

# MINUTE RECORD

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

## LA VISTA CITY COUNCIL MEETING November 4, 2008

A meeting of the City Council of the City of La Vista, Nebraska was convened in open and public session at 6:00 p.m. on November 4, 2008. Present were Mayor Kindig and Councilmembers: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Also in attendance were City Attorney McKeon, City Administrator Gunn, Assistant City Administrator Ramirez, City Engineer Kottmann, City Clerk Buethe, Library Director Iwan, Police Chief Lausten, Fire Chief Uhl, Recreation Director Stopak, Community Development Director Birch, Finance Director Lindberg, 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 October 23, 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 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 made an announcement of the location of the posted copy of the Open Meetings Act for public reference.

### SPECIAL PRESENTATION

A copy of the upcoming Economic Development Report segment on the City of La Vista was shown to the Mayor and Council.

#### A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. APPROVAL OF CITY COUNCIL MINUTES FROM OCTOBER 21, 2008
3. PAY REQUEST FROM KIRKHAM MICHAEL FOR GIS CONVERSION  
PROFESSIONAL SERVICES - \$7,897.00
4. PAY REQUEST NO. 6 FROM BERINGER CIACCIO DENNELL MABREY FOR  
PROFESSIONAL SERVICES – CART CORRAL DESIGN - \$3,148.52
5. PAY REQUEST NO. 2 FROM LINHART CONSTRUCTION, INC. FOR 78<sup>TH</sup> &  
HARRISON STREET RETAINING WALL RECONSTRUCTION - \$12,486.47
6. APPROVAL OF CLAIMS

Councilmember McLaughlin made a motion to approve the consent agenda. Seconded by Councilmember Gowan. Councilmember Ronan 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 Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

A ADVERTISING & SUPPLY, Supplies	201.00
ACTION BATTERIES, Vehicle Maint.	64.95
ADT SECURITY, Contract Services	233.89
ADVANTAGE DEVELOPMENT, Supplies	198.00
AMSAN, Supplies	492.72
AQUILA, Utilities	3,125.00
ARAMARK UNIFORM SERVICES, Contract Services	254.19
ASPHALT & CONCRETE MATERIALS, Street Maint.	96.38
ASSOCIATED FIRE PROTECTION, Bldg & Grnds	600.00
AUSTIN PETERS GROUP, Professional Services	1,755.00
BAKER & TAYLOR BOOKS, Books	1,477.26
BAKER, MARCUS, Auto Allowance	50.00
BEACON BUILDING SERVICES, Contract Services	6,437.00
BENNINGTON IMPLEMENT, Vehicle Maint.	137.76
BETTER BUSINESS EQUIPMENT, Rental	47.04
BIRCH, ANN, Auto Allowance	50.00
BRAND, STEVEN, Travel	39.00
BUETHE, PAM, Auto Allowance/Phone/Vehicle Maint./Bldg & Grnds	224.25
BUILDERADIUS, Professional Services	2,000.00
BUILDERS SUPPLY, Bldg & Grnds	170.88
CALENTINE, JEFFREY, Phone	30.00

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CENTER POINT PUBLISHING, Books	38.94
CITY OF BELLEVUE, Training	150.00
CITY OF OMAHA, Contract Services	35,258.66
CLASSIC REFRIGERATION, Bldg & Grnds	155.25
COMP CHOICE, Professional Services	529.50
CORNHUSKER INTL, Repair	565.60
CUMMINS CENTRAL POWER, Contract Services	583.95
DAYSPRING PRINTING, Printing	750.00
DIAMOND VOGEL PAINTS, Bldg & Grnds	122.25
DILLON BROS HARLEY DAVIDSON, Vehicle Maint.	735.27
DON'S PIONEER UNIFORMS, Wearing Apparel	14.95
DOUGLAS COUNTY SHERIFF, Contract Services	350.00
DULTMEIER SALES & SERVICE, Street Maint./Repair	401.54
EBSCO SUBSCRIPTION SERVICES, Books	3,739.32
ECONOMIC REPORT, Professional Services	1,850.00
EDGEWEAR SCREEN PRINTING, Wearing Apparel	207.00
ELECTRONIC ENGINEERING, Vehicle Maint.	261.41
EZRA, GAYLA, Refund	14.96
FAGIN, KAREN, Travel	608.00
FARQUHAR, MIKE, Auto Allowance	100.00
FASTENAL COMPANY, Vehicle Maint.	180.39
FEDEX, Signs	9.07
FILTER CARE, Vehicle Maint.	33.15
FIREGUARD, Repair	309.60
FITZGERALD SCHORR BARMETTLER, Professional Services	14,223.17
FOSTER, TERRY, Travel	39.00
G I CLEANER & TAILORS, Uniform Cleaning	120.75
GALE, Books	46.43
GCR OMAHA TRUCK TIRE CENTER, Vehicle Maint.	143.00
GOLDMAN, JOHN, Travel/Phone	124.00
GOWAN, ANTHONY, Travel	196.00
GRAYBAR ELECTRIC COMPANY, Bldg & Grnds	307.04
GUNN, BRENDA, Auto Allowance	300.00
H W WILSON COMPANY LOCKBOX, Books	237.00
HANEY SHOE STORE, Equip.	240.00
HELGET GAS PRODUCTS, Squad Supplies	30.00
HOME DEPOT, Vehicle Maint.	20.00
HURST, JEAN, Travel	115.83
HY-VEE, Supplies	226.19
I.D. EDGE, Supplies/Postage	126.01
IWAN, ROSE, Auto Allowance/Travel	160.83
J Q OFFICE EQUIPMENT, Supplies/Lease	500.50
JO DON'S, Equip.	540.00
KINDIG, DOUGLAS, Auto Allowance/Phone	190.00
KLINKER, MARK, Professional	240.00
KRIHA FLUID POWER, Equip	513.39
LA VISTA COMMUNITY FOUNDATION, Payroll Deduction	95.00
LA VISTA FIREFIGHTERS ASSN, Ad	390.00
LAUGHLIN, KATHLEEN, Payroll Withholdings	372.00
LEO A DALY, Planning	3,000.00
LIFE ASSIST, Squad Supplies	60.52
LIVE OAK MEDIA, Media	112.08
LOU'S SPORTING GOODS, Wearing Apparel	162.93
LUKASIEWICZ, BRIAN, Phone	50.00
MAPA-METRO AREA PLANNING AGNCY, Travel	240.00
MATT FRIEND TRUCK, Equip.	223.28
MATT PARROTT AND SONS COMPANY, Printing	508.73
METRO AREA TRANSIT, Sept. Fees	601.00
METROPOLITAN COMMUNITY COLLEGE, Utilities	10,407.25
MID AMERICA PAY PHONES, Phone	150.00
MIDLANDS COMMUNITY HOSPITAL, Ad	150.00
MIDLANDS LIGHTING & ELECTRIC, Bldg & Grnds	27.78
MID-STATE DISTRIBUTING, Traffic Signs	52.34
MIDWEST TURF & IRRIGATION, Bldg & Grnds	83.08
MOORE, WAYNE, Contract Services	18.00
MSC INDUSTRIAL, Supplies	600.57
MUD, Utilities	1,222.89
NATIONAL SAFETY COUNCIL, Dues	362.00

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NEBRASKA CHAPTER APWA, Training	340.00
NEBRASKA FURNITURE MART, Equip.	359.97
NEBRASKA IOWA SUPPLY, Vehicle Supplies	14,781.36
NEBRASKA LIBRARY COMMISSION, Supplies/Training	46.77
NEFF TOWING, Vehicle Maint.	225.00
NEXTEL, Phone	1,539.41
NORTHEAST COMMUNITY COLLEGE, Training	15.00
OABR PRINT SHOP, Printing	688.49
OFFICE DEPOT, Supplies	671.62
OMAHA COMPOUND, Supplies	151.13
OPPD, Professional Services	71.16
ORIENTAL TRADING COMPANY, Supplies	44.89
PAPILLION LA VISTA SCHOOLS, Travel	80.00
PARAMOUNT LINEN & UNIFORM, Uniform Cleaning	340.44
PAYLESS, Supplies	159.50
PENWORTHY COMPANY, Books	1,444.45
PITNEY BOWES, Supplies/Lease	221.00
PLUTA, DON, Travel	39.00
PRECISION INDUSTRIES, Vehicle Maint.	130.40
PRINCIPAL LIFE-FLEX SPENDING, Employee Benefits	148.50
QWEST, Telephone	141.70
RADAR SHOP, Repair	114.00
RAMIREZ, RITA, Auto Allowance/Phone/Travel	156.27
RECORDED BOOKS, Media	6.95
RUSH, TIMOTHY, Travel	39.00
SAPP BROS, Vehicle Maint.	13.50
SARPY COUNTY CHAMBER, Travel	135.00
SARPY COUNTY REGISTER OF DEEDS, Professional Services	26.00
SCARPA, DAN, Travel	39.00
SCHOLASTIC LIBRARY PUBLISHING, Books	144.30
SEAT COVER CENTER, Vehicle Maint.	126.00
SHEEHAN, RON, Travel	208.00
SIGNS & SHAPES INTERNATIONAL, Printing	662.50
SMITH, MELANIE, Auto Allowance	100.00
SOUCIE, JOSEPH, Travel/Phone	99.00
STRATEGIC INSIGHTS, Contract Services	650.00
TANGEMAN, JODI, Auto Allowance	33.00
TARGET BANK, Supplies	8.56
TED'S MOWER SALES & SERVICE, Repair	296.13
THERMO KING CHRISTENSEN, Vehicle Maint.	529.74
TRACTOR SUPPLY, Wearing Apparel/Repair	409.30
U S ASPHALT, Street Maint.	247.55
UNIVERSITY OF LOUISVILLE, Training	650.00
UPS, Postage	23.90
USI, Supplies	71.69
V & V MANUFACTURING, Wearing Apparel	68.07
VIERS, STEVE, Auto Allowance	100.00
WAL-MART, Supplies, Equipment	172.51

## REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

Police Chief Lausten informed Council there were no major incidents in the city on Halloween night. There was an incident on 10/30 in which pumpkins were taken and some smashed. Officers had the violators return the pumpkins and buy and carve pumpkins to replace the ones which were smashed.

Fire Chief Uhl informed Council the La Vista Volunteer Fire Department provided mutual aid to Papillion on the fire at the Southgate Apartments. The cause of the fire was a lampshade touching the light bulb. There was water damage to the first floor.

Community Development Director Birch informed Council of the two day seminar that she attended with Councilmember Sell. The seminar is for City Officials to meet with planning and design experts.

Recreation Director Stopak thanked the Volunteer Fire Department, the Chamber of Commerce, and City Officials and Staff for their assistance at another successful Halloween Safe Night.

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Public Works Director Soucie informed Council the fall clean-up day will be held this Saturday, November 8th from 8:00 a.m. – 3:00 p.m. Soucie introduced Josh Buethe to Council. Buethe works in the Parks division of public works.

## **B. ORDINANCE – AMEND SECTION 71.111 OF MUNICIPAL CODE - SPEED LIMIT EXCEPTIONS**

Councilmember Ellerbeck introduced Ordinance No. 1081 entitled: AN ORDINANCE OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA, TO AMEND THE LA VISTA MUNICIPAL CODE SECTION 71.111; TO REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

Councilmember Sell moved that the statutory rule requiring reading on three different days be suspended. Councilmember Ellerbeck seconded the motion to suspend the rules and upon roll call vote on the motion the following Councilmembers voted aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin Ellerbeck, and Gowan. The following voted nay: None. The following were 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 McLaughlin moved for final passage of the ordinance which motion was seconded by Councilmember Carlisle. Councilmember Gowan stated the residents of Val Verde and Val Vista have expressed concern with increasing the speed limit and the effect that will have on entering 96<sup>th</sup> Street from these subdivisions. Public Works Director Soucie stated that both the Police Department and the Public Works Department are concerned with varying speed limits up and down that currently exist on certain stretches of this road. He recommends a consistent 45 mph speed limit, and recommends the installation of traffic signals as warranted. Councilmember Gowan stated he wants homeowners in the area to know the City plans to break up long stretches of the road with traffic lights. Police Chief Lausten stated there would be extra patrols in the area. Councilmember Sheehan stated his concern with this change. The Mayor then stated the question was, "Shall Ordinance No.1081 be passed and adopted?" Upon roll call vote the following Councilmembers voted aye: Sell, Quick, Carlisle, McLaughlin, and Ellerbeck. The following voted nay: Ronan, Sheehan, and Gowan. The following were 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. RESOLUTION – APPROVAL – SATELLITE KENO LOCATION**

Councilmember McLaughlin introduced and moved for the adoption of Resolution No. 08-096: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING A SATELLITE KENO LOCATION FOR THE CITY'S KENO LOTTERY GAME AT FIELDS, INC. D/B/A ISLAND BAR AND GRILL, 7826 SOUTH 123RD PLAZA, LA VISTA NEBRASKA EFFECTIVE NOVEMBER 1, 2008.

WHEREAS, the current Keno Lottery Operator Agreement between the City of La Vista and La Vista Keno, Inc., dated August 8, 2008, requires La Vista Keno, Inc. to obtain prior written consent of the City to establish a satellite location; and further that the satellite location shall comply with such qualification standards as adopted by the City pursuant to Nebraska Statutes, Section 9-642.01, governing lottery sales outlet locations, and such other terms and conditions determined necessary or advisable; and

WHEREAS, the City of La Vista, by Ordinance No. 1073, set forth qualification standards for Keno Lottery Sales Outlet Locations, which includes satellite locations ("Ordinance"); and

WHEREAS, La Vista Keno, Inc. has proposed a satellite location for the City's keno lottery game at Fields, Inc. d/b/a Island Bar and Grill, located at 7826 South 123<sup>rd</sup> Plaza, La Vista, Nebraska pursuant to a Satellite Agreement between said parties dated October 19, 2008, a copy of which has been presented at this meeting ("Satellite Agreement"); and

WHEREAS, the requirements of the Lottery Operator Agreement and other Keno Requirements as defined in the Ordinance are incorporated into the Satellite Agreement pursuant to said Ordinance; and

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WHEREAS, the City Clerk has determined that the standards for the Keno Lottery Sales Outlet Location at Fields, Inc. d/b/a Island Bar and Grill, 7826 South 123rd Plaza, La Vista NE, have been met.

NOW, THEREFORE, BE IT RESOLVED: that the Mayor and City Council of the City of La Vista, Nebraska, hereby authorize and approve a satellite keno location for the City's keno lottery game at Fields, Inc. d/b/a Island Bar and Grill, 7826 South 123rd Plaza, La Vista NE, and further approve the owner and operator thereof, Fields, Inc., effective November 1, 2008 and subject to the following:

- a. Submittal of all Exhibits to the Satellite Agreement in form and content satisfactory to the City;
- b. Any change of ownership or control of the satellite, Fields, Inc. or any stock of Fields, Inc. shall require prior written approval of the City of La Vista;
- c. The satellite, Fields, Inc. and stockholders of Fields, Inc. shall be bound by the Lottery Operator Agreement between the City of La Vista and La Vista Keno, Inc. and owe to La Vista Keno, Inc. all responsibilities and obligations which La Vista Keno, Inc. and its owner by said Lottery Operator Agreement, as personally guaranteed, owe to the City of La Vista. The City of La Vista shall be a beneficiary entitled to enforce such responsibilities and obligations of the satellite, Fields, Inc. and its stockholders;
- d. City of La Vista shall have access at any time to the satellite location and keno-related funds, documents and records in the possession or control of the satellite owner or operator;
- e. City of La Vista shall be named as an additional named insured on any insurance required of the satellite owner or operator by the Satellite Agreement;
- f. City of La Vista, as owner of the La Vista keno game, retains authority over use of the term "La Vista keno"; and all uses of said term shall be subject to review and approval of the City and cease upon termination of the Satellite Agreement;
- g. Funds of the La Vista keno game handled by the satellite shall be the sole and exclusive property and held in trust for the benefit of the City of La Vista until properly paid in accordance with the Lottery Operator Agreement or Satellite Agreement; and
- h. Ongoing satisfaction by the satellite owner and operator of the Satellite Agreement and this Resolution, as well as the Lottery Operator Agreement, Ordinance and other Keno Requirements, as defined in said Ordinance.

BE IT FURTHER RESOLVED that, in addition to devices for satellite keno, the following gambling devices are hereby authorized at the satellite premises pursuant to Section 2(H) of the Ordinance: pickle card device.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to sign such documents, including, but not limited to, Nebraska Department of Revenue Form(s) 50G, and take such further actions as necessary or appropriate to carry out the actions approved herein.

Seconded by Councilmember Quick. Councilmember Sell asked about the approval of pickle cards. Mr. Richard Bellino of La Vista Keno, Inc. addressed the Mayor and Council, stating that pickle cards currently are sold at the location. Specific approval of other gambling devices is required by Ordinance No. 1073. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## **D. RESOLUTION – INTERLOCAL COOPERATION AGREEMENT – 132<sup>ND</sup> & WEST GILES ROAD**

Councilmember Carlisle motioned to table Resolution No. 08-097 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING AN INTERLOCAL COOPERATION AGREEMENT WITH SARPY COUNTY, NEBRASKA CONCERNING IMPROVEMENTS RELATED TO THE INTERSECTION OF WEST GILES ROAD

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AND 132<sup>ND</sup> STREET, THE ADJACENT LEGS OF WEST GILES ROAD AND 132<sup>ND</sup> STREET AND ADJACENT RAILROAD CROSSINGS, IN A FORM SATISFACTORY TO THE CITY ADMINISTRATOR AND CITY ATTORNEY.

Seconded by Councilmember Sheehan. City Administrator Gunn informed Council that Sarpy County did not have the agreement on their agenda. Councilmember Gowan asked how the City of La Vista received the approval for the quiet zone so quickly. Public Works Director Soucie informed Council that some communities have to close one location to get a Quiet Zone in another and this is not the case here and this has a higher severity rating which increases its importance. Councilmember Sheehan asked if any future development in Southport will influence this project. City Administrator Gunn stated that these improvements will work with any development which could go in. City Engineer Kottmann stated that various studies were done and configuration explored and this is the best configuration for the area and will affect the least amount of adjacent property. Councilmember Sheehan asked how soon the improvements would take place. Engineer Kottmann stated that the final phase will be years down the road depending on federal funding. City Administrator Gunn stated that there is funding in the budget for the smaller initial phases which will not be federally funded. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## **E. RESOLUTION – POLICE CRUISER PURCHASE**

Councilmember Gowan introduced and moved for the adoption of Resolution No. 08-098: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AWARDING A CONTRACT TO PERFORMANCE DODGE, LINCOLN, NEBRASKA FOR THE PURCHASE OF THREE (3) 2009 DODGE CHARGER POLICE PACKAGE CRUISERS IN AN AMOUNT NOT TO EXCEED \$96,000.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of a new police cruisers is necessary, and

WHEREAS, the FY 2008/2009 General Fund budget does include funds for the purchase of said cruisers, and

WHEREAS, the State of Nebraska did receive bids for 2009 Dodge police cruisers, and

WHEREAS, Performance Dodge, Lincoln, Nebraska, was awarded the state bid for Nebraska for the 2009 Dodge Police Package cruisers and will extend that price to the City of La Vista, and

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

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby accept the Nebraska state bid of Performance Dodge, Lincoln, Nebraska and authorize the purchase of three 2009 Dodge Charger Police Package cruisers in an amount not to exceed \$96,000.

Seconded by Councilmember Carlisle. Mayor Kindig asked about the long term durability of the Charger. Police Sergeant Waugh stated that research to switch from Ford to Dodge was done in 2006 when the Department began purchasing the Chargers. Michigan studies show success with this vehicle. The piston problem currently encountered with one of the Chargers was an exception not a rule for the durability of these vehicles and the manufacturer allowed the repair under warranty even though the warranty was up for this vehicle. We are now in the fourth generation Chargers and improvements have been done to make these even better. Councilmember McLaughlin asked if this problem was the same as the blown engines in the Intrepids. Waugh stated that the Intrepids had V-6 engines which were not durable while these have a hemi and are very durable. Mayor Kindig asked if these were easy to work on for repairs. Public Works Director Soucie stated that he had not heard any complaints from his mechanics. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## **F. RESOLUTION – AWARD OF CONTRACT – EASTERN NEBRASKA OFFICE ON AGING**

Councilmember Quick introduced and moved for the adoption of Resolution No. 08-099: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE EASTERN NEBRASKA OFFICE ON AGING FOR PROVISION OF A NUTRITION PROGRAM.

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WHEREAS, the City of La Vista's Community Center has annually served as a hot meal site for senior citizens in conjunction with the Nutrition program of the Eastern Nebraska Office on Aging (ENOA); and

WHEREAS, the Mayor and City Council believe it is desirable to continue to participate in this important program.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City of La Vista be, and hereby is, authorized to execute an agreement with the Eastern Nebraska Office on Aging for provision of a nutrition program

Seconded by Councilmember McLaughlin. Councilmember Quick asked how close the City is to providing meals five days a week. Recreation Director Stopak informed Council that, while the state has been cutting meals, the City of La Vista's program is strong and will continue for three days per week. Mayor Kindig asked Stopak to check to see what the cost would be for the City to fund the program for the additional two days that meals currently are not being provided. Councilmember Sell asked if there were other resources for funding. Recreation Director Stopak stated there is the possibility of intermingling with other cities. Stopak stated that currently meals are available in Papillion on the days they are not available in La Vista. He will check on other funding mechanisms and the cost to the City to fund a portion or all of the meals if needed. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## **G. SPECIAL ASSESSMENTS FOR PROPERTY IMPROVEMENTS**

### **1. PUBLIC HEARING**

At 6:54 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on Special Assessments for Property Improvements.

At 6:55 p.m. Councilmember Ellerbeck made a motion to close the public hearing. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

### **2. RESOLUTION**

Councilmember Ellerbeck introduced and moved for the adoption of Resolution No. 08-100: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE LA VISTA CITY CLERK TO FILE WITH THE SARPY COUNTY TREASURER A SPECIAL ASSESSMENT FOR PROPERTY IMPROVEMENTS AT LOCATIONS AND IN AMOUNTS CITED HEREIN.

WHEREAS, the property owners of  
7423 S 77<sup>th</sup> Avenue, Lot 65, La Vista Replat, \$475.74,  
7506 Joseph Avenue, Lot 378, La Vista Replat, \$1,036.38,  
7421 Ivy Lane Drive, Lot 124, S & S's Harvest Hill, \$256.73,  
8762 Pine Drive, Lot 186, Park View Heights 2<sup>nd</sup> Addition, \$414.40,  
7701 Grace Court, Lot 1484, La Vista, \$276.14,  
7312 Lillian Avenue, Lot 533, La Vista Replat, \$265.25,  
7406 S 70<sup>th</sup> Street, Lot 199, La Vista Replat, \$246.76, and  
7508 Elm Drive, Lot 303, Park View Heights 2<sup>nd</sup> Addition, \$243.16  
were notified to clean up their property as they were in violation of the City Municipal Code, Section 133.01, or La Vista Zoning Code 7.12, or the City would do so and bill them accordingly, and

WHEREAS, the property owners of said addresses chose not to clean the property, thus necessitating the City to do the clean up, and

WHEREAS, the City sent the property owners bills for said clean up which have not been paid, and

WHEREAS, the City may file a Special Assessment for Improvements against property for which a City bill for services has not been paid.

NOW THEREFORE BE IT RESOLVED, that the La Vista City Clerk is hereby authorized to file with the Sarpy County Treasurer Special Assessments for Improvements in the amounts and against the properties specified above, all located within Sarpy County, La Vista, Nebraska.

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Seconded by Councilmember Sell. Councilmember McLaughlin asked the reason for the high cost of the cleanup on Joseph Avenue. Public Works Director Soucie stated that trash and other debris had to be picked up in the yard before staff could mow and trim the property. He also stated that with the small entrances to the back yard the city mowers could not access it and therefore it was done with weed eaters. Councilmember Gowan asked if we can put more teeth into these to help eliminate the number of cleanups the City needs to do. Staff will research and see if there are more options or alternatives. Councilmember Sheehan thanked Community Development Director Birch for the addition of pictures with the assessment information. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## H. JOB DESCRIPTION – ACCOUNTANT

I.

Councilmember Sell made a motion to approve the job description for an accountant. Seconded by Councilmember Ellerbeck. 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; and if so, for each person to limit his or her comments to 3 minutes. There were no comments from the floor.

## COMMENTS FROM MAYOR AND COUNCIL

Councilmember Sheehan congratulated all of those who put their names on the ballot.

At 7:04 p.m. Councilmember Gowan made a motion to adjourn the meeting. Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

PASSED AND APPROVED THIS 18TH DAY OF NOVEMBER 2008.

CITY OF LA VISTA

ATTEST:

Douglas Kindig, Mayor

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Pamela A. Buethe, CMC  
City Clerk

## Meeting of Board of Directors

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

#### MINUTES OF MEETING November 3, 2008 3:10 p.m.

Members Present: Pat Archibald Brenda Gunn Rich Hanneman  
Rose Iwan Arlene Jordan Dave Koebel

Guest: Tom Dickerson

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 Hanneman and seconded by Gunn to approve. Ayes: all. Nays: none. Motion approved.

Agenda Item #3: Approval of the Minutes From August 4, 2008 Meeting.

Moved by Hanneman and seconded by Archibald to approve the August 4, 2008 meeting minutes. Ayes: all. Nays: none. Motion approved.

Agenda Item #4: Status of OPPD Heat Pump/Geothermal Well Field.

Representatives from MCC and La Vista met with Todd Mack, P.E. of DLR Group who brought a well digger to evaluate current system. One option would be to install a new well on the East side of the building. Other options and factors need to be reviewed by MCC and La Vista attorneys before proceeding. An executive session with legal council was recommended for the February 2, 2009 meeting.

Agenda Item #5: Second Pop Machine.

Second pop machine has been installed on the North wall next to the East Entry.

Agenda Item #6: Public Safety at Sarpy.

No decision has been made at this time. Still under review.

Agenda Item #7: Other Business – Election of New Officers.

Hanneman nominated Arlene Jordan as President/Treasurer and Rose Iwan as Vice President/Secretary. A motion was made by Archibald and seconded by Koebel to close nominations and cast a unanimous ballot for Jordan as President/Treasurer and Iwan as Vice President/Secretary. Ayes: all. Nays: none. Motion approved.

The next Board of Directors's Meeting is Monday, February 2, 2009 at 3:00 p.m. La Vista/MCC Sarpy Center Conference Room #142.

It was moved by Gunn and seconded by Hanneman to adjourn the meeting at 3:35 p.m.

Minutes respectfully submitted by Arlene Jordan

## ANNUAL MEETING

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

#### MINUTES OF MEETING November 3, 2008 3:00 p.m.

Members Present: Pat Archibald Brenda Gunn Rich Hanneman  
Rose Iwan Arlene Jordan Dave Koebel

Guests: Tom Dickerson

#### Agenda Item #1: 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 Hanneman and seconded by Koebel to approve. Ayes: all. Nays: none. Motion approved.

#### Agenda Item #2: Nominations/Election of Directors.

By prior action, the City nominated (by nature of the positions they hold) City Administrator, Library Director, and Director of Public Building and Grounds to the Board. By prior action, the College nominated Rich Hanneman, Arlene Jordan and Dave Koebel to the Board. A motion was made by Hanneman and seconded by Gunn to close nominations and cast a unanimous ballot for the Board of Directors as nominated by the owners. Ayes: all. Nays: none. Motion approved.

#### Agenda Item #3: Other Business.

Next Annual Meeting is November 2, 2009.

It was moved by Archibald and seconded by Iwan to adjourn the meeting at 3:10 p.m. Ayes: all. Nays: none. Motion carried.

Minutes respectfully submitted by Arlene Jordan

City of La Vista  
Park & Recreation Advisory Committee Minutes  
October 15, 2008

A meeting of the Park and Recreation Advisory Committee for the City of LaVista convened in open and public session at 7:00 p.m. on October 15, 2008. Present were Recreation Director Scott Stopak, Chairperson Greg Johnson, Pat Lodes, Randy Cahill. Absent: George Forst III. Staff members David Karlson and Eddie Burns were also present. Absent: Rich Carstensen

A notice of the meeting was given in advance thereof by publication in the Papillion Times on October 8, 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 Advisory Board Member Lodes.

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 Lodes. Motion carried.

**REPORTS FROM RECREATION DIRECTOR AND STAFF**

Recreation Director Scott Stopak reported that the fiscal year ended September 30, and the golf course had a great year. The round count was down approximately 150 rounds from last year (which was an exceptional year), but still topped the 20,000 mark. The revenue this year was higher than last year, factoring in time and day of play, more cart rentals, higher concessions, etc. The concrete path between hole #2, 7and 5 is actually the top of an earthen dam, and not really a path as it's always been used. Additional concrete will be added to each side of it to make it wider and an actual cart path. The work will be done this fall, weather permitting.

The Community Center is expanding the fitness room by taking over the dance room. The wooden doors separating the two rooms will be removed so people can pass from one to another. Two flat screen televisions have been purchased, one for each room, and will be mounted on the walls. The former dance room will carry mostly weight equipment and the original fitness room will be aerobic (treadmills, etc.)

Assistant Director David Karlson reported that the Health Fair will be Friday, October 17, 2008 from 10:00 am – 1:00 pm in the gymnasium. Also, the Recreation Dept. will be hosting the annual Halloween Safe Night on Friday, October 31, 2008 from 5:45 pm – 7:00 pm. The LVFD are again donating and serving hot dogs, chips and drinks. So far, we have some new businesses that are donating their time and candy for Safe Night.

Program Coordinator Burns reported that tackle football and cheerleading are on-going. Soccer has one more week, and youth volleyball begins Saturday. Youth wrestling and basketball registrations will be in November. Adult softball and volleyball are also on-going.

Chairperson Johnson asked about the number of participants this year for volleyball and football. Burns said that there are four teams for volleyball, and grades 3 through 6 had to be mixed. Football numbers are also down, with two 9/10 yr. old teams and one 11/12 team. There is no 13/14 team this year.

Member Cahill said that state legislation has changed, and there are more games being allowed at the junior high level, so more children are playing at the school instead of recreation leagues.

Director Stopak stated that Program Director Rich Carstensen is at the National Recreation and Parks Association conference in Baltimore, MD this week. He will return next week, and beginning Monday, October 27, 2008 will be on leave for 10 weeks. Asst. Director Karlson will be handling the Senior Center in Carstensen's absence and Recreation Director Stopak will be handling the Special Service Van.

#### **B. SWIMMING POOL CONCEPT DISCUSSION**

This item has been placed on the agenda to allow the public to discuss the swimming pool concept.

Public Hearing was opened for comment.

No comments.

Public Hearing was closed.

#### **C. IDENTIFY COMPETITIVE YOUTH BASEBALL AND SOCCER PROVIDER**

This item has been placed on the agenda to identify, in writing, primary providers of competitive soccer and baseball for the City of La Vista. The proposal has been made to identify Lancer Soccer Club and the Panthers Baseball Club as the primary providers. Both of these Clubs have previous long-term relationships with the City. Both Clubs are based in La Vista and primarily have La Vista residents on the roster. Identifying these groups in writing will give the City a means of explanation as to why they have priority over other Clubs using the fields.

Lancer Soccer President, Richard Richt and Jodee Drake-Soto from Panthers Baseball both confirmed, when asked, that they would like to be identified as the primary providers of competitive soccer and baseball for La Vista.

Ms. Drake-Soto also stated that the Panthers had elected to stay separate from the Recreation Dept. earlier this year. However, the fees the Recreation Dept. will be charging them for field usage could be a burden. She provided information of other cities/clubs in the metro area, and the fees they are charged. Some clubs/organizations take care of the maintenance of the fields.

Chairperson Johnson stated that is probably not possible with the City of La Vista, since the Public Works Dept. maintains the fields. Recreation Director Stopak also confirmed that all field maintenance has to be done by the City only due to liability concerns

Richard Richt, Lancer President stated that he understands the predicament between the recreation leagues and private leagues using the fields, but the biggest issue would be for them to have to pay what the public pays for the fields. The fees would also be a burden on the Lancers as well. He said he does not have enough information on the issue of joining the Recreation Dept.

Chairperson Johnson made a motion to accept Item C, Identifying Lancer Soccer and Panther Baseball as primary providers for La Vista competitive sports. Member Lodes voted yes, with Member Cahill abstaining. Motion carried.

**D. FIELD USAGE POLICY**

This item has been placed on the agenda to make changes to the Council Policy Statement, Recreation: Scheduling, Operation and Maintenance of City Field. The current Council Policy Statement, Recreation: Scheduling, Operation and Maintenance of City Fields was presented with the staff recommended changes.

Member Lodes asked if the action taken of identifying the Lancers and Panthers as providers of competitive soccer and baseball, were we taking care of the fee issue also. Stopak explained that at the meeting in August, the board had table both Item C. (Identify Competitive Youth Baseball and Soccer Provider) and Item D. (Field Usage Policy). The fee structure is not part of this discussion. The fees for fields were set by the City Council.

Recreation Director Stopak said that Recreation Staff previously met with the Panthers to discuss agenda item C. and D. and also the fees involved and at that time no mention of not being able to financially afford the field usage fees were mentioned.

Due to a lack of quorum, this item will be carried over to the next meeting.

**COMMENTS FROM THE FLOOR**

No comments.

**COMMENTS FROM COMMITTEE MEMBERS**

Member Lodes said his feelings on the fee structure is that he would like Stopak and his staff to come up with other options for the clubs as opposed to the fees now in place such as charging a per-participant fee that would be beneficial to both clubs. Also, he would like to see further discussion with the clubs on possibly joining the Recreation Dept.

Chairperson Johnson would like to see a breakdown of the Recreation participant's fees.

Member Lodes wanted to make it clear that nothing has been finalized. However, he thought the amount of current fees for the clubs would be a financial burden to them. The clubs do a lot of volunteering and donating for the City and if they have to pay these fees, they would not be able to do these other things.

Richard Richt added that his group is not opposed to paying a “doable” fee, but these current fees are too high. A per person or per team fee would be more feasible.

Chairperson Johnson stated that the fees are set by Council, and we have not had a problem until so many groups wanted to start using the fields.

#### ADJOURNMENT

Chairperson Johnson made the motion to adjourn.

Seconded by Member Lodes. Motion carried.

Meeting adjourned at 8:10 p.m.



OCT 16 2008

City of LaVista  
 Attn: Brenda Gunn  
 8116 Park View Blvd  
 La Vista, NE 68128

## INVOICE

October 15, 2008

Invoice No: 003-10050-000 - 0000011

Development of a Municipal Facilities Plan focusing on General Administrative services (Mayor/Council, Administration, City Clerk, Finance, and Public Buildings and Grounds), Community Development services, Recreation Department administrative services, and Public Works services.

Professional Services Through September 30, 2008

## Fee

Total Fee	60,000.00		
Percent Complete	100.00	Total Earned	60,000.00
		Previous Fee Billing	54,000.00
		Current Fee Billing	6,000.00
		<b>Total Fee</b>	<b>6,000.00</b>

Total this Invoice

**\$6,000.00**

## Billings to Date

	Current	Prior	Total
Fee	6,000.00	54,000.00	60,000.00
<b>Totals</b>	<b>6,000.00</b>	<b>54,000.00</b>	<b>60,000.00</b>

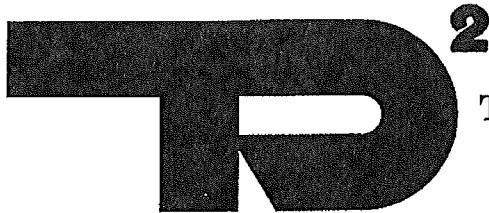
Please make checks payable to:

Leo A Daly Company  
 Attn: Accounting  
 8600 Indian Hills Drive  
 Omaha NE 68114

Tax ID: 47-0363104  
 Tel: (402) 391-8111  
 Fax: (402) 391-8564

*R. Ranney*  
*10-31-08*  
*05.11.08 10.01*

*Edward Vidlak*  
 Edward Vidlak



**THOMPSON, DREESSEN & DORNER, INC.**  
**Consulting Engineers & Land Surveyors**

November 6, 2008

Ms. Sheila Lindberg  
City Finance Director  
City of La Vista  
8116 Park View Boulevard  
La Vista, NE 68128

RE: La Vista Conference Center  
Review of Fourteenth & Final Draw Request  
TD<sup>2</sup> File No. 171-351.12

Sheila:

Per your request, I have reviewed the close-out documents for the La Vista Conference Center and Parking Lot and the Final Draw Request dated November 4, 2008, Draw Request No. 14. Prior to receiving this request, I have reviewed the as-built survey, the construction lien waivers, and detailed final cost statements provided by John Q. Hammons Industries.

Based on my review of this information, it is my opinion that the construction of the La Vista Conference Center and Parking Lot has been satisfactorily completed in substantial conformance with the plans and specifications. I have also reviewed Final Draw Request No. 14 and have no objections to the request in the amount of \$1,581,111.01. It is my understanding that you will have Mr. Tom Ostdiek in the City Attorney's office check for any construction liens being placed against the property shortly before authorization of final payment on November 18, 2008.

Submitted by,

THOMPSON, DREESSEN & DORNER, INC.

A handwritten signature in black ink that reads "John M. Kottmann".

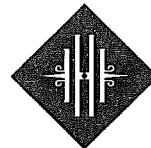
John M. Kottmann, P.E.

JMK/jlf

cc: File  
Mr. Tom Ostdiek, Fitzgerald, Schorr, Barmettler, & Brennan

ROBERT E. DREESSEN, P.E.  
NELSON J. HYMANS, P.E.  
JAMES D. WARNER, L.S.  
CHARLES B. RIGGS, P.E.  
KA "KIP" SQUIRE III, P.E., S.F.  
JOHN M. KOTTMANN, P.E.  
ARTHUR D. BECCARD, P.E.  
DOUGLAS S. DREESSEN, P.E.  
DEAN A. JAEGER, P.E.  
RICHARD M. BROYLES, L.S.  
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GARY A. NORTON, P.E.  
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JEFFREY L. THOMPSON, P.E.  
DAREN A. KONDA, P.E.  
MICHAEL T. CANIGLIA, L.S.  
JEREMY T. STEENHOEK, P.E.  
JOSHUA J. STORM, P.E.



John Q Hammons  
INDUSTRIES

November 4, 2008

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

RE: Final Draw Request #14 on LaVista, NE Conference Center

Dear Ms. Lindberg:

Enclosed is our fourteenth draw, which is a final draw, on the Conference Center in LaVista, NE in the amount of \$1,581,111.01 with supporting invoices. This represents the final retainage that has been held until completion.

We would like the funds in the amount of \$1,581,111.01 wired as early as possible on the morning of November 19, 2008 using the enclosed wiring instructions. Please notify me at 417/864-4300 when this is completed.

Sincerely,

Jacquie Dowdy  
Treasurer

1fh  
enclosures

	CONSTRUCTION BUDGET	AMOUNT PAID BY JQH	ADVANCED TO DATE	TOTAL PAID TO DATE BEFORE REQUEST	CURRENT DRAW #14	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	\$ -	\$ -	\$ 14,850,000.00	\$ 4,125,989.80	\$ 10,657,935.20	\$ 14,783,925.00	\$ -	\$ -	0.00%	\$ 1,200,000.00
CONSTRUCTION	\$ 90,000.00	\$ 25,551.64	\$ 91,418.55	\$ 126,970.19	\$ -	\$ 1,182,714.00	\$ 1,182,714.00	\$ 11,840,649.20	\$ 14,783,925.00	99.56%	\$ 66,075.00
BUILDING PERMITS	\$ 1,312,000.00	\$ 178,422.92	\$ 457,305.57	\$ 635,728.49	\$ -	\$ 10,157.61	\$ 10,157.61	\$ 101,576.16	\$ 126,970.19	141.08%	\$ (36,970.19)
TECHNICAL FEES	\$ 3,957,000.00	\$ 1,068,455.85	\$ 2,747,457.87	\$ 3,815,913.72	\$ -	\$ 50,858.27	\$ 50,858.27	\$ 508,163.34	\$ 635,728.49	48.45%	\$ 676,271.51
FF & E	\$ 665,156.00	\$ 106,992.31	\$ 275,123.09	\$ 382,115.40	\$ -	\$ 30,569.23	\$ 30,569.23	\$ 305,692.32	\$ 382,115.40	57.45%	\$ 283,940.60
CAPITALIZED INTEREST	\$ 626,844.00	\$ 18,762.75	\$ -	\$ 18,762.75	\$ -	\$ 1,501.02	\$ 1,501.02	\$ 1,501.02	\$ 18,762.75	2.99%	\$ 608,081.25
FINANCE COSTS	\$ 300,000.00	\$ 21.69	\$ 55.76	\$ 77.45	\$ -	\$ 6.19	\$ 6.19	\$ 61.95	\$ 77.45	0.03%	\$ 299,922.35
PRE-OPENING	\$ 50,000.00	\$ 110.60	\$ 284.40	\$ 395.00	\$ -	\$ 31.60	\$ 31.60	\$ 316.00	\$ 395.00	0.79%	\$ 49,605.00
LEGAL FEES	\$ 150,000.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	0.00%	\$ 150,000.00
MISCELLANEOUS	\$ 23,201,000.00	\$ 5,534,307.56	\$ 14,229,580.44	\$ 19,763,888.00	\$ -	\$ 1,581,111.01	\$ 1,581,111.01	\$ 15,810,691.45	\$ 19,763,888.00	100.00%	\$ 3,437,112.00
% OF JOB AFTER CURRENT DRAW											
20% PAID BY BORROWER:											
80% ADVANCED BY CITY:											
TOTAL INVOICES SUBMITTED:											

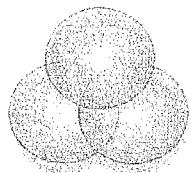
-8.00%

20% PAID BY BORROWER:  
80% ADVANCED BY CITY:

TOTAL INVOICES SUBMITTED:

\$ (1,581,111.01)

\$ 1,581,111.01



**Bainbridge Leadership Center**  
*Facilitating emergent leadership for an integral world.*

## INVOICE

**DATE THIS INVOICE:** November, 2008

**DESCRIPTION:** Leadership Feedback and Coaching

**CLIENT:** Brenda Gunn

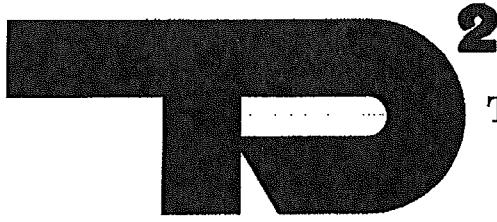
**AMOUNT:** \$5000.00

**TOTAL Due:** \$5000.00 *OK BSG 11-18-08 Consent  
Agenda*

**PAYABLE TO:** Bainbridge Leadership Center  
321 High School Rd. NE – STE 3D PMB 295  
Bainbridge Island, WA 98110

*Split  
1-14-03/13  
2-41-03/13*

**TAX I.D.:** 16-1735038



**THOMPSON, DREESSEN & DORNER, INC.**  
**Consulting Engineers & Land Surveyors**

November 12, 2008

Ms. Brenda Gunn  
City Administrator  
City of La Vista  
8116 Park View Boulevard  
La Vista, NE 68128

ROBERT E. DREESSEN, P.E.  
NELSON J. HYMANS, P.E.  
JAMES D. WARNER, L.S.  
CHARLES E. RIGGS, P.E.  
KA "KIP" P. SQUIRE III, P.E., S.I.  
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MICHAEL T. CANIGLIA, L.S.  
JEREMY T. STEENHOEK, P.E.  
JOSHUA J. STORM, P.E.

RE: 2008 Pavement Rehabilitation  
Final Payment Recommendation  
TD<sup>2</sup> File No. 171-360.22

Ms. Gunn:

Enclosed is the Final Payment Recommendation for the above-referenced project. Payment is recommended in the amount shown.

The punch list items for the project are nearly complete. Final payment should not be released until the punch list is completed.

Submitted by,

THOMPSON, DREESSEN & DORNER, INC.

*John M. Kottmann*  
John M. Kottmann, P.E.

JMK/jlf

Enclosure

*Consent Agenda*  
11-18-08

cc: Mr. Joe Soucie, City of La Vista – w/enclosure  
U.S. Asphalt Company, Inc. – w/enclosure  
File

FINAL PAYMENT RECOMMENDATION ON CONTRACT FOR 2008 PAVEMENT REHABILITATION

Owner: City of La Vista  
8116 Park View Boulevard  
La Vista, NE 68128

Contractor: U.S. Asphalt Co.  
14012 Giles Road  
Omaha, NE 68138

ORIGINAL CONTRACT AMOUNT: \$274,669.78

AMOUNT OF PREVIOUS PAYMENT RECOMMENDATION: \$207,263.61

Item	Description	Approx. Quantities	Unit Price	Amount
<b>SCHEDULE A - HEATHER STREET</b>				
1	Remove Pavement	195.9 S.Y.	\$9.29	\$1,819.91
2	Remove Drive Approach	16.9 S.Y.	\$11.20	\$189.28
3	Remove Sidewalk	302 S.F.	\$0.97	\$292.94
4	Dowel Bars, Drilled & Grouted	207 EA.	\$6.61	\$1,368.27
5	Remove & Replace Subgrade	70 C.Y.	\$11.30	\$791.00
6	Construct 4" PCC Sidewalk	234 S.F.	\$3.57	\$835.38
7	Construct 6" PCC Curb Ramp	141 S.F.	\$9.23	\$1,301.43
8	Furnish & Install Detectable Warning Inserts	32 S.F.	\$35.73	\$1,143.36
9	Construct 6" PCC, L8.5 Drive Approach	16.9 S.Y.	\$49.26*	\$832.49
10	Construct 8" PCC, L8.5 Pavement	195.9 S.Y.	\$52.00*	\$10,186.80
11	Mill Existing Overlay	1,710 S.Y.	\$3.64	\$6,224.40
12	Modified Curb Height Milling	1,435 L.F.	\$4.60	\$6,601.00
13	Tack Coat	165 GAL	\$3.00	\$495.00
14	Asphaltic Concrete Overlay	233 TON	\$100.00	\$23,300.00
15	Asphaltic Concrete Feathering	0 TON	\$500.00	\$0.00
16	Adjust Valve to Grade	0 EA.	\$306.00	\$0.00
17	Adjust Manhole to Grade	0 EA.	\$306.00	\$0.00
18	24" White, Crosswalk, Preformed Plastic Marking Tape, on Asphalt	48 L.F.	\$23.70	\$1,137.60
<b>SCHEDULE "A" SUBTOTAL</b>				<b>\$56,518.87</b>
<b>SCHEDULE B - JOSEPHINE STREET</b>				
1	Remove Pavement	616.5 S.Y.	\$7.92	\$4,882.68
2	Remove Drive Approach	3.3 S.Y.	\$10.82	\$35.71
3	Remove Sidewalk	0 S.F.	\$0.97	\$0.00
4	Dowel Bars, Drilled & Grouted	49 EA.	\$6.61	\$323.89
5	Remove & Replace Subgrade	195 C.Y.	\$11.30	\$2,203.50
6	Construct 4" PCC Sidewalk	0 S.F.	\$3.57	\$0.00
7	Construct 6" PCC, L8.5 Drive Approach	3.3 S.Y.	\$49.26*	\$162.56
8	Construct 8" PCC, L8.5 Pavement	616.5 S.Y.	\$51.44*	\$31,712.76
<b>SCHEDULE "B" SUBTOTAL</b>				<b>\$39,321.09</b>
<b>SCHEDULE C - 74<sup>th</sup> STREET</b>				
1	Remove Pavement	169 S.Y.	\$9.29	\$1,570.01
2	Remove Drive Approach	0 S.Y.	\$11.20	\$0.00
3	Remove Sidewalk	516 S.F.	\$0.97	\$500.52
4	Dowel Bars, Drilled & Grouted	73 EA.	\$6.61	\$482.53
5	Remove & Replace Subgrade	20 C.Y.	\$11.30	\$226.00
6	Construct 4" PCC Sidewalk	446 S.F.	\$3.51	\$1,565.46
7	Construct 6" PCC Curb Ramp	203 S.F.	\$9.61	\$1,950.83
8	Furnish & Install Detectable Warning Inserts	48 S.F.	\$35.73	\$1,715.04
9	Construct 6" PCC, L8.5 Drive Approach	0 S.Y.	\$49.26*	\$0.00
10	Construct 8" PCC, L8.5 Pavement	169 S.Y.	\$52.53*	\$8,877.57

## Final Payment Recommendation

November 12, 2008

Page 2

Item	Description	Approx. Quantities		Unit Price	Amount
11	Mill Existing Overlay	1,880	S.Y.	\$3.40	\$6,392.00
12	Modified Curb Height Milling	2,161	L.F.	\$4.00	\$8,644.00
13	Tack Coat	317	GAL.	\$3.00	\$951.00
14	Asphaltic Concrete Overlay	442.6	TON	\$100.00	\$44,260.00
15	Asphaltic Concrete Feathering	0	TON	\$500.00	\$0.00
16	Adjust Valve to Grade	3	EA.	\$306.00	\$918.00
17	Adjust Manhole to Grade	8	EA.	\$481.00	\$3,848.00
<b>SCHEDULE "C" SUBTOTAL</b>					<b>\$81,900.96</b>

**SCHEDULE D - 89<sup>th</sup> & GRANVILLE INTERSECTION**

1	Remove Pavement	385	S.Y.	\$10.40	\$4,004.00
2	Remove Drive Approach	0	S.Y.	\$13.66	\$0.00
3	Remove Sidewalk	411	S.F.	\$0.97	\$398.67
4	Dowel Bars, Drilled & Grouted	0	EA.	\$7.70	\$0.00
5	Remove & Replace Subgrade	120	C.Y.	\$11.30	\$1,356.00
6	Construct 4" PCC Sidewalk	130	S.F.	\$3.57	\$464.10
7	Construct 6" PCC Curb Ramp	331.5	S.F.	\$9.61	\$3,185.72
8	Furnish & Install Detectable Warning Inserts	40	S.F.	\$35.75	\$1,430.00
9	Construct 6" PCC, L8.5 Drive Approach	0	S.Y.	\$49.25*	\$0.00
10	Construct 8" PCC, L8.5 Pavement	385	S.Y.	\$52.53*	\$20,224.05
11	Pavement Marking Tape, Mill In Concrete	48	L.F.	\$23.70	\$1,137.60
<b>SCHEDULE "D" SUBTOTAL</b>					<b>\$32,200.14</b>

**SCHEDULE E - JAMES & JOSEPH INTERSECTION**

1	Remove Pavement	474.9	S.Y.	\$9.73	\$4,620.78
2	Remove Drive Approach	43.9	S.Y.	\$11.80	\$518.02
3	Remove Sidewalk	180	S.F.	\$0.97	\$174.60
4	Dowel Bars, Drilled & Grouted	0	EA.	\$6.61	\$0.00
5	Remove & Replace Subgrade	120	C.Y.	\$11.50	\$1,380.00
6	Construct 4" PCC Sidewalk	141	S.F.	\$3.60	\$507.60
7	Construct 6" PCC Curb Ramp	66	S.F.	\$10.00	\$660.00
8	Furnish & Install Detectable Warning Inserts	16	S.F.	\$36.00	\$576.00
9	Construct 6" PCC, L8.5 Drive Approach	43.9	S.Y.	\$49.25*	\$2,162.08
10	Construct 8" PCC, L8.5 Pavement	474.9	S.Y.	\$52.55*	\$24,956.00
11	Adjust Manhole to Grade	1	EA.	\$330.00	\$330.00
<b>SCHEDULE "E" SUBTOTAL</b>					<b>\$35,885.07</b>

\* Unit Price is Reduced by \$1.00/S.Y. to Reflect L7 Concrete Used in place of the L8.5 Concrete Mix Specified

Total	\$245,826.12
Less Previous Payment Recommendation	\$207,263.91
Less Deduction for Low Concrete Strengths	\$2,409.75
<b>AMOUNT DUE CONTRACTOR</b>	<b>\$36,152.77</b>

We recommend that payment in the amount of \$36,152.77 be made to U.S. Asphalt Co.

Respectfully submitted,

THOMPSON, DREESSEN & DORNER, INC.



John M. Kottmann, P.E.  
City Engineer

cc: U.S. Asphalt Co.

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1 Bank of Nebraska (600-873)

45996 Payroll Check

45997 Thru 94511 Gap in Checks

94512	11/05/2008	1194 QUALITY BRANDS OF OMAHA	115.50	**MANUAL**
94513	11/05/2008	292 SAM'S CLUB	70.00	**MANUAL**
94514	11/05/2008	3956 KIRKHAM MICHAEL	7,897.00	**MANUAL**
94515	11/05/2008	1839 BCDM-BERINGER CIACCIO DENNELL	3,148.52	**MANUAL**
94516	11/05/2008	1532 LINHART CONSTRUCTION	12,486.47	**MANUAL**
94517	11/12/2008	3702 LAUGHLIN, KATHLEEN A, TRUSTEE	372.00	**MANUAL**
94518	11/18/2008	3983 ABE'S PORTABLES INC	216.75	
94519	11/18/2008	22 ACCUCUT SYSTEMS	645.00	
94520	11/18/2008	762 ACTION BATTERIES UNLTD INC	399.36	
94521	11/18/2008	81 AMSAN	541.14	
94522	11/18/2008	1973 ANN TROE	865.00	
94523	11/18/2008	536 ARAMARK UNIFORM SERVICES INC	250.48	
94524	11/18/2008	706 ASSOCIATED FIRE PROTECTION	71.50	
94525	11/18/2008	201 BAKER & TAYLOR BOOKS	284.72	
94526	11/18/2008	4028 BARTMAN, PEGGY	30.00	
94527	11/18/2008	3169 BATTERY ZONE INC	339.48	
94528	11/18/2008	1839 BCDM-BERINGER CIACCIO DENNELL	100.00	
94529	11/18/2008	3965 BEAUMONT, MITCH	500.00	
94530	11/18/2008	1784 BENNINGTON IMPLEMENT	2,657.38	
94531	11/18/2008	3774 BENSON RECORDS MANAGEMENT CTR	56.56	
94532	11/18/2008	196 BLACK HILLS ENERGY	18.14	
94533	11/18/2008	1242 BRENTWOOD AUTO WASH	102.00	
94534	11/18/2008	3760 BUETHE, PAM	53.24	
94535	11/18/2008	3972 CAHILL, KAROLYN	90.00	
94536	11/18/2008	4034 CAHILL, THOMAS	70.00	
94537	11/18/2008	2625 CARDMEMBER SERVICE-ELAN	.00	**CLEARED** **VOIDED**
94538	11/18/2008	2625 CARDMEMBER SERVICE-ELAN	.00	**CLEARED** **VOIDED**
94539	11/18/2008	2625 CARDMEMBER SERVICE-ELAN	.00	**CLEARED** **VOIDED**
94540	11/18/2008	2625 CARDMEMBER SERVICE-ELAN	10,513.76	
94541	11/18/2008	1370 CDW GOVERNMENT INC	535.00	
94542	11/18/2008	3450 CITY OF BELLEVUE	600.00	
94543	11/18/2008	152 CITY OF OMAHA	36,823.02	
94544	11/18/2008	83 CJ'S HOME CENTER	.00	**CLEARED** **VOIDED**
94545	11/18/2008	83 CJ'S HOME CENTER	.00	**CLEARED** **VOIDED**
94546	11/18/2008	83 CJ'S HOME CENTER	.00	**CLEARED** **VOIDED**
94547	11/18/2008	83 CJ'S HOME CENTER	.00	**CLEARED** **VOIDED**
94548	11/18/2008	83 CJ'S HOME CENTER	.00	**CLEARED** **VOIDED**
94549	11/18/2008	83 CJ'S HOME CENTER	1,384.80	
94550	11/18/2008	1653 CLARK, WILLIAM	36.00	
94551	11/18/2008	2158 COX COMMUNICATIONS	270.80	
94552	11/18/2008	472 CUES	251.16	
94553	11/18/2008	111 DEMCO	128.46	
94554	11/18/2008	59 DITCH WITCH OF OMAHA	235.92	
94555	11/18/2008	364 DULTMEIER SALES & SERVICE	87.93	

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94556	11/18/2008	3084	EBSCO SUBSCRIPTION SERVICES	1,600.00					
94557	11/18/2008	2566	ELECTRONIC ENGINEERING	107.91					
94558	11/18/2008	1245	FILTER CARE	59.95					
94559	11/18/2008	439	FIREGUARD INC	47.00					
94560	11/18/2008	142	FITZGERALD SCHORR BARMETTLER	9,500.00					
94561	11/18/2008	1254	FLEETPRIDE	50.90					
94562	11/18/2008	2121	FLOHR ELECTRIC SERVICE INC	25.16					
94563	11/18/2008	3673	FOSTER, TERRY	74.89					
94564	11/18/2008	3705	FUTUREWARE DISTRIBUTING INC	42.00					
94565	11/18/2008	1344	GALE	46.43					
94566	11/18/2008	1161	GALL'S INCORPORATED	.00	**CLEARED**	**VOIDED**			
94567	11/18/2008	1161	GALL'S INCORPORATED	671.81					
94568	11/18/2008	53	GCR OMAHA TRUCK TIRE CENTER	60.00					
94569	11/18/2008	966	GENUINE PARTS COMPANY-OMAHA	.00	**CLEARED**	**VOIDED**			
94570	11/18/2008	966	GENUINE PARTS COMPANY-OMAHA	.00	**CLEARED**	**VOIDED**			
94571	11/18/2008	966	GENUINE PARTS COMPANY-OMAHA	903.19					
94572	11/18/2008	3508	GRAPHIC IMAGINATION INC	45.00					
94573	11/18/2008	285	GRAYBAR ELECTRIC COMPANY INC	20.94					
94574	11/18/2008	385	GREAT PLAINS ONE-CALL SVC INC	330.49					
94575	11/18/2008	1044	H & H CHEVROLET LLC	76.82					
94576	11/18/2008	3886	HALL, ERICA	100.00					
94577	11/18/2008	3887	HALL, LAUREN	100.00					
94578	11/18/2008	1403	HELGET GAS PRODUCTS INC	68.00					
94579	11/18/2008	797	HOBBY LOBBY STORES INC	19.99					
94580	11/18/2008	218	HOTSY EQUIPMENT COMPANY	73.42					
94581	11/18/2008	1612	HY-VEE INC	10.88					
94582	11/18/2008	2140	HYDROLOGIC WATER MANAGEMENT	15.54					
94583	11/18/2008	1896	J Q OFFICE EQUIPMENT INC	373.12					
94584	11/18/2008	3888	JESUS, MATTHEW	160.00					
94585	11/18/2008	4032	JIM MORGAN'S BOOKS	234.28					
94586	11/18/2008	379	JOHNSON HARDWARE COMPANY	30.50					
94587	11/18/2008	274	KOSISKI AUTO PARTS INC	100.00					
94588	11/18/2008	906	LA VISTA FIREFIGHTERS ASSN	60.00					
94589	11/18/2008	231	LEAGUE OF NEBRASKA MUNICIPAL	560.00					
94590	11/18/2008	1288	LIFE ASSIST	785.00					
94591	11/18/2008	877	LINWELD	181.91					
94592	11/18/2008	1573	LOGAN CONTRACTORS SUPPLY	2,722.38					
94593	11/18/2008	4029	MAPES, HANNAH	30.00					
94594	11/18/2008	3963	MCNAMARA, VICTORIA	120.00					
94595	11/18/2008	3035	MEDICAID-NE DEPT OF SOC SVCS	74.03					
94596	11/18/2008	98	MICHAEL TODD AND COMPANY INC	255.00					
94597	11/18/2008	184	MID CON SYSTEMS INCORPORATED	293.34					
94598	11/18/2008	3921	MID-STATES UTILITY TRAILER	150.72					
94599	11/18/2008	1046	MIDWEST TURF & IRRIGATION	12.28					
94600	11/18/2008	1050	MILLER PRESS	300.00					
94601	11/18/2008	64	MINITEX - CPP	261.00					
94602	11/18/2008	2229	MOORE, WAYNE	18.00					
94603	11/18/2008	653	NEUMAN EQUIPMENT COMPANY	170.00					
94604	11/18/2008	440	NMC INC	102.57					
94605	11/18/2008	3415	OABR PRINT SHOP	.00	**CLEARED**	**VOIDED**			
94606	11/18/2008	3415	OABR PRINT SHOP	.00	**CLEARED**	**VOIDED**			
94607	11/18/2008	3415	OABR PRINT SHOP	4,445.29					
94608	11/18/2008	1014	OFFICE DEPOT INC-CINCINNATI	.00	**CLEARED**	**VOIDED**			

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94609	11/18/2008	1014	OFFICE DEPOT INC-CINCINNATI			.00	**CLEARED**	**VOIDED**	
94610	11/18/2008	1014	OFFICE DEPOT INC-CINCINNATI			.00	**CLEARED**	**VOIDED**	
94611	11/18/2008	1014	OFFICE DEPOT INC-CINCINNATI			.00	**CLEARED**	**VOIDED**	
94612	11/18/2008	1014	OFFICE DEPOT INC-CINCINNATI			502.60			
94613	11/18/2008	79	OMAHA COMPOUND COMPANY			98.76			
94614	11/18/2008	195	OMAHA PUBLIC POWER DISTRICT			.00	**CLEARED**	**VOIDED**	
94615	11/18/2008	195	OMAHA PUBLIC POWER DISTRICT			.00	**CLEARED**	**VOIDED**	
94616	11/18/2008	195	OMAHA PUBLIC POWER DISTRICT			36,230.47			
94617	11/18/2008	165	OMAHA STANDARD DISTRIBUTION			328.37			
94618	11/18/2008	3935	ORIENTAL TRADING COMPANY			479.74			
94619	11/18/2008	2686	PARAMOUNT LINEN & UNIFORM			345.54			
94620	11/18/2008	1769	PAYLESS OFFICE PRODUCTS INC			159.50			
94621	11/18/2008	4033	PETERS, SANDI			8.58			
94622	11/18/2008	1821	PETTY CASH-PAM BUETHE			44.67			
94623	11/18/2008	159	PRECISION INDUSTRIES INC			206.20			
94624	11/18/2008	1713	QUALITY AUTO REPAIR & TOWING			83.00			
94625	11/18/2008	802	QUILL CORPORATION			545.98			
94626	11/18/2008	427	RAMIREZ, RITA M			48.00			
94627	11/18/2008	3986	RICHT, TREVOR			140.00			
94628	11/18/2008	1063	ROSE EQUIPMENT INCORPORATED			138.31			
94629	11/18/2008	4037	RUSTY ECK FORD			252.46			
94630	11/18/2008	292	SAM'S CLUB			165.94			
94631	11/18/2008	2240	SARPY COUNTY COURTHOUSE			3,487.34			
94632	11/18/2008	150	SARPY COUNTY TREASURER			.00	**CLEARED**	**VOIDED**	
94633	11/18/2008	150	SARPY COUNTY TREASURER			26,644.25			
94634	11/18/2008	4030	SCHLEGEL, JEREMY			31.00			
94635	11/18/2008	2709	SEWER EQUIPMENT CO OF AMERICA			589.43			
94636	11/18/2008	4036	SRPSTC-SACRAMENTO REGI PUBLIC			1,115.00			
94637	11/18/2008	47	SUBURBAN NEWSPAPERS INC			1,257.30			
94638	11/18/2008	3718	SUN LIFE & HEALTH INSURANCE CO			1,724.92			
94639	11/18/2008	143	THOMPSON DREESSEN & DORNER			.00	**CLEARED**	**VOIDED**	
94640	11/18/2008	143	THOMPSON DREESSEN & DORNER			17,630.30			
94641	11/18/2008	3543	TRAFFIC SENSOR CORPORATION			198.45			
94642	11/18/2008	167	U S ASPHALT COMPANY			85.14			
94643	11/18/2008	4025	U S TOY COMPANY/CONSTRUCTIVE			1,045.66			
94644	11/18/2008	766	VIERREGGER ELECTRIC COMPANY			281.50			
94645	11/18/2008	78	WASTE MANAGEMENT NEBRASKA			941.43			
94646	11/18/2008	968	WICK'S STERLING TRUCKS INC			14.74			
94647	11/18/2008	492	WINGATE INNS			364.75			

BANK TOTAL	202,926.16
OUTSTANDING	202,926.16
CLEARED	.00
VOIDED	.00

FUND	TOTAL	OUTSTANDING	CLEARED	VOIDED
01 GENERAL FUND	111,840.30	111,840.30	.00	.00
02 SEWER FUND	61,177.69	61,177.69	.00	.00
05 CONSTRUCTION	23,508.34	23,508.34	.00	.00
08 LOTTERY FUND	582.28	582.28	.00	.00
09 GOLF COURSE FUND	1,997.80	1,997.80	.00	.00
15 OFF-STREET PARKING	3,819.75	3,819.75	.00	.00

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REPORT TOTAL	202,926.16
OUTSTANDING	202,926.16
CLEARED	.00
VOIDED	.00
+ Gross Payroll 11-14-08	<u>194,082.01</u>
GRAND TOTAL	<u>\$397,008.17</u>

APPROVED BY COUNCIL MEMBERS 11-18-08

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COUNCIL MEMBER

**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**NOVEMBER 18, 2008 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
ZONING TEXT AMENDMENT — C-3 DISTRICT, MAXIMUM HEIGHT	RESOLUTION ◆ ORDINANCE RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

**SYNOPSIS**

A public hearing has been scheduled and an ordinance has been prepared for Council to consider an amendment to Section 5.12.06.01 of the C-3 Highway Commercial/Office Park District, regarding the maximum height allowed.

**FISCAL IMPACT**

N/A.

**RECOMMENDATION**

Approve.

**BACKGROUND**

A public hearing has been scheduled for Council to consider an amendment to Section 5.12.06.01 of the C-3 Highway Commercial/Office Park District of the Zoning Ordinance regarding the maximum height allowed.

Staff has had several requests, regarding development projects in the C-3 District, to exceed the 45-foot maximum height requirement in that zone. Most of these requests have been granted by creating a Planned Unit Development (PUD) overlay. However the PUD Overlay District has a minimum lot area requirement, which if it cannot be met, would require the project to go through a variance process. It seemed reasonable to staff that the maximum height permitted in the City's primary commercial/office district should be greater than 45 feet. Therefore, staff is proposing to increase the maximum height from 45 feet to 90 feet. This would accommodate a seven story building with a pitched roof, or an eight or nine story building with a flat roof. It is possible that the FAA may not allow a building height up to 90 feet, depending on the location. In those cases the maximum height would be governed by the FAA. Additionally, parking requirements and/or fire code requirements may also limit the height of a building depending on the size of the lot. Currently there are several existing buildings in Southport East and West which exceed the 45-foot maximum height, including the Embassy Suites (>98'), Courtyard by Marriott (>78'), Hampton Inn (>53'), and Securities America (>55').

At their initial hearing, the Planning Commission requested that staff look at an exception if the C-3 District abuts a residential district so that taller buildings would not adversely impact residential properties. The amendment as drafted lists an exception to the maximum height allowed in this situation.

Attached is a red-lined copy of the C-3 District of the Zoning Ordinance with the proposed amendments.

The Planning Commission held public hearings on September 18, 2008, and October 16, 2008, and recommended approval.

\\Lvdcp01\users\Administration\BRENDA\COUNCIL\08 Memos\Zoning Text Amend. - C-3 Height.doc

### **Section 5.12 C-3 Highway Commercial / Office Park District**

**5.12.01 Intent:** The Highway Commercial / Office Park District is intended for large scale commercial and office park development. In addition, this district prohibits all exterior storage by a primary use unless a separate Conditional Use Permit is requested for the use and granted by the City.

#### **5.12.02 Permitted Uses:**

5.12.02.01 *Medical/dental offices and business services including: attorneys, banks, insurance, real estate offices, postal stations, credit services, security brokers, dealers and exchange, title abstracting, finance services and investment services; but not including uses defined in Adult Establishment. (Ordinance No. 950, 3-1-05)*

5.12.02.02 Museum, art gallery.

5.12.02.03 Retail business or service establishment supplying commodities or performing services, such as, or in compatibility with and including the following:

1. Book store, not including uses defined in Adult Establishment.
2. Brew-on premises store.
3. Dry cleaning and laundry pickup.
4. Floral shop.
5. Gift and curio shop.
6. Jewelry store.
7. Reservation center.
8. Restaurants, cafes and fast food establishment.
9. Travel agencies.
10. Office Park developments.
11. Video store, not including uses defined in Adult Establishment.
12. Meeting Halls not including Adult Establishments.

5.12.02.04 *Publicly owned and operated facilities. (Ordinance No. 950, 3-1-05)*

#### **5.12.03 Permitted Conditional Uses:**

5.12.03.01 Theater, indoor, not including uses defined in Adult Establishment.

5.12.03.02 Automobile display, sales, service, and repair.

5.12.03.03 Brew Pubs.

5.12.03.04 Micro breweries when in conjunction with a restaurant.

5.12.03.05 Coffee Kiosks.

5.12.03.06 Automated Teller Machines when not within the interior of a primary use.

5.12.03.07 Tavern and cocktail lounge, not including uses defined in Adult Establishment.

5.12.03.08 Convenience store with limited fuel sales.

5.12.03.09 Churches and temples.

5.12.03.10 Hotels, including restaurants, convention and meeting facilities and other related uses, not including uses defined in Adult Establishment.

5.12.03.11 Department Stores.

5.12.03.12 Retail trade centers.

5.12.03.13 Shopping centers.

5.12.03.14 Commercial Strip Shopping Center.

5.12.03.15 Outlet Shopping Center.

5.12.03.16 Health Clubs and tanning salon, not including uses defined in Adult Establishment.

5.12.03.17 Health Recreation Facilities, not including uses defined in Adult Establishment.

#### **5.12.04 Permitted Temporary Uses**

Temporary Uses require a permit from the City of La Vista and shall be valid only for a specific amount of time as indicated on said permit. *All platted lots or tracts of land may have a maximum number of four (4) temporary uses per calendar year. Such uses shall not last more than two (2) weeks per use, except as provided for hereafter. (Ordinance No. 998, 7-18-06)*

5.12.04.01 Temporary greenhouses.

5.12.04.02 Temporary structures as needed for sidewalk and other outdoor sales events.

5.12.04.03 Fireworks stands, provided the criteria are met as established by the City through separate Ordinances.

5.12.04.04 Buildings and uses incidental to construction work *are permitted to remain until completion or abandonment of the construction work, at which time they shall be removed. (Ordinance No. 998, 7-18-06)*

5.12.04.05 Temporary structure for festivals or commercial events.

#### **5.12.05 Permitted Accessory Uses**

5.12.05.01 Buildings and uses customarily incidental to the permitted uses.

5.12.05.02 Parking as permitted in Section 7.05 through 7.09.

5.12.05.03 Signs allowed in Section 7.01 through 7.04.

5.12.05.04 Landscaping as required by Section 7.17.

#### **5.12.06 Height and Lot Requirements:**

5.12.06.01 The height and minimum lot requirements shall be as follows:

Uses	Lot Area (SF)	Lot Width	Front Yard	Side Yard	Rear Yard	Max. Height	Max. Lot Coverage
Permitted Uses	10,000	-	25' <sup>1</sup>	15'	15'	45'-90' <sup>2</sup>	60%
Permitted Conditional Uses	10,000	-	25' <sup>1</sup>	15'	15'	45'-90' <sup>2</sup>	60%

<sup>1</sup>. 25' front yard setback required only when no parking is present in the front yard. If parking is located in the front yard then front yard setback is a minimum of fifty (50) feet.

<sup>2</sup> *Any building within 100 feet of a residentially zoned district shall not exceed 45 feet in height.*

#### **5.12.07 Use Limitations:**

5.12.07.01 When adjacent to residentially zoned land, no parking, drives or signs shall be allowed in any required yard within fifteen (15) feet of such district. Furthermore, permanent screening shall be provided in this area in order to minimize impacts on residentially zoned property, as per Section 7.14.04.

5.12.07.02 Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.

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

AN ORDINANCE TO AMEND SECTION 5.12.06.01 OF ORDINANCE NO. 848 (ZONING ORDINANCE); TO REPEAL SECTION 5.12.06.01 OF ORDINANCE NO. 848 AS PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; 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. Amendment of Section 5.12.06.01. Section 5.12.06.01 of Ordinance No. 848 is hereby amended to read as follows:

**Section 5.12 C-3 Highway Commercial / Office Park District**

**5.12.01 Intent:** The Highway Commercial / Office Park District is intended for large scale commercial and office park development. In addition, this district prohibits all exterior storage by a primary use unless a separate Conditional Use Permit is requested for the use and granted by the City.

**5.12.02 Permitted Uses:**

- 5.12.02.01 *Medical/dental offices and business services including: attorneys, banks, insurance, real estate offices, postal stations, credit services, security brokers, dealers and exchange, title abstracting, finance services and investment services; but not including uses defined in Adult Establishment. (Ordinance No. 950, 3-1-05)*
- 5.12.02.02 Museum, art gallery.
- 5.12.02.03 Retail business or service establishment supplying commodities or performing services, such as, or in compatibility with and including the following:
  - 1. Book store, not including uses defined in Adult Establishment.
  - 2. Brew-on premises store.
  - 3. Dry cleaning and laundry pickup.
  - 4. Floral shop.
  - 5. Gift and curio shop.
  - 6. Jewelry store.
  - 7. Reservation center.
  - 8. Restaurants, cafes and fast food establishment.
  - 9. Travel agencies.
  - 10. Office Park developments.
  - 11. Video store, not including uses defined in Adult Establishment.
  - 12. Meeting Halls not including Adult Establishments.
- 5.12.02.04 *Publicly owned and operated facilities. (Ordinance No. 950, 3-1-05)*

**5.12.03 Permitted Conditional Uses:**

- 5.12.03.01 Theater, indoor, not including uses defined in Adult Establishment.
- 5.12.03.02 Automobile display, sales, service, and repair.
- 5.12.03.03 Brew Pubs.
- 5.12.03.04 Micro breweries when in conjunction with a restaurant.
- 5.12.03.05 Coffee Kiosks.
- 5.12.03.06 Automated Teller Machines when not within the interior of a primary use.
- 5.12.03.07 Tavern and cocktail lounge, not including uses defined in Adult Establishment.
- 5.12.03.08 Convenience store with limited fuel sales.
- 5.12.03.09 Churches and temples.
- 5.12.03.10 Hotels, including restaurants, convention and meeting facilities and other related uses, not including uses defined in Adult Establishment.
- 5.12.03.11 Department Stores.
- 5.12.03.12 Retail trade centers.

- 5.12.03.13 Shopping centers.
- 5.12.03.14 Commercial Strip Shopping Center.
- 5.12.03.15 Outlet Shopping Center.
- 5.12.03.16 Health Clubs and tanning salon, not including uses defined in Adult Establishment.
- 5.12.03.17 Health Recreation Facilities, not including uses defined in Adult Establishment.

#### **5.12.04 Permitted Temporary Uses**

Temporary Uses require a permit from the City of La Vista and shall be valid only for a specific amount of time as indicated on said permit. *All platted lots or tracts of land may have a maximum number of four (4) temporary uses per calendar year. Such uses shall not last more than two (2) weeks per use, except as provided for hereafter. (Ordinance No. 998, 7-18-06)*

- 5.12.04.01 Temporary greenhouses.
- 5.12.04.02 Temporary structures as needed for sidewalk and other outdoor sales events.
- 5.12.04.03 Fireworks stands, provided the criteria are met as established by the City through separate Ordinances.
- 5.12.04.04 Buildings and uses incidental to construction work are permitted to remain until completion or abandonment of the construction work, at which time they shall be removed. *(Ordinance No. 998, 7-18-06)*
- 5.12.04.05 Temporary structure for festivals or commercial events.

#### **5.12.05 Permitted Accessory Uses**

- 5.12.05.01 Buildings and uses customarily incidental to the permitted uses.
- 5.12.05.02 Parking as permitted in Section 7.05 through 7.09.
- 5.12.05.03 Signs allowed in Section 7.01 through 7.04.
- 5.12.05.04 Landscaping as required by Section 7.17.

#### **5.12.06 Height and Lot Requirements:**

- 5.12.06.01 The height and minimum lot requirements shall be as follows:

Uses	Lot Area (SF)	Lot Width	Front Yard	Side Yard	Rear Yard	Max. Height	Max. Lot Coverage
Permitted Uses	10,000	-	25' <sup>1</sup>	15'	15'	90' <sup>2</sup>	60%
Permitted Conditional Uses	10,000	-	25' <sup>1</sup>	15'	15'	90' <sup>2</sup>	60%

<sup>1</sup> 25' front yard setback required only when no parking is present in the front yard. If parking is located in the front yard then front yard setback is a minimum of fifty (50) feet.

<sup>2</sup> Any building within 100 feet of a residentially zoned district shall not exceed 45 feet in height. *(Ordinance No. 11-18-08)*

#### **5.12.07 Use Limitations:**

- 5.12.07.01 When adjacent to residentially zoned land, no parking, drives or signs shall be allowed in any required yard within fifteen (15) feet of such district. Furthermore, permanent screening shall be provided in this area in order to minimize impacts on residentially zoned property, as per Section 7.14.04.
- 5.12.07.02 Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.

SECTION 2. Repeal of Section 5.12.06.01 as Previously Enacted. Section 5.12.06.01 of Ordinance No. 848 as previously enacted is hereby repealed.

SECTION 3. 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 4. Effective Date. This ordinance shall be in full force and effect from and after passage, approval and publication as provided by law.

SECTION 5. This ordinance shall be published in pamphlet form and take effect as provided by law.

PASSED AND APPROVED THIS 18<sup>th</sup> DAY OF NOVEMBER 2008.

CITY OF LA VISTA

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Douglas Kindig, Mayor

ATTEST:

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Pamela A. Buethe, CMC  
City Clerk

\\\Lvdclf01\users\Administration\BRENDA\COUNCIL\ORDINANCE\5.12.06.01 11-18-08.doc

**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**NOVEMBER 18, 2008 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
INTERLOCAL COOPERATION AGREEMENT — 132 <sup>ND</sup> & WEST GILES ROAD	◆ RESOLUTION ORDINANCE RECEIVE/FILE	BRENDA S. GUNN CITY ADMINISTRATOR

**SYNOPSIS**

A resolution has been prepared to approve the execution of an Interlocal Cooperation Agreement with Sarpy County for improvements to the intersection of West Giles Road and 132<sup>nd</sup> Street and adjacent legs of West Giles Road and 132<sup>nd</sup> Street and adjacent railroad crossings. (*This item was tabled at the November 4, 2008 pending action by Sarpy County*).

**FISCAL IMPACT**

The project has three Phases. Estimated project costs for each phase is as follows:

Phase 1 — Railroad Crossing (Quiet Zone) Improvements (\$238,245)

- ◆ Property Owner — \$114,395
- ◆ City of La Vista — \$61,925
- ◆ Sarpy County — \$61,925

Phase 2 — Short Term Improvements (\$1,800,000)

- ◆ Federal Highway Administration (*committed*) — \$1,440,000
- ◆ City of La Vista — \$180,000
- ◆ Sarpy County — \$180,000

Phase 3 — Long Term Improvements (\$10,000,000)

- ◆ Federal Highway Administration (80-90%)
- ◆ City of La Vista (5-10%)
- ◆ Sarpy County (5-10%)

**RECOMMENDATION**

Approval subject to satisfactory review by the City Attorney and staff.

**BACKGROUND**

Planning for the recommended improvements has been underway since early 2004 and has involved the City of La Vista, Sarpy County, MAPA, Nebraska Department of Roads and The Shemmer Associates. The project area is located in Sarpy County and the extraterritorial zoning jurisdiction of La Vista and as a result, Sarpy County took the lead in commissioning the study in order to determine the necessary improvements.

There are three separate components to the improvements to be undertaken pursuant to the Agreement. Phase 1 consists of railroad crossing (Quiet Zone) improvements; Phase 2 consists of interim reconstruction of the intersection of 132<sup>nd</sup> Street and West Giles Road; and Phase 3 consists of long term improvements to the intersection of 132<sup>nd</sup> Street and West Giles Road.

These projects have been included in the Capital Improvements Program and Phases 1 & 2 are funded in the current FY09 municipal budget.

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING AN INTERLOCAL COOPERATION AGREEMENT WITH SARPY COUNTY, NEBRASKA CONCERNING IMPROVEMENTS RELATED TO THE INTERSECTION OF WEST GILES ROAD AND 132<sup>ND</sup> STREET, THE ADJACENT LEGS OF WEST GILES ROAD AND 132<sup>ND</sup> STREET AND ADJACENT RAILROAD CROSSINGS, IN A FORM SATISFACTORY TO THE CITY ADMINISTRATOR AND CITY ATTORNEY.

WHEREAS, La Vista and Sarpy County wish to enter into mutually beneficial endeavors to improve the intersection of West Giles Road and 132<sup>nd</sup> Street, adjacent legs of West Giles Road and 132<sup>nd</sup> Street and adjacent railroad crossings; and

WHEREAS, said improvements are located in Sarpy County and the extraterritorial zoning jurisdiction of La Vista.

NOW THEREFORE, BE IT RESOLVED, that an Interlocal Cooperation Agreement with Sarpy County, Nebraska concerning improvements related to the intersection of West Giles Road and 132<sup>nd</sup> Street, the adjacent legs of West Giles Road and 132<sup>nd</sup> Street and adjacent railroad crossings, is hereby approved, and the Mayor and City Clerk be and hereby are, authorized to execute same on behalf of the City with such revisions or amendments thereto that the City Administrator and City Attorney may determine necessary to carry out the intent of the City Council.

PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2008.

CITY OF LA VISTA

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Douglas Kindig, Mayor

ATTEST:

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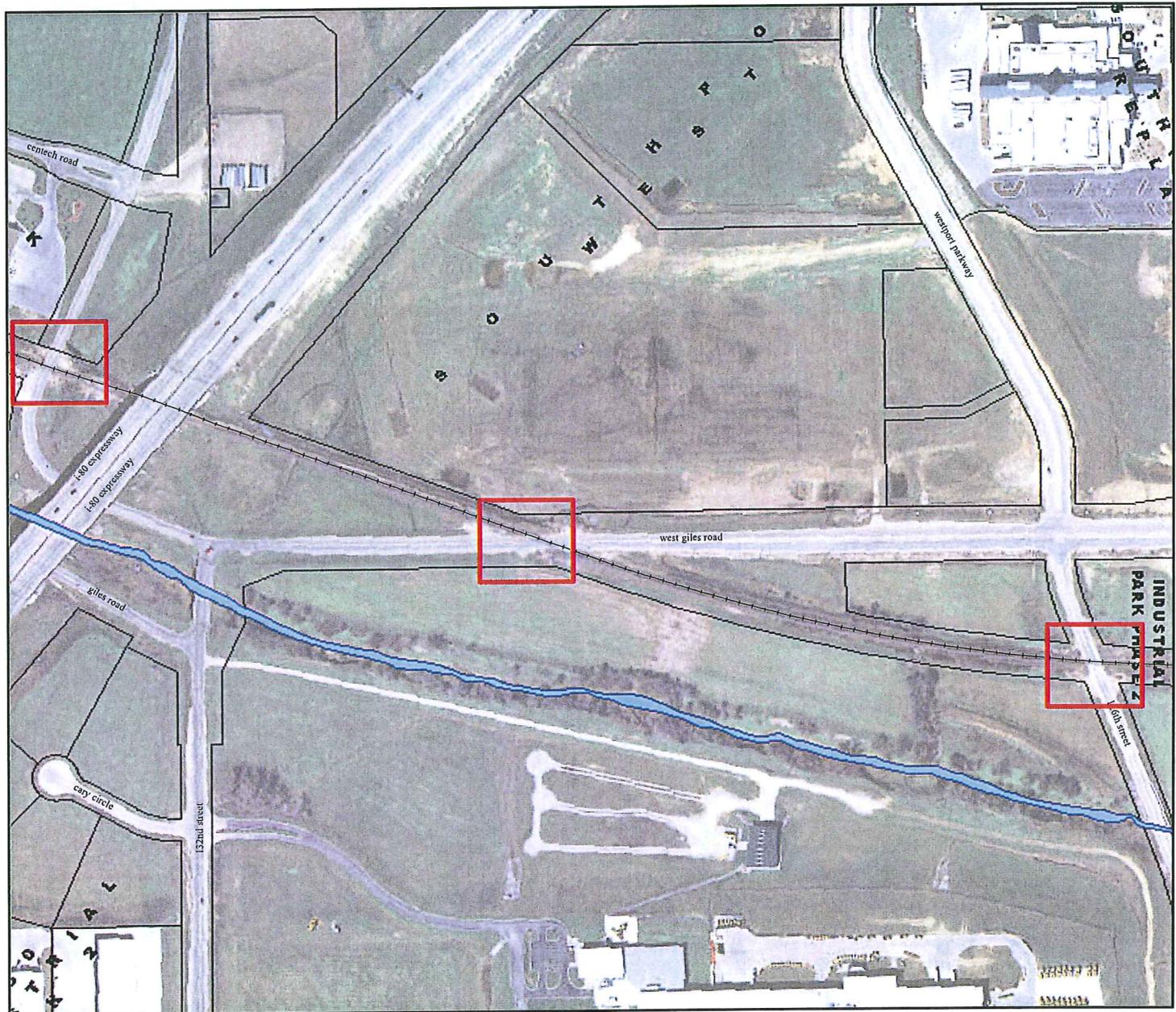
Pamela A. Buethe, CMC  
City Clerk



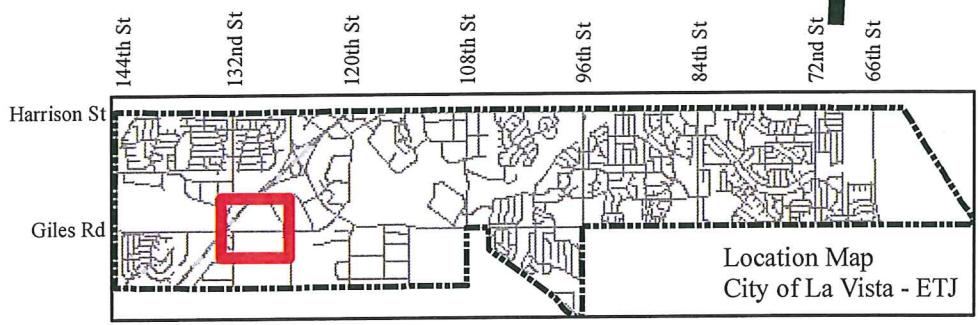
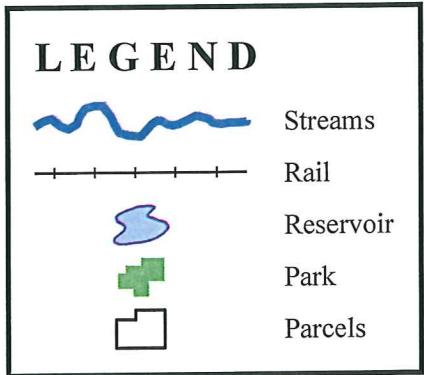
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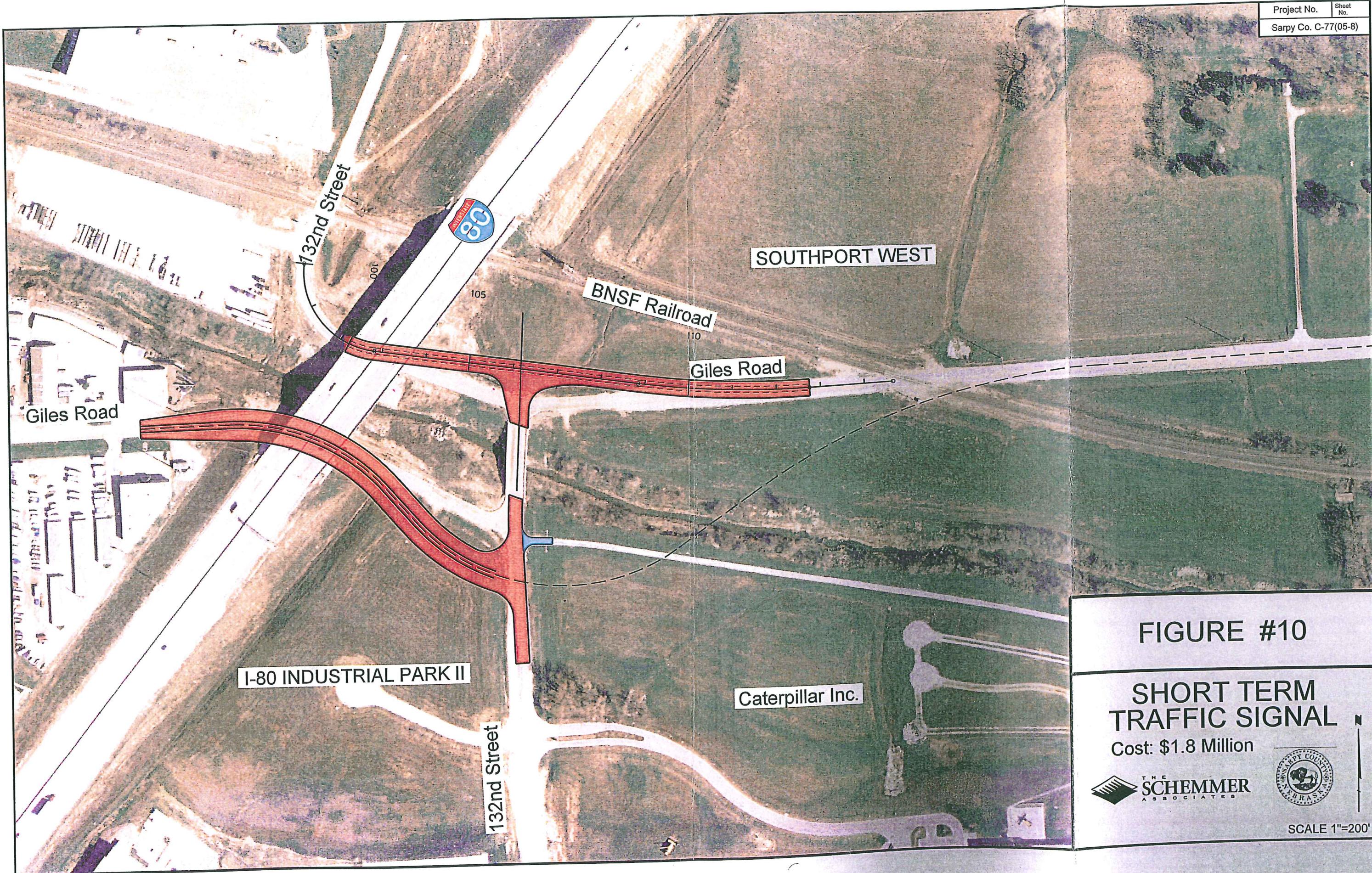
# Capital Improvement Plan

Project Name: Southport West -  
Quiet Zone Study



0 250 500 1,000  
Feet





**DRAFT**  
10-30-08 2:30 pm

**INTERLOCAL AGREEMENT**

This Interlocal Agreement is made and entered into effective as of the 1<sup>st</sup> day of April, 2007 by and between CITY OF LA VISTA, a Municipal Corporation of the State of Nebraska, hereinafter referred to as "La Vista"; and SARPY COUNTY of the State of Nebraska, hereinafter referred to as "Sarpy County" or "County".

**WITNESSETH**

WHEREAS, La Vista and Sarpy County are desirous of entering into mutually beneficial endeavors to improve the intersection of West Giles Road and 132<sup>nd</sup> Street and adjacent legs of West Giles Road and 132<sup>nd</sup> Street and adjacent railroad crossings, which locations are in Sarpy County and the extraterritorial jurisdiction of La Vista; and,

WHEREAS, there are three separate components to the improvements to be undertaken pursuant to this Interlocal Agreement. Phase 1 shall consist of railroad crossing improvements shown on Exhibit "A". Phase 2 shall consist of interim reconstruction of the intersection of 132<sup>nd</sup> Street and West Giles Road as shown on Exhibit "B". Phase 3 shall consist of long term improvements to the intersection of 132<sup>nd</sup> Street and West Giles Road as shown on Exhibit "C"; and,

WHEREAS, Phase 1 does not include any federal funding assistance, but is conditioned upon participation by adjacent landowners and/or developers; and,

WHEREAS, Phase 2 is to be funded at least 80 percent by the Federal Highway Administration and not in excess of 20 percent by the parties to this Interlocal Agreement; and,

WHEREAS, Phase 2 of this project is known as Sarpy County Project C-77(?????); and,

WHEREAS, Phase 3 is to be funded at least 80 percent by the Federal Highway Administration and not in excess of 20 percent by the parties to this Interlocal Agreement; and,

WHEREAS, all entities desire to describe and define the project, phases, work and responsibilities of the project to enable them to jointly undertake the project in the manner described as follows.

NOW THEREFORE, in consideration of, and based on, the foregoing and the mutual promises and agreements set forth below, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. This Agreement is made pursuant to the Interlocal Cooperation Act §13-801, *et seq.* (Reissue 1997). This contract shall expire upon the performance of all the obligations of the parties as described herein. There shall be no separate legal or administrative entity created to administer this Agreement. Accordingly, no separate budget needs to be established.

2. Sarpy County hereby delegates authority to La Vista to contract with an engineering consultant of its choice for the improvements in Phase 1. La Vista shall be responsible to arrange for design, construction and oversight of all Phase 1 improvements. Sarpy County shall have the right, but not the obligation, to inspect the work at any time at its sole cost. La Vista shall be responsible for making the initial payments for design and construction and Sarpy County shall reimburse La Vista for its share of such expenditures commencing no earlier than July 1, 2008, and at monthly intervals thereafter upon requests for reimbursements from La Vista. Sarpy County will reimburse La Vista for its share of such costs no later than 30 days after its invoice is received. The total estimated costs of Phase 1 and the participation by each party to this Agreement is set forth in Exhibit "A". A party shall not be obligated to pay in excess of the amount of actual costs allocated to it in accordance with the percentages set forth in Exhibit "A" unless authorized in advance by the party in writing. La Vista shall provide the Project Manager and shall interpret and construe the plans, specifications, designs, and any addenda to those documents. All of the work undertaken for the Phase 1 improvements shall be subject to the approval of the Project Manager. The Project Manager shall be the final arbiter and shall determine whether any and all performance of work, workmanship, quality of materials, and/or acceptability of work is in accordance with the Phase 1 contract documents.
3. Sarpy County shall serve as the lead agent for Phase 2 design, construction and payment. The County shall select a consultant for the preparation of plans and specifications for the Phase 2 improvements in accordance with the applicable Nebraska Department of Roads Guidelines for Consultant Selection on projects involving federal funding assistance. The County shall take bids and enter into contracts as necessary to complete the construction of the Phase 2 improvements. The County shall inspect the work performed and make payments of the costs of the Phase 2 improvements on a regular basis as such costs are incurred. Sarpy County shall bill La Vista on a monthly basis for reimbursement of its share of such costs. La Vista will pay a bill no later than 30 days after an invoice is received. La Vista shall have the right, but not the obligation, to inspect the work at any time at its sole cost. The County shall be responsible for all real and personal property acquisitions required to construct the Phase 2 improvements. The Sarpy County Surveyor shall be the Project Manager and shall interpret and construe the plans, specifications, designs, and any addenda to those documents. All of the work undertaken for the Phase 2 improvements shall be subject to the approval of the Project Manager. The Project Manager shall be the final arbiter and shall determine whether any and all performance of work, workmanship, quality of materials, and/or acceptability of work is in accordance with the Phase 2 contract documents. Sarpy County may, with the approval of La Vista, engage the services of a consultant to perform the duties of Project Manager.
4. Federal assistance is presently available for the Phase 2 improvements and these improvements shall be constructed by October 1, 2010. The total estimated costs of Phase 2 and the participation by each party to this Agreement are set forth in Exhibit "B". A party shall not be obligated to pay in excess of the amount of actual costs allocated to it in accordance with the percentages set forth in Exhibit "B" unless authorized in advance

by the party in writing.

5. Phase 3 improvements shall be implemented in the same manner as the Phase 2 improvements at such time as federal assistance for at least 80 percent of the project becomes available. The estimated costs of Phase 3 and the participation by each party to this Agreement are set forth in Exhibit "C".
6. Notwithstanding anything in this Agreement to the contrary, if the specified level of federal assistance for a particular phase has not become available within 10 years after the date of this Agreement, the parties shall meet and decide whether or not to proceed with said phase. To proceed under such circumstances shall require the written agreement of both parties.
7. Any contribution or cost sharing by local property owners and/or developers in Phase 1 improvements shall be the responsibility of La Vista to obtain. In the event the local property owners and/or developers do not agree to participate, then neither Sarpy County or La Vista shall be obligated to proceed with Phase 1 improvements under this Interlocal Agreement.
8. Sarpy County shall coordinate with, and obtain agreements and participation of, all public and private bodies, entities and persons as necessary or advisable for Phase 2 or Phase 3. Sarpy County further shall notify and obtain consent of La Vista at least two weeks before any street or part of a street is at any time proposed to be in any manner closed, or traffic rerouted, diverted, restricted or otherwise affected.
9. It is the mutual desire and intention of the parties that the public improvements shall be completed as expeditiously as possible. Accordingly, the parties hereby agree to cooperate with each other and make reasonable, good faith efforts to perform their obligations hereunder in a timely manner so as to achieve completion of the work contemplated by this Agreement as expeditiously as possible. Not in limitation of the foregoing, the parties agree to cooperate and take such actions as necessary to expedite the application and request for federal funding for Phase 2 and obtain the same as quickly as possible after this Agreement is executed, as well as the specified level of federal funding for Phase 3 at the time such funding is required, it being understood that, with regard to applying for and obtaining federal funding, time is of the essence.
10. Plans, specifications, and updated cost estimates for any of the Phase 1, Phase 2, or Phase 3 improvements shall be presented to each of the parties to this Agreement for their review and approval before construction bids are advertised; which approval and any other approval provided for elsewhere in this Agreement shall not be unreasonably withheld. Construction documents shall be subject to review and approval of each party, as well. All construction and work shall be performed and carried out in strict accordance with the approved plans, specifications and other documents, as well as all applicable laws, rules and regulations, and all contractors hired to perform work shall be required to guarantee the work against all defects for a period of at least two years after final

acceptance and at its sole cost and expense correct any defects arising within said warranty period. Each party shall have the right to separately or jointly assert and enforce any warranty or other right or requirement with respect to any of the work. Upon final completion, testing, certification and acceptance of the work, each party shall be provided a complete copy of all warranties, test results, certifications and any other documents related to the work as from time to time requested. All documents and records related to each phase of the work shall be maintained for at least five years after completion of the work related to that phase.

11. This Agreement shall remain in effect until all of the phases of the improvements have been completed, paid for and accepted, unless earlier terminated by the written agreement of both parties; provided, however that any provision hereof requiring any warranty, or requiring any document retention or maintenance with regard to the work or any other performance beyond the end of this Agreement, shall continue in effect and survive after this Agreement terminates. Amendments hereto shall be made in writing adopted and executed by both parties.
12. Attached as Exhibit "D" is a map of the Project area, showing the area of the Project currently within the corporate limits of the City. The area of the Project not currently within the corporate limits is designated on Exhibit "D" as "Area A." If a particular phase of the improvements provided by this Agreement is completed, and within 5 years thereafter the City exercises its powers of annexation so as to include within the corporate limits of the City, either directly or by operation of law, any portion of said Area A, City shall reimburse County for the County's share of project costs that the County paid under this Agreement with respect to said phase. Said reimbursement shall be the same proportion of the County's said paid cost under this Agreement for said phase as the proportion of Area A that is annexed within 5 years after said phase is completed.
13. The maintenance of the improvements constructed under this Agreement shall be the responsibility of the agency within whom's jurisdiction the improvements are located.
14. The parties to this Agreement shall not in the performance of the terms of this contract discriminate or permit discrimination against any parties on account of race, national origin, sex, age, disability, or political or religious affiliations in violation of federal or state laws or local ordinances.
15. Drug Free Policy. Each party provides assurance that it has established and maintains a drug free workplace policy.
16. This Agreement shall be subject to approval of the governing body of each party.
17. Each party shall designate a person to be its primary point of contact for purposes of the party's administration of this Agreement, in addition to any other designation provided herein. The initial point of contact for each party shall be:

For Sarpy County:

County Administrator  
Sarpy County  
1210 Golden Gate Drive  
Papillion, NE 68046

For La Vista:

City Administrator  
City of La Vista  
8116 Park View Blvd.  
La Vista, NE 68128

18. Entire Agreement. This Agreement contains the entire agreement of the parties and shall be binding upon the successors and assigns of the respective parties. No amendments, deletions, or additions shall be made to this Agreement except in writing signed by all parties.
19. Nebraska law shall govern this Agreement in all respects.
20. This Agreement may be executed in counterparts, each of which shall be deemed an original, and all of which taken together shall constitute one and the same instrument.

IN WITNESS WHEREOF, we, the contracting parties, by our respective and duly authorized agents, hereto affix our signatures and seals in duplicate below.

CITY OF LA VISTA, Nebraska

SARPY COUNTY, Nebraska

By \_\_\_\_\_  
Mayor

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

By \_\_\_\_\_  
Chairman, County Board

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

ATTEST:

\_\_\_\_\_  
City Clerk

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

ATTEST:

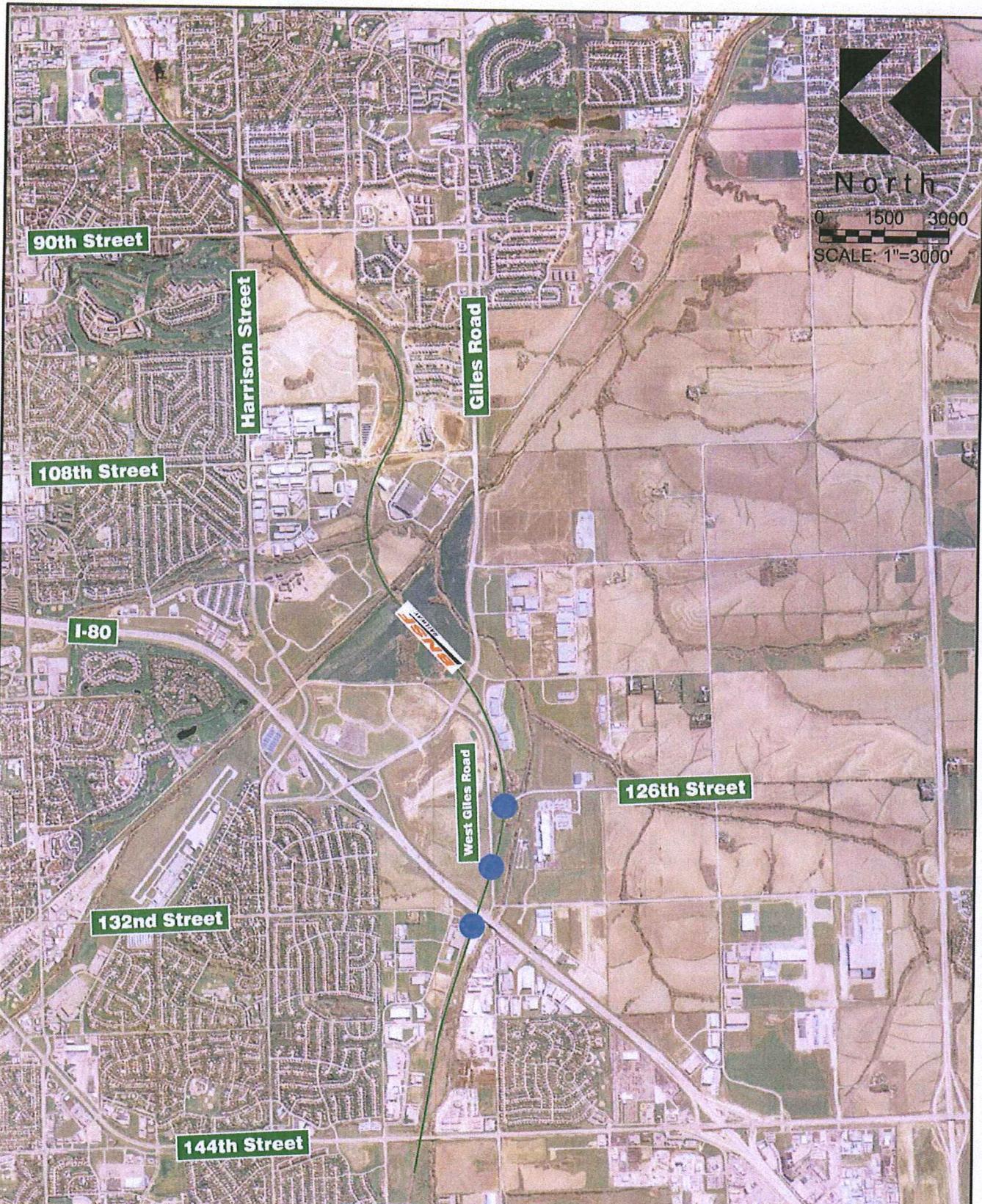
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County Clerk

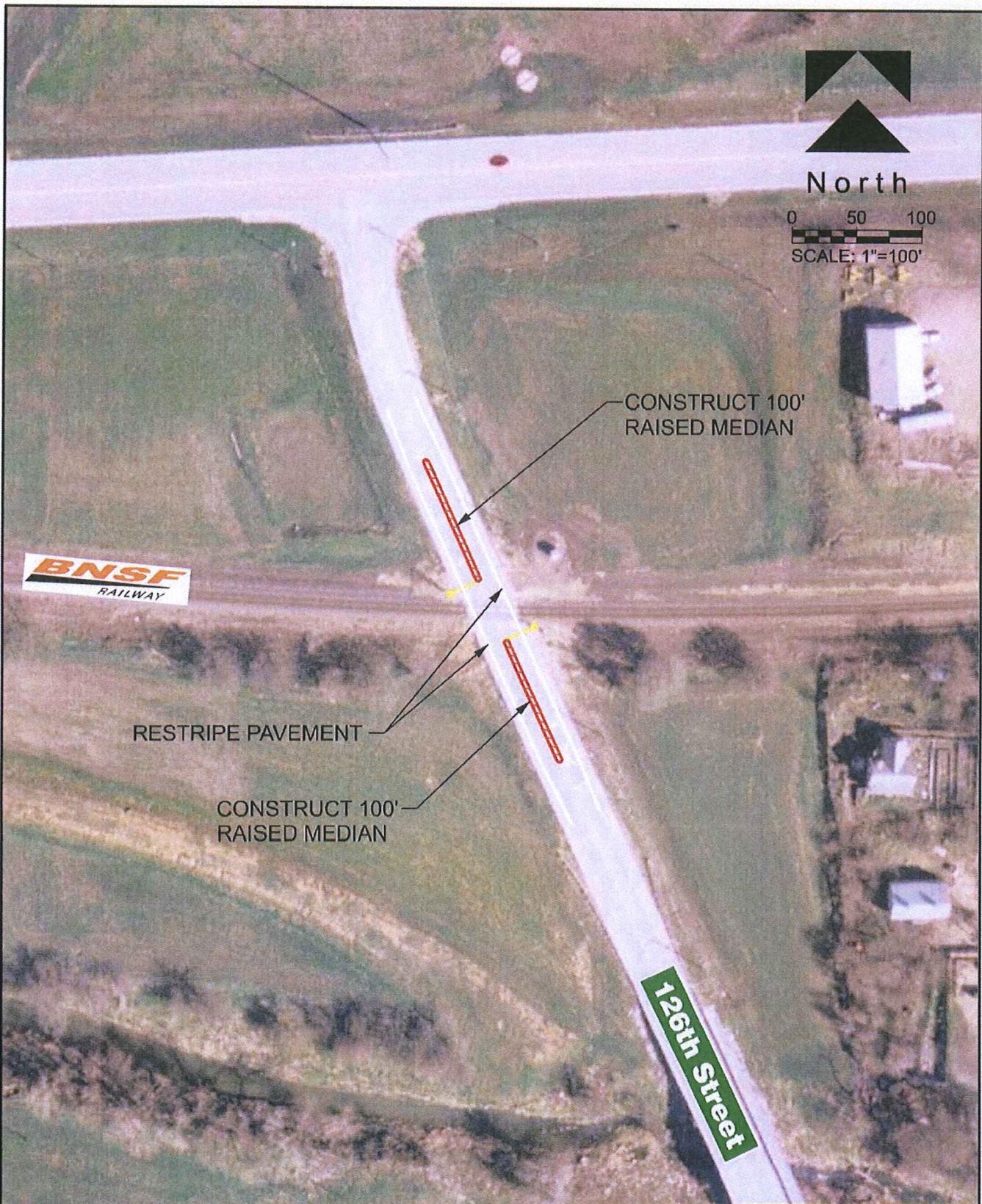
Date: \_\_\_\_\_

Approved as to form: \_\_\_\_\_  
County Attorney

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

*(ATTACH FINAL EXHIBITS A THROUGH D  
IN FORM AND CONTENT SATISFACTORY  
TO PARTIES BEFORE AGREEMENT IS  
FINALIZED FOR APPROVAL AND EXECUTION)*



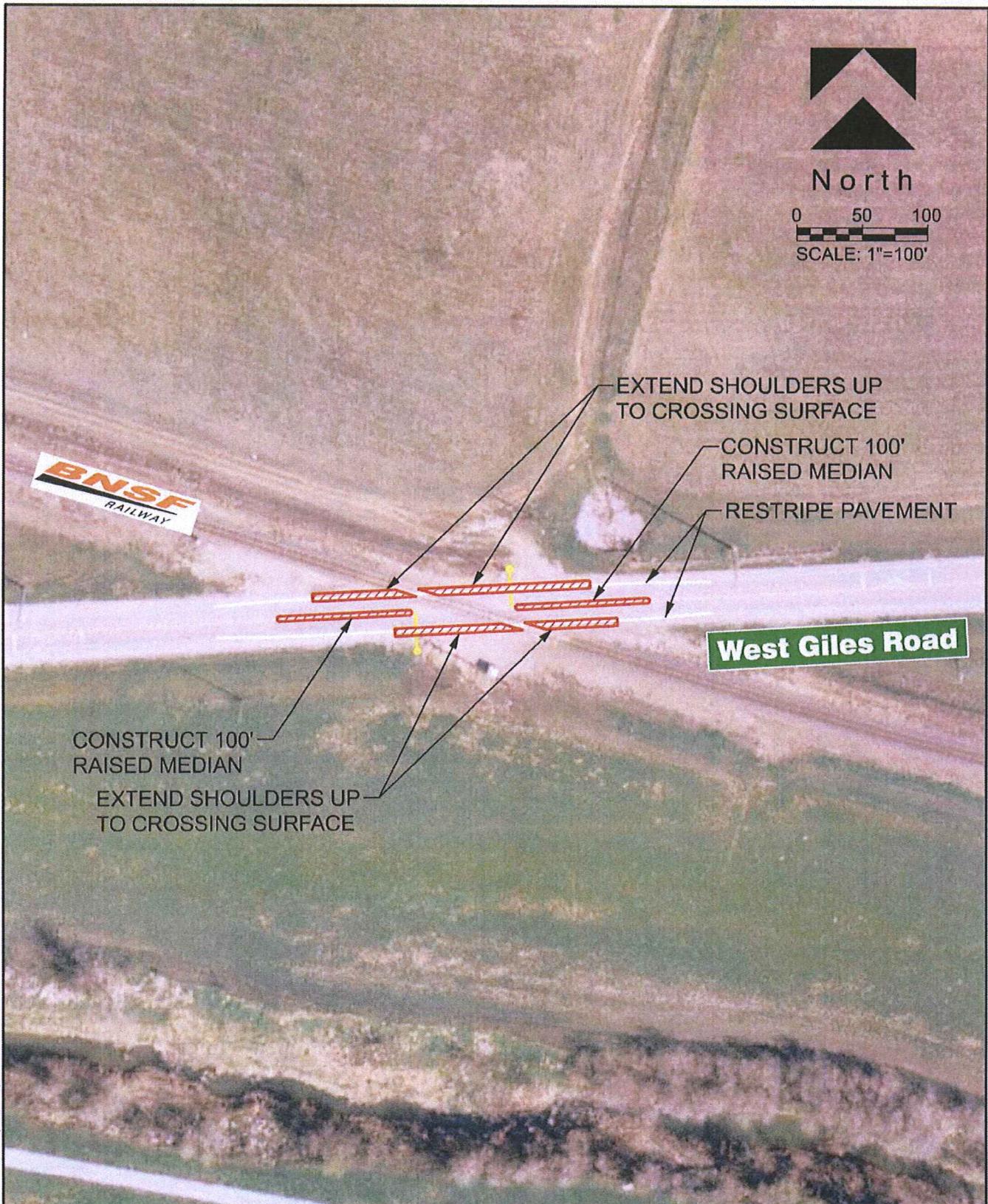


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BNSF Quiet Zone  
LaVista, Nebraska

Figure 5  
126th Street  
Raised Median Option

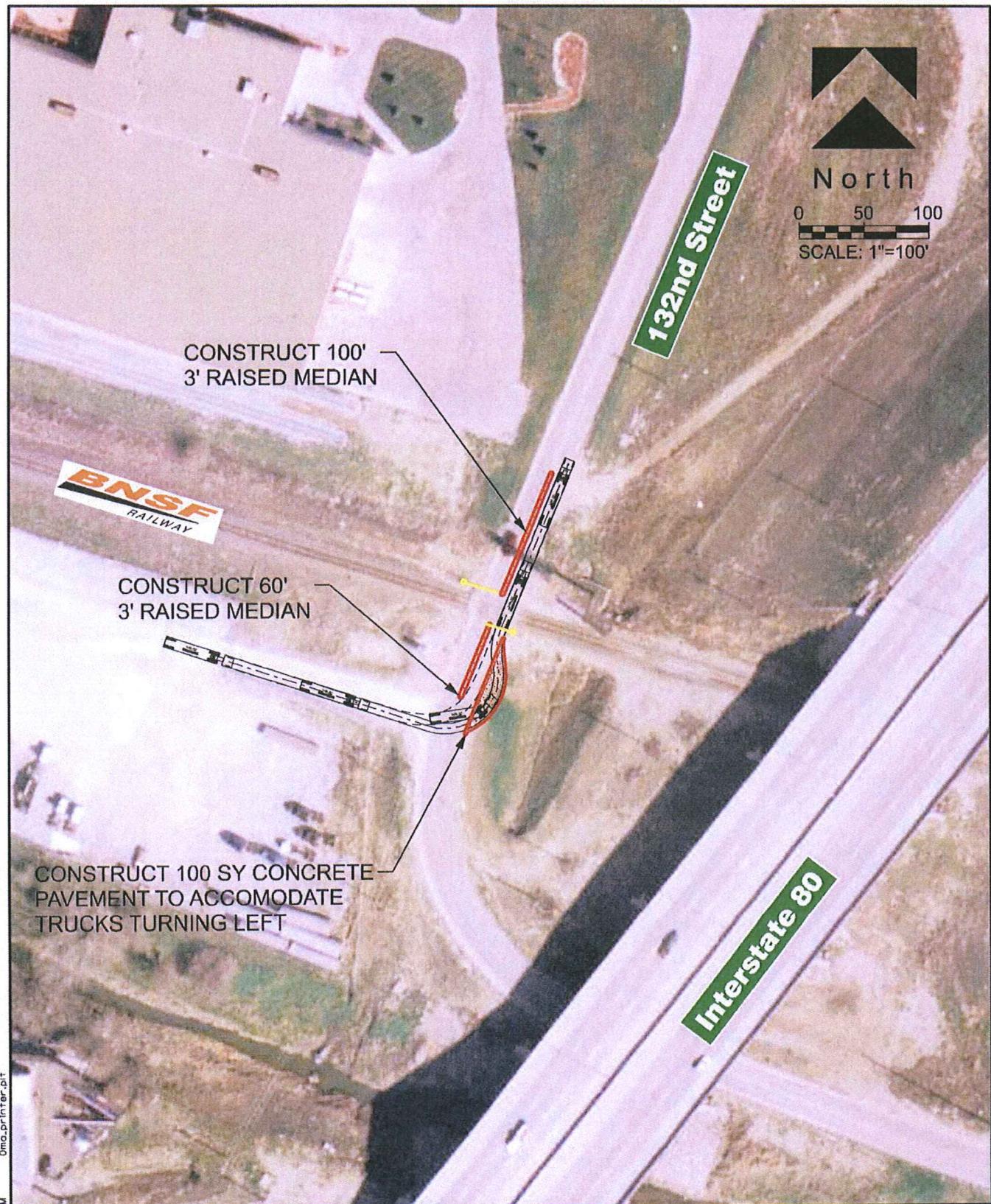


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BNSF Quiet Zone  
LaVista, Nebraska

Figure 7  
West Giles Road  
Raised Median Option



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FELSBURG  
HOLT &  
ULLEVIG

BNSF Quiet Zone  
LaVista, Nebraska

Figure 9  
132nd Street  
Raised Median Option

## PHASE 1 – RAILROAD CROSSING IMPROVEMENTS

### ESTIMATED COSTS:

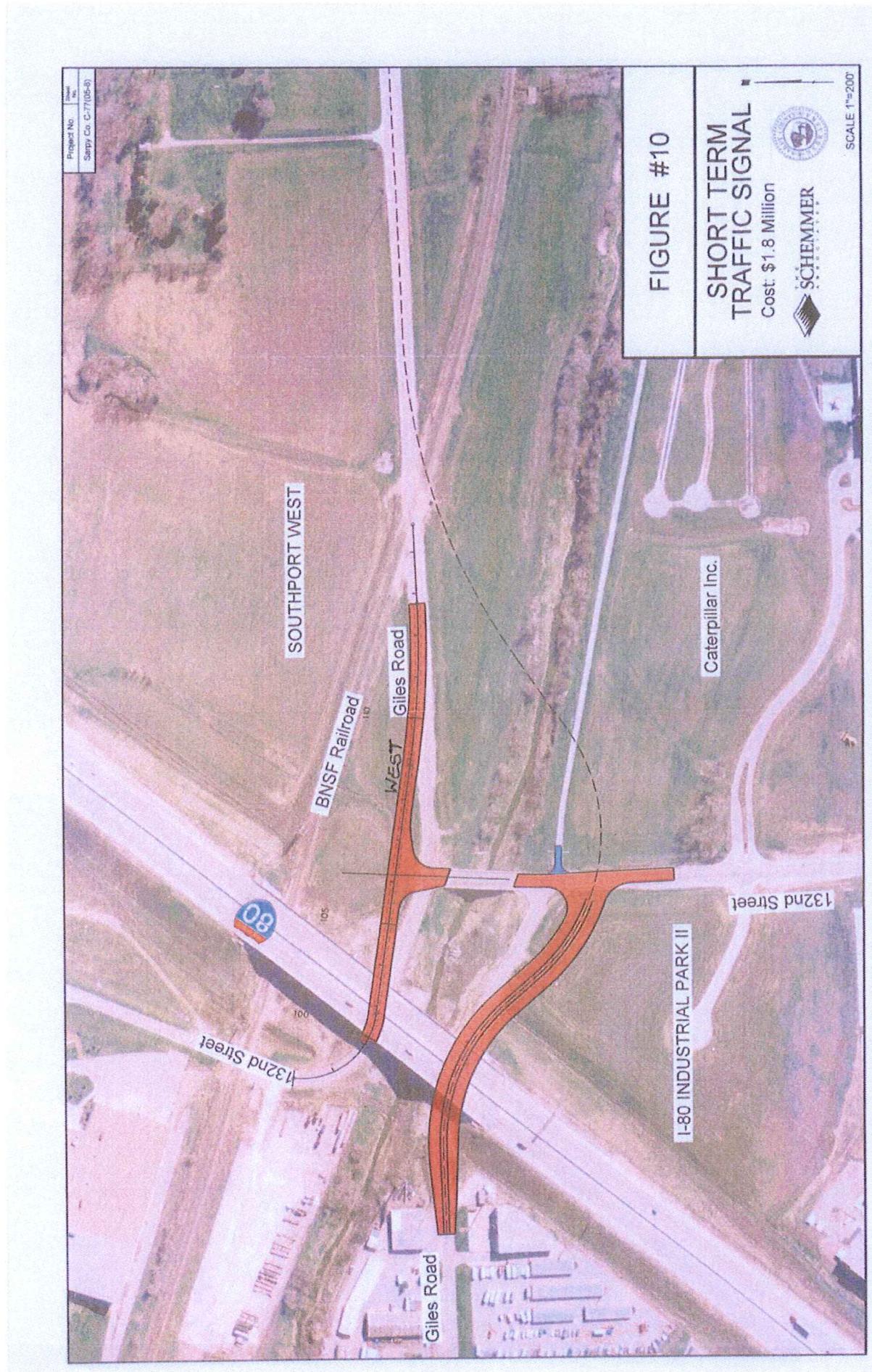
1. Quiet Zone Study	\$ 9,500
2. Constant Warning Circuitry Upgrade, W. Giles Crossing	\$114,395
3. Construct Raised Medians At 126 <sup>th</sup> St. Crossing	\$ 25,100
4. Construct Raised Medians At W. Giles Crossing	\$ 30,600
5. Construct Raised Medians At 132 <sup>nd</sup> St. Crossing	\$ 28,600
6. Survey, Design & Const. Phase Services	\$ 26,550
7. Legal Fees	\$ 3,500
 Total Estimated Costs	 \$238,245

### ALLOCATION OF COSTS:

City of La Vista to recover from  
Property Owners and/or Developers \$114,395  
(Constant Warning Circuitry costs to BNSF, Item 2)

City of La Vista \$ 61,925  
(50% of Items 1 and 3 through 7)

Sarpy County \$ 61,925  
(50% of Items 1 and 3 through 7)



Giles Road @ 132nd St.  
Sarpy County Project Number: C-77 (05-8)  
TSA Project Number: 05040.001

12/5/2006

Preliminary Project Cost Estimate

<u>Short Term Traffic signals</u>	Quantity	Unit	Unit Cost	Total
Paving	14,150	Sq Yd	\$33	\$466,950
Bridge	0	Sq Ft	\$75	\$0
Earthwork	25,000	Cu Yd	\$4	\$100,000
Misc. for Conc. Paving	1,900	Lin Ft	\$25	\$47,500
Misc. for Grading	1,900	Lin Ft	\$35	\$66,500
Misc. for Drainage	1,900	Lin Ft	\$85	\$161,500
Remove Bridge	0	Each	\$60,000	\$0
Bridge Approach Slabs	0	LS	\$100,000	\$0
MSE Wall at I 80	5,390	Sq Ft	\$35	\$188,650
Relocate Power Pole (Special)	1	Each	\$100,000	\$100,000
Traffic Signals	2	Each	\$90,000	\$180,000
Railroad Crossing	0	Each	\$375,000	\$0
				<u>\$1,311,100</u>
Const. Eng. (8%)	\$104,888		E+C	<u>\$235,998</u>
Contingency (10%)	\$131,110		Construction + E&C	<u>\$1,547,098</u>
Engineering (10%)	\$131,110			
Utilities (2.9%)	\$38,022		E + Util. + ROW	<u>\$238,828</u>
R.O.W. =	\$69,696			
Est. 0.8 Acres @ \$87,120 per acre			Estimated Cost =	<u>\$1,785,926</u>

Portion To Remain for Ultimate Design (Credit) Single Point Alternative

See Page 4

Estimated Credit = \$1,049,679

Portion To Remain for Ultimate Design (Credit) 2 Intersection Alternative

See Page 4

Estimated Credit = \$918,779

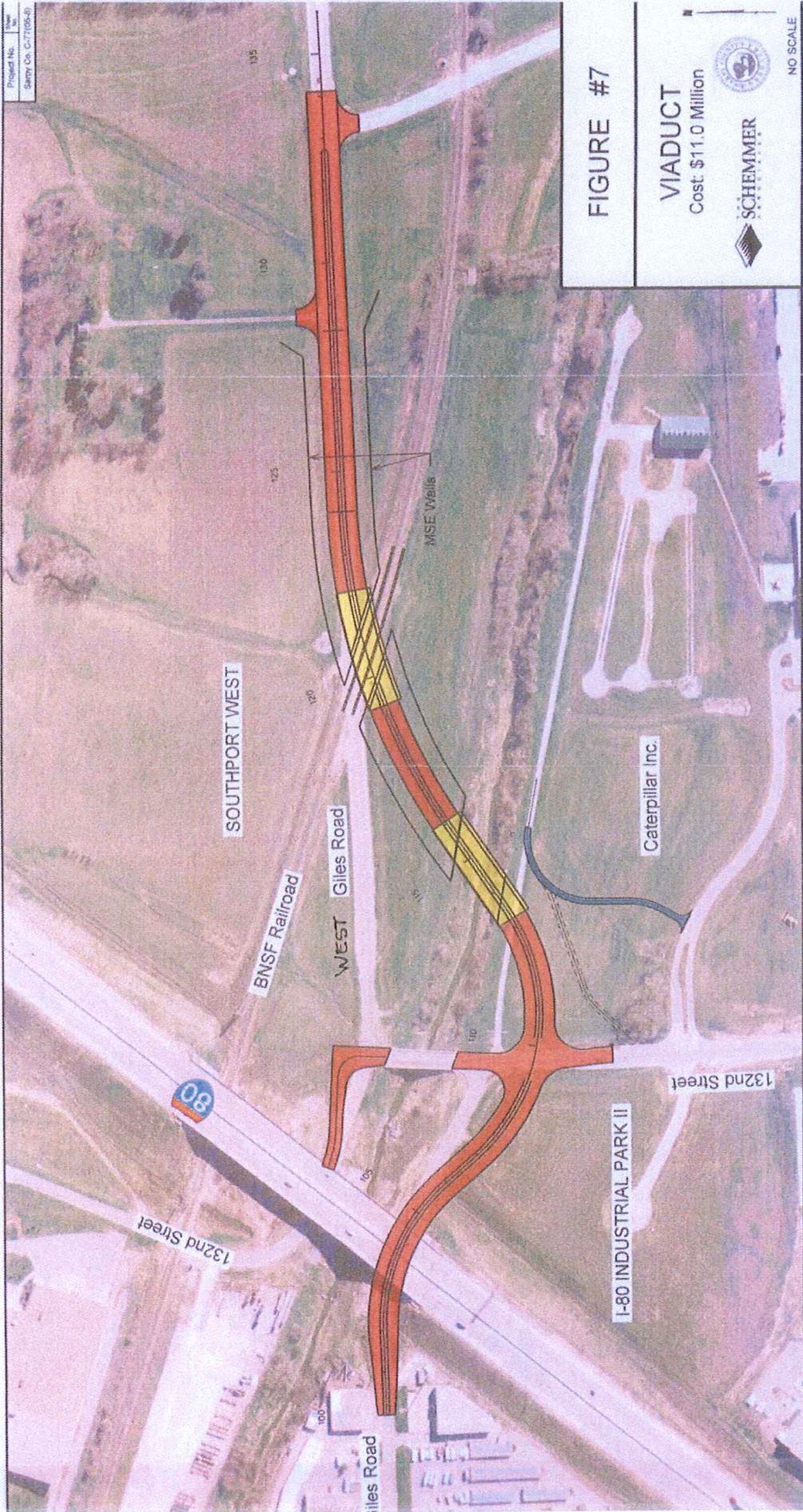
## PHASE 2 – SHORT TERM IMPROVEMENTS – 132<sup>ND</sup> ST. & W. GILES ROAD

### ESTIMATED COSTS:

As shown on Page 2 of Exhibit "B" the total estimated costs for the Short Term Improvements (aka "Interim Improvements") are \$1,785,926. Rounded off, use a cost of \$1,800,000.

### ALLOCATION OF COSTS:

Federal Highway Administration	\$ 1,440,000	(80%)
City of La Vista	\$ 180,000	(10%)
Sarpy County	\$ 180,000	(10%)



132<sup>ND</sup> & W. GILES INTERLOCAL AGREEMENT

EXHIBIT "C" PG. 1 OF 3

Giles Road @ 132nd St.  
Sarpy County Project Number: C-77 (05-8)  
TSA Project Number: 05040.001

12/5/2006

<u>Viaduct</u>		Quantity	Unit	Unit Cost	Total
Paving		23,100	Sq Yd	\$33	\$762,300
Bridge Over Papio	235' x 80'	19,000	Sq Ft	\$75	\$1,425,000
Bridge Over BNSF	125' x 80'	10,000	Sq Ft	\$100	\$1,000,000
Earthwork (w/ Walls 74' Lt/Rt)		331,000	Cu Yd	\$4	\$1,324,000
Misc. for Conc. Paving		3,700	Lin Ft	\$25	\$92,500
Misc. for Grading		3,700	Lin Ft	\$35	\$129,500
Misc. for Drainage		3,700	Lin Ft	\$85	\$314,500
Remove Bridge		0	Each	\$60,000	\$0
Bridge Approach Slabs		2	LS	\$100,000	\$200,000
MSE Wall at I-80		5,390	Sq Ft	\$35	\$188,650
MSE Walls Rail Road		64,000	Sq Ft	\$35	\$2,240,000
Relocate Power Pole (Special)		1	Each	\$100,000	\$100,000
Traffic Signals		1	Each	\$90,000	\$90,000
Railroad Crossing		0	Each	\$375,000	\$0
					\$7,866,450
Const. Eng. (8%)		\$629,316		E+C	<u>\$1,415,961</u>
Contingency (10%)		\$786,645		Construction + E&C	<u>\$9,282,411</u>
Engineering (10%)		\$786,645			
Utilities (2.9%)		\$228,127		E + Util. + ROW	<u>\$1,729,156</u>
R.O.W. =		\$714,384			
Est. 8.2 Acres @ \$87,120 per acre				Estimated Cost =	<u>\$11,011,567</u>

Notes:

Lighting, Signing, Guard Rail, Phasing etc. not included in estimate.

Misc. for Conc. Paving includes items such as subgrade prep., water, shoulder constr. and mobilization

Misc. for Grading includes items such as removals, general clear & grub., erosion control and mobilization

Misc. for Drainage includes items such as storm sewer, culverts and mobilization

RR X-ing Est. signalized w/gates 4-lane divided \$350,000 to \$450,000 per NDOR/Abe Anshasi 2/8/06

## PHASE 3 – LONG TERM IMPROVEMENTS – 132<sup>ND</sup> ST. & W. GILES ROAD

### ESTIMATED COSTS:

As shown on Page 2 of Exhibit "C" the total estimated costs for the Long Term Improvements (aka "Interim Improvements") are \$11,011,567. Assuming that the Short Term Improvements are constructed first, then there would be a credit against the Long Term Improvement Costs for the portion of the Short Term Improvements that can be left in place or salvaged. This estimated credit is \$1,049,679. The net cost of the Long Term Improvements is then \$9,961,888. Round off, use a cost of \$10,000,000.

### ALLOCATION OF COSTS:

Federal Highway Administration	(80%-90%)
City of La Vista	(5-10%)
Sarpy County	(5-10%)

Note: Funding levels by FHWA may be lower than shown depending on NDOR policy requirement to close two at-grade railroad crossings in conjunction with funding an overpass project.

# 132nd & Giles

- Half Mile Buffer
- ETJ
- Current City Limits

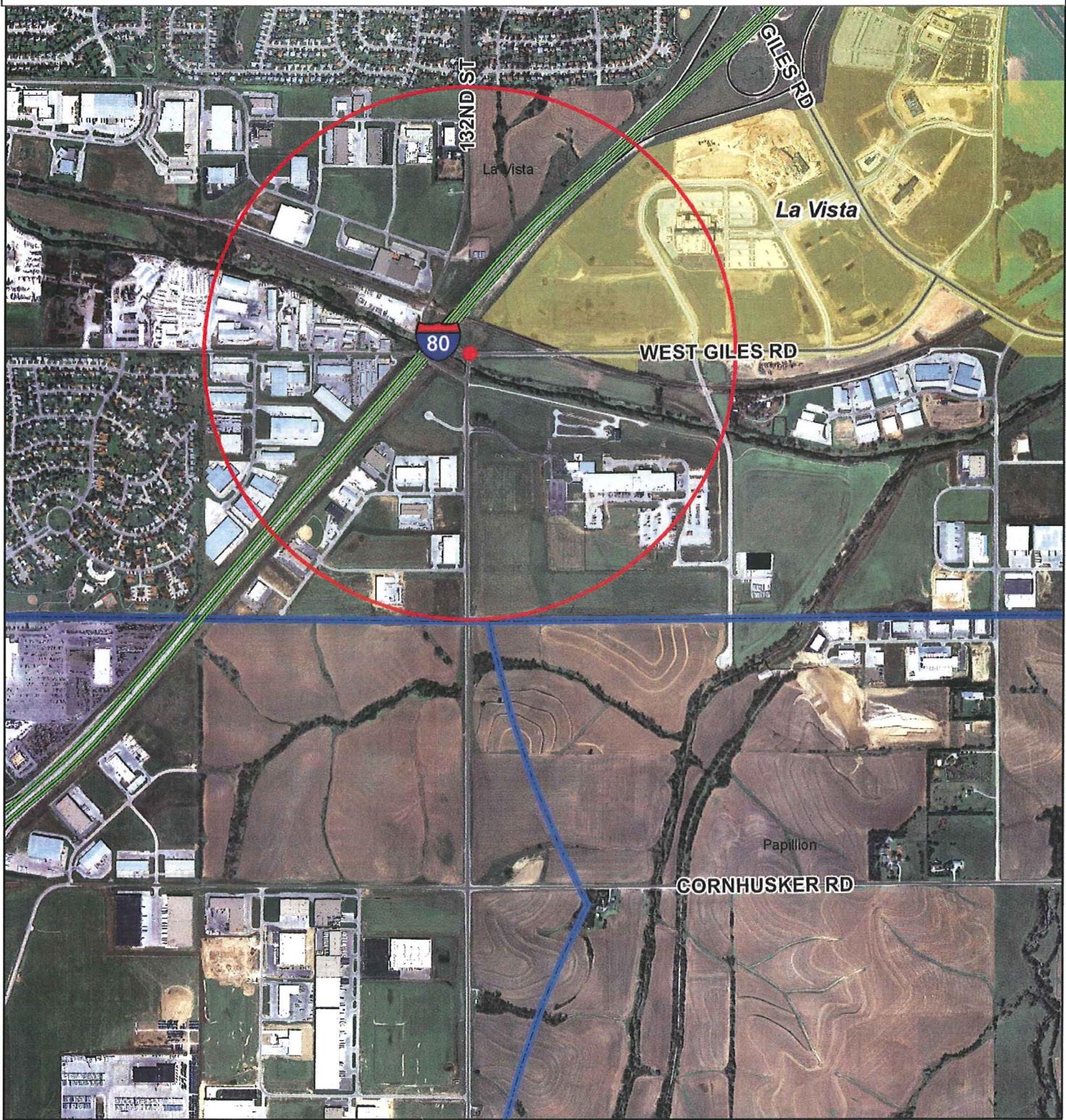


Exhibit "D"

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
NOVEMBER 18, 2008 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
ESTOPPEL & RELEASE CERTIFICATE	► RESOLUTION ORDINANCE RECEIVE/FILE	BRENDA S. GUNN CITY ADMINISTRATOR

**SYNOPSIS**

A resolution has been prepared to approve estoppel and release certificate regarding Lots 34 and 46, Brook Valley Business Park.

**FISCAL IMPACT**

NA.

**RECOMMENDATION**

Approval.

**BACKGROUND**

Lots 34 and 46, Brook Valley Business Park are currently located in the portion of the Brook Valley Business Park that is within the corporate limits of La Vista. As you know, in the past there have been some issues regarding the special assessments and the developer. There are no special assessments due and owing at this time for these lots. Prior to the closing between Yahoo! and THT, the City of La Vista was asked to provide a limited Estoppel and Release Certificate for subject lots.

The Estoppel and Release Certificate says that the City has no knowledge of any existing obligations of the District or the Developer under the Subdivision Agreement which are or would become obligations of the current or a future owner of the Real Property. It further releases the owner of the Real Property from any future obligations of the District, Developer and/or the City arising with respect to the Subdivision Agreement, except for previously levied but unpaid property taxes, future levies of property taxes and future levies of special assessments for future special benefit to the Real Property.

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING ESTOPPEL AND RELEASE CERTIFICATE REGARDING LOTS 34 AND 46, BROOK VALLEY BUSINESS PARK.

WHEREAS, the City of La Vista was asked to provide a limited Estoppel and Release Certificate for Lots 34 and 46, Brook Valley Business Park ("Estoppel and Release Certificate") related to the Subdivision Agreement dated September 21, 1994 as recorded in the Register of Deeds of Sarpy County, Nebraska on October 5, 1994 as Instrument No. 94-21638

WHEREAS, it is the desire of the City of La Vista to provide the limited Estoppel and Release Certificate; and

WHEREAS, the limited Estoppel and Release Certificate has been proposed in form and content presented at this meeting.

NOW THEREFORE, BE IT RESOLVED that the Mayor and the City Council hereby approve the proposed Estoppel and Release Certificate in form and content presented at this meeting.

BE IT FURTHER RESOLVED that the Mayor and the City Clerk are hereby authorized to execute and deliver said Estoppel and Release Certificate.

PASSED AND APPROVED THIS 18TH DAY OF NOVEMBER 2008.

CITY OF LA VISTA

---

Douglas Kindig, Mayor

ATTEST:

---

Pamela A. Buethe, CMC  
City Clerk

## **ESTOPPEL AND RELEASE CERTIFICATE**

This ESTOPPEL AND RELEASE CERTIFICATE (this "Certificate") is executed by the CITY OF LA VISTA, a municipal corporation in the State of Nebraska (the "City"), on this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

WHEREAS, the City entered into that certain Subdivision Agreement (the "Subdivision Agreement") dated September 21, 1994, with the Sanitary and Improvement District No. 59 of Sarpy County, Nebraska (the "District"), and Brook Valley Ltd Partnership, a Nebraska limited partnership ("Developer"), as recorded with the Sarpy County Register of Deeds on October 5, 1994 as Instrument No. 94-21638; and

WHEREAS, the City has annexed portions of the real property described in the Subdivision Agreement, including but not limited to the real property generally known as 10917 Harry Watanabe Parkway, La Vista, Nebraska and legally described as follows:

Lots 34 and 46, Brook Valley Business Park, an addition to the City of La Vista, in Sarpy County, Nebraska (the "Real Property"); and

WHEREAS, the annexation of the Real Property by the City has caused the Real Property to be separated from the remaining sections of the District; and

WHEREAS, for the benefit of the owner of the Real Property and to induce future potential owners to acquire the Real Property, the City desires to confirm that the special assessments levied February 24, 2000 related to the obligations of the District and Developer under paragraph 14 of the Subdivision Agreement with respect to the Real Property have been satisfied and to release the owner of the Real Property from any future obligations specifically related to said special assessments as levied and paid. Further, City agrees to release the owner of Real Property from any future obligations related to paragraph 14 (G) of the Subdivision Agreement, except for those obligations which would be of special benefit to the owner of Real Property and except for future special assessments, unpaid past, unpaid current or future general taxes and unpaid past, unpaid current or future mill levies assessed against the Real Property.

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of

which are hereby acknowledged, the City, pursuant to the approval of the La Vista City Council by Resolution, hereby certifies and agrees for the benefit of the owner of the Real Property, its successors and assigns, as follows:

1. As of the date hereof, the City has no knowledge of any existing obligations of the District or the Developer under the Subdivision Agreement which are or would become obligations of the current or a future owner of the Real Property.
2. The City hereby releases the owner of the Real Property from any and all present and future obligations of the District, Developer, and/or the City arising with respect to the Subdivision Agreement, except for the following:
  - a. Previously levied but unpaid property taxes, both real and personal, of record against the Real Property; and
  - b. Future levies of property taxes, both real and personal; and
  - c. Future levies of special assessments for future special benefit to the Real Property.
3. The certification, agreements, and releases stated in this Certificate shall not be valid or have force or effect until recorded with the Register of Deeds of Sarpy County, Nebraska and shall run with the land and create equitable servitudes in favor of the Real Property and shall inure to the benefit of the existing owner of the Real Property and its successors, assigns, transferees, heirs, lenders and personal representatives, as applicable.
4. The City acknowledges that this Certificate is given to induce potential future owners of the Real Property to acquire the Real Property, and that such future owners, their lenders and successors and assigns may rely on the certifications, agreements and releases contained herein.

IN WITNESS WHEREOF, the City hereby executes this Certificate as of the day and year first above written.

CITY OF LA VISTA, a municipal corporation

ATTEST:

---

Pamela A. Buethe, CMC  
City Clerk, City of La Vista

---

Douglas Kindig  
Mayor, City of La Vista

STATE OF NEBRASKA )  
 ) ss.  
COUNTY OF SARPY )

The foregoing instrument was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 2008, by Douglas Kindig, the Mayor of the City of La Vista and Pamela A. Buethe, CMC, the City Clerk of the City of La Vista on behalf of the City of La Vista.

---

## Notary Public

**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**NOVEMBER 18, 2008 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
AUTHORIZATION - ALLOW POLICE CHIEF TO ENTER INTO PROJECT LIFESAVER AGREEMENTS	◆ RESOLUTION ORDINANCE RECEIVE/FILE	BOB LAUSTEN POLICE CHIEF

**SYNOPSIS**

Approval of this resolution will provide authorization for the Chief of Police to approve and sign agreements with participants of the Project Lifesaver Program

**FISCAL IMPACT**

N/A.

**RECOMMENDATION**

Approval

**BACKGROUND**

The LaVista, Papillion, Bellevue Police Departments and Sarpy County Sheriff's Department have cooperatively partnered to offer the Project Lifesaver Program. Project Lifesaver International, a 501C3 non-profit organization, provides training, equipment, and model policy to law enforcement agencies throughout the United States specifically designed to utilize electronic signaling devices as an aid in searching for lost persons who suffer in one form or another from diminished mental capacity or other disability.

If interested, a caregiver or other responsible party enters into an agreement to have their loved one fitted with a Project Lifesaver wrist transmitter. Should the client wander or otherwise go missing, a team of specially-trained officers from all Sarpy law enforcement agencies will mobilize to conduct a search using special locating equipment. These officers will also make regular visits to clients to ensure batteries are changed and check wristband functionality.

This project received initial funding from various local charities and foundations. Ongoing costs will be financed from fees charged to the responsible caregiver. If the caregiver or client cannot afford the fees, a separate charitable fund has been established to provide the service free of charge.

The program requires that an agreement be executed between the responsible caregiver and each participating law enforcement agency. This resolution gives the Chief of Police the authority to act on behalf of the city to enter into such agreement.

**ATTACHMENTS**

1. Agreement
2. Omaha World Herald article, dated 9/9/08

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

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE CHIEF OF POLICE TO ENTER INTO PROJECT LIFESAVER AGREEMENTS ON BEHALF OF THE CITY OF LA VISTA.**

WHEREAS, The La Vista, Bellevue, and Papillion Police Departments, along with the Sarpy County Sheriff's Department and Nebraska State Patrol are cooperative participants in the Project Lifesaver Program; and

WHEREAS, Project Lifesaver International is a non-profit organization that provides training, equipment and policy to law enforcement agencies throughout the United States specifically designed to utilize electronic signaling devices as an aid in searching for lost persons who suffer in one form or another from diminished mental capacity or other disability; and

WHEREAS, The Project Lifesaver program requires execution of an agreement between the La Vista Police Department and the prospective client's responsible caregiver;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, hereby authorize the Chief of Police to execute Project Lifesaver Agreements with the participant's responsible caregiver.

PASSED AND APPROVED THIS 18TH DAY OF NOVEMBER, 2008.

**CITY OF LA VISTA**

---

Douglas Kindig, Mayor

ATTEST:

---

Pamela A. Buethe, CMC  
City Clerk

Published Tuesday September 9, 2008

## Signals will locate those who wander off

BY LEIA BAEZ  
WORLD-HERALD STAFF WRITER

A recent Sunday afternoon barbecue turned into chaos for Cathy Westman of Bellevue.

Her 5-year-old daughter, Tori, who has autistic tendencies, could not be found.

Westman, her husband and neighbors searched the neighborhood for several minutes until Westman's husband found the kindergartner playing in a sandbox in their backyard.

"That one moment of panic made us realize we needed something in place for Tori," Westman said. "It gave us enough of a scare that she could wander away."

With the help of a new Sarpy County program, Tori's chances of getting lost will be slim.

The Westmans will be one of the first families in the state to participate in Project Lifesaver, an international program that helps rescue missing people using radio technology.

Sarpy County will be the first in the state to implement the program, said Sarpy County Lt. Kevin Griger.

"We have had instances where someone has wandered away from a nursing home or a care facility," Griger said. "We thought this would be a proactive way to handle the problem."

A formal announcement that the program has started is scheduled for 1:30 p.m. today.

At that time, the Sarpy County Sheriff's Office, along with the Nebraska State Patrol, Bellevue Police Department, La Vista Police Department and Papillion Police Department will begin registering those who are at risk to wander from their homes.

Tori and others with cognitive disorders, autism, Alzheimer's disease or other forms of dementia will be fitted with a small transmitter that emits a unique radio signal every second that can be tracked by hand-held or vehicle-mounted receivers. When someone enrolled in the program is missing, a caregiver will call 911 and specially trained deputies, troopers and officers will respond.

There have been over 1,700 Project Lifesaver calls — with a 100 percent success rate — since the company started in Virginia in 1999. The average time to find a missing person through the program is 30 minutes.

According to the Project Lifesaver Web site, no cities or counties in Nebraska are currently using the program. A few cities in Iowa — including Sioux City, Storm Lake and Spirit Lake — use the program.

The equipment and training for the Sarpy County Project Lifesaver Program was funded by a grant from the Midlands Community Foundation.

"I think it's an incredible program," Westman said. "We are very lucky to live in a county that is being a trendsetter."

For more information on Project Lifesaver in Sarpy County, send an email to: [projectlifesaver@sarpy.com](mailto:projectlifesaver@sarpy.com).

• **Contact the writer:** 444-1336, [leia.baez@owh.com](mailto:leia.baez@owh.com)

Contact the Omaha World-Herald newsroom

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# CITY OF LA VISTA Project Lifesaver Program

## Agreement

This agreement is made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_ by and between the La Vista Police Department and \_\_\_\_\_ (Responsible Party) whose address is \_\_\_\_\_, La Vista, Nebraska 68128.

**Whereas, The La Vista Police Department Project Lifesaver Program** is undertaking an experimental pilot program for search and rescue using electronic signaling devices as an aid in searching for lost persons who suffer in one form or other from diminished mental capacity or other disability; and,

**Whereas, The La Vista Police Department** is under no legal or other duty to provide such a search system to persons suffering from such diminished capacity or disability; and,

**Whereas, The La Vista Police Department Project Lifesaver Program**, as a program within the La Vista Police Department, does not act as an agent, representative, or surrogate for any other person, body, or legal entity in undertaking the experimental test program, and neither obligates nor is able to obligate any other person, body, or legal entity by undertaking such program; and,

**Whereas, the Responsible Party** named herein is empowered, able, and authorized to act in the name of and on behalf of the person named in section 1 below; and,

**Whereas, the Responsible Party** desires to participate for the benefit of the person named in section 1 below in the experimental pilot program being undertaken:

### Therefore:

**In consideration of the mutual promises made herein**, the above parties agree as follows:

1. *The La Vista Police Department* agrees to furnish to the *responsible party* named above for the use and benefit of \_\_\_\_\_ (who will wear the wristband transmitter) a Project Lifesaver transmitter wristband consisting of a wristband, together with monitoring, response and tracking services appropriate and necessary for the use of such equipment.

2. *Project Lifesaver* will be paid a one time lease fee of \$300 and additionally a monthly maintenance fee of \_\_\_\_\_ per month, said sum to be paid on or before the 10th (tenth) day of each month payable to Project Lifesaver and sent to the care of Sarpy County Sheriff's Department. This amount will be paid quarterly with the first quarter's payment due upon installation on the wristband transmitter.

3. It is the duty of \_\_\_\_\_, the *Responsible Party*, to immediately notify the *La Vista Police Department* in the event the designated wearer of the Project Lifesaver wristband transmitter is discovered missing from the *Responsible Party's* care.

4. In the event that the Project Lifesaver wristband transmitter is no longer needed by the designated wearer of said bracelet, the *La Vista Police Department* is to be notified immediately so that said bracelet can be removed.

5. If the Project Lifesaver wristband transmitter is lost or otherwise rendered unusable, the *Responsible Party* shall reimburse *Project Lifesaver* the cost of said bracelet.

6. It is expressly understood and agreed that the *La Vista Police Department* is responsible for the routine maintenance of the equipment provided hereunder; however, the *La Vista Police Department* is **NOT** responsible in any way for any technical failure due to manufacturing or material defects of the equipment herein provided. It is expressly understood and agreed that the *La Vista Police Department* makes no warranties of any kind with regard to the equipment described herein, the operation or effectiveness of the equipment described herein, the fitness or suitability of the equipment described herein for a particular purpose, or the merchantability of the of the equipment described herein.

7. In the event of failure of the equipment described herein, *La Vista Police Department* will attempt to replace or repair such equipment at its option, upon being notified of the need for such service.

8. It is specifically agreed and understood that *La Vista Police Department* shall retain all title and interest in said equipment, and in no way does the lessee acquire any title in said equipment.

9. This agreement may be terminated at the option of either party upon thirty (30) days written notice to the other Party.

10. The *Responsible Party* specifically acknowledges and agrees that the Project Lifesaver bracelet-tracking system is **NOT** intended to replace the care, monitoring, attention, and oversight to be provided by the *Responsible Party* to the person named in section 1 above. *The Responsible Party*, on behalf of the bracelet wearer, accepts the use of the Project Lifesaver equipment and the services described above with the understanding that the Project Lifesaver equipment and services are intended to be merely an additional and ancillary (supplementary) tool providing an extra means of locating the wearer of the Project Lifesaver bracelet in the event that the wearer is discovered missing.

**11. NOTICE: Read Section 11 Very Carefully! DO NOT SIGN THIS AGREEMENT UNLESS YOU UNDERSTAND THIS SECTION! SECTION 11 WAIVES IMPORTANT LEGAL RIGHTS AND CLAIMS! IT IS RECOMMENDED THAT YOU CONSULT YOUR OWN ATTORNEY BEFORE SIGNING THIS AGREEMENT!**

, the *Responsible Party*, hereby **releases** The *La Vista Police Department*, *it's employees, agents and assigns* from any and all liability arising from any failure of the Project Lifesaver tracking equipment or any failure of the *La Vista Police Department* of whatever sort, kind, or nature, regarding the performance and fulfillment of the monitoring, response, and tracking services described in Section 1 above, or any other ends for which this agreement is made. *The La Vista Police Department* shall not be held responsible for any failure, delay, default, interruption, stoppage, or interference or any other failure of any kind, manner, or nature regarding the performance of the equipment or services under this agreement.

, the *Responsible Party*, hereby **releases and holds harmless** the *La Vista Police Department* for all action and inaction on it's part, and indemnifies the *La Vista Police Department* against all claims, actions, lawsuits, or causes of action brought against *The La Vista Police Department* whether by the *Responsible Party*, or on *Responsible Party*'s behalf, or by others, even if such claim is false or fraudulent, and regardless of who the parties may be.

the *Responsible Party*, hereby **releases and holds harmless** (1) *La Vista Police Department*, (2) *The City of La Vista*, (3) *The La Vista Police Department Project Lifesaver Program*, (4) *Project Lifesaver International*, (5) any and all members of the *La Vista Police Department*, as well as (6) any and all persons and entities associated with the *La Vista Police Department*, *it's employees, agents and assigns* in conducting this program involving the use of the Project Lifesaver equipment and the provision of said service described herein. Such parties named in this paragraph shall be released and held harmless to the full extent and in every manner identified in section 11 regarding *La Vista Police Department*.

12. Liquidated damages and limitations of liability: In any lawsuit under this contract, the maximum liability under any circumstances of the *La Vista Police Department* and any other persons or entities named in section 11 shall be limited to the amounts of the monthly maintenance fee already paid by the Responsible Party to *Project Lifesaver*.

13. The *Responsible Party* understands and agrees that the *La Vista Police Department* makes no warranties, guarantees, assurances, or promises of any kind as to the effectiveness or success of the tracking services provided herein, or of any search or searches undertaken utilizing the *Project Lifesaver* system or other electronic equipment used during the term of this contract or pilot program.

14. The *Responsible Party* specifically agrees and promises **NOT** to rely upon the equipment or services herein for the safety, security, welfare, finding, or retrieval of the wearer of the *Project Lifesaver* bracelet. The *Responsible Party* agrees and understands that the equipment and services provided under this contract may be ineffective and unavailing for the purposes provided. Therefore, the *Responsible Party* specifically disclaims any reliance, expectation of success, or dependence upon the equipment or services for the health, safety, welfare, finding, rescue, or retrieval of the person named in section 1 above. By signing below, I, the Responsible Party, affirm that I have read and understand this contract, including the waiver and release of liability in section 11, the limitation of liability in section 12, and the non-reliance provisions of section 14, and that it is my desire and intention to enter into this agreement. By affixing my signature below I hereby agree to the terms and provisions of this agreement.

---

Responsible Party

---

Witness (or Notary)

---

Street Address/PO Box

---

Street Address/PO Box

---

City, State, Zip

---

City, State, Zip (or Notary's City/State)

---

Telephone

---

Telephone (if Notary, leave blank)

**Accepted: La Vista Police Department**

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

---

**For Use by Notary**

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, a Notary Public, State of Nebraska, duly commissioned and sworn, personally appeared, personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he or she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in the State of Nebraska, County of \_\_\_\_\_ on the date set forth above in this certification.

---

Notary Public

My Commission expires: \_\_\_\_\_

**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**NOVEMBER 18, 2008 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
AUTHORIZATION TO PURCHASE COMPUTER EQUIPMENT – WESTERN STATES CONTRACTING ALLIANCE & GATEWAY	◆ RESOLUTION ORDINANCE RECEIVE/FILE	SHEILA LINDBERG FINANCE DIRECTOR

**SYNOPSIS**

A resolution has been prepared approving the following technology related purchases for various City departments:

- Fifteen (15) computers with monitors and software from Dell through the Western States Contracting Alliance (WSCA) in an amount not to exceed \$19,496.

**FISCAL IMPACT**

The FY 09 budget provides funds for proposed computer upgrades.

**RECOMMENDATION**

Approval.

**BACKGROUND**

The State of Nebraska bid for computer services designates WSCA as the lowest responsible bidder for the hardware and software that is being requested and they are currently purchasing through Dell.

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

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 DELL IN AN AMOUNT NOT TO EXCEED \$19,496.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of fifteen (15) computers with monitors and software; and

WHEREAS, the FY 09 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.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize the purchase of fifteen (15) computers with monitors and software, from Dell through the Western States Contracting Alliance (WSCA), in an amount not to exceed \$19,496.

PASSED AND APPROVED THIS 18TH DAY OF NOVEMBER 2008.

CITY OF LA VISTA

---

Douglas Kindig, Mayor

ATTEST:

---

Pamela A. Buethe, CMC  
City Clerk

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
NOVEMBER 18, 2008 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
PURCHASE OF VEHICLE	◆ RESOLUTION ORDINANCE RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

**SYNOPSIS**

A resolution has been prepared authorizing the purchase of one (1) 2009 Ford F-150 ½ Ton, Regular Cab, 2WD pickup from AFL,LLC, DBA Anderson Ford Lincoln Mercury Mazda, PO Box 83644, Lincoln, NE 68501-3644 in an amount not to exceed \$13,870.00.

**FISCAL IMPACT**

The FY 08/09 General Fund budget provided funding for this purchase.

**RECOMMENDATION**

Approval.

**BACKGROUND**

The purchase is being made off the State Bid – Contract Number 12313OC.

The new truck will replace the 1993 Ford Ranger pick-up truck assigned to the Code Enforcement Officer. The current truck has 142,000 miles and is showing signs of rust and other body damage. The Code Enforcement Officer is visible on a daily basis in the neighborhoods of this community and the current vehicle creates a poor image of the importance of her function.

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE PURCHASE OF ONE (1) 2009 FORD F-150 ½ TON, REGULAR CAB, 2WD PICKUP FROM AFL, LLC, DBA ANDERSON FORD LINCOLN MERCURY MAZDA, IN LINCOLN, NEBRASKA, IN AN AMOUNT NOT TO EXCEED \$13,870.00.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of one 2009 Ford F-150 ½ Ton, Regular Cab, 2WD pickup for the Community Development Department is necessary; and

WHEREAS, the FY08/09 General Fund budget does include funds for the purchase of said vehicle; and

WHEREAS, AFL, LLC, DBA Anderson Ford Lincoln Mercury Mazda in Lincoln, Nebraska, was awarded the State Bid for said vehicle being requested; 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 one 2009 Ford F-150 ½ Ton, Regular Cab, 2WD pickup for the Community Development Department from AFL, LLC, DBA Anderson Ford Lincoln Mercury Mazda in Lincoln, Nebraska, in an amount not to exceed \$13,870.00.

PASSED AND APPROVED THIS 18TH DAY OF NOVEMBER 2008.

CITY OF LA VISTA

---

Douglas Kindig, Mayor

ATTEST:

---

Pamela A. Buethe, CMC  
City Clerk

# STATE OF NEBRASKA CONTRACT AWARD

PAGE 1 OF 5	ORDER DATE 10/27/08
BUSINESS UNIT 9000	BUYER CONNIE HEINRICH
VENDOR NUMBER: 503856	

VENDOR ADDRESS:  
AFL, LLC  
DBA ANDERSON FORD LINCOLN MERCURY MAZDA  
2500 WILDCAT DR  
PO BOX 83644  
LINCOLN NE 68501-3644

AN AWARD HAS BEEN MADE TO THE VENDOR NAMED ABOVE FOR THE FURNISHING OF EQUIPMENT, MATERIAL, OR SUPPLIES AS LISTED BELOW FOR THE PERIOD:

## 2009 PRODUCTION YEAR

NO ACTION ON THE PART OF THE VENDOR NEEDS TO BE TAKEN AT THIS TIME. ORDERS FOR THE EQUIPMENT OR SUPPLIES WILL BE MADE AS NEEDED BY THE VARIOUS AGENCIES OF THE STATE.

THIS CONTRACT IS NOT AN EXCLUSIVE CONTRACT TO FURNISH THE EQUIPMENT OR SUPPLIES SHOWN BELOW, AND DOES NOT PRECLUDE THE PURCHASE OF SIMILAR ITEMS FROM OTHER SOURCES.

THE STATE RESERVES THE RIGHT TO EXTEND THE PERIOD OF THIS CONTRACT BEYOND THE TERMINATION DATE WHEN MUTUALLY AGREEABLE TO THE VENDOR AND THE STATE OF NEBRASKA.

Original/Bid Document 2638 OF

2009 or Current Production Year 1/2 Ton Regular Cab 2WD Pickup Base Truck as per the attached specifications for the 2009 Production Year.

See attached Terms and Conditions page for approximate units to be purchased. The Unit Price is equal to the Base Price for items before the Option Bid List.

Make/Model: Ford F150 RC XL

Delivery: 90-120 days ARO

Contract subject to thirty (30) days cancellation by either party upon written notice.

Quantities shown are estimates only and are not to be construed to mean firm quantities. The State of Nebraska reserves the right to increase or decrease any quantities shown.

The parties hereby agree that the following documents are incorporated into the contract resulting from this Invitation to Bid:

1. The signed Invitation to Bid Contract document;
2. The original ITB document;
3. Any Addenda and or Amendments to include Questions and Answers;
4. Warranty documents supplied with the bid;
5. The contract award.

Unless otherwise specifically stated in a contract amendment, in case of any conflict between the incorporated documents, the documents shall govern in the following order of preference with number 1 receiving preference over all other documents and with each lower numbered document having preference over any higher numbered document: 1) the contract award, 2) ITB addenda or amendments, to include Questions and Answers, with the latest dated amendment having the highest priority, 3) the original ITB, 4) the signed ITB Contract document, 5) warranty documents supplied with the bid.

State Purchasing Bureau  
301 Centennial Mall South, 1st Floor  
Lincoln, Nebraska 68508

OR

P.O. Box 94847  
Lincoln, Nebraska 68509-4847  
Telephone: (402) 471-2401  
Fax: (402) 471-2089

CONTRACT NUMBER

12313 OC

## PRIMARY AWARD

*Connie Heinrichs*  
BUYER  
*Donna S. Stinson*  
MATERIEL ADMINISTRATOR  
*Alleyne A. Stinson*



FLEET DIRECT LINE 402-458-9825  
 FLEET FAX 402-458-9834  
 DON DOSER, FLEET MANAGER  
 CELL 402-613-1119  
 EMAIL [dond@andersonautogroup.com](mailto:dond@andersonautogroup.com)

## FAX COVER SHEET

PAGES (3)

TO: *Jeff Sennett*

FROM: FLEET DEPT, ANDERSON FORD

FAX NUMBER;

402 331 4375

DATE: 11-12-08

New price is \$13,870.00

Please sign to confirm that you  
 want it ordered.

*Thanks*

*Don Doser*

402 613-1119

Ford/Mazda  
 2500 Wildcat Drive  
 Lincoln, NE 68521  
 402-458-9800  
 Fax: 402-458-9805

Buick, Chevrolet, Chrysler,  
 Dodge, Jeep, Pontiac  
 1951 W. Highway 30  
 Missouri Valley, IA 51555  
 712-642-1131  
 Fax: 712-642-4569

Ford & Mercury  
 3151 Joplin Place  
 Missouri Valley, IA 51555  
 712-642-4131  
 Fax: 712-642-2649

Lincoln/Mercury  
 120 Diers Avenue  
 Grand Island, NE 68803  
 308-384-1700  
 Fax: 308-381-0750

Ford  
 2207 N. Belt Hwy  
 St Joseph, MO 64506  
 816-383-8000  
 Fax: 816-383-8005

11/12/2008 07:33 140245898344

FLEET

PAGE 03

0 Nov. 10, 2008 3:18PM 1402-CITY OF LA VISTA

FLEET

No. 0262 P. 2E v1

CNGP530

VEHICLE ORDER CONFIRMATION

09/30/08 12:03:47

&gt;=

2009 F-150

Dealer: F53025

Order No: 0001 Priority: K5 Ord FIN: QS049 Order Type: 5B Price Level: 920  
Ord PEP: 502A Cust/Flt Name: SSSS PO Number:

Page: 1 of 1

	RETAIL	RETAIL
F12 F150 4X2 SS R/C	\$21395	6750# GVWR
145" WHEELBASE		FRT LICENSE BKT NC
Y2 OXFORD WHITE CC		535 TRAILER TOW PKG 350
A VINYL 40/20/40	NC	SP DLR ACCT ADJ
E STONE INTERIOR		SP FLT ACCT CR
502A PREF EQUIP PKG		5 U.S. GAL GAS
.XL SERIES		B4A NET INV FLT OPT NC
.CARPET DELETE		PRICED DORA NC
.MAN BLK MIRRS		DEST AND DELIV 975
.AM/FM STEREO		TOTAL BASE AND OPTIONS 22720
64C .17" GREY STEEL		XL VALUE DISCOUNT (750)
99W 4.6L EFI 2V V8		TOTAL 21970
44Q ELEC 4-SPD AUTO		*THIS IS NOT AN INVOICE*
T72 .P235 BSW A-S		
X19 3.55 REG AXLE	NC	

F1=Help F2=Return to Order F3/F12=Veh Ord Menu  
F4=Submit F5=Add to Library

S099 - PRESS F4 TO SUBMIT

QC07192

ATTN: Jeff

Air conditioning is Standard equipment. The other features,  
are listed above. The current price is for You is ~~\$15,500.00~~  
~~\$13,870.00~~

This may vary after the New Bid opening on  
10/06/08. Sign to order

Thanks

Don Doser

Should be on Internet  
By Nov. 1

402-613-1119

Fax 402 458-9834

**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**NOVEMBER 18, 2008 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
CLASSIFICATION AND COMPENSATION STUDY	RESOLUTION ORDINANCE RECEIVE/FILE	RITA M. RAMIREZ ASSISTANT CITY ADMINISTRATOR

**SYNOPSIS**

The classification and compensation study has been completed and a timeline for implementation has been prepared. Council is being asked to accept the study by a simple motion.

**FISCAL IMPACT**

The FY 08/09 Budget contains funding for the salary recommendations in the classification and compensation study.

**RECOMMENDATION**

Acceptance.

**BACKGROUND**

Last year, as part of the annual strategic planning process, the Mayor and City Council identified implementing standards of excellence for the administration of city services as part of its vision and priority. One of the key objectives to achieving that goal was to assure the recruitment and retention of city staff through competitive compensation which is guided by the results of a wage and benefit survey.

Council awarded a contract to The Austin Peters Group to undertake a Classification and Compensation Study which would establish and maintain an equitable, comparable and non-discriminatory wage and salary structure for the City. All of the City's current positions were included in the study with the exception of the City Administrator, Management Exempt positions (Department Heads), and the positions represented by the Fraternal Order of Police.

Preliminary results of the study, which included data from internal equity comparisons and a market survey, were presented to Council in August, as well as recommendations for new salary ranges. One of the other recommendations in the study was a switch to Pay for Performance (PFP). It quickly became clear that this goal could not be achieved without reworking the City's performance evaluation instrument and spending time training supervisory staff regarding the PFP concept and the new evaluation tool.

Council included funding in the current budget for The Austin Peters Group to facilitate the process of assessing our current performance evaluation instrument, looking at the option of electronic evaluation systems, and training staff on the use of the new instrument. This process is currently underway.

As you know, the Public Works bargaining group has a memorandum of understanding with the City that calls for a 3% wage increase annually through 2010. If the Council and/or the bargaining group are unwilling to open this agreement to discuss implementation of the recommendations in the compensation study, the agreement would be honored through 2010 and the PFP concept and new salary ranges would be implemented October 1, 2010 for that group of employees.

We have established a timeline for implementation of the Classification and Compensation Study (attached). A draft of all necessary policy changes and administrative procedures will be presented to Council in February. We are currently reviewing the Pay for Performance policies of several cities in order to develop something that will provide the desired results for the City of La Vista. Some of these policies will tie very closely with the evaluation instrument and will be established in conjunction with the development of that instrument.

Our intent is to have everything in place to implement the recommendations included in the Classification and Compensation Study on April 12, 2009 (this is the beginning of a pay period). At that time any employee whose salary falls below the new proposed minimum range for their position would be moved to the minimum. Employees whose salary falls within the new range would remain at their current rate and any employee whose salary is currently higher than the proposed maximum range for their position would be frozen. (Policies will include a system for compensating those employees at the maximum of their range who are performing at a level that would justify an increase higher than the range adjustment for that year.)

## **Timeline for Implementation of Compensation Study**

Proposed Ranges Given to Employees (Copy Attached) Employees given an opportunity to meet with Becky regarding their placement	October 9, 2008
Meeting with Department Heads Session to review, brainstorm, discuss, ask questions, address concerns, etc. Reviewed ICMA publication, "Pay for Performance: The Road to Success"	October 14, 2008
Meeting with Mid-Level Managers to Discuss Recommendations in Study	October 28, 2008
Meetings with Employees to Discuss Recommendations in Study	November 11 & 12, 2008
Implementation Plan Presented to City Council – (Accept Study)	November 18, 2008
Work with The Austin Peters Group on a New Performance Evaluation Instrument and Criteria to Include Training for Supervisory Staff	November 2008-January 2009
Discussion with Public Works Bargaining Group	Late January/Early February '09
Present Draft of New Policies regarding PFP to Council for Adoption	Late February/Early March '09
Meeting with Mid-Level Managers to Review the PFP Program, New Policies, etc.	March 2009
Implement Compensation Study Move all employees to new minimums Begin using new evaluation tool	April 12, 2009

The cost to bring employees up to the bottom of the pay range is as follows:

- **Funding:** It is recommended that pay adjustments be implemented as soon as practical. Any adjustments are to be made based on acceptable performance as determined by administration. The cost to bring employees to the range minimum totals \$63,616.80 as of November 2008.

<b>Table 1: Department</b>	<b>Title</b>	Current Range Minimum 10/1/08	Current Range Maximum 10/1/08	Proposed Range Minimum	Proposed Range Maximum
<b>Part Time Positions</b>					
Public Works - PT	Shop			\$8.69	\$11.29
Bldg & Grounds - PT	Custodian			\$8.69	\$11.29
Library - PT	Circulation Clerk I			\$8.69	\$11.29
Recreation - PT	Recreation Supervisor			\$8.69	\$11.29
<b>Full Time Positions</b>					
Police	Data Entry Clerk	\$11.88	\$15.15	\$12.34	\$16.03
Administration	Secretary/Receptionist	\$11.47	\$14.64	\$12.34	\$16.03
Bldg & Grounds	Maintenance Worker I - B&G	\$11.92	\$15.24	\$13.28	\$17.25
Community Dev.	Secretary II	\$13.01	\$16.59	\$13.28	\$17.25
Police	Administrative Assistant	\$14.10	\$17.97	\$13.74	\$17.84
Fire	Administrative Assistant	\$14.10	\$17.97	\$13.74	\$17.84
Recreation	Administrative Assistant	\$11.47	\$14.64	\$13.74	\$17.84
Public Works	Administrative Assistant	\$14.10	\$17.97	\$13.74	\$17.84
Community Dev.	Code Enforcement Officer	\$14.10	\$17.97	\$13.74	\$17.84
Administration	Accounting Clerk	\$13.01	\$16.59	\$13.74	\$17.84
Police	Evidence Technician (PT)	\$11.47	\$14.64	\$13.74	\$17.84
Public Works	Maintenance Worker I - Parks	\$11.98	\$15.30	\$13.74	\$17.84
Public Works	Maintenance Worker I - Sewer	\$11.98	\$15.30	\$13.74	\$17.84
Public Works	Maintenance Worker I - Streets	\$11.98	\$15.30	\$13.74	\$17.84
Library	Librarian I	\$13.01	\$16.59	\$15.03	\$19.52
Administration	Executive Assistant	\$15.53	\$19.82	\$15.03	\$19.52
Golf Course	Asst. Golf Superintendent	\$9.88	\$12.37	\$15.03	\$19.52
Public Works	Maintenance Worker II - Parks	\$14.79	\$19.79	\$15.03	\$19.52
Public Works	Maintenance Worker II - Sewer	\$14.79	\$19.79	\$15.03	\$19.52
Public Works	Maintenance Worker II - Streets	\$14.79	\$19.79	\$15.03	\$19.52
Community Dev.	Building Inspector I	\$16.18	\$21.69	\$15.03	\$19.52
Public Works	Mechanic	\$16.17	\$21.63	\$15.03	\$19.52
Administration	Accountant (PT)	\$16.18	\$21.69	\$15.83	\$20.56
Recreation	Program Coordinator	\$11.87	\$15.15	\$18.24	\$23.69
Bldg & Grounds	Foreman - B&G	\$14.79	\$18.84	\$18.24	\$23.69
Community Dev.	Building Inspector II	\$18.67	\$23.83	\$18.24	\$23.69
Library	Librarian II	\$14.10	\$17.97	\$18.24	\$23.69
Administration	Deputy City Clerk/Office Mgr.	\$16.72	\$22.57	\$19.43	\$25.24
Administration	Human Resource Generalist	\$14.09	\$17.97	\$19.43	\$25.24

Recreation	Golf Course Services Mgr.	\$11.87	\$15.15	\$19.43	\$25.24
Public Works	Foreman - Parks	\$16.33	\$21.84	\$19.43	\$25.24
Public Works	Foreman - Sewer	\$16.33	\$21.84	\$19.43	\$25.24
Public Works	Foreman - Streets	\$16.33	\$21.84	\$19.43	\$25.24
Public Works	Foreman - Shop	\$17.12	\$22.93	\$19.43	\$25.24
Community Dev.	Planner	\$22.92	\$29.24	\$22.90	\$29.74
Library	Librarian III	\$16.43	\$20.97	\$22.90	\$29.74
Golf Course	Golf Course Superintendent	\$15.22	\$19.43	\$22.90	\$29.74
Recreation	Assistant Director	\$16.43	\$20.97	\$22.90	\$29.74
Community Dev.	Chief Bldg. Official	\$22.92	\$29.24	\$22.90	\$29.74
Public Works	Superintendent - Parks	\$22.92	\$29.24	\$25.38	\$32.96
Public Works	Superintendent - Streets	\$22.92	\$29.24	\$25.38	\$32.96
Police	Captain	\$26.64	\$33.97	\$31.36	\$40.74

Department	Title	Cost Impact
Administration	Secretary/Receptionist	
Administration	Accounting Clerk	
Administration	Executive Assistant	
Administration	Accountant	
Administration	Human Resources Asst.	\$3,036.80
Administration	Deputy City Clerk/Office Mgr.	
Bldg & Grounds	Maintenance Worker I	\$1,643.20
Bldg & Grounds	Maintenance Asst.	\$603.20
Community Dev.	Secretary II	
Community Dev.	Code Enforcement Officer	
Community Dev.	Bldg. Inspector II	
Community Dev.	Bldg. Inspector II	
Community Dev.	Chief Bldg. Official	
Community Dev.	Planner	
Fire	Administrative Secretary	
Library	Librarian I	
Library	Librarian II	
Library	Librarian II	\$561.60
Library	Librarian III	\$9,942.40
Police	Records Clerk	\$956.80
Police	Records Clerk	
Police	Records Clerk	
Police	Administrative Assistant	
Police	Evidence Technician	\$1,112.80
Police	Lieutenant	
Police	Lieutenant	
Public Works	Maintenance Worker I - Streets	\$1,144.00
Public Works	Maintenance Worker I - Streets	
Public Works	Maintenance Worker I - Streets	
Public Works	Maintenance Worker I - Parks	\$2,412.80
Public Works	Maintenance Worker I - Parks	\$3,660.80
Public Works	Maintenance Worker I - Parks	\$1,144.00
Public Works	Maintenance Worker I - Sewer	\$1,144.00
Public Works	Maintenance Worker I - Parks	\$1,144.00
Public Works	Administrative Asst.	
Public Works	Maintenance Worker II - Parks	\$499.20
Public Works	Maintenance Worker II - Sewer	\$499.20
Public Works	Maintenance Worker II - Streets	\$499.20
Public Works	Maintenance Worker II - Streets	
Public Works	Maintenance Worker II - Streets	
Public Works	Maintenance Worker II - Streets	
Public Works	Maintenance Worker II - Streets	
Public Works	Maintenance Worker II - Parks	
Public Works	Maintenance Worker II - Parks	
Public Works	Maintenance Worker II - Sewer	
Public Works	Maintenance Worker II - Sewer	
Public Works	Maintenance Worker II - Sewer	
Public Works	Asst. Mechanic	
Public Works	Asst. Mechanic	
Public Works	Asst. Golf Superintendent	\$5,532.80
Public Works	Foreman - Streets	
Public Works	Foreman - Streets	
Public Works	Foreman - Parks	
Public Works	Foreman - Parks	\$3,016.00
Public Works	Foreman - Sewer	

Public Works	Shop Foreman	
Public Works	Golf Course Superintendent	\$1,289.60
Public Works	Superintendent - Streets	
Public Works	Superintendent - Parks	
Recreation	Secretary/Receptionist	
Recreation	Program Coordinator	\$12,064.00
Recreation	Program Director	
Recreation	Golf Course Services Mgr.	\$8,902.40
Recreation	Asst. Director	\$2,808.00
Total		\$63,616.80

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE LA VISTA CITY CLERK TO FILE WITH THE SARPY COUNTY TREASURER A SPECIAL ASSESSMENT FOR PROPERTY IMPROVEMENTS AT LOCATIONS AND IN AMOUNTS CITED HEREIN.

WHEREAS, the property owners of  
7121 Harrison Street, Lot 1C EX PT TO RD, La Vista Replat, \$179.24,  
7121 Harrison Street, Lot 1C EX PT TO RD, La Vista Replat, \$124.31  
7121 Harrison Street, Lot 1C EX PT TO RD, La Vista Replat, \$207.66, and  
7121 Harrison Street, Lot 1C EX PT TO RD, La Vista Replat, \$417.75,  
were notified to clean up their property as they were in violation of the City Municipal Code, Sections 133.01, 150.01, or 94.06, or the City would do so and bill them accordingly, and

WHEREAS, the property owners of said addresses chose not to clean the property, thus necessitating the City to do the clean up, and

WHEREAS, the City sent the property owners bills for said clean up which have not been paid, and

WHEREAS, the City may file a Special Assessment for Improvements against property for which a City bill for services has not been paid.

NOW THEREFORE BE IT RESOLVED, that the La Vista City Clerk is hereby authorized to file with the Sarpy County Treasurer Special Assessments for Improvements in the amounts and against the properties specified above, all located within Sarpy County, La Vista, Nebraska.

PASSED AND APPROVED THIS 18TH DAY OF NOVEMBER, 2008.

CITY OF LA VISTA

---

Douglas Kindig, Mayor

ATTEST:

---

Pamela A. Buethe, CMC  
City Clerk

**SENDER: COMPLETE THIS SECTION**

- Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

**1. Article Addressed to:**

EARL & LETA LONG  
 c/o CYRUS LONG  
 7501 S. 76TH AVE  
 CAVISTA NE 68128

**COMPLETE THIS SECTION ON DELIVERY****A. Signature****X***John Long*

Agent  
 Addressee

**B. Received by (Printed Name)**

**C. Date of Delivery**  
*10-11*

**D. Is delivery address different from item 1?  Yes**  
 If YES, enter delivery address below:  No

**3. Service Type**

Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

**4. Restricted Delivery? (Extra Fee)  Yes****2. Article Number**

(Transfer from service label)

7006 0810 0001 6713 7412

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

**U.S. Postal Service™**  
**CERTIFIED MAIL™ RECEIPT**  
*(Domestic Mail Only; No Insurance Coverage Provided)*

For delivery information visit our website at [www.usps.com](http://www.usps.com)**OFFICIAL USE**

Postage	\$	<i>7/13</i>
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees \$		<i>10/3/08</i>

Postmark  
Here

Sent To	EARL & LETA LONG
Street, Apt. No.; or PO Box No.	7501 S. 76TH AVE
City, State, ZIP+4	CA VISTA NE 68128

PS Form 3800, June 2002

See Reverse for Instructions



October 2, 2008

Earl & Leta Long  
C/O Cyrus Long  
7501 S. 76th Avenue  
La Vista, NE 68128

RE: 7121 Harrison Street  
Lot 1C EX PT TO RD/La Vista Replat

Dear Mr. and Mrs. Long:

On February 12, 2007, the Long's DX property at 7121 Harrison Street in La Vista was in violation of the City of La Vista's Municipal Code 150.01 and the Public Works Department repaired windows. A total cost of \$179.24 was incurred by the City for the clean up. The cost breakdown is as follows:

Administrative Fee	\$	50.00
 Window Repair		
Three Workers, 1 Hour Each		82.24
Equipment Cost		47.00
<b>TOTAL</b>	<b>\$</b>	<b>179.24</b>

Please remit \$179.24, payable to the City of La Vista, 8116 Park View Blvd., La Vista, Nebraska 68128, within 30 days. If payment is not received within 30 days of issuance of this statement, the City Council will, on November 18, 2008, take action to file the above referenced cost with the Sarpy County Treasurer as a special assessment for improvements against your property.

Thank you for your attention to this matter.

Sincerely,

Pamela A. Buethe, CMC  
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

March 6, 2007

TO: Valerie Houloose  
Code Enforcement

FR: Joe Soucie  
Public Works Director

RE: Commercial Property Repair  
7121 Harrison St., Long's DX Station

The following is a list of the expenses incurred by the Public Works Department on February 12, 2007 while repairing the windows at 7121 Harrison St., Long's DX Station, per your request.

**EQUIPMENT:**

	<u>HOURLY RATE</u>	<u>HOURS</u>	<u>TOTAL</u>
2 Pickups	\$40.00	1	\$40.00
1 18 volt circular saw	\$7.00	1	\$7.00
<b>TOTAL</b>			<b>\$47.00</b>

**LABOR:**

	<u>HOURLY WAGE</u>	<u>HOURS</u>	<u>TOTAL</u>
Employee #1	\$24.03	1	\$24.03
Employee #2	\$21.81	1	\$21.81
Employee #3	\$36.40	1	\$36.40
<b>TOTAL</b>			<b>\$82.24</b>

**MATERIALS:**

28 self-tapping 1 1/4" screws
1 4'x8' sheet plywood - scrap lumber

**TOTAL EQUIPMENT, LABOR and MATERIALS:** **\$129.24**

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

**1. Article Addressed to:**

EARL & LETA LONG  
 c/o Cyrus Long  
 7501 S. 76TH AVE  
 CO VISTA NE 68128

**COMPLETE THIS SECTION ON DELIVERY****A. Signature**

**X** *[Signature]*

Agent  
 Addressee

**B. Received by (Printed Name)**

**C. Date of Delivery**  
 10-4

**D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No**

**3. Service Type**

Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

**4. Restricted Delivery? (Extra Fee)  Yes****2. Article Number  
 (Transfer from service label)**

7006 0810 0001 6713 7405

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

**U.S. Postal Service™  
 CERTIFIED MAIL™ RECEIPT  
 (Domestic Mail Only; No Insurance Coverage Provided)**

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Postage	\$	
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Postmark  
Here

*JM*  
 10/3/08

*Sent To* **EARL & LETA LONG**  
 Street, Apt. No.,  
 or PO Box No. **7501 S. 76TH AVE**  
 City, State, ZIP/4 **CO VISTA NE 68128**

PS Form 3800, June 2002

See Reverse for Instructions

October 2, 2008



Earl & Leta Long  
C/O Cyrus Long  
7501 S. 76th Avenue  
La Vista, NE 68128

RE: 7121 Harrison Street  
Lot 1C EX PT TO RD/La Vista Replat

Dear Mr. and Mrs. Long:

On September 15, 2006, the Long's DX property at 7121 Harrison Street in La Vista was in violation of the City of La Vista's Municipal Code 94.06 and a letter was sent to the above address that stated the tree branches needed to be trimmed by October 2, 2006 or the City would correct the violation at the owner's expense.. On October 16, 2006 the Public Works Department trimmed the branches to 8 feet above the sidewalk. A total cost of \$124.31 was incurred by the City for the clean up. The cost breakdown is as follows:

Administrative Fee	\$	50.00
Tree Trimming		
Two Workers, 1 Hour Each		45.64
Equipment Cost		28.67
<b>TOTAL</b>	<b>\$</b>	<b>124.31</b>

Please remit \$124.31, payable to the City of La Vista, 8116 Park View Blvd., La Vista, Nebraska 68128, within 30 days. If payment is not received within 30 days of issuance of this statement, the City Council will, on November 18, 2008, take action to file the above referenced cost with the Sarpy County Treasurer as a special assessment for improvements against your property.

Thank you for your attention to this matter.

Sincerely,

Pamela A. Buethe, CMC  
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.  
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**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

October 16, 2006

TO: Valerie Houloose  
Code Enforcement

FR: Joe Soucie  
Public Works Director

RE: Commercial Property Clean-Up  
7121 Harrison St., Long's DX Station

The following is a list of the expenses incurred by the Public Works Department on October 16, 2006 while cutting the tree branches to 8 feet above the sidewalk at 7135 Harrison St., Long's DX Station, per your request.

**EQUIPMENT:**

	<u>HOURLY RATE</u>	<u>HOURS</u>	<u>TOTAL</u>
1 pickup	\$20.00	1	\$20.00
1 extension chainsaw	\$8.67	1	\$8.67
<b>TOTAL</b>			<b>\$28.67</b>

**LABOR:**

	<u>HOURLY WAGE</u>	<u>HOURS</u>	<u>TOTAL</u>
Employee #1	\$24.03	1	\$24.03
Employee #2	\$21.61	1	\$21.61
<b>TOTAL</b>			<b>\$45.64</b>

**TOTAL EQUIPMENT and LABOR:** **\$74.31**

9/15/2006

Cyrus Long  
7506 S. 76<sup>th</sup> Avenue  
La Vista, NE 68128

Re: Lot #1C / 7135 Harrison Street, La Vista, NE 68128  
La Vista Subdivision Replat

To Cyrus Long:

The City of La Vista continues to emphasize citizen participation in improving our community. Through our efforts we hope to make La Vista a safe and more attractive place.

Call 94.06

This letter is to make you aware that the tree branches hanging over the sidewalk need to be trimmed. Tree branches must be 8 feet above the sidewalk and should not extend over the sidewalk so that pedestrians can pass without any obstruction.

In order for you to be in compliance please trim the tree branches. If the violation is not corrected by 10/02/2006, a crew from the City will correct the violation. This would be at the owner's expense.

If you have any questions, please contact our office.

Sincerely,

*Valerie Houloose*

Valerie Houloose  
Code Inspector

10/2/06 Not done. Took before pictures and turned over to Public Works to trim tree branches 8 feet above the sidewalk.

10/5/06 Second request. Please have the tree branch at Long's Dx cut to 8 feet above the sidewalk. Due 10/12/2006.  
Copies sent to both addresses.

10/13/06 Not done. Took before pictures and turned over to Public Works. Cut tree branches to 8 feet above the sidewalk at Long's Dx.

9/15/2006

Cyrus Long  
7506 S. 76<sup>th</sup> Avenue  
La Vista, NE 68128

Re: Lot #1C  
La Vista Subdivision Replat

To Cyrus Long:

The City of La Vista continues to emphasize citizen participation in improving our community. Through our efforts we hope to make La Vista a safe and more attractive place.

This letter is to make you aware that the tree branches hanging over the sidewalk need to be trimmed. Tree branches must be 8 feet above the sidewalk and should not extend over the sidewalk so that pedestrians can pass without any obstruction.

In order for you to be in compliance please trim the tree branches. If the violation is not corrected by 10/02/2006, a crew from the City will correct the violation. This would be at the owner's expense.

If you have any questions, please contact our office.

Sincerely,

*Valerie Houloue*

Valerie Houloue  
Code Inspector

10/2/06 Not done. Took before pictures  
and turned over to Public Works to trim  
tree branches 8 feet above the sidewalk.  
10/17/06 After pictures taken on a different roll.

# City of La Vista

## Service Request Form



Council Member

Citizen

Employee

Caller's Name:

Address:

Phone Number:

Date Received: 9/14/06

Time Received:

Received By: AnnB

Request by Phone

Request by Mail

Request in Person

**Nature of Request:** Long's DX at 72<sup>nd</sup> and Harrison has tree branches hanging over the sidewalk that needs to be trimmed.

Department Responsible for Action: CD

Assigned Date: 9/15/06

**Report of Action:** Sent a letter to Cyrus' home address requesting he trim the tree branches back from the sidewalk and/or to make sure they are at a minimum of 8 feet above the sidewalk.

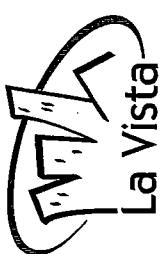
Date Accomplished:

Reviewed by DH:

Date:

Reviewed by CA:

Date:

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

Long's DX  
7135 Harrison Street  
La Vista, NE 68128

  
NOTICE TO SELLER  
REMANDING ORDER  
EXPIRED

OCT 13 2006

155-012


## Active

10/27/03

Parcel Number: 010331794  
 Location: 07121 \HARRISON ST  
 Owner: LONG/EARL F & LETA A  
 C/O  
 Mail Address: 7501 S 76TH AVE  
 LA VISTA NE 68128-0000  
 Legal: LOT 1C EX PT TO RD LA VISTA REPLAT  
 Tax District: 27002  
 Map #: 2959-13-2-30051-000-0001



Click Picture/Sketch for Larger View.

## Commercial Information for 1 January Roll Year 2008

## Improvement Information

Business Name: LONG SERVICE STATION  
 Primary Description: SERVICE REPAIR~GARAGE  
 Commercial units: 1  
 Lot Sqft: 15625  
 Total Area: 1288

## Building Information

Bldg #	Built	STORIES	Total Area	Ext Wall	DESCRIPTION
1	1960	1	1288	CONCRETE BLOCK, STANDARD	SERVICE REPAIR GARAGE

## Refinements

Bldg #	Sec #	Code	Description	Sqft or Quantity
1	2	CON	CONCRETE SLAB SF	14337
1	2	LPF	LIGHT FIXTURES	4
1	2	LPO	LIGHT POLES LF	30

## Sales Information (Updated 9/30/2008)

Sale Date B & P	Grantor	Grantee	Sale Price
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## Valuation Information

## Valuation

PV = Partial Valuation

Roll Year	Land Value	Impr Value	Outbuildings	Total Value	PV
2008	\$78,125	\$23,475	\$0	\$101,600	NO
2007	\$78,125	\$23,475	\$0	\$101,600	NO
2006	\$78,125	\$23,475	\$0	\$101,600	NO
2005	\$78,125	\$23,475	\$0	\$101,600	NO
2004	\$78,125	\$23,475	\$0	\$101,600	NO
2003	\$78,125	\$23,475	\$0	\$101,600	NO
2002	\$78,125	\$23,475	\$0	\$101,600	NO
2001	\$78,125	\$23,475	\$0	\$101,600	NO
2000	\$78,125	\$22,459	\$0	\$100,584	NO
1999	\$62,031	\$18,553	\$0	\$100,584	NO
1998	\$31,250	\$22,424	\$0	\$53,674	NO
1997	\$53,674			\$53,674	NO
1996	\$53,674			\$53,674	NO
1995	\$52,830			\$52,830	NO
1994	\$52,830			\$52,830	NO
1993	\$52,830			\$52,830	NO

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

**1. Article Addressed to:**

EARL & LETA LONG  
c/o Cyrus Long  
7501 S. 76TH AVE  
LO VISTA NE 68128

**COMPLETE THIS SECTION ON DELIVERY****A. Signature**

**X** *John Long*

Agent  
 Addressee

**B. Received by (Printed Name)**

**C. Date of Delivery**  
*10/4/08*

**D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No**

**3. Service Type**

Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

**4. Restricted Delivery? (Extra Fee)  Yes****2. Article Number**

(Transfer from service label)

7006 0810 0001 6713 7382

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

**U.S. Postal Service™  
CERTIFIED MAIL™ RECEIPT  
(Domestic Mail Only; No Insurance Coverage Provided)**

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Postage	\$	
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

*JM*  
Postmark  
Here  
*10/3/08*

Sent To	EARL & LETA LONG
Street, Apt. No., or PO Box No.	7501 S. 76TH AVE
City, State, ZIP/4	LO VISTA NE 68128

PS Form 3800, June 2002

See Reverse for Instructions

October 2, 2008



Earl & Leta Long  
C/O Cyrus Long  
7501 S. 76th Avenue  
La Vista, NE 68128

RE: 7121 Harrison Street  
Lot 1C EX PT TO RD/La Vista Replat

Dear Mr. and Mrs. Long:

On August 14, 2008, the Long's DX property at 7121 Harrison Street in La Vista was in violation of the City of La Vista's Municipal Code 133.01 and a letter was sent to the above address that stated the tree branches needed to be disposed of by August 28, 2008 or the City would correct the violation at the owner's expense. On September 4, 2008, the Public Works Department removed and disposed of the tree branches. A total cost of \$417.75 was incurred by the City for the clean up. The cost breakdown is as follows:

Administrative Fee	\$	50.00
 Removal and Disposal of Tree Branches		
Two Workers, 2 Hours Each		85.44
Two Workers, 1 Hour Each		53.39
Equipment Cost		221.34
Material Cost		7.58
<b>TOTAL</b>	<b>\$</b>	<b>417.75</b>

Please remit \$417.75, payable to the City of La Vista, 8116 Park View Blvd., La Vista, Nebraska 68128, within 30 days. If payment is not received within 30 days of issuance of this statement, the City Council will, on November 18, 2008, take action to file the above referenced cost with the Sarpy County Treasurer as a special assessment for improvements against your property.

Thank you for your attention to this matter.

Sincerely,

Pamela A. Buethe, CMC  
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

September 5, 2008

TO: Valerie Houloose  
Code Enforcement

FR: Joe Soucie  
Public Works Director

RE: Commercial Property Clean-Up  
Long's DX

133.01

The following is a list of the expenses incurred by the Public Works Department on September 4, 2008 while removing and disposing of the tree branches at Long's DX, per your request.

**LABOR:**

	<u>HOURLY WAGE</u>	<u>HOURS</u>	<u>TOTAL</u>
Employee #1	\$25.38	2	\$50.76
Employee #2	\$17.34	2	\$34.68
Employee #3	\$38.78	1	\$38.78
Employee #4	\$14.61	1	\$14.61
<b>TOTAL</b>			<b>\$138.83</b>

**EQUIPMENT:**

	<u>HOURLY RATE</u>	<u>HOURS</u>	<u>TOTAL</u>
2 pickups	\$40.00	2	\$80.00
1 dump truck	\$25.00	1	\$25.00
1 line trimmer	\$9.50	2	\$19.00
1 leaf blower	\$7.50	2	\$15.00
1 Bandit brush chipper	\$50.00	1	\$50.00
1 16" chainsaw	\$8.67	2	\$17.34
1 power pruner pole saw	\$7.50	2	\$15.00
<b>TOTAL</b>			<b>\$221.34</b>

**MATERIALS:**

2 oz. Tordon RTU (Pathway)	\$1.08
10 trash bags @ \$.65	\$6.50
<b>TOTAL</b>	<b>\$7.58</b>

**TOTAL LABOR, EQUIPMENT and MATERIALS:** **\$367.75**

Mail Priority  
First-Class Mail, or Priority  
Mail Service for two years  
Our multipurpose  
First-Class Mail  
Priority Mail  
Final Mail

8/14/2008

Earl & Leta Long  
C/O Cyrus Long  
7501 S. 76<sup>th</sup> Avenue  
La Vista, NE 68128

331-4679

Re: Lot #559  
La Vista Replat

To: Cyrus Long,

The City of La Vista continues to emphasize citizen participation in improving our community. Through our efforts we hope to make La Vista a safe and more attractive place.

Please dispose of the tree branches on the Long's DX property at 7121 Harrison Street. The violation needs to be corrected by 8/28/08 or the city will correct the violation. All violations corrected by the city are at the owner's expense.

If you have any questions or concerns, please contact us at 331-4343.

Thank you,

*Valerie Houloose*

Valerie Houloose  
Code Enforcement Inspector

8/28/07 Not done. Took before pictures.

**U.S. Postal Service™**  
**CERTIFIED MAIL™ RECEIPT**  
*Domestic Mail Only; No Insurance Coverage Provided*  
 For delivery information visit our website at [www.usps.com](http://www.usps.com)

<b>OFFICIAL USE</b>	
Postage	\$ 4.20
Certified Fee	\$ 2.70
Return Receipt Fee (Endorsement Required)	\$ 2.20
Restricted Delivery Fee (Endorsement Required)	\$ 5.32
Total Postage & Fees	
<i>8/14/08</i>	
Postmark Here	

Street, Apt. No.,  
or P.O. Box No.  
City, State, Zip  
Lavista, NE 68128  
PS Form 3811, June 2002  
See Reverse for Instructions

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

A. Signature	<i>Carly &amp; Letta Long</i>	<input type="checkbox"/> Agent
		<input type="checkbox"/> Addressee
B. Received by (Printed Name)	<i>Carly &amp; Letta Long</i>	C. Date of Delivery
		<i>8-21-08</i>
D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No		
AUG 22 2008		
1. Article Addressed to:		
<i>Carly &amp; Letta Long</i> <i>2/0 Cyrus Long</i> <i>7501 S. 76th Avenue</i> <i>Lavista, NE 68128</i>		
2. Article Number (Transfer from service label)		
<i>7006 0610 0001 6713 6897</i>		
3. Service Type		
<input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> <del>Priority</del> Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.		
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes		
102595-02-M-1540		

2699 ET 79 T 000 0780 9002

PS Form 3811, February 2004

Domestic Return Receipt

**Active**

Parcel Number: 010331794  
 Location: 07121 \HARRISON ST  
 Owner: LONG/EARL F & LETA A  
 C\O  
 Mail Address: 7501 S 76TH AVE  
                   LA VISTA NE 68128-0000  
 Legal: LOT 1C EX PT TO RD LA VISTA REPLAT  
 Tax District: 27002  
 Map #: 2959-13-2-30051-000-0001

10/27/03



Click Picture/Sketch for Larger View.

**Commercial Information for 1 January Roll Year 2008****Improvement Information**

Business Name: LONG SERVICE STATION  
 Primary Description: SERVICE REPAIR~GARAGE  
 Commercial units: 1  
 Lot Sqft: 15625  
 Total Area: 1288

**Building Information**

Bldg #	Built	STORIES	Total Area	Ext Wall	DESCRIPTION
1	1960	1	1288	CONCRETE BLOCK, STANDARD	SERVICE REPAIR GARAGE

**Refinements**

Bldg #	Sec #	Code	Description	Sqft or Quantity
1	2	CON	CONCRETE SLAB SF	14337
1	2	LPF	LIGHT FIXTURES	4
1	2	LPO	LIGHT POLES LF	30

**Sales Information (Updated 9/30/2008)**

Sale Date B & P	Grantor	Grantee	Sale Price

**Valuation Information****Valuation  
PV = Partial Valuation**

Roll Year	Land Value	Impr Value	Outbuildings	Total Value	PV
2008	\$78,125	\$23,475	\$0	\$101,600	NO
2007	\$78,125	\$23,475	\$0	\$101,600	NO
2006	\$78,125	\$23,475	\$0	\$101,600	NO
2005	\$78,125	\$23,475	\$0	\$101,600	NO
2004	\$78,125	\$23,475	\$0	\$101,600	NO
2003	\$78,125	\$23,475	\$0	\$101,600	NO
2002	\$78,125	\$23,475	\$0	\$101,600	NO
2001	\$78,125	\$23,475	\$0	\$101,600	NO
2000	\$78,125	\$22,459	\$0	\$100,584	NO
1999	\$82,031	\$18,553	\$0	\$100,584	NO
1998	\$31,250	\$22,424	\$0	\$53,674	NO
1997	\$53,674			\$53,674	NO
1996	\$53,674			\$53,674	NO
1995	\$52,830			\$52,830	NO
1994	\$52,830			\$52,830	NO
1993	\$52,830			\$52,830	NO

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

**1. Article Addressed to:**

EARL + LETA LONG  
 c/o CYRUS LONG  
 7501 S. 76TH AVE  
 LA VISTA NE 68128

**COMPLETE THIS SECTION ON DELIVERY****A. Signature**

X *Juliet Long*

Agent  
 Addressee

**B. Received by (Printed Name)**

*PC-V*

**C. Date of Delivery**

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

**3. Service Type**

Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

**4. Restricted Delivery? (Extra Fee)**

Yes

**2. Article Number  
 (Transfer from service label)**

7006 0810 0001 6713 7399

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

**U.S. Postal Service™**  
**CERTIFIED MAIL™ RECEIPT**  
*(Domestic Mail Only; No Insurance Coverage Provided)*

For delivery information visit our website at [www.usps.com](http://www.usps.com)®

**OFFICIAL USE**

Postage	\$	
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

*JLJ 10/3/08*

Postmark  
Here

7006	7399	Sent To <i>EARL + LETA LONG</i>
7006	7399	Street, Apt. No., or PO Box No. <i>7501 S. 76TH AVE</i>
7006	7399	City, State, ZIP+4 <i>LA VISTA NE 68128</i>

PS Form 3800, June 2002

See Reverse for Instructions



October 2, 2008

Earl & Leta Long  
C/O Cyrus Long  
7501 S. 76th Avenue  
La Vista, NE 68128

RE: 7121 Harrison Street  
Lot 1C EX PT TO RD/La Vista Replat

Dear Mr. and Mrs. Long:

On March 25, 2008, the Long's DX property at 7121 Harrison Street in La Vista was in violation of the City of La Vista's Municipal Code 133.01 and 150.01. On April 9, 2008, the Public Works Department removed carpeting and a tire, and boarded up broken windows. A total cost of \$207.66 was incurred by the City for the clean up. The cost breakdown is as follows:

Administrative Fee	\$	50.00
Removal of Trash and Boarding up of Windows		
Three Workers, 1 Hour Each		82.48
Equipment Cost		40.00
Material Cost		35.18
<b>TOTAL</b>	\$	<b>207.66</b>

Please remit \$207.66, payable to the City of La Vista, 8116 Park View Blvd., La Vista, Nebraska 68128, within 30 days. If payment is not received within 30 days of issuance of this statement, the City Council will, on November 18, 2008, take action to file the above referenced cost with the Sarpy County Treasurer as a special assessment for improvements against your property.

Thank you for your attention to this matter.

Sincerely,

Pamela A. Buethe, CMC  
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

April 22, 2008

TO: Pam Buethe, City Clerk  
CC: Valerie Houloose, Code Enforcement  
FR: Joe Soucie  
Public Works Director  
RE: Commercial Property Clean-Up  
Long's DX - 7121 Harrison St.

156.01

The following is a list of the expenses incurred by the Public Works Department on April 9, 2008 while removing carpeting and a tire, and boarding up broken windows at Long's DX, per Valerie's request.

Please be advised that Lt. Barcal and Ofc. Walters were there also, and their respective expenses are not included in this document.

**EQUIPMENT:**

	<u>HOURLY RATE</u>	<u>HOURS</u>	<u>TOTAL</u>
2 pickups	\$40.00	1	\$40.00
<b>TOTAL</b>			<b>\$40.00</b>

**LABOR:**

	<u>HOURLY WAGE</u>	<u>HOURS</u>	<u>TOTAL</u>
Employee #1	\$18.89	1	\$18.89
Employee #2	\$25.38	1	\$25.38
Employee #3	\$38.21	1	\$38.21
<b>TOTAL</b>			<b>\$82.48</b>

**MATERIALS:**

1 trailer dumpster fee	\$25.00
1/2 4x8 sheet 1/2" OSB plywood	\$6.22
4 packages of sheet metal screws	\$3.96
<b>TOTAL</b>	<b>\$35.18</b>

**TOTAL EQUIPMENT, LABOR and MATERIALS:** **\$157.66**

Copies of invoices for materials are attached.

Please code the sheet metal screws back to 01.22.0401, and the plywood to 01.24.0401.

3/25/2008

Cindy,

Please make a work order to P/u carpeting and a fire at Longs DX. Also, the west side has an area where glass has been knocked out that needs to be boarded up. The east side has two windows that need to be boarded up again. One window board seems loose and was done from the inside the other window was done before but the board is gone.

3/24/08 Before pictures were taken.

3/25/08 Information was turned over to Public Works.

THE HOME DEPOT 3206  
712 N WASHINGTON ST  
PAPILLION, NE 68046 (402)331-3658

SALE 3206 00001 65381 04/09/08  
61 MH62ZK 12:24 PM



776391300004 1/2 OSB <A> Long:  
052427520111 QKCURE PEN <A> 6.22  
082392460082 CEILING FAN <A> 3.97 - Comptx  
SUBTOTAL 69.96  
SALES TAX 80.15  
TAX EXEMPT 0.00

TOTAL \$80.15  
XXXXXXXXXXXX9130 HOME DEPOT 80.15  
AUTH CODE 080037/1012007 TA  
P.O.#/JOB NAME: 080037

CITY OF LA VISTA  
VISTA CITY OF LA



3206 01 65381 04/09/2008 4667

RETURN POLICY DEFINITIONS  
POLICY ID: A DAYS: 1 POLICY EXPIRES ON: 90 07/08/2008

THE HOME DEPOT RESERVES THE RIGHT TO  
LIMIT / DENY RETURNS. PLEASE SEE THE  
RETURN POLICY SIGN IN STORES FOR  
DETAILS.

NOBODY BEATS OUR PRICES...GUARANTEED.  
SEE STORE FOR 10% PRICE GUARANTEE  
DETAILS.

\*\*\*\*\*

ENTER FOR A CHANCE  
TO WIN A \$5,000  
HOME DEPOT GIFT  
CARD!

Your Opinion Counts! Complete  
the brief survey about your store visit  
and enter for a chance to win at:

[www.homedepotopinion.com](http://www.homedepotopinion.com)

PARTICIPE EN UNA  
OPORTUNIDAD DE GANAR  
UNA TARJETA DE  
REGALO DE THD  
DE \$5,000!

¡Su Opinión Cuenta! Complete la breve  
encuesta sobre su visita a la tienda y  
tenga la oportunidad de ganar en:

[www.homedepotopinion.com](http://www.homedepotopinion.com)

User ID:  
134257 131052

Password:  
8209 131051

Entries must be entered by 05/09/2008.  
Entrants must be 18 or older to enter.  
See complete rules on website. No  
purchase necessary.

Dept. Head:	Date: <u>4-10-08</u>
Code: <u>0122040</u>	<input type="checkbox"/> Pay by Petty Cash

**ACE Hardware**  
**CJ's HOME CENTER**  
 8018 HARRISON STREET  
 RALSTON, NE 68128  
 402 331-1638

JOANN 281004058 11:37 AM 04/09/08

17070 RUST STOP SPRAY GLOSS bases complex	2 @ 3.79	7.58nt*
17072 RUST STOP SPRAY GLOSS	2 @ 3.79	7.58nt*
4010073 RUST STOP SPRAY	2 @ 3.79	7.58nt*
• 17070 RUST STOP SPRAY GLOSS		3.79nt*
• 5102736 HH-SHMTL SCRW 10X2		0.99nt*
• 5296041 HASP HINGE 3" ZN		1.79nt*
• 5297890 HINGE NARROW NRP 2"		2.39nt*
• 5102728 HH-SHMTL SCRW 10X1-1/2		0.99nt*
• 5297890 HINGE NARROW NRP 2"		2.39nt*
• 5102728 HH-SHMTL SCRW 10X1-1/2		0.99nt*
• 5296041 HASP HINGE 3" ZN		1.79nt*
• 5102736 HH-SHMTL SCRW 10X2		0.99nt*

- Longs	Subtotal	38.85
• If Paid Within Terms Disc =>		-5.85
	Tax	0.00
• flagpole park 19 ft covers	NET DUE May 10	33.00
	GROSS DUE May 11	38.85

CITY OF LA VISTA

8110 PARKVIEW BLVD.  
 LA VISTA, NE 68128

BRIAN   
 Terms: Net 10th on purchases thru end of month

PO # PARKS

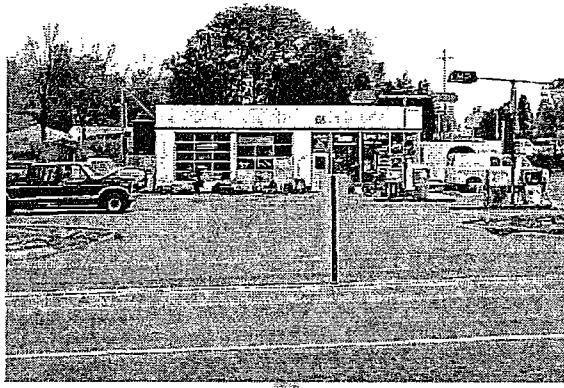
Inv # 81004058 ACCT# CL01

NOW TWO CJ's LOCATIONS  
 8018 HARRISON STREET  
 5502 CENTER STREET

**Active**

Parcel Number: 010331794  
 Location: 07121 \HARRISON ST  
 Owner: LONG/EARL F & LETA A  
 C\O  
 Mail Address: 7501 S 76TH AVE  
 LA VISTA NE 68128-0000  
 Legal: LOT 1C EX PT TO RD LA VISTA REPLAT  
 Tax District: 27002  
 Map #: 2959-13-2-30051-000-0001

10/27/03



Click Picture/Sketch for Larger View.

**Commercial Information for 1 January Roll Year 2008****Improvement Information**

Business Name: LONG SERVICE STATION  
 Primary Description: SERVICE REPAIR~GARAGE  
 Commercial units: 1  
 Lot Sqft: 15625  
 Total Area: 1288

**Building Information**

Bldg #	Built	STORIES	Total Area	Ext Wall	DESCRIPTION
1	1960	1	1288	CONCRETE BLOCK, STANDARD	SERVICE REPAIR GARAGE

**Refinements**

Bldg #	Sec #	Code	Description	Sqft or Quantity
1	2	CON	CONCRETE SLAB SF	14337
1	2	LPF	LIGHT FIXTURES	4
1	2	LPO	LIGHT POLES LF	30

**Sales Information (Updated 9/30/2008)**

Sale Date B & P	Grantor	Grantee	Sale Price

**Valuation Information****Valuation  
PV = Partial Valuation**

Roll Year	Land Value	Impr Value	Outbuildings	Total Value	PV
2008	\$78,125	\$23,475	\$0	\$101,600	NO
2007	\$78,125	\$23,475	\$0	\$101,600	NO
2006	\$78,125	\$23,475	\$0	\$101,600	NO
2005	\$78,125	\$23,475	\$0	\$101,600	NO
2004	\$78,125	\$23,475	\$0	\$101,600	NO
2003	\$78,125	\$23,475	\$0	\$101,600	NO
2002	\$78,125	\$23,475	\$0	\$101,600	NO
2001	\$78,125	\$23,475	\$0	\$101,600	NO
2000	\$78,125	\$22,459	\$0	\$100,584	NO
1999	\$82,031	\$18,553	\$0	\$100,584	NO
1998	\$31,250	\$22,424	\$0	\$53,674	NO
1997	\$53,674			\$53,674	NO
1996	\$53,674			\$53,674	NO
1995	\$52,830			\$52,830	NO
1994	\$52,830			\$52,830	NO
1993	\$52,830			\$52,830	NO



