



## CITY OF LA VISTA

### CERTIFICATE OF APPRECIATION

A CERTIFICATE OF APPRECIATION PRESENTED TO *Stacy Bragg*, FOR 5 YEARS OF FAITHFUL AND EFFICIENT SERVICE TO THE CITY OF LA VISTA.

WHEREAS, *Stacy Bragg*, has served the City of La Vista since May 8, 2007 and

WHEREAS, *Stacy Bragg* input and contributions to the City of La Vista have contributed to the success of the City.

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

DATED THIS 15TH DAY OF MAY, 2012.

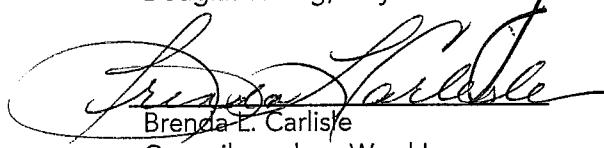


Douglas Kindig, Mayor



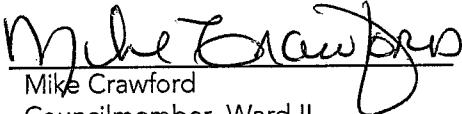
Ronald Sheehan

Councilmember, Ward I



Brenda L. Carlisle

Councilmember, Ward I



Mike Crawford

Councilmember, Ward II



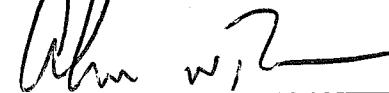
Terrilyn Quick

Councilmember, Ward II



Mark D. Ellerbeck

Councilmember, Ward III



Alan W. Ronan

Councilmember, Ward III



Kelly R. Sell

Councilmember, Ward IV



Anthony J. Gowan

Councilmember, Ward IV

ATTEST:



Pamela A. Buethe

Pamela A. Buethe, CMC  
City Clerk





**PROCLAMATION**  
**NATIONAL PUBLIC WORKS WEEK**

WHEREAS, public works services provided in the City of La Vista are an integral part of our citizens' everyday lives; and

WHEREAS, the support of an understanding and informed citizenry is vital to the efficient operation of public works systems and programs such as sewers, streets and highways, public buildings, snow removal, park maintenance; and

WHEREAS, the health, safety and comfort of La Vista citizens greatly depend on these facilities and services; and

WHEREAS, the quality and effectiveness of these facilities, as well as their planning, design, and construction are dependent upon the efforts and skill of public works officials; and

WHEREAS, the efficiency of the qualified and dedicated personnel who staff the public works department is influenced by the public's attitude and understanding of the importance of their work.

NOW, THEREFORE, I, Douglas Kindig, Mayor of the City of La Vista, do hereby proclaim the week of May 20 through May 26, 2012 as **NATIONAL PUBLIC WORKS WEEK** with the theme, *Public Works: Serving you and your community*, and call upon all citizens and civic organizations to acquaint themselves with the challenges involved in providing our public works and to recognize the contributions that public works staff and officials make every day to our health, safety and comfort.

IN WITNESS WHEREOF, I have set my hand and caused the official Seal of the City of La Vista to be affixed this 15th day of May, 2012.



Douglas Kindig, Mayor

ATTEST:

  
Pamela A. Buethe, CMC  
City Clerk



**PROCLAMATION  
EMERGENCY MEDICAL SERVICES WEEK**

WHEREAS, emergency medical service is a vital public service; and

WHEREAS, the members of emergency medical services teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and

WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS, the emergency medical services systems consists of emergency physicians, emergency nurses, emergency medical technicians, paramedics, firefighters, educators, administrators, and others; and

WHEREAS, the members of emergency medical services teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and

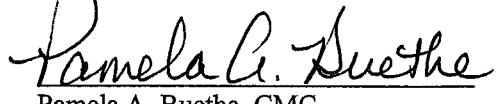
WHEREAS, it is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating Emergency Medical Services Week.

NOW, THEREFORE, I, Douglas Kindig, Mayor of the City of La Vista, in recognition of this event, do hereby proclaim the week of May 20 - 26, 2012 as **EMERGENCY MEDICAL SERVICES WEEK** with the theme, *EMS: Everyday Heroes*, and I encourage the community to observe this week with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have set my hand and caused the official Seal of the City of La Vista to be affixed this 15th day of May, 2012.

\_\_\_\_\_  
Douglas Kindig, Mayor

ATTEST:

  
\_\_\_\_\_  
Pamela A. Buethe, CMC  
City Clerk



# MINUTE RECORD

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

## LA VISTA CITY COUNCIL MEETING May 1, 2012

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 May 1, 2012. Present were Councilmembers: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck and Gowan. Also in attendance were City Administrator Gunn, Assistant City Administrator Ramirez, City Attorney McKeon, City Clerk Buethe, Police Chief Lausten, Fire Chief Uhl, Public Works Director Soucie, Finance Director Lindberg, Recreation Director Stopak, Assistant Public Building and Grounds Director Siebels, City Engineer Kottmann, and Library Director Barcal.

A notice of the meeting was given in advance thereof by publication in the Times on April 18, 2012. 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 an expanded opportunity for public comment on the agenda items.

### PROCLAMATIONS – BUILDING SAFETY MONTH – NATIONAL POLICE WEEK

Mayor Kindig read proclamations for Building Safety Month and National Police Week.

### APPOINTMENT – BOARD OF ADJUSTMENTS – JAMES KARNIK

Mayor Kindig stated, with the approval of the City Council, he would like to appoint James Karnik to the Board of Adjustments. Councilmember Sell motioned the approval, seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck and Gowan. Nays: None. Abstain None. Absent: None. Motion carried.

#### A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. APPROVAL OF CITY COUNCIL MINUTES FROM APRIL 17, 2012
3. PAY REQUEST NO. 4 – MELVIN SUDBECK HOMES, INC. – APPLEWOOD CREEK IMPROVEMENTS PROJECT - \$48,818.76
4. APPROVAL OF CLAIMS
5. RESOLUTION 12-045 – ADVERTISE FOR BIDS – UPGRADE WIRELESS SYSTEM
6. RESOLUTION 12-046 – APPLICATION FOR ADDITION TO LIQUOR LICENSE – PHILLY'S SPORTS BAR AND GRILL
7. RESOLUTION 12-047- APPLICATION FOR ADDITION TO LIQUOR LICENSE – LUCKY BUCKET BREWING COMPANY

BARCAL, R., travel	123.00
GARROD, M., travel	123.00
RAMIREZ, R., travel	123.00
USPS, postage	1509.85
THOMPSON DREESSEN & DORNER, services	9873.00
MELVIN SUDBECK HOMES, services	21698.86
QUALITY BRANDS, supplies	239.60
LAUGHLIN, KATHLEEN A, TRUSTEE	474.00
NE DEPT OF REVENUE, taxes	92209.21
ACTION BATTERIES, supplies	407.28
AED ZONE, supplies	157.00
AKSARBEN HEATING/ARS, bld&grnds	250.25
ALAMAR, apparel	244.48

# MINUTE RECORD

May 1, 2012

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

ARAMARK, apparel	439.90
ASSOCIATED FIRE PROTECTION, supplies	53.50
AUSTIN PETERS GROUP, services	1100.00
AVI SYSTEMS, services	2700.00
BAKER & TAYLOR, books	1091.77
BARCAL, R., mileage	97.13
BARONE SECURITY SYSTEMS, services	804.00
BEACON BUILDING SERVICES, services	6712.00
BETTER BUSINESS EQUIP., lease	53.19
BLACK HILLS ENERGY, utilities	3127.75
BOUNDTREE MEDICAL, supplies	1421.98
BRAKE, A., auto	100.00
BREWER, W., auto	100.00
BUILDERS SUPPLY, bld&grnds	383.69
CAPSTONE, books	1408.73
CEBALLO, M., travel	138.00
CENTER POINT, books	214.50
CENTURY LINK, utilities	1168.70
CITY OF PAPILLION PARKS/RECR, services	50.00
COMP CHOICE, services	437.50
CONSOLIDATED MANAGEMENT, training	185.00
CORNHUSKER MARRIOTT HOTEL, training	278.58
COVENTRY HEALTHCARE NE, refund	718.00
COX, utilities	63.59
D & D COMM., services	1379.00
D & J BEVERAGE, supplies	308.00
DEIML, K., services	810.00
DOUGLAS COUNTY SHERIFF'S, services	312.50
DULTMEIER, maint.	22.20
EDGEWEAR SCREEN PRINTING, apparel	2035.25
ELBERT, A., travel	138.00
ELECTRIC SPECIALTIES, services	120.00
EMERGENCY SERVICES MARKETING, services	650.00
EXCHANGE BANK, lease	695.00
FASTENAL COMPANY, supplies	4.98
FELD FIRE, supplies	1525.00
FIREGUARD, services	1597.50
FITZGERALD SCHORR BARMETTLER, services	29678.00
FLEET US, bld&grnds	2273.00
FOCUS PRINTING, marketing	275.00
FOLLETT SOFTWARE COMPANY, supplies	166.23
FORT DEARBORN LIFE INSURANCE	1337.50
FROEHLICH, R., auto	100.00
FUTUREWARE DISTRIBUTING, services	19.00
GCR TIRE CENTERS, maint.	248.14
GENERAL TRAFFIC CONTROLS, supplies	245.86
H & H CHEV., maint.	138.02
HEARTLAND PAPER, supplies	395.00
HEIMES CORP., maint.	78.35
HELGET GAS, supplies	75.50
HUMMER, B., refund	50.00
INDUSTRIAL SALES, maint.	138.31
J Q OFFICE EQUIPMENT, services	182.89
JIRAK, B., travel	138.00
JONES AUTO., services	1236.00
JONES, T., refund	30.00

# MINUTE RECORD

May 1, 2012

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

KIMBALL MIDWEST, maint.	164.94
KLINKER, M., services	200.00
LANDPORT SYSTEMS, services	125.00
LERNER PUBLISHING, books	504.65
LOGAN CONTRACTORS SUPPLY, bld&grnds	2841.25
LOVELAND GRASS PAD, maint.	2244.73
LYMAN-RICHEY, bld&grnds	220.28
MANZO, M., refund	200.00
MASTER MECHANICAL SERVICE, bld&grnds	352.00
MATHESON TRI-GAS, maint.	163.74
MCCANN PLUMBING, bld&grnds	216.95
METRO LANDSCAPE, supplies	5320.00
MUD, utilities	1995.12
MICHAEL TODD, maint.	297.00
MID AMERICA PAY PHONES	50.00
MIDWEST TAPE, maint.	21.24
MIDWEST TURF & IRRIGATION, maint.	191.05
NE DEPT OF LABOR-WORKFORCE DEV	2562.00
NEBRASKA ENVIRONMENTAL PRODS	22900.00
NE GOLF COURSE, training	35.00
NE SOFTBALL ASSN DIST#10, services	1608.00
NE TURF PRODUCTS, supplies	1368.75
NEXTEL SPRINT COMMUNICATIONS	385.71
NEXTEL SPRINT COMMUNICATIONS	208.36
NMC EXCHANGE, maint.	131.07
NUTS AND BOLTS, maint.	112.24
OCLC, books	28.40
ODB COMPANY, maint.	315.47
OFFICE DEPOT, supplies	396.84
OFFUTT YOUTH CENTER, services	1440.00
OMAHA COMPOUND, supplies	99.92
OMAHA WINNELSON, maint.	157.29
OMB GUNS, apparel	82.50
OMNI, maint.	2776.31
ORIENTAL TRADING, supplies	139.50
PAPILLION TIRE, maint.	162.30
PARAMOUNT LINEN & UNIFORM, services	160.83
PAYFLEX SYSTEMS, services	250.00
PAYLESS OFFICE, supplies	111.90
PENWORTHY COMPANY, books	1185.39
PERFORMANCE CHRYSLER JEEP, maint.	2011.56
PETTY CASH	60.62
PETTY CASH	165.49
PFEIFER, V., travel	138.00
PITNEY BOWES, supplies	204.00
PLAINS EQUIPMENT GROUP, maint.	1426.19
RAINBOW GIRLS SOFTBALL LEAGUE	2500.00
RALSTON ADVERTISING	537.00
READY MIXED CONCRETE, bld&grnds	1822.00
REGAL AWARDS, services	50.30
RETRIEVEX, services	86.58
SAFARILAND, supplies	77.78
SARPY COUNTY CHAMBER, services	30.00
SARPY COUNTY COURTHOUSE, services	3479.89
SCHOLASTIC LIBRARY PUBLISHING, books	154.75
SHRED-SAFE, services	30.00
SOLBERG, C., travel	176.18

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

SOUTHEAST AREA CLERK'S, dues	20.00
SPRINT, phone	119.97
SPRINT, phone	62.25
STATE STEEL, maint.	72.20
SUPERCO SPECIALTY PRODUCTS, supplies	313.05
SUPERIOR VISION SVCS INC	440.96
TARGET, supplies	42.59
TED'S MOWER, maint.	117.96
THOMAS E STEVENS & ASSOCS, services	3000.00
TORNADO WASH, services	80.00
UPS, services	100.57
VAIL, A., auto	100.00
VERIZON, phone	95.78
VERIZON, phone	111.95
WAL-MART, supplies	1051.40
WASTE MANAGEMENT NE, services	537.89
WHITE CAP CONSTR SUPPLY/HDS, maint.	60.62
WPS MEDICARE, refund	230.33
ZIMCO SUPPLY, bld&grnds	5789.85

Councilmember Carlisle made a motion to approve the consent agenda. Seconded by Councilmember Sheehan. Councilmember Carlisle 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. Abstain: None. Absent: None. Motion carried.

## REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

Public Works Director Soucie reported that the recycling and clean up days were a success.

Community Development Director Birch gave an update on the items being repaired at the vacant home located at 7727 Park View Blvd.

Recreation Director Stopak reported that the Kite Flying Festival would be held on May 6, 2012. Stopak also reported that a grant was received for Sun Safety Education and that work to open the pool for the 2012 summer had begun.

## B. CONDITIONAL USE PERMIT – AUTOMOTIVE REPAIR SERVICES – TAX LOT 18, SECTION 17-14-12 HARRY ANDERSON AVE AND HARRISON

### 1. PUBLIC HEARING

At 7:10 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the Conditional Use Permit.

John Wojitila of Zaremba Group gave an overview of the project and stated that no vehicle repairs would be done on site. This will be a regional claims office and create several jobs.

At 7:21 p.m. Councilmember Ellerbeck made a motion to close the public hearing. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck and Gowan. Nays: None. Abstain: None. Absent: None. Motion carried.

### 2. RESOLUTION

Councilmember Sell introduced and moved for the adoption of Resolution No. 12-048; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF A CONDITIONAL USE PERMIT FOR AUTOMOTIVE REPAIR SERVICES ON TAX LOT 18, SECTION 17-14-12, SARPY COUNTY, NEBRASKA.

WHEREAS, Dearborn Land Development, LLC, has applied on behalf of the property owner, Harrison I-80, LLC, for a conditional use permit for automotive repair services on Tax Lot 18, Section 17-14-12, Sarpy County, Nebraska; and

# MINUTE RECORD

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

May 1, 2012

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, subject to the following conditions:

1. Successful resolution of the following final design review issues:
  - a. Approval of the updated landscape plan.
  - b. Provision of acceptable brick samples.
  - c. The back entry feature is called to be painted. A continuation of the prefinished metal is recommended for longevity.
  - d. Building-mounted light fixture cuts need to be reviewed and approved.
2. Completion of a Wastewater Service Agreement modification with the City of Omaha that includes Tax Lots 17 and 18.

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 with this Resolution, subject to such modifications as approved by the City Administrator and satisfaction of the conditions listed in the last recital above.

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

## C. RESOLUTIONS – INTERLOCAL AGREEMENT – IT SERVICES

Councilmember Quick introduced and moved for the adoption of Resolution No. 12-049: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING EXECUTION OF A TWO (2) YEAR EXTENSION OF THE INTERLOCAL COOPERATION AGREEMENT BETWEEN SARPY COUNTY AND THE CITY OF LA VISTA FOR INFORMATION TECHNOLOGY SERVICES.

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

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

WHEREAS, Sarpy County has been an integral part of the IT Strategic Plan projects and the continuity of services is important for accomplishment of some larger IT Strategic Plan projects;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of La Vista, Nebraska, that the interlocal agreement between Sarpy County and the City of La Vista regarding Information Technology Services for the City of La Vista two (2) year extension until June 30, 2014 is hereby approved subject to review by the City Attorney as to form, and that the Mayor and City Clerk are hereby authorized to execute said agreement on behalf of the City of La Vista.

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

## D. RESOLUTION – MUTUAL AID AGREEMENT – NEBRASKA WARN

Councilmember Gowan introduced and moved for the adoption of Resolution No. 12-050; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE MAYOR TO EXECUTE A MUTUAL AID AGREEMENT FOR A PROGRAM KNOWN AS NEBRASKA WARN.

WHEREAS, the City desires to enter into a Mutual Aid Agreement for a Water and Wastewater and Stormwater Mutual Aid Program known as Nebraska WARN; and

WHEREAS, the Mutual Aid Program provides a method whereby water, wastewater, and stormwater departments sustaining physical damage from natural or man-made

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disasters can obtain emergency assistance, in the form of personnel, equipment, and materials and other associated services necessary from other water, wastewater, and stormwater departments; and

WHEREAS, the Mutual Aid Agreement shall remain effective until January 31, 2058 or until such time as the City would give written notice of termination of participation;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska, hereby authorize the Mayor to execute a Mutual Aid Agreement for a water and wastewater and stormwater mutual aid program known as Nebraska WARN.

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

## **D. RESOLUTION – AUTHORIZATION TO LEASE – GOLF CARS**

Councilmember Quick introduced and moved for the adoption of Resolution No. 12-051; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE LEASE-TO-OWN OF FIVE ELECTRIC CLUB CAR GOLF CARS FOR LA VISTA FALLS GOLF COURSE FROM EXCHANGE BANK, KEARNEY, NEBRASKA, IN AN AMOUNT NOT TO EXCEED \$17,520.00 OVER 42 MONTHS.

WHEREAS, the City Council has deemed that a need exists to purchase additional golf cars for La Vista Falls Golf Course; and

WHEREAS, the City did appropriate funds in the FY 11/12 Golf Fund budget for said lease-to-own; and

WHEREAS, the Finance Director and Golf Course Manager have obtained suitable financing for this lease through Exchange Bank, Kearney, Nebraska; 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 lease-to-own agreement for five Electric Club Car Golf Cars for La Vista Falls Golf Course from Exchange Bank, Kearney, Nebraska, in an amount not to exceed \$17,520.00 and in form and content satisfactory to the City Administrator.

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

## **F. DISCUSSION – FIELD USAGE FEES**

Recreation Director Stopak gave an overview of the background of the Field Usage Fees in the City of La Vista to the Council. The current cost to use the fields is \$40.00. The revenue generated from these fees does not cover current expenses related to the fields.

Brian Sparks of the Panthers addressed the Council and stated that the Panthers would like to see the City of La Vista charge the same fees as Papillion and offer teams like Papillion. Mayor Kindig stated that La Vista has recreation programs where the city of Papillion offers other choices. Kindig stated that the Parks and Recreation Board reviewed doing something similar to Papillion two years ago, but the Panthers chose not to participate for three main reasons: that the Recreation Department would select the coaches, concerns about sponsorships and the 501C3 status, and the identity of the team. Sparks stated that the Panthers still have those concerns as well as not wanting to be recognized as a recreation team. Lisa Vetter with the Panthers stated that they would like the city to offer both a recreation league and a competitive league.

Councilmember Sheehan stated that the Panthers have made a conscious decision to stay separate from the City Recreation Department and need to pay the extra fees. Councilmember

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Ellerbeck stated that the Recreation Department can help the group, but can't support a select team. Councilmember Crawford stated that possibly a slight fee increase could happen since most players and coaches are from La Vista. Councilmember Ronan stated that we are giving the youth a chance to play if they don't play select.

Discussion continued about the possibility of Recreation Teams and Select Competitive Teams as well as leaving the fees as is or lowering slightly. With multiple types of teams the discussion of practice times and tournaments was also addressed. Council determined that staff would address all issues and bring this back to the Council. The Panthers will be informed when this will be on an agenda in the future..

## COMMENTS FROM THE FLOOR

Lisa Vetter informed the Mayor and Council that a benefit tournament for Randy Cahill will be held May 4<sup>th</sup> and 5<sup>th</sup>, 2012.

## COMMENTS FROM MAYOR AND COUNCIL

Mayor Kindig expressed a need for the Council to create a policy to not allow smoking in the parks and sport complexes by the bleachers and teams. Councilmember Quick asked if alcohol was allowed and Recreation Director Stopak stated it is already posted alcohol is not allowed on signs in the parking lot. Councilmember Gowan stated he supports the no smoking policy.

At 8:33 p.m. Councilmember Crawford made a motion to adjourn the meeting. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Sheehan, Quick, Carlisle, Crawford, Ellerbeck and Gowan. Nays: None. Abstain: None. Absent: None. Motion carried.

PASSED AND APPROVED THIS 15TH DAY OF MAY, 2012.

CITY OF LA VISTA

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Douglas Kindig  
Mayor

ATTEST:

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Mandy Garrod  
Deputy City Clerk

# MINUTE RECORD

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

**MEETING OF THE LIBRARY ADVISORY BOARD  
CITY OF LA VISTA**

**MINUTES OF MEETING  
March 8, 2012**

Members Present:	Rose Barcal	Jill Frederick	Janice Podoll
	Valerie Russell	Carol Westlund	

**Agenda Item #1: Call to Order**

The meeting was called to order at 5:35 p.m.

**Agenda Item #2: Announcement of Location of Posted Open Meetings Act**

An announcement was made of the location of the posted copy of the Open Meetings Act for public reference.

**Agenda Item #3: Introductions**

There were no introductions made.

**Agenda Item #4: Approval of Minutes of January 12, 2012 Meeting**

It was moved by Westlund and seconded by Podoll that the minutes be accepted as presented. Ayes: all. Nays: none. Motion carried.

**Agenda Item #5: Library Director's Report**

- a. Programs: an overview of various programs were given including the final number of registrants for the library's first Winter Reading Program for adult patrons. 50 adults participated.
- b. Employee updates were given. Chris Christensen is the library's new afternoon circulation staff member.
- c. Library Meetings were reviewed. Library Director Barcal attended Advocacy Day (formerly Legislative Day) in Lincoln in February.
- d. General Library Information was given.

**Agenda Item #6: Circulation Report**

Library Director Barcal distributed the circulation report. The report was discussed and accepted. Electronic resources (both e-audio and e-books both available through OverDrive and Ebsco's e-books) will be added into the Circulation Statistics per Library Board request. An updated report will be distributed for the next meeting.

**Agenda Item #7: Old Business**

- a. Current and future grants were reviewed. The American Recovery and Reinvestment Act for the Nebraska Library Commission Broadband Technology Opportunities Program continues with monthly statistical computer reports. The 12 computers have been installed by staff. The Youth for Excellence Grant for the Arkham Horror Gaming Club was received through the Nebraska Library Commission. Programming for this will start in April 2012. The Teen Coordinator again obtained the YALSA/Dollar General Summer Reading Program Grant for teens. The grant will cover supplies and programming. The total received was \$1000.
- b. State Report. The State Report is complete and has been submitted. Summaries were distributed to Board members.

- c. IDEAL Project. Meetings are taking place between the IDEAL students and faculty, the artists, and library Teen Coordinator and some Teen Advisory Board members. The project is to be completed in May 2012.

Agenda Item #8: New Business

- a. Inventory 2012. Inventory is underway. A report will be submitted in May.
- b. Performance Measures. The City is involved in Performance Measures. The Library's information has been submitted. Once all of the City's information has been compiled and submitted, comparative reports can be run on each Department. It was reported that in the last fiscal year 2010/2011, 176 adult programs were given by the library with 880 attendees. This compares to the previous year 2009/2010, where 167 adult programs were given with only 501 attendees. For teens, 2010/2011, 121 teen programs were given by the library with 1,573 attendees. This compares to the previous year 2009/2010, where 106 teen programs were given with only 1,378 attendees.

Agenda Item #9: Comments from the Floor

There were no comments from the floor.

Agenda Item #10: Comments from the Board

Russell's husband has written a book concerning travel and children. He is also doing an internet safety program at the library.

There was a motion by Westlund and seconded by Frederick to adjourn the meeting at 6:13 p.m.

The next meeting is scheduled for May 10, 2012 at 5:30 p.m. at the La Vista Public Library, Conference Room #142.



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

**DRAFT**

**PLANNING COMMISSION MINUTES**  
**APRIL 19, 2012**

The City of La Vista Planning Commission held a regular meeting on Thursday, April 19, 2012, in the Harold "Andy" Anderson Council Chamber at La Vista City Hall, 8116 Park View Boulevard. Vice Chairman Circo called the meeting to order at 7:00 p.m. with the following members present: Malmquist, Gahan, Alexander, Miller, Andsager, Circo, Hewitt and Nielsen. Members absent were: Krzywicki. Also in attendance were Ann Birch, Community Development Director and John Kottmann, Assistant Public Works Director/City Engineer.

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

**1. Call to Order**

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

**2. Approval of Meeting Minutes – March 15, 2012**

- a. *Miller* moved, seconded by *Gahan* to approve the March 15, 2012, minutes as submitted. **Ayes:** Nielsen, Malmquist, Gahan, Andsager, Alexander and Miller. **Nays:** None. **Abstain:** Circo and Hewitt **Absent:** Krzywicki.  
**Motion Carried.** (6-0)

**3. Old Business**

None.

**4. New Business**

**A. Public Hearing for Mayfair 2<sup>nd</sup> Addition, Replat V, Sarpy County, Nebraska.**

- i. **Staff Report:** Birch stated the request was to replat Lot 1 Mayfair 2<sup>nd</sup> Addition Replat III into three lots, to be known as, Mayfair 2<sup>nd</sup> Addition Replat V lots 1, 2 and 3. The property is currently zoned C-1 Shopping Center Commercial and the property is currently vacant. The proposal is to develop on lot 2 with a Child Care Center. The interior roadway is a private ingress/egress easement. There is a blanket vehicular and pedestrian easement over all of the lots. The proposed plat identifies a shared access easement between lots 1 and 2. The staff report indicates that a separate document needs to be recorded that identifies the use and the maintenance of the shared access. A traffic signal may be warranted at the private access road. The subdivision agreement will need to include participation in the signal cost. The Sanitary Sewer Plan has been revised to show the new lot layout and there is a sewer connection fee at time of building permit. Staff recommended approval subject to items that still need to be

resolved.

- ii. **Public Hearing Opened:** Malmquist moved, seconded by Andsager to open the public hearing. **Ayes:** Nielsen, Malmquist, Gahan, Andsager, Alexander, Miller, Circo and Hewitt. **Nays:** None. **Abstain:** Absent: Krzywicki. **Motion Carried.** (8-0)

Larry Baland came forward and stated he was the owner of the lot. He discussed the intention to develop the lots and that the goal was to sell the land to people that are going to develop the land.

iii.

- Public Hearing Closed:** Hewitt moved, seconded by Nielsen to close the public hearing. **Ayes:** Nielsen, Malmquist, Gahan, Andsager, Alexander, Miller, Circo and Hewitt. **Nays:** None. **Abstain:** Absent: Krzywicki. **Motion Carried.** (8-0)

- iv. **Recommendation:** Hewitt moved, seconded by Malmquist to recommend approval the Mayfair 2<sup>nd</sup> Addition Replat 5 and satisfaction of any outstanding items. **Ayes:** Nielsen, Malmquist, Gahan, Andsager, Alexander, Miller, Circo and Hewitt. **Nays:** None. **Abstain:** Absent: Krzywicki. **Motion Carried.** (8-0)

## B. Public Hearing for Bella La Vista.

- i. **Staff Report:** Birch stated the request is for a rezoning to R-3 PUD and Final PUD plan, a Conditional Use Permit for Multi-Family Development and Replat of Lot 2 Bella La Vista into two lots to be known as Bella La Vista Replat 1 Lot 1 and Outlot A. Birch summarized Council's action regarding the approval of Phase I and Phase II being shown as an Outlot for future development. The City Council did not approve connection of 130<sup>th</sup> Street. Access to Lot 1 is from 132<sup>nd</sup> Street and a waiver of section 4.02 of the Subdivision regulations is requested to allow for a permanent dead end street. The Architectural Review is ongoing and the landscape plan is under review.
- ii. **Public Hearing Opened:** Malmquist moved, seconded by Gahan to open the public hearing. **Ayes:** Nielsen, Malmquist, Gahan, Andsager, Alexander, Miller, Circo and Hewitt. **Nays:** None. **Abstain:** Absent: Krzywicki. **Motion Carried.** (8-0)

Doug Dreessen came forward and discussed Phase I.

- iii. **Public Hearing Closed:** Hewitt moved, seconded by Nielsen to close the public hearing. **Ayes:** Nielsen, Malmquist, Gahan, Andsager, Alexander, Miller, Circo and Hewitt. **Nays:** None. **Abstain:** Absent: Krzywicki. **Motion Carried.** (8-0)
- iv. **Recommendation:** Hewitt moved, seconded by Gahan to recommend approval of the Rezoning to R-3 to R-3 PUD and the Final PUD Plan for Lot 2 Bella La Vista subject to any satisfactory resolution of any outstanding issues. **Ayes:** Nielsen, Malmquist, Gahan, Andsager, Alexander, Miller, Circo and Hewitt. **Nays:** None. **Abstain:** Absent: Krzywicki. **Motion Carried.** (8-0)
- v. **Recommendation:** Malmquist moved, seconded by Hewitt to recommend approval Conditional Use Permit for Lot 2 Bella La Vista subject to resolution of the two items listed in the staff recommendation. **Ayes:** Nielsen, Malmquist,

*Gahan, Andsager, Alexander, Miller, Circo and Hewitt. Nays: None. Abstain: Absent: Krzywicki. Motion Carried. (8-0)*

vi. **Recommendation:** Malmquist moved, seconded by Hewitt to recommend approval the Replat for Lot 2 Bella La Vista subject to satisfactory resolution of any remaining issues. **Ayes:** Nielsen, Malmquist, Gahan, Andsager, Alexander, Miller, Circo and Hewitt. **Nays:** None. **Abstain:** Absent: Krzywicki. **Motion Carried.** (8-0)

**C. Public Hearing regarding text amendments to Section 7.03.05, Zoning Regulations, regarding Political Signs.**

- i. **Staff Report:** Birch stated the City Council wanted to review the sign ordinance regarding political signs and temporary signs. The draft is still under review and staff recommended that it be continued at the next meeting.
- ii. **Public Hearing Opened:** Malmquist moved, seconded by Hewitt to open the public hearing. **Ayes:** Nielsen, Malmquist, Gahan, Andsager, Alexander, Miller, Circo and Hewitt. **Nays:** None. **Abstain:** Absent: Krzywicki. **Motion Carried.** (8-0)
- iii. **Recommendation:** Malmquist moved, seconded by Miller to continue until the next Planning Commission meeting. **Ayes:** Nielsen, Malmquist, Gahan, Andsager, Alexander, Miller, Circo and Hewitt. **Nays:** None. **Abstain:** Absent: Krzywicki. **Motion Carried.** (8-0)

**5. Comments from the Floor**

None.

**6. Comments from the Planning Commission.**

None.

**7. Adjournment**

Hewitt moved, seconded Nielsen, to adjourn. **Ayes:** Nielsen, Malmquist, Gahan, Andsager, Alexander, Miller, Circo and Hewitt. **Nays:** None. **Abstain:** Absent: Krzywicki. **Motion Carried.** (8-0)

Reviewed by Planning Commission:

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Recorder

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Planning Commission Chair

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Approval Date

## CITY OF LAVISTA, NEBRASKA

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

For the seven months ended April 30, 2012

58% of the Fiscal Year

	General Fund			Debt Service Fund			Capital Fund		
	Budget (12 month)	MTD Actual	Overt Budget	% of budget Used	Budget	MTD Actual	Overt Budget	Budget	MTD Actual
<b>REVENUES</b>									
Property Taxes	\$ 5,611,688	\$ 2,086,581	\$ 2,721,190	\$ (2,890,498)	\$ 530,769	\$ 205,921	\$ 255,864	\$ (274,905)	\$ -
Sales and use taxes	\$ 1,994,100	\$ 221,761	\$ 1,546,966	(447,194)	\$ 78%	\$ 99,450	\$ 773,453	\$ (223,597)	\$ -
Payments in Lieu of taxes	90,000	-	0	(90,000)	0%	-	-	-	-
State revenue	1,053,167	122,997	756,166	(297,901)	72%	-	-	-	-
Occupation and franchise taxes	650,000	149,542	536,853	(113,147)	83%	-	-	-	-
Hotel Occupation Tax	651,583	73,056	388,760	(262,823)	60%	-	-	-	-
Licenses and permits	489,250	37,367	263,114	(226,136)	54%	-	-	-	-
Interest income	10,000	892	6,383	(3,617)	64%	15,000	730	8,192	(6,808)
Recreation fees	124,000	6,006	67,507	(56,493)	54%	-	-	-	-
Special Services	16,500	2,146	15,126	(1,374)	92%	-	-	-	-
Grant Income	332,780	40,231	155,518	(177,262)	47%	-	-	-	-
Other	1,315,722	24,550	917,273	(398,449)	70%	2,186,290	32,981	(2,153,309)	491,559
<b>Total Revenues</b>	<u>12,338,790</u>	<u>2,765,129</u>	<u>7,574,796</u>	<u>(4,963,941)</u>	<u>60%</u>	<u>3,729,109</u>	<u>349,805</u>	<u>(2,658,618)</u>	<u>447,357</u>
<b>EXPENDITURES</b>									
Current:									
Mayor and Council	190,509	6,702	61,340	(129,169)	33%	-	-	-	-
Boards & Commissions	12,350	573	4,181	(8,169)	34%	-	-	-	-
Public Buildings & Grounds	535,178	39,835	238,940	(297,138)	44%	-	-	-	-
Administration	749,871	71,689	421,422	(328,449)	56%	65,000	2,433	4,274	(60,726)
Police and Animal Control	3,925,544	293,460	2,214,190	(1,711,354)	56%	-	-	-	-
Fire	623,203	33,427	235,777	(387,426)	58%	-	-	-	-
Community Development	647,801	78,426	399,954	(247,847)	62%	-	-	-	-
Public Works	237,514	63,748	1,676,708	(1,475,928)	53%	-	-	-	-
Recreation	40,620	274,488	40,620	(363,419)	43%	-	-	-	-
Library	647,103	51,650	325,699	(321,404)	50%	-	-	-	-
Human Resources	469,302	9,115	372,849	(96,453)	79%	-	-	-	-
Special Services & Tri-City Bus	77,411	6,691	38,765	(38,955)	50%	-	-	-	-
Capital Outlay	191,000	3,612	45,810	(145,190)	24%	-	-	-	-
Debt Service (Warrants)	-	-	-	-	-	-	-	-	-
Principal	-	-	-	-	-	-	-	-	-
Interest	-	-	-	-	-	-	-	-	-
<b>Total Expenditures</b>	<u>11,859,406</u>	<u>873,315</u>	<u>6,308,516</u>	<u>(5,550,890)</u>	<u>53%</u>	<u>2,285,000</u>	<u>140,119</u>	<u>(22,859)</u>	<u>90,871</u>
<b>EXCESS OF REVENUES OVER (UNDER) EXPENDITURES</b>	<b>479,384</b>	<b>1,891,815</b>	<b>1,066,281</b>	<b>(586,897)</b>	<b>222%</b>	<b>299,349</b>	<b>207,253</b>	<b>(1,881,117)</b>	<b>2,180,966</b>
<b>OTHER FINANCING SOURCES (USES)</b>									
Operating transfers in (out)	(1,186,000)	-	-	1,186,000	-	(191,524)	-	-	-
Bond/registered warrant proceeds	<u>(1,186,000)</u>	<u>-</u>	<u>-</u>	<u>1,186,000</u>	<u>-</u>	<u>(191,524)</u>	<u>-</u>	<u>-</u>	<u>-</u>
<b>EXCESS OF REVENUES AND OTHER FINANCING SOURCES OVER (UNDER) EXPENDITURES</b>	<b>\$ (706,616)</b>	<b>\$ 1,891,815</b>	<b>\$ 1,066,281</b>	<b>\$ (1,772,897)</b>	<b>-</b>	<b>\$ 108,325</b>	<b>\$ 207,253</b>	<b>\$ (1,881,117)</b>	<b>\$ 1,989,442</b>
<b>FUND BALANCE, beginning of the year</b>									
<b>FUND BALANCES, END OF PERIOD</b>	<b>\$ 5,215,704</b>	<b>\$ 6,281,985</b>	<b>\$ 6,281,985</b>	<b>\$ 5,693,759</b>	<b>\$ 371,268</b>	<b>\$ 371,268</b>	<b>\$ 371,268</b>	<b>\$ 371,268</b>	<b>\$ 371,268</b>

CITY OF LAVISTA  
COMBINED STATEMENT OF REVENUES, EXPENDITURES  
AND CHANGES IN FUND BALANCE-PROPRIETARY FUNDS  
BUDGET AND ACTUAL  
For the seven months ended April 30, 2012  
58% of the Fiscal Year



Thompson, Dreessen & Dorner, Inc.  
Consulting Engineers & Land Surveyors  
10836 Old Mill Road  
Omaha, NE 68154  
Office: 402.330.8860 Fax: 402-330-5866  
www.td2co.com

## INVOICE

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

Invoice number 94378  
Date 04/30/2012  
Project 0171-392 APPLEWOOD CREEK  
IMPROVEMENTS

Professional Services from March 19, 2012 through April 15, 2012

#12-0093

Description	Current Billed
Engineering Services During Construction - See other side for detail	4,890.77
Total	4,890.77

Invoice total 4,890.77

### Aging Summary

Invoice Number	Invoice Date	Outstanding	Current	Over 30	Over 60	Over 90	Over 120
94378	04/30/2012	4,890.77	4,890.77				
	Total	4,890.77	4,890.77	0.00	0.00	0.00	0.00

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

O.K. to pay  
05.71.0815.02  
efmk

Consent Agenda 5/3/2012

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

10836 Old Mill Road  
Omaha, Nebraska 68154  
Phone (402) 330-8860 Fax (402) 330-5866

April 27, 2012

Invoice #  
94378**INVOICE**

City of La Vista  
8116 Parkview Blvd  
La Vista, NE 68128

**Project No. 171-392****Applewood Creek Improvements**

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Professional Services from March 19, 2012 through April 15, 2012

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Project Administration	\$	1,085.00
Reimbursables:		
Postage	\$	5.22
Mileage	\$	32.00
Erosion Control Observations and Reports	\$	270.00
Reimbursables:		
Mileage	\$	9.60
Survey	\$	1,397.50
Reimbursables:		
Equipment	\$	218.00
Supplies	\$	30.35
Mileage	\$	28.00
Construction Observation	\$	1,457.50
Reimbursables:		
Mileage	\$	357.60
<b>Total Invoice Amount</b>	<b>\$</b>	<b>4,890.77</b>

PAYMENT RECOMMENDATION No. 5 ON CONTACT FOR: Applewood Creek Improvement

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

CONTRACTOR: Melvin Sudbeck Homes, Inc  
16255 Woodland Drive  
Omaha, NE 68136

ORIGINAL CONTRACT AMOUNT: \$ 311,241.48  
REVISED CONTRACT AMOUNT: \$ 305,959.68  
AMOUNT OF PREVIOUS PAYMENT RECOMMENDATIONS: \$ 177,103.99

Item	Description	In Place Quantities	Unit Price	Amount Due
1	Clearing and Grubbing (Including Trees less than 9" Diameter)	1.00 L.S.	\$ 16,500.00	\$ 16,500.00
2	Clearing and Grubbing Trees Over 9" to 18" Diameter	35 EA.	\$ 250.00	\$ 8,750.00
3	Clearing and Grubbing Trees Over 18" to 27" Diameter	5 EA.	\$ 450.00	\$ 2,250.00
4	Clearing and Grubbing Trees Over 27" to 36" Diameter	2 EA.	\$ 575.00	\$ 1,150.00
5	Stabilized Construction Entrance, In Place	2 EA.	\$ 2,340.00	\$ 4,680.00
6	Temporary Channel Crossing, In Place	1 EA.	\$ 12,496.00	\$ 12,496.00
7	Common Earth Excavation	1,800 C.Y.	\$ 10.00	\$ 18,000.00
8	Remove and Dispose Existing 36" RCP	32 L.F.	\$ 32.59	\$ 1,042.88
9	Construct 36" Concrete Collar, In Place	1 EA.	\$ 560.00	\$ 560.00
10	Construct Pile Bent Structure, In Place	1 EA.	\$ 3,238.00	\$ 3,238.00
11	36" CMP, In Place	24 L.F.	\$ 70.00	\$ 1,680.00
12	8 x 36 H-Pile, In Place	280 V.F.	\$ 90.00	\$ 25,200.00
13	Galvanized Wire Mesh or Stock Panels, In Place	480 S.F.	\$ 2.65	\$ 1,272.00
14	Type "A" Rip Rap, In Place	152.41 TONS	\$ 33.00	\$ 5,029.53
15	Type "C" Rip Rap, In Place	1417.90 TONS	\$ 37.00	\$ 52,462.30
16	Type "C" Rip Rap, Grouted In Place	410 TONS	\$ 45.68	\$ 18,728.80
17	Vegetated Geoweb Retaining Wall, In Place	1,184 S.F.	\$ 16.00	\$ 18,936.00
18	Vegetated Reinforced Earth Section, In Place	574 S.F.	\$ 9.80	\$ 5,625.20
19	Root Wads With Anchor System, In Place	60 EA.	\$ 485.00	\$ 29,100.00
20	Turf Reinforcement Mat NAG SC250, In Place	156.5 S.Y.	\$ 4.85	\$ 759.03
21	United Seed "Super Shade" Grass Seed, In Place	150 S.Y.	\$ 2.00	\$ 300.00
22	Straw Wattle, In place	154 L.F.	\$ 4.20	\$ 646.80
23	Fabric Silt Fence, In Place	800 L.F.	\$ 2.60	\$ 2,000.00
24	Remove Fabric Silt Fence	L.F.	\$ 1.50	\$ -
25	Remove Stabilized Construction Entrance	EA.	\$ 1,000.00	\$ -
26	3" Caliper Replacement Trees, In Place	222 EA.	\$ 129.00	\$ 28,638.00
27	Water Management	1.0 L.S.	\$ 15,000.00	\$ 15,000.00
28	Temporary Seed	S.Y.	\$ 0.25	\$ -
29	Temporary Erosion Control Blanket N.A.G. S75	S.Y.	\$ 1.50	\$ -
30	CAT 225 Backhoe or Equivalent	HR	\$ 115.00	\$ -
31	CAT 977 Loader or Equivalent	HR	\$ 100.00	\$ -
32	CAT D6 Dozer or Equivalent	HR	\$ 110.00	\$ -
33	Tandem Dump Truck	HR	\$ 65.00	\$ -

CONTRACT SUBTOTAL \$ 274,044.64

Materials Stored On or Near the Site Not Incorporated Into Project

H-Piles				\$ -
Type C Riprap	0.00	TONS	\$ 27.00	\$ -
Geoweb Retaining Wall Material				\$ -
Root Wad Anchors System				\$ -

MATERIALS STORED ON-SITE SUBTOTAL \$ -

PAYMENT RECOMMENDATION No. 5 ON CONTACT FOR: Applewood Creek Improvement

**Reductions:**

Change Order No. 1

26	Replacement Trees Per Plant Schedule	222 EA.	\$129.00	\$ (28,638.00)
<b>TOTAL REDUCTIONS</b>				<b>\$ (28,638.00)</b>

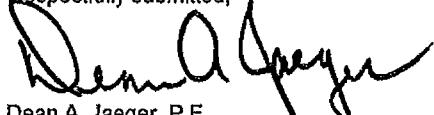
**Additions:**

Change Order No. 1

26A	Overstory Trees Per Plant Schedule, in place	EA.	\$153.01	-
26B	Understory Trees Per Plant Schedule, in place	EA.	\$164.65	-
<b>Total Additions</b>				<b>\$ -</b>
<b>TOTAL</b>				<b>\$ 245,406.54</b>
Less 10% Retainage				\$ 24,540.65
Less Previous Payments				\$ 177,103.99
<b>AMOUNT DUE CONTRACTOR</b>				<b>\$ 43,761.89</b>

We recommend that payment in the amount of \$ 43,761.89 be made to Melvin Sudbeck Homes, Inc

Respectfully submitted,



Dean A. Jaeger, P.E.  
THOMPSON, DREESSEN & DORNER, INC.

DAJ/bam

cc: Melvin Sudbeck Homes, Inc

O.K. to pay  
05.71.08 15.03  
eMK  
5/3/2012

Consent  
Agenda

**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**MAY 15, 2012 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
CALL FOR REDEMPTION OF BONDS AND GO REFUNDING SERIES 2012 BOND ISSUE	◆ RESOLUTION ◆ ORDINANCE RECEIVE/FILE	SHEILA LINDBERG FINANCE DIRECTOR

**SYNOPSIS**

A resolution has been prepared authorizing bonds called for redemption of the General Obligation Bonds, Series 2007, Sanitary Improvement District 239 (\$1,485,000); General Obligation Various Purpose Refunding Bonds 2008 (\$4,095,000), and General Obligation Refunding Bonds, Series 2008A (\$2,895,000).

An ordinance has been prepared authorizing the Refunding of the 2007 \$1,685,000 Sanitary District 239 Bond Issue, the 2008 \$6,795,000 General Obligation Various Purpose Refunding Bond Issue and the 2008A \$3,520,000 General Obligation Refunding Bond Issue. This will be the General Obligation Refunding Bonds, Series 2012 in the principal amount not to exceed \$8,910,000.

**FISCAL IMPACT**

Savings of approximately \$1,140,288 will be recognized over time in the Debt Service Fund as a result of the lower interest rate.

**RECOMMENDATION**

Approval.

**BACKGROUND**

The City is paying an average coupon (interest) rate of 4.6% on these current bond issues; however, with the refunding, the average coupon rate will fall to approximately 2.2%.

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

BE IT RESOLVED by the Mayor and City Council of the City of La Vista, Nebraska:

Section 1. The following obligations of the City of La Vista, Nebraska (the "City") in accordance with their option provisions are hereby authorized to be called for redemption on July 15, 2013, (the "Call Date") as determined in the Direction for Call (as defined below), after which date interest on the bonds will cease:

General Obligation Various Purpose Refunding Bonds, Series 2008, date of original issue – July 15, 2008, in the principal amount of Four Million Ninety-five Thousand Dollars (\$4,095,000), numbered as shown on the books of the Paying Agent and Registrar, in denomination of \$5,000 each, becoming due and bearing interest as follows:

<u>Principal Amount</u>	<u>Maturity Date:</u> October 15,	<u>Interest Rate</u>	<u>CUSIP</u>
\$610,000	2014	3.750%	505318 LS2
650,000	2015	3.750	505318 LT0
425,000	2016	3.750	505318 LU7
450,000	2017	3.650	505318 LV5
465,000	2018	3.750	505318 LW3
480,000	2019	3.875	505318 LX1
500,000	2020	4.000	505318 LY9
515,000	2021	4.125	505318 LZ6

Said bonds are hereinafter referred to as the "2008 Refunded Bonds."

The 2008 Refunded Bonds are currently subject to redemption at any time on or after July 15, 2013, at par and accrued interest, and said interest is payable semiannually. The proceeds of the 2008 Refunded Bonds were used for the purpose of paying the costs of refunding a portion of the City's Various Purpose Bonds, Series 2001 and Various Purpose Bonds, Series 2002, and the General Obligation Bonds, 2001 Series, of Sanitary and Improvement District No. 198 of Sarpy County, Nebraska and the General Obligation Bonds, Series 2002, of Sanitary Improvement District No. 200 of Sarpy County, Nebraska, which Sanitary and Improvement Districts have been annexed by the City.

Section 2. The 2008 Refunded Bonds are to be paid at the office of the City Treasurer of the City of La Vista, Nebraska, as Paying Agent and Registrar (the "Paying Agent").

Section 3. The Mayor or Clerk of the City (each, an "Authorized Officer") are each individually hereby authorized at any time prior to November 1, 2012, to call said Bonds for redemption on the Call Date on behalf of the City and such determination, when made in writing (the "Direction for Call"), shall constitute the action of the City without further action of the Mayor and Council of the City. After such date the Authorized Officers shall have no authority to make any such determination hereunder without further action of the Mayor and Council of the City and this resolution shall be of no further force and effect.

Section 4. A true copy of the Direction for Call shall be filed at least thirty days prior to the Call Date with the City Treasurer of the City of La Vista, Nebraska as Paying Agent for the

2008 Refunded Bonds, and the Paying Agent is hereby instructed to mail notice to each registered owner of said bonds not less than thirty days prior to the date fixed for redemption, all in accordance with the ordinance authorizing the 2008 Refunded Bonds.

PASSED AND APPROVED THIS 15TH DAY OF MAY, 2012.

CITY OF LA VISTA

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Douglas Kindig, Mayor

ATTEST:

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Mandy Garrod  
Deputy City Clerk

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

BE IT RESOLVED by the Mayor and City Council of the City of La Vista, Nebraska:

Section 1. The following obligations of the City of La Vista, Nebraska in accordance with their option provisions are hereby authorized to be called for redemption on October 1, 2012, (the "Call Date") as determined in the Direction for Call (as defined below), after which date interest on the bonds will cease:

General Obligation Bonds, Series 2007, date of original issue – October 1, 2007, originally issued by Sanitary and Improvement District No. 239 of Sarpy County, Nebraska ("SID 239"), in the principal amount of One Million Four Hundred Eighty-five Thousand Dollars (\$1,485,000), numbered as shown on the books of the Paying Agent and Registrar, in denomination of \$5,000 each, becoming due and bearing interest as follows:

<u>Principal Amount</u>	<u>Maturity Date: October 1,</u>	<u>Interest Rate</u>	<u>CUSIP</u>
\$ 45,000	2013	4.650%	80377E AF3
45,000	2014	4.700	80377E AG1
50,000	2015	4.750	80377E AH9
50,000	2016	4.800	80377E AJ5
55,000	2017	4.900	80377E AK2
55,000	2018	4.950	80377E AL0
60,000	2019	5.000	80377E AM8
65,000	2020	5.050	80377E AN6
65,000	2021	5.100	80377E AP1
70,000	2022	5.150	80377E AQ9
70,000	2023	5.150	80377E AR7
75,000	2024	5.200	80377E AS5
80,000	2025	5.200	80377E AT3
85,000	2026	5.250	80377E AU0
90,000	2027	5.250	80377E AV8
95,000	2028	5.300	80377E AW6
100,000	2029	5.350	80377E AX4
105,000	2030	5.400	80377E AY2
110,000	2031	5.450	80377E AZ9
115,000	2032	5.450	80377E BA3

Said bonds are hereinafter referred to as the "SID 239 Refunded Bonds."

The SID 239 Refunded Bonds are subject to redemption at any time on or after October 1, 2012, at par and accrued interest, and said interest is payable semiannually. The proceeds of the SID 239 Refunded Bonds were used for the purpose of redeeming \$1,484,186.07 of outstanding principal amount of the District's construction fund warrants previously issued by SID 239 in connection with the installation of public improvements in the District.

Section 2. The SID 239 Refunded Bonds are to be paid at the principal corporate trust office of Bankers Trust Company, in Des Moines, Iowa, successor to Teambank N.A., in Bellevue, Nebraska, as Paying Agent and Registrar (the "Paying Agent").

Section 3. The Mayor or Clerk of the City (each, an "Authorized Officer") are each individually hereby authorized at any time prior to November 1, 2012, to call said Bonds for redemption on the Call Date on behalf of the City and such determination, when made in writing (the "Direction for Call"), shall constitute the action of the City without further action of the Mayor and Council of the City. After such date the Authorized Officers shall have no authority to make any such determination hereunder without further action of the Mayor and Council of the City and this resolution shall be of no further force and effect.

Section 4. A true copy of the Direction for Call shall be filed at least thirty days prior to the Call Date with the Paying Agent for the SID 239 Refunded Bonds, and the Paying Agent is hereby instructed to mail notice to each registered owner of said bonds not less than thirty days prior to the date fixed for redemption, all in accordance with the ordinance authorizing the SID 239 Refunded Bonds.

PASSED AND APPROVED THIS 15TH DAY OF MAY, 2012.

CITY OF LA VISTA

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Douglas Kindig, Mayor

ATTEST:

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Mandy Garrod  
Deputy City Clerk

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

AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2012, OF THE CITY OF LA VISTA, NEBRASKA, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED EIGHT MILLION NINE HUNDRED TEN THOUSAND DOLLARS (\$8,910,000) FOR THE PURPOSE OF PROVIDING FUNDS WHICH WILL PAY AND REDEEM GENERAL OBLIGATION BONDS, SERIES 2007, ISSUED BY SANITARY AND IMPROVEMENT DISTRICT NO. 239 OF SARPY COUNTY, NEBRASKA, GENERAL OBLIGATION VARIOUS PURPOSE REFUNDING BONDS, SERIES 2008, OF THE CITY, AND GENERAL OBLIGATION REFUNDING BONDS, SERIES 2008A, OF THE CITY; DIRECTING THE APPLICATION OF THE PROCEEDS OF SAID BONDS; PRESCRIBING THE FORM OF SAID BONDS; PROVIDING FOR THE LEVY AND COLLECTION OF TAXES TO PAY THE SAME; PROVIDING FOR THE SALE OF THE BONDS; AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER; AND ORDERING THE ORDINANCE PUBLISHED IN PAMPHLET FORM.

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

Section 1. The Mayor and Council of the City of La Vista, Nebraska hereby find and determine that there have been heretofore issued and are now outstanding and unpaid valid and interest bearing obligations of the City of La Vista, Nebraska, as follows:

General Obligation Bonds, Series 2007, date of original issue – October 1, 2007, originally issued by Sanitary and Improvement District No. 239 of Sarpy County, Nebraska (the “District”), in the principal amount of One Million Four Hundred Eighty-five Thousand Dollars (\$1,485,000), numbered as shown on the books of the Paying Agent and Registrar, in denomination of \$5,000 each, becoming due and bearing interest as follows:

<u>Principal Amount</u>	<u>Maturity Date: October 1,</u>	<u>Interest Rate</u>	<u>CUSIP</u>
\$ 45,000	2013	4.650%	80377E AF3
45,000	2014	4.700	80377E AG1
50,000	2015	4.750	80377E AH9
50,000	2016	4.800	80377E AJ5
55,000	2017	4.900	80377E AK2
55,000	2018	4.950	80377E AL0
60,000	2019	5.000	80377E AM8
65,000	2020	5.050	80377E AN6
65,000	2021	5.100	80377E AP1
70,000	2022	5.150	80377E AQ9
70,000	2023	5.150	80377E AR7
75,000	2024	5.200	80377E AS5
80,000	2025	5.200	80377E AT3
85,000	2026	5.250	80377E AU0
90,000	2027	5.250	80377E AV8
95,000	2028	5.300	80377E AW6
100,000	2029	5.350	80377E AX4

<u>Principal Amount</u>	<u>Maturity Date:</u> <u>October 1,</u>	<u>Interest Rate</u>	<u>CUSIP</u>
105,000	2030	5.400	80377E AY2
110,000	2031	5.450	80377E AZ9
115,000	2032	5.450	80377E BA3

(Said bonds are hereinafter referred to as the "SID 239 Called Bonds") which SID 239 Called Bonds are subject to redemption at any time on or after October 1, 2012, at par and accrued interest, and said interest is payable semiannually. The proceeds of the SID 239 Called Bonds were used for the purpose of redeeming \$1,484,186.07 of outstanding principal amount of the District's construction fund warrants previously issued by SID 239 in connection with the installation of public improvements in the District.

General Obligation Various Purpose Refunding Bonds, Series 2008, date of original issue – July 15, 2008, in the principal amount of Four Million Ninety-five Thousand Dollars (\$4,095,000), numbered as shown on the books of the Paying Agent and Registrar, in denomination of \$5,000 each, becoming due and bearing interest as follows:

<u>Principal Amount</u>	<u>Maturity Date:</u> <u>October 15,</u>	<u>Interest Rate</u>	<u>CUSIP</u>
\$610,000	2014	3.750%	505318 LS2
650,000	2015	3.750	505318 LT0
425,000	2016	3.750	505318 LU7
450,000	2017	3.650	505318 LV5
465,000	2018	3.750	505318 LW3
480,000	2019	3.875	505318 LX1
500,000	2020	4.000	505318 LY9
515,000	2021	4.125	505318 LZ6

(said bonds are hereinafter referred to as the "Series 2008 Called Bonds"), which Series 2008 Called Bonds are subject to redemption at any time on or after July 15, 2013, at par and accrued interest, and said interest is payable semiannually. The proceeds of the Series 2008 Called Bonds were used for the purpose of paying the costs of refunding a portion of the City's Various Purpose Bonds, Series 2001 and Various Purpose Bonds, Series 2002, and the General Obligation Bonds, 2001 Series, of Sanitary and Improvement District No. 198 of Sarpy County, Nebraska and the General Obligation Bonds, Series 2002, of Sanitary Improvement District No. 200 of Sarpy County, Nebraska, which Sanitary and Improvement Districts have been annexed by the City; and

General Obligation Refunding Bonds, Series 2008A, date of original issue – September 19, 2008, in the principal amount of Two Million Eight Hundred Ninety-five Thousand Dollars (\$2,895,000), numbered as shown on the books of the Paying Agent and Registrar, in denomination of \$5,000 each, becoming due and bearing interest as follows:

<u>Principal Amount</u>	<u>Maturity Date:</u> <u>November 15,</u>	<u>Interest Rate</u>	<u>CUSIP</u>
\$ 140,000	2014	4.000%	505318 MF9

145,000	2015	4.125	505318 MG7
150,000	2016	4.375	505318 MH5
155,000	2017	4.500	505318 MJ1
165,000	2018	4.500	505318 MK8
170,000	2019	4.625	505318 ML6
180,000	2020	4.500	505318 MM4
190,000	2021	4.600	505318 MN2
195,000	2022	4.700	505318 MP7
205,000	2023	4.750	505318 MQ5
1,200,000	2028	5.000	505318 MR3

(said bonds are hereinafter referred to as the "Series 2008A Called Bonds"; and together with the SID 239 Called Bonds and the Series 2008 Called Bonds, the "Refunded Bonds") which Series 2008A Called Bonds are subject to redemption at any time on or after September 19, 2013, at par and accrued interest, and said interest is payable semiannually. The proceeds of the Series 2008A Called Bonds were used for the purpose of paying off warrant indebtedness which became a legal liability of the City upon the annexation by the City of Sanitary and Improvement District No. 253 of Sarpy County, Nebraska.

The SID 239 Called Bonds are valid, interest bearing obligations of the City of La Vista, Nebraska, and that by resolution of the Mayor and Council of the City adopted contemporaneously with this resolution (the "SID 239 Call Resolution") all of the SID 239 Called Bonds have been authorized to be called for redemption on such date as determined pursuant to the SID 239 Call Resolution (the "SID 239 Redemption Date"); the 2008 Called Bonds are valid, interest bearing obligations of the City of La Vista, Nebraska, and that by resolution of the Mayor and Council of the City adopted contemporaneously with this resolution (the "2008 Call Resolution") all of the 2008 Called Bonds have been authorized to be called for redemption on such date as determined pursuant to the 2008 Call Resolution (the "2008 Redemption Date"); the 2008A Called Bonds are valid, interest bearing obligations of the City of La Vista, Nebraska, and that by resolution of the Mayor and Council of the City adopted contemporaneously with this resolution (the "2008A Call Resolution", and together with the SID 239 Call Resolution and the 2008 Call Resolution, the "Call Resolution") all of the 2008A Called Bonds have been authorized to be called for redemption on such date as determined pursuant to the 2008A Call Resolution (the "2008A Redemption Date", and together with the SID 239 Redemption Date and the 2008

Redemption Date, the "Redemption Date"); since the Refunded Bonds were issued, the rates of interest have so declined in the markets that by taking up and paying off the Refunded Bonds on said call date, a substantial savings in the amount of yearly running interest will be made to the City; that for the purpose of redeeming the Refunded Bonds it is for the best interest of the City to issue general obligation refunding bonds of the City in the principal amount of not to exceed \$8,910,000; that all conditions, acts and things required to exist or to be done precedent to the issuance of the various purpose bonds of the City of La Vista, Nebraska, in the principal amount of not to exceed Nine Million Five Hundred Thousand Dollars (\$9,500,000), pursuant to Section 10-142, 10-615, 10-616, 18-1801 and 18-1802 R.R.S. Neb. 2007, do exist and have been done as required by law.

Section 2. To provide for the refunding of the Refunded Bonds as set forth in Section 2 hereof, there shall be and there are hereby ordered issued the various purpose bonds of the City of La Vista, Nebraska, to be called "General Obligation Refunding Bonds, Series 2012," in the principal amount of not to exceed Nine Million Five Hundred Thousand Dollars (\$9,500,000) (the "Bonds") with said bonds maturing on December 15 of each year in the principal amounts as follows:

<b>Principal</b>	<b>Date of Maturity</b>
\$130,000	December 15, 2012
235,000	December 15, 2013
920,000	December 15, 2014
945,000	December 15, 2015
730,000	December 15, 2016
750,000	December 15, 2017
755,000	December 15, 2018
765,000	December 15, 2019
780,000	December 15, 2020
790,000	December 15, 2021
300,000	December 15, 2022
305,000	December 15, 2023
315,000	December 15, 2024
325,000	December 15, 2025
335,000	December 15, 2026
340,000	December 15, 2027
350,000	December 15, 2028
95,000	December 15, 2029
110,000	December 15, 2030
110,000	December 15, 2031
115,000	December 15, 2032

*provided, that the Bonds shall bear interest at the rates per annum as shall be determined in a written designation (the "Designation") signed by the Mayor and/or Clerk of the City (the "Authorized Officers") on behalf of the Mayor and Council of the City and which may be agreed to by D.A. Davidson & Co. (the "Underwriter"), which Designation may also determine or modify the principal amount for each maturity of the Bonds, mandatory redemption provisions (if any), and pricing terms as set forth in Section 8 below, all within the following limitations:*

- (a) *the aggregate principal amount of the Bonds shall not exceed \$9,500,000; provided, however, such amount may be increased as necessary to the extent the Bonds are sold at a net original issue discount;*
- (b) *the longest maturity of the Bonds may not be later than December 15, 2032;*
- (c) *the aggregate net present value savings attributable to refunding the Refunded Bonds through the issuance of the Bonds as described in this ordinance shall not be less than 5.0% of the par amount of the Refunded Bonds*
- (d) *the true interest cost of the bonds shall not exceed 2.60%; and*
- (e) *two or more of the principal maturities may be combined and issued as "term bonds" and the Authorized Officer may determine the mandatory sinking fund payments and mandatory redemption amounts. Any Bonds issued as "term bonds" shall be redeemed at a redemption price equal to 100% of the principal amount thereof plus accrued interest thereon to the date of redemption and may be selected for redemption by any random method of selection determined appropriate by the Registrar (as hereinafter designated) or by the Depository (as hereinafter designated).*

*The Authorized Officers (or any one of them) are hereby authorized to make such determinations on behalf of the Mayor and Council of the City and to evidence the same by execution and delivery of the Designation and such determinations, when made and agreed to by the Underwriter, shall constitute the action of the Mayor and Council without further action of the Mayor and Council of the City.*

The Bonds shall be issued in fully registered form in the denomination of \$5,000 or any integral multiple thereof. The Bonds shall bear as the date of original issue the date of delivery thereof. Interest on the Bonds, at the respective rates for each maturity, shall be payable semiannually on June 15 and December 15 of each year, commencing December 15, 2012 (or such other date as may be determined in the Designation, each of said dates an "Interest Payment Date") and the Bonds shall bear such interest from the date of original issue or the most recent Interest Payment Date, whichever is later. The interest due on each Interest Payment Date shall be payable to the registered owners of record as of the close of business on the last day of the calendar month immediately preceding the calendar month in which the Interest Payment Date occurs (the "Record Date"), subject to the provisions of Section 5 hereof. The Bonds shall be numbered from 1 upwards in the order of their issuance. No Bond shall be issued originally or upon transfer or partial redemption having more than one principal maturity. The initial bond numbering and principal amounts for each of the Bonds issued shall be designated by the City's Treasurer as directed by the initial purchaser thereof. Payments of interest due on the Bonds prior to maturity or date of redemption shall be made by the Paying Agent and Registrar, as designated pursuant to Section 4 hereof, by mailing a check or draft in the amount due for such interest on each Interest Payment Date to the registered owner of each Bond, as of the Record Date for such Interest Payment Date, to such owner's registered address as shown on the books of registration as required to be maintained in Section 4 hereof. Payments of principal and accrued interest thereon due at maturity or at any date fixed for redemption prior to maturity shall be made by the Paying Agent and Registrar to the registered owners upon presentation and surrender of the Bonds to the Paying Agent and Registrar. The City and the Paying Agent and Registrar may treat the registered owner of any Bond as the absolute owner of such Bond

for the purpose of making payments thereon and for all other purposes and neither the City nor the Paying Agent and Registrar shall be affected by any notice or knowledge to the contrary, whether such Bond or any installment of interest due thereon shall be overdue or not. All payments on account of interest or principal made to the registered owner of any Bond in accordance with the terms of this Ordinance shall be valid and effectual and shall be a discharge of the City and the Paying Agent and Registrar, in respect of the liability upon the Bonds or claims for interest to the extent of the sum or sums so paid.

Section 3. The City Treasurer is hereby designated as the Paying Agent and Registrar for the Bonds provided that the City reserves the right to designate a bank or trust company to serve in such capacity and upon such agreed terms as shall be determined by the Mayor and Council. The Paying Agent and Registrar shall keep and maintain for the City books for the registration and transfer of the Bonds at the City offices. The names and registered addresses of the registered owner or owners of the Bonds shall at all times be recorded in such books. Any Bond may be transferred pursuant to its provisions at the office of the Paying Agent and Registrar by surrender of such Bond for cancellation, accompanied by a written instrument of transfer, in form satisfactory to the Paying Agent and Registrar, duly executed by the registered owner in person or by such owner's duly authorized agent, and thereupon the Paying Agent and Registrar on behalf of the City will deliver at its office (or send by registered mail to the transferee owner or owners thereof at such transferee owner's or owners' risk and expense), registered in the name of such transferee owner or owners, a new Bond or Bonds of the same interest rate, aggregate principal amount and maturity. To the extent of the denominations authorized for the Bonds by this Ordinance, one Bond may be transferred for several such Bonds of the same interest rate and maturity, and for a like aggregate principal amount, and several such Bonds may be transferred for one or several such Bonds, respectively, of the same interest rate and maturity and for a like aggregate principal amount. In every case of transfer of a Bond, the surrendered Bond shall be canceled and destroyed. All Bonds issued

upon transfer of the Bonds so surrendered shall be valid obligations of the City evidencing the same obligations as the Bonds surrendered and shall be entitled to all the benefits and protection of this Ordinance to the same extent as the Bonds upon transfer of which they were delivered. The City and the Paying Agent and Registrar shall not be required to transfer any Bond during any period from any Record Date until its immediately following Interest Payment Date or to transfer any Bond called for redemption for a period of 30 days next preceding the date fixed for redemption.

Section 4. In the event that payments of interest due on the Bonds on an Interest Payment Date are not timely made, such interest shall cease to be payable to the registered owners as of the Record Date for such Interest Payment Date and shall be payable to the registered owners of the Bonds as of a special date of record for payment of such defaulted interest as shall be designated by the Paying Agent and Registrar whenever monies for the purpose of paying such defaulted interest become available.

Section 5. If the date for payment of the principal of or interest on the Bonds shall be a Saturday, Sunday, legal holiday or a day on which banking institutions in the City of La Vista, Nebraska, are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not a Saturday, Sunday, legal holiday or a day on which such banking institutions are authorized to close, and payment on such day shall have the same force and effect as if made on the nominal date of payment.

Section 6. Bonds maturing December 15, 2017 and thereafter shall be subject to redemption, in whole or in part, prior to maturity at any time on or after the fifth anniversary of the date of original issue thereof, at par plus accrued interest on the principal amount redeemed to the date fixed for redemption. The City may select the Bonds to be redeemed in its sole discretion but the Bonds shall be redeemed only in amounts of \$5,000 or integral multiples thereof. Bonds redeemed in part only shall be surrendered to the Paying Agent and Registrar in exchange for new Bonds evidencing the unredeemed principal thereof. Notice of redemption of

any Bond called for redemption shall be given at the direction of the City by the Paying Agent and Registrar by mail not less than 30 days prior to the date fixed for redemption, first class, postage prepaid, sent to the registered owner of such Bond at said owner's registered address. Such notice shall designate the Bond or Bonds to be redeemed by maturity or otherwise, the date of original issue and the date fixed for redemption and shall state that such Bond or Bonds are to be presented for prepayment at the office of the Paying Agent and Registrar. In case of any Bond partially redeemed, such notice shall specify the portion of the principal amount of such Bond to be redeemed. No defect in the mailing of notice for any Bond shall affect the sufficiency of the proceedings of the City designating the Bonds called for redemption or the effectiveness of such call for Bonds for which notice by mail has been properly given and the City shall have the right to further direct notice of redemption for any such Bond for which defective notice has been given. In the event term maturities and mandatory redemption amounts are determined in the Designation, the provisions of this Section 6 shall apply generally to mandatory redemptions. Any such mandatory redemptions shall be at the principal amount redeemed plus accrued interest to the date set for redemption. The Paying Agent and Registrar shall select the term bonds to be redeemed in any maturity using any random method of selection deemed appropriate, subject to the provisions of Section 8 of this Ordinance.

Section 7. The Bonds shall be in substantially the following form:

**UNITED STATES OF AMERICA  
 STATE OF NEBRASKA  
 COUNTY OF SARPY  
 GENERAL OBLIGATION REFUNDING BOND  
 OF THE CITY OF LA VISTA, NEBRASKA  
 SERIES 2012**

No. R- \$

<u>Interest Rate</u>	<u>Maturity Date</u>	<u>Date of Original Issue</u>	<u>CUSIP No.</u>
%	December 15, 20	_____, 2012	

Registered Owner:

Principal Amount:	Dollars (\$ )
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KNOW ALL PERSONS BY THESE PRESENTS: That the City of La Vista, in the County of Sarpy, in the State of Nebraska, hereby acknowledges itself to owe and for value received promises to pay to the registered owner specified above, or registered assigns, the principal amount specified above in lawful money of the United States of America on the date of maturity specified above with interest thereon to maturity (or earlier redemption) from the date of original issue or most recent Interest Payment Date, whichever is later, at the rate per annum specified above, payable semiannually on June 15 and December 15 of each year, commencing December 15, 2012 (each of said dates an "Interest Payment Date"). Said interest shall be computed on the basis of a 360-day year consisting of twelve 30-day months. The principal hereof and unpaid accrued interest thereon due at maturity or upon redemption prior to maturity are payable upon presentation and surrender of this bond at the office of the City Treasurer, the Paying Agent and Registrar, in La Vista, Nebraska. Interest on this bond due prior to maturity or earlier redemption will be paid on each Interest Payment Date by a check or draft mailed by the Paying Agent and Registrar to the registered owner of this bond, as shown on the books of record maintained by the Paying Agent and Registrar, at the close of business on the fifteenth day immediately preceding the Interest Payment Date, to such owner's registered address as shown on such books and records. Any interest not so timely paid shall cease to be payable to the person entitled thereto as of the record date such interest was payable, and shall be payable to the person who is the registered owner of this bond (or of one or more predecessor bonds hereto) on such special record date for payment of such defaulted interest as shall be fixed by the Paying Agent and Registrar whenever monies for such purpose become available.

This bond is one of an issue of fully registered bonds of the total principal amount of \_\_\_\_\_ Thousand Dollars (\$ \_\_\_\_\_), of even date and like tenor except as to date of maturity, rate of interest and denomination which were issued by the City for the purpose of providing funds which will pay and redeem General Obligation Bonds, Series 2007, originally issued by Sanitary and Improvement District No. 239 of Sarpy County, Nebraska, General Obligation Various Purpose Refunding Bonds, Series 2008 of the City, and General Obligation Refunding Bonds, Series 2008A of the City; all pursuant to Sections 10-142, 10-615, 10-616, 18-1801 and 18-1802, R.R.S. Neb. 2007, as amended. The issuance of said bonds has been authorized by proceedings duly had and an ordinance legally passed, approved and published by the Mayor and Council of said City (the "Ordinance").

Bonds of this issue maturing December 15, 2017, and thereafter are subject to redemption at the option of the City, in whole or in part, at any time on or after the fifth anniversary of the date of original issue thereof, at par plus interest accrued on the principal

amount redeemed to the date fixed for redemption. Notice of redemption shall be given by mail to the registered owner of any bond to be redeemed at said registered owner's address in the manner specified in the Ordinance. Individual bonds may be redeemed in part but only in \$5,000 amounts or integral multiples thereof.

This bond is transferable by the registered owner or such owner's attorney duly authorized in writing at the office of the Paying Agent and Registrar upon surrender and cancellation of this bond, and thereupon a new bond or bonds of the same aggregate principal amount, interest rate and maturity will be issued to the transferee as provided in the Ordinance, subject to the limitations therein prescribed. The City, the Paying Agent and Registrar and any other person may treat the person in whose name this bond is registered as the absolute owner hereof for the purpose of receiving payment due hereunder and for all purposes and shall not be affected by any notice to the contrary, whether this bond be overdue or not.

If the date for payment of the principal of or interest on this bond shall be a Saturday, Sunday, legal holiday or a day on which banking institutions in the City of La Vista, Nebraska, are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not a Saturday, Sunday, legal holiday or a day on which such banking institutions are authorized to close, and payment on such day shall have the same force and effect as if made on the nominal date of payment.

IT IS HEREBY CERTIFIED AND WARRANTED that all conditions, acts and things required by law to exist or to be done precedent to and in the issuance of this bond and in the issuance of the bonds refunded hereby did exist, did happen and were done and performed in regular and due form and time as required by law and that the indebtedness of said City, including this bond, does not exceed any limitation imposed by law. The City agrees that it will cause to be levied and collected annually a tax by valuation on all the taxable property in the City, in addition to all other taxes, sufficient in rate and amount to pay the principal and interest of said bonds as the same become due.

AS PROVIDED IN THE ORDINANCE REFERRED TO HEREIN, UNTIL THE TERMINATION OF THE SYSTEM OF BOOK-ENTRY-ONLY TRANSFERS THROUGH THE DEPOSITORY TRUST COMPANY, NEW YORK, NEW YORK (TOGETHER WITH ANY SUCCESSOR SECURITIES DEPOSITORY APPOINTED PURSUANT TO THE ORDINANCE, "DTC"), AND NOTWITHSTANDING ANY OTHER PROVISIONS OF THE ORDINANCE TO THE CONTRARY, A PORTION OF THE PRINCIPAL AMOUNT OF THIS BOND MAY BE PAID OR REDEEMED WITHOUT SURRENDER HEREOF TO THE PAYING AGENT AND REGISTRAR. DTC OR A NOMINEE, TRANSFeree OR ASSIGNEE OF DTC OF THIS BOND MAY NOT RELY UPON THE PRINCIPAL AMOUNT INDICATED HEREON AS THE PRINCIPAL AMOUNT HEREOF OUTSTANDING AND UNPAID. THE PRINCIPAL AMOUNT HEREOF OUTSTANDING AND UNPAID SHALL FOR ALL PURPOSES BE THE AMOUNT DETERMINED IN THE MANNER PROVIDED IN THE ORDINANCE.

UNLESS THIS BOND IS PRESENTED BY AN AUTHORIZED OFFICER OF DTC (A) TO THE PAYING AGENT AND REGISTRAR FOR REGISTRATION OF TRANSFER OR EXCHANGE OR (B) TO THE PAYING AGENT AND REGISTRAR FOR PAYMENT OF PRINCIPAL, AND ANY BOND ISSUED IN REPLACEMENT HEREOF OR SUBSTITUTION HEREOF IS REGISTERED IN THE NAME OF DTC AND ANY PAYMENT IS MADE TO DTC OR ITS NOMINEE, ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSONS IS WRONGFUL BECAUSE ONLY THE REGISTERED OWNER HEREOF, DTC OR ITS NOMINEE, HAS AN INTEREST HEREIN.

This bond shall not be valid and binding on the City until authenticated by the Paying Agent and Registrar.

IN WITNESS WHEREOF, the Mayor and Council of the City of La Vista, Nebraska, have caused this bond to be executed on behalf of the City with the facsimile signatures of the Mayor and the City Clerk and by causing the official seal of the City to be imprinted hereon or affixed hereto, all as of the date of original issue specified above.

CITY OF LA VISTA, NEBRASKA

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Mayor

ATTEST:

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City Clerk

(SEAL)

**CERTIFICATE OF AUTHENTICATION  
AND REGISTRATION**

This bond is one of the series designated therein and has been registered to the owner named in said bond and the name of such owner has been recorded in the books of record maintained by the undersigned as Paying Agent and Registrar for said issue of bonds.

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City Treasurer,  
Paying Agent and Registrar  
for the City of La Vista, Nebraska

(Form of Assignment)

For value received \_\_\_\_\_ hereby sells, assigns and transfers  
unto \_\_\_\_\_ (Social  
Security or Taxpayer I.D. No. \_\_\_\_\_) the within bond and hereby  
irrevocably constitutes and appoints \_\_\_\_\_, attorney, to transfer  
the same on the books of registration in the office of the within mentioned Paying Agent and  
Registrar with full power of substitution in the premises.

Dated: \_\_\_\_\_

Registered Owner(s)

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Signature Guaranteed

By \_\_\_\_\_  
Authorized Officer(s)

Note: The signature(s) on this assignment MUST CORRESPOND with the name(s) as written on the face of the within bond in every particular, without alteration, enlargement or any change whatsoever, and must be guaranteed by a commercial bank or a trust company or by a firm having membership on the New York, Midwest or other stock exchange.

Section 9. Each of the Bonds shall be executed on behalf of the City with the facsimile signatures of the Mayor and the City Clerk and shall have imprinted thereon the City's seal. The Bonds shall be issued initially as "book-entry-only" bonds under the services of The Depository Trust Company (the "Depository"), with one typewritten bond per maturity being issued to the Depository. In such connection said officers are authorized to execute and deliver a Letter of Representations (the "Letter of Representations") in the form required by the Depository (which may be in the form of a blanket letter, including any such letter previously executed and delivered), for and on behalf of the City, which shall thereafter govern matters with respect to registration, transfer, payment and redemption of the Bonds. With respect to the issuance of the Bonds as "book-entry-only" bonds, the following provisions shall apply:

(a) The City and the Paying Agent and Registrar shall have no responsibility or obligation to any broker-dealer, bank or other financial institution for which the Depository holds Bonds as securities depository (each, a "Bond Participant") or to any person who is an actual purchaser of a Bond from a Bond Participant while the Bonds are in book-entry form (each, a "Beneficial Owner") with respect to the following:

(i) the accuracy of the records of the Depository, any nominees of the Depository or any Bond Participant with respect to any ownership interest in the Bonds;

(ii) the delivery to any Bond Participant, any Beneficial Owner or any other person, other than the Depository, of any notice with respect to the Bonds, including any notice of redemption; or

(iii) the payment to any Bond Participant, any Beneficial Owner or any other person, other than the Depository, of any amount with respect to the Bonds. The Paying Agent and Registrar shall make payments with respect to the Bonds only to or upon the order of the Depository or its nominee, and all such payments shall be valid and effective fully to satisfy and discharge the obligations with respect to such Bonds to the extent of the sum or sums so paid. No person other than the Depository shall receive an authenticated Bond, except as provided in (e) below.

(b) Upon receipt by the Paying Agent and Registrar of written notice from the Depository to the effect that the Depository is unable or unwilling to discharge its responsibilities, the Paying Agent and Registrar shall issue, transfer and exchange Bonds requested by the Depository in appropriate amounts. Whenever the Depository requests the Paying Agent and Registrar to do so, the Paying Agent and Registrar will

cooperate with the Depository in taking appropriate action after reasonable notice (i) to arrange, with the prior written consent of the City, for a substitute depository willing and able upon reasonable and customary terms to maintain custody of the Bonds or (ii) to make available Bonds registered in whatever name or names as the Beneficial Owners transferring or exchanging such Bonds shall designate.

(c) If the City determines that it is desirable that certificates representing the Bonds be delivered to the ultimate beneficial owners of the Bonds and so notifies the Paying Agent and Registrar in writing, the Paying Agent and Registrar shall so notify the Depository, whereupon the Depository will notify the Bond Participants of the availability through the Depository of bond certificates representing the Bonds. In such event, the Paying Agent and Registrar shall issue, transfer and exchange bond certificates representing the Bonds as requested by the Depository in appropriate amounts and in authorized denominations.

(d) Notwithstanding any other provision of this Ordinance to the contrary, so long as any Bond is registered in the name of the Depository or any nominee thereof, all payments with respect to such Bond and all notices with respect to such Bond shall be made and given, respectively, to the Depository as provided in the Letter of Representations.

(e) Registered ownership of the Bonds may be transferred on the books of registration maintained by the Paying Agent and Registrar, and the Bonds may be delivered in physical form to the following:

(i) any successor securities depository or its nominee; or

(ii) any person, upon (A) the resignation of the Depository from its functions as depository or (B) termination of the use of the Depository pursuant to this Section.

(f) In the event of any partial redemption of a Bond unless and until such partially redeemed bond has been replaced in accordance with the provisions of this Ordinance, the books and records of the Paying Agent and Registrar shall govern and establish the principal amount of such bond as is then outstanding and all of the Bonds issued to the Depository or its nominee shall contain a legend to such effect.

If for any reason the Depository is terminated or resigns and is not replaced, the City shall immediately provide a supply of printed bond certificates, duly executed by manual or facsimile signatures of the Mayor and City Clerk and sealed with the City's seal, for issuance upon the transfers from the Depository and subsequent transfers or in the event of partial redemption. In the event that such supply of certificates shall be insufficient to meet the requirements of the Paying Agent and Registrar for issuance of replacement certificates upon transfer or partial redemption, the City agrees to order printed an additional supply of such certificates and to direct their execution by manual or facsimile signatures of its then duly qualified and acting Mayor and City Clerk and by imprinting thereon or affixing thereto the City's seal. In case any officer whose signature or facsimile thereof shall appear on any Bond shall cease to be such officer before the delivery of such bond (including such certificates delivered to the Paying Agent and Registrar for issuance upon transfer or partial redemption), such signature or such facsimile signature shall nevertheless be valid and sufficient for all purposes the same as if such officer or officers had remained in office until the delivery of such bond. The Bonds shall not be valid and binding on the City until authenticated by the Paying Agent and Registrar. The Bonds shall be delivered to the Paying Agent and Registrar for registration and authentication. Upon execution, registration, and authentication of the Bonds, they shall be delivered to the Paying Agent and Registrar, who is authorized to deliver them to D.A. Davidson & Co. (the "Underwriter"), as initial purchaser thereof. The Bonds are hereby sold to the Underwriter for 99.25% of the principal amount of the Bonds plus accrued interest thereon to date of payment of the Bonds (which purchase price may be modified by the terms of the Designation). The Underwriter and its agents, representatives and counsel (including bond counsel) are hereby authorized to take such actions on behalf of the City as are necessary to effectuate the closing of the issuance and sale of the Bonds, including without limitation, authorizing the release of the Bonds by the Depository at closing. The Underwriter shall have the right to direct the registration of the Bonds and the denominations thereof within each maturity, subject to the restrictions of this Ordinance. The officers of the City (or any one of them) are hereby authorized to execute and deliver the Bond Purchase Agreement, in substantially the form presented herewith but with such changes as such officers deem appropriate, for and on behalf of the City. The Treasurer of the City shall maintain a record of information with respect to the Bonds as required under Section 10-140, R.R.S. 2007, and shall cause the same to be filed in the office of the Auditor of Public Accounts of the State of Nebraska. The City Clerk shall make and certify a duplicate transcript of the proceedings of the Mayor and Council with respect to the Bonds which shall be delivered to the Underwriter. The

officers of the City are further authorized to take such actions as such officers may deem necessary or appropriate in order to carry out the terms of this Ordinance.

Section 10. The net sale proceeds of the Bonds shall be applied to the payment and satisfaction of all of the principal of and the interest on the Refunded Bonds as called for redemption on each respective Redemption Date. Accrued interest received from the sale of the Bonds, if any, shall be applied to pay interest next falling due on the Bonds. Expenses of issuance of the Bonds may be paid from the proceeds of the Bonds. The Mayor and City Council hereby covenant and agree to take all steps necessary and appropriate to provide for the payment, calling and redemption of the Refunded Bonds on the respective Redemption Dates. In order to satisfy the City's obligations on the Refunded Bonds, such proceeds of the Bonds along with funds of the City on hand necessary to effect the redemption of the Refunded Bonds on the respective Redemption Dates shall be set aside and held and invested in a special trust account or accounts which are hereby ordered established. The Fremont National Bank and Trust Company, in Fremont, Nebraska, is hereby designated to serve as the escrow agent ("Escrow Agent"), to have custody and safekeeping of the funds and investments which are to be set aside for the payment of the Refunded Bonds. For purposes of governing such escrow accounts and the holding and application of such funds and investments pending redemption of the Refunded Bonds on the applicable Redemption Date, the City shall enter into one or more contracts entitled "Escrow Agreement" with the Escrow Agent. The Authorized Officers, and each individually, are hereby authorized and directed to execute and deliver on behalf of the City one or more Escrow Agreements, including necessary counterparts, in substantially the form and content as presented to the meeting at which this resolution is adopted, but with such changes and modifications therein as to them seem necessary, desirable, or appropriate for and on behalf of the City. The Mayor and City Clerk are further authorized to approve the investments provided for in the Escrow Agreements, and to make any necessary subscriptions for United States Treasury Securities, State and Local Government Series, or to contract for the purchase of securities in the open market. Said proceeds shall be invested in, or collateralized by, obligations of the United States Government, direct or guaranteed, including United States Treasury Securities, State and Local Government Series. To the extent that such proceeds are held in a bank depository account, such deposits shall be insured by insurance of the Federal Deposit Insurance Corporation or, to the extent not fully insured, fully collateralized in the same manner as is required for deposit of public funds. Any investment from the proceeds of the Bonds herein authorized shall mature not later than the Redemption Date for the applicable series of Refunded Bonds. As provided in each Escrow Agreement, the proceeds of the Bonds herein authorized

and investment earnings thereon shall be applied to the payment of the principal of and interest on the Refunded Bonds as the same become due on and prior to the respective Redemption Dates, and as called for redemption on the applicable Redemption Date. The City agrees that on the date of original issue of the Bonds, or as soon thereafter as practicable, it shall deposit or otherwise have on hand with the Escrow Agent, from tax levy or other available sources, funds sufficient after taking into consideration available proceeds of the Bonds and investment earnings to provide funds for all payments due on the Refunded Bonds on or before the applicable Redemption Date, and as called for redemption on the applicable Redemption Date.

The proceeds of the Bonds along with City funds on hand shall be applied to the payment and satisfaction of principal of and interest on the Refunded Bonds as called for redemption on the Redemption Date as described in Section 2 hereof. Accrued interest received from the sale of the Bonds, if any, shall be applied to pay interest falling due on said Bonds on December 15, 2012. Expenses of issuance of the Bonds may be paid from the proceeds of the Bonds.

Section 11. The holders of the Bonds shall be subrogated to all rights of the holders of the Refunded Bonds from and after their payment and redemption on the Redemption Date. The City agrees that it shall cause to be levied and collected annually a special levy of taxes on all the taxable property in the City, in addition to all other taxes, sufficient in rate and amount to fully pay the principal and interest of the Bonds when and as such principal and interest become due.

Section 12. The City hereby covenants to the purchasers and holders of the Bonds hereby authorized that it will make no use of the proceeds of said bond issue, including monies held in any sinking fund for the Bonds, which would cause the Bonds to be arbitrage bonds within the meaning of Sections 103(b) and 148 of the Internal Revenue Code of 1986, as amended (the "Code"), and further covenants to comply with said Sections 103(b) and 148 and all applicable regulations thereunder throughout the term of said bond issue. The City hereby covenants and agrees to take all actions necessary under the Code to maintain the tax exempt status (as to taxpayers generally) of interest payable on the Bonds. The City hereby designates the Bonds as its "qualified tax-exempt obligations" pursuant to Section 265(b)(3)(B)(i)(III) of the Code and covenants and warrants that it does not reasonably expect to issue or have issued on its behalf tax-exempt bonds or other tax-exempt interest bearing obligations aggregating in principal amount more than \$10,000,000 during calendar year 2012 (taking into consideration the exception for current refunding issues), provided that the amount of the Bonds hereby designated shall be reduced as and to the extent that all or a portion of the Bonds may be determined to be "deemed designated" in accordance with the provisions of Section 265(b)(3)(D) of the Code. The officers of the City (or any one of them) are hereby authorized to make allocations of the Bonds

(as to principal maturities) and of the proceeds of the Bonds and debt service funds of the City as may be deemed appropriate under the federal tax laws and regulations, specifically including any allocations relating to the determination of a portion of the Bonds as "deemed designated". Any such allocations made and determinations set forth in a certificate by an officer of the City shall be and constitute authorized determinations made on behalf of the City with the same force and effect as if set forth in this Ordinance. The Mayor and/or City Treasurer are hereby authorized to make any and all elections or allocations deemed necessary by them in connection with the issuance and tax-exempt status of interest on the Bonds.

Section 13. The City's obligations under this Ordinance with respect to any or all of the Bonds herein authorized shall be fully discharged and satisfied as to any or all of such Bonds and any such Bond shall no longer be deemed to be outstanding hereunder if such Bond has been purchased by the City and canceled or when the payment of the principal of and interest thereon to the respective date of maturity or redemption (a) shall have been made or caused to be made in accordance with the terms thereof or (b) shall have been provided for by depositing with a national or state bank having trust powers, or trust company, in trust, solely for such payment (i) sufficient money to make such payment and/or (ii) direct general obligations (including obligations issued or held in book entry form on the books of the Department of Treasury of the United States of America) of or obligations the principal and interest of which are unconditionally guaranteed by the United States of America (herein referred to as "U.S. Government Obligations") in such amount and bearing interest payable and maturing or redeemable at stated fixed prices at the option of the holder as to principal, at such time or times, as will ensure the availability of sufficient money to make such payment; provided, however, that with respect to any Bond to be paid prior to maturity, the City shall have duly called such bond for redemption and given notice of such redemption as provided by law or made irrevocable provision for the giving of such notice. Any money so deposited with such bank or trust company may be invested or reinvested in U.S. Government Obligations at the direction of the City, and all interest and income from U.S. Government Obligations in the hands of such bank or trust company in excess of the amount required to pay principal of and interest on the Bonds for which such monies or U.S. Government Obligations were deposited shall be paid over to the City as and when collected.

Section 14. In accordance with the requirements of Rule 15c2-12 (the "Rule") promulgated by the Securities and Exchange Commission, the City, being the only "obligated person" with respect to the Bonds, agrees that it will provide the following continuing disclosure information to the Municipal Securities Rulemaking Board (the "MSRB") in an electronic format as prescribed by the MSRB:

(a) not later than seven months after the end of each fiscal year of the City (the "Delivery Date"), financial information or operating data for the City of the type included in Appendix A of the final official statement under the heading(s) "SELECTED FINANCIAL AND OPERATING INFORMATION" ("Annual Financial Information");

(b) when and if available, audited financial statements for the City; audited financial information shall be prepared on the basis of generally accepted accounting principles; and

(c) in a timely manner not in excess of ten business days after the occurrence of the event, notice of the occurrence of any of the following events with respect to the Bonds:

(1) principal and interest payment delinquencies;

(2) non-payment related defaults, if material;

(3) unscheduled draws on debt service reserves reflecting financial difficulties;

(4) unscheduled draws on credit enhancements reflecting financial difficulties;

(5) substitution of credit or liquidity providers, or their failure to perform;

(6) adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Bonds, or other material events affecting the tax status of the Bonds;

(7) modifications to rights of the holders of the Bonds, if material;

(8) bond calls, if material, and tender offers;

(9) defeasances;

(10) release, substitution, or sale of property securing repayment of the Bonds, if material;

(11) rating changes;

(12) bankruptcy, insolvency, receivership or similar events of the City (this event is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent or similar officer for the City in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the City, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the City);

(13) the consummation of a merger, consolidation, or acquisition involving the City or the sale of all or substantially all of the assets of the City, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;

(14) appointment of a successor or additional trustee or the change of name of a trustee, if material.

The City has not undertaken to provide notice of the occurrence of any other event, except the events listed above.

(d) in a timely manner, notice of any failure on the part of the City to provide Annual Financial Information not later than the Delivery Date.

The City agrees that all documents provided to the MSRB under the terms of this continuing disclosure undertaking shall be in such electronic format and accompanied by such identifying information as shall be prescribed by the MSRB. The City reserves the right to modify from time to time the specific types of information provided or the format of the presentation of such information or the accounting methods in accordance with which such information is presented, to the extent necessary or appropriate in the judgment of the City, consistent with the Rule. The City agrees that such covenants are for the benefit of the registered owners of the Bonds (including Beneficial Owners) and that such covenants may be enforced by any registered owner or Beneficial Owner, provided that any such right to enforcement shall be limited to specific enforcement of such undertaking and any failure shall not constitute an event of default under the Ordinance. The continuing disclosure obligations of the City, as described above, shall cease when none of the Bonds remain outstanding.

Section 15. In order to promote compliance with certain federal tax and securities laws relating to the bonds herein authorized (as well as other outstanding bonds) the policy and procedures attached hereto as Exhibit "A" (the "Post-Issuance Compliance Policy and Procedures") are hereby adopted and approved in all respects. To the extent that there is any inconsistency between the attached Post-Issuance Compliance Policy and Procedures and any similar policy or procedures previously adopted and approved, the Post-Issuance Compliance Policy and Procedures shall control.

Section 16. The Preliminary Official Statement is hereby approved in the form presented and the Mayor and City Clerk are hereby authorized to approve such changes as determined appropriate and deem the Preliminary Official Statement final. The Mayor and City Clerk are hereby authorized to approve on behalf of the City a final Official Statement with any changes deemed appropriate by them.

Section 17. This Ordinance shall be in force and take effect from and after its passage and publication in pamphlet form as provided by law.

PASSED AND APPROVED THIS 15TH DAY OF MAY, 2012.

CITY OF LA VISTA

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Douglas Kindig, Mayor

ATTEST:

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Mandy Garrod  
Deputy City Clerk

**EXHIBIT "A"**  
**POLICY AND PROCEDURES**

**[SEE ATTACHED]**

**Policy and Procedures**  
**Federal Tax Law and Disclosure Requirements for**  
**Tax-exempt Bonds and/or Build America Bonds**

**ISSUER NAME: City of La Vista, in the State of Nebraska**

**COMPLIANCE OFFICER (BY TITLE): City Finance Director**

**POLICY**

It is the policy of the Issuer identified above (the "Issuer") to comply with all Federal tax requirements and securities law continuing disclosure obligations for its obligations issued as tax-exempt bonds or as direct pay build America bonds to ensure, as applicable (a) that interest on its tax-exempt bonds remains exempt from Federal income tax, (b) that the direct payments associated with its bonds issued as "build America bonds" are received by the Issuer in a timely manner and (c) compliance with any continuing disclosure obligations of the Issuer with respect to its outstanding bonds.

**PROCEDURES**

**Compliance Officer.** Review of compliance with Federal tax requirements and securities law continuing disclosure obligations as generally outlined below shall be conducted by the Compliance Officer identified above (the "Compliance Officer"). To the extent more than one person has been delegated specific responsibilities, the Compliance Officer shall be responsible for ensuring coordination of all compliance review efforts.

**Training.** The Compliance Officer shall evaluate and review educational resources regarding post-issuance compliance with Federal tax and securities laws, including periodic review of resources published for issuers of tax-exempt obligations by the Internal Revenue Service (either on its website at <http://www.irs.gov/taxexemptbond>, or elsewhere) and the Municipal Securities Rulemaking Board (either on its Electronic Municipal Market Access website ["EMMA"] at <http://www.emma.msrb.org>, or elsewhere).

**Compliance Review.** A compliance review shall be conducted at least annually by or at the direction of the Compliance Officer. The review shall occur at the time the Issuer's annual audit takes place, unless the Compliance Officer otherwise specifically determines a different time period or frequency of review would be more appropriate.

**Scope of Review.**

**Document Review.** At the compliance review, the following documents (the "Bond Documents") shall be reviewed for general compliance with covenants and agreements and applicable regulations with respect to each outstanding bond issue:

- (a) the resolution(s) and/or ordinance(s), as applicable, adopted by the governing body of the Issuer authorizing the issuance of its outstanding bonds, together with any documents setting the final rates and terms of such bonds (the "Authorizing Proceedings"),
- (b) the tax documentation associated with each bond issue, which may include some or all of the following (the "Tax Documents"):

- (i) covenants, certifications and expectations regarding Federal tax requirements which are described in the Authorizing Proceedings;
- (ii) Form 8038 series filed with the Internal Revenue Service;
- (iii) tax certificates, tax compliance agreements, tax regulatory agreement or similar documents;
- (iv) covenants, agreements, instructions or memoranda with respect to rebate or private use;
- (v) any reports from rebate analysts received as a result of prior compliance review or evaluation efforts; and
- (vi) any and all other agreements, certificates and documents contained in the transcript associated with the Authorizing Proceedings relating to federal tax matters.

(c) the Issuer's continuing disclosure obligations, if any, contained in the Authorizing Proceedings or in a separate agreement (the "Continuing Disclosure Obligations"), and

(d) any communications or other materials received by the Issuer or its counsel, from bond counsel, the underwriter or placement agent or its counsel, the IRS, or any other material correspondence relating to the tax-exempt status of the Issuer's bonds or relating to the Issuer's Continuing Disclosure Obligations.

*Use and Timely Expenditure of Bond Proceeds.* Expenditure of bond proceeds shall be reviewed by the Compliance Officer to ensure (a) such proceeds are spent for the purpose stated in the Authorizing Proceedings and as described in the Tax Documents and (b) that the proceeds, together with investment earnings on such proceeds, are spent within the timeframes described in the Tax Documents, and (c) that any mandatory redemptions from excess bond proceeds are timely made if required under the Authorizing Proceedings and Tax Documents.

*Arbitrage Yield Restrictions and Rebate Matters.* The Tax Documents shall be reviewed by the Compliance Officer to ensure compliance with any applicable yield restriction requirements under Section 148(a) of the Internal Revenue Code (the "Code") and timely calculation and payment of any rebate and the filing of any associated returns pursuant to Section 148(f) of the Code. A qualified rebate analyst shall be engaged as appropriate or as may be required under the Tax Documents.

*Use of Bond Financed Property.* Expectations and covenants contained in the Bond Documents regarding private use shall be reviewed by the Compliance Officer to ensure compliance. Bond-financed properties shall be clearly identified (by mapping or other reasonable means). Prior to execution, the Compliance Officer (and bond counsel, if deemed appropriate by the Compliance Officer) shall review (a) all proposed leases, contracts related to operation or management of bond-financed property, sponsored research agreements, take-or-pay contracts or other agreements or arrangements or proposed uses which have the potential to give any entity any special legal entitlement to the bond-financed property, (b) all proposed agreements which would result in disposal of any bond-financed property, and (c) all proposed uses of bond-financed property which were not anticipated at the time the bonds were issued. Such actions could be prohibited by the Authorizing Proceedings, the Tax Documents or Federal tax law.

*Continuing Disclosure.* Compliance with the Continuing Disclosure Obligations with respect to each bond issue shall be evaluated (a) to ensure timely compliance with any annual disclosure requirement, and (b) to ensure that any material events have been properly disclosed as required by the Continuing Disclosure Obligation.

Record Keeping. If not otherwise specified in the Bond Documents, all records related to each bond issue shall be kept for the life of the indebtedness associated with such bond issue (including all tax-exempt refundings) plus six (6) years.

Incorporation of Tax Documents. The requirements, agreements and procedures set forth in the Tax Documents, now or hereafter in existence, are hereby incorporated into these procedures by this reference and are adopted as procedures of the Issuer with respect to the series of bonds to which such Tax Documents relate.

Consultation Regarding Questions or Concerns. Any questions or concerns which arise as a result of any review by the Compliance Officer shall be raised by the Compliance Officer with the Issuer's counsel or with bond counsel to determine whether non-compliance exists and what measures should be taken with respect to any non-compliance.

VCAP and Remedial Actions. The Issuer is aware of (a) the Voluntary Closing Agreement Program (known as "VCAP") operated by the Internal Revenue Service which allows issuers under certain circumstances to voluntarily enter into a closing agreement in the event of certain non-compliance with Federal tax requirements and (b) the remedial actions available to issuers of certain bonds under Section 1.141-12 of the Income Tax Regulations for private use of bond financed property which was not expected at the time the bonds were issued.

**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**MAY 15, 2012 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
APPLICATION FOR REPLAT AND SUBDIVISION AGREEMENT APPROVAL — LOTS 1 - 3, MAYFAIR 2 <sup>ND</sup> ADD. REPLAT FIVE (NW OF 96 <sup>TH</sup> & GILES)	◆ RESOLUTION ORDINANCE RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

**SYNOPSIS**

Resolutions have been prepared to approve a replat application and subdivision agreement for Lots 1 thru 3, Mayfair 2<sup>nd</sup> Addition Replat Five (a replat of Lot 1, Mayfair 2<sup>nd</sup> Addition Replat Three), generally located northwest of 96<sup>th</sup> Street and Giles Road. *Staff is requesting the public hearing be continued to the June 5, 2012 Council meeting.*

**FISCAL IMPACT**

None.

**RECOMMENDATION**

Continue public hearing to June 5, 2012 City Council Meeting.

**BACKGROUND**

Resolutions have been prepared to approve a replat application and subdivision agreement for Lots 1 thru 3, Mayfair 2<sup>nd</sup> Addition Replat Five, generally located northwest of 96<sup>th</sup> Street and Giles Road. The application was submitted by Buland Group Construction on behalf of the property owner, L&B Properties, LLC. The property is currently zoned C-1, Shopping Center Commercial, with the Gateway Corridor Overlay District. The property is currently vacant; proposed Lot 2 is anticipated to be developed as a child care center.

A subdivision agreement has been prepared and details the responsibilities of the parties including access to the development, construction of sanitary sewers, sidewalks and other improvements. This document is currently under review and will be addressed prior to the City Council meeting.

Staff is requesting a continuance of the public hearing to the June 5, 2012 Council meeting so that the applicant may complete the required revisions to the documents.

On April 19, 2012, the Planning Commission unanimously recommended approval of the proposed replat to Council subject to the conditions as noted in the staff report.

ITEM D

**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**MAY 15, 2012 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
THOMPSON CREEK, PHASE 2 — CONSULTANT SERVICES	◆ RESOLUTION ORDINANCE RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

**SYNOPSIS**

A resolution has been prepared authorizing supplemental services to the Civic Center Park Master Plan contract with RDG Planning & Design for work associated with Part 2,Phase VI of the Thompson Creek project.

**FISCAL IMPACT**

Funding has been budgeted in the CIP for FY 11/12.

**RECOMMENDATION**

Approval.

**BACKGROUND**

The City is proposing to submit grant applications to the Nebraska Department of Environmental Quality (NDEQ) and the Nebraska Environmental Trust Fund for the second phase of the Thompson Creek project, which will include stream channel improvements and realignment, including expanding the project into Central Park (as proposed in the Civic Center Park plan). The applications are due in September. These applications are a pre-requisite to applying to the Papio-Missouri River NRD for funds from their Urban Drainageway Program at the 60% level.

Consultant services are requested to complete the grant application forms, including conceptual plans and cost estimates for the channel improvements, methods to improve watershed management and water quality, and techniques for public education and citizen involvement.

A proposed Scope of Work has been prepared which would be a supplement to the existing contract with RDG Planning & Design as provided for in Section 6.4 of the contract. A resolution has been prepared which approves the additional services with RDG Planning & Design and authorizes the City Administrator to negotiate an amendment to the contract in an amount not to exceed \$47,500 for preparation of the grant applications.

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING SUPPLEMENTAL SERVICES TO THE CIVIC CENTER PARK MASTER PLAN CONTRACT WITH RDG PLANNING AND DESIGN OMAHA, NEBRASKA, FOR WORK ASSOCIATED WITH PART 2, PHASE VI OF THE THOMPSON CREEK PROJECT IN AN AMOUNT NOT TO EXCEED \$47,500.00.

WHEREAS, the City Council of the City of La Vista has determined that the preparation of grant applications to the Nebraska Department of Environmental Quality and the Nebraska Environmental Trust Fund are necessary for the next phase of the Thompson Creek Project; and

WHEREAS, the FY 2011/12 Capital Improvement Program contains funding for this project; and

WHEREAS, the City and RDG Planning & Design entered into a contract on November 1, 2011, for the Civic Center Park Master Plan; and

WHEREAS, Section 6.4 of the contract provides that the agreement may be amended by a written instrument signed by both parties; and

WHEREAS, a Scope of Work has been prepared which includes completion of grant application forms, including conceptual plans and cost estimates for the channel improvements, methods to improve watershed management and water quality, and techniques for public education and involvement; and

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

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska, authorizing supplemental services to the Civic Center Park Master Plan contract with RDG Planning & Design, Omaha, Nebraska in a form satisfactory to the City Administrator and City Attorney, for work associated with Part 2, Phase VI of the Thompson Creek project in an amount not to exceed \$47,500.00, and that the Mayor is hereby authorized to execute said contract and the City Clerk is further directed to attest to the same.

PASSED AND APPROVED THIS 15<sup>TH</sup> DAY OF MAY 2012.

CITY OF LA VISTA

ATTEST:

Douglas Kindig, Mayor

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Mandy Garrod  
Deputy City Clerk

**PROPOSED SCOPE OF WORK  
NET/319 GRANT APPLICATION  
SUPPLEMENTAL WORK TO CIVIC CENTER PARK MASTER PLAN STUDY**

The City desires to submit grant applications by the September 2012 deadline to both the Nebraska Environmental Trust and the Nebraska Department of Environmental Quality (CWA Section 319 funds for Nonpoint Source Projects) for Thompson Creek from the golf course downstream to 72<sup>nd</sup> Street. Task elements are anticipated to include the following:

1. Complete application forms to each agency that conforms to their current published content guidelines.
  - \$10,000
2. Prepare conceptual plans and cost estimates for creek bank stabilization efforts that would identify the type of techniques to be applied. This is anticipated to include bio-engineering and water quality improvement practices to fulfill grant objectives of watershed management and water quality improvement. Estimate the types of water quality improvement expected.
  - \$17,500
3. Identify the type of public education and outreach elements to be included as part of the actions to be funded by the grant(s).
  - \$3,000
4. Identify the parameters that will provide quantitative measurement of improvement in water quality, resource integrity, citizen attitudes and behaviors to conform to the grant objectives. Recommend proposed procedures for making such measurements for an ongoing basis.
  - \$3,000
5. Participate in a pre-application meeting with the Corps of Engineers to identify any major issues with the conceptual creek bank stabilization efforts.
  - \$3,500
6. Conduct two progress meetings with City staff and PMRNRD representatives to review preliminary work performed to address Items 2, 3 and 4 above.
  - \$7,000
7. Make a presentation to the City Council that identifies the proposed activities and obligations that will be contained in the grant applications. This is anticipated to be in a public hearing format at a City Council meeting.
  - \$3,500

**Total: \$47,500**



<u>Personnel</u>	<u>Rate</u>
Partner, Landscape Architect (RDG)	\$142
Landscape Architect (RDG)	\$ 73
Partner, Planner (RDG)	\$ 78
Principal Ecologist (AES)	\$145
Senior Engineer (AES)	\$105
Technical Staff (AES)	\$ 95

Estimate of hours per task	Partner						
	Total	Landscape Architect	Landscape Architect	Partner Planner	Technical Staff	Senior Engineer	Principal Ecologist
1. Complete Grant Application forms	91	3	12	1	35	15	25
2. Concept Plans for creek bank stabilization	174	16	60	16	20	50	12
3. Identify public outreach	32	8		24			
4. Identify quantitative measurement of improvement to water quality	28				10	14	4
5. Participate in pre-application meeting with the COE	15	2	3				10
6. Conduct 2 progress meetings with City and PMRNRD	51	10	16	5	4	4	12
7. Presentation to City Council	34.5	8	17		5	3	1.5



ITEM E

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
MAY 15, 2012 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
AUTHORIZE THE CONTRACTS FOR TIME & LABOR	◆ RESOLUTION ◆ ORDINANCE RECEIVE/FILE	SHEILA LINDBERG FINANCE DIRECTOR

**SYNOPSIS**

A resolution has been prepared authorizing the purchase of time and attendance clocks for City departments; to contract for the interface between the City's payroll system and the time and labor system; the implementation fee and the monthly service fee.

**FISCAL IMPACT**

The FY 11/12 Capital Fund includes funding for this project. The time clocks are a one-time expenditure not to exceed \$4,400; Summit interface is a one-time expenditure not to exceed \$3,000; and the training and implementation is also a one-time expenditure not to exceed \$800. The ongoing service fee will be \$3.00 per employee per month.

**RECOMMENDATION**

Approval.

**BACKGROUND**

The City Council approved the Strategic Technology Plan on November 15, 2011 by Resolution 11-124. The IT Committee identified two vendors to demonstrate their time entry system. Payroll Maxx, a local firm, was the only one that met the City's current needs. The other vendor's software program would have the best functionality only if they also processed payroll. The IT Committee wants to get to that process but not right away. Departments will save time in the manual calculation of time cards. The system will be doing scheduling for certain departments as well as electronic time off requests.

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE PURCHASE OF TIME AND ATTENDANCE CLOCKS AND CONTRACT FOR THE INTERFACE BETWEEN THIS SYSTEM AND THE CITY'S PAYROLL SYSTEM FROM PAYROLL MAXX, OMAHA NE.

WHEREAS, the City Council of the City of La Vista has determined that the purchase time and attendance clocks for city departments to make this process more efficient is necessary; and

WHEREAS, the City Council has also determined that a contract is necessary for the interface between the city's payroll system and the time and labor system along with the implementation fee and monthly service fee; and

WHEREAS, the FY 2011/12 General Fund Budget provides funding for the purchase; and

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

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska authorizing the purchase of time and attendance clocks and contract for the interface between this system and the city's payroll system from Payroll Maxx, Omaha NE.

PASSED AND APPROVED THIS 15TH DAY OF MAY 2012.

CITY OF LA VISTA

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Douglas Kindig, Mayor

ATTEST:

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Mandy Garrod  
Deputy City Clerk

# Investment Summary

## City of La Vista

March 5, 2012

### Summit Software

Third Party Payroll Time & Attendance Interface Software	\$3,000.00
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This interface allows the Summit Payroll (PR) module to communicate employee data both to and from a third party time and attendance program. Using this feature saves you time as it reduces the amount of keypunch required for each payroll.

The interface reads a text file which has been created by the third party time and attendance program and imports it into PR. When it comes time to do payroll, you simply access this option from the PR menu, complete the fields on the window, and then import the data. Summit also prints a report that you can use to verify the information that has been imported.

This option also allows you to export employee data out of Summit into the third party time and attendance program. The third party time and attendance program uses this information for recording employee time data.

A more detailed description is available in the Entry section of the Summit Payroll Manual under Time Clock Interface.

**Note:** This price is based on the ability to interface with us using our existing file layouts or an XML file. If the vendor can't use either and requires us to modify our interface, we will need to quote the cost of those modifications

<b>Total Summit Software</b>	<b>\$3,000.00</b>
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### Professional Services

Implementation of Payroll Time & Attendance Interface will be done remotely at the rate of \$95.00 an hour.

<b>Total Investment</b>	<b>\$3,000.00</b>
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90 Days Software Warranty with Unlimited Software Support	Free
Summit Software Annual License Fee	\$300.00
Summit Software Annual Product Support Agreement	\$300.00

All Services are billable unless otherwise stated.

\*Implementation services include **onsite** installation and training as well as some remote setup. The number of implementation service days is estimated. Additional implementation service days are available at \$650.00 per day plus travel expenses. The travel expenses (i.e., mileage, meals, lodging, airfare [if applicable], and travel time) are billable at cost and are not included in the total. Mileage is calculated at the current IRS allowable rate in effect at the time service is rendered. Travel time is billed at \$25.00 per hour.

# MAXX-TIME ORDER FORM



Company Name: City of La Vista

Start Date of Service TBD

## ORDER INFORMATION

ITEM	QTY	PRICE	EXT PRICE	OFFICE USE	
Maximus - SevereDuty	1	\$ 2,550.00	\$ 2,550.00		
Keypad and Barcode					
Synel SY-715	1	\$ 850.00	\$ 850.00		
Keypad and Barcode					
VeriFone TRANZ 380	5	\$ 200.00	\$ 1,000.00		
Keypad and Barcode					
1 Year Warranty					
<b>Order Total</b>			\$ 4,400.00		

### CLIENT

Sign Name: \_\_\_\_\_

Print Name: \_\_\_\_\_

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

### PAYROLL MAXX LLC

Sign Name: \_\_\_\_\_

Print Name: \_\_\_\_\_

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

11248 John Galt Blvd • Omaha, NE 68137 • 888-451-2667 x2336 or 402-537-9436 • fax 877-760-4171 or 402-884-5076

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

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# MAXX-TIME ORDER FORM



Company Name: City of La Vista

Start Date of Service TBD

## ORDER INFORMATION

	ITEM	QTY	PRICE	EXT PRICE	OFFICE USE
ONE-TIME CHARGES	Implementation Fee for Maxx-Time Enterprise	1	\$ 800.00	\$ 800.00	
	Requirements				
	Configuration				
	Training				
	Ongoing Support				
	<b>Order Total</b>			<b>\$ 800.00</b>	

## MAXX-TIME ENTERPRISE

	ITEM	QTY	PRICE	PER	EXT PRICE	OFFICE USE
MONTHLY FEES	Service Fee Per Employee	125	\$3.50	MONTH *	\$ 375.00	
			\$3.00			
				<b>ANNUAL</b>	<b>\$ 4,500.00</b>	<i>Preferred Pricing</i>

\* Based on the actual number of active employees during the month.

### CLIENT

Sign Name: \_\_\_\_\_

Print Name: \_\_\_\_\_

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

### PAYROLL MAXX LLC

Sign Name: \_\_\_\_\_

Print Name: \_\_\_\_\_

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

11248 John Galt Blvd • Omaha, NE 68137 • 888-451-2667 x2336 or 402-537-9436 • fax 877-760-4171 or 402-884-5076

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**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**MAY 15, 2012 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
APPROVE CHANGE ORDER- APPLEWOOD CREEK IMPROVEMENTS CHANGE ORDER 2	◆ RESOLUTION ORDINANCE RECEIVE/FILE	JOHN KOTTMANN CITY ENGINEER/ASSISTANT PUBLIC WORKS DIRECTOR

**SYNOPSIS**

A resolution has been prepared to approve a change order to the contract with Melvin Sudbeck Homes, Inc., Omaha, Nebraska to increase the site clearing work. This change is necessary to remove trees and debris to allow access for removing debris from the creek that might otherwise block drainage at the culvert under Giles Road, to remove dead or fallen trees and brush to provide suitable spaces for mitigation planting, and to provide accessibility for channel maintenance upon completion of the project.

**FISCAL IMPACT**

The change order increases the project costs but remains within the funding available for the project.

**RECOMMENDATION**

Approval

**BACKGROUND**

Bids were taken on this project on January 5, 2012. Change Order No. 1 reduced the construction costs by \$5,271.00. Hourly rates utilized in this Change Order No. 2, with the exception of two items, were established in the original bids and contract for this project.

Change Order No. 2 will increase the contract price by \$16,758.75. After Change Orders No. 1 and No. 2, the original contract price changes from \$311,241.48 to \$322,728.43.

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING A CHANGE ORDER TO THE CONTRACT WITH MELVIN SUDBECK HOMES, INC., OMAHA, NEBRASKA, TO INCREASE THE CONTRACT PRICE TO \$322,728.43.

WHEREAS, the City has determined it is necessary to increase the site clearing work; and

WHEREAS, this change is necessary to allow access for removal of debris from the creek that would block drainage at the culvert under Giles Road ; and

NOW THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of La Vista, Nebraska, that the Mayor is authorized to execute the necessary documents for a change order with Melvin Sudbeck Homes, Inc., Omaha, Nebraska, for an increase in the site clearing work for an increase in the original contract price from \$311,241.48 to \$322,728.43.

PASSED AND APPROVED THIS 15TH DAY OF MAY, 2012.

CITY OF LA VISTA

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Douglas Kindig, Mayor

ATTEST:

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Mandy Garrod  
Deputy City Clerk

CHANGE ORDER NO. 2

PROJECT: APPLEGWOOD CREEK IMPROVEMENTS

DATE: \_\_\_\_\_

CONTRACT DATE: January 17, 2012

OWNER: The City of La Vista, Nebraska  
8116 Park View Blvd.  
La Vista, NE 68128

CONTRACTOR: Melvin Sudbeck Homes, Inc.  
16255 Woodland Drive  
Omaha, NE 68136

TD2 No.: 171-392

DESCRIPTION OF CHANGES:

Remove and clear dead and downed timber along the both sides of Applewood Creek channel as directed by the Engineer.

REDUCTIONS:

Item	Description	Approx. Quantities	Unit Price	Amount
	TOTAL REDUCTIONS			\$ 0.00

ADDITIONS:

Item	Description	Approx. Quantities	Unit Price	Amount
C2.1	Labor	61.5 HR	\$ 35.00 / HR	\$ 2,152.50
C2.2	Side Dump Truck	47 HR.	\$ 75.00 / HR	\$ 4,465.00
C2.3	T190 Bobcat	66.5 HR	\$ 110.00 / HR	\$ 4,968.75
C2.4	953 CAT	2 HR	\$ 110.00 / HR	\$ 220.00
C2.5	270 Backhoe	23.5 HR	\$ 115.00 / HR	\$ 2,702.50
C2.6	CASE Loader	22.5 HR	\$ 100.00 / HR	\$ 2,250.00

TOTAL ADDITIONS \$ 16,758.75

NET CHANGE IN CONTRACT PRICE: \$ 16,758.75

CHANGE ORDER NO. 1 NET CHANGE (\$ 5,271.80)

ORIGINAL CONTRACT PRICE: \$ 311,241.48

REVISED CONTRACT PRICE: \$ 322,728.43

The contract time will increase by 5 working days for a total of forty five (45) working days.

REASONS FOR CHANGES:

The City of La Vista requested additional cleanup and removal of dead and downed timber outside the limits of the Applewood Creek channel to be cleared, removed from the site, and legally disposed of.

SIGNED:

THOMPSON, DREESSEN & DORNER, INC.

The undersigned parties to the above-referenced contract hereby agree to the changes as set forth above.

The City of La Vista, Nebraska

Melvin Sudbeck Homes, Inc.

BY \_\_\_\_\_ TITLE \_\_\_\_\_

BY \_\_\_\_\_ TITLE \_\_\_\_\_

ATTEST

ATTEST

**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**MAY 15, 2012 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
CAPITAL IMPROVEMENT PROJECT- RADIOS	◆RESOLUTION ORDINANCE RECEIVE/FILE	KEVIN POKORNY POLICE CAPTAIN

**SYNOPSIS**

A resolution has been prepared to accept the proposal submitted by D & D Communication to purchase Motorola 800 MHz P25 digital radios in an amount not to exceed \$80,827.41.

**FISCAL IMPACT**

Funding is authorized in the FY12 budget. This is only one of several Motorola 800 MHz P25 digital radios purchases spread throughout the fiscal year.

**RECOMMENDATION**

Approval

**BACKGROUND**

The current 800 MHz Sarpy County Communications system is over 15 years old and will no longer be supported by Motorola within the next four years. Consequently, any La Vista portable and mobile radios that do not conform to a P25 digital system will no longer be operational on a new digital system yet to be purchased by Sarpy County within the next four years. An assessment of all city-owned radios was conducted and necessary replacement radio purchases were spread out over the next four years.

This purchase will go toward the total replacement of all the Fire Department old MTS 2000 portable radios outlined in the CIP – Radio project. The city received \$76,160.00 Federal Emergency Management Agency (FEMA) Assistance to Firefighters Grant to assist in replacing the old portable radios for the Fire Department. The City is required to provide a 5 percent match with this grant.

Motorola 800 MHz radios are on a Nebraska State contract and D & D Communications is a vendor for Motorola radios.

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, ACCEPTING THE PROPOSAL SUBMITTED BY D & D COMMUNICATIONS, OMAHA, NE FOR PURCHASE OF MOTOROLA 800 MHZ P25 DIGITAL RADIOS.

WHEREAS, the City Council of the City of La Vista has determined that purchasing the Motorola 800 MHz P25 digital radios is necessary; and

WHEREAS, said purchase of Motorola 800 MHz P25 digital radios is in the best interest of the citizens of La Vista.

WHEREAS, the FY12 budget contains funding for this project; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, accept the proposal submitted by D & D Communications Omaha, NE for the purchasing the Motorola 800 MHz P25 digital radios in an amount not to exceed \$80,827.41.

PASSED AND APPROVED THIS 15th DAY OF May 2012.

CITY OF LA VISTA

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Douglas Kindig, Mayor

ATTEST:

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Pamela A. Buethe, CMC  
City Clerk



13444 L STREET, OMAHA, NE 68137 402-895-6100 FAX:402-895-6260



**EQUIPMENT PROPOSAL FOR:**

LAVISTA FIRE DEPARTMENT  
KEVIN POKORNY

## TERMS:

NET 30 FROM INVOICE  
PRICING IS VALID FOR 30 DAYS.  
FREIGHT - PREPAY AND ADD TO INVOICE  
DELIVERY 1-2 WEEKS A.R.O.

**PREPARED BY:**  
MARK NEILL

DATE: 04/24/12



Quote Number: QU0000182239  
Effective: 02 APR 2012  
Effective To: 01 JUN 2012

**Bill-To:**

LA VISTA FIRE DEPT  
8110 PARKVIEW BLVD  
LA VISTA, NE 68128  
United States

**Ultimate Destination:**

LA VISTA FIRE DEPT  
8110 PARKVIEW BLVD  
LA VISTA, NE 68128  
United States

**Attention:**

Name: Kevin Pokorny  
Phone: 402.331.1582  
Fax: 402.331.7210

**Sales Contact:**

Name: Mark Neill  
Email: mn@firstwirelessinc.com  
Phone: 4028956100

**Freight terms:** FOB Destination

**Payment terms:** Net 30 Due

Item	Quantity	Nomenclature	Description	List price	Your price	Extended Price
1	22	H46UCF9PW6BN	XTS2500 762-870MHZ/ 1-3W/ 870 CHANNELS/ 3X2 KEYPAD/ MODEL 2 ENH: SOFTWARE TRUNKING 9600 BAUD	\$4,768.00	\$3,200.25	\$70,405.50
1a	22	Q574AA	ENH: 3600/9600 INTEROPERABILITY			
1b	22	Q883AA	ALT: IMPRES BATTERY FM NIMH IMMERSIBLE 2000 MAH(NNTN6263)			
1c	22	Q393SB	ENH: 2 YEAR ENCRYPTED REPAIR SERVICE ADVANTAGE			
1d	22	Q58AD	ADD: XTS2500 UCM HARDWARE ENCRYPTION			
1e	22	Q159AC	ALT: IP67 IMMERSIBLE OPTION			
1f	22	QA00211AA	ADD: DES, DES-XL, DES-OFB ENCRYPTION			
1g	22	Q625AU	REMOTE SPEAKER MICROPHONE, IP57	\$88.50	\$75.23	\$1,655.06
2	22	PMMN4038A	APX7000 DIGITAL PORTABLE RADIO	\$8,081.00	\$6,044.80	\$6,044.80
3	1	H97TGD9PW1AN	ADD: 7/800MHZ PRIMARY BAND			
3a	1	QA00569AA	ADD: VHF SECONDARY BAND			
3b	1	QA00574AA	ALT: NIMH IMPRES 2000 MAH FM DELTA T (NNTN7035)			
3c	1	QA00581AA	ADD: LARGE COLOR DISPLAY AND FULL KEYPAD			
3d	1	QA00577AA	ADD: ENABLE DUAL BAND OPERATION			
3e	1	QA00579AA	ADD: 3 YR REPAIR SERVICE ADVANTAGE			
3f	1	GA00232AC	ADD: SINGLE UNIT PACKAGING			
3g	1	H842AT	ADD: ASTRO DIGITAL CAI OPERATION			
3h	1	Q806BK	ENH: MULTIKEY			
3i	1	H869BW	ENH: AES/DES,DES-XL,DES-OFB			
3j	1	Q15AJ	ENH: SUBMERSIBLE (DELTA T)			
3k	1	H499JL	ADD: SMARTZONE OPERATION			
3l	1	H38BS	ADD: ADVANCED SYSTEM KEY - HARDWARE KEY			
3m	1	QA01648AA	ADD: P25 9600 BAUD TRUNKING			
3n	1	Q361AN	CHR IMP DUC EXT US/NA/CA/LA	\$295.00	\$250.75	\$250.75
4	1	NNTN7586A	110V SUC SMART CHARGER	\$165.00	\$140.25	\$841.50
5	6	WPLN4111AR	IMPRES MULTI UNIT CHARGER - 110V	\$788.00	\$669.80	\$669.80

**Total Quote in USD**

**\$79,867.41**

THIS QUOTE IS BASED ON THE FOLLOWING:

1 This quotation is provided to you for information purposes only and is not intended to be an offer or a binding proposal.

If you wish to purchase the quoted products, Motorola Solutions, Inc. ("Motorola") will be pleased to provide you with our standard terms and conditions of sale (which will include the capitalized provisions below), or alternatively, receive your purchase order which will be acknowledged.

Thank you for your consideration of Motorola products.

2 Quotes are exclusive of all installation and programming charges (unless expressly stated) and all applicable taxes.

3 Purchaser will be responsible for shipping costs, which will be added to the invoice.

4 Prices quoted are valid for thirty(30) days from the date of this quote.

5 Unless otherwise stated, payment will be due within thirty days after invoice. Invoicing will occur concurrently with shipping.

MOTOROLA DISCLAIMS ALL OTHER WARRANTIES WITH RESPECT TO THE ORDERED PRODUCTS, EXPRESS OR IMPLIED INCLUDING THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE.

MOTOROLA'S TOTAL LIABILITY ARISING FROM THE ORDERED PRODUCTS WILL BE LIMITED TO THE PURCHASE PRICE OF THE PRODUCTS WITH RESPECT TO WHICH LOSSES OR DAMAGES ARE CLAIMED. IN NO EVENT WILL MOTOROLA BE LIABLE FOR INCIDENTAL OR CONSEQUENTIAL DAMAGES.