

## LA VISTA CITY COUNCIL MEETING AGENDA

May 1, 2018

7:00 P.M.

Harold "Andy" Anderson Council Chamber  
La Vista City Hall  
8116 Park View Blvd.

- Call to Order
- Pledge of Allegiance
- Announcement of Location of Posted Open Meetings Act
- Presentation – Eagle Scout Project

*All matters listed under item A, Consent Agenda, are considered to be routine by the city council and will be enacted by one motion in the form listed below. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.*

A. CONSENT AGENDA

1. Approval of the Agenda as Presented
  2. Approval of the Minutes of the April 17, 2018 City Council Meeting
  3. Request for Payment – HDR Engineering Inc. – Professional Services – Project Management for Public Improvements and Other Works - \$15,846.93
  4. Request for Payment – Hawkins Construction Company – Construction Services – La Vista Garage District 2 Structure 1 - \$4,950.00
  5. Request for Payment – RDG Planning Design – Professional Services – La Vista Civic Center Park Phase 1 - \$8,399.70
  6. Request for Payment – DLR Group – Professional Services – La Vista City Centre Parking Facility - \$6,000.00
  7. Request for Payment – Graham Construction, Inc. – Construction Services – La Vista City Centre Infrastructure - \$85,537.76
  8. Resolution – Appointment of Safety Steering Committee Members
  9. Approve Change In Date and Start Time of City Council Meeting from August 7, 2018 at 7:00 p.m. to August 6, 2018 at 6:00 p.m.
  10. Approval of Claims
- Reports from City Administrator and Department Heads
- B. Resolution – Public Improvement Redevelopment Project Area – Interlocal Agreement with Metropolitan Utilities District - Water Main Extensions – Phases 2 and 3
- C. Resolution – Advertisement for Bids - 84<sup>th</sup> Street Redevelopment Area Civic Center Park Sanitary Sewer Relocation
- D. Resolution – Advertisement for Bids – 84<sup>th</sup> Street Redevelopment Area Civic Center Park Phase 2 Improvements
- E. Resolution – Approve Change Orders 1 & 2 – 84<sup>th</sup> Street Redevelopment Area Public Improvement Redevelopment Project – Offstreet Parking District No. 2 – Structure No. 1
- F. Resolution – Approve Settlement Agreement - JD Holdings, LLC; JQH-La Vista Conference Center Development, LLC; and affiliated persons and entities
- G. Resolution – Authorize Purchase – eCitation Equipment
- H. Resolution – Authorize Purchase – Ventrac Tractor
- I. Resolution – Authorize Purchase – Enclosed Trailer
- J. Resolution – Authorize Purchase – Zero Turn Mowers
- K. Executive Session - Land Acquisition; Contract Negotiations; Litigation; Personnel
- Comments from the Floor
  - Comments from Mayor and Council
  - Adjournment

The public is welcome and encouraged to attend all meetings. If special accommodations are required please contact the City Clerk prior to the meeting at 402-331-4343. A copy of the Open Meeting Act is posted in the Council Chamber and available in the public copies of the Council packet. Citizens may address the Mayor and Council under "Comments from the Floor." Comments should be limited to five minutes. We ask for your cooperation in order to provide for an organized meeting.

# MINUTE RECORD

A-2

No. 729 — FIELD & COMPANY, INC. OMAHA E1310556D

## LA VISTA CITY COUNCIL MEETING April 17, 2018

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 April 17, 2018. Present were Councilmembers: Frederick, Ronan, Sheehan, Thomas, Crawford, Hale and Sell. Also in attendance were City Attorney McKeon, City Administrator Gunn, Assistant City Administrator Ramirez, City Clerk Buethe, Police Chief Lausten, Director of Public Works Soucie, City Engineer Kottmann, Director of Administrative Services Pokorny, Finance Director Miserez, Community Development Director Birch, Library Director Barcal, Recreation Director Stopak and HR Director Czarnick.

A notice of the meeting was given in advance thereof by publication in the Times on April 4, 2018. 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, led the audience in the Pledge of Allegiance, and made the announcements.

### A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. APPROVAL OF THE MINUTES OF THE APRIL 3, 2018 CITY COUNCIL MEETING
3. MONTHLY FINANCIAL REPORT – FEBRUARY 2018
4. REQUEST FOR PAYMENT – OLSSON ASSOCIATES – PROFESSIONAL SERVICES – 84<sup>TH</sup> STREET REDEVELOPMENT SITE PREPARATION - \$3,100.00
5. REQUEST FOR PAYMENT – OLSSON ASSOCIATES – PROFESSIONAL SERVICES – 96<sup>TH</sup> AND BRENTWOOD TRAFFIC SIGNAL - \$5,003.72
6. REQUEST FOR PAYMENT – THOMPSON DREESSEN & DORNER – PROFESSIONAL SERVICES – LA VISTA PHASE 1 GOLF COURSE TRANSFORMATION – PROPOSED LAKE IMPROVEMENTS - \$5,369.07
7. REQUEST FOR PAYMENT – DESIGN WORKSHOP, INC. – PROFESSIONAL SERVICES – 84<sup>TH</sup> STREETSCAPE PLAN - \$9,747.09
8. RESOLUTION NO. 18-041 – CHANGE ORDER NO. 1 – VIERREGGER ELECTRIC – 96<sup>TH</sup> & BRENTWOOD TRAFFIC SIGNAL

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING CHANGE ORDER NO. 1 TO THE CONTRACT WITH VIERREGGER ELECTRIC CO. OF OMAHA NEBRASKA, TO PROVIDE FOR DELETION OF WORK TO THE CONTRACT IN AN AMOUNT NOT TO EXCEED \$418.00.

WHEREAS, the City has determined it is necessary to make changes to the contract for the 96<sup>th</sup> and Brentwood Traffic Signal project; and

WHEREAS, the FY17/18 Biennial Budget provides funding for the project.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of La Vista, Nebraska, that the Mayor is authorized to execute the necessary documents for a change order to the contract with Vierregger Electric Co., Omaha, Nebraska, to provide for deletion of work to the contract in an amount not to exceed \$418.00.

9. RESOLUTION NO. 18-042 – CHANGE ORDER NO. 2 – VIERREGGER ELECTRIC – 96<sup>TH</sup> & BRENTWOOD TRAFFIC SIGNAL

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING CHANGE ORDER NO. 2 TO THE CONTRACT WITH VIERREGGER ELECTRIC CO. OF OMAHA NEBRASKA, TO PROVIDE FOR ADDITION OF WORK TO THE CONTRACT IN AN AMOUNT NOT TO EXCEED \$4,580.90.

# MINUTE RECORD

April 17, 2018

No. 729 — Republic & COMPANY, INC. OMAHA E1310556LD

WHEREAS, the City has determined it is necessary to make changes to the contract for the 96<sup>th</sup> and Brentwood Traffic Signal project; and

WHEREAS, the FY17/18 Biennial Budget provides funding for the project.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of La Vista, Nebraska, that the Mayor is authorized to execute the necessary documents for a change order to the contract with Vierregger Electric Co., Omaha, Nebraska, to provide for additions of work to the contract in an amount not to exceed \$4,580.90.

**10. REQUEST FOR PAYMENT – VIERREGGER ELECTRIC CO. –  
CONSTRUCTION SERVICES – 96<sup>TH</sup> & BRENTWOOD TRAFFIC SIGNAL -  
\$75,186.59**

**11. APPROVE MANAGER APPLICATION – CLASS I LIQUOR LICENSE – SSL  
OPERATING GROUP LLC DBA SWIZZLE STIX LOUNGE – GRANT D LUNDIN**

**12. APPROVE CHANGE IN START TIME OF CITY COUNCIL MEETING ON JULY  
17, 2018 FROM 7:00 P.M. TO 6:00 P.M.**

**13. APPROVAL OF CLAIMS:**

911 CUSTOM LLC, services	\$ 300.00
ACTION BATTERIES, maint.	\$ 217.96
ACTION SIGNS INC, services	\$ 840.80
AMANDA SALAK, refund	\$ 120.00
ASPHALT & CONCRETE MATERIALS, maint.	\$ 948.70
BAXTER FORD, maint.	\$ 86.74
BISHOP BUSINESS EQUIPMENT, services	\$ 4,249.34
BKD LLP, services	\$ 18,500.00
BLACK HILLS ENERGY, utilities	\$ 1,242.39
BOOT BARN, apparel	\$ 300.00
BURKE, B., travel	\$ 324.00
BRYAN ROCK PRODUCTS, services	\$ 4,829.24
BUETHE, P., travel	\$ 1,298.43
CENTER POINT PUBLISHING, books	\$ 273.84
CENTURY LINK, phones	\$ 604.18
CENTURY LINK BUSN SVCS, phones	\$ 283.70
CHRIS MADDEN, services	\$ 825.00
CITY OF PAPILLION, services	\$ 10,026.07
COMFORT INN-KEARNEY, travel	\$ 189.90
COMP CHOICE INC, services	\$ 733.11
CONTINENTAL RESEARCH CORP, services	\$ 383.66
COX COMMUNICATIONS, services	\$ 277.40
CREATIVE PRODUCT STORE, supplies	\$ 392.42
CULLIGAN OF OMAHA, services	\$ 27.00
DASH MEDICAL GLOVES, services	\$ 70.90
DELL MARKETING L.P., services	\$ 3,174.72
DHHS REG/LIC-POOL PERMIT, services	\$ 40.00
DIAMOND VOGEL PAINTS, bld&grnds	\$ 26.59
DIXON RESOURCES UNLIMITED, services	\$ 4,700.00
DLR GROUP, services	\$ 3,073.08
DXP ENTERPRISES INC, services	\$ 53.93
EMBASSY SUITES HOTEL, travel	\$ 218.00
EN POINTE TECHNOLOGIES SALES, services	\$ 1,824.57
ENCYCLOPAEDIA BRITANNICA INC, media	\$ 830.00
EXCEL PHYSICAL THERAPY, services	\$ 50.00
EXPRESS DISTRIBUTION LLC, supplies	\$ 119.94
EYMAN PLUMBING INC, bld&grnds	\$ 2,435.00
FBG SERVICE CORP, services	\$ 5,965.00
FIRST NATIONAL BANK FREMONT, bonds	\$ 104,826.88
FOCUS PRINTING, services	\$ 360.17
GALE, books	\$ 167.18
GCR TIRES & SERVICE, maint.	\$ 154.52

# MINUTE RECORD

April 17, 2018

No. 729 — REEDEL & COMPANY, INC. OMAHA E1310556LD

GENUINE PARTS CO, maint.	\$ 526.06
GRAHAM CONSTRUCTION, INC, services	\$ 28,888.82
GRAYBAR ELECTRIC CO, bld&grnds	\$ 182.58
GREAT PLAINS ELECTRIC, services	\$ 250.00
GREATAMERICA FINANCIAL, services	\$ 805.00
HDR ENGINEERING INC, services	\$ 15,766.44
HOBBY LOBBY STORES, supplies	\$ 9.98
HOME DEPOT, bld&grnds	\$ 280.03
HUNTEL COMMUNICATIONS, services	\$ 57.50
INCIDENT RESPONSE TECHNOLOGIES, services	\$ 2,100.00
INGRAM LIBRARY SERVICES, books	\$ 1,685.04
IVERSON, D., travel	\$ 474.00
JOHN GAHAN, travel	\$ 202.25
KRIHA FLUID POWER, maint.	\$ 19.40
LIBRARY IDEAS LLC, media	\$ 1,997.40
LOU'S SPORTING GOODS, supplies	\$ 466.80
LOWE'S, bld&grnds	\$ 68.74
MALLOY ELECTRIC, bld&grnds	\$ 99.00
MARCO INC, services	\$ 148.20
MAX I WALKER, services	\$ 632.66
MENARDS-RALSTON, bld&grnds	\$ 39.11
METRO AREA TRANSIT, services	\$ 1,098.00
METRO LANDSCAPE MATERIALS, services	\$ 3,640.00
METRO COMM COLLEGE, services	\$ 17,065.73
MIDWEST TAPE, media	\$ 25.59
MIDWEST TURF & IRRIGATION, services	\$ 36.56
MISEREZ, C., travel	\$ 193.00
MOBOTREX MOBILITY & TRAFFIC, services	\$ 42.00
NATIONAL ENTERTAINMENT, supplies	\$ 1,150.00
NATIONAL LEAGUE OF CITIES, services	\$ 1,489.00
NE LANDSCAPE SOLUTIONS, supplies	\$ 1,568.46
NE LIBRARY COMMISSION, services	\$ 2,671.17
NE SALT & GRAIN CO, maint.	\$ 6,757.82
NE TURF PRODUCTS, supplies	\$ 801.00
NLA-NE LIBRARY ASSN, services	\$ 500.00
NPZA-NE PLANNING/ZONING ASSN, services	\$ 610.00
ODEY'S INC, bld&grnds	\$ 3,398.85
OFFICE DEPOT INC, supplies	\$ 729.45
O'KEEFE ELEVATOR CO, bld&grnds	\$ 513.41
OPPD, utilities	\$ 44,659.83
OMAHA WORLD-HERALD, services	\$ 1,423.97
ONE CALL CONCEPTS, services	\$ 248.70
O'REILLY AUTOMOTIVE, maint.	\$ 83.51
ORIENTAL TRADING CO, supplies	\$ 520.76
PAPILLION SANITATION, services	\$ 1,012.90
PCS MOBILE, services	\$ 1,179.45
PENWORTHY CO, books	\$ 872.28
PLAINS EQUIPMENT GROUP, services	\$ 893.97
RDG PLANNING & DESIGN, services	\$ 22,515.46
RED MUNICIPAL & INDUSTRIAL EQUIP, services	\$ 25,760.00
SARPY COUNTY REGISTER OF DEEDS, services	\$ 44.00
SARPY COUNTY TREASURER, services	\$ 3,378.75
SCHEMMER ASSOCIATES INC, services	\$ 2,040.00
SID DILLON COMMERCIAL/FLEET, services	\$ 35,745.00
SOUTHERN UNIFORM & EQUIPMENT, apparel	\$ 131.98
SPENCER FANE LLP, services	\$ 9,289.50
THEATRICAL MEDIA, services	\$ 368.00
THERMAL SERVICES, refund	\$ 335.24
THOMPSON DREESSEN & DORNER, services	\$ 487.50
TORNADO WASH LLC, maint.	\$ 520.00

# MINUTE RECORD

April 17, 2018

No. 729 — REEDFIELD & COMPANY, INC., OMAHA E1310556LD

TOSHIBA FINANCIAL, services	\$ 138.00
TRANS UNION RISK, services	\$ 67.40
TRIMBLE INC., services	\$ 695.00
TURF FACTORY DIRECT, LLC, bld&grnds	\$ 1,848.00
U.S. CELLULAR, phones	\$ 995.00
UNITE PRIVATE NETWORKS LLC, services	\$ 3,850.00
UNITED DISTRIBUTORS INC, maint.	\$ 76.19
UNITED PARCEL, services	\$ 16.26
UPS STORE, services	\$ 10.16
VIERREGGER ELECTRIC CO, services	\$ 109,000.85
WESTLAKE HARDWARE INC, bld&grnds	\$ 932.94
WOODHAVEN COUNSELING ASSOCS, services	\$ 365.00

Councilmember Crawford made a motion to approve the consent agenda. Seconded by Councilmember Frederick. Councilmember Sheehan reviewed the bills and stated everything was in order. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Hale and Sell. Nays: None. Abstain: None. Absent: Quick. Motion carried.

## REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

City Clerk Buethe asked Council if they would like to move the first meeting in August due to National Night Out. It was discussed to move the meeting to August 8<sup>th</sup>. City Clerk Buethe will put the change on the next agenda for approval.

Director of Administrative Services Pokorny stated each Councilmember was given a book on Government Finance and budgeting.

Library Director Barcal introduced new library staff member Cedate Schultz.

Recreation Director Stopak said the Parks and Recreation Advisory board meeting is tomorrow. He also announced that the City has received the Tree City Award for the 27<sup>th</sup> year. Stopak stated the Arbor Day celebration will be held on April 26<sup>th</sup> at the Community Center.

Police Chief Lausten stated the Sarpy County Crime Stoppers Lunch will be held on April 26<sup>th</sup>. Police Academy Training Coordinator Wagner informed Council that the August 6<sup>th</sup> start date for the Academy has been approved. Police Captain Brian Waugh reported that an event they have been planning for 18 months is called Operation Bruin Safety and will take place May 18<sup>th</sup> from 9-Noon.

Fire Chief Bill Bowes reported the call volume has leveled off after the initial 20% increase, which occurred after Papillion took over the fire/rescue service for La Vista.

Director of Public Works Soucie stated the Jr. High is doing a cleanup at Thompson Creek this weekend.

## B. CITIZEN ADVISORY REVIEW COMMITTEE – EDP REPORT

### 1. PUBLIC HEARING

At 7:01 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the Citizen Advisory Review Committee's EDP Report. Citizen Advisory Review Committee member Jeff Schovanic gave the report.

At 7:04 p.m. Councilmember Hale made a motion to close the public hearing. Seconded by Councilmember Frederick. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Hale and Sell. Nays: None. Abstain: None. Absent: Quick. Motion carried.

# MINUTE RECORD

April 17, 2018

No. 729 — REEDIE & COMPANY, INC. OMAHA E1310558L0

## C. RESOLUTION - FY 2016/2017 AUDIT REPORT - BKD, LLP

Councilmember Thomas introduced and moved for the adoption of Resolution No.18-043 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING THE FISCAL YEAR 2016-2017 MUNICIPAL AUDIT AS PREPARED BY THE AUDITING FIRM OF BKD, LLP, OMAHA, NEBRASKA.

WHEREAS, the City of La Vista has contracted with the firm of BKD, LLP, Omaha, Nebraska, to complete an audit of the City's fiscal year 2016-2017 municipal operations; and

WHEREAS, BKD, LLP has completed said audit and provided copies of their findings.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, that the 2016-2017 municipal audit is hereby accepted and approved.

Seconded by Councilmember Frederick. Amy Schrock of BKD, LLP explained the reports to the Mayor and City Council. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Hale and Sell. Nays: None. Abstain: None. Absent: Quick. Motion carried.

## D. APPROVAL OF A CLASS I LIQUOR LICENSE - KARRAYS CAFÉ LLC DBA KARRAYS CAFÉ

### 1. PUBLIC HEARING

At 7:26 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion of the Class I Liquor License for Karrays Café LLC dba Karrays Café.

At 7:27 p.m. Councilmember Hale made a motion to close the public hearing. Seconded by Councilmember Frederick. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Hale and Sell. Nays: None. Abstain: None. Absent: Quick. Motion carried.

### 2. RESOLUTION

Councilmember Sell introduced and moved for the adoption of Resolution No.18-044 entitled: 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 KARRAYS CAFE, LLC DBA KARRAYS CAFE, IN LA VISTA, NEBRASKA.

WHEREAS, Karrays Café, LLC dba Karrays Cafe, 9819 Giles Road, 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 Karrays Café, LLC dba Karrays Cafe, 9819 Giles Road, La Vista, Sarpy County, Nebraska.

Seconded by Councilmember Sheehan. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Hale and Sell. Nays: None. Abstain: None. Absent: Quick. Motion carried.

# MINUTE RECORD

April 17, 2018

No. 728 — REEDHOLD & COMPANY, INC. OMAHA E1310556LD

## E. APPROVAL OF A CLASS C LIQUOR LICENSE – FROEHЛИCH INVESTMENTS LLC DBA REF'S SPORTS BAR & GRILL

### 1. PUBLIC HEARING

At 7:28 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion of the Class C Liquor License for Froehlich Investments LLC dba Ref's Sprots Bar & Grill.

At 7:29 p.m. Councilmember Hale made a motion to close the public hearing. Seconded by Councilmember Crawford. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Hale and Sell. Nays: None. Abstain: None. Absent: Quick. Motion carried.

### 2. RESOLUTION

Councilmember Sell introduced and moved for the adoption of Resolution No.18-045 entitled: 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 C LIQUOR LICENSE APPLICATION FOR FROEHЛИCH INVESTMENTS LLC DBA REF'S SPORTS BAR & GRILL, IN LA VISTA, NEBRASKA.

WHEREAS, Froehlich Investments, LLC dba Ref's sports Bar & Grill, 9723-9725 Giles Road, La Vista, Sarpy County, Nebraska, has applied to the Nebraska Liquor Control Commission for a Class C 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 C Liquor License application submitted by Froehlich Investments, LLC dba Ref's sports Bar & Grill, 9723-9725 Giles Road, La Vista, Sarpy County, Nebraska.

Seconded by Councilmember Thomas. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Hale and Sell. Nays: None. Abstain: None. Absent: Quick. Motion carried.

## F. RESOLUTION – APPROVAL – SATELLITE KENO LOCATION – REF'S SPORTS BAR & GRILL

Councilmember Sell introduced and moved for the adoption of Resolution No.18-046 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING A SATELLITE KENO LOCATION FOR THE CITY'S KENO LOTTERY GAME AT FROEHЛИCH INVESTMENTS LLC. D/B/A REF'S SPORTS BAR & GRILL, 9723 & 9725 GILES ROAD LA VISTA NEBRASKA EFFECTIVE UPON RECEIPT OF THE KENO LICENSE FROM STATE.

WHEREAS, the current Keno Lottery Operator Agreement between the City of La Vista and La Vista Keno, Inc., dated August 8, 2008, and assigned and assumed to and by LVK Holdings LLC on April 5 2016 requires LVK Holdings LLC to obtain prior written consent of the City to establish a satellite location; and further that the satellite location shall comply with such qualification standards as adopted by the City pursuant to Nebraska Statutes, Section 9-642.01, governing lottery sales outlet locations, and such other terms and conditions determined necessary or advisable; and

# MINUTE RECORD

April 17, 2018

No. 729 — REEDIE & COMPANY, INC. OMAHA E1310556LD

WHEREAS, the City of La Vista, by Ordinance No. 1073, set forth qualification standards for Keno Lottery Sales Outlet Locations, which includes satellite locations ("Ordinance"); and

WHEREAS, LVK Holdings LLC has proposed a satellite location for the City's keno lottery game at Froehlich Investments LLC dba Ref's Sports Bar & Grill, located at 9723 & 9725 Giles Road, La Vista, Nebraska pursuant to a Satellite Agreement between said parties dated March 9, 2018, a copy of which has been presented at this meeting ("Satellite Agreement"); and

WHEREAS, the requirements of the Lottery Operator Agreement and other Keno Requirements as defined in the Ordinance are incorporated into the Satellite Agreement pursuant to said Ordinance; and

WHEREAS, the City Clerk has determined that the standards for the Keno Lottery Sales Outlet Location at Ref's Sports Bar & Grill, located at 9723 & 9725 Giles Road, La Vista NE, have been met.

NOW, THEREFORE, BE IT RESOLVED: that the Mayor and City Council of the City of La Vista, Nebraska, hereby authorize and approve a satellite keno location for the City's keno lottery game at Ref's Sports Bar & Grill, located at 9723 & 9725 Giles Road, La Vista NE, and further approve the owner and operator thereof, Froehlich Investments LLC, effective upon receipt of the keno license from that State and subject to the following:

- a. Submittal of all Exhibits to the Satellite Agreement in form and content satisfactory to the City;
- b. Any change of ownership or control of the satellite, Froehlich Investments, LLC, or any stock of Froehlich Investments, LLC, shall require prior written approval of the City of La Vista;
- c. The satellite, Froehlich Investments, LLC and stockholders of Froehlich Investments, LLC shall be bound by the Lottery Operator Agreement between the City of La Vista and LVK Holdings LLC and owe to LVK Holdings LLC all responsibilities and obligations which LVK Holdings LLC and its owner by said Lottery Operator Agreement, as secured, owe to the City of La Vista. The City of La Vista shall be a beneficiary entitled to enforce such responsibilities and obligations of the satellite, Froehlich Investments, LLC and its stockholders;
- d. City of La Vista shall have access at any time to the satellite location and keno-related funds, documents and records in the possession or control of the satellite owner or operator;
- e. City of La Vista shall be named as an additional named insured on any insurance required of the satellite owner or operator by the Satellite Agreement;
- f. City of La Vista, as owner of the La Vista keno game, retains authority over use of the term "La Vista keno"; and all uses of said term shall be subject to review and approval of the City and cease upon termination of the Satellite Agreement;
- g. Funds of the La Vista keno game handled by the satellite shall be the sole and exclusive property and held in trust for the benefit of the City of La Vista until properly paid in accordance with the Lottery Operator Agreement or Satellite Agreement; and
- h. Ongoing satisfaction by the satellite owner and operator of the Satellite Agreement and this Resolution, as well as the Lottery Operator Agreement, Ordinance and other Keno Requirements, as defined in said Ordinance.

# MINUTE RECORD

April 17, 2018

No. 729 — REEDIE & COMPANY, INC. OMAHA E1310556LD

BE IT FURTHER RESOLVED that, in addition to devices for satellite keno, the following gambling devices are hereby authorized at the satellite premises pursuant to Section 2(H) of the Ordinance: pickle card device.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to sign such documents, including, but not limited to, Nebraska Department of Revenue Form(s) 50G, and take such further actions as necessary or appropriate to carry out the actions approved herein.

Seconded by Councilmember Hale. Katrina Coffey appeared on behalf of Ref's. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Hale and Sell. Nays: None. Abstain: None. Absent: Quick. Motion carried.

## **G. FIREWORKS PERMITS**

### **1. RESOLUTION – ESTABLISH NUMBER OF PERMITS**

Councilmember Hale introduced and moved for the adoption of Resolution No.18-047 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, ESTABLISHING THE MAXIMUM NUMBER OF FIREWORKS STANDS TO BE PERMITTED IN THE CITY OF LA VISTA FOR CALENDAR YEAR 2018.

WHEREAS, Section 111.17 and Section 111.18 of the Municipal Code establish criteria that must be met for the issuance of fireworks stand permits, and

WHEREAS, Section 111.17 (A) of the Municipal Code states in part that, "Each year the City Council shall, by resolution, establish the maximum number of permits to be issued."

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska, that the maximum number of fireworks stand permits to be issued in calendar year 2018 shall not exceed nine.

BE IT FURTHER RESOLVED, that per Section 111.17 (C) (10) of the Municipal Code, permit holders shall provide the City of La Vista with a certificate of insurance for their fireworks stand in the type and amount outlined.

BE IT FURTHER RESOLVED, that the written statement of income and expenses, which is required by Section 111.17 (C) (3) of the Municipal Code, be detailed and provide the City with a breakdown of specific expenditures related to the fireworks operation, income from the sale of fireworks, net profit, and specific community betterment expenditures.

BE IT FURTHER RESOLVED, that the issuance of a fireworks permit is conditional upon compliance with the Municipal Code, the Zoning Ordinance, and any other applicable regulations.

Seconded by Councilmember Sell. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Hale and Sell. Nays: None. Abstain: None. Absent: Quick. Motion carried.

### **2. RESOLUTION – ISSUANCE OF PERMITS**

Councilmember Hale introduced and moved for the adoption of Resolution No.18-048 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING THE FIREWORKS STAND PERMIT APPLICATIONS OF PAPILLION LA VISTA YOUTH ATHLETIC ASSOCIATION, MONARCH YOUTH WRESTLING, PAPILLION LA VISTA SPIRIT FOOTBALL, LA VISTA COMMUNITY FOUNDATION, LA VISTA YOUTH & COMMUNITY BETTERMENT, LA VISTA LANCER SOCCER CLUB, LA VISTA YOUTH BASEBALL ASSOCIATION, CORNERSTONE CHURCH, AND BEAUTIFUL SAVIOR LUTHERAN CHURCH.

WHEREAS, the City of La Vista requires City approval of the sale of fireworks within the City limits, and

# MINUTE RECORD

April 17, 2018

No. 728 — REEDIE & COMPANY, INC. OMAHA E131056LD

WHEREAS, the guidelines for application and sale of fireworks in La Vista are specified in the La Vista Municipal Code, Section 111.17 and Section 111.18; and

WHEREAS, nine (9) non-profit organizations have applied for permission to sell fireworks in the City of La Vista in conformance with the Municipal Code, the Zoning Ordinance and any other applicable regulations; and

WHEREAS, City staff has reviewed all applications received in 2018 for the purpose of determining which applications were compliant with the Municipal Code, the Zoning Ordinance or any other applicable regulations.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, hereby conditionally grant a permit to:

Papillion La Vista Youth Athletic Association, Monarch Youth Wrestling, Papillion La Vista Spirit Football, La Vista Community Foundation, La Vista Youth, La Vista Lancer Soccer Club La Vista Youth Baseball Association, Cornerstone Church, and Beautiful Savior Lutheran Church to sell fireworks within the City of La Vista for the 2018 calendar year subject to receipt of all appropriate application materials and compliance with recommendations made by the Chief Building Official regarding their site plan; compliance with the Municipal Code, the Zoning Ordinance and any other applicable regulations; and attendance by an official of the nonprofit organization which applied for the permit and a representative for their fireworks supplies at a meeting with City staff (date and time to be established).

Seconded by Councilmember Thomas. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Hale and Sell. Nays: None. Abstain: None. Absent: Quick. Motion carried.

## H. RESOLUTION – AUTHORIZE PURCHASE – TREES FOR THOMPSON CREEK CORRIDOR

Councilmember Thomas introduced and moved for the adoption of Resolution No. 18-049 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE PURCHASE OF FIFTY TWO (52) TREES FROM MULHALL'S, OMAHA NEBRASKA IN AN AMOUNT NOT TO EXCEED \$14,475.48.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of a trees as part of the Thompson Creek Restoration Project is necessary; and

WHEREAS, the FY17/18 Biennial Budget provides funding for the proposed 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 \$5,000.00.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska, do hereby authorize the purchase of fifty two (52) trees from Mulhall's, Omaha Nebraska in an amount not to exceed \$14,475.48.

Seconded by Councilmember Hale. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Hale and Sell. Nays: None. Abstain: None. Absent: Quick. Motion carried.

## I. POSITION DESCRIPTION UPDATES

Councilmember Sell motioned to receive and file the position description updates. Seconded by Councilmember Frederick. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Hale and Sell. Nays: None. Abstain: None. Absent: Quick. Motion carried.

# MINUTE RECORD

April 17, 2018

No. 729 — REEDEL & COMPANY, INC. OMAHA E1310558LD

## COMMENTS FROM THE FLOOR

There were no comments from the floor.

## J. EXECUTIVE SESSION – CONTRACT NEGOTIATIONS; LAND ACQUISITION; LITIGATION

Executive Session was not held.

## COMMENTS FROM MAYOR AND COUNCIL

There were no comments from the Mayor and Council.

At 7:39 p.m. Councilmember Frederick made a motion to adjourn the meeting. Seconded by Councilmember Thomas. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Hale and Sell. Nays: None. Abstain: None. Absent: Quick. Motion carried.

PASSED AND APPROVED THIS 1ST DAY OF MAY 2018.

CITY OF LA VISTA

---

Douglas Kindig, Mayor

ATTEST:

---

Pamela A. Buethe, CMC  
City Clerk

A-3



# Invoice

Reference Invoice Number with Payment

**HDR Engineering Inc.**  
**Omaha, NE 68114-4098**  
**Phone: (402) 399-1000**

**HDR Invoice No.** 1200112743  
**Invoice Date** 09-APR-2018  
**Invoice Amount Due** \$15,846.93  
**Payment Terms** 30 NET

**City of La Vista**  
**Rita Ramirez**  
**8116 Park View Blvd**  
**La Vista, NE 68128**

**Remit To** PO Box 74008202  
**Wire Transfer To** Chicago, IL 60674-8202  
**Bank of America ML US**  
ABA# 081000032  
Account# 355004076604

Project Management for Services for Public Improvements and Other Works

**Professional Services**  
From: 04-MAR-2018 To: 31-MAR-2018

<b>Professional Services Summarization</b>	<b>Hours</b>	<b>Billing Rate</b>	<b>Amount</b>
Administrative	20.00		1,112.40
Civil Engineer	20.50		2,963.27
Communications Coordinator	24.75		1,807.93
Graphic Designer 2	3.50		321.62
Multimedia Specialist	1.50		103.50
Project Controller	0.75		75.67
Project Manager	38.00		8,536.32
Sr. Civil Engineer	5.50		859.82
	<b>114.50</b>		<b>\$15,780.53</b>
		<b>Total Professional Services</b>	<b>\$15,780.53</b>

<b>Expense Summarization</b>	<b>Quantity</b>	<b>Billing Rate</b>	<b>Amount</b>
Mileage Personal	72.00		39.24
Printing/Reprographics			27.16
			<b>Total Expenses</b> <b>\$66.40</b>

<b>Amount Due This Invoice (USD)</b>	<b>\$15,846.93</b>
--------------------------------------	--------------------

<b>Fee Amount</b>	\$649,972.00
<b>Fee Invoiced to Date</b>	\$262,807.68
<b>Fee Remaining</b>	\$387,164.32

<b>HDR Internal Reference Only</b>	
Client Number	41331
Cost Center	10134
Project Number	10053040

Consent Agenda 5/1/18 (pb)

R. Ramirez  
4-12-18  
05.71.0909.03

# APPLICATION AND CERTIFICATE FOR PAYMENT

To Owner: City of LaVista  
John Kottmann  
9900 Portal Road  
LaVista, NE 68128

From Contractor: Hawkins Construction Company  
Via Architect: DLR Group Matthew Gulsig  
P.O. Box 9008  
Omaha, NE 68109

Contract For:

Invoice #: 2

Project: 3146-LaVista Garage District 2 Structure Application No.: 2  
Period To: 3/19/2018  
Project No.: DLR-10-17105-00 Hawkins  
3146  
Contract Date: 1/2/2018

Distribution to:  
Owner  
Architect  
Contractor  
[ ]  
[ ]  
[ ]  
[ ]

## CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for payment, as shown below, in connection with the Contract. Continuation Sheet is attached.

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information, and belief, the work covered by this Application for Payment has been completed in accordance with the Contract Documents. That all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

1. Original Contract Sum ..... \$3,863,000.00
2. Net Change By Change Order ..... \$0.00
3. Contract Sum To Date ..... \$3,863,000.00
4. Total Completed and Stored To Date ..... \$31,847.00

5. Retainage:

- a. 10.00% of Completed Work ..... \$3,184.70
- b. 0.00% of Stored Material ..... \$0.00

Total Retainage ..... \$3,184.70

6. Total Earned Less Retainage ..... \$28,662.30

7. Less Previous Certificates For Payments ..... \$23,712.30
8. Current Payment Due ..... \$4,950.00

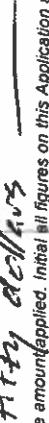
9. Balance To Finish, Plus Retainage ..... \$3,834,337.70

State of Nebraska  
Subscribed and sworn to before me this 19th

day of March 2018  
Notary Public:   
GENERAL NOTARY - State of Nebraska  
SUSAN L. DOEDEN  
My Commission Expires: 6/30/2021

### ARCHITECT'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising the above application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information, and belief, the Work has progressed as indicated. The quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

O.K. to Pay  
DNLK 4-17-2018  
My Comm. Exp. May 31, 2021  
4,950 - Four thousand nine hundred  
fifty dollars 

AMOUNT CERTIFIED

Change Order Summary	Additions	Deductions
Total changes approved in previous months by Owner	\$0.00	\$0.00
Total Approved this Month	\$0.00	\$0.00
TOTALS	\$0.00	\$0.00
Net Changes By Change Order	\$0.00	

(Attach explanation if amount certified differs from the amount applied. Initial all figures on this Application and on the Continuation Sheet that are changed to conform to the amount certified.)

ARCHITECT: DLR Group Matthew Gulsig  
By:   
Date: 3/22/2018 

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment, and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

A-4  
Contract Agenda 5/1/18 

# CONTINUATION SHEET

Application and Certification for Payment, containing  
Contractor's signed certification is attached.

In tabulations below, amounts are stated to the nearest dollar.

Use Column I on Contracts where variable retainage for line items may apply.

Contract : 3146- LaVista Garage District 2 Structure 1

Invoice # : 2 Architect's Project No.: DLR-10-17105-00

To: Hawkins 3146

Application No. : 2  
Application Date : 3/19/2018  
To: 3/19/2018

Page 2 of 3

Item No.	Description of Work	Scheduled Value	Work Completed		Materials Presently Stored	Total Completed and Stored To Date	% (G / C)	Balance To Finish (C-G)	Retainage
			From Previous Application (D+E)	This Period In Place					
1	Bond Allowances	26,347.00	26,347.00	0.00	0.00	26,347.00	100.00%	0.00	2,634.70
2	Concrete Paving and Sidewalks	60,000.00	0.00	0.00	0.00	0.00	0.00%	60,000.00	0.00
3	Concrete Formwork	47,100.00	0.00	0.00	0.00	0.00	0.00%	47,100.00	0.00
4	Concrete Reinforcing	797,800.00	0.00	0.00	0.00	0.00	0.00%	797,800.00	0.00
5	C.I.P. Foundations	279,500.00	0.00	0.00	0.00	0.00	0.00%	279,500.00	0.00
6	C.I.P. Slab on Grade	107,900.00	0.00	0.00	0.00	0.00	0.00%	107,900.00	0.00
7	C.I.P. Walls & Columns	439,900.00	0.00	0.00	0.00	0.00	0.00%	439,900.00	0.00
8	C.I.P. Elevated Decks	150,200.00	0.00	0.00	0.00	0.00	0.00%	150,200.00	0.00
9	Post-tensioned Concrete	440,453.00	0.00	0.00	0.00	0.00	0.00%	440,453.00	0.00
10	Concrete Curing	159,200.00	0.00	0.00	0.00	0.00	0.00%	159,200.00	0.00
11	Precast Architectural Concrete	20,900.00	0.00	0.00	0.00	0.00	0.00%	20,900.00	0.00
12	Unit Masonry	84,300.00	0.00	1,500.00	0.00	1,500.00	1.78%	82,800.00	150.00
13	Metals	158,500.00	0.00	0.00	0.00	0.00	0.00%	158,500.00	0.00
14	Wood, Plastics and Composites	135,600.00	0.00	4,000.00	0.00	4,000.00	2.95%	131,600.00	400.00
15	Garage Waterproofing System	4,500.00	0.00	0.00	0.00	0.00	0.00%	4,500.00	0.00
16	Self-Adhering Sheet Waterproofing	24,600.00	0.00	0.00	0.00	0.00	0.00%	24,600.00	0.00
17	Water Repellents	8,400.00	0.00	0.00	0.00	0.00	0.00%	8,400.00	0.00
18	Thermal Insulation	900.00	0.00	0.00	0.00	0.00	0.00%	900.00	0.00
19	Metal Framing, Sheathing, DEFS	3,200.00	0.00	0.00	0.00	0.00	0.00%	3,200.00	0.00
20	Fluid-Applied Membrane Air Barriers	15,500.00	0.00	0.00	0.00	0.00	0.00%	15,500.00	0.00
21	TPO Roofing, Sheet Metal, Roof Expansions	6,400.00	0.00	0.00	0.00	0.00	0.00%	6,400.00	0.00
22	Joint Sealants, Joint Firestopping, Pre-Assembly	41,100.00	0.00	0.00	0.00	0.00	0.00%	41,100.00	0.00
23	HM Doors, Frames and Hardware	15,700.00	0.00	0.00	0.00	0.00	0.00%	15,700.00	0.00
24	Alum, Soffitfronts, Glazing, Fire-Resistant Coatings	12,000.00	0.00	0.00	0.00	0.00	0.00%	12,000.00	0.00
25	High-Performance Coatings	64,900.00	0.00	0.00	0.00	0.00	0.00%	64,900.00	0.00
26	Fire Protection Cabinets & Extinguishers	2,500.00	0.00	0.00	0.00	0.00	0.00%	2,500.00	0.00
27	Signage	19,800.00	0.00	0.00	0.00	0.00	0.00%	19,800.00	0.00
28	Parking Access and Revenue Control	103,400.00	0.00	0.00	0.00	0.00	0.00%	103,400.00	0.00
29	Fire Suppression Systems	16,400.00	0.00	0.00	0.00	0.00	0.00%	16,400.00	0.00
30	Plumbing & Site Utilities	170,600.00	0.00	0.00	0.00	0.00	0.00%	170,600.00	0.00
31	HVAC	11,800.00	0.00	0.00	0.00	0.00	0.00%	11,800.00	0.00





March 31, 2018

Project No: R3001.477.01  
 Invoice No: 43911

Ann Birch  
 Community Development Director  
 City of La Vista  
 8116 Parkview Blvd  
 La Vista, NE 68128

Project R3001.477.01 LaVista, City of - Civic Center Park PH1

Professional Services through March 31, 2018

Fee

Billing Phase	Fee	Billed %	Earned	Prior Fee	Current Fee
Schematic Design	15,787.44	100.00	15,787.44	15,787.44	0.00 ✓
Design Development	20,787.83	100.00	20,787.83	20,787.83	0.00 ✓
Construction Documents	22,706.25	72.10	16,371.20	8,083.43	8,287.77 ✓
Bidding/Negotiation	5,158.14	0.00	0.00	0.00	0.00
Contract Administration	19,464.84	0.00	0.00	0.00	0.00
Post-Occupancy	495.50	0.00	0.00	0.00	0.00
Total Fee	84,400.00		52,946.47	44,658.70	8,287.77 ✓
			<b>Total Fee</b>		<b>8,287.77</b>

#### Reimbursable Expenses

Printing	28.85
Travel	70.00
Mileage In Town	13.08
<b>Total Reimbursables</b>	<b>111.93</b>
	<b>111.93</b> ✓
	<b>Total this Invoice</b>
	<b>\$8,399.70</b>

#### Outstanding Invoices

Number	Date	Balance
43765	2/28/2018	22,515.46
<b>Total</b>		<b>22,515.46</b>

O.K. to pay

DMK 4-17-2018

05.71.0916.003

Consent Agenda 5/1/18 (pk)



A-6

## Invoice



listen.DESIGN.deliver  
 6457 Frances Street, Suite 200  
 Omaha, NE 68106  
 402-393-4100 Fax 402-393-8747

John Kottmann, PE  
 Director Public Works  
 City of La Vista  
 Email Inv: jkottmann@cityoflavista.org  
 9900 Portal Road  
 La Vista, NE 68128

April 10, 2018

Project No: 10-17105-01  
 Invoice No: 0146829

Project 10-17105-01 La Vista City Centre Parking Fac CA

Billing Period: March 1, 2018 to March 31, 2018

## Fee

Total Fee	34,000.00		
Percent Complete	25.00	Total Earned	8,500.00
		Previous Fee Billing	6,800.00
		Current Fee Billing	1,700.00
		Total Fee	1,700.00

## Consultants

AGA Consulting, Inc.	4,150.00	
<b>Total Consultants</b>	<b>4,150.00</b>	<b>4,150.00</b>

## Reimbursable Expenses

Printing & Copy Services	150.00		
<b>Total Reimbursables</b>	<b>150.00</b>	<b>150.00</b>	
		<b>Total this Invoice</b>	<b>\$6,000.00</b>

## Outstanding Invoices

Number	Date	Balance
0145747	3/12/2018	3,073.08
<b>Total</b>		<b>3,073.08</b>

O.K. to pay  
 of MK 4-17-2018

## Billings to Date

	Current	Prior	Total
Fee	1,700.00	6,800.00	8,500.00
Consultant	4,150.00	0.00	4,150.00
Expense	150.00	13.08	163.08
<b>Totals</b>	<b>6,000.00</b>	<b>6,813.08</b>	<b>12,813.08</b>

CD-17-008  
 05.71.0909.003

We appreciate your confidence in us and thank you in advance for your payment.  
 Being environmentally friendly, we encourage payments via Wire Transfer.  
 Routing number: 121000248 Account Number: 4945435436

Matthew Gulsvig, AIA, LEED AP

Consent Agenda 5/1/18 (pb)

Payment due and interest charged per contract terms. Remit to address at the top of this invoice.





140

1523

卷之三

卷之三

Digitized

四百一

Digitized by srujanika@gmail.com

100

100

OLSSON<sup>®</sup>  
ASSOCIATES

**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**MAY 1, 2018 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
APPOINTMENT OF SAFETY STEERING COMMITTEE MEMBER	◆ RESOLUTION ORDINANCE RECEIVE/FILE	JEFF SINNETT CHIEF BLDG. OFFICIAL/SAFETY STEERING COMMITTEE CHAIRMAN

**SYNOPSIS**

A resolution has been prepared in reference to the appointment of selected personnel to the La Vista Safety Steering Committee.

**FISCAL IMPACT**

N/A

**RECOMMENDATION**

Approval

**BACKGROUND**

In accordance with the provision of state law 48-443, the Safety Steering Committee is comprised of an equal number of representatives for the Employer and the Employees. It is intended that the committee represent a diverse cross-section of city departments and employees.

The appointments did not come before Council in 2017, therefore all members of the Committee will be re-appointed at this meeting with the exception of James Berger who will be appointed to replace John Danderand. Some will have one year terms so that staggered terms remain in effect.

James Berger Employee Representative (FOP) 1 year term (new appointment – fill vacancy through 4/2019)

Reappointments to the Safety Steering Committee are:

Jeff Sinnett	Employer Representative (Chairman)	1 year term through 4/2019
Jeff Siebels	Employer Representative (Vice-Chairman)	2 year term through 4/2020
Kevin Pokorny	Employer Representative	2 year term through 4/2020
Pam Buethe	Employer Representative	1 year term through 4/2019
Don Pluta	Employee Representative	2 year term through 4/2020
Terry Foster	Employee Representative	2 year term through 4/2020
Brian Burke	Employee Representative	1 year term through 4/2019

Other members of the Safety Steering Committee include:

Jean Hurst Ex-Officio (Non-Voting)  
 Bill Bowes (Fire) Ex-Officio (Non-Voting)

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

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA PROVIDING FOR THE APPOINTMENT OF SAFETY STEERING COMMITTEE MEMBERS.**

**WHEREAS,** The City Council of the City of La Vista has determined that the appointments to the La Vista Safety Steering Committee are necessary; and

**WHEREAS,** a recommendation by the City Administrator, in consultation with the staff, has been made regarding appointments; and

**WHEREAS,** the recommended appointments comply with N.R.S. 48-443:

**NOW, THEREFORE, BE IT RESOLVED,** that the Mayor and City Council of La Vista, Nebraska, do hereby appoint the following city employees to the La Vista Safety Steering Committee for the terms specified:

James Berger	Employee Representative (FOP)	1 year term	(new appointment	–	fill
	vacancy through 4/2019)				
Jeff Sinnott	Employer Representative (Chairman)	1 year term through 4/2019			
Jeff Siebels	Employer Representative (Vice-Chairman)	2 year term through 4/2020			
Kevin Pokorny	Employer Representative	2 year term through 4/2020			
Pam Buethe	Employer Representative	1 year term through 4/2019			
Don Pluta	Employee Representative	2 year term through 4/2020			
Terry Foster	Employee Representative	2 year term through 4/2020			
Brian Burke	Employee Representative	1 year term through 4/2019			

PASSED AND APPROVED THIS 1ST DAY OF MAY, 2018.

**CITY OF LA VISTA**

ATTEST:

---

Douglas Kindig, Mayor

---

Pamela A. Buethe, CMC  
City Clerk

Check #	Check Date	Vendor Name	Amount	Voided
126695	04/19/2018	ARTHUR J GALLAGHER RISK	2,837.00	N
126696	04/19/2018	BIBLIOTHECA LLC	450.97	N
126697	04/19/2018	DESIGN WORKSHOP INC	9,747.09	N
126698	04/19/2018	GUNN, BRENDA	96.00	N
126699	04/19/2018	HSMC ORIZON LLC	3,228.91	N
126700	04/19/2018	LAUSTEN, ROBERT S	96.00	N
126701	04/19/2018	OLSSON ASSOCIATES	8,103.72	N
126702	04/19/2018	OMAHA PUBLIC POWER DISTRICT	4,585.06	N
126703	04/19/2018	POKORNY, KEVIN L	96.00	N
126704	04/19/2018	RAMIREZ, RITA M	96.00	N
126705	04/19/2018	SOUCIE, JOSEPH H JR	96.00	N
126706	04/19/2018	THOMPSON DREESSEN & DORNER	5,369.07	N
126707	04/19/2018	VIERREGGER ELECTRIC COMPANY	75,186.59	N
126708	04/20/2018	PATRICK STIBBS	4,600.00	N
126709	05/01/2018	A-RELIEF SERVICES INC	250.00	N
126710	05/01/2018	ABRAHAMS KASLOW & CASSMAN LLP	1,382.50	N
126711	05/01/2018	ACTION BATTERIES UNLTD INC	171.54	N
126712	05/01/2018	ALL MAKES OFFICE EQUIPMENT CO	650.00	N
126713	05/01/2018	APWA-AMER PUBLIC WORKS ASSN	825.00	N
126714	05/01/2018	ASPHALT & CONCRETE MATERIALS	1,570.58	N
126715	05/01/2018	BARONE SECURITY SYSTEMS	804.00	N
126716	05/01/2018	BAUER BUILT TIRE	1,192.22	N
126717	05/01/2018	BAXTER FORD 144TH & I-80	43.97	N
126718	05/01/2018	BISHOP BUSINESS EQUIPMENT	921.84	N
126719	05/01/2018	BLACK HILLS ENERGY	2,896.66	N
126720	05/01/2018	BOOT BARN	150.00	N
126721	05/01/2018	CENTER POINT PUBLISHING	44.34	N
126722	05/01/2018	CENTURY LINK	445.83	N
126723	05/01/2018	CENTURY LINK BUSN SVCS	12.56	N
126724	05/01/2018	CHOICE MARKETING SPORTS CARDS	156.40	N
126725	05/01/2018	CITY OF OMAHA	176,583.20	N
126726	05/01/2018	CITY OF PAPILLION	175,790.05	N
126727	05/01/2018	CONTROL MASTERS INCORPORATED	1,030.78	N
126728	05/01/2018	COX COMMUNICATIONS	147.03	N
126729	05/01/2018	CUMMINS CENTRAL POWER LLC	702.01	N
126730	05/01/2018	D & K PRODUCTS	2,193.00	N
126731	05/01/2018	DEMCO INCORPORATED	524.04	N
126732	05/01/2018	DULTMEIER SALES & SERVICE	176.49	N
126733	05/01/2018	DXP ENTERPRISES INC	90.00	N
126734	05/01/2018	EDGEWEAR SCREEN PRINTING	1,742.80	N
126735	05/01/2018	EN POINTE TECHNOLOGIES SALES	308.77	N
126736	05/01/2018	FILTER CARE	13.10	N
126737	05/01/2018	FIRST NATIONAL BANK OF OMAHA	99.30	N
126738	05/01/2018	FOCUS PRINTING	75.00	N
126739	05/01/2018	GALE	155.94	N
126740	05/01/2018	GCR TIRES & SERVICE	56.21	N
126741	05/01/2018	GENERAL FIRE & SAFETY EQUIP CO	2,850.00	N
126742	05/01/2018	GRAYBAR ELECTRIC COMPANY INC	182.58	N
126743	05/01/2018	GREATMATS.COM CORPORATION	1,112.60	N
126744	05/01/2018	FRED PETERSON	1,890.00	N
126745	05/01/2018	HEARTLAND PAPER	480.00	N
126746	05/01/2018	HERITAGE CRYSTAL CLEAN LLC	468.74	N
126747	05/01/2018	HY-VEE INC	1,210.88	N
126748	05/01/2018	INDUSTRIAL SALES COMPANY INC	10.12	N
126749	05/01/2018	INGRAM LIBRARY SERVICES	1,403.02	N
126750	05/01/2018	J & J SMALL ENGINE SERVICE	190.84	N
126751	05/01/2018	KRIHA FLUID POWER CO INC	225.91	N
126752	05/01/2018	LABRIE, DONALD P	150.00	N
126753	05/01/2018	LANDS' END BUSINESS OUTFITTERS	261.60	N
126754	05/01/2018	LARSEN SUPPLY COMPANY	894.88	N
126755	05/01/2018	LIBRA INDUSTRIES INC	68.00	N

User: mgustafson

DB: La Vista

Check #

Check #	Check Date	Vendor Name	Amount	Voided
126756	05/01/2018	LOGAN CONTRACTORS SUPPLY	121.76	N
126757	05/01/2018	LOU'S SPORTING GOODS	1,680.00	N
126758	05/01/2018	MAX I WALKER UNIFORM RENTAL	616.58	N
126759	05/01/2018	MENARDS-RALSTON	141.05	N
126760	05/01/2018	METROPOLITAN UTILITIES DIST.	2,031.83	N
126762	05/01/2018	MIDWEST TAPE	179.33	N
126763	05/01/2018	MOBOTREX MOBILITY & TRAFFIC	3,121.00	N
126764	05/01/2018	MONARCH OIL INC	878.50	N
126765	05/01/2018	MPH INDUSTRIES INCORPORATED	83.02	N
126766	05/01/2018	MSC INDUSTRIAL SUPPLY CO	464.13	N
126767	05/01/2018	MULHALL'S	4,772.83	N
126768	05/01/2018	MUNICIPAL PIPE TOOL CO LLC	1,301.53	N
126769	05/01/2018	NEBRASKA AIR FILTER INC	122.04	N
126770	05/01/2018	NEBRASKA IOWA INDL FASTENERS	110.86	N
126771	05/01/2018	NEBRASKA LAW ENFORCEMENT	100.00	N
126772	05/01/2018	NEBRASKA SALT & GRAIN COMPANY	3,467.19	N
126773	05/01/2018	NIGHT FLYER GOLF INC	337.50	N
126774	05/01/2018	NIRMAL THAPA MAGAR	60.00	N
126775	05/01/2018	O'REILLY AUTOMOTIVE STORES INC	3,299.99	N
126776	05/01/2018	OCLC INC	149.77	N
126777	05/01/2018	OFFICE DEPOT INC	721.12	N
126778	05/01/2018	OMNI	1,074.77	N
126779	05/01/2018	OVERHEAD DOOR COMPANY OF OMA	118.00	N
126780	05/01/2018	PARK YOUR PAWZ INC	80.00	N
126781	05/01/2018	PASTOR C PANTALEON JR	150.00	N
126782	05/01/2018	PAT KRZYWICKI	230.00	N
126783	05/01/2018	PLAINS EQUIPMENT GROUP	430.16	N
126784	05/01/2018	RAINBOW GLASS & SUPPLY	241.32	N
126785	05/01/2018	RAMADA MIDTOWN CONFERENCE CE	359.80	N
126786	05/01/2018	RED MUNICIPAL & INDUSTRIAL EQUIP	1,931.86	N
126787	05/01/2018	SCHEMMER ASSOCIATES INC	809.81	N
126788	05/01/2018	SIGN IT	540.00	N
126789	05/01/2018	SPENCER FANE LLP	3,429.00	N
126790	05/01/2018	SWAN ENGINEERING LLC	1.05	N
126791	05/01/2018	THEATRICAL MEDIA SERVICES INC	1,114.00	N
126792	05/01/2018	THOMPSON DREESSEN & DORNER	250.00	N
126793	05/01/2018	TRAIL PERFORMANCE COATING INC	240.00	N
126794	05/01/2018	VERIZON WIRELESS	169.24	N
126795	05/01/2018	VIERREGGER ELECTRIC COMPANY	5,721.60	N
126796	05/01/2018	WAL-MART COMMUNITY BRC	1,209.12	N
126797	05/01/2018	WICK'S STERLING TRUCKS INC	282.35	N
126798	05/01/2018	WOODHOUSE LINCLN-MAZDA-PORSC	137.36	N
			TOTAL:	539,472.21

APPROVED BY COUNCIL MEMBERS ON: 05/01/2018

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**MAY 1, 2018 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
PUBLIC IMPROVEMENT REDEVELOPMENT PROJECT AREA INTERLOCAL AGREEMENT WITH METROPOLITAN UTILITIES DISTRICT WATER MAIN EXTENSIONS-PHASES 2 & 3	◆ RESOLUTION ORDINANCE RECEIVE/FILE	JOHN KOTTMANN CITY ENGINEER

**SYNOPSIS**

A resolution has been prepared authorizing the Mayor to execute an Interlocal Cooperation Agreement with the Metropolitan Utilities District for the undertaking of efforts required for installation of Phase 2 and Phase 3 water mains for the public improvement redevelopment project.

**FISCAL IMPACT**

The FY 17/18 Biennial budget provides funding for this project.

**RECOMMENDATION**

Approval of a Purchase Order in the amount of \$147,536.00 subject to the City Attorney approval of the final form of the interlocal agreement.

**BACKGROUND**

The Metropolitan Utilities District (MUD) and the City in connection with the public improvement redevelopment project need to provide for new water mains. An initial agreement was entered into with MUD at the October 18, 2016 City Council meeting in the amount of \$140,000 as surety for the replacement of water mains after the demolition work. A second agreement was entered into with MUD at the September 19, 2017 City Council meeting for the Phase 1 installations to serve Lot 3 and 83<sup>rd</sup> Street. The currently proposed agreement provides for Phases 2 and 3 of the water mains to complete the currently proposed development of City Centre for a total cost of \$287,536 but recognizes credit in the amount of \$140,000 authorized under a prior purchase order, leaving a net cost to be authorized for this agreement in the amount of \$147,536.00.

This work is required as part of the installation of public infrastructure. The phasing refers to the water main installation and not development phasing.

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING AN INTERLOCAL COOPERATION AGREEMENT WITH METROPOLITAN UTILITIES DISTRICT FOR THE UNDERTAKING OF EFFORTS REQUIRED FOR INSTALLATION OF PHASE 2 AND PHASE 3 WATER MAINS FOR THE PUBLIC IMPROVEMENT REDEVELOPMENT PROJECT.

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

WHEREAS, the installation of water mains is necessary, and;

WHEREAS, the FY 17/18 Biennial budget provides funding for this project; and

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

NOW, THEREFORE, BE IT RESOLVED, that the City Council of La Vista, Nebraska, hereby approves and authorizes the execution of an Interlocal Cooperation Agreement with Metropolitan Utilities District for the undertaking of efforts required for installation of Phase 2 and Phase 3 water mains for the public improvement redevelopment project in form and content satisfactory to the city administrator and city attorney.

PASSED AND APPROVED THIS 1ST DAY OF MAY, 2018.

CITY OF LA VISTA

---

Douglas Kindig, Mayor

ATTEST:

---

Pamela A. Buethe, CMC  
City Clerk

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
MAY 1, 2018 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
ADVERTISEMENT FOR BIDS 84 <sup>TH</sup> STREET REDEVELOPMENT AREA CIVIC CENTER PARK SANITARY SEWER RELOCATION	◆ RESOLUTION ORDINANCE RECEIVE/FILE	JOHN KOTTMANN CITY ENGINEER

## SYNOPSIS

A resolution has been prepared authorizing the advertisement for bids for Civic Center Park Improvements-Sanitary Sewer Relocation in support of the 84<sup>th</sup> Street Redevelopment Area.

## **FISCAL IMPACT**

The FY17/18 Biennial Budget includes funding in the Capital Improvement Program for this project.

## RECOMMENDATION

## Approval

## BACKGROUND

The proposed construction includes relocation of the existing sanitary outfall sewer that is located on the site. The development of City Centre with expansion of the lots into the southern edge of the former golf course makes it necessary to relocate the sewer to a location at which it will be easier to access. The new location will result in the sewer being less deep and being located along a proposed multi-purpose trail so that sewer maintenance vehicles can reach the sewer quickly and easily when needed in all conditions. This is a portion of the CIP Project No. PWP-17-009.

Preparation of plans and specifications for this project have been completed by Thompson, Dreessen & Dorner, Inc. The opinion of costs for the proposed construction work is \$98,450.00 including a ten percent contingency. The recommended schedule for bidding this work is:

Publish Notice to Contractors May 9, 16, and 23, 2018

Open Bids May 24, 2018 at 10:00 am City Hall

## Council Award Contract June 5, 2018

The Notice to Contractors will also be posted on the City's web site and at [www.standardshare.com](http://www.standardshare.com)

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE ADVERTISEMENT FOR BIDS FOR CIVIC CENTER PARK IMPROVEMENTS SANITARY SEWER RELOCATION IN SUPPORT OF THE 84<sup>TH</sup> STREET REDEVELOPMENT AREA.

WHEREAS, the Mayor and Council have determined that public improvements in the 84<sup>th</sup> Street Redevelopment Area are necessary, and

WHEREAS, the FY17/18 Biennial Budget provides funding for the proposed project; and

WHEREAS, the schedule for awarding this contract is as follows:

Publish Notice to Contractors	May 9, 16 and 23, 2018
Open Bids	May 24, 2018 at 10:00 am at City Hall
Council Award Contract	June 5, 2018

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council of the City of La Vista Nebraska hereby authorize the advertisement for bids for Civic Center Park Improvements Sanitary Sewer Relocation in support of the 84<sup>th</sup> Street Redevelopment area.

PASSED AND APPROVED THIS 1ST DAY OF MAY, 2018.

CITY OF LA VISTA

---

Douglas Kindig, Mayor

ATTEST:

---

Pamela A. Buethe, CMC  
City Clerk

## NOTICE TO CONTRACTORS

City of La Vista  
La Vista, Nebraska

### **CIVIC CENTER PARK SANITARY SEWER RELOCATION**

Sealed proposals will be received by Pamela Buethe, Clerk of said City, at the City of La Vista, City Hall, 8116 Parkview Boulevard, La Vista, NE 68128, until 10:00 AM on the 24th day of May, 2018 for the furnishing of all labor, materials, use of Contractor's equipment, plant and all else necessary to construct properly all of the improvements within the improvement of CIVIC CENTER PARK – SANITARY SEWER RELOCATION. At such hour, or as soon as practicable thereafter, the City of La Vista will proceed to publicly open in the presence of all bidders and consider the bids received for the furnishing of such labor, materials, and equipment necessary for the proper construction of such improvements. The extent of the work consists of the construction or other effectuation of the items listed below and other related preparatory and subsidiary work from issuance of the Notice to Proceed:

<b>Item</b>	<b>Description</b>	<b>Estimated Quantities</b>
1	Mobilization	1 LS
2	Clearing and Grubbing	1 LS
3	Disconnect, Remove & Seal Existing Sanitary Sewer Line	1 LS
4	Tie into Existing Sanitary Sewer Manhole with PSX Direct Drive Boot	2 EA
5	Construct Sanitary Manhole, In Place	43 VF
6	Construct 12" Sanitary Line, In Place	990 LF
7	Adjust Existing Sanitary Manhole to Grade	3 EA

All work called for in the drawings and specifications shall be furnished in strict accordance with the drawings and specifications prepared by Thompson, Dreessen & Dorner, Inc., Engineers for the City of La Vista, and now filed in the office of Thompson, Dreessen & Dorner, Inc., 10836 Old Mill Road, Omaha, NE 68154.

Each bid shall be accompanied in a SEPARATE SEALED ENVELOPE by a certified check or bid bond in an amount of not less than five percent of the amount bid and such certified check or bid bond shall be payable to the Treasurer of the City of La Vista, Nebraska as security that the bidder to whom the contract may be awarded will enter into a contract to build the improvement in accordance with this Notice to Contractors and will give a contract and maintenance bond in the amount of 100% of the contract price. No bidder may withdraw his proposal for a period of sixty (60) days after the date set for the opening of bids. The City of La Vista reserves the right to reject any or all bids and to waive informalities.

The City of La Vista, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office the Secretary, Part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidden that it will affirmatively insure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin, sex, age and disability/handicap in consideration for an award.

Drawings, Specifications and Contract Documents may be examined online at [www.standardshare.com](http://www.standardshare.com). Search for the project name in the Plan Room found at [www.standardshare.com](http://www.standardshare.com). Downloadable PDF files and hardcopy prints may be procured from StandardSHARE or the offices of Standard Digital Imaging: 4424 S. 108th St. / Omaha, NE 68137 / 402-592-1292. All costs associated with obtaining documents are the responsibility of the bidder and are non-refundable. Project documents may also be examined at the office of The City Clerk of the City of La Vista at City of La Vista City Hall, 8116 Park View Blvd., La Vista, NE 68128. In order to ensure bidders are aware of all issued documents pertaining to this opportunity – bids will only be accepted from those listed on the planholders list kept at the offices of Standard Digital Imaging / StandardSHARE.

The City of La Vista, Nebraska reserves the right to waive informalities and to reject all or any bids.

CITY OF LA VISTA, NEBRASKA

Douglas Kindig, Mayor

Pamela Buethe, Clerk

**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**MAY 1, 2018 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
ADVERTISEMENT FOR BIDS 84 <sup>TH</sup> STREET REDEVELOPMENT AREA CIVIC CENTER PARK PHASE 2 IMPROVEMENTS	◆ RESOLUTION ORDINANCE RECEIVE/FILE	JOHN KOTTMANN CITY ENGINEER

**SYNOPSIS**

A resolution has been prepared authorizing the advertisement for bids for Civic Center Park Improvements-Phase 2 in support of the 84<sup>th</sup> Street Redevelopment Area.

**FISCAL IMPACT**

The FY17/18 Biennial Budget includes funding in the Capital Improvement Program for this project.

**RECOMMENDATION**

Approval

**BACKGROUND**

The proposed construction provides for some initial park infrastructure and includes concrete trails of various widths, an irrigation system with pumps to obtain water from the lake, seeding of various grasses, a fountain and aeration devices in the lake, and electrical infrastructure to include a limited amount of temporary lighting for security purposes, along with miscellaneous appurtenant work. This is a portion of the CIP Project No. PWP-17-009. Additional park improvements and amenities will be considered in upcoming phases.

Preparation of plans and specifications for this project have been completed by RDG Planning and Design. The opinion of costs for the proposed construction work is \$1,435,700 including a 10 percent contingency. The recommended schedule for bidding this work is:

Publish Notice to Contractors	May 9, 16, and 23, 2018
Open Bids	May 24, 2018 at 10:00 am City Hall
Council Award Contract	June 5, 2018

The Notice to Contractors will also be posted on the City's web site and at [www.standardshare.com](http://www.standardshare.com)

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE ADVERTISEMENT FOR BIDS FOR CIVIC CENTER PARK IMPROVEMENTS PHASE 2 IN SUPPORT OF THE 84<sup>TH</sup> STREET REDEVELOPMENT AREA.

WHEREAS, the Mayor and Council have determined that public improvements in the 84<sup>th</sup> Street Redevelopment Area are necessary, and

WHEREAS, the FY17/18 Biennial Budget provides funding for the proposed project; and

WHEREAS, the schedule for awarding this contract is as follows:

Publish Notice to Contractors	May 9, 16 and 23, 2018
Open Bids	May 24, 2018 at 10:00 am at City Hall
Council Award Contract	June 5, 2018

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council of the City of La Vista Nebraska hereby authorize the advertisement for bids for Civic Center Park Improvements Phase 2 in support of the 84<sup>th</sup> Street Redevelopment area.

PASSED AND APPROVED THIS 1ST DAY OF MAY, 2018.

CITY OF LA VISTA

---

Douglas Kindig, Mayor

ATTEST:

---

Pamela A. Buethe, CMC  
City Clerk

## NOTICE TO CONTRACTORS

84<sup>TH</sup> STREET REDEVELOPMENT AREA  
CIVIC CENTER PARK – PHASE TWO IMPROVEMENTS  
PWP-17-009  
CITY OF LA VISTA, NEBRASKA

Sealed proposals will be received by Pamela Buethe, City Clerk of the City of La Vista, at City Hall, 8116 Park View Boulevard, La Vista, Nebraska 68128, until May 24, 2018, at 10:00 A.M., for Phase Two construction associated with the Civic Center Park, PWP-17-009, in and for said City according to plans and specifications for said improvements now on file at the office of the City Clerk. At such hour, or as soon as practicable thereafter, the bids will be opened publicly in the presence of the bidders for furnishing labor, materials, and equipment necessary for the proper construction of this project.

The extent of the work includes concrete trails, a fire lane, site grading, erosion control, bioswale improvements, aerating pond diffusers, pond fountain with lighting, shoreline stabilization and miscellaneous appurtenant work.

Plans, Specifications and Contract Documents may be examined online at [www.standardshare.com](http://www.standardshare.com). Search for the project name in the Plan Room found at [www.standardshare.com](http://www.standardshare.com). Downloadable PDF files and hardcopy prints may be procured from StandardSHARE or the offices of Standard Digital Imaging: 4424 S. 108th St. / Omaha, NE 68137 / 402-592-1292. All costs associated with obtaining documents are the responsibility of the bidder and are non-refundable. Project documents may also be examined at the office of The City Clerk of the City of La Vista at City of La Vista City Hall, 8116 Park View Blvd., La Vista, NE 68128. In order to ensure bidders are aware of all issued documents pertaining to this opportunity – bids will only be accepted from those listed on the planholders list kept at the offices of Standard Digital Imaging / StandardSHARE.

All work shall be furnished in strict accordance with the plans, specifications and contract documents prepared by RDG Planning & Design for the City of La Vista. All proposals must be submitted on the Proposal form prepared by RDG Planning & Design. This form is part of the documents that can be obtained at the StandardSHARE web site or offices.

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

The City of La Vista, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office the Secretary, Part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidden that it will affirmatively insure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin, sex, age and disability/handicap in consideration for an award.

No Bidder may withdraw his proposal for a period of sixty (60) days after the date set for the opening of bids. The City of La Vista, Nebraska reserves the right to reject any or all bids and to waive informalities.

**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**MAY 1, 2018 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
CHANGE ORDERS 1 & 2 84 <sup>TH</sup> STREET REDEVELOPMENT AREA PUBLIC IMPROVEMENT REDEV. PROJECT OFFSTREET PRKG. DIST. No. 2-STRUCTURE No. 1	◆ RESOLUTION ORDINANCE RECEIVE/FILE	JOHN KOTTMANN CITY ENGINEER

**SYNOPSIS**

A resolution has been prepared to approve Change Orders No. 1 and No. 2 to the contract with Hawkins Construction Co. of Omaha, Nebraska for additions and deletions of work, which will result in an increase in the contract price of \$77,049.91.

**FISCAL IMPACT**

The FY 17/18 biennial budget includes funding for this project.

**RECOMMENDATION**

Approval

**BACKGROUND**

The initial contract for this project was awarded to Hawkins Construction Co. in the amount of \$3,863,000.00 on November 21, 2017. Change Order No.1 increases the contract amount by \$74,068.60 as a result of making changes to the masonry and wire mesh elements in the project. The architectural design review was not complete at the time of bidding the project. As a result of completing that review, certain changes to upgrade materials were determined to be appropriate. Change Order No. 2 provides for the addition of screening material in the fenced equipment enclosure in the lower level of the parking garage in the amount of \$2,981.31.

The net result of the two change orders is an increase of \$77,049.91 to the contract price.

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING CHANGE ORDER NUMBER 1 AND NUMBER 2 TO THE CONTRACT WITH HAWKINS CONSTRUCTION CO., OMAHA, NEBRASKA, TO PROVIDE FOR ADDITIONS AND DELETIONS OF WORK TO THE CONTRACT IN AN ADDITIONAL AMOUNT NOT TO EXCEED \$77,049.91.

WHEREAS, the City has determined it is necessary to make changes to provide for additions and deletions of work to the contract; and

WHEREAS, the FY17/18 Biennial Budget provides funding for the project.

WHEREAS, the contract price will increase with change order number 1 by \$74,068.60 and with change order number 2 by \$2,981.31 for a total increase of \$77,049.91

NOW THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of La Vista, Nebraska, that the Mayor is authorized to execute the necessary documents for change order number 1 and number 2 to the contract with Hawkins Construction Co., Omaha, Nebraska, to provide for additions and deletions of work to the contract in an additional amount not to exceed \$77,049.91.

PASSED AND APPROVED THIS 1ST DAY OF MAY, 2018.

CITY OF LA VISTA

---

Douglas Kindig, Mayor

ATTEST:

---

Pamela A. Buethe, CMC  
City Clerk


**AIA® Document G701™ – 2017**
**Change Order**

PROJECT: (Name and address)	CONTRACT INFORMATION:	CHANGE ORDER INFORMATION:
10-17105-00 La Vista City Centre Parking Facilities	Contract For: General Construction	Change Order Number: 001
	Date: January 2, 2018	Date: April 17, 2018
OWNER: (Name and address)	ARCHITECT: (Name and address)	CONTRACTOR: (Name and address)
City of La Vista 8116 Park View Blvd La Vista, NE 68128	DLR Group inc. (a Nebraska corporation) 6457 Frances Street, Suite 200 Omaha, NE 68106	Hawkins Construction Co. 2516 Deer Park Blvd Omaha, NE 68105

**THE CONTRACT IS CHANGED AS FOLLOWS:**

*(Insert a detailed description of the change and, if applicable, attach or reference specific exhibits. Also include agreed upon adjustments attributable to executed Construction Change Directives.)*

1. 4G Steel fabrication per CPR-1.	\$35,700.00
2. Fencing per PR-001.	\$14,892.41
3. Meier Masonry per PR-001.	\$11,738.42
4. Paint galvanized wire mesh and railings per CPR -1.	\$18,259.00
5. Delete chain link fences per PR-001.	-\$12,454.23
6. 10% Overhead and Profit - Hawkins	\$3,570.00
7. 5% Overhead and Profit - Subcontractors	\$1,622.00
8. 1.01% Bond	\$741.00
 TOTAL	 \$74,068.60

The original Contract Sum was	\$ 3,863,000.00
The net change by previously authorized Change Orders	\$ 0.00
The Contract Sum prior to this Change Order was	\$ 3,863,000.00
The Contract Sum will be increased by this Change Order in the amount of	\$ 74,068.60
The new Contract Sum including this Change Order will be	\$ 3,937,068.60

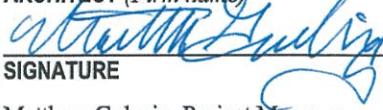
The Contract Time will be increased by Zero (0) days.  
The new date of Substantial Completion will be

**NOTE:** This Change Order does not include adjustments to the Contract Sum or Guaranteed Maximum Price, or the Contract Time, that have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

**NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.**

DLR Group inc. (a Nebraska corporation)

ARCHITECT (Firm name)



SIGNATURE

Matthew Gulsvig, Project Manager

PRINTED NAME AND TITLE

April 17, 2018

DATE

Hawkins Construction Co.

CONTRACTOR (Firm name)



SIGNATURE

Jerry Seier, Construction Manager

PRINTED NAME AND TITLE

4/17/2018

DATE

City of La Vista

OWNER (Firm name)

SIGNATURE

John Kottman, P.E. City Engineer

PRINTED NAME AND TITLE

DATE


**AIA® Document G701™ – 2017**
**Change Order**

PROJECT: (Name and address)	CONTRACT INFORMATION:	CHANGE ORDER INFORMATION:
10-17105-00 La Vista City Centre Parking Facilities	Contract For: General Construction  Date: January 2, 2018	Change Order Number: 002  Date: April 17, 2018
<b>OWNER:</b> (Name and address)	<b>ARCHITECT:</b> (Name and address)	<b>CONTRACTOR:</b> (Name and address)
City of La Vista 8116 Park View Blvd La Vista, NE 68128	DLR Group inc. (a Nebraska corporation) 6457 Frances Street, Suite 200 Omaha, NE 68106	Hawkins Construction Co. 2516 Deer Park Blvd Omaha, NE 68105

**THE CONTRACT IS CHANGED AS FOLLOWS:**

(Insert a detailed description of the change and, if applicable, attach or reference specific exhibits. Also include agreed upon adjustments attributable to executed Construction Change Directives.)

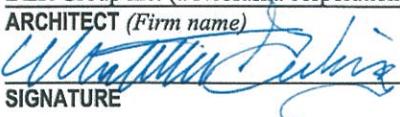
1. Add 750 Series Black FenceScreen per PR-002.	\$2,810.31
2. 5% Overhead and Profit - subcontractors.	\$141.00
3. 1.01% Bond	\$30.00
	<b>TOTAL</b> \$2981.31

The original Contract Sum was	\$ 3,863,000.00
The net change by previously authorized Change Orders	\$ 74,068.60
The Contract Sum prior to this Change Order was	\$ 3,937,068.60
The Contract Sum will be increased by this Change Order in the amount of	\$ 2,981.31
The new Contract Sum including this Change Order will be	\$ 3,940,049.91

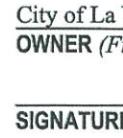
The Contract Time will be increased by Zero (0) days.  
The new date of Substantial Completion will be

**NOTE:** This Change Order does not include adjustments to the Contract Sum or Guaranteed Maximum Price, or the Contract Time, that have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

**NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.**

DLR Group inc. (a Nebraska corporation)  
**ARCHITECT (Firm name)**  
  
**SIGNATURE**  
Matthew Gulsvig, Project Manager  
**PRINTED NAME AND TITLE**  
April 17, 2018  
**DATE**

Hawkins Construction Co.  
**CONTRACTOR (Firm name)**  
  
**SIGNATURE**  
Jerry Seier, Construction Manager  
**PRINTED NAME AND TITLE**  
4/17/2018  
**DATE**

City of La Vista  
**OWNER (Firm name)**  
  
**SIGNATURE**  
John Kottmann, P.E., City Engineer  
**PRINTED NAME AND TITLE**  
**DATE**

**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**MAY 1, 2018 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
SETTLEMENT AGREEMENT WITH JD HOLDINGS, L.L.C.	◆ RESOLUTION ORDINANCE RECEIVE/FILE	KEVIN POKORNY DIRECTOR OF ADMINISTRATIVE SERVICES

**SYNOPSIS**

A resolution has been prepared to approve a Settlement Agreement with JD Holdings, L.L.C. to settle City of La Vista claims regarding a loan made under its economic development program to JQH La Vista Conference Center Development, LLC.

**FISCAL IMPACT**

Full payment of loan principal in the amount of \$15,810,691.45 plus interest accrued.

**RECOMMENDATION**

Approval

**BACKGROUND**

The City, as approved in 2007, loaned JQH-La Vista Conference Center Development, LLC (“JQH-La Vista Conference Center LLC”) \$15,810,691.45 under the La Vista Economic Development Program in connection with the hotel/conference center facility project of John Q. Hammons in Southport West.

Since that time Mr. Hammons has died and representatives of John Q. Hammons and affiliated entities (“JQH”), including the JQH-La Vista Conference Center LLC, in response to ongoing litigation with JD Holdings, L.L.C. and certain of its affiliates (“JD Holdings”), filed for federal bankruptcy protection in Kansas on June 26, 2016 (“JQH Bankruptcy”). JD Holdings is the largest creditor of JQH.

The City filed proof of claims in the JQH Bankruptcy that, in part, provide for repayment of the Loan Principal (“City Claims”). Regular quarterly interest payments on the City Loan have continued.

JD Holdings, in connection with its proposed plans of reorganization for all JQH entities in the JQH Bankruptcy (“Plans”), desires to settle the City Claims, including (among other things) payment of accrued interest to date and payment of the Loan Principal; and a proposed agreement for this purpose has been presented as on file with the City Clerk (“Agreement”). The Agreement is subject to Bankruptcy Court approval of the Plans.

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

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA,  
NEBRASKA APPROVING SETTLEMENT AGREEMENT WITH JD HOLDINGS, L.L.C. AND  
AFFILIATES**

WHEREAS, the City of La Vista made a loan under its economic development program to JQH-LA VISTA CONFERENCE CENTER DEVELOPMENT, LLC ("JQH-La Vista Conference Center LLC") ("Loan") in connection with the John Q. Hammons hotel/conference center development in Southport West in the principal amount of \$15,810,691.45 ("Principal") and quarterly interest payments of \$296,643.36.

WHEREAS, John Q. Hammons died on May 26, 2013, and representatives of John Q. Hammons and affiliated entities ("JQH"), including the JQH-La Vista Conference Center LLC, in response to ongoing litigation with JD Holdings, L.L.C. and certain of its affiliates ("JD Holdings"), filed for federal bankruptcy protection in Kansas on June 26, 2016 ("JQH Bankruptcy"). JD Holdings is the largest creditor of JQH.

WHEREAS, the City filed proof of claims in the JQH Bankruptcy that, in part, provide for repayment of the Loan Principal ("City Claims"). Regular quarterly interest payments on the City Loan have continued.

WHEREAS, JD Holdings filed proposed plans of reorganization for all debtors in the JQH Bankruptcy, including JQH-La Vista Conference Center LLC ("Plans").

WHEREAS, in connection with the Plans, JD Holdings desires to settle the City Claims, including (among other things) payment of accrued interest to date and payment of the Loan Principal; and a proposed agreement for this purpose has been presented as on file with the City Clerk ("Agreement"). The Agreement is subject to Bankruptcy Court approval of the Plans.

**NOW THEREFORE, BE IT RESOLVED**, that the Agreement is ratified, affirmed, adopted, and approved in form and content presented, subject to any additions, subtractions, or modifications that the Mayor, City Administrator, or any designee of the Mayor or City Administrator determines necessary or appropriate.

**FURTHER RESOLVED**, that the Mayor, City Administrator, City Clerk or City Attorney, or any designee of the Mayor, City Administrator, City Clerk, or City Attorney ("Authorized Persons") shall be authorized to take all actions as he or she determines necessary or appropriate to carry out the Agreement and actions approved in this Resolution, including without limitation, executing, entering and delivering the Agreement, all reconveyances and releases, and all other instruments and documents in form and content satisfactory to any Authorized Persons; and all prior actions of any of the

Authorized Persons in connection with the Agreement or related matters are hereby ratified, affirmed, adopted, and approved .

PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

CITY OF LA VISTA

---

Douglas Kindig, Mayor

ATTEST:

---

Pamela A. Buethe, CMC  
City Clerk

## **CLAIM ALLOWANCE SETTLEMENT AGREEMENT**

This Claim Allowance Settlement Agreement (the “Agreement”) is made and entered into as of this \_\_\_\_\_ day of April, 2018, by and among JD Holdings, L.L.C. and certain of its affiliates<sup>1</sup> (collectively, “JD Holdings”) on the one hand and Class 2 creditor City of La Vista (“City”). JD Holdings and City may be referred to in this Agreement collectively as the “Parties” or individually as a “Party.”

### **RECITALS**

**WHEREAS**, City’s indebtedness and security are set forth in its Proof of Claim Nos. 374 and 375 (the “Claim”); and

**WHEREAS**, on June 26, 2016, the Revocable Trust of John Q. Hammons, dated December 28, 1989, as amended and restated (the “JQH Trust” or “Trust”), together with its affiliated debtors and debtors in possession (collectively, the “Debtors”) commenced with the United States Bankruptcy Court for the District of Kansas, Kansas City Division, voluntary cases pursuant to chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”). The Debtors’ chapter 11 cases are being jointly administered, for procedural purposes only, as case no. 16-21142 (the “Chapter 11 Cases”); and

**WHEREAS**, on March 30, 2018, JD Holdings filed its Modified Amended Joint and Consolidated Chapter 11 Plans of Reorganization for All Debtors [ECF No. 1946] (collectively, the “Plans”); and

**WHEREAS**, the Parties, in the spirit of compromise, and to avoid the expense and inconvenience of protracted litigation, desire to resolve fully and finally the matters related to the Claim and the Plans.

**NOW, THEREFORE**, in consideration of the foregoing recitals, the mutual promises, and agreements contained herein, and for other good and valuable consideration the receipt and sufficiency of which are hereby acknowledged, the Parties hereby agree as follows:

### **AGREEMENT**

1. ***Claim Allowance.*** JD Holdings and City stipulate and agree that the Claim is allowed as set forth on Exhibit A attached hereto. City agrees to cap its attorneys’ fees at \$60,000.00. On the Effective Date (as defined under the Plans to mean the date City receives payment in full under the Agreement), JD Holdings shall pay the amounts set forth on Exhibit A as adjusted to take into account any interest accrued after April 30, 2018. City shall notify JD Holdings at least three (3) business days before the Effective Date of any final amounts due which shall be made up of the remaining principal balance, interest accrued to date of payment at

---

<sup>1</sup> The affiliates are Atrium Gaming, LLC; Eastgate Funding LLC; Jonesboro Funding LLC; and Atrium TRS IV, L.P. and/or Atrium Finance IV, L.P.

the contract rate and attorneys' fees set forth above, all as set out in Exhibit A (the "Remaining Balance Due").<sup>2</sup>

2. ***Payment.*** City's Claim shall continue to accrue interest at the contract rate until paid.

3. ***Plan Support.*** In consideration for JD Holdings' agreement that the Claim is allowed as described above, City agrees to: (i) support the Plans; (ii) refrain from objecting to the Plans; (iii) withdraw any objections currently on file with respect to the Plans, and (iv) refrain from pursuing, proposing, or supporting any alternative chapter 11 plan or other restructuring, reorganization, or liquidation of the Debtors (provided, however, that City may support a plan that provides City with at least the benefits City would receive under this agreement). When finally agreed and signed by the Parties, JD Holdings shall incorporate the Agreement into the Plans, and they shall become a part of the confirmed Plans and/or be specifically referred to as an exhibit to the order confirming the Plans.

4. ***Release of Collateral and Further Assurances.*** Upon payment as set forth under this Agreement, City agrees to release its liens in all collateral and to take whatever actions JD Holdings reasonably requests relating thereto.

5. ***Representations, Warranties and Covenants.***

- (a) Each of the Parties represents and warrants to the other Party that it has full right, power, and authority to enter into and perform this Agreement, that the undersigned officer is duly authorized to execute this Agreement on its behalf, that the Agreement is a valid and binding obligation (subject to applicable bankruptcy, insolvency, moratorium, or other similar laws relating to creditors' rights and general principles of equity), that no other party is required to approve or consent to such performance, and that such performance does not violate, conflict with, or constitute a default under any indenture, agreement, undertaking, law, or regulation to which the Party is a party or by which it is bound.
- (b) Except for the specific representations and warranties set forth in this Agreement, no Party makes any representation or warranty of any kind or nature, express or implied, in regards to this Agreement, including but not limited to the accuracy or completeness of any information provided or to communications made by the other Parties in connection with the negotiation, execution, and delivery of this Agreement, nor shall any Party have any liability resulting from any errors or omissions therefrom. Each Party has made its own independent investigation of the merits of entering into this Agreement, and, except for the specific representations and warranties set forth in this Agreement, no Party is relying on any representation, warranty, statement, or other assertion made by the other Parties with respect to this Agreement.

---

<sup>2</sup> For the avoidance of doubt, upon payment in full under the Agreement which includes payment of the Remaining Balance Due, City shall release its mortgage on the convention center.

6. ***Conditions Precedent to Effectiveness.*** In the event that the Plans are not confirmed, this Agreement shall become null and void and all signatories to this Agreement shall be released of their obligations hereunder.

7. ***Integration.*** This Agreement constitutes the entire agreement between the Parties hereto with respect to the subject matter hereof and supersedes all prior and contemporaneous negotiations, agreements, representations, understandings, and commitments with respect thereto. No terms or provisions of this Agreement shall be varied, extended, or modified by any prior or subsequent statement, conduct, or act of either Party, except by a written instrument specifically referring to and executed in the same manner as this Agreement.

8. ***Acknowledgments of the Parties.*** Each Party acknowledges, represents, and warrants that it is fully and completely informed of the facts relating to the subject matter of this Agreement and of the rights and obligations of each of the Parties; that such Party has entered into this Agreement voluntarily, after having given careful consideration to the making of this Agreement; that such Party has carefully read the entire Agreement; that such Party has discussed the provisions of this Agreement with an attorney of its choice and executed it in reliance upon its own judgment and the advice of counsel; that such Party is legally competent to execute and deliver this Agreement; and that the individual executing this agreement has the authority to bind such Party and its Party Affiliates.

9. ***Choice of Law.*** This Agreement shall be governed by the laws of the State of Kansas.

10. ***Severability.*** The invalidity, in whole or in part, of any of the sections or paragraphs of this Agreement will not affect the validity of the remainder of such sections or paragraphs.

11. ***Counterparts.*** This Agreement may be executed in one or more counterparts, each of which shall be deemed an original and all of which shall be deemed one and the same Agreement.

12. ***Relationship of Parties.*** The Parties have entered into this Agreement as an arm's-length transaction, and it shall be presumed that both Parties drafted this Agreement. No word, term, or provision of this Agreement shall be construed against a Party on the basis that such Party drafted the Agreement.

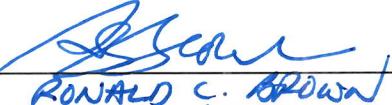
13. ***Successors and Assigns.*** This Agreement shall inure to the benefit of and be binding upon the Parties and their respective successors and assigns.

14. ***Captions.*** Captions and headings contained in this Agreement are inserted only as a matter of convenience and in no way define, limit, or extend, the scope or intent of this Agreement or any provision hereof.

*Remainder of page left intentionally blank.*

Signed this \_\_\_\_ day of \_\_\_\_\_, 2018.

**JD Holdings**

By:   
Name: RONALD C. BROWN  
Title: PRESIDENT

**CITY**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

JQH due to City of La Vista

As of April 30, 2018

Principal Due

15,810,691.45

Quarter Interest Paid by JQH 12/27/17 296,643.36 October through December, 2017

Annual Interest 1,186,573.44

Daily Interest 3,250.886 365

Quarterly Interest 296,643.36 January through March, 2018

April 2018 Interest 97,526.58 30

Total Interest Due as of April 30, 2018 394,169.94April 30, 2018 Total Amount Due \* 16,204,861.39 Principal + 1 qtr and 1 month interestPer Diem Interest Amount 3,250.886 daily

\*Assuming the first quarter of interest is paid, the amount due will consist of principal in the amount of \$15,810,691.45, one month's interest of \$97,526.58 and attorneys' fees capped at \$60,000 for a total of \$15,968,218.00.

## EXHIBIT A

## U.S. Bankruptcy Court

## District of Kansas

## Notice of Electronic Claims Filing

The following transaction was received from Goldstein, Scott on 12/16/2016 at 11:28 AM CST

C O P Y

File another claim

**Case Name:** John Q. Hammons Fall 2006, LLC

**Case Number:** 16-21142

**Creditor Name:** CITY OF LA VISTA  
8116 PARK VIEW BLVD  
LA VISTA NE 68128

**Claim Number:** 374 Claims Register

**Amount Claimed:** \$16997264.89

**Amount Secured:** \$16997264.89

**Amount Priority:**

The following document(s) are associated with this transaction:

**Document description:** Main Document

**Original filename:** H:\Hammons La Vista\Final POC for JQH conf center signed with attachments for filing.pdf

**Electronic document Stamp:**

[STAMP\_bkecfStamp\_ID=1032355009 [Date=12/16/2016] [FileNumber=23541377-0] [e21972e400e0600def8a02da90944f578b9812857bd5eb5f60cb24d6343a17d7d9381c7403ac9f60893aaf62e22da752932a11f9e8234821885a331b29f8b1af]]

**16-21142 Notice will be electronically mailed to:**

Felicia Anderson on behalf of Creditor Compass Bank  
Felicia.anderson2@bbva.com

Richard M. Beheler on behalf of Creditor Bank Of Blue Valley  
Richard.Behler@southlaw.com, emily.burrows@southlaw.com;collksbknotices@southlaw.com

Richard M. Beheler on behalf of Creditor Bank of Blue Valley, c/o Richard M. Beheler  
Richard.Behler@southlaw.com, emily.burrows@southlaw.com;collksbknotices@southlaw.com

Richard M. Beheler on behalf of Creditor Dana Courtney, c/o Richard M. Beheler  
Richard.Behler@southlaw.com, emily.burrows@southlaw.com;collksbknotices@southlaw.com

Richard M. Beheler on behalf of Creditor The Law Offices of William C Maddox PC  
Richard.Behler@southlaw.com, emily.burrows@southlaw.com;collksbknotices@southlaw.com

Jeffrey Bernstein on behalf of Creditor American Towers, L.L.C.  
jbernstein@mdmc-law.com

James E. Bird on behalf of Attorney Polsinelli PC  
jbird@polsinelli.com, tbackus@polsinelli.com;jpostel@polsinelli.com;docket@polsinelli.com

Darek S. Bushnaq on behalf of Creditor U.S. Bank National Association, as Trustee for the Registered Holders of J.P. Morgan Chase Commercial Mortgage Securities Corp., Commercial Mortgage Pass-Through Certificates,

Fill in this information to identify the case:

Debtor 1 JQH-La Vista Conference Center Development, LLC

Debtor 2 \_\_\_\_\_  
(Spouse, if filing)

United States Bankruptcy Court for the: District of Kansas

Case number 16-21189

## Official Form 410

### Proof of Claim

12/15

Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503.

Filers must leave out or redact information that is entitled to privacy on this form or on any attached documents. Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. Do not send original documents; they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 309) that you received.

#### Part 1: Identify the Claim

1. Who is the current creditor?

City of La Vista

Name of the current creditor (the person or entity to be paid for this claim)

Other names the creditor used with the debtor City of La Vista a Municipal Corporation in the State of Nebraska

2. Has this claim been acquired from someone else?

No

Yes. From whom? \_\_\_\_\_

3. Where should notices and payments to the creditor be sent?

Where should notices to the creditor be sent?

Scott J. Goldstein, Spencer Fane LLP

Name

1000 Walnut, Suite 1400

Number Street

Kansas City

MO

64106

City

State

ZIP Code

Where should payments to the creditor be sent? (if different)

City of La Vista, City Clerk

Name

8116 Park View Blvd.

Number Street

La Vista

NE

68128

City

State

ZIP Code

Contact phone 816-474-8100

Contact phone \_\_\_\_\_

Contact email sgoldstein@spencerfane.com

Contact email \_\_\_\_\_

Uniform claim identifier for electronic payments in chapter 13 (if you use one):  
-----

4. Does this claim amend one already filed?

No

Yes. Claim number on court claims registry (if known) \_\_\_\_\_

Filed on

MM / DD / YYYY

5. Do you know if anyone else has filed a proof of claim for this claim?

No

Yes. Who made the earlier filing? \_\_\_\_\_

**Part 2: Give Information About the Claim as of the Date the Case Was Filed**

6. Do you have any number you use to identify the debtor?  No  Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: \_\_\_\_\_
7. How much is the claim? \$ 16,997,264.89. Does this amount include interest or other charges?  No  Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).
8. What is the basis of the claim? Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card. Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c). Limit disclosing information that is entitled to privacy, such as health care information.  
Money loaned.
9. Is all or part of the claim secured?  No  Yes. The claim is secured by a lien on property.  
**Nature of property:**  
 Real estate. If the claim is secured by the debtor's principal residence, file a *Mortgage Proof of Claim Attachment* (Official Form 410-A) with this *Proof of Claim*.  
 Motor vehicle  
 Other. Describe: Deed of Trust, guaranty, assignment rents, ucc filings
- Basis for perfection:** See document/summary  
Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.)
- Value of property:** \$ unknown  
**Amount of the claim that is secured:** \$ \_\_\_\_\_  
**Amount of the claim that is unsecured:** \$ \_\_\_\_\_ (The sum of the secured and unsecured amounts should match the amount in line 7.)
- Amount necessary to cure any default as of the date of the petition:** \$ 0.00
- Annual Interest Rate (when case was filed)** 7.73 %  
 Fixed  
 Variable
10. Is this claim based on a lease?  No  Yes. **Amount necessary to cure any default as of the date of the petition.** \$ \_\_\_\_\_
11. Is this claim subject to a right of setoff?  No  Yes. Identify the property: \_\_\_\_\_

12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?	<input checked="" type="checkbox"/> No	Amount entitled to priority
	<input type="checkbox"/> Yes. Check all that apply:	
A claim may be partly priority and partly nonpriority. For example, in some categories, the law limits the amount entitled to priority.	<input type="checkbox"/> Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).	\$ _____
	<input type="checkbox"/> Up to \$2,775* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7).	\$ _____
	<input type="checkbox"/> Wages, salaries, or commissions (up to \$12,475*) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4).	\$ _____
	<input type="checkbox"/> Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).	\$ _____
	<input type="checkbox"/> Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5).	\$ _____
	<input type="checkbox"/> Other. Specify subsection of 11 U.S.C. § 507(a) _____ that applies.	\$ _____

\* Amounts are subject to adjustment on 4/01/16 and every 3 years after that for cases begun on or after the date of adjustment.

### Part 3: Sign Below

The person completing this proof of claim must sign and date it.  
FRBP 9011(b).

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both.  
18 U.S.C. §§ 152, 157, and 3571.

Check the appropriate box:

- I am the creditor.
- I am the creditor's attorney or authorized agent.
- I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.
- I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

I understand that an authorized signature on this *Proof of Claim* serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

I have examined the information in this *Proof of Claim* and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on date 12/15/2016

MM / DD / YY

Signature

Print the name of the person who is completing and signing this claim:

Name	Gerald L. Friedrichsen, Esq.		
	First name	Middle name	Last name
Title	Attorney-in-fact for City of La Vista		
Company	Fitzgerald, Schorr, Barometter & Brennan, P.C., L.L.O.		
	Identify the corporate servicer as the company if the authorized agent is a servicer.		
Address	10050 Regency Circle, Suite 200		
	Number	Street	
	Omaha	NE	68114
Contact phone	402-348-3936	Email	gfriedrichsen@fitzlaw.com

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF KANSAS

IN RE: ) Case No. 16-21140  
THE REVOCABLE TRUST OF )  
JOHN Q. HAMMONS DATED )  
DECEMBER 28, 1989 AS ) Chapter 11  
AMENDED AND RESTATED, )  
 )  
Debtor. )  
 )  
 ) Case No. 16-21189  
JQH – LA VISTA CONFERENCE )  
CENTER DEVELOPMENT, LLC, )  
 ) Chapter 11  
Debtor. )

**CITY OF LA VISTA  
ATTACHMENT TO PROOF OF CLAIM**

**ITEMIZED STATEMENT OF CLAIM**

Principal Balance as of 6/26/2016 (balloon payment due)	\$15,810,691.45
Interest due as of 6/26/2016	\$1,186,573.44
Total	\$16,997,264.89

**MISCELLANEOUS**

1. The Debtor's obligations to City of La Vista ("La Vista") stem from La Vista's lending \$18,000,000 to JQH-La Vista Conference Center Development, LLC, in September 2007, and the unconditional guarantee of payment of the loan by the Revocable Trust of John Q. Hammons, dated December 28, 1989, as Amended and Restated. (collectively, the "Loan").
2. A copy of the Loan documents is **attached hereto**.

3. By executing and filing this Proof of Claim, La Vista does not waive or limit any right or rights with respect to any claim it has or may have against the Debtor or any other person or entity.

4. This Proof of Claim is made without prejudice to the filing by La Vista of additional proofs of claim with respect to any other indebtedness or liability of the Debtor to La Vista, and La Vista reserves its rights to amend and/or supplement this Proof of Claim. Since the Filing Date, payments have been made on the Principal Balance. In addition, interest payments have been made. Claimant reserves the right to amend the amount owed based upon additional payments (and charges) which may have accrued after the Filing Date. Specifically, Claimant has incurred post-petition charges for attorneys' fees and other expenses to which it is entitled under 11 U.S.C. § 506(b) of the Bankruptcy Code.

5. All notices and communications concerning this Proof of Claim should be sent to the following addresses:

Scott J. Goldstein  
SPENCER FANE LLP  
1000 Walnut Street, Suite 1400  
Kansas City, MO 64106  
Telephone: (816) 474-8100  
Facsimile: (816) 474-3216

**U.S. Bankruptcy Court****District of Kansas****Notice of Electronic Claims Filing**

The following transaction was received from Goldstein, Scott on 12/16/2016 at 11:34 AM CST

File another claim

**Case Name:** John Q. Hammons Fall 2006, LLC

**Case Number:** 16-21142

**Creditor Name:** CITY OF LA VISTA  
8116 PARK VIEW BLVD  
LA VISTA NE 68128

**Claim Number:** 375 Claims Register

**Amount Claimed:** \$16997264.89

**Amount Secured:** \$16997264.89

**Amount Priority:**

**C O P Y**

The following document(s) are associated with this transaction:

**Document description:** Main Document

**Original filename:** H:\Hammons La Vista\Final POC for the Trust signed with attachments for filing.pdf

**Electronic document Stamp:**

[STAMP\_bkecfStamp\_ID=1032355009 [Date=12/16/2016] [FileNumber=23541404-0] [8c3b802b957cca5855bc9bf8f5969cf8521e614e7e0a1c8d6e52e5dfaecfb422441235725c8372b21f71f3b513054dfcd7239d4c85aa218a6c9a38e32b60b673]]

**16-21142 Notice will be electronically mailed to:**

Felicia Anderson on behalf of Creditor Compass Bank  
Felicia.anderson2@bbva.com

Richard M. Beheler on behalf of Creditor Bank Of Blue Valley  
Richard.Beheler@southlaw.com, emily.burrows@southlaw.com;collksbknotices@southlaw.com

Richard M. Beheler on behalf of Creditor Bank of Blue Valley, c/o Richard M. Beheler  
Richard.Beheler@southlaw.com, emily.burrows@southlaw.com;collksbknotices@southlaw.com

Richard M. Beheler on behalf of Creditor Dana Courtney, c/o Richard M. Beheler  
Richard.Beheler@southlaw.com, emily.burrows@southlaw.com;collksbknotices@southlaw.com

Richard M. Beheler on behalf of Creditor The Law Offices of William C Maddox PC  
Richard.Beheler@southlaw.com, emily.burrows@southlaw.com;collksbknotices@southlaw.com

Jeffrey Bernstein on behalf of Creditor American Towers, L.L.C.  
jbernstein@mdmc-law.com

James E. Bird on behalf of Attorney Polsinelli PC  
jbird@polsinelli.com, tbackus@polsinelli.com;jpostel@polsinelli.com;docket@polsinelli.com

Darek S. Bushnaq on behalf of Creditor U.S. Bank National Association, as Trustee for the Registered Holders of J.P. Morgan Chase Commercial Mortgage Securities Corp., Commercial Mortgage Pass-Through Certificates,

Fill in this information to identify the case:

Debtor 1 The Revocable Trust of John Q. Hammons, dated December 28, 1989, as Amended and Restated

Debtor 2 \_\_\_\_\_  
(Spouse, if filing)

United States Bankruptcy Court for the: District of Kansas

Case number 16-21140

## Official Form 410

### Proof of Claim

12/15

Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503.

Filers must leave out or redact information that is entitled to privacy on this form or on any attached documents. Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. Do not send original documents; they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 309) that you received.

#### Part 1: Identify the Claim

1. Who is the current creditor?

City of La Vista

Name of the current creditor (the person or entity to be paid for this claim)

Other names the creditor used with the debtor City of La Vista, a Municipal Corporation in the State of Nebraska

2. Has this claim been acquired from someone else?

No

Yes. From whom? \_\_\_\_\_

3. Where should notices and payments to the creditor be sent?

Scott J. Goldstein, Spencer Fane LLP

Name

1000 Walnut, Suite 14010

Number Street

Kansas City

MO

64106

City

State

ZIP Code

Contact phone 816-474-8100

Contact email sgoldstein@spencerfane.com

Where should payments to the creditor be sent? (if different)

City of La Vista, City Clerk

Name

8116 Park View Blvd.

Number Street

La Vista

NE

68128

City

State

ZIP Code

Contact phone \_\_\_\_\_

Contact email \_\_\_\_\_

Uniform claim identifier for electronic payments in chapter 13 (if you use one):  
-----

4. Does this claim amend one already filed?

No

Yes. Claim number on court claims registry (if known) \_\_\_\_\_

Filed on

MM / DD / YYYY

5. Do you know if anyone else has filed a proof of claim for this claim?

No

Yes. Who made the earlier filing? \_\_\_\_\_

**Part 2: Give Information About the Claim as of the Date the Case Was Filed**

6. Do you have any number you use to identify the debtor?  No  Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: \_\_\_\_\_
7. How much is the claim? \$ 16,997,264.89. Does this amount include interest or other charges?  No  Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).
8. What is the basis of the claim? Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card. Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c). Limit disclosing information that is entitled to privacy, such as health care information.  
Money Loaned.
9. Is all or part of the claim secured?  No  Yes. The claim is secured by a lien on property.  
**Nature of property:**  
 Real estate. If the claim is secured by the debtor's principal residence, file a *Mortgage Proof of Claim Attachment* (Official Form 410-A) with this *Proof of Claim*.  
 Motor vehicle  
 Other. Describe: Deed of Trust, guaranty, assignment rents and ucc filings
- Basis for perfection:** See documentation attached.  
Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.)
- Value of property:** \$ Unknown  
**Amount of the claim that is secured:** \$ \_\_\_\_\_  
**Amount of the claim that is unsecured:** \$ \_\_\_\_\_ (The sum of the secured and unsecured amounts should match the amount in line 7.)
- Amount necessary to cure any default as of the date of the petition:** \$ 0.00
- Annual Interest Rate (when case was filed)** 7.73 %  
 Fixed  
 Variable
10. Is this claim based on a lease?  No  Yes. Amount necessary to cure any default as of the date of the petition. \$ \_\_\_\_\_
11. Is this claim subject to a right of setoff?  No  Yes. Identify the property: \_\_\_\_\_

12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?

A claim may be partly priority and partly nonpriority. For example, in some categories, the law limits the amount entitled to priority.

No  
 Yes. Check all that apply:

- Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B). \$ \_\_\_\_\_
- Up to \$2,775\* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7). \$ \_\_\_\_\_
- Wages, salaries, or commissions (up to \$12,475\*) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4). \$ \_\_\_\_\_
- Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8). \$ \_\_\_\_\_
- Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5). \$ \_\_\_\_\_
- Other. Specify subsection of 11 U.S.C. § 507(a)(\_\_\_\_) that applies. \$ \_\_\_\_\_

\* Amounts are subject to adjustment on 4/01/16 and every 3 years after that for cases begun on or after the date of adjustment.

### Part 3: Sign Below

The person completing this proof of claim must sign and date it. FRBP 9011(b).

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both.

18 U.S.C. §§ 152, 157, and 3571.

Check the appropriate box:

- I am the creditor.  
 I am the creditor's attorney or authorized agent.  
 I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.  
 I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

I understand that an authorized signature on this Proof of Claim serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

I have examined the information in this Proof of Claim and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on date 12/15/2016

MM / DD / YYYY

Signature

Print the name of the person who is completing and signing this claim:

Name	Gerald L. Friedrichsen, Esq.		
	First name	Middle name	Last name
Title	Attorney-in-fact for City of La Vista		
Company	Fitzgerald, Schorr, Barmettler & Brennan, P.C., L.L.O.		
	Identify the corporate servicer as the company if the authorized agent is a servicer.		
Address	10050 Regency Circle, Suite 200		
	Number	Street	
	Omaha	NE	68114
	City	State	ZIP Code
Contact phone	402-348-3936		
	Email <a href="mailto:gfriedrichsen@fitzlaw.com">gfriedrichsen@fitzlaw.com</a>		

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF KANSAS**

IN RE: )  
 ) Case No. 16-21140  
THE REVOCABLE TRUST OF )  
JOHN Q. HAMMONS DATED )  
DECEMBER 28, 1989 AS ) Chapter 11  
AMENDED AND RESTATED, )  
)

**CITY OF LA VISTA  
ATTACHMENT TO PROOF OF CLAIM**

**ITEMIZED STATEMENT OF CLAIM**

Principal Balance as of 6/26/2016 (balloon payment due)	\$15,810,691.45
Interest due as of 6/26/2016	\$1,186,573.44
Total	\$16,997,264.89

**MISCELLANEOUS**

1. The Debtor's obligations to City of La Vista ("La Vista") stem from La Vista's lending \$18,000,000 to JQH-La Vista Conference Center Development, LLC, in September 2007, and the unconditional guarantee of payment of the loan by the Revocable Trust of John Q. Hammons, dated December 28, 1989, as Amended and Restated, (collectively, the "Loan").

2. A copy of the Loan documents is **attached hereto**.
3. By executing and filing this Proof of Claim, La Vista does not waive or limit any right or rights with respect to any claim it has or may have against the Debtor or any other person or entity.
4. This Proof of Claim is made without prejudice to the filing by La Vista of additional proofs of claim with respect to any other indebtedness or liability of the Debtor to La Vista, and La Vista reserves its rights to amend and/or supplement this Proof of Claim. Since

June 26, 2016 (the "Filing Date"), payments have been made on the Principal Balance. In addition, interest payments have been made. Claimant reserves the right to charge, as to the Borrower/Debtor JQH – La Vista Conference Center Development, LLC, all fees, costs and charges to which it may be entitled under the Loan documents and 11 U.S.C. § 506(b) of the Bankruptcy Code.

5. All notices and communications concerning this Proof of Claim should be sent to the following addresses:

Scott J. Goldstein  
SPENCER FANE LLP  
1000 Walnut Street, Suite 1400  
Kansas City, MO 64106  
Telephone: (816) 474-8100  
Facsimile: (816) 474-3216

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
MAY 1, 2018 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
PURCHASE OF ECITATION EQUIPMENT	◆ RESOLUTION ORDINANCE RECEIVE/FILE	BRYAN WAUGH POLICE CAPTAIN

**SYNOPSIS**

A resolution has been prepared to approve the purchase of barcode imagers, mobile printers, printer mounts, associated cables, and paper from L-Tron Corporation, Victor, NY, in an amount not to exceed \$15,000.

**FISCAL IMPACT**

The FY 17/18 Biennial budget provides funding for the proposed purchase.

**RECOMMENDATION**

Approval

**BACKGROUND**

On December 13, 2017, the Nebraska Supreme Court adopted rule amendments to Nebraska Revised Statute 6-1463, requiring all citations and complaint forms to be electronically filed and issued on an 8 1/2 x 11 inch page. Beginning January 1, 2020, hand-written citations and complaints may not be used unless access to electronic forms is unavailable. The department prepared and was awarded funding from the Nebraska Crime Commission on Law Enforcement and Criminal Justice for equipment needed to implement eCitations. The grant funds awarded for eCitations is \$15,176.48. The equipment purchased will be reimbursed when invoiced under CFDA# 20.611 and grant # 405c-18-01. Expected delivery of the equipment will be 60 days (July 2018).

Once the items are received and invoiced, full reimbursement will be made by the Nebraska Crime Commission on Law Enforcement and Criminal Justice.

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA  
AWARDING A CONTRACT TO L-TRON CORPORATION, VICTOR, NEW YORK FOR THE PURCHASE  
OF E-CITATION EQUIPMENT IN AN AMOUNT NOT TO EXCEED \$15,000.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of eCitation equipment is necessary, and

WHEREAS, the FY 17/18 Biennial budget includes funds for the purchase of said equipment, and

WHEREAS, the Nebraska Crime Commission on Law Enforcement and Criminal Justice did award grant funding for the equipment, and

WHEREAS, L-Tron, Victor, New York, provided a quote for the needed equipment and will extend that price to the City of La Vista, and

WHEREAS, Subsection (c) 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 accept the quote for equipment from L-Tron Corporation, Victor, New York and authorize the purchase of eCitation equipment in amount not to exceed \$15,000.

PASSED AND APPROVED THIS 1ST DAY OF MAY, 2018.

CITY OF LA VISTA

---

Douglas Kindig, Mayor

ATTEST:

---

Pamela A. Buethe, CMC  
City Clerk

**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**MAY 1, 2018 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
AUTHORIZATION TO PURCHASE VENTRAC TRACTOR	◆ RESOLUTION ORDINANCE RECEIVE/FILE	JEFF CALENTINE DEPUTY DIRECTOR OF PUBLIC WORKS

**SYNOPSIS**

A resolution has been prepared authorizing the purchase of (1) one 2018 Ventrac 4500 Tractor and Accessories from Turfwerks, 13705 B St. Omaha, NE 68144 for an amount not to exceed \$32,159.65.

**FISCAL IMPACT**

The FY 17/18 Biennial Budget provides funding for the proposed purchase.

**RECOMMENDATION**

Approval

**BACKGROUND**

Funding was approved in the FY 17/18 Biennial Budget for the Parks Division to purchase a stump grinder in the amount of \$32,000. Further research by the Public Works Capital Equipment Purchasing Team determined that purchasing a tractor that has the capability to add this as an attachment if needed would be the best option. The team is recommending the following attachments be included with this purchase: mower deck, snow plow, aerator and edger. This purchase will be made off of the National Joint Powers Alliance (NJPA).

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE PURCHASE OF ONE (1) VENTRAC 4500 TRACTOR AND ACCESSORIES FROM TURFWERKS, OMAHA NEBRASKA IN AN AMOUNT NOT TO EXCEED \$32,159.65.

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

WHEREAS, the FY17/18 Biennial Budget provides funding for the proposed 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 \$5,000.00.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska, do hereby authorize the purchase of one (1) Ventrac 4500 Tractor and accessories from Turfwerks, Omaha Nebraska in an amount not to exceed \$32,159.65.

PASSED AND APPROVED THIS 1ST DAY OF MAY, 2018.

CITY OF LA VISTA

---

Douglas Kindig, Mayor

ATTEST:

---

Pamela A. Buethe, CMC  
City Clerk



PARTNERS IN GROWTH

Eagan, MN - Johnston, IA - Sioux Falls, SD - Omaha, NE

## Equipment Request

<b>Customer Name</b>	City of LaVista	<b>Date</b>	23-Apr-18
<b>Account Number</b>		<b>Ship Address</b>	
<b>Contact Person</b>	Jeff Calentine	<b>City</b>	LaVista
<b>Phone Number</b>	402.630.0872	<b>State</b>	NE
<b>Mobile Number</b>		<b>Zip Code</b>	
<b>Fax Number</b>		<b>Email Address</b>	<a href="mailto:jcalentine@cityoflavista.org">jcalentine@cityoflavista.org</a>

**PO Number**  **Salesman Number**  18

**Deliver Date**  **Special Terms**

<b>MODEL #</b>	<b>QTY</b>	<b>PRODUCT DESCRIPTION</b>	<b>Unit NJPA</b>	<b>Extended NJPA</b>
39.51207	1	Ventrac Tractor: KN, 4500P Kawasaki FD851D	\$18,657.50	\$ 18,657.50
70.4111-99	1	Suspension Seat	\$425.00	\$ 425.00
47.0325	1	Arm rest kit	\$123.25	\$ 123.25
70.4104	1	12 volt accesory	\$211.65	\$ 211.65
70.4067	1	Dual Wheels	\$1,015.75	\$ 1,015.75
70.4140	1	Digital slope indicator	\$289.00	\$ 289.00
39.55111	1	MS720 72" finish mower (side discharge)	\$3,336.25	\$ 3,336.25
39.55271	1	KV552 V-Blade	\$2,180.25	\$ 2,180.25
70.8048	1	Poly cutting edge	\$233.75	\$ 233.75
39.55494	1	EB480C Aerator (Core tine)	\$1,780.75	\$ 1,780.75
47.0115	6	Suitcase weights	\$80.75	\$ 484.50
39.55332	1	ED202 Edger	\$1,827.50	\$ 1,827.50
70.802	1	Blower	\$994.50	\$ 994.50
	1	Freight and setup	\$600.00	\$ 600.00
<b>Purchase order must contain the following to be valid:</b>				
<b>"This purchase order is issued under NJPA contract #062117-VPI"</b>				

**Notes**

<b>Subtotal</b>	\$ 32,159.65
<b>Sales Tax</b>	\$ -
<b>TOTAL</b>	\$ 32,159.65

**JACOBSEN**  
A Textron Company

**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**MAY 1, 2018 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
AUTHORIZATION TO PURCHASE ENCLOSED TRAILER	◆ RESOLUTION ORDINANCE RECEIVE/FILE	JEFF CALENTINE DEPUTY DIRECTOR OF PUBLIC WORKS

**SYNOPSIS**

A resolution has been prepared authorizing the purchase of (1) one 2018 R&M 24' enclosed trailer from Reed Trailer, 8808 Military Rd, Omaha, NE 68134 for an amount not to exceed \$6,675.00.

**FISCAL IMPACT**

The FY 17/18 Biennial Budget provides funding for the proposed purchase.

**RECOMMENDATION**

Approval

**BACKGROUND**

Currently the Parks Division uses two of our existing tilt bed trailers to mow City facilities on a weekly basis. This requires them to get the trailers, load them with the required equipment and then unload them and put them back so they can be used by the other divisions. This trailer would be dedicated to mowing the facilities so the crew won't have to load and unload the mowers every week. This trailer will also allow the crew to get into one truck to do the mowing, because they will no longer have to pull multiple trailers.

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE PURCHASE OF ONE (1) 2018 R&M 24' ENCLOSED TRAILER FROM REED TRAILER, OMAHA NEBRASKA IN AN AMOUNT NOT TO EXCEED \$6,675.00.

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

WHEREAS, the FY17/18 Biennial Budget provides funding for the proposed 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 \$5,000.00.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska, do hereby authorize the purchase of one (1) 2018 R&M 24' enclosed trailer from Reed Trailer, Omaha Nebraska in an amount not to exceed \$6,675.00.

PASSED AND APPROVED THIS 1ST DAY OF MAY, 2018.

CITY OF LA VISTA

---

Douglas Kindig, Mayor

ATTEST:

---

Pamela A. Buethe, CMC  
City Clerk



## Quote

**702 North Silver Street**      **Ph:** (336) 790-6800  
**Lexington, NC 27292**      **Fx:** (336) 859-5963

**Quote Order #:** 343185  
**Quote Order Date:** 3/13/2018  
**Salesperson:**  
**Customer ID:** 287139  
**Ship Via:**  
**Terms:**

**Bill To:** **Ship To:** 287139

**Phone:** **GVWR** 9990  
**Fax:**  
**Cell:**  
**Alt:#**

Item	Description	Base Price	Options	Additional Options	Total Price	Discount	Extended Price
FEN-2/5.2K-8.5X 24DP	PREMIUM DLX Enclosed / (2) 5.2K Axles / 8.5" x 24"	\$6890.00	\$0.00	\$60.00	\$6950.00	3.00%	\$6741.50

702 North Silver Street  
Lexington, NC 27292

Ph: (336) 790-6800  
Fx: (336) 859-5963

Quote Order #: 343185  
Quote Order Date: 3/13/2018  
Salesperson:  
Customer ID:  
Ship Via:  
Terms:

287139

Bill To:

Ship To: 287139

Phone:

GVWR 9990

Fax:

Cell:

Alt:#

Item	Description	Base Price	Options	Additional Options	Total Price	Discount	Extended Price
Jack	2K Zinc Side Wind	\$0.00					
Couplers	2 5/16	\$0.00					
Extended Tongue	NO	\$0.00					
Floor Xmembers	16" O.C.	\$0.00					
Beavertail	4"	\$0.00					
Wall Post	16" O.C.	\$0.00					
Roof Bows	16" O.C.	\$0.00					
Front End	30" V w/Triple Tube	\$0.00					
Frame Finish	Rock Guard	\$0.00					
Plug	7 Way w/Battery	\$0.00					
Lights	LED Clear Slim Line	\$0.00					
Taillight/Chrome Beze	LED Taillight/Bezel	\$0.00					
Dome Light / Switch	(2) Evenly Spaced	\$0.00					
Interior Floor	3/4" Drymax	\$0.00					
D-Rings	See Notes	\$0.00					
Interior Wall	3/8 Drymax	\$0.00					
Wall Tie Downs	NO	\$0.00					
Exterior Metal Color	030 White	\$0.00					
Ext. Metal Installation	Semi Screwless	\$0.00					
Roof	1 Piece Aluminum	\$0.00					
Vents	(1) Roof Vent	\$0.00					
Rear Door	Ramp Door w/Flap	\$0.00					
Rubber Hinge Cover	Rubber Hinge Cover	\$0.00					
Side Door	36 x 72 w/ Step Well	\$0.00					
Side Door Lock	Flush Lock & Bar Lock	\$0.00					
Escape Door	NO	\$0.00					
Stoneguard	24" 045 ATP	\$0.00					
Tires & Wheels	225R Jaguar Silver	\$0.00					
Spare Tire/Wheel	NO	\$0.00					
Spare Tire Mount	NO	\$0.00					
Interior Height	6' 6``	\$0.00					
Floor E-Track	NO	\$0.00					
Wall E-Track	NO	\$0.00					
Scissor Jacks	NO	\$0.00					
Wheel Chocks	NO	\$0.00					
Ladder Racks	NO	\$0.00					
Bogey Wheels	NO	\$0.00					
Steel Transition Flap	NO	\$0.00					
Steel Ramp Flap	NO	\$0.00					
Int Ceiling Finish	NO	\$0.00					
Int Ceiling Color	NO	\$0.00					
Ceiling Insulation	NO	\$0.00					

702 North Silver Street  
Lexington, NC 27292

Ph: (336) 790-6800  
Fx: (336) 859-5963

Quote Order #: 343185  
Quote Order Date: 3/13/2018  
Salesperson:  
Customer ID:  
Ship Via:  
Terms:

Bill To:

Ship To: 287139

,  
**Phone:** **GVWR** 9990  
**Fax:**  
**Cell:**  
**Alt:#**

Item	Description	Base Price	Options	Additional Options	Total Price	Discount	Extended Price
	Int Wall Installation	NO		\$0.00			
	Int Wall Color	NO		\$0.00			
	Int Wall - XH	NO		\$0.00			
	Int Wall Insulation	NO		\$0.00			
	Int Floor Finish	NO		\$0.00			
	Ramp & Flap Finish	NO		\$0.00			
	Rear Door Insulation	NO		\$0.00			
	110 Panel Box	NO		\$0.00			
	110 Recepts	NO		\$0.00			
	110 Ext. GFI	NO		\$0.00			
	110 Flourecent Light	NO		\$0.00			
	110 Quartz Light	NO		\$0.00			
	A/C w/Heat Strip	NO		\$0.00			
	Over Head Cabinets	NO		\$0.00			
	Base Cabinets	NO		\$0.00			
	Cabinet Colors	NO		\$0.00			
	18" LED Lights	NO		\$0.00			
	12 Volt Scene Lights	NO		\$0.00			
	Awning	NO		\$0.00			
	Generator Prep	NO		\$0.00			

---

Totals	1	Sale Amount:	\$6,741.50
		Tax:	\$0.00
		Documentation:	\$0.00
		Total:	<u>\$6,741.50</u>

702 North Silver Street  
Lexington, NC 27292

Ph: (336) 790-6800  
Fx: (336) 859-5963

Quote Order #: 343185  
Quote Order Date: 3/13/2018  
Salesperson:  
Customer ID:  
Ship Via:  
Terms:

287139

Bill To:

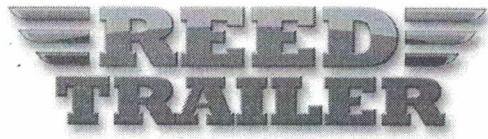
Ship To: 287139

Phone:  
Fax:  
Cell:  
Alt:#

GVWR 9990

Item	Description	Base Price	Options	Additional Options	Total Price	Discount	Extended Price
Special Notes:							
1. A Deposit of \$0.00 has been applied to this order. 2. Hauling: 3. Weight: 4. Hauling With: 5. Insurance information **Required for 30 Day Tag ** 6. Insurance Co: 7. Policy: 8. In Transit Tag Needed? Y or N 9. \$60.00 added to adder for 4 extra D-Rings							
TDS Customers must provide: 1. Equipment to offload their trailer 2. Equipment must offload height of up to 13` & weight of trailer 3. Ability to lift trailer off the load. You can't drag or roll 4. Offload Equipment & Final Payment of Cashier's check must be there when driver arrives 5. TDS Freight charge must be paid prior to delivery 6. Signed paperwork & payment in full prior to offloading 7. Responsibility for damage during offloading process 8. Assistance at offloading; driver may offer guidance							

Reed Trailer Sales  
8808 Military Road  
Omaha, NE 68134  
402-571-6868  
reedtrailers@live.com



## PROPOSAL

ADDRESS  
City of LaVista

PROPOSAL # 68785  
DATE 03/14/2018

ACTIVITY	QTY	RATE	AMOUNT
8.5x24 R&M Flat Roof V nose Trailer-Contractor Grade 10k	1	6,400.00	6,400.00
8.5x24 R&M Flat Roof V nose Cargo Trailer Tandem 5200lb brake axles (9990 GVWR) (CUSTOMER CAN CHOOSE BETWEEN SPRING OR TORSION AXLES FOR NO CHARGE)			
ST225/75/R15 Radial tires			
All LED lighting			
V nose front			
24" rock guard,			
3/4" Engineered flooring			
3/8" Engineered walls			
Screw less exterior aluminum skin (UPGRADED .040 ALUMINUM SKIN THICKNESS WITHOUT RIVETS)			
Alumi-hum roof-one piece			
Polished Aluminum up the v-nose and front corners			
Rear ramp gate rated at 4000lbs. wit Transition flap			
Side entry door with RV latch and cam lock bar for added security			
6x2 Tubular Steel Frame and Tongue			
16" on center 2"x3" Tubular flooring cross members			
16" on center Tubular wall uprights			
16" on center Tubular ceiling cross members			
EZ lube hubs			
DOT brake a way box with battery and charger			
Two side posi vents			
7K drop leg jack			
78" wall height (6'6")			
Colors available in White, Silver, Charcoal Gray, Red, Black, and Pewter for no charge)			
ATP Wrapped tongue			
Polished aluminum rear header section			
Roof Vent	1	75.00	75.00
Roof Vent 14"x14" manual crank			
D-Rings	8	25.00	200.00
8 D rings in the floor with welded backing plate			

Thank you for the opportunity to earn your business

TOTAL

**\$6,675.00**

Customer responsible for tightening lug nuts and trailer hook up

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
MAY 1, 2018 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
AUTHORIZATION TO PURCHASE ZERO TURN MOWERS	◆ RESOLUTION ORDINANCE RECEIVE/FILE	JEFF CALENTINE DEPUTY DIRECTOR OF PUBLIC WORKS

**SYNOPSIS**

A resolution has been prepared authorizing the purchase of (2) two 2018 Exmark 60" Zero Turn Mowers, and (1) one 2018 Exmark 96" Zero Turn Mower from J&J Small Engine Services, 6912 S. 36<sup>th</sup> St. Bellevue, NE 68147 for an amount not to exceed \$52,945.00.

**FISCAL IMPACT**

The FY 17/18 Biennial Budget provides funding for the proposed purchase.

**RECOMMENDATION**

Approval

**BACKGROUND**

The two 60" zero turn mowers will be used in mowing operations at the Sports Complex and City Park. These units will replace two existing John Deere 1145 series mowers that will be removed from mowing operations and will be dedicated to snow removal. The 96" zero turn mower will be used at the Sports Complex and the current wide area mower that is down there will be transferred to the Parks Division to be utilized large area mowing applications. These purchases will be made off of the Helping Governments Across the Country Buy Program (HGAC).

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE PURCHASE OF TWO (2) 2018 EXMARK 60" ZERO TURN MOWERS AND ONE (1) 2018 EXMARK 96" ZERO TURN MOWER FROM J&J SMALL ENGINE SERVICES, BELLEVUE NEBRASKA IN AN AMOUNT NOT TO EXCEED \$52,945.00.

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

WHEREAS, the FY17/18 Biennial Budget provides funding for the proposed 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 \$5,000.00.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska, do hereby authorize the purchase of two (2) 2018 Exmark 60" Zero Turn mowers and one (1) 2018 Exmark 96" zero turn mower from J&J Small Engine, Omaha, Nebraska in an amount not to exceed \$52,945.00.

PASSED AND APPROVED THIS 1ST DAY OF MAY, 2018.

CITY OF LA VISTA

---

Douglas Kindig, Mayor

ATTEST:

---

Pamela A. Buethe, CMC  
City Clerk

J and J Small Engine Service  
6912 South 36 TH Street  
Bellevue, Ne 68147  
(402) 731-8770 Fax (402) 933-4133

Date.....: 4/25/18  
Customer....: 3314343  
Special info...:  
Ship Via.....: CUSTOMER PICKUP

Invoice.....: 290805  
Salesman.....: 007/007  
P.O. #.....:  
Packing Slip #:

-- SOLD TO --  
CITY OF LAVISTA  
8116 PARKVIEW BLVD  
LA VISTA, NE 68128  
JEFF 669-1372  
Tax Exemption #: 46-6050031

-- SHIP TO --  
CITY OF LAVISTA  
8116 PARKVIEW BLVD  
LA VISTA, NE 68128  
JEFF 669-1372

No returns or service warranties without receipt.  
No returns on special order or electrical parts.  
There is a 15% restocking fee on returns.

Page 1 of 1

Ord	Ship	B/O	Line	Part Number	Description	List	Net	Amount
QUOTE FOR NEW EXMARKS THROUGH HGAC BUY PROGRAM								
2	2			EXE LZX801GKA60600	LAZERX 801KA 60	12499.00	10059.00	20118.00
				SN-		1.		
				SN-		2.		
1	1			EXE LZS88CDYM96RW0	37 HP 96 IN DIESEL	39999.00	32189.00	32189.00

CASH SALE	CASH	SUB TOTAL ----> 52307.00
		MISC. -----> 0.00
		LABOR -----> 0.00
		TAX 7.000 ----> 0.00
Received By _____		INVOICE TOTAL -> 52307.00