

**LA VISTA CITY COUNCIL
MEETING
October 2, 2012**

A meeting of the City Council of the City of La Vista, Nebraska was convened in open and public session at 7:00 p.m. on October 2, 2012. Present were Councilmembers: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Also in attendance were City Attorney McKeon, City Administrator Gunn, Assistant City Administrator Ramirez, City Clerk Buethe, Library Director Barcal, Police Captain Barcal, Fire Chief Uhl, Finance Director Lindberg, Public Works Director Soucie, Recreation Director Stopak, and City Engineer Kottmann.

A notice of the meeting was given in advance thereof by publication in the Times on September 19, 2012. Notice was simultaneously given to the Mayor and all members of the City Council and a copy of the acknowledgment of the receipt of notice attached to the minutes. Availability of the agenda was communicated to the Mayor and City Council in the advance notice of the meeting. All proceedings shown were taken while the convened meeting was open to the attendance of the public. Further, all subjects included in said proceedings were contained in the agenda for said meeting which is kept continuously current and available for public inspection at City Hall during normal business hours.

Mayor Kindig called the meeting to order and led the audience in the pledge of allegiance.

Mayor Kindig announced that a copy of the Open Meetings Act was posted on the west wall of the Council Chambers and copies were also available in the lobby of City Hall.

Mayor Kindig made an announcement regarding the agenda policy statement providing for an expanded opportunity for public comment on the agenda items.

PROCLAMATION – DOMESTIC VIOLENCE AWARENESS MONTH

Mayor Kindig proclaimed October to be Domestic Violence Awareness Month.

A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED

2. APPROVAL OF CITY COUNCIL MINUTES FROM SEPTEMBER 18, 2012

3. APPROVAL OF LIBRARY ADVISORY BOARD MINUTES FROM SEPTEMBER 13, 2012

4. REQUEST FOR PAYMENT – SCHEMMER – PROFESSIONAL SERVICES – LA VISTA LINK – KEYSTONE TRAIL - \$177.74

5. REQUEST FOR PAYMENT – FELSBURG HOLT & ULLEVIG – PROFESSIONAL SERVICES – GILES ROAD SIGNAL COORDINATION - \$2944.10

6. APPROVAL OF CLAIMS

7. RESOLUTION 12-098 – DEPARTMENT OF ROADS MAINTENANCE AGREEMENT – 84TH STREET

AAT, supplies	2,262.00
ACCO UNLIMITED CORP, supplies	73.2
ACTION BATTERIES, equip.	22
ALAMAR, apparel	591.96
ALERT-ALL CORP, printing	2,038.60
ALL STAR PRO GOLF, supplies	689.71
ARAMARK, services	156.57
A-RELIEF, services	180
ASSOCIATED FIRE PROTECTION, services	190
BAKER & TAYLOR, books	6,530.79
BANKERS TRUST, bonds	275
BARCAL, R., travel	194.25
BARONE SECURITY SYSTEMS, services	120
BATTERIES PLUS, services	179.94
BBE-TECH, bld&grnds	35
BCDM, services	1,260.00
BEACON BUILDING, services	6,712.00
BEAUMONT, M., travel	192.5
BLACK HILLS ENERGY, utilities	22.04
BCBS, refund	597.02
BOUND TREE MEDICAL, supplies	238.1

BUILDERS SUPPLY, maint.	79.86
CENTER POINT PUBLISHING, books	214.5
CENTURY LINK, phone	1,044.81
CIACCIO ROOFING, bld&grnds	210
CITY OF OMAHA, sewer	104,458.48
COMP CHOICE, services	508
CORNHUSKER INTL, vehicles	208,800.00
COX, utilities	63.65
D & D COMM., services	6,420.85
DANKO EMERGENCY EQUIP., maint.	252.34
DECOSTA SPORTING GOODS, apparel	258.5
DEIML, K., training	3,575.00
DIXON, S., refund	95
DOWNS ELECTRIC, bld&grnds	227.88
EAGLE ENGRAVING, apparel	106.36
EDGEWEAR SCREEN PRINTING, apparel	240
EPPERSON, N., apparel	116.63
FELD FIRE, apparel	2,570.00
FILTER CARE, maint.	56.4
FIRE DEPARTMENT CLOTHING, apparel	2,597.30
FLORATINE CENTRAL TURF PRODS, bld&grnds	407.5
GALE, books	402.58
GCR TIRE CENTERS, supplies	285.26
GODFATHER'S PIZZA, supplies	102.38
GOLDMAN, J., travel	41
GOLEY, C., training	120
GRAYBAR ELECTRIC, bld&grnds	57.6
GREAT PLAINS GFOA, training	300
GREAT PLAINS UNIFORMS, apparel	276.5
GREENKEEPER COMPANY, supplies	2,144.38
H & H CHEV., maint.	905.98
HEARTLAND PAPER, supplies	276
HEIMES CORPORATION, maint.	67.75
HELGET GAS, supplies	89
HOBBY LOBBY, supplies	262.7
INDUSTRIAL SALES, bld&grnds	104
J Q OFFICE EQUIPMENT, supplies	1,104.88
JNFS ENGINEERING, equip.	1,147.13
JOHN DEERE, bld&grnds	2,513.00
JONES AUTO., radios	4,843.00
LA VISTA COMMUNITY FOUNDATION	50
LAUGHLIN, KATHLEEN A, TRUSTEE	474
LEAGUE ASSN OF RISK MGMT, ins	91
LOGAN CONTRACTORS SUPPLY, maint.	5,304.94
LOU'S SPORTING GOODS, bld&grnds	55.65
MASA, bld&grnds	2,175.95
MATHESON TRI-GAS, apparel	62.67
MECHANICAL SALES, supplies	12,636.00
MUD, utilities	183.78
MICHAEL TODD & COMP., maint.	7,633.74
MID AMERICA PAY PHONES, phone	100
MIDWEST TAPE, media	759.41
MIDWEST TURF & IRRIGATION, maint.	553.19
MIRACLE RECREATION EQUIP., maint.	3,695.14
MONARCH OIL, maint.	493.5
MONROE TRUCK EQUIP., maint.	799.81
NEBRASKA SALT & GRAIN COMP., maint.	22,622.06
NEWMAN TRAFFIC SIGNS, supplies	117.15
NEXTEL SPRINT COMM., phone	210.73
NIKE, supplies	225
NORM'S DOOR SERVICE, maint.	408

NOVA HEALTH EQUIP., supplies	11,885.50
NUTS AND BOLTS INC., maint.	2.97
OCLC, books	30.97
OFFICE DEPOT, supplies	1,488.17
O'KEEFE ELEVATOR COMP., services	168
OPPD, utilities	2,838.68
OMAHA WORLD HERALD, ads	664.47
OMNIGRAPHICS, books	59.7
ORIZON CPAS, services	1,150.00
PAPILLION LA VISTA SCHL DISTR	6,500.00
PAPILLION TIRE INC., maint.	146.6
PARAMOUNT LINEN, services	294.91
PAYFLEX SYSTEMS	250
PAYROLL MAXX	2,650.00
PERFORMANCE CHRYSLER JEEP, maint.	5,662.81
PETTY CASH	298.99
PETTY CASH	71.08
PLAINS EQUIPMENT GROUP, maint.	406.32
PPE INC., training	1,075.00
PRO-PAPILLION RECREATION ORG	300
PRO-SIGN & SCREEN PRINTING, services	500
QUALITY BRANDS OF OMAHA, supplies	542.15
RAPPLEY, M., training	25
READY MIXED CONCRETE, maint.	5,054.07
RETRIEVEX, services	85.02
REXWINKLE, C., refund	100
SCHMADER ELECTRIC, supplies	8,250.00
SMITH, K., services	175
SOCCER INTERNATIONALE, apparel	330
SPRINT, phones	62.11
SPRINT, phones	119.97
STOLTENBERG NURSERIES, supplies	2,605.00
TED'S MOWER SALES & SERVICE, equip.	48
THOMPSON DREESSEN & DORNER, services	262.05
THOMPSON DREESSEN & DORNER, services	255
TODD VALLEY FARMS, bld&grnds	1,338.00
TORNADO WASH, maint.	120
UPS, postage	6.25
V & V MANUFACTURING, apparel	114.95
WASTE MANAGEMENT NE., services	239.97
WICK'S STERLING TRUCKS, maint.	176.24
ZIMCO SUPPLY, services	480
ZULKOSKI, C., refund	85

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

REPORTS – RENTAL INSPECTION PROGRAM

Community Development Director Birch, Community Development Secretary Michelle Alfaro, and Building Inspectors Don Simon and Brad Baber gave an overview of the Permits and Inspections for 2011, and the Rental Inspection Program for 2011.

Mayor Kindig asked that the numbers for the CVS and Divine Truth be rechecked and the information be provided about landscaping around the splash pad. Community Director Birch stated she will follow up.

Councilmember Crawford asked how long the names listed in white on the report had not been in compliance. Alfaro responded that those in white had not complied this year, and those in red have not complied since the beginning of the program. Councilmember

Sheehan asked if we inspect Apartment units that tenants have moved out of. Alfaro stated that yes, those are inspected. Councilmember Ronan asked if an inspector goes into a unit or rental alone. Alfaro explained that a staff member is always accompanied by the tenant or the property owners or the property owner's representative.

Building Inspector Baber reported that of the number of inspections completed 28% pass the initial inspection and over 80% pass on re-inspection. Councilmember Gowan stated that the Council took a lot of heat on this program 3 years ago, but the program has proven to do a good job to create safety for the La Vista residents. Councilmember Quick agreed.

REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

City Administrator Gunn reported that the parties attending the 911 shared services meeting are moving forward and have agreed to a single call center.

City Clerk Buethe reminded everyone they needed to complete the NIMS 100 and 700 courses by the end of the year if possible.

Fire Chief Uhl reported that the 6th Annual Citizen's Fire Academy was held and Austin Brake gave a report on the program. Uhl reported that the Fire Department was working with Grades K-3 during National Fire Prevention Week. Uhl continued that the Fire Department will also hold its open house on October 14, 2012 from 1-4.

Public Works Director Soucie reported that the East Port Parkway project was completed, and that the 96th Street Project was transitioning to Phase 2. Soucie continued that nine trees were replaced at the city parking lot and more roses were planted. Soucie stated that the streets division is repairing a section of street at 74th and Gertrude. Soucie also reported that staff will be going through snowplow training on October 15th.

Community Development Director Birch reported that an order to demolish was filed on a house on Park View Heights. They are working with the people who own the home on Park View Blvd which had a car hit it, to determine what needs done and what the time frame is.

Library Director Barcal reported that on October 6, 2012 from 2:00-3:00 Darrel Draper will be portraying Theodore Roosevelt at the library. The library has received accreditation again. The job seekers workshops will be at the library October 4th, 9th, and 11th and this if free to the public and staff.

B. ORDINANCE AMEND THE COMPENSATION ORDINANCE

Councilmember Carlisle introduced Ordinance No. 1186 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 Sell moved that the statutory rule requiring reading on three different days be suspended. Councilmember Gowan seconded the motion to suspend the rules and roll call vote on the motion. The following Councilmembers voted aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck and Gowan. The following voted nay: None. The following were absent: None. The motion to suspend the rules was adopted and the statutory rule was declared suspended for consideration of said ordinance.

Said ordinance was then read by title and thereafter Councilmember Carlisle moved for final passage of the ordinance which motion was seconded by Councilmember Quick. The Mayor then stated the question, "Shall Ordinance No. 1186 be passed and adopted?" Upon roll call vote the following Councilmember voted aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck and Gowan. The following voted nay: None. The following were absent: None. The passage and adoption of said ordinance having been concurred on by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor, in the presence of the Council, signed and approved the ordinance and the City Clerk attested the passage/approval of the same and affixed her signature thereto.

C. SPECIAL DESIGNATED LICENSE – ZEHRER, INC. DBA MORNING NOON AND NIGHT – JB'S SALON

Councilmember Sell introduced and moved for the adoption of Resolution No. 12-099; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA,

NEBRASKA AUTHORIZING THE CONSUMPTION OF ALCOHOL AT A SAMPLING/TASTING EVENT AT 9637 GILES ROAD ON OCTOBER 13, 2012.

WHEREAS, 9637 Giles Road is located within the City of La Vista; and

WHEREAS, Zehrer, Inc. has requested approval of a Special Designated License to serve alcohol sampling/tasting event at 9637 Giles Road on October 13, 2012 from 5:30 p.m. to 9:00 p.m.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize Zehrer, Inc. to proceed with the application for a "Special Designated License" from the Nebraska Liquor Control Commission to serve alcohol at 9637 Giles Road, at a sampling/tasting event on October 13, 2012.

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

Councilmember Crawford made a motion to move Comments from the Floor up on the agenda ahead of Item D Executive Session. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck and Gowan. Nays: None. Abstain: None. Absent: None. Motion carried.

COMMENTS FROM THE FLOOR

There were no comments from the floor.

D. EXECUTIVE SESSION – CONTRACT NEGOTIATIONS; LAND ACQUISITION, PERSONNEL

At 7:54 p.m. Councilmember Carlisle made a motion to go into executive session for protection of the public interest for contract negotiations and negotiating guidance regarding land acquisition and for the protection of the reputation of an individual to discuss personnel matters. Seconded by Councilmember Ellerbeck. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Abstain: None. Absent: None. Motion carried. Mayor Kindig stated the executive session would be limited to the subject matter contained in the motion.

At 10:15 p.m. the Council came out of executive session. Councilmember Carlisle made a motion to reconvene in open and public session. Seconded by Councilmember Crawford. Councilmembers voting aye: Sell, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Abstain: None. Absent: Ronan. Motion carried.

COMMENTS FROM MAYOR AND COUNCIL

Mayor Kindig stated that Senator Flood would be visiting the City.

At 10:16 p.m. Councilmember Crawford made a motion to adjourn the meeting. Seconded by Councilmember Sell. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Abstain: None. Absent: None. Motion carried.

PASSED AND APPROVED THIS 16TH DAY OF OCTOBER, 2012

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

CITY OF LAVISTA
COMBINED STATEMENT OF REVENUES, EXPENDITURES
AND CHANGES IN FUND BALANCE-PROPRIETARY FUNDS

BUDGET AND ACTUAL

For the eleven months ended September 30, 2012
100% of the Fiscal Year

	Sewer Fund					Golf Course Fund				
	Budget	MTD Actual	YTD Actual	Over (Under) Budget	% of Budget Used	Budget	MTD Actual	YTD Actual	Over (Under) Budget	% of Budget Used
REVENUES										
User fees	\$ 2,159,774	\$ 220,677	\$ 2,247,084	\$ 87,310	104%	\$ 172,060	\$ 19,316	\$ 219,039	\$ 46,979	127%
Service charge and hook-up fees	125,000	12,391	131,070	6,070	105%	-	-	-	-	-
Merchandise sales	-	-	-	-	-	34,500	4,810	39,683	5,183	115%
Grant	26,154	-	24,082	(2,072)	n/a	-	-	-	-	-
Miscellaneous	200	23	3,908	3,708	1954%	300	55	391	-	130%
Total Revenues	<u>2,311,128</u>	<u>233,090</u>	<u>2,406,143</u>	<u>95,015</u>	<u>104%</u>	<u>206,860</u>	<u>24,181</u>	<u>259,113</u>	<u>52,162</u>	<u>125%</u>
EXPENDITURES										
General Administrative	451,684	32,417	405,125	(46,559)	90%	-	-	-	-	-
Cost of merchandise sold	-	-	-	-	-	31,330	2,975	34,247	2,917	109%
Maintenance	1,702,646	255,208	1,611,590	(91,056)	95%	221,883	27,905	198,593	(23,290)	90%
Production and distribution	-	-	-	-	-	148,564	10,568	129,016	(19,548)	87%
Capital Outlay	217,500	208,800	214,344	(3,156)	99%	-	-	-	-	0%
Debt Service:										
Principal	-	-	-	-	-	115,000	-	115,000	-	100%
Interest	-	-	-	-	-	16,458	-	16,458	-	100%
Total Expenditures	<u>2,371,830</u>	<u>496,425</u>	<u>2,231,059</u>	<u>(140,771)</u>	<u>94%</u>	<u>533,235</u>	<u>41,448</u>	<u>493,314</u>	<u>(39,921)</u>	<u>93%</u>
OPERATING INCOME (LOSS)	(60,702)	(263,334)	175,085	(235,787)	-	(326,375)	(17,267)	(234,201)	92,083	-
NON-OPERATING REVENUE (EXPENSE)										
Interest income	5,000	194	2,902	(2,098)	58%	25	8	56	31	222%
	<u>5,000</u>	<u>194</u>	<u>2,902</u>	<u>(2,098)</u>	<u>58%</u>	<u>25</u>	<u>8</u>	<u>56</u>	<u>31</u>	<u>222%</u>
INCOME (LOSS) BEFORE OPERATING TRANSFERS	(55,702)	(263,140)	177,987	(233,689)	-	(326,350)	(17,260)	(234,146)	92,204	-
OTHER FINANCING SOURCES (USES)										
Operating transfers in (out)	-	-	-	-	-	310,000	250,000	250,000	(60,000)	81%
NET INCOME (LOSS)	<u>\$ (55,702)</u>	<u>\$ (263,140)</u>	<u>\$ 177,987</u>	<u>\$ (233,689)</u>	<u>-</u>	<u>\$ (16,350)</u>	<u>\$ 232,741</u>	<u>\$ 15,854</u>	<u>\$ (32,204)</u>	<u>-</u>
NET ASSETS, Beginning of the year			<u>5,587,445</u>					<u>295,224</u>		
*NET ASSETS, End of the year			<u>\$ 5,765,432</u>					<u>\$ 311,078</u>		

*Preliminary due to accruals and audit adjustments

CITY OF LAVISTA, NEBRASKA
COMBINED STATEMENT OF REVENUES, EXPENDITURES
AND CHANGES IN FUND BALANCE-ALL GOVERNMENTAL FUND TYPES
For the eleven months ended September 30, 2012
100% of the Fiscal Year

	General Fund					Debt Service Fund				Capital Fund			
	Budget (12 month)	MTD Actual	YTD Actual	Over(under) Budget	% of budget Used	Budget	MTD Actual	YTD Actual	Over(under) Budget	Budget	MTD Actual	YTD Actual	Over(under) Budget
REVENUES													
Property Taxes	\$ 5,611,688	\$ 214,122	\$ 5,612,172	\$ 484	100%	\$ 530,769	\$ 18,518	\$ 549,340	\$ 18,571	\$ -	\$ -	\$ -	\$ -
Sales and use taxes	1,994,100	304,123	2,980,926	986,826	149%	997,050	152,062	1,490,463	493,413	-	-	-	-
Payments in Lieu of taxes	90,000	-	181,963	91,963	202%	-	-	-	-	-	-	-	-
State revenue	1,053,167	105,686	1,284,732	231,565	122%	-	-	-	-	-	-	-	-
Occupation and franchise taxes	650,000	13,239	795,330	145,330	122%	-	-	-	-	-	-	-	-
Hotel Occupation Tax	651,583	71,208	777,438	125,855	119%	-	-	-	-	-	-	-	-
Licenses and permits	489,250	25,890	427,062	(62,188)	87%	-	-	-	-	-	-	-	-
Interest income	10,000	1,208	12,224	2,224	122%	15,000	874	11,705	(3,295)	-	-	-	-
Recreation fees	124,000	8,643	163,061	39,061	132%	-	-	-	-	-	-	-	-
Special Services	16,500	3,714	28,554	12,054	173%	-	-	-	-	-	-	-	-
Grant Income	332,780	7,028	233,448	(99,332)	70%	-	-	-	-	937,072	169,158	1,019,584	82,512
Other	1,315,722	11,648	1,020,924	(294,798)	78%	2,186,290	1,249	9,126,664	6,940,374	129,927	163,575	235,927	106,000
Total Revenues	12,338,790	766,510	13,517,835	1,179,045	110%	3,729,109	172,703	11,178,172	7,449,063	1,066,999	332,733	1,255,511	188,512
EXPENDITURES													
Current:													
Mayor and Council	190,509	5,936	129,066	(61,443)	68%	-	-	-	-	-	-	-	-
Boards & Commissions	12,350	97	6,375	(5,975)	52%	-	-	-	-	-	-	-	-
Public Buildings & Grounds	535,178	64,896	463,043	(72,135)	87%	-	-	-	-	-	-	-	-
Administration	749,871	54,717	710,114	(39,757)	95%	65,000	480	124,471	59,471	-	-	-	-
Police and Animal Control	3,925,544	308,959	3,808,912	(116,632)	97%	-	-	-	-	-	-	-	-
Fire	623,203	76,684	478,068	(145,135)	77%	-	-	-	-	-	-	-	-
Community Development	647,801	54,184	706,983	59,182	109%	-	-	-	-	-	-	-	-
Public Works	3,152,646	290,170	3,023,094	(129,552)	96%	-	-	-	-	-	-	-	-
Recreation	637,488	53,266	582,531	(54,957)	91%	-	-	-	-	-	-	-	-
Library	647,103	59,516	603,870	(43,233)	93%	-	-	-	-	-	-	-	-
Human Resources	469,302	21,580	447,204	(22,098)	95%	-	-	-	-	-	-	-	-
Special Services & Tri-City Bus	77,411	7,362	69,787	(7,624)	90%	-	-	-	-	-	-	-	-
Capital outlay	191,000	22,983	171,674	(19,326)	90%	-	-	-	-	3,512,838	158,798	1,612,095	(1,900,743)
Debt service: (Warrants)	-	-	-	-	-	-	-	-	-	-	-	-	-
Principal	-	-	-	-	-	2,285,000	-	11,090,511	8,805,511	-	-	-	-
Interest	-	-	-	-	-	1,079,260	41,621	1,151,392	72,132	-	-	-	-
Total Expenditures	11,859,406	1,020,349	11,200,720	(658,686)	94%	3,429,260	42,100	12,366,373	8,937,113	3,512,838	158,798	1,612,095	(1,900,743)
EXCESS OF REVENUES OVER (UNDER) EXPENDITURES	479,384	(253,839)	2,317,115	(1,837,731)	483%	299,849	130,602	(1,188,202)	1,488,051	(2,445,839)	173,935	(356,584)	(2,089,255)
OTHER FINANCING SOURCES (USES)													
Operating transfers in (out)	(1,186,000)	(1,185,547)	(1,185,547)	453	-	(191,524)	128,678	128,678	320,202	1,293,868	356,584	356,584	(937,284)
Bond/registered warrant proceeds	-	-	-	-	-	-	-	-	-	1,151,971	-	-	(1,151,971)
Total other Financing Sources (Uses)	(1,186,000)	(1,185,547)	(1,185,547)	453	-	(191,524)	128,678	128,678	320,202	2,445,839	356,584	356,584	(2,089,255)
EXCESS OF REVENUES AND OTHER FINANCING SOURCES OVER (UNDER) EXPENDITURES AND OTHER FINANCING USES	\$ (706,616)	\$ (1,439,386)	\$ 1,131,568	\$ (1,838,184)	-	\$ 108,325	\$ 259,280	\$ (1,059,524)	\$ 1,167,849	\$ -	\$ 530,519	\$ 0	\$ (0)
FUND BALANCE, beginning of the year			5,215,704					7,574,876				371,268	
*FUND BALANCES, END OF PERIOD			\$ 6,347,272					\$ 6,515,352				\$ 371,268	

*Preliminary due to accruals and audit adjustments



KISSEL/E&S
ASSOCIATES

A Limited Liability Company Associated with Erickson and Sederstrom, P.C.

Joseph D. Kohout, *Partner*

Suite 400 Cornhusker Plaza / 301 S. 13th Street / Lincoln, NE 68508-2571

Telephone (402) 476-1188 / Facsimile (402) 476-6167

Email jkhour@kisseles.com / Website www.kisseles.com

LEGISLATIVE SERVICES INVOICE

TO: United Cities of Sarpy County
C/O Brenda Gunn, City Administrator
City of LaVista
8116 Park View Blvd
LaVista, Nebraska 68128

REMIT TO: Joe Kohout
Kissel/ES Associates LLC
301 S. 13th Street, #400
Lincoln, Nebraska 6850

Legislative Services for October 1, 2012 – September 30, 2013	\$37,800
---	----------

Credit from Interest	(\$86.48)
----------------------	-----------

Balance Due from United Cities of Sarpy County	\$37,713.52
--	-------------

Divided by 4 cities	\$9,428.13
---------------------	------------

TOTAL DUE UPON RECEIPT:	\$9,428.13
-------------------------	------------

Thank you for your business!

Note: Year 2 of 3 year contract

*OK PLS
10-16-12
Consent
Agenda
1-11-0314*

Highway Signing, Inc.

4343 S. 67th St.
Omaha, NE 68117

Date	Invoice #
9/28/2012	163

Bill To
Public Works Department 9900 Portal Road LaVista, NE 68128

Visit us online!
www.highwaysigning.com

Ref #	Due Date	City or County	Project	
	9/28/2012	LaVista	Eastport Pkwy Pavement Mark	
Qty	Description		Price	Amount
370	4" White Wet Reflective Preformed Pavement Markings, Type 4, grooved		3.00	1,110.00T
9,716	4" Yellow Wet Reflective Preformed Pavement Markings, Type 4, grooved		3.24	31,479.84T
4	Left Arrow, Wet Reflective Preformed Pavement Markings, Type 4 Grooved		350.00	1,400.00T
Thank you for your business.			Subtotal	\$33,989.84
			Sales Tax (0.0%)	\$0.00
			Total	\$33,989.84
			Balance Due	\$33,989.84

O.K. to pay
05.71.0857
MK 9-28-2012

Consent Agenda

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

1 Bank of Nebraska (600-873)									
46213					Payroll Check				
46214					Gap in Checks				
Thru	108926								
108927	10/02/2012	1624	GUNN, BRENDA			314.00			**MANUAL**
108928	10/02/2012	427	RAMIREZ, RITA M			314.00			**MANUAL**
108929	10/02/2012	3739	FELSBURG HOLT & ULLEVIG			2,944.10			**MANUAL**
108930	10/02/2012	1034	SCHEMMER ASSOCIATES INC			177.74			**MANUAL**
108931	10/12/2012	3702	LAUGHLIN, KATHLEEN A, TRUSTEE			474.00			**MANUAL**
108932	10/12/2012	1222	KARLSON, DAVID			259.00			**MANUAL**
108933	10/16/2012	3208	A C NELSEN RV WORLD			300.00			
108934	10/16/2012	3983	ABE'S PORTABLES INC			137.45			
108935	10/16/2012	762	ACTION BATTERIES UNLTD INC			658.20			
108936	10/16/2012	2723	AKSARBEN GARAGE DOOR SVCS INC			145.00			
108937	10/16/2012	2241	ALS AFFILIATES			200.00			
108938	10/16/2012	536	ARAMARK UNIFORM SERVICES INC			760.25			
108939	10/16/2012	201	BAKER & TAYLOR BOOKS			565.30			
108940	10/16/2012	703	BATTERIES PLUS			204.95			
108941	10/16/2012	4781	BISHOP BUSINESS EQUIPMENT			167.31			
108942	10/16/2012	196	BLACK HILLS ENERGY			1,529.76			
108943	10/16/2012	1724	BNA			458.00			
108944	10/16/2012	3437	BRADFORD, CARLOS			20.00			
108945	10/16/2012	4454	BRAKE, AUSTIN			100.00			
108946	10/16/2012	1242	BRENTWOOD AUTO WASH			77.00			
108947	10/16/2012	4647	BREWER, WILLIAM ANDREW			100.00			
108948	10/16/2012	117	BRODART COMPANY			228.03			
108949	10/16/2012	76	BUILDERS SUPPLY CO INC			35.00			
108950	10/16/2012	2625	CARDMEMBER SERVICE-ELAN			.00	**CLEARED**	**VOIDED**	
108951	10/16/2012	2625	CARDMEMBER SERVICE-ELAN			.00	**CLEARED**	**VOIDED**	
108952	10/16/2012	2625	CARDMEMBER SERVICE-ELAN			.00	**CLEARED**	**VOIDED**	
108953	10/16/2012	2625	CARDMEMBER SERVICE-ELAN			.00	**CLEARED**	**VOIDED**	
108954	10/16/2012	2625	CARDMEMBER SERVICE-ELAN			7,240.41			
108955	10/16/2012	219	CENTURY LINK			152.95			
108956	10/16/2012	2540	CENTURY LINK BUSN SVCS			44.01			
108957	10/16/2012	914	CITY OF COUNCIL BLUFFS			150.00			
108958	10/16/2012	83	CJ'S HOME CENTER			.00	**CLEARED**	**VOIDED**	
108959	10/16/2012	83	CJ'S HOME CENTER			.00	**CLEARED**	**VOIDED**	
108960	10/16/2012	83	CJ'S HOME CENTER			620.45			
108961	10/16/2012	4615	CONSOLIDATED MANAGEMENT			19.00			
108962	10/16/2012	836	CORNHUSKER INTL TRUCKS INC			436.65			
108963	10/16/2012	272	COUNCIL OF STATE GOVERNMENTS			112.50			
108964	10/16/2012	2158	COX COMMUNICATIONS			58.65			
108965	10/16/2012	270	DECOSTA SPORTING GOODS			80.00			
108966	10/16/2012	159	DXP ENTERPRISES INC			149.30			
108967	10/16/2012	2388	EXCHANGE BANK			1,163.43			
108968	10/16/2012	3132	FORT DEARBORN LIFE INSURANCE			1,160.00			
108969	10/16/2012	1344	GALE			231.04			
108970	10/16/2012	53	GCR TIRE CENTERS			93.04			

BANK NO	BANK NAME	CHECK NO	DATE	VENDOR NO	VENDOR NAME	CHECK AMOUNT	CLEARED	VOIDED	MANUAL
108971	10/16/2012	966	GENUINE PARTS COMPANY-OMAHA	.00	**CLEARED**	**VOIDED**			
108972	10/16/2012	966	GENUINE PARTS COMPANY-OMAHA	.00	**CLEARED**	**VOIDED**			
108973	10/16/2012	966	GENUINE PARTS COMPANY-OMAHA	1,063.85					
108974	10/16/2012	3491	GEORGE, ROBERT	200.00					
108975	10/16/2012	4767	GOLEY, CHRIS	100.00					
108976	10/16/2012	285	GRAYBAR ELECTRIC COMPANY INC	52.28					
108977	10/16/2012	71	GREENKEEPER COMPANY INC	645.00					
108978	10/16/2012	387	HARM'S CONCRETE INC	181.00					
108979	10/16/2012	2407	HEIMES CORPORATION	85.94					
108980	10/16/2012	2888	HOME DEPOT CREDIT SERVICES	471.26					
108981	10/16/2012	526	HOT COFFEE SERVICE INC	26.85					
108982	10/16/2012	4151	HUNDEN STRATEGIC PARTNERS	4,603.75					
108983	10/16/2012	223	KAPCO-KENT ADHESIVE PRODS CO	65.45					
108984	10/16/2012	4018	KISSEL/E & S ASSOCIATES	9,428.13					
108985	10/16/2012	1054	KLINKER, MARK A	200.00					
108986	10/16/2012	2394	KRIHA FLUID POWER CO INC	38.03					
108987	10/16/2012	4425	LANDPORT SYSTEMS INC	125.00					
108988	10/16/2012	231	LEAGUE OF NEBRASKA MUNICIPA-	33.00					
108989	10/16/2012	3931	LIBRARY ADVANTAGE	350.00					
108990	10/16/2012	4254	LINCOLN NATIONAL LIFE INS CO	.00	**CLEARED**	**VOIDED**			
108991	10/16/2012	4254	LINCOLN NATIONAL LIFE INS CO	10,402.59					
108992	10/16/2012	2664	LOU'S SPORTING GOODS	250.50					
108993	10/16/2012	2124	LUKASIEWICZ, BRIAN	200.00					
108994	10/16/2012	153	METRO AREA TRANSIT	610.00					
108995	10/16/2012	553	METROPOLITAN UTILITIES DIST.	.00	**CLEARED**	**VOIDED**			
108996	10/16/2012	553	METROPOLITAN UTILITIES DIST.	5,905.93					
108997	10/16/2012	3475	MIDLANDS BUSINESS JOURNAL	70.00					
108998	10/16/2012	2299	MIDWEST TAPE	260.89					
108999	10/16/2012	1046	MIDWEST TURF & IRRIGATION	38.77					
109000	10/16/2012	4785	MUHS, CONNOR R	40.00					
109001	10/16/2012	680	NATIONAL ARBOR DAY FOUNDATION	15.00					
109002	10/16/2012	1028	NATIONAL EVERYTHING WHOLESALE	218.32					
109003	10/16/2012	21	NEBRASKA HUMANITIES COUNCIL	200.00					
109004	10/16/2012	1290	NEBRASKA NOTARY ASSOCIATION	196.50					
109005	10/16/2012	1045	NEWSBANK	2,205.00					
109006	10/16/2012	2530	NOVA HEALTH EQUIPMENT	89.00					
109007	10/16/2012	1014	OFFICE DEPOT INC	280.50					
109008	10/16/2012	195	OMAHA PUBLIC POWER DISTRICT	.00	**CLEARED**	**VOIDED**			
109009	10/16/2012	195	OMAHA PUBLIC POWER DISTRICT	.00	**CLEARED**	**VOIDED**			
109010	10/16/2012	195	OMAHA PUBLIC POWER DISTRICT	52,893.50					
109011	10/16/2012	401	PAPILLION LA VISTA SCHL DISTR	5.00					
109012	10/16/2012	3039	PAPILLION SANITATION	1,096.16					
109013	10/16/2012	976	PAPILLION TIRE INCORPORATED	83.18					
109014	10/16/2012	2686	PARAMOUNT LINEN & UNIFORM	930.85					
109015	10/16/2012	3058	PERFORMANCE CHRYSLER JEEP	69.71					
109016	10/16/2012	1784	PLAINS EQUIPMENT GROUP	524.32					
109017	10/16/2012	191	READY MIXED CONCRETE COMPANY	6,706.78					
109018	10/16/2012	2240	SARPY COUNTY COURTHOUSE	3,479.89					
109019	10/16/2012	4691	SARPY COUNTY SOCCER ASSN	420.50					
109020	10/16/2012	150	SARPY COUNTY TREASURER	.00	**CLEARED**	**VOIDED**			
109021	10/16/2012	150	SARPY COUNTY TREASURER	37,955.71					
109022	10/16/2012	503	SCHOLASTIC LIBRARY PUBLISHING	378.30					
109023	10/16/2012	4641	SHRED-SAFE LLC 2011-2012	30.00					

BANK NO	BANK NAME	CHECK NO	DATE	VENDOR NO	VENDOR NAME	CHECK AMOUNT	CLEARED	VOIDED	MANUAL
109024	10/16/2012	2704	SMOOTHER CUT ENTERPRISES INC	660.00					
109025	10/16/2012	4591	SOUSA, FRANK P	20.00					
109026	10/16/2012	161	TRACTOR SUPPLY CREDIT PLAN	45.97					
109027	10/16/2012	3633	TRI CARE WEST	342.28					
109028	10/16/2012	1122	TURF CARS LTD	602.50					
109029	10/16/2012	2426	UNITED PARCEL SERVICE	20.27					
109030	10/16/2012	4223	VAIL, ADAM	100.00					
109031	10/16/2012	766	VIERREGGER ELECTRIC COMPANY	104.50					
109032	10/16/2012	1174	WAL-MART COMMUNITY BRC	.00	**CLEARED**	**VOIDED**			
109033	10/16/2012	1174	WAL-MART COMMUNITY BRC	965.99					
109034	10/16/2012	78	WASTE MANAGEMENT NEBRASKA	1,132.65					
109035	10/16/2012	968	WICK'S STERLING TRUCKS INC	540.47					

BANK TOTAL	169,641.59
OUTSTANDING	169,641.59
CLEARED	.00
VOIDED	.00

FUND	TOTAL	OUTSTANDING	CLEARED	VOIDED
01 GENERAL FUND	144,187.92	144,187.92	.00	.00
02 SEWER FUND	9,750.05	9,750.05	.00	.00
05 CONSTRUCTION	3,207.60	3,207.60	.00	.00
08 LOTTERY FUND	4,603.75	4,603.75	.00	.00
09 GOLF COURSE FUND	5,192.76	5,192.76	.00	.00
15 OFF-STREET PARKING	2,699.51	2,699.51	.00	.00

REPORT TOTAL	169,641.59
OUTSTANDING	169,641.59
CLEARED	.00
VOIDED	.00

+ Gross Payroll 10/12/12	238,465.63
GRAND TOTAL	<u>\$408,107.22</u>

APPROVED BY COUNCIL MEMBERS 10/16/12

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

Memorandum



To: Mayor and Council
CC: Brenda Gunn, Rita Ramirez
From: Pam Buethe *PB*
Date: 10/16/2012
Re: Consent Agenda Item A7 – Application for manager – Hampton Inn & Suites La Vista

This is the manager application for Cori Gruber to be a manager at La Vista Lodging Investors, LLC dba Hampton Inn & Suites La Vista.

All this agenda item would require is a motion to approve the manager application for Cori Gruber and therefore it has been placed on the Consent Agenda.

Please contact me with any questions.

LA VISTA POLICE DEPARTMENT INTEROFFICE MEMORANDUM

TO: PAM BUETHE, CITY CLERK
FROM: BOB LAUSTEN, POLICE CHIEF
SUBJECT: LOCAL BACKGROUND-CORPORATE MANAGER LIQUOR LICENSE
DATE: 10/9/2012
CC:

The police department conducted a check of computerized records on the applicant, Cori Gruber, for criminal conduct in Nebraska in reference to the Corporate Manager Liquor License application at the Hampton Inn. Gruber has a traffic record and pled guilty on January 4, 2000 to 3 counts of Procuring Alcohol for a Minor stemming from an incident that occurred on September 21, 1999. Gruber was sentenced to 6 months of traditional probation and 20 hours of community service. The sentence was successfully completed on September 12, 2000.



Dave Heineman
Governor

STATE OF NEBRASKA

NEBRASKA LIQUOR CONTROL COMMISSION

Robert B. Rupe

Executive Director

301 Centennial Mall South, 5th Floor

P.O. Box 95046

Lincoln, Nebraska 68509-5046

Phone (402) 471-2571

Fax (402) 471-2814 or (402) 471-2374

TRS USER 800 833-7352 (TTY)

web address: <http://www.lcc.ne.gov/>

September 26, 2012

LA VISTA CITY CLERK
8116 PARK VIEW BLVD
LA VISTA NE 68128 2198

RE: Hampton Inn & Suites LaVista
LICENSE #C-077310

Dear Clerk:

Enclosed is a copy of a manager application for Cori Gruber in connection with Hampton Inns & Suites LaVista located in LaVista.

Please present this application for manager to your City/Village Council or County Commissioners and send us the results of their action.

Sincerely,

Jacqueline Rodriguez

Licensing Division

NEBRASKA LIQUOR CONTROL COMMISSION

402-471-2572

encl.

Janice M. Wiebusch
Commissioner

Robert Batt
Chairman

William F. Austin
Commissioner

**MANAGER APPLICATION
INSERT - FORM 3c**

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

Office Use

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SEP 25 2012

**NEBRASKA LIQUOR
CONTROL COMMISSION**

JR

Corporate manager, including their spouse, are required to adhere to the following requirements

- 1) Must be a citizen of the United States
- 2) Must be a Nebraska resident (Chapter 2 - 006) and must provide proof of voter registration in the State of Nebraska
- 3) Must provide a copy of one of the following: state issued US birth certificate, naturalization paper or US passport
- 4) Must submit fingerprints (unless a non-participating spouse) (2 cards per person) and fees of \$38 per person, made payable to Nebraska State Patrol
- 5) Must be 21 years of age or older
- 6) May be required to take a training course

Corporation/LLC information

Name of Corporation/LLC: LaVista Lodging Investors, LLC

Premise information

Premise License Number: 77310

(if new application leave blank)

Premise Trade Name/DBA: Hampton Inn & Suites LaVista

Premise Street Address: 12331 Southport Pkwy

City: LaVista

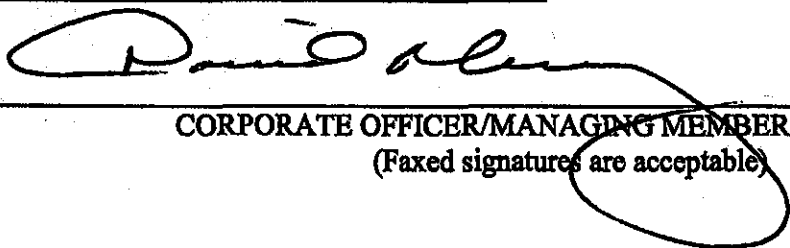
State: NE

Zip Code: 68128

Premise Phone Number: 402-895-2900

The individual whose name is listed as a corporate officer or managing member as reported on insert form 3a or 3b or listed with the Commission. Click on this link to see authorized individuals.

http://www.lcc.ne.gov/license_search/licsearch.cgi



CORPORATE OFFICER/MANAGING MEMBER SIGNATURE

(Faxed signatures are acceptable)



1200018593

Manager's information must be completed below PLEASE PRINT CLEARLY

Gender: ☐ MALE

☒ FEMALE

Last Name: Gruber First Name: Cori MI: M

Home Address (include PO Box if applicable): 14913 Church Road

City: Louisville County: Cass Zip Code: 68037

Home Phone Number: 402-510-8041 Business Phone Number: 402-517-3451

Social Security Number: _____ Drivers License Number & State: _____

Date Of Birth: _____ Place Of Birth: Omaha, NE

Are you married? If yes, complete spouse's information (Even if a spousal affidavit has been submitted)

☐ YES

☒ NO

Spouse's Information

Spouses Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Drivers License Number & State: _____

Date Of Birth: _____ Place Of Birth: _____

APPLICANT & SPOUSE MUST LIST RESIDENCE(S) FOR THE PAST TEN TO YEARS

APPLICANT

SPOUSE

CITY & STATE	YEAR FROM	YEAR TO	CITY & STATE	YEAR FROM	YEAR TO
Lake Geneva, WI	03/11	06/12			
Omaha, NE	09/99	03/11			
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SEP 25 2012

NEBRASKA LIQUOR
CONTROL COMMISSION

Form 103
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Page 3 of 5

MANAGER'S LAST TWO EMPLOYERS

YEAR FROM TO		NAME OF EMPLOYER	NAME OF SUPERVISOR	TELEPHONE NUMBER
01/10	06/12	Hostmark Hospitality @ Premiere Suites of Omaha /Bella Vista Suites	Tom Schulz	312-882-4035
06/06	01/10	Lodging First @ Homewood Suites by Hilton Omaha	Robert Rentzsch	614-946-8808

1. **READ CAREFULLY. ANSWER COMPLETELY AND ACCURATELY. Must be completed by both applicant and spouse, unless spouse has filed an affidavit of non-participation.**

Has anyone who is a party to this application, or their spouse, **EVER** been convicted of or plead guilty to any charge. Charge means any charge alleging a felony, misdemeanor, violation of a federal or state law; a violation of a local law, ordinance or resolution. List the nature of the charge, where the charge occurred and the year and month of the conviction or plea. Also list any charges pending at the time of this application. If more than one party, please list charges by each individual's name.

☒ YES ☐ NO

If yes, please explain below or attach a separate page.

Name of Applicant	Date of Conviction (mm/yyyy)	Where Convicted (city & state)	Description of Charge	Disposition
Cori M. Gruber	12/1999	Omaha, NE	Contributing (while working as a bartender)	no contest

2. Have you or your spouse ever been approved or made application for a liquor license in Nebraska or any other state? ☒ YES ☐ NO

IF YES, list the name of the premise.

7010 Hascall Street LLC, 7010 Hascall Street Omaha, NE 68106

3. Do you, as a manager, qualify under Nebraska Liquor Control Act (§53-131.01) and do you intend to supervise, in person, the management of the business? ☒ YES ☐ NO

4. Have you enclosed the required fingerprint cards and **PROPER FEES** with this application? (Check or money order made payable to the Nebraska State Patrol for \$38.00 per person)

☐ YES ☒ NO

5. List any alcohol related training and/or experience (when and where).

Managed license of 7010 Hascall Street LLC (DBA Premiere Suites of Omaha & Homewood Suites by Hilton @ 7010 Hascall Street Omaha, NE 68106) through March 2011.

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SEP 25 2012

**NEBRASKA LIQUOR
CONTROL COMMISSION**

Form 103
Rev 11/2012
Page 4 of 5

PERSONAL OATH AND CONSENT OF INVESTIGATION

The above individual(s), being first duly sworn upon oath, deposes and states that the undersigned is the applicant and/or spouse of applicant who makes the above and foregoing application that said application has been read and that the contents thereof and all statements contained therein are true. If any false statement is made in any part of this application, the applicant(s) shall be deemed guilty of perjury and subject to penalties provided by law. (Sec §53-131.01) Nebraska Liquor Control Act.

The undersigned applicant hereby consents to an investigation of his/her background including all records of every kind and description including police records, tax records (State and Federal), and bank or lending institution records, and said applicant and spouse waive any rights or causes of action that said applicant or spouse may have against the Nebraska Liquor Control Commission and any other individual disclosing or releasing said information to the Nebraska Liquor Control Commission. If spouse has NO interest directly or indirectly, a spousal affidavit of non participation may be attached.

The undersigned understand and acknowledge that any license issued, based on the information submitted in this application, is subject to cancellation if the information contained herein is incomplete, inaccurate, or fraudulent.


Signature of Manager Applicant

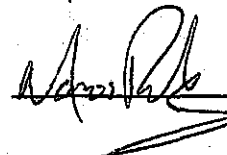
Signature of Spouse

ACKNOWLEDGEMENT

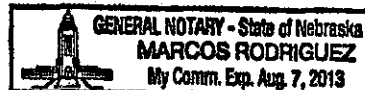
State of Nebraska

County of Sarpy The foregoing instrument was acknowledged before me this

9/14/2012 date by Cori M. Gruber name of person acknowledged


Notary Public signature

Affix Seal



In compliance with the ADA, this application is available in other formats for persons with disabilities. A ten day advance period is required in writing to produce the alternate format.

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SEP 25 2012

NEBRASKA LIQUOR
CONTROL COMMISSION

Form 103
Rev 11/2012
Page 5 of 5

STATE OF NEBRASKA

WHEN THIS COPY CARRIES THE RAISED SEAL OF THE NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES, IT CERTIFIES THE BELOW TO BE A TRUE COPY OF THE ORIGINAL RECORD ON FILE WITH THE NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES, VITAL RECORDS OFFICE, WHICH IS THE LEGAL DEPOSITORY FOR VITAL RECORDS.

DATE OF ISSUANCE

1/13/2010

LINCOLN, NEBRASKA

Stanley S. Cooper
STANLEY S. COOPER
ASSISTANT STATE REGISTRAR
DEPARTMENT OF HEALTH AND
HUMAN SERVICES

STATE OF NEBRASKA—DEPARTMENT OF HEALTH BUREAU OF VITAL STATISTICS

CERTIFICATE OF LIVE BIRTH

126—

78 23882

1. CHILD—NAME FIRST MIDDLE LAST Cori Marie Gruber			2. SEX Female	3. DATE OF BIRTH (Month, Day, Year) 1/13/79		4. HOUR 10:54p
5. HOSPITAL—NAME (If not in hospital, give street and number) Immanuel Medical Center			6. INSIDE CITY LIMITS (Specify Yes or No) yes	7. CITY, TOWN, OR LOCATION OF BIRTH Omaha		8. COUNTY OF BIRTH Douglas
9. I certify that the stated information concerning this child is true to the best of my knowledge and belief. 10. (Signature) <i>[Signature]</i>			11. DATE SIGNED (Month, Day, Year) 1/17/79		12. NAME AND TITLE OF ATTENDANT IF OTHER THAN CERTIFIER	
13. CERTIFIER—NAME AND TITLE (Type or print) J. Steier, M.D.			14. MAILING ADDRESS (STREET OR R.F.D. NO., CITY OR TOWN, STATE, ZIP) 6510 Redick, Omaha, Nebraska		15. DATE RECEIVED BY REGISTRAR MONTH DAY YEAR JAN 22 1979	
16. REGISTRAR—SIGNATURE <i>W R Jacobson, M.D.</i>			17. MOTHER—MAIDEN NAME FIRST MIDDLE LAST Sandra Jean Roberts		18. AGE (At time of this birth) 19	
19. RESIDENCE—STATE Nebraska			20. COUNTY Douglas	21. CITY, TOWN, OR LOCATION (Include zip code) Omaha 68106	22. CITY AND STATE OF BIRTH (If not in U.S.A., Name Country) Watonga, Oklahoma 37	
23. INSIDE CITY LIMITS (Specify Yes or No) yes			24. STREET AND NUMBER 2220 S. 50		25. MOTHER'S MAILING ADDRESS—Enter if not same as residence	
26. FATHER—NAME FIRST MIDDLE LAST Michael Dean Gruber			27. AGE (At time of this birth) 25		28. CITY AND STATE OF BIRTH (If not in U.S.A., Name Country) Lincoln, Nebraska	
29. I certify that the personal information provided on this certificate is correct to the best of my knowledge and belief. (Signature of Parent or other informant) Sandra Jean Gruber			30. RELATION TO CHILD Mother		31.	

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SEP 25 2012

NEBRASKA LIQUOR
CONTROL COMMISSION

RECEIVED

SEP 25 2012

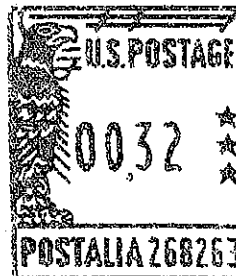
**NEBRASKA LIQUOR
CONTROL COMMISSION**

Nancy Josoff
(402) 296-9309
Election Commissioner
201 Main Street
Plattsmouth, NE 68048

Return Service Requested



000005356



Acknowledgement & Verification of Registration

IMPORTANT INFORMATION ON BACK

DETACH AT PERFORATION AND KEEP ENTIRE BOTTOM PORTION

Precinct: Center 008

Polling Place:

Center 008

Cass County Extension Office

Cass County Fair Grounds (corner of Hwy

1 & 144th) 8400 144th Street Ste 100

Weeping Water

Nonpartisan

U.S. Congressional District 1

Legislative District 2

Southeast Com College Dist 2

Louisville Public Schools

Cass County, State of Nebraska

2402842

Cori M Gruber

14913 Church Rd

Louisville, NE 68037

FOR WALLET SIZE • FOLD HERE

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
OCTOBER 16, 2012 AGENDA**

Subject:	Type:	Submitted By:
APPLICATION FOR REPLAT — LOTS 1 THRU 4, HARRISON HILLS REPLAT 4 (SE OF 118 TH & OLIVE ST.)	◆ RESOLUTION ORDINANCE RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

SYNOPSIS

A public hearing has been scheduled and a resolution prepared to approve a replat application for Lots 1, 2, 3 and 4, Harrison Hills Replat 4 (a replat of Lot 12, Harrison Hills), generally located southeast of 118th Street and Olive Street.

FISCAL IMPACT

None.

RECOMMENDATION

Approve.

BACKGROUND

A public hearing has been scheduled and a resolution prepared to approve a replat application for Lots 1, 2, 3 and 4, Harrison Hills Replat 4, generally located southeast of 118th Street and Olive Street. The application was submitted by the property owner, Harrison I-80, LLC. The property is zoned I-1, Light Industrial. The property is currently vacant; the replat is for the purpose of providing for the development of industrial uses on smaller lots.

A detailed staff report is attached.

On September 20, 2012, the Planning Commission unanimously recommended approval of the proposed replat to Council subject to the satisfactory resolution of the issues noted in the staff report.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, FOR APPROVAL OF THE REPLAT FOR LOT 12, HARRISON HILLS, TO BE REPLATTED AS LOTS 1, 2, 3 AND 4, HARRISON HILLS REPLAT 4, A SUBDIVISION LOCATED IN THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6TH P.M., IN SARPY COUNTY, NEBRASKA.

WHEREAS, the owners of the above described piece of property have made application for approval of a replat for Lot 12, Harrison Hills, to be replatted as Lots 1, 2, 3 and 4, Harrison Hills Replat 4; and

WHEREAS, the City Administrator and the City Engineer have reviewed the replat; and

WHEREAS, on September 20, 2012, the La Vista Planning Commission held a public hearing and reviewed the replat and recommended approval subject to resolution of items identified by the city engineer and staff; and

WHEREAS, the items identified by the city engineer and staff have been resolved.

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of La Vista, Nebraska, that the plat for Lot 12, Harrison Heights, to be replatted as Lots 1, 2, 3 and 4, Harrison Heights Replat 4, a subdivision located in the Northeast ¼ of Section 17, Township 14 North, Range 12 East of the 6th P.M., Sarpy County, Nebraska, generally located southeast of 118th Street and Olive Street, be, and hereby is, approved.

PASSED AND APPROVED THIS 16TH DAY OF OCTOBER, 2012.

CITY OF LA VISTA

ATTEST:

Douglas Kindig, Mayor

Pamela A. Buethe, CMC
City Clerk

**CITY OF LA VISTA
PLANNING DIVISION**

RECOMMENDATION REPORT

CASE NUMBER: 2012-SUB-06

FOR HEARING OF: October 16, 2012

Report Prepared on: October 4, 2012

I. GENERAL INFORMATION

- A. APPLICANT:**
Harrison I-80, LLC
10855 West Dodge Road, Suite #270
Omaha, NE 68154
- B. PROPERTY OWNER:**
Harrison I-80, LLC
10855 West Dodge Road, Suite #270
Omaha, NE 68154
- C. LOCATION:** Olive Street and S 115th Street Plaza
- D. LEGAL DESCRIPTION:** Lot 12, Harrison Hills
- E. REQUESTED ACTION(S):** Replatting of Lot 12, Harrison Hills.
- F. EXISTING ZONING AND LAND USE:** I-1, Light Industrial
- G. PURPOSE OF REQUEST:** Replatting of Lot 12 for development of industrial uses on smaller lots.
- H. SIZE OF SITE:** 11.29 Acres

II. BACKGROUND INFORMATION

- A. EXISTING CONDITION OF SITE:**
Relatively flat, sloping towards the creeks near the northeast and southwest side of the property. Vacant.
- B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:**
1. **North:** C-3 Multi-Family Residential/Harrison Hills Apartments
 2. **East:** I-2 Heavy Industrial/Store It Now
 3. **South:** I-2 Heavy Industrial
 4. **West:** TA Transitional Agriculture
- C. RELEVANT CASE HISTORY:** Not applicable.

D. APPLICABLE REGULATIONS:

1. Section 5.13 of the Zoning Regulations – I-1 Light Industrial
2. Section 3.08 of the Subdivision Regulations – Replats

III. ANALYSIS

A. COMPREHENSIVE PLAN: The Future Land Use Plan of the Comprehensive Plan designates the area for Industrial development.

B. OTHER PLANS: Not applicable.

C. TRAFFIC AND ACCESS:

1. Vehicular access is provided to the property by the existing public street and no ingress/egress easements or private roadways are proposed. The proposed use of the property is consistent with the existing zoning and light industrial use of the property was considered when the infrastructure was installed. Therefore, no traffic study is required. The application documents to date do not propose new public or private, shared infrastructure improvement to be constructed by the Subdivider of this Subdivision, therefore, the need for a draft subdivision agreement is not triggered by Article 3.03.15 of the Subdivision Regulations.
2. The City has not required sidewalks to be constructed in industrial areas to date. Sidewalks would be required at such time as the City Council determines there is a need to create a sidewalk district in the area or could be made a requirement of this development. Since a sidewalk in front of these lots would not connect to any other sidewalks, staff recommends addressing the installation of sidewalks at such time when a sidewalk district is created for the area. Such sidewalks should be 5 feet wide and be ADA accessible.

D. UTILITIES:

1. Public sanitary sewer exists in Olive Street abutting the property. There are two existing sanitary sewer stubouts that can serve Lots 3 and 4. Stubouts do not exist to serve proposed Lots 1 and 2. There needs to be a note added to the preliminary plat stating that “Sanitary sewer stubouts to Lots 1 and 2 will be constructed by the Owners of Lots 1 and 2 and the time of development on the lots”. A sanitary sewer stubout is not a part of public infrastructure. The stubout from the point of connection to the sewer main to the building is part of the property owner’s utility service. Therefore, a subdivision agreement to provide for installing public or private, shared infrastructure in accordance with Article 3.03.15 of the Subdivision Regulations is not required for sewer stubouts.

2. The tract sewer connection fee will need to be collected at the time each lot is issued a building permit. The fee is currently \$5,973.00 per acre.
3. Chapter 154 of the City Municipal Code requires a Post Construction Storm Water Management Plan and a permit will be required through the Permix web site that is utilized by all Papillion Creek Watershed Partnership communities. A conceptual Post Construction Storm Water Management Plan and drainage plan needs to be submitted as required by Items 2 and 4 of Article 3.03.20 of the Subdivision Regulations. It is recognized that detailed building plans for individual lots are not available at this time. The conceptual plan needs to address the whether each lot will have its own stormwater management measures or whether there will be shared solutions. A menu of BMPs applicable to meeting the water quality and peak flow attenuation requirements needs to be set forth in the conceptual plan. A draft Post Construction Storm Water Management Maintenance Agreement and Easement needs to be submitted as part of the replatting submittal.
4. Based on the submittal documents at this time, the Papillion Creek Watershed Partnership storm water management fee set forth in the City of La Vista Master Fee Schedule is not applicable to this property. As noted in the Master Fee Schedule the fee is collected when set forth in a subdivision agreement for new development or significant redevelopment. In accordance with Article 3.03.15 of the Subdivision Regulations, a draft subdivision agreement is required when the proposed subdivision will include public and/or private, shared (common area) infrastructure improvements which is not proposed in this application. If subsequent submittals indicate that there will be proposed infrastructure of this type, then a draft subdivision agreement may be necessary which would include the storm water management fee.

IV. REVIEW COMMENTS:

V. PLANNING COMMISSION RECOMMENDATION:

On September 20, 2012 the Planning Commission moved to recommend approval, through an 8-0 vote, of Harrison Hills Replat 4 subject to the satisfactory resolution of the following issues prior to City Council review:

- A. There needs to be a note added to the preliminary plat stating that; "Sanitary sewer stubouts to Lots 1 and 2 will be constructed by the Owners of Lots 1 and 2 at the time of development on the lots".

- B. The labeling of the existing contours needs to be checked as they appear to be about 20 feet too low in comparison the 100-year flood elevations listed on the FIRM maps in this location.
- C. The proposed signature block for the Register of Deeds needs to be replaced with adequate space for a sticker to be applied by the Register of Deeds.

VI. STAFF RECOMMENDATION:

Approval of Harrison Hills Replat 4.

VII. ATTACHMENTS TO REPORT:

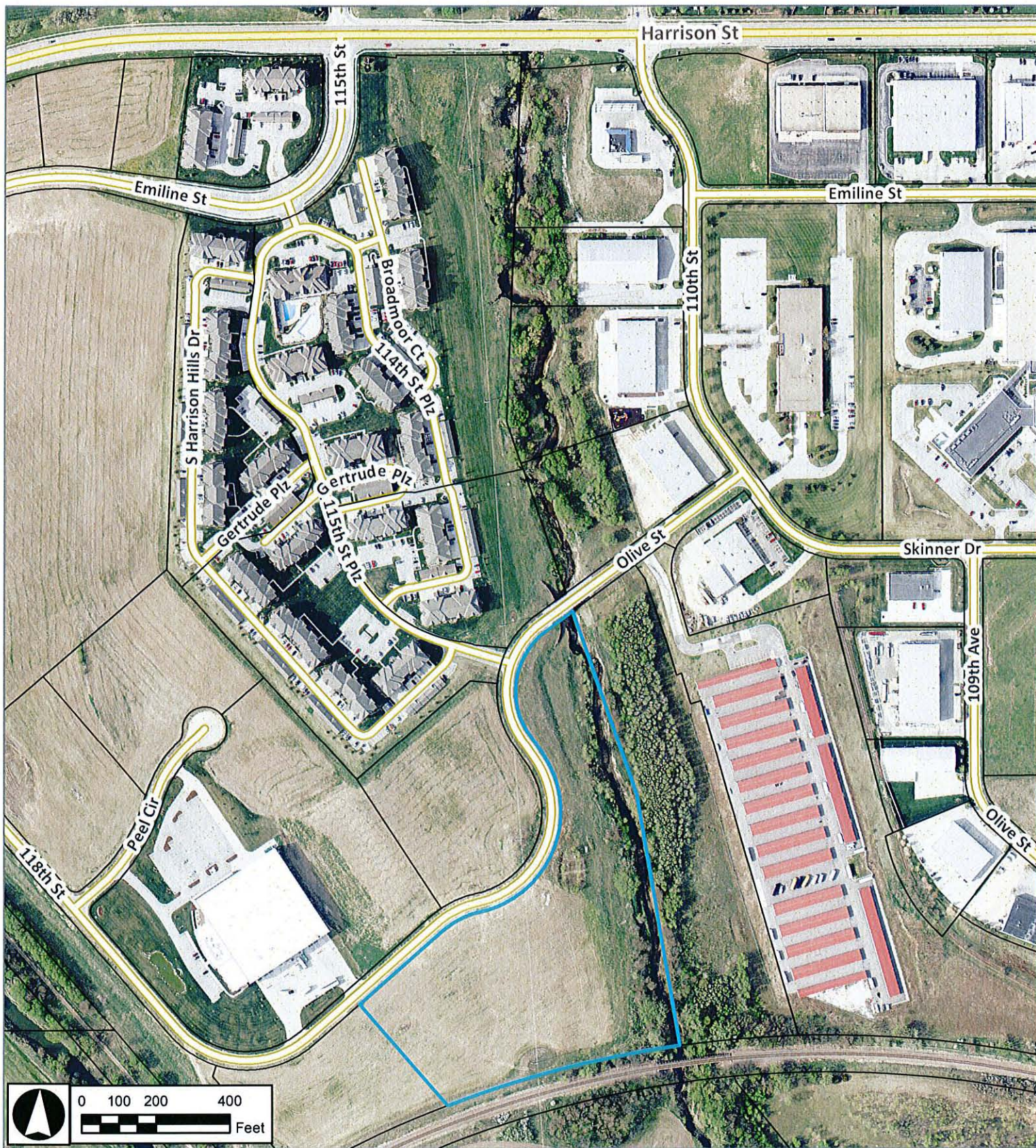
- 1. Vicinity Map
- 2. Preliminary Plat, Final Plat

VIII. COPIES OF REPORT SENT TO:

- 1. Doug Kellner, Thompson, Dreessen & Dorner
- 2. Sal Carta, Harrison I-80 LLC
- 3. Public Upon Request


Prepared by: _____ Date: 10/11/12

Community Development Director



Vicinity Map

Harrison Hills Replat Four

09/13/12
CAS



HARRISON HILLS REPLAT 4

LOTS 1, 2, 3 AND 4

SUBDIVIDER

HARRISON I-80, LLC
10855 WEST DODGE ROAD, SUITE #270
OMAHA, NEBRASKA. 68154

ENGINEER

THOMPSON, DREESSEN & DORNER, INC.
10836 OLD MILL ROAD
OMAHA NEBRASKA. 68154

LEGAL DESCRIPTION

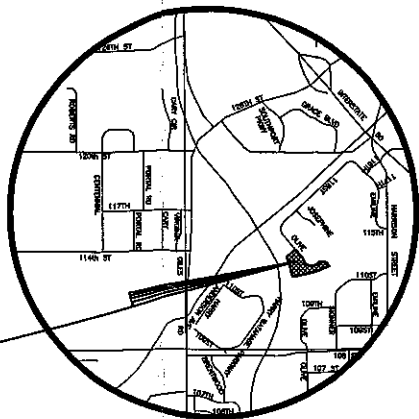
LOT 12, HARRISON HILLS, A SUBDIVISION IN
SARPY COUNTY, NEBRASKA.

NOTES

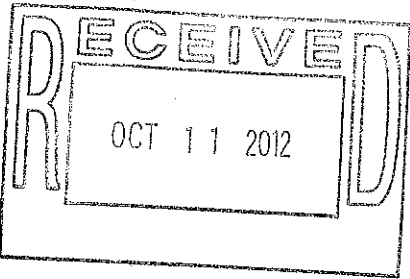
1. CONTOURS ARE SHOWN AT TWO FOOT INTERVALS.
2. EXISTING ZONING IS I-1 (LIGHT INDUSTRIAL).
PROPOSED ZONING IS I-1 (LIGHT INDUSTRIAL).
PROPOSED USE OF LOT 2 IS WAREHOUSE.
3. ALL REQUIRED UTILITIES EXIST.
4. SANITARY SEWER STUBOUTS TO LOTS 1 AND 2 WILL BE CONSTRUCTED
BY THE OWNERS OF LOTS 1 AND 2 AT THE TIME OF DEVELOPMENT ON
THE LOTS.

LEGEND

- SEWER MANHOLE
- ⊕ POWER POLE WITH TOWER
- W — WATER LINE
- OE — OVERHEAD ELECTRICAL LINE



VICINITY MAP



HARRISON HILLS
REPLAT 4

LOTS 1, 2, 3 AND 4

Client Name
THE LERNER
COMPANY

Description
LOT 12, HARRISON
HILLS REPLAT 4,
SARPY COUNTY,
NEBRASKA.



Revision Dates

No.	Description	MM-DD-YY
1		
2		
3		

Job No.: A738-186-1P
Drawn By: RJR
Reviewed By: JDW
Date: JULY 20, 2012
Book:
Pages:

Sheet Title

SARPY COUNTY,
NEBRASKA
PRELIMINARY PLAT

Sheet Number

SHEET 1 OF 1

HARRISON HILLS REPLAT 4

LOTS 1, 2, 3 AND 4

BEING A REPLATTING OF LOT 12, HARRISON HILLS, A SUBDIVISION IN SARPY COUNTY, NEBRASKA.

NOTES

1. DIMENSIONS AND ANGLES SHOWN IN PARENTHESIS PERTAIN TO EASEMENTS.
2. ANGLES SHOWN ADJACENT TO CURVES ARE MEASURED TO THE CHORD LINE OF SAID CURVE.

DEDICATION

KNOW ALL MEN BY THESE PRESENTS: THAT WE, HARRISON I-80, LLC, A NEBRASKA LIMITED LIABILITY COMPANY, BEING THE OWNERS AND FIRST NATIONAL BANK OF OMAHA, A NEBRASKA CORPORATION, BEING THE MORTGAGEE, HAVE CAUSED SAID LAND TO BE SUBDIVIDED INTO LOTS TO BE NUMBERED AS SHOWN, SAID SUBDIVISION TO BE HEREINAFTER KNOWN AS HARRISON HILLS REPLAT 4, AND WE DO HEREBY RATIFY AND APPROVE OF THE DISPOSITION OF OUR PROPERTY AS SHOWN ON THIS PLAT AND WE DO HEREBY GRANT A PERPETUAL EASEMENT TO THE OMAHA PUBLIC POWER DISTRICT, CENTURYLINK, QC, AND ANY COMPANY WHICH HAS BEEN GRANTED A FRANCHISE TO PROVIDE A CABLE TELEVISION SYSTEM IN THE AREA TO BE SUBDIVIDED, THEIR SUCCESSORS AND ASSIGNS, TO ERECT, OPERATE, MAINTAIN, REPAIR, AND RENEW POLES, WIRES, CROSSARMS, DOWN GUYS AND ANCHORS, CABLES, CONDUITS AND OTHER RELATED FACILITIES AND TO EXTEND THEREON WIRES OR CABLES FOR THE CARRYING AND TRANSMISSION OF ELECTRIC CURRENT FOR LIGHT, HEAT, AND POWER FOR THE TRANSMISSION OF SIGNALS AND SOUNDS OF ALL KINDS AND THE RECEPTION THEREOF, INCLUDING SIGNALS PROVIDED BY A CABLE TELEVISION SYSTEM AND THEIR RECEPTION, ON, OVER, THROUGH, UNDER AND ACROSS A FIVE (5') FOOT WIDE STRIP OF LAND ABUTTING ALL FRONT AND SIDE BOUNDARY LOT LINES; AND A SIXTEEN (16') FOOT WIDE STRIP OF LAND ABUTTING THE REAR BOUNDARY LINES. SAID SIXTEEN (16') FOOT WIDE EASEMENT WILL BE REDUCED TO AN EIGHT (8') FOOT WIDE STRIP WHEN THE ADJACENT LAND IS SURVEYED, PLATTED AND RECORDED IF SAID SIXTEEN (16') FOOT EASEMENT IS NOT OCCUPIED BY UTILITY FACILITIES AND IF REQUESTED BY THE OWNER. NO PERMANENT BUILDINGS, TREES, RETAINING WALLS OR LOOSE ROCK WALLS SHALL BE PLACED IN SAID EASEMENT WAYS, BUT THE SAME MAY BE USED FOR GARDENS, SHRUBS, LANDSCAPING, AND OTHER PURPOSES THAT DO NOT THEN OR LATER INTERFERE WITH THE AFORESAID USES OR RIGHTS HEREIN GRANTED.

HARRISON I-80, LLC,
A NEBRASKA LIMITED LIABILITY

BY:
SALVADORE CARTA, MEMBER

FIRST NATIONAL BANK OF OMAHA,
A NEBRASKA CORPORATION

BY:
ERIC MUSGUERD, VICE PRESIDENT

ACKNOWLEDGEMENT OF NOTARY

STATE OF NEBRASKA)
COUNTY OF DOUGLAS)

THE FOREGOING DEDICATION WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2012 BY SALVADORE CARTA, MEMBER OF HARRISON I-80, LLC, A NEBRASKA LIMITED LIABILITY COMPANY ON BEHALF OF SAID COMPANY.

NOTARY PUBLIC

ACKNOWLEDGEMENT OF NOTARY

STATE OF NEBRASKA)
COUNTY OF DOUGLAS)

THE FOREGOING DEDICATION WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2012 BY ERIC MUSGUERD, VICE PRESIDENT OF FIRST NATIONAL BANK OF OMAHA, A NEBRASKA CORPORATION, ON BEHALF OF SAID CORPORATION.

NOTARY PUBLIC

APPROVAL OF LA VISTA CITY COUNCIL

THIS PLAT OF HARRISON HILLS REPLAT 4 WAS APPROVED BY THE LA VISTA CITY COUNCIL THIS _____ DAY OF _____, 2012.

CITY CLERK

MAYOR

APPROVAL OF LA VISTA CITY PLANNING COMMISSION

THIS PLAT OF HARRISON HILLS REPLAT 4 WAS APPROVED BY THE LA VISTA CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2012.

CHAIRMAN OF LA VISTA PLANNING COMMISSION

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE MADE A BOUNDARY SURVEY OF THE SUBDIVISION DESCRIBED HEREIN AND THAT PERMANENT MARKERS HAVE BEEN FOUND OR SET AT ALL CORNERS OF SAID BOUNDARY AND AT ALL LOT CORNERS WITHIN SAID SUBDIVISION TO BE KNOWN AS HARRISON HILLS REPLAT 4, LOTS 1, 2, 3 AND 4, BEING A REPLATTING OF LOT 12, HARRISON HILLS, A SUBDIVISION IN SARPY COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS, BEGINNING AT THE NE CORNER OF SAID LOT 12;

THENCE S21°21'40"E (ASSUMED BEARING) 515.74 FEET ON THE EAST LINE OF SAID LOT 12;

THENCE S12°04'42"E 689.92 FEET ON THE EAST LINE OF SAID LOT 12 TO THE SE CORNER THEREOF;

THENCE SOUTHWESTERLY ON THE SOUTH LINE OF SAID LOT 12 ON A 2814.78 FOOT RADIUS CURVE TO THE LEFT, CHORD BEARING S73°31'29"W, CHORD DISTANCE 645.72 FEET, AN ARC DISTANCE OF 647.05 FEET TO THE SW CORNER THEREOF;

THENCE N43°23'04"W 381.74 FEET ON THE WEST LINE OF SAID LOT 12 TO THE NW CORNER THEREOF;

THENCE N46°36'56"E 300.00 FEET ON THE NORTH LINE OF SAID LOT 12;

THENCE NORTHEASTERLY ON THE NORTH LINE OF SAID LOT 12 ON A 225.00 FOOT RADIUS CURVE TO THE RIGHT, CHORD BEARING N61°07'27"E, CHORD DISTANCE 112.70 FEET, AN ARC DISTANCE OF 113.88 FEET;

THENCE NORTHEASTERLY ON THE NORTH LINE OF SAID LOT 12 ON A 274.70 FOOT RADIUS CURVE TO THE LEFT, CHORD BEARING N19°40'17"E, CHORD DISTANCE 455.16 FEET, AN ARC DISTANCE OF 536.42 FEET;

THENCE N36°16'12"W 69.42 FEET ON THE NORTH LINE OF SAID LOT 12;

THENCE NORTHEASTERLY ON THE NORTH LINE OF SAID LOT 12 ON A 200.00 FOOT RADIUS CURVE TO THE RIGHT, CHORD BEARING N07°40'59"E, CHORD DISTANCE 277.63 FEET, AN ARC DISTANCE OF 306.85 FEET;

THENCE N51°38'24"E 68.61 FEET ON THE NORTH LINE OF SAID LOT 12 TO THE POINT OF BEGINNING.

JULY 19, 2012

DATE:

SARPY COUNTY TREASURER'S CERTIFICATE

THIS IS TO CERTIFY THAT I FIND NO REGULAR OR SPECIAL TAXES DUE OR DELINQUENT AGAINST THE PROPERTY DESCRIBED IN THE SURVEYOR'S CERTIFICATE AND EMBRACED WITHIN THIS PLAT AS SHOWN ON THE RECORDS OF THIS OFFICE THIS _____ DAY OF _____, 2012.

TREASURER'S SEAL

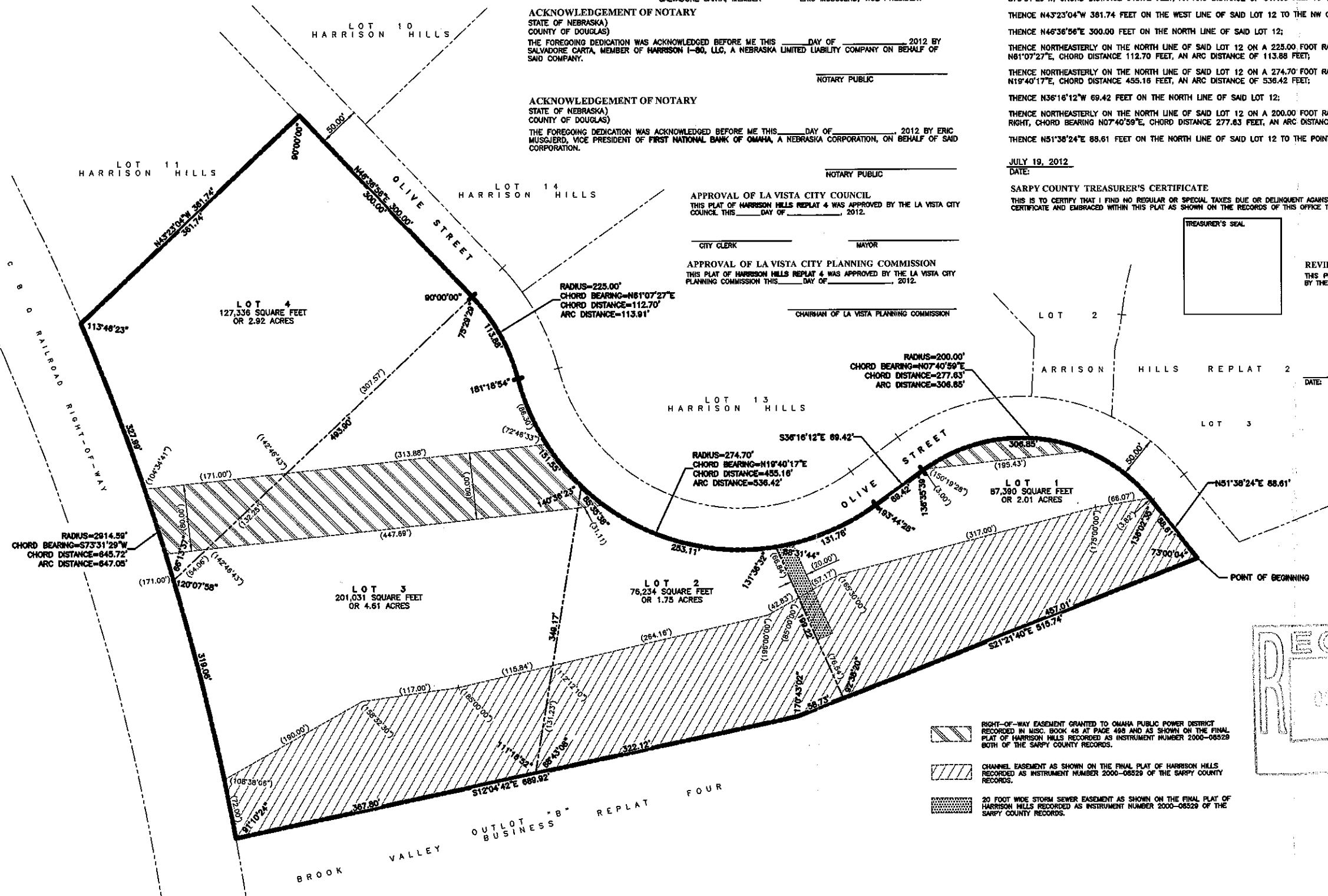
SARPY COUNTY TREASURER

REVIEW BY SARPY COUNTY PUBLIC WORKS
THIS PLAT OF HARRISON HILLS REPLAT 4 WAS REVIEWED BY THE SARPY COUNTY PUBLIC WORKS DEPARTMENT.

DATE: _____ SARPY COUNTY SURVEYOR/ENGINEER



JAMES D. WARNER,
NEBRASKA RLS 308



HARRISON HILLS REPLAT 4
LOTS 1, 2, 3 AND 4



Revision Dates

No.	Description	MM-DD-YY

Job No.: A738-186-2A
Drawn By: RJR
Reviewed By: JDW
Date: JULY 19, 2012
Book:
Page:

Sheet Title

CITY OF LAVISTA
FINAL PLAT

Sheet Number

SHEET 1 OF 1

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
OCTOBER 16, 2012 AGENDA**

Subject:	Type:	Submitted By:
APPLICATION FOR REPLAT — LOTS 1 & 2, MAYFAIR 2 ND ADD. REPLAT 6 (NW OF 96 TH & GILES)	◆ RESOLUTION ORDINANCE RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

SYNOPSIS

A public hearing has been scheduled and a resolution prepared to approve a replat application for Lots 1 and 2, Mayfair 2nd Addition Replat Six (a replat of Lot 8A, Mayfair 2nd Addition Replat Two and Lot 7B, Mayfair 2nd Addition Replat One), generally located northwest of 96th Street and Giles Road.

FISCAL IMPACT

None.

RECOMMENDATION

Approve.

BACKGROUND

A public hearing has been scheduled and a resolution prepared to approve a replat application for Lots 1 and 2, Mayfair 2nd Addition Replat Six, generally located northwest of 96th Street and Giles Road. The application was submitted by the property owner, Harwood Pizza Building, LLC. The property is zoned C-1, Shopping Center Commercial, with the Gateway Corridor Overlay District. The property is currently vacant; the replat is for the purpose of constructing a Mama's Pizza restaurant.

The replat approval is conditioned on resolution of the following items:

1. An easement document for the pedestrian sidewalk along 96th Street needs to be recorded prior to releasing the final plat for recording.
2. An easement for public usage of the sidewalks to be constructed along the private roadways must be recorded prior to releasing the final plat for recording.

A detailed staff report is attached.

On September 20, 2012, the Planning Commission unanimously recommended approval of the proposed replat to Council subject to the satisfactory resolution of the issues noted in the staff report.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, FOR APPROVAL OF THE REPLAT FOR LOT 8A, MAYFAIR 2ND ADDITION REPLAT TWO, AND LOT 7B, MAYFAIR 2ND ADDITION REPLAT ONE, TO BE REPLATTED AS LOTS 1 AND 2, MAYFAIR 2ND ADDITION, REPLAT SIX, A SUBDIVISION LOCATED IN THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6TH P.M., IN SARPY COUNTY, NEBRASKA.

WHEREAS, the owners of the above described piece of property have made application for approval of a Replat for Lot 8A, Mayfair 2nd Addition Replat Two, and Lot 7B, Mayfair 2nd Addition Replat One, to be replatted as Lots 1 and 2, Mayfair 2nd Addition, Replat Six; and

WHEREAS, the City Administrator and the City Engineer have reviewed the replat; and

WHEREAS, on September 20, 2012, the La Vista Planning Commission held a public hearing and reviewed the replat and recommended approval subject to resolution of items identified by the city engineer and staff; and

WHEREAS, Items remaining to be resolved include the following:

1. An easement document for the pedestrian sidewalk along 96th Street needs to be recorded prior to releasing the final plat for recording.
2. An easement for public usage of the sidewalks to be constructed along the private roadways must be recorded prior to releasing the final plat for recording.

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of La Vista, Nebraska, that the plat for Lot 8A, Mayfair 2nd Addition Replat Two, and Lot 7B, Mayfair 2nd Addition Replat One, to be replatted as Lots 1 and 2, Mayfair 2nd Addition, Replat Six, a subdivision located in the Southeast ¼ of Section 16, Township 14 North, Range 12 East of the 6th P.M., Sarpy County, Nebraska, generally located northwest of 96th Street and Giles Road, be, and hereby is, approved subject to the conditions contained in the last two recitals above and review and approval by the City Engineer and the City Attorney.

PASSED AND APPROVED THIS 16TH DAY OF OCTOBER, 2012.

CITY OF LA VISTA

ATTEST:

Douglas Kindig, Mayor

Pamela A. Buethe, CMC
City Clerk

**CITY OF LA VISTA
PLANNING DIVISION**

RECOMMENDATION REPORT

CASE NUMBER: 2012-SUB-05

FOR HEARING OF: October 16, 2012

Report Prepared on: October 4, 2012

I. GENERAL INFORMATION

A. APPLICANT:

Harwood Pizza Building, LLC
15615 Pacific Street
Omaha, NE 68118

B. PROPERTY OWNER:

Harwood Pizza Building, LLC
15615 Pacific Street
Omaha, NE 68118

C. LOCATION: 96th Street and Brentwood Dr.

D. LEGAL DESCRIPTION: Lot 8A Mayfair 2nd Addition Replat Two; Lot 7B Mayfair 2nd Addition Replat One

E. REQUESTED ACTION(S): Replatting of Lot 8A Mayfair 2nd Addition, Replat Two; Lot 7B Mayfair 2nd Addition Replat One

F. EXISTING ZONING AND LAND USE: C-1, Shopping Center
Commercial, Gateway Corridor Overlay District

G. PURPOSE OF REQUEST: Replat for the development of Retail business or service establishment as per Section 5.10.02.06 of the Zoning Ordinance.

H. SIZE OF SITE: 2.62 Acres

II. BACKGROUND INFORMATION

A. EXISTING CONDITION OF SITE: Proposed Lots 1 and 2 are relatively flat, vacant lots north of the existing Alegent Health Clinic.

B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:

1. **North:** C-1 Shopping Center Commercial/Mayfair commercial area.
2. **East:** R-2 Two-Family Residential/Villas at Southwind.
3. **South:** C-1 Shopping Center Commercial/ Mayfair commercial area (Alegent Health Clinic)
4. **West:** C-1 Shopping Center Commercial/Mayfair commercial area.

C. RELEVANT CASE HISTORY: Not applicable.

D. APPLICABLE REGULATIONS:

1. Section 5.10 of the Zoning Regulations – C-1 Shopping Center Commercial
2. Section 5.17 of the Zoning Regulations – Gateway Corridor (Overlay District)
3. Section 3.08 of the Subdivision Regulations – Replats

III. ANALYSIS

A. COMPREHENSIVE PLAN: The Future Land Use Plan of the Comprehensive Plan designates the area for Commercial development.

B. OTHER PLANS: Not applicable.

C. TRAFFIC AND ACCESS:

1. Vehicular access is provided to the property over a private roadway that was established in an ingress/egress easement granted with the platting of Mayfair 2nd Addition Replat One. There was also a blanket easement for vehicular ingress and egress along with a pedestrian easement over Lots 1 through 11 of the platting of Mayfair 2nd Addition Replat One. It was recently learned that the property owners repealed that blanket easement grant. No new shared ingress/egress or utility easements are shown on the proposed plat. The repeal of the blanket pedestrian easement has left an existing, curvilinear pedestrian sidewalk along 96th Street lying partially on the lots without an easement. A pedestrian easement will need to be granted to the City of La Vista for public usage of this sidewalk. The proposed use of the property is consistent with the existing zoning and commercial use of the property was considered when the infrastructure was installed and no traffic impact study is needed for this replatting. However, the applicant needs to be aware that a recent traffic impact study has indicated that a traffic signal at the intersection of 96th Street and Robin Plaza (private access road at south side of proposed Lot 2) is

likely to meet signal warrants in the next few years. Since this intersection with 96th Street involves private commercial roadway accesses on both the east and west side of 96th Street, this signal will be installed by the City, when warranted, and costs will be assessed to the benefitted commercial properties on each side of 96th Street. Since this is not a public or private, shared infrastructure improvement to be constructed by the Subdivider of this Subdivision, the need for a draft subdivision agreement is not triggered by Article 3.03.15 of the Subdivision Regulations.

2. The development on these lots will need to include sidewalks along the existing private roadway. Such sidewalks should be 5 feet wide. An easement allowing for the public usage of these sidewalks will need to be provided.

D. UTILITIES:

1. Sanitary sewer exists along the west side of the property under the existing private roadway. The sanitary sewer has existing stubouts to both lots.
2. The original subdivision agreement provided for SID 195 making payment of a tract sewer connection fee in the amount of \$3600 to the City at the time of the original platting. The fee has since increased to \$5,973. When these lots are built upon, the applicants will need to pay the current fee rate to the City and the City will reimburse the \$3600 per acre fee back to SID 195.
3. Chapter 154 of the City Municipal Code requires a Post Construction Storm Water Management Plan and a permit will be required through the Permixon web site that is utilized by all Papillion Creek Watershed Partnership communities. A conceptual Post Construction Storm Water Management Plan and drainage plan needs to be submitted as required by Items 2 and 4 of Article 3.03.20 of the Subdivision Regulations. It is recognized that detailed building plans for both lots are not available at this time. The conceptual plan needs to address whether each lot will have its own stormwater management measures or whether there will be shared solutions. A menu of BMPs applicable to meeting the water quality and peak flow attenuation needs to be set forth in the conceptual plan. A draft Post Construction Storm Water Management Maintenance Agreement and Easement needs to be submitted as part of the replatting submittal.

4. The Papillion Creek Watershed Partnership storm water management fee set forth in the City of La Vista Master Fee Schedule is not applicable to this property. As noted in the Master Fee Schedule the fee is collected when set forth in a subdivision agreement for new development or significant redevelopment. In accordance with Article 3.03.15 of the Subdivision Regulations, a draft subdivision agreement is required when the proposed subdivision will include public and/or private, shared (common area) infrastructure improvements which is not proposed in this application.

IV. REVIEW COMMENTS:

1. The applicant has been notified that there are special regulations relating to the Gateway Corridor (Overlay District) that will affect the building and site design process.

V. PLANNING COMMISSION RECOMMENDATION:

On September 20, 2012 the Planning Commission moved to recommend approval, through an 8-0 vote, of Mayfair Second Addition Replat 6 subject to the satisfactory resolution of the following issues prior to City Council review:

1. An easement document for the pedestrian sidewalk along 96th Street needs to be submitted, reviewed and ready to record prior to releasing the final plat for recording. It has been illustrated on the revised final plat with a notation that says "See Recorded Document", no document has been submitted at this time.
2. An easement for public usage of sidewalks to be constructed along the private roadways is to be provided.
3. The City will need to be provided documentation of the releases of utility easement rights along the previous interior lot line prior to releasing the final plat for recording.

VI. STAFF RECOMMENDATION:

Approval of Mayfair Second Addition Replat 6, subject to the satisfactory resolution of the following issues prior to recording of the final plat:

1. An easement document for the pedestrian sidewalk along 96th Street must be recorded prior to releasing the final plat for recording.

2. An easement for public usage of the sidewalks to be constructed along the private roadways must be recorded prior to releasing the final plat for recording.

VII. ATTACHMENTS TO REPORT:

1. Vicinity Map
2. Preliminary Plat, Final Plat

VIII. COPIES OF REPORT SENT TO:

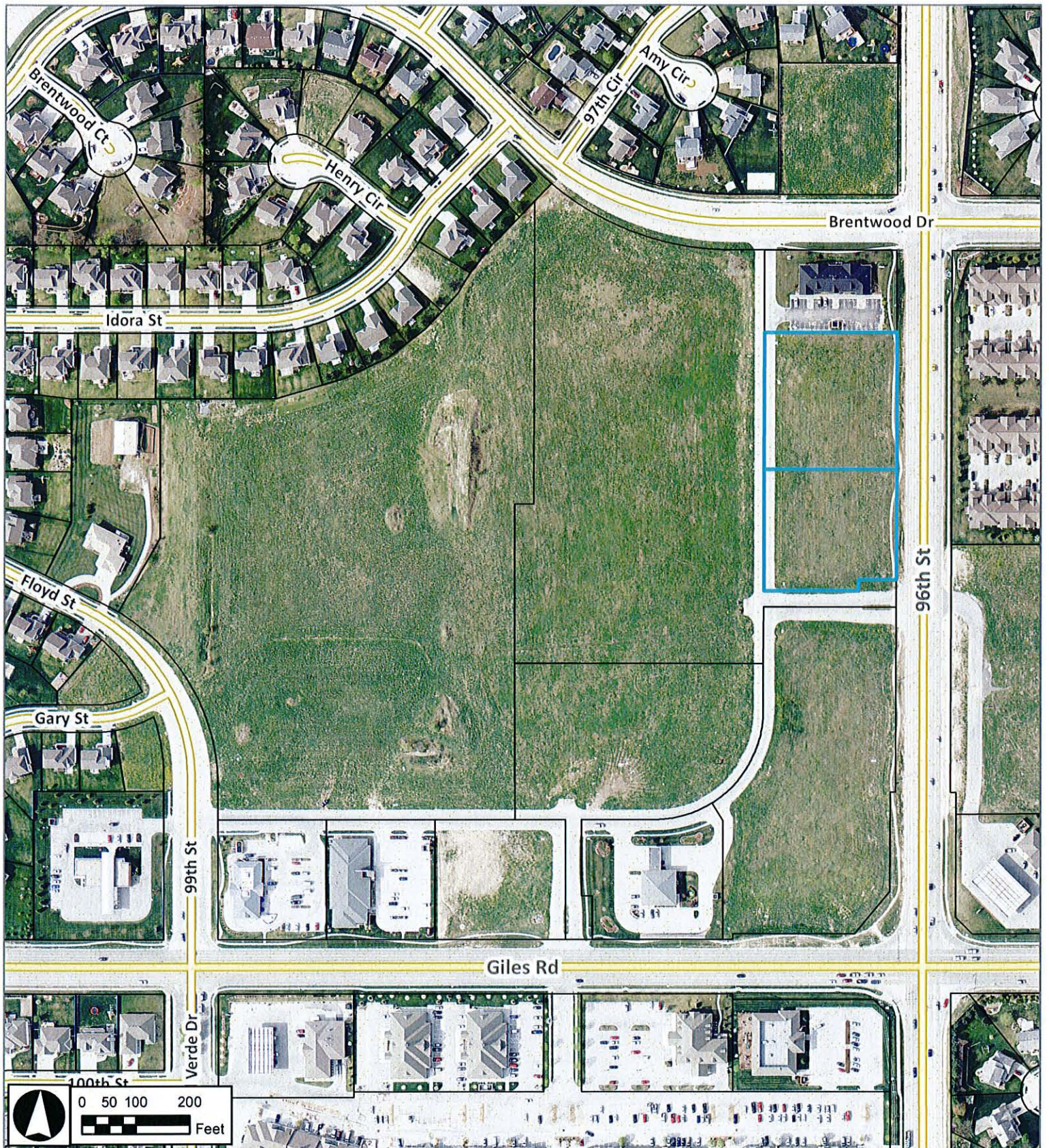
1. Doug Kellner, Thompson, Dreessen & Dörner
2. Jeff Harwood, Harwood Pizza Building LLC
3. Public Upon Request

 10/11/12

Prepared by:

Community Development Director

Date



Vicinity Map

Mayfair 2nd Addition Replat Six

09/13/12
CAS



LEGEND

- PROPERTY CORNER FOUND (3/4" OTP UNLESS NOTED)
- RECORD DISTANCE
- MEASURED DISTANCE
- DECIDUOUS TREE WITH TRUNK SIZE
- POWER POLE
- LIGHT POLE
- TELEPHONE PEDESTAL
- MAILBOX
- ELECTRICAL VAULT
- FIRE HYDRANT
- WATER VALVE
- SEWER MANHOLE
- INVERT ELEVATION
- CURB INLET
- WATER LINE
- OVERHEAD UTILITY LINE
- POWER POLE WITH LIGHT
- UNDERGROUND CABLE TV LINE
- UNDERGROUND ELECTRICAL LINE
- UNDERGROUND TELEPHONE LINE
- BRICK WALL
- PIPE SIZE AND DIRECTION OF FLOW

MAYFAIR 2nd ADDITION REPLAT SIX LOTS 1, AND 2

SUBDIVIDER

HARWOOD PIZZA BUILDING, LLC
7801 SOUTH 93rd STREET
LAVISTA, NEBRASKA 68154

ENGINEER

THOMPSON, DREESSEN & DORNER, INC.
10836 OLD MILL ROAD
OMAHA, NEBRASKA 68154

LEGAL DESCRIPTION

LOT 8A, MAYFAIR 2nd ADDITION REPLAT TWO AND LOT 7B, MAYFAIR 2nd ADDITION REPLAT ONE, BOTH SUBDIVISIONS IN SARPY COUNTY, NEBRASKA.

NOTES

1. CONTOURS SHOWN ARE AT ONE FOOT INTERVALS AND ARE ON NAVD 1988 DATUM.
2. EXISTING & PROPOSED ZONING IS C-1.
3. ALL REQUIRED UTILITIES EXIST.

BENCHMARK

DESCRIPTION: THE RIM OF THE STORM SEWER MANHOLE 4" EAST AND 55" SOUTH OF THE CENTERLINE INTERSECTION OF FRONTAGE ROADS SOUTHWEST OF THE SOUTHWEST CORNER OF LOT 7B, MAYFAIR 2nd ADDITION REPLAT ONE.

ELEVATION: 1131.34 (NAVD 1988)

TD2
engineering
& surveying

thompson, dreesen & dornier, inc.
10836 Old Mill Rd
Omaha, NE 68154
p.402.330.8860 f.402.330.5866
td2co.com

MAYFAIR 2nd ADDITION REPLAT SIX
LOTS 1 AND 2

Client Name
**KENWOOD
CONSTRUCTION**



Revision Dates

No.	Description	MM-DD-YY
1	ADD EASEMENTS	6-26-2012
2		
3		

Job No.: A1725-101P
Drawn By: RJR
Reviewed By: JDW
Date: AUGUST 3, 2012
Book: LAVISTA 15
Pages: 54-56

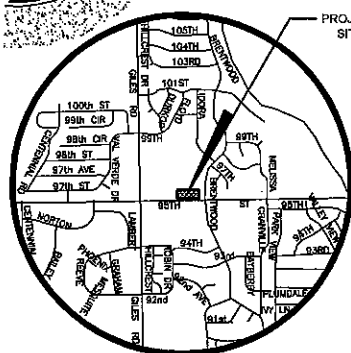
Sheet Title

**SARPY COUNTY
NEBRASKA
PRELIMINARY PLAT**

Sheet Number

SHEET 1 OF 1

RECEIVED



VICINITY MAP

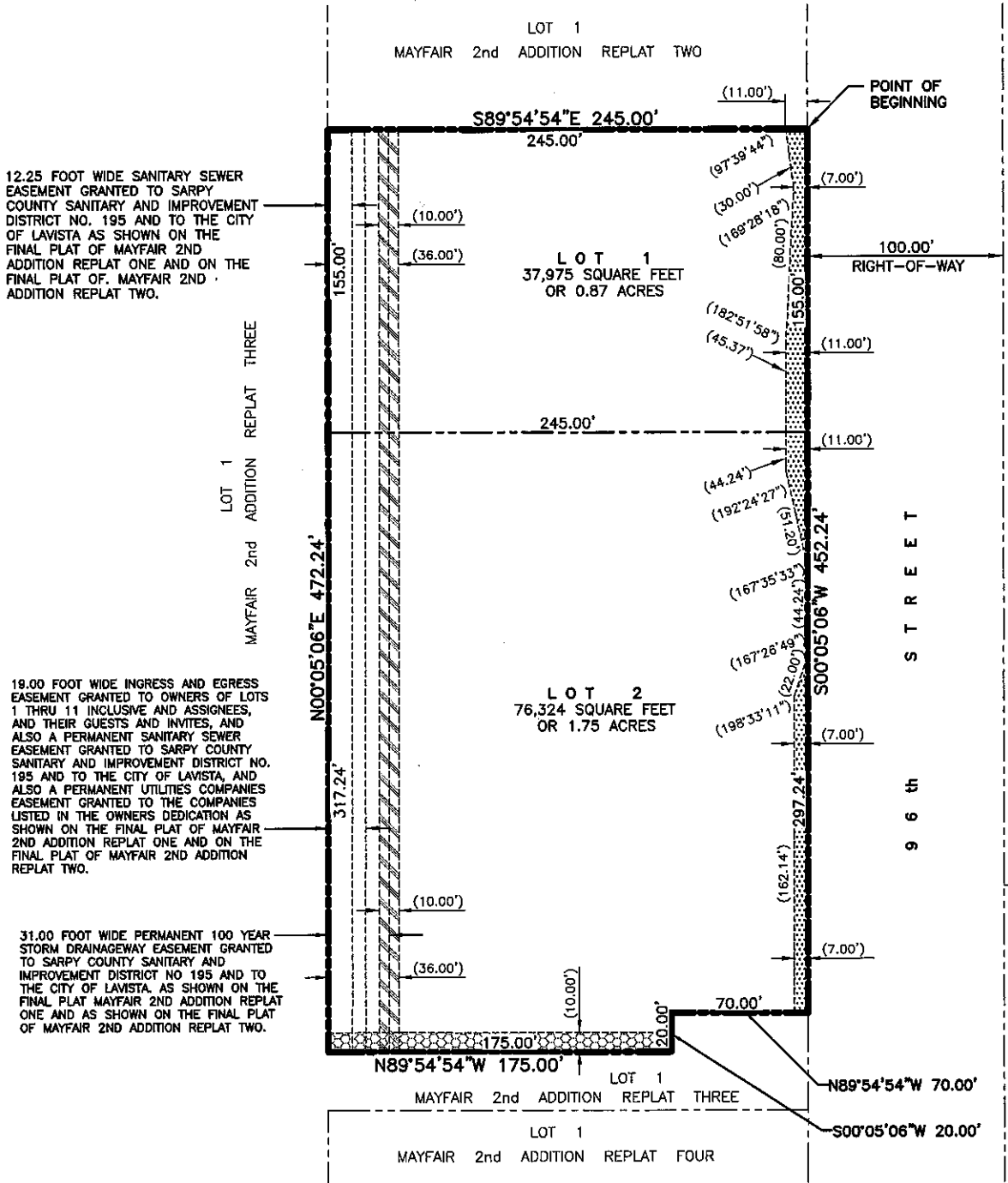
MAYFAIR 2nd ADDITION
REPLAT SIX
LOTS 1 AND 2

BEING A REPLATTING OF LOT 8A, MAYFAIR 2nd ADDITION REPLAT TWO AND LOT 7B,
MAYFAIR 2nd ADDITION REPLAT ONE, BOTH SUBDIVISIONS IN SARPY COUNTY, NEBRASKA.

- INGRESS AND EGRESS EASEMENT GRANTED TO OWNERS OF LOTS 1 THRU 11 INCLUSIVE AND ASSIGNEES, AND THEIR GUESTS AND INVITES, AND ALSO A PERMANENT SANITARY SEWER EASEMENT GRANTED TO SARPY COUNTY S.D. NO. 195 AND TO THE CITY OF LAVISTA, AND ALSO A PERMANENT UTILITIES COMPANIES EASEMENT GRANTED TO THE COMPANIES LISTED IN THE OWNERS DEDICATION AS SHOWN ON THE FINAL PLAT OF MAYFAIR 2ND ADDITION REPLAT ONE.
- UTILITY EASEMENT GRANTED TO THE OMAHA PUBLIC POWER DISTRICT, U.S. WEST COMMUNICATIONS AND ANY FRANCHISED CABLE TELEVISION PROVIDER RECORDED AS INSTRUMENT NO. 2001-26587.
- SIDEWALK EASEMENT (SEE RECORDED DOCUMENT).

NOTES

1. DIMENSIONS AND ANGLES SHOWN IN PARENTHESIS PERTAIN TO EASEMENTS.
2. DIRECT VEHICULAR ACCESS WILL NOT BE ALLOWED TO 96th STREET FROM EITHER LOT 1 OR 2.



SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE MADE A BOUNDARY SURVEY OF THE SUBDIVISION DESCRIBED HEREIN AND THAT PERMANENT MARKERS HAVE BEEN FOUND OR SET AT ALL CORNERS OF SAID BOUNDARY AND AT ALL LOT CORNERS WITHIN SAID SUBDIVISION TO BE KNOWN AS MAYFAIR 2nd ADDITION REPLAT SIX, LOTS 1 AND 2, BEING A REPLATTING OF LOT 8A, MAYFAIR 2nd ADDITION REPLAT TWO AND LOT 7B, MAYFAIR 2nd ADDITION REPLAT ONE, BOTH SUBDIVISIONS IN SARPY COUNTY, NEBRASKA, ALL MORE PARTICULARLY DESCRIBED AS FOLLOWS, BEGINNING AT THE NE CORNER OF SAID LOT 8A; THENCE S00°05'06\"W (ASSUMED BEARING) 452.24 FEET ON THE EAST LINES OF SAID LOTS 8A AND 7B TO THE SE CORNER OF SAID LOT 7B; THENCE N89°54'54\"W 70.00 FEET ON THE SOUTH LINE OF SAID LOT 7B; THENCE S00°05'06\"W 20.00 FEET ON THE SOUTH LINE OF SAID LOT 7B; THENCE N89°54'54\"W 175.00 FEET ON THE SOUTH LINE OF SAID LOT 7B TO THE SW CORNER THEREOF; THENCE N00°05'06\"E 472.24 FEET ON THE WEST LINES OF SAID LOTS 7B AND 8A TO THE NW CORNER OF SAID LOT 8A; THENCE S89°54'54\"E 245.00 FEET ON THE NORTH LINE OF SAID LOT 8A TO THE POINT OF BEGINNING.

AUGUST 3, 2012
DATE:

DEDICATION

KNOW ALL MEN BY THESE PRESENTS: THAT WE, HARWOOD PIZZA BUILDING, LLC, A NEBRASKA LIMITED LIABILITY COMPANY, BEING THE OWNERS AND SECURITY NATIONAL BANK OF OMAHA, BEING THE MORTGAGE HOLDERS, OF THE LAND DESCRIBED WITHIN THE SURVEYOR'S CERTIFICATE AND EMBRACED WITHIN THIS PLAT, HAVE CAUSED SAID LAND TO BE SUBDIVIDED INTO LOTS TO BE NUMBERED AS SHOWN, SAID SUBDIVISION TO BE HEREAFTER KNOWN AS MAYFAIR 2nd ADDITION REPLAT SIX, AND WE DO HEREBY RATIFY AND APPROVE OF THE DISPOSITION OF OUR PROPERTY AS SHOWN ON THIS PLAT AND WE DO HEREBY GRANT A PERPETUAL EASEMENT TO THE OMAHA PUBLIC POWER DISTRICT, CENTURYLINK, QC, AND ANY COMPANY WHICH HAS BEEN GRANTED A FRANCHISE TO PROVIDE A CABLE TELEVISION SYSTEM IN THE AREA TO BE SUBDIVIDED, THEIR SUCCESSORS AND ASSIGNS, TO ERECT, OPERATE, MAINTAIN, REPAIR, AND RENEW POLES, WIRES, CROSSARMS, DOWN GUYS AND ANCHORS, CABLES, CONDUITS AND OTHER RELATED FACILITIES AND TO EXTEND THEREON WIRES OR CABLES FOR THE CARRYING AND TRANSMISSION OF ELECTRIC CURRENT FOR LIGHT, HEAT, AND POWER FOR THE TRANSMISSION OF SIGNALS AND SOUNDS OF ALL KINDS AND THE RECEPTION THEREOF, INCLUDING SIGNALS PROVIDED BY A CABLE TELEVISION SYSTEM AND THEIR RECEPTION, ON, OVER, THROUGH, UNDER AND ACROSS A FIVE (5') FOOT WIDE STRIP OF LAND ABUTTING ALL FRONT AND SIDE BOUNDARY LOT LINES; AND A SIXTEEN (16') FOOT WIDE STRIP OF LAND ABUTTING THE REAR BOUNDARY LINES. SAID SIXTEEN (16') FOOT WIDE EASEMENT WILL BE REDUCED TO AN EIGHT (8') FOOT WIDE STRIP WHEN THE ADJACENT LAND IS SURVEYED, PLATTED AND RECORDED IF SAID SIXTEEN (16') FOOT EASEMENT IS NOT OCCUPIED BY UTILITY FACILITIES AND IF REQUESTED BY THE OWNER. NO PERMANENT BUILDINGS, TREES, RETAINING WALLS OR LOOSE ROCK WALLS SHALL BE PLACED IN SAID EASEMENT WAYS, BUT THE SAME MAY BE USED FOR GARDENS, SHRUBS, LANDSCAPING, AND OTHER PURPOSES THAT DO NOT THEN OR LATER INTERFERE WITH THE AFORESAID USES OR RIGHTS HERIN GRANTED.

SECURITY NATIONAL BANK OF OMAHA

HARWOOD PIZZA BUILDING, LLC,
A NEBRASKA LIMITED LIABILITY COMPANY

BY: GARY D. PETERSON, VICE PRESIDENT

BY: JEFF HARWOOD, MEMBER

ACKNOWLEDGEMENT OF NOTARY

STATE OF NEBRASKA)
COUNTY OF SARPY)
THE FOREGOING DEDICATION WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2012 BY JEFF HARWOOD, MEMBER OF HARWOOD PIZZA BUILDING, LLC, A NEBRASKA LIMITED LIABILITY COMPANY, ON BEHALF OF SAID COMPANY.

ACKNOWLEDGEMENT OF NOTARY

STATE OF NEBRASKA)
COUNTY OF SARPY)
THE FOREGOING DEDICATION WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2012 BY GARY D. PETERSON, VICE PRESIDENT OF SECURITY NATIONAL BANK OF OMAHA, ON BEHALF OF SAID BANK.

SARPY COUNTY TREASURER'S CERTIFICATE

THIS IS TO CERTIFY THAT I FIND NO REGULAR OR SPECIAL TAXES DUE OR DELINQUENT AGAINST THE PROPERTY DESCRIBED IN THE SURVEYOR'S CERTIFICATE AND EMBRACED WITHIN THIS PLAT AS SHOWN ON THE RECORDS OF THIS OFFICE THIS _____ DAY OF _____, 2012.

APPROVAL OF LA VISTA CITY COUNCIL

THIS PLAT OF MAYFAIR 2nd ADDITION REPLAT SIX WAS APPROVED BY THE LA VISTA CITY COUNCIL THIS _____ DAY OF _____, 2012.

APPROVAL OF LA VISTA CITY PLANNING COMMISSION

THIS PLAT OF MAYFAIR 2nd ADDITION REPLAT SIX WAS APPROVED BY THE LA VISTA CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2012.

REVIEW BY SARPY COUNTY PUBLIC WORKS

THIS PLAT OF MAYFAIR 2nd ADDITION REPLAT SIX WAS REVIEWED BY THE SARPY COUNTY SURVEYORS OFFICE THIS _____ DAY OF _____, 2012.



JAMES D. WARNER,
NEBRASKA RLS 308



thompson, dressen & dornier, inc.
10835 Old Mill Rd
Omaha, NE 68154
p.402.330.8880 f.402.330.5868
td2co.com

MAYFAIR 2nd ADDITION REPLAT SIX
LOTS 1 AND 2



Revision Dates		
No.	Description	MM-DD-YY

Job No.: A1725-101A
Drawn By: RJR
Reviewed By: JDW
Date: AUGUST 3, 2012
LaVista Book: 15
Pages: 54-56

SARPY COUNTY
FINAL PLAT

SHEET 1 OF 1

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
OCTOBER 16, 2012 AGENDA**

Subject:	Type:	Submitted By:
APPLICATION FOR REPLAT — LOTS 1 & 2, GILES CORNER REPLAT 2 (NW OF 72 ND & GILES)	◆ RESOLUTION ORDINANCE RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

SYNOPSIS

A public hearing has been scheduled and a resolution prepared to approve a replat application for Lots 1 and 2, Giles Corner Replat 2 (a replat of Lot 80A, Giles Corner), generally located northwest of 72nd Street and Giles Road.

FISCAL IMPACT

None.

RECOMMENDATION

Approve.

BACKGROUND

A public hearing has been scheduled and a resolution prepared to approve a replat application for Lots 1 and 2, Giles Corner Replat 2, generally located northwest of 72nd Street and Giles Road. The application was submitted by Simmonds Restaurant Management, Inc., on behalf of the property owner, Kanne Korp LP. The property is zoned C-1 PUD, Shopping Center Commercial, Planned Unit Development, with the Gateway Corridor Overlay District. The property is currently vacant; the replat is for the purpose of constructing a Jimmy Johns restaurant.

The replat approval is conditioned on recording a common area maintenance agreement prior to releasing the final plat for recording.

A detailed staff report is attached.

On September 20, 2012, the Planning Commission unanimously recommended approval of the proposed replat to Council subject to the satisfactory resolution of the issues noted in the staff report.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, FOR APPROVAL OF THE REPLAT FOR LOT 80A, GILES CORNER, TO BE REPLATTED AS LOTS 1 AND 2, GILES CORNER REPLAT 2, A SUBDIVISION LOCATED IN THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6TH P.M., IN SARPY COUNTY, NEBRASKA.

WHEREAS, Simmonds Restaurant Management, Inc., has applied on behalf of the property owner, Kanne Korp LP, for approval of a Replat for Lot 80A, Giles Corner, to be replatted as Lots 1 and 2, Giles Corner Replat 2; and

WHEREAS, the City Administrator and the City Engineer have reviewed the replat; and

WHEREAS, on September 20, 2012, the La Vista Planning Commission held a public hearing and reviewed the replat and recommended approval subject to resolution of items identified by the city engineer and staff; and

WHEREAS, Items remaining to be resolved include the following:

1. A finalized common area maintenance agreement must be recorded prior to releasing the final plat for recording.

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of La Vista, Nebraska, that the plat for Lot 80A, Giles Corner, to be replatted as Lots 1 and 2, Giles Corner Replat 2, a subdivision located in the Southeast ¼ of Section 14, Township 14 North, Range 12 East of the 6th P.M., Sarpy County, Nebraska, generally located northwest of 72nd Street and Giles Road, be, and hereby is, approved subject to the conditions contained in the last two recitals above and review and approval by the City Engineer and the City Attorney.

PASSED AND APPROVED THIS 16TH DAY OF OCTOBER, 2012.

CITY OF LA VISTA

ATTEST:

Douglas Kindig, Mayor

Pamela A. Buethe, CMC
City Clerk

**CITY OF LA VISTA
PLANNING DIVISION**

RECOMMENDATION REPORT

CASE NUMBER: 2012-SUB-07 FOR HEARING OF: October 16, 2012
Report Prepared on: October 4, 2012

I. GENERAL INFORMATION

- A. APPLICANT:**
Simmonds Restaurant Management, Inc.
11404 W. Dodge Rd.
Omaha, NE 68154
- B. PROPERTY OWNER:**
Kanne Korp LP
P.O. Box 729
Carroll, IA 51401
- C. LOCATION:** Northwest of 72nd Street and Giles Road
- D. LEGAL DESCRIPTION:** Lot 80A, Giles Corner
- E. REQUESTED ACTION(S):** Replatting of Lot 80A into two lots.
- F. EXISTING ZONING AND LAND USE:** C-1 PUD, Shopping Center
Commercial – Planned Unit Development, Gateway Corridor Overlay
District
- G. PURPOSE OF REQUEST:** Development of one lot for a Fast Food
Establishment as per 5.10.02.06 of the Zoning Ordinance; creation of separate lot
for future development.
- H. SIZE OF SITE:** 1.46 Acres

II. BACKGROUND INFORMATION

- A. EXISTING CONDITION OF SITE:** Existing Lot 80A is a relatively
flat, vacant lot west of the La Vista Crossing strip mall.
- B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:**
- 1. North:** R-1 Single-Family Residential /Giles Corner residential
 - 2. East:** C-1 Shopping Center Commercial/La Vista Crossing
 - 3. South:** CC – Community Commercial/ Strip Mall (Papillion)
 - 4. West:** R-1 Single-Family Residential /Giles Corner residential
- C. RELEVANT CASE HISTORY:** Not applicable.

D. APPLICABLE REGULATIONS:

1. Section 5.10 of the Zoning Regulations – C-1 Shopping Center Commercial
2. Section 5.15 of the Zoning Regulations – PUD Planned Unit Developments
3. Section 5.17 of the Zoning Regulations – Gateway Corridor (Overlay District)
4. Section 3.08 of the Subdivision Regulations – Replats

III. ANALYSIS

A. COMPREHENSIVE PLAN: The Future Land Use Plan of the Comprehensive Plan designates the area for Commercial development.

B. OTHER PLANS: Not applicable.

C. TRAFFIC AND ACCESS:

1. Vehicular access is provided to the property over a private roadway that was established in an ingress/egress easement granted in 2007. This easement did not identify who benefits from the easement and contains a brief statement about maintenance. The maintenance statement does not identify how costs are to be allocated and how maintenance will be handled if a property owner does not maintain their area. To address these concerns (as well as sewer maintenance concerns discussed later in this letter) there needs to be a Common Area Maintenance Agreement that more fully addresses maintenance issues. An acceptable draft of such an agreement needs to be provided prior to the plat being scheduled for City Council consideration and a signed copy will be needed prior to releasing the signed final plat mylars for recording. The proposed use of the property is consistent with the existing zoning and commercial use of the property was considered when the infrastructure was installed. A traffic impact study was done in 2002 for a development potential of 37,500 square feet. That study included a review of traffic signal warrants for the 74th and Giles intersection which indicated that warrants would not be met with traffic projections through 2025. Therefore, no additional traffic study is required. The preliminary and final plat drawings contain a notation that there will be an ingress/egress, sidewalk, parking and pedestrian easement over all private drives and parking areas constructed in Lots 1 and 2 in favor of the owners of Lots 1 and 2. I do not have objections to this proposal, however, for building permit review purposes the quantity of parking provided on each lot will need to meet the applicable requirements for the proposed buildings on each lot. The application documents to date do not propose new public or private, shared infrastructure improvement to be constructed by the Subdivider of this Subdivision, therefore, the need

for a draft subdivision agreement is not triggered by Article 3.03.15 of the Subdivision Regulations.

2. The development on these lots will need to include sidewalks along 74th Street and along the existing private roadways connecting to 74th Street and to Giles Road. Such sidewalks should be 5 feet wide and be ADA accessible.

D. UTILITIES:

1. A private sanitary sewer exists in an easement over proposed Lot 2. The easement document for this sewer, that was submitted by the applicant, shows that the owner of Lot 80A granted the easement to the owner of Lot 80B but retained the right to benefit from this sewer. The submittal includes a proposed easement over Lot 2 to reach Lot 1. The Grading and Utilities Exhibit needs to include a notation as to whether the proposed sewer in the easement across Lot 2 will be built by the owner of Lot 1 and serve only Lot 1, or if it is to be a proposed shared sewer. If it is to be a shared sewer, then a draft subdivision agreement will be required by Article 3.03.15 of the Subdivision Regulations. The issue of maintenance of the existing shared sewer needs to be addressed more clearly than is provided in the existing easement document.
2. The tract sewer connection fee will need to be collected at the time each lot is issued a building permit. The fee is currently \$5,973.00 per acre.
3. Based on the submittal documents at this time, the Papillion Creek Watershed Partnership storm water management fee set forth in the City of La Vista Master Fee Schedule is not applicable to this property. As noted in the Master Fee Schedule the fee is collected when set forth in a subdivision agreement for new development or significant redevelopment. In accordance with Article 3.03.15 of the Subdivision Regulations, a draft subdivision agreement is required when the proposed subdivision will include public and/or private, shared (common area) infrastructure improvements which is not proposed in this application. If subsequent submittals indicate that there will be proposed infrastructure of this type, then a draft subdivision agreement may be necessary which would include the storm water management fee.

IV. REVIEW COMMENTS:

1. A finalized common area maintenance agreement will be needed prior to scheduling to City Council. In addition to the road maintenance issues

this will need to address maintenance of the existing shared sanitary sewer across the north side of proposed Lot 2 that will serve Lot 2 as well as Lot 80B.

2. Chapter 154 of the City Municipal Code requires a Post Construction Storm Water Management Plan and a permit will be required through the Permix web site that is utilized by all Papillion Creek Watershed Partnership communities. A Post Construction Storm Water Management Plan has been provided and a draft Maintenance Agreement has been provided in the draft Subdivision Agreement. The PCSMP will be reviewed in detail as part of the review process through the Permix web site, but the concept of using an extended detention basin to serve both lots is acceptable.
3. The Planned Unit Development overlay over this property is not applicable as it relates to the building setbacks of residential properties in the Giles Corner subdivision.
4. The applicant has been notified that there are special regulations relating to the Gateway Corridor (Overlay District) that will affect the building and site design process.
5. Approval of the replat does not constitute approval of the illustrated site layout for the proposed Lot 1.

V. PLANNING COMMISSION RECOMMENDATION:

Approval of Giles Corner Replat 2 subject to the satisfactory resolution of the following issues prior to City Council review:

- A. A finalized common area maintenance agreement will be needed prior to scheduling to City Council. In addition to the road maintenance issues this will need to address maintenance of the existing shared sanitary sewer across the north side of proposed Lot 2 that will serve Lot 2 as well as Lot 80B.
- B. The title on the final plat will need to be moved in order to allow the 5" by 2 ½" blank space in upper right corner requested by the Sarpy Register of Deeds.

VI. STAFF RECOMMENDATION:

Approval of Giles Corner Replat 2, subject to the satisfactory resolution of the following issues prior to recording of the final plat:

- A. A finalized common area maintenance agreement must be recorded prior to releasing the final plat for recording.

VII. ATTACHMENTS TO REPORT:

1. Vicinity Map
2. Preliminary Plat, Final Plat

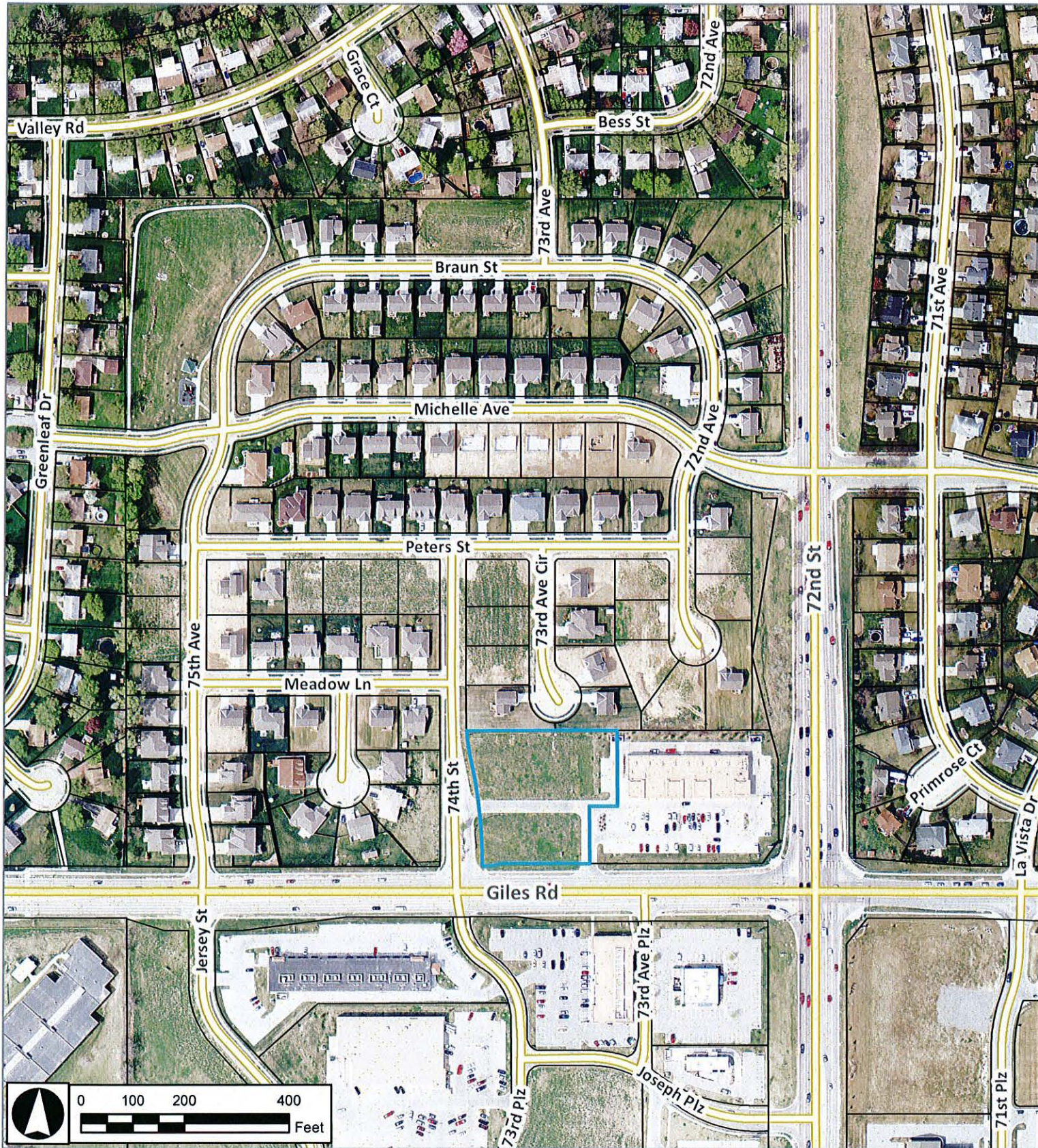
VIII. COPIES OF REPORT SENT TO:

1. Paul Gonzales, E & A Consulting Group, Inc.
2. Simmonds Restaurant Management, Inc.
3. Kanne Korp LP
4. Public Upon Request

Prepared by:  10/11/12

Community Development Director

Date

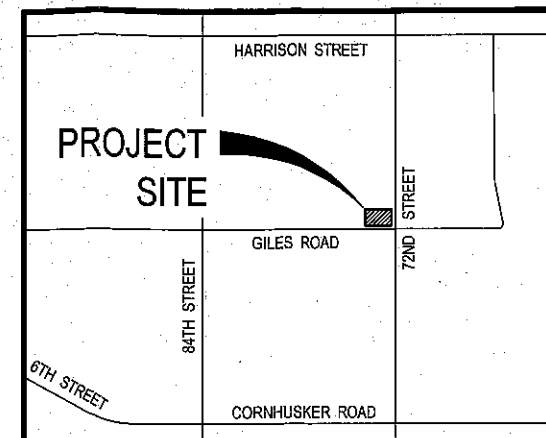
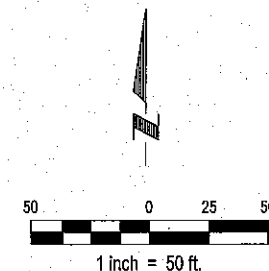
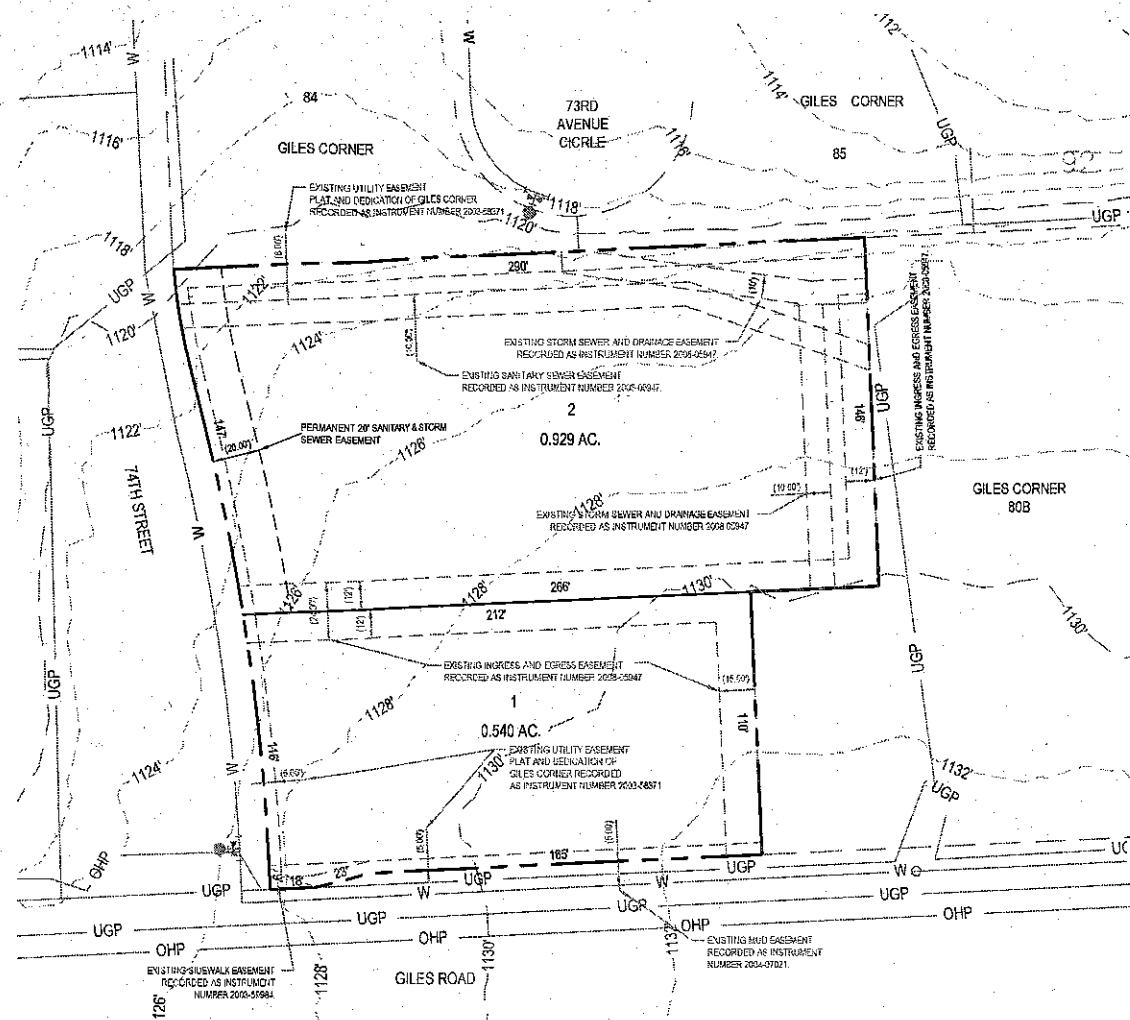


Vicinity Map

Giles Corner Replat 2

09/13/12
CAS





VICINITY MAP

LEGEND

- BOUNDARY LINE
- LOT LINE
- EASEMENTS
- EXISTING EASEMENTS
- 1120 --- EXIST. MAJOR CONTOURS
- 1122 --- EXIST. MINOR CONTOURS
- W --- EXIST. WATER LINE
- UGP --- EXIST. UNDERGROUND POWER LINE
- OHP --- EXIST. OVERHEAD POWER LINE
- ST --- EXIST. STORM SEWER
- SS --- EXIST. SANITARY SEWER

LEGAL DESCRIPTION

BEING A REPLAT OF LOT 80A, GILES CORNER, A SUBDIVISION LOCATED IN PART OF THE SE1/4 OF OF THE SE1/4 OF SECTION 14, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6th P.M., SARP COUNTY, NEBRASKA.

CONTAINING AN AREA OF 1.470 ACRES, MORE OR LESS.

DEVELOPER

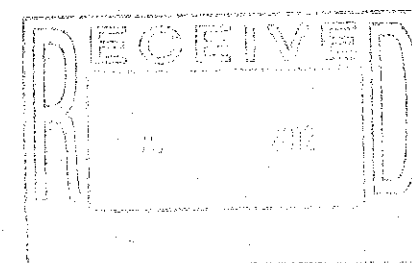
TODD KANNE
KANNE KOP LP
PO BOX 729
CARROLL, IA 51401

ZONING

EXISTING: C-1

NOTES

1. A PERMANENT RECIPROCAL INGRESS AND EGRESS, SIDEWALK, PARKING AND PEDESTRIAN EASEMENT, IS GRANTED TO THE OWNERS OF LOTS 1 AND 2, THEIR GUESTS AND INVITEES OVER ALL OF THOSE PRIVATE DRIVES AND PARKING AREAS AS CONSTRUCTED IN SAID LOTS 1 AND 2.
2. DIRECT VEHICULAR ACCESS TO GILES ROAD FROM LOT 1 WILL NOT BE ALLOWED.
3. ALL LOT LINES ARE RADIAL TO CURVED STREETS UNLESS SHOWN AS NONRADIAL (N.R.)



Proj No:	P2012.312.01	Revisions	
Date:	08/07/2012	(No)	Date
Designed By:	PJG		Description
Drawn By:	TRH		
Scale:	1" = 50'		
Sheet:	1 of 1		

PRELIMINARY PLAT

GILES CORNER REPLAT 2
LA VISTA, NEBRASKA



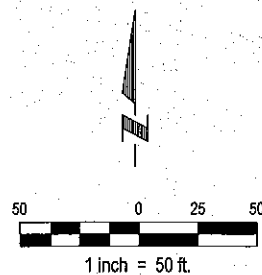
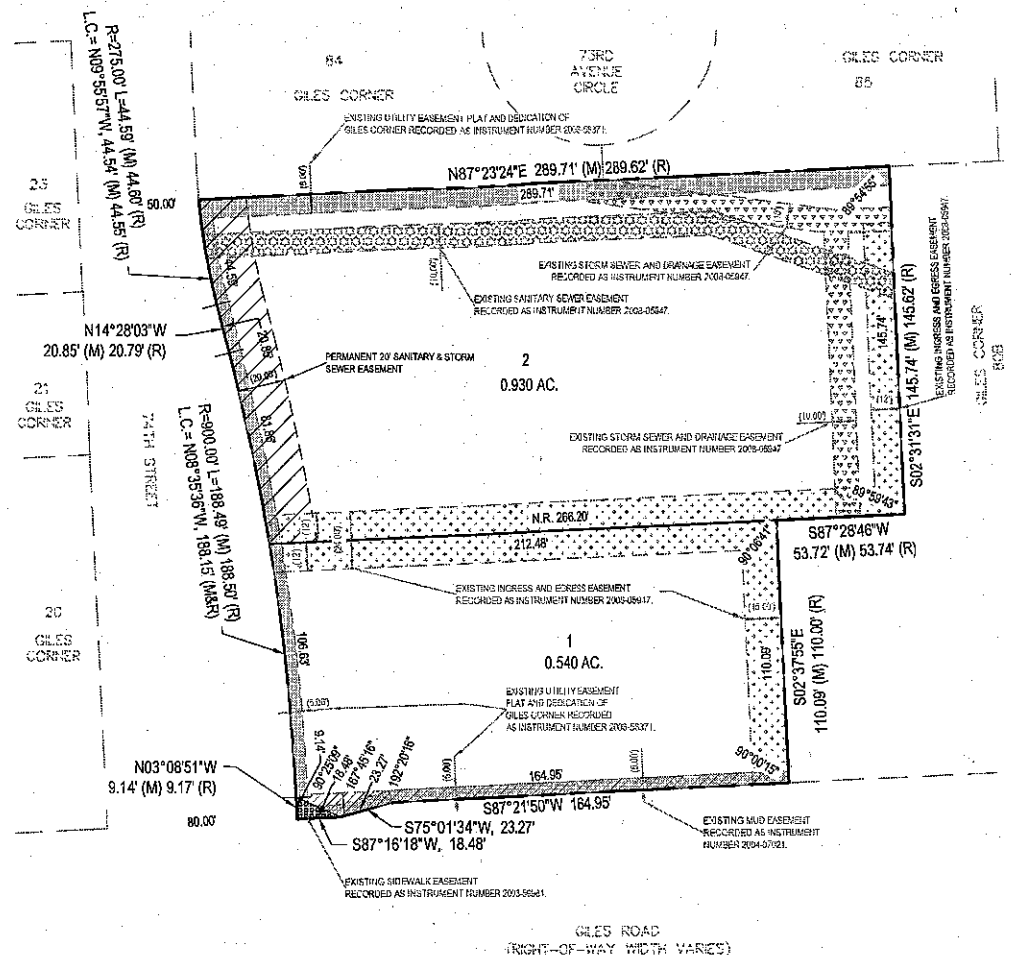
E & A CONSULTING GROUP, INC.
Engineering • Planning • Environmental & Field Services

330 North 117th Street Omaha, NE 68154
Phone: 402.895.4700 Fax: 402.895.3599
www.eacg.com

GILES CORNER REPLAT 2

LOTS 1 AND 2 INCLUSIVE

BEING A REPLAT OF LOT 80A, GILES CORNER, A SUBDIVISION LOCATED IN PART OF THE SE1/4 OF OF THE SE1/4 OF SECTION 14, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6th P.M., SARPY COUNTY, NEBRASKA.



LEGEND

- BOUNDARY LINE
- LOT LINE
- EASEMENTS
- EXISTING EASEMENTS
- (M) MEASURED DISTANCES
- (R) RECORDED DISTANCES
- PERMANENT 20' SANITARY & STORM SEWER EASEMENT
- UTILITY EASEMENT AS DESCRIBED IN THE FINAL PLAT AND DEDICATION OF GILES CORNER RECORDED AS INSTRUMENT NUMBER 2003-58371 OF THE SARPY COUNTY RECORDS.
- EASEMENT GRANTED TO METROPOLITAN UTILITIES DISTRICT RECORDED AS INSTRUMENT NUMBER 2004-07021 OF THE SARPY COUNTY RECORDS.
- SIDEWALK EASEMENT RECORDED AS INSTRUMENT NUMBER 2003-55984 OF THE SARPY COUNTY RECORDS.
- INGRESS AND EGRESS EASEMENT, RECORDED AS INSTRUMENT NUMBER 2008-05847.
- SANITARY SEWER EASEMENT, RECORDED AS INSTRUMENT NUMBER 2008-05847.
- STORM SEWER AND DRAINAGE EASEMENT, RECORDED AS INSTRUMENT NUMBER 2008-05847.

DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT WE, TODD KANNE, PRESIDENT OF KANNE KORP LP., OWNERS OF THE PROPERTY DESCRIBED IN THE CERTIFICATION OF SURVEY AND EMBRACED WITHIN THE PLAT, HAVE CAUSED SAID LAND TO BE SUBDIVIDED INTO LOTS AND STREETS TO BE NUMBERED AND NAMED AS SHOWN, SAID SUBDIVISION TO BE HEREAFTER KNOWN AS GILES CORNER REPLAT 2 (LOTS TO BE NUMBERED AS SHOWN), AND WE DO HEREBY RATIFY AND APPROVE OF THE DISPOSITION OF OUR PROPERTY AS SHOWN ON THE PLAT, AND WE DO HEREBY DEDICATE TO THE PUBLIC FOR PUBLIC USE THE STREETS, AVENUES AND CIRCLES, AND WE DO HEREBY GRANT EASEMENTS AS SHOWN ON THIS PLAT, WE DO FURTHER GRANT A PERPETUAL EASEMENT TO THE OMAHA PUBLIC POWER DISTRICT, CENTURYLINK COMMUNICATIONS AND ANY COMPANY WHICH HAS BEEN GRANTED A FRANCHISE TO PROVIDE A CABLE TELEVISION SYSTEM IN THE AREA TO BE SUBDIVIDED, THEIR SUCCESSORS AND ASSIGNS, TO ERECT, OPERATE, MAINTAIN, REPAIR AND RENEW POLES, WIRES, CABLES, CONDUITS AND OTHER RELATED FACILITIES, AND TO EXTEND THEREON WIRES OR CABLES FOR THE CARRYING AND TRANSMISSION OF ELECTRIC CURRENT FOR LIGHT, HEAT AND POWER AND FOR THE TRANSMISSION OF SIGNALS AND SOUNDS OF ALL KINDS INCLUDING SIGNALS PROVIDED BY A CABLE TELEVISION SYSTEM, AND THE RECEPTION ON, OVER, THROUGH, UNDER AND ACROSS A FIVE-FOOT (5) WIDE STRIP OF LAND ABUTTING ALL FRONT AND SIDE BOUNDARY LOT LINES; AN EIGHT-FOOT (8) WIDE STRIP OF LAND ABUTTING THE REAR BOUNDARY LINES OF ALL INTERIOR LOTS; AND A SIXTEEN-FOOT (16) WIDE STRIP OF LAND ABUTTING THE REAR BOUNDARY LINES OF ALL EXTERIOR LOTS. THE TERM EXTERIOR LOTS IS HEREIN DEFINED AS THOSE LOTS FORMING THE OUTER PERIMETER OF THE ABOVE-DESCRIBED ADDITION. SAID SIXTEEN-FOOT (16) WIDE EASEMENT WILL BE REDUCED TO AN EIGHT-FOOT (8) WIDE STRIP WHEN THE ADJACENT LAND IS SURVEYED, PLATTED AND RECORDED AND WE DO FURTHER GRANT A PERPETUAL EASEMENT TO METROPOLITAN UTILITIES DISTRICT OF OMAHA AND BLACK HILLS ENERGY, THEIR SUCCESSORS AND ASSIGNS, TO ERECT, INSTALL, OPERATE, MAINTAIN, REPAIR AND RENEW PIPELINES, HYDRANTS AND OTHER RELATED FACILITIES, AND TO EXTEND THEREON PIPES FOR THE TRANSMISSION OF GAS AND WATER ON, THROUGH, UNDER AND ACROSS A FIVE-FOOT (5) WIDE STRIP OF LAND ABUTTING ALL CUL-DE-SAC STREETS. NO PERMANENT BUILDINGS OR RETAINING WALLS SHALL BE PLACED IN THE SAID EASEMENT WAYS, BUT THE SAME MAY BE USED FOR GARDENS, SHRUBS, LANDSCAPING AND OTHER PURPOSES THAT DO NOT THEN OR LATER INTERFERE WITH THE AFORESAID USES OR RIGHTS HEREIN GRANTED.

KANNE KORP LP

BY: TODD KANNE, PRESIDENT

ACKNOWLEDGEMENT OF NOTARY

STATE OF _____)
COUNTY OF SARPY)

ON THIS _____ DAY OF _____, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY, PERSONALLY CAME TODD KANNE, PRESIDENT OF KANNE KORP LP, WHO IS PERSONALLY KNOWN TO BE THE IDENTICAL PERSON WHOSE NAME IS AFFIXED TO THE DEDICATION ON THIS PLAT AND ACKNOWLEDGED THE SAME TO BE HIS VOLUNTARY ACT AND DEED AS SUCH OFFICER OF SAID CORPORATION.

WITNESS MY HAND AND NOTARIAL SEAL THE DAY AND YEAR LAST ABOVE WRITTEN.

NOTARY PUBLIC

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE MADE A GROUND SURVEY OF THE SUBDIVISION DESCRIBED HEREIN AS GILES CORNER REPLAT 2. I CERTIFY THAT I HAVE SURVEYED THE PROPERTY DESCRIBED HEREON AND THAT PERMANENT MARKERS HAVE BEEN FOUND OR SET AT ALL CORNERS OF THE LOT BEING PLATTED. SAID TRACT OF LAND CONTAINS AN AREA OF 64,016 SQUARE FEET OR 1.470 ACRES MORE OR LESS.

JASON HEADLEY L.S. 604 DATE _____

APPROVAL OF LA VISTA CITY PLANNING COMMISSION

THIS PLAT OF GILES CORNER REPLAT 2 (LOTS NUMBERED AS SHOWN) WAS APPROVED BY THE CITY PLANNING COMMISSION ON THIS _____ DAY OF _____, 2012.

CHAIRMAN OF LA VISTA CITY PLANNING COMMISSION

REVIEW BY SARPY COUNTY PUBLIC WORKS

THIS PLAT OF GILES CORNER REPLAT 2 WAS REVIEWED BY THE THE SARPY COUNTY SURVEYOR'S OFFICE THIS _____ DAY OF _____, 20____.

COUNTY SURVEYOR / ENGINEER

ACCEPTANCE BY LA VISTA CITY COUNCIL

THIS PLAT OF GILES CORNER REPLAT 2 (LOTS NUMBERED AS SHOWN) WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, ON THIS _____ DAY OF _____, IN ACCORDANCE WITH THE STATE STATUTES OF NEBRASKA.

ATTEST
CITY CLERK MAYOR

COUNTY TREASURER'S CERTIFICATE

THIS IS TO CERTIFY THAT I FIND NO REGULAR OR SPECIAL TAXES DUE OR DELINQUENT AGAINST THE PROPERTY DESCRIBED IN THE SURVEYOR'S CERTIFICATE AND EMBRACED IN THIS PLAT AS SHOWN BY THE RECORDS OF THIS OFFICE.

DATE _____ COUNTY TREASURER

NOTES:

- ALL ANGLES ARE 90° UNLESS OTHERWISE NOTED.
- A PERMANENT RECIPROCAL INGRESS AND EGRESS, SIDEWALK AND PEDESTRIAN EASEMENT, IS GRANTED TO THE OWNERS OF LOTS 1 AND 2, THEIR GUESTS AND INVITEES OVER ALL OF THOSE PRIVATE DRIVES AND PARKING AREAS AS CONSTRUCTED IN SAID LOTS 1 AND 2.
- ALL LOT LINES ARE RADIAL TO CURVED STREETS UNLESS SHOWN AS NONRADIAL (N.R.).
- ALL DIMENSIONS AND ANGLES SHOWN WITH PARENTHESES ARE FOR THE LOCATION OF EASEMENTS.
- DIRECT VEHICULAR ACCESS TO GILES ROAD FROM LOT 1 WILL NOT BE ALLOWED.

Proj No:	P2012.312.001	Revisions	
Date:	08/07/2012	(No)	
Designed By:	PJG	Date	Description
Drawn By:	TRH		
Scale:	1" = 50'		
Sheet:	1 of 1		

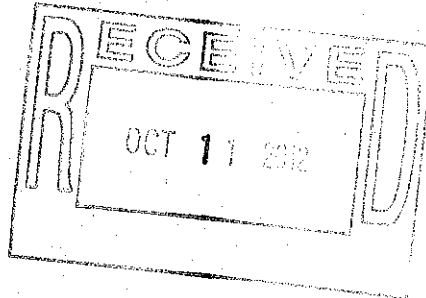
FINAL PLAT

GILES CORNER REPLAT 2
LA VISTA, NEBRASKA



E & A CONSULTING GROUP, INC.
Engineering • Planning • Environmental & Field Services

330 North 117th Street Omaha, NE 68154
Phone: 402.895.4700 Fax: 402.895.3599
www.eacg.com



This instrument prepared by and upon recordation should be returned to:
Paul J. Halbur, Esq., 409 South 17th Street, Suite 500, Omaha NE 68102; 402.341.6000

**GILES CORNER
COMMON IMPROVEMENTS MAINTENANCE AGREEMENT**

This Common Improvements Maintenance Agreement ("Agreement"), dated for reference purposes _____, 2012, is made by and between KANNE KORP LP, an Iowa limited partnership ("Kanne"), and SIMMONDS PROPERTIES LTD, LLP, a Nebraska limited liability partnership ("Simmonds").

Recitals

A. Kanne is the owner of the following described real estate:

(i) Lot 80B, Giles Corner, a subdivision in Sarpy County, Nebraska ("Lot 80B"); and

(ii) Lot 2, Giles Corner Replat 2, in Giles Corner, a subdivision in Sarpy County, Nebraska ("Lot 2" and together with Lot 80B, the "Kanne Real Estate").

B. Simmonds is the owner of the following described real estate:

Lot 1, Giles Corner Replat 2, in Giles Corner, a subdivision in Sarpy County, Nebraska ("Lot 1").

C. The Kanne Real Estate and Lot 1 share a common boundary and certain common ingress and egress easement, sanitary sewer easement and storm sewer and drainage easement right as set forth in the plat recorded as Instrument Number 2008-05947 in the real estate records of Sarpy County, Nebraska (the "Easements").

D. A sanitary sewer line, a storm sewer system and private streets (collectively, "Common Improvements") have been previously constructed on the Kanne Real Estate and Lot 1 pursuant to the Easements. Kanne has agreed that the owner of Lot 80B will maintain and repair the Common Improvements, and Simmonds, as the owner of Lot 1, and Kanne, as the owner of Lot 2, have agreed to share in the future cost of maintenance and repair of the Common Improvements (See Attached Exhibit A).

NOW THEREFORE, in the context of and with reference to the foregoing facts, which facts are incorporated herein as a contractual part of this Agreement, and in consideration of the mutual covenants and agreements of the parties hereinafter set forth, the receipt and sufficiency of which consideration are hereby acknowledged, Simmonds and Kanne agree as follows:

1. Maintenance, Repair and Replacement of Common Improvements. Except to the extent that all or some of the Common Improvements are hereafter operated and maintained by public authorities or utilities, Kanne agrees that the owner of Lot 80B will maintain the Common Improvements in sound structural and operating condition, and all expenses incurred in connection therewith, including without limitation, maintenance, repair, replacement and operating costs, shall be shared thirteen percent (13%) by Simmonds, as owner of Lot 1, twenty-seven percent (27%) by Kanne, as the owner of Lot 2 and sixty percent (60%) by Kanne, as the owner of Lot 80B. The owner of Lot 80B agrees to periodically deliver to the owner of Lot 1 and the owner of Lot 2 reasonably satisfactory proof that maintenance, repair or replacement costs have been incurred in connection with the Common Improvements. Simmonds, as the owner of Lot 1, agrees to pay, within fifteen (15) business days, thirteen percent (13%) of the amount so incurred for private street maintenance, repair and replacement and sanitary sewer line and/or storm sewer system repair, maintenance and replacement. Kanne, as the owner of Lot 2, agrees to pay, within ten (10) business days, twenty-seven percent (27%) of the amount so incurred for private street maintenance, repair and replacement and sanitary sewer line and/or storm sewer system repair, maintenance and replacement. If either Simmonds or the owner of Lot 2 fails to pay the entire amount payable by them to the owner of Lot 80B within such fifteen (15) business day period, the amount not paid shall bear interest at the rate of twelve percent (12%) per annum and shall be secured by a lien on either the Lot 1 or Lot 2, as the case may be. Such lien may be perfected by recording an affidavit stating the amount unpaid and that the same is secured by a lien on either the Simmonds Real Estate or Lot 2, as applicable, with the Sarpy County, Nebraska Register of Deeds. In the event owner of Lot 2 fails to maintain the Common Improvements in sound structural and operating condition, and such failure continues for a period of thirty (30) days after written notice thereof to the owner of Lot 2, either Simmonds or the owner of Lot 2 may, in their discretion, perform such maintenance, repair and replacement obligations, and the owner of Lot 80B agrees to pay, within fifteen (15) business days of its receipt of satisfactory proof of the incurrence of such costs and the amount thereof, sixty percent (60%) of the amount so incurred for private street maintenance, repair and replacement and sanitary sewer line and/or storm sewer system repair, maintenance and replacement. If the owner of Lot 80B fails to pay the entire amount payable within such fifteen (15) business day period, the amount not paid shall bear interest at an annual rate of twelve percent (12%) per annum and shall be secured by a lien on Lot 80B. Such lien may be perfected by a recording of an affidavit stating the amount unpaid and that the same is secured by a lien on the Lot 80B with the Sarpy County, Nebraska Register of Deeds.

2. Legal Effect. Each of the agreements and rights created by this instrument are appurtenant to the real estate to which they relate and may not be transferred, assigned or encumbered except as an appurtenance to such real estate. Each of such agreements evidenced by this instrument are made for the direct, mutual and reciprocal benefit of each of the Simmonds Real Estate and the Kanne Real Estate, constitute covenants running with the land, bind every person or entity now having or hereafter acquiring any interest in such real estate, and will inure to the benefit of the successors, assigns and mortgagees of Simmonds and Kanne.

3. No Dedication. Nothing contained in this instrument will be deemed to constitute a gift, grant or dedication of any portion of the Simmonds Real Estate or the Kanne Real Estate to the general public or for any public purpose whatsoever. This instrument is intended to benefit only Simmonds and Kanne and their respective successors, assigns and mortgagees, and is not intended to benefit any other party or to give any other party any rights hereunder.

4. Severability. If any provision of this instrument is declared by a court of competent jurisdiction to be invalid or unenforceable, the remainder of the provisions of this instrument (or the application of

such provisions to persons or circumstances in respect of which the determination of invalidity or unenforceability was made) will not be affected thereby and each provision of this instrument shall be deemed to be valid and enforceable to the fullest extent permitted by law.

5. Governing Law. This instrument shall be construed in accordance with the laws of the State of Nebraska. This instrument may be executed in counterparts.

KANNE: KANNE KORP LP, an Iowa limited partnership

By _____
Title:

SIMMONDS: SIMMONDS PROPERTIES LTD, LLP, a Nebraska limited liability partnership

By _____
Title:

STATE OF NEBRASKA)
) ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 2012, by _____, the _____ of KANNE KORP LP, an Iowa limited partnership, on behalf of the limited partnership.

WITNESS my hand and notarial seal at _____, in said county and state, the day and year last above written.

[SEAL]

Notary Public

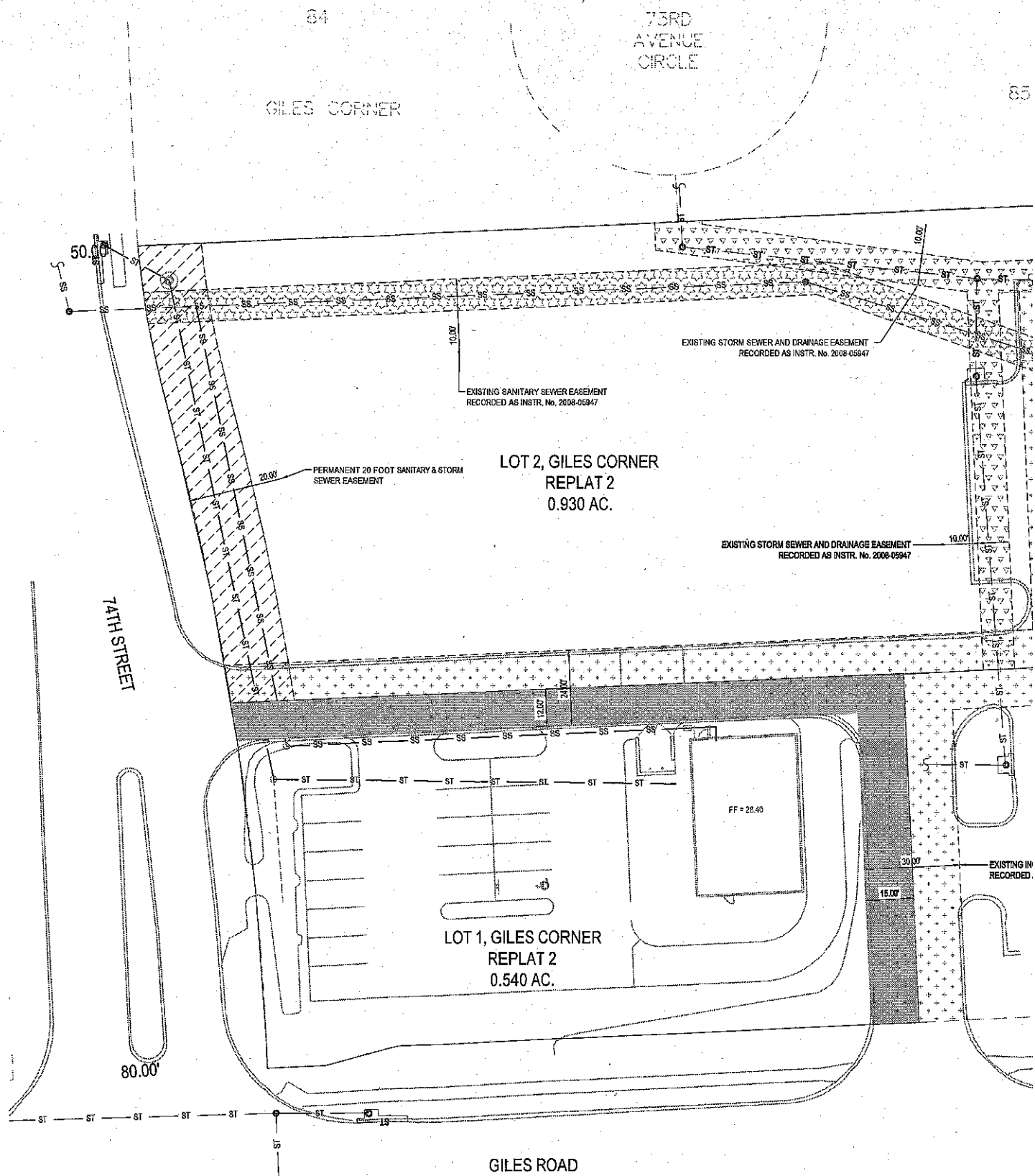
STATE OF NEBRASKA)
) ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 2012, by _____, the _____ of SIMMONDS PROPERTIES LTD, LLP, a Nebraska limited liability partnership, on behalf of the limited liability partnership.

WITNESS my hand and notarial seal at _____, in said county and state, the day and year last above written.

[SEAL]

Notary Public



**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
OCTOBER 16, 2012 AGENDA**

Subject:	Type:	Submitted By:
AUTHORIZATION- THE NATIONAL CITIZEN SURVEY	◆ RESOLUTION ORDINANCE RECEIVE/FILE	BOB LAUSTEN POLICE CHIEF

SYNOPSIS

A resolution has been prepared to authorize The National Citizen Survey™, Boulder, Colorado to administer, analyze and report results from a customizable citizen survey in an amount not to exceed \$11,800.

FISCAL IMPACT

The FY13 budget provides funding for this proposed purchase.

RECOMMENDATION

Approval.

BACKGROUND

As part of the City's Strategic Plan, the Mayor and Council identified as a priority the need to improve and expand the city's quality of life amenities for residents and visitors to the community. A key objective to achieve this goal was the participation in the ICMA Performance Measurements program. A key part of the program is the inclusion of a citizen survey. As a result, staff is recommending approval for a random sample citizen survey be conducted by The National Citizen Survey™.

The National Citizen Survey™, sponsored by the International City/County Management Association (ICMA) in cooperation with National Research Center, Inc., is a unique service to administer, analyze, and report results from a customizable citizen survey. The National Citizen Survey™ offers many advantages over both in-house administration and the use of a consultant. These include reduced costs, comparisons to national norms, and the credibility of a widely reputable independent research firm. The questionnaire and survey procedure were designed based on the experience of hundreds of local governments of all sizes. Scientific sampling and weighting of the responses in each city ensure accurate and reliable results. Each participating jurisdiction can also make important customizations for its locale and the report can compare the results with other results across the United States. Results from the survey are automatically downloaded and included in the City's Performance Measurement data submittal to the Center for Performance Measurements.

In addition to determining quality of life amenities, a random sample citizen survey is useful for: measuring service performance; benchmarking service quality ratings; assessing community needs; facilitating long-range, short-term and strategic plans; and evaluating potential policies. If approved by Council, it is anticipated that the surveys would go out to residents by mid-January and that we will receive the final results and report by the end of March, 2013.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE NATIONAL CITIZEN SURVEY™, BOULDER, COLORADO TO ADMINISTER, ANALYZE AND REPORT RESULTS FROM A CUSTOMIZABLE CITIZEN SURVEY IN AN AMOUNT NOT TO EXCEED \$11,800.

WHEREAS, the Mayor and City Council have identified the need to create strategies for accomplishing high priority quality of life amenities identified by residents through a citizen survey; and

WHEREAS, the City Council of the City of La Vista has also determined that a random sample citizen survey is useful for the following:

- a. to measure service performance;
- b. to benchmark service quality rationings;
- c. to assess community needs;
- d. to facilitate long-range, short-term and strategic plans;
- e. to evaluate potential policies; and

WHEREAS, the FY13 budget includes funding for a citizen survey; and;

WHEREAS, Subsection (C) (9) of Section 31.23 of the La Vista Municipal Code requires that the City Administrator secure Council approval prior to authorizing any purchase over \$5,000.00.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize The National Citizen Survey™, Boulder, Colorado to administer, analyze and report results from a customizable citizen survey in an amount not to exceed \$11,800.

PASSED AND APPROVED THIS 16TH DAY OF OCTOBER, 2012.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Bueth, CMC
City Clerk

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
OCTOBER 16, 2012 AGENDA**

Subject:	Type:	Submitted By:
AWARD CONTRACT – PAVEMENT REPAIR OPPD MANHOLES ON HARRISON STREET	◆ RESOLUTION ORDINANCE RECEIVE/FILE	JOHN KOTTMANN CITY ENGINEER/ASSISTANT PUBLIC WORKS DIRECTOR

SYNOPSIS

A resolution has been prepared to award a contract to TAB Construction Company of Omaha, Nebraska, for pavement repairs around three OPPD manholes on Harrison Street between 84th Street and 96th Street in an amount not to exceed \$20,425.72.

FISCAL IMPACT

The FY 13 General Fund Budget provides funding for the proposed project. The cost of this work will be reimbursed to the City by OPPD upon completion of the work.

RECOMMENDATION

Approval

BACKGROUND

In July discussions were held with OPPD concerning the deterioration of pavement occurring over the top of their manhole vaults on Harrison Street. Agreement was reached that they would reimburse the City the cost of removing and replacing the pavement panels over the top of these vaults. The City currently has a contractor, TAB Construction Company, performing pavement repairs on 96th Street. This Contractor was selected through a competitive bid process and the type of work to be performed is of the same nature as the work on 96th Street. A proposal was obtained from TAB Construction Company based on their 96th Street contract prices and this cost was accepted by OPPD. It is desirable to complete the work yet this fall while TAB Construction Company is in the immediate area. It is recommended that a contract be awarded to TAB Construction Company in an amount not to exceed \$20,425.72.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AWARDING A CONTRACT TO TAB CONSTRUCTION COMPANY, OMAHA, NEBRASKA FOR PAVEMENT REPAIRS AROUND OPPD MANHOLES ON HARRISON STREET BETWEEN 84TH STREET AND 96TH STREET IN AN AMOUNT NOT TO EXCEED \$20,425.72

WHEREAS, the City Council of the City of La Vista has determined that the pavement repairs around three OPPD manholes on Harrison Street between 84th Street and 96th Street are necessary; and

WHEREAS, the FY 12/13 General Fund Budget will provide funds for this project; and

WHEREAS, OPPD has agreed to reimburse the cost of removing and replacing the pavement panels over the top of these manhole vaults; 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 award the contract to TAB Construction Company, Omaha, Nebraska for pavement repairs around OPPD manholes on Harrison Street between 84th Street and 96th Street in an amount not to exceed \$20,425.72

PASSED AND APPROVED THIS 16TH DAY OF OCTOBER, 2012.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
OCTOBER 16, 2012 AGENDA**

Subject:	Type:	Submitted By:
PURCHASE - AUTOMATIC VEHICLE LOCATING SYSTEM (AVL)	◆ RESOLUTION ORDINANCE RECEIVE/FILE	JOE SOUCIE PUBLIC WORKS DIRECTOR

SYNOPSIS

A resolution has been prepared authorizing the purchase of ten (10) Automatic Vehicle Locating Systems from NexTraq, Inc., Atlanta, Georgia, for an amount not to exceed \$10,612.00.

FISCAL IMPACT

The FY13 Sewer Fund budget provides funding for this proposed purchase.

RECOMMENDATION

Approval

BACKGROUND

A storm water grant was secured in 2010 from the Nebraska Department of Environmental Quality (NDEQ) for activities contained in the City of La Vista Storm Water Management Plan. The purchase of the AVL systems will allow Public Works to monitor and track the amount of material being picked up by street sweepers and the amount of material being spread by plow trucks. This information is required on an annual report submitted to NDEQ. The same system is currently being used by Omaha Public Works and the Douglas County Assessor's Office. The Douglas County Highway Department is currently switching to the NexTraq system and Sarpy County is moving forward with the same system.

Public Works will install the AVL units on two street sweepers and eight dump trucks. The purchase price also includes 36-months of cell service which is how the units transmit data.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE PURCHASE OF TEN (10) AUTOMATIC VEHICLE LOCATING SYSTEMS FROM NEXTRAQ, INC., ATLANTA, GEORGIA, IN AN AMOUNT NOT TO EXCEED \$10,612.00.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of ten (10) Automatic Vehicle Locating Systems (AVL) is necessary; and

WHEREAS, the purchase is being funded by a Storm Water Grant; and

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

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska authorizing the purchase of ten (10) Automatic Vehicle Locating Systems (AVL) from NexTraq, Inc. Atlanta, Georgia, in an amount not to exceed \$10,612.00.

PASSED AND APPROVED THIS 16TH DAY OF OCTOBER, 2012.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
OCTOBER 17, 2012 AGENDA**

Subject:	Type:	Submitted By:
APPROVE CONTRACT - WEBSITE REDESIGN	◆ RESOLUTION ORDINANCE RECEIVE/FILE	RITA RAMIREZ ASSISTANT CITY ADMINISTRATOR

SYNOPSIS

A resolution has been prepared for approval of a contract with CivicPlus for a website redesign in an amount not to exceed \$10,000.00.

FISCAL IMPACT

The FY 12/13 budget provides funding for this proposed project.

RECOMMENDATION

Approval.

BACKGROUND

The City's website was developed in 2006 when CivicPlus selected La Vista as the winner of a website "makeover" contest. The City's website has not been updated since then, and web technology has continued to evolve, leaving our platform outdated and limiting the functionality we can offer to our residents. CivicPlus specializes in designing and hosting government websites and has provided excellent training and support. It is recommended that we continue to work with them to provide website services.

While the redesign project will take several months to complete, CivicPlus has offered the City a "rebate" program if the contract is signed by October 31. We do not anticipate making any payments on the contract until April of 2013, after the first phase of work is completed. Four years from now, CivicPlus would give the City \$4,800 towards another website redesign project. The site redesign and use of a new platform will result in an increase in the monthly charge for hosting the site and providing support. The "rebate" is the amount of that increase for the next four years (\$100 x 48 months).

The first step in the website redesign process will be for the City's web team to form a focus group consisting of community members, elected and appointed officials, staff and others to gather feedback on the existing site and input on what they would like to see in a redesigned site. This will take place over the next several months. In January the team will start working with CivicPlus to establish a detailed timeline for the three phases of the project, which include the design phase, the content phase and the final site review and launch. We are anticipating the design phase would generally be February and March, the content phase would be April through June, and the final review phase would be July and August, with a launch date of September 1, 2013.

A copy of the contract is available for viewing in the office of the City Clerk.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AWARDING A CONTRACT TO CIVICPLUS IN AN AMOUNT NOT TO EXCEED \$10,000.00

WHEREAS, the City Council of the City of La Vista has determined that the redesign of the city website is necessary; and

WHEREAS, the FY 2012/13 General Fund Budget will provide funding for this project; 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 award the contract to CivicPlus in an amount not to exceed \$10,000.00

PASSED AND APPROVED THIS 16TH DAY OF OCTOBER, 2012.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk