



CITY OF LA VISTA

CERTIFICATE OF APPRECIATION

A CERTIFICATE OF APPRECIATION PRESENTED TO JOHN YORK, of the La Vista Police Department, FOR 5 YEARS OF FAITHFUL AND EFFICIENT SERVICE TO THE CITY OF LA VISTA.

WHEREAS, John York, has served the City of La Vista since January 10, 2005, and

WHEREAS, John York's input and contributions to the City of La Vista have contributed to the success of the City.

NOW, THEREFORE BE IT RESOLVED, that this Certificate of Appreciation is hereby presented to John York on behalf of the City of La Vista for 5 years of service to the City.

DATED THIS 19TH DAY OF JANUARY, 2010.

Douglas Kindig, Mayor

Ronald Sheehan
Councilmember, Ward I

Brenda L. Carlisle
Councilmember, Ward I

Mike Crawford
Councilmember, Ward II

Terrilyn Quick
Councilmember, Ward II

Mark D. Ellerbeck
Councilmember, Ward III

Alan W. Ronan
Councilmember, Ward III

Kelly R. Sell
Councilmember, Ward IV

Anthony J. Gowan
Councilmember, Ward IV

ATTEST:

Pamela A. Buethe, CMC
City Clerk





CITY OF LA VISTA

CERTIFICATE OF APPRECIATION

A CERTIFICATE OF APPRECIATION PRESENTED TO STEVE STARK, of the La Vista Volunteer Fire & Rescue Department, FOR 15 YEARS OF FAITHFUL AND EFFICIENT SERVICE TO THE CITY OF LA VISTA.

WHEREAS, Steve Stark, has served the City of La Vista since January 5, 1995, and

WHEREAS, Steve Stark's input and contributions to the City of La Vista have contributed to the success of the City.

NOW, THEREFORE BE IT RESOLVED, that this Certificate of Appreciation is hereby presented to Steve Stark on behalf of the City of La Vista for 15 years of service to the City.

DATED THIS 19TH DAY OF JANUARY, 2010.

Douglas Kindig, Mayor

Ronald Sheehan
Councilmember, Ward I

Brenda L. Carlisle
Councilmember, Ward I

Mike Crawford
Councilmember, Ward II

Terrilyn Quick
Councilmember, Ward II

Mark D. Ellerbeck
Councilmember, Ward III

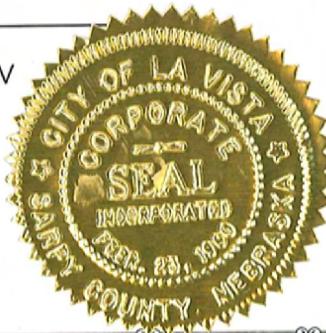
Alan W. Ronan
Councilmember, Ward III

Kelly R. Sell
Councilmember, Ward IV

Anthony J. Gowan
Councilmember, Ward IV

ATTEST:

Pamela A. Buethe, CMC
City Clerk



MINUTE RECORD

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

LA VISTA CITY COUNCIL MEETING January 5, 2010

A meeting of the City Council of the City of La Vista, Nebraska was convened in open and public session at 7:00 p.m. on January 5, 2010. Present were Councilmembers: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Absent: None. Also in attendance were City Attorney McKeon, City Engineer Kottmann, City Administrator Gunn, Assistant City Administrator Ramirez, City Clerk Buethe, Library Director Barcal, Police Chief Lausten, Fire Chief Uhl, Finance Director Lindberg, Recreation Director Stopak, Building and Grounds Director Archibald, and Public Works Director Soucie.

A notice of the meeting was given in advance thereof by publication in the Times on December 24, 2009. 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 regarding the agenda policy statement providing for expanded opportunity for public comment on the agenda items.

PRESENTATION OF BADGES TO FIRE DEPARTMENT PERSONNEL – ARNOLD BARRERA, JOANNA NGUYEN, PAT ROBERTS, JAY SAGHERIAN, & KYLE WILLIAMS

Mayor Kindig and Fire Chief Uhl recognized Arnold Barrera, Joanna Nguyen, Pat Roberts, Jay Sagherian, and Kyle Williams as full members of the La Vista Volunteer Fire Department after completing one year of training. Badges were presented and pinned on by Chief Uhl.

SERVICE AWARDS – DOUG GRABER, KIRSTEN BRADLEY, MELANIE SMITH, TRAVIS PROSSER – 5 YEARS; ALAN RONAN, BRENDA CARLISLE – 15 YEARS

Mayor Kindig presented a service award to Doug Graber, Kirsten Bradley, Melanie Smith, and Travis Prosser for 5 years of service to the City and to Alan Ronan and Brenda Carlisle for 15 years of service to the City.

APPOINTMENTS

LIBRARY ADVISORY BOARD – RE-APPOINT VALERIE RUSSELL – 2 YEAR TERM; BOARD OF ADJUSTMENTS – RE-APPOINT RANDY JORDAN – 3 YEAR TERM; PLANNING COMMISSION – RE-APPOINT JOHN GAHAN – 3 YEAR TERM

Mayor Kindig stated that with the approval of Council Mayor Kindig would like to make the following appointments and reappointments: Library Advisory Board – Re-Appoint Valerie Russell – 2 Year Term; Board of Adjustments – Re-Appoint Randy Jordan – 3 Year Term; Planning Commission – Re-Appoint John Gahan – 3 Year Term. Councilmember Sell motioned the approval, seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

A. CONSENT AGENDA

- 1. APPROVAL OF THE AGENDA AS PRESENTED**
- 2. APPROVAL OF CITY COUNCIL MINUTES FROM DECEMBER 15, 2009**
- 3. PAY REQUEST FROM CITY OF OMAHA – HARRISON STREET IMPROVEMENTS - \$17,075.37**
- 4. PAY REQUEST NO. 9 FROM EDAW – 84TH STREET REDEVELOPMENT VISION - \$22,766.38**
- 5. PAY REQUEST FROM DOUGLAS COUNTY ENGINEER – HELL CREEK BRIDGE STABILIZATION - \$20,452.73**
- 6. APPROVAL OF CLAIMS**

Councilmember Crawford made a motion to approve the consent agenda. Seconded by Councilmember Carlisle. Councilmember Carlisle reviewed the claims for this period and

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reported that she found everything to be in order. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

ACTION BATTERIES, Supplies	32.18
AKSARBEN GARAGE DOOR SVCS, Bldg & Grnds	85.00
ALAMAR UNIFORMS, Wearing Apparel	38.99
AMSAN, Supplies	161.61
ANN TROE, Marketing	570.00
ARAMARK UNIFORM, Contract Services	230.72
ASSOCIATED FIRE PROTECTION, Contract Services	1,035.60
AVI SYSTEMS, Repair	947.70
BAKER & TAYLOR BOOKS, Books	4,348.72
BARATTA, NATHAN, Contract Services	80.00
BCDM-BERINGER CIACCIO DENNELL, Professional Services	1,150.00
BCR-BIBLIOGRAPHICAL, Oct 09 Charges	26.18
BEACON BUILDING SERVICES, Contract Services	6,437.00
BEAUMONT, MITCH, Professional Services	825.00
BENNINGTON EQUIPMENT, Vehicle Maint.	595.44
BERENS-TATE CONSULTING GROUP, Fees	5,500.00
BLACK HILLS ENERGY, Utilities	2,031.28
BOB'S RADIATOR REPAIR, Vehicle Maint.	190.00
BOLER WOOD & ASSOCIATES, Insurance	4,954.35
BRENTWOOD AUTO WASH, Vehicle Supplies/Maint.	150.00
BUETHE, PAM, Phone/Travel/Training/Supplies/Books	174.66
CALENTINE, JEFFREY, Phone	30.00
CARL JARL LOCKSMITHS, Bldg & Grnds	5.55
CENTER POINT PUBLISHING, Books	240.84
CHILD'S WORLD, Books	1,155.60
CITY OF OMAHA, Contract Services	35,702.84
COMP CHOICE, Professional Services	1,767.00
CORNHUSKER INTL, Vehicle Maint.	4.41
COX, Contract Services	179.15
D & D COMMUNICATIONS, Vehicle Maint.	847.00
DEMCO, Supplies	133.29
DON'S PIONEER UNIFORMS, Wearing Apparel	24.95
DUNKLE, AUBRIANA, Contract Services	80.00
EAGLE ENGRAVING, Wearing Apparel	125.16
EASTERN LIBRARY SYSTEM, Training	25.00
ED M. FELD EQUIPMENT, Capital Outlay/Wearing Apparel	4,473.00
ED ROEHR SAFETY PRODUCTS, Magazine	339.70
FARQUHAR, MIKE, Auto Allowance	100.00
FBINAA-FBI NATL ACAD ASSOCS, Dues	180.00
FEDEX KINKO'S, Printing	11.25
FERGUSON ENTERPRISES, Bldg & Grnds	119.24
FILTER CARE, Vehicle Maint.	42.20
FIREGUARD, Vehicle Maint.	24.57
FITZGERALD SCHORR BARMETTLER, Professional Services	23,823.55
FLEET US, Capital Outlay	4,995.00
FLEETPRIDE, Vehicle Maint.	71.16
FORT DEARBORN LIFE INSURANCE, Employee Benefits	1,262.00
FOX, ANDREA, Contract Services	446.25
FREMONT NATIONAL BANK & TRUST, Fees	1,694.52
FROEHLICH, RORY, Auto Allowance	100.00
FUTUREWARE DISTRIBUTING, Contract Services	15,027.00
GALE, Books	188.61
GASSERT, MIKE, Contract Services	649.50
GCR OMAHA TRUCK TIRE CENTER, Vehicle Maint.	315.84
GLENDALE PARADE STORE, Equipment	95.50
GODFATHER'S PIZZA, Supplies	113.96
GOLDMAN, JOHN, Phone	85.00
GRAYBAR ELECTRIC, Bldg & Grnds	742.55
GREAT PLAINS UNIFORMS, Wearing Apparel	268.50
GUNN, BRENDA, Travel/Phone	100.00
HANEY SHOE STORE, Equipment	120.00
HARROD, RAYMOND, Training	1,500.00
HEARTLAND AWARDS, Awards	608.00

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HEARTLAND PAPER, Supplies	95.00
HELGET GAS, Squad Supplies	73.00
HENRY, MARK, Contract Services	84.00
HOBBY LOBBY, Supplies	88.99
HUGGINS, BRIDGET, Books	39.59
HY-VEE, Supplies/Deferred Revenue	316.92
ICMA-INTL CITY/COUNTY MGR, Dues	743.14
ICSC-INTL COUNCIL OF SHPG CTRS, Travel	100.00
J Q OFFICE EQUIPMENT, Contract Services/Supplies	565.84
JONES AND BARTLETT PUBLISHERS, Books	40.20
KINDIG, DOUGLAS, Phone	80.00
KLINKER, MARK, Professional Services	200.00
LA VISTA COMMUNITY FOUNDATION, Payroll Deduction	70.00
LAMP RYNEARSON/ASSOCIATES, Professional Services	205.70
LARRY'S BOILER SERVICE, Bldg & Grnds	444.97
LAUGHLIN, KATHLEEN, Payroll Withholdings	809.00
LEAGUE OF NE MUNICIPALITIES, Training/Travel	281.00
LERNER PUBLISHING GROUP, Books	803.61
LIBERTY FLAG & SPECIALTY, Equipment	314.31
LIBRARY ADVANTAGE, Supplies	550.00
LIFE ASSIST, Squad Supplies	349.67
LINWELD, Street Maint/Supplies	491.97
LUKASIEWICZ, BRIAN, Phone	50.00
MALLARD SAND & GRAVEL, Winter Maint.	4,786.43
MAPES, HANNAH, Contract Services	90.00
MAPES, RYAN, Contract Services	90.00
MARSHALL CAVENDISH CORP, Books	539.02
MC DONALD AND ASSOCIATES, Contract Services	148.25
METALMASTERS TARGET SYSTEMS, Equipment	374.50
MID AMERICA PAY PHONES, Phone	50.00
MNJ TECHNOLOGIES DIRECT, Contract Services	3,883.00
MPH INDUSTRIES, Capital Outlay/ Forfeiture Funds	2,398.00
MUD, Utilities	852.24
NATIONAL ARBOR DAY FOUNDATION, Dues	15.00
NATIONAL LEAGUE OF CITIES, Dues	1,489.00
NE LIBRARY COMMISSION, Media	1,889.50
NEBRASKA NATIONAL BANK, Cart Lease	1,163.43
NEBRASKA TURF PRODUCTS, Supplies	235.50
NEUMAN EQUIPMENT, Vehicle Maint.	299.56
NEW LONDON REGALIA, Equipment	22.70
NEWMAN TRAFFIC SIGNS, Traffic Signs	1,641.00
NEXTEL COMMUNICATIONS, Phone	1,043.58
NUTS AND BOLTS, Vehicle Maint.	4.89
OABR PRINT SHOP, Printing	292.25
OFFICE DEPOT, Supplies	512.35
OLD NEWS, Books	17.00
OMAHA WINDUSTRIAL, Bldg & Grnds	12.63
OMAHA WORLD HERALD COMPANY, Legal Advertising/Subscription	1,191.05
PAPILLION SANITATION, Contract Services	304.11
PARAMOUNT LINEN & UNIFORM, Uniform Cleaning/Wearing Apparel	402.46
PAUL LUCHT & SONS, Vehicle Maint.	3,054.08
PAYLESS, Supplies	194.36
PITNEY BOWES, Supplies	221.00
PRECISION INDUSTRIES, Winter Maint.	104.47
PRINCIPAL LIFE-FLEX SPENDING, Employee Benefits	216.00
QUALITY AUTO REPAIR & TOWING, Contract Services	75.00
QUILL CORPORATION, Training/Supplies	426.29
QWEST, Phone	1,117.81
RAMIREZ, RITA, Phone	43.00
REED, CHRISTIE, Refund	10.00
ROURKE PUBLISHING, Books	901.68
SAPP BROS PETROLEUM, Vehicle Maint.	358.05
SARPY COUNTY COURTHOUSE, Contract Services	3,495.03
SARPY COUNTY EDC, Annual Investment	10,000.00
SHEEHAN, ALLISON, Refund	60.00
SIRCHIE FINGER PRINT LABS, Supplies	84.08
SMITH, GREGORY, Contract Services	108.00

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SOUCIE, JOSEPH, Phone	60.00
SPRINT, Phone	495.44
STATE STEEL OF OMAHA, Vehicle Maint/Bldg & Grnds	186.73
STERIL MANUFACTURING, Bldg & Grnds/Repair	75.00
STOPAK, SCOTT, Phone	50.00
SUBURBAN NEWSPAPERS, Books/Subscription	79.00
SUCCESS FACTORS, Contract Services	7,000.00
SUMMER KITCHEN CAFÉ, Supplies	21.13
TIEHEN, JAMES, Auto Allowance	100.00
TRACTOR SUPPLY CREDIT PLAN, Bldg & Grnds	7.98
TY'S OUTDOOR POWER & SVC, Vehicle Maint.	54.31
UPS, Postage	10.71
V & V MANUFACTURING, Wearing Apparel	90.07
VAIL, ADAM, Auto Allowance	100.00
VERIZON, Phone	99.79
VIERREGGER ELECTRIC, Street Maint.	1,769.75
WAL-MART, Supplies/Media	758.73
WASTE MANAGEMENT, Bldg & Grnds/Street Maint.	948.39
WAUGH, BRYAN, Training	510.00
WEIGL PUBLISHERS, Books	816.51
WESTON WOODS, Media	132.65
WICK'S STERLING TRUCKS, Vehicle Maint.	237.62

REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

City Administrator Gunn informed Council that the Creighton Leadership classes, for all Department Heads and Mid-Level Managers in the City, begin tomorrow and continue for 10 weeks.

Fire Chief Uhl informed Council that the La Vista Volunteer Fire and Rescue Department responded a recent house fire. There was minimal damage.

Police Chief Lausten informed Council that one of the police cruisers was hit during the recent snow storm. Councilmember Gowan commented on the large piles of snow at the entrance to Casey's and asked if they City could knock down the piles. Public Works Director Soucie stated Public Works will review areas that need snow removed for safety purposes.

Public Works Director Soucie gave a breakdown of the last snow event. Soucie stated that Tuesday evening, crews switched to 12 hours shifts. Equipment breakdowns have been minimal. Soucie stated that complaints have been low, while compliments have been high. Soucie stated he had to deny all leave requests. Soucie stated that pickups did not work in this storm as the snow was heavy and deep. Hauling snow out has been hindered due to the storms and some sidewalks still need to be cleared. Soucie introduced Nick Epperson as the newest employee to the Public Works department filling the position of Assistant Mechanic.

Building and Grounds Director Archibald informed Council there is 25 feet of snow above the racquetball court at the Community Center. The courts have been shut down as a precaution. There are leaks in the buildings due to the heavy snow on the flat roofs.

Library Director Barcal reported on the money saved due to two metro work study students helping. Barcal also introduced a new student who will be putting in 90 hours with the library.

B. AMENDMENT TO PORTAL RIDGE PLANNED UNIT DEVELOPMENT (PUD)

1. PUBLIC HEARING

At 7:25 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on an amendment to Portal Ridge Planned Unit Development (PUD). Mark Westergard, of E & A consulting, addressed Council to request the allowance of this change to allow for 5 foot sideyards. He stated this is consistent with Southwind, Val Vista, and Val Verde. Tim Young, of Boyer Young, addressed Council to explain why there has been a change in the market. Melvin Tague spoke in favor of the change in sideyards as he and his fiancé want to build one of the homes which will not fit on this property without the change in sideyards and would be too expensive for them to build a different model.

At 7:32 p.m. Councilmember Ellerbeck made a motion to close the public hearing. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

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2. ORDINANCE – APPROVAL OF AMENDMENT TO FINAL PUD

Councilmember Carlisle introduced Ordinance No. 1112 entitled: AN ORDINANCE OF THE CITY OF LA VISTA, NEBRASKA, AMENDING ORDINANCE NO. 933 BY ESTABLISHING NEW SETBACK STANDARDS FOR CERTAIN LOTS; TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT; AND TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

Councilmember Carlisle moved that the statutory rule requiring reading on three different days be suspended. Councilmember Gowan seconded the motion to suspend the rules and upon roll call vote on the motion the following Councilmembers voted aye: Sell, Ronan, Quick, Carlisle, Ellerbeck, and Gowan. The following voted nay: Sheehan and Crawford. 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 Carlisle moved for final passage of the ordinance which motion was seconded by Councilmember Ellerbeck. The Mayor then stated the question was, "Shall Ordinance No. 1112 be passed and adopted?" Upon roll call vote the following Councilmember voted aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. The following voted nay: None. 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.

3. RESOLUTION – APPROVAL OF AMENDMENT TO SUBDIVISION AGREEMENT

Councilmember Gowan introduced and moved for the adoption of Resolution No. 10-001: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING AN AMENDMENT TO THE RESIDENTIAL SUBDIVISION AGREEMENT FOR PORTAL RIDGE IN A FORM SATISFACTORY TO THE CITY ADMINISTRATOR AND CITY ATTORNEY.

WHEREAS, the City did on June 6, 2006, approve the Residential Subdivision Agreement for Portal Ridge; and

WHEREAS, the City has approved an amendment to the final PUD plan to allow for a five-foot interior side yard setback on the following lots: Lots 4, 10-14, 16-18, 20, 22, 25 – 28, 30, 32, 34, 35, 37-50, 62, 64, 67, 68, 70, 71, 73, 74, 79, 81, 83-89, 91-93, 95, 108, 110-112, 114-121, 123, 133, 135-155, 158-160, 65-184, 186-192, 194-197, 199-207, 210-230, 233-236 and 238-241 Portal Ridge, a subdivision as surveyed, platted and recorded in Sarpy County, Nebraska

NOW THEREFORE, BE IT RESOLVED, that an Amendment to the Residential Subdivision Agreement presented at the January 5, 2010, City Council meeting for Portal Ridge be, and hereby is 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.

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

C. RESOLUTION – APPROVAL OF CONDITIONAL USE PERMIT – LOT 4, HARRISON HEIGHTS

A representative of Calamar addressed Council to request a continuance on the Conditional Use Permit to the next meeting.

Councilmember Gowan motioned to table Resolution No. 10-002 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF A CONDITIONAL USE PERMIT FOR MULTIPLE FAMILY DWELLINGS FOR SENIORS ON PROPOSED LOT 4, HARRISON HEIGHTS until the January 19, 2010 City Council meeting.

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

D. RESOLUTION – APPROVE PROPOSAL TO PRINT AND BIND LA VISTA HISTORY BOOK

Councilmember Sell introduced and moved for the adoption of Resolution No. 10-003: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, APPROVING THE PROPOSAL OF WALSWORTH PRINT GROUP FOR PRINTING AND BINDING SERVICES ASSOCIATED WITH THE PUBLICATION OF THE CITY'S HISTORY BOOK IN AN AMOUNT NOT TO EXCEED \$5,770.00.

WHEREAS, the City contracted for the writing of a history book in conjunction with the 50th anniversary of the City; and

WHEREAS, the book has been completed and is ready for publication; and

WHEREAS, quotes for printing and binding were requested from four vendors and two quotes were received; and

WHEREAS, Walsworth Print Group provided the lowest, most responsive quote.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska do hereby approve the proposal of Walsworth Print Group for printing and binding services associated with the publication of the City's history book in an amount not to exceed \$5,770.00.

Seconded by Councilmember Carlisle. Councilmember Sheehan asked what type of cover the book would have. Assistant City Administrator Ramirez stated the book would be hard bound. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried. Motion carried.

E. RESOLUTION – AUTHORIZATION TO PURCHASE – MOVIE SYSTEM

Councilmember Quick introduced and moved for the adoption of Resolution No. 10-004: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE PURCHASE OF ONE (1) OUTDOOR MOVIE SYSTEM FROM OUTDOOR MOVIES, ROCKVILLE MARYLAND, IN AN AMOUNT NOT TO EXCEED \$16,850.00

WHEREAS, the City Council of the City of La Vista has determined that the purchase of one Outdoor Movie System is necessary; and

WHEREAS, the FY09/10 Community Betterment Fund budget does include funds for the purchase of said equipment; and

WHEREAS, Outdoor Movies, Rockville Maryland, is the most responsible bidder; and

WHEREAS, Subsection (C) (9) of Section 31.23 of the La Vista Municipal Code requires that the City Administrator secure Council approval prior to authorizing any 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 Outdoor Movie System from Outdoor Movies, Rockville Maryland, in an amount not to exceed \$16,850.00.

Seconded by Councilmember Carlisle. Councilmember Sheehan asked if an audio system was included. Captain Pokorny informed Council that audio is included in the system. Councilmember Sheehan asked if speakers could be added to the system. Pokorny will check on this and respond at a later date. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried. Motion carried.

F. SPECIAL ASSESSMENTS

1. PUBLIC HEARING

At 7:40 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on special assessments.

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At 7:41 p.m. Councilmember Ellerbeck made a motion to close the public hearing. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

2. RESOLUTION

Councilmember Gowan introduced and moved for the adoption of Resolution No. 10-005: 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 10812 Harry Wantanabe Drive, Lots 43B & 44B/Brook Valley Business Park, \$1,107.41 were notified to clean up their property as they were in violation of the City Municipal Code, Section 133.01 and the International Property Management Code 302.9, 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.

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

Councilmember Crawford made a motion to move "Comments from the Floor" up on the agenda ahead of Item G. "Executive Session". Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, 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 stated that anyone having comments should limit them to three minutes. There were no comments from the floor.

G. EXECUTIVE SESSION – LAND ACQUISITION; PERSONNEL

At 7:42 p.m. Councilmember Carlisle made a motion to go into executive session for protection of the public interest for a strategy session regarding land acquisition; and for the protection of the reputation of an individual to discuss personnel matters. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried. Mayor Kindig stated the executive session would be limited to the subject matter contained in the motion.

At 8:21 p.m. the Council came out of executive session. Councilmember Carlisle made a motion to reconvene in open and public session. Seconded by Councilmember Crawford. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

COMMENTS FROM MAYOR AND COUNCIL

Councilmember Sheehan commented on the Bella La Vista Apartments and asked if any had seen it. City Administrator stated staff had not seen anything regarding this, to her knowledge.

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

January 5, 2009

Councilmember Sheehan asked if a portion of the parking lot at the Library is designated for library use only. Mayor Kindig asked if the parking concerns could be brought up in a condo board meeting. Building and Grounds Director Archibald stated the issue was discussed in the very beginning. The agreement is that parking is basically "first come, first serve". Councilmember Sheehan stated that six to eight spaces should be designated for library senior parking. Councilmember Crawford suggested that Library Director Barcal put numbers together on this issue. Barcal responded that there are no hourly numbers, and there is no way to monitor the parking traffic. City Administrator Gunn stated this issue will be put on the condo board meeting agenda for discussion.

City Administrator Gunn reminded Council of the upcoming governance training.

At 8:30 p.m. Councilmember Crawford made a motion to adjourn the meeting. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

PASSED AND APPROVED THIS 19TH DAY OF JANUARY 2010

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

K:\APPS\CITYHALL\09COUNCIL MINUTES\January 5, 2010

CITY OF LA VISTA
PLANNING COMMISSION MINUTES
DECEMBER 10, 2009

DRAFT

The Planning Commission meeting of the City of La Vista was convened at 7 p.m. on Thursday, December 10, 2009, at the La Vista City Hall, 8116 Park View Boulevard. Members present were: Malmquist, Andsager, Kramolisch, Nielsen, Alexander, Circo and Krzywicki. Members absent were: Hewitt, Gahan and Horihan. Also in attendance was Ann Birch, Community Development Director and John Kottmann, City Engineer.

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

1. Call to Order

The meeting was called to order by Chairperson Krzywicki at 7:02 p.m. Copies of the agenda and staff report were made available to the public. Alternate Jason Nielsen will be a voting member tonight.

2. Approval of Meeting Minutes – November 19, 2009

A. Approval of Meeting Minutes – November 19, 2009

Malmquist motioned to approve the November 19, 2009 minutes as presented. Alexander seconded. Ayes: Malmquist, Kramolisch, Andsager, Alexander, Nielsen, and Circo. Nays: None. Krzywicki abstained. Motion carried.

3. Old Business

A. **Public Hearing for Val Vista Replat Six Preliminary Planned Unit Development (PUD) and Final Plat for property located at Lots 6 and 7, Val Vista Replat One, a subdivision in the SW ¼ of Section 16, Township 14N, Range 12E of the 6th P.M, Sarpy County, NE.**

i. Staff Report: This public hearing was continued from the November 19 Planning Commission meeting pending additional items noted in the staff report. To date this information has not been received. This item is to appear on the January 21, 2010 meeting agenda.

ii. Public Hearing: Kramolisch motioned to further continue the public hearing. Nielsen seconded. Ayes: Malmquist, Andsager, Kramolisch, Nielsen, Alexander, Circo and Krzywicki. Nays: None. Motion carried.

4. New Business

A. **Public Hearing for a Conditional Use Permit (CUP) for Nebraska Impact Volleyball club to operate an indoor recreation facility on Lot 2, I-80 Industrial Park Replat 1, located at 8619 S 137 Circle, Sarpy County, NE.**

i. Staff Report: Applicant, Nebraska Impact Volleyball Club is requesting a conditional use permit to operate a volleyball recreational facility at 8619 S. 137 Circle, Suite #2 which will house four regulation volleyball courts, used for junior girls and boys club volleyball practice, occasional tournaments, camps and clinics. This volleyball club has been practicing at The Courts facility at 8930 S. 137 Circle (a previously approved CUP) for the past two seasons along with three other clubs.

This property is in an I-1, Light Industrial District and is a flex-space industrial building of 20,000 square feet and a parking lot. Current businesses in the building include ASAP Express, Vision Auto Sales and some seasonal work by the Post Office. These uses do not appear to generate any significant customer parking demand within the parking lot. The rear of the building (north side) is used for truck deliveries. Access to the site is provided at two locations on S. 137th Circle. The applicant has been requested to provide a traffic impact study for the intersection of 137 Circle and Giles Road. A copy of a previous study done in 2006 was provided to the applicant.

Comments upon review are as follows:

1. The applicant must provide a plan for the proposed modifications to the building prepared by a qualified professional. Those plans would need to demonstrate compliance with various building code issues such as ingress and egress for life safety and area separation walls. The Chief Building Official, Jeff Sinnott, should be contacted to identify more completely the building code issues that need to be addressed to determine if the proposed use can be safely accommodated in the existing facility, along with other permitted industrial uses in the building.

Birch advised that the applicant has now submitted plans to show the lay-out of the space. The Chief Building Official has made some comments on these plans. These issues will need to be addressed before building permits can be issued.

2. The applicant has provided a full-size site plan to scale that shows the current conditions on the site, including parking stalls and access drives. There are 115 existing parking stalls and an additional 26 proposed to be added to the rear of the building. Based on staff estimates, it appears that adequate parking will be provided for tournament activities, including teams on the floor, teams waiting, and spectators and staff. This may, however, include adjacent tenant spaces that may be in business on Saturdays or during tournament events. The property owner must submit a statement in writing that they are agreeable to allowing the use of all or a majority of the parking spaces during large events. All parking shall be on-site and delineated.

Birch informed that the City has received the requested letter stating they are agreeable to allowing the use of parking spaces during large events.

3. The traffic impact study that was done previously for the intersection of 137 Circle and Giles Road needs to be updated to include the additional traffic generation from this facility since the proposed use will generate higher volumes of traffic than a permitted industrial use, especially during tournament events. The purpose of the study would be to maintain an acceptable level of service during peak traffic generating events at the facility. A copy of the previous Traffic Study prepared for The Courts facility at 8930 S. 137 Circle was provided to the applicant.

Birch said the traffic impact study has been updated and submitted to City Engineer John Kottman for his review.

Kottman stated that the study had been done by E & A Consulting Group who did a traffic count at the intersection of Giles Road and 137th Circle one week ago tonight from 4:30 to 6:30 pm. These include the peak hours of 4:45 to 5:45 pm and adding the trips expected from the use of this facility, analyzed the level of service at that intersection, under present conditions, or the counts that were taken a week ago the level of service was about the middle of range C. This adds a little bit of delay to the intersection as a whole but does not change the level of service so no objections are found to the traffic impact study. The study has been passed along for traffic specialists to review, but it is not expected that any issues would arise. It is felt that it is acceptable at this time.

4. Approval will be required by the State Fire Marshall prior to building occupancy.

Birch advised that staff recommends approval.

ii. Public Hearing: Circo motioned to open public hearing. Malmquist seconded. Ayes: Malmquist, Andsager, Kramolisch, Nielsen, Alexander, Circo and Krzywicki. Nays: None. Hearing opened at 7:11 pm.

Ron Hoffman, Director of Operations for The Courts Volleyball Training facility, spoke as neither an opponent nor a proponent of this proposal. His concerns are to the information made available in the public packet for tonight's meeting, specifically review comment #1; he didn't feel that there was enough information in the packet. They encourage the city to gather additional information to ensure that the occupancy numbers are accurately reflected for review. The facility that is being proposed during its peak occupancy will have the same number of courts available that their facility (The Courts) does.

Birch said that on page 2, Item F of the Conditional Use Permit, occupancy is limited to 320 persons total; this is due to the restroom facilities per the Chief Building Official. Additional occupants would require modifications of the restrooms. Other modifications would also be necessary as well.

Kottman said there may be some ingress/egress adjustments due to the width and number of doors which the State Fire Marshal will review and comment upon.

Malmquist motioned to close the public hearing. Circo seconded. Ayes: Malmquist, Andsager, Kramolisch, Nielsen, Alexander, Circo and Krzywicki. Nays: None. Hearing closed at 7:15 pm.

Circo asked if the facility would be just courts or would there be seating for tournaments.

Mike Godek, applicant, said there would be seating along side of the courts. Each bleacher has seating for between 30-40 people and there are approximately 3 bleachers to each court. There would also be tables and chairs in a commons area with a concession stand.

Circo recommended approval of the Conditional Use Permit (CUP) for the Nebraska Impact Volleyball club to operate an indoor recreation facility on Lot 2, I-80 Industrial Park Replat 1, located at 8619 S 137 Circle, Sarpy County, NE. Alexander seconded. Ayes: Malmquist, Andsager, Kramolisch, Nielsen, Alexander, Circo and Krzywicki. Nays: None. Motioned carried.

This item will go forward to City Council on January 19, 2010.

The applicant asked if they could go ahead and get their building permits and start construction.

Birch advised they could submit the plans, but the building department would not be able to approve any such plans until at least January 20, 2010. The building owner could submit a permit application for restrooms to be changed for the purpose that is there now, but the uses of this proposed Conditional Use Permit require City Council approval.

5. Comments from the Floor

None.

6. Comments from the Planning Commission

Birch advised the Commissioners that the 2010 Planning Commission meeting schedule was in their packets.

Birch advised that the search for a City Planner was on going and it was hoped that there would be a replacement in January-February 2010.

DRAFT

7. Adjournment

Malmquist motioned to adjourn. Circo seconded. Ayes: Malmquist, Andsager, Kramolisch, Nielsen, Alexander, Circo and Krzywicki. Nays: None. Motion carried. Meeting was adjourned at 7:15 p.m.

Reviewed by Planning Commission: Mike Krzywicki

Recorder

Planning Commission Chair

Approval Date

CITY OF LAVISTA
**COMBINED STATEMENT OF REVENUES, EXPENDITURES
AND CHANGES IN FUND BALANCE- PROPRIETARY FUNDS**
BUDGET AND ACTUAL
For the three months ended December 31, 2009

BANK NO	BANK NAME	CHECK NO	DATE	VENDOR NO	VENDOR NAME	CHECK AMOUNT	CLEARED	VOIDED	MANUAL
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1 Bank of Nebraska (600-873)

46076					Payroll Checks				
Thru	46077								
46078					Gap in Checks				
Thru	98615								
98616	1/06/2010			3702	LAUGHLIN, KATHLEEN A, TRUSTEE	809.00			**MANUAL**
98617	1/06/2010			152	CITY OF OMAHA	17,075.37			**MANUAL**
98618	1/06/2010			4123	EDAW INCORPORATED	22,766.38			**MANUAL**
98619	1/06/2010			355	DOUGLAS COUNTY ENGINEER	20,452.73			**MANUAL**
98620	1/19/2010			3200	ABRAHAMS KASLOW & CASSMAN LLP	6,659.14			
98621	1/19/2010			4056	ADMINISTRATIVE PROFESSIONAL	79.00			
98622	1/19/2010			2661	AMERICAN LIBRARY ASSOCIATION	45.45			
98623	1/19/2010			536	ARAMARK UNIFORM SERVICES INC	249.52			
98624	1/19/2010			55	BADGER BODY	705.58			
98625	1/19/2010			201	BAKER & TAYLOR BOOKS	204.18			
98626	1/19/2010			4241	BANKERS TRUST	250.00			
98627	1/19/2010			1784	BENNINGTON EQUIPMENT INC	1,787.76			
98628	1/19/2010			410	BETTER BUSINESS EQUIPMENT	43.93			
98629	1/19/2010			249	BKD LLP	24,500.00			
98630	1/19/2010			196	BLACK HILLS ENERGY	7,812.35			
98631	1/19/2010			4229	BLACKHAWK PRODUCTS GROUP	987.01			
98632	1/19/2010			2757	BOBCAT OF OMAHA	235.41			
98633	1/19/2010			1242	BRENTWOOD AUTO WASH	49.00			
98634	1/19/2010			830	BROWN TRAFFIC PRODUCTS INC	242.25			
98635	1/19/2010			4058	CALENTINE, JEFFREY	335.00			
98636	1/19/2010			2625	CARDMEMBER SERVICE-ELAN	.00	**CLEARED**	**VOIDED**	
98637	1/19/2010			2625	CARDMEMBER SERVICE-ELAN	.00	**CLEARED**	**VOIDED**	
98638	1/19/2010			2625	CARDMEMBER SERVICE-ELAN	.00	**CLEARED**	**VOIDED**	
98639	1/19/2010			2625	CARDMEMBER SERVICE-ELAN	.00	**CLEARED**	**VOIDED**	
98640	1/19/2010			2625	CARDMEMBER SERVICE-ELAN	.00	**CLEARED**	**VOIDED**	
98641	1/19/2010			2625	CARDMEMBER SERVICE-ELAN	10,098.26			
98642	1/19/2010			3529	CENTRAL STATES TACTICAL	172.33			
98643	1/19/2010			83	CJ'S HOME CENTER	.00	**CLEARED**	**VOIDED**	
98644	1/19/2010			83	CJ'S HOME CENTER	.00	**CLEARED**	**VOIDED**	
98645	1/19/2010			83	CJ'S HOME CENTER	439.52			
98646	1/19/2010			836	CORNHUSKER INTL TRUCKS INC	566.37			
98647	1/19/2010			2158	COX COMMUNICATIONS	145.10			
98648	1/19/2010			23	CUMMINS CENTRAL POWER LLC #410	824.97			
98649	1/19/2010			4117	DATASPACE	623.75			
98650	1/19/2010			4076	DIGITAL ALLY INCORPORATED	28,950.00			
98651	1/19/2010			4225	DORIS OSENTOWSKI ESTATE	23,500.00			
98652	1/19/2010			4235	EARTHWAY PRODUCTS INC	17.83			
98653	1/19/2010			3084	EBSCO SUBSCRIPTION SERVICES	4,395.00			
98654	1/19/2010			676	ENVIRO TECH SERVICES INC	6,786.34			
98655	1/19/2010			3159	FASTENAL COMPANY	53.46			
98656	1/19/2010			1235	FEDEX KINKO'S	63.00			
98657	1/19/2010			3132	FORT DEARBORN LIFE INSURANCE	1,253.00			
98658	1/19/2010			3705	FUTUREWARE DISTRIBUTING INC	.00	**CLEARED**	**VOIDED**	

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98659	1/19/2010	3705	FUTUREWARE DISTRIBUTING INC	98.00			
98660	1/19/2010	3984	G I CLEANER & TAILORS	91.50			
98661	1/19/2010	1344	GALE	23.96			
98662	1/19/2010	53	GCR OMAHA TRUCK TIRE CENTER	77.53			
98663	1/19/2010	3070	GCSAA	320.00			
98664	1/19/2010	966	GENUINE PARTS COMPANY-OMAHA	.00	**CLEARED**	**VOIDED**	
98665	1/19/2010	966	GENUINE PARTS COMPANY-OMAHA	.00	**CLEARED**	**VOIDED**	
98666	1/19/2010	966	GENUINE PARTS COMPANY-OMAHA	.00	**CLEARED**	**VOIDED**	
98667	1/19/2010	966	GENUINE PARTS COMPANY-OMAHA	.00	**CLEARED**	**VOIDED**	
98668	1/19/2010	966	GENUINE PARTS COMPANY-OMAHA	2,424.51			
98669	1/19/2010	164	GRAINGER	3.64			
98670	1/19/2010	385	GREAT PLAINS ONE-CALL SVC INC	71.46			
98671	1/19/2010	4086	GREAT PLAINS UNIFORMS	259.00			
98672	1/19/2010	1044	H & H CHEVROLET LLC	388.26			
98673	1/19/2010	2348	H R DIRECT	147.40			
98674	1/19/2010	426	HANEY SHOE STORE	232.90			
98675	1/19/2010	4178	HERITAGE CRYSTAL CLEAN LLC	185.50			
98676	1/19/2010	433	HIGHSMITH	64.64			
98677	1/19/2010	136	HUNTEL COMMUNICATIONS, INC	123.50			
98678	1/19/2010	1417	IACP	240.00			
98679	1/19/2010	696	IIMC	125.00			
98680	1/19/2010	1760	INTERSTATE ALL BATTERY CENTER	152.43			
98681	1/19/2010	1896	J Q OFFICE EQUIPMENT INC	241.89			
98682	1/19/2010	2653	JONES AUTOMOTIVE INC	273.00			
98683	1/19/2010	3988	KAYLINE PROFESSIONAL	102.87			
98684	1/19/2010	788	KINDIG, DOUGLAS	40.00			
98685	1/19/2010	1054	KLINKER, MARK A	160.00			
98686	1/19/2010	2394	KRIHA FLUID POWER CO INC	853.15			
98687	1/19/2010	516	LA VISTA KENO	80.00			
98688	1/19/2010	381	LANDS' END BUSINESS OUTFITTERS	302.05			
98689	1/19/2010	4055	LAWSON PRODUCTS INC	159.99			
98690	1/19/2010	877	LINWELD	90.00			
98691	1/19/2010	1539	MALLARD SAND & GRAVEL COMPANY	2,935.59			
98692	1/19/2010	94	MCCANN PLUMBING SERVICE INC	11.95			
98693	1/19/2010	153	METRO AREA TRANSIT	626.00			
98694	1/19/2010	872	METROPOLITAN COMMUNITY COLLEGE	10,649.09			
98695	1/19/2010	98	MICHAEL TODD AND COMPANY INC	1,292.75			
98696	1/19/2010	3921	MID-STATES UTILITY TRAILER	.00	**CLEARED**	**VOIDED**	
98697	1/19/2010	3921	MID-STATES UTILITY TRAILER	709.91			
98698	1/19/2010	1526	MIDLANDS LIGHTING & ELECTRIC	72.38			
98699	1/19/2010	2550	MSC INDUSTRIAL SUPPLY CO	59.10			
98700	1/19/2010	1028	NATIONAL PAPER COMPANY INC	113.51			
98701	1/19/2010	2287	NEBRASKA CONCRETE PAVING ASSN	380.00			
98702	1/19/2010	469	NEBRASKA FURNITURE MART	1,799.86			
98703	1/19/2010	3350	NEBRASKA IOWA SUPPLY	.00	**CLEARED**	**VOIDED**	
98704	1/19/2010	3350	NEBRASKA IOWA SUPPLY	26,622.91			
98705	1/19/2010	214	NEBRASKA MUNICIPAL CLERKS ASSN	70.00			
98706	1/19/2010	2685	NEBRASKA TURF PRODUCTS	384.65			
98707	1/19/2010	1830	NE DEPT OF LABOR-WORKFORCE DEV	1,335.42			
98708	1/19/2010	1936	NELSON & SONS GLASS INC	225.00			
98709	1/19/2010	653	NEUMAN EQUIPMENT COMPANY	189.00			
98710	1/19/2010	440	NMC EXCHANGE LLC	729.40			
98711	1/19/2010	128	NSFSI-NE SOC/FIRE SVC INSTRS	85.00			

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98712	1/19/2010	179	NUTS AND BOLTS INCORPORATED		465.39			
98713	1/19/2010	1968	O'KEEFE ELEVATOR COMPANY INC		946.75			
98714	1/19/2010	3415	OABR PRINT SHOP		169.98			
98715	1/19/2010	1014	OFFICE DEPOT INC-CINCINNATI		.00	**CLEARED**	**VOIDED**	
98716	1/19/2010	1014	OFFICE DEPOT INC-CINCINNATI		.00	**CLEARED**	**VOIDED**	
98717	1/19/2010	1014	OFFICE DEPOT INC-CINCINNATI		.00	**CLEARED**	**VOIDED**	
98718	1/19/2010	1014	OFFICE DEPOT INC-CINCINNATI		456.51			
98719	1/19/2010	79	OMAHA COMPOUND COMPANY		118.66			
98720	1/19/2010	195	OMAHA PUBLIC POWER DISTRICT		.00	**CLEARED**	**VOIDED**	
98721	1/19/2010	195	OMAHA PUBLIC POWER DISTRICT		.00	**CLEARED**	**VOIDED**	
98722	1/19/2010	195	OMAHA PUBLIC POWER DISTRICT		39,982.64			
98723	1/19/2010	165	OMAHA STANDARD DISTRIBUTION		60.25			
98724	1/19/2010	319	OMAHA WINNELSON		5.22			
98725	1/19/2010	46	OMAHA WORLD HERALD COMPANY		1,732.40			
98726	1/19/2010	2686	PARAMOUNT LINEN & UNIFORM		549.94			
98727	1/19/2010	1769	PAYLESS OFFICE PRODUCTS INC		183.87			
98728	1/19/2010	4237	PEARSON, CHRISTINA		95.00			
98729	1/19/2010	1821	PETTY CASH-PAM BUETHE		129.96			
98730	1/19/2010	74	PITNEY BOWES INC-KY		.00	**CLEARED**	**VOIDED**	
98731	1/19/2010	74	PITNEY BOWES INC-KY		.00	**CLEARED**	**VOIDED**	
98732	1/19/2010	74	PITNEY BOWES INC-KY		571.49			
98733	1/19/2010	219	QWEST		52.66			
98734	1/19/2010	3704	RANGER JOE'S INTERNATIONAL		68.93			
98735	1/19/2010	1063	ROSE EQUIPMENT INCORPORATED		155.61			
98736	1/19/2010	4037	RUSTY ECK FORD		40.40			
98737	1/19/2010	292	SAM'S CLUB		132.35			
98738	1/19/2010	487	SAPP BROS PETROLEUM INC		19,086.71			
98739	1/19/2010	1335	SARPY COUNTY CHAMBER OF		360.00			
98740	1/19/2010	168	SARPY COUNTY LANDFILL		9.55			
98741	1/19/2010	490	SARPY COUNTY REGISTER OF DEEDS		21.00			
98742	1/19/2010	150	SARPY COUNTY TREASURER		13,965.50			
98743	1/19/2010	4238	SHELL, BECKY		15.00			
98744	1/19/2010	4045	SHRM-SOCIETY FOR HUMAN		160.00			
98745	1/19/2010	4239	SOUSA, STAN		108.00			
98746	1/19/2010	2111	STAPLES BUSINESS ADVANTAGE		56.97			
98747	1/19/2010	3718	SUN LIFE & HEALTH INSURANCE CO		1,885.08			
98748	1/19/2010	3873	SUPERIOR TRANSIT SALES LLC		74.20			
98749	1/19/2010	913	TARGET BANK		24.00			
98750	1/19/2010	264	TED'S MOWER SALES & SERVICE		33.65			
98751	1/19/2010	822	THE RHO KING CHRISTENSEN		335.42			
98752	1/19/2010	143	THOMPSON DREESSEN & DORNER		.00	**CLEARED**	**VOIDED**	
98753	1/19/2010	143	THOMPSON DREESSEN & DORNER		6,326.99			
98754	1/19/2010	3735	TY'S OUTDOOR POWER & SVC INC		100.82			
98755	1/19/2010	3717	UNIVERSAL HOSPITAL SVCS INC		1,100.00			
98756	1/19/2010	2337	VALUATION SERVICES		3,000.00			
98757	1/19/2010	78	WASTE MANAGEMENT NEBRASKA		760.63			
98758	1/19/2010	4219	WEATHER OR NOT		250.00			
98759	1/19/2010	968	WICK'S STERLING TRUCKS INC		281.29			
98760	1/19/2010	1475	WOODHAVEN COUNSELING ASSOCS		600.00			

BANK NO BANK NAME

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BANK TOTAL	333,274.51
OUTSTANDING	333,274.51
CLEARED	.00
VOIDED	.00

FUND	TOTAL	OUTSTANDING	CLEARED	VOIDED
01 GENERAL FUND	212,934.25	212,934.25	.00	.00
02 SEWER FUND	14,345.65	14,345.65	.00	.00
04 BOND(S) DEBT SERVICE FUND	250.00	250.00	.00	.00
05 CONSTRUCTION	85,991.36	85,991.36	.00	.00
08 LOTTERY FUND	13,337.72	13,337.72	.00	.00
09 GOLF COURSE FUND	5,633.41	5,633.41	.00	.00
15 OFF-STREET PARKING	782.12	782.12	.00	.00
REPORT TOTAL	333,274.51			
OUTSTANDING	333,274.51			
CLEARED	.00			
VOIDED	.00			
+ Gross Payroll 1/8/10	<u>232,043.74</u>			
GRAND TOTAL	<u>\$565,318.25</u>			

APPROVED BY COUNCIL MEMBERS 1/19/10

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
JANUARY 19, 2010 AGENDA

Subject:	Type:	Submitted By:
APPLICATION FOR CUP APPROVAL — LOT 4, HARRISON HEIGHTS	◆RESOLUTION ORDINANCE RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

SYNOPSIS

The public hearing was held by the Council at their December 1, 2009, meeting and the resolution was tabled to approve a Conditional Use Permit for Lot 4, Harrison Heights for the purpose of senior housing, generally located north and east of Gertrude Street and south of Harrison Street at 75th.

FISCAL IMPACT

None.

RECOMMENDATION

Approval.

BACKGROUND

On December 1, 2009, the Council held a public hearing to consider the following actions for Lots 13 and 14, Crestview Heights:

1. Approval of a Final PUD Plan for 112 units of senior housing with 52 garages and 75 parking stalls; 48 units of affordable senior housing with 60 parking stalls; and three buildings for commercial development totaling 20,500 square feet of commercial flex space with 102 parking stalls.
2. Approval of a Final Plat to subdivide Lots 13 and 14, Crestview Heights, into five lots for residential and commercial purposes, to be known as Lots 1 thru 5, Harrison Heights.
3. Approval of a Conditional Use Permit for 112 multiple family dwellings for seniors on proposed Lot 4, Harrison Heights.
4. Approval of a Subdivision Agreement.

All of these actions were approved by the Council with the exception of the Conditional Use Permit which was tabled pending the applicant's review of additional language proposed by the City Attorney. These revisions have now been completed and the document is attached for Council's consideration.

The property is located north and east of Gertrude Street and south of Harrison Street at approximately 75th Street. The application has been submitted by Scott Kennedy of Calamar Enterprises on behalf of the property owner, the Empire Group, LLC.

On August 4, 2009 the City Council approved an amendment to the City's Future Land Use Map to high density residential and commercial uses. A rezoning was also approved to R-3 PUD, High Density Residential Planned Unit Development, and C-2 PUD, General Commercial District Planned Unit Development to allow for senior apartments and an abutting commercial development.

This application is for a Conditional Use Permit for Lot 4, Harrison Heights, which includes 112 units of senior independent market rate housing with surface parking and 52 enclosed garages.

The property is not within the Gateway Corridor Overlay District however the applicant agreed to adopt the design guidelines as part of the PUD approval. Architectural review of the buildings and garages has been completed however minor revisions based on comments from the City's design review architect will be completed at the time of building permit review.

The Planning Commission held public hearings on September 17, 2009, and October 15, 2009, and recommended approval of the Conditional Use Permit for Lot 4, Harrison Heights.

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RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF A CONDITIONAL USE PERMIT FOR MULTIPLE FAMILY DWELLINGS FOR SENIORS ON PROPOSED LOT 4, HARRISON HEIGHTS

WHEREAS, Scott Kennedy, on behalf of Calamar, has applied for a conditional use permit for the purpose of having multiple family dwellings for seniors on proposed Lot 4, Harrison Heights; and

WHEREAS, the La Vista Planning Commission has reviewed the application and recommends approval; and

WHEREAS, the Mayor and City Council of the City of La Vista are agreeable to the issuance of a conditional use permit for such purposes;

NOW THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista hereby authorize the execution of a Conditional Use Permit in form and content submitted at this meeting, for Calamar, represented by Scott Kennedy for the purpose of having multiple family dwellings for seniors on proposed Lot 4, Harrison Heights.

PASSED AND APPROVED THIS 19TH DAY OF JANUARY 2010.

CITY OF LA VISTA

ATTEST:

Douglas Kindig, Mayor

Pamela A. Buethe, CMC
City Clerk

**City of La Vista
Conditional Use Permit**

Conditional Use Permit for Multi-family Housing, Lot 4 Harrison Heights

This Conditional Use Permit issued this _____ day of _____, 2009, by the City of La Vista, a municipal corporation in the County of Sarpy County, Nebraska ("City") to _____. ("Owner"), pursuant to the La Vista Zoning Ordinance.

WHEREAS, Owner wishes to construct and operate senior apartments upon the following described tract of land within the City of La Vista zoning jurisdiction:

Lot 4 of Harrison Heights Subdivision, within the NE ¼ of Section 14, Township 14 North, Range 12 East of the 6th P.M. Sarpy County, Nebraska.

WHEREAS, Owner has applied for a conditional use permit for the purpose of constructing an apartment complex for seniors **55 years of age or older** meant for independent living; and

WHEREAS, the Mayor and City Council of the City of La Vista are agreeable to the issuance of a conditional use permit to the owner for such purposes, subject to certain conditions and agreements as hereinafter provided.

NOW, THEREFORE, BE IT KNOWN THAT subject to the conditions hereof, this conditional use permit is issued to the owner to use the area designated on Exhibit "A" hereto for multi-family residential, specifically senior apartments for independent living, said use hereinafter being referred to as "Permitted Use or Use".

Conditions of Permit

The conditions to which the granting of this permit is subject are:

1. The rights granted by this permit are transferable and any variation or breach of any terms hereof shall cause permit to expire and terminate without the prior written consent of the City (amendment to permit) or unless exempted herein.
2. In respect to the Permitted Use:
 - a. A site plan showing the property boundaries of the tract of land and easements, proposed structures, parking, access points, and drives shall be provided to the City and attached to the permit as "Exhibit A".
 - b. These apartments are intended for senior independent living. Apartments shall be exclusively operated for, marketed and leased to, and occupied by persons age 55 and older, except for units occupied by an on-site manager or other employee of the Owner who is under the age of 55 and performs substantial duties related to management or maintenance of the facility (and said manager's or other employee's family members residing in the same unit); or as otherwise required to provide reasonable accommodations to disabled residents under applicable laws, rules or regulations. To carry out this requirement, Owner shall:
 - (i) From time to time during this permit, adopt, publish and adhere to written rules, policies and procedures to implement and carry out said requirement in accordance with 24 CFR Section 100.36, as adopted, amended or superseded from time to time, subject to review and approval of the City

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Administrator, which approval shall not be withheld or refused so long as the rules, policies and procedures satisfy the requirements of "b" above and 24 CFR Section 100.36; and

(ii) Take all other actions during this permit as may be required from time to time under the Federal Fair Housing Act, Housing for Older Persons Act of 1995, Nebraska Fair Housing Act, or any other applicable laws, rules or regulations, as adopted, amended or superseded from time to time, to carry out this subparagraph "b" in accordance with all applicable requirements, and specifically to qualify and continue the qualification of the facility as senior housing exempt from any applicable familial status protections.

c. All parking for residents and visitors is to remain on-site; no on-street parking is allowed on Gertrude Street.

d. There shall be no storage, placement or display of goods, supplies or any other material, substance, container or receptacle outside of the indoor-ree facility, except trash receptacles and those approved in writing by the City.

e. There shall not be any outside storage of materials. All trash receptacles, benches and planters shall be placed on property and securely fastened to building or concrete. Trash dumpsters shall be placed with a trash enclosure of six feet in height and screened accordingly.

f. Landscaping requirements from Section 7.17 of the City of La Vista Zoning Ordinance shall be satisfied and maintained by the property owner.

g. Owner shall obtain all required permits from the City of La Vista and shall comply with any additional requirements as determined by the Chief Building Official, including, but not limited to, building, fire, and ADA.

h. Owner shall comply (and shall ensure that all employees, invitees, suppliers, structures, appurtenances and improvements, and all activities occurring or conducted, on the premises at any time comply) with any applicable federal, state and/or local regulations, as amended or in effect from time to time, including, but not limited to, applicable environmental or safety laws, rules or regulations.

i. Owner hereby indemnifies the City against, and holds the City harmless from, any liability, loss, claim or expense whatsoever (including, but not limited to, reasonable attorney fees and court cost) arising out of or resulting from the intentional acts or omissions or negligence of the owner, his agents, employees, assigns, suppliers or invitees, including, but not limited to, any liability, loss, claim or expense arising out of or resulting from any violation on the premises of any environmental or safety law, rule or regulation.

3. The applicant's right to maintain the use as approved pursuant to these provisions shall be based on the following:

a. An annual inspection to determine compliance with the conditions of approval. The conditional use permit may be revoked upon a finding by the City that there is a violation of the terms of approval.

b. Construction for the use authorized by the conditional use permit must commence no later than December 31, 2010, and the premises must be ready for occupancy for the use authorized by the conditional use permit, in full compliance, with the terms of approval no later than January 31, 2012. This permit shall be void if there is a failure to begin construction or have the premises ready for occupancy for the permitted use by the specified applicable date.

c. All obsolete or unused structures, accessory facilities or materials with an environmental or safety hazard shall be abated and/or removed at owner's expense within twelve (12) months of cessation of the conditional use.

4. Notwithstanding any other provision herein to the contrary, this permit, and all rights granted hereby, shall expire and terminate as to a permitted use hereunder upon the first of the following to occur:

a. Owner's abandonment of the permitted use. Non-use thereof for a period of twelve (12) months shall constitute a presumption of abandonment.

b. Cancellation, revocation, denial or failure to maintain any federal, state or local permit required for

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Provide significant facilities and services during this permit specifically designed to meet the physical and social needs of older persons; or if such facilities or services will not be provided, Owner hereby represents and can demonstrate, if required, that such senior housing is necessary to provide important housing opportunities for older persons;

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the Use.

- c. Owner's breach of any other terms hereof and his failure to correct such breach within ten (10) days of City's giving notice thereof.

- 5. If construction for the permitted use is not commenced on or before December 31, 2010, or if occupancy for the permitted use is not ready on or before January 31, 2012, this Permit shall be null and void and all rights hereunder shall lapse, without prejudice to owner's right to file for an extension of time pursuant to the La Vista Zoning Ordinance.
- 6. In the event of the owner's failure to promptly remove any safety or environmental hazard from the premises, or the expiration or termination of this permit and the owner's failure to promptly remove any permitted materials or any remaining environmental or safety hazard, the City may, at its option (but without any obligation to the owner or any third party to exercise said option) cause the same to be removed at owner's cost (including, but not limited to, the cost of any excavation and earthwork that is necessary or advisable) and the owner shall reimburse the City the costs incurred to remove the same. Owner hereby irrevocably grants the City, its agents and employees the right to enter the premises and to take whatever action as is necessary or appropriate to remove the structures or any environmental or safety hazards in accordance with the terms of this permit, and the right of the City to enter the premises as necessary or appropriate to carry out any other provision of this permit.
- 7. If any provision, or any portion thereof, contained in this agreement is held to be unconstitutional, invalid, or unenforceable, the remaining provisions hereof, or portions thereof, shall be deemed severable, shall not be affected, and shall remain in full force and effect.

Deleted: within one (1) year from
2009

Miscellaneous

The conditions and terms of this permit shall be binding upon owner, his successors and assigns.

- 1. Delay of City to terminate this permit on account of breach of owner of any of the terms hereof shall not constitute a waiver of City's right to terminate, unless it shall have expressly waived said breach and a waiver of the right to terminate upon any breach shall not constitute a waiver of the right to terminate upon a subsequent breach of the terms hereof, whether said breach be of the same or different nature.
- 2. Nothing herein shall be construed to be a waiver or suspension of, or an agreement on the part of the City to waive or suspend, any zoning law or regulation applicable to the premises except to the extent and for the duration specifically authorized by this permit.
- 3. Any notice to be given by City hereunder shall be in writing and shall be sufficiently given if sent by regular mail, postage prepaid, addressed to the owner as follows:

Contact Name and Address:

(TO BE FILLED IN)

Effective Date:

This permit shall take effect upon the filing hereof with the City Clerk a signed original hereof.

THE CITY OF LA VISTA

By _____
Douglas Kindig, Mayor

Attest:

Pam Buethe
City Clerk

CONSENT AND AGREEMENT

The undersigned does hereby consent and agree to the conditions of this permit and that the terms hereof constitute an agreement on the part of the undersigned to fully and timely perform each and every condition and term hereof, and the undersigned does hereby warrant, covenant and agree to fully and timely perform and discharge all obligations and liabilities herein required by owner to be performed or discharged.

Owner: _____
By: _____
Title: _____
Date: _____

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City of La Vista Conditional Use Permit

Conditional Use Permit for Multi-family Housing, Lot 4 Harrison Heights

This Conditional Use Permit issued this _____ day of _____, 2010, by the City of La Vista, a municipal corporation in the County of Sarpy County, Nebraska ("City") to _____. ("Owner"), pursuant to the La Vista Zoning Ordinance.

WHEREAS, Owner wishes to construct and operate senior apartments upon the following described tract of land within the City of La Vista zoning jurisdiction:

Lot 4 of Harrison Heights Subdivision, within the NE ¼ of Section 14, Township 14 North, Range 12 East of the 6th P.M. Sarpy County, Nebraska.

WHEREAS, Owner has applied for a conditional use permit for the purpose of constructing an apartment complex for seniors 55 years of age or older meant for independent living; and

WHEREAS, the Mayor and City Council of the City of La Vista are agreeable to the issuance of a conditional use permit to the owner for such purposes, subject to certain conditions and agreements as hereinafter provided.

NOW, THEREFORE, BE IT KNOWN THAT subject to the conditions hereof, this conditional use permit is issued to the owner to use the area designated on Exhibit "A" hereto for multi-family residential, specifically senior apartments for independent living, said use hereinafter being referred to as "Permitted Use or Use".

Conditions of Permit

The conditions to which the granting of this permit is subject are:

1. The rights granted by this permit are transferable and any variation or breach of any terms hereof shall cause permit to expire and terminate without the prior written consent of the City (amendment to permit) or unless exempted herein.
2. In respect to the Permitted Use:
 - a. A site plan showing the property boundaries of the tract of land and easements, proposed structures, parking, access points, and drives shall be provided to the City and attached to the permit as "Exhibit A".
 - b. These apartments are intended for senior independent living. Apartments shall be exclusively operated for, marketed and leased to, and occupied by persons age 55 and older, except for units occupied by an on-site manager or other employee of the Owner who is under the age of 55 and performs substantial duties related to management or maintenance of the facility (and said manager's or other employee's family members residing in the same unit); or as otherwise required to provide reasonable accommodations to disabled residents under applicable laws, rules or regulations. To carry out this requirement, Owner shall:
 - (i) From time to time during this permit, adopt, publish and adhere to written rules, policies and procedures to implement and carry out said requirement in accordance with 24 CFR Section 100.36, as adopted, amended or superseded from time to time, subject to review and

approval of the City Administrator, which approval shall not be withheld or refused so long as the rules, policies and procedures satisfy the requirements of "b" above and 24 CFR Section 100.36; and

- (ii) Take all other actions during this permit as may be required from time to time under the Federal Fair Housing Act, Housing for Older Persons Act of 1995, Nebraska Fair Housing Act, or any other applicable laws, rules or regulations, as adopted, amended or superseded from time to time, to carry out this subparagraph "b" in accordance with all applicable requirements, and specifically to qualify and continue the qualification of the facility as senior housing exempt from any applicable familial status protections.
- c. All parking for residents and visitors is to remain on-site; no on-street parking is allowed on Gertrude Street.
- d. There shall be no storage, placement or display of goods, supplies or any other material, substance, container or receptacle outside of the facility, except trash receptacles and those approved in writing by the City.
- e. There shall not be any outside storage of materials. All trash receptacles, benches and planters shall be placed on property and securely fastened to building or concrete. Trash dumpsters shall be placed with a trash enclosure of six feet in height and screened accordingly.
- f. Landscaping requirements from Section 7.17 of the City of La Vista Zoning Ordinance shall be satisfied and maintained by the property owner.
- g. Owner shall obtain all required permits from the City of La Vista and shall comply with any additional requirements as determined by the Chief Building Official, including, but not limited to, building, fire, and ADA.
- h. Owner shall comply (and shall ensure that all employees, invitees, suppliers, structures, appurtenances and improvements, and all activities occurring or conducted, on the premises at any time comply) with any applicable federal, state and/or local regulations, as amended or in effect from time to time, including, but not limited to, applicable environmental or safety laws, rules or regulations.
- i. Owner hereby indemnifies the City against, and holds the City harmless from, any liability, loss, claim or expense whatsoever (including, but not limited to, reasonable attorney fees and court cost) arising out of or resulting from the intentional acts or omissions, or negligence, of the owner, his agents, employees, assigns, suppliers or invitees, including, but not limited to, any liability, loss, claim or expense arising out of or resulting from any violation on the premises of any environmental or safety law, rule or regulation.

3. The applicant's right to maintain the use as approved pursuant to these provisions shall be based on the following:
 - a. An annual inspection to determine compliance with the conditions of approval. The conditional use permit may be revoked upon a finding by the City that there is a violation of the terms of approval.
 - b. Construction for the use authorized by the conditional use permit must commence no later than December 31, 2010, and the premises must be ready for occupancy for the use authorized by the conditional use permit in full compliance with the terms of approval no later than January 31, 2012. This permit shall be void if there is a failure to begin construction or have the premises ready for occupancy for the permitted use by the specified applicable date.
 - c. All obsolete or unused structures, accessory facilities or materials with an environmental or safety hazard shall be abated and/or removed at owner's expense within twelve (12) months of cessation of the conditional use.
4. Notwithstanding any other provision herein to the contrary, this permit, and all rights granted hereby, shall expire and terminate as to a permitted use hereunder upon the first of the following to occur:
 - a. Owner's abandonment of the permitted use. Non-use thereof for a period of twelve (12) months shall constitute a presumption of abandonment.

- b. Cancellation, revocation, denial or failure to maintain any federal, state or local permit required for the Use.
- c. Owner's breach of any other terms hereof and his failure to correct such breach within ten (10) days of City's giving notice thereof.

5. If construction for the permitted use is not commenced on or before December 31, 2010, or if occupancy for the permitted use is not ready on or before January 31, 2012, this Permit shall be null and void and all rights hereunder shall lapse, without prejudice to owner's right to file for an extension of time pursuant to the La Vista Zoning Ordinance.

6. In the event of the owner's failure to promptly remove any safety or environmental hazard from the premises, or the expiration or termination of this permit and the owner's failure to promptly remove any permitted materials or any remaining environmental or safety hazard, the City may, at its option (but without any obligation to the owner or any third party to exercise said option) cause the same to be removed at owner's cost (including, but not limited to, the cost of any excavation and earthwork that is necessary or advisable) and the owner shall reimburse the City the costs incurred to remove the same. Owner hereby irrevocably grants the City, its agents and employees the right to enter the premises and to take whatever action as is necessary or appropriate to remove the structures or any environmental or safety hazards in accordance with the terms of this permit, and the right of the City to enter the premises as necessary or appropriate to carry out any other provision of this permit.

7. If any provision, or any portion thereof, contained in this agreement is held to be unconstitutional, invalid, or unenforceable, the remaining provisions hereof, or portions thereof, shall be deemed severable, shall not be affected, and shall remain in full force and effect.

Miscellaneous

The conditions and terms of this permit shall be binding upon owner, his successors and assigns.

- 1. Delay of City to terminate this permit on account of breach of owner of any of the terms hereof shall not constitute a waiver of City's right to terminate, unless it shall have expressly waived said breach and a waiver of the right to terminate upon any breach shall not constitute a waiver of the right to terminate upon a subsequent breach of the terms hereof, whether said breach be of the same or different nature.
- 2. Nothing herein shall be construed to be a waiver or suspension of, or an agreement on the part of the City to waive or suspend, any zoning law or regulation applicable to the premises except to the extent and for the duration specifically authorized by this permit.
- 3. Any notice to be given by City hereunder shall be in writing and shall be sufficiently given if sent by regular mail, postage prepaid, addressed to the owner as follows:

Contact Name and Address:

(TO BE FILLED IN)

Effective Date:

This permit shall take effect upon the filing hereof with the City Clerk a signed original hereof.

THE CITY OF LA VISTA

By _____
Douglas Kindig, Mayor

Attest:

Pam Buethe
City Clerk

CONSENT AND AGREEMENT

The undersigned does hereby consent and agree to the conditions of this permit and that the terms hereof constitute an agreement on the part of the undersigned to fully and timely perform each and every condition and term hereof, and the undersigned does hereby warrant, covenant and agree to fully and timely perform and discharge all obligations and liabilities herein required by owner to be performed or discharged.

Owner:

By: _____

Title: _____

Date: _____

LEGAL DESCRIPTION

A REPUTTING OF LOTS 13 AND 14 CRESTVIEW HEIGHTS (SECOND PLATTING) A SUBDIVISION LOCATED IN THE NEARLY OF SECTION 14, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA.

CONTAINING AN AREA OF 5.253 ACRES, MORE OR LESS.

OWNER

EMPIRE GROUP LLC
1941 S. 42ND STREET SUITE 550
OMAHA, NE 68105

ENGINEER

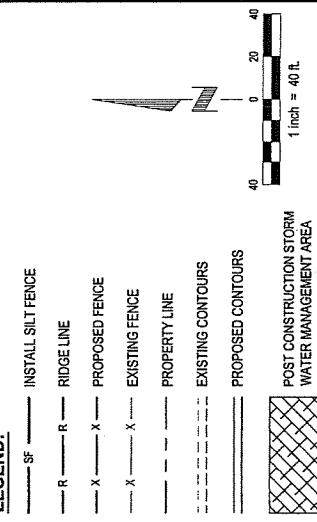
E & A CONSULTING GROUP
330 NORTH 117TH STREET
OMAHA, NE 68154

DEVELOPER

EMPIRE GROUP, LLC
1941 S. 42ND STREET SUITE 550
OMAHA, NE 68105

NOTES

- ZONING:
• EXISTING ZONING: TA
• PROPOSED ZONING: RS-PUD, LOTS 4
- PHASE I PROPOSED SCHEDULE OF CONSTRUCTION:
• CITY COUNCIL APPROVAL
• CLOSING AND BUILDING PERMITS
• COMPLETION OF 1ST BUILDING
• ALL BUILDINGS COMPLETE
- DURING CONSTRUCTION, CONSTRUCTION TRAFFIC WILL BE ALLOWED TO ENTER THE SITE THROUGH A BREAK IN CONTROLLED ACCESS TO HARRISON STREET. AFTER CONSTRUCTION, DIRECT VEHICULAR ACCESS WILL NOT BE ALLOWED TO HARRISON STREET FROM ANY LOTS ABUTTING SAID STREET.

LEGEND:**REQUIRED SETBACK LINE**

RS:
 • FRONT YARD SETBACK 30'
 • SIDE YARD SETBACK 10'
 • REAR YARD SETBACK 30'

PROJECT DENSITIES

	BUILDING AREA (SF)	LOT AREA (AC)	IMPERVIOUS (AC)	PARKING STALLS	REGULAR PARKING STALLS	PARKING PER CODE	GARAGE PARKING STALLS	TOTAL PARKING PROVIDED
LOT 4	36,419	5.253	3.136	2,785	118	102	55	157

CONDITIONAL USE SITE PLAN

LOT 4, HARRISON HEIGHTS
LA VISTA, SARPY COUNTY, NEBRASKA

E & A CONSULTING GROUP, INC.
ENGINEERING • PLANNING • FIELD SERVICES

330 NORTH 117TH STREET OMAHA, NE 68154
PHONE: (402) 855-3700 FAX: (402) 855-3559
www.eacg.com

CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
JANUARY 19, 2010 AGENDA

Subject:	Type:	Submitted By:
CONDITIONAL USE PERMIT — INDOOR RECREATIONAL FACILITY LOT 2, I-80 INDUSTRIAL PARK REPLAT 1	◆RESOLUTION ORDINANCE RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

SYNOPSIS

A public hearing has been scheduled for Council to consider an application for a Conditional Use Permit for an indoor recreational facility on Lot 2, I-80 Industrial Park Replat 1, generally located south of West Giles Road on South 137th Circle.

FISCAL IMPACT

N/A.

RECOMMENDATION

Approval.

BACKGROUND

A public hearing has been scheduled to consider an application submitted by the Nebraska Impact Vollyball Club and Mike & Debi Godek, on behalf of the property owner, 8619 South 137th Cir, LLC or Herbert J. Lavigne, to approve a conditional use permit for an indoor recreational facility (volleyball and related uses) at 8619 S. 137th Circle, on Lot 2, I-80 Industrial Park Replat 1, generally located south of West Giles Road on South 137th Circle. The property is zoned I-1 Light Industrial and is the location of a flex-space industrial building. The proposal is to operate a volleyball recreational facility which will house four regulation courts, used for junior girls and boys club volleyball practice, occasional tournaments, camps and clinics. The proposed use would occupy 20,000 sq. ft. of an 80,000 sq. ft. building.

City Engineer John Kottmann and staff have reviewed the application; review comments are included in the attached staff report.

The Planning Commission held a public hearing on December 10, 2009, and recommended approval of the conditional use permit to City Council.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF A CONDITIONAL USE PERMIT FOR NEBRASKA IMPACT VOLLEYBALL CLUB TO OPERATE AN INDOOR RECREATIONAL FACILITY (VOLLEYBALL) ON LOT 2, I-80 INDUSTRIAL PARK REPLAT 1.

WHEREAS, Nebraska Impact Volleyball Club has applied for a conditional use permit for the purpose of operating an indoor recreational facility (volleyball) on Lot 2, I-80 Industrial Park Replat 1, located at 8619 South 137th Circle; and

WHEREAS, the La Vista Planning Commission has reviewed the application and recommends approval; and

WHEREAS, the Mayor and City Council of the City of La Vista are agreeable to the issuance of a conditional use permit for such purposes,

NOW THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista hereby authorize the execution of a Conditional Use Permit in form and content submitted at this meeting, for Nebraska Impact Volleyball Club to operate an indoor recreational facility (volleyball) on Lot 2, I-80 Industrial Park Replat 1.

PASSED AND APPROVED THIS 19TH DAY OF JANUARY 2010.

CITY OF LA VISTA

ATTEST:

Douglas Kindig, Mayor

Pamela A. Buethe, CMC
City Clerk

**CITY OF LA VISTA
PLANNING DIVISION**

RECOMMENDATION REPORT

FOR HEARING OF: January 19, 2010
REPORT # 2: January 11, 2010

I. GENERAL INFORMATION

A. APPLICANT:

Nebraska Impact Volleyball Club
Mike & Debi Godek
7785 Greenleaf Drive
La Vista, NE 68128

B. PROPERTY OWNER:

8619 South 137th Cir, LLC
14803 Frontier Rd.
Omaha, NE 68138

C. LOCATION:

8619 S. 137th Circle

D. LEGAL DESCRIPTION:

Lot 2, I-80 Industrial Park Replat 1

E. REQUESTED ACTION(S):

Conditional Use Permit – Indoor Recreational Facility

F. EXISTING ZONING AND LAND USE:

I-1, Light Industrial District; flex-space industrial building

G. PURPOSE OF REQUEST:

Nebraska Impact Volleyball Club is requesting a conditional use permit to operate a volleyball recreational facility which will house four regulation volleyball courts, used for junior girls and boys club volleyball practice, occasional tournaments, camps and clinics.

H. SIZE OF SITE:

20,000 square feet (Suite 2)

II. BACKGROUND INFORMATION

A. EXISTING CONDITION OF SITE:

The site has an existing flex-space industrial building and parking lot. Current businesses in the building (to staff's knowledge) include ASAP Express, Vision Auto Sales and some seasonal work by the Post Office. These uses do not appear to generate any significant customer parking demand within the parking lot. The rear of the building

(north side) is used for truck deliveries.

B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:

1. **North:**
I-1; existing industrial businesses
2. **East:**
I-80
3. **South:**
I-1; existing industrial businesses
4. **West:**
I-1; existing industrial businesses

C. RELEVANT CASE HISTORY:

This volleyball club has been practicing at The Courts facility at 8930 S. 137th Circle (a previously approved CUP) for the past two seasons along with three other clubs.

D. APPLICABLE REGULATIONS:

1. Section 15.13.03.14, Zoning Regulations, regarding indoor recreational facilities as a Permitted Conditional Use in the I-1 District
2. Article 6, Zoning Regulations, regarding Conditional Use Permits

III. ANALYSIS

A. COMPREHENSIVE PLAN:

The Future Land Use Map of the Comprehensive Plan designates this area for industrial land uses.

B. OTHER PLANS:

None.

C. TRAFFIC AND ACCESS:

1. Access to the site is provided at two locations on S. 137th Circle.
2. The applicant has provided an updated traffic impact study for the intersection of 137th Circle and Giles Road. The City's consulting traffic engineer has reviewed the updated study and agrees with the conclusion that the intersection should be able to adequately handle the traffic expected to be generated by the proposed development.

D. UTILITIES:

All utilities are available to the site.

IV. REVIEW COMMENTS

1. The applicant provided plans for the proposed modifications to the building prepared by a qualified professional. The Chief Building Official will review the plans for compliance with building codes so that the proposed use can be safely accommodated in the existing facility, along with other permitted industrial uses in the building.
2. The applicant has provided a full-size site plan to scale that shows the current conditions on the site, including parking stalls and access drives. There are 115 existing parking stalls and an additional 26 proposed to be added to the rear of the building. Based on staff estimates, it

appears that adequate parking will be provided for tournament activities, including teams on the floor, teams waiting, and spectators and staff. This may, however, include adjacent tenant spaces that may be in business on Saturdays or during tournament events. The property owner has submitted a statement (attached) that they are agreeable to allowing the use of all or a majority of the parking spaces during large events. All parking shall be on-site and delineated.

3. The traffic impact study that was done previously for the intersection of 137th Circle and Giles Road has been updated to include the additional traffic generation from this facility since the proposed use will generate higher volumes of traffic than a permitted industrial use, especially during tournament events. The study (attached) identifies the ability to maintain an acceptable level of service during peak traffic generating events at the facility.
5. The applicant has submitted plans to the State Fire Marshall; approval will be required prior to building occupancy.

V. STAFF RECOMMENDATIONS

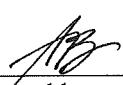
APPROVE.

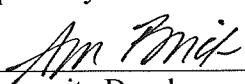
VI. ATTACHMENTS TO REPORT

1. Vicinity Map (2)
2. Map of Lot 2, I-80 Industrial Park
3. Nebraska Impact Volleyball Business Plan dated October 26, 2009
4. Letter from John Kottmann dated November 5, 2009
5. Letter from Herbert J. Lavigne dated December 10, 2009
6. Traffic Impact Analysis dated December 8, 2009 (without Appendix)
7. Letter from Mark Meisinger dated December 29, 2009
8. Draft CUP

VII. COPIES OF REPORT TO

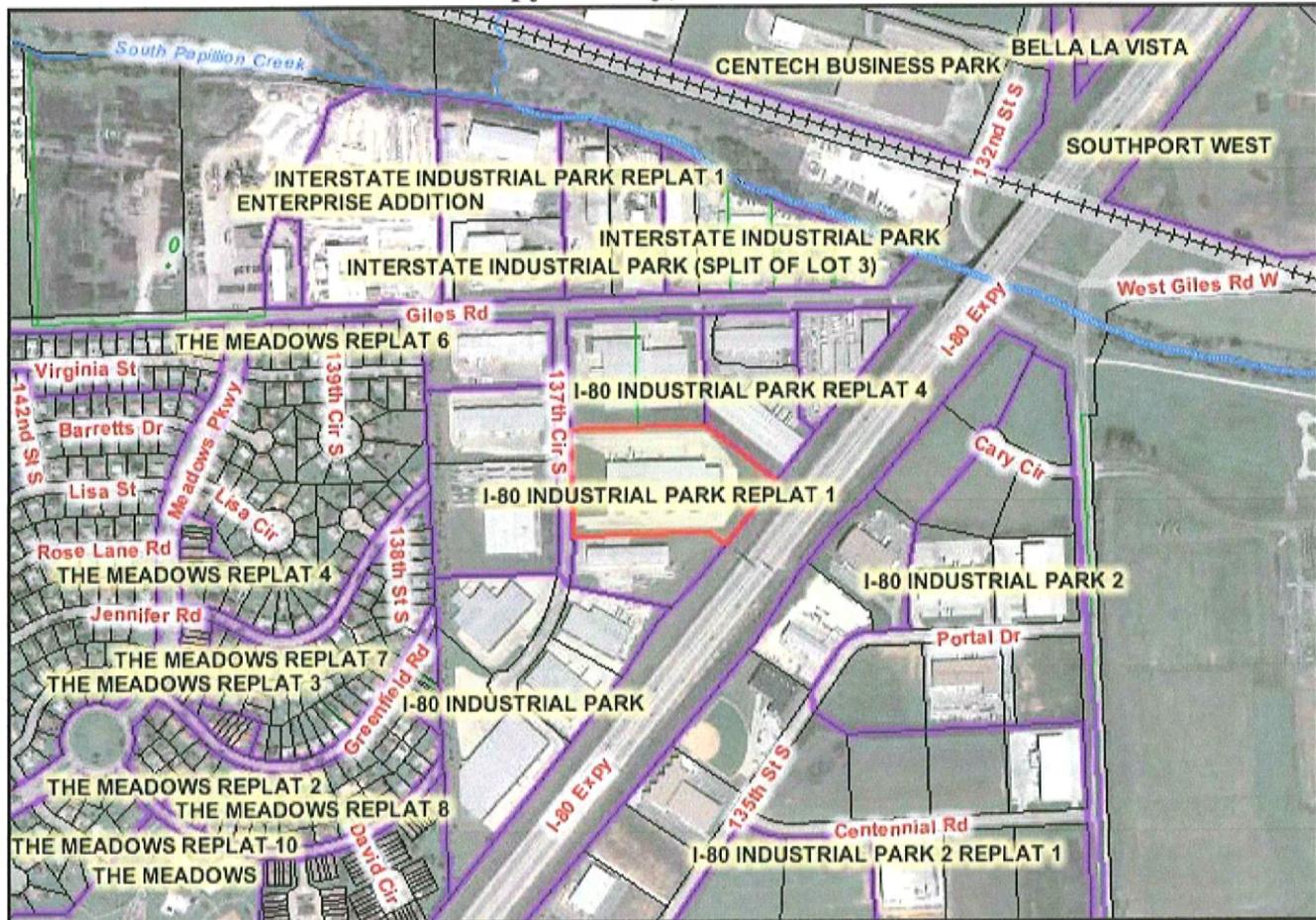
1. Mike and Debi Godek
7785 Greenleaf Drive
2. Herb Lavigne
Lavigne Enterprises
8619 S. 137th Circle
Omaha, NE 68137
3. Ron Hoffman
15574 Shirley Circle
Omaha, NE 68144
4. Public Upon Request


Prepared by:

 Community Development Director

1-11-10 Date

Sarpy County, Nebraska



Parcel ID Number	011256796	Neighborhood Code	WH225
Owner Name	8619 SOUTH 137TH CIR, LLC	Property Type	COMM
Mailing Address	14803 FRONTIER RD	Improvements Value	\$1,403,347
City State	OMAHA NE	Land Value	\$706,653
Zip Code	68138-	Total Value	\$2,110,000
Property Address	8619 S 137TH CIR	Tax District	17048
Legal Description	LOT 2 I-80 INDUSTRIAL PARK REPLAT 1		

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

Map Scale
1 inch = 768 feet

Sarpy County, Nebraska



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Map Scale
1 inch = 256 feet



October 26, 2009

RE: Conditional Use Permit for 8619 South 137th Circle, Omaha, NE

Dear Committee Members:

Business Plan

Nebraska Impact Volleyball Club is asking for a Conditional Use Permit for 8619 South 137th Circle, Omaha, Nebraska, for a volleyball recreational facility. The proposed facility will house four (4) regulation volleyball courts which will be used for junior girls and boys club volleyball practice, occasional tournaments, camps and clinics.

Our club has approximately 150 junior players, ages 10 through 18, and 20+ adult coaches each season. We have been practicing at The Courts at 8930 South 137th Circle for the past two seasons along with three other clubs in the Omaha area. But all of the clubs that share the building have grown so much that court time is not available to our club anymore. For this reason, we are seeking our own facility.

Practice times will be Monday through Friday from 5:30-9:30 p.m. Saturday and Sunday will be used for practice, tournaments, private lessons and clinics. Hours of operation on the weekends will be 8:00 a.m. until approximately 5:00 p.m. There will be one paid employee who will manage the facility.

The club season begins in November by holding tryouts. We plan to have 16 teams this coming season. Each team will practice a minimum of twice a week for two hour sessions. The club season is usually over at the end of April. But if any of our teams qualify for nationals, the teams practice an additional month.

After club season is over, May through October, we plan to conduct juniors camps, clinics, lessons, and leagues until the next club season.

The building has approximately 100+ parking stalls for all of our proposed activities which include handicap parking stalls. There is a large parking lot on the north side of the building which could be lined with additional stalls.

A small concession area will be installed so that beverages and lunch items could be sold during tournaments and leagues.

Page Two

Nebraska Impact VBC

RE: Conditional Use Permit for 8619 South 137th Circle, Omaha, NE

A men's and women's bathroom will be installed to accommodate the required number of toilets and sinks. A handicap toilet will also be installed.

An office will also be installed which will be used for our club's facility manager.

A designated area will be used for conditioning our athletes that will contain weight and plyometric equipment supplied and implemented by Xplosive Edge.

We will also rent open practice time to other clubs. Two other clubs have already expressed their desire to rent.

Our proposed 2009/2010 Budget is attached.

Our club obtained non-profit status in January 2006 under Section 501© (3) of the Internal Revenue Code. The club's Employer I.D. # is 20-1856986. The club is exempt from federal income tax and is qualified to receive tax deductible bequests, devises, transfers or gifts under Section 2055, 2106 or 2522 of the Code.

Personal Background

My name is Michael (Mike) E. Godek. My wife Debra (Debi) and I have been residents of LaVista since 1975. I grew up in the South Omaha and 50th & Grover areas of Omaha and graduated from Archbishop Ryan High School in 1969. My wife grew up in Ralston.

We have two children, a son Michael who is 37 years old and a daughter Michelle who is 34 years old, and three grandchildren. Both of our children attended grade school in the LaVista school system and both graduated from Papillion-LaVista High School. We own our home and have been with the same bank (Wells Fargo) since we married in 1972.

I am currently employed full-time at Ryerson, Inc. in Omaha, Nebraska, as an inventory control manager and have been with the company for 22 years. Ryerson is a distribution center for specialty metal products.

My wife worked for the Great Plains Region of USA Volleyball for approximately 10 years as an administrative assistant to the Commissioner of the Nebraska Region. Previous to that she worked as a legal secretary. She now manages our volleyball club full-time.

Nebraska Impact Volleyball Club was created in the fall of 2000. At that time, I was the head volleyball coach at Omaha Burke High School. I wanted to start a volleyball club for my high school players so they had additional instruction after the high school season was over. I coached at Burke for four years, two years at Omaha Duchesne, one year at Omaha Northwest, and one year at Bennington High School. I am currently co-head coach at Weeping Water High School.

Page Three

Nebraska Impact VBC

RE: Conditional Use Permit for 8619 South 137th Circle, Omaha, NE

Enclosed is a copy of our club flyer for the upcoming season for your review.

Our club website is <http://www.cteamz.com/impactvolleyball>.

Thank you for this opportunity!

Michael E. and Debra A. Godek

Nebraska Impact VBC

7785 Greenleaf Drive

LaVista, NE 68128

402-339-6951 home

402-699-1021 cell

**NEBRASKA IMPACT VOLLEYBALL CLUB
BUDGET**

2009/2010 PROPOSED INCOME PER YEAR	
PLAYER FEES (13 TEAMS @ \$1100 + 3 TEAMS @ \$900)	170,000.00
XPLOSIVE EDGE RENT FOR CONDITIONING PROGRAM	18,000.00
VOLLEYSTRONG COURT RENT	10,000.00
IMPACT TOURNAMENTS (ENTRY FEES FOR 3-4 EVENTS)	20,000.00
VOLLEYSTRONG TOURNAMENTS (3 @ \$500)	1,500.00
OTHER CLUB TOURNAMENTS (3 @ \$400)	1,200.00
VOLLEYSTRONG RENT FOR JUNIOR CAMPS & CLINICS	3,000.00
JUNIOR CAMPS & CLINICS RUN BY CLUB	3,000.00
COACHES RENT FOR LESSONS	500.00
VOLLEYSTRONG RENT FOR LESSONS	500.00
PROFIT FROM CONCESSIONS	3,000.00
RENT FOR COURTS FROM OTHER SPORTS CLUBS	5,000.00
ADULT LEAGUES	8,000.00
TOTAL PROPOSED INCOME	243,700.00
2009/2010 PROPOSED EXPENSES PER YEAR	
LEASE PAYMENT	95,000.00
LOAN FOR EQUIPMENT & INITIAL REMODELING	12,000.00
M.U.D.	12,000.00
O.P.P.D.	12,000.00
TELEPHONE	12,000.00
CLUB UNIFORMS	24,000.00
CONTRACT LABOR (COACHES' PAY & FACILITY MANAGER)	32,000.00
DUES & SUBSCRIPTIONS	2,100.00
OFFICE EXPENSE	3,000.00
PERMITS	500.00
TOURNAMENT EXPENSES	3,000.00
TOURNAMENT SANCTION FEES TO REGION	1,600.00
TOURNAMENT ENTRY FEES FOR TEAMS	20,000.00
INSURANCE	6,000.00
SCHOLARSHIPS	2,200.00
TOTAL PROPOSED EXPENSES	237,400.00

MEET THE COACHES MEETING!

Come to the "Meet The Coaches Day" at The Courts on Sunday, October 18, 2009, at 6:00 p.m. If you are new or old to our club, meet Nebraska Impact VBC's coaches, hear about our club's philosophy, current and future plans, costs, and much more. A question and answer session will follow a short presentation.

GIRLS

- 18 Select - Mike Godek/Ashley Pike
- 181 - Dan Martin/Scott Comstock
- 17 Select - Michael Godek Jr/Carolyn Spichal
- 171 - Deryck Anderson/TBA
- 16 Select - Bo Yong/Charlie Jimenez
- 161 - Nancy Thurston/Jason Weberg
- 15 Select - Mike Godek/Monte Arnold
- 151 - Vicki Kilgore/Kelly Ketcham
- 14 Select - Bo Yong/Tessa Howe
- 141 - Scott Carne/Jessie Clark
- 13 Select - Mary Mozena/Poc Khamsant
- 131 - Brandon Cerny/Ausha Perkins
- 121 - Tracy Maison/Monte Arnold
- 122/101 - Valerie Wentworth
- 111 - Dan Martin

Nebraska Impact VBC encourages all of its teams to participate in at least one travel or qualifier tournament each season. A qualifier tournament is held outside of the Great Plains Region (Nebraska). Qualifier tournaments are an additional cost to all players (not included in club fees), but it is well worth it. All players that make Nebraska Impact's Select and 1st teams are required to commit to the club's goal of attending junior nationals if they should qualify either through the region's bid tournament or through a qualifier. Many of the club's players have been awarded college scholarships because they were seen playing at these qualifiers in Indianapolis, Kansas City, Denver and Minneapolis where college coaches do most of their college recruiting for players. Nebraska Impact also focuses on developing new players to the sport of volleyball.

Nebraska Impact has qualified team(s) for the USA Volleyball Junior National Championships for the past five years. The 2008/2009 Season proved to be a record setting season for the club by qualifying three teams for the Junior National Championships.

UNDER ARMOUR will be Nebraska Impact VBC's choice for uniforms this season.

PRACTICE FACILITIES:

Our teams will practice at The Courts located at 137th & Giles Road, La Vista, NE, on Sunday afternoons in December and will move to our new facility in January. After teams are selected, each team will determine what days they will practice. Each team will practice an average of two times per week after January 1st. Our new facility will be available every day of the week for training.

COACHES:

Nebraska Impact VBC's coaches have several years of experience coaching and/or playing. Each coach must submit and pass a background check. They must attend a required Great Plains rules clinic each year and be IMPACT (not associated with the club) certified with USA Volleyball. IMPACT certification is a program developed by USA Volleyball which focuses on player and coach

liability. Nebraska Impact VBC also requires that all of its coaches attend a coaches' clinic conducted by the club's director before each season. Please check out our website for a complete list of our coaches, their bios and what age divisions or teams they will be coaching at <http://www.teenzteamz.com/impactvolleyball>. More coaches could be added and will be announced before tryouts. Below is a tentative list of teams we plan to field this season, our coaches, and their planned age groups (subject to change):

BOYS

- 15, 16, 17 and 18 year old team - Brandon Cerny
- 12, 13, and 14 year old team - Deryck Anderson

ATTENTION---BEFORE TRYOUTS!!! GREAT PLAINS REGION REGISTRATION PROCEDURE!!!

Every prospective club volleyball player and coach is required to register as a member of the Great Plains Region. Members will register directly with the Region's on-line database system. Once you register on-line and your membership fee is received at the Great Plains office, your membership will be activated. ALL registrations **MUST** be completed AND **ACTIVATED** before you can participate in ANY club activity for the 2009/10 season. **THIS INCLUDES PRACTICES AND TRYOUTS!!!** All players must print a copy of their membership card and present it at each tryout you attend. Membership cards will be available for print from your database account after your registration fee has been submitted to the Great Plains office and your account has been activated. The registration system is open and available on or after September 1st. Register as soon as possible. Log onto www.gpvb.org and click the Online Registration tab.

JUNIOR PLAYERS: If you register prior to the region's signing date (November 7th, if you are under 14 and November 21st, if you are over 14) you **MUST** select **UNDECIDED** as your club name. Once you sign with a club, you can log back into your account and change your club affiliation. (If you originally picked a specific club, and you are not playing for that club, you must contact the registrar - registrar@gpvb.org, to have your club affiliation changed.) Players that are under 11 years of age can register for \$20. You will not see this option listed as a membership option, but the cost will be adjusted when your registration fee is sent to the office. All other players' fees are \$50 which **MUST** be sent directly to the Great Plains RVA in Ralston, NE. **NOTE:** All junior players must **still** complete a medical history and release form and give it to their club director. This form can be printed from the confirmation page or can be obtained from the FORMS section on the Great Plains website or from your club director. The completed form must

be submitted to your club director before you participate in any practices. DO NOT SEND the medical history and release form to the Great Plains office.

Use the following steps when registering for the 2009/2010 USA Volleyball season:
1) Register Online: Go to www.gpvb.org. Click on the Online Registration tab. If you are a new member, click I Am Registering for the First Time. If you are a returning member AND you know your login, click Go To Login Screen. If you do not remember your login, click I Need My Username and Password. The email address and birthday of the member must be entered. When retrieving your log-in information, the email address you type in must match the email address in the account. If the email address in that account has changed, contact the Great Plains registrar at registrar@gpvb.org.

2) Once you have logged into your account (for returning members), click on the Renew Online button on the left side of the screen or on the top of the page where it says "To apply for your membership online, click here."

3) Verify your personal information and follow the on-screen instructions.

4) On the confirmation screen:
a) You **MUST** open the USA Volleyball Waiver and Release of Liability. Read it. Close the document.
b) You **MUST** open the USA Volleyball Code of Conduct. Read it. Close the document.

c) Check both boxes that you have read and agree with the disclaimers.
d) After reading the 'Use agreement' statement, check the box.
e) Enter the driver's license or state ID number for the individual consenting above. (Note: the driver's license or state ID number is for verification purposes only.)
5) After you click confirm, you will receive a message that states "your membership application has been confirmed".

A. check for the \$50 registration fee needs to be sent to:

Great Plains Region
7545 Main St, Ste A
Ralston NE 88127
Checks can be made payable to: GPPRV A (if possible, write the name of the registered member in the memo section of the check). If you have any questions or problems with the registration process, please contact Bill Stanley (registrar@gpvb.org) at 402-593-9670 between 10 am and 6 pm. After hours, you can contact Sue Mailhot (sue@gpvb.org) at 402-594-4782.

IMPACT'S MISSION STATEMENT:

To promote the sport of volleyball by providing more girls the chance to play competitive club volleyball while improving their skills for high school and college.

IMPACT'S VISION:

Compete at the highest level to improve all middle and high school volleyball programs in the Omaha/ Metro areas.

WHAT AGE DIVISION DO I PLAY IN?
USA V JUNIOR OLYMPIC VOLLEYBALL AGE

DEFINITION

For use during the 2009-2010 Season

For eligibility purposes, a player who has just completed a grade in the Spring of 2010 will be considered in that grade just completed.

18 and Under Division:

Players who were born on or after Sept 1, 1991
(9-1-91 through 8-31-92) OR

Players who were born on or after Sept 1, 1990 and a high school

student during some part of the current academic year

17 and Under Division:

Players who were born on or after Sept 1, 1992
(9-1-92 through 8-31-93)

16 and Under Division:

Players who were born on or after Sept 1, 1993
(9-1-93 through 8-31-94)

15 and Under Division:

Players who were born on or after Sept 1, 1994
(9-1-94 through 8-31-95)

14 and Under Division:

Players who were born on or after Sept 1, 1995
(9-1-95 through 8-31-96)

13 and Under Division:

Players who were born on or after Sept 1, 1996
(9-1-96 through 8-31-97)

12 and Under Division:

Players who were born on or after Sept 1, 1997
(9-1-97 through 8-31-98)

11 and Under Division:

Players who were born on or after Sept 1, 1998
(9-1-98 or after)

TRYOUT DATES @ THE DIGZ!!!!

Tryouts will be held at The Digz, NOT at The Courts
where we practice. See directions.....

Tryout Fee: \$10 per player

Mandatory parents' meeting 15 minutes before each tryout
begins.

Tryouts for 14's, 13's, 12's and 11's will be held

Saturday, November 7, 2009, at The Digz.
14's – 8:00 a.m. (Boys 14-12 @ 8 am)

13's – 10:00 a.m.

12's, 11's & U – 1:00 p.m.

Tryouts for 15's, 16's, 17's and 18's will be held

Saturday, November 21, 2009, at The Digz.
18's & 17's – 8:00 a.m. (Boys 18-15 @ 8 am)

16's – 10:00 a.m.

15's – 1:00 p.m.

In an effort to keep club costs down, we host three junior
tournaments every season.

website at <http://www.eteamz.com/impactvolleyball>.

7785 Greenleaf Drive
LaVista NE 68128
Revised 10/15/09

The Digz is located at 4428 S 140th St, Omaha.

From the North: Get to 144th & L Street. On L Street turn South, go Past Charlie's On The Lake, go to the corner after the new Mercedes dealership, turn East on Old L Street, go 2 blocks to the Millard American Legion and turn North. We are just down the street.

From the South: Get to 144th & Q Street. Go North on 144th, past Bryan Elementary, and turn east at the bottom of the hill (Old L Street). Go 2 blocks to the Millard American Legion and turn North. DIGZ is just down the street.

From the East: Get to 132nd and L Street. Turn South and take the first right at the gas station (Old L Street). Continue until you reach the turn for 140th Street and turn North (the first turn just past the Millard American Legion). DIGZ is just down the street on your left.

TEAMS:

Nebraska Impact VBC will select two teams per age group. We have teams which will be designated as "Select" teams and teams designated as 1st teams. If you are interested in filling an open spot on one of these teams, please contact Mike Godek at 402-339-6951 as soon as possible. Our Select teams play at higher age levels and the 1st teams play within their age level but in Gold Division tournaments.

We may select 2nd teams that will play in Silver Division tournaments for players who wish to learn and improve their skills. This will depend on the number of players trying out.

Please do not try out if you do not intend to sign the Letter of Intent to commit to play with Nebraska Impact VBC, or if you have already signed with another club.

CLUB FEES:

Players 10's, 11's & 12's	\$ 900
Players 13's - 18's	\$1100

Team fees can be paid in two installments: Two checks will be required at tryouts; 1/2 due the day of tryouts and another check post dated January 1, 2010 for the balance due.

Qualifier fees are in addition to the above fees.

Fees include 2 UNDER ARMOUR jerseys, two pair of shorts, warm-up jacket and pants, bag, coaches' wages, practice facility rental, free specialty clinics and 8 tournaments.

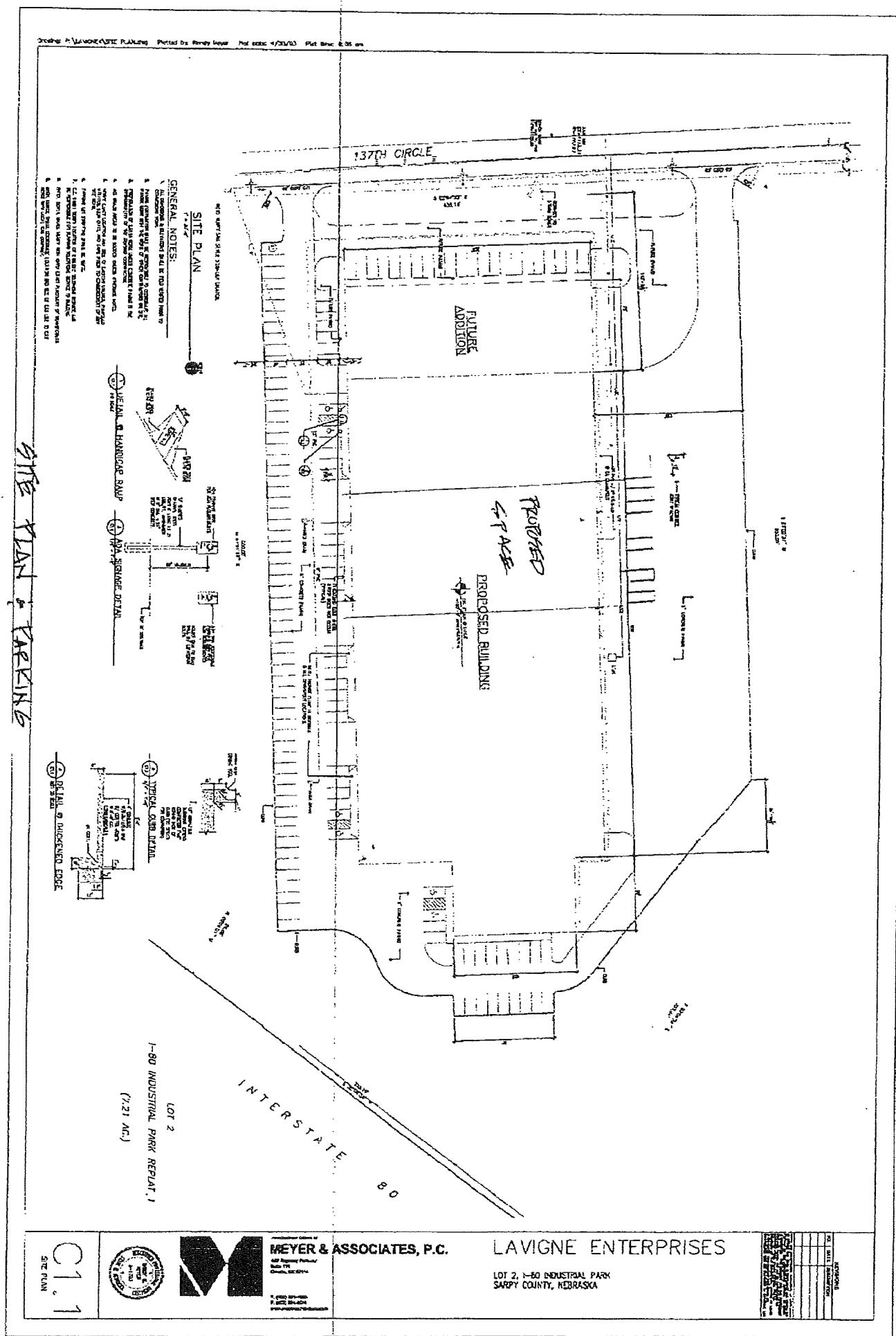
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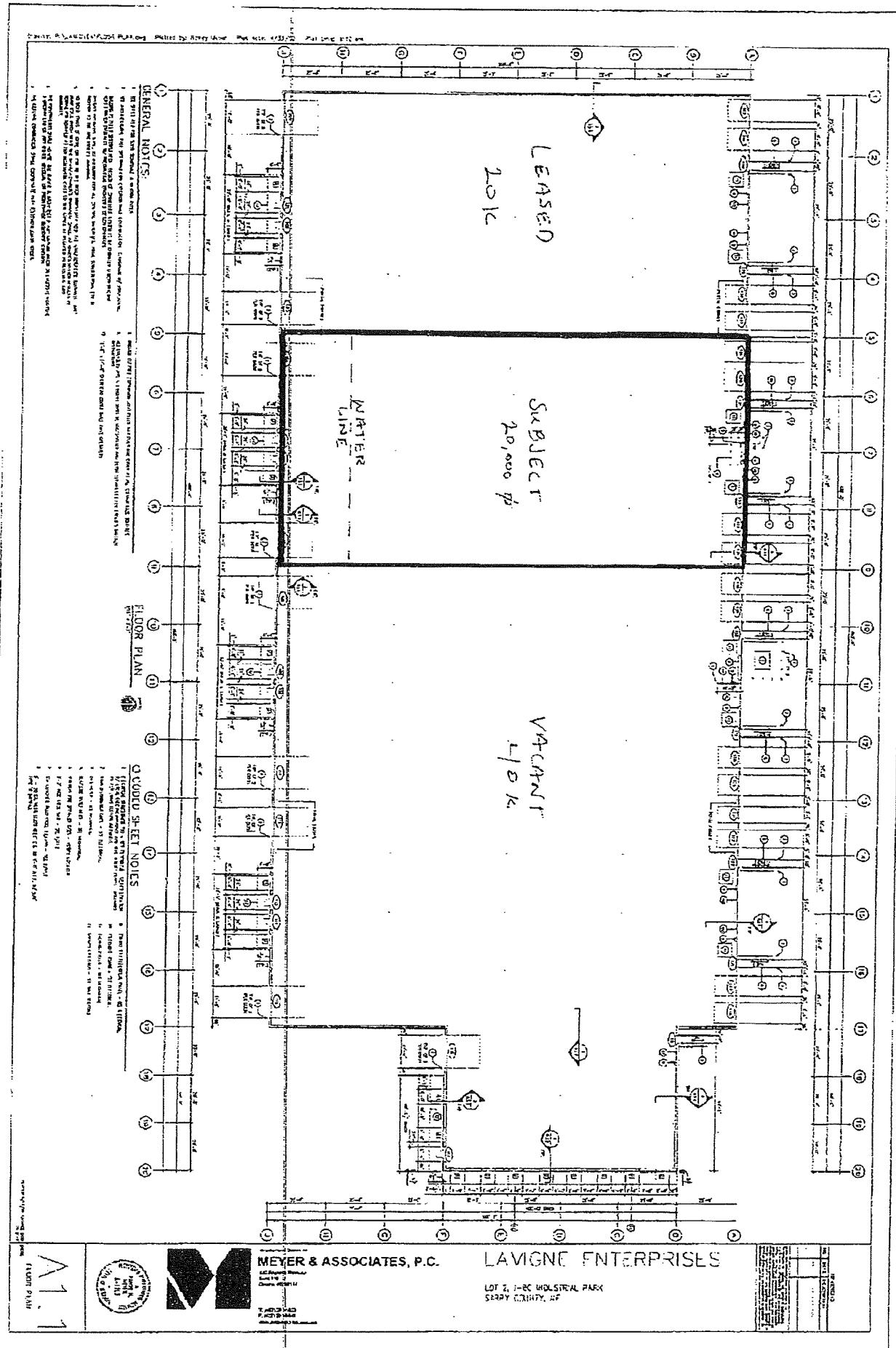
website at <http://www.eteamz.com/impactvolleyball>.

7785 Greenleaf Drive
LaVista NE 68128
Revised 10/15/09

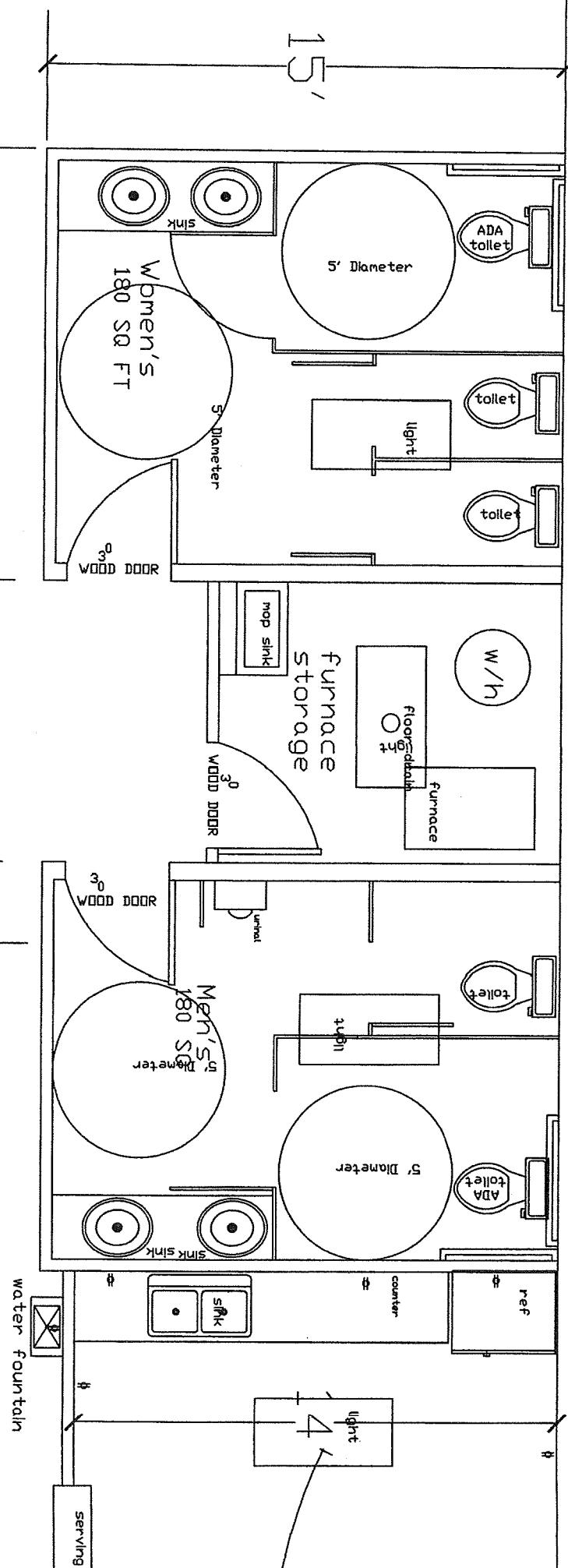
PLAYERS WILL BE SELECTED AND SIGNED AT END OF TRY-OUTS. PLEASE DO NOT LEAVE UNTIL ALL FORMS ARE SIGNED AND TURNED-IN.



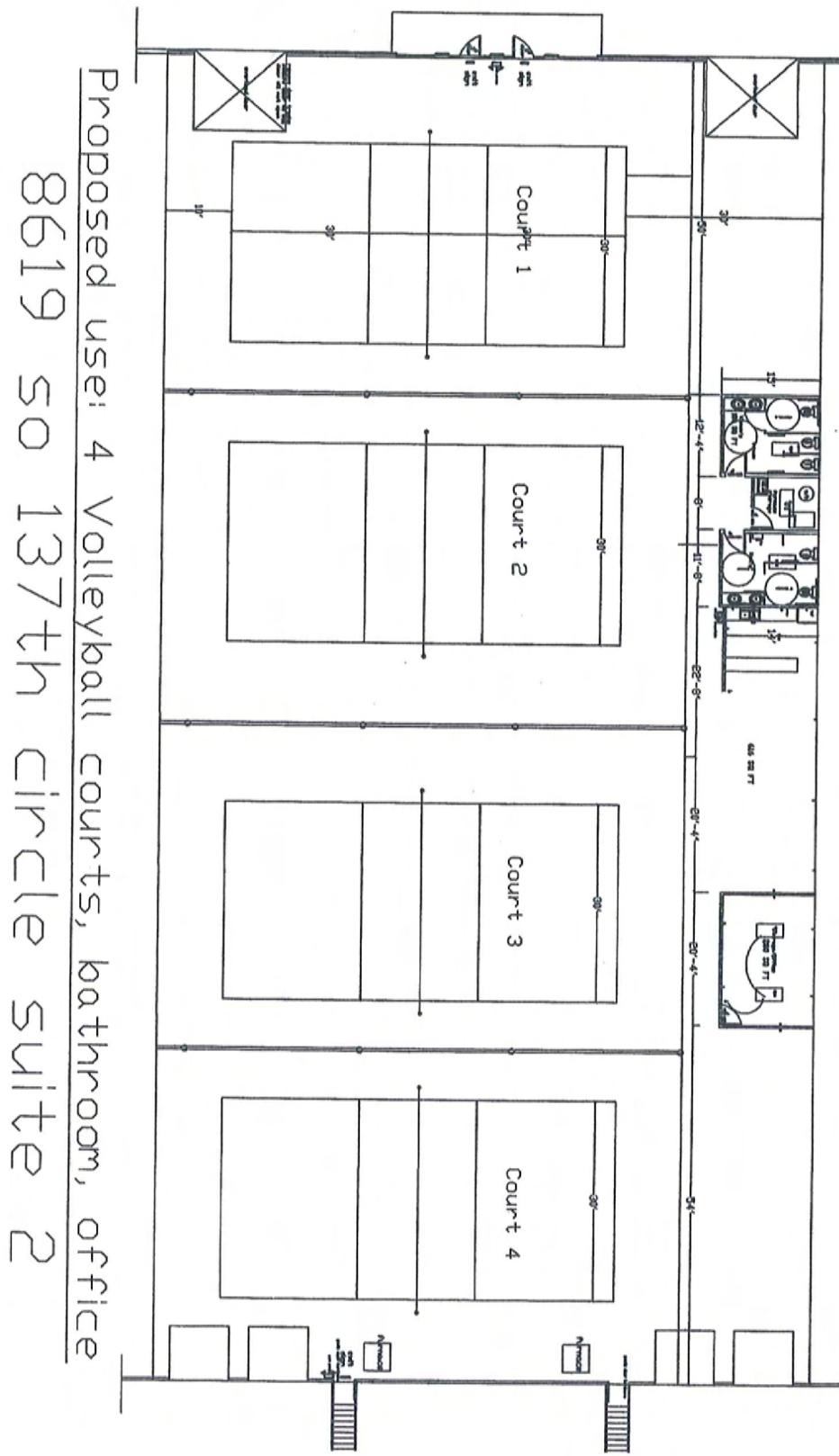




NOV 19 2006



20,000 SQ FT BAY



Proposed use: 4 Volleyball courts, bathroom, office
8619 50 137th circle suite 2

NOV 19 2009



THOMPSON, DREESSEN & DORNER, INC.

Consulting Engineers & Land Surveyors

November 5, 2009

Ms. Ann Birch
Community Development Director
City of La Vista
8116 Park View Blvd.
La Vista, NE 68128

Robert E. Dreessen, P.E.
Ka "Kip" P. Squire III, P.E., S.E.
Douglas S. Dreessen, P.E.
Chris E. Dorner, L.S.
Nelson J. Hymans, P.E.
James D. Warner, L.S.
Charles E. Riggs, P.E.
John M. Kottmann, P.E.
Arthur D. Beccard, P.E.
Dean A. Jaeger, P.E.
Richard M. Broyles, L.S.
David H. Neef, L.S.
Ronald M. Koenig, L.S.
Michael J. Smith, L.S.
Troy J. Nissen, P.E., S.E.
Douglas E. Kellner, P.E.
Gary A. Norton, P.E.
Brian L. Lodes, P.E. LEED AP
Kurtis L. Rohn, P.E.
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.

RE: 8619 South 137th Circle-Initial Review of CUP Application
Nebraska Impact Volleyball
Rezoning & Conditional Use Permits 2009
TD² File No. 171-366.26

Ann:

I have reviewed the documents that you provided to me via your transmittal that I received on October 30, 2009 for the above-referenced project. I offer the following comments:

1. The applicant needs to provide a plan for the proposed modifications to the building prepared by a qualified professional. Those plans would need to demonstrate compliance with various building code issues such as ingress and egress for life safety and area separation walls. The Chief Building Official, Jeff Sinnott, should be contacted to identify more completely the building code issues that need to be addressed to determine if the proposed use can be safely accommodated in the existing facility, along with other permitted industrial uses in the building.
2. The applicant needs to provide a full-size site plan to scale that shows the current conditions on the site and shows the property lines on the same drawing. This is needed to evaluate size and quantity of parking stalls and access drives. The plan needs to demonstrate that adequate parking will be provided during tournament activities, including teams on the floor, teams waiting, and spectators and staff. This should include an allowance for the adjacent tenant spaces that may be in business on Saturdays during the tournament events. The parking requirement factors are set forth in the Zoning Ordinance. All parking shall be on-site and delineated.

Ms. Ann Birch
November 5, 2009
Page Two

3. The traffic impact study that was done previously for the intersection of 137th Circle and Giles Road needs to be updated to include the additional traffic generation from this facility since the proposed use will generate higher volumes of traffic than a permitted industrial use, especially during tournament events. The purpose of the study would be to determine whether signals and/or geometric improvements are needed to maintain an acceptable level of service during peak traffic generating events at the facility. A copy of the previous Traffic Study prepared for The Courts facility at 8930 South 137th Circle can be provided to the applicant.

This information needs to be provided before I can render an opinion as to whether the request meets the standards set forth in Section 6.05 of the City of La Vista Zoning Regulations pertaining to standards for conditional use permits.

THOMPSON, DREESSEN & DORNER, INC.



John M. Kottmann, P.E.

JMK/bam

cc: File

Lavigne Enterprises

BUILDER-DEVELOPER

14803 Frontier Rd. Omaha, NE 68138-3835 (402) 896-6722
(800) 242-6040

December 10, 2009

Debra A. Godek
Nebraska Impact Volleyball Club
8619 South 137th Circle
Suite 2
Omaha, NE 68138

Dear Debra:

This is the response to your request for additional parking at 8619 South 137th Circle.

You may use all available parking at 8619 South 137th Circle during evening and non business hours, including weekends for your tournament play.

IF we can be of any future assistance, please call.

Sincerely,

LAVIGNE ENTERPRISES


Herbert J. Lavigne,
President



NEBRASKA IMPACT VOLLEYBALL CLUB

TRAFFIC IMPACT ANALYSIS

**Giles Road & 137th Circle
La Vista, Nebraska**

Prepared for:

CITY OF LA VISTA

Prepared by:



E & A Consulting Group, Inc.

P2009.497.001

December 8, 2009

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1- INTRODUCTION

1.1 Study Background, Purpose and Goals

This report summarizes the findings and recommendations of a traffic impact analysis prepared for the proposed Nebraska Impact Volleyball Club, located along 137th Circle south of Giles Road in La Vista, Nebraska (Figure 1).

Figure 1. Study Area



The proposed volleyball club would have adequate room for four volleyball courts, which will function as a practice facility for volleyball teams during the evening weekday hours. The proposed facility would also hold volleyball tournaments during the weekends, mostly on Sundays.

The primary purpose of this analysis was to review the potential traffic impacts to the street system adjacent to the proposed club. Specifically, the study analyzed the impact to the intersection of Giles Road and 137th Circle during the PM peak hour.

1.2 Data Gathering

The data collection effort is summarized as follows:

- Propose volleyball club capacity and services.
- Intersection traffic turning movement counts taken on December 3rd 2009 by E&A Consulting at Giles Road and 137th Circle. The traffic counts were conducted under normal traffic conditions during the P.M. (4:30 – 6:30) peak period of traffic flow.
- Site generated trips – Based upon the planned number of courts and the anticipated number of individuals using each court.
- Signal Warrant Analysis – Manual of Uniform Traffic Control Devices (MUTCD) 2003.

1.3 Study Methodology

The analysis follows closely the guidelines for traffic impact studies developed by the Institute of Transportation Engineers (ITE). To evaluate the potential impacts of the proposed development, the following tasks were accomplished:

- Field inspection to observe the current lane configuration and geometry.
- Traffic volume counts were conducted at the study intersection.
- Processing of data from proposed volleyball club.
- Estimation of site generated traffic, distribution and assignment.
- Generation of total traffic volumes (existing traffic plus site generated traffic).
- Analysis of 2009 intersection capacity to handle existing and future traffic using Synchro Version 7 and SimTraffic Software.
- Evaluation of traffic signals warrants for the unsignalized intersection of Giles Road and 137th Circle.
- Queue analysis, and development of recommendations for roadway and traffic control improvements.

2- EXISTING STREET NETWORK

Existing roadway network includes the following roads:

Giles Road, within the study area, is a two-lane roadway that runs east-west with a posted speed limit of 45 mph. The primary intersection within the study area is 144th Street, intersection that is currently signalized.

137th Circle is a two-lane local road, which provides access to the industrial buildings south of Giles Road. At its intersection with Giles Road, it is a 'T' street intersection with stop signs on the northbound approach. 137th Circle would provide access to the proposed volleyball club.

3- EXISTING TRAFFIC VOLUMES

Intersection traffic turning movement counts were taken on December 3rd 2009 at Giles Road and 137th Circle. The traffic counts were conducted under normal traffic conditions during the P.M. (4:30 – 6:30) peak period of traffic flow.

From the traffic counts, it has been determined that the peak hour volume occurs during the 4:45 to 5:45 P.M. period. Figure 2 presents the existing traffic volumes for the P.M. peak hour.

Field data worksheet is included in the Appendix.

4 - PROJECTED TRAFFIC

4.1 Site Trip Generation

Typically, the ITE Trip Generation Handbook is the industry standard for estimating traffic generation characteristics for various development types. However, there is no specific data in the latest handbook for a volleyball complex as the proposed in this study. In order to estimate the amount of traffic to be generated by the proposed volleyball club, engineering judgment and detail club information was used.

With the proposed plan of four volleyball courts, it was determined that during a normal practice session there would be approximately 50 individuals that would be using the courts. This number includes players, coaches, and people from the administration. To be conservative in the analysis, it was assumed that each one of these individuals would generate a trip entering the complex. Since the volleyball teams include kids who are not old enough to drive, it was assumed that there would most likely be one turnover for each of the players using the courts, so 40 trips would be exiting the complex during the peak hour.

For the analysis of the P.M. peak hour, a total of 90 trips is estimated to be generated by the proposed volleyball club.

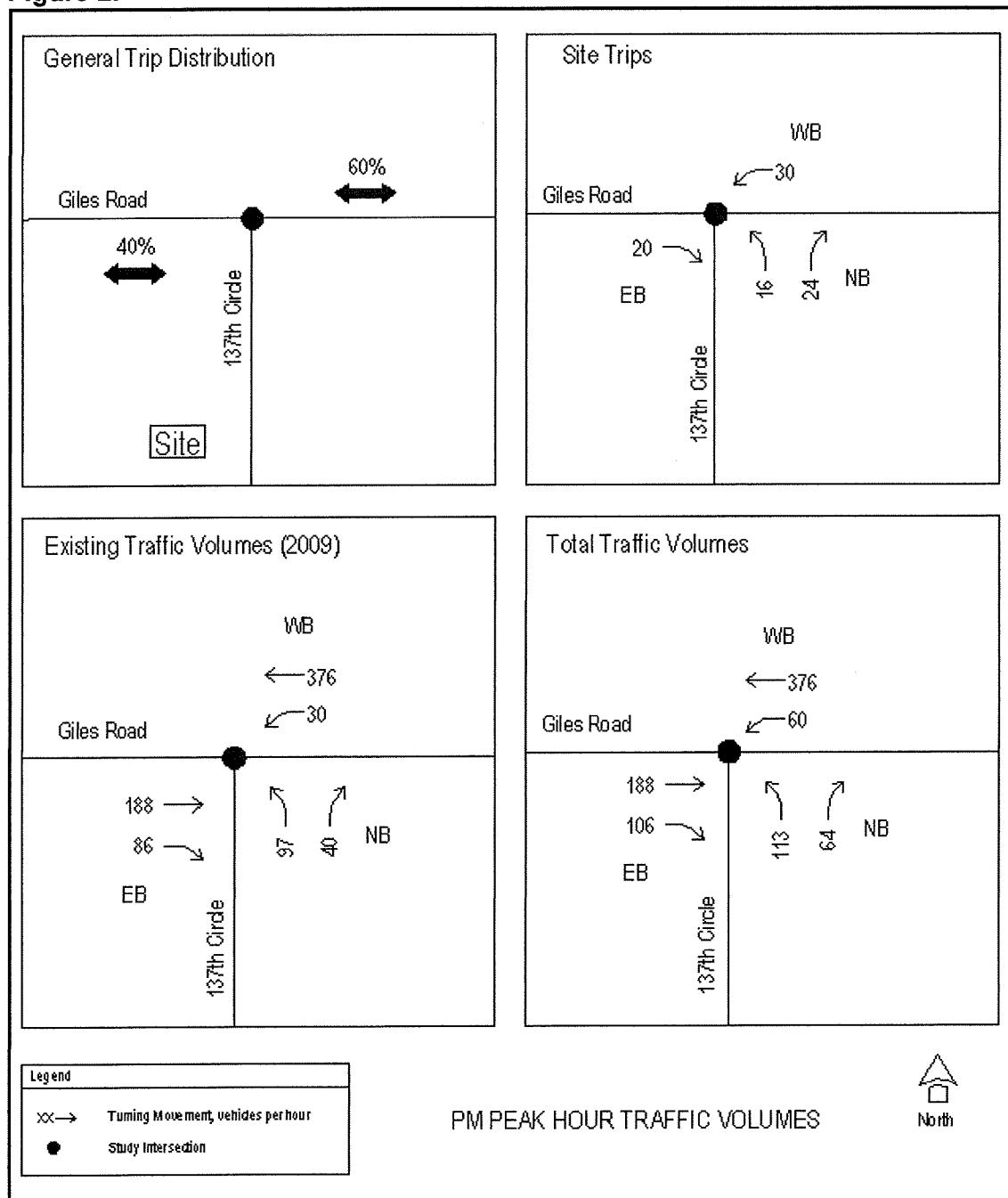
4.2 Site Trip Distribution and Assignment

The trips generated by the proposed volleyball club were distributed based upon existing and projected traffic patterns and engineering judgment. Once the approach and departure directions are estimated, the trips are assigned to the street network. Figure 2 displays the overall trip distribution for the study area and the assignment of the trips generated by the proposed site to the study area traffic network during the P.M. peak period.

4.3 Total Traffic

The project generated traffic is combined with the existing traffic to produce the expected total traffic volumes. Total traffic for the P.M. peak hour was estimated. The total volumes were adjusted and plotted on a study area roadmap to ensure reasonableness and logic. Figure 2 shows the expected total traffic volumes at the intersection of Giles Road and 137th Circle.

Figure 2.



5 – OPERATIONAL ANALYSIS

5.1 Capacity and Level of Service Description

Capacity analysis methodology is based on the concepts and procedures of the 2000 Highway Capacity Manual (HCM). The primary result of capacity analysis is the assignment of Level of Service (LOS) to traffic facilities. The concept of LOS is defined as a qualitative measure describing the operational conditions within the traffic stream and their perception by motorists and/or passengers. Six levels of service are defined for signalized intersections. They are given letter designations from A to F, with LOS A representing the best operating conditions and LOS F the worst.

Levels of service for all movements at signalized and unsignalized intersections were determined using Synchro 7.0, a traffic analysis package that implements the methods of the 2000 HCM and is accepted by the industry. The HCM LOS reports on the average delay experienced by motorists. Table 1 summarizes the LOS criteria for HCM analysis.

Table 1. LOS Criteria for HCM Analysis.

LOS	Control Delay Signalized Intersection (seconds)	Control Delay Unsignalized Intersection (seconds)	Traffic Flow Characteristics
A	≤ 10	≤ 10	Free flow, insignificant delays.
B	10.1 - 20	10.1 - 15	Stable operation, minimal delays.
C	20.1 - 35	15.1 - 25	Stable operation, acceptable delays.
D	35.1 - 55	25.1 - 35	Restricted flow, regular delays.
E	55.1 - 80	35.1 - 50	Maximum capacity, extended delays. Volumes at or near capacity. Long queues form upstream from intersection.
F	>80	>50	Forced flow, excessive delays. Represents jammed conditions. Intersection operates below capacity with low volumes. Queues may block upstream intersections.

In most urban areas, overall LOS ratings of A to D are typically considered acceptable for signalized intersections during the peak hour of traffic. For this study, LOS D for the overall intersection was used as the minimum standard.

5.2 Existing Traffic Capacity and LOS Analysis - 2009

PM weekday peak traffic analysis of existing traffic conditions was performed for the intersection of Giles Road and 137th Circle.

Based on the Synchro analysis, this unsignalized intersection is operating adequately with only three seconds of average delay for all of the vehicles using the intersection. The critical northbound approach (137th Circle) operates at LOS C with a delay of approximately 17 seconds per vehicle waiting to make a left or right-turn onto Giles Road.

Summary LOS output report of the analysis is included in the Appendix.

5.3 Total Traffic Capacity and LOS Analysis

Analysis of the total traffic volumes shows that the additional traffic slightly increases the average delay up to five seconds per vehicle using this intersection. The northbound approach would continue to operate adequately at LOS C with a delay of approximately 21 seconds per vehicle waiting to make a left or right-turn onto Giles Road.

Summary LOS output reports of the analysis are included in the Appendix.

5.4 Signal Warrant Assessment

Signal warrants were examined at the unsignalized intersection of Giles Road and 137th Circle based on the 2003 Manual on Uniform Traffic Control Devices (MUTCD). Typically, traffic signalization is warranted based on a complete review of traffic volume information including pedestrians, crash experience, and traffic progression. The preliminary need for signalization was evaluated based on the peak hour volume warrant (Warrant 3). The peak hour signal warrant is intended for use at a location where traffic conditions are such that for a minimum of one (1) hour of an average day, the minor-street traffic suffers undue delay when entering or crossing the major street.

The MUTCD provides guidance as to how right-turn volumes should be utilized in the analysis. The degree of conflict that minor street right-turn traffic has on major street traffic should be considered in the warrant evaluation. Based on engineering judgment, 100% of the northbound right turns at Giles Road were included in the warrant analysis due to the impact on the eastbound traffic.

The intersection does not meet the MUTCD peak hour warrant: PM Peak – 730 vph v/s 177 vph. The signal warrant analysis figure is shown in the Appendix.

5.5 Queue Length Analysis

A queue analysis was performed for the total traffic scenario. Synchro software was used to determine the expected vehicle queue lengths. The purpose for this analysis is to determine if new generated trips create situations were left turning vehicle queue up and block through traffic.

Based on the analysis, the anticipated queue length on 137th Circle would be 59 feet during the P.M. peak hour. It is equivalent to approximately three vehicles. No additional lanes are necessary on 137th Circle or Giles Road with the site added traffic.

6 – FINDINGS AND RECOMMENDATIONS

The purpose of this traffic study was to determine the anticipated traffic operations at the intersection of Giles Road and 137th Circle and to identify the roadway infrastructure necessary to support the added traffic generated by the volleyball club. Based on the results of this analysis, the following summarizes the key findings and recommendations of this study.

- Nebraska Impact Volleyball Club will have 4 volleyball courts, which are projected to generate approximately 90 vehicle trips during the weekday PM peak period. The main hours of operation includes weekday evenings from 5:30 to 9:30 P.M. and all day weekends.
- Capacity and LOS analysis conducted at the study intersection showed that it will experience minor impacts in traffic operations as a result of the new trips generated by the Nebraska Impact Volleyball Club. Existing unsignalized intersection would continue to operate satisfactorily at LOS C on its critical northbound approach.
- Signal warrant analysis performed at unsignalized intersection on Giles Road showed that the intersection does not warrant signalization with the added traffic from the Nebraska Impact Volleyball Club.
- A queue length analysis was performed at the unsignalized intersection on Giles Road. There are no significant queues at this intersection.
- The existing infrastructure, lane configurations, and traffic control at the intersection of Giles Road and 137th Circle will provide for adequate traffic operations at this intersection upon the development of the Nebraska Impact Volleyball Club.



25 years of engineering paths to transportation solutions

December 29, 2009

RE: Nebraska Impact Volleyball Club TIA Review
FHU No. 07-011-7

Mr. John Kottmann, PE
Thompson Dreessen & Dorner
10836 Old Mill Road
Omaha, NE 68154

Dear Mr. Kottmann:

We have completed our review of the Nebraska Impact Volleyball Club Traffic Impact Analysis prepared by E&A Consulting Group, Inc. dated December 8, 2009. Based upon our review of the information provided and a site field review, we offer the following comments:

- TIA Page 6: The site trip generation methodology used in the study is reasonable, and should provide a conservative number of trips for analysis.
- TIA Page 9: The report describes that MUTCD Warrant 3 was checked to determine if traffic signals were needed at the study intersections. This is appropriate for this type of complex as Warrant 3 is used for peak hour situations such as factory driveways where a shift change occurs. The nature of the trips generated by the proposed volleyball complex would be similar to a shift change.
- TIA Page 9: The MUTCD specifies that a portion of right-turning traffic may not be counted in the warrant analyses depending on engineering judgment. We concur with E&A that 100% of right-turning traffic should be included in the warrant analyses since a shared lane is provided for all movements on the northbound and eastbound approaches.
- TIA Page 10: First sentence of the second paragraph, please add verbiage describing the anticipated queue length on "the northbound approach of" 137th Circle.
- TIA Page 11: Second bullet, last sentence, "continue" is misspelled.
- TIA Page 11: Third bullet, change "warranted" to warrant.
- TIA Page 13: Erase the two extra "PM Peak" graphics from the top right.

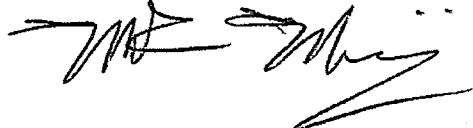
In summary, we agree with the findings that MUTCD traffic signal warrants would not be satisfied at the intersection of Giles Road with 137th Circle, and that the intersection should be able to adequately handle the traffic expected to be generated by the proposed development.

December 29, 2009
Mr. John Kottmann
Page 2

If you have any questions regarding this review of the traffic study or if you would like to meet to discuss it in further detail, please give me a call.

Sincerely,

FELSBURG HOLT & ULLEVIG

A handwritten signature in black ink, appearing to read "MM" followed by a stylized "Meisinger".

Mark Meisinger, PE, PTOE
Transportation Engineer

O:\Projects\07-011 TD2 Traffic Review Services\Impact Volleyball\Impact Volleyball TIA Review Letter.doc

**City of La Vista
Conditional Use Permit**

Conditional Use Permit for Indoor Recreational Facility (Volleyball Courts)

This Conditional Use Permit issued this _____ day of _____, 2010, by the City of La Vista, a municipal corporation in the County of Sarpy County, Nebraska ("City") to, 8619 South 137th Cir, LLC ("Owner"), pursuant to the La Vista Zoning Ordinance.

WHEREAS, Owner wishes to construct and operate an indoor recreational facility upon the following described tract of land within the City of La Vista zoning jurisdiction:

Lot 2, I-80 Industrial Park located in the SW ¼ NE ¼ Section 24, Township 14 North, Range 11 East of the 6th P.M. Sarpy County, Nebraska, located at 8619 South 137th Circle (Suite 2).

WHEREAS, Owner has applied for a conditional use permit for the purpose of locating and operating a indoor recreational facility; and

WHEREAS, the Mayor and City Council of the City of La Vista are agreeable to the issuance of a conditional use permit to the owner for such purposes, subject to certain conditions and agreements as hereinafter provided.

NOW, THEREFORE, BE IT KNOWN THAT subject to the conditions hereof, this conditional use permit is issued to the owner to use the area designated on Exhibit "A" hereto for an indoor recreational facility, said use hereinafter being referred to as "Permitted Use or Use".

Conditions of Permit

The conditions to which the granting of this permit is subject are:

1. The rights granted by this permit are transferable and any variation or breach of any terms hereof shall cause permit to expire and terminate without the prior written consent of the City (amendment to permit) or unless exempted herein.
2. In respect to the proposed Use:
 - a. A site plan showing the property boundaries of the tract of land and easements, proposed structures, parking, access points, and drives shall be provided to the City and attached to the permit as Exhibit "A".
 - b. Hours of operation for said indoor recreational facility will generally be from 5:30 p.m. to 9:30 p.m. Monday through Friday and from 8:00 a.m. to 5:00 p.m. on the weekends. In no event should hours extend beyond 12:00 a.m.
 - c. There will be one paid employee who will manage the facility.
 - d. Indoor recreational facility is primarily intended to accommodate volleyball courts and their related incidental uses, such as limited concessions, an office for the facility manager, and an area containing weight and plyometric equipment (see Exhibit "B" for floor plan). Other similar indoor activities are permitted upon determination by the City. No alcoholic beverages shall be served in this facility.
 - e. The use and facility shall be limited to youth play and practice only. Parking required for this use is identified on Exhibit "A". Parking areas shall be striped and/or separate parking areas shall be

designated by the owner for this use. Additional parking areas may be required if deemed necessary by the City.

- f. Occupancy of the facility is limited to 320 persons based on the requirements of the Plumbing Code for restroom facilities. Additional occupancy will require additional restrooms.
- g. There shall be no storage, placement or display of goods, supplies or any other material, substance, container or receptacle outside of the facility, except trash receptacles and those approved in writing by the City.
- h. Owner shall obtain all required permits from the City of La Vista and shall comply with any additional requirements as determined by the Chief Building Official, including, but not limited to, building, fire, and ADA.
- i. Owner shall comply (and shall ensure that all employees, invitees, suppliers, structures, appurtenances and improvements, and all activities occurring or conducted, on the premises at any time comply) with any applicable federal, state and/or local regulations, as amended or in effect from time to time, including, but not limited to, applicable environmental or safety laws, rules or regulations.
- j. Owner hereby indemnifies the City against, and holds the City harmless from, any liability, loss, claim or expense whatsoever (including, but not limited to, reasonable attorney fees and court cost) arising out of or resulting from the acts, omissions or negligence of the owner, his agents, employees, assigns, suppliers or invitees, including, but not limited to, any liability, loss, claim or expense arising out of or resulting from any violation on the premises of any environmental or safety law, rule or regulation.

3. The applicant's right to maintain the use as approved pursuant to these provisions shall be based on the following:

- a. An annual inspection to determine compliance with the conditions of approval. The conditional use permit may be revoked upon a finding by the City that there is a violation of the terms of approval.
- b. The use authorized by the conditional use permit must be initiated within one (1) year of approval and shall become void two (2) years after the date of approval unless the applicant has fully complied with the terms of approval.
- c. All obsolete or unused structures, accessory facilities or materials with an environmental or safety hazard shall be abated and/or removed at owner's expense within twelve (12) months of cessation of the conditional use.

4. Notwithstanding any other provision herein to the contrary, this permit, and all rights granted hereby, shall expire and terminate as to a permitted use hereunder upon the first of the following to occur:

- a. Owner's abandonment of the permitted use. Non-use thereof for a period of twelve (12) months shall constitute a presumption of abandonment.
- b. Cancellation, revocation, denial or failure to maintain any federal, state or local permit required for the Use.
- c. Owner's breach of any other terms hereof and his failure to correct such breach within ten (10) days of City's giving notice thereof.

5. If the permitted use is not commenced within one (1) year from _____, 2010, this Permit shall be null and void and all rights hereunder shall lapse, without prejudice to owner's right to file for an extension of time pursuant to the La Vista Zoning Ordinance.

6. In the event of the owner's failure to promptly remove any safety or environmental hazard from the premises, or the expiration or termination of this permit and the owner's failure to promptly remove any permitted materials or any remaining environmental or safety hazard, the City may, at its option (but without any obligation to the owner or any third party to exercise said option) cause the same to be removed at owner's cost (including, but not limited to, the cost of any excavation and earthwork that is necessary or advisable) and the owner shall reimburse the City the costs incurred to remove the same. Owner hereby irrevocably grants the City, its agents and employees the right to enter the premises and to

take whatever action as is necessary or appropriate to remove the structures or any environmental or safety hazards in accordance with the terms of this permit, and the right of the City to enter the premises as necessary or appropriate to carry out any other provision of this permit.

7. If any provision, or any portion thereof, contained in this agreement is held to be unconstitutional, invalid, or unenforceable, the remaining provisions hereof, or portions thereof, shall be deemed severable, shall not be affected, and shall remain in full force and effect.

Miscellaneous

The conditions and terms of this permit shall be binding upon owner, his successors and assigns.

1. Delay of City to terminate this permit on account of breach of owner of any of the terms hereof shall not constitute a waiver of City's right to terminate, unless it shall have expressly waived said breach and a waiver of the right to terminate upon any breach shall not constitute a waiver of the right to terminate upon a subsequent breach of the terms hereof, whether said breach be of the same or different nature.
2. Nothing herein shall be construed to be a waiver or suspension of, or an agreement on the part of the City to waive or suspend, any zoning law or regulation applicable to the premises except to the extent and for the duration specifically authorized by this permit.
3. Any notice to be given by City hereunder shall be in writing and shall be sufficiently given if sent by regular mail, postage prepaid, addressed to the owner as follows:

Contact Name and Address: Herb Lavigne
Lavigne Enterprises
8619 S. 137th Circle
Omaha, NE 68137

Effective Date:

This permit shall take effect upon the filing hereof with the City Clerk a signed original hereof.

THE CITY OF LA VISTA

By _____
Douglas Kindig, Mayor

Attest:

Rita Ramirez
City Clerk

CONSENT AND AGREEMENT

The undersigned does hereby consent and agree to the conditions of this permit and that the terms hereof constitute an agreement on the part of the undersigned to fully and timely perform each and every condition and term hereof, and the undersigned does hereby warrant, covenant and agree to fully and timely perform and discharge all obligations and liabilities herein required by owner to be performed or discharged.

Owner:

By: _____

Title: _____

Date: _____

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**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
JANUARY 19, 2010 AGENDA**

Subject:	Type:	Submitted By:
UCSC INTERLOCAL COOPERATION AGREEMENT — 2 ND AMENDMENT	◆ RESOLUTION ORDINANCE RECEIVE/FILE	BRENDA S. GUNN CITY ADMINISTRATOR

SYNOPSIS

A resolution has been prepared to approve the Second Amendment to Interlocal Cooperation Agreement with the cities of Bellevue, Gretna, Papillion and Springfield. This Interlocal Agreement specifically relates to joint lobbying efforts.

FISCAL IMPACT

N/A

RECOMMENDATION

Approval.

BACKGROUND

In 2007 the United Cities of Sarpy County collaborated to hire a joint lobbyist. While this has proven to be a successful venture, as we continue to improve our efficiency and effectiveness it has become necessary to add language to clarify the process. A copy identifying the proposed changes of the 2nd Amendment is attached for your review.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING THE SECOND AMENDMENT TO INTERLOCAL COOPERATION AGREEMENT WITH THE CITIES OF BELLEVUE, GRETNNA, PAPILLION AND SPRINGFIELD.

WHEREAS, the cities of Bellevue, Gretna, La Vista, Papillion and Springfield desire to promote the common legislative interest of the five cities which make up the "United Cities of Sarpy County" and

WHEREAS, the cities have agreed that it is in their best interest to hire a joint lobbyist to lobby the Nebraska legislative and executive branches with regard to Nebraska legislation; and

WHEREAS, the parameters of such arrangement have been updated in the second amendment to interlocal agreement.

NOW THEREFORE, BE IT RESOLVED, that the Second Amendment to Interlocal Cooperation Agreement with the cities of Bellevue, Gretna, Papillion and Springfield, 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 _____, 2010.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

(*) **Identifies Changes**

**INTERLOCAL COOPERATION AGREEMENT BETWEEN THE CITIES OF
BELLEVUE, GRETNA, LA VISTA, PAPILLION AND SPRINGFIELD**

(X)

SECOND FIRST AMENDMENT

WHEREAS, the Cities of Bellevue, Gretna, La Vista, Papillion and Springfield Municipal Governmental Entities desire to enter this agreement as authorized by the Interlocal Cooperation Act, Neb. Rev. Stat. §13-801 (Reissue 1997), et seq., which provides that two or more public entities may enter into an agreement for the joint and cooperative exercise of powers, privileges, or authorities; and

WHEREAS, pursuant to Interlocal Cooperation Act, Neb. Rev. Stat. §13-801, et seq., (Reissue 1997), the parties wish to permit their local governmental units to make the most efficient use of their powers by enabling them to cooperate with each other on the basis of mutual advantage and thereto to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population and other factors influencing the needs of the five communities; and

WHEREAS, the five cities which are a party to this Agreement desire to provide for a joint lobbyist to lobby on behalf of the parties to this Agreement in the Nebraska Legislature; and

WHEREAS, the cities which are a party to this Agreement will be known jointly for purposes of lobbying as "United Cities of Sarpy County"; and

WHEREAS, the purpose of this Interlocal Agreement is to promote the common legislative interest of the five cities which make up the "United Cities of Sarpy County".

NOW, THEREFORE, it is agreed by and between the parties, pursuant to Neb. Rev. Stat. §13-807 (1997), as follows:

1. The parties enter this Agreement to provide for a joint lobbyist to lobby the Nebraska legislative and executive branches with regard to Nebraska legislation.

2. The cost for procuring and paying for a lobbyist shall be shared in five equal parts between the parties hereto.

3. A committee consisting of the five cities which are a party to this Agreement, with the mayor of each city being a voting member on the committee, shall seek out, interview and retain a lobbyist on behalf of the United Cities of Sarpy County and the committee shall formally determine and direct the legislative priorities of the United Cities of Sarpy County. A staff member from

(*)

one of the jurisdictions shall be determined annually to serve as a single point of contact for the exchange of information between lobbyist and UCSC members. During the legislative session timely communication is essential. Therefore, if there is no objection received within 12 hours of a communication assent will be assumed (18 hours if notification after 4:00PM). Any agreement entered into for lobbyist services pursuant to this Agreement shall be executed by the Mayor and City Clerk of each of the five cities to this Agreement, unless otherwise agreed by the committee. The term of any such agreement for lobbying services shall not exceed twelve thirty-six months; provided, however, that an agreement may provide for one or more options to renew at the end of the initial or any subsequent term for an additional twelve month term.

4. The mayor of each of the five cities may appoint a designee to represent his or her interest on the committee with the right to cast a vote the same as if the mayor was personally present. A City Attorney may represent their clients at the meeting as long as there is no adverse conflict with one of the other jurisdictions.

5. The retention of a lobbyist and any direction given to the lobbyist whether to develop, propose, support, oppose or remain neutral on legislation shall require the unanimous vote of all five cities. A material change to the initial legislative position of the UCSC shall be brought back for reconsideration at the request of two (2) member cities or upon recommendation of the Lobbyist. Reconsideration of original position to develop, propose, support, oppose or remain neutral on legislation shall require unanimous consent. Carryover legislation from the prior year will require reconsideration automatically. The remaining business affairs of the United Cities shall require a simple majority vote. Each mayor shall be responsible for periodically updating the mayor's respective city council of significant legislation, measures or other developments arising under this Agreement.

6. Term of Agreement. The term of this Agreement shall be for a period as determined by the unanimous vote of the five cities; provided, however, that in all events, the remaining term under this Agreement shall not at any time be shorter than the remaining term of any agreement for lobbying services from time to time in effect under this Agreement.

7. Any of the parties to this Agreement may withdraw from this Agreement by a resolution passed by the party's governing body and upon giving 90 days written notice to the mayors of the other four cities.

8. Entire Agreement. This Agreement contains the entire agreement between the parties hereto, and there are no other written or oral promises, contracts, or warrants which may affect it, except as contained herein. This

Agreement cannot be amended except by a written amendment adopted by the governing body and executed by the mayor of each of the parties hereto.

9. Pursuant to Neb. Rev. Stat. §13-804(5) (Reissue 1997), the parties hereby acknowledge, stipulate and agree that this Agreement shall not relieve any public agency of any obligation or responsibility imposed upon it by law.

10. Pursuant to Neb. Rev. Stat. §23-3113 (Reissue 1997), the parties hereto declare and affirm that no officer, member or employee, or no member of their governing bodies, and no other public official of parties who exercise any functions or responsibilities in the review or approval of the undertaking described in this Agreement, or the performing of any parties' obligations pursuant to this Agreement shall exercise or perform any function, responsibility or obligation which affects his or her personal interests, or any partnership or association in which he or she is directly or indirectly interested; nor shall any employee, nor any member of their governing bodies, have any interest, direct or indirect, in this Agreement or the proceeds thereof.

11. It is understood and agreed by the parties hereto that if any part, term, condition or provision of this Agreement is held to be illegal, void or in conflict with any law of this State or the United States, the validity of the remaining parts, terms, conditions or provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if this Agreement did not contain the particular part, term, condition or provision held to be illegal and/or invalid.

IN WITNESS WHEREOF, the parties have executed this Agreement to be effective on the day and year below listed.

CITY OF BELLEVUE, NEBRASKA

Mayor

Date

Attest: _____
City Clerk

CITY OF GRETNA, NEBRASKA

Mayor

Date

Attest: _____
City Clerk

CITY OF LA VISTA, NEBRASKA

Mayor

Date

Attest:

City Clerk

CITY OF PAPILLION, NEBRASKA

Mayor

Date

Attest:

City Clerk

CITY OF SPRINGFIELD, NEBRASKA

Mayor

Date

Attest:

City Clerk

\\Lydcfp01\users\Administration\BRENDA\Legislative\2009\Interlocal-Coop Agreement-five-cities-2008.CLEAN.doc-8/28/2008 9:47 AM
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**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
JANUARY 19, 2010 AGENDA**

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

SYNOPSIS

A resolution has been prepared approving the following technology related purchases for the Assistant Public Works Director/City Engineer:

- One lap top computer with software from Dell through the Western States Contracting Alliance (WSCA) and AutoCAD software from DLT Solutions in an amount not to exceed \$10,000.

FISCAL IMPACT

The FY 10 budget provides funds for proposed computer and software.

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. DLT Solutions has the lowest price for the AutoCAD software and if we purchase at this time we can save \$400.00.

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, AND DLT SOLUTIONS IN AN AMOUNT NOT TO EXCEED \$10,000.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of one (1) lap top computer with software; and

WHEREAS, the FY 10 budget 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 one (1) lap top computer with software, from Dell through the Western States Contracting Alliance (WSCA), in an amount not to exceed \$10,000.

PASSED AND APPROVED THIS 19TH DAY OF JANUARY 2010.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
JANUARY 19, 2010 AGENDA**

Subject:	Type:	Submitted By:
AUTHORIZATION TO PURCHASE BANNERS	◆ RESOLUTION ORDINANCE RECEIVE/FILE	BRENDA S. GUNN CITY ADMINISTRATOR

SYNOPSIS

A resolution has been prepared approving the purchase of one hundred fifty (150) banners from Display Sales, Bloomington, MN in an amount not to exceed \$14,460.00.

FISCAL IMPACT

The FY 2009/2010 Community Betterment Fund provides funding for the purchase of the banners.

RECOMMENDATION

Approval.

BACKGROUND

The city's banner program was initiated in 1999. New banners are being requested which will display the logo commemorating the City's 50th Anniversary. Banners will be placed on 84th Street from Harrison Street to Giles Road and on Giles Road from 84th Street to Southport Parkway.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE PURCHASE OF ONE HUNDRED FIFTY (150) BANNERS FROM DISPLAY SALES, BLOOMINGTON, MINNESOTA IN AN AMOUNT NOT TO EXCEED \$14,460.00.

WHEREAS, the FY 2009/2010 Community Betterment Fund Budget provides funding for the purchase of the banners; and

WHEREAS, the banners will display the logo commemorating the City of La Vista's 50th Anniversary year long celebration; and

WHEREAS, the city's previous banners and brackets were purchased from Display Sales Company; and

WHEREAS, in order to effectively utilize the existing brackets, staff has recommended purchasing the new banners from the same vendor; 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 hundred fifty (150) banners from Display Sales, Bloomington, Minnesota in an amount not to exceed \$14,460.00.

PASSED AND APPROVED THIS 19TH DAY OF JANUARY 2010.

CITY OF LA VISTA

ATTEST:

Douglas Kindig, Mayor

Pamela A. Buethe, CMC
City Clerk

DISPLAY SALES
10925 Nesbitt Ave., So.
Bloomington, MN 55437

800-328-6195 x 134
www.displaysales.com
fax: 952-885-0099

Date:	1/12/2010	Email:	MAlex@cityoflavista.org
Rep:	Brent Foy	Fax:	
Regarding:	Banner Sales Authorization	To:	Mary Alex
Organization:			City Of La Vista

Mary,

Here is the pricing for the banners and brackets that we discussed. When this is approved please sign this authorization, date and fax this to 952 885 0099. I will e-mail you verification that the order is placed and the scheduled ship date as soon as I receive this back. It has been a pleasure working with you, Thank you.

2-ink Custom Weatherguard Banner
30" x 80" Banner Proof F A9569.3

Qty. 150	30" x 80" 2-ink Weatherguard Banner @ \$65.00.....	\$9750.00
Qty. 1	2-ink Banner Setup Charge @ \$370.00	FREE
Qty. 3	Art Charges per hour @ \$75.00 per hour.....	FREE
Qty. 88	98 Series Bracket System (No banding) @ \$50.00	\$4400.00
	Shipping	\$310.00
	Total	\$14460.00

Bill to Name

Bill to Address

Ship to Address

City, State and Zip Code

Authorized Signature/date

Thank you

Brent Foy
Account Representative
bfoy@displaysales.com
1 800 328 6195 ext 134