

## LA VISTA CITY COUNCIL MEETING AGENDA

February 18, 2025

6:00 p.m.

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

- **Call to Order**
- **Pledge of Allegiance**
- **Announcement of Location of Posted Open Meetings Act**
- **Service Award: Chris Solberg – 15 Years**

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

**A. CONSENT AGENDA**

1. **Approval of the Agenda as Presented**
2. **Approval of the Minutes of the February 4, 2025 City Council Meeting**
3. **Monthly Financial Reports – January 2025**
4. **Request for Payment – Musco Sports Lighting, LLC – Professional Services – Sports Complex Lighting – \$522,268.80**
5. **Request for Payment – WJHW, Inc – Professional Services – Astro Theater Sound Study – \$7,737.27**
6. **Resolution – Authorize Payment – AAMCO Transmissions – Transmission Repair**
7. **Approval of Claims**

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

**B. Amend Various Sections of the La Vista Municipal Code**

1. **Ordinance – Amend Section 32.03**
2. **Ordinance – Amend Section 150.01**
3. **Ordinance – Amend Section 150.55**
4. **Ordinance – Amend and Recodify Section 150.73**
5. **Ordinance – Amend Section 150.65**

**C. Resolution – Award Bid – Primary Park Identification Signs**

**D. Resolution – Interlocal Cooperation Agreement – Sanitary Improvement District #111**

**E. Resolution – Approve Sarpy County and Wastewater Agency Master Plan**

**F. Resolution – Expenditure Authorization – La Vista Days Celebration**

**G. Resolution – Authorize Purchase – Unmarked Police Vehicle**

- **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.



## CITY OF LA VISTA

### CERTIFICATE OF APPRECIATION

A CERTIFICATE OF APPRECIATION PRESENTED TO **CHRIS SOLBERG** OF THE COMMUNITY DEVELOPMENT DEPARTMENT, FOR 15 YEARS OF FAITHFUL AND EFFICIENT SERVICE TO THE CITY OF LA VISTA.

WHEREAS, **Chris Solberg** has served the City of La Vista since February 8, 2010; and

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

NOW, THEREFORE BE IT RESOLVED that this Certificate of Appreciation is hereby presented to **Chris Solberg** on behalf of the City of La Vista for 15 years of service to the City.

DATED THIS 18TH DAY OF FEBRUARY 2025.

Douglas Kindig, Mayor

Kim J. Thomas  
Councilmember, Ward I

Terrilyn Quick  
Councilmember, Ward I

Ronald Sheehan  
Councilmember, Ward II

Deb Hale  
Councilmember, Ward III

Kevin Wetuski  
Councilmember, Ward IV

Kelly R. Sell  
Councilmember, Ward II

Alan W. Ronan  
Councilmember, Ward III

Jim Frederick  
Councilmember, Ward IV

ATTEST:

Rachel D. Carl  
City Clerk



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# MINUTE RECORD

A-2

No. 729 — REDFIELD DIRECT E2106195KV

## LA VISTA CITY COUNCIL MEETING February 4, 2025

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 February 4, 2025. Present were Councilmembers: Frederick, Ronan, Thomas, Quick, Sell, Hale and Wetuski. Also in attendance were City Attorney McKeon, City Administrator Ramirez, City Clerk Carl, Director of Administrative Services Pokorny, Chief of Police Schofield, Director of Public Works Soucie, Community Development Director Fountain, Library Director Barcal, Finance Director Harris, Recreation Director Buller and City Engineer Dowsie.

A notice of the meeting was given in advance thereof by publication in the Sarpy County Times on January 22, 2024. Notice was simultaneously given to Mayor and all members of the City Council and a copy of the acknowledgment of the receipt of notice attached to the minutes. Availability of the agenda was communicated to the Mayor and City Council in the advance notice of the meeting. All proceedings shown were taken while the convened meeting was open to the attendance of the public. Further, all subjects included in said proceedings were contained in the agenda for said meeting which is kept continuously current and available for public inspection at City Hall during normal business hours.

Mayor Kindig called the meeting to order and made the announcements.

### A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. APPROVAL OF THE MINUTES OF THE JANUARY 21, 2025 CITY COUNCIL MEETING
3. APPROVAL OF THE MINUTES OF THE NOVEMBER 11, 2024 CONDO BOARD MEETING
4. REQUEST FOR PAYMENT – RDG PLANNING & DESIGN – PROFESSIONAL SERVICES – MUNICIPAL CAMPUS PLAN & DESIGN – \$14,975.00
5. REQUEST FOR PAYMENT – HGM ASSOCIATES INC. – PROFESSIONAL SERVICES – EAST LA VISTA SEWER AND PAVEMENT REHABILITATION – \$54,835.14
6. REQUEST FOR PAYMENT – THOMPSON DREESSEN & DORNER, INC. – PROFESSIONAL SERVICES – STREET RESURFACING – \$1,487.50
7. REQUEST FOR PAYMENT – THOMPSON DREESSEN & DORNER, INC. – PROFESSIONAL SERVICES – POOL DEMOLITION – \$950.00
8. RESOLUTION NO. 25-021 – AUTHORIZE PAYMENT – TRANSMISSION REPLACEMENT

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING PAYMENT TO AAMCO TRANSMISSIONS, COUNCIL BLUFFS, IOWA FOR TRANSMISSION REPLACEMENT ON THE 2020 CHEVY TAHOE IN AN AMOUNT NOT TO EXCEED \$5,789.00.

WHEREAS, the City Council of the City of La Vista has determined that a replacement transmission on the 2020 Chevy Tahoe is necessary; and

WHEREAS, the FY25/FY26 Biennial Budget provides funding for the proposed payment; 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 payment to AAMCO Transmissions for transmission replacement on the 2020 Chevy Tahoe in an amount not to exceed \$5,789.00.

### 9. APPROVAL OF CLAIMS

1000 BULBS, maint	1,189.62
4 SEASONS AWARDS, services	123.00
ACI-NE CHAPTER, membship	35.00
ACTION BATTERIES, maint	482.15
ACTIVE NETWORK, services	80.00
ADP, payroll & taxes	459,931.40
AKRS EQUIP	1,423.51

# MINUTE RECORD

February 4, 2025

No. 729 — REDFIELD DIRECT E2106196KV

ALVINE & ASSOC	1,500.00
AMAZON, supplies	5,455.04
AM HERITAGE LIFE INS, services	409.61
ARNOLD MOTOR, maint	2,948.06
AT&T, phones	98.50
B ST COLLISION CTR, services	3,124.56
BERGANKDV	42,500.00
BGNE	1,853.79
BIG RED LOCKSMITHS, services	75.00
BISHOP BUS EQUIP, services	155.34
BLACK HILLS ENERGY, utilities	11,323.31
CENTURY LINK/LUMEN, phones	323.82
CINTAS, apparel	213.04
CITY OF OMAHA-PW, services	4,377.45
CITY OF PAPILLION - MFO, services	246,596.00
COLONIAL LIFE, services	2,004.88
COLUMN SOFTWARE, services	2,389.76
COX, phones	147.03
DATA443 RISK, services	316.94
DEARBORN NAT'L LIFE, services	9,402.84
DEMCO, supplies	104.91
DIAMOND VOGEL, supplies	458.81
DULTMEIER, maint	400.35
DXP ENT, supplies	138.00
EBSCO INFO SVCS, books	3,181.29
FEDEX, services	72.67
FELSBURG HOLT & ULLEVIG, services	1,250.00
FIKES COMM HYGIENE, supplies	66.00
FIRST RESPOND OUTFITTERS, apparel	131.69
FIRST WIRELESS, phones	665.00
FLEETPRIDE, maint	213.08
FOP, dues	2,215.00
GEN TRAFFIC CONTROLS, supplies	350.00
GRABER MFG, maint	1,313.09
GRAINGER, maint	33.30
GREAT PLAINS COMM, phones	1,085.24
GREY HOUSE PUB, books	345.00
HAMPTON INN-KEARNEY, services	1,272.00
HANEY SHOE STORE, apparel	189.99
HASSLER, C, training	310.50
HGM ASSOC, services	5,324.72
HONEYMAN RENT-ALL, services	2,331.39
HOTSY EQUIP, bldg & grnds	446.40
HUMANITIES NE, services	50.00
INGRAM LIBRARY SVCS, books	211.64
J & J SMALL ENGINE, maint	259.60
JOHNSTONE SPLY, bldg & grnds	162.32
JONES AUTOMOTIVE, maint	46,625.70
KRIHA FLUID PWR, maint	73.76
LV COMM FOUNDATION, withholding	300.00
LARSEN, supplies	106.76
LEAGUE OF NE MUNI, training	428.00
LINCOLN NAT'L LIFE INS, services	7,750.16
LOGAN CONTR, bldg & grnds	162.85
MEDICA INS, services	3,789.44

# MINUTE RECORD

February 4, 2025

No. 729 — REDFIELD DIRECT E2106195KV

MENARDS, supplies	815.88
METLIFE, services	1,218.60
MAT, services	912.00
MCC, services	33,769.30
MID-AM BENEFITS, services	2,465.67
MIDLANDS COMM FOUND, services	175.00
MIDWEST TAPE, media	212.24
MISSIONSQUARE RETIRE, services	71,940.41
MOTOROLA, phones	3,387.48
MSC INDUSTRIAL, bldg & grnds	712.29
MUNICIPAL PIPE/TOOL, maint	1,999.51
MYSTAFF, services	2,138.40
NE DEPT OF REVENUE, taxes	75,564.00
OFFICE DEPOT, supplies	886.62
OMNI ENGINEERING, maint	671.83
O'REILLY, supplies	5,850.00
PER MAR SEC, bldg & grnds	214.47
PERU STATE COLLEGE, services	50.00
PIONEER ATHLETICS, supplies	75.20
PITNEY BOWES, services	429.99
PITNEY BOWES, postage	1,871.00
POLICE & FIREMEN'S INS, services	316.29
POLLOCK, R, training	24.71
POMP'S TIRE, maint	588.00
POWER PLAN, maint	78.73
PRIMA DIST, supplies	87.79
PRINTCO GRAPHICS, services	2,028.62
RDG PLANNING & DESIGN, services	4,950.00
SARPY COUNTY, services	9,164.00
SARPY CO ELEC COMM, fees	1,509.53
SARPY CO FISCAL ADMIN, services	23,386.27
SIGN IT, supplies	180.00
SE AREA CLERK'S ASSOC, dues	20.00
SUPERIOR DECKS, maint	318.88
SWECO SOLID WASTE, bldg & grnds	2,355.75
TED'S MOWER, maint	732.62
THE ASTRO THEATER, services	2,917.75
THE PENWORTHY CO, books	367.43
TITLECORE NAT'L, services	2,200.00
TRUCK CENTER, maint	201.25
TY'S OUTDOOR POWER, maint	887.68
U.S. CELLULAR, phones	5,160.24
UPS, services	14.24
VERIZON, phones	445.97
WESTERN ENG, services	39,236.68
WASTE MGMT, services	6.93

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

## REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

Finance Director Harris reported that the City received the GFOA (Government Finance Officers Association) Distinguished Budget Award.

# MINUTE RECORD

Recreation Director Buller reported that new wall pads were installed in the gym.

## **B. APPROVAL OF CLASS C LIQUOR LICENSE APPLICATION – ALAMO OMAHA, LLC, DBA ALAMO DRAFHOUSE CINEMAS**

### **1. PUBLIC HEARING**

At 6:03 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for comment on the Approval of Class C Liquor License Application – Alamo Omaha, LLC. dba Alamo Drafthouse Cinemas.

At 6:04 p.m. Councilmember Hale made a motion to close the public hearing. Seconded by Councilmember Wetuski. Councilmembers voting aye: Frederick, Ronan, Thomas, Quick, Sell, Hale, and Wetuski. Nays: None. Abstain: None. Absent: Sheehan. Motion carried.

### **2. RESOLUTION**

Councilmember Thomas introduced and moved for the adoption of Resolution No. 25-022 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA RECOMMENDING TO THE NEBRASKA LIQUOR CONTROL COMMISSION, APPROVAL OF A CLASS C LIQUOR LICENSE FOR ALAMO OMAHA, LLC. DBA ALAMO DRAFHOUSE CINEMAS IN LA VISTA, NEBRASKA.

WHEREAS, Alamo Omaha, LLC. dba Alamo Drafthouse Cinemas, 12750 Westport Pkwy, La Vista, Sarpy County, Nebraska, has applied to the Nebraska Liquor Control Commission for a Class C Liquor License; and

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

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, hereby recommend to the Nebraska Liquor Control Commission approval of a Class C Liquor License submitted by Alamo Omaha, LLC. dba Alamo Drafthouse Cinemas, 12750 Westport Pkwy, La Vista, Sarpy County, Nebraska.

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

## **C. APPROVAL OF CLASS C LIQUOR LICENSE APPLICATION – TOP SHELF MOBILE BARTENDING, LLC. DBA TOP SHELF BAR ON THE FLY**

### **1. PUBLIC HEARING**

At 6:05 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for comment on the Approval of Class C Liquor License Application – Top Shelf Mobile Bartending, LLC. dba Top Shelf Bar on the Fly.

At 6:06 p.m. Councilmember Hale made a motion to close the public hearing. Seconded by Councilmember Wetuski. Councilmembers voting aye: Frederick, Ronan, Thomas, Quick, Sell, Hale, and Wetuski. Nays: None. Abstain: None. Absent: Sheehan. Motion carried.

### **2. RESOLUTION**

Councilmember Thomas introduced and moved for the adoption of Resolution No. 25-023 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA RECOMMENDING TO THE NEBRASKA LIQUOR CONTROL

# MINUTE RECORD

## COMMISSION, APPROVAL OF A CLASS C LIQUOR LICENSE FOR TOP SHELF MOBILE BARTENDING, LLC. DBA TOP SHELF BAR ON THE FLY IN LA VISTA, NEBRASKA.

WHEREAS, Top Shelf Mobile Bartending, LLC. dba Top Shelf Bar on the Fly, 7200 S. 84<sup>th</sup> Street, Suite 8, La Vista, Sarpy County, Nebraska, has applied to the Nebraska Liquor Control Commission for a Class C Liquor License; and

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

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, hereby recommend to the Nebraska Liquor Control Commission approval of a Class C Liquor License submitted by Top Shelf Mobile Bartending, LLC. dba Top Shelf Bar on the Fly, 7200 S. 84<sup>th</sup> Street, Suite 8, La Vista, Sarpy County, Nebraska.

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

## D. CONDITIONAL USE PERMIT – TRAHERA PROPERTY GROUP, LLC. – ASSISTED LIVING FACILITY

### 1. PUBLIC HEARING

At 6:06 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for comment on the Conditional Use Permit – Trahera Property Group, LLC. – Assisted Living Facility. David Arehart gave a brief presentation.

At 6:19 p.m. Councilmember Hale made a motion to close the public hearing. Seconded by Councilmember Wetuski. Councilmembers voting aye: Frederick, Ronan, Thomas, Quick, Sell, Hale, and Wetuski. Nays: None. Abstain: None. Absent: Sheehan. Motion carried.

### 2. RESOLUTION

Councilmember Sell introduced and moved for the adoption of Resolution No. 25-024 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF A CONDITIONAL USE PERMIT FOR TRAHERA PROPERTY GROUP, LLC TO ALLOW FOR THE CONSTRUCTION AND OPERATION OF AN ASSISTED LIVING FACILITY ON LOT 6 SCHAEFER'S I ADDITION.

WHEREAS, Trahera Property Group, LLC has applied for a Conditional Use Permit to allow for the construction and operation of an assisted living facility on Lot 6 Schaefer's I Addition; and

WHEREAS, the La Vista Planning Commission has reviewed the application and recommends approval; and

WHEREAS, the Mayor and City Council of the City of La Vista are agreeable to the issuance of a 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 in form and content submitted at this meeting, with such modifications that the City Administrator or City Attorney may determine necessary or advisable, for Trahera Property Gorup, LLC to allow for the construction and operation of an assisted living facility on Lot 6 Schaefer's I Addition.

# MINUTE RECORD

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

## E. RESOLUTION – APPROVE AMENDMENT NO. 5 – PROFESSIONAL SERVICES AGREEMENT – EAST LA VISTA SEWER AND PAVEMENT REHABILITATION PROJECT

Councilmember Quick introduced and moved for the adoption of Resolution No. 25-025 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF AMENDMENT NO. 5 TO THE PROFESSIONAL SERVICES AGREEMENT WITH HGM ASSOCIATES, INC., OMAHA, NEBRASKA FOR ADDITIONAL CONSTRUCTION PHASE SERVICES ASSOCIATED WITH THE EAST LA VISTA SEWER AND PAVEMENT REHABILITATION PROJECT IN AN ADDITIONAL AMOUNT NOT TO EXCEED \$191,337.00.

WHEREAS, the Mayor and City Council have determined that professional services for additional construction phase services associated with the East La Vista Sewer and Pavement Rehabilitation Project are necessary; and

WHEREAS, the FY25/FY26 Biennial Budget includes funding for this project; and

WHEREAS, Subsection © (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, do hereby approve amendment No. 5 to the professional services agreement with HGM Associates, Inc. for additional construction phase services associated with the East La Vista Sewer and Pavement Rehabilitation Project in an additional amount not to exceed \$191,337.00.

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

## F. RESOLUTION – APPROVE EXECUTIVE SEARCH & RECRUITMENT FIRM – CITY ADMINISTRATOR

Councilmember Thomas introduced and moved for the adoption of Resolution No. 25-026 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA TO APPROVE THE SELECTION OF MGT IMPACT SOLUTIONS, LLC, NORTHFIELD, IL, TO PROVIDE PROFESSIONAL EXECUTIVE SEARCH AND RECRUITMENT SERVICES ASSOCIATED WITH THE HIRING OF A NEW CITY ADMINISTRATOR IN THE AMOUNT OF \$25,000.00 PLUS SEARCH-RELATED EXPENSES IN AN AMOUNT NOT TO EXCEED \$15,000.00.

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

WHEREAS, the FY25/FY26 biennial budget provides funding for this; 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 the selection of MGT Impact Solutions, LLC, Northfield, IL to provide professional executive search and recruitment services associated with the hiring of a new City Administrator in the amount of \$25,000.00 plus search-related expenses in an amount not to exceed \$15,000.00.

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

# MINUTE RECORD

## **G. RESOLUTION – AUTHORIZE PAYMENT – SARPY COUNTY – SNOWPLOW TRACKING SOFTWARE PROGRAM**

Councilmember Thomas introduced and moved for the adoption of Resolution No. 25-027 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING PAYMENT TO SARPY COUNTY FOR THE SHARE OF A JOINT ARCGIS SNOWPLOW TRACKING SOFTWARE PROGRAM IN AN AMOUNT NOT TO EXCEED \$11,250.00.

WHEREAS, the City Council of the City of La Vista has determined that payment to Sarpy County for the share of a joint ArcGIS Snowplow Tracking Software Program is necessary; and

WHEREAS, the FY25/FY26 Biennial Budget provides funding for the proposed payment; 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 payment to Sarpy County for La Vista's share of a joint ArcGIS Snowplow Tracking Software Program in an amount not to exceed \$11,250.00.

Seconded by Councilmember Wetuski. Deputy Director of Public Works Calentine gave a brief presentation. Councilmembers voting aye: Frederick, Ronan, Thomas, Quick, Sell, Hale, and Wetuski. Nays: None. Abstain: None. Absent: Sheehan. Motion carried.

## **H. RESOLUTION – AUTHORIZE PURCHASE – TRAINING SIMULATOR**

Councilmember Thomas introduced and moved for the adoption of Resolution No. 25-028 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE PURCHASE OF ONE (1) DART MAX VIRTUAL TRAINING SIMULATOR FROM DIGIMATION, LAKE MARY, FL IN AN AMOUNT NOT TO EXCEED \$19,550.00.

WHEREAS, the City Council of the City of La Vista has determined the purchase of one (1) Dart Max Virtual Training Simulator is necessary, and

WHEREAS, the FY25/FY26 Biennial Budget provides funding for the proposed purchase; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize the purchase of one (1) Dart Max Virtual Training Simulator from Digimation, Lake Mary, FL in an amount not to exceed \$19,550.00.

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

## **I. 84<sup>TH</sup> STREET REDEVELOPMENT AREA – ENTERTAINMENT DISTRICT**

### **1. ORDINANCE – ADDING MUNICIPAL CODE §§114.32-114.38 AUTHORIZING ENTERTAINMENT DISTRICTS; COMMONS AREA; LICENSES; AND SPECIFYING RELATED PROVISIONS**

# MINUTE RECORD

Councilmember Thomas introduced Ordinance No. 1534 entitled: AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA TO AMEND CHAPTER 114 OF THE LA VISTA MUNICIPAL CODE GOVERNING ALCOHOLIC LIQUORS TO ADD §§114.32 THROUGH 114.38 AUTHORIZING ENTERTAINMENT DISTRICTS, COMMONS AREAS AND ENTERTAINMENT DISTRICT LICENSES, AND SPECIFYING RELATED PROVISIONS; TO REPEAL CONFLICTING ORDINANCES; AND TO PROVIDE FOR SEVERABILITY, PUBLICATION, AND AN EFFECTIVE DATE.

Councilmember Sell moved that the statutory rule requiring reading on three different days be suspended. Councilmember Hale seconded the motion to suspend the rules and roll call vote on the motion. Councilmembers voting aye: Frederick, Ronan, Thomas, Quick, Sell, Hale, and Wetuski. Nays: None. Abstain: None. Absent: Sheehan. Motion carried.

Said ordinance was then read by title and thereafter Councilmember Sell moved for final passage of the ordinance which motion was seconded by Councilmember Thomas. The Mayor then stated the question, "Shall Ordinance No. 1534 be passed and adopted?" Upon roll call vote the following Councilmembers voted aye: Frederick, Ronan, Thomas, Quick, Sell Hale and Wetuski. Nays: None. Abstain: None. Absent: Sheehan. 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.

## **2. RESOLUTION – DESIGNATING LA VISTA CITY CENTRE ENTERTAINMENT DISTRICT 1**

Councilmember Wetuski introduced and moved for the adoption of Resolution No.25-029 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA DESIGNATING AN ENTERTAINMENT DISTRICT PURSUANT TO LA VISTA MUNICIPAL CODE §§114.32 THROUGH 114.38; AND AUTHORIZING FURTHER ACTIONS.

WHEREAS, La Vista Municipal Code §§114.32 through 114.38 ("Entertainment District Code Provisions") provide for the City Council to designate Entertainment Districts within the 84<sup>th</sup> Street Redevelopment Area permitting sale of alcoholic liquor for consumption on premises within Commons Area of such Districts by retail, craft brewery, micro distillery, or manufacturer's licensees of licensed premises abutting such Commons Area pursuant to Entertainment District Liquor Licenses.

WHEREAS, the City Council desires to designate an Entertainment District pursuant to the Entertainment District Code Provisions.

NOW THEREFORE, BE IT RESOLVED that the City Council hereby designates La Vista City Centre Entertainment District 1 ("Entertainment District 1" or "District 1") consisting of such parcels, commons area and boundaries as preliminarily described or depicted in Exhibit A presented with this Resolution and incorporated herein by reference, effective the first day of the calendar month beginning after this Resolution is adopted. The term of La Vista City Centre Entertainment District 1 shall be one year and automatically shall renew thereafter for one or more additional terms of one year, subject to any election of the City Council before the first day of any renewal period not to renew District 1 for an additional year, or termination, revocation or otherwise pursuant to La Vista Municipal Code §§114.32 through 114.38.

BE IT FURTHER RESOLVED that the City Clerk or her designee shall be authorized and directed to file this Resolution and designation of Entertainment District 1 with the Nebraska Liquor Control Commission.

BE IT FURTHER RESOLVED that the City Planner or City Engineer shall be authorized to revise the description or depiction of District 1 in Exhibit A as he determines necessary or appropriate to accurately describe or depict such District 1 or as required by the Nebraska Liquor Control Commission.

# MINUTE RECORD

February 4, 2025

No. 729 — REDFIELD DIRECT E2108195KV

BE IT FURTHER RESOLVED that the Mayor, City Administrator, City Clerk or City Planner, or any designee of the Mayor, City Administrator, City Clerk or City Planner, shall be authorized to take all actions as he or she determines necessary or appropriate to carry out the actions approved in this Resolution, including without limitation, issuing Commons Area or other permits on such terms and conditions as he or she determines appropriate.

BE IT FURTHER RESOLVED that recitals at the beginning of this Resolution are incorporated into this Resolution by reference.

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

## COMMENTS FROM THE FLOOR

Jennifer Szaykowski 8229 S. 103<sup>rd</sup> Circle commented on allowing chickens within the city limits.

## COMMENTS FROM MAYOR AND COUNCIL

Mayor Kindig gave a legislative update.

At 6:52 p.m. Councilmember Thomas made a motion to adjourn the meeting. Seconded by Councilmember Hale. Councilmembers voting aye: Frederick, Ronan, Thomas, Quick, Sell, Hale, and Wetuski. Nays: None. Abstain: None. Absent: Sheehan. Motion carried.

PASSED AND APPROVED THIS 18TH DAY OF FEBRUARY 2025.

CITY OF LA VISTA

---

Douglas Kindig, Mayor

ATTEST:

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Rachel D. Carl, CMC  
City Clerk



City of La Vista Nebraska  
Month Ended January 31, 2025

Monthly Statement of Revenue and Expenditure

January

	General Fund	Debt Service Fund	Capital Improvement Fund	Lottery Fund	Redevelopment Fund	Total Nonmajor Funds <sup>1</sup>	Total Governmental Funds	Sewer Fund	Total Proprietary Fund
<b>Revenue</b>									
Property Tax	684,394	54,887	-	-	-	-	739,281	-	-
Sales and use taxes	583,613	291,807	-	-	291,807	-	1,167,226	-	-
Other Taxes <sup>2</sup>	461,025	398	-	-	3,288	-	464,711	-	-
Licenses and Permits	13,518	-	-	-	-	-	13,518	-	-
Intergovernmental Revenues <sup>3</sup>	204,635	-	-	-	-	33,601	238,237	-	-
Charges for Services	66,214	-	-	-	-	-	66,214	-	-
Grant income	4,434	-	-	-	-	-	4,434	-	-
Lottery Proceeds	-	-	-	88,396	-	-	88,396	-	-
Interest Income	43,471	36,218	2,885	18,490	21,440	7,531	130,037	21,186	21,186
Sewer Fees	-	-	-	-	-	-	-	407,778	407,778
Other Revenues <sup>4</sup>	12,739	32,350	-	3,750	-	20,913	69,752	2	2
Bonds	-	-	-	-	-	-	-	-	-
<b>Total Revenues</b>	<b>2,074,043</b>	<b>415,661</b>	<b>2,885</b>	<b>110,636</b>	<b>316,535</b>	<b>62,046</b>	<b>2,981,806</b>	<b>428,966</b>	<b>428,966</b>
<b>Expenditures</b>									
CIP/Capital Outlay	-	-	84,274	-	3,150	-	87,424	26,321	26,321
Debt Service: Principal Expense	-	-	-	-	-	-	-	-	-
Debt Service: Interest Expense	-	-	-	-	188,031	-	188,031	-	-
Debt Service: Bond Issue Expense	-	-	-	-	450	-	450	-	-
General Government Expenses	808,166	13,586	-	7,500	-	-	829,252	-	-
Public Works	235,590	-	-	-	-	-	235,590	-	-
Public Safety	1,071,264	-	-	-	-	24,047	1,095,311	-	-
Culture and Recreation	261,652	-	-	-	-	-	261,652	-	-
Public Library	133,419	-	-	-	-	-	133,419	-	-
Community Betterment	-	-	-	42,693	-	-	42,693	-	-
Community Development	84,813	-	-	-	-	-	84,813	-	-
Sewer	-	-	-	-	-	-	-	113,046	113,046
<b>Total Expenditures</b>	<b>2,594,904</b>	<b>13,586</b>	<b>84,274</b>	<b>50,193</b>	<b>191,631</b>	<b>24,047</b>	<b>2,958,634</b>	<b>139,367</b>	<b>139,367</b>
<b>Transfers In</b>	-	-	-	-	-	-	-	-	-
<b>Transfers Out</b>	-	-	-	-	-	-	-	-	-
<b>Change in Net Position</b>	<b>(520,861)</b>	<b>402,075</b>	<b>(81,389)</b>	<b>60,443</b>	<b>124,904</b>	<b>37,999</b>	<b>23,171</b>	<b>289,599</b>	<b>289,599</b>

Key Trends

Revenue

Annual and quarterly franchise fees received in January.

Expenditures

Three payroll cycles in January.

<sup>1</sup>Nonmajor Funds (EDF, OSP, PAF, QSF, TIF)

<sup>2</sup>Other tax - OCC, Hotel, Rest

<sup>3</sup>Intergovernmental Rev - rev for state, county, other municipality

<sup>4</sup>Other rev - parking, library, other misc.



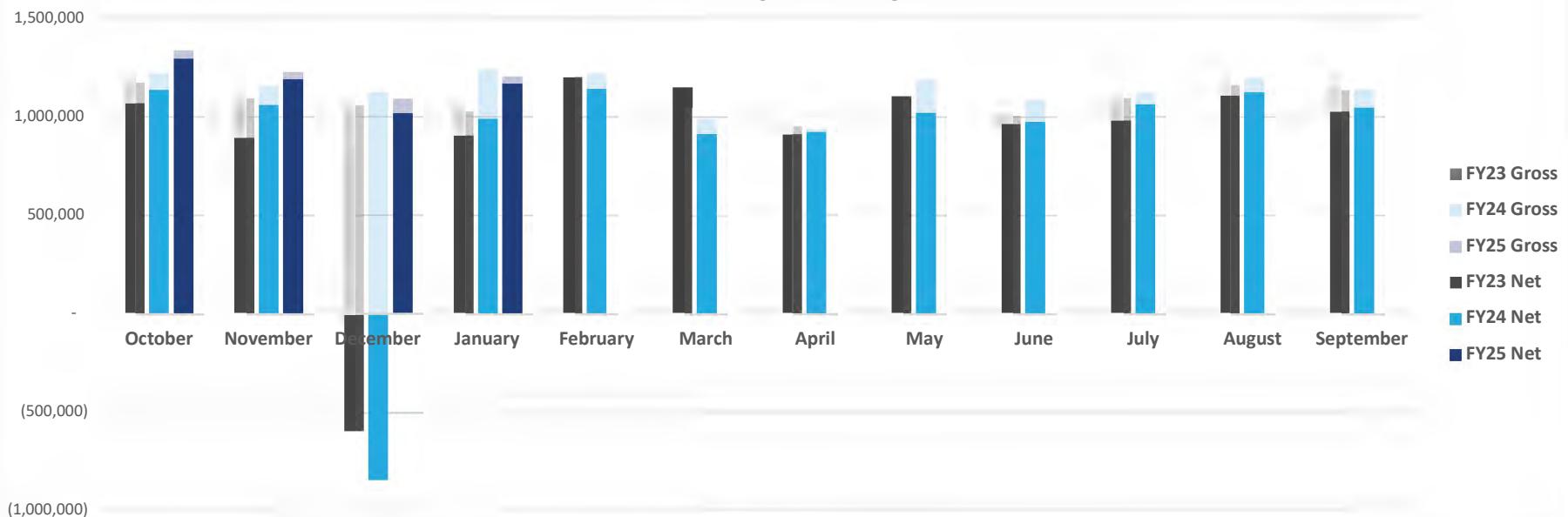
City of La Vista NE  
Monthly Treasurer Report  
January FY25

Types		Institution	Balance	Interest Rate	Interest Earned	Accrued Interest	Maturity Date
CD	American National Bank	\$ 1,643,167	4.2%			\$ 5,683	
	Dayspring Bank	\$ -	0.6%			\$ -	
	<b>Total CD's</b>	<b>\$ 1,643,167</b>					
Money Market	Access Bank	\$ 1,403,323	2.8%	\$ 976			
	Dayspring Bank	\$ 6,029,702	4.8%	\$ 22,994			
	NPAIT	\$ 25,069,553	4.9%	\$ 94,071			
	Nebraska Class	\$ 8,732,550	4.8%	\$ 31,949			
	NFIT	\$ -					
	<b>Total Money Market</b>	<b>\$ 41,235,128</b>					
Checking	Access Bank	\$ 717,210	1.0%	\$ 547			
Checking	Dayspring Bank-FSA	\$ 32,965	4.9%	\$ 69			
Savings	Access Bank	\$ 804,535	1.0%	\$ 616		\$	-
Checking	Access Bank-Health Ins	\$ 257,221	1.0%	\$ 68			
<b>Total Portfolio</b>		<b>\$ 44,690,226</b>		<b>\$ 151,291</b>	<b>\$ 5,683</b>		

**Key Trends**

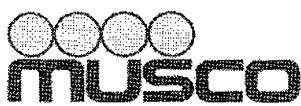
- Unrestricted cash of \$12.7M
- Restricted Funds for Redevelopment projects, Sewer, Lottery, CIP projects, Police Academy
- Interest Rates are starting to decline as the Fed lowers rates

**Sales & Use Tax**  
**Gross Earned & Net Received**  
**Month over Month Comparison**  
**FY23 FY24 FY25**



**Note: Includes Sales Tax, Consumer Use Tax, and Motor Vehicle Tax**

Business Month	Receipt Month	Gross Sales & Use Tax			Net Sales & Use Tax		
		FY23 Gross	FY24 Gross	FY25 Gross	FY23 Net	FY24 Net	FY25 Net
August	October	1,172,852	1,219,327	1,333,594	1,068,778	1,136,379	1,293,323
September	November	1,092,622	1,156,387	1,225,484	890,532	1,059,015	1,188,719
October	December	1,055,895	1,123,464	1,091,092	(593,519)	(842,053)	1,016,967
November	January	1,023,417	1,237,079	1,203,358	902,327	988,470	1,167,226
December	February	1,174,489	1,220,426	-	1,199,212	1,139,254	-
January	March	941,197	986,988	-	1,148,826	912,475	-
February	April	947,568	937,872	-	909,081	919,141	-
March	May	1,050,699	1,190,808	-	1,104,869	1,018,971	-
April	June	1,006,047	1,088,179	-	962,065	975,860	-
May	July	1,094,248	1,121,424	-	979,089	1,061,094	-
June	August	1,159,853	1,197,098	-	1,108,529	1,123,754	-
July	September	1,133,236	1,137,341	-	1,025,245	1,045,798	-
<b>FY Total</b>		<b>12,852,123</b>	<b>13,616,393</b>	<b>4,853,528</b>	<b>10,705,035</b>	<b>10,538,161</b>	<b>4,666,235</b>
			<b>Budget</b>	<b>14,014,538</b>		<b>Budget</b>	<b>12,139,103</b>



**Musco Sports Lighting, LLC**  
**P.O. Box 808**  
**Oskaloosa, IA 52577**  
**USA**

**Bill To:**

City Of La Vista  
8116 Park View Boulevard  
La Vista, NE 68128  
USA

**Invoice** **434306**

**Date** 12/31/2024  
**Project** JDI20078  
**Customer #** 193231  
**Payment Terms** Net 30  
**Currency** USD

**Ship To:**

LaVista Sports Complex  
7346 South 6th Street  
LaVista, NE 68128  
USA

**Please Detach And Return With Payment**

<b>Invoice #</b>	<b>Customer #</b>	<b>PO #</b>	<b>Ship Via</b>	<b>Ship Date</b>
434306	193231	25-010252	Amhof	12/30/2024

**Project: JDI20078 La Vista Sports Complex**

<b>Description</b>	<b>Amount</b>
Materials for La Vista Sports Complex	\$522,268.80
	<b>Subtotal</b> \$522,268.80
	<b>Sales Tax</b> \$0.00
	<b>Total (USD)</b> \$522,268.80

05.71.0917.000 - SPRT11002  
Spot Complex lights

JL

If you have any questions, please call 800-825-6020 or email ar@musco.com

To remit payment by ACH or Wire:

Bank: Wells Fargo Bank, 420 Montgomery Street, San Francisco, CA 94104

ABA Routing Number: 121000248

SWIFT Number: WFBUS6S (USD Payment) WFBUS6WFFX (Non-USD Payment)

Account Number: 4121225395

Account Name: Musco Sports Lighting, LLC

To remit payment by check:

P.O. Box 200692

Dallas, TX 75320-0692

USA

Invoices less than \$10,000 can be paid via credit card at  
[www.musco.com/payments](http://www.musco.com/payments)

Approved to Pay  
CAS 2/10/25  
16.53.0303.000

A-5

WJHW, INC.

Designers and Planners for Sound, Video, Multi-Media  
Telecommunications, Security, Broadcast, Theatre & Acoustics  
Dallas • San Antonio • Denver • Houston • London

**WJHW.**

CHRISTOPHER SOLBERG  
CITY OF LA VISTA  
8116 PARK VIEW BOULEVARD  
LA VISTA, NE 68128

November 25, 2024  
No: 24199.0000  
Invoice No: 2419901

24199.0000

CITY OF LA VISTA NEBRASKA ASTRO THEATER MEASURMENTS

Description	Contract Amount	% Work To Date	Amount Billed	Previously Billed	This Inv Billed
SITE MEASUREMENTS	8,000.00	75.00	6,000.00	0.00	6,000.00
ACOUSTIC MODELING & RECOMMENDATIONS	5,000.00	0.00	0.00	0.00	0.00
Total Fee	13,000.00		6,000.00	0.00	6,000.00
		Total			6,000.00

**Reimbursable Expenses**

Travel	1,737.27	
Current Reimbursable Expenses	1,737.27	1,737.27

Invoice Amount Due \$7,737.27

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
FEBRUARY 18, 2025 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
PAYMENT AUTHORIZATION – TRANSMISSION REPAIR	◆ RESOLUTION ORDINANCE RECEIVE/FILE	BRADY SMALL STREET SUPERINTENDENT

**SYNOPSIS**

A resolution has been prepared authorizing payment to AAMCO, Omaha, Nebraska for a transmission repair on a 2017 Chevy Pickup Truck in an amount not to exceed \$5,897.

**FISCAL IMPACT**

The FY25/FY26 Biennial Budget provides funding for the proposed payment.

**RECOMMENDATION**

Approval.

**BACKGROUND**

This Chevy pickup has 45,636 miles and is used in daily operations for street repairs, hauling the skid steer trailer for panel replacements and roller trailer for the asphalt patching crew. It is equipped with a 10FT plow and is also assigned to parking lots and cul-de-sacs during winter operations. The trucks check engine light reported a problem and metal shavings were found in the transmission fluid, necessitating this repair.

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING PAYMENT TO AAMCO TRANSMISSIONS, OMAHA, NEBRASKA FOR TRANSMISSION REPAIR ON A 2017 CHEVY PICKUP IN AN AMOUNT NOT TO EXCEED \$5,897.00.

WHEREAS, the City Council of the City of La Vista has determined that a transmission repair on the 2017 Chevy pickup is necessary; and

WHEREAS, the FY25/FY26 Biennial Budget provides funding for the proposed payment; 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 payment to AAMCO Transmissions, Omaha, Nebraska for transmission repair on a 2017 Chevy pickup in an amount not to exceed \$5,897.00.

PASSED AND APPROVED THIS 18TH DAY OF FEBRUARY 2025.

CITY OF LA VISTA

---

Douglas Kindig, Mayor

ATTEST:

---

Rachel D. Carl, CMC  
City Clerk



### Aam Trans Corp.

1600 Avenue A  
Council Bluffs, IA 51501  
Tel: (712) 328-3818 • Fax: (712) 328-3601  
6654@aamcoemail.com • <http://www.aamco-councilbluffs.com>

**Invoice I146599**  
Service Advisor: ADD CSM2 NAME  
Technician: CODY SALANDER  
Date: 1-24-2025  
R/O: J146566

#### Customer

Jeff Cox/ City Of Lavista (COX007)  
9900 Portal Rd  
La Vista NE 68128

Cell: 402-214-7880

JCOX@CITYOFLAVISTA.ORG

#### Vehicle

2017 Chevrolet Silverado 3500 HD High Country  
6.0 FLEX - WHITE  
1GC2KZEG0HZ327616  
6L90

Miles In: 45,636  
Miles Out: 45,636  
License Plate: 31871 NE

#### Customer Issues and Advisories

##### Symptoms and Diagnostic Trouble Codes

AAMCO TOW====CHECK ENGINE LIGHT FOR TORQUE CONVERTOR  
(5) Transmission,Diff, Transfer Case

#### Work Performed

### EXCHANGE REBUILT TRANSMISSION 36/50

#### Work Description

Exchange Rebuilt Transmission With An Exchanged Rebuilt Torque Converter with AAMCO 36 Month/50,000 Mile or 80,000 Km Limited Warranty. See Last Page of Invoice for Other Warranty Terms and Conditions.

Labor	Tech	Total		
SHOP LABOR		2,412.00		
Parts	Part No	Qty	Price	Total
Exchange Reconditioned Torque Converter (included)		1.00	0.00	0.00
Fluid (filled to OEM specification, adj qty as necessary)		12.00	9.00	108.00
Exchange Rebuilt Transmission		1.00	3,288.00	3,288.00
	<b>EXCHANGE REBUILT TRANSMISSION 36/50</b>	<b>SubTotal</b>	<b>\$5,808.00</b>	
<b>Total</b>				
	Labor	2,412.00		
	Parts	3,396.00		
	Hazmat*	0.00		
	Supplies*	89.00		
	Taxes	0.00		
	<b>Invoice Total</b>	<b>\$5,897.00</b>		

\* Shop Supply & Hazmat Fees: This charge represents costs and profits (where applicable) to this repair facility for miscellaneous shop supplies, and/or waste removal

#### Authorization

Original Estimate Total: 0.00

Authorization Method: In Person

Date: 01-24-2025 1:38 PM

Contact Details:

Authorized By: Jeff Cox/ City Of Lavista

X

Customer Signature



INTERNATIONAL CUSTOMER SERVICE  
410 Horsham Rd, Horsham, PA 19041  
Call Toll Free 1-800-523-0401

## Aam Trans Corp.

Tel: (712) 328-3818 • Fax: (712) 328-3601

Jeff Cox/ City Of Lavista (COX007) • 2017 Chevrolet Silverado 3500 HD High Country

Invoice #146599

Date: 1-24-2025

### AAMCO LIMITED WARRANTY TERMS AND CONDITIONS

If you have been issued the AAMCO Limited Warranty and it has been recorded on this Repair Order, this Limited Warranty applies for the express term of months and/or miles or kilometers recorded on this Repair Order.

THE AAMCO LIMITED WARRANTY WARRANTS THE SPECIFIC COMPONENTS RECORDED ON THIS REPAIR ORDER AGAINST DEFECTIVE MATERIAL OR WORKMANSHIP. THIS LIMITED WARRANTY BEGINS ON THE WARRANTY DATE (SEE KEY TERMS) AND SHALL END AT THE TIME OR MILES/KILOMETERS DESCRIBED ON THE REPAIR ORDER, WHICHEVER OCCURS FIRST.

**WHO IS COVERED?** The customer listed on the repair order. Obligations under the terms of this warranty transfer to a subsequent owner of the vehicle only if the term of the warranty is recorded as 12 months or 12,000 miles (20,000 kilometers), whichever first occurs. Obligations under the terms of this warranty do not transfer for any greater term of months or miles.

**TERMS AND CONDITIONS:** The components of the vehicle described on your repair order have been repaired or replaced by the independently owned and operated AAMCO Center issuing this Warranty. This form describes the protection you will have under your Limited Warranty (hereinafter referred to as "Warranty"). This Warranty will be honored by independently owned and operated AAMCO Centers throughout the United States and Canada only if a Breakdown arises beyond 40 miles (70 Kilometers) of the AAMCO Center issuing this Warranty and if no specific limitation of such coverage is described on your repair order. In the event the warranty is described on your repair order with the limitation of "This Center Only" such limitation means that the warranty will be honored only at the independently owned and operated AAMCO Center issuing this warranty and no other AAMCO Center. This warranty is not issued by AAMCO Transmissions, LLC ("AT") and all liability extends solely to the issuing AAMCO Center and not to AT.

**KEY TERMS:** (When used, Key Terms will appear in dark print)

"You" and "your" mean the customer shown on the face of the repair order.

"We", "us" and "our" mean the AAMCO Center issuing this Warranty.

"The Components" means the parts described on the Repair Order that we have repaired or replaced and warranted.

"Breakdown" means the failure of The Components due to defective material or workmanship.

"Miles" means the actual miles or kilometers your vehicle has traveled, as recorded on an unaltered odometer.

"Warranty Date" means the date of delivery as shown on the repair order.

"Repairer" means an independently owned and operated AAMCO Center located in the United States or Canada.

**WHAT THIS WARRANTY COVERS:** During the term of this Warranty, if The Components fail to perform due to defective material or workmanship, return the vehicle to this AAMCO Center, present your repair order and this Warranty, and The Components will be repaired or replaced without charge. This Warranty does not cover any Component repair or replacement you pay for without our express authorization and this Warranty is void if you obtain repairs or replacements without our authorization.

**WHAT THIS WARRANTY DOES NOT COVER:** This Warranty does not cover damage due to failure of an electronically controlled component where the failure is due to faulty automotive electronic control components, such as computers, actuators, sensors, and solenoids. This Warranty also does not include providing alternate transportation or living or travel expenses while the vehicle is being fixed after a Breakdown and does not include providing any towing.

This Warranty is **NULL AND VOID** if any of the following occur:

- \* Converting the vehicle from passenger to commercial use.
- \* Use of the vehicle for racing, competition, off-road recreational purposes, plowing, rental, taxi/limousine or group transport.
- \* Use of the vehicle by police, emergency, or fire company.
- \* Modifications to the vehicle including, **but not limited to**, snowplow modifications, whether the snowplow blade is attached to the vehicle or not.
- \* Failure to pay any balance due for any repair or replacement of The Components.
- \* Failure to comply with the manufacturer's recommended maintenance schedule for The Components.
- \* Failure to obtain a no charge Annual Recheck of the Component, where applicable, within thirty (30) days of the Warranty Date.
- \* The Lifetime Limited Warranty is void if you fail to maintain proof of any Annual Recheck at any authorized AAMCO Center.

In addition, we will not provide services under this Warranty:

When repairs are performed without prior authorization from us.

For a Breakdown caused by or involving collision, accident, fire, theft, vandalism, riot, explosion, lightning, earthquake, windstorm, hail, water, freezing, or flood.

For a Breakdown caused by abuse, misuse, modifications or alterations, including modifications that increase the gross vehicle weight or carrying capacity.

For a Breakdown caused by another mechanical failure or malfunction in the vehicle that damages the covered Component.

For a Breakdown caused by towing a trailer or another vehicle unless your vehicle is equipped for this as recommended by the manufacturer.

For any consequential or incidental damage or loss should your vehicle be involved in a collision caused by or involving a Breakdown.

If your vehicle's odometer has been stopped, altered or misrepresents your vehicle's actual mileage.

**WHO TO CALL IF YOU HAVE A BREAKDOWN:** All Breakdowns must be reported promptly to the independently owned and operated AAMCO Center that issued you this Warranty or, if you are traveling out of town, Call toll-free 1-888-FIND AAMCO (1-888-346-3226). Use all reasonable means to protect your vehicle. Notify us as soon as possible if you are unable to return to the AAMCO Center that issued this Warranty.

The total liability under this Warranty is limited to the cost of the original repair. We reserve the right to refund to you the original repair price in lieu of warranty service to the vehicle.

**LIMITATIONS OF EXPRESS AND IMPLIED WARRANTIES. LIMITATIONS OF IMPLIED WARRANTY:** ALL IMPLIED WARRANTIES WHICH MAY ARISE UNDER STATE LAW INCLUDING ALL IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE ARE LIMITED TO THE DURATION OF THIS WARRANTY AND DO NOT COVER INCIDENTAL OR CONSEQUENTIAL DAMAGES. SOME STATES DO NOT ALLOW LIMITATIONS ON HOW LONG AN IMPLIED WARRANTY LASTS OR THE EXCLUSION OF INCIDENTAL OR CONSEQUENTIAL.

User: LALKEMA

DB: La Vista

Check #	Check Date	Vendor Name	Amount	Voided
144192	02/05/2025	RDG PLANNING & DESIGN	14,975.00	N
144193	02/05/2025	THOMPSON DREESSEN & DORNER, IN	2,437.50	N
144194	02/05/2025	VERIZON CONNECT FLEET USA	608.00	N
1262117(E)	02/07/2025	US BANK NATIONAL ASSOCIATION	38,182.57	N
144195	02/18/2025	A & L HYDRAULICS INC	19.13	N
144196	02/18/2025	AA WHEEL & TRUCK SUPPLY INC	26.56	N
144197	02/18/2025	ABE'S TRASH SERVICE	288.00	N
144198	02/18/2025	ALAMO DRAFTHOUSE CINEMA	250.00	N
144199	02/18/2025	ALLIANCE FOR INNOVATION	1,860.00	N
144200	02/18/2025	AMAZON CAPITAL SERVICES, INC.	1,697.91	N
144201	02/18/2025	ARMBRUST, TODD M	184.15	N
144202	02/18/2025	ARNOLD MOTOR SUPPLY	1,823.66	N
144204	02/18/2025	ASHLEY WESTER	5.99	N
144205	02/18/2025	ASPEN EQUIPMENT COMPANY	1,650.24	N
144206	02/18/2025	BACON LETTUCE CREATIVE	4,334.50	N
144207	02/18/2025	BAKER & TAYLOR LLC	956.93	N
144208	02/18/2025	BERENS-TATE CONSULTING GROUP, IN	3,000.00	N
144209	02/18/2025	BISHOP BUSINESS EQUIPMENT COMPA	691.00	N
144210	02/18/2025	BOBCAT OF OMAHA	2,105.00	N
144211	02/18/2025	BOSANEK, GARY	650.00	N
144212	02/18/2025	BRITE IDEAS DECORATING	850.00	N
144213	02/18/2025	CENTER POINT, INC.	290.04	N
144214	02/18/2025	CINTAS CORPORATION NO. 2	447.82	N
144215	02/18/2025	CITY OF OMAHA	37,975.09	N
144216	02/18/2025	CLEAN WATER GUYS	117.59	N
144217	02/18/2025	COLONIAL RESEARCH CHEMICAL CO	396.80	N
144218	02/18/2025	CORNHUSKER SIGN & MFG CORP	1,043.81	N
144219	02/18/2025	CPI TELECOM	569.00	N
144220	02/18/2025	CULLIGAN OF OMAHA	13.50	N
144221	02/18/2025	DEMCO INCORPORATED	93.30	N
144222	02/18/2025	DIAMOND VOGEL PAINTS	7,556.12	N
144223	02/18/2025	DULTMEIER SALES LLC	614.90	N
144224	02/18/2025	DURHAM MUSEUM	500.00	N
144225	02/18/2025	FACTORY MOTOR PARTS	208.89	N
144226	02/18/2025	FIRST WIRELESS INC	665.00	N
144227	02/18/2025	GALE	172.44	N
144228	02/18/2025	GENUINE PARTS COMPANY-OMAHA	23.98	N
144229	02/18/2025	GLOBAL ASSETS INTEGRATED LLC	2,875.00	N
144230	02/18/2025	HAMPTON INN-KEARNEY	1,272.00	N
144231	02/18/2025	HARBOR FREIGHT TOOLS	24.98	N
144232	02/18/2025	HGM ASSOCIATES, INC.	153,690.75	N
144233	02/18/2025	HOBBY LOBBY STORES INC	142.43	N
144234	02/18/2025	HOLIDAYGOO	2,893.00	N
144235	02/18/2025	HOME DEPOT CREDIT SERVICES	205.91	N
144236	02/18/2025	HONEYMAN RENT-ALL #1	26.16	N
144237	02/18/2025	HOTSY EQUIPMENT COMPANY	2,130.11	N
144238	02/18/2025	INGRAM LIBRARY SERVICES LLC	2,041.81	N
144239	02/18/2025	J & A TRAFFIC PRODUCTS	1,181.25	N
144240	02/18/2025	KANOPLY, INC.	195.70	N
144241	02/18/2025	KIMBALL MIDWEST	524.16	N
144242	02/18/2025	KIRBY DELGADO	297.50	N
144243	02/18/2025	KODEX, INC.	50.00	N
144244	02/18/2025	KRIHA FLUID POWER CO INC	443.68	N
144245	02/18/2025	LABRIE, DONALD P	300.00	N
144246	02/18/2025	LARSEN SUPPLY COMPANY	309.90	N
144247	02/18/2025	LIBRARY IDEAS LLC	3.00	N
144248	02/18/2025	LOWE'S CREDIT SERVICES	7.22	N
144249	02/18/2025	MACQUEEN EQUIPMENT LLC	4,382.25	N
144250	02/18/2025	MANGELSEN'S	300.00	N
144251	02/18/2025	MATHESON TRI-GAS INC	560.72	N

User: LALKEMA

DB: La Vista

Check #

Check #	Check Date	Vendor Name	Amount	Voided
144252	02/18/2025	MENARDS-RALSTON	573.94	N
144253	02/18/2025	MIDWEST TAPE	44.99	N
144254	02/18/2025	MIDWEST TURF & IRRIGATION	123.02	N
144255	02/18/2025	MSC INDUSTRIAL SUPPLY CO	81.27	N
144256	02/18/2025	MURPHY TRACTOR/POWERPLAN	346.97	N
144257	02/18/2025	MYSTAFF INC	1,796.85	N
144258	02/18/2025	O'REILLY AUTO PARTS	2,718.19	N
144259	02/18/2025	OCLC INC	63.53	N
144260	02/18/2025	OFFICE DEPOT INC	283.48	N
144261	02/18/2025	OMAHA PUBLIC POWER DISTRICT	3,660.62	N
144262	02/18/2025	OMAHA TACTICAL LLC	75.00	N
144263	02/18/2025	ONE CALL CONCEPTS INC	205.77	N
144264	02/18/2025	PAPILLION SANITATION	2,465.13	N
144265	02/18/2025	PIETRYGA, EDWARD	243.89	N
144266	02/18/2025	PIONEER ATHLETICS	5,134.70	N
144267	02/18/2025	POMP'S TIRE SERVICE, INC	255.26	N
144268	02/18/2025	PREDATOR CUSTOM TRAILER	44.20	N
144269	02/18/2025	PRINTCO GRAPHICS INC	5,349.00	N
144270	02/18/2025	REVOLUTION WRAPS LLC	820.78	N
144271	02/18/2025	RTG BUILDING SERVICES INC	6,765.00	N
144272	02/18/2025	SARPY COUNTY CHAMBER OF COMME	95.00	N
144273	02/18/2025	SARPY COUNTY FISCAL ADMINSTRN	11,250.00	N
144274	02/18/2025	SARPY COUNTY SHERIFF'S OFFICE	1,166.67	N
144275	02/18/2025	SCHLINDER ELEVATOR CORPORATION	4,041.29	N
144276	02/18/2025	SHERWIN-WILLIAMS	25.28	N
144277	02/18/2025	SIGN IT	1,440.75	N
144278	02/18/2025	SPORTS FACILITY MAINTENANCE, LLC	4,198.55	N
144279	02/18/2025	SUNSET LAW ENFORCEMENT LLC	38,099.25	N
144280	02/18/2025	TED'S MOWER SALES & SERVICE INC	1,825.78	N
144281	02/18/2025	THE CENTER FOR MUNICIPAL SOLUTIO	225.00	N
144282	02/18/2025	THE SCHEMMER ASSOCIATES INC	220.00	N
144283	02/18/2025	THE WALDINGER CORPORATION	4,900.18	N
144284	02/18/2025	TORNADO WASH LLC	231.00	N
144285	02/18/2025	TRANS UNION RISK AND ALT. DATA S	75.00	N
144286	02/18/2025	TRANSMITTER SOLUTIONS	200.00	N
144287	02/18/2025	TY'S OUTDOOR POWER & SERVICE	2,204.95	N
144288	02/18/2025	UNMC	245.00	N
144289	02/18/2025	US BANK NATIONAL ASSOCIATION	3,295.65	N
144290	02/18/2025	VERIZON CONNECT FLEET USA	608.00	N
144291	02/18/2025	VERIZON WIRELESS	36.04	N
144292	02/18/2025	VERIZON WIRELESS	447.24	N
144293	02/18/2025	VERMEER HIGH PLAINS	372.53	N
144294	02/18/2025	VOIANCE LANGUAGE SERVICES, LLC	31.05	N
144295	02/18/2025	WALMART COMMUNITY BRC	204.70	N
144296	02/18/2025	WESTLAKE HARDWARE INC NE-022	19.61	N
144297	02/18/2025	WESTLAKE HARDWARE INC NE-022	1,122.91	N
144298	02/18/2025	WOODHOUSE SW OMAHA INC	519.90	N
1262117(A)	02/18/2025	FRATERNAL ORDER OF POLICE	2,215.00	N
1262118(A)	02/18/2025	POLICE & FIREMEN'S INSURANCE	316.29	N
1262126(E)	02/18/2025	ACTIVE NETWORK LLC	721.82	N
1262127(E)	02/18/2025	CENTURY LINK/LUMEN	475.15	N
1262128(E)	02/18/2025	CENTURY LINK/LUMEN	94.20	N
1262129(E)	02/18/2025	COX COMMUNICATIONS, INC.	1,217.15	N
1262130(E)	02/18/2025	MARCO INCORPORATED	153.87	N
1262131(E)	02/18/2025	METROPOLITAN UTILITIES DISTRICT	2,901.43	N
1262132(E)	02/18/2025	MID-AMERICAN BENEFITS INC	1,690.10	N
1262133(E)	02/18/2025	NE DEPT OF REVENUE-SALES TAX	111.02	N
1262134(E)	02/18/2025	OMAHA PUBLIC POWER DISTRICT	51,400.48	N
1262135(E)	02/18/2025	ADP INC	424,379.76	N
1262136(E)	02/18/2025	MISSIONSQUARE RETIREMENT	70,024.70	N

User: LALKEMA

DB: La Vista

Check #

Check Date

Vendor Name

Amount

Voided

TOTAL: 964,995.84

APPROVED BY COUNCIL MEMBERS ON: 02/18/2025

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
FEBRUARY 18, 2025 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
AMEND VARIOUS SECTIONS OF THE LA VISTA MUNICIPAL CODE	RESOLUTION ◆ ORDINANCE RECEIVE/FILE	BRUCE FOUNTAIN COMMUNITY DEVELOPMENT DIR.

**SYNOPSIS**

Ordinances have been prepared to amend Sections 32.03, 150.01, 150.55, 150.73, and 155 of the La Vista Municipal Code.

**FISCAL IMPACT**

N/A.

**RECOMMENDATION**

Approval.

**BACKGROUND**

During a recent review of the City's requirements and processes of the Board of Adjustment and Board of Appeals spurred by recent code enforcement actions, the City Attorney has recommended changes to sections 32.03, 150.01, 150.55, 150.73 and 155 for clarification and consistency of procedural requirements governing zoning and building code appeals to the Board of Adjustment and Board of Appeals. Attached are the redlined, proposed changes to various sections of the La Vista Municipal Code. Amendment of section 150.65 also is recommended regarding rental license application requirements, consistent with applicable law.

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE TO AMEND SECTION 32.03 OF THE LA VISTA MUNICIPAL CODE, REGARDING THE BOARD OF ADJUSTMENT AND BOARD OF APPEALS; AND TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES PREVIOUSLY ENACTED, SEVERABILITY, PUBLICATION AND AN EFFECTIVE DATE.

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

Amendment of Section 32.03. Section 32.03 of the La Vista Municipal Code is hereby amended to read as follows:

**“§ 32.03 BOARD OF ADJUSTMENT AND BOARD OF APPEALS.**

(A) The Mayor shall appoint, with the consent of the City Council, a Board of Adjustment which shall consist of five regular members plus one additional member designated as an alternate who shall attend and serve only when one of the regular members is unable to attend for any reason. Each member of the Board shall serve a term of three years, unless reappointed, and shall be removable only for cause by the Mayor, with the consent of the City Council, upon written charges and after a public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. One member only of the Board of Adjustment shall be appointed from the membership of the Planning Commission, and the loss of membership on the Planning Commission by such member shall also result in his or her immediate loss of membership on the Board of Adjustment and the appointment of another Planning Commissioner to the Board of Adjustment. After the effective date of this section, the first vacancy occurring on the Board of Adjustment shall be filled by the appointment of a person who resides in the extraterritorial zoning jurisdiction of the city at such time as more than 200 persons reside within such area. Thereafter, at all times, at least one member of the Board of Adjustment shall reside outside the corporate boundaries of the city but within its extraterritorial zoning jurisdiction.

(Neb. RS 19-908)

(B) The members of the Board shall serve without compensation and may be required, in the discretion of the Mayor and City Council, to give a bond in a sum set by resolution of the Mayor and City Council and conditioned upon the faithful performance of their duties. The Board shall conduct an organizational meeting in January of each year and elect from its membership a Chairperson and a Secretary. It shall be the duty of the Secretary to keep complete and accurate minutes of all Board meetings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the City Clerk and shall be public record. All meetings of the Board shall be open to the public and shall be held at such times as the Chairperson may, in his or her discretion, call a meeting, and at such other times as the Board may determine. Special meetings may also be held upon the call of any three members of the Board. At least four members of the Board shall constitute a quorum for the purpose of doing business. The Board shall adopt rules in accordance with the provisions of any ordinance adopted pursuant to Neb. RS 19-901 to 19-914.

(C) It shall be the duty of the Board

(1) To hear and decide appeals pursuant to Neb. Rev. Stat. Section 19-910 where it is alleged there is error in any order, requirement, decision or determination made by a city official based on or made in the enforcement of any zoning regulation or any regulation relating to the location or soundness of structures; provided, however, any order or decision of the Building Inspector under any standard code adopted, or modified and adopted, in Title XV (“Standard Codes”), shall be appealed to the Board of Appeals as provided in subsection (F) below.

(2) To hear and decide, in accordance with the provisions of the zoning regulations, requests for interpretation of any map; and

(3) Where by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the enactment of the zoning regulations, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to or exceptional and undue hardships upon the owner of such property, to authorize, upon an appeal relating to the property, a variance from such strict application so as to relieve such difficulties or

hardship, if such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of any zoning regulation.

(4) No such variance shall be authorized by the Board unless it finds that:

- (a) The strict application of the zoning regulation would produce undue hardship;
- (b) Such hardship is not shared generally by other properties in the same zoning district and the same vicinity;
- (c) The authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of the variance; and
- (d) The granting of such variance is based upon reason of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit or caprice.

No variance shall be authorized unless the Board finds that the condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the zoning regulations.

(D) In exercising the above-mentioned powers, the Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all powers of the officer from whom the appeal is taken. The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision or determination of any such city official or to decide in favor of the applicant on any matter upon which it is required to pass under any such regulation or to effect any variance in such regulation. (Neb. RS 19-910)

(E) The Board shall be responsible for making such reports and performing such other duties as the Mayor and City Council may designate. Neither the Mayor nor any member of the City Council shall serve as a member of the Board of Adjustment. No member of the Board of Adjustment shall serve in the capacity of both Chairperson and Secretary of the Board.

(F) Board of Appeals. Members of the Board of Adjustment also shall constitute and serve as the members of the Board of Appeals for purposes of appeal of any decisions of the Building Inspector under Standard Codes; specifically:

- (1) The Board of Appeals shall have the same number of members and alternate members, qualification requirements for membership, and term of office as provided in subsection (A) above. Each appointment to the Board of Adjustment pursuant to subsection (A) also shall constitute appointment of such person to the Board of Appeals for purposes of hearing and deciding appeals of orders or decision by the Building Official pursuant to Chapter 150 and Standard Codes, and
- (2) Resignation, removal or other termination of any member from the Board of Adjustment also shall constitute resignation, removal or termination of such member from the Board of Appeals.
- (3) Provided however, members of the Board of Appeals shall serve at the pleasure of the Mayor, and may be removed at any time by the Mayor, with or without cause, subject to approval of the City Council. Any vacancy resulting from removal of a member of the Board of Appeals pursuant to this subsection (3) shall be filled for the remaining term by appointment by the Mayor, subject to approval of the City Council, with a person having such qualifications as the Mayor determines appropriate.
- (4) Unless otherwise specified by the Board of Appeals, the Chairperson and Secretary of the Board of Adjustment from time to time also shall serve as the Chairperson and Secretary of the Board of Appeals.

- (5) The owner of real property or improvements, or his or her agent or occupant may appeal any order or decision of the Building Inspector under the Standard Codes to the Board of Appeals. Appeal to the Board of Appeals shall not stay any order or decision of the Building Inspector, unless otherwise specified by the Board of Appeals.
- (6) Provisions of this subsection (F), 32.03 or this Code that are applicable to the Board of Appeals shall apply notwithstanding any provisions of any standard codes adopted, adopted and modified, or referenced in Chapter 150, (together "Standard Codes") to the contrary. If there is any conflict, inconsistency or ambiguity between or among the provisions of subsection (F), 32.03 or this Code and provisions of any Standard Codes with respect to the Board of Appeals, the provisions of subsection (F), 32.03 or this Code shall govern and control, in that order.

(G) Except as otherwise provided to the contrary in Neb. Rev. Stat. Sections 19-907 through 19-912 for meetings or hearings of the Board of Adjustment, the following rules shall apply to meetings and hearings of the Board of Adjustment or Board of Appeals.

- (1) All regular and special meetings of the Board shall be open to the public and shall be held at such times as the Chairperson, Secretary, Board or City Clerk may determine in her, his or its discretion. The Secretary or Secretary's designee shall keep complete and accurate minutes of all Board meetings and records of all Board examinations and other official actions in accordance with applicable law, all of which may be filed in the office of the City Clerk and shall be public record.
- (2) The number of Members constituting a quorum for purposes of holding a meeting or hearing shall be equal to at least two-thirds of the number of membership positions of the Board.
- (3) Appeal of any order or decision of a City official shall be perfected within twenty days after the date of such order or decision by filing a written notice of appeal with such City official and the Secretary of the Board specifying the grounds for such appeal. Hearing on such appeal shall be held by the Board within a reasonable time after the appeal is filed, as determined by the Chairperson, Secretary, Board or City Clerk. The City Clerk or City Clerk's designee shall transmit to the Board such papers, documents or other information constituting the record upon which the City official's order or decision was based.
- (4) The Mayor, City Council, City Administrator or Board shall be authorized to appoint a hearing officer ("Hearing Officer") to assist, advise and take such actions on behalf of the Board in connection with procedural or technical aspects of a hearing on an appeal. Provided, however, the Board at any time may elect to perform any action designated in this Code for the Hearing Officer. In all events the Board will decide an appeal.
- (5) The Hearing Officer will convene the meeting and hearing and act on any initial procedural or administrative matters. The hearing will be conducted by the Hearing Officer in open session, except for any closed session in accordance with the Open Meetings Act. The hearing shall be recorded by a qualified court reporter and by stenographic means. A transcript of the proceeding shall be made available to all parties upon request and upon payment of the fees to transcribe the proceeding. The Hearing Officer or any Board Member or notary public is authorized to administer oaths. The Hearing Officer will rule on any objections, evidentiary or procedural matters, The hearing will follow a format similar to civil trials and shall include:
  - a. Each of the following, first by the City official or such official's representative ("Appellee"), followed by the party appealing the official's order or decision, or such party's representative ("Appellant"), unless otherwise indicated:

- i. Opening statement by each party.
- ii. Presentation of evidence, including, examination of witnesses and introduction of exhibits by each party.
- iii. Cross examination, objections by opposing party to any examination, testimony or exhibits, and Hearing Officer rulings on any such objections.

- b. Appellee's rebuttal of Appellant's evidence.
- c. Closing argument of Appellee and Appellant, and Appellee rebuttal of Appellant's closing argument.

(6) Unless otherwise elected by the Board, a hearing will be conducted as an informal hearing. The Board may admit and give probative effect to relevant evidence which possesses probative value commonly accepted by reasonably prudent persons in the conduct of their affairs, and exclude incompetent, irrelevant, immaterial, or unduly repetitious evidence, and shall give effect to the privilege rules of evidence in sections Neb. Rev. Stat. Sections 27-501 through 27-513 but shall not otherwise be bound by usual common-law or statutory rules of evidence. Fees and costs of a court reporter shall be paid by the party or parties against whom a final order or decision is rendered. Informality in the proceeding or manner of taking testimony shall not invalidate any decision of the Board.

(7) Upon the conclusion of all evidence, the Board shall deliberate and decide the appeal based on whether the order or decision of the City official was within the City official's authority and whether there was sufficient relevant evidence presented at the hearing to support the order or decision of the City official. Evidence is sufficient if the City official could reasonably find the facts as the City official did, and the action of the City official was not arbitrary or capricious. An action is "arbitrary and capricious" if it is taken in disregard of the facts or circumstances of the case, without some basis which would lead a reasonable and honest person to the same conclusion. The Board shall have the power and authority to affirm, modify or reverse the City official's order or decision, subject to any conditions the Board determines necessary or appropriate. The affirmative vote of at least four members of the Board shall be required to reverse or modify an order or decision of the City official. Notwithstanding anything in this paragraph to the contrary, the Hearing Officer may provide the Board a proposed decision that the Board in its sole discretion may elect to accept, modify and accept as modified, or reject. Any order or decision of the Board shall be final. A copy of any order or decision of the Board reduced to writing shall be available for inspection in the office of the City Clerk

(8) The Board shall be authorized to adopt any additional rules as the Board determines necessary or appropriate."

Repeal of Conflicting Provisions. Section 32.03 and all ordinances and any parts of ordinances as previously enacted that are in conflict with this ordinance or any part hereof are hereby repealed.

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.

Publication and Effective Date. This ordinance shall be in full force and effect from and after passage, approval and publication in book, or pamphlet, or electronic form in accordance with applicable law.

Ordinance No.

PASSED AND APPROVED THIS 18TH DAY OF FEBRUARY 2025.

CITY OF LA VISTA

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Douglas Kindig, Mayor

ATTEST:

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Rachel D. Carl, CMC  
City Clerk

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND SECTION 150.01 OF THE LA VISTA MUNICIPAL CODE REGARDING THE BUILDING CODE; AND TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES PREVIOUSLY ENACTED, SEVERABILITY, PUBLICATION AND AN EFFECTIVE DATE.

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

Amendment of Section 150.01. Section 150.01 of the La Vista Municipal Code is hereby amended to read as follows:

**“§ 150.01 BUILDING CODE.**

(A) Portions of standard codes and additional requirements, rules and regulations specified in subsections 150.01 through 150.05 below, with the modifications specified in such subsections,

section 155 or other provisions of this Code or City Ordinances, are hereby adopted pursuant to Neb. Rev. Stat. subsections 19-902(4), 18-132, and 71-6406(2) and (7) as the Building Code of the City of La Vista for regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings or structures within the jurisdiction of the City of La Vista and providing for the issuance of permits and collection of fees therefor. Provisions of the standard codes and additional requirements, rules and regulations adopted herein, as modified, shall be applied, interpreted and construed together and consistently to the extent possible. Unless otherwise indicated by context or otherwise, references to any table, section or subsection shall mean the corresponding provision of the relevant standard code, with such modifications as adopted by the City. Appeal of any order or decision of the Building Inspector under any standard code shall be to the Board of Appeals as provided in section 155 below and subsection 32.03, notwithstanding provisions of any standard code to the contrary.

(B) (1) *International Building Code provisions adopted by reference.* Two copies of certain documents in book form, being marked and designated as the *International Building Code*, 2018 Edition, ("IBC") are on file in the office of the City Clerk of the City of La Vista. With the exception of portions of § 105.2 preceding § 105.2.1, the following portions of said IBC are hereby adopted: Chapters 1 thru 35 inclusive, and Appendices "E", Supplementary Accessibility Requirements, and "I", Patio Covers, ("adopted IBC provisions"); and each and all of the regulations, provisions, conditions and terms of such adopted IBC provisions, and all amendments, revisions or editions thereto on file or hereafter placed on file in the office of the City Clerk of the City of La Vista, are hereby referred to, adopted and made a part hereof as if fully set out herein.

(2) *Additional requirements, rules and regulations adopted.*

(a) *Work exempt from permit (adopted in lieu of portions of IBC § 105.2 preceding § 105.2.1).* Exemptions from permit requirements of the adopted IBC provisions shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of said adopted IBC provisions or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

1. *Building.*

a. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 79 square feet.

b. Oil derricks.

c. Retaining walls which are not over four feet (1,219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or III-A liquids.

d. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18,925 L) and the ratio of height to diameter or width does not

exceed 2 to 1.

- e. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
- f. Temporary motion picture, television and theater stage sets and scenery.
- g. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches deep and installed entirely above ground.
- h. Shade cloth structures constructed for nursery or agricultural purposes and not including service systems.
- i. Swings and other playground equipment accessory to detached one- and two-family dwellings.
- j. Window awnings supported by an exterior wall that do not project more than 54 inches (1,372 mm) from the exterior wall and do not require additional support of Group R-3 and Group U occupancies.
- k. Nonfixed and movable fixtures, cases, racks, counters and partitions not over five feet nine inches (1,753 mm) in height.

2. *Electrical.*

- a. *Repairs and maintenance.* Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.
- b. *Radio and television transmitting stations.* Adopted IBC provisions shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for power supply, the installations of towers and antennas.
- c. *Temporary testing systems.* A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

3. *Gas.*

- a. Portable heating appliance.
- b. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

4. *Mechanical.*

- a. Portable heating appliance.
- b. Portable ventilation equipment.
- c. Portable cooling unit.
- d. Steam, hot or chilled water piping within any heating or cooling equipment regulated by adopted IBC provisions.
- e. Replacement of any part which does not alter its approval or make it unsafe.
- f. Portable evaporative cooler.
- g. Self-contained refrigeration system containing ten pounds (5 kg) or less of refrigerant and actuated by motors of one horsepower (746 W) or less.

5. *Plumbing.*

a. The stopping of leaks in drains, water, soil, waste or vent pipe provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.

b. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

(b) *Any Group "A" occupancies with alcoholic beverages (adopted in addition to those requirements listed in adopted IBC provisions, § 903.2.1.1 through § 903.2.1.5).* An automatic sprinkler system shall be installed throughout any building with any Group "A" exceeding 1,000 square feet and where there is liquor, wine, or beer license issued and/or where the occupants consume alcoholic beverages.

(c) *Criteria (adopted in addition to those requirements listed in adopted IBC provisions, § 1601.1).* The climate and geographical design criteria for building construction in La Vista Nebraska shall be:

1. Ground/snow load 30 lbs psf;
2. Wind speed 115 mph for a three-second gust with exposure "C";
3. Seismic design category "B";
4. Weathering probability for concrete "B";
5. Frost line depth 42 inches;
6. Termites, moderate to heavy;
7. Decay, slight to moderate;
8. Winter design temperature, minus five degrees.

(d) *Collapsible soils (adopted in addition to those requirements listed in adopted IBC provisions, § 1804.1 through § 1804.4).* Portions of the Omaha Metro area are underlain by low unit weight soils that can collapse when saturated. Additional studies shall be made to evaluate the presence and extent of the collapsible soils and to assess the effects of any collapsible soils identified at the site on the performance of the structure.

(e) *Markings (adopted in addition to those requirements listed in adopted IBC provisions, § 2303.4.1).* Each truss shall be legibly branded, marked, or otherwise have permanently affixed thereto the following information located within two feet of the center of the span on the face of the bottom chord:

1. Identify the company manufacturing the truss;
2. The design load;
3. The spacing of the truss.

(f) *Vertical support requirements for decks and porches.* Vertical supports for decks and porches shall be wood posts of not less than six inches by six inches in dimension. Underlying footings shall meet the foundation specifications of adopted IBC provisions.

(g) *Rain water (adopted in addition to those requirements listed in adopted IBC provisions § 1503.5).*

1. When roofs are sloped to drain over the edge, scuppers or gutters and down spouts, adequately sized, pitched and supported shall be installed to conduct rain water to ground level. Rain water shall be discharged at least three feet away from the building foundation in a direction parallel to the adjoining property line when the discharge point is within 20 feet of the adjoining property line.

2. *Exception.* Structures with no sub-grade spaces.

(h) Permanent Wood Foundation Systems, IBC §1807.1.4, shall be deleted in its entirety.

(i) Timber Footings, IBC §1809.12, shall be deleted in its entirety.

(C) (1) *International Residential Code provisions adopted by reference.* Two copies of certain documents in book form, being marked and designated as the International Residential Code, 2018 Edition, ("IRC") are on file in the Office of the City Clerk of the City of La Vista. With the exception of portions of § R105.2 preceding § R105.2.1, and §§ R305.1, R311.7.2, R311.7.8.2, R313.1, R313.1.1, R313.2, R313.2.1, R317.1, R502.6.2, R903.4, R908.1, and R1102.1.2, the following portions of said IRC are hereby adopted: Chapters 1 through 42, inclusive, Chapter 44, and Appendices "F", Radon Control Methods, "H", Patio Covers, "J", Existing Buildings and Structures, and "K", Sound Transmission, ("adopted IRC provisions"); and each and all of the regulations, provisions, conditions and terms of such adopted IRC provisions, and all amendments, revisions or editions thereto on file or hereafter placed on file in the Office of the City Clerk of the City of La Vista, are hereby referred to, adopted and made a part hereof as if fully set out herein.

(2) *Additional requirements, rules and regulations adopted.*

(a) *Work exempt from a permit (adopted in lieu of portions of IRC § R105.2 preceding § R105.2.1).* Permits shall not be required for the following. Exemption from the permit requirements of the adopted IRC provisions shall not be deemed to grant authorization for any work to be done in any manner in violation of the adopted IRC provisions or any other laws or ordinances of this jurisdiction.

1. *Building.*

a. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 79 square feet.

b. Retaining walls that are not over four feet (1,219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.

c. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18,927 L) and the ratio of height to diameter or width does not exceed 2 to 1.

d. Painting, papering, tiling, carpeting, cabinets, countertops and similar finish work.

e. Prefabricated swimming pools that are less than 24 inches (610 mm) deep.

f. Swings and other playground equipment accessory to a one- or two-family dwelling.

g. Window awnings supported by an exterior wall which do not project more than 54 inches (1,372 mm) from the exterior wall and do not require additional support.

2. *Electrical. Repairs and maintenance.* A permit shall not be required for minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

3. *Gas.*

a. Portable heating, cooking or clothes drying appliances.

b. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

c. Portable fuel cell appliances that are not connected to a fixed

piping system and are not interconnected to a power grid.

4. *Mechanical.*

- a. Portable heating appliances.
- b. Portable ventilation appliances.
- c. Portable cooling units.
- d. Steam, hot or chilled water piping within any heating or cooling equipment regulated by the adopted IRC provisions.
- e. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
- f. Portable evaporative coolers.
- g. Self-contained refrigeration systems containing ten pounds (4.54 kg) or less of refrigerant or that are actuated by motors of one horsepower (746 W) or less.
- h. Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

5. *Plumbing.*

a. The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in the adopted IRC provisions.

b. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

(b) *Headroom (adopted in lieu of IRC § R311.7.2).* The minimum headroom in all parts of the stairway shall not be less than six feet eight inches (2,036 mm) measured vertically from the sloped plane adjoining the tread nosing or from the floor surface of the landing or platform. The Building Official shall have the authority to waive the requirements of this section where pre-existing conditions will not allow the requirement to be met.

(c) *Continuity (adopted in lieu of IRC § R311.7.8.4).*

1. Handrails for stairways shall be continuous for the full length of the flight, from a point directly above the top riser of the flight to a point directly above the lowest riser of the flight. Handrail ends shall be returned or shall terminate in newel posts or safety terminals. Handrails adjacent to a wall shall have a space of not less than one and one-half inch (38 mm) between the wall and the handrail.

2. *Exceptions.*

a. Handrails shall be permitted to be interrupted by a newel post at the turn.

b. The use of a volute, turnout, starting easing or starting newel shall be allowed over the lowest tread.

c. Handrails for stairways shall be permitted to have no more than a four-inch (102 mm) break due to wall offsets and other ornamental features.

(d) *Townhouse automatic fire sprinkler systems (adopted in lieu of IRC § R313.1).* An automatic residential fire sprinkler system is not required to be installed in townhouses.

(e) *Design and installation (adopted in lieu of IRC § R313.1.1).* When a non-required automatic residential fire sprinkler is intended to be installed within a townhouse, the system shall be designed and installed in accordance with NFPA 13, NFPA 13D, or NFPA 13R.

(f) *One and two family dwellings automatic fire systems (adopted in lieu of IRC § R313.2).* An automatic residential fire sprinkler system is not required to be installed in one and two family dwellings.

(g) *Design and installation (adopted in lieu of IRC § R313.2.1).* When an automatic residential fire sprinkler system is intended to be installed, it shall be designed and installed in accordance with NFPA 13, NFPA 13D, or NFPA13R.

(h) *Location required (adopted in lieu of IRC § R317.1).* Protection from decay shall be provided in the following locations by the use of naturally durable wood or wood that is preservative treated in accordance with AWPA U1 for the species, product, preservative and end use. Preservatives shall be listed in Section 4 of the AWPA U1.

1. Wood joists or the bottom of a wood structural floor when closer than 18 inches (456 mm) or wood girders when closer than 12 inches (305 mm) to the exposed ground in crawl spaces or unexcavated area located within the periphery of the building foundation.

2. All wood framing members, sills, or plates that rest on concrete or masonry exterior walls.

3. Sills and sleepers on a concrete or masonry slab that is in direct contact with the ground unless separated from such slab by an impervious moisture barrier.

4. The ends of wood girders entering exterior masonry or concrete walls having clearances of less than 0.5 inch (12.7 mm) on tops, sides and ends.

5. Wood siding, sheathing and wall framing on the exterior of a building having a clearance of less than six inches (152 mm) from the ground.

6. Wood structural members supporting moisture-permeable floors or roofs that are exposed to the weather, such as concrete or masonry slabs, unless separated from such floors or roofs by an impervious moisture barrier.

7. Wood furring strips or other wood framing members attached directly to the interior of exterior masonry walls or concrete walls below grade except where an approved vapor retarder is applied between the wall and the furring strips or framing members.

(i) *Roof drainage (adopted in lieu of IRC § R903.4).*

1. When roof sloped to drain over the edge, scuppers or gutters and down spouts adequately sized, pitched and supported, shall be installed to conduct rainwater to ground level. Rainwater shall be discharged at least three feet away from the building foundation in a direction parallel to adjoining property line.

2. *Exception.* Structures with no sub-grade spaces.

(j) *Re-covering versus replacement (adopted in lieu of IRC § R908.1).* New roof coverings shall not be installed without first removing existing roof coverings where any of the following conditions occur:

1. Where the existing roof or roof covering is water-soaked or has deteriorated to the point that the existing roof or roof covering is not adequate as a base for additional roofing.

2. Where the existing roof covering is wood shake, wood shingles, slate, clay, cement or asbestos-cement tile.

3. Where the existing roof has two or more applications of any type of roof covering.

4. For asphalt shingles, when the building is located in an area subject to moderate or severe hail exposure according to § R905.1.

5. *Exceptions.*

a. Complete and separate roofing systems, such as standing-seam metal roof systems, that are designed to transmit the roof loads directly to the building's structural system and that do not rely on existing roofs and roof coverings for support, shall not require the removal of existing roof coverings.

b. Installation of metal panel, metal shingle, and concrete and clay tile roof coverings over existing wood shake roofs shall be permitted when the application is in accordance with § R908.4.

c. The application of new protective coating over existing spray polyurethane foam roofing systems shall be permitted without tear-off of existing roof coverings.

(k) *U-factor alternative (adopted in lieu of IRC § N1102.1.2).*

1. An assembly with a U-factor equal to or less than that specified in Table N1102.1.4 shall be permitted as an alternative to the R-value in Table N1102.1.2

2. *Exception.* For mass walls not meeting the criterion for insulation location in § N1102.2.5, the U-factor shall be permitted to be:

- a. U-factor of 0.17 in Climate Zone 1.
- b. U-factor of 0.14 in Climate Zone 2.
- c. U-factor of 0.12 in Climate Zone 3.
- d. U-factor of 0.10 in Climate Zone 4 except Marine.
- e. U-factor of 0.082 in Climate Zone 5 and Marine 4.

f. Single-family dwellings, two-family dwellings and townhomes with a window to wall ratio greater than 15% must conform to the State of Nebraska Energy Code.

(D) *International Existing Building Code adopted by reference.* Certain documents in book form, two copies of which are on file in the Office of the City Clerk of the City of La Vista and being marked and designated as the International Existing Building Code, 2018 Edition, are hereby adopted; and each and all of the regulations, provisions, conditions and terms of such International Existing Building Code, and all amendments, revisions or editions thereto on file or hereafter placed on file in the Office of the City Clerk of the City of La Vista, are hereby referred to, adopted and made a part hereof as if fully set out herein.

(E) *International Swimming Pool And Spa Code adopted by reference.* Certain documents in book form, two copies of which are on file in the office of the City Clerk of the City of La Vista and being marked and designated as the *International Swimming Pool And Spa Code*, 2018 Edition, are hereby adopted; and each and all of the regulations, provisions, conditions and terms of such *International Swimming Pool And Spa Code*, and all amendments, revisions or editions thereto on file or hereafter placed on file in the Office of the City Clerk of the City of La Vista, are hereby referred to, adopted and made a part hereof as if fully set out herein.

(F) *International Energy Conservation Code adopted by reference.* Certain documents in book form, two copies of which are on file in the office of the City Clerk of the City of La Vista and being marked and designated as the *International Energy Conservation Code*, 2018 Edition, are hereby adopted; and each and all of the regulations, provisions, conditions and terms of such *International Energy Conservation Code*, and all amendments, revisions or editions thereto on file or hereafter placed on file in the office of the City Clerk of the City of La Vista, are hereby referred to, adopted and made a part hereof as if fully set out herein.

(G) *Life Safety Code adopted by reference. NFPA 101 Life Safety Code 2012 Edition*

*adopted.* Certain documents in book or pamphlet form, two copies of which are on file in the office of the City Clerk of the City of La Vista and being marked and designated as the *NFPA 101 Life Safety Code, 2012 Edition* ("LSC"), modified as described below, are hereby incorporated herein and adopted, and each and all of the regulations, provisions, conditions and terms of such LSC, and all amendments, revisions or editions thereto on file in the office of the City Clerk of the City of La Vista, are hereby referred to, incorporated, adopted and made a part hereof as if fully set out herein. The LSC is hereby adopted as amended, altered, modified and changed in the following respects: all provisions set forth within the *Nebraska Administrative Code Title 153 - State Fire Marshal* shall control except for those provisions set forth in Title 153, Chapter 20: "Fees for Inspection for Fire Safety," which fees instead shall be as determined and set forth from time to time by the Mayor and City Council in the La Vista Master Fee Ordinance.

(H) *International Fire Code adopted by reference. International Fire Code 2018 Edition adopted.* Certain documents in book or pamphlet form, two copies of which are on file in the office of the City Clerk of the City of La Vista and being marked and designated as the *International Fire Code, 2018 Edition* ("IFC"), modified as described below, are hereby incorporated herein and adopted, and each and all of the regulations, provisions, conditions and terms of such IFC, and all amendments, revisions or editions thereto on file in the office of the City Clerk of the City of La Vista, are hereby referred to, incorporated, adopted and made a part hereof as if fully set out herein. The IFC is hereby adopted as amended, altered, modified and changed in the following respects:

(1) Specifically adopted are:

- (a) The IFC, Chapters 1 through 67, inclusive, and Chapter 80.
- (b) The IFC, Appendices B, E, F, G, H, and I.

(2) Specifically not adopted are the IFC, Appendices A, C, D, J, K, L, M, and N.

(3) The IFC shall apply to the construction, alteration, enlargement, replacement or repair of all buildings and structures, and any new construction required as a result of moving any building.

(4) *Amendments.*

(a) **101.1 Title.** These provisions shall be known as the *International Fire Code* of the City of La Vista, Sarpy County, Nebraska, shall be cited as such and will be referred to herein as "this code."

(b) **Section 307 Open Burning, Recreational Fires and Portable Outdoor Fireplaces.**

(Page 46-47) Sections 307.1 through 307.5 of the IFC are hereby deleted in their entirety. Sections 307.6 through 307.7 are hereby added as set forth below:

(1) **307.6 Definitions.**

(A) For the purposes of this section, the following terms shall have the meanings indicated:

**OPEN BURNING**

Using fire to burn material which is not contained within a fully enclosed firebox or structure and from which the products of combustion are permitted directly to the open atmosphere without passing through a stack, duct or chimney or burning that is conducted in a noncombustible container sufficiently vented to induce adequate primary combustion air with enclosed sides, a bottom, and a mesh covering with openings not larger than  $\frac{1}{4}$  inch square. Charcoal fires, or fire of other commonly accepted cooking fuels, which are contained within a manufactured hibachi, grill, smoker or gas grill, do not constitute open burning.

(2) **307.7 General.** Except as otherwise provided herein or elsewhere in the municipal code, no person, firm or corporation shall burn or cause to be burned any material, item or thing within the city limits or within its two mile extraterritorial jurisdiction in any residential or

commercially developed areas.

**Exceptions.**

1. This section shall not apply to and no permit shall be required for any burning which is necessary for the usual and customary preparation and/or cooking of food, including the use of normal barbecuing devices.
2. The Fire Chief or designee may waive the open burning ban under this section for an area under his or her jurisdiction by issuing an open burning permit to a person requesting permission to conduct open burning. The permit issued by the Fire Chief or designee to a person desiring to conduct open burning shall be in writing, signed by the Fire Chief or designee and on a form approved by the State Fire Marshal.
3. The Fire Chief or designee may waive the open burning ban in his or her jurisdiction when conditions are acceptable to the Fire Chief or designee.
4. The burning of dry wood in a small container manufactured for the purpose of containing small recreational fires may be allowed on the property of one- or two-family residential dwellings, in accordance with the following standards:
  - 4.1 Such fires shall be under constant supervision while burning.
  - 4.2 The fire and/or burning must be of such limited size as to allow the person in charge to have complete control over it.
  - 4.3 The fire and/or burning must not create a nuisance or a hazard to the health or the safety of persons or property in the area. Fires producing smoke that is a nuisance shall be extinguished. The Fire Chief or designee is authorized to order the extinguishment by the attendant in charge or by the Fire Department of open burning that creates or adds to a hazardous or objectionable situation.
  - 4.4 The burning of garbage, trash, leaves or other refuse shall not be permitted.
  - 4.5 The burning or igniting of highly flammable, toxic or explosive materials shall not be permitted.

(c) **503.2.1 Dimensions.** Fire apparatus access roads shall have an unobstructed width of not less than 24 feet, exclusive of shoulders, except for approved security gates in accordance with § 503.6, and an unobstructed vertical clearance of not less than 13 feet six inches.

(d) **503.2.7 Grade.** The grade of the fire apparatus access road shall be a maximum of 10% or within the limits established by the Fire Code Official based on the Fire Department's apparatus.

(e) **510.1 Emergency responder radio coverage in new buildings.** New buildings shall have approved radio coverage for emergency responders within the building based on the existing coverage levels of the public safety communication system utilized by the jurisdiction, measured at the exterior of the building. This section shall not require improvement of the existing public safety systems.

**Exceptions.**

1. Where approved by the building official and the fire code official a wired communication system in accordance with § 907.2.12.2 shall be permitted to be installed or maintained instead of an

approved of an approved radio system.

2. Where it is determined by the Fire Code Official that the radio coverage is not needed.
3. In facilities where emergency responder radio coverage is required and such systems, components or equipment could have a negative impact on the normal operations of that facility, the Fire Code Official shall have the authority to accept an automatically activated emergency responder radio coverage system.
4. Any new buildings under 35,000 square feet.

**(f) 903.2.8 Group R.**

**Exceptions.** A sprinkler system is not required when all of the following conditions exist:

1. The building is R-2 occupancy and contains eight or fewer apartment units.
2. Separation is maintained between living units by means of one-hour fire partitions creating a complete vertical separation from foundation to roof.
3. Each living unit has its own separate exit access independent of other living units.

**(g) 1103.2 Emergency responder radio coverage in existing buildings.**

Existing buildings other than Group R-3, that do not have approved radio coverage for emergency responders in the building based on existing coverage for levels of the public safety communication systems, shall be equipped with such coverage according to one of the following:

1. Where an existing wired communication system cannot be repaired or is being replaced, or where not approved in accordance with § 510.1, Exception 1.
2. Within a time frame established by the adopting authority.

**Exceptions.**

1. Where it is deemed by the Fire Code Official that the radio coverage system is not needed.
2. If the building or structure is under 35,000 square feet.

**(h) CHAPTER 56 Explosives and fireworks.** Sections 5601.1 through 5609.1 of the *International Fire Code* are hereby deleted in their entirety. Section 5610.1 is hereby added as set forth below:

**5610.1 General.** The possession, storage, sale, handling, and use of 'consumer fireworks,' shall meet the requirements defined by Neb. RS 28-1241 as amended, and applicable provisions of the La Vista Municipal Code.

**(I) Uniform Code for the Abatement of Dangerous Buildings adopted by reference.** Certain documents in book form, two copies of which are on file in the office of the City Clerk of the City of La Vista and being marked and designated as the *Uniform Code for the Abatement of Dangerous Buildings*, 1985 Edition, are hereby adopted; and each and all of the regulations, provisions, conditions and terms of such *Uniform Code for the Abatement of Dangerous Buildings*, and all amendments, revisions or editions thereto on file or hereafter placed on file in the office of the City Clerk of the City of La Vista, are hereby referred to, adopted and made a part hereof as if fully set out herein.

**(J) Unsafe buildings.** In addition to any applicable provisions of the Building Code, the Municipal Code or other laws, regulations or rules, all buildings and structures existing

in violation of any provisions of the *International Building Code*, *International Fire Code* or *NFPA Life Safety Code 101*, as adopted in this § 150.01, upon determination by an applicable enforcement official that the violation represents a significant risk of damage or loss to persons or property, shall constitute an unsafe building or structure.

(‘79 Code, § 9-301) (Am. Ord. 517, passed 1-15-91; Am. Ord. 723, passed 4-7-98; Am. Ord. 966, passed 1-3-06; Am. Ord. 1061, passed 6-17-08; Am. Ord. 1089, passed 4-7-09; Am. Ord. 1128, passed 8-17-10; Am. Ord. 1270, passed 3-15-16; Am. Ord. 1439, passed 2-1-22)“

Repeal of Conflicting Provisions. Section 150.01 and all ordinances and any parts of ordinances as previously enacted that are in conflict with this ordinance or any part hereof are hereby repealed.

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.

Publication and Effective Date. This ordinance shall be in full force and effect from and after passage, approval and publication in book, pamphlet or electronic form in accordance with applicable law.

PASSED AND APPROVED THIS 18TH DAY OF FEBRUARY 2025.

CITY OF LA VISTA

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Douglas Kindig, Mayor

ATTEST:

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Rachel D. Carl, CMC  
City Clerk

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE TO AMEND SECTION 150.55 OF THE LA VISTA MUNICIPAL CODE, REGARDING CLOSING OF PRIVATE SWIMMING POOLS; AND TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES PREVIOUSLY ENACTED, SEVERABILITY, PUBLICATION AND AN EFFECTIVE DATE.

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

Amendment of Section 150.55. Section 150.55 of the La Vista Municipal Code is hereby amended to read as follows:

**“§ 150.55 CLOSING OF PRIVATE SWIMMING POOLS.**

The City Building Inspector is authorized to close any private swimming pool which in his or her opinion is in violation of the provisions of this subchapter. No person shall use a pool during the time it is closed. (“79 Code, § 9-811) Penalty, see § 150.99”

Repeal of Conflicting Provisions. Section 150.55 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.

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.

Publication and Effective Date. This ordinance shall be in full force and effect from and after passage, approval and publication in book, pamphlet or electronic form in accordance with applicable law.

PASSED AND APPROVED THIS 18TH DAY OF FEBRUARY 2025.

CITY OF LA VISTA

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Douglas Kindig, Mayor

ATTEST:

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Rachel D. Carl, CMC  
City Clerk

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND AND RECODIFY SECTION 150.73 OF THE LA VISTA MUNICIPAL CODE AS SECTION 155 REGARDING APPEALS; AND TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES PREVIOUSLY ENACTED, SEVERABILITY, PUBLICATION AND AN EFFECTIVE DATE.

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

**Amendment and Recodification of Section 150.73 as Section 155.** Section 150.73 of the La Vista Municipal Code is hereby amended and recodified as Section 155 to read as follows:

**“§ 155 APPEALS.**

Except as expressly provided in Title XV to the contrary, any order or decision of the Building Inspector or other City official under Title XV with respect to any real property or real property improvements may be appealed by the owner of such real property or improvements or his or her agent or occupant by filing a notice of appeal pursuant to subsection 32.03. The Board of Adjustment shall hear all appeals specified for the Board of Adjustment in subsection 32.03. The Board of Appeals appointed pursuant to 32.03 shall hear appeals from orders or decisions of the Building Inspector under standard codes adopted, or modified and adopted, pursuant to subsections 150.01 through 150.05 above and Neb. Rev. Stat. subsections 19-902(4), 18-132(c), and 71-6406(2) and (7). Appeals shall be filed and proceed in the manner specified in subsection 32.03.”

**Repeal of Conflicting Provisions.** Section 150.73 and all ordinances and any parts of ordinances as previously enacted that are in conflict with this ordinance or any part hereof are hereby repealed.

**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.

**Publication and Effective Date.** This ordinance shall be in full force and effect from and after passage, approval and publication in book, pamphlet or electronic form in accordance with applicable law.

PASSED AND APPROVED THIS 18TH DAY OF FEBRUARY 2025.

CITY OF LA VISTA

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Douglas Kindig, Mayor

Ordinance No.

ATTEST:

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Rachel D. Carl, CMC  
City Clerk

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND SECTION 150.65 OF THE LA VISTA MUNICIPAL CODE REGARDING RENTAL LICENSE APPLICATION REQUIREMENTS; AND TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES PREVIOUSLY ENACTED, SEVERABILITY, PUBLICATION AND AN EFFECTIVE DATE.

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

Amendment of Section 150.65. Section 150.65 of the La Vista Municipal Code is hereby amended to read as follows:

**“§ 150.65 RENTAL LICENSE APPLICATION REQUIREMENTS.**

(A) *General rule.* Application for a rental license satisfying the requirements of this subchapter shall be filed with the city and be accompanied by all applicable licensing and inspection fees as described herein and/or established by the master fee ordinance from time to time.

(B) License application deadline.

(1) *General rule.* Except as provided in division (B)(2) immediately following, an application for a rental license and applicable fees shall be filed and paid by the first day of March, annually.

(2) *Special rule.* Application for a rental license for a rental dwelling completed or converted to a rental dwelling after the effective date of subchapter, as defined in § 150.63, shall be filed and the applicable fees paid within 30 days after the completion of or conversion to a rental dwelling and prior to occupancy. Subsequent applications and fees shall be filed and paid within the time specified in division (B)(1) immediately above.

(C) *Required license application information.* Application for a rental license shall be made in such manner as determined from time to time by the Building Official and include the following information:

(1) Name, street address, telephone number, and e-mail address (if applicable) of the property owner of the rental dwelling (and rental property, if different);

(2) If different than division (C)(1) above, name, street address and telephone number of the property manager of the rental dwelling (or rental property, if different), as defined in § 150.63.

(3) Name, street address, telephone number, and e-mail address (if applicable) of the property owner's agent, if applicable. Unless otherwise specified by the property owner in writing, the property manager shall be deemed to be the property owner's agent for purposes of this subchapter.

- (4) Legal address of the premises;
- (5) Number of rental dwellings in each building within the rental property;
- (6) The name and address of the registered agent, if the property owner is not an individual and is required by applicable law to have a registered agent;
- (7) Proof of pest extermination, pursuant to Section 308.2 of the IPMC; and
- (8) Such other information as the Building Official from time to time determines necessary in accordance with the purpose and intent of this subchapter.

**(D) License fees.** Rental license fees shall be in such amounts as provided in the master fee ordinance from time to time. If a rental license is required for a rental dwelling under this subchapter and the city does not receive a properly completed application for the license within 30 days after the required filing date for said application as provided in this section, an additional administrative processing fee as set forth in the master fee ordinance shall apply. This additional fee shall be in addition to the regular license fee. (Ord. 1095, passed 10-20-09)"

**Repeal of Conflicting Provisions.** Section 150.65 and all ordinances and any parts of ordinances as previously enacted that are in conflict with this ordinance or any part hereof are hereby repealed.

**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.

**Publication and Effective Date.** This ordinance shall be in full force and effect from and after passage, approval and publication in book, pamphlet or electronic form in accordance with applicable law.

PASSED AND APPROVED THIS 18TH DAY OF FEBRUARY 2025.

CITY OF LA VISTA

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Douglas Kindig, Mayor

ATTEST:

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Rachel D. Carl, CMC  
City Clerk

*NOTE: Redlines/bluelines below show parts of Municipal Code provisions containing changes. Remaining provisions of lengthy sections are omitted if unchanged.*

## **§ 32.03 BOARD OF ADJUSTMENT AND BOARD OF APPEALS.**

(A) The Mayor shall appoint, with the consent of the City Council, a Board of Adjustment which shall consist of five regular members plus one additional member designated as an alternate who shall attend and serve only when one of the regular members is unable to attend for any reason. Each member of the Board shall serve a term of three years, unless reappointed, and shall be removable only for cause by the Mayor, with the consent of the City Council, upon written charges and after a public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. One member only of the Board of Adjustment shall be appointed from the membership of the Planning Commission, and the loss of membership on the Planning Commission by such member shall also result in his or her immediate loss of membership on the Board of Adjustment and the appointment of another Planning Commissioner to the Board of Adjustment. After the effective date of this section, the first vacancy occurring on the Board of Adjustment shall be filled by the appointment of a person who resides in the extraterritorial zoning jurisdiction of the city at such time as more than 200 persons reside within such area. Thereafter, at all times, at least one member of the Board of Adjustment shall reside outside the corporate boundaries of the city but within its extraterritorial zoning jurisdiction.

(Neb. RS 19-908)

(B) The members of the Board shall serve without compensation and may be required, in the discretion of the Mayor and City Council, to give a bond in a sum set by resolution of the Mayor and City Council and conditioned upon the faithful performance of their duties. The Board shall conduct an organizational meeting in January of each year and elect from its membership a Chairperson and a Secretary. It shall be the duty of the Secretary to keep complete and accurate minutes of all Board membersmeetings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the City Clerk and shall be public record. All meetings of the Board shall be open to the public and shall be held at such times as the Chairperson may, in his or her discretion, call a meeting, and at such other times as the Board may determine. Special meetings may also be held upon the call of any three members of the Board. At least four members majority of the Board shall constitute a quorum for the purpose of doing business. The Board shall adopt rules in accordance with the provisions of any ordinance adopted pursuant to Neb. RS 19-901 to 19-914.

(C) It shall be the duty of the Board

(1) To hear and decide appeals pursuant to Neb. Rev. Stat. Section 19-910 where it is alleged there is error in any order, requirement, decision or determination made by a city official based on or made in the enforcement of any zoning regulation or any regulation relating to the location or soundness of structures; provided, however, any order or decision of the Building Inspector under any standard code adopted, or modified and adopted, in Title XV (“Standard Codes”), shall be appealed to the Board of Appeals as provided in subsection (F) below.

(2) To hear and decide, in accordance with the provisions of the zoning regulations, requests for interpretation of any map; and

(3) Where by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the enactment of the zoning regulations, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to or exceptional and undue hardships upon the owner of such property, to authorize, upon an appeal relating to the property, a variance from such strict application so as to relieve such difficulties or

hardship, if such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of any ordinance or resolutionzoning regulation.

(4) No such variance shall be authorized by the Board unless it finds that:

(a) The strict application of the zoning regulation would produce undue hardship;

(b) Such hardship is not shared generally by other properties in the same zoning district and the same vicinity;

(c) The authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of the variance; and

(d) The granting of such variance is based upon reason of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit or caprice.

No variance shall be authorized unless the Board finds that the condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the zoning regulations.

(D) In exercising the above-mentioned powers, the Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all powers of the officer from whom the appeal is taken. The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision or determination of any such city official or to decide in favor of the applicant on any matter upon which it is required to pass under any such regulation or to effect any variance in such regulation. (Neb. RS 19-910)

(E) The Board shall be responsible for making such reports and performing such other duties as the Mayor and City Council may designate. Neither the Mayor nor any member of the City Council shall serve as a member of the Board of Adjustment. No member of the Board of Adjustment shall serve in the capacity of both Chairperson and Secretary of the Board.

(F) The Board shall also act as the Board of Appeals for purposes of building regulations contained in Chapter 150 of this Code in order to hear and decide appeals of orders, decisions, or determinations made by the Building Official relative to the application and interpretation of said building regulations. If at any time there is any conflict, inconsistency or ambiguity between or among the provisions of divisions (A) and (B) above and Chapter 150, or any code thereunder, as adopted or amended from time to time, the provisions of divisions (A) and (B) above shall govern. ('79 Code, § 2-203) (Ord. 201, passed \_\_\_\_; Am. Ord. 308, passed 6-15-82; Am. Ord. 673, passed 6-17-97; Am. Ord. 1088, passed 4-7-09) Statutory reference: Powers and duties, see Neb. RS 16-907 through 16-91. Board of Appeals. Notwithstanding any provisions of Chapter 150 or any standard codes, as modified or referenced therein, (together "Chapter 150 and Standard Codes") to the contrary that are applicable to a particular appealMembers of the Board of Adjustment also shall constitute and serve as the members of the Board of Appeals for purposes of appeal of any decisions of the Building Inspector under Standard Codes; specifically:

(F)(1) The Board of Appeals shall have the same number of members and alternate members, qualification requirements for membership, and term of office as provided in subsection (A) above. Each appointment to the Board of Adjustment pursuant to subsection (A) also shall constitute appointment of such person to the Board of Appeals for purposes of hearing and deciding appeals of orders or decision by the Building Official pursuant to Chapter 150 and Standard Codes, and

(G)(2) Resignation, removal or other termination of any member from the Board of Adjustment also shall constitute resignation, removal or termination of such member from the Board of Appeals.

(3) Provided however, members of the Board of Appeals shall serve at the pleasure of the Mayor, and may be removed at any time by the Mayor, with or without cause, subject to approval of the City Council. Any vacancy resulting from removal of a member of the Board of Appeals pursuant to this subsection (3) shall be filled for the remaining term by appointment by the Mayor, subject to approval of the City Council, with a person having such qualifications as the Mayor determines appropriate.

(4) Unless otherwise specified by the Board of Appeals, the Chairperson and Secretary of the Board of Adjustment from time to time also shall serve as the Chairperson and Secretary of the Board of Appeals. The Secretary shall keep complete and accurate minutes of all Board of Appeals meetings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and further shall keep records of its examinations and other official actions, all of which shall be promptly filed in the office of the City Clerk and shall be public record. All regular and special meetings of the Board of Appeals shall be open to the public and shall be held at such times as the Chairperson, Secretary, Board of Appeals or City Clerk may determine in his, her or its discretion.

(5) Any The owner of real property or improvements, or his or her agent or occupant may appeal any order or decision of the Building Inspector under the Standard Codes to the Board of Appeals. Appeal to the Board of Appeals shall not stay any order or decision of the Building Inspector, unless otherwise specified by the Board of Appeals.

(6) Provisions of this subsection (F), 32.03 or this Code that are applicable to the Board of Appeals shall apply notwithstanding any provisions of any standard codes adopted, adopted and modified, or referenced in Chapter 150, (together "Standard Codes") to the contrary. If there is any conflict, inconsistency or ambiguity between or among the provisions of subsection (F), 32.03 or this Code and provisions of any Standard Codes with respect to the Board of Appeals, the provisions of subsection (F), 32.03 or this Code shall govern and control, in that order.

(H)(G) Except as otherwise provided in Neb. Rev. Stat. Sections 19-907 through 19-912 to the contrary in connection in Neb. Rev. Stat. Sections 19-907 through 19-912 with for meetings or hearings of appeals to the Board of Adjustment, the following rules shall apply to appeals of any order or decision of the Building Inspector or any other City official to meetings and hearings of the Board of Adjustment or Board of Appeals.

(1) All regular and special meetings of the Board shall be open to the public and shall be held at such times as the Chairperson, Secretary, Board or City Clerk may determine in her, his or its discretion. The Secretary or Secretary's designee shall keep complete and accurate minutes of all Board meetings and records of all Board examinations and other official actions in accordance with applicable law, all of which may be filed in the office of the City Clerk and shall be public record.

(2) The number of Members constituting a quorum for purposes of holding a meeting or hearing shall be equal to at least two-thirds of the number of membership positions of the Board.

(3) Appeal of any order or decision of a City official shall be perfected within twenty days after the date of such order or decision by filing a written notice of appeal with such City official and the Secretary of the Board specifying the grounds for such appeal. Hearing on such appeal shall be held by the Board within a reasonable time after the appeal is filed, as determined by the Chairperson, Secretary, Board or City Clerk. The City Clerk or City Clerk's designee shall transmit to the Board such papers, documents or other

information constituting the record upon which the City official's order or decision was based.

(4) The Mayor, City Council, City Administrator or Board shall be authorized to appoint a hearing officer ("Hearing Officer") to assist, advise and take such actions on behalf of the Board in connection with procedural or technical aspects of a hearing on an appeal. Provided, however, the Board at any time may elect to perform any action designated in this Code for the Hearing Officer. In all events the Board will decide an appeal; the Hearing Officer shall not decide any appeal.

(5) The Hearing Officer will convene the meeting and hearing and act on any initial procedural or administrative matters. The hearing will be conducted by the Hearing Officer in open session, except for any closed session in accordance with the Open Meetings Act. The hearing shall be recorded by a qualified court reporter and by stenographic means. A transcript of the proceeding shall be made available to all parties upon request and upon payment of the fees to transcribe the proceeding. The Hearing Officer or any Board Member or notary public is authorized to administer oaths. The Hearing Officer will rule on any objections, evidentiary or procedural matters. The hearing will follow a format similar to civil trials and shall include:

- a. Each of the following, first by the City official or such official's representative ("Appellee"), followed by the party appealing the official's order or decision, or such party's representative ("Appellant"), unless otherwise indicated:
  - i. Opening statement by each party.
  - ii. Presentation of evidence, including, examination of witnesses and introduction of exhibits by each party.
  - iii. Cross examination, objections by opposing party to any examination, testimony or exhibits, and Hearing Officer rulings on any such objections.
- b. Appellee's rebuttal of Appellant's evidence.
- c. Closing argument of Appellee and Appellant, and Appellee rebuttal of Appellant's closing argument.

(6) Unless otherwise elected by the Board, a hearing will be conducted as an informal hearing. The Board may admit and give probative effect to relevant evidence which possesses probative value commonly accepted by reasonably prudent persons in the conduct of their affairs, and exclude incompetent, irrelevant, immaterial, or unduly repetitious evidence, and shall give effect to the privilege rules of evidence in Neb. Rev. Stat. sections 27-501 through 27-513 but shall not otherwise be bound by usual common-law or statutory rules of evidence. Fees and costs of a court reporter shall be paid by the party or parties against whom a final order or decision is rendered. Informality in the proceeding or manner of taking testimony shall not invalidate any decision of the Board.

(7) Upon the conclusion of all evidence, the Board shall deliberate and decide the appeal based on whether the order or decision of the City official was within the City official's authority and whether there was sufficient relevant evidence presented at the hearing to support the order or decision of the City official. Evidence is sufficient if the City official could reasonably find the facts as the City official did, and the action of the City official was not arbitrary or capricious. An action is "arbitrary and capricious" if it is taken in disregard of the facts or circumstances of the case, without some basis which would lead a reasonable and honest person to the same conclusion. The Board shall have the power and authority to affirm, modify or reverse the City official's order or decision, subject to any conditions the Board determines necessary or appropriate. The affirmative vote of at least four members of the Board shall be required to reverse or modify an order

or decision of the City official. Notwithstanding anything in this paragraph to the contrary, the Hearing Officer may provide the Board a proposed decision that the Board in its sole discretion may elect to accept, modify and accept as modified, or reject. Any order or decision of the Board shall be final. A copy of any order or decision of the Board reduced to writing shall be available for inspection in the office of the City Clerk

(8) The Board shall be authorized to adopt any additional rules as the Board determines necessary or appropriate.]

## § 150.01 BUILDING CODE.

(A) Portions of standard codes and additional requirements, rules and regulations specified in subsections 150.01 through 150.05 below, with the modifications specified in such subsections, section 155 or other provisions of this Code or City Ordinances, are hereby adopted pursuant to Neb. Rev. Stat. subsections 19-902(4), 18-132, and 71-6406(2) and (7) as the Building Code of the City of La Vista for regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings or structures within the jurisdiction of the City of La Vista and providing for the issuance of permits and collection of fees therefor. Provisions of the standard codes and additional requirements, rules and regulations adopted herein, as modified, shall be applied, interpreted and construed together and consistently to the extent possible. Unless otherwise indicated by context or otherwise, references to any table, section or subsection shall mean the corresponding provision of the relevant standard code, with such modifications as adopted by the City. Appeal of any order or decision of the Building Inspector under any standard code shall be to the Board of Appeals as provided in section 155 below and subsection 32.03, notwithstanding provisions of any standard code to the contrary.

(B) (1) *International Building Code provisions adopted by reference.* Two copies of certain documents in book form, being marked and designated as the *International Building Code*, 2012 Edition, and ("IBC") are on file in the Office of the City Clerk of the City of La Vista. With the exception of portions of § 105.2 preceding § 105.2.1, and 3401.3 the following portions of said IBC are hereby adopted: Chapters 1 thru 35 inclusive, and Appendix "E" Supplemental Accessibility Requirements , "I", Patio Covers and "J" Grading ("adopted IBC provisions"); and each and all of the regulations, provisions, conditions and terms as such adopted IBC provisions, and all amendments, revisions or editions thereto on file or hereafter placed on file in the Office of the City Clerk of the City of La Vista, are hereby referred to, adopted and made a part hereof as if fully set out herein.

### (2) *Additional requirements, rules and regulations adopted.*

(a) *Work exempt from permit (adopted in lieu of portions of IBC § 105.2 preceding § 105.2.1).* Exemptions from permit requirements of the adopted IBC provisions shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of said adopted IBC provisions or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

1. *Building:*

a. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 79 square feet.

b. Oil derricks.

c. Retaining walls which are not over four feet (1,219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, 11 or 111-A liquids.

d. Water tanks supported directly on grade if the capacity does not . . . .

## **§ 150.55 CLOSING OF PRIVATE SWIMMING POOLS.**

The City Building Inspector is authorized to close any private swimming pool which in his or her opinion is in violation of the provisions of this subchapter. No person shall use a pool during the time it is closed. ~~The owner of any private pool which has been closed may appeal to the Board of Adjustment and have the Board determine the legality of such closing.~~

(‘79 Code, § 9-811) Penalty, see § 150.99

## § 150.65 RENTAL LICENSE APPLICATION REQUIREMENTS.

(A) *General rule.* Application for a rental license satisfying the requirements of this subchapter shall be filed with the city and be accompanied by all applicable licensing and inspection fees as described herein and/or established by the master fee ordinance from time to time.

(B) License application deadline.

(1) *General rule.* Except as provided in division (B)(2) immediately following, an application for a rental license and applicable fees shall be filed and paid by the first day of March, annually.

(2) *Special rule.* Application for a rental license for a rental dwelling completed or converted to a rental dwelling after the effective date of subchapter, as defined in § 150.63, shall be filed and the applicable fees paid within 30 days after the completion of or conversion to a rental dwelling and prior to occupancy. Subsequent applications and fees shall be filed and paid within the time specified in division (B)(1) immediately above.

(C) *Required license application information.* Application for a rental license shall be made in such manner as determined from time to time by the Building Official and include the following information:

(1) Name, street address, telephone number, and e-mail address (if applicable) of the property owner of the rental dwelling (and rental property, if different);

(2) If different than division (C)(1) above, name, street address and telephone number of the property manager of the rental dwelling (or rental property, if different), as defined in § 150.63.

(3) Name, street address, telephone number, and e-mail address (if applicable) of the property owner's agent, if applicable. Unless otherwise specified by the property owner in writing, the property manager shall be deemed to be the property owner's agent for purposes of this subchapter.

(4) Legal address of the premises;

(5) Number of rental dwellings in each building within the rental property;

(6) ~~Occupancy as permitted under the Zoning Ordinance, or as specified in the certificate of occupancy;~~

(7) ~~Signed statement of property owner and property manager indicating that the property owner and property manager are aware of the occupancy requirements of the Zoning Ordinance or Building Code and the legal ramifications for knowingly violating said codes;~~

(8)(6) The name and address of the registered agent, if the property owner is not an individual and is required by applicable law to have a registered agent;

(9)(7) Proof of pest extermination, pursuant to Section 308.2 of the IPMC; and

**(10)(8)** Such other information as the Building Official from time to time determines necessary in accordance with the purpose and intent of this subchapter.

**(D) License fees.** Rental license fees shall be in such amounts as provided in the master fee ordinance from time to time. If a rental license is required for a rental dwelling under this subchapter and the city does not receive a properly completed application for the license within 30 days after the required filing date for said application as provided in this section, an additional administrative processing fee as set forth in the master fee ordinance shall apply. This additional fee shall be in addition to the regular license fee. (Ord. 1095, passed 10-20-09) . . . .

### § 1550.73 APPEALS.

Except as expressly provided in Title XV to the contrary, any order or decision of the Building Inspector or other City official under Title XV with respect to any real property or real property improvements may be appealed by the owner of such real property or improvements or his or her agent or occupant by filing a notice of appeal within twenty days after such order or decision pursuant to subsection 32.03. The Board of Adjustment shall hear all appeals for variances specified for the Board of Adjustment in Neb. Rev. Stat. Section 19-910 and subsection 32.03 of this Code. Variances only shall be granted as permitted under Neb. RS 19-910, and where it is evident that reasonable safety and sanitation is assured. The Board of Appeals appointed pursuant to 32.03 shall hear appeals from orders or decisions of the Building Inspector under standard codes, as adopted, or modified modified and adopted, pursuant to subsections 150.01 through 150.05 above and Neb. Rev. Stat. subsections 19-902(4), 18-132(c), and 71-6406(2) and (7). Appeals shall be filed and proceed in the manner specified in subsection 32.03. Applications for appeal shall be in writing and shall state the reasons why the requested relief should be granted.

**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**FEBRUARY 18, 2025 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
AWARD BID – PRIMARY PARK IDENTIFICATIONS SIGNS	◆ RESOLUTION ORDINANCE RECEIVE/FILE	CHRIS SOLBERG DEPUTY COMMUNITY DEVELOPMENT DIRECTOR

**SYNOPSIS**

A resolution has been prepared to award a contract to A VitalSigns Unlimited, Inc., Council Bluffs, Iowa for the installation of five monument-style primary park identification signs in the city's primary parks in an amount not to exceed \$61,750.

**FISCAL IMPACT**

The FY25/FY26 Biennial Budget provides funding for the proposed services.

**RECOMMENDATION**

Approval.

**BACKGROUND**

On January 7, 2025, the City Council approved a resolution authorizing the advertisement for bids for the Primary Park Identification Signs project. Five (5) bids were received on February 5, 2025:

- A VitalSigns Unlimited, Inc. \$61,750.00
- Omaha Neon Co. \$65,500.00
- Excel Sign Co. \$109,950.00
- Nebraska Sign Co. \$120,540.00
- Latitude Signage Co. \$134,850.00

The low bid received was from A VitalSigns Unlimited, Inc. of Council Bluffs, Iowa with a base bid of \$61,750.00. The engineer's estimate for this project was \$100,000.00. Staff concludes that said bid is the lowest responsive bid and should be awarded.

Signs will be installed in Central Park East, Central Park, Val Verde Park, the Sports Complex and work is anticipated to be completed by the end of June 2025.

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AWARDING A CONTRACT TO A VITALSIGNS UNLIMITED, INC, COUNCIL BLUFFS, IOWA FOR INSTALLATION OF FIVE MONUMENT-STYLE, PRIMARY PARK IDENTIFICATION SIGNS IN THE CITY'S PRIMARY PARKS IN AN AMOUNT NOT TO EXCEED \$61,750.00.

WHEREAS, the City Council of the City of La Vista has determined that the fabrication and installation of primary park identification signs is necessary; and

WHEREAS, the FY25/FY26 Biennial Budget provides funding for the proposed project; and

WHEREAS, bids were solicited, and five (5) bids were received; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, award the contract to A VitalSigns Unlimited, Inc., Council Bluffs, Iowa for the installation of five monument-style, primary park identification signs in the city's primary parks in an amount not to exceed \$61,750.00.

PASSED AND APPROVED THIS 18TH DAY OF FEBRUARY 2025.

CITY OF LA VISTA

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Douglas Kindig, Mayor

ATTEST:

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Rachel D. Carl, CMC  
City Clerk

**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**FEBRUARY 18, 2025 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
INTERLOCAL COOPERATION AGREEMENT – SANITARY IMPROVEMENT DISTRICT #111	◆ RESOLUTION ORDINANCE RECEIVE/FILE	PAT DOWSE CITY ENGINEER

#### **SYNOPSIS**

A resolution has been prepared for Council to consider executing an interlocal cooperation agreement with Sanitary Improvement District #111 (Stonybrook South) to authorize the City of La Vista to perform the permitting and regulation of communications facilities and construction activity in rights of way within SID #111, within the City of La Vista's extraterritorial zoning jurisdiction.

#### **FISCAL IMPACT**

N/A.

#### **RECOMMENDATION**

Approval.

#### **BACKGROUND**

A resolution has been prepared for Council to consider executing an interlocal agreement with SID #111 (Stonybrook South) to allow for the City to regulate and oversee permitting for the construction activity and installation of communications facilities in the rights of way and public property owned by SID #111.

The City has received requests from utility providers to install communications facilities within the right of way in SID #111, and as SID #111 is located within the City's ETJ and is planned to be annexed into the City in the future, staff recommend the permitting arrangement and execution of the interlocal agreement to ensure that the construction activity adheres to the right of way requirements, construction standards, and procedures of the City. The interlocal agreements also authorize the City to receive revenues in connection with the private uses of street right of way or public property of the SID to offset the expenses related to the permitting and oversight.

A copy of the proposed interlocal agreement signed by SID #111 is attached.

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING EXECUTION OF AN INTERLOCAL COOPERATION AGREEMENT BETWEEN THE CITY OF LA VISTA AND SANITARY IMPROVEMENT DISTRICT #111 FOR PERMITTING OF UTILITY INSTALLATION PERMITS FOR COMMUNICATION FACILITIES IN THE RIGHT OF WAY.

WHEREAS, the City controls access, obstruction, use and occupation of street right-of-way or public property of the City by private parties in connection with communications lines, equipment and improvements; and

WHEREAS, SID #111 and City determine that it is necessary, desirable and appropriate to also control private uses in connection with communications facilities of the SID in a uniform, consistent, and orderly manner and for the purpose of reducing potential adverse impacts of private uses onto the public's interest in such right-of-way or public property; and

WHEREAS, the City and SID #111 determine that the City is better positioned to provide such control of private uses with respect to street right-of-way or public property of the SID; and

WHEREAS, the City and SID #111 are authorized by the Interlocal Cooperation Act, Neb. Rev. Stat. §13-801, et. Seq., to enter into this agreement with each other;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of La Vista, Nebraska, that the interlocal agreement between the City of La Vista and Sanitary Improvement District #111 is hereby approved in form and content submitted with this resolution, subject to any additions, subtractions, or changes as the City Administrator or any designee of the City Administrator determines necessary or appropriate in consultation with the City Attorney, and that the Mayor or any designee of the Mayor is hereby authorized to execute said agreement on behalf of the City of La Vista.

PASSED AND APPROVED THIS 18TH DAY OF FEBRUARY 2025.

CITY OF LA VISTA

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Douglas Kindig, Mayor

ATTEST:

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Rachel D. Carl, CMC  
City Clerk

K:\APPS\City Hall\25 FINAL RESOLUTIONS\25. Approve Interlocal  
Agreement - SID 111 02.18.2025.Docx

## INTERLOCAL COOPERATION AGREEMENT

This Interlocal Cooperation Agreement (this "Agreement") is made and entered into on the last date below written, by and between SANITARY AND IMPROVEMENT DISTRICT NO. 111 OF SARPY COUNTY, NEBRASKA (hereinafter referred to as "SID") and the CITY OF LA VISTA, NEBRASKA, a municipal corporation in the State of Nebraska (hereinafter referred to as the "City").

1. The parties make and agree to the following findings and determinations.

a. City is a city of the first class duly formed and organized in the State of Nebraska, pursuant to, and having such powers and purposes as specified by applicable Nebraska law, including without limitation chapters 16, 18 and 19 of the Nebraska Revised Statutes.

b. SID is a sanitary and improvement district within the City's extraterritorial zoning jurisdiction duly formed and organized in the State of Nebraska, pursuant to, and having such powers and purposes as specified by applicable Nebraska law, including without limitation chapter 31 of the Nebraska Revised Statutes, and included within its boundaries, as set forth in the plat filed with the Sarpy County Register of Deeds as Instrument No. \_\_\_\_\_ is street right-of-way and other public property for the use, enjoyment and welfare of the general public.

c. While recognizing potential use of public right-of-way for communications lines, equipment or improvements, SID and City desire and agree that street right-of-way and other public property of the City or SID must remain open and available for use, enjoyment and welfare of the general public. For purposes of this Agreement right-of-way or property "of" the SID or City means any interests in or to real property within the boundaries of the SID or City that the SID or City owns, holds or controls, or improvement thereon or thereof.

d. City controls access, obstruction, use and occupation of street right-of-way or public property of the City by private parties ("Private Uses") in connection with communications lines, equipment and improvements ("Communications Facilities"). SID and City determine that it is necessary, desirable and appropriate to also control Private Uses in connection with Communications Facilities of the SID, in a uniform, consistent and orderly manner and for the purpose of reducing potential adverse impact of Private Uses on or to the public's interests in such right-of-way or public property, including without limitation adverse impacts on use and enjoyment of street right-of-way by the general public; and

e. The parties determine that the City is better positioned to provide such control of Private Uses with respect to street right-of-way or public property of the SID, and that doing so shall provide uniformity and consistency within the City and SID with respect to such Private Uses.

f. City and SID are authorized by the Interlocal Cooperation Act, Neb. Rev. Stat. § 13-801, et seq., to enter into this Agreement with each other so as to make the most efficient

use of their powers by enabling them to cooperate on a basis of mutual advantage and thereby provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population and other factors influencing the needs and development of such political subdivisions.

g. The City and SID wish to enter into an agreement for the City to control Private Uses of street right-of-way or public property of the SID in connection with Communications Facilities in such manner and in accordance with such laws, rules, regulations, policies, procedures, agreements, permits and requirements as the City adopts, approves or otherwise determines from time to time, and find that entering such an agreement is in the common interests of both parties and their residents.

2. No Administrative Entity. There will be no (a) separate legal or administrative entity created to administer this Agreement, (b) financing or separate budget, (c) property that must be disposed of upon partial or complete termination, or (d) taxes authorized pursuant this Agreement. City will budget and pay costs and expenses, and receive revenues, in connection with Private Uses of street right-of-way or public property of the SID pursuant to this Agreement.

3. Right of Way Use. The City at its cost shall control Private Uses of street right-of-way or public property of the SID in connection with Communications Facilities in such manner and accordance with such laws, rules, regulations, policies, procedures, agreements, permits and requirements as the City adopts, approves or otherwise determines from time to time, which shall among other things require contractors while working within street right-of-way to use commercially reasonable efforts to avoid unnecessary boring, excavation, debris, materials or equipment within such street right-of-way, and upon completion of such work to restore such street right-of-way to the condition that existed immediately before such work began, permitted Communications Facilities excepted. City shall have and be authorized to exercise all rights, powers and authority of City or SID under applicable laws, policies, rules, regulations or requirements, as enacted, adopted or modified from time to time, in connection with this Agreement. Without limiting the immediately preceding sentence:

a. All applicable laws, rules, regulations, policies, procedures, agreements, permits and requirements of the City from time to time with respect to Private Uses of street right-of-way or public property of the City in connection with Communications Facilities also shall apply to Private Uses of street right-of-way or public property of the SID in connection with Communications Facilities; and

b. With respect to any Private Uses of street right-of-way or public property of the SID in connection with Communications Facilities, City shall be authorized (i) to specify and require such applications, plans, specifications, maps, information, documentation, certifications, security, reviews, approvals and other requirements, (ii) to require, negotiate, approve, execute, enter, issue, deliver and enforce such agreements or permits, subject to any conditions as the City determines necessary or appropriate, (iii) to require, impose, collect and retain such fees, rents, costs, expenses or other amounts in connection with Private Uses as the City determines from time to time, which City in its discretion may elect to offset

against current or future costs and expenses connected with this Agreement, and (iv) to take any other actions as City in its discretion determines necessary or appropriate.

4. Records. The City shall maintain records with respect to Private Uses of street right-of-way or other public property of the SID in connection with Communications Facilities, and SID, at its sole cost and expense, shall have the right to audit and review such records at any reasonable time.

5. Duration. This Agreement shall begin upon execution by both parties and shall continue in effect for twenty (20) years; provided, however, this Agreement shall automatically renew thereafter for successive additional terms of one year (each a "Renewal Term") unless either party provides the other written notice of nonrenewal at least thirty days before the first day of any Renewal Term; and provided, further that this Agreement shall continue in effect for so long as any agreement or permit of the City is in effect with respect to any Private Uses of street right-of-way or public property of the SID in connection with Communications Facilities. Notwithstanding anything in this Agreement to the contrary, this Agreement automatically shall terminate without any notice or action required of any party with respect to any part of the SID annexed by the City, effective immediately before such annexation is effective.

6. Appointment of Administrators. Legal counsel of the SID, or any designee of legal counsel or the Trustees of the SID, shall administer this Agreement on behalf of the SID, and the Building Inspector or City Engineer of the City, or any designee of the Mayor or City Administrator, shall administer this Agreement on behalf of the City. Administrators each shall be authorized to take all actions on behalf of the respective parties, unless the administrator determines that approval of the governing body of the party is required.

7. Nondiscrimination Clause. In accordance with the Nebraska Fair Employment Practice Act, Neb. Rev. Stat § 48-1122, all parties to this Agreement agree that neither they nor any of their subcontractors or agents shall discriminate against any employee, or applicant for employment to be employed in the performance of this Agreement, with respect to hire, tenure, terms, conditions, or privileges of employment because of the race, color, religion, sex, disability, or national origin of the employee or applicant.

8. Entire Agreement. This Agreement contains the entire agreement of the parties and shall be binding upon the successors and assigns of the respective parties. No amendments, deletions or additions shall be made to this Agreement except in writing signed by all parties. Nebraska law shall govern the terms and performances under this Agreement. The recitals at the beginning of this Agreement are an integral and important part hereof and are incorporated herein.

[Remainder of Page Left Intentionally Blank; Execution Page Follows.]

Executed by the City of La Vista, Nebraska, this \_\_\_\_\_ day of \_\_\_\_\_,  
2025

CITY OF LA VISTA, NEBRASKA

BY: \_\_\_\_\_  
Douglas Kindig, Mayor

ATTEST:

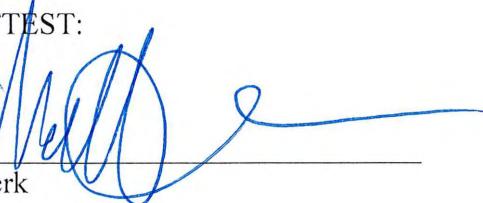
Rachel Carl, CMC  
City Clerk

Executed by Sanitary and Improvement District No. 111 of Sarpy County, this FTH day of  
December, 2024.

SANITARY AND IMPROVEMENT DISTRICT  
NO. 111 OF SARPY COUNTY, NEBRASKA

BY:   
Chairman

ATTEST:

  
Clerk

**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**FEBRUARY 18, 2025 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
SARPY COUNTY AND WASTEWATER AGENCY MASTER PLAN	◆ RESOLUTION ORDINANCE RECEIVE/FILE	JOE SOUCIE DIRECTOR OF PUBLIC WORKS

**SYNOPSIS**

A resolution has been prepared approving the Sarpy County and Cities Wastewater Agency Master Plan.

**FISCAL IMPACT**

N/A.

**RECOMMENDATION**

Approval.

**BACKGROUND**

The City of La Vista is a party to an agreement entered into pursuant to the Interlocal Cooperation Act set out in Neb. Rev. Stat. §13-801 et. Seq. by and between Sarpy County and the Cities of Papillion, Bellevue, Springfield, La Vista and Gretna (the “Members”), which formed the interlocal agency called the Sarpy County and Cities Wastewater Agency (the “Agency”).

Pursuant to Agency Resolution 2024-042, on November 20, 2024, and in accordance with Section VI of the Formation Interlocal the Agency and its Members, consultants, and other outside individuals and agencies shall plan, develop and approve a master plan for the design of the Unified SSWS (the “Master Plan”), which shall set out a recommended list of priorities in relation to the phasing of the Master Plan, which shall be presented to and subject to approval of the individual governing body of each Member. The Sewer Agency resolution approving the Master Plan and the Master Plan are attached.

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

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA  
APPROVING THE SARPY COUNTY AND CITIES WASTEWATER AGENCY'S MASTER PLAN.**

WHEREAS, the City of La Vista is a party to an agreement (the "Agreement") entered into pursuant to the Interlocal Cooperation Act, set out at Neb. Rev. Stat. § 13-801 et. Seq. (the "Act"), by and between Sarpy County and the Cities of Papillion, Bellevue, Springfield, La Vista and Gretna (the "Members"), which formed the interlocal agency called the Sarpy County and Cities Wastewater Agency (the "Agency"); and

WHEREAS, in accordance with Section VI of the Formation Interlocal, the Agency and its Members, consultants, and other outside individuals and agencies shall plan, develop and approve a master plan for the design of the Unified SSWS (the "Master Plan"), which shall set out a recommended list of priorities in relation to the phasing of the Master Plan; and

WHEREAS, the Agency Board reviewed the proposed Master Plan attached hereto as Exhibit A. The following infrastructure for the Unified SSWS that will be owned, operated and maintained by the Agency is identified on the attached Master Plan as: Phase 1a Infrastructure, Trunk Sewer Phase 1B, Trunk Sewer Phase 2, and Future Sewer; and

WHEREAS, the Agency Board deemed it appropriate and advisable to approve the attached Master Plan in accordance with Section VI of the Formation Interlocal at their November 20, 2024 meeting; and

WHEREAS, the Agency recognized that the Agency's adoption of the Master Plan does not supersede each Member's planning approval jurisdiction, and the Members (a) recognize that any future development and related sewer service expansion within the Agency's Jurisdiction shall be consistent with the Agency's Growth Management Plan and the Master Plan, and (b) agree to submit the attached Master Plan to their respective governing bodies and planning and zoning boards (or related bodies) for review and incorporation into their respective comprehensive development land use plans or similar instruments;

NOW, THEREFORE, BE IT RESOLVED BY the City Council of La Vista Nebraska that the Master Plan attached hereto is hereby adopted and approved as of this date;

NOW, THEREFORE, BE IT FURTHER RESOLVED BY the City Council that the City Council (a) recognizes that any future development and related sewer service expansion within the Agency's Jurisdiction shall be consistent with the Growth Management Plan and the Master Plan, and (b) agrees to submit the attached Master Plan to its governing body and planning and zoning board (or related body) for review and incorporation into its comprehensive development and land use plan or similar instrument.

PASSED AND APPROVED THIS 18TH DAY OF FEBRUARY 2025.

CITY OF LA VISTA

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Douglas Kindig, Mayor

ATTEST:

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Rachel D. Carl, CMC  
City Clerk

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Plan 02.18.2025.Docx

**RESOLUTION APPROVING THE MASTER PLAN FOR THE SARPY COUNTY AND CITIES WASTEWATER AGENCY**

WHEREAS, pursuant to the Interlocal Cooperation Act, Neb. Rev. Stat. § 13-801, *et seq.* (the “Act”), Sarpy County and the Cities of Papillion, Bellevue, Springfield, La Vista and Gretna entered into an agreement (as amended the “Formation Interlocal”), and formed the interlocal agency called the Sarpy County and Cities Wastewater Agency (the “Agency”) (all capitalized terms not otherwise expressly defined herein shall have the same meanings as provided in the Formation Interlocal);

WHEREAS, in accordance with Section VI of the Formation Interlocal the Agency and its Members, consultants, and other outside individuals and agencies shall plan, develop, and approve a master plan for the design of the Unified SSWS (the “Master Plan”), which shall set out a recommended list of priorities in relation to the phasing of the Master Plan;

WHEREAS, the Agency has approved since its inception various maps, drawings and plans in connection with the design of the Unified SSWS and the Agency’s growth management plan and its related policies and procedures (collectively, as amended, the “Growth Management Plan”), but the Agency Board has not formally adopted and approved a Master Plan under Section VI of the Formation Interlocal;

WHEREAS, in connection therewith, the Agency Board reviewed the proposed Master Plan attached hereto as **Exhibit A**. The following infrastructure for the Unified SSWS that will be owned, operated and maintained by the Agency is identified on the attached Master Plan as: Phase 1A Infrastructure, Trunk Sewer Phase 1B, Trunk Sewer Phase 2, and Future Sewer;

WHEREAS, the Agency Board deems it appropriate and advisable to approve the attached Master Plan in accordance with Section VI of the Formation Interlocal; and

WHEREAS, the Agency recognizes that the Agency’s adoption of the Master Plan does not supersede each Member’s planning approval jurisdiction, and the Members (a) recognize that any future development and related sewer service expansion within the Agency’s Jurisdiction shall be consistent with the Agency’s Growth Management Plan and the Master Plan, and (b) agree to submit the attached Master Plan to their respective governing bodies and planning and zoning boards (or related bodies) for review and incorporation into their respective comprehensive development and land use plans or similar instruments.

NOW, THEREFORE, BE IT RESOLVED BY THE AGENCY BOARD THAT the Master Plan attached hereto as **Exhibit A** are hereby adopted and approved as of this date;

NOW, THEREFORE, BE IT FURTHER RESOLVED BY THE AGENCY BOARD THAT the Agency’s approval and adoption of the attached Master Plan does not, except as otherwise provided in the Formation Interlocal or pursuant to a written agreement with the Agency and the applicable Member(s): (a) expand the Agency’s Jurisdiction or abrogate the requirements of Section VII of the Formation Interlocal; (b) abrogate each Member’s maintenance of its own autonomy, jurisdiction, powers, and indebtedness as a governmental

subdivision; (c) supersede each Member's planning approval jurisdiction; or (d) in any manner limit the rights of any Member which has previously annexed, or to annex in the future, territory under state law and pursuant to the Nebraska County Industrial Sewer Construction Act;

NOW, THEREFORE, BE IT FURTHER RESOLVED BY THE AGENCY BOARD THAT each Member (a) recognizes that any future development and related sewer service expansion within the Agency's Jurisdiction shall be consistent with the Growth Management Plan and the Master Plan, and (b) agrees to submit the attached Master Plan to its governing body and planning and zoning board (or related body) for review and incorporation into its comprehensive development and land use plan or similar instrument; and

NOW, THEREFORE, BE IT FURTHER RESOLVED BY THE AGENCY BOARD THAT the Agency Board reserves the right to amend, modify, update, revoke and otherwise change the attached Master Plan at any time by a vote of the Agency Board duly held in accordance with applicable law.

The above Resolutions were approved by a vote of the Sarpy County and Cities Wastewater Agency Board at a public meeting duly held in accordance with applicable law on the 20th day of November, 2024.

ATTEST:

Lisa A. Haine

Sarpy County and Cities  
Wastewater Agency Secretary



Dan J. R. Kelly

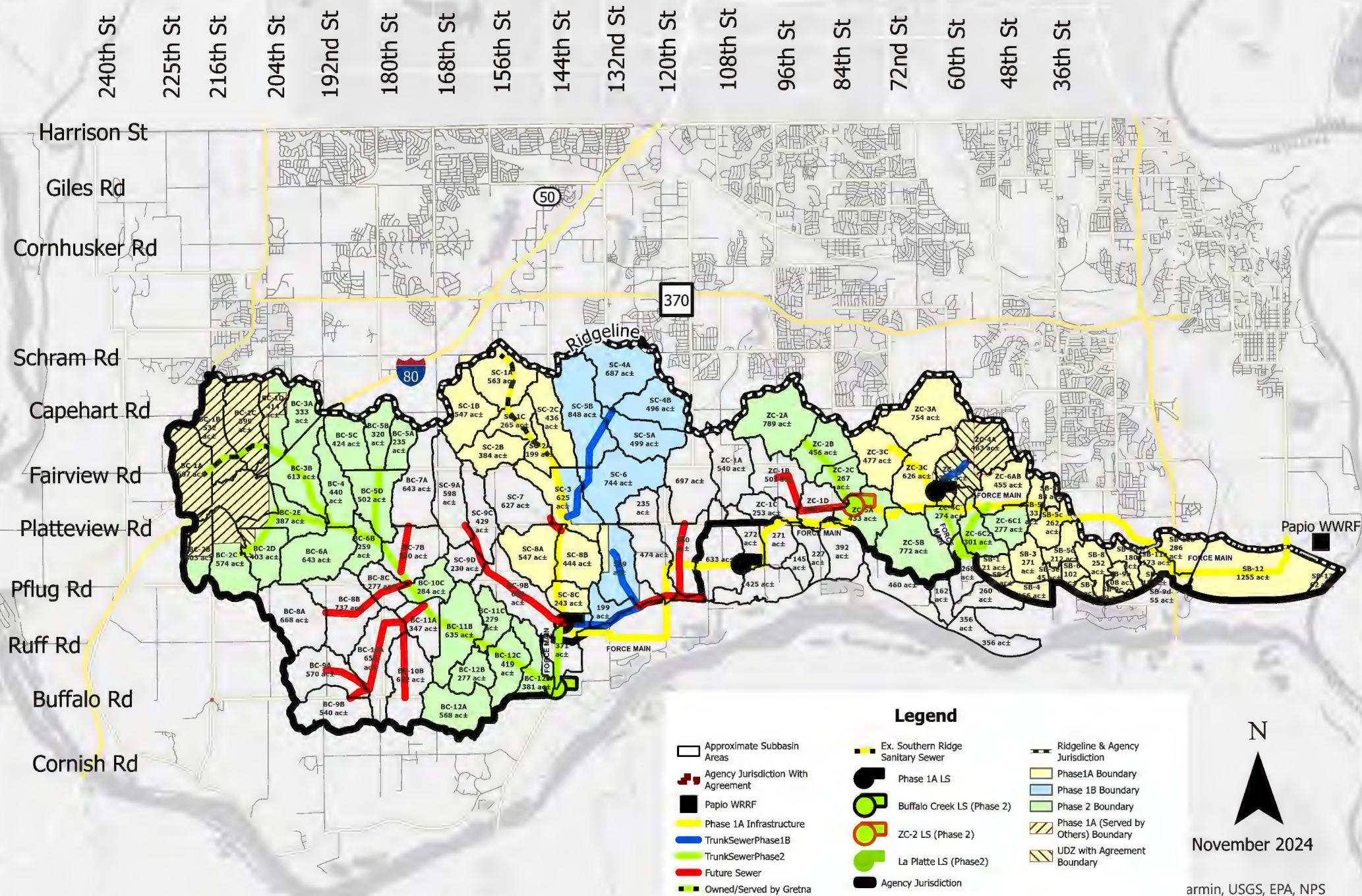
Sarpy County and Cities Wastewater  
Agency Board Chairman

**EXHIBIT A**

**Master Plan**

Adopted: November 20, 2024 pursuant to 2024-042

[Attached]



**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**FEBRUARY 18, 2025 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
EXPENDITURE AUTHORIZATION – LA VISTA DAYS CELEBRATION	◆ RESOLUTION ORDINANCE RECEIVE/FILE	HEATHER BULLER RECREATION DIRECTOR

**SYNOPSIS**

A resolution has been prepared to authorize various expenditures over \$5,000 associated with the annual La Vista Days celebration in an amount not to exceed \$125,000. Funding for these components is included in the La Vista Days budget.

**FISCAL IMPACT**

The FY25/FY26 Biennial Budget (Lottery Fund) includes funding for the annual event.

**RECOMMENDATION**

Approval.

**BACKGROUND**

As the annual La Vista Days celebration has evolved over the years, new events are added, costs increase, and there are now some individual elements of the event that exceed the City Administrator's authorization threshold of \$5,000. In order to facilitate efficiency in planning and booking these components and remain within the City's purchasing policy guidelines, we are requesting authority to expend funds for components of this event that exceed \$5,000 limit. All are included in the budgeted amount for this event.

All invoices for all expenditures will continue to be presented to Council via the bi-monthly claims run as part of the consent agenda.

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING VARIOUS EXPENDITURES OVER \$5,000 ASSOCIATED WITH THE ANNUAL LA VISTA DAYS CELEBRATION IN AN AMOUNT NOT TO EXCEED 125,000.00.

WHEREAS, the City Council of the City of La Vista has determined that the La Vista Days celebration is necessary; and

WHEREAS, the FY25/FY26 Biennial Budget provides funding for the La Vista Days event; 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 authorizing various expenditures over \$5,000 associated with the annual La Vista Days celebration in an amount not to exceed \$125,000.00.

PASSED AND APPROVED THIS 18TH DAY OF FEBRUARY 2025.

CITY OF LA VISTA

ATTEST:

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Douglas Kindig, Mayor

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Rachel D. Carl, CMC  
City Clerk

**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**FEBRUARY 18, 2025 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
AUTHORIZE PURCHASE – UNMARKED POLICE VEHICLE	◆ RESOLUTION ORDINANCE RECEIVE/FILE	MICHAEL SCHOFIELD POLICE CHIEF

**SYNOPSIS**

A resolution has been prepared authorizing the purchase of a new or used unmarked Sport Utility Vehicle (SUV) between the manufacturer years of 2022-2025 in an amount not to exceed \$40,000.

**FISCAL IMPACT**

The FY25/FY26 Biennial Budget includes funding for this purchase.

**RECOMMENDATION**

Approval.

**BACKGROUND**

The La Vista Police Department is authorized to purchase an unmarked vehicle during the FY25 budget. The Police Department has identified a profile for a new or used SUV with the following specifications: a new or used vehicle without a salvaged title, during the manufacturing years of 2022-2025 with approximately 0-50,000 miles on the engine.

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE PURCHASE OF ONE (1) UNMARKED POLICE VEHICLE IN AN AMOUNT NOT TO EXCEED \$40,000.00.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of one (1) unmarked police vehicle is necessary, and

WHEREAS, the FY25/FY26 Biennial Budget provides funding for the proposed purchase; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize the purchase of one (1) unmarked police vehicle in an amount not to exceed \$40,000.00.

PASSED AND APPROVED THIS 18TH DAY OF FEBRUARY 2025.

CITY OF LA VISTA

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Douglas Kindig, Mayor

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Rachel D. Carl, CMC  
City Clerk