

# MINUTE RECORD

A 2

No. 728 — REEDFIELD & COMPANY, INC. OMAHA E1107788LD

## LA VISTA CITY COUNCIL MEETING May 7, 2013

A meeting of the City Council of the City of La Vista, Nebraska was convened in open and public session at 7:00 p.m. on May 7, 2013. Present were Councilmembers: Gowan, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Also in attendance were City Attorney McKeon, City Administrator Gunn, Assistant City Administrator Ramirez, City Clerk Buethe, Finance Director Lindberg, Police Chief Lausten, Fire Chief Uhl, Public Works Director Soucie, Community Development Director Birch, Public Building and Grounds Director Archibald, Recreation Director Stopak, Library Director Barcal, and City Engineer Kottmann.

A notice of the meeting was given in advance thereof by publication in the Times on April 24, 2013. Notice was simultaneously given to the Mayor and all members of the City Council and a copy of the acknowledgment of the receipt of notice attached to the minutes. Availability of the agenda was communicated to the Mayor and City Council in the advance notice of the meeting. All proceedings shown were taken while the convened meeting was open to the attendance of the public. Further, all subjects included in said proceedings were contained in the agenda for said meeting which is kept continuously current and available for public inspection at City Hall during normal business hours.

Mayor Kindig called the meeting to order and led the audience in the pledge of allegiance.

Mayor Kindig announced that a copy of the Open Meetings Act was posted on the west wall of the Council Chambers and copies were also available in the lobby of City Hall.

Mayor Kindig made an announcement regarding the agenda policy statement providing for an expanded opportunity for public comment on the agenda items.

### APPOINTMENTS – CITIZEN ADVISORY REVIEW COMMITTEE – ALAN NELSON – FILL VACANCY – 5 YEAR TERM

Mayor Kindig stated, with the approval of the City Council, he would like appoint Alan Nelson to the Citizen Advisory Review Committee for a 5 year term. Councilmember Crawford motioned the approval, seconded by Councilmember Gowan. Councilmembers voting aye: Gowan, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

#### A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. APPROVAL OF CITY COUNCIL MINUTES FROM APRIL 16, 2013
3. APPROVE PAY REQUEST – THOMPSON, DREESSEN & DORNER, INC. –  
PROFESSIONAL SERVICE – 2013 STORM SEWER INLET REPAIR –  
\$1,170.00
4. RESOLUTION 13.040 – APPOINTMENT OF SAFETY STEERING  
COMMITTEE MEMBERS
5. APPROVAL OF CLAIMS

3E-ELECTRICAL ENGINEERING, bld&grnds	27.46
ACTION BATTERIES UNLTD, maint.	464.85
AED ZONE, services	309
ALAMAR, services	60.25
APWA, dues	710
ARAMARK, services	686.9
ARMBRUST, T., travel	161
ASPHALT & CONCRETE MATERIALS, maint.	312
AWE, supplies	3,243.00
BAKER & TAYLOR, books	2,163.88
BARONE SECURITY, services	804
BEACON BUILDING, services	6,712.00
BIRCH, A., travel	360
BISHOP BUSINESS, services	724.04
BKD, services	10,250.00
BLACK HILLS ENERGY, utilities	7,106.89

# MINUTE RECORD

May 7, 2013

No. 729 -- REEDFIELD & COMPANY, INC. OMAHA E1107788LD

BOLTE, J., travel	273.08
BOMA/OMAHA, training	20
BRENTWOOD AUTO WASH, maint.	84
BROWN TRAFFIC PRODUCTS, supplies	2,693.00
BRYAN ROCK, bld&grnds	2,879.35
BUETHE, P., travel	237.3
BUILDERS SUPPLY, supplies	314
CARRICO, G., travel	161
CENTURY LINK, phone	1,233.41
CENTURY LINK, phone	28.38
CITY OF OMAHA, services	663.86
CITY OF OMAHA-SHOWMOBILE/WALL	1,871.25
CITY OF PAPILLION PARKS/RECR	1,025.00
COMP CHOICE, services	277
CONTROL MASTERS, bld&grnds	72.5
COX, utilities	276.36
D & D COMM., services	653.78
DANDERAND, J., travel	230
DEIML, K., services	925
DELL, supplies	82.49
DESERT SNOW, supplies	3,134.95
DIAMOND VOGEL PAINTS, bld&grnds	464.53
DICE, D., services	825
DIGITAL ALLY, supplies	30
DOOLING, S., travel	161
DOUGLAS COUNTY SHERIFF, services	592.5
DULTMEIER SALES & SERVICE, maint.	251
DXP, maint.	52.59
EDGEWEAR SCREEN PRINTING, apparel	1,420.00
EXCHANGE BANK, lease	1,425.00
FEDEX KINKO'S, printing	2,345.07
FELD FIRE, equip.	303
FELSBURG HOLT & ULLEVIG, services	1,815.88
FILTER CARE, supplies	169.45
FLASH, M., travel	161
FOCUS, printing	260
FORT DEARBORN LIFE INS COMPANY	1,417.00
GALE, books	47.23
GALLS, apparel	183.12
GARROD, M., travel	321
GCR TIRE CENTERS, supplies	733.93
GENERAL FIRE & SAFETY, equip.	485
GOLEY, C., auto	100
GRAINGER, bld&grnds	21.32
GRAYBAR ELECTRIC, maint.	870.45
GREENKEEPER, bld&grnds	2,872.13
GT DISTRIBUTORS, supplies	1,500.00
GUNN, B., travel	417.06
GUNS UNLIMITED, supplies	47.48
H & H CHEVY, maint.	47.64
HANEY SHOE STORE, apparel	115.95
HAWKEYE TRUCK EQUIP., maint.	907.43
HEARTLAND TIRES AND TREADS, supplies	2,653.99
HELGET GAS, supplies	125
HOBBY LOBBY, supplies	64.54
HOME DEPOT, maint.	16.76
HOST COFFEE SERVICE, supplies	47.8
HUNTEL, phone	280
HUSKER AUTO GROUP, auto	20,999.00
J & J SMALL ENGINE SERVICE, service	9,261.00
J Q OFFICE, services	70.76
JERNIGAN, J., refund	54
KINDIG, D., travel	258

# MINUTE RECORD

May 7, 2013

No. 729 — REEDFIELD & COMPANY, INC. OMAHA E110778LD

KLINKER, M., travel	200
KRIHA FLUID POWER, maint.	5.61
LA VISTA COMMUNITY FOUNDATION	50
LA VISTA KENO	200,000.00
LANDPORT, services	125
LARSEN SUPPLY, supplies	323.28
LAUGHLIN, KATHLEEN A, TRUSTEE	474
LEAGUE ASSN OF RISK MGMT, ins.	24
LIBRARY HOTLINE, books	84
LINCOLN NATIONAL LIFE INS CO	10,379.84
LINDBERG, S., travel	360
LOGAN CONTRACTORS, supplies	186.25
LORMAN EDUCATION SERVICES, training	538
LOVELAND GRASS PAD, bld&grnds	1,764.00
LOWE'S, supplies	9.46
LOYD, M., training	230
MARTIN MARIETTA AGGREGATES, bld&grnds	178.46
MATHESON TRI-GAS, supplies	288.95
MAT, services	602
MCC, utilities	13,837.87
MUD, utilities	2,122.89
MICHAEL TODD AND COMPANY, maint.	825.35
MID AMERICA PAY PHONES, phone	50
MID CON SYSTEMS INC., maint.	172.8
MID CONTINENT SAFETY, equip.	156.05
MIDWEST SERVICE & SALES, bld&grnds	875.66
MILLARD DRYWALL, bld&grnds	75.2
MILLER PRESS, printing	380
MINITEX - CPP, supplies	190
MLB LOGISTICS, supplies	163.29
MNJ TECHNOLOGIES, supplies	2,749.00
NATIONAL RESEARCH CENTER, services	2,050.00
NE DEPT OF LABOR-WORKFORCE DEV	3.45
NE DEPT OF REVENUE-LOTT/51, ins.	89,027.00
NE SOFTBALL ASSN DIST#10, fees	1,457.00
NE TURF PRODUCTS, supplies	1,800.85
NEBRASKA.GOV, refund	1,010.00
NEUMAN EQUIPMENT, bld&grnds	1,390.00
NUTS AND BOLTS INC., supplies	45.36
OFFICE DEPOT, bld&grnds	566.87
OFFUTT YOUTH CENTER, services	1,008.00
OMAHA COMPOUND COMPANY, supplies	128.81
OPPD, utilities	45,092.07
OMAHA SLINGS INC., bld&grnds	11.9
ONE CALL CONCEPTS, services	97
OVERHEAD DOOR COMPANY, bld&grnds	40
PAPILLION SANITATION, services	941.76
PAPILLION TIRE INC., maint.	71.35
PARAMOUNT, services	649.32
PAYFLEX SYSTEMS USA INC	250
PERFORMANCE, maint.	44.32
PERFORMANCE FORD, maint.	31.8
PETTY CASH	139.74
PFEIFER, V., dues	100
PITNEY BOWES, services	204
PLAINS EQUIPMENT GROUP, maint.	134.78
PREMIER-MIDWEST BEVERAGE, supplies	539
PROGRESSIVE BUSINESS, supplies	790
PRO-PAPILLION RECREATION ORG, dues	1,580.00
PUBLIC AGENCY TRAINING COUNCIL, training	590
QUALITY BRANDS OF OMAHA, supplies	942.7

# MINUTE RECORD

May 7, 2013

No. 728 — REEDIE & COMPANY, INC. OMAHA E1107788LD

QUILL CORPORATION, supplies	161.4
RADIO SHACK CORPORATION, bld&grnds	47.98
RAMADA INN, travel	.144
RAMIREZ, R., travel	360
RECORDED BOOKS, media	590.32
REPUBLIC NATIONAL DISTR CO, supplies	329.91
RETRIEVEX, services	40.82
SAFE KIDS CPS CERTIFICATION, training	75
SAM'S CLUB, supplies	807.39
SAPP BROS SERVICE CENTERS, supplies	809.94
SARPY COUNTY CHAMBER, travel	40
SARPY COUNTY COURTHOUSE, services	3,629.03
SARPY COUNTY TREASURER, services	27,827.00
SEFFRON, R., apparel	120
SHRED-SAFE, services	30
SIGN IT, banners	230
SINNETT, J., travel	39.04
SMITH, M., auto	100
SOLBERG, C., travel	585.34
SPRINT, phone	62.19
SPRINT, phone	119.97
STERLING DISTRIBUTING, supplies	60.42
SUBURBAN NEWSPAPERS, ads	22.5
SUPERIOR VISION SVCS INC	399.76
SYMBOL ARTS, apparel	48
TED'S MOWER, equip.	155.57
THOMPSON DREESSEN & DORNER, services	2,622.50
THOMPSON, D., refund	50
TITAN MACHINERY, maint.	482.15
TURFWERKS, bld&grnds	429.6
TYCO INTEGRATED SECURITY, services	289.74
UNITED OF OMAHA LIFE INS CO	86.12
UPS, postage	6.28
USPS, postage	1,599.50
UNIVERSAL STEERING HYDRAULIC, maint.	180
VAIL, A., auto	100
VERIZON, phone	811.1
VIERREGGER ELECTRIC, supplies	2,108.75
WAL-MART, equip.	631.28
WAUGH, B., travel	230
ZIMCO, supplies	2,724.35

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

## REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

City Administrator Gunn reminded the Council that several staff members would be absent at the May 21<sup>st</sup>, 2013 Council Meeting.

City Clerk Buethe stated that National Night Out was August 6, 2013. Buethe stated that an item would be added to the consent agenda on the May 21<sup>st</sup>, 2013 meeting to change the start time of the August 6<sup>th</sup>, 2013 meeting to 5:30 p.m.

Public Works Director Soucie stated that at the Annual Clean-Up Days Event seventeen - 40 yard dumpsters were filled, \$2900.00 was collected from recycled materials and \$67.00 was collected from recycled batteries. Soucie also stated that the water feature located in the off street parking lot by Cabela's had been turned on for the season.

# MINUTE RECORD

May 7, 2013

No. 729 — REEDIE & COMPANY, INC. OMAHA E1107788LD

## B. FIREWORKS PERMITS

### 1. RESOLUTION – ESTABLISH NUMBER OF PERMITS

Councilmember Sell introduced and moved for the adoption of Resolution No. 13-041; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, ESTABLISHING THE MAXIMUM NUMBER OF FIREWORKS STANDS TO BE PERMITTED IN THE CITY OF LA VISTA FOR CALENDAR YEAR 2013.

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

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

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska, that the maximum number of fireworks stand permits to be issued in calendar year 2013 shall not exceed eight.

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

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

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

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

### 2. RESOLUTION – ISSUANCE OF PERMITS

Councilmember Hale introduced and moved for the adoption of Resolution No. 13-042; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING THE FIREWORKS STAND PERMIT APPLICATION OF MONARCHS YOUTH WRESTLING CLUB, LA VISTA YOUTH FOOTBALL AND CHEER, LA VISTA COMMUNITY FOUNDATION, LA VISTA YOUTH, LA VISTA LANCER SOCCER CLUB, LA VISTA YOUTH BASEBALL ASSOCIATION, CORNERSTONE CHURCH, AND BEAUTIFUL SAVIOR LUTHERAN CHURCH.

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

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

WHEREAS, eight (8) non-profit organizations have applied for permission to sell fireworks in the City of La Vista in conformance with the Municipal Code, the Zoning Ordinance and any other applicable regulations; and

WHEREAS, City staff has reviewed all applications received in 2013 for the purpose of determining which applications were compliant with the Municipal Code, the Zoning Ordinance or any other applicable regulations.

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

Monarchs Youth Wrestling Club, La Vista Youth Football and Cheer, La Vista Community Foundation, La Vista Youth, La Vista Lancer Soccer Club La Vista Youth Baseball Association, Cornerstone Church, and Beautiful Savior Lutheran Church to sell fireworks within the City of La Vista for the

# MINUTE RECORD

May 7, 2013

No. 729 — REEDIE & COMPANY, INC., OMAHA E1107788LD

2013 calendar year subject to receipt of all appropriate application materials and compliance with recommendations made by the Chief Building Official regarding their site plan; compliance with the Municipal Code, the Zoning Ordinance and any other applicable regulations; and attendance by an official of the nonprofit organization which applied for the permit and a representative for their fireworks supplies at a meeting with City staff (date and time to be established).

Seconded by Councilmember Quick. Mayor Kindig noted that the Monarchs Youth Wrestling Club had not donated any funds back to any activity within the city. Councilmembers voting aye: Gowan, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

## **C. RESOLUTION – APPROVAL OF PLANS & SPECIFICATIONS AND AUTHORIZE SID 111 (STONY BROOK SOUTH) TO CONSTRUCT SANITARY SEWER RELOCATION**

Councilmember Crawford introduced and moved for the adoption of Resolution No. 13-043; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING THE PLANS AND SPECIFICATIONS; AND AUTHORIZING STONY BROOK SOUTH (SID 111) TO CONSTRUCT A SANITARY SEWER RELOCATION.

WHEREAS, Sanitary & Improvement District No. 111 (Stony Brook South) is planning to construct the relocation of an existing sanitary sewer which has settled and is causing sewer plugging problems resulting in sewer backup damage to an adjacent residence on a recurring basis; and

WHEREAS, approximately 465 feet of new sanitary sewer will be installed; and

WHEREAS, it is necessary to approve the plans and specifications prepared by TD2 Engineering & Surveying, subject to a 2-year performance and maintenance bond being provided which includes the City as an obligee and the submittal of record drawings with a certificate of compliance prepared by TD2; and

WHEREAS, it is necessary to approve SID 111 entering into a contract with K2 Construction Company of Lincoln NE in the amount of \$194,350.56; and

WHEREAS, The City Engineer has reviewed the plans and specifications and found them to be satisfactory; and

WHEREAS, the necessary easements for the relocation route have been obtained;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, does hereby approve the plans and specifications; and authorizes Stony Brook South (SID 111) to construct a sanitary sewer relocation.

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

## **D. RESOLUTION – AUTHORIZE SELECTION CONCURRENCE AND CONSTRUCTION CONTRACT – GILES ROAD SIGNAL COORDINATION**

Councilmember Gowan introduced and moved for the adoption of Resolution No. 13-044; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA HAS BEEN PREPARED IN THE FORM AS REQUIRED BY THE STATE OF NEBRASKA ACCEPTING SADLER ELECTRIC, INC, OMAHA NEBRASKA, AS THE LOW COMPLIANT BIDDER FOR THE GILES ROAD SIGNAL COORDINATION MAPA 5129 (1) IN AND AMOUNT NOT TO EXCEED \$40,177.50.

WHEREAS, there has been signed by the City of La Vista on the 6<sup>th</sup> Day of September, 2011, and the State on the 31<sup>st</sup> day of October, 2011, an agreement providing for the construction of a Federal Aid Project along Giles Road from the I-80 interchange to the Giles Road and 108<sup>th</sup> Street intersection; and

# MINUTE RECORD

May 7, 2013

No. 729 — REEDIE & COMPANY, Inc., OMAHA, E110778BLD

WHEREAS, in the above agreement, the City has pledged sufficient funds to finance its share of the cost of the construction of this project identified as MAPA-5129(1); and

WHEREAS, the above mentioned agreement provided that the City would pay costs as set forth in the agreement; and

WHEREAS, the State and the City received bids for the construction of this project on April 18, 2013 at which time one bid was received for the construction on the proposed work; and

WHEREAS, the following contractor(s) for the items of work listed has/have been selected as the low bidder to whom the contract should be awarded: Sadler Electric, Inc. Omaha NE, Electrical \$40,177.50 ; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, does hereby take the following official action:

- 1) If for any reason the Federal Highway Administration rescinds, limits its obligations, or defers payment of the Federal share of the cost of the project, the City hereby agrees to provide the necessary funds to pay for all costs incurred until and in the even such Federal funds are allowed and paid.
- 2) The Council hereby concurs in the selection of the above mentioned contractor for the items of work listed, to whom the contract should be awarded.
- 3) The Council hereby authorizes the Mayor to sign the contract with the above mentioned contractor for the above mentioned work on behalf of the City.

Seconded by Councilmember Sell. Councilmember Sheehan asked if there was only one bid. City Engineer Kottmann responded that two companies inquired into the specifications, but they did not feel comfortable enough with the scope of work to bid. Councilmembers voting aye: Gowan, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

## E. RESOLUTION – AUTHORIZE PRELIMINARY ENGINEERING CONTRACT – HELL CREEK CHANNEL STABILIZATION, PHASE II

Councilmember Quick introduced and moved for the adoption of Resolution No. 13-045; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AWARDING A CONTRACT TO FELSBURG, HOLT & ULLEVIG (FHU) TO PROVIDE PRELIMINARY ENGINEERING SERVICES FOR THE HELL CREEK CHANNEL STABILIZATION PHASE II, CIP PROJECT NO. PWST-13-010 IN AN AMOUNT NOT TO EXCEED \$103,351.

WHEREAS, the City Council of the City of La Vista has determined that the Hell Creek Channel Stabilization, Phase II is necessary; and

WHEREAS, the FY 2012/13 Capital Improvement Program provides funding for this phase of the project in the amount of \$100,000 with the additional \$3,351 coming from other sales tax funded CIP projects that are under budget; and

WHEREAS, the preliminary engineering work will allow for preparation and submittal of grant applications to several agencies to seek funding for the construction of the channel stabilization activities; and

WHEREAS, the next deadline for grant applications is the first week of September of 2013; and

WHEREAS, the City of La Vista Nebraska and Felsburg, Holt & Ullevig wish to enter into an Engineering Contract to provide Preliminary Engineering Services for the Hell Creek Channel Stabilization, Phase II project; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby award a contract to Felsburg, Holt & Ullevig (FHU) to provide preliminary engineering services for the Hell Creek Channel

# MINUTE RECORD

May 7, 2013

No. 728 — REEDIE & COMPANY, INC. OMAHA E1107788LD

Stabilization Phase II, CIP project no. PWST-13-010 in an amount not to exceed \$103,351.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Mayor and City Council of La Vista, Nebraska do hereby authorize the Public Works Director and the City Clerk to execute said contract for preliminary engineering services by Felsburg, Holt & Ullevig for the Hell Creek Channel Stabilization Phase II on behalf of the City of La Vista.

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

## F. RESOLUTION – APPROVE LETTER OF UNDERSTANDING FOR COMPENSATION AND CLASSIFICATION STUDY

Councilmember Hale introduced and moved for the adoption of Resolution No. 13-046; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE EXECUTION OF A LETTER OF UNDERSTANDING WITH THE AUSTIN PETERS GROUP, OVERLAND PARK, KANSAS, FOR A CLASSIFICATION AND COMPENSATION STUDY IN AN AMOUNT NOT TO EXCEED \$5,220.00.

WHEREAS, the City Council authorized a classification and compensation study in 2007-08 conducted by The Austin Peters Group; and

WHEREAS, subsequent to that study the City Council approved and implemented a Pay for Performance (PFP) compensation system based on the results; and

WHEREAS, the Council Policy Statement for Employee Compensation – Pay for Performance calls for the City to conduct a market study every three years for all positions covered by the PFP program to ensure market comparability; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize the execution of a letter of understanding with The Austin Peters Group, Overland Park, Kansas, for a classification and compensation study in an amount not to exceed \$5,220.00.

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

## G. RESOLUTION – SPECIAL DESIGNATED LIQUOR LICENSE – SWIZZLE STIX DBA JIMBO'S DINER – LA VISTA DAZE

Councilmember Crawford introduced and moved for the adoption of Resolution No. 13-047; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE SALE AND CONSUMPTION OF BEER AND WINE AT A CAR SHOW IN THE PARKING LOT OF SWIZZLE STIX DBA JIMBO'S DINER 7101 S 84<sup>TH</sup> STREET ON MAY 24, 2013, IN CONJUNCTION WITH THE ANNUAL LA VISTA DAZE CELEBRATION.

WHEREAS, Swizzle Stix dba Jimbo's Diner, 7101 S 84<sup>TH</sup> Street is located within the City of La Vista; and

WHEREAS, Swizzle Stix dba Jimbo's Diner has requested approval of a Special Designated Permit to sell and serve beer and wine at a car show in the parking lot of on May 24 - 25, 2013, in conjunction with the annual La Vista Daze celebration.

# MINUTE RECORD

May 7, 2013

No. 729 — REEDFIELD & COMPANY, INC. OMAHA E1107788LD

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize the City of La Vista to proceed with the application for a "Special Designated License" from the Nebraska Liquor Control Commission to sell and serve beer and wine in the parking lot of Swizzle Stix dba Jimbo's Diner, 7101 S 84<sup>th</sup> Street on May 24, 2013, in conjunction with the annual La Vista Daze celebration.

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

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

## COMMENTS FROM THE FLOOR

Victor Robb addressed the Council and Mayor about the lawn care on the vacant lot the city purchased from him. Mayor Kindig stated that staff would look into his concerns and get back to him. Robb also asked about the house on Parkview Blvd that had been struck by a car. Mayor Kindig responded that staff continues to work with the owners of the home.

## H. EXECUTIVE SESSION – PERSONNEL

At 7:17 p.m. Councilmember Crawford made a motion to go into executive session for the protection of the public interest and personnel.

Seconded by Councilmember Gowan. Councilmembers voting aye: Gowan, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried. Mayor Kindig stated the executive session would be limited to the subject matter contained in the motion.

At 8:33p.m. the Council came out of executive session. Councilmember Crawford made a motion to reconvene in open and public session. Seconded by Councilmember Thomas. Councilmembers voting aye: Gowan, Sheehan, Thomas, Crawford, Quick, and Sell. Nays: None. Abstain: None. Absent: Ronan and Hale. Motion carried.

## COMMENTS FROM MAYOR AND COUNCIL

Mayor Kindig commented that the legislative season has been fairly quiet.

At 8:37 p.m. Councilmember Crawford made a motion to adjourn the meeting. Seconded by Councilmember Hale. Councilmembers voting aye: Gowan, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

PASSED AND APPROVED THIS 21ST DAY OF MAY, 2013

CITY OF LA VISTA

Michael Crawford, Acting Mayor

ATTEST:

Pamela A. Buethe, CMC  
City Clerk



**CITY OF LA VISTA**  
**8116 PARK VIEW BOULEVARD**  
**LA VISTA, NE 68128**  
**P: (402) 331-4343**

**DRAFT**

**PLANNING COMMISSION MINUTES**  
**FEBRUARY 28, 2013**

The City of La Vista Planning Commission held a special meeting on Thursday, May 9, 2013, in the Harold "Andy" Anderson Council Chamber at La Vista City Hall, 8116 Park View Boulevard. Chairman Krzywicki called the meeting to order at 7:02 p.m. with the following members present: Nielsen, Tom Miller, Hewitt, Krzywicki, Malmquist, Gahan and Lowell Miller. Members absent were: Circo, Andsager and Alexander. Also in attendance were Ann Birch, Community Development Director, Christopher Solberg, City Planner and John Kottmann, Assistant Public Works Director/City Engineer.

Legal notice of the public meeting and hearing were posted, distributed and published according to Nebraska law. Notice was simultaneously given to all members of the Planning Commission. All proceedings shown were taken while the convened meeting was open to the attendance of the public.

**1. Call to Order**

- a. The meeting was called to order by Chairman Krzywicki at 7:02 p.m. Copies of the agenda and staff reports were made available to the public.

**2. Approval of Meeting Minutes – February 28, 2013**

- a. Malmquist moved, seconded by Miller to approve the February 28, 2013, minutes as submitted. **Ayes:** Tom Miller, Hewitt, Krzywicki, Malmquist, Gahan and Lowell Miller. **Nays:** None. **Abstain:** Nielsen. **Absent:** Circo, Andsager and Alexander. **Motion Carried.** (6-0)

**3. Old Business**

None.

**4. New Business**

- A. **Public Hearing to consider annexation of Sanitary Improvement District No. 195 (Mayfair), Miscellaneous Lots #1 (Mayfair Non-SID lots), I-80 Business Park 2<sup>nd</sup> Addition and Tax Lots 17 & 18 17-14-12, Miscellaneous Lots #2 (Sod Farm), and adjoining street rights-of-way.**

- i. **Staff Report:** Solberg explained what was being annexed and requested that one motion with a recommendation be made for all four areas. Plans for services is being discussed for Mayfair and Miscellaneous Lots #1 which would move street, park and sewer maintenance up to July 31<sup>st</sup> to start the services as opposed to October 1<sup>st</sup> as noted in the book. Staff recommended approval to the annexation.

# DRAFT

- ii. **Public Hearing Opened:** Hewitt moved, seconded by Malmquist to open the public hearing. **Ayes:** Nielsen, Tom Miller, Hewitt, Krzywicki, Malmquist, Gahan and Lowell Miller. **Nays:** None. **Abstain:** None. **Absent:** Circo, Andsager and Alexander. **Motion Carried.** (7-0)

Sue Wedige questioned when the SID will be in the City Limits.

Solberg stated that July 31<sup>st</sup> is the day the SID will be in the City Limits.

Michael McDermott came forward and stated "Good evening. My name is Michael McDermott. I am associated with the sod tract. It has been owned by our family since the 80's. It is currently owned by my mother, or my mother's trust, Aida McDermott. Aida sends her greetings, but she is now passed ninety and says she no longer attends these sorts of functions in person so she sends me and she asked me some questions that I thought I should solicit an answer for. We have that pie shaped piece of the sod ground. It's been in the county for a long time. It's been in the county since we bought it. There are no other residents on that property but us. There are no discernible city services. There are no houses. There's no schools. There's no city services, so if we are paying county taxes and paying that county function (unclear) why is it that we should be in the city and then be subject to city taxes as well, or isn't this the sort of tract that should be agricultural be in the county and stay that way and I don't know what the rationale is."

Solberg stated from a strictly land use viewpoint the Comprehensive Plan calls for it to be annexed so that it clears up the donut hole aspect. That property is surrounded mostly by City land and makes a gap. Solberg provided an example of a car veering into the sod farm, there could be confusion as to who would respond to the accident because of the gap.

Mr. McDermott stated "I understand the part about making the map simple and say the City of La Vista goes from here to there and shouldn't have this hole in it where our sod farm is. That ground as it runs along the creek has some differences with its neighbors. I mean we can't call the City of La Vista and say we want to open a Jimmy John's on that ground because that won't happen. So it continues to be that agricultural space, subject to an agricultural use, and I just, if somebody wants to put it in there for administrative simplicity, and you can write it up that we would like to have a simpler map and simpler responsibilities, but I am trying to get to the point about city services and that we don't use city services and the ground is such that it is not going to use city services today or tomorrow or twenty years ago or ten years from now, why should that ground be taxed as though it is in the City of La Vista if we are not using City Services.

Kottmann stated that Mr. McDermott benefits from in regard to city services is that Eastport Parkway is a public street that provides access to the property and

# DRAFT

the commercial trucks that go into and out of Mr. McDermott's property use the city street that La Vista maintains to provide access to his property.

Mr. McDermott stated, "Water, fire, police all that stuff. Water fire police, the normal, that normal basket of services, (unclear)isn't that pretty much covered by a county requirement and since we don't have an upgraded population associated with our property are we really using the services that City of La Vista is good at providing. I mean not (unclear) City is a terrific place."

Kottmann stated that the vehicular access to the property is utilizing the city services.

Mr. McDermott stated " (Unclear) things were probably ok for us before Eastport Parkway as well. I mean it's an upgrade I'm not sure given annexed, we own ground on the other side of Eastport Parkway. (Unclear) ground on the other side of Eastport Parkway I understand that commercial development and you can build a Jimmy John's over there, but the piece that's been a sod farm for thirty years, and it's probably going to stay that way. My mother asked me this question and I thought I should at least come down here and ask it. That's the question."

Hewitt stated she was an attorney outside of the Planning Commission and provided an example of what has happened when there are donut holes where county services are provided and they are surrounded by City services. She stated there was a minor that needed to be transported. The City police could only transport them within their city jurisdiction and had to stop, transport the minor into a county sheriff car for four blocks because it was not annexed by the city and then switch again to another city car because they could not transport the minor over the county jurisdiction, so there were three switches to get a minor ten blocks. When there are donut holes of county services surrounded by city services it creates bizarre situations in regard to who responds.

Mr. McDermott stated, "I appreciate your time. Thank you."

Ms. Cheryl Kirwin came forward and questioned the portion of the tax commitment for the Learning Community be changed by becoming part of the City.

Solberg stated there are four levies that would be effected and replaced with the municipal bond. The Learning Community is not impacted.

Ms. Kirwin questioned if Library services would be free after being annexed.

Solberg stated they would be.

Ms. Kirwin questioned is this possible or is it going to be a done deal.

Solberg stated the Planning Commission would provide a recommendation to

the City Council and on May 21<sup>st</sup> it will be presented to the City Council for their first reading of the ordinance. A public hearing will take place on June 4<sup>th</sup> and a third reading will take place and if approved the annexation will be effective July 31<sup>st</sup>.

Ms. Kirwin questioned the lot that Durkop's own, Lot 21.

Solberg stated that it would be annexed but separately because they are not part of the SID.

Jeff Davis came forward and requested information regarding what benefits they receive by being annexed.

Solberg stated residents will have immediate access to police and fire services. Papillion Rural Fire will continue to provide services until October 1st. Library services will be free of charge. The recreation department will be available to use the gym, weight lifting etc. will be free of charge. The Public Works department will take over the maintenance of the sewer and the streets for plowing etc.

Birch stated that SID's are intended to be annexed. That is why when it was developed it was within the City of La Vista's 2 mile jurisdiction so the City had review and approval of that plat, the subdivision of the lots and all the public improvements that went in so that when it was annexed it would be consistent with La Vista's other improvements and neighborhoods.

Ms. Wedige came forward and questioned if there are any contracts that the City has that we are going to benefit such as reduced rates for garbage removal.

Solberg stated that garbage removal is privately contracted and would not be impacted.

Mr. Mike Belik came forward and questioned if there are any current plans to add stop lights along 96<sup>th</sup> Street or Giles with the new development by Casey's.

Solberg stated there will be an increase in traffic and with every traffic light the City is required by NDOR to meet certain warrants depending on the amount of traffic and other factors. If the traffic is high enough that warrants a stop light and within the subdivision agreement of the Neighborhood Market development the financing setup of how it is divided was set up to be installed once it meets those warrants.

Kottmann stated a traffic signal study warrant analysis was conducted a couple years ago and at that time they did not meet the warrants for signals but a couple locations were getting close.

iii.

**Public Hearing Closed:** Malmquist moved, seconded by Tom Miller to close the public hearing. **Ayes:** Nielsen, Tom Miller, Hewitt, Krzywicki, Malmquist, Gahan

*and Lowell Miller. Nays: None. Abstain: None. Absent: Circo, Andsager and Alexander. Motion Carried. (7-0)*

iv. **Recommendation:** Gahan moved, seconded by Malmquist to recommend approval of Sanitary & Improvement District No. 195 (Mayfair), Miscellaneous Lots #1 (Mayfair Non-SID lots), I-80 Business Park 2<sup>nd</sup> Addition and Tax Lots 17 & 18 17-14-12, Miscellaneous Lots #2 (Sod Farm), and adjoining street rights-of-way and the changing of the date to July 31<sup>st</sup> for extension of services for public works . **Ayes:** *Nielsen, Tom Miller, Hewitt, Krzywicki, Malmquist, Gahan and.* **Nays:** *None. Abstain: Lowell Miller. Absent: Circo, Andsager and Alexander.* **Motion Carried.** (6-0)

**5. Comments from the Floor**

None.

**6. Comments from the Planning Commission**

Solberg informed Commissioners of the regular Planning Commission Meeting taking place May 16<sup>th</sup>.

**7. Adjournment**

Hewitt moved, seconded Nielsen, to adjourn. **Ayes:** *Nielsen, Tom Miller, Hewitt, Krzywicki, Malmquist, Gahan and Lowell Miller.* **Nays:** *None. Abstain: None. Absent: Circo, Andsager and Alexander.* **Motion Carried.** (7-0)

Reviewed by Planning Commission:

---

Recorder

---

Planning Commission Chair

---

Approval Date

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

	General Fund					Debt Service Fund					Capital Fund				
	Budget (12 month)	MTD Actual	YTD Actual	Over/(under) Budget	% of budget Used	Budget	MTD Actual	YTD Actual	Over/(under) Budget	Budget	MTD Actual	YTD Actual	Over/(under) Budget		
<b>REVENUES</b>															
Property Taxes	\$ 5,595,836	\$ 1,993,257	\$ 2,633,920	\$ (2,961,916)	47%	\$ 637,325	\$ 239,942	\$ 308,017	\$ (329,308)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Sales and use taxes	2,033,982	274,716	2,567,851	533,869	126%	1,016,991	137,358	1,283,924	266,933	-	-	-	-	-	-
Payments in Lieu of taxes	185,000	-	0	(185,000)	0%	-	-	-	-	-	-	-	-	-	-
State revenue	1,073,300	127,708	783,926	(289,374)	73%	-	-	-	-	-	-	-	-	-	-
Occupation and franchise taxes	750,000	159,048	564,068	(185,932)	75%	-	-	-	-	-	-	-	-	-	-
Hotel Occupation Tax	684,682	67,350	403,749	(280,933)	59%	-	-	-	-	-	-	-	-	-	-
Licenses and permits	418,750	78,365	271,614	(147,136)	65%	-	-	-	-	-	-	-	-	-	-
Interest income	10,000	646	8,296	(1,704)	83%	20,000	170	3,077	(16,923)	-	-	-	-	-	-
Recreation fees	124,000	5,325	75,182	(48,818)	61%	-	-	-	-	-	-	-	-	-	-
Special Services	24,590	1,858	12,861	(11,729)	52%	-	-	-	-	-	-	-	-	-	-
Grant Income	179,665	20,786	194,201	14,536	108%	-	-	-	-	-	-	-	-	-	-
Other	801,348	52,096	192,496	(608,852)	24%	993,450	4,109	75,841	(917,609)	547,860	41,256	559,642	(547,860)	388,835	
<b>Total Revenues</b>	<b><u>11,881,153</u></b>	<b><u>2,781,154</u></b>	<b><u>7,708,163</u></b>	<b><u>(4,172,990)</u></b>	<b><u>65%</u></b>	<b><u>2,667,766</u></b>	<b><u>381,579</u></b>	<b><u>1,670,859</u></b>	<b><u>(996,906)</u></b>	<b><u>170,807</u></b>	<b><u>41,256</u></b>	<b><u>559,642</u></b>	<b><u>(159,025)</u></b>		
<b>EXPENDITURES</b>															
Current:															
Mayor and Council	176,706	7,850	49,385	(127,321)	28%	-	-	-	-	-	-	-	-	-	-
Boards & Commissions	12,350	561	3,640	(8,710)	29%	-	-	-	-	-	-	-	-	-	-
Public Buildings & Grounds	562,487	38,506	244,583	(317,904)	43%	-	-	-	-	-	-	-	-	-	-
Administration	836,777	78,740	451,742	(385,035)	54%	90,000	2,680	8,891	(81,109)	-	-	-	-	-	-
Police and Animal Control	3,989,138	320,134	2,198,454	(1,790,684)	55%	-	-	-	-	-	-	-	-	-	-
Fire	567,219	33,703	246,975	(320,244)	44%	-	-	-	-	-	-	-	-	-	-
Community Development	673,722	43,427	296,542	(377,180)	44%	-	-	-	-	-	-	-	-	-	-
Public Works	3,204,843	257,341	1,611,574	(1,593,269)	50%	-	-	-	-	-	-	-	-	-	-
Recreation	659,488	40,512	277,263	(382,225)	42%	-	-	-	-	-	-	-	-	-	-
Library	679,093	55,316	350,188	(328,905)	52%	-	-	-	-	-	-	-	-	-	-
Human Resources	454,611	10,591	379,433	(75,178)	83%	-	-	-	-	-	-	-	-	-	-
Special Services & Tri-City Bus	93,684	6,591	38,860	(54,824)	41%	-	-	-	-	-	-	-	-	-	-
Capital outlay	215,500	31,604	31,604	(183,897)	15%	-	-	-	-	-	-	-	-	1,981,084	(1,421,442)
Debt service (Warrants)	-	-	-	-	-	2,565,000	-	2,540,174	(24,826)	-	-	-	-	-	-
Principal	-	-	-	-	-	803,307	11,063	427,224	(376,083)	-	-	-	-	-	-
Interest	-	-	-	-	-	3,458,307	13,742	2,976,288	(482,019)	1,981,084	41,256	559,642	(1,421,442)		
<b>Total Expenditures</b>	<b><u>12,125,618</u></b>	<b><u>924,874</u></b>	<b><u>6,180,241</u></b>	<b><u>(5,945,877)</u></b>	<b><u>51%</u></b>										
<b>EXCESS OF REVENUES OVER (UNDER) EXPENDITURES</b>	<b><u>(244,465)</u></b>	<b><u>1,856,279</u></b>	<b><u>1,527,921</u></b>	<b><u>(1,772,387)</u></b>	<b><u>-625%</u></b>	<b><u>(790,541)</u></b>	<b><u>367,837</u></b>	<b><u>(1,305,429)</u></b>	<b><u>514,888</u></b>	<b><u>(1,262,417)</u></b>					<b><u>(1,262,417)</u></b>
<b>OTHER FINANCING SOURCES (USES)</b>															
Operating transfers in (out)	(1,237,630)	-	-	1,237,630	-	(109,369)	-	-	109,369	1,262,417	-	-	-	-	(1,262,417)
Bond/registered warrant proceeds	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total other Financing Sources (Uses)</b>	<b><u>(1,237,630)</u></b>	<b><u>-</u></b>	<b><u>-</u></b>	<b><u>1,237,630</u></b>	<b><u>-</u></b>	<b><u>(109,369)</u></b>	<b><u>-</u></b>	<b><u>-</u></b>	<b><u>109,369</u></b>	<b><u>1,262,417</u></b>	<b><u>-</u></b>	<b><u>-</u></b>	<b><u>-</u></b>	<b><u>-</u></b>	<b><u>(1,262,417)</u></b>
<b>EXCESS OF REVENUES AND OTHER FINANCING SOURCES OVER (UNDER) EXPENDITURES AND OTHER FINANCING USES</b>	<b><u>\$ (1,482,095)</u></b>	<b><u>\$ 1,856,279</u></b>	<b><u>\$ 1,527,921</u></b>	<b><u>\$ (3,010,017)</u></b>		<b><u>\$ (899,910)</u></b>	<b><u>\$ 367,837</u></b>	<b><u>\$ (1,305,429)</u></b>	<b><u>\$ 405,519</u></b>	<b><u>\$ -</u></b>	<b><u>\$ -</u></b>	<b><u>\$ -</u></b>	<b><u>\$ -</u></b>	<b><u>\$ -</u></b>	<b><u>\$ -</u></b>
<b>FUND BALANCE, beginning of the year</b>						<b><u>5,392,485</u></b>				<b><u>5,162,786</u></b>					<b><u>660,518</u></b>
<b>FUND BALANCES, END OF PERIOD</b>						<b><u>\$ 6,920,406</u></b>				<b><u>\$ 3,857,357</u></b>					<b><u>\$ 660,518</u></b>

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

**BUDGET AND ACTUAL**

For the seven months ended April 30, 2013

58% of the Fiscal Year

	Sewer Fund					Golf Course Fund				
	Budget	MTD Actual	YTD Actual	Over (Under) Budget	% of Budget Used	Budget	MTD Actual	YTD Actual	Over (Under) Budget	% of Budget Used
<b>REVENUES</b>										
User fees	\$ 2,395,988	\$ 183,319	\$ 1,386,051	\$ (1,009,937)	58%	\$ 183,000	\$ 23,144	\$ 45,587	\$ (137,413)	25%
Service charge and hook-up fees	125,000	84,427	127,449	2,449	102%	-	-	-	-	-
Merchandise sales	-	-	-	-	-	34,400	3,096	6,687	(27,713)	19%
Grant	-	-	24,082	24,082	n/a	-	-	-	-	-
Miscellaneous	200	125	745	545	372%	-	-	-	-	-
<b>Total Revenues</b>	<b>2,521,188</b>	<b>267,871</b>	<b>1,538,327</b>	<b>(982,861)</b>	<b>61%</b>	<b>217,700</b>	<b>26,244</b>	<b>52,369</b>	<b>(165,126)</b>	<b>24%</b>
<b>EXPENDITURES</b>										
General Administrative	489,982	34,799	262,466	(227,516)	54%	-	-	-	-	-
Cost of merchandise sold	-	-	-	-	-	29,704	7,991	10,808	(18,896)	36%
Maintenance	2,088,906	202,933	830,977	(1,257,929)	40%	163,461	10,204	71,550	(91,911)	44%
Production and distribution	-	-	-	-	-	148,840	8,945	66,428	(82,412)	45%
Capital Outlay	40,000	-	-	(40,000)	0%	14,000	-	-	(14,000)	0%
Debt Service:	-	-	-	-	-	-	-	-	-	-
Principal	-	-	-	-	-	120,000	-	120,000	-	100%
Interest	-	-	-	-	-	10,083	-	6,676	(3,407)	66%
<b>Total Expenditures</b>	<b>2,618,888</b>	<b>237,732</b>	<b>1,093,443</b>	<b>(1,525,445)</b>	<b>42%</b>	<b>486,088</b>	<b>27,140</b>	<b>275,463</b>	<b>(210,625)</b>	<b>57%</b>
<b>OPERATING INCOME (LOSS)</b>	<b>(97,700)</b>	<b>30,139</b>	<b>444,884</b>	<b>(542,584)</b>	<b>-</b>	<b>(268,388)</b>	<b>(896)</b>	<b>(223,093)</b>	<b>45,499</b>	<b>-</b>
<b>NON-OPERATING REVENUE (EXPENSE)</b>										
Interest income	5,000	94	1,364	(3,636)	27%	25	3	71	46	284%
	5,000	94	1,364	(3,636)	27%	25	3	71	46	284%
<b>INCOME (LOSS) BEFORE OPERATING TRANSFERS</b>	<b>(92,700)</b>	<b>30,234</b>	<b>446,249</b>	<b>(538,949)</b>	<b>-</b>	<b>(268,363)</b>	<b>(893)</b>	<b>(223,022)</b>	<b>45,341</b>	<b>-</b>
<b>OTHER FINANCING SOURCES (USES)</b>										
Operating transfers in (out)	-	-	-	-	-	265,000	-	-	(265,000)	0%
<b>NET INCOME (LOSS)</b>	<b>\$ (92,700)</b>	<b>\$ 30,234</b>	<b>\$ 446,249</b>	<b>\$ (538,949)</b>	<b>-</b>	<b>\$ (3,363)</b>	<b>\$ (893)</b>	<b>\$ (223,022)</b>	<b>\$ 219,659</b>	<b>-</b>
<b>NET ASSETS, Beginning of the year</b>			<b>5,719,344</b>						<b>357,613</b>	
<b>NET ASSETS, End of the year</b>			<b>\$ 6,165,593</b>						<b>\$ 134,591</b>	

A.5

## Invoice



**FELSBURG  
HOLT &  
ULLEVIG**

connecting and enhancing communities

Mail Payments to:  
PO Box 911704  
Denver, CO 80291-1704  
303.721.1440 • 303.721.0832 fax

April 18, 2013  
Project No: 112094-01  
Invoice No: 9326

Mr. John Kottmann, PE  
City Engineer  
City of La Vista  
8116 Park View Blvd  
La Vista, NE 68128

Project 112094-01 Giles Road Signal Coordination  
Project Number MAPA 5129(1)  
Control Number 22485  
Maximum Fixed Fee \$1,168.97

**Professional Services for the Period: February 01, 2013 to March 31, 2013**

Phase 01 Kick Off Meeting  
**Fixed Fee**

13% Fixed Fee	75.05
<b>Total Fixed Fee</b>	<b>75.05</b>
	<b>Phase Sub-Total</b>
	<b>\$75.05</b>

Phase 04 Final Design  
**Professional Personnel**

	Hours	Rate	Amount
Engineer III Meisinger, Mark	5.50	36.30	199.65
Engineer I Denney, Adam	1.50	24.04	36.06
Labor	7.00		235.71
<b>Total Labor</b>	<b>2.5521 times</b>	<b>235.71</b>	<b>601.56</b>
		<b>Phase Sub-Total</b>	<b>\$601.56</b>

Phase 05 PM & QC  
**Professional Personnel**

	Hours	Rate	Amount
Engineer III Meisinger, Mark	.50	36.30	18.15
Administrative Strub, Mary	.50	19.50	9.75
Labor	1.00		27.90
<b>Total Labor</b>	<b>2.5521 times</b>	<b>27.90</b>	<b>71.20</b>
		<b>Phase Sub-Total</b>	<b>\$71.20</b>

Phase ODC Other Direct Costs  
**Reimbursable Expenses**

Mileage	11.30
<b>Total Reimbursables</b>	<b>11.30</b>

**In-House Units**

B&W Printing	9.0 B&W Prints @ 0.08	.72
--------------	-----------------------	-----

Project	112094-01	Giles Road Signal Coordination	Invoice	9326
Color Printing		7.0 Prints @ 0.19	1.33	
Plotting Materials		28.39 SF @ 0.24	6.81	
<b>Total In-House</b>			<b>8.86</b>	<b>8.86</b>
		<b>Phase Sub-Total</b>		<b>\$20.16</b>

**TOTAL AMOUNT DUE**

**\$767.97**

**Billed-To-Date Summary**

	Current	Prior	Total	
Labor	672.76	8,414.86	9,087.62	O.K. to pay
Expense	11.30	19.43	30.73	05.71.0856.02
In-House	8.86	92.91	101.77	locally funded,
Fixed-Fee	75.05	1,093.92	1,168.97	no federal aid
<b>Totals</b>	<b>767.97</b>	<b>9,621.12</b>	<b>10,389.09</b>	for PE services

Invoice is due upon receipt.

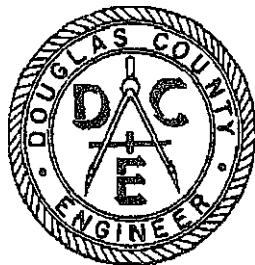
Project Manager      Mark Meisinger

afmk

5-2-2013

Consent Agenda 5-21-2013

Invoice is due upon receipt.



A.L

**TOM DOYLE**  
**DOUGLAS COUNTY ENGINEER**

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

April 29, 3013

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

RE: Douglas County Project No. C-28(498)A  
Hell Creek Mitigation Monitoring

Dear Pamela:

Douglas County has issued payment to Alfred Benesch & Company in the amount of \$5,000.00 for Hell Creek Mitigation Monitoring.

In reference to the Interlocal Agreement, referred to as Phase I – Hell Creek Stabilization signed by Douglas County on July 27, 2011, the City of LaVista shares 15% of these costs.

Please issue payment in the amount of \$750.00

Very truly yours,

Dan Kutilek  
Manager-Engineer  
Design & Planning

DK:mr  
Encl.

↑  
O.K. to pay  
01.20.0303  
gmk  
5/8/2013

Consent Agenda for 5/21/13  
TBD

# Douglas County

Page 1 of 1

**Remit To :**

Douglas County Treasurer  
RM H03  
1819 Farnam St  
Omaha NE 68183

**Bill To :**

CITY OF LAVISTA  
8116 PARK VIEW BLVD

LAVISTA NE 68128

**Ship To :**

**Customer #** 28660

**Sales Order #**

**Invoice #** 25644

**Invoice Date :** 30-APR-13

**Terms :** 30 NET

**Payment Method :** 12532

**Transaction Type :** ENGINEERS

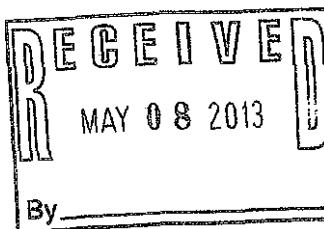
**Total due (\$):** 750.00

**TEAR AT THE DOTTED LINE**

**PLEASE RETURN TOP PORTION WITH REMITTANCE**

(Not including your Douglas County invoice with payment could delay processing)

Item No	Description	Qty Ordered	Qty Invoiced	Unit Price	Extended Price
1	CITY OF LAVISTA 15% SHARE OF HELL CREEK MITIGATION MONITORING - DOUGLAS COUNTY PROJECT C-28(498)A	750	750	1.00	750.00
	<b>SPECIAL INSTRUCTIONS</b>	<b>DUE DATE</b>			<b>TOTAL DUE</b>
		30-MAY-13			\$750.00



A.7

March 31, 2013

Project No:

Invoice No:

2011.519.00.1  
36422

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

Project 2011.519.00.I LaVista NE City of - Civic Ctr Park MP

**Professional Services through March 31, 2013**

Fee

Total Fee 128,280.00

### Percent Complete

### 98.11 Total Earnings

### Previous Fee Billing

### Current Fee Billing

**Total Fee**

**Total this Invoice**

**\$5,657.15**

AB 5-7-13

05-71-0830.01

## consent agenda

APCHCKRP  
02.05.13

Fri May 17, 2013 9:15 AM

\*\*\*\*  
City of LaVista  
ACCOUNTS PAYABLE CHECK REGISTER

OPER: AKH

PAGE

1

A.9

BANK NO	BANK NAME	CHECK NO	DATE	VENDOR NO	VENDOR NAME	CHECK AMOUNT	CLEARED	VOIDED	MANUAL
1 Bank of Nebraska (600-873)									
	46229				Payroll Checks				
Thru	46232								
	46233				Gap in Checks				
Thru	110933								
110934	5/08/2013	3702	LAUGHLIN, KATHLEEN A, TRUSTEE			474.00			**MANUAL**
110935	5/08/2013	143	THOMPSON DREESSEN & DORNER			1,170.00			**MANUAL**
110936	5/10/2013	372	NE LIQUOR CONTROL COMMISSION			80.00			**MANUAL**
110937	5/21/2013	4545	4 SEASONS AWARDS			60.00			
110938	5/21/2013	2997	A.S.P. ENTERPRISES INC			372.80			
110939	5/21/2013	4298	AAT (US) INC			702.65			
110940	5/21/2013	3200	ABRAHAMS KASLOW & CASSMAN LLP			392.50			
110941	5/21/2013	762	ACTION BATTERIES UNLTD INC			144.42			
110942	5/21/2013	571	ALAMAR UNIFORMS			.00	**CLEARED**	**VOIDED**	
110943	5/21/2013	571	ALAMAR UNIFORMS			896.86			
110944	5/21/2013	1973	ANN TROE			750.00			
110945	5/21/2013	536	ARAMARK UNIFORM SERVICES INC			331.46			
110946	5/21/2013	636	ART FAC GRAPHICS LTD			585.80			
110947	5/21/2013	706	ASSOCIATED FIRE PROTECTION			53.50			
110948	5/21/2013	201	BAKER & TAYLOR BOOKS			64.53			
110949	5/21/2013	2554	BARCAL, ROSE			152.39			
110950	5/21/2013	1839	BCDM-BERINGER CIACCIO DENNELL			1,609.00			
110951	5/21/2013	3119	BIRCH, ANN			98.91			
110952	5/21/2013	196	BLACK HILLS ENERGY			103.14			
110953	5/21/2013	2209	BOUND TREE MEDICAL LLC			270.15			
110954	5/21/2013	1242	BRENTWOOD AUTO WASH			35.00			
110955	5/21/2013	117	BRODART COMPANY			120.92			
110956	5/21/2013	3128	BRYAN ROCK PRODUCTS			4,309.08			
110957	5/21/2013	76	BUILDERS SUPPLY CO INC			106.51			
110958	5/21/2013	2625	CARDMEMBER SERVICE-ELAN			.00	**CLEARED**	**VOIDED**	
110959	5/21/2013	2625	CARDMEMBER SERVICE-ELAN			.00	**CLEARED**	**VOIDED**	
110960	5/21/2013	2625	CARDMEMBER SERVICE-ELAN			.00	**CLEARED**	**VOIDED**	
110961	5/21/2013	2625	CARDMEMBER SERVICE-ELAN			17,523.99			
110962	5/21/2013	1370	CDW GOVERNMENT INC			.00	**CLEARED**	**VOIDED**	
110963	5/21/2013	1370	CDW GOVERNMENT INC			8,404.55			
110964	5/21/2013	2285	CENTER POINT PUBLISHING			298.38			
110965	5/21/2013	914	CITY OF COUNCIL BLUFFS			600.00			
110966	5/21/2013	83	CJ'S HOME CENTER			.00	**CLEARED**	**VOIDED**	
110967	5/21/2013	83	CJ'S HOME CENTER			.00	**CLEARED**	**VOIDED**	
110968	5/21/2013	83	CJ'S HOME CENTER			.00	**CLEARED**	**VOIDED**	
110969	5/21/2013	83	CJ'S HOME CENTER			.00	**CLEARED**	**VOIDED**	
110970	5/21/2013	83	CJ'S HOME CENTER			.00	**CLEARED**	**VOIDED**	
110971	5/21/2013	83	CJ'S HOME CENTER			1,348.78			
110972	5/21/2013	3125	COMMERCIAL TURF SERVICES			26,000.00			
110973	5/21/2013	4705	COMSEARCH			400.00			
110974	5/21/2013	836	CORNHUSKER INTL TRUCKS INC			222.33			
110975	5/21/2013	2158	COX COMMUNICATIONS			.00	**CLEARED**	**VOIDED**	
110976	5/21/2013	2158	COX COMMUNICATIONS			192.85			

BANK NO	BANK NAME	CHECK NO	DATE	VENDOR NO	VENDOR NAME	CHECK AMOUNT	CLEARED	VOIDED	MANUAL
		110977	5/21/2013	23	CUMMINS CENTRAL POWER LLC	35.64			
		110978	5/21/2013	3136	D & D COMMUNICATIONS	1,816.52			
		110979	5/21/2013	270	DECOSTA SPORTING GOODS	295.00			
		110980	5/21/2013	3399	DOOLING, SHAWN A	92.00			
		110981	5/21/2013	2149	DOUGLAS COUNTY SHERIFF'S OFC	25.00			
		110982	5/21/2013	632	EASTERN LIBRARY SYSTEM	30.00			
		110983	5/21/2013	3642	ECHO GROUP INCORPORATED	1,308.99			
		110984	5/21/2013	3334	EDGEWEAR SCREEN PRINTING	437.25			
		110985	5/21/2013	2388	EXCHANGE BANK	1,425.00			
		110986	5/21/2013	3159	FASTENAL COMPANY	4.67			
		110987	5/21/2013	1235	FEDEX KINKO'S	2,534.71			
		110988	5/21/2013	439	FIREGUARD INC	97.42			
		110989	5/21/2013	142	FITZGERALD SCHORR BARMETTLER	.00	**CLEARED**	**VOIDED**	
		110990	5/21/2013	142	FITZGERALD SCHORR BARMETTLER	.00	**CLEARED**	**VOIDED**	
		110991	5/21/2013	142	FITZGERALD SCHORR BARMETTLER	53,541.47			
		110992	5/21/2013	4035	FLORATINE CENTRAL TURF PRODS	365.00			
		110993	5/21/2013	3415	FOCUS PRINTING	92.50			
		110994	5/21/2013	1344	GALE	169.43			
		110995	5/21/2013	53	GCR TIRE CENTERS	1,106.81			
		110996	5/21/2013	966	GENUINE PARTS COMPANY-OMAHA	.00	**CLEARED**	**VOIDED**	
		110997	5/21/2013	966	GENUINE PARTS COMPANY-OMAHA	.00	**CLEARED**	**VOIDED**	
		110998	5/21/2013	966	GENUINE PARTS COMPANY-OMAHA	821.60			
		110999	5/21/2013	3157	GLS SALES INC	672.00			
		111000	5/21/2013	285	GRAYBAR ELECTRIC COMPANY INC	43.09			
		111001	5/21/2013	3105	GREAT AMERICAN FINANCIAL SVCS	553.09			
		111002	5/21/2013	71	GREENKEEPER COMPANY INC	149.00			
		111003	5/21/2013	1044	H & H CHEVROLET LLC	545.99			
		111004	5/21/2013	797	HOBBY LOBBY STORES INC	9.55			
		111005	5/21/2013	3549	HOLSTEIN'S HARLEY DAVIDSON	255.63			
		111006	5/21/2013	1496	HOPE HEALTH/IHAC	174.60			
		111007	5/21/2013	526	HOT COFFEE SERVICE INC	23.90			
		111008	5/21/2013	1498	INDUSTRIAL SALES COMPANY INC	16.96			
		111009	5/21/2013	162	INLAND TRUCK PARTS	170.20			
		111010	5/21/2013	1896	J Q OFFICE EQUIPMENT INC	50.58			
		111011	5/21/2013	4450	JI SPECIAL RISKS INSURANCE	669.50			
		111012	5/21/2013	100	JOHNSTONE SUPPLY CO	209.40			
		111013	5/21/2013	227	KENNY'S SERVICES INCORPORATED	2,300.00			
		111014	5/21/2013	3047	KEYMASTERS LOCKSMITH	72.00			
		111015	5/21/2013	1241	LEAGUE ASSN OF RISK MGMT	288.00			
		111016	5/21/2013	231	LEAGUE OF NEBRASKA MUNICIPA-	350.00			
		111017	5/21/2013	4784	LIBRARY IDEAS LLC	9.50			
		111018	5/21/2013	1288	LIFE ASSIST	2,098.53			
		111019	5/21/2013	3297	LINE-X	475.00			
		111020	5/21/2013	2664	LOU'S SPORTING GOODS	1,396.85			
		111021	5/21/2013	263	LOVELAND GRASS PAD	1,495.12			
		111022	5/21/2013	4560	LOWE'S CREDIT SERVICES	513.92			
		111023	5/21/2013	1539	MALLARD SAND & GRAVEL COMPANY	41.03			
		111024	5/21/2013	919	MARTIN MARIETTA AGGREGATES	1,054.44			
		111025	5/21/2013	877	MATHESON TRI-GAS INC	20.00			
		111026	5/21/2013	588	MENARDS-BELLEVUE	80.72			
		111027	5/21/2013	3884	METRO LANDSCAPE MATERIALS &	4,410.00			
		111028	5/21/2013	2497	MID AMERICA PAY PHONES	150.00			
		111029	5/21/2013	4479	MID-IOWA SOLID WASTE EQUIP CO	243.00			

APCHCKRP  
02.05.13

Fri May 17, 2013 9:15 AM

\*\*\*\*  
City of LaVista  
ACCOUNTS PAYABLE CHECK REGISTER

OPER: AKH

PAGE 3

BANK NO	BANK NAME	CHECK NO	DATE	VENDOR NO	VENDOR NAME	CHECK AMOUNT	CLEARED	VOIDED	MANUAL
111030	2299 MIDWEST TAPE	5/21/2013				1,329.23			
111031	383 MIRACLE RECREATION EQUIPMENT	5/21/2013				1,337.80			
111032	2683 MLB LOGISTICS	5/21/2013				316.17			
111033	1028 NATIONAL EVERYTHING WHOLESALE	5/21/2013				1,395.89			
111034	649 NEBRASKA GOLF & TURF INC	5/21/2013				33.47			
111035	2883 NEBRASKA LANDSCAPE SOLUTIONS	5/21/2013				1,477.52			
111036	1099 NEMSA-NE EMER MED SVCS ASSN	5/21/2013				1,035.00			
111037	653 NEUMAN EQUIPMENT COMPANY	5/21/2013				159.00			
111038	4859 NO FRILLS/BAG N' SAVE	5/21/2013				58.52			
111039	2530 NOVA HEALTH EQUIPMENT	5/21/2013				575.47			
111040	124 NPZA-NE PLANNING/ZONING ASSN	5/21/2013				330.00			
111041	179 NUTS AND BOLTS INCORPORATED	5/21/2013				3.19			
111042	1831 O'REILLY AUTOMOTIVE STORES INC	5/21/2013				41.34			
111043	1808 OCLC INC	5/21/2013				33.63			
111044	1014 OFFICE DEPOT INC	5/21/2013				.00	**CLEARED**	**VOIDED**	
111045	1014 OFFICE DEPOT INC	5/21/2013				.00	**CLEARED**	**VOIDED**	
111046	1014 OFFICE DEPOT INC	5/21/2013				.00	**CLEARED**	**VOIDED**	
111047	1014 OFFICE DEPOT INC	5/21/2013				1,018.48			
111048	79 OMAHA COMPOUND COMPANY	5/21/2013				60.64			
111049	195 OMARA PUBLIC POWER DISTRICT	5/21/2013				1,901.00			
111050	181 OMAHA SLINGS INCORPORATED	5/21/2013				34.00			
111051	46 OMAHA WORLD HERALD COMPANY	5/21/2013				1,323.60			
111052	167 OMNI	5/21/2013				453.61			
111053	109 OMNIGRAPHICS INC	5/21/2013				59.70			
111054	976 PAPILLION TIRE INCORPORATED	5/21/2013				71.35			
111055	2686 PARAMOUNT LINEN & UNIFORM	5/21/2013				159.98			
111056	1723 PENWORTHY COMPANY	5/21/2013				1,336.53			
111057	3058 PERFORMANCE CHRYSLER JEEP	5/21/2013				109.39			
111058	1821 PETTY CASH-PAM BUETHE	5/21/2013				438.48			
111059	1784 PLAINS EQUIPMENT GROUP	5/21/2013				.00	**CLEARED**	**VOIDED**	
111060	1784 PLAINS EQUIPMENT GROUP	5/21/2013				5,161.30			
111061	605 PROTEX CENTRAL INCORPORATED	5/21/2013				265.00			
111062	802 QUILL CORPORATION	5/21/2013				107.60			
111063	2553 RALSTON AUTOMOTIVE SERVICE INC	5/21/2013				85.50			
111064	4653 RDG PLANNING & DESIGN	5/21/2013				4,591.03			
111065	3139 RECORDED BOOKS, LLC	5/21/2013				133.86			
111066	3774 RETRIEVEX	5/21/2013				.00	**CLEARED**	**VOIDED**	
111067	3774 RETRIEVEX	5/21/2013				114.92			
111068	292 SAM'S CLUB	5/21/2013				107.89			
111069	487 SAPP BROS PETROLEUM INC	5/21/2013				618.75			
111070	738 SIGN IT	5/21/2013				225.00			
111071	4746 SONGSTRESS INC	5/21/2013				1,000.00			
111072	4864 STITCHIN' AUTO UPHOLSTERY	5/21/2013				125.00			
111073	4335 STOLTENBERG NURSERIES	5/21/2013				245.00			
111074	4231 TORNADO WASH LLC	5/21/2013				325.00			
111075	161 TRACTOR SUPPLY CREDIT PLAN	5/21/2013				5.99			
111076	3349 TRI-TECH INCORPORATED	5/21/2013				135.60			
111077	1122 TURF CARS LTD	5/21/2013				204.36			
111078	176 TURFWERKS	5/21/2013				179.24			
111079	4856 UNITED DISTRIBUTORS INC	5/21/2013				71.20			
111080	2426 UNITED PARCEL SERVICE	5/21/2013				6.28			
111081	809 VERIZON WIRELESS	5/21/2013				443.38			
111082	78 WASTE MANAGEMENT NEBRASKA	5/21/2013				265.57			

APCHCKRP  
02.05.13

Fri May 17, 2013 9:15 AM

\*\*\*\*  
City of LaVista  
ACCOUNTS PAYABLE CHECK REGISTER

OPER: AKH

PAGE 4

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

111083	5/21/2013	2427	WESTERHOLT, DAVE			600.00			
111084	5/21/2013	968	WICK'S STERLING TRUCKS INC			23.70			

203201  
Thru 219201

BANK TOTAL	180,749.27
OUTSTANDING	180,749.27
CLEARED	.00
VOIDED	.00

FUND	TOTAL	OUTSTANDING	CLEARED	VOIDED
------	-------	-------------	---------	--------

01 GENERAL FUND	121,363.01	121,363.01	.00	.00
02 SEWER FUND	12,994.75	12,994.75	.00	.00
05 CONSTRUCTION	13,790.00	13,790.00	.00	.00
08 LOTTERY FUND	7,201.82	7,201.82	.00	.00
09 GOLF COURSE FUND	19,626.96	19,626.96	.00	.00
15 OFF-STREET PARKING	5,772.73	5,772.73	.00	.00

REPORT TOTAL	180,749.27
OUTSTANDING	180,749.27
CLEARED	.00
VOIDED	.00

+ Gross Payroll 05/10/13 247,409.36

GRAND TOTAL \$428,158.63

APPROVED BY COUNCIL MEMBERS 05/21/13

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**MAY 21, 2013 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
ANNEXATION — SID # 195 (MAYFAIR), MISC. LOTS #1 (MAYFAIR NON-SID Lots), I-80 BUSINESS PARK 2 <sup>ND</sup> ADDITION, MISC. LOTS #2 & ADJOINING STREET ROW's	RESOLUTION ◆ ORDINANCES (3) RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

**SYNOPSIS**

First reading of the ordinances has been scheduled for Council to consider the annexation of the following property:

**(1) SID # 195**

- Mayfair: Lots 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 98, 99, 100, 101, 102, 103 and 104
- Mayfair Replat One: Lots 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132 and 133
- Mayfair 2<sup>nd</sup> Addition: Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115 and 118
- Mayfair 2<sup>nd</sup> Addition, Replat One: Lots 1, 2, 3, 4A and 11A
- Mayfair 2<sup>nd</sup> Addition, Replat Two: Lot 9A
- Mayfair 2<sup>nd</sup> Addition, Replat Three: Lot 2
- Mayfair 2<sup>nd</sup> Addition, Replat Four: Lot 1
- Mayfair 2<sup>nd</sup> Addition, Replat Five: Lots 1 and 2
- Mayfair 2<sup>nd</sup> Addition, Replat Six: Lots 1 and 2

**(2) Miscellaneous Lots #1**

- Mayfair: Outlot A
- Mayfair 2<sup>nd</sup> Addition: Lot 21

**(3) I-80 Business Park – 2<sup>nd</sup> Addition and Tax Lots 17 and 18**

- I-80 Business Park, 2<sup>nd</sup> Addition: Lots 1 and 2
- Tax Lots 17 and 18 (17-14N-12E)

**(4) Miscellaneous Lots #2**

- Tax Lots 11 and 15 (17-14N-12E)

**(5) And Any Adjoining Street Rights-of-Way**

## FISCAL IMPACT

	<u>Assessed Valuation</u>	<u>Net Debt</u>
SID #195 - Mayfair	\$ 43,350,273	\$ 1,460,000
Miscellaneous Lots #1	\$ 295,009	\$ ---
I-80 Business Park - 2 <sup>nd</sup> Add.	\$ 378,738	\$ ---
Miscellaneous Lots #2	\$ 78,035	\$ ---

Additional detail can be found in the annexation plan.

## RECOMMENDATION

Approval.

## BACKGROUND

On March 5, 2013, the Council adopted an amendment to Chapter 9 of the Comprehensive Plan, which provides a detailed annexation plan. The areas proposed for annexation are identified within the plan, on the SID Summary spreadsheet, as areas 2, 2a, 2b, and 2c.

A detailed annexation analysis was prepared and on April 16, 2013, the City Council adopted Resolution No. 13-030 stating the Council was considering the annexation and setting 7 P.M. on June 4<sup>th</sup> as the time and date of the public hearing. Notice of the City Council public hearing has been mailed to owners of property within the area proposed for annexation according to statutory requirements.

The Planning Commission held a public hearing on May 9, 2013, and on a vote of 6 in favor with one abstaining, recommended approval of the annexation to the City Council.

The following areas being considered for annexation are comprised of the following:

- SID #195 (Mayfair) — 194 developed single family lots, 1 developed quasi-public lot (church), 7 developed commercial lots, 7 vacant lots. Estimated population is 537.
- Miscellaneous Lots #1 — 1 developed single family lot, 1 outlot. Estimated population is 3.
- I-80 Business Park 2<sup>nd</sup> Addition — 1 developed industrial lot and 3 undeveloped industrial lots. Estimated population is 0.
- Miscellaneous Lots #2 — 2 undeveloped lots. Estimated population is 0
- Any adjoining street rights-of-way.

**NOTE: Updates to the annexation study are noted by yellow high-lighting on the annexation schedule and by red on the SID reports (see attached revised pages). Changes to the reports are as follows:**

**Annexation Schedule** – item (16), regarding date to provide Public Works services.

**SID #195** – page 6, regarding the City's net debt to assessed valuation ratio.

**Misc. Lots #2** – pages 1 and 2, regarding the recommendation.

**Plan to Extend Services** – pages 1 and 2, regarding street, sewer and park maintenance services to be extended on or before July 31, 2013.

NOTE: Prepare update to **COMPREHENSIVE PLAN, CHAPT. 9, ANNEXATION PLAN** for public hearings and adoption by Planning Commission and City Council prior to step (2) below.

PC Public Hearing 2/21  
CC Public Hearing and  
Adoption 3/5

## ANNEXATION SCHEDULE

(Per R.S. 1943, § 16-117, Annexation; powers; procedure; hearing; and LB 495)

(1) Prepare a plan with complete information on the city's intentions for extending city services to the land proposed for annexation and state:

- a. The estimated cost impact of providing the services;
- b. The estimated method by which the city plans to finance the extension of services and how any services already provided will be maintained;
- c. A timetable for extending the services;
- d. A map drawn to scale delineating the land proposed for annexation, the current boundaries of the city, the proposed boundaries of the city after annexation, and the general land use pattern in the land proposed for annexation.

(2) The City Council adopts the resolution stating that the city is considering the annexation of the land and the plan for extending services. The resolution shall state:

- a. The time, date and location of the public hearing (#10 below);
- b. A description of the boundaries proposed for annexation;
- c. The plan for the extension of city services is available for inspection in the office of the City Clerk.

**Update City website and social media sites.**

(3) Not later than **14 days** prior to the Planning Commission public hearing, the City Clerk must send notice of the proposed annexation by **certified mail, return receipt requested** to any of the following entities serving customers in the City or area proposed for annexation (Section 16-130(6)):

- a. Natural gas public utility
- b. Natural gas utility owned or operated by the city
- c. Metropolitan utilities district
- d. Any municipality
- e. Public power district
- f. Public power and irrigation district
- g. Electric cooperative
- h. Any other governmental entity providing electronic services

This mailing must include:

- a. Copy of proposed annexation ordinance
- b. The date, time and place of public hearing before Planning Commission on proposed annexation ordinance
- c. Description of the area proposed to be annexed, including a map showing the boundaries of the area proposed for annexation
- d. How further information can be obtained, including an email **AND** phone number

(4) The City must provide written notice of Planning Commission public hearing by **regular mail** to owners of property within the area proposed for annexation **postmarked** at least **10 working days** prior to hearing. A **certified letter** must also be sent to the SID Clerk. The notice must include:

- a. Description of the area proposed to be annexed, including a map showing the boundaries of the area proposed for annexation
- b. The date, time, and location of Planning Commission hearing
- c. How further information can be obtained, including an email **AND** phone number

(5) A copy of the resolution providing for the public hearing shall be sent by first-class mail following its passage to the school board of any school district proposed for annexation. **Also notify Fire District.**

**\_packets to depts. 1/25  
Info, due back 3/1  
Draft study 3/4-11  
Depts. review draft 3/11  
Revisions due back 3/22  
Prepare final draft 3/25**

**Final Report 4/1**

**CC Resolution 4/16  
PC Public Hearing 5/9  
CC Public Hearing 6/4**

**Mail 4/22  
(Last date to send 4/25)**  
(Ownership list no earlier than 4/12)

**Mail 4/22  
(Last date to send 4/24)**

**Mail 4/17 to PLVSD**

(6)	The Planning Commission conducts a public hearing on the proposed annexation ordinance and forwards a recommendation to the City Council.	PC 5/9	(PC 5/16 if continued)
(7)	A copy of the resolution providing for the public hearing shall be published in the newspaper at least once <u>not less than 10 days preceding</u> the date of the public hearing. A map drawn to <u>scale</u> delineating the land proposed for annexation shall be published with the resolution.	Publish 5/22	(Email ad and map 5/17)
(8)	The City must provide written notice of the City Council public hearing by <b>regular mail</b> to owners of property within the area proposed for annexation <b>postmarked</b> at least <b>10 working days</b> prior to hearing. The notice must include: Description of the area proposed to be annexed, including a map showing the boundaries of the area proposed for annexation	Mail 5/16 (Last date to send 5/20)	CC 5/21 (1 <sup>st</sup> Reading)
	a. The date, time, and location of the City Council hearing	CC 6/4 (Public Hearing)	CC 6/14 (2 <sup>nd</sup> Reading)
	b. How further information can be obtained, including an email <b>AND</b> phone number	CC 6/18 (3 <sup>rd</sup> Reading)	CC 6/26 *Effective 7/31
(9)	The City Council introduces the annexation ordinance (first reading).		
(10)	The City Council holds the public hearing on the proposed annexation within 60 days following the adoption of the resolution (the City Council may recess the hearing, for good cause, to a time and date specified at the hearing).		
(11)	The City Council considers the second reading of the annexation ordinance.		
(12)	Prior to the final adoption of the annexation ordinance, the minutes of the City Council meeting at which the final adoption was considered shall reflect formal compliance with #3 above.		
(13)	The City Council considers the third and final reading of the annexation ordinance.		
(14)	The City Clerk publishes the annexation ordinance and it becomes effective 15 days after passage*. *Specify effective date of 7/31/2013.	CC 6/18 (3 <sup>rd</sup> Reading)	Publish 6/26 *Effective 7/31
(15)	<b>The City Clerk notifies:</b>		
	a. <b>SLD Chairman – request information on contracts, outstanding bills, name/contact information for auditor, an audit up to the date of annexation, and accounting per Section 31-764.</b>		
	b. Reporting of annexation pursuant to various statutes, such as: i. (Section ?) – notice to Postmaster General of Nebraska ii. Section 13-509(2) – taxable valuation as of Aug. 1 iii. Section 18-1753 – report additional population to tax commissioner iv. Section 77-27,143 – sales and use tax administration		
	c. Determination if redistricting is required pursuant to Section 19-3052 (within 180 days)		
	d. <b>County Offices, utility companies, others?</b>		
	e. <b>911 notification – request change to who is dispatched in annexed areas.</b>	6/19	
(16)	<b>DATE TO PROVIDE SERVICES</b>		
	Note: Dates may be revised during preparation of final report, see item (1) above, but prior to (2) above.	POLICE: 7/31/2013 FIRE: 10/1/2013 LIBRARY: 7/31/2013 RECREATION: 7/31/2013 PUB WORKS: 7/31/2013	

**Denotes special meeting.**  
**Denotes not required by statute.**

Revised 5-10-13

<sup>1</sup> Owner means owner of a piece of property as indicated on the records of the office of the register of deeds as provided to or made available to the city no earlier than the last business day before the 25<sup>th</sup> day preceding the public hearing by the planning commission on the annexation proposed for the subject property (Section 19-5001(7)).

Additionally, 101<sup>st</sup> Street is plowed by the City from Giles Road to the city limits on the north side of the subdivision. The sidewalks along 96<sup>th</sup> and Giles within the Mayfair subdivision are also being plowed.

3. The Police Department has been responding to calls if officers are in the area when the call comes out. The Department has handled 15 of the service calls (17%) to assist other agencies.
4. A total of 18 households in Mayfair currently pay for library cards because they do not reside within the city limits. An additional number of non-residents likely visit the library; however, there is no data on these users because they are not allowed to check out material without a card.
5. From a financial standpoint, the proposed annexation's annual property tax revenue falls short of the annual debt service payment by approximately \$98,990. While the total annual income from all funds exceeds the total annual expenses by \$125,601.
6. The SID's net debt to assessed valuation is 2.96%, which may be lowered when remaining lots are developed.
7. The City's net debt to assessed valuation ratio would be reduced from 5.31%~~4.61%~~ to 5.54%~~4.54%~~.

|

B. Policy Alternatives

1. Annex.
2. Postpone annexation until debt level is reduced.

C. Recommendations/Conclusions

The annexation of SID 195 will bridge a gap in the City limits between the Val Vista and Southwind subdivisions. This will reduce confusion regarding jurisdictional boundaries and the provision of services. The City's Police and Fire Departments are currently responding to calls on a limited basis in this area. Public Works is also providing snow removal service on the perimeter and through the subdivision as a route between areas already within the City limits.

It is recommended that the City annex SID 195 as this analysis confirms its suitability for annexation and the annexation is in conformance with the Comprehensive Plan.

MISCELLANEOUS LOTS #2  
TAX LOTS 11 & 15 17-14-12  
(SOD FARM)

**1. Legal Description**

TAX LOTS 11 & 15 17-14-12 (33.64 AC)  
and adjoining railroad right-of-way (8.045 AC)

**2. Property Owner**

McDermott, ADA

**3. Recommendation**

~~The annexation of these lots will bridge a gap in the City limits between Harrison Hills and Performance Auto. This will reduce confusion regarding which areas are within the City limits. There are no immediate cost implications anticipated. Total anticipated property tax from this annexation is estimated to be \$429 annually.~~

This property is currently zoned TA, Transitional Agriculture District, with the FF/FW, Flood Plain Overlay District, and the Gateway Corridor Overlay District. The Future Land Use Map of the Comprehensive Plan identifies this area as "Parks and Recreation", and on the Park and Recreation Master Plan it is identified as "La Vista Commons, Future Large Urban Park." The current use of the land is as a sod farm.

Although the Park and Recreation Master Plan identifies this site as a future large urban park to be owned by the City, consideration should be given to amending this designation as a result of the adoption of the Vision Plan for 84<sup>th</sup> Street. Within the Vision Plan, the existing golf course is transformed into La Vista Civic Center Park, the signature park for the community. The Master Plan for Civic Center Park includes the facilities and services which would

make it become the community's "future large urban park", taking the place of the plan for La Vista Commons (the sod farm).

The City has had numerous inquiries regarding development of this property. Because of the restrictions associated with the floodplain designation, open recreation uses are anticipated, although potentially under private ownership. Other potential development proposals would require an amendment to the Future Land Use Map and the TA zoning district classification. Flood plain regulations would continue to place limits on development regardless of the primary zoning district classification.

The annexation of these lots will close a gap in the city limits between Harrison Hills and Southport East; the property is currently surrounded by the city limits. This will reduce confusion regarding jurisdictional boundaries. Approximately two-thirds of the sod farm property abutting this area was annexed in 1999 and is currently in the city limits.

There are no immediate cost implications anticipated with the provision of services. The total annual property tax revenue from this annexation is estimated to be \$429.

It is recommended that the City annex Miscellaneous Lots #2 as this analysis confirms its suitability for annexation and the annexation is in conformance with the Comprehensive Plan.

## PLAN FOR EXTENDING CITY SERVICES TO THE LAND PROPOSED FOR ANNEXATION

Pursuant to Nebraska Revised Statute §16-117, the following plan represents the City of La Vista's intent to serve SID #195 (Mayfair); Lot 21 Mayfair Second Addition, OUTLOT A Mayfair (Mayfair Misc. Lots); Lots 1 & 2 I-80 Business Park 2<sup>nd</sup> Addition, TAX LOT 17 17-14-12, TAX LOT 18 17-14-12 (I-80 Business Park – 2<sup>nd</sup> Addition); TAX LOTS 11 & 15 17-14-12, Irreg. NW 2816 FT of Former UP RR ROW in 17-14-12, Former UP RR ROW in NE 1/4 NE1/4 18-14-12 (Sod Farm).

### **SID #195 - Mayfair**

The following city services will be extended on or before July 31, 2013:

Community/Recreation Center	Police Protection
Library Services	<u>Street Maintenance</u>
<u>Sewer Maintenance</u>	<u>Park Maintenance</u>

The following city services will be extended on or before October 1, 2013:

<u>Street Maintenance</u>	<u>Park Maintenance</u>
<u>Sewer Maintenance</u>	Fire and Rescue Services

### **Misc. Lots #1 (Non-SID Mayfair Lots)**

The following city services will be extended on or before July 31, 2013:

Community/Recreation Center	Police Protection
Library Services	<u>Street Maintenance</u>
<u>Sewer Maintenance</u>	<u>Park Maintenance</u>

The following city services will be extended on or before October 1, 2013:

<u>Street Maintenance</u>	<u>Park Maintenance</u>
<u>Sewer Maintenance</u>	Fire and Rescue Services

## **I-80 Business Park – 2<sup>nd</sup> Addition and Tax Lots 17 & 18 17-14-12**

The following city services will be extended on or before July 31, 2013:

Community/Recreation Center	Police Protection
Library Services	<u>Street Maintenance</u>
<u>Sewer Maintenance</u>	<u>Park Maintenance</u>

The following city services will be extended on or before October 1, 2013:

<u>Street Maintenance</u>	<u>Park Maintenance</u>
<u>Sewer Maintenance</u>	Fire and Rescue Services

### **Misc. Lots #2 (Sod Farm)**

The following city services will be extended on or before July 31, 2013:

Community/Recreation Center	Police Protection
Library Services	<u>Street Maintenance</u>
<u>Sewer Maintenance</u>	<u>Park Maintenance</u>

The following city services will be extended on or before October 1, 2013:

<u>Street Maintenance</u>	<u>Park Maintenance</u>
<u>Sewer Maintenance</u>	Fire and Rescue Services

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

AN ORDINANCE TO ANNEX CERTAIN REAL ESTATE TO THE CITY OF LA VISTA, NEBRASKA (SID NO.195, MAYFAIR, A SUBDIVISION AS SURVEYED, PLATTED AND RECORDED IN SARPY COUNTY, NEBRASKA, LOT 21, MAYFAIR 2<sup>ND</sup> ADDITION, AND OUTLOT "A", MAYFAIR, SUBDIVISIONS AS SURVEYED, PLATTED AND RECORDED IN SARPY COUNTY, NEBRASKA, AND PORTIONS OF ANY ADJOINING STREET RIGHT-OF-WAY), AS MORE FULLY DESCRIBED HEREIN; TO MAKE PROVISION FOR EXTENSION OF SERVICES TO INHABITANTS OF TERRITORY ANNEXED; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

WHEREAS, the Mayor and City Council of the City of La Vista, in compliance with Nebraska Revised Statutes, Section 16-117, have adopted a resolution stating that the City is considering the annexation of certain land, have approved a plan for the extension of City services to said land, and have complied with the publication, mailing and public hearing requirements required by said statute; and

WHEREAS, the Planning Commission of the City of La Vista has held a hearing to consider the proposed annexation and plan to provide services, and the Mayor and City Council has obtained the recommendation of the Planning Commission of the City of La Vista to annex the below described land and provide services in accordance with the plan; and

WHEREAS, the Mayor and City Council of the City of La Vista find the below described territory to be contiguous or adjacent to the City of La Vista, Nebraska, and is urban or suburban in character and not agricultural land which is rural in character; and

WHEREAS, the Mayor and City Council of the City of La Vista have determined that sewerage facilities will be sufficient to serve said territory and said territory will be serviced by the water utility franchised by the City and that the City is in a position to extend police and fire protection and other municipal services to said below-described territory, so that the inhabitants of said territory shall receive substantially the services of other inhabitants of the City of La Vista, Nebraska.

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

SECTION 1.

- A. The foregoing recitals shall be incorporated into this ordinance by reference and are hereby ratified, affirmed and approved.
- B. The following described territory situated in Sarpy County, Nebraska to-wit:

LOTS 3 THRU 47, INCLUSIVE, AND LOTS 98 THRU 104, INCLUSIVE, MAYFAIR;

TOGETHER WITH OUTLOT "A", MAYFAIR;

TOGETHER WITH LOTS 106 THRU 133, INCLUSIVE, MAYFAIR REPLAT ONE;

TOGETHER WITH LOTS 1 THRU 20, INCLUSIVE, LOTS 22 THRU 115, INCLUSIVE, AND LOT 118, MAYFAIR 2ND ADDITION;

TOGETHER WITH LOT 21, MAYFAIR 2ND ADDITION;

TOGETHER WITH LOTS 1, 2, 3, 4A AND 11A, MAYFAIR 2ND ADDITION REPLAT ONE;

TOGETHER WITH LOT 9A, MAYFAIR 2ND ADDITION REPLAT TWO;

TOGETHER WITH LOT 2, MAYFAIR 2ND ADDITION REPLAT THREE;

TOGETHER WITH LOT 1, MAYFAIR 2ND ADDITION REPLAT FOUR;

TOGETHER WITH LOTS 1 AND 2, MAYFAIR 2ND ADDITION REPLAT FIVE;

TOGETHER WITH LOTS 1 AND 2, MAYFAIR 2ND ADDITION REPLAT SIX;

ALL SUBDIVISIONS IN SARPY COUNTY, NEBRASKA;

TOGETHER WITH ALL PUBLIC STREETS LYING WITHIN SAID SUBDIVISIONS, THE OUTER BOUNDARY OF THE AFORE DESCRIBED PROPERTY BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NE CORNER OF LOT 133 SAID MAYFAIR REPLAT ONE;

THENCE SOUTHERLY ON THE EAST LINE OF SAID LOT 133;

THENCE EASTERLY ON THE EAST LINE OF SAID LOT 133 TO THE WEST LINE OF 96TH STREET;

THENCE SOUTHERLY ON THE WEST LINE OF 96TH STREET TO THE NORTH LINE OF GILES ROAD;

THENCE WESTERLY ON THE NORTH LINE OF GILES ROAD TO THE SW CORNER OF LOT 61, SAID MAYFAIR 2ND ADDITION;

THENCE NORtherly ON THE WEST LINES OF LOTS 61, 62, 63 AND 65 THRU 76, INCLUSIVE, SAID MAYFAIR 2ND ADDITION TO THE NW CORNER OF SAID LOT 76;

THENCE EASTERLY ON THE NORTH LINES OF LOT 76 AND 90 THRU 102, INCLUSIVE, SAID MAYFAIR 2ND ADDITION TO THE SW CORNER OF LOT 108 SAID MAYFAIR 2ND ADDITION;

THENCE NORtherly ON THE WEST LINES OF LOTS 108 AND 109, SAID MAYFAIR 2ND ADDITION AND ON THE WEST LINES OF LOTS 98, 11, 12, 13 AND 15 THRU 21, INCLUSIVE, SAID MAYFAIR, TO THE NW CORNER OF SAID LOT 11;

THENCE EASTERLY ON THE NORTH LINES OF LOTS 10, 11 AND 3 THRU 8, INCLUSIVE, SAID MAYFAIR TO THE NE CORNER OF SAID LOT 3;

THENCE CONTINUING EASTERLY ON THE NORTH LINE OF LOT 106, SAID MAYFAIR REPLAT 1, TO THE NE CORNER THEREOF, SAID CORNER BEING ON THE NORTHERLY LINE OF MELISSA STREET;

THENCE EASTERLY ON THE NORTHERLY LINE OF MELISSA STREET TO THE WEST LINE OF 96TH STREET;

THENCE SOUTHERLY ON THE WEST LINE OF 96TH STREET TO THE SOUTH LINE OF MELISSA STREET;

THENCE WESTERLY ON THE SOUTH LINE OF MELISSA STREET TO THE NE CORNER OF LOT 133, SAID MAYFAIR REPLAT ONE AND THE POINT OF BEGINNING.

be and the same hereby is, annexed to and included within the corporate limits of the City of La Vista, Sarpy County, Nebraska, and that the inhabitants thereof shall, from and after the effective date of this ordinance, be subject to the ordinances and regulations of the City of La Vista, Sarpy County, Nebraska.

**SECTION 2.** That the inhabitants of the above-described territory annexed to the City shall receive substantially the services of other inhabitants of such City as soon as practicable, in accordance with Neb. Rev. Stat. Section 16-120 and the Plan to Extend Services to SID No.195, Mayfair, Lot 21, Mayfair 2<sup>nd</sup> Addition, Outlot "A", Mayfair, and adjoining street rights-of-way, which Plan, as amended and submitted to the City Council, is hereby ratified, affirmed and approved. Adequate plans and necessary City Council action to furnish such services shall be adopted not later than one year after the date of annexation.

**SECTION 3.** This ordinance shall be in full force and effect on July 31, 2013 after passage, approval and publication as provided by law.

PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013.

CITY OF LA VISTA

---

Douglas Kindig, Mayor

ATTEST:

---

Pamela A. Buethe, CMC  
City Clerk

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

AN ORDINANCE TO ANNEX CERTAIN REAL ESTATE TO THE CITY OF LA VISTA, NEBRASKA (LOTS 1 AND 2, I-80 INDUSTRIAL PARK 2<sup>ND</sup> ADDITION, A SUBDIVISION IN SARPY COUNTY, NEBRASKA; TAX LOTS 17 AND 18, LYING WITHIN THE NW 1/4 OF SECTION 17, T14N, R12E OF THE 6<sup>TH</sup> P.M., SARPY COUNTY, NEBRASKA; TOGETHER WITH PART OF THE NE 1/4 OF SECTION 18, T14N, R12E OF THE 6TH P.M., SAID SARPY COUNTY; AND PORTIONS OF ANY ADJOINING STREET RIGHT-OF-WAY), AS MORE FULLY DESCRIBED HEREIN; TO MAKE PROVISION FOR EXTENSION OF SERVICES TO INHABITANTS OF TERRITORY ANNEXED; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

WHEREAS, the Mayor and City Council of the City of La Vista, in compliance with Nebraska Revised Statutes, Section 16-117, have adopted a resolution stating that the City is considering the annexation of certain land, have approved a plan for the extension of City services to said land, and have complied with the publication, mailing and public hearing requirements required by said statute; and

WHEREAS, the Planning Commission of the City of La Vista has held a hearing to consider the proposed annexation and plan to provide services, and the Mayor and City Council has obtained the recommendation of the Planning Commission of the City of La Vista to annex the below described land and provide services in accordance with the plan; and

WHEREAS, the Mayor and City Council of the City of La Vista find the below described territory to be contiguous or adjacent to the City of La Vista, Nebraska, and is urban or suburban in character and not agricultural land which is rural in character; and

WHEREAS, the Mayor and City Council of the City of La Vista have determined that sewerage facilities will be sufficient to serve said territory and said territory will be serviced by the water utility franchised by the City and that the City is in a position to extend police and fire protection and other municipal services to said below-described territory, so that the inhabitants of said territory shall receive substantially the services of other inhabitants of the City of La Vista, Nebraska.

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

SECTION 1.

- A. The foregoing recitals shall be incorporated into this ordinance by reference and are hereby ratified, affirmed and approved.
- B. The following described territory situated in Sarpy County, Nebraska to-wit:

LOTS 1 AND 2, I-80 INDUSTRIAL PARK 2ND ADDITION, A SUBDIVISION IN SARPY COUNTY, NEBRASKA;

TOGETHER WITH TAX LOTS 17 AND 18, LYING WITHIN THE NW 1/4 OF SECTION 17, T14N, R12E OF THE 6TH P.M., SAID SARPY COUNTY;

TOGETHER WITH PART OF THE NE 1/4 OF SECTION 18, T14N, R12E OF THE 6TH P.M., SAID SARPY COUNTY;

TOGETHER WITH THE PUBLIC STREETS LYING WITHIN THAT PART OF THE NW 1/4 OF SAID SECTION 17 AND WITHIN THAT PART OF NE 1/4 OF SAID SECTION 18 DESCRIBED HEREAFTER ALL MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NW CORNER OF THE NW 1/4 OF SAID SECTION 17;

THENCE EASTERLY ON THE NORTH LINE OF SAID NW 1/4 TO A POINT DIRECTLY NORTH OF THE MOST EASTERLY CORNER OF SAID TAX LOT 17;

THENCE SOUTH TO THE MOST EASTERLY CORNER OF SAID TAX LOT 17;

THENCE SOUTHWESTERLY ON THE SOUTHEASTERLY LINE OF SAID TAX LOTS 17 AND 18 AND ON THE NORTHERLY LINE OF HARRISON STREET TO THE MOST SOUTHERLY CORNER OF SAID TAX LOT 18, SAID CORNER BEING ON THE NORTHEASTERLY LINE OF THE FORMER UNION PACIFIC RAILROAD RIGHT-OF-WAY;

THENCE NORTHWESTERLY ON THE SOUTHWESTERLY LINE OF SAID TAX LOT 18 AND ON THE NORTHEASTERLY LINE OF THE FORMER UNION PACIFIC RAILROAD RIGHT-OF-WAY TO THE NORTH LINE OF THE NE 1/4 OF SAID SECTION 18;

THENCE EASTERLY ON THE NORTH LINE OF THE NE 1/4 OF SAID SECTION 18 TO THE POINT OF BEGINNING.

be and the same hereby is, annexed to and included within the corporate limits of the City of La Vista, Sarpy County, Nebraska, and that the inhabitants thereof shall, from and after the effective date of this ordinance, be subject to the ordinances and regulations of the City of La Vista, Sarpy County, Nebraska.

SECTION 2. That the inhabitants of the above-described territory annexed to the City shall receive substantially the services of other inhabitants of such City as soon as practicable, in accordance with Neb. Rev. Stat. Section 16-120 and the Plan to Extend Services to Lots 1 and 2, I-80 Industrial Park 2<sup>nd</sup> Addition, Tax Lots 17 and 18, in the NW 1/4 of Section 17, T14N, R12E of the 6<sup>th</sup> P.M., Sarpy County, Nebraska, and Part of the NE 1/4 of Section 18, T14N, R12E of the 6<sup>th</sup> P.M., Sarpy County, Nebraska, which Plan, as amended and submitted to the City Council, is hereby ratified, affirmed and approved. Adequate plans and necessary City Council action to furnish such services shall be adopted not later than one year after the date of annexation.

SECTION 3. This ordinance shall be in full force and effect on July 31, 2013 after passage, approval and publication as provided by law.

PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013.

CITY OF LA VISTA

---

Douglas Kindig, Mayor

ATTEST:

---

Pamela A. Buethe, CMC

City Clerk

\\\Lvdcp01\Users\Administration\BRENDA\COUNCIL\ANNEX\2013 ANNEXATION\ORDINANCE - Lots 1 & 2, I-80, TL 17 & 18(Final).Doc

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

AN ORDINANCE TO ANNEX CERTAIN REAL ESTATE TO THE CITY OF LA VISTA, NEBRASKA (TAX LOTS 11 AND 15 LYING WITHIN THE NW 1/4 OF SECTION 17, T14N, R12E OF THE 6<sup>TH</sup> P.M., SARPY COUNTY, NEBRASKA; TOGETHER WITH PART OF THE NW 1/4 OF SECTION 17 AND PART OF THE NE 1/4 OF SECTION 18, T14N, R12E OF THE 6<sup>TH</sup> P.M., SARPY COUNTY, NEBRASKA, FORMER UPRR RIGHT-OF-WAY IN THE NW 1/4 OF SECTION 17, T14N, R12E AND THE NE 1/4 OF SECTION 18, T14N, R12E OF THE 6<sup>TH</sup> P.M., SARPY COUNTY, NEBRASKA), AS MORE FULLY DESCRIBED HEREIN; TO MAKE PROVISION FOR EXTENSION OF SERVICES TO INHABITANTS OF TERRITORY ANNEXED; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

WHEREAS, the Mayor and City Council of the City of La Vista, in compliance with Nebraska Revised Statutes, Section 16-117, have adopted a resolution stating that the City is considering the annexation of certain land, have approved a plan for the extension of City services to said land, and have complied with the publication, mailing and public hearing requirements required by said statute; and

WHEREAS, the Planning Commission of the City of La Vista has held a hearing to consider the proposed annexation and plan to provide services, and the Mayor and City Council has obtained the recommendation of the Planning Commission of the City of La Vista to annex the below described land and provide services in accordance with the plan; and

WHEREAS, the Mayor and City Council of the City of La Vista find the below described territory to be contiguous or adjacent to the City of La Vista, Nebraska, and is urban or suburban in character and not agricultural land which is rural in character; and

WHEREAS, the Mayor and City Council of the City of La Vista have determined that sewerage facilities will be sufficient to serve said territory and said territory will be serviced by the water utility franchised by the City and that the City is in a position to extend police and fire protection and other municipal services to said below-described territory, so that the inhabitants of said territory shall receive substantially the services of other inhabitants of the City of La Vista, Nebraska.

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

SECTION 1.

- A. The foregoing recitals shall be incorporated into this ordinance by reference and are hereby ratified, affirmed and approved.
- B. The following described territory situated in Sarpy County, Nebraska to-wit:

TAX LOTS 11 AND 15 LYING WITHIN THE NW 1/4 OF SECTION 17, T14N, R12E OF THE 6<sup>TH</sup> P.M., SARPY COUNTY, NEBRASKA;

TOGETHER WITH PART OF THE NW 1/4 OF SAID SECTION 17 AND PART OF THE NE 1/4 OF 18, T14N, R12E OF THE 6<sup>TH</sup> P.M., SAID SARPY COUNTY, ALL MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NE CORNER OF THE NE 1/4 CORNER OF THE NE 1/4 OF SAID SECTION 18;

THENCE WESTERLY ON THE NORTH LINE OF THE NE 1/4 OF SAID SECTION 18 TO THE NORTHEASTERLY LINE OF THE FORMER UNION PACIFIC RAILROAD RIGHT-OF-WAY AND THE POINT OF BEGINNING;

THENCE SOUTHEASTERLY ON THE NORTHEASTERLY LINE OF THE FORMER UNION PACIFIC RAILROAD RIGHT-OF-WAY TO THE SOUTH LINE OF THE NW 1/4 OF SAID SECTION 17;

THENCE WESTERLY ON THE SOUTH LINE OF THE NW 1/4 OF SAID SECTION 17 AND ON THE SOUTH LINES OF SAID TAX LOTS 15 AND 11 TO THE SW CORNER OF SAID TAX LOT 11, SAID CORNER BEING ON THE EAST LINE OF SOUTHPOR PARKWAY;

THENCE NORtherLY ON THE WESTERLY LINE OF SAID TAX LOT 11 AND ON THE EASTERLY LINE OF SOUTHPOR PARKWAY AND THE SOUTH LINE OF HARRISON STREET TO THE MOST NORtherLY CORNER OF SAID TAX LOT 11, SAID CORNER BEING ON THE SOUTHWESTERLY LINE OF THE FORMER UNION PACIFIC RAILROAD RIGHT-OF-WAY;

THENCE NORTHWESTERLY ON THE SOUTHWESTERLY LINE OF THE FORMER UNION PACIFIC RAILROAD RIGHT-OF-WAY TO THE NORTH LINE OF THE NE 1/4 OF SAID SECTION 18;

THENCE EASTERLY ON THE NORTH LINE OF THE NE 1/4 OF SAID SECTION 18 TO THE POINT OF BEGINNING.

be and the same hereby is, annexed to and included within the corporate limits of the City of La Vista, Sarpy County, Nebraska, and that the inhabitants thereof shall, from and after the effective date of this ordinance, be subject to the ordinances and regulations of the City of La Vista, Sarpy County, Nebraska.

SECTION 2. That the inhabitants of the above-described territory annexed to the City shall receive substantially the services of other inhabitants of such City as soon as practicable, in accordance with Neb. Rev. Stat. Section 16-120 and the Plan to Extend Services to Tax Lots 11 and 15, in the NW 1/4 of Section 17, T14N, R12E of the 6<sup>th</sup> P.M., Sarpy County, Nebraska, together with Part of the NW 1/4 of Section 17 and Part of the NE 1/4 of Section 18, T14N, R12E of the 6<sup>th</sup> P.M., Sarpy County, Nebraska, (former UPRR right-of-way), which Plan, as amended and submitted to the City Council, is hereby ratified, affirmed and approved. Adequate plans and necessary City Council action to furnish such services shall be adopted not later than one year after the date of annexation.

SECTION 3. This ordinance shall be in full force and effect on July 31, 2013 after passage, approval and publication as provided by law.

PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013.

CITY OF LA VISTA

---

Douglas Kindig, Mayor

ATTEST:

---

Pamela A. Buethe, CMC  
City Clerk

\\Lvdcp01\Users\Administration\BRENDA\COUNCIL\ANNEXI\2013 ANNEXATION\ORDINANCE - TL 11 15 PT Of Sec 17 Sec 18 UPRR ROW(Final).Doc

**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**MAY 21, 2013 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
STATUS OF ACTIVITIES, CDBG LOAN — EASYWAY INTERNATIONAL, LLC	RESOLUTION ORDINANCE ◆ RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

**SYNOPSIS**

A public hearing has been scheduled as part of the CDBG program requirements in order to complete the Easyway International, LLC, project.

**FISCAL IMPACT**

None.

**RECOMMENDATION**

No action is required.

**BACKGROUND**

On December 15, 2009, the City Council authorized the application for a Community Development Block Grant for the Easyway International, LLC, project. On April 6, 2010, the City Council authorized the execution of a contract between the City and the Nebraska Department of Economic Development for administration of the grant. On April 20, 2010 the City Council authorized the Mayor to execute the loan documents and other project-related documents for this project. On January 17, 2012 the City Council approved an extension of the loan time of performance for the company to satisfy the job creation requirements.

A public hearing is required as part of the CDBG program in order to complete the project. The items to be discussed include a general description of the completed activities, a summary of expenditures, description of the remaining work, and a summary of any changes to the project scope and timeline since the original public hearing which was conducted at the time of the application.

Attached is a report from Jake Hansen; see items (A) through (D) for information pertaining to the public hearing on the Easyway project. Also attached is a copy of the monitoring report from DED.

LaVista City Council Meeting  
Public Hearing Information for CDBG Funds  
Tuesday, May 21, 2013; 7:00 PM  
LaVista City Hall

**Project Number 09-ED-007- Easyway International**

**(A) A GENERAL DESCRIPTION OF ACCOMPLISHMENTS TO DATE**

Easyway International has utilized company and CDBG funds for working capital assistance aiding in the creation of permanent, full-time jobs at its LaVista administrative facility. As of December 31, 2012, the company had created fourteen new jobs, with eleven of those jobs being held by persons from low-to-moderate income households.

**(B) A SUMMARY OF ALL EXPENDITURES TO DATE**

To date, the City and the company have expended \$498,474 in local funds and \$502,793 in CDBG funds. Of the funds expended, \$996,947 was spent for working capital by the company and \$4,500 was spent for general grant administration.

**(C) A GENERAL DESCRIPTIION OF THE REMAINING WORK**

Work on the project has been completed and project monitoring has been conducted. Project closeout is the only remaining activity.

**(D) A GENERAL DESCRIPTION OF CHANGES MADE TO THE CDBG PROJECT BUDGETS, PERFORMANCE TARGETS, ACTIVITY SCHEDULES, PROJECT SCOPE, LOCATION, OBJECTIVES, OR BENEFICIARIES**

The City and DED have approved two time extensions for this project, making the project end date December 31, 2012. Additionally, DED has accepted the company's creation of fourteen jobs on the project by the end date, revised from fifteen jobs as agreed in the project contract.

**Project Number 10-ED-002- Graepel North America**

**(E) A GENERAL DESCRIPTION OF ACCOMPLISHMENTS TO DATE**

Graepel North America has utilized company and CDBG funds for equipment purchases aiding in the creation of permanent, full-time jobs at its LaVista administrative facility. As of March 1, 2013, the company had created twelve new jobs, with seven of those jobs being held by persons from low-to-moderate income households.

**(F) A SUMMARY OF ALL EXPENDITURES TO DATE**

To date, the City and the company have expended \$1,632,395 in local funds and \$452,411 in CDBG funds. Of the funds expended, \$2,080,308 was spent for equipment purchases by the company and \$4,498 was spent for general grant administration.

**(G) A GENERAL DESCRIPTIION OF THE REMAINING WORK**

The company has some additional equipment to procure and will hire two more employees in the coming months. Once those activities have been completed the project will be closed out.

**(H) A GENERAL DESCRIPTION OF CHANGES MADE TO THE CDBG PROJECT BUDGETS, PERFORMANCE TARGETS, ACTIVITY SCHEDULES, PROJECT SCOPE, LOCATION, OBJECTIVES, OR BENEFICIARIES**

Graepel is requesting a no-cost time extension for completion of this project, taking the performance end date from October 13, 2012 to October 13, 2013. There have been no other changes to the project.



Dave Heineman  
Governor

March 14, 2013

## STATE OF NEBRASKA

### DEPARTMENT OF ECONOMIC DEVELOPMENT

301 Centennial Mall South  
P.O. Box 94666  
Lincoln, Nebraska 68509-4666 USA  
Phone (402) 471-3111  
Toll Free (800) 428-6505  
Fax (402) 471-3778  
Statewide Relay (800) 833-0920 (voice)  
[www.neded.org](http://www.neded.org)

Douglas Kindig, Mayor  
City of La Vista  
8116 Park View Blvd.  
La Vista, NE 68128

**RE: CDBG #09-ED-007 – Easyway International, LLC - Monitoring Report**

Dear Mr. Kindig:

This is a summary of the monitoring review conducted March 6, 2013 at the city's offices on the above grant. Jake Hansen of MAPA and Ann Birch made the files available and provided information during the review. I also made a site visit to Easyway and met with Don Guo, to review the project's progress and accomplishments. The status for each program area that was monitored is reported.

#### National Objective Compliance

The proposed National Objective for this project was LMJ (low-moderate-income jobs) and the proposed job-creation requirements were 15 new jobs, of which at least 51% were to be held by low-to-moderate income (LMI) persons.

The business has employees complete an income survey. The data on the Final Project Status Report and Job Creation Report indicates the business has 14 jobs of which 11 are held by LMI persons, which is a rate of 78%. This number meets the requirements of primarily benefitting LMI persons.

Our Department will consider the 14 jobs created as satisfactory performance in order to close out this grant, but it is our understanding that the business is still actively trying to hire the 15<sup>th</sup> person.

#### Project Progress

The business location and start up was completed during the CDBG contract period which was from February 23, 2010 to February 23, 2012. The project was extended twice to allow additional time for job creation, and the final extension date was to December 31, 2012. The business was to create 15 jobs, and the final reports submitted indicate the business created 14 and is seeking to hire one more person.

The total CDBG award was \$505,000, of which \$500,000 was to be loaned to the business and \$5,000 was for grant administration expenses. The city has draw down and expended \$502,793 leaving a balance of \$2,027 of which \$1,527 is eligible for the business and \$500 is for grant administrative expenses.

#### General Files \*Response needed

The grant files were complete and contain the necessary documents. The city held a public hearing on the application, and then the Department issued a Notice of Approval on February 23, 2010 and a Release of Funds on April 14, 2010.

**\*The city needs to conduct a second public hearing on the project, and Mr. Hansen indicated he would arrange this for the spring of 2013. Please provide evidence and minutes of the public hearing when completed.**

#### Environmental Review

The environmental review record identified the project as starting with a Categorically Excluded, Subject to determination. After completing the Statutory Checklist, it was determined there were no circumstances which required compliance with any other Federal laws and authorities, so the city completed a Finding of Exempt Activity for the project.

#### Financial Management

Internal Control and Cash Management. The city has submitted Requests for Funds that total \$502,793. The CDBG funds were sent electronically from the state to the city for all requests. The payments made were authorized by the city council. I tested a sample of the transactions and found the city paid out the CDBG funds in a timely manner, with the exception of \$117,592 from draw down #1. The delay was explained as difficulty getting the business set up in the accounting system as a vendor, and having an authorized person from the business.

Accounting Records. The city maintained documentation of project costs and administrative costs in their files, and provided documentation with each draw down. Matching funds were injected into the project at the correct ratio. **The balance of CDBG funds that remain available to draw down is \$2,027 of which \$1,527 is for the business, and \$500 is for grant administration expenses.**

Program Income, There has been no program income received from this project as the CDBG loan to the business has forgivable terms. No payments have been made and the loan will be forgiven when / if the business fulfills project conditions.

#### Procurement

The city is a member of MAPA, so no procurement of services was required for grant administration.

#### Professional Services Contracts

The city executed a grant administration contract with MAPA after the Notice of Approval. Applicable CDBG terms and conditions were included in the \$5,000 contract.

#### Civil Rights

Program Beneficiaries: The business had employees complete an income survey that includes questions on race and gender. This data was reported on the Project Status and Job Creation Reports.

Employment Policy: The city has equal opportunity guidelines and written personnel policies that were approved by the city.

Fair Housing: The city adopted a Fair Housing resolution December 16, 2009 and has designated the city clerk as the Fair Housing Coordinator.

Section 504: The city's Civil Rights and ADA Compliance team reports that their Transition Plan was updated October 12, 2012.

#### Legal Files/Loan Documents \*Question of Performance

The city, business, and DED executed a Memorandum of Understanding that identified the terms and conditions of the CDBG financing for the project and the performance requirements for the business. The city and business executed a Loan Agreement and Promissory Notes that totaled \$500,000. The CDBG loan was structured as a Forgivable Loan subject to performance to be determined by the city.

**\*The file contained a Security Agreement dated May 11, 2012, however there was no evidence any security instruments were filed to secure the CDBG loan. Provide an explanation of how the loan is secured and copies of any documentation.**

#### Job Requirements

The proposed job-creation requirements were 15 new jobs to be maintained for 36 months. According to Status Reports and the Final Job Creation Report submitted, the company created 14 jobs. MAPA staff

made on-site visits during the contract period to verify employment levels. I made a visit to the business and met with Don Guo to review employment levels. Payroll records provided indicated the business had 14 persons at the end of 2012, which is consistent with the Final Job Creation Report. Mr. Guo provided evidence of the business's actions to advertise and post available positions in an effort to hire additional employees and fill vacant positions. Our Department was satisfied with the 14 jobs created and actions to hire the 15<sup>th</sup>.

Summary

This report identified one response needed related to the city holding another public hearing, and one Question of Performance related to how the CDBG loan is secured. Please provide a written response to these items by April 16, 2013. All other sections of this review were satisfactory. There are \$2,027 of CDBG funds remaining in this grant that are eligible to be drawn down as described in sections above.

The city will need to submit Request(s) for Funds if you intend to draw down remaining funds and submit a Final Financial Report as well to close out this grant.

I would like to thank Jake Hansen, and city staff for making the files available and Don Guo for meeting with me and providing a tour of the business.

If you have questions, please contact me at (402) 471-3763 or [dave.honz@nebraska.gov](mailto:dave.honz@nebraska.gov).

Sincerely,



Dave Honz  
Community and Rural Development Division  
Nebraska Department of Economic Development

cc: Ann Birch  
Don Guo, Easyway International  
Jake Hansen, MAPA  
CDBG Project File 09-ED-007

**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**MAY 21, 2013 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
STATUS OF ACTIVITIES & TIME EXTENSION, CDBG LOAN – GRAEPEL NORTH AMERICA	◆ RESOLUTION ORDINANCE RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

**SYNOPSIS**

A public hearing has been scheduled as part of the CDBG program requirements in order to complete the Graepel North America project. A resolution has also been prepared approving an extension of the CDBG loan time of performance for Graepel North America to October 13, 2013.

**FISCAL IMPACT**

None.

**RECOMMENDATION**

Approval.

**BACKGROUND**

On August 17, 2010, the City Council authorized the application for a Community Development Block Grant for the Graepel North America project and authorized the Mayor to execute the relevant documents associated with the project.

A public hearing is required as part of the CDBG program in order to complete the project. The items to be discussed include a general description of the completed activities, a summary of expenditures, description of the remaining work, and a summary of any changes to the project scope and timeline since the original public hearing which was conducted at the time of the application. On this project, a request to extend the time of performance to October 13, 2013 has been requested. The extension is needed for Graepel to finish purchasing equipment and complete the hiring process. The Department of Economic Development is aware of the request for a time extension and is in support of it.

Attached is a report from Jake Hansen; see items (E) through (H) for information pertaining to the public hearing on the Graepel project. Also attached is a copy of the monitoring report from DED.

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, APPROVING AN EXTENSION OF THE CDBG LOAN TIME OF PERFORMANCE FOR GRAEPEL NORTH AMERICA.

WHEREAS, on August 17, 2010, the City Council approved Resolution No. 10-087 approving the application for a Community Development Block Grant for the Graepele North America, project and authorizing the Mayor to execute any relevant documents referencing the project; and

WHEREAS, Graepele North America, has requested an extension of the time of performance within the loan documents to October 13, 2013, in order to finish purchasing equipment and satisfy the job creation requirements.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby approve an extension of the CDBG loan time of performance for Graepele North America to October 13, 2013, and authorize the Mayor to execute related documents, subject to such changes or additional documents or instruments as the City Administrator determines necessary or advisable in consultation with the City Attorney.

PASSED AND APPROVED THIS 21ST<sup>1</sup> DAY OF MAY, 2013.

CITY OF LA VISTA

---

Mike Crawford, Acting Mayor

ATTEST:

---

Pamela A. Buethe, CMC  
City Clerk

LaVista City Council Meeting  
Public Hearing Information for CDBG Funds  
Tuesday, May 21, 2013; 7:00 PM  
LaVista City Hall

**Project Number 09-ED-007- Easyway International**

**(A) A GENERAL DESCRIPTION OF ACCOMPLISHMENTS TO DATE**

Easyway International has utilized company and CDBG funds for working capital assistance aiding in the creation of permanent, full-time jobs at its LaVista administrative facility. As of December 31, 2012, the company had created fourteen new jobs, with eleven of those jobs being held by persons from low-to-moderate income households.

**(B) A SUMMARY OF ALL EXPENDITURES TO DATE**

To date, the City and the company have expended \$498,474 in local funds and \$502,793 in CDBG funds. Of the funds expended, \$996,947 was spent for working capital by the company and \$4,500 was spent for general grant administration.

**(C) A GENERAL DESCRIPTIION OF THE REMAINING WORK**

Work on the project has been completed and project monitoring has been conducted. Project closeout is the only remaining activity.

**(D) A GENERAL DESCRIPTION OF CHANGES MADE TO THE CDBG PROJECT BUDGETS, PERFORMANCE TARGETS, ACTIVITY SCHEDULES, PROJECT SCOPE, LOCATION, OBJECTIVES, OR BENEFICIARIES**

The City and DED have approved two time extensions for this project, making the project end date December 31, 2012. Additionally, DED has accepted the company's creation of fourteen jobs on the project by the end date, revised from fifteen jobs as agreed in the project contract.

**Project Number 10-ED-002- Graepel North America**

**(E) A GENERAL DESCRIPTION OF ACCOMPLISHMENTS TO DATE**

Graepel North America has utilized company and CDBG funds for equipment purchases aiding in the creation of permanent, full-time jobs at its LaVista administrative facility. As of March 1, 2013, the company had created twelve new jobs, with seven of those jobs being held by persons from low-to-moderate income households.

**(F) A SUMMARY OF ALL EXPENDITURES TO DATE**

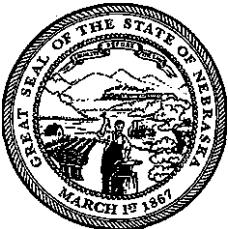
To date, the City and the company have expended \$1,632,395 in local funds and \$452,411 in CDBG funds. Of the funds expended, \$2,080,308 was spent for equipment purchases by the company and \$4,498 was spent for general grant administration.

**(G) A GENERAL DESCRIPTIION OF THE REMAINING WORK**

The company has some additional equipment to procure and will hire two more employees in the coming months. Once those activities have been completed the project will be closed out.

**(H) A GENERAL DESCRIPTION OF CHANGES MADE TO THE CDBG PROJECT BUDGETS, PERFORMANCE TARGETS, ACTIVITY SCHEDULES, PROJECT SCOPE, LOCATION, OBJECTIVES, OR BENEFICIARIES**

Graepel is requesting a no-cost time extension for completion of this project, taking the performance end date from October 13, 2012 to October 13, 2013. There have been no other changes to the project.



Dave Heineman  
Governor

## STATE OF NEBRASKA

### DEPARTMENT OF ECONOMIC DEVELOPMENT

301 Centennial Mall South  
P.O. Box 94666  
Lincoln, Nebraska 68509-4666 USA  
Phone (402) 471-3111  
Toll Free (800) 426-6505  
Fax (402) 471-3778  
Statewide Relay (800) 833-0920 (voice)  
[www.neded.org](http://www.neded.org)

March 19, 2013

Douglas Kindig, Mayor  
City of La Vista  
8116 Park View Blvd.  
La Vista, NE 68128

RE: CDBG #10-ED-002 – Graepel, Performance Monitoring Report

Dear Mr. Kindig:

This is a summary of the monitoring review conducted March 6<sup>th</sup>, 2013 for the above grant. I met with Ann Birch and Jake Hansen of the MAPA office, who made the files available and answered questions during the review. I also went to the business and met with Mark Zumdohme on March 8<sup>th</sup> to discuss the project and toured the facility.

#### National Objective Compliance

The proposed National Objective for this project was LMJ (low-moderate-income jobs) and the proposed job requirements were the creation of 14 new jobs, of which at least 51% will be held by or made available to low-to-moderate income (LMI) persons.

The business has employees complete an Employee Certification Form that includes information on income. The data on the latest Project Status Report and Job Creation report identified 12 persons have been hired for the project and 7 are LMI. This meets the requirements of primarily benefitting LMI persons.

#### Project Progress \*Response needed.

This project to provide financial assistance to Graepel is on-going and slightly behind schedule. The two-year CDBG contract period was from October 13, 2010 to October 13, 2012. There are CDBG funds remaining to be drawn down and the business is in the process of assessing their future work orders to determine employment levels. **The city will need to request an extension to allow for additional time to complete the project and close out this grant.** The business was to create 14 new jobs in La Vista. I made a visit to the business to verify the employment levels and met with Mark Zumdohme and Joe Cole, who provided information on job creation efforts and gave me a tour of the facility. The employee information they showed me was consistent with Project Status Reports submitted by the city. The business has created 12 of 14 new jobs required.

The total CDBG award is \$477,000; of which \$472,000 is to be loaned to the business \$5,000 is budgeted for grant administration. As of March 6<sup>th</sup>, the city had draw down \$437,583 leaving a balance of \$39,417 of which \$38,890 is for the business and \$527 is for the city's administrative expenses.

#### General Files and Grantee Documents \*Response needed.

The grant files were complete and contain the necessary documents. The city held a public hearing on the application, and then the Department issued a Notice of Approval on October 13, 2010 and a Release of Funds on November 19, 2010.

**\*The city needs to conduct a second public hearing on the project, and Mr. Hansen indicated he would arrange this for the spring of 2013. Please provide evidence and minutes of the public hearing when completed.**

#### Environmental Review

The environmental review record identified the project as starting with a Categorically Excluded, Subject to determination. After completing the Statutory Checklist, it was determined there were no circumstances which required compliance with any other Federal laws and authorities, so the city completed a Finding of Exempt Activity for the project.

#### Financial Management

Internal Control and Cash Management. The city has submitted Requests for Funds that total \$437,583. The CDBG funds were sent electronically from the state to the city for all requests. The payments made were authorized by the city council. I tested a sample of the transactions and found the city paid out the CDBG funds in a timely manner.

2. Accounting Records. The city maintained documentation of project costs and administrative costs in their files, and provided documentation with each draw down. Matching funds were injected into the project at the correct ratio. **The balance of CDBG funds that remain available to draw down is \$39,417 of which \$38,890 is for the business, and \$527 is for grant administration expenses.**

#### Procurement

The city is a member of the Metropolitan Area Planning Agency (MAPA) so no procurement for grant administration services was required.

#### Professional Services Contracts

The city executed a grant administration contract with MAPA after the Notice of Approval. Applicable CDBG terms and conditions were included in the \$5,000 contract.

#### Civil Rights

Program Beneficiaries: The business has employees complete an income survey that includes questions on race and gender. This data is being reported on the Project Status and Job Creation Reports.

Employment Policy: The city has equal opportunity guidelines and written personnel policies that were adopted by the city.

Fair Housing: The city adopted a Fair Housing resolution December 16, 2009 and has designated the city clerk as the Fair Housing Coordinator. In addition to these actions, the city published in the local newspaper that the city is a supporter of Fair Housing laws.

#### Legal Files/Loan Documents

The city, business, MAPA and DED executed a Memorandum of Understanding that identified the terms and conditions of the CDBG financing for the project and the performance requirements for the business. MAPA and the business executed a Loan Agreement and Promissory Note for \$472,000. The CDBG loan was structured as a \$236,000 Forgivable Loan subject to performance to be determined by the city and MAPA and \$236,000 Repayable Loan to MAPA. The CDBG loan is secured by a Security Agreement and UCC Financing Statement that were filed. Graepel also provided a Corporate Guaranty for the loan.

#### Job Creation

The proposed job-creation requirements are 14 new jobs. The most current Project Status Report indicates 12 new jobs have been created. MAPA has previously made site visits to verify employment levels and I made a visit to the business and met with Mark Zumdohme and Joe Cole who gave an update on the project and employment levels. They provided a report that indicates they had 15 employees on the payroll, of which 12 were new. The positions are to be maintained for 36 months. The company will assess their need for new hires and timeframe to do so. It is expected that an extension will be needed to reach 14 new jobs.

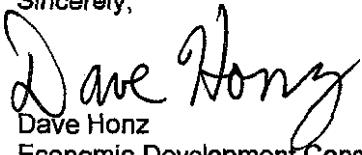
#### Summary

This report identified two responses needed related to the city holding another public hearing, and the need to request an extension to the CDBG contract which expired October 13, 2012. Please provide a

written response to these items by April 20, 2013. All other sections of this review were satisfactory. There are \$39,417 of CDBG funds remaining in this grant that are eligible to be drawn down as described in sections above.

I would like to thank Ann Birch and Jake Hansen for making the files available and providing information. I would also like to thank Mark Zumdohme for meeting with me and providing a tour of the facility. If you have questions, please contact me at (402) 471-3763 or [dave.honz@nebraska.gov](mailto:dave.honz@nebraska.gov).

Sincerely,



Dave Honz  
Economic Development Consultant  
Community and Rural Development Division

cc: Ann Birch, City✓  
Mark Zumdohme, Graepel  
Jake Hansen, MAPA  
CDBG Project File 10-ED-002

**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**MAY 21, 2013 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
THOMPSON CREEK WATERSHED RESTORATION-YEAR ONE-SPECIAL OPERATION & MAINTENANCE AGREEMENT	◆ RESOLUTION ORDINANCE RECEIVE/FILE	JOHN KOTTMANN CITY ENGINEER/ASSISTANT PUBLIC WORKS DIRECTOR

**SYNOPSIS**

A resolution has been prepared authorizing the Mayor to execute a Special Operation & Maintenance Agreement with the Papio-Missouri River Natural Resources District for the financial assistance provided for channel stabilization activities in the Thompson Creek Watershed Restoration Project.

**FISCAL IMPACT**

The Papio-Missouri River NRD is agreeing to provide up to \$60,000 of funding from their Urban Drainageway Program to be used for design and construction activities subject to the finalization of their FY14 budget. The grant requires a local share of \$40,000 which is funded through the Capital Fund and General Fund.

**RECOMMENDATION**

Approval

**BACKGROUND**

The City submitted grant applications to the Nebraska Department of Environmental Quality (NDEQ) and the Nebraska Environmental Trust (NET) in the fall of 2012 for funding of the Thompson Creek Watershed Restoration Project. Those applications were required in order to seek funding from the PMRNRD at the 60% level in their Urban Drainageway Program. A grant application was made to the PMRNRD in early March 2013 and the NRD Board of Directors determined that the request for assistance met the requirements of the Urban Drainageway Program. The NRD's draft FY14 budget includes \$60,000.00 for this project and they have requested that the Special Operation and Maintenance Agreement be executed and one copy returned to them. The activities which are covered by this funding are to be completed by June 1, 2014. The agreement also requires that recognition be given to the NRD for their assistance on project signs and public announcements.

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE MAYOR TO EXECUTE A SPECIAL OPERATION AND MAINTENANCE AGREEMENT WITH THE PAPIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT FOR FINANCIAL ASSISTANCE PROVIDED FOR CHANNEL STABILIZATION ACTIVITIES IN THE THOMPSON CREEK WATERSHED RESTORATION PROJECT.

WHEREAS, the City Council of the City of La Vista has determined that said Thompson Creek improvements are necessary; and

WHEREAS, the FY 2012/13 Capital Fund Budget contains funding for this project; and

WHEREAS, the Papio-Missouri NRD has agreed to provide up to \$60,000 for funding from their Urban Drainageway Program; and

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska, authorize the Mayor to enter into a special operation and maintenance agreement with the Papio-Missouri River Natural Resources District for financial assistance provided for channel stabilization activities in the Thompson Creek Watershed Restoration Project subject to review by the City Administrator and City Attorney.

PASSED AND APPROVED THIS 21ST DAY OF MAY, 2013

CITY OF LA VISTA

---

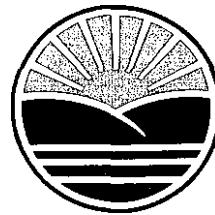
Mike Crawford, Acting Mayor

ATTEST:

---

Pamela A. Buethe, CMC  
City Clerk

PATIO-MISSOURI RIVER  
NATURAL  
RESOURCES  
DISTRICT



April 22, 2013

8901 S. 154TH ST.  
OMAHA, NE 68138-3621  
(402) 444-6222  
FAX (402) 895-6543  
[www.papionrd.org](http://www.papionrd.org)

Mr. John Kottman  
City of LaVista  
9900 Portal Road  
LaVista, Nebraska 68128

Re: Urban Drainageway Program  
Thompson Creek Channel Improvement Project

Dear Mr. Kottman:

On April 11, 2013, the Papio-Missouri River NRD Board of Directors determined that the City's request for assistance on the Thompson Creek Channel Improvement Project met the requirements of the District's Urban Drainageway Program. The action was contingent upon funds ultimately being included in the NRD's FY 2014, and future budgets. The NRD's Draft FY 2014 Budget will include **\$60,000.00** for this project. The remaining two years of the project will face the same budgetary requirements.

Current guidelines require the City to execute the attached Special Operation and Maintenance Agreement as a condition of the funding. Please obtain the appropriate signatures and return one copy to this office. In addition, the agreement will also require the City to provide public recognition of the District's contribution to the project on all project signs and public announcements.

In addition, the project must be completed, and reimbursement requested from the District by **June 1, 2014**. If for any reason, this deadline can't be met, or, the project's scheduled completion is after this date, a written request for an extension must be submitted to the District Office as soon as practical.

If you have any questions, please contact me.

Sincerely,



Gerry Bowen  
Natural Resources Planner

Attachment

16113 BG:pb file 521

**PAPIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT  
URBAN DRAINAGEWAY PROGRAM**

**Special Operation and Maintenance Agreement**

This agreement is made between the **Papio-Missouri River Natural Resources District** (hereinafter "the District"), acting under authority of Section 2-3235 R.R.S., 2007, and the **City of LaVista** (hereinafter "the Sponsor") which sponsor intends to carry out the following described project: **Thompson Creek Channel Improvement Project** (hereinafter "the Project") located in **Sarpy County, Nebraska**.

It is agreed that, if the District furnished financial aid to the Sponsor for the Project, in consideration thereof:

1. The Sponsor warrants that it now has, or can obtain, the resources, ability, and authority, and will obtain the additional funds, permits, services, materials, and land rights necessary to complete the Project, without additional cost to the District.
2. The Sponsor shall operate, maintain, and repair the Project after completion in accordance with accepted engineering standards and practices, without additional cost to the District. If the Project is either removed or improperly maintained within a period of **ten (10) years** following completion, the Sponsor may be requested to refund all, or a portion, of the District's cost share funds.
3. The Sponsor shall indemnify and hold the District harmless from and against all liability and damages resulting from the design, construction, operation, or maintenance of the Project, and against all demands, causes of action, and claims arising therefrom, except as may be caused by negligence of the District, its agents, representatives, or employees.
4. The Sponsor shall publicly acknowledge the District's contribution to the Project on a permanent sign, plaque or other fixture (containing the District's logo), to be maintained by the Sponsor for the life of the project specified above. Such acknowledgement shall also be contained on all temporary construction signs and in all media publicity about the Project.

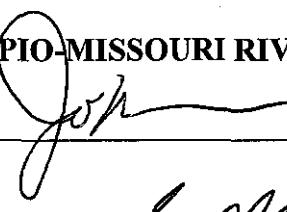
**SPONSOR: CITY OF LAVISTA**

By: \_\_\_\_\_

Attest: \_\_\_\_\_

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

**PAPIO-MISSOURI RIVER NRD**

By:  \_\_\_\_\_

Attest:  \_\_\_\_\_

Date: 4-23-13 \_\_\_\_\_

**PATIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT  
URBAN DRAINAGEWAY PROGRAM**

**Special Operation and Maintenance Agreement**

This agreement is made between the **Patio-Missouri River Natural Resources District** (hereinafter "the District"), acting under authority of Section 2-3235 R.R.S., 2007, and the **City of LaVista** (hereinafter "the Sponsor") which sponsor intends to carry out the following described project: **Thompson Creek Channel Improvement Project** (hereinafter "the Project") located in **Sarpy County, Nebraska**.

It is agreed that, if the District furnished financial aid to the Sponsor for the Project, in consideration thereof:

1. The Sponsor warrants that it now has, or can obtain, the resources, ability, and authority, and will obtain the additional funds, permits, services, materials, and land rights necessary to complete the Project, without additional cost to the District.
2. The Sponsor shall operate, maintain, and repair the Project after completion in accordance with accepted engineering standards and practices, without additional cost to the District. If the Project is either removed or improperly maintained within a period of **ten (10) years** following completion, the Sponsor may be requested to refund all, or a portion, of the District's cost share funds.
3. The Sponsor shall indemnify and hold the District harmless from and against all liability and damages resulting from the design, construction, operation, or maintenance of the Project, and against all demands, causes of action, and claims arising therefrom, except as may be caused by negligence of the District, its agents, representatives, or employees.
4. The Sponsor shall publicly acknowledge the District's contribution to the Project on a permanent sign, plaque or other fixture (containing the District's logo), to be maintained by the Sponsor for the life of the project specified above. Such acknowledgement shall also be contained on all temporary construction signs and in all media publicity about the Project.

**SPONSOR: CITY OF LAVISTA**

By: \_\_\_\_\_

Attest: \_\_\_\_\_

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

**PATIO-MISSOURI RIVER NRD**

By: \_\_\_\_\_

Attest: \_\_\_\_\_

Date: 4-23-13

**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**MAY 21, 2013 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
FEDERAL FUNDS PURCHASE PROGRAM SUPPLEMENTAL AGREEMENT NO. 1 NEBRASKA DEPARTMENT OF ROADS	◆ RESOLUTION ORDINANCE RECEIVE/FILE	JOE SOUCIE PUBLIC WORKS DIRECTOR

**SYNOPSIS**

A resolution has been prepared authorizing the Mayor and City Clerk to enter into a Supplemental Agreement No. 1, with the Nebraska Department of Roads to participate in a program that provides the City the potential to sell federal-aid funds, that the City may be eligible for at a future date, to the Nebraska Department of Roads at the rate of 80 cents for each dollar of federal-aid. The funds received from the State would have less requirements in regards to the manner in which projects using the funds must be conducted and could be carried over from year to year.

**FISCAL IMPACT**

This program does not take effect until March 1, 2014 and does not apply to the City of La Vista until such time as we have "deficient bridges" as determined by the NDOR Bridge Inspection Program.

**RECOMMENDATION**

Approval subject to the Agreement being satisfactory to the City Attorney.

**BACKGROUND**

The Federal Funds Purchase Program (FFPP) was established in 2011 to provide a way for NDOR to purchase federal funds currently used by Local Public Agencies (LPAs) in exchange for state cash. The current Federal Transportation Bill, MAP-21, eliminated the Highway Bridge Program (HBP) funding category which the current agreement identified as eligible for purchase. NDOR intends to replace the HBP funds with funds from other federal funding categories in an amount that is equivalent to what was provided in previous years. This will allow NDOR to continue to provide funds to the LPA to accomplish repair and non-routine maintenance for their bridges.

The City entered into the original Federal Funds Purchas Program Agreement on August 2, 2011.

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF A SUPPLEMENTAL AGREEMENT NO. 1 WITH THE NEBRASKA DEPARTMENT OF ROADS TO PARTICIPATE IN A PROGRAM THAT PROVIDES THE CITY THE POTENTIAL TO SELL FEDERAL-AID FUNDS.

WHEREAS, the Mayor and City Council has determined that the execution of a supplemental agreement with the Nebraska Department of Roads is necessary; and

WHEREAS, the City entered into the original Federal Funds Purchase Program Agreement on August 2, 2011.

WHEREAS, the program will not take effect until March 1, 2014 and does not apply to the City of La Vista until such time as the City has "deficient bridges" as determined by the NDOR Bridge Inspection Program.

NOW, THEREFORE BE IT RESOLVED, that the Mayor of the City of La Vista do hereby authorize the execution of a Supplemental Agreement No. 1 with the Nebraska Department of Roads for to participate in a program that provides the City the potential to sell Federal-Aid funds..

PASSED AND APPROVED THIS 21ST DAY OF MAY, 2013.

CITY OF LA VISTA

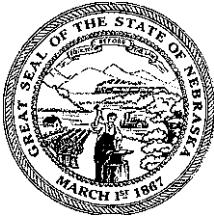
---

Mike Crawford, Acting Mayor

ATTEST:

---

Pamela A. Buethe, CMC  
City Clerk



Dave Heineman  
Governor

## STATE OF NEBRASKA

### DEPARTMENT OF ROADS

Randall D. Peters, P.E., Director – State Engineer  
1500 Highway 2 • PO Box 94759 • Lincoln NE 68509-4759  
Phone (402)471-4567 • FAX (402)479-4325 • transportation.nebraska.gov

April 15, 2013

Ms Pamela Buethe  
City of La Vista  
8116 Park View Blvd  
La Vista, NE 68128

Re: Federal Fund Purchase Program Supplemental Agreement

Dear Ms Buethe:

The Federal Funds Purchase Program (FFPP) was established in 2011 to provide a way for NDOR to purchase federal funds currently used by Local Public Agencies (LPAs) in exchange for state cash. The current Federal Transportation Bill, MAP-21, eliminated the Highway Bridge Program (HBP) funding category which the current agreement identified as eligible for purchase. NDOR intends to replace the HBP funds with funds from other federal funding categories in an amount that is equivalent to what was provided in previous years. This will allow NDOR to continue to provide funds to the LPA to accomplish repair and non-routine maintenance for their bridges.

Additionally, it has become necessary to address National Bridge Inspection Standard compliance issues that may affect the availability of Federal Transportation funds in Nebraska. To address these issues, NDOR has added provisions in Section 4 of this supplemental agreement to ensure the continued availability of Federal funds for purchase.

NDOR encourages your agency to review and return the two enclosed supplemental agreements with an authorized signature and resolution to the Local Projects Section at the address above no later than June 3, 2013. The execution of this supplemental agreement allows your agency to continue to receive a distribution of state cash designated for bridge repair and maintenance.

If you have any questions, please don't hesitate to call, email, or refer to the information that is on our website at the following address: <http://www.dor.state.ne.us/gov-aff/ffpp.html>. I can be reached at 402-479-3943 or [Larry.Legg@nebraska.gov](mailto:Larry.Legg@nebraska.gov).

Sincerely,

Larry L. Legg  
NDOR Local Projects Engineer

Enclosures

cc: File

**SUPPLEMENTAL AGREEMENT NO. 1  
TO THE  
FEDERAL-AID TRANSPORTATION FUND  
PURCHASE- SALE AGREEMENT**

**Nebraska Department of Roads**

**City of La Vista**

THIS SUPPLEMENTAL AGREEMENT made and entered into by and between the State of Nebraska, Department of Roads, hereinafter referred to as the "State," and the City of La Vista hereinafter referred to as Local Public Agency, or "LPA."

**RECITALS**

WHEREAS, in 2011, LPA and the State entered into a Federal-Aid Transportation Fund Purchase-Sale Agreement (hereinafter referred to as "the Original Agreement") that provided for the State to purchase at a discount LPA's share of certain Surface Transportation Program Funding (hereinafter referred to as "STP") and the Highway Bridge Program (hereinafter referred to as "HBP") federal-aid funds that had been available to Nebraska LPAs; and,

WHEREAS, later in 2012, the federal government passed interim transportation funding legislation which eliminated the HBP category of funds and did not provide a replacement category of funds related solely to bridge replacement, rehabilitation and maintenance; and,

WHEREAS, the parties to this Supplemental Agreement intend to replace the HBP funds, which will no longer be available, with other federal-aid funds in a substantially similar proportional amount to provide LPAs with funds for bridge replacement, rehabilitation and maintenance; and

WHEREAS, it has also become necessary for the parties to further address certain National Bridge Inspection Standards compliance issues.

NOW, THEREFORE, in consideration of these facts, the State and the LPA agree as follows:

**SECTION 1.** Except for the provisions specifically modified herein, all terms and provisions of the Original Agreement between the State and the LPA remain in full force and effect.

**SECTION 2.** Section 2 of the Original Agreement entitled "Federal Funds Eligible for Purchase" is hereby superseded and replaced in total and shall hereafter state as follows:

This Agreement applies to the following categories of federal-aid funds: (a) STP Funds (both for Populations less than 5,000, and Populations 5,001 to 200,000), and (b) Federal-aid funds from sources in lieu of the former Highway Bridge Program (HBP) funds. The new Federal Highway Authorization, enacted into law on July 6, 2012,

known as Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21), restructured core highway formula programs and eliminated the Highway Bridge Program. Consequently, the State will use historic data as the basis for establishing the total amount of funds that will be eligible for purchase (hereinafter "the Purchase Pool") for the Bridge Funding Category under this agreement. This historic data reflects that the HBP program averaged 10% of the total annual federal-aid funding received by State from FHWA. This method of calculating the Bridge Funding Category will be used for the duration of this Agreement unless a future Federal Highway Authorization re-establishes a separate fund dedicated to the construction or reconstruction of highway bridges. In the event that a fund similar to the former Highway Bridge Fund is re-established by the federal government, then the original agreement language of Section 2 shall automatically be reinstated 30 days after written notice from the State and the changes made in Sections 2 and 3 of this Supplemental Agreement will be null and void and all previous Section 2 language will apply except the name of the new fund will be substituted in for "Highway Bridge Program" in the Original Agreement.

**SECTION 3.** The references in the recitals and operative sections of the Original Agreement to "HBP" or the "Highway Bridge Program" shall be replaced, modified or interpreted as follows:

- (a) The title of Section 3B of the Original Agreement "HBP Funds Calculation" is hereby superseded and replaced with the title "Bridge Funding Category Calculation."
- (b) The reference in paragraph one of Section 5 of the Original Agreement to "HBP Funds" is hereby superseded and replaced with the phrase "Bridge Funds." The two references to "HBP portions" in the third paragraph of Section 5 of the Original Agreement are hereby superseded and replaced with the phrase "Bridge funding portions."
- (c) All other references to HBP in the Original Agreement shall have no force and effect; however, if the context requires, the reference to HBP is hereby replaced with the phrase "the non-STP federal-aid funds described in Section 2 of this Supplemental Agreement."

**SECTION 4.** The following shall be added at the end of subsection I of Section 7, of the Original Agreement, which Section is entitled "Bridges:"

The parties to this agreement understand that when any of Nebraska's LPAs fail to comply with the obligations of the National Bridge Inspection Standards (NBIS), or with Federal Highway Administration (FHWA) directive, on a bridge or bridges that are the jurisdictional responsibility of the LPA, the State may be required to expend funds to remedy such LPA bridge non-compliance. LPA agrees that the State may pay the costs to comply with any NBIS non-compliance or FHWA directive from the purchase pool (off the top) under Supplemental Section 2. Additionally, any non-compliant LPA will be subject to any or all of the following sanctions that will continue until the costs have been repaid in full, and LPA's bridge is, or bridges are, in full compliance with NBIS requirements and FHWA directives:

- (a) Each year LPA's share of the purchase pool will be forfeited and returned to the pool for distribution to the other LPAs.
- (b) LPA will not receive any additional federal-aid funds for existing projects to become effective 30 days after written notice to LPA.
- (c) LPA will not be allowed to program any new Federal-aid or State-aid projects, and existing projects will not be advanced, and federal-aid reimbursements will be suspended.

(d) Any State-aid Bridge, State Recreation Road, or Federal-aid funds of LPA held by the State will be retained by the State.

IN WITNESS WHEREOF, the LPA and State hereto have caused this Supplemental Agreement to be executed by their proper officials thereunto duly authorized as of the dates below indicated.

EXECUTED by the LPA this \_\_\_\_ day of \_\_\_\_\_, 2013.

WITNESS: City of La Vista

LPA Clerk By \_\_\_\_\_  
Title \_\_\_\_\_

EXECUTED by the State this \_\_\_\_ day of \_\_\_\_\_, 2013.

STATE OF NEBRASKA  
DEPARTMENT OF ROADS  
Mick Syslo, P.E.

Material & Research Division Engineer

**RESOLUTION**  
**SIGNING OF THE FEDERAL FUNDS PURCHASE PROGRAM**  
**SUPPLEMENTAL AGREEMENT NO. 1**

City of La Vista

Resolution No. \_\_\_\_\_

**WHEREAS**, in 2011, LPA and the State entered into a Federal-Aid Transportation Fund Purchase-Sale Agreement (hereinafter referred to as "the Original Agreement") that provided for the State to purchase at a discount LPA's share of certain Surface Transportation Program Funding (hereinafter referred to as "STP") and the Highway Bridge Program (hereinafter referred to as "HBP") federal-aid funds that had been available to Nebraska LPAs; and,

**WHEREAS**, later in 2012, the federal government passed interim transportation funding legislation which eliminated the HBP category of funds and did not provide a replacement category of funds related solely to bridge replacement, rehabilitation and maintenance; and,

**WHEREAS**, the parties to this Supplemental Agreement intend to replace the HBP funds, which will no longer be available, with other federal-aid funds in a substantially similar proportional amount to provide LPAs with funds for bridge replacement, rehabilitation and maintenance; and

**WHEREAS**, it has also become necessary for the parties to further address certain National Bridge Inspection Standards compliance issues.

**WHEREAS**, City of La Vista and the Nebraska Department of Roads (NDOR) wish to enter into Supplemental Agreement No. 1 setting out the necessary modifications to the Original Agreement.

**Be It Resolved:** by the governing body of City of La Vista that:

\_\_\_\_\_ is hereby authorized to sign the attached Federal Funds Purchase Program Supplemental Agreement No. 1 between City of La Vista and the NDOR.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2013 at \_\_\_\_\_ Nebraska.  
(Month) (Year)

The governing body of City of La Vista:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Board/Council Member \_\_\_\_\_  
Moved the adoption of said resolution  
Member \_\_\_\_\_ Seconded the Motion  
Roll Call: \_\_\_\_\_ Yes \_\_\_\_\_ No \_\_\_\_\_ Abstained \_\_\_\_\_ Absent  
Resolution adopted, signed and filed as adopted

Attest:

\_\_\_\_\_  
[Signature of City or County Clerk or Corporate Secretary]

**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**MAY 21, 2013 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
ADVERTISEMENT OF BIDS – LILLIAN AVENUE & JAMES AVENUE INTERSECTION	◆ RESOLUTION ORDINANCE RECEIVE/FILE	JOHN KOTTMANN CITY ENGINEER/ASSISTANT PUBLIC WORKS DIRECTOR

**SYNOPSIS**

A resolution has been prepared authorizing the advertisement of bids for reconstruction of the Lillian Avenue and James Avenue intersection. This will include replacing curb ramps to meet current accessibility standards. The pavement has deteriorated to an extent that requires removal and replacement.

**FISCAL IMPACT**

The FY 2012/13 Capital Fund Budget provides funding for the Lillian Avenue and James Avenue intersection, Project No. PWST-10-003, in the amount of \$108,000 that includes both engineering and construction.

**RECOMMENDATION**

Approval

**BACKGROUND**

The City Engineer, in conjunction with TD2 for survey and drafting services, has prepared plans and specifications. The Engineer's Estimate is \$95,000 for the proposed construction work. The following schedule is suggested:

Publish Notice to Contractors	May 29, 2013 and June 5, 2013
Open Bids	June 10, 2013
City Council Award Contract	June 18, 2013

The specifications allow 20 working days to complete all work after a Notice to Proceed is issued.

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

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE ADVERTISEMENT OF BIDS FOR RECONSTRUCTION OF THE LILLIAN AVENUE AND JAMES AVENUE INTERSECTION.**

**WHEREAS, the City Council has determined that reconstruction of the Lillian Avenue and James Avenue intersection is necessary, and**

**WHEREAS, the FY 2012/13 Capital Fund Budget provides funding for the proposed project, and**

**WHEREAS, the City Engineer in conjunction with Thompson, Dreessen, Dorner, has prepared plans and specifications for said project.**

**NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council do hereby authorize the advertisement of bids for the reconstruction of the Lillian Avenue and James Avenue intersection in accordance with plans and specifications prepared by the City Engineer in conjunction with Thompson, Dreessen, Dorner. Said bids are to be opened and publicly read aloud at 10 a.m. at the office of the City Clerk, 8116 Park View Boulevard, La Vista, Nebraska on June 10, 2013.**

Publish Notice to Contractors	May 29, 2013 and June 5, 2013
Open Bids	June 10, 2013
City Council Award Contract	June 18, 2013

**PASSED AND APPROVED THIS 21ST DAY OF MAY, 2013**

**CITY OF LA VISTA**

---

**Mike Crawford, Acting Mayor**

**ATTEST:**

---

**Pamela A. Buethe, CMC  
City Clerk**

**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**MAY 21, 2013 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
BID AWARD – 2013 STORM SEWER INLET REPAIRS	◆ RESOLUTION ORDINANCE RECEIVE/FILE	JOHN KOTTMANN CITY ENGINEER/ASSISTANT PUBLIC WORKS DIRECTOR

**SYNOPSIS**

A resolution has been prepared to award a contract to Swain Construction, Inc. of Omaha, Nebraska, for construction of the 2013 Storm Sewer Inlet Repairs in an amount not to exceed \$76,366.17.

**FISCAL IMPACT**

The FY 2012/13 Capital Fund Budget provides funding for the Storm Sewer Inlet Top Repair, Project No. PWSE-12-003 and 103<sup>rd</sup> Street and Giles Road Inlets, Project No. PWSE-13-001 in the Capital Fund portion. These projects have combined funding in the amount of \$75,000.00. The anticipated cost of construction along with surveys and construction phase testing is \$81,000.00. The additional funding of \$6000.00 is budgeted in the General Fund.

**RECOMMENDATION**

Approval

**BACKGROUND**

On April 2, 2013, the City Council approved a resolution which authorized the advertisement for bids for the 2013 Storm Sewer Inlet Repairs. The plans and specifications were prepared in-house by the City Engineer with some survey and drafting assistance from TD2. Bids were taken on April 29, 2013 at 10 am. Four contractors picked up plans but bids were received from two contractors with results as follows:

Swain Construction, Inc.	\$76,366.17
Omni Engineering	\$119,264.70

The low bidder, Swain Construction, Inc. is a qualified contractor and it is recommended that a contract be awarded to them in an amount not to exceed \$76,366.17.

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AWARDING A CONTRACT TO SWAIN CONSTRUCTION INC., OMAHA, NE, FOR CONSTRUCTION OF THE 2013 STORM SEWER INLET REPAIRS IN AN AMOUNT NOT TO EXCEED \$76,366.17.

WHEREAS, the City Council of the City of La Vista has determined that the construction of the 2013 Storm Sewer Inlet Repairs is necessary; and

WHEREAS, the FY 12/13 Capital Fund Budget contains funds for this expenditure; and

WHEREAS, the City Council authorized the advertisement of bids for construction of the 2013 Storm Sewer Inlet Repairs on April 2, 2013, and

WHEREAS Swain Construction Inc., Omaha, NE, has submitted the low, qualified bid, 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 designate Swain Construction Inc., Omaha, NE as the low qualified bidder for the construction of the 2013 Storm Sewer Inlet Repairs, in an amount not to exceed \$76,366.17.

PASSED AND APPROVED THIS 21ST DAY OF MAY, 2013.

**CITY OF LA VISTA**

---

Mike Crawford, Acting Mayor

ATTEST:

---

Pamela A. Buethe, CMC  
City Clerk