

MINUTE RECORD

A-2

No. 728 — REEDIE & COMPANY, INC. OMAHA ET310556LD

LA VISTA CITY COUNCIL MEETING NOVEMBER 20, 2018

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 November 20, 2018. Present were Councilmembers: Frederick, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Also in attendance were City Attorney McKeon, City Administrator Gunn, Assistant City Administrator Ramirez, City Clerk Buethe, Police Chief Lausten, City Engineer Kottmann, Director of Public Works Soucie, Library Director Barcal, Director of Administrative Services Pokorny, Finance Director Miserez, Recreation Director Stopak, Community Development Director Birch, and Human Resources Director Czarnick.

A notice of the meeting was given in advance thereof by publication in the Times on November 7, 2018. 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, led the audience in the Pledge of Allegiance, and made the announcements.

PROCLAMATION – EAGLE SCOUT SERVICE PROJECT – NOLAN STENGEL

Mayor Kindig presented a proclamation to Eagle Scout Nolan Stengel. Mr. Stengel gave an overview of his project at Jaycee Park.

APPOINTMENT – MARY L. HEWITT – CIVIL SERVICE COMMISSION

Councilmember Thomas made a motion to re-appoint Mary L. Hewitt to the Civil Service Commission for another 5 year term. Seconded by Councilmember Frederick. Councilmembers voting aye: Frederick, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: Ronan. Motion carried.

A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. APPROVAL OF THE MINUTES OF THE NOVEMBER 6, 2018 CITY COUNCIL MEETING
3. APPROVAL OF THE MINUTES OF THE OCTOBER 18, 2018 PLANNING COMMISSION MEETING
4. MONTHLY FINANCIAL REPORT – SEPTEMBER 2018
5. REQUEST FOR PAYMENT – BLADE MASTERS GROUNDS MAINT., INC. – CONSTRUCTION SERVICES – CIVIC CENTER PHASE 2 - \$223,269.00
6. REQUEST FOR PAYMENT – HDR ENGINEERING, INC. – PROFESSIONAL SERVICES – PUBLIC IMPROVEMENTS AND OTHER WORKS - \$13,757.16
7. REQUEST FOR PAYMENT – CIVIC NEBRASKA – PROFESSIONAL SERVICES – PAPILLION-LA VISTA STORMWATER OUTREACH - \$3,080.31
8. RESOLUTION NO. 18-155 – DEPARTMENT OF TRANSPORTATION MAINTENANCE AGREEMENT – 84TH STREET – 2019

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF AGREEMENT #121 WITH THE NEBRASKA DEPARTMENT OF TRANSPORTATION FOR THE SURFACE MAINTENANCE OF HIGHWAY N-85 (84TH STREET).

WHEREAS, the Nebraska Department of Transportation is proposing to renew an agreement whereby the City of La Vista would assume maintenance responsibilities for that portion of Highway N-85 (84th Street) which lies within the City of La Vista's corporate boundaries; and

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WHEREAS, it is the determination of the City Council of the City of La Vista that it is in the best interest of our citizenry and the traveling public to assume official maintenance responsibilities.

NOW, THEREFORE BE IT RESOLVED, that the Mayor of the City of La Vista be, and hereby is, authorized to renew an agreement with the Nebraska Department of Transportation for maintenance of that portion of Highway N-85 (84th Street) which lies within the corporate limits of the City of La Vista for the period of January 1, 2019 to December 31, 2019.

9. APPROVAL OF CLAIMS

A & D TECHNICAL SUPPLY CO, services	\$164.14
ACTION BATTERIES, maint.	\$220.06
AMERICAN LEGAL PUBLISHING, services	\$70.00
AMERICAN LUNG ASSOCIATION, services	\$520.00
ANDERSON EXCAVATING CO, services	\$146,947.35
A-RELIEF, services	\$84.00
ARTHUR J GALLAGHER RISK, services	\$225,393.00
ASPHALT & CONCRETE MATERIALS, maint.	\$3,316.04
BADGER BODY, maint.	\$156.47
BARONE SECURITY SYSTEMS, services	\$111.00
BJSA-BELLEVUE JR SPORTS ASSN, services	\$800.00
BKD LLP, services	\$8,000.00
BRITE IDEAS DECORATING, services	\$307.66
BS&A SOFTWARE, services	\$20,750.00
BUILDERS SUPPLY, services	\$100.94
CELLEBRITE USA INC, services	\$3,700.00
CENTURY LINK, phones	\$537.42
CHAMPLIN TIRE RECYCLING, INC, services	\$665.00
CIACCIO ROOFING CORP, bld&grnds	\$223.14
CITY OF PAPILLION, services	\$3,334.00
CNA SURETY, services	\$100.00
COX COMMUNICATIONS, services	\$277.40
CROUCH RECREATION, services	\$4,881.00
CULLIGAN OF OMAHA, services	\$14.00
DAVID FAIRCHILD, books	\$594.00
DELL MARKETING L.P., services	\$70.51
DESIGN WORKSHOP INC, services	\$360.42
DH WIRELESS SOLUTIONS, services	\$1,291.50
DIAMOND VOGEL PAINTS, bld&grnds	\$100.77
DLR GROUP, services	\$3,075.00
EXPRESS DISTRIBUTION, supplies	\$140.86
FILTER CARE, services	\$67.70
FIRST NATIONAL BANK FREMONT, bonds	\$2,011,059.29
FITZGERALD SCHORR BARMETTLER, services	\$18,688.50
GALE, books	\$94.46
GENUINE PARTS CO, maint.	\$962.86
GILCO EQUIPMENT LLC, services	\$2,550.00
GROSSENBACHER BROTHERS INC, supplies	\$466.84
HAWKEYE TRUCK EQUIPMENT, maint.	\$118.00
HAWKINS CONSTRUCTION CO, services	\$184,630.05
HDR ENGINEERING INC, services	\$13,682.95
HEARTLAND TIRES AND TREADS, maint.	\$100.00
HOBBY LOBBY, supplies	\$23.78
HOLIDAY INN KEARNEY, travel	\$188.00
HONEYMAN RENT-ALL, services	\$250.70
INGRAM LIBRARY, books	\$353.52
KRIHA FLUID POWER, maint.	\$322.75
LABRIE, DONALD P, services	\$225.00
LEAGUE OF NEBR MUNICIPALITIES, services	\$1,690.00
LELAND APPAREL, apparel	\$3,114.00

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LOWE'S, bld&grnds	\$62.60
MARCO INC, services	\$109.40
MARK A KLINKER, services	\$400.00
MAX I WALKER UNIFORM, services	\$76.98
MENARDS-RALSTON, bld&grnds	\$475.60
METRO AREA TRANSIT, services	\$903.00
METRO COMM COLLEGE, services	\$18,266.71
MUD, utilities	\$162.35
MILLARD SOX BASEBALL , refund	\$80.00
MONARCH OIL INC, maint.	\$788.10
MSC INDUSTRIAL SUPPLY CO, services	\$67.20
NE SALT & GRAIN CO. services	\$5,087.51
NUTS AND BOLTS INC, maint.	\$30.48
ODEY'S INC, bld&grnds	\$178.50
OFFICE DEPOT INC, supplies	\$669.80
OLSSON, INC, services	\$38,007.46
OPPD, utilities	\$9,193.06
OMAHA WORLD-HERALD, services	\$1,165.40
ONE CALL CONCEPTS INC, services	\$333.00
O'REILLY AUTOMOTIVE STORES INC, maint.	\$351.75
PAPILLION SANITATION, services	\$1,735.24
ROBEY, P., travel	\$145.26
PAYLESS OFFICE PRODUCTS, supplies	\$210.43
PITNEY BOWES, services	\$526.71
PLAINS EQUIPMENT GROUP, maint.	\$112.93
RDG PLANNING & DESIGN, services	\$3,332.82
SARPY COUNTY COURTHOUSE, services	\$4,207.68
SINNETT, J., travel	\$90.59
SIRCHIE FINGER PRINT LABS, services	\$106.65
SOUTH, R., travel	\$78.96
SOUTHERN UNIFORM & EQUIPMENT, apparel	\$190.46
SWAIN CONSTRUCTION INC, services	\$92,969.74
TERRAMETRIX, services	\$1,460.00
THE NOVAK CONSULTING GROUP, services	\$4,252.00
THEATRICAL MEDIA, services	\$1,208.58
THOMPSON DREESSEN & DORNER, services	\$8,509.85
TIM JAVORSKY, services	\$150.00
TORCO ENTERPRISES, INC., services	\$1,534.50
TOSHIBA, services	\$138.00
TRANS UNION RISK, services	\$25.00
TY'S OUTDOOR POWER, services	\$7,082.39
U.S. CELLULAR, phones	\$972.28
UNITE PRIVATE NETWORKS, services	\$3,850.00
UNITED DISTRIBUTORS INC, services	\$76.19
UNITED RENT-ALL, services	\$314.66
V & V MANUFACTURING INC, supplies	\$114.95
WICK'S STERLING TRUCKS INC, maint.	\$47.44

Councilmember Sell made a motion to approve the consent agenda. Seconded by Councilmember Hale. Councilmember Hale reviewed the bills and stated everything was in order. Councilmembers voting aye: Frederick, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: Ronan. Motion carried.

REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

Human Resources Director Czarnick introduced new HR Generalist Katie Spencer.

Recreation Director Stopak reported that the basketball backboard winch project is complete. The tree lighting and soup supper will be held on November 26. He also showed a video on a new exercise class for mothers.

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Director of Public Works Soucie introduced Travis Bland, a new full-time employee in the Street Department. Mr. Soucie reported that the City earned \$67,000 for the surplus equipment sold in the Big Iron auction.

Deputy Director of Public Works Calentine thanked Apple Roofing for donating time, labor, and materials to replace the roof on the pool shelter.

PRESENTATION – COMMUNITY INTEREST & OPINION SURVEY

Ryan Murray with ETC Institute reported on the results of the Community Interest and Opinion Survey.

B. APPLICATION FOR COMPREHENSIVE PLAN AMENDMENT - FUTURE LAND USE MAP AND ZONING MAP AMENDMENT (REZONING) – LOT 37 BROOK VALLEY II BUSINESS PARK (SE OF 120TH & GILES ROAD)

1. PUBLIC HEARING

At 7:42 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the proposed amendment to the Future Land Use Map. A representative for the developers gave an overview of the proposed project.

At 7:49 p.m. Councilmember Hale made a motion to close the public hearing. Seconded by Councilmember Thomas. Councilmembers voting aye: Frederick, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: Ronan. Motion carried.

2. RESOLUTION

Councilmember Crawford introduced and moved for the adoption of Resolution No. 18-156 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, IN SUPPORT OF AMENDING THE FUTURE LAND USE MAP PORTION OF THE COMPREHENSIVE PLAN.

WHEREAS, the Future Land Use map contains an area of approximately 6.45 acres located south of Giles Road and east of 120th Street designated as "Commercial"; and

WHEREAS, the Planning Commission has recommended approval of a request to amend the Future Land Use Map of the Comprehensive Plan for approximately 6.45 acres from "Commercial" to "Industrial" land uses; and

WHEREAS, the requested amendment is compatible with the surrounding land uses; and

WHEREAS, an amendment to the Future Land Use Map is appropriate and consistent with the land use policies of the Comprehensive Plan;

NOW THEREFORE, BE IT RESOLVED that the Mayor and City Council of the City of La Vista, Nebraska, hereby directs the City Administrator to prepare the necessary amendment to the Future Land Use Map of the Comprehensive Plan south of Giles Road and east of 120th Street for approximately 6.45 acres from "Commercial" to "Industrial" land uses as identified in the attached Exhibit A.

Seconded by Councilmember Quick. Councilmembers voting aye: Frederick, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: Ronan. Motion carried.

3. PUBLIC HEARING

At 7:50 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the proposed amendment to the Official Zoning Map of the City.

At 7:50 p.m. Councilmember Hale made a motion to close the public hearing. Seconded by Councilmember Crawford. Councilmembers voting aye: Frederick, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: Ronan. Motion carried.

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4. ORDINANCE

Councilmember Quick introduced Ordinance No. 1333 entitled: AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

Councilmember Sheehan moved that the statutory rule requiring reading on three different days be suspended. Councilmember Frederick seconded the motion to suspend the rules and roll call vote on the motion. Councilmembers voting aye: Frederick, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: Ronan. Motion carried. The motion to suspend the rules was adopted and the statutory rule was declared suspended for consideration of said ordinance.

Said ordinance was then read by title and thereafter Councilmember Sheehan moved for final passage of the ordinance which motion was seconded by Councilmember Hale. The Mayor then stated the question, "Shall Ordinance No. 1333 be passed and adopted?" Upon roll call vote the following Councilmembers voted aye: Frederick, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: Ronan. The passage and adoption of said ordinance having been concurred on by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor, in the presence of the Council, signed and approved the ordinance and the City Clerk attested the passage/approval of the same and affixed her signature thereto.

C. ZONING TEXT AMENDMENTS - FLAGS

1. PUBLIC HEARING

At 7:52 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the proposed amendment to the Official Zoning Map of the City.

At 7:52 p.m. Councilmember Hale made a motion to close the public hearing. Seconded by Councilmember Frederick. Councilmembers voting aye: Frederick, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: Ronan. Motion carried.

2. ORDINANCE

Councilmember Sell introduced Ordinance No. 1334 entitled: AN ORDINANCE TO AMEND SECTION 4.15 OF ORDINANCE NO. 848 (ZONING ORDINANCE); TO REPEAL SECTION 4.15 OF ORDINANCE NO. 848 AS PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

Councilmember Quick moved that the statutory rule requiring reading on three different days be suspended. Councilmember Frederick seconded the motion to suspend the rules and roll call vote on the motion. Councilmembers voting aye: Frederick, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: Ronan. Motion carried. The motion to suspend the rules was adopted and the statutory rule was declared suspended for consideration of said ordinance.

Said ordinance was then read by title and thereafter Councilmember Frederick moved for final passage of the ordinance which motion was seconded by Councilmember Sell. The Mayor then stated the question, "Shall Ordinance No. 1334 be passed and adopted?" Upon roll call vote the following Councilmembers voted aye: Frederick, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: Ronan. The passage and adoption of said ordinance having been concurred on by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor, in the presence of the Council, signed and approved the ordinance and the City Clerk attested the passage/approval of the same and affixed her signature thereto.

D. APPROVAL OF THE APPLICATION FOR A CLASS CK LIQUOR LICENSE - JDHG HOTELS LLC DBA COURTYARD MARRIOTT

1. PUBLIC HEARING

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At 7:53 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the Class CK Liquor License.

At 7:54 p.m. Councilmember Hale made a motion to close the public hearing. Seconded by Councilmember Frederick. Councilmembers voting aye: Frederick, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: Ronan. Motion carried.

2. RESOLUTION

Councilmember Thomas introduced and moved for the adoption of Resolution No.18-157 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA RECOMMENDING TO THE NEBRASKA LIQUOR CONTROL COMMISSION, APPROVAL OF THE CLASS CK LIQUOR LICENSE APPLICATION OF JDHQ HOTELS LLC DBA COURTYARD MARRIOTT, LA VISTA, NEBRASKA.

WHEREAS, JDHQ Hotels LLC. dba Courtyard Marriott, 12560 Westport Parkway, La Vista, Sarpy County, Nebraska, has applied to the Nebraska Liquor Control Commission for a Class CK Liquor License, and

WHEREAS, the Nebraska Liquor Control Commission has notified the City of said application, and

WHEREAS, the City has adopted local licensing standards to be considered in making recommendations to the Nebraska Liquor Control Commission, and

WHEREAS, said licensing standards have been considered by the City Council in making its decision.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, hereby recommend to the Nebraska Liquor Control Commission approval of the Class CK Liquor License application submitted by JDHQ Hotels LLC dba Courtyard Marriott dba Courtyard Marriott, 12560 Westport Parkway, La Vista, NE.

Seconded by Councilmember Frederick. Councilmembers voting aye: Frederick, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: Ronan. Motion carried.

E. APPROVAL OF THE APPLICATION FOR A CLASS D LIQUOR LICENSE – CASEY'S RETAIL COMPANY DBA CASEY'S GENERAL STORE #2454

1. PUBLIC HEARING

At 7:55 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the Class D Liquor License.

At 7:55 p.m. Councilmember Hale made a motion to close the public hearing. Seconded by Councilmember Crawford. Councilmembers voting aye: Frederick, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: Ronan. Motion carried.

2. RESOLUTION

Councilmember Sell introduced and moved for the adoption of Resolution No.18-158 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA RECOMMENDING TO THE NEBRASKA LIQUOR CONTROL COMMISSION, APPROVAL OF THE CLASS D LIQUOR LICENSE APPLICATION OF CASEY'S RETAIL COMPANY DBA CASEY'S GENERAL STORE 2454, LA VISTA, NEBRASKA.

WHEREAS, Casey's Retail Company dba Casey's General Store 2454, 9542 Giles Road, La Vista, Sarpy County, Nebraska, has applied to the Nebraska Liquor Control Commission for a Class D Liquor License, and

WHEREAS, the Nebraska Liquor Control Commission has notified the City of said application, and

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WHEREAS, the City has adopted local licensing standards to be considered in making recommendations to the Nebraska Liquor Control Commission, and

WHEREAS, said licensing standards have been considered by the City Council in making its decision.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, hereby recommend to the Nebraska Liquor Control Commission approval of the Class D Liquor License application submitted by Casey's Retail Company dba Casey's General Store 2454, 9542 Giles Road, La Vista, NE.

Seconded by Councilmember Thomas. Councilmembers voting aye: Frederick, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: Ronan. Motion carried.

F. APPROVAL OF THE APPLICATION FOR A CLASS C LIQUOR LICENSE – RH RESTAURANTS, LLC DBA OZZY'S ROADHOUSE

1. PUBLIC HEARING

At 7:56 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the Class C Liquor License.

At 7:56 p.m. Councilmember Hale made a motion to close the public hearing. Seconded by Councilmember Crawford. Councilmembers voting aye: Frederick, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: Ronan. Motion carried.

2. RESOLUTION

Councilmember Thomas introduced and moved for the adoption of Resolution No.18-159 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA RECOMMENDING TO THE NEBRASKA LIQUOR CONTROL COMMISSION, APPROVAL OF THE CLASS C LIQUOR LICENSE APPLICATION OF RH Restaurants, LLC dba OZZY'S ROADHOUSE, LA VISTA, NEBRASKA.

WHEREAS, RH Restaurants, LLC dba Ozzy's Roadhouse, 12744 Westport Parkway Suite 1A, La Vista, Sarpy County, Nebraska, has applied to the Nebraska Liquor Control Commission for a Class C Liquor License, and

WHEREAS, the Nebraska Liquor Control Commission has notified the City of said application, and

WHEREAS, the City has adopted local licensing standards to be considered in making recommendations to the Nebraska Liquor Control Commission, and

WHEREAS, said licensing standards have been considered by the City Council in making its decision.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, hereby recommend to the Nebraska Liquor Control Commission approval of the Class C Liquor License application submitted by RH Restaurants, LLC dba Ozzy's Roadhouse, 12744 Westport Parkway Suite 1A, La Vista, NE.

Seconded by Councilmember Frederick. Councilmembers voting aye: Frederick, Sheehan, Thomas, Crawford, Quick, and Sell. Nays: None. Abstain: Hale. Absent: Ronan. Motion carried.

G. RESOLUTION – CHANGE ORDER NO. 1 – 84TH STREET REDEVELOPMENT AREA – PUBLIC IMPROVEMENT REDEVELOPMENT PROJECT – 84TH STREET ACCESS IMPROVEMENTS

Councilmember Hale introduced and moved for the adoption of Resolution No.18-160 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING CHANGE ORDER NUMBER 1 TO THE CONTRACT WITH SWAIN CONSTRUCTION, INC., OMAHA, NEBRASKA, TO

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PROVIDE FOR MATERIAL AND LABOR INCREASES DUE TO THE DELAY FOR A PORTION OF THE CONTRACT TO 2019 AND ADDITIONS OF WORK TO THE CONTRACT FOR AN ADDITIONAL AMOUNT NOT TO EXCEED \$10,383.00.

WHEREAS, the City has determined it is necessary to make changes and additions of work to the contract; and

WHEREAS, the FY19/20 Biennial Budget provides funding for the project. The contract price increases from \$529,953.11 to \$540,336.11.

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 change order number 1 to the contract with Swain Construction Inc., Omaha, Nebraska, to provide for material and labor increases due to the delay for a portion of the contract to 2019 and additions of work to the contract for an additional amount not to exceed \$10,383.00.

Seconded by Councilmember Thomas. Councilmembers voting aye: Frederick, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: Ronan. Motion carried.

H. RESOLUTION – REQUEST FOR PROPOSALS – BRANDING & MARKETING

Councilmember Frederick introduced and moved for the adoption of Resolution No.18-161 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSALS FOR BRANDING AND MARKETING SERVICES.

WHEREAS, the City Council of the City of La Vista has determined that branding and marketing services are necessary; and

WHEREAS, the FY19 and FY20 Biennial Budget provides funding for professional services; and

WHEREAS, proposals will be due December 21, 2018 with the approval of selected firm by the City Council on February 5, 2019, subject to the discretion of the City;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize the issuance of a Request for Proposals for Branding and Marketing Services.

Seconded by Councilmember Quick. Councilmembers voting aye: Frederick, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: Ronan. Motion carried.

I. RESOLUTION – PURCHASE OF MEDIUM DUTY TRUCK

Councilmember Sell introduced and moved for the adoption of Resolution No.18-162 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE PURCHASE OF ONE (1) 2019 FORD F-550 MEDIUM DUTY TRUCK FROM ANDERSEN FORD, LINCOLN, NEBRASKA IN AN AMOUNT NOT TO EXCEED \$78,327.00

WHEREAS, the City Council of the City of La Vista has determined that the purchase of one (1) medium duty truck is necessary; and

WHEREAS, the FY 19/20 Biennial Budget provides funding for this 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 one (1) Ford F-550 Medium Duty

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Truck from Andersen Ford, Lincoln, Nebraska in an amount not to exceed \$78,327.00.

Seconded by Councilmember Thomas. There was a question regarding if the truck comes with the box. Deputy Director of Public Works Calentine confirmed that the truck will come outfitted with the box for the purchase amount. Councilmembers voting aye: Frederick, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: Ronan. Motion carried.

Councilmember Crawford motioned to move Comments From the Floor up on the agenda ahead of item J Executive Session. Seconded by Councilmember Frederick. Councilmembers voting aye: Frederick, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: Ronan. Motion carried.

COMMENTS FROM THE FLOOR

There were no comments from the floor.

J. EXECUTIVE SESSION – LITIGATION; PERSONNEL

At 8:03 p.m. Councilmember Crawford made a motion to go into executive session for protection of the public interest for litigation and for the protection of the reputation of an individual to discuss personnel matters. Seconded by Councilmember Thomas. Councilmembers voting aye: Frederick, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: Ronan. Motion carried. Mayor Kindig stated the executive session would be limited to the subject matter contained in the motion.

At 8:24 p.m. the Council came out of executive session. Councilmember Crawford made a motion to reconvene in open and public session. Seconded by Councilmember Thomas. Councilmembers voting aye: Frederick, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: Ronan. Motion carried.

COMMENTS FROM MAYOR AND COUNCIL

Councilmember Quick commented that, at the next meeting, she will report on what she learned at the National League of Cities Annual Conference and that Council will take a picture by Dino at the next meeting.

Mayor Kindig wished everyone a happy Thanksgiving and reminded everyone that Santa will be traveling about the City on Sunday, November 25, 2018.

At 8:27 p.m. Councilmember Crawford made a motion to adjourn the meeting. Seconded by Councilmember Thomas. Councilmembers voting aye: Frederick, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: Ronan. Motion carried.

PASSED AND APPROVED THIS 4TH DAY OF DECEMBER, 2018.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

A-3

Invoice

601 P St Suite 200
PO Box 84608
Lincoln, NE 68501-4608
Tel 402.474.6311, Fax 402.474.5063

olsson

O.K. to pay
efMK 11-16-2018
16.71.0909.503

City of La Vista NE
8116 Park View Blvd
La Vista, NE 68128-2198

November 15, 2018
Invoice No: 315578

Invoice Total \$40,877.90

Olsson Project # B16-0546 La Vista NE City Centre Phase 1 Public Infrastructure
Professional services rendered October 7, 2018 through November 3, 2018 for work completed in accordance with
agreement dated October 7, 2016 and Amendment #1 dated July 7, 2017, Amendment #2 dated July 21, 2017,
Amendment #3 dated November 21, 2017, and Amendment #4 dated May 17, 2018.

NTP: 12.06.16
City of La Vista Project No. CD-17-008

Phase 200 Phase 1 Infrastructure Design Including Amendments 2 & 3

Labor

	Hours	Rate	Amount
Principal			
Underwood, James	2.50	176.00	440.00
Totals	2.50		440.00
Total Labor			440.00
		Total this Phase	\$440.00

Phase 300 Project Management Including Amendments 2 & 3

Labor

	Hours	Rate	Amount
Principal			
Egelhoff, Anthony	4.25	176.00	748.00 ✓
Assistant Professional			
Niewohner, Philip	2.00	88.00	176.00 ✓
Administrative/Clerical			
Doty, Jennifer	.25	73.00	18.25 ✓
Totals	6.50		942.25
Total Labor			942.25
		Total this Phase	\$942.25

INVOICE PAYMENT IS REQUESTED WITHIN 30 DAYS

Consent Agenda 12/4/18 (res)

Project	B16-0546	La Vista NE City Centre Phase 1 Public	Invoice	315578
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Phase 400 Construction Services (Including Amendment 3)

Labor

	Hours	Rate	Amount
Technician			
Belling, James	37.75	60.00	2,265.00
Crawford, Allison	3.50	60.00	210.00
Fong, Gabriel	11.00	60.00	660.00 ✓
Royer, Gene	4.00	60.00	240.00 ✓
Schultz, Thomas	3.00	60.00	180.00 ✓
Snyder, Sue	7.50	60.00	450.00 ✓
Wright, Jeremy	16.50	60.00	990.00 ✓
Project Manager			
Carey, Douglas	5.50	115.00	632.50 ✓
Assistant Engineer			
Turek, Zachary	110.50	80.00	8,840.00 ✓
Associate Surveyor			
Hanna, Daniel	4.75	110.00	522.50
Peterson, Drew	7.50	110.00	825.00
Rokusek, Zachary	3.00	110.00	330.00
2-Man Survey Crew			
Bang, Joshua	7.00	150.00	1,050.00
Team/Technical Leader			
Egelhoff, Anthony	9.00	176.00	1,584.00 ✓
Construction Services Senior Technician			
Markham, Matthew	47.00	80.00	3,760.00 ✓
Administrative			
Zablocki, Stacy	10.50	73.00	766.50
Team Leader			
Rothanzl, Terrence	1.00	112.00	112.00 ✓
Totals	289.00		23,417.50
Total Labor			23,417.50 ✓

Unit Billing

Compressive Strength - Concrete

10/11/2018	5 Tests @ \$15/Test	75.00
10/13/2018	4 Tests @ \$15/Test	60.00
10/13/2018	5 Tests @ \$15/Test	75.00
10/15/2018	4 Tests @ \$15/Test	60.00
10/16/2018	4 Tests @ \$15/Test	60.00
10/16/2018	5 Tests @ \$15/Test	75.00
10/17/2018	4 Tests @ \$15/Test	60.00
10/18/2018	4 Tests @ \$15/Test	60.00
10/20/2018	4 Tests @ \$15/Test	60.00
10/29/2018	5 Tests @ \$15/Test	75.00

INVOICE PAYMENT IS REQUESTED WITHIN 30 DAYS

Project	B16-0546	La Vista NE City Centre Phase 1 Public	Invoice	315578
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Standard Proctor				
1 Test @ \$150/Test			150.00	
Standard Proctor - Aggregate				
2 Tests @ \$225/Test			450.00	
Total Units			1,260.00	1,260.00
			Total this Phase	\$24,677.50

Phase	401	Construction Services 1B (Incl Amendment 3)
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			Total this Phase	0.00
Phase	402	SWPPP Inspections		
Fee				
Number of Mo Insp Fees		1.00		
Fee Each		800.00		
Subtotal		800.00		
		Subtotal		800.00
			Total this Phase	\$800.00

Phase	900	Expenses
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Reimbursable Expenses

Personal Vehicle Mileage		27.27
Total Reimbursables		27.27

Unit Billing

Field Vehicle	333.0 Miles @ 0.75	249.75
Field Vehicle	25.0 Miles @ 0.75	18.75
Field Vehicle	24.0 Miles @ 0.75	18.00
Field Vehicle	22.0 Miles @ 0.75	16.50
Field Vehicle	43.0 Miles @ 0.75	32.25
Field Vehicle	35.0 Miles @ 0.75	26.25
Field Vehicle	39.0 Miles @ 0.75	29.25
Field Vehicle	13.0 Miles @ 0.75	9.75
Field Vehicle	31.0 Miles @ 0.75	23.25
Survey Supplies		63.78
Total Units		487.53
		Total this Phase
		\$514.80

Phase	910	Amendment 1 Pavement Rehabilitation Topo Survey
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INVOICE PAYMENT IS REQUESTED WITHIN 30 DAYS

Project	B16-0546	La Vista NE City Centre Phase 1 Public	Invoice	315578
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Total this Phase **0.00**

Phase 911 Amendment 1 Pavement Rehabilitation Pavement Roadway Design

Labor

	Hours	Rate	Amount
Assistant Engineer Luchtel, Michael	11.50	80.00	920.00
Team/Technical Leader Egelhoff, Anthony	6.75	176.00	1,188.00
Student Technician - Level 1 Casper, Blake	1.50	52.00	78.00
Totals	19.75		2,186.00
Total Labor			2,186.00

Total this Phase **\$2,186.00** ✓

Phase 912 Amendment 1 Pavement Rehabilitation Bidding Documents & Process

Total this Phase **0.00**

Phase 913 Amendment 1 Pavement Rehabilitation Project Management

Labor

	Hours	Rate	Amount
Principal Egelhoff, Anthony	1.25	176.00	220.00
Totals	1.25		220.00
Total Labor			220.00

Total this Phase **\$220.00** ✓

Phase 915 Amendment 1 Pavement Rehabilitation Expenses

Total this Phase **0.00**

Phase 920 Amendment 1 Access Improvements Topographic Survey

INVOICE PAYMENT IS REQUESTED WITHIN 30 DAYS

Total this Phase **0.00**

Phase 921 Amendment 1 Access Improvements Design

Total this Phase **0.00**

Phase 922 Amendment 1 Access Improvements Bidding Documents & Processing

Total this Phase **0.00**

Phase 923 Amendment 1 Access Improvements Project Management

Labor

	Hours	Rate	Amount
Principal			
Rolling, Christopher	.50	176.00	88.00
Totals	.50		88.00
Total Labor			88.00
		Total this Phase	\$88.00

Phase 925 Amendment #1 Access Improvements Expenses

Unit Billing

Field Vehicle	167.0 Miles @ 0.75	125.25
Field Vehicle	65.0 Miles @ 0.75	48.75
Field Vehicle	25.0 Miles @ 0.75	18.75
Survey Supplies		156.60
Total Units		349.35
	Total this Phase	\$349.35

Phase 930 Amendment #4 84th Street Pavement & Sewers

INVOICE PAYMENT IS REQUESTED WITHIN 30 DAYS

Project	B16-0546	La Vista NE City Centre Phase 1 Public	Invoice	315578
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Labor

		Hours	Rate	Amount
Assistant Engineer				
Luchtel, Michael		2.25	80.00	180.00
Turek, Zachary		58.50	80.00	4,680.00
Associate Surveyor				
Hanna, Daniel		13.25	110.00	1,457.50
2-Man Survey Crew				
Bang, Joshua		14.00	150.00	2,100.00
Rokusek, Zachary		8.00	150.00	1,200.00
Team/Technical Leader				
Egelhoff, Anthony		4.25	176.00	748.00
Administrative				
Chambers, Veronica		.50	73.00	36.50
Zablocki, Stacy		2.00	73.00	146.00
Team Leader				
Rothenz, Terrence		1.00	112.00	112.00
Totals		103.75		10,660.00
Total Labor				10,660.00
			Total this Phase	\$10,660.00

Billing Limits

	Current	Prior	To-Date
Total Billings	40,877.90	734,229.51	775,107.41
Limit			853,126.50
Balance Remaining			78,019.09

AMOUNT DUE THIS INVOICE **\$40,877.90**

Email Invoices to: jkottmann@cityoflavista.org

Authorized By: Anthony Egelhoff

INVOICE PAYMENT IS REQUESTED WITHIN 30 DAYS

A-4



PLANNING & DESIGN

October 31, 2018

 Project No: R3001.477.01
 Invoice No: 44791

Ann Birch
 Community Development Director
 City of La Vista
 8116 Parkview Blvd
 La Vista, NE 68128

Project R3001.477.01 LaVista, City of - Civic Center Park PH1

Professional Services through October 31, 2018

Fee

Billing Phase	Fee	Billed %	Earned	Prior Fee	Current Fee
Schematic Design	14,400.00	100.00	14,400.00	14,400.00	0.00
Design Development	20,900.00	100.00	20,900.00	20,900.00	0.00
Construction Documents	22,600.00	100.00	22,600.00	22,600.00	0.00
Bidding/Negotiation	5,000.00	100.00	5,000.00	5,000.00	0.00
Contract Administration	20,900.00	60.00	12,540.00	5,225.00	7,315.00
Post-Occupancy	600.00	0.00	0.00	0.00	0.00
Total Fee	84,400.00		75,440.00	68,125.00	7,315.00
			Total Fee		7,315.00

Reimbursable Expenses

Printing	102.82
Total Reimbursables	102.82
	102.82

Total this Invoice **\$7,417.82**

Outstanding Invoices

Number	Date	Balance
44621	9/30/2018	3,332.82
Total		3,332.82

O.K. to pay

FMK 11-16-2018

16.71.0942.003

Consent Agenda 12/4/18 (re)



Invoice

olsson

601 P St Suite 200
 PO Box 84608
 Lincoln, NE 68501-4608
 Tel 402.474.6311, Fax 402.474.5063

October 15, 2018
 Invoice No: 313367

John Kottmann
 City Engineer/Assistant Public Works Director
 City of La Vista NE
 La Vista Community Development Agency
 9900 Portal Rd
 La Vista, NE 68128

Invoice Total **\$1,391.00**

O. K. to Pay
 MK 11-21-2018
 16.71.0907.003

Olsson Project # A16-0546 City of LaVista 84th Street Redevelopment Site Preparation
 Professional services rendered September 9, 2018 through October 6, 2018 for work completed in accordance with
 agreement dated June 21, 2016 and Amendment #1 dated October 27, 2017.

Phase 100 Survey Verification

Billing Limits		Current	Prior	To-Date
Total Billings	Limit	0.00	5,000.00	5,000.00
				5,000.00
			Total this Phase	0.00

Phase 110 Survey (Post Construction Verification)

Billing Limits		Current	Prior	To-Date
Total Billings	Limit	0.00	17,500.00	17,500.00
				17,500.00
			Total this Phase	0.00

Phase 200 Utility & Tenant Coordination

Billing Limits		Current	Prior	To-Date
Total Billings	Limit	0.00	15,000.00	15,000.00
				15,000.00
			Total this Phase	0.00

Phase 210 Preliminary Construction Documents

INVOICE PAYMENT IS REQUESTED WITHIN 30 DAYS

Consent Agenda 12/4/18 (ew)

Project	A16-0546	LaVista 84th St Site Preparation	Invoice	313367
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Billing Limits	Current	Prior	To-Date
Total Billings	0.00	13,168.25	13,168.25
Limit		15,000.00	
Balance Remaining		1,831.75	
Total this Phase			0.00

Phase	220	Final Construction Documents
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Billing Limits	Current	Prior	To-Date
Total Billings	0.00	30,000.00	30,000.00
Limit		30,000.00	
Total this Phase			0.00

Phase	300	Project Management
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Labor	Hours	Rate	Amount
Principal			
Egelhoff, Anthony	.50	157.00	78.50
Assistant Professional			
Niewohner, Philip	6.75	88.00	594.00
Administrative/Clerical			
Zablocki, Stacy	.50	73.00	36.50
Totals	7.75		709.00
Total Labor			709.00

Billing Limits	Current	Prior	To-Date
Total Billings	709.00	25,552.75	26,261.75
Limit		30,000.00	
Balance Remaining		3,738.25	
Total this Phase			\$709.00

Phase	400	On-Site Construction Administration
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Billing Limits	Current	Prior	To-Date
Total Billings	0.00	28,500.00	28,500.00
Limit		28,500.00	

INVOICE PAYMENT IS REQUESTED WITHIN 30 DAYS

Project	A16-0546	LaVista 84th St Site Preparation	Invoice	313367
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Total this Phase **0.00**

Phase 410 SWPPP Inspections

Billing Limits	Current	Prior	To-Date
Total Billings	0.00	5,250.00	5,250.00
Limit		8,000.00	
Balance Remaining		2,750.00	

Total this Phase **0.00**

Phase 420 On-Site Construction Observation

Labor

	Hours	Rate	Amount
Assistant Engineer	7.75	88.00	682.00
Totals	7.75		682.00
Total Labor			682.00

Billing Limits	Current	Prior	To-Date
Total Billings	682.00	40,957.75	41,639.75
Limit		45,000.00	
Balance Remaining		3,360.25	

Total this Phase **\$682.00** ✓

Phase 430 Special Inspections / Testing

Billing Limits	Current	Prior	To-Date
Total Billings	0.00	8,000.00	8,000.00
Limit		8,000.00	

Total this Phase **0.00**

Phase 900 Expenses

Billing Limits	Current	Prior	To-Date
Total Billings	0.00	6,078.74	6,078.74
Limit		10,000.00	
Balance Remaining		3,921.26	

INVOICE PAYMENT IS REQUESTED WITHIN 30 DAYS

Project	A16-0546	LaVista 84th St Site Preparation	Invoice	313367
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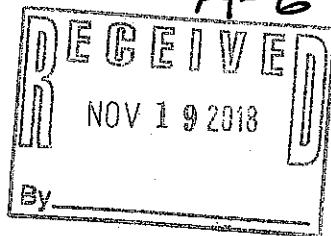
Total this Phase **0.00**

AMOUNT DUE THIS INVOICE **\$1,391.00**

Email Invoices to: ikottmann@cityoflavista.org

Authorized By: Eric Galley

INVOICE PAYMENT IS REQUESTED WITHIN 30 DAYS

Invoice

601 P St Suite 200
PO Box 84608
Lincoln, NE 68501-4608
Tel 402.474.6311, Fax 402.474.5063

City of La Vista NE
8116 Park View Blvd
La Vista, NE 68128-2198

olsson

O.K to pay

AMK 11-21-2018

15.71.0911.003

November 09, 2018

Invoice No: 315568

Invoice Total \$2,723.75

Olsson Project # 018-1994

La Vista City Centre Lot 17 Parking Garage NE

Professional services rendered through November 3, 2018 for work completed in accordance with Agreement dated April 30, 2018.

Phase 200 Soils

Labor

	Hours	Rate	Amount
Technician	7.00	60.00	420.00
Totals	7.00		420.00
Total Labor			420.00

Unit Billing

Field Vehicle	9.0 Miles @ 0.75	6.75
Field Vehicle	10.0 Miles @ 0.75	7.50
Field Vehicle	17.0 Miles @ 0.75	12.75
Total Units	27.00	27.00

Billing Limits

	Current	Prior	To-Date
Total Billings	447.00	2,414.51	2,861.51
Limit			2,865.00
Balance Remaining			3.49
Total this Phase			\$447.00

Phase 300 Concrete

Credit shown for Concrete tests that were double-billed

Doubled Tests credit issued for: 8/10 - 8/27

Credited to these days Tests: 10/11 - 10/23

Consent Agenda 12/4/18 (w)
INVOICE PAYMENT IS REQUESTED WITHIN 30 DAYS

Project	018-1994	La Vista City Centre Lot 17 Parking Gara	Invoice	315568
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Labor

	Hours	Rate	Amount
Technician	14.50	60.00	870.00
Totals	14.50		870.00
Total Labor			870.00

Unit Billing

Field Vehicle	9.0 Miles @ 0.75	6.75
Field Vehicle	38.0 Miles @ 0.75	28.50
Field Vehicle	6.0 Miles @ 0.75	4.50
Field Vehicle	31.0 Miles @ 0.75	23.25

Compressive Strength - Concrete

8/10/2018	6 Tests @ \$15/Test	-90.00
8/14/2018	6 Tests @ \$15/Test	-90.00
8/17/2018	6 Tests @ \$15/Test	-90.00
8/22/2018	6 Tests @ \$15/Test	-90.00
8/23/2018	6 Tests @ \$15/Test	-90.00
8/24/2018	6 Tests @ \$15/Test	-90.00
8/27/2018	6 Tests @ \$15/Test	-90.00
10/11/2018	6 Tests @ \$15/Test	90.00
10/15/2018	6 Tests @ \$15/Test	90.00
10/16/2018	6 Tests @ \$15/Test	90.00
10/18/2018	6 Tests @ \$15/Test	90.00
10/20/2018	6 Tests @ \$15/Test	90.00
10/22/2018	6 Tests @ \$15/Test	90.00
10/23/2018	6 Tests @ \$15/Test	90.00
10/25/2018	6 Tests @ \$15/Test	90.00
10/27/2018	6 Tests @ \$15/Test	90.00
10/27/2018	6 Tests @ \$15/Test	90.00
Total Units		333.00
		333.00

Billing Limits

	Current	Prior	To-Date
Total Billings	1,203.00	7,572.75	8,775.75
Limit			8,780.00
Balance Remaining			4.25
Total this Phase			\$1,203.00

Phase 600 Paving

Labor

	Hours	Rate	Amount
Geotechnical Engineer	2.00	120.00	240.00
Totals	2.00		240.00
Total Labor			240.00

INVOICE PAYMENT IS REQUESTED WITHIN 30 DAYS

Project	018-1994	La Vista City Centre Lot 17 Parking Gara	Invoice	315568
---------	----------	--	---------	--------

Billing Limits	Current	Prior	To-Date
Total Billings	240.00	0.00	240.00
Limit			1,351.00
Balance Remaining			1,111.00
		Total this Phase	\$240.00

Phase 700 Reporting/Project Management

Labor

	Hours	Rate	Amount
Project Manager	7.25	115.00	833.75
Totals	7.25		833.75
Total Labor			833.75

Billing Limits	Current	Prior	To-Date
Total Billings	833.75	1,704.50	2,538.25
Limit			9,470.00
Balance Remaining			6,931.75
		Total this Phase	\$833.75
		AMOUNT DUE THIS INVOICE	\$2,723.75

Authorized By: Matthew Markham



Thompson, Dreessen & Dorner, Inc.
Consulting Engineers & Land Surveyors

INVOICE

Please remit to:
TD2 Nebraska Office
10836 Old Mill Road; Omaha, NE 68154
Office: 402/330-8860 Fax: 402/330-5866

TD2 South Dakota Office
5000 S. Minnesota Ave., Ste. 300; Sioux Falls, SD 57108
Office: 605/951-0686

CITY OF LA VISTA
JOHN KOTTMANN
9900 PORTAL ROAD
LA VISTA, NE 68128

Invoice number 128565
Date 10/24/2018
Project 0171-400 CITY OF LA VISTA -
MISCELLANEOUS SERVICES 2012-
CURRENT, CIVIL

Professional Services from September 5, 2018 through October 07, 2018

P.O. #18-0080

O.K. to pay
BJK 11-21-2018
02.42.0314

Current
Billed

Description		
Civil Engineering Services		200.00
<i>Research as-built drawings and find archives per City's request.</i>		
<u>Sewer plans for Portal Road</u>	Total	200.00

Invoice total 200.00

Aging Summary

Invoice Number	Invoice Date	Outstanding	Current	Over 30	Over 60	Over 90	Over 120
128565	10/24/2018	200.00	200.00				
	Total	200.00	200.00	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. Invoices not paid within 90 days of the invoice date will be subject to possible lien filings.

Consent Agenda 12/4/18 12

Invoice

listen.DESIGN.deliver

6457 Frances Street, Suite 200

Omaha, NE 68106

402-393-4100 Fax 402-393-8747

John Kottmann, PE
 Director Public Works
 City of La Vista
 Email Inv: jkottmann@cityoflavista.org
 9900 Portal Road
 La Vista, NE 68128

November 9, 2018

Project No: 10-17105-01
 Invoice No: 0155157

Project 10-17105-01 La Vista City Centre Parking Fac CA

Billing Period: October 1, 2018 to October 31, 2018

Fee

Total Fee	34,000.00		
Percent Complete	90.00	Total Earned	30,600.00
		Previous Fee Billing	27,200.00
		Current Fee Billing	3,400.00
		Total Fee	3,400.00

Consultants

AGA Consulting, Inc.	4,120.00
Total Consultants	4,120.00
	4,120.00
	\$7,520.00 ←

Outstanding Invoices

Number	Date	Balance
0154115	10/10/2018	3,075.00
Total		3,075.00

OK 11-21-2018

15.71.09 11.003

Billings to Date

	Current	Prior	Total
Fee	3,400.00	27,200.00	30,600.00
Consultant	4,120.00	19,997.50	24,117.50
Expense	0.00	169.08	169.08
Totals	7,520.00	47,366.58	54,886.58

We appreciate your confidence in us and thank you in advance for your payment.
 Being environmentally friendly, we encourage payments via Wire Transfer.
 Routing number: 121000248 Account Number: 4945435436

Matthew Gulsvig, AIA, LEED AP

Payment due and interest charged per contract terms. Remit to address at the top of this invoice.

Consent Agenda 12/4/18 (2)

A-10

Yano's Nursery
5240 S 192nd St
Omaha, NE 68135-2000
(402) 895-1535
nick@yanosnursery.com
http://yanosnursery.com

Invoice



BILL TO
City of La Vista
9900 Portal Rd.
La Vista, NE 68128

INVOICE #	DATE	TOTAL DUE	INVOICE DATE	TERMS	ENCL OSED
7041	09/28/2018	\$5,000.00	09/28/2018	Due on receipt	

PROJECT NAME
Thompson Creek Maintenance

ATTN
John Kottman

ACTIVITY	QTY	RATE	AMOUNT
Labor: Clean Up Mowing and Trimming Down Weeds & Native Grass & Installing Willow Stakes when Dormant (#2 of 2 for year 2)	1	5,000.00	5,000.00T
SUBTOTAL			5,000.00
TAX (0%)			0.00
TOTAL			5,000.00
BALANCE DUE			\$5,000.00

O.K. to pay

DMK 11-26-2018

oz. 43.0401

Consent Agenda 12/4/18 (Re)

A-8

Invoice

601 P St Suite 200
PO Box 84608
Lincoln, NE 68501-4608
Tel 402.474.6311, Fax 402.474.5063

John Kottmann
City Engineer/Assistant Public Works Director
City of La Vista NE
La Vista Community Development Agency
9900 Portal Rd
La Vista, NE 68128

November 21, 2018
Invoice No: 316990

Invoice Total \$298.50

- 1 -

Invoice Total \$298.50
O.K. to pay
FMK 11-21-2018
16.71.0907.003

Phase 100 Survey Verification

Billing Limits	Current	Prior	To-Date
Total Billings	0.00	5,000.00	5,000.00
Limit			5,000.00
		Total this Phase	0.00

Phase 110 Survey (Post Construction Verification)

Billing Limits	Current	Prior	To-Date
Total Billings	0.00	17,500.00	17,500.00
Limit			17,500.00
Total this Phase			0.00

Phase 200 Utility & Tenant Coordination

Labor

	Hours	Rate	Amount
Assistant Professional			
Flaxbeard, John	1.25	88.00	110.00
Totals	1.25		110.00
Total Labor			110.00

INVOICE PAYMENT IS REQUESTED WITHIN 30 DAYS

Consent Agenda 12/4/18 (w)

Project	A16-0546	LaVista 84th St Site Preparation			Invoice	316990
Billing Limits		Current	Prior	To-Date		
Total Billings		110.00	15,000.00	15,110.00		
Limit				15,000.00		
Over Limit Adjustment					-110.00	
			Total this Phase			0.00
Phase	210	Preliminary Construction Documents				
Billing Limits		Current	Prior	To-Date		
Total Billings		0.00	13,168.25	13,168.25		
Limit				15,000.00		
Balance Remaining				1,831.75		
			Total this Phase			0.00
Phase	220	Final Construction Documents				
Billing Limits		Current	Prior	To-Date		
Total Billings		0.00	30,000.00	30,000.00		
Limit				30,000.00		
			Total this Phase			0.00
Phase	300	Project Management				
Labor		Hours	Rate	Amount		
Principal						
Egelhoff, Anthony		.50	157.00	78.50		
Totals		.50		78.50		
Total Labor						78.50
Billing Limits		Current	Prior	To-Date		
Total Billings		78.50	26,261.75	26,340.25		
Limit				30,000.00		
Balance Remaining				3,659.75		
			Total this Phase			\$78.50
Phase	400	On-Site Construction Administration				

INVOICE PAYMENT IS REQUESTED WITHIN 30 DAYS

Project	A16-0546	LaVista 84th St Site Preparation			Invoice	316990
Billing Limits		Current	Prior	To-Date		
Total Billings		0.00	28,500.00	28,500.00		
Limit				28,500.00		
			Total this Phase	0.00		
Phase	410	SWPPP Inspections				
Billing Limits		Current	Prior	To-Date		
Total Billings		0.00	5,250.00	5,250.00		
Limit				8,000.00		
Balance Remaining				2,750.00		
			Total this Phase	0.00		
Phase	420	On-Site Construction Observation				
Labor						
		Hours	Rate	Amount		
Assistant Engineer		2.50	88.00	220.00		
Totals		2.50		220.00		
Total Labor				220.00		
Billing Limits		Current	Prior	To-Date		
Total Billings		220.00	41,639.75	41,859.75		
Limit				45,000.00		
Balance Remaining				3,140.25		
			Total this Phase	\$220.00		
Phase	430	Special Inspections / Testing				
Billing Limits		Current	Prior	To-Date		
Total Billings		0.00	8,000.00	8,000.00		
Limit				8,000.00		
			Total this Phase	0.00		
Phase	900	Expenses				

INVOICE PAYMENT IS REQUESTED WITHIN 30 DAYS

Project	A16-0546	LaVista 84th St Site Preparation	Invoice	316990
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Billing Limits	Current	Prior	To-Date	
Total Billings	0.00	6,078.74	6,078.74	
Limit			10,000.00	
Balance Remaining			3,921.26	
Total this Phase				0.00

AMOUNT DUE THIS INVOICE \$298.50

Outstanding Invoices

Number	Date	Balance
313367	10/15/2018	1,391.00
Total		1,391.00

Email Invoices to: ikottmann@cityoflavista.org

Authorized By: Eric Galley

INVOICE PAYMENT IS REQUESTED WITHIN 30 DAYS

APPLICATION AND CERTIFICATION FOR PAYMENT

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

FROM Blade Masters Grounds Maint, Inc. VIA ARCHITECT: RDG Planning & Design
CONTRACTOR: P.O. Box 167
Blomington, NE 68007

PROJECT: LaVista Civic Center Phase 2 APPLICATION NO

AIA DOCUMENT G702

PAGE ONE OF

PAGES

3

Distribution to:
OWNER
ARCHITECT
CONTRACTOR

PERIOD TO: 11/25/2018

PROJECT NOS: 3001.477.01

CONTRACT DATE 7/18/2018

CONTRACT FOR:

CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for payment, as shown below, in connection with the Contract.
Continuation Sheet, AIA Document G703, is attached.

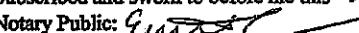
1. ORIGINAL CONTRACT SUM	RDG Note	\$ 1,744,777.34
2. Net change by Change Orders		\$ 15,000.00 \$ 15,300.00
3. CONTRACT SUM TO DATE (Line 1 ± 2)		\$ 1,759,777.34 \$ 1,758,077.34
4. TOTAL COMPLETED & STORED TO DATE (Column G on G703)		\$ 863,483.14
5. RETAINAGE:		
a. -10 % of Completed Work (Column D + E on G703)	\$	(\$86,348.00)
b. % of Stored Material (Column F on G703)	\$	
Total Retainage (Lines 5a + 5b or Total in Column I of G703)		\$ (86,348.00)
6. TOTAL EARNED LESS RETAINAGE (Line 4 Less Line 5 Total)		\$ 777,135.14
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT (Line 6 from prior Certificate)		\$ 438,395
8. CURRENT PAYMENT DUE		\$ 338,740.45
9. BALANCE TO FINISH, INCLUDING RETAINAGE (Line 3 less Line 6)	RDG Note	\$ 982,642.20 \$ 980,942.20

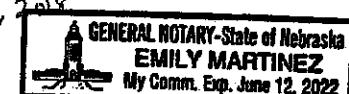
The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

CONTRACTOR: Blade Masters Grounds Maintenance, Inc.

By:

 Date: 11-26-18

State of: Nebraska County of: Douglas
Subscribed and sworn to before me this 26th day of November, 2018
Notary Public: 
My Commission expires: 06-12-2022



ARCHITECT'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising the application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED \$ 338,740.45

(Attach explanation if amount certified differs from the amount applied. Initial all figures on this Application and on the Continuation Sheet that are changed to conform with the amount certified.)

ARCHITECT:

By:  Date: 11/26/2018

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

Consent Agenda 12/4/18 (re)

11-1

CONTINUATION SHEET

AIA DOCUMENT G703

PAGE OF PAGES

AIA Document G702, APPLICATION AND CERTIFICATION FOR PAYMENT, containing
 Contractor's signed certification is attached.
 In tabulations below, amounts are stated to the nearest dollar.
 Use Column I on Contracts where variable retainage for line items may apply.

APPLICATION NO: 3
 APPLICATION DATE: 11/25/2018
 PERIOD TO:
 ARCHITECT'S PROJECT NO:

ITEM NO.	DESCRIPTION OF WORK	SCHEDULED VALUE	WORK COMPLETED		MATERIALS PRESENTLY STORED (NOT IN D OR E)	TOTAL COMPLETED AND STORED (G + C)	% (G + C)	BALANCE TO FINISH (C - G)	RETAINAGE
			FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD					
1	Mobilization, Bonding, Insurance	\$174,000.00	\$174,000.00	\$0.00	\$0.00	\$174,000.00	100%	\$0.00	
2	Demolition and Removals	\$26,860.00	\$26,860.00	\$0.00	\$0.00	\$26,860.00	100%	\$0.00	
3	Concrete Trail (10' x 6" thick) 23,770 sf @ 4.62 =	\$109,817.40	\$0.00	\$35,944.00	\$0.00	\$35,944.00	33%	\$73,873.40	(\$3,594.00)
4	Fire Lane	\$157,140.58	\$0.00	\$135,436.00	\$0.00	\$135,436.00	86%	\$21,704.58	(\$13,544.00)
5	Sidewalk Tie Ins	\$5,208.00	\$0.00	\$0.00	\$0.00	\$0.00	0%	\$5,208.00	\$0.00
6	Bollards	\$6,600.00	\$0.00	\$0.00	\$0.00	\$0.00	0%	\$6,600.00	\$0.00
7	Detectable Warning Panels 95 sf @ 53.00 =	\$5,035.00	\$0.00	\$0.00	\$0.00	\$0.00	0%	\$5,035.00	\$0.00
8	Air Compressor Pad	\$500.00	\$0.00	\$0.00	\$0.00	\$0.00	0%	\$500.00	\$0.00
9	Electrical (separate breakdown to follow)	\$291,372.00	\$70,462.94	\$64,808.45	\$0.00	\$135,271.39	46%	\$156,100.61	(\$6,481.00)
10	Irrigation, + design change (breakdown to follow)	\$462,889.00	\$0.00	\$0.00	\$0.00	\$0.00	0%	\$462,889.00	\$0.00
11	Otterbine Package	\$60,000.00	\$0.00	\$0.00	\$0.00	\$0.00	0%	\$60,000.00	\$0.00
12	Seeding (Lawn) 14 acres @ 3600 =	\$50,400.00	\$0.00	\$0.00	\$0.00	\$0.00	0%	\$50,400.00	\$0.00
13	Seeding (Native Grass) 1.5 acres @ 3800 =	\$5,700.00	\$0.00	\$0.00	\$0.00	\$0.00	0%	\$5,700.00	\$0.00
14	Shoreline Protection	\$16,000.00	\$0.00	\$0.00	\$0.00	\$0.00	0%	\$16,000.00	\$0.00
15	Watertronics station install by Uleman Irrigation	-(18,650.00)	(\$18,650.00)	\$0.00	\$0.00	\$0.00	0%	(\$18,650.00)	\$0.00
16	SWPP Plans	\$68,080.00	\$34,040.00	\$34,040.00	\$0.00	\$68,080.00	100%	\$0.00	(\$3,404.00)
17	Bioswale Basin (all-inclusive)	\$112,340.00	\$33,702.00	\$50,553.00	\$0.00	\$84,255.00	30%	\$28,085.00	(\$5,055.00)
18	Earthwork (placement, agg, base for paving, backfilling paving)	\$211,485.36	\$148,039.75	\$42,297.00	\$0.00	\$190,336.75	90%	\$21,148.61	(\$4,230.00)
19	Change order #1 including all 4 items as referenced in CO#01	\$15,000.00	\$0.00	\$13,300.00	\$0.00	\$13,300.00	88.67%	\$1,700.00	(\$1,330.00)
GRAND TOTALS		\$1,759,777.34	\$487,104.69	\$376,378.45	\$0.00	\$863,483.14	49%	\$896,294.20	(\$37,638.00)

Users may obtain validation of this document by requesting of the license a completed AIA Document D481—Certification of Document's Authenticity

Ok to pay
 11/27/18
 16-72-0942-003
 J.C.

A-12



Thompson, Dreessen & Dorner, Inc.
Consulting Engineers & Land Surveyors

INVOICE

Please remit to:
TD2 Nebraska Office
10836 Old Mill Road; Omaha, NE 68154
Office: 402/330-8860 Fax: 402/330-5866

TD2 South Dakota Office
5000 S. Minnesota Ave., Ste. 300; Sioux Falls, SD 57108
Office: 605/951-0886

CITY OF LA VISTA
JOHN KOTTMANN
9900 PORTAL ROAD
LA VISTA, NE 68128

Invoice number 129076
Date 11/21/2018

Project 0171-417 LA VISTA PHASE 1 GOLF
COURSE TRANSFORMATION -
PROPOSED LAKE IMPROVEMENTS

Professional Services from October 8, 2018 through November 11, 2018

PO #18-0080

Description	Contract Amount	Prior Billed	Remaining	Current Billed
Construction Staking - Sanitary Sewer Relocation Phase 2	3,000.00	2,258.00	742.00	0.00
Construction Staking - Trail Phase 2	5,000.00	4,882.55	117.45	0.00
Pre-Construction "As-Built" Survey Phase 2	7,500.00	3,392.50	3,972.50	135.00
Post Construction "As-Built Survey Phase 2	7,500.00	0.00	7,500.00	0.00
Construction Administration - Sanitary Sewer Relocation Ph 2	7,500.00	3,227.70	2,839.80	1,432.50
Meetings	8,000.00	1,273.25	5,845.45	881.30
Construction Testing - Sanitary Sewer Relocation Phase 2	25,000.00	0.00	17,926.36	7,073.64
Construction Testing - Trail Phase 2	15,000.00	0.00	8,820.41	6,179.59
3D Video Update Phase 2	5,500.00	5,229.39	270.61	0.00
Total	84,000.00	20,263.39	48,034.58	15,702.03

Invoice total 15,702.03

Aging Summary

Invoice Number	Invoice Date	Outstanding	Current	Over 30	Over 60	Over 90	Over 120
129076	11/21/2018	15,702.03	15,702.03				
	Total	15,702.03	15,702.03	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. Invoices not paid within 90 days of the invoice date will be subject to possible lien filings.

O.K. to pay

efMK 11-27-2018

16,71,0942.003

Consent Agenda 12/4/18 (K)

A-13



Thompson, Dreessen & Dorner, Inc.
Consulting Engineers & Land Surveyors

INVOICE

Please remit to:
TD2 Nebraska Office
10836 Old Mill Road; Omaha, NE 68154
Office: 402/330-8860 Fax: 402/330-5866

TD2 South Dakota Office
5000 S. Minnesota Ave., Ste. 300; Sioux Falls, SD 57108
Office: 605/951-0886

CITY OF LA VISTA
JOHN KOTTMANN
9900 PORTAL ROAD
LA VISTA, NE 68128

Invoice number 129075
Date 11/21/2018
Project 0171-417 LA VISTA PHASE 1 GOLF
COURSE TRANSFORMATION -
PROPOSED LAKE IMPROVEMENTS

Professional Services from October 8, 2018 through November 11, 2018

PO #18-0080

Description	Contract Amount	Prior Billed	Remaining	Current Billed
Construction Staking	20,000.00	19,888.55	111.45	0.00
Construction Administration	4,000.00	4,000.00	0.00	0.00
Construction Observation	5,000.00	4,750.35	249.65	0.00
Construction Testing/Geotechnical Observation	105,000.00	99,402.98	4,109.97	1,487.05
Erosion Control Monitoring and Reporting Services	7,500.00	7,500.00	0.00	0.00
Grading "As-Built" Drawings	3,500.00	3,358.75	141.25	0.00
Sanitary Sewer Relocation	15,000.00	10,138.32	4,861.68	0.00
3D Visualization	3,500.00	3,500.00	0.00	0.00
Additional Design Team Meeting Attendance	2,000.00	1,986.65	13.35	0.00
Construction Phase Progress Meeting Attendance	7,500.00	7,496.66	3.34	0.00
Total	173,000.00	162,022.26	9,490.69	1,487.05

Invoice total 1,487.05

Aging Summary

Invoice Number	Invoice Date	Outstanding	Current	Over 30	Over 60	Over 90	Over 120
129075	11/21/2018	1,487.05	1,487.05				
	Total	1,487.05	1,487.05	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. Invoices not paid within 90 days of the invoice date will be subject to possible lien filings.

O.K. to pay

QMK 11-27-2018

16.71.0942.003

Consult Agenda 12/4/18 (2)



2111 S 36th Str, Ste 200
Omaha, NE 68106

Contractor's Application for Payment No.

2

Application Period:	Application Date:
	11/26/2018
To City of LaVista (Owner):	From (Contractor): <i>Swain Construction</i>
Project: 84th Street Improvements	Contract: 84th Street Access Improvements
Owner's Contract No.: N/A	Contractor's Project No.: C1818
	Engineer's Project No.: B16-0546

Application For Payment

Change Order Summary

Approved Change Orders			1. ORIGINAL CONTRACT PRICE.....	\$ 529,953.11
Number	Additions	Deductions	2. Net change by Change Orders.....	\$
			3. Current Contract Price (Line 1 ± 2).....	\$ 529,953.11
			4. TOTAL COMPLETED AND STORED TO DATE (Column M on Progress Estimate).....	\$ 105,611.36
			5. RETAINAGE:	
			a. 10% <input checked="" type="checkbox"/> 19% Work Completed.....	\$ 10,561.14
			b. <input checked="" type="checkbox"/> Stored Material.....	\$
			c. Total Retainage (Line 5a + Line 5b).....	\$ 10,561.14
			6. AMOUNT ELIGIBLE TO DATE (Line 4 - Line 5c).....	\$ 95,050.22
			7. LESS PREVIOUS PAYMENTS (Line 6 from prior Application).....	\$ 92,969.74
			8. AMOUNT DUE THIS APPLICATION.....	\$ 2,080.48
			9. BALANCE TO FINISH, PLUS RETAINAGE	\$ 434,902.89
TOTALS				
NET CHANGE BY CHANGE ORDERS				

O.K. to pay
JMK 11-27-2018
16.71.0909.003

Payment of: \$ 2,080.48 ←
(Line 8 or other - attach explanation of the other amount)

Approved by: M. Mark 11/26/18
Engineer/Authorized Field Manager (Date)

Consent Agenda 12/4/10 (re)

A-14

ITEM NO.	DESCRIPTION OF WORK	BUDGET			ACTUAL			WORK COMPLETED			COST			BALANCE TO FINISHMAN		
		Unit	Unit Est. Qty	SCHEDULED VALUE (D-E)	Unit	Unit Est. Qty	SCHEDULED VALUE (D-E)	Total Fram Period	Total Itms Period	Materials Presently Stored in Work Area	Total Quantity to Date (H-G)	Total Completed and Started to Date (I-H)	% M/F	% N/F	% O/F	% P/F
1. HAZARDOUS WASTE REMOVAL		LS	58,320.00	29,120.00	0.50	\$ 15,000.00	19,150.00				16,160.00	50%	\$ 19,160.00			
2. GENERAL CLEARING & CRUBBING	EA	100	2,384.00	\$10,900.50	0.90	\$ 1,487.00	87.00				87.00	50%	\$ 1,487.00			
3. REMOVE PAVEMENT	SY	1,265.00	13,639.60	87.00	\$ 1,659.10	85.00				85.00	50%	\$ 12,149.70	5%	\$ 12,149.70		
4. REMOVE SIDEWALK	LF	4,162.00	4,162.00	4,162.00	1,638.00	1,638.00				1,638.00	50%	\$ 1,572.48	3%	\$ 2,539.24	5%	
5. REMOVE CURB, SIDEWALK, PAVING	LF	5,000.00	5,000.00	5,000.00	1,638.00	1,638.00				1,638.00	50%	\$ 1,572.48	3%	\$ 2,539.24	5%	
6. REMOVE CURB, SIDEWALK, PAVING	LF	1,860.00	5,160.00	5,160.00	1,638.00	1,638.00				1,638.00	50%	\$ 1,572.48	3%	\$ 2,539.24	5%	
7. EXCAVATE, EARTH, DIRT	CY	50,610.00	11,621.00	1,638.00	21,010.00	2,056.00				2,056.00	50%	\$ 2,056.00	5%	\$ 6,256.00	5%	
8. REMOVE 15' X 18' SEWER PIPE	LF	445.00	\$14,400.00	6,000.00	6,000.00	6,000.00				6,000.00	50%	\$ 2,056.00	5%	\$ 6,256.00	5%	
9. REMOVE MANHOLE	EA	800.00	2,429.00	2,429.00	2,429.00	2,429.00				2,429.00	50%	\$ 1,500.00	5%	\$ 5,012.00	5%	
10. REMOVE CUBB INLET	EA	800.00	2,429.00	2,429.00	2,429.00	2,429.00				2,429.00	50%	\$ 1,500.00	5%	\$ 5,012.00	5%	
11. REMOVE DUST	EA	2,100	\$77.15	\$77.15	\$77.15	\$77.15				\$77.15	50%	\$ 91,430.00	5%	\$ 174,170.00	5%	
12. CONSTRUCT 12" DIA. CONCRETE STORM SEWER PIPE	LS	2,225.00	\$10,600.00	1,638.00	1,638.00	1,638.00				1,638.00	50%	\$ 36,481.00	25%	\$ 90,346.70	5%	
13. CONSTRUCT 12" DIA. CONCRETE STORM SEWER PIPE	LS	5,000.00	\$10,600.00	1,638.00	1,638.00	1,638.00				1,638.00	50%	\$ 36,481.00	25%	\$ 15,429.30	5%	
14. CONSTRUCT 6" X 12" CONCRETE MEDIAN, SIDEWALK, C.C. SURFACING	LF	3,020.00	\$10,600.00	1,638.00	1,638.00	1,638.00				1,638.00	50%	\$ 30,316.00	30%	\$ 30,316.00	5%	
15. ASPHALTE CONCRETE, MEDIAN, SIDEWALK, C.C. SURFACING	LF	1,420.00	\$10,600.00	1,638.00	1,638.00	1,638.00				1,638.00	50%	\$ 1,638.00	5%	\$ 9,657.40	5%	
16. ASPHALTE CONCRETE, MEDIAN, SIDEWALK, C.C. SURFACING	LF	50,610.00	\$10,600.00	1,638.00	1,638.00	1,638.00				1,638.00	50%	\$ 1,638.00	5%	\$ 15,500.00	5%	
17. CONSTRUCT COMBINATION CURB & GUTTER	LF	1,420.00	\$10,600.00	1,638.00	1,638.00	1,638.00				1,638.00	50%	\$ 1,638.00	5%	\$ 1,638.00	5%	
18. CONSTRUCT CURB, GUTTER	LF	50,610.00	\$10,600.00	1,638.00	1,638.00	1,638.00				1,638.00	50%	\$ 1,638.00	5%	\$ 1,638.00	5%	
19. CONSTRUCT CURB, GUTTER	LF	1,420.00	\$10,600.00	1,638.00	1,638.00	1,638.00				1,638.00	50%	\$ 1,638.00	5%	\$ 1,638.00	5%	
20. CONSTRUCT CURB, GUTTER	LF	50,610.00	\$10,600.00	1,638.00	1,638.00	1,638.00				1,638.00	50%	\$ 1,638.00	5%	\$ 1,638.00	5%	
21. CONSTRUCT CURB, GUTTER	LF	1,420.00	\$10,600.00	1,638.00	1,638.00	1,638.00				1,638.00	50%	\$ 1,638.00	5%	\$ 1,638.00	5%	
22. CONSTRUCT AGGREGATE BEDDING FOR 10' STORM SEWER PIPE	LS	182.00	\$1,638.00	1,638.00	1,638.00	1,638.00				1,638.00	50%	\$ 1,638.00	5%	\$ 1,638.00	5%	
23. CONSTRUCT AGGREGATE BEDDING FOR 24' STORM SEWER PIPE	LS	110.00	\$7,350.00	1,638.00	1,638.00	1,638.00				1,638.00	50%	\$ 1,638.00	5%	\$ 1,638.00	5%	
24. CONSTRUCT 12' X 12' RC CLASS II	LF	182.00	\$12,340.00	10,600.00	10,600.00	10,600.00				10,600.00	50%	\$ 2,229.10	22%	\$ 7,946.50	5%	
25. CONSTRUCT 12' X 12' STORM MANHOLE	LF	23.40	\$10,600.00	1,638.00	1,638.00	1,638.00				1,638.00	50%	\$ 10,50.00	5%	\$ 7,316.30	5%	
26. CONSTRUCT 12' X 12' STORM MANHOLE	LF	1,420.00	\$10,600.00	1,638.00	1,638.00	1,638.00				1,638.00	50%	\$ 5,776.00	40%	\$ 10,164.00	5%	
27. CONSTRUCT 12' X 12' STORM MANHOLE	LF	1,420.00	\$10,600.00	1,638.00	1,638.00	1,638.00				1,638.00	50%	\$ 5,776.00	40%	\$ 10,164.00	5%	
28. INSTALL EXTERIOR FRAME SEAL	EA	100	\$4,410.00	1,638.00	1,638.00	1,638.00				1,638.00	50%	\$ 478.00	5%	\$ 852.00	5%	
29. PRIVATE TEMPORARY TRAFFIC CONTROL	LS	1,217.00	\$12,020.00	1,638.00	1,638.00	1,638.00				1,638.00	50%	\$ 1,638.00	5%	\$ 1,638.00	5%	
30. INSTALL STEEL TURF FERROUS CONTROL, TYPE T-100	AC	0.41	\$5,720.00	2,188.00	2,188.00	2,188.00				2,188.00	50%	\$ 1,039.24	35%	\$ 1,638.00	5%	
31. INSTALL STEEL TURF FERROUS CONTROL, TYPE T-100	AC	5.00	\$1,638.00	1,638.00	1,638.00	1,638.00				1,638.00	50%	\$ 1,638.00	41%	\$ 1,638.00	5%	
32. INSTALL INLET PROTECTION	EA	1,00	\$1,638.00	1,638.00	1,638.00	1,638.00				1,638.00	50%	\$ 501.00	60%	\$ 340.00	5%	
33. REMOVE EXISTING TRAFFIC SIGNAL	EA	2,100	\$1,638.00	1,638.00	1,638.00	1,638.00				1,638.00	50%	\$ 1,638.00	5%	\$ 2,103.00	5%	
34. INSTALL EXISTING TRAFFIC SIGNAL	EA	2,100	\$1,638.00	1,638.00	1,638.00	1,638.00				1,638.00	50%	\$ 1,638.00	5%	\$ 2,103.00	5%	
35. INSTALL COMBINATION MAST ARM SIGNAL AND LIGHTING POLE, TYPE CAP-55-12-40	EA	1,00	\$1,638.00	1,638.00	1,638.00	1,638.00				1,638.00	50%	\$ 2,035.00	5%	\$ 2,035.00	5%	
36. INSTALL COMBINATION MAST ARM SIGNAL AND LIGHTING POLE, TYPE CAP-55-12-40	EA	1,00	\$1,638.00	1,638.00	1,638.00	1,638.00				1,638.00	50%	\$ 2,035.00	5%	\$ 2,035.00	5%	
37. INSTALL COMBINATION MAST ARM SIGNAL AND LIGHTING POLE, TYPE CAP-55-12-40	EA	1,00	\$1,638.00	1,638.00	1,638.00	1,638.00				1,638.00	50%	\$ 2,035.00	5%	\$ 2,035.00	5%	
38. INSTALL TRAFFIC SIGNAL, TYPE TS-11, W/4 FACE, 8' X 8' X 4' H, 4' L, 4' TTS	EA	5.00	\$850.00	5,160.00	5,160.00	5,160.00				5,160.00	50%	\$ 1,154.00	41%	\$ 1,154.00	5%	
39. INSTALL TRAFFIC SIGNAL, TYPE TS-11, W/4 FACE, 8' X 8' X 4' H, 4' L, 4' TTS	EA	3,00	\$850.00	5,160.00	5,160.00	5,160.00				5,160.00	50%	\$ 1,154.00	41%	\$ 3,404.00	5%	
40. INSTALL TRAFFIC SIGNAL, TYPE TS-11, W/125' FACE, BRIGHT 6' MAST UNTS	EA	2.00	\$863.00	5,160.00	5,160.00	5,160.00				5,160.00	50%	\$ 1,154.00	41%	\$ 3,404.00	5%	
41. INSTALL TRAFFIC SIGNAL, TYPE TS-11, W/125' FACE, BRIGHT 6' MAST UNTS	EA	1.00	\$11,654.00	5,160.00	5,160.00	5,160.00				5,160.00	50%	\$ 1,154.00	41%	\$ 1,154.00	5%	
42. INSTALL DEDICATED SIGNAL, TYPE TS-11, W/4 FACE, 8' X 8' X 4' H, 4' L, 4' TTS	EA	2.00	\$625.00	5,160.00	5,160.00	5,160.00				5,160.00	50%	\$ 1,154.00	41%	\$ 1,154.00	5%	
43. INSTALL SIGNAL, SIGNAL CONDUCTOR, TYPE T-100	EA	1.00	\$2,111.00	5,160.00	5,160.00	5,160.00				5,160.00	50%	\$ 1,154.00	41%	\$ 1,154.00	5%	
44. INSTALL PULL BOX, TYPE P-8A	EA	3.00	\$1,520.00	5,160.00	5,160.00	5,160.00				5,160.00	50%	\$ 1,154.00	41%	\$ 3,462.00	5%	
45. INSTALL 2' BOX, TYPE P-8A	EA	1.00	\$1,440.00	5,160.00	5,160.00	5,160.00				5,160.00	50%	\$ 1,154.00	41%	\$ 1,154.00	5%	
46. INSTALL 2' PVC CRUSHING PUSH BUTTON LEAD CABLE	LF	377.00	\$2,039.00	5,160.00	5,160.00	5,160.00				5,160.00	50%	\$ 1,154.00	41%	\$ 1,154.00	5%	
47. INSTALL 2' PVC CRUSHING PUSH BUTTON LEAD CABLE	LF	377.00	\$2,039.00	5,160.00	5,160.00	5,160.00				5,160.00	50%	\$ 1,154.00	41%	\$ 1,154.00	5%	
48. INSTALL 3' PVC CRUSHING PUSH BUTTON LEAD CABLE	LF	377.00	\$2,039.00	5,160.00	5,160.00	5,160.00				5,160.00	50%	\$ 1,154.00	41%	\$ 1,154.00	5%	
49. INSTALL 3' PVC CRUSHING PUSH BUTTON LEAD CABLE	LF	377.00	\$2,039.00	5,160.00	5,160.00	5,160.00				5,160.00	50%	\$ 1,154.00	41%	\$ 1,154.00	5%	
50. INSTALL 3' PVC CRUSHING PUSH BUTTON LEAD CABLE	LF	377.00	\$2,039.00	5,160.00	5,160.00	5,160.00				5,160.00	50%	\$ 1,154.00	41%	\$ 1,154.00	5%	
51. REMOVE MARKING LINES	EA	100	\$2,111.00	5,160.00	5,160.00	5,160.00				5,160.00	50%	\$ 1,154.00	41%	\$ 1,154.00	5%	
52. INSTALL PERMANENT PAINT MARKING, 5' WHITE	LF	700.00	\$1,000.00	5,160.00	5,160.00	5,160.00				5,160.00	50%	\$ 1,154.00	41%	\$ 1,154.00	5%	
53. GROUVED	EA	3.00	\$478.00	5,160.00	5,160.00	5,160.00				5,160.00	50%	\$ 1,154.00	41%	\$ 1,154.00	5%	
54. INSTALL PERMANENT PAINTED MARKING SYMBOL - TYPE EA	EA	4.00	\$10,010.00	5,160.00	5,160.00	5,160.00				5,160.00	50%	\$ 1,154.00	41%	\$ 1,154.00	5%	
55. DIRECTIONAL ARROW, WHITE	EA	15.00	\$2,110.00	5,160.00	5,160.00	5,160.00				5,160.00	50%	\$ 1,154.00	41%	\$ 1,154.00	5%	
56. DIRECTIONAL ARROW, WHITE	EA	15.00	\$2,110.00	5,160.00	5,160.00	5,160.00				5,160.00	50%	\$ 1,154.00	41%	\$ 1,154.00	5%	
57. DIRECTIONAL ARROW, WHITE	EA	15.00	\$2,110.00	5,160.00	5,160.00	5,160.00				5,160.00	50%	\$ 1,154.00	41%	\$ 1,154.00	5%	
58. DIRECTIONAL ARROW, WHITE	EA	15.00	\$2,110.00	5,160.00	5,160.00	5,160.00				5,160.00	50%	\$ 1,154.00	41%	\$ 1,154.00	5%	
59. DIRECTIONAL ARROW, WHITE	EA	15.00	\$2,110.00	5,160.00	5,160.00	5,160.00				5,160.00	50%	\$ 1,154.00	41%	\$ 1,154.00	5%	
60. DIRECTIONAL ARROW, WHITE	EA	15.00	\$2,110.00	5,160.00	5,160.00	5,160.00				5,160.00	50%	\$ 1,154.00	41%	\$ 1,154.00	5%	
61. REMOVE MARKING LINES	EA	100	\$2,110.00	5,160.00	5,160.00	5,160.00				5,160.00	50%	\$ 1,154.00	41%	\$ 1,154.00	5%	
62. INSTALL PERMANENT PAINT MARKING - TYPE 2	LF	10%	\$1,000.00	5,160.00	5,160.00	5,160.00				5,160.00	50%	\$ 1,154.00	41%	\$ 1,154.00	5%	
63. INSTALL PERMANENT PAINTED MARKING SYMBOL - TYPE EA	EA	3.00	\$10,010.00	5,160.00	5,160.00	5,160.00				5,160.00	50%	\$ 1,15				

olsson

November 26, 2018

City of La Vista
Attn: John Kottmann
9900 Portal Road
La Vista, NE 68128

RE: City of La Vista 84th Street Access Improvements
Contractor Application for Payment
Olsson Associates Project No. B16-0546

Enclosed is Pay Application #2 for the work performed by Swain Construction. We have verified the quantities of work and observed the construction to be in general conformance with the plans and specifications. Therefore, we recommend the City of La Vista make payment to Swain Construction in the amount of **\$2,080.48** for said work.

If you have any questions or require additional information, please let me know.

Sincerely,



Anthony Egelhoff, P.E.



M Markham
Matthew Markham, Field Manager

Enclosure: Pay Application w/ back-up
CC: Swain Construction
File

APPLICATION AND CERTIFICATE FOR PAYMENT

Invoice #: 7

To Owner: City of LaVista
John Kottmann
9900 Portal Road
LaVista, NE 68128

From Contractor: Hawkins Construction Company Via Architect: DLR Group Matthew Gulsvig
P.O. Box 9008
Omaha, NE 68109

Contract For:

Project: 3146- LaVista Garage District 2 Structure
1

Application No.: 7

Period To: 11/30/2018

Project Nos: DLR-10-17105-00 Hawkins
3146

Contract Date: 1/2/2018

Distribution to :
 Owner
 Architect
 Contractor

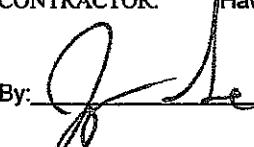
CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for payment, as shown below, in connection with the Contract.
Continuation Sheet is attached.

1. Original Contract Sum	\$3,863,000.00
2. Net Change By Change Order	\$152,477.91
3. Contract Sum To Date	\$4,015,477.91
4. Total Completed and Stored To Date.....	\$1,275,587.40
5. Retainage :	
a. 10.00% of Completed Work	\$123,858.74
b. 10.00% of Stored Material	\$3,700.00
Total Retainage	\$127,558.74
6. Total Earned Less Retainage	\$1,148,028.66
7. Less Previous Certificates For Payments	\$680,711.31
8. Current Payment Due	\$467,317.35
9. Balance To Finish, Plus Retainage	\$2,867,449.25

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information, and belief, the work covered by this Application for Payment has been completed in accordance with the Contract Documents. That all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

CONTRACTOR: Hawkins Construction Company

By:  Date: 11/26/2018

State of: Nebraska

Subscribed and sworn to before me this

Notary Public: Stephanie A. Jeannette

My Commission expires: 9-28-2022

County of: Douglas

26th day of November 2018



ARCHITECT'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising the above application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information, and belief, the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED

467,317.35

O.K. to Pay
SPMK 11-27-2018
15.71.0911.003

(Attach explanation if amount certified differs from the amount applied. Initial all figures on this Application and on the Continuation Sheet that are changed to conform with the amount certified.)

ARCHITECT: DLR Group Matthew Gulsvig

By:  Date: 11/27/2018

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment, and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

CHANGE ORDER SUMMARY	Additions	Deductions
Total changes approved in previous months by Owner	\$92,343.91	\$800.00
Total Approved this Month	\$60,934.00	\$0.00
TOTALS	\$153,277.91	\$800.00
Net Changes By Change Order	\$152,477.91	

Consent Agenda 12/4/18 (R)

D-15

CONTINUATION SHEET

Page 2 of 3

Application and Certification for Payment, containing

Contractor's signed certification is attached.

In tabulations below, amounts are stated to the nearest dollar.

Use Column I on Contracts where variable retainage for line items may apply.

Application No. : 7

Application Date : 11/21/2018

To: 11/30/2018

Architect's Project No.: DLR-10-17105-00

Hawkins 3146

Invoice # : 7 Contract : 3146- LaVista Garage District 2 Structure 1

A Item No.	B Description of Work	C Scheduled Value	D E Work Completed		F Materials Presently Stored	G Total Completed and Stored To Date (D+E+F)	H % (G / C)	I Balance To Finish (C-G)	Retainage
			From Previous Application (D+E)	This Period In Place					
1	Bond	26,347.00	26,347.00	0.00	0.00	26,347.00	100.00%	0.00	2,634.70
2	Allowances	60,000.00	0.00	0.00	0.00	0.00	0.00%	60,000.00	0.00
3	Concrete Paving and Sidewalks	47,100.00	0.00	0.00	0.00	0.00	0.00%	47,100.00	0.00
4	Concrete Formwork	797,800.00	71,802.00	103,714.00	0.00	175,516.00	22.00%	622,284.00	17,551.60
5	Concrete Reinforcing	279,500.00	100,216.00	46,304.00	10,000.00	156,520.00	56.00%	122,980.00	15,652.00
6	C.I.P. Foundations	107,900.00	76,501.10	28,161.90	0.00	104,663.00	97.00%	3,237.00	10,466.30
7	C.I.P. Slab on Grade	439,900.00	0.00	228,748.00	0.00	228,748.00	52.00%	211,152.00	22,874.80
8	C.I.P. Walls & Columns	150,200.00	53,771.60	37,850.40	0.00	91,622.00	61.00%	58,578.00	9,162.20
9	C.I.P. Elevated Decks	440,453.00	0.00	0.00	0.00	0.00	0.00%	440,453.00	0.00
10	Post-tensioned Concrete	159,200.00	0.00	0.00	0.00	0.00	0.00%	159,200.00	0.00
11	Concrete Curing	20,900.00	0.00	0.00	0.00	0.00	0.00%	20,900.00	0.00
12	Precast Architectural Concrete	84,300.00	1,500.00	0.00	0.00	1,500.00	1.78%	82,800.00	150.00
13	Unit Masonry	158,500.00	0.00	0.00	0.00	0.00	0.00%	158,500.00	0.00
14	Metals	135,600.00	11,932.80	0.00	0.00	11,932.80	8.80%	123,667.20	1,193.28
15	Wood, Plastics and Composites	4,500.00	0.00	0.00	0.00	0.00	0.00%	4,500.00	0.00
16	Garage Waterproofing System	24,600.00	0.00	0.00	0.00	0.00	0.00%	24,600.00	0.00
17	Self-Adhering Sheet Waterproofing	8,400.00	6,300.00	840.00	0.00	7,140.00	85.00%	1,260.00	714.00
18	Water Repellents	900.00	0.00	0.00	0.00	0.00	0.00%	900.00	0.00
19	Thermal Insulation	3,200.00	0.00	0.00	0.00	0.00	0.00%	3,200.00	0.00
20	Metal Framing, Sheathing, DEFS	15,500.00	0.00	0.00	0.00	0.00	0.00%	15,500.00	0.00
21	Fluid-Applied Membrane Air Barriers	6,400.00	0.00	0.00	0.00	0.00	0.00%	6,400.00	0.00
22	TPO Roofing, Sheet Metal, Roof Expa	11,800.00	0.00	0.00	0.00	0.00	0.00%	11,800.00	0.00
23	Joint Sealants, Joint Firestopping, Pref	41,100.00	0.00	0.00	0.00	0.00	0.00%	41,100.00	0.00
24	HM Doors, Frames and Hardware	15,700.00	0.00	0.00	0.00	0.00	0.00%	15,700.00	0.00
25	Alum, Sotrefronts, Glazing, Fire-Resist	12,000.00	0.00	0.00	0.00	0.00	0.00%	12,000.00	0.00
26	High-Performance Coatings	64,900.00	0.00	0.00	0.00	0.00	0.00%	64,900.00	0.00
27	Fire Protection Cabinets & Extinguishe	2,500.00	0.00	0.00	0.00	0.00	0.00%	2,500.00	0.00
28	Signage	19,800.00	0.00	0.00	0.00	0.00	0.00%	19,800.00	0.00
29	Parking Access and Revenue Control :	103,400.00	0.00	0.00	0.00	0.00	0.00%	103,400.00	0.00
30	Fire Suppression Systems	16,400.00	0.00	0.00	0.00	0.00	0.00%	16,400.00	0.00
31	Plumbing & Site Utilities	170,600.00	151,834.00	1,706.00	0.00	153,540.00	90.00%	17,060.00	15,354.00
32	HVAC	11,800.00	0.00	0.00	0.00	0.00	0.00%	11,800.00	0.00

CONTINUATION SHEET

Page 3 of 3

Application and Certification for Payment, containing
Contractor's signed certification is attached.

In tabulations below, amounts are stated to the nearest dollar.

Use Column I on Contracts where variable retainage for line items may apply.

Application No. : 7

Application Date : 11/21/2018

To: 11/30/2018

Architect's Project No.: DLR-10-17105-00
Hawkins 3146

Invoice # : 7

Contract : 3146- LaVista Garage District 2 Structure 1

A Item No.	B Description of Work	C Scheduled Value	D E Work Completed		F Materials Presently Stored	G Total Completed and Stored To Date (Not in D or E)	H Balance To Finish (C-G)	I Retainage		
			From Previous Application (D+E)	This Period In Place						
33	Electrical	200,800.00	11,150.00	24,098.00	27,000.00	62,248.00	31.00%	138,552.00	6,224.80	
34	Ground Soil Improvement	92,400.00	92,400.00	0.00	0.00	92,400.00	100.00%	0.00	9,240.00	
35	Garage Pavement Markings	5,400.00	0.00	0.00	0.00	0.00	0.00%	5,400.00	0.00	
36	Chain Link Fences and Gates	13,100.00	0.00	0.00	0.00	0.00	0.00%	13,100.00	0.00	
37	Excavation, Backfill, Hauling Soils	110,100.00	75,308.40	23,781.60	0.00	99,090.00	90.00%	11,010.00	9,909.00	
38	Change Order 1	74,068.60	8,000.00	0.00	0.00	8,000.00	10.80%	66,068.60	800.00	
39	Change Order 2	2,981.31	0.00	0.00	0.00	0.00	0.00%	2,981.31	0.00	
40	Change Order 3	4,791.00	0.00	0.00	0.00	0.00	0.00%	4,791.00	0.00	
41	Change Order 4	10,503.00	10,503.00	0.00	0.00	10,503.00	100.00%	0.00	1,050.30	
42	Change Order 5	-800.00	-800.00	0.00	0.00	-800.00	100.00%	0.00	-80.00	
43	Change Order 6	40,904.00	0.00	26,587.60	0.00	26,587.60	65.00%	14,316.40	2,658.76	
44	Change Order 7	20,030.00	0.00	20,030.00	0.00	20,030.00	100.00%	0.00	2,003.00	
Grand Totals			4,015,477.91	696,765.90	541,821.50	37,000.00	1,275,587.40	31.77%	2,739,890.51	127,558.74



RELEASE & WAIVER

The undersigned Hawkins Construction Company has been employed by the City of La Vista, to furnish labor, services, material, fixtures, apparatus or machinery for said premises, which are known as Off-Street Parking District No. 2 – Structure No. 1 in or near the City of La Vista, State of Nebraska; for and in consideration \$680,711.31 representing the cumulative amount paid to the undersigned, receipt whereof is hereby acknowledged, does hereby waive, release and surrender any and all lien or claim (or any right of lien or claim) for labor, services, material, fixtures, apparatus or machinery furnished up to and including October 31, 2018. This Release & Waiver constitutes a PARTIAL release, satisfaction and waiver of claim or lien against City of La Vista or other party that may be liable therefore, whether based on contract or otherwise, including statutory liens or similar claims.

DATE: 11/26/2018
(Signing dated)

COMPANY: Hawkins Construction Company
(Company signing the waiver)

OFFICER: 
(Officer of signing Company)

TITLE: Vice President
(Officer's title of signing Company)

CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
DECEMBER 4, 2018 AGENDA

Subject:	Type:	Submitted By:
ELECTION OF DIRECTORS TO THE LA VISTA METROPOLITAN COMMUNITY COLLEGE BOARD OF DIRECTORS	◆ RESOLUTION ORDINANCE RECEIVE/FILE	BRENDA S. GUNN CITY ADMINISTRATOR

SYNOPSIS

A resolution has been prepared to designate and ratify, as well as affirm and approve the re-election of, the City's three directors of the La Vista Metropolitan Community College Board of Directors for the purposes of the Condominium Board for the public library and MCC Sarpy Center and approving actions of the directors at the 2018 Annual Meeting.

FISCAL IMPACT

N/A.

RECOMMENDATION

Approval.

BACKGROUND

Currently, the City Council has elected the following persons to the Condominium Board:

- City Administrator
- Library Director
- Director of Public Works

It is proposed that Council designate these positions to hold a seat on the Board on behalf of the City. Additionally, the Condominium Board of Directors held its annual meeting on November 12, 2018, at which time the above directors took action on behalf of the City and the resolution will ratify their actions.

RESOLUTION NO. ____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA TO ELECT DIRECTORS OF THE LA VISTA/METROPOLITAN COMMUNITY COLLEGE CONDOMINIUM OWNERS ASSOCIATION, INC.

WHEREAS, the City of La Vista Facilities Corporation ("City Facility Corporation") and the Metropolitan Community College Facilities Corporation made and entered a Declaration and Master Deed of La Vista Metropolitan Community College Condominium Property Regime dated December 29, 1997 ("Declaration") for the purposes of administering the condominium property regime and maintaining common areas of the Library/Sarpy Center; and

WHEREAS, the La Vista/Metropolitan Community College Condominium Owners Association, Inc., ("Association") was incorporated for purposes of administering the condominium property regime and maintaining the common areas under the Declaration, and the Association is governed by a Board of Directors; and

WHEREAS, pursuant to Article 1.24 of the Declaration, as amended, the City Facilities Corporation delegated to and authorized the City of La Vista ("City") to exercise voting rights with respect to the Association and its Board of Directors, and the City desires to exercise said voting rights to elect Directors of the Association; and

WHEREAS, the following positions (and the individuals holding the titles) have been designated by the Mayor and City Council to be the City's three directors on the Association's Board of Director's ("City's Director's"):

City Administrator
Library Director
Director of Public Works

WHEREAS, the Association will held its 2018 Annual Meeting on November 12, 2018, at which time and at such meeting the City's Directors voted on behalf of the City and in accordance with the desire of the City Council and the Mayor to nominate and re-elect the City's Director's to the Association's Board of Directors; and

WHEREAS, the Mayor and City Council desire to designate, and ratify, affirm and approve the election of the City's Directors;

NOW, THEREFORE, BE IT RESOLVED, that the following are hereby designated and elected to serve as the City's appointees to the Board of Director's of the Association:

City Administrator
Library Director
Director of Public Works

and further that their attendance, participation, voting and exercise of other rights on behalf of the City (in exercise of the delegated rights of the City Facilities Corporation) to nominate and elect said individuals as directors at the annual meeting of the Association held November 12, 2018 (and all other related actions) are hereby ratified, affirmed and approved.

PASSED AND APPROVED THIS 4TH DAY OF DECEMBER, 2018.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

K:\APPS\City Hall\18 FINAL RESOLUTIONS\18. MCC Condo Board
Directors 12.04.18.doc

User: mgustafson

DB: La Vista

Check #

Check #	Check Date	Vendor Name	Amount	Voided
128350	11/21/2018	BLADE MASTERS GROUNDS MNTNC IN	223,269.00	N
128351	11/21/2018	CIVIC NEBRASKA	3,080.31	N
128352	11/21/2018	HDR ENGINEERING INC	13,757.16	N
128353	11/21/2018	RANDY ROY	1,251.40	N
128354	11/21/2018	STEVE QUINN	300.00	N
128355	12/04/2018	ACTION BATTERIES UNLTD INC	746.70	N
128356	12/04/2018	AIM	3,539.00	N
128357	12/04/2018	ARROW TOWING OF OMAHA INC	150.00	N
128358	12/04/2018	ASCAP	354.71	N
128359	12/04/2018	AT&T MOBILITY LLC	121.50	N
128360	12/04/2018	BAXTER FORD 144TH & I-80	117.12	N
128361	12/04/2018	BISHOP BUSINESS EQUIPMENT	1,965.05	N
128362	12/04/2018	BLACK HILLS ENERGY	3,722.28	N
128363	12/04/2018	BRITE IDEAS DECORATING	13,555.16	N
128364	12/04/2018	BUILDERS SUPPLY CO INC	70.00	N
128365	12/04/2018	CENTER POINT PUBLISHING	750.21	N
128366	12/04/2018	CENTURY LINK	326.22	N
128367	12/04/2018	CENTURY LINK BUSN SVCS	73.91	N
128368	12/04/2018	CIOX HEALTH, LLC	252.11	N
128369	12/04/2018	CITY OF OMAHA	227,925.69	N
128370	12/04/2018	CITY OF PAPILLION	178,260.23	N
128371	12/04/2018	COMP CHOICE INC	100.00	N
128372	12/04/2018	CONSOLIDATED MANAGEMENT	8.74	N
128373	12/04/2018	COX COMMUNICATIONS	147.03	N
128374	12/04/2018	CULLIGAN OF OMAHA	35.25	N
128375	12/04/2018	DATASHIELD CORPORATION	20.00	N
128376	12/04/2018	DI MAURO, JAYSON	112.00	N
128377	12/04/2018	DXP ENTERPRISES INC	100.00	N
128378	12/04/2018	LIONHEART ENTERPRISES LLC	410.06	N
128379	12/04/2018	EDGEWEAR SCREEN PRINTING	69.00	N
128380	12/04/2018	FBG SERVICE CORPORATION	5,965.00	N
128381	12/04/2018	GALE	123.98	N
128382	12/04/2018	GCR TIRES & SERVICE	390.19	N
128383	12/04/2018	H & H CHEVROLET LLC	47.25	N
128384	12/04/2018	DEBRA HALE	122.69	N
128385	12/04/2018	HEIMES CORPORATION	160.00	N
128386	12/04/2018	HOCKENBERGS	111.19	N
128387	12/04/2018	HONG'S ALTERATION & DRY CLEANIN	306.30	N
128388	12/04/2018	INGRAM LIBRARY SERVICES	318.14	N
128389	12/04/2018	J & J SMALL ENGINE SERVICE	8.40	N
128390	12/04/2018	JONES AUTOMOTIVE INC	504.01	N
128391	12/04/2018	KIMBALL MIDWEST	600.62	N
128392	12/04/2018	LA VISTA COMMUNITY FOUNDATION	90.00	N
128393	12/04/2018	LIBRA INDUSTRIES INC	132.00	N
128394	12/04/2018	LIBRARY IDEAS LLC	4.50	N
128395	12/04/2018	LOGO LOGIX EMBROIDERY & SCREEN	247.00	N
128396	12/04/2018	MAX I WALKER UNIFORM RENTAL	727.65	N
128397	12/04/2018	MENARDS-RALSTON	314.74	N
128398	12/04/2018	METROPOLITAN UTILITIES DIST.	2,890.13	N
128401	12/04/2018	MIDWEST TAPE	866.81	N
128402	12/04/2018	MNJ TECHNOLOGIES DIRECT INC	1,030.00	N
128403	12/04/2018	NATIONAL EVERYTHING WHOLESALE	977.23	N
128404	12/04/2018	NEBRASKA IOWA INDL FASTENERS	28.78	N
128405	12/04/2018	NEBRASKA LAW ENFORCEMENT	52.00	N
128406	12/04/2018	NEBRASKA MUNICIPAL CLERKS ASSN	90.00	N
128407	12/04/2018	NEBRASKA SALT & GRAIN COMPANY	45,932.89	N
128408	12/04/2018	NUTS AND BOLTS INCORPORATED	54.33	N
128409	12/04/2018	OFFICE DEPOT INC	922.67	N
128410	12/04/2018	OMAHA SLINGS INCORPORATED	58.87	N
128411	12/04/2018	OMAHA WINNELSON	156.88	N

User: mgustafson

DB: La Vista

Check #	Check Date	Vendor Name	Amount	Voided
128412	12/04/2018	PAPILLION SANITATION	385.95	N
128413	12/04/2018	PAYLESS OFFICE PRODUCTS INC	214.73	N
128414	12/04/2018	PETTY CASH-PAM BUETHE	275.41	N
128415	12/04/2018	PLAINS EQUIPMENT GROUP	113.80	N
128416	12/04/2018	PLUTA, DON	244.00	N
128417	12/04/2018	QUALITY AUTO REPAIR & TOWING	60.00	N
128418	12/04/2018	RAINBOW GLASS & SUPPLY	39.95	N
128419	12/04/2018	REACH SPORTS MARKETING GROUP, I	1,229.00	N
128420	12/04/2018	READY MIXED CONCRETE COMPANY	424.19	N
128421	12/04/2018	RUFFNER, JAMES	112.00	N
128422	12/04/2018	SAPP BROS PETROLEUM INC	658.90	N
128423	12/04/2018	SARPY COUNTY COURTHOUSE	4,207.68	N
128424	12/04/2018	SCHEMMER ASSOCIATES INC	2,089.81	N
128425	12/04/2018	SEFFRON, RANDY	112.00	N
128426	12/04/2018	SOLBERG, CHRISTOPHER	56.14	N
128427	12/04/2018	SOUTHERN UNIFORM & EQUIPMENT	86.50	N
128428	12/04/2018	TY'S OUTDOOR POWER & SVC INC	19.51	N
128429	12/04/2018	UHE, ROBERT	244.00	N
128430	12/04/2018	UNITED SEEDS INCORPORATED	390.00	N
128431	12/04/2018	VERIZON WIRELESS	209.53	N
128432	12/04/2018	WAL-MART COMMUNITY BRC	1,088.50	N
128433	12/04/2018	WICK'S STERLING TRUCKS INC	510.01	N
TOTAL:				750,595.70

APPROVED BY COUNCIL MEMBERS ON: 12/04/2018

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

User: mgustafson

DB: La Vista

Check #	Check Date	Vendor Name	Amount	Voided
519(E)	10/04/2018	ELAN FINANCIAL SERVICES	18,924.28	N
547(E)	10/31/2018	AMERICAN HERITAGE LIFE INSURANCE	1,473.03	N
548(E)	10/31/2018	BLUE CROSS BLUE SHIELD OF NEBR	99,200.34	N
549(E)	10/31/2018	DEARBORN NATIONAL LIFE INSURANC	6,419.89	N
550(E)	10/31/2018	LINCOLN NATIONAL LIFE INS CO	5,782.11	N
551(E)	10/31/2018	UNITED HEALTHCARE INSURANCE CO	758.62	N
528(E)	11/01/2018	ACCESS BANK	3,066.27	N
529(E)	11/01/2018	ALLY BANK	356.91	N
530(E)	11/01/2018	CATERPILLAR FINANCIAL SVCS CORP	6,151.24	N
531(E)	11/01/2018	ENTERPRISE FM TRUST	580.01	N
532(E)	11/01/2018	FIRST STATE BANK	6,536.93	N
533(E)	11/01/2018	FIRST STATE BANK	5,668.85	N
534(E)	11/01/2018	MID-AMERICAN BENEFITS INC	624.00	N
535(E)	11/01/2018	NE DEPT OF REVENUE-LOTT/51	77,478.00	N
536(E)	11/01/2018	NE DEPT OF REVENUE-SALES TAX	669.65	N
537(E)	11/01/2018	PITNEY BOWES-EFT POSTAGE	50.00	N
538(E)	11/01/2018	TOSHIBA FINANCIAL SERVICES	127.40	N
TOTAL:				233,867.53

APPROVED BY COUNCIL MEMBERS ON: 12/04/2018

COUNCIL MEMBER

CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
DECEMBER 4, 2018 AGENDA

Subject:	Type:	Submitted By:
AMEND SECTIONS 95.11(ANIMALS - MAXIMUM NUMBER ALLOWED) & 95.17 (DOG KENNELS, CATTERIES, AND PET STORES) OF THE LA VISTA MUNICIPAL CODE	◆ RESOLUTION ◆ ORDINANCE RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

SYNOPSIS

An ordinance has been prepared to amend Sections 95.11 (Animals – Maximum Number Allowed) and 95.17 (Dog Kennels, Catteries, and Pet Stores) of the La Vista Municipal Code.

FISCAL IMPACT

N/A.

RECOMMENDATION

Approval.

BACKGROUND

The amendment proposed to Section 95.11 of the City's municipal code allows for the use "Animal Specialty Services" to be exempt from this section of the municipal code. "Animal Specialty Services" was added as a new use to the City's Zoning Ordinance on June 16, 2015. However, the municipal code was not modified accordingly.

The amendments proposed to Section 95.17 to the municipal code adds language so that these sections are consistent regarding the number of animals.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA, TO AMEND THE LA VISTA MUNICIPAL CODE SECTION 95.11 AND 95.17 REGARDING ANIMALS; TO REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

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

SECTION 1. Section 95.11 of the La Vista Municipal Code is amended to read as follows:

§ 95.11 MAXIMUM NUMBER ALLOWED.

It shall be unlawful for any person to own, keep or harbor at any time more than three adult dogs or three adult cats per residential or dwelling unit in the city. The total number of adult dogs and adult cats per residential or dwelling unit in the city shall not exceed four adult animals. For the purpose of this section, an adult dog or cat is a dog or cat that is more than four months old. Provisions of this section shall not apply to catteries, kennels, animal specialty services, and pet stores which have been licensed pursuant to § 95.17 or other applicable City law.

('79 Code, § 6-112) (Ord. 212, passed - -; Am. Ord. 283, passed 4-11-81; Am. Ord. 283, passed 9-1- 81; Am. Ord. 296, passed 2-2-82; Am. Ord. 1194, passed 7-2-13) Penalty, see § 95.99

SECTION 2. Section 95.17 (A) of the La Vista Municipal Code is amended to read as follows:

§ 95.17 DOG KENNELS, CATTERIES, ANIMAL SPECIALTY SERVICES AND PET STORES.

(A) Every person, firm, or entity engaged in the commercial business of buying, selling, breeding or boarding of dogs or cats in the city or who owns, harbors or keeps four or more dogs or four or more cats more than four months of age may do so only after obtaining a license to do so as provided by this section or other applicable City law,

SECTION 3. Repeal of Conflicting Ordinances. La Vista Municipal Code Section 95.11 and all ordinances and parts of ordinances as previously enacted that are in conflict with this Ordinance or any part hereof are hereby repealed.

SECTION 4. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Mayor and City Council of the City of La Vista hereby declare that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION 5. Effective Date. This Ordinance shall be in full force and effect from and after passage, approval and publication in pamphlet form as provided by law.

PASSED AND APPROVED THIS 4TH DAY OF DECEMBER, 2018.

CITY OF LA VISTA

ATTEST:

Douglas Kindig, Mayor

Pamela A. Buethe, CMC
City Clerk

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA, TO AMEND THE LA VISTA MUNICIPAL CODE SECTION 95.11 AND 95.17 REGARDING ANIMALS; TO REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

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

SECTION 1. Section 95.11 of the La Vista Municipal Code is amended to read as follows:

§ 95.11 MAXIMUM NUMBER ALLOWED.

It shall be unlawful for any person to own, keep or harbor at any time more than three adult dogs or three adult cats per residential or dwelling unit in the city. The total number of adult dogs and adult cats per residential or dwelling unit in the city shall not exceed four adult animals. For the purpose of this section, an adult dog or cat is a dog or cat that is more than four months old. Provisions of this section shall not apply to catteries, kennels, animal specialty services, and pet stores which have been licensed pursuant to § 95.17 or other applicable City law.

('79 Code, § 6-112) (Ord. 212, passed - -; Am. Ord. 283, passed 4-11-81; Am. Ord. 283, passed 9-1- 81; Am. Ord. 296, passed 2-2-82; Am. Ord. 1194, passed 7-2-13) Penalty, see § 95.99

SECTION 2. Section 95.17 (A) of the La Vista Municipal Code is amended to read as follows:

§ 95.17 DOG KENNELS, CATTERIES, ANIMAL SPECIALTY SERVICES AND PET STORES.

(A) Every person, firm, or entity engaged in the commercial business of buying, selling, breeding or boarding of dogs or cats in the city or who owns, harbors or keeps three-four or more dogs or three-four or more cats more than four months of age may do so only after obtaining a license to do so as provided by this section or other applicable City law,

SECTION 3. Repeal of Conflicting Ordinances. La Vista Municipal Code Section 95.11 and all ordinances and parts of ordinances as previously enacted that are in conflict with this Ordinance or any part hereof are hereby repealed.

SECTION 4. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Mayor and City Council of the City of La Vista hereby declare that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION 5. Effective Date. This Ordinance shall be in full force and effect from and after passage, approval and publication in pamphlet form as provided by law.

PASSED AND APPROVED THIS 4TH DAY OF DECEMBER, 2018.

CITY OF LA VISTA

ATTEST:

Douglas Kindig, Mayor

Pamela A. Buethe, CMC
City Clerk

CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
DECEMBER 4, 2018 AGENDA

Subject:	Type:	Submitted By:
CONDITIONAL USE PERMIT – PUPPYLAND, LLC LOT 50, S&S'S HARVEST HILL (7505 THORN APPLE LN)	◆ RESOLUTION ORDINANCE RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

SYNOPSIS

After further input from the applicant and City Council during the October 16, 2018 meeting, the proposed Conditional Use Permit (CUP) has been modified and a resolution prepared for Council to consider the application for a Conditional Use Permit to operate a home occupation for Animal Specialty Services at 7505 Thorn Apple Lane.

FISCAL IMPACT

N/A.

RECOMMENDATION

Approval.

BACKGROUND

An application has been submitted by Puppyland, LLC, for a Home Occupation Conditional Use Permit to operate a part-time home occupation consisting of Animal Specialty Services, which includes dog training, dog daycare, and overnight stays. The property is zoned R-1, Single-Family Residential, and home occupations are listed as a conditional use within this district. The applicant has been running this home occupation and is seeking to obtain the required approval via the Conditional Use Permit to come into conformance with the Zoning Ordinance.

Based on Council input from the October 16th City Council meeting, the draft Conditional Use Permit has been modified to state that there was no documented opposition during the public hearing process to the Conditional Use Permit from neighbors living within 200'. The Owner must maintain her Professional Dog Training Instructor (PDTI) Certification through the International Association of Canine Professionals (IACP) and provide proof to the City. Additionally, the changes to Sections 95.11 and 95.17 of the City Code address the concerns expressed about potential Code violations.

A detailed staff report is attached.

The Planning Commission held a public hearing on June 21, 2018, and voted 5 in favor and one opposed to recommend approval of the Conditional Use Permit as the request is consistent with the Comprehensive Plan and the Zoning Ordinance. A public hearing was held during the July 17, 2018 City Council meeting and there was also no documented opposition to the Conditional Use Permit.

RESOLUTION NO. ____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF A CONDITIONAL USE PERMIT FOR PUPPYLAND, LLC, TO OPERATE A HOME OCCUPATION ANIMAL SPECIALTY SERVICES ON LOT 50, S&S'S HARVEST HILL.

WHEREAS, Puppyland, LLC has applied for approval of a conditional use permit for a home occupation animal specialty services on Lot 50, S&S'S Harvest Hill, located at 7505 Thorn Apple Lane; and

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

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

NOW THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista hereby authorize the execution of a Conditional Use Permit in form and content submitted at this meeting, with such modifications that the City Administrator or City Attorney may determine necessary or advisable, for Puppyland, LLC to allow for a home occupation animal specialty services on Lot 50, S&S'S Harvest Hill.

PASSED AND APPROVED THIS 4TH DAY OF DECEMBER 2018.

CITY OF LA VISTA

ATTEST:

Douglas Kindig, Mayor

Pamela A. Buethe, CMC
City Clerk



**CITY OF LA VISTA
PLANNING DIVISION**

RECOMMENDATION REPORT

CASE NUMBER: PCUP-18-0002

For Meeting of: December 4, 2018
Report Prepared on: November 28, 2018

I. GENERAL INFORMATION

- A. APPLICANT:** Puppyland, LLC
- B. PROPERTY OWNER:** Joe Sjoberg
- C. LOCATION:** 7505 Thorn Apple Lane
- D. LEGAL DESCRIPTION:** Lot 50, S&S'S Harvest Hill

E. REQUESTED ACTION(S):

Approval of Condition Use Permit to allow Home Occupation - Dog Daycare/Training

- F. EXISTING ZONING AND LAND USE:**
R-1, Single-Family Residential

- G. PROPOSED USES:** Applicant proposes to run a dog daycare/dog training business, which specializes in service dogs, from her home.

- H. SIZE OF SITE:** .25 Acres.

II. BACKGROUND INFORMATION

A. EXISTING CONDITION OF SITE:

Single-family residence on a generally regular lot within a single-family residential subdivision. Land is relatively flat with a gradual downward slope to the south.

- B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:**
 - 1. North:** Single-Family Residential-R-1
 - 2. West:** Single-Family Residential-R-1
 - 3. South:** Single-Family Residential-R-1
 - 4. East:** Single-Family Residential-R-1

- C. RELEVANT CASE HISTORY:** The City Council held a public hearing at their meeting on July 17, 2018. The public hearing was closed and action was tabled.

D. APPLICABLE REGULATIONS:

1. Section 5.06 of the Zoning Ordinance: R-1 Single-Family Residential
2. Article 6 of the Zoning Ordinance- Conditional Use Permits

III. ANALYSIS

A. COMPREHENSIVE PLAN: The Future Land Use Map of the Comprehensive Plan designates this property as residential.

B. OTHER PLANS: N/A

C. TRAFFIC AND ACCESS:

1. The property has access to Thorn Apple Lane through the western edge of the property.

E. UTILITIES: All utilities are available to the site.

IV. REVIEW COMMENTS:

1. The preceding Agenda Item B contains proposed amendments to the La Vista Municipal Code, amending Section 95.11 (Animals – Maximum Number Allowed) and Section 95.17 (Dog Kennels, Catteries, and Pet Stores) to allow for the use “Animal Specialty Services” to be exempt from Section 95.11 of the municipal code and to clarify the number of animals allowed. “Animal Specialty Services” was added as a new use to the City’s Zoning Ordinance on June 16, 2015. However, the code was not modified accordingly.
2. “Animal Specialty Services” is the appropriate use that this type of home occupation would be categorized as.
3. The use shall be limited to the type of operation as described in the applicant's Operational Statement (Exhibit “A”) and staff report. Any change in the operational characteristics including, but not limited to, expansion of the hours of operation and additional services provided, shall require review by the Planning Department and may require an amendment to the Conditional Use Permit, subject to either City Planner or Planning Commission and City Council approval, depending on the nature of the proposed change.
4. The Owner must also maintain her Professional Dog Training Instructor (PDTI) Certification through the International Association of Canine Professionals (IACP) and provide proof to the City.
5. Hours of operation for use will be from 7:00 a.m. to 6:00 p.m. Sunday through Saturday, except for overnight stays.
6. The client’s dog(s) shall not be kennelled outside.

7. The home occupation (Animal Specialty Services) shall operate by appointment only.
8. The maximum number of dogs placed in the home per day shall be limited to five (5).
9. There shall be no employees beyond the owner of the business.
10. Client parking shall consist of owner's driveway (off-street parking) only to avoid parking impact on neighbors.
11. Waste materials shall be stored in proper containers and such waste shall be properly disposed of according to law.

V. STAFF RECOMMENDATION:

Staff recommends the approval of the Condition Use Permit for Puppyland, LLC as the CUP request is consistent with the Comprehensive Plan and the Zoning Ordinance.

VI. PLANNING COMMISSION RECOMMENDATION – CUP:

The Planning Commission held a public hearing on June 21, 2018 and voted 5-1 to recommend approval of the Conditional Use Permit as the request is consistent with the Comprehensive Plan and the Zoning Ordinance.

VII. ATTACHMENTS TO REPORT:

1. Vicinity Map
2. Statement of Use and Site Plan
3. Letters of Support
4. Draft of Conditional Use Permit

VIII. COPIES OF REPORT TO:

1. Puppyland, LLC
2. Joe Sjoberg, Property Owner
3. Public Upon Request



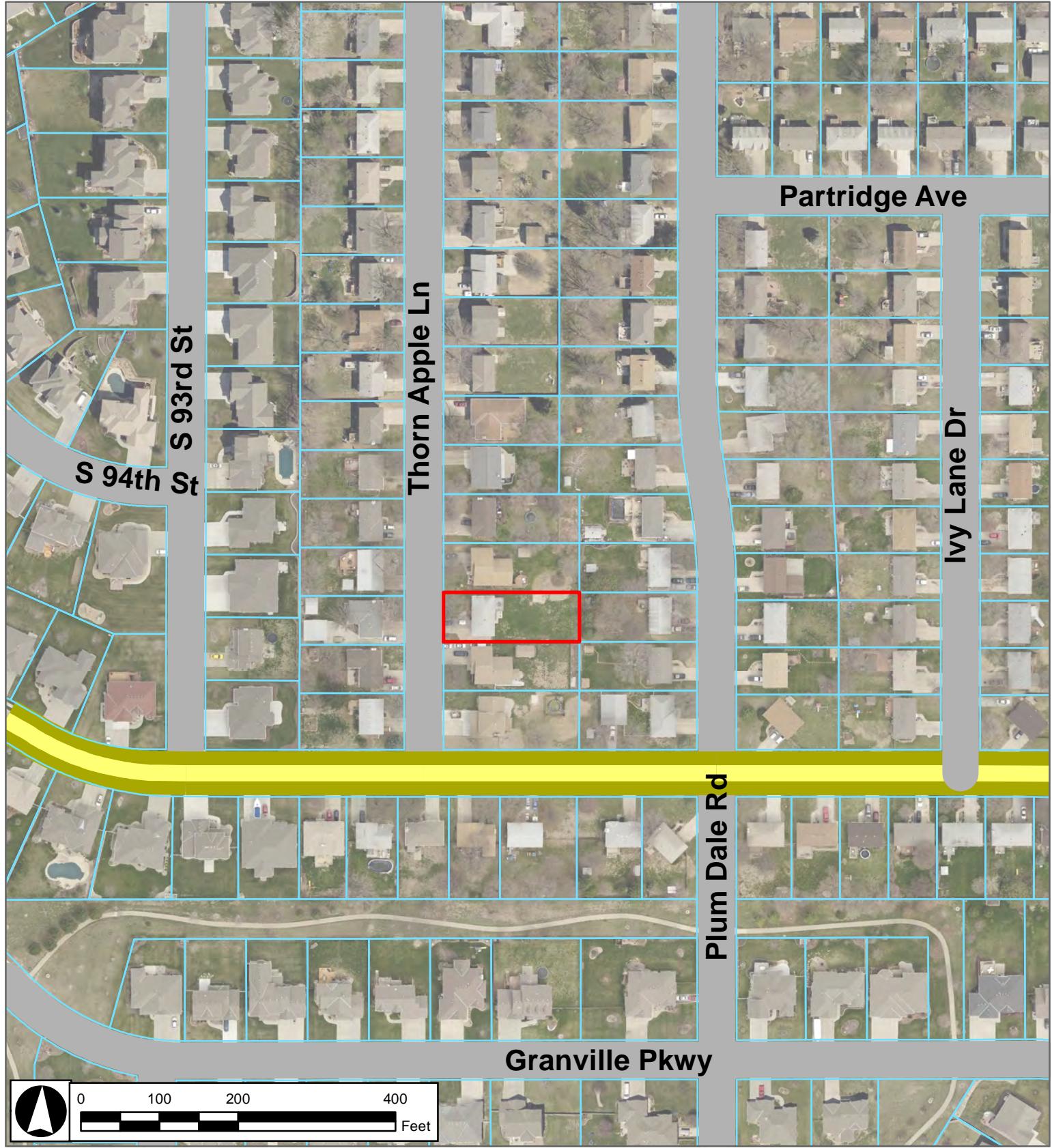
Prepared by:



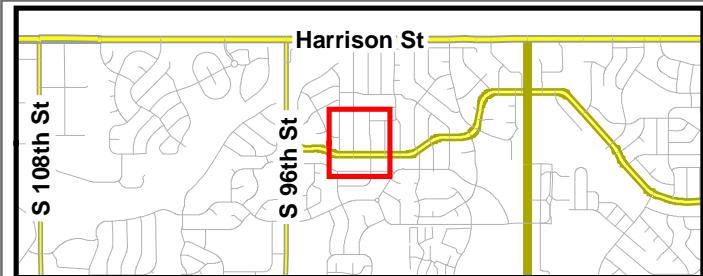
Community Development Director

11-30-18

Date



Project Vicinity Map



Puppyland, LLC Home Occupation CUP

6-11-18
JMC



PUPPLAND!

RE: Caring for dogs of service (Service Dogs, Emotional Support Dogs, Therapy Dogs) and dogs in training in our home (David and Cyndi Bates) at 7505 Thorn Apple Lane

First, I will give you my background history which brought me here to Omaha. My entire adult life I have been serving communities for the greater good.

- 1992-2008: Law Enforcement-Patrol, DARE & SOR Officer in Missouri. I became a sponsor/participant for Back Stoppers-Guns n Hoses (Boxing). During which I began to train, foster, and find forever homes for pups & kitties as a hobby.
- In 2008, I retired from law enforcement to further my endeavors with dual careers in fitness-boxing and pup care giving.
- I became involved with TDI (Therapy Dog International)-therapy dogs and basic dog training.
- 2011-My husband, David relocated from St. Louis, MO to Omaha with the Union Pacific Rail Road. I remained at our primary home located in St. Louis/Poplar Bluff, MO.
- 2013-I started to commute to Omaha from St. Louis/Poplar Bluff. I began to transport dogs to their forever homes on my route.
- 2014-David was diagnosed with cancer. Due to David's condition he needed a "Service Dog". I furthered my dog training skills to basic-advanced obedience dog training and "Service Dog" training including "Companion" and "Therapy Dog" training.
- 2015-My mother was diagnosed with cancer and 2017-diabetes. Therefore, my mother needed a "Service Dog" to help her with her daily needs.
- 2018-Currently I am on a regular basis commuting to St. Louis/Poplar Bluff, MO. I train "Service/Companion/Therapy Dogs" in Nebraska, Missouri, Illinois, Arkansas, Florida, and Texas.

When I am here in LaVista, NE, I volunteer with veterans and people in need of well-mannered dogs and dogs of service. In addition, I cater to a limited clientele as a doggy walker, doggy daycare, and doggy vacay. I provide exceptional care for "special need" dogs from puppy to senior, including dogs of service. I keep the dogs on their training program and work on any new "task" that is needed for my client's disability. I help dogs with different anxieties such as separation, thunderstorms, fireworks, etc. I transport my clients' dog to and from the vet while they are at work. I rehabilitate dogs that have behavioral and physical challenges. I volunteer my time with several relief & rescue and animal shelters in the area. I help them with "special need" dogs so they will be ready for adoption.

Example:

One of my neighbor client's adopted a 3 legged pup that had behavioral challenges with human and animal distractions. He works as a teacher at a nearby Indian Reservation. His ultimate dream was to have a therapy dog at the school to be there for the children in need. I worked with his pup and in a short amount of time the pup passed his CGC/Therapy Dog Certification. My clients dream came true!

I provide a clean structured in-home environment so the dogs will have a successful transition from here to home. My mission is to keep the dogs balanced and stress free. I require the following from all pups:

- Must be spay/neutered
- Crate trained
- Up to date on vaccines: Rabies, DHLP, Bordella, Flea/tick/worm preventative

I offer:

- Full time care
- Personal one on one
- Quiet environment
- Structured social time
- Desensitizing-social events, public places, parks, etc.
- Exercise conditioning program including treadmill

The majority of the dogs for walking/doggy daycare/doggy vacay clientele are neighbors and/or within our community. Also the majority of the dogs visiting are dogs of service or in training to be dogs of service.

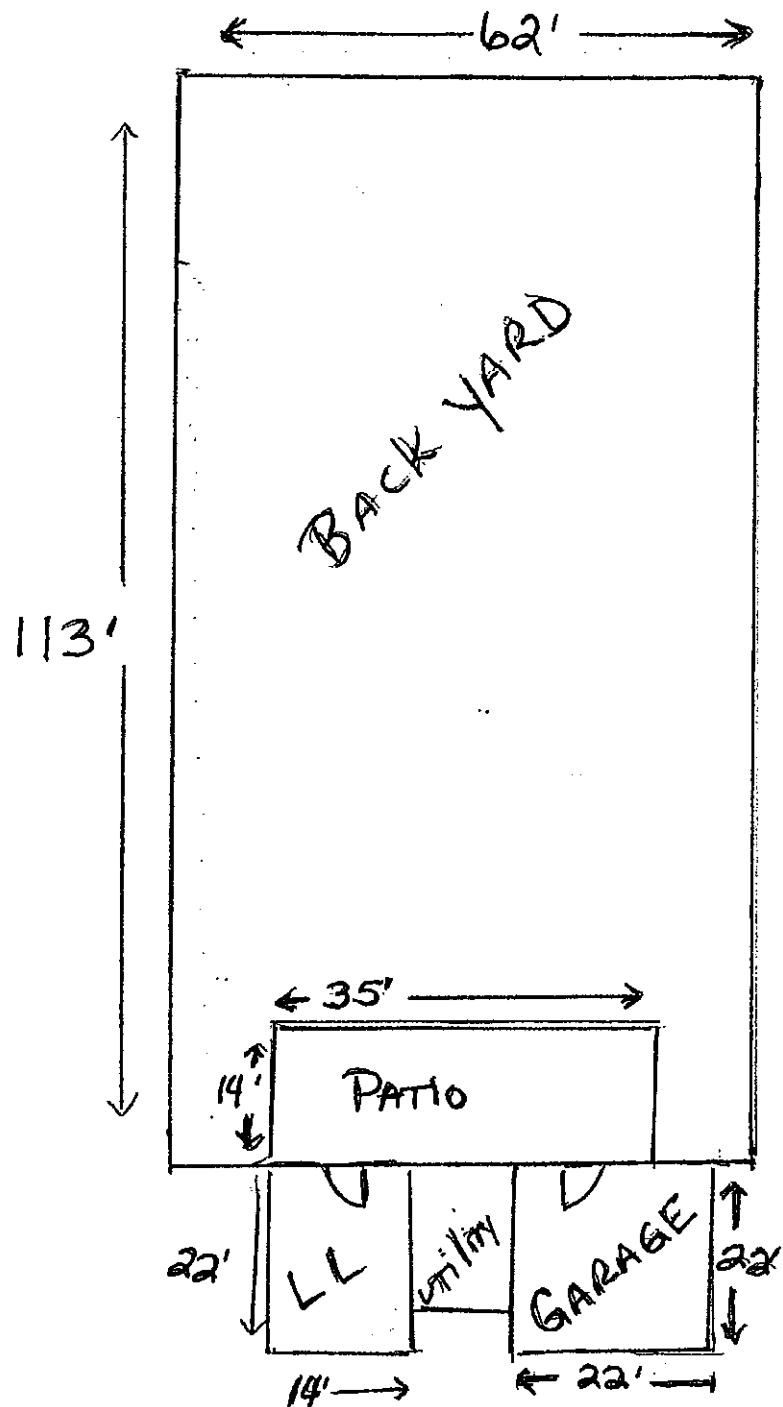
Hours of Operation:

I am here in Nebraska approximately (6) months out of the year (not consecutive). Therefore, my business is part time in Nebraska.

Generally, if I'm not transporting the dogs then my limited clientele drops off and/or pick up their pups for walking/doggy daycare between the hours of 7am-9am and 4pm-6pm on Tuesday/Wednesday/Thursday (Monday/Friday/Saturday/Sunday I rarely have any doggy daycare). Maximum dogs for doggy daycare is and average under (4) four.

If I have a dog that stays overnight then the client drops off/picks up during reasonable hours of the day. Overnight dog guests are an average of (1) one a week. Over the holidays is an average of under (4) four.

After the pups are dropped off, I spend most of my day out within the community with the dogs.



NOT TO SCALE

DIMENSIONS ARE
APPROXIMATE

AREAS OF HOME THAT WILL BE USED.
7505 THORN APPLE LANE

Planning Commission

June 12, 2018

City of La Vista

La Vista City Hall

8116 Park View Blvd

La Vista, NE 68128

To whom it may concern:

As a 35-year LaVista resident, I strongly support the mission and services of Cyndi Bates and Puppyland. She helped us immensely in training our dog, Buster, who has now received the American Kennel Club's "Canine Good Citizen" designation. This designation made it possible for Buster to work with children in the Omaha Nation Public School, where I am an English teacher.

The services of Puppyland represent an ongoing asset to our community and I strongly support their application for a "Conditional Use Permit" from the City.

Regards,

Monte Lund

Monte Lund

8817 Bayberry Rd.

LaVista, Nebraska 68128

402-707-6314

June 13, 2018

To Whom This May Concern:

Cyndi Bates is an asset to the LaVista community. She is committed in making peoples lifestyle better. Her abilities and knowledge of working with dogs for people with disabilities and Veterans is amazing.

I have known Cyndi for 7 months and she is very responsible and caring person working with my 9-month old Goldendoodle while I work at the Omaha VA Medical Center.

It would be a GREAT disappointment not only to the community but the individuals who get the benefit of her business if the services are discontinued.

Thank you.



Kris Gravelle

June 15, 2018

City of LaVista Planning Commission

Me and my husband have 2 dogs. We have been using Puppyland since December 2016. In the 12 years we have owned dogs, we have never sent our dogs anywhere when we go out of town. We would always have a sitter stay at the house. A situation arose back in December 2016 where we needed to send the dogs somewhere when we went out of town. Our dog trainer highly recommended Puppyland.

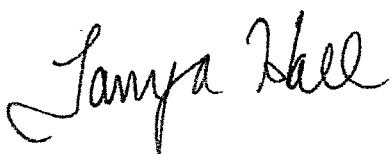
We do not have children and so our dogs are our children. We are very protective of our dogs. This was new territory for us, so we were a little leery about the situation, even though Puppyland came highly recommended.

Needless to say, we have been using Puppyland exclusively since December 2016, and me and my husband travel quite a bit. We feel that Puppyland treats our dogs like they are their own dogs. They are a very professional and reliable business. Our dogs get lots of playtime, walks, homemade treats and we get a CD of pictures taken during the stay, constant updates by text etc.. In addition to this, Puppyland keeps our dogs on the training program they went through back in 2016. It's like a mini boot-camp for them when they stay there.

One of our dogs has had 6 major ACL related surgeries since September 2017. We have appreciated the advice we have received from Puppyland concerning similar surgery stories and various 'puppy' situations that have arisen. Puppyland truly has a lot of experience with dogs.

We always know our dogs are in good hands at Puppyland and they will do whatever it takes to make sure our babies have a good experience while there.

We have relied on Puppyland for 18 months now and don't know what we would do without them!



Travis & Tanya Hall
5823 S. 238th St.
Elkhorn, NE 68022

THERESA M. BECK

9134 Granville Pkwy

La Vista, NE 68128

June 20, 2018

To Whom it May Concern:

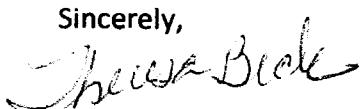
I am a client of Puppyland and would like to convey my support for its continued operation. As a La Vista resident, I have found their services outstanding and they are providing a much-needed business for our community.

The owner, Cyndi provides specialized training which have greatly enhanced our dog. This training went far beyond the typical obedience and was customized for him. The result was a well-adjusted dog that responds to handlers.

Puppyland also provides personalized care which goes above industry norms. This care is identical to what an owner provides. They minimize the number of concurrent animals on property, ensure each animal is behaved and maintain a clean facility.

This business operates with the highest standards and represents strong values for our community.

Sincerely,



Theresa Beck

June 21, 2018

LaVista City Hall
8116 Parkview
LaVista, NE 68128

To The City of LaVista:

It is with great pleasure that I recommend Puppyland for a Conditional Use Permit. I have known the proprietors of Puppyland for five years as a client, fellow dog trainer and friend.

Puppyland provides an excellent alternative to large intimidating; institutional dog boarding facilities by providing an intimate in home setting that reflects clients' very own home environments. Puppyland offers dog owners a safe and well supervised option to leaving their fur babies for extended periods of time at home, confined without exercise or social stimulation.

Puppyland proprietors Cyndi Bates and her husband David Bates have dedicated a portion of their home into a dog haven. Both Cyndi and David are patient and kind while still maintaining discipline and gaining the utmost respect of the dogs in their care. Cyndi, the primary caregiver manages Puppyland much like a child day care setting. She has an organized schedule for each dog in her care which includes basic obedience and therapy work training if requested and supervised indoor and outdoor play time. Puppyland offers supervised outdoor playtime in a secured fenced in yard where furry patrons are treated to days filled with exercise and supervised socialization.

One of the most impressive things about Puppyland's program is the curriculum. Prior to accepting a new applicant, Cyndi schedules time with each dog owner(s) to gain valuable information about the prospective fur client. She requires extensive health, vaccination and behavioral history records. Puppyland specializes in caring for dogs that require extra attention, i.e. basic obedience, good citizen or therapy dog preparation. It is not uncommon to see Cyndi socializing her furry clients at dog friendly stores and area recreational areas.

It is difficult to leave your fur babies in someone else's care and finding a provider you can trust is vital. Some liken it to entrusting their human children to a day care facility. I do not hesitate to entrust my dogs with Cyndi. In fact, after a stay at Puppyland, I am not really sure my dogs want to return home with me! I am more than happy to answer any questions you may have. Please feel free to contact me at 402-681-9044 or carol.olson@neb.vet.

Respectfully submitted for consideration by,

Carol Olson

City of La Vista Conditional Use Permit

Conditional Use Permit for Home Occupation (Puppyland, LLC)

This Conditional Use Permit issued this _____ day of _____, 2018, by the City of La Vista, a municipal corporation in the County of Sarpy County, Nebraska ("City") to, Puppyland, LLC ("Owner"), pursuant to the La Vista Zoning Ordinance.

WHEREAS, Owner wishes to locate and operate a home occupation (~~dog daycare, dog training~~Animal Specialty Services) in a single-family dwelling at 7505 Thorn Apple Lane upon the following legally described property of land within the City of La Vista zoning jurisdiction:

Lot 50, S & S'S Harvest Hill, located in the NW 1/4 Section 15, Township 14 North, Range 12 East of the 6th P.M. Sarpy County.

WHEREAS, Owner has applied for a conditional use permit for the purpose of locating and operating a home occupation (~~dog daycare, dog training~~Animal Specialty Services); and

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

NOW, THEREFORE, BE IT KNOWN THAT subject to the conditions hereof, this conditional use permit is issued to the owner to use the area of the property described herein for a home occupation (~~dog daycare, dog training~~Animal Specialty Services), said use hereinafter being referred to as "Permitted Use or Use".

Conditions of Permit

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

1. The rights granted by this permit are transferable and any variation or breach of any terms hereof shall cause permit to expire and terminate without the prior written consent of the City (amendment to permit) or unless exempted herein.
2. In respect to the proposed Use:
 - a. The use shall be limited to the type of operation of a part-time home occupation of Animal Specialty Services as described in the applicant's Operational Statement (Exhibit "A") and staff report. Any change in the operational characteristics including, but not limited to, expansion of the hours of operation and additional services provided, shall require review by the Planning Department and may require an amendment to the Conditional Use Permit, subject to either City Planner or Planning Commission and City Council approval, depending on the nature of the proposed change.
 - b. Permitted use will utilize the entire home, including the basement, garage, patio, and backyard. Use will consist of equipment and supplies commonly associated with ~~dog training~~Animal Specialty Services, including portable dog carrier/kennel.
 - b.c. During the public hearing process, there was no documented opposition from any household within 200' of the property, measured from the edge of the property line, subjected to the Conditional Use Permit.
 - e.d. Hours of operation for use will be from 7:00 a.m. to 6:00 p.m. Sunday through Saturday, except for overnight stays.

d.e. The client's dog(s) shall not be kennelled outside.

e.f. The home occupation (~~dog daycare/dog training/overnight stays~~Animal Specialty Services) shall operate by appointment only.

g. The maximum number of dogs placed in the home per day and overnight stay shall be limited to ~~six five (56)~~. ~~The maximum number of dogs placed in the home at night shall be limited to three (3).~~

f.h. There shall be no employees.

g.i. There shall be no storage, placement or display of goods or supplies outside described areas relating to permitted use.

h.j. Waste materials shall be stored in proper containers and such waste shall be properly disposed of according to law.

i.k. Client parking shall consist of owner's driveway (off-street parking) only to avoid parking impact on neighbors.

j.l. The home occupation shall not generate any noise, odor, dust, vibrations, fumes, smoke, glare, or electrical or electronic interference with the residential use of neighboring properties.

m. The use shall comply with all applicable sign regulations.

k.n. Owner shall obtain certification through the International Association of Canine Professionals (IACP) within six months, maintain a certificate as a AKC Canine Good Citizen (CGC) Approved Evaluator, maintain a certificate in Pet First Aid/CPG, and provide proof of certifications to the City of La Vista.

l.o. Owner shall obtain all required permits from the City of La Vista and shall comply with any additional requirements as determined by the Building Inspector.

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

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

3. The applicant's right to maintain the use as approved pursuant to these provisions shall be based on the following:
 - a. An annual renewal of a home occupation license and annual inspection to determine compliance with the conditions of approval. The conditional use permit may be revoked upon a finding by the City that there is a violation of the terms of approval.
 - b. The use authorized by the conditional use permit must be initiated within one (1) year of approval and shall become void two (2) years after the date of approval unless the applicant has fully complied with the terms of approval.
 - c. All obsolete or unused structures and accessory facilities or materials specifically pertaining to such permitted use shall be removed at owner's expense within twelve (12) months of cessation of the conditional use, if required by the City.
4. Notwithstanding any other provision herein to the contrary, this permit, and all rights granted hereby, shall expire and terminate as a permitted use hereunder upon the first of the following to occur:
 - a. Owner's abandonment of the permitted use. Non-use thereof for a period of twelve (12) months shall constitute a presumption of abandonment.
 - b. Cancellation, revocation, denial or failure to maintain any federal, state or local permit required for the Use.
 - c. Owner's breach of any other terms hereof and his/her failure to correct such breach within ten (10) days of City's giving notice thereof.

5. If the permitted use is not commenced within one (1) year from _____, 2018, this Permit shall be null and void and all rights hereunder shall lapse, without prejudice to owner's right to file for an extension of time pursuant to the La Vista Zoning Ordinance.
6. In the event of the owner's failure to promptly remove any safety or environmental hazard from the premises, or the expiration or termination of this permit and the owner's failure to promptly remove any permitted materials or any remaining environmental or safety hazard, the City may, at its option (but without any obligation to the owner or any third party to exercise said option) cause the same to be removed at owner's cost and the owner shall reimburse the City the costs incurred to remove the same. Owner hereby irrevocably grants the City, its agents and employees the right to enter the premises and to take whatever action as is necessary or appropriate to remove the structures or any environmental or safety hazards in accordance with the terms of this permit, and the right of the City to enter the premises as necessary or appropriate to carry out any other provision of this permit.
7. If any provision, or any portion thereof, contained in this agreement is held to be unconstitutional, invalid, or unenforceable, the remaining provisions hereof, or portions thereof, shall be deemed severable, shall not be affected, and shall remain in full force and effect.

Miscellaneous

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

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

Contact Name and Address: Puppyland, LLC
Cyndi Bates
7505 Thorn Apple Lane
La Vista, NE 68128

Effective Date:

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

THE CITY OF LA VISTA

By _____

Douglas Kindig, Mayor

Attest:

Pam Buethe
City Clerk

CONSENT AND AGREEMENT

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

Owner:

By: _____

Title: owner/operator _____

Date: _____

PUPPLAND!

RE: Caring for dogs of service (Service Dogs, Emotional Support Dogs, Therapy Dogs) and dogs in training in our home (David and Cyndi Bates) at 7505 Thorn Apple Lane

First, I will give you my background history which brought me here to Omaha. My entire adult life I have been serving communities for the greater good.

- 1992-2008: Law Enforcement-Patrol, DARE & SOR Officer in Missouri. I became a sponsor/participant for Back Stoppers-Guns n Hoses (Boxing). During which I began to train, foster, and find forever homes for pups & kitties as a hobby.
- In 2008, I retired from law enforcement to further my endeavors with dual careers in fitness-boxing and pup care giving.
- I became involved with TDI (Therapy Dog International)-therapy dogs and basic dog training.
- 2011-My husband, David relocated from St. Louis, MO to Omaha with the Union Pacific Rail Road. I remained at our primary home located in St. Louis/Poplar Bluff, MO.
- 2013-I started to commute to Omaha from St. Louis/Poplar Bluff. I began to transport dogs to their forever homes on my route.
- 2014-David was diagnosed with cancer. Due to David's condition he needed a "Service Dog". I furthered my dog training skills to basic-advanced obedience dog training and "Service Dog" training including "Companion" and "Therapy Dog" training.
- 2015-My mother was diagnosed with cancer and 2017-diabetes. Therefore, my mother needed a "Service Dog" to help her with her daily needs.
- 2018-Currently I am on a regular basis commuting to St. Louis/Poplar Bluff, MO. I train "Service/Companion/Therapy Dogs" in Nebraska, Missouri, Illinois, Arkansas, Florida, and Texas.

When I am here in LaVista, NE, I volunteer with veterans and people in need of well-mannered dogs and dogs of service. In addition, I cater to a limited clientele as a doggy walker, doggy daycare, and doggy vacay. I provide exceptional care for "special need" dogs from puppy to senior, including dogs of service. I keep the dogs on their training program and work on any new "task" that is needed for my client's disability. I help dogs with different anxieties such as separation, thunderstorms, fireworks, etc. I transport my clients' dog to and from the vet while they are at work. I rehabilitate dogs that have behavioral and physical challenges. I volunteer my time with several relief & rescue and animal shelters in the area. I help them with "special need" dogs so they will be ready for adoption.

Example:

One of my neighbor client's adopted a 3 legged pup that had behavioral challenges with human and animal distractions. He works as a teacher at a nearby Indian Reservation. His ultimate dream was to have a therapy dog at the school to be there for the children in need. I worked with his pup and in a short amount of time the pup passed his CGC/Therapy Dog Certification. My clients dream came true!

I provide a clean structured in-home environment so the dogs will have a successful transition from here to home. My mission is to keep the dogs balanced and stress free. I require the following from all pups:

- Must be spay/neutered
- Crate trained
- Up to date on vaccines: Rabies, DHLP, Bordella, Flea/tick/worm preventative

I offer:

- Full time care
- Personal one on one
- Quiet environment
- Structured social time
- Desensitizing-social events, public places, parks, etc.
- Exercise conditioning program including treadmill

The majority of the dogs for walking/doggy daycare/doggy vacay clientele are neighbors and/or within our community. Also the majority of the dogs visiting are dogs of service or in training to be dogs of service.

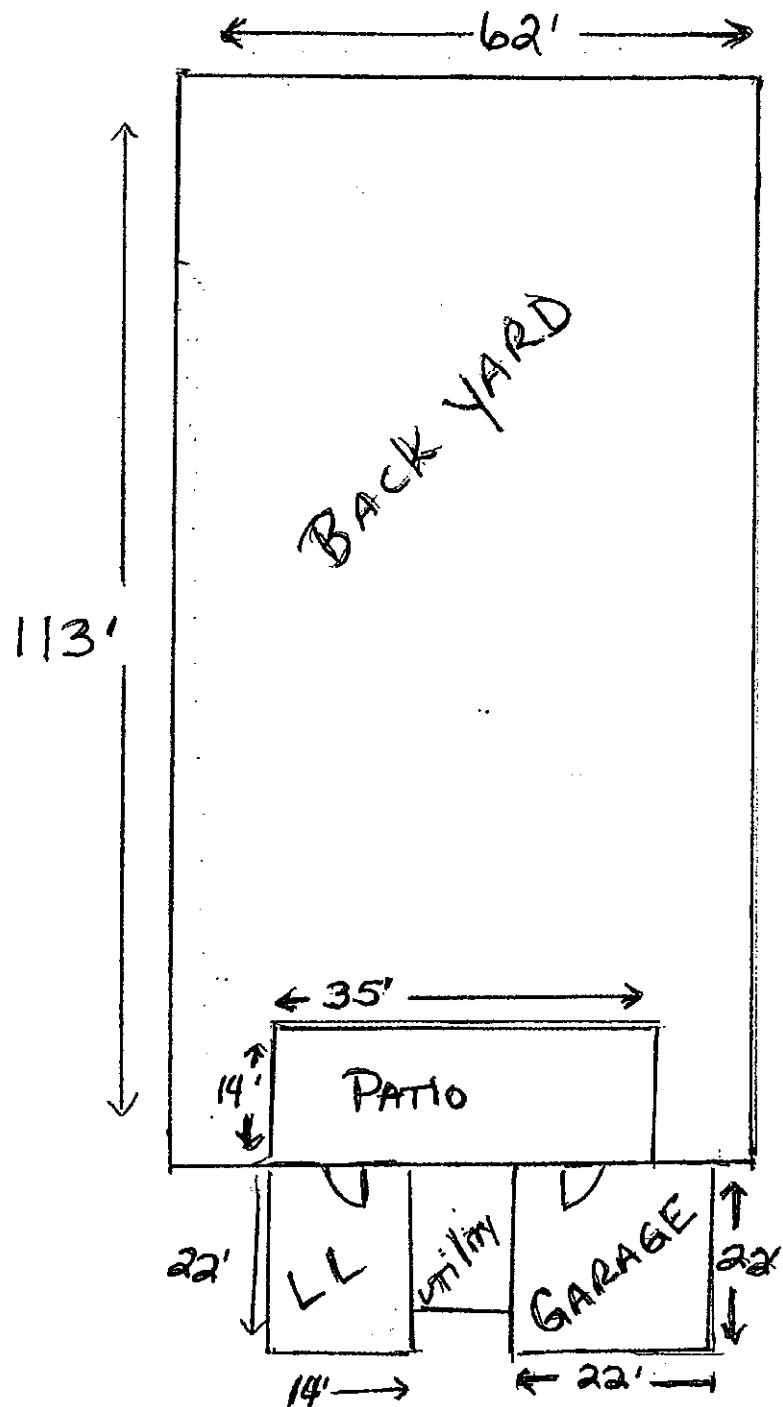
Hours of Operation:

I am here in Nebraska approximately (6) months out of the year (not consecutive). Therefore, my business is part time in Nebraska.

Generally, if I'm not transporting the dogs then my limited clientele drops off and/or pick up their pups for walking/doggy daycare between the hours of 7am-9am and 4pm-6pm on Tuesday/Wednesday/Thursday (Monday/Friday/Saturday/Sunday I rarely have any doggy daycare). Maximum dogs for doggy daycare is and average under (4) four.

If I have a dog that stays overnight then the client drops off/picks up during reasonable hours of the day. Overnight dog guests are an average of (1) one a week. Over the holidays is an average of under (4) four.

After the pups are dropped off, I spend most of my day out within the community with the dogs.



NOT TO SCALE

DIMENSIONS ARE
APPROXIMATE

AREAS OF HOME THAT WILL BE USED.

7505 THORN APPLE LANE

CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
DECEMBER 4, 2018 AGENDA

Subject:	Type:	Submitted By:
AMEND FY2018/19 BUDGET SARPY COUNTY AND CITIES WASTEWATER AGENCY	◆ RESOLUTION ORDINANCE RECEIVE/FILE	JOE SOUCIE DIRECTOR OF PUBLIC WORKS

SYNOPSIS

A resolution has been prepared authorizing the approval of the Amended 2018/19 Budget for Sarpy County and Cities Wastewater Agency.

FISCAL IMPACT

The Fiscal Year 2018/19 budget requests no funding from the City of La Vista.

RECOMMENDATION

Approval

BACKGROUND

The City of La Vista is a party to an agreement entered into pursuant to the Interlocal Cooperation Act set out at Neb.Rev. Stat. § 13-801 et. seq. by and between Sarpy County and the Cities of Papillion, Bellevue, Springfield, La Vista and Gretna (the “Members”), which formed the interlocal agency called the Sarpy County and Cities Wastewater Agency (the “Agency”).

Pursuant to Section IX of the Agreement, the Agency Board is required to approve an itemized annual budget which shall be presented to and subject to approval of the individual governing body of each Member. The Agency Board has approved the proposed Amended FY2018-2019 Budget on November 13, 2018. Attached are Exhibit “A”, the Amended FY2018/2019 budget and Exhibit “B”, Resolution Approving the Sarpy County and Cities Wastewater Agency Amended FY2018-2019 Budget.

RESOLUTION NO. ____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING THE SARPY COUNTY AND CITIES WASTEWATER AGENCY'S AMENDED FY2018-2019 BUDGET.

WHEREAS, the City of La Vista is a party to an agreement (the "Agreement") entered into pursuant to the Interlocal Cooperation Act, set out at Neb. Rev. Stat. § 13-801 et seq. (the "Act"), by and between Sarpy County and the Cities of Papillion, Bellevue, Springfield, La Vista and Gretna (the "Members"), which formed the interlocal agency called the Sarpy County and Cities Wastewater Agency (the "Agency"); and

WHEREAS, pursuant to Section IX of the Agreement, the Agency Board is required to approve an itemized annual budget which shall be presented to and subject to approval of the individual governing body of each Member; and

WHEREAS, Sarpy County initially offered to make a contribution to the Agency for the FY2018-2019 to cover the Agency's anticipated expenses with the understanding that three hundred and sixty-five thousand and three hundred and seventeen dollars (\$365,317.00) will be reimbursed to Sarpy County by the agency through the first available revenue generated by the Agency; and

WHEREAS, the Agency approved the revised FY2018-2019 Budget at the Agency's Board Meeting on June 26, 2018 with the understanding that three hundred and sixty-five thousand and three hundred seventeen dollars (\$365,317.00) will be reimbursed to Sarpy County by the Agency through the first available revenue generated by the Agency; and

WHEREAS, each of the Members' governing bodies approved the FY2018-2019 Budget with Sarpy county's contribution of \$365,317.00; and

WHEREAS, Sarpy County offered to make an additional contribution to the Agency for the FY2018-2019 to cover the Agency's anticipated expenses with the understanding that the total contributions from Sarpy County in the amount of six-hundred and fifty-six thousand and seven hundred and fifty-eight dollars (\$656,758.00) will be reimbursed to Sarpy County by the Agency through the first available revenue generated by the Agency; and

WHEREAS, the City of La Vista deems it appropriate and advisable to approve the proposed amended FY2018-2019 Budget, attached hereto as Exhibit A, which has been approved by the Agency Board through the Resolution attached hereto as Exhibit B;

NOW, THEREFORE, BE IT RESOLVED by the City Council of La Vista, Nebraska that the proposed Agency's amended FY2018-2019 Budget is hereby approved.

PASSED AND APPROVED THIS 4TH DAY OF DECEMBER, 2018.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

K:\APPS\City Hall\18 FINAL RESOLUTIONS\18. Amend FY18-19
Budget For Sarpy Co And Cities Wastewater Agency 12.04.18.Docx

Exhibit A

Sarpy County and Cities Wastewater Agency
07/01/2018 to 06/30/2019
AMENDED BUDGET

2018-032

	Actual 2017/18 Budget	Adopted 2018/19 Budget	Amended 2018/19 Budget
Beginning Cash Balance (FY2017/18 Carryover)	\$ -	\$ 83,493	\$ 83,493
RECEIPTS:			
Donation - Sarpy County	\$ 250,000	\$ 250,000	\$ 250,000
Reimbursable Contribution - Sarpy County	\$ -	\$ 365,317	\$ 656,758
	Total Receipts:	\$ 250,000	\$ 615,317
	TOTAL RESOURCES AVAILABLE:	\$ 250,000	\$ 698,810
	\$ 698,810	\$ 990,251	
DISBURSEMENTS & TRANSFERS:			
Agency Operational Expenses:			
Professional Services - Consultant Services - Development Plan Creation, General Agency Services	\$ -	\$ 16,240	\$ 16,240
Professional Services - Engineering Consultant Services - Regional Wastewater System Study (HDR)	\$ 63,197	\$ 116,135	\$ 116,135
Professional Services - Engineering Consultant Services- Gen. Agency Ser. (permitting, funding app's, etc.)	\$ -	\$ 100,000	\$ 281,441
Professional Services - Legal Services - P3 Formation/Creation	\$ 50,409	\$ 250,000	\$ 250,000
Professional Services - Legal Services - General Agency Services	\$ 37,419	\$ 63,000	\$ 113,000
Professional Services - Financial Advisor - General Agency Services	\$ -	\$ 125,000	\$ 185,000
Insurance - Public Entity Management Liability	\$ 15,254	\$ 17,967	\$ 17,967
Bonds - Surety Bonds for Officer Positions	\$ -	\$ 3,000	\$ 1,000
Accounting Software - QuickBooks	\$ 75	\$ 600	\$ 600
Postage	\$ -	\$ 250	\$ 250
Office Supplies - Copies, Paper, etc.	\$ -	\$ 500	\$ 500
Publications - Newspaper, Notices, etc.	\$ 133	\$ 600	\$ 600
Audit Fees	\$ -	\$ 5,000	\$ 5,000
Miscellaneous - Fees & Supplies	\$ 20	\$ 518	\$ 2,518
	Agency Operational Expenses Total:	\$ 166,507	\$ 698,810
	\$ 698,810	\$ 990,251	
	TOTAL DISBURSEMENTS & TRANSFERS:	\$ 166,507	\$ 698,810
	\$ 698,810	\$ 990,251	
	Ending Cash Balance - 06/30/20XX:	\$ 83,493	\$ -
	\$ -	\$ -	
	Agency Budget Authority Amount:	\$ 250,000	\$ 698,810
	\$ 698,810	\$ 990,251	

2018/19 ORIGINAL Budget Adopted by Agency Governing Body: 6/26/20182018/19 AMENDED Budget Adopted by Agency Governing Body: 11/13/2018

2018/19 AMENDED Budget Adopted by Sarpy County Governing Body: _____

2018/19 AMENDED Budget Adopted by Bellevue Governing Body: _____

2018/19 AMENDED Budget Adopted by Gretna Governing Body: _____

2018/19 AMENDED Budget Adopted by La Vista Governing Body: _____

2018/19 AMENDED Budget Adopted by Papillion Governing Body: _____

2018/19 AMENDED Budget Adopted by Springfield Governing Body: _____

2018/19 AMENDED Agency Budget Effective Date: _____

*Budget becomes effective upon approval by the governing bodies of all participating entities.

BOARD OF SARPY COUNTY AND CITIES WASTEWATER AGENCY

**RESOLUTION APPROVING THE AMENDED SARPY COUNTY AND CITIES
WASTEWATER AGENCY FY2018-2019 BUDGET**

WHEREAS, pursuant to the Interlocal Cooperation Act, set out at Neb. Rev. Stat. § 13-801 et seq., (hereinafter the "Act"), Sarpy County and the Cities of Papillion, Bellevue, Springfield, La Vista and Gretna entered into an agreement, (hereinafter the "Agency Formation Agreement") and formed the interlocal agency called the Sarpy County and Cities Wastewater Agency (hereinafter the "Agency"); and,

WHEREAS, the Agency is a separate body corporate and politic under the Act; and,

WHEREAS, pursuant to the Agency Formation Agreement, the powers of the Agency as a body are exercised by the Agency Board; and,

WHEREAS, pursuant to Resolution 2018-017, the Agency Board previously approved the Sarpy County and Cities Wastewater Agency FY2018-2019 Budget (hereinafter the "FY2018-2019 Budget"); and,

WHEREAS, pursuant to Resolution 2018-024, the Agency Board amended the FY2018-2019 Budget to include, among other things, Sarpy County's initial contribution of \$365,317.00; and,

WHEREAS, Sarpy County has offered to increase its total FY2018-2019 contribution to \$656,758.00 to cover additional anticipated expenses with the understanding that \$656,758.00 will be reimbursed to Sarpy County by the Agency through the first available revenue generated by the Agency; and

WHEREAS, the Agency Budget Committee considered the amended FY2018-2019 Budget and has submitted it to the Agency Board for further consideration and approval; and,

WHEREAS, the Agency Board discussed the proposed amended FY2018-2019 Budget and after discussion the Board deemed it advisable to approve the proposed amended FY2018-2019 Budget, attached hereto as Exhibit A, pursuant to Section IX of the Agency Formation Agreement to be presented to the governing body of each Agency Member.

NOW, THEREFORE, BE IT RESOLVED BY THE AGENCY BOARD that Sarpy County's proposed increased contribution to the Agency for the FY 2018-2019 is accepted with the understanding that \$656,758.00 will be reimbursed to Sarpy County by the Agency through the first available revenue generated by the Agency; and,

NOW, THEREFORE, BE IT RESOLVED BY THE AGENCY BOARD that the attached amended FY2018-2019 Budget is hereby approved and shall be presented to and subject to the approval of the individual governing body of each Agency Member; and,

NOW, THEREFORE, IT FURTHER BE RESOLVED BY THE AGENCY BOARD that the Agency Board Chairman is hereby authorized to execute, on behalf of the Agency Board, any and all documents associated with or in furtherance of the amended FY2018-2019 Budget.

The above Resolution was approved by a vote of the Sarpy County and Cities Wastewater Agency Board at a public meeting duly held in accordance with applicable law on the 13th day of November 2018.

Sarpy County and Cities Wastewater
Agency Board Chairman

Approved as to Form:



Adel Chl.
Agency Attorney

Sarpy County and Cities Wastewater Agency

07/01/2018 to 06/30/2019

AMENDED BUDGET

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Agency Budget Authority Amount:	\$ 250,000	\$ 698,810	\$ 990,251

2018/19 ORIGINAL Budget Adopted by Agency Governing Body: 6/26/20182018/19 AMENDED Budget Adopted by Agency Governing Body: 11/13/2018

2018/19 AMENDED Budget Adopted by Sarpy County Governing Body: _____

2018/19 AMENDED Budget Adopted by Bellevue Governing Body: _____

2018/19 AMENDED Budget Adopted by Gretna Governing Body: _____

2018/19 AMENDED Budget Adopted by La Vista Governing Body: _____

2018/19 AMENDED Budget Adopted by Papillion Governing Body: _____

2018/19 AMENDED Budget Adopted by Springfield Governing Body: _____

2018/19 AMENDED Agency Budget Effective Date: _____

*Budget becomes effective upon approval by the governing bodies of all participating entities.

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
DECEMBER 4, 2018 AGENDA**

Subject:	Type:	Submitted By:
REQUEST FOR PROPOSALS — INFORMATION TECHNOLOGY STRATEGIC PLAN	◆ RESOLUTION ORDINANCE RECEIVE/FILE	KEVIN POKORNY DIRECTOR OF ADMINISTRATIVE SERVICES

SYNOPSIS

A resolution has been prepared authorizing the advertisement of requests for proposals (RFP) for an Information Technology Strategic Plan for the City of La Vista.

FISCAL IMPACT

The FY19/20 Biennial Budget contains funding for the technology analysis. No funds for these services will be committed until a contract has been approved by Council.

RECOMMENDATION

Approval.

BACKGROUND

The City's strategic plan identifies the need to have an outside resource complete an updated analysis of the City's existing information technology and develop an information technology (IT) strategic plan. The last plan was completed November 2011.

This IT Strategic Plan will be utilized to identify and prioritize future investments in technology supportive of the City's evolving technology needs.

RESOLUTION NO. ____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSALS FOR AN INFORMATION TECHNOLOGY STRATEGIC PLAN.

WHEREAS, the City Council of the City of La Vista has determined that an information technology strategic plan is necessary; and

WHEREAS, the FY19/20 Biennial Budget provides funding for professional services; and

WHEREAS, proposals will be due January 25, 2019 with the approval of selected firm by the City Council on April 2, 2019, subject to the discretion of the City;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize the issuance of a Request for Proposals for an Information Technology Strategic Plan.

PASSED AND APPROVED THIS 4TH DAY OF DECEMBER 2018.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

City of La Vista, Nebraska



Request for Proposals

Information Technology Strategic Plan

ISSUE DATE:

December 5, 2018

SUBMISSIONS DUE:

January 25, 2019 – 10:00 a.m. CST

*Late Proposals Will Be Rejected

FINALIST PRESENTATIONS:

March 11-15, 2019

REPLY TO:

Pamela A. Buethe

City Clerk

8116 Park View Blvd.

La Vista, NE 68128

pbuethe@cityoflavista.org

402.331.4343

REQUEST FOR PROPOSALS
INFORMATION TECHNOLOGY STRATEGIC PLAN
CITY OF LA VISTA, NEBRASKA

Advertisement of Bids:	December 12, 2018
Bid Opening:	Friday, January 25, 2019
	La Vista City Council Chambers
	8116 Park View Boulevard
	10:30 a.m.
Award of Contract:	April 3, 2019

Sealed proposals will be received until 10:00 a.m. local time on January 25, 2019, at the La Vista City Hall, 8116 Park View Boulevard, La Vista, Nebraska. Bids received after this time will not be accepted. This Request for Proposals (RFP) is issued by the City of La Vista. All correspondence, questions and additional information regarding this RFP must be presented in writing and addressed to City of La Vista, Attn: City Clerk Pam Buethe, 8116 Park View Boulevard, La Vista, Nebraska, 68128, or electronically to pbuethe@cityoflavista.org. Proposals should be addressed as follows:

City of La Vista — Sealed Proposal for IT Strategic Plan
Attn: City Clerk
8116 Park View Boulevard
La Vista, NE 68128-2198

The City of La Vista reserves the right to reject any and all bids and to waive informalities or irregularities in the bidding or any bid, and at any time to negotiate with the various proposers when such is deemed by the City to be in its best interest. The right is also reserved to accept or reject any part of a proposal.

As required by State law, the Proposer shall not discriminate against any employee or applicant for employment, to be employed in the performance of the work described herein, with respect to their hire, tenure, terms, conditions, or privileges of employment, based on their race color, religion, sex, disability, or national origin.

The City of La Vista is seeking a qualified firm to submit proposals for an Information Technology Strategic Plan.

INSTRUCTIONS TO PROPOSERS

1. The Proposer shall include in his/her Proposal a signed statement certifying that the services being offered do or do not meet the Scope of Work supplied with the call for Proposals. In addition to said statement, the Proposer must provide sufficient data on the services being offered to enable the City Council to determine the grade and/or quality of the services being offered. In every case, Proposer shall indicate where the services being offered vary from the supplied specification.

2. **PROPOSALS SHALL BE SUBMITTED WITH ONE (1) ORIGINAL AND TWELVE (12) COPIES.** The Proposer shall submit one (1) unbound original single-sided copy on standard weight paper (no heavy weight paper or tabbed dividers), twelve (12) printed bound copies, and one (1) flash drive containing a pdf file of your proposal to the City.

Please note that faxes or electronic submissions, or any media other than hard copies are not acceptable.

3. Erasures, interlineations or other modifications in the Proposal shall be initialed in original ink by the authorized person signing the Proposal.
4. In the case of errors in extension of prices in Proposal, the unit price will govern.
5. When a pre-Proposal conference is scheduled, all prospective Proposers are urged to have a representative present. In any case where this is not possible it is the Proposer's responsibility to make certain that any information disclosed at the conference is considered when preparing a Proposal. Under no circumstances will the City consider making an adjustment in Scope of Work or Fee Amount after Proposals are opened based on the Proposer's ignorance of information disclosed at the Proposal conference.
6. Any Proposer may withdraw his/her Proposal, either personally or by written request, at any time prior to the closing time for receipt of Proposals.
7. All amendments to Proposals must be signed and returned to the City Clerk with the Proposal on the specified due date and time.
8. Proposals received after the scheduled closing time for receipt of Proposals will be returned, unopened, to the Proposer(s).
9. All Proposals may be rejected if the City Council determines that rejection is in the public interest.
10. The City reserves the right to waive any informalities in accepting and evaluating Proposals.

11. If a person contemplating a Proposal for a proposed contract is in doubt as to the true meaning of any part of the Proposal documents, or finds discrepancies in or omissions from said documents, he/she shall submit to the office of the City Clerk of the City of La Vista a written request for an interpretation or correction thereof. The person submitting the request shall be responsible for its prompt delivery.
12. It is the responsibility of all Proposers to examine the entire set of Proposal documents and seek clarification of any item or requirement that may not be clear and to check all responses for accuracy prior to submitting a Proposal. The proposer is required to insure that the documents received through any electronic method or Bid posting service are complete. Negligence in preparing a Proposal confers no right of withdrawal after due date and time.
13. Questions regarding the Scope of Work received less than five business days before the Proposal opening shall not be answered. Any interpretation or correction of the proposed documents will be made only by addendum, duly issued, and a copy of such addendum will be mailed or delivered to all who are known to have received a set of Proposal documents. The City of La Vista is not responsible for any other explanations or interpretations of the proposed documents.
14. Any addenda will be posted on the City's website www.cityoflavista.org. Each Proposer may ascertain prior to submitting his/her Proposal that he/she is in receipt of all addenda issued by telephoning the City Clerk's office at (402) 331-4343. Proposer shall acknowledge all addenda in accordance with the instructions on the Proposal.
15. Failure on the part of the Proposer to comply with all of these instructions may result in Proposal rejection by the City Council.
16. All Proposal prices shall be guaranteed by the Proposer to remain unchanged for a period of six months (180) days from and including the date of the Proposal opening.
17. The Proposal specifications shall take precedence in any situation where the instructions to Proposer and the Proposal specifications are contradictory.
18. The City of La Vista and vendors will use their best cooperative efforts to resolve disputes arising in the normal course of business at the lowest organizational level between each party's staff with appropriate authority to resolve such disputes. When a dispute arises which cannot be resolved in the normal course of business, the authorized persons shall notify the other of the dispute, with the notice specifying the disputed issues and the position of the party submitting the notice. The authorized persons shall use their best good faith efforts to resolve the dispute within five business days of submission by either party to the other of such dispute notice.

19. All known subcontractors to this project must be identified in the submittal. No subcontract will be construed as making the City a party of or to such subcontract, or subjecting the City to liability of any kind to any subcontractor. No subcontract shall, under any circumstances, relieve the Independent Contractor of liability and obligation under this contract; and despite any such subletting; the City shall deal through the Independent Contractor. Subcontractors will be dealt with as workmen and representatives of the Independent Contractor.
20. Any proposer objecting to the recommendation of award, rejection of a proposal, solicitation procedures of an RFP, or any portion thereof, must submit a written protest to the City Clerk. This protest must be submitted prior to the City Council meeting at which the recommendation is on the agenda for award or rejection. The protest must be filed with the City Clerk within three business days from notification of the recommendation.
21. If the City is unable to successfully negotiate a contract with the highest rated proposer, the City may, begin negotiations with the next highest rated proposal, cancel that RFP and re-solicit or completely cancel the RFP.

ADDITIONAL REQUIREMENTS

Notwithstanding anything in these specifications to the contrary:

1. Purchase Order. The City of La Vista ("City") shall issue a purchase order to the successful bidder (sometimes referred to as "supplier") that contains "Terms of Purchase," a copy of said terms being included with these bid specifications and incorporated herein by this reference, subject to any modifications as the City determines in its sole discretion are necessary or appropriate. By submitting its bid, each bidder agrees to be bound by all terms and conditions of said purchase order if it becomes the successful bidder.
2. Payment. Payment for services under the contract will be processed within 45 days after completion and receipt of all documentation and information required by the City. The purchase price quoted by supplier in its bid shall include all requirements and deliverables and, when paid, shall constitute full, final and sufficient consideration and satisfaction from the City, and the supplier shall not seek, nor shall the City pay, any additional consideration, charges or amounts.
3. Taxes. Purchases by the City are exempt from the payment of federal excise taxes and Nebraska sales and use taxes and all such taxes shall be excluded from bids. Tax exemption certificates will be provided upon request.
4. Bankruptcy/Insolvency. Supplier agrees that it shall immediately notify City, and City shall have the option to immediately terminate any agreement (without any cost, expense or obligation) with supplier, in the event that supplier makes an assignment for

the benefit of creditors, files a petition under any bankruptcy or insolvency code or law, is determined to be insolvent or bankrupt, or petitions for an order for similar relief, petitions or applies to any tribunal for appointment of any receiver or any trustee, or as a debtor in possession, of supplier, or of any such vendor or manufacturer, under any reorganization, arrangement, readjustment of debt, dissolution or liquidation act, code or law of any jurisdiction, whether now or hereafter in effect, or if there is commenced any of the foregoing actions against the supplier or any such vendor or manufacturer, and it is not dismissed within 30 days of such filing.

5. Nonwaiver. Acceptance of the strategic plan or payment of the contract price by City shall not constitute a waiver of any claims of City arising out of (i) any unsettled claims or disputes arising out of any contract requirements; (ii) faulty or defective work first noticed by City after delivery; (iii) failure of the plan to comply with the requirements of any contract requirements; or (iv) any special warranties, maintenance or guarantees required by the contract.

6. Assignment. The successful bidder agrees that it shall not transfer or assign any performance, right or obligation arising out of or resulting from its agreement with the City without the prior written consent of the City.

7. Survival. All provisions of these bid specifications or supplier's bid that by their terms require or provide for continuing performance shall survive delivery and final payment until fully performed.

8. Modifications. Bidder understands, acknowledges and agrees that no employee, agent or representative of the City has any authority to make any representations, statements, warranties, agreements or modifications to, of or regarding these specifications or any contract of the City without the written approval of the City Administrator; provided, however, that any representation, statement, warranty, agreement or modification that has any actual or potential impact to the City of more than \$5,000 shall require the prior written approval of the Mayor and City Council of the City of La Vista.

9. Fair Labor Standards. Pursuant to Neb. Rev. Stat. Section 73-102, by submitting a bid, supplier hereby represents and certifies to the City of La Vista that supplier is complying with, and will continue to comply with, fair labor standards in the pursuit of its business and, if supplier is the successful bidder, in the execution and performance of the contract on which it is bidding; and in the execution and performance of said contract, fair labor standards will be maintained.

City of La Vista
Information Technology Strategic Plan

I. INTRODUCTION

The City of La Vista is soliciting proposals for an Independent Contractor (IC) to provide consulting services associated with an Information Technology Assessment and development of a City wide Information Technology Strategic Plan to insure future investments in technology and promote an environment supportive of the City's evolving needs. This plan will be used to coordinate, guide and maintain the implementation and utilization of a variety of technologies for internal and external City customers in the most efficient and cost effective manner possible. The City considers the citizens of La Vista as our external customers and their satisfaction with City services is crucial. In addition, internal City staff requires an appropriate set of technology-based tools to satisfactorily achieve their respective customer service delivery objectives. Technology use has become so interwoven into the daily performance of job duties and service delivery, that the availability of reliable and usable technology tools has become a presumptive framework for staff performing their most basic duties. This planning initiative will deliver a basis for ensuring the City will always have a five year view into the future for technology issues and associated capital investment. The objective of the City of La Vista Information Technology Strategic Plan is to develop an Information Technology strategy that aligns best practices for governance, security, operations, funding, and accountability of technology and related investment with La Vista's operational cultures and operational business plans.

The IT Strategic Plan must also align with the current Municipal Facilities Plan (MFP). This alignment is crucial to the City's overall operational and financial planning processes and the IC's role in this alignment is of paramount importance.

Vision for the Future:

The 'Vision' takes advantage of the enormous opportunity information technology presents:

- Addresses increased service demands.
- Encourages departments to better address their business needs.
- Improves the decision-making process.
- Improves the management of increasing complexities.
- Allows the City to provide services more effectively.

II. BACKGROUND

La Vista has the advantages of a small town with the opportunities of a large city. The roadways, signs, street lights, and developments have been designed to create a beautiful place to live. The people who live and work in La Vista are proud of their community. City leaders and residents have a progressive vision for La Vista that started with its incorporation nearly 60 years ago. With numerous opportunities for development, the future looks bright. Sitting at the gateway to the Omaha metro area, La Vista is one of the fastest growing cities in Nebraska.

In April 2011, the City conducted its first information Technology Strategic Planning Project which resulted in the development of a Strategic Technology Plan in November of 2011. That plan consisted of three functional areas: management and operations, applications and technical. The City leveraged the Strategic Technology Plan to address increased service demands, encourage departments to better address business needs, improve the decision-making process, improve the management of increasing complexities and provide services more efficiently and effectively.

Form of Government

Mayor: Elected at large

City Council: 8 members elected from 4 wards

City Administrator: Appointed by Mayor

Origination: La Vista was founded on Feb. 23, 1960, with a population of 1,360, when 193 residents filed a petition requesting La Vista become a city.

Population: Over 18,000

Location

Omaha metro area in eastern Nebraska

Major Employers

PayPal

Securities America

Embassy Suites/La Vista Conference Center

Rotella's Bakery

Streck Laboratories

Papillion-La Vista Community Schools

Employment by Occupation

Management, Business, Science and Arts.....38%

Sales and Office Occupations.....26%

Service.....14%

Production, Transportation, and Material Moving.....12%
Natural Resources, Construction, and Maintenance....9%

Recreation

- Area parks cover 37 acres
- Premier 81-acre sports complexes
- Municipal Pool
- Community Center
- Baseball, softball, soccer, football fields
- Youth recreation programs
- Miles of walking trails
- Senior Programs
- Outdoor activities, festivals, and special events

Unique Qualities

- One of the newest interchanges on Interstate 80
- One of the fastest growing cities in Nebraska
- 8 of the 15 busiest intersections in Sarpy County
- Housing options in all price ranges
- Accessibility to all areas of Omaha in minutes
- More than 895,000 potential customer and employees in the Omaha metro area

Population Growth

1970	4,858
1980	9,588
1990	9,850
2000	11,699
2010.....	16,700
2018.....	18,000

Cost of Living

La Vista 90; U.S. 100

Assessed Valuation Growth

1990	\$ 185 M
1995	\$ 256 M
2000	\$ 397 M
2002	\$ 455 M
2005	\$ 554 M
2008	\$ 951 M
2009	\$1,019 B
2010	\$1,050 B
2012.....	\$1,059 B
2014.....	\$1,244 B
2016.....	\$1,331 B

2018.....\$1,497 B

Housing

Median value of housing units: \$140,000
Owner-occupied: 54%
Total housing units: 7,272

Schools

Papillion-La Vista Community Schools
High School graduates: 94.7%

Services

- Over 20 restaurants
- 6 major malls within 16 miles
- La Vista Public Library
- Churches of many denominations
- Metro Community College

The City has an approximate general fund operating budget of \$18 million. City staff is just about at 170 employees (see Exhibit A).

The Municipal Facilities Plan (MFP) provides the City Council and City staff with a comprehensive overview of the current status of the City's physical environment, identification of the most pressing facilities issues, strategies and solutions for addressing those issues, and visioning for the City's future through 2025. The City has budgeted in 2019 to update the space needs study for City Hall and make recommendations for facility improvements.

III. CITY OF LA VISTA INFORMATION TECHNOLOGY OBJECTIVES

- a. To develop an IT Strategic Plan that shall be a City-wide vision and set of information technology goals and objectives for the City and processes required to achieve that vision. The IT Strategic Plan is intended to align La Vista's information technology services and support and coordinate with La Vista's public service mission and administrative processes within the City's overall strategic priorities for the next five (5) years.
- b. To develop, maintain, support, and upgrade/improve a cost effective, responsive, secure and stable technical environment.

- c. To provide opportunity for cross-departmental, cross-governmental networks and systems, to serve customers better and at the same or lower cost.
- d. To apply commonly used business metrics to determine a true value of technology projects and associated investment for the City. These may include, but are not limited to: Business Process Analysis, Return on Investment Analysis (ROI), net present value, earned value, balanced scorecard, etc.
- e. To support citizens, employees and business partners in the strategic use of automation and networking.
- f. To integrate Information Technology services in support of City departmental operational business and planning processes.
- g. To develop a process for the prioritization and funding of City information technology initiatives.
- h. To utilize enterprise solutions where feasible.
- i. To implement an efficient purchasing model for information technology equipment, software and services.
- j. To expand the application of e-commerce technology for the delivery of government services to citizens.
- k. To develop facility specifications for information technology infrastructure and business continuity.
 - l. To develop a RFP for a business continuity plan.
 - m. To identify training needs.
 - n. To identify methods for regular user feedback.

IV. CITY of LA VISTA'S CURRENT IT ENVIRONMENT

La Vista outsources their IT services to Sarpy County Information System's Department.

1. The following staff resources are available to La Vista
 - a. IT Director – 1 staff member
 - b. Network Operations Manager – 1 staff member
 - c. System/Network Administrator – 2 staff members
 - d. Technical Support Specialists – 4 staff members
 - e. Application Support Specialists – 3 staff members
 - f. Administrative Assistant – 1 staff member
 - g. GIS – 4 staff members

2. The operating budget for IT is \$268,300

La Vista's network consists of five sites

1. City Hall
2. Police Department
3. Public Works
4. Community Development
5. Library

All sites are connected to City Hall via leased fiber from Unite Private Networks (UPN).

There are approximately 100 PCs, 10 servers, and 100 VoIP telephones. Internal wireless is provided using Cisco Meraki access points. The City's network infrastructure is mostly Extreme Network switches. A cable modem from Cox Communications is connected to a Cisco ASA 5512 firewall providing Internet access. Zscaler is used to control Internet filtering.

The City uses various software packages including: Microsoft Office 2016/365, Microsoft Windows Server 2016, Microsoft Active Directory, Microsoft Exchange 2010 with an upgrade planned to Exchange Online, Carbon Black for antivirus, Barracuda backup and spam protection, BluePrince, BS&A, RTA, Gas Boy, InDesign, Photoshop, Arcview and AutoCad.

V. SCOPE

The Independent Contractor (IC) shall provide consulting services to the City of La Vista in the development of a City-wide Information Technology Strategic Plan (ITSP).

The scope of the IC's work will include, but not be limited to:

- a. Conduct a kickoff meeting and provide appropriate introduction and preparatory materials in coordination with project sponsor (to be delegated by Director of Administrative Services) to departmental representatives prior to project initiation to ensure these stakeholders are informed and educated.
- b. Development of an information technology ongoing strategic planning process to meet the current and future needs of the City. The IC shall be responsible for working with the internal IT Committee to develop a template for evaluating and updating the ITSP over time.
- c. Meet with, solicit and document strategic planning input from City departments. This may include focus groups and surveys, email, phone calls, etc. Provide written documentation of the process and the results from these meetings.

- d. Develop a comprehensive assessment of the current state of the City's information technology environment, including current capability, capacity, information technology staffing and resources for all City Departments.
- e. Review, identify and analyze the gaps where the current information technology environment is insufficient (or inappropriate) to meet the computing needs/requirements of the City for both current requirements and for the next five years.
- f. Identify the key cost drivers that are expected to influence the costs of the IT architectural and technical needs of the City.
- g. Develop best practices and methodology for the business planning process for technology initiatives. These shall support the business requirements of the City and Strategic Plan for La Vista.
- h. Align and closely coordinate with all other City strategic planning efforts including the Municipal Facilities Plan (MFP).
- i. Explore opportunities to use technology to improve/enhance efficiencies.
- j. Identify business process(es) that may be improved at the enterprise level as a result of the above review efforts.
- k. Identify best practices for standard technology equipment, rollout of network infrastructure, network security.
- l. Identify opportunities for the IT Committee to institutionalize their involvement in other department's planning efforts.

VI. DELIVERABLES

Upon completion of the scope of work, the final Information Technology Strategic Plan shall at a minimum include:

- A report assessing the current state of the City's information technology environment including current capability, capacity, information technology contractual staffing and resources for all departments
- Recommendations for aligning the information technology strategy with the City's business environment.
- Strategies for meeting defined needs or goals for the current time frame through the next five years.
- Recommendations for innovative/cost-effective information technology solutions.

- Recommendations for systems integration across multiple departments/business units.
- Recommendations for business processes to improve business performance.

The following are a more detailed description of items to be included in the deliverables:

- a. An assessment of the City's most critical information technology needs in a prioritized format with applicable descriptive documentation.
- b. A report based on organizational feedback and input.
- c. Written documentation on how best to involve internal and external customers. Internal customers are defined as departments within the City and external customers as citizens and other governmental agencies.
- d. A set of Best Practices and methodologies for:
 - IT Planning – Strategic and operational
 - Standardized IT procurement model
- e. Identification of the key cost drivers that are expected to influence the costs of the architectural and technical needs of the City and recommend an approach to contain them. The Plan shall also include a methodology to measure cost savings and cost avoidance.
- f. Templates, procedures, and a scheduled timeline and governance model for the proposed information technology planning process. Proposed solutions must be supported by a business case.
- g. Recommend an enterprise approach and any alternatives for technology that identifies duplication of resources/investments and opportunities for internal and external collaboration that will result in operational improvements and cost-effective solutions to business requirements.
- h. Establish an annual Information Technology process that will allow the Information Technology Committee and City departments, to clearly make strategic decisions based on existing standards, evolving technologies, enterprise solutions and data integration opportunities.
- i. Match the technology requirements for the City of La Vista to the overall City strategic objectives to ensure that the dollars spent on technology are focused on the areas where the most business value will be returned, while still allowing for the delivery of systems that are deemed as mandates.
- j. Kick off this project in April 2019 and complete it within 4-6 months.

- k. Attend and make progress presentations to the City Council and management team as needed. One (1) presentation at the minimum.

VII. GENERAL TERMS AND CONDITIONS

- a) Any subcontractors must be identified in your proposal response. If subcontractors are used, the City of La Vista will consider the proposing vendor to be the Prime Contractor and to be solely responsible in all contractual matters, including payment of any and all charges resulting from such subcontractor arrangements. The Prime Contractor will be fully responsible for the acts, errors, and omissions of the subcontractor. The successful respondent shall cause appropriate provision of its proposal to be inserted in all subcontracts ensuing to ensure fulfillment of all contractual provisions by subcontractors.
- b) All deliverables and/or other products of the contract, including but not limited to all procedures, reports, records, summaries, and other matter and materials prepared or developed by the Independent Contractor in performance of the contract, shall be the sole, absolute and exclusive property of the City of La Vista, free from any claim or retention of rights, thereto on the part of the Independent Contractor, its agents, subcontractor, officers, or employees.
- c) The City shall be entitled to request the removal of individuals working on any project for any of the following grounds, provided that such request be in writing and shall specify the reasons for the City's dissatisfaction: (i) unsatisfactory performance that causes negative operational impact at the City or causes the City to commit additional resources to avoid operational impact; (ii) dishonesty or belligerent conduct; (iii) lack of compatibility with City staff; or (iv) violation of City rules or policies. Upon such written request, the City and IC shall decide on a course of action to cure any such problems, provided that there shall be no cure opportunity required for problems involving categories (ii) or (iv) in the preceding sentence. In the event IC does not cure the problem within (7) days from the date of notice, IC shall remove such person and shall promptly provide a qualified replacement. The City will be liable for payment of services only up to the time of dismissal and provided then only if services rendered meet the minimum requirements of the City.
- d) Payments for services provided shall be paid, upon approval of the specified deliverables, within 45 days of receipt of a properly documented invoice. The specified deliverables shall include, but not be limited to one (1) electronic copy of the draft deliverables, one (1) electronic copy and twelve (12) hard copies of the final deliverables outlining the consultant's recommendations.

VIII. ASSUMPTIONS

Assumptions associated with the proposed work plan are as follows:

- a) The IC will report directly to the City's Director of Administrative Services.
- b) IC is responsible for activities directly related to the development of deliverables as determined in the Project Management Plan.
- c) City will assist in the identification of departmental representatives and assist in the coordination of access to City Departments.
- d) The City will provide all available technical and resource documentation to the IC.
- e) IC will provide appropriate introduction and preparatory materials in coordination with project sponsor to departmental representatives during project initiation to ensure these stakeholders are informed and educated prior to project commencement and interviews.
- f) IC will be responsible for the identification and acquisition of data and materials required for input to the development of the various deliverables to be produced.

IX. PRE-PROPOSAL CONFERENCE & SITE VISIT

All interested vendors are invited to attend a pre-proposal conference and site visit to be held on January 4, 2019 at 10:00 am local time at La Vista City Hall, 8116 Park View Boulevard, La Vista, NE 68128. While this meeting is not mandatory, it is strongly recommended that all interested firms have a representative at this meeting. It is the Proposer's responsibility to make certain that any information disclosed at the conference is considered when preparing a Proposal. Under no circumstances will the City consider making an adjustment in Scope of Work or Fee Amount after Proposals are opened based on the Proposer's ignorance of information disclosed at the Proposal conference. At this conference, questions received to date will be addressed and new questions accepted. Some questions may not be answered at this meeting if discussions by City staff are required to provide answers. An addendum addressing all questions and clarifications will be issued to all known vendors interested in providing these services.

X. CLARIFICATIONS

Questions concerning this RFP are encouraged to be submitted prior to the pre-conference meeting. The very last day that questions may be submitted before the proposal due date is December 26, 2018.

Questions must be submitted via email to pbuethe@cityoflavista.org.

Vendors are expected to raise any questions, exceptions, or additions they have concerning the RFP document 10 working days prior to the submission of the proposal.

If a vendor discovers any significant ambiguity, error, conflict, discrepancy, omission, or other deficiency exists in the RFP, the vendor should immediately notify the above of such error and request modification or clarification of the RFP document. In the event that it becomes necessary to provide additional clarifying data or information, that revises any part of this RFP, supplements or revisions will be provided to all known recipients of this initial RFP via written amendment.

XI. PROPOSAL SUBMISSION/FORMAT REQUIREMENTS

All proposals shall be submitted to:

City of La Vista
Pamela A. Buethe, City Clerk
8116 Park View Boulevard
La Vista, NE 68128

Please note that faxes or electronic submissions, or any media other than hard copies are not acceptable.

Proposals must be delivered no later than **10:00 A.M. CST on Friday, January 25, 2019**. All proposals received after that time will be returned to the Proposer unopened.

The Proposer shall submit one (1) unbound original single-sided copy on standard weight paper (no heavy weight paper), twelve (12) printed bound copies, and one (1) flash drive combining a pdf file of your proposal to the City.

Proposals must be enclosed in a sealed envelope or package, addressed as noted above, bearing the Proposer's name and address clearly marked, "RFP FOR I.T. NEEDS ASSESSMENT STUDY."

XII. SUBMITTAL REQUIREMENTS

In order for the evaluation committee to adequately compare proposals and evaluate them uniformly and objectively, the following information should be provided.

- a) Letter of Transmittal: Summarize your understanding of the RFP requirements. Indicate who will be the Independent Contractor's authorized representative; give name, title, address, e-mail address, phone and fax. The person identified shall sign this letter and be empowered to make binding commitments for the IC.

b) Provide a brief description of the organization submitting the proposal, including describing its size, organization, legal status (corporation or partnership, etc.) major type of activity or areas of consulting and its recent (past three years) experience in the performance of similar projects. Identify the number of IT Strategic Plans, and provide samples, that have been developed by your firm **and the team being proposed** in the last three years, and of those plans, two must have been in place for no less than two years. At least one should have utilized a successful ROI. Please provide the name of each referenced firm or agency, contact person, telephone number, and approximate beginning and ending dates of your involvement at these sites. A minimum of two references must be a governmental agency. Identify the individual(s) in your firm responsible for managing/overseeing this type of project to assure that due diligence has been exercised and compliance with the requirements is met. Also describe any unique approaches or techniques developed and used by the firm that would give it an advantage in this specific type of project.

c) Provide information on the personnel who will be handling this project listing pertinent experience and technical qualifications. Include for each individual the capacity they would serve on this project. The format of individual resumes for key personnel should be as follows:

- Name and position title
- Total years' experience with current firm and others
- Education (degree, major, institution, year)
- Summary of relevant experience and qualifications
- Identify the number of studies/plans that have been done together by the individuals who will handle the City of La Vista project. Give representative sample and number of IT Strategic Planning projects that were handled and whom they were done for.

In addition, the hourly rate for each individual should be listed in the **Cost Proposal only**, in the event additional services are required.

d) Describe, first in summary, then in detail, the approach recommended by your firm to insure the timely and accurate delivery of the IT Strategic Plan and written report. This plan should highlight all milestones and deliverables and include for each task, the individual to be assigned and the number of hours that will be contributed to the task.

- i) Provide a detailed description of the work plan, approach, methodology and timeline that you propose using to meet the objectives, including phasing and staffing.
- ii) Specify the level of involvement, number of hours and specific tasks you will require of the IT Staff (or end users) of each objective.

- iii) Provide an estimate of the time commitment to be expected from City departments in participating on this project.
- iv) Identify the Project Leader(s) to be committed to this project and the conditions of the individual's continued availability for follow-on work. Once identified, the project leader(s) cannot be changed without the approval of City of La Vista.
- v) Please describe the Subject Matter Experts (SME) that your firm would be willing to commit to this engagement.
- vi) If the Project Leader(s) is not the primary SME, please describe the working relationship with the Project Leader(s).
- vii) Describe the intellectual resources that would be utilized in this plan, including best practices, case studies, or empirical works authored by your firm.
- viii) Describe the IT planning tools commonly used by your firm in this type of project.
- ix) Describe the planning process, models, and tools used to develop the Approach and Work Plan and its alignment of the City MFP and how they were modified for use for the City of La Vista.
- x) Identify to what extent any process, models, and/or tools are proprietary products of your firm, remembering that as a governmental agency, price and most proposal content cannot be protected.
- xi) Provide examples of the processes and models generally used by your firm in guiding client-staffed planning and/or consensus building initiatives, particularly in governmental environment.
- xii) Describe the staffing and time frames typically involved in performing a general Needs Assessment and Gap Analysis for IT resources at a high or summary level.
- xiii) Describe the methods and strategies typically used or recommended to communicate strategic Information Technology planning goals, objectives and activities to/within the client's organization and City Council.
- xiv) Identify the key risks that you expect on this project and your ability to contain them.
- xv) Provide a cost proposal using the form attached to this RFP. **The cost proposal must be submitted in a separate envelope from the proposal.**
- xvi) Indicate any exceptions you are taking to the terms and conditions, contractual and other requirements defined in the RFP. If exceptions are taken, cite the

paragraph involved, the exception taken, and state alternate language acceptable to the IC. Alternative language is subject to negotiation and/or approval.

XXIII. EVALUATION OF PROPOSALS

Proposals will be evaluated in accordance with the criteria listed below.

- Proposal responsiveness, a clear understanding of Project Scope, Approach to ROI, approach and detailed Work Plan, including Timeline
- Personnel assigned to this project, quality, experience, in IT Strategic Planning and education of individual(s) selected to perform the project, completeness of resume(s).
- Cost (based on the Scope of Services)
- Firm's experience and qualification in providing consulting Services of a similar nature and firm's experience with a County or other units of government.

If a contract is awarded, the award will be made to the "lowest responsible bidder", as determined in the sole discretion of the Mayor and City Council of the City of La Vista. The term "responsible" shall not be limited in its meaning to mere financial responsibility, but includes, without limitations, the ability and capacity of the bidder to perform the work in accordance with the applicable contract requirements. In determining whether a bidder is "responsible" the City may consider, among other factors, the bidders financial ability to perform the contract, ability to comply with specified delivery or performance schedules, and record of integrity and business ethics, as well as any positive or negative experiences of the City with the bidder on prior procurements.

Interviews may be required of selected finalists at the IC's expense. The selected finalists will be notified of the date and time of the interview; however, the interview will be separated into the following parts and shall not exceed two (2) hours:

- Contractor Presentation
- Questions and Answers
- Final wrap up

XIV. PROPOSAL DATES

The following dates are being provided for your information and planning purposes. Although every effort will be made to follow this schedule, we reserve the right to modify the dates as necessary.

Release of RFP:	December 5, 2018
Pre-Proposal Meeting	January 4, 2019, 10:00 a.m.
Proposals Due:	January 25, 2019 10:00 a.m.
Evaluation of Proposals:	February 2019
Interviews:	March 11-15, 2019
Notice of Award:	April 3, 2019

Respondents must be available for the interview/demonstration process if they are selected as a finalist so please mark your calendars accordingly. Respondents not selected will also be notified that their proposal will no longer be considered unless the Committee finds, after the completion of interviews, that additional firms should be interviewed.

EXHIBIT A

PERSONNEL SUMMARY

Department	Number of Employees	
	FT	PT
Mayor/Council	9 - Elected	
Administrative Services		
Director	1	0
Finance	3	0
City Clerk	4	1
Human Resources	2	0
Administration		
City Administrator's Office	5	0
Community Development		
Administration	2	0
Planning	2	0
Building Inspection	2	0
Public Safety		
Police (Sworn)	38	0
Police (Civilian)	5	1
Police Academy	1	0
Code Enforcement	1	0
Public Works		
Streets Administration	6	0
Streets Operating	16	1
Intern (Paid)	0	1
Streets Seasonal	0	2
Building Maintenance	2	1
Parks	10	0
Parks Seasonal	0	5
Sports Complex	4	0
Sports Complex Seasonal	0	1
Library		
Administration	6	0
Circulation Clerks	0	13
Library Seasonal	0	1
Recreation		
Administration	5	0
Recreation Assistants	0	11
Senior Bus	0	2
Swimming Pool	0	17
Sewer		
Sewer Division	6	3
Total	121	60

Exhibit B
Cost Proposal
RFP

If any subcontractors will be working on this project, their expenses must be included in the Cost Proposal. Rates must remain firm for the initial term of this Agreement.

CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
DECEMBER 4, 2018 AGENDA

Subject:	Type:	Submitted By:
PURCHASE OF SECURE INTERNET GATEWAY	◆ RESOLUTION ORDINANCE RECEIVE/FILE	KEVIN POKORNY DIRECTOR OF ADMINISTRATIVE SERVICES

SYNOPSIS

A resolution has been prepared authorizing the purchase of a Secure Internet Gateway to replace the existing Barracuda Web Filter from CDW Government, Chicago, IL, in an amount not to exceed \$8,356.

FISCAL IMPACT

The FY19/20 Biennial Budget provides funding for the proposed purchase.

RECOMMENDATION

Approval.

BACKGROUND

The City's current internet protection is being provided by the Barracuda Web Filter. The web filter lacks visibility with encrypted web traffic (SSL), and 60% of internet threats are now utilizing SSL. A secure gateway offers SSL inspection and will provide content filtering, full web protection, blocking ransomware, malware and malicious domains for users on and off the network.

RESOLUTION NO. ____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE PURCHASE OF A SECURE INTERNET GATEWAY FROM CDW GOVERNMENT, CHICAGO, ILLINOIS, IN AN AMOUNT NOT TO EXCEED \$8,356.00.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of a secure internet gateway is necessary; and

WHEREAS, the FY 19/20 Biennial Budget provides funding for this 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 a Secure Internet Gateway from CDW Government, Chicago, Illinois, in an amount not to exceed \$8,356.00.

PASSED AND APPROVED THIS 4TH DAY OF DECEMBER, 2018.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC

City Clerk

CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
DECEMBER 4, 2018 AGENDA

Subject:	Type:	Submitted By:
PURCHASE OF BODY WORN CAMERA SYSTEM	◆ RESOLUTION ORDINANCE RECEIVE/FILE	BRYAN WAUGH POLICE CAPTAIN

SYNOPSIS

A resolution has been prepared to approve the following purchases which will facilitate the implementation of a body worn camera system: Body Worn Camera Equipment and accessories from Watch Guard, Allen, TX, a Data Storage Server from Dell Marketing L.P., Chicago, IL, and a Backup Storage Server from MNJ Technologies Direct Inc, Buffalo Grove, IL, in an amount not to exceed \$53,000.

FISCAL IMPACT

The FY19/20 Biennial Budget provides funding for the proposed purchases.

RECOMMENDATION

Approval

BACKGROUND

The La Vista Police Department is committed to utilizing the latest technology available to assist in criminal prosecutions, civil litigation, and bolstering public trust. The department has utilized in-car cameras in the field since the late 1990's. The department is taking another step in expanding recording capabilities by implementing the use of body worn cameras.

Multiple vendors were selected for product testing by officers representing a cross section of the department. Watch Guard and Digital Ally, both established companies in the body worn camera industry, were the selected finalists. The department is currently operating Digital Ally In-Car cameras, however there is uncertainty with the company due to on-going litigation over technology patents. The department determined Watch Guard meets or exceeds the needs of the department in both body worn and in-car camera solutions.

The storage server from Dell has been recommended by Watch Guard and Sarpy County Information Systems Network Administrators to meet the storage needs of the department for both body worn camera and In-Car camera data.

The backup storage server from MNJ Technologies Direct Inc. has been recommended by Sarpy County Information Systems Network Administrators to meet backup needs and redundancy.

Reimbursement from the Nebraska Office of Highway Safety in the amount of approximately \$7,000 will bring the total project cost to approximately \$46,000.

RESOLUTION NO. ____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE PURCHASE OF BODY WORN CAMERA EQUIPMENT AND ACCESSORIES FROM WATCH GUARD, ALLEN, TEXAS, ONE (1) DELL POWEREDGE SERVER FROM DELL MARKETING L.P., CHICAGO, ILLINOIS, AND ONE (1) BUFFALO TERASTATION BACKUP SERVER FROM MNJ TECHNOLOGIES DIRECT INC., BUFFALO GROVE, ILLINOIS, IN AN AMOUNT NOT TO EXCEED \$53,000.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of necessary equipment to implement a body worn camera system in the Police Department is necessary; and

WHEREAS, the FY19/20 Biennial Budget provides funding for the proposed purchases; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize the purchase of Body Worn Camera Equipment and accessories from Watch Guard, Allen, Texas, one (1) Dell PowerEdge Server from Dell Marketing L.P., Chicago, Illinois, and one (1) Buffalo TeraStation Backup Server from MNJ Technologies Direct Inc., Buffalo Grove, Illinois, in an amount not to exceed \$53,000.

PASSED AND APPROVED THIS 4TH DAY OF DECEMBER, 2018.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
DECEMBER 4, 2018 AGENDA

Subject:	Type:	Submitted By:
PURCHASE OF POLICE MOBILE RADIOS	◆ RESOLUTION ORDINANCE RECEIVE/FILE	BRYAN WAUGH POLICE CAPTAIN

SYNOPSIS

A resolution has been prepared to approve the purchase three (3) Motorola APX 6500 Mobile Radios and accessories from Motorola Solutions Inc., 13108 Collections Center Drive, Chicago, IL 60693, in an amount not to exceed \$15,500.

FISCAL IMPACT

The FY19/20 Biennial Budget provides funding for the proposed purchase.

RECOMMENDATION

Approval

BACKGROUND

This purchase was budgeted as part of the FY19 budget. These radios will be installed in three new police cars purchased during FY19 and replace mobile radios which have reached end of life.

RESOLUTION NO. ____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AWARDING A CONTRACT TO MOTOROLA SOLUTIONS, CHICAGO, IL, FOR THE PURCHASE OF THREE (3) MOTOROLA APX 6500 PORTABLE RADIOS AND ACCESSORIES, IN AN AMOUNT NOT TO EXCEED \$15,500.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of new Motorola mobile radios and accessories is necessary; and

WHEREAS, the FY19/20 Biennial Budget does include funds for the purchase of three (3) Motorola portable radios and accessories; and

WHEREAS, Motorola Solutions is a sole source vendor and will extend that price to the City of La Vista; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby accept the requisition and authorize the purchase of three (3) Motorola APX 6500 portable radios and accessories from Motorola Solutions, Chicago, IL, in an amount not to exceed \$15,500.

PASSED AND APPROVED THIS 4th DAY OF DECEMBER, 2018.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
DECEMBER 4, 2018 AGENDA

Subject:	Type:	Submitted By:
PURCHASE OF POLICE PORTABLE RADIOS	◆ RESOLUTION ORDINANCE RECEIVE/FILE	BRYAN WAUGH POLICE CAPTAIN

SYNOPSIS

A resolution has been prepared to approve the purchase two (2) Motorola APX 6000 Portable Radios and accessories from Motorola Solutions Inc., 13108 Collections Center Drive, Chicago, IL 60693, in an amount not to exceed \$10,500.

FISCAL IMPACT

The FY19/20 Biennial Budget provides funding for the proposed purchase.

RECOMMENDATION

Approval.

BACKGROUND

This purchase was budgeted as part of the FY19 budget. The purchase is being made to complete the equipping of two new police officers, who are both expected to complete training and begin patrol work 2018.

RESOLUTION NO. ____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE PURCHASE OF TWO (2) MOTOROLA APX 6000 PORTABLE RADIOS AND ACCESSORIES FROM MOTOROLA SOLUTIONS, CHICAGO, IL, IN AN AMOUNT NOT TO EXCEED \$10,500.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of new Motorola portable radios and accessories is necessary; and

WHEREAS, the FY19/20 Biennial Budget does include funds for the purchase of two (2) Motorola portable radios and accessories; and

WHEREAS, Motorola Solutions is a sole source vendor and will extend that price to the City of La Vista; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize the purchase of two (2) Motorola APX 6000 portable radios and accessories from Motorola Solutions, Chicago, IL, in an amount not to exceed \$10,500.

PASSED AND APPROVED THIS 4TH DAY OF DECEMBER, 2018.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
DECEMBER 4, 2018 AGENDA

Subject:	Type:	Submitted By:
SURPLUS AND TRANSFER OWNERSHIP 1972 WARD LA FRANCE FIRE TRUCK	◆ RESOLUTION ORDINANCE RECEIVE/FILE	BOB LAUSTEN POLICE CHIEF

SYNOPSIS

A resolution has been prepared to declare surplus and authorize transfer of ownership of the donated 1972 Ward La France fire truck.

FISCAL IMPACT

N/A

RECOMMENDATION

Approval.

BACKGROUND

The 1972 Ward La France Fire Truck was initially purchased by the City of La Vista and later declared surplus and sold. In 2017 Dr. Joel Janssen donated the truck back to the City. The truck has engine issues and is in need of restoration to make it presentable.

Chris McMahon, son of former La Vista Fire Chief Dennis McMahon and grandson of early La Vista builder Kelly McMahon, wants to acquire and restore the donated 1972 Ward La France Fire Truck for exhibition. McMahon will display the truck in Salute to Summer activities and at other special city events.

Declaring this truck surplus and transferring ownership of the truck will ultimately result in the restoration and usefulness of the truck for historical and display purposes.

RESOLUTION NO. ____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA TO DECLARE SURPLUS AND AUTHORIZE THE TRANSFER OF OWNERSHIP OF THE DONATED 1972 WARD LA FRANCE FIRE TRUCK.

WHEREAS, The Mayor and City Council have determined it necessary declare the donated 1972 Ward La France Fire Truck as surplus; and

WHEREAS, In May of 2017 Dr. Joel Janssen donated a 1972 Ward La France fire truck to the City of La Vista for display purposes; and

WHEREAS, Restoration and repair costs exceed the practical usefulness of the vehicle; and

WHEREAS, Chris McMahon, son of former La Vista Fire Chief Dennis McMahon and grandson of early La Vista builder Kelly McMahon, wants to acquire and restore the donated 1972 Ward La France Fire Truck to display in Salute to Summer activities and at other special city events.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska, to declare the donated 1972 Ward La France Fire Truck surplus and authorize transfer of ownership.

PASSED AND APPROVED THIS 4TH DAY OF DECEMBER, 2018.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

TRANSFER OF OWNERSHIP AGREEMENT

Motor Vehicle (description): Fire Truck

YEAR: 1972 BODY STYLE Fire Truck

MAKE: Ward La France COLOR: Yellow/White

MODEL: Fire Truck SERIAL #: 80861

The City of La Vista agrees to transfer ownership of the fire truck described above to Chris McMahon. The City of La Vista understands and agrees that all rights, liabilities, and responsibilities of ownership of this fire truck will immediately transfer to Chris McMahon upon execution of this agreement.

The Chris McMahon agrees the City of La Vista has made no verbal or written representations as to the present condition of this fire truck, nor has the City of La Vista provided any express or implied assurances, warranties, or guarantees with regard to any aspect of this fire truck. Chris McMahon further agrees this fire truck is being transferred "as is". Chris McMahon also assumes all risks of property damage and personal injury that may result from the acquisition of this fire truck. Chris McMahon agrees to comply with all licensing, titling, and/or motor vehicle registration requirements that are applicable to Chris McMahon as a result of Chris McMahon's acquisition of this fire truck.

IN CONSIDERATION, CHRIS MCMAHON HEREBY RELEASES THE CITY OF LA VISTA FROM ANY AND ALL CLAIMS OF ANY KIND WHATSOEVER THAT ARE RELATED TO THE CITY OF LA VISTA'S TRANSFER OF THIS FIRE TRUCK. CHRIS MCMAHON FURTHER AGREES TO INDEMNIFY AND HOLD THE CITY OF LA VISTA (INCLUDING ATTORNEY FEES AND COSTS), AGAINST ANY OTHER CLAIM REGARDLESS OF MERIT, THAT ATTEMPTS TO IMPOSE ANY LIABILITY UPON THE CITY OF LA VISTA IN CONJUNCTION WITH THIS FIRE TRUCK.

Right of First Refusal: As a material consideration for the transfer of ownership of the fire truck to Chris McMahon, the City of La Vista is granted the right of first refusal at any time within ten (10) years, the opportunity to re-acquire the fire truck should Chris McMahon decide to sell, lease or otherwise transfer possession the vehicle to a third-party during that period (the "Right of First Refusal"). Chris McMahon agrees to abide by this provision, and understands that, notwithstanding any other terms thereof, it constitutes an integrated and material part of the agreement between Chris McMahon and the City of La Vista.

Chris McMahon agrees to display the fire truck when possible in the annual City of La Vista "Salute to Summer Parade" and select special City activities.

This agreement shall become effective on the date the second of the two parties executes this Agreement below.

City of La Vista

Chris McMahon

Signature

Signature

Title

Title

Date

Date

CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
DECEMBER 4, 2018 AGENDA

Subject:	Type:	Submitted By:
PURCHASE OF PICKUP TRUCK	◆ RESOLUTION ORDINANCE RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

SYNOPSIS

A resolution has been prepared authorizing the purchase of one (1) 2018 Chevrolet 1500, Extended Cab, 4x4, pickup truck from Husker Auto Group, 6833 Telluride Drive, Lincoln, NE 68521 in an amount not to exceed \$27,799.00.

FISCAL IMPACT

The FY19/20 Biennial Budget provides funding for the proposed purchase.

RECOMMENDATION

Approval

BACKGROUND

This truck will replace a 2005 Chevrolet Regular Cab, 4x2, pickup truck. The proposed purchase would bring all Community Development trucks to a 4WD standard, which is important due to the various off-road construction sites visited, and winter-based driving concerns are also lessened.

The existing truck will be transferred to the Recreation Department where off-road and winter travel demands are limited. Recreation currently uses a 1996 Crown Victoria, which is being replaced due to the car's age, mileage, general overall condition, and limited ability to meet the work requirements of the Department.

The truck will be purchased off the State of Nebraska Contract #14853 OC.

RESOLUTION NO. ____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE PURCHASE OF ONE (1) 2018 CHEVROLET 1500 EXTENDED CAB 4X4 PICKUP TRUCK FROM HUSKER AUTO GROUP, LINCOLN, NEBRASKA IN AN AMOUNT NOT TO EXCEED \$27,799.00

WHEREAS, the City Council of the City of La Vista has determined that the purchase of one (1) pickup truck for the Community Development Department is necessary; and

WHEREAS, the FY 19/20 Biennial Budget provides funding for this 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 one (1) 2018 Chevrolet 1500 Extended Cab 4x4 pickup truck from Husker Auto Group, Lincoln, Nebraska in an amount not to exceed \$27,799.00.

PASSED AND APPROVED THIS 4TH DAY OF DECEMBER, 2018.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
DECEMBER 4, 2018 AGENDA**

Subject:	Type:	Submitted By:
PROCUREMENT & PURCHASE — PROFESSIONAL SERVICES	◆ RESOLUTION ORDINANCE RECEIVE/FILE	BRENDA S. GUNN CITY ADMINISTRATOR

SYNOPSIS

A resolution has been prepared authorizing the procurement and purchase of professional services in an amount not to exceed \$5,000.

FISCAL IMPACT

Funding for professional services is available in the FY19 & FY20 Biennial Budget.

RECOMMENDATION

Approval.

BACKGROUND

The Federal Communications Commission recently released an order regarding Small Cell Deployment that will have a significant impact on municipalities. In response, cities and counties of all sizes and parts of the country have formed a coalition and have engaged Best Best & Krieger, Washington, DC to represent the coalition in the appeals of two orders. It is in La Vista's best interest to participate in the coalition.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA AUTHORIZING THE PROCUREMENT AND PURCHASE OF PROFESSIONAL SERVICES IN AN AMOUNT NOT TO EXCEED \$5,000.

WHEREAS, the Mayor and City Council of the City of La Vista Nebraska have determined that it is in the best interest of La Vista to participate in the coalition in the appeals of two orders from the Federal Communications Commission regarding Small Cell Deployment; and

WHEREAS, the FY 19/20 Biennial Budget includes funding for the proposed procurement and purchase; and

WHEREAS, the coalition has engaged Best Best & Krieger, Washington DC to represent the coalition in the appeals of two orders; 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 expenditure over \$5,000.00.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska, do hereby authorize the procurement and purchase of professional services in an amount not to exceed \$5,000.

PASSED AND APPROVED THIS 4TH DAY OF DECEMBER, 2018.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

BBK

BEST BEST & KRIEGER
ATTORNEYS AT LAW

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Gerard Lavery Lederer
(202) 370-5304
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November 14, 2018

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

Re: Retention of BBK In Appeal of Federal Communications Commission's Orders
on Small Cell Deployment and Moratoria

Dear Ms. Gunn:

ABOUT OUR REPRESENTATION

Best Best & Krieger, LLP ("BBK") is pleased that the City of La Vista, Nebraska has retained BBK and is participating as part of a coalition of communities in appeals of two orders in the dockets, *Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment* (FCC WT Docket No. 17-79) and *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment* (WC Docket No. 17-84), specifically the Third Report and Order and Declaratory Ruling (issued August 3, 2018) (the "Moratorium Order") and the Declaratory Ruling and Third Report and Order (adopted on September 26, 2018) (the "Small Cell Order"). This letter outlines the terms of BBK representation of your community as part of the Coalition.

FEES

You have agreed that we may bill you up to Five Thousand Dollars (\$5,000) for work performed in connection with the appeals and related advocacy. The billing rates for this matter are \$355 per hour for Partners, Of Counsel and Contract Attorneys, \$285 per hour for Associates, and \$175 per hour for Paralegals, Clerks and Legislative Administrative Assistants. You are being billed for a share of total fees and expenses based on your commitment to the work. Your cumulative billings will not exceed the amount of your capped commitment, unless you have authorized an increase in your commitment level. The fees assume that any appeal of the orders will be consolidated into a single appeal in one U.S. Circuit Court of Appeals, and are not intended to cover costs associated with reconsideration or rehearing, or for a petition to the Supreme Court.



Ms. Brenda Gunn
City of La Vista
Page 2

COALITION RULES

As has been the case throughout these and other FCC proceedings, cable companies, wireline and wireless voice, video and data providers such Comcast, Charter, Verizon, Verizon Wireless, AT&T, Sprint, T-Mobile and wireless infrastructure providers such as Crown Castle, ExteNet and American Tower, in addition to each of the industry national associations (e.g., U.S. Telecom Association, NCTA, Wireless Infrastructure Association, and CTIA) have been and will continue to be adverse to the interests of members of the Coalition. Please inform us immediately if you become aware of any additional adverse parties. Because the work will be for a coalition, there are some unique elements to our representation to which we ask that you agree and would represent that all the other members of the Coalition already have.

First, the filings we make must be acceptable to all the members of the Coalition, and this may affect what issues are addressed and what positions we take. By signing this engagement letter you agree to this arrangement and agree that we may represent you and other participants as a part of the Coalition. We will consult with you and other members of the Coalition as the filings are prepared. You waive any objections that you may have to this joint representation; agree that we may represent each member of the Coalition individually and jointly; and agree that you have joint interests with the other Coalition members that will permit us to communicate information about this matter to you and other members of the Coalition without waiving privileges that may apply.

Second, the Coalition is not a fixed group, but is instead an evolving group: communities or organizations may join or leave the Coalition during the course of our representation. It may be that your community is adverse to one or more of the other members of the Coalition in another, unrelated matter. By signing this engagement letter, you agree that we may represent these additional members as part of the Coalition. Likewise, except to the extent there is a conflict that is not waivable, you agree that our representation of you as part of the Coalition will not disqualify the Firm or any of its members from representing another client in an unrelated proceeding where the client's interest is adverse to yours. We will keep you apprised of the Coalition members and we ask that you advise us immediately if you believe that there is a conflict that is not waivable.

Third, we will not represent any entity in this matter that takes a position adverse to yours. We may be asked by some clients to make individual filings in this proceeding in addition to the Coalition's. You and each entity of the Coalition may decide at any time to withdraw from participation in the matter or the Coalition. Should you do so, you also agree that we may continue to represent the other members of the Coalition in this matter.



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We will tailor our efforts based on the total commitments we receive from all coalition members and obviously will let you know if we believe that the budget will not allow us to address issues of importance to you.

INSURANCE

We are also pleased to let you know that Best Best & Krieger LLP carries errors and omissions insurance with Lloyd's of London.

NEW MATTERS

When we are engaged by a new client on a particular matter, we are often later asked to work on additional matters. You should know that such new matters will be the subject of a new signed supplement to this retention letter. Similarly, this retention letter does not cover and is not a commitment by either of us that we will undertake any petitions for rehearing or rehearing en banc, petitions for a writ of certiorari, appeals other than the appeal described above, or any collection procedures. Any such future work would also have to be agreed upon in a signed supplement.

CIVILITY IN LITIGATION

In litigation, courtesy is customarily honored with opposing counsel, such as extensions to file pleadings or responses to other deadlines. In our experience, the reciprocal extension of such courtesies saves our clients' time and money. By signing this letter you will be confirming your approval of this practice in your case.

HOW THIS AGREEMENT MAY BE TERMINATED

You, of course, have the right to end our services at any time. If you do so, you will be responsible for the payment of fees and costs accrued but not yet paid up to the capped amount, plus reasonable fees and costs in transferring the case to you or your new counsel. By the same token, we reserve the right to terminate our services to you upon written notice, order of the court, or in accordance with our attached memorandum. This could happen if you fail to pay our fees and costs as agreed, fail to cooperate with us in this matter, or if we determine we cannot continue to represent you for ethical or practical concerns.



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CLIENT FILE

If you do not request the return of your file, we will retain your file for five years. After five years, we may have your file destroyed. If you would like your file maintained for more than five years or returned, you must make separate arrangements with us.

THANK YOU

On a personal note, we are pleased that you have retained Best Best & Krieger LLP to represent you, and are participating as part of a Coalition in these appeals. If you have any questions at any time about our services or billings, please do not hesitate to call me. Please countersign this letter and return it to us.

Sincerely,

A handwritten signature in blue ink that reads "Gerard Lavery Lederer".

Gerard Lavery Lederer
of BEST BEST & KRIEGER LLP

AGREED AND ACCEPTED:

By: _____

Dated: _____

BEST BEST & KRIEGER LLP'S BILLING POLICIES

Our century of experience has shown that the attorney-client relationship works best when there is mutual understanding about fees, expenses, billing and payment terms. Therefore, this statement is intended to explain our billing policies and procedures. Clients are encouraged to discuss with us any questions they have about these policies and procedures. Clients may direct specific questions about a bill to the attorney with whom the client works or to our Accounts Receivable Department. Any specific billing arrangements different from those set forth below will be confirmed in a separate written agreement between the client and the firm.

Fees for Professional Services

Unless a flat fee is set forth in our engagement letter with a client, our fees for the legal work we will undertake will be based in substantial part on time spent by personnel in our office on that client's behalf. In special circumstances which will be discussed with the client and agreed upon in writing, fees will be based upon the novelty or difficulty of the matter, or the time or other special limitations imposed by the client.

Hourly rates are set to reflect the skill and experience of the attorney or other legal personnel rendering services on the client's behalf. Time is accrued on an incremental basis for such matters as telephone calls (minimum .3 hour) and letters (minimum .5 hour), and on an actual basis for all other work. Our attorneys are currently billed at rates from \$245 to \$750 per hour, and our administrative assistants, law clerks, litigation analysts, research analysts, and paralegals are billed at rates from \$160 to \$290 per hour. These hourly rates are reviewed annually to accommodate rising firm costs and to reflect changes in attorney status as lawyers attain new levels of legal experience. Any increases resulting from such reviews will be instituted automatically and will apply to each affected client, after advance notice.

Non-Attorney Personnel

BBK may employ the services of non-attorney personnel under the supervision of a BBK attorney in order to perform services called for in the legal services agreement. The most common non-attorney personnel utilized are paralegals. Other types of non-attorney personnel include, but are not limited to, case clerks, IT analysts, and specialty consultants. The client agrees

that BBK may use such non-attorney personnel to perform its services when it is reasonably necessary in the judgment of the responsible BBK attorney. Hourly fees for non-attorney personnel will be charged at the rate then in effect for such personnel. A copy of BBK's current rates and titles for non-attorney personnel will be provided upon request. Except for paralegals, BBK will not incur more than \$525 in fees for a non-attorney's work on a client matter without first confirming by email or written correspondence with the client the intended use of the non-attorney and the hourly rate for that person.

Fees For Other Services, Costs and Expenses

We attempt to serve all our clients with the most effective support systems available. Therefore, in addition to fees for professional legal services, we also charge separately for some other services and expenses to the extent of their use by individual clients. These charges include but are not limited to, mileage at the current IRS approved rate per mile, extraordinary telephone and document delivery charges, copying charges, computerized research, court filing fees and other court-related expenditures including court reporter and transcription fees. No separate charge is made for secretarial or word processing services; those costs are included within the above hourly rates.

ESI: BBK provides Electronically Stored Information (ESI') services for matters requiring ESI support – typically litigation or threatened litigation matters. BBK shall receive payment for ESI support, if needed, at BBK's then current rates. A copy of BBK's current rates for such services will be provided upon request. BBK shall not incur costs for ESI support on a particular matter without first confirming by email or written correspondence with the client that the client agrees such services are necessary for the matter at hand.

We may need to advance costs and incur expenses on your behalf on an ongoing basis. These items are separate and apart from attorneys' fees and, as they are out-of-pocket charges, we need to have sufficient funds on hand from you to pay them when due. We will advise the client from time to time when we expect items of significant cost to be incurred, and it is required that the client send us advances to cover those costs before they are due.

Advance Deposit Toward Fees And Costs

Because new client matters involve both a substantial undertaking by our firm and the establishment of client credit with our accounting office, we require an advance payment from clients. The amount of this advance deposit is determined on a case-by-case basis discussed first with the client, and is specified in our engagement letter.

Upon receipt, the advance deposit will be deposited into the firm's client trust account. Our monthly billings will reflect such applications of the advance deposit to costs and not to attorney's fees (unless otherwise noted in our accompanying engagement letter). At the end of engagement, we will apply any remaining balance first to costs and then to fees. We also reserve the right to require increases or renewals of these advanced deposits.

By signing the initial engagement letter, each client is agreeing that trust account balances may be withdrawn and applied to costs as they are incurred and to our billings, when we issue our invoice to the client. If we succeed in resolving your matter before the amounts deposited are used, any balance will be promptly refunded.

Monthly Invoices and Payment

Best Best & Krieger LLP provides our clients with monthly invoices for legal services performed and expenses incurred. Invoices are due and payable upon receipt.

Each monthly invoice reflects both professional and other fees for services rendered through the end of the prior month, as well as expenses incurred on the client's behalf that have been processed by the end of the prior month. Processing of some expenses is delayed until the next month and billed thereafter.

Our fees are not contingent upon any aspect of the matter and are due upon receipt. All billings are due and payable within ten days of presentation unless the full amount is covered by the balance of an advance held in our trust account. If a bill is not paid within 30 days, a late charge of one percent per month on the unpaid invoice shall be added to the balance owed, commencing with the next statement and continuing until paid.

It is our policy to treat every question about a bill promptly and fairly. It is also our policy that if a client

does not pay an invoice within 60 days of mailing, we assume the client is, for whatever reason, refusing to pay. We reserve the right to terminate our engagement and withdraw as attorney of record whenever our invoices are not paid. If an invoice is 60 days late, however, we may advise the client by letter that the client must pay the invoice within 14 days or the firm will take appropriate steps to withdraw as attorney of record. If the delay is caused by a problem in the invoice, we must rely upon the client to raise that with us during the 14-day period. This same policy applies to fee arrangements which require the client to replenish fee deposits or make deposits for anticipated costs.

From time to time clients have questions about the format of the bill or description of work performed. If you have any such questions, please ask them when you receive the bill so we may address them on a current basis.

Changes in Fee Arrangements and Budgets

It may be necessary under certain circumstances for a client to increase the size of required advances for fees after the commencement of our engagement and depending upon the scope of the work. For example, prior to a protracted trial or hearing, the firm may require a further advance payment to the firm's trust account sufficient to cover expected fees. Any such changes in fee arrangements will be discussed with the client and mutually agreed in writing.

Because of the uncertainties involved, any estimates of anticipated fees that we provide at the request of a client for budgeting purposes, or otherwise, can only be an approximation of potential fees.

BEST BEST & KRIEGER LLP

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