

MINUTE RECORD

A.2

No. 729 — REEDIE & COMPANY, INC. OMAHA E1107768LD

LA VISTA CITY COUNCIL MEETING January 21, 2014

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 January 21, 2014. Present were Councilmembers: Gowan, Sheehan, Thomas, Crawford, 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, 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 January 8, 2014. 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.

SERVICE AWARDS – JOHN DANDERAND, MARK STEVENS – 20 YEARS; KYLE WILLIAMS – 5 YEARS

Mayor Kindig presented a service award to John Danderand for twenty years of service to the City of La Vista. Firefighters Stevens and Williams were unable to attend so their service awards will be presented at a later date.

APPOINTMENT – LIBRARY ADVISORY BOARD – RE-APPOINT – VALERIE RUSSELL – 2 YEAR TERM

Mayor Kindig stated, with the approval of the City Council, he would like re-appoint Valerie Russell to the Library Advisory Board for a 2 year term. Councilmember Sheehan motioned the approval, seconded by Councilmember Gowan. Councilmembers voting aye: Gowan, Sheehan, Thomas, Crawford, Hale, and Sell. Nays: None. Abstain: None. Absent: Ronan and Quick. Motion carried.

A. CONSENT AGENDA

- 1. APPROVAL OF THE AGENDA AS PRESENTED**
- 2. APPROVAL OF THE MINUTES OF THE JANUARY 7, 2014 CITY COUNCIL MEETING**
- 3. APPROVAL OF THE MINUTES OF THE NOVEMBER 20, 2013 PARK & RECREATION ADVISORY COMMITTEE MEETING**
- 4. APPROVAL OF THE MINUTES OF THE DECEMBER 18, 2013 PARK & RECREATION ADVISORY COMMITTEE MEETING**
- 5. APPROVAL OF THE MINUTES OF THE DECEMBER 19, 2013 PLANNING COMMISSION MEETING**
- 6. APPROVAL OF THE MINUTES OF THE JANUARY 9, 2014 LIBRARY ADVISORY BOARD MEETING**
- 7. MONTHLY FINANCIAL REPORT – DECEMBER 2013**
- 8. PAY REQUEST FROM THOMPSON, DREESSEN & DORNER, INC. – PROFESSIONAL SERVICES – THOMPSON CREEK PHASE 1 - \$8,097.34**
- 9. PAY REQUEST FROM PACIFIC REALTY COMMERCIAL, LLC – COMMISSION – HUPP DRIVE PROPERTY PURCHASE - \$15,000.**
- 10. PAY REQUEST FROM SUCCESS FACTORS – PROFESSIONAL SERVICES - \$8,724.80**

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11. APPROVAL OF CLAIMS

ACCOUNTTEMPS, services	856.00
ACTION BATTERIES, supplies	89.58
ALAMAR, apparel	175.74
ALEX, M., services	40.00
ASPEN EQUIP., maint.	199.00
BAKER & TAYLOR, books	1,446.93
BENNETT REFRIGERATION, supplies	3,200.00
BISHOP BUSINESS EQUIP., services	1,511.32
BKD, services	11,550.00
BLACK HILLS ENERGY, utilities	254.61
BOUNDTREE MEDICAL, supplies	45.56
BRENTWOOD AUTO WASH, maint.	77.00
BROWN TRAFFIC PRODUCTS, supplies	29.50
CABELA'S, apparel	120.00
CARDMEMBER SERVICE, services	11,538.64
CENTRAL STATES PETROLEUM, supplies	9,280.30
CENTURY LINK, phone	70.23
CJ'S HOME CENTER, supplies	889.27
CONSOLIDATED MANAGEMENT, training	102.50
COX, utilities	215.80
D & D COMM., radios	2,348.44
DANNER, D., services	100.00
DIAMOND VOGEL PAINTS, bld&grnds	161.56
DXP ENTERPRISES, maint.	212.00
EAGLE ENGRAVING, apparel	30.45
EASTERN NEBR SOCCER ASSN, dues	350.00
EDGEWEAR SCREEN PRINTING, apparel	111.50
ELLIOTT EQUIPMENT, maint.	146.80
FELSBURG HOLT & ULLEVIG, services	8,674.37
FOSTER, T., training	46.00
FRED PETERSON, maint.	510.00
FREMONT NATIONAL BANK, fees	624.30
GCR TIRE CENTERS, supplies	2,108.06
GCSAA, dues	365.00
GENERAL FIRE & SAFETY EQUIP, services	1,540.00
GENUINE PARTS COMPANY-OMAHA, services	1,038.54
GRAINGER, bld&grnds	11.16
GRAYBAR ELECTRIC, bld&grnds	459.12
H & H CHEV., maint.	223.76
HOBBY LOBBY, supplies	16.61
HUMANITIES NEBRASKA, training	50.00
ICSC, dues	200.00
IIMC, dues	145.00
KRIHA FLUID POWER, maint.	171.81
LAUGHLIN, KATHLEEN A, TRUSTEE	437.00
LEAGUE OF NEBR MUNICIPALITIES, training	450.00
LITTLE FALLS MACHINE, maint.	429.93
LOWE'S, bld&grnds	296.59
MAT, services	571.00
MID AMERICA PAY PHONES, phones	50.00
MIDWEST SERVICE, signs	252.92
MIDWEST TAPE, media	1,178.06
MINITEX, supplies	222.00
MNJ TECH., IT	778.00
MSC INDUSTRIAL SUPPLY, supplies	54.96
MUD, utilities	459.86
NE GOLF COURSE SUPER., dues	125.00
NE LIBRARY COMMISSION, media	210.00

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NE SALT & GRAIN COMPANY, maint.	20,129.20
NEWCOMBE, T., services	75.00
NLA, dues	260.00
NMC EXCHANGE, maint.	134.14
NUTS AND BOLTS INC., maint.	77.57
OCLC, books	108.41
OFFICE DEPOT, supplies	351.77
OMAHA WORLD HERALD, ads	2,702.66
ONE CALL CONCEPTS, services	118.45
OPPD, utilities	52,854.46
OVERHEAD DOOR COMPANY, bld&grnds	14.50
PAPILLION SANITATION, services	2,265.31
PAPILLION-LA VISTA, fundraiser	596.93
PAPIO-MO RIVER NRD STORM WATER	35,880.00
PARAMOUNT, services	433.04
PERFORMANCE CHRYSLER JEEP, maint.	874.00
PITNEY BOWES, supplies	204.00
PITNEY BOWES, supplies	204.00
PLAINS EQUIPMENT GROUP, maint.	529.44
PLUTA, D., travel	46.00
QUALITY AUTO REPAIR & TOWING, maint.	141.00
RDG PLANNING & DESIGN, services	500.00
RECORDED BOOKS, media	63.00
SADLER ELECTRIC, services	1,469.24
SAM'S CLUB, services	319.03
SAPP BROS, supplies	770.00
SAPP BROS, supplies	753.85
SARPY COUNTY TREASURER, services	39,732.15
SCARPA, D., training	46.00
SCHLEGEL, J., training	46.00
SESAC, services	343.00
SHERRY, P., training	46.00
SUBURBAN NEWSPAPERS, ads	80.00
SUPERIOR VISION SVCS INC	391.52
TED'S MOWER SALES, equip.	237.03
THERMO KING CHRISTENSEN, maint.	296.93
TURFWERKS, maint.	91.66
UHE, R., training	46.00
UNIVERSITY OF NEB-LINC., services	672.49
UPS, postage	14.12
VAN RU CREDIT CORPORATION	10.57
VIERREGGER ELECTRIC, maint.	1,175.63
WASTE MANAGEMENT NE., bld&grnds	118.89
ZIMCO SUPPLY, bld&grnds	381.71

12. PAY REQUEST FROM OAKHAVEN HOMES, INC. - CONSTRUCTION – FIRE STATION DISTRICT 1 REMODEL - \$10,470.

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

REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

City Clerk Buethe informed the Mayor and Council that the deadline for fireworks vendor applications had passed and eight applications had been received which was the same number as the previous year.

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Public Works Director Soucie informed the Mayor and Council that there were some issues with the traffic signals at 85th and Giles and they are working to get these issues resolved.

B. TEXT AMENDMENTS – SUBDIVISION REGULATIONS

1. PUBLIC HEARING

At 7:07 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the text amendments to the subdivision regulations Staff asked that Council continue the public hearing to the February 4, 2014 meeting.

Councilmember Hale made a motion to continue the public hearing to the February 4, 2014 meeting. Seconded by Councilmember Gowan. Councilmembers voting aye: Gowan, Sheehan, Thomas, Crawford, Hale, and Sell. Nays: None. Abstain: None. Absent: Ronan and Quick. Motion carried.

C. APPLICATION FOR REPLAT – LAKEVIEW SOUTH II REPLAT 6 (NW OF 145TH & MEADOWS BLVD.)

1. PUBLIC HEARING

At 7:08 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the replat of Lakeview South II Replat 6 (NW of 145th & Meadows Blvd.).

At 7:09 p.m. Councilmember Hale made a motion to close the public hearing. Seconded by Councilmember Crawford. Councilmembers voting aye: Gowan, Sheehan, Thomas, Crawford, Hale, and Sell. Nays: None. Abstain: None. Absent: Ronan and Quick. Motion carried.

2. RESOLUTION – APPROVE REPLAT

Councilmember Sheehan introduced and moved for the adoption of Resolution No. 14-002: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, DETERMINING CONDITIONS FOR APPROVAL OF THE REPLAT FOR LOT 2 LAKEVIEW SOUTH II REPLAT 4 AND LOT 1 LAKEVIEW SOUTH II REPLAT 2, SARPY COUNTY, TO BE REPLATTED AS LOTS 1 AND 2, LAKEVIEW SOUTH II, REPLAT 6, A SUBDIVISION LOCATED IN THE NORTHEAST 1/4 OF SECTION 23, TOWNSHIP 14 NORTH, RANGE 11 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA.

WHEREAS, the owners of the above described piece of property have made application for approval of a replat for Lot 2, Lakeview South II Replat 4 and Lot 1, Lakeview South II Replat 2, Sarpy County, to be replatted as Lots 1 and 2, Lakeview South II, Replat 6; and

WHEREAS, the City Administrator and the City Engineer have reviewed the replat; and

WHEREAS, on December 19, 2013, the La Vista Planning Commission held a public hearing and reviewed the replat and recommended approval subject to the resolution of items identified by the city engineer and staff; and

WHEREAS, Items remaining to be resolved include the following:

1. The applicant must request releases for the side lot line easements along the previous lot line that is being dissolved by this replatting. Releases from the affected utility companies need to be provided to the city prior to releasing the final plat mylars for recording.

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of La Vista, Nebraska, that the plat for Lot 2, Lakeview South II Replat 4 and Lot 1, Lakeview South II Replat 2, Sarpy County, to be replatted as Lots 1 and 2, Lakeview South II, Replat 6, a subdivision located in the Northeast 1/4 of Section 23, Township 14 North, Range 11 East of the 6th P.M., Sarpy

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County, Nebraska, generally located northwest of 145th Street and Meadows Boulevard, be, and hereby is, approved.

Seconded by Councilmember Gowan. Doug Kellner representing TD2 was present to answer any questions. Councilmembers voting aye: Gowan, Sheehan, Thomas, Crawford, Hale, and Sell. Nays: None. Abstain: None. Absent: Ronan and Quick. Motion carried.

D. APPLICATION FOR REPLAT – JAYCEE PARK (SE OF HARVEST HILLS DRIVE & VALLEY VIEW DRIVE)

1. PUBLIC HEARING

At 7:10 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the replat of Jaycee Park (SE of Harvest Hills Drive & Valley View Drive).

At 7:10 p.m. Councilmember Hale made a motion to close the public hearing. Seconded by Councilmember Crawford. Councilmembers voting aye: Gowan, Sheehan, Thomas, Crawford, Hale, and Sell. Nays: None. Abstain: None. Absent: Ronan and Quick. Motion carried.

2. RESOLUTION – APPROVE REPLAT

Councilmember Thomas introduced and moved for the adoption of Resolution No. 14-003: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, DETERMINING CONDITIONS FOR APPROVAL OF THE REPLAT FOR LOT 151 S&S'S HARVEST HILL AND LOT 136 APPLE GROVE, SARPY COUNTY, TO BE REPLATTED AS OUTLOT A JAYCEE PARK, A SUBDIVISION LOCATED IN THE NORTHWEST 1/4 OF SECTION 15, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA.

WHEREAS, the City has made application for approval of a replat for Lot 151, S&S's Harvest Hill, and Lot 136, Apple Grove, Sarpy County, to be replatted as Outlot A, Jaycee Park; and

WHEREAS, the City Administrator and the City Engineer have reviewed the replat; and

WHEREAS, on December 19, 2013, the La Vista Planning Commission held a public hearing and reviewed the replat and recommended approval subject to the resolution of items identified by the city engineer and staff; and

WHEREAS, Items remaining to be resolved include the following:

1. The city will request releases for the side lot line easements along the previous lot line that is being dissolved by this replatting. Releases from the affected utility companies should be obtained prior to recording the final plat mylars.

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of La Vista, Nebraska, that the plat for Lot 151, S&S's Harvest Hill, and Lot 136, Apple Grove, Sarpy County, to be replatted as Outlot A, Jaycee Park, a subdivision located in the Northwest 1/4 of Section 15, Township 14 North, Range 12 East of the 6th P.M., Sarpy County, Nebraska, generally located southeast of Harvest Hills Drive and Valley View Drive, be, and hereby is, approved.

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

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E. APPLICATION FOR REPLAT – THOMPSON CREEK GREENWAY (PARK VIEW BLVD. & VALLEY RD., W OF 72ND & E. OF EDGEWOOD BLVD.)

1. PUBLIC HEARING

At 7:11 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the replat of Jaycee Park (SE of Harvest Hills Drive & Valley View Drive).

At 7:11 p.m. Councilmember Hale made a motion to close the public hearing. Seconded by Councilmember Crawford. Councilmembers voting aye: Gowan, Sheehan, Thomas, Crawford, Hale, and Sell. Nays: None. Abstain: None. Absent: Ronan and Quick. Motion carried.

2. RESOLUTION – APPROVE REPLAT

Councilmember Gowan introduced and moved for the adoption of Resolution No. 14-004: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, DETERMINING CONDITIONS FOR APPROVAL OF THE REPLAT FOR LOTS 912 THRU 945, AND LOTS 977 THRU 990, LA VISTA, TO BE REPLATTED AS OUTLOTS A, B & C, THOMPSON CREEK GREENWAY, A SUBDIVISION LOCATED IN SECTION 14, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA.

WHEREAS, the City has made application for approval of a replat for Lots 912 thru 945, and Lots 977 thru 990, La Vista, to be replatted as Outlots A, B & C, Thompson Creek Greenway; and

WHEREAS, the City Administrator and the City Engineer have reviewed the replat; and

WHEREAS, on December 19, 2013, the La Vista Planning Commission held a public hearing and reviewed the replat and recommended approval subject to the resolution of items identified by the city engineer and staff; and

WHEREAS, items remaining to be resolved include the following:

1. The city will request releases for the side lot line easements along the previous lot line that is being dissolved by this replatting. Releases from the affected utility companies should be obtained prior to recording the final plat mylars.

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of La Vista, Nebraska, that the plat for Lots 912 thru 945, and Lots 977 thru 990, La Vista, to be replatted as Outlots A, B & C, Thompson Creek Greenway, a subdivision located in Section 14, Township 14 North, Range 12 East of the 6TH P.M., Sarpy County, Nebraska, generally located along Park View Blvd. and Valley Road, west of 72ND Street to Edgewood Blvd., be, and hereby is, approved.

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

F. ORDINANCE – AMENDMENT TO MASTER FEE ORDINANCE – LIBRARY MINI-CAMP

Councilmember Sheehan introduced Ordinance No. 1210 entitled: AN ORDINANCE TO AMEND ORDINANCE NO.1198, AN ORDINANCE TO ESTABLISH THE AMOUNT OF CERTAIN FEES AND TAXES CHARGED BY THE CITY OF LA VISTA FOR VARIOUS SERVICES INCLUDING BUT NOT LIMITED TO BUILDING AND USE, ZONING, OCCUPATION, PUBLIC RECORDS, ALARMS, EMERGENCY SERVICES, RECREATION, LIBRARY, AND PET LICENSING; SEWER AND DRAINAGE SYSTEMS AND FACILITIES OF THE CITY FOR RESIDENTIAL USERS AND COMMERCIAL USERS (INCLUDING INDUSTRIAL USERS) OF THE CITY OF LA VISTA AND TO GRANDFATHER EXISTING STRUCTURES AND TO PROVIDE FOR TRACT

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PRECONNECTION PAYMENTS AND CREDITS; REGULATING THE MUNICIPAL SEWER DEPARTMENT AND RATES OF SEWER SERVICE CHARGES; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE THE EFFECTIVE DATE HEREOF.

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

Said ordinance was then read by title and thereafter Councilmember Sell moved for final passage of the ordinance which motion was seconded by Councilmember Sheehan. The Mayor then stated the question, "Shall Ordinance No. 1210 be passed and adopted?" Upon roll call vote the following Councilmember voted aye: Gowan, Sheehan, Thomas, Crawford, Hale, and Sell. Nays: None. Abstain: None. Absent: Ronan and Quick. The passage and adoption of said ordinance having been concurred on by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor, in the presence of the Council, signed and approved the ordinance and the City Clerk attested the passage/approval of the same and affixed her signature thereto.

G. RESOLUTION – AUTHORIZATION TO ADVERTISE REQUEST FOR PROPOSALS – FINANCIAL INFORMATION SOFTWARE SYSTEM SELECTION CONSULTANT

Councilmember Sell introduced and moved for the adoption of Resolution No. 14-005: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE ADVERTIZING OF THE REQUEST FOR PROPOSALS FOR A FINANCIAL INFORMATION SOFTWARE SYSTEM SELECTION CONSULTANT FOR THE CITY OF LA VISTA.

WHEREAS, the Mayor and Council have determined that replacement of the current financial management system is necessary, and

WHEREAS, the Mayor and Council have also determined that a Consultant for the selection process of a Financial Information Software System is necessary, and

WHEREAS, the FY 2013/14 Capital Improvement Program provides funding for the proposed project; and

WHEREAS, Proposals will be due February 14, 2014 with the approximate contract award date of April 1, 2014;

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council hereby authorize the advertising of the request for proposals for a Financial Information Software Selection Consultant for the City of La Vista.

Seconded by Councilmember Thomas. Councilmember Sheehan asked if staff will make sure there is no connection between the consultant and the system. Staff stated that they will and it is stated in the RFP. Councilmembers voting aye: Gowan, Sheehan, Thomas, Crawford, Hale, and Sell. Nays: None. Abstain: None. Absent: Ronan and Quick. Motion carried.

H. RESOLUTION – NO PARKING ZONE DESIGNATIONS – MAYFAIR SUBDIVISION

Councilmember Gowan introduced and moved for the adoption of Resolution No. 14-006: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA ESTABLISHING NO PARKING ZONES ON VARIOUS SIDES OF THE STREETS WITHIN THE MAYFAIR SUBDIVISION

WHEREAS, the Mayor and City Council have determined that "No Parking Zones" are necessary on various sides of the streets within the Mayfair subdivision to provide for the safe passage of vehicles and pedestrians; and

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WHEREAS, the designation of No Parking Zones are in the following locations;

1. A No Parking Zone on the west side of South 101st Street from the centerline of Brentwood Drive to the centerline of Giles Road.
2. A No Parking Zone on the east side of South 101st Street from the centerline of Giles Road to the centerline of Gary Street.
3. A No Parking Zone on the north side of Gary Street from the centerline of 99th Street to the centerline of 101st Street.
4. A No Parking Zone on the north side of Idora Street from the centerline of Brentwood Drive to the centerline of 101st Street.
5. A No Parking Zone on the south side of Floyd Street from the centerline of Gary Street to the centerline of 101st Street.
6. A No Parking Zone on the south side of Durkop Street from the centerline of 101st Street to the centerline of Gary Street.
7. A No Parking Zone on the east side of 98th Street from the centerline of Brentwood Drive to the centerline of Melissa Street.
8. A No Parking Zone on the east side 100th Street from the centerline of Idora Street to the centerline of Floyd Street.
9. A No Parking Zone on the west side of 99th Street from the centerline of Brentwood Drive to the centerline of Melissa Circle.
10. A No Parking Zone on the north side of Melissa Street from the centerline of Melissa Circle to the centerline of 96th Street.
11. A No Parking Zone on the north side of Durkop Street from the east lot line of 8137 S. 101st Street to the centerline 101st Street.
12. A No Parking Zone on the north side of Floyd Street from the east lot line 10028 Floyd Street to the centerline of 101st Street.
13. A No Parking Zone on the south side of Melissa Street from approximately 80 feet east of the centerline of 98th Street to the centerline of 96th Street.
14. A No Parking Zone in the cul-de-sac of Melissa Circle from the east lot line of 9901 Melissa Circle to the east lot line 9902 Melissa Circle.
15. A No Parking Zone in the cul-de-sac of Windy Circle from the west lot line 9821 Windy Circle around the cul-de-sac to the east lot line of 9820 Windy Circle.
16. A No Parking Zone in the cul-de-sac of Henry Circle from the east lot line 9820 Henry Circle around the cul-de-sac to the east lot line 9809 Henry Circle.
17. A No Parking Zone in the cul-de-sac of Amy Circle from the west lot line of 7915 97th Circle around the cul-de-sac to the west lot line 7905 97th Circle.
18. A No Parking Zone in the cul-de-sac of 97th Circle from the west lot line of 7827 97th Circle around the cul-de-sac to the east lot line 7826 97th Circle.
19. A No Parking Zone on the west side of 97th Circle drive throat from the centerline of Brentwood Drive to the east lot line of 7826 97th Circle.
20. A No Parking Zone in the cul-de-sac of 100th Circle from the north lot line of 10019 Gary Street around the cul-de-sac to the north lot line 10003 100th Circle.
21. A No Parking Zone in the cul-de-sac of Gary Circle from the east lot line of 10102 Gary Circle around the cul-de-sac to the east lot line of 10101 Gary Circle.
22. A No Parking Zone on the west side of 99th Street from the centerline of Gary Street to the centerline of Giles Road.
23. A No Parking Zone on the east side of 99th Street from the centerline of Giles Road to approximately 80 feet north of Hillcrest Plaza.

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24. A No Parking Zone on the north side of Brentwood Drive from the centerline of 96th Street to the west lot line 7822 S. 99th Street.

25. A No Parking Zone on the south side of Brentwood Drive from the center line of 96th Street to approximately 80 feet west of the centerline of 97th Plaza; and

WHEREAS, the City Engineer has reviewed the plan and recommends approval,

NOW, THEREFORE, BE IT RESOLVED, that the "No Parking Zones" on various sides of the streets within the Mayfair subdivision are authorized,

BE IF FURTHER RESOLVED, that the Public Works Department be, and hereby is, authorized to install the appropriate signage designating these "No Parking Zones".

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

I. RESOLUTION – STANDARD OPERATION POLICY – COMMUNITY MASS NOTIFICATION SYSTEM

Councilmember Sell introduced and moved for the adoption of Resolution No. 14-007: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING A STANDARD OPERATION POLICY PERTAINING TO A COMMUNITY MASS NOTIFICATION SYSTEM.

WHEREAS, the City Council has determined that it is necessary and desirable to create Standard Operation Policies as a means of establishing guidelines and direction to the members of the City Council and to the city administration in regard to various issues which regularly occur; and

WHEREAS, a Standard Operation Policy to govern the use of a Community Mass Notification System has been reviewed and recommended.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby approve the Standard Operation Policy entitled Community Mass Notification System, and do further hereby direct the distribution of said Standard Operation Policy to the appropriate City Departments.

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

J. POSITION DESCRIPTION

Councilmember Sell made a motion to receive and file the position description for the Public Works Intern. Seconded by Councilmember Gowan. Councilmembers voting aye: Gowan, Sheehan, Thomas, Crawford, Hale, and Sell. Nays: None. Abstain: None. Absent: Ronan and Quick. Motion carried.

COMMENTS FROM THE FLOOR

There were not comments from the floor.

COMMENTS FROM MAYOR AND COUNCIL

Councilmember Gowan was asked by a constituent why the entrance sign to the splash pad in Cimarron Woods says City of La Vista on it. Public Works Director Soucie stated that he had seen that and remembered that the designs they looked at had that on them but there was no requirement to put that on the sign.

Mayor Kindig stated that he would be going to Lincoln on Thursday to testify before the Revenue Committee regarding review of sales and use tax information.

At 7:19 p.m. Councilmember Crawford made a motion to adjourn the meeting. Seconded by Councilmember Hale. Councilmembers voting aye: Gowan, Sheehan,

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

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

PASSED AND APPROVED THIS 4TH DAY OF FEBRUARY, 2014

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

Invoice

A.3



**FELSBURG
HOLT &
ULLEVIG**

connecting and enhancing communities

Mr. John Kottmann, PE
City Engineer
City of La Vista
9900 Portal Rd
La Vista, NE 68128

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

January 09, 2014
Project No: 109025-01
Invoice No: 10887

Project 109025-01 La Vista Quiet Zone Final Design
Professional Services for the Period: December 01, 2013 to December 31, 2013

Professional Personnel

	Hours	Rate	Amount
Associate Haden, Richard	6.00	160.00	960.00
Engineer IV Meisinger, Mark	.75	120.00	90.00
Labor	6.75		1,050.00
Total Labor			1,050.00
			TOTAL AMOUNT DUE
			\$1,050.00

Billed-To-Date Summary

	Current	Prior	Total
Labor	1,050.00	14,372.50	15,422.50
In-House	0.00	103.92	103.92
Totals	1,050.00	14,476.42	15,526.42

Invoice is due upon receipt.

Project Manager Kyle Anderson

O.K. to pay

05.71.0824.02

8MK

1-17-2014

Consent Agenda 214

Invoice is due upon receipt.

INVOICE

A.4

~~20335~~
53748

JAN 10 2014

RECEIVED
City of LaVista
8116 Park View Blvd
La Vista Ne 68128
City of LaVista

Focus Printing & Mailing
 11830 Nicholas St
 Omaha, Ne 68154
 402-619-5570
www.FocusPrintingOmaha.com

No.

Date 1/8/14

Customer P.O. No.

N3415

QUANTITY	DESCRIPTION	AMOUNT
200	each of 4 Thompson Creek Outreach Brochures - Tri Fold, 8.5 x 11 32# Bond, 4 sheets, copied on 2 sides	456.00
Sales Rep: Jim Account Type: Charge Account		
Ship Via: Wanted: each of 4 Thompson Creek Outreach Brochures - Tri Fold	SUB	456.00
	TAX	
	SHIPPING	
	TOTAL	456.00

O.K. to pay

05.71.0871.01

TC - NET

JMK
1/17/2014

Consent Agenda 2/4

Invoice

A.5



**FELSBURG
HOLT &
ULLEVIG**

connecting and enhancing communities

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

January 13, 2014
Project No: 113112-01
Invoice No: 10941

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

Project 113112-01 Hell Creek Channel Improvements Phase II
CIP Project No. PWST-13-010

Professional Services for the Period: December 01, 2013 to December 31, 2013

Phase 003 Preliminary Design
Professional Personnel

		Hours	Rate	Amount
Engineer V				
Lampe, David		1.00	135.00	135.00
Labor		1.00	135.00	135.00
Total Labor				135.00
				Phase Sub-Total
				\$135.00

Phase SUBS Subconsultants
Subconsultants

Olsson Associates		904.36	
Total Subconsultants		904.36	904.36
		Phase Sub-Total	\$904.36

TOTAL AMOUNT DUE **\$1,039.36**

Billed-To-Date Summary

	Current	Prior	Total
Labor	135.00	43,725.00	43,860.00
Subconsultant	904.36	37,838.70	38,743.06
Expense	0.00	266.99	266.99
In-House	0.00	127.60	127.60
Totals	1,039.36	81,958.29	82,997.65

Project Manager David Lampe

O.K. to pay
JMK 1/17/2014

05.71.0865.02

Consent Agenda 2/4/14

APCHCKRP
02.05.13

Thu Jan 30, 2014 9:40 AM

City of LaVista
ACCOUNTS PAYABLE CHECK REGISTER

OPER: HF

PAGE 1

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CHECK NO DATE

VENDOR NO VENDOR NAME

CHECK AMOUNT

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MANUAL

1 Bank of Nebraska (600-873)

113434	1/22/2014	4151 HUNDEN STRATEGIC PARTNERS	4,832.45	**MANUAL**
113435	1/22/2014	2158 COX COMMUNICATIONS	44.20	**MANUAL**
113436	1/22/2014	143 THOMPSON DREESSEN & DORNER	8,097.34	**MANUAL**
113437	1/22/2014	3994 PACIFIC REALTY COMMERCIAL, LLC	15,000.00	**MANUAL**
113438	1/22/2014	4090 SUCCESS FACTORS INCORPORATED	8,724.80	**MANUAL**
113439	1/22/2014	4954 OAKHAVEN HOMES INC	10,470.00	**MANUAL**
113440	1/28/2014	944 NE DEPT OF REVENUE-LOTT/51	85,627.00	**MANUAL**
113441	1/29/2014	4867 VAN RU CREDIT CORPORATION	42.27	**MANUAL**
113442	1/29/2014	3702 LAUGHLIN, KATHLEEN A, TRUSTEE	437.00	**MANUAL**
113443	2/04/2014	4953 ACCOUNTEMPS	1,177.00	
113444	2/04/2014	762 ACTION BATTERIES UNLTD INC	578.42	
113445	2/04/2014	4965 ADT LLC	25.00	
113446	2/04/2014	2976 AETNA	556.02	
113447	2/04/2014	571 ALAMAR UNIFORMS	273.75	
113448	2/04/2014	536 ARAMARK UNIFORM SERVICES INC	24.62	
113449	2/04/2014	2634 ATLAS AWNING CO INC	100.00	
113450	2/04/2014	55 BADGER BODY	166.00	
113451	2/04/2014	201 BAKER & TAYLOR BOOKS	531.30	
113452	2/04/2014	929 BEACON BUILDING SERVICES	6,712.00	
113453	2/04/2014	4968 BERGER, LISA	3.00	
113454	2/04/2014	196 BLACK HILLS ENERGY	13,126.49	
113455	2/04/2014	56 BOB'S RADIATOR REPAIR CO INC	87.00	
113456	2/04/2014	3930 C E SMITH CABINETS INC	44.00	
113457	2/04/2014	3979 CAMPBELL, ERIKA	5.00	
113458	2/04/2014	92 CARL JARL LOCKSMITHS	3.70	
113459	2/04/2014	4910 CAVENDISH SQUARE PUBLISHING	215.28	
113460	2/04/2014	2285 CENTER POINT PUBLISHING	215.70	
113461	2/04/2014	219 CENTURY LINK	1,120.39	
113462	2/04/2014	152 CITY OF OMAHA	116,399.27	
113463	2/04/2014	3176 COMP CHOICE INC	437.00	
113464	2/04/2014	313 CONRECO INCORPORATED	165.00	
113465	2/04/2014	4615 CONSOLIDATED MANAGEMENT	176.50	
113466	2/04/2014	2158 COX COMMUNICATIONS	.00	**Cleared** **Voided**
113467	2/04/2014	2158 COX COMMUNICATIONS	227.16	
113468	2/04/2014	3486 DANKO EMERGENCY EQUIPMENT CO	90.04	
113469	2/04/2014	111 DEMCO INCORPORATED	244.06	
113470	2/04/2014	4076 DIGITAL ALLY INCORPORATED	410.00	
113471	2/04/2014	2149 DOUGLAS COUNTY SHERIFF'S OFC	262.50	
113472	2/04/2014	632 EASTERN LIBRARY SYSTEM	10.00	
113473	2/04/2014	3084 EBSCO SUBSCRIPTION SERVICES	3.14	
113474	2/04/2014	3334 EDGEWEAR SCREEN PRINTING	642.00	
113475	2/04/2014	561 EMBLEM ENTERPRISES INC	305.01	
113476	2/04/2014	3310 FBINAA-FBI NATL ACAD ASSOCS	300.00	
113477	2/04/2014	1042 FELD FIRE	87.95	
113478	2/04/2014	1245 FILTER CARE	81.95	
113479	2/04/2014	3415 FOCUS PRINTING	.00	**Cleared** **Voided**
113480	2/04/2014	3415 FOCUS PRINTING	.00	**Cleared** **Voided**
113481	2/04/2014	3415 FOCUS PRINTING	1,492.67	
113482	2/04/2014	3132 FORT DEARBORN LIFE INS COMPANY	1,297.50	
113483	2/04/2014	1256 FREMONT NATIONAL BANK & TRUST	450.00	
113484	2/04/2014	1344 GALE	47.23	

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APCHKRP
02.05.13

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City of LaVista
ACCOUNTS PAYABLE CHECK REGISTER

OPER: HF

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

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113486	2/04/2014	53	GCR TIRE CENTERS	449.08			
113487	2/04/2014	4340	GIFF PROPERTY SERVICES	1,900.00			
113488	2/04/2014	4767	GOLEY, CHRIS	100.00			
113489	2/04/2014	164	GRAINGER	187.30			
113490	2/04/2014	285	GRAYBAR ELECTRIC COMPANY INC	166.43			
113491	2/04/2014	2062	GREAT WESTERN BANK	250.00			
113492	2/04/2014	1044	H & H CHEVROLET LLC	56.05			
113493	2/04/2014	3657	HEARTLAND PAPER	119.00			
113494	2/04/2014	2888	HOME DEPOT CREDIT SERVICES	706.04			
113495	2/04/2014	892	HONEYMAN RENT-ALL #1	245.25			
113496	2/04/2014	1127	HORNADY	571.20			
113497	2/04/2014	3477	HSMC ORIZON LLC	4,800.00			
113498	2/04/2014	136	HUNTEL COMMUNICATIONS, INC	.00	**CLEARED**	**VOIDED**	
113499	2/04/2014	136	HUNTEL COMMUNICATIONS, INC	230.00			
113500	2/04/2014	3513	HUSKER MIDWEST PRINTING	245.10			
113501	2/04/2014	1896	J Q OFFICE EQUIPMENT INC	55.02			
113502	2/04/2014	2653	JONES AUTOMOTIVE INC	262.00			
113503	2/04/2014	1054	KLINKER, MARK A	200.00			
113504	2/04/2014	2394	KRIHA FLUID POWER CO INC	172.29			
113505	2/04/2014	4477	KUSSMAUL ELECTRONICS CO INC	42.31			
113506	2/04/2014	2057	LA VISTA COMMUNITY FOUNDATION	75.00			
113507	2/04/2014	4425	LANDPORT SYSTEMS INC	125.00			
113508	2/04/2014	3198	LEAGUE OF NEBR MUNICIPALITIES	299.00			
113509	2/04/2014	231	LEAGUE OF NEBRASKA MUNICIPALITIES	734.06			
113510	2/04/2014	4939	LENGEMANN & ASSOCIATES P.C.	235.00			
113511	2/04/2014	2380	LEXIS NEXIS MATTHEW BENDER	443.94			
113512	2/04/2014	3931	LIBRARY ADVANTAGE	530.00			
113513	2/04/2014	4784	LIBRARY IDEAS LLC	9.50			
113514	2/04/2014	2664	LOU'S SPORTING GOODS	148.00			
113515	2/04/2014	877	MATHESON TRI-GAS INC	305.00			
113516	2/04/2014	4943	MENARDS-RALSTON	33.88			
113517	2/04/2014	4813	MERRY MAKERS ASSOCIATION	1,125.00			
113518	2/04/2014	1132	METAL DOORS AND HARDWARE CO	12.00			
113519	2/04/2014	872	METROPOLITAN COMMUNITY COLLEGE	15,651.27			
113520	2/04/2014	553	METROPOLITAN UTILITIES DIST.	.00	**CLEARED**	**VOIDED**	
113521	2/04/2014	553	METROPOLITAN UTILITIES DIST.	2,024.65			
113522	2/04/2014	184	MID CON SYSTEMS INCORPORATED	334.40			
113523	2/04/2014	371	MIDWEST SERVICE AND SALES CO	984.00			
113524	2/04/2014	2299	MIDWEST TAPE	79.21			
113525	2/04/2014	995	MOCIC MID-STATES ORGANIZED	200.00			
113526	2/04/2014	1028	NATIONAL EVERYTHING WHOLESALE	524.98			
113527	2/04/2014	4964	NEB PRO TURF LAWN SERVICE LLC	25.00			
113528	2/04/2014	3350	NEBRASKA IOWA SUPPLY	15,724.77			
113529	2/04/2014	370	NEBRASKA LAW ENFORCEMENT	50.00			
113530	2/04/2014	4973	NETWORK CRAZE TECHNOLOGIES INC	.00	**CLEARED**	**VOIDED**	
113531	2/04/2014	4973	NETWORK CRAZE TECHNOLOGIES INC	2,016.00			
113532	2/04/2014	1152	NLA-NEBRASKA LIBRARY ASSN	140.00			
113533	2/04/2014	440	NMC EXCHANGE LLC	.00	**CLEARED**	**VOIDED**	
113534	2/04/2014	440	NMC EXCHANGE LLC	1,076.61			
113535	2/04/2014	2530	NOVA HEALTH EQUIPMENT	89.00			
113536	2/04/2014	1014	OFFICE DEPOT INC	.00	**CLEARED**	**VOIDED**	
113537	2/04/2014	1014	OFFICE DEPOT INC	1,095.68			

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City of LaVista
ACCOUNTS PAYABLE CHECK REGISTER

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BANK NO	BANK NAME	CHECK NO	DATE	VENDOR NO	VENDOR NAME	CHECK AMOUNT	CLEARED	VOIDED	MANUAL
113538	79 OMAHA COMPOUND COMPANY	2/04/2014		162.74					
113539	181 OMAHA SLINGS INCORPORATED	2/04/2014		106.29					
113540	4884 ONSET COMPUTER CORPORATION	2/04/2014		509.00					
113541	2686 PARAMOUNT LINEN & UNIFORM	2/04/2014		154.68					
113542	4654 PAYFLEX SYSTEMS USA INC	2/04/2014		500.00					
113543	3058 PERFORMANCE CHRYSLER JEEP	2/04/2014		1,226.65					
113544	1821 PETTY CASH-PAM BUETHE	2/04/2014		.00	**CLEARED**	**VOIDED**			
113545	1821 PETTY CASH-PAM BUETHE	2/04/2014		230.20					
113546	4808 PFEIFER, VICKI	2/04/2014		500.00					
113547	1784 PLAINS EQUIPMENT GROUP	2/04/2014		594.71					
113548	3446 PRO-PAPILLION RECREATION ORG	2/04/2014		2,450.00					
113549	58 RAINBOW GLASS & SUPPLY	2/04/2014		40.00					
113550	4486 READ ALOUD NEBRASKA	2/04/2014		70.00					
113551	3774 RETRIEVEX	2/04/2014		96.18					
113552	41 SALEM PRESS	2/04/2014		187.50					
113553	487 SAPP BROS PETROLEUM INC	2/04/2014		426.25					
113554	2240 SARPY COUNTY COURTHOUSE	2/04/2014		3,960.21					
113555	4969 SCHOENECK, CARRIE	2/04/2014		3.00					
113556	4966 SETCOM	2/04/2014		143.10					
113557	3707 SMITH, MELANIE	2/04/2014		100.00					
113558	3838 SPRINT	2/04/2014		62.19					
113559	3838 SPRINT	2/04/2014		119.97					
113560	1150 SUTPHEN CORPORATION	2/04/2014		564.37					
113561	913 TARGET BANK	2/04/2014		40.00					
113562	264 TED'S MOWER SALES & SERVICE	2/04/2014		118.12					
113563	3492 TEUSCHER, CHRIS	2/04/2014		250.00					
113564	554 THE HARTFORD	2/04/2014		4,954.35					
113565	4601 TIGHTON FASTENER & SUPPLY INC	2/04/2014		49.95					
113566	2426 UNITED PARCEL SERVICE	2/04/2014		11.96					
113567	988 UPSTART	2/04/2014		317.02					
113568	809 VERIZON WIRELESS	2/04/2014		91.49					
113569	809 VERIZON WIRELESS	2/04/2014		175.91					
113570	809 VERIZON WIRELESS	2/04/2014		538.96					
113571	809 VERIZON WIRELESS	2/04/2014		141.84					
113572	1174 WAL-MART COMMUNITY BRC	2/04/2014		.00	**CLEARED**	**VOIDED**			
113573	1174 WAL-MART COMMUNITY BRC	2/04/2014		1,906.34					
113574	968 WICK'S STERLING TRUCKS INC	2/04/2014		649.14					
113575	4623 WORLD TRADE PRESS	2/04/2014		674.73					
113576	4972 WRAY, BOB	2/04/2014		10.00					

786201 Payroll Checks

Thru 805801

BANK TOTAL	358,633.03
OUTSTANDING	358,633.03
CLEARED	.00
VOIDED	.00

FUND	TOTAL	OUTSTANDING	CLEARED	VOIDED
01 GENERAL FUND	115,086.29	115,086.29	.00	.00
02 SEWER FUND	122,868.50	122,868.50	.00	.00
04 BOND(S) DEBT SERVICE FUND	700.00	700.00	.00	.00

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02.05.13

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City of LaVista
ACCOUNTS PAYABLE CHECK REGISTER

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05	CONSTRUCTION	8,097.34	8,097.34	.00	.00
08	LOTTERY FUND	110,299.45	110,299.45	.00	.00
09	GOLF COURSE FUND	1,443.24	1,443.24	.00	.00
15	OFF-STREET PARKING	138.21	138.21	.00	.00

REPORT TOTAL	358,633.03
OUTSTANDING	358,633.03
CLEARED	.00
VOIDED	.00

+ Gross Payroll 1/31/14	258,731.39
GRAND TOTAL	<u>\$617,364.42</u>

APPROVED BY COUNCIL MEMBERS 2/4/14

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
FEBRUARY 4, 2014 AGENDA**

Subject:	Type:	Submitted By:
TEXT AMENDMENTS — SUBDIVISION REGULATIONS	◆ RESOLUTION ◆ ORDINANCE RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

SYNOPSIS

On January 21st, the City Council held a public hearing regarding an ordinance to amend the Subdivision Regulations, however, the public hearing was continued to allow for additional changes to be made based on the City Attorney's review.

FISCAL IMPACT

N/A.

RECOMMENDATION

Approve.

BACKGROUND

A public hearing was continued from the January 21st Council meeting to consider additional amendments to the Subdivision Regulations.

Based on comments from the City Attorney additional revisions were made to Section 7.02, Subdivision Improvements Guarantees. Staff believes the document has now been completed and is ready to be adopted.

A red-line version of all of the proposed amendments to the Subdivision Regulations is attached.

The Planning Commission held a public hearing on December 19, 2013, and voted unanimously to recommend approval of the amendments.

ORDINANCE NO. _____

AN ORDINANCE ADOPTING THE 2014 SUBDIVISION REGULATIONS AS A REPLACEMENT TO ORDINANCE NO. 906 AS ORIGINALLY ENACTED AND ALL AMENDMENTS THERETO; TO REPLACE SECTION 152.01 OF THE LA VISTA MUNICIPAL CODE; TO REPEAL SECTION 152.01 OF THE LA VISTA MUNICIPAL CODE AS ORIGINALLY ENACTED AND ALL AMENDMENTS THERETO; TO PROVIDE A SEVERABILITY CLAUSE; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

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

SECTION 1. ADOPTION OF THE 2014 SUBDIVISION REGULATIONS. The 2014 Subdivision Regulations for the City of La Vista dated February 4, 2014, received and recommended by the La Vista Planning Commission is hereby adopted as a replacement to Ordinance No. 906 and all amendments thereto.

SECTION 2. REPLACING SECTION 152.01 OF THE LA VISTA MUNICIPAL CODE. Section 152.01 of the La Vista Municipal Code is hereby amended to read as follows:

152.01 SUBDIVISION REGULATIONS; ADOPTED.

To provide for harmonious development of the city and its environs; for the integration of new subdivision streets with other existing or planned streets or with other features of the Comprehensive Plan; for adequate open spaces for traffic, recreation, light and air; for the distribution of population and traffic in a manner which will tend to create conditions favorable to health, safety, convenience or prosperity; to insure conformance of subdivision plans with the capital improvement of the city; and to secure equitable handling of all subdivision plats by providing uniform procedures and standards for observance by subdividers and the Planning Commission and City Council, the 2014 Subdivision Regulations for the City of La Vista, Nebraska, as may from time to time be amended, is adopted. The adopted Subdivision Regulations and amendments thereto shall be kept on file with the City Clerk and available for inspection by any member of the public during office hours.

SECTION 3. REPEAL OF SECTION 152.01 OF THE LA VISTA MUNICIPAL CODE AS ORIGINALLY ENACTED AND ALL AMENDMENTS THERETO. Section 152.01 of the La Vista Municipal Code as originally enacted and all amendments thereto are hereby repealed.

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

SECTION 5. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after passage, approval and publication as provided by law.

PASSED AND APPROVED THIS 4TH DAY OF FEBRUARY, 2014.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

**CITY OF LA VISTA
SARPY COUNTY, NEBRASKA
SUBDIVISION REGULATIONS**

ORDINANCE NUMBER

906

ADOPTED BY THE CITY OF LA VISTA, NEBRASKA

JUNE 3, 2003 **FEBRUARY 4, 2014**

REPRINTED WITH APPROVED REVISIONS

FEBRUARY 16, 2010

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ARTICLE 1: TITLE, PURPOSE, AND DEFINITIONS.

Section 1.01 Name and Citation of Titles.

This Ordinance shall be known, referred to and cited as "The Subdivision Regulations" of La Vista, Nebraska.

Section 1.02 Purpose

The purpose of this ordinance is to provide for the orderly development of La Vista and its environs-extra-territorial zoning jurisdiction by ensuring, through the prescribed rules and standards, functional arrangements of street layouts, open spaces, adequate community facilities and utilities, to coordinate development with the City's transportation, land use and capital facilities plan, and to generally provide conditions favorable for the health, safety, welfare, sustainability, and convenience of the community, and avoidance of excessive city maintenance expense.

Section 1.03 Definitions

For the purpose of this ordinance, certain words used herein are defined as follows:

1.03.01 **APPLICANT** shall mean the titleholder of record, his agent, or a person holding a notarized letter authorizing the person to represent the legal owner of the property, or an appropriate purchase agreement.

1.03.02 **ALLEY** shall mean a public right-of-way used primarily as a secondary means of access to the abutting property.

1.03.03 **BEST MANAGEMENT PRACTICES (BMP)** shall mean a practice, or a combination of practices, that are determined to be effective, practical means (technological, economical, or institutional) of preventing or reducing the amount of pollution generated by nonpoint sources to a level compatible with water quality goals.

1.03.04 1.03.05 **BLOCK** shall mean a tract or parcel of land bounded by public streets or lands, streams, railroads, unplatted lands or a combination thereof.

1.03.04 1.03.05 **BOND** shall mean any form of security including a cash deposit, security bond, or instrument of credit in an amount and form satisfactory to the City Council Attorney which meets the intent of such security required by this ordinance.

1.03.05 **BOUNDARY ADJUSTMENT:** shall mean the transfer of property by deed to a respective owner or owners of contiguous property for the purpose of adjusting a boundary line and not for the purpose of creating an additional lot or parcel.

1.03.06 **BUILDING LINE** shall mean a line parallel, or nearly parallel, to the street right-of-way line at a specified distance from the street right-of-way line which marks the minimum set back distance a building may be erected. In the case of a cul-de-sac the building line shall be measured around the curvature of the street right-of-way line and shall be located at the required front yard set back where the lot width shall meet the minimum lot width required in the district.

1.03.07 **CHIEF BUILDING OFFICIAL** shall mean the individual appointed and/or employed by the city to enforce the prescribed and adopted building codes for the city. Said individual may be assigned to enforce the Municipal Code, the Comprehensive Development Plan, Zoning Ordinance, and Subdivision Regulations for the City of La Vista.

1.03.08 **CITY** shall mean the City of La Vista, Nebraska. Also, City Council or governing body.

1.03.09 **CITY COUNCIL** shall mean the governing body for the City of La Vista, Nebraska.

1.03.10 **CITY ENGINEER** shall mean the city engineer of the City of La Vista employed or retained by the City Council for the recommendation, advice, and implementation of engineering work as requested by the City or such other engineer as the city may assign in the particular matter.

1.03.10 **CLERK** shall mean the city clerk of the City of La Vista, Nebraska.

1.03.11 **COMPREHENSIVE DEVELOPMENT PLAN** shall mean the master plan for the improvement and development of La Vista, Nebraska, as adopted by the Planning Commission and the City in accordance with the laws of the State of Nebraska and the ordinances of La Vista.

1.03.12 **CUL-DE-SAC** shall mean a public way with one end open to traffic and the other end terminated by a vehicular turn-around.

1.03.13 **DEAD END STREET** shall mean a public way that has only one outlet for vehicular traffic and does not terminate in a permanent vehicular turn-around and is planned for future continuation.

1.03.14 **DEDICATION** shall mean the intentional appropriation of land by the owner to some public use.

1.03.15 **DEVELOPER** shall mean a buyer of land for building: a person or company that buys land in order to build on it or sell it to others who want to build on it. See also "Subdivider."

1.03.16 **EASEMENT** shall mean a right to use a parcel of land, granted to the general public, utility, corporation or person(s) for a specific purpose or purposes.

1.03.17 **FLOOD-PLAIN** shall mean those lands which are subject to a one percent (1%) or greater chance of flooding in any given year. See definition in the Zoning Ordinance.

1.03.17 1.03.18 **FLOOD FRINGE** See definition in the Zoning Ordinance.

1.03.18 1.03.19 **FLOODWAY** means the channel of the river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. See definition in the Zoning Ordinance.

1.03.19 1.03.20 **FRONTAGE ROAD** shall mean minor streets parallel to and adjacent to arterial streets and highways, which reduce the number of access points to the arterial street or highway for the purpose of increased traffic safety.

1.03.20 1.03.21 **IMPROVEMENTS** shall mean street grading, street surfacing and paving, curbs and gutters, street lights, street signs, sidewalks, crosswalks, water mains and lines, water meters, fire hydrants, sanitary sewers, storm drainage facilities, culverts, bridges, public utilities, or other such installation as designated authorized by the City Council or its specific approving authority for public use and ownership.

1.03.21 1.03.22 **LOT** shall mean a parcel, tract, or area of land created in conformance with this ordinance that may be separately owned, used, developed or and built upon.

1.03.22 1.03.23 **LOT CONSOLIDATION** shall mean a method for approval of lot boundary adjustments which reduces the number of lots to not greater than two.

1.03.23 1.03.24 **LOT, CORNER** shall mean a lot abutting upon two (2) or more streets at their intersection.

1.03.24 1.03.25 **LOT, DEPTH OF** shall mean the mean horizontal distance between the front and rear lot lines. Corner lots shall provide at least one dimension equal to the required lot depth prescribed in the affected zoning district.

1.03.25 1.03.26 **LOT, DOUBLE FRONTAGE** shall mean a lot having a frontage on two non-intersecting streets.

1.03.26 1.03.27 **LOT, FLAG** shall mean ~~lots, being those lots a lot~~ landlocked from public right-of-way, except for a narrow tract of land of less width than required under assigned zoning.

1.03.27 1.03.28 **LOT FRONTAGE** shall mean that portion of a lot abutting a street. For purposes of determining yard requirements of corner lots and through lots, all sides of a lot abutting a street shall be considered frontage.

1.03.28 1.03.29 **LOT, INTERIOR** shall mean a lot other than a corner lot which has frontage on one street only.

1.03.29 1.03.30 **LOT LINE** shall mean the boundary line of a lot.

1.03.30 1.03.31 **LOT MINIMUM AREA** shall mean the minimum square footage of land area within the boundaries of the platted lot lines, as applicable to designated zoning districts.

1.03.32. **LOT, NONCONFORMING** shall mean a lot which was lawfully created under prior zoning when lesser area or dimension requirements were enforced and does not currently conform to the existing zoning district space limits.

1.03.33. **LOT, PLATTED** shall mean a lot which is part of a subdivision, ~~of the plat of which, or the appropriate permit for which,~~ has been legally approved by the City and recorded in the office of the Register of Deeds for Sarpy County.

1.03.34. **LOT OF RECORD** shall mean a lot which is both part of a subdivision recorded in the office of the Register of Deeds for Sarpy County, and having been owned separately and individually from adjoining lots or tracts of land prior to the adoption of this ordinance.

1.03.35. **LOT SPLIT** shall mean a subdivision involving the division of one or ~~more two~~ lots with the end result not being greater than two lots.

1.03.36. **LOT, THROUGH** shall mean a lot other than a corner lot fronting on more than one (1) street.

1.03.37. **LOT, WIDTH OF** shall mean the minimum street frontage measured along the front street property line except when a lot fronts on the inside or concave side of a horizontal curvilinear alignment of a street or on a corner lot; in which case, the minimum lot width shall be measured along the front building line of the principal use structure extended to both lot property lines. Shall mean the horizontal measurement between the side lot lines measured at the front setback line, perpendicularly distant from the front boundary of the lot, or the mean horizontal measurement on irregular shaped lots. Shall mean the ~~M~~minimum distance between the side lot lines occurring between the front and rear setback lines.

1.03.38. **MASTER PLAN** See Comprehensive Development Plan.

1.03.39. **MONUMENT** shall mean an identification marker established by a certified land survey and set by a registered land surveyor at each section corner, angle point, block corner, street centerline, or other point.

1.03.40. **OUTLOT** shall mean a lot remnant or parcel of land left over after created by left over after platting, which is intended as open space or other use, for which no building permit shall be issued for any private structure with the exception of a Project Directory Sign as per Section 7.01.05 of the Zoning Ordinance..

1.03.41. **PERSON** shall mean an individual, firm, partnership, corporation, company, association, syndicate, or any legal entity and including any trustee, receiver, assignee, or other similar representatives thereof.

1.03.42. **PLANNED UNIT DEVELOPMENT** shall mean a development designed to provide for an unusual or different arrangement of residential, business, or industrial uses in accordance with an approved development plan a special development of certain tracts of land, planned and designed as a unit for one or more land uses under the regulations and procedures contained in the Zoning Ordinance as approved by the City Council.

1.03.43. **PLANNING COMMISSION** shall mean the Planning Commission of La Vista, Nebraska.

1.03.44. **PLAT** shall mean a map that delineates the subdivision of a quantity of land. A plat commonly shows lots, blocks, streets and other features relevant to the development and improvement of the property.

1.03.45. **PLAT, ADMINISTRATIVE:** Shall provide for lots splits, lot combinations, and boundary property line adjustments which result in lots divided or combined into not more than two (2) lots without having to replat said lot, provided that the resulting lots shall not again be divided without replatting.

1.03.46. **PLAT, FINAL** shall mean the final plan of the plat, subdivision or dedication of land prepared for filing or recording in conformance with this ordinance. Substantial conformance to an approved preliminary plat, prepared by a registered professional engineer or a registered land surveyor in accordance with this Ordinance is required.

1.03.47. **PLAT, PRELIMINARY** shall mean the preliminary plan of the plat, subdivision or dedication prepared in accordance with the requirements of this ordinance.

1.03.48. **PLAT, REVISED PRELIMINARY** A revised plat or map of a previously approved preliminary plat, including supporting data, indicating a proposed subdivision development, prepared in accordance with this ordinance.

1.03.49. **PRIVATE SHARED IMPROVEMENTS** infrastructure improvements such as roads, sewers or utility lines that served more than one property owner but which are not to be maintained by the City or located in the public right-of-way. Such improvements may be utilized when permitted in a subdivision agreement.

1.03.50. **PROPERTY LINE ADJUSTMENT** is the relocation of a single common property line between two abutting lots, parcels or other units of land where an additional lot, parcel or unit of land is not created and the existing lot, parcel or unit of land reduced in size by the adjustment must comply with the applicable zoning requirements. A property line adjustment does not vacate a plat nor does it add lot lines. A property line adjustment does not alter the location of utility services and hook-ups. See also Plat, Administrative.

1.03.51. **SIDEWALK OR WALKWAY** shall mean that portion of a dedicated right-of-way or easement improved and intended for pedestrian and bicycle use only.

1.03.52. **REPLAT** is the act of platting the lots, parcels and easements in a recorded subdivision to achieve a

reconfiguration of an existing subdivision or part of an existing subdivision or to increase or decrease the number of lots in the subdivision.

4.03.52.1.03.53. **STREET** shall include public streets, highways, avenues, boulevards, parkways, roads, lanes, alleys, viaducts, subways, tunnels,underpasses, bridges, public easements and right-of-way. Where explicitly authorized by the City Council, private streets may be authorized as part of planned developments. The boundary of a street is the right-of-way or easement line associated with the street.

4.03.53.1.03.54. **STREET, COLLECTOR** shall mean a street or highway that is intended to carry traffic from minor streets to major streets. Collector streets are usually the principal entrance streets to residential developments and the streets for circulation within the development as designated in the Comprehensive Development Plan.

4.03.54.1.03.55. **STREET, MAJOR** shall mean a street or highway used primarily for fast or high volume traffic, including expressways, freeways, boulevards, and arterial streets as designated in the Comprehensive Development Plan.

4.03.55.1.03.56. **STREET, MINOR** shall mean a street intended primarily to provide pedestrian and vehicular access to the abutting properties.

4.03.56.1.03.57. **SUBDIVIDER** shall mean any person, group, corporation, partnership, or other entity, or any agent thereof, dividing or proposing to divide land so as to constitute a subdivision and shall be the title holder of record.

4.03.57.1.03.58. **SUBDIVISION** shall mean the division of a lot, tract, or parcel of land into two (2) or more lots, sites, or other divisions of land for the purpose, whether immediate or future, of transfer of ownership or building development, provided that the smallest lot created by the division is less than ten (10) acres in size.

4.03.58.1.03.59. **SUBDIVISION AGREEMENT** An agreement between the City of La Vista and a developer whereby the developer agrees to construct any required public street, drainage, and other improvements, for a subdivision and to provide security for completion of the subdivision improvements and in situations involving public financing, the relative costs to be borne by the developer and by the public entity.

4.03.59.1.03.60. **ZONING DISTRICT** shall mean an area delineated on a zoning map for which uniform use regulations are specified.

4.03.60.1.03.61. **ZONING ORDINANCE** shall mean the Zoning Ordinance of the City of La Vista as amended from time to time.

ARTICLE 2: GENERAL PROVISIONS

Section 2.01 General Provisions

The Subdivision Regulations as herein set forth are intended to provide for harmonious development of the city and its environs; for the integration of new subdivision streets with other existing or planned streets or with other features of the Comprehensive Development Plan of the City; for adequate open spaces for traffic, recreation, light and air; for the distribution of population and traffic in a manner which will tend to create conditions favorable to health, safety, convenience, or prosperity; to insure conformance of subdivision plans with the capital improvement program of the City and its planning area; and, to secure equitable handling of all subdivision plats by providing uniform procedures and standards for observance by subdividers, Planning Commission and City Council.

Section 2.02 General Provisions; Jurisdiction.

The provisions of this ordinance shall apply to all land located within the legal boundaries of the city, as the same may be amended by subsequent annexation, and shall also include all land lying within two (2) miles of the corporate limits of the **City**, or as indicated on the Official Zoning Map of the **City** and not located in any other **Municipality**.

Section 2.03 General Provisions; Powers.

No plat of a subdivision of land lying within the jurisdiction of the City shall be filed or recorded until it shall have been submitted to and a report and recommendation thereon made, by the Planning Commission to the City Council and the City Council has approved the final plat; or in the case of an administrative plat, approval by the City Planner.

It shall be unlawful for the owner, agent, or person having control of any land within the corporate limits of the **City**, or within the area shown on the Official Zoning Map to subdivide land except in accordance with Neb. Rev. Stat. §19-916 (**R.R.S. 1997**) and the provisions of the title; provided, however, that any subdivision of land caused by the acquisition of land by the federal government, the state of Nebraska, any the county, or the **City**, or any city incorporated or unincorporated, within the jurisdiction of the City, shall be deemed to have received approval as required by Neb. Rev. Stat. § 19-916 (**R.R.S. 1997**).

Section 2.04 Applicability.

Any plat, hereafter made, for each subdivision or each part thereof lying within the jurisdiction of this ordinance, shall be prepared, presented for approval, and recorded as herein prescribed. The regulations contained herein shall apply to the subdivision of a lot, tract, parcel of land into two or more lots, tracts, or other division of land for the purpose of sale or development, whether immediate or future, including the subdivision or replatting of land or lots, except that the division of land when the smallest parcel created is more than ten (10) acres in area shall be exempt from this ordinance. Further, the regulations set forth by this ordinance shall be minimum regulations which shall apply uniformly throughout the jurisdiction of this ordinance except as hereinafter provided.

Section 2.05 General Provisions; Interpretation.

In interpreting and applying the terms of this ordinance, subdividers shall be held to the minimum requirements for the promotion of the public health, convenience, comfort, morals, prosperity and general welfare.

Section 2.06 General Provisions; Conflict.

No final plat of land within the force and effect of the existing Zoning Ordinance shall be approved unless it conforms to the Subdivision Regulations contained herein. Whenever there is a discrepancy between minimum standards or dimensions noted herein and those contained in the Zoning Ordinance, Building Regulations, or other official regulations or ordinances, the most restrictive shall apply.

Section 2.07 General Provisions; Permits.

Unless a lot shall have been platted in accordance with the provisions of this article, no building permit shall be issued.

Section 2.08 General Provisions; Amendments.

Any provisions of this ordinance may from time to time be amended, supplemented, changed, modified, or repealed by the City Council; provided, however, that such amendments shall not become effective until after a public hearing and consideration by the Planning Commission; and a public hearing by the City Council in relation thereto has been held, public notice of which shall have been published in a newspaper of general circulation within the City of La Vista at least one (1) time, ten (10) days prior to such hearings.

Section 2.09 General Provisions; Modifications.

Where, in the case of a particular proposed subdivision, the subdivider can show that the strict compliance with this ordinance would result in extraordinary hardship to the subdivider because of unusual topography; or other such conditions not inflicted by the applicant; or where conditions would result in inhibiting the achievement of the objectives of this ordinance, the City Council, after receiving a report from the Planning Commission, may vary, modify, or waive the requirements so that substantial justice may be done and the public interest secured. Provided, that such modifications or waiver will not adversely affect the development, the character of which shall be in conformance with recommended platting and development practices in the general area of the proposed subdivision; will not have the effect of nullifying the intent and purpose of the regulations; and, will not interfere with carrying out the Comprehensive Development Plan of the City. ~~See Article 8 regarding Waivers. The standards and requirements of this ordinance may be modified by the City Council after receiving a report from the Planning Commission in the case of a Planned Unit Development or a redevelopment project involving the re-subdividing and rebuilding of blighted or slum areas; provided, however, that the placement of structures within the area is shown on the development plan and becomes a part of the recorded plat.~~

ARTICLE 3: PROCEDURES

Section 3.01 Procedure for Filing Pre-application Plans and Data.

Pre-application Plans and Data: ~~At least 30 days prior~~Prior to filing an application for approval of a preliminary plat the subdivider shall submit plans and data to the City in ~~sketch preliminary draft~~ form showing ideas for the proposed subdivision of land. The ~~sketch-draft~~ plan shall include:

- 3.01.01 The proposed tentative layout of streets, lots and other features in relation to existing streets, utilities, topography and other conditions.
- 3.01.02 A general location map showing the proposed subdivision and its relationship to existing abutting subdivisions and community facilities in the area, such as streets, alleys, schools, parks, commercial areas and other data supplementing the plans which outline or describe all of the proposed development as it relates to existing conditions.

These pre-application plans and data shall not require a formal application fee. After discussion with the subdivider and review of the data, city staff will inform the subdivider whether such plans and data submitted meet the objectives of this ordinance and shall describe any inconsistencies with the requirements of this ordinance.

Section 3.02 Procedure for Approval of Preliminary Plat.

3.02.01 Before any subdivider contracts for the sale or offers to sell any subdivision of land or any part thereof, which is wholly or partly within the City of La Vista or which is within ~~a two mile limit the extraterritorial jurisdiction~~ of the City of La Vista as it may from time to time exist or which is proposed to be annexed, the subdivider or subdivider's representative shall file a preliminary plat of said subdivision with the City of La Vista. The preliminary plat shall be prepared in accordance with the regulations set forth herein, and shall be submitted to city staff prior to ~~the completion of final surveys of streets and lots and before the start of any~~ grading. The ~~or~~ construction ~~work upon the proposed streets and lots and before any map of said subdivision is made in a form suitable for recording of infrastructure shall not commence until approval of the final plat and approval of the infrastructure plans~~. The City shall determine whether the plat is in proper form and shall not receive and consider such plat as filed until it is submitted in accordance with the requirements hereof. The street layout shall be in conformity with a plan for the most advantageous development of the entire neighboring area and in conformity with the Comprehensive Development Plan.

3.02.02 All plats, preliminary and final, shall be prepared in conformance with the provisions of this ordinance and in conformance with the Comprehensive Development Plan and Zoning Ordinance. The subdivider shall be responsible for such conformance.

3.02.03 ~~Thirty-five~~ Twelve (35) (12) full sized copies and Thirty-five (35) 11 x17 (folded) copies of the preliminary plat and required supplementary material as specified in Section 3.03 of this ordinance as well as a digital copy in PDF format via email shall be submitted to the City of La Vista Community Development Department in accordance ~~to with~~ the review schedule. City staff shall distribute one (1) copy of the preliminary plat with a request for comments to the school district and other entities, as the city deems appropriate. Additional copies shall be requested prior to submittal to Planning Commission and City Council for their review.

3.02.04 The Planning Commission will consider the preliminary plat ~~at a public hearing, of which notice is given in a newspaper of general circulation within the City of La Vista~~, and will:

1. Review the preliminary plat and other material submitted for conformity thereof to this ordinance,
2. Review any recommendations of the ~~above agencies and other agencies~~ school district and other entities, and
3. Recommend ~~to the subdivider~~ changes deemed advisable and the kind and extent of improvements to be made by ~~him~~the subdivider.

The Planning Commission shall act on the plat as submitted or modified, and if approved, the Planning Commission shall express its approval as conditional approval and state the conditions of such approval, if any, or if disapproved, shall express its disapproval and its reasons thereof.

3.02.05 Conditional approval of a preliminary plat shall not constitute an acceptance of the plat, but shall be deemed an expression of approval of the layout submitted on the preliminary plat.

3.02.06 ~~If the Planning Commission recommends disapproval or approval, then the city clerk will order notice of public hearing before the City Council to be published. The notice must be published at least ten (10) days prior to the public hearing in a paper of general circulation within the City of La Vista. The City Council may (a) Concur concur with the Planning Commission's Recommendation recommendation; (b) Reverse reverse the Planning~~

Commission's recommendation; or (c) ~~Refer~~ refer the preliminary plat back to the Planning Commission for reconsideration with specific instructions to the Planning Commission; (d) approve with some modification from the Planning Commission's recommendation.

3.02.07 Approval of a preliminary plat shall not constitute approval of the final plat. Rather, the preliminary plat shall be deemed an expression of approval of the general design concept and serves as an acceptable guide for the preparation of the final plat. Approval of the preliminary plat shall become void after twelve (12) months from the date of such approval by City Council. The City Council ~~can~~ ~~may~~ provide for an extension; however such extension shall not exceed one year. If no final plat has been filed or a final plat of previously proposed phases has not been filed within the original twelve (12) months, or by the end of the extension, the preliminary plat will become void.

3.02.073.02.08 The filing fee for the preliminary plat shall be in accordance to the City's Master Fee Schedule.

Section 3.03 Preliminary Plat Specifications.

The preliminary plat shall be drawn to a scale of at least one inch (1²) ~~inch~~ to one hundred feet (100²) ~~feet, or as approved by the City Engineer,~~ with a sheet size not to exceed 42" x 30" and shall be plainly marked "preliminary plat" and shall include, show, or be accompanied by the following information, unless deviations are required by the City Engineer or City Planner:

3.03.01 A location map showing the general location of the proposed subdivision in relation to surrounding developments with a north arrow, scale and legend.

3.03.02 Both existing and proposed grades shall be shown, with contours at intervals of five (5) feet or less.

3.03.03 Phasing lines shall be delineated on the plat and a phasing schedule, if developed in phases.

3.03.04 The proposed name of the subdivision which must not be so similar to that of an existing subdivision as to cause confusion.

3.03.05 The proposed names and addresses of the owner and subdivider; ~~and~~ the engineer or surveyor, responsible (all of which are (licensed to practice in Nebraska) responsible for the subdivision layout; ~~and the names of all landowners abutting the proposed subdivision.~~

3.03.06 The legal description of the area being platted, and boundary lines (accurate in scale) and dimensions, and the location of monuments found or set, section lines, existing and the approximate ~~and~~ acreage of the proposed development.

3.03.07 Width and location of platted streets and alleys within 200 feet of the property; ~~and~~ physical features of the property, including location of water courses, ravines, bridges, culverts, present structures and other features affecting the subdivision; ~~and contours with intervals of five (5') feet or less;~~ the location of all existing utilities with their sizes indicated, as well as flow lines; ~~and~~ elevations of existing sanitary and storm sewer, and the outline of wooded areas (the location of important individual trees may be required).

3.03.08 Location and name(s) of adjoining subdivision(s) or undeveloped land ~~and owners and persons having ownership interest within 300 feet of the subject property (not including streets and right-of-ways). This should be prepared by a title company and submitted in list form and as mailing labels.~~

3.03.09 The proposed lot layout, lot and block numbers and approximate lot dimensions and square footage and grounds land proposed to be dedicated for public use, such as schools, parks, pathways, playgrounds and streets.

3.03.10 The location and width of proposed streets, all easements including buffer easements, building setback lines, rights-of-way, corner radii, pavement width, thickness and type, sidewalks, alleys, location of all proposed improvements including: sanitary sewers, water mains, storm water drainage and other features and improvements required by this ordinance.

3.03.11 When wetlands and jurisdictional waterways exist, or are believed to exist, provide a delineation prepared by a qualified environmental specialist.

3.03.113.03.12 Easements for public utility and rights-of-way purposes. The book and page number of existing easements shall be labeled on the plan and any private easements should be labeled as such.

3.03.12 Both existing and proposed grades shall be shown.

3.03.13 All established floodway, ~~floodway~~ fringe, and flood plain overlay lines.

3.03.14 The existing zoning classification, building setback lines, and proposed uses of land within the proposed subdivision ~~shall also be designated.~~

3.03.15 ~~Six~~ Three ~~(63)~~ draft paper copies, along with a digital copy in an editable format, of a subdivision agreement with itemized cost estimates for infrastructure improvements with proposed allocation of costs between sources

of funding, letter size exhibits setting forth size and location of infrastructure improvements, and two (2) copies of full-size exhibits setting forth size and location of infrastructure improvements. The draft subdivision agreement shall include a statement of the estimated Storm Water Management Fees in accordance with Chapter 154 of the La Vista Municipal City Code to be generated through ultimate development of the subdivision. Draft subdivision agreements shall be required when the proposed subdivision will include public and/or private, shared (common area) infrastructure improvements. Draft subdivision agreements may be required in other cases as determined by the City.

(Ord. 1115, 2-16-2010)

- 3.03.16 Three (3) copies of an erosion control plan.
- 3.03.17 Requests for waivers of design standards, if any.
- 3.03.18 The subdivider or subdivider's representative shall be in attendance at the City Planning Commission and City Council Meetings when the preliminary plat (displayed in duplicate) is discussed.
- 3.03.19 A Traffic-traffic impact analysis study may be required by the city engineer.
- 3.03.20 Four copies of the following documents are to be submitted to the City for review at the time of the preliminary plat submittal:

- 1. A sanitary sewer plan.
- 2. A surface storm drainage plan including provisions to provide for water quality improvements to the first one-half inches (0.5") of runoff from the site and to reduce stormwater discharge rates after development of the site to pre-development conditions for the 2-year return frequency storm event measured at every drainage outlet (stormwater discharge).

(Ordinance 1115, 2-16-10)

- 3. A street profile plan with a statement of proposed street improvements.
- 4. A Post-Construction Storm Water Management Plan, as provided in Chapter 154 of the La Vista Municipal City Code, with a proposed implementation schedule or sequence of phased construction, and proposed maintenance, inspection and operation procedures for the proposed BMP's. A draft Maintenance Agreement and Easement shall be included with this submittal. **(Ordinance 1115, 2-16-10) (Ordinance 1084, 2-17-09)**

Section 3.04 Procedure for Approval of Final Plat.

- 3.04.01 The final plat shall conform to the preliminary plat as approved and may be comprised of only that portion of the approved preliminary plat which the subdivider proposed to record and develop at the time.
- 3.04.02 The final plat shall be submitted in accordance with the review schedule to the city for Planning Commission and City Council review.
- 3.04.03 Thirty-five Twelve (35 12) folded full sized copies and thirty-five (35) 11x17 (folded) copies and a digital copy in PDF format of the final plat and required supplementary material as specified in Section 3.05 of this ordinance shall be submitted to the City of La Vista Community Development Department in accordance to with the review schedule. If requested, Additional copies shall be requested provided prior to submittal to Planning Commission and City Council for their review.
- 3.04.04 Upon approval of the final plat, a certification of approval by the City shall be endorsed thereon by the mayor and the Planning Commission chair, and the original shall be filed with the Sarpy County Register of Deeds, the reproducible copy with the city clerk, and the two (2) copies of the original with the Community Development Department with additional plats filed as required by the city or county.
- 3.04.05 Final approval by the City Council shall be by resolution after receiving the recommendation of the Planning Commission.
- 3.04.06** The final plat will be filed with the register Register of deeds Deeds within one year of the City Council's approval. Evidence of such shall be submitted to the City by the subdivider or appointed representative
Approval of the final plat shall become null and void ninety (90) days from the date of City Council approval if the subdivider does not file the final plat with the Register of Deeds. It shall be the responsibility of the subdivider to furnish the City Planner documentation of compliance within the (90) day period. A thirty (30) day extension may be granted by the City Council upon written request of the subdivider and submittal of the required fee.

The fee. The filing fee for the final plat shall be in accordance to the City's Master Fee Schedule.

Section 3.05 Final Plat Specifications.

After approval of the preliminary plat by the Planning Commission~~City Council~~, the subdivider shall prepare and submit to the Planning Commission~~city~~ a final plat prepared by a registered land surveyor for recording purposes and shall submit in conformance with the approved preliminary plat drawn to a scale of at least one (1") inch to one hundred (100) feet, or as approved by the City Engineer, with a sheet size not to exceed 42"x30" accompanied by the following information unless deviations are approved or required by the City Engineer or City Planner:

- 3.05.01. Name of subdivision designated, by name or as otherwise prescribed, in bold letters inside the margin at the top of each sheet included in the plat.
- 3.05.02. Date, north North arrow and graphic scale.
- 3.05.03. Lot designation layout, street names, location, and rights-of-way width for all streets within or abutting the plat shall be shown, and adjacent subdivisions.
- 3.05.04. An accurate boundary survey of the property, with bearings and distances, referenced to section lines and/or adjacent subdivisions. The boundary survey shall meet or exceed the Measurement Specifications and Positional Tolerance described under the Technical Minimums section ~~most recent version~~ of the "Minimum Standards For Surveys," ~~as established by the Professional Surveyors Association of Nebraska~~ ~~adopted by the Nebraska State Board of Examiners for Land Surveys~~.
- 3.05.05. Fractional lines and corners of the government, township, and section surveys shall be approximately labeled and dimensioned as applicable to the plat.
- 3.05.06. Boundary dimensions from angle point to angle point shall be used for all sides of the closed traverse.
- 3.05.07. Bearings, based on assumed meridian approximating North~~north~~, of all boundary lines or internal angles of all angle points on the boundary shall be shown.
- 3.05.08. The minimum unadjusted acceptable error of closure for all subdivision boundaries~~any portion of the plat~~ shall be 1:10,000~~7,500~~ and shall be 1:5,000 for any individual lot.
- 3.05.10. Adjacent subdivisions, streets, alleys and easements, with their widths and names.
- 3.05.11. Names and widths of the streets, and block and lot numbers (numbered consecutively).
- 3.05.12. 3.05.09 Location of lots including square footage of each lot for lots other than single family residential, streets, public highways, alleys and other property features, with accurate bearings and distances. At a minimum all curves shall be identified with the following data; radius, arc distance, chord distance and chord bearing. It is intended that enough information be shown, so the subdivision can be reestablished on the ground.
- 3.05.13. 3.05.10. All distances shall be shown in feet to the nearest one-hundredth (1/100) of a foot.
- 3.05.14. 3.05.11. A notarized dedication signed and acknowledged by all parties having any titled interest in, or lien upon the land to be subdivided consenting to the final plat including the dedication of parts of the land for streets, easements, and other purposes as per Section 10.01. If no mortgage holders, provide a statement to that effect from a title company.
- 3.05.15. 3.05.12. A block for the certification signed by the county~~County~~ Treasurer stating that there are no regular or special taxes due or delinquent against the platted land as per Section 10.07.
- 3.05.16. 3.05.13. A block for the approval of the Planning Commission as per Section 10.03.
- 3.05.17. 3.05.14. A block for the approval of the City Council to be signed by the mayor~~Mayor~~ and attested to by the city~~City~~ clerk~~Clerk~~ as per Section 10.04.
- 3.05.18. 3.05.15. A legal description including total acreage.
- 3.05.19. 3.05.16. A block / space -for Certificate of County Register of Deeds as per Section 10.05.
- 3.05.20. 3.05.17. A block of for review from by the Sarpy County Public Works Surveyor as per Section 10.06.
- 3.05.21. 3.05.18. A block for the approval of the lending institution as per Section 10.10, if applicable.
- 3.05.22. 3.05.19. A block for Surveyors surveyors Certification certification as per Section 10.02.
- 3.05.23. 3.05.20. Three (3) copies of any private restrictions or covenants affecting the subdivision or any part thereof, if applicable.
- 3.05.24. 3.05.21. Prior to approval of the City Council, at least five (5) original signed and notarized, readable and

reproducible 18" x 24" minimum to 30" x 42" maximum Mylar copies (Mylar) of the final plat with a 1.5" border ((34) full size, (1) 18" x 30", and one (1) 11" x 17") shall be submitted as well as two (2) one (1) electronic copies on a compact disc or DVD or zip disc (AutoCAD 14 release and newer or compatible file to the city City engineer Engineer and Sarpy County's needs).

3.05.25.3.05.22. Plat boundary computations shall be based on Nebraska State Plane Coordinates as set forth in Neb. Rev. Stat. §86-1601 to 86-1606 (RRS 1998), except that North American Datum ("NAD") 1983 should be version 1995 under Neb. Rev. Stat. §86-1602(2), and the use of United States Feet feet and decimals of a foot shall be required in La Vista (Sarpy County) pursuant to Neb. Rev. Stat. §86-1603. State Plane Coordinates shall be shown for all boundary corners and reference points used in the boundary description of the final plat.

3.05.26.3.05.23. Statement of estimated costs and financial assumptions for any possible sanitary and improvement districts (SID) connection fees.

3.05.27.3.05.24. Financial data showing cost of all public improvements. Costs to be itemized and all soft costs to be itemized and funding sources identified as to general obligation, special assessment, and private and if City, Sanitary and Improvement District SID or other form of public debt is to be incurred, the data must include a breakdown for each type of improvement showing detailed quantities and costs to be specially assessed or otherwise to be borne by the subdivider and those costs proposed not be borne by special assessment or otherwise borne by the subdivider (the latter sometimes referred to as "General Obligation").

3.05.28.3.05.25. Development Preparation of an acceptable subdivision agreement prior to City Council action.

3.05.26. Waivers being requested, if any.

3.05.29.

3.05.30.3.05.27. The Final final plat shall then be submitted to the City Council for approval and adoption prior to the start of construction of public or private infrastructure improvements, at a public hearing advertised and posted with notice at least ten (10) days prior to the hearing in a paper of general circulation in the City of La Vista.

Section 3.06 Plats Outside Corporate Limits.

Procedure for approval of preliminary and final plats of land within extraterritorial zoning jurisdiction but outside the corporate limits of the City shall be the same as set forth in this Article.

Section 3.07-06 Vacation of Plat of Record.

3.06.01 A subdivider may make application to the City to vacate any plat of record under the following conditions:

1. The plat to be vacated is a legal plat of record.
2. Vacation of the subdivision will not interfere with development of, nor deny access via public thoroughfare to, adjoining properties or utility services or other improvements.
3. Vacation of the subdivision will not be contrary to the Comprehensive Development Plan.

3.07.02. 3.06.02 The subdivider shall present a proposal to the City, containing the legal description of the subdivision and calling for vacation thereof. The Planning Commission shall after public hearing and consideration send a recommendations to the City Council. The City Council, after public hearing shall approve or deny the proposal. If the proposal is approved, it shall then be recorded in the office of the Sarpy County Register of Deeds. All fees for the recording of such vacation shall be paid by the subdivider.

3.06.03 The filing fee for the vacation of a plat shall be in accordance to the City's Master Fee Schedule.

Section 3.08-07 Replats

Whenever a subdivider requests a re-subdivision of a parcel consists consisting of ten (10) or fewer lots, the City city may waive the separate submission requirements for the preliminary and final plats to expedite the subdivision review process if, in the judgment of the City engineer Engineer, separate submission will not serve the public interest and will not conflict with the intent of this ordinance. Concurrent plats shall be:

3.07.01 Replats shall be discussed with the City city at a scheduled pre-application conference, as set out in Section 3.01.

3.07.02 Be submitted Submitted to the Community Development Department in accordance with the review schedule;

3.08.03 Be accompanied by the applications fees and completed application forms as required;

3.07.03 Follow the procedure set forth for herein and contain provide the required information for preliminary and final

plats;

3.08.05 ~~Include a drainage plan showing how run-off generated by the proposed development impacts drainage on downstream drainage systems.~~

3.07.04 Changes required by the Planning Commission shall be made prior to submission to City Council. Final plats shall be submitted to the City at least fifteen (15) days prior to the next regular meeting of the City Council.

3.07.05 A final plat, in conformance with Section 3.05, shall be submitted to the ~~City~~city.

3.07.06 ~~The filing fee for the replat shall be in accordance to the City's Master Fee Schedule. All requirements of Section 3.05 shall be met and a revised preliminary platting shall be required if the guidelines of section 3.09.03, 1 through 8 are found.~~

Section 3.09–08 Administrative Plats

3.08.01 The intent of this section is to provide for lot splits, and lot ~~combinations consolidations, and boundary adjustment~~ which result in lots divided or combined into not more than two (2) lots without having to ~~re-plat~~ plat said lot, provided that the resulting lots shall not again be divided without ~~re-plat~~ replatting. Consolidation of ten (10) or fewer lots into not more than two (2) lots may be permitted without having to ~~re-plat~~ plat, provided requirements of section 3.09.03 are not warranted. City staff shall review the administrative plat application and make a final determination. **(Ordinance No. 967, 11-15-05)**

3.08.02 Requests for an administrative plat approval shall be made by the subdivider or a designated representative of the land to the city staff. The administrative plat shall include the following:

1. A survey of the lot(s),
2. Location of all existing structure(s),
3. Location and dimensions of the proposed administrative plat,
4. A block for Acknowledgment by Notary as per Section 10.01,
5. A block for Surveyors Certification as per Section 10.02,
6. A block / space for Certificate of County Register of Deeds as per Section 10.05,
7. A block of review from the Sarpy County Surveyor Public Works as per Section 10.06,
8. A block for approval or certification signed by the County Treasurer stating that there are no regular or special taxes due or delinquent against the platted land as per 10.07,
9. A block for the approval of the City as per Section 10.08,
10. A block for the approval of the lending institution as per Section 10.10, if applicable.
11. Size and number of copies shall conform to 3.05.24 as required by the City.

3.08.03 Disapproval of administrative plat shall be based on the following guidelines:

1. A new street or alley other right-of-way is needed or proposed,
2. Vacations of streets, alleys, setback lines, access control or easements (unless certain easements are determined by city staff to be unnecessary and for which proper release from the corresponding utility companies have been made and filed) are required or proposed, **(Ordinance No. 967, 11-15-05)**
3. Such action will result in significant increases in service requirements, e.g., utilities, schools, traffic control, streets, etc. or will interfere with maintaining existing service levels, e.g., additional curb cuts, repaving, etc.,
4. There is less street right-of-way than required by this ordinance or the Comprehensive Development Plan unless such dedication can be made by separate instrument,
5. All easement requirements have not been satisfied,
6. Such action taken during anThe administrative plat will result in a tract without direct access to a street,
7. A substandard-sized lot or parcel will be created,
8. The lot has been previously split through the administrative plat process of either the City or the County.

3.08.04 No administrative plats shall be approved unless all required public improvements have been installed, no new dedication of public right-of-way or easements is are involved, and such subdivision complies with the Zoning ordinance requirements concerning minimum lot areas and dimensions of such lots.

3.08.05 Prior to the approval of the administrative plat, the subdivider shall provide a statement from the County Treasurer's Office showing there are no tax liens against said land within the proposed subdivision or any part thereof. The subdivider shall also provide a statement from the City Treasurer's Office showing that all special assessment installment payments are current as applied to said proposed subdivision or any part thereof. All taxes shall be paid in full on all real property dedicated to a public use.

3.08.06 The filing fee for the administrative plat shall be in accordance to the City's Master Fee Schedule.

3.08.07 After approval from the city staff, all mylars must be certified by all applicable parties. Approval of the plat shall become null and void ninety (90) days from the date of the City Planner's approval if the subdivider does not file the plat with the Register of Deeds. Two-and-two (2) copies of the recorded plat shall be filed with the City. A thirty (30) day extension may be granted by the City Planner upon written request of the subdivider and

submittal of the required fee, ~~prior to the issuance of a permit.~~

ARTICLE 4: DESIGN STANDARDS

Section 4.01 Minimum Design Standards.

No subdivision shall be approved unless it is in conformance with the requirements of this ordinance and the Comprehensive Development Plan or a waiver has been granted according to Section 8.01 of this ordinance.

In subdividing property, consideration shall be given to suitable sites for schools, parks, playgrounds, and other common areas for public use so as to best conform with any recommendations of the Comprehensive Development Plan. Any provisions for schools, parks, and playgrounds should be indicated on the preliminary plat in order that it may be determined when and in what manner such areas will be provided or acquired by an appropriate agency.

Land which the City has found to be unsuitable for subdividing, due to flooding, poor drainage, steep slopes, ~~rock formation~~, or other features likely to be harmful to the safety, welfare or health of the future residents, shall not be subdivided unless adequate methods for subdivision remediation are formulated by the developer and approved by the City that would eliminate or substantially reduce such hazards.

The City may require all contiguous land under common ownership to be submitted with the preliminary plat in order to evaluate overall development patterns, extensions of future roads and services, and conformity with the Comprehensive Development Plan ~~and issue proper extension of future roads and services.~~

If a proposed subdivision contains lots which are sufficiently larger parcels than the minimum required lot size of the zoning district, such parcels shall be arranged to permit, and the preliminary plat shall show, a logical future street and utility system and logical re-subdivision.

Section 4.02 Design Standards; Streets.

The arrangement, character, extent, width, grade and location of all streets shall conform to the Comprehensive Development Plan and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of land to be serviced by such streets.

The street layout of the proposed subdivision shall provide for the continuation or appropriate projection of streets and alleys—already existing in areas adjacent to the area being subdivided. Where, at the determination of the city with recommendation from the city engineer, it is desirable to provide street access to adjoining properties, proposed streets shall be extended by dedication to the boundaries of the subdivision. Where the city engineer deems it necessary, such dead-end streets shall be provided with an acceptable temporary turnaround having a radius at outside of the pavement of at least forty (40) feet or other approved design.

Section 4.03 Design Standards; Dedication of Rights-of-way for New Streets.

The dedications of rights-of-way for new streets measured from lot line to lot line shall be shown on the plat and shall meet the right-of-way requirements as stated in Section 4.24 of this ordinance. Access to lots located on arterials and other arterials shall be approved by the City.

Frontage roads ~~or marginal access streets~~ may be required by the City for subdivisions fronting on arterial streets. If lots back up to the arterial street and such lots have access other than the arterial street frontage a marginal access street may not be required.

Section 4.04 Design Standards; Dedication of Rights-of-way for Existing Streets.

Subdivisions platted along existing streets shall dedicate additional right-of-way or easements if necessary to meet the minimum street right-of-way width requirements set forth in this ordinance. The entire minimum right-of-way width shall be dedicated where the subdivision is on both sides of an existing street. When the subdivision is located on only one side

of an existing street, one half (1/2) of the required right-of-way width, measured from the centerline of the existing roadway, shall be dedicated along with any proposed easements. ~~Dedication of one half (1/2) of the right-of-way for a proposed street along the boundaries of land proposed for subdivision shall be prohibited except where essential to the reasonable development of the subdivision and where it is found to be practical and reasonable to require the dedication of the other half of the right-of-way when adjoining property is subdivided.~~

Section 4.05 Design Standards; Intersections.

Streets shall intersect as nearly as possible at an angle of ninety (90) degrees, and no intersection shall be at an angle of less than sixty (60) degrees. ~~Street curb~~Curbs at street intersections shall be rounded by radii of at least twenty (20) feet. When the smallest angle of street intersection is less than seventy-five (75) degrees, the City may require curb radii of greater length. Whenever necessary to permit the construction of a curb having a desirable radius without reducing the sidewalk at such street corner to less than nominal width, the property line at such street corner shall be rounded or otherwise set back sufficiently to permit such construction. No lot or other parcel of land which abuts on and has access to either a collector or minor street ~~and abuts an arterial street~~ shall have a service drive, curb cut, or other means of vehicular access to ~~an-the~~ arterial street.

Section 4.06 Minimum Design Standards; Curves in Streets; Horizontal.

A tangent at least one hundred (100) feet long shall be introduced between reversed curves on arterial and collector streets.

Where there is a deflection angle of more than ten (10) degrees in the horizontal alignment of a street, a curve with a radius adequate to ensure safe sight distance shall be made. Minimum requirements shall conform to the standards in ~~section~~Section 4.24 of this ordinance.

Section 4.07 Design Standards; Street Grades and Elevations.

All streets shall be designed so as to provide for the discharge of surface water from the pavement and from the right-of-way by grading and drainage. For adequate drainage, the minimum street grade shall not be less than seventy-five tenths (0.75' / 100') of one percent. ~~Minimum grades for gutters and ditches shall be four tenths (0.4' / 100') and five tenths (0.5' / 100') of one percent respectively.~~ Storm sewer construction shall be required where necessary to meet these minimum grade requirements. Street grades shall conform to the minimum requirements provided in ~~section~~Section 4.24 of this ordinance.

Section 4.08 Design Standards; Frontage Roads/Marginal Access Streets.

~~Where, upon review by the City, development which abuts or has included within the proposed subdivided area any Arterial, the City may require a marginal access road or other treatment which may be necessary to provide for the adequate protection of properties, and to afford separation of through and local traffic. Marginal access or frontage roads shall incorporate year-round screening between these roads and the adjacent arterial streets.~~

~~Where a subdivision fronts on or contains an existing or proposed arterial street, the City may require marginal access streets in all situations indicated below or, reverse frontage lots with screen planting located in the non-access arterial street frontage along the rear of the lots, or such other treatment as may be necessary for adequate protection of properties from the arterial street and to protect and preserve the safety and traffic handling capabilities of the arterial street.~~

~~Marginal access streets may be required by the City for subdivisions fronting on arterial streets. If lots back up to the arterial street and such lots have access other than the arterial street frontage a marginal access street may not be required.~~

Section 4.09 Design Standards; Access/Egress.

~~There shall be a minimum of two (2) vehicular access points per platted subdivision. The system shall provide adequate traffic flow through a subdivision and provide at least two routes from each lot within the subdivision to the rest of the City, except as explicitly permitted by the approving authorities. Additionally, the system should be designed to discourage through traffic from using local streets.~~ The city engineer shall determine the most suitable location for said access points during the review period.

Section 4.10 Design Standards; Street Jogs.

Street jogs with centerline offsets of less than one hundred fifty (150) feet at intersections shall be prohibited.

Section 4.11 Design Standards; Cul-de-sac Streets.

~~Minor terminal temporary~~ Temporary dead-end streets or cul-de-sacs shall not be longer than ~~six~~three hundred (~~600~~300) feet and shall provide a turnaround conforming to the requirements of ~~section~~ Section 4.24 of this ordinance. The City may approve alternative designs for a temporary turnaround. The length of the cul-de-sac shall be measured from the center of the turnaround to the center of the intersecting street.

Section 4.12 Design Standards; Street Names.

Proposed streets which are in alignment with other existing streets shall bear the name of such streets. The name of a proposed street which is not in alignment with an existing street shall not be similar to the name of any existing street. To avoid duplication and confusion, the proposed names of all streets shall be reviewed by Sarpy County Emergency Management and approved by the City ~~Council~~ Public Works Director prior to such names being assigned or used.

Section 4.13 Design Standards; Private Streets and Reserve Strips.

New private streets may be created as part of a Plan Unit Development district, provided such streets are specifically authorized by the ~~city~~ City ~~council~~ Council and dedicated as access easements as an exception to the terms of the ordinance. ~~There shall be no reserve strips in a subdivision except where their control is definitely vested in the municipality under conditions of approval by the City as authorized in this ordinance. Design standards for private streets shall meet the requirements of Section 4.24.~~

Section 4.14 Design Standards; Blocks.

The lengths, widths and shapes of blocks shall be determined with due regard to the provisions of adequate access and circulation, building sites suitable to the needs of the use contemplated, zoning requirements regarding minimum lot sizes, widths and frontages and the limitations or opportunities presented by the topography. Block lengths, except in unusual circumstances, shall not exceed one thousand three hundred twenty (~~1,320~~1,000) feet and shall be a minimum length of three hundred (~~300~~) feet. Pedestrian easements ten (10) feet wide shall may be required to be provided through or near the center of blocks more than six ~~five~~ hundred (~~600~~500) feet long in order to provide for pedestrian circulation.

Section 4.15 Design Standards; Lots.

The lot sizes, width, depth, shape and orientation shall be appropriate for the location of the subdivision and for the type of development and use contemplated. Corner lots for residential uses shall have additional width to permit appropriate building setback distances and orientation to both streets. The subdividing of land shall be such as to provide each lot with satisfactory vehicular access by means of public street or approved private street. Side lot lines shall be substantially at right angles or radial to curved street lines.

Section 4.16 Design Standards; Double Frontage or Through (Double Frontage) Lots.

Double frontage lots, shall be avoided except where essential to provide separation of residential development from arterial streets or to overcome specific disadvantages of topography. Where such lots are used in relation to an arterial street, a landscape screen easement of at least ten (10) feet in width shall be provided along the lot line of the lots abutting such arterial street and the subdivider shall install trees, shrubbery, ~~or~~ fences or a combination thereof to screen the residential development from the arterial street and dampen the noise generated by traffic on the arterial street. Such screen shall be installed prior to the issuance of a certificate of occupancy for the main structure on each of such lots.

Section 4.17 Design Standards; Easements.

Easements for sanitary or storm sewers, where necessary, shall be provided and shall be a total of at least fifteen (~~15~~) feet wide or wider when required by the city engineer.

Where a subdivision is traversed by a major watercourse, drainageway, channel, or stream, there shall be provided to the City a permanent storm water easement or drainage right-of-way of such width as will be adequate for both water flow and maintenance operations as determined by the City. No other surface improvements or fill, except trails, bank stabilization, and stabilization structures, shall be placed in any such easement right-of-way.

Where a subdivision is traversed by the Thompson Creek, Hell Creek, Big Papillion Creek, South Branch Papillion Creek, or West Branch Papillion Creek, there shall be provided to the City and the Papio-Missouri River Natural Resources District a permanent easement adequate for construction, operation, and maintenance of channel and flood control improvements and public recreation trails in accordance with Papillion Creek Watershed Stormwater Management Policies. No other surface improvements or fill, except bank stabilization structures, shall be placed in any such easement right-of-way.

Perpetual easements shall be granted to the Omaha Public Power District and any telecommunications entity or other corporation transmitting communication signals authorized to use the city streets under a franchise agreement, to erect, operate, maintain, repair and renew poles, wires, cables, conduits, and other related facilities, and to extend thereon wires or cables for the carrying and transmission of electric current for light, heat, and power and for the transmission of signals and sounds of all kinds and the reception on, over, through, under and across a five (5)-foot wide strip of land abutting all front and side boundary lot lines, and eight (8)-foot wide strip of land abutting the rear boundary lines of all interior lots, and a sixteen (16)-foot wide strip of land abutting the rear boundary lines of all exterior lots. The term "exterior lots" is herein defined as those lots forming the outer perimeter of the above-described addition. Said sixteen (16)-foot wide easement will be reduced to an eight (8)-foot wide strip when the adjacent land is surveyed, platted and recorded. No permanent buildings or retaining walls shall be placed in the said easement ways, but the same may be used for gardens, shrubs, landscaping and other purposes that do not then or later interfere with the afore-said uses or rights herein granted.

Perpetual easements shall be granted to Metropolitan Utilities District of Omaha, Aquila Black Hills Energy, and their successors and assigns, to erect, install, operate, maintain, repair and renew pipelines, hydrants and other related facilities, and to extend thereon pipes for the transmission of gas and water on, through, under and across a five (5)-foot-wide strip of land abutting all the turn-around portion of all cul-de-sac streets. No permanent buildings or retaining walls shall be placed in the said easement ways, but the same may be used for gardens, shrubs, landscaping and other purposes that do not, then or later, interfere with the afore-said uses or rights herein granted.

Section 4.18 Design Standards: Storm Sewer System.

The storm sewer system shall be designed in accordance with the Omaha Regional Storm Water Design Manual, Papillion Creek Watershed Plan, and Chapter 154 of the City of La Vista Municipal Code all as amended from time to time. In addition, provisions shall be made to limit the ten (10)-year peak rate of storm water discharge from the subdivision. Post-development peak runoff rate shall not exceed one and one-quarter (1.25) times the pre-development runoff rate at any time following post-development based upon a ten (10)-year storm event. Pre-development shall be the condition prior to improvements being completedstarted, including agricultural uses. For single family subdivisions, storm water management facilities should be community-based in outlots rather than on individual private lots. (Ordinance 1115, 2-16-10)

(Ordinance 1115, 2-16-10)

Section 4.19 Design Standards: Sanitary Sewer System.

Design standards for sanitary sewers shall conform to Nebraska Department of Environmental Quality Standards.

Section 4.20 Design Standards: Sidewalks.

All sidewalks within subdivisions shall have a minimum pavement width of four-five (4)(5) feet and minimum pavement thickness of six (6) inches along major or other arterials and four (4) inches everywhere else, all of which shall be located within the right-of-way or pedestrian access easement and not directly abutting any street. Minimum distance between edge of walk and curb shall be six (6) feet.

All sidewalks, crossings, and other segments of a pedestrian system must comply with the standards of the Americans with Disabilities Act. Ramps with truncated domes shall be installed at all public street crossings and private roadway/driveway crossings that have traffic control access.

Section 4.21 Design Standards: Flood Hazards.

Land subject to flooding and land deemed to be topographically unsuitable for residential or other development shall not be platted for such purposes. Such land may be set aside on the plat for such uses compatible with the hazards associated with flooding or erosion. All development shall ~~be flood proof in accordance with the flood hazard zoning provisions conform to the flood plain management regulations~~ of the Zoning Ordinance.

Section 4.22 Design Standards: Creek Setback.

No person shall be granted a permit for the construction of any structure, exclusive of bank stabilization structures, adjacent to any creek or stream unless such structure is located so that no portion thereof is any closer to the stream than will allow a maximum three-to-one (3:1) slope plus twenty (20) feet between the water's edge of the stream and the closest point on the structure at grade. For those creeks or streams designated in the Papillion Creek Watershed Plan, the setback shall be increased to allow a maximum three-to-one (3:1) slope plus fifty (50) feet between the water's edge of the stream and the closest point on the structure at grade. As used herein, the edge of the water of the stream shall be the point constituting the edge of the water during normal flow conditions. (Ordinance 1115, 2-16-10)

(Ordinance 1115, 2-16-10)

A property shall be exempt from the before mentioned provisions upon a showing by a registered professional engineer that adequate bank stabilization structures or slope protection will be installed in the construction of said structure, having an estimated useful life equal to that of the structure, which will provide adequate erosion control conditions coupled with adequate lateral support so that no portion of said structure adjacent to the stream will be endangered by erosion or lack of lateral support. In the event that the structure is adjacent to any stream which has been channelized or otherwise improved by any agency of government, then such certification providing an exception to the before mentioned may take the form of a certification to the adequacy and protection of the improvements installed by such governmental agency.

Prior to work on or near any watercourses all the necessary permits must be obtained from the U.S. Army Corps of Engineers or any other governmental agencies.

Section 4.23 Design Standards; Conformance with Other Regulations.

No final plat of land within the City or its jurisdictional area shall be approved unless it conforms with existing zoning regulations unless waived by the Planning Commission and City Council in accordance with this ordinance. Whenever there is a variance between the minimum standards set forth in this ordinance and those contained in other regulations, the most restrictive standard shall govern.

Section 4.24 Minimum Street Standards

Street Classifications	Minimum Right-of-Way (ft.)	Minimum Pavement Width ¹ (ft.)	Minimum Number of Traffic Lanes	Maximum Grade (%)	Minimum Centerline Radius (ft.) (Curve Data)	Minimum Sight Distance (VC) ³	Minimum Concrete Pavement Thickness ^{4, 7, 8}
Arterial Street ⁶	100'	5049 ³	4	6	(5)	(5)	9"
Collector Street	60'	37'	3	10	300	250'	7"
Local Street and Minor Street <u>without Parking</u>	50'	25'	2	10	200	175'	7"
Cul-De-Sac ² and Loop Street	50'	37.5'25'	2	10	100	175'	7"
Marginal Access (Frontage Road) (No Parking)	40'	25'	2	8	300	250'	7"
<u>Private Street (Access Easements</u>							

1. Pavement width measured back of curb to back of curb.
2. Minimum right-of-way radius for the cul-de-sac turnaround shall be fifty (50') feet and the minimum pavement radius for the cul-de-sac turnaround shall be thirty-seven and a half (37.5) feet in residential areas. Larger dimensions will be required in commercial and industrial areas as directed by the city engineer.
3. (VC) - Vertical Curve of road.
4. Strength equivalent to pour-in-place Portland Cement Concrete as per design standards by the American Association of State Highway and Transportation Officials (AASHTO).
5. Per Nebraska Department of Roads (NDOR) Standards or as directed by the city engineer.
6. All section line roads will be designated as arterial streets, unless otherwise directed by the City Engineer.
7. Streets in commercially zoned subdivisions shall be eight inches thick concrete pavement.
8. Streets in industrially zoned subdivisions shall be nine inches thick concrete pavement.

In the event of conflict with the rules and regulations of the Nebraska Board of Public Roads Classifications and Standards, the more stringent criteria shall govern.

Private Streets shall meet the requirements for Local and Minor streets unless otherwise determined by the City Engineer. The minimum width of the outlot or easement containing the private roadway shall be 50 feet. Required setbacks will be measured from the limit of the outlot or the edge of the roadway easement.

ARTICLE 5: REQUIRED IMPROVEMENTS

Section 5.01 Required Improvements; General.

The subdivider shall design and construct improvements using standards not less than the standards outlined in this Ordinance. All such plans shall be approved by the City upon recommendation of the city engineer.

The work shall be done in accordance with specifications approved by the City and shall be completed within the time limitations established ~~herein in Section 7.02.05~~. The minimum requirements for materials shall be in accordance with specifications approved by the City. Standards applicable to health and sanitation as required by the Nebraska Department of Environmental Quality and the Nebraska Department of Health and Human Services shall be the minimum standards required thereof.

All inspection and testing costs shall be paid by the subdivider.

Section 5.02 Required Improvements; Monuments and Markers.

Monuments and markers placement shall be as follows:

5.02.01 Concrete monuments shall be located at all quarter section points or other reference points tied to the federal survey system on the boundaries of or within the area being platted.

Section 5.03 Required Improvements; Monument Construction.

~~5.03.01. Monumentation shall meet or exceed the "Minimum Standards for Surveys" as adopted by the Professional Surveyors Association of Nebraska in February 1989 Nebraska State Board of Examiners and Land Surveyors. These standards are as follows:~~

~~5.03.02. The surveyor shall establish or confirm the prior establishment of permanent monuments at each corner on the boundary lines of the parcel being surveyed. Monuments shall be solid and substantially free from movement. In such cases where the placement of a permanent monument at the true corner is impractical because of instability or is likely to be destroyed, the surveyor shall set a corner accessory monument and show its relationship by dimension to the true corner.~~

~~5.03.03. The monuments set shall be constructed of material capable of being detected by commonly used magnetic locators. These monuments shall consist of an iron pipe or steel rod with a minimal diameter of five eighths (5/8) inch and minimal length of twenty-four (24) inches (24). When extenuating circumstances dictate, the surveyor may use monuments (i.e., nail and washer) that have a probability of permanence. Where a corner or a line falls on or within a wall, column line or other physical feature and the placement of a monument is not feasible, the wall, column line or physical feature shall become the monument by reference thereto.~~

~~5.03.04. In addition, monuments shall be set at all block corners, lot corners, deflection points and points of curvature, except in cases where it is deemed clearly unreasonable or infeasible by the City Council~~city engineer.

Section 5.04 Required Improvements; Street Grading and Construction.

5.04.01. All streets shall be graded to the full width of right-of-way and to within six (6) inches of the street grade established in the approved final ~~plat~~ construction plans and specifications. Final construction plans shall be in conformance with Section 4.24.

5.04.02. Higher design standards may be required by the City to provide for unusual soil conditions or extra-ordinary traffic volumes or other abnormal characteristics.

5.04.03. Curbs and gutters shall be required for all streets within the boundaries of the subdivision unless ~~excepted a waiver is granted~~ by the City Council in accordance with ~~the terms of this ordinance~~Section 8.01.

5.04.04. The applicant shall comply with all National Pollutant Discharge Elimination System (NPDES) requirements as administered by the State of Nebraska, and the Papio-Missouri River Natural Resources District, and the Papillion Creek Watershed Partnership.

Section 5.05 Required Improvements; Street Signs and Lighting, Electrical Power, Mail Boxes, Gas Mains, and

Hydrants.

5.05.01. At least one (1) street sign shall be installed at each street intersection within or on the perimeter of the subdivision and shall be located in the northeast corner thereof, whenever possible, and within the area between the street and sidewalk at a point approximately six (6) inches from said sidewalk or its intended location. Whenever possible street signs shall be installed on street utility poles. Signs shall comply with the Manual of Uniform Traffic Control Devices.

5.05.02. The developer subdivider shall provide and install street lights at each entrance (street or sidewalk) into a subdivision and at each street intersection within the subdivision and at such intermediate points as necessary, as specified by Omaha Public Power District, subsequent providers, and or the city engineer.

5.05.03. New subdivision lighting and electrical power shall be underground wiring and easements for such wiring shall be indicated on the plat. All underground wiring shall meet proper applicable specifications for installation.

5.05.04. All hydrants will be located at a maximum of four hundred fifty (450)-foot intervals, unless otherwise authorized by the City. The layout and flow design must meet the minimum requirements as set forth by the City.

5.05.05. Mailboxes owned and serviced by the post office shall be clustered whenever possible and coordinated through the city engineer to be consistent with future parking restrictions.

5.05.06. Gas mains shall be installed at the direction of the city engineer. Gas, water, power, and communication facilities shall be provided by the utility companies authorized by the City to provide such service and shall be at the subdivider's expense.

Section 5.06 Required Improvements; Landscape Screens.

Landscape screens as required by the City shall be installed at the subdivider's expense as a buffer for the protection of residential properties along major streets, railroad rights-of-way, and land uses which are substantially different from that proposed in the subdivision. Such landscape screen shall be installed prior to the issuance of a certificate of occupancy for the main structure on each of such lots, or upon completion of the infrastructure.

Section 5.07 Required Improvements; Drainage.

A drainage system shall be designed and constructed by the subdivider to provide for the proper drainage of surface water of the subdivision and the drainage area of which it is a part. The storm sewer system shall be designed in accordance with the Omaha Regional Storm Water Design Manual, the Papillion Creek Watershed Plan, and Chapter 154 of the City of La Vista Municipal CodeCity Code, all as amended from time to time. In addition provisions shall be made to limit the peak rate of storm water discharge from the subdivision. Post development runoff (cubic feet per second) shall not exceed one and one-quarter (1.25) times the predevelopment runoff rate at any time following post development, based upon a ten (10)-year storm event. Pre development shall be the condition prior to improvements being completed, including agricultural uses. For single family subdivisions, storm water management facilities should be community-based in outlots rather than on individual private lots. Storm Sewersewer shall be constructed and installed to provide adequate drainage in accordance with any supplemental recommendations of the city engineer. In addition, the developer subdivider shall submit, a drainage report prepared by a registered professional engineer as to the existing and proposed drainage conditions. A preliminary report shall be included with the preliminary plat. The final report shall be submitted with the final plat and shall include an evaluation of the ability of the proposed water courses, drainage tiles, storm sewers, culverts and other improvements pertaining to drainage or flood control within the subdivision to handle the run-off which would be generated by the development of the land within and above the subdivision and the impacts of such demonstrate no adverse impacts drainage on downstream drainage systems. (Ordinance 1115, 2-16-10)

5.07.01 The preliminary plat report shall include:

1. Preliminary estimates of the quantity of storm water entering the subdivision naturally and upon full development of lots within the subdivision for ten (10)-year and one hundred (100)-year frequency storm events.
2. Existing conditions of the watershed that may affect the proposed subdivision, such as soil type, drainage channels, obstructions and the like.
3. A preliminary grading plan illustrating proposed drainage management.

5.07.02 The final plat drainage report shall contain:

1. Calculations of the quantity of storm water entering the subdivision naturally and estimates of such storm water upon full development within the subdivision based on the proposed zoning.

2. Quantities of flow at each ~~pick-up point~~proposed inlet or pipe junction.
3. Estimates and type of temporary erosion control measures necessary to control erosion during construction.
4. A description of an adequate drainage system within the subdivision and its design capacities based on a ten (10) year storm and capacities ~~at critical points~~ for one hundred (100) year frequency storm events to demonstrate adequate conveyance within public right-of-way and/or easements.

5.07.03 **Drainage Requirements.** The subdivider shall provide adequate drainage facilities within the subdivision including storm sewers upon recommendation of the city engineer. If storm sewers are not necessary all open ditches shall be graded and all pipes, culverts, intersection drains, drop inlets, bridges, headwalls, gutters and similar or related installations necessary to provide adequate surface water drainage shall be constructed and installed in accordance with plans approved by the City Council upon recommendation by the city engineer.

Section 5.08 Required Improvements, Sanitary Sewers.

Where a sanitary sewer is accessible by gravity flow within five hundred (500) feet of the final plat, the developer shall connect thereto and provide adequate sewer lines and stubs to benefit each lot. Where a sanitary sewer is not accessible by gravity flow within five hundred (500) feet of the final plat, the developer shall make provisions for the disposal of sewage required by law. Where a sanitary sewer is not accessible by gravity flow within five hundred (500) feet of the final plat, but where plans for installation of sanitary sewers within such proximity to the plat have been prepared and construction will commence within twelve (12) months from the date of the approval of the plat, the developer shall be required to install sewers in conformity with such plans. All sanitary sewers shall be constructed in accordance with sanitary sewer standards approved by the City Council as well as ~~section~~Section 4.19.

Section 5.09 Required Improvements: Seeding.

The areas of the plat, with the exception of the street rights-of-ways, on which the existing vegetation has been destroyed as a result of grading operations, shall be seeded with a seeding formula approved by the City during the first growing season immediately following the completion of the grading operations and re-seeded until a satisfactory turf is established. The use of sod, rather than seeding, is an acceptable alternative.

Section 5.10 Required Improvements: Water Mains .

The subdivision shall be provided with an adequate water supply system, which shall be connected to an approved water supply source. The water system shall be operated by a utility company authorized by the City.

Section 5.11 Required Improvements: Roadway Improvements.

The City may require new auxiliary lanes, such as a deceleration lane, on existing roadways and/or traffic signals when determined to be necessary by the City or a traffic impact study, and the type of curb to be used in new developments.

Section 5.112 Shared Private Improvements.

Where more than one lot will share an infrastructure improvement, and such improvement is not to be owned or maintained by the City, the improvement shall be designed to the requirements of this article.

ARTICLE 6: DEDICATIONS AND RESERVATIONS ~~ON-OF~~ PUBLIC LAND

Section 6.01 Dedication.

As a condition of final plat approval, the subdivider shall dedicate to the public all streets ~~and alleys~~ and easements as may be required by the City ~~of LaVista~~. If such streets ~~and alleys~~ are not to be dedicated and are to be developed as private streets, the subdivider shall make adequate provision for an owner's association with direct responsibility to and control by the property owners of the subdivision, to provide for the maintenance of all such private streets ~~and alleys~~ and the removal of debris and snow therefrom so as to maintain adequate access at all times for fire, police, sanitation, utility and other emergency vehicles. Legal assurances shall be provided which show that the association is self-perpetuating and has the authority to collect assessments from owners of property within the subdivision to accomplish these and other related purposes. The agreement by which the legal assurances are proved shall be a covenant running with the land in a form acceptable to the City ~~and enforceable by the City~~.

Such provisions shall also provide for agreement of the property owners that if the City is requested or required to perform any reconstruction, maintenance, repair, or snow removal from such streets in order to maintain adequate access, said owners shall pay the costs thereof to the City and if not paid, the same shall become a pro rata lien upon the properties until such costs are paid in full.

Section 6.02 Reservation and Dedication of Public Land and Open Space.

Before preliminary or final plat approval is given, the City may require the subdivider to ~~dedicate~~ reserve sites for parks, playgrounds, open space, schools, and other public land consistent with the Comprehensive Development Plan, as determined by the City. Reservation of land for public acquisition and/or use shall be for a period not to exceed ~~three (3)~~
~~five (5)~~ years from the date the plat is officially recorded unless otherwise provided for in the subdivision agreement. If such reserved site is not acquired by the City or other governmental entity within said ~~three (3)~~
~~five (5)~~ year period, the subdivider may then re-subdivide the site for alternative purposes and sell any or all of the site after giving written notice to the City to make a determination on acquisition.

In certain situations, the contemplated use of land creates or contributes to the public need for land or facilities including but not limited to recreational and public safety facilities created by the nature of the development and use of land. In such situations, the City may require dedication and/or other appropriate subdivider contribution to the cost of satisfying such need.

Where a park, playground, school, or other site for public use indicated in the Comprehensive Development Plan is located in whole or in part in the applicant's subdivision the City will determine the density and location of said park(s) or other public use and may require the immediate acquisition or reservation of such area or may accept the dedication of such area.

ARTICLE 7: IMPROVEMENT PROCEDURE

Section 7.01 Platting, Etc. Costs.

In order to provide consistent information concerning the financing of required subdivision improvements, to establish an equitable division of costs between the developer and City, and to ensure orderly, cost effective growth in the City of La Vista, the City shall require that the subdivider pay for the following services and improvements indicated as part of the subdivision process:

- 7.01.01. All costs associated with the preparation and revisions to the preliminary plat including but not limited to surveying, preliminary grading, erosion control, drawings, and related services.
- 7.01.02. Unless otherwise agreed to by the City in a subdivision agreement, the subdivider shall pay for all preparation of all items related to the final plat and those improvements and related costs contained in Article 5.

Section 7.02 Subdivision Improvements Guarantees.

~~Prior to the final plat approval, but after approval of all improvement plans and specifications, the subdivider shall complete all improvements required for the subdivision. final plat approval shall not be given until the dedication of all appropriate improvements and acceptance thereof by the City.~~

~~In lieu of requiring the completion of all improvements prior to the final plat approval, the City Council may enter into an agreement with the subdivider and the subdivider shall guarantee to complete all improvements required by these regulations and approved by the City in a manner satisfactory to the City. To secure this agreement, the subdivider shall provide, subject to the approval of the City Council, one (1) or more of the guarantees set forth in Section 7.03 and 7.04 below.~~

Section 7.03 Surety Performance Bond.

~~The subdivider shall obtain a performance bond from a bonding company authorized to do business in the State of Nebraska. The bond shall be payable to the City and shall be in an amount to cover one hundred ten (110%) percent of the cost of all improvements, as established by the subdivider and accepted by the City Council upon recommendations of the city engineer. The duration of the bond shall be until such time as the improvements are accepted by the City Council in accordance with this ordinance.~~

Section 7.04 Escrow Account.

~~The subdivider shall deposit cash or other instruments readily convertible to cash at face value, either with the City Council or in escrow with a bank. In lieu of any instrument other than cash, and in the case of an escrow account, the bank with which the funds are to be deposited, shall be subject to the approval of the City Council. The amount of the deposit shall be an amount equal to one hundred ten (110%) percent of the estimated cost of all required improvements as estimated by the subdivider and accepted by the City Council upon recommendation of the city engineer.~~

~~In the case of an escrow account, the subdivider shall file with the City Council an agreement between the bank and him or herself guaranteeing the following:~~

- 7.04.01. That the funds of said escrow account shall be held in trust until released by the City Council and may not be used or pledged by the subdivider as security in any other matter during that period.
- 7.04.02. That in the case of a default on the part of the subdivider to complete said improvements, the bank shall immediately make the funds of said account available to the City for use in completion of the improvements.

After the City Council approves the final plat, the following must be submitted for review and acceptance by the City prior to releasing the final plat to be recorded:

- 7.02.01 Improvement plans, using city datum, prepared by a professional engineer registered in the State of Nebraska, for paving, sanitary and storm sewers, and other public improvements identified in the subdivision agreement, on 24-inch by 36-inch sheets, at a horizontal and vertical scale approved by the City Engineer.
- 7.02.02 Verification of the location and installation of all boundary and lot pins.
- 7.02.03 Payment of all required fees identified in the subdivision agreement.

7.02.04 Verification that all improvements required by this chapter have been satisfactorily arranged for though one or a combination of the following, pursuant to conditions of any applicable subdivision agreement or approval, or as the City Engineer in his discretion determines necessary or advisable:

1. All improvements have been installed and have been accepted by the City Engineer; or
2. A surety bond, or comparable instrument other security acceptable to the City Attorney, has been posted to cover one-hundred and ten percent (110%) of the cost of all improvements; or
3. City street and sewer districts have been formed providing for the installation of improvements; or
4. Sanitary and improvement district contracts satisfactory to the City Engineer have been executed covering the installation of all required improvements, except public utility improvements described in the subdivision agreement.

7.02.05 The subdivider shall complete, or cause to be completed, installation of the required improvements, in compliance with the street surfacing, sanitary sewer, and storm drainage requirements, within two years after the final plat has been approved by the City Council. Such period may be extended by the City Council- upon a showing by the developer/subdivider that lot sales and development do not warrant such installation.

7.02.027.02.06 The bond or other security shall be released upon installation of the required improvements and approved by the City Engineer. If the improvements are not completed within the specified or extended periods of time, or constructed in accordance with the approved plans and specifications the performance bond or other security shall be forfeited and used by the City to complete the installation of the improvements.

7.02.07 The subdivider shall record the final plat with the County Register of Deeds within ninety (90) days from the date of approval of the plat by the City Council.

Section 7.03 Improvements: Financing.

7.03.01 As to those portions of the subdivision that are situated within the corporate limits of the City, the subdivider may petition the City to create City Improvement (Assessment) Districts to allow for the financing of improvements within the subdivision. Depending on the City's financial condition, the City's evaluation of risk of failure or delay in subdivision build_out, the City's evaluation of the debt impact on the City, or other sufficient reason as determined by the City, the City may or may not grant the subdivider's request. In the event the City creates assessment districts, the subdivider shall deposit with the City funds equal to twenty percent (20%) ~~percent~~ or more of the cost of improvements as determined from the city engineer's estimates prior to receipt of bids and award of contracts. The City may finance up to eighty percent (80%) ~~percent~~ of the cost of construction of said improvements. Such petition shall be in the form prescribed by the City and shall be executed by the owners of all the lots situated within the proposed improvement district. The cost of all such improvements in the district which are constructed shall be specially assessed against the land benefited thereby, to the full extent of special benefits, and unless otherwise agreed to in writing by the City prior to the time of the City's approval of the final plat, the entire cost of all public improvements in said subdivision shall be deemed to be of special benefit to the property situated therein, and the full cost thereof, including engineering fees, attorney's fees and other related costs, shall be specially assessed against such property. The City shall, in no event, be bound to form such a district, and if such a district be formed, the City shall not be required to install improvements therein until, in the opinion of the City, economic conditions warrant such installation; provided, the City shall have the right to limit the size of the final plat ~~if the area of the tentative plat is more than ten acres.~~

7.03.02 As to those portions of the subdivision that are situated outside the corporate limits of the City but within the zoning jurisdiction of the City, the subdivider may cause such improvements to be constructed by a street improvement district or sanitary and improvement district in accordance with the appropriate state law. However, the city engineer shall not certify to the City that the required improvements have been satisfactorily arranged for until the subdivider presents certified evidence that the improvement district has been duly formed and has adopted a resolution of necessity authorizing a contract ~~executed contracts~~ for the required work in that portion of said street improvement district or sanitary and improvement district included in the final plat. It is further provided, however, that if the City has approved a final plat for a phase of the area comprised in the preliminary plat, the subdivider may submit for final platting of the next phase only if the required improvements have been installed in the first phase, or have been contracted for as above provided in the phase comprised in the final plat theretofore approved. Subsequent applications for final platting shall be processed in the same manner.

7.03.03 Whether within or without the corporate limits of the City, expenditures of public debt may not exceed the amount to be received from special assessments in respect to the improvements, except ~~as allowed by the City's standard subdivision financing policies or~~ as the City may otherwise agree.

7.03.04 Whether within or without the corporate limits of the City, the subdivider may use the private financing method which creates no public debt in respect to which the City may become liable.

7.03.05 When private financing is proposed, the subdivider is required to submit ~~P~~roof of financial capability to construct the proposed infrastructure.

7.05.01

Section 7.04 Subdivision Agreement.

A subdivision agreement, unless otherwise determined by the City Engineer, shall be required as a condition of any plat or replat- approved by the City, containing such parties, terms and conditions as the City Engineer determines necessary or advisable. Not in limitation of the foregoing sentence, no ~~No~~ contract for the construction of public improvements or shared private infrastructure improvements involving any subdivision in the within the city limits or extraterritorial jurisdiction of the city of La Vista shall be let, awarded, or otherwise consummated by the subdivider unless first entering into a formal subdivision agreement between the city, the subdivider, and/or the Sanitary Improvement District concerning such matters as the City Engineer determines necessary or advisable, including without limitation, land acquisition for public improvements, minimum design for utilities, pavements, open spaces, recreation facilities, erosion and sedimentation control methods, both temporary and permanent, and assessments for the costs to be incurred as a general obligation by the Sanitary Improvement District, development corporation, or other persons to be involved in this

contract. The city will consider all sections of Article 7 of this ordinance in entering a contractual agreement covering the assessment of costs for public improvements.

Section 7.06 Time Limits.

Prior to the granting of final plat approval, the subdivider and the City Council shall agree upon a deadline for the completion of all improvements. Such deadlines shall not exceed two (2) years from the date of final plat approval, provided, however the City Council may extend that deadline for one (1) additional year where the subdivider presents substantial reason for doing so and provides any additional performance surety made necessary due to inflation or increased cost of completing the improvements.

Or

Unless provided for otherwise within the subdivision agreement, the subdivider shall complete in a manner satisfactory to the City Council and the City Engineer all improvements required in these regulations and/or subdivision agreements within one year after the final plat has been approved by the City Council. The City Council may extend this period upon the showing by the subdivider of circumstances beyond his or her control or upon evidence of circumstances that create a hardship to the subdivider.

Section 7.05 Installation of Improvements.

The Subdividers subdivider may select either method or combination of methods listed below to comply with the minimum improvement requirements:

- 7.05.01 They may install Install required improvements upon acceptance approval of plans and specifications being approved by the City Council.
- 7.05.02 They may submit Submit a petition requesting the City to construct street surfacing and sanitary sewerthe improvements in the proposed subdivision by the district method. In the event, the The subdivider shall have plans and specifications prepared and pay all costs for same, approved prior to receiving approval by the city staff, city engineer, and City Council for all such improvement districts. The City shall assess the cost of such improvements to the adjacent property as provided by law and in accordance with the subdivision agreement.

Section 7.06 Plan and Administration Review Reimbursement.

The subdivider efor the a sanitary and improvements district shall reimburse the City for such costs incurred by the City for plan review, plan check, and plan approval as to conformance with approved City standards and specifications.

Subdivider, or the SID, shall pay to the City an amount equal to one-two percent (12%) of the actual construction cost of subdivider paid improvements as administrative expenses incurred by the City in connection with the administration of this Agreement. Estimated payment shall be made on the basis of one-two percent (12%) of the construction and/or installation cost estimates for the various improvements computed by the subdivider's engineer, which estimated amount shall be paid to the City at the time the plans and specifications are submitted to the City for City final review approval.

Section 7.07 Failure to Complete Improvements.

If any portion of the required improvements shall fail to be completed and accepted for dedication in compliance with Section 7.09 belowthis Article 7 within the required time period, either for reason of non-compliance or for reason of substandard and unacceptable construction, the City Council shall authorize actions to proceed in accordance with Section 7.02.06 of this ordinance, in addition to any other rights or remedies under applicable law or equity, shall have the option to pursue any rights or remedies under any bond or other security provided with respect to said improvements.do one (1) of the following:

- 7.07.01 Where improvements have been guaranteed under Section 7.03 of this ordinance, the bond shall be forfeited to the City.
- 7.07.02 Where improvements have been guaranteed under Section 7.04 of this ordinance, the City Council shall declare whatever security has been pledged as a guarantee to be forfeited.

Where the City Council is not already in possession of said security, it shall immediately take the actions necessary to

obtain it. Upon receipt of the security, the City Council shall use such to finance the completion of the improvements or rebuilding of substandard improvements. Unused portions of the surety shall be returned to the subdivider without interest.

Section 7.08 Certification and Inspection.

Upon completion of the improvements, the city engineer or other authorized person shall file with the City a statement either certifying that the improvements meet the requirements of the city or provide a statement indicating the improvements do not meet the requirements of the approved ~~improvement~~ plans and specifications.

Upon completion of the improvements, the subdivider through use of a registered professional engineer shall file with the City a statement stipulating the following:

- 7.08.01 That all required improvements are complete.
- 7.08.02 That these improvements are in compliance with the minimum standards specified by the City.
- 7.08.03 That there are no known defects from any cause in the improvements.
- 7.08.04 That these improvements are free and clear of any encumbrances or lien.

If the city engineer or other authorized person has certified that the improvements are complete and free from defect, the City shall accept any dedication of improvements. The City may, at its discretion, accept the dedication of any portion of the improvements provided that all statements and agreements specified above have been received for that portion of the improvements.

The city engineer or other authorized person shall regularly inspect the condition of required improvements for defects.

Section 7.09 Reduction of Guarantees.

In those cases where improvement guarantees have been made under Section ~~7.02 7.03 or 7.04~~ of this ordinance, the amount of the guarantee may be reduced upon acceptance in compliance with Section 7.02 and 7.10 of the dedication and acceptance of a portion of the improvements.

Section 7.10 Release of Guarantee.

Upon acceptance, in accordance with Section ~~7.01 and~~ 7.02.06 of the ordinance, the City shall authorize the release of the performance bond or ~~the remaining portion of~~ the escrow.

Section 7.11 Operation and Maintenance.

It is the intention of the City to provide no services other than planning, zoning, building code enforcement, and subdivision regulations administration to the jurisdictional area beyond the corporate limits of the City. Therefore, it shall be the obligation of the subdivider to present to the City, a precise ~~approach-method~~ for the operation and maintenance of improvements in the subdivision. Said ~~approach-method~~ may include formation of districts, ~~homeowners~~ ~~owners~~' associations or other methods to operate and maintain such improvements. Said ~~approach-method~~ shall be binding on the subdivider in a form, agreement, or contract acceptable to the City.

ARTICLE 8: WAIVERS, ANNEXATIONS, AMENDMENTS

Section 8.01 Granting of Waivers (Exceptions) and Conditions.

In addition to the exceptions contained in this ordinance, the Planning Commission may recommend and the City Council may grant waivers from the provisions of this ordinance, but only after determining that:

- 8.01.01. There are unique circumstances or conditions affecting the property that are not ~~the result of actions by merely for the convenience or profit of~~ the subdivider.
- 8.01.02. The waivers are necessary for the reasonable and acceptable development of the property in question.
- 8.01.03. The granting of the waivers will not be detrimental to the public or injurious to adjacent and nearby properties.

Section 8.02 Planned Unit/Cluster Developments.

The Planning Commission and City Council may also grant reasonable waivers to this ordinance if the subdivider concurrently submits an application for, and obtains approval of, a Planned Unit Development ~~or cluster development~~. The subdivider shall indicate where the plans vary from the requirements of this ordinance and shall present evidence to support such requests.

Section 8.03 Amendments.

~~Any provision of this ordinance from time to time may be amended, supplemented, changed, modified or repealed by the City Council according to law; provided, however, that such amendments, supplements, changes, modifications or repealed provisions shall not become effective until after public hearing and report by recommendation of the Planning Commission.~~

ARTICLE 9: ADMINISTRATION/~~AND~~ ENFORCEMENT

Section 9.01 General.

The following apply towards administration of this ordinance:

- 9.01.01 It shall be the duty of the city staff to enforce this ordinance and to bring to the attention of the Planning Commission and City Council any violation or lack of compliance herewith.
- 9.01.02 No owner; or agent of an owner; of any parcel of land located in a proposed subdivision shall transfer or sell any parcel before a plat of such subdivision has been approved ~~approved by the Planning Commission and City Council~~ in accordance with the provisions of this ordinance, and filed for recording with ~~the~~ Sarpy County Register of Deeds.
- 9.01.03 The subdivision, including re-subdivision, of any lot or any parcel by the use of metes and bounds description for the purpose of sale, transfer or lease which would evade this ordinance shall not be permitted. All ~~such~~ subdivisions shall be subject to all the requirements contained in this ordinance.
- 9.01.04 No permit shall be issued for the construction of any building or structure located on a lot or parcel subdivided, sold, transferred or leased in violation of the provisions of this ordinance.

Section 9.02 Amendments

Any provision of this ordinance may be amended, supplemented, changed, modified, or repealed from time to time by the City Council according to law, provided however, that such amendments, supplements, changes, modification or repealed provisions shall not become effective until after ~~the study, written report a public hearing~~ and recommendation ~~by of~~ the Planning Commission to the City Council.

Section 9.03 Violation/~~and~~ Penalties.

Any person, firm or corporation who fails to comply with the provisions of this ordinance shall, upon conviction thereof, be guilty of a misdemeanor and shall be punishable by a fine of not more than one hundred dollars (\$100.00) plus the cost of prosecution for each violation, and in default of payment of such forfeiture and costs, imprisonment in the county jail until payment thereof for a period not exceeding thirty (30) days. Each day a violation exists or continues shall constitute a separate offense.

ARTICLE 10: CERTIFICATION AND DEDICATION STATEMENTS

Section 10.01: Acknowledgement of Notary

ACKNOWLEDGEMENT OF NOTARY

STATE OF NEBRASKA

COUNTY OF SARPY

On the _____ day, of _____ 20____, before me, the undersigned Notary Public, duly commissioned and qualified in aforesaid county personally appeared _____, known by me to be the identical person whose name is affixed to the dedication on this plat and acknowledged the execution thereof to be his/her voluntary act and deed as said

WITNESS my hand and Notarial Seal the day and year last above mentioned.

(SEAL)

Notary Public

Section 10.02: Surveyor's Certification

SURVEYORS CERTIFICATION:

I hereby certify that I am a professional land surveyor, registered in compliance with the laws of the State of Nebraska, that this plat correctly represents a survey conducted by me or under my direct supervision on _____, that any changes from the description appearing in the last record transfer of the land contained in the final plat are so indicated, that all monuments shown thereon actually exist as described or will be installed and their position is correctly shown and that all dimensional and geodetic data is correct. I hereby certify that I am a professional land surveyor, registered in compliance with the laws of the State of Nebraska, and that this plat meets or exceeds the "Minimum Standards for Surveys" adopted by the Nebraska State Board of Examiners for Land Surveyors. Further, I hereby certify that I have made a boundary survey of the subdivision described heron and that permanent markers will be set (or have been set) at all lot corners, angle points and at the ends of all curves within the subdivision to be known as _____, being a platting (or replatting) of _____, described as follows: (insert boundary description) containing _____ acres, more or less.

(Surveyor, RLS #)

Date

(seal)

Section 10.03: Approval of La Vista City Planning Commission

APPROVAL OF THE PLANNING COMMISSION OF LA VISTA, NEBRASKA

This plat of _____ was approved by the La Vista Planning Commission this _____ day _____ 20____

Chairperson, La Vista Planning Commission

Section 10.04: Acceptance by La Vista City Council

ACCEPTANCE BY LA VISTA CITY COUNCIL OF

This plat of _____ was approved by the City Council
of the City of La Vista, Nebraska on this _____ day _____ 20____, in accordance
with the State Statutes of Nebraska.

(City of La Vista SEAL)

Mayor

ATTEST _____

City Clerk

Section 10.05: Acceptance by Sarpy County Register of Deeds

Recorded on this _____ day of _____, 20____.

Sarpy County Register of Deeds _____ (STAMP including book and Page)

A 5" x 2 1/2" space in the upper right hand corner to allow for the placement of a recording "sticker".

Section 10.06: Review of by Sarpy County Surveyor Public Works

REVIEW OF SARPY COUNTY SURVEYOR

This plat of _____ was reviewed by the office of Sarpy
County Surveyor Public Works on this _____ day of _____, 20____

Sarpy County Surveyor Public Works _____ (SEAL)

Section 10.07: County Treasurer's Certifications

COUNTY TREASURER'S CERTIFICATIONS

This is to certify that I find no regular or special taxes due or delinquent against the property described in the Surveyor's
Certificate and embraced in this plat as shown by the records of this office.

County Treasurer _____ Date _____
(SEAL)

Section 10.08: Administrative Plat Approval

APPROVAL OF CITY OF LA VISTA

This Administrative Plat was approved by the City of La Vista this _____ Day of _____, 20____.

City Clerk _____ Mayor _____

(City of La Vista SEAL) Chief Building Official City Planner

Section 10.09: Owners Certification

OWNERS CERTIFICATION

I/we the undersigned _____ owner(s) of the real estate shown and _____ (names) described herein, do hereby certify that I/we have laid out, platted and subdivided, and do hereby lay out, plat and subdivided, said real estate in accordance with this plat.

This subdivision shall be known and designated as _____, an addition to the City of La Vista, Nebraska (delete last phrase if the subdivision is located outside of the corporate limits and will not be annexed to the City). All Streets and alleys shown and not heretofore dedicated are hereby dedicated to the public unless specifically noted herein. Other public lands shown and not heretofore dedicated are hereby reserved for public use.

Clear title to the land contained in this plat is guaranteed. Any encumbrances or special assessments are explained as follows: _____.

There are strips of ground shown or described on this plat and marked easement, reserved for the use of public utilities and subject to the paramount right of utility or City to install, repair, replace and maintain its installations.

(Additional covenants or restrictions and enforcement provisions therein may be inserted here or attached to the plat).

Signature

Signature

Section 10.10: Lien Holder Consent

The undersigned holder of that certain lien against the real property described in the plat known as _____ (hereinafter "Plat"), said lien being recorded in the Office of the Register of Deeds of Sarpy County, Nebraska as Instrument No. _____ (hereinafter "Lien"), does hereby consent to the dedication of and subordinate the lien to any utility (sewer, water, electric, cable TV, telephone, natural gas) easements, or streets or roads, pedestrian way easements, and access easements and relinquishments of access, dedicated to the public, all as shown on the Plat, but not otherwise. The undersigned confirms that it is the holder of the lien and has not assigned the lien to any other person.

(Name of lien holder)

By: _____

(Print the Name of Individual)

Title: _____

ARTICLE 11: LEGAL STATUS PROVISIONS

Section 11.01 Separability Severability

Should any article, section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 11.02 Purpose of Catch Heads

The catch heads appearing in connection with the foregoing sections are inserted simply for convenience, to serve the purpose of any index and they shall be wholly disregarded by any person, officer, court or other tribunal in construing the terms and provisions of this ordinance.

Section 11.03-02 Repeal of Conflicting Ordinances

All ordinances or parts of ordinances in conflict with this ordinance, or inconsistent with the provisions of this ordinance, are hereby repealed to the extent necessary to give this ordinance full force and effect.

Section 11.04-03 Effective Date

This ordinance shall take effect and be in force from and after its passage and publication according to law.

ADOPTED AND APPROVED by the Governing BodyCity Council of La Vista, Nebraska,

This third _____ day of June 20032013.

(Seal)

Mayor

ATTEST: _____

City Clerk

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
FEBRUARY 4, 2014 AGENDA**

Subject:	Type:	Submitted By:
AMEND SECTION 92.15 OF THE MUNICIPAL CODE	RESOLUTION ◆ ORDINANCE RECEIVE/FILE	CHRIS SOLBERG CITY PLANNER

SYNOPSIS

An ordinance has been prepared to amend the Municipal Code Chapter 92: Health and Sanitation – Nuisances - 92.15 Definition.

FISCAL IMPACT

N/A.

RECOMMENDATION

Approve.

BACKGROUND

Since the adoption of Post-Construction Storm Water Management regulations on February 16, 2010, the City has witnessed an increase in the use of detention basins, bio-swales and other storm water management facilities with vegetation as an integral component to meet the requirements. However, due to the nature of their design and operation, these facilities would meet the definition of a nuisance under Section 92.15 of the City Code. Staff has prepared amendments to the definition of a nuisance in the Municipal Code to allow for the lawful operation of these facilities. One additional amendment is proposed to correct a spelling error (see number 13).

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA, TO AMEND THE LA VISTA MUNICIPAL CODE SECTION 92.15; TO REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; ORDERING THE PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM; AND TO PROVIDE THE EFFECTIVE DATE HEREOF.

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

SECTION 1. Section 95.15 of the La Vista Municipal Code is amended to read as follows:

§ 92.15 DEFINITION.

(A) *General definition.* A nuisance consists in doing any unlawful act, omitting to perform a duty or suffering or permitting any condition or thing to be or exist, which act, omission, condition or thing either:

- (1) Injures or endangers the comfort, repose, health or safety of others;
- (2) Offends decency;
- (3) Is offensive to the senses;
- (4) Unlawfully interferes with, obstructs, tends to obstruct or renders dangerous for passage any stream, public park, parkway, square, street or highway in the city;
- (5) In any way renders other persons insecure in life or the use of property; or
- (6) Essentially interferes with the comfortable enjoyment of life and property or tends to depreciate the value of the property of others.
('79 Code, § 4-301)

(B) *Specific definition.* The maintaining, using, placing, depositing, leaving or permitting of any of the following specific acts, omissions, places, conditions and things are hereby declared to be nuisances:

- (1) Any odorous, putrid, unsound or unwholesome grain, meat, hides, skins, feathers, vegetable matter or the whole or any part of any dead animal, fish or fowl;
- (2) Privies, vaults, cesspools, dumps, pits or like places which are not securely protected from flies or rats, or which are foul or malodorous;
- (3) Filthy, littered or trash-covered cellars, houseyards, barnyards, stable-yards, factory-yards, mill yards, vacant areas in rear of stores, granaries, vacant lots, houses, buildings or premises;
- (4) Animal manure in any quantity which is not securely protected from flies and the elements, or which is kept or handled in violation of any ordinance of the city;
- (5) Liquid household waste, human excreta, garbage, butcher's trimmings and offal, parts of fish or any waste vegetable or animal matter in any quantity, provided that nothing herein contained shall prevent the temporary retention of waste in receptacles in a manner provided by the health officer of the city, nor the dumping of nonputrefying waste in a place and manner approved by the health officer;
- (6) Tin cans, bottles, glass, cans, ashes, small pieces of scrap iron, wire metal articles, bric-a-brac, broken stone or cement, broken crockery, broken glass, broken plaster and all trash or abandoned material, unless the same be kept in covered bins or galvanized iron receptacles;
- (7) Trash, litter, rags, accumulations of barrels, boxes, crates, packing crates, mattresses, bedding, excelsior, packing hay, straw or other packing material, lumber not neatly piled, scrap iron, tin or other metal not neatly piled, old automobiles or parts thereof, or any other waste materials when any of the articles or materials create a condition or harborage in which flies, rats, or rodents may breed or multiply, or which may be a fire danger or which are so unsightly as to depreciate property values in the vicinity thereof;
- (8) Any unsafe or unsightly building, billboard or other structure, any old, abandoned or

partially destroyed building or structure or any building or structure commenced and left unfinished, which buildings, billboards or other structures are either a fire hazard, a menace to the public health or safety or are so unsightly as to depreciate the value of property in the vicinity thereof;

(9) All places used or maintained as junk yards, dumping grounds or for the wrecking and dissembling of automobiles, trucks, tractors or machinery of any kind, or for the storing or leaving of worn-out, wrecked or abandoned automobiles, trucks, tractors or machinery of any kind, or of any of the parts thereof, or for the storing or leaving of any machinery or equipment used by contractors or builders or by other persons, which places are kept or maintained so as to essentially interfere with the comfortable enjoyment of life or property by others, or which are so unsightly as to tend to depreciate property values in the vicinity thereof.

(10) Stagnant water permitted or maintained on any lot or piece of ground. Stagnant water is defined as water which stands upon premises in such a manner, and over such a period of time, that it is likely to become a breeding place for mosquitoes;

(11) Stockyards, granaries, mills, pig pens, cattle pens, chicken pens or any other place, building or enclosure in which animals or fowls of any kind are confined or on which are stored tankage or any other animal or vegetable matter, or on which any animal or vegetable matter including grain is being processed, when the places in which the animals are confined, or the premises on which the vegetable or animal matter is located are maintained and kept in such a manner that foul and noxious odors are permitted to emanate therefrom to the annoyance of inhabitants of the city or are maintained and kept in such a manner as to be injurious to the public health; or

(12) All other things specifically designated as nuisances elsewhere in this code or applicable state law.

(13) Storage, accumulation, keeping, placing or allowing to remain of trash, garbage, scrap and wrecked, worn-out, broken or inoperative or partially destroyed or disassembled personal or real property of any kind, including any motor vehicles, tractors, trailers, machinery and equipment.

(14) Any lots or pieces of ground within the city or within two miles of the corporate limits of the city that have (or have on adjoining streets or alleys) any growth of 12 inches or more in height of weeds, grasses, or worthless vegetation or that have stagnant water, litter, or any other nuisance thereon. Any lots or pieces of ground within the city or within two miles of the corporate limits of the city that have (or have on adjoining streets or alleys) any weeds or plant growth in excess of 12 inches. Weeds shall be defined as all grasses, annual plants and vegetation other than trees or shrubs provided, however, this term shall not include cultivated flowers and gardens, including but not limited to native plantings used for aesthetic and/or wildlife promotion, to attract and aid wildlife, to improve storm water quality in city approved storm water management facilities, or cultivated expressly for the purpose of weed or erosion control. It shall be the duty of any person owning, leasing, occupying, or controlling any lot or pieces of ground in the jurisdiction to prevent the growth of noxious weeds such as cockleburs, thistles, ragweed, burdock, and wild lettuce thereon.

SECTION 2. Repeal of Conflicting Ordinances. All ordinances and parts of ordinances as previously enacted that are in conflict with this Ordinance or any part hereof are hereby repealed.

SECTION 3. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Mayor and City Council of the City of La Vista hereby declare that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION 4. Effective Date. This Ordinance shall be in full force and effect from and after passage, approval and publication in pamphlet form as provided by law.

PASSED AND APPROVED THIS 4TH DAY OF FEBRUARY 2014.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

K:\APPS\City Hall\ORDINANCES\1204 Amend City Code 115.001 And 115.017 Definitions And Rates, Fees, And Charges.Doc

CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
FEBRUARY 4, 2014 AGENDA

Subject:	Type:	Submitted By:
PARK VIEW BLVD - DISTRICT 1 FIRE STATION - NO PARKING ZONE EXPANSION	◆ RESOLUTION ORDINANCE RECEIVE/FILE	JOHN KOTTMANN CITY ENGINEER/ASSISTANT PUBLIC WORKS DIRECTOR

SYNOPSIS

A resolution has been prepared expanding the "No Parking Zone" on the south side of Park View Boulevard to the south and west of the District 1 Fire Station. This has been requested to accommodate a change in the placement of the aerial truck inside the remodeled facility which requires further restriction of parking to allow for westbound turning movements. This resolution is recommended by the city engineer and authorizes the Public Works Department to install appropriate signs.

FISCAL IMPACT

The FY 13/14 General Fund Budget provides funding for the signage.

RECOMMENDATION

Approval

BACKGROUND

Due to ongoing remodeling of the District One Fire Station, there will be a change in placement of the aerial truck within the facility. The placement of the truck requires an additional restriction of on-street parking so that the truck can make the turn to the west when leaving the facility without being impeded by parked cars. The expanded No Parking Zones is recommended in the following location:

1. A No Parking Zone on the south side of Park View Boulevard beginning 332 feet, more or less, northwesterly of the intersection of the centerlines of Park View Boulevard and 81st Street and continuing for 154 feet to a point 486 feet, more or less, northwesterly of said intersection.

Attached is a map illustrating the existing No Parking Zones and the proposed expansion of the No Parking Zone.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA EXPANDING THE NO PARKING ZONE ON THE SOUTH SIDE OF PARK VIEW BOULEVARD TO THE SOUTH AND WEST OF THE DISTRICT 1 FIRE STATION.

WHEREAS, the Mayor and City Council have determined that expanding the "No Parking Zone" by the District 1 Fire Station is necessary to provide for the safe passage of vehicles and pedestrians; and

WHEREAS, the designation of a No Parking Zone are in the following locations;

- 1. A No Parking Zone on the south side of Park View Boulevard beginning 332 feet, more or less, northwesterly of the intersection of the centerlines of Park View Boulevard and 81st Street and continuing for 154 feet to a point 486 feet, more or less, northwesterly of said intersection; and**

WHEREAS, the City Engineer has reviewed the plan and recommends approval,

NOW, THEREFORE, BE IT RESOLVED, that the expansion of the "No Parking Zone" by the District 1 Fire Station is authorized,

BE IF FURTHER RESOLVED, that the Public Works Department be, and hereby is, authorized to install the appropriate signage designating this "No Parking Zone".

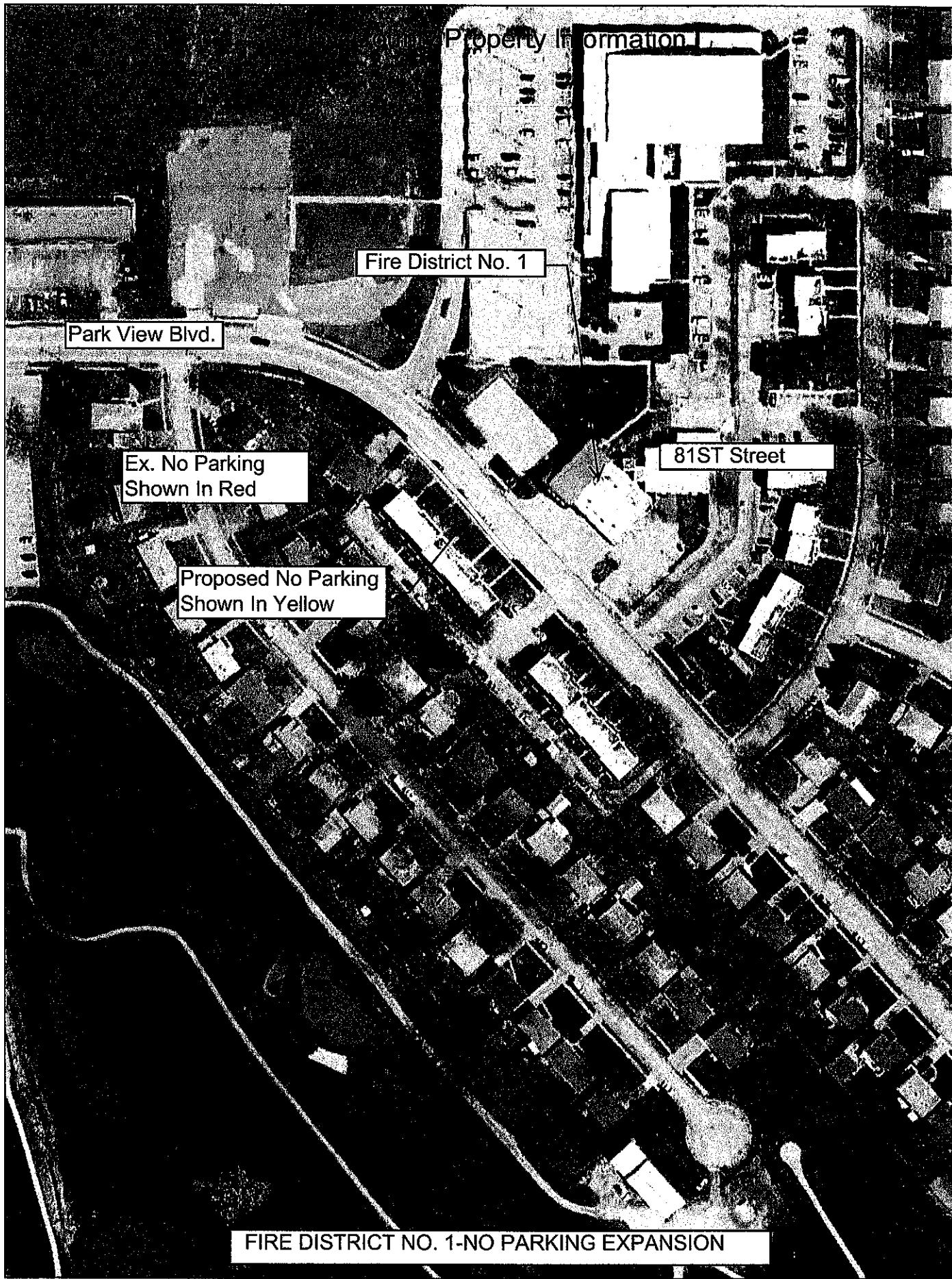
PASSED AND APPROVED THIS 4TH DAY OF FEBRUARY, 2014.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

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



Sources: ESRI, DeLorme, NAVTEQ,
TomTom, Intermap, increment P Corp.
January 6, 2014

Disclaimer: This data is for informational purposes only, and should not be substituted for a legal title search, property appraisal, survey, or for any other formal verification. Stearns County and the Stearns County GIS Coalition assume no responsibility for the information contained in this data.

CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
FEBRUARY 4, 2014 AGENDA

Subject:	Type:	Submitted By:
THOMPSON CREEK WATERSHED RESTORATION-BIOBLITZ EVENT MANAGEMENT AGMT. WITH UNO	◆ RESOLUTION ORDINANCE RECEIVE/FILE	JOHN KOTTMANN CITY ENGINEER/ASSISTANT PUBLIC WORKS DIRECTOR

SYNOPSIS

A resolution has been prepared authorizing the City Administrator to sign an Agreement with the University of Nebraska at Omaha for the inaugural Thompson Creek BioBlitz event management services that are needed for a public outreach and education component for the Thompson Creek Watershed Management in an amount not to exceed \$20,789.

FISCAL IMPACT

The FY 13/14 Capital Fund provides funding for this project through the NDEQ EPA Section 319 Non-Point Source Grant and/or the Nebraska Environmental Trust Grant.

RECOMMENDATION

Approval

BACKGROUND

The City submitted a grant application to the Nebraska Department of Environmental Quality (NDEQ) in the fall of 2012 for funding of the Thompson Creek Watershed Restoration Project. The award of the grant for EPA Section 319 Non-Point Source funds through the NDEQ required the preparation of a Project Implementation Plan which included creating public support for the watershed management activities. One of the methods identified was conducting a bioblitz for annual species search and learning day. These services can be provided at lower cost through UNO than through private sector consultants. A previous agreement was entered into with UNO for water quality monitoring services. The bioblitz event is scheduled for May 16 and 17, 2014.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, APPROVING AN AGREEMENT WITH THE UNIVERSITY OF NEBRASKA AT OMAHA (UNO) FOR THE INAUGURAL THOMPSON CREEK BIOBLITZ EVENT MANAGEMENT SERVICES THAT ARE NEEDED FOR A PUBLIC OUTREACH AND EDUCATION COMPONENT FOR THE THOMPSON CREEK WATERSHED MANAGEMENT IN AN AMOUNT NOT TO EXCEED \$20,789

WHEREAS, the City Council of the City of La Vista has determined that creating public support for the watershed management activities are required as part of the conditions of obtaining EPA Section 319 grant funds for the Thompson Creek Watershed Management project through the Nebraska Department of Environmental Quality (NDEQ); and

WHEREAS, services can be provided at a lower cost through UNO than through the private sector; and

WHEREAS, the Sewer Fund Budget provides funding for these services; 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 approve an agreement with the University of Nebraska at Omaha for the inaugural Thompson Creek BioBlitz Event Management Services and authorizing the City Administrator to sign said agreement for an amount not to exceed \$20,789.

PASSED AND APPROVED THIS 4TH DAY OF FEBRUARY, 2014.

CITY OF LA VISTA

ATTEST:

Douglas Kindig, Mayor

Pamela A. Buethe, CMC
City Clerk

UNIVERSITY OF NEBRASKA AT OMAHA

Agreement No. 2014-

This Agreement is entered into as of January 17, 2014, by and between The Board of Regents of the University of Nebraska, for and on behalf of the University of Nebraska at Omaha, (hereafter called UNO), and the City of LaVista, Nebraska (hereinafter called SPONSOR). It is understood between the parties that the services described herein will be performed by UNO through its Nebraska Watershed Network.

Section I: UNO Duties - UNO shall provide the following services:

UNO shall develop and coordinate a BioBlitz event for SPONSOR's Thompson Creek Watershed Restoration Project. Work activities shall include the following:

- Lead-up to event development and coordination
- Expo-style booth development
- City sponsored booths development
- Table-side and creek-side demonstration platform development
- Children's engagement programming development
- Social media integration
- Coordinate traditional media campaign
- Branding, logo, and mascot development
- BioBlitz tour and data acquisition and station development
- Days of event management and supervision
- BioBlitz video-clip production
- Provide SPONSOR with post-BioBlitz instruction/directions manual
- Post-event data collection and management and dissemination

Section II: SPONSOR Duties – SPONSOR and related parties will provide assistance to the project as needed to complete the tasks indicated above.

Section III: Property Rights and Information Disclosure

A. Confidential Information - UNO shall freely disclose to SPONSOR all information, data and results obtained from work performed under this Agreement. Except as limited by Section III C., SPONSOR is free to use such information for its own internal purposes or to disclose such information to third parties. Provided, however, the work performed pursuant to this Agreement requires disclosure of information which any party hereto considers as proprietary and confidential, the parties agree that separate confidentiality agreements may be executed with the individual participants in the project.

B. Rights In Data - Progress reports may be prepared at agreed upon periods detailing the results of the project to date. These reports will become the property of SPONSOR and will not be distributed by UNO without written approval.

C. Publication - Any publication made by SPONSOR which includes data or information obtained from UNO personnel in the performance of this project will be submitted to UNO thirty (30) days prior to planned public release for review of the content for technical accuracy and interpretation of results. If requested by UNO, SPONSOR will include a disclaimer indicating

that interpretation of results is solely that of SPONSOR. SPONSOR shall not use the name or trademarks of the University of Nebraska or UNO, and shall not use the name of any personnel of UNO in any publication without the prior written approval of the University of Nebraska, UNO or said individuals.

UNO will be free to publish the results of the research under this Agreement after providing SPONSOR with a thirty (30) day period in which to review each publication to identify any inadvertent disclosure of SPONSOR's Confidential Information (as defined above). Any further extension will require subsequent agreement between SPONSOR and UNO. Pursuant to the policies of UNO and traditional academic practice, the author of such publications shall retain ownership of all copyright interest thereto.

Section IV: Independent Contractor Statement

UNO and its officers, agents and employees are not and shall not be considered employees of SPONSOR. UNO shall be and remain an independent contractor and nothing contained in this Agreement shall be construed inconsistent with that status. Notwithstanding such status, any employee shall be removed from any job site by UNO at any time on request of SPONSOR for incompetence, neglect of duty, or misconduct. SPONSOR shall have no other control over the employment, compensation or discharge of UNO's employees or agents.

Section V: Insurance

As of the date of the execution of this Agreement, UNO is self-insured pursuant to the University of Nebraska General Self-Insurance Program. Subject to the terms, conditions, exclusions, and limits of the Statement of Self-Insurance Coverage contained in the Program, the Program shall pay on behalf of UNO during any of its fiscal years all sums for which UNO shall become legally obligated to pay as damages for liability occurrences, up to the limits of \$1,000,000 per liability occurrence and \$3,000,000 in the aggregate of liability occurrences in any fiscal year. UNO shall provide the SPONSOR with a copy of the University of Nebraska Self-Insurance Trust Fund Program Statement evidencing such coverage upon request.

Personal property insurance shall be the responsibility of the owner of the property regardless of the location of the loss.

Section VI: Indemnification

Each party agrees that it will be responsible for its own acts and the results thereof and shall not be responsible for the acts of the other party and the results thereof. Each party therefore agrees that it will assume all risk and liability to itself, its agents or employees for any injury to persons or property resulting in any manner from the conduct of its own operations and the operations of its agents or employees under this Agreement, and for any loss, cost, or damage caused thereby during the performance of this Agreement.

Section VII: Term of Contract and Termination

Unless sooner terminated as provided below, this Agreement commences on January 17, 2014, and ends on May 17, 2014, unless extended by mutual agreement of both parties. Either party may terminate this Agreement at any time with or without cause, on thirty days written notice to the other party. In the event of any termination of this Agreement, payments to UNO outlined herein shall be prorated to cover actual work performed and any non-cancelable commitments up

to and including the date of termination. Termination of this Agreement for any reason shall not affect any of the rights, obligations or liabilities of the parties which may have accrued or arisen prior to termination.

Section VIII: Payment for Services

In consideration of the foregoing, SPONSOR will reimburse UNO for all direct costs incurred in the performance of this Agreement, which shall not exceed the total estimated project cost of \$20,789 without written authorization from SPONSOR. The project budget is attached hereto and incorporated herein as Attachment A.

UNO will submit monthly invoices to SPONSOR for actual costs incurred in accordance with Attachment A. Payment shall be made to UNO within thirty (30) days of receipt of invoice. Invoices shall be mailed to:

City of La Vista, Nebraska
Attn: John Kottmann, City Engineer
Public Works Department
9900 Portal Road
La Vista, NE 68128

Checks shall be made payable to the University of Nebraska at Omaha (ID #47-0049123 A9).

Checks shall be mailed to: University of Nebraska at Omaha
6001 Dodge Street
Grants Accounting
EAB 208
Omaha, NE 68182

A final financial accounting of all costs incurred and all funds received by UNO hereunder shall be submitted to SPONSOR within ninety (90) days following the end date of the Agreement.

Section IX: Notices

All notices to be given to either party under this Agreement shall be sent to the following addresses:

University of Nebraska at Omaha
Nebraska Watershed Network
Attn: Alan Kolok, Ph.D.
6001 Dodge Street
Omaha, NE 68182

With copy to: University of Nebraska at Omaha
Office of Research & Creative Activity
Eppley Admin. Room 203
6001 Dodge Street
Omaha, NE 68182

City of La Vista, Nebraska
Attn: John Kottmann, City Engineer
Public Works Department
9900 Portal Road
La Vista, NE 68128

Section X: Assignment

This Agreement is non-assignable and non-transferrable. Any attempt by either party to assign its obligations hereunder shall be void.

Section XI: Amendment

This Agreement constitutes the entire understanding between SPONSOR and UNO with respect to the subject matter hereof and may not be amended except by an agreement signed by SPONSOR and an authorized representative of UNO.

Section XII: Governing Law and Forum

This Agreement shall be governed by the laws of the State of Nebraska. Any legal actions brought by either party hereunder shall be in the District Court of Lancaster County, Nebraska.

We, the undersigned, hereby warrant that we are properly authorized officers of the organization to be bound by this Agreement, and that we do hereby accept the terms and conditions provided herein.

**Board of Regents
University of Nebraska
University of Nebraska at Omaha**

City of LaVista, Nebraska

Signature

Signature

Title: Associate Vice Chancellor for Research
& Creative Activity

Title

Date

Date

Read and Understood by (Project Director)

Attachment A

PI/Sponsor: Alan Kolok/City of LaVista

Project Period: 01/17/14-05/17/14 (17 weeks)

	YEAR	UNO	
	1	1	TOTAL
Kolok, PI, .051 FTE, 1 semester	1,860		1,860
Madden,\$20/hr, 30h/wk	10,200		10,200
Whye, \$10/hr, 7.5h/wk	1,275		1,275
			0
Salaries & Wages	13,335	0	13,335
Benefits	1,455	0	1,455
Salaries/Wages/Benefits SUBTOTAL	14,789	0	14,789
 Operating expenses, misc	 500		 500
Operating expenses--event stipends	1,000		1,000
Consultant Services	4,000		4,000
Operating Expenses SUBTOTAL	5,500	0	5,500
 Supplies--day of event hosting expenses	 500		 500
 MTDC SUBTOTAL	 20,789	 0	 20,789
 TOTAL DIRECT COSTS	 20,789	 0	 20,789
 Facilities & Administrative 10% MTDC		 0	 0
 TOTAL BUDGET REQUEST	 20,789	 0	 20,789

Madden wage estimated at \$20/hour

Whye wage estimated at \$10/hour

FBs for Madden and Whye estimated at 8.3%

Operating expenses include NEED DETAILS

Operating expenses for demonstrations and info booths student groups & non-profits only
payment for the groups's expenses for demos and booths

Consultant services--event stipends--

--BioTour (and TC field guide) and workshops (\$500 each and \$100 each)
 these are payments to individual(s) who are leading tours and workshops

Supplies include day of event hosting expenses

--t-shirts, sandwiches/lunch and coffee)

F&A contribution by UNO--exception approved by Associate Vice Chancellor Snyder

CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
FEBRUARY 4, 2014 AGENDA

Subject:	Type:	Submitted By:
COMMUNICATIONS CABLE & FACILITIES AGREEMENT BETWEEN CITY OF LA VISTA AND TELEPORT COMMUNICATIONS AMERICA, LLC	◆ RESOLUTION ORDINANCE RECEIVE/FILE	JOHN KOTTMANN CITY ENGINEER/ASSISTANT PUBLIC WORKS DIRECTOR

SYNOPSIS

A resolution has been prepared authorizing the Mayor and City Clerk to enter into an Agreement with Teleport Communications America, LLC for the use of public rights-of-way within the City limits for installation of communications facilities.

FISCAL IMPACT

The Occupation Tax as set forth in the City's Master Fee Schedule will be collected as well as an annual rental fee of Two Dollars (\$2.00) per lineal foot for the use and occupancy of the space within the public rights-of-way will be collected.

RECOMMENDATION

Approval.

BACKGROUND

Teleport Communications America, LLC, is proposing to install a fiber optic communications line to serve the Fidelity Data Center which does not lie in the city limits of the City of La Vista. The proposed installation will commence at the intersection of 114th and Giles Road and continue south in 114th Street to the southern boundary of the City of La Vista and then continue on to the Fidelity Data Center. Teleport Communications America, LLC is not proposing to serve any business or residential customers within the City of La Vista at this time.

Teleport Communications America, LLC, has delivered a set of plans to the Public Works Department for review and issuance of a permit to proceed with their installation. It was determined that an agreement setting forth conditions for this proposed installation was necessary. The agreement is similar in format to agreements entered into with other companies for the installation of such facilities within the City of La Vista public right-of-ways.

The proposed agreement includes a Statement of Policy and Standard Specifications for Communication Facilities on City Property as an attachment. The agreement also includes an exhibit of the currently proposed installation and may be amended from time-to-time if additional installations are proposed. The agreement sets forth the basis for charges for use of City right-of-ways.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING A COMMUNICATIONS CABLE AND FACILITIES AGREEMENT TO OCCUPY PUBLIC RIGHTS-OF-WAY WITH TELEPORT COMMUNICATIONS AMERICA, LLC FOR USE OF PUBLIC RIGHTS-OF-WAY WITHIN THE CITY LIMITS FOR INSTALLATION OF COMMUNICATIONS FACILITIES

WHEREAS, the Mayor and City Council find it necessary to have an agreement setting forth conditions for use of the rights-of-way within the City of La Vista, Nebraska; and

WHEREAS, a Communications Cable and Facilities Agreement to Occupy Public Rights-of-Way is attached hereto as Exhibit 1 and incorporated herein by reference (the "Agreement"). The Agreement would grant Teleport Communications America, LLC permission to use public rights-of way in the City of La Vista; and

WHEREAS, the Agreement includes a Statement of Policy and Standard Specifications for Communication Facilities on City Property; and

WHEREAS, the Agreement provides for the installation of communications facilities by Teleport Communications America, LLC subject to certain terms and conditions as set forth in the Agreement;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of La Vista, Nebraska, that the Agreement is hereby approved and the Mayor and City Clerk are hereby authorized to execute the Agreement with Teleport Communications American, LLC for use of public rights-of-way within the city limits for installation of communications facilities.

PASSED AND APPROVED THIS 4TH DAY OF FEBRUARY, 2014

CITY OF LA VISTA

Douglas Kindig
Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

COMMUNICATIONS CABLE AND FACILITIES AGREEMENT

THIS AGREEMENT ("Agreement") is made and entered into as of the _____ day of _____, 201_____ ("Effective Date") by and between TELEPORT COMMUNICATIONS AMERICA, LLC, a Delaware limited liability company authorized to do business in Nebraska, whose address for notice purposes under this Agreement is One AT&T Way, Bedminster, NJ 07921 ("PERMITTEE") and THE CITY OF LA VISTA, NEBRASKA, a municipal corporation organized under the laws of the State of Nebraska ("CITY").

WHEREAS, CITY is organized and existing under and by virtue of the laws of the State of Nebraska and has control and authority over the use and occupation of the public rights of way within its corporate boundaries;

WHEREAS, PERMITTEE desires to install, operate and maintain communications facilities upon, under and within certain streets and public rights of way within the corporate boundaries of CITY;

WHEREAS, CITY is authorized to grant leases and permits to occupy public rights of way; and

NOW, THEREFORE, in consideration of the covenants and agreements herein contained, the parties agree as follows:

1. **PERMIT.** In consideration of and upon the terms and conditions set forth in this Agreement and those set forth in the "Statement of Policy and Standard Specifications for Communications Facilities on City Property (Revised December, 2013)," attached hereto as "EXHIBIT A" and incorporated herein by this reference, as modified from time to time, CITY hereby agrees to grant and give to PERMITTEE a limited and non-exclusive permit to survey and construct, subsequent to acquisition of all necessary permits and payment of all applicable fees, and to then install, operate, inspect, maintain, protect, repair, alter, replace or remove PERMITTEE'S communications facilities ("Communications Facilities"), as the Communications Facilities are described on documents to be added to this Agreement from time to time, which documents are described in Paragraph 2 below and shall collectively be known as "EXHIBIT B," each of which shall be considered a part hereof after being dated and signed by authorized representatives of both parties, and attached hereto by CITY. The Communications Facilities shall consist of existing or future underground conduits, cables, wires, optic fibers, dark fibers, splicing boxes, and appropriate appurtenances located on, above and/or beneath the surface of the streets, alleys, sidewalks or other public grounds within CITY, but only as such Communications Facilities and such streets, alleys, sidewalks or other public grounds are described in EXHIBIT B. PERMITTEE shall not install its Communication Facilities on, above, or beneath any street.

alley, sidewalk or other public ground except as specifically described in EXHIBIT B. The permit contemplated by this paragraph shall include the right of reasonable access to the Communications Facilities.

2. PERMITS; PLANS AND SPECIFICATIONS. PERMITTEE shall secure all permits required to be issued by the appropriate officials of CITY in connection with the installation of the Communications Facilities. The Communications Facilities shall be laid substantially in accordance with the plans and specifications submitted to and approved by CITY and in conformity with any and all specific conditions as may be set forth by CITY from time to time in the permits granted to PERMITTEE by CITY pursuant hereto, copies of which permits, plans, and specifications shall be kept on file at the Public Works Department of CITY.

3. BINDING EFFECT; ASSIGNMENTS. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and permitted assigns. Neither party hereto shall assign or otherwise convey any of its rights, title, or interest under this Agreement without the prior written consent of the other party, which consent shall not be unreasonably withheld or delayed.

4. CONDITIONS PRECEDENT TO AGREEMENT. This Agreement shall not be effective until it has been approved by resolution of the City Council of CITY and signed by its Mayor and an authorized representative of PERMITTEE.

5. NON-DISCRIMINATION. PERMITTEE, and each and every contractor employed, used or hired by PERMITTEE to plan, construct, repair or maintain the Communications Facilities, shall not unlawfully discriminate or permit discrimination at any time in violation of state or federal law on account of race, color, religion, sex, age, national origin, or disability, nor discriminate in any other respect prohibited by federal or state law in the performance of work or the performance of other activities permitted by this Agreement,

6. CONFLICT OF INTEREST. No elected official or officer of the CITY may have an interest in any CITY contract contrary to the provisions of Section 33.57 of the La Vista Municipal Code. If a person or organization enters into such an agreement with the CITY with knowledge of such a violation, such agreement may be voidable.

7. WAIVER OF CITY LIABILITY. PERMITTEE acknowledges and agrees that CITY makes no representation to PERMITTEE as to the suitability of CITY right-of-way or property for the purposes intended by PERMITTEE. PERMITTEE hereby waives relinquishes and releases CITY from any and all loss, claim or liability arising out of PERMITTEE'S use of CITY right-of-way or property or arising out of PERMITTEE'S exercise of rights or authority under this Agreement and under any permit issued pursuant to this Agreement.

8. SALES, USE, AND OCCUPATION TAXES. PERMITTEE shall pay sales, use and occupation taxes as follows:

- (A) PERMITTEE shall obtain a sales and use tax license from CITY and comply with all conditions, requirements, and other provisions of such license.
- (B) To the extent PERMITTEE'S sales of communications services and sales and leases of optical fibers to third parties are subject to sales and/or use taxes imposed by law, PERMITTEE shall collect such taxes from such third parties and promptly remit them to the appropriate tax collection and revenue authority.
- (C) To the extent PERMITTEE provides communication services, fiber rental, or fiber use to users or subscribers, PERMITTEE shall pay to CITY an occupation tax in an amount equal to five percent (5%) of all gross revenue PERMITTEE has collected as a result of PERMITTEE'S use of the CITY'S public rights-of-way or public grounds to provide such communication services, fiber rental, or fiber use to users or subscribers within the corporate limits of the City of La Vista. Such tax shall be collected in accordance with the La Vista Municipal Code, Chapter 113, Section 113.07. PERMITTEE shall file at least quarterly, unless otherwise agreed upon with the CITY, a statement of such gross receipts from subscribers and users within the CITY, in such form as is approved or specified by CITY. Additionally, the CITY acknowledges that PERMITTEE is subject to the requirements of section H of EXHIBIT A.

9. RENT. If Permittee makes use of installed cable, line, facilities, and appurtenances for any uses not described in Section 8(C) above, the occupation tax described in Section 8(C) shall not apply and Permittee instead shall pay to the City an annual rental for use and occupancy of the space beneath public streets, alleys, sidewalks or other public grounds occupied by such cable, lines, facilities and appurtenances, which rental shall be Two Dollars (\$2.00) per lineal foot of space occupied, as provided in Section G of Exhibit A.

10. INDEMNITY. PERMITTEE agrees to indemnify and save harmless CITY, its officers and employees, from and against any and all loss or damage whatsoever to CITY property or to property of others that arises out of or on account of any construction, maintenance, or other activities of PERMITTEE, or any agent of PERMITTEE, pursuant to this Agreement and any permit issued pursuant to this Agreement. PERMITTEE further agrees to indemnify and save harmless CITY, its officers and employees, from and against any and all loss or liability arising from or out of claims of any person suffering, or claiming to have suffered, personal injury, loss or damage that arises out of or on account of any construction, maintenance, or other activities of PERMITTEE, or any agent of PERMITTEE, pursuant to this Agreement and any permit issued pursuant to this Agreement.

11. RESERVATIONS OF RIGHTS. The parties expressly reserve any rights either of them may have under state or federal law concerning the subject matter of this Agreement and further agree that by execution and performance of this Agreement, neither party shall be deemed to have waived any of such rights.

12. INDEPENDENT CONTRACTOR. PERMITTEE is entering into this Agreement as an independent contractor engaged in PERMITTEE'S own work and business activities. PERMITTEE is not authorized by this Agreement to act as an employee or servant of CITY.

13. TERM OF AGREEMENT; TERMINATION. This Agreement shall continue in force and effect for a period of twenty (20) years from its Effective Date specified above, and thereafter from year to year, unless terminated by either party by giving written notice of termination not less than ninety (90) days prior to the end of the initial twenty-year term or any one-year renewal period, as the case may be. At its option, the CITY may also terminate this Agreement for any reason that the permit is terminated or may be terminated by the CITY under EXHIBIT A.

14. ENTIRE AGREEMENT. This Agreement, including the permits granted pursuant to this Agreement and the Exhibits attached to this Agreement, encompasses the entire agreement between the parties. No representations were made or relied upon by either party in executing this Agreement other than those expressly set forth herein. No agent, employee or other representative of either party is empowered to alter any of the terms of this Agreement, unless done in writing and signed by authorized representatives of both of the respective parties hereto.

15. FORCE MAJEURE. Neither party will be liable for the failure to fulfill its obligations under this Agreement if and to the extent such failure is caused by an occurrence beyond its reasonable control, including, without limitation: expropriation or confiscation of facilities, compliance with any order or decree of any governmental authority; acts of war or terrorism, floods or abnormal severe weather; riots, rebellion, or sabotage; fires or explosions; labor disputes, strikes, or other concerted acts of workmen; accidents or other casualty; and failures of utilities, local exchange carriers, cities, municipalities, and other political subdivision to follow laws, agreements, or contracts. Further, neither party will be liable for delays caused by the inaction of utilities, local exchange carriers, or other political subdivisions in granting access to rights of way, poles, or any other required items needed for the installation or operation of the Communications Facilities.

CITY OF LA VISTA, NEBRASKA,

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

ACCEPTED AND AGREED TO:
TELEPORT COMMUNICATIONS AMERICA, LLC

By: Pamela A. Buethe
Title: Assistant Secretary
Date: January 15, 2014

Attest: D. Kindig
Title: Senior Contract Manager-Legal
Date: Jan. 15, 2014

APPROVED AS TO FORM:

City Attorney

EXHIBIT A

STATEMENT OF POLICY AND STANDARD SPECIFICATIONS FOR COMMUNICATIONS FACILITIES ON CITY PROPERTY (Revised December, 2013)

As used in this document, "Permittee" includes the permittee issued a permit to which a statement of policy and specifications set forth in this document are applicable by agreement between the City of La Vista, Nebraska and the permittee, as well as any successor in interest and/or assignee of such permittee.

SECTION A – PERMIT REQUIRED

No person shall use any space above, on, or beneath the surface of any street, alley, sidewalk or other public ground within the City of La Vista for the installation, operation and maintenance of any underground fiber optic cable, coaxial cable, or any other communication cable, line, facility or appurtenance, unless such person has received a permit therefor, granted by agreement approved by resolution of the City Council or as otherwise provided herein. This policy and these specifications shall not apply to any cable installed or operated by the holder of any City franchise for the provision of telephone, cable television, or communications service to the inhabitants of the City as described in such franchise.

SECTION B – APPLICATION FOR PERMIT

- (1) Application for such permit shall be made to the Permits and Inspection Division of the Community Development Department of the City, and such application shall be in writing, stating specifically the space desired, its length, breadth and depth, the streets, alleys, sidewalks or other public spaces intended to be used, the use intended to be made thereof, a description of the user(s) if the facility is not to be available to the general public, a description of all users if any conduit is to be shared by a number of users, and the carrying capacity and diameter of the cable or other facilities being installed. The Permits and Inspection Division shall forward the application to the Public Works Department for review and comment. The Permits and Inspection Division and/or the Public Works Department may request such additional information as they deem appropriate for their determination or that of the City Council with reference to such application. All such applications and requests for which there is no agreement currently in effect conforming to this statement of policy and these specifications shall be referred to the City Council for approval of an agreement by resolutions prior to the granting of a permit. Other permits (for which such an agreement is currently in effect) may be granted by the Permits and Inspection Division with the approval of the Public Works Department.
- (2) Following initial application and discussions with the Permits and Inspection Division and/or the Public Works Department concerning the placement of such cable, line or facility, and related appurtenances, the applicant shall supply accurate drawings under seal of a Nebraska-licensed professional engineer produced to a scale as specified by the City representatives during discussion and review of the initial application. The plans include a plan and profile of the proposed route, with right-of-way lines and pavement

lines shown. Such plans must show typical sections for pavement cuts and crossings, with specific details for any conflicts with other utility structures and conduits.

- (3) Within thirty days after completion of the construction and installation work, the Permittee shall provide as-built construction drawings, signed and certified by a Nebraska-licensed professional engineer, to the Public Works Department. In that connection, one set of paper prints shall be provided, along with a digital copy on electronic storage media and with each sheet being a .pdf file. In addition, ArcGIS or AutoCAD files shall be provided to the Public Works Department on electronic storage media so that city-wide maps may be kept current. Updated route maps, required drawings, and as-built construction drawings must be provided to the Public Works Department whenever a change is made to the approved cable, line, or facility, and related appurtenances placement.

SECTION C – CONSTRUCTION SPECIFICATIONS

- (1) The work shall be constructed in accordance with plans and specifications approved by the Public Works Department, which approval shall be granted in a competitively neutral and non-discriminatory manner. All excavations and pavement replacements in public streets shall comply with Chapter 93 of the La Vista Municipal Code. Where cable or conduit is located beneath the pavement of major traffic streets, or as directed in writing by the Public Works Department, the minimum depth from the top of the cable or conduit to the top surface of the street shall be not less than thirty inches. Cable or conduit buried beneath residential streets shall have a minimum depth below the top surface of the street of twenty-four inches, unless a greater depth is directed by the Public Works Department in writing. In no instances shall cable or conduit be buried to a depth of less than twenty-four inches. Pull boxes and other appurtenances shallower than the depths above specified shall be clearly shown on the completed plans and as-built construction drawings covering the installation work.
- (2) All land surfaces and all pavement shall be restored to the same or similar conditions existing prior to Permittee's construction. All established lawns which have been disturbed by the installation shall be re-sodded and all other earthen surfaces shall be seeded unless otherwise specified in the permit.
- (3) All cable buried beneath public streets must be encased in a protective sheath strong enough to avoid damage from the first accidental contact with hand tools. All pavement cuts must be completed in accord with current City ordinances and specifications.

SECTION D – BOND, INSURANCE AND PUBLIC LIABILITY

- (1) Prior to commencing any construction or installation activity under a permit, Permittee shall file with the City Engineer a continuing performance bond guaranteeing Permittee's performance of the agreement and compliance with the conditions of the agreement and of the permit. Such bond shall be in the sum of Fifty Thousand Dollars (\$50,000.00), such greater sum as may be reasonably proportionate to the size and scope of the work to be performed within the City's rights-of-way and the potential loss(es) or damage(s) the City may sustain if Permittee fails to perform the agreement and comply with the

conditions of the agreement and of the permit. Such bond shall be conditioned that Permittee:

- (A) shall faithfully perform the agreement and comply with all conditions of the agreement and of the permit;
- (B) shall save and keep the City free and harmless from any and all loss, liability and damage, and claims for damages, arising from or out of the use of the space subject to the permit or arising from or out of Permittee's activities and operations under the agreement and permit, except such claims as may arise based solely upon the City's own gross negligence or intentional misconduct;
- (C) shall conduct operations and activities under the agreement and permit such that the street(s), alley(s), sidewalk(s) and other public ground(s) affected by Permittee's operations under the agreement and permit shall at all times after the completion of such operations be safe for public use;
- (D) shall save and keep the City free and harmless from any and all loss, liability or damages, and claims for damages, arising from or growing out of the granting of such permit, except such claims as may arise based solely upon the City's own gross negligence or intentional misconduct;
- (E) will remove, at the conclusion of the term of the agreement and at Permittee's own cost, any cable, conduit, equipment, and other facility buried or installed by Permittee, to the extent such removal is requested by the City, at the sole expense of Permittee or its successors or assigns, and after such removal restore all land surfaces and all pavement as specified more fully in SECTION C(2), above;
- (F) shall faithfully comply with and observe all of the terms and conditions of this statement of policy and of these specifications, and of the conditions and provisions of the La Vista Municipal Code; and
- (G) shall promptly and fully pay, when due, any amounts coming due to the City or others under the agreement or permit.

Such bond by its terms shall remain in effect through the end of the term of the agreement or until Permittee is no longer operating its telecommunications facilities within the City, whichever is later. The bond shall be written by a surety company or companies authorized to transact a surety business in Nebraska, and the bond and surety(ies) must be approved by the City Engineer before the permit shall become effective. The Permittee and the owners (from time to time) of the permitted facility shall be jointly and severally liable to the City for the performance of all of the conditions of the bond. Whenever the City Engineer shall be of the opinion that the sum or the surety on the bond given in connection with the permit has become insufficient and shall so declare in writing sent by regular U.S. Mail to Permittee or his, her or its successor or assign, a new bond for such permit shall thereupon be filed with a new surety to be approved by the City Engineer.

(2) The Permittee, or his, her or its successor or assign, shall at all times have in full force and effect, and provide to the City Engineer, certificates of insurance demonstrating insurance coverages having limits of liability of not less than the following amounts:

- (A) Comprehensive General Liability Insurance: Limits of not less than \$1,000,000 per occurrence and \$2,000,000 general aggregate. The City of La Vista shall be named as an Additional Insured on such coverages on a primary and on-contributory basis.
- (B) Automobile Liability Insurance: Limits of not less than \$2,000,000 Combined Single Limit (CSL) per accident, with coverage applying to and regarding all Owned, Hired, and Non-Owned motor vehicles.
- (C) Workers' Compensation Insurance: Limits: Statutory coverage for each State in which the work and any portion of the work is located or performed.
- (D) Employer's Liability Insurance: Limits: \$100,000 each Accident; \$100,000 Disease (per person); \$500,000 Disease (policy limit).

The Comprehensive General Liability Insurance coverage described in Section D(2)(A) above and the Automotive Liability Insurance coverage described in Section D(2)(B) above may each be provided by one or more policies of insurance, including umbrella liability policies, which in combination are sufficient to provide the minimum limit of liability coverage specified.

All such policies and certificates of insurance shall be issued by companies authorized to issue such policies in the State of Nebraska, shall be subject to approval by the City Engineer prior to the commencement of any construction or installation activity under a permit, and shall provide that the policy shall not be cancelled or terminated except upon filing by the insurer with the City Engineer a written notice of cancellation or termination at least thirty (30) days prior to the effective date of such cancellation or termination. Any cancellation, termination, or lapse of a required insurance coverage shall automatically revoke any permit issued, but the Director of Public Works may reinstate such permit if satisfactory certificate(s) of insurance is/are provided within thirty days.

SECTION E – INTERFERENCE WITH OTHER PUBLIC FACILITIES, RELOCATION, IDENTIFICATION OF COMMUNICATIONS CABLE

(1) No person, whether permitted under this document or otherwise, shall ever use the space above, on or beneath any street, alley, sidewalk or public ground of the City in such manner as to interfere with any traffic control or energy cable, sewer, gas or water installation, or any other public facility or utility lawfully located above, on, or beneath such street, alley, sidewalk or other public space, except upon consent of the City specifically granted in the permit. Whenever any applicant or Permittee is given permission to relocate any existing public facility, such relocation shall be entirely at the cost and expense of the applicant or Permittee. All such relocation work shall be subject to the approval of the City of La Vista or other public entity controlling such public facility or utility, and all such work shall be done promptly in accordance with the

directions of the Public Works Department so as to minimize the interruption of the public's use of such facilities.

- (2) All work undertaken by the applicant or Permittee that requires inspection by the City, as specified by law or ordinance or in the permit or agreement, shall be performed subject to the requirement that the City be fully reimbursed for its reasonable and documented inspection costs, whether the same are incurred during the initial installation, during the relocation of Permittee's facilities or facilities belonging to the City or any other utility service, or during maintenance or repair work by Permittee.
- (3) All permits governed by these specifications are granted subject to the express requirement and condition that whenever the City of La Vista, the State of Nebraska, the County of Sarpy, any other public body, Omaha Public Power District, Metropolitan Utilities District, any other publicly-owned entity, Black Hills Energy, or any holder of any franchise from the City, needs or desires to perform work in proximity to the facilities of Permittee, Permittee shall relocate or otherwise safeguard its facilities within a reasonable time, not to exceed sixty (60) days, after written request for the same, in order to reasonably accommodate such work. If Permittee fails to relocate or safeguard same within a reasonable time following such request, then the City of La Vista shall have the right to relocate or allow relocation of Permittee's facility(ies) and to assess and collect from Permittee the reasonable and documented cost of such relocation.
- (4) At its own cost, Permittee shall appoint a local agent, who shall be available on a twenty-four hours per day, seven days per week basis, to provide to the City, any public entity, or any other person permitted to do work in a City right-of-way, detailed and accurate information concerning the location (whether in plan, section or profile, or any combination of the same) of the Permittee's cable, lines, appurtenances or other facilities. This requirement may be satisfied by the Permittee's utilization of a local utility locating service maintained by a third party or any other local agency able to provide such information. Permittee shall be a member of the Underground Digger's Hotline system.
- (5) Permittee shall at all times be solely responsible for injuries and damage to its cable, lines, appurtenances and other facilities, caused by any party due to any inaccuracy in the information provided by Permittee or its agent(s) with respect to the location of such cable, lines, appurtenances, or other facilities. The City of La Vista and other parties working on public property shall be responsible for damage to the Permittee's cable, lines, appurtenances, and other facilities only if and to the extent that such damage results from intentional damage or willful disregard of the cable, lines, appurtenances or other facilities of the Permittee.

SECTION F – REVOCATION OF PERMIT; REMOVAL OF FACILITIES

- (1) If Permittee
 - (a) fails to make any required payment to the City within thirty (30) days after the due date, or

(b) fails or neglects to comply with any material provision of this statement of policy, these specifications, the permit, the agreement, or any other provision of the La Vista Municipal Code applicable to the permit or use and occupancy of City right-of-way,

and if in either event Permittee fails to cure such breach within thirty (30) days after the City Engineer has mailed written notice of such breach to Permittee, then the City Council may revoke the permit issued to Permittee.

(2) Upon revocation, expiration or termination of the permit, Permittee shall forthwith either remove or abandon in place, as directed by the City Engineer, the cable, lines, facilities, and/or appurtenances for which the permit was granted; *provided, however*, that cable buried directly (i.e., not buried in conduit) may be abandoned in place at the option of Permittee. If pursuant to the foregoing, the City Engineer directs Permittee to remove Permittee's cable, lines, facilities and/or appurtenances, then within a reasonable time and at its own cost, Permittee shall remove as directed any cable, lines, facilities, and/or appurtenances buried or installed by Permittee, and after such removal Permittee shall restore all land surfaces and all pavement as specified more fully in SECTION C(2) above. Cable, lines, facilities, and/or appurtenances that are not removed, with the permission of or at the direction of the City Engineer, shall become the property of the City upon the City Engineer's certification that the Permittee has complied with all of the City Engineer's directives concerning removal or abandonment in place of the specific segment of cable, lines, facilities, and/or appurtenances involved. If Permittee fails or refuses to conclude removal or abandonment in place as directed by the City, and restoration as specified more fully in SECTION C(2), within six (6) months after revocation, expiration or termination of the permit under this section, then the City may cause such work to be performed and the cost of such work shall be paid by Permittee to the City on demand, and until paid such cost shall be a lien against and upon all cable, lines, facilities, appurtenances, and other property of the Permittee located within the corporate limits of the City.

(3) If the City Council determines that right-of-way or other public ground space for which the permit was granted is needed for other public use and that no relocation within the specific right-of-way or public ground is available as a reasonably feasible alternative space, then Permittee's rights under the permit may be transferred, by co-operation between the City and the Permittee, and to the extent reasonably possible, to another specific nearby right-of-way. Such relocation work shall be accomplished by the permit holder at its own cost within the time frame specified in Section E(3), above.

SECTION G – RENTAL FEE FOR SPACE (FOR NON-PUBLIC USE)

(1) When Permittee is making private use of the installed cable, lines, facilities, and appurtenances, Permittee shall pay to the City an annual rental for the use and occupancy of the space beneath public streets, alleys, sidewalks or other public grounds occupied by such cable, lines, facilities, and appurtenances, which rental shall be Two Dollars (\$2.00) per lineal foot of space occupied underneath the public streets, alleys, sidewalks or other public grounds. For this purpose, private use means any use that is not described in Section H below. So as to prevent expense to the public for such private use of right-of-

way, and to fully compensate the public for all regulatory expenses resulting from such use, and in addition to the Permittee's obligation to pay for all inspection, relocation and facility location costs as specified above, Permittee shall promptly pay the City for all actual direct and indirect costs incurred by the City in providing barricading, traffic detour or warning signing or cautionary flagging not actually performed by Permittee and for all other actual direct and indirect expenses incurred by the City in regulating Permittee's use of public right-of-way pursuant to the permit and the agreement.

- (2) All payments becoming due under this document shall be made to the City of La Vista and shall be due and payable, in advance, on the first day of January of each year; *provided, however*, if the permit is issued after the first day of January, the amount of the initial rental payment shall be prorated from the date such permit is issued through December 31 of that same calendar year, and such initial rental payment shall be due and payable within ten days after the prorated rental amount due is certified to Permittee by the City Engineer. Any annual rental due (other than the rental due for any initial partial year) shall be due and payable on the first day of January each year. All rental not paid when due shall bear interest at the maximum rate of interest allowable by law in the State of Nebraska under such circumstances, or at any lesser rate of interest that may be specified in the permit.

SECTION H – COSTS TO BE PAID FOR PUBLIC USE PROVIDERS

- (1) If the Permittee is a communications company offering communication services, fiber rental, or fiber use to users or subscribers within the corporate limits of the City for a fee and using the public space for such purposes, the rental fee stated in Section G above shall not apply. In lieu thereof, the City's occupation tax per Chapter 113 of the La Vista Municipal Code shall apply. Communications services shall be defined as services provided by the carrier that accommodate and enable the transmission, between or among points specified by the subscriber or user, of information or data of the subscriber's or user's choosing, without a change in the form or content of the information as sent or received. In addition to the occupation tax, Permittee shall promptly pay the City for all actual direct and indirect costs incurred by the City in providing barricading, traffic detour, or warning signing and cautionary flagging not performed or provided by Permittee, and for all other actual direct and indirect expense incurred by the City in regulating Permittee's use of public right-of-way pursuant to the permit and the agreement.

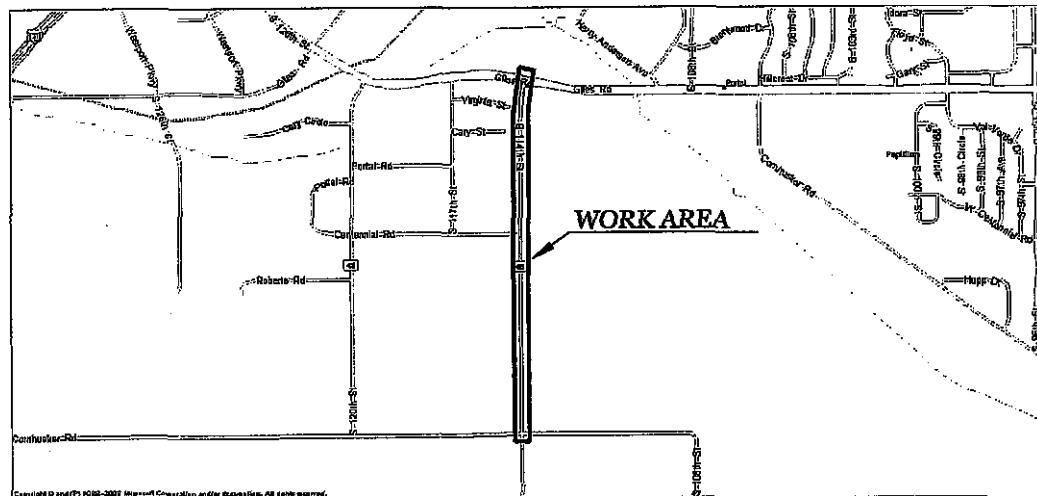
SECTION I – CONFLICTS WITH PERMIT OR AGREEMENT

All terms and provisions of the agreement between the City and Permittee, of the permit issued to Permittee, and of this document, shall be enforced and applicable to the maximum extent possible. If, however, there is any conflict between or among such terms and provisions, then (1) the terms and provisions of the permit shall control over any conflicting terms in this document, and (2) the terms and provisions of the agreement shall control over any conflicting terms in the permit and/or this document. All Permittee requirements shall be carried out at Permittee's sole cost.

TELEPORT COMMUNICATIONS AMERICA, LLC

FIDELITY INVESTMENTS EAST ROUTE OMAHA - NEBRASKA PROJECT

COVER SHEET		DESIGN BY: KYLER L. FIELDED BY: KYLER L. PHONE #: 435-823-9252 DATE: _____	QC'D BY: KYLER L. _____	TELEPORT COMMUNICATIONS AMERICA, LLC	FIDELITY INVESTMENTS EAST ROUTE OMAHA - NEBRASKA																																									
				TELEPORT COMMUNICATIONS AMERICA, LLC																																										
		<table border="1"><thead><tr><th>DATE</th><th>BY</th><th>REVISION</th><th>APPR</th></tr></thead><tbody><tr><td>10/25/12</td><td>RS</td><td>CAD</td><td></td></tr><tr><td>11/5/12</td><td>TL</td><td>REVISION</td><td></td></tr><tr><td>11/7/12</td><td>TL</td><td>REVISION</td><td></td></tr><tr><td>12/10/12</td><td>TL</td><td>REVISION</td><td></td></tr><tr><td>02/19/13</td><td>CD</td><td>REVISION</td><td></td></tr><tr><td>11/6/13</td><td>AC</td><td>REVISION</td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr></tbody></table>		DATE	BY	REVISION	APPR	10/25/12	RS	CAD		11/5/12	TL	REVISION		11/7/12	TL	REVISION		12/10/12	TL	REVISION		02/19/13	CD	REVISION		11/6/13	AC	REVISION																
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				ENGINEERING COMPANY:  RMWT P.O. BOX 351 NEBRASKA CITY, NE 68444 PHONE: (402) 823-4252 E-mail: engineering@rmwt.com																																										
				PLOT DATE:	SCALE:	FILENAME & SHEET NAME:																																								
				11/1/13	NTS	COVER																																								



SHEET INDEX

SHEET NAME	DESCRIPTION
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LEGEND	LEGEND
DETAIL01	DETAIL
DETAIL02	DETAIL
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DETAIL04	DETAIL
OVERALL	OVERALL A-Z ROUTE
1.DWG THRU 19.DWG	CONSTRUCTION SHEETS

RMWT

PROJECT MANAGER:
KYLER LINT (435) 823-4252

PROJECT NAME:
FIDELITY INVESTMENTS EAST. ROUTE

PROJECT NUMBER
RM12-513-B

PROJECT LOCATION
LA VISTA - NEBRASKA

AT&T

MANAGER:

VICINITY MAP



VICINITY MAP

TELEPORT COMMUNICATIONS
AMERICA, LLC



FIDELITY INVESTMENTS EAST ROUTE
OMAHA - NEBRASKA

TELEPORT COMMUNICATIONS AMERICA, LLC

PLOT DATE: 11/1/13 SCALE: NTS FILENAME & SHEET NAME: VICINITY

CONSTRUCTION NOTES

1. The contractor shall comply with all policies and procedures contained in AT&T's Metro Field Operations Construction Standards Manual and all requirements from local permitting authorities. Local permitting authorities include: Sarpy County, City of La Vista, and US Army Corps of Engineers. The worked permits obtained for the project are on file in the offices of the engineer.
2. Miscellaneous structures and obstructions such as sign posts, mail boxes, meter boxes, or other obstructions, shall be modified or removed and reinstated to original or better condition.
3. The contractor shall be responsible, at all times, for the maintenance of the streets or other utilities affected by construction operations; debris shall not be permitted to accumulate and all premises shall be maintained in a neat working like condition.
4. The contractor shall take adequate precautions to protect existing facilities, sidewalks, curbs, pavements, utilities, foliage, equipment property and structures outside of right-of-way, and to avoid damage there to.
5. The following special provisions shall apply to traffic regulation during the extent of this project:
 - a. There shall be, at all times, adequate vehicle and pedestrian access for ingress and egress for the properties adjacent to the project.
 - b. During non-working hours, the contractor shall keep the existing traffic lanes clear from interference including all approaches and intersections.
 - c. If lane blockage is unavoidable, the contractor shall notify the traffic engineering departments, police departments, fire departments, ambulance services, school bus guides and other agency operators as appropriate so these agencies may re-route their vehicles around the construction zone(s).
6. Where hazardous conditions exist, proper piping, lagging and bracing shall be provided as directed by the engineer. Supplemental signs, log persons and barricades shall be provided by the contractor.
7. Trenches in paved areas shall be saw-cut to the full depth if surfacing or as required by the permitting authority. Paved surfaces shall be repaired in accordance with the permitting authority's specifications.
8. The contractor shall comply with all current and applicable Occupational Safety and Health Administration (OSHA) federal, state and local rules and regulations governing the safety of employees and material during excavation, trenching, ditching, and installation and backfilling operations on this project.
9. As required, a waste site shall be designated for the disposal of excess materials and debris.
10. No trench or excavation site shall be left open overnight or unattended.
11. Right-of-way restoration and street and sidewalk repair/replacement shall be in compliance with the local permitting authority.
12. All fiber cable minimum depth must be 48".
13. When it is warranted to use dielectric fiber cable is an underground situation with no metallic conduit, a solid copper locate wire of 12 gauges must be pulled and placed along with the dielectric fiber cable in the same conduit. This copper tracer wire must be grounded at each access point (manhole, handhole or pedestal) and shall serve the same purpose as the metal continuity of armored cables to allow for electronic location during plant protection.
14. Joints occupied by the cable shall be sealed at termination points using rubber plugs and compression bonds; metallic interducts or conduit liners shall be sealed at termination points with a rubber plug equipped with a pull line attachment ring on which to terminate the pull line. Appropriate sealant compound shall be used to seal any gaps.
15. Interducts must be smooth bore polyethylene with a minimum I.D. of 1.25".
16. Fiber optic cable end/s or duct placed by plowing or trenching methods shall have marker tape placed (within inches (12") directly above).
17. Brushing and trimming as required. Brush, branches and refuse from clearing operations shall, without delay, be removed from the vicinity of the right-of-way.
18. Construction contractor(s) and inspector(s) shall have a copy of the permit(s) on-site and shall be available for inspection immediately upon request by the permitting authority or permitting authority representative.
19. No excavation, digging, tunneling, trenching, boring, plowing, installation of facilities, equipment or improvements above, on or beneath the surface of any right-of-way may begin without a signed permit from the governing permitting authority.
20. Contractors need to maintain a minimum 5' horizontal clearance from cover stones and a minimum 3' horizontal clearance from water mains and storm drains. If you cross these facilities at any angle between 45° and 90°.

CANAL CROSSING REQUIREMENTS

TBD

CONSTRUCTION NOTES

DESIGN BY:	BY:	QC'D BY:	QC'D BY:
FIELDED BY:	BY:	FIELDED BY:	BY:
PHONE #:	PHONE #:	PHONE #:	PHONE #:
DATE:	DATE:	DATE:	DATE:
10/25/12	RS	CAD	
11/5/12	TL	REVISION	
11/7/12	AM	REVISION	
05/12/13	LSB	REVISION	
09/18/13	CD	REVISION	
11/01/13	AC	REVISION	

TELEPORT COMMUNICATIONS
AMERICA, LLC



FIDELITY INVESTMENTS EAST ROUTE
OMAHA – NEBRASKA

TELEPORT COMMUNICATIONS AMERICA, LLC

PLOT DATE: 11/1/13 SCALE: NTS FILENAME & SHEET NAME: NOTES

JOB SCOPE / MATERIALS LIST:

CITY OF: LA VISTA ~ NEBRASKA
COUNTY: SARPY

THIS JOB WILL CONSTRUCT
5,723' OF DIRECTIONAL BORE, PLACE 5,723' OF (3) 1.25" CONDUITS.
6,223' OF 48F SM FIBER CABLE, (4) 3'X4'X3' HANDHOLES.
(2) 5/8"X8' GROUND RODS AND (1) TEST STATION (LCAT).

UTILITIES & SURFACE FEATURES - LINETYPES & SYMBOLS

— — — — —	EXIST CONDUIT	⑤ ELECTRIC MANHOLE	◎ FIBER SYMBOL
— — — — —	PROP CONDUIT	■■■ ELECTRIC POWER BOX	▷ EXIST FIBER SPLICE
— — — — —	EXIST CABLE	⑥ GAS MANHOLE	▷ PROP FIBER SPLICE
— — — — —	PROP CABLE	□ GAS METER	⑩⑩ EXIST FIBER STORAGE
— — — — —	TBOC	■ GAS VALVE	⑩⑩ PROP FIBER STORAGE
— — — — —	EOP	⑦ GAS VENT	■■■ EXIST MANHOLE
— — — — —	CENTERLINE	■■■ IRRIGATION VALVE	□ PROP MANHOLE
— — — — —	PROPERTY LINE	■■■ IRRIGATION VAULT	□■■■ EXIST HANDHOLE
— — — — —	RIGHT-OF-WAY	■■■ IRRIGATION MANHOLE	□■■■ PROP HANDHOLE
— — — — —	EASEMENT	■■■ SANITARY MANHOLE	■■■ BORE PIT
— — — — —	FENCE	■■■ STORM DRAIN	→ PROP GROUND ROD
— — — — —	WALL	■■■ STORM CATCH BASIN	■■■ MARKER
— — — — —	R/R TRACKS	■■■ STORM MANHOLE	■■■ SIGNAL POLE
— — — — —	SANITARY SEWER	■■■ WATER HYDRANT	■■■ R/R CROSSING SIGNAL
— — — — —	STORM SEWER	■■■ WATER MANHOLE	■■■ SIGN
— — — — —	POWER	■■■ WATER METER	■■■ LUMINAIRE
— — — — —	TELEPHONE/COPPER	■■■ WATER VALVE	■■■ TREE
— — — — —	FO	■■■ WATER VAULT	■■■ STEEL PILING
— — — — —	FIBER OPTIC	■■■ WATER VENT	■■■ CULVERT
— — — — —	CATV	■■■ JUNCTION BOX	■■■ MONUMENT
— — — — —	CATV	■■■ PEDESTAL	■■■ MILE MARKER/POST
— — — — —	GAS	■■■ VENT	■■■ X-BOX (QWEST)
— — — — —	WATER		
— — — — —	IRRIGATION		
— — — — —	TRAFFIC SIGNAL		
— — — — —	STREET LIGHT		

AERIAL UTILITIES - LINETYPES & SYMBOLS

— — — — —	EXISTING STRAND	■■■ POWER/PHONE/CATV	× POWER
— — — — —	STRAND	■■■ POWER/CATV	● PHONE
— — — — —	EXISTING CABLE	■■■ POWER/PHONE	■■■ OTHER POLE
— — — — —	CABLE	→ VGR GROUND	■■■ FIBER SYMBOL
— — — — —		← EXIST GUY	PROP GUY
— — — — —		↑ EXIST S/W ANCH	PROP S/W ANCH
— — — — —		■■■ EXIST FIBER SPLICE	■■■ PROP FIBER SPLICE
— — — — —		100' ■■■ EXIST FIBER STORAGE	100' ■■■ PROP FIBER STORAGE

SURFACE FEATURES - LABELS

STREET ASPH.	STREET TEXT	D/W STATION TIC	DRIVeway TEXT	S/W 0+00 EXIST STATION TEXT	0' PROP STATION TEXT	DIMENSION
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ABBREVIATIONS

D/W	DRIVeway	P/L	PROPERTY LINE	O/S	OFFSET
S/W	SIDEWALK	EOP	EDGE OF PAVEMENT	CATV	CABLE TELEVISION
R/W	RIGHT OF WAY	TBOC	TOP BACK OF CURB	FO	FIBER OPTIC

DETAILS AND SECTIONS CALLOUT SYMBOLS

SECTION LETTERS



DETAIL NUMBER

DRAWING NUMBER
SECTION IS
LOCATED ONDRAWING NUMBER
DETAIL IS
LOCATED ON

LEGEND SHEET

DESIGN BY: KYLER L.
RECD BY: KYLER L.
PHONE #: 435-823-4252
DATE: _____

QC'D BY: KYLER L.

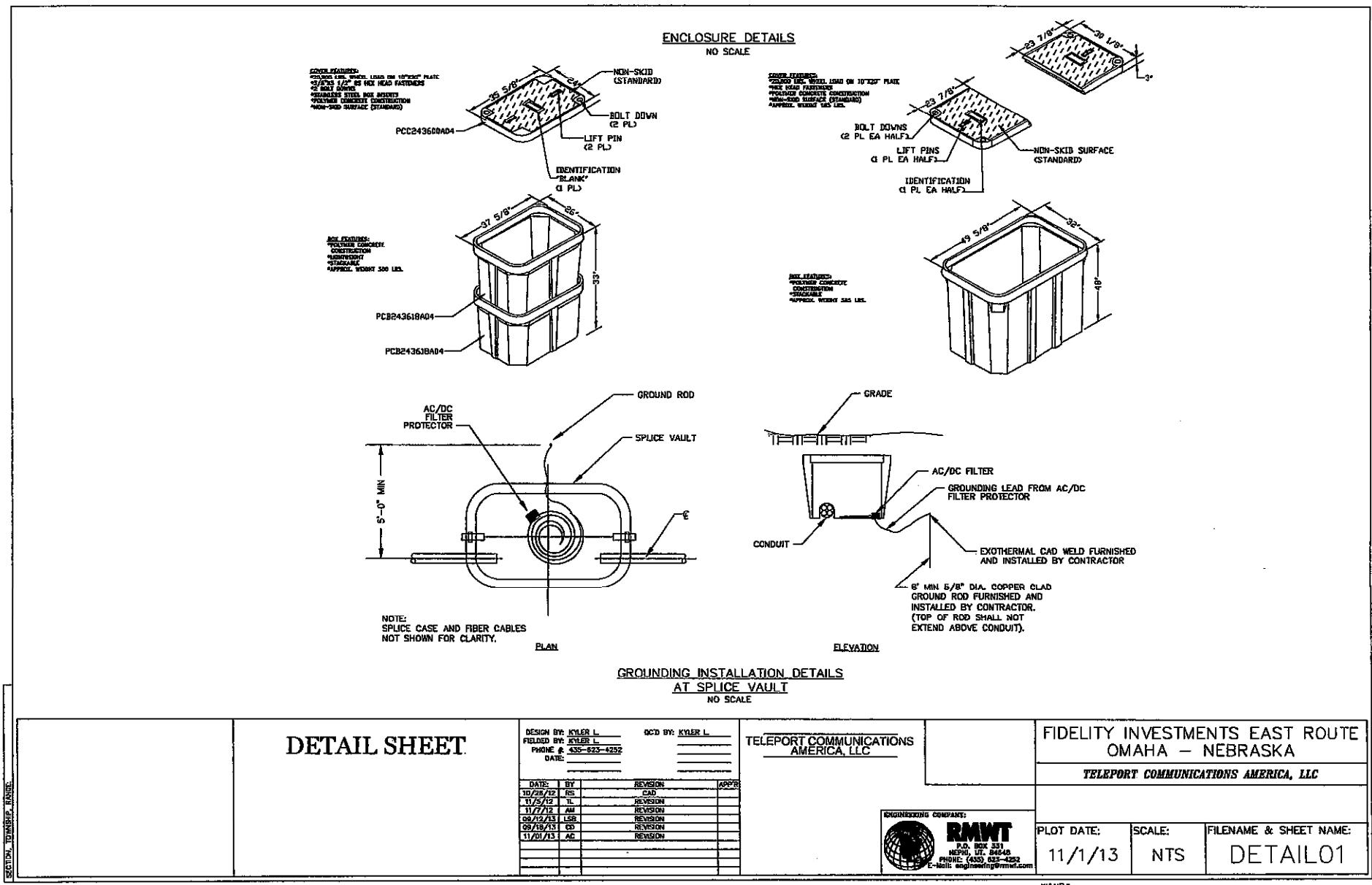
TELEPORT COMMUNICATIONS
AMERICA, LLCFIDELITY INVESTMENTS EAST ROUTE
OMAHA - NEBRASKA

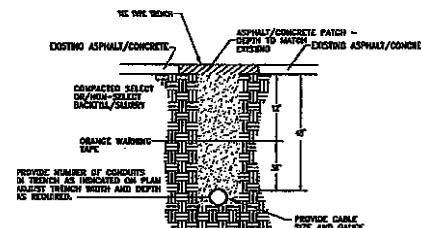
TELEPORT COMMUNICATIONS AMERICA, LLC



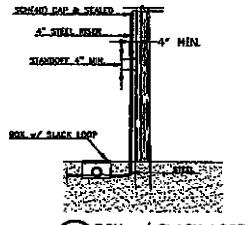
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W&HP

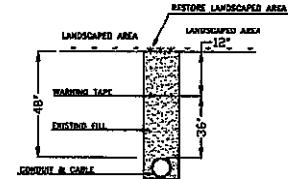




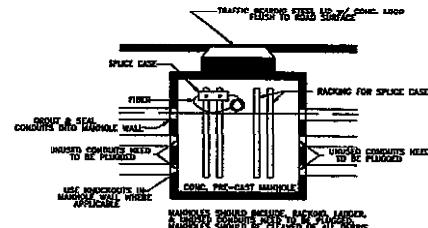
A. TYP. ASPH. TRENCH DETAIL



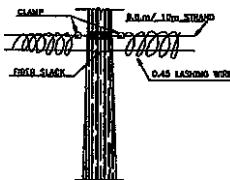
E BOX w/ SLACK LOOP
DET NOT TO SCALE



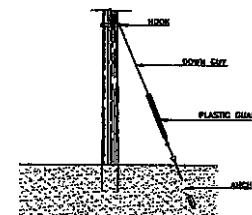
TRENCH IN LANDSCAPE



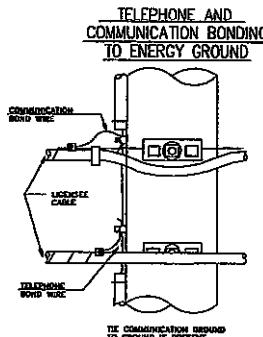
C TYPICAL MANHOLE DETAIL



LASHING DETAIL



ANCHOR & DOWNGUY DETAIL



**THE COMMUNICATION GROUNDED
TO GROUND IF PRESENT**

DETAIL SHEET

DESON BY:	KYLER L.	QC'D BY:	KYLER L.
FILED BY:	KYLER L.		
PHONE #:	430-823-4222		
DATE:			
DATE:	BY	REVISION	APPR
10/25/12	RS	CAO	
11/5/12	TL	REVISION	
11/7/12	AM	REVISION	
11/7/12	AM	REVISION	
09/19/13	CO	REVISION	
11/6/13	AD	REVISION	

**TELEPORT COMMUNICATIONS
AMERICA, LLC**

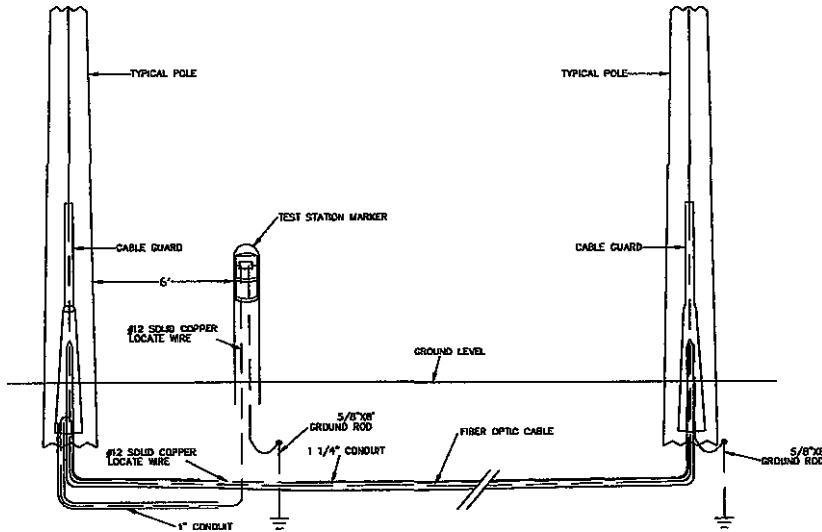
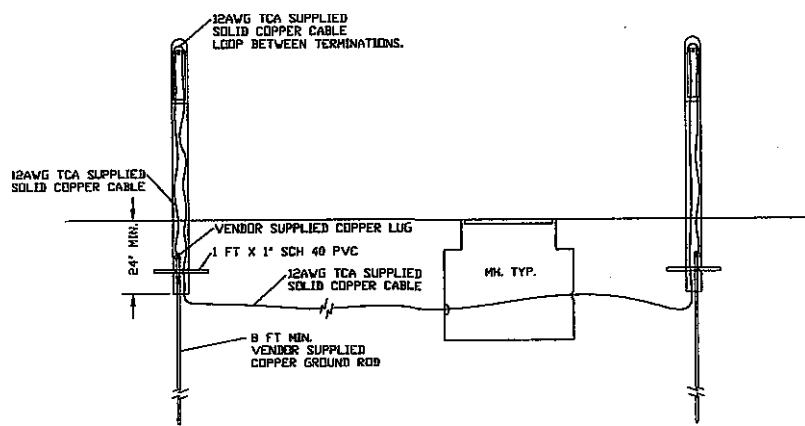


FIDELITY INVESTMENTS EAST ROUTE
OMAHA - NEBRASKA

TELEPORT COMMUNICATIONS AMERICA, LLC

PLOT DATE: 11/1/13 SCALE: NTS FILENAME & SHEET NAME: DETAIL02

MARKER POST TERMINATION



SECTION, TOWNSHIP, RANGE:

DETAIL SHEET

DESIGN BY: KYLER L.		QCD BY: KYLER L.	
FIELDED BY: KYLER L.		PHONE #: 435-823-6252	
DATE:			
10/28/12	BS	REVISION	APPR:
11/5/12		REVISION	
11/5/12	AM	REVISION	
09/19/13	ESB	REVISION	
09/19/13	CD	REVISION	
11/01/13	AC	REVISION	

TELEPORT COMMUNICATIONS
AMERICA, LLC

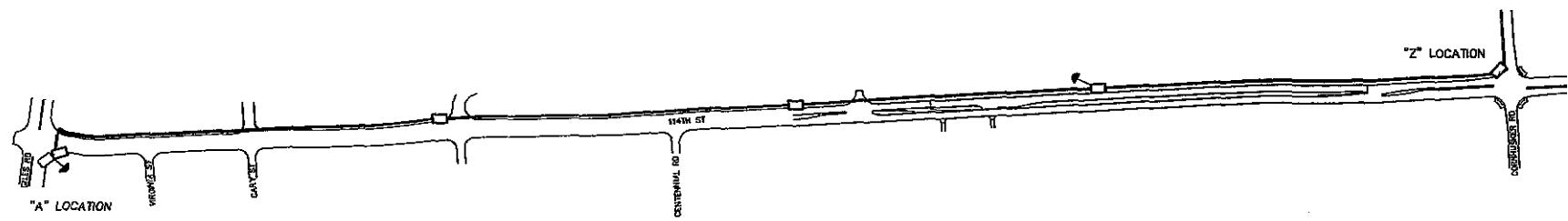
FIDELITY INVESTMENTS EAST ROUTE
OMAHA - NEBRASKA

TELEPORT COMMUNICATIONS AMERICA, LLC



PLOT DATE: 11/1/13 SCALE: NTS FILENAME & SHEET NAME: DETAIL04

W&H/P



SOLO, THURSP. NAME:

OVERALL "A" TO "Z" ROUTE DRAWING

DESIGN BY: KYLER L.
FIELDED BY: KYLER L.
PHONE #: 435-823-4252
DATE:

DATE	BY	REVISION	APPR
10/26/12	RS	CAD	
11/4/12	TL	REVISION	
11/7/12	AC	REVISION	
11/12/12	RS	REVISION	
09/15/13	CD	REVISION	
11/01/13	AC	REVISION	

COD BY: KYLER L.

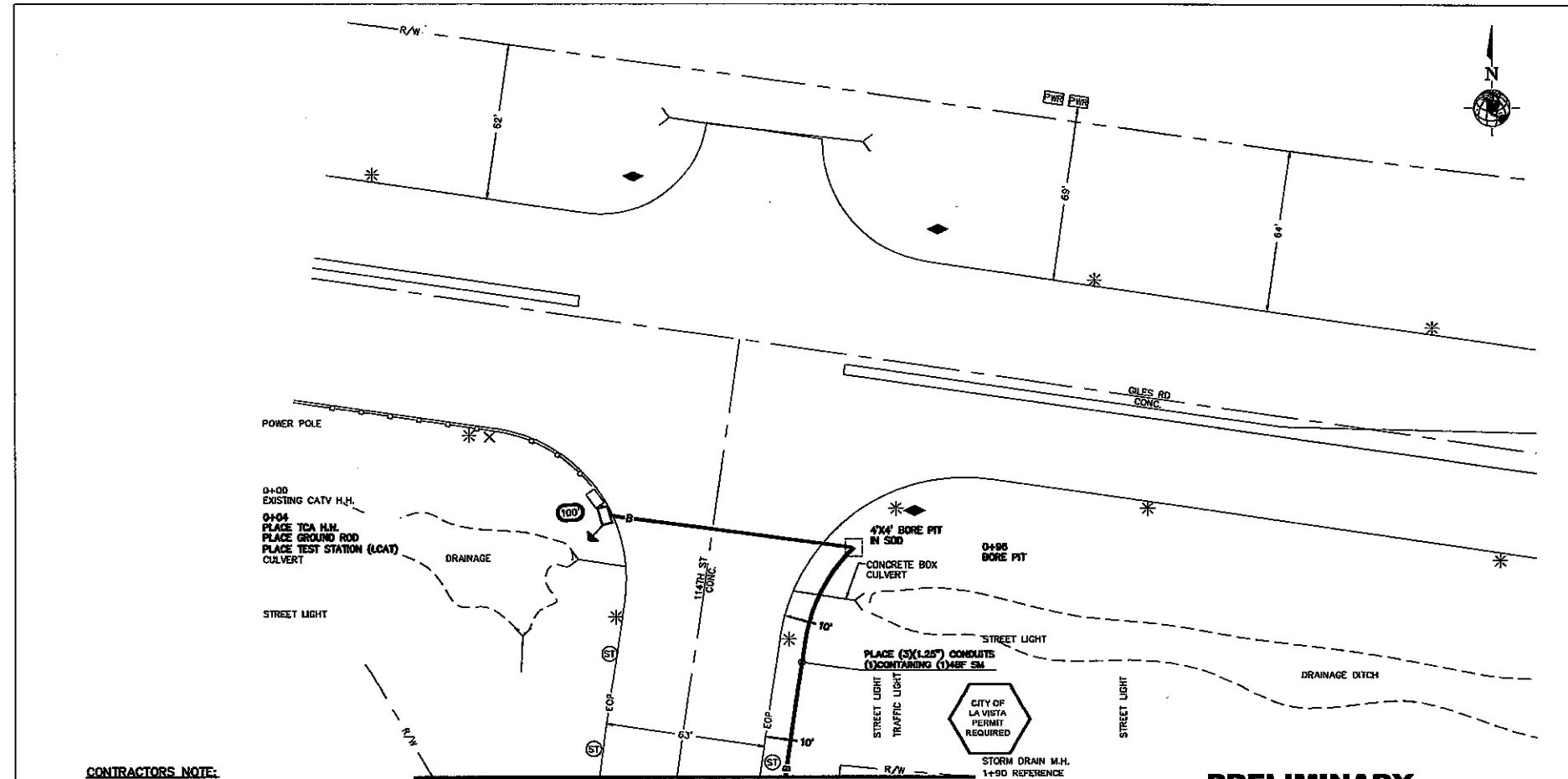
TELEPORT COMMUNICATIONS
AMERICA, LLC



FIDELITY INVESTMENTS EAST ROUTE
OMAHA - NEBRASKA

TELEPORT COMMUNICATIONS AMERICA, LLC

PLOT DATE: 11/1/13 SCALE: NTS FILENAME & SHEET NAME: OVERALL



CONTRACTORS NOTE:

ALL UTILITY LOCATIONS ARE APPROXIMATE
CONTRACTOR IS RESPONSIBLE FOR
EXACT LOCATIONS.

DIRECTIONAL BORR	-----	150'
(3) 1-25" CONDUITS	-----	180'
48P SM	-----	880'
RANDLEHOL	-----	1
GROUND ROD	-----	1
12AWG LOCATE WIRE	-----	150'
TEST STATION (LCAT)	-----	1

SEE SHEET 2

CC-BY: KYLER L.

**TELEPORT COMMUNICATIONS
AMERICA, LLC**

COMMUNICATIONS
ERICA, LLC

PERMIT AGENCIES

① LA VISTA

RECORDEDING COMPANY:

RWMT

P.O. BOX 330
HEBER, UT 84045

PHONE: 435/657-3550
FAX: 435/657-3552

E-MAIL: rwmtradio@msn.com

**PRELIMINARY
SUBJECT TO CHANGE**

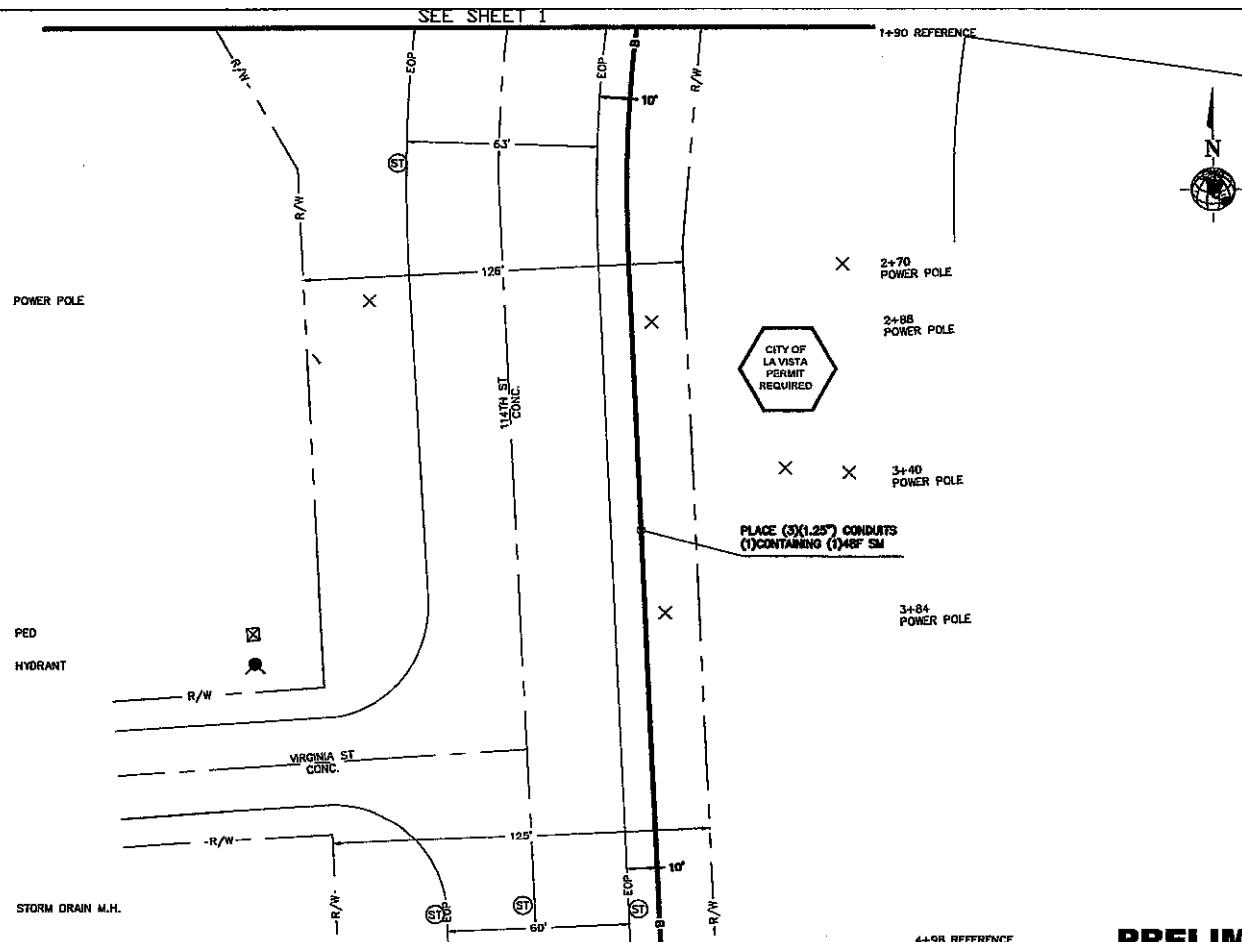
FIDELITY INVESTMENTS EAST ROUTE
OMAHA - NEBRASKA

TELEPORT COMMUNICATIONS AMERICA, LLC

Digitized by srujanika@gmail.com

PLOT DATE: 11/1/13 SCALE: 1"=40' FILENAME & SHEET NAME: 1.DWG

WPSP 4



CONTRACTORS NOTE:

ALL UTILITY LOCATIONS ARE APPROXIMATE.
CONTRACTOR IS RESPONSIBLE FOR
EXACT LOCATIONS.

DIRECTIONAL BORE _____ 308°
 (S) 1-25" CONDUITS _____ 308°
 40F SM _____ 308°
 12AWG LOCATE WIRE _____ 308°

DESIGN BY: KYLER L
FIELDED BY: KYLER L
PHONE #: 435-823-4252
DATE:

2020-2021

TELEPORT COMMUNICATIONS
AMERICA, LLC

פְּרָנָסָה

STEREOLIT

FIDELITY INVESTMENTS EAST ROUTE
OMAHA - NEBRASKA

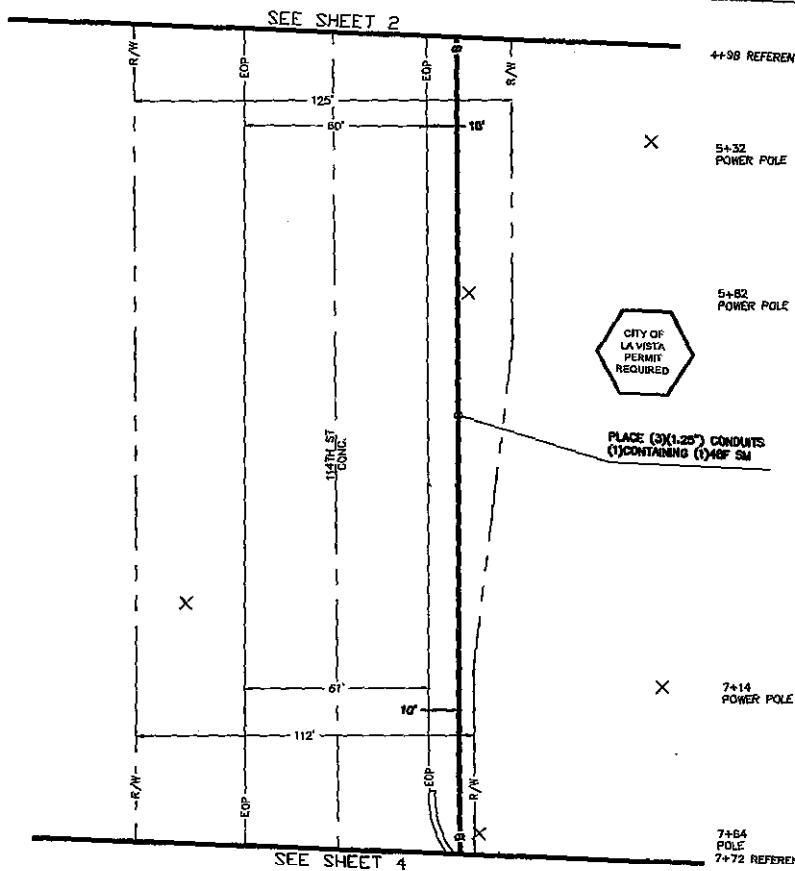
TELEPORT COMMUNICATIONS AMERICA, LLC



COMPANY:
RMWT
P.O. BOX 351
HEPHI, UT. 84643
PHONE: (435) 623-4252
E-mail: engineering@rmwt.com

PLOT DATE: 11/1/13 SCALE: 1"=40' FILENAME & SHEET NAME: 2.DWG

W&HP



CONTRACTORS NOTE:
ALL UTILITY LOCATIONS ARE APPROXIMATE
CONTRACTOR IS RESPONSIBLE FOR
EXACT LOCATIONS.

**PRELIMINARY
SUBJECT TO CHANGE**

FIDELITY INVESTMENTS EAST ROUTE
OMAHA - NEBRASKA

TELEPORT COMMUNICATIONS AMERICA, INC.

TELEPORT COMMUNICATIONS
AMERICA, LLC

2

The logo for RMWT Engineering Company. It features a stylized globe on the left and the company name 'RMWT' in large, bold, black letters on the right. Below 'RMWT' is the address 'P.O. BOX 331 NEPHI, UT 84643' and the phone number '(435) 623-4252'. At the bottom, it says 'E-Mail: engineering@rmwt.com'.

PLOT DATE:	SCALE:	FILENAME & SHEET NAME:
11/1/13	1"=40'	3.DWG

SEE SHEET 4

**104-82 REFERENCE
POWER POLE**

HYDRANT

STORM DRAIN M.H.

POWER POLE

CONTRACTOR'S NOTE:
ALL UTILITY LOCATIONS ARE APPROXIMATE
CONTRACTOR IS RESPONSIBLE FOR
EXACT LOCATIONS.

DIRECTIONAL BORE	287'
(3) 12" CONDUITS	287'
4BF SM	287'
12AWG LOCATE WIRE	287'

DESIGN BY: KYLER L
FIELDED BY: KYLER L
PHONE #: 433-523-4252

000 BY-NC-ND

**TELEPORT COMMUNICATIONS
AMERICA, LLC**

PERMIT AGENCIES

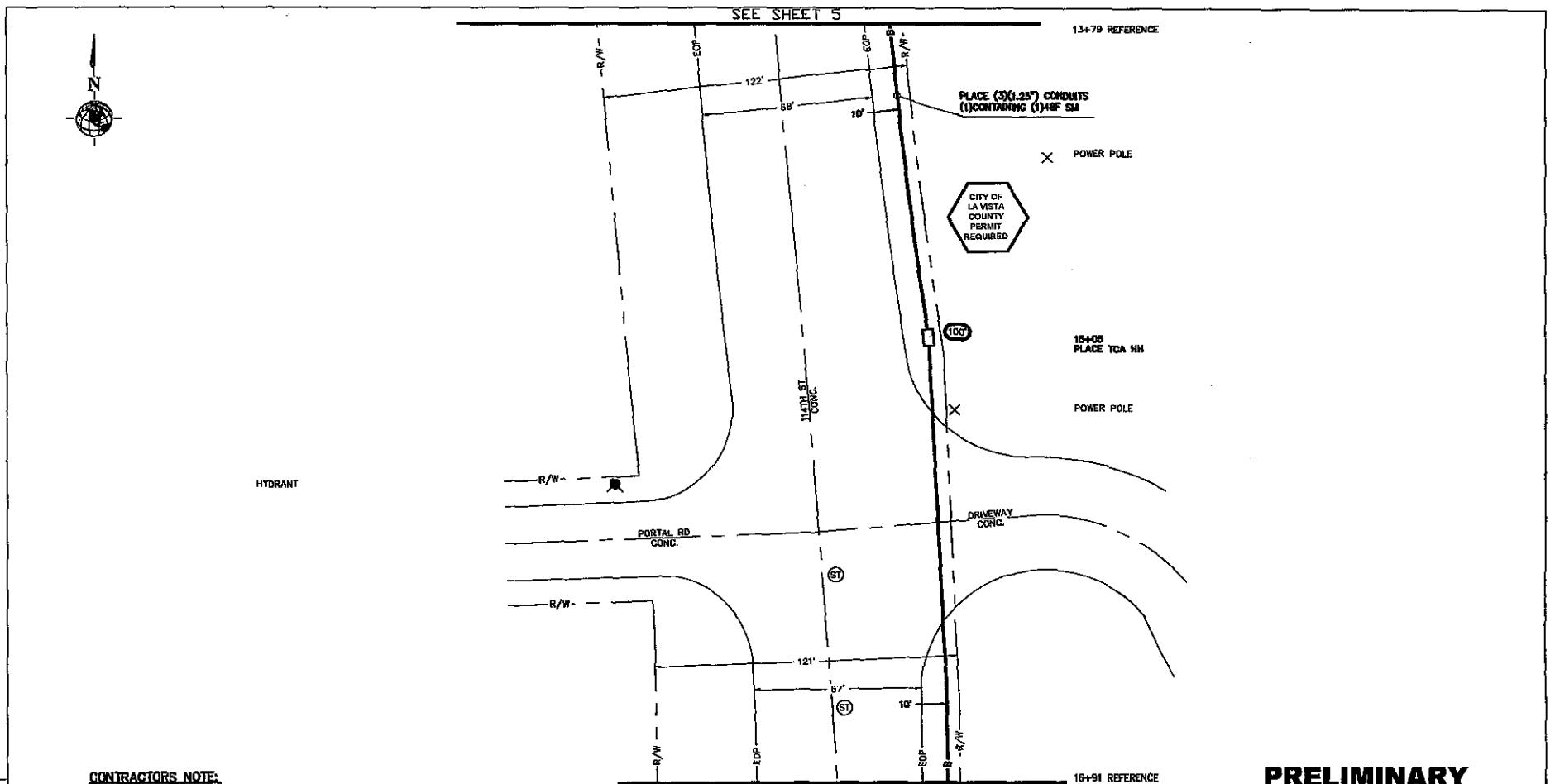
FIDELITY INVESTMENTS EAST ROUTE
OMAHA - NEBRASKA

TELEPORT COMMUNICATIONS AMERICA, LLC

PLOT DATE: 11/1/13 SCALE: 1"=40' FILENAME & SHEET NAME: 5.DWG

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5.DWG



CONTRACTORS NOTE:
ALL UTILITY LOCATIONS ARE APPROXIMATE
CONTRACTOR IS RESPONSIBLE FOR
EXACT LOCATIONS.

DIRECTIONAL BORE ----- 912
(3) 12" CONDUITS ----- 912
40F SM ----- 412
SWAG LOCATE WIRE ----- 912
HANDHOLE ----- 1



DESIGN BY: KYLER L.
FIELDED BY: KYLER L.
PHONE #: 402-623-4222
DATE: _____

QC'D BY: KYLER L.
DATE: _____

TELEPORT COMMUNICATIONS
AMERICA, LLC

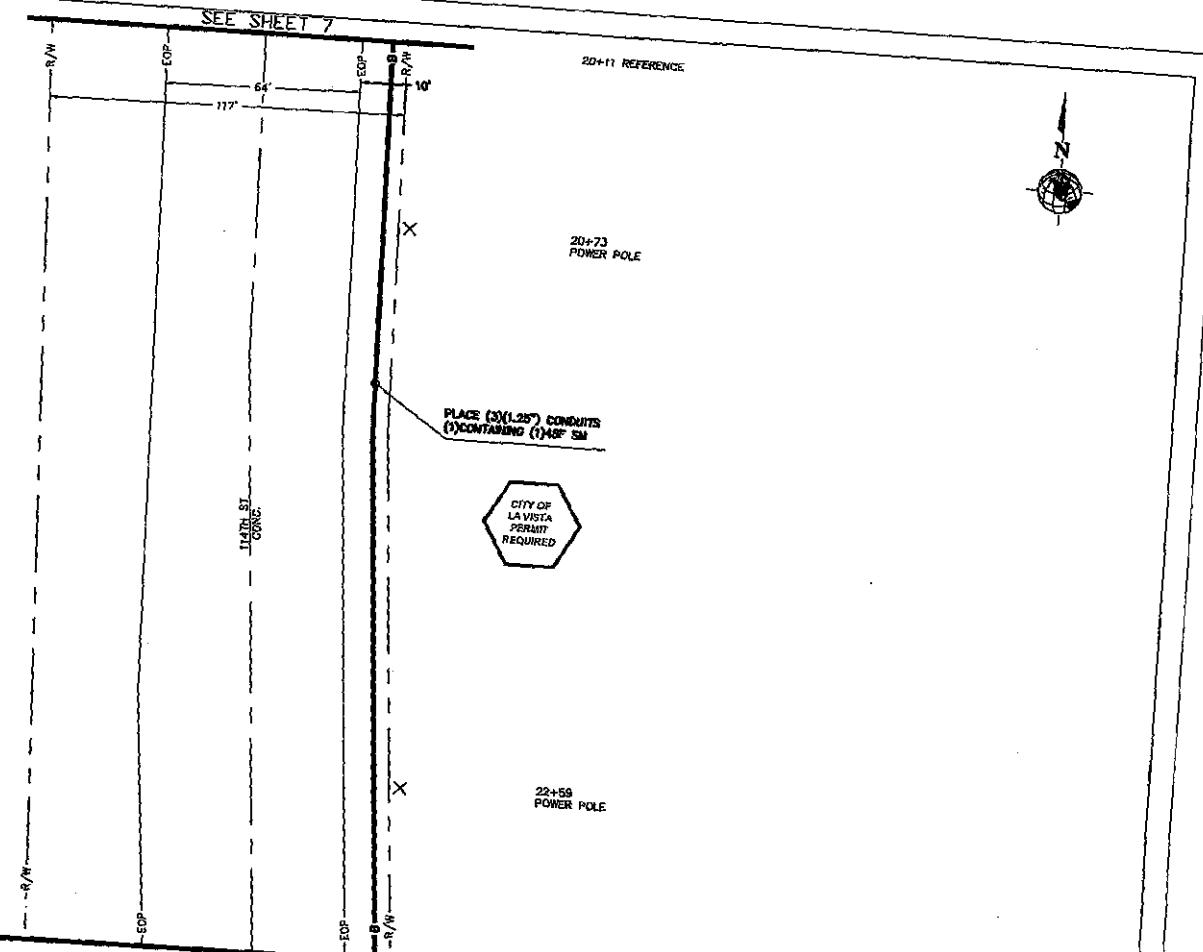
PERMIT AGENCIES
① LA VISTA

FIDELITY INVESTMENTS EAST ROUTE
OMAHA — NEBRASKA

TELEPORT COMMUNICATIONS AMERICA, LLC



PILOT DATE: 11/1/13 | SCALE: 1"=40' | FILENAME & SHEET NAME: 6.DWG

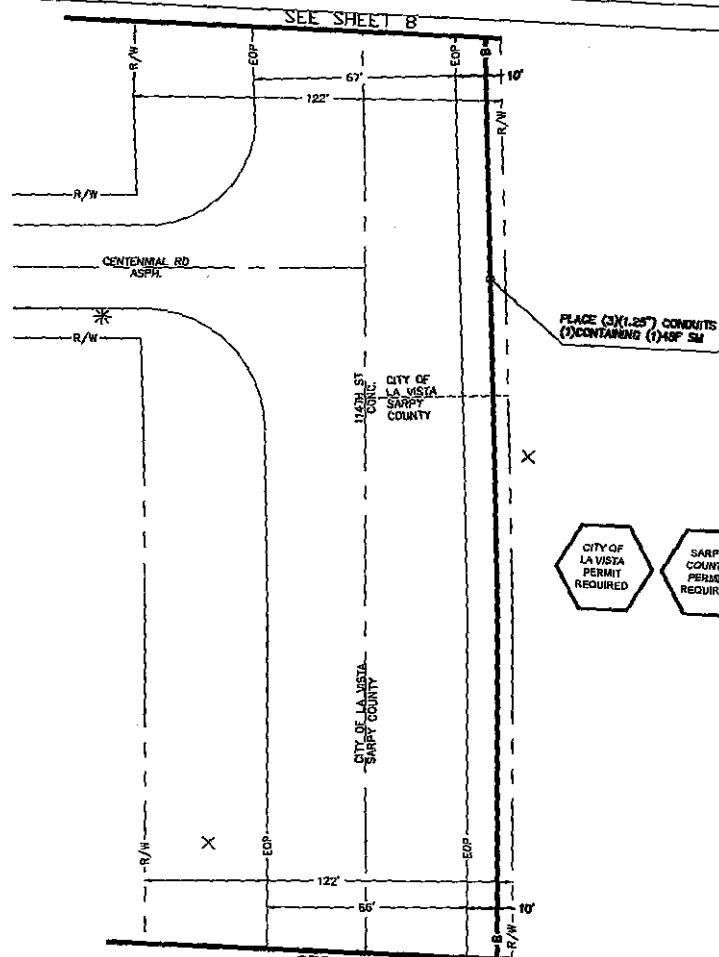


CONTRACTORS NOTE:
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CONTRACTOR IS RESPONSIBLE FOR
EXACT LOCATIONS.

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40F SM - 200'
SEAWING LOCATE WORK - 200'

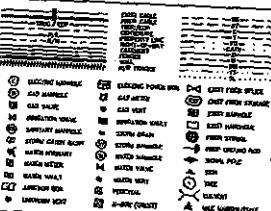
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STREET LIGHT



CONTRACTORS NOTE:
ALL UTILITY LOCATIONS ARE APPROXIMATE
CONTRACTOR IS RESPONSIBLE FOR
EXACT LOCATIONS.

DIRECTIONAL BORE	321'
(3) 1.25" CONDUITS	321'
40P SM	321'
TEANG LOCATE HERE	321'



DESIGN BY: KYLE L.	CD'D BY: KYLE L.
FIELD BY: KYLE L.	
PHONE #: 435-425-4232	
DATE: 10/28/12	
DATE: 11/1/12	TL
DATE: 11/1/12	AM
DATE: 11/1/12	ESD
DATE: 11/1/13	CD
DATE: 11/1/13	AC

TELEPORT COMMUNICATIONS
AMERICA, LLC

PERMIT AGENCIES
① SARPY COUNTY
② LA VISTA

**PRELIMINARY
SUBJECT TO CHANGE**
FIDELITY INVESTMENTS EAST ROUTE
OMAHA - NEBRASKA
TELEPORT COMMUNICATIONS AMERICA, LLC



PLOT DATE: 11/1/13 | SCALE: 1"=40' | FILENAME & SHEET NAME: 9.DWG

WASH

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
FEBRUARY 4, 2014 AGENDA**

Subject:	Type:	Submitted By:
ADOPTION — STRATEGIC PLAN 2014 – 2016	◆ RESOLUTION ORDINANCE RECEIVE/FILE	BRENDA S. GUNN CITY ADMINISTRATOR

SYNOPSIS

A resolution has been prepared to adopt Strategic Plan 2014 - 2016.

FISCAL IMPACT

N/A.

RECOMMENDATION

Approval.

BACKGROUND

On Saturday, August 24, 2013 the Mayor and City Council held a work session with the City's management team to update the City's Strategic Plan. As a result, Strategic Plan 2014-2016 has been prepared and is attached for consideration.

The Council is being asked to adopt this plan with any additions or revisions deemed necessary. It is further understood that the identified goals and objectives may change as conditions warrant. Staff will provide regular updates at City Council meetings to keep the Mayor and Council informed on the progress being made.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA TO ADOPT STRATEGIC PLAN 2014 – 2016.

WHEREAS, the Mayor and City Council recognize the importance and value of having a deliberate planning process to help guide all facets of city government; and

WHEREAS, the Mayor and City Council believe that it is essential to set goals and review them periodically to ensure progress; and

WHEREAS, on Saturday, August 24, 2013 the Mayor and City Council held a work session to update the City's Strategic Plan in order to :

1. Ensure that the city's priorities are aligned with changing conditions and new opportunities.
2. Create shared commitments among council members and city staff concerning short-term and long-term endeavors.
3. Assess the city's present and future strengths, weaknesses, opportunities and threats; and

WHEREAS, the attached Strategic Plan 2014 – 2016 is developed as a collaborative effort between the Mayor and City Council and the City's management team and establishes the organizational priorities for a two year planning period.

NOW THEREFORE, BE IT RESOLVED that the Mayor and City Council of the City of La Vista, Nebraska, do hereby approve the Strategic Plan 2014 – 2016 as attached and presented at the February 4, 2014 City Council meeting.

PASSED AND APPROVED THIS 4TH DAY OF FEBRUARY, 2014.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

City of La Vista

Strategic Plan 2014 - 2016

1. Pursue revitalization of the 84th Street corridor & other economic development opportunities

Key Objectives	Action Steps	Responsible Party	Timeline	Progress to Date	Anticipated Next Step(s)	Objective Achieved / Comments
a. Vision 84 Implementation	Develop design guidelines for buildings and public realm amenities	CD/PW	Spring 2015		Recommend process for development of design guidelines to include public participation component.	
	Prepare an infrastructure/drainage master plan	CD/PW	FY15		Determine process for selection of Master Developer.	
	Master Developer Selection	CD/Admin	FY15		Prepare materials for Council consideration of a Spring 2014 Ballot Question	
	1/2c Sales Tax Referendum	CD/Admin	FY14			
	Redevelopment Fund	CD/Admin	FY 15 Budget	Redevelopment fund has been established. No designated funding source at this time.	Determine necessity of creating Redevelopment Fund Tax Levy	
	Prepare financial/fiscal impact analysis for Phase 1	CD/Admin	FY 14		Work has been completed to include TIF as a possible incentive in addition to other options.	
	Identify actions and incentives to be provided by the City	CD/Admin	ongoing			

City of La Vista

Strategic Plan 2014 - 2016

1. Pursue revitalization of the 84th Street corridor & other economic development opportunities (continued)

Key Objectives	Action Steps	Responsible Party	Timeline	Progress to Date	Anticipated Next Step(s)	Objective Achieved / Comments
	Design public improvements, obtain required permits & utility coordination. Coordinate with state on ROW design and streetscape improvements.	PW	FY 14	Request has been submitted to OPPD for transmission line burial on south end of golf course property. 84th Street signal coordination study now in progress	Meet with OPPD to determine extent of funding and construction schedule	
	Coordinate with Comp Plan update	CD/PW	ongoing		Prepare RFP	
	Ensure Municipal Facilities Plan update reflects and integrates with Vision 84	CD/Admin /PW	FY 14		Re-establish Municipal Facilities Committee to review and update the current plan	
	Keep public informed about issues and progress	CD/Admin	ongoing		Regular updates in quarterly newsletter and keep website current with relevant project information.	



City of La Vista

Strategic Plan 2014 - 2016

1. Pursue revitalization of the 84th Street corridor & other economic development opportunities (continued)

Key Objectives	Action Steps	Responsible Party	Timeline	Progress to Date	Anticipated Next Step(s)	Objective Achieved / Comments
b. Develop & cultivate relationships with commercial shopping center owners, developers, leasing agents and retailers	In addition to pursuing 84th Street redevelopment opportunities, continue to seek out opportunities to ensure successful build out of Southport and other areas of the city.	Admin/CD	immediate & ongoing	Ongoing effort to generate interest in Entertainment District.	Promote & provide information to those interested in the City's development opportunities.	
	Continued ICSC Participation & Exposure	Admin/CD	immediate & ongoing		ICSC 2014 Attendance and Exhibition & Meetings	
	Continue to market La Vista to targeted retailers, restaurants & corporations	Admin/CD	ongoing		Determine appropriateness of current marketing materials.	
	Work with property owners/tenants and/or their representatives to facilitate implementation of Vision 84	CD/Admin	ongoing	Letters sent out to Brentwood Crossing property owners announcing intent to acquire as part of the potential acquisition process	To be determined based on identified funding source.	
	Develop inventory of vacant commercial/retail properties and link to site that lists available properties	CD	ongoing		Make a determination on how this can be accomplished.	
c. Work to ensure adequate public transportation	Continue working with Metro for increased and better service routes; possible park & ride	CD/PW	immediate & ongoing	Multiple meetings with MAT regarding service in Sarpy County; rerouting of Express 93 is complete. Heartland Connection Regional Transit Vision is complete	Continue to work with Metro as 84th St. development evolves	



City of La Vista

Strategic Plan 2014 - 2016

2. Provide for planned, fiscally responsible expansion of the city's boundaries

Key Objectives	Action Steps	Responsible Party	Timeline	Progress to Date	Anticipated Next Step(s)	Objective Achieved / Comments
a. Comprehensive Plan Update	Prepare schedule, scope of work & RFP for Comprehensive Plan update	CD	FY 14	RFP being developed		
	Development of community wide Strategic Plan.	CD/Admin	FY 15		Incorporated as part of the Comp Plan update	
	Consultant selection	CD	FY 14		Issue RFP in accordance with approved schedule	
	Comprehensive Plan Update Process underway	CD	FY 15			
b. Implementation of annexation plan	Review and update annexation plan annually	Fin/CD	Feb/March 2014		Annual review & update of long range annexation plan	
	Determine capacity to provide services for areas to be considered for annexation	All	ongoing		Review as part of annual CIP and Long Range Financial Plan	
	Communicate annexation plan & property tax implications to residents and businesses	CD/Admin	TBD based on plan			
c. Ensure budget & CIP provide for infrastructure improvements necessary to serve areas targeted in annexation plan	Evaluate infrastructure in areas contemplated for annexation	PW	ongoing		Reviewed annually as part of CIP/Budget process and 1 & 6 Year Road Plan	
	Investigate funding sources for Arterial Street Improvement Program and Railroad Transportation Safety District	PW	immediate & ongoing	Initial meetings with Sarpy County have taken place	Continue to work with Sarpy County/Cities	
	Incorporate infrastructure improvements as part of the CIP process	PW	ongoing	Funding included in FY14 for year(1) of the CIP	Begin CIP process for 2015-2019	

City Of La Vista

Strategic Plan 2014 - 2016

3. Maintain Quality of Older Residential Neighborhoods

Key Objectives	Action Steps	Responsible Party	Timeline	Progress to Date	Anticipated Next Step(s)	Objective Achieved / Comments
a. Provide for essential maintenance & priority improvements in neighborhood and public facilities through CIP	Submit public facility improvements as part of the CIP process	PW/CIP Committee	ongoing	A comprehensive report regarding the City's property maintenance codes and ordinances has been prepared	Internal review and discussion of report	Begin CIP process for 2015-2019
	Ensure attractive neighborhoods by strengthening & enforcing building & environmental codes.	CD/PD/PW	ongoing			
	Work to be more proactive in code enforcement	PD	ongoing			
	Evaluate using a private vendor to complete property clean up and mowing	PW	Spring 2014		Recommendations as part of the FY15 budget preparation process	
b. Monitor efficiency & effectiveness of rental housing inspection program	Prepare & present annual Rental Housing Inspection Program (RHIP) overview to Mayor & Council along with any recommended revisions to the code.	CD	ongoing			
	Pursue enforcement actions	CD	ongoing		Develop a strategy to pursue penalties	
c. Continue developing strategy to address erosion & maintenance issues related to Thompson Creek	Develop final plans for channel stabilization improvements and pursue additional funding options.	PW	immediate & ongoing	Partial funding obtained through Environmental Trust & NDEQ Grants.	Perform water quality monitoring; continue to secure future grants from these agencies and pursue additional funding sources	
	Begin seeking Corps permits and coordinate with utility companies	PW	immediate & ongoing		Anticipate beginning process in FY13	
	Begin construction of channel improvements	PW	FY15	Partial grant funding has been secured for construction work	Construction dependent on securing grant funding.	
	Evaluate need for Neighborhood Revitalization Program	CD	FY 15		Incorporate recommendation as part of the Comp Plan update	

City of La Vista

Strategic Plan 2014 - 2016

4. Enhance La Vista's identity and raise awareness of the city's many qualities

Key Objectives	Action Steps	Responsible Party	Timeline	Progress to Date	Anticipated Next Step(s)	Objective Achieved / Comments
a. Increase citizen-council engagement	Conduct town hall or neighborhood meetings in various venues	Admin	Ongoing	Mayfair new resident meeting	Significant opportunities as part of the Comp Plan update and Strategic Plan development	
	Continue to provide citizen education on City activities and performance	All	Ongoing		Strategic Plan Development to be recommended in conjunction with Comp Plan update	
	Recommendation for citizens leadership academy program	Admin	FY 15		Research similar programs and provide recommendation	
	Recommendation for Mayor's youth leadership council	Admin/ Library	FY 15		Research similar programs; Develop Pilot Program in conjunction with Library Teen Group Participants. Explore opportunities with the LVCF	
	Provide funding for update of community marketing materials	Admin	ongoing			
	Develop community branding strategy	Admin	FY 16			
	Identify opportunities for cooperative efforts with outside agencies	All	ongoing	Spread the Warmth Coat Drive		



City of La Vista

Strategic Plan 2014 - 2016

5. Improve and expand the City's quality of life amenities for residents and visitors

Key Objectives	Action Steps	Responsible Party	Timeline	Progress to Date	Anticipated Next Step(s)	Objective Achieved / Comments
a. Create opportunities that bring residents together for celebration, leisure or civic engagement	<p>Look for opportunities to initiate or improve ongoing events such as community movie nights & summer concerts</p> <p>Identify & promote development of new cultural amenities in partnership with other community groups such as the LaVista Community Foundation, area Chambers of Commerce & local service groups.</p> <p>Address the needs associated with the City's aging swimming pool facility.</p>	Concert & Movie Night Committee	Ongoing		Recommendations to be made by the Executive Committee	
b. Plan for recreation programs and services based on Programming Study	<p>Develop Recreation Program Master Plan to evaluate existing programs & establish direction for future planning and programming</p> <p>Research & recommend new programs or changes to existing programs</p>	Rec	FY14	Funding included as part of FY14 Budget, and RFP, project scope and timeline development is underway.	Present RFP, project scope and timeline to Mayor and Council	
		Rec/Library	ongoing	<p>2014 New Programs:</p> <p>Pancakes and pajamas, snowflake slurry, afternoon holiday movie, junk in your trunk community center Lego club, rainbow craft day, remote control car racing, Box car races, sugar cone Christmas tree decorations, drop-in pickle ball, spy camp, gross science camp, color camp, music and movement camp, gaming un-plugged camp, snack attack cooking camp</p>		
	Review current marketing practices and make recommendations for improvement and/or exploring new opportunities based on Programming Study.	Rec/Admin	ongoing	Working with Community Relations Coordinator to improve marketing practices. Utilizing Constant Contacts, Facebook & Twitter	Develop new program guide	

City of La Vista

Strategic Plan 2014 - 2016

5. Improve and expand the City's quality of life amenities for residents and visitors (continued)

Key Objectives	Action Steps	Responsible Party	Timeline	Progress to Date	Anticipated Next Step(s)	Objective Achieved / Comments
c. Maintain and enhance City's existing & future park areas & green spaces	Develop a plan for financing park amenities.	Park Committee	ongoing	Funding included in parks budget for development and implementation of this plan.	Presentation of plan to Mayor and Council	
	Prepare and present to M&C for adoption 1 & 4 Year Tree Plan (in accordance with section 94.14 of the municipal code)	Park Committee & Park & Rec Advisory Board	FY 14			
	Need to review & recommend security measures to combat vandalism.	PD/PW	ongoing			
d. Develop & begin implementation of a "green plan" that identifies the City's role, through its facilities and programs, in contributing to a sustainable community	Continued involvement with the Papillion Creek Watershed Partnership	PW / Bldg & Grounds	ongoing	City Rain Barrel Program is in progress.	Develop facility maintenance plan for PW associated with storm water plan.	
	Explore options to incorporate green building principals as city facilities are remodeled or new facilities are constructed	Bldgs & Grounds	ongoing		Upgrade light fixtures throughout city hall and community center as current lights or ballasts need replacement.	



City of La Vista

Strategic Plan 2014 - 2016

6. Pursue action that enables the City to be more proactive on legislative issues & other areas of common interest

Key Objectives	Action Steps	Responsible Party	Timeline	Progress to Date	Anticipated Next Step(s)	Objective Achieved / Comments
a. Participate in UCSC to promote shared interests of La Vista and its partner communities	Continue regular meetings of the Mayors of Sarpy County communities	Admin	Ongoing		Interlocal regarding ETJ stormwater issues completed.	
b. Adopt and lobby on behalf of a legislative agenda specific to the City	<p>Work with Sarpy County to resolve planning & sewer issues</p> <p>Continue joint lobbying efforts with UCSC</p> <p>Identify legislative issues of specific interest to La Vista and allocate resources for lobbying.</p>	<p>PW</p> <p>Admin</p> <p>Admin</p>	<p>Ongoing</p> <p>Ongoing</p> <p>ongoing</p>	<p>LB 867 (Sales & Use Tax Info) advanced out of committee</p>	Monitor legislation	

City of La Vista

Strategic Plan 2014 - 2016

7. Adopt and implement standards of excellence for the administration of City services.

Key Objectives	Action Steps	Responsible Party	Timeline	Progress to Date	Anticipated Next Step(s)	Objective Achieved / Comments
a. Ensure that the City is fiscally responsible while trying to meet the needs of a growing community	Diversify current & future fiscal resources to meet rising demands, while effectively controlling costs	all	immediate & ongoing			
	Update financial policies	Finance	FY 15	Council authorized RFP for Consultant to assist in project.	Consultant selection	
	Utilize technology to create more efficient financial processes	Finance/ Admin	See CIP			
	Identify future revenue and funding requirements necessary to implement Capital Improvements Program (CIP), Master Facilities Plan (MFP) & annual capital purchases; develop options for meeting those requirements	All	immediate & ongoing	Development of Financial Planning Model	Working on long range financial plan	
	Evaluation of City services that may need to be discontinued or contracted out	All	immediate & ongoing		Recommendations from Performance Measure Team	
	Monitor, review and propose changes to city programs that have a significant financial impact such as contractual services, insurance and employee benefits	Admin/HR	immediate & ongoing		Recommendations from the Focus Group on sustainable solutions to the City's health insurance plan.	
	Investigate the potential of collaborating with other agencies on programs and services that have a significant fiscal impact	All	immediate & ongoing		Working with Papillion on the transition of the Fire Department. Working with three other cities to evaluate insurance options.	
					Report received from Charlesworth Associates on potential of creating a workers comp pool with several other Nebraska cities.	



City of La Vista

Strategic Plan 2014 - 2016

7. Adopt and implement standards of excellence for the administration of City services. (continued)

Key Objectives	Action Steps	Responsible Party	Timeline	Progress to Date	Anticipated Next Step(s)	Objective Achieved / Comments
b. Manage the transition of the La Vista Volunteer Fire Department	Facility Improvements					
	Monitor Contract Integration with other City Departments	PD	Ongoing	ongoing	Remodel of District 1 Fire will be complete on Feb. 15	
c. Provide for the transition of personnel into key City appointed positions through a succession plan	Fund and provide training opportunities	Admin	Ongoing		Work on follow up to National Employee Survey	
	Development of Leadership Training Program for Non-Supervisory Personnel	Admin	FY 15			
	Continue to explore options for involving mid-level managers in organizational initiatives and special projects	All	ongoing			
	Explore development of Supervisor Training program	All	Fall 2014			
d. Monitor & refine Pay for Performance (PFP) appraisal system	Meetings with employee advisory group to review efficiency & effectiveness of process	HR/Admin	immediate & ongoing	Changes to the rating scale were approved by Council in September 2011. Discussion of current program recently held with employees at all levels. Based on those discussions the decision was made to revise current performance evaluation instrument and discontinue use of Success Factors.	Advisory Group will begin work on developing a new performance evaluation instrument with a goal of implementing in the Fall of 2014	
	Ensure ongoing two-way communication with employees regarding the program and proposed changes.	HR/Admin				

City Of La Vista

Strategic Plan 2014 - 2016

7. Adopt and implement standards of excellence for the administration of City services. (continued)

Key Objectives	Action Steps	Responsible Party	Timeline	Progress to Date	Anticipated Next Step(s)	Objective Achieved / Comments
	Develop process for 360° Performance Evaluation Process	HR/Admin	FY 16	Was incorporated as part of the City Administrator's 2013 evaluation	Following changes to employee appraisal process, develop a program for Department Head 360 evaluations.	
e. Maximize the City's emergency preparedness	Provide opportunities for appropriate staff and officials to receive emergency preparedness training	EMT Committee	Ongoing	In process of getting all employees certified at minimum level NIMS 700; Completed 2nd tabletop drill & full scale disaster drill.	Review LEOP with elected officials at an upcoming Council meeting	
	Communicate Emergency Preparedness Plan to elected officials through periodic review	Safety Committee	Spring 2014			
	Update La Vista's LEOP to be more customized for La Vista	Safety Committee	Spring 2015			
f. Actively pursue funding opportunities for organizational strategic initiatives and projects consistent with departmental operations.	Pursue grant opportunities	All		Environmental Trust Funds have been secured, awaiting the status of securing NDEQ grant funds.	Identify areas eligible for immediate & ongoing	
	Track and report on grant applications and grants received.	Fin/All	Annual		Continue to provide annual reports for M&C	
g. Identify opportunities for developing Boards & Commissions	Develop orientation program for new B&C members	City Clerk/B&C staff	FY 14	Draft of Orientation manual presented to City Administrator for review.	Complete orientation manual and process. Begin orientation process with new board and commission members.	
	Provide training opportunities for B&C members	CC/B&C staff	FY14	Funding requested as part of FY14 budget.		
	B&C review of pertinent sections of the Municipal Code	CC/B&C staff	FY14	Begin after orientation program completed.	Recommendations for compliance and/or updates	

City of La Vista

Strategic Plan 2014 - 2016

7. Adopt and implement standards of excellence for the administration of City services. (continued)

Key Objectives	Action Steps	Responsible Party	Timeline	Progress to Date	Anticipated Next Step(s)	Objective Achieved / Comments
	Update B&C regarding Council's strategic priorities	Admin	Annual Fall	Funding for (1) MLM to attend LEAD included in FY14 Budget		
h. Continue the process of developing a high performance work culture	Provide opportunities for appropriate staff training		ongoing			
	Regular employee meetings with City Administrator	Admin	ongoing	3rd year of data collection has begun.		PM Group continues to meet discussing comparable Cities and reporting methods
	Implementation of Performance Measurement Program	All	Immediate & Ongoing			
	Refine monthly department operational reports	All	ongoing			PW and B&G are in the process of refining their monthly reports.
	Development of Mission Statement, Guiding Principles & Leadership Philosophy	DH/All	FY 14			Roll out of Mission Statement and Values in December of 2013
	Ensure that citizen feedback is solicited and utilized in the evaluation and development of programs and services		2013	National Citizen Survey conducted February 2013, final report was received in March		

City of La Vista

Strategic Plan 2014 - 2016

8. Insure efficient, effective investment in technology to enhance service delivery.

Key Objectives	Action Steps	Responsible Party	Timeline	Progress to Date	Anticipated Next Step(s)	Objective Achieved / Comments
a. Implement long-range technology plan and review regularly to ensure priorities remain accurate	Incorporate recommendations into CIP as finances allow.	IT/CIP Committees	Ongoing			
	Provide opportunities for ongoing & regular two-way communication to ensure that Department Heads and staff are included in IT Strategic Plan implementation and updates	IT Committee	immediate & ongoing			
b. Develop a multi-year plan for financing technology		IT Committee	Fall 2014	Forming a sub-committee to develop the plan		
c. Designate adequate resources to provide appropriate technology training for city staff		IT Committee	Ongoing	Sub-committee formed for IT training (New Horizons training through Sarpy County)	Set up a process for departments to follow, need feedback from Department Heads	

