

# MINUTE RECORD

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

## LA VISTA CITY COUNCIL MEETING December 7 2010

A meeting of the City Council of the City of La Vista, Nebraska was convened in open and public session at 7:00 p.m. on December 7, 2010. Present were Councilmembers: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. 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, Public Works Director Soucie, City Engineer Kottmann, and Recreation Director Stopak.

A notice of the meeting was given in advance thereof by publication in the Times on November 24, 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

### APPOINTMENT - FIRE DEPARTMENT OFFICERS

Chief Uhl presented the Fire Department Officers for 2011. Councilmember Sheehan made a motion to approve the appointments. Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Abstain: None. Absent: None. Motion carried.

### APPOINTMENT OF FIRE DEPARTMENT RECRUITS – SAMANTHA HUNT, WILLIAM KURZ, CHRISTOPHER PALMER

Chief Uhl presented the following fire department recruits for approval of their appointment: Samantha Hunt, William Kurz, and Christopher Palmer. Councilmember Carlisle made a motion to approve the appointments. Seconded by Councilmember Crawford. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Abstain: None. Absent: None. Motion carried.

### A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. APPROVAL OF CITY COUNCIL MINUTES FROM NOVEMBER 16, 2010
3. PAY REQUEST FROM DOUGLAS COUNTY ENGINEER – HELL CREEK STREAM  
STABILIZATION – PHASE I - \$8,674.71.
4. PAY REQUEST FROM THOMAS E. STEVENS & ASSOC. – PROFESSIONAL SERVICES –  
THOMPSON CREEK - \$900.00.
5. PAY REQUEST FROM HERITAGE-CRYSTAL CLEAN, LLC – PROFESSIONAL SERVICES  
- \$2,000.00
6. APPROVAL OF CLAIMS

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

3E-ELECTRICAL ENGINEERING, bldg & grnds	364.09
ABE'S PORTABLES, services	217.58
ACTION BATTERIES UNLTD. supplies	262.26
ADAMSON INDUSTRIES, maintenance	304.95
AFTERNOONER'S, training/meals	42.00
ALAMAR UNIFORMS, wearing apparel	575.30

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AMERICAN FENCE, bld & grnds	464.02
APPLIED INFORMATION MGMT INST, services	3585.00
ARAMARK UNIFORM, services	413.85
ASPEN EQUIPMENT, maintenance	425.32
ASPHALT & CONCRETE MATERIALS, maintenance	36.70
ASSOCIATED FIRE PROTECTION, services	175.00
BADGER BODY, maintenance	148.82
BAKER & TAYLOR BOOKS, books	201.15
BALDWIN, HEATHER, refund	255.00
BARCO MUNICIPAL PRODUCTS, maintenance	660.00
BARONE SECURITY SYSTEMS, other	23.50
BCDM, services	769.00
BEACON BUILDING SERVICES, services	6712.00
BENNINGTON EQUIPMENT, maintenance	1582.82
BENSON RECORDS MANAGEMENT, services	59.44
BETTER BUSINESS EQUIPMENT, rentals	47.92
BLACK HILLS ENERGY, utilities	3362.90
BOARD OF EXAMINERS, dues	50.00
BOB'S RADIATOR REPAIR, maintenance	226.50
BUETHE, PAM, mileage/phone	61.50
BUILDERS SUPPLY, bld & grnds	79.86
CALENTINE, JEFFREY, phone	30.00
CENTER POINT PUBLISHING, book	248.64
CHILD'S WORLD, books	1792.90
CLARENCE, DAVID, expenses	516.00
CLARENCE, DAVID, expenses	1025.00
COLOMBO/PHELPS COMPANY, concessions	99.21
COMMTOUCH INC, services	2574.00
COMP CHOICE, services	630.50
CONRECO INC, maintenance	97.75
CORE PRODUCTS USA, supplies	408.21
CORNHUSKER INTL TRUCKS, maintenance	60.28
COX COMMUNICATIONS, services	199.73
CPESC, dues	100.00
CREIGHTON EMS EDUCATION, training	50.00
CUMMINS CENTRAL POWER, services	818.76
D & D COMMUNICATIONS, repair	10.19
DATA TECHNOLOGIES, services	10032.96
DIAMOND VOGEL PAINTS, maintenance	118.00
DOUGLAS COUNTY SHERIFF'S OFC, services	50.00
DULTMEIER SALES & SERVICE, maintenance	28.20
EARTHWAY PRODUCTS, equip repair	6.38
EBSCO SUBSCRIPTION SERVICES, books	2636.00
EDGEWEAR SCREEN PRINTING, supplies	58.50
ENSLOW PUBLISHERS, books	275.45
FEDEX, postage	105.74
FEDEX KINKO'S, printing	90.00
FERRELLGAS, utilities	5.00
FILTER CARE, maintenance	60.10
FITZGERALD SCHORR, services	57280.27
FLORATINE CENTRAL TURF PRODS, bldg & grnds	400.00
G I CLEANER & TAILORS, cleaning	181.05
GALE, books	250.07
GASSERT, MIKE, fees	670.00
GOLDMAN, JOHN, phone	85.00
GRAYBAR ELECTRIC, bld & grnds	477.87
GREAT PLAINS UNIFORMS, wearing apparel	258.00
GREEN SOLUTIONS EROSION CNTRL, services	100.00
GUNN, BRENDA, phone	45.00
H & H CHEVROLET, maintenance	157.36

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H W WILSON CO, books/periodicals	487.00
HANEY SHOE STORE, wearing apparel	120.00
HEARTLAND PAPER, supplies	105.00
HEIMES CORPORATION, construction	42816.00
HELGET GAS PRODUCTS, supplies	78.00
HOME DEPOT CREDIT SERVICES, equip.	66.23
HOST COFFEE SERVICE, concessions	23.00
HUNDEN STRATEGIC PARTNERS, Consulting	18986.25
HUNTEL COMMUNICATIONS, services	96.00
HY-VEE, supplies	81.17
INLAND TRUCK PARTS, maintenance	38.85
J Q OFFICE EQUIPMENT, services	367.04
JI SPECIAL RISKS INSURANCE, insurance	100.00
JOHN DEERE LANDSCAPES/LESCO, supplies	59.61
KINDIG, DOUGLAS, phone	80.00
KLINKER, MARK A, services	217.00
KOTTMANN, JOHN, phone/mileage	175.50
KRIHA FLUID POWER CO, maintenance	339.53
LA VISTA COMMUNITY FOUNDATION, misc.	50.00
LANDPORT SYSTEMS, services	720.00
LARRY'S BOILER SERVICE, repair	92.00
LAUGHLIN, KATHLEEN A, TRUSTEE	648.00
LERNER PUBLISHING GROUP, books	1046.21
LIFE ASSIST, supplies	1579.82
LINCOLN NATIONAL LIFE INS, insurance	7897.38
LINWELD, supplies/maint.	161.06
LOGAN CONTRACTORS SUPPLY, maintenance	2962.80
LOVELAND LAWNS, maintenance	27.90
LUKASIEWICZ, BRIAN, phone/supplies	285.00
M E SHARPE INC PUBLISHER, books	249.00
MACHEL, LIA L AND RAINER, expenses	650.00
MACHEL, LIA L AND RAINER, expenses	500.00
MARKOWSKY, THOMAS J, training	70.00
MCCANN PLUMBING SERVICE, bld & grnds	15.95
METROPOLITAN COMMUNITY COLLEGE, utilities/phone	9481.15
MUD, Utilities	2822.93
MICHAEL TODD AND COMPANY, maintenance	11572.32
MID AMERICA PAY PHONES, phone	50.00
MIDLANDS LIGHTING & ELECTRIC, bld & grnds	580.64
MIDWEST RIGHT OF WAY SVCS INC, services	7754.00
MIDWEST TAPE, media	844.88
MILLARD METAL SERVICES, maintenance	31.00
MSC INDUSTRIAL SUPPLY, supplies	26.79
NATIONAL PAPER COMPANY, supplies	618.54
NE DEPT OF LABOR, insurance	85.17
NEBRASKA LIFE MAGAZINE, periodical	19.95
NEBRASKA SALT & GRAIN CO, maintenance	14958.65
NEBRASKA TITLE COMPANY, acquisition	93312.93
NEBRASKA TITLE COMPANY, acquisition	98336.04
NEBRASKA TITLE COMPANY, acquisition	85577.57
NEBRASKA TITLE COMPANY, acquisition	111314.13
NEBRASKA TITLE COMPANY, acquisition	116620.08
NEBRASKA TITLE COMPANY, acquisition	90930.73
NEXTEL COMMUNICATIONS, phone	528.79
NEXTEL COMMUNICATIONS, phone	204.19
NOVA HEALTH EQUIP, services	877.00
NUTS AND BOLTS INC, maintenance	425.46
O & H INVESTMENTS, expenses	1500.00
OABR PRINT SHOP, printing	4046.85

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OCLC INC, expense	25.30
OFFICE DEPOT, supplies	2062.60
O'KEEFE ELEVATOR, bld & grnds	155.00
OMAHA COMPOUND CO, supplies	110.41
OMAHA WORLD HERALD COMPANY, advertising	471.79
OMAHA WORLD HERALD COMPANY, advertising	1958.14
OXMOOR HOUSE, books	36.91
PARAMOUNT LINEN & UNIFORM, services/apparel	618.64
PENWORTHY CO, books	1467.03
PERFORMANCE CHRYSLER JEEP, maintenance	492.37
PETTY CASH-PAM BUETHE, supplies/services	215.20
PETTY CASH-PAM BUETHE, supplies/services	87.95
PITNEY BOWES, supplies	221.00
PRINCIPAL LIFE, insurance	236.25
QUILL CORP, supplies	123.12
QWEST, phone	1160.15
QWEST, phone	83.82
RAMIREZ, JOHN, fees	18.00
RAMIREZ, RITA M, phone	43.00
RAY ALLEN MANUFACTURING, apparel	31.45
READY MIXED CONCRETE, maintenance	1213.04
RECORDED BOOKS, media	521.43
REGAL AWARDS, printing/postage	668.93
RHOADES, KEN AND JULIE, expenses	1000.00
RHOADES, KEN AND JULIE, expenses	720.00
ROSE EQUIPMENT, maintenance	333.69
RUSTY ECK FORD, maintenance	96.32
SAFETY VISION, maintenance	74.90
SALEM PRESS, books	396.00
SAPP BROS TRUCK STOPS, supplies	896.00
SARPY COUNTY CHAMBER, meals/mileage	165.00
SARPY COUNTY COURTHOUSE, services	3588.49
SHAMROCK CONCRETE, maintenance	221.85
SHERWIN-WILLIAMS, bld & grnds	398.24
SINNETT, JEFF, mileage/travel	120.00
SMOOTHER CUT ENTERPRISES, services	1320.00
SOUCIE, JOSEPH, phone	60.00
SPRINT, phone	119.62
STOPAK, SCOTT, phone	50.00
SUPERIOR VISION, insurance	359.60
TED'S MOWER SALES & SERVICE, equipment/repair	399.23
TENHAMMER LLC, expenses	5250.00
THOMPSON DREESSEN & DORNER, services	5932.45
THOMPSON DREESSEN & DORNER, services	5796.90
TITAN MACHINERY, maintenance	222.14
TJF CORP, misc.	36.96
TORNADO WASH, maintenance	120.00
TURFWERKS, maintenance	557.26
TY'S OUTDOOR POWER, maintenance	513.00
ULTRAMAX, other	229.00
UNITED PARCEL SERVICE, postage	5.39
UNITED STATES POSTAL SERVICE, postage	75.00
UNITED STATES POSTAL SERVICE, postage	100.00
V & V MANUFACTURING INC, apparel	82.90
VALUATION SERVICES, services	500.00
VERIZON WIRELESS, phone	94.25
VERIZON WIRELESS, phone	110.11
VEST ELECTRIC INCORPORATED, expenses	5250.00
WAL-MART, supplies	1216.47
WASTE MANAGEMENT NEBRASKA, utilities	611.14

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WAUGH, BRYAN, training	80.33
WICK'S STERLING TRUCKS, maintenance	149.99

## REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

Police Chief Lausten informed Council that the La Vista Police Department will be participating in a holiday drunk driving enforcement program.

Community Development Director Birch informed Council that the old house at the sod form has been demolished and the house at Lillian Ave and Park View Blvd. These were demolished by the owners at no expense to the city.

Library Director Barcal Informed Council that Bellevue University has contacted the library to participate in a financial management program. They will train volunteers and staff who in turn can help train others in better financial management.

Public Works Director Soucie stated that the street crew has been busy with crack sealing and the weather has been cooperative. The parks crew has a stump grinder to remove some old stumps and reseed and re sod those areas. There are still some interference problems with the 108<sup>th</sup> Street Warning Signals and the company has a data logger that will be attached to monitor and find out what is causing the interference. There are still a few punch list items to complete on the Giles road project. The Harrison Street project will be completed this week.

## **B. ZONING TEXT AMENDMENTS – R-3 AND R-4 DISTRICTS**

### **1. PUBLIC HEARING**

At 7:16 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the Zoning Text Amendments – R-2 and R-4 Districts.

At 7:17 p.m. Councilmember Ellerbeck made a motion to close the public hearing. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Abstain: None. Absent: None. Motion carried.

### **2. ORDINANCE**

Councilmember Sell introduced Ordinance No. 1132 entitled: AN ORDINANCE TO AMEND SECTION 5.08 AND SECTION 5.09 OF ORDINANCE NO. 848 (ZONING ORDINANCE); TO REPEAL SECTION 5.08 AND SECTION 5.09 OF ORDINANCE NO. 848 AS PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

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

Said ordinance was then read by title and thereafter Councilmember Carlisle moved for final passage of the ordinance which motion was seconded by Councilmember Ellerbeck. The Mayor then stated the question was, "Shall Ordinance No. 1121 be passed and adopted?" Upon roll call vote the following Councilmember voted aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. The following voted nay: None. The following were absent: None. The passage and adoption of said ordinance having been concurred on by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor, in the presence of the Council, signed and approved the ordinance and the City Clerk attested the passage/approval of the same and affixed her signature thereto.

## **C. RESOLUTION – MEMORANDUM OF SUPPORT & COMMITMENT – CONTINUING MISSION OF NE INNOVATION ZONE COMMISSION**

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 10-144: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, APPROVING AND AUTHORIZING THE CITY ADMINISTRATOR TO SIGN A MEMORANDUM OF SUPPORT AND COMMITMENT (MOSC) TO TRANSFER THE

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## WORK OF THE NEBRASKA INNOVATION ZONE COMMISSION (NIZC) TO A NEW COALITION GROUP DESIGNATED AS THE "I-80 COUNCIL."

WHEREAS, the Nebraska legislature approved LB 546 in May 2005 which created the Nebraska Innovation Zone Commission to advocate and recommend programs that encourage regional cooperation and foster community sustainability and economic development initiatives; and

WHEREAS, the City of La Vista has participated in the NIZC since its inception; and

WHEREAS, the NIZC is scheduled to sunset on December 31, 2010; and

WHEREAS, the City of La Vista advocates quality growth and development in the I-80 Corridor and supports continuing the work of the Nebraska Innovation Zone Commission through the transition to the I-80 Council.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska, hereby approve and authorize the City Administrator to sign a Memorandum of Support and Commitment (MOSC) to transfer the work of the Nebraska Innovation Zone Commission (NIZC) to a new coalition group designated as the "I-80 Council".

Seconded by Councilmember Quick. City Administrator Gunn stated that the commission formed by action of the legislature is ending and they set out what they hoped for regional planning and zoning. This allows entities to continue to work together to maintain the planning and zoning in the I-80 corridor area. Councilmember Carlisle inquired as to why there was not a state representative on the commission. Gunn stated the State had ex-officio representatives. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Abstain: None. Absent: None. Motion carried.

### **D. RESOLUTION – AUTHORIZATION TO PURCHASE BUNKER GEAR**

Councilmember Crawford introduced and moved for the adoption of Resolution No. 10-145; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE PURCHASE OF FIVE SETS OF GLOBE G7 BUNKER GEAR FROM MUNICIPAL EMERGENCY SERVICES, INC., SNYDER, NEBRASKA IN AN AMOUNT NOT TO EXCEED \$9,375.00.

WHEREAS, the Mayor and City Council have determined that it is necessary to purchase bunker gear and accessories for the Fire Department; and

WHEREAS, funds are provided in the FY 10/11 General Fund Budget for the proposed purchase; and

WHEREAS, the purchase of this bunker gear will bring the department closer to attaining NFPA 1971 compliance for the 2007 standards for protective gear; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska authorizes the purchase of five sets of Globe G7 Bunker Gear from Municipal Emergency Services, Inc., Snyder, Nebraska in an amount not to exceed \$9,375.00.

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

### **E. RESOLUTION – AUTHORIZATION TO PURCHASE COMPUTER EQUIPMENT**

Councilmember Gowan moved to table Resolution No. 10-146; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE PURCHASE OF TECHNOLOGY RELATED ITEMS FROM WESTERN STATES CONTRACTING

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ALLIANCE (WSCA), DELL, AND VARIOUS VENDORS IN AN AMOUNT NOT TO EXCEED \$31,000.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of fifteen (15) computers with monitors and software; and

WHEREAS, the FY 2010/11 General, Sewer and Golf Fund budgets did include funds for the purchase of said technology items; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize the purchase of fifteen (15) computers with monitors and software, from Dell through the Western States Contracting Alliance (WSCA), and departmental software, printers and projectors from various vendors in an amount not to exceed \$31,000.

Seconded by Councilmember Sell. Councilmember Sheehan asked that the prices be checked again to be sure we are getting the best price. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Abstain: None. Absent: None. Motion carried.

## F. RESOLUTION – AUTHORIZATION TO PURCHASE POLICE MOTORCYCLE

Councilmember Quick introduced and moved for the adoption of Resolution No. 10-147; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE PURCHASE OF ONE (1) 2011 HARLEY DAVIDSON POLICE MOTORCYCLE FOR THE POLICE DEPARTMENT FROM HOLSTEIN'S HARLEY DAVIDSON, OMAHA, NEBRASKA, IN AN AMOUNT NOT TO EXCEED \$19,579.60

WHEREAS, the City Council of the City of La Vista has determined that the purchase of a Harley Davidson motorcycle for the Police Department is needed; and

WHEREAS, the FY10/11 Budget did include grant funds for the purchase of said motorcycle; and

WHEREAS, proposals have been received and after review by the Police Chief it has been determined that the bid submitted by Holstein's Harley Davidson for a 2011 Harley Davidson "Police Model" FLHTPI was the low, compliant bid; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize the purchase of one 2011 Harley Davidson Police Motorcycle for the Police Department from Holstein's Harley Davidson, Omaha, Nebraska in an amount not to exceed \$19,579.60.

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

## G. CLASS I LIQUOR LICENSE APPLICATION – VIETNAMESE ASIAN RESTAURANT, INC. DBA VIETNAMESE RESTAURANT 1. PUBLIC HEARING

At 7:27 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on a Class I Liquor License Application for Vietnamese Asian Restaurant, Inc. dba Vietnamese Restaurant.

At 7:28 p.m. Councilmember Ellerbeck made a motion to close the public hearing. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Abstain: None. Absent: None. Motion carried.

## 2. RESOLUTION

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Councilmember Ellerbeck introduced and moved for the adoption of Resolution No. 10-148 A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA RECOMMENDING TO THE NEBRASKA LIQUOR CONTROL COMMISSION, APPROVAL OF THE CLASS I LIQUOR LICENSE APPLICATION FOR VIETNAMESE ASIAN RESTAURANT, INC. DBA VIETNAMESE RESTAURANT, 8013 S 83RD AVENUE, LA VISTA, SARPY COUNTY, NEBRASKA.

WHEREAS, Vietnamese Asian Restaurant, Inc. dba Vietnamese Restaurant, 8013 S 83rd Avenue, La Vista, Sarpy County, Nebraska, has applied to the Nebraska Liquor Control Commission for a Class I Liquor License, and

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

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, hereby recommend to the Nebraska Liquor Control Commission approval of the Class I Liquor License application submitted by Vietnamese Asian Restaurant, Inc. dba Vietnamese Restaurant, 8013 S 83rd Avenue La Vista, Sarpy County, Nebraska.

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

## **H. MANAGER APPLICATION – CLASS B LIQUOR LICENSE – AVP LLC DBA AVP ENERGY #5**

Councilmember Sell moved to approve the Class B Liquor License Manager application for AVP LLC dba AVP Energy #5. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Abstain: None. Absent: None. Motion carried.

### **I. SPECIAL ASSESSMENTS**

#### **1. PUBLIC HEARING**

At 7:29 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on special assessments.

At 7:30 p.m. Councilmember Ellerbeck made a motion to close the public hearing. Seconded by Councilmember Crawford. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Abstain: None. Absent: None. Motion carried.

### **2. RESOLUTION**

Councilmember Ellerbeck introduced and moved for the adoption of Resolution No. 10-149; 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  
14127 Frederick Circle., Lot 252/Stonybrook South, \$270.60;  
7416 La Vista Drive., Lot 322/La Vista Replat, \$342.37;  
7545 Edward Avenue., Lot 591/La Vista Replat, \$433.39;  
9927 Gary Street, Lot 40/ Mayfair 2<sup>nd</sup> Addition, \$268.31;  
7732 Park View Blvd., Lot 1018/La Vista, \$267.01; and  
7121 Harrison St., Lot 1C EX PT TO RD/La Vista Replat, \$8,500.00  
were notified to clean up their property as they were in violation of the City Municipal Code, Section 133.01 and/or 94.06 and/or hazardous waste removal, or the City would do so and bill them accordingly, and

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

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

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

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

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

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

## COMMENTS FROM THE FLOOR

None.

## J. EXECUTIVE SESSION – CONTRACT NEGOTIATIONS

At 7:31 p.m. Councilmember Carlisle made a motion to go into executive session for the protection of the public interest for contract negotiations. Seconded by Councilmember Crawford. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Abstain: None. Absent: None. Motion carried. Mayor Kindig stated the executive session would be limited to the subject matter contained in the motion.

At 8:34 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, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Abstain: None. Absent: None. Motion carried.

## COMMENTS FROM MAYOR AND COUNCIL

Mayor and Councilmember Quick thanked the Council for the opportunity to go to the National League of Cities Conference. Mayor Kindig reminded Council that the Cahill fundraiser is on December 5, 2010. Mayor Kindig thanked Council for sponsoring the soup feed held in conjunction with the tree lighting event.

At 8:40 p.m. Councilmember Gowan made a motion to adjourn the meeting. Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Abstain: None. Absent: None. Motion carried.

PASSED AND APPROVED THIS 21ST DAY OF DECEMBER, 2010

CITY OF LA VISTA

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

ATTEST:

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

# MINUTE RECORD

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

## LA VISTA CITY COUNCIL ORGANIZATIONAL MEETING December 7, 2010

An organizational meeting of the City Council of the City of La Vista, Nebraska was convened in open and public session at 8:40 p.m. on December 7, 2010. Present were Mayor Kindig and Councilmembers: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Also in attendance were City Attorney McKeon, City Administrator Gunn, Assistant City Administrator Ramirez, City Clerk Buethe, Library Director Barcal, Police Chief Lausten, Fire Chief Uhl, Community Development Director Birch, Recreation Director Stopak, Finance Director Lindberg, Public Works Director Soucie, and Building and Grounds Director Archibald.

A notice of the meeting was given in advance thereof by publication in the Times on November 24, 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.

### II. CITY CLERK'S REPORT OF ELECTION RESULTS

City Clerk Buethe read the results of the General Election held on Tuesday, November 2, 2010 as certified by the Sarpy County Election Commissioner for the City of La Vista are as follows:

For the office of City Council Ward I Brenda L. Carlisle received 371 votes. For the office of City Council Ward II Terrilyn Quick received 526 votes For the office of City Council Ward III Alan W. Ronan received 332 votes. For the office of City Council Ward IV Kelly R. Sell received 939 votes and Ralph G. Healey Jr. received 459 votes. For the City of La Vista Advantage Transformational Tourism and Redevelopment Program Sales Tax: Yes received 2574 votes and No received 751 votes.

### III. ADMINISTRATION OF OATH OF OFFICE TO:

BRENDA L. CARLISLE, WARD I  
TERRILYN QUICK, WARD II  
ALAN W. RONAN, WARD III  
KELLY R. SELL, WARD IV

Mayor Kindig administered the oath of office to Councilmembers Carlisle, Quick, Ronan, and Sell.

### IV. ELECTION OF COUNCIL PRESIDENT

Mayor Kindig stated the nominations will now be taken for Council President. Councilmember Carlisle nominated Councilmember Quick and Councilmember Ellerbeck nominated Councilmember Gowan. Mayor Kindig asked if there were any further nominations.

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

A ballot vote was taken, and the ballots were collected. City Clerk Buethe read the ballots. Councilmember Gowan received 4 votes and councilmember Quick received 4 votes. A second ballot vote was taken, and the ballots were collected. Councilmember Gowan received 4 votes and councilmember Quick received 4 votes. A third ballot vote was taken and the ballots were collected. Councilmember Gowan received 4 votes and councilmember Quick received 4 votes. Councilmember Gowan stated that he is giving his vote and his support to Councilmember Quick therefore giving Councilmember Gowan 3 votes and Councilmember Quick 5 votes. Councilmember Quick is the new City Council President.

### COMMENTS FROM THE FLOOR

Mayor Kindig asked if there were any comments from the floor; and if so, for each person to limit his or her comments to 3 minutes. There were no comments from the floor.

### COMMENTS FROM MAYOR AND COUNCIL

Councilmember Sell thanked his wife for being there for his swearing in.

# MINUTE RECORD

December 7, 2010  
Organizational Mtg

NO. 729—REFIELD & COMPANY, INC., OMAHA

At 8:54 p.m. Councilmember Crawford made a motion to adjourn the meeting. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

PASSED AND APPROVED THIS 21ST DAY OF DECEMBER 2010.

CITY OF LA VISTA

ATTEST:

Douglas Kindig, Mayor

Pamela A. Buethe, CMC  
City Clerk

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

**BUDGET AND ACTUAL**  
**For the two months ended November 30, 2010**  
**17% of the Fiscal Year**

	Sewer Fund					Golf Course Fund								
	<u>Budget</u>		<u>MTD Actual</u>		<u>YTD Actual</u>	<u>Over (Under) Budget</u>	<u>% of Budget Used</u>	<u>Budget</u>		<u>MTD Actual</u>		<u>YTD Actual</u>	<u>Over (Under) Budget</u>	<u>% of Budget Used</u>
	<u>Budget</u>	<u>MTD Actual</u>	<u>YTD Actual</u>	<u>Over (Under) Budget</u>	<u>% of Budget Used</u>	<u>Budget</u>	<u>MTD Actual</u>	<u>YTD Actual</u>	<u>Over (Under) Budget</u>	<u>% of Budget Used</u>	<u>Budget</u>	<u>MTD Actual</u>	<u>YTD Actual</u>	<u>Over (Under) Budget</u>
<b>REVENUES</b>														
User fees	\$ 1,873,922	\$ 141,473	\$ 292,287	\$ (1,581,635)	16%	\$ 190,000	\$ 5,638	\$ 24,573	\$ (165,427)	13%				
Service charge and hook-up fees	125,000	118,756	138,564	13,564	111%									
Merchandise sales	-	-	-	-	-	33,800	836	4,101	(29,699)	12%				
Grant	-	-	-	-	n/a									
Miscellaneous	200	40	47	(153)	23%	300	38	122	-	41%				
<b>Total Revenues</b>	<b>1,999,122</b>	<b>260,269</b>	<b>430,898</b>	<b>(1,568,224)</b>	<b>22%</b>	<b>224,100</b>	<b>6,512</b>	<b>28,796</b>	<b>(195,126)</b>	<b>13%</b>				
<b>EXPENDITURES</b>														
General Administrative	446,776	21,427	64,406	(382,370)	14%									
Cost of merchandise sold	-	-	-	-	-	26,950	2,288	4,085	(22,865)	15%				
Maintenance	1,500,772	(64,857)	141,825	(1,358,947)	9%	204,953	14,319	37,987	(166,966)	19%				
Production and distribution	-	-	-	-	-	141,658	7,677	25,646	(116,012)	18%				
Capital Outlay	79,250	-	-	(79,250)	0%	7,000	5,932	5,932	(1,068)	85%				
Debt Service:														
Principal	-	-	-	-	-	110,000	-	-	(110,000)	0%				
Interest	-	-	-	-	-	22,533	-	-	(22,533)	0%				
<b>Total Expenditures</b>	<b>2,026,798</b>	<b>(43,430)</b>	<b>206,231</b>	<b>(1,820,567)</b>	<b>10%</b>	<b>513,093</b>	<b>30,216</b>	<b>73,650</b>	<b>(439,443)</b>	<b>14%</b>				
<b>OPERATING INCOME (LOSS)</b>	<b>(27,676)</b>	<b>303,699</b>	<b>224,667</b>	<b>(252,343)</b>	-									
<b>NON-OPERATING REVENUE (EXPENSE)</b>														
Interest income	10,000	756	970	(9,030)	10%	25	2	6	(19)	25%				
	<b>10,000</b>	<b>756</b>	<b>970</b>	<b>(9,030)</b>	<b>10%</b>	<b>25</b>	<b>2</b>	<b>6</b>	<b>(19)</b>	<b>25%</b>				
<b>INCOME (LOSS) BEFORE OPERATING TRANSFERS</b>	<b>(17,676)</b>	<b>304,455</b>	<b>225,637</b>	<b>(243,313)</b>	-									
<b>OTHER FINANCING SOURCES (USES)</b>														
Operating transfers in (out)	-	-	-	-	-									
<b>NET INCOME (LOSS)</b>	<b>\$ (17,676)</b>	<b>\$ 304,455</b>	<b>\$ 225,637</b>	<b>\$ (243,313)</b>	-									
<b>NET ASSETS, Beginning of the year</b>				<u>4,822,523</u> **					<u>189,223</u> **					
<b>NET ASSETS, End of the year</b>				<u>\$ 5,048,162</u>					<u>\$ 144,376</u>					

\*\*Preliminary Fund Balance

**CITY OF LAVISTA, NEBRASKA**  
**COMBINED STATEMENT OF REVENUES, EXPENDITURES**  
**AND CHANGES IN FUND BALANCE-ALL GOVERNMENTAL FUND TYPES**

For the two months ended November 30, 2010

17% 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		
<b>REVENUES</b>																			
Property Taxes	\$ 5,286,478	\$ 34,917	\$ 75,993	\$ (5,210,485)	1%	\$ 526,071	\$ 2,001	\$ 5,267	\$ (520,805)	\$ -	\$ -	\$ -	\$ -	\$ 1,567,550	\$ -	\$ -	\$ -		
Sales and use taxes	1,955,000	213,103	406,394	(1,548,606)	21%	977,500	106,551	203,196	(774,304)	-	-	-	-	-	-	-	-	(1,567,550)	
Payments in Lieu of taxes	90,000	-	0	(90,000)	0%	-	-	-	-	-	-	-	-	-	-	-	-	-	
State revenue	903,298	74,750	171,950	(731,348)	19%	-	-	-	-	-	-	-	-	-	-	-	-	-	
Occupation and franchise taxes	650,000	67,296	162,505	(487,495)	25%	-	-	-	-	-	-	-	-	-	-	-	-	-	
Hotel Occupation Tax	612,105	53,235	121,878	(490,227)	20%	-	-	-	-	-	-	-	-	-	-	-	-	-	
Licenses and permits	389,500	112,127	172,727	(216,773)	44%	-	-	-	-	-	-	-	-	-	-	-	-	-	
Interest income	50,000	912	1,486	(48,514)	3%	75,000	1,841	3,471	(71,529)	-	-	-	-	-	-	-	-	-	
Recreation fees	123,500	4,912	7,630	(115,870)	6%	-	-	-	-	-	-	-	-	-	-	-	-	-	
Special Services	16,490	763	3,384	(13,106)	21%	-	-	-	-	-	-	-	-	-	-	-	-	-	
Grant Income	207,349	729	864	(206,485)	0%	-	-	-	-	-	-	-	-	3,141,543	1,101,926	2,059,158	(1,082,385)		
Other	1,656,622	11,420	71,206	(1,585,415)	4%	1,885,000	-	-	(1,885,000)	97,500	-	-	-	-	-	-	-	(97,500)	
<b>Total Revenues</b>	<b>11,940,342</b>	<b>574,165</b>	<b>1,196,018</b>	<b>(10,744,324)</b>	<b>10%</b>	<b>3,463,571</b>	<b>110,393</b>	<b>211,934</b>	<b>(3,251,637)</b>	<b>4,806,593</b>	<b>1,101,926</b>	<b>2,059,158</b>	<b>(2,747,435)</b>						
<b>EXPENDITURES</b>																			
Current:																			
Mayor and Council	174,121	-21,168	17,813	(156,308)	10%	-	-	-	-	-	-	-	-	-	-	-	-	-	
Boards & Commissions	11,095	294	819	(10,276)	7%	-	-	-	-	-	-	-	-	-	-	-	-	-	
Public Buildings & Grounds	534,767	23,658	47,470	(487,297)	9%	-	-	-	-	-	-	-	-	-	-	-	-	-	
Administration	716,418	31,317	99,297	(617,121)	14%	90,000	218	251	(89,749)	-	-	-	-	-	-	-	-	-	
Police and Animal Control	3,773,149	256,839	611,144	(3,162,005)	16%	-	-	-	-	-	-	-	-	-	-	-	-	-	
Fire	654,933	-974	57,975	(596,958)	9%	-	-	-	-	-	-	-	-	-	-	-	-	-	
Community Development	645,161	5,191	77,712	(567,449)	12%	-	-	-	-	-	-	-	-	-	-	-	-	-	
Public Works	3,104,841	225,295	455,674	(2,649,167)	15%	-	-	-	-	-	-	-	-	-	-	-	-	-	
Recreation	647,567	28,518	81,426	(566,141)	13%	-	-	-	-	-	-	-	-	-	-	-	-	-	
Library	651,541	36,557	90,053	(561,488)	14%	-	-	-	-	-	-	-	-	-	-	-	-	-	
Human Resources	469,559	5,194	321,578	(147,981)	68%	-	-	-	-	-	-	-	-	-	-	-	-	-	
Special Services & Tri-City Bus	76,756	3,937	10,965	(65,791)	14%	-	-	-	-	-	-	-	-	5,801,698	1,101,926	2,059,157	(3,742,541)		
Capital outlay	408,370	0	0	(408,370)	0%	-	-	-	-	-	-	-	-	5,801,698	1,101,926	2,059,157	(3,742,541)		
Debt service: (Warrants)	-	-	-	-	-	2,290,000	865,000	1,380,000	(910,000)	-	-	-	-	-	-	-	-	-	
Principal	-	-	-	-	-	1,309,098	240,121	361,930	(947,168)	-	-	-	-	-	-	-	-	-	
<b>Total Expenditures</b>	<b>11,868,278</b>	<b>594,658</b>	<b>1,871,926</b>	<b>(9,996,352)</b>	<b>16%</b>	<b>3,689,098</b>	<b>1,105,338</b>	<b>1,742,180</b>	<b>(1,946,917)</b>	<b>5,801,698</b>	<b>1,101,926</b>	<b>2,059,157</b>	<b>(995,105)</b>						
<b>EXCESS OF REVENUES OVER (UNDER) EXPENDITURES</b>	<b>72,064</b>	<b>(20,493)</b>	<b>(675,908)</b>	<b>747,972</b>	<b>-938%</b>	<b>(225,526)</b>	<b>(994,945)</b>	<b>(1,530,246)</b>	<b>1,304,720</b>	<b>(995,105)</b>				<b>0</b>	<b>(995,105)</b>				
<b>OTHER FINANCING SOURCES (USES)</b>																			
Operating transfers in (out)	(1,343,400)	-	-	1,343,400	-	(835,114)	-	-	835,114	260,105	-	-	-	-	-	-	-	(260,105)	
Bond/registered warrant proceeds	-	-	-	-	-	-	-	-	-	735,000	-	-	-	-	-	-	-	(735,000)	
<b>Total other Financing Sources (Uses)</b>	<b>(1,343,400)</b>	<b>-</b>	<b>-</b>	<b>1,343,400</b>	<b>-</b>	<b>(835,114)</b>	<b>-</b>	<b>-</b>	<b>835,114</b>	<b>995,105</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>(995,105)</b>	
<b>EXCESS OF REVENUES AND OTHER FINANCING SOURCES OVER (UNDER) EXPENDITURES AND OTHER FINANCING USES</b>	<b>\$ (1,271,336)</b>	<b>\$ (20,493)</b>	<b>\$ (675,908)</b>	<b>\$ (595,428)</b>		<b>\$ (1,060,640)</b>	<b>\$ (994,945)</b>	<b>\$ (1,530,246)</b>	<b>\$ 469,606</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 0</b>	<b>\$ (0)</b>					
<b>FUND BALANCE, beginning of the year</b>						<b>4,719,156 **</b>			<b>7,712,684 **</b>						<b>\$ 146,583 **</b>				
<b>FUND BALANCES, END OF PERIOD</b>						<b>\$ 4,043,248</b>			<b>\$ 6,182,438</b>						<b>\$ 146,583</b>				

\* FY11 Liability and Workers' Comp Insurance

\*\*Preliminary Fund Balance

## Meeting of Board of Directors

### LA VISTA/METROPOLITAN COMMUNITY COLLEGE CONDOMINIUM OWNERS ASSOCIATION, INC.

#### MINUTES OF MEETING

December 6, 2010  
3:30 p.m.

Members Present:	Pat Archibald Brenda Gunn	Rose Barcal Rich Hanneman	Ingrid Berlin Dave Koebel
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Guests Present:	Jim Grotrian	Tom McKeon	Bernie Sedlacek
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Agenda Item #1: Announcement of Location of Posted Meetings Act:

A copy of the Open Meetings Act is posted on the North wall of the conference room for public access and reference. A copy of the act is also available.

Agenda Item #2: Approval of the Notice of Meeting.

Notice of Meeting was published by the City and College in the Times and the Omaha World-Herald. Moved by Gunn and seconded by Hanneman to approve. Ayes: all. Nays: none. Motion approved.

Agenda Item #3: Executive Session: Geothermal System Discussion.

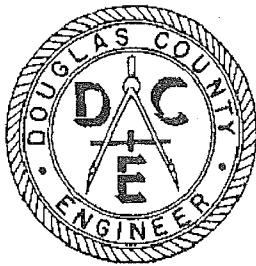
At 3:40 p.m. Gunn made a motion to go into executive session for protection of the public interest for a strategy/negotiating guidance - OPPD geothermal loop heating exchanger. Seconded by Hanneman. Ayes: all. Nays: none. Motion approved. Berlin stated the executive session would be limited to the subject matter contained in the motion and repeated the motion.

At 4:24 p.m. the Board came out of executive session. Koebel made a motion to reconvene in open and public session. Seconded by Archibald. Berlin stated the discussion in executive session was limited to the subject matter contained in the motion. Ayes: all. Nays: none. Motion approved.

The next Board of Directors' Meeting is on Monday, February 14, 2011 at 4:00 p.m. La Vista/MCC Sarpy Center Conference Room #142.

It was moved by Gunn and seconded by Hanneman to adjourn the meeting at 4:25 p.m.

Minutes respectfully submitted by Rose Barcal



TOM DOYLE  
**DOUGLAS COUNTY ENGINEER**

15505 West Maple Road  
Omaha, Nebraska 68116-5173  
(402) 444-6372  
Fax: (402) 444-6244  
engineer@douglascounty-ne.gov

December 1, 2010

City of LaVista  
ATTN: Pamela A. Buethe  
8116 Park View Boulevard  
LaVista Nebraska 68128-2198

RE: Douglas County Project No. C-28(498)  
Douglas County Project No. SP-2008(03)  
Hell Creek Stream Stabilization Phase I

Dear Pamela:

In reference to the Interlocal Agreement for the design and construction costs for the stabilization of the Hell Creek Bridge signed by the Douglas County Board of Commissioners February 10, 2009, the City of LaVista shares 25% of the costs for the referenced project.

We have issued payment to Lamp, Rynearson & Associates, Inc. for Invoice 110088.01-2 in the amount of \$15,408.15. The City of LaVista shares 25% of these costs in the amount of \$3,852.04.

Please issue payment in the amount to the DOUGLAS COUNTY ENGINEER, 15505 West Maple Road, Omaha Nebraska 68116.

Very truly yours,

Dan Kutilek  
Manager-Engineer  
Design & Planning

DK:mr  
Encl: Inv 110088.01-2

O.K. to pay  
05.71.0842.03

efMK  
12/9/2010

c-24 (298 A)

WWW.LRA-INC.COM

Lamp, Ryneerson & Associates, Inc.

14710 West Dodge Road, Suite 100  
Omaha, Nebraska 68154-2027

(Ph) 402.496.2498  
(Fax) 402.496.2730

REQ 130757

November 23, 2010  
Invoice No: 0110088.01 - 0000002

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

Project 0110088.01

HELL CREEK STREAM STABILIZATION -PHASE I

Professional Services through October 30, 2010

Task 001	PRELIMINARY PLANNING	\$14,378.15
Task 007	WETLAND AND WATERWAY DELINEATION	\$1,030.00
<b>TOTAL INVOICE AMOUNT</b>		<b>\$15,408.15</b>

Terms: Due Upon Receipt

OK  
JK  
12/1/10

# MIDWEST

Right of Way Services, Inc.

December 1, 2010

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

**Invoice No.: 2752**  
Midwest Right of WayServices #273

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

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

Project Manager	-	hours at	\$80	per hour	\$	-
Acquisition Agent	140.50	hours at	\$68	per hour	\$	9,554.00
Relocation Agent		hours at	\$68	per hour	\$	-

**Total Amount Due for this Invoice** **\$ 9,554.00**

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

*Consent Agenda  
05.71.0645.09  
P. Buethe  
12/31/2010*

BANK NO	BANK NAME	CHECK NO	DATE	VENDOR NO	VENDOR NAME	CHECK AMOUNT	CLEARED	VOIDED	MANUAL
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1 Bank of Nebraska (600-873)

46110 Payroll Checks  
Thru 46112

46113 Gap in Checks  
Thru 102191

102192	12/08/2010	4212	NEBRASKA TITLE COMPANY	92,070.26	**MANUAL**
102193	12/08/2010	4397	EASYWAY INTERNATIONAL	65,970.00	**MANUAL**
102194	12/08/2010	4451	BRAMBLE, EILEEN	1,990.00	**MANUAL**
102195	12/08/2010	4212	NEBRASKA TITLE COMPANY	86,964.45	**MANUAL**
102196	12/08/2010	4212	NEBRASKA TITLE COMPANY	85,899.85	**MANUAL**
102197	12/08/2010	4212	NEBRASKA TITLE COMPANY	79,978.38	**MANUAL**
102198	12/08/2010	3702	LAUGHLIN, KATHLEEN A, TRUSTEE	437.00	**MANUAL**
102199	12/08/2010	3702	LAUGHLIN, KATHLEEN A, TRUSTEE	211.00	**MANUAL**
102200	12/08/2010	4228	RUNZA RESTAURANT	415.00	**MANUAL**
102201	12/08/2010	355	DOUGLAS COUNTY ENGINEER	8,674.71	**MANUAL**
102202	12/08/2010	4373	THOMAS E STEVENS & ASSOCS	900.00	**MANUAL**
102203	12/08/2010	4178	HERITAGE CRYSTAL CLEAN LLC	2,000.00	**MANUAL**
102204	12/08/2010	4451	BRAMBLE, EILEEN	3,260.00	**MANUAL**
102205	12/08/2010	4451	BRAMBLE, EILEEN	1,260.00	**MANUAL**
102206	12/14/2010	4151	HUNDEN STRATEGIC PARTNERS	4,053.75	**MANUAL**
102207	12/16/2010	4458	COG PROPERTIES	5,250.00	**MANUAL**
102208	12/16/2010	4459	PARK, JANEEN	790.00	**MANUAL**
102209	12/16/2010	4459	PARK, JANEEN	700.00	**MANUAL**

102210 Gap in Checks      \*\*\*Voided Checks-Not entered in system. Used for  
Thru 102211 ACH Direct Payment setup.

102212	12/21/2010	1657	A & D TECHNICAL SUPPLY COMPANY	120.00	
102213	12/21/2010	3983	ABE'S PORTABLES INC	75.51	
102214	12/21/2010	762	ACTION BATTERIES UNLTD INC	142.27	
102215	12/21/2010	571	ALAMAR UNIFORMS	356.68	
102216	12/21/2010	536	ARAMARK UNIFORM SERVICES INC	287.18	
102217	12/21/2010	1678	ASPEN EQUIPMENT COMPANY	377.50	
102218	12/21/2010	706	ASSOCIATED FIRE PROTECTION	71.50	
102219	12/21/2010	201	BAKER & TAYLOR BOOKS	774.40	
102220	12/21/2010	703	BATTERIES PLUS	456.00	
102221	12/21/2010	1784	BENNINGTON EQUIPMENT INC	569.48	
102222	12/21/2010	3774	BENSON RECORDS MANAGEMENT CTR	68.48	
102223	12/21/2010	249	BKD LLP	7,150.00	
102224	12/21/2010	196	BLACK HILLS ENERGY	92.95	
102225	12/21/2010	4454	BRAKE, AUSTIN	100.00	
102226	12/21/2010	1242	BRENTWOOD AUTO WASH	70.00	
102227	12/21/2010	76	BUILDERS SUPPLY CO INC	8.30	
102228	12/21/2010	1401	BURT, STACIA	477.00	
102229	12/21/2010	2625	CARDMEMBER SERVICE-ELAN	.00	**CLEARED** **VOIDED**
102230	12/21/2010	2625	CARDMEMBER SERVICE-ELAN	.00	**CLEARED** **VOIDED**
102231	12/21/2010	2625	CARDMEMBER SERVICE-ELAN	.00	**CLEARED** **VOIDED**
102232	12/21/2010	2625	CARDMEMBER SERVICE-ELAN	5,138.66	

BANK NO	BANK NAME	CHECK NO	DATE	VENDOR NO	VENDOR NAME	CHECK AMOUNT	CLEARED	VOIDED	MANUAL
102233	12/21/2010	92	CARL JARL LOCKSMITHS	3.70					
102234	12/21/2010	152	CITY OF OMAHA	638.26					
102235	12/21/2010	83	CJ'S HOME CENTER	.00	**CLEARED** **VOIDED**				
102236	12/21/2010	83	CJ'S HOME CENTER	.00	**CLEARED** **VOIDED**				
102237	12/21/2010	83	CJ'S HOME CENTER	.00	**CLEARED** **VOIDED**				
102238	12/21/2010	83	CJ'S HOME CENTER	.00	**CLEARED** **VOIDED**				
102239	12/21/2010	83	CJ'S HOME CENTER	1,011.73					
102240	12/21/2010	1164	COMPLETE MUSIC	200.00					
102241	12/21/2010	2158	COX COMMUNICATIONS	213.67					
102242	12/21/2010	951	CZARNICK, MICHAEL J	360.00					
102243	12/21/2010	3136	D & D COMMUNICATIONS	237.50					
102244	12/21/2010	111	DEMCO INCORPORATED	76.33					
102245	12/21/2010	77	DIAMOND VOGEL PAINTS	106.95					
102246	12/21/2010	1042	ED M. FELD EQUIPMENT	810.00					
102247	12/21/2010	3310	FBINAA-FBI NATL ACAD ASSOCS	180.00					
102248	12/21/2010	1235	FEDEX KINKO'S	27.00					
102249	12/21/2010	1201	FERRELLGAS	458.19					
102250	12/21/2010	439	FIREGUARD INC	94.55					
102251	12/21/2010	1254	FLEETPRIDE	149.53					
102252	12/21/2010	3132	FORT DEARBORN LIFE INSURANCE	1,306.00					
102253	12/21/2010	3898	FRED'S HEATING & AIR	59.10					
102254	12/21/2010	4050	FROEHLICH, RORY	100.00					
102255	12/21/2010	1344	GALE	170.22					
102256	12/21/2010	966	GENUINE PARTS COMPANY-OMAHA	.00	**CLEARED** **VOIDED**				
102257	12/21/2010	966	GENUINE PARTS COMPANY-OMAHA	.00	**CLEARED** **VOIDED**				
102258	12/21/2010	966	GENUINE PARTS COMPANY-OMAHA	906.11					
102259	12/21/2010	285	GRAYBAR ELECTRIC COMPANY INC	44.51					
102260	12/21/2010	385	GREAT PLAINS ONE-CALL SVC INC	193.63					
102261	12/21/2010	426	HANEY SHOE STORE	240.00					
102262	12/21/2010	3775	HARTS AUTO SUPPLY LLC	771.00					
102263	12/21/2010	1744	HEARTLAND AWARDS	2.15					
102264	12/21/2010	1167	HEIMAN FIRE EQUIPMENT INC	1,909.90					
102265	12/21/2010	797	HOBBY LOBBY STORES INC	142.89					
102266	12/21/2010	3549	HOLSTEIN'S HARLEY DAVIDSON	1,496.34					
102267	12/21/2010	136	HUNTEL COMMUNICATIONS, INC	123.50					
102268	12/21/2010	3440	ICSC-INTL COUNCIL OF SHPG CTRS	200.00					
102269	12/21/2010	3050	INSIGHT PUBLIC SECTOR	521.01					
102270	12/21/2010	1896	J Q OFFICE EQUIPMENT INC	1,109.91					
102271	12/21/2010	3561	JNFS ENGINEERING COMPANY	915.99					
102272	12/21/2010	3442	KAR SIM KENNEL, INC	7.00					
102273	12/21/2010	4328	KOTTMANN, JOHN	192.50					
102274	12/21/2010	2394	KRIHA FLUID POWER CO INC	185.00					
102275	12/21/2010	787	LERNER PUBLISHING GROUP	916.67					
102276	12/21/2010	2664	LOU'S SPORTING GOODS	123.96					
102277	12/21/2010	4456	MARKOWSKY, T J	100.00					
102278	12/21/2010	1875	MARSHALL CAVENDISH CORP	1,279.59					
102279	12/21/2010	588	MENARDS-BELLEVUE	16.48					
102280	12/21/2010	153	METRO AREA TRANSIT	528.00					
102281	12/21/2010	553	METROPOLITAN UTILITIES DIST.	88.11					
102282	12/21/2010	3921	MID-STATES UTILITY TRAILER	529.62					
102283	12/21/2010	1526	MIDLANDS LIGHTING & ELECTRIC	22.39					
102284	12/21/2010	371	MIDWEST SERVICE AND SALES CO	327.82					
102285	12/21/2010	383	MIRACLE RECREATION EQUIPMENT	806.85					

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03.30.09

Tue Dec 21, 2010 2:44 PM

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City of LaVista  
ACCOUNTS PAYABLE CHECK REGISTER

OPER: AKH

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

102286	12/21/2010	1290 NEBRASKA NOTARY ASSOCIATION	154.23
102287	12/21/2010	3488 NEBRASKA STATE FIRE MARSHALL	360.00
102288	12/21/2010	2631 NEXTEL COMMUNICATIONS	533.72
102289	12/21/2010	2631 NEXTEL COMMUNICATIONS	204.19
102290	12/21/2010	440 NMC EXCHANGE LLC	324.51
102291	12/21/2010	179 NUTS AND BOLTS INCORPORATED	4.20
102292	12/21/2010	1831 O'REILLY AUTOMOTIVE INC	.00
102293	12/21/2010	1831 O'REILLY AUTOMOTIVE INC	992.43
102294	12/21/2010	1014 OFFICE DEPOT INC-CINCINNATI	91.73
102295	12/21/2010	195 OMAHA PUBLIC POWER DISTRICT	.00
102296	12/21/2010	195 OMAHA PUBLIC POWER DISTRICT	.00
102297	12/21/2010	195 OMAHA PUBLIC POWER DISTRICT	41,667.11
102298	12/21/2010	46 OMAHA WORLD HERALD COMPANY	4,021.46
102299	12/21/2010	4432 PALMER, CHANCE	120.00
102300	12/21/2010	3039 PAPILLION SANITATION	304.11
102301	12/21/2010	2686 PARAMOUNT LINEN & UNIFORM	179.13
102302	12/21/2010	3058 PERFORMANCE CHRYSLER JEEP	171.36
102303	12/21/2010	4447 PPE INCORPORATED	2,550.00
102304	12/21/2010	219 QWEST	1,083.61
102305	12/21/2010	1440 RALSTON COSTUME	56.00
102306	12/21/2010	3139 RECORDED BOOKS, LLC	16.87
102307	12/21/2010	1063 ROSE EQUIPMENT INCORPORATED	110.00
102308	12/21/2010	604 ROURKE PUBLISHING COMPANY	652.20
102309	12/21/2010	4037 RUSTY ECK FORD	264.48
102310	12/21/2010	292 SAM'S CLUB	651.62
102311	12/21/2010	1335 SARPY COUNTY CHAMBER OF	155.00
102312	12/21/2010	150 SARPY COUNTY TREASURER	9,187.50
102313	12/21/2010	3069 STATE STEEL OF OMAHA	64.00
102314	12/21/2010	4090 SUCCESS FACTORS INCORPORATED	4,500.00
102315	12/21/2010	264 TED'S MOWER SALES & SERVICE	42.03
102316	12/21/2010	3492 TEUSCHER, CHRIS	250.00
102317	12/21/2010	822 THERMO KING CHRISTENSEN	201.45
102318	12/21/2010	143 THOMPSON DREESSEN & DORNER	1,933.00
102319	12/21/2010	2426 UNITED PARCEL SERVICE	6.33
102320	12/21/2010	4223 VAIL, ADAM	100.00
102321	12/21/2010	78 WASTE MANAGEMENT NEBRASKA	797.54
102322	12/21/2010	4043 WEIGL PUBLISHERS INCORPORATED	784.43
102323	12/21/2010	4352 WINKLER, BRYCE	110.00
102324	12/21/2010	1475 WOODHAVEN COUNSELING ASSOCS	225.00

BANK TOTAL	549,933.21
OUTSTANDING	549,933.21
CLEARED	.00
VOIDED	.00

FUND	TOTAL	OUTSTANDING	CLEARED	VOIDED
01 GENERAL FUND	87,563.46	87,563.46	.00	.00
02 SEWER FUND	14,090.29	14,090.29	.00	.00
03 ECONOMIC DEVELOPMENT B.G.	65,970.00	65,970.00	.00	.00
05 CONSTRUCTION	368,655.01	368,655.01	.00	.00
08 LOTTERY FUND	10,993.81	10,993.81	.00	.00
09 GOLF COURSE FUND	1,721.47	1,721.47	.00	.00
15 OFF-STREET PARKING	939.17	939.17	.00	.00

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City of LaVista  
ACCOUNTS PAYABLE CHECK REGISTER

OPER: AKH

PAGE 4

BANK NO BANK NAME

CHECK NO DATE VENDOR NO VENDOR NAME

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REPORT TOTAL	549,933.21
OUTSTANDING	549,933.21
CLEARED	.00
VOIDED	.00
+ Gross Payroll 12-10-10	<u>229,478.11</u>
GRAND TOTAL	<u>\$779,411.32</u>

APPROVED BY COUNCIL MEMBERS 12-21-10

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

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

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
APPLICATION FOR CDBG FUNDING — ePOWER ENGINE SYSTEMS, LLC	RESOLUTION ORDINANCE ◆ RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

**SYNOPSIS**

A public hearing has been scheduled for Council to consider an application from ePower Engine Systems, LLC, for CDBG funds.

**FISCAL IMPACT**

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

**RECOMMENDATION**

Conduct public hearing; no further action required at this time.

**BACKGROUND**

The Sarpy County Economic Development Corporation has been working to assist in locating a facility for ePower Engine Systems, LLC. The Company has identified a building located at 7030 S. 110<sup>th</sup> Street as its desired location and would like to lease that space for this purpose. ePower Engine Systems has developed a diesel/electric drive system that will be used to provide significant diesel fuel savings to the large over-the-road trucking companies. The company has finished the first "test" truck and patented this unique design. It reduces diesel fuel consumption and carbon footprint by close to 65% on Class 8 trucks. The system is reaching approximately 15 mpg with current industry averages of around 5.5 mpg. This is a very significant number for the transportation industry. All of the components used in the ePower systems are already produced by well-known international companies. Because of that, the company does not have the issues associated with a new product development for each of these individual components. Each component is readily available as an off-the-shelf item and its cost is a known factor, up front. What is unique about the ePower design is its method in which these components are utilized.

The application amount is for \$505,000, with \$500,000 to be provided to ePower in the form of a performance-based loan and \$5,000 to be used by the City for general administration of the project. Conditions of funding for the company are to provide an additional \$822,000 in owner's equity and corporate financing and to create and maintain 20 new jobs at the facility for two years from the date of

the award. At least 51% of all new jobs at the facility are to be taken by persons from low-to moderate income households.

CDBG Program regulations require that units of local government including cities or counties must serve as the applicants for CDBG funding. As this project will be located in the City of La Vista's jurisdiction we are being asked to serve as the applicant and to pass through the funding from NDED to the business. Upon approval of the application by NDED, the City will obtain adequate security from NDED and the business to protect its financial interests while serving in this capacity. The project will need to be administered by a certified CDBG administrator, and it is planned that staff from Metropolitan Area Planning Agency (MAPA) will provide this service.

Program regulations require that a public hearing be conducted on the application prior to its approval by the City Council, and that public comments be included with the application materials. A copy of the draft application is included in the packet.

Following tonight's public hearing, remaining business information will be shared with the Department of Economic Development, and department staff will prepare a Memorandum of Understanding (MOU) for the application outlining potential terms of financing, along with City responsibilities under the project. Prior to consideration of a resolution authorizing action on this application by the Council, the MOU will be reviewed by the City Attorney and by MAPA with changes incorporated as necessary. Jake Hansen, Community Development Manager with MAPA, will be present at the Council meeting to answer any questions.

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# APPLICATION FOR ECONOMIC DEVELOPMENT

## CATEGORY

COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)  
Nebraska Department of Economic Development (DED)

DED USE ONLY  
Application Number  
**10-ED-**  
Date Received

# 2010

## PART I. GENERAL INFORMATION

*TYPE OR PRINT ALL INFORMATION*

<b>1. APPLICANT IDENTIFICATION</b>			<b>2. PERSON PREPARING APPLICATION</b>		
Applicant Name <b>City of LaVista</b>			Name <b>Jake Hansen</b>		
Mailing Address <b>8116 Park View Blvd.</b>			Address <b>MAPA; 2222 Cuming</b>		
<b>LaVista</b>	<b>NE</b>	<b>68128</b>	<b>Omaha</b>	<b>NE</b>	<b>68102-4328</b>
(City)	(State)	(ZIP)	(City)	(State)	(Zip)
Telephone Number	<b>(402) 331-4343</b>		Telephone Number	<b>(402) 444-6866 x226</b>	
Local Government Contact	<b>Ann Birch</b>		Federal Tax ID # / SS# <b>47-0522862</b>		
Fax Number	<b>(402) 331-4375</b>		Email Address	<b>jhansen@mapacog.org</b>	
Federal Tax ID Number <b>47-6050031</b>			Application Preparer (check one)		
DUNS Number (Local Government) <b>054561071</b>			<input type="checkbox"/> Local Staff	<input type="checkbox"/> Out-of-State Consultant	
Email Address <b>ABirch@cityoflavista.org</b>			<input checked="" type="checkbox"/> Economic Development District	<input type="checkbox"/> Non-Profit Organization	
			<input type="checkbox"/> In-State Consultant	<input type="checkbox"/> DED Staff	
<b>3. DEVELOPMENT CATEGORY</b>					
<input checked="" type="checkbox"/> Direct Loan <input type="checkbox"/> Job Training <input type="checkbox"/> Spec Building/Park <input type="checkbox"/> Public Works <input type="checkbox"/> Entrepreneur Development					
<b>4. APPLICATION TYPE</b>					
<input checked="" type="checkbox"/> Individual <input type="checkbox"/> Joint (List other applicants in box #6)					
<b>5. FUNDING SOURCES</b>					
CDBG Funds Requested <b>\$ 505,000</b>					
Matching Funds <b>\$822,000</b>					
Other Funds <b>\$ 0</b>					
Total Project Funds <b>\$ 1,327,,000</b>					
<i>(Round amounts to the nearest hundred dollars.)</i>					

### 6. PROGRAM SUMMARY: Brief narrative description of the project for which CDBG funds are requested.

The City of La Vista is requesting \$505,000 in CDBG funding to provide working capital assistance to ePower Engine Systems, who is proposing to lease a property located at 7030 South 110<sup>th</sup> Street for the purpose of assembling diesel/electric drive systems to be retrofitted on Class 8 trucks. Activities for which federal funds would be utilized include provision of working capital assistance to the applicant business. Within two years of project initiation, ePower will invest approximately \$822,000 in working capital and operating expenditures at the site, and will create 20 new FTE jobs.

### 7. CERTIFYING OFFICIAL: Chief elected officer of local government requesting CDBG funds

To the best of my knowledge and belief, data and information in this application are true and correct, including any commitment of local or other resources. This application has been duly authorized by the governing body of the applicant following an official public hearing. This applicant will comply with all Federal and state requirements governing the use of CDBG funds.

\_\_\_\_\_  
Signature in ink  
\_\_\_\_\_  
Typed Name and Title  
\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
Attest  
\_\_\_\_\_  
Pamela Buethe, City Clerk  
\_\_\_\_\_  
Typed Name and Title  
\_\_\_\_\_  
Date Signed

**SUBMIT THE ORIGINAL OF THE ENTIRE APPLICATION (no additional copies are required) TO:**

Nebraska Department of Economic Development  
Division of Community and Rural Development  
PO Box 94666 - 301 Centennial Mall South  
Lincoln, NE 68509-4666  
(402) 471-3119 (800)426-6505 Fax (402) 471-8405

*Individuals who are hearing and/or speech impaired and have a TDD, may contact the Department through the Statewide Relay system by calling (800) 833-7352 (TDD). The relay operator should be asked to call DED at (800) 426-6505 or 402-471-3119.*

**PART II. FUNDING SUMMARY**

(Round amounts to the nearest hundred dollars.)

Activity Code	CDBG Funds	Matching Funds	Other Funds	Total Funds	Sources of Matching or Other Funds
0010 Acquisition					
0020 Planning <sup>1</sup>					
0070 Public Fac. & Improvements					
0230 Streets					
0250 Storm Sewers					
0270 Sanitary Sewers					
0290 Sewage Treatment					
0310 Water Source/Well					
0330 Water Distribution					
0350 Water Storage					
0370 Flood & Drainage Facilities					
0600 ED Infrastructure Development					
0690 Fixed Assets / Land and Building					
0691 Speculative Building / Park					
0700 Direct Financial Assistance to For-Profit Biz					
0710 Job Training					
0730 Working Capital	\$500,000	\$822,000	\$0	\$1,322,000	ePower
0750 Fixed Assets / Machinery & Equipment					
0770 Fixed Assets / Leaseholds Improvements					
0780 Entrepreneur Development					
0791 Microenterprise Lending					
0181 General Administration	\$5,000	\$0	\$0	\$5,000	N/A
1000 TOTAL PROGRAM COSTS	\$505,000	\$822,000	\$0	\$1,327,000	

<sup>1</sup> Only allowable as an Activity when associated with a Speculative Park project.

**Exhibit A****Participation Identification and Project Summary****1. Name of Business: ePower Engine Systems, LLC**Address: 7030 South 110<sup>th</sup> StreetOmaha, NE 68128  
(City) NE (Zip)Telephone No. ( 402 ) 680-9547Fax No. ( 402 ) 289-2113Contact Person: Russell A. KnudsenDUNS Number (Business) 962282963**3. Business Type** Start-Up Existing Business Buy-Out Spec Building / Park**5. Project Location:** Within the City Limits of (Name of City) \_\_\_\_\_ Outside the City Limits, but within the Zoning Jurisdiction of (Name and City) LaVista, NE \_\_\_\_\_ Outside the Zoning Jurisdiction of (Name of City) \_\_\_\_\_ in (County) \_\_\_\_\_ Located in county (not in incorporated areas.) \_\_\_\_\_Zoning Action Required?  Yes  No Project in 100 yr. floodplain?  Yes  No If zoning action is required, please attach an explanation. Attach a legal description of the project's location. Attach a map of the applicant's jurisdiction, identifying the areas in which the project activity will occur.**6. Ownership Identification**

A. Name %

Please see attached  
\_\_\_\_\_  
\_\_\_\_\_

B. Percentage of Company Owned by:

Women 0 %Minorities 0 %Disabled Persons 0 %**7. Affiliated Businesses**A. Does the Company have a Parent or Subsidiary?  Yes  No

If Yes, Identify Name: \_\_\_\_\_

Address: \_\_\_\_\_

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

B. Do the Owners of the Company have an Ownership interest in any Other Company?  Yes  No

If Yes to Either A or B Identify Below:

Company Name	Relationship	% Owned
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Jay Bowman	Military Packaging, Inc.	100%
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**8. Project Participation Identification: Identify All Entities Participating with the Financing of the Project.**

**A. Financial Institution(s)**

Name: Not applicable

Address: \_\_\_\_\_

(City) \_\_\_\_\_ (State) \_\_\_\_\_ (Zip) \_\_\_\_\_

Contact Person: \_\_\_\_\_

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

Telephone: ( ) \_\_\_\_\_

**C. Source(s) of Equity/Investment Capital**

Name: ***PLEASE SEE ATTACHED***

Address: \_\_\_\_\_

(City) \_\_\_\_\_ (State) \_\_\_\_\_ (Zip) \_\_\_\_\_

Telephone: ( ) \_\_\_\_\_

**B. Other Local, State or Federal Financing Sources**

Name: Not applicable

Address: \_\_\_\_\_

(City) \_\_\_\_\_ (State) \_\_\_\_\_ (Zip) \_\_\_\_\_

Contact Person: \_\_\_\_\_

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

Telephone: ( ) \_\_\_\_\_

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

Address: \_\_\_\_\_

(City) \_\_\_\_\_ (State) \_\_\_\_\_ (Zip) \_\_\_\_\_

Telephone: \_\_\_\_\_

**9. State the project's overall objective, including a brief history of operations to date:**

ePower engine systems, LLC has developed a diesel/electric drive system that will be used to provide significant diesel fuel savings to the large over-the-road trucking companies. ePower has finished the first "test" truck and patented this unique design. It reduces diesel fuel consumption and carbon footprint by close to 65% on Class 8 trucks. ePower is reaching approximately 15 mpg, with current industry averages around 5.5 mpg. This is a very significant number for the transportation companies and the economy of our country. All of the components used in the epower system are already produced by well-known, old-line, very large international companies. Therefore, ePower does not have the issues associated with a new product development for each of these individual components. Each component is readily available as an off-the-shelf item and its cost is a known factor upfront. What is unique about the ePower design is it's method in which these components are utilized.

The company has a total of five partners who have invested \$522,000 and two investors who have invested \$300,000 of subordinated debt for a total of \$822,000 invested into this project. The company is in the early testing stages of its product and is considering several assembly locations in addition to the one proposed in LaVista.

## ePower engine systems, llc – PARTNERS

<u>NAME</u>	<u>OWNERSHIP</u>
Jay Bowman 10 Thornhill Drive Florence, KY 41042 859-992-6837	20%
Gaylen Gordy 2439 County Road 111 Georgetown, TX 78626 512-762-6047	20%
Andrew Claypole 456 Leet Road Edgeworth, PA 15143 412-225-7969	20%
Bruce Ligo 539 Dorchester Drive Seven Fields, PA 15143 724-766-7031	20%
Andrews National Associates, LLC P. O. Box 540698 Omaha, NE 68154 402-660-6339	20%

---

### Exhibit A

#### Item 7B - Other Ownerships Interests

<u>NAME</u>	<u>Company Name</u>	<u>OWNERSHIP</u>
Jay Bowman 250 Aristocrat Drive Florence, KY 41042 859-992-6837	Military Packaging, Inc	100%

**Exhibit B****PROJECT FINANCING AND USE OF LOAN PROCEEDS**

I. Project Financing	Amount	Percent Project Cost	Annual Debt Service	Maturity	Interest Rate	Lien Position
1. CDBG Share of Project Cost	\$505,000	38%	\$ 47,200 (50% forgivable, 50% repayable)	5 years	0%	UCC/Deed of Trust on Equip.
2. Private Sector Financial Institution	\$0	0%	\$			
Other (ePower)	\$300,000	22%	\$0			
Total Private Sector Financing	\$		\$			
3. Other Federal Sources	\$0		\$			
4. Equity Injection	\$522,000	40%	\$			
<b>5. TOTAL PROJECT FINANCING</b>	<b>\$1,327,000</b>	<b>100%</b>	<b>\$47,200</b>			

**Exhibit C****Job Creation / Retention Information**

1. Total full time equivalent positions as of July 2010: 2  
(date)

2. Total new full time equivalent positions being **created** from the project which will be filled for one year or longer. 20

3. The total number of **retained** FTEs that will result from the project for which notification of lay-off or termination has occurred, or is apt to occur (provide explanation) if the project is not carried out. Classify retained FTEs as follows: 0

a. Total jobs known to be currently held by LMI people.  
For each employee, submit the Employee Certification Form or \_\_\_\_\_

b. Total number of jobs that can reasonably be expected to become available through turnover to LMI persons within a two year period from an award of CDBG funds. The number of jobs should be based upon the historical turnover rate for each of the past two years converted to FTE positions. \_\_\_\_\_

4. (For seasonal hiring only). Total new full time equivalent positions being created from the project which will be filled for 3 months or longer. N/A

5. Provide a job description for each new position. Complete all information for each job title and identify the number of positions to be created. (Use the attached list for job titles) See below

6. Describe training and recruitment opportunities that would make the retained jobs available to LMI persons. All CDBG funded projects may use Nebraska Workforce Development for their recruiting of new employees to assist in the documentation of first consideration being given to low and moderate income persons. Nebraska Workforce Development will obtain and keep on file for verification the necessary information about the person to determine low and moderate income status. The distance from residence and availability of transportation to the employment site should also be considered in determining whether a particular low and moderate income person can seriously be considered an applicant for the job.

7. Complete the projected hiring schedule for positions expected to become available through turnover.

**Job Descriptions**

No. of FTE Positions to be Created / Retained	Job Title	Skills (describe)	Education (indicate HS education, specialized training, 4-yr degree, other)	Experience (No. of yrs)	Wage / Salary	Benefit Package
1	Manager	Plant Manager	HS Education	3	\$18-\$25/hr	For all employees Health Insurance and Vacation provided.
2	Office/ Clerical	Office Assistant	HS Education	0	\$9-\$11/hr	
1	Sales	Sales Assistant	HS Education	2	\$10-\$12/hr	
1	Office/ Clerical	Technical Support	HS Education	3	\$12-\$15/hr	
1	Manager	Line Mfg. Manager	HS Education	2	\$15-\$18/hr	
2	Crafts-skilled	Line Mfg. Supervisor	HS Education	2	\$12-\$15/hr	
12	Crafts- semi-skilled	Line Mfg. Assistant	HS Education	0	\$9-\$11/hr	

Business Signature – Authorized Person

Date

Russell A. Knudsen, Director of Corporate Finance  
Typed Name and Title

**STATE OF NEBRASKA**  
**COMMUNITY DEVELOPMENT BLOCK GRANT**  
**EMPLOYEE CERTIFICATION FORM**

For use by ePower Engine Systems to meet the requirements of the Nebraska Department of Economic Development and U.S. Department of Housing and Urban Development (HUD).

Dear Employee or Applicant:

Please provide the information requested on this form by so that we can verify to the Nebraska Department of Economic Development that your employment here is achieving the goals of the Nebraska Community Development Block Grant Program. This information is voluntary. Your response should be based upon the earned family income in the county in which you reside. The information will be placed in your confidential personnel file and is available to only a limited number of company officials. The information is subject to verification by officials from the City of LaVista, Nebraska and representatives of the Nebraska Department of Economic Development.

**EMPLOYEE or APPLICANT:** Please answer questions 1, 2 and 3:

Find your family size and household income level. Count all family members including yourself living at home.

**HUD Income guidelines for WASHINGTON, DOUGLAS, SARPY, CASS CO., NEBRASKA**

**(Please ask personnel staff for additional tables if you live in a county not listed above)**

**Family**

**Size:**

1 PERSON 2 PERSONS 3 PERSONS 4 PERSONS 5 PERSONS 6 PERSONS 7 PERSONS 8 PERSONS

Row A	\$14,800	\$16,900	\$19,000	\$21,100	\$22,800	\$24,500	\$26,200	\$27,900
Row B	\$24,650	\$28,150	\$31,650	\$35,150	\$38,000	\$40,800	\$43,600	\$46,400
Row C	\$39,400	\$45,000	\$50,650	\$56,250	\$60,750	\$65,250	\$69,750	\$74,250

1) My household size is \_\_\_\_\_ persons.

Please check the box below that represents your **TOTAL** household income **FOR LAST YEAR** in relation to the income levels in rows A, B, and C above. **LAST YEAR my total income was:**

**LESS THAN THE AMOUNT IN ROW A**  
 **BETWEEN THE AMOUNTS IN ROWS B AND C**

**BETWEEN THE AMOUNTS IN ROWS A AND B**  
 **MORE THAN THE AMOUNT IN ROW C**

2) Please Check the Box(es) that identify your race:

Single Race:

White  
 Black/African American  
 Asian  
 American Indian/Alaskan Native  
 Native Hawaiian/Other Pacific Islander  
 Other

Multi-Racial Identifiers:

American Indian/Alaskan Native **and** White  
 Asian **and** White  
 Black/African American **and** White  
 American Indian/Alaskan Native **and** African/American  
 Other Multi-Racial

3) Please answer these questions:

Do you consider yourself as being of Hispanic ethnicity?

Yes       No

What sex are you?

Female       Male

Do you have a disability that is a substantial handicap?

Yes       No

Are you a female head of household?

Yes       No

Your Name \_\_\_\_\_  
 (please print)

Your Signature: X \_\_\_\_\_

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

**TO BE COMPLETED BY THE BUSINESS** Please indicate job category for which this employee or applicant is being considered: See attached sheet for description of job categories)

Officials or Managers     Professional     Technicians     Sales     Office or Clerical  
 Craft Worker (skilled)     Operatives (semi-skilled)     Laborers (unskilled)     Service Workers

**HUD INCOME GUIDELINES**

**DODGE COUNTY, NE**

**Family**

**Size:**

	1 PERSON	2 PERSONS	3 PERSONS	4 PERSONS	5 PERSONS	6 PERSONS	7 PERSONS	8 PERSONS
Row A	\$11,950	\$13,650	\$15,350	\$17,050	\$18,450	\$19,800	\$21,150	\$22,550
Row B	\$19,900	\$22,750	\$25,600	\$28,400	\$30,700	\$32,950	\$35,250	\$37,500
Row C	\$31,850	\$36,400	\$40,950	\$45,450	\$49,100	\$52,750	\$56,400	\$60,000

**LANCASTER COUNTY, NE**

**Family**

**Size:**

	1 PERSON	2 PERSONS	3 PERSONS	4 PERSONS	5 PERSONS	6 PERSONS	7 PERSONS	8 PERSONS
Row A	\$14,400	\$16,450	\$18,500	\$20,550	\$22,200	\$23,850	\$25,500	\$27,150
Row B	\$24,000	\$27,400	\$30,850	\$34,250	\$37,000	\$39,750	\$42,500	\$45,250
Row C	\$38,400	\$43,850	\$49,350	\$54,800	\$59,200	\$63,600	\$68,000	\$72,350

**SAUNDERS CO, NE**

**Family**

**Size:**

	1 PERSON	2 PERSONS	3 PERSONS	4 PERSONS	5 PERSONS	6 PERSONS	7 PERSONS	8 PERSONS
Row A	\$13,650	\$15,600	\$17,550	\$19,450	\$21,050	\$22,600	\$24,150	\$25,700
Row B	\$22,700	\$25,950	\$29,200	\$32,400	\$35,000	\$37,600	\$40,200	\$42,800
Row C	\$36,300	\$41,500	\$46,700	\$51,850	\$56,000	\$60,150	\$64,300	\$68,450

**HARRISON, MILLS, POTTAWATTAMIE COUNTY, IA**

**Family**

**Size:**

	1 PERSON	2 PERSONS	3 PERSONS	4 PERSONS	5 PERSONS	6 PERSONS	7 PERSONS	8 PERSONS
Row A	\$14,800	\$16,900	\$19,000	\$21,100	\$22,800	\$24,500	\$26,200	\$27,900
Row B	\$24,650	\$28,150	\$31,650	\$35,150	\$38,000	\$40,800	\$43,600	\$46,400
Row C	\$39,400	\$45,000	\$50,650	\$56,250	\$60,750	\$65,250	\$69,750	\$74,250

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

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

**SYNOPSIS**

A public hearing was held by the Council on September 21, 2010, and the resolution was tabled to approve a replat application for Lots 1 and 2, Brook Valley Business Park Replat Four (a replat of Lots 33C and 55A, Brook Valley Business Park), generally located southwest of 109<sup>th</sup> Avenue and Olive Street.

**FISCAL IMPACT**

None.

**RECOMMENDATION**

Approve.

**BACKGROUND**

On September 21, 2010, the City Council held a public hearing to consider a replat application for Lots 1 and 2, Brook Valley Business Park Replat Four (a replat of Lots 33C and 55A, Brook Valley Business Park), generally located southwest of 109<sup>th</sup> Avenue and Olive Street. The application was submitted by one of the property owners, Zych Drywall, Inc. Both properties are zoned I-2, Heavy Industrial; the lots are developed as Zych Drywall and All About Storage.

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

The resolution was tabled pending completion of the following conditions:

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

With the exception of #1, these items have now been addressed (a detailed staff report is attached).

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

K:\APPS\City Hall\CNCLRPT\10file\10 CD Brook Valley Bus Replat 4rev.doc

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, DETERMINING CONDITIONS FOR APPROVAL OF A REPLAT OF PART OF LOT 33C, BROOK VALLEY BUSINESS PARK, A SUBDIVISION LOCATED IN THE NE  $\frac{1}{4}$  AND IN THE SE  $\frac{1}{4}$  OF SECTION 17, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6<sup>TH</sup> P.M., AND ALSO LOT 55A, BROOK VALLEY BUSINESS PARK, A SUBDIVISION LOCATED IN THE NE  $\frac{1}{4}$ , SECTION 17, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6<sup>TH</sup> P.M., SARPY COUNTY, NEBRASKA.

WHEREAS, the owners of the above described piece of property have made application for approval of a Replat for Part of Lot 33C, Brook Valley Business Park, a subdivision located in the NE  $\frac{1}{4}$  and in the SE  $\frac{1}{4}$  of Section 17, Township 14 North, Range 12 East of the 6<sup>TH</sup> P.M., and also Lot 55A, Brook Valley Business Park, a subdivision located in the NE  $\frac{1}{4}$ , Section 17, Township 14 North, Range 12 East of the 6<sup>TH</sup> P.M., Sarpy County, Nebraska, to be replatted as Lots 1 and 2, Brook Valley Business Park Replat Four; and

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

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

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of La Vista, Nebraska, that the plat for Part of Lot 33C, Brook Valley Business Park, a subdivision located in the NE  $\frac{1}{4}$  and in the SE  $\frac{1}{4}$  of Section 17, Township 14 North, Range 12 East of the 6<sup>TH</sup> P.M., and also Lot 55A, Brook Valley Business Park, a subdivision located in the NE  $\frac{1}{4}$ , Section 17, Township 14 North, Range 12 East of the 6<sup>TH</sup> P.M., Sarpy County, Nebraska, being replatted as Lots 1 and 2, Brook Valley Business Park Replat Four, generally located southwest of 109<sup>th</sup> Avenue and Olive Street, be, and hereby is, approved subject to the resolution of the following item identified by the City Engineer:

1. The granting of an ingress/egress easement across proposed Lot 2, in a location approved by the City, for the City to have vehicular access for maintenance of an existing public sanitary sewer.

PASSED AND APPROVED THIS 21ST DAY OF DECEMBER 2010.

CITY OF LA VISTA

ATTEST:

Douglas Kindig, Mayor

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Pamela A. Buethe, CMC  
City Clerk



**CITY OF LA VISTA  
PLANNING DIVISION**

**RECOMMENDATION REPORT**

CASE NUMBER:

FOR HEARING OF: December 21, 2010  
Report Prepared on: December 15, 2010

**I. GENERAL INFORMATION**

**A. APPLICANT:**

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

**B. PROPERTY OWNER:**

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

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

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

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

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

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

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

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

**II. BACKGROUND INFORMATION**

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

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

### **III. ANALYSIS**

- A. COMPREHENSIVE PLAN:** The Future Land Use Plan of the Comprehensive Plan designates the area for industrial development.
- B. OTHER PLANS:** None.
- C. TRAFFIC AND ACCESS:**
  - 1. An ingress/egress easement across proposed Lot 2 is needed for the city to have vehicular access for maintenance of an existing public sanitary sewer that is across the south end of Lot 2. The route and granting of this easement has been agreed upon.
- D. UTILITIES:** All utilities exist on the site. As discussed in III(C), an access easement has been agreed upon for the existing public sanitary sewer.

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

- 1. One of the reasons for this replatting is that an easement will be provided over proposed Lot 1 to provide for a gas service to the existing facility on proposed Lot 2. The applicant has provided a letter, dated October 6, 2010, stating their understanding that the approval of the replat does not allow them to secure a gas line easement under the existing railroad right-of-way. The letter also acknowledges that Metropolitan Utilities District (MUD) will not provide gas service until the railroad easement has been officially released or the applicant has been given permission in writing to allow the crossing of said easement.

A December 6, 2010 letter from Jones Lang LaSalle, the property manager for BNSF Railway Company, stating that it approves of the replat as presented with the natural gas line easement that overlays the current BNSF easement.

- 2. Any development on these lots that meet the definition of “significant redevelopment” as set forth in Chapter 154 of the City Municipal Code will be required to provide Post Construction Storm Water Management facilities.
- 3. The proposed development on Lot 1 may impact existing storm and sanitary sewers and may impact existing drainage paths. Prior to the issuance of any

building permit on Lot 1, a drainage study addressing drainage paths for all storms up to 100-year events will be required.

4. The applicant for Lot 55A was required to submit a letter stating that he understands that if the BNSF does not release the spur track easement, he may not be able to utilize the additional property being added to Lot 55A in the manner that he desires. This letter has been submitted.

**V. STAFF RECOMMENDATION:**

Approval of the replat contingent on City Engineer approval of easement location prior to presentation to City Council.

**VI. RECOMMENDATION OF PLANNING COMMISSION:**

Approval of the replat with the following conditions:

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

**VII. ATTACHMENTS TO REPORT:**

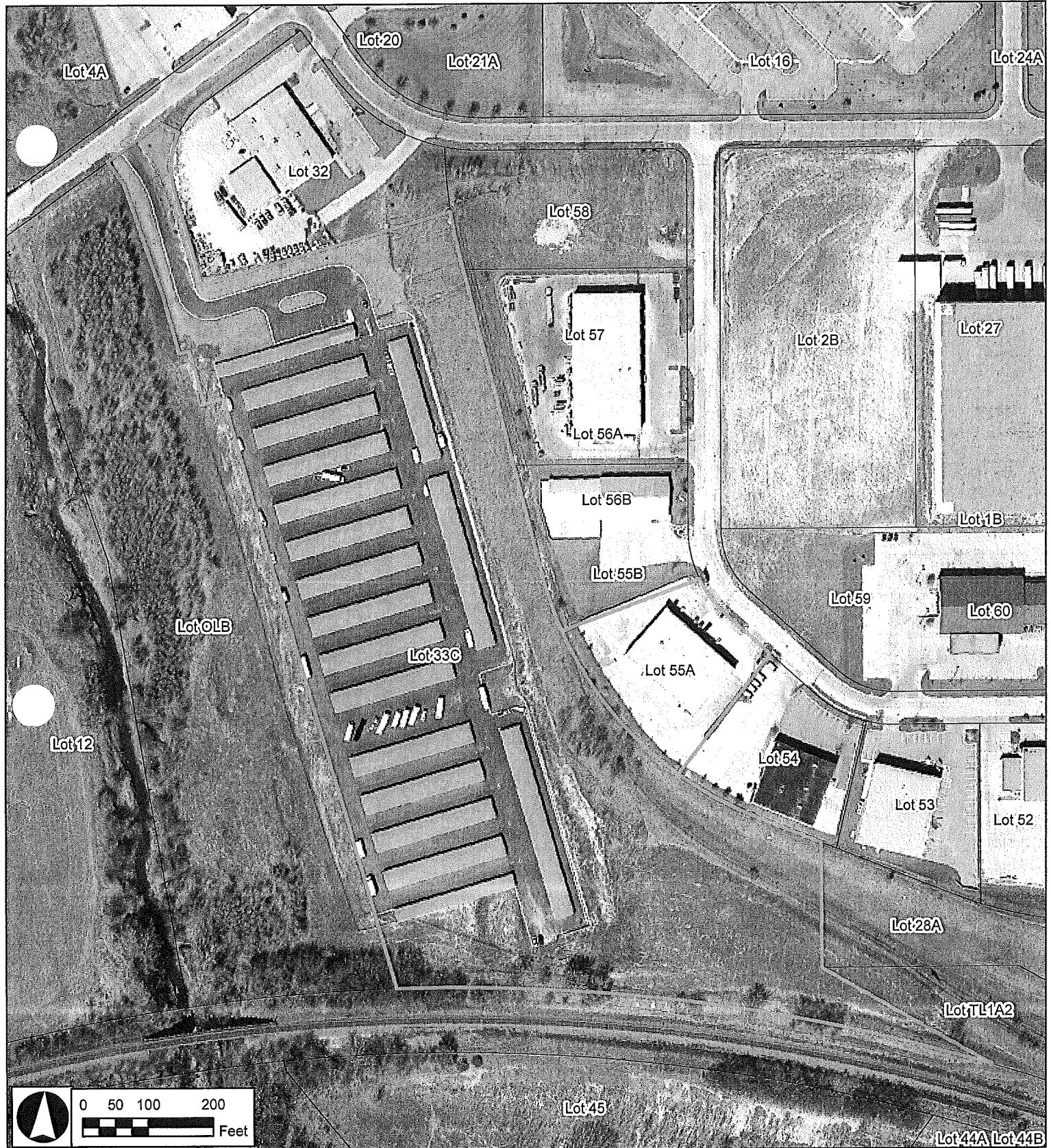
1. Vicinity Map
2. Final Plat
3. Letter from Ron Zych dated August 9, 2010
4. Letter from Craig M. Wolf dated October 6, 2010
5. Letter from Geoff Beckett dated December 6, 2010

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

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

*Chris Solberg*  
Prepared by:

*Am Bmz* *12-16-10*  
Community Development Director Date



## Vicinity Map

## Brook Valley Replat 4

August 4, 2010  
CAS





August 9, 2010

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

RE: Brook Valley Business Park  
Replat 4

To Whom It May Concern:

I Ron Zych owner of Lot 55A understand that the City of La Vista is not responsible for the release of the Burlington Northern Railroad easement located at the rear of my lot.

I understand that the approval of the above referenced project does not allow me to build a new building over the existing railroad easement until the Burlington Northern Railroad officially releases the easement on my property.

Ron Zych

A handwritten signature in black ink, appearing to read "Ron Zych".

October 6, 2010

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

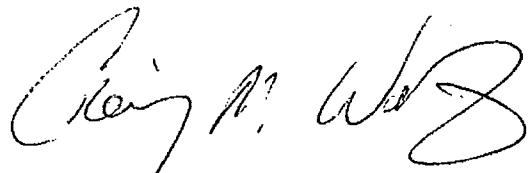
RE: Brook Valley Business Park  
Replat 4

To Whom It May Concern:

I Craig M. Wolf manager of Lot 33C understand that the City of La Vista is not responsible for the release of the Burlington Northern Railroad easement or for allowing permission to cross said easement for additional utility services located adjacent to the rear of my lot.

I understand that the approval of the above referenced project does not allow me to secure a gas line easement under the existing railroad until Burlington Northern Railroad officially releases the easement or agrees in writing to allow crossing said easement for gas service.

I also understand that the Metropolitan Utility District (MUD) will not provide gas service until the railroad easement has been officially released or I have been given permission in writing to allow the crossing of said easement.



Craig M. Wolf  
Manager



JONES LANG  
LASALLE

Jones Lang LaSalle Americas, Inc.  
3017 Lou Menk Drive Suite 100 Fort Worth Texas 76131-2800  
tel +1 817 230 2600 fax +1 817 306 8129

December 6, 2010

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

Dear Mr. Solberg:

As a follow up to the 09/21/10 letter written by Don Bratton, Senior Transaction Manager, Jones Lang LaSalle, Mr. Ron Zych thru his representative, E & A Consulting Group, Inc., is attempting to re-plat land within a BNSF Railway Company ("BNSF") easement. This re-plat contains a natural gas easement which overlays the current BNSF easement. BNSF approves of the re-plat, as long as the re-plat displays and memorializes the BNSF easement.

Please note, The BNSF easement is in process of being released to Mr. Zych and until BNSF actually signs the Release of Easement Agreement and the accompanying Quitclaim Deed, there is no formal consent from BNSF to a release.

Please call me if you have any questions. Jones Lang LaSalle is acting as property manager for the BNSF Railway Company.

Sincerely,

Geoff Beckett  
Transaction Manager  
Jones Lang LaSalle Americas, Inc.  
[geoff.beckett@am.jll.com](mailto:geoff.beckett@am.jll.com)

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

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
NOTICE OF INTENT UNDER IRS CODE THOMPSON CREEK PROJECT	◆ RESOLUTION ORDINANCE RECEIVE/FILE	SHEILA A. LINDBERG FINANCE DIRECTOR

**SYNOPSIS**

A *Reimbursement Resolution* has been prepared to preserve the City's ability to issue bonds at a later date for the Thompson Creek project.

**FISCAL IMPACT**

The FY10/11 Capital Improvement Program identifies that bond proceeds will be issued to pay for 12.5% of this project.

**RECOMMENDATION**

Approval.

**BACKGROUND**

The Internal Revenue Code requires that such a resolution be in place prior to the City making any payments if in the future the City were to request reimbursement of those funds from a tax-exempt obligation.

The City has begun its expenditures on the above reference project this fiscal year. In order to have the future expenses be paid by bonds, this resolution is necessary.

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA DECLARING THE CITY'S OFFICIAL INTENT TO REIMBURSE ORIGINAL EXPENDITURES FOR THE ACQUISITION, DEMOLITION, AND STABILIZATION OF THOMPSON CREEK FOR FLOOD CONTROL PURPOSES WITH PROCEEDS OF A TAX EXEMPT BOND ISSUE.

NOW THEREFORE, BE IT RESOLVED, and enacted by the Mayor and City Council of the City of La Vista, Nebraska (the "City"), as follows:

Section 1. The Mayor and City Council of the City hereby find and determine that it is necessary and appropriate to declare their official intent to issue bonds on behalf of the City and in addition, the City's reasonable expectations to reimburse certain expenditures with the proceeds of such bonds as proposed to be issued by the City in connection with the proposed project as described below. The maximum principal amount of obligations contemplated to be issued for such project is currently \$350,000.00

Section 2. This resolution shall stand as a statement of the City's official intent under Regulation Section 1.150-2 of the regulations of the United States Treasury and for such purpose the following information is hereby given:

1. A general functional description of the project for which expenditures may be made and reimbursement from bond proceeds provided is as follows:

Stabilization of Thompson Creek for flood control purposes, including without limitation the acquisition of real property, demolition of existing structures adjacent to or near the creek, construction or installation of flood control devices, and any and all other necessary improvements necessary in connection with such flood control project.

Section 3. That the City Clerk shall make a copy of this resolution available for public inspection at the main office of the City at all times during normal business hours within ten days after the adoption hereof. Such copies shall remain available for public inspection at all times until the bonds or such other tax-exempt obligations contemplated herein are issued.

PASSED AND APPROVED THIS 21ST DAY OF DECEMBER, 2010

CITY OF LA VISTA

ATTEST:

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Douglas Kindig, Mayor

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Pamela A. Buethe, CMC  
City Clerk

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

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
NOTICE OF INTENT UNDER IRS CODE HELL CREEK – HARRISON STREET BRIDGE PROJECT	◆ RESOLUTION ORDINANCE RECEIVE/FILE	SHEILA A. LINDBERG FINANCE DIRECTOR

**SYNOPSIS**

A *Reimbursement Resolution* has been prepared to preserve the City's ability to issue bonds at a later date for the Hell Creek – Harrison Street Bridge project.

**FISCAL IMPACT**

The FY10/11 Capital Improvement Program identifies that bond proceeds will be issued to pay for this project.

**RECOMMENDATION**

Approval.

**BACKGROUND**

The Internal Revenue Code requires that such a resolution be in place prior to the City making any payments if in the future the City were to request reimbursement of those funds from a tax-exempt obligation.

The City has begun its expenditures on the above reference project this fiscal year. In order to have the future expenses be paid by bonds, this resolution is necessary.

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA DECLARING THE CITY'S OFFICIAL INTENT TO REIMBURSE ORIGINAL EXPENDITURES FOR THE REPAIR OF DAMAGED STREAM BANK, STORM SEWER SYSTEM, AND CHANNEL RIP-RAP FOR STABILIZATION OF HELL CREEK FOR FLOOD CONTROL PURPOSES WITH PROCEEDS OF A TAX EXEMPT BOND ISSUE.

NOW THEREFORE, BE IT RESOLVED, and enacted by the Mayor and City Council of the City of La Vista, Nebraska (the "City"), as follows:

Section 1. The Mayor and City Council of the City hereby find and determine that it is necessary and appropriate to declare their official intent to issue bonds on behalf of the City and in addition, the City's reasonable expectations to reimburse certain expenditures with the proceeds of such bonds as proposed to be issued by the City in connection with the proposed project as described below. The maximum principal amount of obligations contemplated to be issued for such project is currently \$850,000.00

Section 2. This resolution shall stand as a statement of the City's official intent under Regulation Section 1.150-2 of the regulations of the United States Treasury and for such purpose the following information is hereby given:

1. A general functional description of the project for which expenditures may be made and reimbursement from bond proceeds provided is as follows:

Stabilization of Hell Creek for flood control purposes, including without limitation the repair of damaged stream bank and degradation, storm sewer system and channel rip-rap around the bridge structures and along Hell Creek, and any and all other necessary improvements necessary in connection with such flood control project.

Section 3. That the City Clerk shall make a copy of this resolution available for public inspection at the main office of the City at all times during normal business hours within ten days after the adoption hereof. Such copies shall remain available for public inspection at all times until the bonds or such other tax-exempt obligations contemplated herein are issued.

PASSED AND APPROVED THIS 21ST DAY OF DECEMBER, 2010

CITY OF LA VISTA

ATTEST:

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

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

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

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
ADVERTISEMENT OF BIDS – THOMPSON CREEK ACQUISITIONS PHASE 1 DEMOLITION	◆ RESOLUTION ORDINANCE RECEIVE/FILE	JOHN KOTTMANN CITY ENGINEER/ASSISTANT PUBLIC WORKS DIRECTOR

**SYNOPSIS**

A resolution has been prepared authorizing the advertisement of bids for the demolition of the first group of houses that have been acquired and vacated in the Thompson Creek Voluntary Property Acquisition project. The first six homes are 7205 Park View Blvd., 7301 Park View Blvd., 7405 Park View Blvd., 7601 South 73<sup>rd</sup> Ave., 7548 Valley Rd., and 7602 Valley Rd.

**FISCAL IMPACT**

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

**RECOMMENDATION**

Approval

**BACKGROUND**

At the February 2, 2010 City Council meeting the Council accepted a FEMA grant award to facilitate the acquisition of up to 24 homes along Thompson Creek. The conditions of the grant require the demolition of the properties. At this time, six homes have been acquired, vacated, and have been inspected for hazardous materials such as asbestos and lead. The demolition plans and specifications have been prepared in-house. The following schedule is suggested:

Publish Notice to Contractors	Dec. 30, 2010 and Jan. 6, 2011
Pre-Bid Site Inspection	Jan. 5, 2011, 1:30pm to 3:00pm
Open Bids	Jan. 10, 2011
City Council Award Contract	Jan. 18, 2011

The specifications allow 30 working days to complete all demolition work after Notice to Proceed is issued, but no individual property is to be in the demolition process for more than 10 working days.

A copy of the specifications are available for viewing in the City Clerk's office.

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE ADVERTISEMENT FOR BIDS FOR PHASE I OF THE DEMOLITION OF HOUSES IN THE THOMPSON CREEK VOLUNTARY PROPERTY ACQUISITION PROJECT.

WHEREAS, the City Council has determined that the demolition of houses in the Thompson Creek voluntary property acquisition project is necessary, and

WHEREAS, the FY 2010/11 Capital Improvement Program provides funding for the demolition of these houses, and

WHEREAS, 75% of the project will be reimbursed by FEMA and 12.5% will be reimbursed by Papio-Missouri River NRD, and

WHEREAS, the City Engineer, has prepared plans and specifications for said demolitions.

NOW, THEREFORE BE IT RESOLVED, that the City Administrator is hereby authorized to advertise for bids for the demolition of houses in the Thompson Creek voluntary property acquisition project in accordance with plans and specifications prepared by the City Engineer and said bids are to be opened and publicly read aloud at 10 a.m. at the office of the City Clerk, 8116 Park View Boulevard, La Vista, Nebraska on January 10, 2011.

Publish Notice to Contractors	December 30, 2010 and January 6, 2011
Pre-Bid Site Inspection	January 5, 2011, 1:30 p.m. to 3:00 p.m.
Open Bids	January 10, 2011
Award Bid	January 18, 2011

PASSED AND APPROVED THIS 21ST DAY OF DECEMBER, 2010

CITY OF LA VISTA

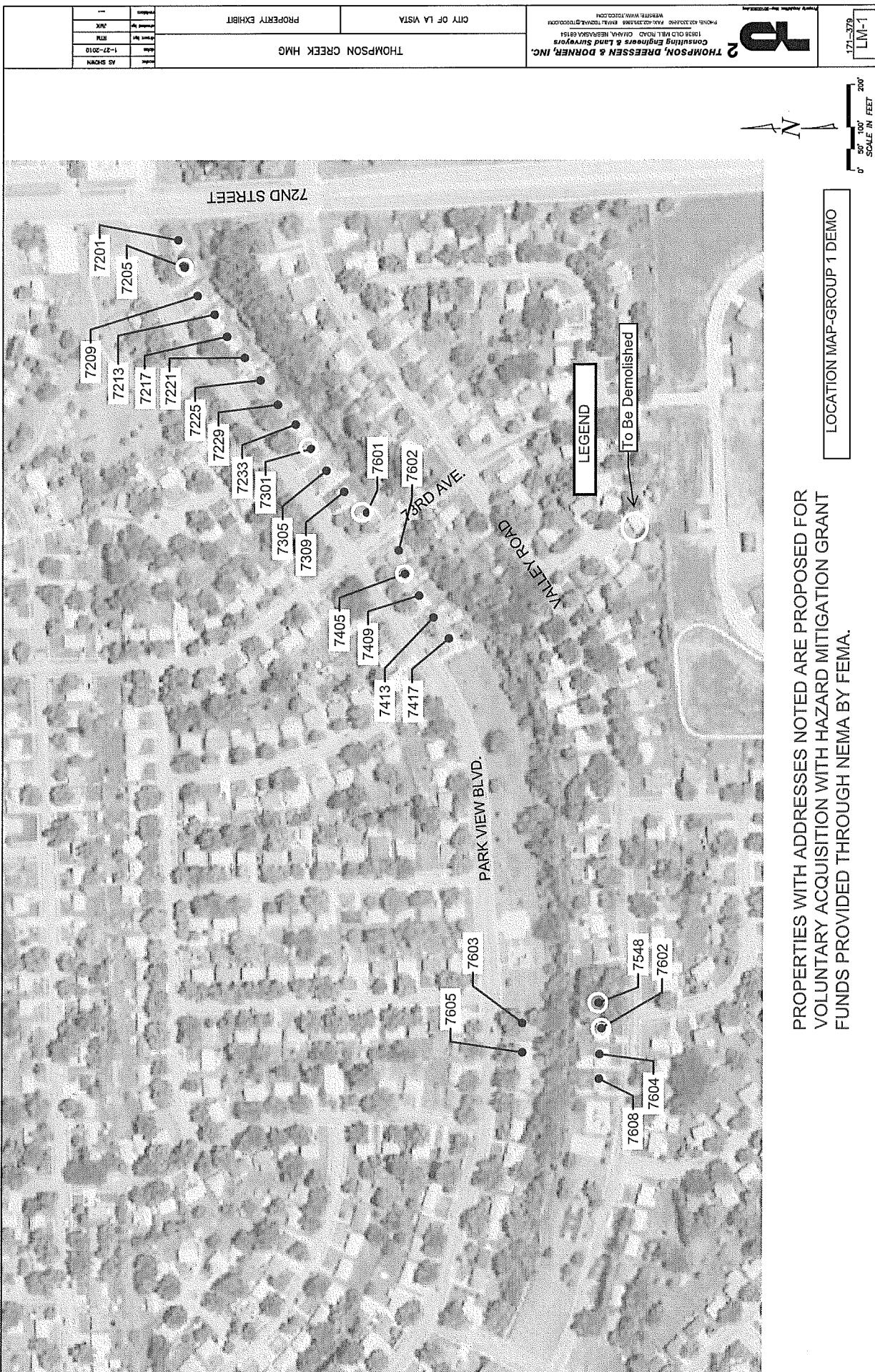
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Douglas Kindig, Mayor

ATTEST:

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Pamela A. Buethe, CMC  
City Clerk



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

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
AUTHORIZATION TO ADVERTISE REQUEST FOR PROPOSALS — INFORMATION TECHNOLOGY STRATEGIC PLAN	◆ RESOLUTION ORDINANCE RECEIVE/FILE	SHEILA LINDBERG FINANCE DIRECTOR

**SYNOPSIS**

A resolution has been prepared authorizing the advertisement of requests for proposals (RFP) for an Information Technology Strategic Plan for the City of La Vista.

**FISCAL IMPACT**

The FY 10/11 Capital Improvement Program contains funding for the technology analysis. No funds for these services will be committed until a contract has been approved by Council.

**RECOMMENDATION**

Approval.

**BACKGROUND**

The City's strategic plan identifies the need to have an outside resource complete an analysis of the City's existing information technology and develop an information technology (IT) strategic plan.

This IT Strategic Plan will be utilized to identify and prioritize future investments in technology supportive of the City's evolving technology needs.

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE ADVERTISEMENT OF REQUEST FOR PROPOSALS FOR AN INFORMATION TECHNOLOGY STRATEGIC PLAN.

WHEREAS, the Mayor and Council have determined that it is desirable to take proposals for an information technology strategic plan; and

WHEREAS, the Finance Director has prepared specifications for the request for proposals; and

WHEREAS, the FY 2010/11 Capital Improvement Program budget provides funding for such professional services.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council hereby authorize the advertisement for request for proposals and the City Clerk is hereby authorized to advertise for the proposals in accordance with the specifications prepared by the Finance Director, and said sealed proposals are to be opened publicly at 10:00 a.m. February 4, 2011, at City Hall, 8116 Park View Blvd., La Vista, Nebraska 68128.

Publish Notice	January 6, 2011
Open Proposals	February 4, 2011, 10:00 a.m.
Tentative Award Date	April 19, 2011

PASSED AND APPROVED THIS 21ST DAY OF DECEMBER 2010.

CITY OF LA VISTA

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Douglas Kindig, Mayor

ATTEST:

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Pamela A. Buethe, CMC  
City Clerk

**REQUEST FOR PROPOSALS**  
**INFORMATION TECHNOLOGY STRATEGIC PLAN**  
**CITY OF LA VISTA, NEBRASKA**

Advertisement of Bids:	January 4, 2011
Bid Opening:	Friday, February 4, 2011 La Vista City Council Chambers 8116 Park View Boulevard 10:00 a.m.
Award of Contract:	April 19, 2011

Sealed proposals will be received until 12:00 p.m. local time on February 4, 2011, at the La Vista City Hall, 8116 Park View Boulevard, La Vista, Nebraska. Bids received after this time will not be accepted. This RFP is issued by the City of La Vista. All correspondence, questions and additional information regarding this RFP must be presented in writing and addressed to City of La Vista, Attn: City Clerk Pam Buethe, 8116 Park View Boulevard, La Vista, Nebraska, 68128, or electronically to [pbuethe@cityoflavista.org](mailto:pbuethe@cityoflavista.org). Proposals should be addressed as follows:

**City of La Vista — Sealed Proposal for IT Strategic Plan**  
Attn: City Clerk  
8116 Park View Boulevard  
La Vista, NE 68128-2198

The City of La Vista reserves the right to reject any and all bids and to waive informalities or irregularities in the bidding or any bid, and at any time to negotiate with the various proposers when such is deemed by the City to be in its best interest. The right is also reserved to accept or reject any part of a proposal.

As required by State law, the Proposer shall not discriminate against any employee or applicant for employment, to be employed in the performance of the work described herein, with respect to their hire, tenure, terms, conditions, or privileges of employment, based on their race color, religion, sex, disability, or national origin.

The City of La Vista is seeking a qualified firm to submit proposals for:

1. Information Technology Strategic Plan

## INSTRUCTIONS TO PROPOSERS

1. The Proposer shall include in his/her Proposal a signed statement certifying that the services being offered do or do not meet the Scope of Work supplied with the call for Proposals. In addition to said statement, the Proposer must provide sufficient data on the services being offered to enable the City Council to determine the grade and/or quality of the services being offered. In every case, Proposer shall indicate where the services being offered vary from the supplied specification.
2. **PROPOSALS SHALL BE SUBMITTED WITH ONE (1) ORIGINAL AND TWELVE (12) COPIES.** All Proposals shall be submitted with original ink signatures by the person authorized to sign.
3. Erasures, interlineations or other modifications in the Proposal shall be initialed in original ink by the authorized person signing the Proposal.
4. In the case of errors in extension of prices in Proposal, the unit price will govern.
5. When a pre-Proposal conference is scheduled, all prospective Proposers are urged to have a representative present. In any case where this is not possible it is the Proposer's responsibility to make certain that any information disclosed at the conference is considered when preparing a Proposal. Under no circumstances will the City consider making an adjustment in Scope of Work or Fee Amount after Proposals are opened based on the Proposer's ignorance of information disclosed at the Proposal conference.
6. Any Proposer may withdraw his/her Proposal, either personally or by written request, at any time prior to the closing time for receipt of Proposals.
7. All amendments to Proposals must be signed and returned to the City Clerk with the Proposal on the specified due date and time.
8. Proposals received after the scheduled closing time for receipt of Proposals will be returned, unopened, to the Proposer(s).
9. All Proposals may be rejected if the City Council determines that rejection is in the public interest.
10. The City reserves the right to waive any informalities in accepting and evaluating Proposals.
11. If a person contemplating a Proposal for a proposed contract is in doubt as to the true meaning of any part of the Proposal documents, or finds discrepancies in or omissions from said documents, he/she shall submit to the office of the City Clerk of the City of La Vista a written request for an interpretation or correction thereof. The person submitting the request shall be responsible for its prompt delivery.

12. It is the responsibility of all Proposers to examine the entire set of Proposal documents and seek clarification of any item or requirement that may not be clear and to check all responses for accuracy prior to submitting a Proposal. The proposer is required to insure that the documents received through any electronic method or Bid posting service are complete. Negligence in preparing a Proposal confers no right of withdrawal after due date and time.
13. Questions regarding the Scope of Work received less than five business days before the Proposal opening shall not be answered. Any interpretation or correction of the proposed documents will be made only by addendum, duly issued, and a copy of such addendum will be mailed or delivered to all who are known to have received a set of Proposal documents. The City of La Vista is not responsible for any other explanations or interpretations of the proposed documents.
14. Any addenda will be posted on the City's website [www.cityoflavista.org](http://www.cityoflavista.org). Each Proposer may ascertain prior to submitting his/her Proposal that he/she is in receipt of all addenda issued by telephoning the City Clerk's office at (402) 331-4343. Proposer shall acknowledge all addenda in accordance with the instructions on the Proposal.
15. Failure on the part of the Proposer to comply with all of these instructions may result in Proposal rejection by the City Council.
16. All Proposal prices shall be guaranteed by the Proposer to remain unchanged for a period of six months (180) days from and including the date of the Proposal opening.
17. The Proposal specifications shall take precedence in any situation where the instructions to Proposer and the Proposal specifications are contradictory.
18. The City of La Vista and vendors will use their best cooperative efforts to resolve disputes arising in the normal course of business at the lowest organizational level between each party's staff with appropriate authority to resolve such disputes. When a dispute arises which cannot be resolved in the normal course of business, the authorized persons shall notify the other of the dispute, with the notice specifying the disputed issues and the position of the party submitting the notice. The authorized persons shall use their best good faith efforts to resolve the dispute within five business days of submission by either party to the other of such dispute notice.
19. All known subcontractors to this project must be identified in the submittal. No subcontract will be construed as making the City a party of or to such subcontract, or subjecting the City to liability of any kind to any subcontractor. No subcontract shall, under any circumstances, relieve the Independent Contractor of liability and obligation under this contract; and despite any such subletting; the City shall deal through the Independent Contractor. Subcontractors will be dealt with as workmen and representatives of the Independent Contractor.
20. Any proposer objecting to the recommendation of award, rejection of a proposal, solicitation procedures of an RFP, or any portion thereof, must submit a written protest to the City Clerk. This protest must be submitted prior to the City Council meeting at which the

recommendation is on the agenda for award or rejection. The protest must be filed with the City Clerk within three business days from notification of the recommendation.

21. If the City is unable to successfully negotiate a contract with the highest rated proposer, the City may, begin negotiations with the next highest rated proposal, cancel that RFP and resolicit or completely cancel the RFP.

## **ADDITIONAL REQUIREMENTS**

Notwithstanding anything in these specifications to the contrary:

1. Purchase Order. The City of La Vista (“City”) shall issue a purchase order to the successful bidder (sometimes referred to as “supplier”) that contains “Terms of Purchase,” a copy of said terms being included with these bid specifications and incorporated herein by this reference, subject to any modifications as the City determines in its sole discretion are necessary or appropriate. By submitting its bid, each bidder agrees to be bound by all terms and conditions of said purchase order if it becomes the successful bidder.

2. Payment. Payment for services under the contract will be processed within 45 days after completion and receipt of all documentation and information required by the City. The purchase price quoted by supplier in its bid shall include all requirements and deliverables and, when paid, shall constitute full, final and sufficient consideration and satisfaction from the City, and the supplier shall not seek, nor shall the City pay, any additional consideration, charges or amounts.

3. Taxes. Purchases by the City are exempt from the payment of federal excise taxes and Nebraska sales and use taxes and all such taxes shall be excluded from bids. Tax exemption certificates will be provided upon request.

4. Bankruptcy/Insolvency. Supplier agrees that it shall immediately notify City, and City shall have the option to immediately terminate any agreement (without any cost, expense or obligation) with supplier, in the event that supplier makes an assignment for the benefit of creditors, files a petition under any bankruptcy or insolvency code or law, is determined to be insolvent or bankrupt, or petitions for an order for similar relief, petitions or applies to any tribunal for appointment of any receiver or any trustee, or as a debtor in possession, of supplier, or of any such vendor or manufacturer, under any reorganization, arrangement, readjustment of debt, dissolution or liquidation act, code or law of any jurisdiction, whether now or hereafter in effect, or if there is commenced any of the foregoing actions against the supplier or any such vendor or manufacturer, and it is not dismissed within 30 days of such filing.

5. Nonwaiver. Acceptance of the strategic plan or payment of the contract price by City shall not constitute a waiver of any claims of City arising out of (i) any unsettled claims or disputes arising out of any contract requirements; (ii) faulty or defective work first noticed by City after delivery; (iii) failure of the plan to comply with the requirements of any contract requirements; or (iv) any special warranties, maintenance or guarantees required by the contract.

6. Assignment. The successful bidder agrees that it shall not transfer or assign any performance, right or obligation arising out of or resulting from its agreement with the City without the prior written consent of the City.

7. Survival. All provisions of these bid specifications or supplier's bid that by their terms require or provide for continuing performance shall survive delivery and final payment until fully performed.

8. Modifications. Bidder understands, acknowledges and agrees that no employee, agent or representative of the City has any authority to make any representations, statements, warranties, agreements or modifications to, of or regarding these specifications or any contract of the City without the written approval of the City Administrator; provided, however, that any representation, statement, warranty, agreement or modification that has any actual or potential impact to the City of more than \$5,000 shall require the prior written approval of the Mayor and City Council of the City of La Vista.

9. Fair Labor Standards. Pursuant to Neb. Rev. Stat. Section 73-102, by submitting a bid, supplier hereby represents and certifies to the City of La Vista that supplier is complying with, and will continue to comply with, fair labor standards in the pursuit of its business and, if supplier is the successful bidder, in the execution and performance of the contract on which it is bidding; and in the execution and performance of said contract, fair labor standards will be maintained.

## TERMS OF PURCHASE

1. This order may be accepted only upon the terms and conditions set forth herein. Buyer's bid specifications and Seller's bid proposal are incorporated into this order by this reference. When accepted, this order, Buyer's bid specifications and Seller's bid proposal constitute the complete and final agreement and understanding of the Buyer and Seller respecting the goods and services specified; provided, however, that, in the event of any conflict, ambiguity or inconsistency among or between any terms or conditions of this order, the bid specifications and/or the bid proposal, the interpretation resulting in the greater quality shall prevail and the Seller shall provide such greater quality; and provided, further, however, by way of specification and not limitation, that any term or condition contained in any bid proposal, estimate, confirmation, invoice or other document submitted by Seller that is of lesser quality than, or otherwise is less than what is required by, any term or condition of Buyer's bid specifications, shall not be or become a part of this order unless specifically, separately and expressly agreed to in a writing signed by Buyer and Seller, and any such term or condition proposed by the Seller is hereby objected to and any acceptance of Seller containing any such term or condition, or any additional or different term or condition, is hereby rejected. Any term or condition of the bid specifications or this order that requires any continuing or ongoing obligation or performance of Seller beyond delivery of goods or services shall survive and continue after delivery.

2. It is understood that time is of essence under this order. Buyer, in addition to other rights and remedies it may have, shall have the option to, by written notice, terminate this order in whole or in part if Seller fails to make delivery of the goods or services within the time specified in the bid specifications (or any extension thereof by written amendment to this order). Seller shall make no partial deliveries hereunder unless Buyer consents thereto in writing.

3. All shipments are to be made F.O.B. destination, freight prepaid by Seller at its sole cost and expense, to receiving point at the La Vista City Hall, La Vista, Nebraska, unless otherwise indicated on this form. Seller shall have title and risk of loss until goods and services are delivered by Seller and inspected and accepted by Buyer. Payment shall be made no later than 45 days after delivery, which payment shall be contingent on Seller providing such documentation or other information as Buyer deems necessary or appropriate. The purchase price shall be full and final consideration for the goods and services under this order, and Buyer shall not be liable for any additional charges or amounts. Delivery shall occur when all manufacture, assembly, training and testing are completed in accordance with the bid specifications, and title and possession is given, without any shortage, defect or nonconformance, to the satisfaction of Buyer, and Buyer accepts the same; provided, however, that Buyer shall have the option to accept delivery, notwithstanding any shortage, defect or nonconformance, and offset an appropriate amount against the purchase price for Seller to correct the same.

4. All goods and services purchased hereunder shall be subject to inspection by the Buyer at all times and places, including, but not limited to, the periods of manufacture, assembly and testing. Notwithstanding any prior or partial inspection or payments hereunder, items shall also be subject to final inspection prior to acceptance. No inspection or test shall relieve the Seller from responsibility for defects or other failure to meet the requirements of this order unless otherwise agreed to by Buyer in writing.

5. Seller warrants that all goods and services delivered hereunder shall be of good quality and new, in good and working condition, free from any defects in workmanship, material, design or manufacture, and shall comply with the requirements of this order, including all drawings and specifications incorporated herein and all samples furnished by the Seller. Seller further warrants that all items purchased hereunder shall be of merchantable quality and shall be fit and suitable for the purposes intended. The foregoing warranties are conditions to this order and are in addition to all other warranties expressed in the bid proposal or bid specifications or implied, and shall survive any delivery, inspection, acceptance or payment by the Buyer. Seller further warrants that normal warranties of manufacturers shall fully apply to all materials and equipment and shall inure to and be enforceable by the Buyer, which warranties shall be cumulative to, and not in lieu of, any separate warranty or guarantee provided hereunder or in the bid proposal, or required by the bid specifications. If any warranties specified herein or otherwise applicable are breached by the Seller, Buyer may at its election: (1) require the Seller to correct at Seller's sole expense any defect or nonconformance by repair or replacement; or (2) return any defective or nonconforming goods to the Seller at the Seller's expense and recover from the Seller the price thereof. The foregoing remedies are in addition to all other remedies at law or equity or as contained in this order and shall not be deemed to be exclusive. In the event of any discrepancy, ambiguity, inconsistency or conflict in or among any warranty or warranty terms herein or in any bid specifications or any bid proposal, the interpretation that results in the greater warranty protection to the Buyer shall prevail and Seller shall provide such greater warranty protection.

6. The failure of the Buyer to enforce at any time any of the provisions of this order shall in no way be construed as a waiver of such provisions and shall not in any way affect the right of the Buyer thereafter to enforce each and every provision of this order.

7. Buyer, may, by written notice, terminate this order in whole or in part if the Seller fails to perform any of the provisions of this order or so fails to make progress as to endanger performance in accordance with its terms. In the event of termination pursuant to this clause, Buyer may procure, upon such terms and in such manner as Buyer may deem appropriate, supplies and services similar or substantially similar to those so terminated; and the Seller shall be liable to Buyer for any excess costs occasioned Buyer thereby; provided that the Seller shall continue the performance of this order to the extent not terminated. The rights and remedies of the Buyer under this paragraph shall not be exclusive and are in addition to any other rights or remedies provided by law or equity or this order.

8. If litigation arises out of or under this order, the Seller agrees to submit to the jurisdiction of the State of Nebraska and agrees that the Laws of Nebraska will control this order.

9. Seller guarantees that the design and production of equipment being purchased conforms to NFPA, UL, ANSI, OSHA, and any other applicable existing safety standards in effect at the time of shipment.

10. Seller shall indemnify and save Buyer harmless from and against any and all loss, damage or expense whatsoever (including attorneys fees and court costs) resulting to Buyer arising out of claims of (i) infringement of patent or copyright or misappropriation of trade secrets, (ii) defective design, workmanship or material of any good or service hereunder or (iii) Seller's violation of any federal, state or local law, rule or regulation related to the design, manufacture, delivery or sale of any such good or service. In addition to, and not in limitation of the foregoing, Seller shall further maintain insurance in an amount equal to the maximum potential liability of the Buyer under the Nebraska Political Subdivisions Tort Claims Act, as amended from time to time. Said insurance shall be maintained in continuous effect for the maximum periods of limitations and repose for instituting suit in Nebraska under any products liability or tort law, and Buyer shall be an additional named insured on any such policy.

11. Seller represents and agrees that it will not discriminate, and none of its subcontractors shall discriminate, against any employee or applicant for employment, to be employed in performance of this order, on the basis of race, color, religion, sex, disability or national origin; and Seller further represents and agrees that it is complying with fair labor standards in its business and performance of this order, and that it will continue to comply with such standards and require a similar provision in any agreement with a subcontractor resulting from this order.

**City of La Vista**  
**Information Technology Strategic Plan**

**I. INTRODUCTION**

The City of La Vista is soliciting proposals for an Independent Contractor (IC) to provide consulting services associated with an Information Technology Assessment and development of a City wide Information Technology Strategic Plan to insure future investments in technology and promote an environment supportive of the City's evolving needs. This plan will be used to coordinate, guide and maintain the implementation and utilization of a variety of technologies for internal and external City customers in the most efficient and cost effective manner possible. The City considers the citizens of La Vista as our external customers and their satisfaction with City services is crucial. In addition, internal City staff requires an appropriate set of technology-based tools to satisfactorily achieve their respective customer service delivery objectives. Technology use has become so interwoven into the daily performance of job duties and service delivery, that the availability of reliable and usable technology tools has become a presumptive framework for staff performing their most basic duties. This planning initiative will deliver a basis for ensuring the City will always have a five year view into the future for technology issues and associated capital investment. The objective of the City of La Vista Information Technology Strategic Plan is to develop an Information Technology strategy that aligns best practices for governance, security, operations, funding, and accountability of technology and related investment with La Vista's operational cultures and operational business plans.

The IT Strategic Plan must also align with the current Municipal Facilities Plan (MFP). This alignment is crucial to the City's overall operational and financial planning processes and the IC's role in this alignment is of paramount importance.

**Vision for the Future:**

The 'Vision' takes advantage of the enormous opportunity information technology presents:

- Addresses increased service demands.
- Encourages departments to better address their business needs.
- Improves the decision-making process.
- Improves the management of increasing complexities.
- Allows the City to provide services more effectively.

## **II. BACKGROUND**

La Vista has the advantages of a small town with the opportunities of a large city. The roadways, signs, street lights, and developments have been designed to create a beautiful place to live. The people who live and work in La Vista are proud of their community. City leaders and citizens have a progressive vision for La Vista that started with its incorporation 50 years ago. With numerous opportunities for development, the future looks bright. Sitting at the gateway to the Omaha metro area, La Vista is one of the fastest growing cities in Nebraska.

### **Form of Government**

Mayor: Elected at large

City Council: 8 members elected from 4 wards

City Administrator: Appointed by Mayor

**Origination:** La Vista was founded on Feb. 23, 1960, with a population of 1,360. 193 residents filed a petition requesting La Vista become a city.

**Population:** 18,938 (2008 est.)

### **Location**

Omaha metro area in eastern Nebraska

### **Employment Profile by Industry**

Transportation, Information,	
Professional.....	18.5%
Education, Health, Social Services ..	16.1%
Miscellaneous Services.....	15.0%
Manufacturing.....	13.0%
Retail Trade.....	12.8%
Finance.....	11.8%
Construction.....	7.0%
Wholesale Trade .....	5.4%
Agriculture .....	0.4%

### **Business Development**

- Seven of the largest employers in Sarpy County are located in La Vista.
- Opportunities are available for commercial, industrial, and residential development.
- Diverse businesses are attracted to La Vista because of the solid infrastructure, convenient location, skilled residents, and safe, family-oriented culture.

### **Recreation**

- Area parks cover 37 acres
- Premier 81-acre sports complexes
- La Vista Falls Golf Course: 30 acres
- Municipal Pool
- Community Center

- Baseball, softball, soccer, football fields
- Youth recreation programs
- Miles of walking trails
- Senior Programs
- Outdoor activities, festivals, and special events

### **Unique Qualities**

- Youngest city in Sarpy County
- One of the fastest growing cities in Nebraska
- 6 of the 10 busiest intersections in Sarpy County
- Housing options in all price ranges
- Accessibility to all areas of Omaha in minutes
- Nearly 800,000 potential customer and employees in the Omaha metro area

### **Population Growth**

1970.....	4,858
1980.....	9,588
1990.....	9,850
2000.....	11,699
2004.....	14,685
2006.....	17,000
2008.....	18,938

Cost of Living: La Vista 89; U.S. 100

### **Assessed Valuation Growth**

1990.....	\$ 185 M
1995.....	\$ 256 M
2000.....	\$ 397 M
2002.....	\$ 455 M
2005.....	\$ 554 M
2008.....	\$ 951 M
2009.....	\$1,019 B
2010.....	\$1,050 B

### **Housing**

Median value of housing units: \$92,700  
 Vacancy rate of housing units: 2%  
 Average housing permits per year: 180

### **Schools**

Papillion-La Vista School District  
 Number of students: 9,660 (2009)

## **Services**

- Over 20 restaurants
- 6 major malls within 16 miles
- La Vista Public Library
- Churches of many denominations
- Metro Community College

The City has an approximate general fund operating budget of twelve million dollars. City staff is just about at 140 employees (see Exhibit A).

The Municipal Facilities Plan (MFP) provides the City Council and City staff with a comprehensive overview of the current status of the City's physical environment, identification of the most pressing facilities issues, strategies and solutions for addressing those issues, and visioning for the City's future through 2025.

## **III. CITY OF LA VISTA INFORMATION TECHNOLOGY OBJECTIVES**

- a. To develop an IT Strategic Plan that shall be a City-wide vision and set of information technology goals and objectives for the City and processes required to achieve that vision. The IT Strategic Plan is intended to align La Vista's information technology services and support and coordinate with La Vista's public service mission and administrative processes within the City's overall strategic priorities for the next five (5) years.
- b. To develop, maintain, support, and upgrade/improve a cost effective, responsive, secure and stable technical environment.
- c. To provide opportunity for cross-departmental, cross-governmental networks and systems, to serve customers better and at the same or lower cost.
- d. To apply commonly used business metrics to determine a true value of technology projects and associated investment for the City. These may include, but are not limited to: Business Process Analysis, Return on Investment Analysis (ROI), net present value, earned value, balanced scorecard, etc.
- e. To support citizens, employees and business partners in the strategic use of automation and networking.
- f. To integrate Information Technology services in support of City departmental operational business and planning processes.
- g. To develop a process for the prioritization and funding of City information technology initiatives.

- h. To utilize enterprise solutions where feasible.
- i. To implement an efficient purchasing model for information technology equipment, software and services.
- j. To expand the application of e-commerce technology for the delivery of government services to citizens.
- k. To develop facility specifications for information technology infrastructure and business continuity.

#### **IV. CITY of LA VISTA'S CURRENT IT ENVIRONMENT**

La Vista outsources their IT services to Sarpy County Information System's Department.

- 1. The following staff resources are available to La Vista
  - a. IT Director – 1 staff member
  - b. Network Operations Manager – 1 staff member
  - c. Network Technicians – 2 staff members
  - d. Technical Support Specialists – 4 staff members
  - e. Administrative Assistant – 1 staff member
  - f. GIS – 4 staff members
- 2. The operating budget for IT is \$124,000

La Vista's network consists of four sites

- 1. City Hall & District 1 Fire Department
- 2. District 2 Fire Department
- 3. Police Department
- 4. Public Works

City Hall and District 1 Fire are connected through buried fiber. All other sites are connected to City Hall through Proxim wireless equipment.

There are approximately 100 PCs, 4 servers, 100 VoIP telephones, and 8 Motorola wireless access points on the city network. The City's network infrastructure is mostly Extreme Network switches along with an older Cisco 3560 switch. A cable modem from Cox Communications is connected to a Cisco ASA 5505 firewall providing Internet access. Internet filtering is controlled by a Barracuda 310 Web Filter.

The City uses various software packages including: Microsoft Office 2003 and 2007, Microsoft Windows Server 2003 and 2008, Microsoft Active Directory, Microsoft Exchange 2010, Symantec Anti-Virus, Symantec Backup Exec, Symantec Mail Security for Exchange, BluePrince, Commtouch Anti-Spam Protection, Summit, RTA, Gas Boy, Arcview and AutoCad.

## **V. SCOPE**

The Independent Contractor (IC) shall provide consulting services to the City of La Vista in the development of a City-wide Information Technology Strategic Plan (ITSP).

The scope of the IC's work will include, but not be limited to:

- a. Conduct a kickoff meeting and provide appropriate introduction and preparatory materials in coordination with project sponsor (to be delegated by Finance director) to departmental representatives prior to project initiation to ensure these stakeholders are informed and educated.
- b. Development of an information technology ongoing strategic planning process to meet the current and future needs of the City. The IC shall be responsible for working with the IT Committee (see Exhibit B) to develop a template for evaluating and updating the ITSP over time.
- c. Meet with, solicit and document strategic planning input from City departments. This may include focus groups and surveys, email, phone calls, etc. Provide written documentation of the process and the results from these meetings.
- d. Develop a comprehensive assessment of the current state of the City's information technology environment, including current capability, capacity, information technology staffing and resources for all City Departments.
- e. Review, identify and analyze the gaps where the current information technology environment is insufficient (or inappropriate) to meet the computing needs/requirements of the City for both current requirements and for the next five years.
- f. Identify the key cost drivers that are expected to influence the costs of the IT architectural and technical needs of the City.
- g. Develop best practices and methodology for the business planning process for technology initiatives. These shall support the business requirements of the City and Strategic Plan for La Vista.
- h. Align and closely coordinate with all other City strategic planning efforts including the Municipal Facilities Plan (MFP).
  - i. Explore opportunities to use technology to reduce the need for additional staff (FTEs).
  - j. Identify business process(es) that may be improved at the enterprise level as a result of the above review efforts.

- k. Identify best practices for standard technology equipment, rollout of network infrastructure, network security.
- l. Identify opportunities for the IT Committee to institutionalize their involvement in other department's planning efforts.

## **VI. DELIVERABLES**

Upon completion of the scope of work, the final Information Technology Strategic Plan shall at a minimum include:

- A report assessing the current state of the City's information technology environment including current capability, capacity, information technology contractual staffing and resources for all departments
- Recommendations for aligning the information technology strategy with the City's business environment.
- Strategies for meeting defined needs or goals for the current time frame through the next five years.
- Recommendations for innovative/cost-effective information technology solutions.
- Recommendations for systems integration across multiple departments/business units.
- Recommendations for business processes to improve business performance.

The following are a more detailed description of items to be included in the deliverables:

- a. An assessment of the City's most critical information technology needs in a prioritized format with applicable descriptive documentation.
- b. A report based on organizational feedback and input.
- c. Written documentation on how best to involve internal and external customers. Internal customers are defined as departments within the City and external customers as citizens and other governmental agencies.
- d. A set of Best Practices and methodologies for:
  - IT Planning
  - Strategic and operational
  - Standardized IT procurement model
- e. Identification of the key cost drivers that are expected to influence the costs of the architectural and technical needs of the City and recommend an approach to contain them. The Plan shall also include a methodology to measure cost savings and cost avoidance.

- f. Templates, procedures, and a scheduled timeline and governance model for the proposed information technology planning process. Proposed solutions must be supported by a business case.
- g. Recommend an enterprise approach and any alternatives for technology that identifies duplication of resources/investments and opportunities for internal and external collaboration that will result in operational improvements and cost-effective solutions to business requirements.
- h. Establish an annual Information Technology process that will allow the Information Technology Committee and City departments, to clearly make strategic decisions based on existing standards, evolving technologies, enterprise solutions and data integration opportunities.
- i. Match the technology requirements for the City of La Vista to the overall City strategic objectives to ensure that the dollars spent on technology are focused on the areas where the most business value will be returned, while still allowing for the delivery of systems that are deemed as mandates.
- j. Attend and make progress presentations to the City Council and management team as needed. Two (2) presentations at the minimum.

## **VII GENERAL TERMS AND CONDITIONS**

- a) Any subcontractors must be identified in your proposal response. If subcontractors are used, the City of La Vista will consider the proposing vendor to be the Prime Contractor and to be solely responsible in all contractual matters, including payment of any and all charges resulting from such subcontractor arrangements. The Prime Contractor will be fully responsible for the acts, errors, and omissions of the subcontractor. The successful respondent shall cause appropriate provision of its proposal to be inserted in all subcontracts ensuing to ensure fulfillment of all contractual provisions by subcontractors.
- b) All deliverables and/or other products of the contract, including but not limited to all procedures, reports, records, summaries, and other matter and materials prepared or developed by the Independent Contractor in performance of the contract, shall be the sole, absolute and exclusive property of the City of La Vista, free from any claim or retention of rights, thereto on the part of the Independent Contractor, its agents, subcontractor, officers, or employees.
- c) The City shall be entitled to request the removal of individuals working on any project for any of the following grounds, provided that such request be in writing and shall specify the reasons for the City's dissatisfaction: (i) unsatisfactory performance that causes negative operational impact at the City or causes the City to commit additional resources to avoid operational impact; (ii) dishonesty or belligerent conduct; (iii) lack of compatibility with City staff; or (iv) violation of City rules or policies. Upon such written request, the City and IC shall decide on a course of action to cure any such

problems, provided that there shall be no cure opportunity required for problems involving categories (ii) or (iv) in the preceding sentence. In the event IC does not cure the problem within (7) days from the date of notice, IC shall remove such person and shall promptly provide a qualified replacement. The City will be liable for payment of services only up to the time of dismissal and provided then only if services rendered meet the minimum requirements of the City.

- d) Payments for services provided shall be paid, upon approval of the specified deliverables, within 30 days of receipt of a properly documented invoice. The specified deliverables shall include, but not be limited to one (1) electronic copy of the draft deliverables, one (1) electronic copy and twelve (12) hard copies of the final deliverables outlining the consultant's recommendations.

## **VIII. ASSUMPTIONS**

Assumptions associated with the proposed work plan are as follows:

- a) The IC will be directly responsible to the City's Finance Director.
- b) IC is responsible for activities directly related to the development of deliverables as determined in the Project Management Plan.
- c) City will assist in the identification of departmental representatives and assist in the coordination of access to City Departments.
- d) The City will provide all available technical and resource documentation to the IC.
- e) IC will provide appropriate introduction and preparatory materials in coordination with project sponsor to departmental representatives during project initiation to ensure these stakeholders are informed and educated prior to project commencement and interviews.
- f) IC will be responsible for the identification and acquisition of data and materials required for input to the development of the various deliverables to be produced.

## **IX. PRE-PROPOSAL CONFERENCE & SITE VISIT**

All interested vendors are invited to attend a pre-proposal conference and site visit to be held on Friday, January 14, 2011 at 9:30 am local time at La Vista City Hall, 8116 Park View Boulevard, La Vista NE 68128. While this meeting is not mandatory, it is strongly recommended that all interested firms have a representative at this meeting. It is the Proposer's responsibility to make certain that any information disclosed at the conference is considered when preparing a Proposal. Under no circumstances will the City consider making an adjustment in Scope of Work or Fee Amount after Proposals are opened based on the Proposer's ignorance of information disclosed at the Proposal conference. At this conference, questions received to date will be addressed and

new questions accepted. Some questions may not be answered at this meeting if discussions by City staff are required to provide answers. An addendum addressing all questions and clarifications will be issued to all known vendors interested in providing these services.

## **X. CLARIFICATIONS**

Questions concerning this RFP are encouraged to be submitted prior to the pre-conference meeting. The very last day that questions may be submitted before the proposal due date is January 12, 2011.

Questions must be submitted via email to [pbuethe@cityoflavista.org](mailto:pbuethe@cityoflavista.org).

Vendors are expected to raise any questions, exceptions, or additions they have concerning the RFP document 10 working days prior to the submission of the proposal.

If a vendor discovers any significant ambiguity, error, conflict, discrepancy, omission, or other deficiency exists in the RFP, the vendor should immediately notify the above of such error and request modification or clarification of the RFP document. In the event that it becomes necessary to provide additional clarifying data or information, that revises any part of this RFP, supplements or revisions will be provided to all known recipients of this initial RFP via written amendment.

## **XI. PROPOSAL SUBMISSION/FORMAT REQUIREMENTS**

Consultant shall be required to submit one (1) unbound original, clearly marked and identified as such (or on disc), and twelve (12) copies of their proposal no later than 12:00 P.M. CST on Friday **February 4, 2011** to:

**City of La Vista**  
Pamela A. Buethe, City Clerk  
8116 Park View Boulevard  
La Vista, NE 68128

Proposals shall be compiled with comb or similar style binding. Three ring binders are **not** desired. Extra marketing materials and other proposal fluff is not wanted. The proposal shall be concise and to the point of the RFP requirements. Only relevant experience to this project should be indicated in the proposal.

## **XII. SUBMITTAL REQUIREMENTS**

In order for the evaluation committee to adequately compare proposals and evaluate them uniformly and objectively, the following information should be provided.

- a) Letter of Transmittal: Summarize your understanding of the RFP requirements. Indicate who will be the Independent Contractor's authorized representative; give name, title, address, e-mail address, phone and fax. The person identified shall sign this letter and be empowered to make binding commitments for the IC.
- b) Provide a brief description of the organization submitting the proposal, including describing its size, organization, legal status (corporation or partnership, etc.) major type of activity or areas of consulting and its recent (past three years) experience in the performance of similar projects. Identify the number of IT Strategic Plans, and provide samples, that have been developed by your firm **and the team being proposed** in the last three years, and of those plans, two must have been in place for no less than two years. At least one should have utilized a successful ROI. Please provide the name of each referenced firm or agency, contact person, telephone number, and approximate beginning and ending dates of your involvement at these sites. A minimum of two references must be a governmental agency. Identify the individual(s) in your firm responsible for managing/overseeing this type of project to assure that due diligence has been exercised and compliance with the requirements is met. Also describe any unique approaches or techniques developed and used by the firm that would give it an advantage in this specific type of project.
- c) Provide information on the personnel who will be handling this project listing pertinent experience and technical qualifications. Include for each individual the capacity they would serve on this project. The format of individual resumes for key personnel should be as follows:
  - Name and position title
  - Total years experience with current firm and others
  - Education (degree, major, institution, year)
  - Summary of relevant experience and qualifications
  - Identify the number of studies/plans that have been done together by the individuals who will handle the City of La Vista project. Give representative sample and number of IT Strategic Planning projects that were handled and whom they were done for.

In addition, the hourly rate for each individual should be listed in the Cost Proposal only, in the event additional services are required.

- d) Describe, first in summary, then in detail, the approach recommended by your firm to insure the timely and accurate delivery of the IT Strategic Plan and written report. This plan should highlight all milestones and deliverables and include for each task, the individual to be assigned and the number of hours that will be contributed to the task.
  - i) Provide a detailed description of the work plan, approach, methodology and timeline that you propose using to meet the objectives, including phasing and staffing.
  - ii) Specify the level of involvement, number of hours and specific tasks you will require of the IT Staff (or end users) of each objective.

- iii) Provide an estimate of the time commitment to be expected from City departments in participating on this project.
- iv) Identify the Project Leader(s) to be committed to this project and the conditions of the individual's continued availability for follow-on work. Once identified, the project leader(s) cannot be changed without the approval of City of La Vista.
- v) Please describe the Subject Matter Experts (SME) that your firm would be willing to commit to this engagement.
- vi) If the Project Leader(s) is not the primary SME, please describe the working relationship with the Project Leader(s).
- vii) Describe the intellectual resources that would be utilized in this plan, including best practices, case studies, or empirical works authored by your firm.
- viii) Describe the IT planning tools commonly used by your firm in this type of project.
- ix) Describe the planning process, models, and tools used to develop the Approach and Work Plan and its alignment of the City MFP and how they were modified for use for the City of La Vista.
- x) Identify to what extent any process, models, and/or tools are proprietary products of your firm, remembering that as a governmental agency, price and most proposal content cannot be protected.
- xi) Provide examples of the processes and models generally used by your firm in guiding client-staffed planning and/or consensus building initiatives, particularly in governmental environment.
- xii) Describe the staffing and time frames typically involved in performing a general Needs Assessment and Gap Analysis for IT resources at a high or summary level.
- xiii) Describe the methods and strategies typically used or recommended to communicate strategic Information Technology planning goals, objectives and activities to/within the client's organization and City Council.
- xiv) Identify the key risks that you expect on this project and your ability to contain them.
- xv) Provide a cost proposal using the form attached to this RFP. **The cost proposal must be submitted in a separate envelope from the proposal.**
- xvi) Indicate any exceptions you are taking to the terms and conditions, contractual and other requirements defined in the RFP. If exceptions are taken, cite the paragraph involved, the

exception taken, and state alternate language acceptable to the IC. Alternative language is subject to negotiation and/or approval.

### **XXIII. EVALUATION OF PROPOSALS**

Proposals will be evaluated in accordance with the criteria listed below.

- Proposal responsiveness, a clear understanding of Project Scope, Approach to ROI, approach and detailed Work Plan, including Timeline
- Personnel assigned to this project, quality, experience, in IT Strategic Planning and education of individual(s) selected to perform the project, completeness of resume(s).
- Cost (based on the Scope of Services)
- Firm's experience and qualification in providing consulting Services of a similar nature and firm's experience with a County or other units of government.

If a contract is awarded, the award will be made to the "lowest responsible bidder", as determined in the sole discretion of the Mayor and City Council of the City of La Vista. The term "responsible" shall not be limited in its meaning to mere financial responsibility, but includes, without limitations, the ability and capacity of the bidder to perform the work in accordance with the applicable contract requirements. In determining whether a bidder is "responsible" the City may consider, among other factors, the bidders financial ability to perform the contract, ability to comply with specified delivery or performance schedules, and record of integrity and business ethics, as well as any positive or negative experiences of the City with the bidder on prior procurements.

Interviews may be required of selected finalists at the IC's expense. The selected finalists will be notified of the date and time of the interview; however, the interview will be separated into the following parts and shall not exceed two (2) hours:

- Contractor Presentation
- Questions and Answers
- Final wrap up

#### **XIV. PROPOSAL DATES**

The following dates are being provided for your information and planning purposes. Although every effort will be made to follow this schedule, we reserve the right to modify the dates as necessary.

Release of RFP:	January 4, 2011
Pre-Proposal Meeting	January 14, 2011, 10:00 a.m.
Proposals Due:	February 4, 2011 10:00 a.m.
Evaluation of Proposals:	February 2011
Interviews:	March 2011
Notice of Award:	April 19, 2011

Respondents must be available for the interview/demonstration process if they are selected as a finalist so please mark your calendars accordingly. Respondents not selected will also be notified that their proposal will no longer be considered unless the Committee finds, after the completion of interviews, that additional firms should be interviewed.

## EXHIBIT A

<b>Department</b>	<b>Number of Employees</b>
<b>Administration</b>	
City Administrator's Office	4.00
Finance	2.50
City Clerk	3.00
Human Resources	1.50
Intern (Unpaid)	0.25
<b>Public Buildings &amp; Grounds</b>	
Building & Grounds	3.50
<b>Community Development</b>	
Director's Office	2.00
Planning	1.00
Building Inspection	3.50
Code Enforcement	0.00
Intern (Paid)	0.50
<b>Public Safety</b>	
Police (Sworn)	33.00
Police (Civilian)	5.50
Fire Chief's Office	3.00
Intern (Unpaid)	0.50
Volunteers	75.00
<b>Public Works</b>	
Streets	19.24
Streets Seasonal	1.88
Parks	8.00
Parks Seasonal	3.36
Sports Complex	3.00
Sports Complex Seasonal	0.84
<b>Library</b>	
Library Director's Office	5.00
Circulation Clerks	5.90
Library Seasonal	0.25
<b>Recreation</b>	
Recreation Director's Office	5.00
Recreation Assistants	4.00
Senior Bus	1.30
Swimming Pool (Seasonal)	3.99
<b>Sewer</b>	
Sewer Division	6.00
Sewer Division Seasonal & PT	2.08
<b>Golf</b>	
Golf Maintenance	3.26
Golf Clubhouse	3.51
<i>Total</i>	<b>139.61</b>

Note: Staffing Numbers are shown as Full Time Equivalent (FTE)

## Exhibit B

### Information Technology Committee

<b>Department</b>	<b>Name</b>	<b>Position</b>
Administration	Mitch Beaumont	Community Relations Coordinator
Administration	Pam Buethe	City Clerk
Community Development	Christopher Solberg	City Planner
Finance Department	Sheila Lindberg	Finance Director
Fire Department	Melanie Smith	Volunteer Fire Fighter/EMS
Library	Jean Hurst	Librarian II-Computer/Reference
Police Department	Brad Wood	Police Officer
Public Buildings & Grounds	Pat Archibald	PB&G Director
Public Works - Admin	Cindy Norris	Administrative Assistant
Public Works - Streets	Greg Goldman	Street Superintendent
Recreation Department	Sue Tangeman	Administrative Assistant
Sarpy County IT	PJ Biodrowski	Systems/Network Administrator

**Exhibit C**  
**Cost Proposal Form**  
**RFP**

Description		Travel Item	Costs
<b>Project Staff to be Assigned:</b>			
Title/Skill Set		Hotel	
Hourly Rate		Meal per diem	
# of Proposed Hours		Airfare (if applicable)	
		Rental Car	
Title/Skill Set		Hotel	
Hourly Rate		Meal per diem	
# of Proposed Hours		Airfare (if applicable)	
		Rental Car	
Title/Skill Set		Hotel	
Hourly Rate		Meal per diem	
# of Proposed Hours		Airfare (if applicable)	
		Rental Car	
Title/Skill Set		Hotel	
Hourly Rate		Meal per diem	
# of Proposed Hours		Airfare (if applicable)	
		Rental Car	
Title/Skill Set		Hotel	
Hourly Rate		Meal per diem	
# of Proposed Hours		Airfare (if applicable)	
		Rental Car	
Reimbursable Expenses			
Price per Presentation to Executive Management -BOS if not included in above costs			
<b>Total cost for consultant services inclusive of ALL professional fees, labor, travel and expenses</b>			

If any subcontractors will be working on this project, their expenses must be included in the above table. You may modify this form to your needs, but the final version must be very similar to this format. If additional travel or reimbursable line items need to be added, you may do so. If travel costs are included in the hourly rate, please indicate as such. Rates must remain firm for the initial term of this Agreement

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

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
AUTHORIZATION TO PURCHASE COMPUTER EQUIPMENT – WESTERN STATES CONTRACTING ALLIANCE & DELL	◆ RESOLUTION ORDINANCE RECEIVE/FILE	SHEILA LINDBERG FINANCE DIRECTOR

**SYNOPSIS**

A resolution has been prepared to approve the following technology related purchases for various City departments from the Western States Contracting Alliance (WSCA) in an amount not to exceed \$31,000:

- Thirteen (13) computers with monitors from Dell - \$1,062 each (\$13,806)
- Fourteen (13) Microsoft Office Professional - \$330 each (\$4,290)
- One Toughbook - \$3,375 and Two printers - \$260 (\$3,895)
- One projector for the Fire Department - \$1,498
- One projector for the City Council Chamber - \$1,300
- Micropaver Software (Public Works) - \$1,900
- RTA Upgrade Software (Public Works) - \$4,100

This item was tabled from the December 7, 2010 meeting.

**FISCAL IMPACT**

The FY 10/11 IT budget provides funds for proposed computer upgrades.

**RECOMMENDATION**

Approval.

**BACKGROUND**

The State of Nebraska bid for computer services designates WSCA as the lowest responsible bidder for the hardware and software that is being requested which they are currently purchasing through Dell. The departmental software, printers and projectors are the lowest and most responsible bidder as identified by the Sarpy IT Department.

The desktop computers must be commercial grade so they have the capability to run Microsoft Office Professional. Microsoft Office Professional is the only way to connect to the City's domain. The commercial grade computers also give the City a four (4) year warranty on each computer.

The City upgraded to Microsoft Office 2007 this spring. Training was provided and users are still becoming familiar with 2007. Not all computers have been upgraded but do have the conversion program which allows all employees to share files. The internal IT Committee recommends the purchase of Microsoft Office 2007 as the City is short about 36 licenses, and the cost to upgrade the entire City would be an additional \$12,000.

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE PURCHASE OF TECHNOLOGY RELATED ITEMS FROM WESTERN STATES CONTRACTING ALLIANCE (WSCA), DELL, AND VARIOUS VENDORS IN AN AMOUNT NOT TO EXCEED \$31,000.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of technology related items is necessary; and

WHEREAS, the FY 2010/11 IT budget provides funding for the purchase of said technology items; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize the purchase of technology related items, from Western States Contracting Alliance (WSCA), in an amount not to exceed \$31,000.

PASSED AND APPROVED THIS 21ST DAY OF DECEMBER 2010.

CITY OF LA VISTA

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Douglas Kindig, Mayor

ATTEST:

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Pamela A. Buethe, CMC  
City Clerk

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

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
PURCHASE DIESEL EXHAUST RETROFIT EQUIPMENT	◆ RESOLUTION ORDINANCE RECEIVE/FILE	JOE SOUCIE PUBLIC WORKS DIRECTOR

**SYNOPSIS**

A resolution has been prepared authorizing the purchase of four (4) Diesel Exhaust Retrofit Kits and supplemental parts from Interstate Power Systems, Omaha, Nebraska for an amount not to exceed \$7,900.00.

**FISCAL IMPACT**

The FY 10/11 General Fund Budget includes funding for this project. The City will be reimbursed by the Nebraska Department of Environmental Quality at 100%.

**RECOMMENDATION**

Approval

**BACKGROUND**

The Public Works Department submitted a grant application through the Nebraska Department of Environmental Quality for retrofitting four dump trucks with new pollution reducing exhaust systems. On October 12, 2010 the City was notified that it had been awarded \$7,900.00 for the retrofit of four dump trucks. The estimate for the retrofit kits is \$6,350.77; additional parts will possibly be required when installation begins. A purchase order will be requested so it can be adjusted accordingly for additional parts; staying within the allotted \$7,900.00.

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING THE PURCHASE OF FOUR (4) DIESEL EXHAUST RETROFIT KITS AND SUPPLEMENTAL PARTS FROM INTERSTATE POWER SYSTEMS, OMAHA, NEBRASKA IN AN AMOUNT NOT TO EXCEED \$7,900.00

WHEREAS, the City Council of the City of La Vista has determined that the purchase of four diesel exhaust retrofit kits and supplemental parts is necessary, and

WHEREAS, the City was awarded a grant for reimbursement of 100% of this purchase, and

WHEREAS, the Fiscal Year 2010/11 General Fund Budget provides funding for said purchase, and

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

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize the purchase of four (4) diesel exhaust retrofit kits and supplemental parts from Interstate Power Systems, Omaha, Nebraska in an amount not to exceed \$7,900.00

PASSED AND APPROVED THIS 21ST DAY OF DECEMBER 2010.

CITY OF LA VISTA

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Douglas Kindig, Mayor

ATTEST:

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Pamela A. Buethe, CMC  
City Clerk

**INTERSTATE**  
PowerSystems

AHN RAY

10143 SOUTH 136TH STREET  
OMAHA, NE 68138  
PHONE: (402) 331-4104  
FAX: (402) 331-2961  
www.istate.com  
013

1-402-331-1051

ACCOUNT NUMBER: 22465  
INVOICE NUMBER: Q013002198  
INVOICE DATE:  
INVOICE TERMS: NET 30  
SALESPERSON: KEVIN G  
PURCHASE ORDER#: Q

**SHIP METHOD:** **CUSTOMER WILL CALL**

### Parts Estimate

**BILL-TO**

SHIP-TO: 22465

CITY - LAVISTA  
8116 PARKVIEW  
ATTN FIRE DEPARTMENT  
LAVISTA NE 68128

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

SHIP	B/O	ITEM	DESCRIPTION	UNIT PRICE	EXTENDED
4	0	013ZZX009352-013	PRECASE EMISSIONS FILTER X	241.31	965.24
2	0	013ZX009462-013	MUFFLER X	818.13	1,636.26
1	0	013ZZX009480-013	MUFFLER X	1,234.38	1,234.38
		Comments:	DOES NOT INCLUDE INCOMING FRT		
4	0	013ZZP607673	ELEMENT X	43.68	174.72
4	0	013ZZP226911	BOTTLE CATCH X	60.50	242.00
1	0	013ZZX009448	MUFFLER DOC X	798.17	798.17
4	0	P-PADJ	PARTS-MOUNTING KITS	250.00	1,000.00
4	0	P-FRT	PARTS-INCOMING FREIGHT CHARG	75.00	300.00

Parts	6,350.77
Taxes	0.00
<hr/>	
Total	6,350.77

Subject to the terms and conditions on the back of this invoice, including the disclaimer of implied warranties of merchantability and fitness for a particular purpose.

All claims and returned goods must be accompanied by this invoice. No returns on electrical or special order parts. No returns after 30 days. Returned parts may be subject to a handling or restocking fee. A diagnostic or technical charge may apply. All cores must be returned in original packaging within 90 days. All orders are subject to applicable Inbound & Outbound Freight Charges, Handling Fees, and Sales Tax.

CITY - LAVISTA	22465		6,350.77	07/28/2010	
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Corporate Office - Accounts  
Receivable  
(952) 854-2044 - Phone  
(952) 854-3147 - Fax  
Federal ID: 41-1634357  
[www.jestate.com](http://www.jestate.com)

**PLEASE REMIT PAYMENT TO:**

Interstate Power Systems, Inc.  
NW 7244  
PO Box 1450  
MINNEAPOLIS MN 55485-7244

- Check is enclosed.  
Make all checks or money orders payable to:  
Interstate Power Systems, Inc.
- Charge my credit card.  
Indicate your credit card preference, provide the  
account information, and sign below.

Credit Card Number

Exp Date  /

Credit Card Holder's Signature

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

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
POSITION DESCRIPTION UPDATED	RESOLUTION ORDINANCE ◆ RECEIVE/FILE	RITA M. RAMIREZ ASSISTANT CITY ADMINISTRATOR

**SYNOPSIS**

The position description for the Office Manager has been updated and is attached for your review.

**FISCAL IMPACT**

N/A – No change in salary range

**RECOMMENDATION**

Approval.

**BACKGROUND**

The position of Office Manager is currently vacant and, as we do with all vacant positions, the job description has been reviewed and updated.

## POSITION DESCRIPTION CITY OF LA VISTA

**POSITION TITLE:** Office Manager

**POSITION REPORTS To:** City Clerk

**POSITION SUPERVISES:** Secretary/Receptionist (directly) and all other front office staff in conjunction with City Hall Department Heads who serve as their direct supervisors.

**DESCRIPTION:**

Under the direction of the City Clerk, this individual is responsible for oversight and daily management of the front office at City Hall and performs a variety of administrative and clerical duties.

**ESSENTIAL FUNCTIONS:** (with or without reasonable accommodation)

1. Organizes and coordinates front office operations and develops work schedules to ensure maximum efficiency.
2. Assists the City Clerk in the development and implementation of office operating policies, procedures, forms and systems. Plans, develops and facilitates changes in procedures, forms and practices, work flows, personnel assignments and equipment.
3. Participates in the hiring and promotion process of front office staff, supervises the training of new employees and the ongoing training of other employees.
4. Monitors the accuracy, completeness and timeliness of work activities in the front office.
5. Calls and conducts formal staff meetings in order to exchange information and to discuss ways to make the office function more efficiently.
6. Serves as a mentor or coach to office staff, motivating them to work more effectively.
7. Identifies problems, develops solutions, determines training needs for performance improvement, initiates measures to correct misconduct or makes recommendations for formal discipline.
8. Acts as a liaison with senior management to review office performance and communicate back to office staff.
9. Assists with all aspects of City Council meeting preparation and follow-up including but not limited to packets, meeting and legal notifications, letters, reports and filing.
10. Serves as Deputy City Clerk and acts as City Clerk in his/her absence. May serve as the City Clerk's designee for Civil Service matters, as required.
11. Provides administrative support to City Clerk, including the areas of records management, purchasing and insurance maintenance.
12. Responsible for the supervision of front office staff and coordinates with appropriate Department Heads regarding input into the performance evaluation process of said staff.
13. Receives and responds to citizen inquiries via telephone or in person.
14. Prepares reports and correspondence.
15. Conducts or assists with special projects as required.
16. Performs other duties as directed or as the situation dictates.

**ESSENTIAL PHYSICAL AND ENVIRONMENTAL DEMANDS**

The physical demands here are representative of those that must be met by an employee to successfully perform the essential functions of the job.

- Work is performed mostly in office settings. Hand-eye coordination is necessary to operate computers and various pieces of office equipment.

- While performing the duties of this job, the employee is occasionally asked to stand or sit; walk; use hands to finger, handle, feel or operate objects, tools or controls and reach with hands and arms. The employee is occasionally required to climb or balance; stoop, kneel, crouch, or crawl; talk and hear.
- The employee must occasionally lift and/or move up to 10 pounds. Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception and the ability to adjust focus.
- Must be able to hear and understand voices at normal conversational levels.

**EDUCATION, TRAINING, LICENSE, CERTIFICATION AND EXPERIENCE**

1. Graduation from an accredited high school or GED.
2. Associate or Bachelor's degree in business or management. Job related work experience may be substituted for education.
3. Minimum of four years of increasingly responsible office supervisory and computer experience is required. Office Manager experience preferred.

**KNOWLEDGE, SKILLS AND ABILITIES**

1. Knowledge of modern office procedures, methods and equipment, including personal computer.
2. Computer skills, including basic word-processing, spreadsheet and database skills and ability to use MS Office products.
3. Good organizational skills and the ability to prioritize and handle multiple tasks.
4. Excellent interpersonal skills – team building, listening, problem solving, and empathy.
5. Ability to organize, direct and perform supervisory duties in a manner conducive to maximum performance and high morale.
6. Ability to identify problems and develop feasible solutions.
7. Conflict resolution skills.
8. Good public relations and customer service skills.
9. Basic business letter writing, report preparation and record keeping skills.
10. Basic English usage, spelling, grammar and punctuation skills.
11. Basic alphabetization and filing skills.
12. Basic mathematical skills.
13. Ability to maintain confidentiality.
14. Ability to type 65 words per minute.
15. Ability to apply common sense understanding in carrying out written and oral instructions.
16. Ability to communicate effectively, both orally and in writing.
17. Ability to work independently, prioritize work, meet deadlines, and make decisions on the basis of established policies and procedures.
18. Ability to operate office equipment such as personal computer, postage meter, photocopier and fax machine.
19. Ability to work a varying schedule, including evenings and weekends.
20. Ability to establish and maintain effective working relations with City officials, fellow employees, patrons and the public.
21. Ability to maintain regular and dependable attendance on the job.

I have read and understand the requirements of this position description.

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Signature

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Date