101116
September 27, 2010**

TASK 2: Lead-Based Paint Inspection and Testing Services

1. Conduct lead-based paint inspection testing using a portable x-ray fluorescence (XRF) lead paint analyzer to determine the presence of lead containing paint in surface coatings.

TASK 3: Mercury Inspection

1. Conduct a visual inspection on mercury containing thermostats within the residential properties.

TASK 4: Deliverable: Inspection Report

1. AQS will provide the City of La Vista with a hard copy of the environmental pre-demolition inspection report following completion of the site inspections and review of analytical results. The final report will include all test results, a report of findings indicating the quantity, condition and location of asbestos, lead containing materials, and mercury containing thermostats.

SITE INVESTIGATION

The site inspection will be conducted by state of Nebraska certified asbestos inspectors/lead-based paint risk assessors. The site inspection will be limited to accessible interior and exterior areas. Assessment and sampling will not be conducted in areas that are not made available for inspection and will not be conducted if materials are inaccessible due to physical barriers, confined spaces, or if they cannot be safely reached with available ladders/manlifts, etc.

KEY UNDERSTANDINGS

- AQS's state certified asbestos inspector/lead risk assessor will require access to the structures during normal business hours.
- Standard turn-around time for analysis of suspected building materials for asbestos is within 72 hours following receipt at the laboratory. AQS anticipates that approximately ten (10) asbestos bulk samples will be collected from suspect building materials per home. Additional bulk samples collected beyond the 10 bulk samples an additional \$7.00 per sample will apply.

**Environmental Pre-Demolition Inspection Services
Residential Properties
Thompson Creek
La Vista, NE
Proposal No.: P101116
September 27, 2010**

- Some isolated damage to building materials will occur, although AQS will attempt to limit such damage to the extent necessary for sample collection and inspection purposes. AQS shall not be responsible for the repair or replacement of damaged building materials necessary to collect asbestos samples.

The client will provide the following items:

- The right of entry to conduct the sampling.
- Any restrictions or special requirements regarding the site must be made known to AQS prior to commencing the site visit.

DELIVERABLES

Upon completion of the site investigations and review of analytical data, AQS will provide the City of La Vista with a hard copy of the environmental pre-demolition inspection report. Included in the report will be copies of all analytical test results; locations of identified asbestos containing materials and/or lead-based paint surfaces; summary of quantities and condition of identified asbestos/lead containing materials, and mercury containing thermostats; and copies of all staff certifications and licenses pertaining to the work.

**Environmental Pre-Demolition Inspection Services
Residential Properties
Thompson Creek
La Vista, NE
Proposal No.: P101116
September 27, 2010**

FEE ESTIMATE:

The following fee estimates include professional labor, sample collection, laboratory analysis, travel, mileage, materials and reports.

PRICE FOR ENVIRONMENTAL PRE-DEMOLITION INSPECTION SERVICES

TASK ONE, TWO, THREE, & FOUR	\$450.00/per home
Total Estimated Cost (22 Residential Homes)	\$9,900.00

GENERAL COMMENTS

We appreciate the opportunity to submit this proposal to the City of La Vista to provide environmental pre-demolition inspection and testing services. If you have any questions or comments please do not hesitate to contact me at (402) 593-8100.

Sincerely,
AQS Environmental, Inc.



Jon Fannon
Sr. Project Manager

Copies to: Addressee (1)

Environmental Pre-Demolition Inspection Services
Residential Properties
Thompson Creek
La Vista, NE
Proposal No.: P101116
September 27, 2010

NOTICE TO PROCEED

The above proposal and scope of services is understood and accepted.

NAME: _____
(please print) _____
(title) _____

(signature)

FOR: _____
(Company)

DATE: _____

Point of Contact for this project: _____

Telephone No.: _____

Fax No.: _____



Environmental Consulting and Analytical Services
8802 S. 135th St., Suite 100, Omaha, Nebraska 68138
Phone 402-397-5001 FAX 402-397-3313

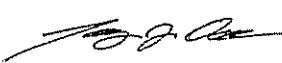
PROJECT FEE PROPOSAL

Date: 9-28-10 Proposal No. 10245

Client: Mr. John Kottmann City of La Vista 9900 Portal Road La Vista, NE 68129	Project: Environmental Consulting Services House Inspections for Asbestos Location: La Vista, NE
Voice: 402-331-8927	

Scope of Work /Task Description:

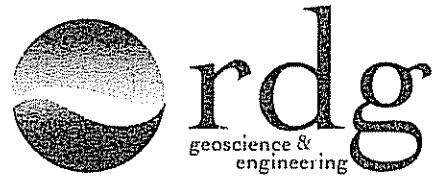
1. AMI will conduct a comprehensive assessment of each house and collect samples of all materials suspect of being asbestos.
2. AMI will analyze all samples using PLM method.
3. AMI will provide a written report including table and analytical results. Table will indicate all materials sampled including results.
4. All inspection activities will be conducted in accordance with local, state, and federal regulations.

Fee Estimate: TOTAL FEE: \$495.00/house	All efforts will be conducted in accordance with local, city, federal and Nebraska regulations.
Comments: Fee based on conducting inspection in groups of 5-6 residences. Fee based on 15 samples per house.	Schedule: Schedule to be determined by the City.
Acceptance AMI Group Inc.  Signature, Authorized Representative Larry J. Owens Printed Name Vice President Title Date: <u>September 28, 2010</u>	City of La Vista Company/Client Signature, Authorized Representative Printed Name Title Acceptance Date: _____

This Project Fee Proposal constitutes a formal letter of Proposal (PROPOSAL) for professional services which is valid for sixty days from the PFP date. Please sign and return this Form to AMI Group, Inc.

General Conditions:

1. **PARTIES:** AMI Group, Inc. (hereafter referred to as AMI) shall include said company. "Work" means specific environmental services to be performed by AMI as defined in AMI's proposal. "Client" refers to the entity ordering the work to be performed by AMI. If the work is being authorized on behalf of another, the client represents and warrants that the client is a duly authorized agent for purposes of ordering the work.
2. **SCOPE OF WORK:** The client assumes sole responsibility for determining whether the scope of work to be completed is sufficient to satisfy the client's intended purpose. AMI, unless specifically addressed in the scope of work, shall not be responsible for job conditions concerning health and safety. AMI employees will serve as expert professional witness by separate written agreement only. The client agrees to pay for all costs to respond to a subpoena.
3. **SITE ACCESS:** The client will provide access to all sites upon which AMI will be performing the work. The client warrants to AMI that, on sites not owned by the client, permission has been obtained for AMI to enter and perform the work.
4. **HAZARDOUS MATERIALS:** AMI is not responsible for notification of owners, or regulatory authorities of suspected pollutants.
5. **PAYMENT:** Client shall be invoiced once each month for work performed during the preceding period. Client agrees to pay each invoice within thirty (30) days of its receipt. The client further agrees to pay interest on all amounts invoiced and not paid or objected to for valid cause within said thirty (30) day period at the rate of eighteen (18) percent per annum (or the maximum interest rate permitted under applicable law, whichever is the lesser) until paid. Client agrees to pay AMI's cost of collection of all amounts due and unpaid after sixty (60) days, including court costs and reasonable attorney's fees. Failure to make payment within 30 days of invoice shall constitute a release of AMI from any and all claims which client may have, either in tort or contract, and whether known or unknown at the time.
6. **TERMINATION:** This Agreement may be terminated by either party upon seven day's prior written notice. In the event of termination, AMI shall be compensated by client for all services performed up to and including the termination date, including reimbursable expenses, and for the completion of such services and records as are necessary to place AMI's files in order and/or protect its professional reputation.
7. **WARRANTY:** AMI WILL PERFORM SERVICES IN ACCORDANCE WITH GENERALLY ACCEPTED PRINCIPLES AND PRACTICES. AMI WILL EXERCISE THE STANDARD OF CARE ORDINARILY UTILIZED IN SIMILAR CIRCUMSTANCES BY MEMBERS OF ITS PROFESSION. RECOMMENDATIONS MADE IN AMI'S REPORTS ARE OPINIONS BASED ON PROFESSIONAL JUDGEMENT. SHOULD AMI OR ANY OF ITS EMPLOYEES BE FOUND TO HAVE BEEN NEGLIGENT IN PERFORMING THE WORK, OR TO HAVE MADE AND BREACHED A WARRANTY OR CONTACT, ALL PARTIES CLAIMING THROUGH CLIENT OR HAVE RELIED UPON AMI'S WORK AGREE THAT THE MAXIMUM AGGREGATE AMOUNT OF LIABILITY OF AMI, ITS EMPLOYEES, AND AGENTS SHALL BE LIMITED TO \$50,000.00 OR THE TOTAL AMOUNT OF FEE PAID TO AMI FOR WORK ON SAID PROJECT, WHICHEVER IS GREATER. AMI LIMITS FROM THIRD PARTY, NON-CLIENT CLAIMS TO \$1,000.00.
8. **INDEMNITY:** Subject to aforementioned limitations, AMI agrees to indemnify and hold the client harmless from and against any and all claims, suits and expenses, including reasonable attorney's fees and court costs arising out of AMI's negligence to the extent of AMI's negligence. The client shall provide the same to the extent of its negligence.
9. **TERMINATION:** This agreement may be terminated by either party upon seven (7) days written notice.
10. **PROVISIONS SEVERABLE:** Should any of the terms and conditions in this agreement be found to be unenforceable, that provision shall be disregarded and all remaining shall be enforceable.
11. **AGREEMENT:** This agreement contains the entire understanding established between the parties. The client acknowledges that no representations, warranties, or promises, other than those contained herein, have been made.



RDG Geoscience & Engineering, Inc.
10360 Sapp Bros Dr. Omaha, NE 68158
T (402)894-2678 F (402)894-9043
www.rdgge.com

October 4, 2010

John Kottmann, P.E.
City Engineer
City of LaVista
8116 Park View Blvd.
LaVista, NE 68128-2198

RE: Proposal and Cost Estimate for Pre-Demolition Inspections of
Residences Along Thompson Creek
LaVista, Nebraska

Dear Mr. Kottman,

In accordance with your letter of September 17, 2010 to Korey Brunkin of RDG Geoscience & Engineering, this letter provides a proposal and cost estimate to complete necessary asbestos and lead inspections for up to 22 homes along Thompson Creek in LaVista as part of a FEMA Hazard Mitigation Grant. Our proposed scope of work and estimated costs are outlined below.

Scope of Work

Asbestos inspections shall be conducted by a Certified Individual as defined in Chapter 22, Title 178 of the Nebraska Department of Health and Human Services (NHHS). The asbestos inspections shall include the collection and analysis of any materials deemed to have the potential to contain asbestos containing materials (ACMs) based on a visual inspection of the residence. It is anticipated that up to ten (10) samples may be collected at each residence. Types of materials that may be sampled and tested may include but are not limited to shingles, floor tiles, pipe insulation, and siding. A summary report shall be prepared and submitted to the City of LaVista that includes a diagram of sampling locations, tabular summary of sample results, conclusions as to the amount and area of ACMs that were identified, and inclusion of any NHHS or other forms that are required based on the results of the asbestos inspection.

Lead sampling and inspections shall be conducted by Certified Individuals as defined in Chapter 23, Title 178 of NHHS. It is our understanding from Title 178 that sampling for lead based paint is not required for demolition of residential structures. However, paint testing and sampling may be necessary for purposes of assessment of potential worker exposure and for construction debris disposal purposes. Therefore, we anticipate that up to five (5) samples for lead based paint may be collected at each residence. A summary report shall also be prepared and submitted to the City of LaVista that describes the results of sampling and conclusions as to potential issues with worker exposure and/or disposal of demolition materials.

John Kottmann, P.E.
10/4/2010
Page 2

Estimated Costs

Our estimated costs per household and for the entire group of 22 homes are listed below.

Cost Per Household = \$925.00
Cost for 22 Homes = \$20,350.00

Please do not hesitate to contact me with any questions.

Sincerely,



Robert Kalinski, P.E.
Senior Engineer
RDG Geoscience & Engineering, Inc.

CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
OCTOBER 19, 2010 AGENDA

Subject:	Type:	Submitted By:
REQUEST TO REVISE CUP — LOT 380, CIMARRON WOODS	◆ RESOLUTION ORDINANCE RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

SYNOPSIS

A resolution has been prepared to approve revisions to the Conditional Use Permit for Lot 380, Cimarron Woods (replatted as Lots 1 and 2, Cimarron Woods Replat Two) for the purpose of a multi-family residential development, generally located southwest of 96th and Harrison Street.

FISCAL IMPACT

None.

RECOMMENDATION

Approve.

BACKGROUND

On March 16, 2010, the City Council approved Resolution No. 10-026 which authorized the execution of a Conditional Use Permit for Pedcor Investments, LLC, to construct a multi-family residential development on Lot 380, Cimarron Woods (replatted as Lots 1 and 2, Cimarron Woods Replat Two). The resolution stated the Mayor was authorized to execute the CUP “in form and content submitted at this meeting”. Since that time, the applicant has proposed several revisions, including the names of two separate entities that will own the lots, and other modifications to allow for separate development of the two phases. Based on these changes and others (see red-line copy attached) the City Attorney recommended the changes be approved by the City Council. A resolution has been prepared for this purpose.

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 PEDCOR INVESTMENTS LLC FOR A MULTI-FAMILY RESIDENTIAL DEVELOPMENT GENERALLY LOCATED SOUTHWEST OF 96TH AND HARRISON STREET

WHEREAS, Pedcor Investments, LLC, on behalf of the property owner, Torco Development, Inc., applied for a conditional use permit for the purpose of having a multi-family residential development; and

WHEREAS, on March 16, 2010, the City Council approved Resolution No. 10-026 for this purpose; and

WHEREAS, since that time, the applicant has proposed several revisions to the conditional use permit which require approval by the City Council; and

WHEREAS, the Mayor and City Council of the City of La Vista are agreeable to the issuance of a revised conditional use permit.

NOW THEREFORE, BE IT RESOLVED, that the Conditional Use Permit presented at the October 19, 2010 City Council meeting for Pedcor Investments, LLC, be, and hereby is approved and the Mayor and City Clerk be and hereby are, authorized to execute same on behalf of the City with such revisions or amendments thereto that the City Administrator and City Attorney may determine necessary to carry out the intent of the City Council.

PASSED AND APPROVED THIS 19TH DAY OF OCTOBER 2010.

CITY OF LA VISTA

ATTEST:

Douglas Kindig, Mayor

Pamela A. Buethe, CMC
City Clerk

CUP Lot 380 Cimarron Woods

CONDITIONAL USE PERMIT

Primary Change: The conditional use permit presented and approved by Council March 16 was for both lots 1 and 2 and named the limited partnership, Pedcor 2008 as the owner of both lots (the resolution named Pedcor Investments). Pedcor now advises that the limited partnership only will own and develop lot 1 and Pedcor Investments, LLC will own lot 2, which will be developed later.

With the separate ownership of lots 1 and 2, the limited partner/investor of Pedcor 2008 wanted to limit its exposure under the CUP to lot 1. We were unwilling to grant that request and instead propose separate CUPs for lots 1 and 2. Only the CUP for lot 1/phase 1 would be issued at this time to Pedcor 2008. Pedcor Investments later will obtain a CUP for lot 2 when it is prepared to proceed. This would seem to work in the City's favor by providing the benefit of seeing how phase 1 has developed when considering the CUP for phase 2. Both Pedcor 2008 and Pedcor Investments remain liable on the subdivision agreement.

Recitals: Revised to reflect separate ownership and development of lots 1 and 2, as described above.

Conditions of Permit:

1: The CUP is limited to phase 1 on lot 1 by Pedcor 2008. Pedcor Investments will obtain a separate CUP when ready to develop phase 2 on lot 2.

2a: Reference approved site plan.

2e: Provides for alternative off-site wetlands mitigation site satisfactory to City Engineer.

2f: Since this is a CUP for lot 1, parking area restrictions with respect to inoperable cars limited to lot 1.

2j: Drainage requirements tied to corresponding requirements of subdivision agreement (vs. setting them out separately in the CUP).

2l: Owner of lot 1 agrees to cooperate with owner of lot 2 with respect to performance of subdivision agreement.

3: Reference updated design review architect's letter.

4a, 5b, 5c, 5d: Added opportunity of Pedcor 2008 to cure violations of CUP pursuant to cure rights stated in new paragraph 2 under "Miscellaneous" section of CUP; generally require cure within 30 days, if possible.

4b, 5a and 6: Times for commencement of construction and completion revised, consistent with changes to subdivision agreement described above.

Miscellaneous:

2: Cure Rights: City must give notice of violation of CUP and opportunity to cure, or at least commence and diligently pursue cure, within 30 days.

City of La Vista Conditional Use Permit

Conditional Use Permit for Cimarron Terrace Apartments — Phase 1

This Conditional Use Permit issued this _____ day of _____, 2010, by the City of La Vista, a municipal corporation in the County of Sarpy County, Nebraska (“City”) to, Pedcor Investments-2008-CXVIII, L.P., an Indiana limited partnership authorized to do business in Nebraska (“Pedcor Investments-2008” or Owner”), pursuant to the La Vista Zoning Ordinance.

WHEREAS, Pedcor Investments, A Limited Liability Company, a Wyoming limited liability company authorized to do business in Nebraska (“Pedcor Investments”) is an affiliated company and manager of the general partner of Pedcor Investments-2008. Pedcor Investments-2008 and Pedcor Investments together desire to acquire and develop Lot 380, Cimarron Woods Subdivision, consisting of 25.937 acres, more or less (“Lot 380”) which property is located outside of the corporate limits of the City but within the City’s zoning and platting jurisdiction, in a unified, compatible manner as a multi-family housing development.

WHEREAS, Pedcor Investments and Pedcor Investments-2008 (referred to herein together as “Pedcor” wish, Owner wishes to construct and operate a multiple family dwelling complex to be known as Cimarron Terrace Apartments to be constructed in two phases upon the following described tract of land within the City of La Vista’s zoning jurisdiction:

Lots 1 and 2, Cimarron Woods Replat Two, located in the N½ of Section 16, Township 14 North, Range 12 East of the 6th P.M. Sarpy County, Nebraska (the “Development Property”),

with Phase 1 to be constructed by Pedcor Investments-2008 on Lot 1 (the “Property”) and comprised of 84 units and 64 attached garages, and Phase 2 to be constructed by Pedcor Investments on Lot 2 and comprised of 192 units and 104 attached garages, as presented to the City Council with Pedcor Investment’s request on behalf of itself and Owner for replatting, planned unit development and conditional use permit. Pedcor Investments subsequently advised that, due to economics and market demands, it is possible that Pedcor Investments might incrementally develop Phase 2 units..

WHEREAS, Owner has applied for a conditional use permit for the purpose of constructing and operating Phase 1 of a multiple family dwelling complex on Lot 1 as described above; 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 (the “Permit”).

NOW, THEREFORE, BE IT KNOWN THAT subject to the conditions hereof, this Permit is issued to the Owner owner of the Property to use the Property hereto for the purposepurposes described above, said use hereinafter being referred to interchangeably as a “Permitted Use” or “Use”.

Conditions of Permit

The conditions to which the granting of this Permit is subject are as follows:

1. Development and operation of Phase 1 on Lot 1 is governed by this Permit. Pedcor Investments will apply for a conditional use permit for Phase 2 on Lot 2 when it is ready to proceed with that phase, the approval of which will not be unreasonably denied. The rights granted by this Permit are transferable and any breach of any terms¹ hereof shall cause Permit to expire and terminate subject to the rights of the Owner to cure such default or deficiency as set forth herein in this Agreement.
2. In respect to the proposed Use:
 - a. A site plan showing the Development's Property's boundaries, all existing and proposed easements, proposed structures, parking, access points, and drives ~~is shall be submitted to, and subject to approval of, the City and once approved by the City, shall be attached here~~ to and incorporated herein as Exhibit "A".
 - b. Architectural review of the building design, landscaping, and lighting has been completed and the foregoing plans are approved as shown on Exhibits "B" through ~~the~~ .
 - c. The Property shall be developed and maintained in accordance with the site plan (Exhibit "A") and all other Exhibits of this Agreement, as well as the Final Plat - Cimarron Woods Replat Two (Final Plat), Cimarron Terrace Planned Unit Development, and Subdivision Agreement applicable to Lots 1 and 2, Cimarron Woods Replat Two Subdivision, (Subdivision Agreement), as approved by the City and incorporated herein by this reference. Any modifications to the site plan must be submitted to the City's Chief Building Official for approval. Modification of any of the other document or Exhibit shall be subject to approval of the City, as directed by the City Administrator, unless otherwise expressly provided in the document or Exhibit to be modified.
 - d. As-built topographic surveys of storm water detention areas shall be required before certificates of occupancy² are issued for any building in Phase 1 of the project, with a requirement that any discrepancies from the approved detention plans be corrected, or certified as inconsequential, to the satisfaction of the City Engineer ~~in his sole discretion~~ prior to issuing such certificates.
 - e. An off-site wetlands mitigation area ~~has been or~~ will be acquired as identified in Exhibit of this Permit. No permits shall be issued by the City to commence any grading or work on the Property until Owner demonstrates to the satisfaction of the City Administrator that Owner has purchased the site or an alternative a sufficient off-site wetlands mitigation site satisfactory to the City Administrator.
 - f. No vehicle repair, other than emergency maintenance such as changing a tire, or inoperable, abandoned or storage of vehicles shall be allowed in the parking areas on the Property shown on Exhibit "A". The Owner shall have seventy-two (72) hours after notice to correct any violation or cause the removal of any such vehicle that is in violation. ~~(Can we narrow this down—what will be deemed vehicle repair?)~~
 - g. Owner shall obtain all required permits for the Use 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 codes, fire codes and ADA requirements.
 - h. Owner shall comply (and shall ensure that all structures, appurtenances and improvements, and all activities occurring or conducted, on the Property at any time comply) with any applicable federal, state and/or local laws, rules or 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 or its agents, employees, assigns, suppliers or invitees, including, but not limited to, any liability, loss, claim or expense arising out of or resulting from any violations of any applicable environmental or safety law, rule or regulation relating to the Owner's Use of the Property.
 - j. A drainage study for the Property Lot 380 has been completed, as referenced in the Subdivision

¹ Materiality is addressed in 4a below; no need to insert individually throughout the agreement.

² Reference to other certificates deleted, absent indication of certificates intended.

Agreement applicable to Lots 1 and 2, Cimarron Woods Replat Two Subdivision, the results of which show that peak runoff volumes of the Property, during and after development, resulting from 2-, 10-, 50 or 100 year storm events will be reduced below the historic runoff rate, due to construction of the detention basins depicted on the Storm Water Detention Plan attached hereto as Exhibit D. Owner agrees to cooperate comply with requirements related to drainage that are specified in said Subdivision Agreement, and take such further action with the District as necessary if peak runoff volumes from the Property are not reduced to levels shown in the drainage study.

k. Owner shall ensure that any clubhouse on the property is professionally staffed during open hours.

1. Owner agrees to cooperate and coordinate with the owner of Lot 2 to carry out Subdivider (as "Subdivider" is defined in the Subdivision Agreement) obligations under the Subdivision Agreement.

3. In respect to the Gateway Corridor Overlay District, building design has been approved per letter from the City's design review architect, Kevin Schluckebier, dated September 14, 2010.

4. The Owner's right to maintain the Use of the Property, as contemplated by this Permit, shall be based on the following conditions:

- a. An annual inspection to determine compliance with the conditions of this Permit. The Permit may be revoked upon a finding by the City that there is a material violation of the terms of this Permit if the violation continues after written notice from the City to Owner and opportunity to cure in the a reasonable time and manner described below. was given for Owner to cure such violation.
- b. The Use authorized by this Permit must be initiated within 1224 months after the date of the approval of this Permit otherwise such Permit shall become void. Construction of Notwithstanding the foregoing, it is understood and agreed that this is a phased project. As such, phase one of the project, consisting of 84 units and 64 garages and having the design, dimensions, construction and amenities set forth in the Owner's application(s) for Cimarron Woods Replat Two, this Permit and/or PUD-1 Planned Unit Development zoning by or on behalf of Owner, as approved, ("Application"); shall be commenced within 1224 months after the date of the approval of this Permit and completed with certificate of occupancy within 2418 months after commencement of construction, subject to such extension of time as granted by the Chief Building Official in the event Owner commences construction within the time specified in this Section 4(b) and diligently continues with construction thereafter, and completion within the time required in this Section 4(b) is delayed for causes beyond the reasonable control of Owner; otherwise such Permit shall become void. Construction of phase two of the project on Lot 2 shall be governed by the conditional use permit for phase two. otherwise such Permit shall become void. Phase two of the project, consisting of 192 units and 104 attached garages and having the design, dimensions, construction and amenities set forth in Owner's application, may be constructed after the completion of the first phase as economics and demand warrant and in accordance with a schedule approved by the City. In addition, it is understood and agreed that Subdivider, through administrative actions only if permitted under the zoning ordinances and regulations existing at the time, shall have the right to further subdivide the Property as necessary to create such other phases of the Property, subject to approval of the City Council.
- c. All obsolete or unused structures, accessory facilities or materials with an environmental or safety hazard shall be abated and/or removed from the Property at Owner's expense within twelve (12) months of cessation of the Use of the Property.

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

- a. Owner's abandonment of the Permitted Use. There shall be a presumption that the project on the Property has been abandoned if the Owner fails to commence construction of phase one of the project within twenty four (24) months after the time provided approval of this Permit, unless otherwise approved by Section 4(b) above. the City.

- b. Cancellation, revocation, denial or failure to maintain any federal, state or local permit required for the Use, and such cancellation, revocation, denial or failure to maintain any federal, state or local permit required for the use is not cured in the time and manner described below ~~within a reasonable period of time~~, so long as curative rights are provided under laws, rules and regulations governing said permit, ~~and Owner is diligently pursuing correction of the same~~.
- c. Owner's construction or placement of a storage tank, structure or other improvement on the Property ~~premises~~ (except during construction of any phase of the project) not specified in this Permit and Owners failure to cure ~~correct~~ such breach in the time and manner described below ~~after~~ ~~within a reasonable period of time~~ after City's giving notice thereof.
- d. Owner's breach of any other term hereof and its failure to cure ~~correct~~ such breach in the time and manner described below ~~within a reasonable period of time~~ after City's giving notice thereof.

6. If construction of phase one has not been commenced within twelve (12)~~twenty four (24)~~ months from the date of this Permit, this Permit shall be null and void and all rights hereunder shall lapse; provided, however, ~~Owner shall have the right to file for an extension of time pursuant to the La Vista Zoning Ordinance.~~

7. In the event the Owner fails to promptly remove any safety ~~or~~ environmental or other hazard ~~or nuisance~~ from the Property, or upon the expiration or termination of this Permit the Owner fails to promptly remove any ~~permitted materials or any~~ remaining safety, environmental or other hazard ~~or nuisance~~, 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 in connection with the removal thereof) 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, provided notice is furnished to the Owner along with a reasonable time to remove or cure such hazard, to enter the Property and to take whatever action as is necessary or appropriate to remove ~~the structures or any such~~ environmental or safety hazards ~~or nuisances~~ in accordance with the terms of this Permit, and the right of the City to enter the Property as may be necessary or appropriate to carry out any other provision of this Permit.

8. If any provision, or any portion thereof, contained in this Permit 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, its 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 this Permit, unless the City has expressly waived said breach. 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. Cure Rights. Notwithstanding any other provision of this Permit to the contrary, Owner shall be entitled to notice and opportunity to cure a breach of this Permit as follows. City will notify the Owner of any breach of this Permit. Owner, which for purposes of taking action to cure a breach shall also include a limited partner of Pedcor Investments-2008-CXVIII, L.P. shall be permitted to cure any breach. Cure shall be commenced and completed as soon as possible and in all cases within thirty (30) days after City provides notice of breach; provided, however, in any case that cure cannot be completed within 30 days, additional time will be allowed, so long as cure is commenced within the time required in this Section 2 and diligently pursued and completed as soon as possible, and allowing additional times does not present

or increase risk of harm to persons or property. City shall have the right to terminate this Permit if a breach is not timely cured.

23. 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.

34. 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 as follows:

Contact Name and Address: ~~Force Development, Inc.~~
~~11205 South 150th Street, Suite 100~~
~~Omaha, Nebraska 68138~~
~~(402) 592-6942~~

To Owner:

And;

Pedcor Investments~~2008-CXVIII, L.P.~~
& Pedcor Investments, A Limited Liability Company
~~770 3rd Avenue, S.W.~~
~~Carmel, IN 46032~~
~~Attn: Thomas G. Crowe~~

Wachovia Affordable Housing
Community Development Corporation
MAC D1053-170
301 South College Street
Charlotte, NC 28288
Attention: Michael Loose: Asset Management

5. All documents referenced in this Permit shall be incorporated herein by said reference.

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:

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:

Pedcor Investments-2008-CXVII, L.P., an Indiana a-limited partnership

By: La Vista Housing Company, LLC, its general
partner

By: _____

Title: _____

By: Pedcor Investments, A Limited Liability
Company, its manager

By: _____

Thomas G. Crowe,
Executive Vice President

Date: _____

City of La Vista Conditional Use Permit

Conditional Use Permit for Cimarron Terrace Apartments – Phase 1

This Conditional Use Permit issued this _____ day of _____, 2010, by the City of La Vista, a municipal corporation in the County of Sarpy County, Nebraska (“City”) to, Pedcor Investments-2008-CXVIII, L.P., an Indiana limited partnership authorized to do business in Nebraska (“Pedcor Investments-2008” or “Owner”), pursuant to the La Vista Zoning Ordinance.

WHEREAS, Pedcor Investments, A Limited Liability Company, a Wyoming limited liability company authorized to do business in Nebraska (“Pedcor Investments”) is an affiliated company and manager of the general partner of Pedcor Investments-2008. Pedcor Investments-2008 and Pedcor Investments together desire to acquire and develop Lot 380, Cimarron Woods Subdivision, consisting of 25.937 acres, more or less (“Lot 380”) which property is located outside of the corporate limits of the City but within the City’s zoning and platting jurisdiction, in a unified, compatible manner as a multi-family housing development.

WHEREAS Pedcor Investments and Pedcor Investments-2008 (referred to herein together as “Pedcor”) wish to construct and operate a multiple family dwelling complex to be known as Cimarron Terrace Apartments to be constructed in two phases upon the following described tract of land within the City of La Vista’s zoning jurisdiction:

Lots 1 and 2, Cimarron Woods Replat Two, located in the N½ of Section 16, Township 14 North, Range 12 East of the 6th P.M. Sarpy County, Nebraska (the “Development”),

with Phase 1 to be constructed by Pedcor Investments-2008 on Lot 1 (the “Property”) and comprised of 84 units and 64 attached garages, and Phase 2 to be constructed by Pedcor Investments on Lot 2 and comprised of 192 units and 104 attached garages, as presented to the City Council with Pedcor Investment’s request on behalf of itself and Owner for replatting, planned unit development and conditional use permit. Pedcor Investments subsequently advised that, due to economics and market demands, it is possible that Pedcor Investments might incrementally develop Phase 2 units.

WHEREAS, Owner has applied for a conditional use permit for the purpose of constructing and operating Phase 1 of a multiple family dwelling complex on Lot 1 as described above; 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 purpose, subject to certain conditions and agreements as hereinafter provided (the “Permit”).

NOW, THEREFORE, BE IT KNOWN THAT subject to the conditions hereof, this Permit is issued to the Owner to use the Property hereto for the purpose described above, said use hereinafter being referred to interchangeably as a “Permitted Use” or “Use”.

Conditions of Permit

The conditions to which the granting of this Permit is subject are as follows:

1. Development and operation of Phase 1 on Lot 1 is governed by this Permit. Pedcor Investments will apply for a conditional use permit for Phase 2 on Lot 2 when it is ready to proceed with that phase, the approval of which will not be unreasonably denied. The rights granted by this Permit are transferable and any breach of any terms hereof shall cause Permit to expire and terminate subject to the rights of the Owner to cure such default or deficiency as set forth herein in this Agreement.
2. In respect to the proposed Use:
 - a. A site plan showing the Development's boundaries, all existing and proposed easements, proposed structures, parking, access points, and drives is attached hereto and incorporated herein as Exhibit "A".
 - b. Architectural review of the building design, landscaping, and lighting has been completed and the foregoing plans are approved as shown on Exhibits "B" through "M".
 - c. The Property shall be developed and maintained in accordance with the site plan (Exhibit "A") and all other Exhibits of this Agreement, as well as the Final Plat - Cimarron Woods Replat Two ("Final Plat"), Cimarron Terrace Planned Unit Development, and Subdivision Agreement applicable to Lots 1 and 2, Cimarron Woods Replat Two Subdivision, ("Subdivision Agreement"), as approved by the City and incorporated herein by this reference. Any modifications to the site plan must be submitted to the City's Chief Building Official for approval. Modification of any of the other document or Exhibit shall be subject to approval of the City, as directed by the City Administrator, unless otherwise expressly provided in the document or Exhibit to be modified.
 - d. As-built topographic surveys of storm water detention areas shall be required before certificates of occupancy are issued for any building in Phase 1 of the project, with a requirement that any discrepancies from the approved detention plans be corrected, or certified as inconsequential, to the satisfaction of the City Engineer prior to issuing such certificates.
 - e. An off-site wetlands mitigation area will be acquired as identified in Exhibit "N" of this Permit. No permits shall be issued by the City to commence any grading or work on the Property until Owner demonstrates to the satisfaction of the City Administrator that Owner has purchased the site or an alternative sufficient off-site wetlands mitigation site satisfactory to the City Administrator.
 - f. No vehicle repair, other than emergency maintenance such as changing a tire, or inoperable, abandoned or storage of vehicles shall be allowed in the parking areas on the Property shown on Exhibit "A". The Owner shall have seventy-two (72) hours after notice to correct any violation or cause the removal of any such vehicle that is in violation.
 - g. Owner shall obtain all required permits for the Use 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 codes, fire codes and ADA requirements.
 - h. Owner shall comply (and shall ensure that all structures, appurtenances and improvements, and all activities occurring or conducted, on the Property at any time comply) with any applicable federal, state and/or local laws, rules or 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 or its agents, employees, assigns, suppliers or invitees, including, but not limited to, any liability, loss, claim or expense arising out of or resulting from any violations of any applicable environmental or safety law, rule or regulation relating to the Owner's Use of the Property.
 - j. A drainage study for Lot 380 has been completed, as referenced in the Subdivision Agreement applicable to Lots 1 and 2, Cimarron Woods Replat Two Subdivision. Owner agrees to comply with requirements related to drainage that are specified in said Subdivision Agreement.
 - k. Owner shall ensure that any clubhouse on the property is professionally staffed during open hours.
 - l. Owner agrees to cooperate and coordinate with the owner of Lot 2 to carry out Subdivider (as "Subdivider" is defined in the Subdivision Agreement) obligations under the Subdivision Agreement.

3. In respect to the Gateway Corridor Overlay District, building design has been approved per letter from the City's design review architect, Kevin Schluckebier, dated September 14, 2010.
4. The Owner's right to maintain the Use of the Property, as contemplated by this Permit, shall be based on the following conditions:
 - a. An annual inspection to determine compliance with the conditions of this Permit. The Permit may be revoked upon a finding by the City that there is a material violation of the terms of this Permit if the violation continues after written notice from the City to Owner and opportunity to cure in the time and manner described below.
 - b. The Use authorized by this Permit must be initiated within 12 months after the date of the approval of this Permit otherwise such Permit shall become void. Construction of phase one, consisting of 84 units and 64 garages and having the design, dimensions, construction and amenities set forth in the application(s) for Cimarron Woods Replat Two, this Permit and/or PUD-1 Planned Unit Development zoning by or on behalf of Owner, as approved, ("Application") shall be commenced within 12 months after the date of the approval of this Permit and completed with certificate of occupancy within 24 months after commencement of construction, subject to such extension of time as granted by the Chief Building Official in the event Owner commences construction within the time specified in this Section 4(b) and diligently continues with construction thereafter, and completion within the time required in this Section 4(b) is delayed for causes beyond the reasonable control of Owner; otherwise such Permit shall become void. Construction of phase two of the project on Lot 2 shall be governed by the conditional use permit for phase two.
 - c. All obsolete or unused structures, accessory facilities or materials with an environmental or safety hazard shall be abated and/or removed from the Property at Owner's expense within twelve (12) months of cessation of the Use of the Property.
5. Notwithstanding any other provision herein to the contrary, this Permit, and all rights granted hereby, shall expire and terminate as to a Permitted Use hereunder upon the first of the following to occur:
 - a. Owner's abandonment of the Permitted Use. There shall be a presumption that the project on the Property has been abandoned if the Owner fails to commence construction of phase one within the time provided by Section 4(b) above.
 - b. Cancellation, revocation, denial or failure to maintain any federal, state or local permit required for the Use, and such cancellation, revocation, denial or failure to maintain any federal, state or local permit required for the use is not cured in the time and manner described below, so long as curative rights are provided under laws, rules and regulations governing said permit.
 - c. Owner's construction or placement of a storage tank, structure or other improvement on the Property (except during construction of any phase of the project) not specified in this Permit and Owners failure to cure such breach in the time and manner described below after City's giving notice thereof.
 - d. Owner's breach of any other term hereof and its failure to cure such breach in the time and manner described below after City's giving notice thereof.
6. If construction of phase one has not been commenced within twelve (12) months from the date of this Permit, this Permit shall be null and void and all rights hereunder shall lapse; provided, however, Owner shall have the right to file for an extension of time pursuant to the La Vista Zoning Ordinance.
7. In the event the Owner fails to promptly remove any safety, environmental or other hazard or nuisance from the Property, or upon the expiration or termination of this Permit the Owner fails to promptly remove any remaining safety, environmental or other hazard or nuisance, 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 in connection with the removal thereof) 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, provided notice is furnished to the Owner along with a reasonable time to remove or cure such hazard, to enter the Property and to take whatever action as is necessary or appropriate to remove any such hazards or nuisances in accordance with the terms of this Permit, and the right of the City to enter the Property as may be necessary or appropriate to carry out any other provision of this Permit.

8. If any provision, or any portion thereof, contained in this Permit 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, its 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 this Permit, unless the City has expressly waived said breach. 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. Cure Rights. Notwithstanding any other provision of this Permit to the contrary, Owner shall be entitled to notice and opportunity to cure a breach of this Permit as follows. City will notify the Owner of any breach of this Permit. Owner, which for purposes of taking action to cure a breach shall also include a limited partner of Pedcor Investments-2008-CXVIII, L.P. shall be permitted to cure any breach. Cure shall be commenced and completed as soon as possible and in all cases within thirty (30) days after City provides notice of breach; provided, however, in any case that cure cannot be completed within 30 days, additional time will be allowed, so long as cure is commenced within the time required in this Section 2 and diligently pursued and completed as soon as possible, and allowing additional times does not present or increase risk of harm to persons or property. City shall have the right to terminate this Permit if a breach is not timely cured.
3. 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.
4. 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 as follows:

Contact Name and Address:

To Owner:

Pedcor Investments-2008-CXVIII, L.P.
& Pedcor Investments, A Limited Liability Company
770 3rd Avenue, S.W.
Carmel, IN 46032
Attn: Thomas G. Crowe

Wachovia Affordable Housing
Community Development Corporation
MAC D1053-170
301 South College Street

Charlotte, NC 28288
Attention: Michael Loose: Asset Management

5. All documents referenced in this Permit shall be incorporated herein by said reference.

6.

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:

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:

PedcorInvestments-2008-CXVIII, L.P., an Indiana limited
partnership

By: La Vista Housing Company, LLC, its general
partner

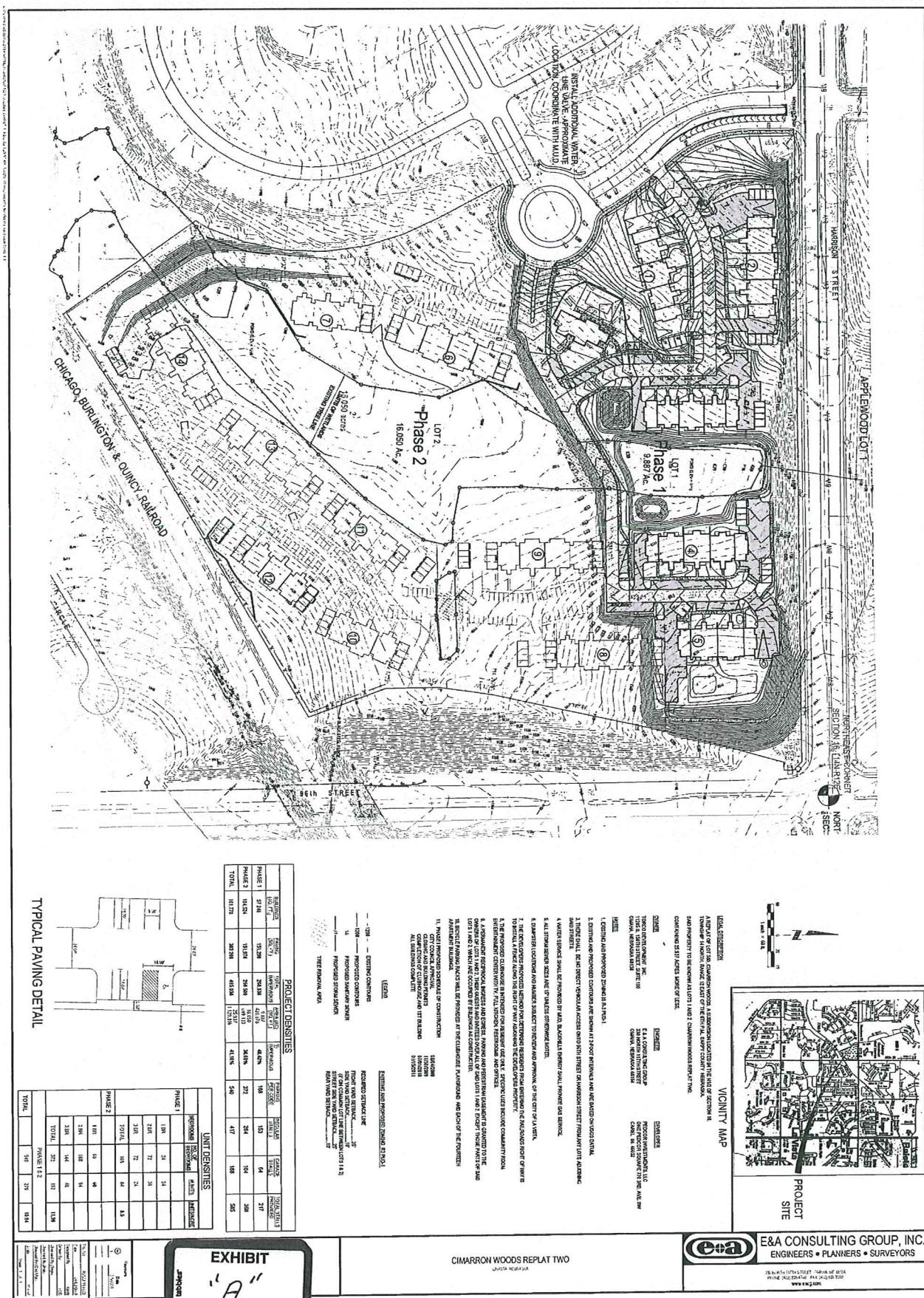
By: Pedcor Investments, A Limited Liability
Company, its manager

By:

Thomas G. Crowe,
Executive Vice President

Date: _____

DRAFT



EXHIBIT

"A"



14 September 2010

Mr. Christopher Solberg, City Planner
City of La Vista
8116 Parkview Boulevard
La Vista, Nebraska 68128-2198

RE: Design Review
Cimarron Terrace Phase I
Sub-Area, Secondary Overlay of the Gateway Corridor District;
Lot 380 Cimarron Woods Subdivision - Phase I
BCDM Project No. 4638-01

Dear Chris:

Per your request, I have completed a design review of the above referenced project using the Architectural and Site Design Guidelines for the Sub-Area, Secondary Overlay of the Gateway Corridor District dated 2001.

Review comments for Landscape and Site Treatment and Building Design are included in this letter.
Revisions to this review are noted in underlined text. With Owner acceptance, this design review will be completed.

1. LANDSCAPE AND SITE TREATMENT:

- Plant Material:

Reply:

- **Acceptable**

- Site Lighting:

Reply:

- The proposed lighting cut sheet on sheet CL101 does not meet the dark sky component. The pole light shall be specified with a Louver Reflector LR. The specification shall be modified to be as follows (edit in bold):
 - CAH-150-S-MT-**LR5**-PT-BK-RAF-518-DB-BCM-5 BK
 - Additional discussion with Pacific Lighting & Standards Co. Enrique noted some items have changed. The dark sky compliant item in this line: CAG-150-S-MT-**RF5**-PT-BK-RAF-518-DB-BCM-5 BK

The attached cut sheet shows the differing styles.

 - This may impact the light photometric detail K16 sheet SL101
 - If additional building lighting is to be used, please submit locations and fixture cuts. Light shown on elevations, but no fixture cut sheet submitted.

Mr. Christopher Solberg, City Planner
City of La Vista
Page 2

2. BUILDING DESIGN:

- Building Materials:

Reply:

- Material selection samples have not been provided with this submittal. The materials and colors approved with the previous 2008 submittal shall be assumed current; **no modifications of these materials shall be made without prior approval. A print submitted in 2008 is attached for reference.**

- Building Design:

Reply:

- Provide masonry (brick) wainscot at building perimeter. **Provided.**
- Brick shall be the primary material. Rear elevation requires additional brick as it is the main elevation visible from the public right of way. **Provided.**

If you have any questions on any of the comments listed above, please do not hesitate to contact me.

Sincerely,



Kevin Schluckebier

Kevin Schluckebier, AIA
BCDM, Inc.

KES/mmm
Attachment

c: File 4638-01, 1.0



Housing: Corrosion resistant, cast A356 aluminum alloy, .188" min. wall thickness.

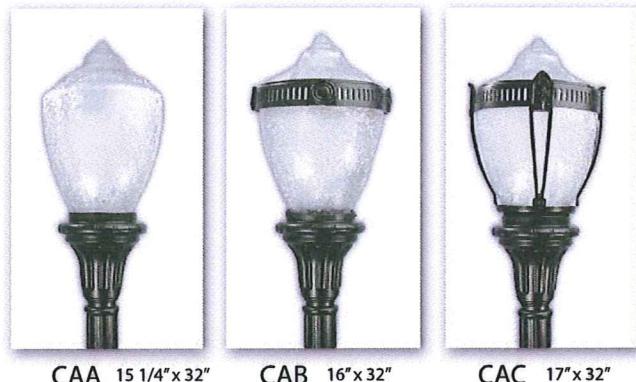
Acorn: UV stabilized clear textured polycarbonate or prismatic type 3 and 5 light distribution. available; consult factory.

Electrical: All electrical components are UL approved.

Ballast: High power factor - 20°C starting temperature. The ballast is removable as a unit for easy maintenance.

LED Engine: All LED light boards and drivers are separate and removable for easy maintenance and replacement

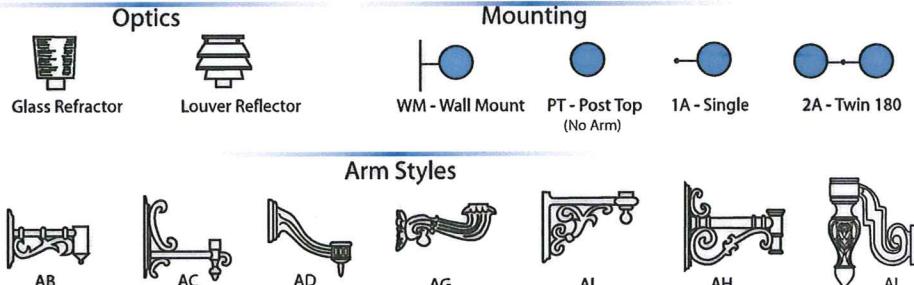
Finish: Polyester powder fuse coating is standard; other finishes are available upon request.



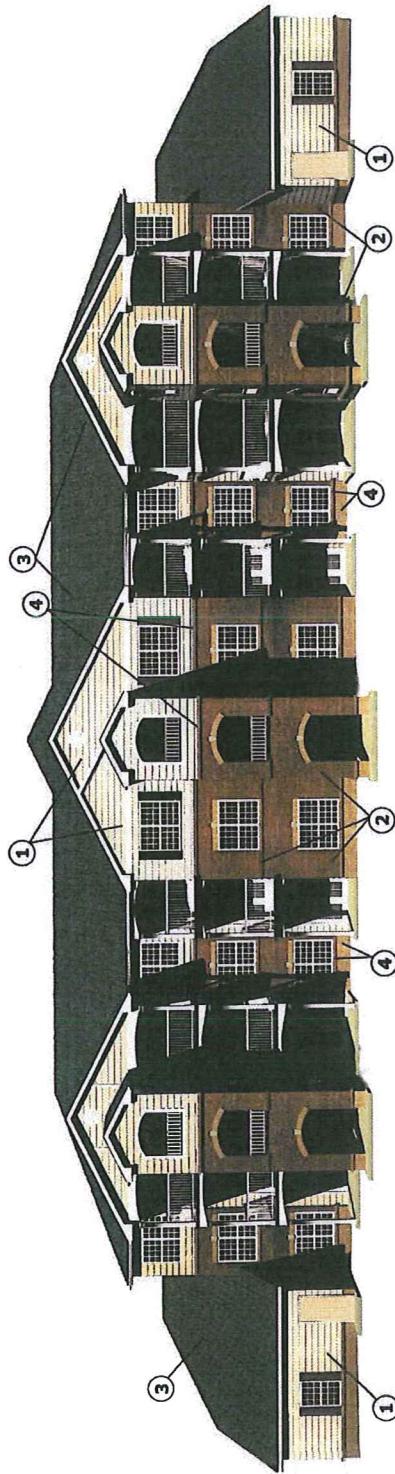
Ordering Information:

1. Model Number
2. Wattage
3. Lamp Type
 - H - Metal Halide
 - S - High Pressure Sodium
 - PS - Pulse Start
 - CF - Compact Fluorescent*
 - LED - Light-emitting diode
 - IND - Induction
4. Voltage
 - 120, 208, 240, 277, 480 and
 - MT (Multi Tap) - 120, 208, 240, 277
5. Optics
 - GR3 - Type 3 Glass Refractor
 - GR5 - Type 5 Glass Refractor
 - LR - Louver Reflector

6. Mounting
7. Arm Style
8. Finish
 - BK - Black
 - BZ - Bronze
 - GR - Green
 - VG - Verde Green
 - (Other color upon request)
9. Options
 - HS - House Shield
 - FS - Fuse
 - PC - Photo Cell



1. Mod. #	2. Wattage 3. Lamp Type	4. Voltage	5. Optics	6. Mounting 7. Arm Style	8. Finish	9. Options



LEGEND

- ① **SIDING:**
Mfg: James Hardie
Type: Fiber Cement Board
Color: Woodstock Brown
- ② **BRICKS:**
Mfg: Brick Craft
Type: Engineer
Color: Old Indiana
- ③ **SHINGLES:**
Mfg: GAF Timberline Series
Type: Dimensional
Color: Weather Wood
- ④ **BRICKS:**
Mfg: Brick Craft
Type: Engineer
Color: Sandalwood



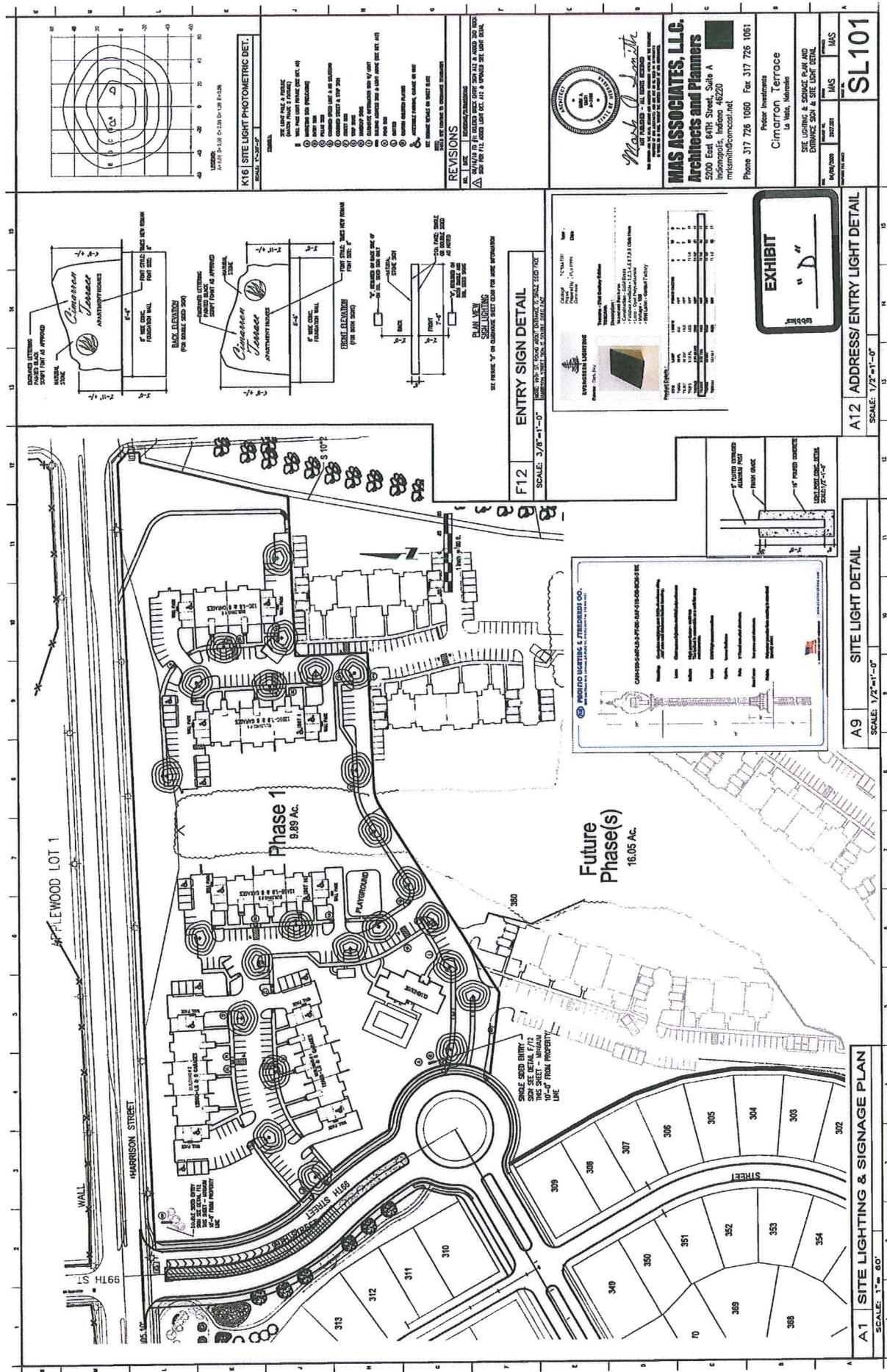
BUILDING 12A6B

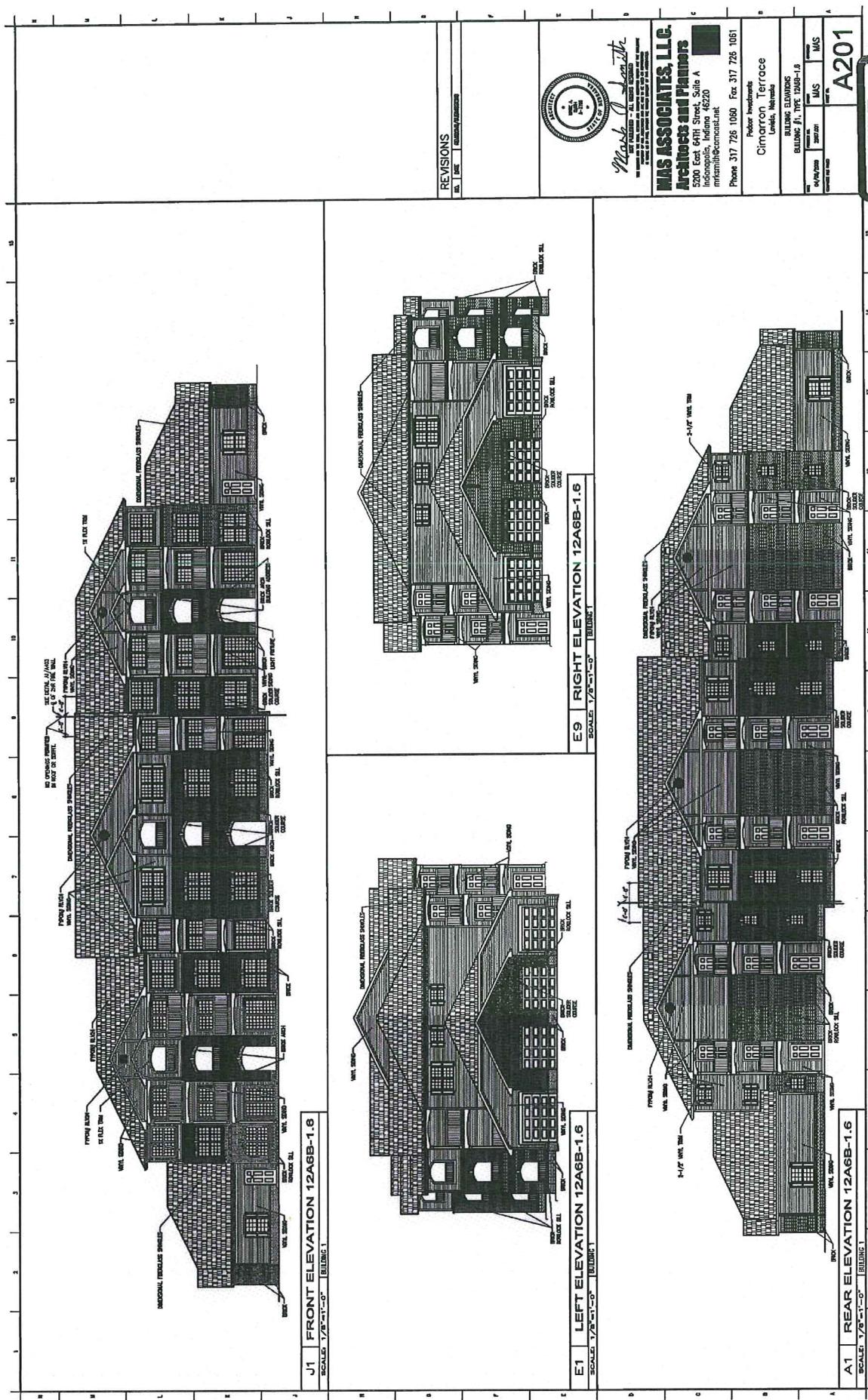
(1 & 2 Bedroom)

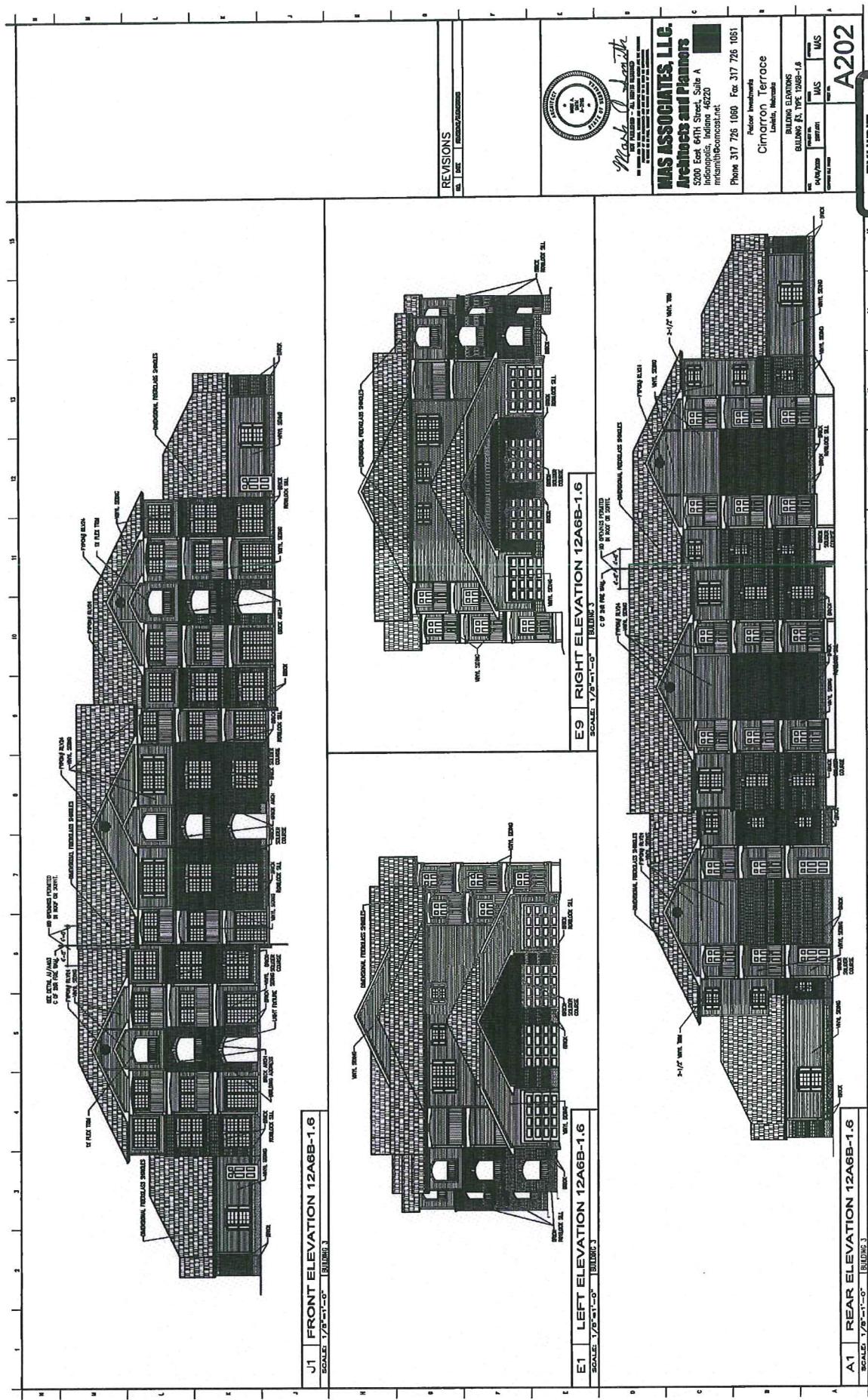
CIMARRON TERRACE APARTMENTS

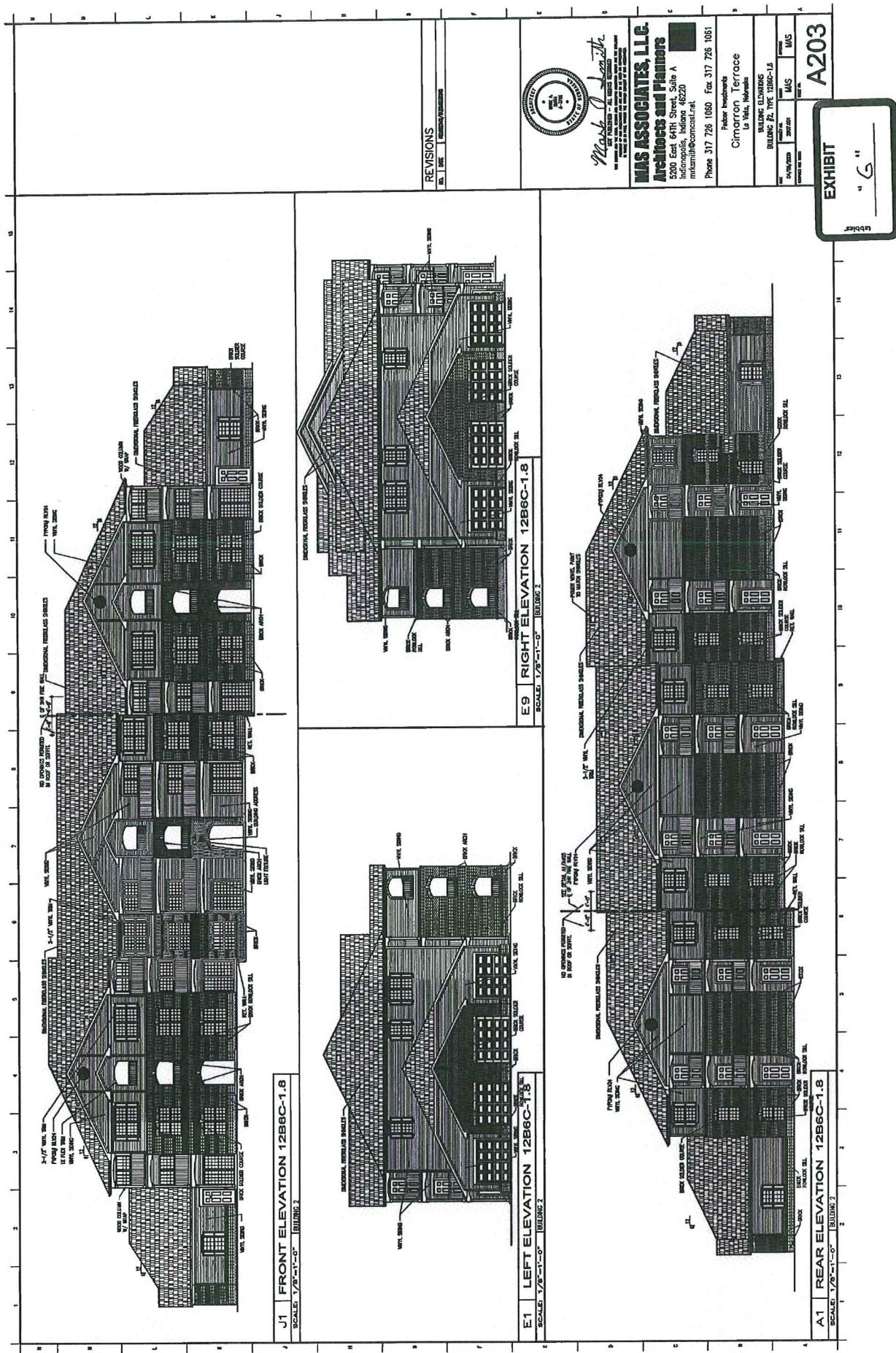
La Vista, Nebraska

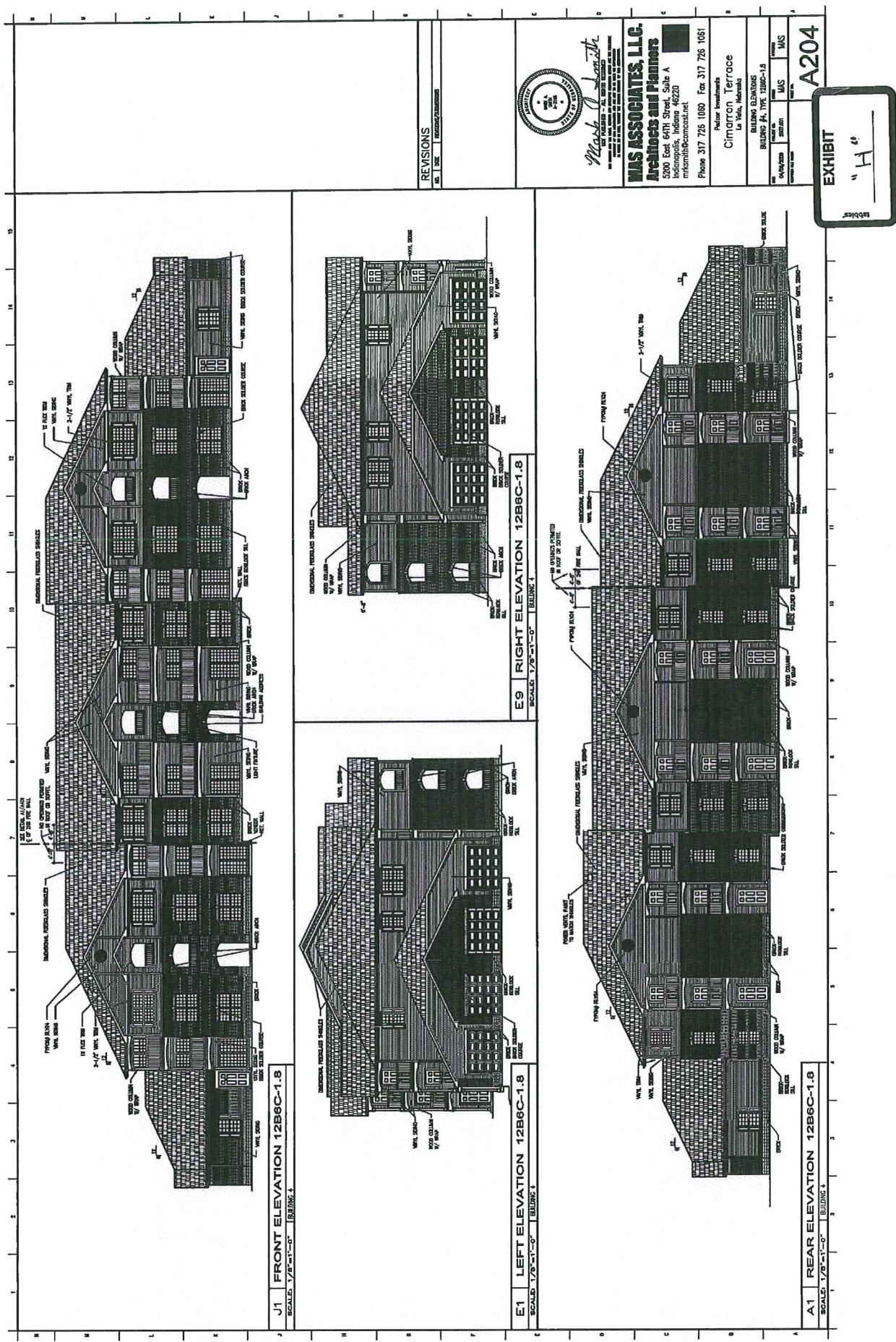


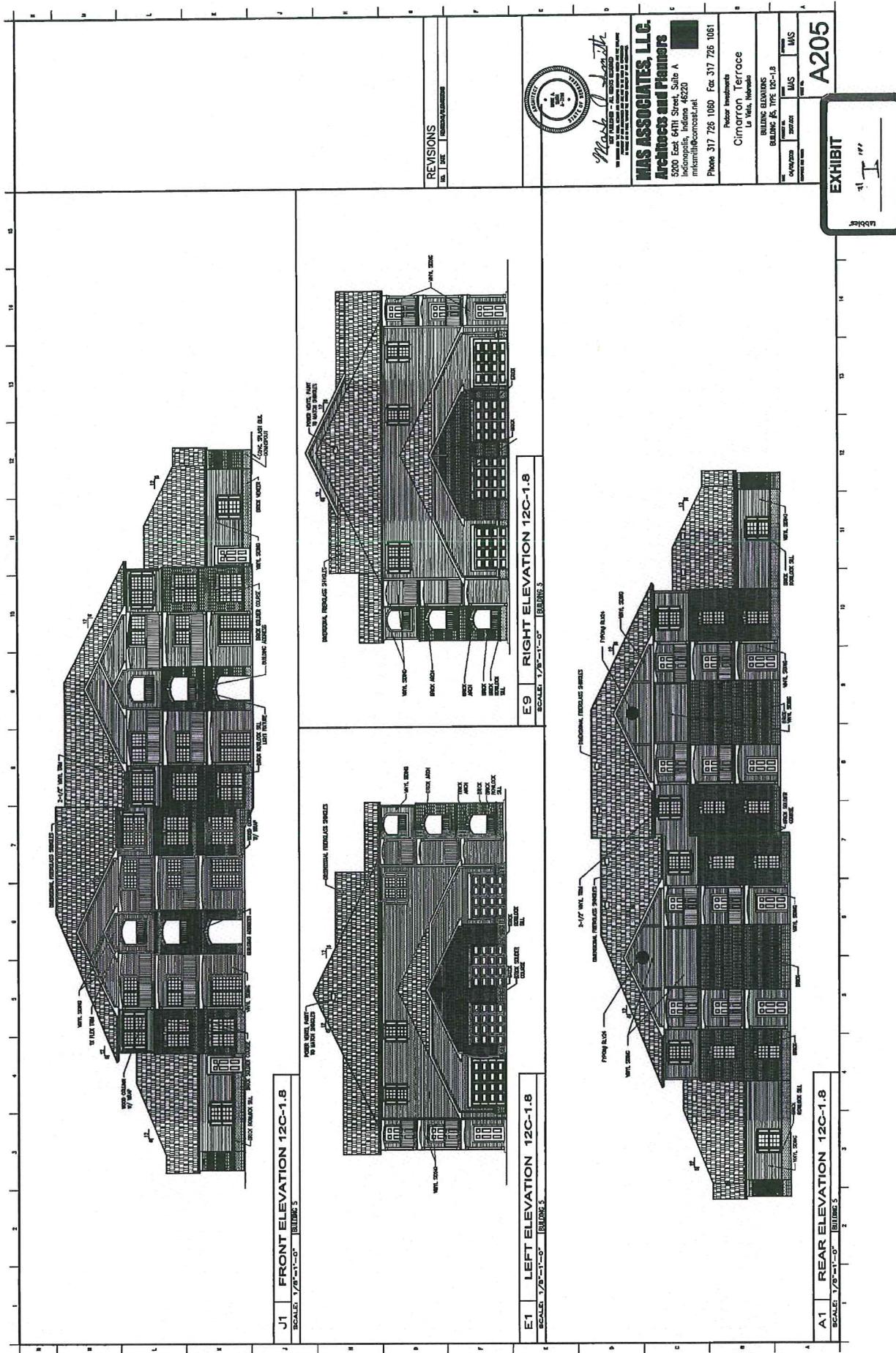


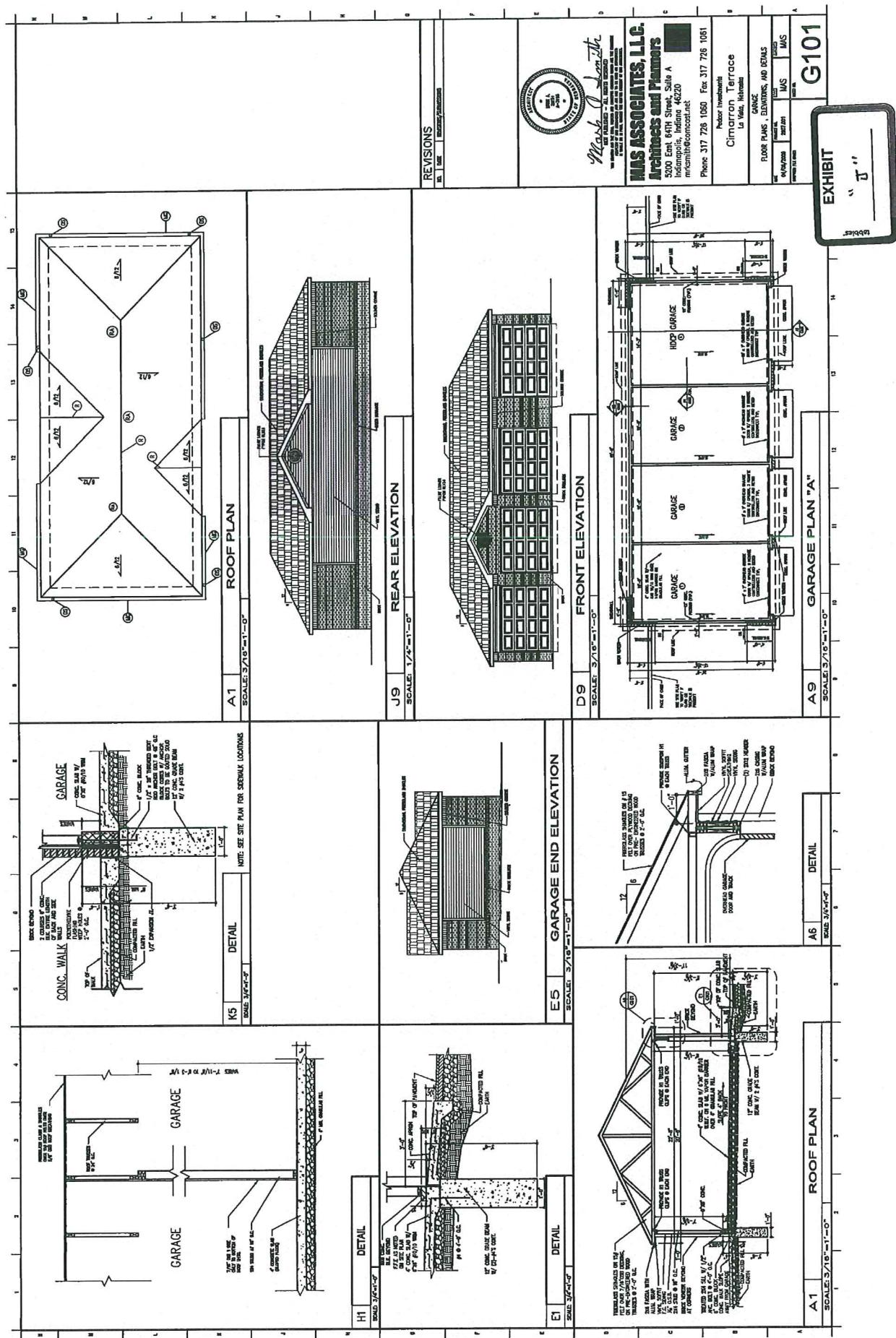


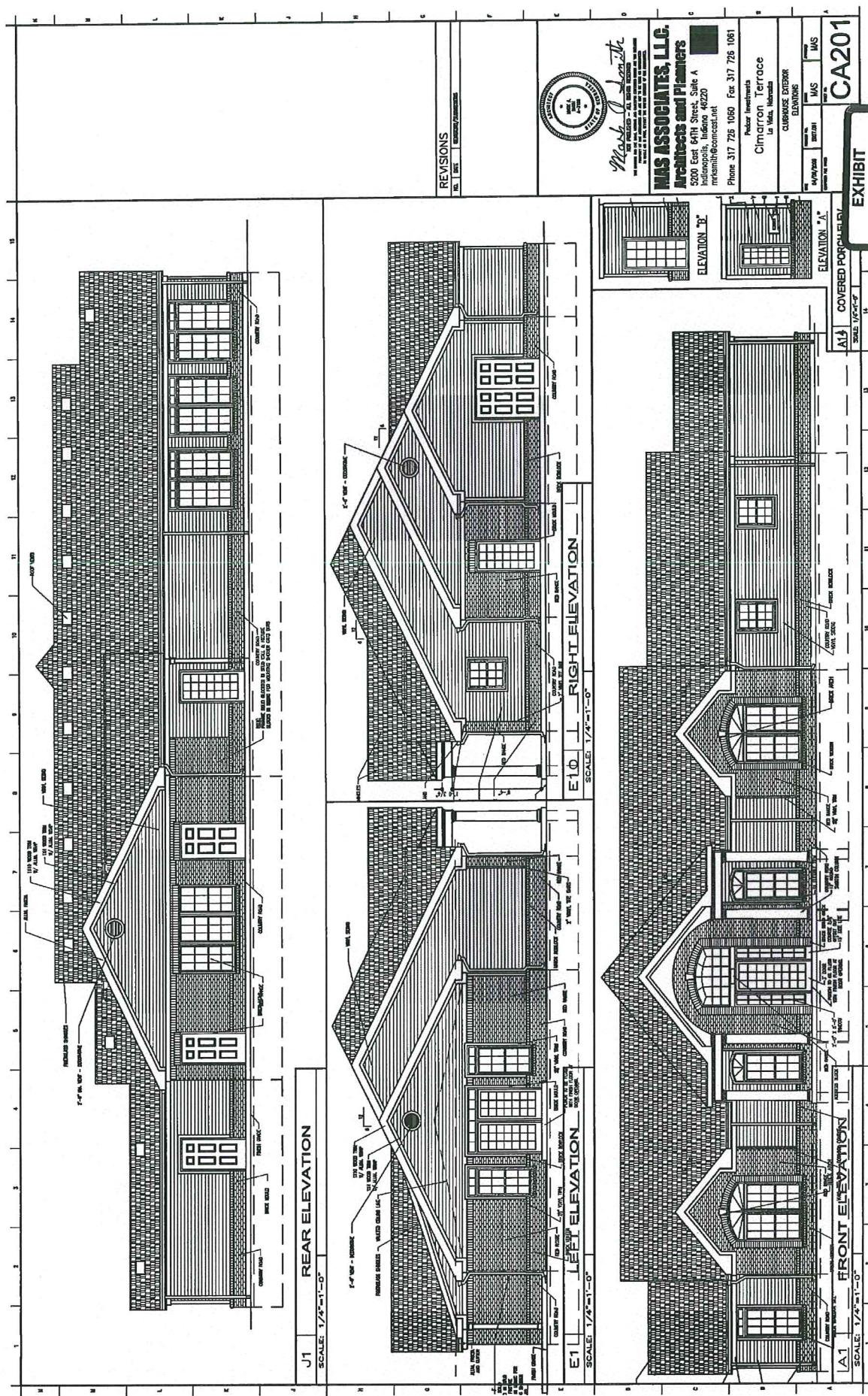


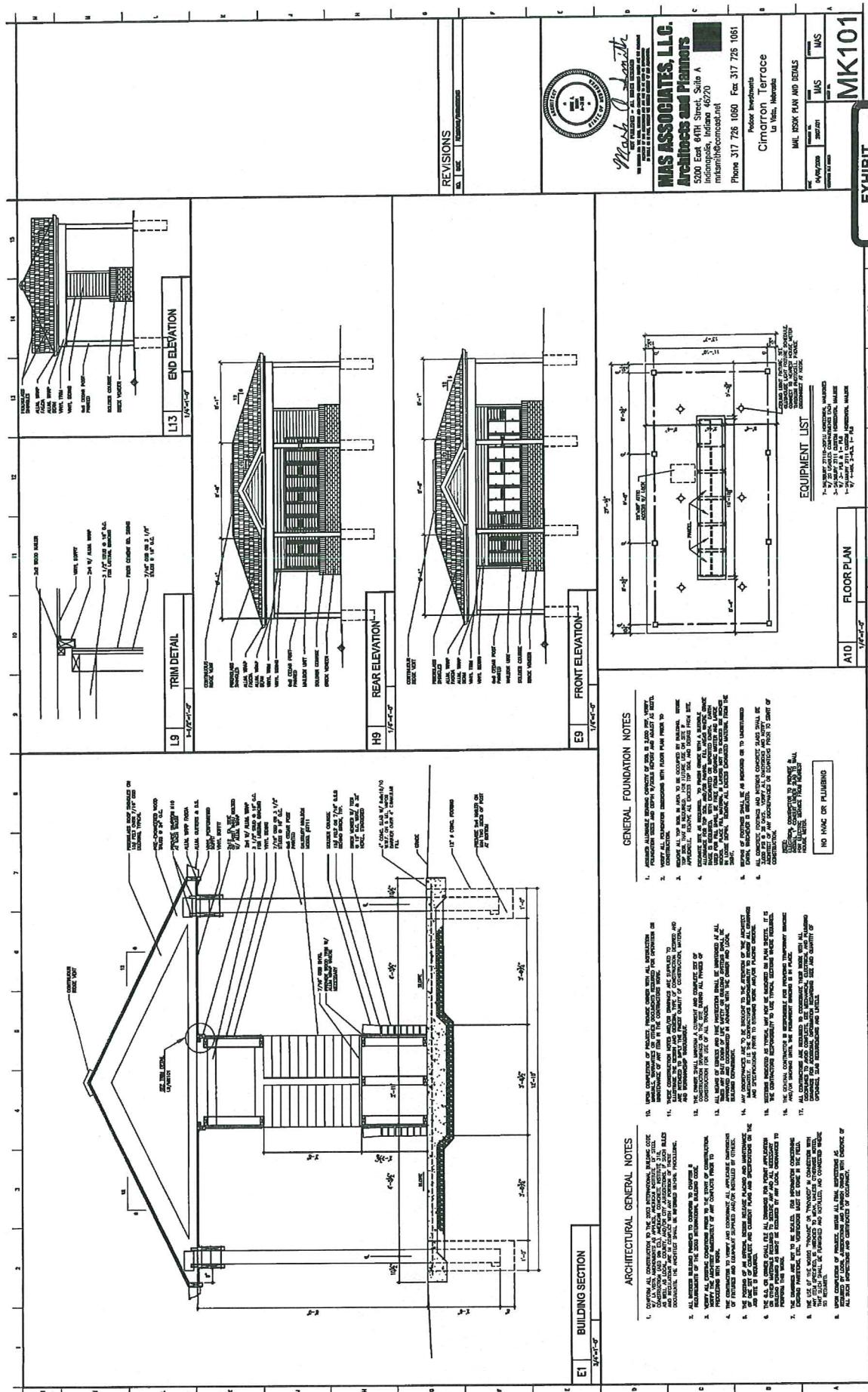


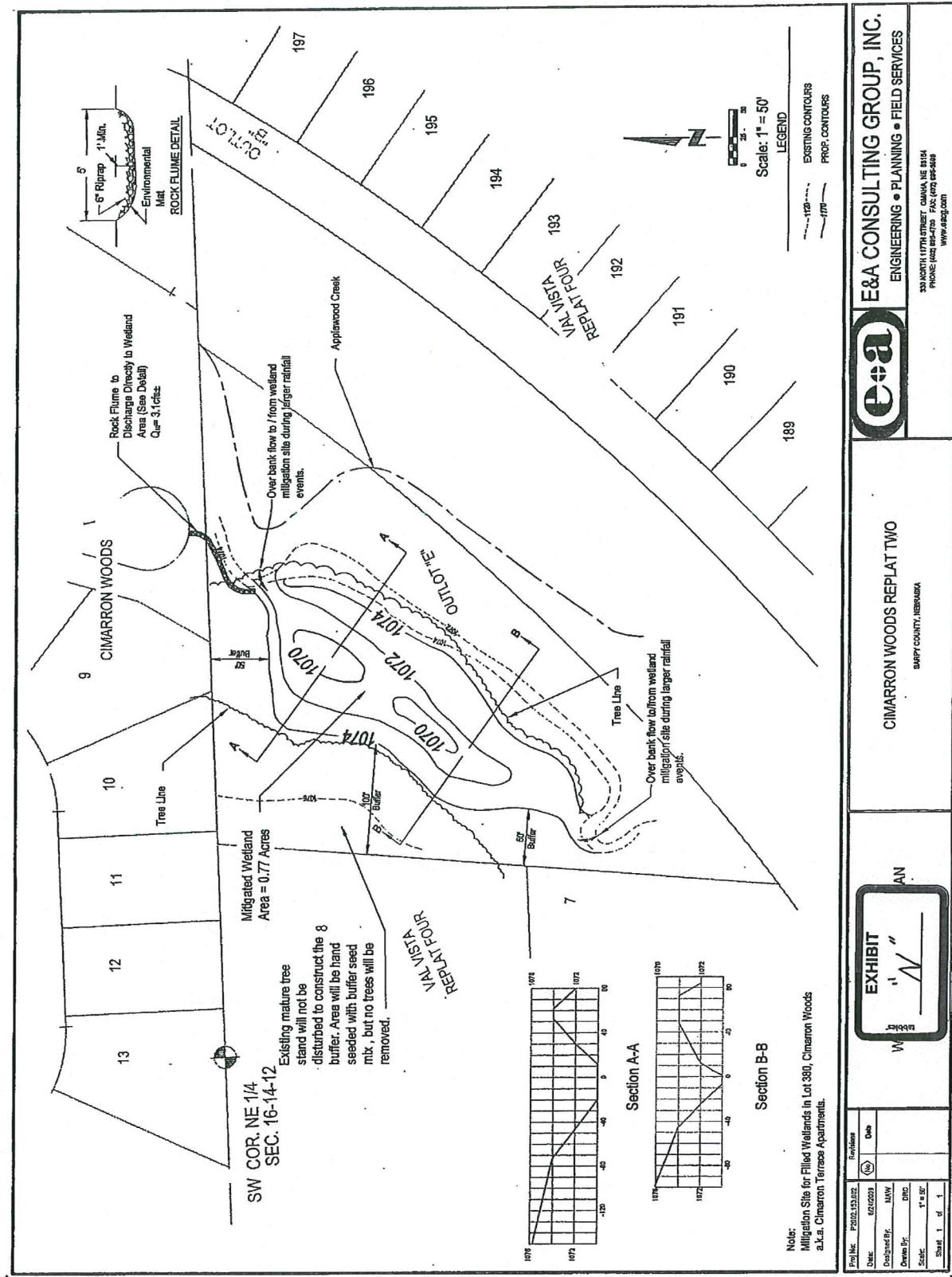












CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
OCTOBER 19, 2010 AGENDA

Subject:	Type:	Submitted By:
LB 1018 SUPPORT	◆ RESOLUTION ORDINANCE RECEIVE/FILE	BRENDA S. GUNN CITY ADMINISTRATOR

SYNOPSIS

A resolution has been prepared to support the LB 1018 initiative on the November ballot.

FISCAL IMPACT

There is no fiscal impact other than election costs of \$2,000. This initiative is asking voters to give the Governing Body authority to refund a portion ($\leq 1.5\%$) of the local option sales tax generated in a designated area as an incentive to encourage redevelopment or tourism development in underutilized areas of the community. Fiscal impact would be determined on a case by case basis.

RECOMMENDATION

Approval.

BACKGROUND

Recognizing the need for additional economic development tools, the United Cities of Sarpy County worked with Senator Cornett and other members of the Nebraska Legislature to pass the Nebraska Advantage Transformational Tourism and Redevelopment Act (NATTRRA) which went into effect on July 15, 2010.

The purpose of the legislation is to develop major tourism attractions; redevelop areas that are suffering the effects of age; promote job creation and/or retention; and attract and retain Nebraska's best and brightest young people. Specifically, with voter approval, municipalities would be allowed to refund a portion of the local option sales tax ($\leq 1.5\%$) generated in a designated area as an incentive to encourage major tourism development and redevelopment of aging areas of the community. If approved, the Governing Body would be granted authority for ten years to direct the tax toward specific projects.

This is historic legislation as in the past incentives were not allowed for projects containing a retail component. Similar to the authority granted by voters in 2003 to adopt the Local Option Municipal Economic Development Act (*which was subsequently utilized to facilitate the JQH Embassy Suites/La Vista Conference Center/Marriott Courtyard project*), the voters would be giving the City Council authority to utilize this economic development tool to attract a project determined to be of significant benefit to the City.

In the past, State Statute prohibited the City Council from indicating formal support or opposition of a ballot measure. During the 2009 Legislative Session, LB 626 was passed amending State Statute 49-14,101.02(4) allowing governing bodies to discuss and vote upon a resolution supporting or opposing a ballot question.

RESOLUTION NO. _____

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA,
NEBRASKA TO SUPPORT THE LB 1018 INITIATIVE ON THE NOVEMBER 2, 2010
BALLOT.**

WHEREAS, the Mayor and City Council have recognized the need for additional economic development tools; and

WHEREAS, the Nebraska Legislature unanimously passed LB 1018 creating the Nebraska Advantage Transformational Tourism and Redevelopment Act (NATTRA) during the 2010 Legislative Session; and

WHEREAS, LB 1018 authority would allow the City to designate an area for redevelopment or tourism development, and as incentive rebate all or a portion of the 1.5% local option sales tax in said area for a period of 10 years; and

WHEREAS, a qualifying project must be transformational in nature and meet minimum investment thresholds of \$10 million for redevelopment and \$50 million for tourism development projects; and

WHEREAS, LB 1018 authority will allow the City to provide incentives for otherwise non-feasible development or redevelopment projects in under-utilized areas with the possibility of triggering development in surrounding areas well; and

WHEREAS, the Act requires that prior to the City utilizing the authority to redirect sales tax as granted by the Act, voters in the City must give their approval; and

WHEREAS, the La Vista City Council did unanimously approve placing the issue on the November 2, 2010 general election ballot.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska, hereby expresses its support for the LB 1018 initiative that will be on the November 2, 2010 ballot.

PASSED AND APPROVED THIS 19TH DAY OF OCTOBER, 2010.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
OCTOBER 19, 2010 AGENDA

Subject:	Type:	Submitted By:
ACCEPTANCE OF U.S. DEPARTMENT OF JUSTICE COPS GRANT	◆ RESOLUTION ORDINANCE RECEIVE/FILE	ROBERT S. LAUSTEN POLICE CHIEF

SYNOPSIS

A resolution has been prepared to authorize the acceptance of a U.S. Department of Justice COPS grant awarding the City of La Vista \$231,739 to fund a police officer position over the next three years.

FISCAL IMPACT

Because the City's grant funding request was originally denied, the FY 11 budget does not include funding for the position. In the event that the department's budgeted expenditures do not cover the additional expense of the officer's salary and benefits, a budget amendment may be necessary.

RECOMMENDATION

Approval.

BACKGROUND

In March of 2009, the police department submitted a grant request to the U.S. Department of Justice-Office of Community Policing Services for two COPS Hiring Program (CHP) police officer positions. These positions were requested due to pending and anticipated annexations on La Vista's west side. Our request was initially denied and as a result the FY 11 budget does not include grant funding for a new position. On September 30, 2010 we were made aware that one police officer position was approved. Similar to previous COPS grants the City has been awarded, the City is obligated to retain any sworn officer positions awarded under the CHP grant for a minimum of 12 months following the 36-month federal funding period.

If approved by Council, a recruit would be hired from the current eligibility list in December and attend the Police Academy beginning in January 2011. Upon completion in April, the recruit would enter the 14 week Field Training program and if successful, be on the street by August 2011.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA ACCEPTING A GRANT AWARD FROM THE US DEPARTMENT OF JUSTICE COPS GRANT PROGRAM.

WHEREAS, the City has received notification that it has been awarded a COPS Hiring Program (CHP) grant in the amount of \$231,739 to fund a police officer position for three years; and

WHEREAS, the grant was requested to help fund police officer positions that will need to be created in order to meet the demands of annexation; and

WHEREAS, the City is obligated to retain all sworn officer positions awarded under the CHP grant for a minimum of 12 months following the 36-month federal funding period; and

WHEREAS, it is proposed that the City accept the grant

NOW, THEREFORE, BE IT RESOLVED, that the City Council of La Vista, Nebraska, hereby authorize the Mayor and Police Chief to execute the necessary documents for acceptance of the COPS Grant. .

PASSED AND APPROVED THIS 19TH DAY OF OCTOBER 2010.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
OCTOBER 19, 2010 AGENDA

Subject:	Type:	Submitted By:
NATIONAL BRIDGE INSPECTION STANDARDS ♦ RESOLUTION		
NEBRASKA BRIDGE INSPECTION PROGRAM	ORDINANCE	JOHN KOTTMANN
NEBRASKA DEPARTMENT OF ROADS	RECEIVE/FILE	CITY ENGINEER/ASSISTANT PUBLIC WORKS DIRECTOR

SYNOPSIS

A resolution has been prepared authorizing the Mayor and City Clerk to enter into an Agreement with the Nebraska Department of Roads regarding the National Bridge Inspection responsibilities.

FISCAL IMPACT

N/A

RECOMMENDATION

Approval.

BACKGROUND

Counties and Municipalities are responsible for the inspection and evaluation of all bridges on streets and roadways within their respective jurisdictions in accordance with the National Bridge Inspection Standards. The Nebraska Department of Roads has prepared the Nebraska Bridge Inspection Program Manual setting forth methods and procedures to enable local public bridge owners to comply with the National Bridge Inspection Standards. The Federal Highway Administration has requested the Nebraska Department of Roads to enter into an agreement with Counties and Municipalities to establish uniform bridge inspection and load rating guidelines in accordance with the National Bridge Inspection Standards.

The City Attorney has reviewed the agreement and requested some clarifying language be incorporated into the agreement. The City Engineer is working with the Nebraska Department of Roads to incorporate those clarifications.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, ADOPTING AND APPROVING THE EXECUTION OF AN AGREEMENT WITH THE STATE OF NEBRASKA, DEPARTMENT OF ROADS REGARDING THE NATIONAL BRIDGE INSPECTION STANDARDS RESPONSIBILITIES.

WHEREAS, the City has determined that it is desirable to enter into an agreement with the State of Nebraska Department of Roads regarding the National Bridge Inspection Standards; and

WHEREAS, the NDOR has prepared a manual of standard methods and procedures to be followed by local public agencies for inspection and evaluation of all bridges on streets and roadways within their jurisdictions as required by the Federal Highway Administration; and

WHEREAS, the agreement which will allow NDOR to arrange for the inspection and load rating of all fracture critical bridges; and

WHEREAS, NDOR will also continue to coordinate the underwater inspection of bridges as necessary; and

WHEREAS, this resolution will be marked Exhibit "A" and a copy attached to each original agreement; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize the Mayor to execute said agreement on behalf of the City of La Vista, and the City Clerk is authorized to attest said execution.

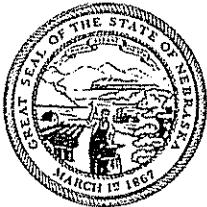
PASSED AND APPROVED THIS 19TH DAY OF OCTOBER, 2010

CITY OF LA VISTA

ATTEST:

Douglas Kindig, Mayor

Pamela A. Buethe, CMC
City Clerk



Dave Heineman
Governor

STATE OF NEBRASKA

DEPARTMENT OF ROADS

Monty W. Fredrickson, P.E. Director - State Engineer
1500 Highway 2 • PO Box 94759 • Lincoln NE 68509-4759
Phone (402)471-4567 • FAX (402)479-4325 • www.transportation.nebraska.gov

September 20, 2010

Dear Nebraska Bridge Owner:

Re: National Bridge Inspection Standards Responsibilities, NDOR/Local Bridge Owner Agreements

We sincerely appreciate your hard work and cooperation on the progress made for the Nebraska Bridge Inspection Program to improve inspections, load ratings, hydraulic assessments and Plans of Action.

The Bridge Division Office Memo No. 100524 informed all Owners that NDOR would be formalizing an agreement between NDOR and each Local Bridge Owner regarding National Bridge Inspection Standards (NBIS) responsibilities.

The Bridge Owner's responsibilities remain as in the past, to inspect and load rate bridges in your jurisdiction. NDOR will arrange for the inspection and load rating of all fracture critical bridges. NDOR will also continue to coordinate the underwater inspection of bridges as necessary.

Please review the attached agreement between NDOR and your organization. The goal is to have all of these agreements in place no later than **October 29, 2010**. Please proceed with steps needed to have appropriate officials execute the agreement, then return two executed agreements to the Bridge Division Office. We will return one fully-executed copy for your files. If you have any questions, please call Steve Andersen at 402-479-4705.

Again, thank you for your time and cooperation on the Bridge Inspection Program.

Sincerely,

Mark Traynowicz
State Bridge Engineer

MT/brd-ltr

Enclosures: NDOR/Bridge Owner Agreement
Resolution

xc: FHWA/NE Division Office
Jim Wilkinson, Local Project Engineer
Jeff Schroeder, Asst. Attorney General
File

CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
OCTOBER 19, 2010 AGENDA

Subject:	Type:	Submitted By:
BID AWARD – STORM SEWER REHABILITATION HARRISON ST. & PARK CREST DRIVE	◆ RESOLUTION ORDINANCE RECEIVE/FILE	JOHN KOTTMANN CITY ENGINEER/ASSISTANT PUBLIC WORKS DIRECTOR

SYNOPSIS

A resolution has been prepared to award a contract to Midlands Contracting, Inc., Kearney, Nebraska for furnishing and installing a liner in the existing storm sewer under Harrison Street at Park Crest Drive in an amount not to exceed \$31,740.00.

FISCAL IMPACT

The FY 10/11 Capital Improvement Program provides funds for the proposed improvement. One-half of the cost will be reimbursed from the City of Ralston upon completion of the work.

RECOMMENDATION

Approval

BACKGROUND

On September 21, 2010, the City Council approved a resolution which authorized the advertisement for bids Storm Sewer Rehabilitation, Harrison Street and Park Crest Drive. The work also includes furnishing and installing a lining system in the existing deteriorated 30-inch CMP storm sewer, grouting of voids and related work. Six suppliers and/or contractors took out plan. Two bids were received with the results shown on the attached tabulation. Midlands Contracting, Inc. is the low bidder in the amount of \$31,740.00. Midlands Contracting, Inc. is a qualified contractor in this type of work and it is recommended that a contract be awarded to them.

The bidding results are summarized as follows:

Municipal Pipe Tool Co., LLC	No Bid
Midlands Contracting, Inc.	\$31,740.00
AP/M Permaform, Inc.	No Bid
The Diamond Engineering Co.	No Bid
Heimes Corp.	\$65,926.00
Engineering & Construction Innovations	No Bid

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AWARDING A CONTRACT TO MIDLANDS CONTRACTING, INC., KEARNEY NE FOR FURNISHING AND INSTALLING A LINER IN THE EXISTING STORM SEWER UNDER HARRISON STREET AT PARK CREST DRIVE IN AN AMOUNT NOT TO EXCEED \$31,740.00.

WHEREAS, the City Council of the City of La Vista has determined that the installation of a liner in the existing storm sewer under Harrison Street at Park Crest Drive is necessary; and

WHEREAS, the FY 2010/11 Capital Improvement Program provides funds for the project; and

WHEREAS, the City Council authorized the solicitation of bids for said project on September 21, 2010, and

WHEREAS, Midlands Contracting, Inc., Kearney Nebraska, has submitted the low, qualified bid, and

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

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska designate Midlands Contracting, Inc., Kearney Nebraska as the low qualified bid for the installation of a liner in the existing storm sewer under Harrison Street at Park Crest Drive in an amount not to exceed \$31,740.00

PASSED AND APPROVED THIS 19TH DAY OF OCTOBER 2010.

CITY OF LA VISTA

ATTEST:

Douglas Kindig, Mayor

Pamela A. Buethe, CMC
City Clerk

CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
OCTOBER 19, 2010 AGENDA

Subject:	Type:	Submitted By:
PURCHASE OF TURBINE BLOWER	◆ RESOLUTION ORDINANCE RECEIVE/FILE	JOE SOUCIE PUBLIC WORKS DIRECTOR

SYNOPSIS

A resolution has been prepared authorizing the purchase of one (1) 2010 Buffalo CKB3 Turbine Blower from Van Wall Turf & Irrigation, Omaha, Nebraska, in an amount not to exceed \$5,932.10.

FISCAL IMPACT

The FY 10/11 Golf Fund provides funding.

RECOMMENDATION

Approval

BACKGROUND

The turbine blower will be used by Golf Course staff to keep fairways and greens clear of leaves in the fall season, and assist with debris cleanup after heavy rain and wind events. Golf Course staff requested quotes on the turbine blower and received two responses. It is recommended that Van Wall Turf and Irrigation be selected as the low compliant bidder.

Van Wall Turf & Irrigation	2010 Buffalo CKB3	\$5,932.10
Midwest Turf & Irrigation	2010 Toro ProForce Blower	\$6,144.00

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE PURCHASE OF ONE (1) 2010 BUFFALO CKB3 TURBINE BLOWER FROM VAN WALL TURF & IRRIGATION, OMAHA, NEBRASKA, FOR AN AMOUNT NOT TO EXCEED \$5,932.10.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of the Buffalo CKB3 Turbine Blower is necessary; and

WHEREAS, the FY 10/11 Golf Maintenance budget includes funding for the proposed purchase; and

WHEREAS, Van Wall Turf & Irrigation was the low-compliant bidder; and

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

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska authorizing the purchase of one (1) 2010 Buffalo CKB3 Turbine Blower from Van Wall Turf & Irrigation in an amount not to exceed \$5,932.10.

PASSED AND APPROVED THIS 19th DAY OF OCTOBER 2010

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk



VAN-WALL EQUIPMENT, INC.
10720 SAPP BROTHERS DRIVE
OMAHA, NE, 68138
Phone: 402-891-1024

Quote Id : 4776052

Customer Name : LA VISTA FALLS GOLF COURSE

Quote Summary

Prepared For : LA VISTA FALLS GOLF COURSE 8305 PARK VIEW BLVD LA VISTA, NE 681282135 Business:402-339-9147 GBARTH@COX.NET	Prepared By: KENNETH R KROEGER 10720 SAPP BROTHERS DRIVE OMAHA, NE 68138 402-690-2005 ken.kroeger@vanwall.com	Quote Id : 4776052 Created On : September 27, 2010 Last Modified On : September 27, 2010 Expiration Date: October 4, 2010
---	---	--

Equipment Summary	Suggested List	Selling Price	Qty	Extended
2010 BUFFALO CKB3	\$ 6,495.00	\$ 5,932.10	X	1 = \$ 5,932.10

Equipment Total	\$ 5,932.10
------------------------	--------------------

Quote Summary	
Equipment Total	\$ 5,932.10
Trade In	
SubTotal	\$ 5,932.10
Total	\$ 5,932.10
Down Payment	(0.00)
Rental Applied	(0.00)
Balance Due	\$ 5,932.10

Salesperson : X _____

Accepted By : X _____



JOHN DEERE

Selling Equipment

Quote Id :4776052

Customer Name :LA VISTA FALLS GOLF COURSE

2010 BUFFALO CKB3

Stock Number: 40217983

Suggested List

\$ 6,495.00

Selling Price

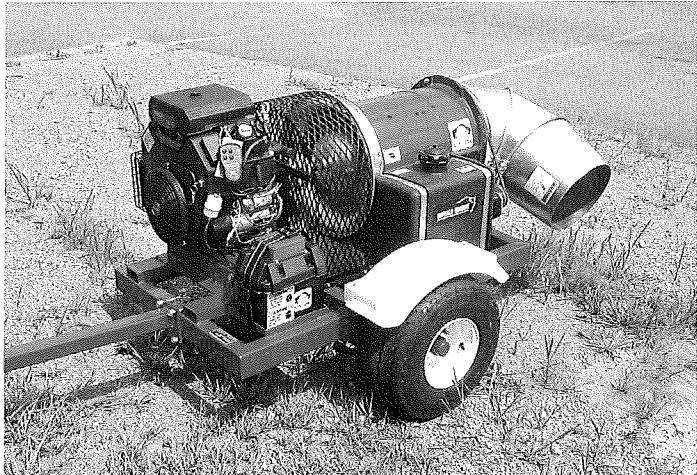
\$ 5,932.10

Code	Description	Qty	Unit	Extended
40217983	BUFFALO TURBINE CKB3	1	\$ 6,495.00	\$ 6,495.00
	Discount			\$ -562.90
Total				\$ 5,932.10

BUFFALO TURBINE



180 Zoar Valley Road / Springville, NY 14141 / phone: 716.592.2700 / fax: 716.592.2460 / www.buffaloturbine.com



New! Cyclone KB3 Debris Blower

10,500 CFM @ 180 MPH

For over 50 years Buffalo Turbine products have been engineered and manufactured to be durable, lightweight, easy to operate and service. The unique turbine design provides superior performance and satisfaction which equates to a faster return on your investment.

The New Cyclone KB3 Debris Blower is the most powerful, economical, quiet and versatile debris blower in its class. The New KB3 unit comes equipped with a 23 HP Kohler engine, bolt on trailer package and an electronic governor. The "Bolt-On" trailer package with pin hitch can be easily removed for skid mount use.

The newest feature is the ergonomically designed, waterproof, **WIRELESS REMOTE** for easy throttle and nozzle control.

Physical Specifications:

Overall Length: 102"

Overall Height: 38.5"

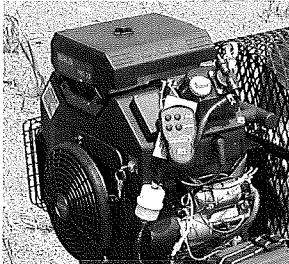
Overall Width: 48"

Weight: 470 lbs.

Tire Size: 18.5 x 8.50-8 Turf Tires

Engine: 23 HP Kohler Command Pro
OPTIONAL 20HP Honda Engine*

*Wireless remote IS NOT available on Honda KB units.
(Uses control box assembly with 12' of cable)



Engine

Kohler Command Pro 23
V-Twin
Air Cooled
Smart Choke Carburetor
Dual Oil Drains
Electronic Ignition System

Wireless Remote Control

NO MORE CORD!
360° Remote Nozzle
Ergonomic Design
Weather Resistant
Durable Belt Clip



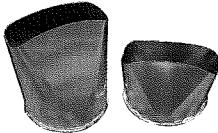
Construction

Heavy Duty 4 Lug Spindles
Steel Construction
Sturdy Safety Guards
14 Inch Single Stage Turbine



Options

Rectangular Nozzles (10" or 19" Long)
Maintenance Meter
Waterproof Protective Cover



All Buffalo Turbine products are manufactured in the U.S.A. and feature a full 1 year customer satisfaction warranty.

Dealer Label Here

Powerful debris blowers, sprayers and top dressers.



14201 CHALCO VALLEY PARKWAY
OMAHA, NE 68138-6193
(402) 895-8900
FAX (402) 895-8913

September 30, 2010

LaVista Falls Golf Course

Jeff Calentine

8033 Valley Road

LaVista, NE 68128

jcalentine@cityoflavista.org

Jeff,

Below, please find pricing on the requested equipment.

Item	Description	Suggested List	National IPA Pricing
44538	Toro ProForce Blower	\$7,857.00	\$6,144.00

Pricing Valid Until October 15, 2010

If I can be of further assistance, please call.

Sincerely,

A handwritten signature in black ink that reads "Dan Parr".

Dan Parr, Commercial Turf Sales

K

LA VISTA POLICE DEPARTMENT INTEROFFICE MEMORANDUM

TO: PAM BUETHE, CITY CLERK
FROM: BOB LAUSTEN, POLICE CHIEF
SUBJECT: LOCAL BACKGROUND- LIQUOR LICENSE- MANAGER
HOUSTON'S LOUNGE
DATE: 10/5/2010
CC:

The police department conducted a check of computerized records on the applicant, Brian M. Houston, for criminal conduct in Nebraska in reference to the Manager application.

Brian Houston was cited in April of 1998 for Urinating in Public (Lincoln) and fined. He was arrested but acquitted on an assault charge in Sarpy County in 2003. The assault charge was not related to his employment.



October 4, 2010

Brian Houston
16428 Olive Street
Omaha, NE 68136

Dear Mr. Houston:

This letter is to inform you that the City of La Vista has received your corporate manager application for the Class CK Liquor License application of The Rendezvous Company dba Houston's Lounge, 12049 McDermott Plaza #100, La Vista, Sarpy County, Nebraska.

Please note that the La Vista City Council will review this application at their regularly scheduled meeting on October 19, 2010. The meeting will be called to order at 7:00 p.m. and will be held at La Vista City Hall, 8116 Park View Blvd. You are requested to be present at the aforementioned meeting to answer any questions that the Mayor or members of the City Council may have concerning the application.

If you have any questions please feel free contact me.

Sincerely,

Pamela A. Buethe, CMC
City Clerk

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

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

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

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

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

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

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

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

STATE OF NEBRASKA

Dave Heineman
Governor

NEBRASKA LIQUOR CONTROL COMMISSION

Robert B. Rupe Executive Director
301 Centennial Mall South, 5th Floor
P.O. Box 95046
Lincoln, Nebraska 68509-5046
Phone (402) 471-2571
Fax (402) 471-2814
TRS USER 800 833-7252 (TTY)

September 30, 2010

LA VISTA CITY CLERK
8116 PARK VIEW BLVD
LA VISTA NE 68128-2198

RE: MANAGERS APPLICATION
License: CK-79951

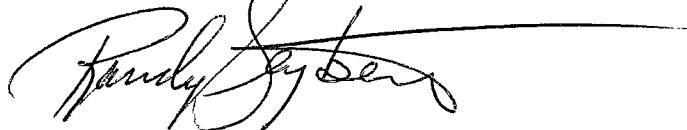
Dear Clerk:

Enclosed is a copy of a manager application for **Brian Huston** in connection with **HOUSTON'S LOUNGE, 12040 McDermott Plaza**.

Please present this application for manager to your City Council / County Commission and send us the results of their action.

Sincerely,

NEBRASKA LIQUOR CONTROL COMMISSION



Randy Seybert
Licensing Division

rs
encl.

cc: file

Janic Wiebusch
Commissioner

Bob Logsdon
Chairman
An Equal Opportunity/Affirmative Action Employer

Bob Batt
Commissioner

MANAGER APPLICATION
INSERT - FORM 3c

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

Office Use

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SEP 24 2010

NEBRASKA LIQUOR
CONTROL COMMISSION

Corporate manager, including spouse, are required to adhere to the following requirements
If spouse filed affidavit of non-participation fingerprints and proof of citizenship not required

- 1) Must be a citizen of the United States
- 2) Must be a Nebraska resident (Chapter 2 - 006)
- 3) Must provide a copy of birth certificate, naturalization paper or US passport
- 4) Must submit their fingerprints (2 cards per person)
- 5) Must be 21 years of age or older
- 6) Applicant may be required to take a training course

Prints on file

Corporation/Limited Liability Corporation (LLC) information

Name of Corporation/LLC: **THE RENDEZVOUS COMPANY**

Premise information

Premise License Number: **CK 79951**

(if new application leave blank)

Premise Trade Name/DBA: **Houston's Lounge**

Premise Street Address: **12040 McDermott Plaza, #100**

City: **LaVista**

State: **NE**

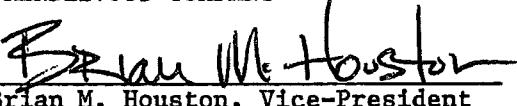
Zip Code: **68128**

Premise Phone Number: **402-895-0538**

The individual whose name is listed in the president or contact member category on either insert form 3a or 3b must sign their name below.

THE RENDEZVOUS COMPANY

By:


Brian M. Houston, Vice-President

CORPORATE OFFICER SIGNATURE
(Faxed signatures are acceptable)



1000019533

RECEIVED

Manager's information must be completed below. PLEASE PRINT CLEARLY

Gender: MALE FEMALE

SEP 24 2010

NEBRASKA LIQUOR
CONTROL COMMISSION
MI. MLast Name: Houston First Name: BrianHome Address (include PO Box if applicable): 16428 Olive StreetCity: Omaha State: NE Zip Code: 68136Home Phone Number: 402-968-6988 Business Phone Number: 402-884-0244

Social Security Number: _____ Drivers License Number & State: _____

Date Of Birth: 08/10/1972 Place Of Birth: Memphis TN

Are you married? If yes, complete spouse's information (Even if a spousal affidavit has been submitted)

 YES NO

Spouse's information

Spouses Last Name: Houston First Name: Valerie MI: A

Social Security Number: _____ Drivers License Number & State: _____

Date Of Birth: 01/15/1974 Place Of Birth: Blair NE

APPLICANT AND SPOUSE MUST LIST RESIDENCE(S) FOR THE PAST 10 YEARS

APPLICANT		SPOUSE					
CITY & STATE		YEAR FROM	YEAR TO	CITY & STATE		YEAR FROM	YEAR TO
Omaha NE	1980	Present		Blair NE		1974	03/2005
				Omaha NE		03/2005	Present

MANAGER'S LAST TWO EMPLOYERS

YEAR FROM	YEAR TO	NAME OF EMPLOYER	NAME OF SUPERVISOR	TELEPHONE NUMBER
08/2004	Present	The Rendezvous Company dba Houston's Lounge & M Marten LLC dba On The Rocks Lounge	John Houston (Deceased)	402-884-0244
06/1998	06/2004	Starr Inc/Max	Bruce Bernard	402-346-4110

Manager and spouse must review and answer the questions below

PLEASE PRINT CLEARLY

1. **READ PARAGRAPH CAREFULLY AND ANSWER COMPLETELY AND ACCURATELY.**

Has anyone who is a party to this application, or their spouse, EVER been convicted of or plead guilty to any charge. Charge means any charge alleging a felony, misdemeanor, violation of a federal or state law; a violation of a local law, ordinance or resolution. List the nature of the charge, where the charge occurred and the year and month of the conviction or plea. Also list any charges pending at the time of this application. If more than one party, please list charges by each individual's name.

YES NO If yes, please explain below or attach a separate page.

Brian Houston - 1990 - MIP (occupant in car and friend was in possession)

Brian Houston - 1995 - Speeding (on a motorcycle trying to avoid aggressive car)

Brian Houston - April 1998 - Lancaster County, NE - Urinating In Public (behind bush after a football game)

Brian Houston - August 2003 - Douglas County, NE - Speeding

Valerie Houston - None

2. Have you or your spouse ever been approved or made application for a liquor license in Nebraska or any other state? **IF YES, list the name of the premise.**

YES NO

3. Do you, as a manager, have all the qualifications required to hold a Nebraska Liquor License? Nebraska Liquor Control Act (§53-131.01)

YES NO

4. Have you filed the required fingerprint cards and **PROPER FEES** with this application? (The check or money order must be made out to the **Nebraska State Patrol** for **\$38.00 per person**)

YES NO

5. List the training and/or experience (when and where)

Date:	Where:
08/2004 - Present	On the Rocks, Omaha, NE
04/2009 - Present	Houston's Lounge, LaVista, NE

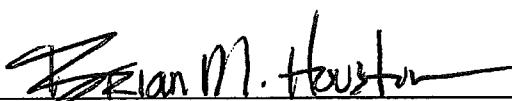
PERSONAL OATH AND CONSENT OF INVESTIGATION

SEP 24 2010

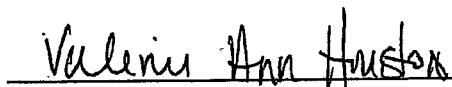
The above individual(s), being first duly sworn upon oath, deposes and states that the undersigned is ~~responsible and~~ or spouse of applicant who makes the above and foregoing application that said application has been read and that the contents thereof and all statements contained therein are true. If any false statement is made in any part of this application, the applicant(s) shall be deemed guilty of perjury and subject to penalties provided by law. (Sec §53-131.01) Nebraska Liquor Control Act.

The undersigned applicant hereby consents to an investigation of his/her background including all records of every kind and description including police records, tax records (State and Federal), and bank or lending institution records, and said applicant and spouse waive any rights or causes of action that said applicant or spouse may have against the Nebraska Liquor Control Commission and any other individual disclosing or releasing said information to the Nebraska Liquor Control Commission.

The undersigned understand and acknowledge that any license issued, based on the information submitted in this application, is subject to cancellation if the information contained herein is incomplete, inaccurate, or fraudulent.



Signature of Manager Applicant
Brian Michael Houston



Signature of Spouse

State of Nebraska

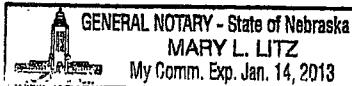
County of Sarpy

The foregoing instrument was acknowledged before
me this 1 July 2010 by
Brian Michael Houston.



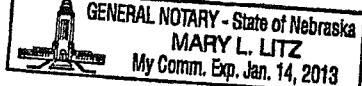
Notary Public signature

Affix Seal Here




Notary Public signature

Affix Seal Here



In compliance with the ADA, this manager insert form 3c is available in other formats for persons with disabilities.
A ten day advance period is required in writing to produce the alternate format.

Revised 9/2008

**SPOUSAL AFFIDAVIT OF
NON PARTICIPATION INSERT**

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

Office Use

RECEIVED

SEP 24 2010

NEBRASKA LIQUOR
CONTROL COMMISSION

I acknowledge that I am the spouse of a liquor license holder. My signature below confirms that I will have not have any interest, directly or indirectly in the operation or profit of the business (§53-125(13)) of the Liquor Control Act. I will not tend bar, make sales, serve patrons, stock shelves, write checks, sign invoices or represent myself as the owner or in any way participate in the day to day operations of this business in any capacity. I understand my fingerprint will not be required; however, I am obligated to sign and disclose any information on all applications needed to process this application.

Valerie Ann Houston

Signature of spouse asking for waiver
(Spouse of individual listed below)

State of Nebraska

County of Sarpy

July 1, 2010
date

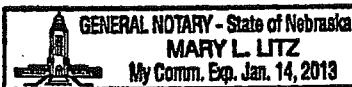
Mary L. Litz
Notary Public signature

Valerie Ann Houston

Printed name of spouse asking for waiver

The foregoing instrument was acknowledged before me this
by Valerie Ann Houston
name of person acknowledged

Affix Seal



I acknowledge that I am the spouse of the above listed individual. I understand that my spouse and I are responsible for compliance with the conditions set out above. If it is determined that the above individual has violated (§53-125(13)) the Commission may cancel or revoke the liquor license.

Brian M. Houston
B. M. Houston

Signature of individual involved with application
(Spouse of individual listed above)

State of Nebraska

County of Sarpy

July 1, 2010 by

Mary L. Litz
Notary Public signature

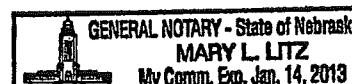
Brian Michael Houston

Printed name of applying individual

The foregoing instrument was acknowledged before me this

Brian Michael Houston
name of person acknowledged

Affix Seal



In compliance with the ADA, this spousal affidavit of non participation is available in other formats for persons with disabilities. A ten day advance period is requested in writing to produce the alternate format.

STATE OF TENNESSEE
Office of Vital Records

RECEIVED

SEP 24 2010

NEBRASKA LIQUOR
CONTROL COMMISSION

THE SECOND ALBUM
SECOND WHEN PREVIOUSLY
DECIDED AND FILED.

THE CH. PRINT IN
PERMANENTLY BLUE CH.
BLACK, B.R.
1966

PLAQUE SEPARATE
FROM FOAM
BY A HOLLOW

ATTENDANT MURASAKI
MURAKAMI HIDEYOSHI

781

hereby certify the above to be a true and correct copy of the original document on file in this department. This certified copy is valid only when printed on security paper showing the red impression seal of the Department of Health, Australia. I declare under this certification.



Sharon M. Leinbach
STATE REGISTRAR

CERTIFICATION OF VITAL RECORD

Date Issued

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Place



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Registrant Detail

Name	Brian Houston
Party	Nonpartisan
Polling Place	Papio Natural Resources Dist Bldg 79 8901 S 154th St Omaha, NE 68138

Districts

District Name	District Type
Millard Public Schools	School District
Metro Com College Dist 5	Community College District
U.S. Congressional District 1	U.S. Congressional District
Appeals Court Judge Dist 4	Judge of Appeals Court Dist.
County Judge Dist 2	Judge of County Court Dist.
District Judge, Dist 2	Judge of District Court Dist.
Juv Crt Judge, Sarpy Co.	Judge of Juvenile Court
Supreme Court Judge Dist 4	Judge of Supreme Court Dist.
Legislative District 39	Legislative District
Papio NRD SubD 10	Natural Resources District
Omaha PPD SubD South	Public Power District
PSC District 3	Public Service Comm District
Board of Regents District 8	Board of Regents
ESU 3 District 5	ESU District
County Commissioner District 5	County Board (Commiss./Superv)
Metropolitan Utilities Distric	Utilities District
State Board of Education Dist8	State Board of Education
Learning Community 1 - Dist 4	Learning Community Coordinating Council

Información en español

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