

LA VISTA CITY COUNCIL MEETING AGENDA
September 3, 2019
6:00 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**
- **Service Award: Dana Miller – 5 years**

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 August 20, 2019 City Council Meeting**
3. **Request for Payment – Blade Masters Grounds Mntc., Construction Services – \$308,883.08**
4. **Request for Payment – HDR Engineering, Inc. – Professional Services – Project Management for Public Improvements and Other Works – \$10,141.80**
5. **Request for Payment – Olsson – Professional Services – City Centre Lot 17 Parking Garage – \$3,400.25**
6. **Request for Payment – Olsson – Professional Services – City Centre Phase 1 Public Infrastructure – \$30,362.68**
7. **Request for Payment – RDG Planning & Design – Professional Services – \$1,074.78**
8. **Request for Payment – Wellington – Professional Services – 60th Anniversary Celebration – \$5,000.00**
9. **Resolution – Change Order No. 14 – 84th Street Redevelopment Area – Public Improvement Redevelopment Project – Offstreet Parking District No. 2, Structure No. 1**
10. **Resolution – Authorize Municipal Annual Certification of Program Compliance**
11. **Resolution – Approve Interlocal Agreement – Forensic and Crime Scene Services**
12. **Approval of Claims**

- **Reports from City Administrator and Department Heads**

B. Ordinance – Restaurants and Drinking Places Occupation Tax – Second Reading

C. Amend Fiscal Years 18/19 and 19/20 Biennial Budget Adopted 9/4/2018 for Changes to Fiscal Year 19/20

1. **Appropriations Ordinance – Final Reading**
2. **Master Fee Ordinance – First Reading**
3. **Setting the Property Tax Levy**
 - a. **Public Hearing**
 - b. **Resolution**

D. Resolution – Change Order No. 4 – Civic Center Park Improvements Phase II

E. Resolution – Award Contract – Sanitary Sewer Repair

F. Resolution – Lease Agreement – Police Department Narcotics Vehicle

G. Resolution – Purchase of Motorola Radios

H. Resolution – Purchase of Computer Equipment – Parking Structure I Camera System

I. Resolution – Approve Plans & Specifications and Authorize SID 237 to Contract 2019 Splash Park Improvements

J. Resolution – Advertisement for Bids – Erosion Control Maintenance – 84th Street Redevelopment Area

- **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.



CITY OF LA VISTA

CERTIFICATE OF APPRECIATION

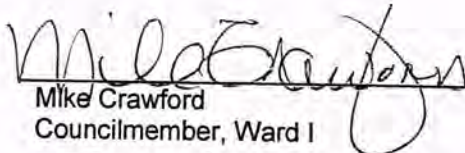
A CERTIFICATE OF APPRECIATION PRESENTED TO **DANA MILLER OF THE LA VISTA POLICE DEPARTMENT**, FOR 5 YEARS OF FAITHFUL AND EFFICIENT SERVICE TO THE CITY OF LA VISTA.

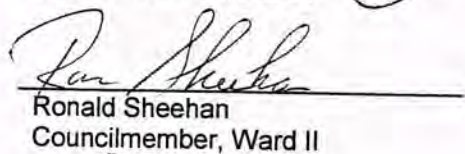
WHEREAS, **Dana Miller** has served the City of La Vista since July 14, 2014; and

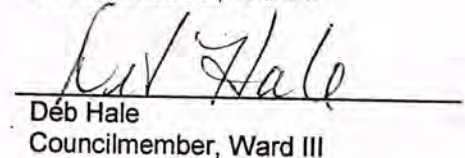
WHEREAS, **Dana Miller's** input and contributions to the City of La Vista have contributed to the success of the City;

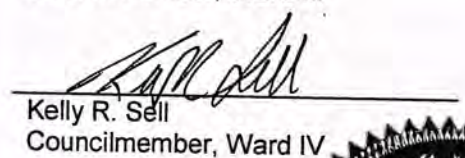
NOW, THEREFORE BE IT RESOLVED that this Certificate of Appreciation is hereby presented to **Dana Miller** on behalf of the City of La Vista for 5 years of service to the City.

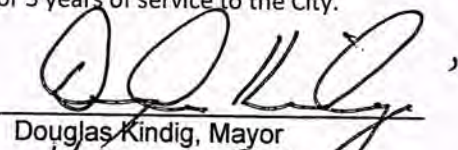
DATED THIS 3RD DAY OF SEPTEMBER 2019.

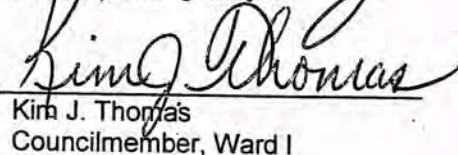

Mike Crawford
Councilmember, Ward I

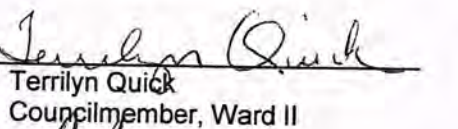

Ronald Sheehan
Councilmember, Ward II

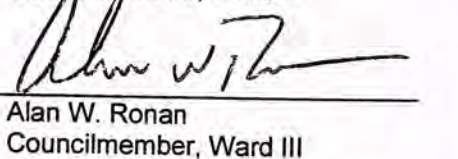

Deb Hale
Councilmember, Ward III

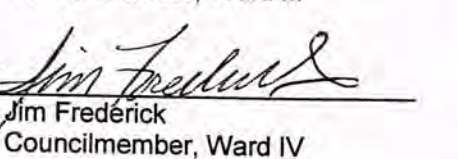

Kelly R. Sell
Councilmember, Ward IV


Douglas Kindig, Mayor

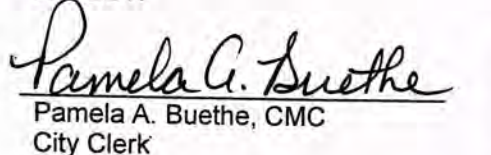

Kim J. Thomas
Councilmember, Ward I


Terrilyn Quick
Councilmember, Ward II


Alan W. Ronan
Councilmember, Ward III


Jim Frederick
Councilmember, Ward IV

ATTEST:


Pamela A. Buethe, CMC
City Clerk



MINUTE RECORD

A-2

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

LA VISTA CITY COUNCIL MEETING AUGUST 20, 2019

A meeting of the City Council of the City of La Vista, Nebraska was convened in open and public session at 6:00 p.m. on August 20, 2019. Present were Councilmembers: Frederick, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Also in attendance were City Attorney McKeon, City Administrator Gunn, Assistant City Administrator Ramirez, City Clerk Bueth, Police Chief Lausten, Director of Public Works Soucie, Director of Administrative Services Pokorny, Library Director Barcal, Recreation Director Stopak, Finance Director Miserez, City Engineer Kottmann, and Human Resources Director Trail.

A notice of the meeting was given in advance thereof by publication in the Times on August 7, 2019. 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.

SERVICE AWARD: JEAN HURST – 40 YEARS

Mayor Kindig presented a service award to Jean Hurst for 40 years of service to the City.

CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. APPROVAL OF THE MINUTES OF THE AUGUST 5, 2019 CITY COUNCIL MEETING
3. APPROVAL OF THE MINUTES OF THE JULY 18, 2019 PLANNING COMMISSION MEETING
4. MONTHLY FINANCIAL REPORT – JUNE 2019
5. REQUEST FOR PAYMENT – ALFRED BENESCH & COMPANY – PROFESSIONAL SERVICES – 2019 PARK VIEW BLVD RESURFACING – \$8,649.26
6. REQUEST FOR PAYMENT – BERRY DUNN MCNEIL & PARKER LLC – PROFESSIONAL SERVICES – IT STRATEGIC PLAN – \$14,820.00
7. REQUEST FOR PAYMENT – BURNS & MCDONNELL – PROFESSIONAL SERVICES – LA VISTA SEWER RATE STUDY – \$575.97
8. REQUEST FOR PAYMENT – DESIGN WORKSHOP, INC. – PROFESSIONAL SERVICES – 84TH STREETSCAPE PLAN – \$8,067.33
9. REQUEST FOR PAYMENT – DLR GROUP – PROFESSIONAL SERVICES – CITY CENTRE PARKING FACILITY – \$3,265.74
10. REQUEST FOR PAYMENT – GRAHAM CONSTRUCTION, INC. – CONSTRUCTION SERVICES – CIVIC CENTER PARK SANITARY SEWER RELOCATION – \$260,668.90
11. REQUEST FOR PAYMENT – HGM ASSOCIATES, INC. – PROFESSIONAL SERVICES – EAST LA VISTA SEWER AND PAVEMENT REHABILITATION – PHASE I INVESTIGATION – \$78,732.12
12. REQUEST FOR PAYMENT – RDG PLANNING & DESIGN – PROFESSIONAL SERVICES – PLACEMAKING & LA SERVICES – \$15,431.84
13. APPROVAL OF CLAIMS

AA WHEEL & TRUCK SUPPLY, maint.	3.06
ACCENT DRYWALL SUPPLY CO, bld&grnds	1,221.12
ACCURATE TESTING INC, services	190.00
ALFRED BENESCH & CO, services	22,357.90
ANDERSON FORD OF LINCOLN, services	34,399.00
ART F/X SCREENPRINTING, services	1,555.74
ASPHALT & CONCRETE MATERIALS, maint.	533.51
BIBLIOTHECA LLC, services	17,734.20
BISHOP BUSINESS EQUIPMENT CO, services	982.70

MINUTE RECORD

August 20, 2019

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

BOOT BARN, apparel	150.00
BURTON A/C, HEATING & PLUMBING, services	10,273.47
CALENTINE, J., travel	342.00
CARROLL CONSTRUCTION SUPPLY, services	8,707.92
CENTER POINT, INC., books	364.32
CENTURY LINK, phones	714.91
CINTAS CORP, services	2,755.92
CITY OF OMAHA, services	374,499.45
CITY OF PAPILLION, services	170,752.00
COLIBRI SYSTEMS, supplies	2,082.92
COMP CHOICE INC, services	77.50
CONNER PSYCHOLOGICAL, services	730.00
CONTROL MASTERS INC, services	172.19
COX COMMUNICATIONS, INC., services	277.40
CULLIGAN OF OMAHA, services	17.50
D & K PRODUCTS, services	3,629.70
DARECATALOG.COM, supplies	324.14
DATASHIELD CORP, services	140.00
HALE, D., travel	309.00
DIAMOND VOGEL PAINTS, bld&grnds	662.60
DILLON BROS HARLEY DAVIDSON, maint.	10.99
DLR GROUP, services	4,137.94
DUMMIES UNLIMITED, apparel	3,340.00
FBG SERVICE CORP, bld&grnds	5,965.00
FIRST NATIONAL BANK FREMONT, bonds	263,526.25
FOCUS PRINTING, services	8,067.28
GALE, books	239.90
GALLS LLC, apparel	120.00
GCR TIRES & SERVICE, maint.	309.81
GENERAL FIRE & SAFETY EQUIP, services	100.00
GRAYBAR ELECTRIC CO, services	299.64
GREAT PLAINS UNIFORMS, apparel	627.00
GREATAMERICA FINANCIAL, services	1,127.00
H & H CHEVROLET LLC, maint.	199.97
HARM'S CONCRETE INC, maint.	157.50
HARTS AUTO SUPPLY, maint.	218.00
HAWKEYE TRUCK EQUIPMENT, maint.	133.30
HAWKINS CONSTRUCTION CO, services	356,851.80
HDR ENGINEERING INC, services	12,099.67
HEIMES CORP, services	82.00
HERC RENTALS INC, services	316.14
HGM ASSOCIATES, INC., services	10,668.00
HOBBY LOBBY, supplies	143.64
HOTSY EQUIPMENT CO, maint.	136.52
IGM TECHNOLOGY CORP, services	5,100.00
INGRAM LIBRARY SERVICES, books	1,812.78
INLAND TRUCK PARTS, maint.	14.68
JEBRO INC, services	55.00
JOE PUTJENTER, services	2,000.00
JOHNSON, ALLEN L, services	273.00
KIMBALL MIDWEST, maint.	112.58
KRIHA FLUID POWER CO, maint.	64.92
LARSEN SUPPLY CO, supplies	1,024.62
LIBRARY IDEAS LLC, books	689.10
LOGAN CONTRACTORS, supplies	257.86
LOVELAND GRASS PAD, services	94.75
LOWE'S, bld&grnds	170.97
MALLOY ELECTRIC, services	198.19
MARCO INC. services	114.31
MARK A KLINKER, services	200.00

MINUTE RECORD

August 20, 2019

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

MARTIN ASPHALT - MONARCH OIL, services	240.50
MENARDS, maint.	163.76
METRO COMM COLLEGE, services	14,846.67
MIDWEST FENCE CO, services	5,098.04
MID-WEST MILITARY REAL ESTATE, services	40.00
MIDWEST TAPE, media	691.59
MR. PICNIC, services	1,280.00
MSC INDUSTRIAL, supplies	134.08
MUZZY ICE, services	387.50
NE DEPT OF LABOR, services	120.00
NE STATEWIDE ARBORETUM INC, services	100.00
NEENAH FOUNDRY INC, services	489.00
NEWMAN TRAFFIC SIGNS INC, services	15.51
NMC EXCHANGE LLC, maint.	103.74
ODEYS INC, supplies	1,440.76
OFFICE DEPOT INC, supplies	1,103.77
OLSSON, INC., services	57,526.63
OPPD, services	52,279.53
OMAHA SLINGS INC, services	67.77
OMAHA TACTICAL LLC, apparel	1,516.00
OMNI ENGINEERING, maint.	795.20
ONE CALL CONCEPTS INC, services	519.66
PAPILLION SANITATION, services	1,538.46
ROBEY, P., travel	246.38
PER MAR SECURITY, services	126.00
PIZZA WEST INC, services	600.00
PLAINS EQUIPMENT GROUP, maint.	12.96
PSI PLASTIC GRAPHICS, services	464.31
R. L. CRAFT CO., INC, bld&grnds	4,147.40
RDG PLANNING & DESIGN, services	35,622.86
READY MIXED CONCRETE CO, maint.	16,717.29
RIVER CITY RECYCLING, services	159.53
SAPP BROS PETROLEUM, services	207.50
SARPY COUNTY CHAMBER, services	40.00
SCHEMMER ASSOCIATES INC, services	200.00
SOUCIE, J., travel	285.00
SOUTHERN UNIFORM, apparel	1,195.88
STOREY KENWORTHY / MATT PARROTT, supplies	965.38
SUBURBAN NEWSPAPERS INC, services	199.84
SWAIN CONSTRUCTION INC, services	521,313.75
SWANK MOTION PICTURES INC, services	665.00
THOMPSON DREESSEN & DORNER, INC, services	4,790.25
TORNADO WASH LLC, services	865.00
TOSHIBA FINANCIAL, services	138.00
TRANE U S INC, bld&grnds	362.20
TRANS UNION RISK, services	50.00
U.S. CELLULAR, phones	1,205.29
UNITE PRIVATE NETWORKS LLC, services	3,850.00
UNITED SEEDS INC, bld&grnds	105.00
VERIZON CONNECT, phones	731.25
VERIZON WIRELESS, phones	210.73
VOGEL TRAFFIC, services	13,156.35
VOIANCE LANGUAGE, services	3.00
WATER'S EDGE AQUATIC DESIGN, services	3,149.00
WICK'S STERLING TRUCKS INC, maint.	39.70
WOODHOUSE LINCLN-MAZDA, maint.	1,162.60

Councilmember Thomas 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, Sheehan, Thomas,

MINUTE RECORD

August 20, 2019

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

Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: Ronan. Motion carried.

REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

Director of Public Works Soucie reported that the irrigation system is in at Civic Park and the grass is starting to come up.

B. ORDINANCE — AMEND AND REPLACE SECTION 113.10 WITH SECTION 113.50 OF THE LA VISTA MUNICIPAL CODE

Councilmember Sell introduced Ordinance No. 1361 entitled: AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AMENDING AND RENUMBERING SECTION 113.10 OF THE LA VISTA MUNICIPAL CODE REGARDING OCCUPATION TAXES AS SECTION 113.50; REPEALING CONFLICTING ORDINANCES; AND PROVIDING FOR SEVERABILITY, PUBLICATION AND AN EFFECTIVE DATE.

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

Said ordinance was then read by title and thereafter Councilmember Sheehan moved for final passage of the ordinance which motion was seconded by Councilmember Frederick. The Mayor then stated the question, "Shall Ordinance No. 1361 be passed and adopted?" Upon roll call vote the following Councilmembers voted aye: Frederick, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: Ronan. The passage and adoption of said ordinance having been concurred on by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor, in the presence of the Council, signed and approved the ordinance and the City Clerk attested the passage/approval of the same and affixed her signature thereto.

C. ORDINANCE — AMEND SECTION 113.01 OF THE LA VISTA MUNICIPAL CODE

Councilmember Quick introduced Ordinance No. 1362 entitled: AN ORDINANCE OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA, TO AMEND THE LA VISTA MUNICIPAL CODE SECTION 113.01; TO REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

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

Said ordinance was then read by title and thereafter Councilmember Sheehan moved for final passage of the ordinance which motion was seconded by Councilmember Thomas. The Mayor then stated the question, "Shall Ordinance No. 1362 be passed and adopted?" Upon roll call vote the following Councilmembers voted aye: Frederick, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: Ronan. The passage and adoption of said ordinance having been concurred on by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor, in the presence of the Council, signed and approved the ordinance and the City Clerk attested the passage/approval of the same and affixed her signature thereto.

D. ORDINANCE — AMEND SECTION 113.02 OF THE LA VISTA MUNICIPAL CODE

Councilmember Hale introduced Ordinance No. 1363 entitled: AN ORDINANCE OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA, TO AMEND THE LA VISTA MUNICIPAL CODE SECTION 113.02; TO REPEAL CONFLICTING ORDINANCES

MINUTE RECORD

August 20, 2019

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

PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

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

Said ordinance was then read by title and thereafter Councilmember Sheehan moved for final passage of the ordinance which motion was seconded by Councilmember Thomas. The Mayor then stated the question, "Shall Ordinance No. 1363 be passed and adopted?" Upon roll call vote the following Councilmembers voted aye: Frederick, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: Ronan. The passage and adoption of said ordinance having been concurred on by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor, in the presence of the Council, signed and approved the ordinance and the City Clerk attested the passage/approval of the same and affixed her signature thereto.

E. ORDINANCE — AMEND SECTION 113.05 OF THE LA VISTA MUNICIPAL CODE

Councilmember Hale introduced Ordinance No. 1364 entitled: AN ORDINANCE OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA, TO AMEND THE LA VISTA MUNICIPAL CODE SECTION 113.05; TO REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

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

Said ordinance was then read by title and thereafter Councilmember Frederick moved for final passage of the ordinance which motion was seconded by Councilmember Quick. The Mayor then stated the question, "Shall Ordinance No. 1364 be passed and adopted?" Upon roll call vote the following Councilmembers voted aye: Frederick, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: Ronan. The passage and adoption of said ordinance having been concurred on by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor, in the presence of the Council, signed and approved the ordinance and the City Clerk attested the passage/approval of the same and affixed her signature thereto.

F. RESTAURANTS AND DRINKING PLACES OCCUPATION TAX

1. PUBLIC HEARING

At 6:10 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the proposed Restaurants and Drinking Places Occupation Tax ordinance. There was public in favor of and opposed to the proposed ordinance. There was also public comment in favor of adding a 2% administration fee.

At 6:33 p.m. Councilmember Hale made a motion to close the public hearing. Seconded by Councilmember Crawford. Councilmembers voting aye: Frederick, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: Ronan. Motion carried.

2. ORDINANCE

Councilmember Thomas introduced Ordinance No. 1365 entitled: AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA LEVYING AND IMPOSING RESTAURANTS AND DRINKING PLACES OCCUPATION TAX AS SECTION 113.10 OF THE LA VISTA MUNICIPAL CODE; SPECIFYING

MINUTE RECORD

August 20, 2019

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

ADMINISTRATIVE PROVISIONS AND USE OF TAX PROCEEDS; REPEALING CONFLICTING ORDINANCES; AND PROVIDING FOR SEVERABILITY, PUBLICATION AND AN EFFECTIVE DATE.

Councilmember Thomas made a motion to approve Ordinance No. 1365 on its first reading and pass it on to a second reading and to add a 2% administration fee to the ordinance. Seconded by Councilmember Hale. Councilmembers voting aye: Frederick, Sheehan, Thomas, Quick, Hale, and Sell. Nays: Crawford. Abstain: None. Absent: Ronan. Motion carried.

G. ORDINANCE – FISCAL YEARS 18/19 AND 19/20 BIENNIAL MUNICIPAL BUDGET – SECOND READING

Councilmember Thomas introduced Ordinance No. 1360 entitled: AN ORDINANCE TO AMEND ORDINANCE NO. 1323 AND THE BIENNIAL BUDGET APPROPRIATING THE SUMS OF MONEY DEEMED NECESSARY TO DEFRAY ALL OF THE NECESSARY EXPENSES AND LIABILITIES OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA FOR THE FISCAL PERIOD BEGINNING ON OCTOBER 1, 2018 AND ENDING ON SEPTEMBER 30, 2019; AND FOR THE FISCAL PERIOD BEGINNING OCTOBER 1, 2019 AND ENDING ON SEPTEMBER 30, 2020, AND SPECIFICALLY TO AMEND AMOUNTS APPROPRIATED FOR THE SECOND YEAR OF SUCH BIENNIAL BUDGET FOR THE FISCAL PERIOD BEGINNING OCTOBER 1, 2019 AND ENDING SEPTEMBER 30, 2020, SPECIFYING THE OBJECTS AND PURPOSES FOR WHICH SUCH APPROPRIATIONS ARE MADE AND THE AMOUNT TO BE APPROPRIATED FOR EACH OBJECT OR PURPOSE; SPECIFYING THE AMOUNT TO BE RAISED BY TAX LEVY; PROVIDING FOR THE FILING AND CERTIFICATION OF THE BUDGET AND TAX LEVY HEREIN SENT TO THE STATE AUDITOR AND COUNTY CLERK OF SARPY COUNTY; TO REPEAL INCONSISTENT OR CONFLICTING ORDINANCES OR RESOLUTIONS AS ORIGINALLY ENACTED; AND PRESCRIBING THE TIME WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT.

Councilmember Quick made a motion to approve Ordinance No. 1360 on its second reading and pass it on to a third reading. Seconded by Councilmember Sheehan. Councilmembers voting aye: Frederick, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: Ronan. Motion carried.

H. RESOLUTION – ADDENDUM TO INTERLOCAL COOPERATION AGREEMENT – IT SERVICES AND PUBLIC SAFETY SOFTWARE

Councilmember Frederick introduced and moved for the adoption of Resolution No. 19-109 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING AN ADDENDUM TO THE INTERLOCAL COOPERATION AGREEMENT BETWEEN SARPY COUNTY AND THE CITY OF LA VISTA FOR IT SERVICES AND PUBLIC SAFETY SOFTWARE.

WHEREAS, the City has been operating under an Interlocal Agreement with Sarpy Information Systems for the provision of IT services and Public Safety software; and

WHEREAS, the FY19/20 Biennial Budget provides funding for the proposed services; and

WHEREAS, the City, working with Sarpy County Information Services, has prepared an addendum to the agreement for continued IT services and Public Safety software until September 30, 2022;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of La Vista, Nebraska, that the proposed addendum to the interlocal agreement between Sarpy County and the City of La Vista regarding IT Services and Public Safety Software for the City of La Vista is hereby approved, and authorizing the Mayor and City Clerk to execute said addendum on behalf of the City of La Vista in form and content approved by the City Administrator.

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

MINUTE RECORD

August 20, 2019

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

I. RESOLUTION – APPROVAL OF ADDITION TO AREA OF LIQUOR LICENSE – BEYOND GOLF LLC DBA BEYOND GOLF BAR & KITCHEN

Councilmember Sell introduced and moved for the adoption of Resolution No.19-110 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 ADDITION TO THE LIQUOR LICENSE FOR BEYOND GOLF LLC IN LA VISTA, NEBRASKA.

WHEREAS, Beyond Golf LLC dba Beyond Golf Bar & Kitchen, 12040 McDermott Plz. #330, La Vista, Sarpy County, Nebraska, has applied to the Nebraska Liquor Control Commission for an addition to their 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 addition to the Liquor License submitted by Beyond Golf LLC dba Beyond Golf Bar & Kitchen, 12040 McDermott Plz. #330, La Vista, Sarpy County, Nebraska.

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

J. RESOLUTION – APPROVAL OF ADDITION TO AREA OF LIQUOR LICENSE – FROELICH INVESTMENTS LLC DBA REF'S SPORTS BAR & GRILL

Councilmember Sell introduced and moved for the adoption of Resolution No.19-111 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 ADDITION TO THE LIQUOR LICENSE FOR FROELICH INVESTMENTS, LLC IN LA VISTA, NEBRASKA.

WHEREAS, Froehlich Investments LLC dba Ref's Sports Bar & Grill, 9723-9727 Giles Rd., La Vista, Sarpy County, Nebraska, has applied to the Nebraska Liquor Control Commission for an addition to their 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 addition to the Liquor License submitted by Froehlich Investments LLC dba Ref's Sports Bar & Grill, 9723-9727 Giles Rd., La Vista, Sarpy County, Nebraska.

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

MINUTE RECORD

August 20, 2019

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

K. RESOLUTION – LA VISTA CITY CENTRE THEATER PRELIMINARY PLAT

Councilmember Hale introduced and moved for the adoption of Resolution No.19-112 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, FOR APPROVAL OF THE PRELIMINARY PLAT FOR LOTS 11-13 AND OUTLOT A LA VISTA CITY CENTRE, AND PORTIONS OF TAX LOT 12 14-14-12, TO BE REPLATTED INTO THREE LOTS FOR EVENT VENUE, OFFICE BUILDING, AND PUBLIC FACILITIES.

WHEREAS, the applicant, La Vista City Centre, LLC on behalf of the owners of the above described pieces of property, and the City, have made application for approval of a preliminary plat as presented at this meeting for Lots 11-13 and Outlot A La Vista City Centre, and portions of Tax Lot 12 14-14-12 ("Preliminary Plat"), and

WHEREAS, the City Engineer has reviewed the Preliminary Plat; and

WHEREAS, on July 18, 2019, the La Vista Planning Commission reviewed the Preliminary Plat and recommended approval, subject to satisfaction of applicable requirements.

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of La Vista, Nebraska, that, subject to satisfaction of all applicable requirements, including without limitation, notices, hearings, and approvals of redevelopment plan, redevelopment contract, and subdivision agreement amendments and applicable property conveyances, the Preliminary Plat be, and hereby is, approved; provided, however, for accuracy and tracking purposes said Preliminary Plat shall be retitled "Replat 4," and such title shall be incorporated into the plat that is presented for final approval.

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

L. RESOLUTION – PROFESSIONAL SERVICES AGREEMENT

Councilmember Thomas introduced and moved for the adoption of Resolution No.19-113 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE MAYOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH WATER'S EDGE AQUATIC DESIGN, LENEXA, KANSAS, FOR PROFESSIONAL SERVICES ASSOCIATED WITH THE CONCEPTUAL PLANNING OF A NEW POOL IN AN AMOUNT NOT TO EXCEED \$47,000.

WHEREAS, the swimming pool, which was built in the early 1960's, is nearing the end of its useful life; and

WHEREAS, the FY 19/20 Biennial Budget provides funding for these professional services; and

WHEREAS, Waters Edge Aquatic Design has provided the City with professional services since 2005;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of La Vista, Nebraska, that the Mayor is hereby authorized to execute a professional services agreement with Water's Edge Aquatic Design, Lenexa, Kansas, for professional services associated with the conceptual planning of a new pool in an amount not to exceed \$47,000.

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

M. RESOLUTION – PURCHASE OF WIDE AREA MOWER

Councilmember Frederick introduced and moved for the adoption of Resolution No.19-114 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE PURCHASE OF ONE (1) 2019 JACOBSEN HR600 WIDE AREA MOWER FROM TURFWERKS, OMAHA, NEBRASKA IN AN AMOUNT NOT TO EXCEED \$61,069.00.

MINUTE RECORD

August 20, 2019

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

WHEREAS, the City Council of the City of La Vista has determined that the purchase of a Jacobsen HR600 Wide Area Mower is necessary; and

WHEREAS, the FY 19/20 Biennial Budget provides funding for this 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 purchases over \$5,000;

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska authorize the purchase of one (1) 2019 Jacobsen HR600 Wide Area Mower from Turfwerks, Omaha, Nebraska in an amount not to exceed \$61,069.00.

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

N. RESOLUTION – PURCHASE OF MOTOROLA RADIOS

Councilmember Quick introduced and moved for the adoption of Resolution No.19-115 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE PURCHASE OF NINETEEN (19) APX TWO-WAY RADIOS FROM MOTOROLA IN AN AMOUNT NOT TO EXCEED \$75,000.00.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of nineteen (19) APX two-way radios is necessary; and

WHEREAS, the FY 19/20 Biennial Budget provides funding for this 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 purchases over \$5,000;

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska authorize the purchase of nineteen (19) APX two-way radios from Motorola in an amount not to exceed \$75,000.00.

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

Councilmember Crawford motioned to move Comments from the Floor up on the agenda ahead of Item O. Executive Session. Seconded by Councilmember Thomas. Councilmembers voting aye: Frederick, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: Ronan. Motion carried.

COMMENTS FROM THE FLOOR

A resident commented on recent changes to signal lights on 84th Street.

Daniel Newburn commented on chickens housed within the City limits.

O. EXECUTIVE SESSION: PERSONNEL

At 7:13 p.m. Councilmember Crawford made a motion to go into executive session for protection of the reputation of an individual to discuss personnel matters. Seconded by Councilmember Thomas. Councilmembers voting aye: Frederick, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: Ronan. Motion carried. Mayor Kindig stated the executive session would be limited to the subject matter contained in the motion.

At 7:28 p.m. the Council came out of executive session. Councilmember Crawford made a motion to reconvene in open and public session. Seconded by Councilmember Hale. Councilmembers voting aye: Frederick, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: Ronan. Motion carried.

MINUTE RECORD

August 20, 2019

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

COMMENTS FROM MAYOR AND COUNCIL

Councilmember Frederick commented that he attended an event honoring a former Papillion/La Vista High School band leader.

Councilmember Sell thanked everyone for coming to give public comment.

At 7:28 p.m. Councilmember Crawford made a motion to adjourn the meeting. Seconded by Councilmember Thomas. Councilmembers voting aye: Frederick, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: Ronan. Motion carried.

PASSED AND APPROVED THIS 3RD DAY OF SEPTEMBER 2019.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

APPLICATION AND CERTIFICATION FOR PAYMENT

AIA DOCUMENT G702

PAGE ONE OF

PAGES

TO OWNER: City of La Vista
8116 Park View Blvd
La Vista, NE 68128

PROJECT: LaVista Civic Center Phase 2 APPLICATION NO

7

Distribution to:

OWNER
ARCHITECT
CONTRACTOR

PERIOD TO: 8/21/2019

FROM Blade Masters Grounds Maint, Inc. VIA ARCHITECT: RDG Planning & Design
CONTRACTOR: P.O. Box 167
Bennington, NE 68007

900 Farnam on the Mall
Omaha, NE 68102

PROJECT NOS: 3001.477.01

CONTRACT FOR:

CONTRACT DATE 7/18/2018

CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for payment, as shown below, in connection with the Contract. Continuation Sheet, AIA Document G703, is attached.

1. ORIGINAL CONTRACT SUM
2. Net change by Change Orders
3. CONTRACT SUM TO DATE (Line 1 + 2)
4. TOTAL COMPLETED & STORED TO DATE (Column G on G703)
5. RETAINAGE:
 - a. -10 % of Completed Work (Column D + E on G703)
 - b. % of Stored Material (Column F on G703)
6. TOTAL EARNED LESS RETAINAGE (Line 4 Less Line 5 Total)
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT (Line 6 from prior Certificate)
8. CURRENT PAYMENT DUE
9. BALANCE TO FINISH, INCLUDING RETAINAGE (Line 3 less Line 6)

Pending C.O #4 increases this to \$124,946.79	\$	1,744,777.34
Pending C.O #4 increases this to \$1,869,724.13	\$	96,881.79
	\$	1,841,659.13
Incorrect - see next page. should be: \$1,861,424.13	\$	1,880,074.63
	\$	186,142.41
	\$	(186,007.47)
\$1,861,424.13	\$	(186,007.47)
- 186,142.41	\$	1,675,281.72
\$1,366,398.64	\$	1,372,282
\$308,883.08	\$	325,161.80
\$195,272.41	\$	196,307.47

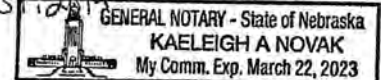
CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner	\$15,000.00	\$0.00
Total approved this Month	\$81,881.79	\$0.00
TOTALS	\$96,881.79	\$0.00
NET CHANGES by Change Order	\$96,881.79	

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.

CONTRACTOR: Blade Masters Grounds Maintenance, Inc.

By: [Signature] Date: 8/22/2019

State of: Nebraska County of: Douglas
Subscribed and sworn to before me this 22 day of August
Notary Public: [Signature]
My Commission expires: 03-20-2023



ARCHITECT'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising the 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.

AMOUNT CERTIFIED \$ 308,883.08

(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 with the amount certified.)

ARCHITECT: [Signature] Date: 8/27/2019

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.

O.K. to pay
6/28/2019
gmk for Calcatone
16.72.0942.003

Consent Agenda 9/3/19 @

4-3

CONTINUATION SHEET

AIA DOCUMENT G703

PAGE OF PAGES

AIA Document G702, 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.

APPLICATION NO: 7

APPLICATION DATE: 8/21/2019

PERIOD TO:

ARCHITECT'S PROJECT NO: 3001.477.01

ITEM NO.	DESCRIPTION OF WORK	SCHEDULED VALUE	WORK COMPLETED		MATERIALS PRESENTLY STORED (NOT IN D OR E)	TOTAL COMPLETED AND STORED TO DATE (D+E+F)	% (G + C)	BALANCE TO FINISH (C - G)	RETAINAGE
			FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD					
1	Mobilization, Bonding, Insurance	\$174,000.00	\$174,000.00	\$0.00	\$0.00	\$174,000.00	100%	\$0.00	(\$17,400.00)
2	Demolition and Removals	\$26,860.00	\$26,860.00	\$0.00	\$0.00	\$26,860.00	100%	\$0.00	(\$2,686.00)
3	Concrete Trail (10' x 6" thick) 23,770 sf @ 4.62 =	\$109,817.40	\$109,817.40	\$0.00	\$0.00	\$109,817.40	100%	\$0.00	(\$10,981.74)
4	Fire Lane	\$157,140.58	\$157,140.50	\$0.08	\$0.00	\$157,140.58	100%	\$0.00	(\$15,714.06)
5	Sidewalk Tie Ins	\$5,208.00	\$0.00	\$5,208.00	\$0.00	\$5,208.00	100%	\$0.00	(\$520.80)
6	Bollards	\$6,600.00	\$0.00	\$0.00	\$0.00	\$0.00	0%	\$6,600.00	\$0.00
7	Detectable Warning Panels 95 sf @ 53.00 =	\$5,035.00	\$0.00	\$5,035.00	\$0.00	\$5,035.00	100%	\$0.00	(\$503.50)
8	Air Compressor Pad	\$500.00	\$500.00	\$0.00	\$0.00	\$500.00	100%	\$0.00	(\$50.00)
9	Electrical (separate breakdown to follow)	\$291,372.00	\$260,944.77	\$30,427.23	\$0.00	\$291,372.00	100%	\$0.00	(\$29,137.20)
10	Irrigation, + design change (breakdown to follow)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0%	\$0.00	
10a	Irrigation: lawn sprinkler system installation	\$159,240.00	\$65,640.00	\$93,600.00	\$0.00	\$159,240.00	100%	\$0.00	(\$15,924.00)
10b	Irrigation: sprinkler material	\$130,186.00	\$114,793.44	\$15,392.56	\$0.00	\$130,186.00	100%	\$0.00	(\$13,018.60)
10c	Irrigation: pump station installation	\$75,789.62	\$47,042.00	\$28,747.62	\$0.00	\$75,789.62	100%	\$0.00	(\$7,578.96)
10d	Irrigation: watertronic pump station material	\$97,673.38	\$97,673.38	\$0.00	\$0.00	\$97,673.38	100%	\$0.00	(\$9,767.39)
11	Otterbine Package	\$60,000.00	\$60,000.00	\$0.00	\$0.00	\$60,000.00	100%	\$0.00	(\$6,000.00)
12	Seeding (Lawn) 14 acres @ 3600 =	\$50,400.00	\$23,400.00	\$27,000.00	\$0.00	\$50,400.00	100%	\$0.00	(\$5,040.00)
13	Seeding (Native Grass) 1.5 acres @ 3800 =	\$5,700.00	\$0.00	\$5,700.00	\$0.00	\$5,700.00	100%	\$0.00	(\$570.00)
14	Shoreline Protection	\$16,000.00	\$0.00	\$16,000.00	\$0.00	\$16,000.00	100%	\$0.00	(\$1,600.00)
15	Watertronic station install by Uleman Irrigation - (18,650.00)	(\$18,650.00)	\$0.00	\$0.00	\$0.00	\$0.00	0%	\$0.00	
16	SWPP Plans	\$68,080.00	\$68,080.00	\$0.00	\$0.00	\$68,080.00	100%	\$0.00	(\$6,808.00)
17	Bioswale Basin (all-inclusive)	\$112,340.00	\$99,255.00	\$13,085.00	\$0.00	\$112,340.00	100%	\$0.00	(\$11,234.00)
18	Earthwork (placement, agg. base for paving, backfilling paving)	\$211,485.36	\$200,336.75	\$11,148.61	\$0.00	\$211,485.36	100%	\$0.00	(\$21,148.54)
19	Change order #1 including all 4 items as referenced in CO#01	\$15,000.00	\$13,300.00	\$0.00	\$0.00	\$13,300.00	88.67%	\$1,700.00	(\$1,330.00)
20	Change order #3	\$81,881.79		\$81,881.79		\$81,881.79	100.00%	\$0.00	(\$8,188.18)
21	Change order #4 pending (for seeding and erosion matting)	\$28,065.00		\$28,065.00		\$28,065.00	100.00%	\$0.00	(\$2,806.50)
GRAND TOTALS		\$0.00 \$1,869,724.13	\$1,518,783.24	\$0.00 \$361,290.89	\$0.00	\$0.00 \$1,880,074.63	0.00% 101%	\$0.00 \$8,300.00	\$0.00 (\$188,007.47)

Users may obtain validation of this document by requesting of the licensee a completed AIA Document D401 - Certification of Document's Authenticity

$$0.10 \times \$1,861,424.13 = 186,142.41$$

Accurate updated total.

This total is not accurate because item no. 15 needs to be removed from the total. Should be: **\$1,861,424.13**, which comes from the Overall total, minus the 'Balance to Finish' in column I.



Invoice

Reference Invoice Number with Payment

HDR Engineering Inc.
Omaha, NE 68106-2973
Phone: (402) 399-1000

HDR Invoice No. 1200207194
Invoice Date 08-AUG-2019
Invoice Amount Due \$10,141.80
Payment Terms 30 NET

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

Remit To PO Box 74008202
Chicago, IL 60674-8202
ACH/EFT Payments Bank of America ML US
ABA# 081000032
Account# 355004076604

Project Management for Services for Public Improvements and Other Works.

Professional Services
From: 30-JUN-2019 To: 03-AUG-2019

Professional Services Summarization	Hours	Billing Rate	Amount
Administrative	9.00		767.85
Civil Engineer	19.25		3,214.94
Communications Coordinator	5.00		435.00
Construction Field Representative	2.00		197.22
Controls Systems Engineer	8.00		1,087.92
Graphic Designer	1.00		95.37
Project Controller	0.50		52.47
Project Manager	18.00		4,215.78
	62.75		\$10,066.55
	Total Professional Services		\$10,066.55

Expense Summarization	Quantity	Billing Rate	Amount
Mileage Personal	60.00		34.80
Printing/Reprographics			21.70
Vehicle Mileage	25.00		18.75
	Total Expenses		\$75.25

Amount Due This Invoice (USD) \$10,141.80

Fee Amount	\$670,695.00
Fee Invoiced to Date	\$473,601.00
Fee Remaining	\$197,094.00

HDR Internal Reference Only	
Client Number	41331
Cost Center	10134
Project Number	10053040

Consent Agenda 9/3/19 (R)

05.71.0909.03
R. Ramirez
8-20-19

Invoice

HDR Invoice No. 1200207194
Invoice Date 08-AUG-2019

Professional Services and Expense Detail				
Project Number:	10053040	Project Description:	LaVista-Project Mgmt Svcs	
Task Number:	1.0	Task Description:	Project Management	
Professional Services		Hours	Billing Rate	Amount
Administrative	Christiansen, Adam P.	4.00	116.85	467.40
Project Controller	Clifton, Rachel M	0.50	104.94	52.47
Project Manager	Koenig, Christopher J	18.00	234.21	4,215.78
		22.50		\$4,735.65
		Total Professional Services		\$4,735.65
Expense		Qty	Billing Rate	Amount
Mileage Personal	Koenig, Christopher J	60.00	0.58	34.80
Printing/Reprographics	ARC Document Solutions LLC			15.24
		Total Expense		\$50.04
		Total Task		\$4,785.69

Professional Services and Expense Detail				
Project Number:	10053040	Project Description:	LaVista-Project Mgmt Svcs	
Task Number:	2.0	Task Description:	Construction Team Coordination	
Professional Services		Hours	Billing Rate	Amount
Administrative	Anderson, Scott D	5.00	60.09	300.45
Civil Engineer	Cain, Christopher A	19.25	167.01	3,214.94
Construction Field Representative	Baldwin, Richard L (Rich)	2.00	98.61	197.22
Controls Systems Engineer	Kruger, Bradley Alan (Brad)	8.00	135.99	1,087.92
		34.25		\$4,800.53
		Total Professional Services		\$4,800.53
Expense		Qty	Billing Rate	Amount
Printing/Reprographics	ARC Document Solutions LLC			6.46
		Total Expense		\$6.46
		Total Task		\$4,806.99

Invoice

HDR Invoice No. 1200207194
Invoice Date 08-AUG-2019

Professional Services and Expense Detail

Project Number: 10053040 Project Description: LaVista-Project Mgmt Svcs
Task Number: 3.0 Task Description: Public Outreach

Professional Services		Hours	Billing Rate	Amount
Communications Coordinator	Veldhouse, Kristen Lynn	5.00	87.00	435.00
Graphic Designer	Meszler, Christopher S	0.25	93.48	23.37
Graphic Designer	Rolfes, Christina A	0.75	96.00	72.00
		6.00		\$530.37
		Total Professional Services		\$530.37
		Total Task		\$530.37

Professional Services and Expense Detail

Project Number: 10053040 Project Description: LaVista-Project Mgmt Svcs
Task Number: 6.0 Task Description: Special Inspection Services

Expense	Qty	Billing Rate	Amount
Vehicle Mileage	25.00	0.75	18.75
Total Expense			\$18.75
Total Task			\$18.75

A5

Invoice

601 P St Suite 200
PO Box 84608
Lincoln, NE 68501-4608

Tel 402.474.6311, Fax 402.474.5063

City of La Vista NE
8116 Park View Blvd
La Vista, NE 68128-2198

olsson

O.K. to pay
JNK 8-20-2019
15.71.0911.003

August 12, 2019

Invoice No: 335356

Invoice Total \$3,400.25 ←

Olsson Project # 018-1994

La Vista City Centre Lot 17 Parking Garage NE

Professional services rendered through July 13, 2019 for work completed in accordance with Agreement dated April 30, 2018.

Phase 300 Concrete

Labor

	Hours	Rate	Amount
Technician	4.00	60.00	240.00
Totals	4.00		240.00
Total Labor			240.00

Unit Billing

Field Vehicle	14.0 Miles @ 0.75	10.50
Compressive Strength - Concrete		
6 Tests @ \$15/Test		90.00
Total Units		100.50
Total this Phase		\$340.50 ✓

Phase 400 Post Tension

Labor

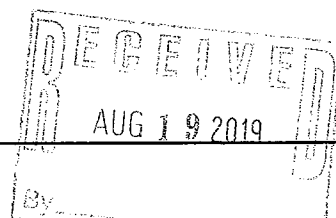
	Hours	Rate	Amount
Technician	24.50	60.00	1,470.00 ✓
Project Manager	4.25	115.00	488.75 ✓
Totals	28.75		1,958.75
Total Labor			1,958.75 ✓

Unit Billing

Field Vehicle	16.0 Miles @ 0.75	12.00
Field Vehicle	38.0 Miles @ 0.75	28.50
Field Vehicle	16.0 Miles @ 0.75	12.00
Compressive Strength - Concrete		
9 Tests @ \$15/Test		135.00

INVOICE PAYMENT IS REQUESTED WITHIN 30 DAYS

Consent Agenda 9/3/19 @



Project	018-1994	La Vista City Centre Lot 17 Parking Gara	Invoice	335356
---------	----------	--	---------	--------

9 Tests @ \$15/Test	135.00	
9 Tests @ \$15/Test	135.00	
Total Units	457.50	457.50
Total this Phase		\$2,416.25

Phase 500 Masonry

Labor

	Hours	Rate	Amount
Technician	2.00	60.00	120.00
Totals	2.00		120.00
Total Labor			120.00

Unit Billing

Field Vehicle	8.0 Miles @ 0.75	6.00
Total Units		6.00
Total this Phase		\$126.00

Phase 700 Reporting/Project Management

Labor

	Hours	Rate	Amount
Project Manager	4.50	115.00	517.50
Totals	4.50		517.50
Total Labor			517.50

Total this Phase **\$517.50**

Billing Limits

	Current	Prior	To-Date
Total Billings	3,400.25	49,633.85	53,034.10
Limit			53,035.00
Balance Remaining			.90

AMOUNT DUE THIS INVOICE **\$3,400.25**

Outstanding Invoices

Number	Date	Balance
333596	7/19/2019	15,703.65
Total		15,703.65

Authorized By: Matthew Markham

INVOICE PAYMENT IS REQUESTED WITHIN 30 DAYS

Billing Backup

Monday, August 12, 2019

Olsson, Inc.

Invoice 335356 Dated 8/12/2019

2:12:04 PM

Olsson Project # 018-1994 La Vista City Centre Lot 17 Parking Garage NE

Phase 300 Concrete

Labor

			Hours	Rate	Amount	
Technician						
04571	Wright, Jeremy	7/12/2019	4.00	60.00	240.00	
	Totals		4.00		240.00	
	Total Labor					240.00

Unit Billing

Field Vehicle	14.0 Miles @ 0.75	10.50	
Compressive Strength - Concrete			
6 Tests @ \$15/Test		90.00	
Total Units		100.50	100.50
	Total this Phase		\$340.50

Phase 400 Post Tension

Labor

			Hours	Rate	Amount	
Technician						
04817	Crawford, Allison	7/9/2019	.50	60.00	30.00	
04069	Johnson, Evan	7/10/2019	1.75	60.00	105.00	
03752	Tegels, Leo	7/10/2019	.50	60.00	30.00	
04069	Johnson, Evan	7/11/2019	1.50	60.00	90.00	
04923	Fredrick, Dulitha	7/12/2019	6.00	60.00	360.00	
04069	Johnson, Evan	7/12/2019	.50	60.00	30.00	
04971	Sturdivant, Evan	7/12/2019	5.25	60.00	315.00	
04923	Fredrick, Dulitha	7/13/2019	3.00	60.00	180.00	
04069	Johnson, Evan	7/13/2019	5.50	60.00	330.00	
Project Manager						
04358	Markham, Matthew	7/10/2019	4.25	115.00	488.75	
	Totals		28.75		1,958.75	
	Total Labor					1,958.75

Unit Billing

Field Vehicle	16.0 Miles @ 0.75	12.00	
Field Vehicle	38.0 Miles @ 0.75	28.50	
Field Vehicle	16.0 Miles @ 0.75	12.00	
Compressive Strength - Concrete			
9 Tests @ \$15/Test		135.00	

INVOICE PAYMENT IS REQUESTED WITHIN 30 DAYS

Project	018-1994	La Vista City Centre Lot 17 Parking Gara	Invoice	335356
---------	----------	--	---------	--------

9 Tests @ \$15/Test	135.00	
9 Tests @ \$15/Test	135.00	
Total Units	457.50	457.50
Total this Phase		\$2,416.25

Phase 500 Masonry

Labor

			Hours	Rate	Amount	
Technician						
04923	Fredrick, Dulitha	7/12/2019	2.00	60.00	120.00	
	Totals		2.00		120.00	
Total Labor						120.00

Unit Billing

Field Vehicle	8.0 Miles @ 0.75	6.00	
Total Units		6.00	6.00
Total this Phase			\$126.00

Phase 700 Reporting/Project Management

Labor

			Hours	Rate	Amount	
Project Manager						
04358	Markham, Matthew	7/9/2019	.25	115.00	28.75	
04358	Markham, Matthew	7/10/2019	.25	115.00	28.75	
04358	Markham, Matthew	7/11/2019	.50	115.00	57.50	
04358	Markham, Matthew	7/12/2019	2.50	115.00	287.50	
04358	Markham, Matthew	7/15/2019	1.00	115.00	115.00	
	Totals		4.50		517.50	
Total Labor						517.50

Total this Phase \$517.50

Total this Project \$3,400.25

Total this Report \$3,400.25

INVOICE PAYMENT IS REQUESTED WITHIN 30 DAYS

A-6

Invoice

601 P St Suite 200
PO Box 84608
Lincoln, NE 68501-4608
Tel 402.474.6311, Fax 402.474.5063

City of La Vista NE
8116 Park View Blvd
La Vista, NE 68128-2198

olsson

August 22, 2019
Invoice No: 337209

o.k. to pay
Bnk 8-26-2019
16,71,0909.003

Invoice Total \$30,362.68

Olsson Project # B16-0546 La Vista NE City Centre Phase 1 Public Infrastructure
Professional services rendered July 7, 2019 through August 3, 2019 for work completed in accordance with agreement dated October 7, 2016 and Amendment #1 dated July 7, 2017, Amendment #2 dated July 21, 2017, Amendment #3 dated November 21, 2017, Amendment #4 dated May 17, 2018, and Amendment #5 dated October 24, 2018.

NTP: 12.06.16
City of La Vista Project No. CD-17-008

Phase 300 Project Management (Including Amendments 2, 3 & 5)

Labor

	Hours	Rate	Amount
Team/Technical Leader			
Egelhoff, Anthony	1.50	185.00	277.50 ✓
Administrative			
Chambers, Veronica	.25	73.00	18.25 ✓
Totals	1.75		295.75
Total Labor			295.75
		Total this Phase	\$295.75 ✓

Phase 400 Construction Services (Including Amendments 3 & 5)

Labor

	Hours	Rate	Amount
Technician			
Crawford, Allison	2.25	60.00	135.00 ✓
Larson, Nicholas	.25	60.00	15.00 ✓
Snyder, Sue	.25	60.00	15.00 ✓
Wright, Jeremy	3.75	60.00	225.00 ✓
Project Manager			
Markham, Matthew	51.50	115.00	5,922.50 ✓

INVOICE PAYMENT IS REQUESTED WITHIN 30 DAYS

Consent Agenda 9/3/19 (PD)

Project	B16-0546	La Vista NE City Centre Phase 1 Public	Invoice	337209
---------	----------	--	---------	--------

Lab Tech Support			
Eiseman, Alec	.75		0.00
Fredrick, Dulitha	6.00		0.00
Larson, Nicholas	2.00		0.00
Petersen, Clinton	1.50		0.00
Assistant Engineer			
Turek, Zachary	145.50	90.00	13,095.00 ✓
Surveyor			
Hanna, Daniel	9.75	110.00	1,072.50 ✓
Associate Surveyor			
Hanna, Daniel	4.00	110.00	440.00 ✓
2-Man Survey Crew			
Bang, Joshua	2.50	150.00	375.00 ✓
Rokusek, Zachary	17.50	150.00	2,625.00 ✓
Survey Support Crew			
Ngoma, Delph	17.50		0.00
Rothanzl, Dylan	3.00		0.00
Team/Technical Leader			
Egelhoff, Anthony	8.50	185.00	1,572.50 ✓
Administrative			
Zablocki, Stacy	9.00	73.00	657.00 ✓
Team Leader			
Rothanzl, Terrence	2.00	112.00	224.00 ✓
Student Technician - Level 1			
Sturdivant, Evan	2.00	52.00	104.00 ✓
Totals	289.50		26,477.50

Total Labor

26,477.50 ✓

Unit Billing

Field Vehicle	6.0 Miles @ 0.75	4.50
Field Vehicle	22.0 Miles @ 0.75	16.50
Field Vehicle	4.0 Miles @ 0.75	3.00
Field Vehicle	33.0 Miles @ 0.75	24.75
Compressive Strength - Concrete		
4 Tests @ \$15/Test		60.00
4 Tests @ \$15/Test		60.00
3 Tests @ \$15/Test		45.00

Total Units

213.75

213.75

Total this Phase

\$26,691.25 ✓

Phase 402 SWPPP Inspections (Including Amendment 5)

Fee

Number of Mo Insp Fees	1.00
Fee Each	800.00
Subtotal	800.00

Subtotal

800.00 ✓

INVOICE PAYMENT IS REQUESTED WITHIN 30 DAYS

Project	B16-0546	La Vista NE City Centre Phase 1 Public	Invoice	337209
---------	----------	--	---------	--------

Total this Phase \$800.00

Phase 900 Expenses (Including Amendment 5)

Reimbursable Expenses

Personal Vehicle Mileage	36.00	
Total Reimbursables	36.00	36.00

Unit Billing

Field Vehicle	673.0 Miles @ 0.75	504.75	
Field Vehicle	80.0 Miles @ 0.75	60.00	
Field Vehicle	12.0 Miles @ 0.75	9.00	
Survey Supplies		39.18	
Total Units		612.93	612.93

Total this Phase \$648.93 ✓

Phase 911 Amendment 1 Pavement Rehabilitation Pavement Roadway Design

Labor

	Hours	Rate	Amount
Student Technician - Level 1			
Rouse, Kyl	.25	52.00	13.00
Totals	.25		13.00
Total Labor			13.00

Total this Phase \$13.00 ✓

Phase 930 Amendment #4 84th Street Pavement & Sewers

Labor

	Hours	Rate	Amount
Assistant Engineer	1.00	90.00	90.00 ✓
Associate Surveyor	5.25	110.00	577.50 ✓
Team/Technical Leader	2.25	185.00	416.25 ✓
Team Leader	1.00	112.00	112.00 ✓
Totals	9.50		1,195.75
Total Labor			1,195.75

Total this Phase \$1,195.75 ✓

Phase 940 Amendment #6 Pavement Rehabilitation Construction Services

INVOICE PAYMENT IS REQUESTED WITHIN 30 DAYS

Project	B16-0546	La Vista NE City Centre Phase 1 Public	Invoice	337209
---------	----------	--	---------	--------

Labor

	Hours	Rate	Amount	
Project Manager	4.00	115.00	460.00	
Team/Technical Leader	1.00	185.00	185.00	
Administrative	1.00	73.00	73.00	
Totals	6.00		718.00	
Total Labor				718.00

Total this Phase **\$718.00** ✓

Billing Limits	Current	Prior	To-Date
Total Billings	30,362.68	1,018,594.99	1,048,957.67
Limit			1,116,326.50
Balance Remaining			67,368.83

AMOUNT DUE THIS INVOICE **\$30,362.68** ✓

Email Invoices to: jkottmann@cityoflavista.org

Authorized By: Anthony Egelhoff

INVOICE PAYMENT IS REQUESTED WITHIN 30 DAYS



August 23, 2019

John Kottmann, P.E.
City Engineer
City of La Vista Public Works
8116 Park View Boulevard
La Vista, NE 68128-2198

Attention: Mr. John Kottmann, P.E.

**RE: La Vista City Centre Phase 1 Public Infrastructure
Olsson Project No. B16-0546
Project Status Report & Invoice #337209**

Dear Mr. Kottmann:

Please find included with this letter a status report on the above referenced project and an invoice that is for services through August 3, 2019. This invoice brings us current for all services to date for the City Centre project and the 84th Street projects.

If you have any questions, please feel free to call me.

Sincerely,

OLSSON

A handwritten signature in black ink, appearing to read "Anthony Egelhoff". The signature is stylized with a large, looping "A" and "E".

Anthony Egelhoff, PE
Project Manager

enclosures



PROGRESS REPORT

Project No.:	Olsson: B15-0546	Notice to Proceed:	December 6, 2016
Location:	La Vista City Centre Phase 1 Public Infrastructure – La Vista, NE	Progress Through:	August 3, 2019
Type of Work:	Design Services	Progress Report No.:	337209

Project progress this reporting period:

1. Project management tasks including invoice review, client correspondence, and schedule update. As well as attending design coordination meetings with City and adjacent project consultants.
2. Coordination with proposed utilities.
3. Continued coordination on infrastructure project with contractor, adjacent development, and City staff, including access, phase 3, and lighting.
4. Continued coordination for the 84th Street pavement rehabilitation project, including construction engineering services.
5. Continued coordination for the 84th Street access improvements project, including construction engineering services.
6. Site visits, coordination for Infrastructure project, change orders and work directives, SWPPP inspections, etc.

Upcoming project tasks to be accomplished:

1. Coordination with Contractors as needed, construction progress meetings, etc.
2. Coordinate with utilities on proposed private utility corridors.
3. Coordinate with adjacent park development consultant.
4. Coordinate with NDOT and Contractors on 84th Street projects.
5. Continue through construction of Infrastructure project.

Items required from client:

1. None at this time.

Unresolved project issues affecting the schedule:

1. None at this time.

Summary of out of scope work items:

1. Out of scope items include repackaging Phase 1B work for negotiations, and repackaging remainder for rebid. Additional bidding process effort for rebid package. Also includes rescoping construction services for Phase 1B and Infrastructure project splits. Covered in Amendment #3.
2. Amendment #5 for the extension of Phase 3 into the 2019 construction season, as well as additional PM efforts for design coordination over the 2018 year.
3. Addition of Brentwood Drive and Granville Parkway to the 84th Street Pavement Rehabilitation project.
4. Evaluation of 87th and Brentwood intersection drainage issue, including topo of post overlay condition.
5. Additional design and coordination on access road modifications.



Budget Status/Percent Complete

Budget Status as of August 3, 2019

Description	Total \$	Expended	% of Budget Expended	% of Project Complete
Due Diligence	\$ 14,000.00	\$ 10,814.92	77.25%	95%
Phase 1 Infrastructure Design	\$ 217,800.00	\$ 222,173.50	102.01%	99%
Project Management	\$ 71,900.00	\$ 70,038.00	97.41%	98%
Construction Services	\$ 368,525.00	\$ 425,445.50	115.45%	97%
Construction Services 1B*	\$ 63,250.00	\$ 54,133.50	79.32%	100%
SWPPP Inspections	\$ 20,000.00	\$ 16,800.00	84.00%	85%
Expenses	\$ 14,000.00	\$ 15,841.60	113.15%	98%
Subtotal	\$ 774,475.00	\$ 815,247.02	105.26%	98%
84 th Rehab – Topo Survey	\$ 12,700.00	\$ 12,750.00	100.39%	100%
84 th Rehab – Design	\$ 52,000.00	\$ 43,335.25	83.34%	100%
84 th Rehab – Bidding	\$ 4,800.00	\$ 3,270.00	68.13%	100%
84 th Rehab – Project Management	\$ 18,500.00	\$ 11,092.50	59.96%	90%
84 th Rehab – Construction Services	\$ 103,100.00	\$ 53,675.50	52.06%	52%
84 th Rehab – Expenses	\$ 4,500.00	\$ 800.89	17.80%	15%
Subtotal	\$ 195,600.00	\$ 124,924.14	63.87%	76%
84 th Access – Topo Survey	\$ 13,200.00	\$ 13,066.00	98.98%	100%
84 th Access – Design	\$ 58,000.00	\$ 57,712.00	99.50%	100%
84 th Access – Bidding	\$ 4,800.00	\$ 3,718.00	77.46%	100%
84 th Access – Project Management	\$ 12,500.00	\$ 12,549.75	100.40%	95%
*84 th Access – Expenses	\$ 11,500.00	\$ 1,103.76	9.60%	35%
84 th Access – Construction Services	\$ 46,251.50	\$ 20,637.00	44.62%	35%
Subtotal	\$ 146,251.50	\$ 108,786.51	74.38%	73%
Total	\$ 1,116,326.50	\$1,048,957.67	93.97%	93%

* Portion of remaining budget from Phase 1B CE services reallocated to 84th Street Access CE Services as needed.

NOTE: The Infrastructure Construction Service phase has trended higher than originally anticipated due to a number of items, including extended duration of efforts, additional coordination with private site contractors and utilities, additional survey staking and testing, etc. At this time, it is anticipated the 84th Rehab Construction Services phase will underrun based on expected remaining efforts. Funds from the 84th Street Access and Rehab CE tasks have been reallocated to the Infrastructure CE task as outlined in budget adjustment letter dated 7/26/19.

F:\2016\0501-1000\016-0546\20-Management\Project Administration\Progress Reports\B16-0546_ProjStatus_08-23-19.docx

A-7



July 31, 2019
 Project No: R3001.477.01
 Invoice No: 46006

John Kottmann
 City Engineer/Asst Public Works Dir
 City of La Vista
 8116 Parkview Blvd
 La Vista, NE 68128

Project R3001.477.01 LaVista, City of - Civic Center Park PH² ~~1~~ ²
Professional Services through July 31, 2019
 Fee

Billing Phase	Fee	Billed %	Earned	Prior Fee	Current Fee
Schematic Design	14,400.00	100.00	14,400.00	14,400.00	0.00
Design Development	20,900.00	100.00	20,900.00	20,900.00	0.00
Construction Documents	22,600.00	100.00	22,600.00	22,600.00	0.00
Bidding/Negotiation	5,000.00	100.00	5,000.00	5,000.00	0.00
Contract Administration	20,900.00	97.00	20,273.00	19,228.00	1,045.00
Post-Occupancy	600.00	0.00	0.00	0.00	0.00
Total Fee	84,400.00		83,173.00	82,128.00	1,045.00
Total Fee					1,045.00

Reimbursable Expenses

Printing	29.78
Total Reimbursables	29.78

Total this Invoice \$1,074.78 ←

o.k to pay
 JMK 8-16-2019
 16.71.0942.003

Consent Agenda 9/3/19
 (RV)



A-8

INVOICE

wellington

7304 W 130th St, Ste 370

Overland Park, KS 66213

913.402.1881

www.WellingtonExperience.com

Program Name: City of La Vista 60th Anniversary Celebration

Prepared by: Denise Barron

Date: 06.15.19

Bill To
City of La Vista
Crystal Larson
Phone: 402-593-6424
Email: clarson@cityoflavista.org

Invoice Summary
Account # 1953
PO N/A
Invoice # 6221-R
Due Date 8/15/19

Description of Services	Amount
Second Deposit	\$5,000.00

Amount Due: \$5,000.00

Always a pleasure doing business with you.

Note: A minimum delinquent fee of 1.5% may be charged on invoices 30 days or more past due.

There is a 3% processing fee for credit card payments.



Consent Agenda 9/3/19 @

08.81.0303.002

CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
SEPTEMBER 3, 2019 AGENDA

Subject:	Type:	Submitted By:
CHANGE ORDER No 14 84 TH STREET REDEVELOPMENT AREA PUBLIC IMPROVEMENT REDEV. PROJECT OFFSTREET PKG. DIST. NO. 2 – STRUCTURE NO. 1	◆ RESOLUTION ORDINANCE RECEIVE/FILE	JOHN KOTTMANN CITY ENGINEER

SYNOPSIS

A resolution has been prepared to approve Change Order No. 14 to the contract with Hawkins Construction Co. of Omaha, Nebraska to include some additional pavement. There is no change in the contract price. This change order revises the completion date to coordinate with the adjacent private construction on Lot 15.

FISCAL IMPACT

The FY19/20 biennial budget includes funding for this project.

RECOMMENDATION

Approval

BACKGROUND

The initial contract for the parking structure project was awarded to Hawkins Construction Co. in the amount of \$3,863,000.00 on November 21, 2017. Previous Change Orders through No. 13 increased the contract price to \$4,146,122.91. Change Order No.14 does not change the contract amount.

This change order revises the current substantial completion date of September 13, 2019 and creates two substantial completion dates. The first date will be September 3, 2019 to complete pavement to the extent required to allow access to the Lot 15 lower level private parking garage. The second date for the completion of the rest of Parking Structure No. 1 will be October 4, 2019.

RESOLUTION NO.

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING CHANGE ORDER NUMBER 14 TO THE CONTRACT WITH HAWKINS CONSTRUCTION CO., OMAHA, NEBRASKA, TO REVISE THE SUBSTANTIAL COMPLETION DATE FOR THE PROJECT.

WHEREAS, the City has determined it is necessary to revise the substantial completion date for the project into two substantial completion dates; and

WHEREAS, the first date will be September 3, 2019 for pavement completion to the extent required to allow access to the Lot 15 lower level private parking garage; and

WHEREAS, the second date will be October 4, 2019 for the completion of the rest of Parking Structure No. 1; and

WHEREAS, the FY19/20 Biennial Budget provides funding for the project; and

WHEREAS, change order number 14 will not change the contract amount of \$4,146,122.91;

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 14 to the contract with Hawkins Construction Co., Omaha, Nebraska, to revise the substantial completion date for the project.

PASSED AND APPROVED THIS 3RD DAY OF SEPTEMBER 2019.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

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

PROJECT: *(Name and address)*
 10-17105-00 La Vista City Centre
 Parking Facilities

CONTRACT INFORMATION:
 Contract For: General Construction

CHANGE ORDER INFORMATION:
 Change Order Number: 014

Date: January 2, 2018

Date: August 20, 2019

OWNER: *(Name and address)*
 City of La Vista
 8116 Park View Blvd
 La Vista, NE 68128

ARCHITECT: *(Name and address)*
 DLR Group inc. (a Nebraska corporation)
 6457 Frances Street, Suite 200
 Omaha, NE 68106

CONTRACTOR: *(Name and address)*
 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. Substantial Completion is October 4, 2019.
2. Substantial Completion for Paving North of Grid A to provide access to the Lot 15 lower level parking garage from the North is September 3, 2019.

The original Contract Sum was	\$ 3,863,000.00
The net change by previously authorized Change Orders	\$ 283,122.91
The Contract Sum prior to this Change Order was	\$ 4,146,122.91
The Contract Sum will be increased by this Change Order in the amount of	\$ 0.00
The new Contract Sum including this Change Order will be	\$ 4,146,122.91

The Contract Time will be increased by As noted (As noted) days.

The new date of Substantial Completion will be As noted

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

DATE

Hawkins Construction Co.

CONTRACTOR *(Firm name)*

SIGNATURE

Josh Bridges, Construction Manager

PRINTED NAME AND TITLE

DATE

City of La Vista

OWNER *(Firm name)*

SIGNATURE

Douglas Kindig, Mayor

PRINTED NAME AND TITLE

DATE

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
SEPTEMBER 3, 2019 AGENDA**

Subject:	Type:	Submitted By:
AUTHORIZING MUNICIPAL ANNUAL CERTIFICATION OF PROGRAM COMPLIANCE	◆ RESOLUTION ORDINANCE RECEIVE/FILE	JOE SOUCIE DIRECTOR OF PUBLIC WORKS

SYNOPSIS

A resolution has been prepared authorizing the Mayor to sign a Municipal Annual Certification of Program Compliance Form.

FISCAL IMPACT

N/A

RECOMMENDATION

Approval

BACKGROUND

The Municipal Annual Certification of Program Compliance form and Resolution authorizing the signing of the certification by the Mayor, replaces the annual filing of the One- and Six-Year Plan or Program and the former Standardized System of Annual Reporting (SSAR) with the Nebraska Board of Public Roads Classification and Standards (NBCS).

Public Works will continue prepare and present a One- and Six-Year Road Plan to Council for approval annually. The Plan is no longer required to be submitted to NBCS, but must be available if the city is audited. The same is true for Standardized System of Annual Reporting, the report will be completed and kept on file for auditing purposes. The SSAR is no longer required to be submitted to the NBCS.

RESOLUTION NO.

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE SIGNING OF THE MUNICIPAL ANNUAL CERTIFICATION OF PROGRAM COMPLIANCE FORM FOR 2019.

WHEREAS, State of Nebraska Statutes, sections 39-2115, 39-2119, 39-2120, 39-2121, and 39-2520(2), requires an annual certification of program compliance to the Nebraska Board of Public Roads Classifications and Standards; and

WHEREAS, State of Nebraska Statute, section 39-2120 also requires that the annual certification of program compliance by each municipality shall be signed by the Mayor or Village Board Chairperson and shall include a copy of a resolution of the governing body of the municipality authorizing the signing of the certification form;

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of the City of La Vista that the Mayor of La Vista is hereby authorized to sign the Municipal Annual Certification of Program Compliance form for 2019.

PASSED AND APPROVED THIS 3RD DAY OF SEPTEMBER, 2019.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

NEBRASKA

Good Life. Great Journey.

DEPARTMENT OF TRANSPORTATION

July 31, 2019

Pamela A. Buethe, LaVista City Clerk
8116 Park View Blvd
LaVista NE 68128-2198

The enclosed **MUNICIPAL ANNUAL CERTIFICATION OF PROGRAM COMPLIANCE** form and **RESOLUTION** authorizing the signing of the certification by the Mayor or Village Board Chairperson, replaces the annual filing of the One- and Six-Year Plan or Program and the former Standardized System of Annual Reporting (SSAR) with the **Nebraska Board of Public Roads Classifications and Standards (NBCS)**. Reference LB82, 2019.

To avoid the suspension of Highway-user Revenue to your municipality, following adoption of the One- and Six-Year Plan or Program and Annual Budget, please complete the enclosed **MUNICIPAL ANNUAL CERTIFICATION OF PROGRAM COMPLIANCE** form and **RESOLUTION** and return them to the NBCS by October 31, 2019. Reference Neb. Rev. Stat. §§39-2120 and 39-2121(1).

Penalties for failure to comply can be found in the following State Statutes:

- Failure to comply with the provisions of Neb. Rev. Stat. §39-2115.
- Failure to comply with the provisions of Neb. Rev. Stat. §39-2119.
- Failure to file the Municipal Annual Certification of Program Compliance form with the NBCS, Neb. Rev. Stat. §39-2121(2).
- Filing of a materially false Municipal Annual Certification of Program Compliance form, Neb. Rev. Stat. §39-2121(3).
- Construction below minimum standards without the prior approval of the NBCS, Neb. Rev. Stat. §39-2121(3).

Note: While the signature of the City Street Superintendent is optional on the certification, the NBCS strongly recommends that the superintendent sign this certification if said municipality has a superintendent.

Please let me know if you have any questions. Email: lemoyne.schulz@nebraska.gov,
Phone: (402) 479-4436, Fax: (402) 479-3525.

Sincerely,



LeMoyne D. Schulz
Secretary for the Board

LDS/bpr11zf

xc: File

Enclosures

Kyle Schneweis, P.E., Director

Department of Transportation

Board of Public Roads Classifications and Standards

1500 Highway 2

PO Box 94759

Lincoln, NE 68509-4759

dot.nebraska.gov

OFFICE 402-479-4436

ndot.blshelp@nebraska.gov

Roger A. Figard
Lincoln

LeRoy G. Gerrard
Stromsburg

Barbara J. Keegan
Alliance

John F. Krager, III
Omaha

Lisa Kramer
Kennard

James A. Litchfield
Wakefield

Mick Syslo
Lincoln

Darold E. Tagge
Holdrege

David L. Wacker
Hastings

Timothy W. Weander
Omaha

Edward R. Wootton, Sr.
Bellevue

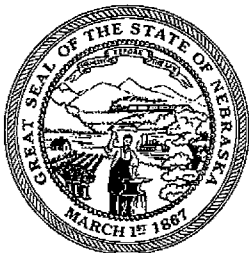
LeMoyne D. Schulz
Secretary – ex officio

**MUNICIPAL
ANNUAL CERTIFICATION OF PROGRAM COMPLIANCE
TO
NEBRASKA BOARD OF PUBLIC ROADS CLASSIFICATIONS
AND STANDARDS
2019**

In compliance with the provisions of the State of Nebraska Statutes, sections 39-2115, 39-2119, 39-2120, 39-2121, and 39-2520(2), requiring annual certification of program compliance to the Board of Public Roads Classifications and Standards, the City ☐ Village ☐ of _____
(Check one box) (Print name of jurisdiction)

hereby certifies that it:

- ✓ has developed, adopted, and included in its public records the plans, programs, or standards required by sections 39-2115 and 39-2119;
- ✓ meets the plans, programs, or standards of design, construction, and maintenance for its highways, roads, or streets;
- ✓ expends all tax revenue for highway, road, or street purposes in accordance with approved plans, programs, or standards, including county and municipal tax revenue as well as highway-user revenue allocations;
- ✓ uses a system of revenue and costs accounting which clearly includes a comparison of receipts and expenditures for approved budgets, plans, programs, and standards;
- ✓ uses a system of budgeting which reflects uses and sources of funds in terms of plans, programs, or standards and accomplishments;
- ✓ uses an accounting system including an inventory of machinery, equipment, and supplies;
- ✓ uses an accounting system that tracks equipment operation costs;
- ✓ has included in its public records the information required under subsection (2) of section 39-2520; and
- ✓ **has attached to this certification, a copy of the resolution of the governing body authorizing the signing of this certification by the Mayor or Village Board Chairperson.**



Signature of Mayor ☐ Village Board Chairperson ☐ (Required)

(Date)

Signature of City Street Superintendent (Optional)

(Date)

**Return the completed original certification and resolution by
October 31, 2019 to:**

Nebraska Board of Public Roads Classifications and Standards
PO Box 94759
Lincoln NE 68509

RESOLUTION
SIGNING OF THE
MUNICIPAL ANNUAL CERTIFICATION OF PROGRAM COMPLIANCE FORM
2019

Resolution No. _____

Whereas: State of Nebraska Statutes, sections 39-2115, 39-2119, 39-2120, 39-2121, and 39-2520(2), requires an annual certification of program compliance to the Nebraska Board of Public Roads Classifications and Standards; and

Whereas: State of Nebraska Statute, section 39-2120 also requires that the annual certification of program compliance by each municipality shall be signed by the Mayor or Village Board Chairperson and shall include a copy of a resolution of the governing body of the municipality authorizing the signing of the certification form.

Be it resolved that the Mayor ☐ Village Board Chairperson ☐ of _____
(Check one box) (Print name of jurisdiction)
is hereby authorized to sign the attached Municipal Annual Certification of Program Compliance form.

Adopted this _____ day of _____, 20____ at _____ Nebraska.
(Month)

City Council/Village Board Members

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

City Council/Village Board Member _____
Moved the adoption of said resolution
Member _____ Seconded the Motion
Roll Call: _____ Yes _____ No _____ Abstained _____ Absent
Resolution adopted, signed and billed as adopted.

Attest:

(Signature of Clerk)

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
SEPTEMBER 3, 2019 AGENDA**

Subject:	Type:	Submitted By:
INTERLOCAL AGREEMENT FORENSIC AND CRIME SCENE SERVICES	◆ RESOLUTION ORDINANCE RECEIVE/FILE	BOB LAUSTEN POLICE CHIEF

SYNOPSIS

A resolution has been prepared to approve an Interlocal Cooperation Agreement between the City of La Vista and Douglas County for Forensic and Crime Scene Investigation Services.

FISCAL IMPACT

The Interlocal Agreement does not increase or change current charges for Crime Scene Services that have been in place. Charges are based on services used. The police department uses services from Douglas County in complex cases and has averaged approximately \$5,000 per year in recent years. Funds have been budgeted for these services.

RECOMMENDATION

Approval

BACKGROUND

Douglas County has provided forensic and crime scene services to La Vista for the past 20 years. In 2009, the services were formalized with the approval of an Interlocal Cooperation Agreement with Douglas County. It was renewed in November 2014. The agreement expires this month and we would like to renew for another five years.

RESOLUTION NO.

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING AN INTERLOCAL COOPERATION AGREEMENT WITH DOUGLAS COUNTY FOR FORENSIC AND CRIME SCENE INVESTIGATION SERVICES.

WHEREAS, pursuant to the authority granted under Neb. Rev. Statute 13-801, et. Seq. Reissue 1997, the Mayor and City Council determine that it is in the best interest of the City to renew an interlocal cooperation agreement for the purpose of providing forensic and crime scene investigation services in an efficient and effective manner; and

WHEREAS, the La Vista Police Department has a need for forensic and crime scene investigation services; and

WHEREAS, Douglas County, Nebraska is qualified to provide such services as described in the attached Interlocal Cooperation Agreement.

WHEREAS, Douglas County, Nebraska entered into an Interlocal Cooperation Agreement with the City of La Vista for forensic and crime scene investigation services in November of 2009 and the City of La Vista has been satisfied with the services provided.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of La Vista, Nebraska, hereby authorize the Mayor to execute an Interlocal Cooperation Agreement with Douglas County for forensic and crime scene investigation services.

PASSED AND APPROVED THIS 3RD DAY OF SEPTEMBER, 2019.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

**SERVICES AGREEMENT
BETWEEN
DOUGLAS COUNTY, NEBRASKA
AND
La Vista, NEBRASKA**

Under the authority of the Nebraska Inter-local Cooperation Act, Article 8 of Chapter 13 of the Nebraska Revised Statutes, this Agreement is entered into between the Douglas County, Nebraska, (herein after “Douglas County”) a political subdivision of the State of Nebraska, by and through the Douglas County Sheriff, and The City of La Vista, a *political subdivision of the State of Nebraska/municipal corporation of the State of Nebraska*, (herein called “*Requesting Agency*”) for the purpose of providing forensic services.

**SECTION ONE
DUTIES AND RESPONSIBILITIES**

A. Duties of Douglas County

1. Provide the forensic and crime scene services as specified in Schedule of Forensic Services which is attached and incorporated hereunto as Exhibit A and shall strive to respond to any request for assistance in a timely manner.
2. Provide and train personnel as necessary to perform forensic services specified in the Schedule of Forensic Services and as determined by the County Sheriff exercising professional judgment. Said personnel will at all times remain under the management and control of Douglas County. Employment rights of personnel assigned to provide services will not be abridged.
3. Reserve the sole right to determine its own availability to perform the forensic service request. This Agreement shall not be construed to require Douglas County to hire any new or additional personnel to perform forensic services.
4. Provide all equipment and facilities necessary to process a crime scene and to conduct laboratory analysis as specified in the Schedule of Forensic Services.
5. Process evidence in reliance upon the assumption that the evidence was collected and packaged in accordance with the Douglas County Sheriff’s Office, Forensic Services Bureau’s (FSB) packaging guidelines, to which the current guidelines are attached and incorporated hereunto and subject to periodic review and revision by Douglas County. Further, Douglas County retains the right to refuse evidence for forensic

- processing and/or refuse to process or reprocess evidence submitted to the Douglas County Forensic Services Bureau if Douglas County believes, in its sole discretion, that the evidence has been compromised and/or otherwise contaminated.
6. Designate a Douglas County Crime Scene Investigation lead crime scene investigator upon arrival to a crime scene and said lead crime scene investigator shall coordinate services with the Requesting Agency's on-site command officer.
 7. The lead crime scene investigator will notify the requesting agency of any breach noted while at crime scene or with evidence collected and/or processed.
 8. The Douglas County Forensic Services Bureau has extensive dedicated equipment and facilities to ensure the provision of highly professional crime scene investigation and forensic services. Specific arrangements for the use of equipment and/or facilities is necessarily limited to assigned Douglas County Sheriffs Office personnel.
 9. Provide written findings upon completion of any forensic analysis-performed. All records, reports, and documents concerning the performance of services provided by Douglas County Sheriffs Office personnel will be appropriately recorded and securely maintained in accordance with Sheriffs Office records/reporting directives and the State Records Retention Act.
 10. Send written notification to the authorized representative of the Requesting Agency upon completion of forensic analysis for each item(s) of evidence submitted to Douglas County Forensic Services Bureau.
 11. Invoice the Requesting Agency on a monthly basis or as forensic services are provided by Douglas County, whichever is the earlier to occur. The invoice will reflect actual services rendered on each item submitted for forensic analysis. Crime scene investigation services and deposition and/or court appearances will be billed for a minimum of two (2) hours with additional time billed in 30 minute increments.
 12. Update the Schedule of Forensic Services, attached as Exhibit A, no less than annually and provide a copy of said Schedule to the Requesting Agency's authorized representative no less than thirty (30) days prior to the effective date of said Schedule.

B. Duties of Requesting Agency

1. Submit evidence to the Douglas County Forensic Services Bureau in accordance with the current Douglas County Sheriff's Office, Forensic Services Bureau's packaging guidelines, to which the current guidelines are attached and incorporated hereunto and subject to periodic review and revision by Douglas County. It is the sole responsibility of the Requesting Agency to comply with said packaging guidelines in effect on the day the evidence is submitted.

2. Submit a request for forensic service(s) that will be completed by the Forensic Services Bureau in a timely manner. The Requesting Agency shall pay an additional charge to Douglas County when such tests require expedient handling and/or additional personnel or services to meet a specific time requirement requested by the Requesting Agency. Douglas County reserves the right to refuse to perform the forensic services if it deems, in its sole discretion, that the service cannot be complete on or before the requested date.
3. Crime Scene Services:
 - i. Requesting Agency agrees to designate one Requesting Agency law enforcement official on site as a command officer to coordinate all communications with the Douglas County Sheriff's Office lead crime scene investigator. Said command officer shall be designated before or upon arrival of Douglas County Crime Scene Investigation Unit personnel at a crime scene and shall remain the command officer throughout the investigation.
 - ii. Requesting Agency agrees to maintain the crime scene in accordance with the current National Institute of Justice guidelines in effect on the day the crime scene is discovered.
 1. In the event that there has been a breach of crime scene integrity before the arrival of Douglas County Crime Scene Investigation Unit personnel, Requesting Agency's command officer shall report the nature and details of the breach at the time of arrival to said scene to Douglas County's lead crime scene investigator.
 2. In the event that a breach of crime scene integrity is discovered during or after the arrival of Douglas County Crime Scene Investigation Unit personnel, Requesting Agency's command officer shall notify Douglas County's lead crime scene investigator immediately and report the nature and details of the breach to the authorized representative of the Douglas County Sheriff within twenty-four (24) hours.
4. Claim and take possession of item(s) and evidence submitted to Douglas County Forensic Services Bureau for forensic analysis within one week after notification that testing of said item(s) is complete. Douglas County will not be responsible for evidence storage and disposal and is released from any liability for any item(s) and/or evidence unclaimed by the Requesting Agency eight days after said notification. The Requesting Agency may also be subject to additional storage fees for said unclaimed evidence.

5. Cooperate at all times with the employees and representatives of the Douglas County Sheriff's Office providing services under this Agreement.
6. Make payment for provided services no more than thirty (30) days after receipt of an invoice reasonably documenting all applicable charges and fees.

SECTION TWO

TERM, DURATION, REVIEW, REVISION, AND TERMINATION

This Agreement shall become effective on December 1, 2019 and shall remain in effect until November 30, 2024, a term no greater than five (5) years. This Agreement may be terminated upon mutual written consent of the parties or by either of the parties giving sixty (60) days written notice to the other of its intention to terminate the Agreement. Any termination of this Agreement will not relieve either Party of obligations previously incurred pursuant to this Agreement, including payments which may be due and owing at the time of termination. Upon expiration, this Agreement may be extended or renewed for an additional term by mutual written agreement of the Parties. A review of the agreement will be conducted annually or more often as needed. Revision of the Agreement may be conducted as needed/deemed necessary by Douglas County.

SECTION THREE

GENERAL PROVISIONS

A Independent Contractors.

It is agreed that nothing contained herein is intended or should be construed in any manner as creating or establishing a partnership or joint venture between the Parties. Any and all acts that either Party or its personnel, employees, agents or contractors perform pursuant to the terms of this Agreement shall be undertaken as independent contractors and not as employees of the other. The Parties shall, except as provided herein, act in their individual capacities and not as agents, employees, partners, joint ventures or associates of the other. An employee or agent of one shall not be deemed or construed to be the employee or agent of the other for any purpose whatsoever. None of the Parties nor its personnel, employees, agents or contractors shall be entitled to any benefits of the other. The Parties shall not provide any insurance coverage to the other or their employees including, but not limited to, workers' compensation insurance. Each Party shall pay all wages, salaries and other amounts due its employees and shall be responsible

for all reports, obligations, and payments pertaining to social security taxation, income tax withholding, workers' compensation, unemployment compensation, group insurance coverage, collective bargaining agreements or any other such similar matters. Any and all claims that may or might arise under the Workers' Compensation Act of the State of Nebraska on behalf of said personnel or other persons while so engaged, and any and all claims whatsoever on behalf of any such person or personnel arising out of employment or alleged employment, including without limitation claims of discrimination against a Party its officers, employees, agents or contractors shall in no way be the responsibility of the other Party. Neither Party shall have any authority to bind the other by or with any contract or agreement, nor to impose any liability upon the other. All acts and contracts of each shall be in its own name and not in the name of the other, unless otherwise provided herein.

B. Nondiscrimination.

Both Parties agree that in accordance with the Nebraska Fair Employment Practice Act, Neb.Rev.Stat. §48-1122, they will not discriminate against any employee or applicant for employment, to be employed in the performance of this Agreement, with respect to hire, tenure, terms, conditions, or privileges of employment because of the age, race, color, religion, sex, disability, or national origin of the employee or applicant. None of the Parties shall, in the performance of this Agreement, discriminate or permit discrimination in violation of any applicable federal or state laws or local ordinances.

C. Captions.

Captions used in this Agreement are for convenience and are not used in the construction of this Agreement.

Unless otherwise indicated, all references to "Articles," "Sections" and other subdivisions are to the corresponding Articles, Sections or subdivisions of this Agreement; and the words "herein," "hereinbefore," "hereinafter," "hereof," "hereunder" and other words of similar import refer to this Agreement as a whole and not to any particular Article, Section or subdivision hereof.

D. Applicable Law and Venue.

Parties to this Agreement shall conform to all existing and applicable city ordinances, resolutions, state and local laws, federal laws, and all existing and applicable rules and regulations. Nebraska law will govern the terms and the performance under this Agreement. Venue for any non-federal legal proceeding under this Agreement shall be in the State of

Nebraska, District Court of Douglas County and for any federal legal proceeding in the United States District Court for the State of Nebraska located in Omaha Nebraska.

E. Entire Agreement

This Agreement contains the entire agreement of the Parties. The provisions of this Agreement may not be explained, supplemented, or qualified through evidence of trade usage or prior course of dealings. No representations were made or relied upon by either Party other than those that are expressly set forth herein. No agent, employee or other representative of either Party is empowered to alter any of the terms hereof except as provided herein.

F. Amendments/Modification.

This Agreement may be modified only by written amendment, duly executed by authorized officials of the Parties. No alteration or variation of the terms and conditions of this Agreement shall be valid unless made in writing and signed by the Parties hereto. Every amendment shall specify the date on which its provisions shall be effective.

G. Assignment.

None of the Parties may assign its rights under this Agreement without the express prior written consent of the other Party. An assignment without such prior written consent shall be a material breach of this Agreement.

H. Successors and Assigns Bound by Covenants.

All covenants, stipulations and agreements in this Agreement shall inure to the benefit of the Parties hereto and extend to and bind the legal representatives, successors, and assigns of the respective Parties hereto.

I. Waiver.

The failure of either Party to insist on strict performance of any covenants or conditions, or to exercise any option herein conferred on any one or more instances, shall not be construed as a waiver or relinquishment of any such covenant, condition, right, or option, but the same shall remain in full force and effect. For a waiver of a right or power to be effective, it must be in writing signed by the waiving Party. An effective waiver of a right or power shall not be construed as either a future or continuing waiver of that same right or power, or the waiver of any other right or power. In addition, any act by either Party which is it not obligated to do hereunder shall not be deemed to impose any obligation upon that Party to do any similar act in the future or in any way change or alter any of the provisions of this Agreement.

J. Severability.

If any provision of this Agreement is determined by a court of competent jurisdiction to be invalid or otherwise unenforceable, that provision will be severed and the remainder of this Agreement will remain in full force and effect.

K. Notice of Breach.

Either Party shall provide written notice to the other of breach of this Agreement, upon which notice the receiving party shall have ten business days to cure such breach to the mutual satisfaction of the Parties. During the cure period, the Parties shall act in good faith to perform their respective duties described herein.

L. Indemnification

Requesting Agency shall assume all risk of loss, indemnify, defend and hold Douglas County and its employees, agents, assignees and legal representatives harmless from all liability, loss, expense, cost, attorney's fees, claim, judgment, suit and / or cause of action (whether or not meritorious), settlement, or demand for personal injury, death or damage to tangible property (hereinafter "Claim") which may accrue against County to the extent it is caused by the negligent or intentional acts or omissions of Requesting Party, its officers, employees, agents, assigns and / or subcontractors. .

The provisions of this section shall survive expiration or termination of this Agreement.

These Indemnification provisions are not intended to waive a Party's sovereign immunity. A Party's liability is governed by and limited to the extent provided by the Nebraska Political Subdivision Tort Claims Act or other applicable provisions of law.

M. No Third Party Rights.

This Agreement is executed for the benefit of the named parties only. This Agreement is not intended to, nor shall it provide third parties, excluding any assignment as provided herein, with any remedy, claim, liability, reimbursement, cause of action or other right or privilege; except that this Agreement's indemnification provision shall also inure to the benefit of a Party's employees, officers and agents.

N. Authorized Representatives and Notice.

Except for any notice required under applicable law to be given in another manner, any notice or communication required or permitted hereunder shall be given in further consideration of the mutual covenants herein contained, the Parties hereto expressly agree that for purposes of

notice, during the term of this Agreement and for the period of any applicable statute of limitations thereafter, the following named individuals shall be the authorized representatives of the Parties:

FOR THE COUNTY

R. Justin Aumann
Douglas County Sheriff's Office
15345 West Maple Road
Omaha, NE 68116
(402) 444-7459
(402) 444-3644 fax

FOR REQUESTING AGENCY

Chief Robert S Lausten
La Vista Police Department
7701 South 96 Street
La Vista, NE 68128
(402) 331-1582
(402) 331-7210 fax

Notice shall be in writing and shall be effective upon receipt. Delivery may be by hand, in which case a signed receipt shall be obtained, or by United States mail, registered or certified, return receipt requested or by facsimile with a signed return facsimile acknowledging receipt. A Party's contact person may be changed by at any time by providing written notice of the updated contact information to all the Parties.

O. Unavailability of Funding language

Due to possible future reductions including but not limited to County, State and/or Federal appropriations, Douglas County cannot guarantee the continued availability of funding for this Agreement, notwithstanding the consideration stated in this Agreement. In the event funds to finance this Agreement become unavailable either in full or in part due to such reduction in appropriations, Douglas County may terminate the Agreement or reduce the consideration upon notice in writing to Contractor. The notice shall be delivered by certified mail, return receipt requested, or in person with proof of delivery. Douglas County shall be the final authority as to the availability of funds. The effective date of such Agreement termination or reduction in consideration shall be specified in the notice as the date of service of the notice or the actual effective date of the County, State and/or Federal funding reduction, whichever is later. Provided, that reduction shall not apply to payments made for services satisfactorily completed prior to the effective date. In the event of a reduction of consideration, Contractor may cancel this Agreement as of the effective date of the proposed reduction upon the provision of advance written notice to Douglas County.

P. Drug Free Policy.

Requesting Agency has established, maintains, and enforces a drug free workplace policy.

Q. New Employee Work Eligibility Status (Neb. Rev. Stat. § 4-114).

Requesting Agency is required and hereby agrees to use a federal immigration verification system to determine the work eligibility status of new employees physically performing services within Nebraska. A federal immigration verification system means the electronic verification of the work authorization program authorized by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, 8 U.S.C. 1324a, known as the E-Verify Program, or an equivalent federal program designated by the United States Department of Homeland Security or other federal agency authorized to verify the work eligibility status of a newly hired employee.

R. Public Benefits.

With regard to Neb.Rev.Stat. §§4-108 - 113, neither Party is an individual or sole proprietorship. Therefore, neither Party is subject to the public benefits attestation and related requirements of Neb.Rev.Stat. §§4-108 – 113.

S. Joint Work Product.

This Agreement is the joint work product of both Parties; accordingly, in the event of any ambiguity, no presumption shall be imposed against or in favor of either Party by reason of document preparation.

T. Authority.

Each of the persons signing below warrant and represent that they have the authority to enter into this Agreement and to bind the parties hereto.

U. Insurance.

Requesting Agency shall maintain comprehensive General Liability insurance with limits of not less than One Million Dollars (\$1,000,000.00) for each person and Five Million Dollars (\$5,000,000.00) for each occurrence and shall provide proof thereof. Requesting Agency agrees to provide and maintain throughout the term of this Agreement and at its own expense adequate statutory Nebraska workers' compensation insurance and shall provide proof thereof. Annually and at least 60 days before the effective date of any material change in or cancellations of, such insurance, written notice shall be mailed by the Requesting Agency's insurance carrier to Douglas County Purchasing. The policies required to be maintained shall be with companies rated A or better in the most current issue of A.M. Best's Insurance Ratings Guide. Insurers shall be licensed to do business in the state of Nebraska and domiciled in the USA. Douglas County shall be named as an additional insured on Requesting Agency's Certificates of Insurance except for Workers' Compensation policies/certificates. Requesting Agency shall

provide a certificate of insurance to Douglas County Purchasing. Requesting Agency shall provide the certificate(s) before work or services are undertaken pursuant to this Agreement and annually thereafter at least thirty (30) prior to the policy expiration date. All insurance documents and insurance notifications shall be sent to:

Douglas County Purchasing Agent
902 Civic Center,
1819 Farnam St.
Omaha, NE 68183

Douglas County does not represent in any way that the insurance specified herein, whether in scope of coverage or limits, is adequate or sufficient to protect Requesting Agency or its interests. Requesting Agency is solely responsible to determine its need for and to procure additional coverage which may be needed in connection with this Agreement. The procuring of insurance as required by this Agreement shall not be construed to limit Requesting Agency's liability hereunder or to fulfill the indemnification provisions of this Agreement.

V. No Separate Legal Entity

This Agreement does not create a separate legal entity under the Interlocal Cooperation Act. For purposes of that Act, this Agreement shall be administered jointly by the Parties, in the event of a conflict, the Douglas County Sheriff's decision shall govern. This Agreement does not contemplate acquiring, holding or disposing of joint property nor does it contemplate the levying or collecting of any tax.

W. Conflict of Interest.

In the performance of this Agreement, Requesting Agency will avoid all conflicts of interests or appearances of conflict of interest. Requesting Agency will report any conflict of interest immediately to County. Requesting Agency assures County that no County employee will have a financial or personal interest in this Agreement. Requesting Agency did not and will not provide any money or other benefit of any kind to any County employee in the procuring of, facilitation of, execution of or during the duration of this Agreement.

X. Dispute Resolution.

Any dispute which, in the judgment of a Party to this Agreement, may affect the performance of such Party shall be reduced to writing and delivered to the other Party. As soon as possible thereafter, the Parties authorized representatives shall schedule a face to face meeting in Omaha, Nebraska to resolve the dispute in a mutually satisfactory manner. Prior to the institution of any formal legal proceeding, the Parties must meet in this manner to resolve the

dispute. This meeting must take place within ten (10) business days after service of the written statement of dispute. During the pendency of negotiations, the Parties shall act in good faith to perform their respective duties described herein.

IN WITNESS WHEREOF, the parties hereunto set their hands to this Agreement upon the day and year hereinafter indicated.

DOUGLAS COUNTY, NEBRASKA

City of La Vista, NEBRASKA

Chairperson

Date

Mayor/Chairperson Date

APPROVED AS TO FORM:

APPROVED AS TO FORM:

/s/ Joshua R. Woolf

8/16/19

County Attorney

Date

Attorney

Date

User: mgustafson

DB: La Vista

Check #	Check Date	Vendor Name	Amount	Voided
130358	08/22/2019	ALFRED BENESCH & COMPANY	8,649.26	N
130359	08/22/2019	BERRY DUNN	14,820.00	N
130360	08/22/2019	BURNS & MCDONNELL ENGINEERING	575.97	N
130361	08/22/2019	DESIGN WORKSHOP INC	8,067.33	N
130362	08/22/2019	DLR GROUP	3,265.74	N
130363	08/22/2019	EN POINTE TECHNOLOGIES SALES	177.60	N
130364	08/22/2019	GRAHAM CONSTRUCTION, INC	260,668.80	N
130365	08/22/2019	HGM ASSOCIATES, INC.	78,732.12	N
130366	08/22/2019	INFINITY SOFTWARE SOLUTIONS, INC.	1,500.00	N
130367	08/22/2019	NEBRASKA STATE TREASURER	313.99	N
130368	08/22/2019	NMC EXCHANGE LLC	2,029.97	N
130369	08/22/2019	RDG PLANNING & DESIGN	15,431.84	N
130370	08/22/2019	SWANK MOTION PICTURES INC	693.00	N
130371	08/23/2019	JACIK, TOM	56.33	N
130372	09/03/2019	A & L HYDRAULICS INC	31.98	N
130373	09/03/2019	A-RELIEF SERVICES INC	338.00	N
130374	09/03/2019	ABRAHAMS KASLOW & CASSMAN LLP	1,487.50	N
130375	09/03/2019	ACCENT DRYWALL SUPPLY COMPANY	588.80	N
130376	09/03/2019	ACTION BATTERIES UNLTD INC	73.98	N
130377	09/03/2019	AMAZON CAPITAL SERVICES, INC.	887.24	N
130378	09/03/2019	AMAZON CAPITAL SERVICES, INC.	40.75	N
130379	09/03/2019	ASPHALT & CONCRETE MATERIALS	325.36	N
130380	09/03/2019	AT&T MOBILITY LLC	93.80	N
130381	09/03/2019	BAUER BUILT INC	2,363.96	N
130382	09/03/2019	BEACON ATHLETICS LLC	365.40	N
130383	09/03/2019	BISHOP BUSINESS EQUIPMENT	484.36	N
130384	09/03/2019	BLACK HILLS ENERGY	178.27	N
130385	09/03/2019	BOB'S RADIATOR REPAIR CO INC	750.00	N
130386	09/03/2019	BRYAN ROCK PRODUCTS	3,278.31	N
130387	09/03/2019	BS&A SOFTWARE	900.00	N
130388	09/03/2019	BUILDERS SUPPLY CO INC	93.08	N
130389	09/03/2019	CATHERINE DEMES MAYDEW	1,430.00	N
130390	09/03/2019	CENTURY LINK	187.55	N
130391	09/03/2019	CENTURY LINK BUSN SVCS	63.81	N
130392	09/03/2019	CINTAS CORPORATION	14.73	N
130393	09/03/2019	CITY OF COUNCIL BLUFFS	32.10	N
130394	09/03/2019	CITY OF PAPILLION	37,248.51	N
130395	09/03/2019	CITY OF PAPILLION	170,752.00	N
130396	09/03/2019	COBLE, KEVIN	350.00	N
130397	09/03/2019	COMP CHOICE INC	802.72	N
130398	09/03/2019	CORNHUSKER INTL TRUCKS INC	8.48	N
130399	09/03/2019	COX COMMUNICATIONS, INC.	147.03	N
130400	09/03/2019	D & K PRODUCTS	1,340.00	N
130401	09/03/2019	DIAMOND VOGEL PAINTS	238.40	N
130402	09/03/2019	DINAN, DENNY	355.00	N
130403	09/03/2019	DOG WASTE DEPOT	314.65	N
130404	09/03/2019	DOUGLAS COUNTY SHERIFF'S OFC	137.50	N
130405	09/03/2019	DULTMEIER SALES LLC	99.00	N
130406	09/03/2019	EDGEWEAR SCREEN PRINTING	1,269.65	N
130407	09/03/2019	EMBLEMS INC	165.00	N
130408	09/03/2019	EXPRESS DISTRIBUTION LLC	193.51	N
130409	09/03/2019	FILTER CARE OF NEBRASKA	24.80	N
130410	09/03/2019	FIRST NATIONAL BANK FREMONT	19,522.50	N
130411	09/03/2019	FISHER, MARANDA J.	120.00	N
130412	09/03/2019	FITZGERALD SCHORR BARMETTLER	23,116.82	N
130413	09/03/2019	G I CLEANERS & TAILORS	301.25	N
130414	09/03/2019	GENERAL FIRE & SAFETY EQUIP CO	396.00	N
130415	09/03/2019	GENUINE PARTS COMPANY-OMAHA	2,130.11	N
130416	09/03/2019	GRAYBAR ELECTRIC COMPANY INC	825.00	N
130417	09/03/2019	HEARTLAND TIRES AND TREADS	1,184.80	N

User: mgustafson

DB: La Vista

Check #	Check Date	Vendor Name	Amount	Voided
130418	09/03/2019	HERITAGE CRYSTAL CLEAN LLC	890.47	N
130419	09/03/2019	HOIT, CHRISTINE M	172.00	N
130420	09/03/2019	HY-VEE INC	119.00	N
130421	09/03/2019	HYDRAULIC EQUIPMENT SERVICE INC	830.00	N
130422	09/03/2019	INDUSTRIAL SALES COMPANY INC	779.22	N
130423	09/03/2019	INLAND TRUCK PARTS	20.68	N
130424	09/03/2019	INTERNATIONAL CODE COUNCIL	135.00	N
130425	09/03/2019	J RETZ LANDSCAPE, INC	7,985.00	N
130426	09/03/2019	JOHNSTONE SUPPLY CO	125.10	N
130427	09/03/2019	KARLSON, DAVID	355.00	N
130428	09/03/2019	KRIHA FLUID POWER CO INC	1,003.72	N
130429	09/03/2019	LARSEN SUPPLY COMPANY	82.08	N
130430	09/03/2019	LAUSTEN JR ROBERT S	470.00	N
130431	09/03/2019	LEAGUE OF NEBRASKA MUNICIPALITIE	472.00	N
130432	09/03/2019	LIBRA INDUSTRIES INC	339.00	N
130433	09/03/2019	LINCOLN CHAPTER AGA	130.00	N
130434	09/03/2019	MARCO INCORPORATED	122.59	N
130435	09/03/2019	MENARDS-RALSTON	470.51	N
130436	09/03/2019	METRO AREA TRANSIT	538.00	N
130437	09/03/2019	METROPOLITAN UTILITIES DIST.	18,232.39	N
130440	09/03/2019	MSC INDUSTRIAL SUPPLY CO	241.93	N
130441	09/03/2019	NEBRASKA IOWA INDL FASTENERS INC	12.09	N
130442	09/03/2019	NEBRASKA LAW ENFORCEMENT	10.00	N
130443	09/03/2019	NEBRASKA WELDING LTD	45.00	N
130444	09/03/2019	NEBRASKALAND TIRE, INC.	438.08	N
130445	09/03/2019	NMC EXCHANGE LLC	895.41	N
130446	09/03/2019	NOLL, MARGARET M	210.00	N
130447	09/03/2019	O'KEEFE ELEVATOR COMPANY INC	101.00	N
130448	09/03/2019	ODEYS INCORPORATED	4,587.83	N
130449	09/03/2019	OFFICE DEPOT INC	646.50	N
130450	09/03/2019	OMAHA'S HENRY DOORLY ZOO & AQ	300.00	N
130451	09/03/2019	OMNI ENGINEERING	182.47	N
130452	09/03/2019	PAPILLION TIRE INCORPORATED	169.22	N
130453	09/03/2019	PER MAR SECURITY SERVICES	102.00	N
130454	09/03/2019	PLAINS EQUIPMENT GROUP	237.25	N
130455	09/03/2019	PROPHOENIX CORPORATION	525.00	N
130456	09/03/2019	QUALITY AUTO REPAIR & TOWING	83.00	N
130457	09/03/2019	RAMADA MIDTOWN CONFERENCE CE	1,504.00	N
130458	09/03/2019	READY MIXED CONCRETE COMPANY	2,230.45	N
130459	09/03/2019	RECORDED BOOKS, INC	750.00	N
130460	09/03/2019	SAPP BROS INCORPORATED	1,762.00	N
130461	09/03/2019	SARPY COUNTY FISCAL ADMINSTRTN	10,519.00	N
130462	09/03/2019	SCHEMMER ASSOCIATES INC	540.88	N
130463	09/03/2019	SHI INTERNATIONAL CORP.	30.00	N
130464	09/03/2019	SIGN IT	140.00	N
130465	09/03/2019	SINNETT, JEFF	664.46	N
130466	09/03/2019	SOUTHEAST LIBRARY SYSTEM	260.00	N
130467	09/03/2019	SOUTHERN UNIFORM & EQUIPMENT	544.63	N
130468	09/03/2019	SPIKE'S TACTICAL LLC	953.50	N
130469	09/03/2019	SUBURBAN NEWSPAPERS INC	1,046.96	N
130470	09/03/2019	SUN COUNTRY DISTRIBUTING LTD	118.03	N
130471	09/03/2019	TED'S MOWER SALES & SERVICE	560.89	N
130472	09/03/2019	TIGHTON FASTENER & SUPPLY INC	279.27	N
130473	09/03/2019	TRACTOR SUPPLY CREDIT PLAN	419.99	N
130474	09/03/2019	TRANE U.S. INC.	6.98	N
130475	09/03/2019	UNITED PARCEL SERVICE	15.73	N
130476	09/03/2019	VER-MAC	1,035.00	N
130477	09/03/2019	WAGNER, SCOTT	310.00	N
130478	09/03/2019	WAL-MART COMMUNITY BRC	1,385.07	N
130479	09/03/2019	WICK'S STERLING TRUCKS INC	10.98	N

User: mgustafson

DB: La Vista

Check #	Check Date	Vendor Name	Amount	Voided
130480	09/03/2019	WILDLIFE LEARNING ENCOUNTERS	295.00	N
130481	09/03/2019	WOODHOUSE LINCLN-MAZDA-PORSC	447.36	N
130482	09/03/2019	ZEE MEDICAL SERVICE INC	114.15	N
TOTAL:			738,036.53	

APPROVED BY COUNCIL MEMBERS ON: 09/03/2019

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
SEPTEMBER 3, 2019 AGENDA**

Subject:	Type:	Submitted By:
RESTAURANTS AND DRINKING PLACES OCCUPATION TAX	RESOLUTION ◆ ORDINANCE RECEIVE/FILE	KEVIN POKORNY DIRECTOR OF ADMINISTRATIVE SERVICES

SYNOPSIS

This ordinance comes before Council for second reading to implement a 1.5% Restaurants and Drinking Places Occupation Tax.

FISCAL IMPACT

The City projects proceeds up to \$700,000 annually.

RECOMMENDATION

Approval.

BACKGROUND

The proposed Restaurants and Drinking Places occupation tax comes before Council for the second reading. The first reading of the ordinance was held on August 20, 2019. With the majority vote of Council, the ordinance passed the first reading and has moved to the second reading.

There is one amendment to the ordinance since the first reading. The amendment would allow restaurants and drinking places to withhold 2% of the occupation tax to cover administrative costs and expenses connected to the tax.

ORDINANCE NO. 1365

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA LEVYING AND IMPOSING RESTAURANTS AND DRINKING PLACES OCCUPATION TAX AS SECTION 113.10 OF THE LA VISTA MUNICIPAL CODE; SPECIFYING ADMINISTRATIVE PROVISIONS AND USE OF TAX PROCEEDS; REPEALING CONFLICTING ORDINANCES; AND PROVIDING FOR SEVERABILITY, PUBLICATION AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, as follows:

Section 1. The Mayor and City Council of the City of La Vista desire to levy and impose a new Restaurants and Drinking Places Occupation Tax as Section 113.10 of the La Vista Municipal Code as provided in this Ordinance.

Section 2. Section 113.10 of the La Vista Municipal Code is hereby adopted and approved as follows:

“§ 113.10 RESTAURANTS AND DRINKING PLACES OCCUPATION TAX

§ 113.10.0. - DEFINITIONS. As used in this section, the following words and phrases shall have the meanings ascribed to them in this subsection, except where the context clearly indicates or requires a different meaning:

Applicable Rate shall mean the rate of tax from time to time specified in the master fee ordinance for the tax imposed by this Section 113.10. The initial tax rate of one and one half percent (1.5%) and any subsequent rate as adjusted shall satisfy any applicable requirements of Neb. Rev. Stat. Section 18-1208, including without limitation, that the initial rate or any increased rate or other rate adjustment shall be projected to generate annual occupation tax revenues that are not in excess of the applicable amount listed in Neb. Rev. Stat. Section 18-1208(2), unless approved by registered voters at an election held within the City or otherwise permitted by Nebraska Statutes.

Beverage shall mean any drinkable liquid for humans for hydration, nutrition, taste, pleasure or similar purposes, including without limitation, any such liquid that is frozen, alcoholic or nonalcoholic.

City shall mean the City of La Vista and the area within the corporate limits of the City of La Vista, as adjusted from time to time.

City Clerk shall mean the City of La Vista City Clerk or any designee of the City Clerk.

City Administrator shall mean the City of La Vista City Administrator or any designee of the City Administrator.

Drinking place shall mean any establishment or business offering on-premises consumption of alcoholic and/or nonalcoholic beverages including, but not limited to, bars, taverns, coffee shops, night clubs, dance halls, concession or other types of stands, drive-through, take out, and “to go” facilities, and establishments, facilities, or spaces or areas at or within race tracks, golf courses, sports facilities, meeting or event facilities, arenas, stadiums, hotels, motels, bed and breakfasts, boarding houses, hospitals, grocery stores, shopping centers, convenience stores, supermarkets, or office buildings where beverages are obtained or consumed if a charge is made for them. The term includes all types of facilities, locations and delivery methods by, from or through which a drinking place from time to time might be conducted, including without limitation any permanent, temporary, fixed, mobile, contracted, third party, stand-alone, colocated, joint, or bundled facilities, locations, or delivery methods. Without limiting the foregoing, the term includes caterers, stands and mobile vendors, push carts, beverage wagons or trucks, and other temporary or mobile facilities from which beverages ready for consumption are provided. Also included are places consisting solely of drive-through facilities. A drinking place may also be a restaurant.

(1) The term does not include any establishment or business offering beverages free of charge. The term "free of charge" means without any consideration, donation, contributions, or monetary charges of any nature paid for access to the

beverages and, without limitation, requires the absence of any admission charge, cover charge, table reservation fee, gate charges, seat charges, entertainment fee, green fees, or required minimum purchase of beverages, food, or merchandise.

(2) The term does not include a place offering beverages on premises owned or operated by a civic, charitable, educational, religious, governmental, or political organization exempt from income taxes under the United States Internal Revenue Code, except as to use of such place or premises by a person that is not exempt from income taxes under the United States Internal Revenue Code to offer beverages to the public.

Effective Date shall mean October 1, 2019.

Engaged in shall mean to conduct, offer to the public, carry on, or take part in the operation of an enterprise or activity as owner, operator, or agent. Not in limitation of foregoing parts of this definition, a person renting or using a facility, place or premises for a taxable enterprise or activity or service, as a promoter, producer, one-time event, full-time, or otherwise, shall be considered to be engaged in the enterprise or activity.

Food shall mean all edible substances, whether solid, semi-solid, liquid, concentrated, frozen, dried, dehydrated, or otherwise, for ingestion, chewing, or consumption by humans for nutrition, taste, refreshment, pleasure or similar purposes.

Gross receipts shall mean the total amount of receipts, revenues, consideration, donations, contributions, or monetary charges of any nature received for or to provide access to food or beverage without any deduction on account of expenses, taxes, or other costs.

(1) The term includes, without limitation:

- (i) The price charged for food or beverages;
- (ii) Any admission charge, cover charge, membership fee, table reservation fee, gate charges, seat charges, or entertainment fee or similar payment if the payment gives the payor a right to access or obtain food or beverage which is otherwise subject to this tax;
- (iii) The amount received by a person from vendors or contractors who provide food or beverages to that person's customers on or off the premises and which are within the scope of this tax; and
- (iv) Receipts from the sale of beverages or food of a restaurant or drinking place for immediate consumption even if it is not actually consumed on the premises, including without limitation the receipts from prepared "take out," "drive-through," or "to go" food or beverages, or food or beverages provide through a food or beverage delivery platform or other kind of food or beverage delivery service.

(2) The term does not include:

- (i) The value of food or beverages furnished by restaurants or drinking places to employees as part of their compensation when no charge is made to the employees.
- (ii) Tips to an employee of a restaurant or drinking place when the amount of the tip is wholly in the discretion of the purchaser and the full amount of the tip is turned over to the employee, regardless whether or not the tip is paid to the employee or added to the bill.
- (iii) Payments received by a caterer from a civic, charitable, educational, religious, governmental, or political organization exempt from income taxes under the United States Internal Revenue Code for food or beverage delivered to the premises of the organization;
- (iv) Receipts from sales of food or beverage exempt or otherwise not subject to Nebraska sales and use taxes imposed by the Nebraska Revenue Act of 1967, as amended from time to time; or

(v) Receipts from sales of snack foods or beverages, meaning unopened bottles, cans or packages of soft drinks, alcoholic beverages, sports drinks, flavored drinks, bottled water, chewing gum, candy, popcorn, pretzels, nuts, cookies, donuts, crackers, chips, or other items of essentially the same nature, prepackaged in sealed containers and sold for home consumption, except when provided in connection with any prepared food or beverages with respect to which receipts from the snack foods or beverages, together with the prepared food or beverages, are subject to Nebraska sales and use taxes pursuant to the Nebraska Revenue Act of 1967.

Person shall mean any natural person, individual, partnership, association, organization, corporation, or entity of any kind or character engaging in a restaurant or drinking place.

Rate Review Date shall mean the date that is two years after the Effective Date, and every two years thereafter or any other date that the City Council or City Administrator determines necessary or advisable in connection with setting or reviewing a rate or adjusted rate for the tax pursuant to this section in accordance with applicable law.

Rate Review Period shall mean the applicable period ending the day before a Rate Review Date that is used for purposes of reviewing the Applicable Rate.

Restaurant shall mean any place that is kept, used, maintained, advertised, or held out as a place where food is prepared and sold for immediate consumption either on the premises or elsewhere.

(1) The term includes, but is not limited to, cafes, grills, bistros, delicatessens, coffee shops, bakeries, lunch counters, sandwich stands, concession or other types of stands, drive-through, take out, and "to go" facilities, and establishments, facilities, spaces or areas at or within race tracks, golf courses, sports facilities, meeting or event facilities, arenas, stadiums, hotels, motels, bed and breakfasts, boarding houses, hospitals, grocery stores, shopping centers, convenience stores, supermarkets, or office buildings where food is obtained or consumed if a separate charge is made for the food. A restaurant may also be a drinking place. The term includes all types of facilities, locations and delivery methods by, from or through which a restaurant from time to time might be conducted, including without limitation any permanent, temporary, fixed, mobile, contracted, third-party, stand-alone, collocated, joint, or bundled facilities, locations, or delivery methods. Without limiting the foregoing, the term includes caterers, stands and mobile food vendors, push carts, lunch or food wagons or trucks, ice cream trucks, and other temporary or mobile facilities from which food ready for consumption is sold. Also included are places consisting solely of drive-through facilities.

(2) The term does not include:

(i) A place operated by a religious, civic, educational, charitable, governmental, or political organization exempt from income taxes under the United States Internal Revenue Code where food is offered solely to its members or students;

(ii) A public or private daycare center that offers food solely to its employees or the children staying at the center;

(iii) A convalescent home, nursing home, home for the aged or infirmed, or substance abuse facility that offers food solely to its residents;

(iv) Premises where food is obtained solely from vending machines operated by coin, cards, or other per-purchase operation regardless of whether the food may be consumed on the premises;

(v) Temporary stands at annual festivals or similar events from which food ready for consumption is sold unless entrance to the place at which the food is sold is subject to an admission charge;

(vi) Any establishment or business offering food free of charge. The term "free of charge" means without any consideration, donation, contributions, or monetary charges of any nature paid for access to the food and, without

limitation, requires the absence of any admission charge, cover charge, table reservation fee, gate charges, seat charges, entertainment fee, green fees, or required minimum purchase of food, beverages, or merchandise; or

(vii) A place offering food on premises owned or operated by a civic, charitable, educational, religious, governmental, or political organization exempt from income taxes under the United States Internal Revenue Code, except as to use of such place or premises by a person that is not exempt from income taxes under the United States Internal Revenue Code to offer food to the public.

Provided, however, with the exception of subsection (iv), any such place, center, home, facility, premises, establishment, or business described in this subsection "2" shall constitute a restaurant subject to the occupation tax with respect to any receipts from food sales that are subject to Nebraska sales and use taxes pursuant to the Nebraska Revenue Act of 1967.

Retail Sale shall mean sale for use or consumption and not for resale.

Taxpayer shall mean any person engaged in a restaurant or drinking place who is required to pay the tax herein imposed.

§ 113.10.1. – FINDINGS, INTENT AND PURPOSE OF SECTION.

(a) The City Council finds, determines, and declares that persons engaging in restaurants and drinking places are benefited from tourism, leisure, and recreational activities that place unique demands on the City's resources, but which are activities that should be promoted and encouraged. Further, residents and nonresidents who patronize restaurants and drinking places are enjoying a discretionary activity that is dependent upon, and generating revenue from, the restaurant's or drinking place's location within the City and its access to services provided by the City. Subjecting restaurants and drinking places to taxation for purposes of raising revenues is fair, reasonable, appropriate, and just.

(b) Pursuant to the authority of Neb. Rev. Stat. § 16-205, the City Council finds, determines, and declares that restaurants and drinking places form discrete and reasonable classifications of businesses, users of space, or kinds of transactions engaged in within the City and it is appropriate that an occupation tax be imposed on such classifications of businesses, users of space, or kinds of transactions for the purpose of raising revenue to support and further City activities, services, and purposes. These findings, determinations, and declarations are made with due recognition of such businesses, users of space, and transactions within the City and the relation of such businesses, users of space, and transactions to the municipal welfare and the expenditures required of the City, and with consideration of just, proper and equitable distribution of tax burdens within the City as the City Council in its sole discretion determines appropriate, and other proper considerations.

(c) The City Council further determines that some activity or revenue should be excluded from the scope of this section, for reasons including without limitation (i) the activity is offered without charge, (ii) the activity has a primary purpose other than to generate revenue for the business or establishment by the sale of food or drink, (iii) the revenue is generated from activity that does not have the discretionary characteristics and qualities that support using restaurant or drinking place revenue as a measure of determining the amount of taxation, (iv) the sale of food or beverages is primarily intended to encourage and support the civic, charitable, educational, or religious activities of a nonprofit corporation and/or (v) the sale of food or drink is by a nonprofit corporation contracting with the City of La Vista and assessing a tax measured by those sales potentially has the contradictory effect of reducing revenue paid to the City as compensation for the contract.

(d) The restaurants and drinking places occupation tax pursuant to this Section 113.10 is specifically imposed for general revenue purposes and proceeds of the tax shall be deposited in the general fund of the City, except as may otherwise be approved by the City Council from time to time to use or pledge such proceeds for

one or more specific projects of the City and deposit such proceeds in a special fund rather than the City's general fund.

(e) The Mayor and City Council find and determine based on analysis supplied by the City Administrator ("Analysis") that annual revenues generated by the tax at the initial Applicable Rate during the initial period ending on the first Rate Review Date are not projected to exceed \$700,000.00. The Mayor and City Council hereby ratify, affirm, adopt, and approve the Analysis.

§ 113.10.2. – TAX LEVIED AND IMPOSED.

(a) On and after the Effective Date, and in each calendar month thereafter, there is hereby levied and imposed a restaurant and drinking place occupation tax upon each and every person conducting, engaging in, or operating a restaurant or drinking place within the City at any time during a calendar month. The tax shall begin on the Effective Date at 4:00 a.m. The amount of the tax shall be the Applicable Rate of all gross receipts for each calendar month derived from the retail sale of food or beverages of restaurants and drinking places subject to this tax. It shall be unlawful for any person engaging in a restaurant or drinking place to fail to pay the tax required by this section, or to fail to file any return or information required by this section. Each day any such person engages in a restaurant or drinking place after failing to pay the required tax, or failing to file any required return or information, shall constitute a separate offense and shall be punishable as provided in section 10.99 of this Code, in addition to any other remedy provided in this chapter; provided, however, delinquency in payment of the tax required by this section, or conviction for violation of this section, shall not be grounds for suspension or revocation of any other license issued to any person within the City under any licensing provision of this code or other ordinances, or of any license issued by any licensing authority pursuant to Nebraska Statutes.

(b) The City Administrator within an administratively practicable time after each Rate Review Date shall estimate projected annual revenues until the next Rate Review Date and make such recommendations as the City Administrator determines necessary or appropriate, including without limitation, any recommended adjustments to the Applicable Rate or Rate Review Date as determined necessary or appropriate to satisfy applicable Nebraska Statutes, including without limitation Neb. Rev. Stat. Section 18-1208. Such estimates, projections, and any recommended adjustments shall be based on actual revenues from the tax during the applicable Rate Review Period and such other information, factors, or considerations as the City Administrator determines appropriate. Any proposed adjustment to the Applicable Rate shall be presented as an amendment to the master fee ordinance for consideration at a City Council meeting. Any such adjustment, if approved, shall be effective beginning at 4:00 a.m. on the first day of the fiscal year beginning immediately after the adjustment is approved, or on such other date as specified by the City Council.

(c) The tax imposed by this section 113.10 is a tax on the taxpayer for the privilege of engaging in the particular occupations within the City. The person engaged in a restaurant or drinking place may elect to itemize the tax levied and pass the cost of the tax through to customers or purchasers on bills, receipts, or other invoices provided to such customers or purchasers but such itemization and pass-through of the cost of the tax shall not be required and each person engaged in the restaurant or drinking place shall remain liable for the tax imposed by this section.

(d) Notwithstanding anything in this subsection 113.10.2 to the contrary, the City Council at any time shall have the option to submit any proposed tax or tax rate increase described in this section 113.10 to registered voters of the City.

§ 113.10.3. – TAX IMPOSED FOR REVENUE PURPOSES; TAX CUMULATIVE.

(a) The tax imposed by this section is for revenue purposes to support the government of the City and its activities. The levy of the tax under this section is in addition to all other fees, taxes, excises, and licenses levied or imposed under any contract or any other provisions of this code or ordinances of the City from time to time, and in addition to any fee, tax, excise, or license imposed by the State or federal government.

(b) Not in limitation of immediately preceding subsection 113.10.3(a), payment of the tax imposed by this section shall not relieve the person paying it from the payment of any other tax now or hereafter imposed by contract or ordinance or by this Code, including without limitation those imposed for any business or occupation carried on along with the restaurant or drinking place, unless otherwise provided therein. It is the intent of the Council that the occupation tax imposed by this section shall be cumulative unless otherwise expressly provided.

§ 113.10.4. – RETURN AND ADMINISTRATION ALLOWANCE.

(a) Each and every person engaged in a restaurant or drinking place within the City for any period of time on or after the Effective Date shall prepare and file with the City Administrator a return for each calendar month and at the same time pay to the City the tax herein imposed. The return shall be on and in such form and content and include such supporting data as may be prescribed by the City Administrator from time to time, and shall be verified and sworn to by an officer responsible for the restaurant or drinking place, and shall be filed with the City Administrator on or before the last day of the month immediately following receipt of any gross receipts included for purposes of calculating the tax. Returns and tax payments shall be filed and paid (i) hand delivery or by United States mail, properly addressed, postage prepaid and postmarked no later than the last day of the appropriate month, or (ii) by electronic filing and payment by Automated Clearing Housing or Credit Card no later than the last day of the appropriate month, and in accordance with such procedures as prescribed by the City Administrator from time to time.

(b) As reimbursement for any additional administrative costs and expenses connected with the tax, a taxpayer at the time of each tax payment may elect to deduct, withhold, and retain from such payment two percent (2%) of the amount that is otherwise due and payable to the City ("Administration Allowance"). Any payment that is made without reduction for the Administration Allowance shall be deemed an irrevocable election by the taxpayer to forego the Administration Allowance with respect to that payment.

§ 113.10.5. - EFFECTIVE DATE.

The occupation tax imposed by this section shall commence on the Effective Date and shall continue and remain in effect unless terminated by City ordinance. Provided, however, the tax shall be eligible for reconsideration every ten years as follows. The City Council shall vote on any motion of any City Council member at a Council meeting that is seconded directing the City Administrator to prepare a proposed Ordinance to terminate the tax. The motion must be made within the first ninety days of the fiscal year beginning immediately after the ten-year anniversary of such tax, or within the first ninety days of the fiscal year beginning immediately after any subsequent ten-year anniversary. If the motion is approved, the City Administrator shall prepare a proposed Ordinance for consideration of the City Council at a subsequent Council meeting held within an administratively practicable time. If a motion is not made, or if the motion or proposed Ordinance fails, the tax will continue in effect.

Section 3. Repeal of Conflicting Provisions. Any conflicting provision of any previously enacted ordinance is hereby repealed, effective at midnight on the day before the Effective Date.

Section 4. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this Ordinance. The Mayor and City Council of the City of La Vista hereby declare that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

Section 5. Publication and Effective Date of Ordinance. This Ordinance shall be published in full and shall be in force and take effect from and after its passage and approval as provided by law.

PASSED AND APPROVED THIS 3RD DAY OF SEPTEMBER 2019.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

ORDINANCE NO. 1365

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA LEVYING AND IMPOSING RESTAURANTS AND DRINKING PLACES OCCUPATION TAX AS SECTION 113.10 OF THE LA VISTA MUNICIPAL CODE; SPECIFYING ADMINISTRATIVE PROVISIONS AND USE OF TAX PROCEEDS; REPEALING CONFLICTING ORDINANCES; AND PROVIDING FOR SEVERABILITY, PUBLICATION AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, as follows:

Section 1. The Mayor and City Council of the City of La Vista desire to levy and impose a new Restaurants and Drinking Places Occupation Tax as Section 113.10 of the La Vista Municipal Code as provided in this Ordinance.

Section 2. Section 113.10 of the La Vista Municipal Code is hereby adopted and approved as follows:

“§ 113.10 RESTAURANTS AND DRINKING PLACES OCCUPATION TAX

§ 113.10.0. - DEFINITIONS. As used in this section, the following words and phrases shall have the meanings ascribed to them in this subsection, except where the context clearly indicates or requires a different meaning:

Applicable Rate shall mean the rate of tax from time to time specified in the master fee ordinance for the tax imposed by this Section 113.10. The initial tax rate of one and one half percent (1.5%) and any subsequent rate as adjusted shall satisfy any applicable requirements of Neb. Rev. Stat. Section 18-1208, including without limitation, that the initial rate or any increased rate or other rate adjustment shall be projected to generate annual occupation tax revenues that are not in excess of the applicable amount listed in Neb. Rev. Stat. Section 18-1208(2), unless approved by registered voters at an election held within the City or otherwise permitted by Nebraska Statutes.

Beverage shall mean any drinkable liquid for humans for hydration, nutrition, taste, pleasure or similar purposes, including without limitation, any such liquid that is frozen, alcoholic or nonalcoholic.

City shall mean the City of La Vista and the area within the corporate limits of the City of La Vista, as adjusted from time to time.

City Clerk shall mean the City of La Vista City Clerk or any designee of the City Clerk.

City Administrator shall mean the City of La Vista City Administrator or any designee of the City Administrator.

Drinking place shall mean any establishment or business offering on-premises consumption of alcoholic and/or nonalcoholic beverages including, but not limited to, bars, taverns, coffee shops, night clubs, dance halls, concession or other types of stands, drive-through, take out, and “to go” facilities, and establishments, facilities, or spaces or areas at or within race tracks, golf courses, sports facilities, meeting or event facilities, arenas, stadiums, hotels, motels, bed and breakfasts, boarding houses, hospitals, grocery stores, shopping centers, convenience stores, supermarkets, or office buildings where beverages are obtained or consumed if a charge is made for them. The term includes all types of facilities, locations and delivery methods by, from or through which a drinking place from time to time might be conducted, including without limitation any permanent, temporary, fixed, mobile, contracted, third party, stand-alone, colocated, joint, or bundled facilities, locations, or delivery methods. Without limiting the foregoing, the term includes caterers, stands and mobile vendors, push carts, beverage wagons or trucks, and other temporary or mobile facilities from which beverages ready for consumption are provided. Also included are places consisting solely of drive-through facilities. A drinking place may also be a restaurant.

(1) The term does not include any establishment or business offering beverages free of charge. The term "free of charge" means without any consideration, donation, contributions, or monetary charges of any nature paid for access to the

beverages and, without limitation, requires the absence of any admission charge, cover charge, table reservation fee, gate charges, seat charges, entertainment fee, green fees, or required minimum purchase of beverages, food, or merchandise.

(2) The term does not include a place offering beverages on premises owned or operated by a civic, charitable, educational, religious, governmental, or political organization exempt from income taxes under the United States Internal Revenue Code, except as to use of such place or premises by a person that is not exempt from income taxes under the United States Internal Revenue Code to offer beverages to the public.

Effective Date shall mean October 1, 2019.

Engaged in shall mean to conduct, offer to the public, carry on, or take part in the operation of an enterprise or activity as owner, operator, or agent. Not in limitation of foregoing parts of this definition, a person renting or using a facility, place or premises for a taxable enterprise or activity or service, as a promoter, producer, one-time event, full-time, or otherwise, shall be considered to be engaged in the enterprise or activity.

Food shall mean all edible substances, whether solid, semi-solid, liquid, concentrated, frozen, dried, dehydrated, or otherwise, for ingestion, chewing, or consumption by humans for nutrition, taste, refreshment, pleasure or similar purposes.

Gross receipts shall mean the total amount of receipts, revenues, consideration, donations, contributions, or monetary charges of any nature received for or to provide access to food or beverage without any deduction on account of expenses, taxes, or other costs.

(1) The term includes, without limitation:

- (i) The price charged for food or beverages;
- (ii) Any admission charge, cover charge, membership fee, table reservation fee, gate charges, seat charges, or entertainment fee or similar payment if the payment gives the payor a right to access or obtain food or beverage which is otherwise subject to this tax;
- (iii) The amount received by a person from vendors or contractors who provide food or beverages to that person's customers on or off the premises and which are within the scope of this tax; and
- (iv) Receipts from the sale of beverages or food of a restaurant or drinking place for immediate consumption even if it is not actually consumed on the premises, including without limitation the receipts from prepared "take out," "drive-through," or "to go" food or beverages, or food or beverages provide through a food or beverage delivery platform or other kind of food or beverage delivery service.

(2) The term does not include:

- (i) The value of food or beverages furnished by restaurants or drinking places to employees as part of their compensation when no charge is made to the employees.
- (ii) Tips to an employee of a restaurant or drinking place when the amount of the tip is wholly in the discretion of the purchaser and the full amount of the tip is turned over to the employee, regardless whether or not the tip is paid to the employee or added to the bill.
- (iii) Payments received by a caterer from a civic, charitable, educational, religious, governmental, or political organization exempt from income taxes under the United States Internal Revenue Code for food or beverage delivered to the premises of the organization;
- (iv) Receipts from sales of food or beverage exempt or otherwise not subject to Nebraska sales and use taxes imposed by the Nebraska Revenue Act of 1967, as amended from time to time; or

(v) Receipts from sales of snack foods or beverages, meaning unopened bottles, cans or packages of soft drinks, alcoholic beverages, sports drinks, flavored drinks, bottled water, chewing gum, candy, popcorn, pretzels, nuts, cookies, donuts, crackers, chips, or other items of essentially the same nature, prepackaged in sealed containers and sold for home consumption, except when provided in connection with any prepared food or beverages with respect to which receipts from the snack foods or beverages, together with the prepared food or beverages, are subject to Nebraska sales and use taxes pursuant to the Nebraska Revenue Act of 1967.

Person shall mean any natural person, individual, partnership, association, organization, corporation, or entity of any kind or character engaging in a restaurant or drinking place.

Rate Review Date shall mean the date that is two years after the Effective Date, and every two years thereafter or any other date that the City Council or City Administrator determines necessary or advisable in connection with setting or reviewing a rate or adjusted rate for the tax pursuant to this section in accordance with applicable law.

Rate Review Period shall mean the applicable period ending the day before a Rate Review Date that is used for purposes of reviewing the Applicable Rate.

Restaurant shall mean any place that is kept, used, maintained, advertised, or held out as a place where food is prepared and sold for immediate consumption either on the premises or elsewhere.

(1) The term includes, but is not limited to, cafes, grills, bistros, delicatessens, coffee shops, bakeries, lunch counters, sandwich stands, concession or other types of stands, drive-through, take out, and "to go" facilities, and establishments, facilities, spaces or areas at or within race tracks, golf courses, sports facilities, meeting or event facilities, arenas, stadiums, hotels, motels, bed and breakfasts, boarding houses, hospitals, grocery stores, shopping centers, convenience stores, supermarkets, or office buildings where food is obtained or consumed if a separate charge is made for the food. A restaurant may also be a drinking place. The term includes all types of facilities, locations and delivery methods by, from or through which a restaurant from time to time might be conducted, including without limitation any permanent, temporary, fixed, mobile, contracted, third-party, stand-alone, collocated, joint, or bundled facilities, locations, or delivery methods. Without limiting the foregoing, the term includes caterers, stands and mobile food vendors, push carts, lunch or food wagons or trucks, ice cream trucks, and other temporary or mobile facilities from which food ready for consumption is sold. Also included are places consisting solely of drive-through facilities.

(2) The term does not include:

(i) A place operated by a religious, civic, educational, charitable, governmental, or political organization exempt from income taxes under the United States Internal Revenue Code where food is offered solely to its members or students;

(ii) A public or private daycare center that offers food solely to its employees or the children staying at the center;

(iii) A convalescent home, nursing home, home for the aged or infirmed, or substance abuse facility that offers food solely to its residents;

(iv) Premises where food is obtained solely from vending machines operated by coin, cards, or other per-purchase operation regardless of whether the food may be consumed on the premises;

(v) Temporary stands at annual festivals or similar events from which food ready for consumption is sold unless entrance to the place at which the food is sold is subject to an admission charge;

(vi) Any establishment or business offering food free of charge. The term "free of charge" means without any consideration, donation, contributions, or monetary charges of any nature paid for access to the food and, without

limitation, requires the absence of any admission charge, cover charge, table reservation fee, gate charges, seat charges, entertainment fee, green fees, or required minimum purchase of food, beverages, or merchandise; or

(vii) A place offering food on premises owned or operated by a civic, charitable, educational, religious, governmental, or political organization exempt from income taxes under the United States Internal Revenue Code, except as to use of such place or premises by a person that is not exempt from income taxes under the United States Internal Revenue Code to offer food to the public.

Provided, however, with the exception of subsection (iv), any such place, center, home, facility, premises, establishment, or business described in this subsection "2" shall constitute a restaurant subject to the occupation tax with respect to any receipts from food sales that are subject to Nebraska sales and use taxes pursuant to the Nebraska Revenue Act of 1967.

Retail Sale shall mean sale for use or consumption and not for resale.

Taxpayer shall mean any person engaged in a restaurant or drinking place who is required to pay the tax herein imposed.

§ 113.10.1. – FINDINGS, INTENT AND PURPOSE OF SECTION.

(a) The City Council finds, determines, and declares that persons engaging in restaurants and drinking places are benefited from tourism, leisure, and recreational activities that place unique demands on the City's resources, but which are activities that should be promoted and encouraged. Further, residents and nonresidents who patronize restaurants and drinking places are enjoying a discretionary activity that is dependent upon, and generating revenue from, the restaurant's or drinking place's location within the City and its access to services provided by the City. Subjecting restaurants and drinking places to taxation for purposes of raising revenues is fair, reasonable, appropriate, and just.

(b) Pursuant to the authority of Neb. Rev. Stat. § 16-205, the City Council finds, determines, and declares that restaurants and drinking places form discrete and reasonable classifications of businesses, users of space, or kinds of transactions engaged in within the City and it is appropriate that an occupation tax be imposed on such classifications of businesses, users of space, or kinds of transactions for the purpose of raising revenue to support and further City activities, services, and purposes. These findings, determinations, and declarations are made with due recognition of such businesses, users of space, and transactions within the City and the relation of such businesses, users of space, and transactions to the municipal welfare and the expenditures required of the City, and with consideration of just, proper and equitable distribution of tax burdens within the City as the City Council in its sole discretion determines appropriate, and other proper considerations.

(c) The City Council further determines that some activity or revenue should be excluded from the scope of this section, for reasons including without limitation (i) the activity is offered without charge, (ii) the activity has a primary purpose other than to generate revenue for the business or establishment by the sale of food or drink, (iii) the revenue is generated from activity that does not have the discretionary characteristics and qualities that support using restaurant or drinking place revenue as a measure of determining the amount of taxation, (iv) the sale of food or beverages is primarily intended to encourage and support the civic, charitable, educational, or religious activities of a nonprofit corporation and/or (v) the sale of food or drink is by a nonprofit corporation contracting with the City of La Vista and assessing a tax measured by those sales potentially has the contradictory effect of reducing revenue paid to the City as compensation for the contract.

(d) The restaurants and drinking places occupation tax pursuant to this Section 113.10 is specifically imposed for general revenue purposes and proceeds of the tax shall be deposited in the general fund of the City, except as may otherwise be approved by the City Council from time to time to use or pledge such proceeds for

one or more specific projects of the City and deposit such proceeds in a special fund rather than the City's general fund.

(e) The Mayor and City Council find and determine based on analysis supplied by the City Administrator ("Analysis") that annual revenues generated by the tax at the initial Applicable Rate during the initial period ending on the first Rate Review Date are not projected to exceed \$700,000.00. The Mayor and City Council hereby ratify, affirm, adopt, and approve the Analysis.

§ 113.10.2. – TAX LEVIED AND IMPOSED.

(a) On and after the Effective Date, and in each calendar month thereafter, there is hereby levied and imposed a restaurant and drinking place occupation tax upon each and every person conducting, engaging in, or operating a restaurant or drinking place within the City at any time during a calendar month. The tax shall begin on the Effective Date at 4:00 a.m. The amount of the tax shall be the Applicable Rate of all gross receipts for each calendar month derived from the retail sale of food or beverages of restaurants and drinking places subject to this tax. It shall be unlawful for any person engaging in a restaurant or drinking place to fail to pay the tax required by this section, or to fail to file any return or information required by this section. Each day any such person engages in a restaurant or drinking place after failing to pay the required tax, or failing to file any required return or information, shall constitute a separate offense and shall be punishable as provided in section 10.99 of this Code, in addition to any other remedy provided in this chapter; provided, however, delinquency in payment of the tax required by this section, or conviction for violation of this section, shall not be grounds for suspension or revocation of any other license issued to any person within the City under any licensing provision of this code or other ordinances, or of any license issued by any licensing authority pursuant to Nebraska Statutes.

(b) The City Administrator within an administratively practicable time after each Rate Review Date shall estimate projected annual revenues until the next Rate Review Date and make such recommendations as the City Administrator determines necessary or appropriate, including without limitation, any recommended adjustments to the Applicable Rate or Rate Review Date as determined necessary or appropriate to satisfy applicable Nebraska Statutes, including without limitation Neb. Rev. Stat. Section 18-1208. Such estimates, projections, and any recommended adjustments shall be based on actual revenues from the tax during the applicable Rate Review Period and such other information, factors, or considerations as the City Administrator determines appropriate. Any proposed adjustment to the Applicable Rate shall be presented as an amendment to the master fee ordinance for consideration at a City Council meeting. Any such adjustment, if approved, shall be effective beginning at 4:00 a.m. on the first day of the fiscal year beginning immediately after the adjustment is approved, or on such other date as specified by the City Council.

(c) The tax imposed by this section 113.10 is a tax on the taxpayer for the privilege of engaging in the particular occupations within the City. The person engaged in a restaurant or drinking place may elect to itemize the tax levied and pass the cost of the tax through to customers or purchasers on bills, receipts, or other invoices provided to such customers or purchasers but such itemization and pass-through of the cost of the tax shall not be required and each person engaged in the restaurant or drinking place shall remain liable for the tax imposed by this section.

(d) Notwithstanding anything in this subsection 113.10.2 to the contrary, the City Council at any time shall have the option to submit any proposed tax or tax rate increase described in this section 113.10 to registered voters of the City.

§ 113.10.3. – TAX IMPOSED FOR REVENUE PURPOSES; TAX CUMULATIVE.

(a) The tax imposed by this section is for revenue purposes to support the government of the City and its activities. The levy of the tax under this section is in addition to all other fees, taxes, excises, and licenses levied or imposed under any contract or any other provisions of this code or ordinances of the City from time to time, and in addition to any fee, tax, excise, or license imposed by the State or federal government.

(b) Not in limitation of immediately preceding subsection 113.10.3(a), payment of the tax imposed by this section shall not relieve the person paying it from the payment of any other tax now or hereafter imposed by contract or ordinance or by this Code, including without limitation those imposed for any business or occupation carried on along with the restaurant or drinking place, unless otherwise provided therein. It is the intent of the Council that the occupation tax imposed by this section shall be cumulative unless otherwise expressly provided.

§ 113.10.4. – RETURN AND ADMINISTRATION ALLOWANCE.

(a) Each and every person engaged in a restaurant or drinking place within the City for any period of time on or after the Effective Date shall prepare and file with the City Administrator a return for each calendar month and at the same time pay to the City the tax herein imposed. The return shall be on and in such form and content and include such supporting data as may be prescribed by the City Administrator from time to time, and shall be verified and sworn to by an officer responsible for the restaurant or drinking place, and shall be filed with the City Administrator on or before the last day of the month immediately following receipt of any gross receipts included for purposes of calculating the tax. Returns and tax payments shall be filed and paid (i) hand delivery or by United States mail, properly addressed, postage prepaid and postmarked no later than the last day of the appropriate month, or (ii) by electronic filing and payment by Automated Clearing Housing or Credit Card no later than the last day of the appropriate month, and in accordance with such procedures as prescribed by the City Administrator from time to time.

(b) As reimbursement for any additional administrative costs and expenses connected with the tax, a taxpayer at the time of each tax payment may elect to deduct, withhold, and retain from such payment two percent (2%) of the amount that is otherwise due and payable to the City ("Administration Allowance"). Any payment that is made without reduction for the Administration Allowance shall be deemed an irrevocable election by the taxpayer to forego the Administration Allowance with respect to that payment.

§ 113.10.5. - EFFECTIVE DATE.

The occupation tax imposed by this section shall commence on the Effective Date and shall continue and remain in effect unless terminated by City ordinance. Provided, however, the tax shall be eligible for reconsideration every ten years as follows. The City Council shall vote on any motion of any City Council member at a Council meeting that is seconded directing the City Administrator to prepare a proposed Ordinance to terminate the tax. The motion must be made within the first ninety days of the fiscal year beginning immediately after the ten-year anniversary of such tax, or within the first ninety days of the fiscal year beginning immediately after any subsequent ten-year anniversary. If the motion is approved, the City Administrator shall prepare a proposed Ordinance for consideration of the City Council at a subsequent Council meeting held within an administratively practicable time. If a motion is not made, or if the motion or proposed Ordinance fails, the tax will continue in effect.

Section 3. Repeal of Conflicting Provisions. Any conflicting provision of any previously enacted ordinance is hereby repealed, effective at midnight on the day before the Effective Date.

Section 4. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this Ordinance. The Mayor and City Council of the City of La Vista hereby declare that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

Section 5. Publication and Effective Date of Ordinance. This Ordinance shall be published in full and shall be in force and take effect from and after its passage and approval as provided by law.

PASSED AND APPROVED THIS 3RD DAY OF SEPTEMBER 2019.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
SEPTEMBER 3, 2019 AGENDA**

Subject:	Type:	Submitted By:
AMEND FY19 & FY20 BIENNIAL BUDGET	RESOLUTION ◆ ORDINANCE RECEIVE/FILE	CINDY MISEREZ FINANCE DIRECTOR

SYNOPSIS

The third and final reading of an Appropriations Ordinance has been prepared to amend the FY19 & FY20 Biennial Budget adopted on September 4, 2018 to include changes to the FY20 municipal budget.

FISCAL IMPACT

The proposed amended budget for FY20 is \$58,802,985 in all funds.

The FY20 budget change from the second reading to the final reading is an increase of \$1,022,137 and is the result of an update to the FY20 interlocal agreement for fire & EMS services (\$109,537) and project carryovers associated with capital improvement project construction schedules updates (\$912,600).

While the Papillion Fire budget went up by slightly over \$1.0 million, La Vista's portion of the increase decreased from 25% to 23.7% based on assessed valuation. The proposed budget increase includes the addition of a fire truck and crew at Fire Station #1 (107th & Chandler Road) which will help serve La Vista areas, in addition to the rescue squad service already provided.

The remaining changes totaling \$912,600 are related to the August update of FY19 year-end estimates for construction projects. As the current fiscal year nears completion, we are better able to estimate current expenditures and the additional funds that are necessary to be carried over into the following year. Specifically: 84th Street Overlay — \$600,000; City Centre Intersection — \$150,000; and the City Park Interface Improvements — \$150,000.

The total final property tax request for FY20 is \$9,082,799 and requires a property tax levy of \$0.55 per \$100 dollars of assessed valuation. The owner of a home valued at \$150,000 will pay \$825 in property taxes, or \$68.75 per month. The proposed budget has no increase in the property tax rate.

RECOMMENDATION

Approval.

BACKGROUND

The City Council approved the first reading of the Appropriations Ordinance at their August 5, 2017 meeting and held a public hearing and approved the second reading of at their August 20, 2019 meeting.

ORDINANCE NO. 1360

AN ORDINANCE TO AMEND ORDINANCE NO. 1323 AND THE BIENNIAL BUDGET APPROPRIATING THE SUMS OF MONEY DEEMED NECESSARY TO DEFRAY ALL OF THE NECESSARY EXPENSES AND LIABILITIES OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA FOR THE FISCAL PERIOD BEGINNING ON OCTOBER 1, 2018 AND ENDING ON SEPTEMBER 30, 2019; AND FOR THE FISCAL PERIOD BEGINNING OCTOBER 1, 2019 AND ENDING ON SEPTEMBER 30, 2020, AND SPECIFICALLY TO AMEND AMOUNTS APPROPRIATED FOR THE SECOND YEAR OF SUCH BIENNIAL BUDGET FOR THE FISCAL PERIOD BEGINNING OCTOBER 1, 2019 AND ENDING SEPTEMBER 30, 2020, SPECIFYING THE OBJECTS AND PURPOSES FOR WHICH SUCH APPROPRIATIONS ARE MADE AND THE AMOUNT TO BE APPROPRIATED FOR EACH OBJECT OR PURPOSE; SPECIFYING THE AMOUNT TO BE RAISED BY TAX LEVY; PROVIDING FOR THE FILING AND CERTIFICATION OF THE BUDGET AND TAX LEVY HEREIN SENT TO THE STATE AUDITOR AND COUNTY CLERK OF SARPY COUNTY; TO REPEAL INCONSISTENT OR CONFLICTING ORDINANCES OR RESOLUTIONS AS ORIGINALLY ENACTED; AND PRESCRIBING THE TIME WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF LA VISTA, SARPY COUNTY, NEBRASKA.

Section 1. That (i) the Mayor and City Council find and determine that there are circumstances which could not reasonably have been anticipated at the time the budget for the biennial period was adopted, and proposed revisions to the previously adopted budget statement have been presented and are hereby ratified and affirmed, and (ii) after publication of notice and conducting a public hearing in accordance with applicable requirements, the Mayor and City Council desire to approve the proposed revised budget.

Section 2. That Section 1 of Ordinance No.1323 is hereby amended to revise amounts of the current biennial budget specified for the Fiscal Year beginning October 1, 2019 and ending September 30, 2020 as follows:

“Section 1. That after complying with all procedures required by law, the budget presented and set forth in the budget statements, as amended and on file with the City Clerk, is hereby approved as The Annual Appropriation Bill for the fiscal year beginning October 1, 2018, through September 30, 2019 and the fiscal year beginning October 1, 2019, through September 30, 2020, including summaries and supporting documentation. All sums of money contained in the revised budget statement are hereby appropriated for the necessary expenses and liabilities of the City of La Vista. The following amounts appropriated shall be raised primarily as follows. A copy of the budget document, as amended, shall be forwarded as provided by law to the Auditor of Public Accounts, State Capital, Lincoln, Nebraska, and to the County Clerk of Sarpy County, Nebraska for use by the levying authority.

Fund	Budget of Disbursements and Transfers FY19	Proposed Budget of Disbursements and Transfers FY20	Amount to be Raised by Property Tax Levy FY19	Amount to be Raised by Property Tax Levy FY20
General Fund	18,928,426.00	20,362,760.00	7,556,495.00	8,091,948.00
Sewer Fund	5,304,388.00	4,516,571.00	0.00	0.00
Sewer Reserve	0.00	0.00	0.00	0.00
Debt Service Fund	7,309,568.00	4,408,685.00	925,285.00	990,851.00
Capital Fund	9,072,012.00	9,979,512.00	0.00	0.00
Lottery Fund	1,320,819.00	1,532,398.00	0.00	0.00
Economic Development	3,134,559.00	3,137,466.00	0.00	0.00
Off-Street Parking	7,989,957.00	1,991,698.00	0.00	0.00
Redevelopment Fund	13,703,801.00	12,233,687.00	0.00	0.00
TIF – City Centre Phase 1	0.00	541,612	0.00	0.00
Qualified Sinking Fund	0.00	0.00	0.00	0.00
Police Academy Fund	95,104.00	98,596.00	0.00	0.00
Total All Funds	66,858,634.00	58,802,985.00	8,481,780.00	9,082,799.00

Section 3. Section 1 of Ordinance No. 1289, and any other ordinance or resolution of the City, or part of any such ordinance or resolution of the City, as previously enacted that is inconsistent or in conflict with this Ordinance is hereby repealed to the extent of the conflict or inconsistency.

Section 4. This ordinance shall take effect from and after passage, approval and publication as provided by law.

PASSED AND APPROVED THIS 3RD DAY OF SEPTEMBER, 2019.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Bueth, CMC
City Clerk

CITY OF LA VISTA FY20 Budget Amendment

ALL FUNDS SUMMARY

	FY19 Adopted	FY20 Adopted	FY20 Proposed
Revenues			
Property Tax	9,043,279	9,076,984	9,678,003
Sales Tax	10,393,921	11,274,970	9,383,327
Payments in Lieu of Taxes	373,100	380,147	382,428
State Revenue	1,868,498	1,958,268	1,958,268
Occupation and Franchise Taxes	1,382,000	1,683,900	913,385
Hotel Occupation Tax	1,007,475	1,017,550	1,017,550
Licenses and Permits	460,250	440,250	440,250
Interest Income	153,952	160,720	160,720
Recreation Fees	170,710	172,710	172,710
Special Services	19,500	19,500	19,500
Grant Income	163,185	150,575	150,575
Restaurant Tax	0	0	700,000
Miscellaneous	1,560,186	838,208	749,927
Bond Proceeds	32,903,611	8,460,000	18,000,000
Sewer Charges	4,522,900	4,905,890	4,406,033
Special Assessments - Principal	50,000	50,000	50,000
Special Assessments - Interest	25,000	25,000	25,000
Community Betterment	850,000	850,000	850,000
Taxes - Form 51	340,000	340,000	340,000
Police Academy	80,000	84,000	100,000
Tax Increment Financing	0	541,612	541,612
Parking Garage Fees	0	0	115,000
Total Revenue	65,367,567	42,430,284	50,154,288
Expenditures			
Salary & Benefits	11,675,130	12,116,878	12,116,878
Commodities	583,470	580,014	580,014
Contractual Services	8,813,128	8,793,866	9,098,603
Maintenance	844,871	799,414	799,414
Other Charges	4,146,459	763,704	3,839,204
Debt Service	6,722,971	8,973,911	5,868,608
Capital Improvement	26,739,514	15,828,231	21,479,512
Total Expenditures	59,525,543	47,856,018	53,782,233

CITY OF LA VISTA FY20 Budget Amendment

ALL FUNDS SUMMARY

	FY19 Adopted	FY20 Adopted	FY20 Proposed
Total Capital Items	1,114,055	784,636	784,636
Total Expenditures & Capital	60,639,598	48,640,654	54,566,869
Other Financing Sources (Uses)			
Transfers In	6,054,294	5,123,185	4,236,116
Transfers Out	(6,054,294)	(5,123,185)	(4,236,116)
Total Other Uses of Funds (SID Trf)	0	0	0
Prior Year Fund Balance	31,141,155	20,512,807	20,512,807
Net Change	4,727,969	(6,210,370)	(4,412,581)
Ending Fund Balance	35,869,124	14,302,437	16,100,226

CITY OF LA VISTA FY20 Budget Amendment

OPERATING EXPENDITURE SUMMARY BY DEPARTMENT

	FY19 Adopted	FY20 Adopted	FY20 Proposed
General Fund Operating Expenditures			
Administrative Services	529,503	555,523	555,523
Mayor and Council	242,643	258,001	258,001
Adv. Boards and Commissions	10,338	10,544	10,544
Building Maintenance	682,385	666,644	666,644
Administration	768,999	814,815	814,815
Police	5,304,912	5,383,050	5,403,050
Animal Control	56,822	58,775	58,775
Fire	1,975,871	2,072,326	2,181,863
Community Development	718,268	687,211	687,211
Street Admin.	390,701	445,393	445,393
Streets Operating	2,302,236	2,522,062	2,522,062
Parks	1,147,210	1,180,306	1,180,306
Recreation	744,146	762,557	762,557
Sports Complex	392,356	413,496	413,496
Library	904,397	908,468	908,468
Information Technology	268,300	289,745	289,745
Swimming Pool	133,168	135,826	135,826
Human Resources	1,010,268	1,023,722	1,023,722
Public Transportation	6,181	6,243	6,243
Senior Bus	100,091	119,142	119,142
Finance	467,027	489,213	489,213
Total General Fund	18,155,822	18,803,062	18,932,599
Sewer Fund Operating Expenditures			
Operating Expenditures	3,924,263	3,683,401	3,683,401
Storm Water Management	54,000	54,540	54,540
Total Sewer Fund	3,978,263	3,737,941	3,737,941
Police Academy Operating Expenditures			
Police Academy	95,104	98,596	98,596
Total Police Academy Fund	95,104	98,596	98,596

CITY OF LA VISTA FY20 Budget Amendment

GENERAL FUND SUMMARY

	FY19 Adopted	FY20 Adopted	FY20 Proposed
Revenues			
Property Tax	8,102,903	8,138,063	8,673,516
Sales Tax	5,196,961	5,637,486	4,691,663
Payments in Lieu of Taxes	281,875	288,922	288,922
State Revenue	1,868,498	1,958,268	1,958,268
Occupation and Franchise Taxes	882,000	883,900	883,900
Hotel Occupation Tax	1,007,475	1,017,550	1,017,550
Licenses and Permits	460,250	440,250	440,250
Interest Income	30,992	28,708	28,708
Recreation Fees	170,710	172,710	172,710
Special Services	19,500	19,500	19,500
Grant Income	163,185	150,575	150,575
Restaurant Tax	0	0	700,000
Miscellaneous	250,942	329,213	243,213
Total Revenue	18,435,291	19,065,145	19,268,775
Expenditures			
Salary & Benefits	10,980,078	11,455,487	11,455,487
Commodities	527,652	519,914	519,914
Contractual Services	4,832,464	5,073,647	5,203,184
Maintenance	755,869	699,126	699,126
Other Charges	317,612	304,081	304,081
Total Expenditures	17,413,675	18,052,255	18,181,792
Total Capital Items	742,147	750,807	750,807
Total Expenditures & Capital	18,155,822	18,803,062	18,932,599

CITY OF LA VISTA FY20 Budget Amendment

GENERAL FUND SUMMARY

	FY19 Adopted	FY20 Adopted	FY20 Proposed
Other Financing Sources (Uses)			
OSP Transfer	(68,000)	(94,900)	(844,408)
DSF Transfer	(634,604)	(698,850)	(185,753)
Police Academy Transfers	(20,000)	(21,000)	0
Lottery Transfer	96,902	100,293	100,293
Qualified Sinking Fund Transfer	(50,000)	0	(400,000)
Total Other Uses of Funds	(675,702)	(714,457)	(1,329,868)
Prior Year Fund Balance	5,837,195	5,681,860	5,681,860
Net Change	(396,233)	(452,374)	(993,692)
Ending Fund Balance	5,440,962	5,229,486	4,688,168
Operating Reserve %	31%	29%	26%

CITY OF LA VISTA FY20 Budget Amendment

SEWER FUND SUMMARY

	FY19 Adopted	FY20 Adopted	FY20 Proposed
REVENUES			
Sewer Service Charges	70,173	11,000	25,095
Sewer User Fees	4,352,612	4,794,872	4,277,805
Sales Tax Collection Fee	115	18	18
Sewer Hookup Fee	100,000	100,000	103,115
Interest Income	6,009	4,059	4,059
Bond Proceeds	-	-	-
Total Revenue	4,528,909	4,909,949	4,410,092
EXPENDITURES			
Salary & Benefits	618,649	581,719	581,719
Commodities	39,046	39,200	39,200
Contractual Services	2,869,232	3,002,971	3,002,971
Maintenance	68,201	68,884	68,884
Other Charges	11,227	11,338	11,338
Debt Service	-	-	-
Capital Improvement Program	125,000	-	50,000
Total Expenditures	3,731,355	3,704,112	3,754,112
Total Capital Items	371,908	33,829	33,829
Total Expenditures & Capital	4,103,263	3,737,941	3,787,941
Other Financing Sources (Uses)			
Lottery Transfer	3,000	3,000	3,000
Sewer Reserve Transfer	(1,201,125)	(1,172,665)	(728,630)
Total Other Uses of Funds	(1,198,125)	(1,169,665)	(725,630)
Prior Year Fund Balance	1,764,804	1,082,464	1,082,464
Net Change	(772,479)	2,343	(103,479)
Ending Fund Balance	992,325	1,084,807	978,985
Operating Reserve %	24%	29%	26%
Sewer Reserve Fund Balance	1,204,128	1,204,128	1,944,692

CITY OF LA VISTA FY20 Budget Amendment

DEBT SERVICE FUND SUMMARY

	FY19 Adopted	FY20 Adopted	FY20 Proposed
REVENUES			
Property Tax	940,376	938,921	1,004,487
Sales Tax	2,598,480	2,818,742	2,345,832
Special Assessments - Principal	50,000	50,000	50,000
Special Assessments - Interest	25,000	25,000	25,000
Bond Proceeds	0	0	0
Interest Income	18,586	11,937	11,937
Other	600,469	600,220	600,220
Total Revenue	4,232,911	4,444,820	4,037,476
EXPENDITURES			
Operating - Other			
Debt Service - Bond Principal	3,180,000	2,967,500	2,605,000
Debt Service - Bond Interest	665,080	731,757	414,237
County Treasurer Fees	9,094	9,059	9,059
Debt Payment - PFD	122,513	121,611	121,611
Financial/Legal Fees	153,775	3,775	3,775
Total Expenditures	4,130,462	3,833,702	3,153,682
Other Financing Sources (Uses)			
Lottery Transfer	0	29,029	29,029
Transfer from SID	0	0	0
Transfer from General Fund (Hwy A)	634,604	698,850	185,753
Trf from CIP	90,000	0	0
Transfer to CIP	(2,324,012)	(702,500)	(702,500)
Transfer to OSP	(655,094)	(713,538)	(552,503)
Transfer to EDP	(200,000)	(200,000)	0
Total Other Sources/Uses of Funds	(2,454,502)	(888,159)	(1,040,221)
Prior Year Fund Balance	5,603,166	2,510,706	2,510,706
Net Change	(2,352,053)	(277,041)	(156,427)
Ending Fund Balance	3,251,113	2,233,665	2,354,279
Debt Service Coverage Ratio	0.95	1.07	1.01

CITY OF LA VISTA**FY20 Budget Amendment*****CAPITAL FUND SUMMARY***

	FY19 Adopted	FY20 Adopted	FY20 Proposed
REVENUES			
MISC. REVENUE/MISC. BILLING AR	800,000	0	0
INTEREST INCOME & GAIN/LOSS	11,366	22,411	22,411
BOND PROCEEDS	10,270,000	2,500,000	8,500,000
Total Revenue	11,081,366	2,522,411	8,522,411
EXPENDITURES - Capital Improvement Program			
Streets	8,228,512	2,800,000	8,981,512
Parks	457,500	452,500	335,000
Sports Complex	0	138,000	138,000
Administration	100,000	150,000	150,000
Public Buildings	196,000	252,000	375,000
Total Expenditures	8,982,012	3,792,500	9,979,512
Other Financing Sources (Uses)			
Transfer to DSF	(90,000)	0	0
Transfer from DSF	2,324,012	702,500	702,500
Transfer from Lottery Fund	246,000	440,000	440,000
Total Other Sources/Uses of Funds	2,480,012	1,142,500	1,142,500
Prior Year Fund Balance	(553,954)	272,754	272,754
Net Change	4,579,366	(127,589)	(314,601)
Ending Fund Balance	4,025,412	145,165	(41,847)

CITY OF LA VISTA FY20 Budget Amendment

LOTTERY FUND SUMMARY

	FY19 Adopted	FY20 Adopted	FY20 Proposed
REVENUES			
Community Betterment	850,000	850,000	850,000
Interest Income	16,691	16,420	16,420
Taxes - Form 51	340,000	340,000	340,000
Total Revenue	1,206,691	1,206,420	1,206,420
EXPENDITURES - Contractual Services			
Professional Services	251,068	184,159	184,159
Events Marketing	31,668	29,734	29,734
Concerts & Movie Nights	13,721	11,145	11,145
Recreation Events	4,507	4,642	4,642
Community Events	43,723	63,560	63,560
Salute to Summer	30,743	31,746	31,746
Other Contractual Services	34,745	35,090	35,090
Other Charges (Taxes)	350,000	350,000	350,000
Total Expenditures	760,175	710,076	710,076
Other Financing Sources (Uses)			
General Fund Transfer	(96,902)	(100,293)	(100,293)
Sewer Fund Transfer	(3,000)	(32,029)	(32,029)
CIP Transfer	(246,000)	(440,000)	(440,000)
RDF Transfer	0	0	(200,000)
QSF Transfer	(50,000)	(50,000)	(50,000)
Total Other Uses of Funds	(395,902)	(622,322)	(822,322)
Prior Year Fund Balance	3,182,599	3,226,382	3,226,382
Net Change	50,614	(125,978)	(325,978)
Ending Fund Balance	3,233,213	3,100,404	2,900,404

CITY OF LA VISTA FY20 Budget Amendment

ECONOMIC DEVELOPMENT FUND SUMMARY

	FY19 Adopted	FY20 Adopted	FY20 Proposed
REVENUES			
Bond Proceeds	3,000,000	0	3,000,000
Interest Income	718	517	517
Total Revenue	3,000,718	517	3,000,517
EXPENDITURES			
Debt Service - Bond Principal	0	230,000	0
Debt Service - Bond Interest	59,559	115,897	62,466
Grants	3,000,000	0	3,000,000
Financial Fees	75,000	0	75,000
Total Expenditures	3,134,559	345,897	3,137,466
Other Financing Sources (Uses)			
Debt Service Fund Transfer - Sales Tax	200,000	200,000	0
Total Other Uses of Funds	200,000	200,000	0
Prior Year Fund Balance	6,933	206,968	206,968
Net Change	66,159	(145,380)	(136,949)
Ending Fund Balance	73,092	61,588	70,019

CITY OF LA VISTA FY20 Budget Amendment

OFF-STREET PARKING FUND SUMMARY

	FY19 Adopted	FY20 Adopted	FY20 Proposed
REVENUES			
Interest Income	464	771	771
Bond Proceeds	2,503,611	5,960,000	0
Parking Garage Fees	0	0	115,000
Total Revenue	2,504,075	5,960,771	115,771
EXPENDITURES			
Commodities	13,272	17,365	17,365
Contractual Services	32,918	45,318	220,518
Maintenance	20,801	31,404	31,404
Debt Service - Bond Principal	670,000	950,000	685,000
Debt Service - Bond Interest	249,901	584,946	210,911
Land/Construction	6,852,315	6,000,000	750,000
Financial Fees	150,750	76,000	76,500
Total Expenditures	7,989,957	7,705,033	1,991,698
Other Financing Sources (Uses)			
Transfer In - General Fund	68,000	94,900	500,000
Transfer In - General Fund DS	0	0	344,408
Transfer In - Debt Service Fund	655,094	713,538	552,503
Transfer In - Redevelopment Fund	415,557	897,408	0
Total Other Uses of Funds	1,138,651	1,705,846	1,396,911
Prior Year Fund Balance	4,944,239	713,520	713,520
Net Change - Operations	(4,347,231)	(38,416)	(479,016)
Ending Fund Balance	597,008	675,104	234,504

CITY OF LA VISTA FY20 Budget Amendment

REDEVELOPMENT FUND SUMMARY

	FY19 Adopted	FY20 Adopted	FY20 Proposed
REVENUES			
Sales Tax	2,598,480	2,818,742	2,345,832
GBOT - Retail Sales	500,000	800,000	29,485
Bond Proceeds	17,130,000	0	6,500,000
Interest Income	65,818	66,252	66,252
Total Revenue	20,294,298	3,684,994	8,941,569
EXPENDITURES			
Contract - Professional Services	656,639	300,000	300,000
Other:			
Debt Service - Bond Principal	775,000	1,190,000	505,000
Debt Service - Bond Interest	1,000,918	1,546,004	728,187
Land/Construction	10,780,187	6,035,731	10,700,000
Financial/Legal Fees	75,500	500	500
Total Expenditures	13,288,244	9,072,235	12,233,687
Other Financing Sources (Uses)			
Transfer from Lottery	0	0	200,000
Transfer to OSP	(415,557)	(897,408)	0
Total Other Uses of Funds	(415,557)	(897,408)	200,000
Prior Year Fund Balance	10,337,128	5,508,211	5,508,211
Net Change	6,590,497	(6,284,649)	(3,092,118)
Ending Fund Balance	16,927,625	(776,438)	2,416,093

CITY OF LA VISTA FY20 Budget Amendment

POLICE ACADEMY FUND

	FY19 Adopted	FY20 Adopted	FY20 Proposed
REVENUES			
Police Academy Revenue	80,000	84,000	100,000
Interest Income	55	83	83
Total Revenue	80,055	84,083	100,083
EXPENDITURES			
Personnel Services	76,404	79,672	79,672
Commodities	3,500	3,535	3,535
Contractual Services	11,700	11,854	11,854
Maintenance	0	0	0
Other Charges	3,500	3,535	3,535
Total Expenditures	95,104	98,596	98,596
Other Financing Sources (Uses)			
General Fund Transfer	20,000	21,000	0
Total Other Uses of Funds	20,000	21,000	0
Prior Year Fund Balance	19,045	24,873	24,873
Net Change	4,951	6,487	1,487
Ending Fund Balance	23,996	31,360	26,360
Operating Reserve %	25%	32%	27%

CITY OF LA VISTA FY20 Budget Amendment

TIF CITY CENTRE PHASE 1A

	FY19 Adopted	FY20 Adopted	FY20 Proposed
REVENUES			
TIF Revenue	0	541,612	541,612
Total Revenue	0	541,612	541,612
EXPENDITURES - Other			
Debt Service	0	536,196	536,196
Other Charges	0	5,416	5,416
Total Expenditures	0	541,612	541,612
Other Financing Sources (Uses)			
Transfer	0	0	0
Total Other Uses of Funds	0	0	0
Prior Year Fund Balance	0	(3,420)	(3,420)
Net Change	0	0	0
Ending Fund Balance	0	(3,420)	(3,420)

CITY OF LA VISTA FY20 Budget Amendment

TIF CITY CENTRE PHASE 1B

	FY19 Adopted	FY20 Adopted	FY20 Proposed
REVENUES			
TIF Revenue	0	0	0
Interest Income	0	0	0
Total Revenue	0	0	0
EXPENDITURES - Other			
Debt Service	0	0	0
Other Charges	0	0	0
Total Expenditures	0	0	0
Other Financing Sources (Uses)			
Transfer	0	0	0
Total Other Uses of Funds	0	0	0
Prior Year Fund Balance	0	(19,136)	(19,136)
Net Change	0	0	0
Ending Fund Balance	0	(19,136)	(19,136)

CITY OF LA VISTA FY20 Budget Amendment

SEWER RESERVE FUND

	FY19 Adopted	FY20 Adopted	FY20 Proposed
REVENUES			
Interest Income	3,003	8,937	8,937
Total Revenue	3,003	8,937	8,937
EXPENDITURES			
Other Charges	0	0	0
Total Expenditures	0	0	0
Other Financing Sources (Uses)			
Transfer In	1,201,125	1,172,665	728,630
Transfer Out	0	0	0
Total Other Uses of Funds	1,201,125	1,172,665	728,630
Prior Year Fund Balance	0	1,207,125	1,207,125
Net Change	1,204,128	1,181,602	737,567
Ending Fund Balance	1,204,128	2,388,727	1,944,692

CITY OF LA VISTA FY20 Budget Amendment

QUALIFIED SINKING FUND

	FY19 Adopted	FY20 Adopted	FY20 Proposed
REVENUES			
Interest Income	250	625	625
Total Revenue	250	625	625
EXPENDITURES			
Other Charges	0	0	0
Total Expenditures	0	0	0
Other Financing Sources (Uses)			
Transfer from General Fund	50,000	0	400,000
Transfer from Lottery Fund	50,000	50,000	50,000
Transfer to General Fund	0	0	0
Total Other Uses of Funds	100,000	50,000	450,000
Prior Year Fund Balance	0	100,500	100,500
Net Change	100,250	50,625	450,625
Ending Fund Balance	100,250	151,125	551,125

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
SEPTEMBER 3, 2019 AGENDA**

Subject:	Type:	Submitted By:
AMEND MASTER FEE ORDINANCE	RESOLUTION ◆ ORDINANCE RECEIVE/FILE	PAM BUETHE CITY CLERK

SYNOPSIS

An ordinance has been prepared to amend the Master Fee Ordinance.

FISCAL IMPACT

Various fees have been added or changed.

RECOMMENDATION

Approval.

BACKGROUND

An ordinance has been prepared to amend the Master Fee Ordinance to add/change the following fees:

1. Tax Increment Financing (TIF) Application Fees – After extensive review by the Community Development Department and review of several other cities’ fees, a fee structure was developed to recover staff and legal costs for the review of TIF applications. Separate Implementation and Administrative fees cover staff and legal costs to move a TIF project through the approval and implementation process. To cover the costs of issuing the TIF-related bonds, the actual fees and cost incurred by the city from 3rd party counsel are forwarded on to the developer.
2. Watershed Fees – the fees are determined by Exhibit “G” of the Interlocal agreement for the Papillion Creek Watershed Partnership. The fee changes go into effect on July 1 of each year. The reference allows the fees to go into effect per the terms of the agreement. (Exhibit “G” is attached)
3. Parking Permit Fees - The fees for on-street and off-street parking have been adjusted to better reflect the current market rates. The analysis supporting this proposed change is attached. Given the uncertainty of the development schedule, a short-term parking revenue projection based on these fees would be speculative. While the proposed fee schedule likely will result in an operational subsidy for the Off Street Parking Fund, the exact extent is not known. Staff will continue to evaluate the rate structure and update City Council as more data is available.
4. Sewer Fees - The City Council approved the Sewer Rate Study completed by Burns & McDonnell at the May 21, 2019 City Council meeting. The study recommends a customer charge increase of 2% and

a flow charge increase of 6%, an overall 5% increase annually over the next five years, FY20 through FY24.

The rates recommended in the Master Fee Schedule are effective October 1, 2019 through September 30, 2020 for FY20 and are an overall 5% increase over current rates to achieve cost recovery and an adequate reserve. Rates will be evaluated annually through the rate study model and changes requested in the Master Fee Schedule.

Exhibit G
Watershed Fee Schedule

Fee Category	FY2020	FY2021	FY2022	FY2023	FY2024
	July 1, 2019- June 30, 2020	July 1, 2020- June 30, 2021	July 1, 2021- June 30, 2022	July 1, 2022- June 30, 2023	July 1, 2023- June 30, 2024
Single Family Residential (also includes low density multi-family up to 4-plexes) per dwelling unit	\$931	\$954	\$978	\$1,002	\$1,027
High Density Multi- Family Residential (beyond 4-plexes) per gross acre	\$4,095	\$4,197	\$4,302	\$4,410	\$4,520
Commercial/Industrial/ Institutional per gross acre	\$4,963	\$5,087	\$5,214	\$5,345	\$5,478

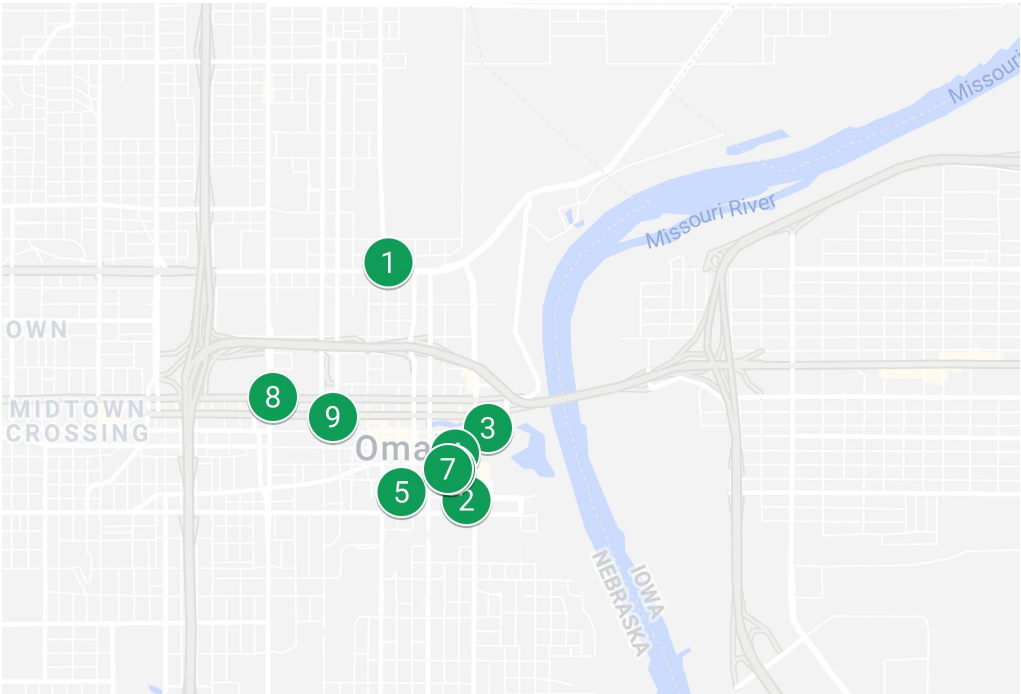
Omaha Parking Rate Review - MAY 2019

Garage Name	Location	Number of Stalls	Owner	1st Hour	Each Additional	Daily Max	Lost Ticket	Evening/ Weekend	Special Event	Monthly Unreserved	Monthly Reserved
Midtown Crossing Ramp A	32nd & Harney	1808	Private	\$0	1st 3 hours free. \$1/hr. thereafter.	\$10.00	\$12.00	N/A	N/A	\$75 - \$95	N/A
Midtown Crossing Ramp C	33rd & Dodge	667	Private	\$0	1st 3 hours free. \$1/hr. thereafter.	\$10.00	\$12.00	N/A	N/A	\$65 - \$95	N/A
Landmark Garage	12 & Harney	525	Private	\$2.00	\$1.00	\$7.00	\$7.00	N/A	N/A	\$80.00	N/A
Tower Park	18th & Douglas		Private	\$1.00	\$1.00	\$12.00	\$12.00	N/A	N/A	\$75.00	N/A
Douglas County Garage	20th & Harney	144	County	\$1.75	\$1.75	N/A		N/A	N/A	\$60.00	N/A
Omaha Park One	1516 Douglas	711	City	\$1.00	\$1.00	\$10.00		N/A	\$8.00	\$82.50	N/A
Omaha Park Three	828 Farnam	83	City	\$0.50	\$0.50	N/A		\$7.00	N/A	\$67.50	N/A
Omaha Park Four	1011 Jackson	432	City	\$1 per hour M-F	\$2 per day F-S	\$10.00	\$15.00	\$5.00	N/A	\$70.00	N/A
Omaha Park Five	301 S 19th Street	454	City	N/A	N/A	N/A		N/A	N/A	\$50.00	N/A
Omaha Park Six	321 N 17th Street	939	City	N/A	N/A	N/A		N/A	N/A	\$75.00	N/A
Omaha Park Seven	100 N 15th Street	688	City	N/A	N/A	N/A		N/A	N/A	\$82.50	N/A
Omaha Park Eight	1215 Capital Ave	1286	City	N/A	N/A	N/A		N/A	N/A	\$82.50	N/A
First National	16th & Dodge	378	Private	\$2.00	\$1.00	\$10.00	\$12.00	N/A	N/A	N/A	N/A
Central City	115 N 18th Street		Private	\$2.00	\$1.00	\$10.00	\$12.00	N/A	N/A	\$80.00	\$105.00
Brandeis Building	17th and Douglas	738	Private	\$2.00	\$1.00	\$10.00	\$10.00	N/A	N/A	\$99.00	N/A
Average				\$1.36	\$1.03	\$9.89		\$6.00	\$1.14	\$82.18	\$21.00

Surface Lots (Pay on Entry)			Owner	1st Hour	Each Additional	Daily Max	Evening/ Weekend	Special Event	Monthly Unreserved	Monthly Reserved
Music Hall	217 N 17th Street	80	City	See Max	See Max	N/A	N/A	\$8.00	\$47.50	N/A
Interstate 1	1512 Chicago Street	163	City	\$0.50	\$0.50	N/A	N/A	\$8.00	\$52.50	N/A
Interstate 2	1604 Chicago Street	129	City	\$0.50	\$0.50	N/A	N/A	\$8.00	N/A	N/A
Interstate 3	1703 Chicago Street	233	City	\$0.50	\$0.50	N/A	N/A	\$8.00	\$47.50	N/A
Old Market	402 S 11 Street	90	Private	\$5.00	See Max	\$5.00	N/A	N/A		
Old Market	373 S 10th Street	130	Private	\$5.00	See Max	\$5.00	N/A	N/A		
Old Market	424 S 15th Street	45	Private	\$5.00	See Max	\$5.00	N/A	N/A		
Old Market	1040 Jackson Street	82	Private	\$5.00	See Max	\$5.00	N/A	N/A		
Heartland Park	800 Douglas Street	113	City	N/A	N/A	N/A	N/A	\$8.00	\$47.50	N/A
Holland Music Hall	1108 Dodge Street		Private	\$5.00	See Max	\$5.00				

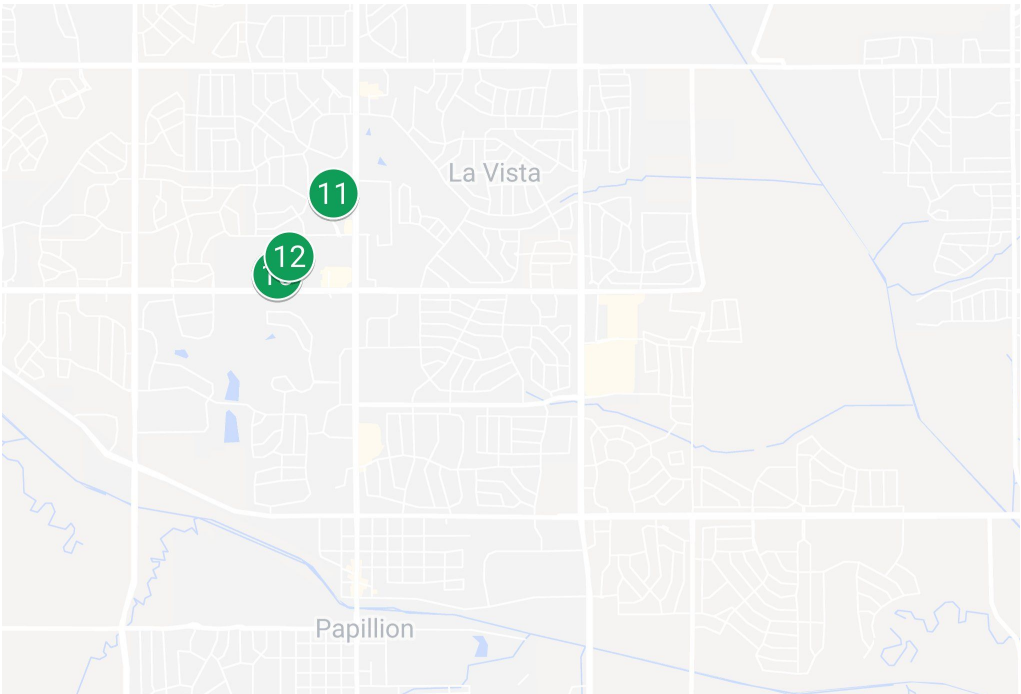
Apartments	Address	Rates
Midtown Luxury	120 S 31st Ave	Included in Rent
Tip Top	1524 Cuming	\$65 for underground
Old Market Lofts	1023 Jones	\$95 for underground, \$50 for outside
Greenhouse	900 Farnam	\$85 for covered controlled attached
Cornerstone	1105 Harney Street	\$115 for underground
Joslyn Lofts	621 S 15th Street	\$117 for underground, \$58 for outside
Old Market Place	1113 Howard	1 spot included, \$100 for each additional
Mayfair	1119 Howard	\$120 for underground
Highline	24 & Dodge	\$80 Heated indoor.
The Bank	19 & Douglas	\$80
The Pointe Apartments	8211 S 87th Plaza	\$60
Shadow Ridge Apartments	8500 Granville Pkwy	\$50 - 95
Inwood Village Apartments	8220 S 87th St	\$55

Monthly Parking Omaha Metro



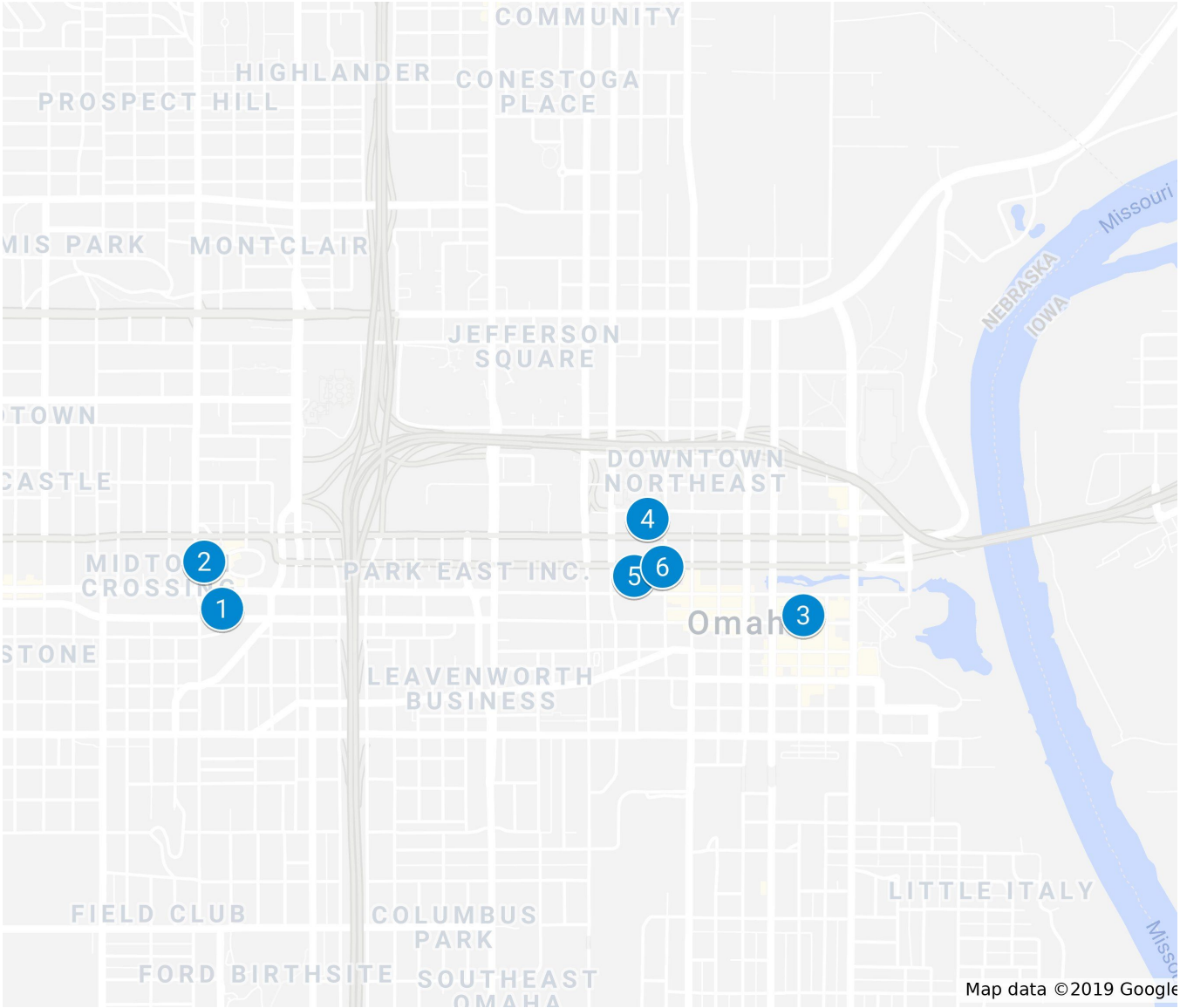
Residential

1 Tip Top	\$65.00
2 Old Market Lofts	\$50.00 - 95.00
3 Greenhouse	\$85.00
4 Cornerstone	\$115.00
5 Joslyn Lofts	\$58.00 - 117.00
6 Old Market Place	1 Free + \$100 each additional
7 Mayfair	\$120.00
8 24th & Dodge NE	\$80.00
9 The Bank	\$80.00
10 The Pointe Apartments	\$60.00
11 Shadow Ridge Apartments	\$50.00 - 95.00
12 Inwood Village Apartments	\$55.00



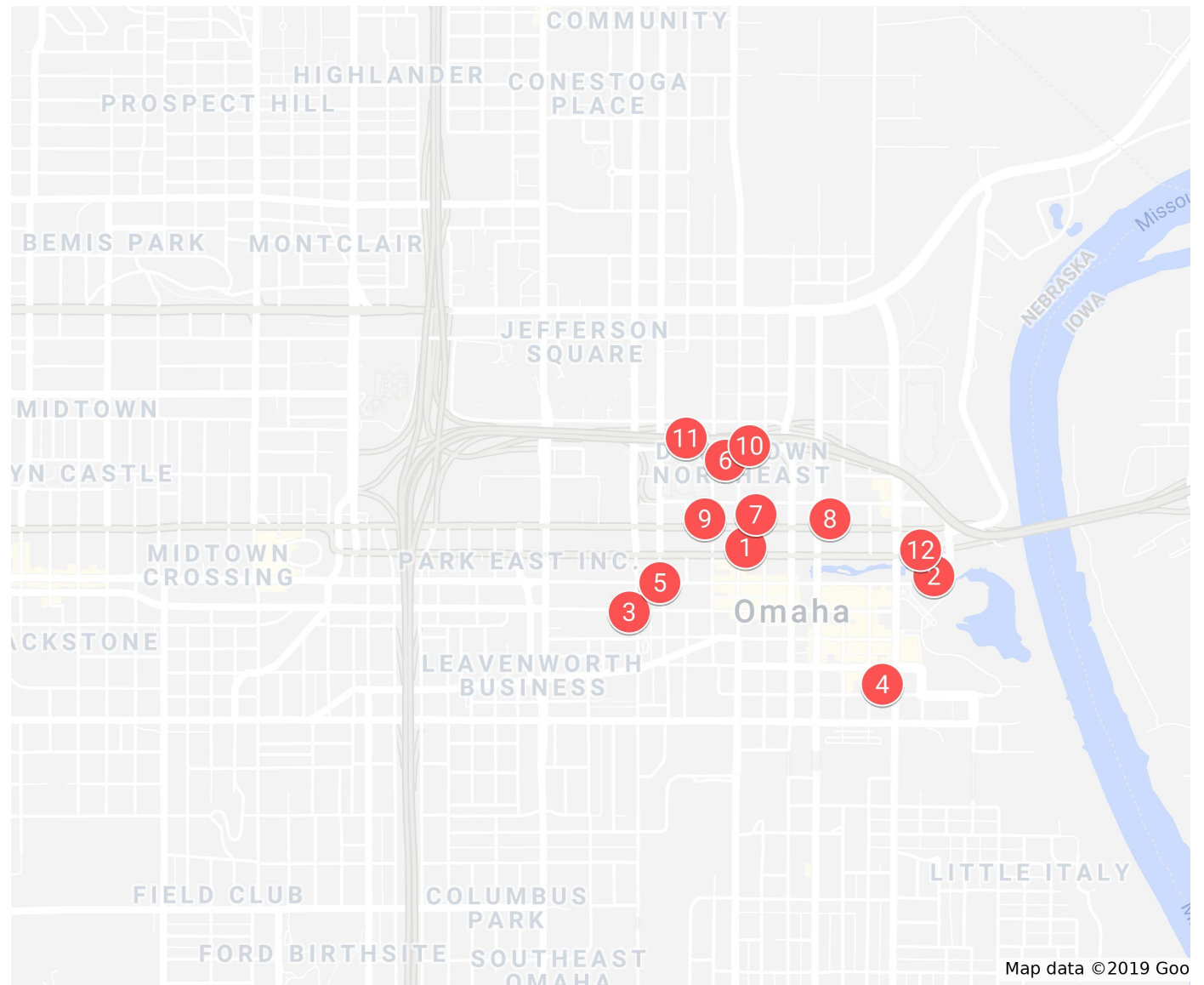
Private

- 1 Midtown Crossing (A) \$75.00 - 95.00
- 2 Midtown Crossing (C) \$65.00 - 95.00
- 3 Landmark Garage \$80.00
- 4 Central City \$80.00
- 5 Tower Park Garage \$75.00
- 6 Brandeis Building \$99.00



Public

1	Park Omaha 1	\$82.50
2	Park Omaha 3	\$67.50
3	Douglas County Garage	\$60.00
4	Park Omaha 4	\$70.00
5	Park Omaha 5	\$50.00
6	Park Omaha 6	\$75.00
7	Park Omaha 7	\$82.50
8	Park Omaha 8	\$82.50
9	Music Hall	\$47.50
10	Interstate 1	\$52.50
11	Interstate 3	\$47.50
12	Heartland Park	\$47.50



ORDINANCE NO. _____

AN ORDINANCE TO AMEND ORDINANCE NO.1324, AN ORDINANCE TO ESTABLISH THE AMOUNT OF CERTAIN FEES AND TAXES CHARGED BY THE CITY OF LA VISTA FOR VARIOUS SERVICES INCLUDING BUT NOT LIMITED TO BUILDING AND USE, ZONING, OCCUPATION, PUBLIC RECORDS, ALARMS, EMERGENCY SERVICES, RECREATION, LIBRARY, AND PET LICENSING; SEWER AND DRAINAGE SYSTEMS AND FACILITIES OF THE CITY FOR RESIDENTIAL USERS AND COMMERCIAL USERS (INCLUDING INDUSTRIAL USERS) OF THE CITY OF LA VISTA AND TO GRANDFATHER EXISTING STRUCTURES AND TO PROVIDE FOR TRACT PRECONNECTION PAYMENTS AND CREDITS; REGULATING THE MUNICIPAL SEWER DEPARTMENT AND RATES OF SEWER SERVICE CHARGES; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE THE EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA:

Section 1. General Fee Schedule. The fees and taxes charged by the City of La Vista for various services, facilities, and occupations shall be, and the same hereby are, fixed in accordance with the following schedule, no modifier shall be used, and such fees and taxes charged shall be in accordance with such rules as the City Council may establish:

BUILDING & USE FEES
(Apply inside City limits and within the Extra-territorial zoning jurisdiction)

Building Permit (Building valuation is determined by the most current issue of the ICC Building Valuation Data)	
General	\$30 Base fee + see building fee schedule
Commercial/Industrial	\$30 Base fee + see building fee schedule
Plan Review Fee	
Commercial (non-refundable)	\$100 or 10% of building permit fee (whichever is greater)
Design Review (non-refundable)	
Tenant Bay Façade Renovation	\$500 (min. fee or actual fee incurred)
Bldgs. 24,999 sq. ft. or less	\$1,500 (min. fee) (or actual fee Incurred)
Bldgs. 25,000 – 49,999 sq. ft.	\$2,000 (min. fee) (or actual fee Incurred)
Bldgs. 50,000 -99,999 sq. ft.	\$3,000 (min. fee) (or actual fee Incurred)
Bldgs. 100,000 + sq. ft.	\$4,000 (min. fee) (or actual fee Incurred)
Replacement Plan Review Fee	\$100 + Request for records fees
Engineer’s Review	\$500
Rental Inspection Program	
License Fees:	
Multi-family Dwellings	\$6.00 per unit
Single-family Dwellings	\$50.00 per property
Duplex Dwellings	\$50.00 per unit
Additional Administrative Processing Fee (late fee)	\$100.00
Inspection Fees:	
Primary Inspection	No charge
Class B Property Inspection (after primary inspection):	
Violation corrected	No charge
Violation not corrected	See Re-inspection Fee below
Re-inspection Fee (no show or follow up inspection)	See Re-inspection Fee below

Re-inspection Fee	\$100.00
Vacant Building Registration Fee	\$500
Penalty Fee Refund Policy	3x Regular permit fee 75% will be refunded when the project is cancelled or not complete within one year. No refund will be given after one year. (Sewer Hook-up Fee is 100% refunded)
Certificate of Occupancy	\$ 50
Temporary Certificate of Occupancy	\$750
Pre-occupancy fee (Occupancy without C.O.)	\$750
Temporary Use Permit (includes tents, greenhouses, event structures)	\$ 50 plus \$10/day
Sign Permit	\$150/sign
Identification Sign, Incidental Sign	\$75/sign
Master Sign Plan (more than 1 sign)	\$150
Common Sign Plan	\$150
Temporary Sign Permit:	
Non-profit or tax exempt organization	\$0
All other temporary signs	\$ 30/year
Tower Development Permit	\$8,500(min fee) (or actual fee incurred)
Co-locates – Towers	\$5,000(min fee) (or actual fee incurred)
Tarp Permit (valid for 6 months)	\$ 30
Solar Panel Permit	\$ 30
Satellite Dish Permit	\$ 30
Wading/Swimming Pools at residence	\$ 30
Dedicated Electrical circuit for pumps	\$ 30
Mechanical Permits	\$30 Base fee + See mechanical fee schedule
Plumbing Permits	\$30 Base fee + See plumbing fee schedule
Sewer Repair Permit	\$30
Backflow protector permit	\$ 30 (\$22 permit & \$8 backflow)
Underground Sprinklers	\$ 30 (\$22 issue fee & \$8 fixture)
Electrical Permits	\$30 Base Fee + See electrical fee
City Professional License (Plumbers; Mech. Contractors)	\$ 15 and a \$1,000,000 Liability, and a \$500,000 bodily injury insurance Certificate per each occurrence Also a \$5,000 Bond is required, naming the City as the recipient.
Demolition of building	\$250 plus Insurance Certificate
Moving Permit (buildings 120 square feet or greater)	\$250 plus Insurance Certificate
Sheds and Fences	\$ 30.00
Sidewalks	\$ 30.00
Driveway Replacement	\$ 30.00
Driveway Approach w/o curb cut or grinding	\$ 30.00
With curb requiring cut plus the 4' apron on each side)	
Contractor (Contractor performs curb cut or grind)	\$ 30.00 plus \$1.00/ft.
City Charge (if City performs curb cuts)	\$50 + \$5/ft. (\$40 set up fee; \$10 permit fee)
City charge (if City performs curb grinds)	\$50 + \$6/ft. (\$40 set up fee; \$10 permit fee)
Utility Cut Permit	\$30.00

Appeal Fee Regarding Issuance or Denial of Curb Cut/Driveway Approach Construction Permit	\$250
Street Paving, Surfacing, Resurfacing, Repairing, Sealing or Resealing Permit	\$ 30.00/Yearly
Appeal Fee Regarding Issuance or Denial of Street Paving, Resurfacing, etc. Permit	\$250

RIGHT-OF-WAY PERMIT FEES

The following are one-time permit fees for structures occupying the public right-of-way:

Canopy or Awning	\$50 for the first 25 ft. + \$10 each additional foot
Balcony	\$75 each
Bicycle Rack	\$50
Light Fixture	\$75 for the first + \$10 each additional light fixture
Marquee	\$50 for the first 25 ft. + \$10 each additional ft.
Sidewalk Café	\$100
Sign	\$100 each (if less than 25 sq. ft.)
	\$300 each (if 25 sq. ft. or larger)
Windscreen	\$400 each
Planter	\$50
Combination of Awning/Canopy/Sign /Light	\$500
Skywalk	\$500
String Lights	\$150
Other structures as approved by the City Administrator	\$300

Provided, however, notwithstanding anything in this Ordinance to the contrary, all property, or parts thereof or improvements thereon, with respect to which legal title is or will be held by or for the benefit of the City of La Vista, La Vista Community Development Agency, City of La Vista Facilities Corporation, La Vista/Metropolitan Community College Condominium Owners Association, Inc., or any other entity directly or indirectly controlled by the City of La Vista as determined by the City Administrator, for a public purpose, and all owners of such property, parts, or improvements, shall be exempt from the Building and Use Fees and/or any other fees in this ordinance. The City of La Vista pursuant to a policy of the City Council also may provide for waiver of any or all such Building and Use Fees, or any other fees under this Ordinance that are payable to the City, with respect any political subdivisions that levy property taxes within the corporate limits of the City, or any entity controlled by any such political subdivision.

FIRE INSPECTION FEES

Plan Review Fees

Commercial Building	10% of building permit fee with a maximum of \$1,000
Fire Sprinkler Plan Review	
1-20 devices	\$100
21-50 devices	\$200
51-100 devices	\$300
101-200 devices	\$400
201-500 devices	\$500
Over 500 devices	\$500 plus \$1.00 per device over 500
Fire Alarm Plan Review	\$50.00

Child Care Facilities:

0 – 8 Children	\$50.00
9 – 12 Children	\$55.00
13 or more children	\$60.00
<u>Foster Care Homes:</u>	
Inspection	\$25.00
<u>Liquor Establishments:</u>	
Non-consumption establishments	\$60.00
Consumption establishments	\$85.00
<u>Nursing Homes:</u>	
50 beds or less	\$55.00
51to 100 beds	\$110.00
101 or more beds	\$160.00
<u>Fire Alarm Inspection:</u>	
Four year license (Test)	\$100.00
NICET	\$25.00 per year NICET certification last
Annual test (witnessed)	\$30.00
<u>Sprinkler Contractor Certificate:</u>	
Annual	\$100.00
<u>Fuels Division:</u>	
Above ground Hazardous Substance Storage Tanks (Title 158)	
Registration	\$25.00 per tank
Re-registration	\$25.00 per tank (Required whenever change is made to tank or contents)
Above ground Petroleum Storage Tanks (Title 153, Chapter 17)	
Inspection Fee	\$50.00 (Per installation regardless of the number of tanks)
Underground Storage Tanks (Title 159, Chapter 2)	
Farm, residential and heating oil tanks	
(tanks with a capacity of 1100gallons or less)	\$10.00 one-time registration fee
All other tanks	\$30.00 per tank, annually
Petroleum Release Remedial Action Fund	\$90.00 per tank, annually
Tank installation	\$60.00 per tank
Piping only installation	\$60.00

GRADING PERMIT FEES

5 acres or less	\$ 500
More than 5 acres	\$1,000

TAX INCREMENT FINANCING (TIF) APPLICATION FEES

<u>Application Fee</u>	<u>\$3,000</u>
<u>Administrative Fee</u>	<u>1.5% on TIF Principal up to \$2,000,000</u> <u>1% on TIF Principal amount above \$2,000,000 thru \$4,000,000</u> <u>No additional administrative fee for TIF Principal above \$4,000,000</u>
<u>Bond Related Fee</u>	<u>Actual Fees, Costs & Expenses Incurred by the City</u>

ZONING FEES

Comprehensive Plan Amendment	\$500
Zoning Map Amendment (rezoning)	\$500

Zoning Text Amendment	\$500
Zoning Verification Letter	\$50
Subdivision Text Amendment	\$500
Conditional Use Permit (1 acre or less)	\$300
Conditional Use Permit (more than 1 acre)	\$500
Conditional Use Permit Amendment	\$200
Flood Plain Development Permit	\$500
Administrative Plat – Lot Split, Lot Consolidation or Boundary Adjustment	\$750+ additional fee of \$250 for review of revised drawings
Preliminary Platting	\$1,000 +additional fee of \$250 for review of revised drawings
Final Platting	\$1000+additional fee of \$250 for review of revised drawings
Subdivision Agreement	\$500 (min. fee) or actual fee incurred
Revised Preliminary Plat	\$500+additional fee of \$250 for review of revised drawings
Replat	\$1500 +additional fee of \$250 for review of revised drawings
P.U.D.	\$1,000+additional fee of \$250 for review of revised drawings
P.U.D. Amendment	\$500 (min. fee) or actual fee incurred
Vacation of Plat and Right of Way Vacation	\$150
Variance, Appeals, Map Interpretation (B.O.A.)	\$250

Watershed Fees —~~the following fees~~ apply to only all new developments or significant redevelopments as specified in Exhibit “G” to the interlocal agreement for the Papillion Creek Watershed Partnership: (fees are remitted to Papillion Creek Watershed Partnership)

Single Family Residential Development (up to 4-plex)	\$864 per dwelling unit
High-Density Multi-Family Residential Development	\$3,803 per gross acre*
Commercial/Industrial Development	\$4,609 per gross acre*
*Computed to the nearest .01 acre.	

OCCUPATION TAXES

Publication fees	\$Actual cost
Class A Liquor License Holder	\$200
Class B Liquor License Holder	\$200
Class C Liquor License Holder	\$600
Class D Liquor License Holder	\$400
Class I Liquor License Holder	\$500
Class L Liquor License Holder	\$500
Class Z Liquor License Holder	\$500
Class AB Liquor License Holder	\$400
Class AD Liquor License Holder	\$600
Class ADK Liquor License Holder	\$800
Class AK Liquor License Holder	\$400
Class ABK Liquor License Holder	\$600
Class BK Liquor License Holder	\$400

Class CK Liquor License Holder	\$800
Class DK Liquor License Holder	\$600
Class IB Liquor License Holder	\$700
Class IBK Liquor License Holder	\$900
Class ID Liquor License Holder	\$900
Class IDK Liquor License Holder	\$1100
Class IK Liquor License Holder	\$700
Special Designated Permit – Liquor Control	\$ 50/day except non-profits
Transfer of Liquor License from One Location to Another (These fees are in addition to the State Fee Requirement)	\$ 25
Amusement Concessions (i.e. Carnivals) (This would include any vendors set up for special functions at the La Vista Sports Complex)	\$ 10/concession/day
Auto dealers - new and used - \$250 plus \$.01 per sq. ft. of inside area, and \$.005 per sq. ft. of outside area used for display, sales or storage.	
Auto repair	\$100
Banks, small loan and finance companies	\$250 plus \$75/each detached facility.
Barber shops, beauty salons, tanning & nail salons	\$ 75 plus \$10 per operator over one.
Bowling Alleys or Billiard/Pool Halls	\$ 50/year + \$10/table or alley (Additional fee for Restaurant or Bar if applicable)
Car washes	\$100 (includes all vacuum & supply vending machines)
Circus, Menagerie or Stage Show	\$ 50/day
Collecting agents, detective agents or agencies and bail bondsmen	\$ 75
Construction/Tradesmen	\$ 75 and a \$1,000,000
Liability, \$500,000 bodily injury insurance certificate	
Convenience stores	\$ 75
Convenience store with car wash	\$120 (Includes all vacuum & supply vending machines)
Dry cleaning or laundry and tailoring	\$ 50
Funeral homes	\$150
Gaming Device Distributors	5% of gross receipts (non-profits exempt)
Games of Chance/Lotteries	5% of gross receipts (non-profits exempt)
Games of Chance/Lottery License Fee	\$ 50/1st location - \$10/ea additional
Gas Companies	5% of gross receipts
Hawkers/Peddlers	\$ 75/day or \$500/year
Home Occupations (not specified elsewhere)	
Home Occupation Permit Application Fee	\$30
Home Occupation 1 and Child Care Home	\$50
Home Occupation Conditional Use Permit – see Zoning Fees	

Hotels/motels – Any hotel or motel in the City shall pay to the City monthly an Occupation Tax equal to 5% of gross receipts from room rentals. Any shops and/or restaurants, which are part of, associated with, or located in or with a hotel or motel facility will be considered a separate business and taxed in accordance with the provisions of this Ordinance and the applicable classifications(s) of the shop and/or restaurant hereunder. The Occupation Taxes with Respect to any banquet and/or ballroom facilities of, or associated with, or located in or with, any such hotel or motel shall be determined in accordance with the square footage schedule above, based on the actual square footage of said facilities.

Movie theatres	\$150/complex and \$75/viewing room
Music, Vending, & Pinball Machines	\$ 20/year/machine +Service
Provider Fee of &75.00 for business outside the City that provides machines for local businesses	

Nurseries, greenhouses, landscaping businesses, and tree trimmers	\$ 75
--	-------

Nursing homes, assisted living, hospitals and retirement homes	\$ 5 per bed
---	--------------

Pawnbrokers	\$ 1.00/pawnbroker
transaction evidenced by a pawnbroker card or ledger entry per Neb. Rev. Stat. Section 69-204. Minimum of \$30/year	

Professional services - engineers, architects, physicians, dentists, chiropractors, osteopaths, accountants, photographers, auctioneers, veterinarians, attorneys, real estate offices and insurance agents or brokers - \$75 plus \$10 per agent or professional over one (1)

Recreation businesses - indoor and outdoor	\$100
--	-------

Restaurants, Bars, and drive-in eating establishments	\$ 50 (5 employees or less) \$100 (more than 5 employees)
---	---

Retail, Manufacturing, Wholesale, Warehousing and Other - Any person or entity engaged primarily in a manufacturing, wholesale, and/or warehousing business shall pay an Occupation Tax based on the schedule below and the actual interior or enclosed square footage of facilities in the City used by said person or entity in the conduct of such business; and any person or entity engaged in a business of making retail sales of groceries, clothing, hardware, notions, furniture, home furnishings, services, paint, drugs, or recreational equipment, and any other person or entity engaged in a business for which an Occupation Tax is not specifically provided elsewhere in this Ordinance, shall pay an Occupation Tax based on the schedule below and actual interior or enclosed square footage of facilities in the City used by said person or entity in the conduct of such business; provided, however, that persons or entities that use a basement or one or more additional floors in addition to the main floor (the main floor being the floor with the greatest total square footage) in the conduct of one or more specified businesses of sales at retail shall determine square footage for purposes of the Occupation Tax imposed hereunder based on the square footage of the entire main floor plus one-half (1/2) of the square footage of all such basement and additional floors.

0	999 sq. ft.	\$ 50
1,000	2,999 sq. ft.	\$ 65
3,000	4,999 sq. ft.	\$ 80
5,000	7,999 sq. ft.	\$ 120
8,000	9,999 sq. ft.	\$ 150
10,000	14,999 sq. ft.	\$ 200
15,000	24,999 sq. ft.	\$ 225
25,000	39,999 sq. ft.	\$ 300
40,000	59,999 sq. ft.	\$ 400
60,000	99,999 sq. ft.	\$ 500
100,000	and greater	\$ 750

Schools - trade schools, dance schools, music schools, nursery school or any type of school operated for profit	\$ 50
--	-------

Service providers, such as persons, firms partnerships or corporations delivering any product, good or service whatsoever in nature within the City	\$ 75
---	-------

Service stations selling oils, supplies, accessories

for service at retail	\$ 75 + \$25.00 for attached car wash
Telephone Companies (includes land lines, wireless, cellular, and mobile)	5% of gross receipts
Telephone Surcharge - 911	\$1.00 per line per month
Tobacco License	\$ 15 (based on State Statute)
Tow Truck Companies	\$ 75
Late Fee (Up to 60 days)	\$ 35
Late Fee (60-90 days)	\$ 75
Late Fee (over 90 days)	Double Occupation tax or \$100, whichever is greater
<u>COVENIENCE FEES</u>	
Credit Cards	3% of transaction with \$2 minimum transaction
E-Checks	\$3 for transactions ≤ \$10,000 \$10 for transactions > \$10,000
<u>OTHER FEES</u>	
Barricades	
Deposit Fee (returnable)	\$ 60/barricade
Block Parties/Special Event	\$ 5/barricade per day
Construction Use	\$30 ea. (7 days maximum)
Blasting Permit	\$1,000
Bucket Truck Rental w/operator	\$150 per hour
Community Garden Plot Rental	\$20 annually
Conflict Monitor Testing	\$200
Cat License Fee (per cat – limit 3)	\$ 5 each if spayed/neutered \$ 15 each if not spayed/neutered \$ 10 each (delinquent) if spayed/neutered \$ 30 each (delinquent) if not spayed/neutered
Senior Citizen Discount (Age 65+)	Free if spayed/neutered
Dog License Fee (per dog – limit 3)	\$ 5 each if spayed/neutered \$ 15 each if not spayed/neutered \$ 10 each (delinquent) if spayed/neutered \$ 30 each (delinquent) if not spayed/neutered
Senior Citizen Discount (Age 65+)	Free if spayed/neutered
Dog/Cat License Handling Fee (in addition to above fees)	\$5
Dog or Cat License Replacement if Lost	\$1
Dog or Cat Capture and Confinement Fee	\$10 + Boarding Costs
MAXIMUM OF 4 DOGS AND/OR CATS WITH NO MORE THAN 3 OF EITHER SPECIES	
Election Filing Fee	1% of Annual Position Salary

Fireworks Sales Permit (Non-Profits)	\$2,500
Handicap Parking Permit Application Fee State	\$ Currently Not Charging Per
Natural Gas Franchisee Rate Filing Fee (For rate changes not associated w/the cost of purchased gas.)	Per Agreement
Open Burning Permit	\$ 10
Parking Permit Fees:	
Vehicle Offstreet Parking District No. 2	
Monthly:	
Uncovered	\$15/Month
Covered	\$25/Month
Monthly Parking	\$50/Month per permit
Off-Street Parking – 3 hours free (\$0), after which \$1.00/hr. up to \$10/day	
(Parking Day runs 6a.m. – 6p.m.)	
On-Street Parking – free (\$0) with three (3) hour limit	
Parking Ticket Fees	
If paid within 7 days of violation date	\$ 20 (\$5 + \$15 admin fee)
If paid after 7 days of violation date but within 30 days	\$ 25 (\$10 + \$15 admin fee)
If paid after 30 days of violation date	\$ 35 (\$20 + \$15 admin fee)
Pawnbroker Permit Fees:	
Initial	\$ 150
Annual Renewal	\$ 100
Pet Store License	\$ 50 (In addition to Occ. License)
Police Officer Application Fee	\$ 20
Public Assembly Permit (requires application and approval)	\$ 00
Returned Check Fee (NSF)	\$ 35
Storage of Explosive Materials Permit	\$ 100
Towing/Impound Fee	\$ 30
Trash Hauling Permit Performance Bond	\$ 25/yr./truck + \$25,000

PUBLIC RECORDS

Request for Records	\$15.00/Half Hour + Copy Costs* (May be subject to deposit)
Audio Tapes	\$5.00 per tape
Video Tapes or CD/DVD	\$10.00 per tape/CD
*Copy costs shall be established by the Finance Director	
Unified Development Ordinance	\$100
Comprehensive Plan	\$ 50
Zoning Map	\$5 11"x17" \$10 12"x36" \$30 36"x120"
Zoning Ordinance w/Map	\$ 30
Subdivision Regulations	\$ 30
Future Land Use Map	\$5 11"x17" \$10 12"x36"

Ward Map	\$30 36"x120" \$ 2
Fire Report	\$ 5
Police Report	\$ 5
Police Photos (5x7)	\$ 5/ea. for 1-15 \$ 3/ea. for additional
Police Photos (8x10)	\$ 10/ea. for 1-15 \$ 5/ea. for additional
Police Photos (Digital)	\$ 10/ea. CD
Criminal history	\$ 10

FALSE AND NUISANCE ALARMS

Registration Fee for Alarm System (not to include single family or duplexes)	\$25
Renewal Fee for Alarm System (not to include single family or duplexes)	\$25
Late Registration Charge	\$35

False Alarm Fee for any false alarm generated by the registrant’s alarm system, a fee in accordance with the following schedule (from 1 January through 31 December of each year) shall be charged:

Number of False/Nuisance Alarms	False/Nuisance Alarm Charge
1	No Charge
2	No Charge
3	\$100.00
4 or more	\$250.00

False Alarm Fee for Alarm Systems without Registration - \$250 per alarm after 1st alarm
(not to include single family or duplexes)

RESPONSE TO LARGE HAZARDOUS MATERIALS INCIDENTS

A Dispatch and mobilization charge of \$300 + mileage shall be charged for response to any incident where no action is taken. If services are provided, the following rates shall apply:

Response Vehicles: One-hour minimum charge. All charges will be made to the closest ¼ hour. Mileage will be charged at \$8.00 per mile per vehicle.

Pumper/Tanker Truck	\$500/hour
Weed Truck	\$150/hour
Aerial Ladder Truck	\$750/hour
Utility Vehicle	\$200
Command Vehicle	\$100
Equipment Charges:	
Jaws of Life	\$250
Power Saw	\$75
Hydraulic jack/chisels	\$75
Cribbing Blocks	\$10
Winches	\$10
Air Bags	\$50
High Lift Jack	\$20

Supplies: The actual City cost of the supplies plus 25% shall be charged for all supplies including but not limited to safety flares, Class A foam, Class B foam, absorbent pads, absorbent material, salvage covers, and floor dry.

RESCUE SQUAD FEES

Basic Life Support Emergency	\$650
Basic Life Support Non-Emergency	\$450
Advanced Life Support Emergency I	\$750
Advanced Life Support Emergency 2	\$950
Advanced Life Support Non-Emergency	\$550
Mileage - per loaded mile	\$ 15

LIBRARY FEES

Membership (Non-Resident Family)	6 month	\$ 35.00
	1 year	\$ 60.00
	1 month	\$ 7.00
Fax		\$2.00 up to 5 pages
Fines		
Books		\$.05/day
Audio Books/Board Games		\$.10/day
DVDs/CDs		\$ 1.00/day
Videos		\$.10/day
Playaway device		\$ 1.00/day
Board Game not returned to Circulation Desk		\$5.00
Damaged & Lost Books		\$5.00 processing fee + actual cost
Videos /DVDs/CDs		\$5.00 processing fee + actual cost
Color Copies		\$.50
Copies		\$.10
Inter-Library Loan		\$3.00/transaction
Lamination – 18” Machine		\$2.00 per foot
Lamination – 40” Machine		\$6.00 per foot
Children’s Mini-Camp		\$10.00

RECREATION FEES

Refund Policy (posted at the Community Center)	\$10.00 administrative fee on all approved refunds
Late Registration Fee	\$10.00

Community Center

	<u>Resident</u>	<u>Non-Resident</u>	<u>Business Groups</u>
Facility Rental			
Gym (1/2 Gym)	\$ 38/Hour	\$ 75/Hour	\$ 75/Hour
Gym (Full)	\$ 75/Hour	\$150/Hour	\$150/Hour
Gym/Stage (Rental)	\$400/Day	\$500/Day	\$500/Day
Whole Community Center	\$600/Day	\$800/Day	\$800/Day
Game Room	\$ 22/Hour	\$ 44/Hour	\$ 44/Hour
Meeting Rooms (Rental)	\$ 12/Hour/Room	\$ 22/Hour/Room	\$ 27/Hour
Kitchen (Rental)	\$ 19/Hour	\$ 27/Hour	\$ 33/Hour
Racquetball Court	\$ 7/Hour	\$ 14/Hour	\$ 14/Hour
Stage (Rental)	\$ 12/Hour	\$ 22/Hour	\$ 27/Hour
Facility Usage	<u>Resident</u>	<u>Non-Resident</u>	
Daily Visit (19 and up)	\$ 3.00	\$ 4.00	
Daily Visit (Seniors 55+)	\$ -0-	\$ 2.00	

Fitness Room (19 and up)		
Membership Card	\$27.00/month	
(Exercise Room, Gym, Racquetball/Walleyball Courts)		
(Mon - Fri 8:00 -5:00 pm)	\$3.00	\$ 4.00/Visit
Gym (19 and up)		
(Mon - Fri 8:00 -5:00 pm)	\$3.00	\$ 4.00/Visit
Resident Punch Card	\$50.00	
(20 punches)		
Non-resident Punch Card		\$35.00
(10 punches)		
Senior (Resident)	\$-0-	
Non-resident Sr. Punch Card		\$20.00
(10 punches)		

Variety of programs as determined by the Recreation Director
Fees determined by cost of program
Classes

	<u>Contractor</u>	<u>City</u>
	75%	25%

Contract Instructor Does Registration and Collects Fees

Fields:

Tournament Fees	\$ 30/Team/Tournament
Tournament Field Fees	\$ 40/Field/Day
Field Rentals (Resident and Non Resident)	\$ 40 / 2 Hours
Gate/Admission Fee	10% of Gross

	<u>Resident</u>	<u>Non Resident</u>
Model Airplane Flying		
Field Pass	\$30*	\$40*
* includes \$10 club membership 1 – year license		

Park Shelters	\$15/3 hours	\$25/3 hours
---------------	--------------	--------------

Swimming Pool	<u>Resident</u>	<u>Non-Resident</u>
Youth Daily	\$ 2	\$ 4
Adult Daily	\$ 3	\$ 4
Resident Tag	\$ 2	
Family Season Pass	\$105	\$165
Youth Season Pass	\$ 65	\$ 95
Adult Season Pass	\$ 75	\$105

30-Day Pass	\$ 55	\$ 85
Season Pass (Day Care)	\$275	\$275
Swim Lessons	\$ 30	\$ 55

*Swimming Pool memberships and specials prices shall be established by the Finance Director

Youth Recreation Programs	<u>Resident</u>	<u>Non-Resident</u>
Coed T-Ball Ages 5-6	\$ 45/55	\$60/70
Softball/Baseball Ages 7-8	\$ 50/60	\$65/75
Softball/Baseball Ages 9-10	\$ 65/75	\$85/95
Softball/Baseball Ages 11-12	\$ 75/85	\$105/115
Softball/Baseball Ages 13-14	\$ 85/95	\$105/115
Softball/Baseball Age 15-18	\$110/120	\$140/150
Basketball Clinic	\$ 17/27	\$22/32
Basketball Grades 3-8	\$ 55/65	\$65/75
Soccer Academy	\$ 33/43	\$53/63
Flag Football	\$ 33/43	\$53/63
Volleyball	\$ 55/65	\$65/75

3 yr. old Soccer Clinic	\$17/27	\$22/33
Programs		
Adult Volleyball– Spring	\$ 55	\$ 55
Adult Spring Softball – Single	\$215	\$215
Adult Spring Softball – Double	\$420	\$420
Adult Volleyball – Fall/Winter	\$110	\$110
Adult Fall Softball – Single	\$120	\$120
Adult Fall Softball – Double	\$235	\$235
Senior Spring Softball	\$15 per game per team	
Senior Fall Softball	\$17 per game per team	

<u>Special Services Van Fees</u>	
Zone 1 Trip within city limits (La Vista & Ralston)	\$1.00 one way
Includes trips to grocery stores and senior center	
Zone 2 Trip outside city limits	\$3.00 one way
Zone 3 Trip outside city limits	\$10.00 one way
Bus pass (each punch is worth \$1.00)	\$30.00

Section 2. Sewer Fee Schedule.

§3-103 Municipal Sewer Department; Rates.

- A. Levy of Sewer Service Charges. The following sewer service charges shall be levied against the user of premises, property or structures of every kind, nature and description, which has water service from any supply source and are located within the wastewater service area of the City of La Vista.
- B. Computation of Sewer Service Charges. For the months of December, January, February and March, the monthly charge for residential sewer services will be computed on the actual water used for these months. The monthly charge for residential sewer service in the months of April, May, June, July, August, September, October and November will be computed on the average water usage of the four (4) preceding winter months of December, January, February and March or for such portion of said consumption, whichever is the lesser. At the option of the City of La Vista, water used from private wells shall be either metered or estimated for billing purposes.
- C. Amount of Sewer Service Charges. The total sewer service charge for each sewer service user will be the sum of three (3) charges: (1) customer charge, (2) flow charge, and (3) abnormal charge.

1. The customer charge is as follows

a. For sewer service users classified as Residential, the same being sewer service to a single family dwelling, or a duplex, apartment, or other multi-family dwelling (e.g. apartments) wherein each dwelling unit has a separate water meter that is read and charged for water and sewer use by the Metropolitan Utilities District - \$~~11.99~~12.23 per month.

b. For sewer service users classified as Residential-Multi-Family, the same being sewer service to Multi-Family dwellings (e.g. apartments) wherein there is only a separate water meter to each building or complex that is read and charged for water and sewer use by the Metropolitan Utilities District - \$~~11.99~~13.11 per month ~~plus an amount equal to \$1.82 times the total number of dwelling units, less one, in the Multi-Family dwellings that comprise an apartment complex. The customer charge for Residential Multi Family sewer service users will be billed by the City of La Vista in addition to the flow charge billing from the Metropolitan~~

~~Utilities District. A late charge of 14% will be applied for Multi-Family sewer use billings.~~

- c. For sewer service users classified as General Commercial: Customers who normally use less than 100,000 cubic feet of water per month and who are not Residential users or Residential-Multi-Family users - ~~\$12.85~~13.11 per month. For sewer service users in this category that require manual billing, add \$10.00 for a total of ~~\$22.85~~23.11. The manual billing of the customer charge will come from the City of La Vista instead of the Metropolitan Utilities District.
- 2. The flow charge for all sewer service users shall be ~~\$3.50~~3.71 per hundred cubic feet (ccf).
- 3. If users have abnormal strength sewage as determined by the terms of the Wastewater Service Agreement between the City of La Vista and the City of Omaha, then additional charges will be billed to the user at the applicable rates as determined by said Agreement.
- 4. If users other than those classified herein are connected to the wastewater collection system, the Customer Charges, the Flow Charges and Other Charges will be determined by the City Council in accordance with rules and regulations of the EPA and the Agreement between the City of La Vista and the City of Omaha.

Section 3. Sewer/Drainage Connection Fee Schedule. A fee shall be paid to the City Treasurer as set forth in this section for each structure or tract to be connected to the sewer system of the City. No connection permit or building permit shall be issued until the following connection fees have been paid.

	Effective1/1/ 2018	2019	Effective
1/1/ 2019 <u>2020</u>			
Residential			
Single Family Dwelling	\$1,298 <u>1,364</u>		\$1,364
Duplex	\$1,298 <u>1,364</u> /unit		\$1,364/unit
Multiple Family	\$ 1,012 <u>1,064</u> /unit		\$1,064/unit
Commercial/Industrial	\$7,048 <u>7,407</u> /acre of land as platted		\$7,407/acre of land as platted

The fee for commercial (including industrial) shall be computed on the number of acres within each platted lot or tract, irrespective of the number of structures to be constructed thereon.

The applicable fee shall be paid in respect to each lot or building site as a condition of City's issuance of any building or sewer connection permit.

- A. Changes in Use. If the use of a lot changes subsequent to payment of the fee, which different use would require payment of a fee greater than that payable in respect to the use for which the fee was originally paid, the difference in fee shall be paid to the City at time of such change in use.
- B. Existing Structures. Structures for which sewer connection and building permits have been issued, and all permit fees in respect thereto paid, prior to the effective date hereof shall be exempt from the fees herein imposed.
- C. Preconnection Payments. Where preconnection payment charges for a subdivision or portion thereof have been paid to City at time of subdivision of a tract pursuant to agreement between the City and the developer and the sanitary and improvement district, if any, financing improvements of the subdivision, the preconnection payment so made shall be credited by City to the sewer/drainage fees payable at time of connection of the individual properties to the sewer/drainage systems of the City.

D. Sewer Tap and Inspection and Sewer Service Fees. The fees imposed by Section 3 hereof are in addition to and not in lieu of (1) sewer tap and inspection fees payable pursuant to Section 3-122 of the La Vista Municipal Code and listed herein and (2) sewer service charges imposed by Section 2 hereof.

Section 4. Sewer Inspection Charges Established for Installation. Inspection charges for nonresidential property sewer installation shall be:

Sewer Tap Fee (Inspection Fee)	
Service Line w/inside diameter of 4"	\$400
Service Line w/inside diameter of 6"	\$600
Service Line w/inside diameter of 8"	\$700
Service Line w/inside diameter over 8"	Special permission/set by Council

Section 5. Miscellaneous Sewer Related Fees: Miscellaneous sewer related fees shall be:

Private Sewage Disposal System Const. Permit	\$	1,500
Appeal Fee Re: Issuance or Denial of Sewer Permits	\$	1,500

Section 6. Repeal of Ordinance No.1324. Ordinance No. 1324 as originally approved on December 5, 2017 and all ordinances in conflict herewith are hereby repealed.

Section 7. Severability Clause. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this ordinance. The Mayor and City Council of the City of La Vista hereby declare that it would have passed this ordinance and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

Section 8. Effective Date. This Ordinance shall take effect from and after its passage, approval and publication in pamphlet form as provided by law; provided, however, that:

(1) Pawnbroker occupation taxes of Section 1 shall be effective April 1, 2003. Pawnbroker occupations taxes shall be payable on a monthly basis no later than the last day of the calendar month immediately following the month in which the subject pawnbroker transactions occur. For example, the occupation tax on pawnbroker transactions for the month of April 2003 shall be due and payable on or before May 31, 2003.

(2) Pawnbroker permit fees shall be effective January 1, 2004. Annual pawnbroker permit fees shall be due and payable annually on or before January 1. Initial pawnbroker permit fees shall be due and payable on or before the date that the pawnbroker license is issued. Issuance of renewal of pawnbroker permits shall be subject to payment of applicable permit fees.

(3) Rental Inspection Program License fees shall be effective January 1, 2011

(4) The remaining provisions of this Ordinance other than those specified in Sections 8(1), 8(2) and 8(3) shall take effect upon publication.

PASSED AND APPROVED THIS _____ DAY OF SEPTEMBER, 2019.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
SEPTEMBER 3, 2019 AGENDA**

Subject:	Type:	Submitted By:
SETTING THE PROPERTY TAX LEVY	◆ RESOLUTION ORDINANCE RECEIVE/FILE	CINDY MISEREZ FINANCE DIRECTOR

SYNOPSIS

A public hearing has been scheduled and a resolution has been prepared to establish the property tax request for FY20.

FISCAL IMPACT

The proposed tax levy would be \$0.55 cents per \$100 of valuation. Specifically:

General Fund — \$0.49
Bond Fund — \$0.06

RECOMMENDATION

Approval.

BACKGROUND

At the City Council budget workshops on July 16, 2019, Council directed staff to prepare the notice of budget statement based upon a municipal levy of \$0.55 cents per \$100 of valuation. A public hearing on the proposed budget was held August 5, 2019.

The County Assessor has notified the City that the 2019 Taxable Valuation in La Vista is \$1,651,417,826 with \$15,469,486 of that amount attributable to new growth.

The Nebraska Legislature recently passed legislation requiring four statements regarding the percentage of change from the prior year's budget be included in the resolution. The numbers included in the resolution come from the state budget form which now automatically includes transfers from one fund to another (see Exhibit A attached). Consequently, this form essentially "counts" a transfer of funds as revenue, even though no additional money is being received. Likewise, due to the configuration of the state form, expenses appear to be less than actual due to construction project schedules spanning multiple years but initially being budgeted in one year. The City has a number of large projects underway resulting in multiple transfers between funds that can vary greatly from year to year depending on the construction schedules.

The General Fund disbursement line item shown on the attached Exhibit 'A' represents operation expenditures of the City and indicates an 8% increase in FY20 over FY19, which is a correct representation despite the fact that this state form shows a bottom line that decreases, again because we are forced to include transfers between other funds in the total.

The amount of revenue generated from property tax shows a 7% increase from FY19 to FY20 due to an increase in property valuations, not an increase in the City's tax levy.

K:\APPS\City Hall\CNCLRPPT (Blue Letters)\19file\19 ADM Budget TaxLevy 09.03.19.docx

RESOLUTION NO.

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA ESTABLISHING THE PROPERTY TAX REQUEST FOR THE FISCAL YEAR 20.

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

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

WHEREAS, it is in the best interest of the City of La Vista that the property tax request for fiscal year 20 be a different amount than the property tax request for the prior year; and

WHEREAS, the FY20 operating budget is a 12% decrease from FY19; and

WHEREAS, the FY20 property tax request is a 7% increase from FY19; and

WHEREAS, the FY20 valuation is a 7% increase from FY19; and

WHEREAS, the FY20 tax rate is a 0% change from FY19,

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of the City of La Vista, Nebraska, by a majority vote, hereby resolve that:
The FY20 property tax requests be set at \$9,082,799.00 which would require a mill levy of \$0.55.

NOW, THEREFORE BE IT FURTHER RESOLVED, by the Mayor and City council of the City of La Vista Nebraska that the property tax to be distributed as follows:

General Fund - \$8,091,948.00 (\$0.49 mill levy)

Bond Fund - \$990,851.00 (\$0.06 mill levy)

A copy of this resolution be certified and forwarded to the County Clerk prior to October 12, 2019.

PASSED AND APPROVED THIS 3RD DAY OF SEPTEMBER 2019.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

	FY19 Adopted	FY20 Proposed	Difference	% Change	Explanation
State Form - Disbursements and Transfers					
General	18,928,426	20,362,760	1,434,334	8%	
Sewer	5,304,388	4,516,571	(787,817)	-15%	Reduction in Sewer Reserve Fund Transfer
Debt Service	7,309,568	4,408,685	(2,900,883)	-40%	Adjusted schedule of construction projects
CIP - Capital Improvement Program	9,072,012	9,979,512	907,500	10%	Update of FY19 year end estimate and shift to FY20
Lottery	1,156,077	1,532,398	376,321	33%	Increase in transfers to CIP and RDF
Golf	0	0	0	0%	
Economic Development	3,134,559	3,137,466	2,907	0%	
Off-Street Parking	7,989,957	1,991,698	(5,998,259)	-75%	Adjusted schedule of construction projects
ReDevelopment	13,703,801	12,233,687	(1,470,114)	-11%	Adjusted schedule of construction projects
Police Academy	95,104	98,596	3,492	4%	
TIF - City Centre Phase 1A	0	541,612	541,612	0%	
TIF - City Centre Phase 1B	0	0	0	0%	
Sewer Reserve	0	0	0	0%	
Qualified Sinking Fund	0	0	0	0%	
Outside Source: SID Transfer	0	0	0	0%	
TOTAL STATE FORM DISBURSEMENTS AND TRANSFERS	66,693,892	58,802,985	(7,890,907)	-12%	

This total number for the state budget form includes transfers out.

Transfers the construction fund can be quite volatile from year to year depending on the construction schedule.

General Fund essentially represents operations, although some transfer activity is included, and experiences an 8% increase from FY20 over FY19.

The amount generated from property tax shows 7% growth due to change in property valuation, not the tax levy.

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
SEPTEMBER 3, 2019 AGENDA**

Subject:	Type:	Submitted By:
CHANGE ORDER NO. 4 CIVIC CENTER PARK PHASE II GRADING	◆ RESOLUTION ORDINANCE RECEIVE/FILE	JEFF CALENTINE DEPUTY DIRECTOR OF PUBLIC WORKS

SYNOPSIS

A resolution has been prepared to approve a change order to the contract with Blade Masters Grounds Mntc., Inc. of Bennington, Nebraska to provide for additions to the work in the amount of \$28,065.00. The contract price increases to an amount not to exceed \$1,869,724.13.

FISCAL IMPACT

The FY19/20 Biennial Budget provides funding in the Capital Improvement Program for this project.

RECOMMENDATION

Approval

BACKGROUND

In May of 2019 Graham Construction relocated the sanitary sewer pipe that ran through the park further to the north to avoid the building footprint of City Centre. To remain in compliance with our stormwater pollution prevention plan that area needed to be seeded. At that time, we asked Blademasters to complete that work under the seeding line item for their current contract. An adjustment needs to be made to this line item to capture this additional work.

Additionally, on August 11, 2019 we received a significant storm event that washed out a large portion of the seeding and grading work that had been performed the week prior. At that time the City instructed Blademasters to do some additional erosion matting to prevent further damage and expedite establishment in advance of the Sept. 17th grand opening.

RESOLUTION NO.

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING CHANGE ORDER NUMBER 4 TO THE CONTRACT WITH BLADE MASTERS GROUND MAINTENANCE, INC., BENNINGTON, NEBRASKA, TO PROVIDE FOR ADDITIONS OF WORK FOR THE CIVIC CENTER PARK PHASE II CONTRACT IN AN AMOUNT NOT TO EXCEED \$28,065.00.

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

WHEREAS, the FY19/20 Biennial Budget provides funding for the project; and

WHEREAS, the contract amount will increase by \$28,065.00 for a contract total of \$1,869,724.13 with change order number 4;

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 4 to the contract with Blade Masters Grounds Maintenance, Inc., Bennington, Nebraska, to provide for additions of work for the Civic Center Park Phase II contract in an amount not to exceed \$28,065.00.

PASSED AND APPROVED THIS 3RD DAY OF SEPTEMBER 2019.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk



AIA

Document G701™ - 2001

Change Order

OWNER ☐
 ARCHITECT ☐
 CONTRACTOR ☐
 FIELD ☐
 OTHER ☐

PROJECT (Name and address)

La Vista Civic Center Park Phase Two
 8305 Park View Blvd.
 La Vista, NE 68128

CHANGE ORDER NUMBER: 04**DATE:** 08/27/2019**ARCHITECT'S PROJECT NUMBER:** 3001.477.01**CONTRACT DATE:** July 18, 2018**CONTRACT FOR:** Stipulated Sum**TO CONTRACTOR (Name and address)**

Blade Masters Grounds Maintenance, Inc.
 PO Box 167
 Bennington, NE 68007

THE CONTRACT IS CHANGED AS FOLLOWS:

(Include, where applicable, any undisputed amount attributable to previously executed Construction Change Directives)

Pricing for the following items affect the contract amount as described below:

- Additional erosion control matting increases the contract amount by: \$10,665.00
- Seeding of the slope between Civic Center Park and the City Centre Development increases the contract amount by: \$17,400.00

The original Contract Sum was	\$	1,744,777.34
The net change by previously authorized Change Orders	\$	96,881.79
The Contract Sum prior to this Change Order was	\$	1,841,659.13
The Contract Sum will be increased by this Change Order in the amount of	\$	28,065.00
The new Contract Sum including this Change Order will be	\$	1,869,724.13

The Contract Time will be unchanged by this Change Order.

The date of Substantial Completion as of the date of this Change Order therefore is August 15, 2019.

NOTE: This Change Order does not include changes in the Contract Sum, Contract Time or Guaranteed Maximum Price which 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.

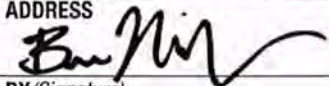
NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.

RDG Planning & Design

ARCHITECT (Firm name)

900 Farnam on the Mall
 Omaha, NE 68102

ADDRESS


 BY (Signature)

Bruce Niedermeyer, PLA

(Typed name)

08/27/2019

DATE

Blade Masters Grounds Maintenance, Inc.

CONTRACTOR (Firm name)

PO Box 167
 Bennington, NE 68007

ADDRESS


 BY (Signature)

Larry Goertz

(Typed name)

8-29-19

DATE

City of La Vista, NE

OWNER (Firm name)

8116 Park View Blvd
 La Vista, NE 68128

ADDRESS


 BY (Signature)

Douglas Kindig

(Typed name)

DATE

AIA Document G701™ - 2001. Copyright © 1979, 1987, 2000 and 2001 by The American Institute of Architects. All rights reserved. WARNING: This AIA® Document is protected by U.S. Copyright Law and International Treaties. Unauthorized reproduction or distribution of this AIA® Document, or any portion of it, may result in severe civil and criminal penalties, and will be prosecuted to the maximum extent possible under the law. This document was produced by AIA software at 09:54:00 on 01/06/2015 under Order No. 7403433253_1 which expires on 04/02/2015, and is not for resale.

User Notes:

(242450372)

I:\Projects\3001\3001.477.01 LaVista. City of - Civic Center Park PH1\Text\07 Const Adm\7.5 Project Changes\7.5.5 Construction Change Directives\Change Order 04\Change Order 04.docx, 7/1/2013 10:55 AM

Page 1

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
SEPTEMBER 3, 2019 AGENDA**

Subject:	Type:	Submitted By:
AWARD CONTRACT – SANITARY SEWER REPAIR	◆ RESOLUTION ORDINANCE RECEIVE/FILE	JOHN KOTTMANN CITY ENGINEER

SYNOPSIS

A resolution has been prepared to award a contract to Burton Plumbing in an amount not to exceed \$12,709.78.

FISCAL IMPACT

The FY19/20 Biennial Budget includes funding for the proposed maintenance.

RECOMMENDATION

Approval

BACKGROUND

During the course of routine inspections, the Sewer Division found a 12 foot long section of public sanitary sewer in the northwest corner of the former golf course clubhouse parking lot that is badly deteriorated. Removal and replacement is required.

Proposals were solicited from three contractors that perform this type of work in the Omaha area. Only one bid was received from Burton Plumbing in the amount of \$12,709.78. The Sewer Division will be providing assistance to the contractor by pumping sewage in an upstream manhole to allow the repair to be made.

RESOLUTION NO.

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AWARDING A CONTRACT TO BURTON PLUMBING, OMAHA NEBRASKA FOR SANITARY SEWER REPAIRS IN AN AMOUNT NOT TO EXCEED \$12,709.78.

WHEREAS, the City Council of the City of La Vista has determined that the removal and replacement of a section of public sanitary sewer at 8503 Park View Blvd. is necessary; and

WHEREAS, the FY19/FY20 Biennial Budget provides funding for the proposed maintenance; and

WHEREAS, bids were solicited, and one bid were received; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska award the contract to Burton Plumbing, Omaha Nebraska for Sanitary Sewer Repairs in an amount not to exceed \$12,709.78.

PASSED AND APPROVED THIS 3RD DAY OF SEPTEMBER, 2019.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk



August 23, 2019

City of LaVista
8305 Park View Blvd
LaVista, NE
Attn: John Kottmann PE
jkottmann@cityoflavista.org

RE: Sanitary Sewer Repair

Burton Plumbing will dig and replace a section 12' long to include the following:

1. Backhoe and operator
2. Laborers
3. Haul off asphalt
4. Rock for bedding and top layer
5. Shoring boxes
6. Backfill and compact
7. Dump truck and driver
8. Pump truck for the hole that we dig

Sum of Labor and Materials \$12,709.78

Note 1: City of LaVista will suck out manhole for bypass while we hook up section of pipe.

Note 2: Any unforeseen problems will be addressed with John.

All material is guaranteed to be as specified. All work to be completed in a professional manner according to code requirements and standard practices. Any alterations or deviations from the above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements are contingent upon strikes, accidents, or delays that are beyond our control. Owner is to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workers Compensation Insurance. Under normal conditions, we have a 2-year parts and labor warranty. **NOTE:** This proposal may be withdrawn if not accepted within 30 days.

ACCEPTANCE OF PROPOSAL: The above prices, specifications and conditions are satisfactory and are herein accepted. You are authorized to do the work as specified.

Signature: _____

Date of Acceptance: _____

When the plumbing's hurtin' . . . just call Burton!

5010 F Street * Omaha, NE 68117 * (402) 343-0011 * Fax (402) 343-1551

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
SEPTEMBER 3, 2019 AGENDA**

Subject:	Type:	Submitted By:
LEASE AGREEMENT -- POLICE DEPARTMENT NARCOTICS VEHICLE	◆ RESOLUTION ORDINANCE RECEIVE/FILE	BOB LAUSTEN POLICE CHIEF

SYNOPSIS

A resolution has been prepared to authorize a lease agreement with Chrysler Capital (representing Baxter Auto Group) in an amount not to exceed \$17,500.

FISCAL IMPACT

The FY 19/20 Biennial Budget provides funding for the proposed lease.

RECOMMENDATION

Approval.

BACKGROUND

The Police Department has an officer assigned to the FBI Greater Omaha Safe Streets Task Force. Funding from the FBI includes resources to provide a vehicle for the Task Force officer. The current lease is expiring, and a new lease is needed. The LVPD selected Baxter Auto Group because they have a closed-end (walkaway) lease. The LVPD currently has a lease for another narcotics vehicle from Baxter that was approved by the City Council in April 2019. This lease would be for 36 months (September 2019—September 2022). Safe Streets Task Force monies fund the entire lease.

RESOLUTION NO.

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE EXECUTION OF A 36-MONTH LEASE AGREEMENT WITH CHRYSLER CAPITAL FOR A TASK FORCE VEHICLE FOR THE POLICE DEPARTMENT IN AN AMOUNT NOT TO EXCEED \$17,500.

WHEREAS, the La Vista Police Department was awarded funding for the Safe Streets Task Force and included is funding for a leased vehicle to be used by the department's Safe Streets Task Force officer; and

WHEREAS, the FY19/20 Biennial Budget provides funding for the project; and

WHEREAS, Section 31.23 of the La Vista Municipal Code requires that the City Administrator secure Council approval prior to authorizing any purchase over \$5,000.00;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize the execution of a lease agreement with Chrysler Capital, for a Safe Streets Task Force funded vehicle for the Police Department in an amount not to exceed \$17,500.

PASSED AND APPROVED THIS 3RD DAY OF SEPTEMBER, 2019.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
SEPTEMBER 3, 2019 AGENDA**

Subject:	Type:	Submitted By:
AUTHORIZATION – PURCHASE MOTOROLA RADIOS	◆ RESOLUTION ORDINANCE RECEIVE/FILE	KEVIN POKORNY DIRECTOR OF ADMINISTRATIVE SERVICES

SYNOPSIS

A resolution has been prepared authorizing the purchase of four (4) APX Two-way radios from Motorola for not to exceed \$12,486.42.

FISCAL IMPACT

Funding for the radios will be purchased from lottery savings in the current FY19 budget.

RECOMMENDATION

Approval

BACKGROUND

Approximately two-weeks ago, the Public Works Department was contacted by Sarpy County Communications regarding their plan to switch the current radio system to an upgraded P25 system sometime in September 2019. As a result, the City took an assessment of all city radios (except Police and PW).

It was discovered there were seven radios in Community Development and City Hall that would have to be replaced. The assessment also considered the current need for seven radios. It was determined Community Development would need to replace three radios and City Hall would need to replace one radio. In working with Sarpy County Emergency Management, the City would have access to their cash radio supply to supplement the need for additional radios on an as needed basis.

RESOLUTION NO.

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE PURCHASE OF FOUR (4) APX TWO-WAY RADIOS FROM MOTOROLA IN AN AMOUNT NOT TO EXCEED \$12,486.42.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of four (4) APX two-way radios is necessary; and

WHEREAS, the FY 19/20 Biennial Budget provides funding for this 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 purchases over \$5,000;

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska authorize the purchase of four (4) APX two-way radios from Motorola in an amount not to exceed \$12,486.42.

PASSED AND APPROVED THIS 3RD DAY OF SEPTEMBER, 2019.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
SEPTEMBER 3, 2019 AGENDA

Subject:	Type:	Submitted By:
PURCHASE OF COMPUTER EQUIPMENT – PARKING STRUCTURE I CAMERA SYSTEM	◆ RESOLUTION ORDINANCE RECEIVE/FILE	TOMMY PROUHET ASST TO THE CITY ADMINISTRATOR

SYNOPSIS

A resolution has been prepared to approve the purchase of equipment needed to implement the security camera and Parking Access and Revenue Control (PARCS) systems in Parking Structure I located at 8121 City Centre Drive, in an amount not to exceed \$13,000.

FISCAL IMPACT

The FY19/20 Biennial Budget provides funding for the proposed purchases.

RECOMMENDATION

Approval

BACKGROUND

The equipment includes:

- | | |
|--|---------------------|
| • Three (3) Security Camera Viewing Stations with Monitors | Dell Online Store |
| • One (1) Extreme x440-G2 48-port Network Switch | C1 Holdings Corp. |
| • One (1) Dell PowerEdge SR6415 Server | Dell Marketing L.P. |
| • Pluggable Transceivers and Fiber Cabling | Amazon.com |

In the interest of safety and security, the construction of Parking Structure I includes the installation of security camera and Parking Access and Revenue Control (PARCS) systems. The above equipment will allow for these systems to be networked into the City's existing infrastructure and for remote viewing and configuration of the security cameras.

RESOLUTION NO.

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE PURCHASE OF THREE (3) SECURITY CAMERA VIEWING STATIONS WITH MONITORS FROM DELL ONLINE STORE, ONE (1) EXTREME X440-G2 48-PORT NETWORK SWITCH FROM C1 HOLDINGS CORP., ONE (1) DELL POWER EDGE SR6415 SERVER, AND PLUGGABLE TRANSCEIVERS AND FIBER CABLING FROM AMAZON.COM IN AN AMOUNT NOT TO EXCEED \$13,000.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of security camera and Parking Access and Revenue Control (PARCS) systems for Parking Structure I are necessary; and

WHEREAS, the FY19/20 Biennial Budget provides funding for the proposed purchases; 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 authorize the purchase of three (3) security camera viewing stations with monitors from Dell Online Store, one (1) Extreme X440-G2 48-port network switch from C1 Holdings Corp., one (1) Dell Power Edge SR6415 server, and pluggable transceivers and fiber cabling from Amazon.com in an amount not to exceed \$13,000.

PASSED AND APPROVED THIS 3RD DAY OF SEPTEMBER, 2019.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
SEPTEMBER 3, 2019 AGENDA**

Subject:	Type:	Submitted By:
APPROVE PLANS & SPECIFICATIONS AND AUTHORIZE SID 237 TO CONTRACT 2019 SPLASH PARK IMPROVEMENTS	◆ RESOLUTION ORDINANCE RECEIVE/FILE	JOHN KOTTMANN CITY ENGINEER

SYNOPSIS

A resolution has been prepared to approve the plans and specifications and authorize the execution of contracts and construction of splash park improvements in SID 237 (Cimarron Woods).

FISCAL IMPACT

SID 237 proposes to use construction fund financing which will become bonded debt of the SID. The low bid is \$380,185.50. There are engineering, legal and financing fees in addition to this which will result in a total project cost of \$500,000.00.

RECOMMENDATION

Approval of the plans and specifications prepared by E&A Consulting Group subject to providing acceptable revisions to the plans per the City Engineer's request.

Approval of SID 237 entering into a contract with Dostals Construction Co. Inc. in the amount of \$380,185.50.

BACKGROUND

Representatives from SID 237 (Cimarron Woods) approached the City regarding the need for splash park improvements as the subdivision agreement requires City approval of plans and expenditures associated with the repair or reconstruction of public improvements.

E & A Consulting Group, Inc. received bids for the project on July 24, 2019 and have identified Dostals Construction Co. Inc. as the low compliant bidder and recommend awarding a construction contract in an amount not to exceed \$380,185.50.

The Subdivision Agreement provides that an administrative fee in the amount of 2% to be collected on the construction cost of public improvements. Since this project is primarily a reconstruction of an existing public improvement on which a fee was previously collected and since no outside consultant review is required, waiving the administrative fee for this project is recommended.

RESOLUTION NO.

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE APPROVAL OF THE PLANS AND SPECIFICATIONS FOR THE CONSTRUCTION OF THE 2019 SPLASH PARK IMPROVEMENTS IN SANITARY DISTRICT NO. 237 CIMARRON WOODS, AND AUTHORIZING THE EXECUTION OF CONTRACTS AND CONSTRUCTION.

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

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

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

1. Providing acceptable revisions to the plans per the City Engineer's request.

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

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska does hereby approve the plans and specifications for construction of the 2019 Splash Park Improvements, copies of which have been filed with the City Clerk, approved by the City Engineer.

BE IT FURTHER RESOLVED, that the City Council does hereby approve the execution of a contract by the District for said improvements with Dostals Construction Co. Inc. in the amount of \$380,185.50.

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

PASSED AND APPROVED THIS 3RD DAY OF SEPTEMBER, 2019.

CITY OF LA VISTA

ATTEST:

Douglas Kindig, Mayor

Pamela A. Buethe, CMC
City Clerk

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
SEPTEMBER 3, 2019 AGENDA**

Subject:	Type:	Submitted By:
ADVERTISEMENT FOR BIDS EROSION CONTROL MAINTENANCE 84 TH STREET REDEVELOPMENT AREA	◆ RESOLUTION ORDINANCE RECEIVE/FILE	JOHN KOTTMANN CITY ENGINEER

SYNOPSIS

A resolution has been prepared authorizing the advertisement for bids for Erosion Control Maintenance in the 84th Street Redevelopment Area.

FISCAL IMPACT

The FY19/20 Biennial Budget includes funding for various Civic Center Park improvements.

RECOMMENDATION

Approval

BACKGROUND

Providing erosion control maintenance in the 84th Street Redevelopment Area is a requirement of the grading permits that the city has obtained. City-owned property in La Vista City Centre and Civic Center Park, including the site of the Interface Improvements, will be addressed by this contract. At such time as construction contracts are awarded for specific projects, erosion control will be part of those contracts and this contract can be closed.

Preparation of plans and specifications for this project have been completed primarily in-house by the City Engineer. The proposed bidding documents include estimated quantities of work. The actual quantities will depend primarily on weather conditions encountered during the next year. The Engineer's Estimate for the proposed construction work is \$47,600. The recommended schedule for bidding this work is:

Publish Notice to Contractors	September 11 and 18, 2019
Open Bids	September 20, 2019 at 10:00 am at City Hall
City Council Award Contract	October 1, 2019

The Notice to Contractors will also be posted on the City's web site.

RESOLUTION NO.

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE ADVERTISEMENT FOR BIDS FOR EROSION CONTROL MAINTENANCE IN THE 84TH STREET REDEVELOPMENT AREA.

WHEREAS, the Mayor and Council have determined that erosion control maintenance in the 84th Street Redevelopment Area is necessary; and

WHEREAS, the FY19/FY20 Biennial Budget provides funding for the proposed project; and

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

Publish Notice to Contractors	September 11 and September 18, 2019
Open Bids	September 20, 2019 at 10:00 am at City Hall
Council Award Contract	October 1, 2019

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 Erosion Control Maintenance in the 84th Street Redevelopment Area.

PASSED AND APPROVED THIS 3RD DAY OF SEPTEMBER, 2019.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

NOTICE TO CONTRACTORS

City of La Vista
La Vista, Nebraska

EROSION CONTROL MAINTENANCE 84TH STREET REDEVELOPMENT AREAS

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 20th day of September, 2019, for the furnishing of all labor, materials, use of Contractor's equipment, plant and all else necessary to provide the construction services for EROSION CONTROL MAINTENANCE, 84TH STREET REDEVELOPMENT AREAS.

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:

Item	Description	Estimated Quantities
1	Mobilizations	20 EA
2	Clean Inlet Filter	40 EA
3	Remove & Replace Inlet Filter	10 EA
4	Remove Silt Fence	1,000 LF
5	Furnish & Install Silt Fence	2,000 LF
6	Furnish & Install Erosion Check, Straw Wattle, 9" Dia., Coir	500 LF
7	Cover Crop Seeding, Alfalfa	4 AC
8	Over Seeding, Type "B"	2 AC
9	Type "B" Seeding w/Seed Bed Prep	1 AC
10	Furnish & Install Temporary Erosion Control Blanket, Type II	3,000 SY
11	Furnish & Install Sodding	100 SY
12	Rental of Rubber-Tired Loader, Fully Operated	24 HR
13	Rental of Skid Loader, Fully Operated	24 HR
14	Rental of Dump Truck, Fully Operated	24 HR

All work called for in the drawings and specifications shall be furnished in strict accordance with the drawings and specifications prepared by the City of La Vista, and now on file with the City Clerk.

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 provide the services in accordance with this Notice to Contractors. 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, 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 bidders 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 procured at the offices of the La Vista Public Works Department, 9900 Portal Road, La Vista, NE, 68128 between the hours of 7 am and 3:30 pm, Monday through Friday. There is no charge for the bidding documents. Project documents may also be examined at the office of the City Clerk of the City of La Vista, 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 be accepted only from those identified on the planholders list kept at the offices of La Vista Public Works.

The City reserves the right to waive informalities and to reject all or any bids.

CITY OF LA VISTA, NEBRASKA

Pamela Buethe, Clerk