

## LA VISTA CITY COUNCIL MEETING AGENDA

September 19, 2023

6:00 p.m.

Harold "Andy" Anderson Council Chamber  
La Vista City Hall  
8116 Park View Blvd

- **Call to Order**
- **Pledge of Allegiance**
- **Announcement of Location of Posted Open Meetings Act**

*All matters listed under item A, Consent Agenda, are considered to be routine by the city council and will be enacted by one motion in the form listed below. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.*

**A. CONSENT AGENDA**

1. Approval of the Agenda as Presented
2. Approval of the Minutes of the September 5, 2023 City Council Meeting
3. Approval of the Minutes of the September 7, 2023 Planning Commission Meeting
4. Monthly Financial Report – July 2023
5. Request for Payment – HDR Engineering – Professional Services – Project Management for Public Improvements – \$1,701.81
6. Request for Payment – Design Workshop, Inc. – Professional Services – 84<sup>th</sup> Street Bridge – \$6,380.00
7. Request for Payment – Benesch – Professional Services – Terry Dr, Lillian Ave & S. 78<sup>th</sup> St Pavement Rehabilitation – \$16,638.05
8. Request for Payment – Benesch – Professional Services – Terry Dr, Lillian Ave & S. 78<sup>th</sup> St Pavement Rehabilitation – \$11,845.50
9. Request for Payment – Spencer Management, LLC – Professional Services – 2023 Pavement Rehabilitation and Resurfacing – \$202,182.88
10. Request for Payment – Nebraska Dept. of Transportation – Construction Services – Applewood Creek Trail – \$34,504.57
11. Request for Payment – JE Dunn Construction Co – Construction Services – Central Park Pavilion and Site Improvements – \$1,052,550.00
12. Resolution – Authorize Payment – Electric Vehicle Charging Station Repair
13. Approval of Claims

- **Reports from City Administrator and Department Heads**

**B. Zoning Text Amendment – Sections 5.11 General Commercial District, 5.12 Highway Commercial/Office Park District & 5.14 Heavy Industrial Zoning District**

1. Public Hearing
2. Ordinance

**C. Zoning Text Amendment – Sections 5.19 Mixed Use City Centre District & 7.05 Off Street Automobile Storage**

1. Public Hearing
2. Ordinance

**D. Zoning Text Amendment – Section 7.01 Sign Regulations**

1. Public Hearing
2. Ordinance

**E. One and Six Year Street Improvement Plan**

1. Public Hearing
2. Resolution – Approve One and Six Year Street Improvement Plan
3. Resolution – Authorize Municipal Annual Certification of Program Compliance

**F. Ordinance – Amend Municipal Code – Section 90.03 – Closing Hours – Parks**

**G. Resolution – Sewer Rate Study FY25-FY29**

**H. Resolution – Authorize Purchase – Restroom for Central Park East**

**I. Resolution – Authorize Purchase – Light Tower/Generator Combos**

**J. Resolution – Authorize Purchase – Flooring**

- K. Resolution – Approve Executive Search & Recruitment Firm – Chief of Police/Director of Public Safety**
- L. Position Description Update**
- \*\*M. Resolution – Authorize Extension of Current Keno Operator Agreement**
- \*\*N. Executive Session – Contract Negotiations**
  - **Comments from the Floor**
  - **Comments from Mayor and Council**
  - **Adjournment**

**\*\*Amended September 18, 2023 4:00 p.m.**

The public is welcome and encouraged to attend all meetings. If special accommodations are required, please contact the City Clerk prior to the meeting at 402-331-4343. A copy of the Open Meeting Act is posted in the Council Chamber and available in the public copies of the Council packet. Citizens may address the Mayor and Council under "Comments from the Floor." Comments should be limited to three minutes. We ask for your cooperation in order to provide for an organized meeting.

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# MINUTE RECORD

A-2

No. 729 - REDFIELD DIRECT E2106195KV

## LA VISTA CITY COUNCIL MEETING September 5, 2023

A meeting of the City Council of the City of La Vista, Nebraska was convened in open and public session at 6:00 p.m. on September 5, 2023. Present were Mayor Kindig and Councilmembers: Ronan, Sheehan, Thomas, Quick, Sell, Hale and Wetuski. Also in attendance were City Attorney McKeon, Assistant City Administrator Ramirez, City Clerk Buethe, Director of Administrative Services Pokorny, Director of Public Works Soucie, Finance Director Harris, Library Director Barcal, Human Resources Director Lowery, Police Captain Barcal, Recreation Director Buller, City Engineer Dowse and Community Development Director Fountain.

A notice of the meeting was given in advance thereof by publication in the Sarpy County Times on August 23, 2023. Notice was simultaneously given to the Mayor and all members of the City Council and a copy of the acknowledgment of the receipt of notice attached to the minutes. Availability of the agenda was communicated to the Mayor and City Council in the advance notice of the meeting. All proceedings shown were taken while the convened meeting was open to the attendance of the public. Further, all subjects included in said proceedings were contained in the agenda for said meeting which is kept continuously current and available for public inspection at City Hall during normal business hours.

Mayor Kindig called the meeting to order and made the announcements.

### POLICE DEPARTMENT LIFE SAVING AWARD PRESENTATION

Acting Police Chief Barcal presented Life Saving Awards to Officer Greg Carrico and Officer Cameron TenEyck.

### SERVICE AWARDS: JEREMY SCHLEGEL – 15 YEARS; JEFF CALENTINE – 15 YEARS; JOHN DANDERAND – 30 YEARS

Mayor Kindig recognized Jeremy Schlegel for 15 years of service to the City, Jeff Calentine for 15 years of service to the City and John Danderand for 30 years of service to the City.

#### A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. APPROVAL OF THE MINUTES OF THE AUGUST 15, 2023 CITY COUNCIL MEETING
3. REQUEST FOR PAYMENT – RDG PLANNING & DESIGN – PROFESSIONAL SERVICES – PLACEMAKING PHASE 1 – \$15,211.85
4. REQUEST FOR PAYMENT – DESIGN WORKSHOP, INC. – PROFESSIONAL SERVICES – 84<sup>TH</sup> STREET BRIDGE – \$4,125.00
5. REQUEST FOR PAYMENT – NL & L CONCRETE, INC – CONSTRUCTION SERVICES – EAST LA VISTA SEWER AND PAVEMENT REHABILITATION – \$263,730.83
6. REQUEST FOR PAYMENT – JE DUNN CONSTRUCTION CO – CONSTRUCTION SERVICES – CENTRAL PARK PAVILION AND SITE IMPROVEMENTS – \$703,395.00
7. REQUEST FOR PAYMENT – THOMPSON, DREESSEN & DORNER, INC. – PROFESSIONAL SERVICES – CENTRAL PARK IMPROVEMENTS – \$2,244.50
8. REQUEST FOR PAYMENT – OLSSON, INC – PROFESSIONAL SERVICES – CITY PARK PAVILION TESTING – \$1,488.50
9. REQUEST FOR PAYMENT – HOUSTON ENGINEERING, INC – PROFESSIONAL SERVICES – 73<sup>RD</sup> AVE CULVERT REHAB PROJECT – \$8,178.00
10. REQUEST FOR PAYMENT – NEBRASKA STATE FIRE MARSHALL AGENCY – PROFESSIONAL SERVICES – BOILER INSPECTION – THE LINK – \$97.00
11. REQUEST FOR PAYMENT – SAMPSON CONSTRUCTION – CONSTRUCTION SERVICES – OFFSTREET PARKING DISTRICT NO. 2, STRUCTURE NO. 2 – \$431,318.00
12. APPROVE MANAGER APPLICATION – CLASS D LIQUOR LICENSE – WALMART, INC. – MICHAEL J. BREWSTER
13. APPROVAL OF CLAIMS

ABM INDUSTRIES, services	11,163.28
ACCO UNLIMITED CORP, supplies	484.40

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ACTIVE NETWORK LLC, services	197.26
AED ZONE, services	220.00
AKRS EQUIPMENT, maint.	1,141.47
ALFRED BENESCH & CO, services	1,287.25
AMAZON, supplies	1,289.88
AMELIA BELIK, payroll	606.00
AMERICAN HERITAGE LIFE INS, services	1,266.10
ARNOLD MOTOR SUPPLY, maint.	1,332.39
AT&T MOBILITY LLC, phones	98.24
AUTOGRAPHIX INC, services	3,150.00
BACON LETTUCE CREATIVE, services	2,560.00
BERGANKDV LLC, services	1,040.00
BIBLIOTHECA LLC, media	30.82
BIG RED LOCKSMITHS, bld&grnds	9.50
BISHOP BUSINESS EQUIPMENT, services	1,326.43
BLACK HILLS ENERGY, utilities	1,293.59
BUETHE, P., travel	198.50
BULLER FIXTURE CO, services	4,930.00
CANOYER GARDEN CENTER, services	1,184.83
CENTER POINT, books	283.44
CENTURY LINK/LUMEN, phones	865.06
CINTAS CORP, services	503.33
CITY OF PAPILLION, services	15,419.22
CNA SURETY, services	1,855.00
COLD STONE CREAMERY, services	350.00
CONCRETE SUPPLY, services	35,865.23
CONTROL MASTERS INC, bld&grnds	20.36
CORNHUSKER INTL TRUCKS INC, maint.	134.38
COSGRAVE CO, supplies	103.50
COX COMMUNICATIONS, services	470.53
D & K PRODUCTS, supplies	1,707.21
DEARBORN NAT'L LIFE INS CO, services	7,560.65
DELL MARKETING LP, services	6,980.00
DEMCO INC, supplies	261.03
DESIGN WORKSHOP INC, services	11,582.50
DIAMOND VOGEL PAINTS, supplies	186.80
DOG WASTE DEPOT, supplies	791.92
DOUGLAS COUNTY SHERIFF, services	150.00
EMBLEM ENTERPRISES, supplies	356.38
EMBLEMS INC, supplies	399.00
ESSENTIAL SCREENS, services	195.40
EYMAN PLUMBING INC, bld&grnds	4,887.08
FUN EXPRESS LLC, supplies	348.33
FUN SERVICES, supplies	54.75
GALE, books	382.36
GENERAL FIRE & SAFETY, services	1,059.50
GLOCK INC, supplies	69.00
GODFATHER'S PIZZA, services	82.09
GRAINGER, bld&grnds	347.29
GREATAMERICA FINANCIAL, services	1,585.69
GREGG YOUNG CHEVROLET INC, maint.	417.38
HDR ENGINEERING INC, services	706.59
HGM ASSOCIATES INC, services	39,194.50
HOBBY LOBBY STORES, supplies	58.26
HUNTEL COMMUNICATIONS INC, services	624.00
INGRAM LIBRARY SERVICES, books	2,007.06
J & J SMALL ENGINE SERVICE, supplies	656.57
KONA-ICE OF THREE RIVERS, services	1,300.00

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LARSEN SUPPLY CO, supplies	645.83
LEAGUE OF NE MUNICIPALITIES, services	55,446.00
LIBRA INDUSTRIES INC, apparel	232.00
LIBRARY IDEAS LLC, media	1,215.30
LINCOLN NAT'L LIFE INS CO, services	6,787.39
LYMAN-RICHEY SAND & GRAVEL, services	866.58
MAINTAINX INC, services	1,950.00
MAPA, services	20,000.00
MARCO INC, services	147.87
MEDICA INSURANCE CO, services	131,745.70
MENARDS-RALSTON, supplies	482.49
METLIFE, services	1,015.40
METRO LANDSCAPE MATERIALS , bld&grnds	1,248.00
MUD, utilities	44,729.01
MID-AMERICAN BENEFITS INC, services	27,732.26
MIDWEST TAPE, media	226.44
MNJ TECHNOLOGIES DIRECT, services	8,988.00
NE DEPT OF REVENUE, sales tax	555.66
NE IOWA DOOR SERVICES INC, bld&grnds	6,340.00
NMC GROUP INC, services	1,570.02
OFFICE DEPOT INC, supplies	510.04
OPPD, utilities	46,383.76
OMAHA WINNELSON, supplies	670.83
OMNI ENGINEERING, services	386.65
ON YOUR MARKS INC, services	2,613.55
O'REILLY AUTO PARTS, maint.	1,431.73
PAYROLL MAXX, payroll & taxes	857,174.93
PER MAR SECURITY, services	220.95
PITNEY BOWES, postage	1,548.00
POMP'S TIRE SERVICE INC, maint.	997.68
QUALITY AUTO REPAIR, services	81.00
REGAL AWARDS INC, services	89.95
REVOLUTION WRAPS LLC, services	2,916.16
RIVER CITY RECYCLING, services	81.03
ROBERT HALF, services	7,748.22
ROGELIO GUERRERO, refund	200.00
SAMPSON CONSTRUCTION CO, services	555,079.00
SARPY COUNTY TREASURER, services	108,295.00
SIGN IT, services	2,929.00
SIRCHIE ACQUISITION CO, supplies	88.91
SOUTH, R., reimbursement	23.84
SOUTHEAST LIBRARY SYSTEM, services	210.00
SOUTHERN UNIFORM, apparel	138.50
SPENCER MANAGEMENT, services	446,133.88
STOREY KENWORTHY CORP, supplies	429.81
SUBURBAN NEWSPAPERS INC, services	1,868.48
SUNSET LAW ENFORCEMENT LLC, services	4,375.75
T & N ACQUISITION CO, supplies	246.00
THE SCHEMMER ASSOCIATES INC, services	2,199.29
THOMPSON DREESSEN & DORNER, services	4,500.00
TRUCK CENTER COMPANIES, maint.	515.96
TURFWERKS, supplies	25.73
TY'S OUTDOOR POWER, maint.	495.00
U.S. CELLULAR, phones	1,872.13
UNITED PARCEL, services	72.73
US POSTAL SERVICE, postage	2,619.60
UNMC, services	355.00
UTILITY EQUIPMENT CO, services	111.04

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V & V MANUFACTURING INC, supplies	133.90
VERIZON WIRELESS, phones	365.59
WALMART, supplies	2,555.26
WESTLAKE HARDWARE, supplies	2,322.61
WHITE CAP LP, services	705.58
WHITE, SCOTT L, services	1,000.00
WOODHOUSE FORD, maint.	342.95

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

## **REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS**

Library Director Barcal provided an update on the summer reading program.

Fire Chief Gottsch gave a report on statistics for the fire department.

Police Captain Kinsey reported on the code enforcement actions.

Director of Public Works Soucie provided an update on the Central Park playground equipment and the NRD Grant received.

## **B. FISCAL YEAR 22/23 & FISCAL YEAR 23/24 MUNICIPAL BUDGETS**

### **1. PROPOSED BUDGET AMENDMENTS**

Finance Director Harris reported that the final valuations are lower than last year.

Councilmember Thomas made a motion to approve the proposed budget amendments. Seconded by Councilmember Sell. Councilmembers voting aye: Ronan, Sheehan, Thomas, Quick, Sell, Hale and Wetuski. Nays: None. Abstain: None. Absent: Frederick. Motion carried.

### **2. APPROPRIATIONS ORDINANCE – FINAL READING**

City Clerk Buethe read Ordinance No. 1490 entitled: AN ORDINANCE TO AMEND ORDINANCE NO. 1455 AND THE BIENNIAL BUDGET APPROPRIATING THE SUMS OF MONEY DEEMED NECESSARY TO DEFRAY ALL OF THE NECESSARY EXPENSES AND LIABILITIES OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA FOR THE FISCAL PERIOD BEGINNING ON OCTOBER 1, 2022 AND ENDING ON SEPTEMBER 30, 2023; AND FOR THE FISCAL PERIOD BEGINNING OCTOBER 1, 2023 AND ENDING ON SEPTEMBER 30, 2024, AND TO AMEND AMOUNTS APPROPRIATED FOR THE FIRST AND SECOND YEARS OF SUCH BIENNIAL BUDGET FOR THE FISCAL PERIOD BEGINNING ON OCTOBER 1, 2022 AND ENDING ON SEPTEMBER 30, 2023; AND FOR THE FISCAL PERIOD BEGINNING OCTOBER 1, 2023 AND ENDING SEPTEMBER 30, 2024, SPECIFYING THE OBJECTS AND PURPOSES FOR WHICH SUCH APPROPRIATIONS ARE MADE AND THE AMOUNT TO BE APPROPRIATED FOR EACH OBJECT OR PURPOSE; SPECIFYING THE AMOUNT TO BE RAISED BY TAX LEVY; PROVIDING FOR THE FILING AND CERTIFICATION OF THE BUDGET AND TAX LEVY HEREIN SENT TO THE STATE AUDITOR AND COUNTY CLERK OF SARPY COUNTY; TO REPEAL INCONSISTENT OR CONFLICTING ORDINANCES OR RESOLUTIONS AS ORIGINALLY ENACTED; AND PRESCRIBING THE TIME WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT.

Councilmember Thomas made a motion to approve final reading and adopt Ordinance 1490. Councilmember Sheehan seconded the motion. The Mayor then stated the question, "Shall Ordinance No. 1490 be passed and adopted?" Upon roll call vote the following Councilmembers voted aye: Ronan, Sheehan, Thomas, Quick, Sell, Hale and Wetuski. Nays: None. Abstain: None. Absent: Frederick. Motion carried. The passage and adoption of said ordinance having been concurred on by a majority of all

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members of the Council, the Mayor declared the ordinance adopted and the Mayor, in the presence of the Council, signed and approved the ordinance and the City Clerk attested the passage/approval of the same and affixed her signature thereto.

## **3. INCREASE BASE OF RESTRICTED FUNDS AUTHORITY**

### **a. PUBLIC HEARING**

At 6:46 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the proposed increase of the base of restricted funds authority.

At 6:46 p.m. Councilmember Hale made a motion to close the public hearing. Seconded by Councilmember Thomas. Councilmembers voting aye: Ronan, Sheehan, Thomas, Quick, Sell, Hale and Wetuski. Nays: None. Abstain: None. Absent: Frederick. Motion carried.

### **b. RESOLUTION**

Councilmember Sell introduced and moved for the adoption of Resolution No. 23-105 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA TO INCREASE THE BASE OF RESTRICTED FUNDS AUTHORITY IN THE FISCAL YEAR 2024 MUNICIPAL BUDGET BY AN ADDITIONAL ONE PERCENT.

WHEREAS, the Mayor and City Council, after notice and public hearing as required by state statute, approved the Fiscal Year 2024 municipal budget on September 5, 2023; and

WHEREAS, the unused restricted funds authority was included in the notice of budget hearing; and

WHEREAS, an increase in the base of restricted funds authority by an additional one percent in the Fiscal Year 2024 municipal budget is allowed following the approval of at least 75% of the governing body.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska, do hereby authorize an increase in the base of restricted funds authority in the Fiscal Year 2024 municipal budget by an additional one percent.

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

## **4. SETTING THE PROPERTY TAX LEVY**

### **a. PUBLIC HEARING**

At 6:47 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the proposed property tax levy.

At 6:47 p.m. Councilmember Hale made a motion to close the public hearing. Seconded by Councilmember Thomas. Councilmembers voting aye: Ronan, Sheehan, Thomas, Quick, Sell, Hale and Wetuski. Nays: None. Abstain: None. Absent: Frederick. Motion carried.

### **b. RESOLUTION**

Councilmember Thomas introduced and moved for the adoption of Resolution No. 23-106 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA SETTING THE CITY'S PROPERTY TAX REQUEST FOR THE FISCAL YEAR 2023-2024.

WHEREAS, Nebraska Revised Statute 77-1632(4) provides that the Governing Body of the City of La Vista passes by a majority vote a resolution setting the tax request; and

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WHEREAS, Public hearings were held as required by law to hear and consider comments concerning the property tax request; and

NOW THEREFORE, the Governing Body of the City of La Vista, resolves that:

1. The 2023 – 2024 property tax request be set at \$12,338,422.00.
2. The total assessed value of property differs from last year's total assessed value by 12%.
3. The tax rate which would levy the same amount of property taxes as last year, when multiplied by the new total assessed value of property, would be \$.5247 per \$100 of assessed value.
4. The City of La Vista proposes to adopt a property tax request that will cause its tax rate to be \$.54 per \$100 of assessed value; and
5. Based on the proposed property tax request and changes in other revenue, the total operating budget of the City of La Vista will decrease from last year's budget by 19%.
6. A copy of this resolution be certified and forwarded to the Sarpy County Clerk on or before October 15, 2023.

NOW, THEREFORE BE IT FURTHER RESOLVED, by the Mayor and City council of the City of La Vista Nebraska that the property tax to be distributed as follows:

**General Fund - \$11,424,465.00 (\$0.50 mill levy)**

**Bond Fund - \$913,957.00 (\$0.04 mill levy)**

A copy of this resolution and other required documents be certified and forwarded to the County Clerk in accordance with applicable law.

NOW, THEREFORE BE IT FURTHER RESOLVED that the City Clerk is hereby directed to record below the record vote of the Governing Body in passing this Resolution, which record vote shall be incorporated into this Resolution by reference.

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

## **5. MASTER FEE ORDINANCE**

Councilmember Sell introduced Ordinance No. 1493 entitled: AN ORDINANCE TO AMEND ORDINANCE NO.1489, AN ORDINANCE TO ESTABLISH THE AMOUNT OF CERTAIN FEES AND TAXES CHARGED BY THE CITY OF LA VISTA FOR VARIOUS SERVICES INCLUDING BUT NOT LIMITED TO BUILDING AND USE, ZONING, OCCUPATION, PUBLIC RECORDS, ALARMS, EMERGENCY SERVICES, RECREATION, LIBRARY, AND PET LICENSING; SEWER AND DRAINAGE SYSTEMS AND FACILITIES OF THE CITY FOR RESIDENTIAL USERS AND COMMERCIAL USERS (INCLUDING INDUSTRIAL USERS) OF THE CITY OF LA VISTA AND TO GRANDFATHER EXISTING STRUCTURES AND TO PROVIDE FOR TRACT PRECONNECTION PAYMENTS AND CREDITS; REGULATING THE MUNICIPAL SEWER DEPARTMENT AND RATES OF SEWER SERVICE CHARGES; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE THE EFFECTIVE DATE HEREOF.

Councilmember Sheehan moved that the statutory rule requiring reading on three different days be suspended. Councilmember Thomas seconded the motion to suspend the rules and roll call vote on the motion. Councilmembers voting aye: Ronan, Sheehan, Thomas, Quick, Sell, Hale and Wetuski. Nays: None. Abstain: None. Absent: Frederick. 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 Thomas. The Mayor then stated the question, "Shall Ordinance No. 1493 be passed and adopted?" Upon roll call vote the following Councilmembers voted aye: Ronan, Sheehan, Thomas, Quick, Sell, Hale and Wetuski. Nays: None. Abstain: None. Absent: Frederick. Motion carried. The passage and adoption of said ordinance having been concurred on by a majority of all members of the Council, the Mayor declared

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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. AMENDING THE COMPENSATION ORDINANCE AND SETTING RATES OF AUTO AND PHONE ALLOWANCE**

### **1. ORDINANCE – AMENDING THE COMPENSATION ORDINANCE**

Councilmember Thomas introduced Ordinance No. 1494 entitled: AN ORDINANCE TO FIX THE COMPENSATION OF OFFICERS AND EMPLOYEES OF THE CITY OF LA VISTA; TO PROVIDE FOR THE REPEAL OF ALL PRIOR ORDINANCES IN CONFLICT HEREWITH; ORDERING THE PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM; AND TO PROVIDE THE EFFECTIVE DATE HEREOF.

Councilmember Sheehan moved that the statutory rule requiring reading on three different days be suspended. Councilmember Sell seconded the motion to suspend the rules and roll call vote on the motion. Councilmembers voting aye: Ronan, Sheehan, Thomas, Quick, Sell, Hale and Wetuski. Nays: None. Abstain: None. Absent: Frederick. 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 Thomas. The Mayor then stated the question, "Shall Ordinance No. 1494 be passed and adopted?" Upon roll call vote the following Councilmembers voted aye: Ronan, Sheehan, Thomas, Quick, Sell, Hale and Wetuski. Nays: None. Abstain: None. Absent: Frederick. Motion carried. 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.

### **2. RESOLUTION – SETTING RATES OF AUTO AND PHONE ALLOWANCE**

Councilmember Thomas introduced and moved for the adoption of Resolution No. 23-107 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING MONTHLY VEHICLE AND MOBILE PHONE ALLOWANCES FOR SPECIFIC OFFICERS AND EMPLOYEES OF THE CITY.

WHEREAS, the Mayor and City Council establish by ordinance the compensation for officers and employees of the City of La Vista and said ordinance establishes that the Mayor and Council may additionally fix by resolution such vehicle and other allowances as may from time to time be fixed in the municipal budget; and

WHEREAS, the FY23 and FY24 municipal budgets establish funds for vehicle and mobile phone allowances for various officers, employees and volunteers of the City and are recommended by the Director of Administrative Services and City Administrator.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize the following vehicle and cellular phone allowances:

Monthly Vehicle Tier	<u>Allowance</u>	Monthly Phone Tier	<u>Allowance</u>
Tier 1	\$30	Tier 1	\$30
Tier 2	\$50	Tier 2	\$60
Tier 3	\$100	Tier 3	\$90
Tier 4	\$150		
Tier 5	\$300		

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

## D. CONDITIONAL USE PERMIT AND IMPROVEMENTS AGREEMENT – OLYMPUS PINES, LLC DBA TOMMY'S CAR WASH – LOT 5 VAL VISTA REPLAT ONE

### 1. PUBLIC HEARING

At 6:54 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the conditional use permit and improvements agreement – Olympus Pines, LLC dba Tommy's Car Wash – Lot 5 Val Vista Replat One.

At 7:17 p.m. Councilmember Hale made a motion to close the public hearing. Seconded by Councilmember Thomas. Councilmembers voting aye: Ronan, Sheehan, Thomas, Quick, Sell, Hale and Wetuski. Nays: None. Abstain: None. Absent: Frederick. Motion carried.

### 2. RESOLUTION – CONDITIONAL USE PERMIT

Councilmember Sell introduced and moved for the adoption of Resolution No. 23-108 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF A CONDITIONAL USE PERMIT FOR OLYMPUS PINES, LLC TO ALLOW FOR THE CONSTRUCTION AND OPERATION OF A TOTALLY ENCLOSED, AUTOMATED AND CONVEYOR STYLE CAR WASH ON LOT 5 VAL VISTA REPLAT ONE.

WHEREAS, Olympus Pines, LLC has applied for a Conditional Use Permit to allow for the construction and operation of a Tommy's Car Wash on Lot 5 Val Vista Replat One; 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 Olympus Pines, LLC to allow for the construction and operation of a Tommy's Car Wash on Lot 5 Val Vista Replat One.

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

### 3. RESOLUTION – IMPROVEMENTS AGREEMENT

Councilmember Thomas introduced and moved for the adoption of Resolution No. 23-109 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING AN IMPROVEMENTS AGREEMENT FOR LOT 5 VAL VISTA REPLAT ONE.

WHEREAS, the City Council did on September 5, 2023, approve of a Conditional Use Permit for Olympus Pines, LLC to construct and operate a Tommy's Car Wash on Lot 5 Val Vista Replat One; and

WHEREAS, the Developer, Olympus Pines, LLC agreed to execute the Improvements Agreement satisfactory in form and content to the City;

NOW THEREFORE, BE IT RESOLVED, that the Improvements Agreement be and hereby is approved and the Mayor and City Clerk be and hereby are

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authorized to execute the same on behalf of the City, subject to any specified conditions of Council and any revisions that the City Administrator or City Engineer may determine necessary or advisable.

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

## **E. RESOLUTION – APPROVAL OF SARPY COUNTY AND CITIES WASTEWATER AGENCY REVISED GROWTH MANAGEMENT PLAN**

Councilmember Thomas introduced and moved for the adoption of Resolution No. 23-110 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING THE REVISED GROWTH MANAGEMENT PLAN AND RELATED POLICIES AND PROCEDURES FOR THE SARPY COUNTY AND CITIES WASTEWATER AGENCY.

WHEREAS, pursuant to the Interlocal Cooperation Act, Neb. Rev. Stat. Section 13-801 et. seq., Sarpy County and the Cities of Papillion, Bellevue, Springfield, Gretna and La Vista (each a "Member") entered into an agreement (as amended, the "Formation Interlocal"), and formed an interlocal agency called the Sarpy County and Cities Wastewater Agency (the "Agency"); and

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

WHEREAS, the Agency Board approved the Growth Management Plan (as amended, the "Growth Management Plan") that prioritizes areas of land development and growth and serves as a necessary step in the development of a master plan within parts of the Agency's Jurisdiction, located in southern portions of Sarpy County south of the hydrological ridgeline, and excluding any area within the corporate boundaries or extraterritorial or other jurisdiction of the City of La Vista. The Agency Board further approved certain policies and procedures that are intended to implement and enforce the revised Growth Management Plan, attached as EXHIBIT A (the revised "GMP Policies").

WHEREAS, certain actions of the Agency Board require approval of the Members. The Members previously approved the revised Growth Management Plan, and the Agency Board has submitted the revised GMP Policies to the Members for approval.

NOW, THEREFORE BE IT RESOLVED, that neither the revised Growth Management Plan nor the revised GMP Policies, nor any part thereof, shall apply to or within the City of La Vista or any area within the corporate boundaries or extraterritorial or other jurisdiction of the City of La Vista, as such corporate boundaries or jurisdiction from time to time may be adjusted.

BE IT FURTHER RESOLVED that the recitals above and the attached exhibit are incorporated into this Resolution by reference.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska do hereby approve the Revised Growth Management Plan and related policies and procedures for the Sarpy County and Cities Wastewater Agency.

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

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## **F. RESOLUTION – RELEASE OF EASEMENT – LOT 1 MAYFAIR 2<sup>ND</sup> ADDITION REPLAT EIGHT**

Councilmember Thomas introduced and moved for the adoption of Resolution No. 23-111 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE RELEASE OF AN EXISTING SANITARY SEWER EASEMENT ON LOT 1 MAYFAIR 2<sup>ND</sup> ADDITION REPLAT EIGHT, FORMERLY PLATTED AS LOT 2 MAYFAIR 2<sup>ND</sup> ADDITION REPLAT THREE, LOTS 1, 2, AND 3 MAYFAIR 2<sup>ND</sup> ADDITION REPLAT SEVEN AND TO AUTHORIZE THE ACTIONS AS NECESSARY OR APPROPRIATE TO CARRY OUT THE ACTIONS APPROVED HEREIN.

WHEREAS, The City of La Vista (Easement Holder) has been granted a certain sanitary sewer easement as depicted on the below listed plat;

1. Plat and Dedication of Mayfair 2<sup>nd</sup> Addition filed March 23, 1999 at Instrument No. 1999-08323, records of Sarpy County, Nebraska;

WHEREAS, the City of La Vista approved a final plat for formerly platted Lot 2 Mayfair 2nd Addition Replat Three, Lots 1, 2, and 3 Mayfair 2nd Addition Replat Seven; and

WHEREAS, the sanitary sewer easement is no longer needed and the City Engineer is amenable to its release; and

WHEREAS, the location of the sanitary sewer easement is shown on the attached Exhibit A; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska, do hereby approve the release of the sanitary sewer easement and authorize such further actions necessary or appropriate to carry out the actions approved herein.

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

## **G. RESOLUTION – AMENDMENT NO. 1 – 84<sup>TH</sup> STREET TRAIL – GILES TO HARRISON**

Councilmember Quick introduced and moved for the adoption of Resolution No. 23-112 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT WITH ALFRED BENESCH & COMPANY FOR ENVIRONMENTAL SERVICES ASSOCIATED WITH THE 84<sup>TH</sup> STREET TRAIL, GILES ROAD TO HARRISON STREET IN THE AMOUNT OF \$87,199.85 FOR A REVISED AMOUNT NOT TO EXCEED \$97,294.97.

WHEREAS, the Mayor and City Council of the City of La Vista Nebraska have determined that the 84<sup>th</sup> Street Trail project is necessary;

WHEREAS, The FY23/FY24 Biennial Budget provides funding for this project; 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 approve Amendment No. 1 to the professional services agreement with Alfred Benesch & Company for environmental services associated with the 84<sup>th</sup> Street Trail, Giles Road to Harrison Street in the amount of \$87,199.85 for a revised amount not to exceed \$97,294.97.

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

## H. RESOLUTION – AUTHORIZE REQUEST FOR BIDS – EXISTING CENTRAL PARK ACCESS ROAD RECONSTRUCTION

Councilmember Thomas introduced and moved for the adoption of Resolution No. 23-113 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE ADVERTISEMENT FOR BIDS FOR GRADING, PAVING, STORM SEWER AND TRAFFIC CONTROL DEVICE WORK WITHIN CENTRAL PARK FROM THE NEWLY CONSTRUCTED PARK VIEW BOULEVARD ACCESS TO EDGEWOOD BOULEVARD.

WHEREAS, the Mayor and Council have determined that the grading, paving, storm sewer and traffic control device work within Central Park is necessary; and

WHEREAS, the FY23/FY24 Biennial Budget provides funding for this project; and

WHEREAS, the schedule for awarding this contract is as follows:

Publish Notice to Contractors September 13, 2023 and September 20, 2022

Open Bids September 29, 2023 at 10:00am at City Hall

City Council Award Contract October 17, 2023

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska hereby authorize the advertisement for bids for grading, paving, storm sewer and traffic control device work within Central Park from the newly constructed Park View Boulevard access to Edgewood Boulevard.

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

## I. RESOLUTION – APPROVE INTERLOCAL COOPERATION AGREEMENT – TRANSFER OPIOID SETTLEMENT TO SARPY COUNTY

Councilmember Hale introduced and moved for the adoption of Resolution No. 23-114 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF AN INTERLOCAL COOPERATION AGREEMENT WITH SARPY COUNTY TO TRANSFER THE CITY'S CURRENT AND FUTURE OPIOID SETTLEMENT PROCEEDS.

WHEREAS, the parties are political subdivisions, duly created and validly existing under the laws of the State of Nebraska; and

WHEREAS, in order to promote the health, safety, and welfare of the residents of the parties to this Agreement and pursuant to the authority granted to the parties per the Interlocal Cooperation Act, Section 13-801, et. seq., Sarpy County and the City are authorized to enter into this Agreement with each other so as to make the most efficient use of their powers by enabling them to cooperate on a basis of mutual advantage and thereby provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population and other factors influencing the needs and development of such political subdivisions; and

WHEREAS, the City and County each has received, and expects to continue to receive, moneys from various class action opioid lawsuit settlements; and

WHEREAS, given amounts the City and County each expects to receive every year

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from the Settlements, the Parties wish for the City to transfer to the County moneys received by the City under the Settlements ("City Settlement Receipts"), for the County to combine with moneys received by the County under the Settlements ('City Settlement Receipts"), and more efficiently pool such resources to serve the goals of the Settlements within the City and County.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of La Vista, Nebraska, that the interlocal cooperation agreement with Sarpy County and the City of La Vista to transfer future opioid settlement proceeds is hereby approved in form and content submitted with this resolution, subject to any additions, subtractions, or changes as the City Administrator or any designee of the City Administrator determines necessary or appropriate in consultation with the City Attorney, and that the Mayor is hereby authorized to execute said agreement on behalf of the City of La Vista.

Seconded by Councilmember Quick. Tom Dargy with Sarpy County explained the reason for the agreement. Councilmembers voting aye: Ronan, Sheehan, Thomas, Quick, Sell, Hale and Wetuski. Nays: None. Abstain: None. Absent: Frederick. Motion carried.

## J. RESOLUTION – AUTHORIZE PURCHASE – AUDIO, VIDEO, LIGHTING AND POWER SYSTEMS

Councilmember Thomas introduced and moved for the adoption of Resolution No. 23-115 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE PURCHASE OF TECHNICAL EQUIPMENT AND SUPPLIES INCLUDING AUDIO, VIDEO, LIGHTING AND POWER SYSTEMS FROM TECHNICAL MEDIA SERVICES, OMAHA, NE IN AN AMOUNT NOT TO EXCEED \$87,159.02.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of technical equipment and supplies is necessary; and

WHEREAS, the FY23/FY24 Biennial Budget provides funding for the proposed 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 purchase over \$5,000.00;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby approve the purchase of technical equipment and supplies including audio, video, lighting and power systems from Technical Media Services, Omaha, NE in an amount not to exceed \$87,159.02.

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

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

## COMMENTS FROM THE FLOOR

Connie Bowie 7307 Frederick Avenue addressed the Council about a property with weeds that needs to be cleaned up.

Martin Ware 7311 Lillian Avenue and Lester Fitch 7424 Terry Drive addressed the Council with concerns.

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## K. EXECUTIVE SESSION – CONTRACT NEGOTIATIONS

At 7:43 p.m. Councilmember Quick made a motion to go into executive session for protection of the public interest for contract negotiations. Seconded by Councilmember Hale. Councilmembers voting aye: Ronan, Sheehan, Thomas, Quick, Sell, Hale and Wetuski. Nays: None. Abstain: None. Absent: Frederick. Motion carried. Mayor Kindig stated the executive session would be limited to the subject matter contained in the motion.

At 9:12 p.m. the Council came out of executive session. Councilmember Quick made a motion to reconvene in open and public session. Seconded by Councilmember Wetuski. Councilmembers voting aye: Councilmembers voting aye: Ronan, Sheehan, Thomas, Quick, Sell, Hale and Wetuski. Nays: None. Abstain: None. Absent: Frederick. Motion carried.

## COMMENTS FROM MAYOR AND COUNCIL

There were no comments from the Mayor and City Council.

At 9:13 p.m. Councilmember Sell made a motion to adjourn the meeting. Seconded by Councilmember Hale. Councilmembers voting aye: Ronan, Sheehan, Thomas, Quick, Sell, Hale and Wetuski. Nays: None. Abstain: None. Absent: Frederick. Motion carried.

PASSED AND APPROVED THIS 19TH DAY OF SEPTEMBER 2023.

CITY OF LA VISTA

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Kim J. Thomas, Acting Mayor

ATTEST:

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Pamela A. Buethe, MMC  
City Clerk



**MEETING MINUTES**  
**CITY OF LA VISTA PLANNING COMMISSION**  
**8116 PARK VIEW BOULEVARD, LA VISTA, NE 68128**  
**P: (402) 593-6400**

**THURSDAY, SEPTEMBER 7 AT 6:30 P.M.**

The City of La Vista Planning Commission held a meeting on Thursday, September 7, 2023, in the Harold "Andy" Anderson Council Chambers at La Vista City Hall, 8116 Park View Boulevard. Legal notice of the public meeting and hearing were posted, distributed, and published according to Nebraska law. Notice was simultaneously given to all members of the Planning Commission. All proceedings shown were taken while the convened meeting was open to the attendance of the public. The following Planning Commission members were present and absent:

**PRESENT:** Gayle Malmquist, Harold Sargus, Mike Krzywicki, John Gahan, and Jason Dale

**ABSENT:** Josh Frey, Patrick Coghlan, Kathleen Alexander, and Michael Circo,

**STAFF PRESENT:** Bruce Fountain, Community Development Director; Chris Solberg, Deputy Community Development Director; Lydia McCasland, Permit Technician; and Pat Dowse, City Engineer

**Call to Order**

The meeting was called to order by Chair Sargus at 6:30 p.m. Copies of the agenda and staff reports were made available to the public.

**1. Approval of Meeting Minutes from August, 17, 2023**

***Motion:*** Krzywicki moved, seconded by Malmquist, to **approve** the August 17, 2023, minutes.

<b>RESULT:</b>	<b>Motion carried 4-0-1</b>
<b>MOTION BY:</b>	Krzywicki
<b>SECONDED BY:</b>	Mamquist
<b>AYES:</b>	Krzywicki, Sargus, Malmquist, Dale
<b>NAYS:</b>	None
<b>ABSTAINED:</b>	Gahan
<b>ABSENT:</b>	Frey, Coghlan, Alexander, Circo

**2. Old Business**

None.

### 3. New Business

A. **Conditional Use Permit for a Cabinetry Millwork Operation – 7769 S. 133<sup>rd</sup> Street – PGN Holdings, LLC d.b.a. Unlimited Innovations.**

i. **Staff Report – Chris Solberg, Deputy Community Development Director;** Solberg introduced the request for a conditional use permit by Unlimited Innovations.

Staff recommended approval of the Conditional Use Permit for PGN Holdings, LLC dba Unlimited Innovations for cabinetry millwork operation, as the request is consistent with the Comprehensive Plan and the Zoning Ordinance.

**Chair Sargus opened the Public Hearing.**

ii. **Public Hearing:** Kyle Pelster and Pete Knipp, representing the applicant PGN Holdings, LLC dba Unlimited Innovations, introduced themselves.

Krzywicki asked for clarification on the intended business hours and wanted to ensure there was a time limit included in the operating statement for weekends as to ensure activities with noise would not extend late into the evening. Knipp stated they work between 7:30am and 4:30pm daily, and that only three times in the past year have they needed to work on the weekends. Knipp and Pelster stated that they would submit a revised operating statement with cutoff hours for evenings and weekends.

Sargus asked if they had plans to add a second shift in the future. Knipp replied that they would not add a second shift, but if they were looking to expand, they would add additional staff during the first shift, as the space is large enough to accommodate additional workers.

Krzywicki inquired about the sound levels of the proposed dust collector system. Knipp replied that he had stood next to the system and had been able to have a normal conversation. The system works to filter outside air before bringing it inside, in addition to filtering the inside air before pushing it outside. Solberg confirmed that the operator will have to adhere to the performance standards for industrial uses in La Vista's zoning ordinance, and that he does not believe residents should be affected due to the hours of operation of the shop.

Sargus asked if they also do varnish, staining and liquid chemicals. Knipp stated they do and were buying a new state-of-the-art, self-contained, pressurized paint booth that filters the air. He also confirmed that all liquid waste will be properly disposed of off-site, and that all materials will be stored inside the shop, except the dust collector mechanical system which needs to be outside.

Malmquist moved, seconded by Gahan to close the public hearing.

<b>RESULT:</b>	<b>Motion carried 5-0-0</b>
<b>MOTION BY:</b>	Malmquist

<b>SECONDED BY:</b>	Gahan
<b>AYES:</b>	Krzywicki, Sargus, Malmquist, Dale, Gahan
<b>NAYS:</b>	None
<b>ABSTAINED:</b>	None
<b>ABSENT:</b>	Frey, Coghlan, Alexander, Circo

**Chair Sargus closed the Public Hearing.**

- iii. **Recommendation:** Krzywicki moved, seconded by Dale to recommend **approval** of the Conditional Use Permit for PGN Holdings, LLC dba Unlimited Innovations for cabinetry millwork operation, as the request is consistent with the Comprehensive Plan and the Zoning Ordinance, subject to the addition of a requirement to not exceed hours beyond 9:00PM on weekdays or weekends.

<b>RESULT:</b>	<b>Motion carried 5-0-0</b>
<b>MOTION BY:</b>	Krzywicki
<b>SECONDED BY:</b>	Dale
<b>AYES:</b>	Krzywicki, Sargus, Malmquist, Dale, Gahan,
<b>NAYS:</b>	None
<b>ABSTAINED:</b>	None
<b>ABSENT:</b>	Frey, Coghlan, Alexander, Circo

**B. Zoning Ordinance Amendments – Section 5.11 C-2 General Commercial District; Section 5.12 C-3 Highway Commercial/Office Park District; and Section 5.14 I-2 Heavy Industrial**

- i. **Staff Report – Chris Solberg, Deputy Community Development Director;** Solberg introduced a series of proposed zoning text amendments. This batch includes a change to expand Pet Health Services, like veterinary services, into all commercial districts. This use does have some limitations and would require a conditional use permit. This batch also proposed to remove Concrete Batch Plants as a permitted conditional use in the I-2 zoning district.

Staff recommended approval of the proposed zoning text amendments.

**Chair Sargus opened the Public Hearing.**

- ii. **Public Hearing:**

As no members of the public came forward, Krzywicki moved, seconded by Malmquist to close the public hearing.

<b>RESULT:</b>	<b>Motion carried 5-0-0</b>
<b>MOTION BY:</b>	Krzywicki
<b>SECONDED BY:</b>	Malmquist
<b>AYES:</b>	Krzywicki, Sargus, Malmquist, Dale, Gahan
<b>NAYS:</b>	None
<b>ABSTAINED:</b>	None
<b>ABSENT:</b>	Frey, Coghlan, Alexander, Circo

**Chair Sargus closed the Public Hearing.**

iii. **Recommendation:** Krzywicki moved, seconded by Malmquist to recommend **approval** of the proposed zoning text amendments

<b>RESULT:</b>	<b>Motion carried 5-0-0</b>
<b>MOTION BY:</b>	Krzywicki
<b>SECONDED BY:</b>	Malmquist
<b>AYES:</b>	Krzywicki, Sargus, Malmquist, Dale, Gahan
<b>NAYS:</b>	None
<b>ABSTAINED:</b>	None
<b>ABSENT:</b>	Frey, Coghlan, Alexander, Circo

**C. Zoning Ordinance Amendments – Section 7.01 Sign Regulations**

i. **Staff Report – Chris Solberg, Deputy Community Development Director;** Solberg introduced the second batch of zoning text amendments which pertain to the signage requirements. He stated that we are trying to clean up some requirements that cause confusion, including allowing names and logos on changeable panels for Center ID signs, and clarifying how the allowance for wall signage is determined for multi-tenant buildings, and multi-building developments.

Staff recommended approval of the proposed zoning text amendments.

**Chair Sargus opened the Public Hearing.**

ii. **Public Hearing:**

Gahan moved, seconded by Malmquist to close the public hearing.

<b>RESULT:</b>	<b>Motion carried 5-0-0</b>
<b>MOTION BY:</b>	Gahan
<b>SECONDED BY:</b>	Malmquist
<b>AYES:</b>	Krzywicki, Sargus, Malmquist, Dale, Gahan
<b>NAYS:</b>	None
<b>ABSTAINED:</b>	None
<b>ABSENT:</b>	Frey, Coghlan, Alexander, Circo

**Chair Sargus closed the Public Hearing.**

iii. **Recommendation:** Gahan moved, seconded by Malmquist to recommend **approval** of the proposed zoning text amendments.

<b>RESULT:</b>	<b>Motion carried 5-0-0</b>
<b>MOTION BY:</b>	Gahan
<b>SECONDED BY:</b>	Malmquist
<b>AYES:</b>	Krzywicki, Sargus, Malmquist, Dale, Gahan
<b>NAYS:</b>	None
<b>ABSTAINED:</b>	None
<b>ABSENT:</b>	Frey, Coghlan, Alexander, Circo

D. **Zoning Ordinance Amendments – Section 5.19 MU-CC Mixed Use City Centre District; and Section 7.05 Off-Street Automobile Storage**

i. **Staff Report – Chris Solberg, Deputy Community Development Director;** Solberg explained that staff are working with the developer for City Centre to come up with a solution to have additional temporary parking in City Centre to serve the event center, as the trigger for the construction of a third parking garage has not yet been met and additional parking will be beneficial once the Astro opens. City Ventures, the developer for City Centre, has requested to place a temporary gravel parking lot on Outlot C (now Lot 2 La Vista City Centre Replat 5). This batch of zoning text amendments would allow for the construction of gravel parking lots in the Mixed-Use City-Centre zoning district for event centers with seating capacity for 2000 or more persons, on a temporary basis with an approved development agreement with the City. With this development agreement the City could determine how long the gravel could remain, and include provisions requiring proper maintenance and operation.

Staff recommended approval of the proposed zoning text amendments.

**Chair Sargus opened the Public Hearing.**

ii. **Public Hearing:**

As no members of the public came forward, Malmquist moved, seconded by Dale to close the public hearing.

<b>RESULT:</b>	<b>Motion carried 5-0-0</b>
<b>MOTION BY:</b>	Malmquist
<b>SECONDED BY:</b>	Dale
<b>AYES:</b>	Krzywicki, Sargus, Malmquist, Dale, Gahan
<b>NAYS:</b>	None
<b>ABSTAINED:</b>	None
<b>ABSENT:</b>	Frey, Coghlan, Alexander, Circo

**Chair Sargus closed the Public Hearing.**

Bruce Fountain mentioned that the City could require a bond from the developer through the agreement to ensure that the City would have the ability to remove the gravel lot if the conditions of the agreement are not met.

Dale inquired about the type of material that would be used on the lot. Solberg said it has not yet been decided what specific material or type of crushed rock would be allowed for use.

Gahan asked if a third parking garage would alleviate all parking issues. Solberg said there should be sufficient parking for a majority of the events with three garages and on-street parking, but that there may still be a need for off-site parking for some of the largest-capacity events.

Dale asked if the venue operator is limited to 20 events per year. Solberg said they do have the conditional use permit that limits them to 20 events per year for the outdoor amphitheater, but that they are permitted as many events as they would like for the indoor venue.

Dale asked if there will be signage to direct people to the park from City Centre. Solberg said they are working on wayfinding signage for the parking garages and surrounding areas.

Krzywicki asked if there would be a cross-parking agreement with the owners of Brentwood Plaza to provide additional parking. Solberg said that there would not be a cross-parking agreement, and that generally staff are dissuading people from parking across 84<sup>th</sup> Street to reduce opportunities for pedestrian and vehicular conflict. Solberg

mentioned that staff did have an open house with the business owners around 84<sup>th</sup> Street to inform them about the potential impacts of the event center. Business owners were instructed that if they did not want vehicles parking on their property, that they should post signs noting that vehicles may be towed, then they will be responsible for enforcement. They could also charge people to park in their lots if they so choose.

Fountain said they have also conducted an open house for nearby residents, and they have been instructed that while parking along public streets that are not signed as "no parking" is allowed, they should contact the La Vista Police if there are instances of parked cars blocking driveways or sidewalks.

Gahan asked if the temporary parking would be free or if they would charge. Solberg replied he believes it is intended to be free as to provide a free place for Astro employees to park.

Krzywicki inquired about lighting needed for the parking lot, and Solberg stated that the street lights should provide sufficient lighting to access the lot.

Krzywicki asked if they were going to use curb stops for parking on the loose gravel. Solberg said they have not yet completed the development agreement and traffic/parking control measures have not yet been determined.

Dale asked how many stalls they are expecting the temporary parking lot would provide. Fountain said he believes they intended to provide an additional 400 stalls.

**Recommendation:** Dale moved, seconded by Gahan to recommend **approval** of the proposed zoning text amendments

<b>RESULT:</b>	<b>Motion carried 5-0-0</b>
<b>MOTION BY:</b>	Dale
<b>SECONDED BY:</b>	Gahan
<b>AYES:</b>	Krzywicki, Sargus, Malmquist, Dale, Gahan
<b>NAYS:</b>	None
<b>ABSTAINED:</b>	None
<b>ABSENT:</b>	Frey, Coghlan, Alexander, Circo

#### **4. Comments from the Floor**

None.

#### **5. Comments from the Planning Commission**

Krzywicki inquired about whether our parking requirements for industrial and commercial uses require sufficient parking. Solberg replied that staff would be taking a closer look at the City's parking requirements in the future zoning re-write.

Krzywicki asked about the process for utility installations like the new Allo fiber roll-out happening across the city. Dowse said the contractors/service providers must first obtain a utility installation permit from the City, and that the construction plans and timelines are reviewed.

Krzywicki asked about the spacing required for fiber installations along the roadway. Dowse said they are trying to have them installed as far from the street as possible.

#### **6. Comments from the Staff**

Fountian notified the commission that City Council approved the Tommy's Car Wash Conditional Use Permit at their September 5<sup>th</sup> meeting.

#### **7. Adjournment**

Chairman Sargus adjourned the meeting at 7:20 p.m.

Reviewed by Planning Commission:

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Planning Commission Secretary

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Planning Commission Chair

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Date

**CITY OF LA VISTA, NEBRASKA**  
**COMBINED STATEMENT OF REVENUES, EXPENDITURES**  
**AND CHANGES IN FUND BALANCE-ALL GOVERNMENTAL FUND TYPES**

A-4

For the Tenth Month Ending July 31, 2023

83% of the Fiscal Year 2023

**Total All Funds**

	<b>Budget (12 month)</b>	<b>Tenth MTD Actual</b>	<b>YTD Actual</b>	<b>Over(under) Budget</b>	<b>% of Budget Used</b>
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**OPERATING REVENUES**

General Fund	\$ 24,324,606	\$ 1,298,403	\$ 17,152,513	\$ (7,172,093)	71%
Sewer Fund	4,908,972	463,445	4,148,255	(760,717)	85%
Debt Service Fund	18,862,129	331,696	3,125,213	(15,736,916)	17%
Capital Improvement Fund	352,305	9,373	51,612	(300,693)	15%
Lottery Fund	1,227,368	141,617	1,103,620	(123,749)	90%
Economic Development Program Fund	145,747	21,827	213,265	67,518	146%
Off Street Parking Fund	1,010	4,879	64,167	63,157	6353%
Redevelopment Fund	2,507,774	323,893	2,432,931	(74,844)	97%
Police Academy	214,640	20,872	206,622	(8,018)	96%
TIF 1A	389,569	—	191,906	(197,663)	49%
TIF 1B	491,954	—	242,341	(249,613)	49%
Sewer Reserve Fund	6,910	5,392	23,584	16,674	341%
Qualified Sinking Fund	2,740	1,945	10,124	7,384	369%
TIF 1C	48,302	—	23,794	(24,508)	49%
TIF 1D	21,672	—	10,676	(10,996)	49%
<b>Total Operating Revenues</b>	<b>53,505,699</b>	<b>2,623,342</b>	<b>29,000,622</b>	<b>(24,505,077)</b>	<b>54%</b>

**OPERATING EXPENDITURES**

General Fund	23,417,380	1,717,047	16,885,664	(6,531,716)	72%
Sewer Fund	4,472,406	(20,993)	3,288,908	(1,183,497)	74%
Debt Service Fund	3,060,191	18,120	2,593,123	(467,068)	85%
Capital Improvement Fund	—	—	—	—	—%
Lottery Fund	834,174	44,243	613,247	(220,926)	74%
Economic Development Program Fund	1,149,636	—	1,149,936	300	100%
Off Street Parking Fund	1,986,079	18,712	1,054,949	(931,130)	53%
Redevelopment Fund	2,966,664	906,466	1,619,017	(1,347,647)	55%
Police Academy	202,265	14,431	166,751	(35,514)	82%
TIF 1A	389,569	—	191,906	(197,663)	49%
TIF 1B	491,954	—	242,341	(249,613)	49%
Sewer Reserve Fund	—	—	—	—	—%
Qualified Sinking Fund	—	—	—	—	—%
TIF 1C	48,302	—	23,794	(24,508)	49%
TIF 1D	21,672	—	10,676	(10,996)	49%
<b>Total Operating Expenditures</b>	<b>39,040,290</b>	<b>2,698,026</b>	<b>27,840,312</b>	<b>(11,199,979)</b>	<b>71%</b>

**CITY OF LA VISTA, NEBRASKA**  
**COMBINED STATEMENT OF REVENUES, EXPENDITURES**  
**AND CHANGES IN FUND BALANCE-ALL GOVERNMENTAL FUND TYPES**

**For the Tenth Month Ending July 31, 2023**

**83% of the Fiscal Year 2023**

**Total All Funds**

	<b>Budget (12 month)</b>	<b>Tenth MTD Actual</b>	<b>YTD Actual</b>	<b>Over(under) Budget</b>	<b>% of Budget Used</b>
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**OPERATING REVENUES NET  
OF EXPENDITURES**

General Fund	907,226	(418,644)	266,849	(640,377)	
Sewer Fund	436,566	484,437	859,346	422,780	
Debt Service Fund	15,801,938	313,576	532,090	(15,269,848)	
Capital Improvement Fund	352,305	9,373	51,612	(300,693)	
Lottery Fund	393,195	97,374	490,372	97,178	
Economic Development Program Fund	(1,003,889)	21,827	(936,671)	67,218	
Off Street Parking Fund	(1,985,069)	(13,833)	(990,782)	994,287	
Redevelopment Fund	(458,890)	(582,573)	813,914	1,272,804	
Police Academy	12,375	6,442	39,871	27,496	
TIF 1A	—	—	—	—	
TIF 1B	—	—	—	—	
Sewer Reserve Fund	6,910	5,392	23,584	16,674	
Qualified Sinking Fund	2,740	1,945	10,124	7,384	
TIF 1C	—	—	—	—	
TIF 1D	—	—	—	—	
<b>Operating Revenues Net of Expenditures</b>	<b>14,465,408</b>	<b>(74,684)</b>	<b>1,160,310</b>	<b>(13,305,098)</b>	

**OTHER FINANCING SOURCES & USES**

**TRANSFERS IN**

General Fund	523,100	—	298,669	(224,431)	57%
Sewer Fund	700	—	—	(700)	—%
Debt Service Fund	300,000	—	300,000	—	100%
Capital Improvement Fund	6,850,000	—	—	(6,850,000)	—%
Lottery Fund	—	—	—	—	—
Economic Development Program Fund	1,034,681	—	1,034,681	—	—
Off Street Parking Fund	2,682,624	—	—	(2,682,624)	—%
Redevelopment Fund	—	—	—	—	—
Police Academy	—	—	—	—	—
TIF 1A	—	—	—	—	—
TIF 1B	—	—	—	—	—
Sewer Reserve Fund	220,633	—	220,633	—	—
Qualified Sinking Fund	250,000	—	—	(250,000)	—%
TIF 1C	—	—	—	—	—
TIF 1D	—	—	—	—	—
<b>Total Transfers In</b>	<b>11,861,738</b>	<b>—</b>	<b>1,853,983</b>	<b>(10,007,755)</b>	<b>16%</b>

**CITY OF LA VISTA, NEBRASKA**  
**COMBINED STATEMENT OF REVENUES, EXPENDITURES**  
**AND CHANGES IN FUND BALANCE-ALL GOVERNMENTAL FUND TYPES**

**For the Tenth Month Ending July 31, 2023**

**83% of the Fiscal Year 2023**

**Total All Funds**

	<b>Budget (12 month)</b>	<b>Tenth MTD Actual</b>	<b>YTD Actual</b>	<b>Over(under) Budget</b>	<b>% of Budget Used</b>
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**TRANSFERS OUT**

General Fund	(2,330,536)	—	(1,334,681)	995,855	57%
Sewer Fund	(220,633)	—	(220,633)	—	—%
Debt Service Fund	(8,286,769)	—	—	8,286,769	—%
Capital Improvement Fund	—	—	—	—	—
Lottery Fund	(723,800)	—	—	723,800	—%
Economic Development Program Fund	—	—	—	—	—
Off Street Parking Fund	(300,000)	—	(298,669)	1,331	—
Redevelopment Fund	—	—	—	—	—
Police Academy	—	—	—	—	—
TIF 1A	—	—	—	—	—
TIF 1B	—	—	—	—	—
Sewer Reserve Fund	—	—	—	—	—
Qualified Sinking Fund	—	—	—	—	—
TIF 1C	—	—	—	—	—
TIF 1D	—	—	—	—	—
<b>Total Transfers Out</b>	<b>(11,861,738)</b>	<b>—</b>	<b>(1,853,983)</b>	<b>10,007,755</b>	<b>16%</b>

**NET TRANSFERS**

General Fund	(1,807,436)	—	(1,036,012)	771,424	57%
Sewer Fund	(219,933)	—	(220,633)	(700)	100%
Debt Service Fund	(7,986,769)	—	300,000	8,286,769	—
Capital Improvement Fund	6,850,000	—	—	(6,850,000)	—%
Lottery Fund	(723,800)	—	—	723,800	—%
Economic Development Program Fund	1,034,681	—	1,034,681	—	—
Off Street Parking Fund	2,382,624	—	(298,669)	(2,681,293)	—
Redevelopment Fund	—	—	—	—	—
Police Academy	—	—	—	—	—
TIF 1A	—	—	—	—	—
TIF 1B	—	—	—	—	—
Sewer Reserve Fund	220,633	—	220,633	—	100%
Qualified Sinking Fund	250,000	—	—	(250,000)	—%
TIF 1C	—	—	—	—	—
TIF 1D	—	—	—	—	—
<b>Total Net Transfers</b>	<b>—</b>	<b>—</b>	<b>—</b>	<b>—</b>	<b>—</b>

**CITY OF LA VISTA, NEBRASKA**  
**COMBINED STATEMENT OF REVENUES, EXPENDITURES**  
**AND CHANGES IN FUND BALANCE-ALL GOVERNMENTAL FUND TYPES**

**For the Tenth Month Ending July 31, 2023**

**83% of the Fiscal Year 2023**

**Total All Funds**

	<b>Budget</b> <b>(12 month)</b>	<b>Tenth MTD</b> <b>Actual</b>	<b>YTD</b> <b>Actual</b>	<b>Over(under)</b> <b>Budget</b>	<b>% of Budget</b> <b>Used</b>
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**OTHER REVENUE: BOND PROCEEDS**

Sewer Fund	—	—	—	—	—
Capital Improvement Fund	—	—	—	—	—
Economic Development Program Fund	—	—	—	—	—
Off Street Parking Fund	—	—	—	—	—
Redevelopment Fund	—	—	—	—	—
<b>Total Bond Proceeds</b>	<b>—</b>	<b>—</b>	<b>—</b>	<b>—</b>	<b>—</b>

**OTHER EXPENDITURES: CIP**

Sewer Fund	2,720,000	39,195	171,969	(2,548,031)	6%
Capital Improvement Fund	7,874,305	688,071	2,642,501	(5,231,804)	34%
Off Street Parking Fund	9,354,000	555,079	7,170,575	(2,183,425)	77%
Redevelopment Fund	17,786,142	2,032,360	11,712,750	(6,073,392)	66%
<b>Total Capital Improvement</b>	<b>37,734,447</b>	<b>3,314,704</b>	<b>21,697,795</b>	<b>(16,036,652)</b>	<b>58%</b>

**OTHER EXPENDITURES: GRANTS**

Economic Development Program Fund	5,500,000	—	5,012,419	(487,581)	91%
<b>Total Grants</b>	<b>5,500,000</b>	<b>—</b>	<b>5,012,419</b>	<b>(487,581)</b>	<b>91%</b>

**NET FUND ACTIVITY**

General Fund	(900,210)	(418,644)	(769,163)	131,047
Sewer Fund	(2,503,367)	445,243	466,744	2,970,111
Debt Service Fund	7,815,169	313,576	832,090	(6,983,079)
Capital Improvement Fund	(672,000)	(678,699)	(2,590,889)	(1,918,889)
Lottery Fund	(330,605)	97,374	490,372	820,978
Economic Development Program Fund	(5,469,208)	21,827	(4,914,408)	554,799
Off Street Parking Fund	(8,956,445)	(568,912)	(8,460,026)	496,419
Redevelopment Fund	(18,245,032)	(2,614,933)	(10,898,836)	7,346,196
Police Academy	12,375	6,442	39,871	27,496
TIF 1A	—	—	—	—
TIF 1B	—	—	—	—
Sewer Reserve Fund	227,543	5,392	244,217	16,674
Qualified Sinking Fund	252,740	1,945	10,124	(242,616)
TIF 1C	—	—	—	—
TIF 1D	—	—	—	—
<b>Net Activity</b>	<b>(28,769,039)</b>	<b>(3,389,388)</b>	<b>(25,549,904)</b>	<b>3,219,135</b>

**CITY OF LA VISTA, NEBRASKA**  
**COMBINED STATEMENT OF REVENUES, EXPENDITURES**  
**AND CHANGES IN FUND BALANCE-ALL GOVERNMENTAL FUND TYPES**  
**For the Tenth Month Ending July 31, 2023**  
**83% of the Fiscal Year 2023**

**Total All Funds**

	<b>Ending Fund Balance As of</b>		
	<b>Budget</b> <b>9/30/2023</b>	<b>7/31/2023</b>	<b>Variance</b>
<b>FUND BALANCE</b>			
General Fund	14,796,731	15,604,335	807,604
Sewer Fund	1,050,539	4,017,003	2,966,464
Debt Service Fund	11,273,864	4,622,813	(6,651,051)
Capital Improvement Fund	2,166,423	451,963	(1,714,460)
Lottery Fund	4,607,532	5,162,133	554,601
Economic Development Program Fund	—	75,717	75,717
Off Street Parking Fund	583,255	483,382	(99,873)
Redevelopment Fund	3,907,240	11,780,146	7,872,906
Police Academy	142,152	173,559	31,407
TIF 1A	—	—	—
TIF 1B	—	—	—
Sewer Reserve Fund	2,195,066	2,211,747	16,681
Qualified Sinking Fund	781,626	539,181	(242,445)
TIF 1C	—	—	—
TIF 1D	\$ —	—	—
<b>Net Fund Balance</b>	<b>\$ 41,504,428</b>	<b>\$ —</b>	<b>\$ 45,121,979</b>
	<b>\$ 41,504,428</b>	<b>\$ —</b>	<b>\$ 3,617,551</b>

**CITY OF LA VISTA, NEBRASKA**  
**COMBINED STATEMENT OF REVENUES, EXPENDITURES**  
**AND CHANGES IN FUND BALANCE-ALL GOVERNMENTAL FUND TYPES**

**For the Tenth Month Ending July 31, 2023**

**83% of the Fiscal Year 2023**

**General Fund**

	<b>Budget (12 month)</b>	<b>Tenth MTD Actual</b>	<b>YTD Actual</b>	<b>Over(under) Budget</b>	<b>% of Budget Used</b>
<b>REVENUES</b>					
Property taxes	\$ 11,152,784	\$ 169,414	\$ 6,865,886	\$ (4,286,898)	62%
Sales and use taxes	4,917,452	530,547	4,184,304	(733,148)	85%
Motor vehicle taxes	516,364	53,470	429,191	(87,173)	83%
Payments in Lieu of taxes	202,989	—	177,932	(25,057)	88%
State revenue	2,103,008	207,347	1,794,277	(308,731)	85%
Occupation and franchise taxes	4,032,382	200,670	2,588,054	(1,444,328)	64%
Licenses and permits	524,122	17,674	338,639	(185,483)	65%
Interest income	26,300	62,502	262,414	236,114	998%
Recreation Revenue	190,450	22,149	172,975	(17,475)	91%
Grant Income	245,910	75	89,543	(156,367)	36%
Other	312,128	8,452	185,740	(126,388)	60%
Garage fees	100,717	26,104	63,558	(37,160)	63%
<b>Total Revenues</b>	<b>24,324,606</b>	<b>1,298,403</b>	<b>17,152,513</b>	<b>(7,172,093)</b>	<b>71%</b>
<b>EXPENDITURES</b>					
Administrative Services	611,240	45,687	495,427	(115,813)	81%
Mayor and Council	234,488	15,949	153,157	(81,331)	65%
Boards & Commissions	7,154	204	4,042	(3,112)	57%
Building Maintenance	793,780	30,026	431,405	(362,375)	54%
Administration	745,600	49,202	584,675	(160,925)	78%
Police and Animal Control	6,460,467	506,825	4,932,225	(1,528,242)	76%
Fire	2,821,318	223,911	2,259,452	(561,867)	80%
Community Development	769,345	54,589	549,421	(219,924)	71%
Public Works	4,712,703	353,631	3,193,932	(1,518,771)	68%
Recreation	1,023,745	83,080	674,074	(349,671)	66%
Library	1,125,468	69,751	808,064	(317,404)	72%
Information Technology	549,126	41,526	467,528	(81,599)	85%
Human Resources	1,108,281	113,224	870,221	(238,060)	79%
Public Transportation	128,328	8,298	84,839	(43,489)	66%
Finance	647,835	42,942	513,139	(134,696)	79%
Communication	309,992	28,883	253,891	(56,100)	82%
Capital outlay	1,368,510	49,321	610,172	(758,338)	45%
<b>Total Expenditures</b>	<b>23,417,380</b>	<b>1,717,047</b>	<b>16,885,664</b>	<b>(6,531,716)</b>	<b>72%</b>
<b>REVENUES NET OF EXPENDITURES</b>	<b>907,226</b>	<b>(418,644)</b>	<b>266,849</b>	<b>(640,377)</b>	

**CITY OF LA VISTA, NEBRASKA**  
**COMBINED STATEMENT OF REVENUES, EXPENDITURES**  
**AND CHANGES IN FUND BALANCE-ALL GOVERNMENTAL FUND TYPES**

**For the Tenth Month Ending July 31, 2023**

**83% of the Fiscal Year 2023**

**General Fund**

	<b>Budget (12 month)</b>	<b>Tenth MTD Actual</b>	<b>YTD Actual</b>	<b>Over(under) Budget</b>	<b>% of Budget Used</b>
<b>OTHER FINANCING SOURCES (USES)</b>					
Operating transfers in (Lottery)	523,100	—	298,669	(224,431)	57%
Operating transfers out (DSF, OSP, CIP)	(2,330,536)	—	(1,334,681)	995,855	57%
<b>Total other Financing Sources (Uses)</b>	<b>(1,807,436)</b>	<b>—</b>	<b>(1,036,012)</b>	<b>771,424</b>	<b>57%</b>
<b>NET FUND ACTIVITY</b>	<b>\$ (900,210)</b>	<b>\$ (418,644)</b>	<b>\$ (769,163)</b>	<b>\$ 131,047</b>	

**CITY OF LA VISTA, NEBRASKA**  
**COMBINED STATEMENT OF REVENUES, EXPENDITURES**  
**AND CHANGES IN FUND BALANCE-ALL GOVERNMENTAL FUND TYPES**

**For the Tenth Month Ending July 31, 2023**

**83% of the Fiscal Year 2023**

**Sewer Fund**

	<b>Budget</b> (12 month)	<b>Tenth MTD</b> <b>Actual</b>	<b>YTD</b> <b>Actual</b>	<b>Over(under)</b> <b>Budget</b>	<b>% of Budget</b> <b>Used</b>
<b>REVENUES</b>					
User fees	\$ 4,780,971	\$ 416,611	\$ 4,037,616	\$ (743,355)	84%
Service charge and hook-up fees	125,110	2,410	27,928	(97,182)	22%
Miscellaneous	21	5	40	19	190%
<b>Total Revenues</b>	<b>4,906,102</b>	<b>419,026</b>	<b>4,065,584</b>	<b>(840,518)</b>	<b>83%</b>
<b>EXPENDITURES</b>					
Personnel Services	678,116	47,145	508,611	(169,505)	75%
Commodities	36,064	3,096	32,705	(3,359)	91%
Contract Services	3,414,165	(77,363)	2,449,900	(964,265)	72%
Maintenance	40,257	468	30,730	(9,527)	76%
Other	400	1,160	27	(373)	7%
Storm Water	59,926	4,500	17,050	(42,876)	28%
Capital Outlay	243,478	—	249,885	6,407	103%
Debt service					
Principal	—	—	—	—	—%
Interest	—	—	—	—	—%
<b>Total Expenditures</b>	<b>4,472,406</b>	<b>(20,993)</b>	<b>3,288,908</b>	<b>(1,183,497)</b>	<b>74%</b>
<b>OPERATING INCOME (LOSS)</b>	<b>433,696</b>	<b>440,018</b>	<b>776,675</b>	<b>342,979</b>	
<b>NON-OPERATING REVENUE</b>					
Interest income	2,870	44,419	82,671	79,801	2881%
<b>INCOME (LOSS) BEFORE TRANSFERS</b>	<b>2,870</b>	<b>44,419</b>	<b>82,671</b>	<b>79,801</b>	<b>2881%</b>
<b>OTHER FINANCING SOURCES (USES)</b>					
Operating transfers in	700	—	—	(700)	—%
Operating transfers out	(220,633)	—	(220,633)	—	100%
Bond proceeds	—	—	—	—	—%
Capital Improvement	(2,720,000)	(39,195)	(171,969)	2,548,031	6%
<b>Total other Financing Sources (Uses)</b>	<b>(2,939,933)</b>	<b>(39,195)</b>	<b>(392,602)</b>	<b>2,547,331</b>	<b>13%</b>
<b>NET INCOME (LOSS)</b>	<b>\$ (2,503,367)</b>	<b>\$ 445,243</b>	<b>\$ 466,744</b>	<b>\$ 2,970,111</b>	

**CITY OF LA VISTA, NEBRASKA**  
**COMBINED STATEMENT OF REVENUES, EXPENDITURES**  
**AND CHANGES IN FUND BALANCE-ALL GOVERNMENTAL FUND TYPES**

**For the Tenth Month Ending July 31, 2023**

**83% of the Fiscal Year 2023**

**Debt Service Fund**

	<b>Budget</b> (12 month)	<b>Tenth MTD</b> <b>Actual</b>	<b>YTD</b> <b>Actual</b>	<b>Over(under)</b> <b>Budget</b>	<b>% of Budget</b> <b>Used</b>
<b>REVENUES</b>					
Property Taxes	\$ 898,223	\$ 13,586	\$ 552,802	\$ (345,421)	62%
Sales and use taxes	2,430,603	265,274	2,092,152	(338,451)	86%
Motor vehicle taxes	3,636	476	2,007	(1,629)	55%
Payments in Lieu of taxes	20,298	—	16,723	(3,575)	82%
Other (Assessments/Fire Reimbursement)	504,338	42,028	420,720	(83,618)	83%
Interest income	5,030	10,333	40,809	35,779	811%
Bond Proceeds	15,000,000	—	—	(15,000,000)	—%
<b>Total Revenues</b>	<b>18,862,129</b>	<b>331,696</b>	<b>3,125,213</b>	<b>(15,736,916)</b>	<b>17%</b>
<b>EXPENDITURES</b>					
Administration	69,507	95	7,288	(62,219)	10%
Fire Contract Bond	218,051	18,025	180,250	(37,801)	83%
Debt service					
Principal	2,100,000	—	2,048,099	(51,901)	98%
Interest	672,633	—	357,486	(315,147)	53%
<b>Total Expenditures</b>	<b>3,060,191</b>	<b>18,120</b>	<b>2,593,123</b>	<b>(467,068)</b>	<b>85%</b>
<b>REVENUES NET OF EXPENDITURES</b>	<b>15,801,938</b>	<b>313,576</b>	<b>532,090</b>	<b>(15,269,848)</b>	
<b>OTHER FINANCING SOURCES (USES)</b>					
Operating transfers in (GF Hwy Alloc)	300,000	—	300,000	—	100%
Operating transfers out (CIP, OSP)	(8,286,769)	—	—	8,286,769	—%
<b>Total other Financing Sources (Uses)</b>	<b>(7,986,769)</b>	<b>—</b>	<b>300,000</b>	<b>8,286,769</b>	
<b>NET FUND ACTIVITY</b>	<b>\$ 7,815,169</b>	<b>\$ 313,576</b>	<b>\$ 832,090</b>	<b>\$ (6,983,079)</b>	

**CITY OF LA VISTA, NEBRASKA**  
**COMBINED STATEMENT OF REVENUES, EXPENDITURES**  
**AND CHANGES IN FUND BALANCE-ALL GOVERNMENTAL FUND TYPES**

**For the Tenth Month Ending July 31, 2023**

**83% of the Fiscal Year 2023**

**Capital Improvement Program Fund**

	<b>Budget</b> <b>(12 month)</b>	<b>Tenth MTD</b> <b>Actual</b>	<b>YTD</b> <b>Actual</b>	<b>Over(under)</b> <b>Budget</b>	<b>% of Budget</b> <b>Used</b>
<b>REVENUES</b>					
Interest income	\$ 22,305	\$ 9,373	\$ 51,612	\$ 29,307	231%
Grant income	330,000	—	—	(330,000)	—%
Special assessment	—	—	—	—	—%
Other income	—	—	—	—	—%
<b>Total Revenues</b>	<b>352,305</b>	<b>9,373</b>	<b>51,612</b>	<b>(300,693)</b>	<b>15%</b>
<b>EXPENDITURES</b>					
Administration	—	—	—	—	—%
Other	—	—	—	—	—%
<b>Total Expenditures</b>	<b>—</b>	<b>—</b>	<b>—</b>	<b>—</b>	<b>—%</b>
<b>REVENUES NET OF EXPENDITURES</b>	<b>352,305</b>	<b>9,373</b>	<b>51,612</b>	<b>(300,693)</b>	
<b>OTHER FINANCING SOURCES (USES)</b>					
Operating transfers in (GF, DSF, LF)	6,850,000	—	—	(6,850,000)	—%
Operating transfers out (DSF)	—	—	—	—	—%
Bond proceeds	—	—	—	—	—%
Capital outlay	(7,874,305)	(688,071)	(2,642,501)	5,231,804	34%
<b>Total other Financing Sources (Uses)</b>	<b>(1,024,305)</b>	<b>(688,071)</b>	<b>(2,642,501)</b>	<b>(1,618,196)</b>	<b>258%</b>
<b>NET FUND ACTIVITY</b>	<b>\$ (672,000)</b>	<b>\$ (678,699)</b>	<b>\$ (2,590,889)</b>	<b>\$ (1,918,889)</b>	

**CITY OF LA VISTA, NEBRASKA**  
**COMBINED STATEMENT OF REVENUES, EXPENDITURES**  
**AND CHANGES IN FUND BALANCE-ALL GOVERNMENTAL FUND TYPES**

**For the Tenth Month Ending July 31, 2023**

**83% of the Fiscal Year 2023**

**Lottery Fund**

	<b>Budget</b> <b>(12 month)</b>	<b>Tenth MTD</b> <b>Actual</b>	<b>YTD</b> <b>Actual</b>	<b>Over(under)</b> <b>Budget</b>	<b>% of Budget</b> <b>Used</b>
<b>REVENUES</b>					
Lottery Rev/Community Betterment	\$ 900,000	\$ 104,893	\$ 798,698	\$ (101,302)	89%
Lottery Tax Form 51	313,043	26,666	268,343	(44,700)	86%
Interest income	14,325	10,058	35,978	21,653	251%
Miscellaneous / Other	—	—	600	600	—%
<b>Total Revenues</b>	<b>1,227,368</b>	<b>141,617</b>	<b>1,103,620</b>	<b>(123,749)</b>	<b>90%</b>
<b>EXPENDITURES</b>					
Professional Services	109,580	2,232	36,883	(72,697)	34%
Salute to Summer	—	—	—	—	—%
Community Events	361,550	13,620	287,911	(73,639)	80%
Events - Marketing	50,000	1,725	20,110	(29,890)	40%
Recreation Events	—	—	—	—	—%
Concert & Movie Nights	—	—	—	—	—%
State Taxes	313,043	26,666	268,343	(44,700)	86%
<b>Total Expenditures</b>	<b>834,174</b>	<b>44,243</b>	<b>613,247</b>	<b>(220,926)</b>	<b>74%</b>
<b>REVENUES NET OF EXPENDITURES</b>	<b>393,195</b>	<b>97,374</b>	<b>490,372</b>	<b>97,178</b>	
<b>OTHER FINANCING SOURCES (USES)</b>					
Operating transfers in	—	—	—	—	—
Operating transfers out (GF, SF, DSF, CIP)	(723,800)	—	—	723,800	—%
<b>Total other Financing Sources (Uses)</b>	<b>(723,800)</b>	<b>—</b>	<b>—</b>	<b>723,800</b>	<b>—%</b>
<b>NET FUND ACTIVITY</b>	<b>\$ (330,605)</b>	<b>\$ 97,374</b>	<b>\$ 490,372</b>	<b>\$ 820,978</b>	

**CITY OF LA VISTA, NEBRASKA**  
**COMBINED STATEMENT OF REVENUES, EXPENDITURES**  
**AND CHANGES IN FUND BALANCE-ALL GOVERNMENTAL FUND TYPES**

**For the Tenth Month Ending July 31, 2023**

**83% of the Fiscal Year 2023**

**Economic Development Program Fund**

	<b>Budget (12 month)</b>	<b>Tenth MTD Actual</b>	<b>YTD Actual</b>	<b>Over(under) Budget</b>	<b>% of Budget Used</b>
<b>REVENUES</b>					
Other Income (Grant Payments)	\$ 145,747	\$ 21,657	\$ 167,563	\$ 21,816	115%
Interest income	—	170	45,702	45,702	—%
<b>Total Revenues</b>	<b>145,747</b>	<b>21,827</b>	<b>213,265</b>	<b>67,518</b>	<b>146%</b>
<b>EXPENDITURES</b>					
Professional Services	—	—	—	—	—%
Financial / Legal Fees	500	—	800	300	160%
Debt service: (Warrants)					
Principal	1,050,000	—	1,050,000	—	100%
Interest	99,136	—	99,136	—	100%
<b>Total Expenditures</b>	<b>1,149,636</b>	<b>—</b>	<b>1,149,936</b>	<b>300</b>	<b>100%</b>
<b>REVENUES NET OF EXPENDITURES</b>	<b>(1,003,889)</b>	<b>21,827</b>	<b>(936,671)</b>	<b>67,218</b>	
<b>OTHER FINANCING SOURCES (USES)</b>					
Operating transfers in (GF, DSF)	1,034,681	—	1,034,681	—	100%
Operating transfers out	—	—	—	—	—%
Bond proceeds	—	—	—	—	—%
Community Development - Grant	(5,500,000)	—	(5,012,419)	487,581	91%
<b>Total other Financing Sources (Uses)</b>	<b>(4,465,319)</b>	<b>—</b>	<b>(3,977,738)</b>	<b>487,581</b>	<b>89%</b>
<b>NET FUND ACTIVITY</b>	<b>\$ (5,469,208)</b>	<b>\$ 21,827</b>	<b>\$ (4,914,408)</b>	<b>\$ 554,799</b>	

**CITY OF LA VISTA, NEBRASKA**  
**COMBINED STATEMENT OF REVENUES, EXPENDITURES**  
**AND CHANGES IN FUND BALANCE-ALL GOVERNMENTAL FUND TYPES**

**For the Tenth Month Ending July 31, 2023**

**83% of the Fiscal Year 2023**

**Off Street Parking Fund**

	<b>Budget (12 month)</b>	<b>Tenth MTD Actual</b>	<b>YTD Actual</b>	<b>Over(under) Budget</b>	<b>% of Budget Used</b>
<b>REVENUES</b>					
Garage fees	\$ —	\$ 1,134	\$ 11,040	\$ 11,040	—%
Interest income	1,010	3,745	53,127	52,117	5260%
<b>Total Revenues</b>	<b>1,010</b>	<b>4,879</b>	<b>64,167</b>	<b>63,157</b>	<b>6353%</b>
<b>EXPENDITURES</b>					
General & Administrative	1,480	—	450	(1,030)	30%
Professional Services	170,465	18,466	156,300	(14,165)	92%
Maintenance	16,155	246	7,816	(8,339)	48%
Commodities	11,210	—	4,067	(7,143)	36%
Debt service:					
Principal	1,210,000	—	647,771	(562,229)	54%
Interest	576,769	—	238,545	(338,224)	41%
<b>Total Expenditures</b>	<b>1,986,079</b>	<b>18,712</b>	<b>1,054,949</b>	<b>(931,130)</b>	<b>53%</b>
<b>REVENUES NET OF EXPENDITURES</b>	<b>(1,985,069)</b>	<b>(13,833)</b>	<b>(990,782)</b>	<b>994,287</b>	
<b>OTHER FINANCING SOURCES (USES)</b>					
Operating transfers in (GF, DSF, RDF)	2,682,624	—	—	(2,682,624)	—%
Operating transfers out	(300,000)	—	(298,669)	1,331	100%
Bond proceeds	—	—	—	—	—%
Capital Improvement	(9,354,000)	(555,079)	(7,170,575)	2,183,425	77%
<b>Total other Financing Sources (Uses)</b>	<b>(6,971,376)</b>	<b>(555,079)</b>	<b>(7,469,244)</b>	<b>(497,868)</b>	<b>107%</b>
<b>NET FUND ACTIVITY</b>	<b>\$ (8,956,445)</b>	<b>\$ (568,912)</b>	<b>\$ (8,460,026)</b>	<b>\$ 496,419</b>	

**CITY OF LA VISTA, NEBRASKA**  
**COMBINED STATEMENT OF REVENUES, EXPENDITURES**  
**AND CHANGES IN FUND BALANCE-ALL GOVERNMENTAL FUND TYPES**

**For the Tenth Month Ending July 31, 2023**

**83% of the Fiscal Year 2023**

**Redevelopment Fund**

	<b>Budget (12 month)</b>	<b>Tenth MTD Actual</b>	<b>YTD Actual</b>	<b>Over(under) Budget</b>	<b>% of Budget Used</b>
<b>REVENUES</b>					
Sales and use taxes	\$ 2,430,603	\$ 265,274	\$ 2,092,152	(338,451)	86%
Occupation and franchise taxes	57,586	11	185	(57,401)	—%
Interest income	19,585	58,608	340,594	321,009	1739%
<b>Total Revenues</b>	<b>2,507,774</b>	<b>323,893</b>	<b>2,432,931</b>	<b>(74,844)</b>	<b>97%</b>
<b>EXPENDITURES</b>					
Professional Services	285,000	4,384	51,128	(233,872)	18%
Financial / Legal Fees	1,750	450	1,300	(450)	74%
Debt service: (Warrants)				—	—%
Principal	1,350,000	710,000	710,000	(640,000)	53%
Interest	1,329,914	191,632	856,588	(473,326)	64%
<b>Total Expenditures</b>	<b>2,966,664</b>	<b>906,466</b>	<b>1,619,017</b>	<b>(1,347,647)</b>	<b>55%</b>
<b>REVENUES NET OF EXPENDITURES</b>	<b>(458,890)</b>	<b>(582,573)</b>	<b>813,914</b>	<b>1,272,804</b>	
<b>OTHER FINANCING SOURCES (USES)</b>					
Operating transfers in	—	—	—	—	—%
Operating transfers out (OSP)	—	—	—	—	—%
Bond proceeds	—	—	—	—	—%
Capital Improvement	(17,786,142)	(2,032,360)	(11,712,750)	6,073,392	66%
<b>Total other Financing Sources (Uses)</b>	<b>(17,786,142)</b>	<b>(2,032,360)</b>	<b>(11,712,750)</b>	<b>6,073,392</b>	
<b>NET FUND ACTIVITY</b>	<b><u>\$(18,245,032)</u></b>	<b><u>\$ (2,614,933)</u></b>	<b><u>\$(10,898,836)</u></b>	<b><u>\$ 7,346,196</u></b>	

**CITY OF LA VISTA, NEBRASKA**  
**COMBINED STATEMENT OF REVENUES, EXPENDITURES**  
**AND CHANGES IN FUND BALANCE-ALL GOVERNMENTAL FUND TYPES**

**For the Tenth Month Ending July 31, 2023**

**83% of the Fiscal Year 2023**

**Police Academy Fund**

	<b>Budget</b> <b>(12 month)</b>	<b>Tenth MTD</b> <b>Actual</b>	<b>YTD</b> <b>Actual</b>	<b>Over(under)</b> <b>Budget</b>	<b>% of budget</b> <b>Used</b>
<b>REVENUES</b>					
Academy income	\$ 214,500	\$ 20,813	\$ 205,945	\$ (8,555)	96%
Interest income	140	59	677	537	484%
Other income	—	—	—	—	—%
<b>Total Revenues</b>	<b>214,640</b>	<b>20,872</b>	<b>206,622</b>	<b>(8,018)</b>	<b>96%</b>
<b>EXPENDITURES</b>					
Personnel Services	184,165	14,044	147,869	(36,296)	80%
Commodities	2,150	10	1,811	(339)	84%
Contract Services	10,450	271	6,744	(3,706)	65%
Other Charges	5,500	106	10,327	4,827	188%
<b>Total Expenditures</b>	<b>202,265</b>	<b>14,431</b>	<b>166,751</b>	<b>(35,514)</b>	<b>82%</b>
<b>REVENUES NET OF EXPENDITURES</b>	<b>12,375</b>	<b>6,442</b>	<b>39,871</b>	<b>27,496</b>	
<b>OTHER FINANCING SOURCES (USES)</b>					
Operating transfers in (GF)	—	—	—	—	—%
Operating transfers out	—	—	—	—	—%
<b>Total other Financing Sources (Uses)</b>	<b>—</b>	<b>—</b>	<b>—</b>	<b>—</b>	
<b>NET FUND ACTIVITY</b>	<b>\$ 12,375</b>	<b>\$ 6,442</b>	<b>\$ 39,871</b>	<b>\$ 27,496</b>	

**CITY OF LA VISTA, NEBRASKA**  
**COMBINED STATEMENT OF REVENUES, EXPENDITURES**  
**AND CHANGES IN FUND BALANCE-ALL GOVERNMENTAL FUND TYPES**

**For the Tenth Month Ending July 31, 2023**

**83% of the Fiscal Year 2023**

**TIF 1A Fund**

	<b>Budget</b> <b>(12 month)</b>	<b>Tenth MTD</b> <b>Actual</b>	<b>YTD</b> <b>Actual</b>	<b>Over(under)</b> <b>Budget</b>	<b>% of Budget</b> <b>Used</b>
<b>REVENUES</b>					
Property Tax	\$ 389,569	\$ —	\$ 191,906	(197,663)	49%
<b>Total Revenues</b>	<b>389,569</b>	<b>—</b>	<b>191,906</b>	<b>(197,663)</b>	<b>49%</b>
<b>EXPENDITURES</b>					
TIF Distributed Funds	385,673	—	189,987	(195,686)	49%
Contract Services	3,896	—	1,919	(1,977)	49%
<b>Total Expenditures</b>	<b>389,569</b>	<b>—</b>	<b>191,906</b>	<b>(197,663)</b>	<b>49%</b>
<b>REVENUES NET OF EXPENDITURES</b>	<b>—</b>	<b>—</b>	<b>—</b>	<b>—</b>	<b>—%</b>
<b>OTHER FINANCING SOURCES (USES)</b>					
Operating transfers in	—	—	—	—	—%
Operating transfers out	—	—	—	—	—%
<b>Total other Financing Sources (Uses)</b>	<b>—</b>	<b>—</b>	<b>—</b>	<b>—</b>	<b>—</b>
<b>NET FUND ACTIVITY</b>	<b>\$ —</b>	<b>\$ —</b>	<b>\$ —</b>	<b>\$ —</b>	

**CITY OF LA VISTA, NEBRASKA**  
**COMBINED STATEMENT OF REVENUES, EXPENDITURES**  
**AND CHANGES IN FUND BALANCE-ALL GOVERNMENTAL FUND TYPES**

**For the Tenth Month Ending July 31, 2023**

**83% of the Fiscal Year 2023**

**TIF 1B Fund**

	<b>Budget (12 month)</b>	<b>Tenth MTD Actual</b>	<b>YTD Actual</b>	<b>Over(under) Budget</b>	<b>% of Budget Used</b>
<b>REVENUES</b>					
Property Tax	\$ 491,954	\$ —	\$ 242,341	(249,613)	49%
<b>Total Revenues</b>	<b>491,954</b>	<b>—</b>	<b>242,341</b>	<b>(249,613)</b>	<b>49%</b>
<b>EXPENDITURES</b>					
TIF Distributed Funds	487,034	—	239,918	(247,116)	49%
Contract Services	4,920	—	2,423	(2,497)	49%
<b>Total Expenditures</b>	<b>491,954</b>	<b>—</b>	<b>242,341</b>	<b>(249,613)</b>	<b>49%</b>
<b>REVENUES NET OF EXPENDITURES</b>					
	—	—	—	—	—
<b>OTHER FINANCING SOURCES (USES)</b>					
Operating transfers in	—	—	—	—	—%
Operating transfers out	—	—	—	—	—%
<b>Total other Financing Sources (Uses)</b>	<b>—</b>	<b>—</b>	<b>—</b>	<b>—</b>	<b>—</b>
<b>NET FUND ACTIVITY</b>					
	<b>\$ —</b>	<b>\$ —</b>	<b>\$ —</b>	<b>\$ —</b>	<b>\$ —</b>

**CITY OF LA VISTA, NEBRASKA**  
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**AND CHANGES IN FUND BALANCE-ALL GOVERNMENTAL FUND TYPES**

**For the Tenth Month Ending July 31, 2023**

**83% of the Fiscal Year 2023**

**Sewer Reserve Fund**

	<b>Budget (12 month)</b>	<b>Tenth MTD Actual</b>	<b>YTD Actual</b>	<b>Over(under) Budget</b>	<b>% of Budget Used</b>
<b>REVENUES</b>					
Interest income	\$ 6,910	\$ 5,392	\$ 23,584	16,674	341%
<b>Total Revenues</b>	<b>6,910</b>	<b>5,392</b>	<b>23,584</b>	<b>16,674</b>	<b>341%</b>
<b>EXPENDITURES</b>					
Other	—	—	—	—	—%
<b>Total Expenditures</b>	<b>—</b>	<b>—</b>	<b>—</b>	<b>—</b>	<b>—%</b>
<b>REVENUES NET OF EXPENDITURES</b>					
	6,910	5,392	23,584	16,674	
<b>OTHER FINANCING SOURCES (USES)</b>					
Operating transfers in	220,633	—	220,633	—	100%
Operating transfers out	—	—	—	—	—%
<b>Total other Financing Sources (Uses)</b>	<b>220,633</b>	<b>—</b>	<b>220,633</b>	<b>—</b>	
<b>NET FUND ACTIVITY</b>					
	<b>\$ 227,543</b>	<b>\$ 5,392</b>	<b>\$ 244,217</b>	<b>\$ 16,674</b>	

**CITY OF LA VISTA, NEBRASKA**  
**COMBINED STATEMENT OF REVENUES, EXPENDITURES**  
**AND CHANGES IN FUND BALANCE-ALL GOVERNMENTAL FUND TYPES**

**For the Tenth Month Ending July 31, 2023**

**83% of the Fiscal Year 2023**

**Qualified Sinking Fund**

	<b>Budget (12 month)</b>	<b>Tenth MTD Actual</b>	<b>YTD Actual</b>	<b>Over(under) Budget</b>	<b>% of Budget Used</b>
<b>REVENUES</b>					
Interest income	\$ 2,740	\$ 1,945	\$ 10,124	7,384	369%
<b>Total Revenues</b>	<b>2,740</b>	<b>1,945</b>	<b>10,124</b>	<b>7,384</b>	<b>369%</b>
<b>EXPENDITURES</b>					
Other	—	—	—	—	—%
<b>Total Expenditures</b>	<b>—</b>	<b>—</b>	<b>—</b>	<b>—</b>	<b>—%</b>
<b>REVENUES NET OF EXPENDITURES</b>					
	2,740	1,945	10,124	7,384	
<b>OTHER FINANCING SOURCES (USES)</b>					
Operating transfers in	250,000	—	—	(250,000)	—%
Operating transfers out	—	—	—	—	—%
<b>Total other Financing Sources (Uses)</b>	<b>250,000</b>	<b>—</b>	<b>—</b>	<b>(250,000)</b>	
<b>NET FUND ACTIVITY</b>					
	<b>\$ 252,740</b>	<b>\$ 1,945</b>	<b>\$ 10,124</b>	<b>\$ (242,616)</b>	

**CITY OF LA VISTA, NEBRASKA**  
**COMBINED STATEMENT OF REVENUES, EXPENDITURES**  
**AND CHANGES IN FUND BALANCE-ALL GOVERNMENTAL FUND TYPES**

**For the Tenth Month Ending July 31, 2023**

**83% of the Fiscal Year 2023**

**TIF 1C Fund**

	<b>Budget</b> <b>(12 month)</b>	<b>Tenth MTD</b> <b>Actual</b>	<b>YTD</b> <b>Actual</b>	<b>Over(under)</b> <b>Budget</b>	<b>% of Budget</b> <b>Used</b>
<b>REVENUES</b>					
Property Tax	\$ 48,302	\$ —	\$ 23,794	(24,508)	49%
<b>Total Revenues</b>	<b>48,302</b>	<b>—</b>	<b>23,794</b>	<b>(24,508)</b>	<b>49%</b>
<b>EXPENDITURES</b>					
TIF Distributed Funds	47,819	—	23,556	(24,263)	49%
Contract Services	483	—	238	(245)	49%
<b>Total Expenditures</b>	<b>48,302</b>	<b>—</b>	<b>23,794</b>	<b>(24,508)</b>	<b>49%</b>
<b>REVENUES NET OF EXPENDITURES</b>					
	—	—	—	—	—%
<b>OTHER FINANCING SOURCES (USES)</b>					
Operating transfers in	—	—	—	—	—%
Operating transfers out	—	—	—	—	—%
<b>Total other Financing Sources (Uses)</b>	<b>—</b>	<b>—</b>	<b>—</b>	<b>—</b>	<b>—</b>
<b>NET FUND ACTIVITY</b>					
	<b>\$ —</b>	<b>\$ —</b>	<b>\$ —</b>	<b>\$ —</b>	

**CITY OF LA VISTA, NEBRASKA**  
**COMBINED STATEMENT OF REVENUES, EXPENDITURES**  
**AND CHANGES IN FUND BALANCE-ALL GOVERNMENTAL FUND TYPES**

**For the Tenth Month Ending July 31, 2023**

**83% of the Fiscal Year 2023**

**TIF 1D Fund**

	<b>Budget (12 month)</b>	<b>MTD Actual</b>	<b>YTD Actual</b>	<b>Over(under) Budget</b>	<b>% of Budget Used</b>
<b>REVENUES</b>					
Property Tax	\$ 21,672	\$ —	\$ 10,676	(10,996)	49%
<b>Total Revenues</b>	<b>21,672</b>	<b>—</b>	<b>10,676</b>	<b>(10,996)</b>	<b>49%</b>
<b>EXPENDITURES</b>					
TIF Distributed Funds	21,455	—	10,569	(10,886)	49%
Contract Services	217	—	107	(110)	49%
<b>Total Expenditures</b>	<b>21,672</b>	<b>—</b>	<b>10,676</b>	<b>(10,996)</b>	<b>49%</b>
<b>REVENUES NET OF EXPENDITURES</b>					
	—	—	—	—	—%
<b>OTHER FINANCING SOURCES (USES)</b>					
Operating transfers in	—	—	—	—	—%
Operating transfers out	—	—	—	—	—%
<b>Total other Financing Sources (Uses)</b>	<b>—</b>	<b>—</b>	<b>—</b>	<b>—</b>	<b>—</b>
<b>NET FUND ACTIVITY</b>					
	<b>\$ —</b>	<b>\$ —</b>	<b>\$ —</b>	<b>\$ —</b>	<b>—</b>



## Reference Invoice Number with Payment

**HDR Engineering Inc.**  
Omaha, NE 68106-2973  
Phone: (402) 399-1000

HDR Invoice No. 1200550996  
Invoice Date 29-AUG-2023  
Invoice Amount Due \$1,701.81  
Payment Terms 30 NET

**City of La Vista**  
Rita Ramirez  
8116 Park View Blvd  
La Vista, NE 68128

Remit To PO Box 74008202  
ACH/EFT Payments Chicago, IL 60674-8202  
Bank of America ML US  
ABA# 081000032  
Account# 355004076604

RRamirez@cityoflavista.org

Project Management for Services for Public Improvements and Other Works.

Purchase Order : 20-008348

Professional Services  
From: 30-JUL-2023 To: 26-AUG-2023

Professional Services Summarization	Hours	Billing Rate	Amount
Project Controller	0.50		65.37
Project Manager	6.00		1,620.72
	6.50		\$1,686.09
		Total Professional Services	\$1,686.09

Expense Summarization	Quantity	Billing Rate	Amount
Mileage Personal	24		15.72
		Total Expenses	\$15.72

Amount Due This Invoice (USD) **\$1,701.81**

Fee Amount	\$670,695.00
Fee Invoiced to Date	\$547,946.48
Fee Remaining	\$122,748.52

HDR Internal Reference Only	
Client Number	41331
Cost Center	10134
Project Number	10053040

*R. Ramirez*  
8-31-23  
14.53.0303.000

# Invoice

HDR Invoice No. 1200550996  
Invoice Date 29-AUG-2023

## Professional Services and Expense Detail

Project Number: 10053040  
Task Number: 1.0

Project Description: LaVista-Project Mgmt Svcs  
Task Description: Project Management

Professional Services	Hours	Billing Rate	Amount
Project Controller	Sayler, Jonathan James	0.50	130.74
Project Manager	Koenig, Christopher J	6.00	270.12
		<b>6.50</b>	<b>\$1,686.09</b>
<b>Total Professional Services</b>			<b>\$1,686.09</b>
Expense	Qty	Billing Rate	Amount
Mileage Personal	Koenig, Christopher J	24.00	0.655
			<b>15.72</b>
<b>Total Expense</b>			<b>\$15.72</b>
<b>Total Task</b>			<b>\$1,701.81</b>

Approved for payment

BF 9/13/23

16.71.0917.000-STRT23005

**Design Workshop, Inc.**  
 Landscape Architecture  
 Planning  
 Urban Design  
 Strategic Services

September 12, 2023  
 Invoice No: 0075570

Cindy Miserez  
 City of La Vista  
 8116 Parkview Blvd.  
 La Vista, NE 68128

<b>Current Invoice Total</b>	<b>\$6,380.00</b>
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Project 006605.00 La Vista - 84th Street Bridge

**Professional Services from August 1, 2023 to August 31, 2023**

Task 001 1.1 Preliminary Design  
**Fee**

	Fee	Percent Complete	Earned to Date	Previous Fee Billing	Current Fee Billing
Design Workshop	18,400.00	100.00	18,400.00	18,400.00	0.00
Consultant	1,500.00	0.00	0.00	0.00	0.00
Reimbursable Expenses	2,000.00	5.45	109.00	109.00	0.00

<b>Total Fee</b>	<b>0.00</b>
------------------	-------------

<b>Total this Task</b>	<b>0.00</b>
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Task 002 1.2 Final Design  
**Fee**

	Fee	Percent Complete	Earned to Date	Previous Fee Billing	Current Fee Billing
Design Workshop	27,600.00	59.9275	16,540.00	16,140.00	400.00
Consultant	3,000.00	52.9583	1,588.75	1,588.75	0.00
Reimbursable Expenses	2,000.00	0.437	8.74	8.74	0.00

<b>Total Fee</b>	<b>400.00</b>
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<b>Total this Task</b>	<b>\$400.00</b>
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Task 003 2.0 Civil and Structural  
**Fee**

	Fee	Percent Complete	Earned to Date	Previous Fee Billing	Current Fee Billing
Schemmer	152,270.00	53.8616	82,015.00	76,035.00	5,980.00
Reimbursable Expenses	2,000.00	0.00	0.00	0.00	0.00

<b>Total Fee</b>	<b>5,980.00</b>
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**DESIGNWORKSHOP**

Aspen • Austin • Chicago • Denver • Houston • Lake Tahoe • Los Angeles • Raleigh  
 1390 Lawrence Street, Suite 100, Denver, Colorado 80204 • 303-623-5186

Project	006605.00	La Vista - 84th Street Bridge	Invoice	0075570
			<b>Total this Task</b>	<b>\$5,980.00</b>
			<b>Total this Invoice</b>	<b><u>\$6,380.00</u></b>
<b>Outstanding Invoices</b>				
<b>Number</b>	<b>Date</b>	<b>Balance</b>		
0074950	7/10/2023	4,125.00		
<b>Total</b>		<b>4,125.00</b>	<b>Total Now Due</b>	<b>\$10,505.00</b>

Please include invoice number on remittance to:

1390 Lawrence Street, Suite 100, Denver, CO 80204

**DESIGNWORKSHOP**

Aspen • Austin • Chicago • Denver • Houston • Lake Tahoe • Los Angeles • Raleigh  
1390 Lawrence Street, Suite 100, Denver, Colorado 80204 • 303-623-5186



Value Focused. Community Minded. Quality Driven.

Pat Dowse  
 City Engineer  
 City of La Vista  
 9900 Portal Road  
 La Vista, NE 68128

September 4, 2023

Project No: 00120802.00  
 Invoice No: 255978

Preliminary & Final Design  
 Terry Drive, Lillian Avenue & South 78th Street  
 Pavement Rehabilitation

**Professional Services from July 31, 2023 to August 27, 2023**

Task 00101 Construction Project Management

**Professional Personnel**

		Hours	Rate	Amount
E2a Proj Scientist II, Proj Engineer II				
Higgins, John	11.00	176.00	1,936.00	
E3b Proj Coord I, Const Rep II				
Giese, George	3.00	127.00	381.00	
<b>Totals</b>	<b>14.00</b>		<b>2,317.00</b>	
<b>Total Labor</b>				<b>2,317.00</b>

**Unit Billing**

8/27/2023	2020 Chevy Equinox- YFK869 23CVNH	70.0 Miles @ 0.75	52.50	
	<b>Total Units</b>		<b>52.50</b>	<b>52.50</b>
		<b>Total this Task</b>		<b>\$2,369.50</b>

Task 00102 Construction Observation

**Professional Personnel**

		Hours	Rate	Amount
E2a Proj Scientist II, Proj Engineer II				
Higgins, John	3.50	176.00	616.00	
E3b Proj Coord I, Const Rep II				
Giese, George	26.00	127.00	3,302.00	
E5 Eng Tech II, Insp II, Env Tech II				
Gutierrez, Omar	89.50	98.00	8,771.00	
<b>Totals</b>	<b>119.00</b>		<b>12,689.00</b>	
<b>Total Labor</b>				<b>12,689.00</b>

**Reimbursable Expenses**

Mileage			
7/29/2023	Kellogg, Austin	Personal Vehicle 10 @ .655	6.55
	<b>Total Reimbursables</b>		<b>6.55</b>
			<b>6.55</b>

Project	00120802.00	LaVista Terry, Lillian & 78th Rehab	Invoice	255978
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**Unit Billing**

8/27/2023	2021 Nissan Frontier- WTT949 23V3F4	276.0 Miles @ 0.75	207.00
	<b>Total Units</b>		<b>207.00</b>
		<b>Total this Task</b>	<b>\$12,902.55</b>

Task 00103 Materials Sampling & Testing

**Unit Billing**

CF1 Slump, Air, four 6"x12" cylinders	1.0 Set @ 98.00	98.00
CL2 Comp Strength of 6"x12" Cylinders	20.0 Each @ 28.00	560.00
M2 Trip Charge	6.0 Each @ 118.00	708.00
<b>Total Units</b>		<b>1,366.00</b>
	<b>Total this Task</b>	<b>\$1,366.00</b>

**Billing Limits**

	Current	Prior	To-Date
Total Billings	16,638.05	129,685.29	146,323.34
Limit			251,038.00
Remaining			104,714.66
<b>Total this Invoice</b>	<b><u>\$16,638.05</u></b>		

**Outstanding Invoices**

Number	Date	Balance
253577	8/8/2023	11,845.50
<b>Total</b>		<b>11,845.50</b>

OTIC Pay

DMO 9/13/23

05-21-0917000-91RT23012



Value Focused. Community Minded. Quality Driven.

Pat Dowse  
 City Engineer  
 City of La Vista  
 9900 Portal Road  
 La Vista, NE 68128

August 8, 2023  
 Project No: 00120802.00  
 Invoice No: 253577

Preliminary & Final Design  
 Terry Drive, Lillian Avenue & South 78th Street  
 Pavement Rehabilitation

**Professional Services from July 3, 2023 to July 30, 2023**

Task	00101	Construction Project Management	Hours	Rate	Amount
<b>Professional Personnel</b>					
E2a Proj Scientist II, Proj Engineer II					
Higgins, John			13.50	176.00	2,376.00
E3b Proj Coord I, Const Rep II					
Giese, George			12.50	127.00	1,587.50
Totals			26.00		3,963.50
		<b>Total Labor</b>			<b>3,963.50</b>

**Unit Billing**

7/30/2023	2020 Chevy Equinox-YFK869 23CVNH	17.0 Miles @ 0.75	12.75	
	<b>Total Units</b>		<b>12.75</b>	<b>12.75</b>
		<b>Total this Task</b>		<b>\$3,976.25</b>

Task	00102	Construction Observation	Hours	Rate	Amount
<b>Professional Personnel</b>					
E4 Sr Tech, Sr Insp, Sr Env Tech					
Kellogg, Austin			3.00	110.00	330.00
E5 Eng Tech II, Insp II, Env Tech II					
Gutierrez, Omar			57.00	98.00	5,586.00
E8 Project Assistant II					
Evers, Metha			.50	84.00	42.00
Totals			60.50		5,958.00
		<b>Total Labor</b>			<b>5,958.00</b>

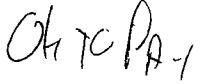
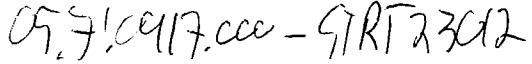
**Unit Billing**

7/30/2023	2021 Nissan Frontier-WTT949 23V3F4	195.0 Miles @ 0.75	146.25	
	<b>Total Units</b>		<b>146.25</b>	<b>146.25</b>
		<b>Total this Task</b>		<b>\$6,104.25</b>

Task	00103	Materials Sampling & Testing
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Project	00120802.00	LaVista Terry, Lillian & 78th Rehab	Invoice	253577
<b>Unit Billing</b>				
AGL2 Sieve Analysis		1.0 Each @ 105.00	105.00	
ASL2 Superpave Method (set of 2)		1.0 Each @ 221.00	221.00	
ASL3 Max Theoretical Spec Grav (Rice)		1.0 Each @ 98.00	98.00	
ASL4 Bit Content & Gradation (Ignition)		1.0 Each @ 221.00	221.00	
ASL7 Core Thickness & Density		4.0 Each @ 42.00	168.00	
ASL8 FAA (Production QA/QC Testing)		2.0 Each @ 123.00	246.00	
ASL9 CAA (Production QA/QC Testing)		2.0 Each @ 123.00	246.00	
CL2 Comp Strength of 6"x12" Cylinders		8.0 Each @ 28.00	224.00	
M2 Trip Charge		2.0 Each @ 118.00	236.00	
<b>Total Units</b>			<b>1,765.00</b>	<b>1,765.00</b>
			<b>Total this Task</b>	<b>\$1,765.00</b>

<b>Billing Limits</b>	<b>Current</b>	<b>Prior</b>	<b>To-Date</b>
Total Billings	11,845.50	117,839.79	129,685.29
Limit			251,038.00
Remaining			121,352.71
<b>Total this Invoice</b>			<b><u>\$11,845.50</u></b>



IMPROVE YOUR POINT OF VIEW.

## City of La Vista

### Detailed Payment

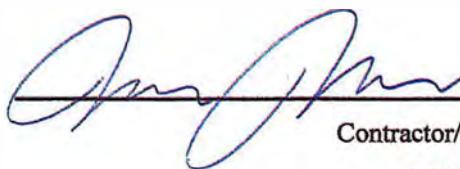
#### 2023 City of La Vista- Pavement Rehabilitation and Resurfacing

OKTO 2023  
PMD 9/13/23 A-9

05.71.0917.000 - 51AT23011  
(UBA5) = \$23,858.25

05.71.0917.000 - 51AT23012  
(2023 REHAB) = \$178,324.63

Description	M376(407) City of La Vista- 2023 Pavement Rehabilitation and Resurfacing			Percent Complete By Value	90.9 %
Payment Number	4	Week Ending	8/19/2023	Percent Complete By Time	N/A
Prime Contractor	Spencer Management LLC			Contract Status	Complete
Total Contract Value	\$1,525,990.14				
Retainage To Date	\$0.00	0%	Contractors Working		
Total Amount Due	\$1,386,692.87			Sun:	No
Previous Payment	\$1,184,509.99			Mon:	Yes
Current Payment	\$202,182.88			Tues:	Yes
				Wed:	Yes
				Thur:	Yes
				Fri:	Yes
				Sat:	No



8/30/2023

Contractor/Date

George Giese  
DN: Giese  
Digitally signed by George Giese  
George Giese & Co.,  
Date: 2023.08.28 11:07:14-05'00'

Project Representative/Date

Project Manager/Date



9/13/23

City Construction Engineer/Date



# City of La Vista Public Works Department

## Detailed Payment

### 2023 City of La Vista- Pavement Rehabilitation and Resurfacing

Description	M376(407) City of La Vista- 2023 Pavement Rehabilitation and Resurfacing
Payment Number	4
Pay Period	07/30/2023 to 08/19/2023
Prime Contractor	Spencer Management LLC
Payment Status	Pending
Awarded Project Amount	\$1,287,407.64
Authorized Amount	\$1,525,990.14

Line Number	Item ID	Unit	Unit Price	Authorized Quantity	Current Paid Quantity	Previous Paid Quantity	Total Quantity Paid To Date	Total Quantity Placed To Date	Current Payment Amount	Total Amount Paid To Date
Section: 1 - M376(407)- Terry Dr, Lillian Ave, 78th St										
0001	101.003	EA	\$50.000	11.000	0.000	4.000	4.000	4.000	\$0.00	\$200.00
CURB INLET PROTECTION										
0002	102.001	EA	\$100.000	41.000	0.000	53.000	53.000	53.000	\$0.00	\$5,300.00
CLEARING AND GRUBBING PER INTERSECTION CORNER										
0003	102.3	HOUR	\$50.000	5.000	0.000	0.000	0.000	0.000	\$0.00	\$0.00
TRIM TREE ROOT										

Line Item Description										
Line Item	Quantity	Unit	Unit Price	Ext. Price						
0004	103.17	SF	\$50.000	30.000	0.000	0.000	0.000	0.000	\$0.00	\$0.00
REMOVE AND RESET EXISTING RETAINING WALL										
0005	103.41	LF	\$45.000	12.000	0.000	0.000	0.000	0.000	\$0.00	\$0.00
REMOVE AND RELOCATE FENCE										
0006	105.003	SY	\$3.920	28,435.000	0.000	25,481.000	25,481.000	25,481.000	\$0.00	\$99,885.52
PERFORM 2" COLD--PLANING-ASPHALT										
0007	105.013	SY	\$5.000	400.000	0.000	288.000	288.000	288.000	\$0.00	\$1,440.00
PERFORM 2" COLD PLANING-CONCRETE										
0008	105.14	SF	\$2.500	30.000	0.000	0.000	0.000	0.000	\$0.00	\$0.00
REMOVE SIDEWALK										
0009	201.1	CY	\$16.000	15.000	0.000	0.000	0.000	0.000	\$0.00	\$0.00
EXCAVATION HAUL-OFF										
0010	201.3	CY	\$21.000	15.000	0.000	0.000	0.000	0.000	\$0.00	\$0.00
EMBANKMENT - BORROW										
0011	301.004	SY	\$18.000	74.000	0.000	0.000	0.000	0.000	\$0.00	\$0.00
CONSTRUCT 4" AGGREGATE SUBBASE COURSE										
0012	401.001	TON	\$132.190	2,608.759	0.000	3,223.270	3,223.270	3,223.270	\$0.00	\$426,084.06
CONSTRUCT ASPHALT SURFACE COURSE, TYPE SPR FINE (PG64-34)										
0013	401.04	TON	\$218.380	45.000	0.000	0.000	0.000	0.000	\$0.00	\$0.00
CONSTRUCT ASPHALTIC CONCRETE FOR PAVEMENT REPAIR, TYPE SPR (PG64-34)										
0014	501.0	SY	\$78.000	2,527.000	0.000	15.750	15.750	15.750	\$0.00	\$1,228.50
CONSTRUCT 8-INCH CONCRETE PAVEMENT (TYPE L65) REPAIR										

Detailed Payment:

08/29/2023

0015	501.001	SY	\$82.000	1,501.000	13.100	2,275.000	2,288.100	2,288.100	\$1,074.20	\$187,624.20
CONSTRUCT 9-INCH CONCRETE PAVEMENT (TYPE L65) REPAIR										
0016	501.003	SY	\$94.000	299.000	0.000	320.000	320.000	320.000	\$0.00	\$30,080.00
CONSTRUCT 11-INCH CONCRETE PAVEMENT (TYPE L65) REPAIR										
0017	501.4	EA	\$725.000	13.000	6.000	3.000	9.000	9.000	\$4,350.00	\$6,525.00
ADJUST UTILITY VALVE TO GRADE										
0018	501.45	EA	\$800.000	33.000	17.000	3.000	20.000	20.000	\$13,600.00	\$16,000.00
ADJUST UTILITY MANHOLE TO GRADE										
0019	503.1	SF	\$12.000	100.000	0.000	158.000	158.000	158.000	\$0.00	\$1,896.00
CONSTRUCT SIDEWALK CURB WALL										
0020	503.202	SF	\$7.500	295.000	0.000	0.000	0.000	0.000	\$0.00	\$0.00
CONSTRUCT 6-INCH IMPRINTED PCC SURFACING										
0021	504.0	SF	\$14.750	1,739.000	0.000	977.000	977.000	977.000	\$0.00	\$14,410.75
CONSTRUCT PCC CURB RAMP										
0022	504.1	SF	\$30.000	376.000	0.000	368.000	368.000	368.000	\$0.00	\$11,040.00
CONSTRUCT DETECTABLE WARNING PANEL										
0023	605.0	SF	\$40.000	200.000	0.000	0.000	0.000	0.000	\$0.00	\$0.00
CONSTRUCT SEGMENTAL RETAINING WALL										
0024	607.0	CY	\$2,000.000	6.000	0.000	0.000	0.000	0.000	\$0.00	\$0.00
CONSTRUCT REINFORCED PCC RETAINING WALL										
0025	802.7	SY	\$12.000	29.000	0.000	0.000	0.000	0.000	\$0.00	\$0.00
INSTALL SODDING										

ITEMS AND QUANTITIES										
ITEM #	ITEM DESCRIPTION	UNITS	UNIT PRICE	QTY	EXT. QUANTITY	EXT. UNIT PRICE	EXT. AMOUNT	DISCOUNT	NET AMOUNT	TAX
0026	803.202	SY	\$2.750	49.000	0.000	0.000	0.000	0.000	\$0.00	\$0.00
INSTALL ROLLED EROSION CONTROL, TYPE II WITH SEEDING - TYPE B										
0027	905.05	LF	\$5.950	147.500	0.000	0.000	0.000	0.000	\$0.00	\$0.00
INSTALL PERMANENT PREFORMED TAPE MARKING - TYPE 3, 5" WHITE										
0028	905.08	LF	\$12.850	56.000	0.000	0.000	0.000	0.000	\$0.00	\$0.00
INSTALL PERMANENT PREFORMED TAPE MARKING - TYPE 3, 12" WHITE										
0029	905.1	LF	\$29.250	168.000	0.000	0.000	0.000	0.000	\$0.00	\$0.00
INSTALL PERMANENT PREFORMED TAPE MARKING - TYPE 3, 24" WHITE										
0030	905.12	LF	\$5.950	240.000	0.000	0.000	0.000	0.000	\$0.00	\$0.00
INSTALL PERMANENT PREFORMED TAPE MARKING - TYPE 3, 5" YELLOW										
0031	906.101	DAY	\$55.000	7.000	0.000	7.000	7.000	7.000	\$0.00	\$385.00
FURNISH FLASHING ARROW PANEL										
0032	906.401	EA	\$55.000	41.000	5.000	48.000	53.000	53.000	\$275.00	\$2,915.00
PROVIDE TEMPORARY TRAFFIC CONTROL - PER INTERSECTION CORNER										
0033	1002.1	LF	\$32.000	1,179.000	10.000	3,940.000	3,950.000	3,950.000	\$320.00	\$126,400.00
REPAIR CURB AND GUTTER										
0034	1002.101	SY	\$62.000	63.000	1.330	84.000	85.330	85.330	\$82.46	\$5,290.46
REPAIR DRIVEWAY										
0035	1004.4	EA	\$3,000.000	8.000	8.000	3.000	11.000	11.000	\$24,000.00	\$33,000.00
REMOVE AND REPLACE PRECAST INLET TOP										
0036	1102.0	EA	\$53.000	4.000	0.000	0.000	0.000	0.000	\$0.00	\$0.00
REMOVE AND INSTALL NEW SPRINKLER SYSTEM HEAD										

Detailed Payment:

2023 City of La Vista- Pavement Rehabilitation and Resurfacing

08/29/2023

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Pavement Rehabilitation and Resurfacing										
Line Item	Line Item Description	Category	Unit	Quantity	Unit Price	Ext. Price	Ext. Price	Ext. Price	Ext. Price	Ext. Price
0037	1109.0	LS	\$38,000.000	1.000	0.000	1.000	1.000	1.000	\$0.00	\$38,000.00
MOBILIZATION/DEMOBILIZATION										
0038	1110.05	EA	\$300.000	4.000	0.000	0.000	0.000	0.000	\$0.00	\$0.00
TOWING										
0039	8000.016	EA	\$4,000.000	6.000	4.250	0.000	4.250	4.250	\$17,000.00	\$17,000.00
RECONSTRUCT INLET										
0040	8000.03	EA	\$2,650.000	2.000	0.500	2.500	3.000	3.000	\$1,325.00	\$7,950.00
PROVIDE TEMPORARY TRAFFIC CONTROL- PER SEGMENT										
0041	8000.04	HR	\$85.000	14.000	0.000	0.000	0.000	0.000	\$0.00	\$0.00
RENTAL OF LOADER, FULLY OPERATED										
0042	8000.041	HR	\$85.000	14.000	0.000	0.000	0.000	0.000	\$0.00	\$0.00
RENTAL OF SKID LOADER, FULLY OPERATED										
0043	8000.042	HR	\$95.000	14.000	0.000	2.000	2.000	2.000	\$0.00	\$190.00
RENTAL OF DUMP TRUCK, FULLY OPERATED										
0044	9000.001	SF	\$6.500	2,816.000	0.000	9,767.750	9,767.750	9,767.750	\$0.00	\$63,490.38
REPAIR 4" CONCRETE SIDEWALK										
0045	9000.002	SF	\$7.500	21.333	0.000	0.000	0.000	0.000	\$0.00	\$0.00
REPAIR 6" CONCRETE SIDEWALK										
0046	9000.003	SY	\$78.000	1,620.795	0.000	532.000	532.000	532.000	\$0.00	\$41,496.00
CONSTRUCT CONCRETE BASE REPAIR (TYPE L65)										
0047	9000.004	SY	\$87.000	499.000	0.000	0.000	0.000	0.000	\$0.00	\$0.00
ONE-DAY CONCRETE COMPRESSIVE STRENGTH PAYMENT										

Detailed Payment:

2023 City of La Vista- Pavement Rehabilitation and Resurfacing

08/29/2023

Page 5 of 9

Line Number										
0048	9000.005	EACH	\$2.500	4,499.000	0.000	303.000	303.000	303.000	\$0.00	\$757.50
EPOXY COATED TIE BARS										
0049	9000.006	LB	\$3.000	2,938.000	2,848.000	326.000	3,174.000	3,174.000	\$8,544.00	\$9,522.00
CAST IRON										
										<b>Section Totals:</b> \$70,570.66 \$1,148,110.37
<b>Section: 2 - Crestview Heights</b>										
0050	101.003	EA	\$50.000	1.000	0.000	0.000	0.000	0.000	\$0.00	\$0.00
CURB INLET PROTECTION - CRESTVIEW HEIGHTS										
0051	102.3	HOUR	\$50.000	1.000	0.000	0.000	0.000	0.000	\$0.00	\$0.00
TRIM TREE ROOT - CRESTVIEW HEIGHTS										
0052	301.004	SY	\$18.000	1.000	0.000	0.000	0.000	0.000	\$0.00	\$0.00
CONSTRUCT 4" AGGREGATE SUBBASE COURSE - CRESTVIEW HEIGHTS										
0053	501	SY	\$78.000	1.000	0.000	0.000	0.000	0.000	\$0.00	\$0.00
CONSTRUCT 8-INCH CONCRETE PAVEMENT (TYPE L65) REPAIR - CRESTVIEW HEIGHTS										
0054	501.001	SY	\$82.000	2,860.000	0.000	2,859.000	2,859.000	2,859.000	\$0.00	\$234,438.00
CONSTRUCT 9-INCH CONCRETE PAVEMENT (TYPE L65) REPAIR - CRESTVIEW HEIGHTS										
0055	501.003	SY	\$94.000	1.000	0.000	0.000	0.000	0.000	\$0.00	\$0.00
CONSTRUCT 11-INCH CONCRETE PAVEMENT (TYPE L65) REPAIR - CRESTVIEW HEIGHTS										
0056	501.4	EA	\$725.000	1.000	0.000	0.000	0.000	0.000	\$0.00	\$0.00
ADJUST UTILITY VALVE TO GRADE - CRESTVIEW HEIGHTS										
0057	501.45	EA	\$800.000	1.000	0.000	0.000	0.000	0.000	\$0.00	\$0.00
ADJUST UTILITY MANHOLE TO GRADE - CRESTVIEW HEIGHTS										

Detailed Payment:

08/29/2023

2023 City of La Vista- Pavement Rehabilitation and Resurfacing

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Line Item Description										
Line Item	Quantity	Unit	Unit Price	Ext. Price	Ext. Price	Ext. Price	Ext. Price	Ext. Price	Ext. Price	Ext. Price
0058	802.7	SY	\$12.000	1.000	0.000	0.000	0.000	0.000	\$0.00	\$0.00
INSTALL SODDING - CRESTVIEW HEIGHTS										
0059	803.202	SY	\$2.750	1.000	0.000	0.000	0.000	0.000	\$0.00	\$0.00
INSTALL ROLLED EROSION CONTROL, TYPE II WITH SEEDING - TYPE B - CRESTVIEW HEIGHTS										
0060	906.101	DAY	\$55.000	1.000	0.000	0.000	0.000	0.000	\$0.00	\$0.00
FURNISH FLASHING ARROW PANEL - CRESTVIEW HEIGHTS										
0061	1002.1	LF	\$32.000	1.000	0.000	0.000	0.000	0.000	\$0.00	\$0.00
REPAIR CURB AND GUTTER - CRESTVIEW HEIGHTS										
0062	1002.101	SY	\$62.000	1.000	0.000	0.000	0.000	0.000	\$0.00	\$0.00
REPAIR DRIVEWAY - CRESTVIEW HEIGHTS										
0063	1004.4	EA	\$3,000.000	1.000	0.000	0.000	0.000	0.000	\$0.00	\$0.00
REMOVE AND REPLACE PRECAST INLET TOP - CRESTVIEW HEIGHTS										
0064	1102	EA	\$53.000	1.000	0.000	0.000	0.000	0.000	\$0.00	\$0.00
REMOVE AND INSTALL NEW SPRINKLER SYSTEM HEAD - CRESTVIEW HEIGHTS										
0065	1110.05	EA	\$300.000	1.000	0.000	0.000	0.000	0.000	\$0.00	\$0.00
TOWING - CRESTVIEW HEIGHTS										
0066	8000.03	EA	\$2,650.000	2.000	0.000	1.000	1.000	1.000	\$0.00	\$2,650.00
PROVIDE TEMPORARY TRAFFIC CONTROL- PER SEGMENT - CRESTVIEW HEIGHTS										
0067	8000.04	HR	\$85.000	1.000	0.000	0.000	0.000	0.000	\$0.00	\$0.00
RENTAL OF LOADER, FULLY OPERATED - CRESTVIEW HEIGHTS										
0068	8000.041	HR	\$85.000	16.200	0.000	15.200	15.200	15.200	\$0.00	\$1,292.00
RENTAL OF SKID LOADER, FULLY OPERATED - CRESTVIEW HEIGHTS										

Detailed Payment:

2023 City of La Vista- Pavement Rehabilitation and Resurfacing

08/29/2023

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0069	8000.042	HR	\$95.000	1.000	0.000	0.000	0.000	0.000	\$0.00	\$0.00
RENTAL OF DUMP TRUCK, FULLY OPERATED - CRESTVIEW HEIGHTS										
0070	9000.004	SY	\$87.000	1.000	0.000	0.000	0.000	0.000	\$0.00	\$0.00
ONE-DAY CONCRETE COMPRESSIVE STRENGTH PAYMENT - CRESTVIEW HEIGHTS										
0071	9000.005	EACH	\$2.500	82.000	0.000	81.000	81.000	81.000	\$0.00	\$202.50
EPOXY COATED TIE BARS - CRESTVIEW HEIGHTS										
0072	9000.006	LB	\$3.000	1.000	0.000	0.000	0.000	0.000	\$0.00	\$0.00
CAST IRON - CRESTVIEW HEIGHTS										
								<b>Section Totals:</b>	\$0.00	\$238,582.50
								<b>Total Payments:</b>	\$70,570.66	\$1,386,692.87

## Time Charges

2023 City of La Vista- Pavement Rehabilitation and Resurfacing Completion Date	08/05/ 2023	08/19/2023	N/A	\$0.00	N/A	0.0 Days	\$0.00
							<b>Total Damages:</b> \$0.00

Detailed Payment:

08/29/2023

2023 City of La Vista- Pavement Rehabilitation and Resurfacing

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## Summary

<b>Current Approved Work:</b>	\$70,570.66	<b>Approved Work To Date:</b>	\$1,386,692.87
<b>Current Stockpile Advancement:</b>	\$0.00	<b>Stockpile Advancement To Date:</b>	\$0.00
<b>Current Stockpile Recovery:</b>	\$0.00	<b>Stockpile Recovery To Date:</b>	\$0.00
<b>Current Retainage:</b>	-\$131,612.22	<b>Retainage To Date:</b>	\$0.00
<b>Current Retainage Released:</b>	\$0.00	<b>Retainage Released To Date:</b>	\$0.00
<b>Current Liquidated Damages:</b>	\$0.00	<b>Liquidated Damages To Date:</b>	\$0.00
<b>Current Adjustment:</b>	\$0.00	<b>Adjustments To Date:</b>	\$0.00
<b>Current Payment:</b>	\$202,182.88	<b>Payments To Date:</b>	\$1,386,692.87
<b>Previous Payment:</b>	\$446,133.88	<b>Previous Payments To Date:</b>	\$1,184,509.99

## Funding Details

<b>Crestview Heights:</b>	\$0.00	<b>Crestview Heights To Date:</b>	\$238,582.50
<b>M376(407)- Terry Dr, Lillian Ave, 78th St:</b>	\$70,570.66	<b>M376(407)- Terry Dr, Lillian Ave, 78th St To Date:</b>	\$1,148,110.37
<b>Current Payment:</b>	\$70,570.66	<b>Payments To Date:</b>	\$1,386,692.87

## INVOICE SUPPORT DETAIL

**Responsible Party:** City of La Vista  
**Project No.** TAP-77(61)  
**Control No.** 22757  
**Agreement No.** BM1802  
**Expenses Thru:** August 17, 2023  
**Description:** Applewood Creek Trail, La Vista  
**Invoice:** 0647537

Work Phase	Total Expenses	Funding Percent	City of La Vista Cost Share
<b>Preliminary Engineering:</b>			
NDOT Expenses to Date	6,798.65	20%	1,359.73
Consultant Agreement BK1915 Schemmer	282,392.85	20%	56,478.57
Consultant Agreement BK1916 Alfred Benesch & Company	58,274.30	20%	11,654.86
Audit Costs to Date	322.46	20%	64.49
<b>Right of Way</b>			
NDOT Expenses to Date	36,655.19	20%	7,331.04
<b>Construction:</b>			
Hawkins Construction Company Paid to Date Estimates From 8/22/2022 to 6/30/2023	1-18 2,305,654.45	20%	461,130.89
<b>Construction Engineering:</b>			
NDOT Expenses to Date	44.07	20%	8.81
Consultant Agreement BK2248 Schemmer	338,746.80	20%	67,749.36
<b>Total City of La Vista Cost Share</b>			<b>605,777.75</b>
<b>Less Previous Invoices</b>			<b>(571,273.18)</b>
<b>Total Due This Invoice</b>			<b>34,504.57</b>

Ohio PA  
 PMD 9/13/23  
 09.71C917CC - Part 19c01

# INVOICE

TO: CITY OF LAVISTA  
8116 PARK VIEW BLVD  
LAVISTA NE 68128

Billing Address:  
Nebraska Department of Transportation  
c/o Controller Division  
1500 Nebraska Parkway  
PO Box 94759  
Lincoln NE 68509-4759

COST DESCRIPTION	DATE 08-21-2023	ACCOUNT NUMBER L2075	INVOICE NUMBER 0647537	COST
PROJECT NO. TAP-77(61) CONTROL NO. 22757				
SEE ATTACHED FOR DETAILS				
AMOUNT DUE THIS INVOICE \$ 34,504.57				34,504.57
PREPARED BY: J CLINCHARD	DESCRIPTION TAP-77(61)		PAY THIS AMOUNT 34,504.57	

DETACH THIS PORTION AND RETURN WITH A PAYMENT

08-21-2023

Make Checks Payable to & Mail to:

Nebraska Dept. of Transportation

c/o Controller Division  
1500 Nebraska Parkway  
PO Box 94759  
Lincoln NE 68509-4759

CITY OF LAVISTA

CUSTOMER NAME

DATE OF INVOICE

TERMS

This amount is due  
upon receipt of this  
invoice

SPD NUMBER

INVOICE NUMBER  
0647537

ACCOUNT NUMBER  
L2075

AMOUNT  
34,504.57

## APPLICATION AND CERTIFICATE FOR PAYMENT

Page: 1 of 3

TO OWNER: CITY OF LA VISTA NE  
8116 PARK VIEW BLVD  
LA VISTA, NE 68128

FROM J.E. Dunn Construction Company  
CONTRACTOR: 1001 Locust St  
Kansas City, MO 64106

PROJECT: Central Park Pavilion and Site Improvements  
8116 PARK VIEW BLVD  
LA VISTA, NE 68128

ARCHITECT: Bruce Niedermeyer  
301 GRAND AVE  
DES MOINES, IA 50309

APPLICATION NO.: 15  
PERIOD TO : 31-Aug-2023  
PROJECT NOS.: 21046300  
INVOICE NO.: 21046300015  
CONTRACT DATE : 10-May-2022

Distribution to:  
 OWNER  
 ARCHITECT  
 CONTRACTOR

CONTRACT FOR: Central Park Pavilion and Site Improvements

## APPLICATION AND CERTIFICATE FOR PAYMENT

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

1. ORIGINAL CONTRACT SUM ..... \$ 15,955,803  
2. Net change by change orders ..... \$ 685,971  
3. CONTRACT SUM TO DATE (Line 1 +/- 2) ..... \$ 16,641,774  
4. TOTAL COMPLETED & STORED TO DATE .... \$ 15,227,249

(Column G on G703)

## 5. RETAINAGE:

(Total retainage Column I of G703) ..... \$ 676,996

6. TOTAL EARNED LESS RETAINAGE ..... \$ 14,550,253

(Line 4 less Line 5 Total)

## 7. LESS PREVIOUS CERTIFICATES FOR PAYMENT

(Line 6 from prior Certificate) ..... \$ 13,497,703

8. CURRENT PAYMENT DUE ..... \$ 1,052,550

## 9. BALANCE TO FINISH, INCLUDING RETAINAGE

(Line 3 less Line 6) ..... \$ 2,091,521

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Change Order approved in previous months by Owner	685,971	0
APPROVED THIS MONTH		
Number Date Approved		
Current Total:	0	0
Net Change by Change Orders	685,971	

AIA DOCUMENT G702 - APPLICATION AND CERTIFICATE FOR PAYMENT THE AMERICAN  
INSTITUTE OF ARCHITECTS 1735 NEW YORK AVENUE NW WASHINGTON DC 20006

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.

WARNING: DO NOT CHANGE ESTABLISHED PAYMENT INSTRUCTIONS FOR PAYMENTS TO J.E. DUNN CONSTRUCTION COMPANY. J.E. Dunn Construction Company does not change its bank routing or account numbers. Do not accept or rely upon emails or correspondence requesting changes to J.E. Dunn Construction Company's established payment instructions. Any change to J.E. Dunn Construction Company's payment instructions can only be made by a fully executed Change Order to the Agreement between Owner and J.E. Dunn Construction Company.

Contractor: J.E. Dunn Construction Company

By:



Date:



GENERAL NOTARY - State of Nebraska  
ELIZABETH A. HAMMOND  
My Comm. Exp. Dec. 21, 2025

State of: Nebraska

County of: Douglas

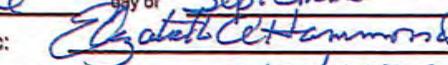
Subscribed and sworn to before

me this

6

day of September 2023

Notary Public:



My Commission expires:



## 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 Work is in accordance with the Contract Documents, and the Contractor is entitled to the payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED.....\$ 1,052,550.00

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

ARCHITECT: Bruce Niedermeyer

By:



Date:



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.

OK TO PAY  
PMD 9/14/23  
16.71.0917.000 - PART 1 (GEO)

## J.E. Dunn Construction Company

CONTINUATION SHEET

AIA DOCUMENT G703

Page: 2

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

APPLICATION NUMBER: 15

APPLICATION DATE: 06-Sep-2023

INVOICE NO.:

PERIOD TO: 31-Aug-2023

PROJECT NO: 21046300015

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A ITEM NO.	B DESCRIPTION OF WORK	C SCHEDULED VALUE			D E WORK COMPLETED (D+E)		F MATERIAL PRESENTLY STORED	G TOTAL COMPLETED AND STORED TO DATE	H PER- CENT (G/C)	I BALANCE TO FINISH	J RETAINAGE
		ORIGINAL	CHANGE ORDERS	CURRENT	FROM PREVIOUS APPLICATION	THIS PERIOD					
01	PRECONSTRUCTION	14,300	0	14,300	14,300	0	0	14,300	100	0	0
		14,300	0	14,300	14,300	0	0	14,300	100	0	0
02	GENERAL CONDITIONS	1,045,767	-178,326	867,440	797,909	59,066	0	856,975	99	10,465	0
		1,045,767	-178,326	867,440	797,909	59,066	0	856,975	99	10,465	0
03	PERMITS, BONDS, & INSURANCE	308,977	154,935	463,912	444,645	0	0	444,645	96	19,267	0
		308,977	154,935	463,912	444,645	0	0	444,645	96	19,267	0
04	DIRECT COSTS										
02330	Earthwork	337,026	108,916	445,944	510,640	4,484	0	515,124	116	-69,180	25,756
02455	Pipe Piles	0	156,050	156,050	156,050	0	0	156,050	100	0	7,802
02500	Site Utilities	679,094	160,243	839,337	839,337	2,500	0	841,837	100	-2,500	42,092
02790	Athletic Surfacing	96,311	-61,959	34,352	23,000	0	0	23,000	67	11,352	1,150
02810	Lawn Sprinklers	62,140	149,275	211,415	178,347	0	0	178,347	84	33,068	8,917
02815	Fountain Allowance	336,300	-336,300	0	0	0	0	0	0	0	0
02833	Retaining Wall	339,000	6,000	345,000	345,000	0	0	345,000	100	0	17,250
02900	Landscaping	135,400	77,203	212,603	46,000	75,450	0	121,450	57	91,153	6,072
03330	CIP Concrete	4,002,844	1,280,666	5,283,510	5,235,218	21,510	0	5,256,728	99	26,782	262,836
04210	Masonry	859,200	54,844	914,044	911,044	0	0	911,044	100	3,000	45,552
05100	Structural Steel	616,500	29,438	645,938	641,638	0	0	641,638	99	4,300	32,082
05700	Railings	677,865	-677,665	0	0	0	0	0	0	0	0
06199	Rough Carpentry	159,565	-159,565	0	0	0	0	0	0	0	0
06299	Finish Carpentry	37,037	-30,528	6,509	6,609	0	0	6,609	100	0	325
07100	Waterproofing	74,384	207,338	281,722	224,185	0	0	224,185	80	57,537	11,209
07410	Roofing	181,000	153,599	334,599	318,736	0	0	318,736	95	15,863	15,937
074104	Metal Wall Panels	215,148	-60,188	154,960	154,960	0	0	154,960	100	0	7,748
07460	Siding	27,096	-27,096	0	0	0	0	0	0	0	0
07900	Joint Sealants	19,051	-19,051	0	0	0	0	0	0	0	0
08110	Doors & Hardware	115,922	-10,322	105,600	105,600	0	0	105,600	100	0	5,280
08330	Coiling Doors	25,718	-8,710	17,008	17,008	0	0	17,008	100	0	850
08400	Glazing	135,180	52,090	187,270	183,175	0	0	183,175	98	4,096	9,159
09250	Framing & Drywall	96,421	83,853	180,274	180,274	0	0	180,274	100	0	9,014
09300	Flooring	83,180	-56,869	26,311	26,311	0	0	26,311	100	-1	1,316
09900	Painting	98,705	-38,774	59,931	59,525	0	0	59,525	99	406	2,976
10199	Specialties	27,636	62,762	90,398	0	0	0	0	0	90,398	0

Any overruns need to be resolved prior to final payment application. Any additional costs will need to be fully resolved with Change Order 02.

J.E. Dunn Construction Company

CONTINUATION SHEET

AIA DOCUMENT G703

AIA DOCUMENT G702, APPLICATION AND CERTIFICATE FOR PAYMENT, containing Contractor's signed Certification is attached.

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

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

Page: 3

APPLICATION NUMBER: 15

APPLICATION DATE: 06-Sep-2023

INVOICE NO.:

PERIOD TO: 31-Aug-2023

21046300015

PROJECT NO: 21046300

A ITEM NO.	B DESCRIPTION OF WORK	C			D		E WORK COMPLETED (D+E)	F MATERIAL PRESENTLY STORED	G	H BALANCE TO FINISH	I RETAINAGE
		ORIGINAL	CHANGE ORDERS	CURRENT	FROM PREVIOUS APPLICATION	THIS PERIOD					
10800	Site Furnishings	447,280	-148,113	299,167	103,595	12,166	0	115,761	39	183,406	5,788
11600	Food Service Equipment	504,142	-89,449	414,693	0	0	0	0	0	414,693	0
12510	Boardwalk	390,947	-390,947	0	0	0	0	0	0	0	0
15400	Plumbing & HVAC	1,228,350	489,344	1,717,694	1,710,103	5,250	0	1,715,353	100	2,341	85,768
16000	Electrical	1,549,371	373,445	1,922,816	1,221,219	219,192	0	1,440,412	75	482,404	72,021
35000	Escalation Allowance	192,065	-192,065	0	0	0	0	0	0	0	0
	DIRECT COSTS Total:	13,749,678	1,137,468	14,887,146	13,197,476	340,552	0	13,538,028	91	1,349,118	676,901
05	CONTINGENCY	447,515	-444,837	2,678	1,904	0	0	1,904	71	774	95
	CONTINGENCY Total:	447,515	-444,837	2,678	1,904	0	0	1,904	71	774	95
06	FEE	389,566	16,731	406,297	361,406	9,990	0	371,396	91	34,901	0
	FEE Total:	389,566	16,731	406,297	361,406	9,990	0	371,396	91	34,901	0
	Total:	15,955,803	685,971	16,641,774	14,817,640	409,609	0	15,227,249	92	1,414,525	676,996
	Project Total:	15,955,803	685,971	16,641,774	14,817,640	409,609	0	15,227,249	92	1,414,525	676,996

AIA DOCUMENT G703 - APPLICATION AND CERTIFICATE FOR PAYMENT

THE AMERICAN INSTITUTE OF ARCHITECTS 1735 NEW YORK AVENUE NW WASHINGTON DC 20006

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
SEPTEMBER 19, 2023 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
PAYMENT AUTHORIZATION – ELECTRIC VEHICLE CHARGING STATION REPAIR	◆ RESOLUTION ORDINANCE RECEIVE/FILE	JOE SOUCIE DIRECTOR OF PUBLIC WORKS

**SYNOPSIS**

A resolution has been prepared authorizing the repair of an electric vehicle charging station located in Off-Street Parking District #1 in an amount not to exceed \$13,272.

**FISCAL IMPACT**

The FY23/FY24 Biennial Budget includes funding for the proposed repair.

**RECOMMENDATION**

Approval.

**BACKGROUND**

The electric vehicle rapid charging station in Off-Street Parking District #1 has a power module that is not working properly which does not allow for rapid charging. The station is functioning but only as a trickle charge station and not the intended rapid charge. The power module has a one-year warranty. The charging station has been installed for 18 months.

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE REPAIR OF AN ELECTRONIC VEHICLE CHARGING STATION LOCATED IN OFF-STREET PARKING DISTRICT #1 IN AN AMOUNT NOT TO EXCEED \$13,272.00.

WHEREAS, the City Council of the City of La Vista has determined that repair of the electronic vehicle charging station is necessary; and

WHEREAS, the FY23/FY24 Biennial Budget includes funding for the proposed repair; and

WHEREAS Subsection (C) (9) of Section 31.23 of the La Vista Municipal Code requires that the City Administrator secures 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 authorize the repair of an electronic vehicle charging station in off-street parking district #1 in an amount not to exceed \$13,272.00.

PASSED AND APPROVED THIS 19TH DAY OF SEPTEMBER 2023.

CITY OF LA VISTA

---

Kim J. Thomas, Acting Mayor

ATTEST:

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Pamela A. Buethe, MMC  
City Clerk



# Quotation

Driving a Better Way™  
chargepoint.com

**Sales Representative:** Sufia Anjum  
**E-Mail:** sufia.anjum@chargepoint.com  
**Telephone:**

**Quote Number:** Q-369691-3  
**Date:** 8/17/2023  
**Expires On:** 9/15/2023

**Primary Contact:** Joe Soucie

## Bill To Address



Joe Soucie  
 City of La Vista  
 8116 Park View Blvd  
 La Vista Nebraska 68128-2198  
 United States  
 jsoucie@cityoflavista.org  
 402-331-8927

## Ship To Address



Joe Soucie  
 City of La Vista  
 9900 Portal Road  
 La Vista Nebraska 68128  
 United States  
 jsoucie@cityoflavista.org  
 402-331-8927

CASE 12099676

### Station Details

Station Name: CITY OF LAVISTA / CABELAS 1  
 Org Name: City of La Vista  
 Org ID: ORG156361  
 MAC Address: 0024:B100:0001:200C  
 Model Number: CPE250C-500-CCS1-CHD  
 Serial Number: 211715006745  
 Full Street Address: 12501 Westport Pkwy Omaha, Nebraska 68138  
 Station Fault: Broken screen, Rear PM replacement needed

Product Name	Product Description	Qty	Unit Price	Total Price
CPSUPPORT-FDL	Non-Warranty Non-Maintenance Agreement Service - Field and Dispatch Labor	5	USD 75.00	USD 375.00
EXPP-PM	31.25 kW Power Module for use in CPE250 or Power Blocks	1	USD 12,745.00	USD 12,745.00



Product Name	Product Description	Qty	Unit Price	Total Price
CT4000-LNS-F	CT4000 Replacement Head Lens	1	USD 130.00	USD 130.00

Quote Total: USD 13,250.00  
 Estimated Tax: USD 965.63 *NO Tax*  
 Shipping Fee: USD 22.00  
 Grand Total: USD 14,237.63

13,272.00

### Quote Acceptance

- + Invoices are Net 30 from invoice date.
- + Customer to be invoiced at time of shipment.
- + All prices are FCA ChargePoint warehouse(s).
- + Sales tax in applicable states and shipping costs will be applied at time of invoicing.
- + Pricing does not include installation or mounting services unless specifically quoted above.
- + Customer confirms that the shipping and billing information provided in this Quotation is accurate for ChargePoint's shipping and invoicing purposes.
- + The following ChargePoint terms and conditions are incorporated in this Quotation by reference in their entirety: (i) ChargePoint Master Services and Subscription Agreement found at [ChargePoint Master Services and Subscription Agreement | ChargePoint](#); (ii) ChargePoint Terms and Conditions of Purchase found at <https://www.chargepoint.com/legal/termsofconditions>; and (iii) ChargePoint Assure Terms and Conditions of Services found at: [ChargePoint Assure terms and conditions of service | ChargePoint](#)
- + ChargePoint's sale of products/services is expressly conditioned on Customer's acceptance of ChargePoint terms and conditions stated or referenced in this Quotation. Any conflicting or inconsistent terms stated or referenced in any Customer purchase order or any such document are excluded and will not be binding and notice of objection to them is hereby given.
- + This signed Quotation will act as a purchase order for the products/services detailed above and creates a binding contract between ChargePoint and Customer.
- + The above terms govern this Quotation unless Customer has separate written agreement(s) executed by Customer and ChargePoint to govern the products/services referenced in this Quotation.

By signing this Quotation, I hereby acknowledge that I am an authorized signatory and have read and agree to all the terms and conditions of this Quotation.

*Joe Soucie*  
58489AD5C4FE42D...

Signature :	Joe Soucie	Title :	Mr.
Name (Print) :		Date :	31 August 2023   1:00
Company Name :	City of La Vista		
Accounts Payable Contact Name :	Meg Harris		
Accounts Payable Contact E-Mail :	mharris@cityoflavista.org		
Requested Ship Date :	08/31/2023		

Check #	Check Date	Vendor Name	Amount	Voided
2701(A)	09/05/2023	CITY OF PAPILLION - MFO	240,674.00	N
2702(E)	09/06/2023	NEBRASKA STATE FIRE MARSHAL	97.00	N
2703(E)	09/06/2023	CORE BANK	429,904.82	N
2704(E)	09/06/2023	NE BANK F/K/A FARMERS STATE BANK	10,568.84	N
2705(E)	09/06/2023	PETROS PACE FINANCE	23,556.09	N
2706(E)	09/06/2023	US BANK NATIONAL ASSOCIATION	19,280.83	N
140415	09/06/2023	DESIGN WORKSHOP INC	4,125.00	N
140416	09/06/2023	FUN EXPRESS LLC	54.75	N
140417	09/06/2023	HOUSTON ENGINEERING INC	8,178.00	N
140418	09/06/2023	JE DUNN CONSTRUCTION COMPANY	703,395.00	N
140419	09/06/2023	METROPOLITAN COMMUNITY COLLEGE	23,849.71	N
140420	09/06/2023	NL & L CONCRETE	263,730.83	N
140421	09/06/2023	OLSSON, INC.	1,488.50	N
140422	09/06/2023	RDG PLANNING & DESIGN	15,211.85	N
140423	09/06/2023	SAMPSON CONSTRUCTION CO., INC	431,318.00	N
140424	09/06/2023	SARPY COUNTY COURTHOUSE	4,496.00	N
140425	09/06/2023	THOMPSON DREESSEN & DORNER, INC.	2,244.50	N
2717(E)	09/15/2023	ACTIVE NETWORK LLC	150.92	N
2718(E)	09/15/2023	BLACK HILLS ENERGY	1,355.45	N
2719(E)	09/15/2023	BOK FINANCIAL	2,086,725.00	N
2720(E)	09/15/2023	CENTURY LINK/LUMEN	79.62	N
2721(E)	09/15/2023	CENTURY LINK/LUMEN	122.63	N
2722(E)	09/15/2023	CNA SURETY	125.00	N
2723(E)	09/15/2023	COX COMMUNICATIONS, INC.	143.65	N
2724(E)	09/15/2023	GREAT PLAINS COMMUNICATION	1,045.41	N
2725(E)	09/15/2023	MARCO INCORPORATED	147.87	N
2726(E)	09/15/2023	MID-AMERICAN BENEFITS INC	3,732.94	N
2727(E)	09/15/2023	PAYROLL MAXX	430,217.02	N
2728(A)	09/19/2023	CITY OF OMAHA	326,279.40	N
140426	09/19/2023	1-800 RADIATOR	433.00	N
140427	09/19/2023	1000 BULBS	275.04	N
140428	09/19/2023	A-1 FLAGS, POLES, AND REPAIR LLC	140.00	N
140429	09/19/2023	ACCO UNLIMITED CORPORATION	933.70	N
140430	09/19/2023	ACTION BATTERIES UNLTD INC	98.75	N
140431	09/19/2023	ALEGENT CREIGHTON HEALTH	658.00	N
140432	09/19/2023	ALFRED BENESCH & COMPANY	3,238.25	N
140433	09/19/2023	AMAZON CAPITAL SERVICES, INC.	2,381.66	N
140434	09/19/2023	ARNOLD MOTOR SUPPLY	1,020.98	N
140435	09/19/2023	ASP ENTERPRISES INC	470.00	N
140436	09/19/2023	ASTRA STAGES LLC	60,895.00	N
140437	09/19/2023	BABER, BRAD	434.50	N
140438	09/19/2023	BIBLIOTHECA LLC	24.33	N
140439	09/19/2023	BISHOP BUSINESS EQUIPMENT	1,146.30	N
140440	09/19/2023	BLAC-RAC MANUFACTURING INC	799.80	N
140441	09/19/2023	BOBCAT OF OMAHA	1,800.00	N
140442	09/19/2023	BOOT BARN	150.00	N
140443	09/19/2023	BSN SPORTS LLC	1,149.98	N

User: mgustafson

DB: La Vista

COUNCIL REVIEWED

Check #	Check Date	Vendor Name	Amount	Voided
140444	09/19/2023	CALENTINE, JEFFREY	46.60	N
140445	09/19/2023	CARROT-TOP INDUSTRIES INC	1,898.38	N
140446	09/19/2023	CENTER POINT, INC.	236.10	N
140447	09/19/2023	CINTAS CORPORATION NO. 2	613.68	N
140448	09/19/2023	COLONIAL RESEARCH CHEMICAL CO	198.40	N
140449	09/19/2023	COMP CHOICE INC	135.00	N
140450	09/19/2023	CONCRETE SUPPLY, INC.	868.19	N
140451	09/19/2023	COSGRAVE COMPANY	184.00	N
140452	09/19/2023	CROUCH RECREATION	4,656.00	N
140453	09/19/2023	CULLIGAN OF OMAHA	83.85	N
140454	09/19/2023	D & K PRODUCTS	1,700.00	N
140455	09/19/2023	DAIGLE LAW GROUP, LLC	500.00	N
140456	09/19/2023	DARECATALOG.COM	690.16	N
140457	09/19/2023	DATASHIELD CORPORATION	20.00	N
140458	09/19/2023	DEMCO INCORPORATED	171.73	N
140459	09/19/2023	DIAMOND SURFACE INC	9,700.00	N
140460	09/19/2023	DIAMOND VOGEL PAINTS	503.75	N
140461	09/19/2023	DILLON BROS HARLEY DAVIDSON	3,330.36	N
140462	09/19/2023	DISPLAY SALES	198.00	N
140463	09/19/2023	EDGEWEAR SCREEN PRINTING	73.00	N
140464	09/19/2023	EYMAN PLUMBING INC	2,246.77	N
140465	09/19/2023	FIKES COMMERCIAL HYGIENE LLC	62.00	N
140466	09/19/2023	FLORIAN, ARTHUR CRAIG	150.00	N
140467	09/19/2023	FUN EXPRESS LLC	313.34	N
140468	09/19/2023	GENERAL FIRE & SAFETY EQUIP CO	1,580.00	N
140469	09/19/2023	GIGGLES 'N' FRIENDS	150.00	N
140470	09/19/2023	GRAINGER	83.09	N
140471	09/19/2023	GUARDIAN ALLIANCE TECHNOLOGIES INC	256.00	N
140472	09/19/2023	GUNN, BRENDA	352.00	N
140473	09/19/2023	HARM'S CONCRETE INC	244.38	N
140474	09/19/2023	HOBBY LOBBY STORES INC	18.95	N
140475	09/19/2023	HOME DEPOT CREDIT SERVICES	33.93	N
140476	09/19/2023	HONEYMAN RENT-ALL #1	403.55	N
140477	09/19/2023	HOT SHOPS ART FOUNDATION	250.00	N
140478	09/19/2023	HY-VEE INC	65.00	N
140479	09/19/2023	INDUSTRIAL SALES COMPANY INC	196.09	N
140480	09/19/2023	INGRAM LIBRARY SERVICES LLC	794.79	N
140481	09/19/2023	J & J SMALL ENGINE SERVICE	55.27	N
140482	09/19/2023	J RETZ LANDSCAPE, INC	3,659.45	N
140483	09/19/2023	JOHN STRATHMAN	240.00	N
140484	09/19/2023	KANOPI, INC.	207.00	N
140485	09/19/2023	KRIHA FLUID POWER CO INC	204.01	N
140486	09/19/2023	LARSEN SUPPLY COMPANY	264.72	N
140487	09/19/2023	LOGAN CONTRACTORS SUPPLY	194.80	N
140488	09/19/2023	LOWE'S CREDIT SERVICES	112.11	N
140489	09/19/2023	MARTIN ASPHALT - MONARCH OIL	288.00	N
140490	09/19/2023	MATHESON TRI-GAS INC	3,345.74	N

## COUNCIL REVIEWED

Check #	Check Date	Vendor Name	Amount	Voided
140491	09/19/2023	MAVCAMP, ANDREW JOHN	42.25	N
140492	09/19/2023	MENARDS-RALSTON	348.28	N
140493	09/19/2023	MERRymakers ASSOCIATION	1,200.00	N
140494	09/19/2023	METROPOLITAN UTILITIES DISTRICT	515.55	N
140495	09/19/2023	MICROFILM IMAGING SYSTEMS, INC.	4,730.00	N
140496	09/19/2023	MIDWEST ALARM SERVICES	4,995.00	N
140497	09/19/2023	MIDWEST TAPE	76.97	N
140498	09/19/2023	MILLARD METAL SERVICES INC	194.00	N
140499	09/19/2023	MURPHY TRACTOR/POWERPLAN	29.96	N
140500	09/19/2023	NE DEPT OF MOTOR VEHICLE-94789	8.20	N
140501	09/19/2023	NE DEPT OF MOTOR VEHICLE-94789	8.20	N
140502	09/19/2023	NEWMAN SIGNS INC	1,144.16	N
140503	09/19/2023	NSG LOGISTICS, LLC	15,016.85	N
140504	09/19/2023	OFFICE DEPOT INC	542.18	N
140505	09/19/2023	OMAHA WINNELSON SUPPLY	876.00	N
140506	09/19/2023	OMAHA WORLD-HERALD	85.45	N
140507	09/19/2023	OMNI ENGINEERING	990.35	N
140508	09/19/2023	ONE CALL CONCEPTS INC	626.30	N
140509	09/19/2023	PAPILLION SANITATION	2,304.66	N
140510	09/19/2023	PETTY CASH	20.00	N
140511	09/19/2023	POKORNY, KEVIN L	296.00	N
140512	09/19/2023	POMP'S TIRE SERVICE, INC	3,583.00	N
140513	09/19/2023	PORT-A-JOHNS	180.00	N
140514	09/19/2023	POWERDMS INC	10,017.86	N
140515	09/19/2023	RAMIREZ, RITA M	416.00	N
140516	09/19/2023	RED EQUIPMENT LLC	548.77	N
140517	09/19/2023	RED WING BUSINESS ADVANTAGE ACCT	143.99	N
140518	09/19/2023	REGAL AWARDS INC.	44.50	N
140519	09/19/2023	RTG BUILDING SERVICES INC	6,765.00	N
140520	09/19/2023	SARPY COUNTY TREASURER	19,992.84	N
140521	09/19/2023	SCHAEFFER MANUFACTURING COMPANY	864.00	N
140522	09/19/2023	SECURITY EQUIPMENT INC.	56.10	N
140523	09/19/2023	SHERWIN-WILLIAMS	39.24	N
140524	09/19/2023	SIGN IT	5,211.00	N
140525	09/19/2023	SOUTHERN UNIFORM AND TACTICAL, INC.	65.12	N
140526	09/19/2023	STREICHER'S, INC.	2,660.00	N
140527	09/19/2023	SUBURBAN NEWSPAPERS INC	836.06	N
140528	09/19/2023	SUN VALLEY LANDSCAPING	940.79	N
140529	09/19/2023	TED'S MOWER SALES & SERVICE INC	273.41	N
140530	09/19/2023	THE COLONIAL PRESS, INC	16,937.73	N
140531	09/19/2023	THE PENWORTHY COMPANY	520.58	N
140532	09/19/2023	THE WALDINGER CORPORATION	5,896.86	N
140533	09/19/2023	TRAFFIC AND PARKING CONTROL CO, INC	1,366.00	N
140534	09/19/2023	TRANS UNION RISK AND ALT. DATA SOL.	75.00	N
140535	09/19/2023	TRANSPARENT LANGUAGE INC	1,200.00	N
140536	09/19/2023	TY'S OUTDOOR POWER & SERVICE	44.92	N
140537	09/19/2023	UNITE PRIVATE NETWORKS LLC	5,269.35	N

## COUNCIL REVIEWED

Check #	Check Date	Vendor Name	Amount	Voided
140538	09/19/2023	UNITED PARCEL SERVICE	72.28	N
140539	09/19/2023	VERIZON WIRELESS	18.02	N
140540	09/19/2023	VERIZON WIRELESS	365.75	N
140541	09/19/2023	VOIANCE LANGUAGE SERVICES, LLC	25.00	N
140542	09/19/2023	WASTE MANAGEMENT NEBRASKA	2,323.15	N
140543	09/19/2023	WOODHOUSE SW OMAHA INC	319.95	N
140544	09/19/2023	ZOOM VIDEO COMMUNICATIONS	1,999.00	N
148	CHECKS PRINTED		TOTAL CLAIM AMOUNT:	\$5,273,047.74
				0

## COUNCIL REVIEWED

Check #	Check Date	Vendor Name	Amount	Voided
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APPROVED BY COUNCIL MEMBERS ON: 09/19/2023

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COUNCIL MEMBER

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
SEPTEMBER 19, 2023 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
ZONING TEXT AMENDMENTS – SECTIONS 5.11 C-2 GENERAL COMMERCIAL, DISTRICT, 5.12 C-3 HIGHWAY COMMERCIAL /OFFICE PARK DISTRICT, 5.14 I-2 HEAVY INDUSTRIAL ZONING DISTRICT	◆ RESOLUTION ◆ ORDINANCE RECEIVE/FILE	CHRIS SOLBERG DEPUTY COMMUNITY DEVELOPMENT DIRECTOR

**SYNOPSIS**

A public hearing has been scheduled and an ordinance prepared to amend Sections 5.11 and 5.12 of the La Vista Zoning Ordinance regarding the addition of “Pet Health Services” in those districts with regulations regarding the operation of the use. Also included in this ordinance is an amendment to Section 5.14 of the La Vista Zoning Ordinance regarding the removal of permanent concrete batch plants as an allowed use in the I-2 Zoning District.

**FISCAL IMPACT**

None.

**RECOMMENDATION**

Approval.

**BACKGROUND**

Staff is proposing a series of zoning text amendments to address inconsistencies and provide additional land use flexibility in portions of La Vista’s zoning ordinance.

The zoning text changes proposed in this amendment are as follows:

- Add the use “Pet Health Services” and related regulations to the C-2 General Commercial and C-3 Highway Commercial / Office Park districts. “Pet Health Services” is already an allowed use within the C-1 Shopping Center Commercial district with the same related regulations. This provides more flexibility in the locating of this use in the City’s commercial districts. The Pet Health Services use allows for veterinary clinics.
- Remove the “5.14.03.21 Concrete Batch Plants” use from the I-2 Heavy Industrial Zoning district. This use is already present in Section 5.14.03.08 of the subject zoning district as a temporary use, creating conflicting references. Removal of this 5.14.03.21 helps to clarify the requirements for this use within the I-2 Heavy Industrial District.

A detailed staff report is attached.

The Planning Commission held a public hearing on September 7, 2023, and voted unanimously to recommend approval of the amendments.

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

AN ORDINANCE TO AMEND SECTIONS 5.11, 5.12, AND 5.14 OF ORDINANCE NO. 848 (ZONING ORDINANCE); TO REPEAL SECTIONS 5.11, 5.12, AND 5.14 OF ORDINANCE NO. 848 AS PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

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

**SECTION 1. Amendment of Section 5.11.** Section 5.11 of the Ordinance No. 848 is hereby amended to read as follows:

**Section 5.11 C-2 General Commercial District**

**5.11.01 Intent:** The General Commercial District is intended to establish standards that will foster and maintain an area within the district boundaries that will benefit the retail trade, business, cultural, and social activities of the entire community. In addition, this district prohibits all exterior storage by a primary use unless a separate Conditional Use Permit is requested for the use and granted by the City.

**5.11.02 Permitted Uses:**

- 5.11.02.01 *Medical/dental offices and business services including: attorneys, banks, insurance, real estate offices, postal stations, printing, credit services, security brokers, dealers and exchange, title abstracting, finance services and investment services; but not including uses defined in Adult Establishment. (Ordinance No. 950, 3-1-05)*
- 5.11.02.02 Child care center.
- 5.11.02.03 Dance studio, not including uses defined in Adult Establishment.
- 5.11.02.04 Meeting hall, not including uses defined in Adult Establishment.
- 5.11.02.05 Museum, art gallery.
- 5.11.02.06 Retail business or service establishment supplying commodities or performing services, such as, or in compatibility with and including the following:
  - 1. Apparel shop.
  - 2. Appliance store.
  - 3. Antique store.
  - 4. Automobile parts and supply store.
  - 5. Bakery shop (retail).
  - 6. Barber and Beauty shop.
  - 7. Bicycle shop.
  - 8. Book store, not including uses defined in Adult Establishment.
  - 9. Brew-on premises store.
  - 10. Camera store.
  - 11. Communication services.
  - 12. Computer store.
  - 13. Confectionery.
  - 14. Dairy products sales.
  - 15. Drug store.
  - 16. Dry cleaning and laundry pickup.

17. Exercise, fitness and tanning spa, not including uses defined in Adult Establishment.
18. Floral shop.
19. Mortuary.
20. Food Sales (Limited).
21. Food Sales (General).
22. Furniture store or showroom.
23. Gift and curio shop.
24. Gunsmith.
25. Hardware store.
26. Hobby, craft, toy store.
27. Jewelry store.
28. Liquor store in conformance with Section 5.11.07.03.
29. Locksmith.
30. Meat market, retail.
31. Music retail store.
32. Music studio.
33. Newsstands, not including uses defined in Adult Establishment.
34. Paint store.
35. Photographer.
36. Picture framing shop.
37. Reservation center.
38. Restaurants: Sit-Down, Fast Casual, and Fast Food.
39. Second hand stores.
40. Shoe store.
41. Sporting goods.
42. Stamp and coin stores.
43. Tailors and dressmakers.
44. Tanning salon.
45. Travel agencies.
46. Video store, not including uses defined in Adult Establishment.
47. Social club and fraternal organizations, not including uses defined in Adult Establishment.
48. Telephone exchange.
49. Telephone answering service.
50. Theater, indoor, not including uses defined in Adult Establishment.
51. Public overhead and underground local distribution utilities.
52. *Publicly owned and operated facilities. (Ordinance No. 950, 3-1-05)*
53. *Tutoring and Exam Preparation Services (Ordinance No. 1341, 2-5-19)*
54. *Personal Services, not including uses defined in Adult Entertainment Establishment. (Ordinance No. 1369, 10-1-19)*

**5.11.03 Permitted Conditional Uses:**

- 5.11.03.01 Recreational establishments.
- 5.11.03.02 Variety store, not including uses defined in Adult Establishment
- 5.11.03.03 Amusement arcades.
- 5.11.03.04 Bowling center.
- 5.11.03.05 Brew Pubs.

5.11.03.06 Microbreweries when in conjunction with a restaurant.

5.11.03.07 Coffee Kiosks.

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

5.11.03.09 Business or trade school.

5.11.03.10 Garden supply and retail garden center.

5.11.03.11 Commercial greenhouse.

5.11.03.12 Mail order services.

5.11.03.13 Pinball or video games business.

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

5.11.03.15 Totally enclosed, automated and conveyor-style car washes.

5.11.03.16 Convenience store with limited fuel sales.

5.11.03.17 Residences in conjunction with the principal use when located above the ground floor.

5.11.03.18 Churches, temples, seminaries, and convents including residences for teachers and pastors.

5.11.03.19 Car wash.

5.11.03.20 Retail building material sales; provided that the following minimum standards are present:

1. All lumber shall be enclosed with the primary structure.
2. All year round landscaping materials shall be enclosed within the primary structure.
3. All outdoor storage shall be temporary and shall comply with the provisions for Temporary Uses, as per this Ordinance.

5.11.03.21 Service station with minor automobile repair services.

5.11.03.22 Tire store and minor automobile repair service.

5.11.03.23 *Animal Specialty Services with or without overnight boarding of animals and outdoor exercise areas. (Ordinance No. 1254, 6-16-15)*

5.11.03.24 *Pet Shop. (Ordinance No. 1254, 6-16-15)*

5.11.03.25 Pet Health Services, provided the following:

1. Said use is totally enclosed within a building.
2. Said services shall be provided for dogs, cats, birds, fish, and similar small animals customarily used as household pets.
3. Typical uses include animal veterinary clinics with overnight boarding, only if medically necessary.
4. Grooming shall only be associated with medical appointment.
5. This excludes uses for livestock and other large animals and uses for general grooming, dog bathing and clipping salons.

#### **5.11.04 Permitted Temporary Uses**

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

5.11.04.01 Temporary greenhouses.

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

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

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

5.11.04.05 Temporary structure for festivals or commercial events.

**5.11.05 Permitted Accessory Uses**

5.11.05.01 Buildings and uses customarily incidental to the permitted uses.

5.11.05.02 Parking as permitted in Section 7.05 through 7.09.

5.11.05.03 Signs allowed in Section 7.01 through 7.04.

5.11.05.04 Landscaping as required by Section 7.17.

5.11.05.05 Solar Energy Conversion Systems as provided for in Section 7.15  
*(Ordinance No. 1389, 3-3-2020)*

**5.11.06 Height and Lot Requirements:**

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

Uses	Lot Area (SF)	Lot Widt h	Front Yard	Side Yard	Rear Yard	Max. Heigh t	Max. Coverage	Lot
Permitted Uses	10,000	-	25' <sup>1</sup>	15'	15'	45'	60%	
Permitted Conditional Uses	10,000	-	25' <sup>1</sup>	15'	15'	45'	60%	

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

**5.11.07 Use Limitations:**

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

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

5.11.07.03 Zoning and land use standards for liquor stores shall be as follows:
 

- Liquor stores shall not be located within three hundred (300) feet, measured property line to property line, from a school (public or private), family day care home, child care facility, youth center, community center, recreational facility or any other facility where children regularly gather or are present, or any park, church, religious institution, hospital, or other similar facility or uses.
- Liquor stores shall not be located within one thousand (1,000) feet, measured from property line to property line, from another liquor store in the same zoning district.

SECTION 2. Amendment of Section 5.12. Section 5.12 of the Ordinance No. 848 is hereby amended to read as follows:

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

**5.12.01 Intent:** The Highway Commercial / Office Park District is intended for large scale commercial and office park development that serve as a regional draw, with new-to-market commercial businesses and office tenants, creating a distinctively unique commercial district. In addition, this district prohibits all exterior storage by a primary use unless a separate Conditional Use Permit is requested for the use and granted by the City.

### **5.12.02 Permitted Uses:**

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

5.12.02.02 Museum, art gallery, aquarium, or planetarium.

5.12.02.03 Entertainment Venue, indoor, not including uses defined in Adult Establishment. (**Ordinance No. 1219, 7-15-14**)

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

1. Book store, not including uses defined in Adult Establishment.
2. Brew-on premises store.
3. Dry cleaning and laundry pickup.
4. Floral shop.
5. Gift and curio shop.
6. Jewelry store.
7. Travel agencies and reservation centers.
8. Restaurants: Sit-Down, Fast Casual, and Fast Food.
9. Amusement, Commercial Indoor, not including uses defined in Adult Establishment. (**Ordinance No. 1433, 12-7-21**)
10. Office Park developments.
11. Drug Store. (**Ordinance No. 1433, 12-7-21**)
12. Meeting Halls not including Adult Establishments.
13. Theater, indoor, not including uses defined in Adult Establishment. (**Ordinance No. 1219, 7-15-14**)
14. Coffee kiosks. (**Ordinance No. 1219, 7-15-14**)
15. Department stores. (**Ordinance No. 1219, 7-15-14**)
16. Retail trade centers. (**Ordinance No. 1219, 7-15-14**)
17. Shopping centers. (**Ordinance No. 1219, 7-15-14**)
18. Commercial strip shopping center. (**Ordinance No. 1219, 7-15-14**)
19. Tutoring and Exam Preparation Services (**Ordinance No. 1341, 2-5-19**)
20. Personal Services, not including uses defined in Adult Entertainment Establishment. (**Ordinance No. 1369, 10-1-19**)
21. Specialty Food Store. (**Ordinance No. 1433, 12-7-21**)

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

5.12.02.06 Mixed Use, Commercial (Office Units over Storefronts) (**Ordinance No. 1433, 12-7-21**)

**5.12.03 Permitted Conditional Uses:**

- 5.12.03.01 Automobile display, sales, service, and repair.
- 5.12.03.02 Brew Pubs.
- 5.12.03.03 Microbreweries when in conjunction with a restaurant.
- 5.12.03.04 Entertainment Venue, indoor, but which may include outdoor events, not including uses defined in Adult Establishment. (**Ordinance No. 1219, 7-15-14**)
- 5.12.03.05 Automated Teller Machines when not within the interior of a primary use.
- 5.12.03.06 Tavern, nightclub, and cocktail lounge, not including uses defined in Adult Establishment.
- 5.12.03.07 Convenience store with limited fuel sales.
- 5.12.03.08 Churches and temples.
- 5.12.03.09 Hotels, including restaurants, convention and meeting facilities and other related uses, not including uses defined in Adult Establishment.
- 5.12.03.10 Outlet Shopping Center.
- 5.12.03.11 Health Clubs and tanning salon, not including uses defined in Adult Establishment.
- 5.12.03.12 Recreation Facilities, not including uses defined in Adult Establishment.
- 5.12.03.13 *Child Care Center. (Ordinance No. 1041, 7-17-07)*
- 5.12.03.14 *Colleges and Universities. (Ordinance No. 1169, 3-6-12)*
- 5.12.03.15 Pet Health Services, provided the following:
  1. Said use is totally enclosed within a building.
  2. Said services shall be provided for dogs, cats, birds, fish, and similar small animals customarily used as household pets.
  3. Typical uses include animal veterinary clinics with overnight boarding, only if medically necessary.
  4. Grooming shall only be associated with medical appointment.
  5. This excludes uses for livestock and other large animals and uses for general grooming, dog bathing and clipping salons.

**5.12.04 Permitted Temporary Uses**

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

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

**5.12.05 Permitted Accessory Uses**

- 5.12.05.01 Buildings and uses customarily incidental to the permitted uses.
- 5.12.05.02 Parking as permitted in Section 7.05 through 7.09.

5.12.05.03 Signs allowed in Section 7.01 through 7.04.  
 5.12.05.04 Landscaping as required by Section 7.17.  
 5.12.05.05 Solar Energy Conversion Systems as provided for in Section 7.15.  
**(Ordinance No. 1389, 3-3-2020)**

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

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

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

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

<sup>2</sup> Any building within 100 feet of a residentially zoned district shall not exceed 45 feet in height.  
**(Ordinance No. 1082, 11-18-08)**

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

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

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

SECTION 3. Amendment of Section 5.14. Section 5.14 of the Ordinance No. 848 is hereby amended to read as follows:

#### Section 5.14 I-2 Heavy Industrial

**5.14.01 Intent:** *It is the intent of the Heavy Industrial District Regulations to provide for industrial uses and services, including some manufacturing, wholesaling and storage activities; to preserve land for the expansion of the basic economic activities; to avoid incompatible land uses; to serve these areas with adequate transportation facilities; and to prevent or mitigate hazards to adjacent properties. (Ordinance No. 1053, 1-15-08)*

Adult Entertainment Facilities are included in this Zoning District. The intent of the La Vista Zoning Ordinance is not to prohibit these uses but to regulate the secondary effects of these uses within the community.

#### **5.14.02 Permitted Uses: (Revisions by Ordinance No. 1053, 1-15-08, unless otherwise noted)**

5.14.02.01 Assembly, fabrication, packaging, and processing of products inside an enclosed building, except hazardous or toxic materials

5.14.02.02 Automotive services, except repair, towing and wrecking

5.14.02.03 Business services

5.14.02.04 Data Center (**Ordinance No. 1433, 12-7-21**)

5.14.02.05 Facilities for building construction contractors

- 5.14.02.06 Landscape and horticultural services
- 5.14.02.07 Medical and dental laboratories
- 5.14.02.08 Miscellaneous repair services, not including automotive
- 5.14.02.09 Printing, publishing, and allied industries
- 5.14.02.10 Electric, gas and sanitary services, not including collection and disposal of solid waste or hazardous waste
- 5.14.02.11 General warehousing
- 5.14.02.12 Testing laboratories
- 5.14.02.13 Facilities for heavy construction contractors
- 5.14.02.14 Manufacturing of apparel, textile mill products, furniture and fixtures, transportation equipment, and assembly of electrical and electronic equipment and components
- 5.14.02.15 Manufacture of light sheet metal products including heating and ventilation equipment.
- 5.14.02.16 Manufacturing of food and kindred products, limited to bakery items, dairy products, sugar and confectionary products, and beverages
- 5.14.02.17 Manufacturing stone, clay, glass and concrete products
- 5.14.02.18 Millwork; veneer, plywood and structural wood products manufacturing-
- 5.14.02.19 Publicly owned and operated facilities. (**Ordinance No. 950, 3-1-05**)
- 5.14.02.20 Special and vocational educational and training facilities. (**Ordinance No. 950, 3-1-05**)
- 5.14.02.21 Transportation services
- 5.14.02.22 Trucking and courier services, except air
- 5.14.02.23 Veterinary Services, including livestock
- 5.14.02.24 Wholesale trade of goods
- 5.14.02.25 Microbreweries and microdistilleries without on-site sales (**Ordinance No. 1292, 9-6-16**)

**5.14.03 Permitted Conditional Uses: (*Revisions by Ordinance No. 1053, 1-15-08, unless otherwise noted*)**

- 5.14.03.01 Automotive rental / leasing and other heavy equipment rental
- 5.14.03.02 Manufacturing of food and kindred products, except bakery items, dairy products, sugar and confectionary products, and beverages
- 5.14.03.03 Lumber and other building materials dealer
- 5.14.03.04 Outdoor storage or display of merchandise
- 5.14.03.05 Radio, television and communication towers and transmitters, as per Section 7.11
- 5.14.03.06 Utility substations, terminal facilities, and reservoirs
- 5.14.03.07 Farm-implement sales and service
- 5.14.03.08 Temporary Batch plant for concrete, asphalt, or paving material, not to exceed 24 months of operations
- 5.14.03.09 Cabinetry millwork
- 5.14.03.10 Recycling center for computers, televisions and household items
- 5.14.03.11 Storage of bulk petroleum products
- 5.14.03.12 The manufacturing, compounding, processing, extruding, painting, coating and assembly of steel, metal, vinyl, plastic, paper and similar products and related outdoor and indoor storage activities. (**Ordinance No. 855, 3-5-02**)
- 5.14.03.13 Gasoline service stations
- 5.14.03.14 Automotive repair services
- 5.14.03.15 Sale of recreational vehicles, including boats and jet skis

5.14.03.16 Indoor recreational facility (*Ordinance No. 918, 10-6-03*)  
5.14.03.17 Self-service storage facility (*Ordinance No. 1069, 8-19-08*)  
5.14.03.18 Adult Entertainment establishments

1. No Adult business shall be closer than 500 feet to any similar use and no closer than 500feet to a residential district / use, religious uses, educational uses and recreational uses. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the main entrance of such adult business to the point on the property line of such other adult business, residential district / use, religious use, educational uses and recreational use. In addition, no Adult establishment shall be located within the Gateway Corridor Overlay or within 500 feet of said Overlay Corridor.
2. Said businesses shall be screened along adjoining property lines as to prevent any direct visual contact of the adult business at the perimeter.
3. Doors, curtains and any other means of obstruction to the opening of all booths and other preview areas, including but not limited to Adult Novelty Businesses, Adult Motion Picture Arcades, Adult Mini-Motion Picture Theaters, and Adult Motion Picture Theaters shall be removed and kept off at all times during the execution of this Permit. Failure to comply with this condition shall result in revocation of the Conditional Use Permit.
4. No adult business shall be open for business between the hours of one am and six a.m.
5. The proposed location, design, construction and operation of the particular use adequately safeguards the health, safety, and general welfare of persons residing or working in adjoining or surrounding property.
6. Such use shall not impair an adequate supply of light and air to surrounding property.
7. Such use shall not unduly increase congestion in the streets or public danger of fire and safety.
8. Any explicit signs shall not be seen from any point off-premises.
9. Such use shall not diminish or impair established property values in adjoining or surrounding property.
10. Such use shall be in accord with the intent, purpose and spirit of this Ordinance and the Comprehensive Development Plan of La Vista, Nebraska.
11. Applications for adult businesses under the terms of this Section shall be accompanied by evidence concerning the feasibility of the proposed request and its effect on surrounding property and shall include a site plan defining the areas to be developed for buildings and structure, the areas to be developed for parking, driveways and points of ingress and egress, the location and height of walls, the location and type of landscaping, and the location, size and number of signs.
12. An adult business shall post a sign at the entrance of the premises which shall state the nature of the business and shall state that no one under the age of eighteen (18) years of age is allowed on the premises. This Section shall not be construed to prohibit the owner from establishing an older age limitation for coming on the premises.

## 13. Prohibited Activities of Adult Businesses

- A. No adult business shall employ any person less than eighteen (18) years of age.
- B. No adult business shall furnish any merchandise or services to any person who is under eighteen (18) years of age.
- C. No adult business shall be conducted in any manner that permits the observation of any model or any material depicting, describing or relating to specified sexual activities or specified anatomical areas by display, decoration, sign, show window or other opening from any public way or from any property not licensed as an adult use. No operator of an adult business or any officer, associate, member, representative, agent, owner, or employee of such business shall engage in any activity or conduct in or about the premises which is prohibited by this Ordinance or any other laws of the State.
- D. No part of the interior of the adult business shall be visible from the pedestrian sidewalk, walkway, street, or other public or semi-public area.

- 5.14.03.19 Industrial Condominiums (**Ordinance No. 1247, 4-21-15**)
- 5.14.03.20 Microbreweries and microdistilleries with on-site sales (**Ordinance No. 1292, 9-6-16**)
- 5.14.03.21 Ground-Mounted Solar Energy Conversion Systems outside of the rear yard, as provided for in Section 7.15. (**Ordinance No. 1389, 3-3-2020**)

**5.14.04 Permitted Accessory Uses:**

- 5.14.04.01 Buildings and uses customarily incidental to the permitted uses
- 5.14.04.02 Parking as permitted in Section 7.05 through 7.09
- 5.14.04.03 Signs allowed in Section 7.01 through 7.04
- 5.14.04.04 Temporary buildings and uses incidental to construction work which will be removed upon completion or abandonment of the construction work
- 5.14.04.05 Live-in quarters used by live-in watchman or custodians during periods of construction
- 5.14.04.06 Landscaping as required by Section 7.17
- 5.14.04.07 Solar Energy Conversion Systems as provided for in Section 7.15. (**Ordinance No. 1389, 3-3-2020**)**

**5.14.05 Height and Lot Requirements:**

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

Use	Lot Area (SF) <sup>2</sup>	Lot Widt h <sup>2</sup>	Front Yard	Side Yard	Rear Yard	Max. Heigh t	Max. Coverage	Lot
Permitted Uses	10,000	100	35' <sup>1</sup>	30'	25'	45'	75%	
Permitted Conditional Uses	10,000	100	35' <sup>1</sup>	30'	25'	45'	75%	
Accessory Buildings	-	-	70'	10'	10'	25'	20%	

<sup>1</sup> 35' front yard setback required only when no parking is present in the front yard. If parking is located in the front yard then front yard setback is a minimum of sixty (60) feet.

<sup>2</sup> **Lots created before January 1, 2008 may have a minimum Lot Area of 10,000 square feet and may have less than the minimum 100 feet lot width. (Ordinance No. 1053, 1-15-08)**

**5.14.06 Use Limitations:**

5.14.06.01 When adjacent to residentially zoned land, no parking, drives or signs shall be allowed in any required yard within *thirty (30)* feet of such district. Furthermore, permanent screening shall be provided in this area in order to minimize impacts on residentially zoned property, as per Section 7.17.04. (*Ordinance No. 1053, 1-15-08*)

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

5.14.06.03 *No use shall produce a nuisance or hazard from fire, explosion, toxic or corrosive fumes, gas, smoke, odors, obnoxious dust or vapor, harmful radioactivity, offensive noise or vibration, flashes, objectionable effluent, or electrical interference which may affect or impair the normal use and peaceful enjoyment of any surrounding property, structure, or dwelling.* (*Ordinance No. 1053, 1-15-08*)

**5.14.07 Performance Standards:**

See Section 7.16 of the Supplemental Regulations.

SECTION 4. Repeal of Sections 5.11, 5.12, and 5.14 as Previously Enacted. Sections 5.11, 5.12, and 5.14 of Ordinance No. 848 as previously enacted is hereby repealed.

SECTION 5. Severability Clause. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this ordinance. The Mayor and City Council of the City of La Vista hereby declare that it would have passed this ordinance and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION 6. Effective Date. This ordinance shall be in full force and effect from and after passage, approval and publication as provided by law.

SECTION 7. This ordinance shall be published in pamphlet form and take effect as provided by law.

PASSED AND APPROVED THIS 19TH DAY OF SEPTEMBER 2023.

CITY OF LA VISTA

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Kim J. Thomas, Acting Mayor

ATTEST:

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Pamela A. Buethe, MMC  
City Clerk

## **Section 5.11 C-2 General Commercial District**

**5.11.01 Intent:** The General Commercial District is intended to establish standards that will foster and maintain an area within the district boundaries that will benefit the retail trade, business, cultural, and social activities of the entire community. In addition, this district prohibits all exterior storage by a primary use unless a separate Conditional Use Permit is requested for the use and granted by the City.

### **5.11.02 Permitted Uses:**

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

5.11.02.02 Child care center.

5.11.02.03 Dance studio, not including uses defined in Adult Establishment.

5.11.02.04 Meeting hall, not including uses defined in Adult Establishment.

5.11.02.05 Museum, art gallery.

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

1. Apparel shop.
2. Appliance store.
3. Antique store.
4. Automobile parts and supply store.
5. Bakery shop (retail).
6. Barber and Beauty shop.
7. Bicycle shop.
8. Book store, not including uses defined in Adult Establishment.
9. Brew-on premises store.
10. Camera store.
11. Communication services.
12. Computer store.
13. Confectionery.
14. Dairy products sales.
15. Drug store.
16. Dry cleaning and laundry pickup.
17. Exercise, fitness and tanning spa, not including uses defined in Adult Establishment.
18. Floral shop.
19. Mortuary.
20. Food Sales (Limited).
21. Food Sales (General).
22. Furniture store or showroom.
23. Gift and curio shop.
24. Gunsmith.
25. Hardware store.
26. Hobby, craft, toy store.
27. Jewelry store.
28. Liquor store in conformance with Section 5.11.07.03.
29. Locksmith.
30. Meat market, retail.
31. Music retail store.
32. Music studio.
33. Newsstands, not including uses defined in Adult Establishment.
34. Paint store.
35. Photographer.
36. Picture framing shop.
37. Reservation center.
38. Restaurants: Sit-Down, Fast Casual, and Fast Food.

- 39. Second hand stores.
- 40. Shoe store.
- 41. Sporting goods.
- 42. Stamp and coin stores.
- 43. Tailors and dressmakers.
- 44. Tanning salon.
- 45. Travel agencies.
- 46. Video store, not including uses defined in Adult Establishment.
- 47. Social club and fraternal organizations, not including uses defined in Adult Establishment.
- 48. Telephone exchange.
- 49. Telephone answering service.
- 50. Theater, indoor, not including uses defined in Adult Establishment.
- 51. Public overhead and underground local distribution utilities.
- 52. *Publicly owned and operated facilities. (Ordinance No. 950, 3-1-05)*
- 53. *Tutoring and Exam Preparation Services (Ordinance No. 1341, 2-5-19)*
- 54. *Personal Services, not including uses defined in Adult Entertainment Establishment. (Ordinance No. 1369, 10-1-19)*

#### **5.11.03 Permitted Conditional Uses:**

- 5.11.03.01 Recreational establishments.
- 5.11.03.02 Variety store, not including uses defined in Adult Establishment
- 5.11.03.03 Amusement arcades.
- 5.11.03.04 Bowling center.
- 5.11.03.05 Brew Pubs.
- 5.11.03.06 Microbreweries when in conjunction with a restaurant.
- 5.11.03.07 Coffee Kiosks.
- 5.11.03.08 Automated Teller Machines when not within the interior of a primary use.
- 5.11.03.09 Business or trade school.
- 5.11.03.10 Garden supply and retail garden center.
- 5.11.03.11 Commercial greenhouse.
- 5.11.03.12 Mail order services.
- 5.11.03.13 Pinball or video games business.
- 5.11.03.14 Tavern and cocktail lounge, not including uses defined in Adult Establishment.
- 5.11.03.15 Totally enclosed, automated and conveyor-style car washes.
- 5.11.03.16 Convenience store with limited fuel sales.
- 5.11.03.17 Residences in conjunction with the principal use when located above the ground floor.
- 5.11.03.18 Churches, temples, seminaries, and convents including residences for teachers and pastors.
- 5.11.03.19 Car wash.
- 5.11.03.20 Retail building material sales; provided that the following minimum standards are present:
  - 1. All lumber shall be enclosed with the primary structure.
  - 2. All year round landscaping materials shall be enclosed within the primary structure.
  - 3. All outdoor storage shall be temporary and shall comply with the provisions for Temporary Uses, as per this Ordinance.
- 5.11.03.21 Service station with minor automobile repair services.
- 5.11.03.22 Tire store and minor automobile repair service.
- 5.11.03.23 *Animal Specialty Services with or without overnight boarding of animals and outdoor exercise areas. (Ordinance No. 1254, 6-16-15)*
- 5.11.03.24 *Pet Shop. (Ordinance No. 1254, 6-16-15)*
- 5.11.03.25 Pet Health Services, provided the following:

1. Said use is totally enclosed within a building.
2. Said services shall be provided for dogs, cats, birds, fish, and similar small animals customarily used as household pets.
3. Typical uses include animal veterinary clinics with overnight boarding, only if medically necessary.
4. Grooming shall only be associated with medical appointment.
5. This excludes uses for livestock and other large animals and uses for general grooming, dog bathing and clipping salons.

#### **5.11.04 Permitted Temporary Uses**

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

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

#### **5.11.05 Permitted Accessory Uses**

- 5.11.05.01      Buildings and uses customarily incidental to the permitted uses.
- 5.11.05.02      Parking as permitted in Section 7.05 through 7.09.
- 5.11.05.03      Signs allowed in Section 7.01 through 7.04.
- 5.11.05.04      Landscaping as required by Section 7.17.
- 5.11.05.05      Solar Energy Conversion Systems as provided for in Section 7.15 (*Ordinance No. 1389, 3-3-2020*)

#### **5.11.06 Height and Lot Requirements:**

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

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

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

#### **5.11.07 Use Limitations:**

- 5.11.07.01      When adjacent to residentially zoned land, no parking, drives or signs shall be allowed in any required yard within fifteen (15) feet of such district. Furthermore, permanent screening shall be provided in this area in order to minimize impacts on residentially zoned property, as per Section 7.14.04.
- 5.11.07.02      Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.
- 5.11.07.03      Zoning and land use standards for liquor stores shall be as follows:
  - Liquor stores shall not be located within three hundred (300) feet, measured property line to property line, from a school (public or private), family day care home, child care facility, youth center, community center, recreational facility or any other facility where children regularly gather or are present, or any park, church, religious institution, hospital, or other similar facility or uses.

- Liquor stores shall not be located within one thousand (1,000) feet, measured from property line to property line, from another liquor store in the same zoning district.

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

**5.12.01 Intent:** The Highway Commercial / Office Park District is intended for large scale commercial and office park development that serve as a regional draw, with new-to-market commercial businesses and office tenants, creating a distinctively unique commercial district. In addition, this district prohibits all exterior storage by a primary use unless a separate Conditional Use Permit is requested for the use and granted by the City.

### **5.12.02 Permitted Uses:**

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

5.12.02.02 Museum, art gallery, aquarium, or planetarium.

5.12.02.03 Entertainment Venue, indoor, not including uses defined in Adult Establishment. (Ordinance No. 1219, 7-15-14)

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

1. Book store, not including uses defined in Adult Establishment.
2. Brew-on premises store.
3. Dry cleaning and laundry pickup.
4. Floral shop.
5. Gift and curio shop.
6. Jewelry store.
7. Travel agencies and reservation centers.
8. Restaurants: Sit-Down, Fast Casual, and Fast Food.
9. Amusement, Commercial Indoor, not including uses defined in Adult Establishment. (Ordinance No. 1433, 12-7-21)
10. Office Park developments.
11. Drug Store. (Ordinance No. 1433, 12-7-21)
12. Meeting Halls not including Adult Establishments.
13. Theater, indoor, not including uses defined in Adult Establishment. (Ordinance No. 1219, 7-15-14)
14. Coffee kiosks. (Ordinance No. 1219, 7-15-14)
15. Department stores. (Ordinance No. 1219, 7-15-14)
16. Retail trade centers. (Ordinance No. 1219, 7-15-14)
17. Shopping centers. (Ordinance No. 1219, 7-15-14)
18. Commercial strip shopping center. (Ordinance No. 1219, 7-15-14)
19. Tutoring and Exam Preparation Services (Ordinance No. 1341, 2-5-19)
20. Personal Services, not including uses defined in Adult Entertainment Establishment. (Ordinance No. 1369, 10-1-19)
21. Specialty Food Store. (Ordinance No. 1433, 12-7-21)

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

5.12.02.06 Mixed Use, Commercial (Office Units over Storefronts) (Ordinance No. 1433, 12-7-21)

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

5.12.03.01 Automobile display, sales, service, and repair.

5.12.03.02 Brew Pubs.

5.12.03.03 Microbreweries when in conjunction with a restaurant.

5.12.03.04 Entertainment Venue, indoor, but which may include outdoor events, not including uses defined in Adult Establishment. (Ordinance No. 1219, 7-15-14)

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

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

5.12.03.07 Convenience store with limited fuel sales.

5.12.03.08 Churches and temples.

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

5.12.03.10 Outlet Shopping Center.

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

5.12.03.12 Recreation Facilities, not including uses defined in Adult Establishment.

5.12.03.13 *Child Care Center. (Ordinance No. 1041, 7-17-07)*

5.12.03.14 *Colleges and Universities. (Ordinance No. 1169, 3-6-12)*

**5.12.03.15 Pet Health Services, provided the following:**

1. Said use is totally enclosed within a building.
2. Said services shall be provided for dogs, cats, birds, fish, and similar small animals customarily used as household pets.
3. Typical uses include animal veterinary clinics with overnight boarding, only if medically necessary.
4. Grooming shall only be associated with medical appointment.
5. This excludes uses for livestock and other large animals and uses for general grooming, dog bathing and clipping salons.

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

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

5.12.04.01 Temporary greenhouses.

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

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

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

5.12.04.05 Temporary structure for festivals or commercial events.

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

5.12.05.01 Buildings and uses customarily incidental to the permitted uses.

5.12.05.02 Parking as permitted in Section 7.05 through 7.09.

5.12.05.03 Signs allowed in Section 7.01 through 7.04.

5.12.05.04 Landscaping as required by Section 7.17.

5.12.05.05 Solar Energy Conversion Systems as provided for in Section 7.15. *(Ordinance No. 1389, 3-3-2020)*

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

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

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

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

<sup>2</sup> Any building within 100 feet of a residentially zoned district shall not exceed 45 feet in height. *(Ordinance No. 1082, 11-18-08)*

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

5.12.07.01 When adjacent to residentially zoned land, no parking, drives or signs shall be allowed in any required yard within fifteen (15) feet of such district. Furthermore, permanent

screening shall be provided in this area in order to minimize impacts on residentially zoned property, as per Section 7.14.04.

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

## Section 5.14 I-2 Heavy Industrial

**5.14.01 Intent:** *It is the intent of the Heavy Industrial District Regulations to provide for industrial uses and services, including some manufacturing, wholesaling and storage activities; to preserve land for the expansion of the basic economic activities; to avoid incompatible land uses; to serve these areas with adequate transportation facilities; and to prevent or mitigate hazards to adjacent properties. (Ordinance No. 1053, 1-15-08)*

Adult Entertainment Facilities are included in this Zoning District. The intent of the La Vista Zoning Ordinance is not to prohibit these uses but to regulate the secondary effects of these uses within the community.

**5.14.02 Permitted Uses: (Revisions by Ordinance No. 1053, 1-15-08, unless otherwise noted)**

- 5.14.02.01 Assembly, fabrication, packaging, and processing of products inside an enclosed building, except hazardous or toxic materials
- 5.14.02.02 Automotive services, except repair, towing and wrecking
- 5.14.02.03 Business services
- 5.14.02.04 Data Center (*Ordinance No. 1433, 12-7-21*)
- 5.14.02.05 Facilities for building construction contractors
- 5.14.02.06 Landscape and horticultural services
- 5.14.02.07 Medical and dental laboratories
- 5.14.02.08 Miscellaneous repair services, not including automotive
- 5.14.02.09 Printing, publishing, and allied industries
- 5.14.02.10 Electric, gas and sanitary services, not including collection and disposal of solid waste or hazardous waste
- 5.14.02.11 General warehousing
- 5.14.02.12 Testing laboratories
- 5.14.02.13 Facilities for heavy construction contractors
- 5.14.02.14 Manufacturing of apparel, textile mill products, furniture and fixtures, transportation equipment, and assembly of electrical and electronic equipment and components
- 5.14.02.15 Manufacture of light sheet metal products including heating and ventilation equipment.
- 5.14.02.16 Manufacturing of food and kindred products, limited to bakery items, dairy products, sugar and confectionary products, and beverages
- 5.14.02.17 Manufacturing stone, clay, glass and concrete products
- 5.14.02.18 Millwork; veneer, plywood and structural wood products manufacturing
- 5.14.02.19 Publicly owned and operated facilities. (*Ordinance No. 950, 3-1-05*)
- 5.14.02.20 Special and vocational educational and training facilities. (*Ordinance No. 950, 3-1-05*)
- 5.14.02.21 Transportation services
- 5.14.02.22 Trucking and courier services, except air
- 5.14.02.23 Veterinary Services, including livestock
- 5.14.02.24 Wholesale trade of goods
- 5.14.02.25 Microbreweries and microdistilleries without on-site sales (*Ordinance No. 1292, 9-6-16*)

**5.14.03 Permitted Conditional Uses: (Revisions by Ordinance No. 1053, 1-15-08, unless otherwise noted)**

- 5.14.03.01 Automotive rental / leasing and other heavy equipment rental
- 5.14.03.02 Manufacturing of food and kindred products, except bakery items, dairy products, sugar and confectionary products, and beverages
- 5.14.03.03 Lumber and other building materials dealer
- 5.14.03.04 Outdoor storage or display of merchandise
- 5.14.03.05 Radio, television and communication towers and transmitters, as per Section 7.11
- 5.14.03.06 Utility substations, terminal facilities, and reservoirs
- 5.14.03.07 Farm-implement sales and service
- 5.14.03.08 Temporary Batch plant for concrete, asphalt, or paving material, not to exceed 24 months of operations
- 5.14.03.09 Cabinetry millwork
- 5.14.03.10 Recycling center for computers, televisions and household items
- 5.14.03.11 Storage of bulk petroleum products

5.14.03.12 The manufacturing, compounding, processing, extruding, painting, coating and assembly of steel, metal, vinyl, plastic, paper and similar products and related outdoor and indoor storage activities. (*Ordinance No. 855, 3-5-02*)

5.14.03.13 Gasoline service stations

5.14.03.14 Automotive repair services

5.14.03.15 Sale of recreational vehicles, including boats and jet skis

5.14.03.16 Indoor recreational facility (*Ordinance No. 918, 10-6-03*)

5.14.03.17 Self-service storage facility (*Ordinance No. 1069, 8-19-08*)

5.14.03.18 Adult Entertainment establishments

1. No Adult business shall be closer than 500 feet to any similar use and no closer than 500feet to a residential district / use, religious uses, educational uses and recreational uses. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the main entrance of such adult business to the point on the property line of such other adult business, residential district / use, religious use, educational uses and recreational use. In addition, no Adult establishment shall be located within the Gateway Corridor Overlay or within 500 feet of said Overlay Corridor.
2. Said businesses shall be screened along adjoining property lines as to prevent any direct visual contact of the adult business at the perimeter.
3. Doors, curtains and any other means of obstruction to the opening of all booths and other preview areas, including but not limited to Adult Novelty Businesses, Adult Motion Picture Arcades, Adult Mini-Motion Picture Theaters, and Adult Motion Picture Theaters shall be removed and kept off at all times during the execution of this Permit. Failure to comply with this condition shall result in revocation of the Conditional Use Permit.
4. No adult business shall be open for business between the hours of one am and six a.m.
5. The proposed location, design, construction and operation of the particular use adequately safeguards the health, safety, and general welfare of persons residing or working in adjoining or surrounding property.
6. Such use shall not impair an adequate supply of light and air to surrounding property.
7. Such use shall not unduly increase congestion in the streets or public danger of fire and safety.
8. Any explicit signs shall not be seen from any point off-premises.
9. Such use shall not diminish or impair established property values in adjoining or surrounding property.
10. Such use shall be in accord with the intent, purpose and spirit of this Ordinance and the Comprehensive Development Plan of La Vista, Nebraska.
11. Applications for adult businesses under the terms of this Section shall be accompanied by evidence concerning the feasibility of the proposed request and its effect on surrounding property and shall include a site plan defining the areas to be developed for buildings and structure, the areas to be developed for parking, driveways and points of ingress and egress, the location and height of walls, the location and type of landscaping, and the location, size and number of signs.
12. An adult business shall post a sign at the entrance of the premises which shall state the nature of the business and shall state that no one under the age of eighteen (18) years of age is allowed on the premises. This Section shall not be construed to prohibit the owner from establishing an older age limitation for coming on the premises.
13. Prohibited Activities of Adult Businesses
  - A. No adult business shall employ any person less than eighteen (18) years of age.
  - B. No adult business shall furnish any merchandise or services to any person who is under eighteen (18) years of age.
  - C. No adult business shall be conducted in any manner that permits the observation of any model or any material depicting, describing or relating to specified sexual activities or specified anatomical areas by display, decoration, sign, show

window or other opening from any public way or from any property not licensed as an adult use. No operator of an adult business or any officer, associate, member, representative, agent, owner, or employee of such business shall engage in any activity or conduct in or about the premises which is prohibited by this Ordinance or any other laws of the State.

D. No part of the interior of the adult business shall be visible from the pedestrian sidewalk, walkway, street, or other public or semi-public area.

5.14.03.19 Industrial Condominiums (*Ordinance No. 1247, 4-21-15*)  
5.14.03.20 Microbreweries and microdistilleries with on-site sales (*Ordinance No. 1292, 9-6-16*)  
~~5.14.03.21 Concrete Batch Plants (*Ordinance No. 1329, 9-19-18*)~~  
~~5.14.03.22 5.14.03.21~~ Ground-Mounted Solar Energy Conversion Systems outside of the rear yard, as provided for in Section 7.15. (*Ordinance No. 1389, 3-3-2020*)

#### **5.14.04 Permitted Accessory Uses:**

5.14.04.01 Buildings and uses customarily incidental to the permitted uses  
5.14.04.02 Parking as permitted in Section 7.05 through 7.09  
5.14.04.03 Signs allowed in Section 7.01 through 7.04  
5.14.04.04 Temporary buildings and uses incidental to construction work which will be removed upon completion or abandonment of the construction work  
5.14.04.05 Live-in quarters used by live-in watchman or custodians during periods of construction  
5.14.04.06 Landscaping as required by Section 7.17  
**5.14.04.07** Solar Energy Conversion Systems as provided for in Section 7.15. (*Ordinance No. 1389, 3-3-2020*)

#### **5.14.05 Height and Lot Requirements:**

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

Use	Lot Area (SF) <sup>2</sup>	Lot Width <sup>2</sup>	Front Yard	Side Yard	Rear Yard	Max. Height	Max. Lot Coverage
Permitted Uses	10,000	100	35' <sup>1</sup>	30'	25'	45'	75%
Permitted Conditional Uses	10,000	100	35' <sup>1</sup>	30'	25'	45'	75%
Accessory Buildings	-	-	70'	10'	10'	25'	20%

<sup>1</sup> 35' front yard setback required only when no parking is present in the front yard. If parking is located in the front yard then front yard setback is a minimum of sixty (60) feet.

<sup>2</sup> *Lots created before January 1, 2008 may have a minimum Lot Area of 10,000 square feet and may have less than the minimum 100 feet lot width. (Ordinance No. 1053, 1-15-08)*

#### **5.14.06 Use Limitations:**

5.14.06.01 When adjacent to residentially zoned land, no parking, drives or signs shall be allowed in any required yard within *thirty (30)* feet of such district. Furthermore, permanent screening shall be provided in this area in order to minimize impacts on residentially zoned property, as per Section 7.17.04. (*Ordinance No. 1053, 1-15-08*)  
5.14.06.02 Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.  
5.14.06.03 *No use shall produce a nuisance or hazard from fire, explosion, toxic or corrosive fumes, gas, smoke, odors, obnoxious dust or vapor, harmful radioactivity, offensive noise or vibration, flashes, objectionable effluent, or electrical interference which may affect or impair the normal use and peaceful enjoyment of any surrounding property, structure, or dwelling. (Ordinance No. 1053, 1-15-08)*

#### **5.14.07 Performance Standards:**

See Section 7.16 of the Supplemental Regulations.

# **Clean Version**

## **Section 5.11 C-2 General Commercial District**

**5.11.01 Intent:** The General Commercial District is intended to establish standards that will foster and maintain an area within the district boundaries that will benefit the retail trade, business, cultural, and social activities of the entire community. In addition, this district prohibits all exterior storage by a primary use unless a separate Conditional Use Permit is requested for the use and granted by the City.

### **5.11.02 Permitted Uses:**

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

5.11.02.02 Child care center.

5.11.02.03 Dance studio, not including uses defined in Adult Establishment.

5.11.02.04 Meeting hall, not including uses defined in Adult Establishment.

5.11.02.05 Museum, art gallery.

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

1. Apparel shop.
2. Appliance store.
3. Antique store.
4. Automobile parts and supply store.
5. Bakery shop (retail).
6. Barber and Beauty shop.
7. Bicycle shop.
8. Book store, not including uses defined in Adult Establishment.
9. Brew-on premises store.
10. Camera store.
11. Communication services.
12. Computer store.
13. Confectionery.
14. Dairy products sales.
15. Drug store.
16. Dry cleaning and laundry pickup.
17. Exercise, fitness and tanning spa, not including uses defined in Adult Establishment.
18. Floral shop.
19. Mortuary.
20. Food Sales (Limited).
21. Food Sales (General).
22. Furniture store or showroom.
23. Gift and curio shop.
24. Gunsmith.
25. Hardware store.
26. Hobby, craft, toy store.
27. Jewelry store.
28. Liquor store in conformance with Section 5.11.07.03.
29. Locksmith.
30. Meat market, retail.
31. Music retail store.
32. Music studio.
33. Newsstands, not including uses defined in Adult Establishment.
34. Paint store.
35. Photographer.
36. Picture framing shop.
37. Reservation center.
38. Restaurants: Sit-Down, Fast Casual, and Fast Food.

- 39. Second hand stores.
- 40. Shoe store.
- 41. Sporting goods.
- 42. Stamp and coin stores.
- 43. Tailors and dressmakers.
- 44. Tanning salon.
- 45. Travel agencies.
- 46. Video store, not including uses defined in Adult Establishment.
- 47. Social club and fraternal organizations, not including uses defined in Adult Establishment.
- 48. Telephone exchange.
- 49. Telephone answering service.
- 50. Theater, indoor, not including uses defined in Adult Establishment.
- 51. Public overhead and underground local distribution utilities.
- 52. *Publicly owned and operated facilities. (Ordinance No. 950, 3-1-05)*
- 53. *Tutoring and Exam Preparation Services (Ordinance No. 1341, 2-5-19)*
- 54. *Personal Services, not including uses defined in Adult Entertainment Establishment. (Ordinance No. 1369, 10-1-19)*

#### **5.11.03 Permitted Conditional Uses:**

- 5.11.03.01 Recreational establishments.
- 5.11.03.02 Variety store, not including uses defined in Adult Establishment
- 5.11.03.03 Amusement arcades.
- 5.11.03.04 Bowling center.
- 5.11.03.05 Brew Pubs.
- 5.11.03.06 Microbreweries when in conjunction with a restaurant.
- 5.11.03.07 Coffee Kiosks.
- 5.11.03.08 Automated Teller Machines when not within the interior of a primary use.
- 5.11.03.09 Business or trade school.
- 5.11.03.10 Garden supply and retail garden center.
- 5.11.03.11 Commercial greenhouse.
- 5.11.03.12 Mail order services.
- 5.11.03.13 Pinball or video games business.
- 5.11.03.14 Tavern and cocktail lounge, not including uses defined in Adult Establishment.
- 5.11.03.15 Totally enclosed, automated and conveyor-style car washes.
- 5.11.03.16 Convenience store with limited fuel sales.
- 5.11.03.17 Residences in conjunction with the principal use when located above the ground floor.
- 5.11.03.18 Churches, temples, seminaries, and convents including residences for teachers and pastors.
- 5.11.03.19 Car wash.
- 5.11.03.20 Retail building material sales; provided that the following minimum standards are present:
  - 1. All lumber shall be enclosed with the primary structure.
  - 2. All year round landscaping materials shall be enclosed within the primary structure.
  - 3. All outdoor storage shall be temporary and shall comply with the provisions for Temporary Uses, as per this Ordinance.
- 5.11.03.21 Service station with minor automobile repair services.
- 5.11.03.22 Tire store and minor automobile repair service.
- 5.11.03.23 *Animal Specialty Services with or without overnight boarding of animals and outdoor exercise areas. (Ordinance No. 1254, 6-16-15)*
- 5.11.03.24 *Pet Shop. (Ordinance No. 1254, 6-16-15)*
- 5.11.03.25 Pet Health Services, provided the following:

1. Said use is totally enclosed within a building.
2. Said services shall be provided for dogs, cats, birds, fish, and similar small animals customarily used as household pets.
3. Typical uses include animal veterinary clinics with overnight boarding, only if medically necessary.
4. Grooming shall only be associated with medical appointment.
5. This excludes uses for livestock and other large animals and uses for general grooming, dog bathing and clipping salons.

#### **5.11.04 Permitted Temporary Uses**

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

5.11.04.01      Temporary greenhouses.

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

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

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

5.11.04.05      Temporary structure for festivals or commercial events.

#### **5.11.05 Permitted Accessory Uses**

5.11.05.01      Buildings and uses customarily incidental to the permitted uses.

5.11.05.02      Parking as permitted in Section 7.05 through 7.09.

5.11.05.03      Signs allowed in Section 7.01 through 7.04.

5.11.05.04      Landscaping as required by Section 7.17.

5.11.05.05      Solar Energy Conversion Systems as provided for in Section 7.15 (*Ordinance No. 1389, 3-3-2020*)

#### **5.11.06 Height and Lot Requirements:**

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

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

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

#### **5.11.07 Use Limitations:**

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

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

5.11.07.03      Zoning and land use standards for liquor stores shall be as follows:
 

- Liquor stores shall not be located within three hundred (300) feet, measured property line to property line, from a school (public or private), family day care home, child care facility, youth center, community center, recreational facility or any other facility where children regularly gather or are present, or any park, church, religious institution, hospital, or other similar facility or uses.

- Liquor stores shall not be located within one thousand (1,000) feet, measured from property line to property line, from another liquor store in the same zoning district.

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

**5.12.01 Intent:** The Highway Commercial / Office Park District is intended for large scale commercial and office park development that serve as a regional draw, with new-to-market commercial businesses and office tenants, creating a distinctively unique commercial district. In addition, this district prohibits all exterior storage by a primary use unless a separate Conditional Use Permit is requested for the use and granted by the City.

### **5.12.02 Permitted Uses:**

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

5.12.02.02 Museum, art gallery, aquarium, or planetarium.

5.12.02.03 Entertainment Venue, indoor, not including uses defined in Adult Establishment. (Ordinance No. 1219, 7-15-14)

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

1. Book store, not including uses defined in Adult Establishment.
2. Brew-on premises store.
3. Dry cleaning and laundry pickup.
4. Floral shop.
5. Gift and curio shop.
6. Jewelry store.
7. Travel agencies and reservation centers.
8. Restaurants: Sit-Down, Fast Casual, and Fast Food.
9. Amusement, Commercial Indoor, not including uses defined in Adult Establishment. (Ordinance No. 1433, 12-7-21)
10. Office Park developments.
11. Drug Store. (Ordinance No. 1433, 12-7-21)
12. Meeting Halls not including Adult Establishments.
13. Theater, indoor, not including uses defined in Adult Establishment. (Ordinance No. 1219, 7-15-14)
14. Coffee kiosks. (Ordinance No. 1219, 7-15-14)
15. Department stores. (Ordinance No. 1219, 7-15-14)
16. Retail trade centers. (Ordinance No. 1219, 7-15-14)
17. Shopping centers. (Ordinance No. 1219, 7-15-14)
18. Commercial strip shopping center. (Ordinance No. 1219, 7-15-14)
19. Tutoring and Exam Preparation Services (Ordinance No. 1341, 2-5-19)
20. Personal Services, not including uses defined in Adult Entertainment Establishment. (Ordinance No. 1369, 10-1-19)
21. Specialty Food Store. (Ordinance No. 1433, 12-7-21)

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

5.12.02.06 Mixed Use, Commercial (Office Units over Storefronts) (Ordinance No. 1433, 12-7-21)

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

5.12.03.01 Automobile display, sales, service, and repair.

5.12.03.02 Brew Pubs.

5.12.03.03 Microbreweries when in conjunction with a restaurant.

5.12.03.04 Entertainment Venue, indoor, but which may include outdoor events, not including uses defined in Adult Establishment. (Ordinance No. 1219, 7-15-14)

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

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

5.12.03.07 Convenience store with limited fuel sales.

5.12.03.08 Churches and temples.

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

5.12.03.10 Outlet Shopping Center.

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

5.12.03.12 Recreation Facilities, not including uses defined in Adult Establishment.

5.12.03.13 *Child Care Center. (Ordinance No. 1041, 7-17-07)*

5.12.03.14 *Colleges and Universities. (Ordinance No. 1169, 3-6-12)*

5.12.03.15 Pet Health Services, provided the following:

1. Said use is totally enclosed within a building.
2. Said services shall be provided for dogs, cats, birds, fish, and similar small animals customarily used as household pets.
3. Typical uses include animal veterinary clinics with overnight boarding, only if medically necessary.
4. Grooming shall only be associated with medical appointment.
5. This excludes uses for livestock and other large animals and uses for general grooming, dog bathing and clipping salons.

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

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

5.12.04.01 Temporary greenhouses.

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

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

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

5.12.04.05 Temporary structure for festivals or commercial events.

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

5.12.05.01 Buildings and uses customarily incidental to the permitted uses.

5.12.05.02 Parking as permitted in Section 7.05 through 7.09.

5.12.05.03 Signs allowed in Section 7.01 through 7.04.

5.12.05.04 Landscaping as required by Section 7.17.

5.12.05.05 Solar Energy Conversion Systems as provided for in Section 7.15. *(Ordinance No. 1389, 3-3-2020)*

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

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

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

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

<sup>2</sup> Any building within 100 feet of a residentially zoned district shall not exceed 45 feet in height. *(Ordinance No. 1082, 11-18-08)*

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

5.12.07.01 When adjacent to residentially zoned land, no parking, drives or signs shall be allowed in any required yard within fifteen (15) feet of such district. Furthermore, permanent

screening shall be provided in this area in order to minimize impacts on residentially zoned property, as per Section 7.14.04.

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

## Section 5.14 I-2 Heavy Industrial

**5.14.01 Intent:** *It is the intent of the Heavy Industrial District Regulations to provide for industrial uses and services, including some manufacturing, wholesaling and storage activities; to preserve land for the expansion of the basic economic activities; to avoid incompatible land uses; to serve these areas with adequate transportation facilities; and to prevent or mitigate hazards to adjacent properties. (Ordinance No. 1053, 1-15-08)*

Adult Entertainment Facilities are included in this Zoning District. The intent of the La Vista Zoning Ordinance is not to prohibit these uses but to regulate the secondary effects of these uses within the community.

**5.14.02 Permitted Uses: (Revisions by Ordinance No. 1053, 1-15-08, unless otherwise noted)**

- 5.14.02.01 Assembly, fabrication, packaging, and processing of products inside an enclosed building, except hazardous or toxic materials
- 5.14.02.02 Automotive services, except repair, towing and wrecking
- 5.14.02.03 Business services
- 5.14.02.04 Data Center (**Ordinance No. 1433, 12-7-21**)
- 5.14.02.05 Facilities for building construction contractors
- 5.14.02.06 Landscape and horticultural services
- 5.14.02.07 Medical and dental laboratories
- 5.14.02.08 Miscellaneous repair services, not including automotive
- 5.14.02.09 Printing, publishing, and allied industries
- 5.14.02.10 Electric, gas and sanitary services, not including collection and disposal of solid waste or hazardous waste
- 5.14.02.11 General warehousing
- 5.14.02.12 Testing laboratories
- 5.14.02.13 Facilities for heavy construction contractors
- 5.14.02.14 Manufacturing of apparel, textile mill products, furniture and fixtures, transportation equipment, and assembly of electrical and electronic equipment and components
- 5.14.02.15 Manufacture of light sheet metal products including heating and ventilation equipment.
- 5.14.02.16 Manufacturing of food and kindred products, limited to bakery items, dairy products, sugar and confectionary products, and beverages
- 5.14.02.17 Manufacturing stone, clay, glass and concrete products
- 5.14.02.18 Millwork; veneer, plywood and structural wood products manufacturing-
- 5.14.02.19 Publicly owned and operated facilities. (**Ordinance No. 950, 3-1-05**)
- 5.14.02.20 Special and vocational educational and training facilities. (**Ordinance No. 950, 3-1-05**)
- 5.14.02.21 Transportation services
- 5.14.02.22 Trucking and courier services, except air
- 5.14.02.23 Veterinary Services, including livestock
- 5.14.02.24 Wholesale trade of goods
- 5.14.02.25 Microbreweries and microdistilleries without on-site sales (**Ordinance No. 1292, 9-6-16**)

**5.14.03 Permitted Conditional Uses: (Revisions by Ordinance No. 1053, 1-15-08, unless otherwise noted)**

- 5.14.03.01 Automotive rental / leasing and other heavy equipment rental
- 5.14.03.02 Manufacturing of food and kindred products, except bakery items, dairy products, sugar and confectionary products, and beverages
- 5.14.03.03 Lumber and other building materials dealer
- 5.14.03.04 Outdoor storage or display of merchandise
- 5.14.03.05 Radio, television and communication towers and transmitters, as per Section 7.11
- 5.14.03.06 Utility substations, terminal facilities, and reservoirs
- 5.14.03.07 Farm-implement sales and service
- 5.14.03.08 Temporary Batch plant for concrete, asphalt, or paving material, not to exceed 24 months of operations
- 5.14.03.09 Cabinetry millwork
- 5.14.03.10 Recycling center for computers, televisions and household items
- 5.14.03.11 Storage of bulk petroleum products

5.14.03.12 The manufacturing, compounding, processing, extruding, painting, coating and assembly of steel, metal, vinyl, plastic, paper and similar products and related outdoor and indoor storage activities. (*Ordinance No. 855, 3-5-02*)

5.14.03.13 Gasoline service stations

5.14.03.14 Automotive repair services

5.14.03.15 Sale of recreational vehicles, including boats and jet skis

5.14.03.16 Indoor recreational facility (*Ordinance No. 918, 10-6-03*)

5.14.03.17 Self-service storage facility (*Ordinance No. 1069, 8-19-08*)

5.14.03.18 Adult Entertainment establishments

1. No Adult business shall be closer than 500 feet to any similar use and no closer than 500feet to a residential district / use, religious uses, educational uses and recreational uses. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the main entrance of such adult business to the point on the property line of such other adult business, residential district / use, religious use, educational uses and recreational use. In addition, no Adult establishment shall be located within the Gateway Corridor Overlay or within 500 feet of said Overlay Corridor.
2. Said businesses shall be screened along adjoining property lines as to prevent any direct visual contact of the adult business at the perimeter.
3. Doors, curtains and any other means of obstruction to the opening of all booths and other preview areas, including but not limited to Adult Novelty Businesses, Adult Motion Picture Arcades, Adult Mini-Motion Picture Theaters, and Adult Motion Picture Theaters shall be removed and kept off at all times during the execution of this Permit. Failure to comply with this condition shall result in revocation of the Conditional Use Permit.
4. No adult business shall be open for business between the hours of one am and six a.m.
5. The proposed location, design, construction and operation of the particular use adequately safeguards the health, safety, and general welfare of persons residing or working in adjoining or surrounding property.
6. Such use shall not impair an adequate supply of light and air to surrounding property.
7. Such use shall not unduly increase congestion in the streets or public danger of fire and safety.
8. Any explicit signs shall not be seen from any point off-premises.
9. Such use shall not diminish or impair established property values in adjoining or surrounding property.
10. Such use shall be in accord with the intent, purpose and spirit of this Ordinance and the Comprehensive Development Plan of La Vista, Nebraska.
11. Applications for adult businesses under the terms of this Section shall be accompanied by evidence concerning the feasibility of the proposed request and its effect on surrounding property and shall include a site plan defining the areas to be developed for buildings and structure, the areas to be developed for parking, driveways and points of ingress and egress, the location and height of walls, the location and type of landscaping, and the location, size and number of signs.
12. An adult business shall post a sign at the entrance of the premises which shall state the nature of the business and shall state that no one under the age of eighteen (18) years of age is allowed on the premises. This Section shall not be construed to prohibit the owner from establishing an older age limitation for coming on the premises.
13. Prohibited Activities of Adult Businesses
  - A. No adult business shall employ any person less than eighteen (18) years of age.
  - B. No adult business shall furnish any merchandise or services to any person who is under eighteen (18) years of age.
  - C. No adult business shall be conducted in any manner that permits the observation of any model or any material depicting, describing or relating to specified sexual activities or specified anatomical areas by display, decoration, sign, show

window or other opening from any public way or from any property not licensed as an adult use. No operator of an adult business or any officer, associate, member, representative, agent, owner, or employee of such business shall engage in any activity or conduct in or about the premises which is prohibited by this Ordinance or any other laws of the State.

D. No part of the interior of the adult business shall be visible from the pedestrian sidewalk, walkway, street, or other public or semi-public area.

5.14.03.19

Industrial Condominiums (*Ordinance No. 1247, 4-21-15*)

5.14.03.20

Microbreweries and microdistilleries with on-site sales (*Ordinance No. 1292, 9-6-16*)

5.14.03.21

Ground-Mounted Solar Energy Conversion Systems outside of the rear yard, as provided for in Section 7.15. (*Ordinance No. 1389, 3-3-2020*)

#### 5.14.04 Permitted Accessory Uses:

5.14.04.01 Buildings and uses customarily incidental to the permitted uses  
 5.14.04.02 Parking as permitted in Section 7.05 through 7.09  
 5.14.04.03 Signs allowed in Section 7.01 through 7.04  
 5.14.04.04 Temporary buildings and uses incidental to construction work which will be removed upon completion or abandonment of the construction work  
 5.14.04.05 Live-in quarters used by live-in watchman or custodians during periods of construction  
 5.14.04.06 Landscaping as required by Section 7.17  
**5.14.04.07** Solar Energy Conversion Systems as provided for in Section 7.15. (*Ordinance No. 1389, 3-3-2020*)

#### 5.14.05 Height and Lot Requirements:

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

Use	Lot Area (SF) <sup>2</sup>	Lot Width <sup>2</sup>	Front Yard	Side Yard	Rear Yard	Max. Height	Max. Lot Coverage
Permitted Uses	10,000	100	35' <sup>1</sup>	30'	25'	45'	75%
Permitted Conditional Uses	10,000	100	35' <sup>1</sup>	30'	25'	45'	75%
Accessory Buildings	-	-	70'	10'	10'	25'	20%

<sup>1</sup> 35' front yard setback required only when no parking is present in the front yard. If parking is located in the front yard then front yard setback is a minimum of sixty (60) feet.

<sup>2</sup> *Lots created before January 1, 2008 may have a minimum Lot Area of 10,000 square feet and may have less than the minimum 100 feet lot width. (Ordinance No. 1053, 1-15-08)*

#### 5.14.06 Use Limitations:

5.14.06.01 When adjacent to residentially zoned land, no parking, drives or signs shall be allowed in any required yard within *thirty (30)* feet of such district. Furthermore, permanent screening shall be provided in this area in order to minimize impacts on residentially zoned property, as per Section 7.17.04. (*Ordinance No. 1053, 1-15-08*)

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

5.14.06.03 *No use shall produce a nuisance or hazard from fire, explosion, toxic or corrosive fumes, gas, smoke, odors, obnoxious dust or vapor, harmful radioactivity, offensive noise or vibration, flashes, objectionable effluent, or electrical interference which may affect or impair the normal use and peaceful enjoyment of any surrounding property, structure, or dwelling. (Ordinance No. 1053, 1-15-08)*

#### 5.14.07 Performance Standards:

See Section 7.16 of the Supplemental Regulations.

**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**SEPTEMBER 19, 2023 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
ZONING TEXT AMENDMENTS – SECTIONS 5.19 MIXED USE CITY CENTRE DISTRICT AND 7.05 OFF STREET AUTOMOBILE STORAGE	◆ RESOLUTION ◆ ORDINANCE ◆ RECEIVE/FILE	CHRIS SOLBERG DEPUTY COMMUNITY DEVELOPMENT DIRECTOR

**SYNOPSIS**

A public hearing has been scheduled and an ordinance prepared to amend Sections 5.19 and 7.05 of the La Vista Zoning Ordinance regarding parking to allow for the construction of temporary gravel-surfaced parking utilized in association with event centers in the Mixed Use City Centre Zoning District (MU-CC), when such event centers have a capacity for 2,000 or more persons.

**FISCAL IMPACT**

None.

**RECOMMENDATION**

Approval.

**BACKGROUND**

Staff is proposing a series of zoning text amendments to provide limited flexibility in the development of temporary parking in relation to large events at the Astro Event Center in La Vista City Centre to meet the short-term need for additional parking capacity. The proposed amendments will allow for the limited construction of temporary parking in a yet-to-be-developed area of La Vista City Centre to help contain event parking within the development. The proposed amendments will help to limit the overflow of parking into adjacent commercial and residential areas.

The zoning text changes proposed in this amendment allow for the construction of crushed rock or gravel temporary event parking specifically in relation to the event centers in the Mixed-Use City Centre Zoning District with the approval of a development agreement approved by City Council. Such a development agreement would outline details of requirements for the maintenance of the temporary parking and provide a sunset clause to limit the length of time that the temporary parking would be allowed.

A detailed staff report is attached.

The Planning Commission held a public hearing on September 7, 2023, and voted unanimously to recommend approval of the Zoning Text Amendment.

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

AN ORDINANCE TO AMEND SECTIONS 5.19 AND 7.05 OF ORDINANCE NO. 848 (ZONING ORDINANCE); TO REPEAL SECTIONS 5.19 AND 7.05 OF ORDINANCE NO. 848 AS PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

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

SECTION 1. Amendment of Section 5.19. Section 5.19 of the Ordinance No. 848 is hereby amended to read as follows:

**Section 5.19 MU-CC Mixed Use City Centre District**

**5.19.01 Intent:** The intent of the Mixed Use Town Centre District (MU-CC) is to:

1. Accommodate mixed use buildings with neighborhood-serving retail, service, and other uses on the ground floor and residential units and office uses above the ground floor;
2. Buildings can be solely residential provided they are designed in a building-forward environment, with buildings at the street edge or having only shallow front setbacks.
3. Encourage development that exhibits the physical design characteristics of pedestrian-oriented, storefront-style shopping streets; and
4. Promote the health and well-being of residents by encouraging physical activity, alternative transportation, and greater social interaction.

**5.19.02 Permitted Uses:**

Uses are allowed in "MU-CC" zoning districts in accordance with the use table of this section.

**Uses Allowed in the MU-CC Zoning District**

Use Category (Specific Use Type)	MU-CC District
<b>Residential:</b>	
Artist Live/Work Space located above the ground floor	P
Artist Live/Work Space, ground floor	P
Bed & breakfasts	P
Townhouses/condominiums	P
Multi-Family, above ground floor	P
Multi-Family, ground floor	C
Senior living: nursing care, rehab facility & assisted living facility	C
<b>Public and Civic:</b>	
Meeting hall	C
Museum	P
Publicly owned and operated facilities	P

Public services	P
Recreation areas/parks (public)	P
Social club/fraternal organizations	C
Parking Structures or Lots	P
<b>Commercial:</b>	
Antique store	P
Apparel shop	P
Art gallery	P
Attorneys	P
Automated Teller Machines	C
Bakery shop (retail)	P
Banks	P
Barber and beauty shop	P
Bicycle shop	P
Book store, not including uses defined in Adult Establishment.	P
Brew pubs	P
Brew-on premises store	P
Business or trade school	C
Business services	P
Camera store	P
Charitable organizations	C
Child care (center)	P
Coffee kiosks	P
Communication services	C
Computer store	P
Confectionery	P
Credit services	P
Dairy product sales	P
Dance studio	P
Dental office	P
Department store	P
Drug store	P
Dry cleaning & laundry pickup	P
Event center	C
Exercise, fitness & tanning spa	P
Finance/investment services	P
Fireworks stands	T
Floral shop	P
Food sales (general)	P
Food sales (limited)	P
Furniture store or showroom	P
Gift shop	P

Gunsmith	C
Hardware store	P
Health club or recreation facility, not including uses defined	C
in Adult Establishment.	
Hobby, craft store	P
Home occupations	C
Hotels, including restaurants, convention and meeting	P
facilities and other related uses, not including uses defined	
in Adult Establishment.	
Insurance	P
Jewelry store	P
Liquor store	P
Locksmith	P
Mail order services	C
Meat market, retail	C
Medical office	P
Micro-breweries, connected to restaurant	P
Music retail store	P
Music studio	P
Newsstands	P
Office	P
Open-air farmers markets	P
Outdoor display of merchandise	P
Paint store	P
Personal Services, not including uses defined in Adult Entertainment Establishment. ( <b>Ordinance No. 1369, 10-1-19</b> )	P
Pet health services	P
Pet shop	C
Photographer	P
Picture framing shop	P
Pinball or video games business	C
Produce stands	P
Real estate offices	P
Recreational establishments	C
Restaurants, café, and fast food	P
Second hand stores	C
Security brokers	P
Shoe store	P
Sporting goods	P
Stamp and coin stores	P

Tailors and dressmakers	P
Tanning salon	P
Tavern and cocktail lounge, not including uses defined in	P
Adult Establishment.	
Theater, indoor, not including uses defined in	P
Adult Establishment.	
Title abstracting	P
Toy store	P
Travel agencies	P
Tutoring and Exam Preparation Services	P
Video store, not including uses defined in Adult	P
Establishment.	

**Industrial:**

Manufacturing: Artisan (Limited)	C
(hand tools only: e.g., jewelry or ceramics)	

**Other:**

Temporary structures (events)	T
Temporary structures (construction)	T

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P = permitted by right; C = conditional use; T = temporary

**5.19.03 Permitted Accessory Uses**

- 5.19.03.01 Buildings and uses customarily incidental to the permitted uses.
- 5.19.03.02 Urban residential storage as an accessory to a primary residential use.
- 5.19.03.03 Parking as permitted in Section 7.05 through 7.09.
- 5.19.03.04 Signs allowed in Section 7.01 through 7.04.
- 5.19.03.05 Landscaping as required by Section 7.17.
- 5.19.03.06 Solar Energy Conversion Systems as provided for in Section 7.15.

**(Ordinance No. 1389, 3-3-2020)**

**5.19.04 Setbacks**

1. The entire building façade must abut front and street side property lines or be located within 10 feet of such property lines.
2. No rear setback shall be required, except where the rear lot line is contiguous to a residential use, in which case the following standards shall apply:
  - a. There shall be a minimum rear setback of twenty (25) feet the full width of the lot;
3. No interior side setbacks are required in the MU-CC district, except when MU-CC zoned property abuts a residential use, in which case the minimum side setback

required in the MU-CC district shall be the same as required for a residential use on the abutting residentially-zoned lot.

**5.19.05 Building Height**

The maximum building height shall be 90 feet.

**5.19.06 Off-Street Parking**

1. No off-street parking is required in the MU-CC district.
2. If off-street parking is utilized, it shall comply with Sections 7.08-7.09 of this ordinance.
3. All parking spaces shall be paved with asphalt, concrete or other approved hard surface, unless in accordance with Section 7.05.05 of this ordinance.
4. The use of shared parking is encouraged.
5. Off-street parking spaces should be located to the rear of the main façade of the principal building or otherwise screened to satisfy the screening requirements of the district design standards.

**5.19.10 Circulation and Connectivity**

Uses shall be integrated with the surrounding community, easily accessible, and have a good internal circulation system for a variety of travel options.

1. Internal walk connections are required between buildings, and from buildings to all on site facilities, such as parking areas, bicycle facilities, and open space.
2. External walk connections are required to provide direct access from all buildings on the site to existing or planned sidewalks, adjacent multi-use trails, parks, and greenways.

SECTION 2. Amendment of Section 7.05. Section 7.05 of the Ordinance No. 848 is hereby amended to read as follows:

**Section 7.05 Off-Street Automobile Storage.**

7.05.01 Off-street automobile storage or standing space shall be provided on any lot on which any of the following uses are hereafter established; such space shall be provided with vehicular access to a street or an alley. For purposes of computing the number of parking spaces available in a given area, the ratio of two hundred fifty (250) square feet per parking space shall be used.

7.05.02 If vehicle storage space or standing space required in section 7.06 cannot be reasonably provided on the same lot on which the principal use is conducted in the opinion of the Chief Building Official, the Chief Building Official may permit such space to be provided on other off-street property, provided such space lies within four hundred (400) feet of an entrance to such principal use. Such vehicle standing space shall be deemed to be required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner. (**Ordinance No. 975, 12-20-05**)

7.05.03 All parking spaces for *residential, commercial, industrial, public or quasi-public* uses shall be paved with asphalt or concrete. (**Ordinance No. 975, 12-20-05**) All parking spaces for permitted temporary uses not located on the same lot as a permitted

*principle use may be exempt from a paved surface but shall have access to a hard-surface road and have a rock drive for emergency vehicles. (Ordinance No. 994, 6-6-06)*

7.05.04      Parking spaces for outdoor recreational uses in the Transitional Agriculture (TA) District may have a surface of compacted gravel or crushed rock contained within a distinct border and having a depth of four inches. However, upon rezoning to a district other than TA, these parking areas shall be paved with asphalt or concrete within three (3) years. Paved parking stalls, sidewalks, and other improvements, in both number and design to comply with the Americans with Disabilities Act (ADA), the Nebraska Accessibility Guidelines, and Section 7.08 of this Ordinance, shall still be constructed within and surrounding such crushed rock parking areas. **(Ordinance No. 1433, 12-7-21)**

7.05.05      Parking spaces utilized in association with event centers in the Mixed Use City Centre Zoning District (MU-CC), when such event centers have a capacity for 2,000 or more persons, may have a surface of compacted gravel or crushed rock on a temporary basis with an approved development agreement from the City of La Vista and shall be valid only for a specific amount of time as indicated in said agreement. Such compacted gravel or crushed rock parking shall be contained within a distinct border and be properly maintained.

7.05.06      Where calculations in accordance with the foregoing list results in requiring a fractional space, any fraction less than one-half shall be disregarded and any fraction of one-half or more shall require one space.

7.05.07      In Districts R-1, R-2, R-3, and R-4, required off-street parking shall be provided on the lot on which it is located the use to which the parking pertains. In other Districts, such parking may be provided either on the same lot or an adjacent or other lot provided the lot on which the use requiring them is located are not separated by more than three hundred (300) feet at closest points, measured along a street or streets.

7.05.08      Where off-street parking is located on a lot other than the lot occupied by the use, which requires it, site plan approval for both lots is required.

7.05.09      Some uses may require two (2) different use types to be calculated together in order to determine the total parking requirement (Example: Primary schools may require a tabulation for classrooms and assembly areas)

7.05.10      In Districts R-3 and R-4, multi-family, apartment, and condominium dwellings shall have a minimum of 0.5 enclosed garages per unit. The required garages may count towards the total number of parking spaces required as per Section 7.06. Multi-family, apartment, and condominium developments approved by the City prior to May 17, 2011 shall be exempt of this requirement. **(Ordinance No. 1146, 5-17-11)**

**SECTION 3. Repeal of Sections 5.19 and 7.05 as Previously Enacted.** Sections 5.19 and 7.05 of Ordinance No. 848 as previously enacted is hereby repealed.

**SECTION 4. Severability Clause.** If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this ordinance. The Mayor and

Ordinance No.

City Council of the City of La Vista hereby declare that it would have passed this ordinance and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

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

SECTION 6. This ordinance shall be published in pamphlet form and take effect as provided by law.

PASSED AND APPROVED THIS 19TH DAY OF SEPTEMBER 2023.

CITY OF LA VISTA

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Kim J. Thomas, Acting Mayor

ATTEST:

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Pamela A. Buethe, MMC  
City Clerk

## **Section 5.19 MU-CC Mixed Use City Centre District**

**5.19.01 Intent:** The intent of the Mixed Use Town Centre District (MU-CC) is to:

1. Accommodate mixed use buildings with neighborhood-serving retail, service, and other uses on the ground floor and residential units and office uses above the ground floor;
2. Buildings can be solely residential provided they are designed in a building-forward environment, with buildings at the street edge or having only shallow front setbacks.
3. Encourage development that exhibits the physical design characteristics of pedestrian-oriented, storefront-style shopping streets; and
4. Promote the health and well-being of residents by encouraging physical activity, alternative transportation, and greater social interaction.

**5.19.02 Permitted Uses:**

Uses are allowed in “MU-CC” zoning districts in accordance with the use table of this section.

### **Uses Allowed in the MU-CC Zoning District**

Use Category (Specific Use Type)	MU-CC District
<b>Residential:</b>	
Artist Live/Work Space located above the ground floor	P
Artist Live/Work Space, ground floor	P
Bed & breakfasts	P
Townhouses/condominiums	P
Multi-Family, above ground floor	P
Multi-Family, ground floor	C
Senior living: nursing care, rehab facility & assisted living facility	C
<b>Public and Civic:</b>	
Meeting hall	C
Museum	P
Publicly owned and operated facilities	P
Public services	P
Recreation areas/parks (public)	P
Social club/fraternal organizations	C
Parking Structures or Lots	P
<b>Commercial:</b>	
Antique store	P
Apparel shop	P
Art gallery	P
Attorneys	P
Automated Teller Machines	C
Bakery shop (retail)	P
Banks	P
Barber and beauty shop	P

Bicycle shop	P
Book store, not including uses defined in Adult Establishment.	P
Brew pubs	P
Brew-on premises store	P
Business or trade school	C
Business services	P
Camera store	P
Charitable organizations	C
Child care (center)	P
Coffee kiosks	P
Communication services	C
Computer store	P
Confectionery	P
Credit services	P
Dairy product sales	P
Dance studio	P
Dental office	P
Department store	P
Drug store	P
Dry cleaning & laundry pickup	P
Event center	C
Exercise, fitness & tanning spa	P
Finance/investment services	P
Fireworks stands	T
Floral shop	P
Food sales (general)	P
Food sales (limited)	P
Furniture store or showroom	P
Gift shop	P
Gunsmith	C
Hardware store	P
Health club or recreation facility, not including uses defined in Adult Establishment.	C
Hobby, craft store	P
Home occupations	C
Hotels, including restaurants, convention and meeting facilities and other related uses, not including uses defined in Adult Establishment.	P
Insurance	P
Jewelry store	P
Liquor store	P
Locksmith	P

Mail order services	C
Meat market, retail	C
Medical office	P
Micro-breweries, connected to restaurant	P
Music retail store	P
Music studio	P
Newsstands	P
Office	P
Open-air farmers markets	P
Outdoor display of merchandise	P
Paint store	P
Personal Services, not including uses defined in Adult Entertainment Establishment. ( <i>Ordinance No. 1369, 10-1-19</i> )	P
Pet health services	P
Pet shop	C
Photographer	P
Picture framing shop	P
Pinball or video games business	C
Produce stands	P
Real estate offices	P
Recreational establishments	C
Restaurants, café, and fast food	P
Second hand stores	C
Security brokers	P
Shoe store	P
Sporting goods	P
Stamp and coin stores	P
Tailors and dressmakers	P
Tanning salon	P
Tavern and cocktail lounge, not including uses defined in Adult Establishment.	P
Theater, indoor, not including uses defined in Adult Establishment.	P
Title abstracting	P
Toy store	P
Travel agencies	P
Tutoring and Exam Preparation Services	P
Video store, not including uses defined in Adult Establishment.	P

### **Industrial:**

Manufacturing: Artisan (Limited) (hand tools only: e.g., jewelry or ceramics)	C
--	---

**Other:**

Temporary structures (events)	T
Temporary structures (construction)	T

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P = permitted by right; C = conditional use; T = temporary

**5.19.03 Permitted Accessory Uses**

- 5.19.03.01 Buildings and uses customarily incidental to the permitted uses.
- 5.19.03.02 Urban residential storage as an accessory to a primary residential use.
- 5.19.03.03 Parking as permitted in Section 7.05 through 7.09.
- 5.19.03.04 Signs allowed in Section 7.01 through 7.04.
- 5.19.03.05 Landscaping as required by Section 7.17.
- 5.19.03.06 Solar Energy Conversion Systems as provided for in Section 7.15. (*Ordinance No. 1389, 3-3-2020*)

**5.19.04 Setbacks**

- 1. The entire building façade must abut front and street side property lines or be located within 10 feet of such property lines.
- 2. No rear setback shall be required, except where the rear lot line is contiguous to a residential use, in which case the following standards shall apply:
  - a. There shall be a minimum rear setback of twenty (25) feet the full width of the lot;
- 3. No interior side setbacks are required in the MU-CC district, except when MU-CC zoned property abuts a residential use, in which case the minimum side setback required in the MU-CC district shall be the same as required for a residential use on the abutting residentially-zoned lot.

**5.19.05 Building Height**

The maximum building height shall be 90 feet.

**5.19.06 Off-Street Parking**

- 1. No off-street parking is required in the MU-CC district.
- 2. If off-street parking is utilized, it shall comply with Sections 7.08-7.09 of this ordinance.
- 3. All parking spaces shall be paved with asphalt, concrete or other approved hard surface, unless in accordance with Section 7.05.05 of this ordinance.
- 4. The use of shared parking is encouraged.
- 5. Off-street parking spaces should be located to the rear of the main façade of the principal building or otherwise screened to satisfy the screening requirements of the district design standards.

**5.19.10 Circulation and Connectivity**

Uses shall be integrated with the surrounding community, easily accessible, and have a good internal circulation system for a variety of travel options.

- 1. Internal walk connections are required between buildings, and from buildings to all on site facilities, such as parking areas, bicycle facilities, and open space.
- 2. External walk connections are required to provide direct access from all buildings on the site to existing or planned sidewalks, adjacent multi-use trails, parks, and greenways.

## **Section 7.05 Off-Street Automobile Storage.**

7.05.01 Off-street automobile storage or standing space shall be provided on any lot on which any of the following uses are hereafter established; such space shall be provided with vehicular access to a street or an alley. For purposes of computing the number of parking spaces available in a given area, the ratio of two hundred fifty (250) square feet per parking space shall be used.

7.05.02 If vehicle storage space or standing space required in section 7.06 cannot be reasonably provided on the same lot on which the principal use is conducted in the opinion of the Chief Building Official, the Chief Building Official may permit such space to be provided on other off-street property, provided such space lies within four hundred (400) feet of an entrance to such principal use. Such vehicle standing space shall be deemed to be required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner. (*Ordinance No. 975, 12-20-05*)

7.05.03 All parking spaces for *residential, commercial, industrial, public or quasi-public uses* shall be paved with asphalt or concrete. (*Ordinance No. 975, 12-20-05*) *All parking spaces for permitted temporary uses not located on the same lot as a permitted principle use may be exempt from a paved surface but shall have access to a hard-surface road and have a rock drive for emergency vehicles.* (*Ordinance No. 994, 6-6-06*)

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# **Clean Version**

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**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
SEPTEMBER 19, 2023 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
ZONING TEXT AMENDMENTS – SECTION 7.01 SIGN REGULATIONS	◆ RESOLUTION ◆ ORDINANCE ◆ RECEIVE/FILE	CHRIS SOLBERG DEPUTY COMMUNITY DEVELOPMENT DIRECTOR

**SYNOPSIS**

A public hearing has been scheduled and an ordinance prepared to amend Section 7.01 of the La Vista Zoning Ordinance regarding signage. The proposed zoning text amendments are designed to provide additional clarity and flexibility in the interpretation and implementation of La Vista's zoning ordinance in relation to signage.

**FISCAL IMPACT**

None.

**RECOMMENDATION**

Approval.

**BACKGROUND**

Staff is proposing a series of zoning text amendments to provide additional clarity and flexibility in the interpretation and implementation of La Vista's zoning ordinance in relation to signage.

The zoning text changes proposed this amendment are as follows:

- Revise language to Section 7.01.05(2)(G) to provide greater flexibility in the design of tenant panels for Center Identification Signs.
- Revise language to Section 7.01.05(3) regarding the location and sizing of wall signs to provide additional clarity in the process to calculate the signage allowance for wall signs on multi-use buildings, and for multiple-building developments.

A detailed staff report is attached.

The Planning Commission held a public hearing on September 7, 2023, and voted 5 for to 0 against to recommend approval of the Zoning Text Amendment.

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

AN ORDINANCE TO AMEND SECTION 7.01 OF ORDINANCE NO. 848 (ZONING ORDINANCE); TO REPEAL SECTION 7.01 OF ORDINANCE NO. 848 AS PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

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

SECTION 1. Amendment of Section 7.01. Section 7.01 of the Ordinance No. 848 is hereby amended to read as follows:

**Section 7.01 Sign Regulations**

**7.01.01 Purpose**

The purpose of these sign regulations are: to encourage the effective use of signs as a means of communication in the city; to maintain and enhance the aesthetic environment and the city's ability to attract sources of economic development and growth; to improve pedestrian and traffic safety; to minimize the possible adverse effect of signs on nearby public and private property; and to enable the fair and consistent enforcement of these sign regulations. These sign regulations are adopted under the zoning authority of the city in furtherance of the more general purposes set forth in the zoning ordinance.

**7.01.02 Applicability**

A sign may be erected, placed, established, painted, created, or maintained within the city and the city's extraterritorial zoning jurisdiction only in conformance with the standards, procedures, exemptions and other requirements of these sign regulations.

**7.01.03 Definitions and Interpretation**

Words and phrases used in this ordinance shall have the meanings set forth in Section 2. Principles for computing sign area and sign height are contained in Section 7.01.04.

**7.01.04 Computations**

1. *Computation of Area of Individual Signs*

The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing as a whole, representation, emblem, or other display as a whole, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly identical to the display itself.

2. *Computation of Area of Multi-faced Signs*

The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical

sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than forty-two (42) inches apart, the sign area shall be computed by the measurement of one of the faces.

3. *Computation of Height*

The height of a sign shall be computed as the distance from the grade at the base of the sign, or from the grade immediately below the sign in the case of Wall Signs, at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be from finished grade. Any berms shall be construed to be a part of the sign base and added to the overall height of the sign.

**7.01.05 Permitted Signs and Limitations**

1. *Ground Monument*

- A. Monument signs shall be located along the frontage of the zoned lot. All signs shall be of permanent construction and are subject to the provisions of local codes and ordinances. On corner lots, the monument sign may be placed on either frontage.
- B. All ground monument signs shall be located on the same lot as the advertised use.
- C. Signs shall contain only the name or trademark of the business, building or complex which it identifies.
- D. With the exception of change panels permitted for gas stations to advertise gasoline prices, no change panels, advertising or names of individual tenants will be allowed.
- E. Setbacks for all ground monument signs are ten (10) feet, no setbacks are required in the MU-CC District.
- F. The following criteria apply to Ground Monument signs:

District	Design Limitations for Ground Monuments		
	Max. Size	Max. Height	Max. Number
<b>TA</b>	32 square feet	10 feet	One (1) per lot frontage
<b>R-1</b>	32 square feet	10 feet	One (1) per lot frontage
<b>R-2</b>	32 square feet	10 feet	One (1) per lot frontage
<b>R-3</b>	32 square feet	10 feet	One (1) per lot frontage
<b>R-4</b>	32 square feet	10 feet	One (1) per lot frontage
<b>C-1</b>	32 square feet	10 feet	One (1) per lot frontage
<b>C-2</b>	32 square feet	10 feet	One (1) per lot frontage
<b>C-3</b>	50 square feet	10 feet	Two (2) per lot frontage
<b>MU-CC</b>	32 square feet	10 feet	One (1) per lot frontage
<b>I-1</b>	32 square feet	10 feet	One (1) per lot frontage
<b>I-2</b>	32 square feet	10 feet	One (1) per lot frontage
<b>PUD</b>	The maximum allowed within the underlying zoning district	The maximum allowed within the underlying zoning district	The maximum allowed within the underlying zoning district

2. ***Center Identification Signs***
  - A. All Center Identification signs shall be a ground monument style sign.
  - B. *A maximum of two Center Identification signs per development shall be allowed. No two signs shall be allowed closer than five-hundred (500) feet to each other on the same side of the street, measured along the edge of the street.*
  - C. All Center Identification signs shall be constructed in a manner that is permanent.
  - D. Acceptable materials include:
    - Exterior Insulation Finish System (EIFS)
    - Brick
    - Split face Concrete Masonry Units
    - Stone
    - Metal
    - Simulated Acrylic, or
    - Other materials provided said design is reflective of the character of the use.
  - E. All Center Identification signs shall advertise only the name of the development *and/or major tenants*, unless in compliance with Subsection G below.
  - F. Setbacks for all Center Identification Signs shall be twenty (20) feet along a street designated as an arterial or collector and ten (10) feet along any street designated as a local, minor or private street. Setback requirements shall not apply for Center Identification Signs within the Mixed-Use City Centre (MU-CC) Zoning District, given that such signs are not placed within the sight triangle area.
  - G. Change panels and/ or changeable copy may be allowed provided:
    - Signs shall only include business names and/or logos
    - Fonts shall be similar to that of the development name
    - Said panels and / or copy match in color and material to the overall sign.
  - H. *Electronic Message Boards shall only be allowed as part of a Center Identification Sign, provided the following:*
    - *No more than one-half of the permitted sign area shall be used for changeable copy or electronic message board signs.*
    - *The board may be double-faced.*
    - *Each board shall be permanently installed or located.*
    - *Electronic messages shall not be animated or flash continuously (blinking) in any manner.*
    - *Electronic message boards must use automatic level controls to reduce light levels at night and under cloudy and other darkened conditions, in accordance with the standards set forth in this sub-section. All electronic message boards must have installed ambient light monitors, and must at all times allow such monitors to automatically adjust the brightness level of the electronic sign based on ambient light conditions. Maximum brightness levels for electronic message boards may not exceed 5000 nits when measured from the signs face at its maximum brightness, during daylight hours, and 500 nits when measured from the signs face at*

*its maximum brightness between sunset and sunrise, as those times are determined by the National Weather Service.*

- *The message cannot change copy at intervals of less than one (1) minute. Changes of message image must be instantaneous as seen by the human eye and may not use fading, rolling, window shading, dissolving, or similar effects as part of the change.*
- I. No more than 50% of the sign area or change panel area may be dedicated to advertise any single tenant.
- J. For multi-tenant buildings that advertise individual tenants using a Center Identification Sign, individual tenants will not be permitted to construct or advertise with individual Ground Monument signs.
- K. The following criteria apply to Center Identification signs:

District	Design Limitations for Center Identification Signs		
	Max. Size	Max. Height	Max. Number
TA			
R-1			
R-2			
R-3			
R-4			
C-1	100 square feet	20 feet	<i>One (1) per main entrance but not more than two (2) per street frontage of the development</i>
C-2	100 square feet	20 feet	<i>One (1) per main entrance but not more than two (2) per street frontage of the development</i>
C-3	150 square feet	24 feet	<i>One (1) per main entrance but not more than three (3); plus, one (1) when abutting Interstate 80</i>
MU-CC	150 square feet	24 feet	<i>One (1) per main entrance but not more than two (2) per street frontage of the development</i>
I-1	100 square feet	20 feet	<i>One (1) per main entrance but not more than three (3); plus, one (1) when abutting Interstate 80</i>
I-2	100 square feet	20 feet	<i>One (1) per main entrance but not more than three (3); plus, one (1) when abutting Interstate 80</i>
PUD	The maximum allowed within the underlying zoning district	The maximum allowed within the underlying zoning district	The maximum allowed within the underlying zoning district

**(Ordinance No. 883, 11-19-02) (Ordinance No. 896, 2-04-03) (Ordinance No. 1145, 5-17-11)**

3. **Wall Signs**

- A. All wall signs shall be mounted to the primary face of the use, *unless otherwise substituted by the Community Development Department. (Ordinance No. 988, 4-18-06)*
- B. For multi-tenant buildings, maximum sign size for each tenant will be based on the width of the storefront of the bay that they occupy. For multi-tenant buildings in which the width of the bay that a tenant occupies is not easily discernable (i.e. non-retail strip centers such as multi-story office buildings where users share a common entrance), the maximum signage size allowance shall be a calculation of the total signage allowance for the building multiplied by the proportion of the building (in square feet) that the tenant occupies. For example, a tenant that occupies 25% of the total square footage of a building that has a total signage allowance of 100 square feet shall be permitted a wall sign up to 25 square feet in size.
- C. For properties that have multiple buildings (except for multi-building self-storage unit facilities), the maximum number of wall signs shall be one (1) sign area per building, per main frontage.
- D. The following criteria apply to Wall Signs:

<b>Design Limitations for Wall Signs</b>			
<b>District</b>	<b>Max. Permitted Sign Area</b>	<b>Max. Height</b>	<b>Max. Number</b>
<b>TA</b>	1.5 square feet per lineal foot of building / storefront to a Max. of 400 sq. ft.	45 feet above grade	One (1) sign area per main frontage  More than One Frontage: Total maximum sign area shall not exceed 150% of the initial permitted sign area.
<b>R-1</b>			
<b>R-2</b>			
<b>R-3</b>			
<b>R-4</b>			
<b>C-1</b>	1.5 square feet per lineal foot of building / storefront to a Max. of 400 sq. ft.	45 feet above grade	One (1) sign area per main frontage  More than One Frontage: Total maximum sign area shall not exceed 150% of the initial permitted sign area.

<b>C-2</b>	1.5 square feet per lineal foot of building / storefront to a Max. of 400 sq. ft.	45 feet above grade	One (1) sign area per main frontage  More than One Frontage: Total maximum sign area shall not exceed 150% of the initial permitted sign area.
<b>C-3</b>	2.5 square feet per lineal foot of building / storefront to a Max. of 600 sq. ft.	45 feet above grade	One (1) sign area per main frontage  More than One Frontage: Total maximum sign area shall not exceed 150% of the initial permitted sign area.
<b>MU-CC</b>	1.5 square feet per lineal foot of building / storefront to a Max. of 400 sq. ft.	90 feet above grade	One (1) sign area per main frontage  More than One Frontage: Total maximum sign area shall not exceed 150% of the initial permitted sign area.
<b>I-1</b>	1.5 square feet per lineal foot of building / storefront to a Max. of 400 sq. ft.	45 feet above grade	One (1) sign area per main frontage  More than One Frontage: Total maximum sign area shall not exceed 150% of the initial permitted sign area.
<b>I-2</b>	1.5 square feet per lineal foot of building / storefront to a Max. of 400 sq. ft.	45 feet above grade	One (1) sign area per main frontage  More than One Frontage: Total maximum sign area shall not exceed 150% of the initial permitted sign area.
<b>PUD</b>	The maximum allowed within the underlying zoning district, <i>or otherwise prescribed in the approved P.U.D Plan of said lot/development.</i>	The maximum <i>building height</i> allowed <i>in the approved P.U.D Plan of said lot/development</i> , <i>or as otherwise prescribed in such P.U.D.</i>	The maximum allowed within the underlying zoning district, <i>or otherwise prescribed in the approved P.U.D Plan of said lot/development.</i>

(Ordinance No. 988, 4-18-06)

4. ***Incidental Signs***

- A. Incidental signs shall be placed in locations along the primary face of the building.
- B. Incidental signs may be placed on a second building face, when the building has dual frontage.
- C. The following criteria apply to Incidental Signs:

District	Design Limitations for Incidental Signs		
	Max. Size	Max. Height	Max. Number
TA	25 sq. ft. of area each	45 feet above grade	One (1) per forty lineal feet of storefront
R-1	25 sq. ft. of area each	45 feet above grade	One (1) per forty lineal feet of storefront
R-2	25 sq. ft. of area each	45 feet above grade	One (1) per forty lineal feet of storefront
R-3	25 sq. ft. of area each	45 feet above grade	One (1) per forty lineal feet of storefront
R-4	25 sq. ft. of area each	45 feet above grade	One (1) per forty lineal feet of storefront
C-1	25 sq. ft. of area each	45 feet above grade	One (1) per forty lineal feet of storefront
C-2	25 sq. ft. of area each	45 feet above grade	One (1) per forty lineal feet of storefront
C-3	25 sq. ft. of area each	45 feet above grade	One (1) per forty lineal feet of storefront
MU-CC	25 sq. ft. of area each	45 feet above grade	One (1) per forty lineal feet of storefront
I-1	25 sq. ft. of area each	45 feet above grade	One (1) per forty lineal feet of storefront
I-2	25 sq. ft. of area each	45 feet above grade	One (1) per forty lineal feet of storefront
PUD	The maximum allowed within the underlying zoning district	The maximum allowed within the underlying zoning district	The maximum allowed within the underlying zoning district

5. ***Directional Signs***

- A. Directional signs may be erected for the purpose of providing direction and/or orientation for pedestrian or vehicular traffic for purposes other than those of the Project Directory Signs. Example uses are arrow signs directing vehicles to a drive-thru lane or pedestrians to a building entrance.
- B. Directional signs shall contain no advertising, though may contain the business's logo.
- C. The following criteria apply to Directional Signs:

District	Design Limitations for Directional Signs		
	Max. Size	Max. Height	Max. Number
TA	6 sq. ft. of area each	3 feet above grade	One (1) per street entrance
R-1			
R-2			
R-3			
R-4			
C-1	6 sq. ft. of area each	3 feet above grade	One (1) per street entrance
C-2	6 sq. ft. of area each	3 feet above grade	One (1) per street entrance
C-3	6 sq. ft. of area each	3 feet above grade	One (1) per street entrance
MU-CC	6 sq. ft. of area each	3 feet above grade	One (1) per street entrance
I-1	6 sq. ft. of area each	3 feet above grade	One (1) per street entrance
I-2	6 sq. ft. of area each	3 feet above grade	One (1) per street entrance
PUD	The maximum allowed within the underlying zoning district	The maximum allowed within the underlying zoning district	The maximum allowed within the underlying zoning district

*(Ordinance No. 1358, 8-5-2019)*

6. **Project Directory Signs (Ordinance No. 1145, 5-17-2011)**

*In order to maintain the flow of traffic on arterial and collector roads and to promote vehicular safety, emphasis is made to limit the number of ingress and egress points off of such roads. Project directory signs are intended to direct attention to planned multi-tenant developments which are not easily accessible off of such roads and where on-premise signage for that development (or any tenants within the development) would not otherwise be visible by the motorists traveling on nearby arterial or collector roads at the closest point of access. Provisions are provided to allow project directory signs which identify the name of the particular development and/or the names of their tenants. Such signs would be supplemental to signage otherwise provided for such developments.*

*Directional signs may be erected under the following conditions:*

- A. *Access to the development is restricted. Full ingress and egress to the development off an arterial or collector road is limited by access constraints or non-existent.*
- B. *Such signs may be placed on or off-premises. All such signs shall be constructed and located, however, so as to be visible by the motorist traveling on the arterial or collector road which intersects with the local road providing access to the development.*
- C. *Setbacks for all Project Directory Signs shall be twenty (20) feet along a street designated as an arterial or collector and ten (10) feet along any street designated as a local, minor or private street.*
- D. *A maximum of two project directory signs per development shall be allowed. No two signs shall be allowed closer than five-hundred (500) feet to each other on the same side of the street, measured along the edge of the street.*

- E. No such sign shall be allowed further than one-thousand (1,000) feet from any entity advertising on the sign using the closest straight line measurement.
- F. The minimum distance between a sign location and any residential zoning district shall be 50 feet.
- G. The sign may contain the name of the development, names of tenants within the development, directional arrows and distance information. If off-premises, sign shall identify multiple businesses or industries.
- H. The size of each sign shall be a function of the number of tenants within the development. Each eight (8) square feet per principal use within the development, whichever is greater, with a maximum area of eighty (80) square feet.
- I. All such signs shall be a ground-mounted, monument-style sign.
- J. Such signs shall be subject to the design standards of the PUD or Gateway Corridor Overlay District, if within such district.

District	Design Limitations for Project Directory Signs		
	Max. Size	Max. Height	Max. Number
TA			
R-1			
R-2			
R-3			
R-4			
C-1	80 square feet	10 feet	One (1) per main entrance but not more than two (2)
C-2	80 square feet	10 feet	One (1) per main entrance but not more than two (2)
C-3	80 square feet	10 feet	One (1) per main entrance but not more than two (2);
MU-CC	80 square feet	10 feet	One (1) per main entrance but not more than two (2);
I-1			
I-2			
PUD	The maximum allowed	The maximum allowed	The maximum allowed within the underlying zoning district

## 7. Roof Signs

Roof signs shall be permitted only in the Mixed Use – City Centre District provided:

- A. Signs shall be allowed on multi-story buildings only.
- B. A maximum of one (1) roof sign shall be allowed per lot.
- C. Signs shall be a maximum of 11 feet in height above the highest point of the roofline.
- D. Sign allowance shall be calculated at 2.5 square feet per lineal foot of building frontage to a maximum of 600 sq. ft.

- E. The use of electronic message boards shall be prohibited. Sign animation shall be limited to the slow and gradual dimming or fading of individual lights. Flashing signs will be prohibited.
- F. Where a wall sign is present on the building or structure façade, a roof sign shall be prohibited; where a roof sign is present on the building or structure façade, a wall sign shall be prohibited. This does not apply to wall signs of multi-tenant bays, or to roof signs advertising an entire development or district, rather than a specific use/occupant in the building on which the sign is placed. A maximum of two roof signs advertising the same development/district shall be permitted.

**8. *Blade Signs***

*Blade signs shall be permitted only in the Mixed Use – City Centre District provided:*

- A. Signs will only be allowed for the following uses: event center, meeting hall, or publicly owned and operated facility.
- B. Signs shall be allowed on multi-story buildings only with frontage of at least 20 ft.
- C. Signs shall conform to the vertical clearance requirements of this section of the Zoning Ordinance.
- D. Animation of the message is prohibited.
- E. Signs shall have two identical faces.
- F. Only two Blade Signs shall be permitted per building.
- G. Sign allowance cannot exceed 60 square feet.

**9. *Marquee Signs***

Marquee signs shall be permitted only in the Mixed-Use City Centre District provided:

- A. Signs will only be allowed the following uses: event center, meeting hall, or publicly owned and operated facility.
- B. Signs shall conform to the vertical clearance requirements of this section of the Zoning Ordinance.
- C. A maximum of one (1) marquee sign shall be allowed per building and may only be placed on the primary face of the building.
- D. Sign allowance shall be limited to no more than ten percent (10%) of the area of the façade to which the marquee is attached.
- E. No portion of a marquee sign shall extend vertically above the eave line.
- F. Marquee signs with non-electronic change panels are prohibited.

**10. *Other Permitted Signs***

Canopy  
Identification  
Projecting  
Real Estate  
Nameplate

Temporary (see Section 7.03.02)

Window

*Subdivision (Ordinance No. 873, 10-15-02)*

*Construction (Ordinance No. 873, 10-15-02)*

Signs shall be permitted in the various districts at the listed square footage and heights according to the following schedule:

N: not permitted

NA: Not Applicable

(Ordinance No. 873, 10-15-02) (Ordinance No. 897, 2-04-03) (Ordinance No. 951, 3-15-05)

- 1: Maximum letter height is equal to 12 inches
- 2: percentage of total Canopy area
- 3: percentage of total window area
- 4: When constructed as a landscaping element on an outlot or plat lot
- 5: Per Entrance
- 6: Maximum number equal to four (4) when every sign equals the maximum size, no maximum number when using six (6) square foot signs
- 7: *On corner lots or lots one (1) acre or greater, otherwise one (1) per lot (Ordinance No. 897, 2-04-03)*

**Note: All signs shall have a Vertical Clearance of nine (9) feet above any public sidewalk, private drive, or parking.**

All signs shall have a Vertical Clearance of twelve (12) feet above any Public Street.

## 11. Sign type, District Permitted

A. Signs shall be permitted in the various districts according to the following schedule:

<b>Roof</b>	N	N	N	N	N	N	N	N	P	N	N
<b>Blade</b>	N	N	N	N	N	N	N	N	P	N	N
<b>Marquee</b>	N	N	N	N	N	N	N	N	P	N	N

P: permitted      N: not permitted      C: Conditional Use  
**(Ordinance No. 873, 10-15-02)**

## 12. Special Signage Conditions

The following special conditions apply to stand-alone ATM's, Coffee Kiosks and other Kiosks.

A. Stand-alone ATM's may have the following:

- One (1) wall sign on each exterior wall provided each wall sign does not exceed ten (10) percent of the applicable exterior wall and the total shall not exceed forty (40) square feet in size.
- Where a canopy is integrated into the ATM, a canopy sign may be placed on each face of the ATM, provided the overall height of the canopy and sign do not exceed twenty-four (24) inches. In addition, the overall size of all canopy signs shall not exceed forty (40) square feet.
- Directional signage shall be contained on the ATM, painted within a drive lane or in any curbing defining a drive lane.
- All signs are subject to the required permitting process of this Ordinance.
- Said signage may be incorporated with lighting plan and backlit in order to provide for greater security on the premises.

B. Coffee Kiosks and other Kiosks may have the following:

- One wall sign per frontage, provided each wall sign does not exceed ten (10) percent of the applicable exterior wall and the total shall not exceed forty (40) square feet in size.
- Where a canopy is integrated into the Coffee Kiosks / Kiosks, a canopy sign may be placed on each face of the Coffee Kiosk / Kiosks, provided the overall height of the canopy and sign do not exceed twenty-four (24) inches. In addition, the overall size of all canopy signs shall not exceed forty (40) square feet.
- Directional signage shall be contained on the Coffee Kiosk /Kiosk, painted within a drive lane or in any curbing defining a drive lane
- Window signs limited to menu boards and daily specials shall not require a sign permit.
- All signs are subject to the required permitting process of this Ordinance, unless otherwise noted.

### 7.01.06 Permits Required

1. If a sign requiring a permit under the provision of the ordinance is to be placed, constructed, erected, or modified on a zone lot, the owner of the lot shall secure a sign permit prior to the construction, placement, erection, or modification of such a sign in accordance with the requirements of Section 7.04.01.
2. Furthermore, the property owner shall maintain in force, at all times, a sign permit for such sign in accordance with Section 7.04.09.
3. No signs shall be erected in the public right-of-way except in accordance with Section 7.03.01.

4. No sign permit of any kind shall be issued for an existing or proposed sign unless such sign is consistent with the requirements of this ordinance (including those protecting existing signs) in every respect and with the Signage Plan in effect for the property.

**7.01.07      Design, Construction, Maintenance**

All signs shall be designed, constructed and maintained in accordance with the following standards:

1. All signs shall comply with applicable provisions of the Uniform Building Code and the National Electrical Code.
2. Except for flags, temporary signs, and window signs conforming in all respects with the requirements of this ordinance, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building or another structure by direct attachment to a rigid wall, frame or structure.
3. All signs shall be maintained in good structural condition, in compliance with all building and electrical codes and in conformance with this code, at all times.

**SECTION 2. Repeal of Section 7.01 as Previously Enacted.** Section 7.01 of Ordinance No. 848 as previously enacted is hereby repealed.

**SECTION 3. Severability Clause.** If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this ordinance. The Mayor and City Council of the City of La Vista hereby declare that it would have passed this ordinance and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

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

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

PASSED AND APPROVED THIS 19TH DAY OF SEPTEMBER 2023.

CITY OF LA VISTA

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Kim J. Thomas, Acting Mayor

ATTEST:

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Pamela A. Buethe, MMC  
City Clerk

## **Section 7.01 Sign Regulations**

### **7.01.01 Purpose**

The purpose of these sign regulations are: to encourage the effective use of signs as a means of communication in the city; to maintain and enhance the aesthetic environment and the city's ability to attract sources of economic development and growth; to improve pedestrian and traffic safety; to minimize the possible adverse effect of signs on nearby public and private property; and to enable the fair and consistent enforcement of these sign regulations. These sign regulations are adopted under the zoning authority of the city in furtherance of the more general purposes set forth in the zoning ordinance.

### **7.01.02 Applicability**

A sign may be erected, placed, established, painted, created, or maintained within the city and the city's extraterritorial zoning jurisdiction only in conformance with the standards, procedures, exemptions and other requirements of these sign regulations.

### **7.01.03 Definitions and Interpretation**

Words and phrases used in this ordinance shall have the meanings set forth in Section 2. Principles for computing sign area and sign height are contained in Section 7.01.04.

### **7.01.04 Computations**

#### **1. *Computation of Area of Individual Signs***

The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing as a whole, representation, emblem, or other display as a whole, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly identical to the display itself.

#### **2. *Computation of Area of Multi-faced Signs***

The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than forty-two (42) inches apart, the sign area shall be computed by the measurement of one of the faces.

#### **3. *Computation of Height***

The height of a sign shall be computed as the distance from the grade at the base of the sign, or from the grade immediately below the sign in the case of Wall Signs, at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be from finished grade. Any berms shall be construed to be a part of the sign base and added to the overall height of the sign.

## 7.01.05 Permitted Signs and Limitations

### 1. *Ground Monument*

- A. Monument signs shall be located along the frontage of the zoned lot. All signs shall be of permanent construction and are subject to the provisions of local codes and ordinances. On corner lots, the monument sign may be placed on either frontage.
- B. All ground monument signs shall be located on the same lot as the advertised use.
- C. Signs shall contain only the name or trademark of the business, building or complex which it identifies.
- D. With the exception of change panels permitted for gas stations to advertise gasoline prices, no change panels, advertising or names of individual tenants will be allowed.
- E. Setbacks for all ground monument signs are ten (10) feet, no setbacks are required in the MU-CC District.
- F. The following criteria apply to Ground Monument signs:

District	Design Limitations for Ground Monuments		
	Max. Size	Max. Height	Max. Number
TA	32 square feet	10 feet	One (1) per lot frontage
R-1	32 square feet	10 feet	One (1) per lot frontage
R-2	32 square feet	10 feet	One (1) per lot frontage
R-3	32 square feet	10 feet	One (1) per lot frontage
R-4	32 square feet	10 feet	One (1) per lot frontage
C-1	32 square feet	10 feet	One (1) per lot frontage
C-2	32 square feet	10 feet	One (1) per lot frontage
C-3	50 square feet	10 feet	Two (2) per lot frontage
MU-CC	32 square feet	10 feet	One (1) per lot frontage
I-1	32 square feet	10 feet	One (1) per lot frontage
I-2	32 square feet	10 feet	One (1) per lot frontage
PUD	The maximum allowed within the underlying zoning district	The maximum allowed within the underlying zoning district	The maximum allowed within the underlying zoning district

### 2. *Center Identification Signs*

- A. All Center Identification signs shall be a ground monument style sign.
- B. *A maximum of two Center Identification signs per development shall be allowed. No two signs shall be allowed closer than five-hundred (500) feet to each other on the same side of the street, measured along the edge of the street.*
- C. All Center Identification signs shall be constructed in a manner that is permanent.
- D. Acceptable materials include:
  - Exterior Insulation Finish System (EIFS)
  - Brick
  - Split face Concrete Masonry Units
  - Stone
  - Metal
  - Simulated Acrylic, or
  - Other materials provided said design is reflective of the character of the use.
- E. All Center Identification signs shall advertise only the name of the development *and/or major tenants*, unless in compliance with Subsection G below.
- F. Setbacks for all Center Identification Signs shall be twenty (20) feet along a street designated as an arterial or collector and ten (10) feet along any street designated as a local, minor or private street. Setback requirements shall not apply for Center Identification Signs within the Mixed-Use City Centre (MU-CC) Zoning District, given that such signs are not placed within the sight triangle area.
- G. Change panels and/ or changeable copy may be allowed provided:
  - Signs shall only include business names and/or logos
  - Fonts shall be similar to that of the development name
  - Said panels and / or copy match in color and material to the overall sign.
- H. *Electronic Message Boards shall only be allowed as part of a Center Identification Sign, provided the following:*

- *No more than one-half of the permitted sign area shall be used for changeable copy or electronic message board signs.*
- *The board may be double-faced.*
- *Each board shall be permanently installed or located.*
- *Electronic messages shall not be animated or flash continuously (blinking) in any manner.*
- *Electronic message boards must use automatic level controls to reduce light levels at night and under cloudy and other darkened conditions, in accordance with the standards set forth in this sub-section. All electronic message boards must have installed ambient light monitors, and must at all times allow such monitors to automatically adjust the brightness level of the electronic sign based on ambient light conditions. Maximum brightness levels for electronic message boards may not exceed 5000 nits when measured from the signs face at its maximum brightness, during daylight hours, and 500 nits when measured from the signs face at its maximum brightness between sunset and sunrise, as those times are determined by the National Weather Service.*
- *The message cannot change copy at intervals of less than one (1) minute. Changes of message image must be instantaneous as seen by the human eye and may not use fading, rolling, window shading, dissolving, or similar effects as part of the change.*

I. No more than 50% of the sign area or change panel area may be dedicated to advertise any single tenant.

I.J. For multi-tenant buildings that advertise individual tenants using a Center Identification Sign, individual tenants will not be permitted to construct or advertise with individual Ground Monument signs.

I.K. The following criteria apply to Center Identification signs:

District	Design Limitations for Center Identification Signs		
	Max. Size	Max. Height	Max. Number
TA			
R-1			
R-2			
R-3			
R-4			
C-1	100 square feet	20 feet	One (1) per main entrance but not more than two (2) per street frontage of the development
C-2	100 square feet	20 feet	One (1) per main entrance but not more than two (2) per street frontage of the development
C-3	150 square feet	24 feet	One (1) per main entrance but not more than three (3); plus, one (1) when abutting Interstate 80
MU-CC	150 square feet	24 feet	One (1) per main entrance but not more than two (2) per street frontage of the development
I-1	100 square feet	20 feet	One (1) per main entrance but not more than three (3); plus, one (1) when abutting Interstate 80
I-2	100 square feet	20 feet	One (1) per main entrance but not more than three (3); plus, one (1) when abutting Interstate 80
PUD	The maximum allowed within the underlying zoning district	The maximum allowed within the underlying zoning district	The maximum allowed within the underlying zoning district

*(Ordinance No. 883, 11-19-02) (Ordinance No. 896, 2-04-03) (Ordinance No. 1145, 5-17-11)*

3. **Wall Signs**

- A. All wall signs shall be mounted to the primary face of the use, *unless otherwise substituted by the Community Development Department. (Ordinance No. 988, 4-18-06)*
- B. For multi-tenant buildings, maximum sign size for each tenant will be based on the width of the storefront of the bay that they occupy. *For multi-tenant buildings in which the width of the bay that a tenant occupies is not easily discernable (i.e. non-retail strip centers such as multi-story office buildings where users share a common entrance), the maximum signage size allowance shall be a calculation of the total signage allowance for the building multiplied by the proportion of the building (in square feet) that the tenant occupies. For example, a tenant that occupies 25% of the total square footage of a building that has a total signage allowance of 100 square feet shall be permitted a wall sign up to 25 square feet in size.*
- C. *For properties that have multiple buildings (except for multi-building self-storage unit facilities), the maximum number of wall signs shall be one (1) sign area per building, per main frontage.*
- C.D. The following criteria apply to Wall Signs:

District	Design Limitations for Wall Signs		
	Max. Permitted Sign Area	Max. Height	Max. Number
TA	1.5 square feet per lineal foot of building / storefront to a Max. of 400 sq. ft.	45 feet above grade	One (1) sign area per main frontage  More than One Frontage: Total maximum sign area shall not exceed 150% of the initial permitted sign area.
R-1			
R-2			
R-3			
R-4			
C-1	1.5 square feet per lineal foot of building / storefront to a Max. of 400 sq. ft.	45 feet above grade	One (1) sign area per main frontage  More than One Frontage: Total maximum sign area shall not exceed 150% of the initial permitted sign area.
C-2	1.5 square feet per lineal foot of building / storefront to a Max. of 400 sq. ft.	45 feet above grade	One (1) sign area per main frontage  More than One Frontage: Total maximum sign area shall not exceed 150% of the initial permitted sign area.
C-3	2.5 square feet per lineal foot of building / storefront to a Max. of 600 sq. ft.	45 feet above grade	One (1) sign area per main frontage  More than One Frontage: Total maximum sign area shall not exceed 150% of the initial permitted sign area.
MU-CC	1.5 square feet per lineal foot of building / storefront to a Max. of 400 sq. ft.	90 feet above grade	One (1) sign area per main frontage  More than One Frontage: Total maximum sign area shall not exceed 150% of the initial permitted sign area.
I-1	1.5 square feet per lineal foot of building / storefront to a Max. of 400 sq. ft.	45 feet above grade	One (1) sign area per main frontage  More than One Frontage: Total maximum sign area shall not exceed 150% of the initial permitted sign area.
I-2	1.5 square feet per lineal foot of building / storefront to a Max. of 400 sq. ft.	45 feet above grade	One (1) sign area per main frontage  More than One Frontage: Total maximum sign area shall not exceed 150% of the initial permitted sign area.
PUD	The maximum allowed within the underlying zoning district, <i>or otherwise prescribed in the approved P.U.D Plan of said lot/development.</i>	The maximum <i>building height allowed in the approved P.U.D Plan of said lot/development, or as otherwise prescribed in such P.U.D.</i>	The maximum allowed within the underlying zoning district, <i>or otherwise prescribed in the approved P.U.D Plan of said lot/development.</i>

*(Ordinance No. 988, 4-18-06)*

4. ***Incidental Signs***

- A. Incidental signs shall be placed in locations along the primary face of the building.
- B. Incidental signs may be placed on a second building face, when the building has dual frontage.
- C. The following criteria apply to Incidental Signs:

District	Design Limitations for Incidental Signs		
	Max. Size	Max. Height	Max. Number
TA	25 sq. ft. of area each	45 feet above grade	One (1) per forty lineal feet of storefront
R-1	25 sq. ft. of area each	45 feet above grade	One (1) per forty lineal feet of storefront
R-2	25 sq. ft. of area each	45 feet above grade	One (1) per forty lineal feet of storefront
R-3	25 sq. ft. of area each	45 feet above grade	One (1) per forty lineal feet of storefront
R-4	25 sq. ft. of area each	45 feet above grade	One (1) per forty lineal feet of storefront
C-1	25 sq. ft. of area each	45 feet above grade	One (1) per forty lineal feet of storefront
C-2	25 sq. ft. of area each	45 feet above grade	One (1) per forty lineal feet of storefront
C-3	25 sq. ft. of area each	45 feet above grade	One (1) per forty lineal feet of storefront
MU-CC	25 sq. ft. of area each	45 feet above grade	One (1) per forty lineal feet of storefront
I-1	25 sq. ft. of area each	45 feet above grade	One (1) per forty lineal feet of storefront
I-2	25 sq. ft. of area each	45 feet above grade	One (1) per forty lineal feet of storefront
PUD	The maximum allowed within the underlying zoning district	The maximum allowed within the underlying zoning district	The maximum allowed within the underlying zoning district

5. ***Directional Signs***

- A. Directional signs may be erected for the purpose of providing direction and/or orientation for pedestrian or vehicular traffic for purposes other than those of the Project Directory Signs. Example uses are arrow signs directing vehicles to a drive-thru lane or pedestrians to a building entrance.
- B. Directional signs shall contain no advertising, though may contain the business's logo.
- C. The following criteria apply to Directional Signs:

District	Design Limitations for Directional Signs		
	Max. Size	Max. Height	Max. Number
TA	6 sq. ft. of area each	3 feet above grade	One (1) per street entrance
R-1			
R-2			
R-3			
R-4			
C-1	6 sq. ft. of area each	3 feet above grade	One (1) per street entrance
C-2	6 sq. ft. of area each	3 feet above grade	One (1) per street entrance
C-3	6 sq. ft. of area each	3 feet above grade	One (1) per street entrance
MU-CC	6 sq. ft. of area each	3 feet above grade	One (1) per street entrance
I-1	6 sq. ft. of area each	3 feet above grade	One (1) per street entrance
I-2	6 sq. ft. of area each	3 feet above grade	One (1) per street entrance
PUD	The maximum allowed within the underlying zoning district	The maximum allowed within the underlying zoning district	The maximum allowed within the underlying zoning district

*(Ordinance No. 1358, 8-5-2019)*

6. ***Project Directory Signs (Ordinance No. 1145, 5-17-2011)***

*In order to maintain the flow of traffic on arterial and collector roads and to promote vehicular safety, emphasis is made to limit the number of ingress and egress points off of such roads. Project directory signs are intended to direct attention to planned multi-tenant developments which are not easily accessible off of such roads and where on-premise signage for that development (or any tenants within the development) would not otherwise be visible by the motorists traveling on nearby arterial or collector roads at the closest point of access. Provisions are provided to allow project directory signs which identify the name of the particular development and/or the names of their tenants. Such signs would be supplemental to signage otherwise provided for such developments.*

*Directional signs may be erected under the following conditions:*

- A. Access to the development is restricted. Full ingress and egress to the development off an arterial or collector road is limited by access constraints or non-existent.
- B. Such signs may be placed on or off-premises. All such signs shall be constructed and located, however, so as to be visible by the motorist traveling on the arterial or collector road which intersects with the local road providing access to the development.
- C. Setbacks for all Project Directory Signs shall be twenty (20) feet along a street designated as an arterial or collector and ten (10) feet along any street designated as a local, minor or private street.
- D. A maximum of two project directory signs per development shall be allowed. No two signs shall be allowed closer than five-hundred (500) feet to each other on the same side of the street, measured along the edge of the street.
- E. No such sign shall be allowed further than one-thousand (1,000) feet from any entity advertising on the sign using the closest straight line measurement.
- F. The minimum distance between a sign location and any residential zoning district shall be 50 feet.
- G. The sign may contain the name of the development, names of tenants within the development, directional arrows and distance information. If off-premises, sign shall identify multiple businesses or industries.
- H. The size of each sign shall be a function of the number of tenants within the development. Each eight (8) square feet per principal use within the development, whichever is greater, with a maximum area of eighty (80) square feet.
- I. All such signs shall be a ground-mounted, monument-style sign.
- J. Such signs shall be subject to the design standards of the PUD or Gateway Corridor Overlay District, if within such district.

District	Design Limitations for Project Directory Signs		
	Max. Size	Max. Height	Max. Number
TA			
R-1			
R-2			
R-3			
R-4			
C-1	80 square feet	10 feet	One (1) per main entrance but not more than two (2)
C-2	80 square feet	10 feet	One (1) per main entrance but not more than two (2)
C-3	80 square feet	10 feet	One (1) per main entrance but not more than two (2);
MU-CC	80 square feet	10 feet	One (1) per main entrance but not more than two (2);
I-1			
I-2			
PUD	The maximum allowed within the underlying zoning district	The maximum allowed within the underlying zoning district	The maximum allowed within the underlying zoning district

## 7. Roof Signs

Roof signs shall be permitted only in the Mixed Use – City Centre District provided:

- A. Signs shall be allowed on multi-story buildings only.
- B. A maximum of one (1) roof sign shall be allowed per lot.
- C. Signs shall be a maximum of 11 feet in height above the highest point of the roofline.
- D. Sign allowance shall be calculated at 2.5 square feet per lineal foot of building frontage to a maximum of 600 sq. ft.
- E. The use of electronic message boards shall be prohibited. Sign animation shall be limited to the slow and gradual dimming or fading of individual lights. Flashing signs will be prohibited.
- F. Where a wall sign is present on the building or structure façade, a roof sign shall be prohibited; where a roof sign is present on the building or structure façade, a wall sign shall be prohibited. This does not apply to wall signs of multi-tenant bays, or to roof signs advertising an entire development or district, rather than a specific use/occupant in the

building on which the sign is placed. A maximum of two roof signs advertising the same development/district shall be permitted.

## 8. *Blade Signs*

*Blade signs shall be permitted only in the Mixed Use – City Centre District provided:*

- A. Signs will only be allowed for the following uses: event center, meeting hall, or publicly owned and operated facility.
- B. Signs shall be allowed on multi-story buildings only with frontage of at least 20 ft.
- C. Signs shall conform to the vertical clearance requirements of this section of the Zoning Ordinance.
- D. Animation of the message is prohibited.
- E. Signs shall have two identical faces.
- F. Only two Blade Signs shall be permitted per building.
- G. Sign allowance cannot exceed 60 square feet.

## 9. *Marquee Signs*

Marquee signs shall be permitted only in the Mixed-Use City Centre District provided:

- A. Signs will only be allowed the following uses: event center, meeting hall, or publicly owned and operated facility.
- B. Signs shall conform to the vertical clearance requirements of this section of the Zoning Ordinance.
- C. A maximum of one (1) marquee sign shall be allowed per building and may only be placed on the primary face of the building.
- D. Sign allowance shall be limited to no more than ten percent (10%) of the area of the façade to which the marquee is attached.
- E. No portion of a marquee sign shall extend vertically above the eave line.
- F. Marquee signs with non-electronic change panels are prohibited.

## 10. *Other Permitted Signs*

## Canopy

## Identification

## Projecting

## Real Estate

## Nameplate

## Temporal

Window

**Subdivision (Ordinance No. 873, 10-15-02)**

**Construction (Ordinance No. 873, 10-15-02)**  
Signs shall be permitted in the various districts at the listed square footage and heights according to the following schedule:

<b>Max. Height (Ft.)</b>	8	8	8	8	8	8	8	8	8	8	8	8
<b>Number Allowed per lot</b>	4 <sup>6</sup>	4 <sup>6</sup>	4 <sup>6</sup>	4 <sup>6</sup>	4 <sup>6</sup>	4 <sup>6</sup>	4 <sup>6</sup>	4 <sup>6</sup>	4 <sup>6</sup>	4 <sup>6</sup>	4 <sup>6</sup>	4 <sup>6</sup>
<b>Canopy</b>												
<b>Max. Size</b>	25% <sup>2</sup>	N	N	N	N	25% <sup>2</sup>						
<b>Max. Height (Ft.)</b>	NA	N	N	N	N	NA						
<b>Number Allowed per building</b>	1	N	N	N	N	1	1	1	1	1	1	1
<b>Window</b>												
<b>Max. Size</b>	25% <sup>3</sup>	N	N	N	N	25% <sup>3</sup>						
<b>Max. Height (Ft.)</b>	NA	N	N	N	N	NA						
<b>Number Allowed per building/ storefront</b>	2	N	N	N	N	2	2	2	2	2	2	2
<b>Projecting</b>												
<b>Max. Size (Square Ft.)</b>	N	N	N	N	12	12	12	12	12	N	N	N
<b>Max. Height (Ft.)</b>	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
<b>Number Allowed per tenant</b>	1	1	1	1	1	1	1	1	1	1	1	1
<b>Nameplate</b>												
<b>Max. Size (Square Ft.)</b>	2	2	2	2	2	N	N	N	N	N	N	N
<b>Max. Height (Ft.)</b>	NA	NA	NA	NA	NA	N	N	N	N	N	N	N
<b>Number Allowed per building</b>	1	1	1	1	1	1						

N: not permitted

NA: Not Applicable

**(Ordinance No. 873, 10-15-02) (Ordinance No. 897, 2-04-03) (Ordinance No. 951, 3-15-05)**

1: Maximum letter height is equal to 12 inches

2: percentage of total Canopy area

3: percentage of total window area

4: When constructed as a landscaping element on an outlot or plat lot

5: Per Entrance

6: Maximum number equal to four (4) when every sign equals the maximum size, no maximum number when using six (6) square foot signs

7: *On corner lots or lots one (1) acre or greater, otherwise one (1) per lot (Ordinance No. 897, 2-04-03)*

**Note:** All signs shall have a Vertical Clearance of nine (9) feet above any public sidewalk, private drive, or parking.

All signs shall have a Vertical Clearance of twelve (12) feet above any Public Street.

**11. Sign type, District Permitted**

A. Signs shall be permitted in the various districts according to the following schedule:

<b>Zoning District</b>	<b>TA</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>	<b>MU-CC</b>	<b>I-1</b>	<b>I-2</b>
<b>Sign Type</b>											
<b>Building Marker</b>	P	P	P	P	P	P	P	P	P	P	P
<b>Identification</b>	P	P	P	P	P	P	P	P	P	P	P
<b>Temporary</b>	P	P	P	P	P	P	P	P	P	P	P
<b>Construction</b>	P	P	P	P	P	P	P	P	P	P	P
<b>Real Estate</b>	P	P	P	P	P	P	P	P	P	P	P
<b>Incidental</b>	P	P	P	P	P	P	P	P	P	P	P
<b>Subdivision</b>	P	P	P	P	P	P	P	P	P	P	P
<b>Wall</b>	P	N	N	N	N	P	P	P	P	P	P
<b>Canopy</b>	P	N	N	N	N	P	P	P	P	P	P
<b>Window</b>	P	P	P	P	P	P	P	P	P	P	P
<b>Projecting</b>	P	N	N	N	N	P	P	P	P	P	P
<b>Name Plate</b>	P	P	P	P	P	P	P	P	P	P	P
<b>Monument</b>	P	P	P	P	P	P	P	P	P	P	P
<b>Billboard</b>	N	N	N	N	N	N	N	N	N	N	N
<b>Pole</b>	N	N	N	N	N	N	N	N	N	N	N
<b>Roof</b>	N	N	N	N	N	N	N	N	P	N	N
<b>Blade</b>	N	N	N	N	N	N	N	N	P	N	N
<b>Marquee</b>	N	N	N	N	N	N	N	N	P	N	N

P: permitted

N: not permitted

C: Conditional Use

**(Ordinance No. 873, 10-15-02)**

12. **Special Signage Conditions**

The following special conditions apply to stand-alone ATM's, Coffee Kiosks and other Kiosks.

A. Stand-alone ATM's may have the following:

- One (1) wall sign on each exterior wall provided each wall sign does not exceed ten (10) percent of the applicable exterior wall and the total shall not exceed forty (40) square feet in size.
- Where a canopy is integrated into the ATM, a canopy sign may be placed on each face of the ATM, provided the overall height of the canopy and sign do not exceed twenty-four (24) inches. In addition, the overall size of all canopy signs shall not exceed forty (40) square feet.
- Directional signage shall be contained on the ATM, painted within a drive lane or in any curbing defining a drive lane.
- All signs are subject to the required permitting process of this Ordinance.
- Said signage may be incorporated with lighting plan and backlit in order to provide for greater security on the premises.

B. Coffee Kiosks and other Kiosks may have the following:

- One wall sign per frontage, provided each wall sign does not exceed ten (10) percent of the applicable exterior wall and the total shall not exceed forty (40) square feet in size.
- Where a canopy is integrated into the Coffee Kiosks / Kiosks, a canopy sign may be placed on each face of the Coffee Kiosk / Kiosks, provided the overall height of the canopy and sign do not exceed twenty-four (24) inches. In addition, the overall size of all canopy signs shall not exceed forty (40) square feet.
- Directional signage shall be contained on the Coffee Kiosk /Kiosk, painted within a drive lane or in any curbing defining a drive lane
- Window signs limited to menu boards and daily specials shall not require a sign permit.
- All signs are subject to the required permitting process of this Ordinance, unless otherwise noted.

**7.01.06 Permits Required**

1. If a sign requiring a permit under the provision of the ordinance is to be placed, constructed, erected, or modified on a zone lot, the owner of the lot shall secure a sign permit prior to the construction, placement, erection, or modification of such a sign in accordance with the requirements of Section 7.04.01.
2. Furthermore, the property owner shall maintain in force, at all times, a sign permit for such sign in accordance with Section 7.04.09.
3. No signs shall be erected in the public right-of-way except in accordance with Section 7.03.01.
4. No sign permit of any kind shall be issued for an existing or proposed sign unless such sign is consistent with the requirements of this ordinance (including those protecting existing signs) in every respect and with the Signage Plan in effect for the property.

**7.01.07 Design, Construction, Maintenance**

All signs shall be designed, constructed and maintained in accordance with the following standards:

1. All signs shall comply with applicable provisions of the Uniform Building Code and the National Electrical Code.
2. Except for flags, temporary signs, and window signs conforming in all respects with the requirements of this ordinance, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building or another structure by direct attachment to a rigid wall, frame or structure.
3. All signs shall be maintained in good structural condition, in compliance with all building and electrical codes and in conformance with this code, at all times.

# **Clean Version**

## **Section 7.01 Sign Regulations**

### **7.01.01 Purpose**

The purpose of these sign regulations are: to encourage the effective use of signs as a means of communication in the city; to maintain and enhance the aesthetic environment and the city's ability to attract sources of economic development and growth; to improve pedestrian and traffic safety; to minimize the possible adverse effect of signs on nearby public and private property; and to enable the fair and consistent enforcement of these sign regulations. These sign regulations are adopted under the zoning authority of the city in furtherance of the more general purposes set forth in the zoning ordinance.

### **7.01.02 Applicability**

A sign may be erected, placed, established, painted, created, or maintained within the city and the city's extraterritorial zoning jurisdiction only in conformance with the standards, procedures, exemptions and other requirements of these sign regulations.

### **7.01.03 Definitions and Interpretation**

Words and phrases used in this ordinance shall have the meanings set forth in Section 2. Principles for computing sign area and sign height are contained in Section 7.01.04.

### **7.01.04 Computations**

#### **1. *Computation of Area of Individual Signs***

The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing as a whole, representation, emblem, or other display as a whole, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly identical to the display itself.

#### **2. *Computation of Area of Multi-faced Signs***

The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than forty-two (42) inches apart, the sign area shall be computed by the measurement of one of the faces.

#### **3. *Computation of Height***

The height of a sign shall be computed as the distance from the grade at the base of the sign, or from the grade immediately below the sign in the case of Wall Signs, at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be from finished grade. Any berms shall be construed to be a part of the sign base and added to the overall height of the sign.

## 7.01.05 Permitted Signs and Limitations

### 1. *Ground Monument*

- A. Monument signs shall be located along the frontage of the zoned lot. All signs shall be of permanent construction and are subject to the provisions of local codes and ordinances. On corner lots, the monument sign may be placed on either frontage.
- B. All ground monument signs shall be located on the same lot as the advertised use.
- C. Signs shall contain only the name or trademark of the business, building or complex which it identifies.
- D. With the exception of change panels permitted for gas stations to advertise gasoline prices, no change panels, advertising or names of individual tenants will be allowed.
- E. Setbacks for all ground monument signs are ten (10) feet, no setbacks are required in the MU-CC District.
- F. The following criteria apply to Ground Monument signs:

District	Design Limitations for Ground Monuments		
	Max. Size	Max. Height	Max. Number
TA	32 square feet	10 feet	One (1) per lot frontage
R-1	32 square feet	10 feet	One (1) per lot frontage
R-2	32 square feet	10 feet	One (1) per lot frontage
R-3	32 square feet	10 feet	One (1) per lot frontage
R-4	32 square feet	10 feet	One (1) per lot frontage
C-1	32 square feet	10 feet	One (1) per lot frontage
C-2	32 square feet	10 feet	One (1) per lot frontage
C-3	50 square feet	10 feet	Two (2) per lot frontage
MU-CC	32 square feet	10 feet	One (1) per lot frontage
I-1	32 square feet	10 feet	One (1) per lot frontage
I-2	32 square feet	10 feet	One (1) per lot frontage
PUD	The maximum allowed within the underlying zoning district	The maximum allowed within the underlying zoning district	The maximum allowed within the underlying zoning district

### 2. *Center Identification Signs*

- A. All Center Identification signs shall be a ground monument style sign.
- B. *A maximum of two Center Identification signs per development shall be allowed. No two signs shall be allowed closer than five-hundred (500) feet to each other on the same side of the street, measured along the edge of the street.*
- C. All Center Identification signs shall be constructed in a manner that is permanent.
- D. Acceptable materials include:
  - Exterior Insulation Finish System (EIFS)
  - Brick
  - Split face Concrete Masonry Units
  - Stone
  - Metal
  - Simulated Acrylic, or
  - Other materials provided said design is reflective of the character of the use.
- E. All Center Identification signs shall advertise only the name of the development *and/or major tenants*, unless in compliance with Subsection G below.
- F. Setbacks for all Center Identification Signs shall be twenty (20) feet along a street designated as an arterial or collector and ten (10) feet along any street designated as a local, minor or private street. Setback requirements shall not apply for Center Identification Signs within the Mixed-Use City Centre (MU-CC) Zoning District, given that such signs are not placed within the sight triangle area.
- G. Change panels and/ or changeable copy may be allowed provided:
  - Signs shall only include business names and/or logos
  - Fonts shall be similar to that of the development name
  - Said panels and / or copy match in color and material to the overall sign.
- H. *Electronic Message Boards shall only be allowed as part of a Center Identification Sign, provided the following:*

- *No more than one-half of the permitted sign area shall be used for changeable copy or electronic message board signs.*
- *The board may be double-faced.*
- *Each board shall be permanently installed or located.*
- *Electronic messages shall not be animated or flash continuously (blinking) in any manner.*
- *Electronic message boards must use automatic level controls to reduce light levels at night and under cloudy and other darkened conditions, in accordance with the standards set forth in this sub-section. All electronic message boards must have installed ambient light monitors, and must at all times allow such monitors to automatically adjust the brightness level of the electronic sign based on ambient light conditions. Maximum brightness levels for electronic message boards may not exceed 5000 nits when measured from the signs face at its maximum brightness, during daylight hours, and 500 nits when measured from the signs face at its maximum brightness between sunset and sunrise, as those times are determined by the National Weather Service.*
- *The message cannot change copy at intervals of less than one (1) minute. Changes of message image must be instantaneous as seen by the human eye and may not use fading, rolling, window shading, dissolving, or similar effects as part of the change.*

I. No more than 50% of the sign area or change panel area may be dedicated to advertise any single tenant.

J. The following criteria apply to Center Identification signs:

District	Design Limitations for Center Identification Signs		
	Max. Size	Max. Height	Max. Number
TA			
R-1			
R-2			
R-3			
R-4			
C-1	100 square feet	20 feet	One (1) per main entrance but not more than two (2) per street frontage of the development
C-2	100 square feet	20 feet	One (1) per main entrance but not more than two (2) per street frontage of the development
C-3	150 square feet	24 feet	One (1) per main entrance but not more than three (3); plus, one (1) when abutting Interstate 80
MU-CC	150 square feet	24 feet	One (1) per main entrance but not more than two (2) per street frontage of the development
I-1	100 square feet	20 feet	One (1) per main entrance but not more than three (3); plus, one (1) when abutting Interstate 80
I-2	100 square feet	20 feet	One (1) per main entrance but not more than three (3); plus, one (1) when abutting Interstate 80
PUD	The maximum allowed within the underlying zoning district	The maximum allowed within the underlying zoning district	The maximum allowed within the underlying zoning district

**(Ordinance No. 883, 11-19-02) (Ordinance No. 896, 2-04-03) (Ordinance No. 1145, 5-17-11)**

3. **Wall Signs**

- A. All wall signs shall be mounted to the primary face of the use, *unless otherwise substituted by the Community Development Department. (Ordinance No. 988, 4-18-06)*
- B. For multi-tenant buildings, maximum sign size for each tenant will be based on the width of the storefront of the bay that they occupy. For multi-tenant buildings in which the width of the bay that a tenant occupies is not easily discernable (i.e. non-retail strip centers such as multi-story office buildings where users share a common entrance), the maximum signage size allowance shall be a calculation of the total signage allowance for the building multiplied by the proportion of the building (in square feet) that the tenant occupies. For example, a tenant that occupies 25% of the total square footage of a building that has a total signage allowance of 100 square feet shall be permitted a wall sign up to 25 square feet in size.
- C. For properties that have multiple buildings (except for multi-building self-storage unit facilities), the maximum number of wall signs shall be one (1) sign area per building, per main frontage.
- D. The following criteria apply to Wall Signs:

District	Design Limitations for Wall Signs		
	Max. Permitted Sign Area	Max. Height	Max. Number
TA	1.5 square feet per lineal foot of building / storefront to a Max. of 400 sq. ft.	45 feet above grade	One (1) sign area per main frontage  More than One Frontage: Total maximum sign area shall not exceed 150% of the initial permitted sign area.
R-1			
R-2			
R-3			
R-4			
C-1	1.5 square feet per lineal foot of building / storefront to a Max. of 400 sq. ft.	45 feet above grade	One (1) sign area per main frontage  More than One Frontage: Total maximum sign area shall not exceed 150% of the initial permitted sign area.
C-2	1.5 square feet per lineal foot of building / storefront to a Max. of 400 sq. ft.	45 feet above grade	One (1) sign area per main frontage  More than One Frontage: Total maximum sign area shall not exceed 150% of the initial permitted sign area.
C-3	2.5 square feet per lineal foot of building / storefront to a Max. of 600 sq. ft.	45 feet above grade	One (1) sign area per main frontage  More than One Frontage: Total maximum sign area shall not exceed 150% of the initial permitted sign area.
MU-CC	1.5 square feet per lineal foot of building / storefront to a Max. of 400 sq. ft.	90 feet above grade	One (1) sign area per main frontage  More than One Frontage: Total maximum sign area shall not exceed 150% of the initial permitted sign area.
I-1	1.5 square feet per lineal foot of building / storefront to a Max. of 400 sq. ft.	45 feet above grade	One (1) sign area per main frontage  More than One Frontage: Total maximum sign area shall not exceed 150% of the initial permitted sign area.
I-2	1.5 square feet per lineal foot of building / storefront to a Max. of 400 sq. ft.	45 feet above grade	One (1) sign area per main frontage  More than One Frontage: Total maximum sign area shall not exceed 150% of the initial permitted sign area.
PUD	The maximum allowed within the underlying zoning district, <i>or otherwise prescribed in the approved P.U.D Plan of said lot/development.</i>	The maximum <i>building height allowed in the approved P.U.D Plan of said lot/development, or as otherwise prescribed in such P.U.D.</i>	The maximum allowed within the underlying zoning district, <i>or otherwise prescribed in the approved P.U.D Plan of said lot/development.</i>

*(Ordinance No. 988, 4-18-06)*

4. ***Incidental Signs***

- A. Incidental signs shall be placed in locations along the primary face of the building.
- B. Incidental signs may be placed on a second building face, when the building has dual frontage.
- C. The following criteria apply to Incidental Signs:

District	Design Limitations for Incidental Signs		
	Max. Size	Max. Height	Max. Number
TA	25 sq. ft. of area each	45 feet above grade	One (1) per forty lineal feet of storefront
R-1	25 sq. ft. of area each	45 feet above grade	One (1) per forty lineal feet of storefront
R-2	25 sq. ft. of area each	45 feet above grade	One (1) per forty lineal feet of storefront
R-3	25 sq. ft. of area each	45 feet above grade	One (1) per forty lineal feet of storefront
R-4	25 sq. ft. of area each	45 feet above grade	One (1) per forty lineal feet of storefront
C-1	25 sq. ft. of area each	45 feet above grade	One (1) per forty lineal feet of storefront
C-2	25 sq. ft. of area each	45 feet above grade	One (1) per forty lineal feet of storefront
C-3	25 sq. ft. of area each	45 feet above grade	One (1) per forty lineal feet of storefront
MU-CC	25 sq. ft. of area each	45 feet above grade	One (1) per forty lineal feet of storefront
I-1	25 sq. ft. of area each	45 feet above grade	One (1) per forty lineal feet of storefront
I-2	25 sq. ft. of area each	45 feet above grade	One (1) per forty lineal feet of storefront
PUD	The maximum allowed within the underlying zoning district	The maximum allowed within the underlying zoning district	The maximum allowed within the underlying zoning district

5. ***Directional Signs***

- A. Directional signs may be erected for the purpose of providing direction and/or orientation for pedestrian or vehicular traffic for purposes other than those of the Project Directory Signs. Example uses are arrow signs directing vehicles to a drive-thru lane or pedestrians to a building entrance.
- B. Directional signs shall contain no advertising, though may contain the business's logo.
- C. The following criteria apply to Directional Signs:

District	Design Limitations for Directional Signs		
	Max. Size	Max. Height	Max. Number
TA	6 sq. ft. of area each	3 feet above grade	One (1) per street entrance
R-1			
R-2			
R-3			
R-4			
C-1	6 sq. ft. of area each	3 feet above grade	One (1) per street entrance
C-2	6 sq. ft. of area each	3 feet above grade	One (1) per street entrance
C-3	6 sq. ft. of area each	3 feet above grade	One (1) per street entrance
MU-CC	6 sq. ft. of area each	3 feet above grade	One (1) per street entrance
I-1	6 sq. ft. of area each	3 feet above grade	One (1) per street entrance
I-2	6 sq. ft. of area each	3 feet above grade	One (1) per street entrance
PUD	The maximum allowed within the underlying zoning district	The maximum allowed within the underlying zoning district	The maximum allowed within the underlying zoning district

*(Ordinance No. 1358, 8-5-2019)*

6. ***Project Directory Signs (Ordinance No. 1145, 5-17-2011)***

*In order to maintain the flow of traffic on arterial and collector roads and to promote vehicular safety, emphasis is made to limit the number of ingress and egress points off of such roads. Project directory signs are intended to direct attention to planned multi-tenant developments which are not easily accessible off of such roads and where on-premise signage for that development (or any tenants within the development) would not otherwise be visible by the motorists traveling on nearby arterial or collector roads at the closest point of access. Provisions are provided to allow project directory signs which identify the name of the particular development and/or the names of their tenants. Such signs would be supplemental to signage otherwise provided for such developments.*

*Directional signs may be erected under the following conditions:*

- A. Access to the development is restricted. Full ingress and egress to the development off an arterial or collector road is limited by access constraints or non-existent.
- B. Such signs may be placed on or off-premises. All such signs shall be constructed and located, however, so as to be visible by the motorist traveling on the arterial or collector road which intersects with the local road providing access to the development.
- C. Setbacks for all Project Directory Signs shall be twenty (20) feet along a street designated as an arterial or collector and ten (10) feet along any street designated as a local, minor or private street.
- D. A maximum of two project directory signs per development shall be allowed. No two signs shall be allowed closer than five-hundred (500) feet to each other on the same side of the street, measured along the edge of the street.
- E. No such sign shall be allowed further than one-thousand (1,000) feet from any entity advertising on the sign using the closest straight line measurement.
- F. The minimum distance between a sign location and any residential zoning district shall be 50 feet.
- G. The sign may contain the name of the development, names of tenants within the development, directional arrows and distance information. If off-premises, sign shall identify multiple businesses or industries.
- H. The size of each sign shall be a function of the number of tenants within the development. Each eight (8) square feet per principal use within the development, whichever is greater, with a maximum area of eighty (80) square feet.
- I. All such signs shall be a ground-mounted, monument-style sign.
- J. Such signs shall be subject to the design standards of the PUD or Gateway Corridor Overlay District, if within such district.

District	Design Limitations for Project Directory Signs		
	Max. Size	Max. Height	Max. Number
TA			
R-1			
R-2			
R-3			
R-4			
C-1	80 square feet	10 feet	One (1) per main entrance but not more than two (2)
C-2	80 square feet	10 feet	One (1) per main entrance but not more than two (2)
C-3	80 square feet	10 feet	One (1) per main entrance but not more than two (2);
MU-CC	80 square feet	10 feet	One (1) per main entrance but not more than two (2);
I-1			
I-2			
PUD	The maximum allowed within the underlying zoning district	The maximum allowed within the underlying zoning district	The maximum allowed within the underlying zoning district

## 7. Roof Signs

Roof signs shall be permitted only in the Mixed Use – City Centre District provided:

- A. Signs shall be allowed on multi-story buildings only.
- B. A maximum of one (1) roof sign shall be allowed per lot.
- C. Signs shall be a maximum of 11 feet in height above the highest point of the roofline.
- D. Sign allowance shall be calculated at 2.5 square feet per lineal foot of building frontage to a maximum of 600 sq. ft.
- E. The use of electronic message boards shall be prohibited. Sign animation shall be limited to the slow and gradual dimming or fading of individual lights. Flashing signs will be prohibited.
- F. Where a wall sign is present on the building or structure façade, a roof sign shall be prohibited; where a roof sign is present on the building or structure façade, a wall sign shall be prohibited. This does not apply to wall signs of multi-tenant bays, or to roof signs advertising an entire development or district, rather than a specific use/occupant in the

building on which the sign is placed. A maximum of two roof signs advertising the same development/district shall be permitted.

## 8. *Blade Signs*

*Blade signs shall be permitted only in the Mixed Use – City Centre District provided:*

- A. Signs will only be allowed for the following uses: event center, meeting hall, or publicly owned and operated facility.
- B. Signs shall be allowed on multi-story buildings only with frontage of at least 20 ft.
- C. Signs shall conform to the vertical clearance requirements of this section of the Zoning Ordinance.
- D. Animation of the message is prohibited.
- E. Signs shall have two identical faces.
- F. Only two Blade Signs shall be permitted per building.
- G. Sign allowance cannot exceed 60 square feet.

## 9. *Marquee Signs*

Marquee signs shall be permitted only in the Mixed-Use City Centre District provided:

- A. Signs will only be allowed the following uses: event center, meeting hall, or publicly owned and operated facility.
- B. Signs shall conform to the vertical clearance requirements of this section of the Zoning Ordinance.
- C. A maximum of one (1) marquee sign shall be allowed per building and may only be placed on the primary face of the building.
- D. Sign allowance shall be limited to no more than ten percent (10%) of the area of the façade to which the marquee is attached.
- E. No portion of a marquee sign shall extend vertically above the eave line.
- F. Marquee signs with non-electronic change panels are prohibited.

## **10. *Other Permitted Signs***

## Canopy

## Identification

## Projecting

## Real Estate

## Nameplate

## Tempora

## Window

**Subdivision (Ordinance No. 873, 10-15-02)**

**Construction (Ordinance No. 873, 10-15-02)**  
Signs shall be permitted in the various districts at the listed square footage and heights according to the following table:

<b>Max. Height (Ft.)</b>	8	8	8	8	8	8	8	8	8	8	8	8
<b>Number Allowed per lot</b>	4 <sup>6</sup>	4 <sup>6</sup>	4 <sup>6</sup>	4 <sup>6</sup>	4 <sup>6</sup>	4 <sup>6</sup>	4 <sup>6</sup>	4 <sup>6</sup>	4 <sup>6</sup>	4 <sup>6</sup>	4 <sup>6</sup>	4 <sup>6</sup>
<b>Canopy</b>												
<b>Max. Size</b>	25% <sup>2</sup>	N	N	N	N	25% <sup>2</sup>						
<b>Max. Height (Ft.)</b>	NA	N	N	N	N	NA						
<b>Number Allowed per building</b>	1	N	N	N	N	1	1	1	1	1	1	1
<b>Window</b>												
<b>Max. Size</b>	25% <sup>3</sup>	N	N	N	N	25% <sup>3</sup>						
<b>Max. Height (Ft.)</b>	NA	N	N	N	N	NA						
<b>Number Allowed per building/ storefront</b>	2	N	N	N	N	2	2	2	2	2	2	2
<b>Projecting</b>												
<b>Max. Size (Square Ft.)</b>	N	N	N	N	12	12	12	12	12	N	N	N
<b>Max. Height (Ft.)</b>	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
<b>Number Allowed per tenant</b>	1	1	1	1	1	1	1	1	1	1	1	1
<b>Nameplate</b>												
<b>Max. Size (Square Ft.)</b>	2	2	2	2	2	N	N	N	N	N	N	N
<b>Max. Height (Ft.)</b>	NA	NA	NA	NA	NA	N	N	N	N	N	N	N
<b>Number Allowed per building</b>	1	1	1	1	1							

N: not permitted

NA: Not Applicable

**(Ordinance No. 873, 10-15-02) (Ordinance No. 897, 2-04-03) (Ordinance No. 951, 3-15-05)**

1: Maximum letter height is equal to 12 inches

2: percentage of total Canopy area

3: percentage of total window area

4: When constructed as a landscaping element on an outlot or plat lot

5: Per Entrance

6: Maximum number equal to four (4) when every sign equals the maximum size, no maximum number when using six (6) square foot signs

7: *On corner lots or lots one (1) acre or greater, otherwise one (1) per lot (Ordinance No. 897, 2-04-03)*

**Note:** All signs shall have a Vertical Clearance of nine (9) feet above any public sidewalk, private drive, or parking.

All signs shall have a Vertical Clearance of twelve (12) feet above any Public Street.

**11. Sign type, District Permitted**

A. Signs shall be permitted in the various districts according to the following schedule:

<b>Zoning District</b>	<b>TA</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>	<b>MU-CC</b>	<b>I-1</b>	<b>I-2</b>
<b>Sign Type</b>											
<b>Building Marker</b>	P	P	P	P	P	P	P	P	P	P	P
<b>Identification</b>	P	P	P	P	P	P	P	P	P	P	P
<b>Temporary</b>	P	P	P	P	P	P	P	P	P	P	P
<b>Construction</b>	P	P	P	P	P	P	P	P	P	P	P
<b>Real Estate</b>	P	P	P	P	P	P	P	P	P	P	P
<b>Incidental</b>	P	P	P	P	P	P	P	P	P	P	P
<b>Subdivision</b>	P	P	P	P	P	P	P	P	P	P	P
<b>Wall</b>	P	N	N	N	N	P	P	P	P	P	P
<b>Canopy</b>	P	N	N	N	N	P	P	P	P	P	P
<b>Window</b>	P	P	P	P	P	P	P	P	P	P	P
<b>Projecting</b>	P	N	N	N	N	P	P	P	P	P	P
<b>Name Plate</b>	P	P	P	P	P	P	P	P	P	P	P
<b>Monument</b>	P	P	P	P	P	P	P	P	P	P	P
<b>Billboard</b>	N	N	N	N	N	N	N	N	N	N	N
<b>Pole</b>	N	N	N	N	N	N	N	N	N	N	N
<b>Roof</b>	N	N	N	N	N	N	N	N	P	N	N
<b>Blade</b>	N	N	N	N	N	N	N	N	P	N	N
<b>Marquee</b>	N	N	N	N	N	N	N	N	P	N	N

P: permitted

N: not permitted

C: Conditional Use

**(Ordinance No. 873, 10-15-02)**

12. **Special Signage Conditions**

The following special conditions apply to stand-alone ATM's, Coffee Kiosks and other Kiosks.

A. Stand-alone ATM's may have the following:

- One (1) wall sign on each exterior wall provided each wall sign does not exceed ten (10) percent of the applicable exterior wall and the total shall not exceed forty (40) square feet in size.
- Where a canopy is integrated into the ATM, a canopy sign may be placed on each face of the ATM, provided the overall height of the canopy and sign do not exceed twenty-four (24) inches. In addition, the overall size of all canopy signs shall not exceed forty (40) square feet.
- Directional signage shall be contained on the ATM, painted within a drive lane or in any curbing defining a drive lane.
- All signs are subject to the required permitting process of this Ordinance.
- Said signage may be incorporated with lighting plan and backlit in order to provide for greater security on the premises.

B. Coffee Kiosks and other Kiosks may have the following:

- One wall sign per frontage, provided each wall sign does not exceed ten (10) percent of the applicable exterior wall and the total shall not exceed forty (40) square feet in size.
- Where a canopy is integrated into the Coffee Kiosks / Kiosks, a canopy sign may be placed on each face of the Coffee Kiosk / Kiosks, provided the overall height of the canopy and sign do not exceed twenty-four (24) inches. In addition, the overall size of all canopy signs shall not exceed forty (40) square feet.
- Directional signage shall be contained on the Coffee Kiosk /Kiosk, painted within a drive lane or in any curbing defining a drive lane
- Window signs limited to menu boards and daily specials shall not require a sign permit.
- All signs are subject to the required permitting process of this Ordinance, unless otherwise noted.

**7.01.06 Permits Required**

1. If a sign requiring a permit under the provision of the ordinance is to be placed, constructed, erected, or modified on a zone lot, the owner of the lot shall secure a sign permit prior to the construction, placement, erection, or modification of such a sign in accordance with the requirements of Section 7.04.01.
2. Furthermore, the property owner shall maintain in force, at all times, a sign permit for such sign in accordance with Section 7.04.09.
3. No signs shall be erected in the public right-of-way except in accordance with Section 7.03.01.
4. No sign permit of any kind shall be issued for an existing or proposed sign unless such sign is consistent with the requirements of this ordinance (including those protecting existing signs) in every respect and with the Signage Plan in effect for the property.

**7.01.07 Design, Construction, Maintenance**

All signs shall be designed, constructed and maintained in accordance with the following standards:

1. All signs shall comply with applicable provisions of the Uniform Building Code and the National Electrical Code.
2. Except for flags, temporary signs, and window signs conforming in all respects with the requirements of this ordinance, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building or another structure by direct attachment to a rigid wall, frame or structure.
3. All signs shall be maintained in good structural condition, in compliance with all building and electrical codes and in conformance with this code, at all times.

**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**SEPTEMBER 19, 2023 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
1 AND 6 YEAR STREET IMPROVEMENT PLAN	◆ RESOLUTIONS(2) ORDINANCE RECEIVE/FILE	GARRETT DELGADO ENGINEERING ASSISTANT

**SYNOPSIS**

A public hearing has been scheduled and resolutions prepared to adopt the 1 and 6 year Street Improvement Plan and to approve the submittal of compliance resolution to the Nebraska Board of Public Roads Classifications and Standards (NBCS).

**FISCAL IMPACT**

The FY23/FY24 Biennial Budget includes funding for years 1 & 2 of the plan.

**RECOMMENDATION**

Approval

**BACKGROUND**

The 1 and 6 Year Plan establishes prioritization and cost estimates for street improvements which are identified in the Capital Improvement Program (CIP). Both the 1 and 6 Year Plan and CIP are living documents that may change as unforeseen issues and/or opportunities arise.

In the spring of 2019, the Nebraska Legislature passed LB82 which made significant changes to requirements related to reporting of the One and Six Plan to the Nebraska Board of Public Roads Classifications and Standards (NBCS). Counties and municipalities are still required to have a One and Six Plan on file but are only required to submit a compliance resolution to the NBCS.

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, APPROVING THE ONE-AND-SIX-YEAR PLAN FOR HIGHWAY, ROAD AND STREET IMPROVEMENTS FOR THE CITY OF LA VISTA AS SUBMITTED BY THE DIRECTOR OF PUBLIC WORKS.

WHEREAS, the Director of Public Works has revised and updated the City of La Vista One-and-Six-Year Street Plan; and

WHEREAS, the La Vista Planning Commission has reviewed the One-and-Six-Year Street Plan for the City of La Vista and recommends to Council approval of the Plan; and

WHEREAS, the Mayor and City Council of the City of La Vista, Nebraska held a public hearing on the City of La Vista's One-and-Six-Year Plan for highway, road and street improvements for the City of La Vista as submitted by the City Director of Public Works; and

WHEREAS, the citizens of the City of La Vista have therefore had an opportunity to comment on the One-and-Six-Year Plan for highway, road and street improvements for the City of La Vista as submitted and reviewed by the La Vista City Council; and

WHEREAS, projects in the One-and-Six-Year Street Plan have been incorporated into the City of La Vista's Capital Improvement Plan;

NOW THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of La Vista, Nebraska that the One-and-Six-Year Plan for highway, road and street improvements for the City of La Vista as submitted by the Director of Public Works and reviewed by the Mayor and City Council of the City of La Vista be, and the same hereby is, accepted and approved.

PASSED AND APPROVED THIS 19TH DAY OF SEPTEMBER 2023.

CITY OF LA VISTA

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Kim J. Thomas, Acting Mayor

ATTEST:

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Pamela A. Buethe, MMC  
City Clerk



Good Life. Great Journey.

**DEPARTMENT OF TRANSPORTATION**

July 28, 2023

**Notice to file the Annual Certification of Program Compliance and Signing Resolution with the Nebraska Board of Public Roads Classifications and Standards (NBCS) by October 31, 2023.**

**Please make this an agenda item for your next City Council / Village Board meeting return to the NBCS by October 31, 2023.**

**To avoid the suspension of Highway-User Revenue** to your municipality please complete the enclosed **MUNICIPAL ANNUAL CERTIFICATION OF PROGRAM COMPLIANCE and SIGNING RESOLUTION** and **return them to the NBCS by October 31, 2023.** Reference Neb. Rev. Stat. §§39-2120 and 39-2121(1).

**Penalties for failure to comply** can be found in the following State Statutes:

- Failure to comply with the provisions of Neb. Rev. Stat. §39-2115.
- Failure to comply with the provisions of Neb. Rev. Stat. §39-2119.
- Failure to file the Municipal Annual Certification of Program Compliance with the NBCS, Neb. Rev. Stat. §39-2121(2).
- Filing of a materially false Municipal Annual Certification of Program Compliance, Neb. Rev. Stat. §39-2121(3).
- Construction below minimum standards without the prior approval of the NBCS, Neb. Rev. Stat. §39-2121(3).

**Note: While the signature of the City Street Superintendent is optional on the certification, the NBCS strongly recommends that the superintendent sign this certification if said municipality has a superintendent.**

Please let me know if you have any questions. Email: [lemoyne.schulz@nebraska.gov](mailto:lemoyne.schulz@nebraska.gov)  
Phone: (402) 479-4436

Sincerely,

LeMoyn D. Schulz  
Secretary for the Board

LDS/2023

xc: File

Attachments (2)

Vick Kramer, Director

**Department of Transportation**

Board of Public Roads Classifications and Standards  
1400 Nebraska Parkway  
PO Box 94759  
Lincoln, NE 68509-4759  
[dot.nebraska.gov](http://dot.nebraska.gov)

OFFICE 402-479-4436  
[ndot.bishelp@nebraska.gov](mailto:ndot.bishelp@nebraska.gov)

Roger A. Figard  
Lincoln

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Alliance

John F. Krager, III  
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Russell Kreachbaum, Jr.  
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Wakefield

Brandie Neemann  
Lincoln

Steven D. Ramos  
Norfolk

Timothy W. Weander  
Omaha

Edward R. Woolton, Sr.  
Bellevue

LeMoyn D. Schulz  
Secretary – ex officio

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Failure to return both pages of the original document by the filing deadline (October 31, 2023) may result in the suspension of Highway Allocation funds until the documents are filed.

## RESOLUTION

### SIGNING OF THE MUNICIPAL ANNUAL CERTIFICATION OF PROGRAM COMPLIANCE 2023

Resolution No. \_\_\_\_\_

**Whereas:** State of Nebraska Statutes, sections 39-2115, 39-2119, 39-2120, 39-2121, and 39-2520(2), requires an annual certification of program compliance to the Nebraska Board of Public Roads Classifications and standards; and

**Whereas:** State of Nebraska Statute, section 39-2120 also requires that the annual certification of program compliance by each municipality shall be signed by the Mayor or Village Board Chairperson and shall include the resolution of the governing body of the municipality authorizing the signing of the certification.

**Be it resolved** that the Mayor  Village Board Chairperson  of \_\_\_\_\_  
(Check one box) *(Print name of municipality)*  
is hereby authorized to sign the Municipal Annual Certification of Program Compliance.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ Nebraska.  
(Month)

City Council/Village Board Members

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City Council/Village Board Member \_\_\_\_\_  
Moved the adoption of said resolution  
Member \_\_\_\_\_ Seconded the Motion  
Roll Call: \_\_\_\_\_ Yes \_\_\_\_\_ No \_\_\_\_\_ Abstained \_\_\_\_\_ Absent  
Resolution adopted, signed, and billed as adopted.

Attest:

---

(Signature of Clerk)

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Failure to return both pages of the original document by the filing deadline (October 31, 2023) may result in the suspension of Highway Allocation funds until the documents are filed.

**MUNICIPAL  
ANNUAL CERTIFICATION OF PROGRAM COMPLIANCE  
TO  
NEBRASKA BOARD OF PUBLIC ROADS CLASSIFICATIONS  
AND STANDARDS  
2023**

In compliance with the provisions of the State of Nebraska Statutes, sections 39-2115, 39-2119, 39-2120, 39-2121, and 39-2520(2), requiring annual certification of program compliance to the Board of Public Roads Classifications and Standards, the City  Village  of \_\_\_\_\_  
(Check one box) \_\_\_\_\_ (Print name of municipality)  
hereby certifies that it:

- ✓ has developed, adopted, and included in its public records the plans, programs, or standards required by sections 39-2115 and 39-2119;
- ✓ meets the plans, programs, or standards of design, construction, and maintenance for its highways, roads, or streets;
- ✓ expends all tax revenue for highway, road, or street purposes in accordance with approved plans, programs, or standards, including county and municipal tax revenue as well as highway-user revenue allocations;
- ✓ uses a system of revenue and costs accounting which clearly includes a comparison of receipts and expenditures for approved budgets, plans, programs, and standards;
- ✓ uses a system of budgeting which reflects uses and sources of funds in terms of plans, programs, or standards and accomplishments;
- ✓ uses an accounting system including an inventory of machinery, equipment, and supplies;
- ✓ uses an accounting system that tracks equipment operation costs;
- ✓ has included in its public records the information required under subsection (2) of section 39-2520; and
- ✓ **has included in its public records a copy of this certification and the resolution of the governing body authorizing the signing of this certification by the Mayor or Village Board Chairperson.**

\_\_\_\_\_  
Signature of Mayor  Village Board Chairperson  (Required)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
Signature of City Street Superintendent (Optional)

\_\_\_\_\_  
(Date)

**Return the completed original signing resolution and annual certification of program compliance by October 31, 2023 to:**

Nebraska Board of Public Roads Classifications and Standards  
PO Box 94759  
Lincoln NE 68509



**Board of Public Roads Classifications and Standards**  
**Summary of Six- Year Plan**  
**Six-Year Period Ending – 2028**

COUNTY:		CITY:		VILLAGE:	
<b>LA VISTA</b>					
PROJECT YEAR	PRIORITY NUMBER	PROJECT NUMBER	PROJECT DESCRIPTION	LENGTH Nearest Tenth (MILES)	ESTIMATED COST (THOUSANDS)
2023	1	M376 (376)	<b>Applewood Creek Trail</b> (BNSF Railroad to Giles Road) Construction	0.57	76.8 L.V 307.2 Fed 384.0
2023	2	M376 (228)	<b>East La Vista</b> (Harrison Street to Thompson Creek; 69 <sup>th</sup> Street to 72 <sup>nd</sup> Street) Construction	2.56	600.0
2023	3	M376 (396)	<b>Central Park Access Road</b> Construction	.10	1,232.0
2023	4	M376 (406)	<b>Streetscape Phase 1C</b> (84 <sup>th</sup> St. Underpass) Design	.10	40.0
2023	5	M376 (397)	<b>UBAS Street Rehab</b> (Harrison to Josephine 72 <sup>nd</sup> to 78 <sup>th</sup> St.) Construction	1.33	578.0
2023	6	M376 (407)	<b>Asphalt Mill &amp; Overlay</b> (Terry Dr., 78 <sup>th</sup> St., Lillian Ave.) Construction	1.5	1,526.0
2024	7	M376 (228)	<b>East La Vista</b> (Harrison Street to Thompson Creek; 69 <sup>th</sup> Street to 72 <sup>nd</sup> Street) Construction	2.56	2,400.0
2024	8	M376 (406)	<b>Streetscape Phase 1C</b> (84 <sup>th</sup> St. Underpass) Design	.10	125.0
2024	9	M376 (400)	<b>UBAS Street Rehab</b> Briarwood Construction	1.0	500.0
SIGNATURE:		TITLE:		DATE:	
		<b>STREET SUPERINTENDENT (S-1046)</b>		<b>09/05/2023</b>	

**Board of Public Roads Classifications and Standards**  
**Summary of Six- Year Plan**  
**Six-Year Period Ending – 2028**

COUNTY:		CITY:		VILLAGE:	
<b>LA VISTA</b>					
PROJECT YEAR	PRIORITY NUMBER	PROJECT NUMBER	PROJECT DESCRIPTION	LENGTH Nearest Tenth (MILES)	ESTIMATED COST (THOUSANDS)
2024	10	M376 (408)	<b>Asphalt Mill &amp; Overlay</b> Edgewood Blvd, Valley Road, Greenleaf Dr., Lantana Court Construction	1.5	1,700.0
2024	11	M376 (230)	<b>Giles Road Widening</b> Design/Construction	0.60	900.0
2024	12	M376 (413)	<b>Eastport Parkway &amp; Port Grace Plaza Roundabout</b> ROW/Construction	0.10	1,400.0
2024	13	M376 (414)	<b>Streetscape Phase 1A &amp; 1B</b> Design/ROW	0.10	2,400.0
2025	14	M376 (401)	<b>Concrete Street Rehabilitation</b> Construction	1.0	500.0
2025	15	M376 (409)	<b>Asphalt Street Rehabilitation</b> Construction	1.0	1,000.0
2025	16	M376 (398)	<b>Thompson Creek Trail</b> (Keystone Trail to Edgewood) Design	1.0	10.8 L.V. 43.2 Fed 54.0
2025	17	M376 (389)	<b>Bridge Deck Maintenance</b> (Various locations)	.10	900.0
2025	18	M376 (230)	<b>Giles Road Widening</b> Construction	0.60	4,500.0
2025	19	M376 (414)	<b>Streetscape Phase 1A &amp; 1B</b> Construction	0.10	2,400.0
SIGNATURE:			TITLE:	DATE:	
			STREET SUPERINTENDENT (S-1046)	09/05/2023	

**Board of Public Roads Classifications and Standards**  
**Summary of Six- Year Plan**  
**Six-Year Period Ending – 2028**

COUNTY:		CITY:		VILLAGE:	
<b>LA VISTA</b>					
PROJECT YEAR	PRIORITY NUMBER	PROJECT NUMBER	PROJECT DESCRIPTION	LENGTH Nearest Tenth (MILES)	ESTIMATED COST (THOUSANDS)
2025	20	M376 (230)	<b>Giles Road Traffic Flow Improvements</b> (Eastport Parkway to I-80 Ramps) Construction	1.20	2,484.0
2025	21	M376 (402)	<b>Transportation Network Study</b>	0.0	50.0
2025	22	M376 (202)	<b>Harrison St. Bridge</b> (92 <sup>nd</sup> St.) Construction	.1	500.0
2025	23	M376 (405)	<b>Streetscape Phase 1B</b> Underpass Construction	1.0	1,200.0
2025	24	M376 (406)	<b>Streetscape Phase 1C</b> Underpass Construction	1.0	1,000.0
2026	25	M376 (398)	<b>Thompson Creek Trail</b> La Vista Link Trail to Edgewood Right-of-Way	1.0	4.0 L.V. <u>16.0 Fed</u> 20.0
2026	26	M376 (403)	<b>Concrete Street Rehabilitation</b> Construction	1.0	500.0
2026	28	M376 (410)	<b>Asphalt Street Rehabilitation</b> Construction	1.0	1,000.0
2026	29	M376 (406)	<b>Streetscape Phase 1C</b> Underpass Construction	1.0	2,715.0
2027	30	M376 (398)	<b>Thompson Creek Trail</b> La Vista Link Trail to Edgewood Construction	1.0	58.0 L.V. <u>232.0 Fed</u> 290.0
SIGNATURE:		TITLE: <b>STREET SUPERINTENDENT (S-1046)</b>			DATE: <b>09/05/2023</b>

**Board of Public Roads Classifications and Standards**  
**Summary of Six- Year Plan**  
**Six-Year Period Ending – 2028**

COUNTY:		CITY:		VILLAGE:	
		<b>LA VISTA</b>			
PROJECT YEAR	PRIORITY NUMBER	PROJECT NUMBER	PROJECT DESCRIPTION	LENGTH Nearest Tenth (MILES)	ESTIMATED COST (THOUSANDS)
2027	31	M376 (411)	<b>Concrete Street Rehabilitation</b> Construction	1.0	500.0
2027	32	M376 (412)	<b>Asphalt Street Rehabilitation</b> Construction	1.0	1,000.0
2028	33	M376 (415)	<b>Concrete Street Rehabilitation</b> Construction	1.0	500.0
2028	34	M376 (416)	<b>Asphalt Street Rehabilitation</b> Construction	1.0	1,000.0
SIGNATURE:		TITLE:		DATE:	
		<b>STREET SUPERINTENDENT (S-1046)</b>		09/05/2023	

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
SEPTEMBER 19, 2023 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
AMEND MUNICIPAL CODE SECTION 90.03 CLOSING HOURS - PARKS	RESOLUTION ◆ ORDINANCE RECEIVE/FILE	JEREMY KINSEY POLICE CAPTAIN

**SYNOPSIS**

An ordinance has been prepared to amend Section 90.03 of the La Vista Municipal Code.

**FISCAL IMPACT**

N/A.

**RECOMMENDATION**

Approval.

**BACKGROUND**

All city parks currently close between the hours of 10:00 p.m. and 6:00 a.m. Sunday through Saturday. With the opening of businesses in the City Centre area, including the music venue, it is anticipated that patrons will make use of parking in Central Park, Central Park East, and in the future, Central Park West. Allowing parking in these nearby park areas will help ease the concentration of overflow parking on nearby city neighborhood streets. The recommendation to adjust the closure time of these three spaces closed between the hours of Midnight and 6:00 a.m. Sunday through Saturday, will allow for visitors to return to their cars after events and/or spending time at businesses in City Centre.

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

AN ORDINANCE OF THE CITY OF LA VISTA, NEBRASKA, TO AMEND MUNICIPAL CODE SECTION 90.03; TO REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY AND AN EFFECTIVE DATE HEREOF.

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

**SECTION 1.** Section 90.03 of the La Vista Municipal Code is amended to read as follows:

**§ 90.03 CLOSING HOURS FOR CITY PARKS AND RECREATIONAL AREAS; EXCEPTION.**

(A) All city parks and recreational areas owned by the city shall be closed to the public between the hours of 10:00 p.m. and 6:00 a.m. from Sunday through Saturday except that Central Park, Central Park East and Central Park West shall be closed to the public between the hours of 12:00 a.m. (midnight) and 6:00 a.m. from Sunday through Saturday.

(B) In the case of a city sponsored event or activity that terminates after closing hours 10:00 p.m., the city park or recreational area wherein the particular event or activity occurs shall be closed 30 minutes after the cessation of said event or activity. ('79 Code, § 3-403) (Ord. 273, passed 6-3-80)

**SECTION 2. Repeal of Conflicting Ordinances.** All ordinances and parts of ordinances as previously enacted that are in conflict with this Ordinance or any part hereof are hereby repealed.

**SECTION 3. 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 4. 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 19TH DAY OF SEPTEMBER 2023.

CITY OF LA VISTA

Acting Mayor

Kim J. Thomas Douglas Kindig,

ATTEST:

Pamela A. Buethe, MMC  
City Clerk

**CITY OF LA VISTA  
MAYOR & CITY COUNCIL  
SEPTEMBER 19, 2023 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
SEWER RATE STUDY – FY25-FY29	◆ RESOLUTION ORDINANCE RECEIVE/FILE	PAT DOWSE CITY ENGINEER

**SYNOPSIS**

A resolution has been prepared to accept the Sewer Rate Study prepared by Burns & McDonnell and approve implementation of the recommended rates and fees. The actual adoption of the rates will occur with the annual modifications to the Master Fee Ordinance as part of the budget process in September of each year.

**FISCAL IMPACT**

The proposed rate increases are expected to provide adequate funding for the operation and maintenance of the City's sewer system; treatment of sewage; system rehabilitation; and maintain an acceptable level of reserves.

**RECOMMENDATION**

Approval.

**BACKGROUND**

Burns & McDonnell was selected to prepare the FY25-FY29 Sewer Rate Study which was presented to Mayor and Council on July 5, 2023. Attached is the final report.

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA ACCEPTING THE SEWER RATE STUDY DATED AUGUST 28, 2023 AND APPROVING IMPLEMENTATION OF RECOMMENDED RATES AND FEES.

WHEREAS, the Mayor and City Council of the City of La Vista, Nebraska, previously authorized the evaluation of future costs associated with operating and maintaining the sewer system; and

WHEREAS, the Mayor and City Council adopted the waste water agreement with the City of Omaha on April 7, 2009; and

WHEREAS, the sewer rate study was prepared by Burns & McDonnell; and

WHEREAS, the City Administrator, City Engineer, Finance Director and Director of Public Works have recommended acceptance of the proposed rates and fees over the next five (5) fiscal years, subject to annual evaluation and review of revenues and expenses as projected in the study;

NOW THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of La Vista, Nebraska that the Sewer Rate Study dated August 28, 2023 prepared by Burns & McDonnell and the implementation of the recommended rates and fees over the next five (5) fiscal years has been reviewed by the Mayor and City Council of the City of La Vista and the same hereby is, accepted and approved.

PASSED AND APPROVED THIS 19TH DAY OF SEPTEMBER 2023.

CITY OF LA VISTA

---

Kim J. Thomas, Acting Mayor

ATTEST:

---

Pamela A. Buethe, MMC  
City Clerk



# Sewer Rate Study



**City of La Vista, Nebraska**

**Project No. 154078**

**Final Report  
8/28/2023**



# **Sewer Rate Study**

**prepared for**

**City of La Vista, Nebraska**

**Project No. 154078**

**Final Report  
8/28/2023**

**prepared by**

**Burns & McDonnell Engineering Company, Inc.  
Kansas City, Missouri**

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## LIST OF ABBREVIATIONS

<u>Abbreviation</u>	<u>Term/Phrase/Name</u>
AWWA	American Water Works Association
Burns & McDonnell	Burns & McDonnell Engineering Company, Inc.
BLS	Bureau of Labor Statistics
CIP	Capital Improvement Program
CPI-U	Consumer Price Index for all Urban Consumers
Ccf	Hundred Cubic Feet
FY	Fiscal Year
MUD	Metropolitan Utilities District
NACWA	National Association of Clean Water Agencies
O&M	Operation and Maintenance
The City	The City of La Vista, Nebraska
The Study	Sewer Rate Study
WEF	Water Environment Federation

## 1.0 INTRODUCTION

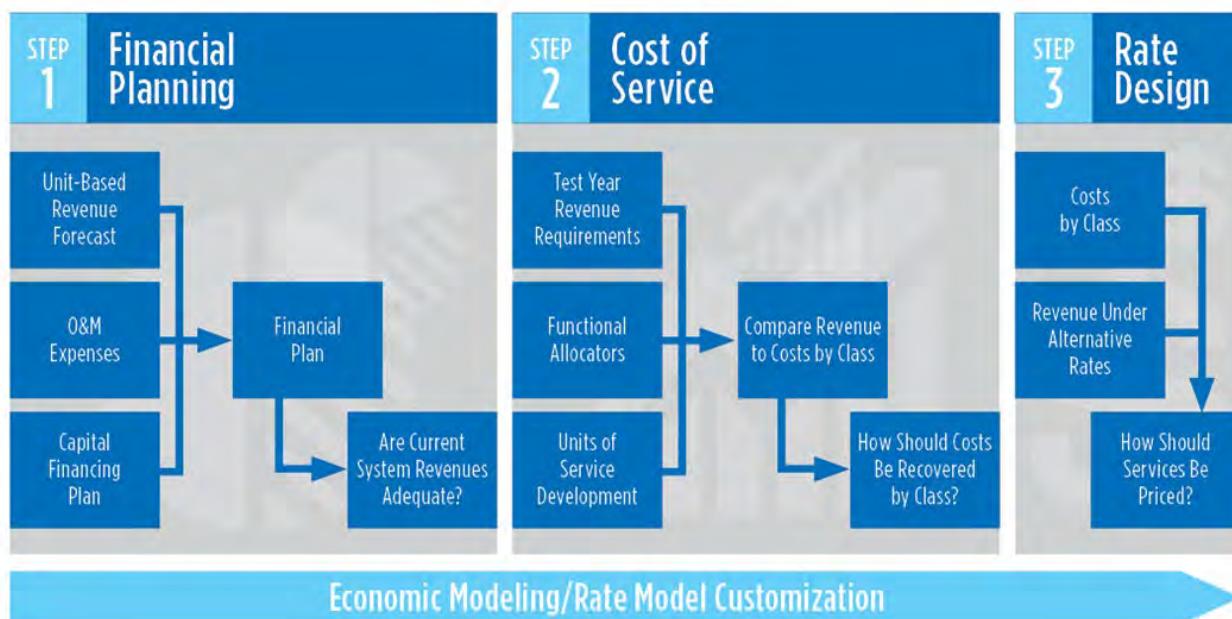
### 1.1 Study Background

The City of La Vista, Nebraska (the City) retained Burns & McDonnell to perform a financial planning, cost of service and rate analysis (the Sewer Rate Study or Study) for the City's sewer system. The Study provides a seven-year financial plan that evaluates the sufficiency of revenues under existing rates to meet future operating and capital costs of the utility. If revenues are insufficient to meet funding requirements, recommendations are made to increase rates sufficiently to meet the utility's revenue requirements. The cost of service analysis provides context for rate design. Throughout this report various years are referenced regarding the City's financial plan. The years referenced are the City's fiscal years (FY), which are October 1<sup>st</sup> through September 30<sup>th</sup>.

### 1.2 Project Approach

To meet the project objectives identified by the City, Burns & McDonnell conducted the rate study in a three-step approach. This approach, depicted in Figure 1-1, is grounded in the principles established by the American Water Works Association (AWWA) *M1 Rate Manual* and the Water Environment Federation (WEF) *Financing and Charges for Wastewater Systems*.

**Figure 1-1: Study Methodology**



**Step 1: Financial Planning** provides an indication of the adequacy of the revenue generated by current rates. The results of the financial forecast analysis answer the questions "Are the existing rates adequate?" and "If not, what level of overall revenue increase is needed?" The Financial Planning Analysis is presented in Section 2.0 of this report.

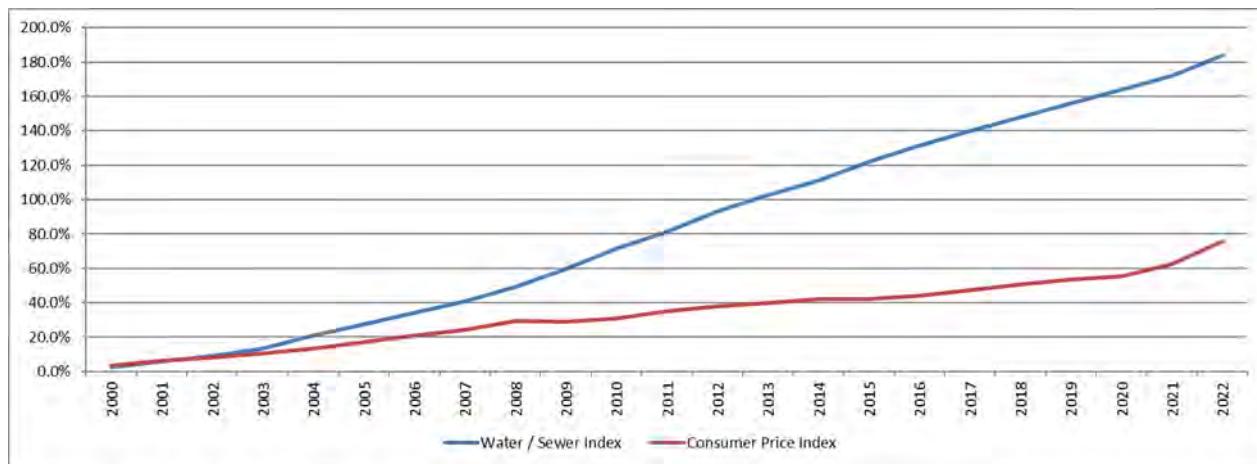
**Step 2: Cost of Service** focuses on assigning cost responsibility to customer classes. Each customer class is allocated an appropriate share of the overall system costs based on the level of service provided. The net revenue requirements (costs to be recovered from rates) identified in Step 1 are allocated to customers in accordance with industry standards and principles and system specifics. The Cost of Service Analysis is detailed in Section 3.0 of this report.

**Step 3: Rate Design** provides for the required revenue recovery. Once the overall level of revenue required is identified and customer class responsibility for that level of revenue is determined, schedules of rates for each rate class are developed that will generate revenues accordingly. The Rate Design Analysis is detailed in Section 4.0 of this report. A regional bill comparison is also provided for neighboring sewer systems in Section 4.0.

### 1.3 Industry Trends in Sewer Rate Increases

Nationally, the cost of residential sewer service is rising faster than many other household costs. Replacement of aging infrastructure is one of several dynamics impacting sewer utility rates. Other dynamics generally include increasing regulatory requirements, inflation on operating and capital costs, and a trend in declining consumption most often associated with more efficient fixtures and appliances and greater awareness of water conservation.

Every utility is different, and the relative importance of these dynamics will vary by utility. However, there is no doubt that sewer rate increases have substantially outpaced general inflation in the United States. The United States Bureau of Labor Statistics (BLS) tracks many facets of inflation. The most commonly referenced measure is the Consumer Price Index for all Urban Consumers (CPI-U) which measures inflation at the consumer level for a representative basket of goods. The BLS also tracks a combined inflation index for consumer water and sewer costs. Figure 1-2 compares changes in the BLS' consumer price index to changes in the BLS' water and sewer cost index.

**Figure 1-2: Changes in General Inflation vs. Water and Sewer Rates**

Cumulatively since 2000, the water and sewer index has risen over 180 percent, while CPI has increased about 80 percent. Annually, this equates to an approximate increase of 5 percent per year for the water and sewer index, while CPI's annual rate of change is about 2 percent per year.

Other industry surveys reach similar conclusions regarding increases in water and/or sewer rates. The National Association of Clean Water (NACWA) annually updates its *Cost of Clean Water Index*, which specifically surveys sewer utilities across the nation regarding the cost of residential sewer service. From 1985 through 2021, the annual increase according to this survey has been 4.8 percent per year. American Water Works Association (AWWA) also conducts a broad, biennial water and sewer rate survey with results indicating average annual rate increases of 5.7 percent per year for water and 5.8 percent per year for sewer from 2001 to 2018.

Each utility is influenced by specific circumstances that can lead to increases that are higher or lower than these industry trends. However, costs associated with renewal and replacement of existing infrastructure and the increasing cost of regulatory compliance are two of the primary dynamics contributing toward the increases in sewer rates. Understanding the reality of increasing costs within the sewer industry provides helpful context in evaluating proposed financial plans regarding La Vista's sewer utility.

## 2.0 FINANCIAL PLANNING ANALYSIS

### 2.1 Introduction to Financial Planning

The primary issue addressed in financial planning analysis is revenue sufficiency. The results of financial planning analysis answer the questions:

- "Are the existing rates adequate to meet future funding needs?"
- "If not, what level of overall revenue increase is needed?"

To determine if the existing schedule of rates can be expected to generate enough revenue to meet the City's operating and capital costs, Burns & McDonnell prepared a seven-year financial projection of revenues and expenditures for the utility. A comparison of projected revenues and expenditures provides insight into the adequacy of overall revenue levels.

Our approach to Financial Planning involves the following basic steps:

1. Project revenues under existing rates.
2. Project utility expenditures.
3. Develop a multi-year financial plan
4. Evaluate financial sufficiency based on key performance indicators such as reserve balances.

The planning period includes the current fiscal year (FY) 2023 and a six-year forecast period, 2024 – 2029. The City utilizes a twelve-month fiscal year beginning October 1. The financial plan analysis recognizes and references the same fiscal year in the forecast period.

The remainder of this section of the report discusses how the sewer utility financial plan was developed and identifies the sufficiency of existing rates to adequately meet future costs.

### 2.2 Sewer Utility Revenues under Existing Rates

The first step in financial planning analysis was to project revenues under the existing schedule of rates. To support this effort an analysis of customer billing determinants and revenues was performed.

#### 2.2.1 Historical and Projected Customers

Table 2-1 presents the historical sewer customers served by the City from 2020 to 2022 and the projection of customers for the 2023 to 2029 planning period. In recent years, La Vista has experienced slight growth in the number of customer accounts. For the purpose of this Study, forecasted residential accounts are anticipated to growth at roughly half a percent per year.

## 2.2.2 Historical and Projected Volumes

Table 2-1 also presents the historical and projected billed sewer volume. In recent years, La Vista has experienced a slight decline in the use per account of residential customers. For the purpose of this Study, forecasted use for residential accounts is anticipated to decline roughly 2 percent per year. No change is forecasted in demand for commercial and industrial customers. Industrial hand billed customers include three accounts: Culligan, Vertical Cold Storage, and Yahoo.

**Table 2-1: Historical and Projected Accounts and Volume**

Line No.		Historical		Budget	Projected						
		2020	2021	2022	2023	2024	2025	2026	2027	2028	2029
<b>Accounts</b>											
1	Residential	6,634	6,524	6,674	6,699	6,724	6,749	6,774	6,799	6,824	6,850
2	Commercial	542	544	613	613	613	613	613	613	613	613
3	Industrial Hand Billed	3	3	3	3	3	3	3	3	3	3
4	Total Accounts	7,178	7,071	7,289	7,315	7,340	7,365	7,390	7,415	7,440	7,466
<b>Billed Volume (Ccf)</b>											
5	Residential	424,110	410,060	410,980	403,630	396,390	389,270	382,280	375,400	368,650	362,060
6	Commercial	449,710	470,250	501,780	502,180	502,180	502,180	502,180	502,180	502,180	502,180
7	Industrial Hand Billed	6,280	9,300	8,660	8,660	8,660	8,660	8,660	8,660	8,660	8,660
8	Total Billed Volume	880,100	889,610	921,420	914,470	907,230	900,110	893,120	886,240	879,490	872,900

## 2.2.3 Existing Sewer Rates

The existing 2023 and approved 2024 sewer rate schedule is shown in Table 2-2 and features a fixed monthly base fee and a volumetric rate that varies according to class for domestic use of the system. Industrial Hand Billed rates are the same as the General Commercial rates.

**Table 2-2: Existing and Approved Sewer Rates**

Line No.	Description	Existing	Approved
		<u>Rates</u>	<u>Rates</u>
		<u>2023</u>	<u>2024</u>
<b>Customer Charge (per bill)</b>			
1	Residential	\$ 12.97	\$ 13.23
2	Commercial	\$ 13.91	\$ 14.19
3	Hand Billed Industrial	\$ 13.91	\$ 14.19
<b>Flow Charge (per CCF)</b>			
4	Residential	\$ 4.41	\$ 4.66
5	Commercial	\$ 4.41	\$ 4.66
6	Hand Billed Industrial	\$ 4.41	\$ 4.66

## 2.2.4 User Revenues under Existing Rates

Table 2-3 presents historical user revenues for 2020 to 2022 and a projection of user revenues under existing and adopted rates for the planning period. The projection of user revenues was estimated based on the forecasted accounts, estimated volumes, and existing and adopted rates.

Historical sewer user revenues ranged from approximately \$4.3 million in 2020 to \$4.9 million in 2022. User charge revenues for 2023 are estimated to be approximately \$5.2 million. Overall, sewer user charge revenues under adopted 2024 rates are projected to decline slightly over the study period due to the decline in use per residential account built into the forecast. This slight decline in user charge revenue can be seen from 2024 to 2029 on Line 4 in Table 2-3.

**Table 2-3: Historical and Projected Sewer User Charge Revenues**

Line No.	Historical			Budget		Projected					
	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	
<b>User Charge Revenues under Existing Rates [1]</b>											
1 Residential	\$ 2,539,231	\$ 2,578,340	\$ 2,716,016	\$ 2,816,600	\$ 2,908,400	\$ 2,879,300	\$ 2,850,800	\$ 2,822,800	\$ 2,795,500	\$ 2,769,000	
2 Commercial	\$ 1,752,173	\$ 1,933,382	\$ 2,179,389	\$ 2,309,400	\$ 2,436,600	\$ 2,436,600	\$ 2,436,600	\$ 2,436,600	\$ 2,436,600	\$ 2,436,600	
3 Industrial Hand Billed	\$ 25,963	\$ 39,443	\$ 39,520	\$ 38,600	\$ 40,700	\$ 40,700	\$ 40,700	\$ 40,700	\$ 40,700	\$ 40,700	
4 Total UC Revenues	\$ 4,317,366	\$ 4,551,165	\$ 4,934,925	\$ 5,164,600	\$ 5,385,700	\$ 5,356,600	\$ 5,328,100	\$ 5,300,100	\$ 5,272,800	\$ 5,246,300	

[1] Revenues for FY 2024-2032 are projected based on estimated billing units and approved FY 2024 rates.

## 2.3 Sewer Utility Expenditures

The Sewer Utility's primary expenditures include the following operating and capital costs:

- Operation and Maintenance (O&M) Expenses
- Capital Improvement Program (CIP) Expenditures
- Debt Service Expenditures
- Transfers to Fund 20 (Reserve for Capital Projects)

### 2.3.1 Operation and Maintenance Expenses

Table 2-4 presents the recent historical and projected sewer system operation and maintenance (O&M) expenses through the 2029 planning period. The sewer O&M expenses include the collection, treatment, and administrative operating costs incurred by the utility in providing sewer service to the City. Costs related to major capital projects are excluded from Table 2-4 and will be discussed later in this report.

O&M costs for 2023 and 2024 reflect the biennium budget. Projected O&M expenses are escalated from the 2024 budget amounts based on the following annual inflation factors:

- Personnel expenses excluding insurance benefits – 4.5 percent
- Insurance benefits (personnel) - 12.0 percent
- Insurance (non-personnel): 5.0 percent
- Expenses for treatment service provided by the City of Omaha – vary between 4.35 percent and 4.37 percent
- All other expenses – 2.0 percent

Applying these inflation factors to the appropriate O&M expenses leads to an increase in total O&M of approximately 4.4 percent annually from 2025 through 2029.

**Table 2-4: Historical and Projected Operation and Maintenance Expenses**

Line No.	Historical			Budgeted			Projected [1]				
	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	
<b><u>Sewer Maintenance</u></b>											
1 SALARIES - FULL TIME	387,162	413,341	425,066	493,337	503,797	526,500	550,200	575,000	600,900	627,900	
2 SALARIES - PART TIME	13,184	9,323	13,050	22,879	23,218	24,300	25,400	26,500	27,700	28,900	
3 SALARIES - OVERTIME	-	-	-	13,544	14,052	14,700	15,400	16,100	16,800	17,600	
4 OVERTIME - HOLIDAY WORKED	-	34	-	-	-	-	-	-	-	-	
5 OVERTIME - CALL OUTS	2,052	3,493	3,030	-	-	-	-	-	-	-	
6 OVERTIME & REGULAR - CITY EVENTS	479	536	3,904	-	-	-	-	-	-	-	
7 OVERTIME - ALL OTHER TYPES	981	1,789	660	-	-	-	-	-	-	-	
8 FICA PAYROLL TAX EXPENSE	29,172	31,029	32,664	40,527	41,392	43,300	45,200	47,200	49,300	51,500	
9 INSURANCE CHARGES	61,707	57,388	52,966	76,981	86,436	96,800	108,400	121,400	136,000	152,300	
10 PENSION	23,434	25,166	25,952	29,948	31,071	32,500	34,000	35,500	37,100	38,800	
11 PHONE ALLOWANCE	-	60	720	900	900	900	900	900	900	900	
12 OFFICE/COPY/COMPUTER SUPPLIES	181	139	115	222	226	200	200	200	200	200	
13 FOOD SUPPLIES	50	10	-	106	108	100	100	100	100	100	
14 WEARING APPAREL	2,075	1,814	1,550	1,677	1,711	1,700	1,700	1,700	1,700	1,700	
15 MOTOR VEHICLE SUPPLIES & FUEL	16,295	13,723	22,848	26,942	27,481	28,000	28,600	29,200	29,800	30,400	
16 MAINT/LAB/MEDICAL TOOL SUPPLY	970	129	765	1,062	1,083	1,100	1,100	1,100	1,100	1,100	
17 JANITORIAL SUPPLY	196	131	20	212	216	200	200	200	200	200	
18 CHEMICAL SUPPLY	4,650	-	3,250	5,100	5,202	5,300	5,400	5,500	5,600	5,700	
19 WELDING SUPPLIES	-	-	-	743	758	800	800	800	800	800	
20 POSTAGE	644	22	193	96	99	100	100	100	100	100	
21 TELEPHONE EXPENSE	1,550	1,885	520	1,604	1,652	1,700	1,700	1,700	1,700	1,700	
22 PROFESSIONAL SERVICES - OTHER	-	10,870	87,435	155,342	98,203	100,200	102,200	104,200	106,300	108,400	
23 UTILITIES	-	4,065	3,902	5,919	6,010	6,100	6,200	6,300	6,400	6,500	
24 UTILITIES - ELECTRIC	1,854	1,677	1,885	2,263	-	-	-	-	-	-	
25 UTILITIES - NATURAL GAS	1,636	2,388	3,579	3,656	-	-	-	-	-	-	
26 INSURANCE AND BONDS	113,870	120,842	128,940	148,907	157,501	165,400	173,700	182,400	191,500	201,100	
27 LEGAL ADVERTISING	-	-	-	161	166	200	200	200	200	200	
28 PRINTING	1,543	-	-	1,664	1,714	1,700	1,700	1,700	1,700	1,700	
29 DUES AND SUBSCRIPTIONS	124	-	-	388	400	400	400	400	400	400	
30 TRAVEL	6,521	-	2,478	11,262	11,559	11,800	12,000	12,200	12,400	12,600	
31 TOWEL/UNIFORM/CLEANING SERVICE	2,490	1,300	1,927	2,020	2,081	2,100	2,100	2,100	2,100	2,100	
32 TRAINING	1,067	450	1,101	3,105	3,153	3,200	3,300	3,400	3,500	3,600	
33 OTHER CONTRACTUAL SERVICES	2,610,092	2,829,963	3,009,633	3,066,819	3,227,791	3,368,200	3,515,100	3,668,700	3,828,700	3,995,600	
34 PROFESSIONAL SVCS - AUDIT	5,041	13,875	13,600	14,794	15,386	15,700	16,000	16,300	16,600	16,900	
35 PROFESSIONAL SERVICE-LEGAL	1,078	9,031	18,488	15,608	16,388	17,100	17,800	18,600	19,400	20,200	
36 OTHER CHARGES	1,458	748	1,569	15,593	16,068	16,400	16,700	17,000	17,300	17,600	
37 BUILDINGS & GROUNDS	4,622	2,689	4,068	42,462	43,736	44,600	45,500	46,400	47,300	48,200	
38 SANITARY SEWER R & M	2,936	3,158	2,477	5,359	5,520	5,600	5,700	5,800	5,900	6,000	
39 R & M-MACH/EQUIP/COMPUTER/TOOL	7,772	17,148	5,457	5,949	6,127	6,200	6,300	6,400	6,500	6,600	
40 MOTOR VEHICLE MAINTENANCE	10,146	10,515	11,232	15,573	16,040	16,400	16,700	17,000	17,300	17,600	
41 RADIO R & M	470	-	237	2,123	2,187	2,200	2,200	2,200	2,200	2,200	
42 Total Sewer Maintenance Cost	3,342,669	3,588,731	3,885,281	4,234,847	4,369,432	4,561,700	4,763,200	4,974,500	5,195,700	5,427,400	

### 2.3.2 Projected Capital Improvement Expenditures

Table 2-5 presents the projected capital improvement (CIP) expenditures anticipated for the planning period. The CIP used for this Study is based on capital planning estimates developed by the City.

Line 5 shows an estimated \$8.0 million in cost for the City's new public works sewer building. The final costs associated with this project are not yet known. The \$8.0 million represents an estimated capital planning number based on City estimates.

Line 7 of Table 2-5 includes an allowance for annual renewal and replacement of collection system mains beginning in 2024 at \$100,000 and increasing to \$350,000 by 2029. These funds are assumed to be transferred into Fund 20 to build up a capital reserve for the purpose of cash funding renewal and replacement type projects. In 2023 dollars it is estimated that it would take roughly \$560,000 to replace approximately 1.0 percent of its City's collection system annually. Renewal and replacement of

underground infrastructure is a considerable challenge in the water and sewer industry. A 1.0 to 2.0 percent renewal rate is generally consistent with industry targets and is suitable for planning purposes such as this Study. As shown on Line 7, renewal and replacement projects funds are phased-in to lessen the financial impact of funding this reserve. While renewal and replacement spending is not anticipated to reach 1.0 percent by the end of this study period in 2029, it is likely such a target could be reached within a ten-year time horizon. Whether or not a 1.0 percent renewal rate is sufficient for the La Vista system will need to be evaluated over time.

Overall, the total CIP through 2029 amounts to \$13.0 million in current dollars. Assuming 3.0 percent inflation per year beginning in 2024, the total inflated CIP amounts to \$14.0 million.

**Table 2-5: Capital Improvement Program**

Line No.		Projected							Total
		2023	2024	2025	2026	2027	2028	2029	
<b><u>Budgeted Projects</u></b>									
1	Big Papio Sewer Siphon Replacement	-	-	-	100,000	350,000	-	-	450,000
2	East La Vista Sewer/ Pavement Rehab	2,700,000	-	-	-	-	-	-	2,700,000
3	Park View Sanitary Sewer	20,000	-	-	-	-	-	-	20,000
4	Sewer Jet Truck	-	-	400,000	-	-	-	-	400,000
5	Public Works Building Expansion	-	-	-	-	8,000,000	-	-	8,000,000
6	Other Capital Outlay	-	60,000	-	-	-	-	-	60,000
7	Renewal and Replacement [1]	-	100,000	150,000	200,000	250,000	300,000	350,000	1,350,000
8	Total Budgeted Projects	2,720,000	160,000	550,000	300,000	8,600,000	300,000	350,000	12,980,000
9	Total Inflated Projects [2]	2,720,000	164,800	583,535	327,845	9,679,377	347,782	417,918	14,241,258

[1] Estimated collection system renewal and replacement.

[2] CIP inflated at 3% compounding annually.

### 2.3.3 Projected Debt Service Requirements

The City currently has no outstanding sewer system debt. A debt issue is proposed for 2027 in the amount of \$8.0 million to fully fund the new public works sewer building shown in the CIP. Table 2-6 presents the proposed debt service requirements for the Sewer Utility.

**Table 2-6: Proposed Debt Service**

Line No.		Projected							2029
		2023	2024	2025	2026	2027	2028	2029	
<b><u>Proposed Debt</u></b>									
1	Public Works Building Expansion [1]	-	-	-	-	-	-	594,600	594,600
2	Total Gross Debt Service	-	-	-	-	-	-	594,600	594,600
3	Net Debt Service	\$	- \$	- \$	- \$	- \$	- \$	594,600	\$ 594,600

[1] Debt service assumes 20 year term, 4% rate, and 1% issuance expense.

Assumes full equal annual principal and interest payments start the year after debt issuance.

Payments for the proposed \$8.0 million issue assume a 20-year term, 4.0 percent interest, and 1.0 percent issuance expenses. Full principal and interest payments are estimated to start in full the year after

issuance. These estimated payments reflect an equal annual payment structure and are estimated solely for the purpose of depicting future revenue requirements and evaluating the sufficiency of revenues under approved and future rates. The actual structure of future debt may vary based on the recommendations of the City's Municipal Advisor and market conditions at the time of issuance.

## 2.4 Sewer Utility Financial Plan Cash Flow

Table 2-7 presents a cash flow that evaluates the sufficiency of revenues under existing rates to meet future cash requirements of the system. The City maintains two primary funds for the sewer utility. Fund 02 is the operating fund, which is where most revenues and expenses are recorded. The City has also established Fund 20, which represents a reserve fund for the sewer utility that is intended to be used as a rate stabilization tool for funding capital projects. Table 2-7 begins by evaluating Fund 02 on Lines 1 through 35, followed by Fund 20 on Lines 36 through 40.

Line 1 of Table 2-7 shows user revenues under existing and approved rates, shown previously on Line 4 of Table 2-3. Lines 2 through 7 present the proposed revenue increases needed to finance the City's operating and capital costs for the planning period. Beginning in 2025, 4.0 percent annual increases are proposed to be implemented through 2029. The basis for these recommended increases will be discussed more thoroughly later in this section of the report.

Billing for La Vista's sewer service is provided by the Metropolitan Utilities District (MUD). MUD recovers the cost of this service by assessing a billing charge on each bill issued on behalf of the City. This service fee is currently \$1.8452 per bill and amounts to approximately \$161,900 in 2023. This expense is assumed to increase 3.0 percent annually and can be seen on Line 9

Other revenues are shown on Line 11 and primarily consists of sewer hookup permit fees. This miscellaneous revenue stream is assumed to remain consistent at the 2023 budgeted levels. Line 12 of Table 2-7 includes an estimate of interest income for the utility assuming a yield of approximately 0.9 percent. Line 13 shows the total operating revenues forecasted over the study period. Including proposed revenue adjustments, total Sewer Utility operating revenues are projected to range from \$5.2 million in 2023 to \$6.4 million in 2029.

Operating revenue requirements are shown on Lines 14 through 18 of Table 2-7 and include O&M expenses, debt service payments, and transfers to Fund 20. O&M expenses, identified previously on Line 42 of Table 2-4, are shown on Line 14 of Table 2-7. Total Debt Service on Line 17 includes the proposed debt and is consistent with the total debt service shown previously on Line 3 of Table 2-6. Deposits to

Fund 20 are shown on Line 18 of Table 2-7. The transfers are sized based on the amount of inflated renewal and replacement cash funding the City is setting aside, previously shown on the CIP table.

Total operating revenue requirements are summarized on Line 19. This amount is deducted from Line 13, total sewer revenues, to determine the annual operating balance shown on Line 20.

Capital sources and uses of funds are shown on Lines 21 through 27 of Table 2-7. Sources of funds include cash from operations and the proposed debt issuance. As shown on Line 26, a single debt issue of \$8.0 million is anticipated in 2027, discussed previously in Section 2.3.3. Uses of funds include the capital improvement plan shown previously on Table 2-6, and issuance expenses for future debt issues.

Lines 28 through 35 evaluate the aggregate cash flow for Fund 02, including both operating and capital requirements. Total revenues on Line 28 combine total sewer operating revenue from Line 13 and capital sources of funds on Line 23. Expenses reflect total operating revenue requirements from Line 19 and total capital uses from Line 26. Netting the total sources and uses of funds for Fund 02 provides the annual balance on Line 30. A negative balance will draw reserves down in Fund 02, while a positive balance will increase reserves in Fund 02.

The beginning balance available for Fund 02 at the beginning of 2023 is shown on Line 31 and amounted to \$5.2 million. The ending balance for each fiscal year is determined by adding the annual operating balance to the beginning balance. In 2023, the ending balance is anticipated to be approximately \$3.4 million.

As a matter of sound financial planning, the City strives to provide an ending operating balance equal to at least 25 percent of each year's O&M. The targeted minimum balance was established to provide working capital liquidity and an emergency reserve to provide a measure of financial resiliency. This amount is shown on Line 34 and increases over time due to inflation in O&M. Comparing the projected ending balance for Fund 02 on Line 33 with the annual target on Line 34 indicates that the ending balance is sufficient to meet this target throughout the study period.

Debt service coverage is shown on Line 35. Debt service coverage is a frequent requirement in bond covenants associated with utility revenue bonds. This coverage ratio is calculated as follows:

$$\left( \frac{\text{Grand Total Sewer Revenue} - \text{O&M Expense}}{\text{Total Debt Service}} \right)$$

Debt service coverage represents a degree of security to bondholders that the utility could encounter lower revenues or higher O&M and still have the financial capacity to pay annual debt service. Typically the minimum debt service coverage level is determined by examining bond covenants for outstanding debt. However, because the City does not currently have outstanding debt, minimum debt service coverage levels are not discernable. For the purpose of this Study, Burns & McDonnell has assumed a minimum coverage requirement of 1.50x. This level is consistent with the covenant requirements of many of our clients, although it can vary by utility. As shown on Line 35, projected debt service coverage is above the targeted minimum ratio of 1.50.

Fund 20 sources and uses are shown on Lines 36 through 40 of Table 2-8. Fund 20 acts as a separate vehicle for storing funds created with the purpose of cash funding capital projects. Sources of funds for Fund 20 include beginning balances, transfers in from Fund 02, and interest income earned in Fund 20. Line 37 shows the transfers in from Fund 02, as previously discussed.

**Table 2-7: Projected Sewer Utility Cash Flow**

Line No.	Projected							
	2023	2024	2025	2026	2027	2028	2029	
<b>Fund 02 Flow of Funds</b>								
1	Gross Revenue Under Existing Rates	5,164,600	5,385,700	5,356,600	5,328,100	5,300,100	5,272,800	5,246,300
<u>Proposed Revenue Adjustments</u>								
2	Year	Month	Increase					
2	2024	2	0.00%					
3	2025	2	4.00%	196,400	213,100	212,000	210,900	209,900
4	2026	2	4.00%		203,200	220,500	219,300	218,200
5	2027	2	4.00%			210,200	228,100	227,000
6	2028	2	4.00%				217,500	236,100
7	2029	2	4.00%					225,000
	Total Proposed Additional Revenue	-	-	196,400	416,300	642,700	875,800	1,116,200
8	Gross User Charge Revenue With Increases	5,164,600	5,385,700	5,553,000	5,744,400	5,942,800	6,148,600	6,362,500
9	MUD Billing Fee [1]	(161,900)	(167,300)	(172,900)	(178,700)	(184,700)	(190,900)	(197,300)
10	Net Sewer User Charge Revenue	5,002,700	5,218,400	5,380,100	5,565,700	5,758,100	5,957,700	6,165,200
11	Other Sewer Fund Revenue	103,115	103,115	103,115	103,115	103,115	103,115	103,115
12	Interest Income [2]	112,400	77,500	93,900	101,800	114,600	92,600	91,900
13	<b>Grand Total Sewer Revenue</b>	<b>5,218,215</b>	<b>5,399,015</b>	<b>5,577,115</b>	<b>5,770,615</b>	<b>5,975,815</b>	<b>6,153,415</b>	<b>6,360,215</b>
<u>Revenue Requirements</u>								
14	Operation and Maintenance Expense	4,234,800	4,369,400	4,561,700	4,763,200	4,974,500	5,195,700	5,427,400
Debt Service								
15	Existing Debt	-	-	-	-	-	-	-
16	Proposed Debt	-	-	-	-	-	594,600	594,600
17	Total Debt Service	-	-	-	-	-	594,600	594,600
18	Transfer to Fund 20	-	103,000	159,135	218,545	281,377	347,782	417,918
19	<b>Total Revenue Requirements</b>	<b>4,234,800</b>	<b>4,472,400</b>	<b>4,720,835</b>	<b>4,981,745</b>	<b>5,255,877</b>	<b>6,138,082</b>	<b>6,439,918</b>
20	<b>Annual Operating Balance</b>	<b>983,415</b>	<b>926,615</b>	<b>856,280</b>	<b>788,870</b>	<b>719,938</b>	<b>15,333</b>	<b>(79,703)</b>
<u>Capital Sources</u>								
21	Transfer from Fund 20	-	-	-	-	-	-	-
22	Debt Issuance	-	-	-	-	8,000,000	-	-
23	Total Capital Sources	-	-	-	-	8,000,000	-	-
<u>Capital Uses</u>								
24	CIP	2,720,000	61,800	424,400	109,300	9,398,000	-	-
25	Bond Issuance Expense	-	-	-	-	80,000	-	-
26	<b>Total Capital Uses</b>	<b>2,720,000</b>	<b>61,800</b>	<b>424,400</b>	<b>109,300</b>	<b>9,478,000</b>	<b>-</b>	<b>-</b>
27	<b>Annual Capital Balance</b>	<b>(2,720,000)</b>	<b>(61,800)</b>	<b>(424,400)</b>	<b>(109,300)</b>	<b>(1,478,000)</b>	<b>-</b>	<b>-</b>
<b>Fund 02 Cash Flow Summary</b>								
28	Total Revenues	5,218,215	5,399,015	5,577,115	5,770,615	13,975,815	6,153,415	6,360,215
29	Total Expenses	6,954,800	4,534,200	5,145,235	5,091,045	14,733,877	6,138,082	6,439,918
30	Annual Balance	(1,736,585)	864,815	431,880	679,570	(758,062)	15,333	(79,703)
31	Beginning Balance	5,185,394	3,448,809	4,313,624	4,745,504	5,425,074	4,667,011	4,682,344
32	Annual balance	(1,736,585)	864,815	431,880	679,570	(758,062)	15,333	(79,703)
33	Ending Balance	3,448,809	4,313,624	4,745,504	5,425,074	4,667,011	4,682,344	4,602,641
34	Operating Reserve Target [3]	1,058,700	1,092,400	1,140,400	1,190,800	1,243,600	1,298,900	1,356,900
35	Debt Service Coverage [4]	-	-	-	-	-	1.61	1.57
<b>Fund 20 Flow of Funds</b>								
36	Beginning Balance	6,918	7,018	111,218	274,153	500,398	794,576	1,161,758
37	Transfers In	-	103,000	159,135	218,545	281,377	347,782	417,918
38	Interest Income [2]	100	1,200	3,800	7,700	12,800	19,400	27,400
39	Transfers Out	-	-	-	-	-	-	-
40	Ending Balance	7,018	111,218	274,153	500,398	794,576	1,161,758	1,607,076

[1] Reflects FY 2023 MUD billing rate of \$1.8452 per bill which is assumed to increase 3% annually starting in FY 2024

[2] Assumes earned Interest Income 2%.

[3] Operating reserve balance target equals 25% of total O&amp;M.

[4] Targeting DSC of 1.5X

## 3.0 COST OF SERVICE ANALYSIS

### 3.1 Introduction

The cost of service analysis is focused on determining revenue responsibility. Once the overall need for revenue increases is identified through financial planning, the results of the cost of service analysis help answer the following question:

1. "Which customer class or classes are responsible for the costs incurred to provide service?"

To determine each customer class' equitable share of the cost of providing utility service, the cost of service analysis compares the revenues received from each customer class under the existing schedule of rates with the allocated cost responsibility for that class.

The cost of service analysis was developed in the following steps:

1. Determine the net revenue requirements to be recovered from user charges.
2. Allocate test period operating and capital costs.
3. Estimate the system test period units of service.
4. Develop test period unit costs of service by class.
5. Assign the costs of service to customer classes.

To equitably develop rates for sewer service, the sewer utility's customer classes are allocated their respective share of the total cost of service according to their use of the system. Cost are assigned through consideration of demands placed on the system related to volume costs, customer costs, and other relevant factors.

### 3.2 Sewer Cost of Service

#### 3.2.1 Net Revenue Requirements

As described in Section 2.0 of this report, the cash needs of the sewer utility were projected over a five-year study period. The test period for the cost of service analysis is 2025, which corresponds to the first year for which revenue adjustments are proposed. For the sewer utility, the revenue adjustment amounts to a 4.0 percent increase in the test year.

Table 3-1 summarizes the net revenue requirements to be recovered from sewer rates in the 2025 test year. The net revenue requirements represent the level of costs that must be recovered from sewer rates and are equal to total operating and capital cost expenditures less all sources of other revenue. As

presented in Table 3-1, the net operating costs are nearly \$5.0 million and the net capital costs are \$585,500 for a total net revenue requirement of approximately \$5.6 million. This is 4.0 percent higher than revenues under existing sewer rates, consistent with the 2025 revenue increase identified in the recommended sewer utility financial plan.

**Table 3-1: Test Year 2020 Sewer Net Revenue Requirements**

Line No.	Description	Operating Expense \$	Capital Cost \$	Total \$
<b>Revenue Requirements</b>				
1	Operating Expense	4,561,700	-	4,561,700
2	Debt Service	-	-	-
3	Transfer to Fund 20	-	159,135	159,135
4	Cash Capital	-	424,400	424,400
5	MUD Billing	172,900	-	172,900
6	Total	4,734,600	583,535	5,318,135
<b>Revenue Requirements Met from Other Sources</b>				
7	Sewer Service Charges Billed	-	-	-
8	Sewer Hookups B.I. Permits	103,115	-	103,115
9	Lottery Transfer	-	-	-
10	Grant Income	-	-	-
11	Other Income	-	-	-
12	Interest Income	41,300	-	41,300
13	Use of/ (Deposit to) Reserves	(379,280)	-	(379,280)
14	Annualized Increase	(15,900)	(2,000)	(17,900)
15	Total	(250,765)	(2,000)	(252,765)
16	Cost of Service to be met by User Charges	4,985,365	585,535	5,570,900
17	Gross Revenue under Existing Rates			5,356,600
18	System Revenue Adjustment			4.00%

### 3.2.2 Cost of Service Methodology

According to the Water Environment Federation (WEF) publication *Financing and Charges for Wastewater Systems*, three cost allocation methodologies are generally used in the identification and allocation of wastewater utility costs. They are:

- Design-Basis Cost Allocation Methodology, whereby costs are allocated to functions based on engineering design considerations that influence the size and purpose of facilities.

- Functional Cost Allocation Methodology, whereby costs are allocated to functions based on the operational purpose of facilities rather than engineering design.
- Hybrid Approach, where in general capital costs are allocated on the design basis while operating costs are allocated on the functional basis.

For this analysis, the functional cost allocation basis was followed, which aligns well with the current sewer cost structure and services related to the City's collection system.

### **3.2.3 Functional Cost Assignment**

The sewer utility system includes a variety of facilities that work in concert with one another to meet necessary service requirements. For the City, sewer system assets are limited primarily to collection system infrastructure, with treatment provided by the City of Omaha.

Volume costs are those which vary directly with the quantity of wastewater contributed. Customer costs are those that generally vary in accordance with the quantity of customers served. Such costs may include billing, customer care, and related support costs. Additionally, infiltration/inflow costs may and frequently are recovered in whole or in part through service charges.

#### **3.2.3.1 Operating Expenses**

Operating expenses for the sewer system were forecasted previously in Table 2-4 of this report. Test year 2025 operating costs are assigned to functional components in Table 3-2.

In general, operation and maintenance costs were allocated based on several considerations, including:

- The cost causative or functional nature of the underlying expense.
- Directly assignable costs such as billing costs.
- The “readiness to serve” concept allocates a portion of volume-related costs to the customer component.

Sewer system expenses were allocated to the volume component and customer components as shown in Table 3-2. The allocation basis for each item is noted by line in Table 3-2. Volume-related allocations assign approximately 90 percent of cost to the volume component and 10 percent of cost to the customer component.

Omaha treatment expense are allocated 83 percent to volume and 17 percent to customer based on a review of the historical costs charged to La Vista for Omaha treatment services. Billing costs charged by

MUD are assigned 100 percent to the customer component. System general allocations reflect the aggregate result of all directly assigned sewer maintenance costs.

**Table 3-2: Allocation of Test Year 2025 Sewer Operation and Maintenance Expenses**

Line No.	Description	Test Year			Allocation Basis
		2025 Total	Volume	Customer	
<b>Sewer Maintenance Expenditures</b>					
1	SALARIES - FULL TIME	526,500	474,800	51,700	Volume & Billing
2	SALARIES - PART TIME	24,300	21,900	2,400	Volume & Billing
3	SALARIES - OVERTIME	14,700	13,300	1,400	Volume & Billing
4	OVERTIME - HOLIDAY WORKED	-	-	-	Volume & Billing
5	OVERTIME - CALL OUTS	-	-	-	Volume & Billing
6	OVERTIME & REGULAR - CITY EVENTS	-	-	-	Volume & Billing
7	OVERTIME - ALL OTHER TYPES	-	-	-	Volume & Billing
8	FICA PAYROLL TAX EXPENSE	43,300	39,000	4,300	Volume & Billing
9	INSURANCE CHARGES	96,800	87,300	9,500	Volume & Billing
10	PENSION	32,500	29,300	3,200	Volume & Billing
11	PHONE ALLOWANCE	900	800	100	Volume & Billing
12	OFFICE/COPY/COMPUTER SUPPLIES	200	200	-	Volume & Billing
13	FOOD SUPPLIES	100	100	-	Volume & Billing
14	WEARING APPAREL	1,700	1,500	200	Volume & Billing
15	MOTOR VEHICLE SUPPLIES & FUEL	28,000	25,300	2,700	Volume & Billing
16	MAINT/LAB/MEDICAL TOOL SUPPLY	1,100	1,000	100	Volume & Billing
17	JANITORIAL SUPPLY	200	200	-	Volume & Billing
18	CHEMICAL SUPPLY	5,300	4,800	500	Volume & Billing
19	WELDING SUPPLIES	800	700	100	Volume & Billing
20	POSTAGE	100	100	-	Volume & Billing
21	TELEPHONE EXPENSE	1,700	1,500	200	Volume & Billing
22	PROFESSIONAL SERVICES - OTHER	100,200	90,400	9,800	Volume & Billing
23	UTILITIES	6,100	5,500	600	Volume & Billing
24	UTILITIES - ELECTRIC	-	-	-	Volume & Billing
25	UTILITIES - NATURAL GAS	-	-	-	Volume & Billing
26	INSURANCE AND BONDS	165,400	149,200	16,200	Volume & Billing
27	LEGAL ADVERTISING	200	200	-	Volume & Billing
28	PRINTING	1,700	1,500	200	Volume & Billing
29	DUES AND SUBSCRIPTIONS	400	400	-	Volume & Billing
30	TRAVEL	11,800	10,600	1,200	Volume & Billing
31	TOWEL/UNIFORM/CLEANING SERVICE	2,100	1,900	200	Volume & Billing
32	TRAINING	3,200	2,900	300	Volume & Billing
33	OTHER CONTRACTUAL SERVICES	3,368,200	2,782,100	586,100	Omaha Treatment
34	PROFESSIONAL SVCS - AUDIT	15,700	14,200	1,500	Volume & Billing
35	PROFESSIONAL SERVICE-LEGAL	17,100	15,400	1,700	Volume & Billing
36	OTHER CHARGES	16,400	14,800	1,600	Volume & Billing
37	BUILDINGS & GROUNDS	44,600	40,200	4,400	Volume & Billing
38	SANITARY SEWER R & M	5,600	5,100	500	Volume & Billing
39	R & M-MACH/EQUIP/COMPUTER/TOOL	6,200	5,600	600	Volume & Billing
40	MOTOR VEHICLE MAINTENANCE	16,400	14,800	1,600	Volume & Billing
41	RADIO R & M	2,200	2,000	200	Volume & Billing
42	MUD Billing	172,900	-	172,900	Billing
43	Total Sewer Maintenance Expenses	4,734,600	3,858,600	876,000	
<b>Less Other Operating Revenue</b>					
44	Sewer Service Charges Billed	-	-	-	System General
45	Sewer Hookups B.I. Permits	103,115	84,015	19,100	System General
46	Lottery Transfer	-	-	-	System General
47	Grant Income	-	-	-	System General
48	Other Income	-	-	-	System General
49	Interest Income	41,300	33,700	7,600	System General
50	Use of / (Deposit to) Reserves	(379,280)	(309,080)	(70,200)	System General
51	Annualized Increase	(15,900)	(13,000)	(2,900)	System General
52	Subtotal Other Operating Revenue	(250,765)	(204,365)	(46,400)	System General
53	Net Sewer O&M Expense	4,985,365	4,062,965	922,400	

### 3.2.3.2 Capital Costs

Cash capital costs for the sewer utility include revenue-financed capital projects and payment on proposed debt. In 2025 capital costs include revenue-financed capital only. These costs are assigned to the volume and customer functional component in Table 3-3 consistent with the volume-basis used for O&M expenses.

**Table 3-3: Allocation of Test Year 2025 Sewer Capital Costs**

Line No.	Description	Test Year 2025			Allocation Basis
		Total \$	Volume \$	Customer \$	
<b><u>Capital Costs</u></b>					
1	Existing & Proposed Debt	-	-	-	Volume & Billing
2	Revenue Financed Capital	583,535	526,200	57,300	Volume & Billing
3	Total Sewer Capital Costs	583,535	526,200	57,300	
<b><u>Less Other Sources</u></b>					
4	Annualized Increase	(2,000)	(1,800)	(200)	Volume & Billing
5	Total	(2,000)	(1,800)	(200)	
6	Net Sewer Capital Expense	585,535	528,000	57,500	
7	<i>Distribution</i>	100%	90%	10%	

### 3.2.4 Units of Service

Functional costs responsibility of each customer class may be established based on the respective service requirements of each class. These service requirements are referred to as units of service and are summarized in Table 3-4.

Billable flow or volume is that portion of each customer's annual water use discharged directly into the sewer system. Billable flow is based upon the utility's billing records. Billing costs are allocated to classes based on the projected number of bills for each class.

**Table 3-4: Sewer Units of Service**

Line No.	Customer Class	Billed Volume Ccf	Bills
1	Residential	389,270	80,988
2	Commercial	502,180	7,356
3	Industrial Hand Billed	8,660	36
4	Total	900,110	88,380

### 3.2.5 Unit Cost Development

Based on the functionalized operation and maintenance expenses and capital costs shown in Tables 3-2 and 3-3, and the units of service developed in Table 3-4, unit costs of service for each functional cost component may be determined. Table 3-5 indicates the unit of measure and applicable unit cost for each function.

**Table 3-5: Sewer Unit Cost Development**

Line No.	Description	Test Year 2025		
		Total \$	Volume Ccf	Customer \$
1	Total Units of Service	900,110		88,380
2	Unit of Measure		Ccf	Bills
3	Net Operating Expense - \$	4,985,400	4,063,000	922,400
4	Unit Cost - \$/Unit		4.51	10.44
5	Net Capital Costs - \$	585,500	528,000	57,500
6	Unit Cost - \$/Unit		0.59	0.65
7	Total Cost of Service	5,570,900	4,591,000	979,900
8	Unit Cost - \$/Unit		5.10	11.09

### 3.2.6 Allocation of Costs to Customer Classes

Applying the unit costs by function to each customer class' units of service allows for the distribution of costs to customer classes, as shown in Table 3-6. Units of service for each class are as developed previously in Table 3-5. By applying the unit cost for each function against the level of service provided to each customer class, the total cost of service by customer class may be determined.

After Test Year 2025 costs are assigned to customer classes, they may be compared against revenue under existing rates. This comparison provides an indication of equity in the recovery of costs through revenues under adopted 2024 rates. As shown in Table 3-7, the total system adjustment is indicated to be 4.0 percent overall, consistent with the recommended financial plan.

**Table 3-6: Sewer Cost Allocation to Customer Classes**

Line No.	Description	Test Year 2025		
		Total \$	Volume \$	Customer \$
1	Unit Cost of Service - \$/Unit		5.10	11.09
Residential				
2	Units of Service		389,270	80,988
3	Allocated Cost - \$	2,883,400	1,985,500	897,900
Commercial				
4	Units of Service		502,180	7,356
5	Allocated Cost - \$	2,643,000	2,561,400	81,600
Industrial Hand Billed				
6	Units of Service		8,660	36
7	Allocated Cost - \$	44,600	44,200	400
Total				
8	Units of Service		900,110	88,380
9	Allocated Cost - \$	5,571,000	4,591,100	979,900

**Table 3-7: Comparison of Revenue Under Existing Rates to Allocated Cost of Service**

Line No.	Description	Revenue Under Existing Rates	Total Allocated Cost of Service	Indicated Increase / (Decrease)	Indicated Increase / (Decrease)
		\$	\$	\$	%
1	Residential	2,879,300	2,883,400	4,100	0.1%
2	Commercial	2,436,600	2,643,000	206,400	8.5%
3	Industrial Hand Billed	40,700	44,600	3,900	9.6%
4	Total	5,356,600	5,571,000	214,400	4.0%

It is important to note that cost of service results are instructive but for many reasons should not be interpreted as prescriptive in the development of proposed rates. Section 4.0 will discuss proposed rates for the sewer utility.

## 4.0 PROPOSED RATE DESIGN

### 4.1 Existing Sewer Rates

The current sewer rate schedule is shown in Table 4-1. The sewer rate structure consists of a uniform volume charge across all customer classes based on Hundred Cubic Feet (CCF) and a customer charge that varies by customer class. Rates for 2024 were approved from the last rate study and are also shown in Table 4-1.

**Table 4-1: Existing and Approved Sewer Rates**

Line <u>No.</u>	<u>Description</u>	Existing	Approved
		<u>Rates</u> <u>2023</u>	<u>Rates</u> <u>2024</u>
<u>Customer Charge (per bill)</u>			
1	Residential	\$ 12.97	\$ 13.23
2	Commercial	\$ 13.91	\$ 14.19
3	Hand Billed Industrial	\$ 13.91	\$ 14.19
<u>Flow Charge (per CCF)</u>			
4	Residential	\$ 4.41	\$ 4.66
5	Commercial	\$ 4.41	\$ 4.66
6	Hand Billed Industrial	\$ 4.41	\$ 4.66

### 4.2 Sewer Rate Structure

Sewer rate structures typically include a fixed or base fee and a volumetric fee. Sewer fixed fees do not usually vary by meter size, but some utilities will apply this practice to sewer rate design. Volumetric fees for sewer are generally not structured into blocks like some water rate structures and are typically designed to charge the same price per unit of use regardless of usage.

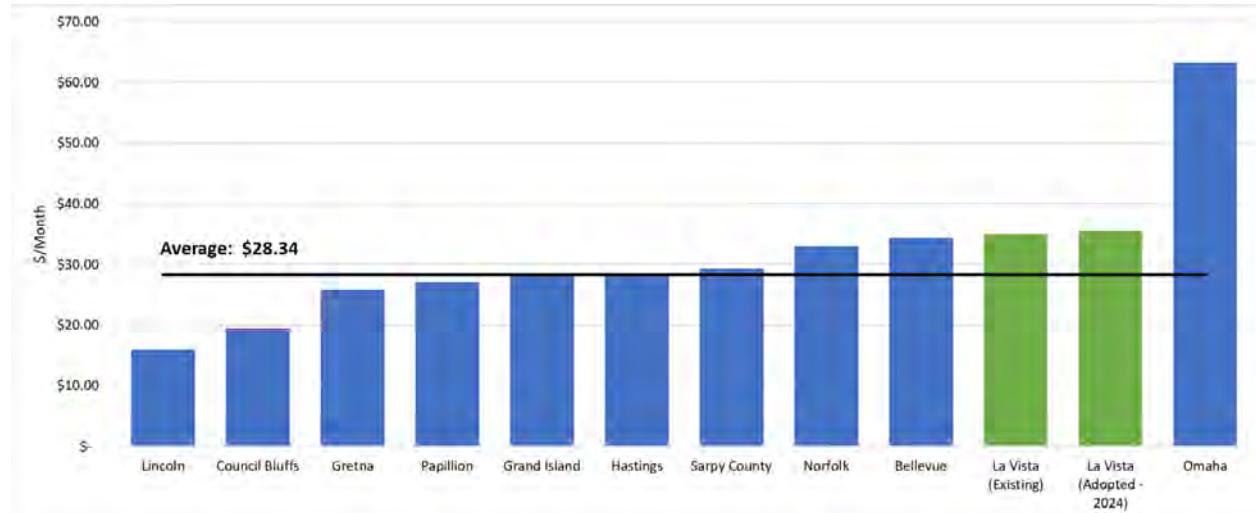
If the City were responsible for treatment of wastewater, the issue of the strength of contributed flows would introduce the possibility of varying volumetric charges by types of users. However, given the utility's responsibility for collection and conveyance only, and since the treatment service provided by the City of Omaha does not include a separate strength component in its rates, Burns & McDonnell is of the opinion that the existing uniform volume rate is a good fit for the City of La Vista. This structure is commonly used in the industry.

### 4.3 Regional Residential Sewer Rate Levels

A comparison of rates for eleven regional sewer utilities was conducted. Figure 4-1 shows a comparison of existing sewer bills for a residential customer using 5.0 Ccf per month. As shown in Figure 4-1, the

regional sewer typical bill ranges from about \$16 per month to about \$63 per month, with La Vista currently at just over \$35 a month.

**Figure 4-1: Residential Sewer Bill Comparison at 5.0 Ccf per Month**



#### 4.4 Proposed Sewer Rates

Table 4-2 shows existing and proposed sewer rates. For proposed rates, the current sewer rate structure is maintained. Base charges are proposed to increase 1 percent per year, while volume charges are proposed to increase 5 percent per year to meet the overall revenue increase of 4 percent per year. This approach is designed to improve the equity of cost recovery.

**Table 4-2: Existing and Proposed Sewer Rates**

Line No.	Description	Existing	Approved	Proposed Rates					
		Rates	Rates	2025	2026	2027	2028	2029	
		2023	2024						
<u>Customer Charge (per bill)</u>									
1	Residential	\$ 12.97	\$ 13.23	\$ 13.36	\$ 13.49	\$ 13.62	\$ 13.76	\$ 13.90	
2	Commercial	\$ 13.91	\$ 14.19	\$ 14.33	\$ 14.47	\$ 14.61	\$ 14.76	\$ 14.91	
3	Hand Billed Industrial	\$ 13.91	\$ 14.19	\$ 14.33	\$ 14.47	\$ 14.61	\$ 14.76	\$ 14.91	
<u>Flow Charge (per CCF)</u>									
4	Residential	\$ 4.41	\$ 4.66	\$ 4.89	\$ 5.13	\$ 5.39	\$ 5.66	\$ 5.94	
5	Commercial	\$ 4.41	\$ 4.66	\$ 4.89	\$ 5.13	\$ 5.39	\$ 5.66	\$ 5.94	
6	Hand Billed Industrial	\$ 4.41	\$ 4.66	\$ 4.89	\$ 5.13	\$ 5.39	\$ 5.66	\$ 5.94	

Table 4-3 shows the changes in residential sewer bills over the study period for three different usage profiles, assuming all rate increases and proposed rates are implemented through 2029. For an average

residential customer using 5.0 Ccf per month, increases in monthly sewer bills are expected to range from \$1.28/month in 2025 to \$1.54 a month in 2029.

**Table 4-3: Typical Residential Sewer Bills Under Existing and Proposed Rates**

Line No.	Description	Billable Flow Ccf	Existing		Approved		Proposed									
			Rates		Rates		Rates		Rates		Rates					
			2023	\$	2024	\$	2025	\$	2026	\$	2027	\$	2029			
Residential																
1	Low	3.5	\$	28.41	\$	29.54	\$	30.48	\$	31.45	\$	32.49	\$	33.57	\$	34.69
2	Average	5.0	\$	35.02	\$	36.53	\$	37.81	\$	39.14	\$	40.57	\$	42.06	\$	43.60
3	High	8.5	\$	50.46	\$	52.84	\$	54.93	\$	57.10	\$	59.44	\$	61.87	\$	64.39
Proposed Increase (\$)																
4	Low				\$	1.14	\$	0.93	\$	0.97	\$	1.04	\$	1.09	\$	1.12
5	Average				\$	1.51	\$	1.28	\$	1.33	\$	1.43	\$	1.49	\$	1.54
6	High				\$	2.39	\$	2.08	\$	2.17	\$	2.34	\$	2.44	\$	2.52
Proposed Increase (%)																
7	Low					4.0%		3.2%		3.2%		3.3%		3.3%		3.3%
8	Average					4.3%		3.5%		3.5%		3.7%		3.7%		3.7%
9	High					4.7%		3.9%		4.0%		4.1%		4.1%		4.1%

Table 4-4 shows the changes in Commercial sewer bills over the study period for three different usage profiles, assuming all rate increases and proposed rates are implemented through 2029. For a Commercial customer using 75 Ccf per month, increases in monthly sewer bills are expected to range from \$17.39/month in 2025 to \$21.15 a month in 2029.

**Table 4-4: Typical Commercial Sewer Bills Under Existing and Proposed Rates**

Line No.	Description	Billable Flow Ccf	Existing		Approved		Proposed									
			Rates		Rates		Rates		Rates		Rates					
			2023	\$	2024	\$	2025	\$	2026	\$	2027	\$	2029			
Commercial																
1	Low	25.0	\$	124.16	\$	130.69	\$	136.58	\$	142.72	\$	149.36	\$	156.26	\$	163.41
2	Medium	75.0	\$	344.66	\$	363.69	\$	381.08	\$	399.22	\$	418.86	\$	439.26	\$	460.41
3	High	130.0	\$	587.21	\$	619.99	\$	650.03	\$	681.37	\$	715.31	\$	750.56	\$	787.11
Proposed Increase (\$)																
4	Low				\$	6.53	\$	5.89	\$	6.14	\$	6.64	\$	6.90	\$	7.15
5	Medium				\$	19.03	\$	17.39	\$	18.14	\$	19.64	\$	20.40	\$	21.15
6	High				\$	32.78	\$	30.04	\$	31.34	\$	33.94	\$	35.25	\$	36.55
Proposed Increase (%)																
7	Low					5.3%		4.5%		4.5%		4.7%		4.6%		4.6%
8	Medium					5.5%		4.8%		4.8%		4.9%		4.9%		4.8%
9	High					5.6%		4.8%		4.8%		5.0%		4.9%		4.9%

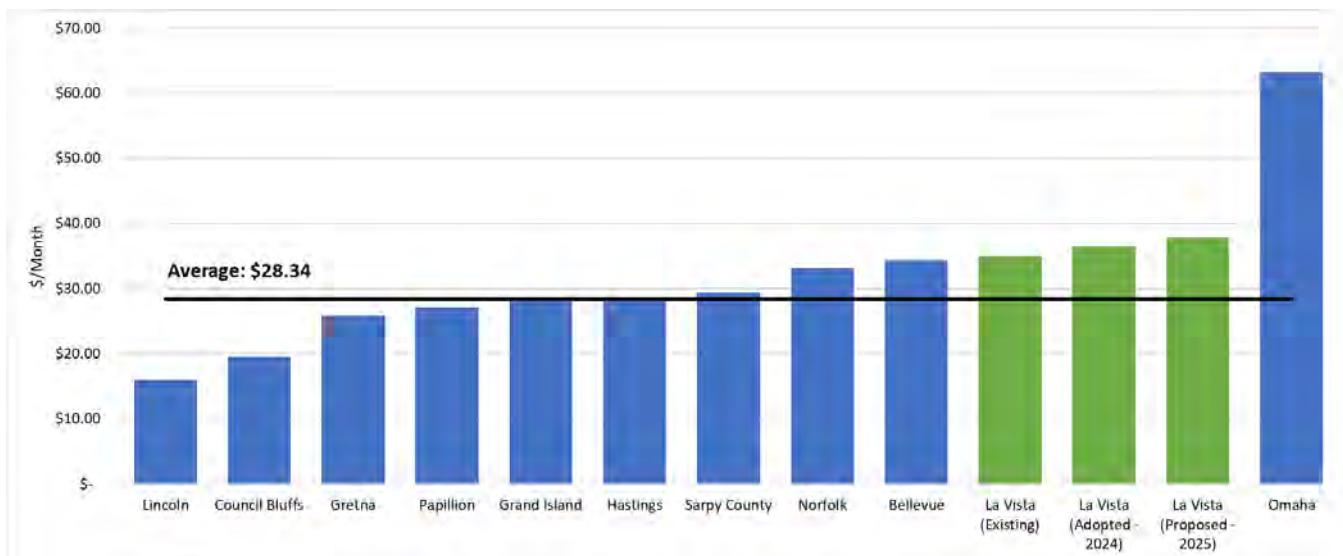
Burns & McDonnell considers the multi-year cash flow and rate forecast provided in this report a roadmap and anticipates that the City will continue its practice of adopting rates annually for the next fiscal year. This practice allows the City an annual opportunity to consider near term funding needs with

the benefit of recent, actual results of each fiscal year as they are completed. The financial outlook can be refreshed to reflect the latest conditions as part of the annual budgeting process, including such critical items as customer usage of its system, O&M expense trends, actual renewal and replacement costs, other capital project needs, and prevailing economic conditions, all of which will evolve over time.

#### 4.5 Typical Bills and Residential Bill Comparison

Figure 4-2 revisits the regional comparison of residential bills at 5.0 Ccf monthly consumption level including La Vista's existing, adopted, and proposed 2025 rates. As noted in the introduction to this report, sewer utility rates are increasing approximately 5 percent annually. It is important to note that many of the regional utilities included in Figure 4-2 will be increasing rates over time.

**Figure 4-2: Proposed Residential Monthly Bill Comparison**



## 4.6 Statement of Limitations

In preparation of the City of La Vista Sewer Rate Study, Burns & McDonnell relied upon information provided by the City. The information included various analyses, computer-generated information and reports, audited financial reports, and other financial and statistical information, as well as other documents such as operating budgets and current rate schedules. In addition, input regarding key assumptions was provided by City staff to Burns & McDonnell. While Burns & McDonnell has no reason to believe that the information provided, and upon which Burns & McDonnell has relied, is inaccurate or incomplete in any material respect, Burns & McDonnell has not independently verified such information and cannot guarantee its accuracy or completeness.

Estimates and projections prepared by Burns & McDonnell relating to financial forecasting and costs are based on Burns & McDonnell's experience, qualifications, and judgment as a professional consultant. Since Burns & McDonnell has no control over weather, cost and availability of labor, material and equipment, labor productivity, contractors' procedures and methods, unavoidable delays, economic conditions, government regulations and laws (including interpretation thereof), competitive bidding, and market conditions or other factors affecting such estimates or projections, Burns & McDonnell does not guarantee the accuracy of its estimates or predictions.



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**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**SEPTEMBER 19, 2023 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
AUTHORIZE PURCHASE – RESTROOM FACILITY FOR CENTRAL PARK EAST	◆ RESOLUTION ORDINANCE RECEIVE/FILE	JASON ALLEN PARK SUPERINTENDENT

**SYNOPSIS**

A resolution has been prepared authorizing the purchase of a prefabricated restroom facility for Central Park East from The Public Restroom Company in an amount not to exceed \$340,000.

**FISCAL IMPACT**

The FY23/FY24 Biennial Budget provides funding for the proposed purchase.

**RECOMMENDATION**

Approval.

**BACKGROUND**

Staff has made a recommendation to replace the restroom facility in Central Park East with a prefabricated park restroom building from The Public Restroom Company. The old restrooms were recently removed to complete the reconstruction and stabilization of Thompson Creek through Central Park. Now that the rehabilitation work is complete and other improvements are being made to the park (such as the installation of playground equipment and soon the reconstruction of the existing access road) can be replaced. The internal Parks Planning Team engaged the Park and Recreation Advisory Board and shared a range of building types and design possibilities, and the Park and Recreation Advisory Board recommended the option from the Public Restroom Company because of the design similarities with The Link in main Central Park, the cost effectiveness, quality of building materials, and anticipated construction timeline.

This purchase includes the construction and installation of the building. Additional costs for the Central Park East improvements will be forthcoming for review, including those for a shelter, site utility work, site lighting, and reconstruction of the access road. However, it is important to get the restroom facility ordered soon so that it can be installed next year upon completion of the road, due to the construction lead time for the restroom building (anticipated to be 10 months). The Public Restroom Company offers purchasing through Sourcewell Contract #081721-PRM, a cooperative purchasing agreement for government entities that assesses products and services to vet that prices are fair, reasonable, and competitive.

The purchase proposal for the Public Restroom Company is attached.

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE PURCHASE AND INSTALLATION OF A RESTROOM FACILITY FOR CENTRAL PARK EAST FROM THE PUBLIC RESTROOM COMPANY IN AN AMOUNT NOT TO EXCEED \$340,000.00.

WHEREAS, the City Council of the City of La Vista has determined that the purchase and installation of a restroom facility for Central Park East is necessary; and

WHEREAS, the FY23/FY24 Biennial Budget provides funding for the proposed purchase and installation; and

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

NOW THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista hereby approve the purchase and installation of a restroom facility for Central Park East from the Public Restroom Company in an amount not to exceed \$340,000.00.

PASSED AND APPROVED THIS 19TH DAY OF SEPTEMBER 2023.

CITY OF LA VISTA

---

Kim J. Thomas, Acting Mayor

ATTEST:

---

Pamela A. Buethe, MMC  
City Clerk

**Price Proposal:** **La Vista Central Park East - City of La Vista, NE**  
**Date:** **September 11, 2023**  
**Reference:** **11515-1/22/2023-0**  
**Sourcewell:** **Contract # 081721-PRM**

**Our Offer to Sell:**

**1. Restroom Building delivered to site @ \$ 308,183**

Public Restroom Company (PRC) herein bids to *furnish (building only per plans and specifications, delivered to site with all costs except installation including applicable taxes excluding retention.* (Retention is not allowed as this is materials or a product fully assembled before shipment to the site and therefore not subject to retention.)

**2. Installation: Turnkey Installation of the Building above @ \$ 31,198 with retention allowed.**

Public Restroom Company also includes in this two-part quotation our turnkey installation package for this building. Our national factory authorized installation team will:

- a. Arrive onsite to confirm and verify the Owner/General Contractor provided scope of work in preparation for installation including access to the site.
- b. Verify the building pad size, building corners, finished slab elevation, utility depth and location, meter size and distance from building, and compaction compliance.
- c. Excavate the utility trenches for placement of our prefabricated underground piping tree for the buildings plumbing and electrical, set the kit in place, provide the water test for inspection before backfilling, and then place the site adjacent coarse sand you provide to us alongside the building pad and screed it level for final building placement. We will need onsite water availability for wetting the sand bed before building placement to consolidate the pad.
- d. Set the building on the site pad.
- e. Connect the utility piping stub ups to the building piping stub down building points of connection for water, sewer, and electrical conduit to the building internal electrical panel.

**3. Owner/General Contractor Final Tie In of Utilities and other site work:**

- a. The Owner/Contractor is responsible for making all final plumbing connections at the 6' POC locations.
- b. The Owner/Contractor is responsible for pulling wire and completing all final tie-ins to the electrical panel from the 6' POC location.
- c. The Owner/Contractor is responsible for preparing the pad/foundation. PRC will trench through provided pad/foundation to run utilities to 6' POC locations.

**4. Total Cost of building and installation @ \$ 339,381**

La Vista Central Park East - City of La Vista, NE | 09/11/2023 | Reference # 11515-1/22/2023-0  
2587 Business Parkway | Minden, NV 89423 | [www.PublicRestroomCompany.com](http://www.PublicRestroomCompany.com) | p: 888-888-2060 | f: 888-888-1448

## **OWNER/GENERAL CONTRACTOR SCOPE OF WORK WITH/WITHOUT FOOTINGS:**

### **Scope of Work Background:**

Owner/General Contractor shall survey the site, establish survey for the building pad and prefabricated building slab elevation and front corners, excavate for building footings (if required), locate footing sleeves for electrical, waste, and water, pour the footings (if required), furnish sand base adjacent to subgrade pad, and provide location for utility POC's nominally 6' outside the foundation.

### **Preparation of Building Pad:**

Owner/General Contractor is responsible for providing the building subgrade pad or when required footings to frost depth per Public Restroom Company design specifications. PRC will provide detailed drawings for the subgrade building pad, utilities POC's, and if required the footings, attached to this scope of work.

### **Subgrade Pad/Foundation Requirements:**

1. Owner/General Contractor shall survey the building site and provide a finished slab elevation for the prefabricated building. The building pad size we require is larger than the final actual building footprint. Provide building front corner stakes with 10' offsets.
2. Excavate the existing site to the depth of the required footings to local code if required.
3. Furnish coarse concrete sand adjacent to subgrade pad so PRC can cut the utility trenches, install underground utilities, and screed sand.

### **Owner/General Contractor verification of site access to allow Building Delivery:**

1. You certify to PRC that suitable delivery access to the proposed building site is available. Suitable access is defined as 14' minimum width, 16' minimum height, and sufficient turning radius for a crane and 70' tractor-trailer.
2. Our cost is based upon the crane we provide being able to get within 35' from the building center and for the delivery truck to be no more than 35' from the crane center picking point.
3. If the path to the building site traverses curbs, underground utilities, landscaping, sidewalks, or other obstacles that could be damaged, it is the Owner/General Contractor's responsibility for repair and all costs, if damage occurs.
4. If trench plating is required, it shall be the cost responsibility of the Owner/General Contractor.
5. If unseen obstacles are present when site installation begins, it is the Owner/General Contractor responsibility to properly mark them and verbally notify PRC before installation.
6. If weather becomes an issue for safety or site installation delays due to weather, Owner/General Contractor or PRC with General Contractor's confirmation may call-off set. If building set is stopped, relocation of the building modules to an onsite or offsite location may incur additional costs to Owner/General Contractor.

### **Installation Notice and Site Availability:**

PRC will provide sufficient notice of delivery of the prefabricated building. The Owner/General Contractor shall make the site available during the delivery period. During the delivery period, on an

improved site, Owner should stop site watering several days before delivery to minimize the impact on the soils for the heavy equipment needed for installation.

**Caution: *If site is not ready for our field crew to perform their installation and if no notice of delay in readiness from Owner/General Contractor is received, PRC will provide a change order for re-mobilization on a daily basis until the site is ready for us. Ready means that the site pad is completed, the corner required survey stakes are in place, the slab elevation stakes are in place, the location of the front of the building is confirmed on site, and access to the site is available from an improved roadway. Owner/General Contractor shall sign the change order before we will continue delivery.***

**Public Restroom Company will “turn-key” set the buildings including the hook up of utilities inside the building (only) when they are available. PRC will use its own factory trained staff for the installation.**

**Utility Connections:**

1. PRC to complete all internal building plumbing connections and connections from the electrical panel to building's fixtures. The Owner/ Contractor is responsible for making the **final plumbing connections** at the 6' POC locations.
2. The Owner/Contractor is responsible for pulling the wire and completing the final tie-in to the electrical panel from the 6' POC location.
3. The Owner/Contractor is responsible for commissioning the building once final utility connections are made. This includes flushing & testing all water service lines before final startup.

**Special Conditions, Permits, and Inspection Fees:**

Follow any published specifications governing local building procedures for applicable building permit fees, health department fees, all inspection fees, site concrete testing fees, and compaction tests, if required by Owner. PRC is responsible for all required State inspections and final State insignia certification of the building, if applicable.

**Jurisdiction for Off-site Work:**

Jurisdiction, for permitting and inspection of this building shall be either the State agency who manages prefabricated building compliance in the state or the local CBO (when the State does not provide certification.) If the responsibility for building inspection is the local CBO, we will provide a certified plan set, calculations, and a third-party engineer inspection report for any and all closed work the local official cannot see.

**PUBLIC RESTROOM COMPANY SCOPE OF WORK:**

**Our In Plant/Off-Site Construction Scheduling System:**

PRC has several off-site manufacturing centers in the United States, strategically located, with the proper equipment and trained staff to fabricate our custom buildings to our high-quality fit and finish standards. PRC manages quality control in our off-site production facility to comply with the approved drawings and provides an inspection certification and photos as required. When proprietary materials,

which we have designed and fabricated, are part of the project, PRC supplies the manufacturing centers with these proprietary PRC components. We then schedule the in-plant construction process to coordinate with your delivery date through our Operations Division field staff. We guaranty on time at cost delivery weather permitting.

**Special Payment and Progress Billing Terms:**

Invoicing begins on the 30<sup>th</sup> of the month following an order and/or the acceptance of the proposal/contract. The first progress billing invoice will be issued for the commencement of design and engineering of architectural plans. This will be 10% of the contracted amount. Once construction begins invoicing will commence monthly based on plant percentage of completion, supported by photographs.

In the event of project stoppage, additional fees may be assessed for re-mobilization, storage, crane costs, etc. ***Our discounted project costs are based upon timely payments. Delays in payment could change delivery schedules and project costs.***

**Delivery and Installation:**

**Site Inspection:**

PRC staff, upon site arrival, will verify the required dimensions of the building pad and the corner locations/elevation. We will also verify the delivery path from an accessible road or street and install the underground utilities to the point of connection nominally 6' from the exterior of the building.

**Installation:**

PRC will install the building turn-key, except for any exclusion (listed under "Exclusions," herein.)

**Installation of Utilities under the Prefabricated Building:**

We fabricate off-site an underground utilities (water, and DWV piping and fittings) preassembled plumbing and electrical tree. Our site staff will set the underground tree into code depth excavated trenches and our staff will install the coarse concrete sand to bed the piping per our submitted drawing.

We provide all the buildings under-slab piping including the driven electrical ground rod. The Owner/General Contractor brings utility services to within 6' of the pad and are responsible for final connections at that point.

**Connection of Utilities Post Building Placement:**

After placement of the building on the pad by PRC, our field staff will tie in the water and sewer connection "inside" the building only and terminate at a point of connection (POC) outside the building clearly marked for each utility service. The Owner/General Contractor is responsible for final utility point of service connections at the nominal 6' from building locations.

**Electrical:**

PRC provides the electrical conduit to the POC 6' from the building. The Owner/General Contractor pulls the wire and ties it off on the electrical panel.

**Plumbing:**

PRC provides the POC up to 6' from the building footprint and the Owner/General Contractor connects the water to our stub out location.

**Sewer:**

Some sites depending on the local jurisdiction will require an outside house trap which Owner/General Contractor shall install if needed. PRC will provide you with a sewer point of connection including a clean out to which Owner/General Contractor will terminate the site sewer service.

**Testing of Water, Sewer, and Electrical in Plant and Final Site Utility Connection:**

Before the building leaves the manufacturing center, PRC certifies a pressure water piping test, DWV, and the electrical connections for compliance with code. While the building is fully tested for leaks at the plant before shipment, road vibration may loosen some plumbing slip fittings and require tightening once the building services (water) is completed. Owner/General Contractor is responsible for minor fitting tightening to handle small slip fitting leaks caused by transportation.

**Time of Completion:**

PRC estimates a 240 calendar day schedule to complete our scope of work from receipt of written notice to proceed together with signed approved architectural submittals; including final construction documents and structural calculations from all authorities required to approve them.

**Exclusions/Exceptions:**

1. **Access issues for delivery of the building by a clear unobstructed path of travel from an improved roadway to the final installation pad or foundation may cause site delays and extra cost at each site. This exclusion covers sites whose access is limited by trees, inaccessible roadways, overhead power lines at location where crane will lift building, grade changes disallowing our delivery trailers with only 4" of clearance to grade, berms, or uneven site grades, or when the path of travel is over improvements such as sidewalks, all of which are not within the scope of work by PRC. On some sites without on-site storage availability for buildings that cannot be set, relocation to a proximal crane yard and later relocated to the site for installation, will incur additional fees at rates that vary depending on local rates. PRC will provide written costs for this additional work by change order.**
2. **If weather on site causes site delivery issues, the delivery may have to be diverted to an off-site location and the additional costs will be a change order to the bid. Our staff works with the Owner/General Contractor in advance to make sure sound decisions for delivery are made to avoid this issue. But sometimes Owner/General Contractor take risks for weather, but this risk is clearly at the Owner/General Contractor risk, not PRC.**
3. **Sidewalks outside the building footprint.**
4. **Trench plates or matting needed for protection of site soils, sidewalks, hardscaping, or site utilities shall be the responsibility of the Owner/General Contractor. Any site soils damage or other site improvements if damaged during installation shall be the responsibility of the Owner/General Contractor.**

5. Not responsible for removing any soil, sand, or other debris as a result of trenching or installation.
6. Survey, location of building corners, finish floor elevation, excavation, and construction of subgrade building pad and footings (if required) per PRC plans.
7. Soil conditions not suitable for bearing a minimum of 1500 PSF with compaction to 90% maximum dry density shall require Owner/General Contractor correction before building placement. If no soils testing report is available before bid, Owner/General Contractor must verify site supporting soils at a minimum of 1500 PSF because that is the least we can place our structures on or Owner/General Contractor or engineer of record must design a foundation system to meet the imposed loads of site placement.
8. Improper water pressure, an undersized meter, or improper water volume flow to the building may necessitate a change order for installation of a building internal diaphragm tank to provide the minimum flow rate and static pressure of up to 60 PSI and a minimum of 40 PSI to properly flush the fixtures. Building water service chlorination, post installation, shall be by Owner/General Contractor.
9. Our bid included crane costs are based on a maximum 35' radius from the center pin of the crane (10' back from the rear of the crane) to the building center point of the furthest building module roof. If additional distance requires a larger crane, additional costs will be assessed by change order to the Owner/General Contractor.
10. Bonds, building permits, a site survey, special inspection fees, minor trash removal (nominally one pickup truck of shipping materials), final utility connections to the on-site water, sewer and electrical are by the Owner/General Contractor. Since the building is fully inspected and tested in plant, minor plumbing leaks (if water is not available when building site work installation is completed) is by the Owner/ General Contractor.
11. Site Traffic Control, if applicable, shall be by Owner/ General Contractor, not PRC.
12. Any equipment installation, site work or special inspections other than described within this proposal, shall be by Owner/General Contractor.
13. Backflow certification if applicable by Owner/ General Contractor.
14. Any Fire Suppression Systems by others, not by PRC.
15. Any future transformers, related shut offs, and disconnects for electrical is by others, not by PRC.
16. Covered Entry Slab by others, not PRC.

**Insurance and Prevailing Wage Certification:**

PRC shall comply with the required insurance requirements, wage reports, and safety requirements for the project, including OSHA regulations.

**Special Insurance to protect the Building before acceptance:**

As PRC requires payment for each month of off-site construction, and since the building is not on owner property where their insurance will cover the building, we maintain a special policy that insures the property even when paid for off-site until the building is finally accepted by the owner. This special policy protects the Owner's custom ordered materials to be used in the fabrication of the building during this period. PRC provides this Stock Throughput Policy to cover the building materials from

supplier to manufacturer, while it is being built off-site, while in transit to the job site, during and after it is installed on-site until final acceptance. This special policy has a \$1,000,000 coverage limit. This exceeds the cost of any single building we have offered for sale herein.

**Errors and Omissions Insurance:**

Our firm employs licensed architects, engineers, and drafting staff to provide design of our buildings. Since these buildings are required to meet accessibility standards and building codes on site, and since we are the designer, we carry Errors and Omissions Insurance (E & O) to protect our clients from any errors. The policy covers a limit of up to \$2,000,000 per occurrence and is more clearly explained in the insurance certificates we provide after receipt of a purchase order.

**WARRANTY**

All work performed by PUBLIC RESTROOM COMPANY (called "Company") shall be warranted to the Owner to be of good quality, free of faults and defects in material, workmanship, and title for 5 years from last date of installation if building is installed by Company or 1 year if building is installed by Owner or Owner's agent without on-site supervision by Company. Company warranty on building shell including exterior walls, concrete 8" slab/foundation, and roof system is warranted for 20 years structurally. The Company will repair or replace at their sole option any defects in work upon proper notice to the below stated address below.

Our Company extended warranties shall be Company only and shall have no effect on any required Performance, Payment, or Warranty Bonds where Surety shall assume no liability to the Company, the Owner, or any third parties should the Company fail for any reason to deliver acceptable maintenance warranties beyond the one year period. The warranty extension is solely between the owner and PRC and not the general contractor, bonding company, or architect/engineer of record.

This warranty applies only if all work performed by Company has been fully paid for, including change orders if applicable. Company has no responsibility for any neglect, abuse, or improper handling of building product.

The warranties expressed herein are exclusive, and are in lieu of all other warranties expressed or implied, including those of merchantability and fitness.

There are no warranties which extend beyond those described on the face of this Warranty. The foregoing shall constitute the full liability of the Company and be the sole remedy to the Owner.

**Term of Offer to Sell and Owner/General Contractor Acceptance:**

This offer is valid for acceptance within 90 days or when a part of a public bid for the applicable duration imposed within the Owner's bid documents. Acceptance is by approving our post bid preliminary notice to begin drawings subject to final Owner/General Contractor approval of our submittals and receipt of a contract or a purchase order/contract.

**Special Notice of Possible Project Cost Increases as a Result of Late Payments:**

In the event of delayed or late payment, PRC shall have the right to remedies including late charges, overall project total cost increases, and other damages as allowed by applicable law. The contract price quoted herein is a discounted price based upon our receipt of progress payments as invoiced on the agreed billing schedule of PRC. In the event of non-payment, PRC will provide a 5 day written notice to cure and if payment is still not received, the discounted price for the payment due may increase, to an undetermined amount, to cover work stoppage, remobilization, cancellation of materials and subsequent restocking charges, resale of the contracted building to another party, storage fees, additional crane fees, travel and per diem costs for field crews, and any other cost applicable to the project, as allowed by law. Interest if applicable to non-payment will be assessed at the maximum amount allowed by law or 18% whichever is greater.

**Termination**

Upon Termination for any reason, Owner/General Contractor shall be liable for the cost of all work performed up to the date of termination. Additionally, Owner/General Contractor shall pay for off-site demolition and disposal of the partially or fully fabricated building as well as any non-returnable materials which were custom-ordered to complete fabrication in PRC's factory location. Any returned materials are subject to return and restocking fees at the Owner/General Contractor expense.

**Venue for Contract Jurisdiction:**

Public Restroom Company requires all contracts accepted by our firm to hold that the venue for legal jurisdiction for this contract offer and acceptance shall be Douglas County, Nevada. In the event of your default, PRC shall be entitled to the full amount due including reasonable attorney fees, costs, storage, expenses of physical recovery, and statutory interest, as allowed by law.

**No modifications to this offer shall be authorized unless confirmed in writing by the President of Public Restroom Company.**

**Offered by: Public Restroom Company by**



Charles E. Kaufman IV

Charles E. Kaufman IV, President

**This provides conditional acceptance of this preliminary purchase order for this building subject to acceptance of the submittals, furnished by Public Restroom Company. Once you accept the preliminary submittals, this shall become a final purchase agreement or at your discretion the final purchase order or a contract may be substituted with this attached.**

**Accepted by:**

---

**Authorized Signature**

---

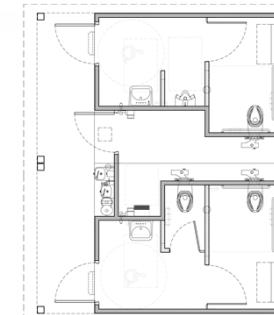
**Date Signed**

---

**Printed Name**

---

**Legal Entity Name and Address**



## FLOOR PLAN

SCALE: NOT TO SCALE

# LA VISTA CENTRAL PARK EAST

ARTIST IMPRESSION: 3D RENDERING ONLY FOR REPRESENTATION. COLORS AND MATERIALS ARE SUBJECT TO CHANGE

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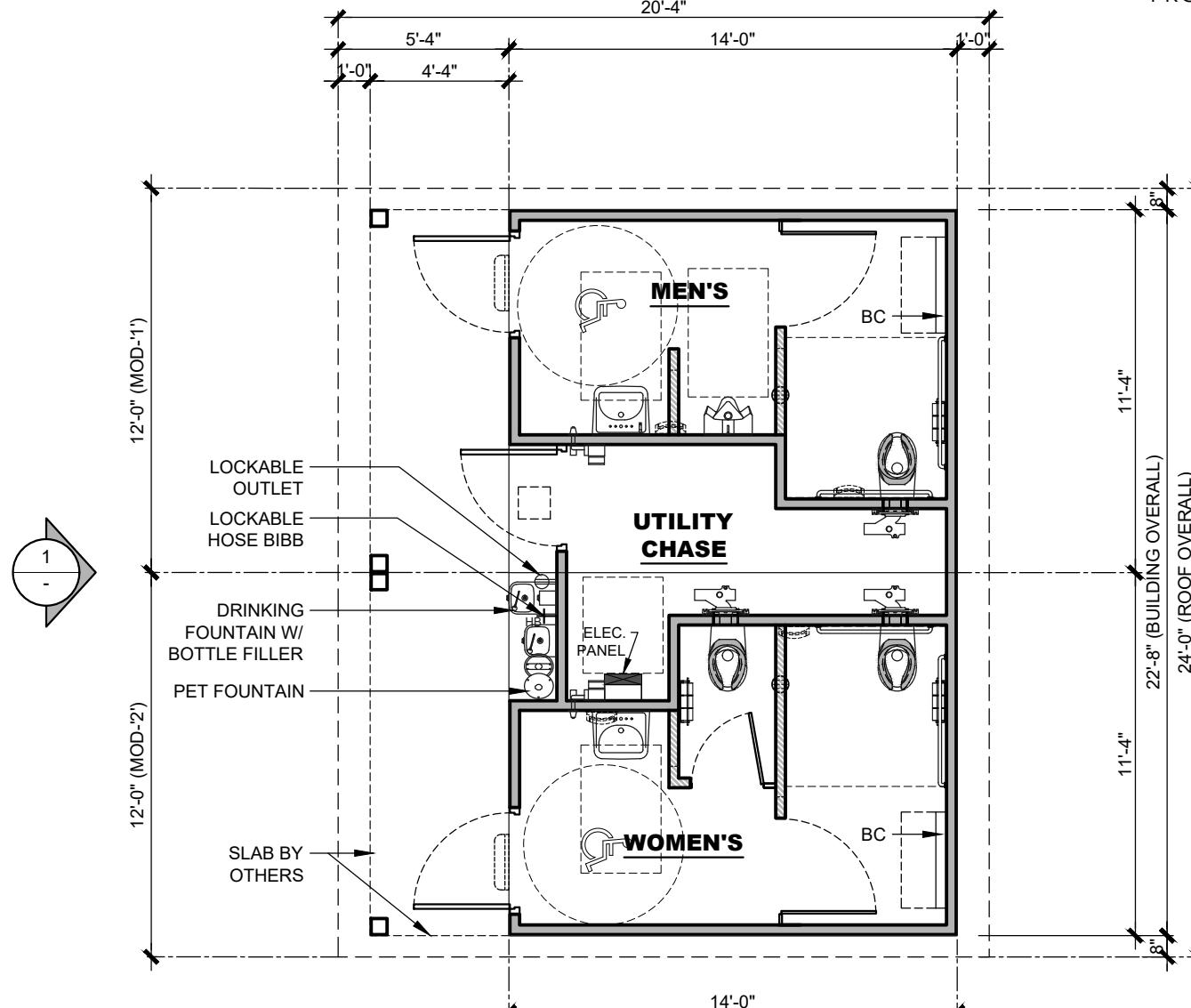


[www.PublicRestroomCompany.com](http://www.PublicRestroomCompany.com)

2587 BUSINESS PARKWAY

MINDEN NEVADA 89423

P: 888-888-2060 F: 888-888-1448



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BUILDING TYPE:

**RESTROOM BUILDING**

PROJECT:

**LA VISTA CENTRAL PARK EAST  
LA VISTA, NE**

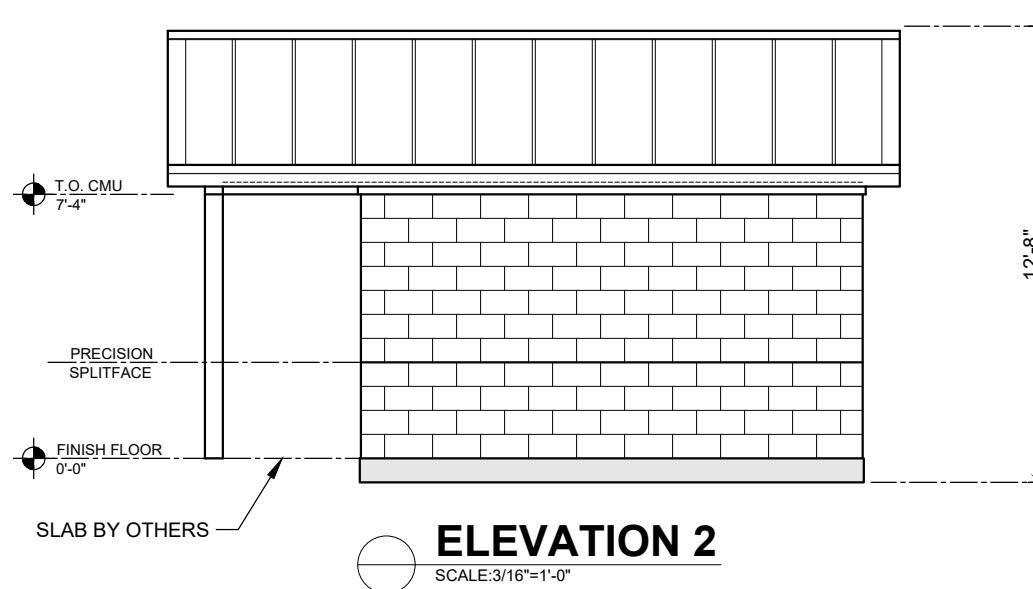
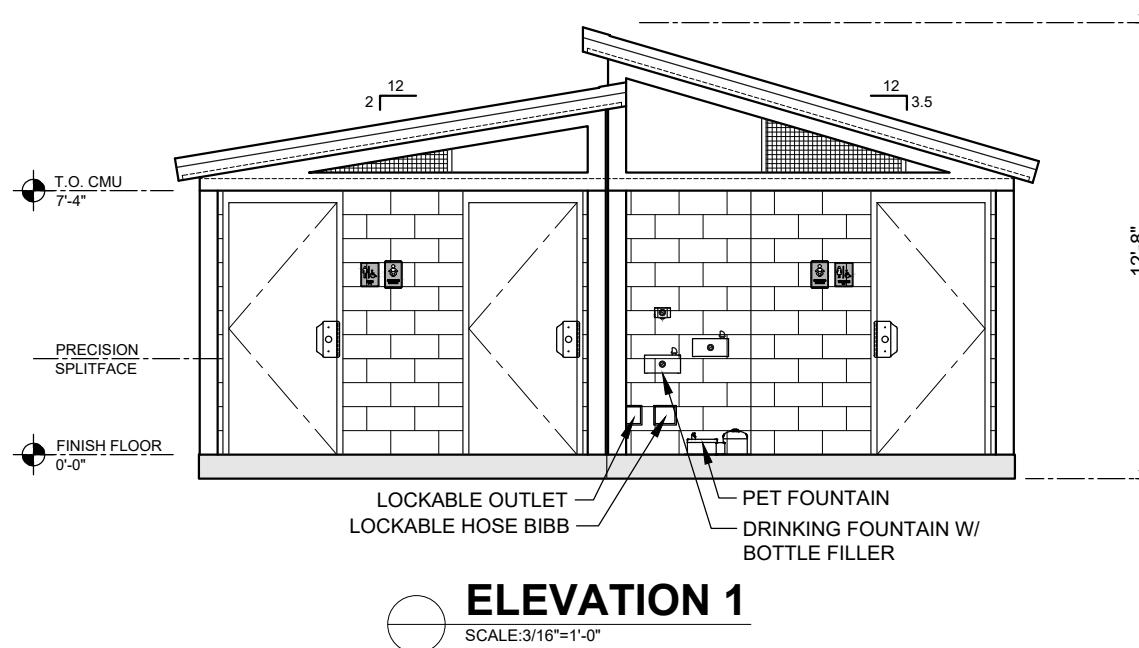
REVISION #

-

REVISION DATE:  
-DRAWN BY:  
-

SHEET#

**A-1**PROJECT #: **11515**START DATE: **1/22/2023**  
DRAWN BY: **EOR**MAX. PERSON / HOUR:  
**180 M**



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BUILDING TYPE:

**RESTROOM BUILDING**

PROJECT:

**LA VISTA CENTRAL PARK EAST  
LA VISTA, NE**REVISION #  
-REVISION DATE:  
-DRAWN BY:  
-PROJECT #:  
**11515**START DATE:  
**1/22/2023**

DRAWN BY: EOR

SHEET#  
**A-2**MAX. PERSON / HOUR:  
**180 M**

**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**SEPTEMBER 19, 2023 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
AUTHORIZE PURCHASE – LIGHT TOWER/GENERATOR COMBOS	◆ RESOLUTION ORDINANCE RECEIVE/FILE	HEATHER BULLER RECREATION DIRECTOR

**SYNOPSIS**

A resolution has been prepared to authorize the purchase of two (2) light tower/generator combos from Raka Rentals, Omaha, Nebraska in an amount not to exceed \$27,250.

**FISCAL IMPACT**

The FY23/FY24 Biennial Budget includes funding for the proposed purchase.

**RECOMMENDATION**

Approval.

**BACKGROUND**

The purchase of two light tower/generator combos will assist in the powering of the previously approved mobile stage, audio, lighting, video and power system equipment. Staff received three quotes and Raka Rentals has two light tower/generator combos in stock and is a local vendor.

The light tower/generator combo will be utilized for community events and programs that go into the evening hours. Currently, light towers and generators are being rented for various events such as Salute to Summer, Fall Fest, Tree Lighting and 'Twas the Lights to provide safety lighting and power for various activities such as bounce houses.

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE PURCHASE OF TWO (2) LIGHT TOWER/GENERATOR COMBOS FROM RAKA RENTALS, OMAHA, NEBRASKA IN AN AMOUNT NOT TO EXCEED \$27,250.00.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of two (2) light tower/generator combos is necessary; and

WHEREAS, the FY23/FY24 Biennial Budget provides funding for the proposed 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 purchase over \$5,000.00;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby approve the purchase of two (2) light tower/generator combos from Raka Rentals, Omaha, Nebraska in an amount not to exceed \$27,250.00.

PASSED AND APPROVED THIS 19TH DAY OF SEPTEMBER 2023.

CITY OF LA VISTA

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Kim J. Thomas, Acting Mayor

ATTEST:

---

Pamela A. Buethe, MMC  
City Clerk



## EQUIPMENT SALE QUOTE

Contract # **39154**

Date: 09/08/23

Quote Expiration: 10/08/23

RAKA  
10608 SAPP BROTHERS DR  
OMAHA, NE 68138  
PH: 402-861-9090  
7AM TO 5PM

Job Loc: CENTRAL PARK 8116 PARK VIEW BL, LA VISTA

Customer #: 1002872  
CITY OF LA VISTA  
CENTRAL PARK 8116 PARK VIEW BL  
LA VISTA, NE 68128

Job Site:  
CITY OF LA VISTA  
CENTRAL PARK 8116 PARK VIEW BL  
LA VISTA, NE 68128  
C#: 402-331-4343 J#: 402-331-4343

Ordered By: <b>BRIAN ALLEN</b>	Purchase Order Number:	Customer Job Ref No:	Terms: <b>Due Upon Receipt</b>
Written By: <b>JACOB BACHMANN</b>	Sales Rep: <b>JACOB BACHMANN</b>	Time Printed: 09/08/23 12:53 PM	Location: <b>1001</b>

Qty	Equipment #	Taxed	Price	Disc	Amount
2.00	2070002 TOWABLE LIGHT TOWER LED Allmand GR Series Towable Light Tower GR 6KW Liquid Cooled	207- 0002	Y 27000.00	.00%	27000.00
	DELIVERY CHARGE		Y		250.00

DELIVERY INSTRUCTIONS  
Brian 531-203-9100

Sub-Total: 27250.00

Tax: .00

**Total: 27250.00**

X \_\_\_\_\_  
Print Customer Name \_\_\_\_\_

X \_\_\_\_\_  
Customer Signature \_\_\_\_\_

Please remit all payments to: | PO BOX 200368, , DALLAS, NE 75320-0368



# NIGHT-LITE™

## GR-SERIES LIQUID-COOLED

Model	Kubota Diesel	CAT Diesel
<b>Engine Make</b>	Kubota	CAT
<b>Engine Model</b>	D1005	C1.1
<b>Estimated Engine Prime Power (kW)</b>	6	
<b>Fuel Capacity (gal [L])</b>	63 (238)	
<b>HP @ 1800 RPM</b>	11.6	13.8
<b>Emission Tier</b>	Tier 4 Final	
<b>LED Wattage</b>	350	
<b>Light Output Per Lamp (Lumens) - 350W LED</b>	51,122	
<b>Lumens Total - 350W LED</b>	204,488	
<b>Engine Cooling</b>	Liquid-Cooled	
<b>Operating Time (Hrs) 350W LED</b>	214	195
<b>Estimated LED Life (Hrs)</b>	50,000	
<b>Outlets</b>	Single 120V/20A Duplex GFCI Single 120V/30A RV Single 240V/30A 4 Prong Twistlock	
<b>Max Width (in)</b>	98	
<b>Transport Width (in)</b>	50.5	
<b>Max Height (in)</b>	276	
<b>Transport Height (in)</b>	98.5	
<b>Tongue Out Length (in)</b>	106.5	
<b>Tongue Up Length (in)</b>	86.25	
<b>Operating Temperatures</b>	-40°F* / 120°F	
<b>Shipping Weight (lbs [kg]) (No Fuel)</b>	1,355 (615)	
<b>Net Weight - Dry (lbs [kg])</b>	1,310 (594)	
<b>Net Weight - Wet (lbs [kg])</b>	1,750 (794)	
<b>Number of Units on 48' Flatbed</b>	18	
<b>Number of Units on 53' Flatbed</b>	20	

## OPTIONS

### Night-Lite™ GR-Series Liquid-Cooled

Available Options at Launch	Kubota Diesel	CAT Diesel
Arctic Package (immersion heater and HD battery)		✓
250W Lights		✓
LED Diffuser Panels		✓
Custom Paint		✓
Telematics (customer supplied, factory lead time)		✓
Galv Tower		✓
Electric Winch		✓
Reversible Coupler 2.5" Lunette Ring (no Bulldog)		✓
Bulldog Hitch (no reversible coupler)		✓

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
SEPTEMBER 19, 2023 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
AUTHORIZE PURCHASE – FLOORING	◆ RESOLUTION ORDINANCE RECEIVE/FILE	HEATHER BULLER RECREATION DIRECTOR

**SYNOPSIS**

A resolution has been prepared authorizing the purchase of luxury vinyl tile flooring (LVT) from ProSource Wholesale, La Vista, Nebraska in an amount not to exceed \$9,604.69.

**FISCAL IMPACT**

The FY23/FY24 Biennial Budget includes funding for the proposed purchase.

**RECOMMENDATION**

Approval.

**BACKGROUND**

The Community Center Meeting Rooms 1 – 5 are utilized on a daily basis for senior programming, recreational activities and room rentals. The IT Manager’s office was originally a craft room and has the same flooring as Meeting Rooms 1-5. The flooring in these areas is original to the facility. We are requesting the authorization to purchase luxury vinyl tile flooring (LVT) that is a 100% recyclable product designed for high traffic commercial areas, is easily maintained, durable, and will sustain the multifunctional use of the space.

City Council had previously earmarked some keno funding for a “project” for the senior program. Program participants were asked to weigh in on how that funding might best be used. Several facility improvement suggestions were made, one being the replacement of the flooring in the areas where they meet with something nicer. At that time the Recreation Director was instructed to budget for some basic facility improvements (flooring, painting, chairs, etc.) to allow for the keno funding to be used for something that would more directly impact senior activities. Since that time, new chairs have been purchased and the flooring and painting improvements are included in the current budget.

Staff received two different quotes and ProSource is the lowest bidder and a local vendor.

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE PURCHASE OF LUXURY VINYL TILE FLOORING FROM PROSOURCE WHOLESALE, LA VISTA, NEBRASKA IN AN AMOUNT NOT TO EXCEED \$9,604.69.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of luxury vinyl tile flooring is necessary; and

WHEREAS, the FY23/FY24 Biennial Budget provides funding for the proposed 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 purchase over \$5,000.00;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby approve the purchase of luxury vinyl tile flooring from Prosource Wholesale, La Vista, Nebraska in an amount not to exceed \$9,604.69.

PASSED AND APPROVED THIS 19TH DAY OF SEPTEMBER 2023.

CITY OF LA VISTA

---

Kim J. Thomas, Acting Mayor

ATTEST:

---

Pamela A. Buethe, MMC  
City Clerk

# ProSource®

## WHOLESALE

### PROSOURCE OF OMAHA

11617 CENTENNIAL ROAD LA VISTA NE 68128-5535  
402-339-7070

Quote Number: EF372894

PO Number: 8116 PARK VIEW BLVD

Job Information: CITY OF LA VISTA - COMM.CTR.

Date: Sep 11, 2023 4:20 PM

Salesperson: DOHSE, JOHN

**Sold To:**

CITY OF LAVISTA  
8116 PARK VIEW BOULEVARD  
LAVISTA, NE 68128  
402-331-4343  
PARCHIBALD@CITYOFLAVISTA.ORG

**Ship To:**

Item	Qty	Unit Price	Amount
<b><u>None</u></b>			
WOODLANDS 7X48: ACACIA	3,822 SF	\$2.27	\$8,675.94
COMMERCIAL LVT ADHESIVE - 4 GAL: 4 GALLON	5 EA	\$178.75	\$893.75
FREIGHT: CHARGE	1 EA	\$35.00	\$35.00
	<b>None:</b>		<b>\$9,604.69</b>

**Material:** \$9,604.69  
**Quote Total:** \$9,604.69

**Terms and Conditions:**

ProSource

Wholesale Floorcoverings

TERMS AND CONDITIONS OF SALE, ORDERING, DEPOSITS, PAYMENT, CANCELLATIONS

1. Member/cardholder/buyer acknowledges their deposit (or payment in full) submitted with this order is to induce ProSource to special order merchandise specifically for purchaser's use and/or resale. Payment in full is required for cabinet orders. All other merchandise requires a minimum 50% deposit when order is placed and payment in full is required within 30 days of placing the order, or 2 days prior to pick-up of merchandise, whichever occurs first. Interest at the highest rate allowed by law may be charged at the sole discretion of Seller on overdue invoice amounts.
2. All prices are subject to change without notice and are not guaranteed, except that prices for an order we have accepted are not subject to change after acceptance. Prices may be changed without notice due to unforeseen cost increases, raw materials, fuel prices, or other reasons.
3. Merchandise must be picked up by member/cardholder/buyer immediately upon arrival. If merchandise is paid in full and shipped complete, no storage fee will be charged. If merchandise is not picked up upon arrival and paid in full, a storage fee of \$30.00 or 1.5% of the value of the order whichever is greater will be charged, per 30-day period, for merchandise not shipped complete and over 30 days old. Storage fees can also be

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Quote

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avoided by ordering at a later date, but merchandise will be subject to any price increases in effect at time of order.

4. After orders for merchandise are placed, changes or cancellations are not permitted. Deposits are non-refundable. In the event member/cardholder/buyer fails to pick-up the merchandise, or make payment in full when due, the merchandise will be returned to the manufacturer.

5. Member/cardholder/buyer assumes full responsibility for installation (if any) performed, accuracy of all measurements, and inspection of merchandise. Any and all services including, but not limited to, plumbing, electrical, structural or other work necessary for the installation of the merchandise is the sole responsibility of the member/cardholder/buyer.

6. The quantity of merchandise sold to member/cardholder/buyer is based on measurements and/or specifications given to the Seller. If these quantities are provided by anyone other than Seller's employees, Seller shall not be responsible for any pricing/supply errors resulting from such measurements, estimates, or specifications.

7. Member/cardholder/buyer acknowledges the quantity of merchandise required for installation will exceed the size of the room(s) as manufactured merchandise dimensions rarely correspond to precise room dimensions. It is not uncommon to have a 5% - 15% waste factor on any given installation. Examples include, but are not limited to:

a. Required pad/underlayment supplied for installation may deviate from the quantity of other flooring product purchased.  
b. TILE/STONE/WOOD: Overage is required to accommodate cuts, the amount depends on the room(s), size/shape of individual pieces, and the desired configuration of the individual pieces in the space.

8. The member/cardholder/buyer agrees to abide by, and to be bound to, the manufacturer's policies regarding defects in material or workmanship.

Member/cardholder/buyer agrees to abide by, and to be bound to the manufacturer's and distributor's return policies. Colors will vary from samples. Variations in color/characteristics of natural products, including stone and wood are to be expected.

9. If any legal action is brought by ProSource to collect on any debt, the member/ cardholder/buyer agrees to pay the outstanding debt, interest thereon at the highest rate allowed by law, and reasonable attorney's fees, and all other fees, costs and expenses of collection. The member/cardholder/buyer shall be personally liable for any check which is dishonored for any reason and agrees to make good on such check

upon demand. In addition to the above, for each returned check there shall be a charge of 12% of the amount of the check or \$30.00 whichever is greater, as liquidated damages, the parties agreeing that from the nature of the case it would be impractical or extremely difficult to fix the actual damages.

10. SELLER SHALL NOT BE LIABLE FOR ANY INCIDENTAL OR CONSEQUENTIAL DAMAGES. SELLER'S LIABILITY UNDER ANY LEGAL THEORY IS LIMITED SOLELY TO THE REPLACEMENT OR THE REPAIR OF THE DEFECTIVE GOODS WHICH SHALL BE RETURNED TO SELLER. FURTHER, NO ACTION, REGARDLESS OF FORM, ARISING OUT OF THIS TRANSACTION MAY BE BROUGHT BY PURCHASER MORE THAN ONE YEAR AFTER THE CAUSE OF ACTION HAS ACCRUED.

11. SELLER DISCLAIMS ALL IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE AS ALLOWED BY LAW.

12. Notice to Owner: ProSource is a supplier or subcontractor providing materials or labor on Job Number at (see ship to address on front of ticket) under an agreement with (see sold to address). State law will allow this supplier or subcontractor to file a lien against your property for materials or labor not paid for by you or your contractor unless you have a waiver of lien signed by this supplier or subcontractor. If you receive notice of filing of a lien statement by this supplier or subcontractor, you may withhold from your contractor the amount claimed until the dispute is settled.

13. Member/cardholder/buyer acknowledges that he/she has a complete, thorough understanding of the merchandise they are purchasing from ProSource Wholesale and the terms and conditions outlined above.

REV. 05/2022

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**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
SEPTEMBER 19, 2023 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
APPROVE EXECUTIVE SEARCH & RECRUITMENT FIRM — CHIEF OF POLICE/DIRECTOR OF PUBLIC SAFETY	◆ RESOLUTION ORDINANCE RECEIVE/FILE	BRENDA S. GUNN CITY ADMINISTRATOR

**SYNOPSIS**

A resolution has been prepared to approve the selection of Public Sector Search & Consulting, Rocklin, CA to provide professional executive search and recruitment services associated with hiring a new Chief of Police/Director of Public Safety and to authorize the City Administrator to negotiate a contract with said firm in the amount of \$48,000 plus search-related expenses in an amount not to exceed \$12,000.

**FISCAL IMPACT**

The FY24 annual budget provides funding for this.

**RECOMMENDATION**

Approval.

**BACKGROUND**

On August 4, 2023, Chief Lausten gave notice of his retirement effective December 31, 2023. A national search process is recommended for this position to ensure that we identify and select the best candidate for this executive level position. Proposals were received from eight firms, of which three were interviewed.

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA TO APPROVE THE SELECTION OF PUBLIC SECTOR SEARCH & CONSULTING, ROCKLIN, CA TO PROVIDE PROFESSIONAL EXECUTIVE SEARCH AND RECRUITMENT SERVICES ASSOCIATED WITH THE HIRING OF A NEW CHIEF OF POLICE/DIRECTOR OF PUBLIC SAFETY IN THE AMOUNT OF \$48,000.00 PLUS SEARCH-RELATED EXPENSES IN AN AMOUNT NOT TO EXCEED \$12,000.00.

WHEREAS, the City Council of the City of La Vista has determined that assistance in filling the Chief of Police/Director of Safety position is necessary; and

WHEREAS, the FY23/FY24 biennial budget provides funding for this; and

WHEREAS, Subsection (C) (9) of Section 31.23 of the La Vista Municipal Code requires that the city administrator secure Council approval prior to authorizing any purchase over \$5,000.00;

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council hereby approve the selection of Public Sector Search & Consulting, Rocklin, CA to provide professional executive search and recruitment services associated with the hiring of a new Chief of Police/Director of Public Safety in the amount of \$48,000.00 plus search-related expenses in an amount not to exceed \$12,000.00.

PASSED AND APPROVED THIS 19TH DAY OF SEPTEMBER 2023.

CITY OF LA VISTA

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Kim J. Thomas, Acting Mayor

ATTEST:

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Pamela A. Buethe, MMC  
City Clerk

**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**SEPTEMBER 19, 2023 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
POSITION DESCRIPTION UPDATE	RESOLUTION ORDINANCE ◆ RECEIVE/FILE	KEVIN POKORNY DIRECTOR OF ADMINISTRATIVE SERVICES

**SYNOPSIS**

An updated position description for the Accounting Clerk has been prepared.

**FISCAL IMPACT**

N/A.

**RECOMMENDATION**

Approval.

**BACKGROUND**

Prior to advertising for a position, staff reviews the job to ensure that the job description is still applicable or if there is a need for updates or changes to the position. In reviewing the Administrative Assistant III – Clerk position, it has been determined that the position spends most of their time on accounts payable and accounting type functions.

Therefore, to receive candidates suitable for the position, the job should be reclassified as an Accounting Clerk. This is only a reclassification of the existing position.

## POSITION DESCRIPTION CITY OF LA VISTA

**POSITION TITLE:** Accounting Clerk  
**POSITION REPORTS TO:** City Clerk Finance Director/City Clerk  
**POSITION SUPERVISES:**

**DESCRIPTION:**

Under the direction of the City ClerkFinance Director, performs a wide variety of accounting functions. Under the direction of the City Clerk, performs general front office duties and provides back-up support.

**ESSENTIAL FUNCTIONS:** (with or without reasonable accommodation)

1. Prepares and processes accounts payable information and issues checks.
- 4.2. Answers and directs telephone calls and receives and responds to citizen, city staff and departmental inquiries
2. Maintains vendor files and information.
3. Processes purchase orders.
4. Updates payroll maintenance bi-weekly.
5. Prepares and processes biweekly payroll information, including direct deposit transmission and issuing checks.
6. Processes the bi-weekly pension.
7. Performs data entry, including journal entry input.
8. Reviews daily bank deposits and balances to daily cash receipt reports.
9. Assists with account reconciliations.
10. Prepares annual W2's and 1099 miscellaneous forms.
11. Assists departments with financial software package.
12. Maintains fixed asset records.
13. Ensures the accuracy of accounting and maintains financial data computer input.
14. Assists in annual audit.
15. Prepares and processes all tax statements.
16. A working knowledge of the general ledger system, in order to assist in the absence of Finance Director.
17. Answers telephone and directs calls to appropriate parties or takes messages.
- 18.17. Greets visitors, determines nature and purpose of visit in order to direct them appropriately.
- 19.18. Receives and responds to city staff and citizen inquiries via telephone or in person.
- 20.19. Addresses inquiries from vendors and staff relating to payments of claims.
- 21.20. Assists Human Resources in aAddressing inquiries from City employees regarding direct deposit and paycheck issues.
22. Conducts or assists with special projects as required.
- 23.21. Performs other duties as directed or as the situation dictates.

**Note:** Physical examination and drug screening tests will follow all conditional offers of employment.

**ESSENTIAL PHYSICAL AND ENVIRONMENTAL DEMANDS:** (with or without reasonable accommodation)

The physical demands here are representative of those that must be met by an employee to successfully perform the essential functions of the job.

- Work is performed mostly in a shared office settings. Hand-eye coordination is necessary to operate computers and various pieces of office equipment.
- While performing the duties of this job, the employee is occasionally asked to stand or sit; walk; use hands to finger, handle, feel or operate objects, tools or controls and reach with hands and arms. The employee is occasionally required to climb or balance; stoop, kneel, crouch, or crawl; talk and hear.
- The employee must occasionally lift and/or move up to 10 pounds.
- Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception and the ability to adjust focus.

**EDUCATION, TRAINING, LICENSE, CERTIFICATION AND EXPERIENCE**

1. Graduation from an approved high school or GED equivalency,
1. Associate degree or higher in accounting, finance or business required.
2. Two years of accounting/bookkeeping experience, preferred.

**KNOWLEDGE, SKILLS AND ABILITIES**

1. Knowledge of Generally Accepted Accounting Principles.
2. Knowledge of the municipal budgeting process.
3. Knowledge of standard office policies and procedures.
4. Knowledge of auditing and reconciliation processes.
5. Basic mathematical and money changing skills.
6. Basic knowledge of word-processing, spreadsheets and databases, preferably MS Office, Word, Excel and Access.
7. Ability to read and write proficiently.
8. Ability to effectively communicate and provide information to supervisors, peers and subordinates in person, by telephone, in writing and via email.
9. Ability to be pleasant with supervisors, peers and subordinates and display a good-natured, cooperative attitude.
10. Ability to work effectively as part of a team, making positive contributions to the group and supporting other members.
11. Ability to work independently without direct supervision.
12. Good-Excellent telephone and customer service skills.
13. Ability to operate office equipment such as personal computer, postage meter, photocopier and fax machine.
14. Ability to develop constructive and cooperative working relationships with supervisors, peers and subordinates and maintain them over time.
15. Ability to establish and maintain effective working relations with elected and appointed officials and the public.
16. Ability to maintain regular and dependable attendance on the job.

**Disclaimer:**

This position description does not constitute an employment agreement between the City and the employee, and is subject to change by the employer as the needs of the City and the requirements of the position change over time.

**Note: Physical examination and drug screening tests will follow all conditional offers of employment.**

I have read and understand the requirements of this position description.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
SEPTEMBER 19, 2023 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
AUTHORIZE EXTENSION OF CURRENT KENO OPERATOR AGREEMENT	◆ RESOLUTION ORDINANCE RECEIVE/FILE	KEVIN POKORNY DIRECTOR OF ADMINISTRATIVE SERVICES

**SYNOPSIS**

A resolution has been prepared authorizing the Mayor or City Administrator to extend the current Keno Operator Agreement to December 20, 2023

**FISCAL IMPACT**

No Impact

**RECOMMENDATION**

Approval.

**BACKGROUND**

The current Keno Operator Agreement with LVK Holdings LLC and EHPV EHPV Lottery Services LLC (together “Operator”) has been in effect since May 1, 2016 with the term ending September 30, 2023.

Although the City is currently working to negotiate a new agreement with Operator, with the term of the current agreement ending September 30, 2023, the City Attorney and City Administrator are requesting authority to extend the contract during negotiations for a period of up to 6 months.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE MAYOR OR CITY ADMINISTRATOR TO EXTEND THE CURRENT KENO OPERATOR AGREEMENT TO DECEMBER 20, 2023.

WHEREAS, the City Council of the City of La Vista has determined extending the current Keno Operator agreement is necessary; and

WHEREAS, the FY23/FY24 Biennial Budget revenue projections will not be impacted; and

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of La Vista, Nebraska authorizes the Mayor or City Administrator to extend the current Keno Operator agreement to December 20, 2023.

PASSED AND APPROVED THIS 19TH DAY OF SEPTEMBER 2023.

CITY OF LA VISTA

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Kim J. Thomas, Acting Mayor

ATTEST:

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Pamela A. Buethe, MMC  
City Clerk