



CITY OF LA VISTA

CERTIFICATE OF APPRECIATION

A CERTIFICATE OF APPRECIATION PRESENTED TO **VALERIE HOULOOSE** FOR 10 YEARS OF FAITHFUL AND EFFICIENT SERVICE TO THE CITY OF LA VISTA.

WHEREAS, **Valerie Houloose**, has served the City of La Vista since February 17, 1998, and

WHEREAS, **Valerie Houloose's** input and contributions to the City of La Vista have contributed to the success of the City.

NOW, THEREFORE BE IT RESOLVED, that this Certificate of Appreciation is hereby presented to **Valerie Houloose** on behalf of the City of La Vista for 10 years of service to the City.

DATED THIS NINETEENTH DAY OF FEBRUARY 2008.

Douglas Kindig, Mayor

Ron Sheehan
Councilmember, Ward I

Brenda Carlisle
Councilmember, Ward I

Robert McLaughlin
Councilmember, Ward II

Terrilyn Quick
Councilmember, Ward II

Mark Ellerbeck
Councilmember, Ward III

Alan Ronan
Councilmember, Ward III

Kelly Sell
Councilmember, Ward IV

Anthony Gowan
Councilmember, Ward IV

ATTEST:

Pamela A. Buethe, CMC
City Clerk



MINUTE RECORD

No. 729—REFFIELD & COMPANY, INC., OMAHA

LA VISTA CITY COUNCIL MEETING February 5, 2008

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 February 5, 2008. Present were Mayor Kindig and Councilmembers: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, and Ellerbeck. Absent: Gowan. Also in attendance were City Attorney McKeon, City Administrator Gunn, Assistant City Administrator Ramirez, City Clerk Buethe, Finance Director Lindberg, Library Director Iwan, Police Chief Lausten, Fire Chief Uhl, Recreation Director Stopak, Public Works Director Soucie, and Building and Grounds Director Archibald.

A notice of the meeting was given in advance thereof by publication in the Times on January 24, 2008. 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 within 10 days after said meeting and prior to the next convened meeting of said body.

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

Mayor Kindig made an announcement of the location of the posted copy of the Open Meetings Act for public reference.

SERVICE AWARD – THOMAS JACIK – 10 YEARS

Mayor Kindig presented a certificate and pin to Thomas Jacik for 10 years of service to the City.

PROCLAMATION – TEEN DATING VIOLENCE AWARENESS MONTH

Mayor Kindig read a proclamation declaring February 2008 as Teen Dating Violence Awareness Month in La Vista.

A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. APPROVAL OF CITY COUNCIL MINUTES FROM JANUARY 15, 2008
3. APPROVAL OF BOARD OF ADJUSTMENT MEETING MINUTES JANUARY 9, 2008
4. APPROVAL OF THE LIBRARY ADVISORY BOARD MINUTES JANUARY 10, 2008
5. PAY REQUEST FROM LEO A. DALY FOR MUNICIPAL FACILITIES PLAN - \$6,000.00
6. APPROVAL OF CLAIMS

Councilmember McLaughlin made a motion to approve the consent agenda. Seconded by Councilmember Carlisle. Councilmember McLaughlin reviewed the claims for this period and reported that he found everything to be in order. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, and Ellerbeck. Nays: None. Absent: Gowan. Motion carried.

A & D TECHNICAL SUPPLY, Supplies	48.72
ACI-NEBRASKA CHAPTER, Dues	60.00
ACTION BATTERIES, Vehicle Supplies/Bldg & Grnds	505.44
ADT SECURITY SERVICES, Contract Services	221.69
AKSARBEN HEATING, Bldg & Grnds	621.00
ALAMAR UNIFORMS, Wearing Apparel	62.00
AMSAN, Supplies	243.65
ANDERSON FORD LINCOLN MERCURY, Vehicle Supplies	318.65
APWA-AMER PUBLIC WORKS ASSN, Dues	133.00
AQUILA, Utilities	21.28
ARAMARK UNIFORM, Contract Services	349.01
ART FAC GRAPHICS, Vehicle Maint.	192.00
ASPHALT & CONCRETE MATERIALS, Street Maint.	57.77
AUDIOVISUAL, Equip Repair	4,759.00
BAKER & TAYLOR BOOKS, Books	1,745.16
BAKER, MARCUS, Auto Allowance	50.00
BATTERY ZONE, Supplies	31.93
BEACON BUILDING SERVICES, Contract Services	6,737.00
BENNINGTON IMPLEMENT, Vehicle Maint.	1,648.33
BENSON RECORDS, Contract Services	50.78
BETTER BUSINESS EQUIPMENT, Rentals	37.00
BIG RIG TRUCK ACCESSORIES, Vehicle Maint.	464.00

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BIRCH, ANN, Auto Allowance	50.00
BRAND, STEVEN, Travel	25.00
BRODART, Books	610.43
BUETHE, PAM, Auto Allowance	100.00
BUETHE, PAM, Vehicle Maint/Gravel/Dues/Supplies	292.79
BUILDERS SUPPLY, Bldg & Grnds	42.90
CARL JARL LOCKSMITHS, Supplies	42.55
CDW GOVERNMENT INC, Equipment	665.00
CENTER POINT PUBLISHING, Books	79.08
CHALEEN, PAMELA, Refund	12.15
CITY OF OMAHA, Contract Services	28,152.21
CITY OF PAPILLION, Flu Vaccines	170.00
COMP CHOICE, Professional Services	997.50
CORBIT, JEFF, Auto Allowance	100.00
CORNHUSKER INTL TRUCKS, Vehicle Maint.	557.49
COX, Contract Services	102.60
DECOSTA SPORTING GOODS, Bldg & Grnds	885.00
DITCH WITCH OF OMAHA, Vehicle Maint.	72.36
DULTMEIER SALES & SERVICE, Repair	219.64
EASTERN LIBRARY SYSTEM, Training	15.00
EBY, JESSICA, Refund	55.00
ED M. FELD EQUIPMENT, Contract Services	2,400.00
EDGEWEAR SCREEN PRINTING, Wearing Apparel	162.00
ELECTRONIC CONTRACTING, Contract Services	1,899.28
ERICKSON, RANDALL, Auto Allowance	100.00
FARQUHAR, MIKE, Auto Allowance	100.00
FASTENAL COMPANY, Vehicle Maint.	108.14
FILTER CARE, Vehicle Maint.	13.60
FITZGERALD SCHORR BARMETTLER, Professional Services	37,347.29
FORD MOTOR CREDIT, Contract Services	286.78
FORT DEARBORN LIFE INS, Employee Benefits	2,381.00
FOSTER, TERRY, Travel	25.00
FUTUREWARE DISTRIBUTING, Contract Services	38.00
GALE, Books	45.44
GALL'S, Wearing Apparel	95.19
GCR OMAHA TRUCK TIRE CENTER, Vehicle Maint.	671.56
GODFATHER'S PIZZA, Supplies	65.47
GOLDMAN, JOHN, Telephone	40.00
GUNN, BRENDA, Auto Allowance	300.00
H & H CHEVROLET, Vehicle Maint.	255.73
HANEY SHOE STORE, Wearing Apparel	120.00
HANNEBAUM GRAIN, Ice Control Salt	1,804.05
HEARTLAND AWARDS, Banq. Award	637.00
HOBBY LOBBY, Supplies	9.95
HUNTEL COMMUNICATIONS, Contract Services	1,007.50
HURST, JEAN, Training	637.05
HY-VEE, Supplies	38.00
IACP, Dues	240.00
ICSC-INTL COUNCIL OF SHPG CTRS, Travel	100.00
IIMC CONFERENCE REGISTRATION, Training	510.00
INLAND TRUCK PARTS, Vehicle Maint.	91.42
INTERSTATE ALL BATTERY CENTER, Supplies	43.20
IOWA STATE UNIVERSITY, Training	472.00
IRS, Payroll Fees	183.60
IWAN, ROSE, Auto Allowance	45.00
J Q OFFICE EQUIPMENT, Supplies/Contract Services	686.57
JACK'S UNIFORMS & EQUIPMENT, Wearing Apparel	1,447.87
JO DON'S, Supplies	218.00
JOHNSTONE SUPPLY, Bldg & Grnds	161.13
KINDIG, DOUGLAS, Auto Allowance/Telephone	190.00
KLINKER, MARK, Professional Services	200.00
KORTUS, LEE, Contract Services	190.00
KROGER, Supplies	127.58
LA VISTA COMMUNITY FOUNDATION, Payroll Deductions	247.00
LAUGHLIN, KATHLEEN, Payroll Withholdings	372.00
LEO A DALY COMPANY, Planning	6,000.00
LINWELD, Supplies	37.04
LODES, CHRIS, Contract Services	102.50
LUKASIEWICZ, BRIAN, Telephone	40.00
MALLARD SAND AND GRAVEL, Repair	494.84
MARSHALL CAVENDISH, Books	137.09
MERIDIAN LIBRARY SYSTEM, Training	10.00

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METAL SUPERMARKETS, Repair	341.87
METHODIST HOSPITAL, Professional Services	700.00
METROPOLITAN COMMUNITY COLLEGE, Contract Services	8,162.23
MID AMERICA PAY PHONES, Telephone	100.00
MID CON SYSTEMS, Vehicle Maint.	54.00
MIDLANDS LIGHTING & ELECTRIC, Bldg & Grnds	142.01
MIDWEST TAPE, Media	25.99
MIDWEST TURF & IRRIGATION, Vehicle Maint.	204.47
MILLER PRESS, Printing	300.00
MOBILE COMMUNICATIONS, Repair	100.00
MOTOROLA, Repair	393.00
MUD, Utilities	708.93
NE DEPT OF REVENUE-LOTT/51, Lottery Taxes	73,254.70
NE MUN CLERK'S SCHOOL, Training	570.00
NE U C FUND, Insurance	1,601.00
NEBRASKA GOLF COURSE SUPERIN, Dues	75.00
NEXTEL, Telephone	472.30
NLA-NEBRASKA LIBRARY ASSN, Training	17.00
NMC INC, Vehicle Maint.	564.20
NOBBIES, Supplies	38.27
OFFICE DEPOT, Supplies	254.07
O'KEEFE ELEVATOR, Contract Services	1,048.56
OMAHA COMPOUND, Supplies	139.21
OPPD, Utilities	1,387.25
ORIZON CPAS, Professional Services	16,596.71
OVERHEAD DOOR, Bldg & Grnds	304.00
PAPILLION TIRE, Vehicle Maint.	60.85
PARAMOUNT LINEN & UNIFORM, Uniform Cleaning	312.16
PAYLESS, Supplies	377.95
PITNEY BOWES, Supplies	221.00
PLUTA, DON, Travel	25.00
PRECISION INDUSTRIES, Vehicle Maint.	1,573.06
PRINCIPAL LIFE-FLEX SPENDING, Employee Benefits	312.75
PROPERTY SERVICES, Supplies	172.00
QWEST, Telephone	2,319.20
RAMIREZ, RITA, Auto Allowance	75.00
READY MIXED CONCRETE, Concrete	625.56
RUSH, TIMOTHY, Travel	25.00
SAPP BROS, Vehicle Supplies	187.50
SARPY COUNTY CHAMBER, Dues	150.00
SARPY COUNTY COURTHOUSE, Contract Services	3,234.94
SARPY COUNTY LANDFILL, Street Maint.	2,010.35
SARPY COUNTY REGISTER OF DEEDS, Professional Service	5.50
SARPY COUNTY TREASURER, Sewer Fees	143,332.36
SCARPA, DAN, Travel	25.00
SID 195 - MAYFAIR, Sewer Fees	660.00
SMITH, MELANIE, Auto Allowance	100.00
SOUCIE, JOSEPH, Telephone	30.00
SOUTHEAST LIBRARY SYSTEM, Training	35.00
SPRINT, Telephone	91.84
SUBURBAN NEWSPAPERS, Subscriptions	38.00
TARGET BANK, Travel	19.63
THOMPSON DREESSEN & DORNER, Keystone Trail	754.55
TRI-CITY FOOD PANTRY, Soup Supper Donation	207.00
TURFWERKS, Vehicle Maint.	142.72
ULTRAMAX, Supplies	288.00
UPS, Postage	152.85
USI INC, Supplies	275.90
USPS, Postage	1,296.01
VERIZON, Telephone	65.90
VIERS, STEVE, Auto Allowance	100.00
VITALSIGNS, Printing	325.00
WASTE MANAGEMENT, Contract Services	680.67
WICK'S STERLING TRUCKS, Vehicle Maint.	251.44
WSI LIGHTING, Bldg & Grnds	381.60

REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

Assistant City Administrator Ramirez informed Council of the current City of La Vista history project. A meeting was held on Friday, February 1, 2008. Fifteen long-time residents from La Vista will give information and recommend others who can relate their stories.

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Ramirez informed Council of a minor error on the spring edition of the CityWise Newsletter, the error was caught before distribution to the public.

Police Chief Lausten informed Council the police department will be using 4 wheel drive Public Works trucks this evening, due to the heavy snow, and will be out on the streets all night.

Public Works Director Soucie updated Council on issues in the 7600 Block of Valley Road. OPPD has a work order to begin correcting the problem in mid-February. They will sink poles deeper for better stability.

Recreation Director Stopak reminded Council that the Senior Valentine's Lunch will be held on Thursday, February 14, 2008.

Library Director Iwan responded to a question on circulation at the library since the annexation. She stated that the number of items circulated compared to last year's circulation for paid members as a whole is down by 480 while items circulated for resident members is up by 2920.

B. BOARD OF EQUALIZATION – LEVY OF SPECIAL ASSESSMENTS FOR PUBLIC IMPROVEMENTS - SOUTHPORT WEST

1. PUBLIC HEARING

At 7:16 p.m. Mayor Kindig stated that the Mayor and Council are now meeting as a Board of Equalization with regard to proposed special assessments in Southport West, which was formerly SID 253. The Mayor then opened the public hearing and stated the floor was now open for comment on the proposed special assessments in Southport West.

Attorney Larry Jobeun, representing Southport West Partners, LLC addressed the Mayor and Council to state that a protest has been filed with regard to the proposed assessments on lots 4, 15, 16, and 27 and requests a continuance of the hearing and final action to allow the SID engineer to meet with John Kottmann and understand the proposed assessments.

Mayor Kindig stated the Board of Equalization will take Mr. Jobeun's comments under advisement and asked if anyone else would like to comment. There were no other comments.

Mayor Kindig stated that the City has a request by Mr. Jobeun on behalf of his client, Southport West Partners, LLC to continue this hearing and adjourn this meeting of the Board of Equalization. Staff recommends continuing the hearing and adjourning the meeting to the March 18 City Council meeting.

Councilmember Carlisle made a motion to continue the public hearing and adjourn the meeting of the Board of Equalization to the March 18 City Council meeting at which time the Mayor and City Council will again meet as a Board of Equalization to conclude the public hearing and levy special assessments in Southport West; and directing the City Clerk to give notice as required by applicable law. Seconded by Councilmember Sell. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, and Ellerbeck. Nays: None. Absent: Gowan. Motion carried.

Councilmember Gowan arrived at 7:18 p.m.

2. RESOLUTION – LEVY SPECIAL ASSESSMENTS

Resolution continued to March 18, 2008 City Council meeting.

C. RESOLUTION – RATIFYING NOTICE OF OPENING OF EMBASSY SUITES HOTEL

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 08-006: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA PURSUANT TO THE CITY OF LA VISTA/SARPY COUNTY INTERLOCAL COOPERATION AGREEMENT DATED MAY 3, 2004 RATIFYING NOTICE OF OPENING OF EMBASSY SUITES HOTEL.

WHEREAS, the City of La Vista entered into an Interlocal Cooperation Agreement regarding lodging taxes with Sarpy County on May 3, 2004; and

WHEREAS, Section 6 of the Agreement sets forth the following condition:

La Vista shall notify Sarpy County 90 days prior to the opening of above mentioned hotel (Embassy Suites) in order for Sarpy to meet its obligations under this section; and

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WHEREAS, in accordance with the aforementioned Section 6, the attached notice was personally delivered to the County Administrator's office on January 28, 2008; and

WHEREAS, Section 10 (f) of the Agreement sets forth the following requirement:

The Sarpy County Administrator and the La Vista City Administrator shall be the "administrator" for purposes of administering this Agreement; provided, however that any action hereunder shall be subject to approval of the Sarpy County Board and La Vista City Council.

NOW THEREFORE, BE IT RESOLVED pursuant to the City of La Vista/Sarpy County Interlocal Cooperation Agreement dated May 3, 2004 that the attached notice is hereby ratified, affirmed and approved.

Seconded by Councilmember Quick. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

D. RESOLUTION – AWARD CONTRACT – CLASSIFICATION AND COMPENSATION STUDY

Councilmember Ellerbeck introduced and moved for the adoption of Resolution No. 08-007: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AWARDING A CONTRACT TO THE AUSTIN PETERS GROUP INC., OVERLAND PARK, KANSAS, FOR PROFESSIONAL SERVICES RELATED TO THE DEVELOPMENT OF A CLASSIFICATION AND COMPENSATION STUDY IN AN AMOUNT NOT TO EXCEED \$14,790.00.

WHEREAS, the City Council of the City of La Vista has determined that recruitment and retention of city staff through competitive compensation is part of its vision and priority; and

WHEREAS, the development of a Classification and Compensation Study will enable Council to establish and maintain an equitable, comparable and non-discriminatory wage and salary plan structure for the City; and

WHEREAS, the FY 2007/08 General Fund Budget included funding for a Classification and Compensation Study; and

WHEREAS, proposals were received on November 30, 2007 and interviews were conducted on January 16, 2008; and

WHEREAS, the Assistant City Administrator has reviewed the proposals and recommends that a contract be awarded to The Austin Peters Group, Overland Park, Kansas, as the most qualified bidder; and

WHEREAS, Subsection (C) (9) of Section 31.23 of the La Vista Municipal Code requires that the City Administrator secure council approval prior to authorizing any purchases over \$5,000.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska, that a contract in a form satisfactory to the City Administrator and City Attorney, be awarded to The Austin Peters Group, Overland Park, Kansas, for the development of a Classification and Compensation Study in an amount not to exceed \$14,790.00, and that the Mayor is hereby authorized to execute said contract and the City Clerk is further directed to attest to the same.

Seconded by Councilmember Carlisle. Councilmember Sheehan asked if this study would take all aspects of pay classifications and increases into account. Assistant City Administrator Ramirez stated the Company will take all factors into account. Councilmember Gowan commented that it would be good to consider location when determining comparable communities in Nebraska. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

E. RESOLUTION – ADVERTISEMENT OF BIDS – 78TH AND HARRISON STREET RETAINING WALL RECONSTRUCTION

Councilmember Sell introduced and moved for the adoption of Resolution No. 08-008: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA,

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NEBRASKA, AUTHORIZING THE ADVERTISEMENT FOR BIDS FOR THE 78TH & HARRISON STREET RETAINING WALL RECONSTRUCTION PROJECT.

WHEREAS, the City Council has determined that reconstruction of the wall at 78th & Harrison Street is necessary; and

WHEREAS, the 2007/08 Capital Fund provides funding for the reconstruction of said wall; and

WHEREAS, the City Engineer has prepared plans and specifications for the reconstruction of said wall.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council of the City of La Vista hereby authorizes the advertisement for bids for the 78th & Harrison Street Retaining Wall Reconstruction Project in accordance with the plans and specifications prepared by the City Engineer, John Kottmann, and said bids are to be opened and publicly read aloud at 4 p.m. at the offices of Thompson, Dreessen & Dorner, 10836 Old Mill Road, Omaha, NE on February 25, 2008.

Advertise for Bids – February 14 & February 21, 2008

Open Bids – February 25, 2008

Award Bid – March 4, 2008

Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

F. RESOLUTION – AUTHORIZATION TO PURCHASE COMPUTER EQUIPMENT – CDW-GOVERNMENT

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 08-009: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE PURCHASE OF THIRTEEN (13) COMPUTERS WITH SOFTWARE FROM CDW-GOVERNMENT, INC. IN AN AMOUNT NOT TO EXCEED \$11,349.00.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of computer equipment is necessary; and

WHEREAS, the FY 07/08 Capital improvement budgets did include funds for the purchase of said computer equipment; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize the purchase of thirteen (13) Computers with Software from CDW-Government, Inc. in an amount not to exceed \$11,349.00.

Seconded by Councilmember Sell. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

G. RESOLUTION – AUTHORIZATION TO PURCHASE COMPUTER EQUIPMENT – WESTERN STATES CONTRACTING ALLIANCE & GATEWAY

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 08-010: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE PURCHASE OF TECHNOLOGY RELATED ITEMS FROM WESTERN STATES CONTRACTING ALLIANCE (WSCA), and GATEWAY IN AN AMOUNT NOT TO EXCEED \$8,200.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of six (6) computers with software, seven (7) monitors; and

WHEREAS, the FY 08 General and Sewer Fund budgets did include funds for the purchase of said technology items; and

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

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NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize the purchase of six (6) computers with software, seven (7) monitors, from Gateway through the Western States Contracting Alliance (WSCA), in an amount not to exceed \$8,200.

Seconded by Councilmember McLaughlin. Councilmember Sheehan stated that he would like staff to see what constitutes the difference in price between these computers and the computers purchased by the Library. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

Councilmember Quick made a motion to move "Comments from the Floor" up on the agenda ahead of Item G, "Executive Session". Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

COMMENTS FROM THE FLOOR

Mayor Kindig asked if there were any comments from the floor. There were no comments from the floor.

H. EXECUTIVE SESSION – STRATEGY SESSION/NEGOTIATING GUIDANCE - SARPY COUNTY INTERLOCAL AGREEMENT; PERSONNEL PERFORMANCE

At 7:27 p.m. Councilmember Carlisle made a motion to go into executive session for protection of the public interest for strategy session/negotiating guidance – Sarpy County Interlocal Agreement and to prevent needless injury to the reputation of an individual to discuss personnel performance. Seconded by Councilmember Ellerbeck. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried. Mayor Kindig stated the executive session would be limited to the subject matter contained in the motion and repeated the motion.

At 8:07 p.m. the Council came out of executive session. Councilmember Sell made a motion to reconvene in open and public session. Seconded by Councilmember McLaughlin. Mayor Kindig stated the discussion in executive session was limited to the subject matter contained in the original motion. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

COMMENTS FROM MAYOR AND COUNCIL

Councilmember Sell informed Council he attended the NRD meeting on Saturday. He stated it was a very informative meeting. Douglas and Washington Counties were also in attendance.

Councilmember Ronan, who works at LinCare, informed Council that the son of one of the nurses was the victim of a drive-by shooting, and was in a coma for 2 weeks. Ronan is selling raffle tickets to help with the costs of medical bills.

Mayor Kindig informed Council that the leadership conference he attended in Austin had excellent classes, with topics on leadership and conflict resolution.

ADJOURNMENT

At 8:13 p.m. Councilmember Carlisle made a motion to adjourn the meeting. Seconded by Councilmember Ellerbeck. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

PASSED AND APPROVED THIS 19TH DAY OF FEBRUARY 2008.

CITY OF LA VISTA

ATTEST:

Douglas Kindig, Mayor

Pamela A. Buethe, CMC
City Clerk

MINUTE RECORD

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NO. 729—REFFIELD & COMPANY, INC., OMAHA

Attachment for Agenda Item C



January 28, 2008

Delivered Personally

Sarpy County
Attention: Mark Wayne, County Administrator
1210 Golden Gate Drive, Suite 1129
Papillion, NE 68046

RE: **NOTICE:** Embassy Suites Hotel Opening – Southport West;
La Vista/Sarpy County Interlocal Agreement Dated
May 3, 2004

Dear Mark:

Pursuant to Section 6 of the City of La Vista/Sarpy County Interlocal Cooperation Agreement dated May 3, 2004 regarding lodging taxes, the City of La Vista hereby notifies Sarpy County that the Embassy Suites Hotel and Conference Center in Southport West are scheduled to open on June 1, 2008. As you are aware, the agreement requires the Sarpy County Board of Commissioners to adopt a resolution reducing its lodging tax rate no later than 30 days before the opening of the hotel.

Please let me know if you have any questions.

Sincerely,

Brenda S. Gunn
City Administrator

Cc: Mayor & City Council
City Attorney
City Clerk

City Hall
8116 Park View Blvd.
La Vista, NE 68128-2198
p: 402-331-4343
f: 402-331-4375

Community Development
8116 Park View Blvd.
p: 402-331-4343
f: 402-331-4375

Fire
8110 Park View Blvd.
p: 402-331-4748
f: 402-331-0410

Golf Course
8305 Park View Blvd.
p: 402-339-9147

Library
9110 Giles Rd.
p: 402-537-3900
f: 402-537-3902

Police
7701 South 96th St.
p: 402-331-1582
f: 402-331-7210

Public Works
9900 Cornhusker Rd.
p: 402-331-8927
f: 402-331-1051

Recreation
8116 Park View Blvd.
p: 402-331-3455
f: 402-331-0299

Meeting of Board of Directors

LA VISTA/METROPOLITAN COMMUNITY COLLEGE CONDOMINIUM OWNERS ASSOCIATION, INC.

MINUTES OF MEETING

February 4, 2008
3:00 p.m.

Members Present: Pat Archibald Rose Iwan Bernie Sedlacek
Brenda Gunn Arlene Jordan Tom Dickerson - Guest

Members Absent: Rich Hanneman

Agenda Item #1: Announcement of Location of Posted Meetings Act:

A copy of the Open Meetings Act is posted on the North wall of the conference room for public access and reference. A copy of the act is also available.

Agenda Item #2: Approval of the Notice of Meeting.

Notice of Meeting was published by the City and College in the Times and the Omaha World-Herald. Moved by Gunn and seconded by Sedlacek to approve. Ayes: all. Nays: none. Motion approved.

Agenda Item #3: Approval of the Minutes From November 5, 2007 Meeting.

Moved by Iwan and seconded by Sedlacek to approve the November 5, 2007 meeting minutes. Ayes: all. Nays: none. Motion approved.

Agenda Item #4: Storage Facility Update.

Storage facility completed. MCC will submit an invoice to City of La Vista for shared cost.

Agenda Item #5: Status of OPPD Heat Pump/Geothermal Well Field.

On-going project. Todd Mack with DLR group will draft a proposal to send to the City of La Vista outlining recommendations and cost.

Agenda Item #6: Coffee Cart Service at Sarpy Center.

A soft opening during morning hours is scheduled for February 13th and 14th. Grand opening date and hours will be announced soon.

Agenda Item #7: Street Signs for Sarpy Center/Library.

Sedlacek discussed desire to add signage on 84th and Giles - North/South and East/West of intersections. Verbiage for signs will be verified before proceeding.

Agenda Item #8: Other Business

Dickerson reported brush and dead trees were removed from East side along property line.

The next Board of Director's Meeting is Monday, May 5, 2008 at 3:00 p.m. La Vista/MCC Sarpy Center Conference Room #142.

With no other business, it was moved by Jordan and seconded by Iwan to adjourn the meeting at 3:45 p.m. Ayes: all. Nays: none. Motion carried.

Minutes respectfully submitted by Arlene Jordan

City of LaVista
Park & Recreation Advisory Committee Minutes
January 16, 2008

A meeting of the Park and Recreation Advisory Committee for the City of LaVista convened in open and public session at 7:02 p.m. on January 16, 2008. Present were Recreation Director Scott Stopak, Chairperson Greg Johnson, Randy Cahill, George Forst, and Pat Lodes. Absent: John Vendetti.

A notice of the meeting was given advance thereof by publication in the Times on January 10, 2008. Simultaneously given to the members of the Park and Recreation Advisory Committee and a copy of their acknowledgment of receipt of the notice are attached to the minutes. Availability of the agenda was communicated in the advance notice to the members of the Park and Recreation Advisory Committee of this meeting. All proceedings hereafter were taken while the convened meeting was open to attendance of the public. Further, all the subjects included in said proceedings were contained in the agenda for inspection within ten working days after said meeting, prior to the convened meeting of said body.

CALL TO ORDER

Chairperson Johnson called the meeting to order.

Seconded by Committee Member Cahill. Motion carried.

Recreation Director Stopak led the audience in the Pledge of Allegiance.

Recreation Director Stopak made an announcement of the location of the posted copy of the Open Meetings Act for public reference and read the Emergency Procedures Statement.

A. CONSENT AGENDA

Chairperson Johnson made the motion to approve the consent agenda.
Seconded by Committee Member Cahill. Motion carried.

REPORTS FROM RECREATION DIRECTOR AND STAFF

Assistant Recreation Director David Karlson stated that the Recreation Dept. is going to be a local host sight for the Jr. Olympics Skills Competition. The program is free for 8-13 year olds. There is Basketball, Soccer, Track & Field and Tennis competitions. There is a chance of advancement to regional and national level competition. Travel expenses would incur if the participant would advance to a higher level. The plan is to start next month with the basketball competition.

Recreation Director Stopak welcomed Pat Lodes back to the Park & Recreation Advisory Board. Pat was a board member as a resident of Ardmore in La Vista. He moved to the Val Verde subdivision, and with the recent annexation, was able to fill a spot on the advisory board left by Chris Kuehner this month. Stopak also introduced Eddie Burns, Program Coordinator, which is a new position in the Recreation Dept. Eddie will be responsible for the adult and youth sports programs and field reservations. Director Stopak also relayed that George Barth, of Public Works, has received the Outstanding Golf Course Superintendent Award for 2007 at the conference for the Nebraska Golf Course Superintendents Association for his excellent work on the grounds at La Vista Falls Golf Course.

Program Director Carstensen reported that since Eddie Burns will be covering the field reservations, he will have more time to dedicate to the Senior program. This month, they had a Police Academy for the Seniors. The LVPD visited twice, with Chief Robert Lausten, Officer Harald Rappold, Sgt. Brian Waugh and Officer John York with Police Dog Leda. Chief Lausten gave a presentation on the history of the La Vista Police Dept.; Officer Rappold talked about crime scenes and arrests. Sgt. Waugh discussed S.W.A.T. team tactics on Officer York and Leda discussed drug recovery. The Seniors thought it was a very interesting presentation.

Carstensen also invited the Advisory Board Members to the Senior Valentine's Luncheon on Thursday, February 14th, and to the Easter Egg Hunt which will be held on Saturday, March 22nd. The La Vista Youth Athletic Association (headed by Bellino Enterprises) have donated \$500 to be used for the Senior Valentine's luncheon or other Senior events.

Program Coordinator Burns stated that the 1st & 2nd grade basketball clinic will begin on Saturday, January 19th, with 2 sessions, 8:30 and 9:30 am. There are 28 children participating in the program this season. Also, the adult basketball league will begin on January 27 and run through mid-May. There are 12 teams participating in this league on Sunday afternoons and evenings.

B. SWIMMING POOL

Member Cahill asked if the new annexations, South wind and Val Verde, were included in the price of the pool provided this summer? Member Cahill also asked how many surveys were sent out? Director Stopak said he would find the answer and let the board know.

COMMENTS FROM THE FLOOR

No comments.

COMMENTS FROM COMMITTEE MEMBERS

No comments.

ADJOURNMENT

Chairperson Cahill made the motion to adjourn. Seconded by Chairperson Johnson. Motion carried.

Meeting adjourned at 7:17 p.m.



John Q Hammons
INDUSTRIES

February 4, 2008

Sheila Lindberg, Finance Director
City of La Vista
8116 Park View Blvd.
LaVista, NE 68128

RE: Draw Request #5 on LaVista, NE Conference Center

Dear Ms. Lindberg:

Enclosed is our fifth draw on the Conference Center in LaVista, NE in the amount of \$595,778.98 with supporting invoices. Our 28% equity of this draw is \$166,818.11.

We would like the funds in the amount of \$428,960.87 wired as early as possible on the morning of February 20, 2008 using the enclosed wiring instructions. Please notify me at 417/864-4300 when this is completed.

Sincerely,

Jacquie Dowdy
Treasurer

lfh
enclosures

PROJECT: LAVISTA, NE CONVENTION CENTER

LENDER: CITY OF LAVISTA

DRAW #5

FEBRUARY 4, 2008

LAVISTANECONVCTR DRAW

	CONSTRUCTION BUDGET	AMOUNT PAID BY JQH	ADVANCED TO DATE	TOTAL PAID TO DATE BEFORE REQUEST	CURRENT DRAW #5	LESS JQH 28.00%	NET CURRENT REQUEST	TOTAL ADV AFTER REQUEST	TOTAL PAID AFTER REQUEST	TOTAL % OF BUDGET	BALANCE TO FINISH
LAND	\$ 1,200,000.00	\$ -	\$ -	\$ 9,268,814.75	\$ 544,164.98	\$ (152,366.19)	\$ 391,798.79	\$ 7,078,854.60	\$ 9,812,979.73	0.00%	\$ 1,200,000.00
CONSTRUCTION	\$ 14,850,000.00	\$ 2,581,758.94	\$ 6,687,055.81	\$ 9,268,814.75	\$ -	\$ -	\$ -	\$ -	\$ -	0.00%	\$ 5,037,020.27
BUILDING PERMITS	\$ 90,000.00	\$ 35,551.65	\$ 91,418.54	\$ 126,970.19	\$ -	\$ -	\$ -	\$ 91,418.54	\$ 126,970.19	141.08%	\$ (36,970.19)
TECHNICAL FEES	\$ 1,312,000.00	\$ 152,784.97	\$ 392,875.62	\$ 545,660.59	\$ 4,316.50	\$ (1,208.62)	\$ 3,107.88	\$ 395,983.50	\$ 549,977.09	41.92%	\$ 762,022.91
FF & E	\$ 3,957,000.00	\$ 22,855.22	\$ 58,770.55	\$ 81,625.77	\$ 47,297.50	\$ (13,243.30)	\$ 34,054.20	\$ 92,824.75	\$ 128,923.27	3.26%	\$ 3,828,076.73
CAPITALIZED INTEREST	\$ 665,156.00	\$ 19,669.79	\$ 50,579.47	\$ 70,249.26	\$ -	\$ -	\$ -	\$ 50,579.47	\$ 70,249.26	10.56%	\$ 594,906.74
FINANCE COSTS	\$ 626,844.00	\$ 18,762.75	\$ -	\$ 18,762.75	\$ -	\$ -	\$ -	\$ -	\$ 18,762.75	2.99%	\$ 608,081.25
PRE-OPENING	\$ 300,000.00	\$ 21.69	\$ 55.76	\$ 77.45	\$ -	\$ -	\$ -	\$ 55.76	\$ 77.45	0.03%	\$ 299,922.55
LEGAL FEES	\$ 50,000.00	\$ 68.60	\$ 176.40	\$ 245.00	\$ -	\$ -	\$ -	\$ 176.40	\$ 245.00	0.49%	\$ 49,755.00
MISCELLANEOUS	\$ 150,000.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	0.00%	\$ 150,000.00
TOTAL	\$ 23,201,000.00	\$ 2,831,473.61	\$ 7,280,932.15	\$ 10,112,405.76	\$ 595,778.98	\$ (166,818.11)	\$ 428,960.87	\$ 7,709,893.02	\$ 10,708,184.74	100.00%	\$ 12,492,815.26
% OF JOB AFTER CURRENT DRAW											
28% PAID BY BORROWER:					\$ 166,818.11						
72% ADVANCED BY CITY:					\$ 428,960.87						
TOTAL INVOICES SUBMITTED:					\$ 595,778.98						

28% PAID BY BORROWER:

72% ADVANCED BY CITY:

TOTAL INVOICES SUBMITTED:

The Austin Peters Group, Inc.

P.O. Box 27196
Overland Park, KS 66225
Telephone: (913) 851-7530
Facsimile: (913) 851-7529
e-mail: rcrowder@austinpeters.com

**Invoice # 0205-
2/5/08**

Tax ID 48-1203956

Professional services provided for compensation study

Item	Amount
Deposit payment	\$3,697.50

Total	\$3,697.50
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Thank you for your business!

*Consent agenda
R. Lamire
2/13/08
01.28.0303*

BANK NO	BANK NAME	CHECK NO	DATE	VENDOR NO	VENDOR NAME	CHECK AMOUNT	CLEARED	VOIDED	MANUAL
1 Bank of Nebraska (600-873)									
		45927			Payroll Check				
		45928			Gap in Checks				
Thru		91805							
91806	2/06/2008	2888	HOME DEPOT CREDIT SERVICES			1,625.24			**MANUAL**
91807	2/06/2008	3702	LAUGHLIN, KATHLEEN A, TRUSTEE			372.00			**MANUAL**
91808	2/06/2008	3909	LEO A DALY COMPANY			6,000.00			**MANUAL**
91809	2/07/2008	2625	CARDMEMBER SERVICE-ELAN			7,646.23			**MANUAL**
91810	2/07/2008	1821	PETTY CASH-PAM BUETHE			300.00			**MANUAL**
91811	2/19/2008	762	ACTION BATTERIES UNLTD INC			352.16			
91812	2/19/2008	268	AKSARBEN HEATING/ARS			692.00			
91813	2/19/2008	571	ALAMAR UNIFORMS			438.04			
91814	2/19/2008	3364	ALL STAR PRO GOLF INC			432.60			
91815	2/19/2008	1163	ANDERSON ELECTRIC			108.00			
91816	2/19/2008	435	ANDERSON FORD LINCOLN MERCURY			64.10			
91817	2/19/2008	196	AQUILA			19,259.46			
91818	2/19/2008	536	ARAMARK UNIFORM SERVICES INC			325.41			
91819	2/19/2008	636	ART FAC GRAPHICS LTD			191.00			
91820	2/19/2008	1678	ASPEN EQUIPMENT COMPANY			449.00			
91821	2/19/2008	201	BAKER & TAYLOR BOOKS			87.38			
91822	2/19/2008	2974	BARTH, GEORGE			86.00			
91823	2/19/2008	3102	BBC AUDIOBOOKS AMERICA			127.38			
91824	2/19/2008	1784	BENNINGTON IMPLEMENT			1,431.49			
91825	2/19/2008	3774	BENSON RECORDS MANAGEMENT CTR			50.78			
91826	2/19/2008	3119	BIRCH, ANN			86.95			
91827	2/19/2008	3846	BOLEY, ANN			155.52			
91828	2/19/2008	1143	BRAND, STEVEN			214.00			
91829	2/19/2008	1242	BRENTWOOD AUTO WASH			145.00			
91830	2/19/2008	117	BRODART			336.00			
91831	2/19/2008	76	BUILDERS SUPPLY CO INC			68.88			
91832	2/19/2008	2958	CALLAWAY GOLF COMPANY			.00	**CLEARED**	**VOIDED**	
91833	2/19/2008	2958	CALLAWAY GOLF COMPANY			1,116.87			
91834	2/19/2008	2078	CAVLOVIC, PAT			160.00			
91835	2/19/2008	3917	CENTENNIAL ENTERPRISES INC			3,381.28			
91836	2/19/2008	152	CITY OF OMAHA			30,165.30			
91837	2/19/2008	83	CJ'S HOME CENTER			.00	**CLEARED**	**VOIDED**	
91838	2/19/2008	83	CJ'S HOME CENTER			.00	**CLEARED**	**VOIDED**	
91839	2/19/2008	83	CJ'S HOME CENTER			.00	**CLEARED**	**VOIDED**	
91840	2/19/2008	83	CJ'S HOME CENTER			.00	**CLEARED**	**VOIDED**	
91841	2/19/2008	83	CJ'S HOME CENTER			1,376.58			
91842	2/19/2008	3176	COMP CHOICE INC			437.50			
91843	2/19/2008	836	CORNHUSKER INTL TRUCKS INC			33.50			
91844	2/19/2008	2158	COX COMMUNICATIONS			179.15			
91845	2/19/2008	3918	CUSTOM WIRE ROPE RIGGING &			300.00			
91846	2/19/2008	3710	DAHL, DOUG			245.00			
91847	2/19/2008	846	DATA TECHNOLOGIES INC			500.00			
91848	2/19/2008	127	DON'S PIONEER UNIFORMS			84.75			
91849	2/19/2008	364	DULTMEIER SALES & SERVICE			48.40			

BANK NO	BANK NAME							
CHECK NO	DATE	VENDOR NO	VENDOR NAME	CHECK	AMOUNT	CLEARED	VOIDED	MANUAL
91850	2/19/2008	632	EASTERN LIBRARY SYSTEM		15.00			
91851	2/19/2008	3845	EBEL, TY		254.62			
91852	2/19/2008	1235	FEDEX KINKO'S		31.30			
91853	2/19/2008	1201	FERRELLGAS		29.90			
91854	2/19/2008	1245	FILTER CARE		87.15			
91855	2/19/2008	3007	FIRE-EXTRICATION-HAZMAT		272.50			
91856	2/19/2008	439	FIREGUARD INC		12,087.10			
91857	2/19/2008	1254	FLEETPRIDE		34.20			
91858	2/19/2008	3132	FORT DEARBORN LIFE INSURANCE		1,213.00			
91859	2/19/2008	1344	GALE		260.78			
91860	2/19/2008	1161	GALL'S INCORPORATED		500.10			
91861	2/19/2008	620	GATEWAY HOTEL & CONFERENCE CTR		539.28			
91862	2/19/2008	1697	GAYLORD BROS		440.60			
91863	2/19/2008	53	GCR OMAHA TRUCK TIRE CENTER		91.89			
91864	2/19/2008	35	GOLDMAN, JOHN G		40.00			
91865	2/19/2008	3508	GRAPHIC IMAGINATION INC		864.80			
91866	2/19/2008	285	GRAYBAR ELECTRIC COMPANY INC		103.76			
91867	2/19/2008	385	GREAT PLAINS ONE-CALL SVC INC		121.49			
91868	2/19/2008	1624	GUNN, BRENDA		234.00			
91869	2/19/2008	1044	H & H CHEVROLET LLC		109.37			
91870	2/19/2008	1688	HANNEBAUM GRAIN CO INC		4,492.87			
91871	2/19/2008	1403	HELGET GAS PRODUCTS INC		120.50			
91872	2/19/2008	433	HIGHSMITH CO INC		53.69			
91873	2/19/2008	3146	HORNUNG'S GOLF PRODUCTS INC		973.74			
91874	2/19/2008	2322	INDUSTRIAL SALES COMPANY INC		75.00			
91875	2/19/2008	835	IVERSON, DENNIS		40.00			
91876	2/19/2008	2554	IWAN, ROSE		73.53			
91877	2/19/2008	1896	J Q OFFICE EQUIPMENT INC		637.79			
91878	2/19/2008	3663	JONES AND BARTLETT PUBLISHERS		397.50			
91879	2/19/2008	550	KELLY'S AWARDS		593.45			
91880	2/19/2008	788	KINDIG, DOUGLAS		142.24			
91881	2/19/2008	1054	KLINKER, MARK A		14.00			
91882	2/19/2008	2697	KROGER-DILLON CUST CHARGES		60.61			
91883	2/19/2008	2327	LIEN TERMITE & PEST CONTROL		1,373.00			
91884	2/19/2008	1288	LIFE ASSIST		606.32			
91885	2/19/2008	877	LINWELD		419.62			
91886	2/19/2008	1573	LOGAN CONTRACTORS SUPPLY		95.65			
91887	2/19/2008	2664	LOU'S SPORTING GOODS		51.46			
91888	2/19/2008	1539	MALLARD SAND AND GRAVEL CO		4,008.07			
91889	2/19/2008	3868	MAX I WALKER CLEANERS		494.55			
91890	2/19/2008	3468	METAL SUPERMARKETS-OMAHA		134.96			
91891	2/19/2008	153	METRO AREA TRANSIT		561.00			
91892	2/19/2008	98	MICHAEL TODD AND COMPANY INC		360.00			
91893	2/19/2008	184	MID CON SYSTEMS INCORPORATED		164.05			
91894	2/19/2008	1526	MIDLANDS LIGHTING & ELECTRIC		612.06			
91895	2/19/2008	1046	MIDWEST TURF & IRRIGATION		315.72			
91896	2/19/2008	346	MOBILE COMMUNICATIONS INC		836.00			
91897	2/19/2008	3061	MUNICIPAL EMERGENCY SVCS INC		650.00			
91898	2/19/2008	3871	NATIONAL RESEARCH CENTER INC		5,550.00			
91899	2/19/2008	372	NE LIQUOR CONTROL COMMISSION		45.00			
91900	2/19/2008	469	NEBRASKA FURNITURE MART		1,616.83			
91901	2/19/2008	1099	NEMSA-NE EMER MED SVCS ASSN		606.00			
91902	2/19/2008	653	NEUMAN EQUIPMENT COMPANY		193.00			

BANK NO BANK NAME

CHECK NO	DATE	VENDOR NO	VENDOR NAME	CHECK AMOUNT	CLEARED	VOIDED	MANUAL
91903	2/19/2008	440	NMC INC	336.43			
91904	2/19/2008	3415	OABR PRINT SHOP	4,994.25			
91905	2/19/2008	1014	OFFICE DEPOT INC-CINCINNATI	.00	**CLEARED**	**VOIDED**	
91906	2/19/2008	1014	OFFICE DEPOT INC-CINCINNATI	.00	**CLEARED**	**VOIDED**	
91907	2/19/2008	1014	OFFICE DEPOT INC-CINCINNATI	.00	**CLEARED**	**VOIDED**	
91908	2/19/2008	1014	OFFICE DEPOT INC-CINCINNATI	871.91			
91909	2/19/2008	79	OMAHA COMPOUND COMPANY	67.00			
91910	2/19/2008	195	OMAHA PUBLIC POWER DISTRICT	.00	**CLEARED**	**VOIDED**	
91911	2/19/2008	195	OMAHA PUBLIC POWER DISTRICT	35,332.46			
91912	2/19/2008	1479	OMAHA TRUCK CENTER	36.99			
91913	2/19/2008	46	OMAHA WORLD HERALD COMPANY	216.30			
91914	2/19/2008	3039	PAPILLION SANITATION	219.35			
91915	2/19/2008	2686	PARAMOUNT LINEN & UNIFORM	468.25			
91916	2/19/2008	1769	PAYLESS OFFICE PRODUCTS INC	144.50			
91917	2/19/2008	3058	PERFORMANCE CHRYSLER JEEP	118.42			
91918	2/19/2008	1821	PETTY CASH-PAM BUETHE	74.34			
91919	2/19/2008	159	PRECISION INDUSTRIES INC	148.40			
91920	2/19/2008	3657	PROPERTY SERVICES	128.00			
91921	2/19/2008	219	QWEST	127.96			
91922	2/19/2008	3120	RACOM CORPORATION	300.40			
91923	2/19/2008	427	RAMIREZ, RITA M	30.00			
91924	2/19/2008	3090	REGAL AWARDS OF DISTINCTION	69.18			
91925	2/19/2008	175	RUSH, TIMOTHY M	214.00			
91926	2/19/2008	292	SAM'S CLUB	21.65			
91927	2/19/2008	487	SAPP BROS PETROLEUM INC	.00	**CLEARED**	**VOIDED**	
91928	2/19/2008	487	SAPP BROS PETROLEUM INC	12,402.70			
91929	2/19/2008	150	SARPY COUNTY TREASURER	.00	**CLEARED**	**VOIDED**	
91930	2/19/2008	150	SARPY COUNTY TREASURER	34,461.00			
91931	2/19/2008	1652	SCHOLASTIC BOOK FAIRS	70.98			
91932	2/19/2008	503	SCHOLASTIC LIBRARY PUBLISHING	148.20			
91933	2/19/2008	3711	SIMON, DON	245.00			
91934	2/19/2008	1864	SINNETT, JEFF	245.00			
91935	2/19/2008	3514	SMITH, MELANIE	252.16			
91936	2/19/2008	533	SOUCIE, JOSEPH H JR	40.00			
91937	2/19/2008	3838	SPRINT	91.25			
91938	2/19/2008	3069	STATE STEEL OF OMAHA	143.55			
91939	2/19/2008	47	SUBURBAN NEWSPAPERS INC	601.67			
91940	2/19/2008	659	SUMMER KITCHEN CAFE INC	134.75			
91941	2/19/2008	3718	SUN LIFE & HEALTH INSURANCE CO	1,880.04			
91942	2/19/2008	3873	SUPERIOR TRANSIT SALES LLC	38.96			
91943	2/19/2008	332	SUSPENSION SHOP INCORPORATED	1,466.01			
91944	2/19/2008	143	THOMPSON DREESSEN & DORNER	5,854.28			
91945	2/19/2008	2485	THORNBURG, JEFF	120.00			
91946	2/19/2008	3309	THREE RING ENTERPRISES INC	.00	**CLEARED**	**VOIDED**	
91947	2/19/2008	3309	THREE RING ENTERPRISES INC	.00	**CLEARED**	**VOIDED**	
91948	2/19/2008	3309	THREE RING ENTERPRISES INC	.00	**CLEARED**	**VOIDED**	
91949	2/19/2008	3309	THREE RING ENTERPRISES INC	.00	**CLEARED**	**VOIDED**	
91950	2/19/2008	3309	THREE RING ENTERPRISES INC	1,587.82			
91951	2/19/2008	161	TRACTOR SUPPLY COMPANY	153.52			
91952	2/19/2008	3812	UHL, RICHARD	154.00			
91953	2/19/2008	3728	UNIVERSITY OF NEBRASKA LINCOLN	400.00			
91954	2/19/2008	3822	VITALSIGNS	325.00			
91955	2/19/2008	1174	WAL-MART COMMUNITY BRC	369.85			

BANK NO	BANK NAME				
CHECK NO	DATE	VENDOR NO	VENDOR NAME	CHECK AMOUNT	CLEARED
91956	2/19/2008	3089	WHITTAKER, VICKI	46.42	
91957	2/19/2008	968	WICK'S STERLING TRUCKS INC	204.57	
91958	2/19/2008	3497	WITMER ASSOCIATES INC	50.99	
			BANK TOTAL	228,179.51	
			OUTSTANDING	228,179.51	
			CLEARED	.00	
			VOIDED	.00	
FUND		TOTAL	OUTSTANDING	CLEARED	VOIDED
01	GENERAL FUND	146,912.66	146,912.66	.00	.00
02	SEWER FUND	51,476.00	51,476.00	.00	.00
04	BOND(S) DEBT SERVICE FUND	1,898.65	1,898.65	.00	.00
05	CONSTRUCTION	19,854.04	19,854.04	.00	.00
09	GOLF COURSE FUND	7,726.72	7,726.72	.00	.00
14	ECONOMIC DEVELOPMENT	75.82	75.82	.00	.00
15	OFF-STREET PARKING	235.62	235.62	.00	.00
		REPORT TOTAL	228,179.51		
		OUTSTANDING	228,179.51		
		CLEARED	.00		
		VOIDED	.00		
	+ Gross Payroll 2/8/08		<u>183,052.92</u>		
		GRAND TOTAL	<u>\$411,232.43</u>		

APPROVED BY COUNCIL MEMBERS 2/19/08

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
FEBRUARY 19, 2008 AGENDA

Subject:	Type:	Submitted By:
APPLICATION FOR REZONING — LOT 380, CIMARRON WOODS (SW 96 TH & HARRISON ST.)	RESOLUTION ◆ ORDINANCE RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

SYNOPSIS

A public hearing has been scheduled and an ordinance has been prepared to approve a rezoning of approximately 26 acres of land from R-1 PUD-1 Single Family Residential Planned Unit Development to R-3 PUD-1 High Density Residential Planned Unit Development for Lot 380, Cimarron Woods, located at the southwest corner of 96th Street and Harrison Street.

FISCAL IMPACT

None.

RECOMMENDATION

Approval.

BACKGROUND

A public hearing has been scheduled and an ordinance prepared for the Council to consider a rezoning of approximately 26 acres of land from R-1 PUD-1 Single Family Residential Planned Unit Development to R-3 PUD-1 High Density Residential Planned Unit Development for Lot 380, Cimarron Woods, located at the southwest corner of 96th Street and Harrison Street. The application has been submitted by the City of La Vista in order to correct the official zoning map.

Several months ago staff was contacted by the property owner regarding a proposal for a multi-family project on this site. In checking the zoning, staff noted the zoning designation on the official zoning map as R-1 Single Family Residential. Researching the staff reports from the original zoning request indicate the intent was to allow for multi-family development on this lot however the ordinance only provided for the R-1 district (see case history in the attached staff report). In order to resolve this discrepancy, staff has sponsored this rezoning request.

The Planning Commission held a public hearing on January 17, 2008 and recommended approval of the rezoning.

ORDINANCE NO. _____

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

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

Section 1. Approval of Rezoning. On January 17, 2008, the La Vista Planning Commission conducted a public hearing on the matter of rezoning the tract of land set forth in Section 2 of this ordinance and reported to the City Council that it recommended the zoning of said tract be changed from "R-1 PUD-1" Single Family Residential Planned Unit Development to "R-3 PUD-1" High Density Residential Planned Unit Development. On February 19, 2008, the City Council held a public hearing on said proposed change in zoning and found and determined that said proposed change in zoning is advisable and in the best interests of the City. The City Council further found and determined that public hearings were duly held and notices, including published notice, written notice to property owners and notice posted at the properties, were duly given pursuant to Section 9.01 of the La Vista Zoning Ordinance. The City Council hereby approves said proposed changes in zoning as set forth in Section 2 of this ordinance.

Section 2. Amendment of the Official Zoning Map. Pursuant to Section 3.02 of the La Vista Zoning Ordinance, the following described tract of land is hereby rezoned from "R-1 PUD-1" Single Family Residential Planned Unit Development to "R-3 PUD-1" High Density Residential Planned Unit Development, and the Official Zoning Map of the City of La Vista is hereby amended to reflect the changes in zoning of the following described tracts of land "R-1 PUD-1" Single Family Residential Planned Unit Development to "R-3 PUD-1" High Density Residential Planned Unit Development:

Lot 380, Cimarron Woods, located in Section 16, Township 14 North, Range 12 East of the 6th P.M., Sarpy County, Nebraska. Containing 25.938 acres, more or less.

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

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

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

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

PASSED AND APPROVED THIS 19TH DAY OF FEBRUARY 2008.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

\L\vdcp01\users\Administration\BRENDA\COUNCIL\ORDINANCE\Cimarron Woods Lot 380 Rezone.DOC

**CITY OF LA VISTA
PLANNING DIVISION**

RECOMMENDATION REPORT 2

CASE NUMBER:

FOR HEARING OF: February 19, 2008
REPORT #2: February 13, 2008

I. GENERAL INFORMATION

A. APPLICANT:

City of La Vista

B. PROPERTY OWNER:

Torco Development Inc.
5016 S. 110th Street
Omaha, NE 68137

C. LOCATION:

Southwest corner of 96th & Harrison Street

D. LEGAL DESCRIPTION:

Lot 380, Cimarron Woods

E. REQUESTED ACTION(S):

Rezoning from R-1 PUD-1 to R-3 PUD-1

F. EXISTING ZONING AND LAND USE:

R-1 PUD-1, Single-Family Residential Planned Unit Development/Undeveloped

G. PURPOSE OF REQUEST:

To allow for multi-family development

H. SIZE OF SITE:

25.938 acres

II. BACKGROUND INFORMATION

A. EXISTING CONDITION OF SITE:

Undeveloped; moderate to steeply sloping toward an open drainage channel which bisects the site from north to south.

B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:

1. North:

City of Omaha; Applewood Golf Course

2. East:

Cornerstone Baptist Church/TA Transitional Agriculture and R-1

Single-Family Residential

- 3. **South:**
Cimarron Woods/R-1 Single-Family Residential
- 4. **West:**
Cimarron Woods/R-1 Single-Family Residential

C. RELEVANT CASE HISTORY:

- 1. In October of 2002, an application was filed for approval of a Comprehensive Plan amendment, a rezoning from TA, Transitional Agriculture, to R-1 PUD and R-3 PUD; and approval of a preliminary plat for a subdivision to be known as "Shenandoah". Proposed Lot 514 (26.7 acres) was to be zoned for multi-family development.
- 2. On March 20, 2003, after some revisions to the layout of the plat, the Planning Commission conducted a public hearing and recommended approval of the request. The staff report and meeting minutes identify the rezoning from TA to R-1 but state "A P.U.D. designation will also allow for some mixed residential development...which will be predominantly single-family housing." And "Through the use of a P.U.D. the higher density residential has relocated to the northeast corner of this site where commercial uses have been previously discouraged." Also identified are several comments from the staff and the Acting City Engineer, Terry Atkins, including:
 - (a) A traffic signal shall be provided at 99th Street when the apartments are constructed regardless of warrants.
 - (b) Language must be incorporated into the subdivision agreement requiring approval of the final apartment plan prior to site development. The final apartment plan must have adequate internal traffic flow for police and fire, which would include a wide divided entrance.
- 3. On May 6, 2003, the City Council conducted a public hearing and approved Ordinance No. 907 (attached). The staff report and meeting minutes include the same comments regarding multi-family development however the ordinance rezoned the entire area of the preliminary plat to R-1.
- 4. In August of 2003, an application was filed for approval of a revised preliminary plat, a final plat, a final PUD plan and a waiver to two sections of the Subdivision Regulations. The name of the subdivision was changed to "Cimarron Woods". The application identifies a proposed 418 units on Lot 380 however the proposed zoning designation is listed as R-1 PUD.
- 5. On August 21, 2003 the Planning Commission conducted a public hearing and recommended approval of the request. The staff report and meeting minutes include the same comments noted above regarding the multi-family development. In addition, the debt to value analysis for the S.I.D. identifies Lot 380 will contain +400 units.
- 6. On September 16, 2003 the City Council conducted a public hearing and approved Ordinance No. 916 (attached) which created the PUD-1 overlay designation to the R-1 zoning which had been approved in Ordinance No. 907. The City Council also approved the revised preliminary plat, the final plat and the Subdivision Agreement. The staff report and meeting minutes include the same comments noted above regarding the multi-family development. Section 19 of the Subdivision Agreement also states "As regards Lot 380 (multi-family tract), site plan, building elevations and building design shall be subject to City approval, at which time it should become part of this Agreement and designated as Exhibit "K"."

D. APPLICABLE REGULATIONS:

1. Section 5.06, Zoning Ordinance, regarding the R-1 Single Family Residential District
2. Section 5.08, Zoning Ordinance, regarding the R-3 High Density Residential District
3. Section 5.15, Zoning Ordinance, regarding the PUD-1 Planned Unit Development District

III. ANALYSIS

A. COMPREHENSIVE PLAN:

The Future Land Use Map of the Comprehensive Plan identifies this site for high density residential.

B. OTHER PLANS:

None.

C. TRAFFIC AND ACCESS:

1. Lot 380 was platted with access to 99th Street in Cimarron Woods.
2. Harrison Street abuts this lot on the north, however this roadway has controlled access and no direct access will be allowed.
3. 96th Street abuts this lot on the east.

D. UTILITIES:

All utilities are available to the site.

IV. REVIEW COMMENTS

1. The staff reports from the original rezoning request imply that the R-1 PUD-1 zoning classification would allow for mixed residential development, including multi-family uses. Upon review of the district regulations however, only single family dwellings are permitted in R-1. Multiple family dwellings are only allowed as a conditional use in the R-3 District.
2. Lot 380, the lot in question, was platted as a 26 acre lot. It is unlikely the intent would have been to develop one single family lot of this size. Documents on file from the original zoning and platting hearings clearly identify the intent to develop this lot for multiple family dwellings.
3. Staff has sponsored this rezoning request as a "housekeeping" item to resolve the discrepancy in the record and correct the official zoning map.
4. If the rezoning is approved, any multi-family development will require approval of a conditional use permit and site plan by the Planning Commission and City Council.
5. This property is also in the Gateway Corridor Overlay District and will also require architectural review.

V. STAFF RECOMMENDATIONS

Approve the rezoning from R-1 PUD-1 to R-3 PUD-1.

VI. ATTACHMENTS TO REPORT

1. Vicinity Map
2. Ordinance No. 907
3. Ordinance No. 916

VII. COPIES OF REPORT TO

1. Gerry Torczon, Torco Development Inc.
2. Mike Smith, Pedcor Investments LLC
3. John Fullenkamp
4. Public Upon Request

AB
Prepared by:

Am Birch *2-13-08*
Community Development Director Date

ORDINANCE RECORD

No. 728-REFIELD & COMPANY INC., OMAHA

ORDINANCE NO. 907

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

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

Section 1. Approval of Rezoning. On March 20, 2003 the La Vista Planning Commission conducted a public hearing on the matter of rezoning the tract of land set forth in Section 2 of this ordinance and reported to the City Council that it recommended approval of the zoning of said tract be changed from "TA" Transitional Agriculture to "R-1" Single Family Residential. On May 6, 2003, the City Council held a public hearing on said proposed change in zoning and found and determined that said proposed changes in zoning are advisable and in the best interests of the City. The City Council further found and determined that public hearings were duly held and notices, including published notice, written notice to adjacent property owners and notice posted at the properties, were duly given pursuant to Section 9.01 of the Zoning Ordinance. The City Council hereby approves said proposed changes in zoning as set forth in Section 2 of this ordinance.

Section 2. Amendment of the Official Zoning Map. Pursuant to Article 3 of the Zoning Ordinance, the following described tract of land is hereby rezoned from "TA" Transitional Agriculture to "R-1" Single Family Residential, and the Official Zoning Map of the City of La Vista is hereby amended to reflect the changes in zoning of the following described tracts of land from "TA" Transitional Agriculture to "R-1" Single Family Residential, respectively:

Part of the NE $\frac{1}{4}$ of Section 16 and also the East $\frac{1}{2}$ of the NW $\frac{1}{4}$ of said Section 16, except those parts acquired for 96th Street Right-of-Way, Harrison Street Right-of-Way and Chicago Burlington and Quincy Railroad Right-of-Way, all located in Township 14 North, Range 12 East of the 6th P.M. Sarpy County, Nebraska.

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

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

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

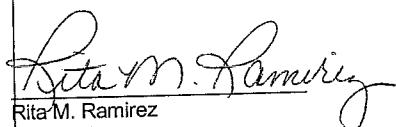
Section 3. Effective Date. This ordinance shall be in full force and effect upon the date passage, approval and publication as provided by law.

PASSED AND APPROVED THIS 6TH DAY OF MAY 2003.

CITY OF LA VISTA


Harold Anderson, Mayor

ATTEST:


Rita M. Ramirez
City Clerk

ORDINANCE RECORD

No. 725-REDFIELD & COMPANY INC., OMAHA

ORDINANCE NO. 916

AN ORDINANCE OF THE CITY OF LA VISTA, NEBRASKA, AMENDING THE ZONING DISTRICT MAP OF THE CITY OF LA VISTA, NEBRASKA; TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT; AND TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

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

Section 1. In accordance with Section 5.15 of the La Vista Zoning Ordinance, the R-1 (zoning district) zoning on the following described real estate, to wit:

LOTS 1-505 AND OUTLOTS A-G, PART OF THE NE 1/4 OF SECTION 16 AND ALSO THE EAST 1/2 OF THE NW 1/4 OF SAID SECTION 16, , ALL LOCATED IN TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6TH P.M. SARPY COUNTY, NEBRASKA, GENERALLY LOCATED SW OF 96TH & HARRISON STREET

is hereby overlaid with a PUD-1 (Planned Unit Development) zone as indicated in the plan previously approved by the La Vista Planning Commission, concerning such described real estate. Said overlay does not change the underlying R-1 zoning on said real estate as authorized in the PUD plan. The Final PUD development plan as submitted by the owner(s), comprised of the Final Plat and Subdivision Agreement is hereby approved and shall be filed in the office of the City Clerk.

Section 2. That this Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

PASSED AND APPROVED THIS 16TH DAY OF SEPTEMBER 2003.

CITY OF LA VISTA



Harold Anderson, Mayor

ATTEST:



Rita M. Ramirez, CMC
City Clerk

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Sarpy County, Nebraska

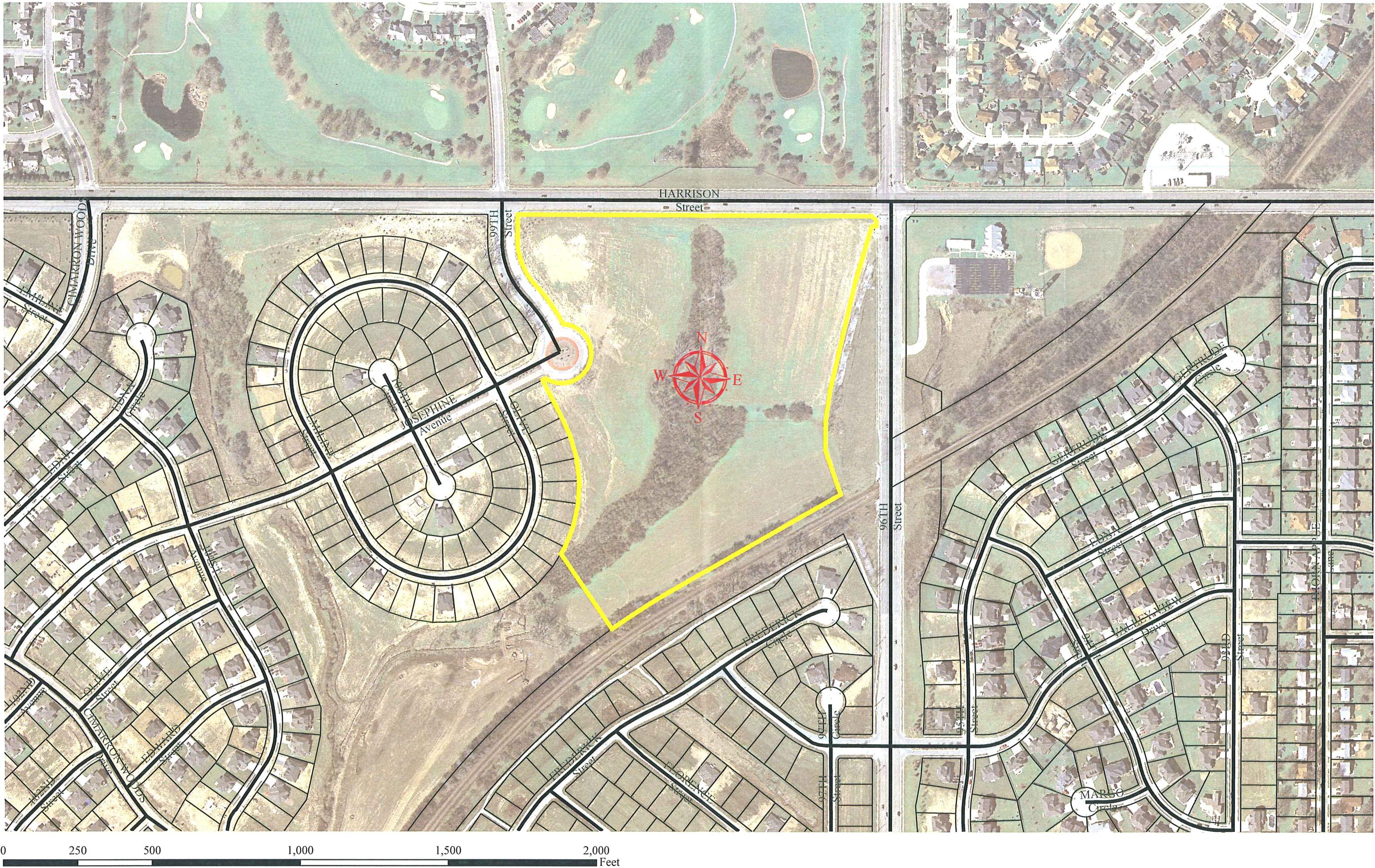


Parcel ID Number	011581892	Neighborhood Code	LCW
Owner Name	TORCO DEVELOPMENT INC	Property Type	RES
Mailing Address	5016 S 110TH ST	Improvements Value	\$0
City State	OMAHA NE	Land Value	\$778,140
Zip Code	68137-	Total Value	\$778,140
Property Address		Tax District	27128
Legal Description	LOT 380 CIMARRON WOODS (25.938 AC)		

***Disclaimer:** This data is for informational purposes only, and should not be substituted for a true titles search, property appraisal, survey, or for zoning district verification. Sarpy County and the Sarpy County GIS Coalition assume no legal responsibility for the information contained in this data.*

Map Scale
1 inch = 546 feet

Lot 380 - Cimarron Woods



CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
FEBRUARY 19, 2008 AGENDA

Subject:	Type:	Submitted By:
NEBRASKA PUBLIC TRANSPORTATION ASSISTANCE PROGRAM FY 2008 AGREEMENT	◆ RESOLUTION ORDINANCE RECEIVE/FILE	SCOTT STOPAK RECREATION DIRECTOR

SYNOPSIS

A resolution has been prepared authorizing the Mayor to execute an agreement with Nebraska, Department of Roads for the purpose of providing partial funding of the Public Transportation System. (La Vista/Ralston Special Services Bus)

FISCAL IMPACT

The allocation received for FY08 will be \$23,489.00.

RECOMMENDATION

Approval.

BACKGROUND

The Cities of La Vista and Ralston provide transportation for the elderly and handicapped residents of their respective cities via the La Vista/Ralston Special Services Bus program. This program is funded, in part, with Federal and State funds.

The agreement was between the City of Ralston and the State of Nebraska when Ralston administered the program. The City of La Vista has since taken over administration of this service and therefore the agreement will be between the City of La Vista and the State.

The fiscal year is based on the State of Nebraska fiscal year which runs from July 1, 2007 thru June 30, 2008.

The amount allocated is the maximum amount of State funds available for FY08.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE NEBRASKA DEPARTMENT OF ROADS (NDOR) TO PROVIDE PARTIAL FUNDING FOR THE PUBLIC TRANSPORTATION SYSTEM.

WHEREAS, the Nebraska Public Transportation Act as provided by Neb. Rev. Stat. § 13-1201 through 12-1212 (Reissue 1997), established a public transportation assistance program to provide state financial assistance to qualified eligible recipients; and

WHEREAS, the Senior Bus Service is eligible for public transportation assistance; and

WHEREAS, the City of La Vista has agreed to operate a public transportation system for the duration of the agreement; and

WHEREAS, the City of La Vista has the capability to provide local matching funds in an amount equal to that provided by the State; and

WHEREAS, the City Council of the City of La Vista has determined that said agreement with the Nebraska Department of roads is necessary for funding of the program; and

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska, to authorize the Mayor and City Clerk to enter into an agreement with the Nebraska Department of Roads to provide partial funding of the public transportation system.

PASSED AND APPROVED THIS 19TH DAY OF FEBRUARY 2008

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

AGREEMENT

THIS AGREEMENT, entered into by the State of Nebraska, Department of Roads (hereinafter referred to as the "State") and the City of *Ralston* (hereinafter referred to as "Contractor") is for the purpose of providing partial funding of Contractor's Public Transportation System (hereinafter referred to as "Project").

WHEREAS, the Nebraska Public Transportation Act as provided by Neb.Rev.Stat. §13-1201 through 13-1212 (Reissue 1997), established a public transportation assistance program to provide state financial assistance to qualified eligible recipients and

WHEREAS, the Contractor qualifies as an eligible recipient of public transportation assistance, and

WHEREAS, the Contractor has agreed to operate (contract for the operation of) a public transportation system for the duration of this Agreement; and

WHEREAS, the Contractor has the capability to provide local matching funds of an amount equal to that provided by the State;

NOW, THEREFORE, in consideration of these facts the parties agree as follows:

Section 1. SCOPE OF PROJECT

The Contractor shall undertake and complete the Project as described in its Application, herewith incorporated by reference, filed with and approved by the State, and in accordance with the terms and conditions of this agreement.

Section 2. REDUCED FARES

The Contractor agrees to offer, on city bus systems included in this project and operating over regularly scheduled routes, a reduced fare to the elderly and handicapped not to exceed one-half of the rates generally applicable to other persons at peak hours for each one-way trip. The Contractor may designate certain peak hours during which this section shall not apply.

Section 3. PERIOD OF CONTRACT PERFORMANCE

The term of this agreement shall be from July 1, 2007 until June 30, 2008.

Section 4. FUNDING

The State's share shall not exceed \$23,489.00 or 50% of eligible operating costs whichever is smaller. The fulfillment of this dollar amount will be contingent upon the availability of State funds during the agreement period.

Section 5. COST OF PROJECT

The State shall subsidize a percentage of the eligible operating deficit and the Contractor agrees to provide from local sources funds in an amount equal to the State subsidy. The Contractor shall initiate and pursue to completion all actions necessary to enable the Contractor to provide its share of the Project costs at or prior to the time that such funds are needed to meet Project costs. The Contractor further agrees that no refund or reduction of the amount so provided will be made, unless there is at the same time, a refund to the State of a proportional amount.

Section 6. PURCHASE OF PROJECT EQUIPMENT

Pursuant to this Agreement, the purchase of any eligible equipment, as defined in the "State of Nebraska Department of Roads Manual of Accounting Instructions for the Nebraska Public Transportation Assistance Program" (hereinafter referred to as the "Accounting Manual"), which is herewith incorporated by this reference, shall be undertaken in accordance with Neb.Rev.Stat. §73-101 through 73-106 (Reissue 1996).

Section 7. USE OF PROJECT EQUIPMENT

The Contractor agrees that the Project equipment and facilities shall be used as described in the approved Application for the duration of its useful life. If, during such period, any Project equipment is not used in this manner or is withdrawn from service, the Contractor shall immediately notify the State, and shall dispose of such equipment in accordance with procedures acceptable to the State.

Section 8. SUBCONTRACTS UNDER THIS AGREEMENT

Anytime the Contractor leases or contracts with a third party for the operation of public transportation, the requirements and stipulations contained herein shall be held applicable to the third party. All third party contracts shall be approved by the State, prior to execution by the Contractor.

Section 9. RECORDS AND REPORTS

(a) ESTABLISHMENT AND MAINTENANCE OF ACCOUNTING RECORDS

The Contractor shall keep satisfactory records with regard to the use of the property in accordance with the Accounting Manual and submit to the State upon request such information as is required in order to assure compliance with this Section and shall immediately notify the State in all cases where the service offered is changed substantially from that described in the Project Application. The Contractor shall establish and maintain, in accordance with requirements established by the State in the Accounting Manual, separate accounts for the Project, either independently or within its existing accounting system, to be known as the Project Account.

(b) DOCUMENTATION OF PROJECT COSTS. All charges to the Project Account shall be supported by properly executed invoices, contracts, or vouchers evidencing in proper detail the nature and propriety of the charges, in accordance with the rules and regulations of the State.

(c) CHECKS, ORDERS AND VOUCHERS. Any check or order drawn by the Contractor with respect to any item which is or will be chargeable against the Project Account will be drawn only in accordance with a properly signed voucher then on file in the office of the Contractor stating in proper detail the purpose for which such check or order is drawn. All checks, invoices, contracts, vouchers, orders or other accounting documents pertaining in whole or in part to the Project shall be clearly identified, readily accessible, and to the extent feasible, kept separate and apart from all other such documents.

(d) REPORTS. The Contractor shall advise the State regarding the progress of the Project at such times and in such manner as the State may require, including, but not limited to meetings and monthly reports.

The contractor shall submit to the State, at such time as may be required, such financial statements, data, records, contracts and other documents related to the Project as may be deemed necessary by the State, and shall permit extracts and copies thereof to be made, during the agreement period and for three (3) years after the date of final payment.

Section 10. PAYMENT

(a) The State shall pay for the eligible costs incurred under the terms of this Agreement, compensation or a cost reimbursement basis to include only those costs properly documented and itemized on the Contractor's invoice.

(b) Payments shall be made once each month and shall be for costs theretofore incurred within the scope of this Agreement. The Contractor shall submit monthly invoices and such invoices, or supplements thereto, shall be the basis of payment pursuant hereto and shall be signed by a responsible representative of the Contractor, certifying that all of the items therein are true and correct. Payment shall be made subject to audit by duly authorized representatives of the State. The State upon receipt of the proper invoices will make every reasonable effort to provide payment to the Contractor within (15) calendar days thereafter.

Section 11. AUDIT AND INSPECTION

The Contractor shall permit the State, or its authorized representatives to inspect all vehicles, facilities and equipment engaged by the Contractor as part of the Project, all transportation services rendered by the Contractor by the use of such vehicles, facilities and equipment, and all relevant Project data and records. The Contractor shall also permit the

State or its authorized representative to audit the books, records and accounts of the Contractor pertaining to the Project.

Section 12. TERMINATION

Either party may, by written notice to the other party, terminate the Project and cancel this Agreement after 30 days notice for any of the following reasons:

- (1) The Contractor discontinues providing the service as agreed;
- (2) The Contractor takes any action pertaining to this Agreement without the approval of the State and which under the provisions of this Agreement would have required the approval of the State;
- (3) The commencement, prosecution or timely completion of the Project by the Contractor is, for any reason, rendered improbable, impossible or illegal;
- (4) The Contractor shall be in default under any provision of this Agreement.
- (5) The Contractor desires termination for any reason.

Section 13. AGREEMENT CHANGES

Any proposed change in this agreement shall be submitted to the State for its prior approval.

Section 14. PROHIBITED INTEREST

Any member, officer, or employee of the Contractor shall comply with appropriate State Statutes concerning any interest, direct or indirect in this agreement or the proceeds thereof.

Section 15. NONDISCRIMINATION

The Contractor agrees to abide by the provisions of the Nebraska Fair Employment Practices Act as provided by Neb.Rev.Stat. §48-1101 through 48-1126 (Reissue 1998), and all regulations relative to nondiscrimination in federally assisted programs of the Department of Transportation, Title 49 CFR, Parts 21 and 27 as set forth in Exhibit "A" attached hereto and hereby made a part of this agreement.

Section 16. CLAIMS

The Contractor indemnifies, saves and holds harmless the State and all its agents and employees of and from any and all claims, demands, actions or causes of action of whatever nature or character arising out of or by reason of the work to be performed by the Contractor hereunder and further agrees to defend at its own sole cost and expense any action or proceeding commenced for the purpose of asserting any such claim of whatever character arising as a result of the action taken hereunder by the Contractor. It is further agreed that any and all employees of the Contractor and all other employees except employees of the State while engaged in the performance of any work or services required or provided for herein to be performed by the Contractor shall not be considered employees of the State, and that any and

all claims that may or might arise under the Workman's Compensation Act of the State of Nebraska on behalf of said employees while so engaged on any of the work or services provided to be rendered herein shall in no way be the obligation or responsibility of the State.

Section 17. LIABILITY INSURANCE

The Contractor shall maintain in amount and form satisfactory to the State such insurance or, if permitted by law, Contractor shall maintain a self-insurance program as will be adequate to protect it and the subcontractor, if any, in case of accident. As a minimum, the coverage shall consist of not less than the following amounts:

1.	Workmen's Compensation - Statutory	
2.	Bodily Injury and Property Damage with a combined single limit of liability of	\$500,000 each occurrence
<u>or</u>	Bodily Injury General and Automobile	\$250,000 each person
	General and Automobile	\$500,000 each occurrence
	Property Damage General and Automobile	\$250,000 each occurrence
	General	\$500,000 each aggregate

The insurance referred to in Number 2 above shall be written under Comprehensive General and Comprehensive Automobile Liability Policy Forms, including coverage for all owned, hired, and non-owned automobiles. The Contractor may at his option provide the limits of liability as set out above by a combination of the above-described policy forms and excess liability policies.

Contractor shall verify compliance with this section by submitting a copy of its Certificate of Insurance, or if self-insured, a letter to this effect.

IN WITNESS WHEREOF: this Agreement has been executed by the State acting by and through the Director, and the Contractor by and through a duly authorized representative has executed this Agreement effective the day and year first above written.

EXECUTED by the Contractor this _____ day of _____, 2007. *2008*

ATTEST: *Carl H. Johnson*
CITY OF RALSTON

BY _____ BY _____

TITLE _____ TITLE _____

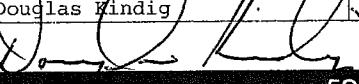
EXECUTED by the State this _____ day of _____, 2007. *2008*

STATE OF NEBRASKA
DEPARTMENT OF ROADS

ATTEST:

By: _____
(Seal) *Carl H. Johnson*
Rail and Public Transportation
Division Engineer

Application for the Nebraska Public Transportation Assistance Program

I	Project Name: La Vista/Ralston Special Services Unit		
II	SPONSORING CONTRACTOR		VI FEDERAL IRS IDENTIFICATION NUMBER
Legal Name: City of La Vista			
Address: 8116 Park View Blvd La Vista NE 68128			VIII BUDGET SUMMARY
Telephone: (402) 331-4343			COSTS
Executive Officer's Name: Douglas Kindig			1 Personnel (Enter from Page 7) \$ 51,859
Title: Mayor			2 Administrative (Enter from Page 8) 2,200
III	SUBCONTRACTOR (if any)		
Legal Name:			3 Special Services (Enter from Page 8) 0
Address:			4 Building Space and Utilities (Enter from Page 9) 0
Telephone:			5 Fuel (Enter from Page 9) 12,750
Executive Officer's Name:			6 Lubrication, Maintenance, Parts and Supplies (Enter from Page 10) 4,050
Title: (Check one below)			7 Other (Enter from Page 10) 0
<input type="checkbox"/> Private for Profit <input type="checkbox"/> Private Nonprofit <input checked="" type="checkbox"/> Public			8 Total Operating Costs (Total of Lines 1-7 above) \$ 70,859
INCOME			
IV	Name of Person to be Responsible for Daily Operation of Project: Scott Stopak		
V	IDENTIFY THE PERIOD FOR WHICH FUNDS ARE BEING REQUESTED		
FROM			UNTIL
MONTH	DAY	YEAR	MONTH DAY YEAR
July	1	07	June 30 08
VI PERSON WHO PREPARED THIS APPLICATION			
Name: Scott Stopak			
Address: 8116 Park View Blvd La Vista NE 68128			
Telephone: (402) 331-3455			
NAME AND TITLE OF INDIVIDUAL AUTHORIZED TO COMMIT LOCAL FUNDS TO THIS APPLICATION ON BEHALF OF SPONSORING CONTRACTOR			
Name: Douglas Kindig		Title: (Mayor, City Administrator, Chairman of County Board, or Chairman of Governing Board) Mayor	
Signature: 		Date: 6-29-07	
FOR STATE OFFICE USE ONLY			
Project No.: 		Project Period:	Project Year:

NONDISCRIMINATION CLAUSES

During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the "contractor"), agrees as follows:

- (1) **Compliance with Regulations:** The Contractor will comply with the Regulations of the Department of Transportation relative to nondiscrimination in federally assisted programs of the Department of Transportation (Title 49, Code of Federal Regulations, Parts 21 and 27, hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
- (2) **Nondiscrimination:** The contractor, with regard to the work performed by it after award and prior to completion of the contract work, will not discriminate on the ground of handicap, race, color or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix "A," "B," and "C" of Part 21 of the Regulations.
- (3) **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the ground of handicap, race, color or national origin.
- (4) **Information and Reports:** The contractor will provide all information and reports required by the Regulations, or orders and instructions issued pursuant thereto, and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the State Highway Department or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to the State Highway Department, or the Federal Highway Administration as appropriate, and shall set forth what efforts it has made to obtain the information.
- (5) **Sanctions for Noncompliance:** In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the State Highway Department shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including but not limited to,
 - (a) withholding of payments to the contractor under the contract until the contractor complies, and/or
 - (b) cancellation, termination or suspension of the contract, in whole or in part.
- (6) **Incorporation of Provisions:** The contractor will include the provisions of paragraph (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, order, or instructions issued pursuant thereto. The contractor will take such action with respect to any subcontract or procurement as the State Highway Department or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the State to enter into such litigation to protect the interests of the State, and in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
FEBRUARY 19, AGENDA

Subject:	Type:	Submitted By:
APPROVE PURCHASE — VOICEMAIL COMPUTER FOR ALL CITY FACILITIES	◆ RESOLUTION ORDINANCE RECEIVE/FILE	PAT ARCHIBALD DIRECTOR PUBLIC BUILDINGS & GROUNDS

SYNOPSIS

A resolution has been prepared to approve the purchase and installation of a new replacement voicemail computer in an amount not to exceed \$11,700.00.

FISCAL IMPACT

We are working with the City's Insurance Company to determine the amount they will pay and will fund the balance through savings in the FY07/08 General Fund Budget

RECOMMENDATION

Approval.

BACKGROUND

The City's voicemail computer began having serious problems after the lightning strike on the Radio Tower. Several fixes have been attempted but we continue to experience problems. We evaluated our options and determined that the only guarantee that will resolve our voicemail issues is to replace the voicemail computer. As a result, it was necessary to proceed with this purchase in order to limit business disruption. Therefore, you are being asked to approve the purchase as authorized by the City Administrator. The City already owns the software. The cost of the computer installed and working is \$11,700.00

The City is currently working with LARM regarding the amount which will be covered under insurance.

A copy of the quote is attached

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, TO APPROVE THE PURCHASE OF VOICEMAIL COMPUTER FOR ALL CITY FACILITIES FROM HUNTEL COMMUNICATIONS NOT TO EXCEED \$11,700.00.

WHEREAS, City staff has determined that the current voicemail computer is no longer operable, due in part to damage from a lightning strike

WHEREAS, the City Council of the City of La Vista affirms that the purchase of a voicemail system for all city facilities is necessary; and

WHEREAS, funding will come from money received from insurance and the balance will be funded through savings in the General Fund; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby approve the purchase of a voicemail computer for all city facilities from HunTel Communications in an amount not to exceed \$11,700.00.

PASSED AND APPROVED THIS 19TH DAY OF FEBRUARY 2008.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk



QUOTE
2/7/2008

14109 "S" Street
Omaha, NE 68137

CITY OF LAVISTA Voicemail replacement

QTY	Part Number	Description	Unit Cost	Sell
1	50003841	DIALOGIC D82 UNIVERSAL + CABLE	\$4,262.40	\$4,262.40
1	50005341	Messaging Server x206m Base Server	\$ 5,076.00	\$5,076.00
1	NSI-Misc	Software Maintenance Upgrade	\$ 1,548.00	\$1,548.00
8	NSI-LABOR	Labor to Install	\$ 95.00	\$760.00

TOTAL
Plus shipping and applicable
taxes **\$11,646.40**