

LA VISTA CITY COUNCIL MEETING AGENDA
April 5, 2022
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**

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 March 15, 2022 City Council Meeting**
3. **Request for Payment – METALAB, LLC – Professional Services – 84th Street Underpass – \$21,366.75**
4. **Request for Payment – RDG Planning & Design – Professional Services – Placemaking Phase 1 – \$339,716.81**
5. **Request for Payment – RDG Planning & Design – Professional Services – Placemaking Phase 1 – \$16,305.25**
6. **Request for Payment – DLR Group – Professional Services – La Vista City Centre Parking Structure 2 – \$12,091.63**
7. **Request for Payment – Thompson, Dreesen & Dörner, Inc. – Professional Services – Central Park Improvements – \$9,186.71**
8. **Request for Payment – HGM Associates Inc. – Professional Services – East La Vista Sewer and Pavement Rehabilitation – Phase 2 Final Design – \$25,513.53**
9. **Request for Payment – Olsson, Inc – Professional Services – Chili’s Demolition Additional Services – \$1,420.00**
10. **Approval of Claims**

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

B. Resolution – Audited Comprehensive Annual Financial Report for Fiscal Year Ending September 30, 2021

C. Comprehensive Plan – Future Land Use Map Amendment – Lots 3 & 4 Echo Hills Replat Four

1. **Public Hearing**
2. **Ordinance**

D. Zoning Map Amendment – Lots 3 & 4 Echo Hills Replat Four

1. **Public Hearing**
2. **Ordinance**

E. Planned Unit Development Amendment – Lots 1 – 4 Echo Hills Replat Four

1. **Public Hearing**
2. **Ordinance**

F. Replat & Subdivision Agreement – Echo Hills Replat Five

1. **Resolution – Approve Replat Agreement**
2. **Resolution – Approve Subdivision Agreement**

G. Conditional Use Permit Amendment – Lots 2 – 4 Echo Hills Replat Four

1. **Public Hearing**
2. **Resolution**

H. Resolution – Award Contract – Concession Stand Operations

I. Resolution – Authorize Request for Bids – Central Park East – Access Road/Plaza Phase 1

J. Resolution – Approve Amendment Number 2 – Access Road Modifications – Central Park Plaza – Section 1

- K. Approval of Class I Liquor License Application – Hail Varsity Club LLC dba Hail Varsity Club**
 - 1. Public Hearing**
 - 2. Resolution**
- L. Resolution – Declare Equipment Surplus**
- M. Resolution – Authorize Purchase – Medium Duty Pickup Truck**
- N. Approval of Appointment to fill City Council Vacancy – Ward I**
 - 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 three minutes. We ask for your cooperation in order to provide for an organized meeting.

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MINUTE RECORD

A-2

No. 729 — REDFIELD DIRECT E2106195KV

LA VISTA CITY COUNCIL MEETING March 15, 2022

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 March 15, 2022. Frederick, Ronan, Sheehan, Thomas, Quick, Hale, and Sell. Also in attendance were, City Attorney McKeon, Assistant City Administrator Ramirez, City Clerk Buethe, Director of Public Works Soucie, Director of Administrative Services Pokorny, Library Director Barcal, Community Development Director Fountain, Finance Director Miserez, Recreation Director Stopak and City Engineer Dowse.

A notice of the meeting was given in advance thereof by publication in the Papillion Times on March 2, 2022. 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.

PROCLAMATION – SARPY COUNTY EARTH DAY

Mayor Kindig proclaimed April 22, 2022 as Sarpy County Earth Day and presented the proclamation to Green Bellevue. Green Bellevue also presented an award to public works for their recycling efforts.

APPOINTMENT – PLANNING COMMISSION – REAPPOINT MICHAEL CIRCO – 3 YEAR TERM

Mayor Kindig stated, with the approval of the City Council, he would like to reappoint Michael Circo to the Planning Commission for a 3 year term. Councilmember Sell motioned the approval, seconded by Councilmember Hale. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. APPROVAL OF THE MINUTES OF THE MARCH 1, 2022 CITY
COUNCIL MEETING
3. MONTHLY FINANCIAL REPORT – JANUARY 2022
4. REQUEST FOR PAYMENT – CITY CENTRE MUSIC VENUE, LLC &
ASTRO THEATER, LLC – DISBURSEMENT OF EDP AWARD FUNDS –
\$163,869.70
5. REQUEST FOR PAYMENT – HDR ENGINEERING – PROFESSIONAL
SERVICES – PROJECT MANAGEMENT FOR PUBLIC
IMPROVEMENTS – \$1,449.38
6. REQUEST FOR PAYMENT – HEIMES CORPORATION –
CONSTRUCTION SERVICES – THOMPSON CREEK – CENTRAL
PARK EAST - \$26,626.29
7. REQUEST FOR PAYMENT – DESIGN WORKSHOP, INC –
PROFESSIONAL SERVICES – 84TH STREET BRIDGE – \$900.00
8. REQUEST FOR PAYMENT – NEBRASKA DEPARTMENT OF
TRANSPORTATION – CONSTRUCTION SERVICES – APPLEWOOD
CREEK TRAIL – \$8,696.54
9. REQUEST FOR PAYMENT – SAMPSON CONSTRUCTION –
CONSTRUCTION SERVICES – OFFSTREET PARKING DISTRICT NO.
2, STRUCTURE NO. 2 - \$72,630.00
10. REQUEST FOR PAYMENT – SAMPSON CONSTRUCTION –
CONSTRUCTION SERVICES – OFFSTREET PARKING DISTRICT NO.
2, STRUCTURE NO. 2 - \$99,810.00
11. APPROVAL OF CLAIMS

911 CUSTOM LLC, services	1,168.00
ALLDATA LLC, services	1,500.00

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ALLIANCE FOR INNOVATION, services	1,860.00
AMAZON, services	928.08
AMERICAN HERITAGE LIFE INS CO, services	1,282.29
BACON LETTUCE CREATIVE, services	4,340.00
BEAUMONT, M., travel	175.50
BIG RED LOCKSMITHS, bld&grnds	30.00
BISHOP BUSINESS EQUIPMENT CO, services	115.35
BOK FINANCIAL, bonds	72,521.25
BOOT BARN, apparel	574.97
BUILDERS SUPPLY CO, services	37.43
C&H PRECISION WEAPONS LLC, services	109.42
CCAP AUTO LEASE, services	449.00
CENTURY LINK/LUMEN, phones	440.93
CINTAS CORP, services	294.16
CITY CENTRE 1, LLC, services	8,340.00
CITY OF PAPILLION, services	10,072.05
CORE PRODUCTS LLC, services	829.34
COX COMMUNICATIONS, services	170.15
CULLIGAN OF OMAHA, services	23.00
DEARBORN NAT'L LIFE INS CO, services	7,494.34
DELL MARKETING LP, services	7,340.31
DHHS REG/LIC-POOL PERMIT, services	40.00
DIAMOND VOGEL PAINTS, bld&grnds	517.90
DLR GROUP, services	8,684.16
DONALD B EIKMEIER, services	900.00
EBSCO INFORMATION, services	2,975.96
EDGEWEAR SCREEN PRINTING, apparel	132.00
FASTENAL CO, supplies	437.72
FELSBURG HOLT & ULLEVIG INC, services	1,920.00
FERGUSON ENTERPRISES, bld&grnds	41.28
FLEETPRIDE, maint.	147.46
G I CLEANERS & TAILORS, services	294.00
GENUINE PARTS CO, maint.	474.97
GRAINGER, supplies	63.25
GRAYBAR ELECTRIC CO, bld&grnds	174.08
GREAT PLAINS COMMUNICATION, services	777.60
GRETNA WELDING INC, maint.	150.00
GT DISTRIBUTORS, supplies	576.80
GUARDIAN ALLIANCE TECH, services	482.00
HERITAGE CRYSTAL CLEAN LLC, services	526.85
HITOUCH BUSINESS SERVICES, supplies	248.14
HOLIDAY INN-KEARNEY, travel	677.70
HOLOSUN TECHNOLOGIES INC, services	700.56
HOME DEPOT, bld&grnds	127.34
HY-VEE INC, services	77.00
KANOPY INC, services	303.00
KIMBALL MIDWEST, maint.	1,474.47
KRIHA FLUID POWER CO, maint.	14.39
LARSEN SUPPLY CO, supplies	153.34
LIBRARY IDEAS LLC, books	393.50
LINCOLN NAT'L LIFE INS CO, services	6,900.74
MAPA-METRO AREA PLANNING AGNCY, services	552.00
MEDICA INSURANCE CO, services	120,852.64
MENARDS, bld&grnds	614.97
MERRYMAKERS ASSOCIATION, services	1,200.00
METRO AREA TRANSIT, services	981.00
MUD, utilities	3,691.98
MID-AMERICAN BENEFITS INC, services	10,889.85
MIDWEST TURF & IRRIGATION, maint	1,460.92
OFFICE DEPOT INC, supplies	1,558.04
OMAHA DOOR & WINDOW, bld&grnds	3,588.00

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OMAHA WINDUSTRIAL CO, supplies	23.48
OMAHA WINNELSON, bld&grnds	2,037.18
ONE CALL CONCEPTS INC, services	189.66
O'REILLY AUTO PARTS, maint.	1,293.36
PAPILLION SANITATION, services	1,969.75
PAYROLL MAXX, payroll & taxes	377,734.74
PETTY CASH, supplies	443.22
POLKA DOT ENTERTAINMENT LLC, supplies	200.00
ROCKMOUNT RESEARCH AND ALLOYS, maint.	516.56
RTG BUILDING SERVICES, bld&grnds	6,665.00
SECURITY EQUIPMENT INC, services	189.75
SIGN IT, services	688.50
THOMPSON DREESSEN & DORNER INC, services	13,806.60
TORNADO WASH LLC, maint.	567.00
TRACTOR SUPPLY, bld&grnds	11.44
TRANS UNION RISK, services	75.00
U.S. CELLULAR, phones	1,914.46
UNITE PRIVATE NETWORKS LLC, services	4,400.00
UNITED HEALTHCARE INS CO, services	45.87
US BANK NATIONAL ASSOCIATION, supplies	13,336.83
VAL VERDE ANIMAL HOSPITAL, services	110.60
VERIZON WIRELESS, phones	18.02
VOIANCE LANGUAGE, services	25.00
WALMART, supplies	998.58
WESTLAKE HARDWARE INC, supplies	807.82
WOODHOUSE FORD-BLAIR, maint.	809.01
WORLD TRADE PRESS, services	400.00

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

REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

Recreation Director Stopak reported on upcoming activities and that Metro Community College and the City of La Vista will be providing classes through March 2022.

Chief of Police Lausten reported that last Wednesday at 72nd and Harrison Street there was a double fatality accident.

B. ORDINANCE -- AMEND MASTER FEE ORDINANCE -- PARK OPEN GREEN SPACE

City Clerk Buethe read Ordinance No. 1448 entitled: AN ORDINANCE TO AMEND ORDINANCE NO.1432, AN ORDINANCE TO ESTABLISH THE AMOUNT OF CERTAIN FEES AND TAXES CHARGED BY THE CITY OF LA VISTA FOR VARIOUS SERVICES INCLUDING BUT NOT LIMITED TO BUILDING AND USE, ZONING, OCCUPATION, PUBLIC RECORDS, ALARMS, EMERGENCY SERVICES, RECREATION, LIBRARY, AND PET LICENSING; SEWER AND DRAINAGE SYSTEMS AND FACILITIES OF THE CITY FOR RESIDENTIAL USERS AND COMMERCIAL USERS (INCLUDING INDUSTRIAL USERS) OF THE CITY OF LA VISTA AND TO GRANDFATHER EXISTING STRUCTURES AND TO PROVIDE FOR TRACT PRECONNECTION PAYMENTS AND CREDITS; REGULATING THE MUNICIPAL SEWER DEPARTMENT AND RATES OF SEWER SERVICE CHARGES; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE THE EFFECTIVE DATE HEREOF.

Councilmember 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, Ronan, Sheehan, Thomas, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion passed.

Councilmember Sheehan made a motion to approve final reading and adopt Ordinance 1448. Councilmember Frederick seconded the motion. Upon roll call vote the following Councilmembers voted aye Frederick, Ronan, Sheehan, Thomas, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. The passage and adoption of said ordinance having been concurred on by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor, in the presence of the Council, signed and approved the ordinance and the City Clerk attested the passage/approval of the same and affixed her signature thereto.

**C. RESOLUTION – AUTHORIZE RELEASE OF LETTER OF CREDIT –
ACQUISITION OF DEMOLITION RIGHTS – CHILI’S GRILL & BAR, LOT 8, CITY
CENTRE (ACTION ON THIS ITEM WILL BE TAKEN BY THE COMMUNITY
DEVELOPMENT AGENCY)**

Councilmember Thomas introduced and moved for the adoption of Resolution No. 22-016 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VISTA NEBRASKA, ACTING AS THE LA VISTA COMMUNITY DEVELOPMENT AGENCY, APPROVING RELEASE OF LETTER OF CREDIT IN CONNECTION WITH AGREEMENT AND EASEMENT INSTRUMENT AND DEMOLITION RIGHTS WITH RESPECT TO LEASEHOLD IMPROVEMENTS OF THE CHILI’S GRILL AND BAR, LOT 8, LAVISTA CITY CENTRE REPLAT THREE IN THE 84TH STREET REDEVELOPMENT AREA.

WHEREAS, the La Vista Community Development Agency (“Agency”) and City of La Vista entered an agreement (“City - Agency Agreement”) for the Agency to act as lead agent and contract and otherwise provide for all actions or requirements for demolition and site preparation of the former Brentwood Crossing shopping area located in the vicinity of 84th Street and Brentwood Drive, with the City Engineer designated as the project manager and the City to fund and pay for all costs arising under the agreement from proceeds of the additional one-half of one percent local sales and use tax approved by voters in 2014 for public infrastructure projects within the 84th Street Redevelopment Area, or other available resources; and

WHEREAS, the City Council, acting as the La Vista Community Development Agency and based on advice of the City Engineer, determined that acquisition of demolition rights was necessary to carry out such demolition and site preparation (“Demolition Rights”); and

WHEREAS, proposed agreements, including without limitation an Easement and Demolition Agreement and Demolition and Site Preparation Easement (“Agreement and Easement Instrument”), to acquire such Demolition Rights with respect to building and other improvements of the Chili’s Grill and Bar located in the vicinity of 84th Street and Brentwood Drive were approved by the City Council and the La Vista Community Development Agency on October 3, 2017 and together with other applicable documents and instruments were executed and entered by the City, Agency, La Vista City Centre, LLC (“Redeveloper”) or other appropriate parties. Redeveloper obligations under the Agreement and Easement Instrument were secured by a \$1.1 million Irrevocable Standby Letter of Credit issued by Dundee Bank to the benefit of the City and Agency, and held by the City Clerk (“Letter of Credit”); and

WHEREAS, the Agreement and Easement Instrument initially specified October 10, 2021 as the date by which all Redeveloper obligations would be met, including relocation to the new Chili’s, in order to facilitate demolition and site preparation work, which date the parties at the end of 2021 extended six months, along with the Letter of Credit (“Extended Letter of Credit”); and

WHEREAS, Chili’s has since relocated to its new location, demolition and site preparation with respect to the old Chili’s building and improvements on Lot 8, La Vista City Centre Replat Three have been completed, and the parties desire release of the Extended Letter of Credit.

NOW, THEREFORE, BE IT RESOLVED, that the City Council, acting as the La Vista Community Development Agency and pursuant to the City - Agency

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Agreement and the Redevelopment Plan for the 84th Street Redevelopment Area, as amended, hereby approve and authorize the City Clerk to release and deliver to an authorized representative of Redeveloper the Irrevocable Standby Letter of Credit in the amount of \$1.1 million issued on December 11, 2017 and extended October 29, 2021 by Dundee Bank and naming the City of La Vista and La Vista Community Development Agency as beneficiaries.

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

D. RESOLUTION – AUTHORIZE RELEASE OF LETTER OF CREDIT – ACQUISITION OF DEMOLITION RIGHTS – CHILI’S GRILL & BAR, LOT 8, CITY CENTRE

Councilmember Thomas introduced and moved for the adoption of Resolution No. 22-017 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA NEBRASKA, APPROVING RELEASE OF LETTER OF CREDIT IN CONNECTION WITH AGREEMENT AND EASEMENT INSTRUMENT AND DEMOLITION RIGHTS WITH RESPECT TO LEASEHOLD IMPROVEMENTS OF THE CHILI’S GRILL AND BAR, LOT 8, LAVISTA CITY CENTRE REPLAT THREE IN THE 84TH STREET REDEVELOPMENT AREA.

WHEREAS, the La Vista Community Development Agency (“Agency”) and City of La Vista entered an agreement (“City - Agency Agreement”) for the Agency to act as lead agent and contract and otherwise provide for all actions or requirements for demolition and site preparation of the former Brentwood Crossing shopping area located in the vicinity of 84th Street and Brentwood Drive, with the City Engineer designated as the project manager and the City to fund and pay for all costs arising under the agreement from proceeds of the additional one-half of one percent local sales and use tax approved by voters in 2014 for public infrastructure projects within the 84th Street Redevelopment Area, or other available resources; and

WHEREAS, the City Council, acting as the La Vista Community Development Agency and based on advice of the City Engineer, determined that acquisition of demolition rights was necessary to carry out such demolition and site preparation (“Demolition Rights”); and

WHEREAS, proposed agreements, including without limitation an Easement and Demolition Agreement and Demolition and Site Preparation Easement (“Agreement and Easement Instrument”), to acquire such Demolition Rights with respect to building and other improvements of the Chili’s Grill and Bar located in the vicinity of 84th Street and Brentwood Drive were approved by the City Council and the La Vista Community Development Agency on October 3, 2017 and together with other applicable documents and instruments were executed and entered by the City, Agency, La Vista City Centre, LLC (“Redeveloper”) or other appropriate parties. Redeveloper obligations under the Agreement and Easement Instrument were secured by a \$1.1 million Irrevocable Standby Letter of Credit issued by Dundee Bank to the benefit of the City and Agency, and held by the City Clerk (“Letter of Credit”); and

WHEREAS, the Agreement and Easement Instrument initially specified October 10, 2021 as the date by which all Redeveloper obligations would be met, including relocation to the new Chili’s, in order to facilitate demolition and site preparation work, which date the parties at the end of 2021 extended six months, along with the Letter of Credit (“Extended Letter of Credit”); and

WHEREAS, Chili’s since has relocated to its new location, demolition and site preparation with respect to the old Chili’s building and improvements on Lot 8, La Vista City Centre Replat Three have been completed, and the parties desire release of the Extended Letter of Credit.

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NOW, THEREFORE, BE IT RESOLVED, that the City Council, pursuant to the City - Agency Agreement and the Redevelopment Plan for the 84th Street Redevelopment Area, as amended, hereby approve and authorize the City Clerk to release and deliver to an authorized representative of Redeveloper the Irrevocable Standby Letter of Credit in the amount of \$1.1 million issued on December 11, 2017 and extended October 29, 2021 by Dundee Bank and naming the City of La Vista and La Vista Community Development Agency as beneficiaries.

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

**E. RESOLUTION – APPROVE PROPOSED GUARANTEED MAXIMUM PRICE –
AUTHORIZE PREPARATION OF AMENDMENT TO THE CONSTRUCTION
MANAGER AT RISK CONTRACT – JE DUNN CONSTRUCTION COMPANY**

Councilmember Frederick introduced and moved for the adoption of Resolution No. 22-018 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING A GUARANTEED MAXIMUM PRICE (GMP) OF \$15.9 MILLION FOR THE CONSTRUCTION OF THE LINK AND AUTHORIZING THE PREPARATION OF AN AMENDMENT TO THE CONSTRUCTION MANAGER AT RISK CONTRACT WITH JE DUNN CONSTRUCTION COMPANY, OMAHA, NEBRASKA THAT INCLUDES THE GMP AND ANY ADDITIONAL CONDITIONS FOR CONSTRUCTION.

WHEREAS, the Mayor and City Council of the City of La Vista on April 20, 2021 approved the use of the Construction Manager at Risk (CMR) process for the Central Park Pavilion (now known as The Link) and Site Improvement Project; and

WHEREAS, an RFP process was completed and on September 21, 2021 JE Dunn Construction Company was approved as the CMR and contract negotiations were authorized; and

WHEREAS, a construction contract with JE Dunn was approved on February 1, 2022, authorizing them to proceed with Preconstruction Services necessary to complete design of the project; and

WHEREAS, the aforementioned approved contract indicated that a contract amendment to establish a guaranteed maximum price (GMP) would be brought to Council when Preconstruction Services had been completed; and

WHEREAS, Preconstruction Services have been completed and a GMP has been established as presented and discussed at the March 1, 2022 City Council meeting; and

WHEREAS, the FY21/FY22 Biennial Budget contains funding for this project; 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 expenditure over \$5,000.00.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska do hereby approve a Guaranteed Maximum Price (GMP) in the amount of \$15.9 million for construction of The Link and authorize preparation of an amendment to the Construction Management at Risk contract with JE Dunn Construction Company, Omaha, Nebraska in a format satisfactory to the City Attorney and City Administrator.

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

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F. RESOLUTION – APPROVE CONTRACT – ROBERT HALF – TEMPORARY STAFF

Councilmember Frederick introduced and moved for the adoption of Resolution No. 22-019 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA TO APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH ROBERT HALF INTERNATIONAL, INC TO PROVIDE SERVICES ASSOCIATED WITH THE HIRING OF A FINANCIAL ANALYST.

WHEREAS, the City Council of the City of La Vista has determined that assistance in filling the vacant Financial Analyst position is necessary; and

WHEREAS, the FY22 vacancy savings provides the budget authority to fund this request; and

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

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council hereby approve a professional services agreement with Robert Half International, Inc to provide professional services associated with filling the Financial Analyst position.

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

G. RESOLUTION – INTERLOCAL COOPERATION AGREEMENT – ANIMAL CONTROL SERVICES

Councilmember Thomas introduced and moved for the adoption of Resolution No. 22-020 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL COOPERATION AGREEMENT WITH THE NEBRASKA HUMANE SOCIETY, SARPY COUNTY, CITY OF BELLEVUE, CITY OF GRETNA, CITY OF SPRINGFIELD, CITY OF PAPIILLION AND THE CITY OF RALSTON FOR ANIMAL CONTROL 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 enter into an interlocal cooperation agreement for the purpose of providing animal control services in an efficient and effective manner; and

WHEREAS, the City of La Vista is desirous of coordinating animal control services within the City and County;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of La Vista, Nebraska, hereby authorize the Mayor to execute an Interlocal Cooperation Agreement with The Nebraska Humane Society, Sarpy County, City of Bellevue, City of Gretna, City of Springfield, City of Papillion and the City of Ralston for animal control services subject to modifications as the City Administrator deems necessary to maintain the existing level of service in the City and further direct the City Clerk to attest the same.

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

H. RESOLUTION – AUTHORIZE REQUEST FOR PROPOSALS – PRINTING AND MAILING SERVICES

Councilmember Frederick introduced and moved for the adoption of Resolution No. 22-021 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE REQUEST FOR PROPOSALS FOR PRINTING AND MAILING SERVICES FOR COMMUNITY GUIDES, QUARTERLY NEWSLETTERS AND POSTCARDS.

WHEREAS, the Mayor and Council have determined that printing and mailing services are necessary; and

WHEREAS, the FY21/FY22 Biennial Budget provides funding for the proposed services; and

WHEREAS, proposals will be due April 8, 2022 with the approval of selected vendor by the City Council on May 3, 2022, subject to the discretion of the City;

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council hereby authorize the request for proposals for printing and mailing services for Community Guides, quarterly newsletters, and postcards.

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

I. VACANCY – COUNCILMEMBER – WARD I

1. ACCEPT RESIGNATION – COUNCILMEMBER CRAWFORD

Councilmember Thomas made a motion to accept Councilmember Crawford's resignation. Seconded by Councilmember Sheehan. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

2. RECEIVE AND FILE NOTICE AND DECLARE VACANCY – CITY COUNCILMEMBER – WARD I

Councilmember Thomas made a motion to receive and file notice and declare vacancy. Seconded by Councilmember Frederick. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

J. RESOLUTION – AUTHORIZE PURCHASE – HIGH PRESSURE SPRAY WASHER

Councilmember Thomas introduced and moved for the adoption of Resolution No. 22-022 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE PURCHASE OF A HIGH PRESSURE SPRAY WASHER IN AN AMOUNT NOT TO EXCEED \$15,000.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of a high pressure spray washer is necessary; and

WHEREAS, the FY21/FY22 Biennial Budget provides funding for the proposed purchase, and

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

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize the purchase of a high pressure spray washer in an amount not to exceed \$15,000.

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

COMMENTS FROM THE FLOOR

There were no comments from the floor.

COMMENTS FROM MAYOR AND COUNCIL

Councilmember Frederick commented on the high usage of the dog park.

MINUTE RECORD March 15, 2022

No. 729 -- REDFIELD DIRECT E2106195KV

Mayor Kindig commented on legislation.

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

PASSED AND APPROVED THIS 5TH DAY OF APRIL 2022.

CITY OF LA VISTA

Kim J. Thomas, Acting Mayor

ATTEST:

Pamela A. Buehe, MMC
City Clerk

METALAB, LLC
2003 KANE ST
HOUSTON, TX 77007
(713)426-3640
andrew@metalabstudio.com



INVOICE

BILL TO
LVG La Vista Gateway
8116 Park View Blvd.
La Vista, NE 68128

INVOICE # 2543
DATE 03/14/2022
DUE DATE 03/14/2022
TERMS Due on receipt

ACTIVITY	QTY	RATE	AMOUNT
Services:Lump Sum			17,000.00
Architecture Conceptualization Services (2 of 3)			
Reimbursed Travel Expenses:Travel-Airfare			1,046.80
United Airlines Joe Meppelink			
Reimbursed Travel Expenses:Travel-Airfare			1,046.80
United Airlines Andrew Vrana			
Reimbursed Travel Expenses:Travel-Airfare			1,046.80
United Airlines Shane Allbritton			
Reimbursed Travel Expenses:Travel-Transportation/Parking			347.38
Avis Car Rental			
Reimbursed Travel Expenses:Travel-Hotel			268.99
Embassy Suites Joe Meppelink			
Reimbursed Travel Expenses:Travel-Hotel			268.99
Embassy Suites Andrew Vrana			
Reimbursed Travel Expenses:Travel-Hotel			268.99
Embassy Suites Shane Allbritton			
Reimbursed Travel Expenses:Travel-Transportation/Parking			72.00
IAH Airport Parking			

BALANCE DUE

\$21,366.75



Remit To:
 RDG Planning & Design
 301 Grand Avenue
 Des Moines, Iowa 50309

Rita Ramirez
 City of La Vista
 8116 Parkview Blvd
 La Vista, NE 68128

January 31, 2022
 Project No: R3003.066.01
 Invoice No: 50026

Project R3003.066.01 LaVista, City of - Placemaking Ph1 SD-CA

Professional Services through January 31, 2022

Fee

Billing Phase	Fee	Billed %	Earned	Prior Fee	Current Fee
Schematic Design	149,000.00	100.00	149,000.00	0.00	149,000.00
Design Development	180,000.00	100.00	180,000.00	0.00	180,000.00
Construction Documents	275,330.00	3.80	10,462.54	0.00	10,462.54
Bidding/Negotiation	44,000.00	0.00	0.00	0.00	0.00
Contract Administration	244,000.00	0.00	0.00	0.00	0.00
Total Fee	892,330.00		339,462.54	0.00	339,462.54
Total Fee					339,462.54

Reimbursable Expenses

Printing	203.27
Travel	51.00
Total Reimbursables	254.27
	254.27

Billing Limits

	Current	Prior	To-Date
Expenses	254.27	0.00	254.27
Limit			8,600.00
Remaining			8,345.73

Total this Invoice \$339,716.81

16,71,0917.000
R. Ramirez
3-25-22





Remit To:
RDG Planning & Design
301 Grand Avenue
Des Moines, Iowa 50309

Rita Ramirez
 City of La Vista
 8116 Parkview Blvd
 La Vista, NE 68128

February 28, 2022
 Project No: R3003.066.01
 Invoice No: 50263

Project R3003.066.01 LaVista, City of - Placemaking Ph1 SD-CA
Professional Services through February 28, 2022
Fee

Billing Phase	Fee	Billed %	Earned	Prior Fee	Current Fee
Schematic Design	149,000.00	100.00	149,000.00	149,000.00	0.00
Design Development	180,000.00	100.00	180,000.00	180,000.00	0.00
Construction Documents	275,330.00	9.7221	26,767.79	10,462.54	16,305.25
Bidding/Negotiation	44,000.00	0.00	0.00	0.00	0.00
Contract Administration	244,000.00	0.00	0.00	0.00	0.00
Total Fee	892,330.00		355,767.79	339,462.54	16,305.25
Total Fee					16,305.25

Billing Limits	Current	Prior	To-Date
Expenses	0.00	254.27	254.27
Limit			8,600.00
Remaining			8,345.73

Total this Invoice \$16,305.25

Outstanding Invoices

Number	Date	Balance
50026	1/31/2022	339,716.81
Total		339,716.81

16,710,917.000

R. Ramirez
 3-25-22



Invoice



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

Pat Dowse
 Director Public Works
 City of La Vista
 Email Inv: pdowse@cityoflavista.org
 City of La Vista
 8116 Park View Boulevard
 La Vista, NE 68128-2198

March 10, 2022
 Project No: 10-17105-41
 Invoice No: 0200323

Project 10-17105-41 La Vista City Cntr Parking Structure2 CS

Billing Period: February 1, 2022 to February 28, 2022

Fee

Billing Phase	Fee	Percent Complete	Earned	Previous Fee Billing	Current Fee Billing
Construction Services	198,750.00	22.00	43,725.00	31,800.00	11,925.00
Total Fee	198,750.00		43,725.00	31,800.00	11,925.00
Total Fee					11,925.00

Consultants

Olsson, Inc				144.10	
Total Consultants				144.10	144.10

Reimbursable Expenses

Travel Expenses-Mileage				22.53	
Total Reimbursables				22.53	22.53

Billing Limits

	Current	Prior	To-Date
Expenses	22.53	20.34	42.87
Limit			13,000.00
Remaining			12,957.13

Total this Invoice

\$12,091.63

Outstanding Invoices

Number	Date	Balance
0199300	2/10/2022	8,684.16
Total		8,684.16

Billings to Date

	Current	Prior	Total
Fee	11,925.00	31,800.00	43,725.00
Consultant	144.10	727.38	871.48
Expense	22.53	20.34	42.87
Totals	12,091.63	32,547.72	44,639.35

*Ok To PA-1
 Pmd 3/23/22
 15.71.0917.000 - CMOV19002*



Thompson, Dreessen & Dorner, Inc.
 Consulting Engineers & Land Surveyors

A-7
INVOICE

Please remit to:
 TD2 Nebraska Office
 10836 Old Mill Road, Omaha, NE 68154
 Office: 402/330-8860 Fax: 402/330-5866

TD2 South Dakota Office
 5000 S. Minnesota Ave., Ste. 300, Sioux Falls, SD 57108
 Office: 605/951-0886

CITY OF LA VISTA
 PAT DOWSE
 9900 PORTAL ROAD
 LA VISTA, NE 68128

Invoice number 149297
 Date 03/22/2022

Project 0171-422 CENTRAL PARK
 IMPROVEMENTS

Professional Services from February 7, 2022 through March 06, 2022

Description	Contract Amount	Prior Billed	Remaining	Current Billed
Task 1 - Topographic Survey	3,500.00	3,500.00	0.00	0.00
Task 2 thru 4-Design Work except Task 2.4	39,500.00	39,500.00	0.00	0.00
Task 2.4	20,000.00	13,541.53	5,409.16	1,049.31
<i>Subconsultant Services - Felsburg Holt Ullevig</i>				
Task A1.1	2,600.00	2,540.00	60.00	0.00
Task A1.2 - Right of Way Documents	6,300.00	5,060.00	1,240.00	0.00
Task A1.3 - Coordinate B2E Environmental Services	1,100.00	1,110.00	-10.00	0.00
Task A1.4 - Coordinate RDG Planning/Design Services	5,500.00	40.00	5,460.00	0.00
Task A1.5-Prepare NPDES NOI, SWPPP Plan, and Grading Permit	2,500.00	260.00	2,240.00	0.00
Task A1.6 - Prepare Constr Plans/Specs-Srvc Drive Connection to Park View Blvd	12,000.00	6,862.60	1,877.40	3,260.00
Task A1.7-Constr Phase Srvcs - Staking/Testing/Observation/CA	75,500.00	14,977.00	55,645.60	4,877.40
Total	168,500.00	87,391.13	71,922.16	9,186.71

Invoice total 9,186.71

Aging Summary

Invoice Number	Invoice Date	Outstanding	Current	Over 30	Over 60	Over 90	Over 120
149297	03/22/2022	9,186.71	9,186.71				
	Total	9,186.71	9,186.71	0.00	0.00	0.00	0.00

Terms Net 30 Days. A Finance Charge of 1 1/2% Per Month (18% per Annum) Will Be Charged on Past Due Accounts. Also Liable for all Legal and Collection Fees. Invoices not paid within 90 days of the invoice date will be subject to possible lien filings.

OK TO PAY
 PMD 3/23/22
 16,710,917.000 - Pmt 20001



INVOICE

5022 S 114th Street
 Suite 200
 Omaha, NE 68137
 (712) 323-0530

Invoice Number: 702619-14
 Date: March 25, 2022
 Client Code: 7220
 P.O. Number: 20-008340

City of LaVista
 Attn: Mr. Patrick Dowse, P.E.
 9900 Portal Road
 LaVista, NE 68128

Progress billing for engineering services for the East LaVista Sewer and Pavement Rehabilitation - Phase 2 Final Design, per agreement dated June 4, 2019 & Amendments..

**HGM - Survey & Design
 Through: March 15, 2022**

	Hours	Rate	Current Period	Billed To Date
001: Phase I Investigation (LS \$53,340)				
			90% Complete	\$48,006.00
002: Trekk (\$90,420) (Hrly)				\$89,172.71
003: Thiele Geotech (\$18,675) (Hrly)				\$18,675.00
004: Emspace & Lovgren (\$9,775) (Hrly)				\$11,809.67
005: Amendment 1 HGM (LS \$923)				
			100% Complete	\$923.00
006: Amendment 1 TREKK (\$4,000) (Hrly)				\$4,000.00
007: Phase 2 Final Design (Hrly)				
Administrative Assistant IV	0.50	82.77	\$41.39	
Design Engineer	93.00	92.23	\$8,577.39	
Design Engineer	5.50	132.06	\$726.33	
Engineer Technician III	1.50	110.21	\$165.32	
Senior Project Engineer	17.50	204.32	\$3,575.60	
			<u>\$13,086.03</u>	\$197,283.38
008: Phase 2 Final Design TREKK (Hrly)				\$45,915.95
009: Phase 2 Final Design Emspace (Hrly)				\$4,812.33
010: Midwest Right of Way (\$58,725) (Hrly)				
Midwest Right of Way Services			\$10,942.50	

Hours	Rate	Current Period	Billed To Date
Midwest Right of Way Services		<u>\$1,485.00</u>	
		\$12,427.50	\$12,427.50
Total Amount Billed			<u>\$433,025.54</u>
Less Previous Invoices			<u>\$407,512.01</u>
Invoice Total			<u><u>\$25,513.53</u></u>

Outstanding Invoices

Invoice	0 - 30	31 - 60	61-90	Over 90	Balance
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OK TO PAID
 PMD 3/30/22
 OJ. 71.0917.000 - SEWRAP

Invoice



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

March 24, 2022
 Invoice No: 415283

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

Invoice Total \$1,420.00

Olsson Project # T16-05460 La Vista Community Development Agency Existing Chilis Demolition
 Additional Services

Professional services rendered February 6, 2022 through March 12, 2022 for work completed in accordance with agreement dated April 29, 2021.

Phase 200 Project Management

Billing Limits	Current	Prior	To-Date
Total Billings	0.00	664.00	664.00
Limit			750.00
Balance Remaining			86.00
Total this Phase			0.00

Phase 300 Final Construction Documents

Billing Limits	Current	Prior	To-Date
Total Billings	0.00	5,000.00	5,000.00
Limit			5,000.00
Total this Phase			0.00

Phase 310 Hazardous Materials Survey (Contractor)

Billing Phase	Fee	Percent Complete	Billed To Date	Previous Fee Billing	Current Fee Billing
Hazardous Materials Survey (Contractor)	1,375.00	100.00	1,375.00	1,375.00	0.00
Total Fee	1,375.00		1,375.00	1,375.00	0.00
Subtotal					0.00

INVOICE PAYMENT IS REQUESTED WITHIN 30 DAYS

Total this Phase 0.00

Phase 500 On-Site Construction Administration

Labor

	Hours	Rate	Amount	
Stolp, Jeffrey	3.00	85.00	255.00	
Construction Services				
Amys, Ryan	4.00		0.00	
Totals	7.00		255.00	
Total Labor				255.00

Unit Billing

Field Vehicle 1175	40.0 Miles @ 0.75	30.00	
Total Units		30.00	30.00

Billing Limits

	Current	Prior	To-Date	
Total Billings	285.00	0.00	285.00	
Limit			1,750.00	
Balance Remaining			1,465.00	
				Total this Phase \$285.00

Phase 540 On-Site Construction Observation

Labor

	Hours	Rate	Amount	
Davelis, Jason	14.00	71.00	994.00	
Totals	14.00		994.00	
Total Labor				994.00

Unit Billing

Field Vehicle 1257	28.0 Miles @ 0.75	21.00	
Total Units		21.00	21.00

Billing Limits

	Current	Prior	To-Date	
Total Billings	1,015.00	0.00	1,015.00	
Limit			6,250.00	
Balance Remaining			5,235.00	
				Total this Phase \$1,015.00

Phase 545 Survey Post Verification

INVOICE PAYMENT IS REQUESTED WITHIN 30 DAYS

Billing Limits	Current	Prior	To-Date
Total Billings	0.00	0.00	0.00
Limit			3,500.00
Balance Remaining			3,500.00
Total this Phase			0.00

Phase 550 Special Inspections / Testing

Labor	Hours	Rate	Amount
Construction Services Senior Technician	1.50	75.00	112.50
Totals	1.50		112.50
Total Labor			112.50

Unit Billing			
Field Vehicle 1175	10.0 Miles @ 0.75		7.50
Total Units			7.50

Billing Limits	Current	Prior	To-Date
Total Billings	120.00	0.00	120.00
Limit			1,500.00
Balance Remaining			1,380.00
Total this Phase			\$120.00

AMOUNT DUE THIS INVOICE \$1,420.00

Email Invoice(s) to: pdowse@cityoflavista.org

Authorized By: Eric Williams

*OK TO PAY
PMD 3/17/22
16.71.0918.000 - C.M.R. 20002*

COUNCIL REVIEWED

Check #	Check Date	Vendor Name	Amount	Voided
1872(E)	03/16/2022	CITY CENTRE MUSIC VENUE LLC	163,869.70	N
136628	03/16/2022	DESIGN WORKSHOP INC	900.00	N
136629	03/16/2022	HDR ENGINEERING INC	1,449.38	N
136630	03/16/2022	HEIMES CORPORATION	26,626.29	N
136631	03/16/2022	NE DEPT OF TRANSPORTATION	8,696.54	N
136632	03/16/2022	SAMPSON CONSTRUCTION CO., INC	172,440.00	N
1873(E)	03/30/2022	US BANK NATIONAL ASSOCIATION	9,897.75	N
1880(E)	03/30/2022	ACTIVE NETWORK LLC	744.11	N
1881(E)	03/30/2022	BLACK HILLS ENERGY	11,027.92	N
1882(E)	03/30/2022	BOK FINANCIAL	324,081.25	N
1883(E)	03/30/2022	CCAP AUTO LEASE LTD	391.12	N
1884(E)	03/30/2022	CENTURY LINK/LUMEN	972.60	N
1885(E)	03/30/2022	CENTURY LINK/LUMEN	89.52	N
1886(E)	03/30/2022	FIRST STATE BANK	2,137.23	N
1887(E)	03/30/2022	FIRST STATE BANK	4,399.70	N
1888(E)	03/30/2022	FNIC	233,684.75	N
1889(E)	03/30/2022	GREATAMERICA FINANCIAL SERVICES	1,461.54	N
1890(E)	03/30/2022	METROPOLITAN UTILITIES DISTRICT	2,359.83	N
1891(E)	03/30/2022	MID-AMERICAN BENEFITS INC	12,462.08	N
1892(E)	03/30/2022	NE DEPT OF REVENUE-SALES TAX	62.37	N
1893(E)	03/30/2022	OMAHA PUBLIC POWER DISTRICT	39,133.40	N
1894(E)	03/30/2022	PAYROLL MAXX	364,892.76	N
1895(E)	03/30/2022	SUCCESS FACTORS INCORPORATED	11,408.51	N
1896(E)	03/30/2022	TOSHIBA FINANCIAL SERVICES	265.40	N
1903(E)	03/31/2022	ACTIVE NETWORK LLC	42.31	N
1904(E)	03/31/2022	NE DEPT OF REVENUE-50G GAMING	100.00	N
1905(E)	03/31/2022	PAYROLL MAXX	371,860.78	N
1906(E)	03/31/2022	ROBERT HALF	2,256.25	N
136633	03/31/2022	1-800 RADIATOR	1,463.98	N
136634	03/31/2022	A-RELIEF SERVICES INC	96.00	N
136635	03/31/2022	AA WHEEL & TRUCK SUPPLY INC	277.06	N
136636	03/31/2022	ACEC OF NEBRASKA	25.00	N
136637	03/31/2022	AGA	130.00	N
136638	03/31/2022	AMAZON CAPITAL SERVICES, INC.	911.16	N
136639	03/31/2022	ANDERSON, PATTI	163.80	N
136640	03/31/2022	AT&T MOBILITY LLC	97.68	N
136641	03/31/2022	AUTOGRAPHIX INC	500.00	N
136642	03/31/2022	BADGER BODY & TRUCK EQUIP CO INC	860.00	N
136643	03/31/2022	BERGANKDV LLC	35,000.00	N
136644	03/31/2022	BIBLIONIX LLC	3,640.00	N
136645	03/31/2022	BIBLIOTHECA LLC	20.65	N
136646	03/31/2022	BIG RED LOCKSMITHS	17.50	N
136647	03/31/2022	BISHOP BUSINESS EQUIPMENT	1,412.56	N
136648	03/31/2022	BISHOP BUSINESS EQUIPMENT COMPANY	422.16	N
136649	03/31/2022	BIZCO, INC.	4,772.64	N
136650	03/31/2022	BOBCAT OF OMAHA	1,681.50	N
136651	03/31/2022	BUETHE, PAM	310.05	N

User: mgustafson

DB: La Vista

COUNCIL REVIEWED

Check #	Check Date	Vendor Name	Amount	Voided
136652	03/31/2022	CALENTINE, JEFFREY	1,500.00	N
136653	03/31/2022	CENTER POINT, INC.	45.54	N
136654	03/31/2022	CINTAS CORPORATION NO. 2	285.68	N
136655	03/31/2022	COLLAB. SUMMER LIBRARY PROGRAM	501.50	N
136656	03/31/2022	COMP CHOICE INC	467.50	N
136657	03/31/2022	CORNHUSKER INTL TRUCKS INC	1,439.09	N
136658	03/31/2022	COX COMMUNICATIONS, INC.	294.06	N
136659	03/31/2022	CPS HUMAN RESOURCE SERVICES	713.00	N
136660	03/31/2022	CRIMINAL ADDICTION INC	300.00	N
136661	03/31/2022	CULLIGAN OF OMAHA	151.25	N
136662	03/31/2022	CUMMINS CENTRAL POWER LLC	645.06	N
136663	03/31/2022	D & K PRODUCTS	3,619.40	N
136664	03/31/2022	DASH MEDICAL GLOVES	155.90	N
136665	03/31/2022	DATASHIELD CORPORATION	20.00	N
136666	03/31/2022	DEMCO INCORPORATED	217.38	N
136667	03/31/2022	DIAMOND VOGEL PAINTS	161.09	N
136668	03/31/2022	DOUGLAS COUNTY SHERIFF'S OFC	200.00	N
136669	03/31/2022	DULTMEIER SALES LLC	2,098.92	N
136670	03/31/2022	EBSCO INFORMATION SERVICES	887.00	N
136671	03/31/2022	EMBLEM ENTERPRISES INC	721.18	N
136672	03/31/2022	ENCYCLOPEDIA BRITANNICA INC	900.00	N
136673	03/31/2022	EVENT STRUCTURE SOLUTIONS, LLC	6,651.67	N
136674	03/31/2022	FASTENAL COMPANY	11.44	N
136675	03/31/2022	FEDEX	62.23	N
136676	03/31/2022	FERGUSON ENTERPRISES INC #226	417.19	N
136677	03/31/2022	FILTER CARE OF NEBRASKA	50.50	N
136678	03/31/2022	FUN EXPRESS LLC	540.40	N
136679	03/31/2022	GALE	523.86	N
136680	03/31/2022	GENERAL FIRE & SAFETY EQUIP CO	180.00	N
136681	03/31/2022	GREAT PLAINS UNIFORMS	450.00	N
136682	03/31/2022	GREY HOUSE PUBLISHING	345.00	N
136683	03/31/2022	H & H CHEVROLET LLC	136.85	N
136684	03/31/2022	HANEY SHOE STORE	150.00	N
136685	03/31/2022	HEIMES CORPORATION	275.80	N
136686	03/31/2022	HUNTEL COMMUNICATIONS, INC	170.00	N
136687	03/31/2022	HY-VEE INC	1,989.88	N
136688	03/31/2022	INGRAM LIBRARY SERVICES	3,047.82	N
136689	03/31/2022	JENSEN TIRE AND AUTO #11	92.15	N
136690	03/31/2022	JOHNSON CONTROLS FIRE PROTECTION LP	327.15	N
136691	03/31/2022	KIMBALL MIDWEST	169.55	N
136692	03/31/2022	KRIHA FLUID POWER CO INC	198.20	N
136693	03/31/2022	LA VISTA COMMUNITY FOUNDATION	210.00	N
136694	03/31/2022	LABRIE, DONALD P	150.00	N
136695	03/31/2022	LARSEN SUPPLY COMPANY	100.71	N
136696	03/31/2022	LARSON, CRYSTAL	450.00	N
136697	03/31/2022	LAUSTEN, ROBERT S	59.19	N
136698	03/31/2022	LIBRARY IDEAS LLC	1,014.85	N

User: mgustafson

DB: La Vista

COUNCIL REVIEWED

Check #	Check Date	Vendor Name	Amount	Voided
136699	03/31/2022	LOGO LOGIX EMBROIDERY & SCREEN	3,154.65	N
136700	03/31/2022	LOWE'S CREDIT SERVICES	168.51	N
136701	03/31/2022	MARCO INCORPORATED	158.77	N
136702	03/31/2022	MENARDS-RALSTON-CORPORATE	1,620.61	N
136704	03/31/2022	METROPOLITAN COMMUNITY COLLEGE	32,756.62	N
136705	03/31/2022	MIDWEST TAPE	329.29	N
136706	03/31/2022	MIDWEST TURF SUPPORT LLC	2,790.00	N
136707	03/31/2022	MNJ TECHNOLOGIES DIRECT INC	368.00	N
136708	03/31/2022	MOSS ADAMS	38,606.25	N
136709	03/31/2022	NATIONAL ENTERTAINMENT TECH INC	2,000.00	N
136710	03/31/2022	NEBRASKA STATE PATROL	2,230.50	N
136711	03/31/2022	NEBRASKALAND TIRE, INC.	1,366.06	N
136712	03/31/2022	NORM'S DOOR SERVICE	582.00	N
136713	03/31/2022	NPZA-NE PLANNING/ZONING ASSN	100.00	N
136714	03/31/2022	OFFICE DEPOT INC	1,544.92	N
136715	03/31/2022	OMAHA WINNELSON SUPPLY	311.82	N
136716	03/31/2022	OMNI ENGINEERING	457.38	N
136717	03/31/2022	ON THE SPOT PRODUCTIONS	6,960.00	N
136718	03/31/2022	PER MAR SECURITY SERVICES	895.92	N
136719	03/31/2022	PETTY CASH-PAM BUETHE	400.00	N
136720	03/31/2022	POSITIVE CONCEPTS/ATPI	436.00	N
136721	03/31/2022	RAMADA MIDTOWN CONFERENCE CENTER	929.50	N
136722	03/31/2022	REACH SPORTS MARKETING GROUP, INC.	900.00	N
136723	03/31/2022	READY MIXED CONCRETE COMPANY	918.23	N
136724	03/31/2022	ROBERT T. HENNRICH	701.00	N
136725	03/31/2022	SAPP BROS, INC.	542.50	N
136726	03/31/2022	SARPY COUNTY COURTHOUSE	8,627.92	N
136727	03/31/2022	SIGN IT	961.00	N
136728	03/31/2022	SOUTHERN UNIFORM & EQUIPMENT	205.24	N
136729	03/31/2022	SPIC & SPAN LINEN SPLY (SPIN LINEN)	95.00	N
136730	03/31/2022	SUBURBAN NEWSPAPERS INC	628.84	N
136731	03/31/2022	TED'S MOWER SALES & SERVICE INC	131.17	N
136732	03/31/2022	THE COLONIAL PRESS, INC	11,617.34	N
136733	03/31/2022	THE FILTER SHOP, INC.	54.80	N
136734	03/31/2022	THE PENWORTHY COMPANY	396.03	N
136735	03/31/2022	THOMPSON DREESSEN & DORNER, INC.	375.00	N
136736	03/31/2022	TRUCK CENTER COMPANIES	65.94	N
136737	03/31/2022	TY'S OUTDOOR POWER & SERVICE	174.90	N
136738	03/31/2022	UNITED PARCEL SERVICE	20.25	N
136739	03/31/2022	UNIVERSITY OF NEBRASKA LINCOLN	315.00	N
136740	03/31/2022	UTILITY EQUIPMENT COMPANY	1,175.73	N
136741	03/31/2022	VERIZON CONNECT NWF, INC.	631.41	N
136742	03/31/2022	VERIZON WIRELESS	383.81	N
136743	03/31/2022	WALMART COMMUNITY BRC	316.64	N
136744	03/31/2022	WATKINS CONCRETE BLOCK CO INC	42.90	N
136745	03/31/2022	WESTLAKE HARDWARE INC NE-022	4.99	N
136746	03/31/2022	WESTLAKE HARDWARE INC NE-022	707.86	N

ACCOUNTS PAYABLE CHECK REGISTER

COUNCIL REVIEWED

Check #	Check Date	Vendor Name	Amount	Voided
136747	03/31/2022	WOODHOUSE FORD OF OMAHA	93.32	N
136748	03/31/2022	WOODHOUSE FORD-BLAIR	688.88	N
1897(A)	04/05/2022	ABM INDUSTRIES, INC	8,995.31	N
1898(A)	04/05/2022	CITY OF OMAHA	258,475.54	N
1899(A)	04/05/2022	CITY OF PAPILLION - MFO	233,475.00	N
1900(A)	04/05/2022	QUESTICA LTD.	562.50	N
1901(A)	04/05/2022	STRATEGIC GOVERNMENT RESOURCES INC	10,998.37	N
1902(A)	04/05/2022	VIVERE APARTMENTS	1,480.00	N
149	CHECKS PRINTED	TOTAL CLAIM AMOUNT:	\$2,495,542.04	0

COUNCIL REVIEWED

Check #	Check Date	Vendor Name	Amount	Voided
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APPROVED BY COUNCIL MEMBERS ON: 04/05/2022

COUNCIL MEMBER

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
APRIL 5, 2022 AGENDA**

Subject:	Type:	Submitted By:
AUDITED ANNUAL COMPREHENSIVE FINANCIAL REPORT FOR FISCAL YEAR ENDED SEPTEMBER 30, 2021	◆ RESOLUTION ORDINANCE RECEIVE/FILE	CINDY MISEREZ FINANCE DIRECTOR

SYNOPSIS

A resolution has been prepared to accept the following reports:

- The Annual Comprehensive Financial Report (Annual Report) for the fiscal year ended September 30, 2021, including the independent auditor’s report and the auditor’s Report on Compliance with Government Accounting Standards
- The Financial Report for the Economic Development Fund – LB840, including the independent auditor’s report

FISCAL IMPACT

N/A.

RECOMMENDATION

Approval.

BACKGROUND

The Annual Report, while facilitating transparency and full disclosure, goes beyond the minimum requirements of generally accepted accounting principles to not only assess the financial health of the City but to ensure that users of the financial statements have the information they need to do so themselves. The transmittal letter, management discussion and analysis, required supplementary information and statistical section enhance the presentation of the financial statements and note disclosures.

The Government Finance Officers Association (GFOA) awarded a Certification of Achievement for Excellence in Financial Reporting (COA) to the City of La Vista for its Annual Report for the fiscal year ended September 30, 2020. This is the second year the City has achieved this prestigious award. A Certificate of Achievement is valid for a period of one year only. We believe that our current Annual Report will meet the COA Program’s requirements and will once again submit it to the GFOA to determine its eligibility.

The certified public accountants, Bergan KDV, LLP have submitted to the City their *Independent Auditor’s Report (included in the Annual Report)* and the *Report on Compliance with Government Auditing Standards*. The auditor’s reports state that the City’s financial statements were tested and present fairly, in all material respects, the financial position of the City and disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING THE MUNICIPAL AUDIT FOR THE TWELVE MONTHS ENDED SEPTEMBER 30, 2021 AS PREPARED BY THE AUDITING FIRM OF BERGAN KDV, LLP, OMAHA, NEBRASKA.

WHEREAS, the City of La Vista has contracted with the firm of Bergan KDV, LLP, Omaha, Nebraska, to complete an audit of the City's municipal operations for the twelve months ended September 30, 2021; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, that the municipal audit for the twelve months ended September 30, 2021 is hereby accepted and approved.

PASSED AND APPROVED THIS 5TH DAY OF APRIL 2022.

CITY OF LA VISTA

Kim J. Thomas, Acting Mayor

ATTEST:

Pamela A. Buethe, MMC
City Clerk

Annual Comprehensive Financial Report

FOR THE FISCAL YEAR ENDED
SEPTEMBER 30, 2021

**CITY OF LA VISTA,
NEBRASKA**

City of La Vista, Nebraska
Annual Comprehensive Financial Report
For the Fiscal Year Ended
September 30, 2021
Prepared by:
The Finance Department

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INTRODUCTORY SECTION

City of La Vista, Nebraska

List of Elected and Appointed Officials September 30, 2021

Elected Officials

Mayor

Douglas Kindig

City Council

Ward I

Kim Thomas, Council President
Mike Crawford

Ward II

Terrilyn Quick
Ron Sheehan

Ward III

Alan Ronan
Deb Hale

Ward IV

Kelly Sell
Jim Frederick

Appointed Officials

City Administrator
Chief of Police
City Attorney
City Clerk
City Engineer
Director of Public Works
Finance Director

Brenda Gunn
Bob Lausten
Tom McKeon (FSBB, PC,LLO)
Pam Buethe
Pat Dowse
Joe Soucie
Cindy Miserez

Executive Management Team

City Administrator
Assistant City Administrator
Chief of Police
Director of Administrative Services
Director of Public Works

Brenda Gunn
Rita Ramirez
Bob Lausten
Kevin Pokorny
Joe Soucie

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April 5, 2022

Honorable Mayor, City Council,
and Residents of La Vista, Nebraska

The Annual Comprehensive Financial Report of the City of La Vista, Nebraska (the “City,” “La Vista,” or “City of La Vista”) for the fiscal year ended September 30, 2021 is hereby submitted. State law requires cities to issue, within six months of fiscal year end, a set of audited financial statements. This report fulfills this requirement for the fiscal year ended September 30, 2021.

Responsibility for both the accuracy of the data and the completeness and fairness of the presentation, including all disclosures, rests with the management. In developing and evaluating the City’s accounting system, consideration is given to the adequacy of internal accounting controls. Internal accounting controls are designed to provide reasonable, but not absolute, assurance regarding the safeguarding of assets against loss, theft, or misuse, and to ensure the reliability of financial records for preparing financial statements in accordance with accounting principles generally accepted in the United States of America (“GAAP”) and maintaining accountability of assets. The concept of reasonable assurance recognizes that (1) the cost of control should not exceed the benefits likely to be derived and (2) the valuation of costs and benefits requires estimates and judgments by management.

As a recipient of federal, state, and local financial assistance, the City is also responsible for ensuring that an adequate internal control structure is in place to ensure and document compliance with applicable laws and regulations related to these programs.

To the best of management’s knowledge and belief, the enclosed data are accurate in all material respects and reported in a manner designed to present fairly the financial position and financial activities of the City. All disclosures necessary to enable the reader to gain an understanding of the government’s financial activities as specified by all currently effective statements of the Governmental Accounting Standards Board have been included.

The City’s financial statements have been audited by Bergan KDV LLC, a firm of licensed certified public accountants. The goal of the independent audit is to provide reasonable assurance that the financial statements of the City for the fiscal year ended September 30, 2021 are free of material misstatement. The independent audit involved examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements, assessing the accounting principles used and significant estimates made by management, and evaluating the overall financial statement presentation. The independent auditor concluded, based upon the audit, that there was a reasonable basis for rendering an unmodified (“clean”) opinion that the City’s financial statements for the fiscal year ended September 30, 2021 are fairly presented in accordance with generally accepted accounting principles (“GAAP”). The independent auditor’s report is presented as the first component of this report.

Generally accepted accounting principles that require management provide a narrative introduction, overview, and analysis to accompany the basic financial statements in the form of Management’s Discussion and Analysis (“MD&A”). This letter of transmittal is designed to complement the MD&A and should be read in conjunction with it. The City’s MD&A can be found in the Financial Section immediately following the Independent Auditor’s Report.

City Hall
8116 Park View Blvd.
La Vista, NE 68128-2198
402.331.4343 P
402.331.4375 F

Community Development
8116 Park View Blvd.
402.593.6400 P
402.593.6445 F

Library
9110 Giles Rd.
402.537.3900 P
402.537.3902 F

Police
7701 S. 96th St.
402.331.1582 P
402.331.7210 F

Public Works
9900 Portal Rd.
402.331.8927 P
402.331.1051 F

Recreation
8116 Park View Blvd.
402.331.3455 P
402.331.0299 F

CityofLaVista.org

CITY PROFILE

Just south of the faint boundaries of Omaha, everyday priorities are clearer. The newest city in the greater Omaha region, La Vista is a special place experiencing remarkable growth and flourishing with opportunity. From modest beginnings in 1960 as a subdivision of 335 homes, La Vista has grown to become a dynamic and progressive community of nearly 17,000 and one of the fastest growing cities in Nebraska.

La Vista is a thoughtful, ambitious, family-friendly community, with tight-knit relationships and timeless traditions, while also offering the opportunities of a large city. Its inviting neighborhoods feature well-kept homes abutting tree-lined streets. The City offers an exceptional quality of life in a great suburban environment, and the people who live and work in La Vista are truly proud of their community.

Driven by a reputation for progressive thinking, La Vista always keeps an eye on what's next. And this vision amounts to more than a plan on paper – it leads to action in the real world. La Vista's commercial and industrial districts, with solid infrastructure and a convenient location, are undergoing impressive development and redevelopment.

The City of La Vista operates under the Mayor-Council form of government. The Mayor is elected at large to a four-year term, and eight City Council members are elected from four dual-member wards to staggered four-year terms. The Mayor, with confirmation from the City Council, appoints a professional City Administrator and certain other officials as provided in the La Vista Municipal Code. The City Administrator manages the day-to-day operations of the City. The organization is streamlined under four senior directors, who have responsibility for the following function areas: Public Safety, Public Works, Community Services, and Administrative Services.

The City Council is required to adopt a final budget no later than September 20 of the prior fiscal year. A biennial budget is adopted each even numbered year for the following two years and in the odd numbered years is reviewed for a possible amendment.

The FY21 – FY22 Biennial Budget marks the City's third biennial budget which serves as the foundation for the City's financial planning and control. The budget is prepared by fund and department. The City's legal level of budget control is at the department level. The City may reallocate expenditures between departments as long as the total expenditures within the fund do not exceed the adopted appropriation. Transfers between departments or additional fund appropriations need special approval from the City Council. In conjunction with the biennial budget, the City projects three additional years for purposes of monitoring fund balances and financial stability.

LOCAL ECONOMY

La Vista's Southport area has grown into a regional destination with businesses such as Cabela's, Costco, Alamo Drafthouse, and the La Vista Conference Center along with over 750 hotel rooms.

La Vista's corporate community also includes Verizon Media (Yahoo!), PayPal, Streck Laboratories, Oriental Trading Co., Rotella's, and Securities America, among many others.

Elementary and secondary education is provided through Papillion La Vista Community Schools, the fourth largest school district in the State, and the Omaha Catholic Archdiocese, which operates schools in adjoining Ralston and Papillion. Pre-kindergarten education is available through the private Primrose Academy and two Montessori Schools.

La Vista residents enjoy exceptional higher education opportunities as well. The University of Nebraska at Omaha (UNO), Creighton University, and Bellevue University are easily accessible locally. Metropolitan Community College's Sarpy Center is located in La Vista, and the University of Nebraska at Lincoln is only 45 minutes away.

La Vista's diverse and high-quality housing stock provides a wide range of residential options. With 17 parks, a premier 62-acre sports complex, swimming pool, community center, youth and senior recreation programs, and an outstanding public library, leisure time opportunities abound.

The overall quality of life in the City of La Vista was rated as "excellent" or "good" by 90% of respondents to the 2019 National Community Survey. Ninety-four percent of respondents reported that they plan to remain in La Vista for the next five years.

LONG-RANGE FINANCIAL PLANNING

On June 15, 2021 the City Council approved a General Fund Cash Reserve Policy to ensure that the General Fund Reserve balance is accumulated and maintained to protect the stability of tax rates, fiscal solvency, and creditworthiness of the City. The policy establishes a target reserve range of 20% to 25% of the year's General Fund operating expenditure budget. Based on the fiscal 2021 budget and the unassigned cash balance in the General Fund at September 30, 2021, the operating cash reserve is 56%. The excess reserve primarily relates to the state sales and use tax reserve associated with the State of Nebraska economic development incentive programs, a State of Nebraska CARES Act grant for public safety salaries and benefits, and the American Rescue Plan Act federal grant. Additionally, the COVID-19 pandemic's effect on the economy encouraged reduction of selected expenditures and the impact of reduced sales tax revenue was not as severe as expected.

A Long Range Financial Plan (LRFP) with 10-year projections is now available and features four budget model scenarios looking at long term impacts of current commitments and long range strategic planning goals through FY32. The FY23 - FY32 LRFP is the precursor to the FY23 - FY24 biennial budget process and will be updated prior to each successive biennial budget. The LRFP shows a drawdown of the General Fund Reserve balance over the next several years for additional personnel services and operational expenditures related to City Centre development, the Astro event venue, development of the adjacent Central Park, and a sports complex.

The City maintains a five-year Capital Improvement Program to establish a proactive approach to sustain and improve the community's infrastructure. The plan is updated annually in conjunction with the budget process. The plan establishes priorities and funding of capital investments, which the City of La Vista should make to assure its continued economic viability and to protect public health and safety. The first and second years of the plan are adopted as the capital budget.

MAJOR INITIATIVES

Corridor 84 is a major redevelopment initiative currently underway along a major north-south corridor in the heart of the City. A private developer is constructing a mixed-use town center "City Centre" consisting of residential, commercial/retail, office, and an entertainment component that includes the Astro, a state-of-the-art indoor/outdoor performance venue. In conjunction with this project, the City is constructing public infrastructure that supports the development including streets, sewers, parking facilities, and public plaza spaces. The City is also in the process of transforming what was an adjacent golf course into a regional recreation area that connects to the City's existing Central Park. The transformation includes a large lake, trails, and amenities. Additional planned corridor improvements include a bridge and pedestrian underpass to connect the east and west sides of the community and streetscape improvements that will integrate pedestrian pathways, lighting, landscaping, and signage improvements to clearly identify the La Vista community.

The Nebraska Multi-Sport Complex (NMSC) has begun construction of twelve multi-purpose lighted and turf fields as a first stage of the NMSC development in the 120th and Giles Road area.

The state approves tax abatements under the Tax Increment Financing Program (TIF), the Nebraska Advantage Act and the Employment and Investment Growth Act. This includes TIF projects in the Corridor 84 redevelopment area and major development projects across the City participate in the tax abatement programs..

The City's infrastructure projects are included in the five-year Capital Improvement Program (CIP) and long-range operational needs, such as staffing and maintenance, are ongoing discussions and budget considerations.

ACKNOWLEDGEMENTS

The Government Finance Officers Association (GFOA) awarded a Certification of Achievement for Excellence in Financial Reporting to the City of La Vista for its annual comprehensive financial report for the fiscal year ended September 30, 2020. This is the second year the City has achieved this prestigious award. In order to be awarded a Certificate of Achievement, the government had to publish an easily readable and efficiently organized annual report that satisfied both generally accepted accounting principles and applicable legal requirements.

A Certificate of Achievement is valid for a period of one year only. We believe that our current annual report will meet the Certificate of Achievement Program's requirements and will once again submit it to the GFOA to determine its eligibility for a certificate.

The preparation of this report on a timely basis could not be accomplished without the efficient and dedicated services of the Finance Department. I would like to express my appreciation to all members of the departments who assisted and contributed to its preparation. I would also like to thank the Mayor and members of the City Council for their interest and support in planning and conducting the financial operations of the City in a responsible and progressive manner.

Respectfully submitted,



Brenda S. Gunn
City Administrator



Cindy Miserez, CGFM, MBA
Finance Director



Government Finance Officers Association

Certificate of
Achievement
for Excellence
in Financial
Reporting

Presented to

**City of La Vista
Nebraska**

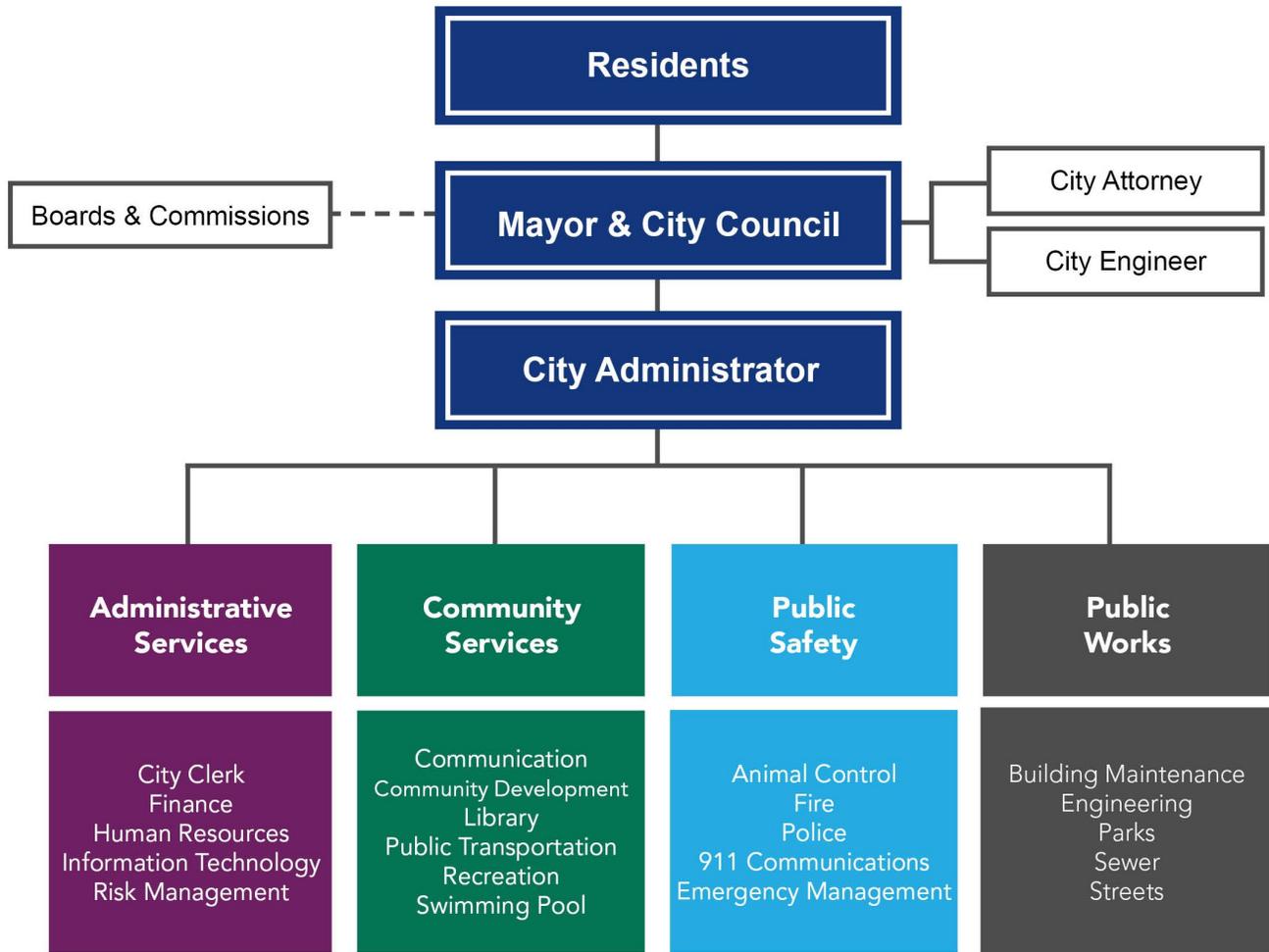
For its Annual Comprehensive
Financial Report
For the Fiscal Year Ended

September 30, 2020

Christopher P. Morill

Executive Director/CEO

ORGANIZATIONAL CHART



FINANCIAL SECTION

ANNUAL COMPREHENSIVE FINANCIAL REPORT / CITY OF LA VISTA, NEBRASKA

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Independent Auditor's Report

Honorable Mayor and Members
of the City Council
City of La Vista
La Vista, Nebraska

Report on the Audit of the Financial Statements

Opinions

We have audited the accompanying financial statements of the governmental activities, the business-type activities and each major fund of the City of La Vista, Nebraska, as of and for the year ended September 30, 2021, and the related notes to financial statements, which collectively comprise the City of La Vista's basic financial statements as listed in the Table of Contents.

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, and each major fund of the City of La Vista, Nebraska, as of September 30, 2021, and the respective changes in financial position and, where applicable, cash flows thereof for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Basis for Opinions

We conducted our audit in accordance with auditing standards generally accepted in the United States of America (GAAS) and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Statements section of our report. We are required to be independent of the City of La Vista and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Responsibilities of Management for the Financial Statements

The City of La Vista's management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is required to evaluate whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the City of La Vista's ability to continue as a going concern for one year beyond the financial statement date, including any currently known information that may raise substantial doubt shortly thereafter.

Auditor’s Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinions. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS and *Government Auditing Standards* will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statements.

In performing an audit in accordance with GAAS and *Government Auditing Standards*, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the financial statements.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of City of La Vista's internal control. Accordingly, no such opinion is expressed.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements.
- Conclude whether, in our judgment, there are conditions or events, considered in the aggregate, that raise substantial doubt about City of La Vista's ability to continue as a going concern for a reasonable period of time.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control–related matters that we identified during the audit.

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the Management’s Discussion and Analysis, which follows this report letter, and Required Supplementary information as listed in the Table of Contents be presented to supplement the basic financial statements. Such information is the responsibility of management and, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board (GASB), who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the Required Supplementary Information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management’s responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Supplementary Information

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the City of La Vista, Nebraska's basic financial statements. The schedules of revenues, expenditures, and changes in fund balances – budget and actual (budget basis) for the debt service, capital improvement, economic development, and 84th street redevelopment funds are presented for purposes of additional analysis and are not a required part of the basic financial statements.

Such information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the basic financial statements. The information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the schedules of revenues, expenditures and changes in fund balances – budget and actual (budget basis) are fairly stated, in all material respects, in relation to the basic financial statements as a whole.

Other Information

Management is responsible for the other information included in the Annual Comprehensive Financial Report. The other information comprises the introductory and statistical sections but does not include the basic financial statements and our auditor's report thereon. Our opinions on the basic financial statements do not cover the other information, and we do not express an opinion or any form of assurance thereon.

In connection with our audit of the basic financial statements, our responsibility is to read the other information and consider whether a material inconsistency exists between the other information and the basic financial statements, or the other information otherwise appears to be materially misstated. If, based on the work performed, we conclude that an uncorrected material misstatement of the other information exists, we are required to describe it in our report.

Other Reporting Required by *Government Auditing Standards*

In accordance with *Government Auditing Standards*, we have also issued our report dated March 3, 2022, on our consideration of the City of La Vista's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts and grant agreements and other matters. The purpose of that report is solely to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the effectiveness of internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the City of La Vista's internal control over financial reporting and compliance.

BergankDV, LLC

Omaha, Nebraska
March 3, 2022

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FINANCIAL SECTION

MANAGEMENT'S DISCUSSION AND ANALYSIS FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2021

This section of the City of La Vista, Nebraska (The "City" or "City of La Vista") Annual Comprehensive financial report offers readers of the City's financial statements a narrative overview and analysis of the City's financial activities as a whole for the fiscal year ended September 30, 2021. Please consider this discussion in conjunction with the additional information provided in the Letter of Transmittal and the activities reflected in the City's financial statements.

Financial Highlights

- The assets and deferred outflows of the City exceeded its liabilities and deferred inflows of resources at September 30, 2021, by \$70.2 million. Of this amount, \$14.9 million is unrestricted and may be used to meet the government's ongoing obligations to citizens and creditors.
- The City's total net position increased by \$4.5 million, or 6.8% from the prior year. Of this amount, \$3.7 million, or 82%, is related to governmental activities and \$0.8 million, or 18%, is related to business-type activities.
- As of September 30, 2021, the unassigned fund balance for the General Fund was \$11.1 million or 60% of total operating General Fund expenditures. As of September 30, 2020 the corresponding fund balance amount was 9.1 million or 54% of total operating General Fund expenditures.
- The City's total bonded debt increased by \$10.6 million, or 26.9% during the current fiscal year.
- As of September 30, 2021, the City's general obligation bond rating from Moody's Investor Service is Aa3.
- The City's cash balance as of September 30, 2021, is \$31,389,891.
- The City's certified valuation for fiscal year 2021 was \$1,755,107,309 compared to \$1,651,417,826 for fiscal year 2020. This equates to a 6.3% increase in overall valuation. The County Assessor's certified growth for fiscal year 2021 was \$26.5 million which reflects growth in new construction.

Overview of the Financial Statements

The City's financial statements are prepared in accordance with accounting principles established by the Governmental Accounting Standards Board ("GASB").

This discussion and analysis is intended to serve as an introduction to the City's basic financial statements. The City's basic financial statements comprise three components: 1) government-wide financial statements, 2) fund financial statements, and 3) notes to the financial statements.

The basic financial statements include two kinds of statements which present different views of the City.

- The first two statements are government-wide financial statements that provide both long-term and short-term information about the City's overall financial status.
- The remaining statements are fund financial statements that focus on individual parts of the City government, reporting the City's operations in more detail than the government-wide statements.
 - The governmental fund statements indicate how general governmental services such as public safety were financed in the short-term as well as what remains for future spending.
 - Proprietary fund statements offer short and long-term financial information about the activities the government operates like businesses, such as the sewer system.

The financial statements also include notes that explain some of the information in the financial statements and provide more detailed data. The statements are followed by a section of required supplementary information and other supplementary information which include fund budgetary comparisons. These statements further explain and support the information in the financial schedules.

Government-Wide Statements

The government-wide statements report information about the City as a whole using accounting methods similar to those used by private-sector companies. The Statement of Net Position includes all the government's assets and liabilities. All of the current year's revenues and expenses are accounted for in the Statement of Activities

MANAGEMENT'S DISCUSSION AND ANALYSIS

regardless of when cash is received or paid. The two government-wide statements begin on page 30 and report the City's net position and how it has changed.

The Statement of Net Position presents the difference between the City's assets and deferred outflows of resources and liabilities and deferred inflows of resources.

- Over time, increases or decreases in the City's net position are an indicator of whether its financial health is improving or deteriorating, respectively.
- To assess the overall health of the City one needs to consider additional non-financial factors such as changes in the City's property tax base and the condition of the City's capital assets.

The Statement of Activities presents information showing how the government's net position changed during the most recent fiscal year. All changes in net position are reported as soon as the underlying event of the change occurs, regardless of the timing of related cash flows. This is the accrual basis of accounting. Thus, revenues and expenses are reported in this statement for some items that will only result in cash flows in future fiscal months (e.g., uncollected taxes and earned but unused vacation leave).

The government-wide financial statements of the City are divided into two categories:

- **Governmental activities** - Most of the City's basic services are included here. This includes police, streets, fire, library, planning, building inspection, parks, recreation departments, and general administration. Property and sales taxes, charges for services, and state and federal grants finance most of these activities.
- **Business-type activities** - The City charges fees to customers to help it cover the costs of certain services it provides. The City's sewer system is currently the only business type activity.

Fund Financial Statements

The fund financial statements provide more detailed information about the City's funds - not the City as a whole. Funds are accounting devices that the City uses to keep track of specific sources of funding and spending for particular purposes.

- Some funds are required by state law and bond covenants.
- The City Council establishes other funds to control and manage money for particular purposes.

The City has two types of funds:

Governmental Funds - Most of the City's basic services are included in governmental funds, which focus on (1) how cash and other financial assets that can readily be converted to cash and (2) the balances left at year-end that are available for spending. Consequently, the governmental funds statements provide a detailed short-term view which helps determine whether there are greater or fewer financial resources which can be spent in the near future to finance the City's programs. Because this information does not encompass the additional long-term focus of the government-wide statements, a reconciliation to the Statement of Activities is provided which explains the relationship (or differences) between them. By comparing the governmental activities in the government-wide financial statements the reader may better understand the long-term impact of the government's near-term financing decisions.

Fund information is presented separately in the governmental fund Balance Sheet and in the governmental fund Statement of Revenues, Expenditures, and Changes in Fund Balance Statement.

The basic governmental fund financial statements can be found on pages 34 through 40 of this report.

The City adopts a biennial appropriated budget for all its funds. A budgetary comparison schedules has been provided for the General Fund, Keno Fund, and Police Academy Funds to demonstrate compliance with this budget. These schedules can be found on pages 66 through 69 of this report. For other legally adopted fund budgets, these schedules can be found on pages 72 through 75 of this report.

FINANCIAL SECTION

Proprietary funds - Services for which the City charges customers a fee are generally reported in proprietary funds. Proprietary funds, like the government-wide statements, provide both long and short-term financial information. In fact, the City's enterprise fund (one type of proprietary fund) is the same as its business-type activities, but provides more detail and additional information, such as a Statement of Cash Flows.

The basic proprietary fund financial statements can be found on pages 41 through 43 of this report.

Notes to the Basic Financial Statements

The notes provide additional information that is essential to a full understanding of the data provided in the government-wide and fund financial statements. The notes to the financial statements can be found on pages 45 through 63 of this report.

Required Supplementary Information

In addition to the basic financial statements and accompanying notes, this report also presents certain required supplementary information concerning the City's 2021 budget information for various City funds. Required supplementary information can be found on pages 66 through 69 of this report.

Other Supplementary Information

This section contains legally adopted budget information for funds not previously included in the required supplementary information. These schedules are found on pages 72 through 75 of this report.

Financial Analysis of the City as a Whole

Net Position

As noted earlier, net position may serve over time as a useful indicator of a government's financial position. In the case of the City, assets and deferred outflows exceeded liabilities and deferred inflows of resources by \$70.2 million at September 30, 2021.

The largest portion of the City's net position (60.2%) reflects its investment in capital assets (e.g. land, infrastructure, buildings, machinery, and equipment) less any related outstanding debt to acquire those assets still outstanding. The City uses these capital assets to provide services to citizens; consequently, these assets are not available for future spending. Although the City's investment in its capital assets is reported net of related debt, it should be noted, the resources needed to repay this debt must be provided from other sources, since the capital assets themselves cannot be used to liquidate these liabilities. Unrestricted net position may be used to meet the government's ongoing obligations to citizens and creditors.

MANAGEMENT'S DISCUSSION AND ANALYSIS**Condensed Statements of Net Position
September 30, 2021 and 2020**

	Governmental Activities		Business-type Activities		Total	
	2021	2020	2021	2020	2021	2020
Current and other assets	\$38,667,408	\$24,106,373	\$ 5,156,883	\$ 4,689,597	\$43,824,291	\$28,795,970
Capital assets	78,099,716	76,815,989	4,689,291	4,868,617	82,789,007	81,684,606
Total assets	<u>116,767,124</u>	<u>100,922,362</u>	<u>9,846,174</u>	<u>9,558,214</u>	<u>126,613,298</u>	<u>110,480,576</u>
Deferred outflows of resources	876,912	398,182	—	—	876,912	398,182
Long-term liabilities	47,445,026	37,558,356	67,240	43,369	47,512,266	37,601,725
Other liabilities	9,316,745	6,548,063	511,116	1,035,097	9,827,861	7,583,160
Total liabilities	<u>56,761,771</u>	<u>44,106,419</u>	<u>578,356</u>	<u>1,078,466</u>	<u>57,340,127</u>	<u>45,184,885</u>
Deferred inflows of resources	—	—	—	—	—	—
Net position:						
Net investment in capital assets	37,559,118	37,618,808	4,689,291	4,868,617	42,248,409	42,487,425
Restricted	12,968,570	11,930,359	—	—	12,968,570	11,930,359
Unrestricted	<u>10,354,577</u>	<u>7,664,958</u>	<u>4,578,527</u>	<u>3,611,131</u>	<u>14,933,104</u>	<u>11,276,089</u>
Total Net Position	<u>\$60,882,265</u>	<u>\$57,214,125</u>	<u>\$ 9,267,818</u>	<u>\$ 8,479,748</u>	<u>\$70,150,083</u>	<u>\$65,693,873</u>

An additional portion of the City's net position (18.5%) represents resources subject to external restrictions on their use. The remaining balance of unrestricted net position (21.3%) may be used to meet the government's ongoing obligations to citizens and creditors.

At the end of the current fiscal year, the City reports positive balances in all three categories of net position, both for the government as a whole, as well as for its separate governmental and business-type activities.

In addition to the General Fund departments listed on page 23, these funds are included in governmental activities expenditures:

Expenditure Category	Fund
General Government	Debt Service Fund Keno Fund (audit expenditures)
Public Safety	Police Academy Fund
Community Betterment	Keno Fund (remaining expenditures)
Community Development	Redevelopment Fund Economic Development Fund

FINANCIAL SECTION

Condensed Statements of Activities For the Fiscal Year Ended September 30, 2021 and 2020

	Governmental Activities		Business-type Activities	
	9/30/2021	9/30/2020	9/30/2021	9/30/2020
Revenues				
Program revenues				
Charges for services	\$ 2,481,278	\$ 2,260,382	\$ 4,637,741	\$ 4,235,768
Operating grants & contributions	2,087,869	3,102,332	—	—
Capital grants & contributions	120,676	16,789	—	—
General revenues				
Property taxes	10,082,913	9,201,124	—	—
Sales and use taxes	9,096,486	9,166,394	—	—
Occupation taxes	2,395,210	2,160,134	—	—
Motor vehicle taxes	517,238	493,707	—	—
In lieu of taxes	214,639	341,771	—	—
Interest income	75,412	172,046	9,018	21,508
Miscellaneous	780,683	611,522	—	—
Total Revenues	27,852,404	27,526,201	4,646,759	4,257,276
Expenditures				
General government	4,933,287	4,698,589	—	—
Public safety	8,496,120	8,119,378	—	—
Public works	5,021,900	5,219,650	—	—
Culture and recreation	3,221,142	2,976,833	—	—
Community betterment	659,766	518,484	—	—
Community development	925,830	826,912	—	—
Interest on long-term debt	925,554	1,227,687	—	—
Sewer	—	—	3,859,354	3,655,217
Total Expenses	24,183,599	23,587,533	3,859,354	3,655,217
Increase in Net Position Before Transfers	3,668,805	3,938,668	787,405	602,059
Transfers	(665)	—	665	—
Total Transfers	(665)	—	665	—
Increase in Net Position	3,668,140	3,938,668	788,070	602,059
Net position - beginning	57,214,125	53,275,457	8,479,748	7,877,689
Net position - ending	\$ 60,882,265	\$ 57,214,125	\$ 9,267,818	\$ 8,479,748

MANAGEMENT'S DISCUSSION AND ANALYSIS

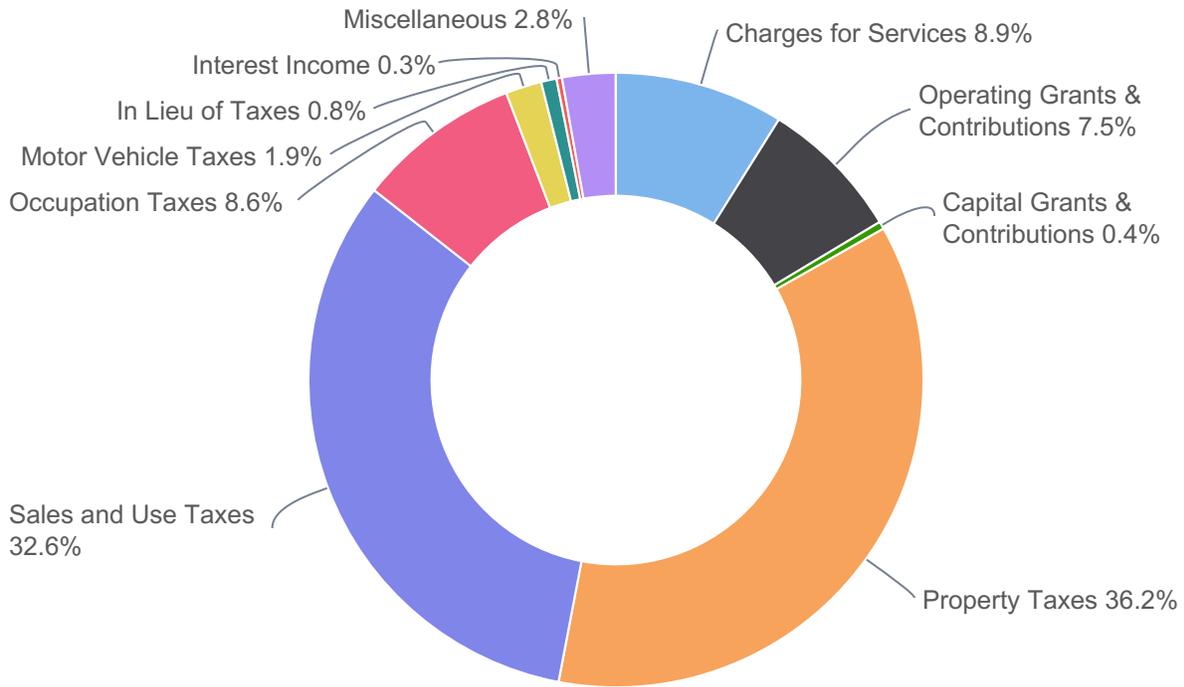
Condensed Statements of Activities
For the Fiscal Year Ended September 30, 2021 and 2020 (Continued)

	Total	
	9/30/2021	9/30/2020
Revenues		
Program revenues		
Charges for services	\$ 7,119,019	\$ 6,496,150
Operating grants & contributions	2,087,869	3,102,332
Capital grants & contributions	120,676	16,789
General revenues		
Property taxes	10,082,913	9,201,124
Sales and use taxes	9,096,486	9,166,394
Occupation taxes	2,395,210	2,160,134
Motor vehicle taxes	517,238	493,707
In lieu of taxes	214,639	341,771
Interest income	84,430	193,554
Miscellaneous	780,683	611,522
Total Revenues	32,499,163	31,783,477
Expenditures		
General government	4,933,287	4,698,589
Public safety	8,496,120	8,119,378
Public works	5,021,900	5,219,650
Culture and recreation	3,221,142	2,976,833
Community betterment	659,766	518,484
Community development	925,830	826,912
Interest on long-term debt	925,554	1,227,687
Sewer	3,859,354	3,655,217
Total Expenses	28,042,953	27,242,750
Increase in Net Position Before Transfers	4,456,210	4,540,727
Transfers	—	—
Total Transfers	—	—
Increase in Net Position	4,456,210	4,540,727
Net position - beginning	65,693,873	61,153,146
Net position - ending	\$ 70,150,083	\$ 65,693,873

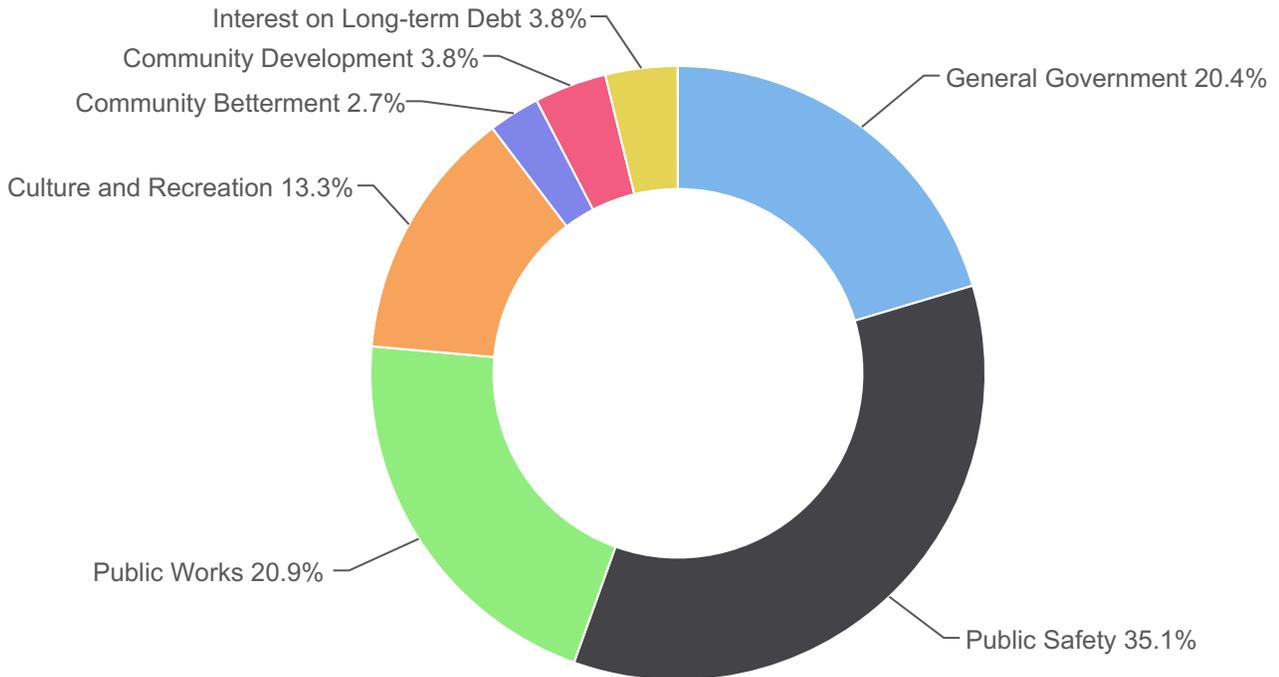
FINANCIAL SECTION

Governmental Activities

Revenues by Source - Governmental Activities



Expenses by Category - Governmental Activities



MANAGEMENT'S DISCUSSION AND ANALYSIS

Governmental activities increased the City's net position by \$3.7 million. Key elements of the \$270,528 year over year decrease in net position activity are as follows:

- Charges for services increased by \$220,896 (9.8%) due to the re-opening of the pool and resumption of recreation center activities in fiscal year 2021. In addition, the Policy Academy Fund revenue was moved from Grants & Capital Contributions to the Charges for Services revenue category in the Statement of Activities beginning in fiscal year 2021.
- Operating grants and contributions decreased \$1,014,463 (32.7%) in fiscal year 2021 due to the Coronavirus Aid, Relief, and Economic Security Act federal grant related to reimbursement for public safety expenses received in fiscal year 2020.
- The Omaha Public Power District payment in lieu of taxes decreased \$127,132 due to an update to the distribution formula.
- Capital grants and contributions increased \$103,887 (618.8%) in fiscal year 2021, due to the Omaha Public Power District charging station grant in Parking District #1.
- Property tax revenues increased \$881,789 (9.6%) in fiscal year 2021 due to a 6.3% increase in the property valuations and collection of back year taxes.
- Net sales tax revenues decreased by \$69,908 (0.8%) in fiscal year 2021.
 - Gross sales and use tax revenues increased \$548,604 (5.4%) in fiscal year 2021.
 - State sales and use tax refunds increased \$618,512 (61.8%) in fiscal year 2021. The refunds act as a decrease in revenue. The Nebraska Advantage Act allows eligible businesses refunds of their state sales and use tax payments.
- Occupation taxes increased by \$235,076 (10.9%) due a gradual recovery of the hospitality industry from the pandemic through increase hotel occupation tax revenue.
- General government expenses increased \$234,698 (5.0%) related to bond refinancing expenditures and increased tax increment financing (TIF) payments to the developer of City Centre.
- Public safety expenses increased \$376,742 (4.6%) primarily related to the annual increase in the Papillion Rural Fire District contract, a full year of salary and benefits for positions that were vacant part of the prior fiscal year and increased overtime and expenses for a missing child investigation in fiscal year 2021.
- Public Works expenses decreased \$197,750 (3.8%) related to depreciation expense.
- Culture and recreation expenses increased \$244,309 (8.2%) due to re-opening of the pool in fiscal year 2021 which was closed in fiscal year 2020 and a full year of part-time employees in fiscal year 2021 where Recreation and Library furloughed part-time employees from March to August in fiscal year 2020.
- Community betterment expenses increased \$141,282 (27.2%) due to increased state lottery tax on increased community betterment revenues and resumption of Salute to Summer community activities in fiscal year 2021 after the fiscal year 2020 cancellation of the activity.
- Community development expenses increased \$98,918 (12.0%) due to bond refinancing expenses in fiscal year 2021.
- Interest on long term debt expenses decreased \$302,133 (24.6%) due to refunding bonds issued.

Business-Type Activities

Business type activities increased the City's net position by \$0.8 million, or 18% of the total growth in the net position of the City.

The City's enterprise operations are reviewed on an ongoing basis. Revenues and expenses are adjusted as necessary to maintain an adequate amount of working capital. The City has decided to account for these activities through the use of enterprise accounting to better identify the cost of the services and for better management control.

Financial Analysis of the City's Funds

As noted earlier, the City uses fund accounting to ensure and demonstrate compliance with finance related legal requirements.

FINANCIAL SECTION

Governmental Funds

The focus of the City's governmental funds is to provide information on near-term inflows, outflows, and balances of spendable resources. Such information is useful in assessing the City's financing requirements. In particular, unassigned fund balance may serve as a measure of a government's net resources available for spending at the end of the fiscal year. As the City completed the year, its governmental funds reported a combined fund balance of \$33.8 million. Of that fund balance, \$11.1 million constitutes unassigned fund balance.

The General Fund is the main operating fund of the City. At the end of fiscal year 2021, the unassigned fund balance of the general fund was \$11.1 million. As a measure of the General Fund's liquidity, it may be useful to compare both unassigned fund balance and total fund balance to total fund expenditures. The unassigned fund balance is 94% of the total General Fund balance. The unassigned fund balance represents 60% of the total 2021 General Fund expenditures. This exceeds the fund balance reserve policy to maintain a target reserve range from 20% to 25%. This percentage of fund to expenditure ratio is important for the City to mitigate current and future risk, such as revenue shortfalls or unanticipated expenditures in capital or maintenance needs of City infrastructure and facilities. In addition, through the state's Nebraska Advantage Act incentive program, the City may need to refund earned sales taxes over several years into the future. To mitigate the revenue loss, the City maintains a reserve to offset these refunds. This state sales and use tax reserve balance is \$3.8 million. Excluding this amount from the general fund reserve balance the reserve balance is 39% which represents approximately five months of operating expense. The increase in fund balance of \$2.2 million is primarily related to a revenue increase of additional property tax, sales tax and occupation tax collections.

The Debt Service Fund provides for the servicing of bonded debt issued for governmental activities regarding the general obligation bonds and notes from direct placements. At the end of the current fiscal year, the restricted fund balance was \$3.7 million which represents 88% of the scheduled principal and interest payments of the currently issued general obligation bonds and notes from direct placements due in the next twelve months. The decrease in fund balance of \$93,283 is primarily related to the bond refinancing activity.

The Keno Fund is restricted for community betterment as defined by Nebraska State Statutes. At the end of the fiscal year 2021, the restricted fund balance was \$4.5 million which is a 553,568 increase from the prior year. The increase is primarily due to the changes in community activities due to the COVID-19 pandemic and the increased revenue trend that began in 2020 due to other closed outlets. Current year revenue was used for community events such as drive-thru Easter Egg Hunt, Santa's Sleigh Ride in July, Halloween Safe-Night drive-thru and Santa's Winter Wonderland walk and photo event. Funds are also directed to strategic initiatives such as the City's brand development and capital improvement projects such as mini-park improvements including a dog park. These funds will continue to be used in the future for community betterment purposes as allowed by the state.

The Capital Improvements Fund accounts for the City's construction projects. The fund balance of \$3.7 million is restricted for various capital projects. The increase in fund balance of \$3.5 million is due to the unexpended balances from issuance of debt transferred in from the Debt Service Fund.

The activity in the Economic Development Program Fund is \$5.5 million due to debt issuance. Two grant applications were approved in 2021 for the Astro performance venue and the Nebraska Multi-Sport Complex. The fund balance is restricted for future grant activity.

The 84th Street Redevelopment Fund was created to track proceeds of the additional one-half percent sales and use tax and related expenditures for public infrastructure projects or public purposes associated with redevelopment of the 84th Street corridor. The Redevelopment Fund is not exclusive and other funds of the City may be involved with respect to the 84th Street Redevelopment Area. At the end of the current fiscal year, the restricted fund balance was \$4.6 million which is an increase of 0.5 million from one year ago. The increase is a result of issuance of refunding debt. The tax revenue bond debt service is paid through the 84th Street Redevelopment Fund.

The Sarpy-Douglas Law Enforcement Academy (SDLEA) is the primary activity of the Police Academy Fund. The fund balance of \$78,546 is restricted for SDLEA activities. The increase in fund balance of \$50,040 is due to an agency now paying tuition and fees rather than supplying the in-kind services of an instructor.

MANAGEMENT'S DISCUSSION AND ANALYSIS**General Fund Budgetary Highlights**

Significant variances between the general fund's actual revenues and expenditures (on the budgetary basis) and the final amended budget are summarized as follows:

- Net sales tax revenue was over budget by \$1,109,199.
- Occupation tax including Hotel and Restaurant tax revenue was over budget by \$394,017.
- Intergovernmental revenue was over budget by \$348,078.
- Grant income revenue was over budget by \$2,492,019.

Revenue variance is due to conservative budgeting during the COVID-19 pandemic. Increased on-line sales tax and a faster recovery in the hospitality industry than expected positively impacted actual revenue. Intergovernmental revenue in the form of highway allocation funds increased due to estimated highway user revenue collected. Grant income revenue was received in FY21 for the CARES Act through the State of Nebraska for public safety salaries and benefits and the American Rescue and Recovery Act for revenue replacement due to revenue losses during the COVID-19 pandemic.

- General government activity was \$1,175,708 below budget due to reduced use of contract services and the HRA (Health Reimbursement Arrangement) for employee share health plan deductibles.
- Public works activity was \$212,742 below budget due to vacant positions.
- Public safety activity was \$63,158 over budget due to resignation related vacation and sick leave payouts and additional personnel costs related to a missing child investigation.
- Culture and recreation was \$419,885 below budget due to vacancies in Parks, Recreation and Sports Complex departments and reduced commodities and contracts in the Recreation department.
- The Library Department was \$110,314 below budget due to reduced part-time salaries, material, and contract expenditures.

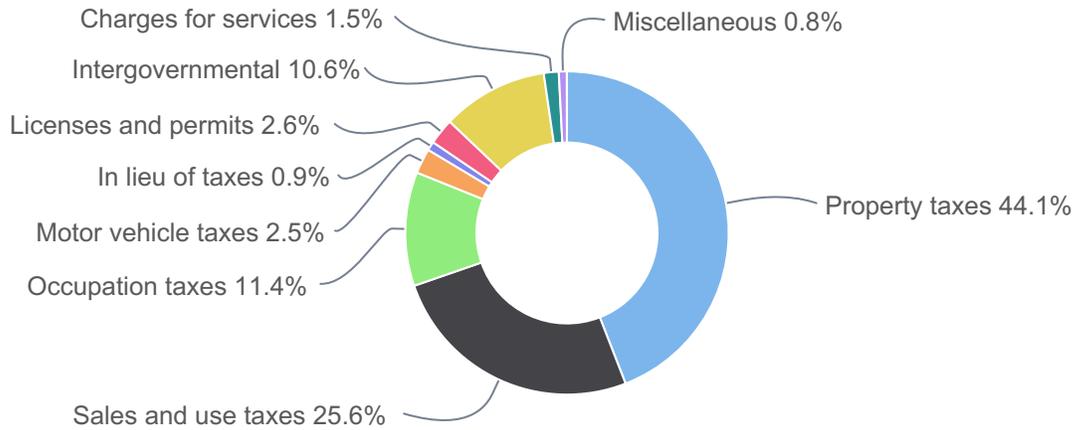
Over the course of the year, the City Council amended the budget for the FY21 year of the biennial budget for increased Lottery taxes due to increased community betterment revenue.

General Fund Budget and Actual (Budget Basis)

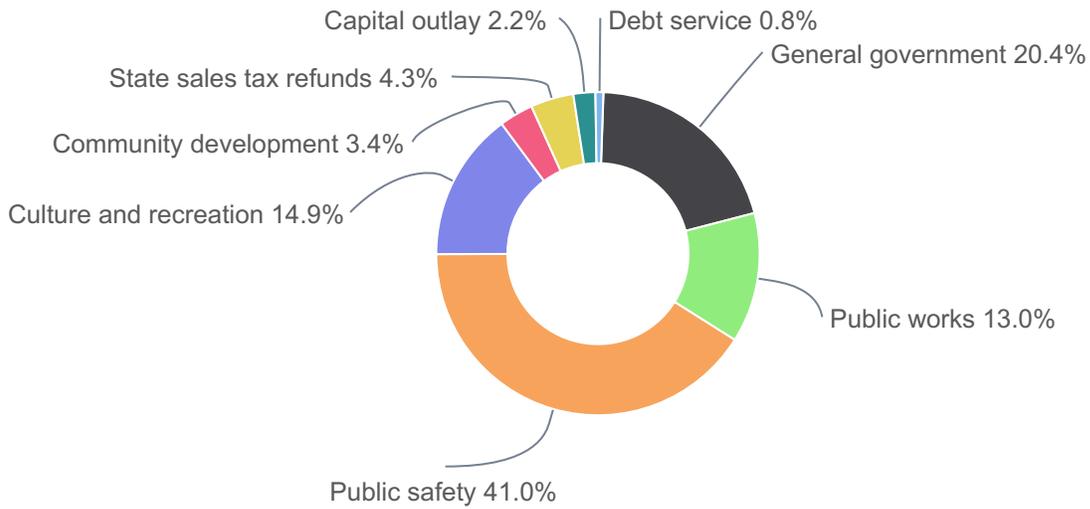
For the Fiscal Year Ended September 30, 2021

	<u>Original Budget</u>	<u>Final Budget</u>	<u>Actual</u>
Revenues			
Taxes	\$ 16,311,419	\$ 16,232,078	\$ 17,207,177
Charges for services	388,491	388,491	283,899
Other	2,601,848	2,681,189	5,477,787
Total	<u>19,301,758</u>	<u>19,301,758</u>	<u>22,968,863</u>
Expenditures, lapsed encumbrances, and transfers	<u>20,713,329</u>	<u>20,713,329</u>	<u>18,332,327</u>
Changes in fund balance	<u>\$ (1,411,571)</u>	<u>\$ (1,411,571)</u>	<u>\$ 4,636,536</u>

General Fund Revenues - Actual



General Fund Expenditures - Actual



The following departments are included in the General Fund Expense Categories Chart above.

General Government

- Mayor & Council
- Boards & Commissions
- City Administration
- Administrative Services
- Human Resources
- Finance
- Information Technology
- Public Transportation
- Special Services Bus
- Building Maintenance

Public Works

- Administration
- Streets

Culture and Recreation

- Parks
- Sports Complex
- Recreation
- Pool
- Library

Public Safety

- Police
- Fire
- Animal Control

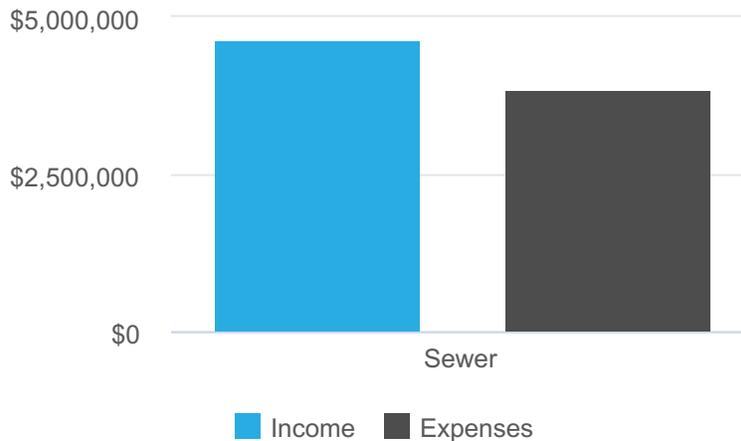
Community Development

- Community Development

MANAGEMENT'S DISCUSSION AND ANALYSIS

Proprietary Fund

Expense and Program Revenues - Business Type Activities



The City's Sewer Fund provides the same type of information found in the government-wide financial statements, but in more detail.

The total proprietary fund unrestricted net position at the end of the year was \$4.6 million. Factors concerning the finances of this fund are addressed in the discussion of the City's business-type activities.

CAPITAL ASSET AND DEBT ADMINISTRATION

Capital Assets

The City's capital assets for its governmental and business-type activities as of September 30, 2021, equals \$82.8 million (net of accumulated depreciation). This investment in capital assets includes vehicles, furniture, land, buildings, and system improvements, including construction-in-progress, machinery and equipment, park facilities, utility systems, roads, highways, and bridges. The net increase in the City's capital assets for the current year was \$1.1 million. This increase over the prior year results from the depreciation of assets being less than than new asset purchases and an increase in construction-in-progress. This is a 1.7% increase for governmental activities and a decrease of 3.7% for business type activities.

Capital Assets (net of depreciation) September 30, 2021 and 2020

	Governmental Activities		Business-type Activities		Total	
	2021	2020	2021	2020	2021	2020
Land	\$15,609,324	\$15,609,324	\$ 9,524	\$ 9,524	\$15,618,848	\$15,618,848
Buildings	9,046,800	10,021,335	—	—	9,046,800	10,021,335
Improvements/ Infrastructure	32,391,277	31,883,149	—	—	32,391,277	31,883,149
Equipment/Furniture/ Vehicles	2,789,378	3,019,608	519,043	608,256	3,308,421	3,627,864
Sewer line system	—	—	3,928,823	4,084,953	3,928,823	4,084,953
Construction in progress	18,262,937	16,282,573	231,901	165,884	18,494,838	16,448,457
Total	\$78,099,716	\$76,815,989	\$ 4,689,291	\$ 4,868,617	\$82,789,007	\$81,684,606

FINANCIAL SECTION

Major Capital Asset events during 2021 include the following

- Public Infrastructure Improvements:
 - Overlay of 108th and 96th Streets amounted to \$3.4 million in expenditures.
 - Public infrastructure improvements including streets, sewer, and utilities amounted to \$1.2 million in expenditures.

Additional Information on the City's capital assets can be found in Note 5 of the notes to the financial statements on pages 53 of this report.

Long Term Debt

At the end of fiscal year 2021, the City had total bonded debt outstanding of \$50.0 million, all backed by the full faith and credit of the government. The City made all scheduled payments.

Outstanding Bonded Debt September 30, 2021 and 2020

	Governmental Activities		Business-type Activities		Total	
	2021	2020	2021	2020	2021	2020
General obligation bonds	\$29,270,000	\$18,885,000	\$ —	\$ —	\$29,270,000	\$18,885,000
Tax revenue bonds	17,695,000	17,560,000	—	—	17,695,000	17,560,000
Notes from direct placements	2,155,000	2,485,000	—	—	2,155,000	2,485,000
Premium/discount on bonds issued	836,583	451,552	—	—	836,583	451,552
Total	<u>\$49,956,583</u>	<u>\$39,381,552</u>	<u>\$ —</u>	<u>\$ —</u>	<u>\$49,956,583</u>	<u>\$39,381,552</u>

The City's bonded debt increased by 26.9% in fiscal year 2021. The net increase of \$10.6 million is a result of issuing highway allocations bonds for street infrastructure and Economic Development Program bonds for grantee payments..

The City maintains a Aa3 bond rating as issued by Moody's Investors Service.

The City has notes payable direct borrowings of \$70,927 related to capital equipment. These notes contain a provision that in the event of default, outstanding amounts become immediately due if the City is unable to make payment.

Additional information on the City's long-term debt can be found in Note 7 on pages 56 through 59 of this report.

Economic Factors and Next Year's Budget and Rates

While establishing fiscal year 2022's budget, the focus is on the long-term future of the City, not simply a one-year view. As a result of budgetary planning done in prior years, the City was able to prepare the fiscal 2022 budget with an 1 cent decrease to the property tax levy.

The unprecedented outbreak of the novel coronavirus (COVID-19) had a direct financial impact on the City in 2020 and 2021. Working with the State of Nebraska, the City was able to secure \$1 million in CARES Act relief in 2020 which was directed toward eligible public safety expenses. As the City continues to recover financially from the pandemic, it is pursuing all eligible forms of assistance. In 2021 the City received direct funding from the American Rescue Plan Act of 2021. The City will receive approximately \$3.1 million over the next two years which is intended to replace City revenue losses and promote economic recovery.

MANAGEMENT'S DISCUSSION AND ANALYSIS

Revenues:

- Gross sales and use tax receipts are estimated to decrease 1.9% in 2022. The fiscal year 2022 gross sales and use tax budget backed off slightly from the pandemic related on-line sales growth experienced in fiscal year 2021. Sales and use tax incentive refunds are budgeted at \$2.0 million in 2022, a 47.6% increase from \$1.4 in fiscal year 2021. Net sales tax receipts in 2022 are projected at \$9.1 million, which is a 8.6% decrease from 2021 receipts of \$10.0 million on a budgetary basis. This is due to an increased budget for sales tax incentive refunds in 2021. Sales & use tax is 25% of revenues for the General Fund on a budgetary basis and 40% of revenues on a governmental activity basis.
- The City's assessed property tax valuation for the year ending September 30, 2021, is \$1,755,107,309 which is 6.3% higher compared to the year ended September 30, 2020, due primarily to an increase in property values within city limits. Property tax is a significant revenue source and accounts for approximately 46% of General Fund revenues on a budgetary basis and 44% of revenues on a governmental activity basis.
- The City anticipated continued commercial build out of the 84th Street corridor, Southport commercial district to increase future year's sales tax and property tax revenue.
- In-fill annexation is planned in the out-years beyond the FY23 - FY24 biennial budget.

FINANCIAL SECTION

Expenditures:

- The City has budgeted and expects to make significant expenditures for the following capital projects during the next two fiscal years. Major projects are listed below:

Project	2022 Adopted	2023 Projection
108th St Asphalt M376 391	\$ 100,000	\$ —
120th And Giles Drainage Improvements	300,000	—
73rd Avenue Culvert Rehabilitation	—	250,000
84th Street Underpass Design	100,000	—
96th St Panel/Ovly M376	715,000	—
Annual Street Resurfacing	700,000	500,000
Applewood Creek Trail M376	600,000	—
Brentwood Signal	150,000	—
Central Park Interface Improvements	7,687,000	2,000,000
Central Park Phase 3 Improvements	100,000	—
City Centre - Building Demolition	115,000	—
City Centre Parking #2	9,500,000	3,000,000
Civic Center Park Access	1,250,000	1,050,000
Corridor 84 Streetscape - Phase 1C	—	1,000,000
Corridor 84 Streetscape 1A & 1B	—	2,000,000
East Lv Sewer/Pavement Rehab	5,700,000	—
Giles Rd Wide M376 (230)	200,000	—
Giles Road Rehabilitation	—	750,000
Holiday Lights	100,000	100,000
It Asset Management Plan	110,000	50,000
Library Parking Lot Rehab	—	600,000
Library Roof Replacement	135,000	—
Municipal Campus Planning	150,000	—
Storm Sewer Inlet Top Repair	—	150,000
Thompson Ck Channel & Trail - Central Pk	1,437,000	—
West Papio Creek Stabilization Siphon	500,000	—
Zoning/Subdivision Regulations Update	—	150,000
Total	\$ 29,649,000	\$ 11,600,000

Requests for Information

This financial report is designed to provide a general overview of the City's finances for all those with an interest. Questions concerning any of the information provided in this report or requests for additional financial information should be addressed to the City Clerk's Office, 8116 Park View Blvd La Vista, NE 68128.

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Government-Wide Financial Statements

ANNUAL COMPREHENSIVE FINANCIAL REPORT / CITY OF LA VISTA, NEBRASKA

GOVERNMENT-WIDE FINANCIAL STATEMENTS**Statement of Net Position
September 30, 2021**

	Governmental Activities	Business-type Activities	Total
Assets			
Cash and cash equivalents	\$ 30,303,031	\$ 1,086,860	\$ 31,389,891
Restricted cash and cash equivalents	1,675,882	—	1,675,882
Cash at County Treasurer	152,463	—	152,463
Certificates of deposit	3,539,387	3,460,613	7,000,000
Receivables	2,860,275	606,564	3,466,839
Prepaid items	136,370	2,846	139,216
Capital assets			
Nondepreciable	33,872,261	241,425	34,113,686
Depreciable, net	44,227,455	4,447,866	48,675,321
Total assets	116,767,124	9,846,174	126,613,298
Deferred Outflows of Resources			
Deferred charge on refunding	876,912	—	876,912
Liabilities			
Accounts payable	1,276,757	331,328	1,608,085
Accrued expenses	579,642	176,177	755,819
Unearned revenue	1,519,440	—	1,519,440
State sales and use tax refunds payable	1,618,955	—	1,618,955
Compensated absences			
Payable within one year	86,024	3,611	89,635
Payable in more than one year	1,653,443	67,240	1,720,683
Notes payable			
Due within one year	70,927	—	70,927
Bonds payable			
Due within one year	4,165,000	—	4,165,000
Due in more than one year	45,791,583	—	45,791,583
Total liabilities	56,761,771	578,356	57,340,127
Net Position			
Net investment in capital assets	37,559,118	4,689,291	42,248,409
Restricted for community betterment	9,231,276	—	9,231,276
Restricted for debt service	3,658,748	—	3,658,748
Restricted for public safety	78,546	—	78,546
Unrestricted	10,354,577	4,578,527	14,933,104
Total net position	\$ 60,882,265	\$ 9,267,818	\$ 70,150,083

See Notes to the Financial Statements

FINANCIAL SECTION

Statement of Activities For the Fiscal Year Ended September 30, 2021

	Expenses	Program Revenues		
		Charges for Service	Operating Grants and Contributions	Capital Grants and Contributions
Primary Government				
Governmental Activities				
General government	\$ 4,933,287	\$ 560,939	\$ 70,504	\$ —
Public safety	8,496,120	166,858	110,742	—
Public works	5,021,900	—	1,906,623	120,676
Culture and recreation	3,221,142	317,928	—	—
Community betterment	659,766	1,435,553	—	—
Community development	925,830	—	—	—
Interest on long-term debt	925,554	—	—	—
Total governmental activities	<u>24,183,599</u>	<u>2,481,278</u>	<u>2,087,869</u>	<u>120,676</u>
Business-type activities				
Sewer	3,859,354	4,637,741	—	—
Total business-type activities	<u>3,859,354</u>	<u>4,637,741</u>	<u>—</u>	<u>—</u>
Total Primary Government	<u>\$ 28,042,953</u>	<u>\$ 7,119,019</u>	<u>\$ 2,087,869</u>	<u>\$ 120,676</u>

	Net Revenues (Expenses) and Changes in Net Position		
	Governmental Activities	Business-type Activities	Total
Primary Government			
Governmental Activities			
General government	\$ (4,301,844)	\$ —	\$ (4,301,844)
Public safety	(8,218,520)	—	(8,218,520)
Public works	(2,994,601)	—	(2,994,601)
Culture and recreation	(2,903,214)	—	(2,903,214)
Community betterment	775,787	—	775,787
Community development	(925,830)	—	(925,830)
Interest on long-term debt	(925,554)	—	(925,554)
Total governmental activities	<u>(19,493,776)</u>	<u>—</u>	<u>(19,493,776)</u>
Business-type activities			
Sewer	—	778,387	778,387
Total business-type activities	<u>—</u>	<u>778,387</u>	<u>778,387</u>
Total Primary Government	<u>\$ (19,493,776)</u>	<u>\$ 778,387</u>	<u>\$ (18,715,389)</u>

GOVERNMENT-WIDE FINANCIAL STATEMENTS

Statement of Activities
For the Fiscal Year Ended September 30, 2021

	Net Revenues (Expenses) and Changes in Net Position		
	Governmental Activities	Business- type Activities	Total
General Revenues			
Property taxes	10,082,913	—	10,082,913
Sales and use taxes	9,096,486	—	9,096,486
Occupation taxes	2,395,210	—	2,395,210
Motor vehicle taxes	517,238	—	517,238
In lieu of taxes	214,639	—	214,639
Interest income	75,412	9,018	84,430
Miscellaneous	780,683	—	780,683
Transfers	(665)	665	—
Total general revenues and transfers	23,161,916	9,683	23,171,599
Change in Net Position	3,668,140	788,070	4,456,210
Net Position, Beginning of Year	57,214,125	8,479,748	65,693,873
Net Position, End of Year	\$ 60,882,265	\$ 9,267,818	\$ 70,150,083

See Notes to the Financial Statements

Fund Financial Statements

ANNUAL COMPREHENSIVE FINANCIAL REPORT / CITY OF LA VISTA, NEBRASKA

FUND FINANCIAL STATEMENTS

**Balance Sheet –
Governmental Funds
September 30, 2021**

	<u>General Fund</u>	<u>Debt Service Fund</u>	<u>Keno Fund</u>	<u>Capital Improvements Fund</u>
Assets				
Cash and cash equivalents	\$ 10,321,696	\$ 3,560,712	\$ 4,015,027	\$ 2,188,539
Restricted cash and cash equivalents	1,520,940	—	73,834	—
Cash at County Treasurer	142,040	10,423	—	—
Certificates of deposit	1,039,387	—	500,000	2,000,000
Prepaid items	133,596	—	—	—
Receivables	1,803,929	499,509	66,295	—
	<hr/>	<hr/>	<hr/>	<hr/>
Total assets	<u>\$ 14,961,588</u>	<u>\$ 4,070,644</u>	<u>\$ 4,655,156</u>	<u>\$ 4,188,539</u>
Liabilities				
Accounts payable	\$ 515,135	\$ —	\$ 46,117	\$ 529,950
Accrued expenses	238,876	—	78,054	—
Unearned revenue	1,519,440	—	—	—
Sales tax refunds payable	809,477	404,739	—	—
Total liabilities	<hr/> <u>3,082,928</u>	<hr/> <u>404,739</u>	<hr/> <u>124,171</u>	<hr/> <u>529,950</u>
Deferred Inflows of Resources				
Unavailable revenues	<hr/> 79,968	<hr/> 7,157	<hr/> —	<hr/> —
Fund Balances				
Nonspendable	133,596	—	—	—
Restricted for:				
Debt service	—	3,658,748	—	—
Community betterment	189,345	—	4,530,985	—
Economic development	—	—	—	—
84th street redevelopment	—	—	—	—
Public safety	—	—	—	—
Committed for:				
Capital outlay	402,371	—	—	3,658,589
Unassigned	11,073,380	—	—	—
Total fund balances	<hr/> <u>11,798,692</u>	<hr/> <u>3,658,748</u>	<hr/> <u>4,530,985</u>	<hr/> <u>3,658,589</u>
	<hr/>	<hr/>	<hr/>	<hr/>
Total liabilities, deferred inflows of resources and fund balances	<u>\$ 14,961,588</u>	<u>\$ 4,070,644</u>	<u>\$ 4,655,156</u>	<u>\$ 4,188,539</u>

See Notes to the Financial Statements

FINANCIAL SECTION

Balance Sheet – Governmental Funds September 30, 2021

	Economic Development Fund	84th Street Redevelopment Fund	Police Academy Fund	Total Governmental Funds
Assets				
Cash and cash equivalents	\$ 5,509,493	\$ 4,707,564	\$ —	\$ 30,303,031
Restricted cash and cash equivalents	—	—	81,108	1,675,882
Cash at County Treasurer	—	—	—	152,463
Certificates of deposit	—	—	—	3,539,387
Prepaid items	—	—	2,774	136,370
Receivables	—	489,840	702	2,860,275
	<hr/>	<hr/>	<hr/>	<hr/>
Total assets	<u>\$ 5,509,493</u>	<u>\$ 5,197,404</u>	<u>\$ 84,584</u>	<u>\$ 38,667,408</u>
Liabilities				
Accounts payable	\$ —	\$ 181,212	\$ 4,343	\$ 1,276,757
Accrued expenses	—	—	1,695	318,625
Unearned revenue	—	—	—	1,519,440
Sales tax refunds payable	—	404,739	—	1,618,955
Total liabilities	<hr/> —	<hr/> 585,951	<hr/> 6,038	<hr/> 4,733,777
Deferred Inflows of Resources				
Unavailable revenues	—	—	—	87,125
Fund Balances				
Nonspendable	—	—	2,774	136,370
Restricted for:				
Debt service	—	—	—	3,658,748
Community betterment	—	—	—	4,720,330
Economic development	5,509,493	—	—	5,509,493
84th street redevelopment	—	4,611,453	—	4,611,453
Public safety	—	—	75,772	75,772
Committed for:				
Capital outlay	—	—	—	4,060,960
Unassigned	—	—	—	11,073,380
Total fund balances	<hr/> 5,509,493	<hr/> 4,611,453	<hr/> 78,546	<hr/> 33,846,506
	<hr/>	<hr/>	<hr/>	<hr/>
Total liabilities, deferred inflows of resources and fund balances	<u>\$ 5,509,493</u>	<u>\$ 5,197,404</u>	<u>\$ 84,584</u>	<u>\$ 38,667,408</u>

See Notes to the Financial Statements

FUND FINANCIAL STATEMENTS

**Reconciliation of the Balance Sheet
of Governmental Funds to the
Statement of Net Position - Governmental Activities
September 30, 2021**

Total Fund Balances - Total Governmental Funds	\$	33,846,506
<p>Amounts reported for governmental activities in the Statement of Net Position are different because:</p>		
<p>Capital assets, net of accumulated depreciation used in governmental activities, are not financial resources and, therefore, are not reported in the funds.</p>		78,099,716
<p>Long-term liabilities, including bonds payable of \$49,120,000, are not due and payable in the current period and, therefore, are not reported in the funds. Other related amounts include interest payable of \$261,017, bond premiums of \$836,583 and notes payable of \$70,927.</p>		(50,288,527)
<p>Deferred outflows of resources related to refunded debt are not current financial resources, and therefore, are not reported in the funds.</p>		876,912
<p>Compensated absences are not due and payable in the current period and, therefore, are not reported in the funds.</p>		(1,739,467)
<p>Deferred inflows represents funds not available in the current period and, therefore, are not recognized as revenue in the governmental funds.</p>		87,125
		87,125
Net Position of Governmental Activities	\$	<u>60,882,265</u>

See Notes to the Financial Statements

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FUND FINANCIAL STATEMENTS**Statement of Revenues, Expenditures, and Changes in Fund Balances –
For the Fiscal Year Ended September 30, 2021**

	General Fund	Debt Service Fund	Keno Fund	Capital Improvements Fund
Revenues				
Property taxes	\$ 9,239,320	\$ 888,280	\$ —	\$ —
Sales and use taxes	5,357,721	2,678,860	—	—
Occupation taxes	2,395,138	—	—	—
Motor vehicle taxes	514,777	2,461	—	—
In lieu of taxes	195,126	19,513	—	—
Licenses and permits	553,859	—	—	—
Intergovernmental	2,219,659	—	—	120,676
Charges for services	311,450	—	—	—
Keno	—	—	1,435,553	—
Interest income	28,617	9,457	15,614	2,003
Special assessments	—	4,654	—	—
Miscellaneous	149,969	503,713	3,000	—
Total revenues	20,965,636	4,106,938	1,454,167	122,679
Expenditures				
Current				
General government	3,885,891	221,861	7,594	—
Public works	2,456,234	—	—	—
Public safety	7,762,673	—	—	—
Culture and recreation	2,815,926	—	—	—
Community betterment	—	—	659,766	—
Community development	638,653	—	—	—
State sales tax refunds	809,477	404,739	—	—
Capital outlay	424,665	—	—	4,715,896
Debt service				
Principal retirement	142,884	3,135,000	—	—
Interest	3,585	540,328	—	—
Bond issuance costs	—	209,968	—	—
Total expenditures	18,939,988	4,511,896	667,360	4,715,896
Excess (Deficiency) of Revenues Over (Under) Expenditures	2,025,648	(404,958)	786,807	(4,593,217)
Other Financing Sources (Uses)				
Transfers, net	152,502	(7,776,191)	(233,239)	8,102,186
Issuance of debt from bonds	—	7,705,000	—	—
Issuance of refunding bonds	—	5,970,000	—	—
Premium from bonds	—	507,866	—	—
Payments to refund escrow agent	—	(6,095,000)	—	—
Total other financing sources (uses)	152,502	311,675	(233,239)	8,102,186
Net Change in Fund Balances	2,178,150	(93,283)	553,568	3,508,969
Fund Balances, Beginning of Year	9,620,542	3,752,031	3,977,417	149,620
Fund Balances, End of Year	\$ 11,798,692	\$ 3,658,748	\$ 4,530,985	\$ 3,658,589

See Notes to the Financial Statements

FINANCIAL SECTION

Statement of Revenues, Expenditures, and Changes in Fund Balances – For the Fiscal Year Ended September 30, 2021

	Economic Development Fund	84th Street Redevelopm ent Fund	Police Academy Fund	Total Governmental Funds
Revenues				
Property taxes	\$ —	\$ —	\$ —	\$ 10,127,600
Sales and use taxes	—	2,678,860	—	10,715,441
Occupation taxes	—	72	—	2,395,210
Motor vehicle taxes	—	—	—	517,238
In lieu of taxes	—	—	—	214,639
Licenses and permits	—	—	—	553,859
Intergovernmental	—	—	166,858	2,507,193
Charges for services	—	—	—	311,450
Keno	—	—	—	1,435,553
Interest income	1,445	17,926	94	75,156
Special assessments	—	—	—	4,654
Miscellaneous	—	—	—	656,682
Total revenues	1,445	2,696,858	166,952	29,514,675
Expenditures				
Current				
General government	—	—	—	4,115,346
Public works	—	—	—	2,456,234
Public safety	—	—	116,912	7,879,585
Culture and recreation	—	—	—	2,815,926
Community betterment	—	—	—	659,766
Community development	—	287,177	—	925,830
State sales tax refunds	—	404,739	—	1,618,955
Capital outlay	—	127,277	—	5,267,838
Debt service				
Principal retirement	—	645,000	—	3,922,884
Interest	—	478,874	—	1,022,787
Bond issuance costs	109,021	779,134	—	1,098,123
Total expenditures	109,021	2,722,201	116,912	31,783,274
Excess (Deficiency) of Revenues Over (Under) Expenditures	(107,576)	(25,343)	50,040	(2,268,599)
Other Financing Sources (Uses)				
Transfers, net	—	(245,923)	—	(665)
Issuance of debt from bonds	5,610,000	—	—	13,315,000
Issuance of refunding bonds	—	13,085,000	—	19,055,000
Premium from bonds	—	—	—	507,866
Payments to refund escrow agent	—	(12,305,000)	—	(18,400,000)
Total other financing sources (uses)	5,610,000	534,077	—	14,477,201
Net Change in Fund Balances	5,502,424	508,734	50,040	12,208,602
Fund Balances, Beginning of Year	7,069	4,102,719	28,506	21,637,904
Fund Balances, End of Year	\$ 5,509,493	\$ 4,611,453	\$ 78,546	\$ 33,846,506

See Notes to the Financial Statements

FUND FINANCIAL STATEMENTS

**Reconciliation of the Statement of Revenues, Expenditures, and
Changes in Fund Balances of Governmental Funds to the
Statement of Activities - Governmental Activities
For the Fiscal Year Ended September 30, 2021**

Net Change in Fund Balances - Total Governmental Funds \$ 12,208,602

Amounts reported for governmental activities in the Statement of Activities are different because:

Governmental funds report capital outlays as expenditures. However, in the Statement of Activities, the cost of those assets is allocated over their useful lives as depreciation expense. This is the amount by which depreciation exceeded capital outlay in the current period.

Capital outlays	\$ 5,164,458	
Less: depreciation expense	<u>(3,880,731)</u>	1,283,727

The issuance of long-term debt provides current financial resources to governmental funds; however, the transaction increases long-term liabilities in the Statement of Net Position. (32,370,000)

Governmental funds report the effect of the premiums, discounts and similar items when the debt is first issued, whereas these amounts are deferred and amortized in the Statement of Activities. (385,031)

Repayment of bond and note principal is an expenditure in the governmental funds, but the repayment reduces long-term liabilities in the Statement of Net Position. 22,322,884

In the Statement of Activities, interest is accrued on outstanding bonds and notes, whereas in governmental funds, an interest expenditure is reported when due. 11,430

Compensated absences do not require the use of current financial resources and, therefore, are not reported as expenditures in governmental funds. 158,486

Deferred inflows represent funds not available in the current period and, therefore, are not recognized as revenue in the governmental funds. (40,688)

Amortization net of additions of deferred amounts on refunding that do not represent activity in the current period. 478,730

Change in Net Position of Governmental Activities 3,668,140

See Notes to the Financial Statements

**Statement of Net Position
Proprietary Fund
September 30, 2021**

	Sewer Fund
Assets	
Current Assets	
Cash and cash equivalents	\$ 1,086,860
Prepays	2,846
Certificates of deposit	3,460,613
Accounts receivable	606,564
Total current assets	5,156,883
Non-Current Assets	
Land	9,524
Equipment and furniture	1,851,571
Sewer line systems	7,872,662
Buildings and improvements	9,365
Construction in progress	231,901
Accumulated depreciation	(5,285,732)
Capital assets - net of depreciation	4,689,291
Total assets	\$ 9,846,174
Liabilities and Net Position	
Current Liabilities	
Accounts payable	\$ 331,328
Accrued expenses	176,177
Compensated absences - current portion	3,611
Total current liabilities	511,116
Non-Current Liabilities	
Compensated absences	67,240
Total non-current liabilities	67,240
Total liabilities	\$ 578,356
Net Position	
Net investment in capital assets	4,689,291
Unrestricted	4,578,527
Total net position	9,267,818
Total liabilities and net position	\$ 9,846,174

See Notes to the Financial Statements

FUND FINANCIAL STATEMENTS

**Statement of Revenues, Expenses, and Changes in Net Position –
Proprietary Fund
For the Fiscal Year Ended September 30, 2021**

	Sewer Fund
Operating Revenues	
User fees	\$ 4,592,608
Permits and hookups	45,133
Total operating revenues	4,637,741
Operating Expenses	
General and administrative	23,070
Maintenance	3,590,942
Depreciation and amortization	245,342
Total operating expenses	3,859,354
Operating Income	778,387
Nonoperating Revenues	
Interest income	9,018
Total nonoperating revenues	9,018
Income (Loss) before Transfers	787,405
Transfers	665
Change in Net Position	788,070
Net Position, Beginning of Year	8,479,748
Net Position, End of Year	\$ 9,267,818

See Notes to the Financial Statements

FINANCIAL SECTION

Statement of Cash Flows – Proprietary Funds For the Fiscal Year Ended September 30, 2021

	<u>Sewer Fund</u>
Cash Flows from Operating Activities	
Receipts from customers	\$ 4,589,512
Payments to suppliers	(3,564,918)
Payments to employees	(552,049)
	<u>472,545</u>
Net cash provided by operating activities	<u>472,545</u>
Cash Flows from Non-Capital Financing Activities	
Transfers	<u>665</u>
Net cash provided by non-capital financing activities	<u>665</u>
Cash Flows from Capital and Related Financing Activities	
Acquisition of capital assets	<u>(66,017)</u>
Net cash used in capital and related financing activities	<u>(66,017)</u>
Cash Flows from Investing Activities	
Purchases of certificates of deposit	(3,200,159)
Sale of investments	508,576
Interest income	<u>9,018</u>
Net cash used in investing activities	<u>(2,682,565)</u>
Net Increase in Cash and Cash Equivalents	<u>(2,275,372)</u>
Cash and Cash Equivalents, Beginning of Year	<u>3,362,232</u>
Cash and Cash Equivalents, End of Year	<u><u>\$ 1,086,860</u></u>
Reconciliation of Operating Income to Net Cash Provided by Operating Activities	
Operating income	778,387
Adjustments to reconcile operating income to net cash provided by operating activities	
Depreciation	245,343
Changes in operating assets and liabilities	
Increase in receivables	(48,229)
Increase in prepaid items	(2,846)
Decrease in payables and accrued expenses	<u>(500,110)</u>
Net Cash Provided by Operating Activities	<u><u>\$ 472,545</u></u>

See Notes to the Financial Statements

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Notes to Financial Statements

ANNUAL COMPREHENSIVE FINANCIAL REPORT / CITY OF LA VISTA, NEBRASKA

NOTES TO THE FINANCIAL STATEMENTS

Note 1: Summary of Significant Accounting Policies

Introduction

The accounting and reporting framework and the more significant accounting principles and practices of the City of La Vista, Nebraska (the "City") are discussed in the subsequent section of this Note. The remainder of the Notes are organized to provide explanations, including required disclosures, of the City's financial activities for the fiscal year ended September 30, 2021.

The City of La Vista, Nebraska operates under a Council-Mayor form of government and provides the following services: public safety (Police and Fire), public works (highway and streets), sanitary sewer, culture and recreation, community development (planning and zoning), and general administrative services.

Financial Reporting Entity

These financial statements present the financial statements of the City as the primary government. In determining its reporting entity, the City has considered all potential component units for which it is financially accountable, including other organizations which are fiscally dependent on the City, or the significance of their relationship with the City are such that exclusion would make the financial statements misleading or incomplete. The Governmental Accounting Standards Board ("GASB") has set forth criteria to be considered in determining financial accountability, which was used in making this evaluation.

The City has determined the La Vista Municipal Facilities Corporation is a blended component unit as the governing body consists of members appointed by the City government and the City is obligated to help support the component unit. A blended component unit, although a legally separate entity, is a direct part of the government's operations. The City is financially responsible for this blended component unit and provides operational responsibility and control. No separate financial statements are issued for this blended component unit.

Measurement Focus, Basis of Accounting and Financial Statement Presentation

The government-wide and proprietary fund financial statements are reported using the economic resources measurement focus and the accrual basis of accounting. Revenues are recorded when earned and expenses are recorded at the time liabilities are incurred, regardless of when the related cash flows take place. Nonexchange transactions, in which the City gives (or receives) value without directly receiving (or giving) equal value in exchange, include property and sales taxes, grants, entitlements, and donations. On an accrual basis, revenue from property taxes is recognized in the fiscal year for which the taxes are levied. Revenues from grants, entitlements and donations are recognized in the fiscal year in which all eligibility requirements have been met.

Governmental fund financial statements are prepared using the current financial resources measurement focus and the modified accrual basis of accounting. Under the modified accrual basis of accounting, revenues are recorded when susceptible to accrual (when they become both measurable and available). "Measurable" means the amount of the transaction can be determined and "available" means collectible within the current period or soon enough thereafter to be used to pay liabilities of the current period and that it is legally available for such purposes. For this purpose, the City considers revenues to be available if they are collected within 60 days of the end of the current fiscal period. Expenditures are recorded when the related fund liability is incurred, except for debt service expenditures and other long-term obligations general obligations, which are reported as expenditures in the year due.

Major revenues that are determined to be susceptible to accrual include real estate taxes, sales taxes, earned interest, and charges for services. Major revenues not susceptible to accrual because they are either not available early enough to pay liabilities from the current period or are not measurable until received include licenses, permits, and fines. Revenues not considered available are recorded as unearned revenues.

Operating income reported in proprietary fund financial statements includes revenues and expenses related to the primary, continuing operations of the fund. Principal operating revenues for proprietary funds are charges to customers for sales or services. Principal operating expenses are the costs of providing goods or services and include administrative expenses and depreciation of capital assets. Other revenues and expenses are classified as non-operating in the financial statements.

When both restricted and unrestricted resources are available for use, it is the City's policy to use restricted resources first, then unrestricted resources as needed.

Note 1: Summary of Significant Accounting Policies (Continued)

As a general rule, the effect of interfund activity has been eliminated from the government-wide financial statements. Exceptions to this general rule are charges between the City's utility functions and various other functions of the City. Elimination of these charges would distort the direct cost and program revenues for the various functions covered.

Basis of Presentation

The government-wide financial statements include the Statement of Net Position and the Statement of Activities. These statements report financial information for the City as a whole excluding fiduciary activities. Individual funds are not displayed but the statements distinguish governmental activities, generally supported by taxes and City general revenues, from business-type activities, generally financed in whole or in part with fees charged to external customers.

The Statement of Activities reports the expenses of a given function offset by program revenues directly connected with the functional program. A function is an assembly of similar activities and may include portions of a fund or summarize more than one fund to capture the expenses and program revenues associated with a distinct functional activity. Program revenues include charges paid by the recipients of the goods or services offered by the programs and grants and contributions that are restricted to meeting the operational or capital requirements of a particular program. Revenues not classified as program revenues are presented as general revenues. The comparison of program revenues and expenses identifies the extent to which each program or business segment is self-financing or draws from the general revenues of the City.

Net position should be reported as restricted when constraints placed on net position use are either externally imposed by creditors (such as through debt covenants), grantors, contributors, or laws or regulations of other governments or imposed by law through constitutional provisions or enabling legislation.

Separate financial statements are provided for governmental funds and proprietary funds. Fund financial statements report detailed information about the City. The focus of governmental and enterprise fund financial statements is on major funds rather than reporting funds by type. Major individual funds are reported in separate columns in the fund financial statements. A fund is considered major if it is the primary operating fund of the City, meets specific criteria set forth by GASB or is identified as a major fund by the City's management.

Fund Types and Major Funds

Governmental funds are those through which most general governmental functions of the City are financed. Governmental funds are accounted for using a current financial resources measurement focus. With this measurement focus, only current assets and current liabilities generally are included on the balance sheet. Operating statements of these funds present increases and decreases in fund balances.

The City reports the following major governmental funds:

General Fund is the general operating fund of the City. It is used to account for all financial resources except those required to be accounted for in another fund. Revenues are derived primarily from property and other local taxes, state and federal distributions, licenses, permits, charges for services and interest income.

Debt Service Fund is used to account for financial resources that are restricted for, and the payment of, general long-term debt principal, interest, and related costs.

Keno Fund is a special revenue fund used to account for the revenues and expenses related to the Keno operations of the City. These funds are used for community betterment.

Capital Improvements Fund is a capital projects fund used to account for financial resources that are committed to expenditures for capital outlay.

Economic Development Fund is a debt service fund used to account for revenues and expenditures to support the payment of long-term debt principal, interest and related costs. The bond proceeds are used to issue grants to support the commercial developments, rehabilitate residential neighborhoods and expand industrial development in order to ensure economic stability and vitality of the City.

84th Street Redevelopment Fund is a capital projects fund used to account for revenues and expenditures to support the redevelopment of the 84th Street corridor between Harrison Street and Giles Street to improve the economic viability of a town center and central park. A voter approved sales tax levy provides the revenue for this fund.

NOTES TO THE FINANCIAL STATEMENTS

Note 1: Summary of Significant Accounting Policies (Continued)

The Police Academy Fund is a special revenue fund used to account for revenues and expenditures to support the operation of a law enforcement training academy as defined in an interlocal agreement between Sarpy County, Douglas County, City of Papillion and City of Bellevue.

A legally adopted budget is approved for each of the above funds.

Proprietary funds are used to account for the City's ongoing organizations and activities that are similar to those often found in the private sector. Proprietary funds are accounted for on a flow of economic resources measurement focus. With this measurement focus, all assets and all liabilities associated with the operation of these funds are included in the balance sheet. Proprietary fund operating statements present increases and decreases in total net position.

The City reports the following major proprietary fund:

Sewer Fund accounts for the activities of the government's sewer utility.

Cash and Investments

For purposes of the Statement of Cash Flows, cash equivalents are short-term, highly liquid investments which are both readily convertible to known amounts of cash, and so near their maturity (generally original maturity of three months or less) that they present insignificant risk of changes in value because of interest rate changes.

The City maintains a cash deposit pool that is available for use by all funds. The pool consists strictly of bank deposits. The equity of proprietary funds in this pool is cash and cash equivalents for purposes of the Statement of Cash Flows. In addition, cash and bank deposits are separately held by several of the City's funds.

Investment income includes dividend and interest income and the net change for the year in the fair value of investments carried at fair value. Investment income is assigned to the funds with which the related investment asset is associated.

Special Assessments

Special assessments are recorded as revenue in the year the assessments become current. Annual installments not yet due are reflected as special assessments receivables and deferred inflows of resources.

Unbilled Sewer Revenue

Billings for sewer revenues are rendered on a monthly basis. Unbilled sewer revenues, representing estimated consumer usage for the period between the last billing date and the end of the year, have been recorded in the amount of \$217,310, and are included in accounts receivable.

Property Taxes

The tax levy for the City is certified by the Sarpy County Board each year. Real estate taxes are due and attached as an enforceable lien on December 31 following the levy date. The first half of real estate taxes becomes delinquent on April 1 and the second half becomes delinquent August 1 following the levy date. Delinquent taxes bear interest at a 14% annual rate. Property taxes are collected by the County Treasurer and are periodically remitted to the City.

The tax rate to finance governmental services other than the payment of principal and interest on long-term debt for the year ended September 30, 2021, was 0.5000 per \$100 of assessed valuation and the debt service requirement was 0.0500 per \$100 of assessed valuation. The assessed valuation for the 2020-2021 tax year was \$1,755,107,309.

Prepaid Items

Certain payments to vendors reflect costs applicable to future accounting periods and are recorded as prepaid items in both government-wide and fund financial statements. Prepaid items are recorded as an expenditure at the time of consumption.

Note 1: Summary of Significant Accounting Policies (Continued)

Capital Assets and Depreciation

The City's property, plant, equipment and infrastructure with useful lives of more than one year are stated at historical cost and comprehensively reported in the government-wide financial statements; proprietary capital assets are also reported in their respective fund. The City maintains infrastructure asset records consistent with all other capital assets. The City generally capitalizes assets with a cost of \$2,500 or more as purchase and construction outlays occur. Such assets are recorded at historical cost or estimated historical cost. Donated assets are stated at acquisition value on the date donated. The costs of normal maintenance and repairs that do not add to the asset value or materially extend useful lives are not capitalized.

Capital assets are depreciated using the straight-line method. When capital assets are disposed, the cost and applicable accumulated depreciation are removed from the respective accounts, and the resulting gain or loss is recorded in operations.

Estimated useful lives, in years, for depreciable assets are as follows:

Buildings	10 - 45 years
Improvements	5 - 30 years
Infrastructure and utility systems	20 - 60 years
Equipment, furniture, and fixtures	5 - 20 years

Deferred Outflows/Inflows of Resources

In addition to assets, the statement of financial position or balance sheet will sometimes report a separate section for deferred outflows of resources. This separate financial statement element, deferred outflows of resources, represents a consumption of net position that applies to future periods and so will not be recognized as an outflow of resources (expense/expenditure) until then. The City has one item that qualifies for reporting in this category, the deferred charge on refunding reported in the government-wide statement of net position. A deferred charge on refunding results from the difference in the carrying value of refunded debt and its reacquisition price. This amount is deferred and amortized over the shorter of the life of the refunded or refunding debt.

In addition to liabilities, the statement of financial position or balance sheet will sometimes report a separate section for deferred inflows of resources. This separate financial statement element, deferred inflows of resources, represents an acquisition of net position that applies to a future period and so will not be recognized as an inflow of resources (revenue) until that time. The City has one item, which arises only under a modified accrual basis of accounting, that qualifies for reporting in this category and is reported in the governmental funds balance sheet. The governmental funds report unavailable revenues from property taxes, special assessments, and grants that are deferred and recognized as an inflow of resources in the period that the amounts become available.

Revenues are deferred if not received within 60 days of recognition.

Long-Term Obligations

In government-wide and proprietary fund financial statements, long-term debt and other long-term obligations are reported as liabilities. Bond discounts or premiums are amortized over the terms of the respective bonds using a method that approximates the effective interest method.

The governmental fund financial statements recognize the proceeds of debt and premiums as other financing sources of the current period. Issuance costs are reported as expenditures.

Compensated Absences

Vacation leave and other compensated absences with similar characteristics are accrued as the benefits are earned if the leave is attributable to past services and it is probable that the City will compensate the employees for such benefits. Sick leave and other compensated absences with similar characteristics are accrued as the benefits are earned only to the extent that it is probable that the City will compensate the employees for such benefits. Such accruals are based on current salary rates plus an additional amount for compensation-related payments such as Social Security and Medicare taxes and pension amounts using rates in effect at that date. Vacation and sick leave is accrued in accordance with the City's policy, when incurred in the government-wide and proprietary fund financial statements. In the governmental funds, only compensated absences expected to be liquidated with expendable available financial resources are recorded as a fund liability.

NOTES TO THE FINANCIAL STATEMENTS

Note 1: Summary of Significant Accounting Policies (Continued)

State Sales and Use Tax Refund Payable

Qualified companies in the State of Nebraska are allowed certain benefits under various legislative acts and incentive programs, including refunds of State sales and use taxes paid. These refunds can include the local option tax as well as state taxes. Under State Statute, the State Tax Commissioner must notify an affected city, village, county, or municipal county of any pending refund claims of more than twenty-five thousand dollars by June 15 of a given year. The notification must be made by July 1 of the same year and the refund will be made on or after November 15. On a monthly basis, the State notifies the City of approved refund claims exceeding \$25,000. The State pays the refund to the recipient and, twelve months later, deducts that amount from the City's sales and use tax proceeds. If the amount of a refund exceeds 25% of the City's sales and use tax receipts for a prior fiscal year, the deduction will be made in twelve equal installments beginning thirteen months after the payment is made by the State to the recipient. The City accrues these tax refunds due upon receipt of notification from the State Tax Commissioner.

Net Position

Net position is required to be classified into three components – net investment in capital assets, restricted and unrestricted. These classifications are defined as follows:

Net investment in capital assets – This component of net position consists of capital assets, net of accumulated depreciation, reduced by the outstanding balances of any bonds, mortgages, notes or other borrowings that are attributable to the acquisition, construction, or improvements of those assets. Deferred outflows of resources and deferred inflows of resources that are attributable to the acquisition, construction, or improvements of those assets are also included in this component of net position. If there are significant unspent related debt proceeds at year-end, the portion of debt attributable to unspent proceeds is not included in the calculation of net investment in capital assets.

Restricted – This component of net position consists of restrictions placed on net position use through external constraints imposed by creditors (such as debt covenants), contributors, or law or regulations of other governments, or constraints imposed by law through constitutional provisions or enabling legislation.

Unrestricted – This component consists of net position that does not meet the definition of “restricted” or “net investment in capital assets.”

Fund Balance Classification

The fund balances for the City's governmental funds are displayed in five components:

Nonspendable - Nonspendable fund balances are not in a spendable form or are required to be maintained intact.

Restricted - Restricted fund balances may be spent only for the specific purposes stipulated by external resource providers, constitutionally or through enabling legislation. Restrictions may be changed or lifted only with the consent of resource providers.

The source of the restricted fund balance for the Debt Service Fund is unexpended tax revenue to be used for debt service. The Keno Fund restricted fund balance is intended for community betterment expenditures. The restricted fund balance in the Capital Improvements Fund is designated for 84th Street redevelopment parking garage capital construction expenditures. The fund balance in the Economic Development Fund is restricted for economic development purposes. The source of the restricted fund balance in the 84th Street Redevelopment Fund is unexpended sales tax revenue. The designated use of these funds is debt service payments and capital construction expenditures. The restricted fund balance of the Police Academy Fund is designated for program expenditures of the Sarpy-Douglas Law Enforcement Academy (SDLEA).

Committed - Committed fund balances may be used only for the specific purposes determined by resolution of the City Council. Commitments may be changed or lifted only by issuance of a resolution by the City Council.

In the fiscal year 2021 budget, according to Neb. Rev. Statute 13-518 (5), the City Council designated a portion of the General Fund to be used for acquisition or replacement of tangible personal property with a useful life of five years or more which is to be undertaken in the future but is to be paid for in part or in total in advance using periodic payment assignment as a qualified sinking fund. The September 30, 2021 balance is \$402,371.

FINANCIAL SECTION

Note 1: Summary of Significant Accounting Policies (Continued)

Assigned - Assigned fund balances are intended to be used by the City for specific purposes as determined by management. In governmental funds other than the general fund, assigned fund balance represents the amount that is not restricted or committed. This indicates that resources in other governmental funds are, at a minimum, intended to be used for the purpose of that fund. On September 30, 2021, the City did not have any assigned funds.

Unassigned - Unassigned fund balance is the residual classification for the general fund and includes all amounts not contained in the other classifications. The General fund is the only fund to report a positive unassigned fund balance amount. In other governmental funds it is not appropriate to report a positive unassigned fund balance amount. However, in governmental funds other than the general fund, if expenditures incurred for specific purposes exceed the amounts that are restricted, committed, or assigned to those purposes, it may be necessary to report a negative unassigned fund balance in that fund.

Fund balances are classified as restricted, committed, assigned or unassigned. When expenditures are incurred that use funds from more than one classification, the city will generally determine the order which the funds are used on a case-by-case basis, taking into account any applicable requirements of grant agreements, contracts, business circumstances, or other constraints. If no other constraints exist, the order of spending of resources will be restricted, committed, assigned and, lastly, unassigned.

At the end of each fiscal year, the City will maintain spendable - unassigned portions of the fund balance for a cash reserve in a range up to 25% of the General Fund operating expenditures. In addition to cash reserve needs this accommodates emergency contingency concerns.

Use of Estimates

The preparation of financial statements in conformity with accounting principles generally accepted in the United States of America requires management to make estimates and assumptions that affect the reported amounts of assets, deferred outflows/inflows of resources, liabilities, and disclosure of contingent assets and liabilities at the date of the financial statements and the reported amounts of revenues and expenses during the reporting period. Actual results could differ from those estimates.

Note 2: Deposits and Investments

Cash at the County Treasurer

The City's Cash with Sarpy County Treasurer is covered by collateral held by the County.

Deposits

Custodial credit risk is the risk that in the event of a bank failure, a government's deposits may not be returned to it. The City's deposit policy for custodial credit risk requires compliance with the provisions of state law.

State law requires collateralization of all deposits with federal depository insurance; bonds and other obligations of the U.S. Treasury, U.S. agencies or instrumentalities of the State of Nebraska; bonds of any city, county, school district or special road district of the State of Nebraska; bonds of any state; or a surety bond having an aggregate value at least equal to the amount of the deposits. The statutes allow pledged securities to be reduced by the amount of the deposit insured by the Federal Deposit Insurance Corporation (FDIC).

At September 30, 2021, all the City's deposits in excess of FDIC are covered by collateral held in a Federal Reserve pledge account or by an agent of the City.

Investments

Generally, the City's investing activities are managed under the custody of the City Finance Director. The City has an adopted investment policy. The City may legally invest in state-sponsored pooled investment funds and in direct obligations of and other obligations guaranteed as to principal by the U.S. Treasury and U.S. Agencies and instrumentalities. The City did not hold any investments at year end.

Interest Rate Risk – Interest rate risk is the risk that changes in interest rates (market rates) will affect the fair value of an investment.

NOTES TO THE FINANCIAL STATEMENTS**Note 2: Deposits and Investments (Continued)**

Custodial Credit Risk – Custodial credit risk is the risk that, in the event of the failure of the counterparty, the City will not be able to recover the value of its investment or collateral securities that are in possession of an outside party. *Credit Risk* – Credit risk is the risk that the issuer or other counterparty to an investment will not fulfill its obligations.

Concentration of Credit Risk – The City places no limit on the amount that may be invested in any one issuer.

Summary of Carrying Values

The carrying values of deposits and investments are included in the government-wide Statement of Net Position as follows:

Carrying Values	
Cash at County Treasurer	\$ 152,463
Deposits	40,065,773
Total	<u>\$ 40,218,236</u>

Included in the following Statement of Net Position captions as follows:

Cash and cash equivalents	\$ 31,389,891
Restricted cash and cash equivalents	1,675,882
Cash at Country Treasurer	152,463
Certificates of deposit	7,000,000
Total	<u>\$ 40,218,236</u>

Note 3: Disclosures About Fair Value of Assets and Liabilities

Fair value is the price that would be received to sell an asset or paid to transfer a liability in an orderly transaction between market participants at the measurement date. Fair value measurements must maximize the use of observable inputs and minimize the use of unobservable inputs. There is a hierarchy of three levels of inputs that may be used to measure fair value:

Level 1:	Quoted market prices in active markets for identical assets or liabilities
Level 2:	Observable inputs other than Level 1 prices, such as quoted prices for similar assets or liabilities; quoted prices in markets that are not active; or other inputs that are observable or can be corroborated by observable market data for substantially the full term of the assets or liabilities
Level 3:	Unobservable inputs supported by little or no market activity and are significant to the fair value of the assets or liabilities

Note 4: Receivables

Receivables at September 30, 2021, consist of the following:

<u>Fund</u>	<u>Taxes</u>	<u>Accounts Receivable</u>	<u>Grants Receivable</u>	<u>Total Receivables</u>
General	\$1,093,580	\$ 666,567	\$ 43,782	\$ 1,803,929
Debt Service	499,509	—	—	499,509
Keno	—	66,295	—	66,295
Redevelopment Fund	489,840	—	—	489,840
Police Academy	—	702	—	702
Sewer	—	606,564	—	606,564
	<u>\$2,082,929</u>	<u>\$ 1,340,128</u>	<u>\$ 43,782</u>	<u>\$ 3,466,839</u>

The City anticipates collecting all outstanding receivables.

FINANCIAL SECTION

Note 5: Capital Assets and Depreciation

Capital asset activity for the fiscal year ended September 30, 2021, was as follows:

	<u>Beginning Balance</u>	<u>Increases</u>	<u>Decreases</u>	<u>Ending Balance</u>
Governmental Activities				
Land	\$ 15,609,324	\$ —	\$ —	\$ 15,609,324
Construction in progress	16,282,573	4,843,172	(2,862,808)	18,262,937
Total capital assets, not being depreciated	<u>31,891,897</u>	<u>4,843,172</u>	<u>(2,862,808)</u>	<u>33,872,261</u>
Capital assets, being depreciated				
Buildings	24,394,109	—	—	24,394,109
Improvements/infrastructure	66,875,640	2,795,374	—	69,671,014
Equipment/furniture/vehicles	12,142,524	388,720	(417,564)	12,113,680
Total capital assets, being depreciation	<u>103,412,273</u>	<u>3,184,094</u>	<u>(417,564)</u>	<u>106,178,803</u>
Accumulated Depreciation				
Buildings	(14,372,774)	(974,535)	—	(15,347,309)
Improvements/infrastructure	(34,992,491)	(2,287,246)	—	(37,279,737)
Equipment/furniture/vehicles	(9,122,916)	(618,950)	417,564	(9,324,302)
Total accumulated depreciation	<u>(58,488,181)</u>	<u>(3,880,731)</u>	<u>417,564</u>	<u>(61,951,348)</u>
Capital assets being depreciated, net	<u>44,924,092</u>	<u>(696,637)</u>	<u>—</u>	<u>44,227,455</u>
Governmental activities capital assets, net	<u>\$ 76,815,989</u>	<u>\$ 4,146,535</u>	<u>\$ (2,862,808)</u>	<u>\$ 78,099,716</u>

Depreciation was charged to functions/programs as follows:

Governmental Activities	
General services	\$ 387,237
Public safety	614,102
Culture and recreation	405,216
Public works	2,474,176
Total governmental activities depreciation expense	<u>\$ 3,880,731</u>

NOTES TO THE FINANCIAL STATEMENTS**Note 5: Capital Assets and Depreciation (Continued)**

	Beginning Balance	Increases	Decreases	Ending Balance
Business-type Activities				
Land	\$ 9,524	\$ —	\$ —	\$ 9,524
Construction in progress	165,884	66,017	—	231,901
Total capital assets, not being depreciated	<u>175,408</u>	<u>66,017</u>	<u>—</u>	<u>241,425</u>
Capital assets, being depreciated				
Building and improvements	9,365	—	—	9,365
Sewer line system	7,872,662	—	—	7,872,662
Equipment and furniture	1,874,272	—	(22,701)	1,851,571
Total capital assets, being depreciated	<u>9,756,299</u>	<u>—</u>	<u>(22,701)</u>	<u>9,733,598</u>
Accumulated depreciation				
Building and improvements	(9,365)	—	—	(9,365)
Sewer line system	(3,787,709)	(156,130)	—	(3,943,839)
Equipment and furniture	(1,266,016)	(89,213)	22,701	(1,332,528)
Total accumulated depreciation	<u>(5,063,090)</u>	<u>(245,343)</u>	<u>22,701</u>	<u>(5,285,732)</u>
Capital assets being depreciated, net	<u>4,693,209</u>	<u>(245,343)</u>	<u>—</u>	<u>4,447,866</u>
Business-type activities capital assets, net	<u>\$ 4,868,617</u>	<u>\$ (179,326)</u>	<u>\$ —</u>	<u>\$ 4,689,291</u>

Depreciation was charged to functions/programs as follows:

Business-type Activities	
Sewer	<u>\$ 245,343</u>

FINANCIAL SECTION

Note 6: Short-term Liabilities

The City incurs short term liabilities during the fiscal year as a result of its normal operations. The following is a summary of short-term liability activity of the City for the fiscal year ended September 30, 2021.

	<u>Beginning Balance</u>	<u>Additions</u>	<u>Reductions</u>	<u>Ending Balance</u>
Governmental Activities				
Short-term liabilities				
Accounts payable	\$ 676,921	\$22,578,684	\$21,978,848	\$ 1,276,757
Accrued expenses	935,738	311,004	667,100	579,642
Unearned revenues	—	1,519,440	—	1,519,440
State sales and use tax refunds payable	1,000,443	1,618,955	1,000,443	1,618,955
Total governmental short-term liabilities	<u>\$ 2,613,102</u>	<u>\$26,028,083</u>	<u>\$23,646,391</u>	<u>\$ 4,994,794</u>
Business-type Activities				
Short-term liabilities				
Accounts payable	\$ 793,611	\$ 3,828,642	\$ 4,290,925	\$ 331,328
Accrued expenses	239,246	14,660	77,729	176,177
Total business-type short-term liabilities	<u>\$ 1,032,857</u>	<u>\$ 3,843,302</u>	<u>\$ 4,368,654</u>	<u>\$ 507,505</u>

NOTES TO THE FINANCIAL STATEMENTS**Note 7: Long-term Liabilities**

General obligation bonds, issued by the City for various municipal improvements, are repaid through the Debt Service Fund (sales and use tax, property tax), the General Fund (highway allocation revenue), and the Redevelopment Fund (sales and use tax). The City has pledged its full faith and credit as collateral for the general obligation bonds. The City has no debt outstanding subject to legal debt limitations. The City's borrowing capacity is restrained by maintaining the City's debt at a responsible level.

The following is a summary of long-term debt activity of the City for the fiscal year ended September 30, 2021:

	Beginning Balance	Additions	Reductions	Ending Balance	Due Within One Year
Governmental Activities					
Bonds payable					
General obligation bonds	\$ 18,885,000	\$ 19,285,000	\$ 8,900,000	\$ 29,270,000	\$ 3,125,000
Tax revenue bonds	17,560,000	13,085,000	12,950,000	17,695,000	705,000
Notes from direct placements	2,485,000	—	330,000	2,155,000	335,000
Premium/discount on bonds issued	451,552	507,866	122,835	836,583	—
Total bonds payable	<u>39,381,552</u>	<u>32,877,866</u>	<u>22,302,835</u>	<u>49,956,583</u>	<u>4,165,000</u>
Other long-term liabilities					
Installment notes payable - direct borrowings	213,811	—	142,884	70,927	70,927
Compensated absences	1,897,953	1,043,608	1,202,094	1,739,467	86,024
Total other long-term liabilities	<u>2,111,764</u>	<u>1,043,608</u>	<u>1,344,978</u>	<u>1,810,394</u>	<u>156,951</u>
Total governmental long-term liabilities	<u>\$ 41,493,316</u>	<u>\$ 33,921,474</u>	<u>\$ 23,647,813</u>	<u>\$ 51,766,977</u>	<u>\$ 4,321,951</u>
Business-type Activities					
Other long-term liabilities					
Compensated absences	<u>\$ 45,464</u>	<u>\$ 42,999</u>	<u>\$ 17,612</u>	<u>\$ 70,851</u>	<u>\$ 3,611</u>

The compensated absences and installment notes payable reported as governmental activities will be paid from the General Fund.

The compensated absences of the business-type activities will be paid from the Sewer Fund.

FINANCIAL SECTION

Note 7: Long-term Liabilities (Continued)

Long-term bonded debt and notes payable are comprised of the following:

	<u>Original Borrowing</u>	<u>Interest Rates</u>	<u>Final Maturity</u>	<u>Date Callable</u>	<u>Outstanding Balance</u>
Governmental Activities					
General obligation bonds:					
December 31, 2014 public safety tax anticipation refunding bonds	\$ 835,000	1.850-2.350%	11/15/2022	12/31/2019	\$ 220,000
December 31, 2014 highway allocation refunding bonds	790,000	1.850-3.250%	11/15/2028	12/31/2019 *	230,000
December 31, 2014 facilities corp refunding bonds	2,935,000	1.750-3.650%	3/15/2035	12/31/2019	950,000
September 5, 2018 GO offstreet parking series 2018 Garage 1	4,955,000	1.700-4.000%	9/1/2038	9/5/2023	4,385,000
December 15, 2019, GO refunding bonds	4,690,000	1.482-3.300%	12/15/2032	12/30/2024	4,200,000
April 15, 2021, GO refunding bond series 2021	4,030,000	2.000 %	12/15/2026	4/15/2026	4,030,000
June 1, 2021 Highway allocation refunding bond series 2021	9,645,000	2.000-3.000%	12/15/2041	6/1/2026	9,645,000
July 1, 2021 Economic Development bond series 2021	5,610,000	0.350-1.850%	10/15/2029	7/1/2026	<u>5,610,000</u>
Total general obligation bonds					<u>\$ 29,270,000</u>
Special tax revenue bonds:					
December 21, 2017, tax supported improvement bonds	18,840,000	1.250-5.000%	7/15/2042	7/15/2022	\$ 4,740,000
March 25, 2021, tax supported refunding bonds	13,085,000	0.345-2.775%	7/15/2038	3/25/2026	<u>12,955,000</u>
Total special tax revenue bonds					<u>\$ 17,695,000</u>
Direct Placements					
September 21, 2018, refunding certificates of participation	3,150,000	1.500-3.000%	12/15/2026	12/15/2023	<u>\$ 2,155,000</u>
Total Bonds					<u><u>\$ 49,120,000</u></u>

NOTES TO THE FINANCIAL STATEMENTS**Note 7: Long-term Liabilities (Continued)**

	Original Borrowing	Interest Rates	Final Maturity	Date Callable	Outstanding Balance
Installment notes payable - direct borrowings**					
May 1, 2018, street sweeper	—		12/1/2022		\$ 12,970
May 1, 2018, dump truck	—		5/1/2022		34,801
July 18, 2018, bucket truck	—		8/1/2022		23,156
Total installment notes payable					<u>\$ 70,927</u>

* Bonds are subject to mandatory redemption in various amounts prior to maturity beginning November 15, 2015.

** Installment notes payable are collateralized by the equipment acquired.

Governmental Activities

Maturities of the long-term debt, subject to mandatory redemption are as follows:

Year Ending September 30,	General Obligation Bonds		Tax Revenue Bonds	
	Principal	Interest	Principal	Interest
2022	\$ 3,125,000	\$ 629,803	\$ 705,000	\$ 411,065
2023	3,165,000	554,414	710,000	383,263
2024	2,555,000	492,777	715,000	380,459
2025	2,585,000	439,200	720,000	376,062
2026	1,945,000	393,143	725,000	369,020
2027 - 2031	7,995,000	1,400,589	3,820,000	1,674,986
2032 - 2036	4,205,000	732,913	4,250,000	1,254,962
2037 - 2041	3,250,000	215,900	4,950,000	660,718
2042 - 2046	445,000	4,450	1,100,000	35,750
Total	<u>\$ 29,270,000</u>	<u>\$ 4,863,189</u>	<u>\$ 17,695,000</u>	<u>\$ 5,546,285</u>

Year Ending September 30,	Notes from Direct Placements		Installment Notes - Direct Borrowings	
	Principal	Interest	Principal	Interest
2022	\$ 335,000	\$ 55,749	\$ 70,927	\$ 918
2023	345,000	48,045	—	—
2024	355,000	38,925	—	—
2025	360,000	28,200	—	—
2026	375,000	17,175	—	—
2027 - 2031	385,000	5,775	—	—
Total	<u>\$ 2,155,000</u>	<u>\$ 193,869</u>	<u>\$ 70,927</u>	<u>\$ 918</u>

FINANCIAL SECTION

Note 7: Long-term Liabilities (Continued)

The City's outstanding notes from direct borrowings and direct placements related to government activities of \$2,155,000 contain a provision that in an event of default, outstanding amounts become immediately due if the City is unable to make payment.

On March 25, 2021, the City issued \$13,085,000 of Tax Supported Refunding Bonds, Series 2021, for the purpose of advance refunding \$12,305,000 of outstanding 2017 improvement bonds. The bonds have an interest rates of 0.345% to 2.775% and have a final maturity of July 15, 2038. The Series 2021 Bonds are subject to optional redemption prior to maturity on and after the fifth anniversary of the date of issue. As a result of refunding, the City decreased its total debt service over the next 12 years by approximately \$586,982 net of underwriting and transactions costs, and obtained an economic gain (difference between present values of the debt service payments on the old and new debt) of approximately \$490,732.

On April 15, 2021, the City issued general obligation refunding bonds, Series 2021 in the amount of \$4,030,000 and a premium of \$157,424 for the purpose of refunding \$4,105,000 of outstanding 2015 refunding bonds. The Bonds have an interest rate of 2.0% and annual maturity dates of December 15, 2021 through December 15, 2026. The Series 2021 Bonds are subject to optional redemption prior to maturity on and after the fifth anniversary of the date of issue. As a result of refunding, the City decreased its total debt service over the next 5 years by approximately \$126,533 net of underwriting and transactions costs, and obtained an economic gain (difference between present values of the debt service payments on the old and new debt) of approximately \$124,801.

On June 1, 2021, the City issued highway allocation fund pledge and refunding bonds, series 2021 in the amount of \$9,645,000 and a premium of \$350,442 for the purpose of refunding \$1,990,000 of outstanding 2014 and 2016 highway allocation bonds and \$7,705,000 for the use on approved street improvements within the City. The bonds have an interest rate of 2.0% to 3.0% and annual maturity dates of December 15, 2021 through December 15, 2041. As a result of the refunding the City decreased its total debt service over the next 19 years by approximately \$298,852 net of underwriting and transactions costs, and obtained an economic gain (difference between present values of the debt service payments on the old and new debt) of approximately \$261,034.

On July 1, 2021, the City issued economic development fund bonds, series 2021 in the amount of \$5,610,000 for use on appropriate capital projects related to economic improvements approved by the City. The bonds have an interest rate of 0.350% to 1.850% and annual maturity dates of October 15, 2022 through October 15, 2029.

Note 8: Interfund Balances and Activity

During the course of operations, numerous transactions occur between individual funds that may result in amounts owed between funds.

Transfers are used to (a) move revenues from the fund that statute or budget requires to collect them to the fund that statute or budget requires to expend them, (b) move revenues from restricted funds to funds where the expenditures were incurred related to the restrictions and to (c) use unrestricted revenues collected in the general fund to finance various programs accounted for in other funds in accordance with budgetary authorizations.

Transfer To/From Other Funds at September 30, 2021, consists of the following cash transfers:

Transfer To	Transfer From					Total
	General Fund	Debt Service Fund	Capital Fund	Keno Fund	Redevelopment Fund	
General	\$ —	\$ 877,364	\$ 188,128	\$ 202,574	\$ 245,923	\$ 1,513,989
Sewer	—	—	—	665	—	665
Debt Service	1,310,795	—	—	—	—	1,310,795
Capital Improvement	50,692	8,209,622	—	30,000	—	8,290,314
Total	\$ 1,361,487	\$ 9,086,986	\$ 188,128	\$ 233,239	\$ 245,923	\$ —

NOTES TO THE FINANCIAL STATEMENTS

Note 9: Retirement Plans

The employees of the City are covered by several defined contribution retirement plans as detailed below. All plans are administered by outside trustees and, therefore, are not included in the City's basic financial statements. Any plan provisions or amendments are reviewed and approved by the Mayor and City Council. The City plans are administered by the International Cities and Counties Manager Association - Retirement Corporation (ICMA-RC). ICMA-RC is a not-for-profit organization chartered to provide a portable retirement plan for government employers nationwide. The City's total pension expense was \$575,951.

City Administrator's Retirement Plan

The City has a defined contribution pension plan covering the City Administrator, the only participant in this plan. The plan requires that the City and the employee contribute an amount equal to 10.80% and 6.27%, respectively, of the employee's base salary per pay period. The City's pension expense and plan member's contributions to the plan for the year ended September 30, 2021, were \$18,141 and \$10,532, respectively.

Civilian Employee Retirement Plan

The City has a defined contribution pension plan covering all civilian employees who are eligible with 105 participants as of September 30, 2021. The plan requires that both the employee and the City contribute an amount equal to 6% of the employee's base salary per pay period. The plan allows for forfeitures to be used to pay administration costs of the plan and then used to reduce the City's contributions. Employees are fully vested in their contributions and begin vesting in employer contributions after four years and are fully vested after seven years. The City's pension expense and plan members' contributions to the plan for the year ended September 30, 2021, were \$291,938 each.

Police Retirement Plan

The City has a defined contribution pension plan for its full-time employees in the Police Department with 50 participants as of September 30, 2021. The plan was converted effective January 1, 1984, from a defined benefit plan to a defined contribution plan. The plan requires that both the employee and the City contribute an amount equal to 7% of the employee's base salary per pay period. The plan allows for forfeitures to be used to pay administration costs of the plan and then used to reduce the City's contributions. Employees are fully vested in their contributions and begin vesting in employer contributions after four years and are fully vested after seven years. The City's pension expense and plan members' contributions to the plan for the year ended September 30, 2021, were \$265,872 each.

Deferred Compensation Plan

The City offers its employees a deferred compensation plan created in accordance with Internal Revenue Code Section 457. The plan, available to all regular permanent full and part-time City employees, permits them to defer a portion of their salary until future years. The deferred compensation is not available to employees until termination, retirement, death or unforeseeable emergency.

All amounts of compensation deferred under the plan, all property and rights purchased with those amounts, and all income attributable to those amounts, property, or rights are (until paid or made available to the employee or other beneficiary) held in trust for the exclusive benefits of the participants and their beneficiaries. The plan assets are held in trust by a third party, ICMA-RC, for the employees and are not reflected in these financial statements.

Note 10: Risk Management

The City is exposed to various risks of loss related to torts, theft, damage to, or destruction of assets, errors or omissions, injuries to employees, or natural disasters. These risks are transferred to independent insurance carriers and no self-insurance program is maintained by the City. City management believes adequate coverage exists for potential exposures as of September 30, 2021. The City did not pay any settlement amounts which exceeded its insurance coverage for any of the three preceding years.

FINANCIAL SECTION

Note 11: Commitments and Contingencies

Commitments

During the year, the City has accepted various bids for street improvements, parking garage #2 and other projects in the normal course of business that have not been completed and/or fully paid for at year-end. As of September 30 the City's construction project commitments total \$17,036,248.

Claims and Litigation

The City is involved in various litigation matters in the normal course of business. The outcome of such litigation is not expected to have a material effect on the City's financial position or results of operations.

Government Grants

The City participates in several federally assisted grant programs, which are subject to financial and compliance audits or reviews. The amount of expenditures, if any, which may be disallowed by the granting agencies, is not determinable at this time; however, City officials do not believe that such amounts, if any, will be significant.

Intergovernmental Revenues

Amounts received or receivable from federal, state and local agencies are subject to agency audit and adjustment. Any disallowed claims, including amounts already collected, may constitute a liability of the applicable fund. The amount, if any, of funds which may be disallowed by the agencies cannot be determined at this time although the City expects such amounts, if any, to be immaterial.

State Sales and Use Tax Refunds

Qualified companies in the State of Nebraska are allowed certain benefits under various legislative acts and incentive programs, including refunds of sales and use taxes paid. These refunds can include the local option tax as well as state taxes. Under State Statute, the State Tax Commissioner must notify an affected city, village, county, or municipal county of any pending refund claims of more than twenty-five thousand dollars by June 15 of a given year. The notification must be made by July 1 of the same year and the refund will be made on or after November 15. On a monthly basis, the State notifies the City of approved refund claims exceeding \$25,000. The State pays the refund to the recipient and, twelve months later, deducts that amount from the City's sales and use tax proceeds. If the amount of a refund exceeds 25% of the City's sales and use tax receipts for a prior fiscal year, the deduction will be made in twelve equal installments beginning thirteen months after the payment is made by the State to the recipient. The City accrues these tax refunds due upon receipt of notification from the State Tax Commissioner.

The amount of tax refunds due, if any, under these acts and programs is not determinable by the City until notification is made by the state.

As of September 30, 2021, the City had been notified of \$1,618,955 of state sales and use tax refunds due, which are to be repaid starting in December 2021 through September 2022. This amount is recognized as a liability on the financial statements.

Between December 2021 and January 2022, the City was notified by the state of approximately \$1,923,991 of additional state sales tax refunds due beginning in November 2022.

NOTES TO THE FINANCIAL STATEMENTS**Note 11: Commitments and Contingencies (Continued)****COVID-19**

On January 30, 2020, the World Health Organization declared the coronavirus outbreak (COVID-19) a “Public Health Emergency of International Concern” and on March 11, 2020, declared COVID-19 a pandemic. Actions taken around the world to help mitigate the spread of the coronavirus include restrictions on travel, and quarantines in certain areas, and forced closures for certain types of public places and businesses. The coronavirus and actions taken to mitigate it have had, and are expected to continue to have, an adverse impact on the economies and financial markets of many countries, including the geographical area in which the City operates.

It is unknown how long the adverse conditions associated with the coronavirus will last and what the complete financial effect will be to the City. The extent to which COVID-19 may affect the City’s results will depend on future developments, which are highly uncertain and cannot be predicted, including new information, which may emerge concerning the severity of COVID-19 and actions taken to contain COVID-19 or its impact, among others.

Note 12: Interlocal Agreements**Fire Department**

In October 2013, the City entered into an interlocal agreement with the City of Papillion (“Papillion”) and the Papillion Rural Fire District (“RFD”) to allow Papillion to expand its fire department operations to provide fire and emergency medical services (“EMS”) for all of the participants to the agreement and areas within each participants’ boundaries beginning April 1, 2014. In consideration for these services, the City and RFD each contribute proportionate funding and use of their respective fire and EMS equipment, fire apparatuses, EMS medic units and other fire or EMS vehicles and fire department real property. The agreement will terminate on September 30, 2033, with optional ten-year terms thereafter.

Under the terms of the agreement, the participants have created a mutual finance organization as authorized under the Nebraska Municipal Finance Assistance Act, known as the Papillion Fire Protection Mutual Finance Organization (“MFO”). The MFO is responsible for transacting business for financing the operation and equipment needs of the fire department or MFO; having charge and custody of and managing all funds of the MFO; and seeking funding from the Nebraska Mutual Finance Assistance Fund or other potential funding organizations. The participants in the MFO are required to levy a general fund property tax at an equal rate for the purpose of jointly funding the single fire department operations. The rate must have unanimous approval from all participants and exclude levies for bonded indebtedness and lease-purchase contracts in existence on July 1, 1998. The Papillion Finance Director serves as the fiscal agent of the MFO.

As of September 30, 2021, the MFO has not issued debt nor acquired title to any assets. Any debt or assets of the MFO would be split amongst the participants.

During the year ended September 30, 2021, the City paid \$2,291,156 to Papillion in consideration of services rendered. The City received \$503,713 from the MFO, as determined by the terms of the interlocal agreement.

Note 12: Interlocal Agreements (Continued)

Police Academy

On April 4, 2017, the City entered into the Law Enforcement Training Academy interlocal agreement with Sarpy County, Douglas County, the City of Papillion and the City of Bellevue to create the Sarpy-Douglas Law Enforcement Academy (SDLEA). The City provides office space and administrative and accounting support for the SDLEA. Each participating agency contributes \$20,000 per year to the Police Academy Fund and provides training locations for the classes.

The Agreement is administered by an Advisory Board consisting of the chief law enforcement officer of each participating agency, or his or her designee. The Advisory Board members are responsible for the overall policies and administration of this Agreement. The governing board is known as the Sarpy-Douglas Law Enforcement Academy Advisory Board. The Board makes any and all decisions based on the concurrence of a majority of the Board members after providing an opportunity for all Board members to be involved in any and all such decisions. The Sarpy-Douglas Law Enforcement Academy Advisory Board shall meet at least four times each year, with such additional meetings held as often as its members deem advisable. The Advisory Board shall annually in the month of September, from among themselves, elect a chairperson on a rotating basis. The Board shall establish and implement rules and procedures not inconsistent with the terms of this Agreement for implementation hereof.

The Agreement shall be effective for a term of five (5) years beginning on October 1, 2017 and ending September 30, 2022. The Agreement may only be terminated upon the mutual agreement of all participating agencies. At the end of the initial five year term, the agreement shall automatically renew for two (2) additional one year terms unless any Party to the Agreement gives written notice by April 1 prior to the effective date of the termination to the other participating agencies as to its desire to withdraw or terminate or amend the Agreement.

During the year ended September 30, 2021, the City received \$102,205 from the participating agencies and the City contributed \$20,000 as an expense from the General Fund to the Police Academy Fund, as determined by the terms of the interlocal agreement.

Note 13: Tax Abatements

The state approves tax abatements under the Tax Increment Financing Program (TIF), the Nebraska Advantage Act and the Employment and Investment Growth Act.

TIF provides property tax abatements to encourage improvements to blighted property. The program is established under the auspices of a state statute (Article 21, Section 18-2101 – 2144) empowering cities and counties to establish such programs. The abatements equal 100 percent of the additional property tax resulting from the increase in assessed value as a result of the improvements, as administered as a rebate of the incremental taxes generated from improvements to property, and last for 15 years (or fewer, if the loan is paid off). Eligibility for approval requires the property to have no loss of pre-existing tax revenues, and the developer demonstrates the project is not feasible without TIF. Abatements are obtained through application by the property owner and are reviewed and approved by the Council prior to commencing the improvements. This refund reduces the next property tax paid to the City. As of September 30, 2021, the City has entered into agreements with developers under TIF.

The Employment and Investment Growth Act under State Legislative Bill (LB) 775 and the Nebraska Advantage Act under LB 312 grants tax credits and sales tax refunds for companies that hire at least 30 new employees and invest at least \$3 million. These acts allow a refund of sales tax paid on equipment or other taxable property purchased in connection with the project. This refund to companies reduces the net monthly sales receipts remitted to the City.

Taxes abated under these programs for the fiscal year ended September 30, 2021 were \$1,236,440. This consists of \$382,515 pertaining to the Tax Increment Financing Program and \$1,618,955 pertaining to the Employment and Investment Growth Act and Nebraska Advantage Act.

Note 14: Subsequent Events

The City of La Vista has applied for a Clean Water State Revolving Fund loan from the Nebraska Department of Environment and Energy in the amount of \$3 million at a 0.50 interest rate. The application is in a public comment period ending March 20th. The preliminary annual debt payment is \$72,000 for a 20 year term.

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Required Supplementary Information

ANNUAL COMPREHENSIVE FINANCIAL REPORT / CITY OF LA VISTA,

REQUIRED SUPPLEMENTARY INFORMATION

**Schedule of Revenues, Expenditures, and Changes in
Fund Balances – Budget and Actual (Budget Basis) –
General Fund**

For the Fiscal Year Ended September 30, 2021

	Original Budget	Final Budget	Actual	Variance With Final Budget Positive (Negative)
Revenues				
Taxes	\$ 16,311,419	\$ 16,232,078	\$ 17,279,089	\$ 1,047,011
Licenses and permits	531,570	525,333	553,733	28,400
Intergovernmental revenues	1,739,301	1,739,301	2,087,379	348,078
Charges for services	388,491	388,491	283,899	(104,592)
Grant income	151,710	165,736	2,657,755	2,492,019
Interest income	72,075	72,075	28,619	(43,456)
Miscellaneous	130,192	201,744	150,301	(51,443)
Total revenues	19,324,758	19,324,758	23,040,775	3,716,017
Expenditures				
General government	5,327,752	5,327,752	4,152,044	1,175,708
Public works	2,625,279	2,587,637	2,374,895	212,742
Public safety	7,818,176	7,818,176	7,881,334	(63,158)
Culture and recreation	2,393,293	2,386,010	1,966,125	419,885
Public library	948,460	948,460	838,146	110,314
Community development	675,426	675,426	626,935	48,491
Capital outlay	362,000	406,925	364,620	42,305
Debt service principal	146,469	146,469	146,469	—
Total expenditures	20,296,855	20,296,855	18,350,568	1,946,287
Excess (Deficiency) of Revenues Over (Under) Expenditures	(972,097)	(972,097)	4,690,207	5,662,304
Other Financing (Uses)				
Operating transfers net	(416,474)	(416,474)	68,133	(484,607)
Total other financing (uses)	(416,474)	(416,474)	68,133	(484,607)
Net Change in Fund Balances	\$ (1,388,571)	\$ (1,388,571)	\$ 4,758,340	\$ 5,177,697
Basic differences (accruals) occur because the cash basis of accounting used for budgeting differs from the modified accrual basis of accounting prescribed for governmental funds			(2,580,190)	
Net Change on a GAAP Basis			\$ 2,178,150	

See Notes to Required Supplementary Information

FINANCIAL SECTION

**Schedule of Revenues, Expenditures, and Changes in
Fund Balances – Budget and Actual (Budget Basis) –
Keno Fund
For the Fiscal Year Ended September 30, 2021**

	Original Budget	Final Budget	Actual	Variance With Final Budget Positive (Negative)
Revenues				
Keno	\$ 903,214	\$ 1,027,756	\$ 1,495,078	\$ 467,322
Miscellaneous	—	—	2,500	2,500
Interest income	37,731	37,731	15,614	(22,117)
Total revenues	<u>940,945</u>	<u>1,065,487</u>	<u>1,513,192</u>	<u>447,705</u>
Expenditures				
General government	9,600	9,600	13,807	(4,207)
Community betterment	675,587	800,129	663,531	136,598
Total expenditures	<u>685,187</u>	<u>809,729</u>	<u>677,338</u>	<u>132,391</u>
Excess of Revenues Over Expenditures	<u>255,758</u>	<u>255,758</u>	<u>835,854</u>	<u>580,096</u>
Other Financing (Uses)				
Operating transfers out	(293,867)	(293,867)	(233,239)	60,628
Total other financing (uses)	<u>(293,867)</u>	<u>(293,867)</u>	<u>(233,239)</u>	<u>60,628</u>
Net Change in Fund Balances	<u>\$ (38,109)</u>	<u>\$ (38,109)</u>	<u>\$ 602,615</u>	<u>\$ 640,724</u>
Basic differences (accruals) occur because the cash basis of accounting used for budgeting differs from the modified accrual basis of accounting prescribed for governmental funds			<u>(49,047)</u>	
Net Change on a GAAP Basis			<u>\$ 553,568</u>	

See Notes to Required Supplementary Information

REQUIRED SUPPLEMENTARY INFORMATION

**Schedule of Revenues, Expenditures, and Changes in
Fund Balances – Budget and Actual (Budget Basis) –
Police Academy Fund
For the Fiscal Year Ended September 30, 2021**

	Original Budget	Final Budget	Actual	Variance With Final Budget Positive (Negative)
Revenues				
Intergovernmental	\$ 148,000	\$ 148,000	\$ 166,156	\$ 18,156
Interest income	423	423	94	(329)
	<hr/>	<hr/>	<hr/>	<hr/>
Total revenues	148,423	148,423	166,250	17,827
	<hr/>	<hr/>	<hr/>	<hr/>
Expenditures				
Public Safety	116,612	116,612	117,276	(664)
	<hr/>	<hr/>	<hr/>	<hr/>
Total expenditures	116,612	116,612	117,276	(664)
	<hr/>	<hr/>	<hr/>	<hr/>
Excess of Revenues Over Expenditures	31,811	31,811	48,974	18,491
	<hr/>	<hr/>	<hr/>	<hr/>
Net Change in Fund Balances	<u>\$ 31,811</u>	<u>\$ 31,811</u>	<u>\$ 48,974</u>	<u>\$ 18,491</u>
Basic differences (accruals) occur because the cash basis of accounting used for budgeting differs from the modified accrual basis of accounting prescribed for governmental funds			<hr/> 1,066	
Net Change on a GAAP Basis			<u><u>\$ 50,040</u></u>	

See Notes to Required Supplementary Information

Note 1: Budgetary Accounting

The City prepares its budgets on a cash basis of accounting. Accordingly, revenues are recognized when cash is received by the City and expenditures are recognized when cash is disbursed. This is a comprehensive basis of accounting in contrast to accounting principles generally accepted in the United States of America. Under the method of accounting, all unexpended appropriations lapse at the end of the budget year.

Amounts presented on the cash basis of accounting differ from those presented in accordance with modified accrual basis due to the treatment of afforded accruals. A reconciliation for the fiscal year ended September 30, 2021, which discloses the nature and amount of the adjustments necessary to convert the actual modified accrual basis data to the budgetary basis, is presented on each schedule.

Note 2: Budget Procedures

The City follows these procedures in establishing the budgetary data reflected in the schedule of revenues, expenditures, and changes in fund balances - budget and actual (budget basis):

- The City's department heads, and mid-level managers prepare and submit budget requests for the following two fiscal years to the City Administrator who then reviews the request with the department and division heads.
- After this review process has been completed, the City Administrator presents these budget requests to the Mayor and City Council along with recommendations as to what changes, if any, should be made. These budget requests and recommendations are reviewed by the City Council at meetings open to the public.
- A public hearing and the first reading of the budget is then conducted at a City Council meeting to obtain comments from citizens. Two additional readings are conducted at subsequent City Council meetings.
- Prior to September 20, the City Council legally enacts the budget through the passage of a resolution adopting the biennial budget.
- Formal budgetary integration is employed as a management control device during the year for all Governmental Funds and Proprietary Funds.
- Appropriations lapse at the end of the fiscal year.

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Other Supplementary Information

ANNUAL COMPREHENSIVE FINANCIAL REPORT / CITY OF LA VISTA, NEBRASKA

OTHER SUPPLEMENTARY INFORMATION

**Schedule of Revenues, Expenditures, and Changes in
Fund Balances – Budget and Actual (Budget Basis) –
Debt Service Fund**

For the Fiscal Year Ended September 30, 2021

	Original Budget	Final Budget	Actual	Variance With Final Budget Positive (Negative)
Revenues				
Property taxes	\$ 887,554	\$ 887,554	\$ 890,303	\$ 2,749
Sales taxes	1,943,539	1,943,539	2,498,138	554,599
Motor vehicle taxes	3,636	3,636	2,171	(1,465)
In lieu of taxes	35,279	35,279	19,513	(15,766)
Special Assessments	—	—	4,654	4,654
Interest income	27,767	27,767	9,457	(18,310)
Other income	503,714	503,714	506,793	3,079
Total revenues	3,401,489	3,401,489	3,931,029	529,540
Expenditures				
General government	222,257	222,257	231,799	(9,542)
Debt service principal retirement	3,340,000	3,340,000	3,135,000	205,000
Debt service interest	666,985	666,985	540,328	126,657
Total expenditures	4,229,242	4,229,242	3,907,127	322,115
Excess (Deficiency) of Revenues Over/(Under) Expenditures	(827,753)	(827,753)	23,902	851,655
Other Financing (Uses)				
Operating transfers net	389,309	389,309	(7,979,019)	(8,368,328)
Bond refunding	—	—	(6,095,000)	(6,095,000)
Bond proceeds	6,490,000	6,490,000	14,182,866	7,692,866
Total other financing (uses)	6,879,309	6,879,309	108,847	(6,770,462)
Net Change in Fund Balances	\$ 6,051,556	\$ 6,051,556	132,749	\$ (5,918,807)
Basic differences (accruals) occur because the cash basis of accounting used for budgeting differs from the modified accrual basis of accounting prescribed for governmental funds			(226,032)	
Net Change on a GAAP Basis			\$ (93,283)	

FINANCIAL SECTION

**Schedule of Revenues, Expenditures, and Changes in
Fund Balances – Budget and Actual (Budget Basis) –
Capital Improvement Fund
For the Fiscal Year Ended September 30, 2021**

	Original Budget	Final Budget	Actual	Variance With Final Budget Positive (Negative)
Revenues				
Grant Income	—	—	120,676	
Interest income	387	387	2,003	1,616
Total revenues	387	387	122,679	122,292
Expenditures				
Capital Outlay	7,079,445	7,079,445	4,407,487	2,671,958
General government	—	—	199,405	(199,405)
Total expenditures	7,079,445	7,079,445	4,606,892	2,472,553
Excess (Deficiency) of Revenues Over (Under) Expenditures	(7,079,058)	(7,079,058)	(4,484,213)	2,594,845
Other Financing Sources (uses)				
Operating transfers net	484,445	484,445	8,439,027	7,954,582
Total other financing sources (uses)	484,445	484,445	8,439,027	7,954,582
Net Change in Fund Balances	<u>\$ (6,594,613)</u>	<u>\$ (6,594,613)</u>	3,954,814	<u>\$ 10,549,427</u>
Basic differences (accruals) occur because the cash basis of accounting used for budgeting differs from the modified accrual basis of accounting prescribed for governmental funds			(445,845)	
Net Change on a GAAP Basis			<u>\$ 3,508,969</u>	

OTHER SUPPLEMENTARY INFORMATION

**Schedule of Revenues, Expenditures, and Changes in
Fund Balances – Budget and Actual (Budget Basis) –
Economic Development Program Fund
For the Fiscal Year Ended September 30, 2021**

	<u>Original Budget</u>	<u>Final Budget</u>	<u>Actual</u>	<u>Variance With Final Budget Positive (Negative)</u>
Revenues				
Interest income	\$ 10,070	\$ 10,070	\$ 1,445	\$ (8,625)
Total revenues	<u>10,070</u>	<u>10,070</u>	<u>1,445</u>	<u>(8,625)</u>
Expenditures				
General government	1,034,500	1,034,500	109,021	925,479
Debt service interest	48,010	48,010	—	48,010
Total expenditures	<u>1,082,510</u>	<u>1,082,510</u>	<u>109,021</u>	<u>973,489</u>
Excess (Deficiency) of Revenues Over (Under) Expenditures	<u>(1,072,440)</u>	<u>(1,072,440)</u>	<u>(107,576)</u>	<u>964,864</u>
Other Financing Sources				
Operating transfers net	82,510	82,510	—	(82,510)
Bond proceeds	3,000,000	3,000,000	5,610,000	2,610,000
Total other financing sources	<u>3,082,510</u>	<u>3,082,510</u>	<u>5,610,000</u>	<u>2,527,490</u>
Net Change in Fund Balances	<u>\$ 2,010,070</u>	<u>\$ 2,010,070</u>	<u>5,502,424</u>	<u>\$ 3,492,354</u>
Basic differences (accruals) occur because the cash basis of accounting used for budgeting differs from the modified accrual basis of accounting prescribed for governmental funds			<u>—</u>	
Net Change on a GAAP Basis			<u>\$ 5,502,424</u>	

FINANCIAL SECTION

**Schedule of Revenues, Expenditures, and Changes in
Fund Balances – Budget and Actual (Budget Basis) –
84th Street Redevelopment Fund
For the Fiscal Year Ended September 30, 2021**

	Original Budget	Final Budget	Actual	Variance With Final Budget Positive (Negative)
Revenues				
Sales taxes	\$ 1,943,539	\$ 1,943,539	\$ 2,498,138	\$ 554,599
Occupation Tax	34,657	34,657	59	(34,598)
Interest income	60,391	60,391	17,926	(42,465)
Total revenues	<u>2,038,587</u>	<u>2,038,587</u>	<u>2,516,123</u>	<u>477,536</u>
Expenditures				
Community development	175,000	175,000	143,199	31,801
General government	121,450	121,450	779,134	(657,684)
Capital outlay	4,181,000	4,181,000	222,850	3,958,150
Debt service principal retirement	750,000	750,000	645,000	105,000
Debt service interest	761,125	761,125	478,874	282,251
Total expenditures	<u>5,988,575</u>	<u>5,988,575</u>	<u>2,269,057</u>	<u>3,719,518</u>
Excess (Deficiency) of Revenues Over (Under) Expenditures	<u>(3,949,988)</u>	<u>(3,949,988)</u>	<u>247,066</u>	<u>4,197,054</u>
Other Financing Sources (uses)				
Operating transfers net	(245,923)	(245,923)	(245,923)	—
Bond refunding	—	—	(12,305,000)	(12,305,000)
Bond proceeds	9,615,000	9,615,000	13,085,000	(3,470,000)
Total other financing sources (uses)	<u>9,369,077</u>	<u>9,369,077</u>	<u>534,077</u>	<u>(15,775,000)</u>
Net Change in Fund Balances	<u>\$ 5,419,089</u>	<u>\$ 5,419,089</u>	<u>781,143</u>	<u>\$(11,577,946)</u>
Basic differences (accruals) occur because the cash basis of accounting used for budgeting differs from the modified accrual basis of accounting prescribed for governmental funds			<u>(272,409)</u>	
Net Change on a GAAP Basis			<u>\$ 508,734</u>	

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STATISTICAL SECTION

ANNUAL COMPREHENSIVE FINANCIAL REPORT / CITY OF LA VISTA, NEBRASKA

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STATISTICAL SECTION

Statistical Section

This section of the City of La Vista's annual comprehensive financial report contains trend information to indicate how the City's financial performance and position have changed over time. It also provides a context for the information presented in the financial statements, note disclosures, and required supplementary information.

Contents

Tables

Financial Trends

1 - 4

These schedules contain trend information to help the reader understand how the City's financial performance and well-being have changed over time.

Revenue Capacity

5 - 11

These schedules contain information to help the reader assess the City's most significant local revenue sources: Property Tax and Sales Tax

Debt Capacity

12 - 15

These schedules present information to help the reader assess the affordability of the City's current levels of outstanding debt and the City's ability to issue additional debt in the future

Demographic and Economic Information

16 - 17

These schedules offer demographic and economic indicators to help the reader understand the environment within which the City's financial activities take place.

Operating Information

18 - 20

These schedules contain service and infrastructure data to help the reader understand how the information in the City's financial report relates to the services the city provides and the activities it performs.

Source: Unless otherwise noted, the information in these schedules is derived from the annual financial reports for the relevant year.

FINANCIAL TRENDS**Table 1a**

**Net Position by Component
Last Ten Years Fiscal Years
(Accrual Basis of Accounting)**

	Fiscal Year				
	2012	2013	2014	2015	2016
Governmental activities:					
Net investment in capital assets	\$ 15,143,780	\$ 19,712,625	\$ 21,279,103	\$ 22,643,751	\$ 26,375,291
Restricted	2,491,321	2,082,173	1,216,946	3,504,013	9,145,027
Unrestricted	8,600,472	10,015,035	10,613,657	10,365,699	6,748,900
Total governmental activities net position	<u>\$ 26,235,573</u>	<u>\$ 31,809,833</u>	<u>\$ 33,109,706</u>	<u>\$ 36,513,463</u>	<u>\$ 42,269,218</u>
Business-type activities:					
Net investment in capital assets	\$ 5,200,724	\$ 5,898,032	\$ 5,788,436	\$ 5,613,220	\$ 5,308,491
Restricted	—	—	—	—	—
Unrestricted	876,233	1,065,640	1,027,671	1,200,275	1,002,419
Total business-type activities net position	<u>\$ 6,076,957</u>	<u>\$ 6,963,672</u>	<u>\$ 6,816,107</u>	<u>\$ 6,813,495</u>	<u>\$ 6,310,910</u>
Primary Government					
Net investment in capital assets	\$ 20,344,504	\$ 25,610,657	\$ 27,067,539	\$ 28,256,971	\$ 31,683,782
Restricted	2,491,321	2,082,173	1,216,946	3,504,013	9,145,027
Unrestricted	9,476,705	11,080,675	11,641,328	11,565,974	7,751,319
Total primary government net position	<u>\$ 32,312,530</u>	<u>\$ 38,773,505</u>	<u>\$ 39,925,813</u>	<u>\$ 43,326,958</u>	<u>\$ 48,580,128</u>

Table 1b

Net Position by Component (Continued)
Last Ten Years Fiscal Years
(Accrual Basis of Accounting)

	Fiscal Year				
	2017	2018	2019	2020	2021
Governmental activities:					
Net investment in capital assets	\$ 28,465,755	\$ 32,292,598	\$ 35,719,808	\$ 37,618,808	\$ 37,559,118
Restricted	7,154,675	9,039,861	7,197,216	11,930,359	12,968,570
Unrestricted	9,201,744	7,954,650	10,358,433	7,664,958	10,354,577
Total governmental activities net position	<u>\$ 44,822,174</u>	<u>\$ 49,287,109</u>	<u>\$ 53,275,457</u>	<u>\$ 57,214,125</u>	<u>\$ 60,882,265</u>
Business-type activities:					
Net investment in capital assets	\$ 5,158,341	\$ 5,035,436	\$ 5,005,395	\$ 4,868,617	\$ 4,689,291
Restricted	—	—	—	—	—
Unrestricted	1,268,020	2,170,247	2,872,294	3,611,131	4,578,527
Total business-type activities net position	<u>\$ 6,426,361</u>	<u>\$ 7,205,683</u>	<u>\$ 7,877,689</u>	<u>\$ 8,479,748</u>	<u>\$ 9,267,818</u>
Primary Government					
Net investment in capital assets	\$ 33,624,096	\$ 37,328,034	\$ 40,725,203	\$ 42,487,425	\$ 42,248,409
Restricted	7,154,675	9,039,861	7,197,216	11,930,348	12,968,570
Unrestricted	10,469,764	10,124,897	13,230,727	11,276,099	14,933,104
Total primary government net position	<u>\$ 51,248,535</u>	<u>\$ 56,492,792</u>	<u>\$ 61,153,146</u>	<u>\$ 65,693,872</u>	<u>\$ 70,150,083</u>

FINANCIAL TRENDS**Table 2a**

**CHANGES IN NET POSITION
LAST TEN FISCAL YEAR
(Accrual Basis of Accounting)**

	Fiscal Year				
	2012	2013	2014	2015	2016
Expenses:					
Governmental Activities					
General government	\$ 2,280,932	\$ 2,464,606	\$ 2,830,676	\$ 3,042,745	\$ 3,180,352
Public safety	5,050,454	4,928,992	5,671,727	6,369,785	6,473,034
Public works	3,290,489	3,470,958	3,686,477	3,710,503	3,851,418
Culture and recreation	2,558,430	2,507,328	2,643,595	2,641,524	2,800,325
Community betterment	420,338	542,381	476,137	471,751	534,331
Community development	1,144,697	3,041,707	570,548	579,238	851,063
Interest on long-term debt	2,554,174	2,442,261	2,360,424	2,275,121	2,048,414
Total Governmental Activities Expenses	<u>17,299,514</u>	<u>19,398,233</u>	<u>18,239,584</u>	<u>19,090,667</u>	<u>19,738,937</u>
Business-type activities					
Sewer	2,322,889	2,620,300	3,034,561	3,021,293	3,299,763
Golf	447,968	387,343	392,987	367,118	668,985
Total Business-Type Activities Expenses	<u>\$ 2,770,857</u>	<u>\$ 3,007,643</u>	<u>\$ 3,427,548</u>	<u>\$ 3,388,411</u>	<u>\$ 3,968,748</u>
Total Primary Government Expenses	<u><u>\$ 20,070,371</u></u>	<u><u>\$ 22,405,876</u></u>	<u><u>\$ 21,667,132</u></u>	<u><u>\$ 22,479,078</u></u>	<u><u>\$ 23,707,685</u></u>
Program Revenue					
Governmental Activities					
Charges for Services					
General government	\$ 427,362	\$ 464,950	\$ 511,857	\$ 663,837	\$ 535,652
Public safety	—	—	—	—	—
Public works	—	—	—	—	—
Culture and recreation	432,726	475,908	455,299	283,575	285,461
Community betterment	1,298,859	1,256,231	1,314,587	1,389,381	1,282,710
Community development	—	—	—	—	—
Operating Grants and Contributions	1,968,632	1,698,688	1,746,573	2,052,525	1,771,476
Capital Grants and Contributions	1,305,307	748,876	343,354	718,596	693,334
Total Governmental Activities Program Revenues	<u>5,432,886</u>	<u>4,644,653</u>	<u>4,371,670</u>	<u>5,107,914</u>	<u>4,568,633</u>

Table 2b

CHANGES IN NET POSITION (Continued)
LAST TEN FISCAL YEAR
(Accrual Basis of Accounting)

	Fiscal Year				
	2017	2018	2019	2020	2021
Expenses:					
Governmental Activities					
General government	\$ 3,302,609	\$ 4,033,942	\$ 4,038,516	\$ 4,698,589	\$ 4,933,287
Public safety	\$ 6,839,929	\$ 7,132,385	\$ 7,605,607	\$ 8,119,378	\$ 8,496,120
Public works	\$ 4,116,582	\$ 3,839,031	\$ 5,016,988	\$ 5,219,650	\$ 5,021,900
Culture and recreation	\$ 3,372,819	\$ 2,975,688	\$ 2,699,851	\$ 2,976,833	\$ 3,221,142
Community betterment	\$ 555,357	\$ 499,720	\$ 563,462	\$ 518,484	\$ 659,766
Community development	\$ 842,525	\$ 1,235,141	\$ 707,573	\$ 826,912	\$ 925,830
Interest on long-term debt	\$ 2,055,098	\$ 2,011,109	\$ 1,333,392	\$ 1,227,687	\$ 925,554
Total Governmental Activities Expenses	\$ 21,084,919	\$ 21,727,016	\$ 21,965,389	\$ 23,587,533	\$ 24,183,599
Business-type activities					
Sewer	\$ 3,540,832	\$ 3,305,178	\$ 3,571,122	\$ 3,655,217	\$ 3,859,354
Golf	\$ 12,715	\$ —	\$ —	\$ —	\$ —
Total Business-Type Activities Expenses	\$ 3,553,547	\$ 3,305,178	\$ 3,571,122	\$ 3,655,217	\$ 3,859,354
Total Primary Government Expenses	\$ 24,638,466	\$ 25,032,194	\$ 25,536,511	\$ 27,242,750	\$ 28,042,953
Program Revenue					
Governmental Activities					
Charges for Services					
General government	\$ 547,546	\$ 735,348	\$ 530,210	\$ 539,097	\$ 560,939
Public safety	\$ —	\$ —	\$ —	\$ —	\$ 166,858
Public works	\$ —	\$ —	\$ —	\$ —	\$ —
Culture and recreation	\$ 371,747	\$ 326,054	\$ 563,996	\$ 280,138	\$ 317,928
Community betterment	\$ 1,228,240	\$ 1,133,699	\$ 1,111,910	\$ 1,432,402	\$ 1,435,553
Community development	\$ —	\$ —	\$ —	\$ 8,745	\$ —
Operating Grants and Contributions	\$ 1,900,180	\$ 1,941,816	\$ 2,068,093	\$ 3,102,332	\$ 2,087,869
Capital Grants and Contributions	\$ —	\$ —	\$ 1,014,391	\$ 16,789	\$ 120,676
Total Governmental Activities Program Revenues	\$ 4,047,713	\$ 4,136,917	\$ 5,288,600	\$ 5,379,503	\$ 4,689,823

FINANCIAL TRENDS**Table 2a**

CHANGES IN NET POSITION (Continued)
LAST TEN FISCAL YEAR
(Accrual Basis of Accounting)

	Fiscal Year				
	2012	2013	2014	2015	2016
Business-Type Activities					
Charges for services					
Sewer	2,451,692	2,623,684	2,651,549	2,979,124	3,299,328
Golf	260,301	236,325	229,615	248,149	246,215
Operating Grants and Contributions	—	24,082	24,233	22,918	22,918
Capital Grants and Contributions	—	—	—	—	—
Total Business-Type Activities Program Revenues	<u>\$ 2,711,993</u>	<u>\$ 2,884,091</u>	<u>\$ 2,905,397</u>	<u>\$ 3,250,191</u>	<u>\$ 3,568,461</u>
Total Primary Government Program Revenue	<u>\$ 8,144,879</u>	<u>\$ 7,528,744</u>	<u>\$ 7,277,067</u>	<u>\$ 8,358,105</u>	<u>\$ 8,137,094</u>
Net (Expense)/Revenue					
Governmental Activities	(11,866,628)	(14,753,580)	(13,867,914)	(13,982,753)	(15,170,304)
Business-Type Activities	(58,864)	(123,552)	(522,151)	(138,220)	(400,287)
Total	<u>\$(11,925,492)</u>	<u>\$(14,877,132)</u>	<u>\$(14,390,065)</u>	<u>\$(14,120,973)</u>	<u>(15,570,591)</u>

Table 2b

CHANGES IN NET POSITION (Continued)
LAST TEN FISCAL YEAR
(Accrual Basis of Accounting)

	Fiscal Year				
	2017	2018	2019	2020	2021
Business-Type Activities					
Charges for services					
Sewer	3,829,690	3,959,894	4,203,683	4,235,768	4,637,741
Golf	3,470	—	—	—	—
Operating Grants and Contributions	19,731	—	—	—	—
Capital Grants and Contributions	—	—	—	—	—
Total Business-Type Activities					
Program Revenues	3,852,891	3,959,894	4,203,683	4,235,768	4,637,741
Total Primary Government Program Revenue	<u>7,900,604</u>	<u>8,096,811</u>	<u>9,492,283</u>	<u>9,615,271</u>	<u>9,327,564</u>
Net (Expense)/Revenue					
Governmental Activities	(17,037,206)	(17,590,099)	(16,676,789)	(18,208,030)	(19,493,776)
Business-Type Activities	299,344	654,716	632,561	580,551	778,387
Total	<u>(16,737,862)</u>	<u>(16,935,383)</u>	<u>(16,044,228)</u>	<u>(17,627,479)</u>	<u>(18,715,389)</u>

FINANCIAL TRENDS**Table 2c**

CHANGES IN NET POSITION (Continued)
LAST TEN FISCAL YEAR
(Accrual Basis of Accounting)

	Fiscal Year				
	2012	2013	2014	2015	2016
General Revenues and Other Changes in Net Position					
Governmental Activities					
Taxes					
Property taxes	5,716,198	5,746,838	6,754,924	6,878,134	7,281,504
Sales and use taxes	4,476,662	6,269,262	5,424,484	5,397,637	8,907,855
Occupation taxes	1,580,448	1,705,931	1,813,090	1,821,521	1,764,230
Motor vehicle taxes	324,746	354,182	385,836	402,999	444,213
In lieu of taxes	200,159	236,021	280,249	310,218	323,279
Interest income	1,321,256	1,301,858	1,230,685	1,481,807	1,274,167
Miscellaneous	75,547	75,290	263,945	1,225,768	918,311
Transfers	(250,000)	(250,000)	(374,050)	(131,575)	12,500
Capital contributions from governmental activities to business-type activities	—	—	—	—	—
Transfer of Capital assets from business-type activities to governmental activities	—	—	—	—	—
Net Position Received from Annexation	—	4,888,458	—	—	—
Total Governmental Activities	13,445,016	20,327,840	15,779,163	17,386,509	20,926,059
Business Type Activities					
Interest Income	3,152	3,397	4,923	4,033	1,693
Miscellaneous	—	—	—	—	(91,491)
Transfers	250,000	250,000	374,050	131,575	(12,500)
Capital contributions from governmental activities to business-type activities	—	—	—	—	—
Transfer of Capital assets from business-type activities to governmental activities	—	—	—	—	—
Net Position Received from Annexation	—	756,870	—	—	—
Total Business Type Activities	253,152	1,010,267	378,973	135,608	(102,298)
Total primary governmental activities general revenues and other charges	\$ 13,698,168	\$ 21,338,107	\$ 16,158,136	\$ 17,522,117	\$ 20,823,761

Table 2d

CHANGES IN NET POSITION (Continued)
LAST TEN FISCAL YEARS
(Accrual Basis of Accounting)

	Fiscal Year				
	2017	2018	2019	2020	2021
General Revenues and Other Changes in Net Position					
Governmental Activities					
Taxes					
Property taxes	7,685,321	8,378,504	8,534,805	9,201,124	10,082,913
Sales and use taxes	7,091,594	9,407,443	8,672,993	9,166,394	9,096,486
Occupation taxes	1,743,994	1,831,621	1,711,471	2,160,134	2,395,210
Motor vehicle taxes	477,817	483,324	510,523	493,707	517,238
In lieu of taxes	349,057	339,463	343,156	341,771	214,639
Interest income	1,274,532	1,002,789	242,470	172,046	75,412
Miscellaneous	782,123	727,168	665,769	611,522	780,683
Transfers	185,724	(23,528)	(16,050)	—	(665)
Capital contributions from governmental activities to business-type activities	—	(125,197)	—	—	—
Transfer of Capital assets from business-type activities to governmental activities	—	33,447	—	—	—
Net Position Received from Annexation	—	—	—	—	—
Total Governmental Activities	19,590,162	22,055,034	20,665,137	22,146,698	23,161,916
Business Type Activities					
Interest Income	1,831	9,328	23,395	21,508	9,018
Miscellaneous	—	—	—	—	—
Transfers	(185,724)	23,528	16,050	—	665
Capital contributions from governmental activities to business-type activities	—	125,197	—	—	—
Transfer of Capital assets from business-type activities to governmental activities	—	(33,447)	—	—	—
Net Position Received from Annexation	—	—	—	—	—
Total Business Type Activities	(183,893)	124,606	39,445	21,508	9,683
Total primary governmental activities general revenues and other charges	19,406,269	22,179,640	20,704,582	22,168,206	23,171,599

FINANCIAL TRENDS

Table 2c

**CHANGES IN NET POSITION (Continued)
LAST TEN FISCAL YEAR
(Accrual Basis of Accounting)**

	Fiscal Year				
	2012	2013	2014	2015	2016
Change in Net Position					
Governmental Activities	1,578,388	5,574,260	1,911,249	3,403,756	5,755,755
Business-Type Activities	194,288	886,715	(143,178)	(2,612)	(502,585)
Change in Net Position	<u>\$ 1,772,676</u>	<u>\$ 6,460,975</u>	<u>\$ 1,768,071</u>	<u>\$ 3,401,144</u>	<u>\$ 5,253,170</u>
 Change in Accounting Principle:					
Governmental Activities	—	—	(611,376)	—	—
Business-Type Activities	—	—	(4,387)	—	—
Change in Accounting Principle:	<u>—</u>	<u>—</u>	<u>(615,763)</u>	<u>—</u>	<u>—</u>
Total Primary Government	<u>\$ 1,772,676</u>	<u>\$ 6,460,975</u>	<u>\$ 1,152,308</u>	<u>\$ 3,401,144</u>	<u>\$ 5,253,170</u>

Note: The City adopted GASB Statement No. 65 for the fiscal year ended 9/30/2015. No prior period information was restated.

Table 2d

CHANGES IN NET POSITION (Continued)
LAST TEN FISCAL YEAR
(Accrual Basis of Accounting)

	2017	2018	2019	2020	2021
Change in Net Position					
Governmental Activities	2,552,956	4,464,935	3,988,348	3,938,668	3,668,140
Business-Type Activities	115,451	779,322	672,006	602,059	788,070
Change in Net Position	<u>\$ 2,668,407</u>	<u>\$ 5,244,257</u>	<u>\$ 4,660,354</u>	<u>\$ 4,540,727</u>	<u>\$ 4,456,210</u>
Change in Accounting Principle:					
Governmental Activities	—	—	—	—	—
Business-Type Activities	—	—	—	—	—
Change in Accounting Principle:	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
Total Primary Government	<u>2,668,407</u>	<u>5,244,257</u>	<u>4,660,354</u>	<u>4,540,727</u>	<u>4,456,210</u>

FINANCIAL TRENDS**Table 3a**

**Fund Balances of Governmental Funds
LAST TEN FISCAL YEARS
(Modified Accrual Basis of Accounting)**

	Fiscal Year				
	2012	2013	2014	2015	2016
General Fund					
Nonspendable	\$ —	\$ —	\$ 84,840	\$ 263,575	\$ 43,298
Restricted	—	—	—	—	—
Committed for:					
Capital outlay	—	—	—	—	—
Unassigned	5,392,485	8,269,430	8,109,475	8,898,359	9,087,712
Total General Fund	<u>\$ 5,392,485</u>	<u>\$ 8,269,430</u>	<u>\$ 8,194,315</u>	<u>\$ 9,161,934</u>	<u>\$ 9,131,010</u>
All Other Governmental Funds					
Nonspendable	\$ —	\$ —	\$ —	\$ —	\$ —
Restricted for:					
Debt Service	5,162,786	5,620,155	3,612,797	4,746,495	6,024,480
Community Betterment	2,491,321	2,082,173	1,216,946	1,645,971	1,966,247
Economic Development	16,990,730	16,775,152	16,554,788	16,343,469	16,129,763
84th Street Redevelopment	—	—	—	1,848,042	14,650,624
Public Safety	—	—	—	—	—
Committed for:					
Capital Improvements	660,518	536,600	702,103	236,369	264,477
Unassigned	—	—	—	—	—
Total All Other Governmental Funds	<u>\$ 25,305,355</u>	<u>\$ 25,014,080</u>	<u>\$ 22,086,634</u>	<u>\$ 24,820,346</u>	<u>\$ 39,035,591</u>

Table 3b

Fund Balances of Governmental Funds (Continued)
LAST TEN FISCAL YEARS
(Modified Accrual Basis of Accounting)

	Fiscal Year				
	2017	2018	2019	2020	2021
General Fund					
Nonspendable	\$ 134,883	\$ 56,437	\$ 62,711	\$ 86,386	\$ 133,596
Restricted	—	131,146	—	62,616	189,345
Committed for:					
Capital outlay	—	—	100,716	351,471	402,371
Unassigned	7,921,378	6,827,379	7,776,196	9,120,068	11,073,380
Total General Fund	<u>\$ 8,056,261</u>	<u>\$ 7,014,962</u>	<u>\$ 7,939,623</u>	<u>\$ 9,620,541</u>	<u>\$ 11,798,692</u>
All Other Governmental Funds					
Nonspendable	\$ —	\$ —	\$ 2,366	\$ 2,681	\$ 2,774
Restricted for:					
Debt Service	6,217,965	6,031,758	4,203,542	3,752,028	3,658,748
Community Betterment	2,734,800	3,245,598	3,570,210	3,977,414	4,530,985
Economic Development	16,120,117	3,607,668	7,043	7,069	5,509,493
84th Street Redevelopment	9,413,946	10,497,181	6,452,576	4,102,718	4,611,453
Public Safety	—	16,880	21,099	25,822	75,772
Committed for:					
Capital Improvements	—	—	—	149,620	3,658,589
Unassigned	(881,978)	—	—	—	—
Total All Other Governmental Funds	<u>\$ 33,604,850</u>	<u>\$ 23,399,085</u>	<u>\$ 14,256,836</u>	<u>\$ 12,017,352</u>	<u>\$ 22,047,814</u>

FINANCIAL TRENDS**Table 4a**

**CHANGES IN FUND BALANCES OF GOVERNMENTAL FUNDS
LAST TEN FISCAL YEARS
(Modified Accrual Basis of Accounting)**

	Fiscal Year				
	2012	2013	2014	2015	2016
Revenues					
Taxes					
Property	\$ 5,744,386	5,744,730	6,721,628	6,912,323	7,299,937
Sales and Use	4,476,662	6,269,262	5,523,544	7,722,672	9,087,248
Occupation	1,580,448	1,705,931	1,813,090	1,821,521	1,769,846
Motor Vehicle	324,746	354,182	385,836	402,999	444,213
In lieu of taxes	200,159	236,021	280,249	310,218	323,279
Licenses and permits	427,362	464,950	511,857	663,837	535,652
Intergovernmental	3,272,007	2,452,991	1,940,840	2,767,397	2,510,041
Charges for services	432,726	475,908	455,299	283,575	285,461
Keno	1,298,859	1,256,231	1,314,587	1,389,381	1,282,710
Interest Income	1,321,256	1,301,858	1,230,685	1,513,486	1,259,744
Special Assessments	117,338	140,471	18,514	731,673	129,801
Miscellaneous	56,314	62,266	247,292	1,206,518	897,722
Total Revenues	19,252,263	20,464,801	20,443,421	25,725,600	25,825,654
Expenditures					
Current					
General government	2,089,437	2,114,795	2,164,343	2,738,370	3,004,718
Public works	2,098,247	2,122,632	2,055,777	2,109,913	2,058,528
Public safety	4,360,564	4,255,511	5,003,284	5,726,842	5,850,116
Culture and recreation	2,205,502	2,237,321	2,328,643	2,305,979	2,455,107
Community betterment	420,338	542,381	476,137	471,751	534,331
Community development	1,144,697	615,014	570,548	579,238	851,063
State sales and use tax refunds	—	—	2,426,693	232,320	773,245
Capital outlay	1,879,308	1,352,623	1,732,940	2,650,442	3,450,398
Debt service					
Principal retirement	3,170,000	3,785,000	3,907,697	3,572,623	4,191,956
Interest	2,784,588	2,434,294	2,405,870	2,279,745	2,019,445
Bond issuance costs	—	—	—	—	—
Total Expenditures	20,152,681	19,459,571	23,071,932	22,667,223	25,188,907
Excess (Deficiency) of Revenues Over (Under) Expenditures	(900,418)	1,005,230	(2,628,511)	3,058,377	636,747

**CHANGES IN FUND BALANCES OF GOVERNMENTAL FUNDS
LAST TEN FISCAL YEARS
(Modified Accrual Basis of Accounting)**

	Fiscal Year				
	2017	2018	2019	2020	2021
Revenues					
Taxes					
Property	\$ 7,674,921	\$ 8,333,225	\$ 8,501,667	\$ 9,211,847	\$ 10,127,600
Sales and Use	9,140,084	9,821,847	10,024,129	10,166,837	10,715,441
Occupation	1,743,994	1,831,621	1,711,471	2,160,134	2,395,210
Motor Vehicle	477,817	483,324	507,578	491,790	517,238
In lieu of taxes	349,057	339,463	343,156	341,771	214,639
Licenses and permits	547,546	734,973	530,410	547,792	553,859
Intergovernmental	1,852,125	1,941,816	2,080,722	4,057,740	2,507,193
Charges for services	352,183	429,630	530,676	279,826	311,450
Keno	1,228,240	1,133,699	1,111,910	1,432,402	1,435,553
Interest Income	1,247,903	950,149	250,998	171,521	75,156
Special Assessments	21,843	45,440	455,621	1,136	4,654
Miscellaneous	765,995	595,623	661,738	601,784	656,682
Total Revenues	\$ 25,401,708	\$ 26,640,810	\$ 26,710,076	\$ 29,464,580	\$ 29,514,675
Expenditures					
Current					
General government	\$ 2,978,453	\$ 3,664,625	\$ 3,828,286	\$ 4,148,656	\$ 4,115,346
Public works	2,068,969	2,031,477	2,345,088	1,988,442	2,456,234
Public safety	6,157,356	6,537,737	7,059,968	7,427,583	7,879,585
Culture and recreation	2,564,596	2,690,026	2,670,865	2,566,183	2,815,926
Community betterment	555,357	499,720	727,184	717,281	659,766
Community development	842,525	1,235,141	571,650	628,115	925,830
State sales and use tax refunds	1,593,069	2,064,859	402,889	1,000,443	1,618,955
Capital outlay	9,323,669	10,074,863	11,806,758	5,091,725	5,267,838
Debt service					
Principal retirement	4,018,904	31,302,409	4,228,603	3,943,794	3,922,884
Interest	2,027,947	2,462,867	1,286,030	1,228,995	1,022,787
Bond issuance costs	—	—	—	—	1,098,123
Total Expenditures	\$ 32,130,845	\$ 62,563,724	\$ 34,927,321	\$ 28,741,217	\$ 31,783,274
Excess (Deficiency) of Revenues Over (Under) Expenditures	(6,729,137)	(35,922,914)	(8,217,245)	723,363	(2,268,599)

FINANCIAL TRENDS**Table 4a**

CHANGES IN FUND BALANCES OF GOVERNMENTAL FUNDS (Continued)
LAST TEN FISCAL YEARS
(Modified Accrual Basis of Accounting)

	Fiscal Year				
	2012	2013	2014	2015	2016
Excess (Deficiency) of Revenues Over (Under) Expenditures	(900,418)	1,005,230	(2,628,511)	3,058,377	636,747
Other Financing Sources (Uses)					
Refunding bonds issued	8,915,000	—	—	11,035,000	8,240,000
Payment to bond refunding escrow agent	(8,804,370)	—	—	(10,145,000)	(8,110,000)
Bond or note issuance	—	—	—	—	13,285,000
Bond premium	—	—	—	132,398	107,574
Insurance proceeds	—	—	—	—	—
Transfers, net	(250,000)	(250,000)	(374,050)	(109,444)	25,000
Net position received from annexation	—	1,830,440	—	—	—
Total Other financing sources (uses)	(139,370)	1,580,440	(374,050)	912,954	13,547,574
Net Change in Fund Balances	(1,039,788)	2,585,670	(3,002,561)	3,971,331	14,184,321
 Debt service as a percentage of non-capital expenditures*	 32 %	 34 %	 30 %	 29 %	 28 %

Table 4b

CHANGES IN FUND BALANCES OF GOVERNMENTAL FUNDS (Continued)
LAST TEN FISCAL YEARS
(Modified Accrual Basis of Accounting)

	Fiscal Year				
	2017	2018	2019	2020	2021
Excess (Deficiency) of Revenues Over (Under) Expenditures	(6,729,137)	(35,922,914)	(8,217,245)	723,363	(2,268,599)
Other Financing Sources (Uses)					
Refunding bonds issued	\$ —	\$ 3,150,000	\$ —	\$ 4,690,000	\$ 32,370,000
Payment to bond refunding escrow agent	—	(3,095,000)	—	(4,915,000)	(18,400,000)
Bond or note issuance	—	24,345,811	—	—	—
Bond premium	—	150,876	—	294,218	507,866
Insurance proceeds	—	131,146	—	—	—
Transfers, net	223,647	(6,983)	(343)	—	(665)
Net position received from annexation	—	—	—	—	—
Total Other financing sources (uses)	223,647	24,675,850	(343)	69,218	14,477,201
Net Change in Fund Balances	\$ (6,505,490)	\$ (11,247,064)	\$ (8,217,588)	\$ 792,581	\$ 12,208,602
 Debt service as a percentage of non-capital expenditures*	27 %	64 %	24 %	21 %	19 %

* In the fiscal year ended 9/30/2018, the City retired an \$11,215,000 bond anticipation note and repaid a \$15,810,692 note. Excluding these amounts from principal retirement, the debt service as a percent of non-capital expenditures ratio would be 26% rather than 64%.

REVENUE CAPACITY

Table 5

**TOTAL CITY TAXABLE SALES
LAST TEN FISCAL YEARS**

Fiscal Year Ended September 30	Total City Taxable Sales	Total Direct Tax Rate
2012	\$ 314,443,224	1.50%
2013	444,362,439	1.50%
2014	283,918,489	2.00%
2015	398,170,898	2.00%
2016	467,201,026	2.00%
2017	479,638,144	2.00%
2018	521,747,831	2.00%
2019	519,030,075	2.00%
2020	531,849,505	2.00%
2021	570,257,625	2.00%

Note: The 2014 voter approved tax rate increase began October 1, 2014 for the redevelopment of the 84th Street corridor.

In 2013, the City experienced unusually high consumer use taxable sales related to business projects initiated under the Nebraska Advantage Act. This consumer use tax collected was refunded in subsequent years per the terms of the Nebraska Advantage Act.

Source: Nebraska Department of Revenue

Table 6

**TOTAL CITY SALES TAX RATES
DIRECT AND OVERLAPPING GOVERNMENTS
LAST TEN FISCAL YEARS**

Year	Direct ¹	Overlapping ²	Total Tax Rate
	City of La Vista	State of Nebraska	
2012	0.0150	0.0550	0.0700
2013	0.0150	0.0550	0.0700
2014	0.0150	0.0550	0.0700
2015	0.0200	0.0550	0.0750
2016	0.0200	0.0550	0.0750
2017	0.0200	0.0550	0.0750
2018	0.0200	0.0550	0.0750
2019	0.0200	0.0550	0.0750
2020	0.0200	0.0550	0.0750
2021	0.0200	0.0550	0.0750

Note: ¹ 2014 voter approved tax rate increase began October for the redevelopment of the 84th Street corridor.

² Overlapping rates are those of other governments that apply to consumers within the City of La Vista.

Source: Nebraska Department of Revenue

REVENUE CAPACITY

Table 7

**NET TAXABLE SALES BY BUSINESS CLASSIFICATION
CURRENT YEAR AND TEN YEARS AGO**

Business Classification	2020			2010		
	Net Taxable Sales	Rank	Percentage of Total City Taxable Assessed Value	Taxable Assessed Value	Rank	Percentage of Total City Taxable Assessed Value
Retail Trade	\$1,149,449,722	1	24822	\$ 538,374,482	1	58.64%
Accommodations & Food Services	297,498,318	2	0.169349386 353934	190,720,232	2	20.77%
Wholesale Trade	185,569,897	3	774094	129,310,881	3	14.09%
Other	124,195,355		6237516	59,649,057		6.50%
	<u>1,756,713,292</u>		0.9999	<u>918,054,652</u>		100.00%
City of La Vista Total	\$ 531,849,505			\$ 246,875,288		
City of La Vista Percentage of Total		30.28%			26.89%	

Note: Amounts shown are Sarpy County net taxable sales, which include refunds and do not include motor vehicle net sales.
 The sales numbers are on a calendar year basis.
 Amounts are not available at the City level.
 2021 sales data is not yet available from the Nebraska Department of Revenue.

Source: Nebraska Department of Revenue

Table 8

ASSESSED AND ESTIMATED ACTUAL VALUE OF TAXABLE PROPERTY
LAST TEN FISCAL YEARS

Fiscal Year Ended September 30	Real Property	Personal Property	Total Assessed Value	Total Direct Tax Rate
2012	1,020,444,933	38,892,725	1,059,337,658	0.5500
2013	1,026,386,501	33,988,114	1,060,374,615	0.5500
2014	1,192,636,619	51,330,141	1,243,966,760	0.5500
2015	1,218,326,286	50,759,000	1,269,085,286	0.5500
2016	1,277,942,663	53,195,886	1,331,138,549	0.5500
2017	1,350,942,709	59,738,367	1,410,681,076	0.5500
2018	1,428,659,445	68,162,463	1,496,821,908	0.5500
2019	1,472,463,575	69,678,083	1,542,141,658	0.5500
2020	1,580,605,750	70,812,076	1,651,417,826	0.5500
2021	1,677,983,246	77,124,063	1,755,107,309	0.5500

Note: Property is assessed at actual value, therefore, the assessed values are equal to actual value.

Source: Sarpy County Assessor's Office

REVENUE CAPACITY**Table 9a****PROPERTY TAX RATES-DIRECT AND OVERLAPPING GOVERNMENTS
LAST TEN FISCAL YEARS**

Fiscal Year	2012	2013	2014	2015	2016
Tax Year	2011	2012	2013	2014	2015
City of La Vista					
General Fund	0.5000	0.4900	0.4900	0.4900	0.4100
Debt Service	0.0500	0.0600	0.0600	0.0600	0.1400
Total City of La Vista	0.5500	0.5500	0.5500	0.5500	0.5500
Overlapping rates ²					
Sarpy County	0.29990	0.29990	0.29990	0.29990	0.29690
Papillion-La Vista Schools	0.09257	0.09667	0.12042	0.11886	0.11412
Papillion School Special Building	—	—	—	—	0.01000
School District 27 Bond 1	0.01411	0.01359	—	—	—
School District 27 Bond 2	0.02684	0.02586	—	—	—
School District 27 Bond 3	0.11094	0.11189	0.1113	0.11246	0.11046
School District 27 Bond 4	0.06230	0.05785	0.0594	0.05956	0.05812
School District 27 Bond 5	—	—	0.01529	0.06223	0.05985
School District 27 Bond 6	—	—	—	—	—
Elementary Learning Community	0.95000	0.95000	0.9500	0.95000	0.95000
Learning Community - Elementary Learning	0.01000	0.01000	0.01000	0.01000	0.01625
Papio Natural Resource	0.03275	0.03061	0.02422	0.02453	0.03045
Papio NRD Bond	—	0.00215	0.00853	0.00823	0.00759
Metro Community College	0.08500	0.08500	0.09500	0.09500	0.09500
Agricultural Society	0.00134	0.00136	0.00210	0.00224	0.00240
Educational Service Unit 3	0.01609	0.01606	0.01500	0.01500	0.01500
Total Overlapping Rates	1.70184	1.70094	1.71120	1.75801	1.76614
Total Tax Rate	2.25184	2.25094	2.26120	2.30801	2.31614

Table 9b

PROPERTY TAX RATES-DIRECT AND OVERLAPPING GOVERNMENTS (Continued)
LAST TEN FISCAL YEARS

Fiscal Year	2017	2018	2019	2020	2021
Tax Year	2016	2017	2018	2019	2020
City of La Vista					
General Fund	0.4100	0.4100	0.4900	0.4900	0.5000
Debt Service	0.1400	0.1400	0.0600	0.0600	0.0500
Total City of La Vista	0.5500	0.5500	0.5500	0.5500	0.5500
Overlapping rates ²					
Sarpy County	0.29690	0.29690	0.29690	0.29690	0.29690
Papillion-La Vista Schools	0.10855	1.07599	1.07070	1.04696	1.03341
Papillion School Special Building	0.01000	—	—	0.02500	0.02509
School District 27 Bond 1	—	—	—	—	—
School District 27 Bond 2	—	—	—	—	—
School District 27 Bond 3	0.10410	0.10145	0.09819	0.06616	0.05318
School District 27 Bond 4	0.05694	0.05646	0.05440	0.05131	0.05082
School District 27 Bond 5	0.07525	0.07191	0.06669	0.06347	0.06188
School District 27 Bond 6	—	—	0.01503	0.03773	0.06625
Elementary Learning Community	0.95000	—	—	—	—
Learning Community - Elementary Learning	0.01525	0.01625	0.01625	0.01605	0.01625
Papio Natural Resource	0.03061	0.03079	0.03085	0.03102	0.03060
Papio NRD Bond	0.00743	0.00701	0.00674	0.00637	0.00589
Metro Community College	0.09500	0.09500	0.09500	0.09500	0.09500
Agricultural Society	0.00257	0.00259	0.00274	0.00276	0.00277
Educational Service Unit 3	0.01500	0.01500	0.01500	0.01500	0.01500
Total Overlapping Rates	1.76760	1.76935	1.76849	1.75373	1.75304
Total Tax Rate	2.31760	2.31935	2.31849	2.30373	2.30304

Note: The above tax year rates are for use in the following fiscal year.

Source: Sarpy County Clerk’s Office and City of La Vista Finance Department

¹ Tax rates are per \$100 of assessed valuation and effective on September 1 of each year.

² Overlapping Rates are those of local and county governments which apply to property owners within the City of La Vista, NE.

REVENUE CAPACITY**Table 10****PRINCIPAL PROPERTY TAXPAYERS
Current Year and Nine Years Ago**

		2021		
Taxpayer	Type of Business	Taxable Assessed Value	Rank	Percentage of Total City Taxable Assessed Value
JDHQ Hotels	Conference Center/Hotel	\$ 68,007,000	1	3.87%
Harrison Hills Apartments, LLC	Apartments	40,846,700	2	2.33%
Green Pointe, LLC	Apartments	33,828,000	3	1.93%
Paypal Inc.	Office Building	29,520,366	4	1.68%
Edward Rose Development Co, LLC	Apartments	25,921,590	5	1.48%
Streck Inc.	Manufacturer	24,246,344	6	1.38%
Rotella's Italian Bakery Inc.	Bakery	16,814,624	7	0.96%
Yahoo Holdings, Inc. (Oath)	Office Building	15,458,258	8	0.88%
Southwind Partners	Apartments	14,904,000	9	0.85%
SR Group, LLC	Apartments	11,900,000	10	0.68%
Total		\$ 281,446,882		16.04%
		2012		
Taxpayer	Type of Business	Taxable Assessed Value	Rank	Percentage of Total City Taxable Assessed Value
JQH Hotels, LLC	Conference Center/Hotel	\$ 65,630,000	1	6.20%
Harrison Hills Apartments, LLC	Apartments	29,690,000	2	2.80%
Paypal Inc.	Office Building	27,774,372	3	2.62%
Green Pointe, LLC	Apartments	23,330,000	4	2.20%
Streck Inc.	Manufacturer	15,716,424	5	1.48%
Edward Rose Development Co, LLC	Apartments	14,000,500	6	1.32%
The Kroenke Group	Shopping Mall	13,588,872	7	1.28%
Yahoo Holdings, Inc. (Oath)	Office Building	12,117,385	8	1.14%
Southwind Partners	Apartments	10,840,000	9	1.02%
Cabela's	Retail	10,600,000	10	1.00%
Total		\$ 223,287,553		21.08%

Source: Sarpy County Assessor's Office

PROPERTY TAX LEVIES AND COLLECTIONS
LAST TEN FISCAL YEARS

Fiscal Year Ended September 30th,	Taxes Levied for the Fiscal Year	Collected within the Fiscal Year of		Collections in subsequent Years	Total Collections to Date	
		Amount	Percentage of Levy		Amount	Percentage of Levy
2012	\$ 5,826,357	\$ 5,757,064	98.81 %	\$ 66,281	\$ 5,823,345	99.95 %
2013	5,832,060	5,796,975	99.40 %	47,196	5,844,170	100.00 %
2014	6,841,817	6,755,069	98.73 %	81,578	6,836,648	99.92 %
2015	6,979,969	6,895,803	98.79 %	84,677	6,980,479	100.00 %
2016	7,321,262	7,226,652	98.71 %	94,256	7,320,908	100.00 %
2017	7,758,746	7,665,825	98.80 %	82,940	7,748,765	99.87 %
2018	8,232,520	8,178,652	99.35 %	73,482	8,252,134	100.00 %
2019	8,481,779	8,350,204	98.45 %	134,691	8,484,895	100.00 %
2020	9,082,798	8,942,007	98.45 %	174,070	9,116,077	100.00 %
2021	9,653,090	9,585,921	99.30 %	57,228	9,643,150	99.90 %

Note: The fiscal year of the City begins October 1 and ends September 30. Taxes are levied in December. First installments of real estate taxes are delinquent the following April 1, second installments delinquent August

Delinquent taxes bear 14 percent interest. The figures above do not include motor vehicle in lieu of ad valorem taxes. Tax receipts are not reported from the County separate from interest collected. Therefore taxes collected may be greater than original levy.

Source: Sarpy County Treasurer's Office

DEBT CAPACITY**Table 12a****RATIOS OF OUTSTANDING DEBT BY TYPE
LAST TEN FISCAL YEARS**

	Fiscal Year				
	2012	2013	2014	2015	2016
Governmental Activities					
General obligation bonds	\$56,100,000	\$55,595,000	\$51,780,000	\$48,945,000	\$47,130,000
Registered warrants	640,554	—	—	—	—
Tax revenue bonds	—	—	—	—	—
Bond anticipation notes	—	—	—	—	11,215,000
Notes from direct placements	—	—	—	—	—
Notes payable	239,129	110,589	17,892	149,692	116,710
Premium/discount on bonds issued	38,852	35,427	32,002	147,459	194,010
Deferred for refunding	(811,307)	(751,687)	—	—	—
Business Type Activities					
Revenue bonds	245,000	125,000	—	—	—
Notes payable	123,870	83,178	47,662	14,316	—
Total Primary Government	<u>\$56,576,098</u>	<u>\$55,197,507</u>	<u>\$51,877,556</u>	<u>\$49,256,467</u>	<u>\$58,655,720</u>
Net Debt per Capita	3,496	3,305	3,029	2,896	3,431
Percentage of Personal Income	8.22%	7.66%	6.85%	6.27%	7.30%

Source: Finance Department

Table 12b

**RATIOS OF OUTSTANDING DEBT BY TYPE
LAST TEN FISCAL YEARS**

	Fiscal Year				
	2017	2018	2019	2020	2021
Governmental Activities					
General obligation bonds	\$43,145,000	\$25,300,000	\$18,850,000	\$18,885,000	\$29,270,000
Registered warrants	—	—	—	—	—
Tax revenue bonds	—	18,560,000	17,570,000	17,560,000	17,695,000
Bond anticipation notes	11,215,000	—	—	—	—
Notes from direct placements	—	3,150,000	2,470,000	2,485,000	2,155,000
Notes payable	82,806	531,208	—	213,811	70,927
Premium/discount on bonds issued	167,525	285,118	209,564	451,552	836,583
Deferred for refunding	—	—	—	—	—
Business Type Activities					
Revenue bonds	—	—	—	—	—
Notes payable	—	—	—	—	—
Total Primary Government	\$54,610,331	\$47,826,326	\$39,099,564	\$39,595,363	\$50,027,510
Net Debt per Capita	3,187	2,787	2,278	2,306	2,306 *
Percentage of Personal Income	6.59%	5.54%	4.53%	4.42%	4.42% *

* 2021 Net Debt per Capital and Percentage of Personal Income is calculated using the City's 2020 demographic data.

Source: Finance Department

DEBT CAPACITY**Table 13****RATIOS OF GENERAL OBLIGATION BONDED DEBT OUTSTANDING
LAST TEN FISCAL YEARS**

Fiscal Year	General Obligation Bonds	Bond Anticipation Notes	General Bonded Debt	Less: Net Position Restricted for Debt Service	Total	Bonded Debt per Capita¹	Ratio of Net Debt to Valuation of Taxable Real Property:²
2012	\$55,327,545	\$ —	\$55,327,545	\$ —	\$55,327,545	3,418	5.22%
2013	54,878,740	—	54,878,740	—	54,878,740	3,286	4.41%
2014	51,812,002	—	51,812,002	—	51,812,002	3,026	4.08%
2015	49,092,459	—	49,092,459	—	49,092,459	2,887	3.69%
2016	47,324,010	11,215,000	58,539,010	4,127,637	54,411,373	3,183	3.86%
2017	43,312,525	11,215,000	54,527,525	4,419,875	50,107,650	2,924	3.35%
2018	47,295,118	—	47,295,118	5,663,117	41,632,001	2,426	2.70%
2019	43,197,341	—	43,197,341	3,596,498	39,600,843	2,306	2.40%
2020	39,381,552	—	39,381,552	3,752,028	35,629,524	2,075	2.16%
2021	49,956,583	—	49,956,583	3,658,748	46,297,835	2,765 *	2.64%

Note: Details regarding the City's outstanding debt can be found in the Notes to the financial statements.

¹ Population data can be found in Table 16 Demographic and Economic Statistics. Population is not available yet for 2021.

² Property Value information can be found in Table 8 Assessed and Estimated Actual Value of Taxable Property.

* 2021 Bonded Debt per Capital ratio was calculated using the City's 2020 population data.

Table 14

**DIRECT AND OVERLAPPING GOVERNMENTAL ACTIVITIES DEBT
AS OF SEPTEMBER 30, 2020**

Governmental Units	Debt Outstanding	Estimated Percentage Applicable	Direct and Overlapping Debt to the City
City	\$ 50,027,510	100.00 %	\$ 50,027,510
Overlapping:			
Sarpy County**	\$ 53,650,000	9.75 %	\$ 5,230,875
School District. 0027 Papillion-LaVista	142,522,350	26.65 %	37,982,206
	<u>\$ 196,172,350</u>		<u>\$ 43,213,081</u>
Total	<u>\$ 246,199,860</u>		<u>\$ 93,240,591</u>

Note: Overlapping governments are those that coincide, at least in part, with the geographic boundaries of the City. This schedule estimates the portion of the outstanding debt of those overlapping governments that is borne by the residents and businesses of the City of La Vista. This process recognizes that, when considering the City’s ability to issue and repay long-term debt, the entire debt burden borne by the residents and businesses should be taken into account. However this does not imply that every taxpayer is a resident, and therefore responsible for repaying the debt, of each overlapping government.

The percentage of overlapping debt applicable is estimated using taxable assessed property values. Applicable percentages were estimated by determining the portion of the City’s taxable assessed value and dividing it by the corresponding overlapping government unit’s taxable assessed value.

Source: Nebraska Auditor of Public Accounts; Each respective political subdivision’s 2021-22 budget.

** Includes debt issued by Sarpy County Leasing Corporation

DEBT CAPACITY**Table 15****PLEDGED REVENUE COVERAGE
LAST TEN FISCAL YEARS**

	Gross Revenue	Direct Operating Expenses	Net Available Revenue	Debt Service Requirements			Coverage
				Principal	Interest	Total	
Utility Service Charges							
Sewer System							
2012	2,451,692	2,318,950	132,742	123,870	3,688	127,558	1.04
2013	2,647,766	2,617,284	30,482	83,178	3,292	86,470	0.35
2014	2,675,782	3,032,588	(356,806)	47,662	1,213	48,875	(7.30)
2015	3,002,042	3,020,231	(18,189)	14,316	151	14,467	(1.26)
2016	3,322,246	3,299,763	22,483	—	—	—	n/a
2017	3,849,421	3,540,832	308,589	—	—	—	n/a
2018	3,959,894	3,305,178	654,716	—	—	—	n/a
2019	4,203,683	3,571,122	632,561	—	—	—	n/a
2020	4,235,768	3,655,074	580,694	—	—	—	n/a
2021	4,637,741	3,859,354	778,387	—	—	—	n/a
Golf	Gross Revenue						
2012	260,301	428,501	(168,200)	245,000	13,489	258,489	(0.65)
2013	236,325	378,954	(142,629)	125,000	3,406	128,406	(1.11)
2014	229,615	391,541	(161,926)	—	—	—	n/a
2015	248,149	367,118	(118,969)	—	—	—	n/a
2016	246,215	668,985	(422,770)	—	—	—	n/a
2017	3,470	12,715	(9,245)	—	—	—	n/a
2018	—	—	—	—	—	—	n/a
2019	—	—	—	—	—	—	n/a
2020	—	—	—	—	—	—	n/a
2021	—	—	—	—	—	—	n/a

Source: Finance Department

Table 16

DEMOGRAPHIC AND ECONOMIC STATISTICS
LAST TEN FISCAL YEARS

Fiscal Year	Population ¹	Personal Income (thousands of dollars) ²	Per Capita Personal Income ²	Public School Enrollment ³	Unemployment Rate ⁴
2012	15,994	\$ 7,040,716	\$ 42,500	10,393	3.6%
2013	16,185	7,284,847	43,108	10,753	3.3%
2014	16,700	7,592,239	44,179	11,023	2.7%
2015	17,125	8,123,101	46,372	11,159	2.7%
2016	17,006	8,373,872	46,951	11,334	2.8%
2017	17,095	8,757,154	48,282	11,608	2.7%
2018	17,137	9,322,650	50,650	11,730	2.5%
2019	17,163	9,769,841	52,190	11,818	2.7%
2020	17,170	10,419,698	55,173	11,573	3.0%
2021	N/A	N/A	N/A	11,579	3.0%

- Sources:**
- ¹ U.S. Census Bureau. 2021 numbers are not available.
 - ² U.S. Department of Commerce Bureau of Economic Analysis, Personal Income and Per Capital Income are based on Omaha-Council Bluffs NE-IA, Sarpy County NE.
 - ³ Papillion-LaVista Community Schools (Sarpy County School District 0027)
 - ⁴ Nebraska.gov - Department of Labor, statistics for Sarpy County, NE

DEMOGRAPHIC AND ECONOMIC INFORMATION**Table 17****PRINCIPAL EMPLOYERS OF SARPY COUNTY
CURRENT YEAR AND NINE YEARS AGO**

2021		2012	
EMPLOYER	INDUSTRY	EMPLOYER	INDUSTRY
Offutt Air Force Base	Government	Offutt Air Force Base	Government
PayPal, Inc.	Service	PayPal, Inc.	Service
Papillion-La Vista Public Schools	Education	Bellevue Public Schools	Education
Bellevue Public Schools	Education	Werner Enterprises	Trucking
Werner Enterprises, Inc.	Trucking	Papillion-LaVista Schools	Education
Oriental Trading Company	Retail	InfoGroup Compilation Center	Service
Gretna Public Schools	Education	Bellevue University	Education
Sarpy County	Government	Ehrling Bergquist Clinic	Military Healthcare
Bellevue University	Education	Hillcrest Health Systems	Healthcare
Securities America, Inc.	Financial	Oriental Trading Company	Warehouse/Distribution

Source: The Sarpy County 2021 Continuing Disclosure Statement was unavailable prior to issuance so 2020 data was used.

Specific employee numbers are not available due to the proprietary nature of the information.

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OPERATING INFORMATION**Table 18a****FULL-TIME EQUIVALENT CITY GOVERNMENT EMPLOYEES BY FUNCTION
LAST TEN FISCAL YEARS**

Function	Full Time Equivalent Employees as of September 30									
	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
General Fund										
Administrative Services										
Director	—	—	—	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Finance	2.50	2.50	2.50	2.50	3.00	2.00	2.00	3.00	3.00	3.00
City Clerk	3.00	3.00	3.00	2.00	2.50	3.50	3.50	4.50	4.50	4.50
Human Resources	1.50	1.50	1.50	2.50	2.00	2.00	2.00	2.00	2.00	2.00
Information Technology	—	—	—	—	—	—	—	—	—	1.00
Administration										
City Administrator's Office	4.00	4.88	4.88	4.88	4.88	5.00	5.00	5.00	5.00	5.00
Intern (Paid)	—	—	—	—	—	—	—	—	—	0.70
Intern (Unpaid)	0.25	0.25	0.25	0.25	—	—	—	—	—	—
Community Development										
Director's Office	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00
Deputy Director	—	—	—	—	—	—	—	—	1.00	1.00
Planning	1.00	1.00	1.00	1.00	1.00	1.00	1.00	2.00	1.00	1.00
Building Inspection	3.50	3.50	3.50	3.50	2.00	2.00	2.00	2.00	2.00	2.00
Intern (Paid)	0.50	0.50	0.50	0.50	0.50	0.72	0.72	—	—	—
Public Safety										
Police Sworn	34.00	34.00	34.00	34.00	34.00	34.00	36.00	38.00	39.00	40.00
Police Civilian	5.50	5.50	5.50	5.50	5.50	5.50	5.50	5.50	5.50	5.50
Public Works										
Director's Office	—	4.00	4.00	4.00	4.00	5.00	5.00	6.00	5.00	5.00
Intern (Paid)	—	0.24	0.62	0.70	0.70	0.70	0.70	0.70	0.70	0.70
Building Maintenance	—	—	—	2.50	2.50	2.50	2.50	2.50	2.00	2.00
Streets Operating	19.24	15.62	15.62	15.62	15.62	15.62	15.62	16.00	17.00	17.00
Streets Part Time & Seasonal	1.88	1.88	1.88	1.88	1.88	1.88	1.88	1.88	3.60	3.60
Parks Operating	8.00	8.00	7.00	8.00	8.00	9.00	9.00	11.00	11.00	11.00
Parks Part Time & Seasonal	3.36	3.36	3.36	3.98	3.98	5.13	3.13	3.38	3.38	3.38
Sports Complex	3.00	3.00	4.00	4.00	4.00	4.00	4.00	3.00	3.00	3.00
Sports Complex Seasonal	0.84	0.84	0.84	0.84	0.84	1.08	2.12	2.20	2.20	2.20

Table 18b

**FULL-TIME EQUIVALENT CITY GOVERNMENT EMPLOYEES BY FUNCTION (Continued)
LAST TEN FISCAL YEARS**

	Full Time Equivalent Employees as of September 30									
	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Library										
Director's Office	5.00	5.00	5.00	5.00	5.00	5.00	5.00	6.00	6.00	6.00
Circulation Clerks	5.90	5.90	5.90	6.00	6.70	6.88	6.88	6.88	7.38	7.38
Library (Seasonal)	0.25	0.25	0.25	0.25	0.10	0.10	0.10	0.10	0.10	0.10
Recreation										
Director's Office	5.00	5.00	5.00	5.00	5.00	6.00	6.00	6.00	6.50	6.50
Recreation Assistants	4.00	3.30	3.30	3.30	3.30	3.34	3.34	3.34	3.33	3.33
Senior Bus	1.30	1.30	1.75	1.83	1.83	1.84	1.84	1.80	1.80	1.80
Swimming Pool (Seasonal)	3.99	3.99	3.99	3.99	3.99	4.00	4.00	4.03	4.03	4.03
General Fund Total	<u>119.51</u>	<u>120.31</u>	<u>121.14</u>	<u>126.52</u>	<u>125.82</u>	<u>130.79</u>	<u>131.83</u>	<u>139.81</u>	<u>143.02</u>	<u>145.72</u>
Sewer Fund										
Sewer Division	6.00	6.00	6.00	6.00	6.00	6.00	6.00	6.00	6.00	6.00
Seasonal	2.08	2.08	2.08	2.08	2.08	1.34	1.34	1.34	0.07	0.07
Sewer Fund Total	<u>8.08</u>	<u>8.08</u>	<u>8.08</u>	<u>8.08</u>	<u>8.08</u>	<u>7.34</u>	<u>7.34</u>	<u>7.34</u>	<u>6.07</u>	<u>6.07</u>
Police Academy Fund										
Director	—	—	—	—	—	—	1.00	1.00	1.00	1.00
Police Academy Fund Total	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>1.00</u>	<u>1.00</u>	<u>1.00</u>	<u>1.00</u>
All Funds Total	<u>127.59</u>	<u>128.39</u>	<u>129.22</u>	<u>134.60</u>	<u>133.90</u>	<u>138.13</u>	<u>140.17</u>	<u>148.15</u>	<u>150.09</u>	<u>152.79</u>
	*	*	*	*	*	*	*	*	*	*

Source: Various City Departments

* Full-Time Equivalent information has been updated from the prior year report.

OPERATING INFORMATION**Table 19a****OPERATING INDICATORS BY FUNCTION
LAST TEN CALENDAR YEARS**

Function	2012	2013	2014	2015	2016
Engineering					
Miles of Street - Reconstruction	—	3	—	—	2
Public Safety					
Police					
Arrests	520	566	652	534	350
Parking/Ordinance Citations	35	54	73	33	34
Traffic Citations	5,828	6,396	5,790	3,654	2,943
Fire					
Number of Calls Answered	n/a	n/a	792	1,080	1,363
Number of Facilities	2	2	2	2	2
Building and Safety					
Number of Commercial					
Building Permits	32	35	34	45	42
Number of Residential					
Building Permits	146	137	124	115	99
Miscellaneous Permits	1,019	784	786	725	798
Building Inspections	2,813	1,960	2,093	n/a	1,661
Culture and Recreation					
Library					
Total Circulation	143,931	153,697	158,336	176,633	166,197
Recreation					
Attendance: Community Center	n/a	n/a	93,551	96,935	85,590

Table 19b

OPERATING INDICATORS BY FUNCTION (Continued)
LAST TEN CALENDAR YEARS

Function	2017	2018	2019	2020	2021
Engineering					
Miles of Street - Reconstruction	3	—	7	—	12
Public Safety					
Police					
Arrests	317	390	275	252	206
Parking/Ordinance Citations	40	33	96	20	79
Traffic Citations	2,739	3,525	2,737	2,207	1,923
Fire					
Number of Calls Answered	1,289	1,239	1,427	1,354	1,402
Number of Facilities	2	2	2	2	2
Building and Safety					
Number of Commercial					
Building Permits	51	53	75	51	58
Number of Residential					
Building Permits	107	121	90	110	115
Miscellaneous Permits	1,428	1,285	984	693	780
Building Inspections	2,126	2,989	3,327	1,082	2,582
Culture and Recreation					
Library					
Total Circulation	165,606	162,799	175,187	117,517	123,916
Recreation					
Attendance: Community Center	84,775	93,028	95,187	49,805	22,176

Source: Various City Departments

OPERATING INFORMATION

Table 20a

**CAPITAL ASSET STATISTICS BY FUNCTION
LAST TEN FISCAL YEARS**

	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>
Function					
General Government					
City Hall	1	1	1	1	1
Public Safety					
Police Stations	1	1	1	1	1
Fire Stations	2	2	2	2	2
Streets					
Streets (Lane Miles)	192	206	207	209	210
Culture and Recreation					
Parks Acreage	153	153	153	153	153
Parks #	17	17	17	17	17
Swimming Pools (Public)	1	1	1	1	1
Tennis Courts	3	3	3	3	3
Baseball Fields	11	11	11	11	11
Soccer Fields	12	12	12	12	12
Football Fields	2	2	2	2	2
Outdoor Basketball Court	1	1	1	1	1
Remote Airplay Flying Field	1	1	1	1	1
Golf Courses (Public)	1	1	1	1	1
Library	1	1	1	1	1
Sewer					
Sanitary Sewer (miles)	54	54	54	54	54

Table 20b

CAPITAL ASSET STATISTICS BY FUNCTION (Continued)
LAST TEN FISCAL YEARS

Function	2017	2018	2019	2020	2021
Function					
General Government					
City Hall	1	1	1	1	1
Public Safety					
Police Stations	1	1	1	1	1
Fire Stations	2	2	2	2	2
Streets					
Streets (Lane Miles)	210	213	213	213	213
Culture and Recreation					
Parks Acreage	153	153	153	153	153
Parks #	17	17	17	17	14
Swimming Pools (Public)	1	1	1	1	1
Tennis Courts	3	3	3	3	3
Baseball Fields	11	11	11	11	11
Soccer Fields	12	12	12	12	14
Football Fields	2	2	2	2	—
Outdoor Basketball Court	1	1	1	1	4
Remote Airplay Flying Field	1	1	1	1	1
Golf Courses (Public)	—	—	—	—	—
Library	1	1	1	1	1
Sewer					
Sanitary Sewer (miles)	54	54	54	54	54

Source: Various City Departments

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Acknowledgement

The City Finance Department prepared the Annual Comprehensive Financial Report.

The following finance department staff were key members in the preparation of the report:

Kevin Pokorny, Director Administrative Services

Cindy Miserez, CGFM, MBA, Finance Director

Christopher Buurman, Accountant

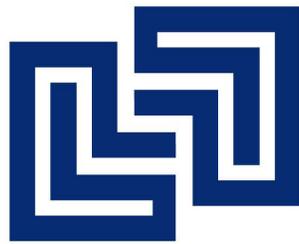
Report produced by:

City of La Vista Finance Department

8116 Park View Blvd 68128

La Vista, Nebraska 68128

Report located on our website: <http://www.cityoflavista.org/finance>.



LA VISTA

IMPROVE YOUR POINT OF VIEW.

Economic Development Fund Annual Financial Report

**FOR THE FISCAL YEAR ENDED
SEPTEMBER 30, 2021**

**CITY OF LA VISTA,
NEBRASKA**

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ECONOMIC DEVELOPMENT FUND FINANCIAL REPORT / CITY OF LA VISTA, NEBRASKA

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FINANCIAL SECTION

ECONOMIC DEVELOPMENT FUND ANNUAL FINANCIAL REPORT / CITY OF LA VISTA, NEBRASKA

Independent Auditor's Report

Honorable Mayor and Members
of the City Council
Economic Development Fund
City of La Vista
La Vista, Nebraska

Report on the Audit of the Financial Statements

Opinions

We have audited the accompanying financial statements of the Economic Development Fund of the City of La Vista, Nebraska (the "Fund"), as of and for the year ended September 30, 2021, and the related statement of revenues, expenditures, and changes in fund balance for the year then ended, and the related notes to financial statements, which collectively comprise the City's basic financial statements as listed in the Table of Contents.

In our opinion, based on our audit and the report of other auditors, the financial statements referred to above present fairly, in all material respects, the respective financial position of the Economic Development Fund of the City of La Vista, Nebraska, as of September 30, 2021, and the respective changes in financial position for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Basis for Opinions

We conducted our audit in accordance with auditing standards generally accepted in the United States of America (GAAS) and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Statements section of our report. We are required to be independent of the City of La Vista and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Responsibilities of Management for the Financial Statements

The City of La Vista's management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is required to evaluate whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the City of La Vista's ability to continue as a going concern for one year beyond the financial statement date, including any currently known information that may raise substantial doubt shortly thereafter.

Auditor's Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinions. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS and *Government Auditing Standards* will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.

Misstatements are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statements.

In performing an audit in accordance with GAAS and *Government Auditing Standards*, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the financial statements.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of City of La Vista's internal control. Accordingly, no such opinion is expressed.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements.
- Conclude whether, in our judgment, there are conditions or events, considered in the aggregate, that raise substantial doubt about City of La Vista's ability to continue as a going concern for a reasonable period of time.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control–related matters that we identified during the audit.

Prior Period Financial Statements

The financial statements of the Economic Development Fund of the City of La Vista, Nebraska as of September 30, 2020, were audited with a report dated March 3, 2021, expressed an unmodified opinion on those statements.

Emphasis of Matter

As discussed in Note 1, the financial statements present only the Economic Development Fund and do not purport to, and do not, present fairly the financial position of the City of La Vista, Nebraska, as of September 30, 2021 and 2020, and the changes in its financial position for the years then ended in accordance with accounting principles generally accepted in the United States of America. Our opinion is not modified with respect to this matter.

BergankDV, LLC

Omaha, Nebraska
March 3, 2022

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Fund Financial Statements

ECONOMIC DEVELOPMENT FUND ANNUAL FINANCIAL REPORT / CITY OF LA VISTA, NEBRASKA

FUND FINANCIAL STATEMENTS

**Economic Development Fund
Balance Sheet
September 30, 2021**

	<u>2021</u>	<u>2020</u>
Assets		
Cash and cash equivalents	\$ 5,509,493	\$ 7,069
Total assets	<u>5,509,493</u>	<u>7,069</u>
Liabilities		
Total liabilities	<u>—</u>	<u>—</u>
Fund Balance		
Restricted for economic development	<u>5,509,493</u>	<u>7,069</u>
Total fund balance	<u>\$ 5,509,493</u>	<u>\$ 7,069</u>

FUND FINANCIAL STATEMENTS

Economic Development Fund
Statement of Revenue, Expenditures, and Changes in Fund Balance
Fiscal Year Ended September 30, 2021

	<u>2021</u>	<u>2020</u>
Revenues		
Interest income	\$ 1,445	\$ 26
Total revenues	<u>1,445</u>	<u>26</u>
Expenditures		
Community development	—	—
Debt service		
Principal retirement	—	—
Interest	—	—
Bond issuance costs	<u>109,021</u>	<u>—</u>
Total expenditures	<u>109,021</u>	<u>—</u>
Deficiency of Revenues Over Expenditures	<u>(107,576)</u>	<u>26</u>
Other Financing Sources (Uses)		
Transfers, net	—	—
Proceeds from the issuance of bonds	<u>5,610,000</u>	<u>—</u>
Total other financing sources (uses)	<u>5,610,000</u>	<u>—</u>
Net Change in Fund Balance	<u>5,502,424</u>	<u>26</u>
Fund Balance, Beginning of Year	<u>7,069</u>	<u>7,043</u>
Fund Balance, End of Year	<u><u>\$ 5,509,493</u></u>	<u><u>\$ 7,069</u></u>

See Notes to the Financial Statements

Notes to Financial Statements

ECONOMIC DEVELOPMENT FUND ANNUAL FINANCIAL REPORT / CITY OF LA VISTA, NEBRASKA

NOTES TO THE FINANCIAL STATEMENTS

Note 1: Summary of Significant Accounting Policies

Organization

On September 30, 2003, the citizens of the City of La Vista, Nebraska (the "City") voted to establish the Economic Development Program to create jobs and/or develop tourism for the purpose of supporting the City's commercial developments, rehabilitate residential neighborhoods and expand industrial development in order to ensure the economic stability and vitality of the City.

Financial Reporting Entity

The financial statements of the Economic Development Fund include all significant separately administered activities for which the Economic Development Fund is financially accountable. Financial accountability is determined on the basis of selection of governing authority, imposition of will, a financial benefit/burden relationship, and/or fiscal dependency. The Economic Development Fund's financial statements are included in the City's financial statements as a major governmental fund.

The financial statements present only the Economic Development Fund and do not purport to, and do not, present fairly the financial position of the City as of September 30, 2021 and 2020, and the changes in its financial position for the years then ended in conformity with accounting principles generally accepted in the United States of America.

Basis of Accounting

The Economic Development Fund financial statements are prepared using the current financial resources measurement focus and the modified accrual basis of accounting. Under the modified accrual basis of accounting, revenues are recorded when susceptible to accrual (when they become both measurable and available). "Measurable" means the amount of the transaction can be determined and "available" means collectible within the current period or soon enough thereafter to be used to pay liabilities of the current period and that it is legally available for such purposes. Expenditures are recorded when the related fund liability is incurred, except for debt service expenditures which are reported as expenditures in the year due.

Use of Estimates

The preparation of financial statements in conformity with accounting principles generally accepted in the United States of America requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the date of the financial statements and the reported amounts of revenues and expenses during the reporting period. Actual results could differ from those estimates.

Cash and Cash Equivalents

Custodial credit risk is the risk that in the event of a bank failure, a government's deposits may not be returned to it. The Economic Development Fund follows the City's deposit policy for custodial credit risk which requires compliance with the provisions of state law.

State law requires collateralization of all deposits with federal depository insurance; bonds and other obligations of the U.S. Treasury, U.S. agencies or instrumentalities of the State of Nebraska; bonds of any city, county, school district or special road district of the State of Nebraska; bonds of any state; or a surety bond having an aggregate value at least equal to the amount of the deposits. The Statutes allow pledged securities to be reduced by the amount of the deposit insured by the Federal Deposit Insurance Corporation (FDIC).

The Economic Development Fund participates in the pooled cash accounts maintained by the City. The Fund's share of this pool was \$5,509,493 and \$7,069 at September 30, 2021 and 2020, respectively.

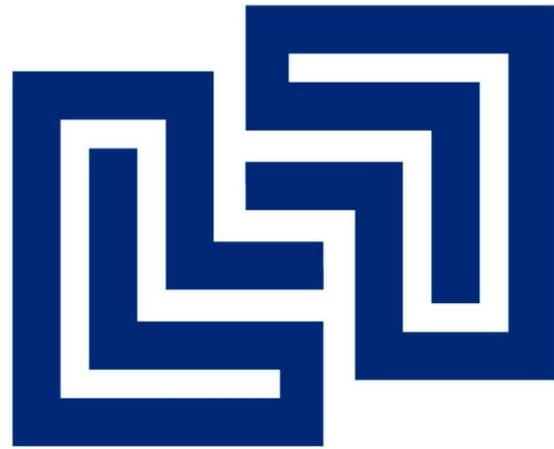
NOTES TO THE FINANCIAL STATEMENTS**Note 2: Long-term Debt**

On June 1, 2021 the City Council approved a request to increase the \$3 million grant application approved on March 3, 2020, by \$2.5 million, for the Economic Development Fund. The project is the Astro Amphitheater, a 2,500 seat indoor, 5,000 seat outdoor event venue. The developer, City Ventures, is also building apartments and retail/restaurant space at City Centre along 84th Street.

	<u>Original Borrowing</u>	<u>Interest Rates</u>	<u>Final Maturity</u>	<u>Date Callable</u>	<u>Outstanding Balance</u>
Economic Development Fund					
General obligation bonds:					
July 1, 2021 Economic Development bond series 2021	5,610,000	0.350-1.850%	10/15/2029	7/1/2026	<u>5,610,000</u>
Total general obligation bonds					<u>\$ 5,610,000</u>

On July 1, 2021, the City issued economic development fund bonds, series 2021 in the amount of \$5,610,000 for the purpose of providing funding for the grant application approved for the Astro Amphitheater. The interest rates on these bonds are 0.350%-1.850% and are callable on July 1, 2026 and mature on October 15, 2029. There were no interest or principal payments made on these bonds during the year ended September 30, 2021. Maturities of the long-term debt, subject to mandatory redemption are as follows:

<u>YEAR ENDED SEPTEMBER 30, 2021</u>	<u>Principal</u>	<u>Interest</u>	<u>Total</u>
2022	\$ —	\$ 47,926	\$ 47,926
2023	680,000	59,558	739,558
2024	685,000	56,820	741,820
2025	685,000	53,022	738,022
2026	695,000	47,484	742,484
2027 - 2031	2,865,000	96,924	2,961,924
Total	<u>\$ 5,610,000</u>	<u>\$ 361,734</u>	<u>\$ 5,971,734</u>



LA VISTA

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**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
APRIL 5, 2022 AGENDA**

Subject:	Type:	Submitted By:
COMPREHENSIVE PLAN AMENDMENT – FUTURE LAND USE MAP LOTS 3 AND 4 ECHO HILLS REPLAT FOUR	RESOLUTION ◆ ORDINANCE RECEIVE/FILE	CALE BRODERSEN ASSISTANT CITY PLANNER

SYNOPSIS

A public hearing has been scheduled and ordinance prepared for Council to consider an application for an amendment to the Future Land Use Map of La Vista’s Comprehensive Plan to modify the future land use designation of Lots 3 and 4 Echo Hills Replat Four from commercial to high-density residential. The purpose of the applicant’s requests is to allow for the construction of an additional apartment building with 71 units. This would be the fifth apartment building in the Echo Park Apartment Complex and would bring their total number of units to 281.

FISCAL IMPACT

N/A.

RECOMMENDATION

Approval.

BACKGROUND

A public hearing has been scheduled and ordinance prepared to amend the Comprehensive Plan Future Land Use Map to designate Lots 3 and 4 Echo Hills Replat Four and associated right-of-way, located at 7631 S 146th Street, for high-density residential usage.

The applicant received approvals from Council in the spring of 2020 for the first phase of their development, which included an assisted living and memory care facility and four apartment buildings, with a proposal to develop the two southern-most lots as commercial. The assisted living and memory care facility and two of the apartment buildings are now complete with construction on apartment buildings #3 and #4 well underway. With no prospects for the commercial development, the applicant has applied for the necessary approvals to allow for the construction of a fifth apartment building on the two southern-most lots with 71 apartment units, 16 ground-floor garages, and an 1,800 square foot bay on the southwest corner for a coffee shop or community gathering space.

A detailed staff report is attached.

The Planning Commission held a public hearing on March 3, 2022, and unanimously voted to recommend approval of the Comprehensive Plan Future Land Use Map Amendment, subject to satisfaction of all applicable requirements, including without limitation, notice, hearing, and approval of amendments to the Official Zoning Map, PUD site plan, and Conditional Use Permit, and approval and recording of the final replat and subdivision agreement.

K:\APPS\City Hall\CNCLRPT (Blue Letters)\22file\22 CD Future Land Use Map Amendment - Echo Hills 04.05.2022.Docx

ORDINANCE NO. ____

AN ORDINANCE TO AMEND SECTIONS 1 AND 2 OF ORDINANCE NO. 1436 CODIFIED IN MUNICIPAL CODE SECTIONS 151.01 AND 151.02 TO UPDATE THE COMPREHENSIVE DEVELOPMENT PLAN AND RELATED FUTURE LAND USE MAP; TO REPEAL SECTIONS 1 AND 2 OF ORDINANCE NO. 1436 CODIFIED IN MUNICIPAL CODE SECTIONS 151.01 AND 151.02 AND ANY OTHER CONFLICTING ORDINANCES AS PREVIOUSLY ENACTED, TO PROVIDE FOR SEVERABILITY AND TO PROVIDE FOR THE EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AS FOLLOWS:

WHEREAS, Ordinance No. 1436 dated February 1, 2022 amended the La Vista Comprehensive Plan, Updated December 2018, as codified in Municipal Code Sections 151.01 and 151.02; and

WHEREAS, the Mayor and City Council desire to amend Ordinance No. 1436 and the La Vista Comprehensive Plan (“La Vista Comprehensive Plan, Updated December 2018, as amended February 1, 2022”).

NOW THEREFORE, the following are approved, contingent on the approval of a Zoning Map Amendment and approval and recording of the Final Plat:

SECTION 1. Amendment of Sections 1 and 2 of Ordinance No. 1404 codified in Municipal Code Sections 151.01 and 151.02. Sections 1 and 2 of Ordinance No. 1436 codified in Municipal Code Sections 151.01 and 151.02 are hereby amended, repealed and replaced in their entirety with the following:

§ 151.01 COMPREHENSIVE PLAN ADOPTED. In order to accommodate anticipated long-range future growth, the City of La Vista Comprehensive Plan, Updated December 2018, as amended April 5, 2022, and including and incorporating therein, without limitation, the Redevelopment Plan for the 84th Street Redevelopment Area, Amendment No. 1 to the Redevelopment Plan for the 84th Street Redevelopment Area, and Amendment No. 2 to the Redevelopment Plan for the 84th Street Redevelopment Area, as Appendices D, E-1 and E-2, respectively, and further including and incorporating therein, without limitation, all other Appendices A, B, C, F, and G, as presented and on file with the City Clerk and as may from time to time be amended, is adopted as and shall constitute the comprehensive development plan of the City of La Vista and general plan for development of the City as a whole. Three copies of the adopted plan and any amendments thereto shall be kept with enacting or amending ordinances on file with the City Clerk and available for inspection by any member of the public during office hours.

§ 151.02 ADOPTION OF OFFICIAL LA VISTA COMPREHENSIVE PLAN UPDATE. The City of La Vista Comprehensive Plan, Updated December 2018, as amended April 5, 2022, received and recommended by the La Vista Planning Commission, and including and incorporating therein, without

limitation, Redevelopment Plan for the 84th Street Redevelopment Area, Amendment No, 1 to the Redevelopment Plan for the 84th Street Redevelopment Area and Amendment No, 2 to the Redevelopment Plan for the 84th Street Redevelopment Area, as Appendices D, E-1 and E-2, respectively, and further including and incorporating therein, without limitation, all other Appendices A, B, C, F, and G, as presented and on file with the City Clerk and as may from time to time be amended, is hereby adopted and shall constitute the official governing comprehensive development plan of the City, general plan for development of the city as a whole, and the successor and replacement of the City of La Vista Comprehensive Plan, Updated December 2018, as amended February 1, 2022, or any other previously adopted comprehensive development plan or amendment thereto."

SECTION 2. Recitals. Recitals at the beginning of this Ordinance and all documents, exhibits and appendices referenced in this Ordinance are incorporated into this Ordinance by such reference as if fully set forth herein.

SECTION 3. Repeal. Sections 1 and 2 of Ordinance No. 1436 codified in Municipal Code Sections 151.01 and 151.02, and all other ordinances and any parts of ordinances as previously enacted that are in conflict with this ordinance or any part hereof are hereby repealed.

SECTION 4. 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, sentence 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 5. Effective Date. This ordinance shall be in full force and effect from and after passage, approval and publication in book or pamphlet form or otherwise in accordance with applicable law.

PASSED AND APPROVED THIS 5TH DAY OF APRIL 2022.

CITY OF LA VISTA,

Kim J. Thomas, Acting Mayor

Attest:

Pamela A. Buethe, MMC
City Clerk



**CITY OF LA VISTA
PLANNING DIVISION
RECOMMENDATION REPORT**

CASE NUMBERS: PCPA22-0001;

FOR HEARING ON: APRIL 5, 2022
REPORT PREPARED ON: MARCH 22, 2022

I. GENERAL INFORMATION

A. APPLICANT(S):

West Management, LLC
Attn: Brett West
129 N 10th Street, #106
Lincoln, NE 68508

B. PROPERTY OWNER:

Vandelay Investments, LLC
Attn: Brett West
PO Box 22151
Lincoln, NE 68542

C. LOCATION: 7631 S 146th Street, La Vista, NE 68138, generally located northwest of the intersection of 144th Street and Chandler Road.

D. LEGAL DESCRIPTION: Lots 3 and 4 Echo Hills Replat Four.

E. REQUESTED ACTION(S): Approval of an amendment to the Future Land Use Map of La Vista's Comprehensive Plan to redesignate the property for future high-density residential use from the existing commercial designation.

F. EXISTING ZONING AND LAND USE: C-1 Shopping Center Commercial, Planned Unit Development (Overlay District), and Gateway Corridor District (Overlay District). This property is currently vacant.

G. PURPOSE OF REQUEST: Applicant is seeking to construct an additional apartment building as part of the Echo Park Apartments complex (building #5). The building would include 71 units, 16 tuck-under garages, and an 1,800 square foot retail space for a coffee shop user on the first floor on the westernmost edge of the building. With the construction of proposed building #5, the Echo Park Apartments would have a total of 281 units.

H. SIZE OF SITE: Approximately 2.88 acres.

II. BACKGROUND INFORMATION

A. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:

<u>Direction From Subject Property</u>	<u>Future Land Use Designation</u>	<u>Current Zoning Designation</u>	<u>Surrounding Development</u>
North	High-Density Residential	R-3 High-Density Residential, PUD, and Gateway Corridor District (Overlay District).	Echo Park Apartments
East	Commercial	C-1 Shopping Center Commercial and Gateway Corridor District (Overlay District).	Dino's Storage
South	Industrial	I-1 Light Industrial and Gateway Corridor District (Overlay District).	Vacant
West	Medium-Density Residential	RS-72 Single-Family Residential (Sarpy County Zoning)	Echo Hills Neighborhood

B. RELEVANT CASE HISTORY:

1. On February 4, 2020 the City Council of the City of La Vista approved a Comprehensive Plan Future Land Use Map amendment, rezoning, planned unit development site plan, and replat for Lot 3 Echo Hills (replatted as Lots 1 through 4 Echo Hills Replat Four) for the development of an assisted living and memory care facility, apartments, and commercial development. Shortly thereafter, conditional use permits were approved for the apartments and assisted living facilities.
2. On May 26, 2020 the applicant requested an amendment to the PUD Site Plan relating to the amount and configuration of the provided off-street parking. Further design of the buildings necessitated a reduction in the number of provided stalls from 352 stalls on Lot 2 to 337 stalls in addition to the removal of one stall on Lot 1. Since the proposed number of parking stalls still greatly exceeded the number required by the La Vista Zoning Ordinance, this change was considered minor, qualified for administrative approval, and was approved by the City Administrator.
3. An additional amendment to the PUD Site Plan relating to the off-street parking was requested by the applicant on July 14, 2020. This request removed 28 stalls from the parking count on Lot 2 Echo Hills Replat Four. The space for these stalls still exists, but the stalls would not be striped or counted in the total parking count to reduce confusion and the likelihood that parked cars would block access to the attached parking

garages in apartment buildings #1 and #2. Like the previous request, the updated proposed number of parking stalls still exceeded the number required by the La Vista Zoning Ordinance. As a minor change, this request qualified for administrative approval, and was approved by the City Administrator.

4. On September 15, 2020, City Council approved an amendment to the PUD site plan that allowed for alternative parking stall dimensions for the 91 stalls in the underground parking garage under apartment building #3 on Lot 2. Standard configurations for 90-degree parking stalls, per Section 7.09 of the La Vista Zoning Ordinance are 9' wide by 18' deep with an isle width of 24' for two-way traffic. The revised, approved dimensions for the underground garage stalls include a 22'-4" drive isle width (a 1'6" reduction), and some stalls with a depth of 17' (a 1' reduction). Other stalls in the garage will have a depth of 19'-6" (an increase of 1'-6").
5. Construction has been completed on the Echo Hills Assisted Living and Memory Care facility and the Echo Park Apartments buildings #1 and #2. Construction on the Echo Park Apartments buildings #3 and #4 is underway.

C. APPLICABLE REGULATIONS:

1. Section 5.08 of the City of La Vista Zoning Ordinance – R-3 High Density Residential
2. Section 5.10 of the City of La Vista Zoning Ordinance – C-1 Shopping Center Commercial
3. Section 5.15 of the City of La Vista Zoning Ordinance – PUD Planned Unit Development District (Overlay District)
4. Section 5.17 of the City of La Vista Zoning Ordinance – Gateway Corridor District (Overlay District)
5. Article 6 of the City of La Vista Zoning Ordinance – Conditional Use Permits

III. ANALYSIS

A. COMPREHENSIVE PLAN:

1. The Future Land Use Map of the La Vista Comprehensive Plan designates this property for commercial development. This application would change the designation to allow the property to be rezoned as R-3 High Density Residential.

B. OTHER PLANS: N/A.

C. TRAFFIC AND ACCESS:

1. A traffic impact analysis prepared by Felsburg, Holt & Ullevig (FHU) was submitted and reviewed through the approval process for Phase 1 of the Echo Hills Apartments and the Echo Hills Assisted Living and Memory Care facilities. As a result of this study and the subdivision agreement approved by the La Vista City Council on July 10, 2020, the applicant has made the following street signal improvements at the intersection of 144th Street and Chandler Road:
 - i. Added a permissive/protected phase to the northbound left turn lane with a 4-section signal head to include a flashing yellow arrow; and
 - ii. Modification to 3-section signal heads, with a flashing yellow arrow, to all other left turning lane signal head as to be consistent with signals in the vicinity.
2. A trip generation comparison was completed by Felsburg, Holt & Ullevig (FHU) to explore the traffic generation differences between the previously approved PUD site plan and commercial development concept for Lots 3 and 4 Echo Hills Replat Four and the proposed revised PUD site plan and multi-family residential development. A memo containing this analysis, dated December 29, 2021, concludes “based on the trip generation analysis results, no significant impact is anticipated to traffic conditions with the proposed changes in land uses and quantities.”
3. The trip generation comparison memo mentioned above has been reviewed by the Nebraska Department of Transportation and Sarpy County Public Works, and both have expressed no comments or concerns.
4. As part of the Echo Park Apartments phase 1 development to mitigate the potential negative impacts of increased traffic to the neighborhood, the applicant installed a speed table and pedestrian crossing on 146th Street, a speed hump on Echo Hills Drive, a fence along the east edge of Echo Hills Park along 146th Street, additional on-street parking stalls for Echo Hills park, and an improved sidewalk connection to the park from the neighborhood.

D. UTILITIES:

1. The property has access to all necessary utilities.

E. PARKING REQUIREMENTS:

1. The minimum off-street parking stall requirements for the proposed development per Section 7.06 of the La Vista Zoning Ordinance and the number of proposed parking stalls for each lot in the development are as follows:

<u>Lot #</u>	<u>Use</u>	<u>Required Stalls</u>	<u>Provided Stalls</u>
Lot 1	Assisted Living & Memory Care	80 + 24 Employees	82
Proposed Lot 1 Echo Hills Replat Five	Multi-Family with one commercial bay with a drive-through	385	422

2. With the approval of the original PUD Site Plan, the applicant was granted a reduction in the required parking stall count for the assisted living and memory care facility and Lot 1 Echo Hills Replat Four based on historical data from the operating history of similar projects. The applicant anticipates that only 5 assisted living residents will operate vehicles, and that no memory care residents will be operating a vehicle, greatly reducing the need for parking. This reduction of parking for this facility was approved.
3. The proposed number of provided off-street parking stalls for Lot 2-4 Echo Hills Replat Four (proposed Lot 1 Echo Hills Replat Five) exceeds the minimum number of stalls required by Section 7.06 of the La Vista Zoning Ordinance.
4. Per Section 7.05.09, multi-family housing developments shall provide a minimum of 0.5 enclosed garages per unit, but these garages may count toward the total number of parking spaces required. With 281 units, this requirement for the Echo Park Apartments is to provide a minimum of 141 garage stalls. This proposal includes 153 garage stalls (88 stalls in the garage under apartment building #3, and 65 single garages under apartment buildings #1, #2, #4, and #5.

IV. REVIEW COMMENTS:

1. Per Section 5.15.02.04 of the La Vista Zoning Ordinance, land uses not permitted in the underlying zoning district may be allowed by City Council through a Planned Unit Development Overlay District to promote mixed-use development. The development proposal related to this application includes a coffee/shop (commercial) use on the property which is not currently permitted in the underlying R-3 High Density Residential Zoning District, but will be permitted through the PUD ordinance if approved by City Council.
2. The applicant has requested an allowance for a reduction in the lot area minimum requirement for the R-3 High-Density

Residential Zoning District from 3,000 square feet for the first four units and 1,500 square feet for each additional unit to 3,000 square feet for the first four units and 1,316 square feet for each additional unit. This represents an 11% reduction in the lot area requirement for the multi-family housing on proposed Lot 1 Echo Hills Replat Five. A formal request letter for this allowance was submitted and is attached to the staff report for the PUD application. Allowances for this lot area requirement may be granted by City Council through the Planned Unit Development process, per Section 5.15.02.04 of the La Vista Zoning Ordinance.

3. The building design for the Echo Park Apartments Building #5 is currently under review by the City's third-party Design Review Architect. This design review process must be substantially complete prior to application for building permits.
4. The landscaping plan is currently under review by the City's third-party Design Review Architect and must be approved prior to building permit issuance.
5. Through the Conditional Use Permit, limitations will be placed on the commercial or coffee shop user proposed for the 1,800 square foot space on the west side of apartment building #5, to ensure that the user is one that can regularly maintain a drive through stacking queue of 5 cars or fewer (or such amount that the City Engineer deems appropriate for the location) to ensure that vehicles in the proposed drive-through do not stack out onto the public street.
6. A draft subdivision agreement is attached to the Replat packet item. It addresses items including but not limited to: public and private improvements, maintenance of common areas, staking bonds, guarantees and performance bonds, etc.

V. STAFF RECOMMENDATION – COMPREHENSIVE PLAN FUTURE LAND USE MAP AMENDMENT:

Staff recommends approval of the Comprehensive Plan Future Land Use Map amendment, subject to satisfaction of all applicable requirements, including without limitation, notice, hearing, and approval of an amendment to the Official Zoning Map, PUD site plan amendment, Conditional Use Permit amendment, and approval and recording of the final replat and subdivision agreement.

VI. PLANNING COMMISSION RECOMMENDATION – COMPREHENSIVE PLAN FUTURE LAND USE MAP AMENDMENT:

The La Vista Planning Commission held a public hearing on March 3, 2022 and voted unanimously to recommend approval of the Comprehensive Plan Future Land Use Map amendment, subject to satisfaction of all applicable requirements, including without limitation, notice, hearing, and approval of

an amendment to the Official Zoning Map, PUD site plan amendment, Conditional Use Permit amendment, and approval and recording of the final replat and subdivision agreement.

VII. ATTACHMENTS TO REPORT:

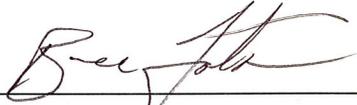
- A. Vicinity Map – La Vista Comprehensive Plan Future Land Use Map Amendment
- B. Updated Future Land Use Map

VIII. COPIES OF REPORT SENT TO:

- A. Brett West, West Management, LLC
- B. Joe Dethlefs, Thompson, Dreessen & Dorner, Inc.
- C. Public Upon Request



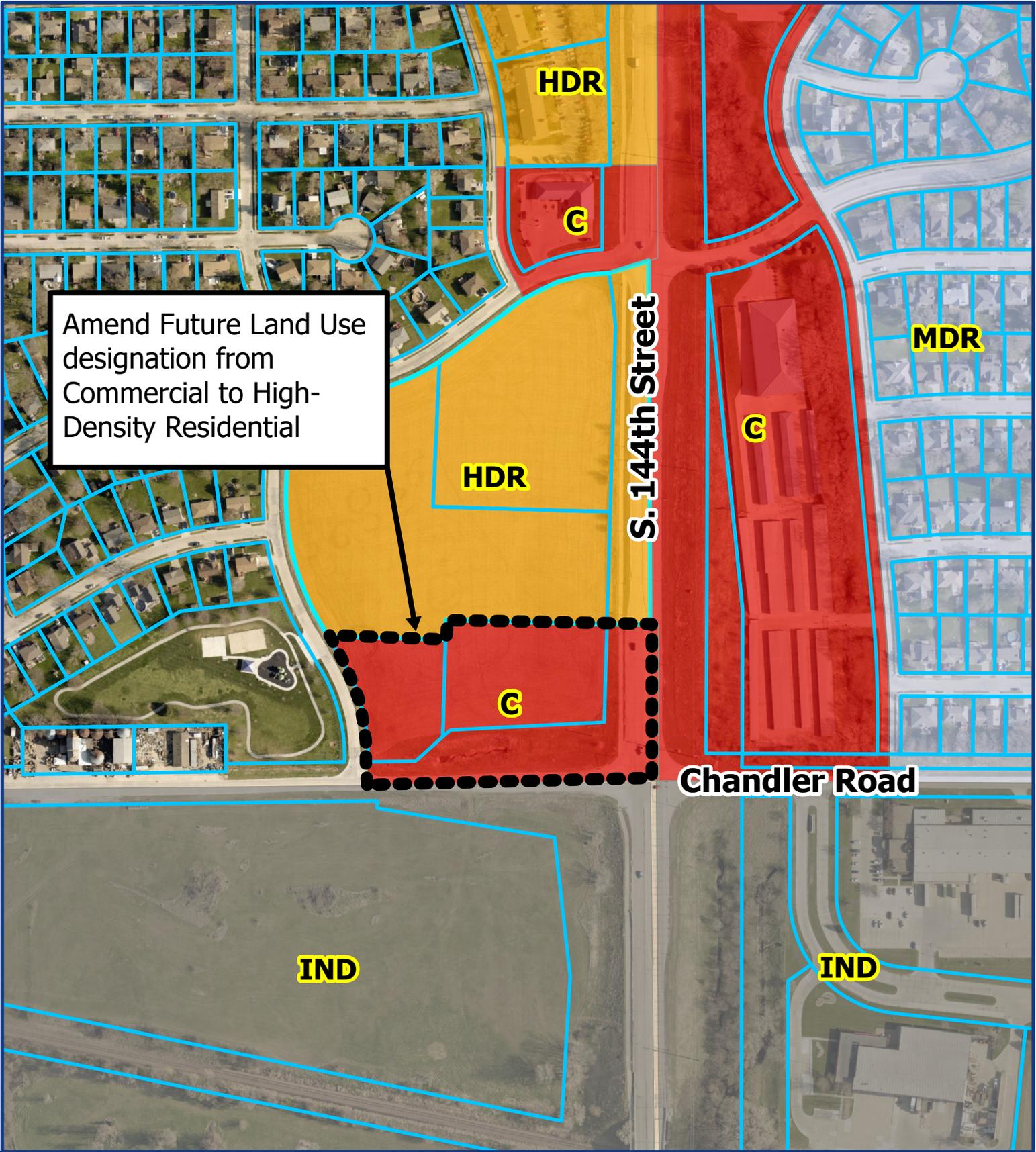
Prepared by: Assistant Planner



Community Development Director

3/25/22

Date



Amend Future Land Use designation from Commercial to High-Density Residential

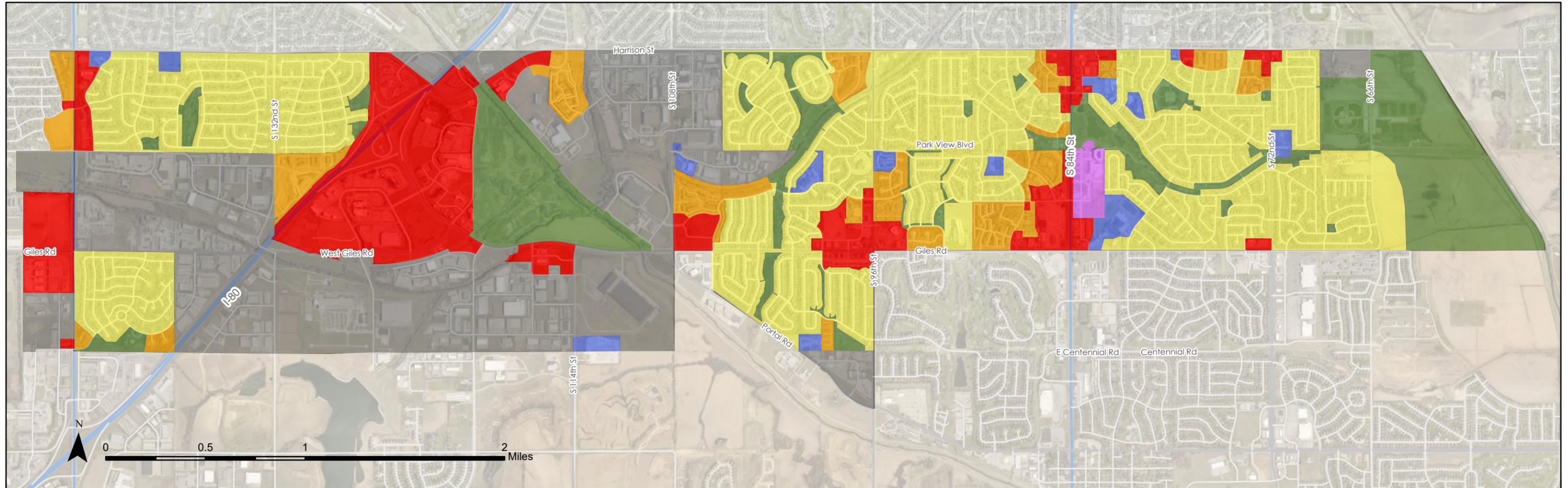
Future Land Use Map Amendment - West Management, LLC



- Legend**
- TaxParcel
 - Proposed Amendment Area



Future Land Use Map



LEGEND

- | | |
|--|--|
|  Medium Density Residential |  Industrial |
|  High Density Residential |  Public |
|  Mixed-Use |  Parks and Recreation |
|  Commercial | |

Amended: 4/5/2022

THIS MAP WAS PREPARED USING INFORMATION FROM RECORD DRAWINGS SUPPLIED BY APPLICABLE CITY, COUNTY, STATE, FEDERAL, OR PUBLIC OR PRIVATE ENTITIES. THE ACCURACY OF THIS MAP CAN NOT BE GUARANTEED. THIS IS NOT A SCALED PLAT.

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
APRIL 5, 2022 AGENDA**

Subject:	Type:	Submitted By:
ZONING MAP AMENDMENT – LOTS 3 AND 4 ECHO HILLS REPLAT FOUR	RESOLUTION ◆ ORDINANCE RECEIVE/FILE	CALE BRODERSEN ASSISTANT CITY PLANNER

SYNOPSIS

A public hearing has been scheduled and ordinance prepared for Council to consider an application for an amendment to the Official Zoning Map to rezone Lots 3 and 4 Echo Hills Replat Four from C-1 Shopping Center Commercial to R-3 High-Density Residential (while retaining the Planned Unit Development and Gateway Corridor Overlay District zoning overlays). The purpose of the applicant's requests is to allow for the construction of an additional apartment building with 71 units. This would be the fifth apartment building in the Echo Park Apartment Complex and would bring their total number of units to 281.

FISCAL IMPACT

N/A.

RECOMMENDATION

Approval.

BACKGROUND

A public hearing has been scheduled and ordinance prepared to amend the Official Zoning Map to rezone Lots 3 and 4 Echo Hills Replat Four and associated right-of-way, located at 7631 S 146th Street, to R-3 High-Density Residential, PUD, GWC.

The applicant received approvals from Council in the spring of 2020 for the first phase of their development, which included an assisted living and memory care facility and four apartment buildings, with a proposal to develop the two southern-most lots as commercial. The assisted living and memory care facility and two of the apartment buildings are now complete with construction of apartment buildings #3 and #4 well underway. With no prospects for the commercial development, the applicant has applied for the necessary approvals to allow for the construction of a fifth apartment building on the two southern-most lots with 71 apartment units, 16 ground-floor garages, and an 1,800 square foot bay on the southwest corner for a coffee shop or community gathering space.

A detailed staff report is attached.

The Planning Commission held a public hearing on March 3, 2022, and unanimously voted to recommend approval of the Zoning Map Amendment, subject to satisfaction of all applicable requirements, including

without limitation, notice, hearing, and approval of amendments to the Comprehensive Plan Future Land Use Map, PUD site plan, and Conditional Use Permit, and approval and recording of the final replat and subdivision agreement.

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

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

Section 1. Approval of Rezoning. On March 3, 2022, the La Vista Planning Commission conducted a public hearing on the matter of rezoning Lots 3 and 4 Echo Hills Replat Four, the tract of land set forth in Section 2 of this ordinance, and reported to the City Council that it recommended approval of the zoning of said tracts be changed from "C-1" Shopping Center Commercial, Planned Unit Development (Overlay District), and Gateway Corridor District (Overlay District) to "R-3" High-Density Residential, Planned Unit Development (Overlay District) and Gateway Corridor District (Overlay District). On April 5, 2022, the City Council held a public hearing on said proposed change in zoning and found and determined that said proposed changes in zoning are advisable and in the best interests of the City. The City Council further found and determined that public hearings were duly held and notices, including published notice, written notice to adjacent property owners and notice posted at the properties, were duly given pursuant to Section 9.01 of the Zoning Ordinance. The City Council hereby approves said proposed changes in zoning as set forth in Section 2 of this ordinance.

Section 2. Amendment of the Official Zoning Map. Pursuant to Article 3 of the Zoning Ordinance, Lots 3 and 4 Echo Hills Replat Four in the NE ¼ of Section 14, Township 14 North, Range 11 East of the 6th P.M., Sarpy County, Nebraska, is hereby rezoned from "C-1" Shopping Center Commercial, Planned Unit Development (Overlay District), and Gateway Corridor District (Overlay District) to "R-3" High-Density Residential, Planned Unit Development (Overlay District) and Gateway Corridor District (Overlay District), and the Official Zoning Map of the City of La Vista is hereby amended to reflect the changes in zoning as described above and displayed in the attached Zoning Map Exhibit, hereby incorporated into this Ordinance by reference.

The amended version of the official zoning map of the City of La Vista is hereby adopted, contingent on the approval and recording of the Final Plat, and shall be signed by the Mayor, attested to by the City Clerk and shall bear the seal of the City under the following words:

"This is to certify that this is the official zoning map referred to in Article 3 Section 3.02 of Ordinance No. 848 of the City of La Vista, Nebraska"

and shall show the date of the adoption of that ordinance and this amendment.

Section 3. Effective Date. This ordinance shall be in full force and effect upon the date passage, approval and publication as provided by law.

PASSED AND APPROVED THIS 5TH DAY OF APRIL 2022.

CITY OF LA VISTA

Kim J. Thomas, Acting Mayor

ATTEST:

Pamela A. Buethe, MMC
City Clerk



**CITY OF LA VISTA
PLANNING DIVISION
RECOMMENDATION REPORT**

CASE NUMBERS: PZMA22-0001;

FOR HEARING ON: APRIL 5, 2022
REPORT PREPARED ON: MARCH 22, 2022

I. GENERAL INFORMATION

A. APPLICANT(S):

West Management, LLC
Attn: Brett West
129 N 10th Street, #106
Lincoln, NE 68508

B. PROPERTY OWNER:

Vandelay Investments, LLC
Attn: Brett West
PO Box 22151
Lincoln, NE 68542

C. LOCATION: 7631 S 146th Street, La Vista, NE 68138, generally located northwest of the intersection of 144th Street and Chandler Road.

D. LEGAL DESCRIPTION: Lots 3 and 4 Echo Hills Replat Four.

E. REQUESTED ACTION(S): Approval of an amendment to the Official Zoning Map to rezone Lots 3 and 4 Echo Hills Replat Four from C-1 Shopping Center Commercial, Planned Unit Development Overlay District (PUD), and Gateway Corridor Overlay District (GWC) to R-3 High-Density Residential, Planned Unit Development Overlay District (PUD), and Gateway Corridor Overlay District (GWC).

F. EXISTING ZONING AND LAND USE: C-1 Shopping Center Commercial, Planned Unit Development (Overlay District), and Gateway Corridor District (Overlay District). This property is currently vacant.

G. PURPOSE OF REQUEST: Applicant is seeking to construct an additional apartment building as part of the Echo Park Apartments complex (building #5). The building would include 71 units, 16 tuck-under garages, and an 1,800 square foot retail space for a coffee shop user on the first floor on the westernmost edge of the building. With the construction of proposed building #5, the Echo Park Apartments would have a total of 281 units.

H. SIZE OF SITE: Approximately 2.88 acres.

II. BACKGROUND INFORMATION

A. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:

<u>Direction From Subject Property</u>	<u>Future Land Use Designation</u>	<u>Current Zoning Designation</u>	<u>Surrounding Development</u>
North	High-Density Residential	R-3 High-Density Residential, PUD, and Gateway Corridor District (Overlay District).	Echo Park Apartments
East	Commercial	C-1 Shopping Center Commercial and Gateway Corridor District (Overlay District).	Dino's Storage
South	Industrial	I-1 Light Industrial and Gateway Corridor District (Overlay District).	Vacant
West	Medium-Density Residential	RS-72 Single-Family Residential (Sarpy County Zoning)	Echo Hills Neighborhood

B. RELEVANT CASE HISTORY:

1. On February 4, 2020 the City Council of the City of La Vista approved a Comprehensive Plan Future Land Use Map amendment, rezoning, planned unit development site plan, and replat for Lot 3 Echo Hills (replatted as Lots 1 through 4 Echo Hills Replat Four) for the development of an assisted living and memory care facility, apartments, and commercial development. Shortly thereafter, conditional use permits were approved for the apartments and assisted living facilities.
2. On May 26, 2020 the applicant requested an amendment to the PUD Site Plan relating to the amount and configuration of the provided off-street parking. Further design of the buildings necessitated a reduction in the number of provided stalls from 352 stalls on Lot 2 to 337 stalls in addition to the removal of one stall on Lot 1. Since the proposed number of parking stalls still greatly exceeded the number required by the La Vista Zoning Ordinance, this change was considered minor, qualified for administrative approval, and was approved by the City Administrator.
3. An additional amendment to the PUD Site Plan relating to the off-street parking was requested by the applicant on July 14, 2020. This request removed 28 stalls from the parking count on Lot 2 Echo Hills Replat Four. The space for these stalls still exists, but the stalls would not be striped or counted in the total parking count to reduce confusion and the likelihood that parked cars would block access to the attached parking

garages in apartment buildings #1 and #2. Like the previous request, the updated proposed number of parking stalls still exceeded the number required by the La Vista Zoning Ordinance. As a minor change, this request qualified for administrative approval, and was approved by the City Administrator.

4. On September 15, 2020, City Council approved an amendment to the PUD site plan that allowed for alternative parking stall dimensions for the 91 stalls in the underground parking garage under apartment building #3 on Lot 2. Standard configurations for 90-degree parking stalls, per Section 7.09 of the La Vista Zoning Ordinance are 9' wide by 18' deep with an isle width of 24' for two-way traffic. The revised, approved dimensions for the underground garage stalls include a 22'-4" drive isle width (a 1'6" reduction), and some stalls with a depth of 17' (a 1' reduction). Other stalls in the garage will have a depth of 19'-6" (an increase of 1'-6").
5. Construction has been completed on the Echo Hills Assisted Living and Memory Care facility and the Echo Park Apartments buildings #1 and #2. Construction on the Echo Park Apartments buildings #3 and #4 is underway.

C. APPLICABLE REGULATIONS:

1. Section 5.08 of the City of La Vista Zoning Ordinance – R-3 High Density Residential
2. Section 5.10 of the City of La Vista Zoning Ordinance – C-1 Shopping Center Commercial
3. Section 5.15 of the City of La Vista Zoning Ordinance – PUD Planned Unit Development District (Overlay District)
4. Section 5.17 of the City of La Vista Zoning Ordinance – Gateway Corridor District (Overlay District)
5. Article 6 of the City of La Vista Zoning Ordinance – Conditional Use Permits

III. ANALYSIS

A. COMPREHENSIVE PLAN:

1. The Future Land Use Map of the La Vista Comprehensive Plan designates this property for commercial development. This application is contingent on the approval of the proposed amendment to the Future Land Use Map of the Comprehensive Plan that would change the designation from commercial to high-density residential.

B. OTHER PLANS: N/A.

C. TRAFFIC AND ACCESS:

1. A traffic impact analysis prepared by Felsburg, Holt & Ullevig (FHU) was submitted and reviewed through the approval process for Phase 1 of the Echo Hills Apartments and the Echo Hills Assisted Living and Memory Care facilities. As a result of this study and the subdivision agreement approved by the La Vista City Council on July 10, 2020, the applicant has made the following street signal improvements at the intersection of 144th Street and Chandler Road:
 - i. Added a permissive/protected phase to the northbound left turn lane with a 4-section signal head to include a flashing yellow arrow; and
 - ii. Modification to 3-section signal heads, with a flashing yellow arrow, to all other left turning lane signal head as to be consistent with signals in the vicinity.
2. A trip generation comparison was completed by Felsburg, Holt & Ullevig (FHU) to explore the traffic generation differences between the previously approved PUD site plan and commercial development concept for Lots 3 and 4 Echo Hills Replat Four and the proposed revised PUD site plan and multi-family residential development. A memo containing this analysis, dated December 29, 2021, concludes “based on the trip generation analysis results, no significant impact is anticipated to traffic conditions with the proposed changes in land uses and quantities.”
3. The trip generation comparison memo mentioned above has been reviewed by the Nebraska Department of Transportation and Sarpy County Public Works, and both have expressed no comments or concerns.
4. As part of the Echo Park Apartments phase 1 development to mitigate the potential negative impacts of increased traffic to the neighborhood, the applicant installed a speed table and pedestrian crossing on 146th Street, a speed hump on Echo Hills Drive, a fence along the east edge of Echo Hills Park along 146th Street, additional on-street parking stalls for Echo Hills park, and an improved sidewalk connection to the park from the neighborhood.

D. UTILITIES:

1. The property has access to all necessary utilities.

E. PARKING REQUIREMENTS:

1. The minimum off-street parking stall requirements for the proposed development per Section 7.06 of the La Vista Zoning Ordinance and the number of proposed parking stalls for each lot in the development are as follows:

<u>Lot #</u>	<u>Use</u>	<u>Required Stalls</u>	<u>Provided Stalls</u>
Lot 1	Assisted Living & Memory Care	80 + 24 Employees	82
Proposed Lot 1 Echo Hills Replat Five	Multi-Family with one commercial bay with a drive-through	385	422

2. With the approval of the original PUD Site Plan, the applicant was granted a reduction in the required parking stall count for the assisted living and memory care facility and Lot 1 Echo Hills Replat Four based on historical data from the operating history of similar projects. The applicant anticipates that only 5 assisted living residents will operate vehicles, and that no memory care residents will be operating a vehicle, greatly reducing the need for parking. This reduction of parking for this facility was approved.
3. The proposed number of provided off-street parking stalls for Lot 2-4 Echo Hills Replat Four (proposed Lot 1 Echo Hills Replat Five) exceeds the minimum number of stalls required by Section 7.06 of the La Vista Zoning Ordinance.
4. Per Section 7.05.09, multi-family housing developments shall provide a minimum of 0.5 enclosed garages per unit, but these garages may count toward the total number of parking spaces required. With 281 units, this requirement for the Echo Park Apartments is to provide a minimum of 141 garage stalls. This proposal includes 153 garage stalls (88 stalls in the garage under apartment building #3, and 65 single garages under apartment buildings #1, #2, #4, and #5.

IV. REVIEW COMMENTS:

1. Per Section 5.15.02.04 of the La Vista Zoning Ordinance, land uses not permitted in the underlying zoning district may be allowed by City Council through a Planned Unit Development Overlay District to promote mixed-use development. The development proposal related to this application includes a coffee/shop (commercial) use on the property which is not currently permitted in the underlying R-3 High Density Residential Zoning District, but will be permitted through the PUD ordinance if approved by City Council.
2. The applicant has requested an allowance for a reduction in the lot area minimum requirement for the R-3 High-Density

Residential Zoning District from 3,000 square feet for the first four units and 1,500 square feet for each additional unit to 3,000 square feet for the first four units and 1,316 square feet for each additional unit. This represents an 11% reduction in the lot area requirement for the multi-family housing on proposed Lot 1 Echo Hills Replat Five. A formal request letter for this allowance was submitted and is attached to the staff report for the PUD application. Allowances for this lot area requirement may be granted by City Council through the Planned Unit Development process, per Section 5.15.02.04 of the La Vista Zoning Ordinance.

3. The building design for the Echo Park Apartments Building #5 is currently under review by the City's third-party Design Review Architect. This design review process must be substantially complete prior to application for building permits.
4. The landscaping plan is currently under review by the City's third-party Design Review Architect and must be approved prior to building permit issuance.
5. Through the Conditional Use Permit, limitations will be placed on the commercial or coffee shop user proposed for the 1,800 square foot space on the west side of apartment building #5, to ensure that the user is one that can regularly maintain a drive through stacking queue of 5 cars or fewer (or such amount that the City Engineer deems appropriate for the location) to ensure that vehicles in the proposed drive-through do not stack out onto the public street.
6. A draft subdivision agreement is attached to the Replat packet item. It addresses items including but not limited to: public and private improvements, maintenance of common areas, staking bonds, guarantees and performance bonds, etc.

V. STAFF RECOMMENDATION – ZONING MAP AMENDMENT:

Staff recommends approval of the Zoning Map Amendment, subject to satisfaction of all applicable requirements, including without limitation, notice, hearing, and approval of an amendment to the Future Land Use Map of the La Vista Comprehensive Plan, PUD site plan amendment, Conditional Use Permit amendment, and approval and recording of the final replat and subdivision agreement.

VI. PLANNING COMMISSION RECOMMENDATION – ZONING MAP AMENDMENT:

The La Vista Planning Commission held a public hearing on March 3, 2022 and voted unanimously to recommend approval of the Zoning Map Amendment, subject to satisfaction of all applicable requirements, including without limitation, notice, hearing, and approval of an amendment to the Future Land Use Map of the La Vista Comprehensive Plan, PUD site plan

amendment, Conditional Use Permit amendment, and approval and recording of the final replat and subdivision agreement.

VII. ATTACHMENTS TO REPORT:

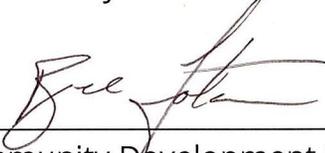
- A. Vicinity Map - Zoning Map Amendment
- B. Updated Zoning Map

VIII. COPIES OF REPORT SENT TO:

- A. Brett West, West Management, LLC
- B. Joe Dethlefs, Thompson, Dreessen & Dorner, Inc.
- C. Public Upon Request



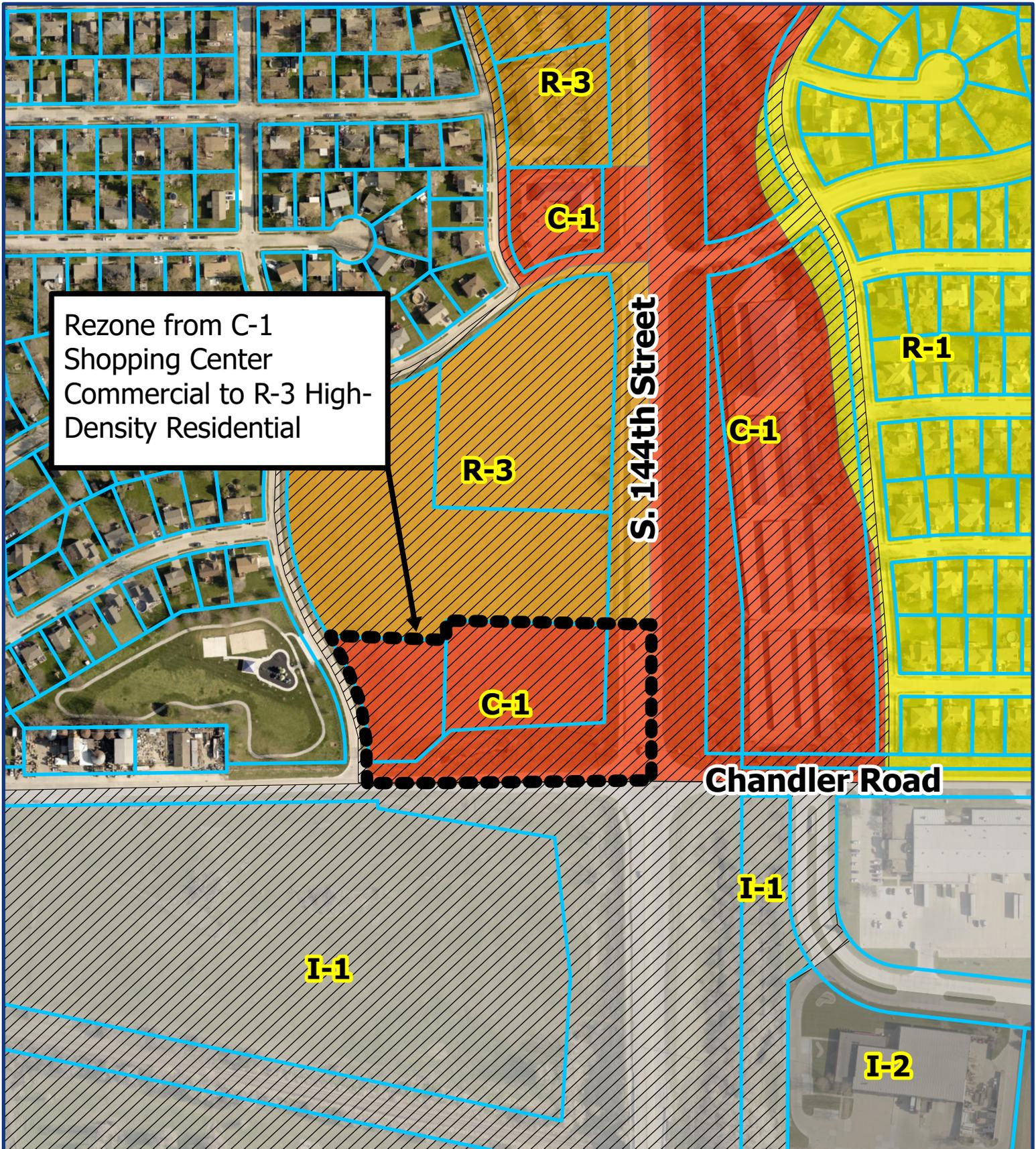
Prepared by: Assistant Planner



Community Development Director

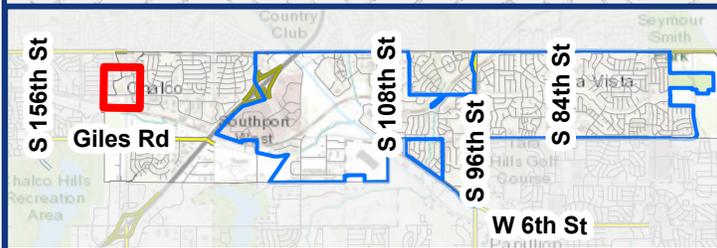
3/25/22

Date



Rezone from C-1 Shopping Center Commercial to R-3 High-Density Residential

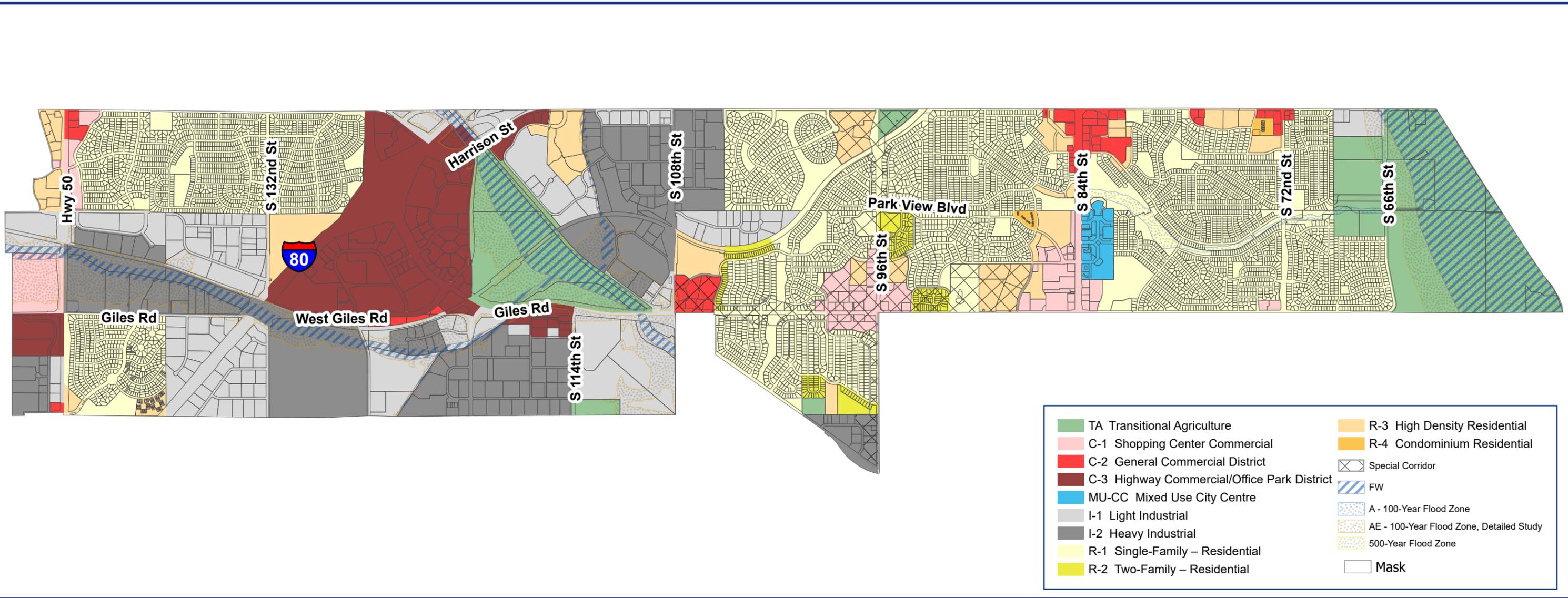
Zoning Map Amendment - West Management, LLC



Legend

-  TaxParcel
-  Proposed Rezoning Area
-  GWC Overlay District





City of La Vista
Official Zoning Map
 Adopted December 18, 2018
 Updated April 5, 2022
 Ordinance Number ____


 3/22/2022
 Drawn By: CB



**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
APRIL 5, 2022 AGENDA**

Subject:	Type:	Submitted By:
PUD SITE PLAN AMENDMENT – LOTS 1-4 ECHO HILLS REPLAT FOUR	RESOLUTION ◆ ORDINANCE RECEIVE/FILE	CALE BRODERSEN ASSISTANT CITY PLANNER

SYNOPSIS

A public hearing has been scheduled and ordinance prepared for Council to consider an application for an amendment to the Planned Unit Development site plan and ordinance for Lots 1-4 Echo Hills Replat Four. The purpose of the applicant’s requests is to allow for the construction of an additional apartment building with 71 units. This would be the fifth apartment building in the Echo Park Apartment Complex and would bring their total number of units to 281.

FISCAL IMPACT

N/A.

RECOMMENDATION

Approval.

BACKGROUND

A public hearing has been scheduled and ordinance prepared to amend the PUD site plan and ordinance for Lots 1-4 Echo Hills Replat Four, located at 7631 S 146th Street.

The original Planned Unit Development Site Plan for this development was approved on February 4, 2020, and it included an assisted living and memory care facility, four apartment buildings, and a proposal to develop the two southern-most lots as commercial. The assisted living and memory care facility and two of the apartment buildings are now complete with construction of apartment buildings #3 and #4 well underway. With no prospects for the commercial development, the applicant has applied for the necessary approvals to allow for the construction of a fifth apartment building on the two southern-most lots with 71 apartment units, 16 ground-floor garages, and an 1,800 square foot bay on the southwest corner for a coffee shop or community gathering space.

The applicant is requesting allowances through the PUD (authorized by Section 5.15.02.04 of the La Vista Zoning Ordinance) for a coffee shop use to be permitted in the R-3 High-Density Residential Zoning District in this development, in addition to a reduction in the minimum lot area requirement for the R-3 High-Density Residential Zoning District from 3,000 square feet for the first four units and 1,500 square

feet for each additional unit to 3,000 square feet for the first four units and 1,316 square feet for each additional unit. This represents an 11% reduction in the lot area requirement for the multi-family housing on proposed Lot 1 Echo Hills Replat Five.

A detailed staff report is attached.

The Planning Commission held a public hearing on March 3, 2022, and unanimously voted to recommend approval of the Planned Unit Development Amendment, subject to satisfaction of all applicable requirements, including without limitation, notice, hearing, and approval of amendments to the Comprehensive Plan Future Land Use Map, Official Zoning Map, and Conditional Use Permit, and approval and recording of the final replat and subdivision agreement.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LA VISTA, NEBRASKA AMENDING ESTABLISHED STANDARDS AND CONDITIONS FOR DEVELOPMENT UNDER THE FINAL PLANNED UNIT DEVELOPMENT PLAN; TO PROVIDE FOR SEVERABILITY; TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT; AND TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

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

Section 1. The Planned Unit Development plan for Echo Hills (the "Echo Hills PUD") is hereby adopted for the following described real estate, to wit:

LEGAL DESCRIPTION

See Exhibit "A" attached hereto and made a part hereof.

Section 2. The Echo Hills PUD is hereby adopted to provide for the development of a planned residential complex including an assisted living and memory care facility, an apartment complex with five buildings, and a space for a commercial user as an accessory use to the primary residential uses. The regulations contained in this Ordinance will facilitate development in a planned, orderly fashion so as to protect the public health, safety, and general welfare. All grading, installation of infrastructure, development and build out shall be in strict accordance with the provisions of this Ordinance, except as shall be amended by the City Council in the required manner. The underlying residential zoning district regulations shall continue to be applicable, except as provided for in this Ordinance and the attached exhibits.

Section 3. Definitions

Unless a contrary intent is clearly indicated herein, the following words and phrases shall have the following meanings, regardless of whether or not capitalized:

- A. "Developer" shall mean West Management, LLC, Echo Hills Apartments, LLC, Echo Hills ALMC, LLC, Vandelay Investments, LLC, and/or their successors and assigns.
- B. "Gateway Corridor District" or "La Vista Gateway Corridor District" shall mean the City's overlay zoning district establishing basic site and building development criteria to be implemented within the boundaries of the overlay district.
- C. "Open Space" shall mean anything on the site except buildings, parking lot and vehicular circulation, generally pervious, but may include well landscaped pedestrian places, pools, and pool decks.
- D. "Echo Hills PUD" shall mean the planned unit development that is subject to this Ordinance, as developed and approved, that outlines certain provisions for the development of the Subdivision and its uses. Such plan shall consist of the final plat, design guidelines, landscaping, etc.

- E. "Plat" or "the Plat," shall mean the final plat of the Subdivision approved by the City Council or an administrative plat approved by staff.

Section 4. Parcel Identification Map

Attached hereto and made a part of Echo Hills PUD for parcel delineation is the Echo Hills PUD plan set marked as Exhibit "B".

Section 5. Conceptual Site Plan

A conceptual site plan for each parcel shall be submitted to the City for approval prior to any lot development within said parcel.

Section 6. Building Design Guidelines and Criteria

All applications shall adhere to requirements of the City's Commercial Building Design Guide and Criteria as adopted within the La Vista Gateway Corridor District, subject to any additions, subtractions, or modifications from time to time, ("Commercial Building Design Guide and Criteria"). Prior to issuance of a building permit, the City, Developer and the applicant shall have mutually agreed upon a specific design plan that complies with such criteria.

Section 7. Conditions

All uses within the Subdivision shall adhere to the underlying zoning district except as herein provided.

A. General Conditions

In addition, the following general site plan criteria shall be integrated into and made part of the Echo Hills PUD.

- i. All subdivisions, public streets, public street rights-of-way and general development shall adhere to the standards and design criteria set forth in the La Vista Subdivision Regulations and the most current design standards adopted by the City of La Vista pertaining thereto unless otherwise stated within this Echo Hills PUD.
- ii. Unless otherwise specified herein, the development of the Echo Hills PUD shall comply with the applicable La Vista Zoning District Regulations or any other applicable City Codes.

B. Land Use Design Criteria

Unless provided otherwise in this Echo Hills PUD, all general use regulations, performance standards and provisions set forth in the La Vista Zoning Ordinance for the appropriate zoning district shall apply to any development, additions, or redevelopment within the PUD overlay district.

- i. The intent of the design and layout of the Echo Hills development is to develop the site to provide multiple housing products including an assisted living and memory care facility, as well as multi-family apartment units with a limited commercial accessory use.
 - a. Building Height. Permitted building heights shall be the same as those listing in the R-3 High-Density Residential District regulations unless otherwise approved by the City Council as part of a PUD Site Plan.
 - b. Building Setback. Building setbacks shall be the same as those listed in the R-3 High-Density Residential District regulations unless otherwise approved by the City Council as part of the PUD Site Plan marked as Exhibit "B".
 - c. Landscaping. Landscaping throughout the Subdivision shall be consistent with the PUD Site Plan map set, Exhibit "B", and the City's Commercial Building Design Guide and Criteria. A complete and detailed landscaping plan is required prior to building permit approval to assure compliance with the vision of the Echo Hills PUD.
 - d. Site Area Per Residential Unit for Multiple Family Dwellings. Lot area shall be a minimum of 3,000 square feet for the first 4 units, and 1,316 square feet for each additional unit.
- ii. Land uses within the Echo Hills PUD overlay shall remain consistent with those permitted, permitted conditional, and accessory uses identified in the R-3 High-Density Residential District regulations, except that a commercial user primarily engaged in the sale of coffee, beverages, and limited food sales may be permitted as an accessory use to serve the primary residential uses in the area designated within the PUD Plan Set (Exhibit "B").

C. Access and Off-Street Parking

- i. Access. Driveways shall be located so that no undue interference with the free movement of road traffic will result, to provide the required sight distance, and to provide the most-favorable driveway grade. Access points within the development shall be limited to what is shown on the final plat and subdivision agreement. Any deviation from this shall require the approval of the City.
- ii. Off-Street Parking. Parking on Lot 1 Echo Hills Replat Four, utilized for an assisted living and memory care facility shall be provided based on the aggregate ratio of .725 off-street parking spaces per unit plus one (1) off-street parking spaces per employee measured at peak-shift.

Parking on Lots 2-4 Echo Hills Replat Four (proposed Lot 1 Echo Hills Replat Five) of the PUD overlay shall be provided based on the aggregate ratio of one (1) off-street parking spaces per bedroom of multi-family improvements.

Enclosed parking within Lots 2-4 Echo Hills Replat Four (proposed Lot 1 Echo Hills Replat Five) of the PUD overlay shall be based on the aggregate ratio of 0.5 enclosed garage spaces per unit of multi-family improvements.

Enclosed garage parking within Lot 2 Echo Hills Replat Four (a portion of proposed Lot 1 Echo Hills Replat Five) of the PUD overlay may be constructed with the following standards, consistent with the plan approved by City Council on September 15, 2020:

- a. 22'-4" drive isle width for two-way traffic
- b. Compact parking stall depth of 17'

Section 8. 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, sentence 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 9. That this Ordinance shall be in full force and effect after its passage, approval, and publication in pamphlet form as provided by law.

PASSED AND APPROVED THIS 5TH DAY OF APRIL 2022.

CITY OF LA VISTA

Kim J. Thomas, Acting Mayor

ATTEST:

Pamela A. Buethe, MMC
City Clerk

EXHIBIT A

Echo Hills Development – Lots 1-4 Echo Hills Replat Four, Northeast 1/4, Section 14, Township 14 North, Range 11 East of the 6th P.M. Sarpy County, Nebraska.



**CITY OF LA VISTA
PLANNING DIVISION
RECOMMENDATION REPORT**

CASE NUMBERS: PPUD22-0001;

FOR HEARING ON: APRIL 5, 2022
REPORT PREPARED ON: MARCH 22, 2022

I. GENERAL INFORMATION

A. APPLICANT(S):

West Management, LLC
Attn: Brett West
129 N 10th Street, #106
Lincoln, NE 68508

B. PROPERTY OWNERS:

Vandelay Investments, LLC
Attn: Brett West
PO Box 22151
Lincoln, NE 68542

Echo Hills ALMC, LLC
Attn: Brett West
PO Box 22151
Lincoln, NE 68542

Echo Hills Apartments, LLC
Attn: Brett West
129 N 10th Street, #106
Lincoln, NE 68508

C. LOCATION: 7631 S 146th Street, La Vista, NE 68138, generally located northwest of the intersection of 144th Street and Chandler Road.

D. LEGAL DESCRIPTION: Lots 1-4 Echo Hills Replat Four.

E. REQUESTED ACTION(S): Approval of an amendment to the Planned Unit Development Site Plan for Lots 1-4 Echo Hills Replat Four to incorporate an additional apartment building and remove the originally proposed commercial development on Lots 3-4 Echo Hills Replat Four.

F. EXISTING ZONING AND LAND USE: C-1 Shopping Center Commercial, Planned Unit Development (Overlay District), and Gateway Corridor District (Overlay District). This property is currently vacant.

G. PURPOSE OF REQUEST: Applicant is seeking to construct an additional apartment building as part of the Echo Park Apartments complex (building #5). The building would include 71 units, 16 tuck-under garages, and an 1,800 square foot retail space for a coffee shop user on the first floor on the westernmost edge of the building. With the construction of proposed building #5, the Echo Park Apartments would have a total of 281 units.

H. SIZE OF SITE: Approximately 12.45 acres.

II. BACKGROUND INFORMATION

A. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:

<u>Direction From Subject Property</u>	<u>Future Land Use Designation</u>	<u>Current Zoning Designation</u>	<u>Surrounding Development</u>
North	Medium-Density Residential and Commercial	RS-72 Single-Family Residential (Sarpy County Zoning); C-1 Shopping Center Commercial and Gateway Corridor District (Overlay District)	Echo Hills Neighborhood and Tornado Car Wash
East	Commercial	C-1 Shopping Center Commercial and Gateway Corridor District (Overlay District).	Dino's Storage
South	Industrial	I-1 Light Industrial and Gateway Corridor District (Overlay District).	Vacant
West	Medium-Density Residential	RS-72 Single-Family Residential (Sarpy County Zoning)	Echo Hills Neighborhood

B. RELEVANT CASE HISTORY:

1. On February 4, 2020 the City Council of the City of La Vista approved a Comprehensive Plan Future Land Use Map amendment, rezoning, planned unit development site plan, and replat for Lot 3 Echo Hills (replatted as Lots 1 through 4 Echo Hills Replat Four) for the development of an assisted living and memory care facility, apartments, and commercial development. Shortly thereafter, conditional use permits were approved for the apartments and assisted living facilities.
2. On May 26, 2020 the applicant requested an amendment to the PUD Site Plan relating to the amount and configuration of the provided off-street parking. Further design of the buildings necessitated a reduction in the number of provided stalls from 352 stalls on Lot 2 to 337 stalls in addition to the removal of

one stall on Lot 1. Since the proposed number of parking stalls still greatly exceeded the number required by the La Vista Zoning Ordinance, this change was considered minor, qualified for administrative approval, and was approved by the City Administrator.

3. An additional amendment to the PUD Site Plan relating to the off-street parking was requested by the applicant on July 14, 2020. This request removed 28 stalls from the parking count on Lot 2 Echo Hills Replat Four. The space for these stalls still exists, but the stalls would not be striped or counted in the total parking count to reduce confusion and the likelihood that parked cars would block access to the attached parking garages in apartment buildings #1 and #2. Like the previous request, the updated proposed number of parking stalls still exceeded the number required by the La Vista Zoning Ordinance. As a minor change, this request qualified for administrative approval, and was approved by the City Administrator.
4. On September 15, 2020, City Council approved an amendment to the PUD site plan that allowed for alternative parking stall dimensions for the 91 stalls in the underground parking garage under apartment building #3 on Lot 2. Standard configurations for 90-degree parking stalls, per Section 7.09 of the La Vista Zoning Ordinance are 9' wide by 18' deep with an isle width of 24' for two-way traffic. The revised, approved dimensions for the underground garage stalls include a 22'-4" drive isle width (a 1'6" reduction), and some stalls with a depth of 17' (a 1' reduction). Other stalls in the garage will have a depth of 19'-6" (an increase of 1'-6").
5. Construction has been completed on the Echo Hills Assisted Living and Memory Care facility and the Echo Park Apartments buildings #1 and #2. Construction on the Echo Park Apartments buildings #3 and #4 is underway.

C. APPLICABLE REGULATIONS:

1. Section 5.08 of the City of La Vista Zoning Ordinance – R-3 High Density Residential
2. Section 5.10 of the City of La Vista Zoning Ordinance – C-1 Shopping Center Commercial
3. Section 5.15 of the City of La Vista Zoning Ordinance – PUD Planned Unit Development District (Overlay District)
4. Section 5.17 of the City of La Vista Zoning Ordinance – Gateway Corridor District (Overlay District)
5. Article 6 of the City of La Vista Zoning Ordinance – Conditional Use Permits

III. ANALYSIS

A. COMPREHENSIVE PLAN:

1. The Future Land Use Map of the La Vista Comprehensive Plan designates this property for commercial development. This application is contingent on the approval of the proposed amendment to the Future Land Use Map of the Comprehensive Plan that would change the designation from commercial to high-density residential.

B. OTHER PLANS: N/A.

C. TRAFFIC AND ACCESS:

1. A traffic impact analysis prepared by Felsburg, Holt & Ullevig (FHU) was submitted and reviewed through the approval process for Phase 1 of the Echo Hills Apartments and the Echo Hills Assisted Living and Memory Care facilities. As a result of this study and the subdivision agreement approved by the La Vista City Council on July 10, 2020, the applicant has made the following street signal improvements at the intersection of 144th Street and Chandler Road:
 - i. Added a permissive/protected phase to the northbound left turn lane with a 4-section signal head to include a flashing yellow arrow; and
 - ii. Modification to 3-section signal heads, with a flashing yellow arrow, to all other left turning lane signal head as to be consistent with signals in the vicinity.
2. A trip generation comparison was completed by Felsburg, Holt & Ullevig (FHU) to explore the traffic generation differences between the previously approved PUD site plan and commercial development concept for Lots 3 and 4 Echo Hills Replat Four and the proposed revised PUD site plan and multi-family residential development. A memo containing this analysis, dated December 29, 2021, is attached and concludes "based on the trip generation analysis results, no significant impact is anticipated to traffic conditions with the proposed changes in land uses and quantities."
3. The trip generation comparison memo mentioned above has been reviewed by the Nebraska Department of Transportation and Sarpy County Public Works, and both have expressed no comments or concerns.
4. As part of the Echo Park Apartments phase 1 development to mitigate the potential negative impacts of increased traffic to the neighborhood, the applicant installed a speed table and pedestrian crossing on 146th Street, a speed hump on Echo Hills Drive, a fence along the east edge of Echo Hills Park along 146th Street, additional on-street parking stalls for Echo Hills

park, and an improved sidewalk connection to the park from the neighborhood.

D. UTILITIES:

1. The property has access to all necessary utilities.

E. PARKING REQUIREMENTS:

1. The minimum off-street parking stall requirements for the proposed development per Section 7.06 of the La Vista Zoning Ordinance and the number of proposed parking stalls for each lot in the development are as follows:

<u>Lot #</u>	<u>Use</u>	<u>Required Stalls</u>	<u>Provided Stalls</u>
Lot 1	Assisted Living & Memory Care	80 + 24 Employees	82
Proposed Lot 1 Echo Hills Replat Five	Multi-Family with one commercial bay with a drive-through	385	422

2. With the approval of the original PUD Site Plan, the applicant was granted a reduction in the required parking stall count for the assisted living and memory care facility and Lot 1 Echo Hills Replat Four based on historical data from the operating history of similar projects. The applicant anticipates that only 5 assisted living residents will operate vehicles, and that no memory care residents will be operating a vehicle, greatly reducing the need for parking. This reduction of parking for this facility was approved.
3. The proposed number of provided off-street parking stalls for Lot 2-4 Echo Hills Replat Four (proposed Lot 1 Echo Hills Replat Five) exceeds the minimum number of stalls required by Section 7.06 of the La Vista Zoning Ordinance.
4. Per Section 7.05.09, multi-family housing developments shall provide a minimum of 0.5 enclosed garages per unit, but these garages may count toward the total number of parking spaces required. With 281 units, this requirement for the Echo Park Apartments is to provide a minimum of 141 garage stalls. This proposal includes 153 garage stalls (88 stalls in the garage under apartment building #3, and 65 single garages under apartment buildings #1, #2, #4, and #5.

IV. REVIEW COMMENTS:

1. Per Section 5.15.02.04 of the La Vista Zoning Ordinance, land uses not permitted in the underlying zoning district may be allowed by City Council through a Planned Unit Development Overlay District to promote mixed-use development. The development proposal related to this application includes a coffee/shop (commercial) use

on the property which is not currently permitted in the underlying R-3 High Density Residential Zoning District, but will be permitted through the PUD ordinance if approved by City Council.

2. The applicant has requested an allowance for a reduction in the lot area minimum requirement for the R-3 High-Density Residential Zoning District from 3,000 square feet for the first four units and 1,500 square feet for each additional unit to 3,000 square feet for the first four units and 1,316 square feet for each additional unit. This represents an 11% reduction in the lot area requirement for the multi-family housing on proposed Lot 1 Echo Hills Replat Five. A formal request letter for this allowance was submitted and is attached to this staff report. Allowances for this lot area requirement may be granted by City Council through the Planned Unit Development process, per Section 5.15.02.04 of the La Vista Zoning Ordinance.
3. The building design for the Echo Park Apartments Building #5 is currently under review by the City's third-party Design Review Architect. This design review process must be substantially complete prior to application for building permits.
4. The landscaping plan is currently under review by the City's third-party Design Review Architect and must be approved prior to building permit issuance.
5. Through the Conditional Use Permit, limitations will be placed on the commercial or coffee shop user proposed for the 1,800 square foot space on the west side of apartment building #5, to ensure that the user is one that can regularly maintain a drive through stacking queue of 5 cars or fewer (or such amount that the City Engineer deems appropriate for the location) to ensure that vehicles in the proposed drive-through do not stack out onto the public street.
6. A draft subdivision agreement is attached to the Replat packet item. It addresses items including but not limited to: public and private improvements, maintenance of common areas, staking bonds, guarantees and performance bonds, etc.

V. STAFF RECOMMENDATION – PLANNED UNIT DEVELOPMENT SITE PLAN AMENDMENT:

Staff recommends approval of the Planned Unit Development Site Plan amendment, subject to satisfaction of all applicable requirements, including without limitation, notice, hearing, and approval of an amendment to the Future Land Use Map of La Vista's Comprehensive Plan, the Official Zoning Map, Conditional Use Permit amendment, and approval and recording of the final replat and subdivision agreement.

V. PLANNING COMMISSION RECOMMENDATION – PLANNED UNIT DEVELOPMENT SITE PLAN AMENDMENT:

The La Vista Planning Commission held a public hearing on March 3, 2022 and voted unanimously to recommend approval of the Planned Unit Development Site Plan amendment, subject to satisfaction of all applicable requirements, including without limitation, notice, hearing, and approval of an amendment to the Future Land Use Map of La Vista’s Comprehensive Plan, the Official Zoning Map, Conditional Use Permit amendment, and approval and recording of the final replat and subdivision agreement.

VI. ATTACHMENTS TO REPORT:

- A. Vicinity Map
- B. Review and response letters
- C. PUD plan set
- D. Site Lighting Calculations Exhibit
- E. Lot Area Minimum Requirement Allowance Letter
- F. Trip Generation Memorandum – FHU

VII. COPIES OF REPORT SENT TO:

- A. Brett West, West Management, LLC
- B. Joe Dethlefs, Thompson, Dreessen & Dorner, Inc.
- C. Public Upon Request

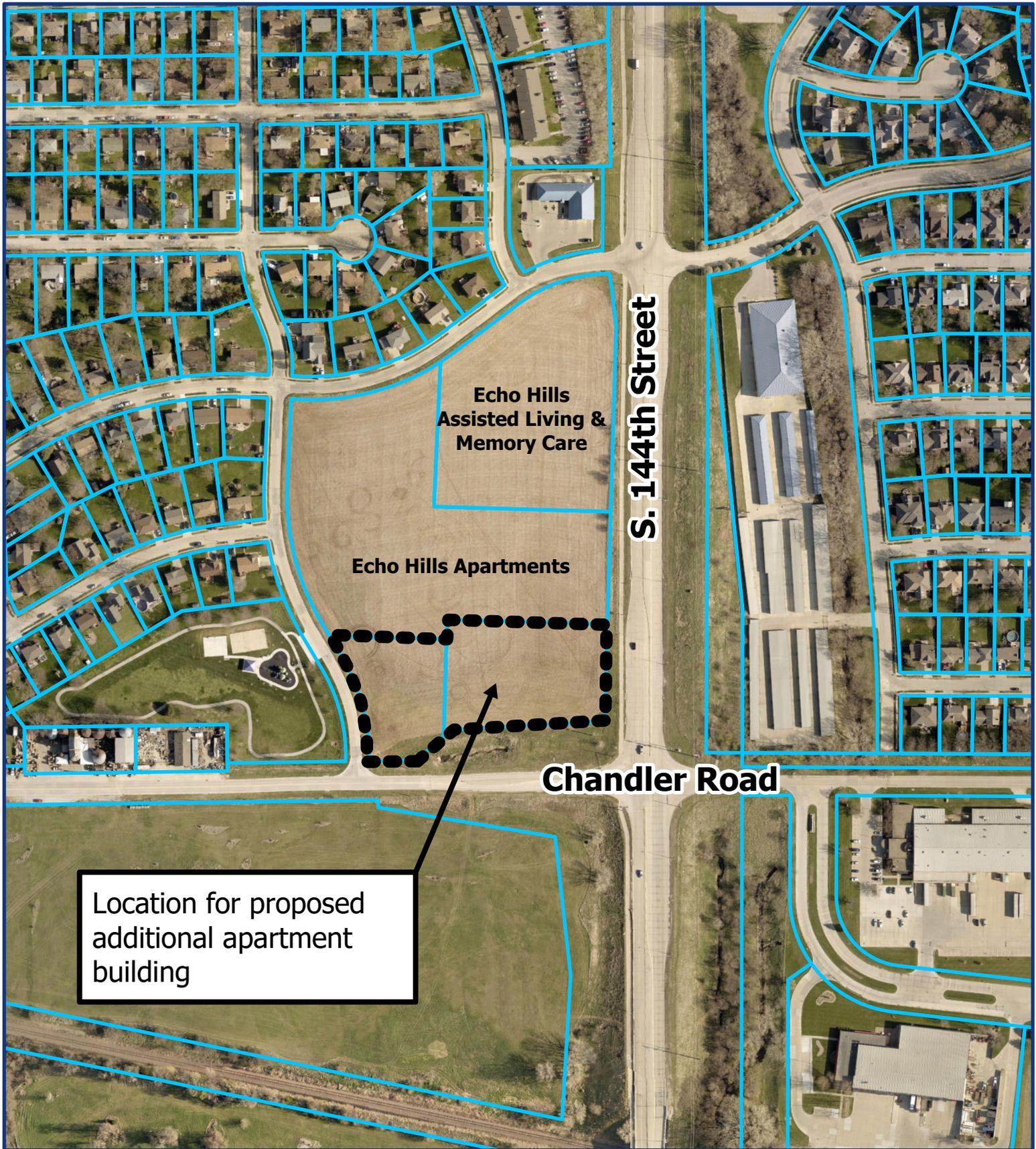


Prepared by: Assistant Planner

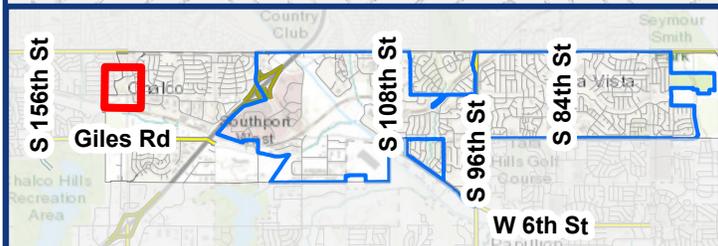


Community Development Director

3/25/22
Date



Project Vicinity Map - West Management, LLC



Legend

-  TaxParcel
-  Proposed Development Area





January 25, 2022

Joe Dethlefs
Thompson, Dreessen & Dorner, Inc.
10836 Old Mill Road
Omaha, NE 68154

RE: Echo Hills Apartments Phase 2 - Planned Unit Development Amendment &
Conditional Use Permit Applications – Initial Review Letter - Lots 1 through 4 Echo
Hills Replat Four

Mr. Dethlefs,

We have reviewed the documents submitted for the above-referenced application. Based on the elements for consideration set forth in the applicable sections of the Zoning Ordinance, the City has the following comments:

General Comments

1. Per Section 5.08.01 of the La Vista Zoning Ordinance, the required lot area for 281 units on proposed Lot 1 Echo Hills Replat Five is 425,500 square feet. Proposed Lot 1 Echo Hills Replat Five will have only 376,751 square feet. Allowances for this requirement can be made through the Planned Unit Development site plan process, per Section 5.15.02.04. Please submit a formal request letter for a reduction in the lot area requirement from 3,000 square feet for the first 4 units and 1,500 square feet for each additional unit to 3,000 square feet for the first 4 units and 1,316 square feet for each additional unit.
2. Per Section 5.15.05.03.2-4, include an exhibit on the plan set that shows the density of dwelling units per acre of the development.

City Hall
8116 Park View Blvd.
La Vista, NE 68128-2198
402.331.4343 P
402.331.4375 F

**Community
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Library
9110 Giles Rd.
402.537.3900 P
402.537.3902 F

Police
7701 S. 96th St.
402.331.1582 P
402.331.7210 F

Public Works
9900 Portal Rd.
402.331.8927 P
402.331.1051 F

Recreation
8116 Park View Blvd.
402.331.3455 P
402.331.0299 F

3. In September of 2020 your application for an amendment to the existing PUD was approved to allow for alternative parking stall dimensions for the stalls located within the parking garage in Apartment Building #3. Please confirm if the standard parking stall dimensions outlined in Section 7.09 of the La Vista Zoning Ordinance will be met for the garage stalls in proposed apartment building #5.
4. Language will be included in the adopting PUD ordinance that commercial uses that regularly generate drive-through queues of more than five vehicles will be prohibited, due to the current site layout and close proximity to S. 146th Street. If you have identified a potential user for the commercial space at this time, please submit supporting information or documentation about their operation to assist in the site analysis.
5. Please amend the operating statement submitted with the conditional use permit application to include details on the total number of units, garage stalls, parking stalls, and community spaces for the entire Echo Hills Apartments complex (Echo Park). Please specify unit and stall counts for each building in a table.
6. Attached to this letter are several sheets from the submitted PUD plan set with redlines and requested revisions. Please make the necessary revisions.
7. The updated traffic impact analysis that was submitted is currently under review. This TIA will need to be reviewed by the Nebraska Department of Transportation for the intersections along 14th Street (HWY 50), and by Sarpy County Public Works for the intersections along Chandler Road.
8. Please ensure that the provisions for common area maintenance and ownership are updated to reflect the proposed lot arrangement.
9. The sidewalk connection to the northeast corner of 146th Street and Chandler Road needs to be made as was previously contemplated. This section is identified in the attached redlined plan set.
10. Please provide an updated lighting exhibit to ensure there are no adverse lighting impacts to the adjacent properties, per Section 5.15.04.22.
11. The Post-Construction Stormwater Management Plan will need to be revised as part of the proposed change of land-use. Sarpy County Public Works will need to review the modified extended dry detention basin calculations as the basin drains into county road right-of-way.

12. Assurances will be required for all additional public improvements through the subdivision agreement and a performance bond.
13. Please provide an exhibit that shows the turning movements/radii for emergency vehicles navigating between existing Lots 2 and 3 Echo Hills Replat Four, as identified in the attached redlined plan set.
14. Per Section 5.15.02.04, land uses not allowed in the underlying zoning district may be allowed by City Council to promote mixed-use development. Your proposal to include a coffee shop/commercial use on the property (which is not allowed within the R-3 District) may be allowed within the PUD Overlay District if approved by City Council.

Please submit 2 full size revised copies of the PUD plans, CUP Operating Statement, and related documents (along with electronic copies) to the City for further review. A timeline for review by the Planning Commission and City Council will be determined based on the timing of the resubmittal and the extent to which the issues noted this review have been sufficiently addressed.

If you have any questions regarding these comments, please feel free to contact me at any time.

Thank you,

A handwritten signature in black ink that reads "Cale Brodersen". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Cale Brodersen
Assistant Planner
City of La Vista
cbrodersen@cityoflavista.org
(402) 593-6405

cc:

Brett West - West Management, LLC
Bruce Fountain, Community Development Director - City of La Vista
Christopher Solberg, Deputy Community Development Director - City of La Vista
Pat Dowse, City Engineer - City of La Vista

January 27, 2022

Cale Brodersen
City of La Vista
8116 Park View Boulevard
La Vista, NE 68128

RE: Echo Hills Apartments Phase 2 – Planned Unit Development Amendment & Conditional Use
Permit Applications – Initial Review Letter Response – Lots 1 through 4 Echo Hills Replat 4

Mr. Brodersen,

Below are responses to the comments on the Planned Unit Development Amendment & Conditional Use Permit initial review letter. The City comments are listed below followed by our response in bold.

1. Per Section 5.08.01 of the La Vista Zoning Ordinance, the required lot area for 281 units on proposed Lot 1 Echo Hills Replat Five is 425,500 square feet. Proposed Lot 1 Echo Hills Replat Five will have only 376,751 square feet. Allowances for this requirement can be made through the Planned Unit Development site plan process, per Section 5.15.02.04. Please submit a formal request letter for a reduction in the lot area requirement from 3,000 square feet for the first 4 units and 1,500 square feet for each additional unit to 3,000 square feet for the first 4 units and 1,316 square for each additional unit.
A request letter for the reduction in the lot area requirement has been included in this submittal.
2. Per Section 5.15.05.03.2-4, include an exhibit on the plan set that shows the density of dwelling units per acre of the development.
A unit density table has been added to the PUD Site Plan.
3. In September of 2020 your application for an amendment to the existing PUD was approved to allow for alternative parking stall dimensions for the stalls located within the parking garage in Apartment Building #3. Please confirm if the standard parking stall dimensions outlined in Section 7.09 of the La Vista Zoning Ordinance will be met for the garage stalls in proposed apartment building #5.
The proposed garage parking for building #5 will be standard.

4. Language will be included in the adopting PUD ordinance that commercial uses that regularly generate drive-through queues of more than five vehicles will be prohibited, due to the current site layout and close proximity to S. 146th Street. If you have identified a potential user for the commercial space at this time, please submit supporting information or documentation about their operation to assist in the stie analysis.
A potential user for the commercial space has not been determined at this time.
5. Please amend the operating statement submitted with the conditional use permit application to include details on the total number units, garage stalls, parking stalls, and community spaces for the entire Echo Hills Apartment complex (Echo Park). Please specify unit and stall counts for each building in a table.
The operating state has been amended to include these items.
6. Attached to this letter are several sheets from the submitted PUD plan set with redlines and requested revisions. Please make the necessary revisions.
The PUD plan set has been updated to address the redlines and requested revisions.
7. The updated traffic impact analysis that was submitted is currently under review. This TIA will need to be reviewed by the Nebraska Department of Transportation for the intersections along 14th Street (HWY 50), and by Sarpy County Public Works for the intersections along Chandler Road.
TD2 acknowledges. The TIA will be reviewed by the NDOT and Sarpy County Public Works.
8. Please ensure that the provisions for common area maintenance and ownership are updated to reflect the proposed lot arrangement.
The subdivision agreement has been updated to reflect the proposed lot arrangement.
9. The sidewalk connection to the northeast corner of 146th Street and Chandler Road needs to be made as was previously contemplated. This section is identified in the attached redlined plan set.
The sidewalk connection has been updated.
10. Please provide an updated lighting exhibit to ensure there are no adverse lighting impacts to the adjacent properties, per Section 5.15.04.22.
An updated lighting exhibit is being prepared and will be forwarded upon completion.
11. The Post-Construction Stormwater Management Plan will need to be revised as part of the proposed change of land-use. Sarpy County Public Works will need to review the modified extended dry detention basin calculations as the basin drains into county road right-of-way.
The updated PCSMP will be submitted to Sarpy County Public Works as part of the building permit process.

12. Assurances will be required for all additional public improvements through the subdivision agreement and a performance bond.

TD2 acknowledges.

13. Please provide an exhibit that shows the turning movements/radii for emergency vehicles navigating between existing Lots 2 and 3 Echo Hills Replat Four, as identified in the attached redlined plan set.

The additional turning movement route has been added to the PUD plan set.

14. Per Section 5.15.02.04, land use not allowed in the underlying zoning district may be allowed by City Council to promote mixed-use development. Your proposal to include a coffee shop/commercial use on the property (which is not allowed within the R-3 District) may be allowed within the PUD Overlay District if approved by Council.

TD2 acknowledges.

We appreciate the City's effort in preparing this review. We would like to continue working with the City to address any unresolved items. Please contact our office with any questions or concerns.

Respectfully submitted,

THOMPSON, DREESSEN & DORNER, INC.



Trevor Veskrna, E.I.



February 3, 2022

Joe Dethlefs
Thompson, Dreessen & Dorner, Inc.
10836 Old Mill Road
Omaha, NE 68154

RE: Echo Hills Apartments Phase 2 - Planned Unit Development Amendment &
Conditional Use Permit Applications – Second Review Letter - Lots 1 through 4 Echo
Hills Replat Four

Mr. Dethlefs,

We have reviewed the documents of your resubmittal for the above-referenced application. Based on the elements for consideration set forth in the applicable sections of the Zoning Ordinance, the City has the following comments:

General Comments

1. Regarding the letter that was submitted to request a reduction in the lot area minimum requirements (an allowance through the PUD), please have this letter submitted by the applicant/property owner (as opposed to TD2). This is a procedural requirement.
2. Please adjust the lighting calculations exhibit to show the lighting level calculations off-site, as in the previous lighting exhibit attached to this letter as Exhibit A.
3. Please include the monument sign setback dimensions on the PUD Site Plan. This setback requirement is 10 feet from the property line.

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402.331.4375 F

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402.331.7210 F

Public Works
9900 Portal Rd.
402.331.8927 P
402.331.1051 F

Recreation
8116 Park View Blvd.
402.331.3455 P
402.331.0299 F

4. In our last letter, we noted "the sidewalk connection to the northeast corner of 146th Street and Chandler Road needs to be made as was previously contemplated." This comment was specifically noting that a sidewalk connection was needed along the west side of the property (along 146th Street) down to the southern property line. The resubmittal included a relocation of the entire southern sidewalk. As discussed with you on 2/1/2022, this sidewalk may be relocated as originally submitted, with the addition of the west-side, sidewalk connection.

Please submit 2 full size revised copies of the PUD plans, CUP Operating Statement, and related documents (along with electronic copies) to the City for further review. A timeline for review by the Planning Commission and City Council will be determined based on the timing of the resubmittal and the extent to which the issues noted this review have been sufficiently addressed.

If you have any questions regarding these comments, please feel free to contact me at any time.

Thank you,



Cale Brodersen
Assistant Planner
City of La Vista
cbrodersen@cityoflavista.org
(402) 593-6405

cc:

Brett West - West Management, LLC
Bruce Fountain, Community Development Director - City of La Vista
Christopher Solberg, Deputy Community Development Director - City of La Vista
Pat Dowse, City Engineer - City of La Vista

Enclosure

February 16, 2022

Cale Brodersen
City of La Vista
8116 Park View Boulevard
La Vista, NE 68128

RE: Echo Hills Replat Five – Second Review Letter Response

Mr. Brodersen,

Below are responses to the comments on the Echo Hills Phase 2 - PUD second review letter dated February 3, 2022, for the proposed development at Echo Hills Replat Five. The City comments are listed below followed by our response in bold.

1. Regarding the letter that was submitted to request a reduction in the lot area minimum requirements (an allowance through PUD), please have this letter submitted by the applicant/property owner (as opposed to TD2). This is a procedural requirement.
The applicant has completed and signed the request letter.
2. Please adjust the lighting calculations exhibit to show the lighting level calculations off-site, as in the previous lighting exhibit attached to this letter as Exhibit A.
Updated light calculation exhibit has been included with this submittal.
3. Please include the monument sign setback dimensions on the PUD Site Plan. This setback requirement is 10 feet from the property line.
Dimension has been added to the PUD Site Plan. The minimum setback requirement for the monument sign is 10'.
4. In our last letter, we noted "the sidewalk connection to the northeast corner of 146th Street and Chandler Road needs to be made as was previously contemplated." This comment was specifically noting that a sidewalk connection was needed along the west side of the property (along 146th Street) down to the southern property line. The resubmittal included a relocation of the entire southern sidewalk. As discussed with you on 2/1/2022, this sidewalk may be relocated as originally submitted, with the addition of the west-side connection.
The sidewalk has been updated per these comments.

We appreciate the City's continued effort in preparing this review. We would like to continue working with the City to address any unresolved items. Please contact our office with any questions or concerns.

Respectfully submitted,

THOMPSON, DREESSEN & DORNER, INC.



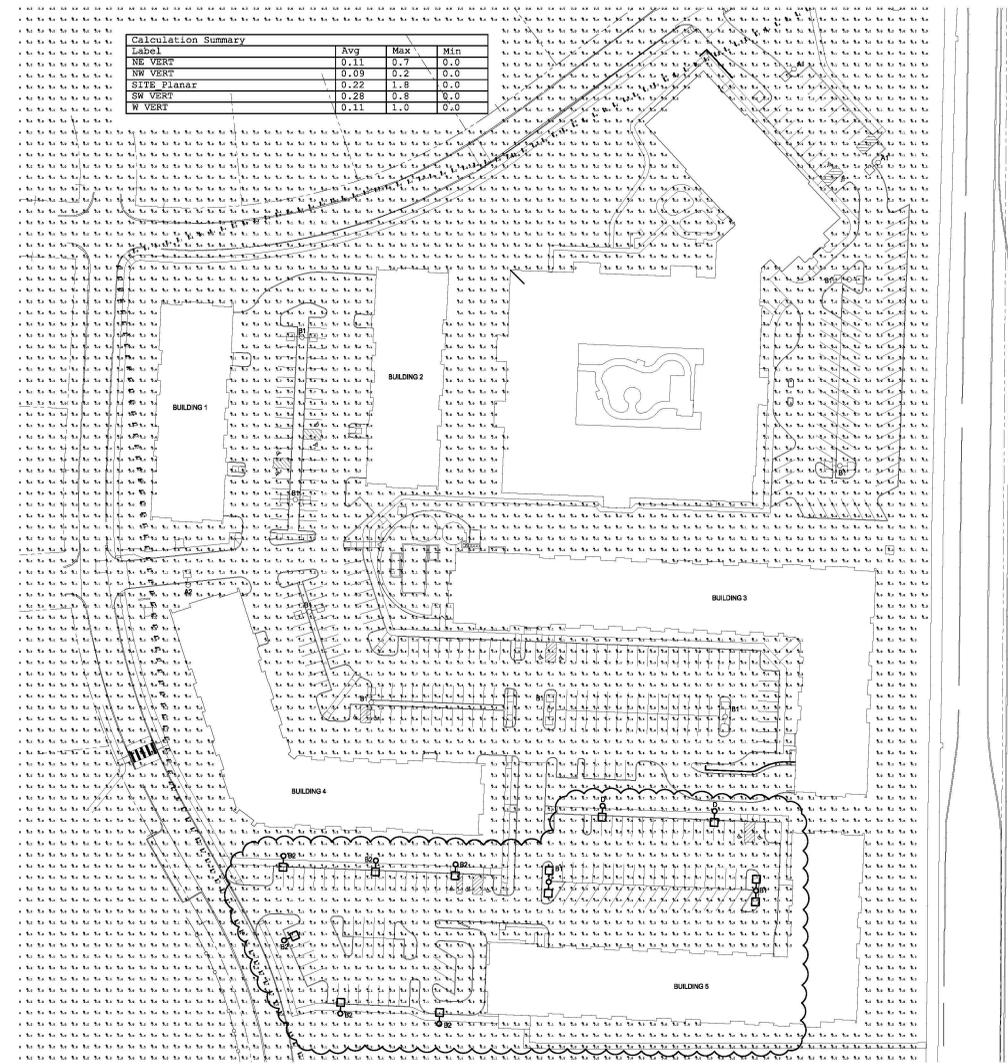
Trevor Veskrna, E.I.

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17

EXTERIOR LIGHT FIXTURE SCHEDULE										
TYPE	DESCRIPTION	LAMP TYPE	LUMENS	COLOR TEMP	WATTS	MOUNTING	MANUFACTURER	CATALOG NUMBER	ACCEPTABLE MANUFACTURERS	NOTES
A1	LED POST TOP AREA LIGHT, FLARED HOOD, CLEAR LENS, TYPE 2 DISTRIBUTION, DARK BRONZE FINISH	LED	7000	3000K	70	POLE	AAL	UCL2-8R-FLR-72-310-307-2-08-8L-02-CL-LW	-	-
A2	LED POST TOP AREA LIGHT, FLARED HOOD, CLEAR LENS, TYPE 2 DISTRIBUTION, HOUSE SIDE SHIELD, DARK BRONZE FINISH	LED	3600	3000K	70	POLE	AAL	UCL2-8R-FLR-72-310-307-2-08-8L-02-CL-HS-LW	-	-
B1	LED POST TOP AREA LIGHT, FLARED HOOD, CLEAR LENS, TYPE 3 DISTRIBUTION, DARK BRONZE FINISH	LED	7000	3000K	70	POLE	AAL	UCL2-8R-FLR-72-310-307-3-08-8L-02-CL-LW	-	-
B2	LED POST TOP AREA LIGHT, FLARED HOOD, CLEAR LENS, TYPE 3 DISTRIBUTION, HOUSE SIDE SHIELD, DARK BRONZE FINISH	LED	3600	3000K	70	POLE	AAL	UCL2-8R-FLR-72-310-307-3-08-8L-02-CL-HS-LW	-	-
D	LED POST TOP AREA LIGHT, FLARED HOOD, CLEAR LENS, TYPE 6 DISTRIBUTION, DARK BRONZE FINISH	LED	7000	3000K	70	POLE	AAL	UCL2-8R-FLR-72-310-307-6W-08-8L-02-CL-LW	-	-

GENERAL NOTES:
1. POLE FINISH TO MATCH AAL FIXTURE FINISH.

Calculation Summary			
Label	Avg	MAX	Min
THE YIELD	0.11	0.7	0.0
NW VERT	0.09	0.2	0.0
SITE Planar	0.22	1.8	0.0
SW VERT	0.28	0.8	0.0
W VERT	0.11	1.0	0.0



A9 SITE LIGHTING CALC. SCALE: 1" = 8'-0"



ECHO PARK PHASE 2 APARTMENTS

REV.	DESCRIPTION	DATE
1	ADD #1	XX-XX-20XX

PROJECT NUMBER:	2022-012
DATE:	FEBRUARY 15TH, 2022
DRAWN BY:	HAL
CHECKED BY:	TAE

SHEET NAME: SITE LIGHTING CALC

SHEET NUMBER: E1.00

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17

January 27, 2022

Cale Brodersen
City of La Vista
8816 Park View Boulevard
La Vista, NE 68128

RE: Echo Hills Apartments Phase 2 – Planned Unit Development Amendment

Mr. Brodersen,

Echo Hills Apartments, LLC is requesting a reduction to the lot area requirement of Section 5.08.05 of the City of La Vista Zoning Ordinance for Lot 1, Echo Hills Replat Five as part of the PUD Amendment. Per Section 5.15.02.04, lot sizes may be varied to promote an efficient and creative PUD District. We are requesting that the lot area requirement of 3,000 S.F. per unit for the first four units, then 1,500 S.F. per each additional unit be reduced to 3,000 S.F. per unit for the first four units, then 1,316 S.F. per each additional unit.

Please contact our office with any questions or concerns.

Respectfully submitted,



As applicant for owner Tami Moore
Real Estate Development Manager



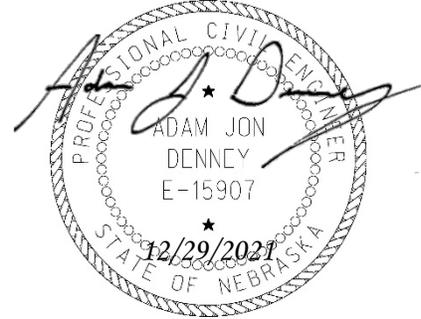
December 29, 2021

MEMORANDUM

TO: Mr. Brett West
Assurity
2000 Q Street, PO Box 82533
Lincoln, NE 68501

FROM: Adam Denney, PE, PTOE
Faith Kelley, EI
Felsburg Holt & Ullevig

SUBJECT: Echo Hills Trip Generation Memo
FHU Reference No. 19-100-18



Project Background

Felsburg Holt & Ullevig (FHU) has completed a trip generation comparison for a proposed residential housing development located in Sarpy, NE. The Echo Hills – Lot 3 Traffic Impact Analysis (Echo Hills TIA) was completed in January 2020. The TIS was an all-encompassing study for the Echo Hills development. From that study, the development was anticipated to generate approximately 3,114 daily weekday vehicle-trips. This includes 168 vehicle-trips during the AM peak hour, and 252 vehicle-trips during the PM peak hour. Recommendations from that study were approved based on the intensity of traffic generation for the site at that time.

Since the completion of that study, land use type and quantities have changed, which results in a net increase of 137 trips in the AM peak hour and 7 trips in the PM peak hour. This memorandum evaluates land use changes and compares them to the previously identified uses assumed in the Echo Hills TIA.

Proposed Changes

Lots 3 and 4 of the development are proposed to change from 9,600 square feet of restaurant, 4,200 square feet of shopping center, and 490 square feet of coffee shop space to 71 multifamily units and 1,800 square feet of coffee shop space. Lot 3 and 4 are combined into one lot with the proposed site plan.

Site Trip Generation

Trip generation rates from the Institute of Transportation Engineers' (ITE) Trip Generation Manual, Tenth Edition, 2017, were utilized to estimate the traffic generated by the site. The proposed development site will have a total of 281 multifamily units, 210 in lot 2 and 71 in lot 3, 80 assisted living units, and 1,800 square feet of coffee shop space. **Table I** summarizes the estimated vehicle-trips that the proposed development would generate. With the new land uses and quantities, the site is anticipated to generate approximately 3,744 daily weekday vehicle-trips. This includes 305 vehicle-trips during the AM peak hour, and 259 vehicle-trips during the PM peak hour.

Table 1. Site Trip Generation – Proposed Use

Lot #	ITE Code	Land Use Description	Size	Unit	Daily	AM Peak Hour			PM Peak Hour		
					TOTAL	IN	OUT	TOTAL	IN	OUT	TOTAL
1	254	Assisted Living	80	DU	208	9	6	15	8	13	21
2	220	Multi-Family (Low-Rise)	210	DU	1,538	22	75	97	74	44	118
3	220	Multi-Family (Low-Rise)	71	DU	521	8	25	33	25	15	40
	937	Coffee/Donut Shop w/Drive-Thru Window	1.80	KSF	1,477	82	78	160	40	40	80
Buildout Total Vehicles					3,744	121	184	305	147	112	259
**Average Rates Utilized					DU = Dwelling Units	KSF = 1,000 square feet					

Table 2 summarizes the trip generation for the previous uses. The previous uses were assumed to generate approximately 3,114 daily weekday vehicle-trips. This includes 168 vehicle-trips during the AM peak hour, and 252 vehicle-trips during the PM peak hour.

Table 2. Site Trip Generation – Previous Use

Lot #	ITE Code	Land Use Description	Size	Unit	Daily	AM Peak Hour			PM Peak Hour		
					TOTAL	IN	OUT	TOTAL	IN	OUT	TOTAL
1	254	Assisted Living	80	DU	208	9	6	15	8	13	21
2	220	Multi-Family (Low-Rise)	210	DU	1,538	22	75	97	74	44	118
3	931	Quality Restaurant	9.6	KSF	806	4	4	8	50	25	75
4	820	Shopping Center	4.2	KSF	160	2	2	4	8	8	16
	937	Coffee/Donut Shop w/Drive-Thru Window	0.49	KSF	402	22	22	44	11	11	22
Buildout Total Vehicles					3,114	59	109	168	151	101	252
**Average Rates Utilized					DU = Dwelling Units	KSF = 1,000 square feet					

Table 3 provides a comparison of the two uses of the proposed development. The daily number of trips is anticipated to grow by 630 vehicles, and the AM peak hour is anticipated to grow by 137 vehicles; however, the PM peak hour volumes are similar with minimal change.

Table 3. Site Trip Generation – Comparison

Scenario	Daily	AM Peak Hour			PM Peak Hour		
	TOTAL	IN	OUT	TOTAL	IN	OUT	TOTAL
Proposed Use - Total	3,744	121	184	305	147	112	259
Previous Use - Total	3,114	59	109	168	151	101	252
Change in Trips = Proposed Use - Previous Use	+630	+62	+75	+137	-4	+11	+7
Percent Change = (Proposed Use - Previous Use)/Previous Use	+20%	+105%	+69%	+82%	-3%	+11%	+3%
*Trip Generation Comparison, ITE Trip Generation Manual 10th Edition							

The change in land use mainly impacts the AM peak hour trip generation. This is driven by the larger square footage coffee shop with a drive-through in the proposed use scenario. However, the controlling peak hour for the study area is the PM peak hour, with approximately 25% more traffic occurring during the PM peak hour compared to the AM peak hour.

In comparison to data in the Echo Hills TIA, the movements anticipated to be affected by these changes have sufficient reserve capacity to operate acceptably. The intersections of 144th Street with Chandler Road and 146th Street with Chandler Road both operate at acceptable levels of service (LOS), given the analysis of the Echo Hills TIA. The side street movements at the intersection of Echo Hills Drive/Josephine Street and 144th Street are anticipated to experience heavier delays during peak hours, but the above changes are anticipated only to be reflected in the major street, 144th Street, which operates acceptably during peak hours and has reserve capacity to handle the increase in trip generation.

Summary and Recommendations

Based on the trip generation analysis results, no significant impact is anticipated to traffic conditions with the proposed changes in land uses and quantities, and an update to the Echo Hills Traffic Impact Study (TIS) is not required.

ATTACHMENTS:

Overall Site Plan – Proposed Use
PUD Site Plan – Previous Use

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
APRIL 5, 2022 AGENDA**

Subject:	Type:	Submitted By:
REPLAT & SUBDIVISION AGREEMENT – ECHO HILLS REPLAT FIVE	◆ RESOLUTIONS (2) ORDINANCE RECEIVE/FILE	CALE BRODERSEN ASSISTANT CITY PLANNER

SYNOPSIS

Resolutions have been prepared for Council to consider a replat and subdivision agreement by applicant West Management, LLC for approximately 8.65 acres northwest of the intersection of S 144th Street and Chandler Road. Lots 2-4 Echo Hills Replat Four would be replatted into Lot 1 Echo Hills Replat Five so that the Echo Hills Apartments (both existing and proposed buildings) would all be on one legal lot.

FISCAL IMPACT

N/A.

RECOMMENDATION

Approval.

BACKGROUND

On April 21, 2020, Council approved the Final Plat for Echo Hills Replat Four for a development proposal with an assisted living and memory care facility on Lot 1, four apartment buildings on lot 2, and a proposed commercial development on Lots 3 and 4. The applicant is applying to construct a fifth apartment building on Lots 3 and 4 Echo Hills Replat Four. This application would combine Lots 2-4 Echo Hills Replat Four into Lot 1 Echo Hills Replat Five so that all of the apartment buildings would be on one legal lot.

Accompanying this application for a Replat is a revised Subdivision Agreement to account for the changes from the original development concept including the site plan, utility locations, updates to the stormwater and sewer connection fees, etc. A detailed staff report is attached.

The Planning Commission held a public hearing on March 3, 2022, and unanimously voted to recommend approval of the Replat, subject to satisfaction of all applicable requirements, including without limitation, notice, hearing, and approval of amendments to the Comprehensive Plan Future Land Use Map, Official Zoning Map, Planned Unit Development, and Conditional Use Permit, and approval and recording of the subdivision agreement.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, FOR APPROVAL OF THE REPLAT FOR LOTS 2-4 ECHO HILLS REPLAT FOUR, TO BE REPLATTED AS LOT 1 ECHO HILLS REPLAT FIVE, A SUBDIVISION LOCATED IN THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 14 NORTH, RANGE 11 EAST OF THE 6TH P.M., IN SARPY COUNTY, NEBRASKA.

WHEREAS, the owners of the above described property applied for approval of a replat for Lots 2-4 Echo Hills Replat Four, to be replatted as Lot 1 Echo Hills Replat Five; and

WHEREAS, the City Engineer has reviewed the replat; and

WHEREAS, on March 3, 2022, the La Vista Planning Commission held a meeting and reviewed the replat and recommended approval.

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of La Vista, Nebraska, that the replat for Lots 2-4 Echo Hills Replat Four, to be replatted as Lot 1 Echo Hills Replat Five, a subdivision located in the southeast quarter of the northeast quarter of Section 14, Township 14 North, Range 11 East of the 6th P.M., Sarpy County, Nebraska, generally located northwest of the intersection of S 144th Street and Chandler Road, be, and hereby is, approved, subject to adoption and execution of the corresponding Subdivision Agreement amendment presented at this Council meeting.

PASSED AND APPROVED THIS 5TH DAY OF APRIL 2022.

CITY OF LA VISTA

ATTEST:

Kim J. Thomas, Acting Mayor

Pamela A. Buethe, MMC
City Clerk

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING AN AMENDMENT TO THE SUBDIVISION AGREEMENT FOR ECHO HILLS REPLAT FOUR.

WHEREAS, the City Council did on April 5, 2022, approve of Echo Hills Replat Five subject to certain conditions; and

WHEREAS, the Subdivider, West Management, LLC o.b.o. Vandelay Investments, LLC, Echo Hills Apartments, LLC, and Echo Hills ALMC, LLC, as owner(s) of the affected lots agreed to execute an amendment to the original Subdivision Agreement satisfactory in form and content to the City;

NOW THEREFORE, BE IT RESOLVED, that the Subdivision Agreement be and hereby is approved and the Mayor and City Clerk be and hereby are authorized to execute the same on behalf of the City, subject to any specified conditions of Council and any revisions that the City Administrator or City Engineer may determine necessary or advisable.

PASSED AND APPROVED THIS 5TH DAY OF APRIL 2022.

CITY OF LA VISTA

Kim J. Thomas, Acting Mayor

ATTEST:

Pamela A. Buethe, MMC
City Clerk



**CITY OF LA VISTA
PLANNING DIVISION
RECOMMENDATION REPORT**

CASE NUMBERS: PRP22-0001;

FOR HEARING ON: APRIL 5, 2022
REPORT PREPARED ON: MARCH 22, 2022

I. GENERAL INFORMATION

A. APPLICANT(S):

West Management, LLC
Attn: Brett West
129 N 10th Street, #106
Lincoln, NE 68508

B. PROPERTY OWNERS:

Vandelay Investments, LLC
Attn: Brett West
PO Box 22151
Lincoln, NE 68542

Echo Hills Apartments, LLC
Attn: Brett West
129 N 10th Street, #106
Lincoln, NE 68508

C. LOCATION: 7631 S 146th Street, La Vista, NE 68138, generally located northwest of the intersection of 144th Street and Chandler Road.

D. LEGAL DESCRIPTION: Lots 2-4 Echo Hills Replat Four.

E. REQUESTED ACTION(S): Approval of a replat to combine Lots 2-4 Echo Hills Replat Four, being replatted as Lot 1 Echo Hills Replat Five to accommodate the Echo Park Apartment complex on one lot.

F. EXISTING ZONING AND LAND USE: C-1 Shopping Center Commercial, Planned Unit Development (Overlay District), and Gateway Corridor District (Overlay District). This property is currently vacant.

G. PURPOSE OF REQUEST: Applicant is seeking to construct an additional apartment building as part of the Echo Park Apartments complex (building #5). The building would include 71 units, 16 tuck-under garages, and an 1,800 square foot retail space for a coffee shop user on the first floor on the westernmost edge of the building. With the construction of proposed building #5, the Echo Park Apartments would have a total of 281 units.

H. **SIZE OF SITE:** Approximately 8.65 acres.

II. **BACKGROUND INFORMATION**

A. **GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:**

<u>Direction From Subject Property</u>	<u>Future Land Use Designation</u>	<u>Current Zoning Designation</u>	<u>Surrounding Development</u>
North	Medium-Density Residential and High-Density Residential	RS-72 Single-Family Residential (Sarpy County Zoning); R-3 High-Density Residential, PUD, and Gateway Corridor District (Overlay District)	Echo Hills Neighborhood and Echo Hills Assisted Living and Memory Care
East	Commercial	C-1 Shopping Center Commercial and Gateway Corridor District (Overlay District).	Dino's Storage
South	Industrial	I-1 Light Industrial and Gateway Corridor District (Overlay District).	Vacant
West	Medium-Density Residential	RS-72 Single-Family Residential (Sarpy County Zoning)	Echo Hills Neighborhood

B. **RELEVANT CASE HISTORY:**

1. On February 4, 2020 the City Council of the City of La Vista approved a Comprehensive Plan Future Land Use Map amendment, rezoning, planned unit development site plan, and replat for Lot 3 Echo Hills (replatted as Lots 1 through 4 Echo Hills Replat Four) for the development of an assisted living and memory care facility, apartments, and commercial development. Shortly thereafter, conditional use permits were approved for the apartments and assisted living facilities.
2. On May 26, 2020 the applicant requested an amendment to the PUD Site Plan relating to the amount and configuration of the provided off-street parking. Further design of the buildings necessitated a reduction in the number of provided stalls from 352 stalls on Lot 2 to 337 stalls in addition to the removal of one stall on Lot 1. Since the proposed number of parking stalls still greatly exceeded the number required by the La Vista Zoning Ordinance, this change was considered minor, qualified for administrative approval, and was approved by the City Administrator.

3. An additional amendment to the PUD Site Plan relating to the off-street parking was requested by the applicant on July 14, 2020. This request removed 28 stalls from the parking count on Lot 2 Echo Hills Replat Four. The space for these stalls still exists, but the stalls would not be striped or counted in the total parking count to reduce confusion and the likelihood that parked cars would block access to the attached parking garages in apartment buildings #1 and #2. Like the previous request, the updated proposed number of parking stalls still exceeded the number required by the La Vista Zoning Ordinance. As a minor change, this request qualified for administrative approval, and was approved by the City Administrator.
4. On September 15, 2020, City Council approved an amendment to the PUD site plan that allowed for alternative parking stall dimensions for the 91 stalls in the underground parking garage under apartment building #3 on Lot 2. Standard configurations for 90-degree parking stalls, per Section 7.09 of the La Vista Zoning Ordinance are 9' wide by 18' deep with an isle width of 24' for two-way traffic. The revised, approved dimensions for the underground garage stalls include a 22'-4" drive isle width (a 1'6" reduction), and some stalls with a depth of 17' (a 1' reduction). Other stalls in the garage will have a depth of 19'-6" (an increase of 1'-6").
5. Construction has been completed on the Echo Hills Assisted Living and Memory Care facility and the Echo Park Apartments buildings #1 and #2. Construction on the Echo Park Apartments buildings #3 and #4 is underway.

C. APPLICABLE REGULATIONS:

1. Section 5.08 of the City of La Vista Zoning Ordinance – R-3 High Density Residential
2. Section 5.10 of the City of La Vista Zoning Ordinance – C-1 Shopping Center Commercial
3. Section 5.15 of the City of La Vista Zoning Ordinance – PUD Planned Unit Development District (Overlay District)
4. Section 5.17 of the City of La Vista Zoning Ordinance – Gateway Corridor District (Overlay District)
5. Article 6 of the City of La Vista Zoning Ordinance – Conditional Use Permits
6. La Vista Subdivision Regulations.

III. ANALYSIS

A. COMPREHENSIVE PLAN:

1. The Future Land Use Map of the La Vista Comprehensive Plan designates this property for commercial development. This application is contingent on the approval of the proposed amendment to the Future Land Use Map of the Comprehensive Plan that would change the designation from commercial to high-density residential.

B. OTHER PLANS: N/A.

C. TRAFFIC AND ACCESS:

1. A traffic impact analysis prepared by Felsburg, Holt & Ullevig (FHU) was submitted and reviewed through the approval process for Phase 1 of the Echo Hills Apartments and the Echo Hills Assisted Living and Memory Care facilities. As a result of this study and the subdivision agreement approved by the La Vista City Council on July 10, 2020, the applicant has made the following street signal improvements at the intersection of 144th Street and Chandler Road:
 - i. Added a permissive/protected phase to the northbound left turn lane with a 4-section signal head to include a flashing yellow arrow; and
 - ii. Modification to 3-section signal heads, with a flashing yellow arrow, to all other left turning lane signal head as to be consistent with signals in the vicinity.
2. A trip generation comparison was completed by Felsburg, Holt & Ullevig (FHU) to explore the traffic generation differences between the previously approved PUD site plan and commercial development concept for Lots 3 and 4 Echo Hills Replat Four and the proposed revised PUD site plan and multi-family residential development. A memo containing this analysis, dated December 29, 2021, concludes "based on the trip generation analysis results, no significant impact is anticipated to traffic conditions with the proposed changes in land uses and quantities."
3. The trip generation comparison memo mentioned above has been reviewed by the Nebraska Department of Transportation and Sarpy County Public Works, and both have expressed no comments or concerns.
4. As part of the Echo Park Apartments phase 1 development to mitigate the potential negative impacts of increased traffic to the neighborhood, the applicant installed a speed table and pedestrian crossing on 146th Street, a speed hump on Echo Hills Drive, a fence along the east edge of Echo Hills Park along 146th Street, additional on-street parking stalls for Echo Hills

park, and an improved sidewalk connection to the park from the neighborhood.

D. UTILITIES:

1. The property has access to all necessary utilities.

E. PARKING REQUIREMENTS:

1. The minimum off-street parking stall requirements for the proposed development per Section 7.06 of the La Vista Zoning Ordinance and the number of proposed parking stalls for each lot in the development are as follows:

<u>Lot #</u>	<u>Use</u>	<u>Required Stalls</u>	<u>Provided Stalls</u>
Lot 1	Assisted Living & Memory Care	80 + 24 Employees	82
Proposed Lot 1 Echo Hills Replat Five	Multi-Family with one commercial bay with a drive-through	385	422

2. With the approval of the original PUD Site Plan, the applicant was granted a reduction in the required parking stall count for the assisted living and memory care facility and Lot 1 Echo Hills Replat Four based on historical data from the operating history of similar projects. The applicant anticipates that only 5 assisted living residents will operate vehicles, and that no memory care residents will be operating a vehicle, greatly reducing the need for parking. This reduction of parking for this facility was approved.
3. The proposed number of provided off-street parking stalls for Lot 2-4 Echo Hills Replat Four (proposed Lot 1 Echo Hills Replat Five) exceeds the minimum number of stalls required by Section 7.06 of the La Vista Zoning Ordinance.
4. Per Section 7.05.09, multi-family housing developments shall provide a minimum of 0.5 enclosed garages per unit, but these garages may count toward the total number of parking spaces required. With 281 units, this requirement for the Echo Park Apartments is to provide a minimum of 141 garage stalls. This proposal includes 153 garage stalls (88 stalls in the garage under apartment building #3, and 65 single garages under apartment buildings #1, #2, #4, and #5).

IV. REVIEW COMMENTS:

1. Per Section 5.15.02.04 of the La Vista Zoning Ordinance, land uses not permitted in the underlying zoning district may be allowed by City Council through a Planned Unit Development Overlay District to promote mixed-use development. The development proposal related to this application includes a coffee/shop (commercial) use

on the property which is not currently permitted in the underlying R-3 High Density Residential Zoning District, but will be permitted through the PUD ordinance if approved by City Council.

2. The applicant has requested an allowance for a reduction in the lot area minimum requirement for the R-3 High-Density Residential Zoning District from 3,000 square feet for the first four units and 1,500 square feet for each additional unit to 3,000 square feet for the first four units and 1,316 square feet for each additional unit. This represents an 11% reduction in the lot area requirement for the multi-family housing on proposed Lot 1 Echo Hills Replat Five. A formal request letter for this allowance was submitted and is attached to the staff report for the PUD application. Allowances for this lot area requirement may be granted by City Council through the Planned Unit Development process, per Section 5.15.02.04 of the La Vista Zoning Ordinance.
3. The building design for the Echo Park Apartments Building #5 is currently under review by the City's third-party Design Review Architect. This design review process must be substantially complete prior to application for building permits.
4. The landscaping plan is currently under review by the City's third-party Design Review Architect and must be approved prior to building permit issuance.
5. Through the Conditional Use Permit, limitations will be placed on the commercial or coffee shop user proposed for the 1,800 square foot space on the west side of apartment building #5, to ensure that the user is one that can regularly maintain a drive through stacking queue of 5 cars or fewer (or such amount that the City Engineer deems appropriate for the location) to ensure that vehicles in the proposed drive-through do not stack out onto the public street.
6. A draft subdivision agreement is attached. It addresses items including but not limited to: public and private improvements, maintenance of common areas, staking bonds, guarantees and performance bonds, etc.

V. STAFF RECOMMENDATION – REPLAT:

Staff recommends approval of the replat for Lots 2-4 Echo Hills Replat Four, being replatted as Lot 1 Echo Hills Replat Five, subject to satisfaction of all applicable requirements, including without limitation, notice, hearing, and approval of amendments to the Future Land Use Map of La Vista's Comprehensive Plan, the Official Zoning Map, the Planned Unit Development Site Plan, and the Conditional Use Permit.

V. PLANNING COMMISSION RECOMMENDATION – REPLAT:

The La Vista Planning Commission held a meeting on March 3, 2022 and voted unanimously to recommend approval of the replat for Lots 2-4 Echo

Hills Replat Four, being replatted as Lot 1 Echo Hills Replat Five, subject to satisfaction of all applicable requirements, including without limitation, notice, hearing, and approval of amendments to the Future Land Use Map of La Vista's Comprehensive Plan, the Official Zoning Map, the Planned Unit Development Site Plan, and the Conditional Use Permit.

VI. ATTACHMENTS TO REPORT:

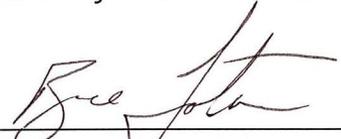
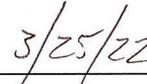
- A. Review and response letters
- B. Preliminary Plat plan set
- C. Final Plat
- D. Subdivision Agreement

VII. COPIES OF REPORT SENT TO:

- A. Brett West, West Management, LLC
- B. Joe Dethlefs, Thompson, Dreessen & Dorner, Inc.
- C. Public Upon Request



Prepared by: Assistant Planner

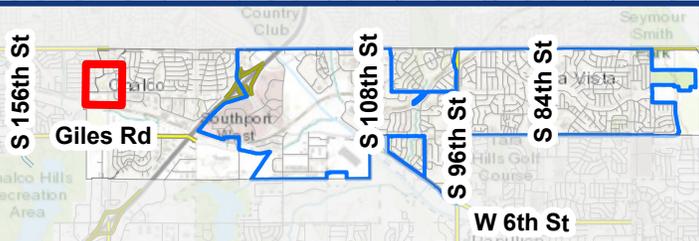
 
Community Development Director Date

Combine Lots 2-4 Echo Hills Replat Four, proposed to be replatted as Lot 1 Echo Hills Replat Five

S. 144th Street

Chandler Road

Echo Hills Replat Five Area Exhibit - West Management, LLC



Legend

-  TaxParcel
-  Proposed Replat Area





January 25, 2022

Joe Dethlefs
Thompson, Dreesen & Dorner, Inc.
10836 Old Mill Road
Omaha, NE 68154

RE: Echo Hills Replat Five – Initial Review Letter

Mr. Dethlefs,

We have reviewed the documents submitted for the above-referenced application. Based on the elements for consideration set forth in the applicable sections of the Subdivision Regulations, the City has the following comments:

1. Please include phasing lines on the preliminary plat to delineate what work has been completed, what is proposed, and/or if phasing is contemplated for the remaining work, per Section 3.03.02 of La Vista's Subdivision Regulations.
2. The updated traffic impact analysis that was submitted is currently under review. This TIA will need to be reviewed by the Nebraska Department of Transportation for the intersections along 14th Street (HWY 50), and by Sarpy County Public Works for the intersections along Chandler Road.
3. A revised grading plan and Post Construction Stormwater Management Plan (PCSMP) will need to be completed for this project to encapsulate the changes in grading and stormwater runoff associated with the change in land use. Final plans and drainage study will need to be submitted through the PERMIX website at the time of building permit.

City Hall
8116 Park View Blvd.
La Vista, NE 68128-2198
402.331.4343 P
402.331.4375 F

Community Development
8116 Park View Blvd.
402.593.6400 P
402.593.6445 F

Library
9110 Giles Rd.
402.537.3900 P
402.537.3902 F

Police
7701 S. 96th St.
402.331.1582 P
402.331.7210 F

Public Works
9900 Portal Rd.
402.331.8927 P
402.331.1051 F

Recreation
8116 Park View Blvd.
402.331.3455 P
402.331.0299 F

4. Please confirm that the notarization block is consistent with Section 10.01 of the Subdivision regulations. The final statement is missing from the block on the final plat.
5. Please provide financial data showing costs of all required public improvements proposed and yet to be completed.
6. The submitted, revised subdivision agreement is currently under review. We will notify you in the near future of any necessary changes.

Please resubmit 2 paper copies of the revised Preliminary and Final Plats (along with electronic copies) to the City for further review. A timeline for review by the Planning Commission and City Council will be determined based on the timing of the resubmittal and the extent to which the issues noted this review have been sufficiently addressed. If you have any questions regarding these comments, please feel free to contact me at any time.

Thank you,

A handwritten signature in black ink that reads "Cale Brodersen". The signature is fluid and cursive, with a long horizontal line extending to the right.

Cale Brodersen, AICP
Assistant Planner
City of La Vista
cbrodersen@cityoflavista.org
(402) 593-6405

cc:

Brett West - West Management, LLC
Bruce Fountain, Community Development Director - City of La Vista
Christopher Solberg, Deputy Community Development Director - City of La Vista
Pat Dowse, City Engineer - City of La Vista

January 27, 2022

Cale Brodersen
City of La Vista
8116 Park View Boulevard
La Vista, NE 68128

RE: Echo Hills Replat Five – Initial Review Letter Response

Mr. Brodersen,

Below are responses to the comments on the Echo Hills Replat Five initial review letter dated January 25, 2022, for the proposed development at Echo Hills Replat Five. The City comments are listed below followed by our response in bold.

1. Please include phasing lines on the preliminary plat to delineate what work has been completed, what is proposed, and/or if phasing is contemplated for the remaining work, per Section 3.03.02 of La Vista's Subdivision Regulations.
Phasing lines have been added to the Preliminary Plat.
2. The updated traffic impact analysis that was submitted is currently under review. This TIA will need to be reviewed by the Nebraska Department of Transportation for the intersections along 14th Street (HWY 50), and by Sarpy County Public Works for the intersections along Chandler Road.
TD2 acknowledges. The TIA will be reviewed by NDOT and Sarpy County Public Works.
3. A revised grading plan and Post Construction Stormwater Management Plan (PCSMP) will need to be completed for this project to encapsulate the changes in grading and stormwater runoff associated with the change in land use. Final plans and drainage study will need to be submitted through the PERMIX website at the time of building permit.
TD2 acknowledges. A revised grading plan and PCSMP will be submitted as part of the building permit process.
4. Please confirm that the notarization block is consistent with Section 10.01 of the Subdivision regulations. The final statement is missing from the block on the final plat.
The final plat has been updated to be consistent with Section 10.01.

5. Please provide financial data showing costs of all required public improvements proposed and yet to be completed.
Section 3 of the Subdivision Agreement outlines the proposed public improvements and the responsibility of payment.

6. The submitted, revised subdivision agreement is currently under review. We will notify you in the near future of any necessary changes.
TD2 acknowledges.

We appreciate the City's effort in preparing this review. We would like to continue working with the City to address any unresolved items. Please contact our office with any questions or concerns.

Respectfully submitted,

THOMPSON, DREESSEN & DORNER, INC.

A handwritten signature in black ink, appearing to read 'T. Veskrna', with a long horizontal flourish extending to the right.

Trevor Veskrna, E.I.

ECHO HILLS REPLAT FIVE

LOT 1

BEING A REPLATTING OF LOTS 2, 3 AND 4, ECHO HILLS REPLAT FOUR, A SUBDIVISION IN THE SE 1/4 OF THE NE 1/4 OF SECTION 14, T14N, R11E OF THE 6th P.M., SARPY COUNTY, NEBRASKA.

ACCEPTANCE BY LA VISTA COUNCIL

THIS PLAT OF ECHO HILLS REPLAT FIVE WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA ON THIS _____ DAY, _____, 2022, IN ACCORDANCE WITH THE STATE STATUTES OF NEBRASKA.

MAYOR _____ ATTEST _____ CITY CLERK

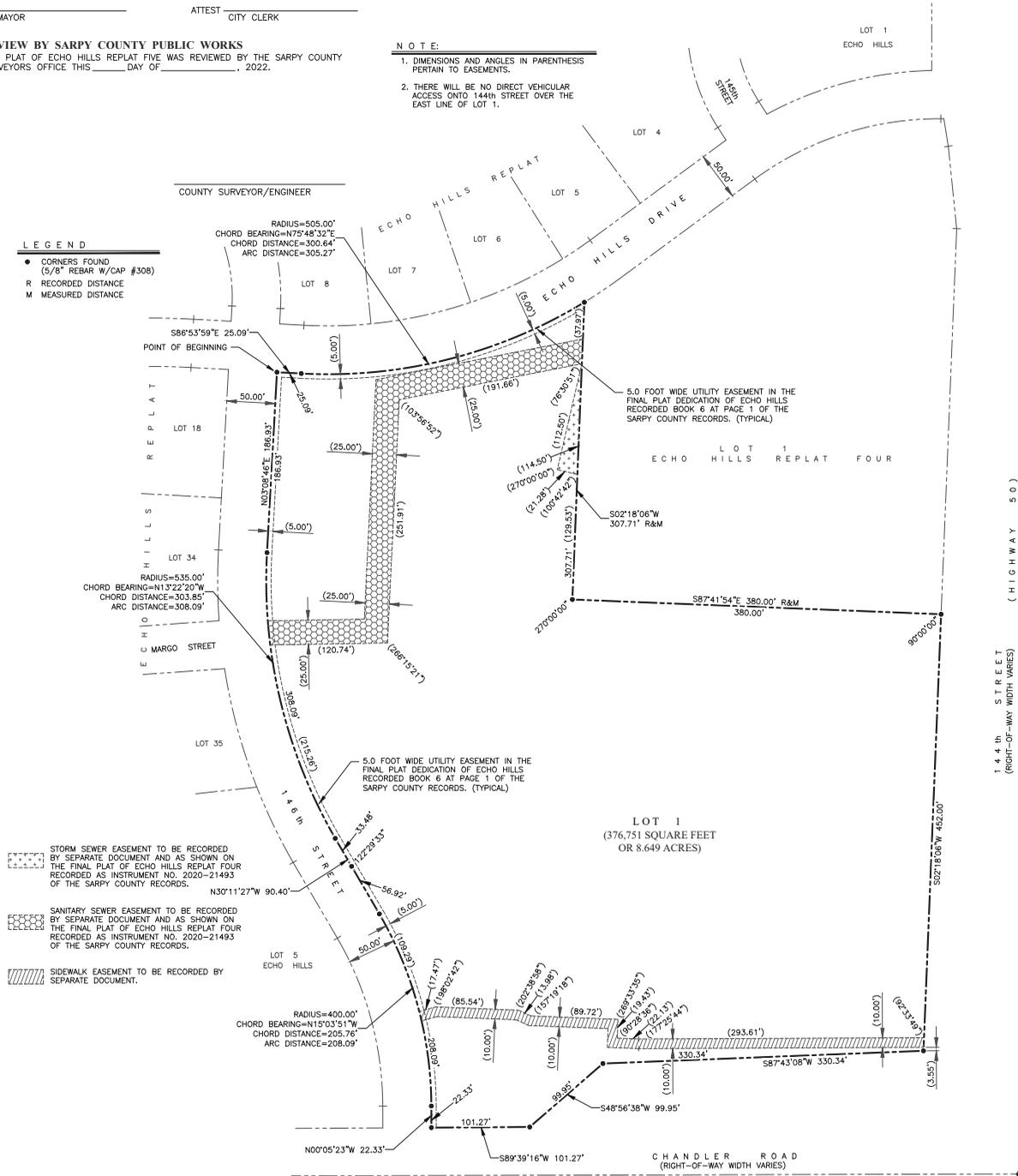
REVIEW BY SARPY COUNTY PUBLIC WORKS

THIS PLAT OF ECHO HILLS REPLAT FIVE WAS REVIEWED BY THE SARPY COUNTY SURVEYORS' OFFICE THIS _____ DAY OF _____, 2022.

NOTE:

- DIMENSIONS AND ANGLES IN PARENTHESES PERTAIN TO EASEMENTS.
- THERE WILL BE NO DIRECT VEHICULAR ACCESS ONTO 144th STREET OVER THE EAST LINE OF LOT 1.

LEGEND
 ● CORNERS FOUND (5/8" REBAR W/CAP #308)
 R RECORDED DISTANCE
 M MEASURED DISTANCE



1 4 4 t h S T R E E T (R I G H T - O F - W A Y W I D T H V A R I E S) (H I G H W A Y 5 0)

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, REGISTERED IN COMPLIANCE WITH THE LAWS OF THE STATE OF NEBRASKA, AND THAT THIS PLAT MEETS OR EXCEEDS THE "MINIMUM STANDARDS FOR SURVEYS" ADOPTED BY THE NEBRASKA STATE BOARD OF EXAMINERS FOR LAND SURVEYORS. FURTHER, I HEREBY CERTIFY THAT I HAVE MADE A BOUNDARY SURVEY OF THE SUBDIVISION DESCRIBED HEREON AND THAT PERMANENT MARKERS WILL BE SET AT ALL LOT CORNERS, ANGLE POINTS AND AT THE ENDS OF ALL CURVES WITHIN THE SUBDIVISION TO BE KNOWN AS ECHO HILLS REPLAT FIVE, LOT 1, BEING A REPLATTING OF LOTS 2, 3 AND 4, ECHO HILLS REPLAT FOUR, A SUBDIVISION IN SARPY COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS, BEGINNING AT THE NW CORNER OF SAID LOT 2:

THENCE S86°53'59"E (ASSUMED BEARING) 25.09 FEET ON THE NORTH LINE OF SAID LOT 2;

THENCE NORTH-EASTERLY ON THE NORTH LINE OF SAID LOT 2 ON A 505.00 FOOT RADIUS CURVE TO THE LEFT, CHORD BEARING N75°48'32"E, CHORD DISTANCE 300.64 FEET; AN ARC DISTANCE OF 305.27 FEET TO THE NE CORNER THEREOF;

THENCE S02°18'06"W 307.71 FEET ON THE EAST LINE OF SAID LOT 2;

THENCE S87°41'54"E 380.00 FEET ON THE NORTH LINE OF SAID LOT 2 TO THE WEST LINE OF SOUTH 144TH STREET (HIGHWAY 50);

THENCE S02°18'06"W 452.00 FEET ON THE WEST LINE OF SOUTH 144TH STREET (HIGHWAY 50) TO THE NORTH LINE OF CHANDLER ROAD;

THENCE S87°43'08"W 330.34 FEET ON THE NORTH LINE OF CHANDLER ROAD;

THENCE S48°56'38"W 99.95 FEET ON THE NORTH LINE OF CHANDLER ROAD TO THE SOUTH LINE OF SAID LOT 4;

THENCE S89°39'16"W 101.27 FEET ON THE NORTH LINE OF CHANDLER ROAD AND ON THE SOUTH LINE OF SAID LOT 4 TO THE SW CORNER THEREOF;

THENCE N00°05'23"W 22.33 ON THE WEST LINE OF SAID LOT 4;

THENCE NORTH-WESTERLY ON THE WEST LINE OF SAID LOT 4 ON A 400.00 FOOT RADIUS CURVE TO THE LEFT, CHORD BEARING N15°03'51"W, CHORD DISTANCE 205.76 FEET, AN ARC DISTANCE OF 208.09 FEET;

THENCE N30°11'27"W 90.40 FEET ON THE WEST LINES OF SAID LOT 2 AND 4;

THENCE NORTH-WESTERLY ON THE WEST LINE OF SAID LOT 2 ON A 535.00 FOOT RADIUS CURVE TO THE RIGHT, CHORD BEARING N13°22'20"W, CHORD DISTANCE 303.85 FEET, AN ARC DISTANCE OF 308.09 FEET;

THENCE N03°08'46"E 186.93 FEET ON THE WEST LINE OF SAID LOT 2 TO THE POINT OF BEGINNING.

CONTAINING 8.649 ACRES MORE OR LESS



DECEMBER 28, 2021
 DATE:

JAMES D. WARNER
 NEBRASKA RLS 308

OWNER'S CERTIFICATE

WE THE UNDERSIGNED ECHO HILLS APARTMENTS, LLC, A NEBRASKA LIMITED LIABILITY COMPANY, BEING THE OWNERS OF THE REAL ESTATE SHOWN AND DESCRIBED HEREIN, DO HEREBY CERTIFY THAT WE HAVE LAID OUT, PLATTED AND SUBDIVIDED, SAID REAL ESTATE IN ACCORDANCE WITH THIS PLAT.

THIS SUBDIVISION SHALL BE KNOWN AND DESIGNATED AS ECHO HILLS REPLAT FIVE.

CLEAR TITLE TO THE LAND CONTAINED IN THIS PLAT IS GUARANTEED.

THERE ARE STRIPS OF GROUND SHOWN OR DESCRIBED ON THIS PLAT AND MARKED EASEMENT, RESERVED FOR THE USE OF PUBLIC UTILITIES AND SUBJECT TO THE PARAMOUNT RIGHT OF UTILITY OR CITY TO INSTALL, REPAIR, REPLACE AND MAINTAIN ITS INSTALLATIONS.

ECHO HILLS APARTMENTS, LLC
 A NEBRASKA LIMITED LIABILITY COMPANY

BY: _____
 KEVIN JAMES, MANAGER

ACKNOWLEDGEMENT OF NOTARY

STATE OF NEBRASKA
 COUNTY OF SARPY

ON THE _____ DAY OF _____, 2022, BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, DULY COMMISSIONED AND QUALIFIED IN AFORESAID COUNTY PERSONALLY APPEARED KEVIN JAMES, MANAGER OF ECHO HILLS APARTMENTS, LLC, A NEBRASKA LIMITED LIABILITY COMPANY, KNOWN BY ME TO BE THE IDENTICAL PERSON WHOSE NAME IS AFFIXED TO THE DEDICATION ON THIS PLAT AND ACKNOWLEDGED THE EXECUTION THEREOF TO BE HIS VOLUNTARY ACT AND DEED ON BEHALF OF SAID COMPANY.

WITNESS MY HAND AND NOTARIAL SEAL THIS DAY AND YEAR LAST ABOVE MENTIONED

 NOTARY PUBLIC

COUNTY TREASURER'S CERTIFICATIONS

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

COUNTY TREASURER'S _____ DATE _____

TREASURER'S SEAL

APPROVAL OF THE PLANNING COMMISSION OF LA VISTA, NEBRASKA

THIS PLAT OF ECHO HILLS REPLAT FIVE WAS APPROVED BY THE LA VISTA PLANNING COMMISSION THIS _____ DAY OF _____, 2022.

CHAIRPERSON, LA VISTA PLANNING COMMISSION



thompson, dreessen & dorner, inc.
 10836 Old Mill Rd
 Omaha, NE 68154
 p.402.330.8860 f.402.330.5866
 td2co.com

ECHO HILLS REPLAT FIVE
 LOT 1



Revision Dates		
No.	Description	MM-DD-YY
--	--	--
--	--	--
--	--	--
--	--	--

Job No.: A2142-103A
 Drawn By: RJR
 Reviewed By: JDW
 Date: DECEMBER 28, 2021
 Book: 19/25
 Pages: 33-35

Sheet Title

CITY OF LA VISTA
 FINAL PLAT

Sheet Number

SUBDIVISION AGREEMENT
Lot 1 Replat 4 & Lot 1 Replat 5, Echo Hills
144th and Chandler Road
R-3, High Density Residential PUD GWC
(Private Financing)

THIS SUBDIVISION AGREEMENT (the "Agreement") is made this ___ day of _____, 2022, by and between ECHO HILLS APARTMENTS LLC and ECHO HILLS ALMC LLC, two Nebraska limited liability companies authorized to do business in Nebraska, (hereinafter referred to as "Subdivider"), and the CITY OF LA VISTA, a Municipal Corporation in the State of Nebraska (hereinafter referred to as "City"). Subdivider and the City are sometimes referred to herein individually as a "Party" and collectively as the "Parties."

WITNESSETH:

WHEREAS, Subdivider is the owner of the property to be platted or replatted as Lot 1, Echo Hills Replat 4 and Lot 1, Echo Hills Replat 5, a subdivision, as surveyed, platted and recorded in Sarpy County, Nebraska ("Lot 1 Replat 4, Lot 1 Replat 5") as is more particularly shown on the Final Plat (the "Plat") attached hereto as Exhibit "A," as finally approved by the City Council, and which is located outside of the corporate limits of the City but within the City's zoning and platting jurisdiction ("Property");

WHEREAS, Subdivider desires to own, develop and operate Lot 1 Replat 4 in a unified, compatible manner as an 80 unit assisted living and memory care facility comprised of a single building containing 60 assisted living units and 20 memory care units. And, whereas, the Subdivider desires to own, develop and operate Lot 1 Replat 5 in a unified compatible manner as a 281 unit multi-family residential housing project comprised of five separate residential apartment buildings, a total of 156 detached and attached fully enclosed single-vehicle parking garages, all as presented to the City Council with the Subdivider's request for approval of the Plat, PUD Plan and Conditional Use Permit, and as finally approved;

WHEREAS, Subdivider has agreed to meet all applicable conditions and requirements of the City's platting, development and zoning laws, regulations and requirements, including without limitation those that are set forth in the City's Zoning Ordinance, Subdivision Regulations, PUD Plan, Conditional Use Permit, Building Code and this Agreement;

WHEREAS, Subdivider has requested the City approve the Plat and approve the rezoning of Lot 1 Replat 5 to R-3, High Density Residential PUD, with the Gateway Corridor Overlay (GWC).

WHEREAS, in order to develop Lot 1 Replat 4 and Lot 1 Replat 5 in the way it wishes, Subdivider must grade, create, construct and maintain certain topographic and surface conditions and provide for surface water detention within the Subdivision in accordance with applicable requirements;

WHEREAS, Subdivider has requested that the City approve the Plat and approve the connection of the Subdivision to existing sanitary sewer and storm drainage systems;

WHEREAS, Subdivider will build all public improvements and private infrastructure improvements identified in "Exhibits "C", "G" and "H", or as otherwise described in this Agreement;

WHEREAS, Subdivider requested approval of the Plat, subject to the following provisions of the City of La Vista Zoning Ordinance: Section 5.08 (pertaining to R-3 High Density Residential District), Section 5.15 (pertaining to PUD), Section 5.17.06 (Gateway Corridor Overlay District), and Article 6 (pertaining to Conditional Use Permits), and has agreed to meet all conditions of development and other requirements of said zoning set forth in this Agreement; and

WHEREAS, the Parties wish to agree upon various matters pertaining to the construction of the private infrastructure and public improvements within the Subdivision or serving the Subdivision and other matters pertaining to the development of the Subdivision and health, safety and welfare of the City, their inhabitants and the public.

NOW, THEREFORE, IT IS AGREED as follows:

1. Definitions

Unless a contrary intent is clearly indicated herein, the following words and phrases shall have the following meanings, regardless of whether or not capitalized:

- A. "Agreement" shall mean this document entitled "Subdivision Agreement" and all Exhibits hereto (see Section 13 "Recitals/Exhibits Summary").
- B. "Conditional Use Permit" shall refer to that certain conditional use permit which is attached hereto as Exhibit "B", as finally approved by the City Council and executed by the parties.
- C. The "construction cost" of an improvement shall mean the amount paid to the contractor, utility or entity installing the improvement or performing the work, together with all other direct labor and material costs incorporated into the construction of the improvement, and net of refunds, reimbursements and offsets thereto.
- D. The "cost" or "entire cost" of a type of improvement shall be deemed to include all construction costs, engineering fees, attorneys' fees, testing expenses, publication costs, financing costs, and other costs of achieving completion, acceptance and financing of the project or work and miscellaneous costs.
- E. "Detention Basin" or "Storm Water Detention Basin" shall mean a permanent structure to serve as temporary water holding basin, whether above or below ground, to be constructed at the locations shown in the Post Construction Storm Water Management Plan attached as Exhibit "G", or such alternative or substitute locations and accompanying plans and specifications as the City may approve in advance in writing.
- F. "Improvements" or "Infrastructure" shall mean, to the extent located within the Subdivision or required herein for development of the Subdivision, or pertaining to Subdivision entrances, any and all facilities constructed or otherwise implemented for the purpose of providing access or services of any type or description to or from the Subdivision or serving facilities or properties within or serving the Subdivision, including but not limited to, ingress and egress to and from the Sub-division, and construction of paving, enhancements or reconstruction of existing paving and traffic signalization in conjunction therewith, and construction of storm sewers, sanitary sewers, including outfall sewer, and access thereto, drain-age and drainage retention, culverting, street lighting, and any other item of infra-structure, together with utility systems and easements for any improvements, or the maintenance, replacement, or repair thereof, where required.

- G. "Land Utilization and Preparation Costs" shall include, but not be limited to, all costs pertaining to, or arising out of, determination of feasibility, acquisition, reclamation, preparation, enhancement and/or utilization of land within Echo Hills, and all engineering, legal, financing and contracted or other services related thereto or to the following:
- (1) Soil and water tests, topographic surveys, geotechnical investigation and environmental studies and drainage studies, water drainage ways and surface water retention and/or detention basins or facilities, surveying, staking and testing;
 - (2) Platting (preliminary and final), and including replattings;
 - (3) Excavation, filling, compaction, stabilization and testing thereof;
 - (4) Grading;
 - (5) Erosion and silt control, including installation and removal thereof;
 - (6) Environmental studies and permits required by Corps of Engineers or other governmental agencies having jurisdiction in the matter and costs of compliance with the terms of such permits and requirements thereof;
 - (7) Buffer zones and areas to be landscaped or beautified, including trees and other plantings therein or therefor;
 - (8) Traffic and other required studies;
 - (9) Such other costs incurred to utilize and/or prepare land located within Echo Hills to a City approved final grade, elevation, drainage control and soil condition ready for installation or construction of the Private Improvements and the Public Improvements authorized by this Agreement or to improve, enhance or beautify land.
- H. "Plat" or "the Plat," unless a contrary intent is indicated, shall mean the final plat attached as Exhibit "A", as finally approved by the City Council.
- I. "PUD Plan" shall mean the Planned Unit Development Plan for the Subdivision, including, but not limited to, the Planned Unit Development Site Plan and Landscaping Plan attached as Exhibits "D" and "E", as finally approved by the City.
- J. "Subdivider's Engineer" shall mean TD2 Engineering & Surveying, which shall be the principal contact entity with the City in engineering matters.
- K. "Subdivision" or "Echo Hills" shall mean the approximately 12.43 acres of land described in Exhibit "A" hereto.
- L. "Subdivider" shall mean Echo Hills Apartments, LLC, a Nebraska limited liability company, and Echo Hills Almc, LLC, a Nebraska limited liability company.
- M. "District" shall mean Sanitary and Improvement District No. 68 of Sarpy County Nebraska.
- N. "Public Improvements" shall mean those improvements described in Subsections 2A, 2B, 2C, 2D, and 6.
- O. "Private Improvements" shall mean all improvements described in this Agreement, other than Public Improvements, including without limitation those improvements described in Subsections 2E, 2F, and 2G.

2 Construction/Installation of Improvements Authorized.

The Parties, in addition to any other improvements specified by this Agreement, shall construct or install, or cause to be constructed or installed, the following types of improvements upon the property located within or immediately adjacent to the boundaries of the Subdivision and necessary water, sanitary sewer, and surface water drainage to or from existing or planned facilities as follows, and no funds, assets or other resources or credit of the District or the City shall be expended, loaned, applied or otherwise used by or for the benefit of the Subdivision, Subdivider or any Improvements, or any fee, cost or expense described or related to any matter described in this Agreement, except as expressly authorized in advance by the City in writing:

- A. Pedestrian Crossing and Speed Table on 146th Street The subdivider, at its cost, shall install or cause to install a speed table and pedestrian crossing on 146th Street as located on attached “Exhibit “D”.
- B. Speed Hump on Echo Hills Drive The subdivider, at its cost, shall install or cause to install a speed bump on Echo Hills Drive as located on attached “Exhibit “D”.
- C. Fence and Pedestrian Sidewalk Extension Along East Edge of Echo Hills Park The subdivider, at its cost, shall install or cause to install a four foot high metal fence (fence type to be approved by the City) and extend the pedestrian sidewalk along the east edge of Echo Hills Park as located on attached “Exhibit “D”.
- D. Signalization of 144th & Chandler Road. The subdivider, at its cost, shall:
 - (1) Add or cause to add a permissive/protected phase to the northbound left turn lane with a 4-section signal head to include a flashing yellow arrow, and the modification to 3-section signal heads, with a flashing yellow arrow, to all other left turning lane signal head as to be consistent with signals in the vicinity; and
- E. Storm Water Detention.
 - (1) A drainage study for the Subdivision based on development of Lot 1 Echo Hills Replat 4 and Lot 1 Echo Hills Replat 5 has been completed and the executive summary is attached hereto as Exhibit “F” (“Drainage Study”), the results of which include projections regarding storm water drainage from the Subdivision after it is developed, including construction of storm water detention facilities within the Subdivision (“Projected Post-Development Drainage”). Subdivider certifies that, to the best of its knowledge, the Drainage Study is current, accurate and complete and that actual drainage from the Subdivision during and after development of the Subdivision will not exceed Projected Post-Development Drainage; provided, however, that Subdivider shall not be responsible for increased drainage from the Subdivision caused by improvements upstream of the Subdivision that are initiated and completed after the Drainage Study was completed, are beyond the control of Subdivider and materially increase the amount of storm water drainage flowing into the Sub- division. Subdivider, at its cost, agrees to construct no later than the date(s) specified in or determined in accordance with Subsection 11(A)(1) the storm water detention basins and associated

storm sewer piping and related improvements in accordance with the Utility Plan attached hereto as Exhibit “H” and the Post Construction Storm Water Management Plan attached hereto as Exhibit “G”. Subdivider, subject to any applicable permit, agreement or other requirement, shall connect to the existing storm sewer system. Storm water detention facilities and improvements are a Land Utilization and Preparation Cost within the meaning of Section 1 hereof and shall be constructed at Subdivider’s expense. If actual drainage from the Subdivision during or after development exceeds Projected Post-Development Drainage, Subdivider, at its cost, shall take such additional actions within the Subdivision as are necessary or appropriate to reduce actual drainage from the Subdivision to the Projected Post- Development Drainage levels, to the satisfaction of the City Engineer. Provided, however, that Subdivider shall not be responsible for increased drainage from the Subdivision caused by improvements upstream of the Subdivision that are initiated and completed after the Drainage Study was completed, are beyond the control of Subdivider and materially increase the amount of storm water drainage flowing into the Subdivision. Prior to issuance of any building permit, Subdivider shall adopt a Post Construction Storm Water Management Plan governing perpetual operation, maintenance and repair of storm water detention basins and facilities in the Subdivision specified in the Utility Plan attached hereto as Exhibit “H” and the and the Post Construction Storm Water Management Plan attached hereto as Exhibit “G”, which Post Construction Storm Water Management Plan shall be in form and content attached hereto in Exhibit “G,” subject to such modifications as required by the City Administrator in consultation with the City Engineer. Subdivider at its cost shall maintain and repair all storm water detention facilities and appurtenances constructed by Subdivider within the Subdivision, which shall be Private Improvements.

- (2) All work and improvements required of Subdivider in this Subsection 2D, and related designs, contracts, plans and documents, shall be subject to prior review and approval of the City Engineer.
- (3) Watershed Management Fees: The Subdivider shall make payment to City for Watershed Fees. This fee for the Property (example shown below this paragraph) shall be computed in accordance with applicable provisions of the Master Fee Schedule set forth in the Master Fee Ordinance, as amended from time to time. Payment must be made to City’s Permits & Inspections Division before a building permit will be issued to construct improvements on any lot and before the commencement of construction of any such improvements. Payment shall be based on the City’s adopted fee rate that is in effect at the time the payment is made.

Lot 1 Replat 4 - 3.81 AC @ \$4,095/AC	\$15,601.95
Lot 2 Replat 4 - 5.77AC @ \$4,095/AC	\$23,628.15
Lot 1 Replat 5 - 2.88 AC @ \$4,302/AC	\$12,389.76
(Excluding Lot 2 Replat 4)	
TOTAL	\$51,619.86

The foretasted fee of \$4,302 per acre of High-Density Multi-Family Residential is the rate now in effect and is subject to increase. The rate in effect at time of building permit application will be the rate paid. Of the \$51,619.86 total, \$39,230.10 was paid in relation to Lot 1 Replat 4 and Lot 2 Replat 4 when building permits were obtained for the Echo Hills Assisted Living and Memory Care facility and the Echo Hills Apartments buildings 1-4. The watershed management fee at the time those fees were paid was \$4,095 per acre.

- F. Private Storm Sewer. The Subdivider at its cost shall cause the private portion of the storm sewer system (shown in the Utility Plan attached as Exhibit "H", to be constructed, including storm sewers, inlets, manholes, junction boxes, flared end sections and other related appurtenances to be constructed in private drives or routes in the Subdivision, including those segments functioning as a transporter of storm water to points within or outside the Subdivision, as shown in the Utility Plan attached as Exhibit "H", all of which shall be Private Improvements.
- G. Sanitary Sewer. The Subdivider at its cost shall install all sanitary sewers in accordance with the Utility Plan attached hereto as Exhibit "H"; and which sanitary sewers shall be Private Improvements. Subdivider, subject to written agreement of the District and City, shall connect such sewer lines to the existing public sewer line which was installed by the District pursuant to that certain Perpetual Easement, recorded June 19, 1979 at Book 52, Page 386 of the miscellaneous records of the Sarpy County Register of Deeds, and shall pay as a condition of building permit issuance all applicable connection fees at the rates in effect at the time. The Subdivider shall enter into a Sewer Connection Agreement with the City in form and content attached hereto as Exhibit "J," subject to the final approval of City Engineer.

The exact design, location and dimensions of and detailed plans and specifications for each of the above described Public Improvements or Private Improvements, are subject to prior approval by the City in advance of award of contract for construction or acquisition. Not in limitation of the foregoing sentence, any preliminary plans referenced in this Agreement shall be subject to additions, subtractions, modifications, and final approval to the satisfaction of the City Engineer.

3. Allocation of Cost of Improvements

Subdivider and City, except as otherwise provided by this Agreement, agree that the cost of all improvements constructed by the Subdivider within or serving the Subdivision as authorized by Section 2, supra, or elsewhere in this Agreement shall be defrayed as follows:

- (1) Pedestrian Crossing and Speed Table on 146th Street One hundred percent (100%) of the cost of the speed table and pedestrian crossing shall be paid by the subdivider at its sole cost and expense.
- (2) Speed Hump on Echo Hills Drive One hundred percent (100%) of the cost of the speed bump and shall be paid by the subdivider at its sole cost and expense.
- (3) Fence and Pedestrian Sidewalk Extension Along East Edge of Echo Hills Park One hundred percent (100%) of the cost of the fence and pedestrian sidewalk extension along the east edge of Echo Hills Park shall be paid by the subdivider at its sole cost and expense.
- (4) Signalization of 144th Street & Chandler Road. One hundred percent (100%) of the cost of the signal improvements shall be paid by the subdivider at its sole cost and expense.
- (5) Storm Sewer. One hundred percent (100%) of the cost of all storm sewers constructed

within or serving the Subdivision, including manholes, inlets and other appurtenances, as shown in the Utility Plan attached as Exhibit "H", shall be paid solely by Subdivider.

- (6) Sanitary Sewer. One hundred percent (100%) of the cost of all sanitary sewers constructed by Subdivider, within or serving the Subdivision, including manholes and other appurtenances, as shown in the Utility Plan attached as Exhibit "H", shall be paid solely by Subdivider.
- (7) Water and Electrical. All costs of causing the installation of water and electrical distribution systems and the operation, maintenance and upkeep thereof within the Subdivision, including any contract charges, shall be paid by Subdivider or the utility provider.
- (8) Other Improvements. All costs of all other work or improvements, including, but not limited to, grading, landscaping, wetlands mitigation, and extension, distribution or location of gas or other utilities, telephone or other communications or services to, on, in, over, under, within or with respect to the Subdivision, and the installation, construction, acquisition, operating or maintenance costs thereof, as applicable, shall be paid by Subdivider, and no part thereof shall be the responsibility or at the expense of the City.

4. General Agreements of Subdivider

Subdivider, with respect to work and Improvements described in this Agreement, agrees that:

- A. Compliance with City Construction Requirements. Subdivider, in addition to any other requirements of applicable law or regulations, will abide by and incorporate into all contracts for Public Improvements to be constructed by Subdivider under this Agreement, the provisions required by the regulations and standards of the City and Sarpy County pertaining to construction of such Public Improvements in Subdivisions or within street right-of-way, and testing procedures therefore; provided, however, if there is any conflict or ambiguity between or among any such regulations or standards, the higher standard or quality shall control. All plans, specifications and contracts for such proposed improvements and proposed maintenance agreements for said Public Improvements shall be submitted to the City for review and approval prior to commencement of the work.
- B. Preconstruction Requirements. Prior to recording of the Plat, Subdivider will (i) in addition to any bonds required by any other provision of this Agreement, present to the City Administrator for the benefit of the City binding bonds or letters of credit in an amount of 110% of the total estimated costs of the Public Improvements to be constructed by Subdivider under this Agreement, in form and content satisfactory to the City Administrator, or (ii) complete said improvements and provide as-constructed records, certificates of completion and other required documentation, to the satisfaction of the City Engineer. If the Subdivider provides bonds pursuant to subsection (i) of the foregoing sentence, the City, upon Subdivider completing the Public Improvements, shall promptly release such bonds to the Subdivider at such time as the Subdivider's Engineer provides as-constructed records, certificates of completion of said work and improvements and other required documentation, to the satisfaction of the City Engineer.
- C. Administration. As regards to this Agreement and its implementation:

- (1) No separate administrative entity or joint venture, among the Parties, is deemed created by virtue of this Agreement.
 - (2) The administration of this Agreement shall be through the offices of the undersigned officers, or their designees, for their respective entities.
- D Remedies. In addition to whatever rights of enforcement of the terms hereof are herein granted to any Party, each Party may avail itself of all other remedies it may have to enforce the terms hereof at law or equity. By way of specification and not by way of limitation, each of the Parties expressly reserves the right to specifically enforce full compliance of the terms and conditions of this Agreement by mandatory or prohibitory injunction.
- E Covenants, Etc. All covenants and agreements of Subdivider set forth in this Agreement shall constitute covenants running with the land and shall be binding on Subdivider and all successors and assigns of Subdivider. The City shall have the right, but not the obligation, to enforce any and all such covenants.
- F. In the event the Subdivider records the Plat and, before commencing any improvements within or for the benefit of the Subdivision, Subdivider decides not to develop the Subdivision, the City and Subdivider shall take all actions necessary to vacate the Plat, and the PUD Plan, Agreement and Conditional Use Permit shall be null and void, and any letters of credit provided by Subdivider pursuant to this Agreement shall be promptly released by the City and returned to Subdivider upon vacation of the Plat.
- G. Non-Discrimination. In the performance of this contract, neither the Subdivider nor the City shall discriminate against any parties or persons on account of race, national origin, sex, age, disability, political or religious affiliations in violation of federal and state laws or local ordinances.
- H. The Subdivider agrees to cooperate and use all reasonable good faith efforts to complete any and all improvements and/or work required of it hereunder in a timely and orderly manner so as not to delay recording of the Plat, receipt of building permits, development of the Subdivision, or obtaining of certificates of occupancy.
5. Construction Standards and Procedures

Subdivider, in addition to and not in limitation of any other provisions of this Agreement or applicable law or regulations, further agrees that:

- A. City Approvals. All Public Improvements will be constructed in strict accordance with contracts, plans and specifications and locations approved in advance in writing by City's Engineer and in strict accordance with the City's policies and minimum standards and requirements of construction and testing procedures therefore, and directions of City Engineer, and that upon completion of construction thereof, Subdivider shall furnish to City a certificate from its consulting engineer so certifying. All Private Improvements will be built in accordance with this Agreement and applicable requirements of the City building code or other applicable laws or regulations.
- B. Testing. Subdivider shall cause appropriate testing of materials and work finished in respect to the construction of Public Improvements and shall furnish City's engineers with copies of test results. City's engineers may order additional paving core tests, sewer televising or other tests, the cost of which shall be paid by Subdivider to the party performing the testing

procedures, which additional testing costs shall also be a cost of the Public Improvement. Neither the Subdivider nor any other party shall be entitled to rely upon any inspections made by the City for any purpose whatsoever. The sole responsibility for proper inspection and certification as to completion remains with the Subdivider and its engineers.

- C. Construction Record Drawings. Subdivider shall cause "Construction Record Drawings", in reproducible form, and specifications for all Public Improvements that Subdivider shall have heretofore or hereafter constructed within the area to be developed to be furnished to City, in triplicate, promptly and without cost to the City. All such plans shall be submitted on reproducible mylar, except where the City agrees otherwise. The engineering costs attributable to the production of said "Construction Record Drawings" shall be an engineering fee within the meaning of Subsection 1-D, supra. Subdivider shall, prior to the Subdivider's solicitation of bids for any Public Improvement within the area to be developed, require Subdivider's Engineers to file with the City said Engineers' separate written assurance and agreement that said "Construction Record Drawings" will be prepared and filed with the City upon the completion of each Public Improvement.
 - D. Compliance with Law. All Public Improvements shall comply with all applicable federal and state and County laws and regulations in general and with all applicable ordinances and regulations of the City in reference to construction, use, operation, and maintenance; provided, however, if there is any conflict or ambiguity between or among any such laws and regulations, the higher standard or quality shall control.
 - E. Compliance with City Engineer Determinations. In the event that City's Engineers determine that there is anything in the construction, use, maintenance or operation of any Public Improvements which will, in the opinion of City's Engineers, be detrimental to any other improvement or utility constructed or to be constructed in the same right-of-way or easement, Subdivider will, on notice thereof, promptly cause its engineers to jointly review and evaluate the problem with City's engineer and formulate a plan for corrective action acceptable to the City Engineer and Subdivider which shall be implemented by Subdivider at Subdivider's cost.
 - F. Bonds. Subdivider, in addition to any bonds or letters of credit required by any other provision of this Agreement, shall require each contractor performing work on Public Improvements on behalf of the Subdivider to furnish a performance and maintenance bond, and to warrant the work against any defects for a minimum of two years after completion, with Subdivider and City as joint and several obligees thereon, which bond and warranty shall be subject to the City approval as to surety, form and terms.
 - G. Easements. Any easements required from Subdivider for Public Improvements hereunder by the City or its designee shall be provided at no cost to the City or its designee.
6. Sidewalks. Subdivider, at its sole cost and at no cost to the City, shall install or cause to be installed sidewalks along the south side of Echo Hills Drive adjacent to Lot 1 Replat 4 and proposed Lot 1 Replat 5, the east side of 146th Street adjacent to proposed Lot 1 Replat 5, the north side of Chandler Road adjacent to proposed Lot 1 Replat 5, and a segment along the west side of 146th street providing safer access to Echo Hills Park by the time Subdivider has completed 75% of the planned residential units in the project or at such earlier time as they are warranted as determined in the sole discretion of the City Engineer. Such sidewalks shall be constructed at Subdivider's expense. All sidewalks, whenever installed, shall be constructed in

accordance with the City sidewalk regulations and policies as they may from time to time exist, and shall be maintained at Subdivider's expense. Sidewalks adjacent to Lot 1 Replat 5 will be completed with the development of that lot.

7. Parking. The Subdivider will provide cross access parking easements between Lots 1 Replat 4 and Lot 1 Replat 5 of this subdivision.

8. Maintenance of Improvements. In addition to any other maintenance required of Subdivider pursuant to this Agreement or applicable laws or regulations, Subdivider shall continuously and permanently maintain and keep in good repair, and reconstruct or replace if required of Subdivider herein or by applicable agreements, laws, rules or regulations, all Private Improvements Subdivider constructs or makes or causes to be constructed or made with respect to development of the Subdivision, including, but not limited to landscaping. Not in limitation of any of the foregoing, all landscaping within the Subdivision shall be warranted by the landscape contractor for at least two growing seasons, and any replacement, repair or reconstruction shall be of equal or better maturity, type, quality and quantity, regardless whether or not the replacement, repair or reconstruction occurs within or after an applicable warranty period.

9. Sewer Connections. Before any connection from any premises to the sanitary sewer system of the District may be made, a permit shall be obtained for said premises and its connection from the proper department of the City, which permit shall be obtainable on the same terms, conditions, and requirements of the City applicable from time to time to permit property outside the City to connect to the sewer system of the City; it being expressly understood that the City reserves the right to collect all connection charges and fees as required by City ordinances or rules now or hereafter in force; all such connections shall comply with minimum standards prescribed by the City.

10. Tract Sewer Connection Fees. Developer agrees that the terms and conditions for the benefit of the City that are contained in the Subdivision Agreement, by and between Echo Hills Apartments LLC, a Nebraska Limited Liability Company authorized to do business in Nebraska, Echo Hills Almc LLC, a Nebraska Limited Liability Company authorized to do business in Nebraska, the City of La Vista, a Municipal Corporation in the State of Nebraska, and Sanitary Improvement District No. 68 of Sarpy County, Nebraska, dated _____, and the separate Sewer Connection Agreement referred to within Exhibit "I" as pertaining to the sanitary sewer system, shall be incorporated into this Agreement to the same extent as if fully set forth herein and equally applicable to the private sanitary sewer provided for herein and enforceable by City in respect thereto to the same extent as though the private sewer had originally been incorporated and made a part of said agreements. Tract sanitary sewer connection fees shall be due and payable to the City in the following amounts prior to the issuance of a building permit pertaining to each lot:

Lot 1, Replat 4 , R-3 - High Density Residential	80 UNITS @ \$1,064/UNIT	\$ 85,120.00
Lot 2, Replat 4, R-3 - High Density Residential	210 UNITS @ \$1,064/UNIT	\$ 223,440.00
Lot 1, Replat 5, R-3 – High Density Residential (Excluding Lot 2, Replat 4)	71 UNITS @ \$1,117/UNIT	\$ 79,307.00
	TOTAL	\$ 387,867.00

The aforesaid fee of \$ 1,117 per unit is the rate now in effect and is subject to increase. The rate in effect at time of connection to the sanitary sewer system will be the rate paid. Sewer connection fees in the amount of \$308,560.00 for Lot 1 Echo Hills Replat Four and Lot 2 Echo Hills Replat Four were paid when building permits were issued for the development of these lots. The remaining \$79,307.00 (or the actual fee in effect at time of connection) for the

additional 71 units must be paid prior to issuance of building permits.

11. City Right of Disconnection. Notwithstanding any other provisions of this Agreement, City retains the right to disconnect the sanitary sewer of any industry, or other sewer user within the area to be developed, which is connected or discharging into the sanitary sewer system in violation of any applicable ordinances, statute, rule, or regulation.

12. Compliance with City Regulations, Etc. The Subdivider, without limiting any other provision of this Agreement, expressly agrees that it is and shall be:

- A. Bound by and to any provisions of any ordinances, rules and regulations as existing or hereafter made and adopted by the City applicable to sanitary and improvement districts whose sewers connect directly or indirectly with or into sewers or sewage systems of the City; and
- B. Bound by any terms and provisions which by ordinance, resolution, or rule exists or which the City shall hereafter adopt or provide as being applicable to or required in contracts with sanitary and improvement districts or in order to permit or continue the discharge of any sewage from a sanitary and improvement district to flow into or through any part of the sewer or sewage system of the City or sewer within its zoning or health jurisdiction.
- C. Bound by all terms and provisions of the Sewer Connection Agreement which is attached hereto as Exhibit "I" subject to the final approval of the City Engineer, and shall be executed in conjunction with this Agreement.

13. Additional Special Covenants and Agreements. Subdivider further covenants and agrees as follows:

A. Storm Water Detention. In regards to storm water detention facilities:

- (1) Subdivider's construction of storm water detention basins and facilities within the Subdivision shall be in accordance with the Utility Plan attached as Exhibit "H" and the Post Construction Storm Water Management Plan attached as Exhibit "G". Construction of storm water detention basins and facilities within Lot 1 Replat 5 shall be staged in accordance with the staged construction of buildings by Subdivider and shall be completed as necessary to handle the storm water associated with the developed portions of Lot 1 Echo Hills Replat 4 and Lot 1 Echo Hills Replat 5, which staging and schedule for construction and completion of storm water detention basins and facilities shall be subject to approval of the City Engineer before any building permit is issued for any building within the Subdivision.
- (2) Any change of a location of a detention basin from that shown in the Post Construction Storm Water Management Plan attached as Exhibit "G" shall require approval of the City Engineer, as will any relocation of the basin from its City approved location.
- (3) The detention basins shall be on private property. Subdivider at its cost shall be responsible for construction and continuous and permanent maintenance and repair of all detention basins and facilities located within the Subdivision.
- (4) The City shall have an easement for access to all detention basins, as may be relocated or redesigned from time to time in accordance with this Section 11,

for inspection and any follow up, in the City's sole discretion, as is set forth in the Post Construction Storm Water Management Plan Maintenance Agreement and Easement attached as Exhibit "J", which Subdivider shall record with the Sarpy County Register of Deeds.

- (5) If a relocation or design modification of detention facilities is necessary or desirable, the Parties will make a good faith effort to cooperate in making such amendments to the Post Construction Storm Water Management Plan Maintenance Agreement and Easement as are needed to accommodate such relocation or design modification, which modification and amendments shall be in form and content satisfactory to the City Engineer.
- B. Annexation. Subdivider hereby agrees not to directly or indirectly fund or pursue, or encourage any other person to fund or pursue, any lawsuit or other action contesting annexation of the Subdivision, or any part thereof, by the City. Subdivider agrees that the City shall not be obligated to annex the Subdivision.
- C. All public improvements within the Plat shall be constructed to City approved specifications. The City shall have access to, over and otherwise with respect to all private roadways and private driveways and other improvements for public safety or the exercise of other governmental purposes, including, but not limited to, police, fire and rescue, and for the exercise of the rights granted or reserved to City under this Agreement.
- D. Subdivider on a permanent and continuous basis shall provide for proper and continuous maintenance and upkeep within the Subdivision in accordance with ordinances, codes, rules and regulations from time to time adopted or amended by the City and setting forth requirements applicable to maintenance and upkeep of residential real property and related improvements, including, but not limited to, requirements applicable to multifamily housing, residential rental properties and landscaping. When replacement of landscaping is required, the replacement shall be of the same or better quality, maturity, type and quantity as the plants or materials originally required.
- E. If Subdivider fails to timely and fully perform any responsibility set forth in Subsection D of this Section within thirty (30) days after written notice from the City of such failure or such later time period as set forth in the next sentence, the City, at its option, may itself take such curative or remedial action as it determines appropriate, or cause such action to be taken, and assess any cost thereof against the Subdivider or against Lot 1 Echo Hills Replat 4 and Lot 1 Echo Hills Replat 5 of the Subdivision as a lien. If it is not possible for Subdivider to perform such responsibility within such thirty (30) day period, such period of time shall be extended by the number of days reasonably necessary to perform such responsibility, provided that Subdivider commences curative actions within the time required by this subsection E and diligently pursues and completes the same as soon as reasonably possible, and provided further that allowing additional time does not present or increase risk of harm to persons or property.
- F. Subdivider, before any voluntary or involuntary sale, transfer or conveyance resulting in separate ownership of any two or more parts of the Property, shall record with the Sarpy County Register of Deeds a declaration of covenants running with all property within the Subdivision (except any vacant property sold, transferred or conveyed that will not be served by any public services or public or private improvements to, from, over, under, through or across the remaining property, and that will not serve the remaining property by any public services or public or private improvements to, from, over, under, through or across the vacant

property) and in form and content satisfactory to the City Engineer, which document shall provide for access, use, maintenance, upkeep, replacement and repair of services, equipment, facilities or improvements serving or shared by more than one subdivided portion of the Property, including without limitation, services, equipment, facilities or improvements relating to sewers, gas, water, electric, telecommunications, cable or other utilities, roads, parking or recreation.

- G. Subdivider shall be responsible for ensuring compliance with requirements regarding erosion control when developing the Subdivision.
- H. Any City approval or any notice required under this Agreement must be in writing to be effective.
- I. If any provision of this Agreement is determined unenforceable, the unenforceable provision shall be deemed stricken and the remainder of the Agreement shall be enforced. This Agreement shall be governed and construed in accordance with Nebraska law and the Parties submit to the jurisdiction and venue of the District Court of Sarpy County to resolve any dispute hereunder, and agree not to challenge said jurisdiction or venue
- J. City Engineer Review. All preliminary plans described in this Agreement shall be finalized and subject to review and final approval of the City Engineer prior to building permit approval, grading permit approval, storm water management permit approval, and authorization to construct public improvements as applicable.
- K. Covenants Running With the Land. The final plat and this Agreement and the obligations, understandings and agreements contained or incorporated herein constitute perpetual covenants running with the land, shall be recorded with the Register of Deeds of Sarpy County, Nebraska, and shall be binding, jointly and severally, upon the Subdivider, Developer and Association, and all of their respective successors, assigns, lenders, mortgagees or others gaining or claiming any interest or lien in, to or against any property within the Replatted Area. The covenants herein shall be cumulative to, and not in lieu of, prior covenants running with the land, except to the extent this Agreement requires additional, greater or a higher standard of performance by Subdivider, Developer or Association. City shall have the right, but not the obligation, to enforce any and all covenants. It is further agreed that after City releases the final plat and this Agreement for recording, Subdivider promptly will record the same, along with any other documents or instruments required to be recorded, with the Register of Deeds of Sarpy County, Nebraska. It is expressly agreed, however, that City shall not release the final plat or this Agreement for recording until City is satisfied that Subdivider and Developer have concluded (closed), or made arrangements satisfactory to the City to conclude (close), their respective transactions requiring the actual construction of Private Improvements within the Replatted Area. It is further expressly agreed that, if the condition described in the immediately preceding sentence has not occurred within twelve (12) months after the date of this Subdivision Agreement, neither Subdivider nor Developer shall be entitled without the written consent of the City and any amendments of this Agreement or the Replat as the City Engineer determines necessary, to move forward with the project. Provided, however, the City Administrator periodically may extend the time for performance under this Section 16.

14. Staking Bond. Developer shall provide the City a staking bond satisfactory to City Engineer prior to City's release of the final plat of the Replatted Area.

15. Public Access Roads or Driveways. Direct vehicular access to abutting streets shall be limited as indicated on the Replat, as finally approved by the City in the final plat. Roads and driveways identified in Exhibit "A" for use of the public shall be constructed to City approved specifications and shall not be less than seven inches (7") P.C. concrete paving. The City shall have access to and over such roadways and driveways for any purpose it deems appropriate in the exercise of its general governmental powers, including but not limited to, inspection, police, fire and rescue and other public safety purposes, and the exercise of all rights granted to City by the terms of the Subdivision Agreement.

16. Easements. All proposed easements by the Subdivider, and easements required by the City, as set forth in Exhibit "A," for existing, proposed, or relocated public or private or shared improvements (sewers, utilities, roads or other infrastructure) shall be granted by instruments separate from the final plat, in form and content satisfactory to the City Engineer ("Easements"). Release of the final plat for recording shall be conditioned on execution and delivery of Easements for recording. The Easement documents shall outline rights, obligations and terms of the easements. Easements shall be recorded at the time of recording the final plat and copies of recorded Easements shall be provided to the City. Any proposed modification of any Easements shall be subject to approval of, and in form and content satisfactory to, the City Engineer, and recording of the modification by the Subdivider immediately after said appeal is provided.

17. Right to Enforce. Provisions of this Agreement may be enforced at law or in equity by the owners of land within the Replatted Area and may be enforced by the City at law, in equity or such other remedy as City determines appropriate. All rights and remedies of a party, whether specified in this Agreement or otherwise provided, are cumulative.

18. Ownership Representation. Kevin James for Echo Hills Apartments LLC, by signing below and the Final Plat of Echo Hills Lot 1 Replat 5, and Kevin James for Echo Hills Almc LLC, by signing below, does warrant and represent that it has executed the Final Plat by and through an authorized person, and that it is and shall continue to be the sole owner of 100% of the Replatted Area at date of execution of this Agreement and at date of recording the final plat.

19. Public Access Roads or Driveways. Direct vehicular access to abutting streets shall be limited as indicated on the Replat, as finally approved by the City in the final plat. Roads and driveways identified in Exhibit "D" for use of the public shall be constructed to City approved specifications and shall not be less than seven inches (7") P.C. concrete paving. The City shall have access to and over such roadways and driveways for any purpose it deems appropriate in the exercise of its general governmental powers, including but not limited to, inspection, police, fire and rescue and other public safety purposes, and the exercise of all rights granted to City by the terms of the Subdivision Agreement.

20. Entire Agreement. This Agreement represents the entire agreement and understanding, and supersedes all prior understandings and agreements, written or oral, of the parties with respect to the matters contained herein. The Agreement only may be amended by a written amendment executed by all parties.

21. Severability. If any part of this Agreement is held by a court of competent jurisdiction to be illegal or unenforceable, the illegality or unenforceability shall not affect the remainder of this Agreement, and this Agreement shall be construed as if such illegal or unenforceable provision had never been included herein.

22. Recitals/Exhibits Summary. The recitals set forth on pages 1 and 2 above are incorporated herein by reference and made a part of this Agreement. Except as otherwise noted, the following attached Exhibits were prepared by TD2 Engineering & Surveying engineers for Subdivider. The Exhibits (Exhibits "A" thru "J") are attached hereto and made a part of this Agreement, and said Exhibits are incorporated herein by this reference as follows, together with any other documents or instruments referenced in this Agreement:

- Exhibit "A" Final Plat
- Exhibit "B" Conditional Use Permits
- Exhibit "C" Paving Plan
- Exhibit "D" Planned Unit Development ("PUD") Site Plan
- Exhibit "E" Landscaping Plan
- Exhibit "F" Drainage Study (Executive Summary)
- Exhibit "G" Post Construction Storm Water Management Plan
- Exhibit "H" Utility Plan
- Exhibit "I" Sewer Connection Agreement
- Exhibit "J" Post Construction Storm Water Management Plan Maintenance Agreement and Easement

IN WITNESS WHEREOF, we, the Parties hereto, by our respective duly authorized agents, hereto affix our signatures the day and year first above written.

Owner:

Echo Hills Apartments LLC, a Nebraska limited liability company

By:

Date: _____

Owner:

Echo Hills Almc LLC, a Nebraska limited liability company

By:

Date: _____

STATE OF NEBRASKA)
)
COUNTY OF _____)

On this _____ day of _____, 20____, before me a Notary Public, duly commissioned and qualified in and for said County, appeared _____ personally known by me to be Owner of Echo Hills Apartments, L.L.C. and Echo Hills Almc L.L.C., a Nebraska limited liability company, and the identical person whose name is affixed to the foregoing Agreement, and acknowledged the execution thereof to be his voluntary act and deed and the voluntary act and deed of said company.

WITNESS my hand and Notarial Seal the day and year last above written.

Notary Public

ATTEST:

CITY OF LA VISTA

Pamela Buethe, City Clerk

Douglas Kindig, Mayor

ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA)
) ss.
COUNTY OF SARPY)

On this _____ day of _____ 20____, before me a Notary Public, duly commissioned and qualified in and for said County, appeared Douglas Kindig, personally know by me to be the Mayor of the City of La Vista and Pamela Buethe, to me personally known to be the City Clerk of the City of La Vista, the identical persons whose names are affixed to the foregoing Agreement, and they acknowledged the execution thereof to be their voluntary act and deed.

WITNESS my hand and Notarial Seal the day and year last above written.

Notary Public

ECHO HILLS REPLAT FIVE

LOT 1

BEING A REPLATTING OF LOTS 2, 3 AND 4, ECHO HILLS REPLAT FOUR, A SUBDIVISION IN THE SE 1/4 OF THE NE 1/4 OF SECTION 14, T14N, R11E OF THE 6th P.M., SARPY COUNTY, NEBRASKA.

Exhibit A



thompson, dreessen & dorner, inc.
10836 Old Mill Rd
Omaha, NE 68154
p.402.330.8860 f.402.330.5866
td2co.com

ACCEPTANCE BY LA VISTA COUNCIL

THIS PLAT OF ECHO HILLS REPLAT FIVE WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA ON THIS _____ DAY, _____, 2022, IN ACCORDANCE WITH THE STATE STATUTES OF NEBRASKA.

MAYOR _____ ATTEST _____ CITY CLERK

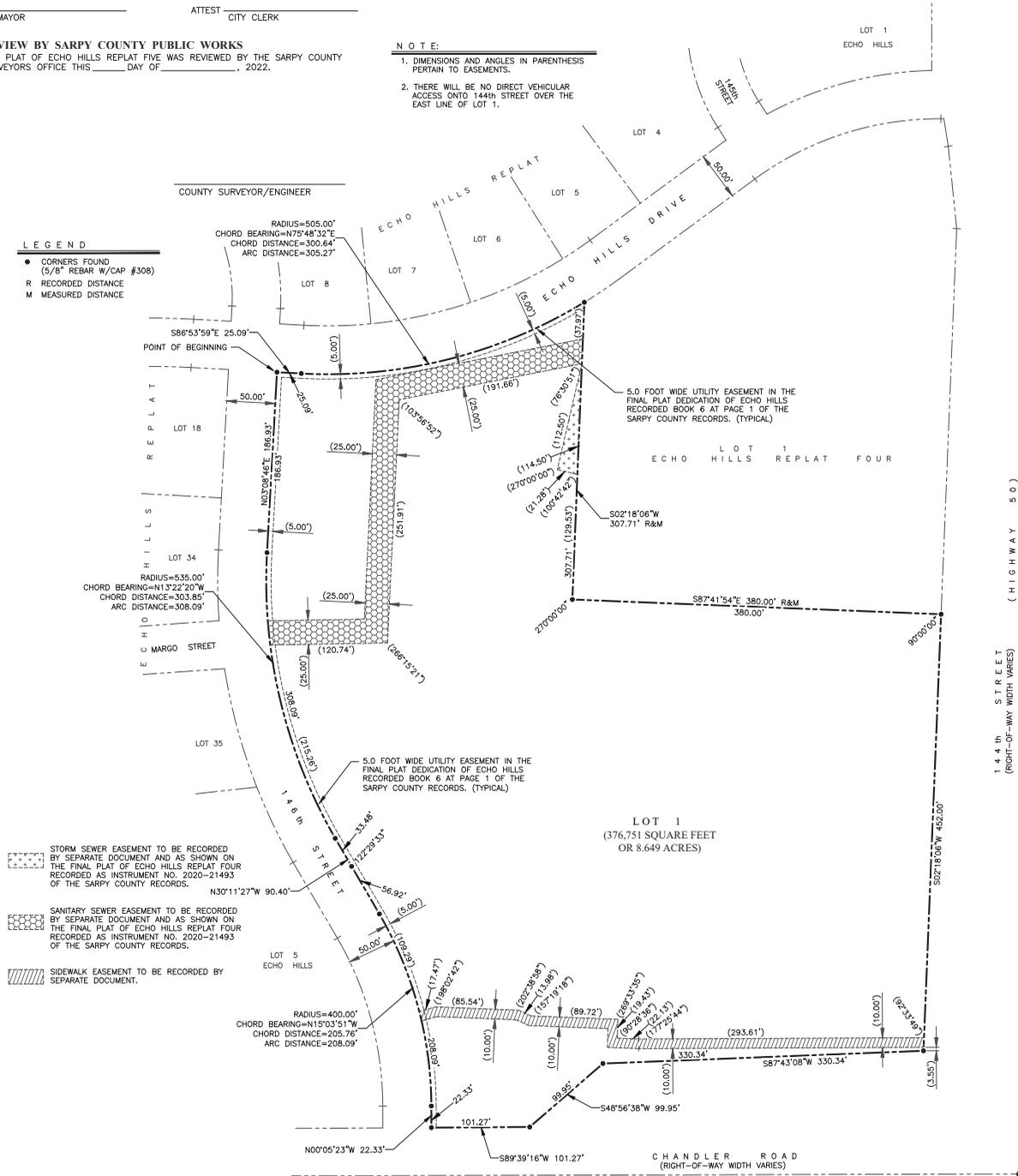
REVIEW BY SARPY COUNTY PUBLIC WORKS

THIS PLAT OF ECHO HILLS REPLAT FIVE WAS REVIEWED BY THE SARPY COUNTY SURVEYORS' OFFICE THIS _____ DAY OF _____, 2022.

NOTE:

- DIMENSIONS AND ANGLES IN PARENTHESES PERTAIN TO EASEMENTS.
- THERE WILL BE NO DIRECT VEHICULAR ACCESS ONTO 144th STREET OVER THE EAST LINE OF LOT 1.

- LEGEND**
- CORNERS FOUND (5/8" REBAR W/CAP #308)
 - R RECORDED DISTANCE
 - M MEASURED DISTANCE



144th STREET (RIGHT-OF-WAY VARIES) (HIGHWAY 50)

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, REGISTERED IN COMPLIANCE WITH THE LAWS OF THE STATE OF NEBRASKA, AND THAT THIS PLAT MEETS OR EXCEEDS THE "MINIMUM STANDARDS FOR SURVEYS" ADOPTED BY THE NEBRASKA STATE BOARD OF EXAMINERS FOR LAND SURVEYORS. FURTHER, I HEREBY CERTIFY THAT I HAVE MADE A BOUNDARY SURVEY OF THE SUBDIVISION DESCRIBED HEREON AND THAT PERMANENT MARKERS WILL BE SET AT ALL LOT CORNERS, ANGLE POINTS AND AT THE ENDS OF ALL CURVES WITHIN THE SUBDIVISION TO BE KNOWN AS ECHO HILLS REPLAT FIVE, LOT 1, BEING A REPLATTING OF LOTS 2, 3 AND 4, ECHO HILLS REPLAT FOUR, A SUBDIVISION IN SARPY COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS, BEGINNING AT THE NW CORNER OF SAID LOT 2:

- THENCE S86°53'59"E (ASSUMED BEARING) 25.09 FEET ON THE NORTH LINE OF SAID LOT 2;
- THENCE NORTH-EASTERLY ON THE NORTH LINE OF SAID LOT 2 ON A 505.00 FOOT RADIUS CURVE TO THE LEFT, CHORD BEARING N75°48'32"E, CHORD DISTANCE 300.64 FEET; AN ARC DISTANCE OF 305.27 FEET TO THE NE CORNER THEREOF;
- THENCE S02°18'06"W 307.71 FEET ON THE EAST LINE OF SAID LOT 2;
- THENCE S87°41'54"E 380.00 FEET ON THE NORTH LINE OF SAID LOT 2 TO THE WEST LINE OF SOUTH 144TH STREET (HIGHWAY 50);
- THENCE S02°18'06"W 452.00 FEET ON THE WEST LINE OF SOUTH 144TH STREET (HIGHWAY 50) TO THE NORTH LINE OF CHANDLER ROAD;
- THENCE S87°43'08"W 330.34 FEET ON THE NORTH LINE OF CHANDLER ROAD;
- THENCE S48°56'38"W 99.95 FEET ON THE NORTH LINE OF CHANDLER ROAD TO THE SOUTH LINE OF SAID LOT 4;
- THENCE S89°39'16"W 101.27 FEET ON THE NORTH LINE OF CHANDLER ROAD AND ON THE SOUTH LINE OF SAID LOT 4 TO THE SW CORNER THEREOF;
- THENCE N00°05'23"W 22.33 ON THE WEST LINE OF SAID LOT 4;
- THENCE NORTH-WESTERLY ON THE WEST LINE OF SAID LOT 4 ON A 400.00 FOOT RADIUS CURVE TO THE LEFT, CHORD BEARING N15°03'51"W, CHORD DISTANCE 205.76 FEET, AN ARC DISTANCE OF 208.09 FEET;
- THENCE N30°11'27"W 90.40 FEET ON THE WEST LINES OF SAID LOT 2 AND 4;
- THENCE NORTH-WESTERLY ON THE WEST LINE OF SAID LOT 2 ON A 535.00 FOOT RADIUS CURVE TO THE RIGHT, CHORD BEARING N13°22'20"W, CHORD DISTANCE 303.85 FEET, AN ARC DISTANCE OF 308.09 FEET;
- THENCE N03°08'46"E 186.93 FEET ON THE WEST LINE OF SAID LOT 2 TO THE POINT OF BEGINNING.

CONTAINING 8.649 ACRES MORE OR LESS



JAMES D. WARNER
NEBRASKA RLS 308

DECEMBER 28, 2021
DATE:

OWNER'S CERTIFICATE

WE THE UNDERSIGNED ECHO HILLS APARTMENTS, LLC, A NEBRASKA LIMITED LIABILITY COMPANY, BEING THE OWNERS OF THE REAL ESTATE SHOWN AND DESCRIBED HEREIN, DO HEREBY CERTIFY THAT WE HAVE LAID OUT, PLATTED AND SUBDIVIDED, SAID REAL ESTATE IN ACCORDANCE WITH THIS PLAT.

THIS SUBDIVISION SHALL BE KNOWN AND DESIGNATED AS ECHO HILLS REPLAT FIVE.

CLEAR TITLE TO THE LAND CONTAINED IN THIS PLAT IS GUARANTEED.

THERE ARE STRIPS OF GROUND SHOWN OR DESCRIBED ON THIS PLAT AND MARKED EASEMENT, RESERVED FOR THE USE OF PUBLIC UTILITIES AND SUBJECT TO THE PARAMOUNT RIGHT OF UTILITY OR CITY TO INSTALL, REPAIR, REPLACE AND MAINTAIN ITS INSTALLATIONS.

ECHO HILLS APARTMENTS, LLC
A NEBRASKA LIMITED LIABILITY COMPANY

BY: _____
KEVIN JAMES, MANAGER

ACKNOWLEDGEMENT OF NOTARY
STATE OF NEBRASKA
COUNTY OF SARPY

ON THE _____ DAY OF _____, 2022, BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, DULY COMMISSIONED AND QUALIFIED IN AFORESAID COUNTY PERSONALLY APPEARED KEVIN JAMES, MANAGER OF ECHO HILLS APARTMENTS, LLC, A NEBRASKA LIMITED LIABILITY COMPANY, KNOWN BY ME TO BE THE IDENTICAL PERSON WHOSE NAME IS AFFIXED TO THE DEDICATION ON THIS PLAT AND ACKNOWLEDGED THE EXECUTION THEREOF TO BE HIS VOLUNTARY ACT AND DEED ON BEHALF OF SAID COMPANY.

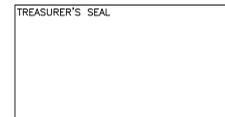
WITNESS MY HAND AND NOTARIAL SEAL THIS DAY AND YEAR LAST ABOVE MENTIONED

NOTARY PUBLIC

COUNTY TREASURER'S CERTIFICATIONS

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

COUNTY TREASURER'S _____ DATE _____



APPROVAL OF THE PLANNING COMMISSION OF LA VISTA, NEBRASKA

THIS PLAT OF ECHO HILLS REPLAT FIVE WAS APPROVED BY THE LA VISTA PLANNING COMMISSION THIS _____ DAY OF _____, 2022.

CHAIRPERSON, LA VISTA PLANNING COMMISSION

ECHO HILLS REPLAT FIVE
LOT 1



Revision Dates

No.	Description	MM-DD-YY
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--	--	--
--	--	--
--	--	--

Job No.: A2142-103A
Drawn By: RJR
Reviewed By: JDW
Date: DECEMBER 28, 2021
Book: 19/25
Pages: 33-35

Sheet Title

CITY OF LA VISTA
FINAL PLAT

Sheet Number

SHEET 1 OF 1

CITY OF LAVISTA
CONDITIONAL USE PERMIT

**Conditional Use Permit for an Assisted Living Facility
(Echo Hills Assisted Living & Memory Care)
Lot 1 Echo Hills Replat Four**

This Conditional Use Permit issued this 21 day of APRIL, 2020, by the City of La Vista, a municipal corporation in the County of Sarpy County, Nebraska ("City") to, Echo Hills ALMC, LLC, a limited liability company authorized to do business in Nebraska ("Owner"), pursuant to the La Vista Zoning Ordinance.

WHEREAS, Owner wishes to construct and operate an assisted living and memory care facility to be known as Echo Hills Assisted Living and Memory Care upon the following described tract of land within the City of La Vista zoning jurisdiction:

Lot 1 Echo Hills Replat Four, a subdivision in Sarpy County, Nebraska (the "Property") as depicted in Exhibit "A" the final plat; and

WHEREAS, Owner has applied for a Conditional Use Permit for the purpose of constructing and operating an assisted living and memory care facility; and

WHEREAS, the Mayor and City Council of the City of La Vista are agreeable to the issuance of a conditional use permit to the owner for such purposes, subject to certain conditions and agreements as hereinafter provided.

NOW, THEREFORE, BE IT KNOWN THAT subject to the conditions hereof, this Conditional Use Permit is issued to the owner to use the area designated on the final plat as Lot 1 on Exhibit "A" hereto for an assisted living and memory care facility, said use hereinafter being referred to as "Permitted Use or Use".

Conditions of the Permit

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

1. Development and operation on the Property is governed by this Permit. The rights granted by this Permit are transferable and any material breach hereof shall cause Permit to expire and terminate, subject to the rights of the Owner to cure such default or deficiency as set forth in this Permit.
2. In respect to the proposed Uses:
 - a. The site plan (the "Site Plan") showing the Property's boundaries, all existing and proposed easements, proposed structures, parking, access points, and drives, is attached hereto and incorporated herein as Exhibit " B ".
 - b. Operations on the property will be limited to and carried out in accordance with the Operational Statement attached as Exhibit "C" and incorporated into this permit by reference.
 - c. Architectural review of the building design, landscaping, and lighting has been completed and the foregoing plans are approved as shown in Exhibits " D " through " F ".
 - d. The Property shall be developed and maintained in accordance with the Site Plan and all other Exhibits of this Agreement, as well as the final plat of Lots 1-4 Echo Hills Replat Four ("Final Plat"), Planned Unit Development Plan ("PUD") and Subdivision Agreement applicable to the Property, ("Subdivision Agreement"), as approved by the City and incorporated herein by this reference.

Any modifications to the Site Plan must be submitted to the Chief Building Official for approval. Modification of any other document or Exhibit shall be subject to approval of the City, as directed by the City Administrator, unless otherwise expressly provided in the document or Exhibit to be modified.

- e. All signage, including without limitation design, location, placement and dimensions, shall be subject to approval of the Community Development Department, per the La Vista Zoning Ordinance.
- f. As-built topographic surveys of the storm water detention areas constructed in accordance with the Subdivision Agreement shall be provided to the City before certificates of occupancy are issued for any completed building on the Property, with a requirement that any variances from the approved detention plans be corrected, or certified as inconsequential, to the satisfaction of the City Engineer prior to issuing such certificates.
- g. Owner shall obtain all required permits for the Uses from the City of La Vista.
- h. Owner shall comply (and shall ensure that all structures, appurtenances and improvements on the Property at any time comply) with any applicable federal, state and/or local laws, rules or regulations, as amended or in effect from time to time, including, but not limited to, applicable building codes, fire codes, ADA requirements, and environmental or safety laws, rules or regulations.
- i. Owner hereby indemnifies the City against, and holds the City harmless from, any liability, loss, claim or expense whatsoever (including, but not limited to, reasonable attorney fees and court cost) arising out of or resulting from the acts, omissions or negligence of the Owner or its agents, employees, assigns, suppliers or invitees relating to the Owner's Uses of the Property, including, but not limited to, any liability, loss, claim or expense arising out of or resulting from any violations of any applicable environmental or safety law, rule or regulation but excluding any liability, loss, claim or expense proximately caused by the sole negligence of the City.
- j. A drainage study for the Property has been completed, as referenced in the Subdivision Agreement, with respect to the proposed Uses on Lots 1-4 Echo Hills Replat Four. Owner agrees to comply with requirements related to drainage that are specified in said Subdivision Agreement.
- m. Owner shall ensure that the public-facing front office on the property will be staffed during normal business hours.
- n. If at any time any part of Lot 1 Echo Hills Replat Four is owned by any person or entity other than Owner, all owners shall cooperate and coordinate to carry out Subdivider (as "Subdivider" is defined in the Subdivision Agreement) obligations under the Subdivision Agreement.
- o. There shall not be any outside storage of materials. All trash receptacles, benches and planters shall be placed on property and securely fastened to building or concrete. Trash dumpsters shall be placed with a trash enclosure of six feet in height and screened accordingly.
- p. Landscaping requirements from Section 7.17 of the City of La Vista Zoning Ordinance shall be satisfied and maintained in accordance with the approved landscaping plan (Exhibit "D") and the requirements of the Gateway Corridor District.
- q. This continuing care facility is intended for assisted living and memory care. Facilities shall be exclusively operated for, marketed and leased to, and occupied by persons age 55 and older, or as otherwise required to provide reasonable accommodations to disabled residents under applicable laws, rules or regulations. To carry out this requirement, Owner shall:
 - (i) From time to time during this permit, adopt, publish and adhere to written rules, policies and procedures to implement and carry out said requirement in accordance with 24 CFR Section 100.306, as adopted, amended or superseded from time to time, subject to review and approval of the City Administrator, which approval shall not be withheld or refused so long as the rules, policies and procedures satisfy the requirements of "c" above and 24 CFR Section 100.306; and
 - (ii) Take all other actions during this permit as may be required from time to time under the Federal Fair Housing Act, Housing for Older Persons Act of 1995, Nebraska Fair Housing Act, or any other applicable laws, rules or regulations, as adopted, amended or superseded

from time to time, to carry out this subparagraph "c" in accordance with all applicable requirements, and specifically to qualify and continue the qualification of the facility as senior housing exempt from any applicable familial status protections.

3. The Owner's right to maintain the Uses of the Property, as contemplated by this Permit, shall be based on the following conditions:
 - a. An annual inspection to determine compliance with the conditions of this Permit. The Permit may be revoked (with respect to a particular Use) only upon a finding by the City that there is a material violation of the material terms of this Permit if the violation occurs after written notice from the City to Owner and opportunity to cure in the time and manner described below.
 - b. Construction will be in accordance with the City Building Code. Time limitation for building permits shall be in accordance with the City Building Code. Extensions shall be requested in writing and justifiable cause demonstrated.
 - c. All obsolete or unused structures, accessory facilities or materials with an environmental or safety hazard shall be abated and/or removed from the Property at Owner's expense within twelve (12) months of cessation of the Use of the Property as related to said structures, facilities or materials.
4. Notwithstanding any other provision herein to the contrary, this Permit, and all rights granted hereby, shall expire and terminate as to a Permitted Use hereunder upon the first of the following to occur:
 - a. Owner's abandonment of the Permitted Use. There shall be a presumption that the project on the Property has been abandoned if the Owner fails to commence construction of the buildings within the time provided by Section 4(b) above.
 - b. Cancellation, revocation, denial or failure to maintain any federal, state or local permit required for the Uses, and such cancellation, revocation denial or failure to maintain any federal, state or local permit required for the use is not cured in the time and manner described below, so long as curative rights are provided under laws, rules and regulations governing said permit.
 - c. Owner's construction or placement of a storage tank, structure or other improvement on the Property, (except during construction of any phase of the project) not specified in this Permit and Owner's failure to cure such breach in the time and manner described below after City's giving notice thereof.
 - d. Owner's breach of other terms hereof and its failure to cure such breach in the time and manner set forth below.
5. If construction of the improvements on the Property has not been commenced within twelve (12) months from the date of this Permit, this Permit shall be null and void and all rights hereunder shall lapse; provided, however, Owner shall have the right to file for an extension of time pursuant to the La Vista Zoning Ordinance.
6. If the Owner upon the expiration or termination of this Permit fails to promptly remove any remaining safety, environmental or other hazard or nuisance, the City may at its option (but without any obligation to the Owner or any third party to exercise said option) cause the same to be removed at Owner's cost (including, but not limited to, the cost of any excavation and earthwork that is necessary or advisable in connection with the removal thereof) and the Owner shall reimburse the City the costs incurred to remove the same. Owner hereby irrevocably grants the City, its agents and employees the right, provided notice is furnished to the Owner along with a reasonable time to remove or cure such hazard, to enter the Property and to take whatever action as is necessary or appropriate to remove any such hazards or nuisances in accordance with the terms of this Permit, and the right of the City to enter the Property as may be necessary or appropriate to carry out any other provision of this Permit.
7. If any provision, or any portion thereof, contained in this Permit is held to be unconstitutional, invalid, or unenforceable, the remaining provisions hereof, or portions thereof, shall be deemed severable, shall

not be affected, and shall remain in full force and effect.

8. The conditions and terms of this Permit shall constitute covenants running with the land and shall be binding upon, and shall inure to the benefit of, the Owner, its successors and assigns.
9. Delay of City to terminate this Permit on account of breach of Owner of any terms hereof in accordance with the terms hereof shall not constitute a waiver of City's right to terminate this Permit, unless the City has expressly waived said breach. A waiver of the right to terminate upon any breach shall not constitute a waiver of the right to terminate upon a subsequent breach of the terms hereof, whether said breach be of the same or different nature.
10. Cure Rights. Notwithstanding any other provision of this Permit to the contrary, Owner shall be entitled to written notice and opportunity to cure a breach of this Permit as follows. City will notify the Owner in writing of any breach of this Permit and Owner shall be permitted to cure any breach. Such written notice shall specify the particular conditions giving rise to the breach, and, to the extent known, what actions are required to cure such breach. Cure shall be commenced and completed as soon as possible and in all cases within thirty (30) days after City provides notice of breach; provided, however, in any case that cure cannot be completed within 30 days, additional time will be allowed, so long as cure is commenced within the time required in this Section 10 and diligently pursued and completed as soon as is reasonably possible, and allowing additional time does not substantially increase risk of harm to persons or property. City shall have the right to terminate this Permit if a breach is not timely cured.
11. Nothing herein shall be construed to be a waiver or suspension of, or an agreement on the part of the City to waive or suspend, any zoning law or regulation applicable to the premises except to the extent and for the duration specifically authorized by this Permit.
12. Any notice to be given by City hereunder shall be in writing and shall be sufficiently given if sent by regular mail, postage prepaid, addressed as follows:

To Owner: Echo Hills ALMC, LLC
PO Box 22151
Lincoln, NE 68542

13. All recitals at the beginning of this document and exhibits or other documents referenced in this Permit shall be incorporated herein by reference.
14. Exhibits. The following exhibits are incorporated herein by reference:

Exhibit "A":	Final Plat
Exhibit "B":	Site Plan
Exhibit "C":	Operating Statement
Exhibit "D":	Landscaping Plan
Exhibit "E":	Site Lighting Plan
Exhibit "F":	Elevation Renderings

CONSENT AND AGREEMENT

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

Owner:

Echo Hills ALMC, LLC
a limited liability company

By: Kevin James, it's owner

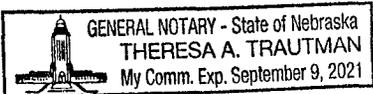
ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA)
COUNTY OF Douglas)

On this 15th day of June, 2020, before me a Notary Public, duly commissioned and qualified in and for said County, appeared KEVIN JAMES personally known by me to be an owner of Echo Hills ALMC, L.L.C., a limited liability company, and the identical person whose name is affixed to the foregoing Permit, and acknowledged the execution thereof to be his voluntary act and deed and the voluntary act and deed of said company.

WITNESS my hand and Notarial Seal the day and year last above written.

Theresa A. Trautman
Notary Public



ECHO HILLS REPLAT FOUR

LOTS 1, 2, 3 AND 4

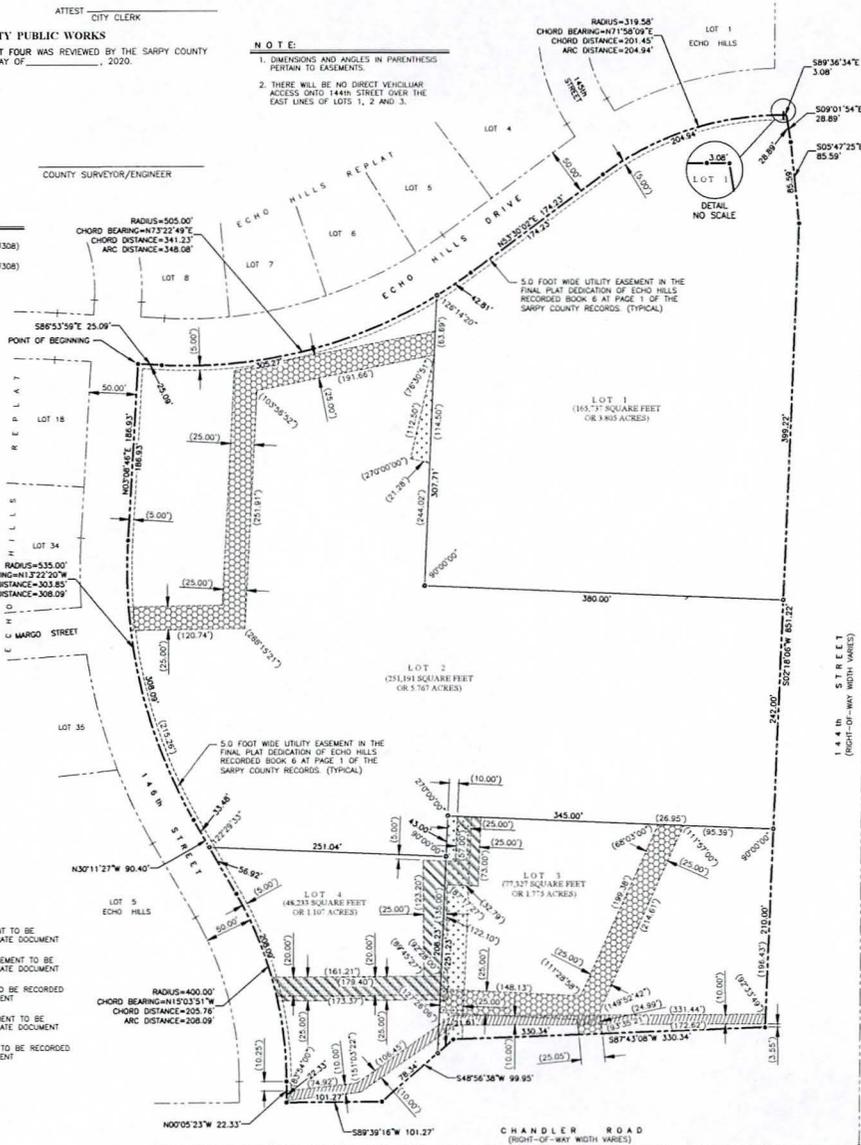
BEING A REPLATING OF PART LOT 3, ECHO HILLS, A SUBDIVISION IN THE SE 1/4 OF THE NE 1/4 OF SECTION 14, T14N, R11E OF THE 6th P.M., SARPY COUNTY, NEBRASKA.

ACCEPTANCE BY LA VISTA COUNCIL
THIS PLAT OF ECHO HILLS REPLAT FOUR WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA ON THIS _____ DAY _____, 2020, IN ACCORDANCE WITH THE STATE STATUTES OF NEBRASKA.

MAYOR _____ ATTEST _____ CITY CLERK
REVIEW BY SARPY COUNTY PUBLIC WORKS
THIS PLAT OF ECHO HILLS REPLAT FOUR WAS REVIEWED BY THE SARPY COUNTY SURVEYORS OFFICE THIS _____ DAY OF _____, 2020.

NOTE:
1. DIMENSIONS AND ANGLES IN PARENTHESES PERTAIN TO EASEMENTS.
2. THERE WILL BE NO DIRECT VEHICULAR ACCESS INTO 144th STREET OVER THE EAST LINES OF LOTS 1, 2 AND 3.

LEGEND
● CORNERS FOUND (5/8" IRON W/CAP #308)
● CORNERS SET (5/8" IRON W/CAP #308)
R RECORDED DISTANCE
M MEASURED DISTANCE



SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, REGISTERED IN COMPLIANCE WITH THE LAWS OF THE STATE OF NEBRASKA, AND THAT THIS PLAT MEETS OR EXCEEDS THE "MINIMUM STANDARDS FOR SURVEYS" ADOPTED BY THE NEBRASKA STATE BOARD OF EXAMINERS FOR LAND SURVEYORS. FURTHER, I HEREBY CERTIFY THAT I HAVE MADE A BOUNDARY SURVEY OF THE SUBDIVISION DESCRIBED HEREIN AND THAT PERMANENT MARKERS WILL BE SET AT ALL LOT CORNERS, ANGLE POINTS AND AT THE ENDS OF ALL CURVES WITHIN THE SUBDIVISION TO BE KNOWN AS ECHO HILLS REPLAT FOUR, LOTS 1, 2, 3 AND 4 BEING A REPLATING OF PART OF LOT 3, ECHO HILLS, A SUBDIVISION IN SARPY COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS, BEGINNING AT THE NW CORNER OF SAID LOT 3;

THENCE S88°53'59"E (ASSUMED BEARING) 25.09 FEET ON THE NORTH LINE OF SAID LOT 3;
 THENCE NORTHEASTERLY ON THE NORTH LINE OF SAID LOT 3 ON A 505.00 FOOT RADIUS CURVE TO THE LEFT, CHORD BEARING N73°22'49"E, CHORD DISTANCE 341.23 FEET; AN ARC DISTANCE OF 348.08 FEET;
 THENCE N53°30'02"E 174.23 FEET ON THE NORTH LINE OF SAID LOT 3;
 THENCE NORTHEASTERLY ON THE NORTH LINE OF SAID LOT 3 ON A 319.58 FOOT RADIUS CURVE TO THE RIGHT, CHORD BEARING N71°58'09"E, CHORD DISTANCE 201.45 FEET; AN ARC DISTANCE OF 204.94 FEET;
 THENCE S89°36'34"E 3.08 FEET ON THE NORTH LINE OF SAID LOT 3 TO THE WEST LINE OF HIGHWAY 50;
 THENCE S09°01'54"E 28.89 FEET ON THE WEST LINE OF HIGHWAY 50;
 THENCE S05°47'25"E 85.59 FEET ON THE WEST LINE OF HIGHWAY 50;
 THENCE S88°53'59"E 25.09 FEET ON THE WEST LINE OF HIGHWAY 50 TO THE NORTH LINE OF CHANDLER ROAD;
 THENCE S87°43'08"W 330.34 FEET ON THE NORTH LINE OF CHANDLER ROAD;
 THENCE S48°56'38"W 99.95 FEET ON THE NORTH LINE OF CHANDLER ROAD TO THE SOUTH LINE OF SAID LOT 3;
 THENCE S89°39'16"W 101.27 FEET ON THE SOUTH LINE OF SAID LOT 3 TO THE SW CORNER THEREOF;
 THENCE N07°05'23"W 22.33 FEET ON THE WEST LINE OF SAID LOT 3;
 THENCE NORTHWESTERLY ON THE WEST LINE OF SAID LOT 3 ON A 400.00 FOOT RADIUS CURVE TO THE LEFT, CHORD BEARING N15°03'51"W, CHORD DISTANCE 205.76 FEET, AN ARC DISTANCE OF 208.09 FEET;
 THENCE N30°11'27"W 90.40 FEET ON THE WEST LINE OF SAID LOT 3;
 THENCE NORTHWESTERLY ON THE WEST LINE OF SAID LOT 3 ON A 535.00 FOOT RADIUS CURVE TO THE RIGHT, CHORD BEARING N13°22'20"W, CHORD DISTANCE 303.85 FEET, AN ARC DISTANCE OF 308.09 FEET;
 THENCE N03°08'46"E 186.93 FEET ON THE WEST LINE OF SAID LOT 3 TO THE POINT OF BEGINNING.

CONTAINING 12.454 ACRES MORE OR LESS



JANUARY 25, 2020
DATE:
JAMES D. WARNER
NEBRASKA RLS 308

OWNER'S CERTIFICATE

WE THE UNDERSIGNED OMAHA COMMUNITY FOUNDATION, INC., A NEBRASKA CORPORATION OWNERS OF THE REAL ESTATE SHOWN AND DESCRIBED HEREIN, DO HEREBY CERTIFY THAT WE HAVE Laid OUT, PLATTED AND SUBDIVIDED, AND DO HEREBY LAY OUT, PLAT AND SUBDIVIDE, SAID REAL ESTATE IN ACCORDANCE WITH THIS PLAT.

THIS SUBDIVISION SHALL BE KNOWN AND DESIGNATED AS ECHO HILLS REPLAT FOUR.

ALL STREETS AND ALLEYS SHOWN AND NOT HERETOFORE DEDICATED ARE HEREBY DEDICATED TO THE PUBLIC UNLESS SPECIFICALLY NOTED HEREIN. OTHER PUBLIC LANDS SHOWN AND NOT HERETOFORE DEDICATED ARE HEREBY RESERVED FOR PUBLIC USE.

CLEAR TITLE TO THE LAND CONTAINED IN THIS PLAT IS GUARANTEED.

THERE ARE STRIPS OF GROUND SHOWN OR DESCRIBED ON THIS PLAT AND MARKED EASEMENT, RESERVED FOR THE USE OF PUBLIC UTILITIES AND SUBJECT TO THE PARAMOUNT RIGHT OF UTILITY OR CITY TO INSTALL, REPAIR, REPLACE AND MAINTAIN ITS INSTALLATIONS.

OMAHA COMMUNITY FOUNDATION
A NEBRASKA CORPORATION

BY: _____
MATTHEW DARLING, INTERIM PRESIDENT

ACKNOWLEDGEMENT OF NOTARY

STATE OF NEBRASKA
COUNTY OF SARPY

ON THE _____ DAY OF _____, 2020, BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, DULY COMMISSIONED AND QUALIFIED IN AFORESAID COUNTY PERSONALLY APPEARED MATTHEW DARLING, INTERIM PRESIDENT OF OMAHA COMMUNITY FOUNDATION, INC., A NEBRASKA CORPORATION, KNOWN BY ME TO BE THE IDENTICAL PERSON WHOSE NAME IS AFFIXED TO THE DEDICATION ON THIS PLAT AND ACKNOWLEDGED THE EXECUTION THEREOF TO BE HIS VOLUNTARY ACT AND DEED ON BEHALF OF SAID CORPORATION.

NOTARY PUBLIC _____

COUNTY TREASURER'S CERTIFICATIONS

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

COUNTY TREASURER'S _____ DATE _____

TREASURER'S SEAL

APPROVAL OF THE PLANNING COMMISSION OF LA VISTA, NEBRASKA

THIS PLAT OF ECHO HILLS REPLAT FOUR WAS APPROVED BY THE LA VISTA PLANNING COMMISSION THIS _____ DAY _____, 2020.

CHAIRPERSON, LA VISTA PLANNING COMMISSION _____



thompson, dreessen & dornier, inc.
10836 Old Mill Rd
Omaha, NE 68154
p-402.330.8860 f-402.330.5866
td2co.com

Exhibit A

ECHO HILLS REPLAT FOUR
LOTS 1, 2, 3 AND 4



Revison Dates

No.	Description	MM-DD-YY

Job No.: A2142-102-2A
 Drawn By: RJR
 Reviewed By: JDW
 Date: JANUARY 25, 2020
 Book: 19/25
 Pages: 33-35

Sheet Title
CITY OF LA VISTA
FINAL PLAT

Sheet Number



thompson, dressen & dornier, inc.
10836 Old Mill Rd
Omaha, NE 68154
p.402.330.8950 www.td2co.com

Echo Hills Replat 4
Lots 1 - 4

Exhibit B

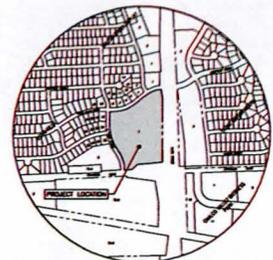
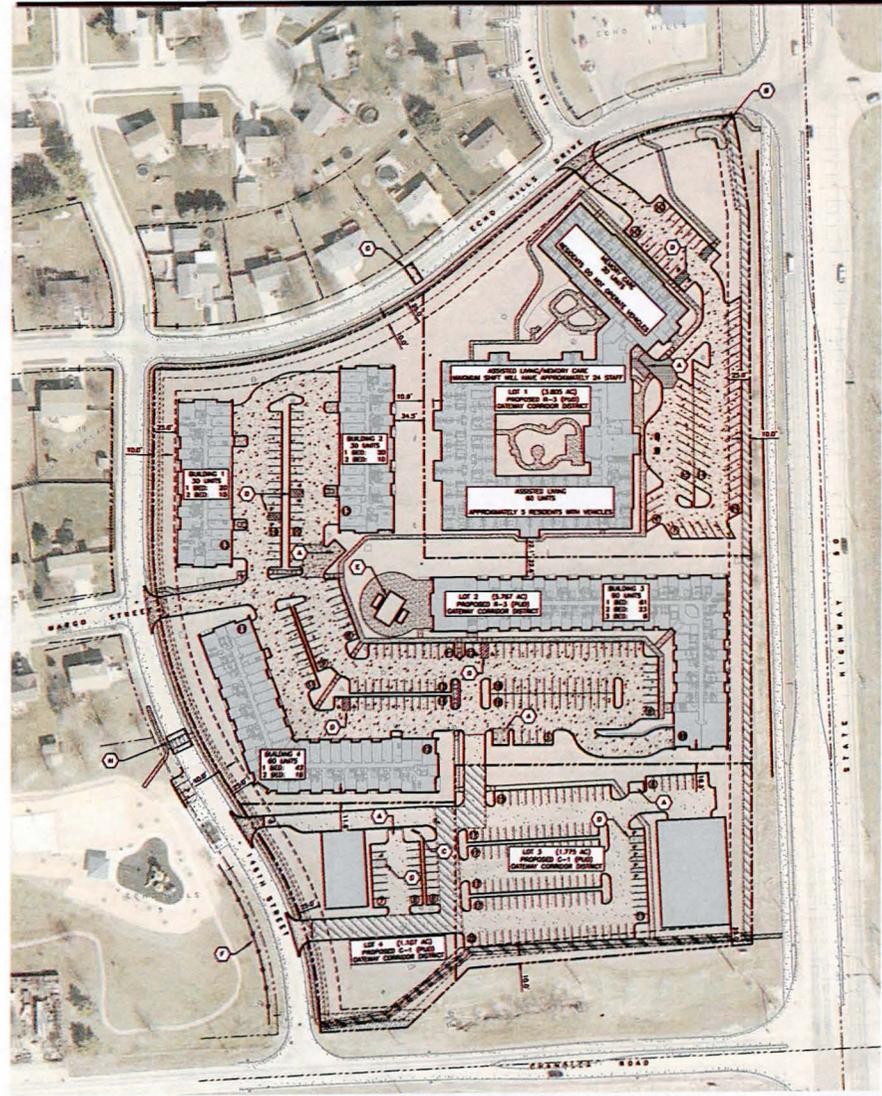
West Management
L.L.C.

No.	Description	MM-DD-YY
1	Checked for City Comments	10-20-20
2	Checked for Public Comments	06-13-20
3	Checked for Planning Dept.	10-20-20
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		

Drawn By TDV Reviewed By JAD
Job No. 2142-102 Date: 11.04.19

PUD
Site Plan

C1.0



VICINITY MAP

SITE KEY NOTES

- A. WITH ENCLOSURE LOCATION
- B. RETIRED SIGN LOCATION
- C. SIGN TOWER SIGN LOCATION
- D. PROPOSED ADA STAIRS
- E. PROPOSED POOL LOCATION
- F. PROPOSED FENCE LOCATION
- G. PROPOSED SPEED HUMP
- H. PROPOSED SPEED TABLE & PEDESTRIAN CROSSING

LEGAL DESCRIPTION

ECHO HILLS REPLAT 4, LOTS 1-4, BEING A REPLAT OF LOT 3, ECHO HILLS, A SUBDIVISION IN DAWSON COUNTY, NEBRASKA.

LEGEND

- PROPOSED P.C.E. PAVEMENT
- PROPOSED P.C.E. SIDEWALK
- PROPOSED SIGNATURE SIGN MOUNTAGE
- PARCEL BOUNDARY
- PROPOSED LOT LINES
- BUILDING FOOTPRINT
- LANDSCAPE SCENE
- PROPOSED ACCESS EASEMENT
- PROPOSED WHEELWELL EASEMENT
- PERMANENT SIGNATURE SIGN MOUNTAGE AS SHOWN ON THE FINAL PLAN OF ECHO HILLS
- UTILITY EASEMENT GRANTED TO DAWSON PUBLIC POWER DISTRICT AND DAWSON COUNTY IN THE FINAL PLAN OF ECHO HILLS
- EASEMENT AND RIGHT-OF-WAY GRANTED TO NEBRASKA POWER SYSTEMS COMPANY IN THE FINAL PLAN OF ECHO HILLS
- EASEMENT AND RIGHT-OF-WAY GRANTED TO NEBRASKA POWER SYSTEMS COMPANY IN THE FINAL PLAN OF ECHO HILLS

BUILDING HEIGHT			
LOT NUMBER	BUILDING NUMBER/NAME	STORIES	HEIGHT
1	ASSISTED LIVING MEMORY CARE	2	30'
2	BUILDING 1	3	45' MAX
	BUILDING 2	3	45' MAX
	BUILDING 3	3	45' MAX
	BUILDING 4	3	45' MAX
3	RETAIL	1	20'-0"
4	RETAIL	1	20'-0"

SITE STATISTICS										
LOT NUMBER	PROPOSED ZONING	LOT SIZE (SF/AC)	BUILDING COVERAGE (SF)	BUILDING COVERAGE (%)	GROSS FLOOR AREA (SF)	PAVEMENT AREA (SF)	TOTAL IMPERVIOUS (SF)	TOTAL IMPERVIOUS (%)	OPEN SPACE (SF)	TOTAL OPEN SPACE (%)
LOT 1	R-4 (PUD) GATEWAY CORNER DISTRICT	161,707 SF / 3.696 AC	41,574	26%	133,432 SF	38,500	99,716	61%	41,544	26%
LOT 2	R-4 (PUD) GATEWAY CORNER DISTRICT	231,181 SF / 5.292 AC	81,500	35%	237,800 SF	86,857	177,987	76%	73,127	31%
LOT 3	G-1 (PUD) GATEWAY CORNER DISTRICT	77,225 SF / 1.774 AC	9,650	12%	9,650 SF	44,150	63,790	72%	20,628	27%
LOT 4	G-1 (PUD) GATEWAY CORNER DISTRICT	44,223 SF / 1.012 AC	5,240	12%	5,240 SF	16,170	24,410	55%	23,725	54%

PARKING SUMMARY			
LOT NUMBER	PARAMETERS	REQUIRED STALLS	PROVIDED STALLS
1	88 ASSISTED LIVING UNITS & 20 MEMORY CARE UNITS	88 + 24 EMPLOYEES**	92
2	218 UNITS	198 COVERED	137
	283 BEDROOMS	283	309
3	18,400 SF INCLUDES OUTDOOR SEATING	154 + EMPLOYEE	124
4	4,200 SF	21	23

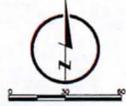
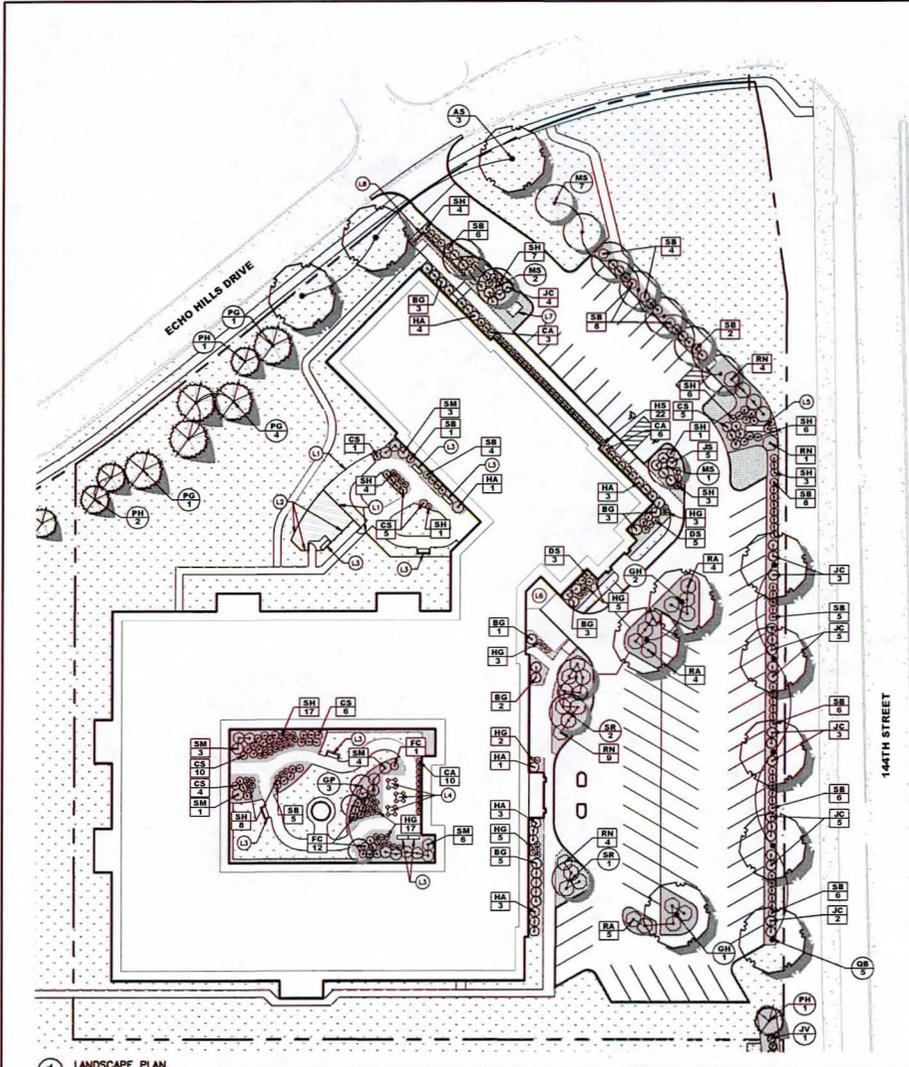
PHASING INFORMATION		
PHASE NUMBER	LOT NUMBER	PROPOSED USE
PHASE 1	LOT 1	ASSISTED LIVING
PHASE 2	LOT 2	MULTIFAMILY
PHASE 3	LOT 3	COMMERCIAL
PHASE 4	LOT 4	COMMERCIAL

11/19/2020 8:58 AM JOB: 201910101212 - Assembly Site - Production Company: 0112-102 - West Street - Lot 3 - Echo Hills (replating) - Project: 0112-102 - PUD - 01-11-2019

Operating Statement

Echo Hills Assisted Living and Memory Care

The Echo Hills Assisted Living and Memory Care project will include an 80 unit assisted living and memory care facility consisting of a two-story, 60 unit assisted living building with a one-story wing that will include 20 memory care units. All the units will be rented at market rates and will include 24-hour nursing care for residents that will be tailored to their specific needs. A private courtyard, library, exercise room, daily dining, and shuttle service will be provided for the assisted living residents, while the memory care facility will include a private yard for its residents and controlled access. A total of 10 to 15 full time and part time administrative, nursing, nutrition, and property management positions will be required to operate the facility at any one time. A total of approximately 40 staff will be employed. The property will be managed by MJ Senior Housing, which currently manages several similar facilities in Omaha, Lincoln, and across eastern Nebraska. The facility will be staffed with an Executive Director who will oversee the operations on a daily basis and facilities staff will be available 24 hours a day for any maintenance concerns. The project will be a class A facility and we expect to be 95% full within 18 months of opening. Construction is targeted to start in fall of 2020 and open up in early 2022.



- LANDSCAPE KEYNOTES**
- 1.1 6' HEIGHT WHITE VINYL FENCE
 - 1.2 4' HEIGHT WHITE VINYL FENCE
 - 1.3 6' WIDTH BENCH
 - 1.4 48" WIDTH TABLE WITH (4) MOVABLE CHAIRS
 - 1.5 PROPOSED SIGN
 - 1.6 TRASH ENCLOSURE. REFER TO ARCHITECTURAL PLANS FOR ADDITIONAL INFORMATION.
 - 1.7 ELECTRICAL EQUIPMENT. REFER TO ELECTRICAL PLANS FOR ADDITIONAL INFORMATION.
 - 1.8 RETAINING WALL. REFER TO CIVIL PLANS FOR ADDITIONAL INFORMATION.

1 LANDSCAPE PLAN

PLANT SCHEDULE

CODE	BOTANICAL NAME	COMMON NAME	PLANTING SIZE	HEIGHT	WIDTH
DECIDUOUS TREES					
AS	ACER NYRARDI 'STATE STREET'	STATE STREET MAPLE	2.5" CAL	40	40
GH	GLEDITSIA TRICANTHOS VAR. 'NINAUS VILKAY'	HALKA HONEYLOCUST	2.5" CAL	40	40
GP	GRINCOB BELODA 'PRINCETON SENTRY'	PRINCETON SENTRY GRINCOB	2.5" CAL	40	15
QR	QUERCUS BICOLOR	SWAMP WHITE OAK	2.5" CAL	60	60
NS	MALUS 'SNOWDRIFT'	SNOWDRIFT CRABAPPLE	2.5" CAL	15-20	20-25
SR	SYRINGA RETICULATA	JAPANESE TREE LILAC	2.5" CAL	20-25	15-20
CONIFEROUS TREES					
CV	JUNIPERUS VIRGINIANA 'TAYLOR'	TAYLOR JUNIPER	6" HT	25	3
PG	PICEA GLAUCA	BLACK HILLS SPRUCE	6" HT	25	15
PH	PINUS HELDREICHII	BOZEMAN PINE	6" HT	40	10
SHRUBS AND PERENNIALS					
CODE	BOTANICAL NAME	COMMON NAME	PLANTING SIZE	HEIGHT	WIDTH
SB	SPYRAEA BETULIFOLIA 'TOR'	BROOKLEAF SPYRAEA	5 GAL	2-3	2-3
SM	SYRINGA MEYERI 'PALSHI'	DMARY KOREAN LILAC	5 GAL	4-5	3-4
CS	CORNUS STOLONIFERA 'FARROW'	ARCTIC FIRE DOGWOOD	5 GAL	3-4	3-4
BO	BULGUS 'GREEN VELVET'	GREEN VELVET BOXWOOD	5 GAL	3-4	3-4
JC	JUNIPERUS CHINENSIS 'SEA GREEN'	SEA GREEN JUNIPER	5 GAL	4-6	4-6
JS	JUNIPERUS SABINA 'BUFFALO'	BUFFALO JUNIPER	5 GAL	1	6-8
CA	CALAMAGROSTIS X ACUTIFLORA 'WARRIOR'	FEATHER REED GRASS	1 GAL	2-3	2-3
SH	SPOROBOLLUS HETEROLEPIS	PRAIRIE DROPSIDE	1 GAL	2-3	2-3
RA	RHUS AROMATICA 'GRO-LOW'	GRO-LOW SUMAC	5 GAL	2-3	6-8
RH	ROSA X 'WALDESA'	FLOWER CARPET YELLOW ROSE	5 GAL	3-3	3-4
FC	FORSYTHIA X 'COURTASOL'	GOLD TEE FORSYTHIA	5 GAL	1-2	4
HA	HYDRANGEA AMBORESCENS 'ANNABELLE'	ANNABELLE HYDRANGEA	5 GAL	4-5	4-5
HD	HOSTA 'GUACAMOLE'	GUACAMOLE HOSTA	1 GAL	1.5-2	3-3.5
DS	DICENTRA SPECTABILIS 'HORDANA'	VALENTINE BLEEDING HEART	1 GAL	2.5-3	3-3.5

SURFACE RESTORATION SCHEDULE

	SPREADED HARDWOOD MULCH - INSTALL TO MINIMUM 3" DEPTH. SUBMIT SAMPLE TO OWNER'S REPRESENTATIVE PRIOR TO INSTALLATION.
	LAWN SOD - RTF TURF TYPE FESCUE BY TODD VALLEY FARMS (WWW.TODDVALLEYFARMS.COM) OR APPROVED EQUAL. INSTALL PER SUPPLIER'S SPECIFICATIONS. REMOVE NETTING PRIOR TO INSTALLATION. ALL AREAS RECEIVING RTF TURF TYPE FESCUE SHALL HAVE CONDITIONED SOILS.
	STONE GROUNDCOVER - 2" - 4" RIVER ROCK GROUNDCOVER WITH GEOTEXTILE UNDERLAMENT. INSTALL TO A MINIMUM 6" DEPTH. SUBMIT SAMPLE TO OWNER'S REPRESENTATIVE PRIOR TO INSTALLATION.
	RUBBER MULCH GROUNDCOVER - INSTALL TO MINIMUM 3" DEPTH. SUBMIT SAMPLE TO OWNER'S REPRESENTATIVE PRIOR TO INSTALLATION.

LAMP RYNEARSON

14710 W. DODGE RD. STE. 100
OMAHA, NE 68154
402.498.2888
LAMP@LAMPRI.COM

PRELIMINARY

NOT RELEASED FOR CONSTRUCTION
D:\2020\11\28\11-28-2020\11-28-2020.LAM

PLANNED UNIT DEVELOPMENT
LANDSCAPE PLAN

ECHO HILLS ASSISTED LIVING AND MEMORY CARE
LA VISTA, NEBRASKA

811 Know what's below. Call before you dig.

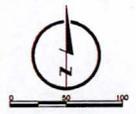
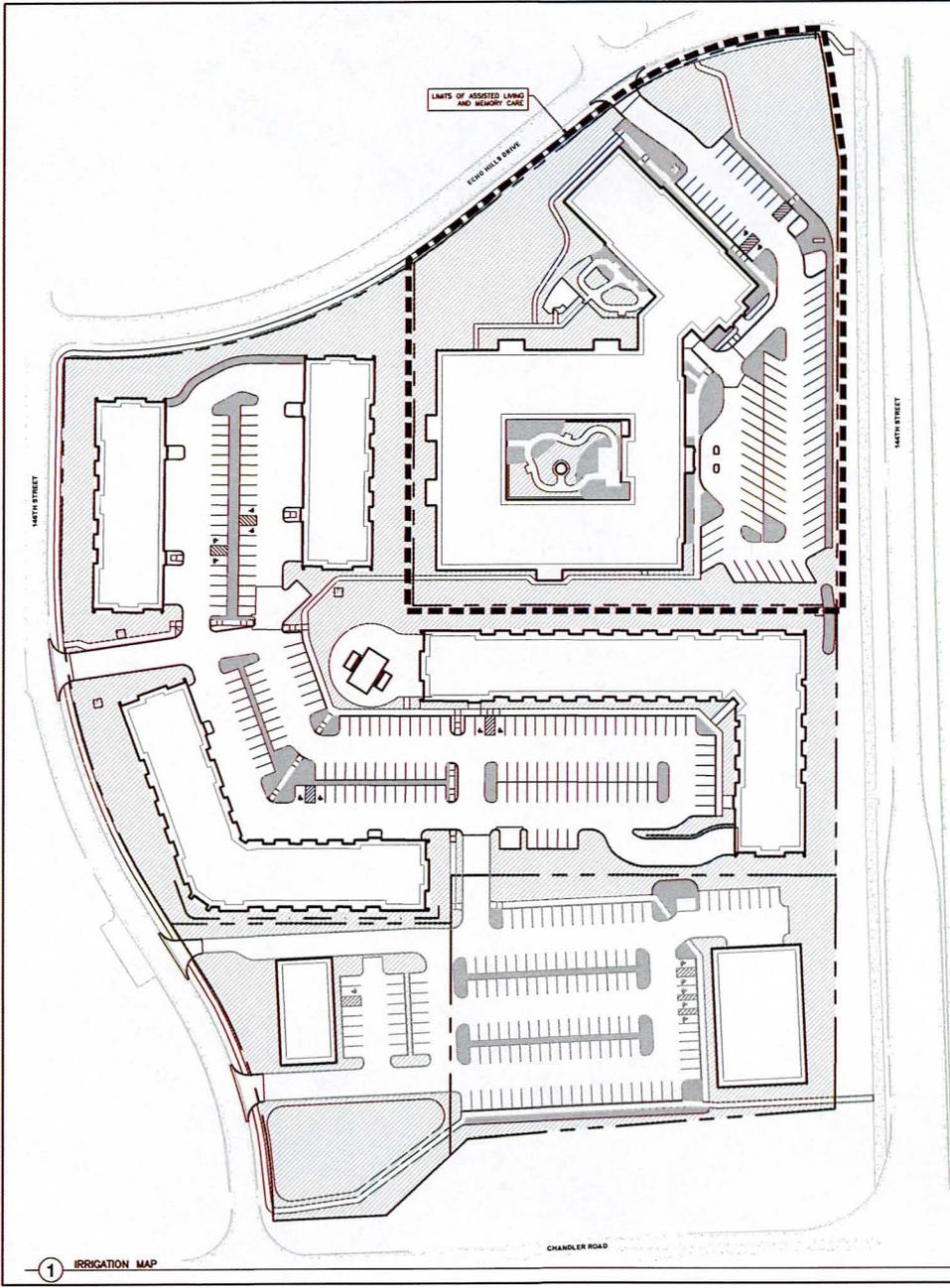
NEBRASKA
811
Know what's below.
Call before you dig.

DESIGNER / CHAPTER
JACQUET R. FERJUS
DATE
MAY 22, 2020
PROJECT NUMBER
0100013
BOOK AND PAGE

SHEET

L1.1

14715 W. DODGE RD., STE. 100
OMAHA, NE 68154
402.488.2800
LampRyneaSon.com



-  - DRIP IRRIGATION (MULCHED PLANTING BEDS)
-  - SPRAY IRRIGATION (TURF GRASS AREAS)

**LAMP
RYNEARSON**

14715 W. DODGE RD., STE. 100
OMAHA, NE 68154
402.488.2800
LampRyneaSon.com

PRELIMINARY

NOT RELEASED FOR CONSTRUCTION
JACOBNEY R. FENOLIS
05-2020

PLANNED UNIT DEVELOPMENT
OVERALL IRRIGATION MAP

ECHO HILLS ASSISTED LIVING AND MEMORY CARE
LA VISTA, NEBRASKA

811
Know what's below.
Call before you dig.

DESIGNER / CHAPTER	JACOBNEY R. FENOLIS
DATE	MAY 22, 2020
PROJECT NUMBER	8120015
SHEET	BOOK AND PAGE

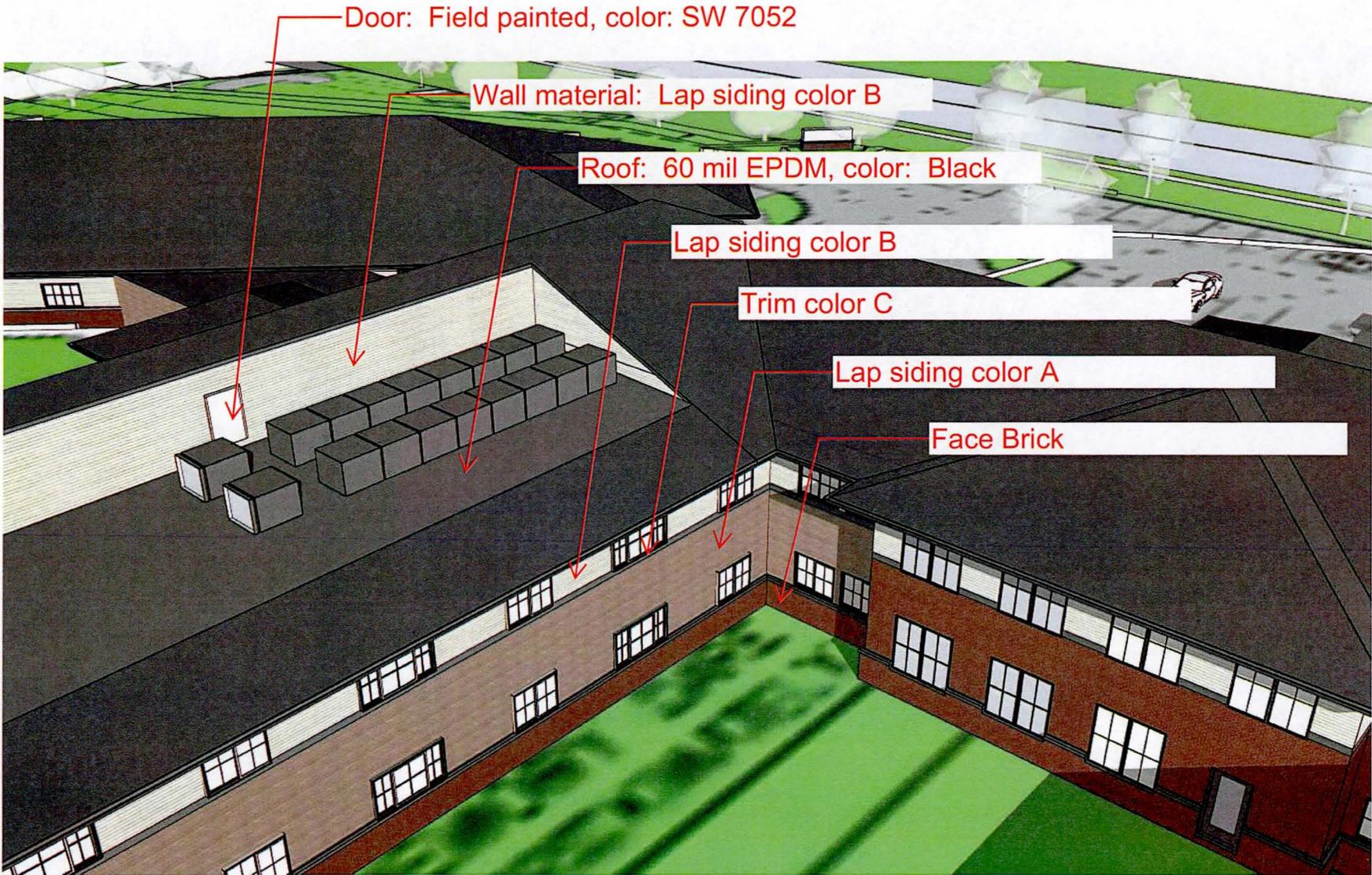
SHEET
L1.2



ILLUMINANCE [FC]			
Label	Avg	Max	Min
NE VERT	0.00	0.0	0.0
NW VERT	0.01	0.1	0.0
S&S	0.34	9.9	0.0
SW VERT	0.00	0.0	0.0
W VERT	0.00	0.0	0.0

ECHO HILLS
 SITE PHOTOMETRICS
 SCALE: 1" = 40'-0" ON 30X42

Exhibit E



Door: Field painted, color: SW 7052

Wall material: Lap siding color B

Roof: 60 mil EPDM, color: Black

Lap siding color B

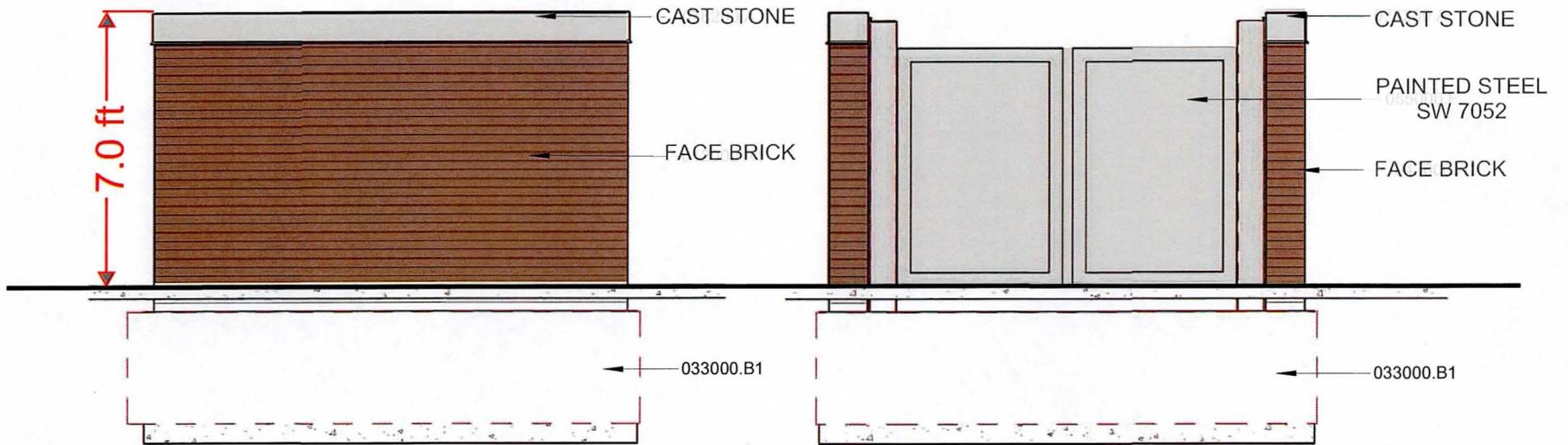
Trim color C

Lap siding color A

Face Brick

MATERIALS IN COURTYARD & MECHANICAL AREA

SUPPLEMENTAL INFORMATION



TRASH ENCLOSURE
SUPPLEMENTAL INFORMATION

CITY OF LAVISTA
CONDITIONAL USE PERMIT

**Conditional Use Permit for Multiple Family Dwellings
(Echo Hills Apartments)
Lot 1 Echo Hills Replat Five**

This Conditional Use Permit is issued this ____ day of _____ 2022 by the City of La Vista, a municipal corporation in Sarpy County, Nebraska ("City") to Echo Hills Apartments, LLC, a limited liability company authorized to do business in Nebraska ("Owner"), pursuant to the La Vista Zoning Ordinance.

WHEREAS, Owner was granted a Conditional Use Permit by the City Council of the City of La Vista on April 21, 2020 to construct and operate a multiple family dwelling complex to be known as the Echo Hills Apartments (now known as the Echo Park Apartments) upon Lot 2 Echo Hills Replat Four, a subdivision in Sarpy County, Nebraska; and

WHEREAS, Owner has applied for an amended Conditional Use Permit for the purpose of constructing and operating additional multiple family dwelling units as part of the Echo Park Apartment Complex on Lots 3 and 4 Echo Hills Replat Four, being combined with Lot 2 Echo Hills Replat Four through a replatting process to be Lot 1 Echo Hills Replat Five, a subdivision in Sarpy County, Nebraska (the "Property") as depicted in Exhibit "A" the final plat; and

WHEREAS, the Mayor and City Council of the City of La Vista are agreeable to the issuance of a Conditional Use Permit to the Owner for such purposes, subject to certain conditions and agreements as hereinafter provided (the "Permit").

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

Conditions of the Permit

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

1. Development and operation on the Property is governed by this Permit. The rights granted by this Permit are transferable and any material breach hereof shall cause Permit to expire and terminate, subject to the rights of the Owner to cure such default or deficiency as set forth in this Permit.
2. In respect to the proposed Uses:
 - a. The site plan (the "Site Plan") showing the Property's boundaries, all existing and proposed easements, proposed structures, parking, access points, and drives, is attached hereto and incorporated herein as Exhibit " B ".
 - b. Operations on the property will be limited to and carried out in accordance with the Operational Statement attached as Exhibit "C" and incorporated into this permit by reference.
 - c. Architectural review of the building design, landscaping, and lighting must be completed prior to issuance of building permits, and the foregoing plans are approved as shown in Exhibits " D " through " F ".
 - d. The Property shall be developed and maintained in accordance with the Site Plan and all other Exhibits of this Agreement, as well as the final plat of Lots 1-4 Echo Hills Replat Four ("Final Plat"), Planned Unit Development Plan ("PUD") and Subdivision Agreement applicable to the Property,

("Subdivision Agreement"), as approved by the City and incorporated herein by this reference. Any modifications to the Site Plan must be submitted to the Chief Building Official for approval. Modification of any other document or Exhibit shall be subject to approval of the City, as directed by the City Administrator, unless otherwise expressly provided in the document or Exhibit to be modified.

- e. All signage, including without limitation design, location, placement and dimensions, shall be subject to approval of the Community Development Department, per the La Vista Zoning Ordinance.
 - f. As-built topographic surveys of the storm water detention areas constructed in accordance with the Subdivision Agreement shall be provided to the City before certificates of occupancy are issued for any completed building on the Property, with a requirement that any variances from the approved detention plans be corrected, or certified as inconsequential, to the satisfaction of the City Engineer prior to issuing such certificates.
 - g. No vehicle repair (other than emergency maintenance such as changing a tire), inoperable or abandoned vehicles, or storage of vehicles shall be allowed in the parking areas on the Property shown on Exhibit "B". The Owner shall have seventy-two (72) hours after notice from the City or other appropriate political subdivision to correct any violation or cause the removal of any such vehicle that is in violation.
 - h. Owner shall obtain all required permits for the Uses from the City of La Vista.
 - i. Owner shall comply (and shall ensure that all structures, appurtenances and improvements on the Property at any time comply) with any applicable federal, state and/or local laws, rules or regulations, as amended or in effect from time to time, including, but not limited to, applicable building codes, fire codes, ADA requirements, and environmental or safety laws, rules or regulations.
 - j. Owner hereby indemnifies the City against, and holds the City harmless from, any liability, loss, claim or expense whatsoever (including, but not limited to, reasonable attorney fees and court cost) arising out of or resulting from the acts, omissions or negligence of the Owner or its agents, employees, assigns, suppliers or invitees relating to the Owner's Uses of the Property, including, but not limited to, any liability, loss, claim or expense arising out of or resulting from any violations of any applicable environmental or safety law, rule or regulation but excluding any liability, loss, claim or expense proximately caused by the sole negligence of the City.
 - k. A drainage study for the Property has been completed, as referenced in the Subdivision Agreement, with respect to the proposed Uses on Lot 1 Echo Hills Replat Four and Lot 1 Echo Hills Replat Five. Owner agrees to comply with requirements related to drainage that are specified in said Subdivision Agreement.
 - m. Owner shall ensure that the leasing and business office on the property will be staffed during normal business hours.
 - n. If at any time any part of Lot 1 Echo Hills Replat Five is owned by any person or entity other than Owner, all owners shall cooperate and coordinate to carry out Subdivider (as "Subdivider" is defined in the Subdivision Agreement) obligations under the Subdivision Agreement.
 - o. There shall not be any outside storage of materials. All trash receptacles, benches and planters shall be placed on property and securely fastened to building or concrete. Trash dumpsters shall be placed with a trash enclosure of six feet in height and screened accordingly.
 - p. Landscaping requirements from Section 7.17 of the City of La Vista Zoning Ordinance shall be satisfied and maintained in accordance with the approved landscaping plan (Exhibit "D") and the requirements of the Gateway Corridor District.
 - q. The coffee shop or commercial tenant intended to occupy the 1,800 square foot commercial bay in the southwest corner of apartment building #5 must be approved by the Community Development Department prior to lease execution or occupancy so that the potential for vehicles stacking into the public street from the drive-through can be evaluated.
3. The Owner's right to maintain the Uses of the Property, as contemplated by this Permit, shall be based on the following conditions:

- a. An annual inspection to determine compliance with the conditions of this Permit. The Permit may be revoked (with respect to a particular Use) only upon a finding by the City that there is a material violation of the material terms of this Permit if the violation occurs after written notice from the City to Owner and opportunity to cure in the time and manner described below.
 - b. Construction will be in accordance with the City Building Code. Time limitation for building permits shall be in accordance with the City Building Code. Extensions shall be requested in writing and justifiable cause demonstrated.
 - c. All obsolete or unused structures, accessory facilities or materials with an environmental or safety hazard shall be abated and/or removed from the Property at Owner's expense within twelve (12) months of cessation of the Use of the Property as related to said structures, facilities or materials.
4. Notwithstanding any other provision herein to the contrary, this Permit, and all rights granted hereby, shall expire and terminate as to a Permitted Use hereunder upon the first of the following to occur:
- a. Owner's abandonment of the Permitted Use. There shall be a presumption that the project on the Property has been abandoned if the Owner fails to commence construction of the buildings within the time provided by Section 4(b) above.
 - b. Cancellation, revocation, denial or failure to maintain any federal, state or local permit required for the Uses, and such cancellation, revocation denial or failure to maintain any federal, state or local permit required for the use is not cured in the time and manner described below, so long as curative rights are provided under laws, rules and regulations governing said permit.
 - c. Owner's construction or placement of a storage tank, structure or other improvement on the Property, (except during construction of any phase of the project) not specified in this Permit and Owner's failure to cure such breach in the time and manner described below after City's giving notice thereof.
 - d. Owner's breach of other terms hereof and its failure to cure such breach in the time and manner set forth below.
5. If construction of the improvements on the Property has not been commenced within twelve (12) months from the date of this Permit, this Permit shall be null and void and all rights hereunder shall lapse; provided, however, Owner shall have the right to file for an extension of time pursuant to the La Vista Zoning Ordinance.
6. If the Owner upon the expiration or termination of this Permit fails to promptly remove any remaining safety, environmental or other hazard or nuisance, the City may at its option (but without any obligation to the Owner or any third party to exercise said option) cause the same to be removed at Owner's cost (including, but not limited to, the cost of any excavation and earthwork that is necessary or advisable in connection with the removal thereof) and the Owner shall reimburse the City the costs incurred to remove the same. Owner hereby irrevocably grants the City, its agents and employees the right, provided notice is furnished to the Owner along with a reasonable time to remove or cure such hazard, to enter the Property and to take whatever action as is necessary or appropriate to remove any such hazards or nuisances in accordance with the terms of this Permit, and the right of the City to enter the Property as may be necessary or appropriate to carry out any other provision of this Permit.
7. If any provision, or any portion thereof, contained in this Permit is held to be unconstitutional, invalid, or unenforceable, the remaining provisions hereof, or portions thereof, shall be deemed severable, shall not be affected, and shall remain in full force and effect.
8. The conditions and terms of this Permit shall constitute covenants running with the land and shall be binding upon, and shall inure to the benefit of, the Owner, its successors and assigns.
9. Delay of City to terminate this Permit on account of breach of Owner of any terms hereof in accordance

with the terms hereof shall not constitute a waiver of City's right to terminate this Permit, unless the City has expressly waived said breach. A waiver of the right to terminate upon any breach shall not constitute a waiver of the right to terminate upon a subsequent breach of the terms hereof, whether said breach be of the same or different nature.

10. Cure Rights. Notwithstanding any other provision of this Permit to the contrary, Owner shall be entitled to written notice and opportunity to cure a breach of this Permit as follows. City will notify the Owner in writing of any breach of this Permit and Owner shall be permitted to cure any breach. Such written notice shall specify the particular conditions giving rise to the breach, and, to the extent known, what actions are required to cure such breach. Cure shall be commenced and completed as soon as possible and in all cases within thirty (30) days after City provides notice of breach; provided, however, in any case that cure cannot be completed within 30 days, additional time will be allowed, so long as cure is commenced within the time required in this Section 10 and diligently pursued and completed as soon as is reasonably possible, and allowing additional time does not substantially increase risk of harm to persons or property. City shall have the right to terminate this Permit if a breach is not timely cured.
11. Nothing herein shall be construed to be a waiver or suspension of, or an agreement on the part of the City to waive or suspend, any zoning law or regulation applicable to the premises except to the extent and for the duration specifically authorized by this Permit.
12. Any notice to be given by City hereunder shall be in writing and shall be sufficiently given if sent by regular mail, postage prepaid, addressed as follows:

To Owner: Echo Hills Apartments, LLC
PO Box 22151
Lincoln, NE 68542

13. All recitals at the beginning of this document and exhibits or other documents referenced in this Permit shall be incorporated herein by reference.
14. Exhibits. The following exhibits are incorporated herein by reference:

Exhibit "A":	Final Plat
Exhibit "B":	Site Plan
Exhibit "C":	Operating Statement
Exhibit "D":	Landscaping Plan
Exhibit "E":	Site Lighting Plan
Exhibit "F":	Elevation Renderings

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

Owner:

Echo Hills Apartments, LLC

By: _____, it's owner

ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA)
)
COUNTY OF _____)

On this _____ day of _____, 2022, before me a Notary Public, duly commissioned and qualified in and for said County, appeared _____ personally known by me to be an owner of Echo Hills Apartments, L.L.C., a limited liability company, and the identical person whose name is affixed to the foregoing Permit, and acknowledged the execution thereof to be his voluntary act and deed and the voluntary act and deed of said company.

WITNESS my hand and Notarial Seal the day and year last above written.

Notary Public

ECHO HILLS REPLAT FIVE

LOT 1

EXHIBIT A



thompson, dreessen & dorner, inc.
10836 Old Mill Rd
Omaha, NE 68154
p.402.330.8860 f.402.330.5866
td2co.com

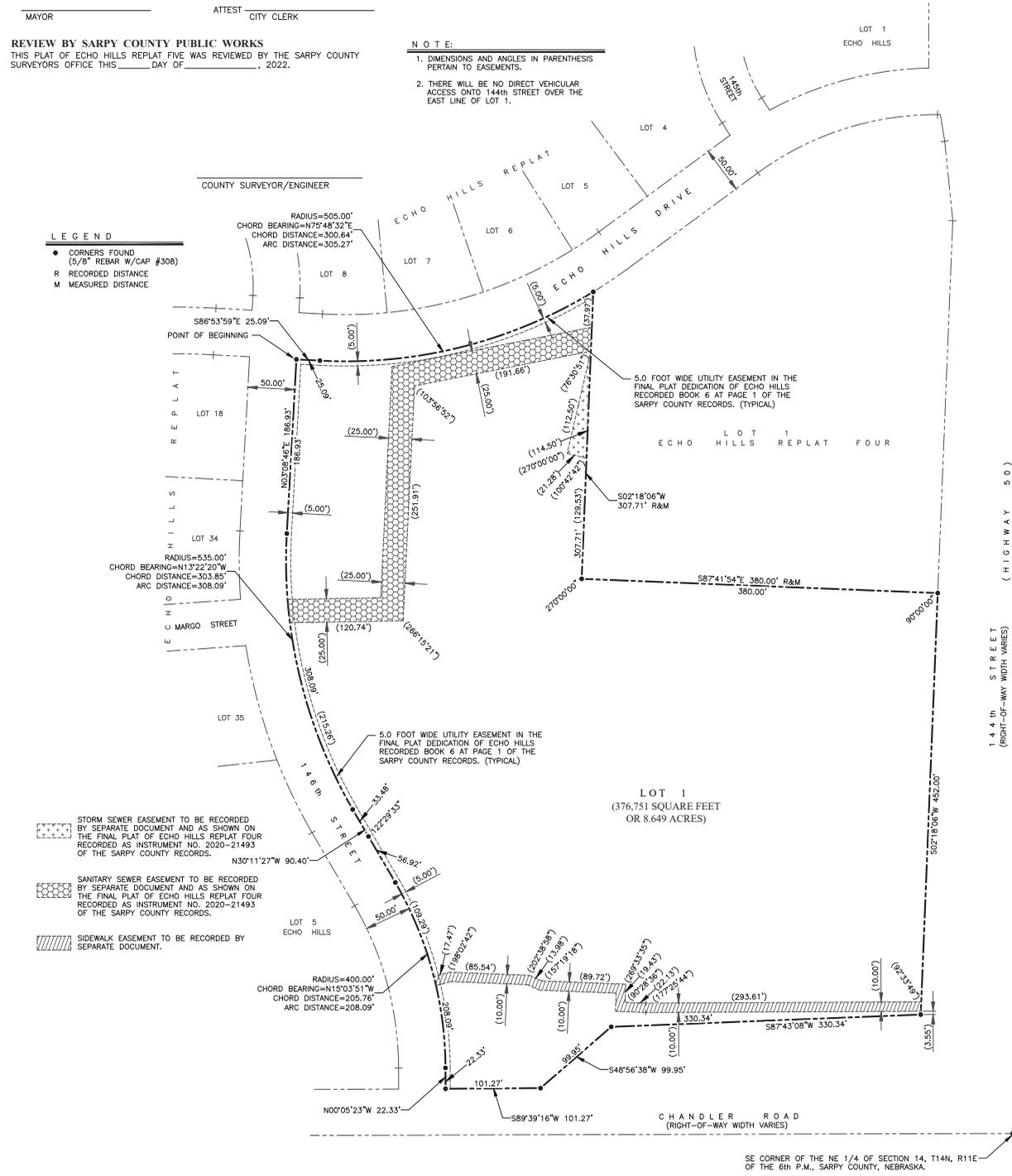
ACCEPTANCE BY LA VISTA COUNCIL

THIS PLAT OF ECHO HILLS REPLAT FIVE WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA ON THIS _____ DAY, _____, 2022, IN ACCORDANCE WITH THE STATE STATUTES OF NEBRASKA.

MAYOR ATTEST CITY CLERK

REVIEW BY SARPY COUNTY PUBLIC WORKS
THIS PLAT OF ECHO HILLS REPLAT FIVE WAS REVIEWED BY THE SARPY COUNTY SURVEYORS' OFFICE THIS _____ DAY OF _____, 2022.

- NOTE:**
- DIMENSIONS AND ANGLES IN PARENTHESES PERTAIN TO EASEMENTS.
 - THERE WILL BE NO DIRECT VEHICULAR ACCESS ONTO 144th STREET OVER THE EAST LINE OF LOT 1.



SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, REGISTERED IN COMPLIANCE WITH THE LAWS OF THE STATE OF NEBRASKA, AND THAT THIS PLAT MEETS OR EXCEEDS THE "MINIMUM STANDARDS FOR SURVEYS" ADOPTED BY THE NEBRASKA STATE BOARD OF EXAMINERS FOR LAND SURVEYORS. FURTHER, I HEREBY CERTIFY THAT I HAVE MADE A BOUNDARY SURVEY OF THE SUBDIVISION DESCRIBED HEREON AND THAT PERMANENT MARKERS WILL BE SET AT ALL LOT CORNERS, ANGLE POINTS AND AT THE ENDS OF ALL CURVES WITHIN THE SUBDIVISION TO BE KNOWN AS ECHO HILLS REPLAT FIVE, LOT 1, BEING A REPLATTING OF LOTS 2, 3 AND 4, ECHO HILLS REPLAT FOUR, A SUBDIVISION IN SARPY COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS, BEGINNING AT THE NW CORNER OF SAID LOT 2:

THENCE S86°53'59"E (ASSUMED BEARING) 25.09 FEET ON THE NORTH LINE OF SAID LOT 2;

THENCE NORTH-EASTERLY ON THE NORTH LINE OF SAID LOT 2 ON A 505.00 FOOT RADIUS CURVE TO THE LEFT, CHORD BEARING N75°48'32"E, CHORD DISTANCE 300.64 FEET; AN ARC DISTANCE OF 305.27 FEET TO THE NE CORNER THEREOF;

THENCE S02°18'06"W 307.71 FEET ON THE EAST LINE OF SAID LOT 2;

THENCE S87°41'54"E 380.00 FEET ON THE NORTH LINE OF SAID LOT 2 TO THE WEST LINE OF SOUTH 144TH STREET (HIGHWAY 50);

THENCE S02°18'06"W 452.00 FEET ON THE WEST LINE OF SOUTH 144TH STREET (HIGHWAY 50) TO THE NORTH LINE OF CHANDLER ROAD;

THENCE S87°43'08"W 330.34 FEET ON THE NORTH LINE OF CHANDLER ROAD;

THENCE S48°56'38"W 99.95 FEET ON THE NORTH LINE OF CHANDLER ROAD TO THE SOUTH LINE OF SAID LOT 4;

THENCE S89°39'16"W 101.27 FEET ON THE NORTH LINE OF CHANDLER ROAD AND ON THE SOUTH LINE OF SAID LOT 4 TO THE SW CORNER THEREOF;

THENCE N00°05'23"W 22.33 ON THE WEST LINE OF SAID LOT 4;

THENCE NORTH-WESTERLY ON THE WEST LINE OF SAID LOT 4 ON A 400.00 FOOT RADIUS CURVE TO THE LEFT, CHORD BEARING N15°03'51"W, CHORD DISTANCE 205.76 FEET, AN ARC DISTANCE OF 208.09 FEET;

THENCE N30°11'27"W 90.40 FEET ON THE WEST LINES OF SAID LOT 2 AND 4;

THENCE NORTH-WESTERLY ON THE WEST LINE OF SAID LOT 2 ON A 535.00 FOOT RADIUS CURVE TO THE RIGHT, CHORD BEARING N13°22'20"W, CHORD DISTANCE 303.85 FEET, AN ARC DISTANCE OF 308.09 FEET;

THENCE N03°08'46"E 186.93 FEET ON THE WEST LINE OF SAID LOT 2 TO THE POINT OF BEGINNING.

CONTAINING 8.649 ACRES MORE OR LESS



DECEMBER 28, 2021
DATE:

OWNER'S CERTIFICATE

WE THE UNDERSIGNED ECHO HILLS APARTMENTS, LLC, A NEBRASKA LIMITED LIABILITY COMPANY, BEING THE OWNERS OF THE REAL ESTATE SHOWN AND DESCRIBED HEREIN, DO HEREBY CERTIFY THAT WE HAVE LAID OUT, PLATTED AND SUBDIVIDED, SAID REAL ESTATE IN ACCORDANCE WITH THIS PLAT.

THIS SUBDIVISION SHALL BE KNOWN AND DESIGNATED AS ECHO HILLS REPLAT FIVE.

CLEAR TITLE TO THE LAND CONTAINED IN THIS PLAT IS GUARANTEED.

THERE ARE STRIPS OF GROUND SHOWN OR DESCRIBED ON THIS PLAT AND MARKED EASEMENT, RESERVED FOR THE USE OF PUBLIC UTILITIES AND SUBJECT TO THE PARAMOUNT RIGHT OF UTILITY OR CITY TO INSTALL, REPAIR, REPLACE AND MAINTAIN ITS INSTALLATIONS.

ECHO HILLS APARTMENTS, LLC
A NEBRASKA LIMITED LIABILITY COMPANY

BY: _____
KEVIN JAMES, MANAGER

ACKNOWLEDGEMENT OF NOTARY

STATE OF NEBRASKA
COUNTY OF SARPY

ON THE _____ DAY OF _____, 2022, BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, DULY COMMISSIONED AND QUALIFIED IN AFORESAID COUNTY PERSONALLY APPEARED KEVIN JAMES, MANAGER OF ECHO HILLS APARTMENTS, LLC, A NEBRASKA LIMITED LIABILITY COMPANY, KNOWN BY ME TO BE THE IDENTICAL PERSON WHOSE NAME IS AFFIXED TO THE DEDICATION ON THIS PLAT AND ACKNOWLEDGED THE EXECUTION THEREOF TO BE HIS VOLUNTARY ACT AND DEED ON BEHALF OF SAID COMPANY.

WITNESS MY HAND AND NOTARIAL SEAL THIS DAY AND YEAR LAST ABOVE MENTIONED

NOTARY PUBLIC

COUNTY TREASURER'S CERTIFICATIONS

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

COUNTY TREASURER'S

DATE

TREASURER'S SEAL

APPROVAL OF THE PLANNING COMMISSION OF LA VISTA, NEBRASKA

THIS PLAT OF ECHO HILLS REPLAT FIVE WAS APPROVED BY THE LA VISTA PLANNING COMMISSION THIS _____ DAY OF _____, 2022.

CHAIRPERSON, LA VISTA PLANNING COMMISSION

ECHO HILLS REPLAT FIVE
LOT 1



Revision Dates

No.	Description	MM-DD-YY
--	--	--
--	--	--
--	--	--
--	--	--

Job No.: A2142-103A
Drawn By: RJR
Reviewed By: JDW
Date: DECEMBER 28, 2021
Book: 19/25
Pages: 33-35

Sheet Title

CITY OF LA VISTA
FINAL PLAT

Sheet Number

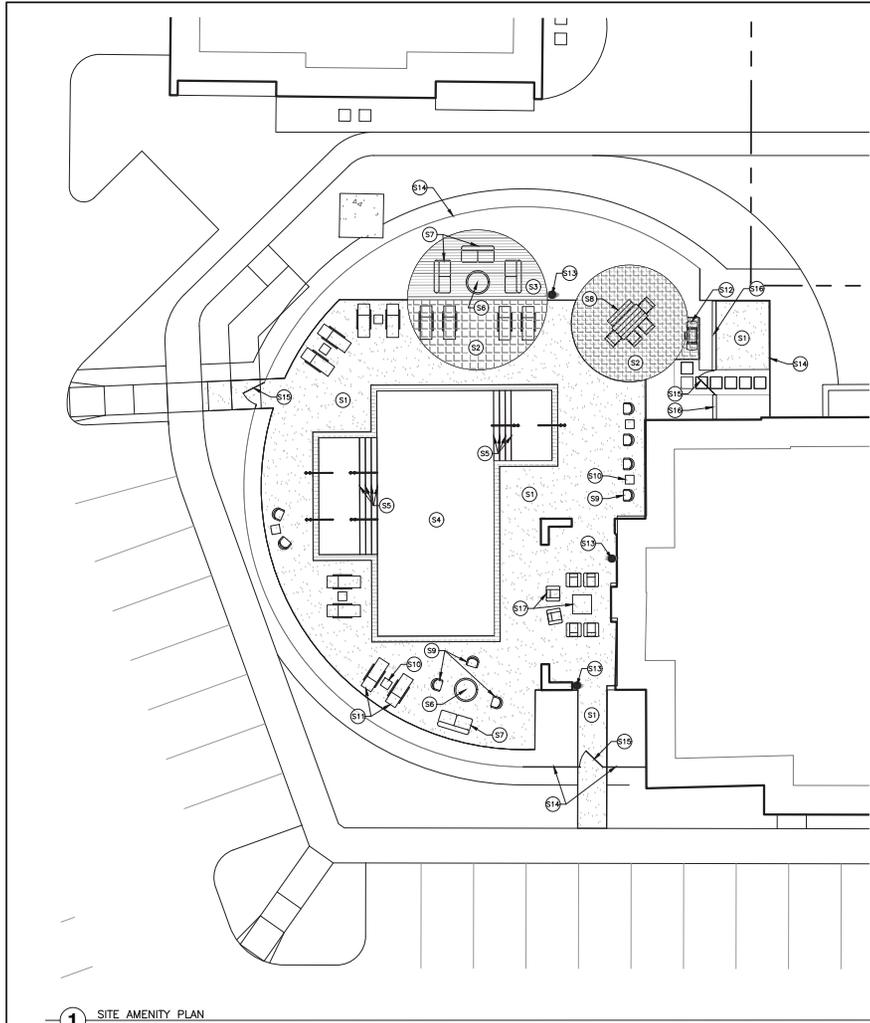
Echo Park Apartments Phase 2
Operating Statement

Echo Park Phase 2 will be comprised of one building with 71 units and 16 tucked in garages on the first floor. The Tract of land is comprised of 376,751 sq ft (8.649 Acres). The 71-units will be comprised of a mix of studios, 1 bedroom, and 2-bedroom apartment homes. Additionally, this building will house an approximate 2,000 sq ft coffee shop on the first floor.

Building	Unit Count	Parking Stalls	Garage Stalls
Building 1	30	19	13
Building 2	30	20	13
Building 3	90	67	88
Building 4	60	66	23
Building 5	71	97	16

*Clubhouse is in Building 3 which includes living room area, pet spa, craft room, study hall, pool area, and grill area

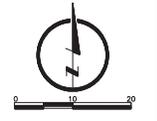
*Building 5 is anticipating a coffee shop located on first floor of building



SITE AND PAVING KEYNOTES

- 51 6" DEPTH STANDARD GRAY CONCRETE WITH MEDIUM BROOM FINISH. COORDINATE WITH ENGINEER.
- 52 6" DEPTH INTEGRALLY COLORED CONCRETE WITH MEDIUM BROOM FINISH. COORDINATE WITH ENGINEER. COORDINATE COLOR WITH ARCHITECT.
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- 516 SCREEN WALL. COORDINATE DESIGN WITH ARCHITECT.
- 517 EXTERIOR FURNISHINGS. COORDINATE WITH OWNER AND ARCHITECT.

1 SITE AMENITY PLAN



PRELIMINARY

NOT RELEASED FOR CONSTRUCTION
ZACHARY R. FERIGUS
(4482)

SITE AMENITY PLAN

ECHO HILLS APARTMENTS
LA VISTA, NEBRASKA

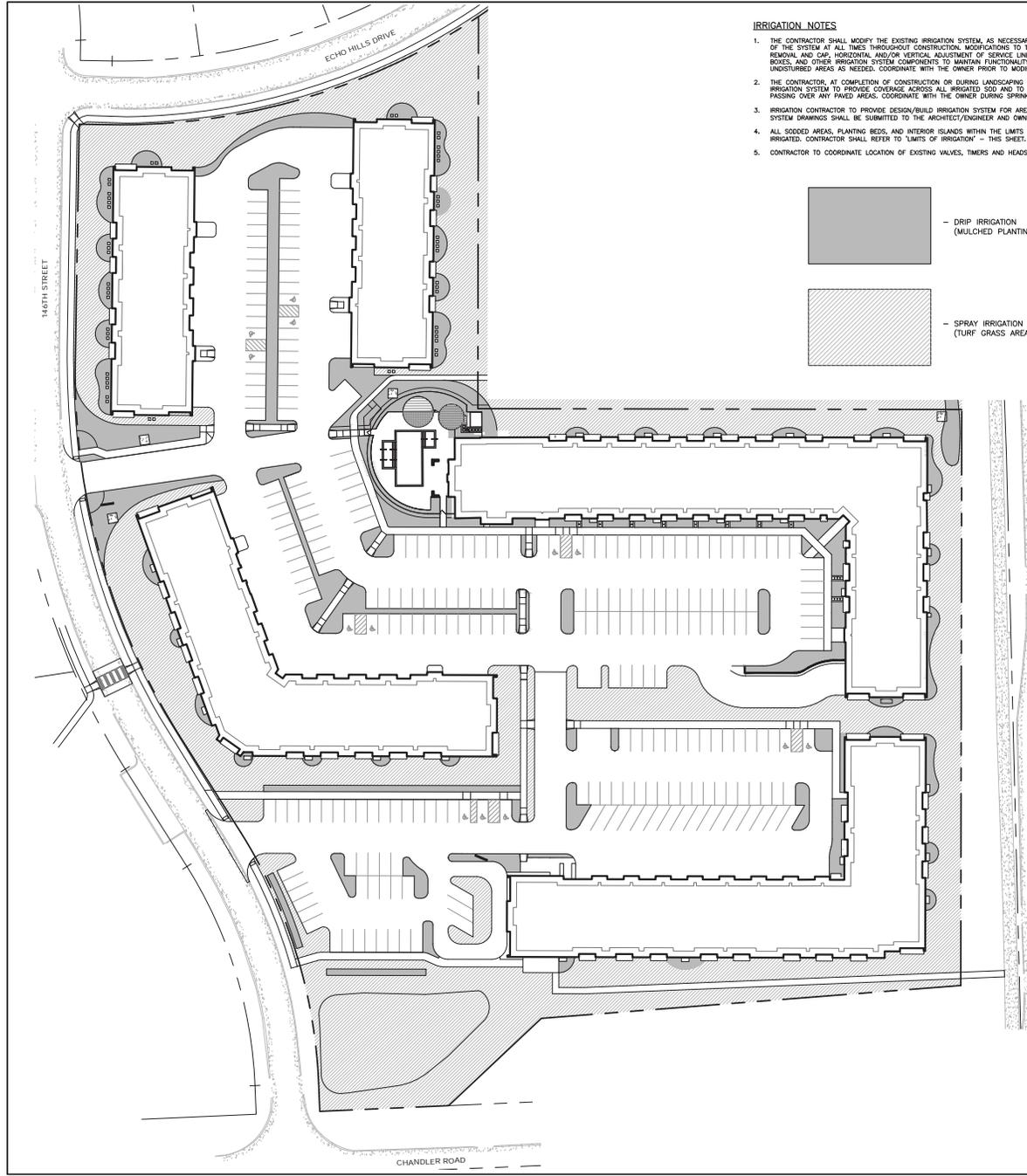
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ALL UTILITIES ARE SHOWN AS APPROXIMATE. THE CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR THE PROTECTION OF ALL UTILITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES.

DESIGNER / DRAFTER	ZACHARY R. FERIGUS
DATE	JANUARY 3, 2022
PROJECT NUMBER	0120015.01-026 /027
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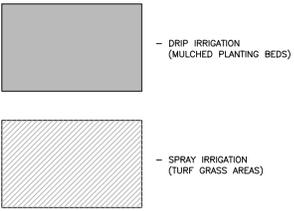
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IRRIGATION NOTES

1. THE CONTRACTOR SHALL MODIFY THE EXISTING IRRIGATION SYSTEM, AS NECESSARY, WHILE MAINTAINING FUNCTIONALITY OF THE SYSTEM AT ALL TIMES THROUGHOUT CONSTRUCTION. MODIFICATIONS TO THE EXISTING SYSTEM MAY INCLUDE REMOVAL AND CAP, HORIZONTAL AND/OR VERTICAL ADJUSTMENT OF SERVICE LINES, SPRINKLER HEADS, JUNCTION BOXES, AND OTHER IRRIGATION SYSTEM COMPONENTS TO MAINTAIN FUNCTIONALITY OF THE SYSTEM THROUGHOUT ALL UNDISTURBED AREAS AS NEEDED. COORDINATE WITH THE OWNER PRIOR TO MODIFYING IRRIGATION SYSTEM.
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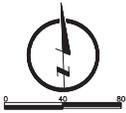


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 2. CONTRACTOR SHALL PROVIDE THE OWNER'S REPRESENTATIVE WITH CONSTRUCTION PLANS FOR A FULLY OPERATIONAL IRRIGATION SYSTEM THAT INCLUDES, BUT IS NOT LIMITED TO THE FOLLOWING:
 - 2.1. EXISTING AND PROPOSED SITE CONDITIONS
 - 2.2. STATIC PRESSURE AND PROPOSED GALLONAGE
 - 2.3. EXISTING IRRIGATION EQUIPMENT INCLUDING:
 - 2.3.1. CONTROLLERS AND WIRING
 - 2.3.2. POINT OF CONNECTIONS WITH SIZE
 - 2.3.3. VALVES INCLUDING MAKE, MODEL AND SIZE
 - 2.3.4. IRRIGATION MAINLINES AND LATERALS WITH SIZES
 - 2.3.5. IRRIGATION HEADS INCLUDING MAKE, MODEL AND SIZE
 - 2.3.6. VALVE BOXES AND EQUIPMENT INCLUDING PRESSURE RELEASE VALVES, SHUT-OFF VALVES AND QUICK COUPLING VALVES
 - 2.3.7. GALLONAGE AND WATERING WINDOW OF AFFECTED AREAS
 - 2.4. PROPOSED IRRIGATION EQUIPMENT INCLUDING:
 - 2.4.1.1. CONTROLLERS AND WIRING AND/OR CONNECTIONS TO EXISTING
 - 2.4.1.2. POINT OF CONNECTIONS WITH SIZE
 - 2.4.1.3. VALVES INCLUDING MAKE, MODEL AND SIZE
 - 2.4.1.4. IRRIGATION MAINLINES AND LATERALS WITH SIZES
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 - 2.4.4. GALLONAGE AND WATERING WINDOW OF AFFECTED AREAS
 - 2.5. IRRIGATION PLANS SHALL BE DESIGNED BY THE IRRIGATION CONTRACTOR AND APPROVED BY THE OWNER'S REPRESENTATIVE PRIOR TO INSTALLATION.
3. COORDINATE DESIGNED IRRIGATION NEEDS WITH AVAILABILITY OF WATER FROM SOURCE INCLUDING TIMES AND/OR GATES WATER IS AVAILABLE. VERIFY CONTROLLER NEEDS PRIOR TO SYSTEM DESIGN.
4. COORDINATE LOCATION OF CONTROLLER WITH OWNER. ENSURE DESIGN ALLOWS FOR ADEQUATE DRAINAGE OF SYSTEM AND ALLOW FOR COMPLETE WINTERIZATION OF SYSTEM. DESIGN SHALL CONSIDER THE NEED FOR CHECK VALVES IN HEADS TO RESTRICT LOW HEAD DRAINAGE IN SYSTEM.
5. CONTRACTOR IS RESPONSIBLE FOR 110V POWER TO CONTROLLERS. ELECTRICAL WIRING SHALL BE INSTALLED ACCORDING TO LOCAL CODE. THE COST OF ALL ELECTRICAL WORK NECESSARY TO MAKE THE AUTOMATIC EQUIPMENT WORK SHALL BE INCLUDED IN THE CONTRACT.
6. SYSTEM DESIGN SHALL FOLLOW INDUSTRY DESIGN STANDARDS INCLUDING TO SIZE PIPE TO MAINTAIN LESS THAN 5 FPS VELOCITY. USE A MINIMUM PIPE SIZE OF 3/4". SLEEVE ALL PIPE UNDER PAVING, WALKS AND ROADWAYS, MINIMIZE PRESSURE LOSS DUE TO FITTINGS AND EXCESSIVELY LONG PIPE RUNS. MAINTAIN MINIMUM PSI FOR PROPER OPERATION AT ALL SPRINKLER HEADS. LOCATE VALVES IN VALVE BOXES NEXT TO WALKWAYS OR OTHER ACCESSIBLE LOCATION OUTSIDE OF SPRINKLER SPRAY, AND CONSTRUCTION SYSTEM TO DESIGNER'S GRADES AND CONFORM TO SITE AND LANDSCAPE PLANS. WHEN POSSIBLE, CONTRACTOR IS TO CONSOLIDATE IRRIGATION COMPONENTS INTO ONE VALVE BOX INSTEAD OF USING MULTIPLE VALVE BOXES IN THE SAME VICINITY.
7. THROUGHOUT CONSTRUCTION, MAINTAIN ACCURATE AS-BUILT INFORMATION SHOWING ALL INSTALLED MATERIALS. SUBMIT A COPY TO OWNER, OWNER'S REPRESENTATIVE AND MAINTENANCE STAFF UPON COMPLETION.
8. THE WORK (WHETHER MENTIONED OR NOT) SHALL CONSIST OF ALL LABOR, TOOLS, MATERIALS, TEST, PERMITS AND OTHER RELATED ITEMS NECESSARY FOR THE INSTALLATION AND OPERATION OF THE IRRIGATION SYSTEM.
9. CONTRACTOR MUST BE A SPRINKLER IRRIGATION CONTRACTOR. THE SPRINKLER IRRIGATION SYSTEM MUST BE SUPERVISED BY A SPRINKLER IRRIGATION TECHNICIAN WITH FIVE (5) YEARS OR MORE OF EXPERIENCE. ALL ELECTRICAL SERVICE CONNECTION WORK MUST BE DONE BY A LICENSED ELECTRICIAN.
10. BEFORE PROCEEDING WITH ANY WORK, THE CONTRACTOR SHALL INSPECT THE SITE, LOCATE ANY EXISTING IRRIGATION SYSTEM AND PUMPING COMPONENTS, CAREFULLY CHECK ALL GRADES AND VERIFY ALL DIMENSIONS AND CONDITIONS AFFECTING THE WORK IN ORDER TO PROCEED SAFELY.
11. PRIOR TO CONSTRUCTION, CONTRACTOR SHALL REPORT TO THE LANDSCAPE ARCHITECT OR OWNER ALL DEVIATION AND/OR CONFLICTS BETWEEN DRAWINGS AND SITE CONDITIONS. EXTRA WORK ARISING FROM FAILURE TO DO SO SHALL BE DONE AT THE CONTRACTOR'S EXPENSE.
12. CONTRACTOR'S STANDARD ONE YEAR WARRANTY SHALL INCLUDE THE FOLLOWING:
 - A) FILING AND REPAIRING DEPRESSIONS AND REPLACING PLANTINGS DUE TO SETTLEMENT OF IRRIGATION TRENCHES FOR ONE YEAR FOLLOWING ACCEPTANCE OF PROJECT.
 - B) SYSTEM CAN BE ADEQUATELY DRAINED AND BLOWN OUT TO PROTECT FROM FREEZE DAMAGE.
 - C) SYSTEM HAS BEEN ADJUSTED TO SUPPLY PROPER COVERAGE OF AREAS TO RECEIVE WATER.



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(DATE)

IRRIGATION MAP

ECHO HILLS APARTMENTS
LA VISTA, NEBRASKA

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REMARKS

DESIGNER / DRAWN BY
ZACHARY R. PERDUE
DATE
JANUARY 3, 2022
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BOOK AND PAGE

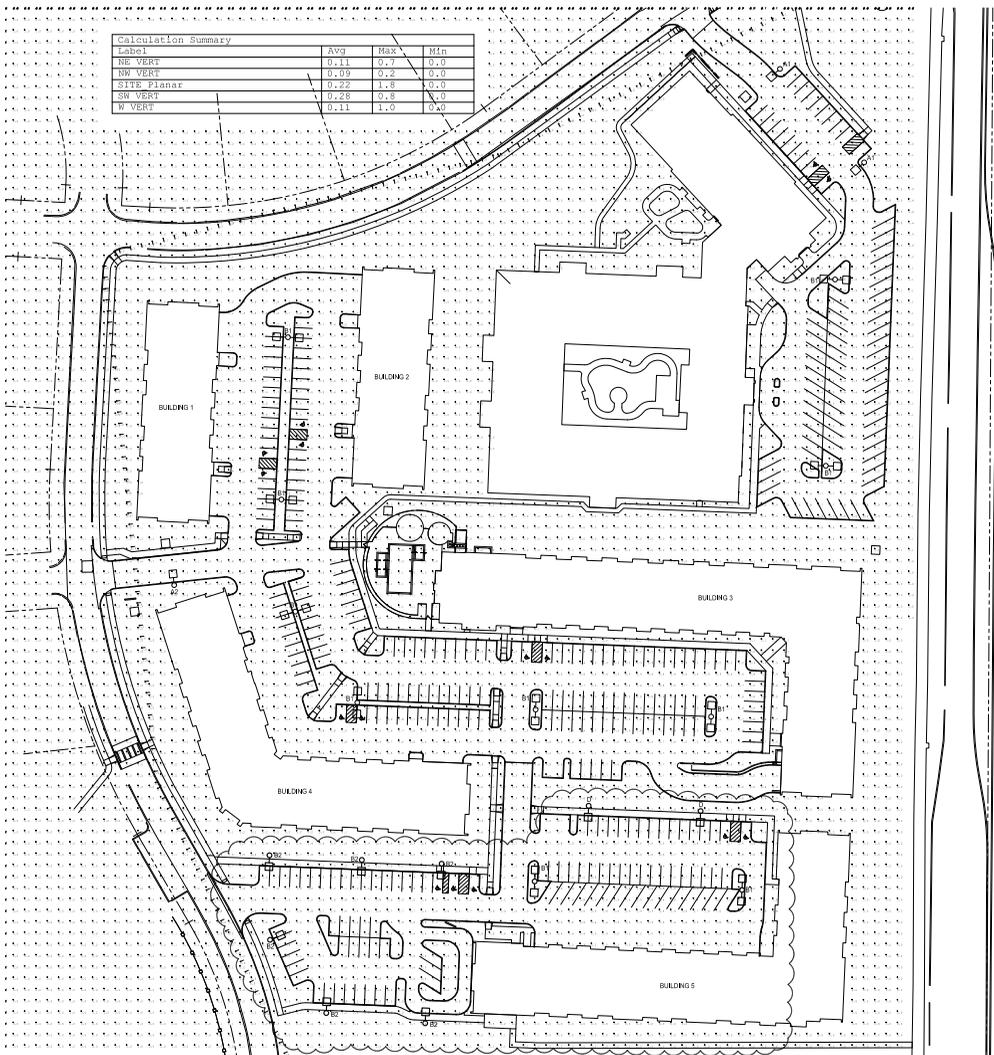
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EXTERIOR LIGHT FIXTURE SCHEDULE										
TYPE	DESCRIPTION	LAMP TYPE	LUMENS	COLOR TEMP	WATTS	MOUNTING	MANUFACTURER	CATALOG NUMBER	ACCEPTABLE MANUFACTURERS	NOTES
A1	LED POST TOP AREA LIGHT, FLARED HOOD, CLEAR LENS, TYPE 2 DISTRIBUTION, DARK BRONZE FINISH	LED	7000	3000K	70	POLE	AAL	UCL24RFLR72L310AK7Q2BBLA3KCL4AN	-	-
A2	LED POST TOP AREA LIGHT, FLARED HOOD, CLEAR LENS, TYPE 2 DISTRIBUTION, HOUSE SIDE SHIELD, DARK BRONZE FINISH	LED	3600	3000K	70	POLE	AAL	UCL24RFLR72L310AK7Q2BBLA3KCL4S4AN	-	-
B1	LED POST TOP AREA LIGHT, FLARED HOOD, CLEAR LENS, TYPE 3 DISTRIBUTION, DARK BRONZE FINISH	LED	7000	3000K	70	POLE	AAL	UCL24RFLR72L310AK7Q2BBLA3KCL4AN	-	-
B2	LED POST TOP AREA LIGHT, FLARED HOOD, CLEAR LENS, TYPE 3 DISTRIBUTION, HOUSE SIDE SHIELD, DARK BRONZE FINISH	LED	3600	3000K	70	POLE	AAL	UCL24RFLR72L310AK7Q2BBLA3KCL4S4AN	-	-
D	LED POST TOP AREA LIGHT, FLARED HOOD, CLEAR LENS, TYPE 5 DISTRIBUTION, DARK BRONZE FINISH	LED	7000	3000K	70	POLE	AAL	UCL24RFLR72L310AK7Q2BBLA3KCL4AN	-	-

GENERAL NOTES:
1. POLE FINISH TO MATCH AAL FIXTURE FINISH.



A9 SITE LIGHTING CALCS.
E1.00 SCALE: 1" = 50'-0"



EXHIBIT E

ECHO PARK PHASE 2 APARTMENTS

REV.	DESCRIPTION	DATE
△	ADD #1	XX.XX.20XX

PROJECT NUMBER:	2022-012
DATE:	FEBRUARY 15TH, 2022
DRAWN BY:	HAL
CHECKED BY:	TAE

SHEET NAME: **SITE LIGHTING CALCS**

SHEET NUMBER: **E1.00**

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17

ECHO PARK APARTMENTS - Building Five



1 NORTH ELEVATION

SCALE: 1/16" = 1'-0"



2 EAST ELEVATION

SCALE: 1/16" = 1'-0"



3 SOUTH ELEVATION

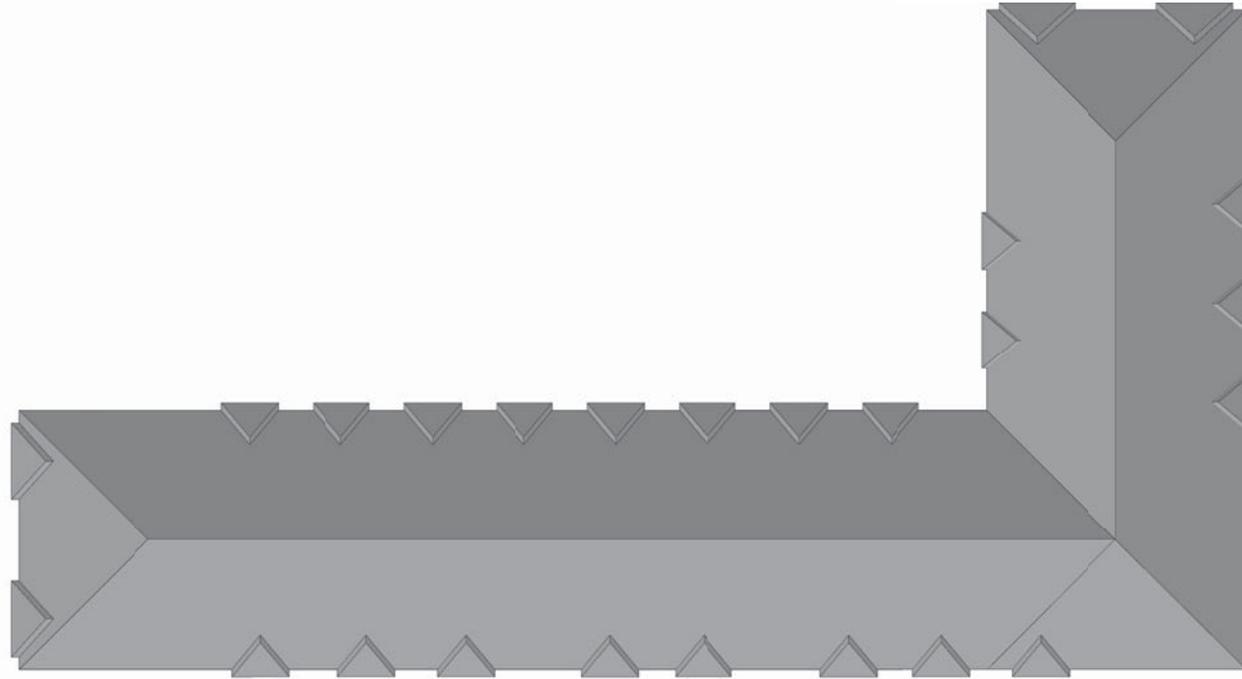
SCALE: 1/16" = 1'-0"



4 WEST ELEVATION

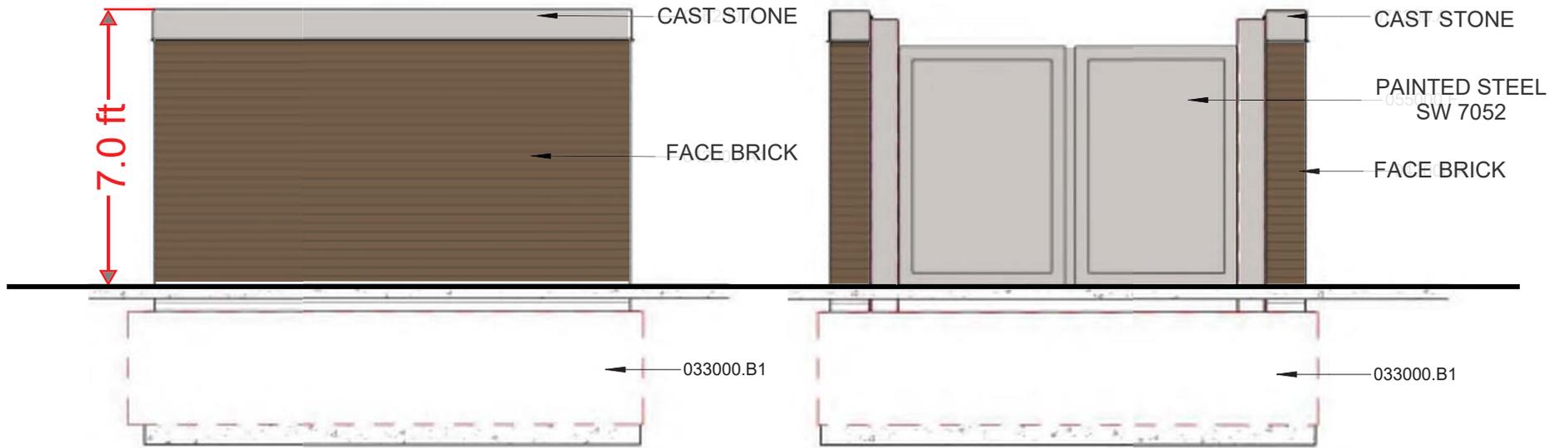
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January, 2022



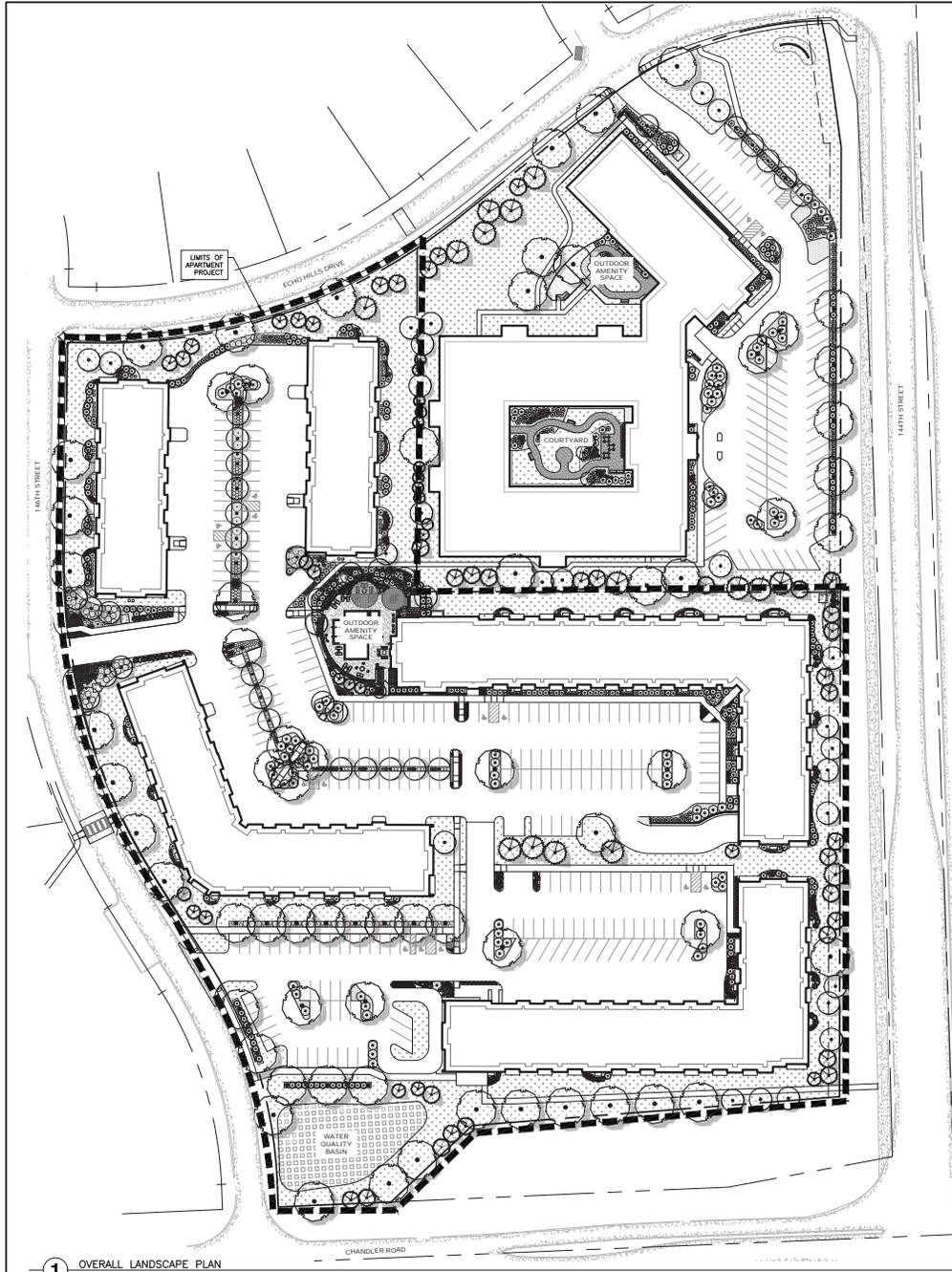
1 ROOF PLAN

SCALE: 1/8" = 1'-0"



TRASH ENCLOSURE

Exhibit E



LANDSCAPE REQUIREMENTS

STREET FRONTAGE (SECTION 07.17.03.02) — 146TH STREET

146TH STREET FRONTAGE 966' -
TREES REQUIRED (1 TREE / 40 LF FRONTAGE) 966' / 40' = 24 TREES
TREES PROVIDED = 26 TREES

STREET FRONTAGE (SECTION 07.17.03.02) — ECHO HILLS DRIVE

ECHO HILLS DRIVE FRONTAGE 867' - ACCESS DRIVES 88' = 668'
TREES REQUIRED (1 TREE / 40 LF FRONTAGE) 668' / 40' = 17 TREES
TREES PROVIDED = 18 TREES

STREET FRONTAGE (SECTION 07.17.03.02) — 146TH STREET

146TH STREET FRONTAGE 815' - ACCESS DRIVES 168' = 647'
TREES REQUIRED (1 TREE / 40 LF FRONTAGE) 647' / 40' = 16 TREES
TREES PROVIDED = 17 TREES

STREET FRONTAGE (SECTION 07.17.03.02) — CHANDLER ROAD

CHANDLER ROAD FRONTAGE 531'
TREES REQUIRED (1 TREE / 40 LF FRONTAGE) 531' / 40' = 13 TREES
TREES PROVIDED = 17 TREES

PARKING AREA INTERIOR LANDSCAPING (SECTION 07.17.03.06)

PARKING STALLS = 351
INTERIOR LANDSCAPING REQUIRED (10 SF / PARKING STALL) = 3,510 SF
INTERIOR LANDSCAPING PROVIDED = 11,341 SF

PARKING AREA PERIMETER LANDSCAPING (SECTION 07.17.03.07)

PARKING LOT STREET FRONTAGE = 616'
TREES REQUIRED (1 TREE / 40 LF STREET FRONTAGE) = 15 TREES
TREES PROVIDED = 23

PARKING AREA SCREENING (SECTION 07.17.04.01)

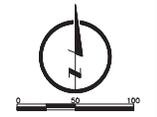
MINIMUM 3' HIGH VEGETATIVE SCREENING PROVIDED

NOTES:

1. SEE SHEET L2.0 FOR PLANT SCHEDULE
2. ALL TURF GRASS AREAS AND LANDSCAPE PLANTINGS SHALL BE IRRIGATED. SEE SHEET L3.0 FOR ADDITIONAL INFORMATION.

**LAMP
RYNEARSON**

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Lamp@ryne arson.com



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ZACHARY R. FERIGUS
DATE:

OVERALL LANDSCAPE PLAN

ECHO HILLS APARTMENTS
LA VISTA, NEBRASKA



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REVISIONS

DESIGNER / DRAWN

ZACHARY R. FERIGUS

DATE

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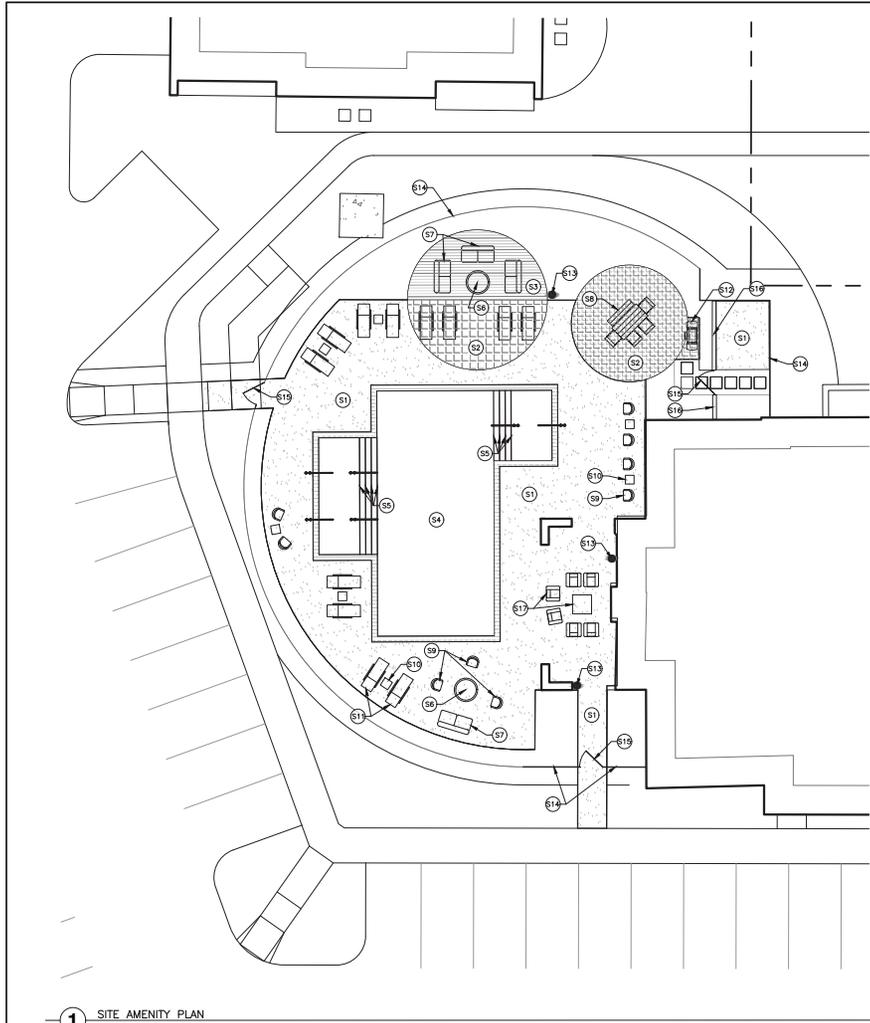
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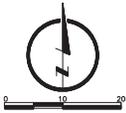
1 OVERALL LANDSCAPE PLAN



SITE AND PAVING KEYNOTES

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SITE AMENITY PLAN

ECHO HILLS APARTMENTS
LA VISTA, NEBRASKA



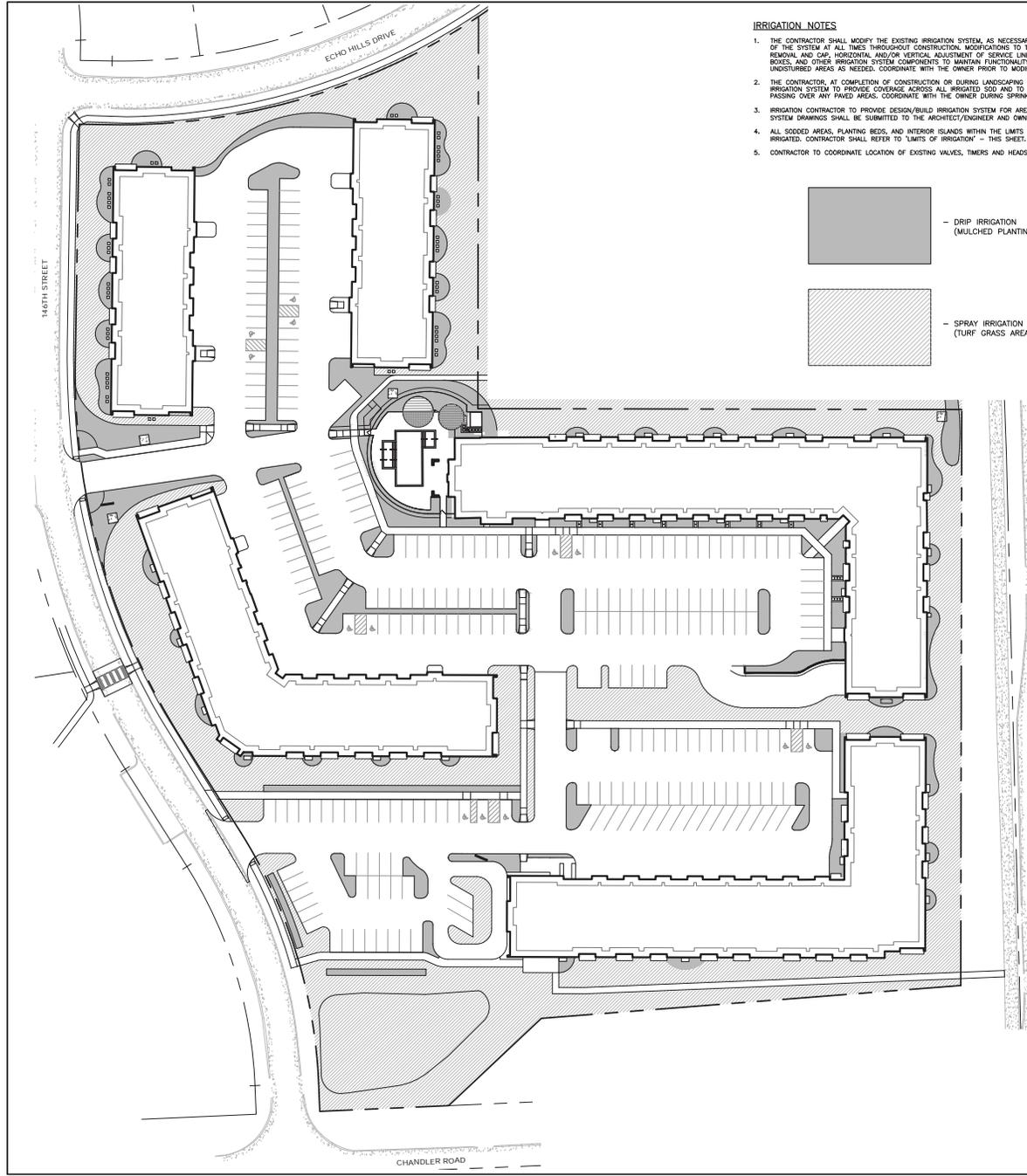
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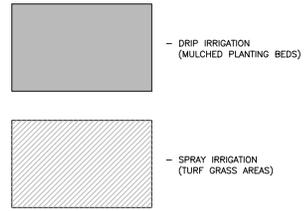
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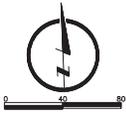


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 - 2.1. EXISTING AND PROPOSED SITE CONDITIONS
 - 2.2. STATIC PRESSURE AND PROPOSED GALLONAGE
 - 2.3. EXISTING IRRIGATION EQUIPMENT INCLUDING:
 - 2.3.1. CONTROLLERS AND WIRING
 - 2.3.2. POINT OF CONNECTIONS WITH SIZE
 - 2.3.3. VALVES INCLUDING MAKE, MODEL AND SIZE
 - 2.3.4. IRRIGATION MAINLINES AND LATERALS WITH SIZES
 - 2.3.5. IRRIGATION HEADS INCLUDING MAKE, MODEL AND SIZE
 - 2.3.6. VALVE BOXES AND EQUIPMENT INCLUDING PRESSURE RELEASE VALVES, SHUT-OFF VALVES AND QUICK COUPLING VALVES
 - 2.3.7. GALLONAGE AND WATERING WINDOW OF AFFECTED AREAS
 - 2.4. PROPOSED IRRIGATION EQUIPMENT INCLUDING:
 - 2.4.1.1. CONTROLLERS AND WIRING AND/OR CONNECTIONS TO EXISTING
 - 2.4.1.2. POINT OF CONNECTIONS WITH SIZE
 - 2.4.1.3. VALVES INCLUDING MAKE, MODEL AND SIZE
 - 2.4.1.4. IRRIGATION MAINLINES AND LATERALS WITH SIZES
 - 2.4.2. IRRIGATION HEADS INCLUDING MAKE, MODEL AND SIZE
 - 2.4.3. VALVE BOXES AND EQUIPMENT INCLUDING PRESSURE RELEASE VALVES, SHUT-OFF VALVES AND QUICK COUPLING VALVES
 - 2.4.4. GALLONAGE AND WATERING WINDOW OF AFFECTED AREAS
 - 2.5. IRRIGATION PLANS SHALL BE DESIGNED BY THE IRRIGATION CONTRACTOR AND APPROVED BY THE OWNER'S REPRESENTATIVE PRIOR TO INSTALLATION.
3. COORDINATE DESIGNED IRRIGATION NEEDS WITH AVAILABILITY OF WATER FROM SOURCE INCLUDING TIMES AND/OR GATES WATER IS AVAILABLE. VERIFY CONTROLLER NEEDS PRIOR TO SYSTEM DESIGN.
4. COORDINATE LOCATION OF CONTROLLER WITH OWNER. ENSURE DESIGN ALLOWS FOR ADEQUATE DRAINAGE OF SYSTEM AND ALLOW FOR COMPLETE WINTERIZATION OF SYSTEM. DESIGN SHALL CONSIDER THE NEED FOR CHECK VALVES IN HEADS TO RESTRICT LOW HEAD DRAINAGE IN SYSTEM.
5. CONTRACTOR IS RESPONSIBLE FOR 110V POWER TO CONTROLLERS. ELECTRICAL WIRING SHALL BE INSTALLED ACCORDING TO LOCAL CODE. THE COST OF ALL ELECTRICAL WORK NECESSARY TO MAKE THE AUTOMATIC EQUIPMENT WORK SHALL BE INCLUDED IN THE CONTRACT.
6. SYSTEM DESIGN SHALL FOLLOW INDUSTRY DESIGN STANDARDS INCLUDING TO SIZE PIPE TO MAINTAIN LESS THAN 5 FPS VELOCITY. USE A MINIMUM PIPE SIZE OF 3/4". SLEEVE ALL PIPE UNDER PAVING, WALKS AND ROADWAYS. MINIMIZE PRESSURE LOSS DUE TO FITTINGS AND EXCESSIVELY LONG PIPE RUNS. MAINTAIN MINIMUM PSI FOR PROPER OPERATION AT ALL SPRINKLER HEADS. LOCATE VALVES IN VALVE BOXES NEXT TO WALKWAYS OR OTHER ACCESSIBLE LOCATION OUTSIDE OF SPRINKLER SPRAY, AND CONSTRUCTION SYSTEM TO DESIGNER'S GRADES AND CONFORM TO SITE AND LANDSCAPE PLANS. WHEN POSSIBLE, CONTRACTOR IS TO CONSOLIDATE IRRIGATION COMPONENTS INTO ONE VALVE BOX INSTEAD OF USING MULTIPLE VALVE BOXES IN THE SAME VICINITY.
7. THROUGHOUT CONSTRUCTION, MAINTAIN ACCURATE AS-BUILT INFORMATION SHOWING ALL INSTALLED MATERIALS. SUBMIT A COPY TO OWNER, OWNER'S REPRESENTATIVE AND MAINTENANCE STAFF UPON COMPLETION.
8. THE WORK (WHETHER MENTIONED OR NOT) SHALL CONSIST OF ALL LABOR, TOOLS, MATERIALS, TEST, PERMITS AND OTHER RELATED ITEMS NECESSARY FOR THE INSTALLATION AND OPERATION OF THE IRRIGATION SYSTEM.
9. CONTRACTOR MUST BE A SPRINKLER IRRIGATION CONTRACTOR. THE SPRINKLER IRRIGATION SYSTEM MUST BE SUPERVISED BY A SPRINKLER IRRIGATION TECHNICIAN WITH FIVE (5) YEARS OR MORE OF EXPERIENCE. ALL ELECTRICAL SERVICE CONNECTION WORK MUST BE DONE BY A LICENSED ELECTRICIAN.
10. BEFORE PROCEEDING WITH ANY WORK, THE CONTRACTOR SHALL INSPECT THE SITE, LOCATE ANY EXISTING IRRIGATION SYSTEM AND PUMPING COMPONENTS, CAREFULLY CHECK ALL GRADES AND VERIFY ALL DIMENSIONS AND CONDITIONS AFFECTING THE WORK IN ORDER TO PROCEED SAFELY.
11. PRIOR TO CONSTRUCTION, CONTRACTOR SHALL REPORT TO THE LANDSCAPE ARCHITECT OR OWNER ALL DEVIATION AND/OR CONFLICTS BETWEEN DRAWINGS AND SITE CONDITIONS. EXTRA WORK ARISING FROM FAILURE TO DO SO SHALL BE DONE AT THE CONTRACTOR'S EXPENSE.
12. CONTRACTOR'S STANDARD ONE YEAR WARRANTY SHALL INCLUDE THE FOLLOWING:
 - A) FILING AND REPAIRING DEPRESSIONS AND REPLACING PLANTINGS DUE TO SETTLEMENT OF IRRIGATION TRENCHES FOR ONE YEAR FOLLOWING ACCEPTANCE OF PROJECT.
 - B) SYSTEM CAN BE ADEQUATELY DRAINED AND BLOWN OUT TO PROTECT FROM FREEZE DAMAGE.
 - C) SYSTEM HAS BEEN ADJUSTED TO SUPPLY PROPER COVERAGE OF AREAS TO RECEIVE WATER.



14710 W. DODDIE RD. STE. 100
OMAHA, NE 68154
402.496.2498
Lamp@rynearson.com



PRELIMINARY

NOT RELEASED FOR CONSTRUCTION
ZACHARY R. FERIGUE
(DATE)

IRRIGATION MAP

ECHO HILLS APARTMENTS
LA VISTA, NEBRASKA

811 Know what's below. Call before you dig.

REMARKS

DESIGNER / DRAWN BY
ZACHARY R. FERIGUE
DATE
JANUARY 3, 2022
PROJECT NUMBER
0120015.01-026/027
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Echo Hills
144th & Echo Hills Drive
La Vista, Nebraska
LAV-20200408-5420

DRAINAGE STUDY
May 2020
(Revised March 2022)



Prepared By: Trevor D. Veskrna, P.E.

DRAINAGE STUDY & PCSMP CALCULATIONS

Echo Hills
144th & Echo Hills Drive
La Vista, NE

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DRAINAGE STUDY AND PCSMP CALCULATIONS

Echo Hills
144th & Echo Hills Drive
La Vista, NE
LAV-20200408-5420

EXECUTIVE SUMMARY

This drainage study was prepared for a development located at 144th & Echo Hills Drive, La Vista, Nebraska. This study will identify and analyze solutions to stormwater runoff and water quality treatment associated with this development.

The total area of this site is 12.43 acres, with the approximately 12.43 acres being disturbed in this development. The proposed development will consist of constructing multi-family apartment buildings, an assisted living facility, grading, paving, and utilities to service the site.

The stormwater facility used for storm water detention and treatment will be an extended dry detention basin. The basin was designed to meet the City of La Vista stormwater specifications and standards.

1. Site Characteristics

A. Pre-development Conditions

The existing conditions can be seen on DM-1, found in the Appendix of this report. The topographic survey and aerial photographs obtained from Sarpy County GIS was used to determine the existing conditions and impervious coverage. This site is located northwest of 144th Street (Highway 50) and Chandler Road. Echo Hills Drive abuts to the north, 144th Street (Highway 50) to the east, Chandler Road to the south, and 146th Street to the west. Beyond the abutting streets, there are residential homes to the north and west, a storage facility to the east, and an undeveloped lot zoned I-1 to the south. The site was previously used for agriculture and is currently zoned C-1 with a Gateway Corridor Overlay.

Per the Geotechnical Report prepared by TD2 dated March 31, 2020, the site consists of natural Peoria loess overlying Loveland loess. The USDA classifies these soils as Hydrologic Soil Group C with infiltration rates ranging between 0.20 to 0.60 in/hr. A copy of the USDA Soil Report can be found in the Calculations Section.

The site is split into three main drainage areas (EX-1 through EX-3) with three impact points. Runoff from area EX-1 overland flows to the south, offsite to an existing drainage swale at Impact Point 1. Runoff from area EX-2 overland flows to the southeast and is collected by existing curb inlets along 144th Street at Impact Point 2. Runoff from area EX-3 overland flows to an existing curb inlet along 146th Street at Impact Point 3, then is routed to Impact Point 1 via storm sewers and discharges at the existing flared end section.

B. Post-development Conditions

The proposed conditions can be seen on DM-2, in the Appendix. The development will consist of multi-family apartments, an assisted living facility, parking areas, paved drives, and sidewalks, resulting in an increase in impervious area for the entire site from 0% to 65%.

The proposed site will consist of 3 main drainage areas, each sub-divided into individual drainage catchments.

Areas A1.1 – A1.14 will be collected by the proposed storm sewer system and routed to the extended dry detention basin, EDDB-1, at Impact Point 1.

Runoff from areas A2.1 – A2.4 will be collected by the proposed storm sewer system, roof drains, and overland flow to the two basins located to the south and west of the assisted living facility. These basins are intended to provide detention rather than treatment; however, it can be expected that some treatment will be provided through vegetative flow within the basins. Following detention, the runoff from these areas will be routed to the extended dry detention basin at Impact Point 1.

Areas B1.1 – B1.4 will not be captured by the proposed storm sewer system and will overland flow offsite. Area B1.1 will overland flow offsite to the west to Impact Point 3. Areas B1.2 and B1.4 will overland flow offsite and ultimately reach Impact Point 1 to the south. Area B1.3 will overland flow offsite to the east and be collected by the existing curb inlets along 144th Street at Impact Point 2.

C. Contributing Off-site Drainage

Due to the existing site conditions and based on the contours obtained during TD2's topographical survey, no off-site drainage is expected to flow onto the site.

D. Floodways, Floodplains, and Wetlands

The site does not contain any floodways, floodplains, or known wetlands.

2. Runoff Analysis

A. Pre-Development Runoff Analysis

i. Watershed Area:

Information for the existing drainage areas can be found in Table 1 below. Area EX-1 overland flows to the south towards Impact Point 1. Area EX-2 overland flows to the east onto 144th Street and is collected by existing curb inlets at Impact Point 2. Area EX-3 overland flows to the west onto 146th Street and is collected by an existing curb inlet at Impact Point 3.

ii. Time of Concentration:

For area EX-1, the time of concentration was calculated to be 6.2 minutes using Hydroflow Hydrographs Extension for AutoCAD 2020, TR-55 method. For areas EX-2 and EX-3, the time of concentration was calculated to be less than 5 minutes. A minimum value of 5 minutes will be used for these drainage areas.

iii. Precipitation Model:

The rainfall intensity duration frequency (IDF) curve for Omaha for the 2, 10, 50, and 100-year, 24-hour storm was used.

iv. Runoff Coefficient:

The existing lot primarily consists of agricultural land used for farming. The breakdown of these areas can be found in the Drainage Area Calculations table in the Calculations Section of

this report. The CN and C values were obtained using the Omaha Regional Stormwater Design Manual, Chapter 2, for straight row crops in the Hydrologic Soil Group C. These values are listed in Table 1 below.

Table 1. Existing Drainage Areas

ID	Total Area (Ac.)	Total Area (SF)	Composite C	Composite CN	Impact Point	Tc (min.)
EX-1	9.17	399,243	0.25	85	1	6.2
EX-2	3.06	133,491	0.25	85	2	5.0
EX-3	0.20	8,896	0.25	85	3	5.0
Total	12.43	541,630	0.25	85		

v. Runoff Model:

The SCS (Type II) method was used to calculate the runoff and peak discharge for the existing site.

vi. Summary of Pre-development Runoff:

Information for the pre-development runoff can be found in Table 2 below.

Table 2. Existing Runoff Values

Pre-Construction	2 Year (cfs)	10 Year (cfs)	50 Year (cfs)	100 Year (cfs)
Impact Point 1	24.55	45.50	64.07	73.35
Impact Point 2	8.18	15.15	21.33	24.42
Impact Point 3	0.53	0.99	1.39	1.60
Total	33.26	61.64	86.79	99.37

B. Post-Development Runoff Analysis

i. Watershed Area:

The proposed site is divided into three main drainage categories. Runoff from areas A1.1 – A1.14 will remain onsite and be collected by the proposed storm sewer and routed to the extended dry detention basin, EDDB-1. Runoff from areas A2.1 – A2.4 will remain onsite and first be detained in the two basins located south of the assisted living before being routed to EDDB-1. Runoff from areas B1.1 – B1.4 will not be collected by the proposed storm sewer system and will instead overland flow offsite to Impact Points 1, 2, and 3. Information for each area can be seen in Table 3 on the next page.

ii. Time of Concentration:

The time of concentration for each proposed drainage area was determined to be 5 minutes using the Hydroflow Hydrographs Extension for AutoCAD 2020, TR-55 method.

iii. Precipitation Model:

The rainfall intensity duration frequency (IDF) curve for Omaha for the 2, 10, 50, and 100-year, 24-hour storm was used as the precipitation model.

iv. Runoff Coefficient:

The proposed development will consist of areas of pavement, buildings, grass, and landscaped areas. The breakdown of these areas can be found in the Drainage Area Calculations table in the Calculations Section of this report. The CN and C values were obtained using the Omaha Regional Stormwater Design Manual, Chapter 2, for open spaces and pavement, all in the Hydrologic Soil Group C.

The total proposed site will have a combined CN value of 90 and a combined C value 0.76. These values have increased compared to existing conditions due to the increase in impervious coverage, but the runoff will decrease for each storm event due to the storage provided by the proposed extended dry detention basin. The storage provided by the basin will be discussed later in this report. Runoff coefficients for each area are listed in Table 3 below.

Table 3. Proposed Drainage Areas

ID	Description	Total Area (Ac.)	Total Area (SF)	Composite C	Composite CN	Impact Point	Tc (min.)
A1.1	Parking Area	0.22	9,419	0.69	87	1	5
A1.2	Parking Area & Building 1	0.45	19,479	0.92	97	1	5
A1.3	Parking Area	0.75	32,618	0.87	94	1	5
A1.4	Parking Area & Building 4	0.60	26,260	0.93	97	1	5
A1.5	Parking Area	0.19	8,211	0.94	98	1	5
A1.6	Parking Area	0.16	7,137	0.82	92	1	5
A1.7	Basin Area	0.36	15,724	0.44	76	1	5
A1.8	Parking Area	0.63	27,477	0.82	92	1	5
A1.9	Parking Area & Building 5	0.73	31,686	0.88	95	1	5
A1.10	Parking Area	0.45	19,673	0.82	92	1	5
A1.11	Parking Area	0.90	39,259	0.91	96	1	5
A1.12	Parking Area	0.27	11,613	0.95	98	1	5
A1.13	Parking Area	0.44	19,298	0.80	91	1	5
A1.14	Building 5 Area	0.46	20,199	0.81	91	1	5
A2.1	Assisted Living	1.54	67,136	0.63	84	1	5
A2.2	Parking Area	0.43	18,574	0.81	92	1	5
A2.3	Parking Area	0.64	27,676	0.87	95	1	5
A2.4	Assisted Living	1.62	70,492	0.78	90	1	5
B1.1	West Offsite	0.20	8,639	0.40	74	3	5
B1.2	West Offsite	0.44	19,002	0.53	80	1	5
B1.3	East Offsite	0.53	22,925	0.45	75	2	5
B1.4	South Offsite	0.52	22,552	0.76	90	1	5
	Total	12.43	541,630	0.76	90		

v. Runoff Model:

The SCS (Type II) method was used to calculate the runoff and peak discharge for the proposed site.

vi. Summary of Post-development Runoff:

The post-development and pre-development runoff values are shown in Table 4 below. Using the proposed BMPs, the post-development runoff will be reduced at each Impact Point.

Table 4. Pre vs. Post Construction Runoff

Impact Point 1	2 Year (cfs)	10 Year (cfs)	50 Year (cfs)	100 Year (cfs)
Pre-Construction	24.55	45.50	64.07	73.35
Post Construction	23.08	41.14	52.95	59.62
Impact Point 2	2 Year (cfs)	10 Year (cfs)	50 Year (cfs)	100 Year (cfs)
Pre-Construction	8.18	15.15	21.33	24.42
Post-Construction	0.96	2.12	3.25	3.83
Impact Point 3	2 Year (cfs)	10 Year (cfs)	50 Year (cfs)	100 Year (cfs)
Pre-Construction	0.53	0.99	1.39	1.60
Post-Construction	0.31	0.69	1.07	1.27

3. Stormwater Conveyance Design:

A. Design Information References:

All stormwater conveyance systems have been designed in accordance with the Omaha Regional Stormwater Design Manual, Current Edition.

B. Storm Sewer:

- i. The Rational Method was used for pipe sizing calculations. The storm sewers were designed to have the capacity to adequately transfer the 10-year peak 24-hour design storm. The hydraulic grade lines for the proposed storm sewer system can be found in the Calculations section of the Appendix.
- ii. The storm sewer inlets were designed and sized to adequately handle the 10-year peak 24-hour storm events. Storm sewer inlet capacity tables can be found in the Calculations section of the Appendix.

C. Open Channel Flow – Swales and Ditches: Highway 50 Roadside Ditch Capacity

The existing ditch and 60" flared end section (FES) located at the south end of the site (north of Chandler Road) was analyzed for capacity. It is our intent to show the project will do the following items:

- Will not divert existing drainage in Right of Way or off-site, upstream areas from its natural, established drainage basin
- Will not allow drainage waters from upstream areas and this development to overtop or flow onto Chandler Road or Highway 50
- Post-development discharge rates will not exceed pre-development discharge rates (addressed in Section 2. vi. above)

Drainage Map of the upstream areas, culvert analysis, inlet control analysis, and ditch capacity are included in the Appendix of this report.

The following design parameters were used:

- Manning's coefficient of 0.24 for dense grass
- Elevation 1077 used for bottom of ditch
- Elevation 1085 used for top of ditch
- 60" FES invert elevation = 1075.69 (from topo)
- Ditch width = 8'
- Side slopes = 3:1
- Ditch slope = 0.96%
- Q_{50} = 160 cfs (111 cfs upstream and 49 cfs from development per Hydraflow)

Analysis from Hydraflow calculated the water level for the 50 year storm to be approximately 1082.3. Using **Exhibit F.1 Headwater Depth for Concrete Pipe Culverts with Inlet Control**, from *the Nebraska Department of Transportation – Drainage Design and Erosion Control Manual*, August 2006, Page F-3, the ponding depth of the ditch is 5.65'. Using the FES I.E. of 1075.69 and adding 2' of free board, the final height of the headwater was 1083.34. The lowest elevation of Chandler Road along this ditch is approximately 1086, hence the inlet control of the 60" FES will not negatively affect the capacity of the roadside ditch.

D. Extended Dry Detention Basin Discharge and Energy Dissipation:

The flow at the basin outlet pipe for the 50-year storm event is calculated at 49.55 cfs. For the 30" R.C.P. outlet pipe, a 10' x 12' section of Flex-A-Mat will be used to dissipate energy and help prevent erosion. The Flex-A-Mat sizing sheet has been included in the calculations portion of this report.

E. Hydraulic Model:

Hydraflow Hydrographs Extension for AutoCAD 2020 was used to model the existing and post-development runoff conditions.

4. Stormwater Best Management Practices (BMP) Design:

A. Design Standards:

All stormwater facilities were designed in accordance with the Omaha Regional Stormwater Design Manual, Current Edition, and City of La Vista code.

B. Extended Dry Detention Basin (EDDB) Location:

The proposed extended dry detention basin is in the southwest corner of the site. Per the Geotechnical Report prepared by TD2, free standing groundwater was not encountered in any of the boring locations; therefore, groundwater should not interfere with the proposed basin.

C. Detention System Performance:

The total disturbed area for the development is approximately 12.43 acres, resulting in a water quality volume of 22,567 C.F. Using the cascading planes concept for the northwest portion of the site (A2.1 – A2.4), approximately 2.61 acres of impervious area flows to 1.47 acres of pervious area. This results in a reduction of the water quality treatment volume from 0.50 inch to 0.42 inch for area A2.1, and 0.47 inch for areas A2.2 – A2.4. The new total water quality volume for the site is reduced to 20,025 C.F. The proposed extended dry detention basin (EDDB-1) has a treatment volume of approximately 20,559 C.F. and can detain and release this volume over a period of 24-hours. See Table 5 for the EDDB elevations and release rates.

Table 5. Extended Dry Detention Basin

	Stage	Elevation (Ft)	Total Storage (CF)	Inflow (CFS)	Outflow (CFS)	Comments
1	0.00	1082.00	0	0	0.00	Bottom of Basin
2	1.00	1083.00	2,455	-	0.12	
3	2.00	1084.00	5,505	-	0.17	
4	3.00	1085.00	9,200	-	0.22	
5	4.00	1086.00	13,600	-	0.25	
6	5.00	1087.00	18,765	-	0.28	
7	5.10	1087.30	20,559	-	-	Inlet Opening
8	5.92	1087.92	24,255	26.66	21.90	2-Year Event
9	6.00	1088.00	24,745	-	24.21	
10	6.71	1088.71	29,636	48.02	38.75	10-Year Event
11	7.00	1089.00	31,600	-	43.22	
12	7.56	1089.56	35,935	67.70	49.55	50-Year Event
13	7.99	1089.99	39,276	76.29	56.60	100-Year Event
14	8.00	1090.00	39,390	-	57.58	Top of Basin

D. Detention System Outlet Structure

The outlet structure for the extended dry detention basin will be a 72” Type II Area Inlet with a 6” diameter orifice. In order to obtain the 24-hour drawdown time of the water quality treatment volume, the outlet structure will be fitted with a stainless-steel slide valve at the 6” orifice. The slide valve will be positioned so that the equivalent 24-hour drawdown orifice area is achieved. The Post Construction Stormwater Management Plan, found in the Appendix section of this report, details the orifice area calculations.

E. Spillway and Embankment Protection

The extended dry detention basin can retain the 50-year storm event without overtopping. If the outlet structure should become clogged or a larger storm event occurs, the basin will overflow to the existing drainage ditch at Impact Point 1. The side slopes of the basin will be permanently seeded and matted after upstream areas have been stabilized.

5. Permits

The following permits will be needed for this project:

- City of La Vista Grading Permit and NPDES Permit - both have been filed with the City of La Vista through the Omaha Permex website and the Nebraska Department of Environment and Energy
- Nebraska Department of Transportation Permit to Perform Work on Public Right of Way for Storm Sewer Construction

Lot 1, Echo Hills Replat 4 and Lot 1, Echo Hills Replat 5
SEWER CONNECTION AGREEMENT
(Sanitary Sewer System)

THIS AGREEMENT, made and entered into in La Vista, Nebraska, on this _____ day of _____, _____, by and between the City of La Vista, a Municipal corporation in the State of Nebraska (hereinafter referred to as "City"), and Echo Hills Apartments LLC, and Echo Hills Almc LLC, (hereinafter referred to as "Owner");

WITNESSETH:

WHEREAS, the Owner has constructed or is contemplating constructing sanitary sewer services within Lot 1, Echo Hills Replat 4 and Lot 1, Echo Hills Replat 5, a subdivision, shown on Exhibit "A" hereto; and

WHEREAS, Owner desires to provide for the flow, transportation and handling of sewage collected in or flowing into the sanitary sewer services constructed or to be constructed by it, and has requested the City to permit flowage thereof into the City sewerage system, and to provide for the processing of such sewage.

NOW, THEREFORE, in consideration of the mutual agreements and covenants of the parties hereto, it is agreed by and between the parties as follows:

I

For the purposes of this Agreement, the term "sewer system of the Owner" shall include, whether now in existence or hereafter constructed, all sanitary sewers, sanitary sewer services and appurtenances thereto which are:

- A. Shown on Exhibit "B" attached hereto.

For the purposes of this Agreement, the following, whether now in existence or hereafter constructed, shall be deemed a part of the sewer system of the City:

- A. Any sanitary sewer or system of sanitary sewers owned by the City;
- B. Any sanitary sewer or system of sanitary sewers not a part of the sewer system of the Owner and not owned by City, but through which City has an easement, license or other right or other license to transport sanitary sewage;

II

Subject to the conditions and provisions hereinafter specified, the City hereby grants permission to the Owner to connect the sanitary sewer system of the Owner to the sanitary sewer system of the City in such manner and at such place or places as designated on plans submitted by the Owner and approved by the City.

III

Owner expressly promises, warrants, covenants and agrees:

- A. That the sewer system of the Owner will be constructed and, as required, reconstructed in strict accordance with the plans and specifications and location approved in writing by the City and in strict accordance with the minimum standards and requirements of construction adopted by City.
- B. That the sewer system of the owner shall be designed and constructed, and as required reconstructed, at the expense of Owner and the property therein and at no expense to the City.
- C. The sewer system of the Owner shall comply with all applicable Federal and State laws and regulations in general and with all applicable laws and regulations of the City, with reference to use, operation and maintenance of the system.
- D. The sewer system of the Owner shall at all times be properly maintained and kept in good operating order and repair at no cost to City. The Owner's obligation in this connection shall survive the term of this Agreement to the extent provided in Paragraph IV, infra.
- E. In the event that City's engineers find that there is anything in the construction, maintenance or operation of the sewer system of the Owner which will, in the opinion of City's engineers, be detrimental to the proper operation of the sewer system of City, or any part thereof, the Owner will, on notice thereof, promptly correct said defect.
- F. That in the event the Owner for any reason fails in any respect as to its covenants contained in this Paragraph III, then City may, at its option, perform such maintenance and repair or correct such defects and the Owner, upon written demand by City, shall promptly reimburse City for all work, services, materials and other expenses incurred or expended by City in connection therewith.
- G. At all times all sewage flowing into, passing through or from the sewer system of the Owner shall be in conformity with the ordinances, regulations and conditions applicable to sewage and sewers within the City, as they may change from time to time. In no event shall Owner, without prior written consent of City, permit or suffer any type of sewage to flow into, pass through or from the sewerage system of the Owner, in violation of such ordinances, regulations and conditions.
- H. In respect to any industrial use or connection to the sewer system of the Owner, the City may condition such approval upon such terms as it deems necessary to protect the sewer systems of the Owner and the City.

In furtherance of the foregoing, the Owner shall, whenever necessary, provide at their expense such preliminary treatment as may be necessary to meet the applicable ordinance, regulation or condition. Such preliminary treatment facilities shall be maintained continuously in satisfactory and effective operation at no expense to the City.

The Owner shall allow any duly authorized representative of City to enter upon such property at reasonable times for the purpose of inspection, observation, measurements, sampling and testing of sewage.

- I. The Owner shall not cause, suffer or permit to be connected to the sewer system of the Owner any sewer lines or sewers serving, directly or indirectly, any area outside its boundaries.
- J. That the Owner is, or at time of construction will be, the Owner of the entire proposed sanitary sewer system situated within its boundaries.
- K. That the Owner will indemnify and save harmless the City, its officers, employees and agents, from all construction costs, loss, damage, claims and liability of whatsoever kind or character due to or arising out of any acts, conduct, omissions or negligence of the Owner, its officers,

agents, employees, contractors, subcontractors and anyone acting under the direction of the Owner, in doing any work or construction of the sewer system of the Owner, or by or in consequence of any performance of this contract.

- L. That Owner shall promptly file all reports, pay all connection fees and perform all other obligations of the Owner provided for in this Agreement or otherwise required by state statutes or the City's ordinances as amended and supplemented from time to time.
- M. That, subject to the provisions of Paragraph V, infra, the Owner is and shall be bound to and by any provisions of any ordinance, rule or regulation relating to sewer use fees provided for under said Paragraph V, infra, hereinafter made and adopted by City or Sarpy County.
- N. Any water distribution system serving the Owner shall be constructed and operated by the Metropolitan Utilities District.

IV

The herein granted easements and licenses to City and the herein contained covenants of perpetual maintenance and repair by the Owner shall be perpetual, notwithstanding the fact that this Agreement is for a term of 20 years.

V

Owner further expressly promises, warrants, covenants and agrees that no connection shall be made to the sewer system of the City until a permit therefore shall have been obtained from City and the appropriate connection fee paid to City. Owner shall:

- A. Require the person, firm or entity to whose property the connection is being made to:
 - 1. pay to City the applicable sewer connection fees as prescribed by the ordinances of the City of La Vista in effect at the time of the connection;
 - 2. obtain from the City a permit to so connect, as may be required by the ordinances of the City of La Vista in effect at the time of the connection.
- B. Enter into agreements as shall be necessary to:
 - 1. assure the said obtaining of a permit from City and payment of connection fees to City;
 - 2. require the disconnection of any connection made to the sewer system of the City which shall have been made without the proper permit from the City and payment of connection fees to City;
 - 3. assure that all connections to the sewer system of the City will be made in accordance with applicable ordinances, regulations and specifications.
- C. Upon the demand of City, the Owner shall pay to City the amount of any connection fee owing City for any connection to the sewer system of the Owner or of the City which shall not have been previously paid to the City by the person, firm or entity to whose property the connection shall have been made.
- D. Upon notice by City, the Owner shall immediately cause to be disconnected any connection to the sewer system which has been made without the required permit from the City or which is in contravention of the ordinances, regulations or specifications of the City of La Vista pertaining to sewer connections.

VI

The Owner shall facilitate collection of sewer service and sewer use fees as may be prescribed by City ordinance. Except as may be otherwise provided by City, such fees shall be based upon water consumption with chargeable water flow computed in the manner employed by Metropolitan Utilities District, which shall collect sewer service or use fees in conjunction with its collection of charges for water use.

VII

In the event of the Owner's breach of any of the terms and conditions hereof or any warranty or covenant herein made by the Owner, then:

- A. In the case of a breach of any term or condition, warranty or covenant, pertaining to the actual construction, reconstruction, repair, maintenance or operation of the sewer system of the Owner, Owner shall, within five (5) days from receipt of City's notice of such breach, commence to take corrective measures or such measures as may be reasonably requested by the City, and the Owner shall pursue with due diligence such corrective measures to completion as soon thereafter as possible to the reasonable satisfaction of City.
- B. In the case of any other type of breach by the Owner, the Owner shall cure said breach to the reasonable satisfaction of City within thirty (30) days from receipt of City's notice of such breach; provided however, that if the nature of Owner's breach is such that more than thirty (30) days are reasonably required for its cure, then the Owner shall not be deemed to be in breach if the Owner commenced such cure within thirty (30) day period and thereafter diligently prosecutes such cure to completion.
- C. In the event the Owner shall fail to cure any breach within the applicable time and manner afore-prescribed, City may:
 1. Upon giving the Owner sixty (60) days notice of City's intent to do so, City may require the Owner to disconnect the sewer system of the Owner from the sewer system of the City, or the City may itself cause such disconnection to be made, if at the expiration of said sixty (60) day period the breach is not cured to the reasonable satisfaction of City. Any such disconnection shall be made at the expense of the Owner.
 2. In the event the breach pertains to the actual construction, reconstruction, repair, maintenance or operation of the sewer system of the Owner, City shall have the absolute right, at its option, to itself perform the work necessary for the requested corrective measures, or to complete the corrective measures commenced by the Owner, as the case may be, in either of which events the owner agrees:
 - (a) Owner shall immediately reimburse City for any and all expense incurred by City in connection therewith.
 - (b) Owner shall indemnify and hold harmless City, its officers, employees and agents, from any expenses, costs, claim, action, cause of action, or demand arising out of City's taking or completing said corrective measures.
 3. In addition to whatever other remedies are granted to City herein, City may avail itself of all other rights and remedies that City may have pursuant to any statute, law, or rule of law or equity, including, but not limited to the right to specifically enforce full compliance by the Owner of the terms and conditions of this Agreement, including all warranties and covenants and agreements herein made by the Owner, by both mandatory and prohibitory injunction.

VIII

The term of this Agreement shall be twenty (20) years from and after date hereof; provided, however, that unless one of the parties hereto shall advise the other party in writing of its desire not to do so, this Agreement shall be automatically renewed on the same terms and conditions as herein set forth for additional successive terms of twenty (20) years each. Said written advice shall be given at least six (6) months prior to the end of the original term or additional term, as the case may be, which said party giving such notice desires to be the final term of this Agreement. At the end of the final term of this agreement, whether same be at the end of the original term or at the end of a renewal term, Owner shall, at its own expense disconnect, reconstruct, remove or modify such sewer mains and sewer main connections as City shall deem necessary to prohibit the flow of Owner's sewage into the sewer system of City and to assure the City's continued use of the perpetual easements and licenses granted to it in this Agreement.

IX

The failure of either party to exercise its rights upon any default by the other shall not constitute a waiver of such rights as to any subsequent default.

X

A listing of the Schedule of Exhibits hereto is as follows:

Exhibit "A": Final Plat of Lot 1, Echo Hills Replat 5
Exhibit "B": Illustration of Sewer system of the Owner

XI

If any provisions of this Agreement are held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions of this Agreement which can be given effect without the invalid or unconstitutional provision and to this end, each paragraph, sentence and clause of this Agreement shall be deemed severable; provided, however, that, If in the sole opinion of City, the removal or inoperative effect of any such provision so declared invalid or unconstitutional shall materially affect City's rights hereunder, then City may terminate this Agreement, effective as of the date of City's written notice; whereupon the Owner shall:

- A. Pay to City all sums due under the terms of this Agreement to City at the time of termination, including all connection fees and sewer use fees accrued as of said date.
- B. At Owner's own expense, disconnect, reconstruct, remove or modify such sewer mains and sewer main connections, as City shall deem necessary to prohibit the flow of the Owner's sewage into the sewer system of the City.

XII

Both parties acknowledge and agree that this written Agreement, including all exhibits hereto, constitutes the entire agreement of the parties and that there are no warranties, representations, terms or conditions other than those set forth herein.

XII

The provisions of this Agreement shall be binding upon the parties hereto and their successors.

IN WITNESS WHEREOF, we, the parties hereto, by our respective duly authorized agents, hereto affix our signatures at La Vista, Nebraska, the day and year first above written.

ATTEST:

CITY OF LA VISTA, a municipal corporation
in the State of Nebraska

CITY CLERK

BY: _____
MAYOR

Echo Hills Apartments LLC

By:

Its: Owner

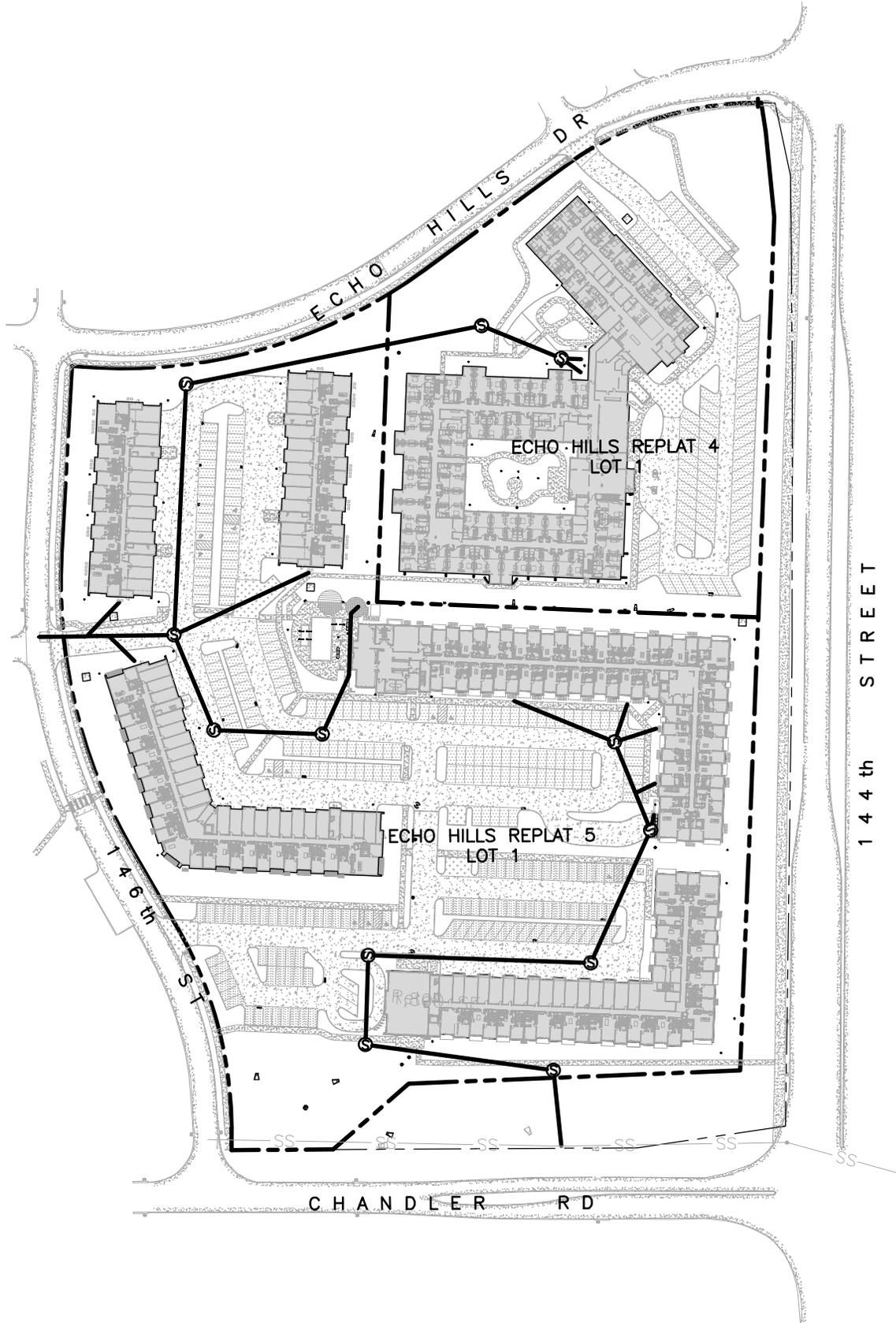
By: _____

STATE OF NEBRASKA)
) ss.
COUNTY OF _____)

On this _____ day of _____, 2022 before me, a Notary Public, duly commissioned and qualified in and for said County, appeared _____, of _____, personally known to me to be the _____ and the identical person whose name is affixed to the foregoing Subdivision Agreement, and acknowledged the execution thereof to be his voluntary act and deed, and the voluntary act and deed of said Company.

WITNESS my hand and Notarial Seal the day and year last above written.

Notary Public



DRAFT

POST CONSTRUCTION STORMWATER MANAGEMENT PLAN MAINTENANCE AGREEMENT LAV-20200408-5420-P

WHEREAS, Echo Hills Apartments L.L.C., recognizes that storm water management facilities (hereinafter referred to as “the facility” or “facilities”) must be maintained for the development located at 7457 S 146th Street in the zoning jurisdiction of the City of La Vista, Sarpy County, Nebraska; and,

WHEREAS, Echo Hills Apartments L.L.C., is the owner of the property described on Exhibit “A” attached hereto (hereinafter referred to as “the Property Owner”), and,

WHEREAS, the City of La Vista (hereinafter referred to as “the City”) requires and the Property Owner, and its administrators, executors, successors, heirs, tenants or assigns, agree that the health, safety and welfare of the citizens of the City require that the facilities be constructed and maintained on the property, and,

WHEREAS, the Post Construction Stormwater Management Plan, (hereinafter referred to as “PCSMP”), shall be constructed and maintained by the Property Owner, its administrators, executors, successors, heirs, or assigns.

NOW, THEREFORE, in consideration of the foregoing premises, the covenants contained herein, and the following terms and conditions, the Property Owner agrees as follows:

1. The facility or facilities shall be constructed by the Property Owner in accordance with the PCSMP, which has been reviewed and accepted by the City of La Vista or its designee.
2. The Property Owner must develop and provide the “BMP Maintenance Requirements”, attached here to as Exhibit “B”, which have been reviewed and accepted by the City of La Vista or its designee. The BMP Maintenance Requirements shall describe the specific maintenance practices to be performed for the facilities and include a schedule for implementation of these practices. The BMP Maintenance Requirements shall indicate that the facility or facilities shall be inspected by a professional qualified in stormwater BMP function and maintenance at least annually to ensure that it is operating properly. A written record of inspection results and any maintenance work shall be maintained and available for review by the City. Records shall be maintained for a period of three years.
3. The Property Owner, its administrators, executors, successors, heirs, or assigns, shall construct and perpetually operate and maintain, at its sole expense, the facilities in strict

accordance with the attached BMP Maintenance Requirements accepted by the City of La Vista or its designee.

4. The Property Owner, its administrators, executors, successors, heirs, tenants or assigns hereby grants permission to the City, its authorized agents and employees, to enter upon the property and to inspect the facilities whenever the City deems necessary. The City shall provide the Owner copies of the inspection findings and a directive to commence with the repairs if necessary. The City will require the Property Owner to provide, within 7 calendar days from the date of City's written directive, a written response addressing what actions will be taken to correct any deficiencies and provide a schedule of repairs within a reasonable time frame. Whenever possible, the City shall provide notice prior to entry. The City shall indemnify and hold the Property Owner harmless from any damage by reason of the City's negligent or intentional acts during such entry upon the property.
5. The Property Owner its administrators, executors, successors, heirs, tenants or assigns, agrees that should it fail to correct any defects in the facility or facilities within reasonable time frame agreed to in the response by the Property Owner for corrective actions, or shall fail to maintain the structure in accordance with the attached BMP Maintenance Requirements and with the law and applicable executive regulation or, in the event of an emergency as determined by the City or its designee in its sole discretion, the City or its designee is authorized to enter the property to make all repairs, and to perform all maintenance, construction and reconstruction as the City or its designee deems necessary. Notwithstanding the foregoing, the City shall indemnify and hold the Property Owner harmless from any damage by reason of the City's negligent or intentional acts during such entry upon the property.
6. The City or its designee shall have the right to recover from the Property Owner any and all reasonable costs the City expends to maintain or repair the facility or facilities or to correct any operational deficiencies subject to the provisions of the immediately preceding sentence relating to negligence or intentional acts of the City. Failure to pay the City or its designee all of its expended costs, after forty-five days written notice, shall constitute a breach of the agreement. The City or its designee shall thereafter be entitled to bring an action against the Property Owner to pay, or foreclose upon the lien hereby authorized by this agreement against the property, or both. Interest, collection costs, and reasonable attorney fees shall be added to the recovery to the successful party.
7. The Property Owner shall not obligate the City to maintain or repair the facility or facilities, and the City shall not be liable to any person for the condition or operation of the facility or facilities.
8. The Property Owner, its administrators, executors, successors, heirs, or assigns, hereby indemnifies and holds harmless the City and its authorized agents and employees for any and all damages, accidents, casualties, occurrences or claims that may arise or be asserted against the City from the construction, presence, existence or maintenance of the facility or facilities by the Property Owner. In the event a claim is asserted against the City, its authorized agents or employees, the City shall promptly notify the Property Owner and the Property Owner shall defend at its own expense any suit based on such claim unless due solely to the negligence of the City in which event the City shall be required to defend any such suit at its own expense. Notwithstanding the foregoing, if any claims are made against both the City and the Property Owner, each will be required to defend any such suit or claim against it at its own expense. Each shall be responsible for payment of any recovery to the extent determined in such suit. If any judgment or claims against the City, its authorized agents or employees shall be allowed, the Property Owner shall pay for all costs and expenses in connection herewith except to the extent of the negligence or intentional act of the City.
9. The Property Owner shall not in any way diminish, limit, or restrict the right of the City to enforce any of its ordinances as authorized by law.
10. This Agreement shall be recorded with the Register of Deeds of Sarpy County, Nebraska and shall constitute a covenant running with the land and shall be binding on the Property

Owner, its administrators, executors, successors, heirs, or assigns, including any homeowners or business association and any other successors in interest.

IN WITNESS WHEREOF, Kevin James, of **Echo Hills Apartments L.L.C.** has executed this agreement this _____ day of _____, 2022.

INDIVIDUAL, PARTNERSHIP and/or CORPORATION

Echo Hills Apartments L.L.C.
Name of Individual, Partnership and/or Corporation
Kevin James
Name

Title

Signature

Name of Individual, Partnership and/or Corporation

Name

Title

Signature

ACKNOWLEDGMENT

_____))
State

_____))
County

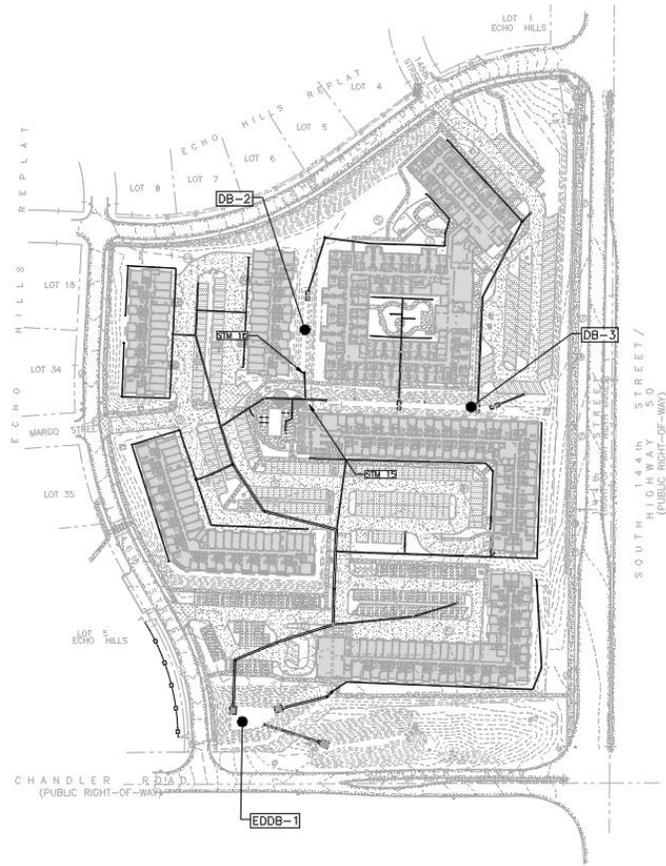
On this _____ day of _____, 2022 before me, _____
a Notary Public, in and for said County, personally came the above named: _____
who is personally known to me to be the identical person whose name is affixed to the above
instrument and acknowledged the instrument to be his, her (their) voluntary act and deed for the
purpose therein stated.

WITNESS my hand and Notarial Seal the day and year last above written.

Notary Public

Notary Seal

EXHIBIT 'A'



PROJECT INFORMATION

Legal Description: Lot 1, Echo Hills Replat 5, and Lot 1, Echo Hills Replat 4, a Subdivision in Sarpy County, Nebraska.

Property Address: 144th & Echo Hills Drive

La Vista, NE 68138

Subdivision Name: Echo Hills

Section: NW 14-11-14

APPLICANT INFORMATION

Business Name: **Echo Hills Apartments L.L.C.**

Business Address: 129 N. 10th Street Unit 106

Lincoln, NE 68508

Representatives Name: Mr. Kevin James

Representative's Email: kevinjames84@yahoo.com

Representative's Phone: (402) 826-9393

BMP INFORMATION

Name	Identifier	Latitude/Longitude	State Plane Coords.
EDDB-1	Extended Dry Detention Basin	N41.18383° W96.14074°	N 515616.654 E 2702000.591
DB-2	Detention Basin	N41.18553° W96.14038°	N 516197.778 E 2702098.210
DB-3	Detention Basin	N41.18530° W96.14017°	N 516171.592 E 2702193.118

Exhibit "B"

**BMP Maintenance Plan
Echo Hills Apartments L.L.C.
Lot 1, Echo Hills Replat 5
Lot 1, Echo Hills Replat 4
LAV-20200408-5420-P**

Name & Location

Project Name: Echo Hills
Address: 144th & Echo Hills Drive
PCWP Project Number: LAV 20200408-5420-GP1
PCSMP Project Number: LAV 20200408-5420-P

Site Data

Total Site Area: 12.43 Acres
Total Disturbed Area: 12.43 Acres
Total Undisturbed Area: 0.00 Acres
Impervious Area Before Construction: 0 %
Impervious Area After Construction: 65 %

Routine Maintenance and Tasks Schedule

Extended Dry Detention Basin and Detention Basin Maintenance Tasks and Schedules

Task	Schedule
Remove debris and trash from basin and side slopes	Monthly
Outlet/inlet inspection and cleanout	Monthly
Bank mowing and inspection/stabilization of eroded areas	Monthly
Remove woody vegetation along embankment	Annually
Inspect for structural damage	Annually
Inspect, exercise all mechanical devices	Annually
Repair broken pipes	As needed
Replace filtration riprap that has been choked with sediment	As needed
Security	As needed

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
APRIL 5, 2022 AGENDA**

Subject:	Type:	Submitted By:
CONDITIONAL USE PERMIT AMENDMENT LOTS 2-4 ECHO HILLS REPLAT FOUR ECHO HILLS APARTMENTS	◆ RESOLUTION ORDINANCE RECEIVE/FILE	CALE BRODERSEN ASSISTANT CITY PLANNER

SYNOPSIS

A public hearing has been scheduled and resolution prepared for Council to consider an application for an amendment to the Conditional Use Permit for the Echo Hills Apartments (a.k.a. the “Echo Park Apartments”) located on Lots 2-4 Echo Hills Replat Four. The purpose of the applicant’s requests is to allow for the construction and operation of an additional apartment building with 71 units. This would be the fifth apartment building in the Echo Park Apartment Complex and would bring their total number of units to 281.

FISCAL IMPACT

N/A.

RECOMMENDATION

Approval.

BACKGROUND

A public hearing has been scheduled and resolution prepared to amend the CUP for the Echo Hills Apartments for Lots 2-4 Echo Hills Replat Four, located at 7631 S 146th Street.

The original Conditional Use Permit for the Echo Hills Apartments was approved on April 21, 2020 and allowed for the construction and operation of four apartment buildings (each three stories tall) with a total of 210 apartment units. This application would allow for the construction and operation of a fifth market-rate apartment building on the two southern-most lots with 71 apartment units, 16 ground-floor garages, and an 1,800 square foot bay on the southwest corner for a coffee shop or community gathering space.

A detailed staff report is attached.

The Planning Commission held a public hearing on March 3, 2022, and unanimously voted to recommend approval of the Conditional Use Permit Amendment, subject to satisfaction of all applicable requirements, including without limitation, notice, hearing, and approval of amendments to the Comprehensive Plan Future Land Use Map, Official Zoning Map, and Planned Unit Development, and approval and recording of the final replat and subdivision agreement.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE CONDITIONAL USE PERMIT FOR ECHO HILLS APARTMENTS, LLC FOR MULTIPLE FAMILY DWELLINGS ON LOTS 2-4 ECHO HILLS REPLAT FOUR.

WHEREAS, West Management, LLC o.b.o. Echo Hills Apartments, LLC has applied for approval of a Conditional Use Permit Amendment for the construction and operation of multiple family dwellings (apartments) on Lots 2-4 Echo Hills Replat Four (proposed Lot 1 Echo Hills Replat Five), generally located northwest of the intersection of S 144th Street and Chandler Road; and

WHEREAS, the La Vista Planning Commission reviewed the application on March 3, 2022 and recommends approval; and

WHEREAS, the Mayor and City Council of the City of La Vista are agreeable to the amendment of the Conditional Use Permit for such purposes.

NOW THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista hereby authorize the execution of a Conditional Use Permit Amendment in form and content submitted at this meeting, with such modifications that the City Administrator or City Attorney may determine necessary or advisable, for Echo Hills Apartments, LLC to allow for the construction and operation of multiple family dwellings on Lots 2-4 Echo Hills Replat Four (proposed Lot 1 Echo Hills Replat Five).

PASSED AND APPROVED THIS 5TH DAY OF APRIL 2022.

CITY OF LA VISTA

ATTEST:

Kim J. Thomas, Acting Mayor

Pamela A. Buethe, MMC
City Clerk



**CITY OF LA VISTA
PLANNING DIVISION
RECOMMENDATION REPORT**

CASE NUMBERS: PCUP22-0001;

FOR HEARING ON: APRIL 5, 2022
REPORT PREPARED ON: MARCH 22, 2022

I. GENERAL INFORMATION

A. APPLICANT(S):

West Management, LLC
Attn: Brett West
129 N 10th Street, #106
Lincoln, NE 68508

B. PROPERTY OWNERS:

Vandelay Investments, LLC
Attn: Brett West
PO Box 22151
Lincoln, NE 68542

Echo Hills Apartments, LLC
Attn: Brett West
129 N 10th Street, #106
Lincoln, NE 68508

C. LOCATION: 7631 S 146th Street, La Vista, NE 68138, generally located northwest of the intersection of 144th Street and Chandler Road.

D. LEGAL DESCRIPTION: Lots 2-4 Echo Hills Replat Four.

E. REQUESTED ACTION(S): Approval of an amendment to the Conditional Use Permit for the Echo Hills Apartments to incorporate changes including the proposed construction and operation of an additional apartment building with 71 units.

F. EXISTING ZONING AND LAND USE: C-1 Shopping Center Commercial, Planned Unit Development (Overlay District), and Gateway Corridor District (Overlay District). This property is currently vacant.

G. PURPOSE OF REQUEST: Applicant is seeking to construct an additional apartment building as part of the Echo Park Apartments complex (building #5). The building would include 71 units, 16 tuck-under garages, and an 1,800 square foot retail space for a coffee shop user on the first floor on the westernmost edge of the building.

With the construction of proposed building #5, the Echo Park Apartments would have a total of 281 units.

H. **SIZE OF SITE:** Approximately 12.45 acres.

II. BACKGROUND INFORMATION

A. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:

<u>Direction From Subject Property</u>	<u>Future Land Use Designation</u>	<u>Current Zoning Designation</u>	<u>Surrounding Development</u>
North	Medium-Density Residential and High-Density Residential	RS-72 Single-Family Residential (Sarpy County Zoning); R-3 High-Density Residential, PUD, and Gateway Corridor District (Overlay District)	Echo Hills Neighborhood and Echo Hills Assisted Living and Memory Care
East	Commercial	C-1 Shopping Center Commercial and Gateway Corridor District (Overlay District).	Dino's Storage
South	Industrial	I-1 Light Industrial and Gateway Corridor District (Overlay District).	Vacant
West	Medium-Density Residential	RS-72 Single-Family Residential (Sarpy County Zoning)	Echo Hills Neighborhood

B. RELEVANT CASE HISTORY:

1. On February 4, 2020 the City Council of the City of La Vista approved a Comprehensive Plan Future Land Use Map amendment, rezoning, planned unit development site plan, and replat for Lot 3 Echo Hills (replatted as Lots 1 through 4 Echo Hills Replat Four) for the development of an assisted living and memory care facility, apartments, and commercial development. Shortly thereafter, conditional use permits were approved for the apartments and assisted living facilities.
2. On May 26, 2020 the applicant requested an amendment to the PUD Site Plan relating to the amount and configuration of the provided off-street parking. Further design of the buildings necessitated a reduction in the number of provided stalls from 352 stalls on Lot 2 to 337 stalls in addition to the removal of one stall on Lot 1. Since the proposed number of parking stalls still greatly exceeded the number required by the La Vista Zoning Ordinance, this change was considered minor, qualified

for administrative approval, and was approved by the City Administrator.

3. An additional amendment to the PUD Site Plan relating to the off-street parking was requested by the applicant on July 14, 2020. This request removed 28 stalls from the parking count on Lot 2 Echo Hills Replat Four. The space for these stalls still exists, but the stalls would not be striped or counted in the total parking count to reduce confusion and the likelihood that parked cars would block access to the attached parking garages in apartment buildings #1 and #2. Like the previous request, the updated proposed number of parking stalls still exceeded the number required by the La Vista Zoning Ordinance. As a minor change, this request qualified for administrative approval, and was approved by the City Administrator.
4. On September 15, 2020, City Council approved an amendment to the PUD site plan that allowed for alternative parking stall dimensions for the 91 stalls in the underground parking garage under apartment building #3 on Lot 2. Standard configurations for 90-degree parking stalls, per Section 7.09 of the La Vista Zoning Ordinance are 9' wide by 18' deep with an isle width of 24' for two-way traffic. The revised, approved dimensions for the underground garage stalls include a 22'-4" drive isle width (a 1'6" reduction), and some stalls with a depth of 17' (a 1' reduction). Other stalls in the garage will have a depth of 19'-6" (an increase of 1'-6").
5. Construction has been completed on the Echo Hills Assisted Living and Memory Care facility and the Echo Park Apartments buildings #1 and #2. Construction on the Echo Park Apartments buildings #3 and #4 is underway.

C. APPLICABLE REGULATIONS:

1. Section 5.08 of the City of La Vista Zoning Ordinance – R-3 High Density Residential
2. Section 5.10 of the City of La Vista Zoning Ordinance – C-1 Shopping Center Commercial
3. Section 5.15 of the City of La Vista Zoning Ordinance – PUD Planned Unit Development District (Overlay District)
4. Section 5.17 of the City of La Vista Zoning Ordinance – Gateway Corridor District (Overlay District)
5. Article 6 of the City of La Vista Zoning Ordinance – Conditional Use Permits

III. ANALYSIS

A. COMPREHENSIVE PLAN:

1. The Future Land Use Map of the La Vista Comprehensive Plan designates this property for commercial development. This application is contingent on the approval of the proposed amendment to the Future Land Use Map of the Comprehensive Plan that would change the designation from commercial to high-density residential.

B. OTHER PLANS: N/A.

C. TRAFFIC AND ACCESS:

1. A traffic impact analysis prepared by Felsburg, Holt & Ullevig (FHU) was submitted and reviewed through the approval process for Phase 1 of the Echo Hills Apartments and the Echo Hills Assisted Living and Memory Care facilities. As a result of this study and the subdivision agreement approved by the La Vista City Council on July 10, 2020, the applicant has made the following street signal improvements at the intersection of 144th Street and Chandler Road:
 - i. Added a permissive/protected phase to the northbound left turn lane with a 4-section signal head to include a flashing yellow arrow; and
 - ii. Modification to 3-section signal heads, with a flashing yellow arrow, to all other left turning lane signal head as to be consistent with signals in the vicinity.
2. A trip generation comparison was completed by Felsburg, Holt & Ullevig (FHU) to explore the traffic generation differences between the previously approved PUD site plan and commercial development concept for Lots 3 and 4 Echo Hills Replat Four and the proposed revised PUD site plan and multi-family residential development. A memo containing this analysis, dated December 29, 2021, concludes "based on the trip generation analysis results, no significant impact is anticipated to traffic conditions with the proposed changes in land uses and quantities."
3. The trip generation comparison memo mentioned above has been reviewed by the Nebraska Department of Transportation and Sarpy County Public Works, and both have expressed no comments or concerns.
4. As part of the Echo Park Apartments phase 1 development to mitigate the potential negative impacts of increased traffic to the neighborhood, the applicant installed a speed table and pedestrian crossing on 146th Street, a speed hump on Echo

Hills Drive, a fence along the east edge of Echo Hills Park along 146th Street, additional on-street parking stalls for Echo Hills park, and an improved sidewalk connection to the park from the neighborhood.

D. UTILITIES:

1. The property has access to all necessary utilities.

E. PARKING REQUIREMENTS:

1. The minimum off-street parking stall requirements for the proposed development per Section 7.06 of the La Vista Zoning Ordinance and the number of proposed parking stalls for each lot in the development are as follows:

<u>Lot #</u>	<u>Use</u>	<u>Required Stalls</u>	<u>Provided Stalls</u>
Lot 1	Assisted Living & Memory Care	80 + 24 Employees	82
Proposed Lot 1 Echo Hills Replat Five	Multi-Family with one commercial bay with a drive-through	385	422

2. With the approval of the original PUD Site Plan, the applicant was granted a reduction in the required parking stall count for the assisted living and memory care facility and Lot 1 Echo Hills Replat Four based on historical data from the operating history of similar projects. The applicant anticipates that only 5 assisted living residents will operate vehicles, and that no memory care residents will be operating a vehicle, greatly reducing the need for parking. This reduction of parking for this facility was approved.
3. The proposed number of provided off-street parking stalls for Lot 2-4 Echo Hills Replat Four (proposed Lot 1 Echo Hills Replat Five) exceeds the minimum number of stalls required by Section 7.06 of the La Vista Zoning Ordinance.
4. Per Section 7.05.09, multi-family housing developments shall provide a minimum of 0.5 enclosed garages per unit, but these garages may count toward the total number of parking spaces required. With 281 units, this requirement for the Echo Park Apartments is to provide a minimum of 141 garage stalls. This proposal includes 153 garage stalls (88 stalls in the garage under apartment building #3, and 65 single garages under apartment buildings #1, #2, #4, and #5.

IV. REVIEW COMMENTS:

1. Per Section 5.15.02.04 of the La Vista Zoning Ordinance, land uses not permitted in the underlying zoning district may be allowed by City Council through a Planned Unit Development Overlay District

to promote mixed-use development. The development proposal related to this application includes a coffee/shop (commercial) use on the property which is not currently permitted in the underlying R-3 High Density Residential Zoning District, but will be permitted through the PUD ordinance if approved by City Council.

2. The applicant has requested an allowance for a reduction in the lot area minimum requirement for the R-3 High-Density Residential Zoning District from 3,000 square feet for the first four units and 1,500 square feet for each additional unit to 3,000 square feet for the first four units and 1,316 square feet for each additional unit. This represents an 11% reduction in the lot area requirement for the multi-family housing on proposed Lot 1 Echo Hills Replat Five. A formal request letter for this allowance was submitted and is attached to the staff report for the PUD application. Allowances for this lot area requirement may be granted by City Council through the Planned Unit Development process, per Section 5.15.02.04 of the La Vista Zoning Ordinance.
3. The building design for the Echo Park Apartments Building #5 is currently under review by the City's third-party Design Review Architect. This design review process must be substantially complete prior to application for building permits.
4. The landscaping plan is currently under review by the City's third-party Design Review Architect and must be approved prior to building permit issuance.
5. Through the Conditional Use Permit, limitations will be placed on the commercial or coffee shop user proposed for the 1,800 square foot space on the west side of apartment building #5, to ensure that the user is one that can regularly maintain a drive through stacking queue of 5 cars or fewer (or such amount that the City Engineer deems appropriate for the location) to ensure that vehicles in the proposed drive-through do not stack out onto the public street.
6. A draft subdivision agreement is attached to the Replat packet item. It addresses items including but not limited to: public and private improvements, maintenance of common areas, staking bonds, guarantees and performance bonds, etc.

V. STAFF RECOMMENDATION – CONDITIONAL USE PERMIT AMENDMENT:

Staff recommends approval of the amendment to the existing Conditional Use Permit for the Echo Hills Apartments, subject to satisfaction of all applicable requirements, including without limitation, notice, hearing, and approval of a amendments to the Future Land Use Map of La Vista's Comprehensive Plan, the Official Zoning Map, and the Planned Unit Development Site Plan, and approval and recording of the final replat and subdivision agreement.

VI. PLANNING COMMISSION RECOMMENDATION – CONDITIONAL USE PERMIT AMENDMENT:

The La Vista Planning Commission held a public hearing on March 3, 2022 and voted unanimously to recommend approval of the amendment to the existing Conditional Use Permit for the Echo Hills Apartments, subject to satisfaction of all applicable requirements, including without limitation, notice, hearing, and approval of amendments to the Future Land Use Map of La Vista's Comprehensive Plan, the Official Zoning Map, and the Planned Unit Development Site Plan, and approval and recording of the final replat and subdivision agreement.

VII. ATTACHMENTS TO REPORT:

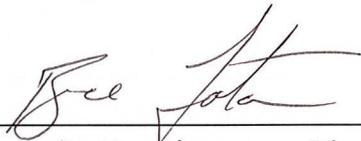
- A. Vicinity Map
- B. Review and response letters
- C. Draft Conditional Use Permit with Operating Statement

VIII. COPIES OF REPORT SENT TO:

- A. Brett West, West Management, LLC
- B. Joe Dethlefs, Thompson, Dreesen & Dorner, Inc.
- C. Public Upon Request



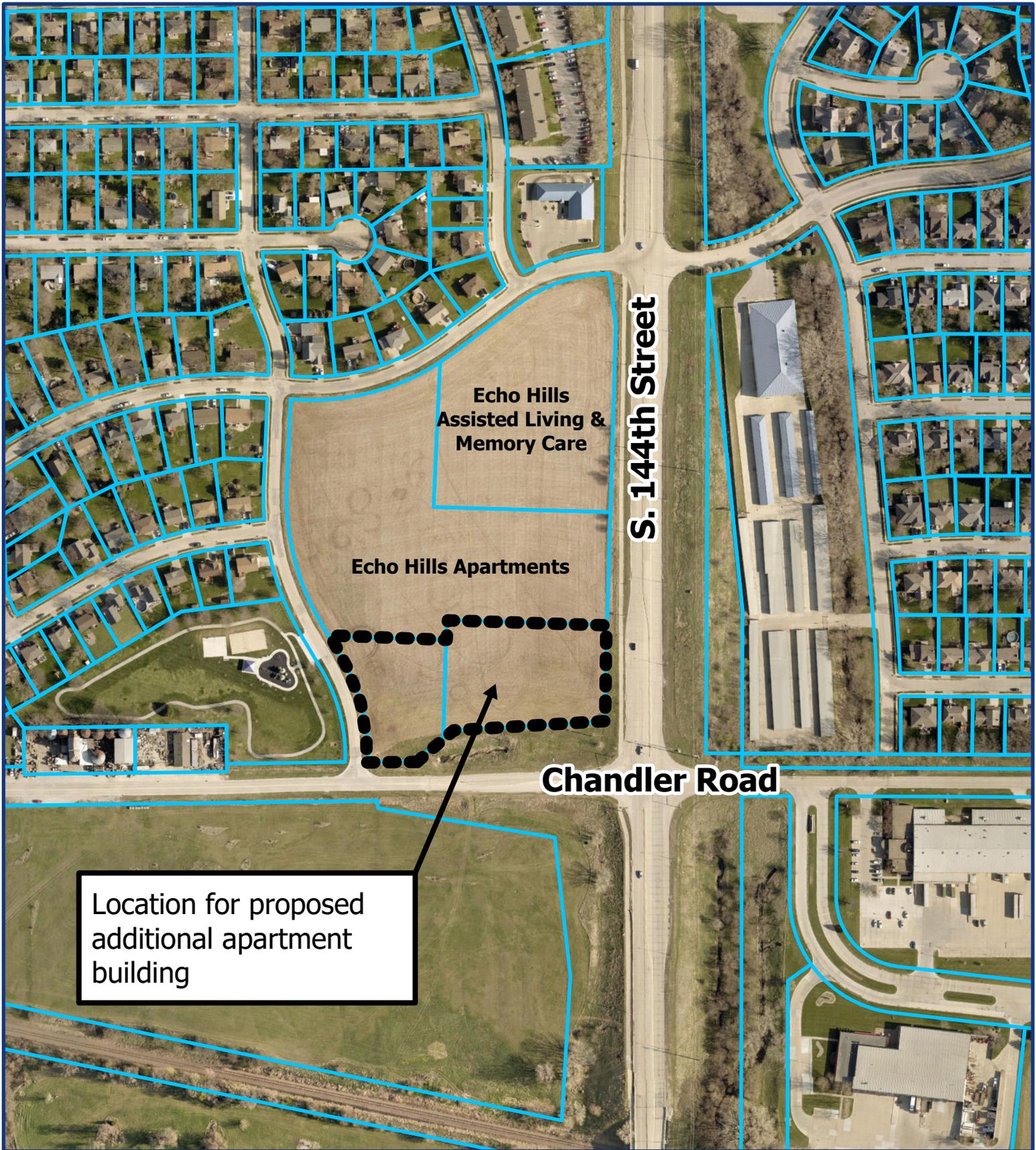
Prepared by: Assistant Planner



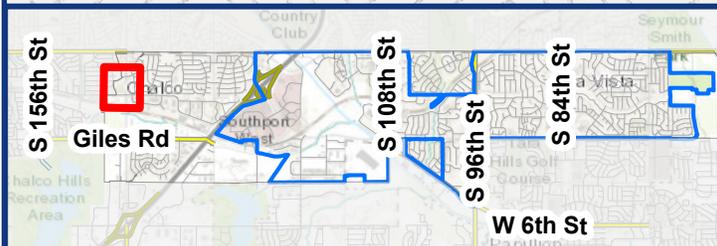
Community Development Director

3/25/22

Date



Project Vicinity Map - West Management, LLC



Legend

- TaxParcel
- Proposed Development Area





January 25, 2022

Joe Dethlefs
Thompson, Dreessen & Dorner, Inc.
10836 Old Mill Road
Omaha, NE 68154

RE: Echo Hills Apartments Phase 2 - Planned Unit Development Amendment &
Conditional Use Permit Applications – Initial Review Letter - Lots 1 through 4 Echo
Hills Replat Four

Mr. Dethlefs,

We have reviewed the documents submitted for the above-referenced application. Based on the elements for consideration set forth in the applicable sections of the Zoning Ordinance, the City has the following comments:

General Comments

1. Per Section 5.08.01 of the La Vista Zoning Ordinance, the required lot area for 281 units on proposed Lot 1 Echo Hills Replat Five is 425,500 square feet. Proposed Lot 1 Echo Hills Replat Five will have only 376,751 square feet. Allowances for this requirement can be made through the Planned Unit Development site plan process, per Section 5.15.02.04. Please submit a formal request letter for a reduction in the lot area requirement from 3,000 square feet for the first 4 units and 1,500 square feet for each additional unit to 3,000 square feet for the first 4 units and 1,316 square feet for each additional unit.
2. Per Section 5.15.05.03.2-4, include an exhibit on the plan set that shows the density of dwelling units per acre of the development.

City Hall
8116 Park View Blvd.
La Vista, NE 68128-2198
402.331.4343 P
402.331.4375 F

**Community
Development**
8116 Park View Blvd.
402.593.6400 P
402.593.6445 F

Library
9110 Giles Rd.
402.537.3900 P
402.537.3902 F

Police
7701 S. 96th St.
402.331.1582 P
402.331.7210 F

Public Works
9900 Portal Rd.
402.331.8927 P
402.331.1051 F

Recreation
8116 Park View Blvd.
402.331.3455 P
402.331.0299 F

3. In September of 2020 your application for an amendment to the existing PUD was approved to allow for alternative parking stall dimensions for the stalls located within the parking garage in Apartment Building #3. Please confirm if the standard parking stall dimensions outlined in Section 7.09 of the La Vista Zoning Ordinance will be met for the garage stalls in proposed apartment building #5.
4. Language will be included in the adopting PUD ordinance that commercial uses that regularly generate drive-through queues of more than five vehicles will be prohibited, due to the current site layout and close proximity to S. 146th Street. If you have identified a potential user for the commercial space at this time, please submit supporting information or documentation about their operation to assist in the site analysis.
5. Please amend the operating statement submitted with the conditional use permit application to include details on the total number of units, garage stalls, parking stalls, and community spaces for the entire Echo Hills Apartments complex (Echo Park). Please specify unit and stall counts for each building in a table.
6. Attached to this letter are several sheets from the submitted PUD plan set with redlines and requested revisions. Please make the necessary revisions.
7. The updated traffic impact analysis that was submitted is currently under review. This TIA will need to be reviewed by the Nebraska Department of Transportation for the intersections along 14th Street (HWY 50), and by Sarpy County Public Works for the intersections along Chandler Road.
8. Please ensure that the provisions for common area maintenance and ownership are updated to reflect the proposed lot arrangement.
9. The sidewalk connection to the northeast corner of 146th Street and Chandler Road needs to be made as was previously contemplated. This section is identified in the attached redlined plan set.
10. Please provide an updated lighting exhibit to ensure there are no adverse lighting impacts to the adjacent properties, per Section 5.15.04.22.
11. The Post-Construction Stormwater Management Plan will need to be revised as part of the proposed change of land-use. Sarpy County Public Works will need to review the modified extended dry detention basin calculations as the basin drains into county road right-of-way.

12. Assurances will be required for all additional public improvements through the subdivision agreement and a performance bond.
13. Please provide an exhibit that shows the turning movements/radii for emergency vehicles navigating between existing Lots 2 and 3 Echo Hills Replat Four, as identified in the attached redlined plan set.
14. Per Section 5.15.02.04, land uses not allowed in the underlying zoning district may be allowed by City Council to promote mixed-use development. Your proposal to include a coffee shop/commercial use on the property (which is not allowed within the R-3 District) may be allowed within the PUD Overlay District if approved by City Council.

Please submit 2 full size revised copies of the PUD plans, CUP Operating Statement, and related documents (along with electronic copies) to the City for further review. A timeline for review by the Planning Commission and City Council will be determined based on the timing of the resubmittal and the extent to which the issues noted this review have been sufficiently addressed.

If you have any questions regarding these comments, please feel free to contact me at any time.

Thank you,

A handwritten signature in black ink that reads "Cale Brodersen". The signature is fluid and cursive, with a long horizontal line extending to the right from the end of the name.

Cale Brodersen
Assistant Planner
City of La Vista
cbrodersen@cityoflavista.org
(402) 593-6405

cc:

Brett West - West Management, LLC
Bruce Fountain, Community Development Director - City of La Vista
Christopher Solberg, Deputy Community Development Director - City of La Vista
Pat Dowse, City Engineer - City of La Vista

January 27, 2022

Cale Brodersen
City of La Vista
8116 Park View Boulevard
La Vista, NE 68128

RE: Echo Hills Apartments Phase 2 – Planned Unit Development Amendment & Conditional Use
Permit Applications – Initial Review Letter Response – Lots 1 through 4 Echo Hills Replat 4

Mr. Brodersen,

Below are responses to the comments on the Planned Unit Development Amendment & Conditional Use Permit initial review letter. The City comments are listed below followed by our response in bold.

1. Per Section 5.08.01 of the La Vista Zoning Ordinance, the required lot area for 281 units on proposed Lot 1 Echo Hills Replat Five is 425,500 square feet. Proposed Lot 1 Echo Hills Replat Five will have only 376,751 square feet. Allowances for this requirement can be made through the Planned Unit Development site plan process, per Section 5.15.02.04. Please submit a formal request letter for a reduction in the lot area requirement from 3,000 square feet for the first 4 units and 1,500 square feet for each additional unit to 3,000 square feet for the first 4 units and 1,316 square for each additional unit.
A request letter for the reduction in the lot area requirement has been included in this submittal.
2. Per Section 5.15.05.03.2-4, include an exhibit on the plan set that shows the density of dwelling units per acre of the development.
A unit density table has been added to the PUD Site Plan.
3. In September of 2020 your application for an amendment to the existing PUD was approved to allow for alternative parking stall dimensions for the stalls located within the parking garage in Apartment Building #3. Please confirm if the standard parking stall dimensions outlined in Section 7.09 of the La Vista Zoning Ordinance will be met for the garage stalls in proposed apartment building #5.
The proposed garage parking for building #5 will be standard.

4. Language will be included in the adopting PUD ordinance that commercial uses that regularly generate drive-through queues of more than five vehicles will be prohibited, due to the current site layout and close proximity to S. 146th Street. If you have identified a potential user for the commercial space at this time, please submit supporting information or documentation about their operation to assist in the stie analysis.
A potential user for the commercial space has not been determined at this time.
5. Please amend the operating statement submitted with the conditional use permit application to include details on the total number units, garage stalls, parking stalls, and community spaces for the entire Echo Hills Apartment complex (Echo Park). Please specify unit and stall counts for each building in a table.
The operating state has been amended to include these items.
6. Attached to this letter are several sheets from the submitted PUD plan set with redlines and requested revisions. Please make the necessary revisions.
The PUD plan set has been updated to address the redlines and requested revisions.
7. The updated traffic impact analysis that was submitted is currently under review. This TIA will need to be reviewed by the Nebraska Department of Transportation for the intersections along 14th Street (HWY 50), and by Sarpy County Public Works for the intersections along Chandler Road.
TD2 acknowledges. The TIA will be reviewed by the NDOT and Sarpy County Public Works.
8. Please ensure that the provisions for common area maintenance and ownership are updated to reflect the proposed lot arrangement.
The subdivision agreement has been updated to reflect the proposed lot arrangement.
9. The sidewalk connection to the northeast corner of 146th Street and Chandler Road needs to be made as was previously contemplated. This section is identified in the attached redlined plan set.
The sidewalk connection has been updated.
10. Please provide an updated lighting exhibit to ensure there are no adverse lighting impacts to the adjacent properties, per Section 5.15.04.22.
An updated lighting exhibit is being prepared and will be forwarded upon completion.
11. The Post-Construction Stormwater Management Plan will need to be revised as part of the proposed change of land-use. Sarpy County Public Works will need to review the modified extended dry detention basin calculations as the basin drains into county road right-of-way.
The updated PCSMP will be submitted to Sarpy County Public Works as part of the building permit process.

12. Assurances will be required for all additional public improvements through the subdivision agreement and a performance bond.

TD2 acknowledges.

13. Please provide an exhibit that shows the turning movements/radii for emergency vehicles navigating between existing Lots 2 and 3 Echo Hills Replat Four, as identified in the attached redlined plan set.

The additional turning movement route has been added to the PUD plan set.

14. Per Section 5.15.02.04, land use not allowed in the underlying zoning district may be allowed by City Council to promote mixed-use development. Your proposal to include a coffee shop/commercial use on the property (which is not allowed within the R-3 District) may be allowed within the PUD Overlay District if approved by Council.

TD2 acknowledges.

We appreciate the City's effort in preparing this review. We would like to continue working with the City to address any unresolved items. Please contact our office with any questions or concerns.

Respectfully submitted,

THOMPSON, DREESSEN & DORNER, INC.



Trevor Veskrna, E.I.



February 3, 2022

Joe Dethlefs
Thompson, Dreessen & Dorner, Inc.
10836 Old Mill Road
Omaha, NE 68154

RE: Echo Hills Apartments Phase 2 - Planned Unit Development Amendment &
Conditional Use Permit Applications – Second Review Letter - Lots 1 through 4 Echo
Hills Replat Four

Mr. Dethlefs,

We have reviewed the documents of your resubmittal for the above-referenced application. Based on the elements for consideration set forth in the applicable sections of the Zoning Ordinance, the City has the following comments:

General Comments

1. Regarding the letter that was submitted to request a reduction in the lot area minimum requirements (an allowance through the PUD), please have this letter submitted by the applicant/property owner (as opposed to TD2). This is a procedural requirement.
2. Please adjust the lighting calculations exhibit to show the lighting level calculations off-site, as in the previous lighting exhibit attached to this letter as Exhibit A.
3. Please include the monument sign setback dimensions on the PUD Site Plan. This setback requirement is 10 feet from the property line.

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Public Works
9900 Portal Rd.
402.331.8927 P
402.331.1051 F

Recreation
8116 Park View Blvd.
402.331.3455 P
402.331.0299 F

4. In our last letter, we noted "the sidewalk connection to the northeast corner of 146th Street and Chandler Road needs to be made as was previously contemplated." This comment was specifically noting that a sidewalk connection was needed along the west side of the property (along 146th Street) down to the southern property line. The resubmittal included a relocation of the entire southern sidewalk. As discussed with you on 2/1/2022, this sidewalk may be relocated as originally submitted, with the addition of the west-side, sidewalk connection.

Please submit 2 full size revised copies of the PUD plans, CUP Operating Statement, and related documents (along with electronic copies) to the City for further review. A timeline for review by the Planning Commission and City Council will be determined based on the timing of the resubmittal and the extent to which the issues noted this review have been sufficiently addressed.

If you have any questions regarding these comments, please feel free to contact me at any time.

Thank you,



Cale Brodersen
Assistant Planner
City of La Vista
cbrodersen@cityoflavista.org
(402) 593-6405

cc:

Brett West - West Management, LLC
Bruce Fountain, Community Development Director - City of La Vista
Christopher Solberg, Deputy Community Development Director - City of La Vista
Pat Dowse, City Engineer - City of La Vista

Enclosure

February 16, 2022

Cale Brodersen
City of La Vista
8116 Park View Boulevard
La Vista, NE 68128

RE: Echo Hills Replat Five – Second Review Letter Response

Mr. Brodersen,

Below are responses to the comments on the Echo Hills Phase 2 - PUD second review letter dated February 3, 2022, for the proposed development at Echo Hills Replat Five. The City comments are listed below followed by our response in bold.

1. Regarding the letter that was submitted to request a reduction in the lot area minimum requirements (an allowance through PUD), please have this letter submitted by the applicant/property owner (as opposed to TD2). This is a procedural requirement.
The applicant has completed and signed the request letter.
2. Please adjust the lighting calculations exhibit to show the lighting level calculations off-site, as in the previous lighting exhibit attached to this letter as Exhibit A.
Updated light calculation exhibit has been included with this submittal.
3. Please include the monument sign setback dimensions on the PUD Site Plan. This setback requirement is 10 feet from the property line.
Dimension has been added to the PUD Site Plan. The minimum setback requirement for the monument sign is 10'.
4. In our last letter, we noted "the sidewalk connection to the northeast corner of 146th Street and Chandler Road needs to be made as was previously contemplated." This comment was specifically noting that a sidewalk connection was needed along the west side of the property (along 146th Street) down to the southern property line. The resubmittal included a relocation of the entire southern sidewalk. As discussed with you on 2/1/2022, this sidewalk may be relocated as originally submitted, with the addition of the west-side connection.
The sidewalk has been updated per these comments.

We appreciate the City's continued effort in preparing this review. We would like to continue working with the City to address any unresolved items. Please contact our office with any questions or concerns.

Respectfully submitted,

THOMPSON, DREESSEN & DORNER, INC.



Trevor Veskrna, E.I.

CITY OF LAVISTA
CONDITIONAL USE PERMIT

**Conditional Use Permit for Multiple Family Dwellings
(Echo Hills Apartments)
Lot 1 Echo Hills Replat Five**

This Conditional Use Permit is issued this ____ day of _____ 2022 by the City of La Vista, a municipal corporation in Sarpy County, Nebraska ("City") to Echo Hills Apartments, LLC, a limited liability company authorized to do business in Nebraska ("Owner"), pursuant to the La Vista Zoning Ordinance.

WHEREAS, Owner was granted a Conditional Use Permit by the City Council of the City of La Vista on April 21, 2020 to construct and operate a multiple family dwelling complex to be known as the Echo Hills Apartments (now known as the Echo Park Apartments) upon Lot 2 Echo Hills Replat Four, a subdivision in Sarpy County, Nebraska; and

WHEREAS, Owner has applied for an amended Conditional Use Permit for the purpose of constructing and operating additional multiple family dwelling units as part of the Echo Park Apartment Complex on Lots 3 and 4 Echo Hills Replat Four, being combined with Lot 2 Echo Hills Replat Four through a replatting process to be Lot 1 Echo Hills Replat Five, a subdivision in Sarpy County, Nebraska (the "Property") as depicted in Exhibit "A" the final plat; and

WHEREAS, the Mayor and City Council of the City of La Vista are agreeable to the issuance of a Conditional Use Permit to the Owner for such purposes, subject to certain conditions and agreements as hereinafter provided (the "Permit").

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

Conditions of the Permit

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

1. Development and operation on the Property is governed by this Permit. The rights granted by this Permit are transferable and any material breach hereof shall cause Permit to expire and terminate, subject to the rights of the Owner to cure such default or deficiency as set forth in this Permit.
2. In respect to the proposed Uses:
 - a. The site plan (the "Site Plan") showing the Property's boundaries, all existing and proposed easements, proposed structures, parking, access points, and drives, is attached hereto and incorporated herein as Exhibit " B ".
 - b. Operations on the property will be limited to and carried out in accordance with the Operational Statement attached as Exhibit "C" and incorporated into this permit by reference.
 - c. Architectural review of the building design, landscaping, and lighting must be completed prior to issuance of building permits, and the foregoing plans are approved as shown in Exhibits " D " through " F ".
 - d. The Property shall be developed and maintained in accordance with the Site Plan and all other Exhibits of this Agreement, as well as the final plat of Lots 1-4 Echo Hills Replat Four ("Final Plat"), Planned Unit Development Plan ("PUD") and Subdivision Agreement applicable to the Property,

- ("Subdivision Agreement"), as approved by the City and incorporated herein by this reference. Any modifications to the Site Plan must be submitted to the Chief Building Official for approval. Modification of any other document or Exhibit shall be subject to approval of the City, as directed by the City Administrator, unless otherwise expressly provided in the document or Exhibit to be modified.
- e. All signage, including without limitation design, location, placement and dimensions, shall be subject to approval of the Community Development Department, per the La Vista Zoning Ordinance.
 - f. As-built topographic surveys of the storm water detention areas constructed in accordance with the Subdivision Agreement shall be provided to the City before certificates of occupancy are issued for any completed building on the Property, with a requirement that any variances from the approved detention plans be corrected, or certified as inconsequential, to the satisfaction of the City Engineer prior to issuing such certificates.
 - g. No vehicle repair (other than emergency maintenance such as changing a tire), inoperable or abandoned vehicles, or storage of vehicles shall be allowed in the parking areas on the Property shown on Exhibit "B". The Owner shall have seventy-two (72) hours after notice from the City or other appropriate political subdivision to correct any violation or cause the removal of any such vehicle that is in violation.
 - h. Owner shall obtain all required permits for the Uses from the City of La Vista.
 - i. Owner shall comply (and shall ensure that all structures, appurtenances and improvements on the Property at any time comply) with any applicable federal, state and/or local laws, rules or regulations, as amended or in effect from time to time, including, but not limited to, applicable building codes, fire codes, ADA requirements, and environmental or safety laws, rules or regulations.
 - j. Owner hereby indemnifies the City against, and holds the City harmless from, any liability, loss, claim or expense whatsoever (including, but not limited to, reasonable attorney fees and court cost) arising out of or resulting from the acts, omissions or negligence of the Owner or its agents, employees, assigns, suppliers or invitees relating to the Owner's Uses of the Property, including, but not limited to, any liability, loss, claim or expense arising out of or resulting from any violations of any applicable environmental or safety law, rule or regulation but excluding any liability, loss, claim or expense proximately caused by the sole negligence of the City.
 - k. A drainage study for the Property has been completed, as referenced in the Subdivision Agreement, with respect to the proposed Uses on Lot 1 Echo Hills Replat Four and Lot 1 Echo Hills Replat Five. Owner agrees to comply with requirements related to drainage that are specified in said Subdivision Agreement.
 - m. Owner shall ensure that the leasing and business office on the property will be staffed during normal business hours.
 - n. If at any time any part of Lot 1 Echo Hills Replat Five is owned by any person or entity other than Owner, all owners shall cooperate and coordinate to carry out Subdivider (as "Subdivider" is defined in the Subdivision Agreement) obligations under the Subdivision Agreement.
 - o. There shall not be any outside storage of materials. All trash receptacles, benches and planters shall be placed on property and securely fastened to building or concrete. Trash dumpsters shall be placed with a trash enclosure of six feet in height and screened accordingly.
 - p. Landscaping requirements from Section 7.17 of the City of La Vista Zoning Ordinance shall be satisfied and maintained in accordance with the approved landscaping plan (Exhibit "D") and the requirements of the Gateway Corridor District.
 - q. The coffee shop or commercial tenant intended to occupy the 1,800 square foot commercial bay in the southwest corner of apartment building #5 must be approved by the Community Development Department prior to lease execution or occupancy so that the potential for vehicles stacking into the public street from the drive-through can be evaluated.
3. The Owner's right to maintain the Uses of the Property, as contemplated by this Permit, shall be based on the following conditions:

- a. An annual inspection to determine compliance with the conditions of this Permit. The Permit may be revoked (with respect to a particular Use) only upon a finding by the City that there is a material violation of the material terms of this Permit if the violation occurs after written notice from the City to Owner and opportunity to cure in the time and manner described below.
 - b. Construction will be in accordance with the City Building Code. Time limitation for building permits shall be in accordance with the City Building Code. Extensions shall be requested in writing and justifiable cause demonstrated.
 - c. All obsolete or unused structures, accessory facilities or materials with an environmental or safety hazard shall be abated and/or removed from the Property at Owner's expense within twelve (12) months of cessation of the Use of the Property as related to said structures, facilities or materials.
4. Notwithstanding any other provision herein to the contrary, this Permit, and all rights granted hereby, shall expire and terminate as to a Permitted Use hereunder upon the first of the following to occur:
- a. Owner's abandonment of the Permitted Use. There shall be a presumption that the project on the Property has been abandoned if the Owner fails to commence construction of the buildings within the time provided by Section 4(b) above.
 - b. Cancellation, revocation, denial or failure to maintain any federal, state or local permit required for the Uses, and such cancellation, revocation denial or failure to maintain any federal, state or local permit required for the use is not cured in the time and manner described below, so long as curative rights are provided under laws, rules and regulations governing said permit.
 - c. Owner's construction or placement of a storage tank, structure or other improvement on the Property, (except during construction of any phase of the project) not specified in this Permit and Owner's failure to cure such breach in the time and manner described below after City's giving notice thereof.
 - d. Owner's breach of other terms hereof and its failure to cure such breach in the time and manner set forth below.
5. If construction of the improvements on the Property has not been commenced within twelve (12) months from the date of this Permit, this Permit shall be null and void and all rights hereunder shall lapse; provided, however, Owner shall have the right to file for an extension of time pursuant to the La Vista Zoning Ordinance.
6. If the Owner upon the expiration or termination of this Permit fails to promptly remove any remaining safety, environmental or other hazard or nuisance, the City may at its option (but without any obligation to the Owner or any third party to exercise said option) cause the same to be removed at Owner's cost (including, but not limited to, the cost of any excavation and earthwork that is necessary or advisable in connection with the removal thereof) and the Owner shall reimburse the City the costs incurred to remove the same. Owner hereby irrevocably grants the City, its agents and employees the right, provided notice is furnished to the Owner along with a reasonable time to remove or cure such hazard, to enter the Property and to take whatever action as is necessary or appropriate to remove any such hazards or nuisances in accordance with the terms of this Permit, and the right of the City to enter the Property as may be necessary or appropriate to carry out any other provision of this Permit.
7. If any provision, or any portion thereof, contained in this Permit is held to be unconstitutional, invalid, or unenforceable, the remaining provisions hereof, or portions thereof, shall be deemed severable, shall not be affected, and shall remain in full force and effect.
8. The conditions and terms of this Permit shall constitute covenants running with the land and shall be binding upon, and shall inure to the benefit of, the Owner, its successors and assigns.
9. Delay of City to terminate this Permit on account of breach of Owner of any terms hereof in accordance

with the terms hereof shall not constitute a waiver of City's right to terminate this Permit, unless the City has expressly waived said breach. A waiver of the right to terminate upon any breach shall not constitute a waiver of the right to terminate upon a subsequent breach of the terms hereof, whether said breach be of the same or different nature.

10. Cure Rights. Notwithstanding any other provision of this Permit to the contrary, Owner shall be entitled to written notice and opportunity to cure a breach of this Permit as follows. City will notify the Owner in writing of any breach of this Permit and Owner shall be permitted to cure any breach. Such written notice shall specify the particular conditions giving rise to the breach, and, to the extent known, what actions are required to cure such breach. Cure shall be commenced and completed as soon as possible and in all cases within thirty (30) days after City provides notice of breach; provided, however, in any case that cure cannot be completed within 30 days, additional time will be allowed, so long as cure is commenced within the time required in this Section 10 and diligently pursued and completed as soon as is reasonably possible, and allowing additional time does not substantially increase risk of harm to persons or property. City shall have the right to terminate this Permit if a breach is not timely cured.
11. Nothing herein shall be construed to be a waiver or suspension of, or an agreement on the part of the City to waive or suspend, any zoning law or regulation applicable to the premises except to the extent and for the duration specifically authorized by this Permit.
12. Any notice to be given by City hereunder shall be in writing and shall be sufficiently given if sent by regular mail, postage prepaid, addressed as follows:

To Owner: Echo Hills Apartments, LLC
PO Box 22151
Lincoln, NE 68542

13. All recitals at the beginning of this document and exhibits or other documents referenced in this Permit shall be incorporated herein by reference.
14. Exhibits. The following exhibits are incorporated herein by reference:

- | | |
|--------------|----------------------|
| Exhibit "A": | Final Plat |
| Exhibit "B": | Site Plan |
| Exhibit "C": | Operating Statement |
| Exhibit "D": | Landscaping Plan |
| Exhibit "E": | Site Lighting Plan |
| Exhibit "F": | Elevation Renderings |

Effective Date:

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

THE CITY OF LA VISTA

By _____
Douglas Kindig, Mayor

Attest:

Pamela A Buehe, CMC
City Clerk

ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA)
) ss.
COUNTY OF SARPY)

On this _____ day of _____, 2022, before me a Notary Public, duly commissioned and qualified in and for said County, appeared Douglas Kindig, personally known by me to be the Mayor of the City of La Vista and Pamela Buehe, to me personally known to be the City Clerk of the City of La Vista, the identical persons whose names are affixed to the foregoing Permit, and they acknowledged the execution thereof to be their voluntary act and deed.

WITNESS my hand and Notarial Seal the day and year last above written.

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

Owner:

Echo Hills Apartments, LLC

By: _____, it's owner

ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA)
)
COUNTY OF _____)

On this _____ day of _____, 2022, before me a Notary Public, duly commissioned and qualified in and for said County, appeared _____ personally known by me to be an owner of Echo Hills Apartments, L.L.C., a limited liability company, and the identical person whose name is affixed to the foregoing Permit, and acknowledged the execution thereof to be his voluntary act and deed and the voluntary act and deed of said company.

WITNESS my hand and Notarial Seal the day and year last above written.

Notary Public

ECHO HILLS REPLAT FIVE

LOT 1

EXHIBIT A



thompson, dreessen & dorner, inc.
10836 Old Mill Rd
Omaha, NE 68154
p.402.330.8860 f.402.330.5866
td2co.com

ACCEPTANCE BY LA VISTA COUNCIL

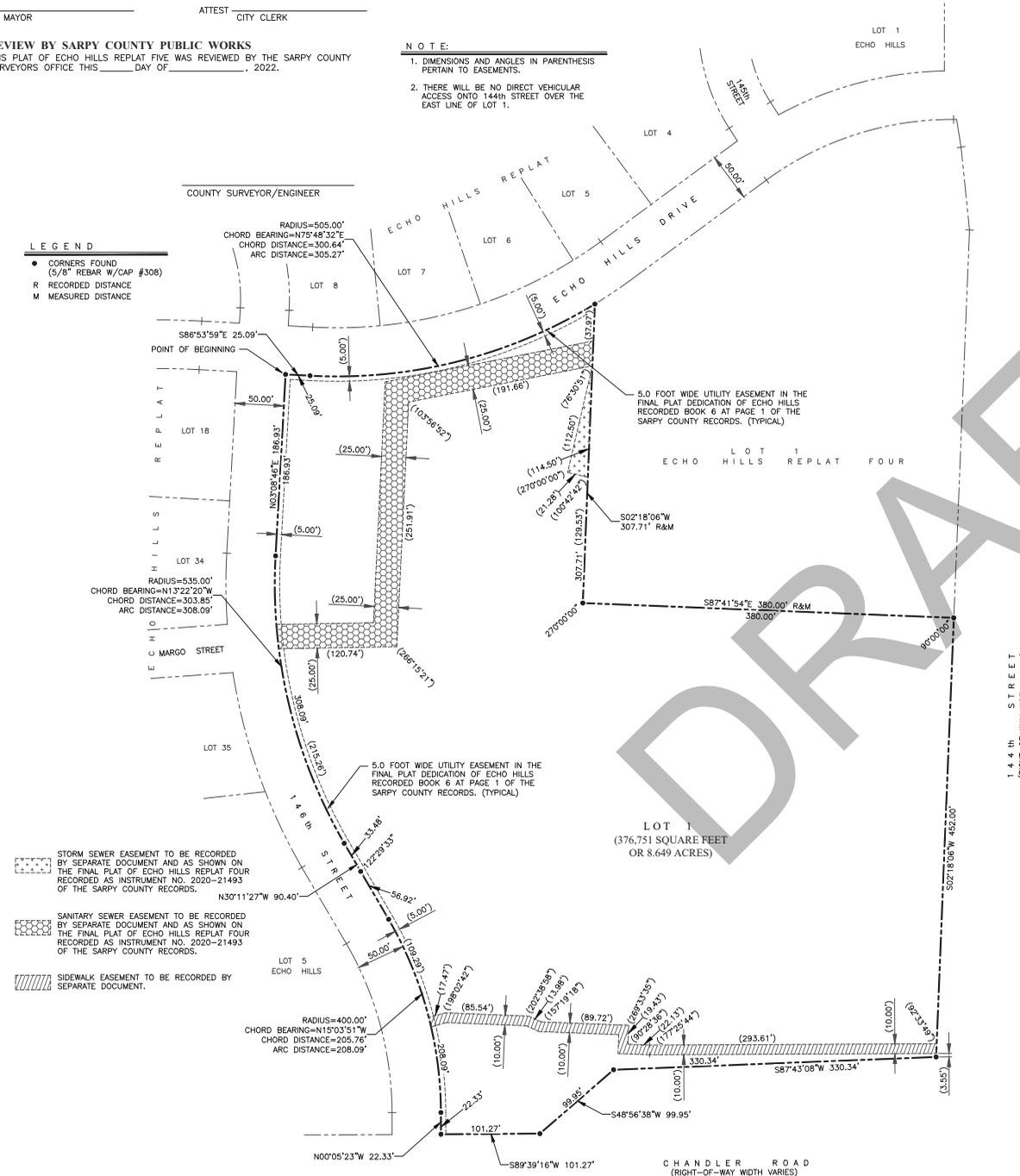
THIS PLAT OF ECHO HILLS REPLAT FIVE WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA ON THIS _____ DAY, _____, 2022, IN ACCORDANCE WITH THE STATE STATUTES OF NEBRASKA.

MAYOR _____ ATTEST _____ CITY CLERK

REVIEW BY SARPY COUNTY PUBLIC WORKS
THIS PLAT OF ECHO HILLS REPLAT FIVE WAS REVIEWED BY THE SARPY COUNTY SURVEYORS' OFFICE THIS _____ DAY OF _____, 2022.

- NOTE:**
- DIMENSIONS AND ANGLES IN PARENTHESES PERTAIN TO EASEMENTS.
 - THERE WILL BE NO DIRECT VEHICULAR ACCESS ONTO 144th STREET OVER THE EAST LINE OF LOT 1.

- LEGEND**
- CORNERS FOUND (5/8" REBAR W/CAP #308)
 - R RECORDED DISTANCE
 - M MEASURED DISTANCE



SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, REGISTERED IN COMPLIANCE WITH THE LAWS OF THE STATE OF NEBRASKA, AND THAT THIS PLAT MEETS OR EXCEEDS THE "MINIMUM STANDARDS FOR SURVEYS" ADOPTED BY THE NEBRASKA STATE BOARD OF EXAMINERS FOR LAND SURVEYORS. FURTHER, I HEREBY CERTIFY THAT I HAVE MADE A BOUNDARY SURVEY OF THE SUBDIVISION DESCRIBED HEREON AND THAT PERMANENT MARKERS WILL BE SET AT ALL LOT CORNERS, ANGLE POINTS AND AT THE ENDS OF ALL CURVES WITHIN THE SUBDIVISION TO BE KNOWN AS ECHO HILLS REPLAT FIVE, LOT 1, BEING A REPLATTING OF LOTS 2, 3 AND 4, ECHO HILLS REPLAT FOUR, A SUBDIVISION IN SARPY COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS, BEGINNING AT THE NW CORNER OF SAID LOT 2:

- THENCE S86°53'59"E (ASSUMED BEARING) 25.09 FEET ON THE NORTH LINE OF SAID LOT 2;
- THENCE NORTHEASTERLY ON THE NORTH LINE OF SAID LOT 2 ON A 505.00 FOOT RADIUS CURVE TO THE LEFT, CHORD BEARING N75°48'32"E, CHORD DISTANCE 300.64 FEET; AN ARC DISTANCE OF 305.27 FEET TO THE NE CORNER THEREOF;
- THENCE S02°18'06"W 307.71 FEET ON THE EAST LINE OF SAID LOT 2;
- THENCE S87°41'54"E 380.00 FEET ON THE NORTH LINE OF SAID LOT 2 TO THE WEST LINE OF SOUTH 144TH STREET (HIGHWAY 50);
- THENCE S02°18'06"W 452.00 FEET ON THE WEST LINE OF SOUTH 144TH STREET (HIGHWAY 50) TO THE NORTH LINE OF CHANDLER ROAD;
- THENCE S87°43'08"W 330.34 FEET ON THE NORTH LINE OF CHANDLER ROAD;
- THENCE S48°56'38"W 99.95 FEET ON THE NORTH LINE OF CHANDLER ROAD TO THE SOUTH LINE OF SAID LOT 4;
- THENCE S89°39'16"W 101.27 FEET ON THE NORTH LINE OF CHANDLER ROAD AND ON THE SOUTH LINE OF SAID LOT 4 TO THE SW CORNER THEREOF;
- THENCE N00°05'23"W 22.33 ON THE WEST LINE OF SAID LOT 4;
- THENCE NORTHWESTERLY ON THE WEST LINE OF SAID LOT 4 ON A 400.00 FOOT RADIUS CURVE TO THE LEFT, CHORD BEARING N15°03'51"W, CHORD DISTANCE 205.76 FEET, AN ARC DISTANCE OF 208.09 FEET;
- THENCE N30°11'27"W 90.40 FEET ON THE WEST LINES OF SAID LOT 2 AND 4;
- THENCE NORTHWESTERLY ON THE WEST LINE OF SAID LOT 2 ON A 535.00 FOOT RADIUS CURVE TO THE RIGHT, CHORD BEARING N13°22'20"W, CHORD DISTANCE 303.85 FEET, AN ARC DISTANCE OF 308.09 FEET;
- THENCE N03°08'46"E 186.93 FEET ON THE WEST LINE OF SAID LOT 2 TO THE POINT OF BEGINNING.

CONTAINING 8.649 ACRES MORE OR LESS



JAMES D. WARNER
NEBRASKA RLS 308

DECEMBER 28, 2021
DATE:

OWNER'S CERTIFICATE

WE THE UNDERSIGNED ECHO HILLS APARTMENTS, LLC, A NEBRASKA LIMITED LIABILITY COMPANY, BEING THE OWNERS OF THE REAL ESTATE SHOWN AND DESCRIBED HEREIN, DO HEREBY CERTIFY THAT WE HAVE LAID OUT, PLATTED AND SUBDIVIDED, SAID REAL ESTATE IN ACCORDANCE WITH THIS PLAT.

THIS SUBDIVISION SHALL BE KNOWN AND DESIGNATED AS ECHO HILLS REPLAT FIVE,

CLEAR TITLE TO THE LAND CONTAINED IN THIS PLAT IS GUARANTEED.

THERE ARE STRIPS OF GROUND SHOWN OR DESCRIBED ON THIS PLAT AND MARKED EASEMENT, RESERVED FOR THE USE OF PUBLIC UTILITIES AND SUBJECT TO THE PARAMOUNT RIGHT OF UTILITY OR CITY TO INSTALL, REPAIR, REPLACE AND MAINTAIN ITS INSTALLATIONS.

ECHO HILLS APARTMENTS, LLC
A NEBRASKA LIMITED LIABILITY COMPANY

BY: _____
KEVIN JAMES, MANAGER

ACKNOWLEDGEMENT OF NOTARY
STATE OF NEBRASKA
COUNTY OF SARPY

ON THE _____ DAY OF _____, 2022, BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, DULY COMMISSIONED AND QUALIFIED IN AFORESAID COUNTY PERSONALLY APPEARED KEVIN JAMES, MANAGER OF ECHO HILLS APARTMENTS, LLC, A NEBRASKA LIMITED LIABILITY COMPANY, KNOWN BY ME TO BE THE IDENTICAL PERSON WHOSE NAME IS AFFIXED TO THE DEDICATION ON THIS PLAT AND ACKNOWLEDGED THE EXECUTION THEREOF TO BE HIS VOLUNTARY ACT AND DEED ON BEHALF OF SAID COMPANY.

WITNESS MY HAND AND NOTARIAL SEAL THIS DAY AND YEAR LAST ABOVE MENTIONED

NOTARY PUBLIC

COUNTY TREASURER'S CERTIFICATIONS

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

COUNTY TREASURER'S _____ DATE _____

TREASURER'S SEAL

APPROVAL OF THE PLANNING COMMISSION OF LA VISTA, NEBRASKA

THIS PLAT OF ECHO HILLS REPLAT FIVE WAS APPROVED BY THE LA VISTA PLANNING COMMISSION THIS _____ DAY OF _____, 2022.

CHAIRPERSON, LA VISTA PLANNING COMMISSION

ECHO HILLS REPLAT FIVE
LOT 1



Revision Dates

No.	Description	MM-DD-YY
--	--	--
--	--	--
--	--	--
--	--	--

Job No.: A2142-103A
Drawn By: RJR
Reviewed By: JDW
Date: DECEMBER 28, 2021
Book: 19/25
Pages: 33-35

Sheet Title

CITY OF LA VISTA
FINAL PLAT

Sheet Number

SHEET 1 OF 1

Echo Park Apartments Phase 2
Operating Statement

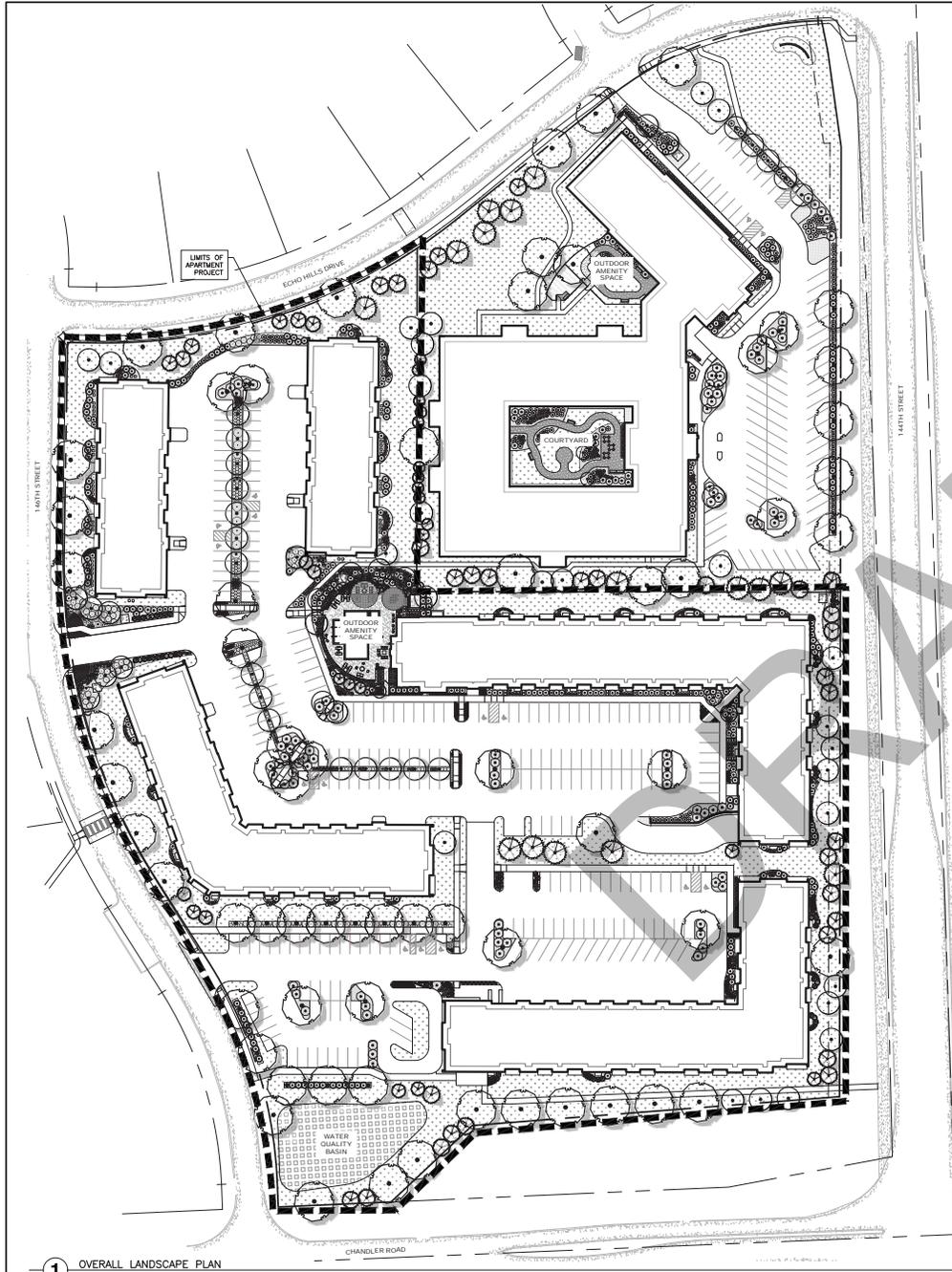
Echo Park Phase 2 will be comprised of one building with 71 units and 16 tuck in garages on the first floor. The Tract of land is comprised of 376,751 sq ft (8.649 Acres). The 71-units will be comprised of a mix of studios, 1 bedroom, and 2-bedroom apartment homes. Additionally, this building will house an approximate 2,000 sq ft coffee shop on the first floor.

Building	Unit Count	Parking Stalls	Garage Stalls
Building 1	30	19	13
Building 2	30	20	13
Building 3	90	67	88
Building 4	60	66	23
Building 5	71	97	16

*Clubhouse is in Building 3 which includes living room area, pet spa, craft room, study hall, pool area, and grill area

*Building 5 is anticipating a coffee shop located on first floor of building

EXHIBIT D



LANDSCAPE REQUIREMENTS

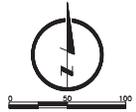
- STREET FRONTAGE (SECTION 07.17.03.02) — 146TH STREET**
 146TH STREET FRONTAGE 966' -
 TREES REQUIRED (1 TREE / 40 LF FRONTAGE) 966' / 40' = 24 TREES
 TREES PROVIDED = 26 TREES
- STREET FRONTAGE (SECTION 07.17.03.02) — ECHO HILLS DRIVE**
 ECHO HILLS DRIVE FRONTAGE 860' — ACCESS DRIVES 88' = 668'
 TREES REQUIRED (1 TREE / 40 LF FRONTAGE) 668' / 40' = 17 TREES
 TREES PROVIDED = 18 TREES
- STREET FRONTAGE (SECTION 07.17.03.02) — 146TH STREET**
 146TH STREET FRONTAGE 815' — ACCESS DRIVES 168' = 647'
 TREES REQUIRED (1 TREE / 40 LF FRONTAGE) 647' / 40' = 16 TREES
 TREES PROVIDED = 17 TREES
- STREET FRONTAGE (SECTION 07.17.03.02) — CHANDLER ROAD**
 CHANDLER ROAD FRONTAGE 531'
 TREES REQUIRED (1 TREE / 40 LF FRONTAGE) 531' / 40' = 13 TREES
 TREES PROVIDED = 17 TREES
- PARKING AREA INTERIOR LANDSCAPING (SECTION 07.17.03.06)**
 PARKING STALLS = 351
 INTERIOR LANDSCAPING REQUIRED (10 SF / PARKING STALL) = 3,510 SF
 INTERIOR LANDSCAPING PROVIDED = 11,341 SF
- PARKING AREA PERIMETER LANDSCAPING (SECTION 07.17.03.07)**
 PARKING LOT STREET FRONTAGE = 616'
 TREES REQUIRED (1 TREE / 40 LF STREET FRONTAGE) = 15 TREES
 TREES PROVIDED = 23
- PARKING AREA SCREENING (SECTION 07.17.04.01)**
 MINIMUM 3' HIGH VEGETATIVE SCREENING PROVIDED

NOTES:

- SEE SHEET L2.0 FOR PLANT SCHEDULE
- ALL TURF GRASS AREAS AND LANDSCAPE PLANTINGS SHALL BE IRRIGATED. SEE SHEET L3.0 FOR ADDITIONAL INFORMATION.

LAMP RYNEARSON

14710 W. DODDIE RD. STE. 100
 OMAHA, NE 68154
 402.496.2498
 Lamp@rynearson.com



PRELIMINARY

NOT RELEASED FOR CONSTRUCTION
 ZACHARY R. FERIGUS
 (DATE)

OVERALL LANDSCAPE PLAN

ECHO HILLS APARTMENTS
 LA VISTA, NEBRASKA



Know what's below.
 Call before you dig.

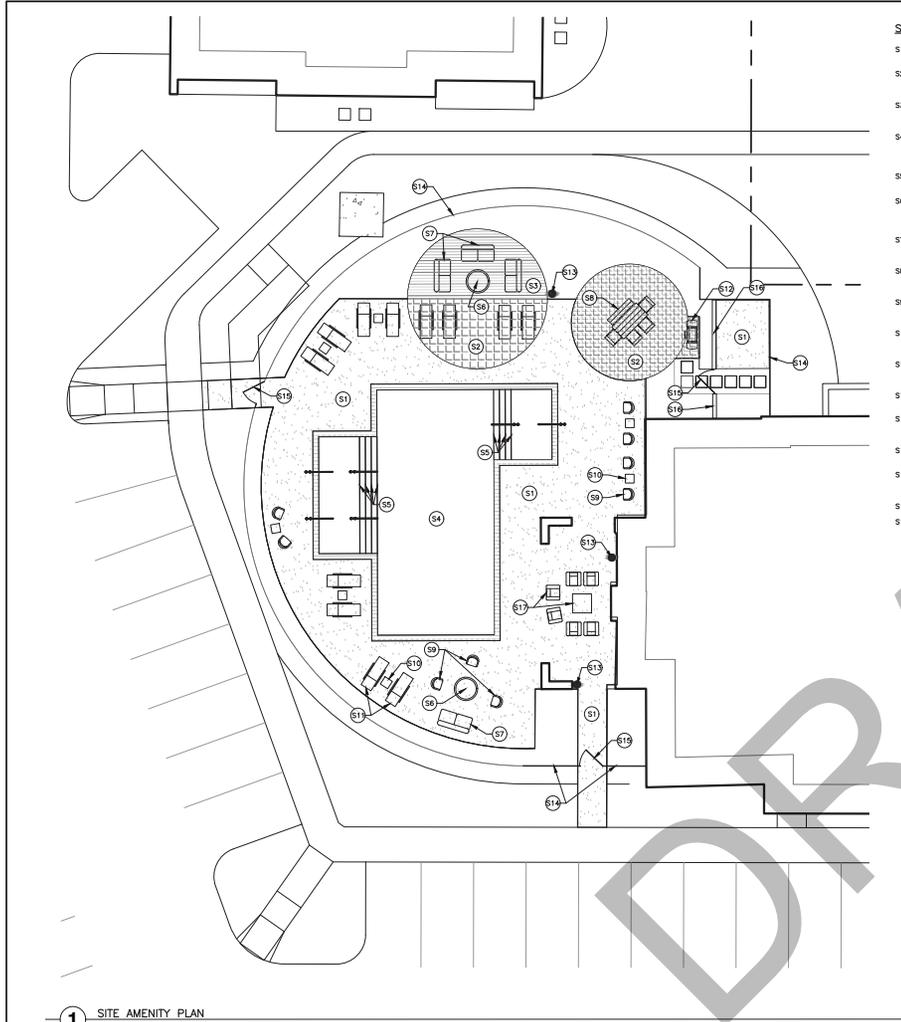
REVISIONS

DESIGNER / DRAWN
 ZACHARY R. FERIGUS
 DATE
 JANUARY 3, 2022
 PROJECT NUMBER
 0120015.01-026 / 027
 BOOK AND PAGE

SHEET

L1.0

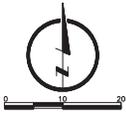
1 OVERALL LANDSCAPE PLAN



SITE AND PAVING KEYNOTES

- 51 6" DEPTH STANDARD GRAY CONCRETE WITH MEDIUM BROOM FINISH. COORDINATE WITH ENGINEER.
- 52 6" DEPTH INTEGRALLY COLORED CONCRETE WITH MEDIUM BROOM FINISH. COORDINATE WITH ENGINEER. COORDINATE COLOR WITH ARCHITECT.
- 53 COMPOSITE DECKING SEATING AREA. COORDINATE COLOR AND DECK DESIGN WITH ARCHITECT. DECK SHALL BE AT SAME GRADE AS POOL DECK.
- 54 SWIMMING POOL WITH ACCENT TILE BELOW COPING TO 12" BELOW WATER LINE. COORDINATE DETAILED DESIGN WITH POOL CONTRACTOR. COORDINATE TILE COLOR WITH ARCHITECT.
- 55 POOL TREADS WITH HANDRAILS, TYPICAL. COORDINATE WITH POOL CONTRACTOR.
- 56 FIRE PIT WITH CAST IN PLACE CONCRETE WALL AND 2" BEVELLED EDGES. COORDINATE WALL DESIGN WITH ENGINEER AND ARCHITECT. PROVIDE GAS SUPPLY LINE WITH SHUT-OFF.
- 57 OUTDOOR SOFT SEATING, TYPICAL. ALL FURNISHING COLORS SHALL COMPLEMENT COLORS OF BUILDINGS. COORDINATE WITH OWNER AND ARCHITECT.
- 58 OUTDOOR TABLE WITH SEATING, TYPICAL. ALL FURNISHING COLORS SHALL COMPLEMENT COLORS OF BUILDINGS. COORDINATE WITH OWNER AND ARCHITECT.
- 59 OUTDOOR MOVABLE CHAIR, TYPICAL. ALL FURNISHING COLORS SHALL COMPLEMENT COLORS OF BUILDINGS. COORDINATE WITH OWNER AND ARCHITECT.
- 510 OUTDOOR MOVABLE END TABLE, TYPICAL. ALL FURNISHING COLORS SHALL COMPLEMENT COLORS OF BUILDINGS. COORDINATE WITH OWNER AND ARCHITECT.
- 511 OUTDOOR CHaise LOUNGE, TYPICAL. ALL FURNISHING COLORS SHALL COMPLEMENT COLORS OF BUILDINGS. COORDINATE WITH OWNER AND ARCHITECT.
- 512 OUTDOOR GAS GRILL, TYPICAL. COORDINATE WITH OWNER AND ARCHITECT.
- 513 TRASH RECEPTACLE WITH WEATHER RESISTANT LID, TYPICAL. ALL FURNISHING COLORS SHALL COMPLEMENT COLORS OF BUILDINGS. COORDINATE WITH OWNER AND ARCHITECT.
- 514 6' HEIGHT TUBULAR METAL BLACK POWDER COATED FENCE. COORDINATE FINAL DESIGN WITH ARCHITECT.
- 515 6' HEIGHT TUBULAR METAL BLACK POWDER COATED GATE WITH LOCK AND PANE HARDWARE TO MEET CODE. COORDINATE FINAL DESIGN WITH ARCHITECT.
- 516 SCREEN WALL. COORDINATE DESIGN WITH ARCHITECT.
- 517 EXTERIOR FURNISHINGS. COORDINATE WITH OWNER AND ARCHITECT.

1 SITE AMENITY PLAN



PRELIMINARY

NOT RELEASED FOR CONSTRUCTION
ZACHARY R. FERIGUS
(4482)

SITE AMENITY PLAN

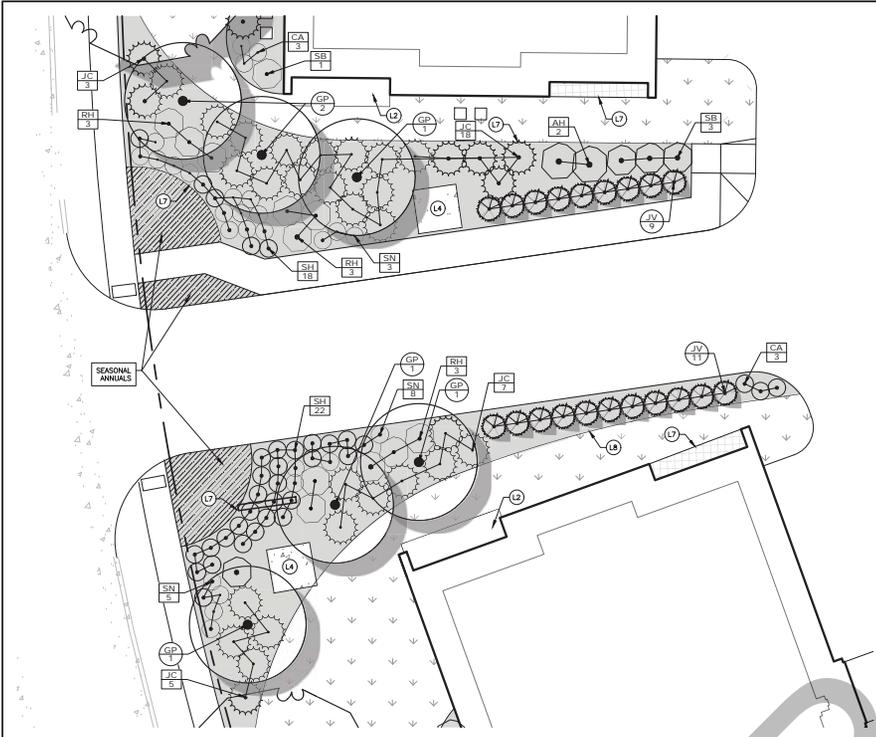
ECHO HILLS APARTMENTS
LA VISTA, NEBRASKA

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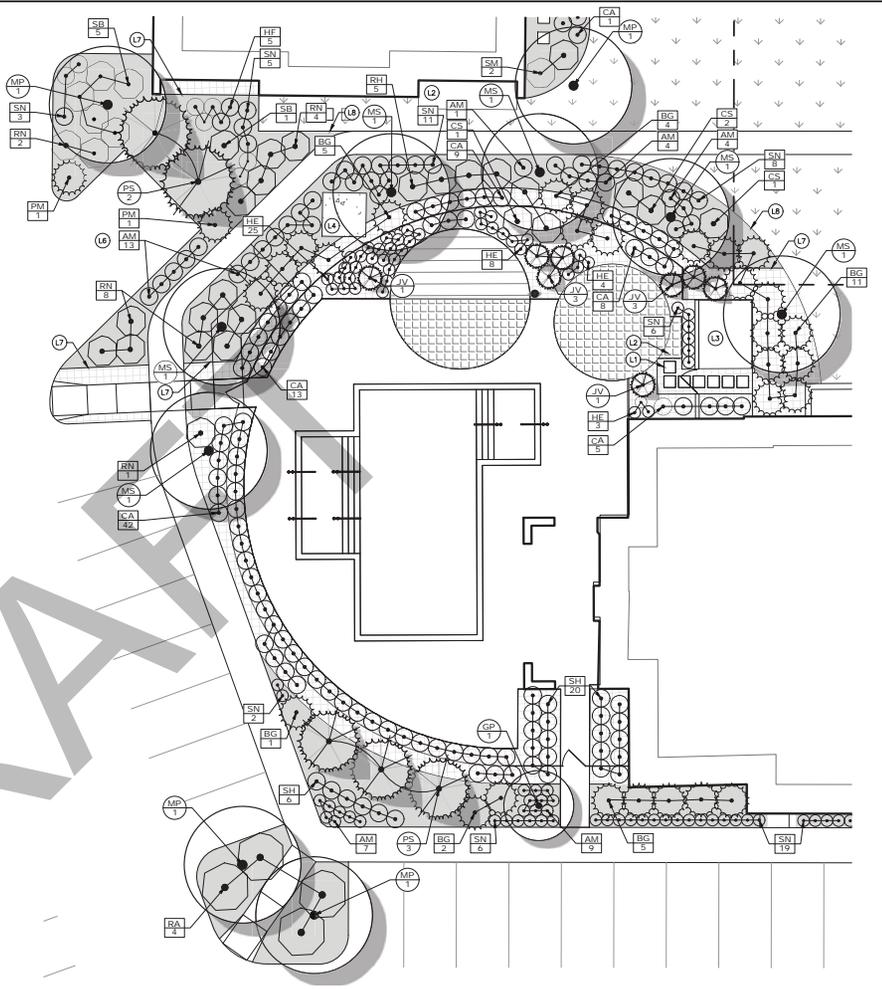
ALL UTILITIES ARE SHOWN AS APPROXIMATE. THE CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR THE PROTECTION OF ALL UTILITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE LOCATION AND DEPTH OF ALL UTILITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE LOCATION AND DEPTH OF ALL UTILITIES.

DESIGNER / DRAFTER	ZACHARY R. FERIGUS
DATE	JANUARY 3, 2022
PROJECT NUMBER	0120015.01-026/027
BOOK AND PAGE	

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1 ENTRY LANDSCAPE ENLARGEMENT



2 POOL AREA ENLARGEMENT

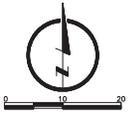
LANDSCAPE KEYNOTES

1. 24" SQUARE CONCRETE STEPPING STONE, TYP.
2. CONCRETE PATIO, TYP. REFER TO CIVIL PLANS FOR ADDITIONAL INFORMATION.
3. MECHANICAL EQUIPMENT TO BE SCREENED BY PLANTINGS. REFER TO MECHANICAL PLANS FOR ADDITIONAL INFORMATION.
4. ELECTRICAL EQUIPMENT TO BE SCREENED BY PLANTINGS. REFER TO ELECTRICAL PLANS FOR ADDITIONAL INFORMATION.
5. RETAINING WALL. REFER TO CIVIL PLANS FOR ADDITIONAL INFORMATION.
6. TRASH ENCLOSURE. REFER TO ARCHITECTURAL PLANS FOR ADDITIONAL INFORMATION.
7. CONSTRUCT METAL LANDSCAPE EDGING BETWEEN STONE GROUNDCOVER AND MULCHED/LAWN AREAS. EDGING SHALL BE SURE-EDGE BY SURE-EDGE, 3/16" x 5-7' ALUMINUM, BLACK ANODIZED, WITH 16" DEPTH STAKES, OR APPROVED EQUAL. SEE WWW.SUREEDGE.COM FOR ADDITIONAL INFORMATION.
8. CONSTRUCT NATURAL EARTH EDGE.

DRAFT

LAMP RYNEARSON

14710 W. DODDIE RD. STE. 100
OMAHA, NE 68154
402.496.2498
Lamp@rynearson.com



PRELIMINARY

NOT RELEASED FOR CONSTRUCTION
ZACHARY R. FERIGUS
DATE:

LANDSCAPE PLAN ENLARGEMENTS

ECHO HILLS APARTMENTS
LA VISTA, NEBRASKA

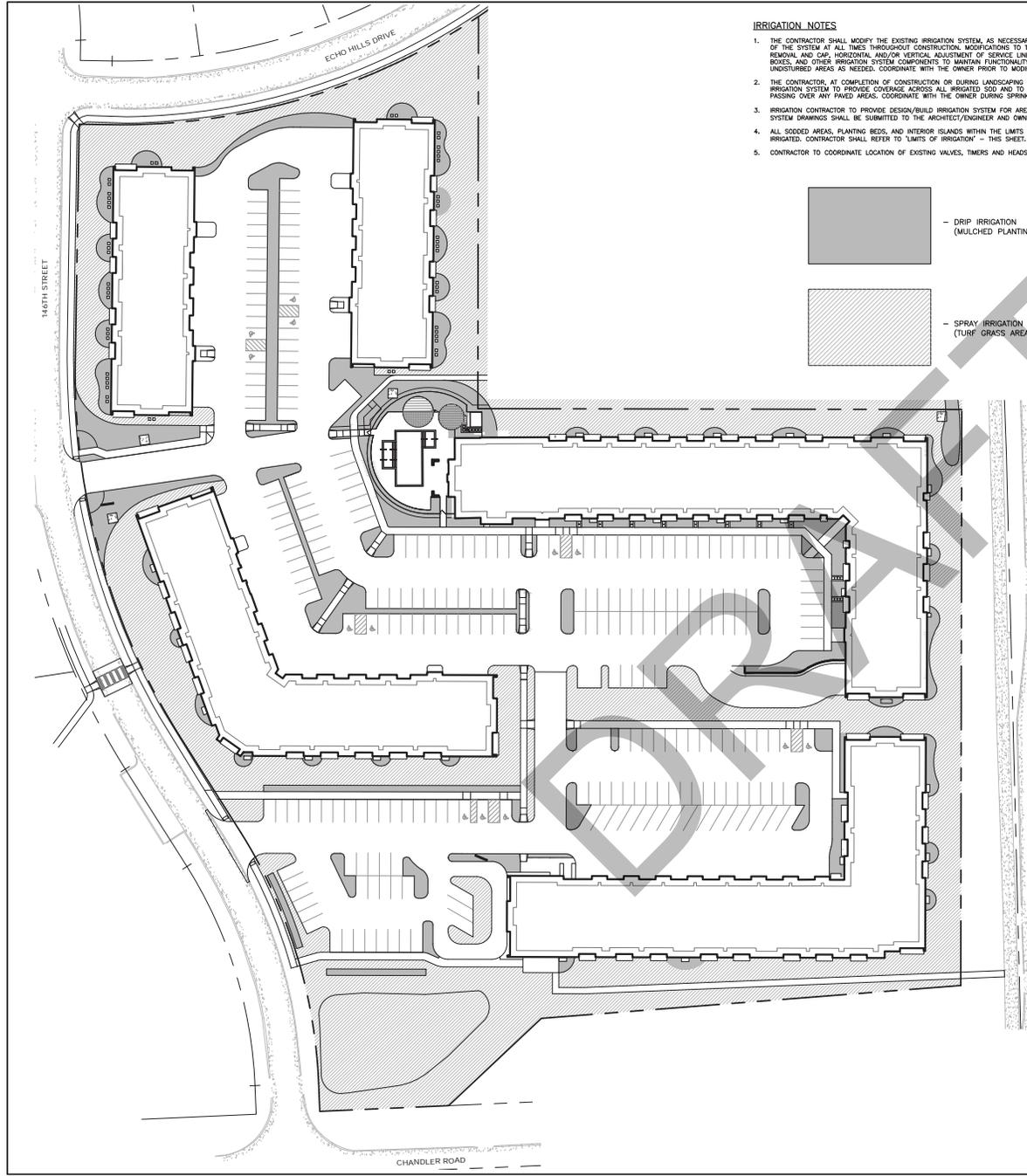


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800.485.4815 - 09-14-2021 - 28"

DESIGNER / DRAFTER
ZACHARY R. FERIGUS
DATE
JANUARY 3, 2022
PROJECT NUMBER
0120015.01-026/027
BOOK AND PAGE

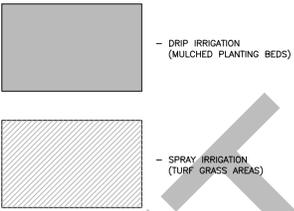
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IRRIGATION NOTES

1. THE CONTRACTOR SHALL MODIFY THE EXISTING IRRIGATION SYSTEM, AS NECESSARY, WHILE MAINTAINING FUNCTIONALITY OF THE SYSTEM AT ALL TIMES THROUGHOUT CONSTRUCTION. MODIFICATIONS TO THE EXISTING SYSTEM MAY INCLUDE REMOVAL AND CAP, HORIZONTAL AND/OR VERTICAL ADJUSTMENT OF SERVICE LINES, SPRINKLER HEADS, JUNCTION BOXES, AND OTHER IRRIGATION SYSTEM COMPONENTS TO MAINTAIN FUNCTIONALITY OF THE SYSTEM THROUGHOUT ALL UNDISTURBED AREAS AS NEEDED. COORDINATE WITH THE OWNER PRIOR TO MODIFYING IRRIGATION SYSTEM.
2. THE CONTRACTOR, AT COMPLETION OF CONSTRUCTION OR DURING LANDSCAPING OPERATIONS, SHALL MODIFY THE IRRIGATION SYSTEM TO PROVIDE COVERAGE ACROSS ALL IRRIGATED SOI AND TO PREVENT SPRINKLER HEADS FROM PASSING OVER ANY PAVED AREAS. COORDINATE WITH THE OWNER DURING SPRINKLER MODIFICATION.
3. IRRIGATION CONTRACTOR TO PROVIDE DESIGN/BUILD IRRIGATION SYSTEM FOR AREAS TO BE IRRIGATED. IRRIGATION SYSTEM DRAWINGS SHALL BE SUBMITTED TO THE ARCHITECT/ENGINEER AND OWNER FOR THEIR RECORDS.
4. ALL SOODED AREAS, PLANTING BEDS, AND INTERIOR ISLANDS WITHIN THE LIMITS OF THE PROJECT SHALL BE IRRIGATED. CONTRACTOR SHALL REFER TO LIMITS OF IRRIGATION - THIS SHEET.
5. CONTRACTOR TO COORDINATE LOCATION OF EXISTING VALVES, TIMERS AND HEADS WITH OWNER.

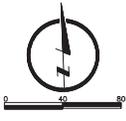


IRRIGATION SPECIFICATIONS

1. WITHIN THE LIMITS OF THE PROPOSED LANDSCAPED AREAS SHOWN ON THIS PLAN, CONTRACTOR SHALL PROVIDE A FULLY AUTOMATIC OPERATIONAL IRRIGATION SYSTEM. THE COMPLETED PRESSURIZED SYSTEM (INCLUDING WATER SUPPLY, PUMPS, BACKFLOW PREVENTER, MAIN VALVE, MAINLINE VALVES, LATERALS, HEADS, CONTROLLERS, AND WIRING) SHALL PROVIDE 100% HEAD TO HEAD COVERAGE TO ALL PROPOSED LAWN AND 100% WATERING TO MULCHED ROOT ZONES. COMPLETED SYSTEM SHALL NOT OVERSPRAY DRIVE WALKWAYS OR BUILDINGS AND SHALL TAKE WIND INTO CONSIDERATION WHEN CALCULATING FOR THE POTENTIAL FOR OVERSPRAY. THE UNDERGROUND SPRINKLER IRRIGATION SYSTEM SHALL BE INSTALLED AND CONSTRUCTED USING THE SPRINKLER HEADS, VALVES, FITTINGS, CONTROLLERS, WIRING, ETC., OF SIZES AND TYPES ADEQUATE FOR THE AREAS SHOWN AND MEETING ALL APPLICABLE CODES AND MANUFACTURER'S RECOMMENDATIONS. ALL EQUIPMENT SHALL BE INSTALLED PER MANUFACTURER'S RECOMMENDATIONS AND STANDARD INSTALLATION PRACTICES. FINISHED IRRIGATION SYSTEM SHALL COMPLY WITH LOCAL PLUMBING AND ELECTRICAL CODES.
 2. CONTRACTOR SHALL PROVIDE THE OWNER'S REPRESENTATIVE WITH CONSTRUCTION PLANS FOR A FULLY OPERATIONAL IRRIGATION SYSTEM THAT INCLUDES, BUT IS NOT LIMITED TO THE FOLLOWING:
 - 2.1. EXISTING AND PROPOSED SITE CONDITIONS
 - 2.2. STATIC PRESSURE AND PROPOSED GALLONAGE
 - 2.3. EXISTING IRRIGATION EQUIPMENT INCLUDING:
 - 2.3.1. CONTROLLERS AND WIRING
 - 2.3.2. POINT OF CONNECTIONS WITH SIZE
 - 2.3.3. VALVES INCLUDING MAKE, MODEL AND SIZE
 - 2.3.4. IRRIGATION MAINLINES AND LATERALS WITH SIZES
 - 2.3.5. IRRIGATION HEADS INCLUDING MAKE, MODEL AND SIZE
 - 2.3.6. VALVE BOXES AND EQUIPMENT INCLUDING PRESSURE RELEASE VALVES, SHUT-OFF VALVES AND QUICK COUPLING VALVES
 - 2.3.7. GALLONAGE AND WATERING WINDOW OF AFFECTED AREAS
 - 2.4. PROPOSED IRRIGATION EQUIPMENT INCLUDING:
 - 2.4.1.1. CONTROLLERS AND WIRING AND/OR CONNECTIONS TO EXISTING
 - 2.4.1.2. POINT OF CONNECTIONS WITH SIZE
 - 2.4.1.3. VALVES INCLUDING MAKE, MODEL AND SIZE
 - 2.4.1.4. IRRIGATION MAINLINES AND LATERALS WITH SIZES
 - 2.4.2. IRRIGATION HEADS INCLUDING MAKE, MODEL AND SIZE
 - 2.4.3. VALVE BOXES AND EQUIPMENT INCLUDING PRESSURE RELEASE VALVES, SHUT-OFF VALVES AND QUICK COUPLING VALVES
 - 2.4.4. GALLONAGE AND WATERING WINDOW OF AFFECTED AREAS
- 2.5. IRRIGATION PLANS SHALL BE DESIGNED BY THE IRRIGATION CONTRACTOR AND APPROVED BY THE OWNER'S REPRESENTATIVE PRIOR TO INSTALLATION.
3. COORDINATE DESIGNED IRRIGATION NEEDS WITH AVAILABILITY OF WATER FROM SOURCE INCLUDING TIMES AND/OR GATES WATER IS AVAILABLE. VERIFY CONTROLLER NEEDS PRIOR TO SYSTEM DESIGN.
4. COORDINATE LOCATION OF CONTROLLER WITH OWNER. ENSURE DESIGN ALLOWS FOR ADEQUATE DRAINAGE OF SYSTEM AND ALLOW FOR COMPLETE WINTERIZATION OF SYSTEM. DESIGN SHALL CONSIDER THE NEED FOR CHECK VALVES IN HEADS TO RESTRICT LOW HEAD DRAINAGE IN SYSTEM.
5. CONTRACTOR IS RESPONSIBLE FOR 110V POWER TO CONTROLLERS. ELECTRICAL WIRING SHALL BE INSTALLED ACCORDING TO LOCAL CODE. THE COST OF ALL ELECTRICAL WORK NECESSARY TO MAKE THE AUTOMATIC EQUIPMENT WORK SHALL BE INCLUDED IN THE CONTRACT.
6. SYSTEM DESIGN SHALL FOLLOW INDUSTRY DESIGN STANDARDS INCLUDING TO SIZE PIPE TO MAINTAIN LESS THAN 5 FPS VELOCITY. USE A MINIMUM PIPE SIZE OF 3/4". SLEEVE ALL PIPE UNDER PAVING, WALKS AND ROADWAYS. MINIMIZE PRESSURE LOSS DUE TO FITTINGS AND EXCESSIVELY LONG PIPE RUNS. MAINTAIN MINIMUM PSI FOR PROPER OPERATION AT ALL SPRINKLER HEADS. LOCATE VALVES IN VALVE BOXES NEXT TO WALKWAYS OR OTHER ACCESSIBLE LOCATION OUTSIDE OF SPRINKLER SPRAY, AND CONSTRUCTION SYSTEM TO DESIGNER'S GRADES AND CONFORM TO SITE AND LANDSCAPE PLANS. WHEN POSSIBLE, CONTRACTOR IS TO CONSOLIDATE IRRIGATION COMPONENTS INTO ONE VALVE BOX INSTEAD OF USING MULTIPLE VALVE BOXES IN THE SAME VICINITY.
7. THROUGHOUT CONSTRUCTION, MAINTAIN ACCURATE AS-BUILT INFORMATION SHOWING ALL INSTALLED MATERIALS. SUBMIT A COPY TO OWNER, OWNER'S REPRESENTATIVE AND MAINTENANCE STAFF UPON COMPLETION.
8. THE WORK (WHETHER MENTIONED OR NOT) SHALL CONSIST OF ALL LABOR, TOOLS, MATERIALS, TEST, PERMITS AND OTHER RELATED ITEMS NECESSARY FOR THE INSTALLATION AND OPERATION OF THE IRRIGATION SYSTEM.
9. CONTRACTOR MUST BE A SPRINKLER IRRIGATION CONTRACTOR. THE SPRINKLER IRRIGATION SYSTEM MUST BE SUPERVISED BY A SPRINKLER IRRIGATION TECHNICIAN WITH FIVE (5) YEARS OR MORE OF EXPERIENCE. ALL ELECTRICAL SERVICE CONNECTION WORK MUST BE DONE BY A LICENSED ELECTRICIAN.
10. BEFORE PROCEEDING WITH ANY WORK, THE CONTRACTOR SHALL INSPECT THE SITE, LOCATE ANY EXISTING IRRIGATION SYSTEM AND PUMPING COMPONENTS, CAREFULLY CHECK ALL GRADES AND VERIFY ALL DIMENSIONS AND CONDITIONS AFFECTING THE WORK IN ORDER TO PROCEED SAFELY.
11. PRIOR TO CONSTRUCTION, CONTRACTOR SHALL REPORT TO THE LANDSCAPE ARCHITECT OR OWNER ALL DEVIATION AND/OR CONFLICTS BETWEEN DRAWINGS AND SITE CONDITIONS. EXTRA WORK ARISING FROM FAILURE TO DO SO SHALL BE DONE AT THE CONTRACTOR'S EXPENSE.
12. CONTRACTOR'S STANDARD ONE YEAR WARRANTY SHALL INCLUDE THE FOLLOWING:
 - AFTLING AND REPAIRING DEPRESSIONS AND REPLACING PLANTINGS DUE TO SETTLEMENT OF IRRIGATION TRENCHES FOR ONE YEAR FOLLOWING ACCEPTANCE OF PROJECT.
 - SYSTEM CAN BE ADEQUATELY DRAINED AND BLOWN OUT TO PROTECT FROM FREEZE DAMAGE.
 - SYSTEM HAS BEEN ADJUSTED TO SUPPLY PROPER COVERAGE OF AREAS TO RECEIVE WATER.



14710 W. DODDIE RD. STE. 100
OMAHA, NE 68154
402.496.2498
Lamp@larnearson.com



PRELIMINARY

NOT RELEASED FOR CONSTRUCTION
ZACHARY R. FERIGUE
(DATE)

IRRIGATION MAP

ECHO HILLS APARTMENTS
LA VISTA, NEBRASKA

811 Know what's below. Call before you dig.

REMARKS

DESIGNER / DRAWN BY
ZACHARY R. FERIGUE
DATE
JANUARY 3, 2022
PROJECT NUMBER
0120015.01-026/027
BOOK AND PAGE

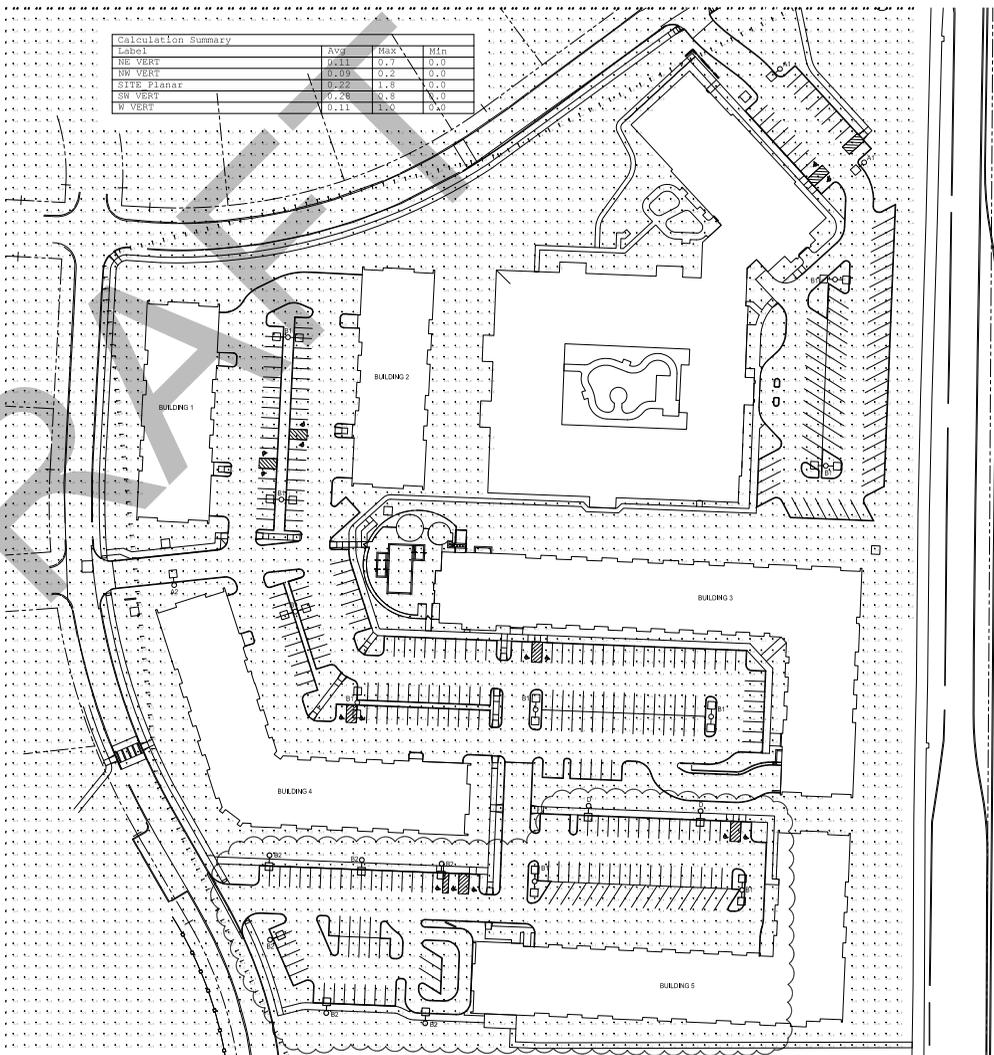
SHEET
L3.0

L:\Projects\2022\0120015.01-026\027\0120015.01-026.dwg, 1/3/2022 10:14 AM, PLOT: IRRIGATION_MAP

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17

EXTERIOR LIGHT FIXTURE SCHEDULE										
TYPE	DESCRIPTION	LAMP TYPE	LUMENS	COLOR TEMP	WATTS	MOUNTING	MANUFACTURER	CATALOG NUMBER	ACCEPTABLE MANUFACTURERS	NOTES
A1	LED POST TOP AREA LIGHT, FLARED HOOD, CLEAR LENS, TYPE 2 DISTRIBUTION, DARK BRONZE FINISH	LED	7000	3000K	70	POLE	AAL	UCL24RFLR72L310AK7Q2BBLA2KCL4M	-	-
A2	LED POST TOP AREA LIGHT, FLARED HOOD, CLEAR LENS, TYPE 2 DISTRIBUTION, HOUSE SIDE SHIELD, DARK BRONZE FINISH	LED	3800	3000K	70	POLE	AAL	UCL24RFLR72L310AK7Q2BBLA2KCL4S4M	-	-
B1	LED POST TOP AREA LIGHT, FLARED HOOD, CLEAR LENS, TYPE 3 DISTRIBUTION, DARK BRONZE FINISH	LED	7000	3000K	70	POLE	AAL	UCL24RFLR72L310AK7Q2BBLA2KCL4M	-	-
B2	LED POST TOP AREA LIGHT, FLARED HOOD, CLEAR LENS, TYPE 3 DISTRIBUTION, HOUSE SIDE SHIELD, DARK BRONZE FINISH	LED	3500	3000K	70	POLE	AAL	UCL24RFLR72L310AK7Q2BBLA2KCL4S4M	-	-
D	LED POST TOP AREA LIGHT, FLARED HOOD, CLEAR LENS, TYPE 5 DISTRIBUTION, DARK BRONZE FINISH	LED	7000	3000K	70	POLE	AAL	UCL24RFLR72L310AK7Q2BBLA2KCL4M	-	-

GENERAL NOTES:
1. POLE FINISH TO MATCH AAL FIXTURE FINISH.



Calculation Summary			
Label	Avg	MAX	Min
NE VERT	0.21	1.77	0.0
NW VERT	0.09	0.2	0.0
SITE Planar	0.22	1.28	0.0
SW VERT	0.28	0.28	0.0
W VERT	0.11	1.02	0.0

A9 SITE LIGHTING CALCS.
E1.00 SCALE: 1" = 50'-0"



EXHIBIT E

ECHO PARK PHASE 2 APARTMENTS

REV.	DESCRIPTION	DATE
△	ADD #1	XX.XX.20XX

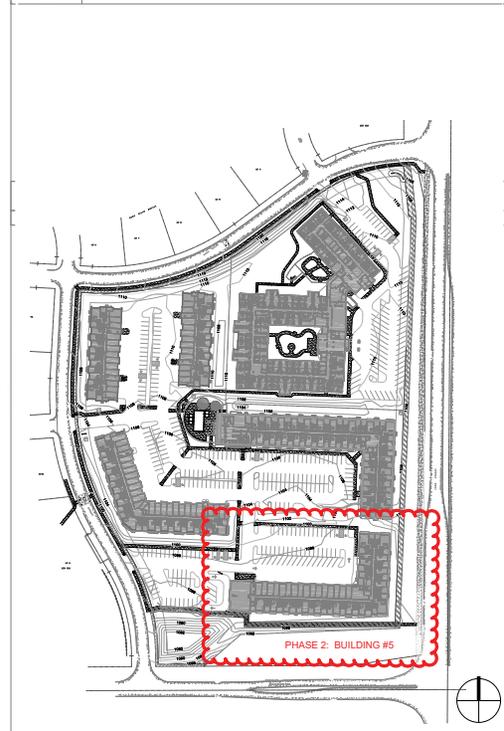
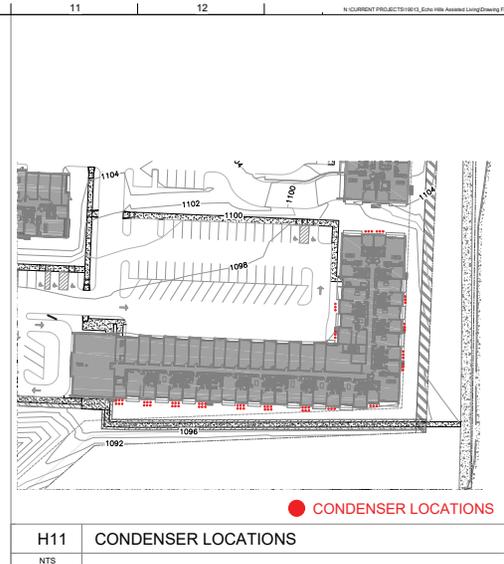
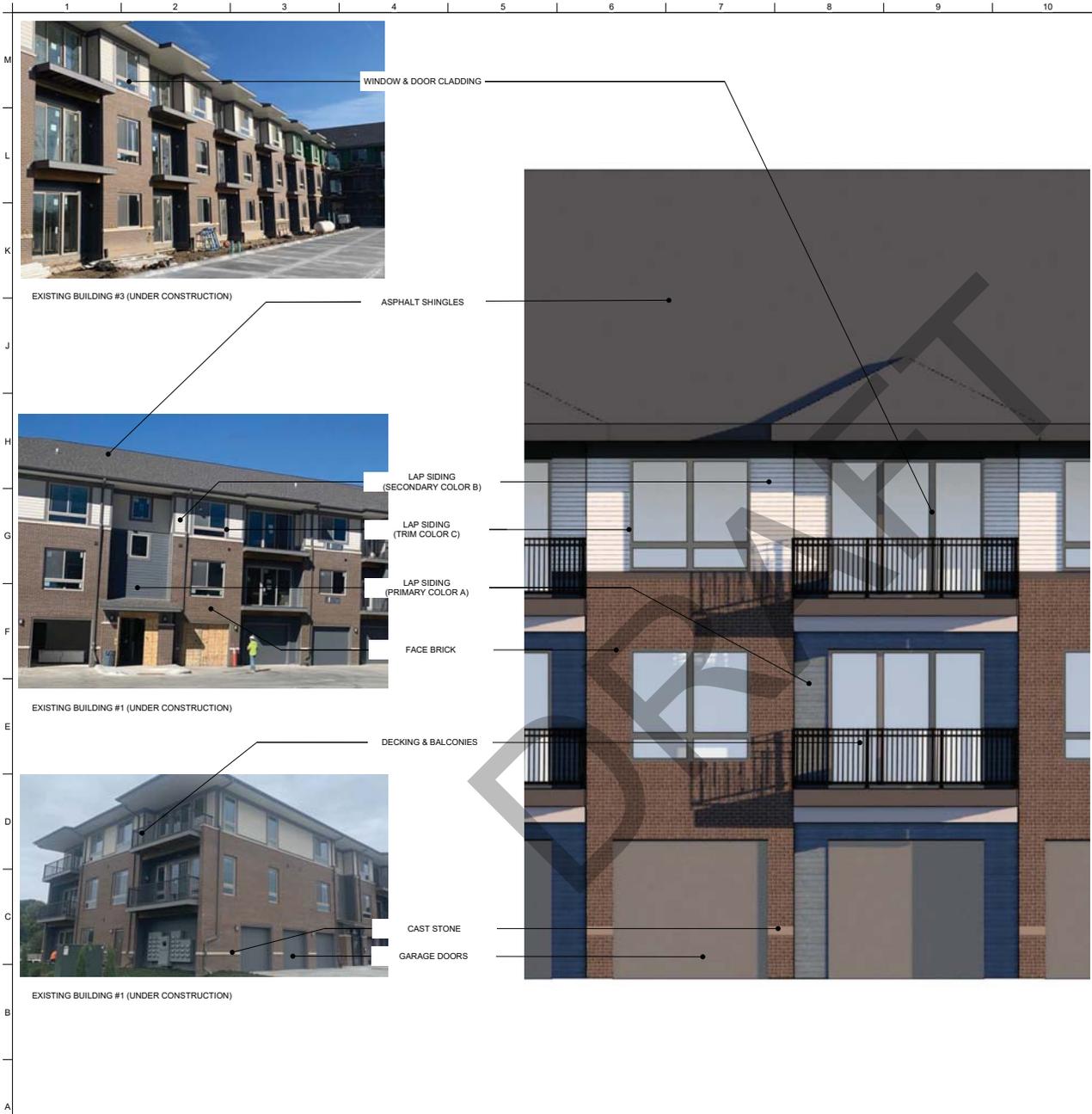
PROJECT NUMBER:	2022-012
DATE:	FEBRUARY 15TH, 2022
DRAWN BY:	HAL
CHECKED BY:	TAE

SHEET NAME: SITE LIGHTING CALCS

SHEET NUMBER: **E1.00**

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17

EXHIBIT F



A1 NTS	PHASE I PHOTOGRAPHS	A5 SCALE: 1/4" = 1'-0"	MATERIAL ELEVATION - APARTMENTS
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A11 NTS	KEY PLAN
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REVISION SCHEDULE: NO. DATE DESCRIPTION _____ _____ _____ _____ _____ _____ _____ _____ _____	DESIGN ARCHITECT: PROJECT ARCHITECT: PROJECT NO.: DATE: 03/10/20 AUP#: 03/10/20	PLANNING REVIEW NOT TO BE USED FOR CONSTRUCTION 10/20/20 11:52 AM	PROJECT CONSULTANTS
H11 CONDENSER LOCATIONS NTS		WEST DEVELOPMENT ECHO HILLS APARTMENTS AND ASSISTED LIVING	
SINCLAIR hills architects 2702 S. Lincoln, NE 68508 TEL: 402.333.2331 F: 402.276.1841		Materials, Roof and Key Plan	
SIA PROJECT NO.	Project Number	A100	

ECHO PARK APARTMENTS - Building Five



1 NORTH ELEVATION

SCALE: 1/16" = 1'-0"



2 EAST ELEVATION

SCALE: 1/16" = 1'-0"



3 SOUTH ELEVATION

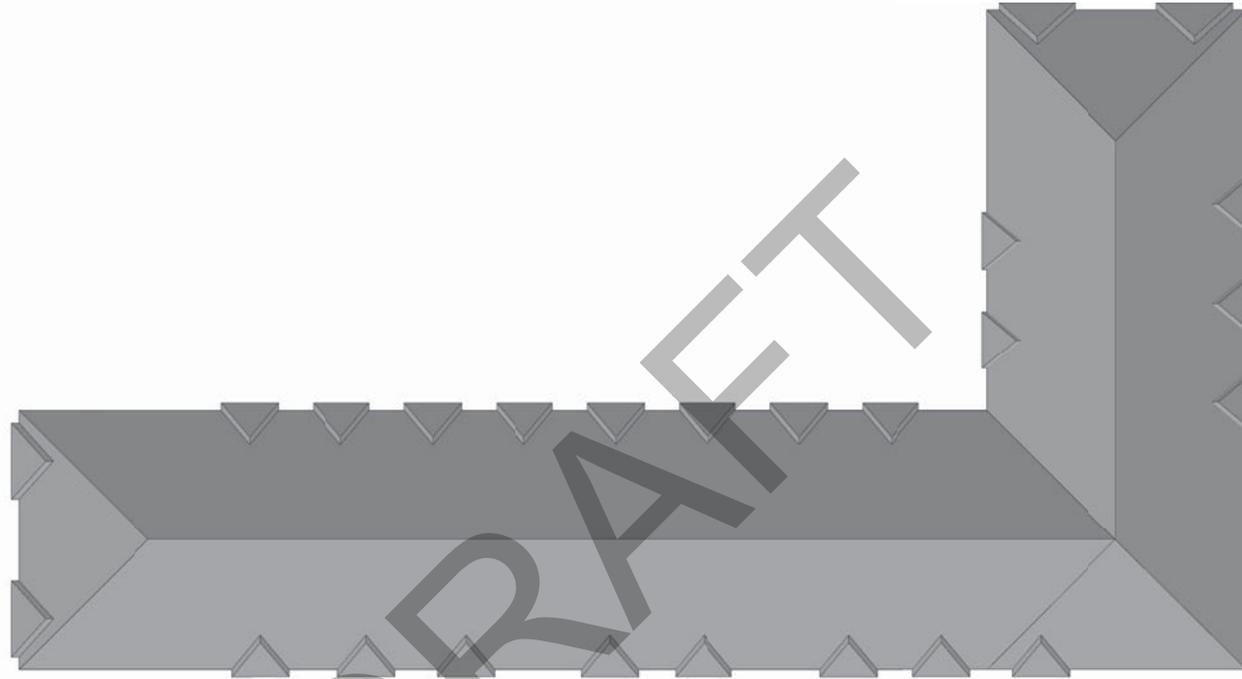
SCALE: 1/16" = 1'-0"



4 WEST ELEVATION

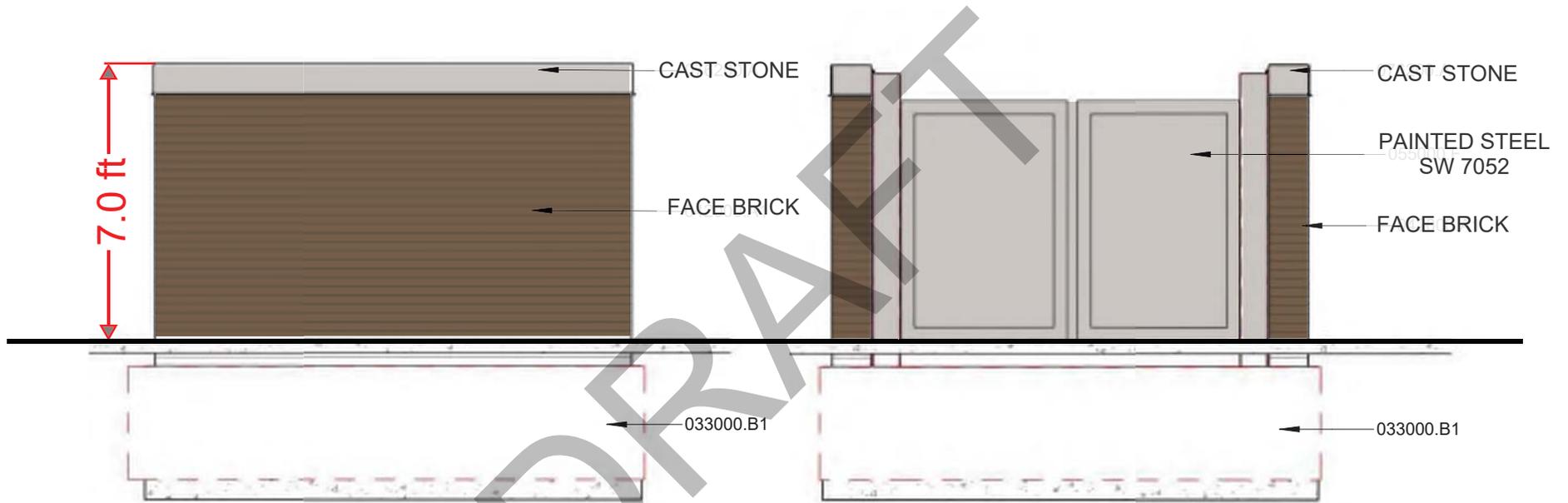
SCALE: 1/16" = 1'-0"

January, 2022



1 ROOF PLAN

SCALE: 1/8" = 1'-0"



TRASH ENCLOSURE

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
APRIL 5, 2022 AGENDA**

Subject:	Type:	Submitted By:
AWARD CONTRACT - CONCESSION STAND OPERATIONS	◆ RESOLUTION ORDINANCE RECEIVE/FILE	SCOTT STOPAK RECREATION DIRECTOR

SYNOPSIS

A resolution has been prepared authorizing the Mayor to execute a contract with A.L. Vending and Concessions, LLC., Monica Larsen, for operation of the concession stands at the Softball Complex, Soccer Complex, City Park, and the La Vista Community Center.

FISCAL IMPACT

The Contractor will pay the City a monthly commission of ten percent (10%) of gross food, beverage and merchandise concessions sold from the Softball Complex, Soccer Complex, City Park and Community Center.

RECOMMENDATION

Approval.

BACKGROUND

The previous contract holder David Johns Investment Company, LLC. did not renew their contract that was to expire on March 31, 2022. They submitted a notice of termination effective February 28, 2022.

Bids were solicited for the operation of concession stands at City facilities. The bid from from A.L. Vending and Concessions, LLC was the only bid received.

A.L. Vending & Concessions, LLC is a family owned and operated business with an extensive background in the food and beverage industry. Monica Larsen, owner of A.L. Vending & Concessions, LLC has owned and operated full food and drink service venues and currently operates food and drink vending services in multiple locations in the Omaha and Lincoln areas.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE MAYOR TO EXECUTE A ONE-YEAR CONTRACT WITH A.L. VENDING AND CONCESSIONS, LLC., OMAHA, NEBRASKA, FOR THE OPERATION OF CONCESSIONS AT THE SOFTBALL COMPLEX, SOCCER COMPLEX, CITY PARK, AND COMMUNITY CENTER.

WHEREAS, the City has determined that it is desirable to contract for the operation of concession stands at various recreation sites in the City with A.L Vending and Concessions, LLC.; and

WHEREAS, A.L. Vending and Concessions, LLC. will operate concessions at various recreation sites in the City; and

WHEREAS, the current contract with David Johns Investment Company, LLC, Omaha, Nebraska was terminated on February 28, 2022; and

WHEREAS, the Recreation Director recommends awarding the contract to A.L Vending and Concessions, LLC for one year; and

WHEREAS, the contract provides for A.L Vending and Concessions, LLC., to make payments of 10% of the gross revenue from all sales to the City; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize the Mayor to sign a one-year contract with A.L Vending and Concessions, LLC., Omaha, Nebraska, for the operation of the concessions at the Softball Complex, Soccer Complex, City Park, and La Vista Community Center.

PASSED AND APPROVED THIS 5th DAY OF APRIL 2022.

CITY OF LA VISTA

Kim J. Thomas, Acting Mayor

ATTEST:

Pamela A. Buethe, MMC
City Clerk

SOFTBALL COMPLEX, SOCCER COMPLEX, CITY PARK AND COMMUNITY CENTER CONCESSION OPERATION AGREEMENT

THIS SOFTBALL COMPLEX, SOCCER COMPLEX, CITY PARK AND COMMUNITY CENTER CONCESSION OPERATION AGREEMENT is made and entered into on April 5, 2022 by and between the City of La Vista, a Nebraska municipal corporation (hereinafter referred to as the "City") and A.L. Vending and Concessions, LLC, a Nebraska corporation, (hereinafter collectively referred to as "Contractor"), and Monica Larsen (hereinafter referred to as "Guarantor").

WHEREAS, City has established and caused to be operated on its behalf, a softball complex concession stand, soccer complex concession stand, city park concession stand, and community center concession stand; and

WHEREAS, City has determined that it is necessary and desirable to cause the softball complex concession stand, soccer complex concession stand, city park concession stand, and community center concession stand as defined herein (the "Concession Operations") to be operated by Contractor as an independent contractor of City; and

WHEREAS, Contractor is willing and able to manage and operate such Concession Operations in accordance with terms hereinafter set forth.

NOW THEREFORE, in consideration of the foregoing and the mutual promises, terms, and covenants contained, the parties hereto agree as follows:

1. **Appointment of Contractor.** The City hereby appoints Contractor, and Contractor hereby accepts such appointment, to operate the Concession Operations on behalf of the City pursuant to the terms contained herein. Such Concession Operations shall include, but not be limited to, staffing and supervision with Contractor's own employees; record keeping and daily accounting of all revenues and expenses related to Softball Complex, Soccer Complex, City Park and Community Center Concessions Operations; preparation and submission of statements of operations; operation of Softball Complex, Soccer Complex, City Park and Community Center collection of revenues and disbursement of all expenses; purchasing and selling food and beverage concessions; purchasing supplies and services; procurement of insurance coverage's; maintenance and cleaning of the Softball Complex, Soccer Complex, City Park and Community Center concession facilities; maintenance of the area immediately surrounding the concession stands to keep the area free of litter during the stands' normal hours of operation; collecting, reporting and paying all payroll taxes in respect to all personnel employed by the Contractor; development and implementation of sales promotion programs; and such other activities as shall be necessary to successful Concession Operations. Contractor shall provide all services hereunder under the direct supervision of Monica Larsen. Contractor shall operate all aspects of the Concession Operations such that concession stands are open for business during such hours as determined by the City and the City's Recreation Director.
2. **Independent Contractor.** In all matters pertaining to Concession Operations, Contractor is and shall be an independent contractor. Nothing contained in the Agreement or in the practice or course of dealing between the parties shall be construed to create a partnership, joint venture, agency, or employment relationship or to create in Contractor any ownership interest in the Concession Buildings Softball Complex, Soccer Complex, City Park and Community Center or the operations thereof, except as otherwise specifically provided herein. No employee of Contractor shall be deemed to be an employee of city. However, the City expressly reserves the right to approve matters pertaining to policy for the concession Operations, including but not limited to, general staffing and qualifications therefore, concession products, and inventory mixture. Contractor acknowledges and agrees that it shall be the obligation of Contractor to report all income, compensation and fees received hereunder and to pay all applicable taxes in respect thereto and Contractor shall indemnify and hold harmless City against any obligation imposed on City to pay withholding, social security, unemployment, or other taxes, including interest and penalties in connection with any payments made to Contractor.

3. **Contractor's Employee's.** Contractor shall be responsible for hiring and staffing of employees at the concession stands and shall be responsible for the withholding and payment of all payroll taxes and the payment of all compensation and fringe benefits of its staff in compliance with all applicable laws.
4. **Term and Termination.** This Agreement shall be and become effective commencing April 5, 2022, and shall be effective for a term of one (1) year ending on April 4, 2023, with the option to renew for one additional twelve (12) month period at the discretion of both the City and the Contractor. Notwithstanding the foregoing, either the City or Contractor may terminate this Agreement for any reason at any time upon written notice given from one party to the other at least thirty (30) days prior to the effective date of termination; provided, however, that if Contractor desires to terminate this Agreement and the date of termination is to occur during the months of April through November, Contractor shall provide at least ninety (90) days notice of termination. Notice of termination of the agreement shall not negate the contractor's obligation to pay rental fees to City and Contractor's obligation to operate Concession Operations as provided herein to the date of termination.
5. **Record Keeping Requirements.** Contractor agrees to maintain or cause to be maintained, on a calendar year basis, complete books, and records of all aspects of the Concession Operations. Contractor shall submit to the City monthly financial reports for said operations no later than ten (10) days following the last day of each month's operations. Such monthly reports shall contain all information related to revenues, expenses, inventories, and cost of goods sold, taxes and fees for the month reported. Contractor shall submit a year end report to City reporting such operations for the previous year on or before January 1st of each year. All records and reports shall be kept by Contractor in the manner and on the forms approved by City. City reserves the right to prescribe cash handling, accounting, and reporting practices and procedures which shall be strictly followed by Contractor and shall at any time have the right without notice to review and examine all books and records of Contractor relating to the concession Operations. In addition, the City reserves the right to conduct, or cause to be conducted, an audit of contractor's books and records pertaining to the concession Operations, annually or more frequently as it shall determine. In such event, the City shall pay for the expense of such audit, provided however, that if such audit discloses shortages or non-compliance on the part of the Contractor, then Contractor shall pay the cost of the audit.
6. **Equipment and Furnishings.** Except for Concession inventory, supplies, and equipment purchased by Contractor in connection with Concession Operations, all machinery, equipment, furnishings, and replacements thereof, whether purchased or leased by City, shall be the property of the City, and, at the termination of this Agreement, possession thereof shall be peaceably given to the city. All machinery, equipment and furnishings owned or leased by the City and used by the Contractor for Concession Operations shall be maintained, cleaned, and repaired in a husband like manner by Contractor and Contractor shall, at all times, keep said machinery, equipment and furnishings in good working condition and repair. All City parts, mechanisms and devices required to keep the City equipment running in good repair shall be provided at the expense of the City. All Contractor parts, mechanisms and devices required to keep the Contractor equipment running in good repair shall be provided at the expense of the Contractor. Contractor shall have no authority to mortgage, encumber or otherwise hypothecate any of such equipment, machinery, and furnishings, or to contract on behalf of the City for any improvements or repairs which would give rise to a mechanic's, artisans, or other lien against any of the same.
7. **Fees.** In consideration of use of the Concession buildings in accordance with the terms of this Agreement, Contractor shall pay operation fees as follows:
 - a. Contractor shall pay to the City a commission in the amount of ten percent (10%) of gross food, beverage and merchandise concessions sold from the Softball Complex, Soccer Complex, City Park and Community Center premises. Commissions shall be paid to City by contractor on a monthly basis no later than the 10th day of the month and shall accompany the contractor's monthly financial report.

8. **Insurance.** Contractor shall provide and maintain, at its own expense, general liability insurance in the amount of \$1,000,000 combined single limit for products liability insurance, property damage insurance and personal injury insurance. Contractor shall name the City as additional insured as pertains to the performance of this agreement. The insurance policies shall insure the City from any and all demands, claims, and causes of action at law or in equity resulting from the performance of these services. Contractor agrees to indemnify and save harmless the City from any and all demands, claims, causes of action at law or in equity arising out of the performance of these services. Contractor shall provide and at all times maintain, at its own expense, Workers' Compensation coverage on all personnel employed by Contractor in connection with the concession Operations with such endorsements as City shall deem appropriate and with an insurer acceptable to the City. Contractor shall provide City with certification of such insurances, subject to the approval of the City Attorney.

9. **Notices.** Any notices or payments required hereunder shall be made in writing and delivered personally or by the U.S. mail in certified or registered form, with postage fully prepaid, and addressed as follows:

If to the Corporation: City of La Vista
8116 Park View Boulevard
La Vista, Nebraska 68128

If to the Contractor: Monica Larsen
1721 So. 165 Circle
Omaha, Nebraska 68130

or such different address as either party may designate in writing to the other. Notice shall be deemed given or made upon request.

10. **Governing Law.** This Agreement shall be construed and governed in accordance with the laws of the State of Nebraska.

11. **Binding Nature.** This agreement shall inure to the benefit and be binding upon the parties hereto and their respective successors and assigns. Nothing in this Agreement, either express or implied, is intended to confer upon any other person or entity any rights or revenues under or by reason of this Agreement.

12. **Waiver.** No waiver by either party to this Agreement at any time of any breach of the other party or compliance by the other party with any condition or provision of this Agreement to be performed by the other party shall be deemed to be a waiver of similar or dissimilar provisions or conditions at the same or any prior to subsequent time.

13. **Counterparts.** This document may be executed in one or more counterparts, each of which shall be deemed to be an original and each of which shall constitute the parties' Agreement.

14. **Entire Agreement.** This Agreement constitutes the entire agreement between the parties hereto with respect to the subject matter hereof, superseding any prior agreement, understanding, arrangement, warranty or representation, oral or written, express or implied, with respect to such subject matter. It may not be amended except by a writing signed by the parties hereto.

15. **Assignment.** This Agreement may not be assigned by Contractor without the prior written consent of the City.

IN WITNESS WHEREOF, the parties have hereunto set their hands the day and year first set forth above.

CITY OF LA VISTA, NEBRASKA,
A municipal corporation

BY: _____
Douglas Kindig, Mayor

Pamela A. Buethe, MMC
City Clerk

CONTRACTOR: A.L. VENDING and CONCESSIONS, LLC
A Nebraska corporation,

BY: _____
Monica Larsen, Managing Member

“Personal Guarantees:

The undersigned hereby guarantees full performance of A.L. Vending and Concessions, LLC under the foregoing Agreement.

Date: _____

David J Bouda, Guarantor

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
APRIL 5, 2022 AGENDA**

Subject:	Type:	Submitted By:
ADVERTISEMENT FOR BIDS – CENTRAL PARK EAST – ACCESS ROAD/PLAZA PHASE 1	◆ RESOLUTION ORDINANCE RECEIVE/FILE	PAT DOWSE CITY ENGINEER

SYNOPSIS

A resolution has been prepared authorizing the advertisement for bids for grading, paving, storm sewer and lighting work within Central Park East.

FISCAL IMPACT

The FY21/FY22 Biennial Budget provides funding for this project.

RECOMMENDATION

Approval

BACKGROUND

As part of the redevelopment work continuing within City Centre and in Central Park the project will provide a secondary access to Central Park from Park View Boulevard which will allow circulation within Central Park and provide a route to Park View Boulevard to the fire lane and other back of the house operations for the Astro Theatre and the Link.

Preparation of plans and specifications for this project have been completed by Thompson, Dreessen and Dorner (TD2). The Engineer's estimate for the proposed work is \$840,000. The recommended schedule for bidding this work is:

Publish Notice to Contractors	April 13 and April 20 2022
Open Bids	April 22, 2022 at 10:00 am City Hall
Council Award Contract	May 3, 2022

The Notice to Contractors will also be posted on the City's web site and at www.standardshare.com

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE ADVERTISEMENT FOR BIDS FOR GRADING, PAVING, STORM SEWER AND LIGHTING WORK WITHIN CENTRAL PARK EAST.

WHEREAS, the Mayor and Council have determined that the Central Park East Project is necessary; and

WHEREAS, the FY21/FY22 Biennial Budget provides funding for this project; and

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

Publish Notice to Contractors	April 13, 2022 and April 20, 2022
Open Bids	April 22, 2022 at 10:00am at City Hall
City Council Award Contract	May 3, 2022

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 grading, paving, storm sewer and lighting work within Central Park East.

PASSED AND APPROVED THIS 5TH DAY OF APRIL 2022.

CITY OF LA VISTA

Kim J. Thomas, Acting Mayor

ATTEST:

Pamela A. Buethe, MMC
City Clerk

NOTICE TO CONTRACTORS

City of La Vista
La Vista, Nebraska

**CENTRAL PARK ACCESS ROAD-PARK VIEW
PROJECT NO. STRT 21-002**

Sealed proposals will be received by Pamela Buehe, 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 22ND day of April 2022 for the furnishing of all labor, materials, use of Contractor's equipment, plant and all else necessary to construct properly all of the improvements within the improvement of CENTRAL PARK ACCESS ROAD-PARK VIEW. 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:

Grading & Demolition:

1	Mobilization	1	L.S.
2	Install, Maintain and Remove Orange Safety Fence	1,345	L.F.
3	Remove Wooden Picnic Structure, Floor Slab and Footings	1	L.S.
4	Clearing and Grubbing	1	L.S.
5	Stockpile and Redistribute Topsoil (760 C.Y. Moved Twice) Established Quantity	1,520	C.Y.
6	Common Earthwork, In Place	2,785	C.Y.
7	Remove and Dispose Existing Bridge Headwalls	1	L.S.
8	Remove and Dispose of Existing Wooden Bridge	1	L.S.
9	Remove and Salvage Existing Monument, Flag Pole, Pavers & Blocks	1	L.S.
10	Remove and Dispose ACC Pavement	395	S.Y.
11	Remove and Dispose PCC Pavement	500	S.Y.
12	Remove and Dispose PCC Sidewalk	325	S.Y.
13	Remove and Dispose of 4 Ft Tall Chain Link Fence	225	L.F.
14	Hydroexcavate Existing Pipelines	1	L.S.
15	Remove and Dispose Crushed Rock Surfacing	270	S.Y.

Infrastructure Installation:

16	Remove and Replace 8" PCC Pavement (Panel Repair)	145	S.Y.
17	Remove and Recompact Sewer Trench Backfill	200	C.Y.
18	Subgrade Recompanction, Established Quantity	1,100	C.Y.
19	Construct 18" RCP Storm Sewer w/Bedding, In Place	200	L.F.
20	Construct 24" RCP Storm Sewer w/Bedding, In Place	175	L.F.
21	Construct 18" Storm Sewer Tap in Box Culvert	1	EA
22	Construct 24" Storm Sewer Tap in Box Culvert	1	EA
23	Construct Type III Curb Inlet, In Place	4	EA
24	Construct 30" Nyloplast Drain Basin, Heavy Duty w/30" Dome Grate and 18" RCP Connector	1	EA
25	Construct 54" I.D. Storm Sewer Manhole, In Place	11	V.F.
26	Construct 8'W by 6'H Reinforced Concrete Box Culvert, In Place	80	L.F.
27	Construct Reinforced Concrete Wing Walls, Cast In Place	1	L.S.
28	Construct 5" PCC Sidewalk, In Place	70	S.Y.
29	Construct 6" PCC Trail Pavement, In Place	410	S.Y.
30	Construct 8" PCC Curb Ramp, In Place	10	S.Y.
31	Construct 8" PCC Imprinted Surfacing, In Place	34	S.Y.
32	Construct 8" PCC Pavement, w and w/o Curb, In Place	2,040	S.Y.
33	Construct 9" PCC Pavement, (Park View Blvd), In Place	65	S.Y.

34	Construct 4 Ft Tall, Black Vinyl Coated, Chain Link Fence, In Place	145	L.F.
35	Rout & Seal Existing Pavement Joints	2450	L.F.
36	Furnish and Install Baffle Plates in Ex. Storm Manhole	1	L.S.
37	Install 4" Wide, White Pavement Marking Paint, In Place	135	L.F.
38	Install 12" Wide, White Pavement Marking Paint, Grooved, In Place	11	L.F.
39	Install 24" Wide, White Pavement Marking Paint, Grooved, In Place	92	L.F.
40	Furnish and Install ADA Detectable Warnings, Cast Iron, Natural Finish	76	S.F.
41	Furnish and Install Traffic Control Signage, In Place	6	EA
	Erosion Control:		
42	Install, Maintain and Remove Stabilized Construction Entrance	1	EA
43	Install and Maintain Fabric Silt Fence	840	L.F.
44	Remove and Dispose Fabric Silt Fence	840	L.F.
45	Temporary Seeding w/Straw Mulch	1	AC
46	K-31 Fescue Seed w/Straw Mulch	0.9	AC
47	Furnish and Install Straw Wattle, 12" Diameter	50	L.F.
48	Install, Maintain and Remove Curb Inlet Filter	4	EA
49	Install, Maintain and Remove Grate Inlet Filter	1	EA
50	Water Management, Complete	1	L.S.
51	Furnish and Install Flex-A-Mat, In Place	915	S.F.
	Lighting, Electrical & Access Gate:		
52	Furnish & Install Access Gates	1	L.S.
53	Furnish & Install Access Gate Control System w/Detection Loops	1	L.S.
54	Furnish & Install 1-1/2 Inch PVC Conduit, In Place, Access Gate Controls	160	L.F.
55	Furnish & Install Fiberglass Pull Box, Type PB-6, Access Gate Controls	1	EA
56	Transformer, Buck-Boost, Single Phase 120/240 V Primary, 12/24 Secondary, 2.0 kVA	1	EA
57	Circuit Breakers, Bolt-On, 10 k A.I.C., 2 pole, 240 volt, 15-50 amp	2	EA
58	Service Entrance Cable, Aluminum, 600 V, 2 Conductor, #6 + #6 Neutral, Type SEU	27	C.L.F.
59	Copper Wire, Stranded, 600 V, #6, Type THWN-THNN, Normal Installation Conditions in Wireway, Conduit, Cable Tray	75	C.L.F.
60	PVC Conduit, Schedule 40, 3/4" Diameter, to 10 Ft High, w/Terminations, Fittings & Support	2700	L.F.
61	Excavating, Utility Trench, Common Earth, Chain Trencher 4" Wide, 18" Deep	2500	L.F.
61	Grounding Rod, Copper Clad, 8' Long, 1/2" Diameter	8	EA
62	Light Poles, Wood, 4-1/2" by 5-1/8", 20 ft High, No Concrete Bases	8	EA
63	Roadway Area Luminaire, LED Fixture, 252 LEDs, 120 VAC, or 12 VDC, Equal to 210 Watt, Including Lamp	8	EA

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

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

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

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

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

CITY OF LA VISTA, NEBRASKA

Douglas Kindig, Mayor

Pamela Buethe, Clerk

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
APRIL 5, 2022 AGENDA**

Subject:	Type:	Submitted By:
PROFESSIONAL SERVICES AGREEMENT – CENTRAL PARK ACCESS ROAD – AMENDMENT NO. 2	◆ RESOLUTION ORDINANCE RECEIVE/FILE	PAT DOWSE CITY ENGINEER

SYNOPSIS

A resolution has been prepared to amend a Professional Services Agreement with Thompson, Dreesen and Dorner (TD2) of Omaha, Nebraska for additional professional services related to the Central Park Access Road – Park View project increasing the not to exceed amount by \$95,880 for a total not to exceed amount of \$264,380.

FISCAL IMPACT

The FY21/FY22 Biennial Budget provides funding for this project.

RECOMMENDATION

Approval

BACKGROUND

A Professional Services Agreement with TD2 was approved by Council on January 27, 2020 for design related work within Central Park to include preliminary design of the Park View Boulevard connection. The First Amendment included professional services generally related to the Thompson Creek Channel Rehabilitation project. The Second Amendment is for additional professional services including:

- Utility relocation coordination and design for the installation of additional storm sewer curb inlets along Park View Boulevard;
- Modification of manhole MH G7 in Lot 14 City Centre to adjust storm sewer water quality diversion flows;
- Preparation of interim roadway lighting for Central Park East and an actuated access control gate at the intersection of the fire lane and the Central Park Access Road;
- Construction Phase Services for the Central Park Access Road;
- Geotechnical investigation along portion of the fire lane where some pavement settling has occurred.

The Central Park Access Road – Park View project is anticipated to bid in April 2022 and be completed in December of 2022.

A copy of the scope amendment is attached.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF AMENDMENT NO. 2 TO A PROFESSIONAL SERVICES AGREEMENT WITH THOMPSON, DREESSEN AND DORNER (TD2) FOR ADDITIONAL SERVICES RELATED TO THE CENTRAL PARK ACCESS ROAD – PARK VIEW PROJECT, INCREASING THE NOT TO EXCEED AMOUNT BY \$95,880 FOR A TOTAL NOT TO EXCEED AMOUNT OF \$264,380.

WHEREAS, the Mayor and City Council of the City of La Vista Nebraska have determined the Central Park Access Road – Park View Project is necessary; and that

WHEREAS, The FY21/FY22 Biennial Budget provides funding for this project; 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 expenditure over \$5,000.00.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska, authorizing the execution of Amendment No. 2 to a professional services agreement with Thompson, Dreessen and Dorner (TD2) for additional services related to the Central Park Access Road – Park View project, increasing the not to exceed amount by \$95,880 for a total not to exceed amount of \$264,380.

PASSED AND APPROVED THIS 5TH DAY OF APRIL 2022.

CITY OF LA VISTA

Kim J. Thomas, Acting Mayor

ATTEST:

Pamela A. Buethe, MMC
City Clerk

CONSULTANT PROFESSIONAL SERVICES
DESIGN & CONSTRUCTION ENGINEERING
AMENDMENT NO. 2
ACCESS ROAD MODIFICATIONS
CENTRAL PARK PLAZA-SECTION 1

This Amendment No. 2 ("Amendment 2") shall amend and become a part of the Proposal for Professional Services dated January 27, 2020 issued by Thompson, Dreessen & Dorner, Inc. ("Consultant") and accepted by the City of La Vista ("City"). Amendment 2 includes additional professional services as set forth herein.

SCOPE OF SERVICES

City and Consultant hereby agree that Consultant's Scope of Services is amended by adding the services specifically described below for the additional compensation set forth herein:

TASK A2.1 – Communications and meetings with utility companies to coordinate relocations needed to allow for Park View Blvd storm sewer inlet construction.

TASK A2.2 – Drainage calculations for Park View Blvd inlets and for water quality flow diversion at existing Manhole G7, in Lot 14 City Centre.

TASK A2.3 – Engage, assist and coordinate a sub-consultant (Alvine Engineering) to prepare interim roadway lighting plans for Central Park Plaza east of Lot 14 City Centre to Park View Blvd and along the existing roadway in original Central Park and provide power to an actuated access control gate. Includes Alvine Scope 1 services.

TASK A2.4 – Research, communications, and meetings for gate and actuator control equipment and options to limit access to portion of Central Park Plaza serving The Astro and The Link.

TASK A2.5 – Design engineering services to prepare base drawings for lighting sub-consultant, and construction documents for modification of water quality diversion in existing storm manhole on Lot 14, La Vista City Centre and access gate plans. Documents to include specifications, estimates, and bidding assistance.

TASK A2.6 – Provide construction phase services for the Access Road Modifications (Central Park Plaza-Section 1). These services will include staking, testing, construction observation and contract administration.

TASK A2.7 – Conduct geotechnical exploration work is to obtain soil samples at the site of the pavement settlement for laboratory testing and engineering recommendations to furnish detailed information on subsurface conditions for use in design of repair options. One soil boring, up to 30 feet deep, will be conducted with a truck-mounted drilling rig.

COMPENSATION

Billing for the professional services under this Amendment 2 will be lump sums or hourly not-to-exceed costs as set forth below for the tasks identified herein. The summary of fees by task is as follows:

Task A2.1	\$ 2,220	Hourly not-to-exceed
Task A2.2	\$ 2,080	Hourly not-to-exceed
Task A2.3	\$ 4,620	Lump Sum
Task A2.4	\$ 2,280	Lump sum
Task A2.5	\$ 7,200	Hourly not-to-exceed
Task A2.6	\$75,360	Hourly not-to-exceed
Task A2.7	\$ 2,120	Lump Sum
TOTAL FEE FOR AMENDMENT 2	\$95,880	

TERMS AND CONDITIONS OF SERVICE

All provisions of the original Proposal not specifically amended herein shall remain unchanged. Tasks A2.1 through A2.7 will be billed on a monthly basis.

Submitted by:

THOMPSON, DREESSEN, & DORNER, INC.



Bradley P. Huyck, P.E.

This proposal is accepted this _____ day of _____, 2022 for:

CITY OF LAVISTA

By: _____

(Signature)

Title: _____

	Tasks/Milestones *	TASK TOTAL (COST)	TASK TOTAL (HOURS)	Project Manager BPH	Senior Engineer JMK	Design Engineer	CAD Designer	Construction Observer	Survey Crew	Survey Equipment	CAD Designer	Registered Land Surveyor	Direct Expenses
				\$160	\$160	\$100	\$100	\$75	\$165	\$45	\$95	\$130	
	Amendment 2												
	Additional Design Engineering and Subconsultant for Lighting												
	Thompson Creek Channel Rehabilitation & Access Road Reconstruction												
	La Vista Central Park												
	File No. 171-422 Documents												
	Amendment No 2-Additional Services												
2.1	Communications and meetings to coordinate utility relocations for Park View Blvd storm sewer construction		18		6	6			2	2	2		\$50
2.2	Inlet capacity calculations for Park View Drive and calculations to modify water quality flow rate at Storm Manhole G7 (Lot 14 City Centre)		16		8	8							
2.3	Engage, assist and coordinate sub-consultant, Alvine Engineering to prepare interim road lighting and power supply to access gate. Alvine Scope 1		7	1	6								\$3,500
2.4	Research, meetings and discussion for access gate and controls for roadway gate on Central Park Plaza-Section 1		15	1	12	2							
2.5	Additional design engineering to prepare base drawings for lighting consultant, additional plans for Storm Manhole G7 modification, access gate installation plans plus specs, estimates and bidding assistance.		60	4	16	40							
2.6	Construction phase services for Central Park Plaza Section1 roadway. Includes staking, testing, observation and contract administration. Use 9% of Const Estimate.												\$75,360
2.7	Geotechnical investigation for pavement repair in existing fire lane.		2		2								\$1,800
	TASK HOURS =		118	6	50	56	0	0	2	2	2	0	
	AMENDMENT 2 TOTAL w/Alvine Scope 1 =	\$95,880		\$960	\$8,000	\$5,600	\$0	\$0	\$330	\$90	\$190	\$0	\$80,710



March 11, 2022

Thompson, Dreesen, and Dorner, Inc.
10836 Old Mill Road
Omaha, Nebraska 68154

Attn: John Kottmann

Re: La Vista Central Park Access Road Site Lighting
Alvine No. 2022 9203

Dear John:

Alvine Engineering is pleased to present this proposal for professional engineering services for the above-referenced project.

Project Description

This project consists of electrical engineering to support the redesign of the access road, including lighting design, lighting control, and power.

Scope of Basic Services

Our services and proposed fees will be as indicated in the attached "Scope of Services" document.

If you have any questions or comments regarding this proposal, please contact us. If this proposal is acceptable in its present form, please return a signed copy to us for our records. We look forward to working with you on this project.

Sincerely,

A handwritten signature in black ink, appearing to read "Ken J. Morgan", with a long horizontal flourish extending to the right.

Ken J. Morgan, P.E.
Associate Principal (NE)

KJM/bao

Attachments



Basic Services Scope

Basic service phases include:

1. Construction Documents
2. Construction Administration

Basic Design Services

1. Scope 1:
 - A. Site lighting design will be provided, including temporary poles for both Phase 1 and Phase 2 of new/revised access road; phases defined by Client documentation received and dated March 8, 2022
 - B. Power for pole-mounted receptacles as required per Client requirements
 - C. Existing conduit relocation for new/revised access road
 - D. Power/control for gate operator
2. Scope 2:
 - A. Site lighting design will be provided, including new poles for Phase 1 and temporary wooden poles for Phase 2 of new/revised access road; phases defined by Client documentation received and dated March 8, 2022
 - B. Power for pole-mounted receptacles as required per Client requirements
 - C. Existing conduit relocation for new/revised access road
 - D. Power/control for gate operator

Construction Administration Services

Alvine Engineering proposes to provide the following construction administration services:

1. Respond to Contractor requests for information or interpretation (RFI).
2. Review submittals.
3. Perform two, one-person trips to the project site to attend construction meetings and/or conduct observation of construction, including preparation of a final punch list.

Design Trips/Meetings

The following trips/meetings are included as part of this proposal:

1. Travel to project site and Client's office to complete the project design and coordination

2. Scope 1:
 - A. One, one-person trip to the Client’s office
3. Scope 2:
 - A. Three, one-person trips to Clients office and City review meeting
4. Use of virtual meetings when needed for completion of project design and coordination

Basic Services Scope Assumptions

Based on Alvine Engineering’s understanding of the project requirements, the following are assumed:

1. Opinions of probable construction cost will be prepared by others.
2. Information to be used as backgrounds for development of contract drawings will be provided by the Client. Format shall be Autodesk AutoCAD.

Deliverables

Alvine Engineering will provide the following project deliverables:

1. Signed and sealed contract/construction documents in .pdf format to be used for reproduction

Fees for Basic Services

Alvine Engineering proposes to provide the above services for a lump sum fee. See table below. Expenses are not anticipated.

Basic Service	Fee
Scope 1	3,500.00 (Three Thousand Five Hundred Dollars)
Scope 2	4,800.00 (Four Thousand Eight Hundred Dollars)

Additional Services

If additional professional services or work outside the determined basic scope are required during the course of the project, they will be billed as negotiated per specific scope of services. Alvine Engineering will only proceed with additional services if approved in writing. Additional services will be billed as a separate fee on the project invoice.

All of the following items shall not be considered part of basic services:

1. Predesign services:
 - A. Studies
 - B. Participation in programming charrettes
 - C. Development of programmatic design narratives and cost estimates
 - D. Participation in programming, funding, and other types of presentations
2. Opinions of probable construction costs
3. Attendance at the pre-construction meeting
4. Verification of:
 - A. Accuracy of existing drawings
 - B. Existing systems physical operating conditions
 - C. Existing systems performance and capacities
5. Design associated with new utility services not identified in the scope of basic design services
6. Additional site visits beyond those identified above during construction, including additional visits for preparation of phase punch lists and additional visits required to repeat punch lists in areas which were not sufficiently complete at the time of the initial punch list
7. Post-punch list services:
 - A. Site visit(s) to verify punch list items have been completed
 - B. Project closeout documentation
 - C. Development of record drawings based on field as-built drawings provided by the Contractor

Payment Schedule

Payment shall be within 30 days from the date of the invoice. Payments not received within 60 days will be assessed with a finance charge of 1.5% per month, retroactive to the date of the invoice and compounded monthly.

If the Client objects to any portion of an invoice, the Client shall so notify Alvine Engineering in writing within 10 calendar days of receipt of the invoice. The Client shall identify the specific cause of the disagreement and shall pay, when due, that portion of the invoice not in dispute. Interest as stated above shall be paid by the Client on all disputed invoice amounts and resolved in Alvine Engineering's favor and unpaid for more than 30 calendar days after date of submission.

If the Client, for any reason, fails to pay the undisputed portion of Alvine Engineering's services within 30 days of presentation, Alvine Engineering has the right to cease work on the project, and the Client shall waive any claim against Alvine Engineering from and against any claims for injury or loss stemming from cessation of service. The Client shall also pay Alvine Engineering the cost associated with premature project demobilization and shall renegotiate appropriate contract terms and conditions, such as those associated with budget, schedule, or scope services.



Ownership of Instruments of Services

All reports, plans, specifications, field data and notes, and other documents, including all documents on electronic media, prepared by Alvine Engineering as instruments of service shall remain Alvine Engineering property. Alvine Engineering shall retain all common law, statutory, and other reserved rights, including the copyright thereto.

General Terms and Conditions

See attached General Terms and Conditions document.

ACCEPTED:

Scope 1

Scope 2

John M. Kottmann
Name for TBZ

Senior Design Engineer
Title

March 22, 2022
Date

TBZ 171-422
Client Project No. or Purchase Order No.
(if applicable)

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA RECOMMENDING TO THE NEBRASKA LIQUOR CONTROL COMMISSION, APPROVAL OF A CLASS I LIQUOR LICENSE FOR HAIL VARSITY CLUB LLC DBA HAIL VARSITY CLUB IN LA VISTA, NEBRASKA.

WHEREAS, Hail Varsity Club LLC dba Hail Varsity Club, 12744 Westport Pkwy Street, La Vista, Sarpy County, Nebraska, has applied to the Nebraska Liquor Control Commission for a Class I Liquor License; and

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

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, hereby recommend to the Nebraska Liquor Control Commission approval of a Class I Liquor License submitted by Hail Varsity Club LLC dba Hail Varsity Club, 12744 Westport Pkwy Street, La Vista, Sarpy County, Nebraska.

PASSED AND APPROVED THIS 5TH DAY OF APRIL 2022.

CITY OF LA VISTA

Kim J. Thomas, Acting Mayor

ATTEST:

Pamela A. Buethe, MMC
City Clerk



**LA VISTA POLICE DEPARTMENT
INTER-DEPARTMENT MEMO**

TO: Pam Buethe, City Clerk

FROM: Chief Robert S. Lausten

DATE: March 7, 2022

RE: LOCAL BACKGROUND- LIQUOR LICENSE- MANAGER
HAIL VARSITY

CC:

The police department conducted a check of computerized records for criminal conduct regarding the applicants for the Liquor License and Manager application. The applicant and Manager applicant (Bill Hipsher) has no record in Sarpy County (a Disturbing the Peace charge from 2005 was "Set Aside" in 2020).

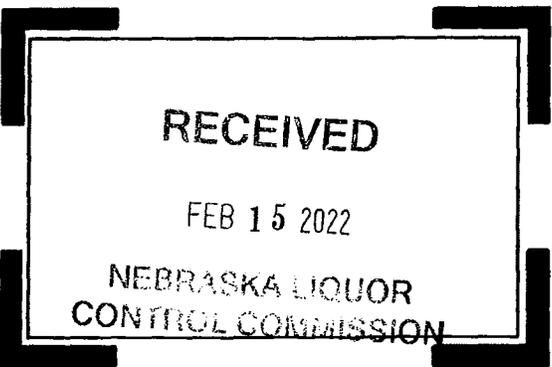
As with all Nebraska Retail Liquor Licenses, I am asking that the applicant strictly conform to Nebraska Liquor Control Commission rules and regulations under (Sec 53-131.01) Nebraska Liquor Control Act.

APPLICATION FOR LIQUOR LICENSE CHECKLIST RETAIL

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

License Class: I

License Number:
124785



Office Use Only

NEW / REPLACING 122848 TOP Yes No

Hot List Yes No Initial: BH

PLEASE READ CAREFULLY

See directions on the next page. Provide all the items requested. Failure to provide any item will cause this application to be returned or placed on hold. All documents must be legible. Any false statement or omission may result in the denial, suspension, cancellation or revocation of your license. If your operation depends on receiving a liquor license, the Nebraska Liquor Control Commission cautions you that if you purchase, remodel, start construction, spend or commit money that you do so at your own risk. Prior to submitting your application review the application carefully to ensure that all sections are complete, and that any omissions or errors have not been made. You may want to check with the city/village or county clerk, where you are making application, to see if any additional requirements must be met before submitting application to the Nebraska Liquor Control Commission.

APPLICANT NAME Hail Varsity Club, LLC

TRADE (DBA) NAME The Hail Varsity Club

PREVIOUS TRADE (DBA) NAME _____

CONTACT PHONE NUMBER 402-345-0460

CONTACT EMAIL ADDRESS bill@hurrrdat.com

✓ Form 185

Office use only	
PAYMENT TYPE <u>Payment 02/15/22</u>	
AMOUNT <u>\$400</u> RCPT	
RECEIVED <u>[Signature]</u>	
DATE DEPOSITED _____	

PAYPORT

NEBRASKA.GOV

PURCHASE RECEIPT

Nebraska Liquor Control Commission

P.O. Box 95046
Lincoln NE 68509-5046
(402)471-4881
jackie.matulka@nebraska.gov
OTC Local Ref ID: 67593890
2/15/2022 01:22 PM

Status: **APPROVED**
Customer Name: Jonathon H. Latka
Type: Discover
Credit Card Number: **** * 7575

	Items	Quantity	TPE Order ID	Total Amount
Retail Liquor License (Class A, B, C, D, I, J, AB, AD, IB)		1	68642528	\$400.00
Applicant Name:: Hail Varsity Club, LLC				
Trade Name (DBA):: The Hail Varsity Club				
Address:: 12744 Westport Pkwy, Suite 1A				
City:: La Vista				
State:: Nebraska				
Zip Code:: 68138				
Phone Number:: 402-345-0460				
Email Address:: bill@hurrdat.com				
Total remitted to the Nebraska Liquor Control Commission				\$400.00
Total Amount Charged				\$409.96

I am unable to collect signatures from my spouse, Kathleen M. Hipsher, because an action for the Dissolution of our Marriage is currently pending in the District Court of Douglas County, Nebraska (Case No. CI 21-6205).



Bill J. Hipsher

2/1/2022

Date

**CLASS OF LICENSE FOR WHICH APPLICATION IS MADE AND FEES
CHECK DESIRED CLASS**

RETAIL LICENSE(S)

**CLASS C LICENSE TERM IS FROM NOVEMBER 1 – OCTOBER 31
ALL OTHER CLASSES TERM IS MAY 1 – APRIL 30**

- A BEER. ON SALE ONLY
- B BEER. OFF SALE ONLY**
- C BEER. WINE. DISTILLED SPIRITS. ON AND OFF SALE**
Do you intend to sale cocktails to go as allowed under Neb Rev. Statute 53-123.04(4) YES NO
- D BEER. WINE. DISTILLED SPIRITS. OFF SALE ONLY**
- F BOTTLE CLUB.
- I BEER. WINE. DISTILLED SPIRITS. ON SALE ONLY
Do you intend to sale cocktails to go as allowed under Neb Rev. Statute 53-123.04(5) YES NO
- J LIMITED ALCOHOLIC LIQUOR. OFF SALE – MUST INCLUDE SUPPLEMENTAL FORM 120
- AB BEER. ON AND OFF SALE
- AD BEER ON SALE ONLY. BEER. WINE. DISTILLED SPIRITS OFF SALE
- IB BEER. WINE. DISTILLED SPIRITS ON SALE. BEER OFF SALE ONLY
- Class K Catering endorsement (Submit Form 106) – Catering license (K) expires same as underlying retail license
- Class G Growler endorsement (Submit Form 165) – Class C licenses only

**Class B, Class C, Class D license do you intend to allow drive through services under Neb Rev. Statute 53-178.01(2) YES NO

ADDITIONAL FEES WILL BE ASSESSED AT THE CITY/VILLAGE OR COUNTY LEVEL WHEN THE LICENSE IS ISSUED

CHECK TYPE OF LICENSE FOR WHICH YOU ARE APPLYING

- Individual License (requires insert FORM 104)
- Partnership License (requires insert FORM 105)
- Corporate License (requires FORM 101 & FORM 103)
- Limited Liability Company (LLC) (requires FORM 102 & FORM 103)

NAME OF ATTORNEY OR FIRM ASSISTING WITH APPLICATION (if applicable)

Name Jonathon H. Latka Phone Number 402-978-5329

Firm Name Fraser Stryker, PC LLO

Email address jlatka@fraserstryker.com

Should we contact you with any questions on the application? YES NO

PREMISES INFORMATION

Trade Name (doing business as) The Hail Varsity Club

Street Address 12744 Westport Pkwy, Suite 1A

City LaVista County Sarpy Zip Code 68138

Premises Telephone number 402-345-0460

Business e-mail address bill@hurrrdat.com

Is this location inside the city/village corporate limits YES X NO

MAILING ADDRESS (where you want to receive mail from the Commission)

Check if same as premises

Name Bill Hipsher

Street Address 11218 John Galt Blvd, Suite 300

City Omaha State NE Zip Code 68137

DESCRIPTION AND DIAGRAM OF THE AREA TO BE LICENSED

IN THE SPACE PROVIDED BELOW OR ATTACH A DRAWING OF THE AREA TO BE LICENSED.

DO NOT SEND BLUEPRINTS, ARCHITECT OR CONSTRUCTION DRAWINGS

PROVIDE LENGTH X WIDTH IN FEET (NOT SQUARE FOOTAGE)

INDICATE THE DIRECTION OF NORTH AND THE NUMBER OF FLOORS OF THE BUILDING.

Building length 105' x width 70' in feet

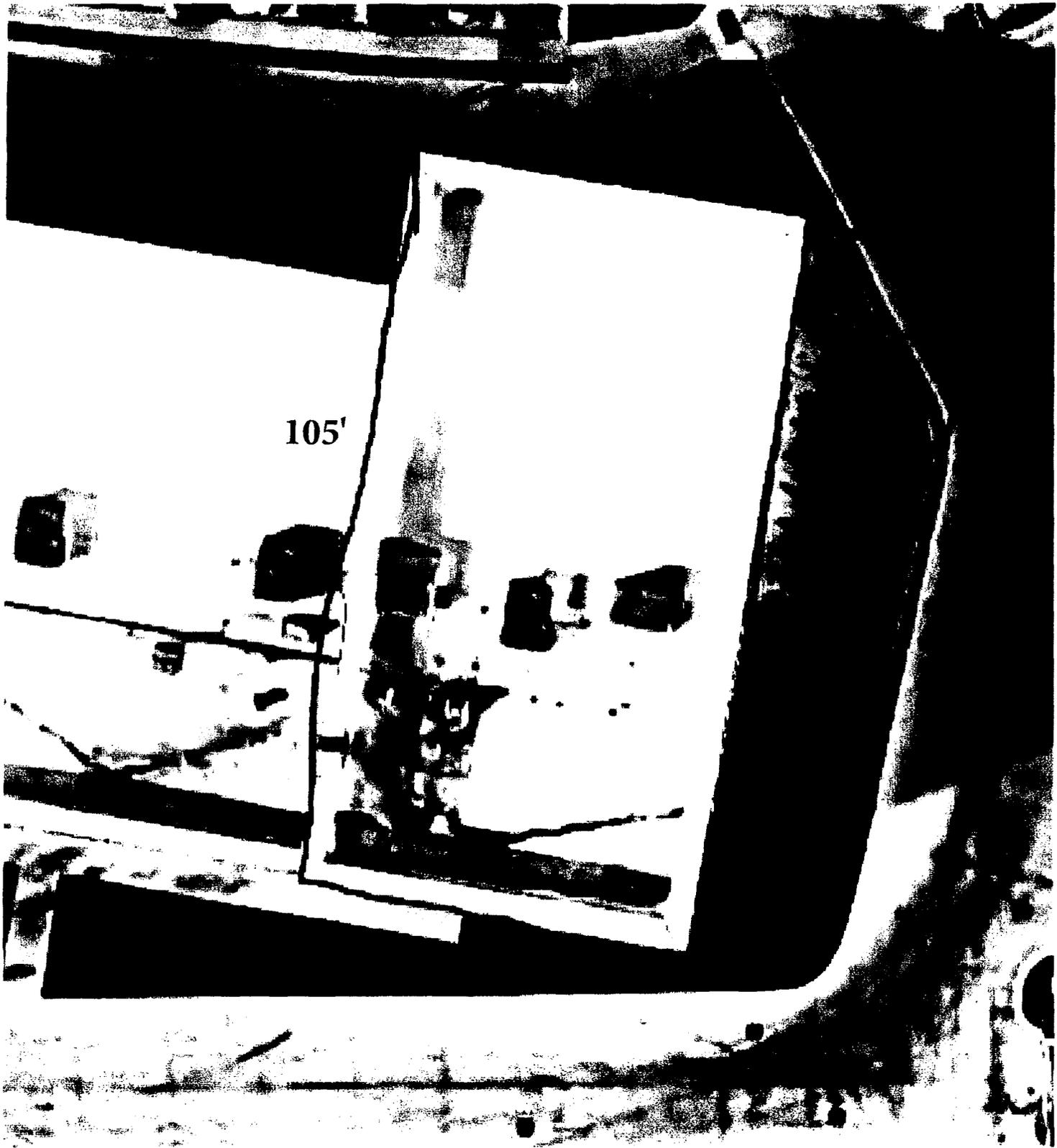
Is there a basement? Yes No X If yes, length x width in feet

Is there an outdoor area? Yes X No If yes, length 46' x width 35' in feet

PROVIDE DIAGRAM OF AREA TO BE LICENSED BELOW OR ATTACH SEPARATE SHEET

See attached Diagram

105'



APPLICANT INFORMATION

1. READ CAREFULLY. ANSWER COMPLETELY AND ACCURATELY §53-125(5)

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

~~Persons~~. Commission must be notified of any arrests and/or convictions that may occur after the date of signing this application.

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

Name of Applicant	Date of Conviction (mm/yyyy)	Where Convicted (city & state)	Description of Charge	Disposition
Bill Hipsher	12/11/2020	Carbon Co, WY	Speeding	Guilty - Fines Paid
Bill Hipsher	12/20/2005	Sarpy Co., NE	Disturbing the Peace	Set Aside - June, 2020

2. Was this premise licensed as liquor licensed business within the last two (2) years?

YES NO

If yes, provide business name and license number Ozzy's Roadhouse, #122848

3. Are you buying the business of a current retail liquor license?

YES NO

If yes, give name of business and liquor license number Ozzy's Roadhouse, #122848

4. Are you filing a temporary operating permit (TOP) to operate during the application process?

YES NO

If yes

a) Attach temporary operating permit (TOP) (Form 125)

a) Submit a copy of the business purchase agreement

b) Include a list of alcohol being purchased, list the name brand, container size and how many

c) Submit a list of the furniture, fixtures and equipment

5. Are you borrowing any money from any source, include family or friends, to establish and/or operate the business?

YES NO

If yes, list the lender(s) _____

6. Will any person or entity, other than applicant, be entitled to a share of the profits of this business?

YES NO

If yes, explain. (all involved persons must be disclosed on application)

No silent partners 019.01E Silent Partners; Profit Sharing: No licensee or partner, principal, agent or employee of any Retail Liquor License shall permit any other person not licensed or included as a partner, principal, or stockholder of any Retail Liquor License to participate in the sharing of profits or liabilities arising from any Retail Liquor License. (53-1.100)

7. Will any of the furniture, fixtures and equipment to be used in this business be owned by others?

YES NO

If yes, list such item(s) and the owner. _____

8. Is premises to be licensed within 150 feet of a church, school, hospital, home for indigent persons or for veterans, their wives, and children; or within 300 feet of a college or university campus?

YES NO

If yes, provide name and address of such institution and where it is located in relation to the premises (Nebraska Revised Statute 53-177(1) **AND PROVIDE FORM 134 – CHURCH OR FORM 135 – CAMPUS AND LETTER OF SUPPORT FROM CHURCH OR CAMPUS**

9. Is anyone listed on this application a law enforcement officer? If yes, list the person, the law enforcement agency involved and the person's exact duties. (Nebraska Revised Statute 53-125(15))

YES NO

10. List the primary bank and/or financial institution (branch if applicable) to be utilized by the business.
a) List the individual(s) who are authorized to write checks and/or withdrawals on accounts at this institution.

Pinnacle Bank, 10805 Q Street, Omaha, NE 68137 -- Bill J. Hipsher

11. List all past and present liquor licenses held in Nebraska or any other state by any person named in this application. Include license holder name, location of license and license number. Also list reason for termination of any license(s) previously held.

Grand Prairie Hotel, Hutchinson, KS (closed)

Grand Slam Sports Bar, Hutchinson, KS (closed)

12. List the alcohol related training and/or experience (when and where) of the person(s) making application. Those persons required are listed as followed:

- Individual: Applicant and spouse: spouse is exempt if they filed Form 116 – Affidavit of Non-Participation.
- Partnership: All partners and spouses. spouses are exempt if they filed Form 116 – Affidavit of Non-Participation.
- Limited Liability Company: All member of LLC. Manager and all spouses: spouses are exempt if they filed Form 116 – Affidavit of Non-Participation.
- Corporation: President. Stockholders holding 25% or more of shares. Manager and all spouses: spouses are exempt if they filed Form 116 – Affidavit of Non-Participation.

NLCC certified training program completed

Applicant Name	Date (mm/yyyy)	Name of program (attach copy of course completion certificate)
Bill Hipsher	01/2022	Nebraska Alcohol Server / Seller Certification

Experience

Applicant Name Job Title	Date of Employment	Name & Location of Business

13. If the property is owned. submit a copy of the deed or proof of ownership. If leased. submit a copy of the lease covering the entire license year.

Documents must be in the name of applicant as owner or lessee

Lease expiration date March 2027 (86 months after execution of lease)
 Deed
 Purchase Agreement

14. When do you intend to open for business? March 15, 2022

15. What will be the main nature of business? Restaurant and Bar

16. What are the anticipated hours of operation? Sun. - Thurs, 11a - 11 p; Fri, 11a - 2a; Sat, 10a - 2a

17. List the principal residence(s) for the past 10 years for **ALL** persons required to sign. including spouses.

RESIDENCES FOR THE PAST 10 YEARS					
APPLICANT CITY & STATE	YEAR		SPOUSE CITY & STATE	YEAR	
	FROM	TO		FROM	TO
Bill Hipsher - Omaha, NE	2007	present			

If necessary, attach a separate sheet

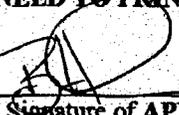
SIGNATURE PAGE -
PLEASE READ CAREFULLY

The undersigned applicant(s) hereby consent(s) to an investigation of his/her background and release present and future records of every kind and description including police records, tax records (State and Federal), and bank or lending institution records, and said applicant(s) and spouse(s) waive(s) any right or causes of action that said applicant(s) or spouse(s) may have against the Nebraska Liquor Control Commission, the Nebraska State Patrol, and any other individual disclosing or releasing said information. Any documents or records for the proposed business or for any partner or stockholder that are needed in furtherance of the application investigation of any other investigation shall be supplied immediately upon demand to the Nebraska Liquor Control Commission or the Nebraska State Patrol. The undersigned understand and acknowledge that any license issued, based on the information submitted in this application, is subject to cancellation if the information contained herein is incomplete, inaccurate or fraudulent.

Individual applicants agree to supervise in person the management and operation of the business and that they will operate the business authorized by the license for themselves and not as an agent for any other person or entity. Corporate applicants agree the approved manager will superintend in person the management and operation of the business. Partnership applicants agree one partner shall superintend the management and operation of the business. All applicants agree to operate the licensed business within all applicable laws, rules, regulations, and ordinances and to cooperate fully with any authorized agent of the Nebraska Liquor Control Commission.

Applicant Notification and Record Challenge: Your fingerprints will be used to check the criminal history records of the FBI. You have the opportunity to complete or challenge the accuracy of the information contained in FBI identification record. The procedures for obtaining a change, correction, or updating an FBI identification record are set forth in Title 28, CFR, 16.34.

Must be signed in the presence of a notary public by applicant(s) and spouse(s).
(YOU MAY NEED TO PRINT MULTIPLE SIGNATURE PAGES)



Signature of **APPLICANT**
(Do not sign until in the presence of the Notary Public)

Bill Hipsher

Printed Name of **APPLICANT**

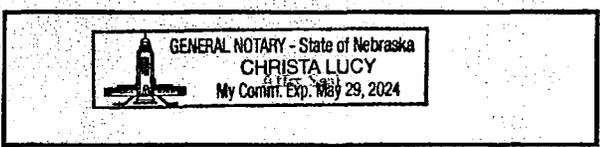
State of Nebraska, County of Douglas

The foregoing instrument was acknowledged before me this
2/3/2022
(Date)

By Bill Hipsher
Name of person(s) signing document in front of Notary



Notary Public Signature



Signature of **SPOUSE**
(Do not sign until in the presence of the Notary Public)

Printed Name of **SPOUSE**

State of Nebraska, County of _____

The foregoing instrument was acknowledged before me this

(Date)

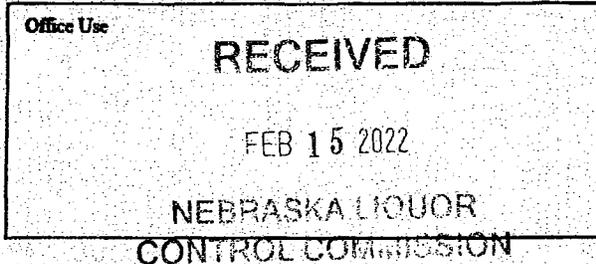
By _____
Name of person(s) signing document in front of Notary

Notary Public Signature



**APPLICATION FOR LIQUOR LICENSE
LIMITED LIABILITY COMPANY (LLC)
INSERT - FORM 3b**

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



All members including spouse(s), are required to adhere to the following requirements:

- 1) All members spouse(s) must be listed
- 2) Managing/Contact member and all members holding over 25% interest and their spouse(s) (if applicable) must submit fingerprints. See Form 147 for further information, this form MUST be included with your application.
- 3) Managing/Contact member and all members holding over 25 % shares of stock and their spouse (if applicable) must sign the signature page of the Application for License form 100 (even if a spousal affidavit has been submitted)

Attach copy of Articles of Organization (must show electronic stamp or barcode receipt by Secretary of States office)

Name of Registered Agent: Troy F. Meyerson

Name of Limited Liability Company that will hold license as listed on the Articles of Organization

Hail Varsity Club, LLC

LLC Address: 11218 John Galt Blvd, Suite 300

City: Omaha State: NE Zip Code: 68137

LLC Phone Number: 402-345-0460 LLC Fax Number _____

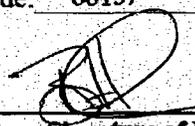
Name of Managing/Contact Member

Name and information of contact member must be listed on following page

Last Name: Hipsher First Name: Bill MI: J.

Home Address: 6021 S 109th Avenue Circle City: Omaha

State: NE Zip Code: 68137 Home Phone Number: 402-830-7481



Signature of Managing/Contact Member

ACKNOWLEDGEMENT

State of Nebraska
County of Douglas

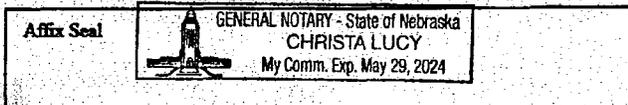
The foregoing instrument was acknowledged before me this

2/3/2022

by Bill Hipsher
name of person acknowledge

Date

Christa Lucy



List names of all members and their spouses (even if a spousal affidavit has been submitted)

Last Name: Hipsher First Name: Bill MI: _____

Spouse Full Name (indicate N/A if single): Dissolution of Marriage Pending

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership 100% (of Hipsher Holding, LLC, the controlling entity)

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

List names of all members and their spouses (even if a spousal affidavit has been submitted)

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

Is the applying Limited Liability Company controlled by another corporation/company?

YES

NO

If yes, provide the following:

- 1) Name of corporation Hurrdat Entertainment, LLC; Hipsher Holding, LLC
- 2) Supply an organizational chart of the controlling corporation named above
- 3) Controlling corporation **MUST** be registered with the Nebraska Secretary of State, copy of articles must be submitted with application §53-126

Indicate the company's tax year with the IRS (Example January through December)

Starting Date: Janauary Ending Date: December

Is this a Non Profit Corporation?

YES

NO

If yes, provide the Federal ID #. _____

**CONTROLLING CORPORATION
INSERT**

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

Office Use

RECEIVED

MAR 1 2022

NEBRASKA LIQUOR
CONTROL COMMISSION

Attach copy of Articles as filed with the Nebraska Secretary of State - §53-126

Name and address of the controlling corporation of the applying corporation

Controlling Corporation Name: Hurrdat Entertainment, LLC

Controlling Corporation Address: 11218 John Galt Boulevard, Suite 300

City: Omaha State: NE Zip Code: 68137

Provide the names of the top four officer/members of the controlling corporation

1. Full Name: Hipsher Holdings, LLC

Job Title: Owner

2. Full Name: _____

Job Title: _____

3. Full Name: _____

Job Title: _____

4. Full Name: _____

Job Title: _____

**APPLICATION FOR LIQUOR LICENSE
LIMITED LIABILITY COMPANY (LLC)
INSERT - FORM 3b**

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

Office Use

RECEIVED

MAR 1 2022

**NEBRASKA LIQUOR
CONTROL COMMISSION**

All members including spouse(s), are required to adhere to the following requirements:

- 1) All members spouse(s) must be listed
- 2) Managing/Contact member and all members holding over 25% interest and their spouse(s) (if applicable) must submit fingerprints. See Form 147 for further information, this form **MUST** be included with your application.
- 3) Managing/Contact member and all members holding over 25 % shares of stock and their spouse (if applicable) must sign the signature page of the Application for License form 100 (even if a spousal affidavit has been submitted)

Attach copy of Articles of Organization (must show electronic stamp or barcode receipt by Secretary of States office)

Name of Registered Agent: Troy F. Meyerson

Name of Limited Liability Company that will hold license as listed on the Articles of Organization

Hipsher Holdings, LLC

LLC Address: 300 Canopy Street, Suite 230

City: Lincoln State: NE Zip Code: 68508

LLC Phone Number: 402-830-7481 LLC Fax Number _____

Name of Managing/Contact Member

Name and information of contact member must be listed on following page

Last Name: Bill First Name: Hipsher MI: J.

Home Address: 6021 S 109th Avenue Circle City: Omaha

State: NE Zip Code: 68137 Home Phone Number: 402-830-7481

Signature of Managing/Contact Member

ACKNOWLEDGEMENT

State of Nebraska
County of _____

The foregoing instrument was acknowledged before me this

_____ by _____
Date name of person acknowledge

Affix Seal

List names of all members and their spouses (even if a spousal affidavit has been submitted)

Last Name: Hipsher First Name: Bill MI: J.



Spouse Full Name (indicate N/A if single): Dissoluion of Marriage Pending

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership 100%

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

List names of all members and their spouses (even if a spousal affidavit has been submitted)

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

Is the applying Limited Liability Company controlled by another corporation/company?

YES

NO

If yes, provide the following:

- 1) Name of corporation _____
- 2) Supply an organizational chart of the controlling corporation named above
- 3) Controlling corporation **MUST** be registered with the Nebraska Secretary of State, copy of articles must be submitted with application §53-126

Indicate the company's tax year with the IRS (Example January through December)

Starting Date: January Ending Date: December

Is this a Non Profit Corporation?

YES

NO

If yes, provide the Federal ID #. _____

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

APPLICATION FOR USE OF DECEPTIVELY SIMILAR NAME

Robert B. Evnen, Secretary of State
P.O. Box 94608
Lincoln, NE 68509
www.sos.nebraska.gov

The undersigned hereby submits the following information in support of this application:

1. That the Secretary of State rejected the applicant's request to use the following corporate name on the grounds that it did not meet the statutory standards.

Hail Varsity Club, LLC

2. Check either "a" or "b", whichever is applicable:

- a. Find attached certified copy of the final judgement of a court of competent jurisdiction establishing the applicant's right to use the name applied for in this State.
- b. Find below written consent by the other corporation or business entity to use the name applied for in this State.

CONSENT FOR USE OF DECEPTIVELY SIMILAR NAME

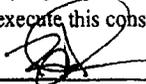
Consenting Entity: Hail Varsity, LLC

Account Number of Entity Giving Consent: 10162416 and 10163355

Gives Consent To: Hail Varsity Club, LLC

To Use the Name: Hail Varsity Club

By signing this statement, the undersigned hereby certifies that he or she has the requisite authority to execute this consent.


Signature of Consenting Entity's Representative

Bill J. Hipsher, President

Printed Name of Consenting Entity's Representative


Signature of Applicant

Bill J. Hipsher, Manager

Printed Name and Title of Applicant

1/19/2022
Date

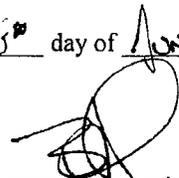
bill@hurstact.com
Email Address (Optional)

**CERTIFICATE OF ORGANIZATION
OF
HURRDAT ENTERTAINMENT, LLC**

The undersigned, desiring to form a limited liability company (the "Company") under the Nebraska Uniform Limited Liability Company Act (the "Act") hereby states as follows:

1. Name. The name of the Company is Hurrdat Entertainment, LLC.
2. Designated Office: The designated office of the Company is 300 Canopy Street, Suite 230, Lincoln, NE 68508.
3. Registered Agent and Office. The name and address of the registered agent of the Company is Troy F. Meyerson, 500 Energy Plaza, 409 S. 17th Street, Omaha, NE 68102.

EXECUTED by the undersigned organizer on the 3rd day of June, 2020.



Bill J. Hipsher, Jr., Organizer

CONSENT FOR USE OF DECEPTIVELY SIMILAR NAME

Robert B. Evnen, Secretary of State
P.O. Box 94608
Lincoln, NE 68509
(402) 471-4079
www.sos.ne.gov

Please file this consent with new business formation document or amendment to change business name where a name conflict exists for a trade name or an entity other than a business corporation.

CONSENT FOR USE OF DECEPTIVELY SIMILAR NAME

Consenting Entity: HURRDAT, LLC

Account Number of Entity Giving Consent: 10159045

Gives Consent To: HURRDAT ENTERTAINMENT, LLC

To Use the Name: HURRDAT ENTERTAINMENT, LLC

By signing and submitting this form to the Nebraska Secretary of State, the undersigned hereby certifies that he or she has the requisite authority to execute this document. Consent form must be signed by an authorized representative of the consenting entity.



Signature

BILL J. HIPSSHER, JR., MANAGER
Printed Name

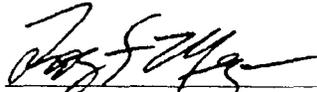
Note: For Business Corporation, submit the Application for Use of Deceptively Similar Name found at:
http://www.sos.ne.gov/business/corp_serv/corp_form.html.

**CERTIFICATE OF ORGANIZATION
OF
HIPSHER HOLDING, LLC**

The undersigned, desiring to form a limited liability company (the "Company") under the Nebraska Uniform Limited Liability Company Act (the "Act") hereby states as follows:

1. Name: The name of the Company is Hipsher Holding, LLC.
2. Designated Office: The designated office of the Company is 300 Canopy Street, Suite 230, Lincoln, NE 68508.
3. Registered Agent and Office: The name and address of the registered agent of the Company is Troy F. Meyerson, 500 Energy Plaza, 409 S. 17th Street, Omaha, NE 68102.

EXECUTED by the undersigned organizer on the 31st day of July, 2019

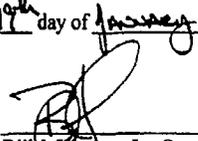

Troy F. Meyerson, Organizer

**CERTIFICATE OF ORGANIZATION
OF
HAIL VARSITY CLUB, LLC**

The undersigned, desiring to form a limited liability company (the "Company") under the Nebraska Uniform Limited Liability Company Act (the "Act") hereby states as follows:

1. Name. The name of the Company is Hail Varsity Club, LLC.
2. Designated Office: The designated office of the Company is 300 Canopy Street, Suite 230, Lincoln, NE 68508.
3. Registered Agent and Office. The name and address of the registered agent of the Company is Troy F. Meyerson, 500 Energy Plaza, 409 S. 17th Street, Omaha, NE 68102.

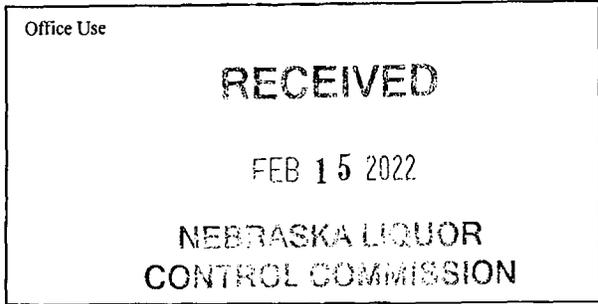
EXECUTED by the undersigned organizer on the 17th day of January, 2022.



Bill J. Hipscher, Jr., Organizer

**MANAGER APPLICATION
INSERT - FORM 3c**

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



FORM MUST BE COMPLETELY FILLED OUT IN ORDER FOR APPLICATION TO BE PROCESSED

MANAGER MUST:

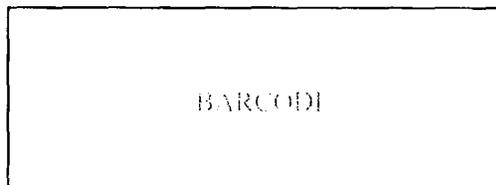
- Complete all sections of the application. Be sure it is signed by a **member or corporate officer**, corporate officer or member must be an individual on file with the Liquor Control Commission
- Fingerprints are required. See form 147 for further information, read form carefully to avoid delays in processing, this form **MUST** be included with your application.
- Provide a copy of one of the following: US birth certificate, naturalization papers or current US passport (even if you have provided this before)
- Be a registered voter in the State of Nebraska, include a copy of voter card or print document from Secretary of State website with application

Spouse who **will not** participate in the business, spouse must:

- Complete the Spousal Affidavit of Non Participation Insert (must be notarized). The non-participating spouse completes the top half; the manager completes the bottom half. **Be sure to complete both halves of this form.**
- Need not answer question #1 of the application

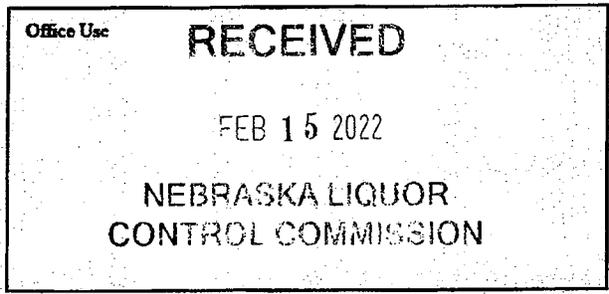
Spouse who **will** participate in the business, the spouse must:

- Sign the application
- Fingerprints are required. See form 147 for further information, read form carefully to avoid delays in processing, this form **MUST** be included with your application.
- Provide a copy of one of the following: birth certificate, naturalization papers or current US passport (even if you have provided this before)
- Be a registered voter in the state of Nebraska, include a copy of voter card with application
- Spousal Affidavit of Non Participation Insert **not** required



**MANAGER APPLICATION
INSERT - FORM 3c**

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



MUST BE:

- ✓ Include copy of US birth certificate, naturalization paper or current US passport
- ✓ Nebraska resident. Include copy of voter registration card or print out document from Secretary of State website
- ✓ Fingerprinted. See form 147 for further information, read form carefully to avoid delays in processing, this form MUST be included with your application
- ✓ 21 years of age or older

Name of Corporation/LLC: Hail Varsity Club, LLC

Liquor License Number: _____ Class Type _____ (if new application leave blank)

Premise Trade Name/DBA: The Hail Varsity Club

Premise Street Address: 12744 Westport Pkwy, Suite 1A

City: LaVista County: Sarpy Zip Code: 68138

Premise Phone Number: 402-345-0460

Premise Email address: bill@hurrdat.com

The individual whose name is listed as a corporate officer or managing member as reported on insert form 3a or 3b or listed with the Commission. To see authorized officers or members search your license information [here](#).

A handwritten signature in black ink, appearing to be "Bill Hurrdat", written over a horizontal line.

SIGNATURE REQUIRED BY CORPORATE OFFICER / MANAGING MEMBER

(Faxed signatures are acceptable)

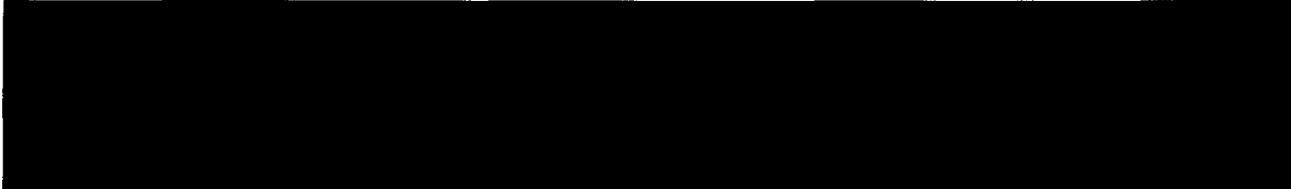
Manager's information must be completed below PLEASE PRINT CLEARLY

Last Name: Hipsher First Name: Bill MI: J

Home Address: 6021 S 109th Avenue Circle,

City: Omaha County: Douglas Zip Code: 68137

Home Phone Number: 402-830-7481



Email address: bill@hurrrdat.com

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

YES NO Pending

Spouse's information

Spouses Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____

Driver's License Number & State: _____

Date Of Birth: _____ Place Of Birth: _____

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

CITY & STATE	YEAR FROM	YEAR TO	CITY & STATE	YEAR FROM	YEAR TO
Omaha, NE	2007	present			

MANAGER'S LAST TWO EMPLOYERS

YEAR FROM	TO	NAME OF EMPLOYER	NAME OF SUPERVISOR	TELEPHONE NUMBER

1. READ CAREFULLY. ANSWER COMPLETELY AND ACCURATELY.

Must be completed by both applicant and spouse, unless spouse has filed an affidavit of non-participation.

Has anyone who is a party to this application, or their spouse, ~~EVER~~ been convicted of or plead guilty to any charge. Charge means any charge alleging a felony, misdemeanor, violation of a federal or state law; a violation of a local law, ordinance or resolution. List the nature of the charge, where the charge occurred and the year and month of the conviction or plea. ~~traffic violations~~. Also list any charges pending at the time of this application. If more than one party, please list charges by each individual's name. Commission must be notified of any arrests and/or convictions that may occur after the date of signing this application.

YES NO

If yes, please explain below or attach a separate page.

Name of Applicant	Date of Conviction (mm/yyyy)	Where Convicted (City & State)	Description of Charge	Disposition
Bill Hipsher	12/11/2020	Carbon Co., WY	Speeding	Guilty - Fines Paid
Bill Hipsher	12/20/2005	Sarpy Co., NE	Disturbing the Peace	Set Aside - June 2020

2. Have you or your spouse ever been approved or made application for a liquor license in Nebraska or any other state?

YES NO

IF YES, list the name of the premise(s):

Grand Priairie Hote, Hutchinson, KS; Grand Slam Sports Bar, Hutchinson, KS

3. Do you, as a manager, qualify under Nebraska Liquor Control Act (§53-131.01) and do you intend to supervise, in person, the management of the business?

YES NO

4. List the alcohol related training and/or experience (when and where) of the person making application.

*NLCC Training Certificate Issued: 01/2022 Name on Certificate: Bill Hipsher

Applicant Name	Date (mm/yyyy)	Name of program (attach copy of course completion certificate)
Bill Hipsher	01/2022	Nebraska Alcohol Server/Seller Certification

*For list of NLCC Certified Training Programs see training

Experience:

Applicant Name / Job Title	Date of Employment:	Name & Location of Business:

5. Have you enclosed form 147 regarding fingerprints?

YES NO

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

The undersigned applicant hereby consents to an investigation of his/her background including all records of every kind and description including police records, tax records (State and Federal), and bank or lending institution records, and said applicant and spouse waive any rights or causes of action that said applicant or spouse may have against the Nebraska Liquor Control Commission and any other individual disclosing or releasing said information to the Nebraska Liquor Control Commission. If spouse has NO interest directly or indirectly, a spousal affidavit of non-participation may be attached.

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

Applicant Notification and Record Challenge: Your fingerprints will be used to check the criminal history records of the FBI. You have the opportunity to complete or challenge the accuracy of the information contained in FBI identification record. The procedures for obtaining a change, correction, or updating an FBI identification record are set forth in Title 28, CFR, 16.34.

Signature of Manager Applicant

Signature of Spouse

ACKNOWLEDGEMENT

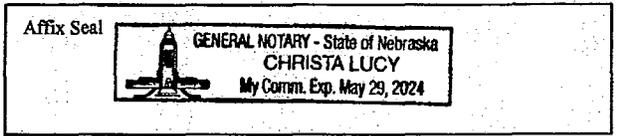
State of Nebraska
County of Douglas

The foregoing instrument was acknowledged before me this

February 3, 2022
date

by Bill J. Hipsher
NAME OF PERSON BEING ACKNOWLEDGED

Christa Lucy
Notary Public signature



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



[Back to Lookup](#) / [Registrant Detail](#)

Bill J Hipsher Jr

Political Party
Nonpartisan

Precinct
05-09

Election Details

05/10/2022 2022 NE Primary Election

We did not find an absentee or provisional ballot associated with the selected election. This website does not track the status of a traditional ballot voted at the polls. If you voted a traditional ballot at the polls, your ballot has been accepted and counted.

Polling Location

Hitchcock Elementary School

📍 5809 South 104th Street Omaha, NE 68127

[View larger map](#)

📍 5809 S 104th St,
Omaha, NE 68127

Google
APPLEWOOD RMap data ©2022

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Certificate of Completion

This is to certify that

Billy Hipsher

has successfully completed the following
HOSPITALITYexam.com course and examination

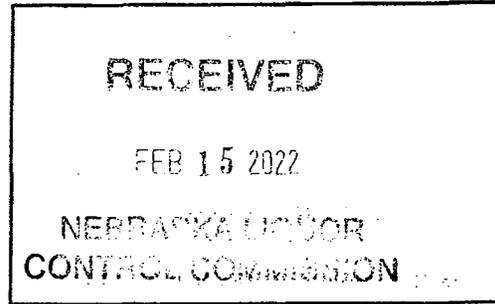
Course Name: Nebraska Alcohol Server/Seller Certification


Edward D McLean, Administrator
www.HOSPITALITYexam.com

Date: 01/05/2022
Expiration: 36 Months
Certificate #: 89706
Birth Date: 03/24/1976

**PRIVACY ACT STATEMENT/
SUBMISSION OF FINGERPRINTS /
PAYMENT OF FEES TO NSP-CID**

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



**THIS FORM IS REQUIRED TO BE SIGNED BY EACH PERSON BEING FINGERPRINTED:
DIRECTIONS FOR SUBMITTING FINGERPRINTS AND FEE PAYMENTS:**

- **FAILURE TO FILE FINGERPRINT CARDS AND PAY THE REQUIRED FEE TO THE NEBRASKA STATE PATROL WILL DELAY THE ISSUANCE OF YOUR LIQUOR LICENSE**
- Fee payment of \$45.25 per person **MUST** be made **DIRECTLY** to the Nebraska State Patrol;
It is recommended to make payment through the NSP PayPort online system at www.ne.gov/go/nsp
Or a check made payable to **NSP** can be mailed directly to the following address:
*****Please indicate on your payment who the payment is for (the name of the person being fingerprinted) and the payment is for a Liquor License*****
The Nebraska State Patrol – CID Division
4600 Innovation Drive
Lincoln, NE 68521
- Fingerprints taken at NSP LIVESCAN locations will be forwarded to NSP – CID
Applicant(s) will not have cards to include with license application.
- Fingerprints taken at local law enforcement offices may be released to the applicants;
Fingerprint cards should be submitted with the application.

Applicant Notification and Record Challenge: Your fingerprints will be used to check the criminal history records of the FBI. You have the opportunity to complete or challenge the accuracy of the information contained in the FBI identification record. The procedures for obtaining a change, correction, or updating a FBI identification record are set forth in Title 28, CFR, 16.34.

******Please Submit this form with your completed application to the Liquor Control Commission******

Trade Name The Hail Varsity Club

Name of Person Being Fingerprinted: Bill J. Hipsher

Date fingerprints were taken: 1/5/2022

Location where fingerprints were taken: Nebraska

How was payment made to NSP?

NSP PAYPORT CASH CHECK SENT TO NSP CK # _____

My fingerprints are already on file with the commission – fingerprints completed for a previous application less than 2 years ago? YES

SIGNATURE REQUIRED OF PERSON BEING FINGERPRINTED

Business Plan

Hail Varsity Club, LLC d/b/a The Hail Varsity Club intends to operate as a full service bar and restaurant with the sale of alcohol for on-premises consumption.

LEASE AGREEMENT

THIS LEASE AGREEMENT (this "Lease") dated as of the Effective Date by and between Southport West Partners LLC, a Nebraska limited liability company ("Landlord") and The Hail Varsity Club, LLC, a Nebraska limited liability company, doing business as The Hail Varsity Club ("Tenant"). The "Effective Date" of this Lease shall be the date this Lease is fully executed by the last of Landlord and Tenant.

ARTICLE I
INTRODUCTORY PROVISIONS

Section 1.1. **LANDLORD:** Southport West Partners, LLC

Section 1.2. **LANDLORD'S ADDRESS FOR NOTICES AND RENT PAYMENTS:**

Southport West Partners, LLC
c/o CBRE, Inc.
11213 Davenport Street, Suite 300
Omaha, Nebraska 68154
Attn: Dean Hokanson

Section 1.3. **TENANT:** The Hail Varsity Club, LLC, a Nebraska limited liability company

Section 1.4. **TENANT'S ADDRESS:**

The Hail Varsity Club, LLC
12744 Westport Parkway
LaVista, NE 68138

Section 1.5. **TENANT'S TRADE NAME:** The Hail Varsity Club

Section 1.6. **PREMISES:** Suites 1A, 1B and 1C in that certain building located as 12744 Westport Parkway, La Vista, Nebraska 68138, containing approximately 6,766 square feet of GLA (as hereinafter defined), shown cross-hatched on the site plan attached hereto as Exhibit A (the "Site Plan").

Section 1.7. **SHOPPING CENTER:** The Shopping Center shall mean only the Shoppes at Southport West, legally described as Lot 3, Southport West, Replat 5, Sarpy County, Nebraska.

Section 1.8. **TERM:** Eighty-six (86) months commencing on the Lease Commencement Date.

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
APRIL 5, 2022 AGENDA**

Subject:	Type:	Submitted By:
DECLARE EQUIPMENT SURPLUS	◆ RESOLUTION ORDINANCE RECEIVE/FILE	PAM BUETHE CITY CLERK

SYNOPSIS

A resolution has been prepared to declare the following equipment surplus and authorize the sale of said items:

2010 Ford Road Rescue Ambulance 6259 (Fire)	2011 Dodge Charger 6552 (Police)
1990 Ford F350 XLT Lariat 9083 (Fire)	2010 Dodge Charger 1136 (Police)
1997 E One Heavy Rescue 7791 (Fire)	2012 Dodge Charger 6618 (Police)
2012 Powertach 72" snow blade 12008748 (Public Works)	Tractor 72" belly mower M00297X130602 (Public Works)
1996 Landpride 16" Pull-Behind Grooming Mower AFM4020000-32 (Public Works)	1990 Jacobsen 720EHL 14 HP Pull-behind leaf sweeper 3274 (Public Works)
2005 Fieldmaster FM6 Infield Groomer Drag (Public Works)	Flail Mower (Public Works)

FISCAL IMPACT

The revenue from the sale of the fire equipment will be transferred to the Mutual Finance Organization (MFO) with Papillion and the Papillion RFD. Revenue from the sale of the police and public works equipment will go into La Vista's General Fund

RECOMMENDATION

Approval.

BACKGROUND

On October 1, 2013 an Interlocal Cooperation Agreement went into effect between the City of La Vista, the City of Papillion, and the Papillion Rural Fire Protection District to create an MFO as authorized by Neb. Rev. Stat. §35-1201. Revenue from the sale of fire equipment will be used by the MFO for the general funding of the fire department. The fire vehicles to surplus are still owned by the City of La Vista so action is required by the City Council.

The police and public works equipment has been replaced with new equipment or is no longer utilized in daily operations.

The surplus equipment will be sold through an auction company that we have used previously.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA DECLARING PROPERTY AS SURPLUS AND AUTHORIZING ITS SALE.

WHEREAS, City Staff has recognized 12 pieces of equipment to be declared surplus; and

WHEREAS, the City Administrator and City Staff recommend that the following items be declared surplus and sold:

2010 Ford Road Rescue Ambulance 6259 (Fire)	2011 Dodge Charger 6552 (Police)
1990 Ford F350 XLT Lariat 9083 (Fire)	2010 Dodge Charger 1136 (Police)
1997 E One Heavy Rescue 7791 (Fire)	2012 Dodge Charger 6618 (Police)
2012 Powertach 72" snow blade 12008748 (Public Works)	Tractor 72" belly mower M00297X130602 (Public Works)
1996 Landpride 16" Pull-Behind Grooming Mower AFM4020000-32 (Public Works)	1990 Jacobsen 720EHL 14 HP Pull-behind leaf sweeper 3274 (Public Works)
2005 Fieldmaster FM6 Infield Groomer Drag (Public Works)	Flail Mower (Public Works)

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council that 12 pieces of equipment be declared surplus property and sold.

AND BE IT FURTHER RESOLVED that the Mutual Finance Organization with Papillion and the Papillion RFD will receive the revenue from the sale of the fire equipment and that the City of La Vista general fund will receive the revenue from the sale of the police and public works equipment.

PASSED AND APPROVED THIS 5TH DAY OF APRIL, 2022.

CITY OF LA VISTA

Kim J. Thomas, Acting Mayor

ATTEST:

Pamela A. Buethe, MMC
City Clerk

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
APRIL 5, 2022 AGENDA**

Subject:	Type:	Submitted By:
AUTHORIZE PURCHASE – MEDIUM DUTY PICKUP TRUCK	◆ RESOLUTION ORDINANCE RECEIVE/FILE	JEFF CALENTINE DEPUTY DIRECTOR OF PUBLIC WORKS

SYNOPSIS

A resolution has been prepared authorizing the purchase of a medium duty pickup truck in an amount not to exceed \$95,000.

FISCAL IMPACT

The FY21/FY22 Biennial Budget includes funding for this project.

RECOMMENDATION

Approval

BACKGROUND

As part of the capital outlay component of the FY22 budget process the City Council funded the purchase of a medium duty pickup truck with a plow and sander. Public Works has traditionally purchased these snow removal trucks off the State of Nebraska bid contracts. Currently, there are no bid contracts available for medium duty trucks on the state bid website and the turnaround time for a specific truck order is approximately 18 months. Given the impacts the Covid-19 pandemic has had on the procurement process for vehicles, staff is asking for authorization to find a suitable medium duty truck that would meet the desired specifications and purchase that vehicle directly from the dealership. The truck would be sent out to be outfitted with the necessary snow removal equipment and the City would be invoiced by the dealership.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE PURCHASE OF ONE (1) MEDIUM DUTY PICKUP TRUCK IN AN AMOUNT NOT TO EXCEED \$95,000.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of a Medium Duty Pickup Truck is necessary; and

WHEREAS, the FY21/FY22 Biennial Budget provides funding for the proposed purchase; and

WHEREAS, Subsection (C) (9) of Section 31.23 of the La Vista Municipal code requires that the City Administrator secure council approval prior to authorizing any 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) Medium Duty Pickup Truck in an amount not to exceed \$95,000.

PASSED AND APPROVED THIS 5TH DAY OF APRIL 2022.

CITY OF LA VISTA

Kim J. Thomas, Acting Mayor

ATTEST:

Pamela A. Buethe, MMC
City Clerk