

MINUTE RECORD

A.2

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

LA VISTA CITY COUNCIL MEETING June 3, 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 June, 2014. Present were Councilmembers: Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Also in attendance were City Attorney McKeon, City Administrator Gunn, Assistant City Administrator Ramirez, Deputy City Clerk Garrod, Police Chief Lausten, Director of Public Works Soucie, Director of Administrative Services Pokorny, 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 May 21, 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 – KEVIN POKORNY – 25 YEARS; SCOTT STOPAK – 20 YEARS

Mayor Kindig presented a service award to Kevin Pokorny for twenty five years of service and to Scott Stopak for twenty years of service.

PROCLAMATION – RELAY FOR LIFE

Mayor Kindig read the proclamation recognizing the Relay for Life.

A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. APPROVAL OF THE MINUTES OF THE MAY 20, 2014 CITY COUNCIL MEETING
3. APPROVAL OF THE MINUTES OF THE MARCH 19, 2014 PARK & RECREATION ADVISORY COMMITTEE MEETING
4. APPROVAL OF THE MINUTES OF THE MAY 8, 2014 LIBRARY ADVISORY BOARD MEETING
5. PAY REQUEST FROM UNIVERSITY OF NEBRASKA-OMAHA – PROFESSIONAL SERVICES – THOMPSON CREEK - \$6,987.83
6. PAY REQUEST FROM FELSBURG HOLT & ULLEVIG – PROFESSIONAL SERVICES – LA VISTA QUIET ZONE FINAL DESIGN - \$1,200.77
7. PAY REQUEST FROM FELSBURG HOLT & ULLEVIG – PROFESSIONAL SERVICES – HELL CREEK CHANNEL IMPROVEMENTS PHASE II - \$2,554.50
8. APPROVAL OF CLAIMS.

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|---------------------------------|----------|
| 3M, supplies | 2,431.80 |
| 4 SEASONS AWARDS, supplies | 12.30 |
| AAT (US) INC, supplies | 2,917.00 |
| ACCURATE TESTING, bld&grnds | 105.00 |
| AKSARBEN GARAGE DOOR, bld&grnds | 90.00 |

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| ALAMAR UNIFORMS, apparel | 163.99 |
| ARMBRUST, T., travel | 72.50 |
| BAKER & TAYLOR, books | 963.73 |
| BARONE SECURITY SYSTEMS, services | 660.00 |
| BEACON BUILDING, services | 5,812.00 |
| BIOVERSE, bld&grnds | 669.00 |
| BLACK HILLS ENERGY, utilities | 2,854.07 |
| BOB MCLEMORE, refund | 131.81 |
| BOBCAT OF OMAHA, services | 2,700.00 |
| BO-BO'S BOUNCY TOWN, services | 170.00 |
| BOB'S RADIATOR REPAIR, maint. | 70.00 |
| BRENDLE, L., refund | 120.00 |
| BROWN TRAFFIC PRODUCTS, signs | 356.25 |
| BUILDERS SUPPLY, bld&grnds | 162.46 |
| CENTER POINT PUBLISHING, books | 297.78 |
| CENTURY LINK BUSN SVCS, phone | 13.97 |
| CENTURY LINK, phone | 1,120.46 |
| CIVIC PLUS, IT | 13,450.50 |
| COCA-COLA BOTTLING, supplies | 514.77 |
| COMP CHOICE, services | 480.00 |
| CORNHUSKER INTL TRUCKS, maint. | 9.15 |
| COX, IT | 352.86 |
| CROUCH RECREATION, bld&grnds | 145.00 |
| D & K PRODUCTS, supplies | 1,014.19 |
| DATASHIELD CORP., services | 3.04 |
| DEARBORN NATIONAL LIFE INS CO | 1,054.00 |
| EASTERN LIBRARY SYSTEM, training | 30.00 |
| EDGEWEAR SCREEN PRINTING, services | 1,153.50 |
| ELECTRIC SPECIALTIES, bl&grnds | 85.00 |
| EXPRESS ENTERPRISES, bld&grnds | 334.86 |
| FILTER CARE, maint. | 30.55 |
| FOCUS PRINTING, printing | 6,882.47 |
| GALE, books | 97.46 |
| GCR TIRES & SERVICE, supplies | 1,683.85 |
| GRAINGER, supplies | 518.00 |
| GRAYBAR ELECTRIC, bld&grnds | 503.61 |
| GREENKEEPER COMPANY, supplies | 469.50 |
| H & H CHEVY., maint. | 25.29 |
| HEIMES CORP., maint. | 65.91 |
| HERITAGE CRYSTAL CLEAN, services | 552.00 |
| HUNTEL COMMUNICATIONS, IT | 140.00 |
| INDUSTRIAL SALES, bld&grnds | 194.16 |
| J & J SMALL ENGINE SERVICE, maint. | 126.03 |
| JASPER WELLER, refund | 175.00 |
| JOE PUTJENTER, services | 1,500.00 |
| JOHNSON HARDWARE, bld&grnds | 149.10 |
| KLINKER, M., services | 200.00 |
| KRIHA FLUID POWER, maint. | 43.18 |
| KRIZ-DAVIS, maint. | 11.21 |
| LA VISTA COMMUNITY FOUNDATION | 25.00 |
| LANDPORT, services | 125.00 |
| LANDS' END BUSINESS OUTFITTERS, services | 199.95 |
| LARSEN SUPPLY COMPANY, supplies | 618.09 |
| LAUGHLIN, KATHLEEN A, TRUSTEE | 437.00 |
| LIBRARY IDEAS, media | 1,707.00 |
| LIBRARY STORE, supplies | 140.53 |
| LOGO LOGIX EMBROIDERY & SCREEN, services | 240.00 |
| MAPA, travel | 20.00 |
| MENARDS, bld&grnds | 107.84 |

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| METRO LANDSCAPE MATERIALS, supplies | 4,480.00 |
| MID CON SYSTEMS INC., bld&grnds | 247.30 |
| MIDLANDS LIGHTING & ELECTRIC, supplies | 1,496.10 |
| MID-STATES UTILITY TRAILER, maint. | 40.56 |
| MIDWEST TAPE, media | 911.41 |
| MIKKI CHULLINO, refund | 45.35 |
| MLB LOGISTICS, concessions | 155.51 |
| MONARCH OIL, maint. | 553.00 |
| MSC INDUSTRIAL SUPPLY, equip. | 553.38 |
| MUD, utilities | 1,540.23 |
| NADIA VENTURA, refund | 431.18 |
| NE ENVIRONMENTAL PRODS, supplies | 16,971.00 |
| NE WELDING, maint. | 8.56 |
| NOBBIES, supplies | 113.84 |
| NUTS AND BOLTS, maint. | 43.75 |
| OCLC, books | 182.13 |
| OFFICE DEPOT, supplies | 863.20 |
| ORIENTAL TRADING, supplies | 601.43 |
| PAPIO-MO RVR NRD WATERSHED | 5,000.00 |
| PARAMOUNT, services | 165.08 |
| PAYFLEX SYSTEMS USA INC | 250.00 |
| PAYLESS OFFICE, supplies | 239.92 |
| PERFORMANCE CHRYSLER JEEP, maint. | 754.68 |
| PETTY CASH | 388.67 |
| PETTY CASH, pool | 300.00 |
| PHILLIPS HARDWOOD FLOORS OF NE, services | 12,197.60 |
| PITNEY BOWES, lease | 204.00 |
| PLAINS EQUIPMENT GROUP, maint. | 2,323.11 |
| PREMIER-MIDWEST BEVERAGE, supplies | 273.85 |
| QUALITY AUTO REPAIR, maint. | 107.00 |
| QUALITY BRANDS OF OMAHA, supplies | 469.90 |
| READY MIXED CONCRETE, maint. | 2,112.55 |
| SAPP BROS PETROLEUM, maint. | 10,564.90 |
| SARPY COUNTY COURTHOUSE, services | 3,960.21 |
| SARPY COUNTY LANDFILL, services | 71.06 |
| SCHOLASTIC BOOK FAIRS, books | 1,591.48 |
| SCHOLASTIC LIBRARY PUBLISHING, cd rom | 557.00 |
| SEFFRON, R., apparel | 120.00 |
| SIGN IT, services | 100.00 |
| SOLBERG, C., travel | 37.68 |
| SPRINT, phone | 119.97 |
| STANDARD HEATING AND AIR COND, bld&grnds | 145.00 |
| STATE FARM INSURANCE, refund | 527.64 |
| STATE STEEL OF OMAHA, maint. | 82.20 |
| SUN COUNTRY DISTRIBUTING, bld&grnds | 54.50 |
| SUPERIOR SPA & POOL, bld&grnds | 49.99 |
| SUTPHEN CORP., maint. | 86.50 |
| TARGET BANK, supplies | 90.78 |
| TED'S MOWER SALES & SERVICE, maint. | 61.29 |
| THOMPSON DREESSEN & DORNER | 430.00 |
| TIELKE'S SANDWICHES, supplies | 81.33 |
| TIGHTON FASTENER & SUPPLY, maint. | 49.99 |
| U S TOY, supplies | 365.33 |
| UNIVERSITY OF NEBRASKA LINCOLN, dues | 100.00 |
| UPS STORE, services | 62.77 |
| UPS, postage | 14.06 |
| USB SEWER EQUIP., supplies | 4,308.50 |
| VAN RU CREDIT CORPORATION | 45.14 |

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| VERIZON WIRELESS, phones | 540.09 |
| VERIZON WIRELESS, phones | 172.15 |
| VERNON COMPANY, services | 500.85 |
| VIERREGGER ELECTRIC, supplies | 1,375.00 |
| WAL-MART, equip. | 823.57 |
| WHITE CAP CONSTR, apparel | 305.96 |
| WICK'S STERLING TRUCKS, maint. | 46.97 |
| ZEE MEDICAL SERVICE, equip. | 555.60 |

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

REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

Community Relations Coordinator Beaumont gave a report on La Vista Daze to the Mayor and Council.

Police Chief Lausten stated that Sergeant Ray Harrod suffered an ankle injury during La Vista Daze but is doing ok now.

Public Works Director Soucie stated that the Public Works Department will be recognized during National Public Works Week this week with a picnic in Central Park.

B. SALES TAX

1. CITY CLERK'S REPORT OF ELECTION RESULTS

Deputy City Clerk Garrod read the certified election results which stated that the referendum to increase the sales and use tax by $\frac{1}{2}$ percent, taking it to a total city sales and use tax of 2 percent, passed by a vote of 1186 Yes to 767 No.

2. ORDINANCE – IMPOSE ADDITIONAL $\frac{1}{2}$ PERCENT SALES AND USE TAX

Councilmember Sheehan introduced Ordinance No. 1215 entitled; AN ORDINANCE IMPOSING AN ADDITIONAL CITY SALES AND USE TAX AT THE RATE OF ONE-HALF OF ONE PERCENT (1/2%), INCREASING THE TOTAL CITY SALES AND USE TAX RATE FROM ONE AND ONE-HALF PERCENT (1 $\frac{1}{2}$ %) TO TWO PERCENT (2%) AND APPROVING RELATED ACTIONS; AND TO PROVIDE FOR SEVERABILITY AND EFFECTIVE DATE.

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

Said ordinance was then read by title and thereafter Councilmember Sheehan moved for final passage of the ordinance which motion was seconded by Councilmember Thomas. The Mayor then stated the question, "Shall Ordinance No. 1215 be passed and adopted?" Upon roll call vote the following Councilmembers voted aye: Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. The passage and adoption of said ordinance having been concurred on by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor, in the presence of the Council, signed and approved the ordinance and the City Clerk attested the passage/approval of the same and affixed her signature thereto.

3. ORDINANCE – AMEND MUNICIPAL CODE SECTION 35.30 - IMPOSITION

Councilmember Crawford introduced Ordinance No. 1216 entitled; AN ORDINANCE AMENDING LA VISTA MUNICIPAL CODE SECTION 35.30 TO COINCIDE WITH

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ORDINANCE NO. 1215 AND THE ADDITIONAL CITY SALES AND USE TAX IMPOSED BY SAID ORDINANCE AT THE RATE OF ONE-HALF OF ONE PERCENT (1/2%), INCREASING THE TOTAL CITY SALES AND USE TAX RATE FROM ONE AND ONE-HALF PERCENT (1 ½ %) TO TWO PERCENT (2%); TO REPEAL SECTION 35.30 AS PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

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

Said ordinance was then read by title and thereafter Councilmember Sheehan moved for final passage of the ordinance which motion was seconded by Councilmember Quick. The Mayor then stated the question, "Shall Ordinance No. 1216 be passed and adopted?" Upon roll call vote the following Councilmembers voted aye: Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. The passage and adoption of said ordinance having been concurred on by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor, in the presence of the Council, signed and approved the ordinance and the City Clerk attested the passage/approval of the same and affixed her signature thereto.

C. AMEND MUNICIPAL RETIREMENT PLANS

1. RESOLUTION – AMEND LA VISTA GENERAL EMPLOYEES DEFINED CONTRIBUTION PENSION PLAN AND TRUST

Councilmember Quick introduced and moved for the adoption of Resolution No. 14-065: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA TO AMEND THE CITY OF LA VISTA GENERAL EMPLOYEES DEFINED CONTRIBUTION PENSION PLAN AND TRUST, AND TO AUTHORIZE FURTHER ACTIONS.

BE IT RESOLVED, that the following actions are hereby adopted and approved:

SECTION 1. Pursuant to Nebraska Statutes, Section 19-3501, the Mayor and City Council of the City of La Vista maintain the City of La Vista General Employees Defined Contribution Pension Plan and Trust, embodied in plan documents including an adoption agreement and basic plan document constituting an integral part thereof ("Plan").

SECTION 2. The Mayor and City Council are authorized and desire to amend the Plan, and specifically to revise provisions of the adoption agreement to credit for vesting purposes all service with the City, including service before beginning work covered by the Plan, and to limit contributions to compensation earned for the part of the year that a participant actually participates in the Plan, which amendment is presented with this Resolution ("Amendment No. 1").

SECTION 3. The Mayor and City Council do hereby approve and adopt said Amendment No. 1.

SECTION 4. The Mayor is authorized to execute Amendment No. 1 on behalf of the City, and the City Administrator is authorized and directed to provide the same to the Trustee (for its written acceptance, if determined necessary or appropriate), and if directed in this resolution or otherwise determined necessary or advisable, to cause said Amendment No. 1 to be submitted, together with such supporting data as may be necessary or advisable and applicable application fee, to the Internal Revenue Service for ruling as to whether the same complies with the pertinent provisions of the Internal Revenue Code of the United States and, in particular, Sections 401(a) and 501(a) thereof, with authority to make any changes in or to Amendment No. 1 and other Plan documents and take such further actions as the City Administrator determines necessary or appropriate to obtain a favorable ruling or maintain the qualified status of the Plan.

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

2. ORDINANCE – AMEND LA VISTA POLICE OFFICERS RETIREMENT PLAN AND TRUST

Councilmember Sell introduced Ordinance No. 1217 entitled; AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA TO AMEND THE CITY OF LA VISTA POLICE OFFICERS RETIREMENT PLAN AND TRUST; TO AUTHORIZE FURTHER ACTIONS; AND TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY AND THE EFFECTIVE DATE HEREOF.

Councilmember Quick moved that the statutory rule requiring reading on three different days be suspended. Councilmember Sell seconded the motion to suspend the rules and roll call vote on the motion. The following Councilmembers voted aye: Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. 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 Crawford. The Mayor then stated the question, "Shall Ordinance No. 1217 be passed and adopted?" Upon roll call vote the following Councilmembers voted aye: Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. The passage and adoption of said ordinance having been concurred on by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor, in the presence of the Council, signed and approved the ordinance and the City Clerk attested the passage/approval of the same and affixed her signature thereto.

D. RESOLUTION – APPROVE AMENDMENT OF THE PAPILLION CREEK WATERSHED PARTNERSHIP INTERLOCAL AGREEMENT

Councilmember Hale introduced and moved for the adoption of Resolution No. 14-066: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE PAPILLION CREEK WATERSHED PARTNERSHIP INTERLOCAL AGREEMENT.

WHEREAS, the City Council of the City of La Vista has determined that said Watershed Partnership is necessary; and

WHEREAS, the FY 13/14 Sewer Fund budget contains funding for the city's contribution; and

WHEREAS, this amendment to the grant provides changes to the Watershed Management Plan; and

WHEREAS, the city's master fee schedule will be amended to be consistent with the rate schedule for the Papio-Missouri River NRD fiscal years 2014-2018; and .

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska, authorizing the execution of an Amendment to the Papillion Creek Watershed Partnership Interlocal Agreement.

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

E. RESOLUTION – APPROVE INTERLOCAL COOPERATION AGREEMENT – IT SERVICES

Councilmember Hale introduced and moved for the adoption of Resolution No. 14-067: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING EXECUTION OF AN INTERLOCAL

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COOPERATION AGREEMENT BETWEEN SARPY COUNTY AND THE CITY OF LA VISTA FOR INFORMATION TECHNOLOGY SERVICES.

WHEREAS, the City Council has determined that a need exists to contract for Information Technology Services; and

WHEREAS, the City's current contract for Information Technology Services expires on June 30, 2014; and

WHEREAS, Sarpy County has the resources and technology to provide said Information Technology Services; and

WHEREAS, Sarpy County has proposed an interlocal agreement between the City of La Vista and the County for a period of three years to provide Information Technology Services to the City;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of La Vista, Nebraska, that the proposed interlocal agreement between Sarpy County and the City of La Vista regarding Information Technology Services for the City of La Vista is hereby approved subject to review by the City Attorney as to form, and that the Mayor and City Clerk are hereby authorized to execute said agreement on behalf of the City of La Vista.

Seconded by Councilmember Quick. Councilmember Thomas asked why there was such a difference in bids. Pokorny responded that it was due to different levels of service that would be provided. Councilmembers voting aye: Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

F. RESOLUTION – APPROVE APPLICATION FOR SPECIAL DESIGNATED LICENSE – LUCKY BUCKET BREWING COMPANY – BEER GARDEN – JULY 25, 2014

Councilmember Sell introduced and moved for the adoption of Resolution No. 14-068; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE SALE AND CONSUMPTION OF BEER AND DISTILLED SPIRITS AT LUCKY BUCKET BREWING COMPANY, 11941 CENTENNIAL ROAD ON JULY 25, 2014 IN CONJUNCTION WITH A BEER GARDEN.

WHEREAS, Lucky Bucket Brewing Company, 11941 Centennial Road is located within the City of La Vista; and

WHEREAS, Lucky Bucket Brewing Company has requested approval of a Special Designated Permit to sell and serve beer and distilled spirits at 11941 Centennial Road on July 25, 2014, in conjunction with a beer garden.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize the City of La Vista to proceed with the application for a "Special Designated License" from the Nebraska Liquor Control Commission to sell and serve beer and distilled spirits at Lucky Bucket Brewing Company, 11941 Centennial Road on July 25, 2014, in conjunction with a beer garden.

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

G. RESOLUTION – EMPLOYMENT AGREEMENT

Councilmember Crawford introduced and moved for the adoption of Resolution No. 14-069; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, APPROVING AN EMPLOYMENT AGREEMENT WITH KEVIN L. POKORNY FOR THE POSITION OF DIRECTOR OF ADMINISTRATIVE SERVICES.

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WHEREAS, in an effort to improve organizational shortcomings and ensure efficiency within the current resources available, the City Council of the City of La Vista has determined that a reorganization plan shall be implemented; and

WHEREAS, the reorganization plan calls for the creation of the position of Director of Administrative Services; and

WHEREAS, Kevin L. Pokorny is currently employed by the City in the position of Police Captain; and

WHEREAS, the City desires to assign Kevin L. Pokorny to the position of Director of Administrative Services.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska do hereby approve an employment agreement with Kevin L. Pokorny for the position of Director of Administrative Services and authorize the Mayor to sign said agreement.

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

H. APPROVAL OF APPOINTMENT TO FILL CITY COUNCIL VACANCY – WARD IV

Mayor stated that, with approval of the City Council he will appoint Jim Frederick to fill the City Council vacancy in Ward IV to serve the remainder of the term through 2016. Motion by Councilmember Sell to approve the Mayor's appointment. Seconded by Councilmember Quick. Councilmembers voting aye: Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

I. ADMINISTRATION OF OATH OF OFFICE CITY COUNCILMEMBER – WARD IV

Mayor Kindig administered the oath of office to Jim Frederick. Councilmember Frederick gave an overview of himself and then took his place on the Council.

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

COMMENTS FROM THE FLOOR

There were no comments from the floor.

J. EXECUTIVE SESSION – PERSONNEL; CONTRACT NEBOTIATIONS

At 7:35 p.m. Councilmember Crawford made a motion to go into executive session for the protection of an individual to discuss personnel matters and for protection of the public interest for contract negotiations. Seconded by Councilmember Thomas. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried. Mayor Kindig stated the executive session would be limited to the subject matter contained in the motion.

At 8:24 p.m. the Council came out of executive session. Councilmember Crawford made a motion to reconvene in open and public session. Seconded by Councilmember Thomas. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

COMMENTS FROM MAYOR AND COUNCIL

Comments were heard from La Vista residents Robert Fuller representing the Atheist Community and Roger Criser representing the La Vista Daze Worship Committee.

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At 8:23 p.m. Councilmember Frederick made a motion to adjourn the meeting. Seconded by Councilmember Sell. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

PASSED AND APPROVED THIS 17TH DAY OF JUNE, 2014

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk



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

DRAFT

PLANNING COMMISSION MINUTES
MAY 15, 2014

The City of La Vista Planning Commission held a meeting on Thursday, May 15, 2014, in the Harold "Andy" Anderson Council Chamber at La Vista City Hall, 8116 Park View Boulevard. Chairman John Gahan called the meeting to order at 7:00 p.m. with the following members present: Tom Miller, Mike Circo, Mike Kryzwicky, Gayle Malmquist, John Gahan, Jody Andsager and Kathleen Alexander. Members absent were: Lowell Miller. Also in attendance were Christopher Solberg, City Planner, John Kottmann, City Engineer and Diane Grobeck, Permit Technician.

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

1. Call to Order

- a. The meeting was called to order by Chairman Gahan at 7:00 p.m. Copies of the agenda and staff reports were made available to the public.

2. Approval of Meeting Minutes – April 17, 2014

- a. Malmquist moved, seconded by Kryzwicky to approve the April 17, 2014 minutes as submitted. **Ayes:** Tom Miller, Kryzwicky, Malmquist and Gahan, Andsager and Alexander. **Nays:** None. **Abstain:** Circo. **Absent:** Lowell Miller. **Motion Carried.** (6-0)

3. Old Business

None.

4. New Business

A. Discussion – Papillion Creek Watershed Partnership Interlocal Agreement

- i. **Staff Report:** Solberg explained that as the result of a regional effort to establish a plan for management of water quality and flood control in the Papillion Creek watershed, a Stormwater Element was added to Omaha's Master Plan in June of 2006 and amended in June of 2009. As part of the renewal of the Interlocal Agreement that defines the PCWP and its mission, the member communities (Bellevue, Boystown, Gretna, La Vista, Omaha, Papio-Missouri River NRD, Papillion, Ralston, and Sarpy County) are being asked to adopt the revised Implementation Plan. No changes to the policies were recommended.

Solberg reviewed both Master Plan Amendments: Changes to the Watershed Management Plan and the New 5-year Implementation Plan.

Solberg said the La Vista Master Fee Ordinance will be amended to implement the Watershed Management fee system developed by the Papio-Missouri River NRD for fiscal years 2014-2018. The rate structure was amended to meet the goal of 1/3 of structural project costs are funded through the Watershed Fees and 2/3 of structural project costs are funded by the NRD and to provide for inflation moving forward.

Kryzwicki asked how long the Watershed fees will be charged.

Solberg said 2018 is the end of the agreement and the end of the fees as listed on Exhibit G. If the PCWP agreement is renewed, new fees will be determined for the next 5 year span.

Kryzwicki asked what the developers think of the agreement.

Kottman said there has been no negative response from developers at the NRD public hearings. They realize the necessity to be in compliance with environmental regulations.

Kryzwicki asked if there are tax benefits for using low impact development.

Kottmann said no.

B. Discussion – Arterial Street Improvement Program (ASIP)

- i. **Staff Report:** Kottmann spoke about the 2004 study of roadway needs in Douglas and Sarpy Counties done by HDR, at the request of MAPA. The study determined there was a need for \$30 million per year in 2004 dollars growing to \$42 million per year by 2025. The study showed that funding falls far short of the needs if growth and development is to continue in the Omaha metro area.

The base level of federal funding to the MAPA region is \$13 million per year for transportation projects. This funding is not expected to increase and local sources of funds will be required in order to address roadway needs.

Omaha and Douglas County implemented an ASIP in 2006, Sarpy County is very close to enacting an ASIP and the City of Papillion has indicated a desire to adopt an ASIP fee as well.

Kottmann said the program open for discussion is the same program being considered by Papillion with proposed fees the same as Sarpy County and Papillion.

Kryzwicki asked if the current shortfall will continue or slow.

Kottmann answered that the \$42 million figure is a broad community based number. Within the La Vista boundaries, it's a different scenario. When some of these needs are addressed and when La Vista is fully developed, for example in the Southport area, the shortfall may tend to level off within our perimeter. But, within the Metro area, it will most likely be an ongoing problem in light of the difficulties with the Federal funding assistance.

Kryzwicki asked about the status of the beltway project that was supposed to encompass the Metro area.

Kottmann said with regard to the southern portion of the beltway, there is currently a study going on through MAPA on the Platteview Road corridor and the anticipated impact from the Highway 34 bridge across the Missouri River. However, there has been no recent discussion about the portion going around the west and north side of the Metro area.

Circo asked if the widening of Harrison Street is a project the Federal Government consider funding.

Kottmann said MAPA has created a map of priority corridors with rating levels of high, medium and low. Harrison Street is a medium level priority corridor.

As a point of interest, Kottmann said Omaha and Douglas County have used their ASIP fees to fund the improvements on Q Street and 156th Street. The Omaha and Douglas County program only applies in the Omaha ETJ and Douglas County, not within the city limits. Papillion's discussion is to apply the fees within the city limits and in the ETJ. Kottmann said he thinks La Vista would benefit applying the fees within the city limits and the ETJ. Southport West is within the city limits and will require a lot of traffic improvements.

Malmquist agreed with Kottmann about applying ASIP fees both within the La Vista city limits and the ETJ.

Gahan commented there are 4 options for transportation funding: developer contributions, local option sales tax, wheel tax and the state highway allocation fund or fuel taxes.

Kryzwicki said the fuel tax is the fairest because the more you drive, the more you are taxed.

Kottmann commented there are inequalities in the fuel tax with the increased use of hybrid, electric, high efficiency and alternate fuel vehicles.

5. Comments from the Floor

None.

6. Comments from the Planning Commission

None.

7. Comments from Staff

Solberg said a few firms have expressed interest in the RFP sent out for the Comprehensive Plan. The deadline is May 30, 2014. There are ongoing internal discussions about the make-up of the Consultant Selection Committee and the Steering Committee. When decided, a memo will go out to the Planning Commissioners.

8. Adjournment

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

Reviewed by Planning Commission:

Planning Commission Secretary

Planning Commission Chairperson

Approval Date

\\\Lvdcfp01\Users\Community Development\Planning Department\Planning Commission\Minutes\2014\02-20-2014 PC Minutes - Draft.Docx

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

For the eight months ended May 31, 2014

67% of the Fiscal Year



| | General Fund | | | | | | | | | | | | Debt Service Fund | | | | | Capital Fund | | | | |
|--|-----------------------|-------------------|-------------------|-----------------------|-------------|-----------------------|--------------------|-----------------------|---------------------|--------------------|------------------|----------------|--------------------|-----------|-------------------|----------|--------------------|--------------|--|--|--|--|
| | Budget | MTD | YTD | Over/(under) | % of budget | Budget | MTD | YTD | Over/(under) | Budget | MTD | YTD | Over/(under) | | | | | | | | | |
| | (12 month) | Actual | Actual | Budget | Used | | Actual | Actual | Budget | | Actual | Actual | Budget | | | | | | | | | |
| REVENUES | | | | | | | | | | | | | | | | | | | | | | |
| Property Taxes | \$ 6,549,437 | \$ 496,734 | \$ 3,584,121 | \$ (2,965,316) | 55% | \$ 747,480 | \$ 66,996 | \$ 424,419 | \$ (323,061) | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | | | | |
| Sales and use taxes | 608,610 | 0 | 939,675 | 331,065 | 154% | 304,305 | - | 469,837 | 165,532 | | | | | | | | | | | | | |
| Payments in Lieu of taxes | 241,500 | 249,676 | 249,676 | 8,176 | 103% | - | 30,573 | 30,573 | 30,573 | | | | | | | | | | | | | |
| State revenue | 1,326,025 | 109,891 | 1,001,962 | (324,063) | 76% | - | - | - | - | | | | | | | | | | | | | |
| Occupation and franchise taxes | 850,000 | 80,545 | 734,108 | (115,893) | 86% | - | - | - | - | | | | | | | | | | | | | |
| Hotel Occupation Tax | 780,000 | 62,303 | 551,694 | (228,306) | 71% | - | - | - | - | | | | | | | | | | | | | |
| Licenses and permits | 394,750 | 43,374 | 397,180 | 2,430 | 101% | - | - | - | - | | | | | | | | | | | | | |
| Interest income | 12,000 | 551 | 10,624 | (1,376) | 89% | 20,000 | 210 | 4,015 | (15,985) | - | - | - | - | | | | | | | | | |
| Recreation fees | 144,000 | 16,144 | 80,847 | (63,153) | 56% | - | - | - | - | | | | | | | | | | | | | |
| Special Services | 22,000 | 391 | 15,038 | (6,962) | 68% | - | - | - | - | | | | | | | | | | | | | |
| Grant income | 209,570 | 92,023 | 224,099 | 14,529 | 107% | - | - | - | - | | | | | | | | | | | | | |
| Other | 204,000 | 13,111 | 275,244 | 71,244 | 135% | 325,000 | 14,669 | 32,633 | (292,367) | 1,178,135 | 5,644 | 175,364 | (1,002,771) | | | | | | | | | |
| Total Revenues | 11,341,892 | 1,164,741 | 8,064,266 | (3,277,626) | 71% | 1,396,785 | 112,447 | 961,476 | (435,309) | 1,253,135 | 53,330 | 316,232 | (936,903) | | | | | | | | | |
| EXPENDITURES | | | | | | | | | | | | | | | | | | | | | | |
| Current: | | | | | | | | | | | | | | | | | | | | | | |
| Mayor and Council | 182,737 | 13,563 | 67,941 | (114,796) | 37% | - | - | - | - | - | - | - | - | - | - | - | - | - | | | | |
| Boards & Commissions | 15,220 | 812 | 5,737 | (9,483) | 38% | - | - | - | - | - | - | - | - | - | - | - | - | - | | | | |
| Public Buildings & Grounds | 586,144 | 39,486 | 298,169 | (287,975) | 51% | - | - | - | - | - | - | - | - | - | - | - | - | - | | | | |
| Administration | 887,650 | 67,595 | 526,462 | (361,188) | 59% | 90,000 | 1,044 | 5,200 | (84,800) | - | - | - | - | - | - | - | - | - | | | | |
| Police and Animal Control | 4,221,786 | 322,130 | 2,543,719 | (1,678,067) | 60% | - | - | - | - | - | - | - | - | - | - | - | - | - | | | | |
| Fire | 1,278,023 | 131,253 | 648,560 | (629,463) | 51% | - | 4,333 | 8,666 | 8,666 | - | - | - | - | - | - | - | - | - | | | | |
| Community Development | 702,611 | 29,124 | 342,108 | (360,503) | 49% | - | - | - | - | - | - | - | - | - | - | - | - | - | | | | |
| Public Works | 3,313,165 | 245,768 | 1,900,947 | (1,412,218) | 57% | - | - | - | - | - | - | - | - | - | - | - | - | - | | | | |
| Recreation | 688,607 | 43,264 | 330,001 | (358,606) | 48% | - | - | - | - | - | - | - | - | - | - | - | - | - | | | | |
| Library | 710,990 | 58,873 | 432,974 | (278,016) | 61% | - | - | - | - | - | - | - | - | - | - | - | - | - | | | | |
| Human Resources | 479,186 | 13,291 | 403,818 | (75,368) | 84% | - | - | - | - | - | - | - | - | - | - | - | - | - | | | | |
| Special Services & Tri-City Bus | 86,177 | 5,515 | 46,023 | (40,154) | 53% | - | - | - | - | - | - | - | - | - | - | - | - | - | | | | |
| Capital outlay | 410,468 | 5,500 | 8,700 | (401,768) | 2% | - | - | - | - | - | - | - | - | 2,528,628 | 53,331 | 316,233 | (2,212,395) | | | | | |
| Debt service: (Warrants) | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | | | | |
| Principal | - | - | - | - | - | 2,795,000 | - | 2,540,000 | (255,000) | - | - | - | - | - | - | - | - | - | | | | |
| Interest | - | - | - | - | - | 760,648 | 127,791 | 593,712 | (166,936) | - | - | - | - | - | - | - | - | - | | | | |
| Total Expenditures | 13,562,764 | 976,173 | 7,555,158 | (6,007,606) | 56% | 3,645,648 | 133,168 | 3,147,578 | (498,070) | 2,528,628 | 53,331 | 316,233 | (2,212,395) | | | | | | | | | |
| EXCESS OF REVENUES OVER (UNDER) EXPENDITURES | (2,220,872) | 188,568 | 509,108 | (2,729,980) | -23% | (2,248,863) | (20,721) | (2,186,102) | (62,761) | (1,275,493) | (1) | (1) | (1,275,492) | | | | | | | | | |
| OTHER FINANCING SOURCES (USES) | | | | | | | | | | | | | | | | | | | | | | |
| Operating transfers in (out) | (988,545) | - | - | 988,545 | - | (264,070) | - | - | - | 264,070 | 1,275,493 | - | - | - | - | - | (1,275,493) | | | | | |
| Bond/registered warrant proceeds | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | | | | |
| Total other Financing Sources (Uses) | (988,545) | - | - | 988,545 | - | (264,070) | - | - | - | 264,070 | 1,275,493 | - | - | - | - | - | (1,275,493) | | | | | |
| EXCESS OF REVENUES AND OTHER FINANCING SOURCES OVER (UNDER) EXPENDITURES AND OTHER FINANCING USES | \$ (3,209,417) | \$ 188,568 | \$ 509,108 | \$ (3,718,525) | - | \$ (2,512,933) | \$ (20,721) | \$ (2,186,102) | \$ (326,830) | \$ (1) | \$ (1) | \$ (1) | \$ 1 | | | | | | | | | |
| FUND BALANCE, Beginning of the Year | | | | 8,269,430 | | | | | 5,620,155 | | | | | | 536,600 | | | | | | | |
| FUND BALANCES, End of the Year | | | | \$ 8,778,538 | | | | | \$ 3,434,053 | | | | | | \$ 536,599 | | | | | | | |

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

BUDGET AND ACTUAL

For the eight months ended May 31, 2014

67% of the Fiscal Year

| | Sewer Fund | | | | | | Golf Course Fund | | | | | |
|---|--------------------|--------------------|---------------------|---------------------------|---------------------|--------------------|------------------|---------------------|---------------------------|---------------------|------|---|
| | | | | | | | | | | | | |
| | Budget | MTD Actual | YTD Actual | Over (Under) Budget | % of Budget Used | Budget | MTD Actual | YTD Actual | Over (Under) Budget | % of Budget Used | | |
| REVENUES | | | | | | | | | | | | |
| User fees | \$ 2,791,778 | \$ 171,286 | \$ 1,624,673 | \$ (1,167,105) | 58% | \$ 188,000 | \$ 28,573 | \$ 77,319 | \$ (110,681) | 41% | | |
| Service charge and hook-up fees | 125,000 | 9,900 | 94,723 | (30,277) | 76% | | | | | | | |
| Merchandise sales | - | - | 24,233 | 151 | n/a | 34,500 | 6,583 | 15,579 | (18,921) | 45% | | |
| Grant | 24,082 | - | - | - | - | - | - | - | - | - | | |
| Miscellaneous | 200 | 30 | 1,056 | 856 | 528% | 300 | 198 | 362 | - | - | 121% | |
| Total Revenues | 2,941,060 | 181,216 | 1,744,685 | (1,196,375) | 59% | 222,800 | 35,354 | 93,260 | (129,602) | 42% | | |
| EXPENDITURES | | | | | | | | | | | | |
| General Administrative | 561,335 | 41,666 | 312,644 | (248,691) | 56% | - | - | - | - | - | - | - |
| Cost of merchandise sold | - | - | - | - | - | 27,214 | 6,983 | 19,340 | (7,874) | 71% | | |
| Maintenance | 2,392,369 | 152,266 | 933,875 | (1,458,494) | 39% | 163,369 | 12,915 | 79,784 | (83,585) | 49% | | |
| Production and distribution | - | - | - | - | - | 154,719 | 10,202 | 76,841 | (77,878) | 50% | | |
| Capital Outlay | 20,000 | - | - | (20,000) | 0% | 32,000 | - | - | (32,000) | 0% | | |
| Debt Service: | | | | | | | | | | | | |
| Principal | - | - | - | - | - | 125,000 | - | 125,000 | - | 100% | | |
| Interest | - | - | - | - | - | 3,406 | - | 3,406 | - | 100% | | |
| Total Expenditures | 2,973,704 | 193,932 | 1,246,519 | (1,727,185) | 42% | 505,708 | 30,100 | 304,370 | (201,338) | 60% | | |
| OPERATING INCOME (LOSS) | (32,644) | (12,716) | 498,166 | (530,810) | - | (282,908) | 5,254 | (211,111) | 71,735 | - | | |
| NON-OPERATING REVENUE (EXPENSE) | | | | | | | | | | | | |
| Interest income | 3,000 | 68 | 2,036 | (964) | 68% | 25 | 7 | 71 | 46 | 283% | | |
| | <u>3,000</u> | <u>68</u> | <u>2,036</u> | <u>(964)</u> | <u>68%</u> | <u>25</u> | <u>7</u> | <u>71</u> | <u>46</u> | <u>283%</u> | | |
| INCOME (LOSS) BEFORE OPERATING TRANSFERS | (29,644) | (12,647) | 500,203 | (529,847) | - | (282,883) | 5,260 | (211,040) | 71,843 | - | | |
| OTHER FINANCING SOURCES (USES) | | | | | | | | | | | | |
| Operating transfers in (out) | - | - | - | - | - | 250,000 | - | - | (250,000) | 0% | | |
| NET INCOME (LOSS) | \$ (29,644) | \$ (12,647) | \$ 500,203 | \$ (529,847) | - | \$ (32,883) | \$ 5,260 | \$ (211,040) | \$ 178,157 | - | | |
| NET ASSETS, Beginning of the year | | | <u>6,506,978</u> | | | | | | <u>456,694</u> | | | |
| NET ASSETS, End of the year | | | <u>\$ 7,007,181</u> | | | | | | <u>\$ 245,654</u> | | | |



U

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

A.5
INVOICE

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

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

CITY OF LA VISTA
JOHN KOTTMANN
8116 PARKVIEW BOULEVARD
LA VISTA, NE 68128

Invoice number 104513
Date 05/27/2014

Project 0171-408 THOMPSON CREEK PHASE 1

Professional Services from March 31, 2014 through May 04, 2014

P.O. #14-0098

| Description | Current Billed |
|--|----------------|
| Additional Services-Rain Garden/Inlet Design | 974.20 |
| Total | 974.20 |

Invoice total 974.20

Aging Summary

| Invoice Number | Invoice Date | Outstanding | Current | Over 30 | Over 60 | Over 90 | Over 120 |
|----------------|--------------|-------------|---------|---------|---------|---------|----------|
| 104513 | 05/27/2014 | 974.20 | 974.20 | | | | |
| | Total | 974.20 | 974.20 | 0.00 | 0.00 | 0.00 | 0.00 |

Terms Net 30 Days. A Finance Charge of 1 1/2% Per Month (18% per Annum) Will Be Charged on Past Due Accounts. Also Liable for all Legal and Collection Fees.

O.K. to pay

05.71.0872.02 (NDEQ)

✓JMK
5-30-2014

Consent Agenda 6/17/14.ppt

CITY OF LA VISTA

Invoice number 104513

Demonstration Projects

Invoice date 05/27/2014

Page 1



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

AL
INVOICE

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

CITY OF LA VISTA
JOHN KOTTMANN
8116 PARKVIEW BOULEVARD
LA VISTA, NE 68128

Invoice number 104511
Date 05/27/2014

Project 0171-408 THOMPSON CREEK PHASE 1

Professional Services from March 31, 2014 through May 04, 2014

P.O. #14-0098

| Description | Current Billed |
|--|-----------------|
| Additional Services-Construction Staking/Survey Control for OPPD | 233.75 |
| Additional Services - Engineering Design and Meetings for OPPD. | 2,088.50 |
| Total | 2,322.25 |

Invoice total **2,322.25**

Aging Summary

| Invoice Number | Invoice Date | Outstanding | Current | Over 30 | Over 60 | Over 90 | Over 120 |
|----------------|--------------|-------------|----------|---------|---------|---------|----------|
| 104511 | 05/27/2014 | 2,322.25 | 2,322.25 | | | | |
| | Total | 2,322.25 | 2,322.25 | 0.00 | 0.00 | 0.00 | 0.00 |

Terms Net 30 Days. A Finance Charge of 1 1/2% Per Month (18% per Annum) Will Be Charged on Past Due Accounts. Also Liable for all Legal and Collection Fees.

O. K. to pay
05.21.0855.02
JMK
5-30-2014

Consent Agenda 6/17/14

CITY OF LA VISTA

not part of channel design fee tot.

Invoice number 104511

Invoice date 05/27/2014

Page 1



U

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

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

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

CITY OF LA VISTA
JOHN KOTTMANN
8116 PARKVIEW BOULEVARD
LA VISTA, NE 68128

Invoice number 104510
Date 05/27/2014
Project 0171-408 THOMPSON CREEK PHASE 1

Professional Services through May 04, 2014

P.O. #14-0098

9 Element Watershed Plan

| Description | Current Billed |
|---|----------------|
| Subconsultant Services - Applied Ecological Services | 685.00 |
| Total | 685.00 |

Invoice total 685.00

Aging Summary

| Invoice Number | Invoice Date | Outstanding | Current | Over 30 | Over 60 | Over 90 | Over 120 |
|----------------|--------------|-------------|---------|---------|---------|---------|----------|
| 104510 | 05/27/2014 | 685.00 | 685.00 | | | | |
| | Total | 685.00 | 685.00 | 0.00 | 0.00 | 0.00 | 0.00 |

Terms Net 30 Days. A Finance Charge of 1 1/2% Per Month (18% per Annum) Will Be Charged on Past Due Accounts. Also Liable for all Legal and Collection Fees.

O.K. to pay

05.71.0872.01 (NDEQ)

EFMK

5-30-2014

Consent Agenda 1/14.p6

Not part of channel project fee.



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

Please remit to:

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

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

CITY OF LA VISTA
JOHN KOTTMANN
8116 PARKVIEW BOULEVARD
LA VISTA, NE 68128

Invoice number 104512
Date 05/27/2014

Project 0171-408 THOMPSON CREEK PHASE 1

Professional Services from March 31, 2014 through May 04, 2014

P.O. #14-0098

| Description | Current Billed |
|------------------------------------|----------------|
| Task A-Project Start-up | 0.00 |
| Task B-Design Development | 0.00 |
| Task C-Construction Documentation | 375.00 |
| Task D-Phase 2 Grant Acquisition | 0.00 |
| Task E-Pre-Construction Monitoring | 343.75 |
| | Total 718.75 |

Invoice total 718.75

Aging Summary

| Invoice Number | Invoice Date | Outstanding | Current | Over 30 | Over 60 | Over 90 | Over 120 |
|----------------|--------------|-------------|---------|---------|---------|---------|----------|
| 104512 | 05/27/2014 | 718.75 | 718.75 | | | | |
| | Total | 718.75 | 718.75 | 0.00 | 0.00 | 0.00 | 0.00 |

Terms Net 30 Days. A Finance Charge of 1 1/2% Per Month (18% per Annum) Will Be Charged on Past Due Accounts. Also Liable for all Legal and Collection Fees.

O.K. to pay

05.71.0871.02 (NET)

JK

5-30-2014

Consent Agenda 6/17/14 *jk*

CITY OF LA VISTA

Invoice number 104512

Invoice date 05/27/2014



FELSBURG
HOLT &
ULLEVIG
connecting and enhancing communities

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

March 18, 2014
Project No: 109025-01
Invoice No: 11341

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

Project 109025-01 La Vista Quiet Zone Final Design
Professional Services for the Period: February 01, 2014 to February 28, 2014

Professional Personnel

| | Hours | Rate | Amount |
|--------------------------------|-------|--------|-----------------|
| Principal II Anderson, Kyle | 1.00 | 195.00 | 195.00 |
| Associate Haden, Richard | 4.50 | 165.00 | 742.50 |
| Administrative Strub, Mary | 3.50 | 80.00 | 280.00 |
| Labor | 9.00 | | 1,217.50 |
| Total Labor | | | 1,217.50 |

In-House Units

| | | |
|-----------------------|-------------------------|-------------------|
| B&W Printing | 1.0 B&W Print @ 0.08 | .08 |
| Color Printing | 191.0 Prints @ 0.19 | 36.29 |
| Total In-House | 1.1 times | 36.37 |
| | TOTAL AMOUNT DUE | \$1,257.51 |

Billed-To-Date Summary

| | Current | Prior | Total |
|---------------|-----------------|------------------|------------------|
| Labor | 1,217.50 | 15,670.00 | 16,887.50 |
| In-House | 40.01 | 103.92 | 143.93 |
| Totals | 1,257.51 | 15,773.92 | 17,031.43 |

Invoice is due upon receipt.

Project Manager Kyle Anderson

OK to pay
05.71.0824.02
JMK
6-10-2014

Consent Agenda 6/17/14 (ab)

Invoice is due upon receipt.

A-10

University of Nebraska-Lincoln

Attention Doug Golick

103 Entomology Hall
Lincoln, NE 68583-0816
Phone 402-472-8687 Fax 402-472-4687

DATE: 6/11/2014
INVOICE # 61114
FOR: Thompson Creek
Invertebrate
Project

Bill To:

La Vista Public Works
9900 Portal Rd
La Vista, NE 68128

| DESCRIPTION | AMOUNT |
|---|------------------|
| May aquatic invertebrate ID 14 hours @ \$51.73/hr | 724.22 |
| TOTAL | \$ 724.22 |

Make all checks payable to University of Nebraska-Lincoln
If you have any questions concerning this invoice, contact Marissa Kemp 472-8687 mkemp2@unl.edu

THANK YOU FOR YOUR BUSINESS!

O.K. to pay
02.43.0505
Thompson Cr. Project
MK
6-12-2014

A-II**INVOICE**

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

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

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

CITY OF LA VISTA
JOHN KOTTMANN
8116 PARKVIEW BOULEVARD
LA VISTA, NE 68128

Invoice number 104829
Date 06/10/2014
Project 0171-406 120TH AND GILES ROAD
TRAFFIC SIGNAL

Professional Services from May 5, 2014 through June 01, 2014

P. O. #13-0097

Additional Topographic Survey and Design Services Performed by
TD2 to Complete Design Documents

For Remaining Amount Due on Felsburg Holt & Ullevig Proposal
Plus \$1,000 Additional Amount Agreed to by City for Additional Services.

| Description | Current Billed |
|---|------------------------|
| Engineering and Surveying Services | 1,500.00 |
| Sub-consultant Services - Felsburg, Holt & Ullevig | 1,519.59 |
| | Total 3,019.59 |
| | Invoice total 3,019.59 |

Aging Summary

| Invoice Number | Invoice Date | Outstanding | Current | Over 30 | Over 60 | Over 90 | Over 120 |
|----------------|--------------|-------------|----------|---------|---------|---------|----------|
| 104829 | 06/10/2014 | 3,019.59 | 3,019.59 | | | | |
| | Total | 3,019.59 | 3,019.59 | 0.00 | 0.00 | 0.00 | 0.00 |

Terms Net 30 Days. A Finance Charge of 1 1/2% Per Month (18% per Annum) Will Be Charged on Past Due Accounts. Also Liable for all Legal and Collection Fees.

O.K. to pay
05.11.0858.02
JMK
6-12-2014



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

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

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

CITY OF LA VISTA
JOHN KOTTMANN
8116 PARKVIEW BOULEVARD
LA VISTA, NE 68128

Invoice number 104830
Date 06/10/2014
Project 0171-410 124TH CIRCLE AND
HARRISON STREET TRAFFIC SIGNAL

Professional Services from April 21, 2014 through May 25, 2014

| Description | Current Billed |
|-----------------------------|-----------------|
| Topographic Survey | 0.00 |
| Engineering Services | 1,560.25 |
| Total | 1,560.25 |

Invoice total **1,560.25**

Aging Summary

| Invoice Number | Invoice Date | Outstanding | Current | Over 30 | Over 60 | Over 90 | Over 120 |
|----------------|--------------|-------------|----------|---------|---------|---------|----------|
| 104830 | 06/10/2014 | 1,560.25 | 1,560.25 | | | | |
| | Total | 1,560.25 | 1,560.25 | 0.00 | 0.00 | 0.00 | 0.00 |

Terms Net 30 Days. A Finance Charge of 1 1/2% Per Month (18% per Annum) Will Be Charged on Past Due Accounts. Also Liable for all Legal and Collection Fees.

OK. to pay
05.71.0879.02
JMK
6-12-2014



**LA VISTA POLICE DEPARTMENT
INTER-DEPARTMENT MEMO**

TO: Pam Buethe, City Clerk

FROM: Chief Robert S. Lausten

DATE: May 29, 2014

RE: LOCAL BACKGROUND- LIQUOR LICENSE- MANAGER-AVP
ENERGY L.L.C. DBA SINCLAIR GAS STATION

CC:

The police department conducted a check of computerized records regarding the applicant for the Manager application, Phyllis Reiser (AVP ENERGY L.L.C., DBA SINCLAIR GAS STATION). Reiser has no entries in Nebraska.



Dave Heineman
Governor

STATE OF NEBRASKA

NEBRASKA LIQUOR CONTROL COMMISSION

Robert B. Rupe
Executive Director
301 Centennial Mall South, 5th Floor
P.O. Box 95046
Lincoln, Nebraska 68509-5046
Phone (402) 471-2571
Fax (402) 471-2814 or (402) 471-2374
TRS USER 800 833-7352 (TTY)
web address: <http://www.lcc.ne.gov/>

May 28, 2014

LA VISTA CITY CLERK
8116 PARK VIEW BLVD
LA VISTA NE 68128 2198

RE: Manager Application Phyllis Reiser

LICENSE #B-88429

Dear Clerk:

Enclosed is a copy of a manager application for Phyllis Reiser in connection with AVP Energy #5, located in La Vista.

Please present this application for manager to your City/Village Council or County Commissioners and send us the results of their action.

Sincerely,

A handwritten signature in cursive ink that reads "Jacqueline Rodriguez".

Jacqueline Rodriguez
Licensing Division
NEBRASKA LIQUOR CONTROL COMMISSION
402-471-2571

encl.

Janice M. Wiebusch
Commissioner

Robert Batt
Chairman

William F. Austin
Commissioner

**MANAGER APPLICATION
INSERT - FORM 3c**

NEBRASKA LIQUOR CONTROL COMMISSION
301 CENTENNIAL MALL SOUTH
PO BOX 95046
LINCOLN, NE 68509-5046
PHONE: (402) 471-2571
FAX: (402) 471-2814
Website: www.lcc.ne.gov

Office Use

RECEIVED

MAY 5 2014

**NEBRASKA LIQUOR
CONTROL COMMISSION**

MUST BE:

- Citizen of the United States. Include copy of US birth certificate, naturalization paper or current US passport
- Nebraska resident. Include copy of voter registration in the State of Nebraska
- Fingerprinted. Two cards per person, fees of \$38 per person, made payable to Nebraska State Patrol. If printed at NSP mail check only.
- 21 years of age or older

Corporation/LLC information

Name of Corporation/LLC: AVP Energy LLC

Premise information

Liquor License Number: 088419 (if new application leave blank) Class Type B

Premise Trade Name/DBA: Sinclair (AVP #5)

Premise Street Address: 8307 Park View Blvd

City: La Vista County: Sarpy Zip Code: 68128

Premise Phone Number: 402-331-4145

Email address: _____

The individual whose name is listed as a corporate officer or managing member as reported on insert form 3a or 3b or listed with the Commission. Click on this link to see authorized individuals.
http://www.lcc.ne.gov/license_search/licsearch.cgi

James M. Borg
SIGNATURE REQUIRED BY CORPORATE OFFICER / MANAGING MEMBER
(Faxed signatures are acceptable)

Last Name: Reiser First Name: Phyllis MI: M

Home Address (include PO Box if applicable): 12954 Corby Street

City: Omaha County: Douglas Zip Code: 68164

Home Phone Number: 402-496-3235 Business Phone Number: _____

Social Security Number: _____ Drivers License Number & State: 601271583 NE

Date Of Birth: 06-13-1936 Place Of Birth: Omaha, NE

Email address: _____

RECEIVED

MAY 6 2014

YES

NO

NEBRASKA LIQUOR

CONTROL COMMISSION

Spouses Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Drivers License Number & State: _____

Date Of Birth: _____ Place Of Birth: _____

| CITY & STATE | YEAR FROM | YEAR TO | CITY & STATE | YEAR FROM | YEAR TO |
|------------------------------|-------------|----------------|--------------|-----------|---------|
| <u>12954 Corby Omaha, NE</u> | <u>1980</u> | <u>Present</u> | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

| YEAR FROM TO | NAME OF EMPLOYER | NAME OF SUPERVISOR | TELEPHONE NUMBER |
|-----------------|------------------|--------------------|---------------------|
| 2014 Present | AVP Energy | Seth Hendrix | 918-307-2225 |
| 1977 1997 | VA Hospital | Joan Gratz | 608-451-5796 |

1. READ CAREFULLY. ANSWER COMPLETELY AND ACCURATELY.

Must be completed by both applicant and spouse, unless spouse has filed an affidavit of non-participation.

Has anyone who is a party to this application, or their spouse, EVER been convicted of or plead guilty to any charge. Charge means any charge alleging a felony, misdemeanor, violation of a federal or state law; a violation of a local law, ordinance or resolution. List the nature of the charge, where the charge occurred and the year and month of the conviction or plea. Also list any charges pending at the time of this application. If more than one person, please list charges by each individual's name.

YES NO

MAY 5 2014

RECEIVED
**NEBRASKA LIQUOR
CONTROL COMMISSION**

| Name of Applicant | Date of Conviction (mm/yyyy) | Where Convicted (City & State) | Description of Charge | Disposition |
|-------------------|---------------------------------|-----------------------------------|-----------------------|-------------|
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

2. Have you or your spouse ever been approved or made application for a liquor license in Nebraska or any other state?

YES NO

IF YES, list the name of the premise(s):

3. Do you, as a manager, qualify under Nebraska Liquor Control Act (§53-131.01) and do you intend to supervise, in person, the management of the business?

YES NO

4. List the alcohol related training and/or experience (when and where) of the person making application.

*NLCC Training Certificate Issued: _____ Name on Certificate: _____

| Applicant Name | Date (mm/yyyy) | Name of program (attach copy of certificate) |
|----------------|-------------------|---|
| | | RECEIVED |
| | | MAY 5 2014 |
| | | NEBRASKA LIQUOR CONTROL COMMISSION |
| | | |
| | | |
| | | |

*For list of NLCC Certified Training Programs see www.lcc.ne.gov/traininginfo.html

Experience:

| Applicant Name / Job Title | Date of Employment: | Name & Location of Business: |
|----------------------------|---------------------|--|
| Phyllis Reiser Head Nurse | 1977 to 1997 | VA Nebraska-Western Iowa Health Care System 4101 Wadsworth Ave Omaha, NE 68105 |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

5. Have you enclosed the required fingerprint cards and PROPER FEES with this application?
(Check or money order made payable to the Nebraska State Patrol for \$38.00 per person)

YES NO

The above individual(s), being first duly sworn upon oath, deposes and states that the undersigned is the applicant and/or spouse of applicant who makes the above and foregoing application that said application has been read and that the contents thereof and all statements contained therein are true. If any false statement is made in any part of this application, the applicant(s) shall be deemed guilty of perjury and subject to penalties provided by law. (Sec §53-131.01) Nebraska Liquor Control Act.

The undersigned applicant hereby consents to an investigation of his/her background including all records of every kind and description including police records, tax records (State and Federal), and bank or lending institution records, and said applicant and spouse waive any rights or causes of action that said applicant or spouse may have against the Nebraska Liquor Control Commission and any other individual disclosing or releasing said information to the Nebraska Liquor Control Commission. If spouse has NO interest directly or indirectly, a spousal affidavit of non participation may be attached.

The undersigned understand and acknowledge that any license issued, based on the information submitted in this application, is subject to cancellation if the information contained herein is incomplete, inaccurate, or fraudulent.



Signature of Manager Applicant



Signature of Spouse

ACKNOWLEDGEMENT

State of Nebraska

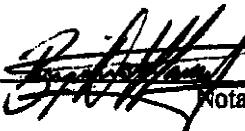
County of Douglas

The foregoing instrument was acknowledged before me this

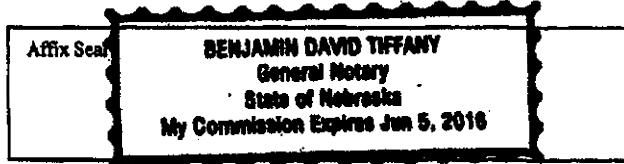
28th day of April 2014
date

by Phyllis M. Reisen

name of person acknowledged



Notary Public signature



In compliance with the ADA, this application is available in other formats for persons with disabilities. A ten day advance period is required in writing to produce the alternate format.

Form 103
Rev 9/2013
Page 6 of 6

RECEIVED

MAY 5 2014

NEBRASKA LIQUOR
CONTROL COMMISSION

DEPARTMENT OF
HEALTH AND
REHABILITATION
SERVICES
ORIGINAL REC-
ORDS
BUREAU OF VITAL
STATISTICS
VITAL RECORDS

RECORDED
BY STATE REGISTRAR

5-10-1972

RECEIVED
MAY 5 2014
NEBRASKA LIQUOR
CONTROL COMMISSION

4-26-08

RECEIVED

MAY 5 2014

NEBRASKA LIQUOR
CONTROL COMMISSION

In Person: March 21, 2012

From: Mike Phillips M.Police
Street: 12040 Center St.
City: Omaha NE 68104

King Place:

Neighborhood Estates Clubhouse
Amen Room
120th Building Plaza
Omaha NE 68104
Hancock Law South Entrance

Page: 18
Where: 07
Phone: 402-444-6812
Select Type: OI

| FORUM/VOTE POLL HERE | | U.S. House of Rep | | U.S. Senate | | Legislature | | Local | |
|-------------------------------|-------|-------------------|---|--------------------|---|-------------|---|-------|---|
| Mayor | Omaha | 3 | 1 | City Council | 1 | 7 | 0 | 0 | 0 |
| Gov of Regents | 3 | 1 | 1 | State Bd of Eq | 1 | 8 | 0 | 0 | 0 |
| NRD | 3 | 1 | 1 | MUD | 1 | 7 | 0 | 0 | 0 |
| Neuro CC | 3 | 1 | 1 | OPPO | 1 | 7 | 0 | 0 | 0 |
| ESU | None | 1 | 1 | Learning Community | 1 | 7 | 0 | 0 | 0 |
| Public Serv Comm | 2 | 1 | 1 | Supreme Court | 2 | 7 | 0 | 0 | 0 |
| County Comm | 4 | 1 | 1 | Appellate Court | 2 | 7 | 0 | 0 | 0 |
| School District Omaha Sub 812 | 2 | 1 | 1 | | | 7 | 0 | 0 | 0 |

* Polls are open on Election Day from 8:00 a.m. to 8:00 p.m. *

APCHCKRP Tue Jun 17, 2014 9:03 AM
02.05.13

**** City of LaVista
ACCOUNTS PAYABLE CHECK REGISTER

OPER: AKH

PAGE 1

AH

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

1 Bank of Nebraska (600-873)

46336 Payroll Checks

Thru 46344

46345 Gap in Checks

Thru 114756

| | | | | |
|--------|-----------|-------------------------------------|------------|------------------------|
| 114757 | 6/04/2014 | 3702 LAUGHLIN, KATHLEEN A, TRUSTEE | 437.00 | **MANUAL** |
| 114758 | 6/04/2014 | 4867 VAN RU CREDIT CORPORATION | 53.05 | **MANUAL** |
| 114759 | 6/04/2014 | 2479 UNIVERSITY OF NEBRASKA-OMAHA | 6,987.83 | **MANUAL** |
| 114760 | 6/04/2014 | 3739 FELSBURG HOLT & ULLEVIG | 3,755.27 | **MANUAL** |
| 114761 | 6/04/2014 | 1194 QUALITY BRANDS OF OMAHA | 309.70 | **MANUAL** |
| 114762 | 6/09/2014 | 2930 REPUBLIC NATIONAL DISTR CO LLC | 101.25 | **MANUAL** |
| 114763 | 6/17/2014 | 4545 4 SEASONS AWARDS | 81.00 | |
| 114764 | 6/17/2014 | 4354 A-RELIEF SERVICES INC | 1,696.50 | |
| 114765 | 6/17/2014 | 3983 ABE'S PORTABLES INC | 257.43 | |
| 114766 | 6/17/2014 | 886 ACCURATE TESTING INC | 245.00 | |
| 114767 | 6/17/2014 | 571 ALAMAR UNIFORMS | 757.71 | |
| 114768 | 6/17/2014 | 536 ARAMARK UNIFORM SERVICES INC | 30.04 | |
| 114769 | 6/17/2014 | 3980 ART F/X SCREEN PRINTING & | .00 | **CLEARED** **VOIDED** |
| 114770 | 6/17/2014 | 3980 ART F/X SCREEN PRINTING & | 784.25 | |
| 114771 | 6/17/2014 | 2945 AVI SYSTEMS INC | 490.47 | |
| 114772 | 6/17/2014 | 201 BAKER & TAYLOR BOOKS | 2,326.26 | |
| 114773 | 6/17/2014 | 1839 BCDM-BERINGER CIACCIO DENNELL | 805.34 | |
| 114774 | 6/17/2014 | 929 BEACON BUILDING SERVICES | 1,430.00 | |
| 114775 | 6/17/2014 | 4781 BISHOP BUSINESS EQUIPMENT | 1,209.33 | |
| 114776 | 6/17/2014 | 196 BLACK HILLS ENERGY | 40.36 | |
| 114777 | 6/17/2014 | 1242 BRENTWOOD AUTO WASH | 141.00 | |
| 114778 | 6/17/2014 | 4494 BRIDGESTONE GOLF INC | 150.00 | |
| 114779 | 6/17/2014 | 117 BRODART COMPANY | 187.34 | |
| 114780 | 6/17/2014 | 4058 CALENTINE, JEFFREY | 390.88 | |
| 114781 | 6/17/2014 | 2625 CARDMEMBER SERVICE-ELAN | .00 | **CLEARED** **VOIDED** |
| 114782 | 6/17/2014 | 2625 CARDMEMBER SERVICE-ELAN | .00 | **CLEARED** **VOIDED** |
| 114783 | 6/17/2014 | 2625 CARDMEMBER SERVICE-ELAN | .00 | **CLEARED** **VOIDED** |
| 114784 | 6/17/2014 | 2625 CARDMEMBER SERVICE-ELAN | .00 | **CLEARED** **VOIDED** |
| 114785 | 6/17/2014 | 2625 CARDMEMBER SERVICE-ELAN | .00 | **CLEARED** **VOIDED** |
| 114786 | 6/17/2014 | 2625 CARDMEMBER SERVICE-ELAN | .00 | **CLEARED** **VOIDED** |
| 114787 | 6/17/2014 | 2625 CARDMEMBER SERVICE-ELAN | .00 | **CLEARED** **VOIDED** |
| 114788 | 6/17/2014 | 2625 CARDMEMBER SERVICE-ELAN | .00 | **CLEARED** **VOIDED** |
| 114789 | 6/17/2014 | 2625 CARDMEMBER SERVICE-ELAN | 7,979.07 | |
| 114790 | 6/17/2014 | 4923 CENTRAL STATES PETROLEUM | 16,451.12 | |
| 114791 | 6/17/2014 | 219 CENTURY LINK | 71.53 | |
| 114792 | 6/17/2014 | 152 CITY OF OMAHA | 272,463.70 | |
| 114793 | 6/17/2014 | 83 CJ'S HOME CENTER | .00 | **CLEARED** **VOIDED** |
| 114794 | 6/17/2014 | 83 CJ'S HOME CENTER | .00 | **CLEARED** **VOIDED** |
| 114795 | 6/17/2014 | 83 CJ'S HOME CENTER | .00 | **CLEARED** **VOIDED** |
| 114796 | 6/17/2014 | 83 CJ'S HOME CENTER | .00 | **CLEARED** **VOIDED** |
| 114797 | 6/17/2014 | 83 CJ'S HOME CENTER | .00 | **CLEARED** **VOIDED** |
| 114798 | 6/17/2014 | 83 CJ'S HOME CENTER | .00 | **CLEARED** **VOIDED** |
| 114799 | 6/17/2014 | 83 CJ'S HOME CENTER | 1,700.08 | |

BANK NO BANK NAME

CHECK NO

DATE

VENDOR NO VENDOR NAME

CHECK AMOUNT

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MANUAL

| | | | |
|--------|-----------|-------------------------------------|----------------------------|
| 114800 | 6/17/2014 | 3176 COMP CHOICE INC | 150.00 |
| 114801 | 6/17/2014 | 4705 COMSEARCH | 400.00 |
| 114802 | 6/17/2014 | 2158 COX COMMUNICATIONS | .00 **CLEARED** **VOIDED** |
| 114803 | 6/17/2014 | 2158 COX COMMUNICATIONS | 213.00 |
| 114804 | 6/17/2014 | 23 CUMMINS CENTRAL POWER LLC | 562.12 |
| 114805 | 6/17/2014 | 3334 EDGEWEAR SCREEN PRINTING | .00 **CLEARED** **VOIDED** |
| 114806 | 6/17/2014 | 3334 EDGEWEAR SCREEN PRINTING | 1,314.00 |
| 114807 | 6/17/2014 | 4663 EN POINTE TECHNOLOGIES SALES | 3,610.20 |
| 114808 | 6/17/2014 | 2388 EXCHANGE BANK | 1,730.79 |
| 114809 | 6/17/2014 | 439 FIREGUARD INC | 54.37 |
| 114810 | 6/17/2014 | 142 FITZGERALD SCHORR BARMETTLER | 31,188.70 |
| 114811 | 6/17/2014 | 1344 GALE | 116.95 |
| 114812 | 6/17/2014 | 53 GCR TIRE CENTERS | 325.11 |
| 114813 | 6/17/2014 | 3656 GENERAL FIRE & SAFETY EQUIP CO | 120.00 |
| 114814 | 6/17/2014 | 966 GENUINE PARTS COMPANY-OMAHA | .00 **CLEARED** **VOIDED** |
| 114815 | 6/17/2014 | 966 GENUINE PARTS COMPANY-OMAHA | .00 **CLEARED** **VOIDED** |
| 114816 | 6/17/2014 | 966 GENUINE PARTS COMPANY-OMAHA | 2,204.72 |
| 114817 | 6/17/2014 | 625 H W WILSON COMPANY INC | 237.50 |
| 114818 | 6/17/2014 | 426 HANEY SHOE STORE | 102.95 |
| 114819 | 6/17/2014 | 2407 HEIMES CORPORATION | 366.33 |
| 114820 | 6/17/2014 | 4178 HERITAGE CRYSTAL CLEAN LLC | 281.12 |
| 114821 | 6/17/2014 | 892 HONEYMAN RENT-ALL #1 | 97.01 |
| 114822 | 6/17/2014 | 526 HOST COFFEE SERVICE INC | 47.80 |
| 114823 | 6/17/2014 | 376 HURST, JEAN | 128.80 |
| 114824 | 6/17/2014 | 2761 IA NE SD PRIMA CHAPTER | 340.00 |
| 114825 | 6/17/2014 | 2307 INFOGROUP | 1,250.00 |
| 114826 | 6/17/2014 | 100 JOHNSTONE SUPPLY CO | 34.16 |
| 114827 | 6/17/2014 | 2653 JONES AUTOMOTIVE INC | 167.13 |
| 114828 | 6/17/2014 | 2394 KRIHA FLUID POWER CO INC | 149.76 |
| 114829 | 6/17/2014 | 1241 LEAGUE ASSN OF RISK MGMT | 1,024.00 |
| 114830 | 6/17/2014 | 787 LERNER PUBLISHING GROUP | 14.42 |
| 114831 | 6/17/2014 | 4300 LINCOLN TENT | 275.00 |
| 114832 | 6/17/2014 | 2664 LOU'S SPORTING GOODS | 161.60 |
| 114833 | 6/17/2014 | 4560 LOWE'S CREDIT SERVICES | 119.64 |
| 114834 | 6/17/2014 | 4361 MASTER MECHANICAL SERVICE INC | 9,612.00 |
| 114835 | 6/17/2014 | 877 MATHESON TRI-GAS INC | 284.46 |
| 114836 | 6/17/2014 | 13 GWEN MELIES | 53.50 |
| 114837 | 6/17/2014 | 4943 MENARDS-RALSTON | 109.98 |
| 114838 | 6/17/2014 | 872 METROPOLITAN COMMUNITY COLLEGE | 8,509.83 |
| 114839 | 6/17/2014 | 553 METROPOLITAN UTILITIES DIST. | 897.46 |
| 114840 | 6/17/2014 | 2497 MID AMERICA PAY PHONES | 100.00 |
| 114841 | 6/17/2014 | 1526 MIDLANDS LIGHTING & ELECTRIC | 613.45 |
| 114842 | 6/17/2014 | 2299 MIDWEST TAPE | 234.43 |
| 114843 | 6/17/2014 | 2683 MLB LOGISTICS | 113.29 |
| 114844 | 6/17/2014 | 342 MUNICIPAL PIPE TOOL CO LLC | 2,051.69 |
| 114845 | 6/17/2014 | 1028 NATIONAL EVERYTHING WHOLESALE | 445.18 |
| 114846 | 6/17/2014 | 370 NEBRASKA LAW ENFORCEMENT | 100.00 |
| 114847 | 6/17/2014 | 479 NEBRASKA LIBRARY COMMISSION | 478.49 |
| 114848 | 6/17/2014 | 3973 NIKE USA INC | 45.93 |
| 114849 | 6/17/2014 | 408 NOBBIES INC | 171.27 |
| 114850 | 6/17/2014 | 179 NUTS AND BOLTS INCORPORATED | 40.11 |
| 114851 | 6/17/2014 | 1014 OFFICE DEPOT INC | 406.64 |
| 114852 | 6/17/2014 | 195 OMAHA PUBLIC POWER DISTRICT | .00 **CLEARED** **VOIDED** |

APCHCKRP
02.05.13

Tue Jun 17, 2014 9:03 AM

City of LaVista
ACCOUNTS PAYABLE CHECK REGISTER

OPER: AKH

PAGE 3

BANK NO BANK NAME

CHECK NO

DATE VENDOR NO VENDOR NAME

CHECK AMOUNT

CLEARED

VOIDED

MANUAL

| | | | | | |
|--------|-----------|------------------------------------|-----------|-------------|------------|
| 114853 | 6/17/2014 | 195 OMAHA PUBLIC POWER DISTRICT | .00 | **CLEARED** | **VOIDED** |
| 114854 | 6/17/2014 | 195 OMAHA PUBLIC POWER DISTRICT | 50,286.12 | | |
| 114855 | 6/17/2014 | 319 OMAHA WINNELSON | 194.95 | | |
| 114856 | 6/17/2014 | 167 OMNI | 2,132.26 | | |
| 114857 | 6/17/2014 | 3172 OXMOOR HOUSE | 36.91 | | |
| 114858 | 6/17/2014 | 3039 PAPILLION SANITATION | 1,013.66 | | |
| 114859 | 6/17/2014 | 976 PAPILLION TIRE INCORPORATED | 83.59 | | |
| 114860 | 6/17/2014 | 4346 PAPILLION-LA VISTA SOUTH BAND | 50.00 | | |
| 114861 | 6/17/2014 | 2686 PARAMOUNT LINEN & UNIFORM | 310.16 | | |
| 114862 | 6/17/2014 | 709 PEPSI COLA COMPANY | 861.96 | | |
| 114863 | 6/17/2014 | 3058 PERFORMANCE CHRYSLER JEEP | 144.00 | | |
| 114864 | 6/17/2014 | 962 QUINN, JEFF | 150.00 | | |
| 114865 | 6/17/2014 | 3090 REGAL AWARDS OF DISTINCTION | 222.29 | | |
| 114866 | 6/17/2014 | 4801 RICK NELSON PHOTOGRAPHY | 400.00 | | |
| 114867 | 6/17/2014 | 4133 ROTELLA'S ITALIAN BAKERY | 82.14 | | |
| 114868 | 6/17/2014 | 292 SAM'S CLUB | 2,039.01 | | |
| 114869 | 6/17/2014 | 738 SIGN IT | 960.00 | | |
| 114870 | 6/17/2014 | 533 SOUCIE, JOSEPH H JR | 424.18 | | |
| 114871 | 6/17/2014 | 505 STANDARD HEATING AND AIR COND | 3,645.00 | | |
| 114872 | 6/17/2014 | 3069 STATE STEEL OF OMAHA | 132.36 | | |
| 114873 | 6/17/2014 | 807 SUPERIOR SPA & POOL | 96.98 | | |
| 114874 | 6/17/2014 | 264 TED'S MOWER SALES & SERVICE | 2.92 | | |
| 114875 | 6/17/2014 | 9 THE CURE STARTS NOW OF NEBR | 50.00 | | |
| 114876 | 6/17/2014 | 961 TIELKE'S SANDWICHES | 31.72 | | |
| 114877 | 6/17/2014 | 4025 U S TOY COMPANY/CONSTRUCTIVE | 104.97 | | |
| 114878 | 6/17/2014 | 4979 UNITE PRIVATE NETWORKS LLC | 3,050.00 | | |
| 114879 | 6/17/2014 | 2455 UNITED RENT-ALL | 1,415.94 | | |
| 114880 | 6/17/2014 | 988 UPSTART | 20.00 | | |
| 114881 | 6/17/2014 | 3413 VERNON COMPANY | 678.14 | | |
| 114882 | 6/17/2014 | 766 VIERREGGER ELECTRIC COMPANY | 2,462.00 | | |
| 114883 | 6/17/2014 | 78 WASTE MANAGEMENT NEBRASKA | 249.58 | | |
| 114884 | 6/17/2014 | 3836 ZOO BOOKS MAGAZINE | 25.95 | | |

1044601 Payroll Checks

Thru 1062401

| | |
|-------------|------------|
| BANK TOTAL | 464,544.19 |
| OUTSTANDING | 464,544.19 |
| CLEARED | .00 |
| VOIDED | .00 |

FUND

TOTAL

OUTSTANDING

CLEARED

VOIDED

| | | | | | |
|----|--------------------|------------|------------|-----|-----|
| 01 | GENERAL FUND | 149,545.69 | 149,545.69 | .00 | .00 |
| 02 | SEWER FUND | 291,590.02 | 291,590.02 | .00 | .00 |
| 05 | CONSTRUCTION | 5,179.17 | 5,179.17 | .00 | .00 |
| 08 | LOTTERY FUND | 10,883.86 | 10,883.86 | .00 | .00 |
| 09 | GOLF COURSE FUND | 5,623.01 | 5,623.01 | .00 | .00 |
| 15 | OFF-STREET PARKING | 1,722.44 | 1,722.44 | .00 | .00 |

APCHCKRP
02.05.13

Tue Jun 17, 2014 9:03 AM

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

OPER: AKH

PAGE 4

APPROVED BY COUNCIL MEMBERS 06/17/14

COUNCIL MEMBER

CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
JUNE 17, 2014 AGENDA

| Subject: | Type: | Submitted By: |
|---------------------------------------|---|-------------------------------------|
| AMENDMENTS TO MASTER FEE ORDINANCE | RESOLUTION ◆ ORDINANCE RECEIVE/FILE | SHEILA LINDBERG FINANCE DIRECTOR |

SYNOPSIS

An ordinance has been prepared to amend Master Fee Ordinance No. 1210 to amend the Rescue Squad Fees (page 8) and to amend the Watershed Fees (page 3).

FISCAL IMPACT

N/A

RECOMMENDATION

Approval.

BACKGROUND

With the merger of the La Vista and Papillion Fire and Rescue Departments it was realized that the fees charged for rescue calls varied between the two entities. The proposed changes to the Master Fee Ordinance will make those charges consistent for La Vista and Papillion. These fees are charged and collected by Papillion so there is no fiscal impact.

The Papillion Creek Watershed agreement contains a schedule of fee amounts through FY18. The fiscal year for these fees is July 1 – June 30. Therefore our Master Fee Ordinance needs to show the new fees that will begin July 1, 2014. This is pass thru money so there is no fiscal impact.

ORDINANCE NO. 1210

AN ORDINANCE TO AMEND ORDINANCE NO. 11981210, AN ORDINANCE TO ESTABLISH THE AMOUNT OF CERTAIN FEES AND TAXES CHARGED BY THE CITY OF LA VISTA FOR VARIOUS SERVICES INCLUDING BUT NOT LIMITED TO BUILDING AND USE, ZONING, OCCUPATION, PUBLIC RECORDS, ALARMS, EMERGENCY SERVICES, RECREATION, LIBRARY, AND PET LICENSING; SEWER AND DRAINAGE SYSTEMS AND FACILITIES OF THE CITY FOR RESIDENTIAL USERS AND COMMERCIAL USERS (INCLUDING INDUSTRIAL USERS) OF THE CITY OF LA VISTA AND TO GRANDFATHER EXISTING STRUCTURES AND TO PROVIDE FOR TRACT PRECONNECTION PAYMENTS AND CREDITS; REGULATING THE MUNICIPAL SEWER DEPARTMENT AND RATES OF SEWER SERVICE CHARGES; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE THE EFFECTIVE DATE HEREOF.

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

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

BUILDING & USE FEES

(Apply inside City limits and within the Extra-territorial zoning jurisdiction)

Building Permit

(Building valuation is determined by the most current issue of the ICC Building Valuation Data)

| | |
|--|---|
| General | \$30 Base fee + see building fee schedule |
| Commercial/Industrial | \$30 Base fee + see building fee schedule |
| Plan Review Fee | |
| Commercial (non-refundable) fee (whichever is greater) | \$100 or 10% of building permit |
| Design Review (non-refundable) | |

| |
|---|
| \$1,000 Bldgs 24,999 sq. ft. or less (min. fee) (or Actual Fee Incurred) |
| \$2,000 Bldgs 25,000 – 49,999 sq. ft (min. fee) (or Actual Fee Incurred) |
| \$3,000 Bldgs 50,000 -100,000+ sq.ft. (min. fee) (or Actual Fee Incurred) |
| \$4,000 Bldgs 100,000 + sq.ft (min. fee) (or Actual Fee Incurred) |
| \$100 + Request for records fees |
| \$500 |

Rental Inspection Program

License Fees:

| | |
|---|----------------------|
| Multi-family Dwellings | \$6.00 per unit |
| Single-family Dwellings | \$50.00 per property |
| Duplex Dwellings | \$50.00 per unit |
| Additional Administrative Processing Fee (late fee) | \$100.00 |

Inspection Fees:

| | |
|---|-----------------------------|
| Primary Inspection | No charge |
| Class B Property Inspection (after primary inspection): | |
| Violation corrected | No charge |
| Violation not corrected | See Re-inspection Fee below |
| Re-inspection Fee (no show or follow up inspection) | See Re-inspection Fee below |
| Re-inspection Fee | \$50 |
| Penalty Fee | 3x Regular permit fee |

Amended Master Fee Schedule 13/14 Fiscal Year

| | |
|--|---|
| Refund Policy | 75% will be refunded when the project is cancelled or not complete within one year. No refund will be given after one year. (Sewer Hook-up Fee is 100% refunded) |
| Certificate of Occupancy | \$ 50 |
| Temporary Certificate of Occupancy | \$750 |
| Pre-occupancy fee (Occupancy without C.O.) | \$750 |
| Temporary Use Permit (includes tents, greenhouses, event structures) | \$ 50 plus \$10/day |
| Sign Permit | \$150/sign |
| Identification Sign, Incidental Sign | \$75/sign |
| Master Sign Plan (more than 1 sign) | \$250 |
| Common Sign Plan | \$250 |
| Temporary Sign Permit: Non-profit or tax exempt organization | \$0 |
| All other temporary signs | \$ 30/year |
| Tower Development Permit | \$1000 |
| Co-locates – Towers | \$100 |
| Tarp Permit (valid for 6 months) | \$ 30 |
| Solar Panel Permit | \$ 30 |
| Satellite Dish Permit | \$ 30 |
| Wading/ Swimming Pools at residence | \$ 30 |
| Dedicated Electrical circuit for pumps | \$ 30 |
| Mechanical Permits fee | \$30 Base fee + See mechanical |
| Plumbing Permits fee | \$30 Base fee + See mechanical |
| Sewer Repair Permit | \$30 |
| Backflow protector permit | \$ 30 (\$22 permit & \$8 backflow) |
| Underground Sprinklers | \$ 30 (\$22 issue fee & \$8 fixture) |
| Electrical Permits fee | \$30 Base Fee + See electrical |
| City Professional License (Plumbers, Mech. Contractors) | \$ 15 and a \$1,000,000 Liability, and a \$500,000 bodily injury insurance Certificate per each occurrence Also a \$5,000 Bond is required, naming the City as the recipient. |
| Demolition of building | \$250 plus Insurance Certificate |
| Moving Permit (buildings 120 square feet or greater) | \$250 plus Insurance Certificate |
| Sheds and Fences | \$ 30.00 |
| Sidewalks | \$ 30.00 |
| Driveway Replacement | \$ 30.00 |
| Driveway Approach w/o curb cut or grinding | \$ 30.00 |
| With curb requiring cut plus the 4' apron on each side) | |
| Contractor (Contractor performs curb cut or grind) | \$ 30.00 plus \$1.00/ft. |
| City Charge (if City performs curb cuts) permit fee) | \$50 + \$5/ft (\$40 set up fee; \$10 |
| City charge (if City performs curb grinds) permit fee) | \$50 + \$6/ft (\$40 set up fee; \$10 |
| Utility Cut Permit | \$30.00 |
| Appeal Fee Regarding Issuance or Denial of Curb Cut/Driveway Approach Construction Permit | \$250 |
| Street Paving, Surfacing, Resurfacing, Repairing, Sealing or Resealing Permit | \$ 30.00/Yearly |
| Appeal Fee Regarding Issuance or Denial of Street Paving, Resurfacing, etc. Permit | \$250 |
| <u>GRADING PERMIT FEES</u> | |
| 5 acres or less | \$ 500 |
| More than 5 acres | \$1,000 |

ZONING FEES

| | |
|--|--|
| Comprehensive Plan Amendment | \$500 |
| Zoning Map Amendment (rezoning) | \$500 |
| Zoning Text Amendment | \$500 |
| Zoning Verification Letter | \$50 |
| Subdivision Text Amendment | \$500 |
| Conditional Use Permit (1 acre or less) | \$300 |
| Conditional Use Permit (more than 1 acre) | \$500 |
| Conditional Use Permit Amendment | \$200 |
| Flood Plain Development Permit | \$500 |
| Administrative Plat – Lot Split, Lot Consolidation or Boundary Adjustment | \$750+ additional fee of \$250 for review of revised drawings |
| Preliminary Platting | \$1,000 +additional fee of \$250 for review of revised drawings |
| Final Platting | \$1000+additional fee of \$250 for review of revised drawings |
| Revised Preliminary Plat | \$500+additional fee of \$250 for review of revised drawings |
| Replat | \$1500 +additional fee of \$250 for review of revised drawings |
| Preliminary P.U.D. (includes rezoning fee) | \$1000 +additional fee of \$250 for review of revised drawings |
| Final P.U.D. | \$500+additional fee of \$250 for review of revised drawings |
| Vacation of Plat and Right of Way Vacation | \$150 |
| Variance, Appeals, Map Interpretation (B.O.A.) | \$250 |
| Watershed Fees – the following fees apply to only new developments or significant redevelopments as specified in a subdivision agreement: (fees are remitted to Papillion Creek Watershed Partnership) | |
| Single Family Residential Development (up to 4-plex) | \$750-823 per dwelling unit |
| High-Density Multi-Family Residential Development | \$3,3003,619 per gross acre* |
| Commercial/Industrial Development acre* | \$4,000-4,387 per gross |

*Computed to the nearest .01 acre.

OCCUPATION TAXES

| | |
|---|--------|
| Publication fees | \$10 |
| Class A Liquor License Holder | \$200 |
| Class B Liquor License Holder | \$200 |
| Class C Liquor License Holder | \$600 |
| Class D Liquor License Holder | \$400 |
| Class I Liquor License Holder | \$500 |
| Class L Liquor License Holder | \$500 |
| Class W Wholesale Beer License Holder | \$1000 |
| Class X Wholesale Liquor License Holder | \$1500 |
| Class Y Farm Winery License Holder | \$500 |
| Class Z Liquor License Holder | \$500 |
| Class AB Liquor License Holder | \$400 |
| Class AD Liquor License Holder | \$600 |
| Class ADK Liquor License Holder | \$800 |
| Class AK Liquor License Holder | \$400 |
| Class ABK Liquor License Holder | \$600 |

Amended Master Fee Schedule 13/14 Fiscal Year

| | |
|--|--|
| Class BK Liquor License Holder | \$400 |
| Class CK Liquor License Holder | \$800 |
| Class DK Liquor License Holder | \$600 |
| Class IB Liquor License Holder | \$700 |
| Class IBK Liquor License Holder | \$900 |
| Class ID Liquor License Holder | \$900 |
| Class IDK Liquor License Holder | \$1100 |
| Class IK Liquor License Holder | \$700 |
| Special Designated Permit – Liquor Control | \$ 50/day except non-profits |
| Transfer of Liquor License from One Location to Another | \$ 25 |
| (These fees are in addition to the State Fee Requirement) | |
| Amusement Concessions (i.e. Carnivals) | \$ 10/concession/day |
| (This would include any vendors set up for special functions at the La Vista Sports Complex) | |
| Auto dealers - new and used - | \$250 plus \$.01 per sq. ft. of inside area, and \$.005 per sq. ft. of outside area used for display, sales or storage. |
| Auto repair | \$100 |
| Banks, small loan and finance companies | \$250 plus \$75/each detached facility. |
| Barber shops, beauty salons, tanning & nail salons | \$ 75 plus \$10 per operator over one. |
| Bowling Alleys or Billiard/Pool Halls | \$ 50/year + \$10/table or alley |
| (Additional fee for Restaurant or Bar if applicable) | |
| Car washes | \$100 (includes all vacuum & supply vending machines) |
| Circus, Menagerie or Stage Show | \$ 50/day |
| Collecting agents, detective agents or agencies and bail bondsmen | \$ 75 |
| Construction/Tradesmen | \$ 75 and a \$1,000,000 Liability, |
| \$500,000 bodily injury insurance certificate | |
| Convenience stores | \$ 75 |
| Convenience store with car wash | \$120 (Includes all vacuum & supply vending machines) |
| Dry cleaning or laundry and tailoring | \$ 50 |
| Funeral homes | \$150 |
| Gaming Device Distributors | 5% of gross receipts (non-profits exempt) |
| Games of Chance/Lotteries | 5% of gross receipts (non-profits exempt) |
| Games of Chance/Lottery License Fee | \$ 50/1st location - \$10/ea additional |
| Gas Companies | 5% of gross receipts |
| Hawkers/Peddlers | \$ 75/day or \$500/year |
| Home Occupations (not specified elsewhere) | |
| Home Occupation Permit Application Fee | \$30 |
| Home Occupation 1 and Child Care Home | \$50 |
| Home Occupation Conditional Use Permit – see Zoning Fees | |
| Hotels/motels – Any hotel or motel in the City shall pay to the City monthly an Occupation Tax equal to 5% of gross receipts from room rentals. Any shops and/or restaurants, which are part of, associated with, or located in or with a hotel or motel facility will be considered a separate business and taxed in accordance with the provisions of this Ordinance and the applicable classification(s) of the shop and/or restaurant hereunder. The Occupation Taxes with Respect to any banquet and/or ballroom facilities of, or associated with, or located in or with, any such hotel or motel shall be determined in accordance with the square footage schedule above, based on the actual square footage of said facilities. | |
| Movie theatres | \$150/complex and \$75/viewing room |
| Music, Vending, & Pinball Machines | \$ 20/year/machine +Service Provider |
| Fee of &75.00 for business outside the City that provides machines for local businesses | |
| Nurseries, greenhouses, landscaping businesses, and tree trimmers | \$ 75 |
| Nursing homes, assisted living, hospitals and retirement homes | \$ 5 per bed |
| Pawnbrokers | \$ 1.00/pawnbroker transaction evidenced by a pawnbroker card or ledger entry per Neb. Rev. Stat. Section 69-204. Minimum of \$30/year |

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

Recreation businesses - indoor and outdoor \$100

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

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

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

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

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

Service stations selling oils, supplies, accessories for service at retail \$ 75 + \$25.00 for attached car wash

Telephone Companies (includes land lines, wireless, cellular, and mobile) 5% of gross receipts

Telephone Surcharge - 911 \$1.00 per line per month

Tobacco License \$ 15 (based on State Statute)
Tow Truck Companies \$ 75
Late Fee (Up to 60 days) \$ 35
Late Fee (60-90 days) \$ 75
Late Fee (over 90 days) Double Occupation tax or \$100, whichever is greater

OTHER FEES

Barricades
Deposit Fee(returnable) \$ 60/barricade
Block Parties/Special Event \$ 5/barricade per day
Construction Use \$30 ea. (7 days maximum)

Amended Master Fee Schedule 13/14 Fiscal Year

| | |
|---|---|
| Blasting Permit | \$1,000 |
| Bucket Truck Rental w/operator | \$150 per hour |
| Conflict Monitor Testing | \$200 |
| Cat License Fee (per cat – limit 3) | \$ 5 each if spayed/neutered \$ 15 each if not spayed/neutered |
| | \$ 10 each (delinquent) if spayed/neutered |
| | \$ 30 each (delinquent) if not spayed/neutered |
| Senior Citizen Discount (Age 65+) | Free if spayed/neutered |
| Dog License Fee (per dog – limit 3) | \$ 5 each if spayed/neutered \$ 15 each if not spayed/neutered \$ 10 each (delinquent) if spayed/neutered \$ 30 each (delinquent) if not spayed neutered |
| Senior Citizen Discount (Age 65+) | Free if spayed/neutered |
| Dog/Cat License Handling Fee (in addition to above fees) | \$ 5 |
| Dog or Cat License Replacement if Lost | \$ 1 |
| Dog or Cat Capture and Confinement Fee MAXIMUM OF 4 DOGS AND/OR CATS WITH NO MORE THAN 3 OF EITHER SPECIES | \$ 10 + Boarding Costs |
| Election Filing Fee | 1% of Annual Position Salary |
| Fireworks Sales Permit (Non-Profits) | \$2,500 |
| Handicap Parking Permit Application Fee State | \$ Currently Not Charging Per |
| Natural Gas Franchisee Rate Filing Fee (For rate changes not associated w/the cost of purchased gas.) | Per Agreement |
| Open Burning Permit | \$ 10 |
| Parking Ticket Fees | |
| If paid within 7 days of violation date | \$ 20 (\$5 + \$15 admin fee) |
| If paid after 7 days of violation date but within 30 days | \$ 25 (\$10 + \$15 admin fee) |
| If paid after 30 days of violation date | \$ 35 (\$20 + \$15 admin fee) |
| Pawnbroker Permit Fees: | |
| Initial | \$ 150 |
| Annual Renewal | \$ 100 |
| Pet Store License License) | \$ 50 (In addition to Occ. |
| Police Officer Application Fee | \$ 20 |
| Public Assembly Permit (requires application and approval) | \$ 00 |
| Returned Check Fee (NSF) | \$ 35 |
| Storage of Explosive Materials Permit | \$ 100 |
| Towing/Impound Fee | \$ 30 |
| Trash Hauling Permit | \$ 25/yr/truck + \$25,000 |
| Performance Bond | |

PUBLIC RECORDS

| | |
|--|---|
| Request for Records | \$15.00/Half Hour + Copy -Costs* (May be subject to deposit) |
| Audio Tapes | \$5.00 per tape |
| Video Tapes or CD/DVD | \$10.00 per tape/CD |
| *Copy costs shall be established by the Finance Director | |
| Unified Development Ordinance | \$100 |
| Comprehensive Plan | \$ 50 |
| Zoning Map | \$10 12"x36" |

Amended Master Fee Schedule 13/14 Fiscal Year

| | |
|-------------------------|---|
| | \$30 36"x120" |
| Zoning Ordinance w/Map | \$ 30 |
| Subdivision Regulations | \$ 30 |
| Future Land Use Map | \$10 12"x36" \$30 36"x120" |
| Ward Map | \$ 2 |
| Fire Report | \$ 5 |
| Police Report | \$ 5 |
| Police Photos (5x7) | \$ 5/ea. for 1-15 \$ 3/ea. for additional |
| Police Photos (8x10) | \$ 10/ea. for 1-15 \$ 5/ea. for additional |
| Police Photos (Digital) | \$ 10/ea. CD |
| Criminal history | \$ 10 |

FALSE AND NUISANCE ALARMS

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

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

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

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

RESPONSE TO LARGE HAZARDOUS MATERIALS INCIDENTS

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

Response Vehicles: One-hour minimum charge. All charges will be made to the closest 1/4 hour. Mileage will be charged at \$8.00 mile per vehicle.

| | |
|---------------------|------------|
| Pumper/Tanker Truck | \$500/hour |
| Weed Truck | \$150/hour |
| Aerial Ladder Truck | \$750/hour |
| Utility Vehicle | \$200 |
| Command Vehicle | \$100 |

| | |
|------------------------|-------|
| Equipment Charges: | |
| Jaws of Life | \$250 |
| Power Saw | \$75 |
| Hydraulic jack/chisels | \$75 |
| Cribbing Blocks | \$10 |
| Winches | \$10 |
| Air Bags | \$50 |

Amended Master Fee Schedule 13/14 Fiscal Year

High Lift Jack \$20

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

RESCUE SQUAD FEES

| | |
|--|-----------------|
| BLS Non Emergency Base | \$430 |
| BLS Emergency Base | \$575600 |
| ALS Non Emergency Base | \$685 |
| ALS Emergency Level 1 | \$715700 |
| ALS Emergency Level 2 | \$760800 |
| Specialty Care (Interfacility) | \$650 |
| Mileage Rural | \$ 14 |
| Rescue-Squad Response (without transport) | \$150 |

LIBRARY FEES

| | | |
|----------------------------------|---------|--------------------------------|
| Membership (Non-Resident Family) | 6 month | \$ 35 |
| | 1 year | \$ 60 |
| Fax | | \$2.00 up to 5 pages |
| Fines | | |
| Books | | \$.05/day |
| Audio Books | | \$ 1.00/day |
| Videos/DVDs/CDs | | \$ 1.00/day |
| Damaged & Lost | | |
| Books | | \$5.00 processing fee + actual |
| cost | | |
| Videos /DVDs/CDs | | \$5.00 processing fee + actual |
| cost | | |
| Color Copies | | \$.50 |
| Copies | | \$.10 |
| Inter-Library Loan | | \$3.00/transaction |
| Lamination – 18" Machine | | \$2.00 per foot |
| Lamination – 40" Machine | | \$6.00 per foot |
| Children's Mini-Camp | | \$5.00 per week |

RECREATION FEES

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

Late Registration Fee \$10.00

Community Center

| | <u>Resident</u> | <u>Non-Resident</u> | <u>Business</u> |
|---------------------------|-----------------|---------------------|-----------------|
| <u>Groups</u> | | | |
| Facility Rental | | | |
| Gym (1/2 Gym) | \$ 38/Hour | \$ 75/Hour | \$ |
| 75/Hour | | | |
| Gym/Stage (Rental) | \$420/Day | \$840/Day | \$840/Day |
| Gym/Stage (Deposit) | \$215 | \$420 | \$420 |
| Game Room | \$ 22/Hour | \$ 44/Hour | \$ 44/Hour |
| Meeting Rooms (Rental) | \$ 12/Hour/Room | \$ 22/Hour/Room | \$ 27/Hour |
| Meeting Rooms (Deposit) | \$ 50/Room | \$ 50/Room | \$ |
| 50/Room | | | |
| Kitchen (Rental) | \$ 19/Hour | \$ 27/Hour | \$ 33/Hour |
| Kitchen (Deposit) | \$ 50/Room | \$ 50/Room | \$ |
| 50/Room | | | |
| Racquetball Court | \$ 7/Hour | \$ 14/Hour | \$ 14/Hour |
| Facility Usage | | | |
| Daily Visit (19 and up) | \$ 3.00 | \$ 4.00 | |
| Daily Visit (Seniors +55) | \$ -0- | \$ 2.00 | |
| Fitness Room (19 and up) | | | |

Amended Master Fee Schedule 13/14 Fiscal Year

| | | |
|---|---------------|---------------|
| Membership Card | \$27.00/month | |
| (Exercise Room, Gym, Racquetball/Volleyball Courts) | | |
| (Mon - Fri 8:00 -5:00 pm) | \$3.00 | \$ 4.00/Visit |
| Gym (19 and up) | | |
| (Mon - Fri 8:00 -5:00 pm) | \$3.00 | \$ 4.00/Visit |
| Resident Punch Card | \$50.00 | |
| Non-resident Punch Card | \$35.00 | |
| Non-resident Punch Card | \$20.00 | |
| Ind. Weight Training | | |
| Classes | \$ 25 | |

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

| | | |
|---------|-------------------|-------------|
| Classes | <u>Contractor</u> | <u>City</u> |
| | 75% | 25% |

Contract Instructor Does Registration and Collects Fees

Other Facilities:

| | | |
|---|-----------------------|-----------------------|
| Tournament Fees | <u>Resident</u> | <u>Non-Resident</u> |
| | \$ 30/Team/Tournament | \$ 30/Team/Tournament |
| | \$ 40/Field/Day | \$ 40/Field/Day |
| Gate/Admission Fee | 10% of Gross | |
| Model Airplane Flying | | |
| Field Pass | \$30* | \$40* |
| * includes \$10 club membership 1 – year license | | |
| Field Rentals | \$40/2 hours | Resident and Non- |
| Resident | | |
| Park Shelters | \$15/3 hours | \$25/3 hours |
| Swimming Pool | <u>Resident</u> | <u>Non-Resident</u> |
| Youth Daily | \$ 2 | \$ 4 |
| Adult Daily | \$ 3 | \$ 4 |
| Resident Tag | \$ 2 | |
| Family Season Pass | \$105 | \$165 |
| Youth Season Pass | \$ 65 | \$ 95 |
| Adult Season Pass | \$ 75 | \$105 |
| 30-Day Pass | \$ 55 | \$ 85 |
| Season Pass (Day Care) | \$275 | \$275 |
| Swim Lessons | \$ 30 | \$ 55 |
| Swimming Pool memberships and specials prices shall be established by the | | |
| Finance Director | | |
| Youth Recreation Programs | <u>Resident</u> | <u>Non-Resident</u> |
| Coed Softball/Baseball Ages 5-6 | \$ 45/55 | \$60/70 |
| Coed Softball/Baseball Ages 7-8 | \$ 45/55 | \$60/70 |
| Softball/Baseball Ages 9-10 | \$ 60/70 | \$80/90 |
| Softball/Baseball Ages 11-12 | \$ 70/80 | \$100/110 |
| Tackle Football | \$ 110/120 | \$140/150 |
| Soccer Ages 8 and above | \$65/75 | \$65/75 |
| Fall Baseball clinic | \$17/27 | \$22/32 |
| Basketball Clinic | \$ 17/27 | \$22/32 |
| Basketball Ages 9-10 | \$ 55/65 | \$65/75 |
| Basketball Ages 11-12 | \$ 55/65 | \$65/75 |
| Soccer Academy | \$ 33/43 | \$53/63 |
| Flag Football | \$ 33/43 | \$53/63 |
| Volleyball | \$ 33/43 | \$53/63 |
| Cheerleading | \$ 27/37 | \$47/57 |
| 3 yr. old Soccer Clinic | \$17/27 | \$22/33 |
| Uniform Deposit Fee | | |
| Basketball | \$ 40 | \$ 40 |
| Tackle Football | \$180 | \$180 |
| Cheerleading | \$ 75 | \$ 75 |

Adult Recreation Programs

| | | |
|--------------------------|-------|-------|
| Spring Softball – Single | \$215 | \$15 |
| Spring Softball – Double | \$420 | \$420 |
| Basketball | \$145 | \$145 |
| Volleyball | \$110 | \$110 |
| Fall Softball – Single | \$120 | \$120 |
| Fall Softball – Double | \$235 | \$235 |

Golf Green FeesOctober 1st – February 28th

| | |
|-------------------------------------|----------|
| 9-hole Weekdays (adults) | \$ 8.50 |
| 9-hole Weekends – Sa - Su (adults) | \$ 10.00 |
| 18-hole Weekdays (adults) | \$14.50 |
| 18-hole Weekends - Sa - Su (adults) | \$16.00 |
| 9-hole Weekdays - M-F (jr/sr) | \$ 6.00 |
| 9-hole Weekends - Sa-Su (jr/sr) | \$ 8.00 |
| 18-hole Weekdays - M-F (jr/sr) | \$11.00 |
| 18-hole Weekends - Sa-Su (jr/sr) | \$13.00 |
| Pull Carts | \$ 2.50 |
| Rental Clubs - | \$ 7.00 |
| Electric Carts – 9-hole | \$6.00 |
| Electric Carts – 18-hole | \$9.00 |

March 1st – September 30th

| | |
|-------------------------------------|------------------|
| 9-hole Weekdays (adults) | \$ 10.00 |
| 9-hole Weekends – Sa - Su (adults) | \$12.00 |
| 18-hole Weekdays (adults) | \$16.00 |
| 18-hole Weekends - Sa - Su (adults) | \$18.00 |
| 9-hole Weekdays - M-F (jr/sr) | \$ 8.00 |
| 9-hole Weekends - Sa-Su (jr/sr) | \$ 10.00 sr/jr. |
| 18-hole Weekdays - M-F (jr/sr) | \$13.00 |
| 18-hole Weekends - Sa-Su (jr/sr) | \$ /15.00 sr/jr. |
| Pull Carts | \$ 2.50 |
| Rental Clubs | \$ 7.00 |
| Electric Carts – 9-hole | \$ 6.50 |
| Electric Carts – 18-hole | \$ 10.50 |

Junior – Age 15 & under; Senior – Age 55 & over

Golf concessions, merchandise, specials, league and tournament prices shall be established by the Finance Director.

Annual Passes

(One Full Year from date of purchase)

| | |
|-------------------|----------|
| Adult (16over) | \$400.00 |
| Senior (55 over) | \$300.00 |
| Junior (15 under) | \$300.00 |
| Family | \$750.00 |

Discount Cards**(Adult Rates)**

| | |
|-----------|----------|
| 12 rounds | \$100.00 |
|-----------|----------|

| | |
|-----------------|----------|
| (Jr./Sr. Rates) | |
| 12 rounds | \$ 80.00 |

Special Services Van Fees

| | |
|--|----------------|
| Zone 1 Trip within city limits (LaVista & Ralston) | \$1.00 one way |
| Includes trips to grocery stores and senior center | |

| | |
|---------------------------------|----------------|
| Zone 2 Trip outside city limits | \$3.00 one way |
|---------------------------------|----------------|

| | |
|---------------------------------|-----------------|
| Zone 3 Trip outside city limits | \$10.00 one way |
|---------------------------------|-----------------|

| | |
|---------------------------------------|---------|
| Bus pass (each punch is worth \$1.00) | \$30.00 |
|---------------------------------------|---------|

Section 2. Sewer Fee Schedule.

§3-103 Municipal Sewer Department; Rates.

- A. Levy of Sewer Service Charges. The following sewer service charges shall be levied against the user of premises, property or structures of every kind, nature and description, which has water service from any supply source and are located within the wastewater service area of the City of La Vista.
- B. Computation of Sewer Service Charges. For the months of December, January, February and March, the monthly charge for residential sewer services will be computed on the actual water used for these months. The monthly charge for residential sewer service in the months of April, May, June, July, August, September, October and November will be computed on the average water usage of the four (4) preceding winter months of December, January, February and March or for such portion of said consumption, whichever is the lesser. At the option of the City of La Vista, water used from private wells shall be either metered or estimated for billing purposes.
- C. Amount of Sewer Service Charges. The total sewer service charge for each sewer service user will be the sum of three (3) charges: (1) customer charge, (2) flow charge, and (3) abnormal charge.
 - 1. The customer charge is as follows
 - a. For sewer service users classified as Residential, the same being sewer service to a single family dwelling, or a duplex, apartment, or other multi-family dwelling (e.g. apartments) wherein each dwelling unit has a separate water meter that is read and charged for water and sewer use by the Metropolitan Utilities District - \$7.58 per month.
 - b. For sewer service users classified as Residential-Multi-Family, the same being sewer service to Multi-Family dwellings (e.g. apartments) wherein there is only a separate water meter to each building or complex that is read and charged for water and sewer use by the Metropolitan Utilities District - \$ 7.58 per month plus an amount equal to \$ 6.82 times the total number of dwelling units, less one, in the Multi-Family dwellings that comprise an apartment complex. The customer charge for Residential-Multi Family sewer service users will be billed by the City of La Vista in addition to the flow charge billing from the Metropolitan Utilities District. A late charge of 14% will be applied for for Multi-Family sewer use billings.
 - c. For sewer service users classified as General Commercial: Customers who normally use less than 100,000 cubic feet of water per month and who are not Residential users or Residential-Multi-Family users - \$ 8.13 per month. For sewer service users in this category that require manual billing, add \$10.00 for a total of \$18.13. The manual billing of the customer charge will come from the City of La Vista instead of the Metropolitan Utilities District.
 - 2. The flow charge for all sewer service users shall be \$ 2.2116 per hundred cubic feet (ccf).
 - 3. If users have abnormal strength sewage as determined by the terms of the Wastewater Service Agreement between the City of La Vista and the City of Omaha, then additional charges will be billed to the user at the applicable rates as determined by said Agreement.
 - 4. If users other than those classified herein are connected to the wastewater collection system, the Customer Charges, the Flow Charges and Other Charges will be determined by the City Council in accordance with rules and regulations of the EPA and the Agreement between the City of La Vista and the City of Omaha.

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

| | |
|------------------------|---------------------------------|
| Residential | |
| Single Family Dwelling | \$1,100 |
| Duplex | \$1,100/unit |
| Multiple Family | \$ 858/unit |
| Commercial/Industrial | \$5,973/acre of land as platted |

The fee for commercial (including industrial) shall be computed on the basis of \$5,973 per acre within each platted lot or tract, irrespective of the number of structures to be constructed thereon.

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

- A. Changes in Use. If the use of a lot changes subsequent to payment of the fee, which different use would require payment of a fee greater than that payable in respect to the use for which the fee was originally paid, the difference in fee shall be paid to the City at time of such change in use.
- B. Existing Structures. Structures for which sewer connection and building permits have been issued, and all permit fees in respect thereto paid, prior to the effective date hereof shall be exempt from the fees herein imposed.
- C. Preconnection Payments. Where preconnection payment charges for a subdivision or portion thereof have been paid to City at time of subdivision of a tract pursuant to agreement between the City and the developer and the sanitary and improvement district, if any, financing improvements of the subdivision, the preconnection payment so made shall be credited by City to the sewer/drainage fees payable at time of connection of the individual properties to the sewer/drainage systems of the City.
- D. Sewer Tap and Inspection and Sewer Service Fees. The fees imposed by Section 3 hereof are in addition to and not in lieu of (1) sewer tap and inspection fees payable pursuant to Section 3-122 of the La Vista Municipal Code and listed herein and (2) sewer service charges imposed by Section 2 hereof.

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

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

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

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

Section 6. Repeal of Ordinance No.1158. Ordinance No. 1158 as originally approved on November 15, 2011, and all ordinances in conflict herewith are hereby repealed.

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

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

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

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

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

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

PASSED AND APPROVED THIS 21ST 17TH DAY OF JANUARY JUNE, 2014.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

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CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
JUNE 17, 2014 AGENDA

| Subject: | Type: | Submitted By: |
|---|---|---|
| COMMUNICATIONS CABLE & FACILITIES AGREEMENT BETWEEN CITY OF LA VISTA AND PINPOINT BROADBAND, INC. | ◆ 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 Pinpoint Broadband, Inc. for the use of public rights-of-way within the City limits for installation of communications facilities. 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. Pinpoint Broadband, Inc. is a Nebraska Corporation with offices located in Papillion, Nebraska.

FISCAL IMPACT

The Statement of Policy and Standard Specifications for Communication Facilities on City Property provides for the permittees to pay to the City an occupation tax in accordance with Chapter 113 of the La Vista Municipal Code for the use of public space to serve users or subscribers within the corporate limits of the City.

RECOMMENDATION

Approval

BACKGROUND

Pinpoint Broadband, Inc. is proposing to install a fiber optic communications line to serve Metro Community College facilities and is available to serve other users or subscribers. The initial proposed installation in La Vista's jurisdiction is shown on Exhibit "B" to the agreement.

Pinpoint Broadband, Inc. has agreed to use the City's standardized form of agreement and is agreeable to the Policy and Standard Specifications for Communications Facilities on City property, which is set forth in Exhibit "A" to the agreement. The applicant has signed the agreement.

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 PINPOINT BROADBAND, INC 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 Pinpoint Broadband, Inc. 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 Pinpoint Broadband, Inc. 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 Pinpoint Broadband, Inc. for use of public rights-of-way within the city limits for installation of communications facilities.

PASSED AND APPROVED THIS 17TH DAY OF JUNE, 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 _____, 2014 ("Effective Date") by and between PINPOINT BROADBAND, INC. a Nebraska Corporation authorized to do business in Nebraska, whose address for notice purposes under this Agreement is 1413, South Washington Street, Suite 300, Papillion, Nebraska, 68046 ("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:
PINPOINT BROADBAND, INC.

By:



Mike Urdahl

Title: President _____

Date: 6-5-14

Attest: Latty, missine

Title: Executive Assistant

Date: 6/6/2014

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

(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.

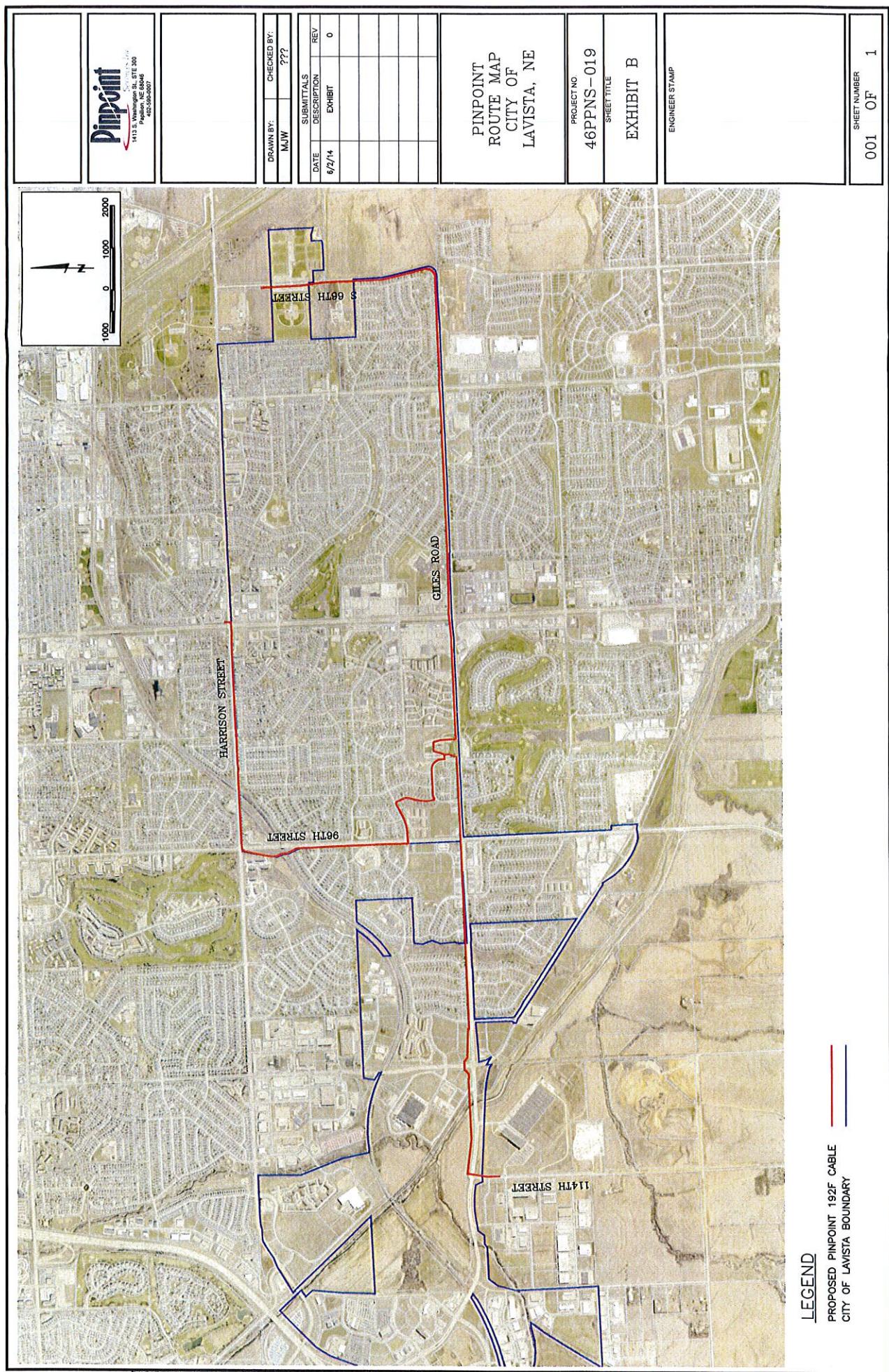
- (2) All payments becoming due under this document shall be made to the City of La Vista and shall be due and payable, in advance, on the first day of January of each year; *provided, however*, if the permit is issued after the first day of January, the amount of the initial rental payment shall be 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.



CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
JUNE 17, 2014 AGENDA

| Subject: | Type: | Submitted By: |
|---|---|-----------------------------|
| DISCUSSION: AMEND MUNICIPAL CODE; CHAPTER 95 ANIMALS | RESOLUTION ORDINANCE RECEIVE/FILE ◆ DISCUSSION | BOB LAUSTEN POLICE CHIEF |

SYNOPSIS

This is a discussion item regarding feral cat colonies and caretaker permits.

FISCAL IMPACT

N/A

RECOMMENDATION

N/A

BACKGROUND

The police department was contacted by a resident who lives on Brentwood Drive in Val Vista whose property backs up to the railroad tracks. She has been feeding a group of feral cats for the past two years. "Feline Friendz" (a volunteer cat rescue organization) assisted in getting the cats spayed and neutered along with working to find homes for the feral cats. There has been a call from another resident complaining about the cat colony and the feeding of the cats.

The city of Omaha, and most recently Bellevue (Feb 2014), with the assistance of the Nebraska Humane Society, have passed feral cat ordinances to regulate the issue. This agenda item will include an explanation from the Nebraska Humane Society of what feral cat and feral cat colonies are and a recommendation on how to address the situation.