

MINUTE RECORD

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

LA VISTA CITY COUNCIL MEETING January 19, 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 19, 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, Assistant Library Director Linhart, 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 January 7, 2010. 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.

SERVICE AWARDS – JOHN YORK – 5 YEARS; STEVE STARK – 15 YEARS

Mayor Kindig recognized John York for 5 years of service to the City and Steve Stark for 15 years of service to the City.

APPOINTMENT – MICHAEL CIRCO – PLANNING COMMISSION – 3 YEAR TERM

Mayor Kindig stated that with the approval of Council he would like to appoint Michael Circo to the Planning Commission for a 3 year term. Councilmember Carlisle 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 JANUARY 5, 2010
3. APPROVAL OF PLANNING COMMISSION MINUTES FROM DECEMBER 10, 2009
4. MONTHLY FINANCIAL REPORT – DECEMBER 2009
5. APPROVAL OF CLAIMS

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

| | |
|--|-----------|
| ABRAHAMS KASLOW & CASSMAN, Professional Services | 6,659.14 |
| ADMINISTRATIVE PROFESSIONAL, Dues | 79.00 |
| AMERICAN LIBRARY ASSN, Supplies | 45.45 |
| ARAMARK UNIFORM, Contract Services | 249.52 |
| BADGER BODY, Winter Maint. | 705.58 |
| BAKER & TAYLOR BOOKS, Books | 204.18 |
| BANKERS TRUST, Bond Fees | 250.00 |
| BENNINGTON EQUIPMENT, Vehicle Maint. | 1,787.76 |
| BETTER BUSINESS EQUIPMENT, Rentals | 43.93 |
| BKD, Professional Services | 24,500.00 |
| BLACK HILLS ENERGY, Utilities | 7,812.35 |
| BLACKHAWK PRODUCTS GROUP, Forfeiture Funds | 987.01 |
| BOBCAT OF OMAHA, Winter Maint./Vehicle Maint. | 235.41 |
| BRENTWOOD AUTO WASH, Vehicle Maint. | 49.00 |
| BROWN TRAFFIC PRODUCTS, Traffic Markers | 242.25 |
| BUETHE, PAMELA, Travel, Training, Supplies | 129.96 |

MINUTE RECORD

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

January 19, 2009

| | |
|---|-----------|
| CALENTINE, JEFFREY, Travel | 335.00 |
| CARDMEMBER, Travel/Supplies/Equip./Training | 10,098.26 |
| CENTRAL STATES TACTICAL, Supplies | 172.33 |
| CITY OF OMAHA | 17,075.37 |
| CJ'S HOME CENTER, Bldg & Grnds/Maintenance | 439.52 |
| CORNHUSKER INTL, Vehicle Maint. | 566.37 |
| COX, Contract Services | 145.10 |
| CUMMINS CENTRAL POWER, Contract Services | 824.97 |
| DATASPAN, Contract Services | 623.75 |
| DIGITAL ALLY, In-Car Cameras | 28,950.00 |
| DORIS OSENTOWSKI ESTATE, ROW Acquisition | 23,500.00 |
| DOUGLAS COUNTY ENGINEER, Construction Costs | 20,452.73 |
| EARTHWAY PRODUCTS, Equipment | 17.83 |
| EBSCO SUBSCRIPTION SERVICES, CD Rom | 4,395.00 |
| EDAW, Planning | 22,766.38 |
| ENVIRO TECH SERVICES, Winter Maint. | 6,786.34 |
| FASTENAL COMPANY, Vehicle Maint. | 53.46 |
| FEDEX KINKO'S, Printing | 63.00 |
| FORT DEARBORN LIFE INSURANCE, Employee Benefits | 1,253.00 |
| FUTUREWARE DISTRIBUTING, Contract Services | 98.00 |
| G I CLEANER & TAILORS, Uniform Cleaning | 91.50 |
| GALE, Books | 23.96 |
| GCR OMAHA TRUCK TIRE CENTER, Vehicle Maint. | 77.53 |
| GCSAA, Dues | 320.00 |
| GENUINE PARTS COMPANY, Vehicle Maint. | 2,424.51 |
| GRAINGER, Bldg & Grnds | 3.64 |
| GREAT PLAINS ONE-CALL, Contract Services | 71.46 |
| GREAT PLAINS UNIFORMS, Wearing Apparel | 259.00 |
| H & H CHEVROLET, Vehicle Maint. | 388.26 |
| H R DIRECT, Supplies | 147.40 |
| HANEY SHOE STORE, Wearing Apparel | 232.90 |
| HERITAGE CRYSTAL CLEAN, Contract Services | 185.50 |
| HIGHSMITH, Supplies | 64.64 |
| HUNTEL, Contract Services | 123.50 |
| IACP, Dues | 240.00 |
| IIMC, Dues | 125.00 |
| INTERSTATE ALL BATTERY CENTER, Batteries | 152.43 |
| J Q OFFICE EQUIPMENT, Supplies | 241.89 |
| JONES AUTOMOTIVE, Vehicle Maint. | 273.00 |
| KAYLINE PROFESSIONAL, Traffic Signs | 102.87 |
| KINDIG, DOUGLAS, Phone | 40.00 |
| KLINKER, MARK, Professional Services | 160.00 |
| KRIHA FLUID POWER, Vehicle Maint./Supplies | 853.15 |
| LA VISTA KENO, Refund | 80.00 |
| LANDS' END BUSINESS OUTFITTERS, Wearing Apparel | 302.05 |
| LAUGHLIN, KATHLEEN | 809.00 |
| LAWSON PRODUCTS, Equipment | 159.99 |
| LINWELD, Supplies | 90.00 |
| MALLARD SAND & GRAVEL, Winter Maint. | 2,935.59 |
| MCCANN PLUMBING SERVICE, Bldg & Grnds | 11.95 |
| METR COMMUNITY COLLEGE, Phone/Utilities/Contract Services | 10,649.09 |
| METRO AREA TRANSIT, Fees | 626.00 |
| MICHAEL TODD AND COMPANY, Winter Maint. | 1,292.75 |
| MIDLANDS LIGHTING & ELECTRIC, Bldg & Grnds | 72.38 |
| MID-STATES UTILITY TRAILER, Vehicle Supplies | 709.91 |
| MSC INDUSTRIAL SUPPLY, Bldg & Grnds | 59.10 |
| NATIONAL PAPER, Supplies | 113.51 |
| NE DEPT OF LABOR, Insurance | 1,335.42 |
| NEBRASKA CONCRETE PAVING ASSN, Training | 380.00 |
| NEBRASKA FURNITURE MART, Equipment | 1,799.86 |
| NEBRASKA IOWA SUPPLY, Vehicle Supplies | 26,622.91 |
| NEBRASKA MUNICIPAL CLERKS ASSN, Dues | 70.00 |
| NEBRASKA TURF PRODUCTS, Bldg & Grnds | 384.65 |
| NELSON & SONS GLASS, Bldg & Grnds | 225.00 |
| NEUMAN EQUIPMENT, Vehicle Supplies | 189.00 |
| NMC EXCHANGE, Winter Maint. | 729.40 |
| NSFSI-NE SOC/FIRE SVC INSTRS, Training | 85.00 |

MINUTE RECORD

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

January 19, 2009

| | |
|--|-----------|
| NUTS AND BOLTS, Winter Maint. | 465.39 |
| OABR PRINT SHOP, Printing | 169.98 |
| OFFICE DEPOT, Supplies | 456.51 |
| O'KEEFE ELEVATOR, Contract Services | 946.75 |
| OMAHA COMPOUND, Supplies | 118.66 |
| OMAHA STANDARD DISTRIBUTION, Winter Maint. | 60.25 |
| OMAHA WINNELSON, Bldg & Grnds | 5.22 |
| OMAHA WORLD HERALD, Legal Advertising | 1,732.40 |
| OPPD, Utilities | 39,982.64 |
| PARAMOUNT LINEN & UNIFORM, Uniform Cleaning | 549.94 |
| PAYLESS, Supplies | 183.87 |
| PEARSON, CHRISTINA, Refund | 95.00 |
| PITNEY BOWES, Supplies | 571.49 |
| QWEST, Phone | 52.66 |
| RANGER JOE'S, Wearing Apparel | 68.93 |
| ROSE EQUIPMENT, Vehicle Maint. | 155.61 |
| RUSTY ECK FORD, Vehicle Maint. | 40.40 |
| SAM'S CLUB, Supplies/Equip. | 132.35 |
| SAPP BROS, Vehicle Supplies | 19,086.71 |
| SARPY COUNTY CHAMBER, Travel | 360.00 |
| SARPY COUNTY LANDFILL, Fees | 9.55 |
| SARPY COUNTY REGISTER OF DEEDS, Professional Services | 21.00 |
| SARPY COUNTY TREASURER, Contract Services | 13,965.50 |
| SHELL, BECKY, Refund | 15.00 |
| SHRM-SOCIETY FOR HUMAN, Dues | 160.00 |
| SOUSA, STAN, Contract Services | 108.00 |
| STAPLES, Supplies | 56.97 |
| SUN LIFE & HEALTH INS, Payroll Withholdings | 1,885.08 |
| SUPERIOR TRANSIT SALES, Vehicle Maint. | 74.20 |
| TARGET BANK, Fees | 24.00 |
| TED'S MOWER SALES & SERVICE, Vehicle Maint. | 33.65 |
| THERMO KING CHRISTENSEN, Vehicle Maint. | 335.42 |
| THOMPSON DREESSEN & DORNER, Professional Services/Planning | 6,326.99 |
| TY'S OUTDOOR POWER & SVC, Vehicle Maint. | 100.82 |
| UNIVERSAL HOSPITAL SVCS, Contract Services | 1,100.00 |
| VALUATION SERVICES, Appraisal Service | 3,000.00 |
| WASTE MANAGEMENT, Contract Services/Bldg & Grnds | 760.63 |
| WEATHER OR NOT, Professional Services | 250.00 |
| WICK'S STERLING TRUCKS, Vehicle Maint. | 281.29 |
| WOODHAVEN COUNSELING, Contract Services | 600.00 |

REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

City Administrator Gunn informed Council that the legislative session has begun, and items that affect the City are being watched.

Assistant City Administrator Ramirez informed Council that plans for the 50th Anniversary Celebration are moving ahead.

City Clerk Buehe informed Council that firework permit applications for the 2010 season had been received.

Finance Director Lindberg informed Council the auditors had finished their in-house review. She stated that W-2's will be distributed with paystubs this Friday, January 22nd.

Fire Chief Uhl informed Council that a van with school children left the road at 108th Street and Chandler Road. Everyone was safe, and they spent some time at District 2.

Police Chief Lausten informed Council there was a robbery at Walgreens. The woman knew the suspect, and the purse was recovered on 83rd Street. An arrest was made on Monday

Public Works Director Soucie informed Council that Sarpy County had filed a disaster declaration for the county and cities within, and is hoping for some relief of the cost of snow clean-up. Soucie stated that the City has two 8-hour shifts hauling snow daily, and will continue until complete. Forty-seven cul-de-sacs are completed, and two parking lots are completed. Four components of the budget that have been affected are; material purchases, at 102% of budget; overtime, at 67% of budget; fuel expense, at 49% of budget; and vehicle repair, at 22% of budget.

MINUTE RECORD

Soucie informed Council that graffiti damage at City Park was extensive between Christmas and New Years.

Community Development Director Birch updated Council on the Rental Inspection Program. She stated that the City has been receiving registrations and some inspections have been completed or scheduled. Birch informed Council that a new City Planner has been hired and will start on February 8, 2010.

Building and Grounds Director Archibald informed Council that City Hall, the Community Center, and both District 1 and District 2 Fire Departments are all now set up for wireless access. The City is working with the Sarpy IT department to get guest access. Councilmember Crawford asked Archibald as if there was any damage to the racquetball court roof, due to weight of snow. Archibald stated there is no damage and the court is open again.

Recreation Director Stopak informed Council that youth basketball begins on Saturday. Stopak stated the Park and Recreation Advisory Board meets on Wednesday, January 20, 2010.

B. RESOLUTION – APPROVAL OF CONDITIONAL USE PERMIT – LOT 4, HARRISON HEIGHTS (TABLED FROM JANUARY 5, 2010 MEETING)

Councilmember Gowan introduced and moved for the adoption of Resolution No. 10-006: 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.

Seconded by Councilmember Ellerbeck. Scott Kennedy, representing Calamar, address Council to answer any questions. Councilmember Sheehan asked if there is a courtyard planned on the north side. Kennedy responded that a courtyard is planned for the north side. Councilmember Sheehan asked about access to the commercial property, coming off access roads. Kennedy stated that access to the west would come into the commercial property, others would not. Councilmembers voting aye: Sell, Ronan, Quick, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: Sheehan. Absent: None. Motion carried.

C. APPROVAL OF CONDITIONAL USE PERMIT – INDOOR RECREATIONAL FACILITY – LOT 2, I-80 INDUSTRIAL PARK REPLAT 1 **1. PUBLIC HEARING**

At 7:21 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the approval of a conditional use permit – Indoor Recreation Facility – Lot 2, I-80 Industrial Park Replat 1. Mike and Debi Godek, representatives of the Indoor Facility, addressed Council to state that currently the season runs from November through May. They requested a change to the conditional use permit to allow other sports, including soccer and basketball so they could have some revenue coming in during June through October.

At 7:30 p.m. Councilmember Carlisle made a motion to close the public hearing. Seconded by Councilmember Quick. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

2. RESOLUTION – APPROVE CONDITIONAL USE PERMIT

MINUTE RECORD

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

January 19, 2009

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 10-007 subject to approval of the language change by the City Administrator and staff: 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.

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

D. RESOLUTION – APPROVE SECOND AMENDMENT – UCSC INTERLOCAL COOPERATION AGREEMENT

Councilmember Gowan introduced and moved for the adoption of Resolution No. 10-008: 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, GRETNA, 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.

Seconded by Councilmember Sell. Councilmember Sheehan asked what prompted the amendment. City Administrator Gunn stated that over time items need to be tweaked to make the process work better and to clarify information. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

E. RESOLUTION – AUTHORIZATION TO PURCHASE COMPUTER EQUIPMENT

Councilmember Crawford introduced and moved for the adoption of Resolution No. 10-009: 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

MINUTE RECORD

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

January 19, 2009

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.

Seconded by Councilmember Quick. Councilmember Sheehan asked the cost of software that will be needed. Finance Director Lindberg stated the cost of "auto cad" is \$7,000. Lindberg also stated that this computer will need more memory and a larger video card to run that software. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

F. RESOLUTION – AUTHORIZATION TO PURCHASE BANNERS

Councilmember Sell introduced and moved for the adoption of Resolution No. 10-009: 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.

Seconded by Councilmember Ellerbeck. Councilmember Crawford stated he knows about the banners on 84th Street and Giles Road, but he would like to see some also on 72nd Street, since the City began in that area. City Administrator Gunn asked Council if staff can get the authority to purchase more banners. Councilmember Sell stated the resolution should include banners needed for 72nd Street. Change seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

Councilmember Carlisle made a motion to move "Comments from the Floor" up on the agenda ahead of Item G. "Executive 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 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.

Kathy Malt, a La Vista resident, addressed Council to state she would like to propose a change to the animal ordinance from two cats and/or two dogs to four pets. She currently owns three dogs and is facing a court appearance and a fine. Mayor Kindig informed Ms. Malt that the issue has

MINUTE RECORD

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

January 19, 2009

been brought up and Council is comfortable with the current ordinance. Councilmember Gowan stated that last year he proposed the ordinance change, but it failed, and he feels it is too soon to recommend a change again.

G. EXECUTIVE SESSION – LAND ACQUISITION

At 7:45 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. 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 7:49 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 reminded Council to respond to the RSVP for the Fire Department banquet.

Councilmember Gowan stated he spoke with a gentleman who moved his football team to La Vista from Papillion. He stated that is was an easy transition. Councilmember Gowan told the Recreation Department to keep up the good work.

At 7:51 p.m. Councilmember Carlisle made a motion to adjourn the meeting. Seconded by Councilmember Sell. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

PASSED AND APPROVED THIS 2ND DAY OF FEBRUARY 2010

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Bueth, CMC
City Clerk

K:\APPS\CITYHALL\09COUNCIL MINUTES\January 19, 2010

Meeting of Board of Directors

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

MINUTES OF MEETING

November 2, 2009

3:15 p.m.

Members Present: Pat Archibald Rose Barcal Brenda Gunn
Rich Hanneman Arlene Jordan

Members Absent:

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

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

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

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

Agenda Item #3: Approval of the Minutes From August 3, 2009 Meeting.

Moved by Gunn and seconded by Hanneman to approve the August 3, 2009 meeting minutes. Ayes: all. Nays: none. Motion approved.

Agenda Item #4: Status of OPPD Heat Pump / Geothermal Well Field follow-up meeting.

Officials from Metropolitan Community College and the City of La Vista continue to work with OPPD to resolve this issue.

Agenda Item #5: City of La Vista Anniversary Celebration.

The College is partnering with the City of La Vista to host a number of 50th anniversary events at the Sarpy Center.

Agenda Item #6: Public Safety at Sarpy.

A Metro Public Safety Officer has been assigned to work at the Sarpy Center in the evenings Monday – Thursday. Emergency Alarm Beacons are being tested at main campuses before moving out to the Centers.

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

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

The next Board of Directors' Meeting is on Monday, February 1, 2010 at 3:00 p.m. La Vista/MCC Sarpy Center Conference Room #142.

It was moved by Hanneman and seconded by Gunn to adjourn the meeting at 3:55 p.m.

Minutes respectfully submitted by Arlene Jordan

ANNUAL MEETING

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

MINUTES OF MEETING

November 2, 2009

3:00 p.m.

Members Present: Pat Archibald Rose Barcal Brenda Gunn
Rich Hanneman Arlene Jordan

Agenda Item #1: Approval of the Notice of Meeting.

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

Agenda Item #2: Nominations/Election of Directors.

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

Agenda Item #3: Other Business.

Next Annual Meeting is November 1, 2010.

It was moved by Archibald and seconded by Jordan to adjourn the meeting at 3:15 p.m. Ayes: all. Nays: none. Motion carried.

Minutes respectfully submitted by Arlene Jordan

**CITY OF LA VISTA
PLANNING COMMISSION MINUTES
JANUARY 21, 2010**

DRAFT

The Planning Commission meeting of the City of La Vista was convened at 7 p.m. on Thursday, January 21, 2010, at the La Vista City Hall, 8116 Park View Boulevard. Members present were: Malmquist, Andsager, Kramolisch, Nielsen, Alexander, Circo, Hewitt, Gahan, Horihan and Krzywicki. 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 7:04 p.m. Copies of the agenda and staff report were made available to the public.

2. Approval of Meeting Minutes – December 10, 2009

Circo motioned to approve the December 10, 2009 minutes as presented. Malmquist seconded. Ayes: Krzywicki, Malmquist, Kramolisch, Andsager, Alexander, Nielsen, and Circo. Nays: None. Hewitt, Horihan and Gahan abstained. Motion carried. Alternate Nielsen will not be a voting member tonight as we have a full panel of nine members.

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 and December 10, 2009 Planning Commission meetings pending additional items noted in the staff report. To date this information has not been received.

Staff recommends continuance of the public hearing to the February 18, 2010 Planning Commission meeting as the applicant is not ready to go forward.

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

DRAFT

4. New Business

A. Public Hearing on amendments to the Subdivision Regulations and amendments to Chapter 154, Municipal code, to establish new minimum requirements for Post-Construction Storm Water Management Plans.

i. Staff Report: A public hearing has been scheduled and ordinances have been prepared for the Planning Commission to consider amendments to the Subdivision Regulations and Chapter 154 of the Municipal Code regarding storm water management.

City Engineer John Kottmann has prepared the proposed revisions to the Subdivision Regulations and the Municipal Code which include the following:

- 1) The storm water peak discharge rates after development of the property are required to be the same as the pre-development conditions for the 2-year storm event.
- 2) The addition of Papillion Creek Watershed Management fees to be collected for new developments and significant redevelopment requiring a subdivision agreement. The fees will be transferred to the Papio-Missouri River Natural Resources District for the construction of regional detention structures and water quality basins.
- 3) Setbacks for streams designated in the Papillion Creek Watershed Plan are increased to three-to-one plus fifty feet (3:1 + 50').
- 4) The Omaha Regional Storm Water Design Manual has been adopted for storm sewer design standards. For single family subdivisions, storm water management areas are encouraged to be in outlots in lieu of individual private lots.

Staff recommends approval of the amendments to the Subdivision Regulations and Chapter 154 of the Municipal Code to establish new requirements for Post-Construction Storm Water Management Plans.

Krzywicki asked if anyone had done any estimate of what possible increases in development costs might be with the implementation of the changes? Kottmann said fees were set forth in the master fee schedule.

Krzywicki asked if there were any penalties for communities that do not sign on to these requirements. Kottmann replied, yes, if a community does not sign into the partnership, that community is on their own to get a general permit for discharging and that would be a very expensive proposition.

Hewitt wondered in 4.222 the proposed new language where it says increased to 3 to 1 plus 50 feet shouldn't it actually say 3 to 1 slope plus 50 feet? Kottmann agreed this is correct.

Nielsen asked if La Vista had a copy of the Omaha Regional Water System Design Manual? Kottmann said the City Clerk would have it in her office or it could be downloaded.

Krzywicki asked if these new regulations require a lot more overview on approvals of subdivision agreements than was done before because they are more strict? Kottmann said they would spend a lot more time with that as well as the individual permits.

ii. Public Hearing: Hewitt motioned to open the public hearing. Malmquist seconded. Ayes: Malmquist, Andsager, Kramolisch, Nielsen, Alexander, Circo, Hewitt, Gahan, Horihan and Krzywicki. Nays: None. Motion carried. Hearing opened at 7:16 p.m.

Hewitt motioned to close the public hearing. Nielsen seconded. Ayes: Malmquist, Andsager, Kramolisch, Nielsen, Alexander, Circo, Hewitt, Gahan, Horihan and Krzywicki. Nays: None. Motion carried. Hearing closed at 7:18 p.m.

iii. Recommendation: Hewitt motioned to recommend approval of the amendments to the Subdivision Regulations and Chapter 154 of the Municipal Code to establish new requirements for Post-Construction Storm Water Management Plans with the corrections suggested. Kramolisch seconded. Ayes: Malmquist, Andsager, Kramolisch, Alexander, Circo, Hewitt, Gahan and Krzywicki. Nays: None. Horihan abstained. Motion carried.

B. Public Hearing on amendments to Section 5.17, Zoning Regulations, regarding the Gateway Corridor Overlay District, to add the 84th Street corridor to the geographic area of the district, and an amendment to the Official Zoning Map

i. Staff Report: Birch said this was a stopgap measure to put some design guidelines on the 84th Street Corridor. The city is working on the 84th Street Redevelopment Vision plan and that final document, which has not been received yet, will be seen by the Planning Commission and at that point specific guidelines will be worked out based on the plan. A public hearing has been scheduled and ordinances have been prepared for the Planning Commission to consider amendments to Section 5.17 of the Zoning Regulations regarding the Gateway Corridor Overlay District. The amendments do two things:

- 1) Add language in Section 5.17.03, Geographic Area, for the purpose of including the 84th Street corridor to the Gateway Corridor Overlay District.

DRAFT

- 2) Delete an unintentional duplication of the sub-area secondary overlay area description.

The Official Zoning Map would also be amended to identify the 84th Street corridor as falling within the Gateway Corridor Overlay District.

Staff recommends approval of the amendments to Section 5.17, Zoning Regulations, regarding the Gateway Corridor Overlay District, to add the 84th Street corridor to the geographic area of the district, and an amendment to the Official Zoning Map.

Circo asked how far out on 84th Street will this overlay go? Kottman said on the 96th Street corridor it was a ¼ mile or to the rear of a lot which ever would be the controlling criteria. Krzywicki asked if it were only commercial property, or residential also? Birch indicated single family residential had always been exempt but was looking for the language in the code to verify it. Krzywicki asked if the properties that back up along 84th Street did any substantial improvements would they have to comply with the design guidelines? Birch stated that language would need to be added to exempt single family residential if it were not already in there.

Horihan asked about the deletion of the red box on that page. Birch said this would be corrected. Chris Solberg, the new planner, pointed out from the audience that the second paragraph, second to last sentence in 517.01 under intent, clarifies the elimination of single family residential from the guidelines.

ii. Public Hearing: Malmquist motioned to open the public hearing. Horihan seconded. Ayes: Malmquist, Andsager, Kramolisch, Nielsen, Alexander, Circo, Hewitt, Gahan, Horihan and Krzywicki. Nays: None. Motion carried. Hearing opened at 7:28 p.m.

Circo motioned to close the public hearing. Malmquist seconded. Ayes: Malmquist, Andsager, Kramolisch, Nielsen, Alexander, Circo, Hewitt, Gahan, Horihan and Krzywicki. Nays: None. Motion carried. Hearing closed at 7:30 p.m.

Krzywicki asked if the guidelines are implemented, how would property owners who might want to make a significant investment in their property, but complying with the requirements would significantly increase their cost, would they defer it, or may move.

Birch did not think it would deter new projects based on phone calls she has had regarding potential projects. Horihan added that in the surrounding communities, such as Papillion, there are similar corridors.

Nielsen asked if the consulting work was completed. Birch said it was and the final plan document is being prepared and should be received soon. The plan will be brought to the Planning Commission and City Council for approval.

DRAFT

iii. Recommendation: Hewitt motioned to recommend approval of the amendments to Section 5.17, Zoning Regulations, regarding the Gateway Corridor Overlay District, to add the 84th Street corridor to the geographic area of the district, and an amendment to the Official Zoning Map with the corrections noted. Horihan seconded. Ayes: Malmquist, Andsager, Kramolisch, Nielsen, Alexander, Circo, Hewitt, Gahan, Horihan and Krzywicki. Nays: None. Motion carried.

5. Comments from the Floor

Chris Solberg, not only an observer in the audience, but the newly hired La Vista Planner, was introduced and welcomed. He will start this position on February 8, 2010.

6. Comments from the Planning Commission


Birch advised the Commissioners that Colleen Horihan was serving her last meeting tonight and thanked her for her service to the City of La Vista. Horihan stated she felt it had been a great experience for her.

Krzywicki pointed out to the members that their packets contained information on the upcoming NPZA Conference in February and anyone desiring to attend should contact Ann Birch. Malmquist was planning to attend through her job in Council Bluffs but was looking for a ride with someone from La Vista to this conference.

7. Adjournment

Alexander motioned to adjourn. Hewitt seconded. Ayes: Malmquist, Andsager, Kramolisch, Nielsen, Alexander, Circo, Hewitt, Gahan, Horihan and Krzywicki. Nays: None. Motion carried. Meeting was adjourned at 7:42 p.m.

Reviewed by Planning Commission: John Gahan


Recorder

Planning Commission Chair

Approval Date

****PAST DUE**
1/6/10**

October 29, 2009

City of La Vista
9900 Portal Road
La Vista, Nebraska 68128

Attention: Joe Soucie

Invoice: 75900
File: 0906225

Professional engineering services in connection with
the GIS conversion storm sewer project (Pilot Area
Number 3) for the City of La Vista per the authorization
to proceed signed June 3, 2009.

Lump Sum of \$20,000.00

Services through October 16, 2009

| | |
|--------------------------------|---------------------------|
| 100% of \$20,000.00 | \$ 20,000.00 |
| Less Previous Invoices | <u>\$ 13,400.00</u> |
| AMOUNT DUE THIS INVOICE | <u>\$ 6,600.00</u> |

PLEASE RETURN A COPY OF THIS INVOICE WITH YOUR REMITTANCE

For Billing Questions Please Call
Jennifer Frederiksen @ 402-343-3903

Consent Agenda
OK for payment
JF 1-21-10
03/27/10
02.43.0505

Invoice

Ann Birch
City of La Vista
8116 Park View Boulevard
La Vista, NE 68128-2198

January 11, 2010
Project No: 08030111.01
Invoice No: 10

Project 08030111.01 84th Street Redevelopment Vision

Description of Services: Draft report development

Professional Services from November 28, 2009 to January 1, 2010

Fee

| Billing Phase | Fee | Percent Complete | Earned | Previous Fee Billing | Current Fee Billing |
|----------------------------|------------|------------------|------------|----------------------|---------------------|
| Project | 42,840.00 | 100.00 | 42,840.00 | 42,840.00 | 0.00 |
| Startup/Inventory/Analysis | | | | | |
| Initial Outreach | 51,724.00 | 100.00 | 51,724.00 | 51,724.00 | 0.00 |
| Developing A Vision | 52,822.00 | 100.00 | 52,822.00 | 52,822.00 | 0.00 |
| Vision Plan Preparation | 24,559.00 | 100.00 | 24,559.00 | 24,559.00 | 0.00 |
| Vision Plan Refinement | 27,844.00 | 86.00 | 23,945.84 | 22,275.20 | 1,670.64 |
| Total Fee | 199,789.00 | | 195,890.84 | 194,220.20 | 1,670.64 |
| Total Fee | | | | 1,670.64 | |

Total this Invoice

\$1,670.64

Outstanding Invoices

| Number | Date | Balance |
|--------|---------|-----------|
| 9 | 12/7/09 | 22,766.38 |
| Total | | 22,766.38 |

AB 1-15-10

05-71-0830.01

2-2-10 Consent

Remit payment to EDAW Inc. Dept 9269-03. Los Angeles California 90084-9269. Tel 970.484.6073

Wire payment to Wells Fargo Bank. 420 Montgomery Street. San Francisco California 94104. Routing #121000248 (Domestic)

Swift #WFBUS6S (Intl). Acct #4030013163

When making payment, please reference itemized amount by invoice number and EDAW job number. Payment terms net 30 days.
A 1.5% per month finance charge will be assessed on all past due accounts.

| BANK NO | BANK NAME | CHECK NO | DATE | VENDOR NO | VENDOR NAME | CHECK AMOUNT | CLEARED | VOIDED | MANUAL |
|---------|----------------------------|----------|-----------|-----------|-------------------------------|--------------|-------------|------------|------------|
| ----- | | | | | | | | | |
| 1 | Bank of Nebraska (600-873) | | | | | | | | |
| | | 46078 | | | Payroll Check | | | | |
| | | 46079 | | | Gap in Checks | | | | |
| Thru | | 98760 | | | | | | | |
| | | 98761 | 1/20/2010 | 3702 | LAUGHLIN, KATHLEEN A, TRUSTEE | 809.00 | | | **MANUAL** |
| | | 98762 | 1/20/2010 | 2186 | SID 195 - MAYFAIR | 660.00 | | | **MANUAL** |
| | | 98763 | 1/20/2010 | 944 | NE DEPT OF REVENUE-LOTT/51 | 81,529.78 | | | **MANUAL** |
| | | 98764 | 1/22/2010 | 4254 | LINCOLN FINANCIAL | 6,232.32 | | | **MANUAL** |
| | | 98765 | 2/02/2010 | 3983 | ABE'S PORTABLES INC | 32.00 | | | |
| | | 98766 | 2/02/2010 | 762 | ACTION BATTERIES UNLTD INC | 20.88 | | | |
| | | 98767 | 2/02/2010 | 765 | ADT SECURITY SERVICES | 246.74 | | | |
| | | 98768 | 2/02/2010 | 2723 | AKSARBEN GARAGE DOOR SVCS INC | 125.00 | | | |
| | | 98769 | 2/02/2010 | 268 | AKSARBEN HEATING/ARS | 24.75 | | | |
| | | 98770 | 2/02/2010 | 571 | ALAMAR UNIFORMS | 401.90 | | | |
| | | 98771 | 2/02/2010 | 2241 | ALS AFFILIATES | 350.00 | | | |
| | | 98772 | 2/02/2010 | 557 | APWA-AMER PUBLIC WORKS ASSN | 282.00 | | | |
| | | 98773 | 2/02/2010 | 536 | ARAMARK UNIFORM SERVICES INC | 264.53 | | | |
| | | 98774 | 2/02/2010 | 1678 | ASPEN EQUIPMENT COMPANY | 174.13 | | | |
| | | 98775 | 2/02/2010 | 3509 | AUTO GLASS TINT | 140.00 | | | |
| | | 98776 | 2/02/2010 | 201 | BAKER & TAYLOR BOOKS | 1,487.91 | | | |
| | | 98777 | 2/02/2010 | 3169 | BATTERY ZONE INC | 529.49 | | | |
| | | 98778 | 2/02/2010 | 1839 | BCDM-BERINGER CIACCIO DENNELL | 575.00 | | | |
| | | 98779 | 2/02/2010 | 4168 | BCR-BIBLIOGRAPHICAL | 28.84 | | | |
| | | 98780 | 2/02/2010 | 929 | BEACON BUILDING SERVICES | 6,437.00 | | | |
| | | 98781 | 2/02/2010 | 1784 | BENNINGTON EQUIPMENT INC | 1,328.86 | | | |
| | | 98782 | 2/02/2010 | 3774 | BENSON RECORDS MANAGEMENT CTR | 54.68 | | | |
| | | 98783 | 2/02/2010 | 410 | BETTER BUSINESS EQUIPMENT | 43.93 | | | |
| | | 98784 | 2/02/2010 | 196 | BLACK HILLS ENERGY | 18.15 | | | |
| | | 98785 | 2/02/2010 | 56 | BOB'S RADIATOR REPAIR CO INC | 48.50 | | | |
| | | 98786 | 2/02/2010 | 2757 | BOBCAT OF OMAHA | 414.92 | | | |
| | | 98787 | 2/02/2010 | 3760 | BUETHE, PAM | 20.00 | | | |
| | | 98788 | 2/02/2010 | 2070 | BURCAW, SCOTT | 35.00 | | | |
| | | 98789 | 2/02/2010 | 4024 | CALENTINE, JEFFREY | 30.00 | | | |
| | | 98790 | 2/02/2010 | 2285 | CENTER POINT PUBLISHING | 248.04 | | | |
| | | 98791 | 2/02/2010 | 152 | CITY OF OMAHA | 42,904.77 | | | |
| | | 98792 | 2/02/2010 | 3176 | COMP CHOICE INC | 148.50 | | | |
| | | 98793 | 2/02/2010 | 468 | CONTROL MASTERS INCORPORATED | 574.70 | | | |
| | | 98794 | 2/02/2010 | 836 | CORNHUSKER INTL TRUCKS INC | 950.61 | | | |
| | | 98795 | 2/02/2010 | 2158 | COX COMMUNICATIONS | 102.60 | | | |
| | | 98796 | 2/02/2010 | 2870 | CPS HUMAN RESOURCE SERVICES | 909.70 | | | |
| | | 98797 | 2/02/2010 | 2102 | CREIGHTON EMS EDUCATION | 100.00 | | | |
| | | 98798 | 2/02/2010 | 2374 | DAYSRING PRINTING | 603.00 | | | |
| | | 98799 | 2/02/2010 | 619 | DELL MARKETING L.P. | .00 | **CLEARED** | **VOIDED** | |
| | | 98800 | 2/02/2010 | 619 | DELL MARKETING L.P. | 7,582.86 | | | |
| | | 98801 | 2/02/2010 | 2149 | DOUGLAS COUNTY SHERIFF'S OFC | 50.00 | | | |
| | | 98802 | 2/02/2010 | 1042 | ED M. FELD EQUIPMENT | 1,336.00 | | | |
| | | 98803 | 2/02/2010 | 3193 | ED ROEHR SAFETY PRODUCTS CO | 2,456.55 | | | |
| | | 98804 | 2/02/2010 | 4012 | EMBASSY SUITES HOTEL | 124.80 | | | |

ACCOUNTS PAYABLE CHECK REGISTER

| BANK NO | BANK NAME | CHECK NO | DATE | VENDOR NO | VENDOR NAME | CHECK AMOUNT | CLEARED | VOIDED | MANUAL |
|---------|-----------|----------|-----------|-----------|--------------------------------|--------------|-------------|------------|--------|
| | | 98805 | 2/02/2010 | 4243 | ENGLER, JOHN P, PHD | 500.00 | | | |
| | | 98806 | 2/02/2010 | 1219 | ENTERPRISE LOCKSMITHS INC | 45.00 | | | |
| | | 98807 | 2/02/2010 | 3463 | FARQUHAR, MIKE | 100.00 | | | |
| | | 98808 | 2/02/2010 | 3159 | FASTENAL COMPANY | 6.04 | | | |
| | | 98809 | 2/02/2010 | 3460 | FEDEX | 53.33 | | | |
| | | 98810 | 2/02/2010 | 1245 | FILTER CARE | 42.40 | | | |
| | | 98811 | 2/02/2010 | 4050 | FROEHLICH, RORY | 100.00 | | | |
| | | 98812 | 2/02/2010 | 1344 | GALE | 71.23 | | | |
| | | 98813 | 2/02/2010 | 53 | GCR OMAHA TRUCK TIRE CENTER | 1,113.78 | | | |
| | | 98814 | 2/02/2010 | 35 | GOLDMAN, JOHN G | 85.00 | | | |
| | | 98815 | 2/02/2010 | 164 | GRAINGER | 476.98 | | | |
| | | 98816 | 2/02/2010 | 285 | GRAYBAR ELECTRIC COMPANY INC | 16.40 | | | |
| | | 98817 | 2/02/2010 | 4086 | GREAT PLAINS UNIFORMS | 53.50 | | | |
| | | 98818 | 2/02/2010 | 1624 | GUNN, BRENDA | 45.00 | | | |
| | | 98819 | 2/02/2010 | 1044 | H & H CHEVROLET LLC | 22.77 | | | |
| | | 98820 | 2/02/2010 | 426 | HANEY SHOE STORE | 120.00 | | | |
| | | 98821 | 2/02/2010 | 2663 | HARBOR FREIGHT TOOLS | 199.96 | | | |
| | | 98822 | 2/02/2010 | 1744 | HEARTLAND AWARDS | 64.50 | | | |
| | | 98823 | 2/02/2010 | 1403 | HELGET GAS PRODUCTS INC | 98.00 | | | |
| | | 98824 | 2/02/2010 | 898 | HOOK-FAST SPECIALTIES INC | 91.48 | | | |
| | | 98825 | 2/02/2010 | 136 | HUNTEL COMMUNICATIONS, INC | .00 | **CLEARED** | **VOIDED** | |
| | | 98826 | 2/02/2010 | 136 | HUNTEL COMMUNICATIONS, INC | .00 | **CLEARED** | **VOIDED** | |
| | | 98827 | 2/02/2010 | 136 | HUNTEL COMMUNICATIONS, INC | .00 | **CLEARED** | **VOIDED** | |
| | | 98828 | 2/02/2010 | 136 | HUNTEL COMMUNICATIONS, INC | 4,570.49 | | | |
| | | 98829 | 2/02/2010 | 4214 | IMAGE TREND INCORPORATED | 7,400.00 | | | |
| | | 98830 | 2/02/2010 | 2762 | IOWA PRISON INDUSTRIES | .00 | **CLEARED** | **VOIDED** | |
| | | 98831 | 2/02/2010 | 2762 | IOWA PRISON INDUSTRIES | 2,648.10 | | | |
| | | 98832 | 2/02/2010 | 1896 | J Q OFFICE EQUIPMENT INC | 264.62 | | | |
| | | 98833 | 2/02/2010 | 3888 | JESUS, MATTHEW | 40.00 | | | |
| | | 98834 | 2/02/2010 | 788 | KINDIG, DOUGLAS | 80.00 | | | |
| | | 98835 | 2/02/2010 | 1054 | KLINKER, MARK A | 200.00 | | | |
| | | 98836 | 2/02/2010 | 4250 | KNEHER, SARAH | 55.00 | | | |
| | | 98837 | 2/02/2010 | 2394 | KRIHA FLUID POWER CO INC | 121.84 | | | |
| | | 98838 | 2/02/2010 | 2057 | LA VISTA COMMUNITY FOUNDATION | 70.00 | | | |
| | | 98839 | 2/02/2010 | 4063 | LAW ENFORCEMENT SUPPLY INC | 219.28 | | | |
| | | 98840 | 2/02/2010 | 1241 | LEAGUE ASSN OF RISK MGMT | 15,831.00 | | | |
| | | 98841 | 2/02/2010 | 2327 | LIEN TERMITE & PEST CONTROL | 1,373.00 | | | |
| | | 98842 | 2/02/2010 | 877 | LINWELD | 303.98 | | | |
| | | 98843 | 2/02/2010 | 2124 | LUKASIEWICZ, BRIAN | 50.00 | | | |
| | | 98844 | 2/02/2010 | 1539 | MALLARD SAND & GRAVEL COMPANY | 4,425.99 | | | |
| | | 98845 | 2/02/2010 | 4249 | MC CARTHY HEATING & AIR | 22.16 | | | |
| | | 98846 | 2/02/2010 | 3938 | MCKAY, DONALD | 122.00 | | | |
| | | 98847 | 2/02/2010 | 4247 | MCNAMARA, CASSLYN | 20.00 | | | |
| | | 98848 | 2/02/2010 | 3963 | MCNAMARA, VICTORIA | 90.00 | | | |
| | | 98849 | 2/02/2010 | 872 | METROPOLITAN COMMUNITY COLLEGE | 7,130.45 | | | |
| | | 98850 | 2/02/2010 | 553 | METROPOLITAN UTILITIES DIST. | 318.39 | | | |
| | | 98851 | 2/02/2010 | 98 | MICHAEL TODD AND COMPANY INC | 274.08 | | | |
| | | 98852 | 2/02/2010 | 2497 | MID AMERICA PAY PHONES | 50.00 | | | |
| | | 98853 | 2/02/2010 | 3921 | MID-STATES UTILITY TRAILER | 187.47 | | | |
| | | 98854 | 2/02/2010 | 3286 | MINUTE MAN PRINTING | 80.46 | | | |
| | | 98855 | 2/02/2010 | 995 | MOCIC MID-STATES ORGANIZED | 200.00 | | | |
| | | 98856 | 2/02/2010 | 469 | NEBRASKA FURNITURE MART | 224.88 | | | |
| | | 98857 | 2/02/2010 | 2685 | NEBRASKA TURF PRODUCTS | 620.15 | | | |

ACCOUNTS PAYABLE CHECK REGISTER

| BANK NO | BANK NAME | | | | | | |
|----------|-----------|-----------|------------------------------|--------------|-------------|------------|--------|
| CHECK NO | DATE | VENDOR NO | VENDOR NAME | CHECK AMOUNT | CLEARED | VOIDED | MANUAL |
| 98858 | 2/02/2010 | 2631 | NEXTEL COMMUNICATIONS | 578.30 | | | |
| 98859 | 2/02/2010 | 2631 | NEXTEL COMMUNICATIONS | 200.18 | | | |
| 98860 | 2/02/2010 | 2332 | NLA LEGISLATIVE DAY | 20.00 | | | |
| 98861 | 2/02/2010 | 440 | NMC EXCHANGE LLC | 795.31 | | | |
| 98862 | 2/02/2010 | 179 | NUTS AND BOLTS INCORPORATED | 44.77 | | | |
| 98863 | 2/02/2010 | 1014 | OFFICE DEPOT INC-CINCINNATI | .00 | **CLEARED** | **VOIDED** | |
| 98864 | 2/02/2010 | 1014 | OFFICE DEPOT INC-CINCINNATI | 392.14 | | | |
| 98865 | 2/02/2010 | 1479 | OMAHA TRUCK CENTER | 249.91 | | | |
| 98866 | 2/02/2010 | 2129 | OMB EXPRESS POLICE SUPPLY | 244.98 | | | |
| 98867 | 2/02/2010 | 3039 | PAPILLION SANITATION | 304.11 | | | |
| 98868 | 2/02/2010 | 976 | PAPILLION TIRE INCORPORATED | 81.15 | | | |
| 98869 | 2/02/2010 | 792 | PAPILLION WELDING | 153.50 | | | |
| 98870 | 2/02/2010 | 2686 | PARAMOUNT LINEN & UNIFORM | 405.96 | | | |
| 98871 | 2/02/2010 | 569 | PAUL CONWAY SHIELDS | 136.50 | | | |
| 98872 | 2/02/2010 | 1821 | PETTY CASH-PAM BUETHE | 35.54 | | | |
| 98873 | 2/02/2010 | 159 | PRECISION INDUSTRIES | 395.00 | | | |
| 98874 | 2/02/2010 | 4246 | PREISTER, WES | 110.00 | | | |
| 98875 | 2/02/2010 | 1910 | PRESTIGE FLAG | 364.96 | | | |
| 98876 | 2/02/2010 | 1713 | QUALITY AUTO REPAIR & TOWING | 81.00 | | | |
| 98877 | 2/02/2010 | 219 | QWEST | 1,031.96 | | | |
| 98878 | 2/02/2010 | 58 | RAINBOW GLASS & SUPPLY | 185.21 | | | |
| 98879 | 2/02/2010 | 427 | RAMIREZ, RITA M | 43.00 | | | |
| 98880 | 2/02/2010 | 3704 | RANGER JOE'S INTERNATIONAL | 68.93 | | | |
| 98881 | 2/02/2010 | 3139 | RECORDED BOOKS, LLC | 1,288.08 | | | |
| 98882 | 2/02/2010 | 3129 | REPCO MARKETING INC | 35.25 | | | |
| 98883 | 2/02/2010 | 487 | SAPP BROS PETROLEUM INC | 828.25 | | | |
| 98884 | 2/02/2010 | 2240 | SARPY COUNTY COURTHOUSE | 3,495.03 | | | |
| 98885 | 2/02/2010 | 150 | SARPY COUNTY TREASURER | 8,750.00 | | | |
| 98886 | 2/02/2010 | 4244 | SIGNAL 88 SECURITY GROUP | 400.00 | | | |
| 98887 | 2/02/2010 | 3514 | SMITH, MELANIE | 122.00 | | | |
| 98888 | 2/02/2010 | 533 | SOUCIE, JOSEPH H JR | 60.00 | | | |
| 98889 | 2/02/2010 | 3838 | SPRINT | 122.87 | | | |
| 98890 | 2/02/2010 | 1149 | STATE FIRE MARSHAL | 50.00 | | | |
| 98891 | 2/02/2010 | 3069 | STATE STEEL OF OMAHA | 304.75 | | | |
| 98892 | 2/02/2010 | 2634 | STERIL MANUFACTURING CO | 50.00 | | | |
| 98893 | 2/02/2010 | 910 | STEVENS, MARK | 122.00 | | | |
| 98894 | 2/02/2010 | 871 | STOPAK, SCOTT | 50.00 | | | |
| 98895 | 2/02/2010 | 47 | SUBURBAN NEWSPAPERS INC | 39.50 | | | |
| 98896 | 2/02/2010 | 913 | TARGET BANK | 65.99 | | | |
| 98897 | 2/02/2010 | 4224 | TIEHEN, JAMES | 100.00 | | | |
| 98898 | 2/02/2010 | 4150 | TOMSU, LINDSEY | 95.00 | | | |
| 98899 | 2/02/2010 | 3735 | TY'S OUTDOOR POWER & SVC INC | 275.00 | | | |
| 98900 | 2/02/2010 | 2426 | UNITED PARCEL SERVICE | 122.58 | | | |
| 98901 | 2/02/2010 | 2737 | UNIVERSAL STEERING HYDRAULIC | 210.00 | | | |
| 98902 | 2/02/2010 | 4167 | UNIVERSITY OF VIRGINIA | 2,800.00 | | | |
| 98903 | 2/02/2010 | 4223 | VAIL, ADAM | 100.00 | | | |
| 98904 | 2/02/2010 | 809 | VERIZON WIRELESS, BELLEVUE | 191.07 | | | |
| 98905 | 2/02/2010 | 3822 | VITALSIGNS | 112.50 | | | |
| 98906 | 2/02/2010 | 1174 | WAL-MART COMMUNITY BRC | 258.43 | | | |
| 98907 | 2/02/2010 | 968 | WICK'S STERLING TRUCKS INC | 7.26 | | | |
| 98908 | 2/02/2010 | 4245 | WITKOVSK, BARB | 69.01 | | | |

ACCOUNTS PAYABLE CHECK REGISTER

BANK NO BANK NAME

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

BANK TOTAL 236,783.13
OUTSTANDING 236,783.13
CLEARED .00
VOIDED .00

| FUND | TOTAL | OUTSTANDING | CLEARED | VOIDED |
|-----------------------|-----------|-------------|---------|--------|
| 01 GENERAL FUND | 86,641.77 | 86,641.77 | .00 | .00 |
| 02 SEWER FUND | 66,424.81 | 66,424.81 | .00 | .00 |
| 08 LOTTERY FUND | 81,529.78 | 81,529.78 | .00 | .00 |
| 09 GOLF COURSE FUND | 1,975.71 | 1,975.71 | .00 | .00 |
| 15 OFF-STREET PARKING | 211.06 | 211.06 | .00 | .00 |

REPORT TOTAL 236,783.13
OUTSTANDING 236,783.13
CLEARED .00
VOIDED .00

+ Gross Payroll 1/22/10 214,584.88

GRAND TOTAL \$451,368.01

APPROVED BY COUNCIL MEMBERS 2/2/10

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
FEBRUARY 2, 2010 AGENDA**

| Subject: | Type: | Submitted By: |
|------------------------------------|---|--------------------------|
| THOMPSON CREEK GRANT ACCEPTANCE | ◆ RESOLUTION ORDINANCE RECEIVE/FILE | PAM BUETHE CITY CLERK |

SYNOPSIS

A resolution has been prepared authorizing the execution of an agreement with the Nebraska Emergency Management Agency (NEMA) for the award of a hazard mitigation grant from the Federal Emergency Management Agency (FEMA) for the Thompson Creek area. The monetary amount which the Federal Government will provide for their share of project costs is \$2,040,930.00.

FISCAL IMPACT

The FY 09/10 Budget contains funding for this project.

RECOMMENDATION

Approval.

BACKGROUND

At the June 19, 2007 City Council meeting, City Engineer John Kottmann presented the findings of the 2006 Thompson Creek Channel Study which was prepared to provide an evaluation of alternatives for the treatment of Thompson Creek downstream of the storm water detention structure located on the La Vista Golf Course. This topic was placed on the August 21, 2007 Council agenda as a discussion item to provide an opportunity for the Mayor and Council to discuss the study and have subsequent questions answered. A public hearing was then held on October 2, 2007 to receive public input regarding the Thompson Creek study update and a follow up homeowner survey was conducted in January 2008. The Mayor and City Council also toured the subject area.

In order to apply for funding to help address the Thompson Creek issues it was necessary to determine a solution. As such, four alternatives ranging from doing nothing to acquiring 65 homes were evaluated and considered. Based on the feedback received from residents in March 2008 the Council opted to seek funding for Option 3 which involved the acquisition of 24 properties identified on the attached aerial photo. This option was also determined to be the best compromise between minimizing the number of affected property owners, cost, achieving continuous access for creek maintenance and future stabilization projects, and advancing the master plans of the City. A grant application was submitted in June 2008.

The City recently received notification that the Thompson Creek project has been approved for funding. The grant is in the amount of \$2,040,930.00 which is 75 percent of the allowable project costs. The funds come from FEMA through the Nebraska Emergency Management Agency (NEMA). The local match is 25 percent (\$680,310.00) and would be split equally between the City of La Vista and the Papio-Missouri River NRD (\$340,155.00 each). The NRD plans to participate over a three-year period beginning with \$100,000 in the first year. This item is scheduled for consideration by the NRD Board of Directors at their February 9, 2010 Board meeting.

If the Council accepts this grant award the Grant Agreement will need to be executed to begin the process. It is anticipated that this project will take approximately 28 months to complete. The following is a **tentative** timetable of the project should the Council accept the grant:

| | |
|---------------------------|--|
| Spring 2010 | Meeting to explain the process to property owners in the Thompson Creek mitigation area. |
| Spring/Summer 2010 | Contact with the 24 property owners regarding interest in selling. |
| Summer/Fall 2010 | Appraisals and work with those property owners interested in selling. |
| Fall 2010/Winter 2011 | Purchase Agreements and closing on properties |
| Spring 2011 – Spring 2012 | Demolition |

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE NEBRASKA EMERGENCY MANAGEMENT AGENCY (NEMA) FOR A HAZARD MITIGATION GRANT FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FOR THE THOMPSON CREEK AREA IN LA VISTA.

WHEREAS, the City Council of the City of La Vista has determined that said Thompson Creek improvements are necessary; and

WHEREAS, the FY 2009/10 budget contains funding for this project; and

WHEREAS, the project has been designated as being eligible for a grant from the Federal Emergency Management Agency; and

WHEREAS, the Nebraska Emergency Management Agency, in the role of Grantee will provide financial oversight and management of this project; and

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska, authorize the Mayor to enter into an agreement with the Nebraska Emergency Management Agency for a hazard mitigation grant from the Federal Emergency Management Agency for the Thompson Creek area in La Vista.

PASSED AND APPROVED THIS 2ND DAY OF FEBRUARY 2010

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

GRANT AGREEMENT**between****Nebraska Emergency Management Agency (NEMA)****And****LA VISTA, THE CITY OF****PROJECT TITLE: Thompson Creek****GRANT AGREEMENT NO: DR-1674-NE****PROJECT NO: 0055****FEDERAL TAX ID#: 47-6050031****SCOPE OF WORK**

This Grant Assistance Agreement (AGREEMENT) is to provide (SUBGRANTEE) with federal assistance from the NAME OF GRANT PROGRAM funds for the above-referenced mitigation grant. The federal share shall not exceed \$2,040,930.00 or 75% of actual allowable project costs, whichever is less. The SUBGRANTEE shall provide at least \$680,310.00 (25%) through local non-federal (cash and/or in-kind) sources for actual allowable project costs. These funds are to assist the SUBGRANTEE with completing the approved scope of work in accordance with the work schedule, milestones, and scope of work that was submitted to and approved by the Nebraska Emergency Management Agency (NEMA) and the Federal Emergency Management Agency (FEMA). Any changes to the approved scope of work and/or amount budgeted must be submitted to and approved by NEMA prior to executing the changes. The SUBGRANTEE is required to obtain all necessary permits before construction begins.

AGREEMENTS

NEMA will provide financial oversight and management in the role of GRANTEE based on the grant guidance, the grant financial guide and all other applicable State and federal guidelines. The GRANTEE will provide technical assistance and direction to the SUBGRANTEE on programmatic and financial requirements. The GRANTEE will provide all appropriate documents and forms and make payments to the SUBGRANTEE to complete the approved scope of work.

The GRANTEE is responsible for monitoring SUBGRANTEE activities to provide reasonable assurance that the SUBGRANTEE administers federal awards in compliance with federal and State requirements. Responsibilities include the accounting of receipts and expenditures, cash management and the maintaining of adequate financial records. Additionally, the SUBGRANTEE will be monitored quarterly by the GRANTEE to ensure that the program goals, objectives, timelines, budgets, and other related program criteria are being met.

Monitoring will be accomplished through a combination of quarterly reporting, reviewing of expenditures for reimbursement, and when necessary; on-site monitoring. Monitoring will involve the review and analysis of the financial, programmatic, and administrative issues relative to the program, and will identify areas where technical assistance and other support may be needed.

The SUBGRANTEE will pass appropriate resolutions to assure NEMA that it is participating, and will continue to participate, in the National Flood Insurance Program, if mapped.

The SUBGRANTEE and the SUBGRANTEE's AUTHORIZED REPRESENTATIVE agree to provide all supervision, inspection, accounting, and other services necessary to complete the scope of work from inception to closeout with the requirements set forth below.

I. ACTIVITY COMPLETION TIMEFRAME

The approved activity completion timeframe for this grant is from ***10/23/2009 through 02/23/2012***. All work must be completed prior to the activity completion timeframe ending. The SUBGRANTEE shall not incur costs or obligate funds for any purpose pertaining to the operation of the project, program, or activities beyond the expiration date of the activity completion timeframe.

1

If a time extension is needed it must be requested at least 75 days prior to the activity completion timeframe end date. All requests must be supported by adequate justification submitted to NEMA in order to be processed. This justification is a written explanation of the reason or reasons for the delay; an outline of remaining funds available to support the extended activity completion timeframe; and a description of performance measures necessary to complete the project. Without the justification, extension requests will not be processed.

II. AUTHORITIES AND REFERENCES.

The SUBGRANTEE shall comply with all applicable laws, regulations and policies as defined in the State of Nebraska Hazard Mitigation Administrative Plan. A non-exclusive list of laws and regulations commonly applicable to FEMA grants follows hereto for reference only.

- OMB Circular A-102 – Uniform Administrative Requirements for Grants and Cooperative Agreements with State and Local Governments as implemented in 44 CFR Part 13
- Title 2 CFR Part 225 (OMB Circular A-87) – Cost Principles for State and Local Governments
- OMB Circular A-133 – Audits of States, Local Governments, and Non-Profit Organizations
- Robert T. Stafford Disaster Assistance and Emergency Relief Act (Stafford Act), 42 U.S.C. 5133, as amended by Section 102 of the Disaster Mitigation Act of 2000 (DMA)
- Title 44 of the Code of Federal Regulations (CFR)
- SUBGRANTEE's application that was received and approved by NEMA and FEMA
- State of Nebraska Administrative Plan for the Hazard Mitigation Grant Program

III. GRANT MANAGEMENT SYSTEM

To ensure that federal funds are awarded and expended appropriately, the SUBGRANTEE will establish and maintain a grant management system. The standards for SUBGRANTEE organizations stem from the Office of Management and Budget's (OMB) Uniform Administrative Requirements and Cost Principles. State, local and tribal organizations must follow the uniform administrative requirements standards in OMB Circular A-102, and cost principle standards in OMB Circular A-87. These standards combined with the audit standards provided within OMB Circular A-133, plus the requirements of the federal Cash Management Improvement Act constitute the basis for all policies, processes and procedures set forth in this grant management system for the SUBGRANTEE.

The SUBGRANTEE's grant management system must:

- Include internal controls based on the American Institute for Certified Public Accountant's (AICPA) definitions and requirements in the government-wide administrative requirements and cost principles
- Include a chart of accounts that includes a separate cost center, fund, or accounting codes for each federal grant or program
- Be in compliance with the Cash Management Improvement Act (CMIA), good business processes and Generally Accepted Accounting Principles (GAAP)
- Include procedures to minimize federal cash on hand
- Include the ability to track expenditures on a cash or accrual basis
- Include the ability to track expenditures in both financial and program budgets
- Include procedures to document all grant-related expenditures
- Include procedures to ensure expenditures are eligible and allowable
- Include the ability to fulfill government-required financial reporting forms

IV. PROCUREMENT

This agreement requires that all procurement is executed by the SUBGRANTEE. Procurement standards must be in accordance with the written adopted procedures of the SUBGRANTEE, provided that the local procurement standards conform to applicable State and Federal law and the standards identified in the 44 CFR. The SUBGRANTEE will ensure that every purchase order or other contract includes any clauses required by Federal statutes and executive orders and their implementing regulations.

V. AUDIT

SUBGRANTEE must comply with the requirements of the Single Audit Act Amendments of 1996 and the Office of Management and Budget (OMB) Circular A-133. Reference: Catalog of Federal Domestic Assistance (CFDA).

VI. PAYMENT REQUEST PROCESS

Payments to SUBGRANTEES are based on eligible expenditures that are specifically related to the approved grant budget and scope of work. SUBGRANTEES can request **Reimbursement** for allowable expenditures already paid at anytime during the activity completion timeframe.

Payments shall be limited to the documented cash requirements submitted by the SUBGRANTEE. The SUBGRANTEE must submit a completed Payment Request Form and provide supporting documentation of eligible project costs to receive payment of funds.

Reimbursement requests must include payment verification (i.e. paid invoices, receipts, payroll records with personnel activity reports, cancelled checks, general ledger print outs, etc.).

Payment of funds will not be made to a SUBGRANTEE until NEMA has this grant agreement signed and on file.

VII. Match Verification

The maximum federal share to this mitigation grant cannot exceed 75% of eligible grant expenditures. Therefore, the matching funds (cash and in-kind) must be at least 25% of eligible grant expenditures. The subgrantee is responsible for submitting proof of the local **non-federal** match that was used for their mitigation grant to NEMA. Expenditures must be in accordance with the approved scope of work and budget and in accordance with the 44 Code of Federal Regulations (CFR), Section 13.24, "Matching or cost sharing"

Cash match can be money contributed to the subgrantee by the subgrantee, other public agencies and institutions, private organizations and individuals as long as it comes from a non-federal source. Cash spent must be for allowable costs in accordance with the SUBGRANTEE's approved scope of work and budget and must be applicable to the period to which the cost sharing or matching requirement applies.

In-kind match must comply with the requirements of the 44 CFR, Section 13.24 (matching or cost sharing). The value of in-kind contributions is also applicable to the period to which the cost sharing or matching requirement applies. The in-kind match provided must be documented by the third party contributing the in-kind services. The in-kind match must be specifically stated in the SUBGRANTEE's scope of work and budget before in-kind match will be allowed to match any mitigation grant. Documentation can be a letter (on letterhead) from the third party stating the scope of their work, what is being contributed as it relates to the scope of work, the value, a statement to the effect that the value is normally charged, and a statement that the value is being waived on behalf of the subgrantee to meet the matching requirements to the subgrantee's mitigation grant or a spreadsheet detailing in-kind contributions certified by the Authorized Representative.

If the local match is insufficient to satisfy the local match requirements for receiving all available federal funds, the awarded federal funds will be reduced accordingly so as not to exceed the maximum federal share allowed under this award.

VIII. REPORTING REQUIREMENTS

The mitigation grant requires quarterly programmatic and financial reporting and progress relative to the approved scope of work. SUBGRANTEES are required to complete the quarterly progress report forms that are provided by NEMA and submit them by the 15th day following each federal fiscal quarter. (See administrative plan for specific date.)

WAIVERS

No conditions or provisions of this AGREEMENT can be waived unless approved by NEMA and the SUBGRANTEE, in writing. Unless otherwise stated in writing, NEMA's failure to insist upon strict performance of any provision of this AGREEMENT, or to exercise any right based upon a breach, shall not constitute a waiver of any right or obligation specified under this AGREEMENT.

AMENDMENTS AND MODIFICATIONS

This AGREEMENT may be amended or modified in reference to the grant funds provided, administrative procedures, or any other necessary matter, but not to take effect until approved, in writing, by NEMA and the SUBGRANTEE.

COMPLIANCE, TERMINATION AND OTHER REMEDIES

Unless otherwise stated in writing, NEMA requires strict compliance by the SUBGRANTEE and its authorized representative(s) with the terms of this AGREEMENT, and the requirements of any applicable local, state and federal statute, rules, regulations; particularly those included in the Assurances attached to this grant agreement.

NEMA may suspend or terminate any obligation to provide funding or demand return of grant funds, following notice from NEMA, if the SUBGRANTEE fails to meet any obligations under this AGREEMENT or fails to make satisfactory progress toward administration or completion of said project.

The SUBGRANTEE understands and agrees that NEMA may enforce the terms of this AGREEMENT by any combination, or all remedies available to NEMA under this AGREEMENT, or under any other provision of law, common law, or equity.

INDEMNIFICATION

1. It is understood and agreed by NEMA and the SUBGRANTEE and its agents that this AGREEMENT is solely for the benefit of the parties to this grant and gives no right to any other party.

2. The SUBGRANTEE, on behalf of itself and its successors and assigns, agrees to protect, save, and hold harmless NEMA and the State of Nebraska, and their authorized agents and employees, from all claims, actions, costs, damages, or expenses of any nature whatsoever by reason of the negligent acts, errors, or omissions of the SUBGRANTEE or its authorized representative, its contractors, subcontractors, assigns, agents, licensees, arising out of or in connection with any acts or activities authorized by this AGREEMENT. The SUBGRANTEE's obligation to protect, save, and hold harmless as herein provided shall not extend to claims or causes of action for costs, damages, or expenses caused by or resulting from the negligent acts, errors, or omissions of NEMA, the State of Nebraska, or any of their authorized agents or employees.

3. The SUBGRANTEE further agrees to defend NEMA, the State of Nebraska, and their authorized agents and employees against any claim or cause of action, or to pay reasonable attorney's fees incurred in the defense of any such claim or cause of action, as to which the SUBGRANTEE is required to protect, save, or hold harmless said parties pursuant to paragraph 2 of this part. The SUBGRANTEE's obligation to defend, or to pay attorney's fees for the defense of such claims or causes of action as herein provided, shall not extend to claims or causes of action for costs, damages, or expenses caused by or resulting from the negligent acts, errors, or omissions of NEMA, the State of Nebraska, or any of their authorized agents or employees.

ACKNOWLEDGMENTS

The SUBGRANTEE shall include, in any public or private release of information regarding the project, language that acknowledges the funding contribution through NEMA by FEMA.

INDEPENDENT CONTRACTOR STATUS OF APPLICANT

The SUBGRANTEE, its officers, employees, agents and council members shall all perform their obligations under this AGREEMENT as an independent contractor and not in any manner as officers, employees or agents of NEMA or the State of Nebraska. All references herein to the SUBGRANTEE shall include its officers, employees, city council/board members, and agents.

RESPONSIBILITY FOR PROJECT

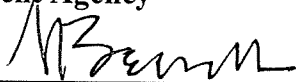
While NEMA undertakes to provide technical assistance to the SUBGRANTEE and its authorized representative in the administration of the project, said project remains the sole responsibility of the applicant in accomplishing grant objectives and goals. NEMA undertakes no responsibility to the SUBGRANTEE, or any third party, other than what is expressly set out in this AGREEMENT.

ENTIRE GRANT AGREEMENT

This AGREEMENT sets forth the entire AGREEMENT between NEMA and the SUBGRANTEE with respect to subject matter hereof. Commitments, warranties, representations and understandings or agreements not contained, or referred to, herein or amended thereto shall not be binding on either NEMA or the SUBGRANTEE. Except as may be expressly provided herein, no alteration of any of the terms or conditions of this AGREEMENT will be effective without written consent of both parties.

IN WITNESS WHEREOF, NEMA and the SUBGRANTEE have executed this AGREEMENT by the signatures of authorized persons of both entities and on the dates indicated below:

**Nebraska Emergency
Management Agency**



Al Berndt, Governors Authorized Representative Authorized Representative

Date

27 Oct 2009

Date

Signature of Alternate Authorized Representative (optional)

Date

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
FEBRUARY 2, 2010 AGENDA**

| Subject: | Type: | Submitted By: |
|--|---|-------------------------------------|
| SELECTION CONCURRENCE AND CONSTRUCTION CONTRACT AUTHORIZATION – GILES ROAD PAVEMENT REPAIR PROJECT MAPA-5012(9) | ◆ RESOLUTION ORDINANCE RECEIVE/FILE | JOE SOUCIE PUBLIC WORKS DIRECTOR |

SYNOPSIS

A resolution has been prepared accepting Iowa Erosion Control, Inc., Victor Iowa as the low compliant bidder for the project identified as MAPA-5012(9) and authorizing the Mayor and City Clerk to sign construction contracts on behalf of the City of La Vista.

FISCAL IMPACT

The FY 2009/10 Capital Improvement Program provides funding for Giles Road Pavement Repair Project. This project was selected for American Recovery & Reinvestment Act (ARRA) funding. The construction and construction engineering for the project are reimbursable.

RECOMMENDATION

Approval

BACKGROUND

The City of La Vista submitted the Giles Road Pavement Repair Project for ARRA Funding in March 2009 and was subsequently chosen. The project consists of installing dowel bars at transverse pavement joints using retro-fit techniques followed by diamond grinding of the pavement surface.

The State and City received bids for the said project on January 14, 2010, at which time four bids were received for the construction of the proposed work; Iowa Erosion Control, Inc., Victor Iowa was selected as the low bidder.

| | |
|--|----------------|
| Iowa Erosion Control, Inc. | \$1,223,210.49 |
| TAB Holding Company, Inc. | \$1,272,198.25 |
| M.E. Collins Contracting Company, Inc. | \$1,287,754.67 |
| Navarro Enterprise Construction, Inc. | \$1,391,343.71 |

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA ACCEPTING IOWA EROSION CONTROL, INC. VICTOR, IA AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE CONSTRUCTION CONTRACTS ON BEHALF OF THE CITY OF LA VISTA FOR THE GILES ROAD PAVEMENT REPAIR PROJECT IDENTIFIED AS MAPA - 5012(9).

WHEREAS, the City Council of the City of La Vista has determined that said Giles Road Pavement Repairs are necessary; and

WHEREAS, the FY 2009/10 Capital Improvement Program includes funding for Giles Road Pavement Repair; and

WHEREAS, the project has been designated as being eligible for American Recovery and Reinvestment Act (ARRA) Funds by the Department of Transportation, Federal Highway Administration; and

WHEREAS, the State and City received bids for the said project on January 14, 2010 and Iowa Erosion Control, Inc., Victor IA was selected as the low bidder; and

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska, to accept Iowa Erosion Control, Inc., Victor IA and authorize the Mayor and City Clerk to execute construction contracts on behalf of the City of La Vista for the Giles Road Pavement Repair Project identified as MAPA – 5012(9).

PASSED AND APPROVED THIS 2ND DAY OF FEBRUARY 2010

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

R E S O L U T I O N

WHEREAS, there has been signed by the City of La Vista on the 22nd day of July, 2009, and the State on the 16th day of August, 2009, an agreement providing for the construction of a Federal Aid Project at the following location: Giles Road from 107th Street to the NDOR maintenance limits at the I-80 interchange.

, and

WHEREAS, in the above agreement, the City has pledged sufficient funds to finance its share of the cost of the construction of this project identified as MAPA-5012(9), and

WHEREAS, the above mentioned agreement provided that the City would pay costs as set forth in the agreement, and

WHEREAS, the State and the City received bids for the construction of this project on January 14, 2010, at which time four bids were received for the construction of the proposed work, and

WHEREAS, the following contractor(s) has been selected as the low bidder to whom the contract(s) should be awarded:

Iowa Erosion Control, Inc., Victor, Iowa;

Specialty: \$1,223,210.49

NOW THEREFORE, in consideration of the above facts, the City Council of the City of La Vista, by this resolution, takes the following official action:

1. The Council hereby concurs in the selection of the above mentioned contractor(s) to whom the contract(s) should be awarded.

2. The Council does not desire to perform any of the work with its own forces in lieu of performing the work by the contract method.

3. The Council hereby authorizes the Mayor and the City Clerk of La Vista to sign the construction contract on behalf of said City.

DATED THIS _____ DAY OF _____, A.D. _____

CITY OF LA VISTA

ATTEST:

Mayor

Council Member _____

City Clerk

Moved the adoption of said resolution.

Roll Call: _____ yea, _____ nay.

Resolution adopted, signed and billed as adopted.

ORIGINAL

NEBRASKA DEPARTMENT OF ROADS

DATE : 01/14/10
PAGE : 2

VENDOR RANKING

CALL ORDER : 230
LETTING DATE : 01/14/10
CONTRACT DESCRIPTION :
GILES ROAD, 107TH-I-80, LaVISTA

CONTRACT ID : 2396X
DISTRICT : 2

COUNTIES : SARPY

PROJECT(S) : MAPA-5012(9)

VENDOR NO. BID NOTES

| RANK | VENDOR NO./NAME | TOTAL | | % OVER |
|------|--|-----------------|-----------|--------|
| | | BID | LOW BID | |
| 1 | 1148 IOWA EROSION CONTROL, INC. | \$ 1,223,210.49 | 100.0000% | |
| 2 | 2364 TAB HOLDING COMPANY, INC., DBA TAB CONSTRUCTION | \$ 1,272,198.25 | 104.0049% | |
| 3 | 1613 M. E. COLLINS CONTRACTING COMPANY, INC. | \$ 1,287,754.67 | 105.2766% | |
| 4 | 3709 NAVARRO ENTERPRISE CONSTRUCTION, INC. | \$ 1,391,343.71 | 113.7452% | |

ORIGINAL

CALL ORDER : 230
LETTING DATE : 01/14/10 1:30 pm

TABULATION OF BIDS

CONTRACT ID : 2396X
DISTRICT : 2

COUNTIES : SARPY

| LINE NO / ITEM CODE / ALT | | QUANTITY | (1) 1148 | | (2) 2364 | | (3) 1613 | | |
|----------------------------------|---------|-----------|----------------------------|-------------|-----------------------------|-------------|---------------------------------|-------------|----------|
| ITEM DESCRIPTION | | | TOWA EROSION CONTROL, INC. | | TAB CONST. (TAB HOLDING CO. | | COLLINS CONTRACTING COMPANY, IN | | |
| | | | UNIT PRICE | AMOUNT | UNIT PRICE | AMOUNT | UNIT PRICE | AMOUNT | |
| SECTION 0001 GROUP 8 SPECIALTY | | | | | | | | | |
| 0001 | 0001.08 | 34112.000 | BDAY | 0.50000 | 17056.00 | 0.50000 | 17056.00 | 0.50000 | 17056.00 |
| 0002 | 0001.10 | 1920.000 | BDAY | 1.50000 | 2880.00 | 5.15000 | 9888.00 | 5.80000 | 11136.00 |
| 0003 | 0001.75 | 112.000 | EACH | 2.00000 | 224.00 | 3.95000 | 442.40 | 4.00000 | 448.00 |
| 0004 | 0001.90 | 7790.000 | EACH | 0.25000 | 1947.50 | 0.20000 | 1558.00 | 0.50000 | 3895.00 |
| 0005 | 0001.99 | 1944.000 | EACH | 0.50000 | 972.00 | 0.90000 | 1749.60 | 0.90000 | 1749.60 |
| 0006 | 0002.28 | 12545.000 | LF | 0.35000 | 4390.75 | 0.11000 | 1379.95 | 0.11000 | 1379.95 |
| 0007 | 0002.30 | 28610.000 | LF | 0.10000 | 2861.00 | 0.31000 | 8869.10 | 0.31000 | 8869.10 |
| 0008 | 0002.44 | 12545.000 | LF | 0.55000 | 6899.75 | 0.21000 | 2634.45 | 0.22000 | 2759.90 |
| 0009 | 0002.76 | 12140.000 | LF | 0.55000 | 6677.00 | 0.20000 | 2428.00 | 0.20000 | 2428.00 |
| 0010 | 0002.97 | 312.000 | DAY | 25.00000 | 7800.00 | 20.10000 | 6271.20 | 80.00000 | 24960.00 |
| 0011 | 0003.50 | 3330.000 | LF | 14.25000 | 47452.50 | 17.80000 | 59274.00 | 28.00000 | 93240.00 |
| 0012 | 0003.56 | 3700.000 | LF | 3.15000 | 11655.00 | 5.41000 | 20017.00 | 4.40000 | 16280.00 |
| 0013 | 0003.57 | 6.000 | EACH | 650.00000 | 3900.00 | 950.50000 | 5703.00 | 971.00000 | 5826.00 |
| 0014 | 0003.58 | 6.000 | EACH | 1200.00000 | 7200.00 | 1310.00000 | 7860.00 | 1338.00000 | 8028.00 |
| 0015 | 0003.64 | 3.000 | EACH | 500.00000 | 1500.00 | 528.05000 | 1584.15 | 539.00000 | 1617.00 |
| 0016 | 0005.10 | 104.000 | DAY | 100.00000 | 10400.00 | 37.00000 | 3848.00 | 38.00000 | 3952.00 |
| 0017 | 0030.30 | | LUMP | 86224.00000 | 86224.00 | 89331.00000 | 89331.00 | 64500.00000 | 64500.00 |
| 0018 | 1122.01 | 314.900 | SY | 8.19000 | 2579.03 | 13.70000 | 4314.13 | 4.00000 | 1259.60 |
| REMOVE CONCRETE MEDIAN SURFACING | | | | | | | | | |

ORIGINAL

CALL ORDER : 230
LETTING DATE : 01/14/10 1:30 pm

CONTRACT ID : 2396X
DISTRICT : 2

TABULATION OF BIDS

COUNTIES : SARPY

| LINE NO / ITEM CODE / ALT ITEM DESCRIPTION | QUANTITY | (1) 1148 | | | (2) 2364 | | | (3) 1613 | | |
|--|----------|------------|-----------|----------------------------|------------|-----------|-----------------------------|------------|-----------|---------------------------------|
| | | UNIT PRICE | AMOUNT | IOWA EROSION CONTROL, INC. | UNIT PRICE | AMOUNT | TAB CONST. (TAB HOLDING CO. | UNIT PRICE | AMOUNT | COLLINS CONTRACTING COMPANY, IN |
| 0019 1128.50 SY REMOVE SLAB | 2218.100 | 24.12000 | 53500.57 | | 24.27000 | 53833.29 | | 9.00000 | 19962.90 | |
| 0020 3008.15 EACH DOWEL BAR RETROFIT | 8613.000 | 34.99000 | 301368.87 | | 30.43000 | 262093.59 | | 26.00000 | 223938.00 | |
| 0021 3010.42 LF CONCRETE CURB REPAIR | 104.000 | 45.00000 | 4680.00 | | 42.10000 | 4378.40 | | 25.00000 | 2600.00 | |
| 0022 3017.43 SY 6" CONCRETE CLASS 47B-3000 MEDIAN SURFACING | 314.900 | 37.19000 | 11711.13 | | 41.45000 | 13052.61 | | 34.00000 | 10706.60 | |
| 0023 3039.11 6.840 CY CONCRETE PAVEMENT REPAIR, TYPE A, FULL DEPTH | | 800.00000 | 5472.00 | | 755.00000 | 5164.20 | | 696.00000 | 4760.64 | |
| 0024 3039.12 17.190 CY CONCRETE PAVEMENT REPAIR, TYPE B, FULL DEPTH | | 567.31000 | 9752.06 | | 555.00000 | 9540.45 | | 650.00000 | 11173.50 | |
| 0025 3039.13 26.670 CY CONCRETE PAVEMENT REPAIR, TYPE C, FULL DEPTH | | 428.28000 | 11422.23 | | 485.00000 | 12934.95 | | 640.00000 | 17068.80 | |
| 0026 3050.16 804.800 CY CONCRETE FOR PAVEMENT APPROACHES CLASS 47BD-5000 | | 177.74000 | 143045.15 | | 232.80000 | 187357.44 | | 254.00000 | 204419.20 | |
| 0027 3051.10 73901.000 LB EPOXY COATED REINFORCING STEEL FOR PAVEMENT APPROACHES | | 1.25000 | 92376.25 | | 0.89000 | 65771.89 | | 0.84000 | 62076.84 | |
| 0028 3210.10 38946.000 SY DIAMOND GRINDING AND TEXTURING CONCRETE PAVEMENT | | 2.94000 | 114501.24 | | 3.10000 | 120732.60 | | 3.70000 | 144100.20 | |
| 0029 3211.25 606.000 LF SEALING CRACKS | | 4.00000 | 2424.00 | | 3.25000 | 1969.50 | | 5.00000 | 3030.00 | |
| 0030 3211.30 60734.000 LF SEALING JOINTS | | 1.37000 | 83205.58 | | 1.32000 | 80168.88 | | 1.60000 | 97174.40 | |
| 0031 3300.50 1.300 LS PORTLAND CEMENT CONCRETE SMOOTHNESS TESTING | | 3000.00000 | 3000.00 | | 9700.00000 | 9700.00 | | 3200.00000 | 3200.00 | |
| 0032 4763.26 23.000 EACH UNDERDRAIN HEADWALL | | 201.00000 | 4623.00 | | 347.00000 | 7981.00 | | 300.00000 | 6900.00 | |
| 0033 4764.34 760.000 LF 4" NONPERFORATED PIPE UNDERDRAIN | | 12.95000 | 9842.00 | | 6.90000 | 5244.00 | | 10.00000 | 7600.00 | |

ORIGINAL

CALL ORDER : 230
LETTING DATE : 01/14/10 1:30 pm

TABULATION OF BIDS

CONTRACT ID : 2396X
DISTRICT : 2

COUNTIES : SARPY

| LINE NO / ITEM CODE / ALT ITEM DESCRIPTION | QUANTITY | (1) 1148 | | (2) 2364 | | (3) 1613 | |
|--|--------------|------------|-----------------|------------|-----------------|------------|-----------------|
| | | UNIT PRICE | AMOUNT | UNIT PRICE | AMOUNT | UNIT PRICE | AMOUNT |
| IOWA EROSION CONTROL, INC. | | | | | | | |
| 0034 4764.35 | 3954.000 LF | 10.60000 | 41912.40 | 9.00000 | 35586.00 | 8.80000 | 34795.20 |
| 4" PERFORATED PIPE UNDERDRAIN | | | | | | | |
| 0035 6005.36 | 457.000 LF | 61.52000 | 28114.64 | 45.40000 | 20747.80 | 66.00000 | 30162.00 |
| PRECOMPRESSED POLYURETHANE FOAM JOINT, TYPE A | | | | | | | |
| 0036 7017.50 | 320.000 LF | 5.00000 | 1600.00 | 5.30000 | 1696.00 | 5.00000 | 1600.00 |
| REMOVE & SALVAGE GUARDRAIL | | | | | | | |
| 0037 7018.01 | 320.000 LF | 35.00000 | 11200.00 | 36.95000 | 11824.00 | 38.00000 | 12160.00 |
| RESET GUARDRAIL | | | | | | | |
| 0038 7508.14 | 86.000 LF | 10.00000 | 860.00 | 15.85000 | 1363.10 | 16.20000 | 1393.20 |
| 12" WHITE PREFORMED PAVEMENT MARKING, TYPE 4, GROOVED | | | | | | | |
| 0039 7541.07 | 16290.000 LF | 1.00000 | 16290.00 | 4.28000 | 69721.20 | 4.40000 | 71676.00 |
| 7" WHITE PREFORMED WET REFLECTIVE CONTRAST PAVEMENT MARKING, TYPE 4, GROOVED | | | | | | | |
| 0040 8028.01 | 3.750 CY | 150.00000 | 562.50 | 272.50000 | 1021.88 | 100.00000 | 375.00 |
| FOUNDATION COURSE REPLACEMENT | | | | | | | |
| 0041 8090.00 | 912.460 CY | 50.25000 | 45851.12 | 45.60000 | 41608.18 | 46.00000 | 41973.16 |
| GRANULAR FILL | | | | | | | |
| 0042 9110.01 | 5.000 HOUR | 40.00000 | 200.00 | 90.00000 | 450.00 | 85.00000 | 425.00 |
| RENTAL OF LOADER, FULLY OPERATED | | | | | | | |
| 0043 9110.03 | 5.000 HOUR | 75.00000 | 375.00 | 65.00000 | 325.00 | 75.00000 | 375.00 |
| RENTAL OF DUMP TRUCK, FULLY OPERATED | | | | | | | |
| 0044 9110.07 | 5.000 HOUR | 40.00000 | 200.00 | 55.00000 | 275.00 | 68.00000 | 340.00 |
| RENTAL OF SKID LOADER, FULLY OPERATED | | | | | | | |
| 0045 9110.27 | 5.000 HOUR | 100.00000 | 500.00 | 85.00000 | 425.00 | 100.00000 | 500.00 |
| RENTAL OF CRAWLER MOUNTED HYDRAULIC EXCAVATOR, FULLY OPERATED | | | | | | | |
| 0046 L001.02 | 0.250 ACRE | 1000.00000 | 250.00 | 1320.00000 | 330.00 | 5394.00000 | 1348.50 |
| SEEDING, TYPE B | | | | | | | |
| 0047 L019.12 | 520.200 SY | 1.10000 | 572.22 | 1.55000 | 806.31 | 1.90000 | 988.38 |
| EROSION CONTROL, CLASS 1C | | | | | | | |
| 0048 L022.90 | 400.000 LF | 2.45000 | 980.00 | 3.40000 | 1360.00 | 3.60000 | 1440.00 |
| TEMPORARY SILT FENCE | | | | | | | |
| 0049 L032.75 | 1.000 TON | 200.00000 | 200.00 | 528.00000 | 528.00 | 108.00000 | 108.00 |
| MULCH | | | | | | | |
| SECTION TOTALS | | | \$ 1,223,210.49 | | \$ 1,272,198.25 | | \$ 1,287,754.67 |
| CONTRACT TOTALS | | | \$ 1,223,210.49 | | \$ 1,272,198.25 | | \$ 1,287,754.67 |

ORIGINAL

CALL ORDER : 230
LETTING DATE : 01/14/10 1:30 pm

CONTRACT ID : 2396X
DISTRICT : 2

TABULATION OF BIDS

COUNTIES : SARPY

| LINE NO / ITEM CODE / ALT ITEM DESCRIPTION | | QUANTITY | UNIT PRICE | AMOUNT | UNIT PRICE | AMOUNT | UNIT PRICE | AMOUNT |
|---|--|-----------|------------|--------------|------------|--------|------------|--------|
| SECTION 0001 GROUP 8 SPECIALTY | | | | | | | | |
| 0001 0001.08 BARRICADE, TYPE II | | 34112.000 | BDAY | | | | | |
| 0002 0001.10 BARRICADE, TYPE III | | 1920.000 | BDAY | | | | | |
| 0003 0001.75 TEMPORARY SIGN DAY | | 112.000 | EACH | | | | | |
| 0004 0001.90 SIGN DAY | | 7790.000 | EACH | | | | | |
| 0005 0001.99 CONTRACTOR FURNISHED SIGN DAY | | 1944.000 | EACH | | | | | |
| 0006 0002.28 TEMPORARY PAVEMENT MARKING REMOVAL | | 12545.000 | LF | | | | | |
| 0007 0002.30 PAVEMENT MARKING REMOVAL | | 28610.000 | LF | | | | | |
| 0008 0002.44 TEMPORARY PAVEMENT MARKING, TYPE PAINT | | 12545.000 | LF | | | | | |
| 0009 0002.76 PERMANENT PAVEMENT MARKING, PAINT | | 12140.000 | LF | | | | | |
| 0010 0002.97 FLASHING ARROW PANEL | | 312.000 | DAY | | | | | |
| 0011 0003.50 CONCRETE PROTECTION BARRIER | | 3330.000 | LF | | | | | |
| 0012 0003.56 RELOCATE CONCRETE PROTECTION BARRIER | | 3700.000 | LF | | | | | |
| 0013 0003.57 RELOCATE INERTIAL BARRIER SYSTEM | | 6.000 | EACH | | | | | |
| 0014 0003.58 INERTIAL BARRIER SYSTEM | | 6.000 | EACH | | | | | |
| 0015 0003.64 REPLACEMENT MODULE | | 3.000 | EACH | | | | | |
| 0016 0005.10 TRAFFIC CONTROL MANAGEMENT | | 104.000 | DAY | | | | | |
| 0017 0030.30 MOBILIZATION | | | LUMP | | | | | |
| 0018 1122.01 REMOVE CONCRETE MEDIAN SURFACING | | 314.900 | SY | | | | | |
| NAVARRO ENTERPRISE CONSTRUCT | | | | | | | | |
| 0001 0001.08 BARRICADE, TYPE II | | 34112.000 | BDAY | 0.50000 | 17056.00 | | | |
| 0002 0001.10 BARRICADE, TYPE III | | 1920.000 | BDAY | 1.65000 | 3168.00 | | | |
| 0003 0001.75 TEMPORARY SIGN DAY | | 112.000 | EACH | 2.20000 | 246.40 | | | |
| 0004 0001.90 SIGN DAY | | 7790.000 | EACH | 0.28000 | 2181.20 | | | |
| 0005 0001.99 CONTRACTOR FURNISHED SIGN DAY | | 1944.000 | EACH | 0.55000 | 1069.20 | | | |
| 0006 0002.28 TEMPORARY PAVEMENT MARKING REMOVAL | | 12545.000 | LF | 0.39000 | 4892.55 | | | |
| 0007 0002.30 PAVEMENT MARKING REMOVAL | | 28610.000 | LF | 0.11000 | 3147.10 | | | |
| 0008 0002.44 TEMPORARY PAVEMENT MARKING, TYPE PAINT | | 12545.000 | LF | 0.61000 | 7652.45 | | | |
| 0009 0002.76 PERMANENT PAVEMENT MARKING, PAINT | | 12140.000 | LF | 0.61000 | 7405.40 | | | |
| 0010 0002.97 FLASHING ARROW PANEL | | 312.000 | DAY | 27.50000 | 8580.00 | | | |
| 0011 0003.50 CONCRETE PROTECTION BARRIER | | 3330.000 | LF | 15.68000 | 52214.40 | | | |
| 0012 0003.56 RELOCATE CONCRETE PROTECTION BARRIER | | 3700.000 | LF | 3.47000 | 12839.00 | | | |
| 0013 0003.57 RELOCATE INERTIAL BARRIER SYSTEM | | 6.000 | EACH | 715.00000 | 4290.00 | | | |
| 0014 0003.58 INERTIAL BARRIER SYSTEM | | 6.000 | EACH | 1320.00000 | 7920.00 | | | |
| 0015 0003.64 REPLACEMENT MODULE | | 3.000 | EACH | 550.00000 | 1650.00 | | | |
| 0016 0005.10 TRAFFIC CONTROL MANAGEMENT | | 104.000 | DAY | 110.00000 | 11440.00 | | | |
| 0017 0030.30 MOBILIZATION | | | LUMP | 210000.00000 | 210000.00 | | | |
| 0018 1122.01 REMOVE CONCRETE MEDIAN SURFACING | | 314.900 | SY | 7.00000 | 2204.30 | | | |

ORIGINAL

CALL ORDER : 230
LETTING DATE : 01/14/10 1:30 pm

TABULATION OF BIDS

CONTRACT ID : 2396X
DISTRICT : 2

COUNTIES : SARPY

| LINE NO / ITEM CODE / ALT ITEM DESCRIPTION | | QUANTITY | UNIT PRICE | AMOUNT | UNIT PRICE | AMOUNT | UNIT PRICE | AMOUNT |
|---|--|---------------|------------|-----------|------------|--------|------------|--------|
| | | | (4) 3709 | | () | | () | |
| NAVARRO ENTERPRISE CONSTRUCT | | | | | | | | |
| 0019 1128.50 REMOVE SLAB | | 2218.100 SY | 11.00000 | 24399.10 | | | | |
| 0020 3008.15 DOWEL BAR RETROFIT | | 8613.000 EACH | 37.00000 | 318681.00 | | | | |
| 0021 3010.42 CONCRETE CURB REPAIR | | 104.000 LF | 40.63000 | 4225.52 | | | | |
| 0022 3017.43 6" CONCRETE CLASS 47B-3000 MEDIAN SURFACING | | 314.900 SY | 41.51000 | 13071.50 | | | | |
| 0023 3039.11 CONCRETE PAVEMENT REPAIR, TYPE A, FULL DEPTH | | 6.840 CY | 731.12000 | 5000.86 | | | | |
| 0024 3039.12 CONCRETE PAVEMENT REPAIR, TYPE B, FULL DEPTH | | 17.190 CY | 550.00000 | 9454.50 | | | | |
| 0025 3039.13 CONCRETE PAVEMENT REPAIR, TYPE C, FULL DEPTH | | 26.670 CY | 600.00000 | 16002.00 | | | | |
| 0026 3050.16 CONCRETE FOR PAVEMENT APPROACHES CLASS 47BD-5000 | | 804.800 CY | 210.00000 | 169008.00 | | | | |
| 0027 3051.10 EPOXY COATED REINFORCING STEEL FOR PAVEMENT APPROACHES | | 73901.000 LB | 1.20000 | 88681.20 | | | | |
| 0028 3210.10 DIAMOND GRINDING AND TEXTURING CONCRETE PAVEMENT | | 38946.000 SY | 3.29000 | 128132.34 | | | | |
| 0029 3211.25 SEALING CRACKS | | 606.000 LF | 3.30000 | 1999.80 | | | | |
| 0030 3211.30 SEALING JOINTS | | 60734.000 LF | 1.66000 | 100818.44 | | | | |
| 0031 3300.50 PORTLAND CEMENT CONCRETE SMOOTHNESS TESTING | | 1.300 LS | 2300.00000 | 2300.00 | | | | |
| 0032 4763.26 UNDERDRAIN HEADWALL | | 23.000 EACH | 160.00000 | 3680.00 | | | | |
| 0033 4764.34 4" NONPERFORATED PIPE UNDERDRAIN | | 760.000 LF | 12.00000 | 9120.00 | | | | |

ORIGINAL

CALL ORDER : 230
LETTING DATE : 01/14/10 1:30 pm

TABULATION OF BIDS

CONTRACT ID : 2396X
DISTRICT : 2

COUNTIES : SARPY

| LINE NO / ITEM CODE / ALT | | QUANTITY | (4) 3709 | | () | | () | |
|------------------------------|--|--------------|-----------------|----------|------------|--------|------------|--------|
| ITEM DESCRIPTION | | | UNIT PRICE | AMOUNT | UNIT PRICE | AMOUNT | UNIT PRICE | AMOUNT |
| NAVARRO ENTERPRISE CONSTRUCT | | | | | | | | |
| 0034 4764.35 | 4" PERFORATED PIPE UNDERDRAIN | 3954.000 LF | 10.21000 | 40370.34 | | | | |
| 0035 6005.36 | PRECOMPRESSED POLYURETHANE FOAM JOINT, TYPE A | 457.000 LF | 89.12000 | 40727.84 | | | | |
| 0036 7017.50 | REMOVE & SALVAGE GUARDRAIL | 320.000 LF | 5.50000 | 1760.00 | | | | |
| 0037 7018.01 | RESET GUARDRAIL | 320.000 LF | 38.50000 | 12320.00 | | | | |
| 0038 7508.14 | 12" WHITE PREFORMED PAVEMENT MARKING, TYPE 4, GROOVED | 86.000 LF | 11.00000 | 946.00 | | | | |
| 0039 7541.07 | 7" WHITE PREFORMED WET REFLECTIVE CONTRAST PAVEMENT MARKING, TYPE 4, GROOVED | 16290.000 LF | 1.10000 | 17919.00 | | | | |
| 0040 8028.01 | FOUNDATION COURSE REPLACEMENT | 3.750 CY | 169.79000 | 636.71 | | | | |
| 0041 8090.00 | GRANULAR FILL | 912.460 CY | 22.00000 | 20074.12 | | | | |
| 0042 9110.01 | RENTAL OF LOADER, FULLY OPERATED | 5.000 HOUR | 89.00000 | 445.00 | | | | |
| 0043 9110.03 | RENTAL OF DUMP TRUCK, FULLY OPERATED | 5.000 HOUR | 85.00000 | 425.00 | | | | |
| 0044 9110.07 | RENTAL OF SKID LOADER, FULLY OPERATED | 5.000 HOUR | 65.00000 | 325.00 | | | | |
| 0045 9110.27 | RENTAL OF CRAWLER MOUNTED HYDRAULIC EXCAVATOR, FULLY OPERATED | 5.000 HOUR | 132.00000 | 660.00 | | | | |
| 0046 L001.02 | SEEDING, TYPE B | 0.250 ACRE | 1100.00000 | 275.00 | | | | |
| 0047 L019.12 | EROSION CONTROL, CLASS 1C | 520.200 SY | 1.21000 | 629.44 | | | | |
| 0048 L022.90 | TEMPORARY SILT FENCE | 400.000 LF | 2.70000 | 1080.00 | | | | |
| 0049 L032.75 | MULCH | 1.000 TON | 220.00000 | 220.00 | | | | |
| SECTION TOTALS | | | \$ 1,391,343.71 | | \$ 0.00 | | \$ 0.00 | |
| CONTRACT TOTALS | | | \$ 1,391,343.71 | | \$ 0.00 | | \$ 0.00 | |

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
FEBRUARY 2, 2010 AGENDA**

| Subject: | Type: | Submitted By: |
|--|---|-------------------------------------|
| SELECTION CONCURRENCE AND CONSTRUCTION CONTRACT AUTHORIZATION -108 TH & CHANDLER ROAD SIGNAL PROJECT MAPA-5011(13) | ◆ RESOLUTION ORDINANCE RECEIVE/FILE | JOE SOUCIE PUBLIC WORKS DIRECTOR |

SYNOPSIS

A resolution has been prepared accepting Commonwealth Electric Company of the Midwest, Lincoln, Nebraska, as the low compliant bidder for the project identified as MAPA-5011(13) and authorizing the Mayor and City Clerk to sign construction contracts on behalf of the City of La Vista.

FISCAL IMPACT

The FY 2009/10 Capital Improvement Program provides funding for the 108th and Chandler Road Signal Project. This project was selected for American Recovery & Reinvestment Act (ARRA) funding. The construction and construction engineering for the project are reimbursable.

RECOMMENDATION

Approval

BACKGROUND

The City of La Vista submitted the 108th & Chandler Signal Project for ARRA funding in March 2009 and was subsequently chosen. The project consists of installing warning lights on 108th Street in advance of the Chandler Road intersection to alert drivers that emergency vehicles are entering 108th Street from the District II Fire Station.

The State and City received bids for the said project on January 14, 2010, at which time four bids were received for the construction of proposed work; Commonwealth Electric Company of the Midwest, Lincoln, Nebraska was selected as the low bidder.

| | |
|--|-------------|
| Commonwealth Electric Company of the Midwest | \$29,703.40 |
| Sadler Electric, Inc. | \$38,094.30 |
| O.K. Electric Co., Inc. and Subsidiary | \$43,473.00 |
| Watts Electric Company | \$46,032.38 |

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA ACCEPTING COMMONWEALTH ELECTRIC COMPANY OF THE MIDWEST, LINCOLN NE AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE CONSTRUCTION CONTRACTS ON BEHALF OF THE CITY OF LA VISTA FOR THE 108TH & CHANDLER ROAD SIGNAL PROJECT IDENTIFIED AS MAPA - 5011(13).

WHEREAS, the City Council of the City of La Vista has determined that said safety improvements at the intersection of 108th and Chandler Road are necessary; and

WHEREAS, the FY 2009/10 Capital Improvement Program includes funding for safety improvements at the intersection of 108th & Chandler Road; and

WHEREAS, the project has been designated as being eligible for American Recovery and Reinvestment Act (ARRA) Funds by the Department of Transportation, Federal Highway Administration; and

WHEREAS, the State and City received bids for the said project on January 14, 2010 and Commonwealth Electric Company of the Midwest, Lincoln NE was selected as the low bidder; and

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska, to accept Commonwealth Electric Company of the Midwest, Lincoln NE and authorize the Mayor and City Clerk to execute construction contracts on behalf of the City of La Vista for the 108th & Chandler Road Signal Project identified as MAPA – 5011(13).

PASSED AND APPROVED THIS 2ND DAY OF FEBRUARY 2010

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Bueth, CMC
City Clerk

R E S O L U T I O N

WHEREAS, there has been signed by the City of La Vista on the 22nd day of July, 2009, and the State on the 16th day of August, 2009, an agreement providing for the construction of a Federal Aid Project at the following location: At the intersection of 108th and Chandler Road.

, and

WHEREAS, in the above agreement, the City has pledged sufficient funds to finance its share of the cost of the construction of this project identified as MAPA-5011(13), and

WHEREAS, the above mentioned agreement provided that the City would pay costs as set forth in the agreement, and

WHEREAS, the State and the City received bids for the construction of this project on January 14, 2010, at which time four bids were received for the construction of the proposed work, and

WHEREAS, the following contractor(s) has been selected as the low bidder to whom the contract(s) should be awarded:

Commonwealth Electric Company of the Midwest, Lincoln, Nebraska;

Electrical: \$29,703.40

NOW THEREFORE, in consideration of the above facts, the City Council of the City of La Vista, by this resolution, takes the following official action:

1. The Council hereby concurs in the selection of the above mentioned contractor(s) to whom the contract(s) should be awarded.

2. The Council does not desire to perform any of the work with its own forces in lieu of performing the work by the contract method.

3. The Council hereby authorizes the Mayor and the City Clerk of La Vista to sign the construction contract on behalf of said City.

DATED THIS _____ DAY OF _____, A.D. _____

CITY OF LA VISTA

ATTEST:

Mayor

Council Member _____

City Clerk

Moved the adoption of said resolution.

Roll Call: _____ yea, _____ nay.

Resolution adopted, signed and billed as adopted.

ORIGINAL

CALL ORDER : 220
LETTING DATE : 01/14/10 1:30 pm

CONTRACT ID : 2397
DISTRICT : 2

TABULATION OF BIDS

COUNTIES : SARPY

| LINE NO / ITEM CODE / ALT ITEM DESCRIPTION | QUANTITY | (1) 1863 COMMONWEALTH ELECTRIC CO OF | | (2) 2060 SADLER ELECTRIC, INC. | | (3) 0812 O.K. ELECTRIC CO., INC. & SUB | | |
|--|----------|---|-------------|-------------------------------------|-------------|---|-------------|-----------|
| | | UNIT PRICE | AMOUNT | UNIT PRICE | AMOUNT | UNIT PRICE | AMOUNT | |
| SECTION 0001 GROUP 8B ELECTRICAL | | | | | | | | |
| 0001 0001.08 BARRICADE, TYPE II | 125.000 | BDAY | 0.50000 | 62.50 | 0.50000 | 62.50 | 0.50000 | 62.50 |
| 0002 0001.10 BARRICADE, TYPE III | 104.000 | BDAY | 2.22000 | 230.88 | 3.50000 | 364.00 | 2.10000 | 218.40 |
| 0003 0001.75 TEMPORARY SIGN DAY | 20.000 | EACH | 3.34000 | 66.80 | 7.00000 | 140.00 | 5.00000 | 100.00 |
| 0004 0001.90 SIGN DAY | 234.000 | EACH | 0.83000 | 194.22 | 1.20000 | 280.80 | 1.45000 | 339.30 |
| 0005 0003.10 FLAGGING | 10.000 | DAY | 365.00000 | 3650.00 | 1.00000 | 10.00 | 296.00000 | 2960.00 |
| 0006 0030.81 MOBILIZATION | | LUMP | 800.00000 | 800.00 | 1560.00000 | 1560.00 | 1275.80000 | 1275.80 |
| 0007 7316.00 SIGN | 2.000 | EACH | 149.00000 | 298.00 | 445.00000 | 890.00 | 340.00000 | 680.00 |
| 0008 7316.01 SIGN AND POST | 2.000 | EACH | 375.00000 | 750.00 | 475.00000 | 950.00 | 470.00000 | 940.00 |
| 0009 A003.40 EMERGENCY VEHICLE CAUTION SYSTEM | | LUMP | 14005.00000 | 14005.00 | 22800.00000 | 22800.00 | 24670.00000 | 24670.00 |
| 0010 A006.88 PEDESTAL POLE, TYPE PP-14 | 1.000 | EACH | 914.00000 | 914.00 | 1000.00000 | 1000.00 | 1397.00000 | 1397.00 |
| 0011 A016.50 MAST ARM SIGNAL POLE, TYPE MP-30 | 1.000 | EACH | 4411.00000 | 4411.00 | 5735.00000 | 5735.00 | 6302.00000 | 6302.00 |
| 0012 A070.14 2-INCH CONDUIT IN TRENCH | 360.000 | LF | 5.80000 | 2088.00 | 5.35000 | 1926.00 | 4.25000 | 1530.00 |
| 0013 A079.50 GROUNDING CONDUCTOR | 400.000 | LF | 0.80000 | 320.00 | 0.75000 | 300.00 | 1.60000 | 640.00 |
| 0014 A079.55 SERVICE CABLE | 420.000 | LF | 0.90000 | 378.00 | 1.25000 | 525.00 | 2.00000 | 840.00 |
| 0015 L001.02 SEEDING, TYPE B | 0.500 | ACRE | 1334.00000 | 667.00 | 2020.00000 | 1010.00 | 1320.00000 | 660.00 |
| 0016 L022.90 TEMPORARY SILT FENCE | 100.000 | LF | 3.34000 | 334.00 | 2.65000 | 265.00 | 3.30000 | 330.00 |
| 0017 L032.75 MULCH | 1.200 | TON | 445.00000 | 534.00 | 230.00000 | 276.00 | 440.00000 | 528.00 |
| SECTION TOTALS | | | \$ | 29,703.40 | \$ | 38,094.30 | \$ | 43,473.00 |
| CONTRACT TOTALS | | | \$ | 29,703.40 | \$ | 38,094.30 | \$ | 43,473.00 |

ORIGINAL

CALL ORDER : 220
LETTING DATE : 01/14/10 1:30 pm

TABULATION OF BIDS

CONTRACT ID : 2397
DISTRICT : 2

COUNTIES : SARPY

| LINE NO / ITEM CODE / ALT | | QUANTITY | (4) 2122 | | () | | () | |
|----------------------------------|----------------------------------|--------------|------------------------|-----------|------------|------------|------------|------------|
| ITEM DESCRIPTION | | | WATTS ELECTRIC COMPANY | | AMOUNT | UNIT PRICE | AMOUNT | UNIT PRICE |
| SECTION 0001 GROUP 8B ELECTRICAL | | | UNIT PRICE | AMOUNT | UNIT PRICE | AMOUNT | UNIT PRICE | AMOUNT |
| 0001 0001.08 | BARRICADE, TYPE II | 125.000 BDAY | 0.50000 | 62.50 | | | | |
| 0002 0001.10 | BARRICADE, TYPE III | 104.000 BDAY | 2.26000 | 235.04 | | | | |
| 0003 0001.75 | TEMPORARY SIGN DAY | 20.000 EACH | 9.76000 | 195.20 | | | | |
| 0004 0001.90 | SIGN DAY | 234.000 EACH | 3.66000 | 856.44 | | | | |
| 0005 0003.10 | FLAGGING | 10.000 DAY | 137.12000 | 1371.20 | | | | |
| 0006 0030.81 | MOBILIZATION | LUMP | 5310.00000 | 5310.00 | | | | |
| 0007 7316.00 | SIGN | 2.000 EACH | 340.00000 | 680.00 | | | | |
| 0008 7316.01 | SIGN AND POST | 2.000 EACH | 390.00000 | 780.00 | | | | |
| 0009 A003.40 | EMERGENCY VEHICLE CAUTION SYSTEM | LUMP | 22530.00000 | 22530.00 | | | | |
| 0010 A006.88 | PEDESTAL POLE, TYPE PP-14 | 1.000 EACH | 1020.00000 | 1020.00 | | | | |
| 0011 A016.50 | MAST ARM SIGNAL POLE, TYPE MP-30 | 1.000 EACH | 6690.00000 | 6690.00 | | | | |
| 0012 A070.14 | 2-INCH CONDUIT IN TRENCH | 360.000 LF | 4.85000 | 1746.00 | | | | |
| 0013 A079.50 | GROUNDING CONDUCTOR | 400.000 LF | 1.80000 | 720.00 | | | | |
| 0014 A079.55 | SERVICE CABLE | 420.000 LF | 2.30000 | 966.00 | | | | |
| 0015 L001.02 | SEEDING, TYPE B | 0.500 ACRE | 3500.00000 | 1750.00 | | | | |
| 0016 L022.90 | TEMPORARY SILT FENCE | 100.000 LF | 7.00000 | 700.00 | | | | |
| 0017 L032.75 | MULCH | 1.200 TON | 350.00000 | 420.00 | | | | |
| SECTION TOTALS | | | \$ | 46,032.38 | \$ | 0.00 | \$ | 0.00 |
| CONTRACT TOTALS | | | \$ | 46,032.38 | \$ | 0.00 | \$ | |

ORIGINAL

NEBRASKA DEPARTMENT OF ROADS

VENDOR RANKING

DATE : 01/14/10
PAGE : 2

CALL ORDER : 220
LETTING DATE : 01/14/10
CONTRACT DESCRIPTION :
108TH/CHANDLER RD, LAVISTA

CONTRACT ID : 2397
DISTRICT : 2

COUNTIES : SARPY

PROJECT(S) : MAPA-5011(13)

VENDOR NO. BID NOTES

| RANK | VENDOR NO./NAME | TOTAL BID | % OVER LOW BID |
|------|---|--------------|-------------------|
| 1 | 1863 COMMONWEALTH ELECTRIC COMPANY OF THE MIDWEST | \$ 29,703.40 | 100.0000% |
| 2 | 2060 SADLER ELECTRIC, INC. | \$ 38,094.30 | 128.2490% |
| 3 | 0812 O.K. ELECTRIC CO., INC. AND SUBSIDIARY | \$ 43,473.00 | 146.3570% |
| 4 | 2122 WATTS ELECTRIC COMPANY | \$ 46,032.38 | 154.9734% |

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
FEBRUARY 2, 2010 AGENDA**

| Subject: | Type: | Submitted By: |
|---|---|-------------------------------------|
| MEMORANDUM OF UNDERSTANDING – NEBRASKA DEPARTMENT OF ROADS | ◆ RESOLUTION ORDINANCE RECEIVE/FILE | JOE SOUCIE PUBLIC WORKS DIRECTOR |

SYNOPSIS

A resolution has been prepared authorizing the Mayor to execute a Memorandum of Understanding with the Nebraska Department of Roads (NDOR) in an effort to satisfy the requirements of each entities Illicit Detection and Elimination Program in order to meet the conditions of its National Pollutant Discharge Elimination System (NPDES) permit.

FISCAL IMPACT

N/A

RECOMMENDATION

Approval

BACKGROUND

According to State Statutes 39-1339, and 39-2105, the maintenance responsibilities for non-freeway highway appurtenances located within corporate limits reside with the municipality. Therefore, the City of La Vista will be responsible for storm sewer system mapping along non-freeway portions of the state highway system within their municipal separate storm sewer system (MS4). The only area included in this requirement will be 84th Street (N-85) from Harrison Street to Giles Road.

The City of La Vista completed mapping of the storm sewer system for 84th Street (N-85) in 2008. The information has been captured in an electronic format and is readily available for use by NDOR.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE MAYOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE NEBRASKA DEPARTMENT TO SATISFY THE REQUIREMENTS OF THE ILLICIT DETECTION AND ELIMINATION PROGRAM AND MEET CONDITIONS OF ITS NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM.

WHEREAS, the City Council of the City of La Vista has determined that the maintenance responsibilities for non-freeway highway appurtenances located within corporate limits reside with the municipality according to State Statutes; and

WHEREAS, the City of La Vista will be responsible for storm sewer system mapping along non-freeway portions of the state highway system within the municipal separate storm sewer system (MS4); and

WHEREAS, the only area included in this requirement will be 84th Street (N-85) from Harrison Street to Giles Road; and

WHEREAS, the City of La Vista completed mapping of the storm sewer system for 84th Street (N-85) in 2008 and the information has been captured in an electronic format and is readily available for use by NDOR;

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska, authorizing the Mayor and City Clerk to execute a Memorandum of Understanding with the Nebraska Department of Roads to satisfy the requirements of the Illicit Detection and Elimination Program and meet conditions of its National Pollutant Discharge Elimination System.

PASSED AND APPROVED THIS 2ND DAY OF FEBRUARY 2010

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

MEMORANDUM OF UNDERSTANDING
BETWEEN
NEBRASKA DEPARTMENT OF ROADS
AND
CITY OF La Vista, NEBRASKA
FOR
ILLCIT DETECTION AND ELIMINATION PROGRAM (MS4)
STORM SEWER SYSTEM MAPPING ALONG STATE HIGHWAYS

WHEREAS, the Nebraska Department of Roads (NDOR) is a regulated municipal separate storm sewer system (MS4), required to meet the conditions of its National Pollutant Discharge Elimination System (NPDES) permit; and

WHEREAS, the City of La Vista is a regulated municipal separate storm sewer system (MS4), required to meet the conditions of its National Pollutant Discharge Elimination System (NPDES) permit; and

WHEREAS, the NPDES permit requires the implementation of an Illicit Discharge Detection and Elimination (IDDE) Program which includes the development of a storm sewer system map, showing the location of all outfalls and the names of all waters of the state that receive discharges from these outfalls; and

NOW THEREFORE, Nebraska Department of Roads and the City of La Vista, in an effort to satisfy the requirements of each IDDE Program, agree to cooperate in the following ways.

I. Area of Responsibility

A. According to State Statute 39-1372, the maintenance responsibilities for freeways, approaches, exit roads, and associated right-of-way within the corporate limits reside with NDOR. Therefore, NDOR will be responsible for storm sewer system mapping along freeway portions of the state highway system within their MS4 boundary.

B. According to State Statutes 39-1339, and 39-2105, the maintenance responsibilities for non-freeway highway appurtenances located within corporate limits reside with the municipality. Therefore, the City of La Vista will be responsible for storm sewer system mapping along non-freeway portions of the state highway system within their MS4 boundary.

II. Data sharing

A. As storm sewer system data is collected by NDOR and City of La Vista, each party agrees to share that information with the other party. This cooperation will help streamline the process of tracking any illicit discharges occurring on state highways within the MS4 boundary.

III. Term of Agreement

A. This agreement shall be in effect upon the last signature date and will continue indefinitely until either party terminates the agreement.

B. Any party may terminate this MOU by providing 30 days notice in writing to the other party.

IV. Signatories

STATE OF NEBRASKA, DEPARTMENT OF ROADS

Sign Name: _____ Date: ____/____/____

Print Name: _____ Title: _____

CITY OF La Vista, NEBRASKA

Sign Name: _____ Date: ____/____/____

Print Name: Douglas Kindig Title: Mayor

39-1339. State highway system; connecting links, defined; duty of Department of Roads.

Except as provided in section 39-1372, the responsibility of the department for the maintenance of connecting links on the state highway system shall be determined in accordance with the following provisions:

(1) The department shall be liable for the cost of surface maintenance of the traveled way of connecting links, not including the parking lanes thereon, in cities of the metropolitan, primary, and first classes; PROVIDED, such connecting links were constructed under the authority of the department and construction costs were paid in whole or in part with county, state or federal-aid funds. The department shall not be responsible for the maintenance of any connecting link or portion thereof which was not built in whole or in part with county, state or federal-aid funds;

(2) The department shall be liable for all of the surface maintenance of the traveled way of connecting links, including parking lanes thereon, in cities of the second class and villages; PROVIDED, such connecting links were constructed under the authority of the department and construction costs were paid in whole or in part with county, state or federal-aid funds. The department shall not be responsible for the maintenance of any connecting link or portion thereof which was not built with county, state or federal-aid funds;

(3) The responsibility of the department for the maintenance of the connecting links, described in subdivisions (1) and (2) of this section, shall be limited to such things as are caused either by wear and tear of travel on such connecting links or by acts of God. Maintenance shall not be construed to include (a) snow removal, (b) maintenance caused by constructing, placing, replacing, repairing, or servicing water mains, sewers, gas lines, pipes, utility equipment, or other similar things placed beneath, across, or upon the surface of any portion of a connecting link, or (c) repairs or reconstruction going beyond the scope of normal surface maintenance or wear and tear of travel;

(4) The maintenance of structures, on the connecting links described in subdivisions (1) and (2) of this section, shall not be limited to the traveled way but shall include the entire structure; PROVIDED, the department shall have no responsibility for the maintenance of appurtenances to such connecting links and the structures thereon, except by special agreement with the city or village in which the connecting link is situated. Appurtenances shall include, but are not limited to, sidewalks, storm sewers, guardrails, handrails, steps, curb or grate inlets, driveways, fire plugs, or retaining walls;

(5) The department shall maintain and keep in repair all public bridges and the approaches thereto when located in cities of the first class and on connecting links which were constructed under the authority of the department and construction costs were paid in whole or in part with state or federal funds;

(6) Nothing contained in this section shall be construed to prevent the department from entering into special agreements with cities or villages regarding the reconstruction and maintenance of connecting links in such cities and villages; and

(7) As used in this section, unless the context otherwise requires, connecting link shall mean a street now designated as a state highway.

Source: Laws 1955, c. 148, § 39, p. 434; Laws 1961, c. 181, § 7, p. 539; Laws 1961, c. 184, § 35, p. 565; Laws 1967, c. 239, § 1, p. 637.

39-1372. Freeways; maintenance of approach, exit, and frontage roads; lighting facilities.

(1) The department is charged with the maintenance of any freeway, including approach or exit roads thereto or part thereof whether or not such road is situated within or without the limits of any county, village, or city, including cities of the metropolitan and primary classes, except as hereinafter provided otherwise; PROVIDED, that responsibility for maintenance of frontage roads shall automatically become the responsibility of the county or city in which they are located unless the department contracts to maintain them.

(2) The responsibility of the department for the maintenance of approach and exit roads shall end at the point where such roads terminate, merge, or intersect with city streets or county roads, except as hereinafter provided.

(3) The department is charged with the maintenance of the separation structure of any bridge situated overhead of a freeway except for ice treatment and removal of snow from such structures; PROVIDED, that the department shall not be liable for the maintenance of the approaches to such separation structures or of anything outside the abutments to such separation structures.

(4) The department shall be responsible for construction of lighting facilities upon any part of the roadway of a freeway, including approach or exit roads thereto; PROVIDED, that the maintenance and operation of such lighting facilities located within the limits of any city or village shall become the responsibility of such city or village.

(5) Nothing contained in this section shall be construed to prevent the department from entering into special agreements with cities or villages regarding the reconstruction and maintenance of freeways, including approach or exit roads thereto within the limits of such cities or villages.

Source: Laws 1961, c. 184, § 6, p. 552.

39-2105. Functional classifications; jurisdictional responsibility.

Jurisdictional responsibility for the various functional classifications of public highways and streets shall be as follows:

(1) The state shall have the responsibility for the design, construction, reconstruction, maintenance, and operation of all roads classified under the category of rural highways as interstate, expressway, and major arterial, and the municipal extensions thereof, except that the state shall not be responsible for that portion of a municipal extension which exceeds the design of the rural highway leading into the municipality. When the design of a rural highway differs at the different points where it leads into the municipality, the state's responsibility for the municipal extension thereof shall be limited to the lesser of the two designs. The state shall be responsible for the entire interstate system under either the rural or municipal category and for connecting links between the interstate and the nearest existing state highway system in rural areas, except that if such a connecting link has not been improved and a sufficient study by the Department of Roads results in the determination that a link to an alternate state highway would provide better service for the area involved, the department shall have the option of providing the alternate route, subject to satisfactory local participation in the additional cost of the alternate route;

(2) The various counties shall have the responsibility for the design, construction, reconstruction, maintenance, and operation of all roads classified as other arterial, collector, local, minimum maintenance, and remote residential under the rural highway category;

(3) The various incorporated municipalities shall have the responsibility for the design, construction, reconstruction, maintenance, and operation of all streets classified as expressway which are of a purely local nature, that portion of municipal extensions of rural expressways and major arterials which exceeds the design of the rural portions of such systems, and responsibility for those streets classified as other arterial, collector, and local within their corporate limits; and

(4) Jurisdictional responsibility for all scenic-recreation roads and highways shall remain with the governmental subdivision which had jurisdictional responsibility for such road or highway prior to its change in classification to scenic-recreation made pursuant to this section and sections 39-2103, 39-2109, and 39-2113.

Source: Laws 1969, c. 312, § 5, p. 1121; Laws 1971, LB 738, § 1; Laws 1980, LB 873, § 2; Laws 1983, LB 10, § 4; Laws 2008, LB1068, § 5. **Effective Date:** July 18, 2008

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
FEBRUARY 2, 2010 AGENDA**

| Subject: | Type: | Submitted By: |
|---|---|---|
| AUTHORIZATION TO ADVERTISE FOR BIDS — DEMOLITION OF LONGS STATION | ◆ RESOLUTION ORDINANCE RECEIVE/FILE | ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR |

SYNOPSIS

A resolution has been prepared authorizing the advertisement of bids for the demolition of the Long's service station.

FISCAL IMPACT

N/A.

RECOMMENDATION

Approval.

BACKGROUND

On November 4, 2009, the Board of Appeals held a public hearing and denied an appeal by Earl Long and Cyrus Long of an order of the Chief Building Inspector to demolish the building located at 7121 Harrison Street. The Longs had appealed an order dated July 8, 2009, directing them to demolish the building, as the result of an inspection on May 27, 2009 by the Chief Building Inspector, the Fire Chief, a structural engineer and a commercial appraiser. Numerous safety and building code violations were identified in a previous order to close the building dated August 15, 2005, which had not been remedied, and additional safety and building code violations were found.

After reviewing the reports of the Fire Chief and the structural engineer, the Chief Building Inspector concluded the building posed a significant risk of death or serious harm and the building was a dangerous and unsafe structure under the provisions of the Uniform Code for the Abatement of Dangerous Buildings and must be demolished.

On August 6, 2009, Earl Long and Cyrus Long through counsel notified the Board of Appeals of their intent to appeal the notice and order of the Chief Building Inspector.

On September 23, 2009, the Board of Appeals held a public hearing to determine the appeal. After viewing the building, the Board of Appeals heard testimony from Earl Long, Cyrus Long, and those that had inspected the building.

On October 16, 2009, the Hearing Examiner appointed by the Board of Appeals to hear the matter along with the Board members submitted a report and proposed decision. The Hearing Examiner found the evidence was clear and convincing that the building is dilapidated and defective and in danger to the public health, safety and property. The Hearing Examiner recommended the appeal by the Longs be denied because the Longs had

sufficient notice of the order to demolish the building but had failed to do so. The Hearing Examiner also considered Long's notice of appeal as a request for additional time to repair the building. He recommended the Board deny that request as well because the Longs had not availed themselves of an opportunity to remedy the violations following the initial order of the Chief Building Inspector dated August 15, 2005.

On November 4, 2009, the Board of Appeals met to consider the report and recommendation of the Hearing Examiner. The Board of Appeals heard counsel for the Longs' objection to the report and recommendation and argument. Following the objection and argument, the Board of Appeals adopted the report and recommendation of the Hearing Examiner and denied the appeal, denied the request for additional time, and directed the City may demolish the building immediately and charge the costs of the demolition to be charged against the real property and its owners.

On November 18, 2009, counsel on behalf of the Longs filed a petition in Sarpy County District Court appealing the decision of the Board of Appeals. The petition requests the court to reverse the decision of the Board of Appeals. It also seeks an award of damages in the event that the City demolishes the building. The Longs did not as part of their appeal request the District Court enter an order prohibiting the City from demolishing the building until the court rules on their appeal. Staff recommends proceeding with the demolition because of the dangers posed by the building.

The City Engineer has prepared the plans and specifications for the demolition and site clearance. A copy is on file in the City Clerk's office. Bids will be solicited as follows:

| | |
|------------------------|---|
| Advertisement of Bids: | February 11, 2010 February 18, 2010 |
| Bid Opening | February 22, 2010 10:00 a.m. City Council Chambers |
| Bid Award (tentative) | March 2, 2010 |
| Start of Demolition | Approx. 30 days after bid |

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE ADVERTISEMENT FOR BIDS FOR THE DEMOLITION OF THE LONG'S SERVICE STATION

WHEREAS, the Mayor and Council have determined that it is necessary to take bids for the demolition and site clearance of Long's Service Station; and

WHEREAS, the Board of Appeals directed that the City may demolish the building immediately; and

WHEREAS, Staff recommends proceeding with the demolition because of the dangers posed by the building

WHEREAS, the FY 09/10 General Fund budget provides funding for such demolition;

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council hereby authorize the advertisement for bids and the City Clerk is hereby authorized to advertise for the bids in accordance with the plans and specifications prepared by the City Engineer, and said sealed proposals are to be opened publicly at 10:00 a.m. February 22, 2010 at City Hall, 8116 Park View Blvd., La Vista, Nebraska 68128.

| | |
|----------------------|--|
| Advertise for Bids | February 11, 2010 |
| | February 18, 2010 |
| Open Bids | February 22, 2010 |
| Tentative Award Date | March 2, 2010 |
| Start of Demolition | Approximately 30 days after bid award |

PASSED AND APPROVED THIS 2ND DAY OF FEBRUARY, 2010.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
FEBRUARY 2, 2010 AGENDA**

| Subject: | Type: | Submitted By: |
|---|---|---|
| AUTHORIZATION TO PURCHASE- RECEPTION COUNTER | ◆ RESOLUTION ORDINANCE RECEIVE/FILE | PAT ARCHIBALD DIRECTOR PUBLIC BUILDINGS & GROUNDS |

SYNOPSIS

A resolution has been prepared authorizing the purchase and installation of a reception counter in the Community Center from C.E. Smith Cabinets, Papillion Nebraska in an amount not to exceed \$5,464.51

FISCAL IMPACT

Funding in the amount of \$7,000.00 is provided in the FY 09/10 General fund budget.

RECOMMENDATION

Approval.

BACKGROUND

The reception counter will be located inside the front doors of the Community Center. This will aid in checking visitors in and giving direction as soon as the visitor comes into the building. This will be staffed by part time employees. The counter is going to be built to fit the area without causing congestion. C.E. Smith Cabinets was chosen due to past experience with their quality of work and ability to deliver in a relatively short period of time.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE PURCHASE AND INSTALLATION OF A RECEPTION COUNTER FROM C.E. SMITH CABINETS, PAPILLION NEBRASKA, IN AN AMOUNT NOT TO EXCEED \$5,464.51

WHEREAS, it has been determined that a reception counter located inside the front doors at the Community Center is necessary; and

WHEREAS, funds were included in the FY10 General Fund Budget for a reception counter; and

WHEREAS, a proposal was solicited from C.E. Smith, Papillion Nebraska due to quality of work and the ability to deliver the product in a timely manner; 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, by the Mayor and City Council of La Vista, Nebraska, do hereby authorize the purchase and installation of a reception counter at the Community Center in an amount not to exceed \$5,464.51.

PASSED AND APPROVED THIS 2ND DAY OF FEBRUARY 2010.

CITY OF LA VISTA

ATTEST:

Douglas Kindig, Mayor

Pamela A. Buethe, CMC
City Clerk



Cabinet Estimate

Estimate Date 1/21/2010

PO Number

Estimate Number

9574

| | | |
|------------------------|--------------|--------------------------|
| Proposal Submitted To: | Phone | Company Name Customer |
| Street | Job Name | LaVista Rec Center |
| City, State and ZIP | Job Location | 8116 Park View Blvd. |
| DATE OF PLANS | Job Phone | |

We Hereby submit specifications and estimate for:

We Propose hereby to furnish materials and labor—complete in accordance with above specifications, for the sum of:

\$5,464.51

Payment to be made as follows: 2/3 Down, Net 30

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents, or delays beyond our control. Owner to carry fire, tornado, and other necessary insurance.

Our Workers are fully covered by Workman's Compensation Insurance.

Authorized
Signature

Note: This Proposal May Be
Withdrawn by us if not accepted within 30 days.

Terms and conditions of sale: The undersigned purchaser(s) hereby agree(s) to pay for all purchases, products, and/or services according to the terms of C.E. Smith Custom Cabinets, INC. as set forth in and agreed to Proposal/Contract and the invoice(s). NO terms or conditions of purchase, other than as set forth and specified therein and/or which are different from the terms set forth in the agreed to Proposal/Contract with C.E. Smith Custom Cabinets, INC., will become part of any sales agreement, purchase order, proposal, contract, or other document unless specifically approved in writing by C.E. Smith Custom Cabinets, INC. No items will be accepted for return by purchaser(s) to C.E. Smith Custom Cabinets, INC. without prior written approval of C.E. Smith Custom Cabinets, INC. All Returns will be subject to inspection and may be subject to a return charge. The laws of the State of Nebraska shall be applicable to all suits arising under any agreement between the undersigned and C.E. Smith Custom Cabinets, INC. In the event of litigation, venue shall be in Sarpy County, Nebraska; and the Purchaser(s) Shall be liable for court cost and/or attorney fees of C.E. Smith Custom Cabinets, INC. incurred therein.

Acceptance of Proposal

The above prices and specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Signature _____

Signature _____

*** Please Initial All Attached Pages!**

Date of acceptance:



Cabinet Estimate

Estimate Date 1/21/2010

PO Number

Estimate Number 9574

| Description | Room Info | Quantity | Line Total |
|--------------------------------|-----------|----------|------------|
| 3/4 Wall | | 22 | \$550.00 |
| 2" Cleating for top | | 22 | \$528.00 |
| Support Bracket | | 2 | \$190.00 |
| Upper Cabinets 12" (WMel) (LF) | | 13.25 | \$569.75 |
| Angle Cabinets | | 3 | \$252.00 |
| Laminate Exteriors (Sq.Ft.) | | 81 | \$725.76 |
| Laminate Doors | | 1 | \$73.00 |
| Hardware | | 1 | \$375.00 |
| Sub Top | | 66 | \$528.00 |
| Laminate For Top's | | 66 | \$660.00 |
| Melamine Almond | | 22 | \$110.00 |
| Clipped Corners Top (EA) | | 2 | \$115.00 |
| | | 0 | \$0.00 |
| | | 0 | \$0.00 |
| Sub Top | | 6 | \$48.00 |
| Laminate For Top's | | 6 | \$60.00 |
| Radius Corners Top (EA) | | 2 | \$115.00 |



Cabinet Estimate

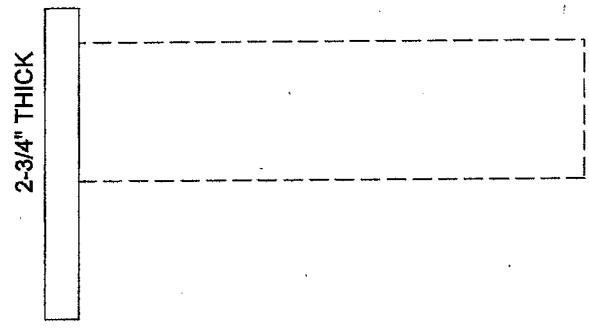
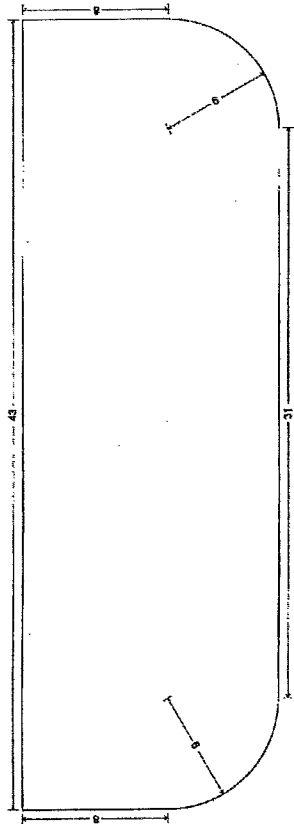
Estimate Date 1/21/2010

PO Number

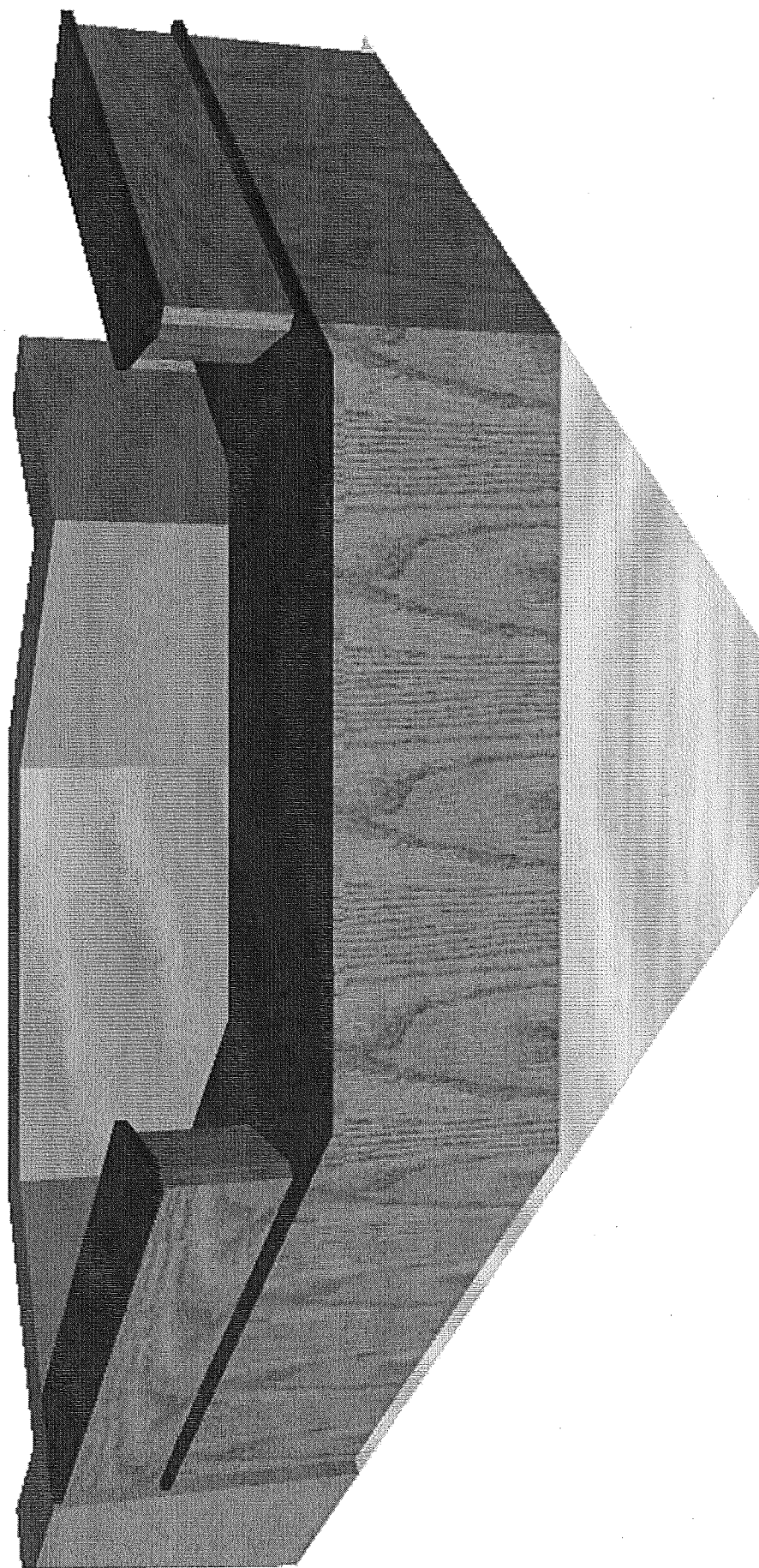
Estimate Number 9574

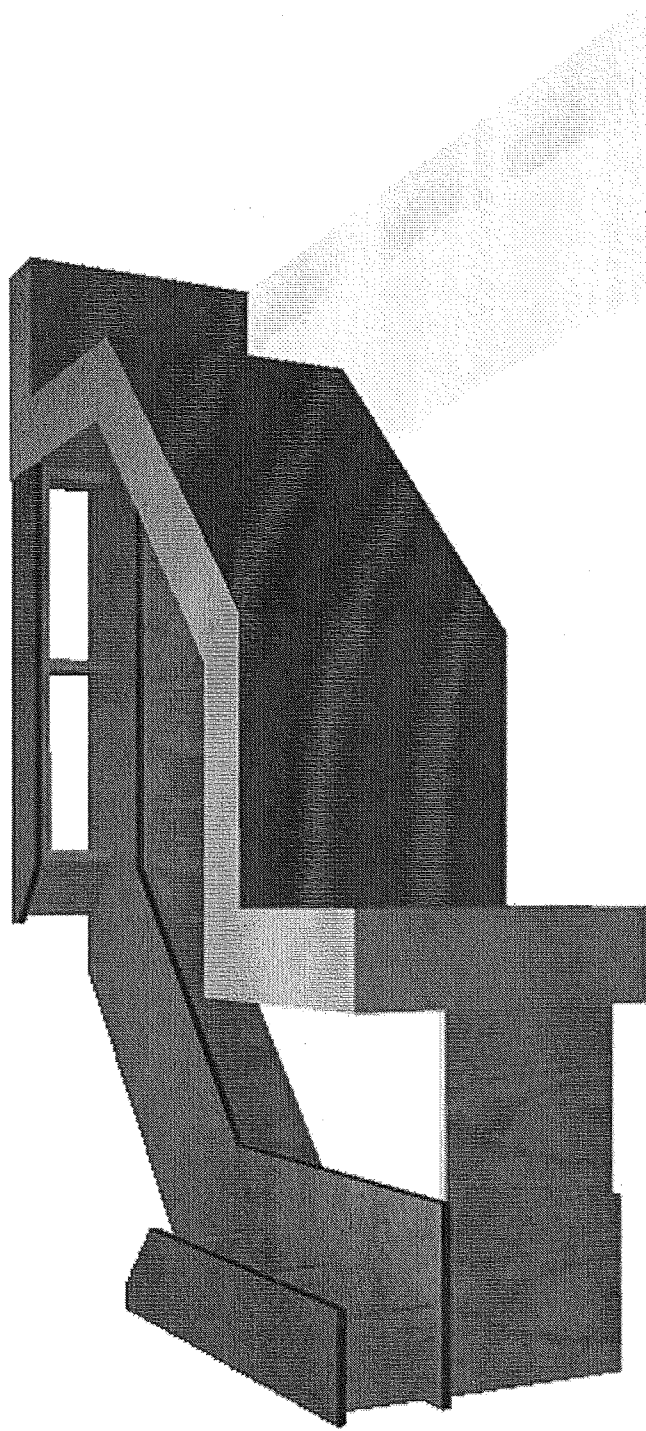
| | |
|---------------------|-------------------|
| Subtotal | \$4,899.51 |
| Installation Charge | \$490.00 |
| Delivery Charg | \$75.00 |
| Sales Tax | \$0.00 |
| Bid Total | \$5,464.51 |

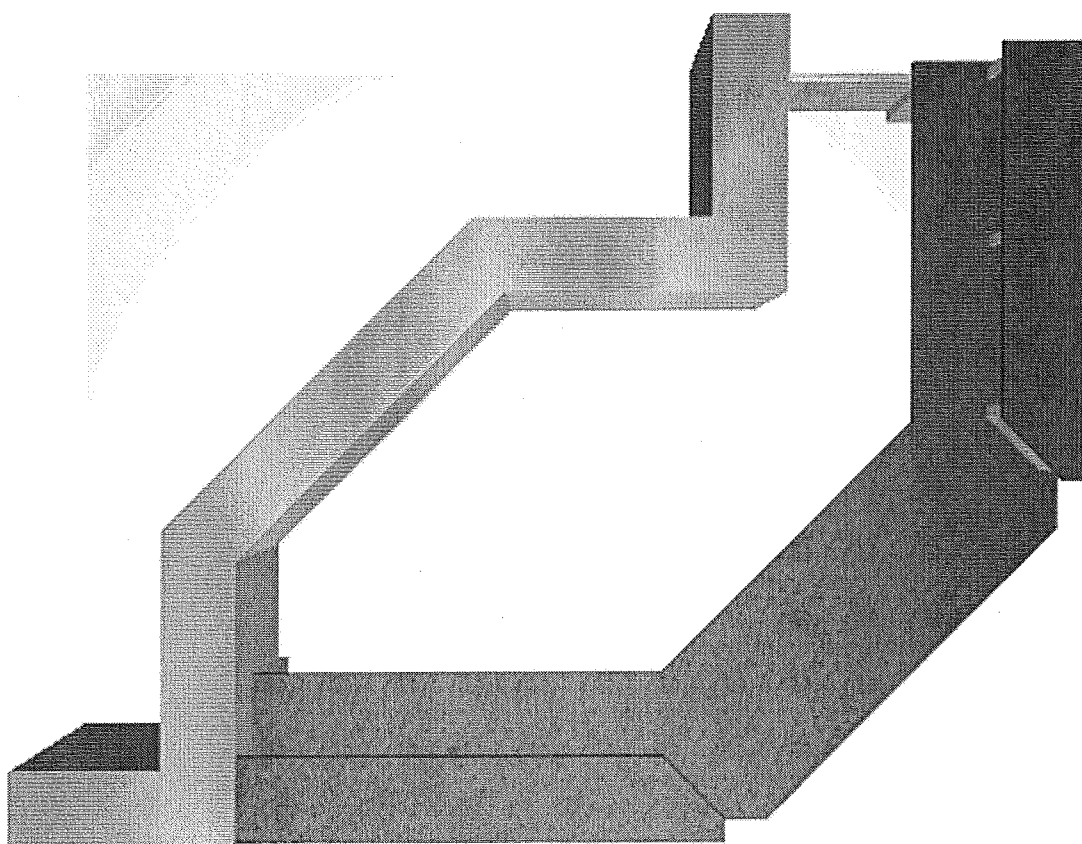
LAMINATE TOP INSTALLED IN PASS- THRU WINDOW

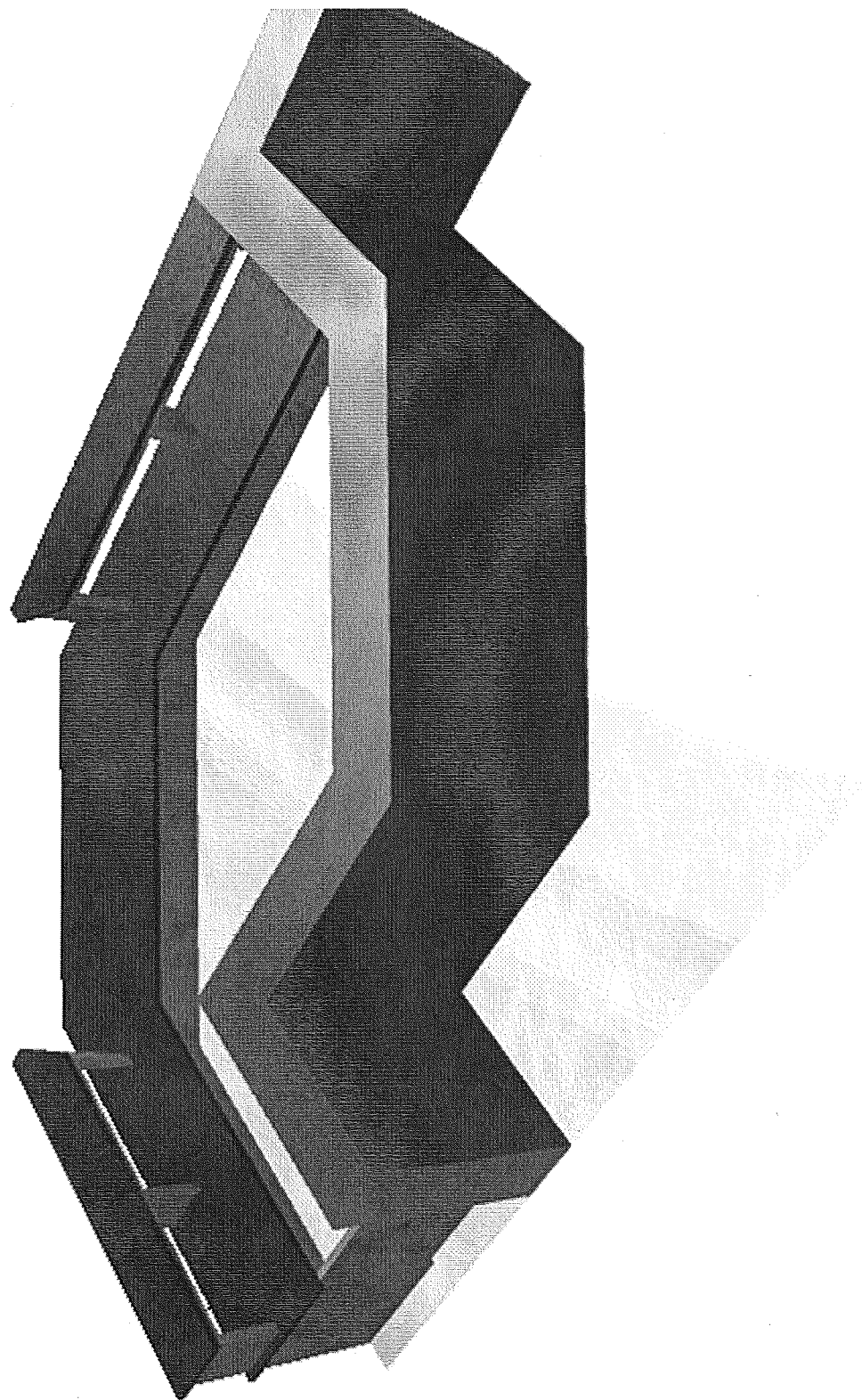


OVERLAY EXISTING OAK COUNTERTOP



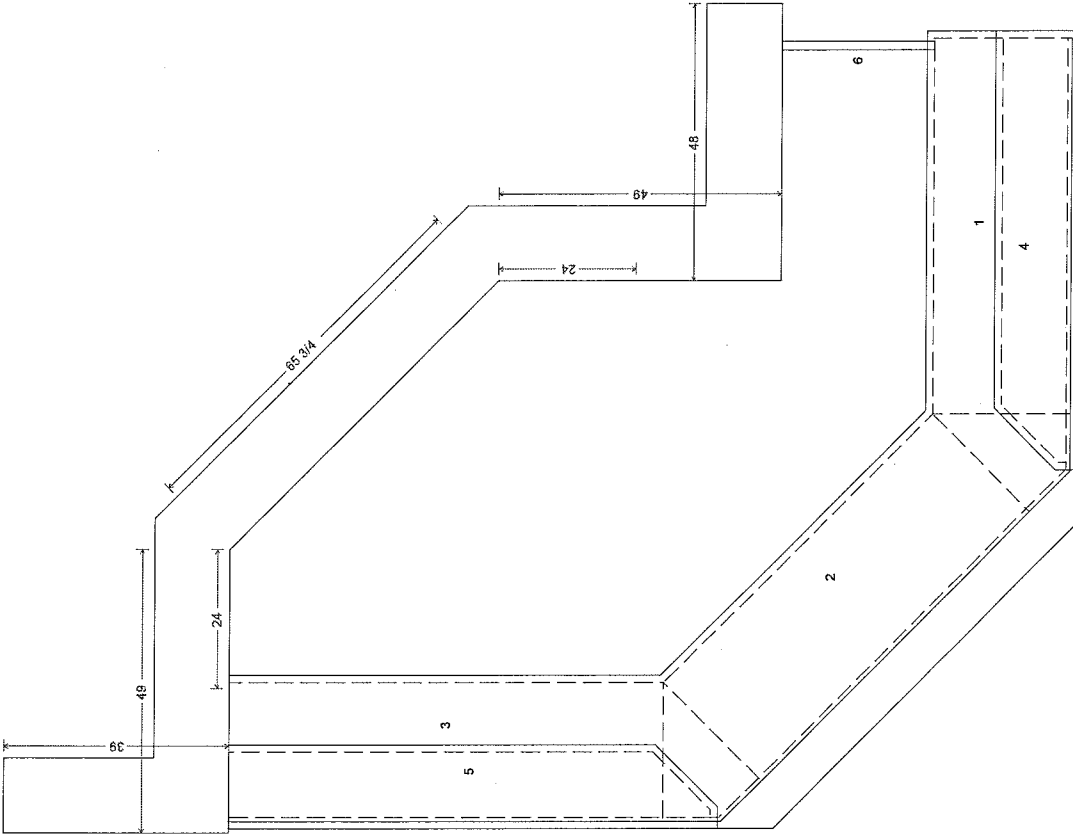






Cabinet Report

| Cabinet Name | Width | Height | Depth | A | C |
|---------------|---------|--------|-------|---|---|
| 1-PEN BASE | 65 1/16 | 29 | 24 | | |
| 2-PEN BASE | 65 5/8 | 29 | 24 | | |
| 3-PEN BASE | 75 9/16 | 29 | 24 | | |
| 4-PEN SPECIAL | 73 1/2 | 14 | 12 | | |
| 5-BUS SPECIAL | 83 3/4 | 14 | 12 | | |
| 6-SPECIAL FLR | 28 1/2 | 28 1/2 | 1 1/2 | | |



3/4" LAMINATE WALL (FRONT)
WITH ALMOND MELAMINE
(INSIDE)

1-1/4" LAMINATE TOPS AND
EDGES

ANGLE SUPPORT BRACKETS
ALMOND MELAMINE (4)

LA VISTA REC CENTER

Scale: 3/8"=1'

Approved by:

Date: 5/01/09

Drawn by: DALE S.

Revised:

C E Smith Custom Cabinets

8116 PARK VIEW BLVD.

Drawing number:

1

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE CONSUMPTION OF ALCOHOL AT AN EASTER SEALS SOCIETY OF NEBRASKA INC FUNDRAISING EVENT AT THE LA VISTA CONFERENCE CENTER ON FEBRUARY 27, 2010.

WHEREAS, the La Vista Conference Center is located within the City of La Vista; and

WHEREAS, Easter Seals Society of Nebraska has requested approval of a Special Designated Permit to serve wine at a fundraising event at the Conference Center on February 27, 2010 from 12:00 p.m. to 1:00 a.m.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize Easter Seals Society of Nebraska to proceed with the application for a "Special Designated License" from the Nebraska Liquor Control Commission to sell serve alcohol at the La Vista Conference Center, in conjunction with a fundraising event.

PASSED AND APPROVED THIS 2ND DAY OF FEBRUARY 2010.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Bueche, CMC
City Clerk



January 19, 2010

Easter Seals of Nebraska
638 N. 109th Plaza
Omaha, NE 68154-1722

RE: Special Designated Liquor License for event at the Embassy Suites on
February 27, 2010

To Whom It May Concern:

This letter is to inform you that the City of La Vista has received the application for a Special Designated Liquor License for an Easter Seals event at the Embassy Suites on February 27, 2010

Please note that the La Vista City Council will hold a public hearing on this application at their regularly scheduled meeting on February 2, 2010. The meeting will be called to order at 7:00 p.m. and will be held at La Vista City Hall, 8116 Park View Blvd, La Vista, Nebraska. We ask that a representative from the company or the company's legal counsel be present at the aforementioned public hearing to answer any questions that the Mayor or members of the City Council may have concerning the application.

If you have any questions please feel free to contact me.

Sincerely,

Pamela A. Buethe, CMC
City Clerk

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

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

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

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

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

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

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

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

**APPLICATION FOR SPECIAL
DESIGNATED LICENSE
NON PROFIT APPLICANTS**

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

BEFORE SUBMITTING APPLICATION TO THE LIQUOR CONTROL COMMISSION

- ☐ Include approval from the City, Village or County Clerk where the event is to be held
- ☒ A license fee \$40 (payable to Nebraska Liquor Control Commission) for each day/event to be licensed (i.e. if you have two separate areas at one event they both need to be licensed)
- ☐ Application MUST be received at the Liquor Control Commission Office no later than 10 working days prior to event (excluding weekends, Federal and State observed holidays)
- ☒ Letter from IRS declaring your organization exempt from payment of federal income taxes, or copy of federal tax return, as filed with the IRS, as well as affidavit signed by an officer of the organization declaring that the copy of the tax return is true and correct copy as filed with the IRS

COMPLETE ALL QUESTIONS

1. Type of alcohol to be served and/or consumed

☐ Beer

☒ Wine

☐ Distilled Spirits

2. Status of applicant (check one)

☐ Municipal

☐ Political

☐ Fine Arts

☐ Fraternal

☐ Religious

☒ Charitable

☐ Public Service

3. Licensee name (last, first, middle), Corporate name, Limited Liability Company (LLC)

NAME: EASTER SEALS SOCIETY OF NEBRASKA, INC.
d/b/a EASTER SEALS NEBRASKA

ADDRESS: 638 N. 109th PLZ, OMAHA, NE 68154 COUNTY DOUGLAS

4. Location where event will be held; name, address, city, county, zip code

ADDRESS: 12520 WESTPORT PARK, LAKEVIEW, NE COUNTY SHERIDAN
68020

- a. Is this location within the city/village limits? ☒ YES ☐ NO
- b. Is this location within the 150' of church, school, hospital or home aged/indigent or for veterans their wives? ☐ YES ☒ NO
- c. Is this location within 300' of any university or college campus? ☐ YES ☒ NO

5. Date(s) and Time(s) of event (no more than six (6) consecutive days on one application)

| Date <u>2/27/10</u> | Date | Date | Date | Date | Date |
|-----------------------------------|------------|------------|------------|------------|------------|
| Hours From | Hours From | Hours From | Hours From | Hours From | Hours From |
| <u>12:00 pm</u> To <u>1:00 am</u> | To | To | To | To | To |

a. Alternate date: _____

b. Alternate location: _____
(alternate date or location must be approved by local and law enforcement)

6. Indicate type of activity to be carried on during event

☐ Dance ☐ Reception ☒ Fund Raiser ☐ Beer Garden ☐ Sampling/Tasting ☐ Other

7. Description of area to be licensed

☒ Inside building, dimensions of area to be covered IN FEET 120 x 130
Name of building LAUISTA CONFERENCE BLDG (not square feet or acres)

☐ Outdoor area dimensions of area to be covered IN FEET _____ x _____
(not square feet or acres)

If outdoor area, how will premises be enclosed

☐ fence, type of fence

☐ tent

☐ other, explain _____

*If both inside and outdoor area to be licensed include simple sketch

8. Indicate the steps that will be taken to prevent underage persons from obtaining alcohol beverages.

TICKETS SOLD ONLY TO THOSE 21 YEARS OF AGE AND OLDER. ALL REGISTRATIONS AHEAD OF DOOR ENTRY.

9. Will premises to be covered by license comply with all Nebraska sanitation laws?

☒ YES ☐ NO

a. Are there separate toilets for both men and women?

☒ YES ☐ NO

10. Will there be any games of chance operating during the event? ☐ YES ☒ NO
If so, describe activity _____

NOTE: Only games of chance approved by the Department of Revenue, Charitable Gaming Division are permitted. All other forms of gambling are prohibited by State Law: There are no exceptions for Non Profit Organizations or any events raising funds for a charity. This is only an application for a Special Designated License under the Liquor Control Act and is not a gambling permit application.

11. Any other information or requests for exemptions: *Nb*

12. Name and **telephone number/cell phone number** of immediate supervisor. This person will be at the location of the event when it occurs, able to answer any questions from Commission and/or law enforcement before and during the event, and who will be responsible for ensuring that any applicable laws, ordinances, rules and regulations are adhered to.

INGRA WINKLER ANDERSON Phone: Before (402) 592-3272 During (402) 250-6865
Print name of Event Supervisor

Ingra Winkler Anderson
Signature of Event Supervisor

Consent of Authorized Representative/Applicant

13. I declare that I am the authorized representative of the above named license applicant and that the statements made on this application are true to the best of my knowledge and belief. I also consent to an investigation of my background including all records of every kind including police records. I agree to waive any rights or causes of action against the Nebraska Liquor Control Commission, the Nebraska State Patrol or any other individual releasing said information to the Liquor Control Commission or the Nebraska State Patrol. I further declare that the license applied for will not be used by any other person, group, organization or corporation for profit or not for profit and that the event will be supervised by persons directly responsible to the holder of this Special Designated License.

sign
here

Karen C. Carlson
Authorized Representative/Applicant

PRESIDENT & CEO
Title

1/13/10
Date

KAREN C. CARLSON
Print Name

The law requires that no special designated license provided for by this section shall be issued by the Commission without the approval of the local governing body. For the purposes of this section, the local governing body shall be the city or village within which the particular place for which the special designated license is requested is located, or if such place is not within the corporate limits of a city or village, then the local governing body shall be the county within which the place for which the special designated license is requested is located.

**Application for Special Designated License
Under Nebraska Liquor Control Act
Affidavit of Non-Profit Status**

I HEREBY DECLARE THAT THE CORPORATION MAKING APPLICATION FOR A SPECIAL DESIGNATED LICENSE UNDER THE NEBRASKA LIQUOR CONTROL ACT IS EITHER A MUNICIPAL CORPORATION, A FINE ARTS MUSEUM INCORPORATED AS A NONPROFIT CORPORATION, A RELIGIOUS NONPROFIT CORPORATION WHICH HAS BEEN EXEMPTED FROM THE PAYMENT OF FEDERAL INCOME TAXES, A POLITICAL ORGANIZATION WHICH HAS BEEN EXEMPTED FROM THE PAYMENT OF FEDERAL INCOME TAXES, OR ANY OTHER NONPROFIT CORPORATION, THE PURPOSE OF WHICH IS FRATERNAL, CHARITABLE, OR PUBLIC SERVICE AND WHICH HAS BEEN EXEMPTED FROM THE PAYMENT OF FEDERAL INCOME TAXES AS PER §53-124.11(1).

AS SIGNATORY I CONSENT TO THE RELEASE OF ANY DOCUMENTS SUPPORTING THIS DECLARATION AND ANY DOCUMENTS SUPPORTING THIS DECLARATION WILL BE PROVIDED TO THE NEBRASKA LIQUOR CONTROL COMMISSION, THE NEBRASKA STATE PATROL OR ANY AGENT OF THE LIQUOR CONTROL COMMISSION IMMEDIATELY UPON DEMAND. I ALSO CONSENT TO THE INVESTIGATION OF THIS CORPORATE ENTITY TO DETERMINE IT'S NONPROFIT STATUS.

I AGREE TO WAIVE ANY RIGHTS OR CAUSES OF ACTION AGAINST THE NEBRASKA LIQUOR CONTROL COMMISSION, THE NEBRASKA STATE PATROL OR ANY PARTY RELEASING INFORMATION TO THE AFOREMENTIONED PARTIES.

EASTER SEALS SOCIETY OF NEBRASKA, INC.
NAME OF CORPORATION

47-0457872
FEDERAL ID NUMBER

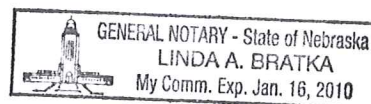
Kary C Carlson
SIGNATURE OF TITLE OF CORPORATE OFFICERS

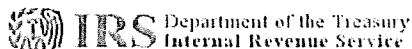
THE ABOVE INDIVIDUAL STATES THAT THE STATEMENT ABOVE IS TRUE AND CORRECT: IF ANY FALSE STATEMENT IS MADE ON THIS APPLICATION, THE APPLICANT SHALL BE DEEMED GUILTY OF PERJURY AND SUBJECT TO PENALTIES PROVIDED BY LAW. (SEC. §53-131.01) NEBRASKA LIQUOR CONTROL ACT

SUBSCRIBED IN MY PRESENCE AND SWORN TO BEFORE ME THIS 13th DAY OF

JANUARY, 2010.

Linda A. Bratka
NOTARY PUBLIC SIGNATURE & SEAL





Department of the Treasury
Internal Revenue Service

P.O. Box 2508
Cincinnati OH 45201

In reply refer to: 0248222025
Mar. 24, 2009 LTR 4168C E0
47-0457872 000000 00 000
00010710
BODC: TE

EASTER SEAL SOCIETY OF NEBRASKA INC
638 N 109TH PLZ
OMAHA NE 68154-1722

MAR 24 2009

6220

Employer Identification Number: 47-0457872
Person to Contact: R Clemons
Toll Free Telephone Number: 1-877-829-5500

Dear Taxpayer:

This is in response to your request of Mar. 13, 2009, regarding your tax-exempt status.

Our records indicate that a determination letter was issued in March 1952, that recognized you as exempt from Federal income tax, and discloses that you are currently exempt under section 501(c)(3) of the Internal Revenue Code.

Our records also indicate you are not a private foundation within the meaning of section 509(a) of the Code because you are described in section(s) 509(a)(1) and 170(b)(1)(A)(vi).

Donors may deduct contributions to you as provided in section 170 of the Code. Bequests, legacies, devises, transfers, or gifts to you or for your use are deductible for Federal estate and gift tax purposes if they meet the applicable provisions of sections 2055, 2106, and 2522 of the Code.

If you have any questions, please call us at the telephone number shown in the heading of this letter.

Sincerely yours,

Michele M. Sullivan

Michele M. Sullivan, Oper. Mgr.
Accounts Management Operations I