

# MINUTE RECORD

A.2

No. 729 — REEDIE & COMPANY, INC. OMAHA E1107788LD

## LA VISTA CITY COUNCIL MEETING September 3, 2013

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 September 3, 2013. Present were Councilmembers: Gowan, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Also in attendance were City Administrator Gunn, City Attorney McKeon, Assistant City Administrator Ramirez, City Clerk Buethe, Community Development Director Birch, Finance Director Lindberg, Fire Chief Uhl, Police Chief Lausten, Public Works Director Soucie, Public Building and Grounds Foreman Siebels, Recreation Director Stopak, Library Director Barcal, and City Engineer Kottmann.

A notice of the meeting was given in advance thereof by publication in the Times on August 21, 2013. 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.

### SERVICE AWARDS - BRENDA GUNN - 15 YEARS; PAUL SHERRY, JEFF CALENTINE - 5 YEARS

Mayor Kindig recognized Brenda Gunn for 15 years of service to the City and Paul Sherry and Jeff Calentine for 5 years of service to the City.

#### A. CONSENT AGENDA

1. Approval of the Agenda as Presented
2. Approval of the Minutes of the August 20, 2013 City Council Meeting
3. Pay Request - Thompson, Dreessen & Dorner, Inc - Professional Services - Lillian & James Avenue Intersection - \$1,245.50
4. Pay Request - Felsburg Holt & Ullevig - Professional Services - Giles Road Signal Coordination - \$604.50
5. Pay Request - RDG Planning & Design - Professional Services - Civic Center Park Master Plan - \$2,424.49
6. Pay Request - Swain Construction Inc. - 2013 Storm Sewer Inlet Repairs - \$72,564.68
7. Resolution - Approval - Agreement - PoliceReports.US - On-line distribution of Police Reports

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF A 2-YEAR AGREEMENT WITH POLICERREPORTS.US FOR THE ON-LINE DISTRIBUTION OF POLICE REPORTS.

WHEREAS, PoliceReports.US currently provides services for law enforcement agencies and municipal governments in 30 states, and

WHEREAS, the Police Chief has recommended partnering with Police Reports.US to distribute incident and accident reports online, and

WHEREAS, the City Council of the City of La Vista has determined that the need exists to provide innovative and efficient services to the citizens of La Vista;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska, that the Mayor and City Clerk be, and hereby are, authorized to execute a 2

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GUNN, B., travel	57.62
GUNN, B., travel	457.00
HARM'S CONCRETE, bld&grnds	122.50
HARTS AUTO SUPPLY, maint.	281.00
HEARTLAND PAPER, bld&grnds	185.00
HEIMES CORP., maint.	197.38
HELGET GAS, supplies	145.00
HOBBY LOBBY, supplies	75.30
HUNTEL COMM., services	207.73
HUSCH BLACKWELL, services	1,000.00
HUSCH BLACKWELL, services	784.00
HY-VEE, supplies	289.75
INLAND TRUCK PARTS, maint.	34.56
INTERSTATE ALL BATTERY CENTER, equip.	164.25
J & J SMALL ENGINE SERVICE, maint.	142.44
KLINKER, M., services	424.00
KRIHA FLUID POWER, maint.	192.74
L C INDUSTRIES, apparel	1,799.92
LA VISTA FIREFIGHTERS ASSN	6,083.20
LANDPORT, services	125.00
LAUGHLIN, KATHLEEN A, TRUSTEE	474.00
LAUGHLIN, KATHLEEN A, TRUSTEE	437.00
LAUSTEN, R., travel	386.00
LAW ENFORCEMENT TARGETS, supplies	137.14
LEAGUE OF NEBR, services	1,473.00
LINCOLN NATIONAL LIFE INS	9,728.72
LOGAN CONTRACTORS, maint.	3,230.73
LOU'S SPORTING GOODS, apparel	883.20
LOVELAND GRASS PAD, bld&grnds	69.80
MALLARD SAND & GRAVEL COMPANY, maint.	26.54
MARKOWSKY, T J, auto	100.00
MAT, services	526.00
MATHESON TRI-GAS INC, maint.	314.00
MCC, utilities	16,302.16
MENARDS, bld&grnds	2,037.29
METRO LANDSCAPE MATERIALS , supplies	432.00
METRO YOUTH FOOTBALL LEAGUE, services	1,100.00
MID CON SYSTEMS, maint.	414.18
MIDLANDS LIGHTING & ELECTRIC, maint.	555.96
MIDWEST TURF & IRRIGATION, maint.	108.65
MIRACLE RECREATION EQUIPMENT, maint.	566.80
MLB LOGISTICS, supplies	291.79
MONARCH OIL, maint.	644.00
MUD, utilities	7,476.75
NATIONAL EVERYTHING WHOLESALE, supplies	361.66
NE DEPT OF ROADS, services	11,310.96
NE WELDING, maint.	69.53
NEFF TOWING, maint.	200.00
NEWMAN TRAFFIC SIGNS, signs	3,644.46
NIXLE, services	15,000.00
NOBBIES, supplies	31.93
NUTS AND BOLTS INC., equip.	185.13
ODEY'S INC., bld&grnds	99.95
OFFICE DEPOT, supplies	422.84
OMAHA COMPOUND, supplies	124.50
OMNI, maint.	3,837.01
ONE CALL CONCEPTS, services	468.10
PAPILLION TIRE, maint.	81.55
PARAMOUNT, apparel	15.00
PARAMOUNT, apparel	447.09
PAUL CONWAY SHIELDS, apparel	55.15
PAYFLEX, services	250.00

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open house for the 10 year anniversary of the Police Station. It will be on September 29 from 2 p.m. to 4 p.m.

Public Works Director Soucie stated 302 tires were received at the tire collection day on August 24. Soucie thanked Council for allowing him to attend the APWA National Conference in Chicago; it was very informative. Soucie informed Council that the Quiet Zone construction is set to begin September 9. There will be a loader at the school on September 13 for an event - 'Vehicle day'.

Recreation Director Stopak stated that the pool season has come to an end and it was a successful season.

Library Director Barcal stated that there was a generous donation of supplies received on August 30<sup>th</sup> from a patron to be used for children's programs at the library.

## **B. 2014-2018 CAPITAL IMPROVEMENT PROGRAM**

### **1. PUBLIC HEARING**

At 7:12 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the 2014 - 2018 Capital Improvement Program. Assistant City Administrator Ramirez gave an overview of the Capital Improvement Program.

At 7:15 p.m. Councilmember Hale made a motion to close the public hearing. Seconded by Councilmember Sheehan. Councilmembers voting aye: Gowan, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

### **2. RESOLUTION – ADOPTION OF 2014-2018 CAPITAL IMPROVEMENT PROGRAM**

Councilmember Quick introduced and moved for the adoption of Resolution No. 13-084: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, APPROVING THE 2014-2018 CAPITAL IMPROVEMENT PROGRAM (CIP) FOR INFRASTRUCTURE AND OTHER CAPITAL IMPROVEMENTS FOR THE CITY OF LA VISTA.

WHEREAS, the City of La Vista's Capital Improvement Program (CIP) document has been prepared and presented to Council; and

WHEREAS, the La Vista Planning Commission has reviewed the 2014-2018 Capital Improvement Program (CIP) for the City of La Vista and recommends to Council approval of the Plan, and

WHEREAS, the Mayor and City Council of the City of La Vista, Nebraska held a public hearing on the City of La Vista's 2014-2018 Capital Improvement Program (CIP) for infrastructure and other capital improvements for the City of La Vista; and

WHEREAS, the citizens of the City of La Vista have therefore had an opportunity to comment on the 2014-2018 Capital Improvement Program (CIP) for infrastructure and other capital improvements for the City of La Vista as submitted and reviewed by the La Vista City Council.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of La Vista, Nebraska that the 2014-2018 Capital Improvement Program (CIP) for infrastructure and other capital improvements for the City of La Vista as submitted and reviewed by the Mayor and City Council of the City of La Vista be, and the same hereby is, accepted and approved.

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

Mayor Kindig stated that for Agenda Item C the Council will be acting in the capacity of the Community Development Agency. Mayor Kindig also noted a correction in the Council Report that the fiscal impact portion states twenty six cents and should read two point six cents.

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INDUSTRIAL USERS) OF THE CITY OF LA VISTA AND TO GRANDFATHER EXISTING STRUCTURES AND TO PROVIDE FOR TRACT PRECONNECTION PAYMENTS AND CREDITS; REGULATING THE MUNICIPAL SEWER DEPARTMENT AND RATES OF SEWER SERVICE CHARGES; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE THE EFFECTIVE DATE HEREOF.

Councilmember Quick moved for final passage of the ordinance which motion was seconded by Councilmember Thomas. The Mayor then stated the question, "Shall Ordinance No. 1198 be passed and adopted?" Upon roll call vote the following Councilmembers voted aye: Gowan, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. 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.

## 3. INCREASE BASE OF RESTRICTED FUNDS AUTHORITY

### a. PUBLIC HEARING

At 7:26 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the Increase base of restricted funds authority.

At 7:26 p.m. Councilmember Hale made a motion to close the public hearing. Seconded by Councilmember Gowan. Councilmembers voting aye: Gowan, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

### b. RESOLUTION

Councilmember Gowan introduced and moved for the adoption of Resolution No. 13-086: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, TO INCREASE THE BASE OF RESTRICTED FUNDS AUTHORITY IN THE 2013-14 MUNICIPAL BUDGET BY AN ADDITIONAL ONE PERCENT.

WHEREAS, the Mayor and City Council, after notice and public hearing as required by state statute, approved the 2013-14 municipal budget on September 3, 2013; and

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

WHEREAS, an increase in the base of restricted funds authority by an additional one percent in the 2013-14 municipal budget is allowed following the approval of at least 75% of the governing body.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska, do hereby authorize an increase in the base of restricted funds authority in the 2013-14 municipal budget by an additional one percent.

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

## 4. SETTING THE PROPERTY TAX LEVY

### a. PUBLIC HEARING

At 7:27 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on setting the property tax levy.

At 7:27 p.m. Councilmember Hale made a motion to close the public hearing. Seconded by Councilmember Sell. Councilmembers voting aye: Gowan, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

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

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

Councilmember Sell introduced and moved for the adoption of Resolution No. 13-088; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING MONTHLY VEHICLE AND MOBILE PHONE ALLOWANCES FOR SPECIFIC OFFICERS AND EMPLOYEES OF THE CITY.

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

WHEREAS, the FY14 municipal budget establishes funds for vehicle and mobile phone allowances for various officers, employees and volunteers of the City and are recommended by the Finance Director and City Administrator.

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

<u>Tier</u>	<u>Monthly Vehicle Allowance</u>	<u>Tier</u>	<u>Monthly Phone Allowance</u>
Tier 1	\$20	Tier 1	\$10
Tier 2	\$30	Tier 2	\$20
Tier 3	\$40	Tier 3	\$40
Tier 4	\$50	Tier 4	\$50
Tier 5	\$100	Tier 5	\$60
Tier 6	\$150		

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

## **F. RESOLUTION - NOTICE OF TERMINATION - LEAGUE ASSOCIATION OF RISK MANAGEMENT (LARM)**

Councilmember Quick introduced and moved for the adoption of Resolution No. 13-089; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THAT WRITTEN NOTICE OF TERMINATION BE GIVEN TO THE LEAGUE ASSOCIATION OF RISK MANAGEMENT (LARM) EFFECTIVE SEPTEMBER 30, 2014.

WHEREAS, the City of La Vista is a member of the League Association of Risk Management (LARM), which is a pool of Nebraska political subdivisions that currently provides the City's property, casualty, liability and workers compensation insurance coverages; and

WHEREAS, the Mayor and Council have determined that it is in the best interest of the City of La Vista to explore other insurance coverage options; and

WHEREAS, the Interlocal Agreement for the Establishment and Operation of the League Association of Risk Management (LARM) provides that a member may voluntarily terminate its participation in LARM by written notice of termination given to LARM and the Nebraska Director of Insurance; and

WHEREAS, the City's current agreement with LARM requires that said notice of termination be given at least 180 days prior to the desired termination date.

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for Improvements in the amount and against the properties specified above, all located within Sarpy County, La Vista, Nebraska.

Seconded by Councilmember Hale. Councilmember Crawford asked if there is something we could do to go in and clean up properties before they are so bad. Mayor Kindig asked if there is more we can do. City Administrator Gunn stated that staff will look into this again and report back. Councilmembers voting aye: Gowan, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

## I. APPROVAL – CLASS D LIQUOR LICENSE – WALMART STORES INC DBA WALMART STORE 3173

### 1. PUBLIC HEARING

At 7:42 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on approval of a Class D liquor license for Walmart Store 3173. The manager Dewey Schager was in attendance to answer questions. Mr. Schager stated that the opening date is November 6, 2013 and the store will be open 24/7. Mayor Kindig asked that they be cognizant of the neighbors when backing up the big trucks between 1 and 6 a.m.

At 7:44 p.m. Councilmember Hale made a motion to close the public hearing. Seconded by Councilmember Sell. Councilmembers voting aye: Gowan, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

### 2. RESOLUTION

Councilmember Sheehan introduced and moved for the adoption of Resolution No. 13-09; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA RECOMMENDING TO THE NEBRASKA LIQUOR CONTROL COMMISSION, APPROVAL OF THE CLASS D LIQUOR LICENSE APPLICATION FOR WAL-MART STORES INC DBA WALMART STORE 3173, LA VISTA, NEBRASKA.

WHEREAS, Wal-Mart Stores Inc dba Walmart Store 3173, 9460 Giles Road, La Vista, Sarpy County, Nebraska, has applied to the Nebraska Liquor Control Commission for a Class D Liquor License, and

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

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, hereby recommend to the Nebraska Liquor Control Commission approval of the Class D Liquor License application submitted by Wal-Mart Stores Inc dba Walmart Store 3173, 9460 Giles Road, La Vista, Sarpy County, Nebraska.

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

## J. APPROVAL – SPECIAL DESIGNATED LICENSE – CUT SPIKE DISTILLERY – BEER GARDEN - SEPTEMBER 21, 2013

Councilmember Sell introduced and moved for the adoption of Resolution No. 13-092; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE SALE AND CONSUMPTION OF BEER, WINE, AND DISTILLED SPIRITS AT A BEER GARDEN, BY CUT SPIKE DISTILLERY, AT HAUNTED HOLLOW, 12501 OLD GILES ROAD ON SEPTEMBER 21, 2013



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

**DRAFT**  
A.3

**PLANNING COMMISSION MINUTES**  
**AUGUST 15, 2013**

The City of La Vista Planning Commission held a meeting on Thursday, August 15, 2013, in the Harold "Andy" Anderson Council Chamber at La Vista City Hall, 8116 Park View Boulevard. Chairman Krzywicki called the meeting to order at 7:00 p.m. with the following members present: Tom Miller, Circo, Krzywicki, Malmquist, Gahan, Andsager, Alexander and Lowell Miller. Members absent were: Nielsen. Also in attendance were Christopher Solberg, City Planner, Ann Birch, Community Development Director, Rita Ramirez, Assistant City Administrator, and Jeff Calentine, Assistant to the City Administrator.

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

**1. Call to Order**

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

**2. Approval of Meeting Minutes – May 16, 2013 and July 15, 2013**

- a. Tom Miller moved, seconded by Malmquist to approve the May 16, 2013 and July 15, 2013 minutes as submitted. **Ayes:** Tom Miller, Krzywicki, Malmquist, Gahan, Andsager, Alexander and Lowell Miller. **Nays:** None. **Abstain:** Circo. **Absent:** Nielsen. **Motion Carried.** (7-0 with one abstaining)

**3. Old Business**

None.

**4. New Business**

**A. Public Hearing regarding the Capital Improvement Program 2014 - 2018**

- i. **Staff Report:** Ramirez explained this is the annual presentation of the Capital Improvement Plan for the city. She briefly reviewed the memo inside the manual. The purpose of the city's Capital Improvement Plan is to identify, prioritize and identify community needs through careful long-term planning. It is a planning guide only; it is reviewed on an annual basis and updated to reflect the changing needs of the community and the availability of financial resources. The CIP does not authorize or fund projects; that is done by the City Council. There are several carryover projects from FY2013 to 2014. Many projects are started or have other funding sources that need to be carried over. Some of these projects include the Hell Creek Channel improvements; the Giles Road traffic signal coordination which will not be done this year; new financial software; the Council Chamber technology upgrade; development and

implementation of an IT disaster recovery plan; the Thompson Creek project; and improvements to the intersection of 132<sup>nd</sup> and West Giles Road. Some of the new projects include funding for server infrastructure improvements; an update to the Comprehensive Plan, which is a big project that the Planning Commission will be heavily involved with next year; continued implementation of Vision 84; the third phase of replacing our 800 MHz radios; a couple street projects which include the installation of a traffic signal and turning bays at the intersection of 120<sup>th</sup> & Giles, and a traffic signal at Eastport Parkway & Harrison Street. In conjunction with the recently adopted Redevelopment Plan, a major project will begin to eliminate the blight and substandard conditions along 84<sup>th</sup> Street in 2015. Funding is proposed to come from a redevelopment levy of 2.6 cents and potentially an additional ½ cent sales tax. Council will be making a decision about the additional levy as they go through the budget process in the next 30 days. The Council has approved a resolution of intent which will put the City in a position to start working on the project in the CIP.

As an update on the Thompson Creek project, during this current year grant applications were submitted and approved from three different sources. Construction is scheduled to begin on channel improvements in FY2014.

Once again there is a lack of park improvement projects in the CIP. The City has completed the master plans for all existing parks however with the major redevelopment effort on 84<sup>th</sup> Street and the economic development priorities we are working on at Southport, there is a lack of funding for park improvement projects.

Some other projects have been moved to other years or divided between years, such as the 66<sup>th</sup> Street project and sports complex lighting.

As currently proposed project requests for FY2014 total about 2.5 million dollars. Funding comes from a variety of sources; sales tax funds about \$590,000, the lottery fund is \$450,000, the general fund is \$200,000, and grants, MAPA, and inter-agency transfers are the bulk of the funding at 1.2 million dollars.

Ramirez emphasized the CIP is a planning document and does not authorize or fund projects. The City Council takes the 2014 projects and considers them as part of their budget process, and what they approve becomes the capital budget.

State statute requires the Planning Commission to hold a public hearing on the plan and make a recommendation to the City Council.

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

Gahan asked about the 66<sup>th</sup> project and the future extension of the road to Cornhusker Road.

Ramirez explained there is a future plan to do that however due to other agencies, there is a modified version to do some resurfacing to keep it passable until we can get federal funding to do the larger project.

Circo asked if the Thompson Creek project will be completed in 2014.

Solberg stated this is a three year project and a lot of the work will be done in 2014. There are also a lot of public outreach projects which will be done in 2014.

Tom Miller stated a concern with the 96<sup>th</sup> Street and Robin Plaza traffic signal being moved to 2015 because of the Wal-Mart project.

Ramirez stated that was pushed back a year. The reason Eastport Parkway was in next year because Performance Auto was contributing one-half of the funding. It is all a matter of funding and the City is being conservative due to the recent sales tax issue.

Solberg stated it will be important to determine the traffic numbers when all the development in the area is open.

Tom Miller stated his concern is with safety since the speed limit has been moved up to 45 on 96<sup>th</sup> Street.

Krzywicki noted a correction to the range of the street numbers noted for the Harrison Street sidewalks.

Ramirez reviewed the sales tax issue which was mentioned briefly. The Commissioners may have heard about the issue and probably will see further legislative efforts being undertaken by the United Cities of Sarpy County. The City received a notice from the state that we must pay back 2.4 million dollars in sales tax revenues. The state enters into incentive agreements with businesses as they locate here however the City is not made aware of these agreements. Ultimately the business has up to three years to apply for a rebate to get the sales tax back. In the interim the state has given the City the sales tax. The City needs to know how much of the sales tax revenues given to the City are subject to a rebate and the City will set it aside. The state has indicated there is nothing statutorily that says they have to give the City this information.

Krzywicki asked if this is the City's 1.5 cent sales tax, how the state can dip into the City's share of the sales tax.

Ramirez also explained the .5 cent which is ear-marked by the voters every 10 years or so for La Vista projects. She stated the unknown is the problem and going forward, how much of the sales tax is the City's and how much they will take back.

Gahan stated he understands other cities have been hit the same way.

Ramirez explained the cities of Sydney and Omaha have also been hit with this same problem.

Krzywicki explained the need to pass a law so that if the state gives sales tax back it should come out of the state portion. The City is not brought into the decision.

Ramirez stated that we have some benefit to having a business in our jurisdiction and so should maybe have skin in the game, but tell us what it is.

Gahan stated he understands the state tax commissioner has stated he would support this legislation.

Ramirez explained yes he has said that publicly but his staff has not been as cooperative.

Circo asked how the sales tax has fluctuated over the years.

Ramirez stated the revenues have been fairly steady although about six months ago the City received over one million dollars, compared to 300,000 to 350,000 per month. In checking into it, the City decided to hold this money back due to a potential appeal by the business. This impacts the CIP and the City budget in the future.

- iii. **Public Hearing Closed:** Circo moved, seconded by Lowell Miller to close the public hearing. **Ayes:** Tom Miller, Circo, Krzywicki, Malmquist, Gahan, Andsager, Alexander and Lowell Miller. **Nays:** None. **Abstain:** None. **Absent:** Nielsen. **Motion Carried.** (8-0)
- iv. **Recommendation:** Malmquist moved, seconded by Circo to recommend approval of the Capital Improvement Plan for 2014 – 2018 with a correction to the Harrison Street sidewalk project. **Ayes:** Tom Miller, Circo, Krzywicki, Malmquist, Gahan, Andsager, Alexander and Lowell Miller. **Nays:** None. **Abstain:** None. **Absent:** Nielsen. **Motion Carried.** (8-0)

**B. Public Hearing regarding text amendments to Section 5.17 – Gateway Corridor District (Overlay District) and the Gateway Corridor Design Guidelines.**

- i. **Staff Report:** Solberg noted there were updates on the Commissioner's desks. He stated staff has been working to clarify the guidelines and streamline the process from submission to approval. He referred the Commissioners to the red-line copy of the document to identify the proposed changes.
- ii. **Public Hearing Opened:** Malmquist moved, seconded by Tom Miller to open the public hearing. **Ayes:** Tom Miller, Circo, Krzywicki, Malmquist, Gahan, Andsager, Alexander and Lowell Miller. **Nays:** None. **Abstain:** None. **Absent:** Nielsen. **Motion Carried.** (8-0)

No one was present to speak on this issue.

- iii. **Public Hearing Closed:** Malmquist moved, seconded by Alexander to close the public hearing. **Ayes:** Tom Miller, Circo, Krzywicki, Malmquist, Gahan, Andsager,

*Alexander and Lowell Miller. Nays: None. Abstain: None. Absent: Nielsen.  
Motion Carried. (8-0)*

Alexander noted a spelling correction to 5.17.05.01, item number 2 Building and Site Design, the word "shall" is miss-spelled.

Krzywicki asked about enforcement of the landscaping and replacement of the plants that have died.

Solberg stated there are plant warranty requirements and a maintenance section of the Zoning Ordinance, and noted Section 7.17.05.02.

Krzywicki asked about the "Dark Sky" rules and whether the existing lighting in the Gateway Corridor is compliant. He is concerned with customer traffic areas in the evening hours and if the business could be potentially liable because of this requirement. He noted that he dealt with this at his business.

Solberg explained the newer developments are complaint and the applicant submits a lighting plan with foot-candles noted to determine the level of lighting.

Krzywicki asked about the exterior finish requirement being at least 50 percent brick and some of the projects recently completed do not meet that requirement, such as the apartments and the Montessori preschool.

Birch noted these projects were not in the Gateway Corridor District at that time, that they were PUD's.

Krzywicki asked about the size restrictions for the monument signs and was concerned they were too plain and that corporate logos or colors would not qualify to be put on the sign.

Solberg stated we are looking at the structure of the sign and not the sign panel.

Lowell Miller asked how these standards compare to the Omaha By Design standards in order to make sure we are not at a competitive disadvantage when a business is looking to locate in the area.

Solberg stated he is not very familiar with those guidelines.

Circo asked if this district will be expanded throughout the City.

Solberg explained the district covers nearly every commercial property in the City and the ETJ, including west of 144<sup>th</sup> Street. There are future plans to implement a separate set of guidelines for Vision 84 along the 84<sup>th</sup> Street corridor.

Tom Miller asked about satellite dishes and how they are handled. He is concerned with the visibility of them and how many there will be on apartments.

Solberg noted Section 7.11.15.03 of the Zoning Ordinance regarding the number of dishes for multi-family residences however it may be outdated and should be reviewed.

Birch noted this may be an issue which should be reviewed as it applies to all districts and not just the Gateway Corridor Overlay District. She noted it may take some research in order to come back to the Commission with suggestions.

- iv. **Recommendation:** Gahan moved, seconded by Malmquist to recommend approval of the text amendments to Section 5.17 Gateway Corridor Overlay District and the Gateway Corridor Design Guideline booklet including the spelling change and the three additional pages in the handouts on the desks.  
**Ayes:** Tom Miller, Circo, Krzywicki, Malmquist, Gahan, Andsager, Alexander and Lowell Miller. **Nays:** None. **Abstain:** None. **Absent:** Nielsen. **Motion Carried.** (8-0)

#### C. Public Hearing regarding text amendments to Section 5.05 – Transitional Agriculture

- i. **Staff Report:** Solberg explained the intent statement of the Transitional Agricultural district was not appropriate for this type of city. Several additional minor revisions have been proposed in the district regulations as noted in their packet.
- ii. **Public Hearing Opened:** Malmquist moved, seconded by Circo to open the public hearing. **Ayes:** Tom Miller, Circo, Krzywicki, Malmquist, Gahan, Andsager, Alexander and Lowell Miller. **Nays:** None. **Abstain:** None. **Absent:** Nielsen. **Motion Carried.** (8-0)

No one was present to speak on this item.

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

Malmquist asked the reason for removing hospitals and nursing homes from the list of permitted uses.

Solberg explained this change has been needed for some time as it is more appropriate for these types of uses to be in a non-agricultural zone.

Malmquist stated she was in support of the changes to the statement of intent as it more adequately reflects what the transitional agriculture district is about. She also noted a change needed to the renumbering of the uses listed below hospitals and nursing homes.

- iv. **Recommendation:** Malmquist moved, seconded by Gahan to recommend approval of the changes to the Transitional Agriculture District regarding the statement of intent and changes to the permitted uses as proposed. **Ayes:** Tom Miller, Circo, Krzywicki, Malmquist, Gahan, Andsager, Alexander and Lowell Miller. **Nays:** None. **Abstain:** None. **Absent:** Nielsen. **Motion Carried.** (8-0)

**D. Public Hearing regarding amendments to the City of La Vista Comprehensive Plan – Future Land Use Map**

i. **Staff Report:** Solberg noted the changes to the Future Land Use Map include a change to the city limits due to a recent annexation, and a change to the property acquired through the Thompson Creek project to a designation of parks as the future land use.

Krzywicki noted this is a continuation of the public hearing from the July 15<sup>th</sup> meeting.

No one was present to speak on this item.

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

iii. **Recommendation:** Malmquist moved, seconded by Circo to recommend adoption of the amendments to the City of La Vista Future Land Use Map of the Comprehensive Plan to identify the new city limit boundaries and the amendment to the land use category for the recently acquired properties of the Thompson Creek project. **Ayes:** Tom Miller, Circo, Krzywicki, Malmquist, Gahan, Andsager, Alexander and Lowell Miller. **Nays:** None. **Abstain:** None. **Absent:** Nielsen. **Motion Carried.** (8-0)

**E. Public Hearing regarding amendments to the Zoning Map**

i. **Staff Report:** Solberg noted these changes were needed due to city limits changes due to the recent annexation.

Krzywicki noted this is a continuation of the public hearing from the July 15<sup>th</sup> meeting.

No one was present to speak on this item.

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

iii. **Recommendation:** Malmquist moved, seconded by Alexander to recommend adoption of the amendment to the City of La Vista Zoning Map to identify the new city limit boundaries as presented. **Ayes:** Tom Miller, Circo, Krzywicki, Malmquist, Gahan, Andsager, Alexander and Lowell Miller. **Nays:** None. **Abstain:** None. **Absent:** Nielsen. **Motion Carried.** (8-0)

**5. Comments from the Floor**

None.

**6. Comments from the Planning Commission**

Commissioners generally discussed the future of cable TV services. Solberg informed Commissioners of the Comprehensive Plan project in the upcoming fiscal year. Malmquist stated that Sarpy County was also embarking on a comprehensive plan project this next year. Solberg stated we would need to look at Sarpy County, Papillion and other jurisdictions because there are effects to us. There was discussion regarding agreements with jurisdictional boundaries.

**7. Adjournment**

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

Reviewed by Planning Commission:

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Planning Commission Secretary

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Planning Commission Chairperson

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Approval Date

City of La Vista  
Park & Recreation Advisory Committee Minutes  
August 21, 2013

A meeting of the Park and Recreation Advisory Committee for the City of LaVista convened in open and public session at 7:00 p.m. on August 21, 2013. Present were Recreation Director Scott Stopak, Assistant Director David Carlson, Program Coordinators Rich Carstensen and Ryan South. Advisory Board Chairperson Pat Lodes, Members Russ Wiig, Corey Jeffus, and Joe Juarez. Absent was Member Jeff Kupfer. Jeff Thornburg, Public Works, was also present.

A notice of the meeting was given in advance thereof by publication in the Papillion Times on August 15, 2013. Simultaneously given to the members of the Park and Recreation Advisory Committee and a copy of their acknowledgment of receipt of the notice are attached to the minutes. Availability of the agenda was communicated in the advance notice to the members of the Park and Recreation Advisory Committee of this meeting. All proceedings hereafter were taken while the convened meeting was open to attendance of the public. Further, all the subjects included in said proceedings were contained in the agenda for inspection within ten working days after said meeting, prior to the convened meeting of said body.

**CALL TO ORDER**

Recreation Director Scott Stopak called the meeting to order.

Recreation Director Stopak led the audience in the Pledge of Allegiance.

Recreation Director Stopak made an announcement of the location of the posted copy of the Open Meetings Act for public reference and read the Emergency Procedures Statement.

Recreation Director Stopak welcomed new Member Joe Juarez to the Park & Recreation Advisory Board. Joe was previously a 10 year member of the Board, and retired from the Fire Department after 11 years. Joe also coached soccer for La Vista for 20 years.

**A. CONSENT AGENDA**

Recreation Director Stopak asked for a motion to approve the minutes from the May 15, 2013 meeting. Motion made by Chairperson Lodes. Seconded by Member Wigg. Motion carried.

Stopak asked for a motion to approve the program information. Motion made by Chairperson Lodes. Seconded by Member Wiig. Motion carried.

**REPORTS FROM RECREATION DIRECTOR AND STAFF**

Director Stopak announced that pool hours were shortened beginning August 12. The pool is now open on Friday 4-8pm, Saturday and Sunday from 1-8pm. The pool will be open Monday, September 2 for Labor Day from 1-8pm, and that will be the last day. Stopak thanked the pool management and staff for the great job they did this summer.

A second reading of the budget was read at the City Council meeting on Tuesday, August 20. The last reading will be at the Council meeting on Tuesday, September 3. Everything the Recreation Department submitted has been approved so far.

Stopak gave the Board an update on the fixed route service from MAT bus. The City of La Vista is considering not funding the route. The City of Papillion is considering the same, as well as Ralston. This matter is being discussed, as well as whether it would affect the purchase of a new Special Services Bus. Rich Carstensen stated that the City of La Vista pays 17% of a new bus, and MAT pays 83%.

Tackle Football Cheerleading for ages 7-14 have begun practicing their routines for the first football game. We have 12 girls on our cheer team this season.

Fall Coed Baseball Clinic will once again be held this fall. In five, one-hour sessions held on Thursday evenings, children ages 3-6 will learn the basic skills of hitting, catching, pitching, teamwork and fun. We are currently taking registrations until August 17<sup>th</sup>. The season will begin on September 5<sup>th</sup>.

Youth Coed T-Ball for ages 5 & 6 will begin practicing in late May-early June. We have 6 teams and over 70 kids registered for t-ball this season which is nearly double the kids we had last year. T-ball will be played in house with games being held on Saturdays.

Program Coordinator South also informed the Board that the new city website was up and running as of August 9<sup>th</sup>. A focus group was formed to give ideas for the website, on which Chairperson Pat Lodes was part of.

South also said the contract for Activenet was signed on July 2<sup>nd</sup>. Activenet is the on-line registration program, as well as membership and facility booking. 10 days of training will begin in September for this and run into November. There is a launch date of December 1<sup>st</sup> for the on-line registration and membership portions of the program.

Assistant Director Karlson reported that the 4<sup>th</sup> season of the city's outdoor concert and movie nights were the biggest ever. This year food trucks were added to the venue. The last concert held had over 300 people.

Youth programs this summer included "Messy Squirts" in the park, Little Chef's and Jr. Chef's and the Dinosaur Egg Hunt. Also held was the 4<sup>th</sup> annual Bike Rodeo. Thank you to AAA Motor Club for donating bike helmets, and Oriental Trading for donating water bottles.

#### COMMENTS FROM THE FLOOR

No comment.

#### COMMENTS FROM COMMITTEE MEMBERS

No comment.

Member Juarez made a motion to adjourn. Seconded by Chairperson Lodes. Motion carried. Adjourned at 7:30 p.m.

CITY OF LAVISTA, NEBRASKA  
COMBINED STATEMENT OF REVENUES, EXPENDITURES  
AND CHANGES IN FUND BALANCE-ALL GOVERNMENTAL FUND TYPES  
For the eleven months ended August 30, 2013  
92% of the Fiscal Year

		General Fund			Debt Service Fund			Capital Fund				
		MTD Actual	YTD Actual	Overs/(Under) Budget	% of budget Used	Budget	MTD Actual	YTD Actual	Budget	MTD Actual	YTD Actual	Over/(Under) Budget
<b>REVENUES</b>												
Property Taxes	\$ 5,595,436	\$ 1,893,607	\$ 5,280,708	\$ (315,128)	94%	\$ 637,325	\$ 227,733	\$ 607,816	\$ (29,509)	\$ -	\$ -	\$ -
Sales and use taxes	2,013,082	314,148	3,701,600	1,667,618	182%	1,016,391	157,074	1,850,799	833,808	-	-	-
Payments in lieu of taxes	185,000	-	210,273	25,273	114%	-	-	25,748	25,748	-	-	-
State revenue	1,073,400	105,230	1,224,329	151,029	114%	-	-	-	-	-	-	-
Occupation and franchise taxes	750,400	72,658	836,000	86,000	111%	-	-	-	-	-	-	-
Hotel Occupation Tax	684,682	74,213	729,680	44,998	107%	-	-	-	-	-	-	-
Licenses and permits	418,750	45,955	437,316	18,566	104%	-	-	-	-	-	-	-
Interest income	10,000	836	12,300	2,300	123%	20,000	3,239	8,041	(11,959)	-	-	-
Recreation fees	124,000	26,828	169,441	36,441	129%	-	-	-	-	-	-	-
Special Services	24,590	1,843	20,943	(3,647)	85%	-	-	-	-	-	-	-
Grant Income	179,665	5,431	180,387	722	100%	-	-	-	-	-	-	-
Other	380,348	71,614	1,522,699	190,994	99%	99,3450	72,689	170,807	95,218	782,790	(547,860)	(547,860)
<b>Total Revenues</b>	<u>1,188,1153</u>	<u>2,612,563</u>	<u>14,216,676</u>	<u>2,435,523</u>	<u>120%</u>	<u>2,667,766</u>	<u>2,777,742</u>	<u>718,667</u>	<u>109,977</u>	<u>95,218</u>	<u>782,790</u>	<u>64,123</u>
<b>EXPENDITURES</b>												
Current:												
Mayor and Council	176,706	9,406	79,139	(97,567)	45%	-	-	-	-	-	-	-
Boards & Commissions	12,250	695	6,060	(6,290)	49%	-	-	-	-	-	-	-
Public Buildings & Grounds	562,487	40,023	405,156	(157,331)	72%	-	-	-	-	-	-	-
Administration	836,777	93,415	768,163	(68,614)	92%	90,000	2,244	13,737	(76,263)	-	-	-
Police and Animal Control	3,989,138	413,196	3,540,406	(448,732)	89%	-	-	-	-	-	-	-
Fire	567,219	49,127	406,044	(161,175)	72%	-	-	-	-	-	-	-
Community Development	673,722	50,341	479,387	(194,265)	71%	-	-	-	-	-	-	-
Public Works	3,204,843	323,400	2,649,251	(555,592)	83%	-	-	-	-	-	-	-
Recreation	659,488	88,854	547,284	(112,204)	83%	-	-	-	-	-	-	-
Library	679,093	63,574	570,488	(108,605)	84%	-	-	-	-	-	-	-
Human Resources	454,611	13,233	418,496	(36,115)	92%	-	-	-	-	-	-	-
Special Services & Tri-City Bus	93,684	7,488	61,982	(31,702)	66%	-	-	-	-	-	-	-
Capital Outlay	215,500	-	169,489	(46,011)	79%	-	-	-	-	-	-	-
Debt service (Warrants)	-	-	-	-	-	-	-	-	-	-	-	-
Principal	-	-	-	-	-	-	-	-	-	-	-	-
Interest	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total Expenditures</b>	<u>12,125,618</u>	<u>1,158,253</u>	<u>10,101,316</u>	<u>(2,034,362)</u>	<u>83%</u>	<u>2,565,000</u>	<u>903,307</u>	<u>2,810,174</u>	<u>245,174</u>	<u>782,790</u>	<u>(1,198,294)</u>	<u>(1,198,294)</u>
<b>EXCESS OF REVENUES OVER (UNDER) EXPENDITURES</b>	<u>(244,465)</u>	<u>1,454,309</u>	<u>4,215,359</u>	<u>(4,459,825)</u>	<u>-1724%</u>	<u>(790,541)</u>	<u>458,491</u>	<u>(842,177)</u>	<u>51,636</u>	<u>(1,262,417)</u>	<u>(0)</u>	<u>(1,262,417)</u>
<b>OTHER FINANCING SOURCES (USES)</b>												
Operating transfers in (out)	(1,237,630)	-	-	-	-	(109,369)	-	-	109,369	1,262,417	-	(1,262,417)
Bond/registered warrant proceeds	<u>(1,237,630)</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>(109,369)</u>	<u>-</u>	<u>-</u>	<u>109,369</u>	<u>1,262,417</u>	<u>-</u>	<u>(1,262,417)</u>
<b>Total other Financing Sources (Uses)</b>	<u>\$ (4,482,095)</u>	<u>\$ 1,454,309</u>	<u>\$ 4,215,359</u>	<u>\$ (5,697,455)</u>	<u>-</u>	<u>\$ (89,910)</u>	<u>\$ 458,491</u>	<u>\$ (842,177)</u>	<u>\$ (57,733)</u>	<u>\$ (0)</u>	<u>\$ (0)</u>	<u>\$ 0</u>
<b>EXCESS OF REVENUES AND OTHER FINANCING SOURCES OVER (UNDER) EXPENDITURES AND OTHER FINANCING USES</b>	<u>\$ 9,607,344</u>	<u>\$ 5,392,485</u>	<u>\$ 3,458,307</u>	<u>\$ 3,458,307</u>	<u>-</u>	<u>\$ 3,619,919</u>	<u>3,619,919</u>	<u>\$ 5,162,756</u>	<u>\$ 161,613</u>	<u>\$ 951,084</u>	<u>-</u>	<u>\$ 4,370,609</u>
<b>FUND BALANCES, BEGINNING OF THE YEAR</b>	<u>\$ 660,518</u>	<u>\$ 660,518</u>	<u>\$ 660,518</u>	<u>\$ 660,518</u>	<u>-</u>	<u>\$ 660,518</u>	<u>\$ 660,518</u>	<u>\$ 660,518</u>	<u>\$ 660,518</u>	<u>\$ 660,518</u>	<u>\$ 660,518</u>	<u>\$ 660,518</u>
<b>FUND BALANCES, END OF PERIOD</b>	<u>\$ 660,518</u>	<u>\$ 660,518</u>	<u>\$ 660,518</u>	<u>\$ 660,518</u>	<u>-</u>	<u>\$ 660,518</u>	<u>\$ 660,518</u>	<u>\$ 660,518</u>	<u>\$ 660,518</u>	<u>\$ 660,518</u>	<u>\$ 660,518</u>	<u>\$ 660,518</u>

A.5

**CITY OF LAVISTA**  
**COMBINED STATEMENT OF REVENUES, EXPENDITURES**  
**AND CHANGES IN FUND BALANCE-PROPRIETARY FUNDS**  
**BUDGET AND ACTUAL**  
For the eleven months ended August 30, 2013  
92% of the Fiscal Year

	Sewer Fund			Golf Course Fund		
	Budget	MTD Actual	YTD Actual	Budget	MTD Actual	YTD Actual
<b>REVENUES</b>						
User fees	\$ 2,395,988	\$ 366,979	\$ 2,140,574	\$ (255,414)	\$ 183,000	\$ 32,912
Service charge and hook-up fees	125,000	1,700	141,349	16,349	-	-
Merchandise sales	-	-	-	-	34,400	7,459
Grant	-	-	24,082	24,082	-	-
Miscellaneous	200	22	842	632	300	48
<b>Total Revenues</b>	<b>2,521,188</b>	<b>368,701</b>	<b>2,306,847</b>	<b>(214,341)</b>	<b>217,700</b>	<b>40,420</b>
<b>EXPENDITURES</b>						
General Administrative	489,982	51,022	436,413	(53,569)	89%	-
Cost of merchandise sold	2,088,906	59,187	1,238,574	(850,332)	59%	29,704
Maintenance	-	-	-	-	163,461	5,643
Production and distribution	-	-	36,000	(4,000)	90%	148,840
Capital Outlay	40,000	-	-	-	14,000	17,541
Debt Service:	-	-	-	-	-	124,113
Principal	-	-	-	-	-	13,716
Interest	-	-	-	-	-	349
<b>Total Expenditures</b>	<b>2,618,888</b>	<b>110,269</b>	<b>1,710,987</b>	<b>(907,901)</b>	<b>65%</b>	<b>496,088</b>
<b>OPERATING INCOME (LOSS)</b>	<b>(97,700)</b>	<b>258,492</b>	<b>595,860</b>	<b>(693,560)</b>	<b>-</b>	<b>41,870</b>
<b>NON-OPERATING REVENUE (EXPENSE)</b>						
Interest income	5,000	53	2,289	(2,711)	46%	25
	5,000	53	2,289	(2,711)	46%	25
<b>INCOME (LOSS) BEFORE OPERATING TRANSFERS</b>	<b>(92,700)</b>	<b>258,545</b>	<b>593,149</b>	<b>(690,849)</b>	<b>-</b>	<b>(268,363)</b>
<b>OTHER FINANCING SOURCES (USES)</b>						
Operating transfers in (out)	-	-	-	-	-	265,000
<b>NET INCOME (LOSS)</b>	<b>\$ (92,700)</b>	<b>\$ 258,545</b>	<b>\$ 593,149</b>	<b>\$ (690,849)</b>	<b>\$ (3,363)</b>	<b>\$ (1,442)</b>
<b>NET ASSETS, Beginning of the year</b>						<b>\$ 214,794</b>
						<b>\$ 357,613</b>
<b>NET ASSETS, End of the year</b>						<b>\$ 139,456</b>
						<b>\$ 6,317,493</b>



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

*A.6*  
**INVOICE**

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

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

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

Invoice number 100766  
Date 08/28/2013  
Project 0171-409 LILLIAN & JAMES  
INTERSECTION

Professional Services from June 3, 2013 through August 11, 2013

P. O. #13-0097

Description	Current Billed
Construction Materials Testing and Special Inspections-see other side for detail	1,256.25
Total	1,256.25

Invoice total **1,256.25**

**Aging Summary**

Invoice Number	Invoice Date	Outstanding	Current	Over 30	Over 60	Over 90	Over 120
100766	08/28/2013	1,256.25	1,256.25				
	Total	1,256.25	1,256.25	0.00	0.00	0.00	0.00

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

*O.K. to pay  
05.71.0864.03  
eMK  
9/3/2013*

*Consent Agenda 9/17/13*

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

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

August 28, 2013

Invoice #  
100766**INVOICE**

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

Project No. 171-409

Lillian and James Intersection

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Professional Services from June 3, 2013 thru August 11, 2013

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P. O. #13-0097

**Construction Materials Testing and Special Inspections**

	<u>Hours</u>	<u>Rate</u>	<u>Total</u>
Construction Observer	13.75	\$ 55.00	\$ 756.25
Mileage	235	\$ 0.80	\$ 188.00
Subconsultant - Thiele Geotech			\$ 312.00

**Total Invoice Amount    \$ 1,256.25**



Mail Payments to:  
 PO Box 911704  
 Denver, CO 80291-1704  
 303.721.1440 • 303.721.0832 fax

August 19, 2013  
 Project No: 113112-01  
 Invoice No: 10078

Mr. John Kottmann, PE  
 City Engineer  
 City of La Vista  
 8116 Park View Blvd  
 La Vista, NE 68128

Project 113112-01 Hell Creek Channel Improvements Phase II  
 CIP Project No. PWST-13-010

Professional Services for the Period: July 01, 2013 to July 31, 2013

Phase 001 Survey

**Professional Personnel**

		Hours	Rate	Amount
GIS Specialist II Ornelas, Megan		5.00	90.00	450.00
GIS Specialist I Lebov, Todd		6.25	80.00	500.00
Labor		11.25		950.00
<b>Total Labor</b>				<b>950.00</b>
				<b>Phase Sub-Total</b>
				<b>\$950.00</b>

Phase 002 Wetlands and Permitting

**Professional Personnel**

		Hours	Rate	Amount
Env Scientist/Planner IV Baumert, Anthony		19.50	120.00	2,340.00
GIS Specialist II Ornelas, Megan		4.00	90.00	360.00
GIS Specialist I Lebov, Todd		8.00	80.00	640.00
Labor		31.50		3,340.00
<b>Total Labor</b>				<b>3,340.00</b>
				<b>Phase Sub-Total</b>
				<b>\$3,340.00</b>

Phase 003 Preliminary Design

**Professional Personnel**

		Hours	Rate	Amount
Engineer V Lampe, David		23.00	135.00	3,105.00
Engineer II Palik, Joshua		7.00	90.00	630.00
Engineer I Joy, Stacey		42.00	80.00	3,360.00
Administrative Strub, Mary		.25	80.00	20.00
Labor		72.25		7,115.00
<b>Total Labor</b>				<b>7,115.00</b>

Project	113112-01	Hell Creek Channel Improvements Phase II	Invoice	10078
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Phase Sub-Total	\$7,115.00
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Phase ODC Other Direct Costs

**Reimbursable Expenses**

Mileage	109.61
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<b>Total Reimbursables</b>	<b>109.61</b>	<b>109.61</b>
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**In-House Units**

B&W Printing	54.0 B&W Prints @ 0.08	4.32
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Color Printing	24.0 Prints @ 0.19	4.56
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Plotting Materials	103.89 SF @ 0.24	24.93
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<b>Total In-House</b>	<b>33.81</b>	<b>33.81</b>
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<b>Phase Sub-Total</b>	<b>\$143.42</b>
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Phase SUBS Subconsultants

**Subconsultants**

Big Muddy Workshop, Inc	792.16
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Olsson Associates	10,489.95
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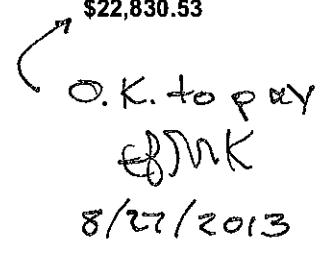
<b>Total Subconsultants</b>	<b>11,282.11</b>	<b>11,282.11</b>
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<b>Phase Sub-Total</b>	<b>\$11,282.11</b>
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**TOTAL AMOUNT DUE**

**\$22,830.53**

**Billed-To-Date Summary**

	Current	Prior	Total	
Labor	11,405.00	12,217.50	23,622.50	
Subconsultant	11,282.11	12,925.68	24,207.79	
Expense	109.61	146.08	255.69	
In-House	33.81	14.44	48.25	
<b>Totals</b>	<b>22,830.53</b>	<b>25,303.70</b>	<b>48,134.23</b>	<b>05.71.0865.02</b>

Project Manager David Lampe

*Consent Agenda 9/17/13*



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

A.8  
INVOICE

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

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

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

Invoice number 100765  
Date 08/28/2013  
Project 0171-407 2013 STORM SEWER INLET  
REPAIR

Professional Services from April 22, 2013 through August 11, 2013

P. O. #13-0097

see other side for detail

Description	Current Billed
<b>Surveying Services - Construction Staking</b>	297.25
<b>Construction Materials Testing/Special Inspections</b>	1,342.70
<b>Total</b>	<b>1,639.95</b>

Invoice total 1,639.95

**Aging Summary**

Invoice Number	Invoice Date	Outstanding	Current	Over 30	Over 60	Over 90	Over 120
100765	08/28/2013	1,639.95	1,639.95				
	Total	1,639.95	1,639.95	0.00	0.00	0.00	0.00

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

O.K. to pay  
05.71.0862.03  
efmk  
9/3/2013

Consent Agenda 9/17/13

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

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

August 28, 2013

Invoice #  
100765**INVOICE**

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

Project No. 171-407

2013 Storm Sewer Inlet Repair

Professional Services from April 22, 2013 thru August 11, 2013

P. O. #13-0097

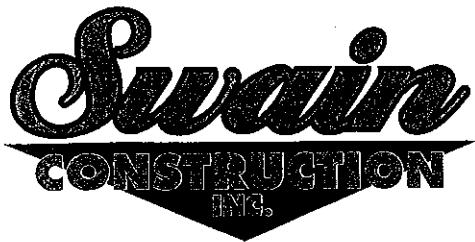
**Construction Staking**

	<u>Hours</u>	<u>Rate</u>	<u>Total</u>
Survey Principal	0.25	\$ 135.00	\$ 33.75
Reg Land Surveyor	0.75	\$ 100.00	\$ 75.00
2 Person Survey Crew	1.25	\$ 138.00	\$ 172.50
Mileage	20	\$ 0.80	\$ 16.00
			<hr/> \$ 297.25

**Construction Materials Testing and Special Inspections**

	<u>Hours</u>	<u>Rate</u>	<u>Total</u>
Sr Eng Tech	7	\$ 65.00	\$ 455.00
Construction Observer	5.5	\$ 55.00	\$ 302.50
Mileage	104	\$ 0.80	\$ 83.20
Subconsultant - Thiele Geotech			\$ 502.00
			<hr/> \$ 1,342.70

**Total Invoice Amount    \$ 1,639.95**



A.9

6002 NORTH 89TH CIRCLE  
OMAHA, NE 68134  
(402) 571-1110  
FAX: (402) 571-3667

City of La Vista  
ATTN: John Kottman  
Public Works Department  
9900 Portal Road  
La Vista, NE 68128

RE: Lillian & James Intersection Reconstruction

DATE: 08/26/13  
ESTIMATE #: 1  
INVOICE #: 21411  
JOB #: L13177

ITEM #	DESCRIPTION	CONTRACT QUANTITY	UNIT	UNIT PRICE	QUANTITY TO DATE	TOTAL PRICE
1	Remove Existing Pavement (Sawcut Included)	580.00	SY	6.27	563.00	3,530.01
2	Remove Existing Sidewalk (Sawcut Included)	900.00	SF	0.96	900.00	864.00
3	Subgrade Preparation (See Special Provisions)	200.00	CY	34.85	187.70	6,541.35
4	Adjust Water Valve	1.00	EA	159.00	1.00	159.00
5	Adjust Manhole	1.00	EA	265.00	1.00	265.00
6	Remove & Re-Install Stop Sign	4.00	EA	176.00	0.00	0.00
7	Construct 9" Concrete Pavement, Type L65	580.00	SY	46.15	563.00	25,982.45
8	Construct 6" Concrete Curb Ramp, Type L6	280.00	SF	7.21	256.00	1,845.76
9	Construct 6" Imprinted Concrete, Type L6	40.00	SF	9.91	29.00	287.39
10	Construct 4" Concrete Sidewalk, Type L6	630.00	SF	4.02	721.00	2,898.42
11	Tie Bars, Drilled & Grouted	40.00	EA	5.37	40.00	214.80
12	Furnish & Install Detectable Warning Panels	64.00	SF	15.40	64.00	985.60
13	Sodding	120.00	SY	6.45	0.00	0.00
Change Order #1						
1	Remove Pavement (Sawcut Included)	384.90	SY	6.27	384.90	2,413.32
2	Subgrade Preparation	128.30	CY	34.85	128.30	4,471.26
3	Adjust Manhole	1.00	EA	265.00	1.00	265.00
4	Construct 9" Concrete Pavement, Type L65	384.90	SY	46.15	384.90	17,763.14
5	Tie Bars, Drilled & Grouted	100.00	EA	5.37	100.00	537.00
6	Sodding	500.00	SY	6.45	0.00	0.00
7	Sprinkler Repair	1.00	EA	258.78	1.00	258.78

WORK COMPLETED TO DATE	69,282.28
LESS RETAINAGE 10%	6,928.23
WORK COMPLETED LESS RETAINAGE	62,354.05
TOTAL PAID PREVIOUS ESTIMATES	0.00
AMOUNT OWED THIS PAY ESTIMATE	62,354.05

O.K. to pay  
05.71.0864.03

gMK  
9/3/2013

Note: This is a  
progress billing and  
not a final bill



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

INVOICE

A.10

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

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

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

Invoice number 100969  
Date 09/09/2013  
Project 0171-408 THOMPSON CREEK PHASE 1

Professional Services from July 29, 2013 through August 25, 2013

P.O. #13-0097

Description	Current Billed
Task A-Project Start-up	9,029.75
Task B-Design Development	30,910.08 *
Task C-Construction Documentation	0.00
Task D-Phase 2 Grant Acquisition	1,543.75 *
Task E-Pre-Construction Monitoring	7,570.00
Total	49,053.58

Invoice total 49,053.58

Aging Summary

Invoice Number	Invoice Date	Outstanding	Current	Over 30	Over 60	Over 90	Over 120
100969	09/09/2013	49,053.58	49,053.58				
	Total	49,053.58	49,053.58	0.00	0.00	0.00	0.00

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

O.K. to pay  
\* 30,910.08 + \* 1,543.75 = \* 32,453.83 + 05.71.0855.02  
\* 9,029.75 + \* 7,570.00 = \* 16,599.75 + 05.71.0871.02  
JMK 9/9/2013

Consent Agenda 9/17/13



League of Nebraska Municipalities  
1335 L Street  
Lincoln, NE 68508  
402-476-2829

231

A.11 **Invoice**

Date	Invoice #
8/7/2013	9055

Bill To
City of La Vista Clerk 8116 Park View Blvd. La Vista, NE 68128-2198

P.O. No.	Terms
	Net 30

Quantity	Description	Rate	Amount
	League of Nebraska Municipalities Membership Dues September 1, 2013 through August 31, 2014	33,867.00	33,867.00
AUG 8 2013			
	Consent Agenda 9/17/13 01.11.0310		
		<b>Total</b>	\$33,867.00

Please send a copy of this invoice with your payment.

*Mark B*

**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**SEPTEMBER 17, 2013 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
THOMPSON CREEK WATERSHED RESTORATION-PRE-CONSTRUCTION WATER QUALITY MONITORING AGREEMENT	◆ RESOLUTION ORDINANCE RECEIVE/FILE	JOHN KOTTMANN CITY ENGINEER/ASSISTANT PUBLIC WORKS DIRECTOR

**SYNOPSIS**

A resolution has been prepared approving an agreement with the University of Nebraska at Omaha for pre-construction water quality monitoring services for the Thompson Creek Watershed Restoration and authorizing the City Administrator to sign said agreement for an amount not to exceed \$11,441.

**FISCAL IMPACT**

The Sewer Fund Budget provides funding for these services.

**RECOMMENDATION**

Approval

**BACKGROUND**

The City submitted a grant application to the Nebraska Department of Environmental Quality (NDEQ) in the fall of 2012 for funding of the Thompson Creek Watershed Restoration Project. The award of the grant for EPA Section 319 Non-Point Source funds through the NDEQ required the preparation of a Quality Assurance Protocol Plan (QAPP). Within the QAPP is a requirement to conduct pre-construction monitoring of water quality and water quantity as well as to conduct post-construction monitoring of water quality and water quantity. The purpose of the monitoring is to demonstrate successful implementation of watershed management.

Through participation in the Papillion Creek Watershed Partnership we learned of the opportunity to work with UNO to conduct these services. These services can be provided at a lower cost through UNO than through the private sector. This will also provide an opportunity to develop a long term relationship with UNO to provide assistance in watershed management which is expected to be an increasing requirement based on anticipated storm water regulations to come from the EPA.

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, APPROVING AN AGREEMENT WITH THE UNIVERSITY OF NEBRASKA AT OMAHA (UNO) FOR PRE-CONSTRUCTION WATER QUALITY MONITORING SERVICES FOR THE THOMPSON CREEK WATERSHED RESTORATION AND AUTHORIZING THE CITY ADMINISTRATOR TO SIGN SAID AGREEMENT FOR AN AMOUNT NOT TO EXCEED \$11,441.

WHEREAS, the City Council of the City of La Vista has determined that water quality monitoring services are required as part of the conditions of obtaining EPA Section 319 grant funds for the Thompson Creek Watershed Management project through the Nebraska Department of Environmental Quality (NDEQ); and

WHEREAS, services can be provided at a lower cost through UNO than through the private sector; and

WHEREAS, the Sewer Fund Budget provides funding for these services; 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 approve an agreement with the University of Nebraska at Omaha for pre-construction water quality monitoring services for the Thompson Creek Watershed Restoration and authorizing the City Administrator to sign said agreement for an amount not to exceed \$11,441.

PASSED AND APPROVED THIS 17TH DAY OF SEPTEMBER, 2013.

CITY OF LA VISTA

---

Douglas Kindig, Mayor

ATTEST:

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Pamela A. Buethe, CMC  
City Clerk

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
SEPTEMBER 17, 2013 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
PROFESSIONAL SERVICES AGREEMENT — ALLIXA CONSULTING, INC. - AMENDED	◆ RESOLUTION ORDINANCE RECEIVE/FILE	BRENDA S. GUNN CITY ADMINISTRATOR

**SYNOPSIS**

A resolution has been prepared to approve an amended professional services agreement with Allixa Consulting, Inc., of Maitland, FL for an audit of the Telecommunications Occupation Taxes and franchise fees collected by the City.

**FISCAL IMPACT**

Contingency fee basis. City will pay 35% of the gross amount of any payments for retroactive, current, or prospective funds for up to two (2) years. The City will pay 45% if Allixa is obligated to hire and pay for an attorney for collection action.

**RECOMMENDATION**

Approval.

**BACKGROUND**

City Council approved the professional services agreement with Allixa Consulting, Inc., of Maitland, FL at the July 2, 2013 meeting.

The original agreement did not have language for the review of franchise fees and this has created an obstacle in obtaining that information.

There are no changes to the fees. Changes, which are redlined, are on pages 1 and 2 of the agreement.

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, APPROVING AN AMENDED PROFESSIONAL SERVICES AGREEMENT WITH ALLIXA CONSULTING, INC., MAITLAND FLORIDA ON A CONTINGENCY FEE BASIS.

WHEREAS, the City Council of the City of La Vista has determined that an audit of the Telecommunications Occupation Taxes collected by the City is necessary; and

WHEREAS, the City Council has determined that it is necessary to amend the agreement to add franchise fees collected by the City; and

WHEREAS, Allixa Consulting, Inc. has provided a proposal to prepare such an audit; 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 approve an amended agreement with Allixa Consulting, Inc., Maitland, Florida, on a contingency fee basis and the Mayor hereby is, authorized to execute same on behalf of the City in form and content satisfactory to the City.

PASSED AND APPROVED THIS 17TH DAY OF SEPTEMBER, 2013.

CITY OF LA VISTA

---

Douglas Kindig, Mayor

ATTEST:

---

Pamela A. Buethe, CMC  
City Clerk

**ALLIXA CONSULTING, INC.**  
**CONTINGENT FEE PROFESSIONAL SERVICES AGREEMENT**  
**(AMENDED)**

This Professional Services Agreement ("Agreement") is made and entered into by and between Allixa Consulting, Incorporated, a Florida corporation having its principal place of business at 1003 Kewanee Trail, Maitland FL 32751 ("Allixa"), and the City of La Vista, 210 West Mission Ave, La Vista, Nebraska 68005 (the "City").

**Section 1 - Scope of Services**

1. Allixa is pleased to confirm our understanding of the nature and limitations of the services we will provide to the City. Subject to the following terms and conditions, Allixa shall provide professional consulting services ("Services") in substantial accordance with the following statements.
2. Allixa has been hired to review the telecommunication occupation tax payments and franchise fees (collectively the "payments") paid by five-six (56) of the telecommunication providers and by Cox Communications (collectively) the ("Companies") maintained in the City's right-of-way for the five (5) years ended June 30, 2013. A list of the Companies is included as Attachment A. Allixa will identify the ~~telecommunication occupation tax~~ payments (~~"payments"~~) previously paid to the City, and prioritize the reviews based on the dollar amount of annual payments to the City. Allixa and the City will then determine which Companies should be reviewed.
3. The purpose of each review is to analyze the payments and determine whether any additional amounts are due to the City for underpayment or nonpayment of past, present, and future payments, or any other monies or revenue owed to the City that were not properly attributed to the City. Allixa will perform the following procedures for each review:
  - a. Contact City's staff and obtain documentation required to kick-off the project.
  - b. If required, execute a non-disclosure agreement with the Company in order to obtain any documentation deemed confidential.
  - c. Prepare an initial data request for the City and each of the Company requesting information related to the review period. During the course of the project, if needed, prepare and submit additional data requests to the Company.
  - d. Provide to the City status updates/meetings concerning each review on a regular basis via phone, email, or in person throughout the course of these projects.
  - e. Review the City's ordinances, municipal code, federal and Nebraska state law, franchise agreements and contracts between City and the Company to analyze the definition of revenues and to determine whether or not there are additional amounts due to the City.
  - f. Verify whether the Company's reported ~~taxable~~-revenues utilize a consistent methodology during the review period and in accordance with the City's Municipal Code.
  - g. Identify any exempt revenues and determine if it meets the City's requirements for exempt status.
  - h. Identify each revenue type or source that the Company did not include in the determination of the amounts remitted to the City during the review period.

**ALLIXA CONSULTING, INC.**  
**CONTINGENT FEE PROFESSIONAL SERVICES AGREEMENT**  
**(AMENDED)**

- i. Summarize the ~~taxable~~-revenues reported by the Company to the City, and reconcile the ~~taxable~~-revenues to the payments to the City.
- j. Submit draft and final reports to the City. The reports will include the determination of any underpayment or nonpayment and any applicable interest charges and fees.
- k. Assist City with collection and negotiation of amount due to the City as a result of the review.

**Section 2 – Resource Commitment from the City**

- 4. The City agrees to cooperate with Allixa and agrees to provide Allixa with copies of the following documentation in order to proceed with each review: 1) ordinance, municipal code, franchise agreement, and transfer agreement; 2) rate cards and fee schedules; 3) copies of payments and any supporting documentation; 4) true-up and/or settlement payments; 5) relevant correspondence related to the payments; and 6) any other relevant information that may impact our analysis.
- 5. The City shall designate Allixa as an authorized agent for the purposes of authorizing Allixa to work with the Companies and Nebraska Department of Revenue when or if necessary.
- 6. Allixa will require full access to City records and Company records to complete these reviews and City will use its authority as necessary to provide information and procure data from Companies.
- 7. The City, at its sole cost, agrees to provide reasonable facilities, if needed, for Allixa staff to work on the City's premises as may be required for the performance of the Services set forth in this Agreement.
- 8. The City, at its sole cost, will assign a designated employee to be the primary contact during the review process. The designated employee will also be the final decision maker for the City as it relates to the reviews, and will be in contact with Allixa staff on a regular basis.
- 9. The City's staff will be available for meetings and participation with the Companies, if needed, to properly verify tax records and recover funds. Lack of participation of City staff, especially at critical milestones during a review, may adversely affect the project timeline and successful recovery of funds.
- 10. City understands that each Company is a separate entity that is not controlled by Allixa and therefore Allixa cannot predict all the steps or actions that a Company will take to limit its responsibility or accountability during the review.

**Section 3 – Timeline and Schedule**

- 11. The first review start date is expected to be within thirty (30) days from the date of this Agreement unless changed and approved by the City. Review status updates/meetings will be held regularly via phone or email throughout the course of the reviews between Allixa and the City.
- 12. Each review is expected to last at least six (6) months. Each subsequent review will begin after payment terms and obligations have been met from previously completed reviews,

**ALLIXA CONSULTING, INC.**  
**CONTINGENT FEE PROFESSIONAL SERVICES AGREEMENT**  
**(AMENDED)**

and Allixa has received final payment from the City. However, overlapping reviews may take place at the sole discretion of Allixa. Timelines are set at the sole discretion of Allixa. The above time estimate assumes a timely and complete response from the Company. If data is incomplete or not provided timely, it may impact our anticipated schedule. We will notify the City if our schedule is affected.

**Section 4 - Payment Terms**

13. City shall compensate Allixa with the fees set forth in this Agreement on a contingency basis. All contingency fees paid to Allixa are based on the gross amount of either a negotiated settlement by Allixa and agreed to by the City or on an order or decision of a court or other adjudicated tribunal. The City will pay Allixa within ten (10) days of receipt of any payments remitted to and collected by the City as a result of any work performed by Allixa, whether or not the project has been completed.
14. The City and Allixa agree and understand that the gross amounts received by the City from the Company may be the result of negotiations between the City, Allixa and the Company. The negotiated settlement may be a different gross amount than was quantified in any report prepared by Allixa. Allixa has the right to review and evaluate any payments received from the Company to verify that Allixa has received its correct contingency fee.
15. If City negotiates, abates, cancels, amends, or waives, without Allixa's written consent, any right to payment or other consideration, the City shall pay to Allixa applicable contingency fees for the total said review determination at the rates set forth below and for the following sixty (60) months. If City later implements during the subsequent sixty (60) months any action the City initially declined based on Allixa's findings, including for reviews identified on Attachment A, Allixa will be entitled to its portion of the savings and/or recoveries over the following sixty (60) months at the contingency fee rates set forth in 16 and 17 below.
16. Contingency Fees without Attorney Costs – If the City elects to incur the costs associated with hiring either an in-house or outside attorney to assist the City and Allixa in recovering any monies, the City shall pay Allixa a contingency fee equal to thirty-five (35) percent of the gross amount of any payments for retroactive, current, or prospective funds for up to two (2) years, and fair market value for any other consideration or compensation recovered for or by the City from any reviewed Company. The City may not reflect the costs associated with hiring an attorney or any other costs in determining the amount due to Allixa.
17. Contingency Fees with Attorney Costs - If Allixa is obligated to hire and pay for an attorney for collection action, the City shall pay Allixa a contingency fee equal to forty-five (45) percent of the gross amount of any payments for retroactive, current, or prospective funds for up to two (2) years, and fair market value for any other consideration or compensation recovered for or by the City from any reviewed Company.
18. If payment of all or any part of the gross amount to be received will be deferred (such as in the case of an annuity, a structured settlement, or periodic payments), the "total gross amount received," for purposes of calculating Allixa's contingency fees, will be the initial lump-sum payment plus the present value, as of the time of the settlement, final arbitration award, or final judgment, of the gross amount of payments to be received thereafter. If the

**ALLIXA CONSULTING, INC.**  
**CONTINGENT FEE PROFESSIONAL SERVICES AGREEMENT**  
**(AMENDED)**

payment is insufficient to pay Allixa's fees in full, the balance will be paid from subsequent payments of the recovery before any distribution to the City.

**Section 5 - Confidential Information**

19. Each party acknowledges that either party may have access to information belonging to the other which is proprietary, private and highly confidential ("Confidential Information"). Each party, on behalf of itself and its employees, agrees not to disclose to any third party any Confidential Information to which it may have access while performing its obligations hereunder without the written consent of the disclosing party. Confidential Information does not include: (i) written information legally acquired by either party prior to the negotiation of this Agreement, (ii) information which is or becomes a matter of public knowledge, (iii) information released under the Freedom of Information Act, and (iv) information which is or becomes available to the recipient party from third parties where such third parties have no confidentiality obligations to the disclosing party.

**Section 6 - Termination**

20. This Agreement shall be effective from the date first written above and shall continue thereafter until terminated upon 30 days written notice by City or Allixa. Termination for any cause or under any provision of this Agreement shall not prejudice or affect any right of action or remedy which shall have accrued or shall thereafter accrue to either party. The provisions set forth above in Section 4 (Payment Terms), Section 5 (Confidential Information), and below in Section 9 (Assignment) shall survive termination of this Agreement.

**Section 7 – Ownership of Materials**

21. All work performed by Allixa with respect to the Services or any supporting or related documentation shall be owned by Allixa. Upon completion of the Work, or upon termination of this Agreement pursuant to Section 6 of this Agreement, all products and materials, including software, collected and prepared by Allixa pursuant to this Agreement, shall remain the property of Allixa.

**Section 8 – Notices**

22. Any notice made in accordance with this Agreement shall be sent by certified mail or by overnight express mail:

if to Allixa Consulting, Inc.:

Garth Ashbaugh  
Allixa Consulting, Inc.  
1003 Kewanee Trail  
Maitland, FL 32751

if to the City:

Brenda S. Gunn  
City Administrator  
City of La Vista  
8116 Park View Boulevard  
La Vista, NE 68128

**ALLIXA CONSULTING, INC.**  
**CONTINGENT FEE PROFESSIONAL SERVICES AGREEMENT**  
**(AMENDED)**

**Section 9 - Assignment**

23. Neither party may assign this Agreement or any of its rights hereunder without the prior written consent of the other party hereto.

**Section 10 - Entire Agreement**

24. This Agreement, with its schedules and attachments, contains the entire Agreement between the parties hereto with respect to the matters specified herein. The invalidity or unenforceability of any provision of this Agreement shall not affect the validity or enforceability of any other provision hereof. This Agreement shall not be amended except by a written amendment executed by the parties hereto. This Agreement shall be construed in accordance with the laws of the State of Nebraska and the parties hereby consent to the jurisdiction of the courts of the State of Nebraska.

**Section 11 - Dispute Resolution**

25. Any dispute arising under this Agreement shall be resolved through mediation and arbitration. The parties agree to first attempt to resolve the dispute informally with the help of a mutually agreed upon mediator. If the parties cannot agree on a mediator or fail to arrive at a mutually satisfactory solution through mediation within ten (10) days following the mediation, the parties agree to submit their dispute to binding arbitration in accordance with the Commercial Arbitration Rules of the American Arbitration Association. The arbitration shall take place in Lincoln, Nebraska.
26. The arbitration shall be conducted by an impartial arbitrator chosen by mutual agreement of the parties or if the parties are unable to agree on a single arbitrator within ten (10) days of first demand for arbitration, the parties agree to allow the American Arbitration Association to choose an impartial arbitrator for the parties.
27. The arbitrator shall have the authority to permit discovery to the extent such arbitrator deems appropriate. The arbitrator shall have no power to add or detract from the agreements of the parties and may not make any ruling or award that does not conform to the terms and conditions of this Agreement. The decision of the arbitrator shall be final and binding on the parties and may be entered and enforced in any court of competent jurisdiction by either party.
28. The prevailing party in the arbitration proceedings shall be awarded reasonable expenses such as attorney fees, expert witness costs, travel expenses, and any other expenses incurred in connection with the proceedings,. Allixa, as a Florida entity, shall have the right to be represented by Florida counsel, if they wish, and have the travel expenses of their counsel taxed if they are the prevailing party.

**ALLIXA CONSULTING, INC.**  
**CONTINGENT FEE PROFESSIONAL SERVICES AGREEMENT**  
**(AMENDED)**

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed in duplicate originals by their duly authorized representatives as of the date set forth below. This letter agreement shall be deemed executed and accepted on the date it is signed by the City.

The Parties hereby indicate their assent this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

ALLIXA CONSULTING, INC.

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

CITY OF LA VISTA, NEBRASKA

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

**ALLIXA CONSULTING, INC.**  
**CONTINGENT FEE PROFESSIONAL SERVICES AGREEMENT**

**ATTACHMENT "A"**

1. OMAHA CELLULAR TELEPHONE COMPANY - Tax ID 47-0697818 1 C/O Tax Partners, LLC, 3100 Cumberland Blvd., Ste. 900, Atlanta, GA 30339 (877) 829-4141
2. COX NEBRASKA TELCOM, LLC - Tax ID 58-2327135 1 C/O Tax Partners, LLC, 3100 Cumberland Blvd., Ste. 900, Atlanta, GA 30339 (877) 829-4141
3. SPRINT SPECTRUM, L.P. - Tax ID 48-1165245 6500 Sprint Pkwy, Mailstop, HL-5ATTX, Overland Park, KS 66251 (B. Tertichny)
4. SPRINT NEXTEL, 6500 Sprint Parkway, Overland Park, KS 66251
5. NEW CINGULAR WIRELESS PCS LLC - Tax ID 223330080 1 C/O Tax Partners, LLC, 3100 Cumberland Blvd., Ste. 900, Atlanta, GA 30339 (877)-829-4141
6. COX COMMUNICATIONS OMAHA, L.L.C., Public Affairs Department, 11505 W Dodge Road, Omaha Nebraska 68154
7. CRICKET COMMUNICATIONS, INC., 5887 Copley Drive, San Diego, CA 92111-7906

A.14

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA RECOMMENDING TO THE NEBRASKA LIQUOR CONTROL COMMISSION, APPROVAL OF THE APPLICATION FOR ADDITION TO THE CLASS C LIQUOR LICENSE FOR BEYOND GOLF LLC DBA BEYOND GOLF, LA VISTA, NEBRASKA.

WHEREAS, Beyond Golf LLC dba Beyond Golf, 12040 McDermott Plaza, Suite 330, La Vista, Sarpy County, Nebraska, has applied to the Nebraska Liquor Control Commission for an addition to their Class C Liquor License to add a sidewalk café, and

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

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, hereby recommend to the Nebraska Liquor Control Commission approval of the application for the addition to the Class C Liquor License submitted by Beyond Golf LLC dba Beyond Golf, 12040 McDermott Plaza, Suite 330, La Vista, Nebraska.

PASSED AND APPROVED THIS 17TH DAY OF SEPTEMBER. 2013

CITY OF LA VISTA

---

Douglas Kindig, Mayor

ATTEST:

---

Pamela A. Buethe, CMC  
City Clerk

## **Mandy Garrod**

---

**From:** Bob Lausten  
**Sent:** Friday, September 06, 2013 1:29 PM  
**To:** Mandy Garrod  
**Subject:** RE: BEYOND GOLF ADDITION

No objection

Robert S. Lausten  
Chief of Police  
La Vista Police Department  
7701 S. 96th St.  
La Vista, Nebraska 68128  
(402) 331-1582 FAX: (402) 331-7210

This Communication, along with any attachments, is covered by federal and state law governing electronic communications and may contain confidential and legally privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, use or copying of this message is strictly prohibited. If you received this in error, please reply immediately to the sender and delete this message. Thank you.

---

**From:** Mandy Garrod  
**Sent:** Friday, September 06, 2013 1:28 PM  
**To:** Bob Lausten  
**Subject:** FW: BEYOND GOLF ADDITION

Do you have any objections to this addition on the liquor license of Beyond Golf?

Thank You!

Mandy

Mandy Garrod  
Deputy City Clerk/ Office Manager  
City Of La Vista  
[www.cityoflavista.org](http://www.cityoflavista.org)



---

**From:** Seybert, Randy [mailto:[Randy.Seybert@nebraska.gov](mailto:Randy.Seybert@nebraska.gov)]  
**Sent:** Friday, September 06, 2013 1:24 PM  
**To:** Pam Buethe  
**Cc:** Mandy Garrod  
**Subject:** BEYOND GOLF ADDITION

Randy Seybert  
Licensing Division  
Nebraska Liquor Control Commission  
402-471-4885 FAX 402-471-2814  
[randy.seybert@nebraska.gov](mailto:randy.seybert@nebraska.gov)

# STATE OF NEBRASKA

Dave Heineman  
Governor

NEBRASKA LIQUOR CONTROL COMMISSION  
Hobert 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  
TRS USER 800 833-7352 (TTY)

September 6, 2013

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

Dear Clerk,

Please present this request to you city/village/county board and send us a copy of their recommendation. If recommendation of denial or no recommendation is made the Commission has no alternative but to cease processing this request.

## RE: ADDITION

**LICENSE #:** C-082199  
**LICENSEE NAME:** BEYOND GOLF LLC  
**TRADE NAME:** BEYOND GOLF  
**ADDRESS:** 12040 MCDERMOTT PLAZA STE 330  
**CITY/COUNTY:** LA VISTA/SARPHY  
**PREMISE PHONE:** 402-916-4727  
**CURRENT DESCRIPTION:** ONE STORY BUILDING APPROX 50' X 75' INCLUDING SIDEWALK CAFE APPROX 18' X 25'  
**NEW DESCRIPTION:** ONE STORY BUILDING APPROX 50' X 75' INCLUDING OUTDOOR AREAS APPROX 18' X 25' TO THE SOUTH AND 11' X 23' TO THE NORTH

Randy Seybert  
Licensing Division  
Nebraska Liquor Control Commission

rs  
cc: file

Janice Wiebusch  
Commissioner

Bob Batt  
Chairman  
An Equal Opportunity/Affirmative Action Employer

William Austin  
Commissioner

**APPLICATION FOR ADDITION  
TO LIQUOR LICENSE**

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.licc.ne.gov](http://www.licc.ne.gov)

Office Use

**RECEIVED**

AUG 12 2013

NEBRASKA LIQUOR  
CONTROL COMMISSION

**Application:**

- Must include processing fee of \$45.00 made payable to Nebraska Liquor Control Commission
- Must include a copy of the lease or deed showing ownership of area to be added
  - This is still required even if it's the same as on file with our office
- Must include simple sketch showing existing licensed area and area to be added, must include outside dimensions in feet (not square feet), direction north. No blue prints.
- May include a letter of explanation

RS

**LIQUOR LICENSE #** 82199-C

**LICENSEE NAME** BEYOND GOLF LLC

**TRADE NAME** BEYOND GOLF SPORTS & SPIRITS

**PREMISE ADDRESS** 12040 McDERMOTT PLAZA STE 330

**CITY** LA VISTA, NE 68128

**CONTACT PERSON** JOHN GALVIN

**PHONE NUMBER OF CONTACT PERSON** 402-716-4727

**Complete the following questions:**

1) **Are you adding on to your building?**  Yes  No

- Include a sketch of the area to be added showing:
  - existing building
  - outside dimensions (in feet)
  - direction north

2) **Are you adding an outdoor area?**  Yes  No

**If an outdoor area (check one of the following)**

012.07 "Beer garden" shall mean an outdoor area included in licensed premises, which is used for the service and consumption of alcoholic liquors, and which is contained by a fence or wall preventing the uncontrolled entrance or exit of persons from the premises, and preventing the passing of alcoholic liquors to persons outside the premises. (examples may include, but are not restricted to sand volleyball, horseshoe pits...)

CR # 2591  
\$45-mm



1300019361

bpa

012.08 "Sidewalk cafe" shall mean an outdoor area included in licensed premises, which is used by a restaurant or hotel with a restaurant license, for the service of meals as well as alcoholic liquors, and which is contained by a permanent fence, wall, railing, rope or chain, defining the licensed area, provided that one open entrance not to exceed eight (8) feet shall be allowed.

What type of permanent fencing will you be using? 54" TALL ORNAMENTAL ALUMINUM

BLAUL ASHBURY FENCING

- Include a sketch of the area to be added showing:
  - existing building
  - outside dimensions (in feet)
  - direction north

Josh Gavin

Print Name of Signature

Signature of Licensee or Officer

State of Nebraska

NE H12342750

County of

Sarpy

The forgoing instrument was acknowledge before  
me this

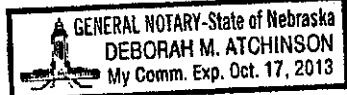
July 9, 2013  
Date

August

Deborah M. Atchinson

Notary Public Signature

Affix Seal Here



RECEIVED

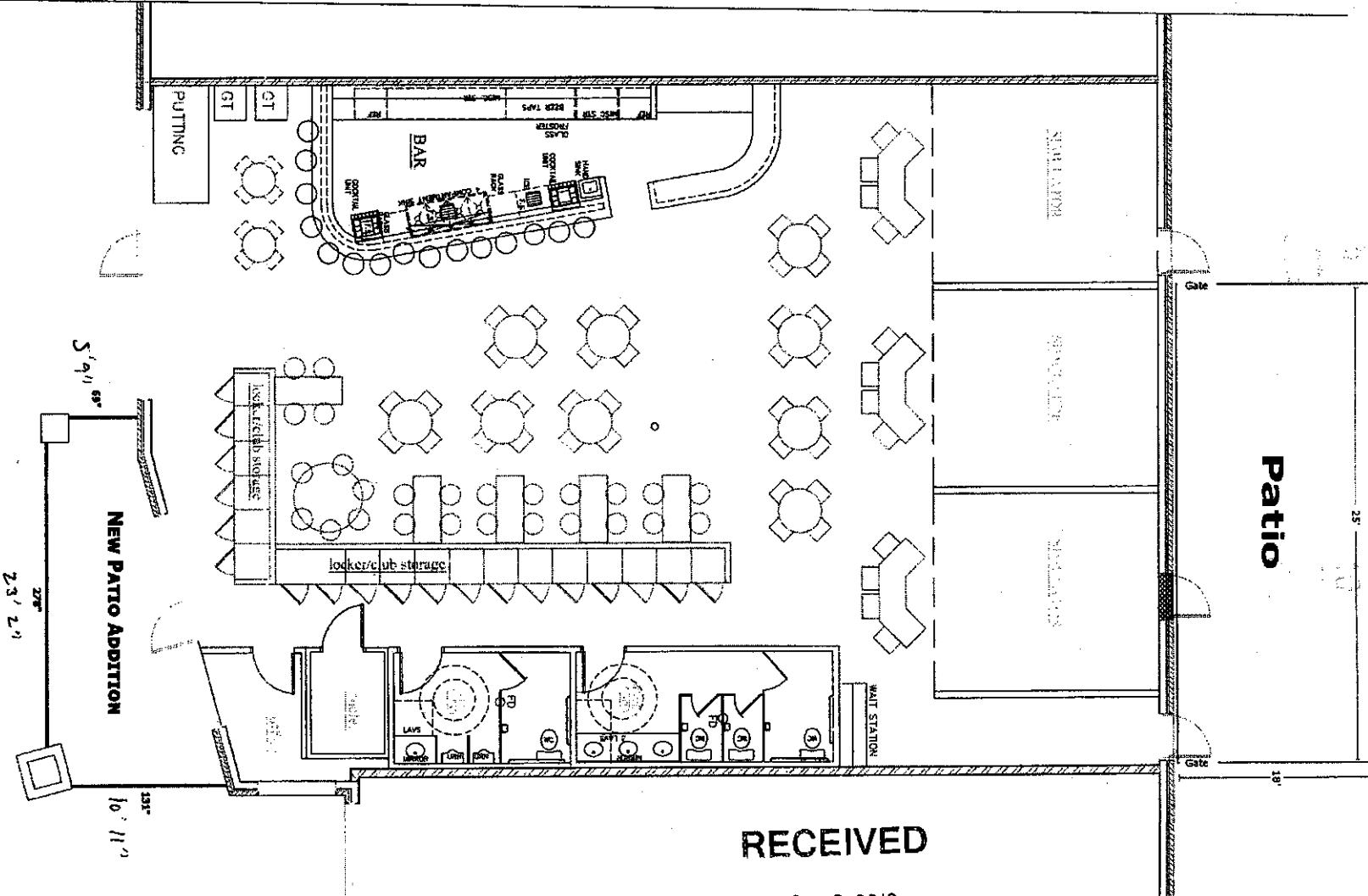
AUG 12 2013

NEBRASKA LIQUOR  
CONTROL COMMISSION

# ▼ BAY 9 & 10 PLAN

0 10' 20' 30'

COPYRIGHT 2008 MARK SANFORD GROUP, LLC



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AUG 12 2013

NEBRASKA LIQUOR  
CONTROL COMMISSION

COPY

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AUG 12 2013

**LEASE EXTENSION & AMENDMENT** NEBRASKA LIQUOR  
CONTROL COMMISSION

REFERENCE is made to that certain Lease dated 30<sup>th</sup> of June, 2008, by and between John L. Hoich, successors and/or assigns ("Landlord") and Beyond Golf, LLC, a limited liability company, ("Tenant"), for premises located at 12040 McDermott Plaza, Suite 330 & 340 Omaha, NE 68128.

WHEREAS it is the desire of the tenant to extend the lease terms for an additional (seven) 7 years and amend the existing lease as follows:

**Tenant Improvement:** Upon execution of this extension, the landlord agrees to allow tenant "Beyond Golf, LLC" to install and maintain a small patio area in front of their space at the sole cost of tenant. The landlord has approved the plan to install the patio with included plan. The landlord also restates that the patio must meet all city codes and ordinances.

**Article 1 Fundamental Lease Provisions: (n.)**

**Permitted Use of Premises:**

- i. Tenant shall derive less than sixty percent (60%) of its total sales at the premises from alcoholic beverages and will be required to submit quarterly sales reports to the property manager for verification.
  - a. Tenant agrees to keep at the Premises or at Tenant's Address or in such other locations as Tenant shall designate (by not less than thirty (30) days' prior notice to Landlord) in the continental United States true and correct records of, and information as to, all Tenant's Gross Sales during the Term and to submit to, and make such records and information and all other records and information relevant to a determination of Gross Sales available to, Landlord or its representatives for inspection and audit thereof at the Premises, Tenant's Address, Landlord's Address, or such other location as Landlord may from time to time direct and to permit such inspections and audits. Such records and information shall include tax returns, sales tax returns, records of purchases, cash register tapes, and other records from which Tenant's Gross Sales may be determined. Tenant shall install and maintain on the Premises cash registers having a sealed, permanent, cumulative record of all sales reflected on such cash registers, and Tenant shall, in fact, record all of the Gross Sales on such registers. In connection with any such inspection and audit, Landlord shall have the right to inspect Tenant's records and information relating to Gross Sales made by Tenant or any subsidiary or affiliate of Tenant from any other premises operated by any such entity, but only in the event such inspection shall, in Landlord's opinion, be necessary or appropriate to determine the Gross Sales. In the event of any failure by Tenant at any time to keep such records or other information and to make same available to Landlord and its representatives, as required by the provisions of this paragraph with respect to the determination of alcohol sales percentage will result in default of the lease and the tenant shall be subject to legal remedies to pursue required information.

**Additional Provisions:**

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NEBRASKA LIQUOR  
CONTROL COMMISSION

1. Tenant and Landlord both acknowledge and emphasize article VII, VIII, & IX wherein both landlord and tenant maintain due diligence on operating expenses for the center.
2. Landlord has agreed that in lieu of the existing personal guarantee, landlord will accept the financial statements of Beyond Golf including prior tax returns and income statement.
3. Landlord and Tenant acknowledge that the alcohol percentage restriction referenced in Article I Permitted Use of Premises would terminate should the existing tenant "Houston's Lounge" space located at 12040 McDermott Plaza #100 & 110 becomes available for lease prior to September 30, 2020. If the existing tenant sells the business or assigns the existing lease to another party, the alcohol percentage restriction would still be in full effect.

NOW, THEREFORE, based upon the mutual agreements of the parties hereto, the aforementioned Lease is modified as follows:

1. Term: 7 year renewal term, including amendments as shown above.
2. Base Rent: The Base Rent per month will be in accordance to the following schedule.

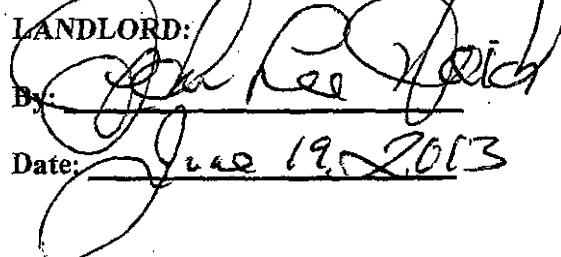
From	October 1, 2013	To	September 30, 2014	=	\$5,050.38	Per month
From	October 1, 2014	to	September 30, 2015	=	\$5,201.89	Per month
From	October 1, 2015	to	September 30, 2016	=	\$5,357.95	Per month
From	October 1, 2016	to	September 30, 2017	=	\$5,518.69	Per month
From	October 1, 2017	to	September 30, 2018	=	\$5,684.25	Per month
From	October 1, 2018	to	September 30, 2019	=	\$5,854.78	Per month
From	October 1, 2019	to	September 30, 2020	=	\$6,030.42	Per month

3. All other terms and conditions of the Lease will remain in full force and effect.

This Amendment shall bind the heirs, executors, administrators and assigns of the respective parties.

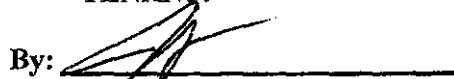
ACCEPTED AND AGREED TO THIS 19 DAY OF June, 2013.

Witness: \_\_\_\_\_

LANDLORD:  
By:   
Date: June 19, 2013

TENANT:

Witness: \_\_\_\_\_

By: 

Date: 6/9/13

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NEBRASKA LIQUOR  
CONTROL COMMISSION

**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**SEPTEMBER 17, 2013 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
LEASE AGREEMENT -- POLICE DEPARTMENT VEHICLE	◆ RESOLUTION ORDINANCE RECEIVE/FILE	BOB LAUSTEN POLICE CHIEF

**SYNOPSIS**

A resolution has been prepared to authorizing a lease agreement with Enterprise Fleet Management, Nebraska, in an amount not to exceed \$8,790.00 over 15 months.

**FISCAL IMPACT**

The FY 14 General Fund provides funds for the proposed lease.

**RECOMMENDATION**

Approval.

**BACKGROUND**

The Police Department was awarded a Midwest HIDTA grant for Greater Omaha Safe Streets Task Force. The grant included services to lease a vehicle up to \$8,790.00. The grant period runs from 6-14-2013 to 12-31-2014. Enterprise Fleet Management was selected because they have a closed-end (walkaway) lease. The cities of Omaha, Council Bluffs and the Douglas County Sheriff's Department are also leasing with Enterprise. If the grant were to end, we can cancel the lease at no cost. Enterprise Fleet Management lease also includes a full maintenance program and 1 set of brakes. This lease would be for 15 months (October 13-December 14) and total under the grant approved \$8,790.

**RESOLUTION** \_\_\_\_\_

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT WITH ENTERPRISE FLEET MANAGEMENT FOR A TASK FORCE VEHICLE FOR THE POLICE DEPARTMENT IN AN AMOUNT NOT TO EXCEED \$8,790.

WHEREAS, the La Vista Police Department was awarded a federal grant for the Safe Streets task Force and included in the grant is funding for a leased vehicle to be used by the department's Safe Streets Task Force officer, and

WHEREAS, the City did appropriate funds in the FY14 municipal budget to continue to lease a grant funded task force vehicle, and

WHEREAS, 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 execution of a lease agreement with Enterprise Fleet Management, for a grant funded task force vehicle for the Police Department in an amount not to exceed \$8,790.

PASSED AND APPROVED THIS 17TH DAY OF SEPTEMBER 2013.

CITY OF LA VISTA

---

Douglas Kindig, Mayor

ATTEST:

---

Pamela A. Buethe, CMC  
City Clerk

APCHCKRP  
02.05.13

Tue Sep 17, 2013 3:32 PM

\*\*\*\*  
City of LaVista  
ACCOUNTS PAYABLE CHECK REGISTER

OPER: HF

PAGE 1

A.16

BANK NO	BANK NAME	CHECK NO	DATE	VENDOR NO	VENDOR NAME	CHECK AMOUNT	CLEARED	VOIDED	MANUAL
1 Bank of Nebraska (600-873)									
112144	9/04/2013	4788	U S MARSHALS SERVICE			1,554.30			**MANUAL**
112145	9/04/2013	143	THOMPSON DREESSEN & DORNER			1,245.50			**MANUAL**
112146	9/04/2013	4653	RDG PLANNING & DESIGN			2,424.49			**MANUAL**
112147	9/04/2013	3739	FELSBURG HOLT & ULLEVIG			604.50			**MANUAL**
112148	9/04/2013	328	SWAIN CONSTRUCTION INC			72,564.68			**MANUAL**
112149	9/10/2013	544	MAPA-METRO AREA PLANNING AGNCY			24,087.00			**MANUAL**
112150	9/10/2013	4927	TITLECORE, LLC			5,000.00			**MANUAL**
112151	9/10/2013	3702	LAUGHLIN, KATHLEEN A, TRUSTEE			437.00			**MANUAL**
112152	9/10/2013	4867	VAN RU CREDIT CORPORATION			30.27			**MANUAL**
112153	9/17/2013	3983	ABE'S PORTABLES INC			243.36			
112154	9/17/2013	3200	ABRAHAMS KASLOW & CASSMAN LLP			233.36			
112155	9/17/2013	4332	ACCO UNLIMITED CORP			66.00			
112156	9/17/2013	762	ACTION BATTERIES UNLTD INC			398.07			
112157	9/17/2013	571	ALAMAR UNIFORMS			129.99			
112158	9/17/2013	720	AMERICAN LEGAL PUBLISHING CORP			704.00			
112159	9/17/2013	1271	AMERICAN PLANNING ASSOCIATION			795.00			
112160	9/17/2013	1163	ANDERSON ELECTRIC			40.50			
112161	9/17/2013	188	ASPHALT & CONCRETE MATERIALS			513.59			
112162	9/17/2013	201	BAKER & TAYLOR BOOKS			2,000.63			
112163	9/17/2013	2554	BARCAL, ROSE			66.73			
112164	9/17/2013	1839	BCDM-BERINGER CIACCIO DENNELL			1,242.50			
112165	9/17/2013	4781	BISHOP BUSINESS EQUIPMENT			771.61			
112166	9/17/2013	249	BKD LLP			1,415.00			
112167	9/17/2013	196	BLACK HILLS ENERGY			19.74			
112168	9/17/2013	3235	BLEACH, LARRY			90.00			
112169	9/17/2013	4711	BOMA/OMAHA			20.00			
112170	9/17/2013	2565	BOOKPAGE			480.00			
112171	9/17/2013	1242	BRENTWOOD AUTO WASH			77.00			
112172	9/17/2013	76	BUILDERS SUPPLY CO INC			410.18			
112173	9/17/2013	2625	CARDMEMBER SERVICE-ELAN			.00	**CLEARED**	**VOIDED**	
112174	9/17/2013	2625	CARDMEMBER SERVICE-ELAN			.00	**CLEARED**	**VOIDED**	
112175	9/17/2013	2625	CARDMEMBER SERVICE-ELAN			.00	**CLEARED**	**VOIDED**	
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112177	9/17/2013	2625	CARDMEMBER SERVICE-ELAN			8,486.46			
112178	9/17/2013	3336	CELEBRITY STAFFING-OMAHA			2,364.60			
112179	9/17/2013	2285	CENTER POINT PUBLISHING			301.98			
112180	9/17/2013	219	CENTURY LINK			37.44			
112181	9/17/2013	152	CITY OF OMAHA			95,272.84			
112182	9/17/2013	1504	CITY OF PAPILLION PARKS/RECR			35.00			
112183	9/17/2013	83	CJ'S HOME CENTER			.00	**CLEARED**	**VOIDED**	
112184	9/17/2013	83	CJ'S HOME CENTER			.00	**CLEARED**	**VOIDED**	
112185	9/17/2013	83	CJ'S HOME CENTER			.00	**CLEARED**	**VOIDED**	
112186	9/17/2013	83	CJ'S HOME CENTER			.00	**CLEARED**	**VOIDED**	
112187	9/17/2013	83	CJ'S HOME CENTER			898.77			
112188	9/17/2013	4077	COMMISSION ON POST-TPS/CPTN			495.00			
112189	9/17/2013	836	CORNHUSKER INTL TRUCKS INC			64.79			
112190	9/17/2013	2158	COX COMMUNICATIONS			.00	**CLEARED**	**VOIDED**	
112191	9/17/2013	2158	COX COMMUNICATIONS			148.65			
112192	9/17/2013	2870	CPS HUMAN RESOURCE SERVICES			442.75			
112193	9/17/2013	4013	D & B SALVAGE			649.00			
112194	9/17/2013	3136	D & D COMMUNICATIONS			729.64			

BANK NO	BANK NAME						
CHECK NO	DATE	VENDOR NO	VENDOR NAME	CHECK AMOUNT	CLEARED	VOIDED	MANUAL
112195	9/17/2013	4919	DANNER, DENELL	100.00			
112196	9/17/2013	846	DATA TECHNOLOGIES INC	422.28			
112197	9/17/2013	4918	DC ELECTRIC/HEARTLAND LIGHTING	44.10			
112198	9/17/2013	1432	DEETER FOUNDRY INCORPORATED	276.00			
112199	9/17/2013	111	DEMCO INCORPORATED	179.97			
112200	9/17/2013	4076	DIGITAL ALLY INCORPORATED	70.00			
112201	9/17/2013	364	DULTMEIER SALES & SERVICE	27.72			
112202	9/17/2013	4925	DUTTON & ASSOCIATES PC	7,550.00			
112203	9/17/2013	632	EASTERN LIBRARY SYSTEM	125.00			
112204	9/17/2013	3334	EDGEWEAR SCREEN PRINTING	.00	**CLEARED**	**VOIDED**	
112205	9/17/2013	3334	EDGEWEAR SCREEN PRINTING	997.50			
112206	9/17/2013	2566	ELECTRONIC ENGINEERING	65.80			
112207	9/17/2013	1245	FILTER CARE	94.30			
112208	9/17/2013	4895	FIRECATT, L.L.C.	6,781.50			
112209	9/17/2013	439	FIREGUARD INC	362.00			
112210	9/17/2013	142	FITZGERALD SCHORR BARMETTLER	28,826.52			
112211	9/17/2013	3415	FOCUS PRINTING	.00	**CLEARED**	**VOIDED**	
112212	9/17/2013	3415	FOCUS PRINTING	780.67			
112213	9/17/2013	4913	FONTENELLE FOREST	85.00			
112214	9/17/2013	3705	FUTUREWARE DISTRIBUTING INC	299.00			
112215	9/17/2013	1344	GALE	118.45			
112216	9/17/2013	53	GCR TIRE CENTERS	710.65			
112217	9/17/2013	3656	GENERAL FIRE & SAFETY EQUIP CO	586.25			
112218	9/17/2013	966	GENUINE PARTS COMPANY-OMAHA	.00	**CLEARED**	**VOIDED**	
112219	9/17/2013	966	GENUINE PARTS COMPANY-OMAHA	.00	**CLEARED**	**VOIDED**	
112220	9/17/2013	966	GENUINE PARTS COMPANY-OMAHA	.00	**CLEARED**	**VOIDED**	
112221	9/17/2013	966	GENUINE PARTS COMPANY-OMAHA	.00	**CLEARED**	**VOIDED**	
112222	9/17/2013	966	GENUINE PARTS COMPANY-OMAHA	.00	**CLEARED**	**VOIDED**	
112223	9/17/2013	966	GENUINE PARTS COMPANY-OMAHA	.00	**CLEARED**	**VOIDED**	
112224	9/17/2013	966	GENUINE PARTS COMPANY-OMAHA	.00	**CLEARED**	**VOIDED**	
112225	9/17/2013	966	GENUINE PARTS COMPANY-OMAHA	3,738.62			
112226	9/17/2013	1044	H & H CHEVROLET LLC	226.37			
112227	9/17/2013	426	HANEY SHOE STORE	240.00			
112228	9/17/2013	3657	HEARTLAND PAPER	105.00			
112229	9/17/2013	3681	HEARTLAND TIRES AND TREADS	150.95			
112230	9/17/2013	2407	HEIMES CORPORATION	49.06			
112231	9/17/2013	2888	HOME DEPOT CREDIT SERVICES	17.40			
112232	9/17/2013	3687	KIMBALL MIDWEST	228.84			
112233	9/17/2013	2057	LA VISTA COMMUNITY FOUNDATION	75.00			
112234	9/17/2013	381	LANDS' END BUSINESS OUTFITTERS	359.81			
112235	9/17/2013	3931	LIBRARY ADVANTAGE	230.00			
112236	9/17/2013	4784	LIBRARY IDEAS LLC	17.00			
112237	9/17/2013	1288	LIFE ASSIST	433.92			
112238	9/17/2013	1573	LOGAN CONTRACTORS SUPPLY	149.20			
112239	9/17/2013	263	LOVELAND GRASS PAD	909.20			
112240	9/17/2013	877	MATHESON TRI-GAS INC	266.00			
112241	9/17/2013	4770	MECHANICAL SALES INC	249.00			
112242	9/17/2013	98	MICHAEL TODD AND COMPANY INC	825.35			
112243	9/17/2013	2497	MID AMERICA PAY PHONES	100.00			
112244	9/17/2013	3877	MIDWEST RADIATOR LLC	115.00			
112245	9/17/2013	4085	MNJ TECHNOLOGIES	528.00			
112246	9/17/2013	2382	MONARCH OIL INC	595.00			
112247	9/17/2013	342	MUNICIPAL PIPE TOOL CO LLC	1,752.79			

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CHECK NO	DATE	VENDOR NO	VENDOR NAME	CHECK AMOUNT	CLEARED	VOIDED	MANUAL
112248	9/17/2013	3574	NATIONAL PATENT ANALYTICAL	14.58			
112249	9/17/2013	2529	NEBRASKA SOFTBALL ASSN DIST#10	1,295.00			
112250	9/17/2013	3303	NEBRASKA WELDING LTD	18.65			
112251	9/17/2013	3924	NEW YORK TIMES	213.20			
112252	9/17/2013	1461	NEWCOMB, SUSAN	15.00			
112253	9/17/2013	4914	NORTHWOODS TECH SOLUTIONS LLC	500.00			
112254	9/17/2013	179	NUTS AND BOLTS INCORPORATED	6.96			
112255	9/17/2013	1831	O'REILLY AUTOMOTIVE STORES INC	264.73			
112256	9/17/2013	1808	OCLC INC	118.93			
112257	9/17/2013	1014	OFFICE DEPOT INC	.00	**CLEARED**	**VOIDED**	
112258	9/17/2013	1014	OFFICE DEPOT INC	.00	**CLEARED**	**VOIDED**	
112259	9/17/2013	1014	OFFICE DEPOT INC	.00	**CLEARED**	**VOIDED**	
112260	9/17/2013	1014	OFFICE DEPOT INC	1,547.27			
112261	9/17/2013	2799	OFFUTT YOUTH CENTER	1,008.00			
112262	9/17/2013	66	OMAHA CHILDREN'S MUSEUM	195.00			
112263	9/17/2013	195	OMAHA PUBLIC POWER DISTRICT	.00	**CLEARED**	**VOIDED**	
112264	9/17/2013	195	OMAHA PUBLIC POWER DISTRICT	.00	**CLEARED**	**VOIDED**	
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112266	9/17/2013	4349	OMAHA TACTICAL LLC	253.25			
112267	9/17/2013	319	OMAHA WINNELSON	318.45			
112268	9/17/2013	46	OMAHA WORLD HERALD COMPANY	742.53			
112269	9/17/2013	167	OMNI	1,689.99			
112270	9/17/2013	109	OMNIGRAPHICS INC	81.85			
112271	9/17/2013	4815	ONE CALL CONCEPTS INC	368.35			
112272	9/17/2013	1178	OVERHEAD DOOR COMPANY OF OMAHA	47.00			
112273	9/17/2013	3039	PAPILLION SANITATION	1,111.69			
112274	9/17/2013	2686	PARAMOUNT LINEN & UNIFORM	319.32			
112275	9/17/2013	1769	PAYLESS OFFICE PRODUCTS INC	304.86			
112276	9/17/2013	3058	PERFORMANCE CHRYSLER JEEP	66.19			
112277	9/17/2013	1784	PLAINS EQUIPMENT GROUP	742.05			
112278	9/17/2013	3362	PUBLIC AGENCY TRAINING COUNCIL	590.00			
112279	9/17/2013	1713	QUALITY AUTO REPAIR & TOWING	79.00			
112280	9/17/2013	281	RAY ALLEN MANUFACTURING CO INC	463.95			
112281	9/17/2013	191	READY MIXED CONCRETE COMPANY	3,002.05			
112282	9/17/2013	3090	REGAL AWARDS OF DISTINCTION	165.95			
112283	9/17/2013	4192	S & W HEALTHCARE CORP	88.85			
112284	9/17/2013	292	SAM'S CLUB	719.53			
112285	9/17/2013	487	SAPP BROS PETROLEUM INC	17,814.50			
112286	9/17/2013	4641	SHRED-SAFE LLC 2011-2012	25.00			
112287	9/17/2013	1149	STATE FIRE MARSHAL	300.00			
112288	9/17/2013	4335	STOLTENBERG NURSERIES	460.00			
112289	9/17/2013	4889	STRATEGIC GOVERNMENT RESOURCES	2,692.80			
112290	9/17/2013	1293	SUPERIOR SIGNALS INCORPORATED	400.55			
112291	9/17/2013	328	SWAIN CONSTRUCTION INC	1,603.80			
112292	9/17/2013	3492	TEUSCHER, CHRIS	250.00			
112293	9/17/2013	822	THERMO KING CHRISTENSEN	286.02			
112294	9/17/2013	4179	TITAN MACHINERY	642.51			
112295	9/17/2013	4150	TOMSU, LINDSEY	197.75			
112296	9/17/2013	161	TRACTOR SUPPLY CREDIT PLAN	103.96			
112297	9/17/2013	4916	TRAINING FORCE USA	390.00			
112298	9/17/2013	3987	TRANE U S INCORPORATED	409.68			
112299	9/17/2013	3077	UNITED HEALTHCARE	1,664.00			
112300	9/17/2013	2426	UNITED PARCEL SERVICE	19.65			

APCHCKRP  
02.05.13

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City of LaVista  
ACCOUNTS PAYABLE CHECK REGISTER

OPER: HF

PAGE 4

BANK NO	BANK NAME	CHECK NO	DATE	VENDOR NO	VENDOR NAME	CHECK AMOUNT	CLEARED	VOIDED	MANUAL
112301	4640 USB SEWER EQUIPMENT CORP	9/17/2013				321.00			
112302	2720 USI EDUCATION/GOV'T SALES	9/17/2013				71.98			
112303	300 UTILITY EQUIPMENT COMPANY	9/17/2013				5.75			
112304	4480 VAL VERDE ANIMAL HOSPITAL INC	9/17/2013				131.60			
112305	809 VERIZON WIRELESS	9/17/2013				443.78			
112306	4708 VIDACARE CORPORATION	9/17/2013				520.00			
112307	1594 VOGEL TRAFFIC SERVICES	9/17/2013				7,749.30			
112308	78 WASTE MANAGEMENT NEBRASKA	9/17/2013				418.23			
112309	2739 WILD ENCOUNTERS	9/17/2013				250.00			
112310	2541 ZOLL MEDICAL CORPORATION	9/17/2013				173.95			

470801 Payroll Checks COUNCIL MEMBER  
Thru 487701

BANK TOTAL	398,026.20
OUTSTANDING	398,026.20
CLEARED	.00
VOIDED	.00

FUND	TOTAL	OUTSTANDING	CLEARED	VOIDED
01 GENERAL FUND	160,619.01	160,619.01	.00	.00
02 SEWER FUND	106,758.03	106,758.03	.00	.00
03 ECONOMIC DEVELOPMENT B.G.	24,087.00	24,087.00	.00	.00
04 BOND(S) DEBT SERVICE FUND	1,415.00	1,415.00	.00	.00
05 CONSTRUCTION	92,912.07	92,912.07	.00	.00
08 LOTTERY FUND	7,977.86	7,977.86	.00	.00
09 GOLF COURSE FUND	3,240.96	3,240.96	.00	.00
15 OFF-STREET PARKING	1,016.27	1,016.27	.00	.00

REPORT TOTAL	398,026.20
OUTSTANDING	398,026.20
CLEARED	.00
VOIDED	.00

+ Gross Payroll 9/13/13 298,952.25

GRAND TOTAL \$696,978.45

APPROVED BY COUNCIL MEMBERS 9/17/13

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**SEPTEMBER 17, 2013 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
TRANSFER OF OWNERSHIP- POLICE DOG	◆ RESOLUTION ORDINANCE RECEIVE/FILE	BOB LAUSTEN POLICE CHIEF

**SYNOPSIS**

A resolution has been prepared to authorize the mayor to retire police service dog (PSD) "Leda" from the La Vista Police Department and entrust PSD "Leda" to the care and ownership of Police Officer John Danderand.

**FISCAL IMPACT**

N/A

**RECOMMENDATION**

Approval.

**BACKGROUND**

Police canine "Leda" has reached that time in her life where she will sit back and enjoy retirement. "Leda" has been an active and productive member of the police department since her deployment on March 1, 2006. Before "Leda" can officially retire, we must release her from our custody. Her handler, John Danderand, has agreed to take ownership of her. She will become a house dog enjoying her dog food and chew toys. John has taken good care of Leda and will continue to do so. "Leda" has earned her retirement.

Over her nearly seven and 1/2 years of service, "Leda" has participated in over 1200 K-9 deployments and public demonstrations, seized nearly \$64,440.00 in cash; several pounds of marijuana, methamphetamine, heroin, and cocaine and enough drug paraphernalia to fill a trash can. In addition, Leda has assisted in 164 arrests, 113 of which were drug related. We will miss having her around.

A *Transfer of Ownership Agreement* (Exhibit A) is attached. The document states that all future costs regarding K-9 "Leda" will be the responsibility of Officer John Danderand as, with this action, we are officially transferring the ownership of "Leda" to him. Officer John Danderand also agrees to accept the responsibility for any and all future needs, including medical, of his retired partner "Leda".

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE MAYOR TO RETIRE POLICE SERVICE DOG "LEDA" FROM THE LA VISTA POLICE DEPARTMENT AND ENTRUSTING POLICE SERVICE DOG (PSD) "LEDA" TO THE CARE AND OWNERSHIP OF POLICE OFFICER JOHN DANDERAND

WHEREAS, PSD "Leda" has rendered more than seven years of faithful and dedicated service to the City of La Vista; and

WHEREAS, PSD "Leda" is retiring due to her age; and

WHEREAS, her handler, Police Officer John Danderand has offered to provide PSD "Leda" a permanent retirement home and assume all of the responsibilities accompanying pet ownership;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, resolves that PSD "Leda" be retired from active service with the La Vista Police Department; and the Mayor is authorized to enter into an agreement transferring care and custody of PSD "Leda" to Police Officer John Danderand. A copy of the agreement is attached hereto as Exhibit A and incorporated by this reference.

PASSED AND APPROVED THIS 17TH DAY OF SEPTEMBER, 2013.

CITY OF LA VISTA

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Douglas Kindig, Mayor

ATTEST:

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Pamela A. Buethe, CMC  
City Clerk

**TRANSFER OF  
OWNERSHIP AGREEMENT**

This is an Agreement by and between the City of La Vista (hereinafter the "City"), and Officer John Danderand. The parties are desirous of working out mutually agreeable arrangements for the retirement of one of the City's canine dogs, Leda, to Officer John Danderand.

1. The parties hereby agree that, effective after the City Council approves this Agreement that on September 17, 2013, Leda will be retired from service for the City.

2. As a result of the retirement, the City agrees to transfer ownership of Leda to Officer John Danderand at no cost. Officer Danderand understands and agrees that the City offers no warranty as to the current or future condition or health of Leda; Officer Danderand agrees to accept ownership of Leda "as is" and that he is taking full responsibility for any and all costs associated with the care and maintenance of Leda. This transfer means that all ownership and rights after September 17, 2013 belong to Officer Danderand.

3. Officer Danderand agrees that he will not put Leda into service as a canine drug/patrol dog for any entity at any time in the future, including actual use in narcotics searches, detection or patrol functions, as well as for any training associated with narcotics searches, detection or patrol functions. Officer Danderand agrees not to sell Leda for profit, loan Leda out, or give him away, if the purpose of such transfer is for the purpose of Leda engaging in narcotics detection, searches or patrol functions.

4. Officer Danderand agrees that Leda's certification for conducting narcotics detection, searches or patrol functions will expire upon Leda's retirement from service with the City on September 17, 2013. Officer Danderand agrees that he will not attempt to re-certify Leda for narcotics detection, searches and patrol functions, and will not offer Leda's services to any private or public entity, or personally use Leda for narcotics detection or patrol functions.

5. Officer Danderand agrees to return any and all Departmental property issued for use with canine drug/patrol dogs, at the direction of the chief of police.

6. Officer Danderand agrees to hold the City of La Vista harmless and also agrees to file no claim of any kind, including but not limited to, a grievance, lawsuit, Fair Labor Standards Act action (state or federal), or any other claim or suit arising out of Leda's service to the City, Leda's retirement as a canine drug/patrol dog from the City, or Officer Danderand's claim for salary or benefits for prior maintenance and care of Leda.

7. Officer Danderand agrees not to retrain Leda for other police-related services (i.e., patrol, search, etc.) for the purposes of financial gain.

8. This document is the full and complete agreement between the parties regarding this matter. The parties' signatures below constitute consent to the Agreement and transfer of ownership of Leda to Officer Danderand.

CITY OF LA VISTA

POLICE OFFICER JOHN DANDERAND

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Douglas Kindig, Mayor

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John Danderand

ATTEST:

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Pamela A. Buethe, CMC  
City Clerk

**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**SEPTEMBER 17, 2013 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
ZONING TEXT AMENDMENT — GATEWAY CORRIDOR OVERLAY DISTRICT	RESOLUTION ◆ ORDINANCE RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

**SYNOPSIS**

A public hearing has been scheduled and an ordinance prepared to amend Section 5.17 of the Zoning Ordinance regarding the Gateway Corridor Overlay District.

**FISCAL IMPACT**

N/A.

**RECOMMENDATION**

Approval.

**BACKGROUND**

A public hearing has been scheduled to consider amendments to Section 5.17 of the Zoning Ordinance regarding the Gateway Corridor Overlay District.

The current Gateway Corridor District Design Guideline Booklet is well over a decade old and has not been updated since its incorporation into the Zoning Ordinance. Over the past year, city staff and the city's design review architects at BCDM Architecture have worked to extensively refine the existing guideline. The result is intended to clarify and provide more specific information regarding the design requirements. These changes, combined with amendments to the application form, are designed to streamline the design review process where possible.

Verbiage throughout Section 5.17 of the Zoning Ordinance has also been updated for to reflect some of the modifications to the Gateway Corridor District Design Guideline Booklet.

A red-line version of the proposed amendments to the district and the Design Guideline Booklet are attached.

The Planning Commission held a public hearing on August 15, 2013 and voted unanimously to recommend approval of the amendment.

## **Section 5.17 GATEWAY CORRIDOR DISTRICT (OVERLAY DISTRICT)**

### **5.17.01 Intent:**

The City of La Vista has established basic site and building development criteria to be implemented within the boundaries of this overlay district for *all multi-family, industrial, and commercial building projects*. The Gateway Corridor District has been established in order to implement the policies developed in the Future Land Use Plan portion of the Comprehensive Development Plan. These criteria include, but are not limited to the following: landscaping, building material selection, lighting, and interior street development. The purpose for regulating these issues is to provide for cohesive and properly developed entrances into the City corridor. Guiding development in this manner promotes the general health, safety and welfare of the residents within the zoning jurisdiction of the City, by providing quality design and construction which will also aid in the protection of past and future investment in the corridor. (*Ordinance No. 1172, 3-20-12*)

Within the Gateway Corridor Overlay District there is a sub-area secondary overlay centered on the intersection of 96th and Giles Road (see Official Zoning map). The purpose of this secondary overlay evolves around a partnership between the City of La Vista and Metropolitan Community College which have made a significant investment in the community with the new La Vista Public Library / MCC Sarpy Center. The City's desire is that this district be the standard of quality for all *multi-family, industrial, and commercial building projects* within this *geographically defined area*. See Section 5.17.06 for special design criteria for this sub-area. (*Ordinance No. 1048, 10-2-07*)

### **5.17.02 Purpose:**

The purpose of these criteria is to establish a checklist of those items that affect the physical aspect of La Vista's environment. Pertinent to appearance is the design of the site, building and structures, planting, signs, street hardware, and miscellaneous other objects that are observed by the public.

The criteria contained herein are not intended to restrict imagination, innovation or variety, but rather to assist in focusing on design principles that can result in creative solutions that will develop a satisfactory visual appearance within the city, preserve taxable values, and promote the public health, safety and welfare.

### **5.17.03 Geographic Area:**

For a geographically defined area of the Gateway Corridor Overlay District, see the Official Zoning Map. If a site is partially covered by said overlay district, then the entire site is to be covered by these regulations. (*Ordinance No. 1048, 10-2-07*) (*Ordinance No. 1172, 3-20-12*)

The sub-area secondary overlay -area occurs within all developments that front on the 96th Street and Giles Road corridors including:

- Giles Road Corridor – from 90th Street to 108th Street.
- 96th Street Corridor – from Harrison Street to *Portal* Road

If a site is partially covered by said sub-area secondary overlay district, then the entire portion of the site facing 96<sup>th</sup> and/or Giles Road is to be covered by these regulations. See Section 5.17.06 for special design criteria for this geographic area. *For a geographically defined area, see the Official Zoning Map.* (*Ordinance No. 1048, 10-2-07*)

### **5.17.04 Criteria for Application:**

#### **5.17.04.01**

New construction and modification of existing buildings, including the structure and the surrounding property, are required to have compliance reviewed through the design review process. All developments consisting of more than one principal building, mixed-uses, multiple pad development and/or similar shall be required to meet the zoning requirements for a Planned Unit Development (PUD). The PUD process and rezoning shall be in conjunction with Preliminary and Final Plat review and approval.

#### **5.17.04.02**

Exceptions:

Conformance to this Building Criteria shall not apply if the project consists of one of the following:

1. Construction or modification of a single-family residence or duplex.

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2. Structural Modification which will not be visible from outside the structure.  
 3. Modification of a property which:

- a. The modification constitutes less than 25% of the existing building's main façade, or
- b. The modification constitutes less than 25% of the building's overall elevations, or
- c. Building improvements are estimated to cost under \$25,000; or
- d. Site improvements are estimated to cost under \$10,000

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5.17.04.02 All developments consisting of one principal building with single or mixed uses shall comply with the design criteria of this section.

5.17.04.03 All substantial redevelopment of existing buildings shall comply with the design criteria of this section. Substantial redevelopment shall mean any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of the redevelopment. Multi-family structures damaged by fire or other environmental event may be reconstructed without adherence to the Gateway Corridor Overlay District regulations, provided that reconstruction activities involve less than 50% of the complex's structures.

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#### 5.17.05 Criteria for Appearance

##### 5.17.05.01 Relationship of Buildings to Site.

The site shall be planned to accomplish a desirable transition with the streetscape and to provide for adequate planting, safe pedestrian movement, and parking areas.

1. Site planning ~~in which setbacks and yards are in excess of standard commercial zoning restrictions~~ is encouraged to provide an interesting relationship between buildings.

1.2 ~~Building and site designs shall relate to and promote pedestrian scale.~~

2.3 Parking areas shall be treated with decorative elements, building wall extensions, plantings, berms, or other innovative means so as to screen parking areas from view from public ways ~~and adjacent properties~~.

3.4 Without restricting the permissible limits of the applicable zoning district, the height and scale of each building shall be compatible with its site and existing (or anticipated) adjoining buildings. ~~Multi-story facades shall be divided providing pedestrian scale.~~

4.5 Newly installed utility services, and service revisions necessitated by exterior alterations, shall be underground.

##### 5.17.05.02 Relationship of Buildings and Site to Adjoining Area (Outside Of Subdivision).

1. Adjacent buildings of different architectural styles shall be made compatible by such means as screens, sight breaks, and materials.
2. Attractive landscape transitions shall be designed to be compatible to adjoining properties.
3. Harmony in texture, lines, and masses is required. Monotony shall be avoided.

##### 5.17.05.03 Landscape and Site Treatment.

Landscape elements included in these criteria consist of all forms of planting and vegetation, ground forms, rock groupings, water patterns, and all visible construction except buildings and utilitarian structures.

1. Where natural or existing topographic patterns contribute to beauty and utility of a development, they shall be preserved and developed. Modification to topography will be permitted where it contributes to good site design and development. ~~All modifications to topography shall be designed to provide varied and more natural grading practices. Consistent, even topography that provides an engineered feel is not acceptable.~~
2. Grades of walks, parking spaces, terraces, and other paved areas shall provide an inviting and stable appearance for walking and, if seating is provided, for sitting.

3. Landscape treatments shall be provided to enhance architectural features, strengthen vistas and important axis, and provide shade. Spectacular effects shall be reserved for special locations only.
4. Unity of design shall be achieved by repetition of certain plant varieties and other materials and by correlation with adjacent developments. All projects need to use a minimum of the following listed plant varieties of the plants listed in Appendix A of the Gateway Corridor District Design Guideline Booklet.
  - A minimum of two species listed under the deciduous tree category
  - A minimum of one species listed under the coniferous tree category
  - A minimum of one species listed under the deciduous shrubs category
  - A minimum of one species listed under the coniferous shrubs category
5. Plant material shall be selected for interest in its structure, texture, and color and for its ultimate growth. Plants that are indigenous to the area and others that will be hardy, harmonious to the design, and of good appearance shall be used.
6. The landscape plan shall be designed to provide natural undulating landscape forms. Avoid consistent straight line pairings.
- 5-7. Irrigation of all landscape elements as defined above and turf area is required. Provide specification or information showing compliance in the design submittal.
- 6-8. Parking areas and traffic ways shall be enhanced with landscaped spaces containing trees or tree groupings.
- 7-9. Screening of service yards and other places that tend to be unsightly shall be accomplished by use of walls, fencing, planting, or combinations of those. Screening shall be equally effective in winter and summer.
10. Exterior lighting, when used, shall enhance the building design and the adjoining landscape. Lighting standards and fixtures for the parking areas and drives within the building area shall be similar in appearance and quality level as the light fixtures identified in Appendix B of the Gateway Corridor District Design Guideline Booklet. Building fixtures shall be of a design and size compatible with the building and adjacent areas. Lighting shall be restrained in design and excessive brightness avoided. Lighting shall be designed to a standard that does not impact adjoining properties, especially residential areas. Wall Pack lighting and exterior lighting with visible lamps is not permitted. Lighting shall be Dark Sky compliant and limit wash onto abutting properties. Exceptions to Dark Sky compliance may be made for specific emergency lighting situations. Fixture, poles, and/or other support cut sheets are required in the design submittal for all exterior lighting fixtures to be utilized.
11. Storm water management shall be integrated into the design of the site and landscaping. Storm water management criteria are found in the following reference materials:
  - Papillion Creek Watershed Partnership Storm Water Management Policies
  - Storm Water Management Regulations, Chapter 154 of the City of La Vista Municipal Code
  - City of La Vista Subdivision Regulations, 2003 edition and latest amendments.
  - Omaha Regional Storm Water Design Manual, Draft Revision of Chapter 8 dated June 2012, or latest edition.
  - Nebraska Bioretention and Rain Garden Plants Guide, 2010 or latest edition as published by the UNL Extension Office
8. Plant selection shall take into consideration the depth and duration of storm water ponding in water quality detention areas and shall take into consideration long term operation and maintenance requirements to remove accumulated pollutants and/or to replace amended soils.
9. All fencing within this Overlay shall not exceed six (6) feet in height.
10. Fencing within the District and as part of an Industrial Development may be required to be a solid fence.

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5.17.05.04

Building Design.

1. Architectural ~~design and style are style is~~ not restricted; however, architectural style should be consistent throughout the subdivision. See Gateway Corridor District Design Guideline Booklet for examples of developments considered meeting this concept. **Evaluation of the appearance of a project shall be based on the quality of its design and relationship to surroundings and provide a comfortable pedestrian experience.**
2. Buildings shall have good scale and be in harmonious conformance with permanent neighboring development.
- 2.3 ~~All buildings are to be designed from a four-sided (360 degree) structure perspective, thus requiring the same caliber of finishes and design attention on all facades of the building. Large areas of blank exterior are to be avoided and are grounds for non-compliance.~~
- 3.4 ~~Building Materials: (i)The primary building material of all portions of the building shall be brick (clay or stone) with its color selected for harmony of the building with adjoining buildings within its subdivision. The La Vista staff and design review architect may allow other primary building material of good architectural character, such as integral colored split faced concrete block for industrial buildings or portions of the building not visible from public view (i.e. facades that back up to the landscape buffer between commercial and residential buildings). Other secondary building materials shall have good architectural character and shall be selected for harmony of the building with adjoining buildings. Prefinished metal is acceptable for upper levels of multi-story buildings. (ii) Materials shall be selected for suitability to the type of buildings and the design in which they are used. Buildings shall have the same materials, or those that are architecturally harmonious, used for all building walls and other exterior building components wholly or partly visible from public ways. (iii) Materials shall be of durable quality such as (PDF needs to be edited here). Any material requiring a field-applied finish shall have a long life, i.e. coatings such as "TNEMEC" or equal. Product data shall be submitted for review. (iv) In any design in which the structural frame is exposed to view, the structural materials shall be compatible within themselves and harmonious with their surroundings. The primary building material of all portions of the structures shall be negotiated with the City, however, sample materials shall include but not be limited to materials of high quality, such as brick (clay), stucco, wood, glass, split faced concrete masonry units (CMU) with integrated color pigmentation and stone material native to Eastern Nebraska. The materials shall be similar and compatible throughout the entire development. The La Vista staff and design review architect may allow other primary building designs (of good architectural character i.e. CMU, poured in-place concrete) for portions of the building not visible from public areas. Other secondary building materials shall have good architectural character and shall be selected for harmony of the building with adjoining buildings.~~
4. Materials shall be selected for suitability to the type of buildings and the design in which they are used. Buildings shall have the same materials, or those that are architecturally harmonious, used for all building walls and other exterior building components wholly or partly visible from public ways.
5. Materials shall be of durable quality.
6. In any design in which the structural frame is exposed to view, the structural materials shall be compatible within themselves and harmonious with their surroundings.
- 7.5 Building components, such as windows, doors, eaves and parapets, shall have good proportions and relationships to one another.
- 8.6 Colors shall be harmonious and shall ~~use include~~ only compatible accents.
9. Colors shall be of "low reflectance, subtle, neutral, or earth tones" and shall not be of high intensity or metallic colors unless the colors are true to the materials being used.

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7. Portions of low slope roofs of less than 1/12 may be allowed. They may be either adhered or ballasted. If adhered, the membrane shall be in the lighter color ranges, such as white, to be more energy conscious and less absorptive. An SRI of 29 or greater is required.

10.8. **Equipment Screening:** Mechanical equipment or other utility hardware on roof, ground, or buildings shall be screened from public view with materials harmonious with the building, or they shall be so located as not to be visible from the elevation view and all angles associated with any public view. A section view shall be provided demonstrating appropriate screening. Mechanical screening shall match building elements and materials any public ways.

9. Exterior lighting shall be part of the architectural concept. Fixtures, standards, and all exposed accessories shall be harmonious with building design. Use of more energy conscious lamps, such as LEDs or similar, is encouraged.

10. If used, fencing and site furniture (optional), including waste cans, directories, ash urns, bike racks, guard rails or railing enclosures, shall be similar to those as shown in Appendix C of the Gateway Corridor District Design Guideline Booklet. The color of the site furnishings shall blend with the colors of the rest of the building/site.

11. Refuse and waste removal areas, service yards, storage yards, and exterior work areas shall be screened from view from public ways, using materials as stated in criteria for equipment screening. Doors for access shall remain closed except when personnel are present. Designers may consider convenient alternate access for daily pedestrian use such as a side door with closer.

12. All landscaping shall be in compliance with the Landscaping Requirements from the City of La Vista Zoning Ordinance.

13. Monotony of design in single or multiple building projects shall be avoided. Variation of detail, form, and siting shall be used to provide visual interest. In multiple building projects, variable siting of individual buildings may be used to prevent a monotonous appearance.

13-14. **Exterior ladders are not allowed within the Gateway Corridor District.**

14. Building orientation shall be toward an arterial street, unless it is demonstrated that this would not be feasible.

15. **Exterior bracing of parapets or other features shall be screened from elevation views.** Screening shall match building elements and materials.

16. **Drive-through locations. Transaction location at a drive through shall not be on an arterial street frontage. Exceptions may be granted by City Staff due to site restraints.**

#### 5.17.05.05

##### Signs.

1. Every sign shall have good scale and proportion in its design and in its visual relationship to the buildings and surroundings.
2. Every sign shall be designed as an integral architectural element of the building and site to which it principally relates.
3. The colors, materials, and lighting of every sign shall be restrained and harmonious with the building and sit to which it principally relates.
4. The number of graphic elements on a sign shall be held to the minimum needed to convey the sign's major message and shall be composed in proportion to the area of the sign face.
5. Each sign shall be compatible with signs on adjoining premises and shall not compete for attention.
6. Identification signs of a prototype design and corporation logos shall conform to the criteria for all other signs.
7. Menu Boards shall be incorporated as a site element and not be post mounted. No exposed utilities or conduit is allowed. Locate signs to minimize view from public ways and they shall be required to be screened with landscaping or by other means.

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#### 5.17.05.06

##### Maintenance – Planning and Design Factors.

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1. Continued good appearance depends upon the extent and quality of maintenance. The choice of materials and their use, together with the types of finishes and other protective measures, must be conducive to easy maintenance and upkeep.
2. Materials and finishes shall be selected for their durability and wear as well as for their beauty. Proper measures and devices shall be incorporated into the design for protection against the elements, neglect, damage, and abuse.
3. If prefabricated metal is allowed, TNEMEC coated metal, or approved equal are required.

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#### 5.17.06 Sub-area Secondary Overlay

##### 5.17.06.01

###### Special Criteria For Sub-area.

The criteria found in this section are intended to be supplemental to the design standards stated in previous sections of this Article. See section 5.17.02 and 5.17.03 for purpose and geographic area of the Sub-area.

##### 5.17.06.02

###### Landscape And Site Treatment.

1. Unity of design shall be achieved by repetition of certain plant varieties and other materials and by correlation with adjacent developments. All projects need to use a minimum of the following listed plant varieties of the plants used at the La Vista Public Library / MCC Sarpy Center. See Gateway Corridor District Design Guideline Booklet for a listing of those plant materials.
  - A. A minimum of two (2) species listed under the deciduous tree category.
  - B. A minimum of one (1) species listed under the coniferous tree category.
  - C. A minimum of one (1) species listed under the deciduous shrub category.
  - D. A minimum of one (1) species listed under the coniferous shrub category.
2. Exterior lighting, when used, shall enhance the building design and the adjoining landscape. Lighting standards and fixtures for the parking areas and drives within the commercial building area shall be similar in appearance and quality level as the light fixtures used at the La Vista Public Library / MCC Sarpy Center. See Gateway Corridor District Design Guideline Booklet for information on the required light fixture style. Building fixtures shall be of a design and size compatible with the building and adjacent areas. Lighting shall be restrained in design and excessive brightness avoided.

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##### 5.17.06.03

###### Building Design.

The primary building material of all portions of the building shall be brick (clay) with its color selected for harmony of the building with adjoining buildings within its subdivision. The La Vista staff and design review architect may allow other primary building designs (of good architectural character i.e. split faced concrete block) for portions of the building not visible from public areas (i.e. facades that back up to landscape buffer between commercial buildings and residential). Other secondary building materials shall have good architectural character and shall be selected for harmony of the building with adjoining buildings.

#### 5.17.07 Factors For Evaluation

The following factors and characteristics, which affect the appearance of a development, will govern the evaluation of a design submission:

5.17.07.01 Conformance to ordinances and the Design Guideline Building Design Criteria.

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- 5.17.07.02 Logic of design.
- 5.17.07.03 Exterior space utilization.
- 5.17.07.04 Architectural character.
- 5.17.07.05 Attractiveness of material selection.
- 5.17.07.06 Harmony and compatibility.
- 5.17.07.07 Circulation-vehicular and pedestrian.
- 5.17.07.08** Maintenance aspects.
- 5.17.07.09 **Pedestrian Scale**

**5.17.07.08**

**5.17.09 Resubmittal Requirements**

After the initial submittal, digital submissions are acceptable, with the exception of material and color samples. A final hard copy submittal in 11" x 17" format shall be required after final approval.

**5.17.08 Approval of Changes After Design Acceptance**

It is the owner's responsibility to point out and submit any exterior modifications that occur between design acceptance and completion of construction to assure timely issuance of a Certificate of Occupancy.

**5.17.09 Resubmittal Requirements**

After the initial submittal, digital submissions are acceptable, with the exception of material and color samples. A final hard copy submittal in 11" x 17" format shall be required after final approval.

**5.17.1008**

**Process.**

- 5.17.1008.01 Pre-application Conference (Optional):  
A pre-application conference with city staff to give the applicant an opportunity to discuss plans before a great deal of time or money is expended. If a certain design is inappropriate, the applicant will know beforehand. Although this step is optional, it is highly recommended.

5.17.1008.02

Application for Design Review:  
The applicant needs to fill out the "Application for Certificate of ApprovalDesign Review" and submit it along with the required submittals. See Gateway Corridor District Design Guideline Booklet for a listing of required submittals. A listing of required submittals is included as part of the application form. The application fee required for this submittal shall be in accordance with La Vista's Master Fee Schedule.

5.17.1008.03

Design Review:  
The City of La Vista staff in association with the city design review architect will review the submittal documents for compliance with the Gateway Corridor District Design Guideline Booklet.

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5.17.10.04 Schedule of Reviews  
A completed application will take approximately three weeks to review.  
Incomplete applications may cause a delay. Additional reviews will be necessary for all revised submittals until a Certificate of Approval is issued.

5.17.1008.054 Certificate of Approval:  
Upon a successful review the City of La Vista will issue to the applicant a Certificate of Approval. A copy of this will need to be included with the Building Permit documents in order to receive a Building Permit.

5.17.1008.065 Appeals:  
In the event where the Applicantapplicant, City staff and City design review architect cannot come to an agreement within 180 days of initial application submission, the applicant request a meeting with the City Administrator regarding an appeal to the City Council. (*Ordinance No. 1172, 3-20-12*)

5.17.1008.076 Certificate of Occupancy:  
After the building permit is issued, all design requirements must be completed as approved in order for a Certificate of Occupancy to be issued for the building.

5.17.1008.087 Maintenance of Design Requirements:  
The Applicantapplicant needs to maintain the design requirements for the life of the project. In the event that they fail to do so the City may revoke the Occupancy Permit.

5.17.1008.098 Fees:  
Fees may apply to each individual step as established in the Master Fee Schedule.

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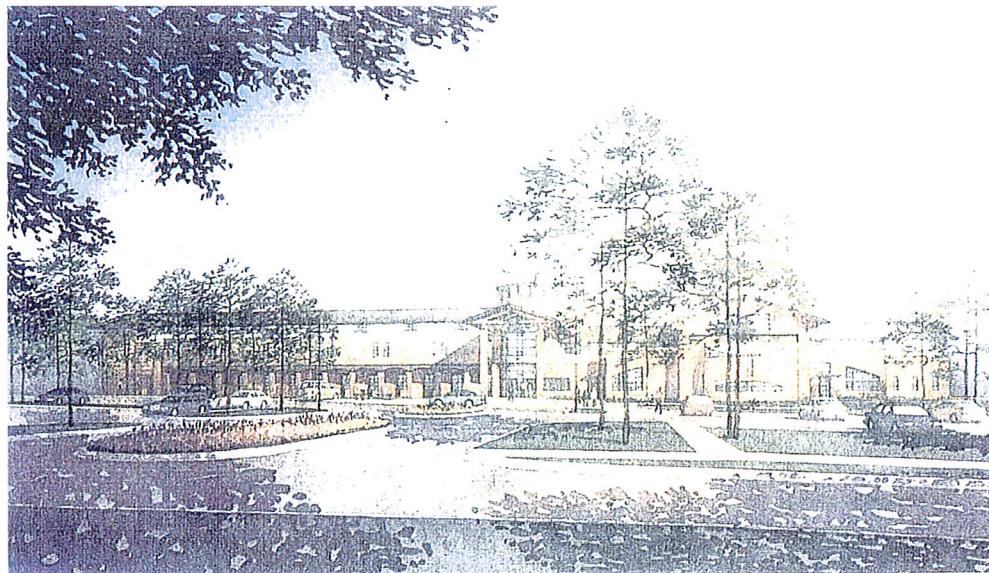
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**COMMERCIAL BUILDING  
DESIGN GUIDE AND CRITERIA**

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**City of La Vista, Nebraska**



**La Vista City Hall  
8116 Park View Boulevard  
La Vista, Nebraska  
20 July 2011  
September 2013**

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## **1. INTRODUCTION**

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The City of La Vista, in partnership with Metropolitan Community College, has made a significant investment in the community with the new La Vista Public Library/MCC Sarpy Center. The City's desire is that this project be the standard of quality for all Commercial Building Projects within the City of La Vista. Consequently, the City of La Vista has developed the *Commercial Building Design Guide and Criteria* that deals with the design of the site, building and structures, planting, signs, street hardware, and miscellaneous other objects that are observed by the public.

The criteria contained herein are not intended to restrict imagination, innovation, or variety, but rather to assist in focusing on design principles that can result in creative solutions that will develop a satisfactory visual appearance within the city, preserve taxable values, and promote the public health, safety, and welfare.

[The Guidelines as detailed in this document were incorporated into the City of La Vista Zoning Ordinance – Section 5.17.](#)

## **2. GEOGRAPHIC AREA AND CRITERIA**

**It is the intent of the city for this Building Criteria to apply to all Commercial Buildings that occur within all developments that front on 96<sup>th</sup> Street and Giles Road corridors including:**

- **Giles Road Corridor from 90<sup>th</sup> Street to 126<sup>th</sup> Street.**
- **96<sup>th</sup> Street Corridor from Harrison Street to Cornhusker Road.**

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**It is the intent of the City for this Building Criteria to apply to all property within the Gateway Corridor District (Overlay District) as shown on the City's official zoning map. New construction and modifications to existing buildings, including the structure and the surrounding property, are required to have compliance reviewed through the design review process.**

**Exceptions:**

**Conformance to this Building Criteria shall not apply if the project consists of one of the following:**

- 1) **Construction or modification of a single-family residence or duplex.**
- 2) **Structural modification which will not be visible from outside the structure.**
- 3) **Modification of a property in which:**
  - a. **The modification constitutes less than 25% of the existing building's main façade; or**
  - b. **The modification constitutes less than 25% of the building's overall elevations;**  
**or**
  - c. **Building improvements are estimated to cost under \$25,000; or**
  - d. **Site improvements are estimated to cost under \$10,000.**

### **3. DEFINITIONS**

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*Appearance.* The outward aspect visible to the public.

*Appropriate.* Sympathetic, or fitting, to the context of the site and the whole community.

*Appurtenances.* The visible, functional objects accessory to and part of buildings.

*Architectural concept.* The basic aesthetic idea of a building, or group of buildings or structures, including the site and landscape development, that produces the architectural character.

*Architectural feature.* A prominent or significant part or element of a building, structure, or site.

*Architectural style.* The characteristic form and detail, as of buildings of a particular historic period.

*Attractive.* Having qualities that arouse interest or pleasure in the observer.

*Berm.* A raised form of earth to provide screening or to improve the aesthetic character.

*City.* City of La Vista

*Code.* The Municipal Code of the City of La Vista.

*Cohesiveness.* Unity of composition between design elements of a building or a group of buildings and the landscape development.

*Compatibility.* Harmony in the appearance of two or more external design features in the same vicinity.

*Conservation.* The protection and care that prevent destruction or deterioration of historical or otherwise significant structures, buildings, or natural resources.

*Cornice.* A horizontal molded projection that crowns or completes a building or wall.

*Eclectic.* Choosing what appears to be the best from diverse sources, systems, or styles.

*Exterior building component.* An essential and visible part of the exterior of a building.

*External design feature.* The general arrangement of any portion of a building, sign, landscaping, or structure and including the kind, color, and texture of the materials of such portion, and the types of roof, windows, doors, lights, attached or ground signs, or other fixtures appurtenant to such portions as will be open to public view from any street, place, or way.

*Graphic element.* A letter, illustration, symbol, figure, insignia, or other device employed to express and illustrate a message or part thereof.

*Harmony.* A quality that represents an appropriate and congruent arrangement of parts, as in an arrangement of varied architectural and landscape elements.

*Landscape.* Plant materials, topography, and other natural physical elements combined in relation to one another and to man-made structures.

*Light cut-off angle.* An angle from vertical, extending downward from a luminaire, which defines the maximum range of incident illumination outward at the ground plane.

*Logic of design.* Accepted principles and criteria of validity in the solution of the problem of design.

*Mechanical equipment.* Equipment, devices, and accessories, the use of which relates to water supply, drainage, heating, ventilating, air conditioning, and similar purposes.

*Miscellaneous structures.* Structures, other than buildings, visible from public ways. Examples are: memorials, stagings, antennas, water tanks and towers, sheds, shelters, fences and walls, kennels, transformers, drive-up facilities.

*Plant materials.* Trees, shrubs, vines, ground covers, grass, perennials, annuals, and bulbs.

*Proportion.* Balanced relationship of parts of a building, landscape, structures, or buildings to each other and to the whole.

*Scale.* Proportional relationship of the size of parts to one another and to the human figure.

*Screening.* Structure of planting that conceals from view from public ways the area behind such structure or planting.

*Shrub.* A multi-stemmed woody plant other than a tree.

*Site break.* A structural or landscape device to interrupt long vistas and create visual interest in a site development.

*Street hardware.* Man-made objects other than buildings that are part of the streetscape. Examples are: lamp posts, utility poles, traffic signs, benches, litter containers, planting containers, letter boxes, fire hydrants.

*Streetscape.* The scene as may be observed along a public street or way composed of natural or man-made components, including buildings, paving, planting, street hardware, and miscellaneous structures.

*Structure.* Anything constructed or erected, the use of which requires permanent or temporary location on or in the ground.

*Utilitarian structure.* A structure or enclosure relating to mechanical or electrical services to a building or development.

*Utility hardware.* Devices such as poles, crossarms, transformers and vaults, gas pressure regulating assemblies, hydrants, and buffalo boxes that are used for water, gas, oil, sewer, and electrical services to a building or a project.

*Utility service.* Any device, including wire, pipe, and conduit, which carries gas, water, electricity, oil and communications into a building or development.

#### **4. CRITERIA FOR APPERANCE**

##### **I. RELATIONSHIP OF BUILDING TO SITE**

- A. The site shall be planned to accomplish a desirable transition with the streetscape and to provide for adequate planting, safe pedestrian movement, and parking areas.
- B. Site planning is encouraged to provide an interesting relationship between buildings, in which setbacks and yards are in excess of zoning restrictions is encouraged to provide an interesting relationship between buildings.
- C. Building and site designs shall relate to and promote a pedestrian scale. Parking areas shall be treated with decorative elements, building wall extensions, plantings, berms, or other innovative means so as to screen parking areas from view from public ways.
- D. Parking areas shall be treated with decorative elements, building wall extensions, plantings, berms, or other innovative means so as to screen parking areas continuously from view from public ways and adjacent properties. Without restricting the permissible limits of the applicable zoning district, the height and scale of each building shall be compatible with its site and existing (or anticipated) adjoining buildings.
- E. Without restricting the permissible limits of the applicable zoning district, the height and scale of each building shall be compatible with its site and existing (or anticipated) adjoining buildings. Multi-story facades shall be divided providing a pedestrian scale. Newly installed utility services, and service revisions necessitated by exterior alterations, shall be underground.
- F. Newly installed utility services, and service revisions necessitated by exterior alterations, shall be underground.

##### **II. RELATIONSHIP OF BUILDINGS AND SITE TO ADJOINING AREA (OUTSIDE OF SUBDIVISION)**

- A. Adjacent buildings of different architectural styles shall be made compatible by such means as screens, sight breaks, and materials.
- B. Attractive landscape transition to adjoining properties shall be provided.
- C. Harmony in texture, lines, and masses is required. Monotony shall be avoided.

##### **III. LANDSCAPE AND SITE TREATMENT**

Landscape elements included in these criteria consist of all forms of planting and vegetation, ground forms, rock groupings, water patterns, and all visible construction except buildings and utilitarian structures.

- A. Where natural or existing topographic patterns contribute to beauty and utility of a development, they shall be preserved and developed. Modification to topography will be permitted where it contributes to good appearance. All modifications to topography shall be designed to provide varied and more natural grading practices. Consistent, even topography that provides an engineered feel is not acceptable.

- B. Grades of walks, parking spaces, terraces, and other paved areas shall provide an inviting and stable appearance for walking and, if seating is provided, for sitting.
- C. Landscape treatment shall be provided to enhance architectural features, strengthen vistas and important axes, and provide shade. Spectacular effects shall be reserved for special locations only.
- D. Unity of the design shall be achieved by repetition of certain plant varieties and other materials and by correlation with adjacent developments. All projects need to use a minimum of the following listed plant varieties of the plants used at the La-Vista Public Library/ MCC Sarpy Center. See listed in Appendix A for a listing of those plant materials are required to use the minimum number of species under each category from the variety list in Appendix A.
  - 1. A minimum of two species listed under the deciduous tree category
  - 2. A minimum of one species listed under the coniferous tree category
  - 3. A minimum of one species listed under the deciduous shrubs category
  - 4. A minimum of one species listed under the coniferous shrubs category
- E. Plant material shall be selected for interest in its structure, texture, and color and for its ultimate growth. Plants that are indigenous to the area and others that will be hardy, harmonious to the design, and of good appearance shall be used.
- F. Landscape plan shall be designed to provide natural undulating landscape forms. Avoid consistent straight line plantings.
- E.G. Irrigation of all landscape elements as defined above and turf area is required. Provide specification or information showing compliance in design submittal.
- F.H. Parking areas and traffic ways shall be enhanced with landscaped spaces containing trees or tree groupings.
- G.I. Screening of service yards, mechanical, electrical, phone equipment and pedestals and other places that tend to be unsightly shall be accomplished by use of walls, fencing, planting, or combinations of those. Screening shall be equally effective in winter and summer. and other places that tend to be unsightly shall be accomplished by use of walls, fencing, planting, or combinations of those. Screening shall be equally effective in winter and summer.
- J. Exterior lighting, when used, shall enhance the building design and the adjoining landscape. Lighting standards and fixtures for the parking areas and drives within the commercial building area shall be similar in appearance and quality level as the light fixtures identified in Appendix B. Building fixtures shall be of a design and size compatible with the building and adjacent areas. Lighting shall be restrained in design and excessive brightness avoided. Wall Pack and exterior lighting with visible lamps are not permitted. Lighting shall be Dark Sky compliant, and limit wash onto abutting properties. Exceptions to Dark Sky compliance may be made for specific emergency lighting situations. Fixture, poles and/or other support cut sheets are required in the design submittal for all exterior lighting fixtures to be utilized, used at the La-Vista Public Library/ MCC Sarpy Center. See Appendix B for information on the

~~required light fixture style. Building fixtures shall be of a design and size compatible with the building and adjacent areas. Lighting shall be restrained in design and excessive brightness avoided. Lighting shall be Dark Sky compliant, and limit wash onto abutting properties.~~

**K.** Storm water management shall be integrated into the design of the site and landscaping. Storm water management criteria are found in the following reference materials:

1. Papillion Creek Watershed Partnership Storm Water Management Policies
2. Storm Water Management Regulations, Chapter 154 of the City of La Vista Municipal Code
3. City of La Vista Subdivision Regulations, 2003 Edition and latest amendments
4. Omaha Regional Storm Water Design Manual, Draft Revision of Chapter 8 dated June, 2012 or latest edition.
- H.5. Nebraska Bioretention and Rain Garden Plants Guide, 2010 or latest edition

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#### **IV. BUILDING DESIGN**

**A.** Architectural style is not restricted; however architectural style should be consistent throughout the subdivision. See Appendix C ~~See Appendix C for photos of existing Gateway Corridor compliant buildings. Evaluation of the appearance of the projects shall be based on the quality of its design and relationship to surroundings and provide a comfortable pedestrian scale experience for photos of Williamsburg Village in Lincoln, Nebraska existing Gateway Corridor compliant buildings.~~ Evaluation of the appearance of the projects shall be based on the quality of its design and relationship to surroundings.

**B.** Buildings shall have good scale and be harmonious conformance with permanent neighboring development.

**B.C.** ~~All buildings are to be designed from a four-sided (360 degree) structure perspective, thus requiring the same caliber of finishes and design attention on all facades of the building. Large areas of blank exterior are to be avoided and are grounds for non-compliance.~~

**C.D.** ~~Building Materials:~~ (i) The primary building material of all portions of the building shall be brick (clay or stone) with its color selected for harmony of the building with adjoining buildings within its subdivision. ~~The La Vista staff and design review architect may allow other primary building designs (of good architectural character i.e. split faced concrete block) for portions of the building not visible from public areas (i.e. facades that back up to landscape buffer between commercial buildings and residential.) Other secondary building materials shall have good architectural character and shall be selected for harmony of the building with adjoining buildings. The City may allow other primary building material of good architectural character. (i.e. integral colored split faced concrete block) for industrial buildings or portions~~

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of the building not visible from public view (i.e. facades that back up to landscape buffer between commercial buildings and residential.) Other secondary building materials shall have good architectural character and shall be selected for harmony of the building with adjoining buildings. Prefinished metal is acceptable for upper levels of multi-story buildings.

(ii) Materials shall be selected for suitability to the type of buildings and the design in which they are used. Buildings shall have the same materials, or those that are architecturally harmonious, used for all building walls and other exterior building components wholly or partly visible from public ways.

(iii) Materials shall be of durable quality such as prefinished or integral color for long life with minimal maintenance. Any material requiring a field-applied finish shall have long life, i.e. coatings such as “TNEMEC” or equal. Product data shall be submitted for review.

(iv) In any design in which the structure frame is exposed to view, the structural materials shall be compatible within themselves and harmonious with their surroundings.

**D.E.** Building components, such as windows, doors, eaves and parapets, shall have good proportions and relationships to one another.

**F.** Colors shall be harmonious and shall use only compatible accents.

**E.G.** Portions of low slope roofs of less than 1/12 may be allowed. They may be either adhered or ballasted. If adhered, the membrane shall be in the lighter color ranges, such as white, to be more energy conscious and less absorptive. An SRI of 29 or greater is required.

Flat roofs shall have a slope of less than 1/12. They may be either adhered or ballasted. If adhered the membrane shall be in the lighter color ranges

**F.H.** Mechanical equipment or other utility hardware on roof, ground, or buildings shall be screened from public view with materials harmonious with the building or they shall be so located as not to be visible the elevation view and all angles associated with any public view. A section view shall be provided demonstrating appropriate screening. Mechanical screening shall match building elements and materials, from any public ways.

**G.I.** Exterior lighting shall be part of the architectural concept. Fixtures, standards, and all exposed accessories shall be harmonious with building design. Use of more energy conscious lamps, such as LED's or similar is encouraged.

**H.J.** If used, fencing and site furniture (Optional), including waste cans, directories, ash urns, guard rails or railing enclosures, shall be similar to those in existing locations and blend in with the Architectural styles shown in Appendix (C). Appendix. The color of the site furnishings shall match/blend with the colors of the rest of the building/site. Provide selection documentation and color for review.

**K.** Refuse and waste removal areas, service yards, storage yards, and exterior work areas shall be screened from public view from public ways, using materials as stated in criteria for equipment screening. Doors for access shall remain

closed except when personnel are present. Designers may consider convenient alternate access for daily pedestrian use such as a side door with closer.

I.L. All landscaping shall be in compliance with the Landscaping Requirements from the City of La Vista Zoning Ordinance.

M. Monotony of design in single or multiple building projects shall be avoided.

Variation of detail, form, and siting shall be used to provide visual interest. In multiple building projects, variable siting or individual buildings may be used to prevent a monotonous appearance.

N. Exterior ladders are not allowed within the Gateway Corridor District.

O. Exterior bracing of parapets or other features shall be screened from elevation views. Screening shall match building elements and materials.

J.P. Drive-through locations. Transaction location at a drive-through shall not be on an arterial street frontage. Exceptions may be granted due to site restraints.

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#### VI.V. SIGNS

- A. Every sign shall have good scale and proportion in its design and in its visual relationship to the buildings and surroundings.
- B. Every sign shall be designed as an integral architectural element of the building and site to which it principally relates.
- C. The colors, materials, and lighting of every sign shall be restrained and harmonious with the building and site to which it principally relates.
- D. The number of graphic elements on a sign shall be held to the minimum needed to convey the sign's major message and shall be composed in proportion to the area of the sign face.
- E. Each sign shall be compatible with signs on adjoining premises and shall not compete for attention.
- F. Identification signs of a prototype design and corporation logos shall conform to the criteria for all other signs.
- G. Menu Boards shall be incorporated as a site element and not be post mounted. No exposed utilities or conduit is allowed. Locate signs to minimize view from public ways and they are required to be screened with landscaping or by other meansAll signage has to comply with the City of La Vista Special Commercial Corridor Sign Regulations.

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#### VII.VI. MAINTENANCE—PLANNING AND DESIGN FACTORS

- A. Continued good appearance depends upon the extent and quality of maintenance. The choice of materials and their use, together with the types of finishes and other protective measures, must be conducive to easy maintenance and upkeep.
- B. Materials and finishes shall be selected for their durability and wear as well as for their beauty. Property measures and devices shall be incorporated for protection against elements, neglect, damage, and abuse.
- B.C. If prefinished metal is allowed, TNEMEC coated metal, or approved equal is required.

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## **VIII.VII. FACTORS FOR EVALUATION**

The following factors and characteristics, which affect the appearance of the development, will govern the evaluation of a design submission:

- A. Conformance ~~to~~ of ordinances and the [Design GuidelineBuilding Criteria](#)
- B. Logic of design.
- C. Exterior space utilization.
- D. Architectural character.
- E. Attractiveness.
- F. Material selection.
- G. Harmony and compatibility.
- H. Circulation-vehicular and pedestrian.
- I. Maintenance aspects.
- J. Pedestrian scale

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## **VIII. RESUBMITTAL REQUIREMENTS**

After the initial submittal, digital submissions are acceptable, with the exception of material and color samples. A final hard copy submittal in 11" x 17" format shall be required after final approval.

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## **IX. APPROVAL OF CHANGES AFTER DESIGN ACCEPTANCE**

I. It is the owner's responsibility to point out and submit any exterior modifications that are proposed between design acceptance and completion of construction to assure timely issuance of a Certificate of Occupancy.

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## 5. PROCESS

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### **SUBDIVISION APPROVAL**

All Commercial Building projects within the City of La Vista need to receive Subdivision approval. As a condition of its subdivision approval, all commercial building projects within the Southport development will have to comply with this *Architectural and Site Design Guidelines*. The Developer shall place maintenance provisions for Building Design Criteria in restrictive covenants.

### **PRE-APPLICATION CONFERENCE (OPTIONAL):**

A pre-application conference with city staff and/or a preliminary meeting with the city design review architect gives the applicant an opportunity to discuss plans before a great deal of time or money is expended. If a certain design is inappropriate, the applicant will know before-hand. Although this step is optional, it is highly recommended.

### **APPLICATION FOR DESIGN REVIEW:**

The applicant needs to fill out the "Application for Certificate of Approval" (see Appendix S)Design Review and submit it along with the required submittals. A listing of required submittals is included as part of the application form. See

**Appendix T for a listing of required submittals:** The application fee required for this submittal shall be in accordance with La Vista's Master Fee Schedule.

**DESIGN REVIEW:**

The City of La Vista staff in association with the city design review architect will review the submittal documents for compliance with the *Architectural and Site Design Guidelines for SouthportGateway Corridor District Design Guidelines*.

**SCHEDULE OF REVIEWS:**

A completed application will take approximately three weeks to review. ~~(Incomplete applications may cause a delay). Additional reviews will be necessary for all revised submittals until a Certificate of Approval is issued.~~

**CERTIFICATE OF APPROVAL:**

Upon a successful review the City of La Vista will issue to the applicant a Certificate of Approval. A copy of this will need to be included with the Building Permit documents in order to receive a Building Permit.

**APPEALS:**

In the event where the ~~Applicant, city staff and city design review architect applicant and the City~~ cannot come to an agreement within 180 days of initial application submission, the applicant may appeal the decision by requesting an amendment to the Subdivision Agreement from the La Vista City Council, request a meeting with the City Administrator regarding an appeal to the City Council.

**OCCUPANCY PERMIT:**

After the building permit is issued, all design requirements must be completed as approved in order for an Occupancy Certificate to be issued.

**MAINTENANCE OF DESIGN REQUIREMENTS:**

The ~~Applicant~~ needs to maintain the Design Requirements for the life of the project. In the event that they fail to do so, the City may revoke the Occupancy Permit.

## 6. APPENDIX A

### La-Vista Public Library / MMC Sarpy Center Plant Materials

<b>DECIDIOUS TREES</b>	<b>Min. Size</b>	
	2.5" cal	<b>Formatted:</b> Font: Not Bold
Downy Serviceberry/Amelanchier arborea – clump form		
Prairie Pride hackberry/Celtis occidentalis 'Prairie Pride'		
Autumn Purple White Ash/Fraxinus americana 'Autumn Purple'		
Patmore Green Ash/Fraxinus pennsylvanica 'Patmore'		
Skyline Honeylocust/Gleditsia triacanthos 'Skycole'		
Shademaster Honeylocust/Gleditsia triacanthos 'PNI 2835'		
Prairifire Crab/Malus 'Prairifire'		
Swamp White Oak/Quercus bicolor		
Glenleven Littleleaf Linden/Tilia x flavescens 'Glenleven'		
River Birch/Betula Nigra		
<u>Downy Serviceberry/Amelanchier arborea – clump form</u>		

Prairie Pride hackberry/Celtis occidentalis ‘Prairie Pride’  
Freeman Maple “Marmo”/ Acer saccharinum  
Burgundy Belle Red Maple/ Acer rubrum  
Norway Maple/ Acer platanoides  
Halka Honeylocust/ Gleditsia triacanthos var. inermis “Halka”  
Prairifire Crab/Malus ‘Prairifire’  
Swamp White Oak/Quercus bicolor  
Glenleven Littleleaf Linden/Tilia x flavescens ‘Glenleven’  
River Birch/Betula Nigra  
Heritage Oak/ Quercus virginiana  
Chinquapin Oak/ Quercus muehlenbergii  
Kentucky Coffee/ Gymnocladus dioicus espresso  
Adams Crab/ Malus ‘Adams’  
Snowdrift Crab/ Malus ‘Snowdrift’  
Greenspire/ Tilia cordata  
Red Maple/ Acer rubrum

## CONIFEROUS TREES

6' tall

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Norway Spruce/Picea abies  
Douglas Fir/Pseudotsuga menziesii  
Colorado Spruce/Picea pungens  
Scotch Pine/Pinus sylvestris  
Colorado Spruce/Picea pungens  
Vanderwolf Pine/ Pinus flexilis ‘Vanderwolf’s’  
Bosnian Pine/ Pinus heldreichii  
Black Hills Spruce/ Picea glauca

## DECIDUOUS SHRUBS

5 gallon

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Miniature Snowflake Mockorange/Philadelphus x ‘Miniature Snowflake’  
Gro-Low Fragrant Sumac/Rhus aromatica ‘Gro-Low’  
Japanese White Spirea/Spirea albiflora  
Anthony Waterer Spirea-Sapho/Spirea x bumalda ‘Anthony Waterer’  
Hancock Coralberry/Symporicarpos x chenault ‘Hancock’  
Dwarf Lilac/ Syringa meyeri ‘Palibin’  
Alpine Currant/ Ribes alpinum  
Burning Bush/ Euonymus alatus  
Birchleaf Spirea  
Dogwood/ firedance red twig  
Blue muffin ViburnumRockspray Cotoneaster/Cotoneaster horizontalis  
Miniature Snowflake Mockorange/Philadelphus x ‘Miniature Snowflake’  
Gro-Low Fragrant Sumac/Rhus aromatica ‘Gro-Low’  
Japanese White Spirea/Spirea albiflora  
Anthony Waterer Spirea-Sapho/Spirea x bumalda ‘Anthony Waterer’  
Hancock Coralberry/Symporicarpos x chenault ‘Hancock’

**CONIFEROUS SHRUBS**5 gallon**Formatted:** Font: Not BoldGreen Tam Juniper/ Juniperus Sabina ‘Tamariscifolia’Sea Green Juniper/ Juniperus chinensis ‘Sea Green’Compact Andorra Juniper/ Juniperushorizontalis Plumosa ‘Compacta’Andorra Juniper/ Juniperus horizontalis Plumosa**GROUNDCOVERS**1 gallon**Formatted:** Font: Not BoldPurple Winter Creeper/Euonymus fortunei var. ‘Coloratus’Vinca Minor**PERENNIALS/BULBS**1 gallon**Formatted:** Font: Not BoldButterscotch Ruffles Daylily/Hemerocallis ‘Butterscotch Ruffles’Fairy Tale Pink Daylily/Hemerocallis ‘Fairy Tale Pink’Hyperion Daylily/Hemerocallis ‘Hyperion’Irish Elf Daylily/Hemerocallis ‘Irish Elf’Little Business Daylily/Hemerocallis ‘Little Business’Pardon Me Daylily/Hemerocallis ‘Pardon Me’Happy Returns Daylily/Hemerocallis ‘Happy Returns’Mount Hood Daffodil/Narcissus sp. ‘Mount Hood’May Night Salvia/ Salvia nemorosa ‘May Night’

## 7. APPENDIX B

### La Vista Public Library / MMC Sarpy Center lightLight Fixtures

(Lighting Spec Sheets Inserted, 5 Pages)

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## 8. APPENDIX C

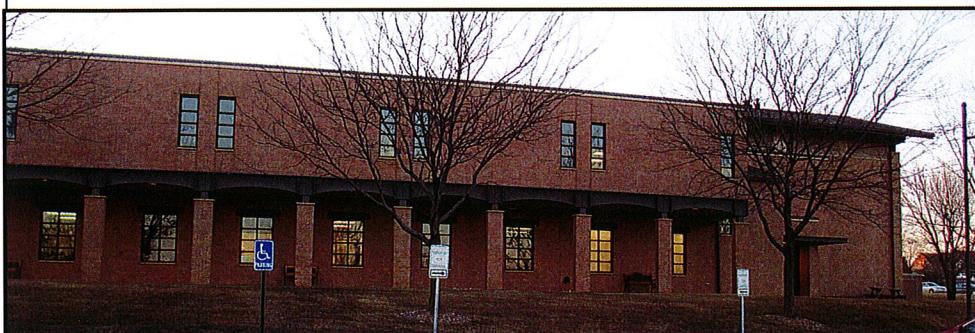
### CASE STUDY: Williamsburg Village Existing Development

#### 8. APPENDIX C

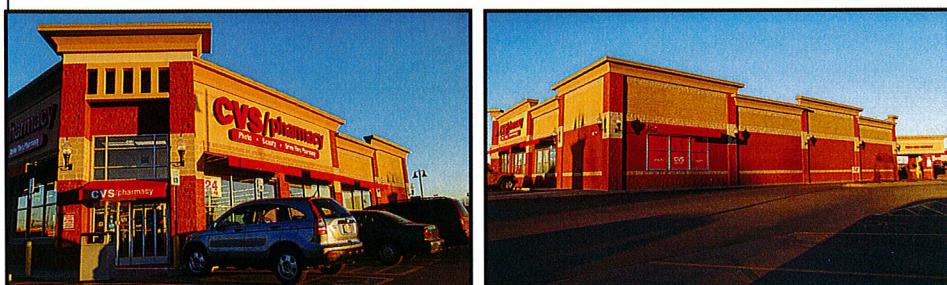
#### CASE STUDY: Existing Development



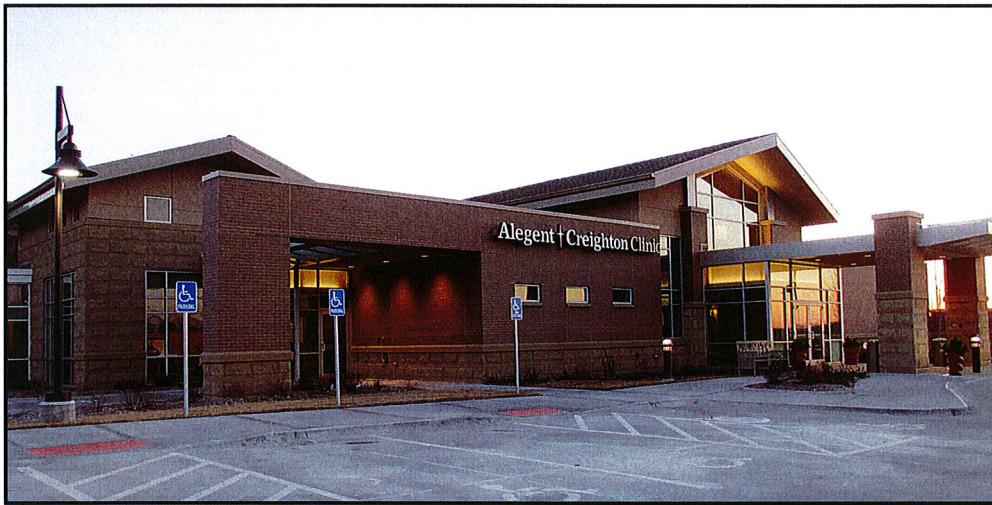
Overhang, colonnade and details divide building into smaller portions.



Four sided building detail. Colonnade breaks two story face down to pedestrian scale.



Pedestrian scale – awnings, elevation relief, Multiple design elements and textures on all textures, shadow, color, display. sides of the facility, including use of wall sconces, brick patterns, faux windows, elevation relief.



Pedestrian scale. Design has material diversity, shadow and detail design interests.



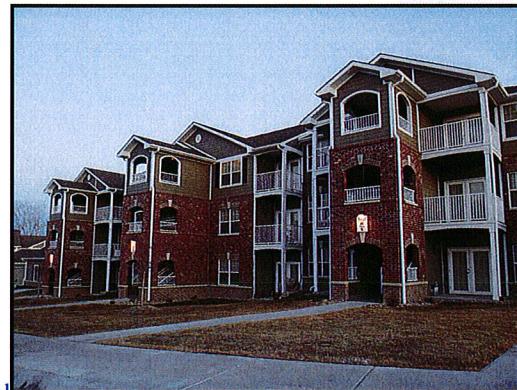
Four sided design. Multiple design elements tie sides of the building together.



Four sided building; minimize blank walls.



Detail variety provides pedestrian scale by dividing building into smaller proportions.



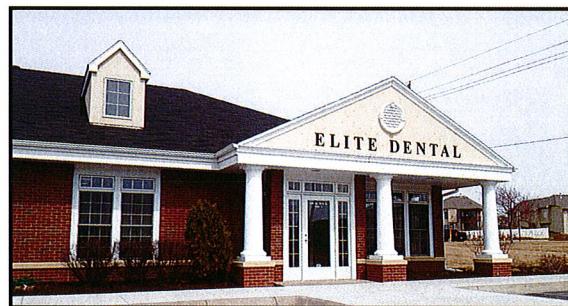
Detailed design continues on all sides, creating complimentary context on all facades.



Guard rail and retaining wall. Four-sided building details.









Complementary context is created on all facades through the use of detailed design, elevation changes, detail features which continue on all sides, use of wall sconce lighting, brick patterning, texture, etc.



**9. APPENDIX D**  
**Application for Certificate of Approval**

**APPLICATION FOR CERTIFICATE OF APPROVAL**

**La Vista Building Design Criteria Review**

Project Name: \_\_\_\_\_ Submittal Date: \_\_\_\_\_

Address of Site: \_\_\_\_\_ Zoning District: \_\_\_\_\_

Name of Owner/Manager's Representative: \_\_\_\_\_ Title: \_\_\_\_\_

Address: \_\_\_\_\_ Phone: \_\_\_\_\_

Name of Designer's Firm or Studio: \_\_\_\_\_

Address: \_\_\_\_\_ Phone: \_\_\_\_\_

Name of Designers Representative: \_\_\_\_\_ Title: \_\_\_\_\_

Application for: Sign \_\_\_\_\_ Bldg. \_\_\_\_\_ Landscaping \_\_\_\_\_ Lighting \_\_\_\_\_

Other: \_\_\_\_\_

**FOR OFFICE USE ONLY - DO NOT WRITE BELOW THIS LINE**

**CERTIFICATE OF APPROVAL**

**La Vista Building Design Criteria Review**

This certifies that the "exterior design features" related to the above permit(s) for the site listed above have been approved by the City of La Vista, subject to the conditions stipulated in the minutes shown below.

## Planning Director

—Date

## ~~10. APPENDIX E~~ ~~Submittal Requirements~~

-All exhibits required for the permanent file (note in the following paragraphs) must be able to be reduced to (11" x 17") by folding, photo reduction, etc. However, larger mounting boards, material samples, or other exhibits not meeting this criteria may be used for presentation purposes.

Three (3) black and white prints (one of which shall be colored) of the following required drawings shall be submitted to the City for presentation to the Design Review Staff and architect:

An adequate number of *color* photographs are required to illustrate the existing nature of the proposed site, including any existing buildings and other existing features as well as the context of the proposed site. Photos may also be used to illustrate installations on other sites that are similar to the applicant's proposal.

**A. BUILDING CONSTRUCTION, EXTERIOR REMODELING, AND ADDITIONS (INCLUDING PARKING LOTS AND LANDSCAPING) SUBMITTAL REQUIREMENTS**

Site Plan. A site plan is required containing the following information:

- a. Scale and north arrow;
- b. Address of site;
- c. All property and street pavement lines;
- d. Existing and proposed contours;
- e. Gross area of tract stated in square feet;
- f. If parking is involved, show calculations for determining the required number of off-street parking spaces as required by the City's zoning ordinance. Give the number of spaces actually proposed. Give the maximum number of employees, customers, and office vehicles that would be at the facility at any one time;
- g. Proposed ingress or egress to the site, including on-site parking area(s), parking stalls, and adjacent streets. Delineate traffic flow with directional arrows and indicate the location of direction signs or other motorist's aids (if any);
- h. Calculations for determining the required number of trees to be placed within the proposed parking area must be shown, as well as

the designation of required buffer screens (if any) between the parking area and adjacent property;

- i. Location of all isolated trees having a diameter of six (6) inches or more. (Tree masses may be shown with a diagrammatic outline and a written inventory of individual trees included.)
- j. Existing landscaping that will be retained and proposed landscaping shall be differentiated and shown on the plan. The type, size, number, and spacing of all plantings must be illustrated;
- k. Location of all existing (to remain) and proposed buildings on the site and all buildings within fifty (50) feet of the site's boundaries;
- l. Location of all existing (to remain) and proposed lighting standards.
- m. Finished sidewalk locations in, around, and outside of lot.

2. *Elevations.* Complete elevations of all proposed construction and related elevations of existing structures (if any) are required containing the following information:
  - a. Scale;
  - b. All signs to be mounted on the elevations;
  - c. Designation of the kind, color, and texture of all primary materials to be used.
3. *Material Samples.* Material samples are required for all major materials

#### **B. FREE-STANDING GROUND SIGNS SUBMITTAL REQUIREMENTS**

1. *Site Plan.* A site plan is required containing the following information:
  - a. Scale and north arrow;
  - b. Address of site;
  - c. All property and street pavement lines;
  - d. Proposed ingress and egress to site, including on-site parking area(s), parking stalls, and adjacent streets. Delineate the traffic flow with directional arrows and indicate the location of direction signs and other motorist's aids (if any);
  - e. Location of existing and proposed landscaping;
  - f. Location and height of all buildings on the site and all buildings within fifty (50) feet of the site's boundaries;
  - g. Location and height of all existing (to remain) and proposed signs on the site. Show required setbacks for sign from property lines;
2. *Elevation.* An elevation is required of each face of the proposed sign showing the following information:
  - a. All specifications including size of letters and graphics.

#### **C. WALL SIGN SUBMITTAL REQUIREMENTS**

1. *Sign Drawing.* A sealed drawing of each face of the proposed wall sign is required showing the following information
  - a. All size specifications, including the size of letters and graphics;
  - b. Description of sign and frame materials and colors;

2. *Elevation.* An elevation drawn to scale of the entire wall of the building to which the sign is to be fixed, correctly locating the sign.

#### **D. LIGHTING SUBMITTAL REQUIREMENTS**

1. *Site Plan.* A site plan is required containing the following information:
  - a. Scale and north arrow;
  - b. Address of site;
  - c. All property and street pavement lines;
  - d. Proposed ingress and egress to the site, including on-site parking area(s), parking stalls, and adjacent streets;
  - e. Existing landscaping that will be retained and proposed landscaping;
  - f. Location and height of all existing (to remain) and proposed buildings on the site and all buildings within fifty (50) feet of the site's boundaries;
  - g. Location of all existing (to remain) and proposed lighting standards, and circumference area that will be lighted by each standard.
2. *Lighting Standard Drawing.* A scaled drawing of the proposed lighting standard(s) is required and should contain the following information:
  - a. All size specifications;
  - b. Information on lighting intensity (number of watts, isofootcandle diagram, etc.);
  - c. Materials, colors.

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

AN ORDINANCE TO AMEND SECTION 5.17 OF ORDINANCE NO. 848 (ZONING ORDINANCE); TO REPEAL SECTION 5.17 OF ORDINANCE NO. 848 AS PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

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

SECTION 1. Amendment of Section 5.17. Section 5.17 of the Ordinance No. 848 is hereby amended to read as follows:

**Section 5.17 GATEWAY CORRIDOR DISTRICT (OVERLAY DISTRICT)**

**5.17.01 Intent:**

The City of La Vista has established basic site and building development criteria to be implemented within the boundaries of this overlay district *for all multi-family, industrial, and commercial building projects*. The Gateway Corridor District has been established in order to implement the policies developed in the Future Land Use Plan portion of the Comprehensive Development Plan. These criteria include, but are not limited to the following: landscaping, building material selection, lighting, and interior street development. The purpose for regulating these issues is to provide for cohesive and properly developed entrances into the City corridor. Guiding development in this manner promotes the general health, safety and welfare of the residents within the zoning jurisdiction of the City, by providing quality design and construction which will also aid in the protection of past and future investment in the corridor. (*Ordinance No. 1172, 3-20-12*)

Within the Gateway Corridor Overlay District there is a sub-area secondary overlay centered on the intersection of 96th and Giles Road (see Official Zoning map). The purpose of this secondary overlay evolves around a partnership between the City of La Vista and Metropolitan Community College which have made a significant investment in the community with the new La Vista Public Library / MCC Sarpy Center. The City's desire is that this district be the standard of quality for all *multi-family, industrial, and commercial building projects* within this *geographically defined area*. See Section 5.17.06 for special design criteria for this sub-area. (*Ordinance No. 1048, 10-2-07*)

**5.17.02 Purpose:**

The purpose of these criteria is to establish a checklist of those items that affect the physical aspect of La Vista's environment. Pertinent to appearance is the design of the site, building and structures, planting, signs, street hardware, and miscellaneous other objects that are observed by the public.

The criteria contained herein are not intended to restrict imagination, innovation or variety, but rather to assist in focusing on design principles that can result in creative solutions that will develop a satisfactory visual appearance within the city, preserve taxable values, and promote the public health, safety and welfare.

**5.17.03 Geographic Area:**

For a geographically defined area of the Gateway Corridor Overlay District, see the Official Zoning Map. If a site is partially covered by said overlay district, then the entire site is to be covered by these regulations. (*Ordinance No. 1048, 10-2-07*) (*Ordinance No. 1172, 3-20-12*)

The sub-area secondary overlay -area occurs within all developments that front on the 96th Street and Giles Road corridors including:

- Giles Road Corridor – from 90th Street to 108th Street.

- 96th Street Corridor – from Harrison Street to *Portal Road*

If a site is partially covered by said sub-area secondary overlay district, then the entire portion of the site facing 96<sup>th</sup> and/or Giles Road is to be covered by these regulations. See Section 5.17.06 for special design criteria for this geographic area. *For a geographically defined area, see the Official Zoning Map. (Ordinance No. 1048, 10-2-07)*

#### **5.17.04 Criteria for Application:**

5.17.04.01 New construction and modification of existing buildings, including the structure and the surrounding property, are required to have compliance reviewed through the design review process.

5.17.04.02 Exceptions:  
Conformance to this Building Criteria shall not apply if the project consists of one of the following:

1. Construction or modification of a single-family residence or duplex.
2. Structural Modification which will not be visible from outside the structure.
3. Modification of a property which:
  - a. The modification constitutes less than 25% of the existing building's main façade; or
  - b. The modification constitutes less than 25% of the building's overall elevations; or
  - c. Building improvements are estimated to cost under \$25,000; or
  - d. Site improvements are estimated to cost under \$10,000

#### **5.17.05 Criteria for Appearance**

5.17.05.01 Relationship of Buildings to Site.  
The site shall be planned to accomplish a desirable transition with the streetscape and to provide for adequate planting, safe pedestrian movement, and parking areas.

1. Site planning is encouraged to provide an interesting relationship between buildings.
2. Building and site designs shall relate to and promote pedestrian scale.
3. Parking areas shall be treated with decorative elements, building wall extensions, plantings, berms, or other innovative means so as to screen parking areas from view from public ways and adjacent properties.
4. Without restricting the permissible limits of the applicable zoning district, the height and scale of each building shall be compatible with its site and existing (or anticipated) adjoining buildings. Multi-story facades shall be divided providing pedestrian scale.
5. Newly installed utility services, and service revisions necessitated by exterior alterations, shall be underground.

5.17.05.02 Relationship of Buildings and Site to Adjoining Area (Outside Of Subdivision).

1. Adjacent buildings of different architectural styles shall be made compatible by such means as screens, sight breaks, and materials.
2. Attractive landscape transitions shall be designed to be compatible to adjoining properties.
3. Harmony in texture, lines, and masses is required. Monotony shall be avoided.

5.17.05.03

Landscape and Site Treatment.

Landscape elements included in these criteria consist of all forms of planting and vegetation, ground forms, rock groupings, water patterns, and all visible construction except buildings and utilitarian structures.

1. Where natural or existing topographic patterns contribute to beauty and utility of a development, they shall be preserved and developed. Modification to topography will be permitted where it contributes to good site design and development. All modifications to topography shall be designed to provide varied and more natural grading practices. Consistent, even topography that provides an engineered feel is not acceptable.
2. Grades of walks, parking spaces, terraces, and other paved areas shall provide an inviting and stable appearance for walking and, if seating is provided, for sitting.
3. Landscape treatments shall be provided to enhance architectural features, strengthen vistas and important axis, and provide shade. Spectacular effects shall be reserved for special locations only.
4. Unity of design shall be achieved by repetition of certain plant varieties and other materials and by correlation with adjacent developments. All projects need to use a minimum of the following listed plant varieties of the plants listed in Appendix A of the Gateway Corridor District Design Guideline Booklet.
  - A minimum of two species listed under the deciduous tree category
  - A minimum of one species listed under the coniferous tree category
  - A minimum of one species listed under the deciduous shrubs category
  - A minimum of one species listed under the coniferous shrubs category
5. Plant material shall be selected for interest in its structure, texture, and color and for its ultimate growth. Plants that are indigenous to the area and others that will be hardy, harmonious to the design, and of good appearance shall be used.
6. The landscape plan shall be designed to provide natural undulating landscape forms. Avoid consistent straight line pairings.
7. Irrigation of all landscape elements as defined above and turf area is required. Provide specification or information showing compliance in the design submittal.
8. Parking areas and traffic ways shall be enhanced with landscaped spaces containing trees or tree groupings.
9. Screening of service yards and other places that tend to be unsightly shall be accomplished by use of walls, fencing, planting, or combinations of those. Screening shall be equally effective in winter and summer.
10. Exterior lighting, when used, shall enhance the building design and the adjoining landscape. Lighting standards and fixtures for the parking areas and drives within the building area shall be similar in appearance and quality level as the light fixtures identified in Appendix B of the Gateway Corridor District Design Guideline Booklet. Building fixtures shall be of a design and size compatible with the building and adjacent areas. Lighting shall be restrained in design and excessive brightness avoided. Wall Pack lighting and exterior lighting with visible lamps is not permitted. Lighting shall be Dark Sky compliant and limit wash onto abutting properties. Exceptions to Dark Sky compliance may be made for specific emergency lighting situations. Fixture, poles, and/or other support cut sheets are required in the design submittal for all exterior lighting fixtures to be utilized.

11. Storm water management shall be integrated into the design of the site and landscaping. Storm water management criteria are found in the following reference materials:

- Papillion Creek Watershed Partnership Storm Water Management Policies
- Storm Water Management Regulations, Chapter 154 of the City of La Vista Municipal Code
- City of La Vista Subdivision Regulations, 2003 edition and latest amendments.
- Omaha Regional Storm Water Design Manual, Draft Revision of Chapter 8 dated June 2012, or latest edition.
- Nebraska Bioretention and Rain Garden Plants Guide, 2010 or latest edition as published by the UNL Extension Office

Plant selection shall take into consideration the depth and duration of storm water ponding in water quality detention areas and shall take into consideration long term operation and maintenance requirements to remove accumulated pollutants and/or to replace amended soils.

5.17.05.04

Building Design.

1. Architectural style is not restricted; however, architectural style should be consistent throughout the subdivision. See Gateway Corridor District Design Guideline Booklet for examples of developments considered meeting this concept. **Evaluation of the appearance of a project shall be based on the quality of its design and relationship to surroundings and provide a comfortable pedestrian experience.**
2. Buildings shall have good scale and be in harmonious conformance with permanent neighboring development.
3. All buildings are to be designed from a four-sided (360 degree) structure perspective, thus requiring the same caliber of finishes and design attention on all facades of the building. Large areas of blank exterior are to be avoided and are grounds for non-compliance.
4. Building Materials: (i) The primary building material of all portions of the building shall be brick (clay or stone) with its color selected for harmony of the building with adjoining buildings within its subdivision. The La Vista staff and design review architect may allow other primary building material of good architectural character, such as integral colored split faced concrete block for industrial buildings or portions of the building not visible from public view (i.e. facades that back up to the landscape buffer between commercial and residential buildings). Other secondary building materials shall have good architectural character and shall be selected for harmony of the building with adjoining buildings. Prefinished metal is acceptable for upper levels of multi-story buildings. (ii) Materials shall be selected for suitability to the type of buildings and the design in which they are used. Buildings shall have the same materials, or those that are architecturally harmonious, used for all building walls and other exterior building components wholly or partly visible from public ways. (iii) Materials shall be of durable quality such as (PDF needs to be edited here). Any material requiring a field-applied finish shall have a long life, i.e. coatings such as "TNEMEC" or equal. Product data shall be submitted for review. (iv) In any design in which the structural frame is exposed to view, the structural materials shall be compatible within themselves and harmonious with their surroundings..
5. Building components, such as windows, doors, eaves and parapets, shall have good proportions and relationships to one another.
6. Colors shall be harmonious and shall include only compatible accents.

7. Portions of low slope roofs of less than 1/12 may be allowed. They may be either adhered or ballasted. If adhered, the membrane shall be in the lighter color ranges, such as white, to be more energy conscious and less absorptive. An SRI of 29 or greater is required.
8. Equipment Screening: Mechanical equipment or other utility hardware on roof, ground, or buildings shall be screened from public view with materials harmonious with the building, or they shall be so located as not to be visible from the elevation view and all angles associated with any public view. A section view shall be provided demonstrating appropriate screening. Mechanical screening shall match building elements and materials.
9. Exterior lighting shall be part of the architectural concept. Fixtures, standards, and all exposed accessories shall be harmonious with building design. Use of more energy conscious lamps, such as LEDs or similar, is encouraged.
10. If used, fencing and site furniture, including waste cans, directories, ash urns, bike racks, guard rails or railing enclosures, shall be similar to those as shown in Appendix C of the Gateway Corridor District Design Guideline Booklet. The color of the site furnishings shall blend with the colors of the rest of the building/site.
11. Refuse and waste removal areas, service yards, storage yards, and exterior work areas shall be screened from view from public ways, using materials as stated in criteria for equipment screening. Doors for access shall remain closed except when personnel are present. Designers may consider convenient alternate access for daily pedestrian use such as a side door with closer.
12. All landscaping shall be in compliance with the Landscaping Requirements from the City of La Vista Zoning Ordinance.
13. Monotony of design in single or multiple building projects shall be avoided. Variation of detail, form, and siting shall be used to provide visual interest. In multiple building projects, variable siting of individual buildings may be used to prevent a monotonous appearance.
14. Exterior ladders are not allowed within the Gateway Corridor District.
15. Exterior bracing of parapets or other features shall be screened from elevation views. Screening shall match building elements and materials.
16. Drive-through locations. Transaction location at a drive through shall not be on an arterial street frontage. Exceptions may be granted due to site restraints.

#### 5.17.05.05

##### Signs.

1. Every sign shall have good scale and proportion in its design and in its visual relationship to the buildings and surroundings.
2. Every sign shall be designed as an integral architectural element of the building and site to which it principally relates.
3. The colors, materials, and lighting of every sign shall be restrained and harmonious with the building and sit to which it principally relates.
4. The number of graphic elements on a sign shall be held to the minimum needed to convey the sign's major message and shall be composed in proportion to the area of the sign face.
5. Each sign shall be compatible with signs on adjoining premises and shall not compete for attention.
6. Identification signs of a prototype design and corporation logos shall conform to the criteria for all other signs.
7. Menu Boards shall be incorporated as a site element and not be post mounted. No exposed utilities or conduit is allowed. Locate signs to minimize view from public ways and they are required to be screened with landscaping or by other means.

5.17.05.06 Maintenance – Planning and Design Factors.

1. Continued good appearance depends upon the extent and quality of maintenance. The choice of materials and their use, together with the types of finishes and other protective measures, must be conducive to easy maintenance and upkeep.
2. Materials and finishes shall be selected for their durability and wear as well as for their beauty. Proper measures and devices shall be incorporated into the design for protection against the elements, neglect, damage, and abuse.
3. If prefinished metal is allowed, TNEMEC coated metal, or approved equal are required.

#### **5.17.06 Sub-area Secondary Overlay**

5.17.06.01 Special Criteria For Sub-area.

The criteria found in this section are intended to be supplemental to the design standards stated in previous sections of this Article. See section 5.17.02 and 5.17.03 for purpose and geographic area of the Sub-area.

5.17.06.02 Landscape And Site Treatment.

1. Unity of design shall be achieved by repetition of certain plant varieties and other materials and by correlation with adjacent developments. All projects need to use a minimum of the following listed plant varieties of the plants used at the La Vista Public Library / MCC Sarpy Center. See Gateway Corridor District Design Guideline Booklet for a listing of those plant materials.
  - A minimum of two (2) species listed under the deciduous tree category.
  - A minimum of one (1) species listed under the coniferous tree category.
  - A minimum of one (1) species listed under the deciduous shrub category.
  - A minimum of one (1) species listed under the coniferous shrub category.
2. Exterior lighting, when used, shall enhance the building design and the adjoining landscape. Lighting standards and fixtures for the parking areas and drives within the commercial building area shall be similar in appearance and quality level as the light fixtures used at the La Vista Public Library / MCC Sarpy Center. See Gateway Corridor District Design Guideline Booklet for information on the required light fixture style. Building fixtures shall be of a design and size compatible with the building and adjacent areas. Lighting shall be restrained in design and excessive brightness avoided.

5.17.06.03 Building Design.

The primary building material of all portions of the building shall be brick (clay) with its color selected for harmony of the building with adjoining buildings within its subdivision. The La Vista staff and design review architect may allow other primary building designs (of good architectural character i.e. split faced concrete block) for portions of the building not visible from public areas (i.e. facades that back up to landscape buffer between commercial buildings and residential). Other secondary building

materials shall have good architectural character and shall be selected for harmony of the building with adjoining buildings.

#### **5.17.07 Factors For Evaluation**

The following factors and characteristics, which affect the appearance of a development, will govern the evaluation of a design submission:

- 5.17.07.01 Conformance to ordinances and the Design Guideline..
- 5.17.07.02 Logic of design.
- 5.17.07.03 Exterior space utilization.
- 5.17.07.04 Architectural character.
- 5.17.07.05 Attractiveness of material selection.
- 5.17.07.06 Harmony and compatibility.
- 5.17.07.07 Circulation-vehicular and pedestrian.
- 5.17.07.08 Maintenance aspects.
- 5.17.07.09 Pedestrian Scale

#### **5.17.09 Resubmittal Requirements**

After the initial submittal, digital submissions are acceptable, with the exception of material and color samples. A final hard copy submittal in 11" x 17" format shall be required after final approval.

#### **5.17.08 Approval of Changes After Design Acceptance**

It is the owner's responsibility to point out and submit any exterior modifications that occur between design acceptance and completion of construction to assure timely issuance of a Certificate of Occupancy.

#### **5.17.10 Process.**

- 5.17.10.01 Pre-application Conference (Optional):  
A pre-application conference with city staff to give the applicant an opportunity to discuss plans before a great deal of time or money is expended. If a certain design is inappropriate, the applicant will know beforehand. Although this step is optional, **it is highly recommended**.
- 5.17.10.02 Application for Design Review:  
The applicant needs to fill out the "Application for Design Review" and submit it along with the required submittals. A listing of required submittals is included as part of the application form. The application fee required for this submittal shall be in accordance with La Vista's Master Fee Schedule.
- 5.17.10.03 Design Review:  
The City of La Vista staff in association with the city design review architect will review the submittal documents for compliance with the Gateway Corridor District Design Guideline Booklet.

5.17.10.04 Schedule of Reviews  
A completed application will take approximately three weeks to review. Incomplete applications may cause a delay. Additional reviews will be necessary for all revised submittals until a Certificate of Approval is issued.

5.17.10.05 Certificate of Approval:  
Upon a successful review the City of La Vista will issue to the applicant a Certificate of Approval. A copy of this will need to be included with the Building Permit documents in order to receive a Building Permit.

5.17.10.06 Appeals:  
In the event where the applicant, City staff and City design review architect cannot come to an agreement within 180 days of initial application submission, the applicant request a meeting with the City Administrator regarding an appeal to the City Council. (**Ordinance No. 1172, 3-20-12**)

5.17.10.07 Certificate of Occupancy:  
After the building permit is issued, all design requirements must be completed as approved in order for a Certificate of Occupancy to be issued for the building

5.17.10.08 Maintenance of Design Requirements:  
The applicant needs to maintain the design requirements for the life of the project. In the event that they fail to do so the City may revoke the Occupancy Permit.

5.17.10.09 Fees:  
Fees may apply to each individual step as established in the Master Fee Schedule.

SECTION 2. Repeal of Section 5.17 as Previously Enacted. Section 5.17 of Ordinance No. 848 as previously enacted is hereby repealed.

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

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

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

PASSED AND APPROVED THIS 17<sup>TH</sup> DAY OF SEPTEMBER, 2013.

CITY OF LA VISTA

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Douglas Kindig, Mayor

ATTEST:

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Pamela A. Buethe, CMC  
City Clerk

\\\Lvdcfp01\Users\Administration\BRENDA\COUNCIL\ORDINANCE\Amend Zoning Ordinance 5 12 - Colleges Universities.Docx

**GATEWAY CORRIDOR DISTRICT  
DESIGN GUIDELINE**

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**City of La Vista, Nebraska**



**La Vista City Hall  
8116 Park View Boulevard  
La Vista, Nebraska  
17 September 2013**



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## **1. INTRODUCTION**

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The City of La Vista, in partnership with Metropolitan Community College, has made a significant investment in the community with the 1999 completion of the new La Vista Public Library/MCC Sarpy Center. The City's desire is that this project be the standard of quality for all Commercial Building Projects within the City of La Vista. Consequently, the City of La Vista has developed the *Gateway Corridor District Design Guideline* that deals with the design of the site, building and structures, planting, signs, street hardware, and miscellaneous other objects that are observed by the public.

The criteria contained herein are not intended to restrict imagination, innovation, or variety, but rather to assist in focusing on design principles that can result in creative solutions that will develop a satisfactory visual appearance within the city, preserve taxable values, and promote the public health, safety, and welfare.

The Guidelines as detailed in this document were incorporated into the City of La Vista Zoning Ordinance – Section 5.17.

## **2. GEOGRAPHIC AREA AND CRITERIA**

It is the intent of the City for this Building Criteria to apply to all property within the Gateway Corridor District (Overlay District) as shown on the City's official zoning map.

New construction and modifications to existing buildings, including the structure and the surrounding property, are required to have compliance reviewed through the design review process.

**Exceptions:**

Conformance to this Building Criteria shall not apply if the project consists of one of the following:

- 1) Construction or modification of a single-family residence or duplex.
- 2) Structural modification which will not be visible from outside the structure.
- 3) Modification of a property in which:
  - a. The modification constitutes less than 25% of the existing building's main façade; or
  - b. The modification constitutes less than 25% of the building's overall elevations; or
  - c. Building improvements are estimated to cost under \$25,000; or
  - d. Site improvements are estimated to cost under \$10,000.

### **3. DEFINITIONS**

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*Appearance.* The outward aspect visible to the public.

*Appropriate.* Sympathetic, or fitting, to the context of the site and the whole community.

*Appurtenances.* The visible, functional objects accessory to and part of buildings.

*Architectural concept.* The basic aesthetic idea of a building, or group of buildings or structures, including the site and landscape development, that produces the architectural character.

*Architectural feature.* A prominent or significant part or element of a building, structure, or site.

*Architectural style.* The characteristic form and detail, as of buildings of a particular historic period.

*Attractive.* Having qualities that arouse interest or pleasure in the observer.

*Berm.* A raised form of earth to provide screening or to improve the aesthetic character.

*City.* City of La Vista

*Code.* The Municipal Code of the City of La Vista.

*Cohesiveness.* Unity of composition between design elements of a building or a group of buildings and the landscape development.

*Compatibility.* Harmony in the appearance of two or more external design features in the same vicinity.

*Conservation.* The protection and care that prevent destruction or deterioration of historical or otherwise significant structures, buildings, or natural resources.

*Cornice.* A horizontal molded projection that crowns or completes a building or wall.

*Eclectic.* Choosing what appears to be the best from diverse sources, systems, or styles.

*Exterior building component.* An essential and visible part of the exterior of a building.

*External design feature.* The general arrangement of any portion of a building, sign, landscaping, or structure and including the kind, color, and texture of the materials of such portion, and the types of roof, windows, doors, lights, attached or ground signs, or other fixtures appurtenant to such portions as will be open to public view from any street, place, or way.

*Graphic element.* A letter, illustration, symbol, figure, insignia, or other device employed to express and illustrate a message or part thereof.

*Harmony.* A quality that represents an appropriate and congruent arrangement of parts, as in an arrangement of varied architectural and landscape elements.

*Landscape.* Plant materials, topography, and other natural physical elements combined in relation to one another and to man-made structures.

*Logic of design.* Accepted principles and criteria of validity in the solution of the problem of design.

***Mechanical equipment.*** Equipment, devices, and accessories, the use of which relates to water supply, drainage, heating, ventilating, air conditioning, and similar purposes.

***Miscellaneous structures.*** Structures, other than buildings, visible from public ways. Examples are: antennas, water tanks and towers, sheds, shelters, fences and walls, transformers, drive-up facilities.

***Plant materials.*** Trees, shrubs, vines, ground covers, grass, perennials, annuals, and bulbs.

***Proportion.*** Balanced relationship of parts of a building, landscape, structures, or buildings to each other and to the whole.

***Scale.*** Proportional relationship of the size of parts to one another and to the human figure.

***Screening.*** Structure of planting that conceals from view from public ways the area behind such structure or planting.

***Shrub.*** A multi-stemmed woody plant other than a tree.

***Site break.*** A structural or landscape device to interrupt long vistas and create visual interest in a site development.

***Street hardware.*** Man-made objects other than buildings that are part of the streetscape. Examples are: lamp posts, utility poles, traffic signs, benches, litter containers, planting containers, mail boxes.

***Streetscape.*** The scene as may be observed along a public street or way composed of natural or man-made components, including buildings, paving, planting, street hardware, and miscellaneous structures.

***Structure.*** Anything constructed or erected, the use of which requires permanent or temporary location on or in the ground.

***Utilitarian structure.*** A structure or enclosure relating to mechanical or electrical services to a building or development.

***Utility hardware.*** Devices such as poles, crossarms, transformers and vaults, gas pressure regulating assemblies, hydrants, and buffalo boxes that are used for water, gas, oil, sewer, and electrical services to a building or a project.

***Utility service.*** Any device, including wire, pipe, and conduit, which carries gas, water, electricity, oil and communications into a building or development

## **4. CRITERIA FOR APPERANCE**

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### **I. RELATIONSHIP OF BUILDING TO SITE**

- A.** The site shall be planned to accomplish a desirable transition with the streetscape and to provide for adequate planting, safe pedestrian movement, and parking areas.
- B.** Site planning is encouraged to provide an interesting relationship between buildings.
- C.** Building and site designs shall relate to and promote a pedestrian scale.
- D.** Parking areas shall be treated with decorative elements, building wall extensions, plantings, berms, or other innovative means so as to screen parking areas continuously from view from public ways and adjacent properties.
- E.** Without restricting the permissible limits of the applicable zoning district, the height and scale of each building shall be compatible with its site and existing (or anticipated) adjoining buildings. Multi-story facades shall be divided providing a pedestrian scale.
- F.** Newly installed utility services, and service revisions necessitated by exterior alterations, shall be underground.

### **II. RELATIONSHIP OF BUILDINGS AND SITE TO ADJOINING AREA (OUTSIDE OF SUBDIVISION)**

- A.** Adjacent buildings of different architectural styles shall be made compatible by such means as screens, sight breaks, and materials.
- B.** Attractive landscape transition to adjoining properties shall be provided.
- C.** Harmony in texture, lines, and masses is required. Monotony shall be avoided.

### **III. LANDSCAPE AND SITE TREATMENT**

Landscape elements included in these criteria consist of all forms of planting and vegetation, ground forms, rock groupings, water patterns, and all visible construction except buildings and utilitarian structures.

- A.** Where natural or existing topographic patterns contribute to beauty and utility of a development, they shall be preserved and developed. Modification to topography will be permitted where it contributes to good appearance. All modifications to topography shall be designed to provide varied and more natural grading practices. Consistent, even topography that provides an engineered feel is not acceptable.
- B.** Grades of walks, parking spaces, terraces, and other paved areas shall provide an inviting and stable appearance for walking and, if seating is provided, for sitting.
- C.** Landscape treatment shall be provided to enhance architectural features, strengthen vistas and important axes, and provide shade. Spectacular effects shall be reserved for special locations only.

- D. Unity of the design shall be achieved by repetition of certain plant varieties and other materials and by correlation with adjacent developments. All projects are required to use the minimum number of species under each category from the variety list in Appendix A.
  - 1. A minimum of two species listed under the deciduous tree category
  - 2. A minimum of one species listed under the coniferous tree category
  - 3. A minimum of one species listed under the deciduous shrubs category
  - 4. A minimum of one species listed under the coniferous shrubs category
- E. Plant material shall be selected for interest in its structure, texture, and color and for its ultimate growth. Plants that are indigenous to the area and others that will be hardy, harmonious to the design, and of good appearance shall be used.
- F. Landscape plan shall be designed to provide natural undulating landscape forms. Avoid consistent straight line plantings.
- G. Irrigation of all landscape elements as defined above and turf area is required. Provide specification or information showing compliance in design submittal.
- H. Parking areas and traffic ways shall be enhanced with landscaped spaces containing trees or tree groupings.
- I. Screening of service yards, mechanical, electrical, phone equipment and pedestals and other places that tend to be unsightly shall be accomplished by use of walls, fencing, planting, or combinations of those. Screening shall be equally effective in winter and summer.
- J. Exterior lighting, when used, shall enhance the building design and the adjoining landscape. Lighting standards and fixtures for the parking areas and drives within the building area shall be similar in appearance and quality level as the light fixtures identified in Appendix B. Building fixtures shall be of a design and size compatible with the building and adjacent areas. Lighting shall be restrained in design and excessive brightness avoided. Wall Pack and exterior lighting with visible lamps are not permitted. Lighting shall be Dark Sky compliant, and limit wash onto abutting properties. Exceptions to Dark Sky compliance may be made for specific emergency lighting situations. Fixture, poles and/or other support cut sheets are required in the design submittal for all exterior lighting fixtures to be utilized.
- K. Storm water management shall be integrated into the design of the site and landscaping. Storm water management criteria are found in the following reference materials:
  - 1. Papillion Creek Watershed Partnership Storm Water Management Policies
  - 2. Storm Water Management Regulations, Chapter 154 of the City of La Vista Municipal Code
  - 3. City of La Vista Subdivision Regulations, 2003 Edition and latest amendments
  - 4. Omaha Regional Storm Water Design Manual, Draft Revision of Chapter 8 dated June, 2012 or latest edition.

5. Nebraska Bioretention and Rain Garden Plants Guide, 2010 or latest edition as published by the UNL Extension Office

Plant selection shall take into consideration the depth and duration of storm water ponding in water quality detention areas and shall take into consideration long term operation and maintenance requirements to remove accumulated pollutants and/or to replace amended soils.

#### **IV. BUILDING DESIGN**

- A. Architectural style is not restricted; however architectural style should be consistent throughout the neighborhood. See Appendix C for photos of existing Gateway Corridor compliant buildings. **Evaluation of the appearance of the projects shall be based on the quality of its design and relationship to surroundings and provide a comfortable pedestrian scale experience.**
- B. Buildings shall have good scale and be harmonious with permanent neighboring development.
- C. All buildings are to be designed from a four-sided (360 degree) structure perspective, thus requiring the same caliber of finishes and design attention on all facades of the building. Large areas of blank exterior are to be avoided and are grounds for non-compliance.
- D. Building Materials: (i) The primary building material of all portions of the building shall be brick (clay or stone) with its color selected for harmony of the building with adjoining buildings within its subdivision. The City may allow other primary building material of good architectural character. (i.e. integral colored split faced concrete block) for industrial buildings or portions of the building not visible from public view (i.e. facades that back up to landscape buffer between commercial buildings and residential.) Other secondary building materials shall have good architectural character and shall be selected for harmony of the building with adjoining buildings. Prefinished metal is acceptable for upper levels of multi-story buildings.  
(ii) Materials shall be selected for suitability to the type of buildings and the design in which they are used. Buildings shall have the same materials, or those that are architecturally harmonious, used for all building walls and other exterior building components wholly or partly visible from public ways.  
(iii) Materials shall be of durable quality such as prefinished or integral color for long life with minimal maintenance. Any material requiring a field-applied finish shall have long life, i.e. coatings such as "TNEMEC" or equal. Product data shall be submitted for review.  
(iv) In any design in which the structural frame is exposed to view, the structural materials shall be compatible within themselves and harmonious with their surroundings.
- E. Building components, such as windows, doors, eaves and parapets, shall have good proportions and relationships to one another.
- F. Colors shall be harmonious and shall include only compatible accents.

- G. Portions of low slope roofs of less than 1/12 may be allowed. They may be either adhered or ballasted. If adhered, the membrane shall be in the lighter color ranges, such as white, to be more energy conscious and less absorptive. An SRI of 29 or greater is required.
- H. Equipment Screening: Mechanical equipment or other utility hardware on roof, ground, or buildings shall be screened from public view with materials harmonious with the building or they shall be so located as not to be visible from the elevation view and all angles associated with any public view. A section view shall be provided demonstrating appropriate screening. Mechanical screening shall match building elements and materials.
- I. Exterior lighting shall be part of the architectural concept. Fixtures, standards, and all exposed accessories shall be harmonious with building design. Use of more energy conscious lamps, such as LED's or similar is encouraged.
- J. If used, fencing and site furniture, including waste cans, directories, ash urns, bike racks, guard rails or railing enclosures, shall be similar to those at existing locations and blend in with the Architectural styles as shown in **Appendix (C)**. The color of the site furnishings shall blend with the colors of the rest of the building/site. Provide selection documentation and color for review.
- K. Refuse and waste removal areas, service yards, storage yards, and exterior work areas shall be screened from public view, using materials as stated in criteria for equipment screening. Doors for access shall remain closed except when personnel are present. Designers may consider convenient alternate access for daily pedestrian use such as a side door with closer.
- L. All landscaping shall be in compliance with the Landscaping Requirements from the City of La Vista Zoning Ordinance.
- M. Monotony of design in single or multiple building projects shall be avoided. Variation of detail, form, and siting shall be used to provide visual interest. In multiple building projects, variable siting or individual buildings may be used to prevent a monotonous appearance.
- N. Exterior ladders are not allowed within the Gateway Corridor District.
- O. Exterior bracing of parapets or other features shall be screened from elevation views. Screening shall match building elements and materials.
- P. Drive-through locations. Transaction location at a drive-through shall not be on an arterial street frontage. Exceptions may be granted due to site restraints.

## V. SIGNS

- A. Every sign shall have good scale and proportion in its design and in its visual relationship to the buildings and surroundings.
- B. Every sign shall be designed as an integral architectural element of the building and site to which it principally relates.
- C. The colors, materials, and lighting of every sign shall be restrained and harmonious with the building and site to which it principally relates.
- D. The number of graphic elements on a sign shall be held to the minimum needed to convey the sign's major message and shall be composed in proportion to the area of the sign face.
- E. Each sign shall be compatible with signs on adjoining premises and shall not compete for attention.
- F. Identification signs of a prototype design and corporation logos shall conform to the criteria for all other signs.
- G. Menu Boards shall be incorporated as a site element and not be post mounted. No exposed utilities or conduit is allowed. Locate signs to minimize view from public ways and they are required to be screened with landscaping or by other means.

*Acceptable examples:*



*Non-acceptable examples:*



## **VI. MAINTENANCE—PLANNING AND DESIGN FACTORS**

- A.** Continued good appearance depends upon the extent and quality of maintenance. The choice of materials and their use, together with the types of finishes and other protective measures, must be conducive to easy maintenance and upkeep.
- B.** Materials and finishes shall be selected for their durability and wear as well as for their beauty. Proper measures and devices shall be incorporated into the design for protection against the elements, neglect, damage, and abuse.
- C.** If prefinished metal is allowed, TNEMEC coated metal, or approved equal is required.

## **VII. FACTORS FOR EVALUATION**

The following factors and characteristics, which affect the appearance of the development, will govern the evaluation of a design submission:

- A.** Conformance to ordinances and the Design Guideline
- B.** Logic of design
- C.** Exterior space utilization
- D.** Architectural character
- E.** Attractiveness
- F.** Material selection
- G.** Harmony and compatibility
- H.** Circulation-vehicular and pedestrian
- I.** Maintenance aspects
- J.** Pedestrian scale

## **VIII. RESUBMITTAL REQUIREMENTS**

After the initial submittal, digital submissions are acceptable, with the exception of material and color samples. A final hard copy submittal in 11" x 17" format shall be required after final approval.

## **IX. APPROVAL OF CHANGES AFTER DESIGN ACCEPTANCE**

It is the owner's responsibility to point out and submit any exterior modifications that are proposed between design acceptance and completion of construction to assure timely issuance of a Certificate of Occupancy.

## 5. PROCESS

---

**PRE-APPLICATION  
CONFERENCE (OPTIONAL):**

A pre-application conference with city staff and/or a preliminary meeting with the city design review architect gives the applicant an opportunity to discuss plans before a great deal of time or money is expended. If a certain design is inappropriate, the applicant will know beforehand. Although this step is optional, **it is highly recommended.**

**APPLICATION FOR  
DESIGN REVIEW:**

The applicant needs to fill out the "Application for Design Review" and submit it along with the required submittals. A listing of required submittals is included as part of the application form. The application fee required for this submittal shall be in accordance with La Vista's Master Fee Schedule.

**DESIGN REVIEW:**

The City of La Vista staff in association with the city design review architect will review the submittal documents for compliance with the Gateway Corridor District Design Guidelines.

**SCHEDULE OF REVIEWS:**

A completed application will take approximately three weeks to review. Incomplete applications may cause a delay. Additional reviews will be necessary for all revised submittals until a Certificate of Approval is issued.

**CERTIFICATE OF APPROVAL:**

Upon a successful review the City of La Vista will issue to the applicant a Certificate of Approval. A copy of this document will need to be included with the Building Permit documents in order to receive a Building Permit.

**APPEALS:**

In the event where the applicant and the City cannot come to an agreement within 180 days of initial application submission, the applicant may request a meeting with the City Administrator regarding an appeal to the City Council.

**OCCUPANCY PERMIT:**

After the building permit is issued, all design requirements must be completed as approved in order for a Certificate of Occupancy to be issued for the building.

**MAINTENANCE OF DESIGN  
REQUIREMENTS:**

The applicant needs to maintain the design requirements for the life of the project. In the event that they fail to do so, the City may revoke the Certificate of Occupancy.

## **6. APPENDIX A**

---

### **Plant Materials**

When selecting plant materials for areas adjacent to primary corridors, a majority of the specified materials must be from the species allowed by the Design Guidelines below. Plant material sizing as indicated is to ensure immediate impact on the quality and character of the overall project. Designs and planting details shall be provided by a Registered Landscape Architect and include 60 days of maintenance by the installer with a year warranty minimum.

#### **DECIDIOUS TREES**

**Min. Size**  
2.5" cal

Downy Serviceberry/Amelanchier arborea – clump form  
Prairie Pride hackberry/Celtis occidentalis 'Prairie Pride'  
Freeman Maple "Marmo"/ Acer saccharinum  
Burgundy Belle Red Maple/ Acer rubrum  
Norway Maple/ Acer platanoides  
Halka Honeylocust/ Gleditsia triacanthos var. inermis "Halka"  
Prairifire Crab/Malus 'Prairifire'  
Swamp White Oak/Quercus bicolor  
Glenleven Littleleaf Linden/Tilia x flavescens 'Glenleven'  
River Birch/Betula Nigra  
Heritage Oak/ Quercus virginiana  
Chinquapin Oak/ Quercus muehlenbergii  
Kentucky Coffee/ Gymnocladus dioicus espresso  
Adams Crab/ Malus 'Adams'  
Snowdrift Crab/ Malus 'Snowdrift'  
Greenspire/ Tilia cordata  
Red Maple/ Acer rubrum

#### **CONIFEROUS TREES**

6' tall

Colorado Spruce/Picea pungens  
Vanderwolf Pine/ Pinus flexilis 'Vanderwolf's'  
Bosnian Pine/ Pinus heldreichii  
Black Hills Spruce/ Picea glauca

**DECIDUOUS SHRUBS** 5 gallon

Miniature Snowflake Mockorange/*Philadelphus* x 'Miniature Snowflake'  
Gro-Low Fragrant Sumac/*Rhus aromaticata* 'Gro-Low'  
Japanese White Spirea/*Spirea albiflora*  
Anthony Waterer Spirea-Sapho/*Spirea x bumalda* 'Anthony Waterer'  
Hancock Coralberry/*Symporicarpos* x *chenault* 'Hancock'  
Dwarf Lilac/ *Syringa meyeri* 'Palibin'  
Alpine Currant/ *Ribes alpinum*  
Burning Bush/ *Euonymus alatus*  
Birchleaf Spirea  
Dogwood/ firedance red twig  
Blue muffin Viburnum

**CONIFEROUS SHRUBS** 5 gallon

Green Tam Juniper/ *Juniperus Sabina* 'Tamariscifolia'  
Sea Green Juniper/ *Juniperus chinensis* 'Sea Green'

**GROUNDCOVERS** 1 gallon

Purple Winter Creeper/*Euonymus fortunei* var. 'Coloratus'  
Vinca Minor

**PERENNIALS/BULBS** 1 gallon

Butterscotch Ruffles Daylily/*Hemerocallis* 'Butterscotch Ruffles'  
Fairy Tale Pink Daylily/*Hemerocallis* 'Fairy Tale Pink'  
Hyperion Daylily/*Hemerocallis* 'Hyperion'  
Irish Elf Daylily/*Hemerocallis* 'Irish Elf'  
Little Business Daylily/*Hemerocallis* 'Little Business'  
Pardon Me Daylily/*Hermerocallis* 'Pardon Me'  
Happy Returns Daylily/*Hemerocallis* 'Happy Returns'  
Mount Hood Daffodil/*Narcissus* sp. 'Mount Hood'  
May Night Salvia/ *Salvia nemorosa* 'May Night'

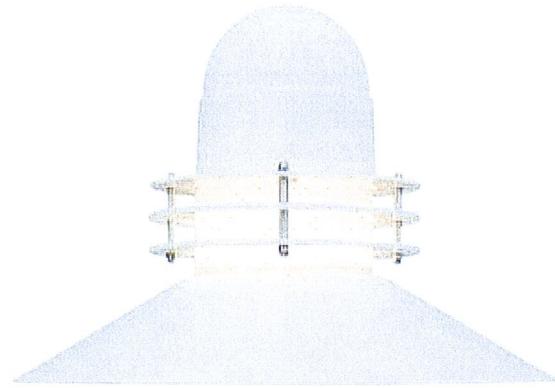
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## **7. APPENDIX B**

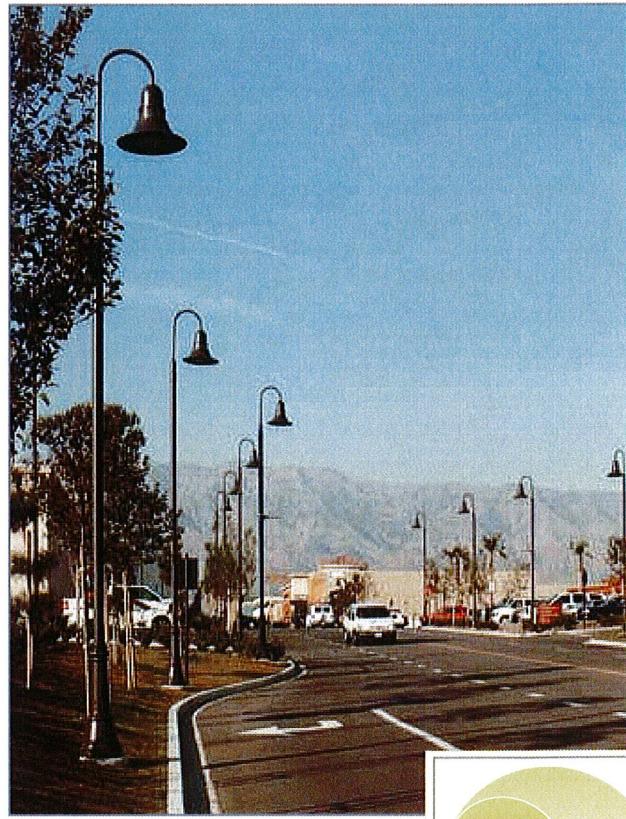
### **Light Fixtures**

## Large Scale - Horizontal Reflector

Updated: 01/2010



- Modular system with five luminous options, four hood options, and two optical systems for customization to complement site design
- Type 2,3,4 and 5 full cutoff horizontal reflectors (without luminous element)
- Pole, wall, and pendant mounting options
- EISA compliant
- IP65 rated
- Powder coat finish in 13 standard colors with a polymer primer sealer



## Architectural Area Lighting

16555 East Gale Ave. | City of Industry | CA 91745  
P 626.968.5666 | F 626.369.2695 | [www.aal.net](http://www.aal.net)  
Design patents, Copyright © 2010 Rev 01/2010

Fixture	Luminous Element/Hood	Optics	Lamp/Ballast	Color	Hood Options	Options
1	2	3	4	5	6	7

## 1. FIXTURE

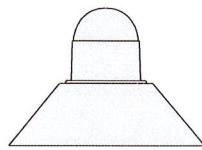
UCL Universe Large (Horizontal Reflector)

## 2. LUMINOUS ELEMENT AND HOOD

## NO LUMINOUS ELEMENT

 ANG

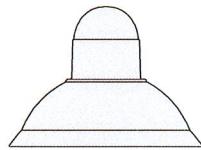
Angled Hood



HT: 21.4"/545mm  
DIA: 30"/760mm

 BEL

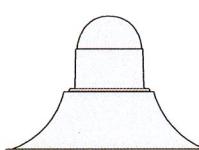
Bell Hood



HT: 22"/560mm  
DIA: 30"/760mm

 FLR

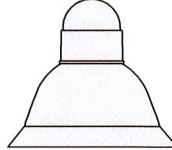
Flared Hood



HT: 21"/535mm  
DIA: 32"/810mm

 SKB

Skirted Bell Hood

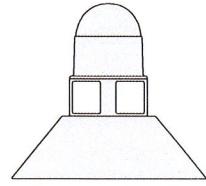


HT: 27.25"/693mm  
DIA: 32"/810mm

## 4 LUMINOUS WINDOWS

 WND-ANG

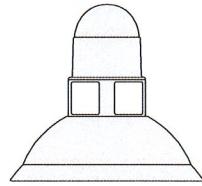
Angled Hood



HT: 26.7"/680mm  
DIA: 30"/760mm

 WND-BEL

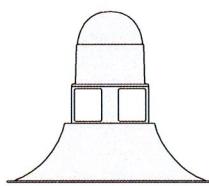
Bell Hood



HT: 26.7"/680mm  
DIA: 30"/760mm

 WND-FLR

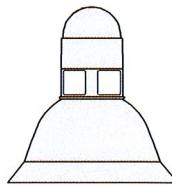
Flared Hood



HT: 26.7"/680mm  
DIA: 32"/810mm

 WND-SKB

Skirted Bell Hood



HT: 32.5"/826mm  
DIA: 32"/810mm

SOLD TO

PO #

JOB NAME

Approvals

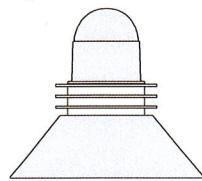
## Architectural Area Lighting

16555 East Gale Ave. | City of Industry | CA 91745  
P 626.968.5666 | F 626.369.2695 | [www.aal.net](http://www.aal.net)  
Design patents, Copyright © 2010 Rev 01/2010

Fixture	Luminous Element/Hood	Optics	Lamp/Ballast	Color	Hood Options	Options
1	2	3	4	5	6	7

SOLID RINGS **SR-ANG**

Angled Hood

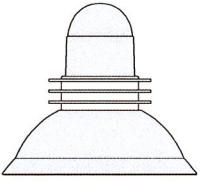


HT: 26.7"/680mm

DIA: 30"/760mm

 **SR-BEL**

Bell Hood

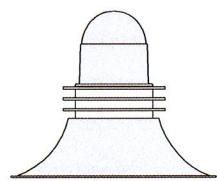


HT: 26.7"/680mm

DIA: 30"/760mm

 **SR-FLR**

Flared Hood

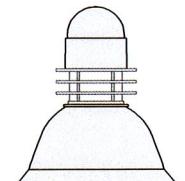


HT: 26.7"/680mm

DIA: 32"/810mm

 **SR-SKB**

Skirted Bell Hood

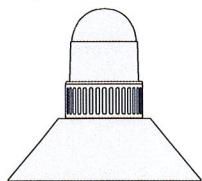


HT: 32.25"/820mm

DIA: 32"/810mm

VERTICAL SLOTS **VSL-ANG**

Angled Hood

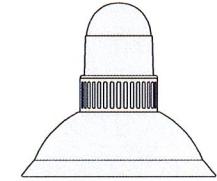


HT: 26.7"/680mm

DIA: 30"/760mm

 **VSL-BEL**

Bell Hood

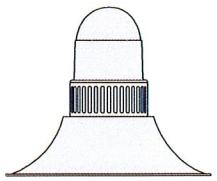


HT: 26.7"/680mm

DIA: 30"/760mm

 **VSL-FLR**

Flared Hood

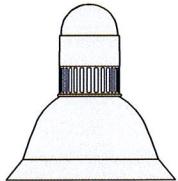


HT: 26.7"/680mm

DIA: 32"/810mm

 **VSL-SKB**

Skirted Bell Hood

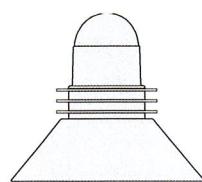


HT: 32.5"/826mm

DIA: 32"/810mm

LUMINOUS RINGS **LUM-ANG**

Angled Hood

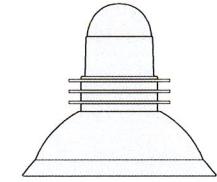


HT: 26.7"/680mm

DIA: 30"/760mm

 **LUM-BEL**

Bell Hood

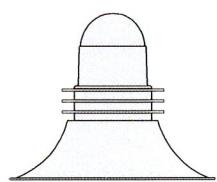


HT: 26.7"/680mm

DIA: 30"/760mm

 **LUM-FLR**

Flared Hood

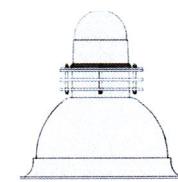


HT: 26.7"/680mm

DIA: 32"/810mm

 **LUM-SKB**

Skirted Bell Hood



HT: 32.25"/820mm

DIA: 32"/810mm

SOLD TO

PO #

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**Architectural Area Lighting**

16555 East Gale Ave. | City of Industry | CA 91745  
 P 626.968.5666 | F 626.369.2695 | [www.aal.net](http://www.aal.net)  
 Design patents, Copyright © 2010 Rev 01/2010

Fixture	Luminous Element/Hood	Optics	Lamp/Ballast	Color	Hood Options	Options
1	2	3	4	5	6	7

## 3. OPTICS

- H2 Type 2 horizontal reflector, flat glass lens
- H3 Type 3 horizontal reflector, flat glass lens
- H4 Type 4 horizontal reflector, flat glass lens
- H5 Type 5 horizontal reflector, flat glass lens

## 4. LAMP/BALLAST

LED also acceptable

- 150PSMH Pulse start 150 watt metal halide 120/208/240/277 volt ballast. Use mogul base ED-28 lamp.
- 250PSMH Pulse start 250 watt metal halide 120/208/240/277 volt ballast. Use mogul base, ED-28 lamp.
- 320PSMH Pulse start 320 watt metal halide 120/208/240/277 volt ballast. Use mogul base, ED-28 lamp.
- 350PSMH Pulse start 350 watt metal halide 120/208/240/277 volt ballast. Use mogul base, ED-28 lamp.
- 400PSMH Pulse start 400 watt metal halide 120/208/240/277 volt ballast. Use mogul base, ED-28 lamp.
- 150HPS High pressure sodium 120/208/240/277 volt ballast. Use mogul base, ED-23 1/2 lamp.
- 250HPS High pressure sodium 120/208/240/277 volt ballast. Use mogul base, ED-18 lamp.
- 400HPS High pressure sodium 120/208/240/277 volt ballast. Use mogul base, ED-18 lamp.

*All ballasts are factory wired for 277 volts, unless specified. Lamps not included.**All applicable ballasts are EISA compliant.*

## 5. COLOR

- AWT Arctic White
- BLK Black
- MTB Matte Black
- DGN Dark Green
- DBZ Dark Bronze
- WRZ Weathered Bronze
- BRM Metallic Bronze
- VBL Verde Blue
- CRT Corten
- MAL Matte Aluminum
- MDG Medium Grey
- ATG Antique Green
- LGY Light Grey
- RAL/PREMIUM COLOR Provide a RAL 4 digit color number
- CUSTOM COLOR Please provide a color chip for matching

SOLD TO

PO #

JOB NAME

Approvals

## Architectural Area Lighting

Fixture	Luminous Element/Hood	Optics	Lamp/Ballast	Color	Hood Options	Options
1	2	3	4	5	6	7

## 6. HOOD OPTIONS

COP Copper hood  
 STS Stainless steel hood

*The natural copper and stainless steel hoods are unfinished to develop a patina over time. All painted hoods have the underside of the hoods finished in high reflectance white.*

## 7. OPTIONS

FLD Lightly diffused finish on flat glass lens  
 HSS House side shield  
 QRS Restrike controller and T-4 mini-can socket. Not required with electronic ballast. (Lamp wattage not to exceed ballast wattage).  
 QL Socket for T-4 mini-can lamp, field wired to a separate circuit. (Lamp wattage not to exceed ballast wattage).  
 347 120/240/347 volt ballast for HID lamp  
 PMS Pendant mount with 48"/1220mm stem and canopy with swivel. Stem and canopy painted white. 45° max. movement.  
→  SLC Internal sleeve to block light from the lens when a Luminous Element is chosen:  
 WND, SR, VSL or LUM

INNER LENS - (LUM Option only) Optional inner lens adds color to the ring edges when illuminated.

BL Blue acrylic inner lens  
 RD Red acrylic inner lens  
 GRN Green acrylic inner lens

Fixture: UCL-SR-FLR-H4-250PSMH-DBZ-SLC  
 Arm: SLA-20C or SLA-20C(2) for double mount  
 Adaptor: SLA5  
 Pole: PR5-5R20-188

LED fixture code: UCL-SR-FLR-T4-120LED-DBZ-SLC

SOLD TO	PO #	JOB NAME	Approvals
<b>Architectural Area Lighting</b>			

## Specifications

### HOUSING

The fixture ballast housing shall be one-piece die cast aluminum. The luminous rings shall be clear acrylic with an internal lens. The lens shall be lightly diffused acrylic, sealed to the housing and shade with molded silicone gaskets. The hood and spacers shall be heavy gage spun aluminum with hemmed edges for added rigidity.

All internal and external hardware shall be stainless steel.

Reflector models shall consist of a die cast aluminum door frame and ring assembly. The hood ring assembly shall be fully sealed with a molded silicone gasket. The door frame shall be hinged to the ring and opened with two captive fasteners for relamping. The tempered sag glass lens is held in the door frame with a molded silicone gasket.

### FULL CUTOFF

The reflector models, less luminous element, is classified as full cutoff, meaning there is zero light emitted at 90° horizontal or above.

### OPTICAL ASSEMBLY

The reflector module shall be composed of faceted, semi specular anodized aluminum panels rigidly attached in an aluminum tray. The reflector shall be easily removed by loosening four screws and lifting it out the tray. The reflector tray shall be rotatable on 90° centers for orienting the light distribution. The reflectors shall meet ANSI-IES standards for full cutoff.

### ELECTRICAL

The ballast shall be mounted on a prewired tray with a quick disconnect plug and removed by loosening two captive screws. HID ballasts are high power factor, rated for -30°C starting. Sockets are medium or G12 base, pulse rated porcelain. Ballasts are multi-tap, wired at the factory for 277 volts, unless specified.

### INSTALLATION & MOUNTING

The fixture shall be attached to the arm assembly with three stainless steel bolts. The connection shall be sealed with a silicone compression gasket.

### FINISH

Fixture finish consists of a five stage pretreatment regimen with a polymer primer sealer, oven dry off and top coated with a thermoset super TGIC polyester powder coat finish. The finish shall meet the AAMA 605.2 performance specification which includes passing a 3000 hour salt spray test for corrosion resistance.

### EISA COMPLIANCE

AAL is committed to complying with U.S. EISA requirements. All applicable products manufactured for sale in the United States after January 1, 2009, meet EISA requirements.

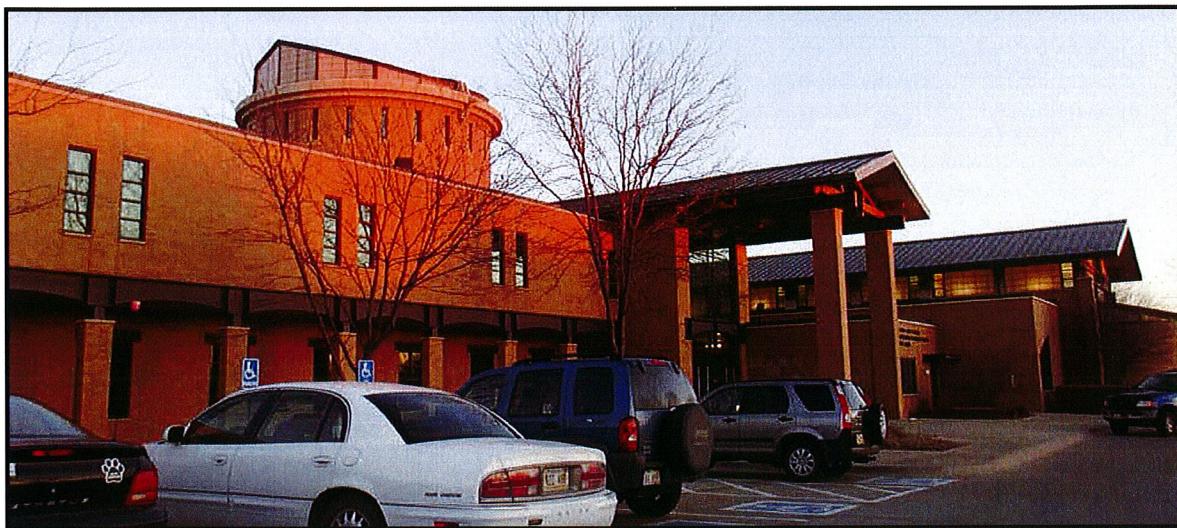
### CERTIFICATION

The fixture shall be listed with ETL and U.L. for outdoor, wet location use, UL1598 and Canadian CSA Std. C22.2 NO.250. IP=65

### WARRANTY

Fixture is warranted for three years. Ballast components carry the ballast manufacturer's limited warranty. Any unauthorized return, repair, replacement or modification of the Product(s) shall void this warranty. This warranty applies only to the use of the Product(s) as intended by AAL and does not cover any misapplication or misuse of said Product(s), or installation in hazardous or corrosive environments. Contact AAL for complete warranty language, exceptions, and limitations.

8. APPENDIX C  
CASE STUDY: Existing Development



Overhang, colonnade and details divide building into smaller portions.



Four sided building detail. Colonnade breaks two story face down to pedestrian scale.



Pedestrian scale – awnings, elevation relief, textures, shadow, color, display, sconces, brick



Multiple design elements and textures on all sides of the facility, including use of wall patterns, faux windows, elevation relief.



Pedestrian scale. Design has material diversity, shadow and detail design interests.



Four sided design. Multiple design elements tie sides of the building together.



Four sided building; minimize blank walls.



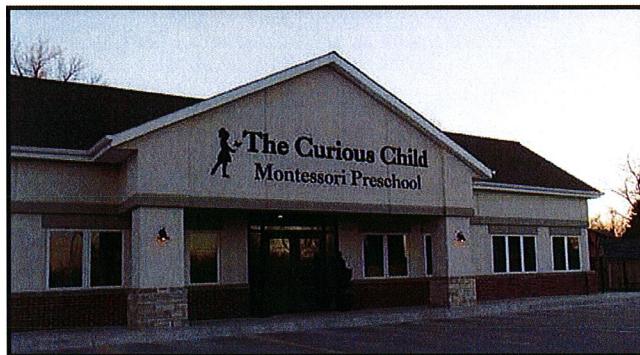
Detail variety provides pedestrian scale by dividing building into smaller proportions.

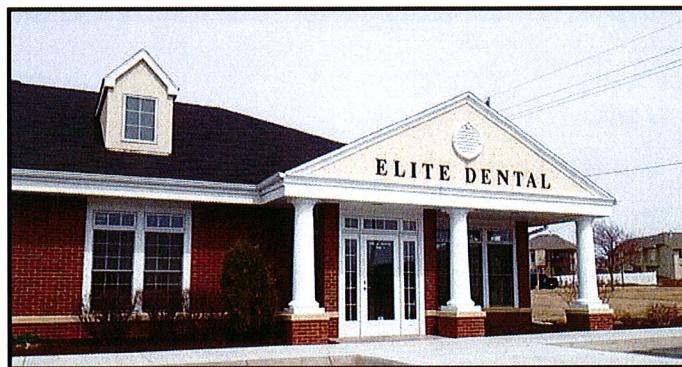


Detailed design continues on all sides, creating complimentary context on all facades.



Guard rail and retaining wall. Four-sided building details.

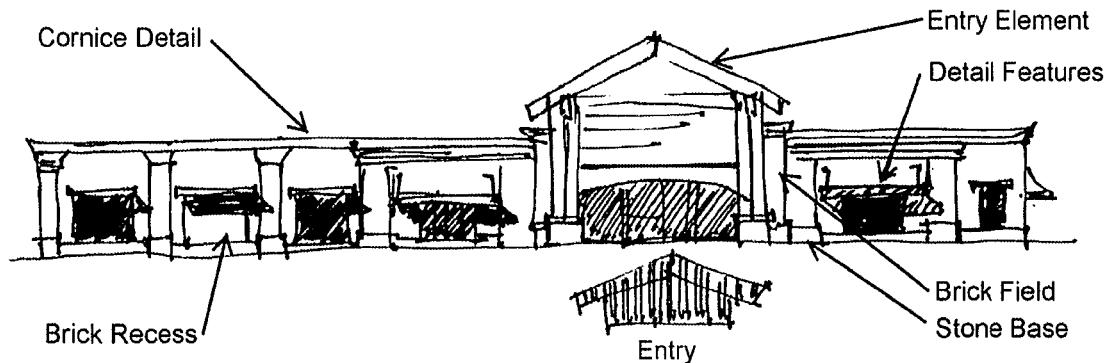




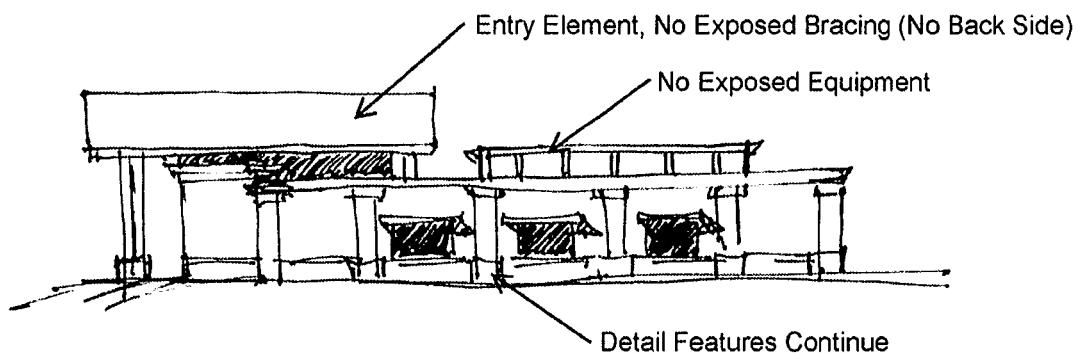


Complementary context is created on all facades through the use of detailed design, elevation changes, detail features which continue on all sides, use of wall sconce lighting, brick patterning, texture, etc.

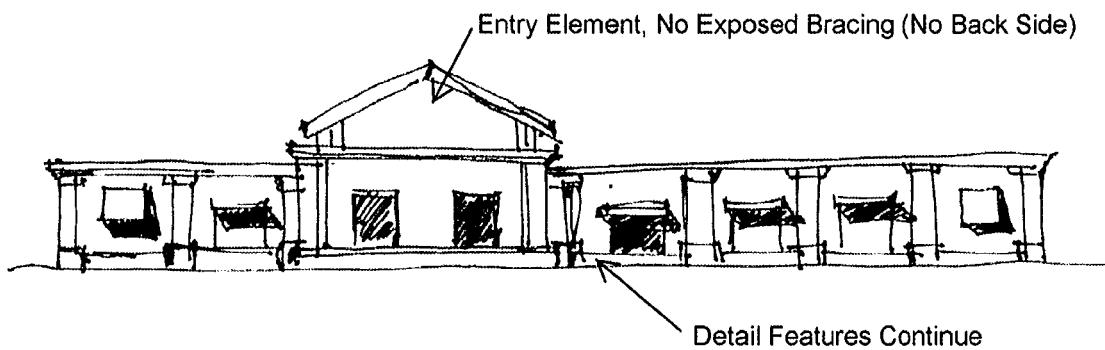




**Front Wall Example**



**Side Wall Example**



**Rear Wall Example**

\*\* All buildings are to be designed from a four-sided (360 degree) structure perspective, thus requiring the same caliber of finishes and design attention on all facades of the building. Large areas of blank exterior are to be avoided and are grounds for non-compliance. Utilizing subdivision, rhythm, patterning and features such as windows, entrances, arcades, arbors, awnings, trellises, etc., that extend to all sides of the structure. Tall elements shall be designed as forms and shall not have exposed bracing.

**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**SEPTEMBER 17, 2013 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
ZONING TEXT AMENDMENT — TRANSITIONAL AGRICULTURE DISTRICT	RESOLUTION ◆ ORDINANCE RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

**SYNOPSIS**

A public hearing has been scheduled and an ordinance prepared to amend Section 5.05 of the Zoning Ordinance regarding the Transitional Agriculture District (TA).

**FISCAL IMPACT**

N/A.

**RECOMMENDATION**

Approve.

**BACKGROUND**

A public hearing has been scheduled to consider an amendment to Section 5.05 of the Zoning Ordinance regarding the TA District.

Through staff's regular review of the Zoning Ordinance it was concluded that the "Intent" statement of the Transitional Agriculture District was not consistent with existing property with this zoning classification. An additional amendment is proposed to the Permitted Conditional Uses in the TA District, to delete "Hospital, nursing home, assisted living, convalescent facilities" from this district in order to align the uses with the intent of the district.

The Planning Commission held a public hearing on August 15, 2013 and voted unanimously to recommend approval of the amendment.

## **Section 5.05 TA Transitional Agriculture District**

**5.05.01 Intent:** The Transitional Agriculture District is established to recognize these properties as agricultural at present with the understanding that they may be suitable for development in the future. This district allows for existing agricultural properties to continue using the land in that manner for the purpose of preserving agricultural resources that are compatible with adjacent urban growth. It is not intended for commercial feedlot operations for livestock or poultry. Because the areas are not in the identified growth areas for the community, the district is designed to limit urban sprawl.

### **5.05.02 Permitted Uses.**

- 5.05.02.01 Farming, pasturing, truck gardening, orchards, greenhouses and nurseries, including the sale of products raised on the premises, provided that no livestock feedlot or yard for more than twelve (12) animals shall be established.
- 5.05.02.02 Farm dwellings for the owners and their families, tenants, and employees.
- 5.05.02.03 Public parks and recreation areas, playgrounds and conservation areas including flood control facilities.
- 5.05.02.04 Railroads, not including switching, terminal facilities or freight yards.
- 5.05.02.05 Public overhead and underground local distribution utilities.
- 5.05.02.06 Single family dwelling.
- 5.05.02.07 Churches.
- 5.05.02.08 Hydrogenation process.
- 5.05.02.09 Public services.
- 5.05.02.10 Publicly owned and operated facilities.
- 5.05.02.11 Roadside stands offering for sale agriculture products on the premises.

### **5.05.03 Permitted Conditional Uses:**

- 5.05.03.01 Radio, television and wireless communication towers and transmitters, as per Section 7.11.
- 5.05.03.02 Cemeteries, provided all structures are located at least one hundred (100) feet from all property lines.
- 5.05.03.03 Wastewater treatment facilities.
- 5.05.03.04 Private recreation areas and facilities including country clubs, golf courses (but not miniature golf), and swimming pools.
- 5.05.03.05 Home occupations, as per Section 7.10.
- 5.05.03.06 Raising and care of animals for 4-H, Future Farmer of America (FFA) or other rural/school organizations.
- 5.05.03.07 Wind energy systems on tracts of more than ten (10) acres, as per Section 7.18.
- 5.05.03.09 Airports.
- 5.05.03.10 Campgrounds.
- 5.05.03.11 Hospital, nursing home, assisted living, convalescent facilities.**
- 5.05.03.12 Kennels and stables.
- 5.05.03.13 Water reservoir.

### **5.05.04 Permitted Accessory Uses:**

- 5.05.04.01 Buildings and uses customarily incidental to the permitted and conditional uses.
- 5.05.04.02 Temporary buildings incidental to construction work where such buildings or structures are removed upon completion of work.
- 5.05.04.03 Signs as provided for in Section 7.01 through 7.04.
- 5.05.04.04 Parking as provided for in Section 7.05 through 7.09.
- 5.05.04.05 Private swimming pool, tennis court and other similar facilities in conjunction with a residence.
- 5.05.04.06 Storage or parking of vehicles, boats, campers and trailer, as per Section 7.13.

### **5.05.05 Height and Lot Requirements:**

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

Uses	Lot Area (Acres)	Lot Width	Front Yard	Side Yard	Rear Yard	Max. Height	Max. Lot Coverage
Residential Dwelling	20	660'	75'	25'	25'	35'	-
Other Permitted Uses	20	660'	75'	25'	25'	45'	-
Other Permitted Conditional Uses	20	660'	75'	25'	25'	45'	-
Accessory Buildings	-	-	100'	25'	10'	17'	-

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

AN ORDINANCE TO AMEND SECTION 5.05 OF ORDINANCE NO. 848 (ZONING ORDINANCE); TO REPEAL SECTION 5.05 OF ORDINANCE NO. 848 AS PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

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

SECTION 1. Amendment of Section 5.05. Section 5.05 of the Ordinance No. 848 is hereby amended to read as follows:

**Section 5.05 TA Transitional Agriculture District**

**5.05.01 Intent:** The Transitional Agriculture District is established to recognize these properties as agricultural at present with the understanding that they may be suitable for development in the future. This district allows for existing agricultural properties to continue using the land in that manner.

**5.05.02 Permitted Uses.**

- 5.05.02.01 Farming, pasturing, truck gardening, orchards, greenhouses and nurseries, including the sale of products raised on the premises, provided that no livestock feedlot or yard for more than twelve (12) animals shall be established.
- 5.05.02.02 Farm dwellings for the owners and their families, tenants, and employees.
- 5.05.02.03 Public parks and recreation areas, playgrounds and conservation areas including flood control facilities.
- 5.05.02.04 Railroads, not including switching, terminal facilities or freight yards.
- 5.05.02.05 Public overhead and underground local distribution utilities.
- 5.05.02.06 Single family dwelling.
- 5.05.02.07 Churches.
- 5.05.02.08 Hydrogenation process.
- 5.05.02.09 Public services.
- 5.05.02.10 Publicly owned and operated facilities.
- 5.05.02.11 Roadside stands offering for sale agriculture products on the premises.

**5.05.03 Permitted Conditional Uses:**

- 5.05.03.01 Radio, television and wireless communication towers and transmitters, as per Section 7.11.
- 5.05.03.02 Cemeteries, provided all structures are located at least one hundred (100) feet from all property lines.
- 5.05.03.03 Wastewater treatment facilities.
- 5.05.03.04 Private recreation areas and facilities including country clubs, golf courses (but not miniature golf), and swimming pools.
- 5.05.03.05 Home occupations, as per Section 7.10.
- 5.05.03.06 Raising and care of animals for 4-H, Future Farmer of America (FFA) or other rural/school organizations.
- 5.05.03.07 Wind energy systems on tracts of more than ten (10) acres, as per Section 7.18.
- 5.05.03.09 Airports.
- 5.05.03.10 Campgrounds.
- 5.05.03.12 Kennels and stables.
- 5.05.03.13 Water reservoir.

**5.05.04 Permitted Accessory Uses:**

- 5.05.04.01 Buildings and uses customarily incidental to the permitted and conditional uses.
- 5.05.04.02 Temporary buildings incidental to construction work where such buildings or structures are removed upon completion of work.

5.05.04.03 Signs as provided for in Section 7.01 through 7.04.  
 5.05.04.04 Parking as provided for in Section 7.05 through 7.09.  
 5.05.04.05 Private swimming pool, tennis court and other similar facilities in conjunction with a residence.  
 5.05.04.06 Storage or parking of vehicles, boats, campers and trailer, as per Section 7.13.

**5.05.05 Height and Lot Requirements:**

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

Uses	Lot Area (Acres)	Lot Width	Front Yard	Side Yard	Rear Yard	Max. Height	Max. Lot Coverage
Residential Dwelling	20	660'	75'	25'	25'	35'	-
Other Permitted Uses	20	660'	75'	25'	25'	45'	-
Other Permitted Conditional Uses	20	660'	75'	25'	25'	45'	-
Accessory Buildings	-	-	100'	25'	10'	17'	-

SECTION 2. Repeal of Section 5.05 as Previously Enacted. Section 5.05 of Ordinance No. 848 as previously enacted is hereby repealed.

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

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

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

PASSED AND APPROVED THIS 17<sup>TH</sup> DAY OF SEPTEMBER, 2013.

CITY OF LA VISTA

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

ATTEST:

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

**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**SEPTEMBER 17, 2013 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
AMENDMENT— FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN	◆ RESOLUTION ORDINANCE RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

**SYNOPSIS**

The public hearing has been scheduled and a resolution prepared to approve an amendment of the City's Future Land Use Map component of the Comprehensive Plan.

**FISCAL IMPACT**

N/A.

**RECOMMENDATION**

Continue.

**BACKGROUND**

A public hearing has been scheduled and a resolution prepared for the City Council to consider an amendment to the City's Future Land Use Map component of the Comprehensive Plan.

The completion of two recent annexations has prompted the need for an amendment of the official Future Land Use Map to update the city limits as depicted on the map. Additionally, the parcels that were acquired by the City as part of the Thompson Creek acquisition and demolition project have been amended from "Medium Density Residential" to a "Parks and Recreation" land use category.

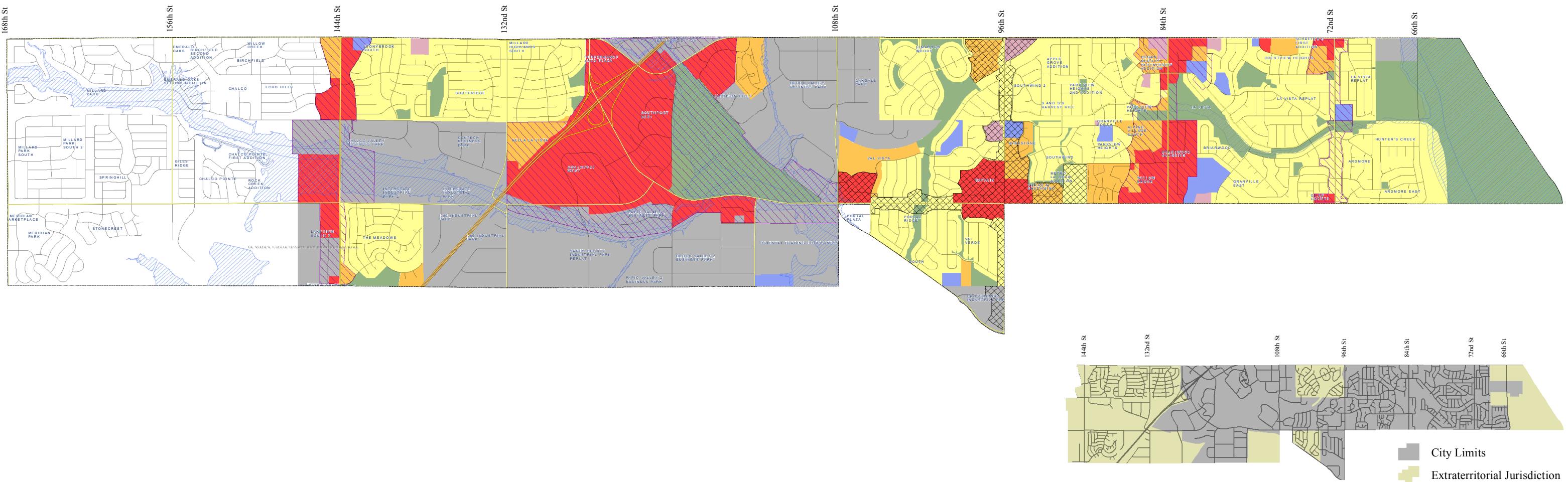
The Planning Commission held a public hearing on August 15, 2013 and voted unanimously to recommend approval of the amendment.

Note: Staff has identified an additional amendment to the map which will need to be made and recommends continuing the public hearing.

# City of La Vista, NE - Future Land Use Map

## Adopted 9-17-2013

### Resolution # \_\_\_\_\_



THIS MAP WAS PREPARED USING INFORMATION FROM RECORD DRAWINGS SUPPLIED BY APPLICABLE CITY, COUNTY, STATE, FEDERAL, OR PUBLIC OR PRIVATE ENTITIES. THE ACCURACY OF THIS MAP CAN NOT BE GUARANTEED. THIS IS NOT A SCALED PLAT.

**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**SEPTEMBER 17, 2013 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
AMENDMENT—OFFICIAL ZONING MAP	◆ RESOLUTION ◆ ORDINANCE RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

**SYNOPSIS**

The public hearing has been scheduled and an ordinance prepared to approve an amendment of the City's Official Zoning Map.

**FISCAL IMPACT**

N/A.

**RECOMMENDATION**

Continue.

**BACKGROUND**

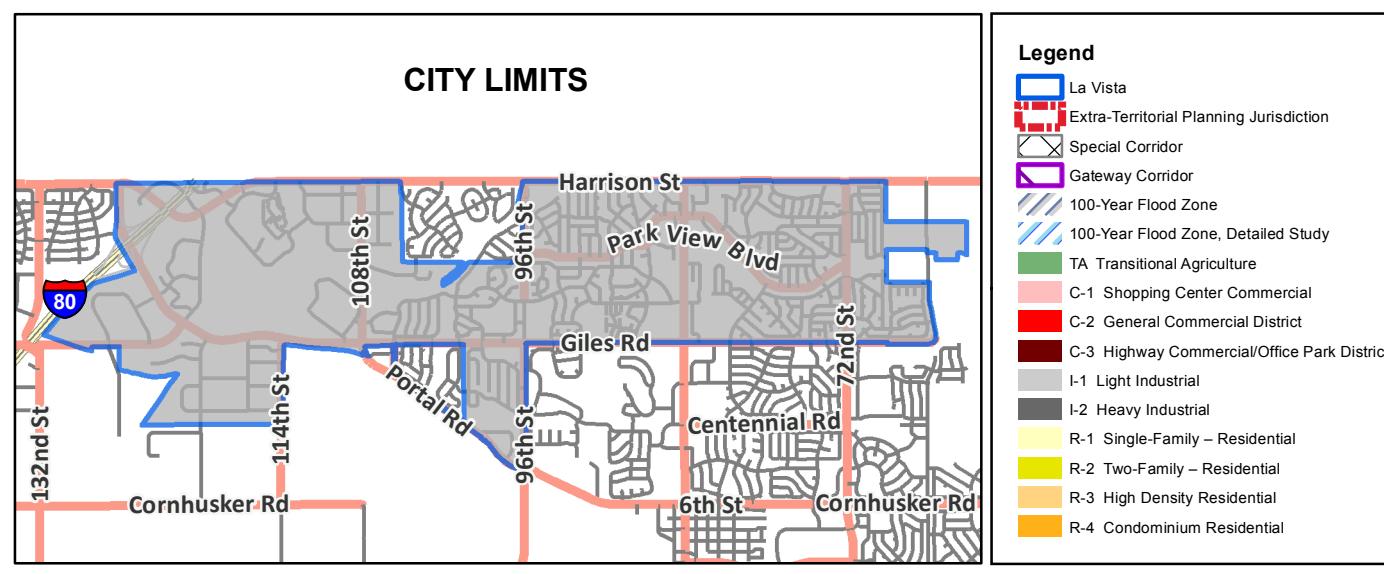
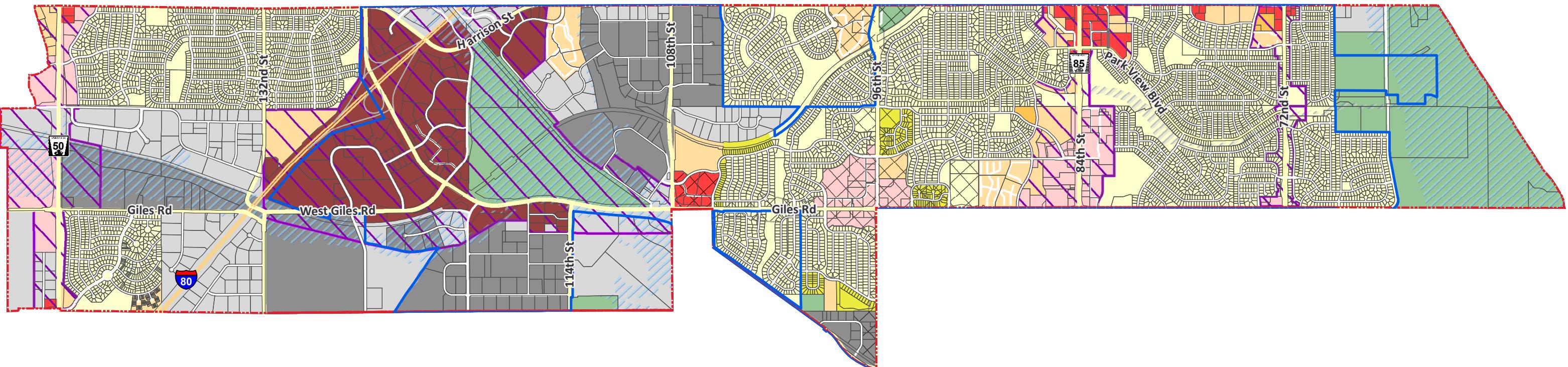
A public hearing has been scheduled and an ordinance prepared for the City Council to consider an amendment to the City's Official Zoning Map.

The completion of two recent annexations has prompted the need for an amendment of the Official Zoning Map to update the city limits as depicted on the map.

The Planning Commission held a public hearing on August 15, 2013 and voted unanimously to recommend approval of the amendment.

Note: Staff has identified an additional amendment to the map which will need to be made and recommends continuing the public hearing.

# CITY OF LA VISTA ZONING MAP



**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
SEPTEMBER 17, 2013 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
AMEND MUNICIPAL CODE SECTION 115.001 AND 115.017	RESOLUTION ◆ ORDINANCE RECEIVE/FILE	PAM. BUETHE CITY CLERK

**SYNOPSIS**

An ordinance has been prepared to amend Sections 115.001 and 115.017 of the Municipal Code to change the definition of franchisee and to change the rates, fees, and charges.

**FISCAL IMPACT**

None.

**RECOMMENDATION**

Approval

**BACKGROUND**

Over the past several months our city staff and city attorney have been working on franchise agreements with cable companies that have requested permission to provide service within the City. In light of these new franchise agreements, the city attorney has determined that a couple changes need to be made to Chapter 115: Cable Television.

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

AN ORDINANCE OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA, TO AMEND THE LA VISTA MUNICIPAL CODE SECTIONS 115.001 and 115.017; TO REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; ORDERING THE PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM; AND TO PROVIDE THE EFFECTIVE DATE HEREOF.

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

**SECTION 1.** Section 115.001 of the La Vista Municipal Code is amended to read as follows:

**§ 115.001 DEFINITIONS.**

**FRANCHISEE.** The owner or operator of a cable television system or the provider of cable services within the city who has been granted a certificate by the city or anyone who succeeds the holder of a certificate in accordance with the provisions of this chapter. The words FRANCHISEE and GRANTEE are synonymous when used in this chapter.

**§ 115.017 RATES, FEES, AND CHARGES.**

(A) The franchising authority reserves the right to regulate the franchisee, the cable system, and the rates, fees, charges, deposits, and associated terms and conditions for cable service (or for related equipment or services such as equipment rental, deposits, and downgrade fees) provided pursuant to this chapter to the fullest extent permitted by applicable law, as amended from time to time, and the franchising authority may, in connection with any such regulation, establish rules and regulations from time to time to the extent permitted by such applicable law. In connection with such regulation, the franchising authority shall comply with FCC rules as amended from time to time and provide the public with an opportunity to comment.

(B) (1) The franchisee shall not discriminate between or among any residential subscribers in the rates, terms, and conditions for any cable service, provided that the foregoing requirement shall not prevent (to the extent otherwise permitted by applicable law) the use of:

(a) Short-term sales promotions and other short-term discounts or reduced charges;

(b) Reasonable discounts or reduced charges to senior citizens or economically disadvantaged groups; or

(c) Bulk rate arrangements.

(2) Nothing in this section shall be construed to prevent the franchisee from individually negotiating the rates, terms, and conditions of cable service provided to nonresidential customers. Notwithstanding the foregoing, franchisee shall not deny service, deny access, or otherwise discriminate on rates or any other terms or conditions of cable services (or any related service provided by franchisee) on the basis of race, color, creed, religion, ancestry, national origin, sex, disability, age, familial status, marital status, income level, demographics, status with regard to public assistance, or location within the franchise area.

(C) Before any new or modified rate, fee, charge, deposit, or associated term or condition for cable service may be imposed, the franchisee must provide notice to the franchising authority of the change and notify affected subscribers. Submission of a franchisee rate card which reflects all current rates, fees, charges, deposits, and associated terms and conditions will satisfy the requirements of this section.

(D) In the event that (i) the franchisee offers one or more cable, internet-related, telecommunications, or any other (cable or non-cable) service on a bundled basis (such that more than one service is provided at a single, combined, discounted or special fee), (ii) at least one of such bundled services is a cable service under this agreement, and (iii) revenues received by franchisee on at least one service provided in the bundled arrangement is not subject to any fee or tax to the franchising authority or is subject to a different rate of fee or tax to the franchising authority than is provided for under this chapter on cable services—then any discount of fees or charges of franchisee to subscribers or customers obtaining bundled services shall be applied either proportionately to the fee of each service provided under the arrangement, such that it is not applied disproportionately to cable services provided under this chapter, or equally to all

| services included in the bundle, as agreed in writing between the franchisee and the city.

**SECTION 2. Repeal of Conflicting Ordinances.** All ordinances and parts of ordinances as previously enacted that are in conflict with this Ordinance or any part hereof are hereby repealed.

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

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

PASSED AND APPROVED THIS 17TH DAY OF JANUARY 2012.

CITY OF LA VISTA

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Douglas Kindig, Mayor

ATTEST:

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Pamela A. Buethe, CMC  
City Clerk

**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**SEPTEMBER 17, 2013 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
AMEND SECTION 11.05 OF MUNICIPAL CODE - WARD BOUNDARIES	RESOLUTION ◆ ORDINANCE RECEIVE/FILE	PAM BUETHE CITY CLERK

**SYNOPSIS**

A ward boundary map has been created and an ordinance prepared to amend Section 11.05 of the La Vista Municipal Code, bringing the legal description of the boundary lines for all wards of the City into compliance with the redistricting of wards after the annexations done in July 2013.

**FISCAL IMPACT**

None.

**RECOMMENDATION**

Approval.

**BACKGROUND**

At their November 22, 2011 meeting, City Council adopted, by ordinance number 1159, the current ward boundary map in order to bring the City into compliance with the redistricting of wards after the 2010 Census.

Due to the current annexations which included the Mayfair subdivision it is necessary to bring the wards back into compliance with state statute.

State Statute requires that the range of deviation between ward populations not exceed 10%.

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

AN ORDINANCE OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA, TO AMEND THE LA VISTA MUNICIPAL CODE SECTION 11.05; TO REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

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

**SECTION 1.** Section 11.05 of the La Vista Municipal Code is amended to read as follows:

**§ 11.05 WARDS.**

(1) Ward One: shall be comprised of the specific area depicted on the attached map as lying within Ward One. The depicted area lies between the boundaries described as follows:

**North Boundary** – North corporate limits from 74<sup>th</sup> Street to northeast corner of 2010 census block 311530106151005.

**East Boundary** – East corporate limits from northeast corner of 2010 census block 311530106151005 to south corporate limits at 66<sup>th</sup> Street and Giles Road.

**South Boundary** – South corporate limits from 66<sup>th</sup> Street to Edgewood Boulevard.

**West Boundary** – Beginning at southern corporate limits and Edgewood Boulevard, Edgewood Boulevard to Park View Boulevard, Park View Boulevard to 72<sup>nd</sup> Street, 72<sup>nd</sup> Street to James Avenue, James Avenue to Joseph Avenue, Joseph Avenue to 75<sup>th</sup> Avenue, 75<sup>th</sup> Avenue to Gertrude Street, Gertrude Street to 74<sup>th</sup> Street, 74<sup>th</sup> Street to north corporate limits.

(2) Ward Two: shall be comprised of the specific area depicted on the attached map as lying within Ward Two. The depicted area lies between the boundaries described as follows:

**North Boundary** – North corporate limits from Plum Dale Road to 74<sup>th</sup> Street.

**East Boundary** – Beginning at north corporate limits and 74<sup>th</sup> Street, 74<sup>th</sup> Street to Gertrude Street, Gertrude Street to 75<sup>th</sup> Avenue, 75<sup>th</sup> Avenue to Joseph Avenue, Joseph Avenue to James Avenue, James Avenue to 72<sup>nd</sup> Street, 72<sup>nd</sup> Street to Park View Boulevard.

**South Boundary** – Beginning at 72<sup>nd</sup> Street and Park View Boulevard, Park View Boulevard to Gertrude Street, the boundary will follow Gertrude Street to the southern limits of 2010 census blocks 311530106145000, 311530106213001, and 311530106213002 to 85<sup>th</sup> Street, 85<sup>th</sup> Street to Birch Drive, Birch Drive to Park View Boulevard, Park View Boulevard to Valley View Drive, Valley View Drive to Plum Dale Road.

**West Boundary** – Beginning at Valley View Drive and Plum Dale Road to north corporate limits.

(3) Ward Three: shall be comprised of the specific area depicted on the attached map as lying within Ward Three. The depicted area lies between the boundaries described as follows:

**North Boundary** – North corporate limits from the 96<sup>th</sup> Street to Plum Dale Road, Plum Dale Road to Valley View Drive, Valley View Drive to Park View Boulevard, Park View Boulevard to Birch Drive, Birch Drive to 85<sup>th</sup> Street. The boundary will follow 85<sup>th</sup> Street to the southern boundaries of 2010 census blocks 311530106145000, 311530106213001, and 311530106213002 to Gertrude Street, Gertrude Street to Park View Boulevard.

**East Boundary** – Beginning at Gertrude Street and Park View Boulevard, Park View Boulevard to Edgewood Boulevard, Edgewood Boulevard to south corporate limits.

**South Boundary** – South corporate limits from Edgewood Boulevard to 94<sup>th</sup> Street.

**West Boundary** – Beginning at south corporate limits and 94<sup>th</sup> Street, 94<sup>th</sup> Street to Brentwood Drive, Brentwood Drive to Chinawood Drive, Chinawood Drive to Bayberry Road, Bayberry Road to Granville Parkway, Granville Parkway to Elm Drive, Elm Drive to Park View Boulevard. Park View Boulevard to Plum Dale Road, Plum Dale Road to Granville Parkway, Granville Parkway to the eastern boundary of 2010 census block 311530106221049, south along eastern boundary of 2010 census block 311530106221049 to Brentwood Drive, Brentwood Drive to the eastern boundary of 2010 census block 311530106221053, along the eastern boundary of 2010 census block 311530106221053 to the north corporate limits, from the corporate limits to the west corporate limits at 96<sup>th</sup> Street and the west corporate limits from Granville Parkway to Harrison Street.

(4) Ward Four: shall be comprised of the specific area depicted on the attached map as lying within Ward Four. The depicted area lies between the boundaries described as follows:

**North Boundary** – North corporate limits from Giles Road and Harrison Street to 104<sup>th</sup> Street, south along corporate limits to the Northeast corner of 2010 census block 311530106221053, south along eastern boundary of 2010 census block 311530106221053 to Brentwood Drive, Brentwood Drive to western boundary of 2010 census block 311530106221048, north along western boundary of 2010 census block 311530106221048 to Granville Parkway, Granville Parkway to Plum Dale Road, Plum Dale Road to Park View Boulevard, Park View Boulevard to Elm Drive, Elm Drive to Granville Parkway, Granville Parkway to Bayberry Road.

**East Boundary** – Beginning at Granville Parkway and Bayberry Road, Bayberry Road to Chinawood Avenue, Chinawood Avenue to Brentwood Drive.

**South Boundary** – Beginning at Chinawood Avenue and Brentwood Drive, Brentwood Drive to 94<sup>th</sup> Street, 94<sup>th</sup> Street to South Corporate Limits, South Corporate Limits from 94<sup>th</sup> Street to I-80 and approximately West Giles Road excluding land area bounded by corporate limits but not within the city.

**West Boundary** – West corporation limits from approximately West Giles Road and I-80 to Giles Road and Harrison Street.

**SECTION 2. Repeal of Conflicting Ordinances.** All ordinances and parts of ordinances as previously enacted that are in conflict with this Ordinance or any part hereof are hereby repealed.

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

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

PASSED AND APPROVED THIS 17TH DAY OF NOVEMBER, 2013.

CITY OF LA VISTA

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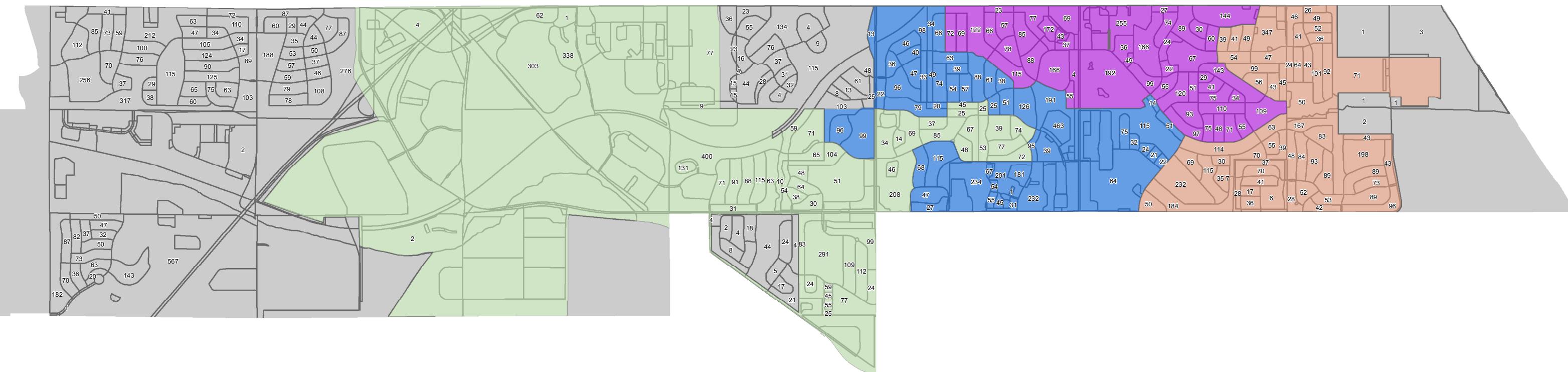
Douglas Kindig, Mayor

ATTEST:

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Pamela A. Buethe, CMC  
City Clerk

# City of La Vista Ward Map



## Legend

2010 Census Blocks

### WardNum

1 - Population: 4183

2 - Population: 3938

3 - Population: 4193

4 - Population: 4315

Current Planning Jurisdiction

Note: Population in Census Blocks indicates 2010 Census population

September 17, 2013



**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**SEPTEMBER 17, 2013 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
AUTHORIZATION TO PURCHASE SECURITY SYSTEM FOR CITY HALL	◆ RESOLUTION ORDINANCE RECEIVE/FILE	PAT ARCHIBALD PUBLIC BUILDINGS & GROUNDS DIRECTOR

**SYNOPSIS**

A resolution has been prepared authorizing the purchase of an access control/security system from Security Equipment Inc. (SEI) in an amount not to exceed \$10,898.

**FISCAL IMPACT**

While this is an unplanned expense, funding is available in the FY 12/13 General Fund Budget.

**RECOMMENDATION**

Approval.

**BACKGROUND**

The security system currently serving City Hall and the Community Center suffered a major failure recently and is basically obsolete. This system has been in place since the building opened in 1994, and the company is no longer in business.

The existing system provided only basic security. The replacement system being proposed for purchase would provide access control as well as security. Other City facilities are equipped with similar systems. The system being proposed provides several advantages that include the ability to tie into the existing fire alarm panel (which provides us with less costly options if the fire alarm system, also very old, should fail), the ability to add additional zones and/or doors as needed, the use of "fobs" rather than keys, and the ability to use a computer from a remote location to enter information into the system and arm/disarm facilities.

Two quotes were received for the new system and Security Equipment Inc. (SEI) submitted the lowest bid at \$10,898. SEI provides central monitoring and they are based locally. In an effort to save additional funds, we are also investigating the potential of having SEI provides monitoring functions for all of facilities.

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE PURCHASE OF AN ACCESS CONTROL/SECURITY SYSTEM FROM SECURITY EQUIPMENT INC. (SEI), OMAHA NEBRASKA IN AN AMOUNT NOT TO EXCEED \$10,898.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of a new access control/security system is necessary, and

WHEREAS, the FY12/13 General Fund Budget provides funding for the purchase of said system, and

WHEREAS, the current security system is no longer functioning and is obsolete, and

WHEREAS, Security Equipment Inc submitted the lowest bid, and

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

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize the purchase of a new access control/security system from Security Equipment Inc, Omaha Nebraska in an amount not to exceed \$10,898.

PASSED AND APPROVED THIS 17TH DAY OF SEPTEMBER, 2013.

CITY OF LA VISTA

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Douglas Kindig, Mayor

ATTEST:

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Pamela A. Buethe, CMC  
City Clerk

**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**SEPTEMBER 17, 2013 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
PURCHASE OF POLICE K-9	◆ RESOLUTION ORDINANCE RECEIVE/FILE	BOB LAUSTEN POLICE CHIEF

**SYNOPSIS**

A resolution has been prepared authorizing the purchase of a police service dog (K-9) from Shallow Creek Kennels, Sharpsville, PA, in an amount not to exceed \$10,000.

**FISCAL IMPACT**

The police department has restricted K-9 donation funds available for the proposed purchase.

**RECOMMENDATION**

Approval

**BACKGROUND**

The police department began using Police Service Dogs (PSD) in 1998 with the arrival of "Cosmo". In February of 2006, Cosmo retired and a replacement PSD "Leda" was purchased and has been deployed since 2006. PSD "Tar" was purchased in 2011 and is currently still in service. Leda is retiring from service as of September 17, 2013.

The market for police service dogs remains high, primarily due to the war in Iraq and Afghanistan. The availability of dogs is low. Shallow Creek has supplied quality police service dogs to Metro area law enforcement agencies in the recent past, including in 2011 when the LVPD purchased PSD "Tar" from Shallow Creek. The PSD will be given a health screening from the police department's certified veterinarian prior to payment.

The Omaha Police Department K-9 supervisor has also offered the police department a position in their September K-9 training class at no cost which will save our police department approximately \$3,500 in training/room and board fees by not having to train in Grand Island.

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING THE PURCHASE OF A POLICE K-9 FROM SHALLOW CREEK KENNELS, SHARPSVILLE, PA, IN AN AMOUNT NOT TO EXCEED \$10,000.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of a police K-9 is necessary, and

WHEREAS, the K-9 Donation account has funds available for the purchase of said K-9, and

WHEREAS, The La Vista Police Department did extensive research and recommends that the K-9 be purchased from said vendor, and

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

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize the purchase of a police K-9 from Shallow Creek Kennels, Sharpsville, PA, in an amount not to exceed \$10,000.

PASSED AND APPROVED THIS 17TH DAY OF SEPTEMBER, 2013.

CITY OF LA VISTA

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Douglas Kindig, Mayor

ATTEST:

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Pamela A. Buethe, CMC  
City Clerk