

# MINUTE RECORD

A-2

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

## LA VISTA CITY COUNCIL MEETING November 4, 2014

A meeting of the City Council of the City of La Vista, Nebraska was convened in open and public session at 6:00 p.m. on November 4, 2014. Present were Councilmembers: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Also in attendance were City Attorney McKeon, City Administrator Gunn, Assistant City Administrator Ramirez, City Clerk Buethe, Police Chief Lausten, Director of Administrative Services Pokorny, Community Development Director Birch, Recreation Director Stopak, Library Director Barcal, Human Resource Manager Garrod and City Engineer Kottmann.

A notice of the meeting was given in advance thereof by publication in the Times on October 22, 2014. 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 – COLIN RUPPERT - 5 YEARS

Colin was not able to be present at this meeting, therefore the Mayor will present it to him at a future meeting.

#### A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. APPROVAL OF THE MINUTES OF THE OCTOBER 21, 2014 CITY COUNCIL MEETING
3. APPROVAL OF THE MINUTES OF THE SEPTEMBER 11, 2014 LIBRARY ADVISORY BOARD MEETING
4. APPROVAL OF THE MINUTE OF THE AUGUST 11, 2014 LA VISTA/METROPOLITAN COMMUNITY COLLEGE CONDOMINIUM OWNERS ASSOCIATION, INC.
5. PAY REQUEST FROM UNIVERSITY OF NEBRASKA AT OMAHA – PROFESSIONAL SERVICES – THOMPSON CREEK WATERSHED RESTORATION PROJECT BIOBLITZ - \$3,115.43
6. PAY REQUEST FROM KISSEL/E&S ASSOCIATES – LEGISLATIVE SERVICES - \$9,867.38
7. PAY REQUEST FROM THOMPSON DREESSEN & DORNER, INC. – PROFESSIONAL SERVICES – 124<sup>TH</sup> CIRCLE AND HARRISON STREET TRAFFIC SIGNAL - \$680.45
8. PAY REQUEST FROM THOMPSON DREESSEN & DORNER, INC. – PROFESSIONAL SERVICES – 120<sup>TH</sup> AND GILES ROAD TRAFFIC SIGNAL - \$3,701.31
9. RESOLUTION NO. 14-141 – APPROVE INTERLOCAL AGREEMENT – FORENSIC AND CRIME SCENE SERVICES

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING AN INTERLOCAL COOPERATION AGREEMENT WITH DOUGLAS COUNTY FOR FORENSIC AND CRIME SCENE INVESTIGATION SERVICES.

WHEREAS, pursuant to the authority granted under Neb. Rev. Statute 13-801, et. Seq. Reissue 1997, the Mayor and City Council determine that it is in

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the best interest of the City to renew an interlocal cooperation agreement for the purpose of providing forensic and crime scene investigation services in an efficient and effective manner; and

WHEREAS, the La Vista Police Department has a need for forensic and crime scene investigation services; and

WHEREAS, Douglas County, Nebraska is qualified to provide such services as described in the attached Interlocal Cooperation Agreement.

WHEREAS, Douglas County, Nebraska entered into an Interlocal Cooperation Agreement with the City of La Vista for forensic and crime scene investigation services in November of 2009 and has been satisfied with the services provided.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of La Vista, Nebraska, hereby authorize the Mayor to execute an Interlocal Cooperation Agreement with Douglas County for forensic and crime scene investigation services.

## **10. APPROVAL OF CLAIMS.**

3CMA MEMBERSHIP, dues	390.00
3E-ELECTRICAL ENGINEERING, maint.	205.30
ACTION BATTERIES, supplies	195.38
AFL, LLC, vehicles	27,346.00
AKSARBEN HEATING, bld&grnds	439.99
ALAMAR UNIFORMS, apparel	108.99
ATLAS AWNING, maint.	350.00
BARCAL, R., travel	124.32
BCDM, services	4,043.49
BEACON BUILDING, services	5,812.00
BLACK HILLS ENERGY, utilities	2,423.26
BNA, dues	514.00
BUILDERS SUPPLY, bld&grnds,maint.	235.98
CED - MISSION, bld&grnds	401.00
CENTURY LINK, phone	321.31
CENTURY LINK, phone	59.21
CITY OF OMAHA, services	146,290.72
COCA-COLA, supplies	155.09
CONRECO INC., maint.	110.00
CONSOLIDATED MGMT, travel	13.75
CONTROL MASTERS INC., maint.	9,924.00
COUNCIL OF STATE GVNMTS, books	112.50
COX COMMUNICATIONS, IT	160.01
CUMMINS CENTRAL POWER, services	738.15
DATASHIELD CORP, services	31.10
DAVE BANGHART, refund	300.00
D. HALE, travel	446.70
DIGITAL ALLY INC., IT	395.00
DINAN, D., travel	55.00
DOSTALS CONSTRUCTION, services	8,835.25
EBSCO INFORMATION SVCS,supplies	1,585.00
EDGEWEAR SCREEN PRINTING, apparel	17.00
FILTER CARE, maint.	52.05
FLASH, M., travel	61.00
FOSTER, T., travel	30.00
GALE, boks	97.46
GAYLORD BROS, supplies	85.48
GCR TIRES & SERVICE, maint.	296.91
GOV HR USA, services	3,834.00
GRAINGER, maint.	40.62
GRAYBAR ELECTRIC, bld&grnds	551.31



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HARM'S CONCRETE, maint.	188.00
HARTS AUTO SUPPLY, maint.	346.00
HOME DEPOT, maint.	18.12
HONEYMAN RENT-ALL, bld&grnds,maint.	304.79
HOSE & HANDLING INC., supplies	31.40
HOST COFFEE, supplies	23.90
INGRAM LIBRARY SERVICES, books	117.64
IVERSON, D., travel	42.00
KLINKER, MARK A, services	200.00
KRIHA FLUID POWER, maint.	34.77
LA VISTA COMMUNITY FOUNDATION	50.00
LANDPORT SYSTEMS, services	125.00
LAUGHLIN, KATHLEEN A, TRUSTEE	116.00
LEAGUE OF NEBRASKA MUNICIPALITIES, dues	36,867.00
LEE W.,services	400.00
LIBRARY IDEAS, books	8.00
LOGO LOGIX, apparel	315.00
LOU'S SPORTING GOODS, supplies	52.95
LOVELAND GRASS PAD, maint.	769.85
LUCKY BUCKET BREWING, supplies	89.95
LUKASIEWICZ, B., travel	225.00
MENARDS, maint.	41.96
METRO LANDSCAPE, services	140.00
MUD, utilities	0.00
MUD, utilities	0.00
MUD, utilities	4,961.32
MUD, maint.	311.13
MILLER PRESS, supplies	230.00
MNJ TECHNOLOGIES, services	7,780.00
MONARCH HEATING & COOLING INC, bld&grnds	92.50
NATIONAL SAFETY COUNCIL, dues	599.00
NE DEPT OF LABOR-WORKFORCE DEV	2,976.00
NE DEPT OF REVENUE, lottery taxes	80,827.00
NEBRASKA ENVIRONMENTAL PRODS, supplies	3,480.00
NEBRASKA IOWA SUPPLY, supplies	10,360.00
NEBRASKA WELDING, bld&grnds	27.58
NORTON, J., travel	124.32
NWEA, services	980.00
OCLC INC, supplird	117.99
OFFICE DEPOT, supplies	409.87
OMAHA COMPOUND CO., supplies	24.50
OMAHA ELECTRIC SERVICE, services	46,863.31
OMAHA INTL FOLK DANCERS, services	100.00
OMAHA PUBLIC POWER DISTRICT, utilities	69,239.96
OMAHA SYMPHONIC WINDS, services	100.00
ONE CALL CONCEPTS, services	366.75
PAPILLION TIRE INC, maint.	83.59
PARAMOUNT LINEN & UNIFORM, apparel	166.53
PAYFLEX SYSTEMS USA, services	250.00
PERFORMANCE CHRYSLER JEEP, maint.	83.02
PERFORMANCE FORD, maint.	99.85
PHYSICIANS MUTUALsupplies	105.00
PITNEY BOWES INC, supplies	204.00
PLAINS EQUIPMENT GROUP, maint.	1,065.37
PLUTA, D., travel	44.00
PUBLIC AGENCY TRAINING COUNCIL, services	590.00
QUALITY BRANDS OF OMAHA, supplies	117.25
QUILL CORPORATION, supplies	405.98
QUINN, JEFF, services	150.00
RAINBOW GLASS & SUPPLY, bld&grnds	228.93

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RAY ALLEN MANUFACTURING, supplies	81.99
READY MIXED CONCRETE, maint.	1,623.16
REPUBLIC NATIONAL DISTR CO, supplies	54.00
RETRIEVEX, IT	157.74
SAPP BROS PETROLEUM, maint.	14,477.70
SARPY COUNTY CHAMBER, travel	450.00
SARPY COUNTY COURTHOUSE, services	4,083.17
SARPY COUNTY REGISTER OF DEEDS, legal	34.00
SCARPA, D., travel	30.00
SCHLEGEL, J., travel	30.00
SECURITY EQUIPMENT, services	1,164.00
SHERRY, P., travel	30.00
SIGN IT, suplies	40.00
SIRCHIE FINGER PRINT LABS, supplies	65.97
SPRINT, phone	119.97
STOLLEY, B., trave;	61.00
STOLTENBERG NURSERIES, supplies	275.00
STOP TECH LTD, supplies	255.00
SUBURBAN NEWSPAPERS, legal	40.00
SUN VALLEY NATURAL STONE, bld&grnds	711.09
SUPERIOR VISION SVCS INC	586.60
SUTPHEN COR, maint.	206.79
TARGET BANK, suppleis	18.89
THERMO KING CHRISTENSEN, maint.	292.45
TOMSU, L., travel	124.32
TORNADO WASH, maint.	145.00
TRACTOR SUPPLY, maint.	29.99
TRIDENT FURNITURE, supplies	2,567.51
TURF CARS LTD, rental	200.00
TURFWERKS, maint.	598.97
UHE, R., travel	30.00
UNITED DISTRIBUTORS, maint.	71.20
UNITED SEEDS INC. services	68.75
UNIV OF NEBR BOARD OF REGENTS, services	100.00
VAN RU CREDIT CORPORATION	46.31
VERIZON WIRELESS, phone	171.99
VERIZON WIRELESS, phone	91.45
WAL-MART, supplies	691.05
WHITE CAP CONSTR SUPPLY, apparel	19.99

Councilmember Hale made a motion to approve the consent agenda. Seconded by Councilmember Quick. Councilmember Hale reviewed the claims for this period and stated everything was in order. Councilmember Sheehan asked about the indemnity section in item A-9, in which each party will indemnify the other. City Attorney McKeon stated that the way it is written will work best for both parties to come to an agreement. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

## **PRESENTATION – THIRD QUARTER REPORT – SARPY COUNTY ECONOMIC DEVELOPMENT CORPORATION**

Jason Thiellen representing the Sarpy County Economic Development Corporation gave the Third Quarter Report giving an overview of net taxable sales, building permits, major valuation projects, housing permits, project inquiries, and site tags.

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

Police Chief Lausten informed Council about the excellent actions of the day shift officers on a potentially life threatening call.



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City Engineer Kottmann informed Council that the annual stormwater management grant from NDEQ has been awarded to the City. Kottmann stated there was a delay in the 120<sup>th</sup> and Giles signal project but it should still be completed by 12/1.

Library Director Barcal reported that the Halloween Storybook Walk was successful with approximately 144 people attending. Barcal thanked the community center and public works. Barcal stated they plan to do another walk in the Spring. Barcal also reported the Civil War Programming is winding down. There were 27 sessions held with 818 people in attendance total. The panels have moved on to Alabama.

Community Relations Coordinator Beaumont reported that approximately 1,400 people attended the Halloween Safe Night event held at the Community Center. He stated it was a great success and thanked all those who helped. Beaumont also reminded Council that the annual tree lighting ceremony and soup supper will be held December 1.

## **B. ORDINANCE – AMEND MASTER FEE ORDINANCE**

Councilmember Thomas introduced Ordinance No. 1229 entitled; AN ORDINANCE TO AMEND ORDINANCE NO.1210, AN ORDINANCE TO ESTABLISH THE AMOUNT OF CERTAIN FEES AND TAXES CHARGED BY THE CITY OF LA VISTA FOR VARIOUS SERVICES INCLUDING BUT NOT LIMITED TO BUILDING AND USE, ZONING, OCCUPATION, PUBLIC RECORDS, ALARMS, EMERGENCY SERVICES, RECREATION, LIBRARY, AND PET LICENSING; SEWER AND DRAINAGE SYSTEMS AND FACILITIES OF THE CITY FOR RESIDENTIAL USERS AND COMMERCIAL USERS (INCLUDING INDUSTRIAL USERS) OF THE CITY OF LA VISTA AND TO GRANDFATHER EXISTING STRUCTURES AND TO PROVIDE FOR TRACT PRECONNECTION PAYMENTS AND CREDITS; REGULATING THE MUNICIPAL SEWER DEPARTMENT AND RATES OF SEWER SERVICE CHARGES; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE THE EFFECTIVE DATE HEREOF.

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

Said ordinance was then read by title and thereafter Councilmember Sheehan moved for final passage of the ordinance which motion was seconded by Councilmember Sell. The Mayor then stated the question, "Shall Ordinance No. 1229 be passed and adopted?" Upon roll call vote the following Councilmember voted aye: Frederick, 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.

## **C. RESOLUTION – APPROVE AGREEMENT – PERFORMANCE MANAGEMENT CONSULTANT**

Councilmember Crawford introduced and moved for the adoption of Resolution No. 14-142: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, APPROVING AN AGREEMENT WITH MANAGEMENT EDUCATION GROUP, INC. FOR PROFESSIONAL CONSULTING SERVICES RELATED TO REDEFINING THE PERFORMANCE MANAGEMENT SYSTEM IN AN AMOUNT NOT TO EXCEED \$20,800 PLUS TRAVEL EXPENSES.

WHEREAS, the City Council of the City of La Vista has determined that the selection of a consultant for redefining the City's performance management system is necessary; and

WHEREAS, the FY15 General Fund budget includes funding for this project; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska do hereby approve an agreement with Management Education Group, Inc. for consulting services related to redefining the performance management system in an amount not to exceed \$20,800.

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

## **D. RESOLUTION – APPROVAL - ADVISORY COMMITTEE – COMPREHENSIVE PLAN**

Councilmember Hale introduced and moved for the adoption of Resolution No. 14-143: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA PROVIDING FOR THE DESIGNATION OF COMPREHENSIVE PLAN ADVISORY COMMITTEE MEMBERS.

WHEREAS, The City Council of the City of La Vista has determined that the designation of a Comprehensive Plan Advisory Committee are necessary; and

WHEREAS, a recommendation by the City Administrator, in consultation with the staff, has been made regarding appointments; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby designate the following people to the La Vista Comprehensive Plan Advisory Committee:

Mike Crawford  
Jim Frederick  
Gayle Malmquist  
Harold Sargus  
Kevin Wituski  
Doug Kellner  
Brad Strittmatter  
Pat Lodes  
Valerie Russell  
Bill Ulrich  
Leah Hoins  
Angie Quinn  
Mike Mathews  
Debby Atchison  
Annette Eyman

Lisa Wood  
Keith Grimm  
Bruce Fountain  
Vince Mancuso  
Rita Ramirez  
Joe Soucie  
Ann Birch  
Chris Solberg  
Court Barber  
Scott Stopak  
Rose Barcal  
Mitch Beaumont  
John Kottmann  
Bryan Waugh

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

## **E. RESOLUTION – AWARD BID – 69<sup>TH</sup> STREET SANITARY SEWER LINING**

Councilmember Sell introduced and moved for the adoption of Resolution No. 14-144: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AWARDED A CONTRACT TO MUNICIPAL PIPE TOOL CO., LLC OF HUDSON IA, FOR CONSTRUCTION OF THE 69<sup>TH</sup> STREET SANITARY SEWER LINING IN AN AMOUNT NOT TO EXCEED \$11,400.00.

WHEREAS, the City Council of the City of La Vista has determined that the construction of the 69<sup>th</sup> Street Sanitary Sewer Lining is necessary; and

WHEREAS, the FY 15 Capital Fund Budget provides funding for this project; and

WHEREAS, the City Council authorized the advertisement of bids for construction of the 69<sup>th</sup> Street Sanitary Sewer Lining on October 7, 2014, and



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WHEREAS Municipal Pipe Tool Co., LLC of Hudson IA has submitted the low, qualified bid, 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 designate Municipal Pipe Tool Co., LLC of Hudson IA as the low qualified bidder for the 69<sup>th</sup> Street Sanitary Sewer Lining, in an amount not to exceed \$11,400.00.

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

## **F. LIQUOR LICENSE APPROVAL – WILDKAT RESTAURANTS DBA J-BIRDS**

### **1. PUBLIC HEARING**

At 6:23 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the Liquor License approval for Wildkat Restaurants dba J-Birds. Skot Timm was in attendance to answer any questions.

At 6:24 p.m. Councilmember Hale made a motion to close the public hearing. Seconded by Councilmember Sell. Councilmembers voting aye: Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

### **2. RESOLUTION – APPROVE LIQUOR LICENSE**

Councilmember Sell introduced and moved for the adoption of Resolution No. 14-145: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA RECOMMENDING TO THE NEBRASKA LIQUOR CONTROL COMMISSION, APPROVAL OF THE CLASS C LIQUOR LICENSE APPLICATION FOR WILDKAT RESTAURANTS INC DBA J-BIRDS FOOD & SPIRITS IN LA VISTA, NEBRASKA.

WHEREAS, Wildkat Restaurants Inc dba J-Birds Food & Spirits, 9723 & 9725 Giles Road, La Vista, Sarpy County, Nebraska, has applied to the Nebraska Liquor Control Commission for a Class C Liquor License, and

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

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, hereby recommend to the Nebraska Liquor Control Commission approval of the Class C Liquor License application submitted by Wildkat Restaurants Inc dba J-Birds Food & Spirits, 9723 & 9725 Giles Road, La Vista, Sarpy County, Nebraska.

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

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## G. POSITION DESCRIPTION UPDATE

Councilmember Crawford made a motion to receive and file the Position Description update for the Finance Director. Seconded by Councilmember Sell. Councilmembers voting aye: Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

## H. STRATEGIC PLAN UPDATE

Councilmember Sell made a motion to receive and file the Strategic Plan Update. Seconded by Councilmember Hale. City Administrator Gunn pointed out a few of the items in the plan moving forward including the sales tax, performance management group and Thompson Creek. Councilmembers voting aye: Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

## COMMENTS FROM THE FLOOR

There were no comments from the floor.

## I. EXECUTIVE SESSION - PERSONNEL

There was no executive session.

## COMMENTS FROM MAYOR AND COUNCIL

Mayor Kindig thanked Councilmembers for representing the City on events and committees.

At 6:29 p.m. Councilmember Crawford made a motion to adjourn the meeting. Seconded by Councilmember Hale. Councilmembers voting aye: Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

PASSED AND APPROVED THIS 18TH DAY OF NOVEMBER, 2014

CITY OF LA VISTA

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

ATTEST:

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



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**Invoice**

Date	Invoice No.
11/05/2014	2014-60
Terms	Due Date
Net 30	12/05/2014

Bill To
Mandy Garrod City of La Vista 8116 Park View Blvd. La Vista, NE 68128

Amount Due	Enclosed
\$5,200.00	

Please detach top portion and return with your payment.

Date	Activity	Quantity	Rate	Amount
11/05/2014	25% Deposit for Employee Performance Management Project Per Standard Letter of Engagement signed November 5, 2014	0.25	20,800.00	5,200.00
	Total project cost - \$20,800			
<b>Total</b>				<b>\$5,200.00</b>

Contact: Marnie Green at 480-705-9394 or  
mgreen@managementeducationgroup.com

Remit to: Management Education Group, Inc.  
1211 North Dustin Lane  
Chandler, AZ 85226

*Lita Ramirez*  
11-10-14  
01.28.0313 - 75%  
02.41.0313 - 25%



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PO Box 1100, 100 Middle Street, Portland, ME 04104-1100

# INVOICE

11/04/2014  
Client #: 110382.41  
Invoice #: 347576

City of La Vista  
Pam Bueth  
8116 Park View Boulevard  
La Vista, NE 68128

\$                       
AMOUNT REMITTED

City of La Vista

**BerryDunn**  
Invoice #: 347576

11/04/2014

Professional services rendered by our Government Consulting Group related to the project to assist the City of La Vista with consulting services for Financial Information Software System Selection.

Task 1: Needs Assessment (Complete)	\$5,740.00
Task 2: Requirements and RFP Development (80% Complete)	\$18,869.00
Current Amount Due	\$ <u>24,609.00</u>

A late charge of 1.5% per month (18% per annum) is added to the balance after 30 days.  
For your convenience, we accept VISA and MASTERCARD.

(207)775-2387  
[www.berrydunn.com](http://www.berrydunn.com)

Consent Agenda

OK today  
Bueth  
11/10/14

05.71.0859.01



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## INVOICE



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

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 107076  
Date 11/04/2014  
Project 0171-408 THOMPSON CREEK PHASE 1

Professional Services from September 8, 2014 through October 05, 2014

P.O. #14-0098/15-0092

Contract Administration

Description	Current Billed
Additional Services-Rain Garden/Inlet Design	196.20
Total	196.20

Invoice total 196.20

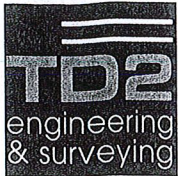
Aging Summary

Invoice Number	Invoice Date	Outstanding	Current	Over 30	Over 60	Over 90	Over 120
107076	11/04/2014	196.20	196.20				
	Total	196.20	196.20	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  
02.43.0505  
JMK 11-7-2014

Consent Agenda 11/18/14 pb



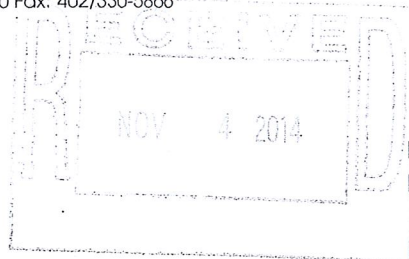
Thompson, Dreessen & Dörner, Inc.  
Consulting Engineers & Land Surveyors

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  
8116 PARKVIEW BOULEVARD  
LA VISTA, NE 68128



Invoice number 107047  
Date 10/31/2014

Project 0171-400 CITY OF LA VISTA -  
MISCELLANEOUS SERVICES 2012-  
CURRENT, CIVIL

Professional Services from August 4, 2014 through October 05, 2014

P.O. #14-0098/15-0092

Emergency Culvert Repair on 72nd Street.

Prepare Plans and Specifications, Bid Documents and Attend Meetings.

Description	Current Billed
Engineering Services	2,686.30
Total	2,686.30

Invoice total 2,686.30

Aging Summary

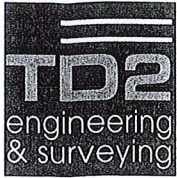
Invoice Number	Invoice Date	Outstanding	Current	Over 30	Over 60	Over 90	Over 120
107047	10/31/2014	2,686.30	2,686.30				
	Total	2,686.30	2,686.30	0.00	0.00	0.00	0.00

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  
JMK 11-7-2014  
05,71,0855.02

Consent Agenda 11/18/14





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

A-7  
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 107075  
Date 11/04/2014  
Project 0171-408 THOMPSON CREEK PHASE 1

Professional Services from September 8, 2014 through October 05, 2014

P.O. #14-0098/15-0092

9 Element Watershed Plan

Description	Current Billed
Engineering Services	50.00
Subconsultant Services - Applied Ecological Services	0.00
Total	50.00

Invoice total 50.00

Aging Summary

Invoice Number	Invoice Date	Outstanding	Current	Over 30	Over 60	Over 90	Over 120
107075	11/04/2014	50.00	50.00				
	Total	50.00	50.00	0.00	0.00	0.00	0.00

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

OK. to pay  
05.71.0855.02 (CAY)  
JMK 11-7-2014

Consent Agenda 11/18/14 jw



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 107074  
Date 11/04/2014

Project 0171-408 THOMPSON CREEK PHASE 1

Professional Services from September 8, 2014 through October 05, 2014

P.O. #14-0098/15-0092

Contract Administration

Description	Current Billed
Task A-Project Start-up	0.00
Task B-Design Development	0.00
Task C-Construction Documentation	NET 31.11
Task D-Phase 2 Grant Acquisition	CITY 840.00
Task E-Pre-Construction Monitoring	NET 7,564.70
Additional Services - OPPD	0.00
Total	8,435.81

Invoice total 8,435.81

Aging Summary

Invoice Number	Invoice Date	Outstanding	Current	Over 30	Over 60	Over 90	Over 120
107074	11/04/2014	8,435.81	8,435.81				
	Total	8,435.81	8,435.81	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  
splits to:  
\$ 840.00 to 05.71.0855.02 (CITY)  
\$ 7,595.81 to 05.71.0871.02 (NET grant)  
JMK 11-7-2014

Consent Agenda 11/15/14



A-9

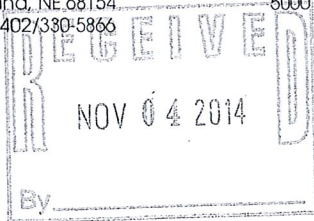


Thompson, Dreessen & Dorner, Inc.  
Consulting Engineers & Land Surveyors

INVOICE

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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 107048  
Date 10/31/2014

Project 0171-412 CITY HALL BIO-BASIN

Professional Services from September 15, 2014 through October 12, 2014

PO #14-0098/15-0092

Description	Current Billed
Engineering Services - Project Management and Contract Administration	1,017.78
Total	1,017.78

Invoice total 1,017.78

Aging Summary

Invoice Number	Invoice Date	Outstanding	Current	Over 30	Over 60	Over 90	Over 120
107048	10/31/2014	1,017.78	1,017.78				
	Total	1,017.78	1,017.78	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  
05.71.0855.03 (CITY)  
JMK 11-7-2014

Consent Agenda 11/18/14 pk



**Upstream  
Weeds**

# INVOICE

DATE: NOVEMBER 7, 2014  
INVOICE #001

PROJECT	INITIATIVE	BILLING CENTER	INVOICING TERM
Thompson Creek Restoration Project	La Vista BioBlitz '15	PubEn / EdOut / CitSc	10/21/14 – 11/7/14

BMK  
11-11-2014



## ACCOUNTS PAYABLE CHECK REGISTER

A-11

BANK NO	BANK NAME	CHECK NO	DATE	VENDOR NO	VENDOR NAME	CHECK AMOUNT	CLEARED	VOIDED	MANUAL
-----									
1 Bank of Nebraska (600-873)									
46364					Payroll Check				
46365					Gap in Checks				
Thru	116192								
116193	11/05/2014			3702	LAUGHLIN, KATHLEEN A, TRUSTEE	116.00			**MANUAL**
116194	11/05/2014			4867	VAN RU CREDIT CORPORATION	41.62			**MANUAL**
116195	11/05/2014			2479	UNIVERSITY OF NEBRASKA-OMAHA	3,115.43			**MANUAL**
116196	11/05/2014			4018	KISSEL/E & S ASSOCIATES	9,867.38			**MANUAL**
116197	11/05/2014			143	THOMPSON DREESSEN & DORNER	4,381.76			**MANUAL**
116198	11/05/2014			1373	QUICK, TERRILYN	300.50			**MANUAL**
116199	11/05/2014			134	DEBRA HALE	300.50			**MANUAL**
116200	11/18/2014			3208	A C NELSEN RV WORLD	60.70			
116201	11/18/2014			4354	A-RELIEF SERVICES INC	520.00			
116202	11/18/2014			3983	ABE'S PORTABLES INC	255.00			
116203	11/18/2014			762	ACTION BATTERIES UNLTD INC	269.85			
116204	11/18/2014			3344	AIM	3,336.00			
116205	11/18/2014			571	ALAMAR UNIFORMS	.00	**CLEARED**	**VOIDED**	
116206	11/18/2014			571	ALAMAR UNIFORMS	.00	**CLEARED**	**VOIDED**	
116207	11/18/2014			571	ALAMAR UNIFORMS	780.70			
116208	11/18/2014			137	ALLIXA CONSULTING INC	1,754.82			
116209	11/18/2014			1271	AMERICAN PLANNING ASSOCIATION	519.00			
116210	11/18/2014			1973	ANN TROE	680.00			
116211	11/18/2014			1678	ASPEN EQUIPMENT COMPANY	1,066.00			
116212	11/18/2014			188	ASPHALT & CONCRETE MATERIALS	277.24			
116213	11/18/2014			201	BAKER & TAYLOR BOOKS	143.58			
116214	11/18/2014			2554	BARCAL, ROSE	62.83			
116215	11/18/2014			4781	BISHOP BUSINESS EQUIPMENT	1,080.66			
116216	11/18/2014			196	BLACK HILLS ENERGY	21.09			
116217	11/18/2014			125	KENT BLANSETT	100.00			
116218	11/18/2014			4711	BOMA/OMAHA	44.00			
116219	11/18/2014			1242	BRENTWOOD AUTO WASH	35.00			
116220	11/18/2014			830	BROWN TRAFFIC PRODUCTS INC	516.00			
116221	11/18/2014			3760	BUETHE, PAM	45.92			
116222	11/18/2014			76	BUILDERS SUPPLY CO INC	1.60			
116223	11/18/2014			2625	CARDMEMBER SERVICE-ELAN	.00	**CLEARED**	**VOIDED**	
116224	11/18/2014			2625	CARDMEMBER SERVICE-ELAN	.00	**CLEARED**	**VOIDED**	
116225	11/18/2014			2625	CARDMEMBER SERVICE-ELAN	.00	**CLEARED**	**VOIDED**	
116226	11/18/2014			2625	CARDMEMBER SERVICE-ELAN	.00	**CLEARED**	**VOIDED**	
116227	11/18/2014			2625	CARDMEMBER SERVICE-ELAN	12,818.36			
116228	11/18/2014			2285	CENTER POINT PUBLISHING	42.54			
116229	11/18/2014			219	CENTURY LINK	64.76			
116230	11/18/2014			2540	CENTURY LINK BUSN SVCS	69.09			
116231	11/18/2014			244	CHILD'S WORLD INCORPORATED	576.45			
116232	11/18/2014			83	CJ'S HOME CENTER	.00	**CLEARED**	**VOIDED**	
116233	11/18/2014			83	CJ'S HOME CENTER	.00	**CLEARED**	**VOIDED**	
116234	11/18/2014			83	CJ'S HOME CENTER	.00	**CLEARED**	**VOIDED**	
116235	11/18/2014			83	CJ'S HOME CENTER	.00	**CLEARED**	**VOIDED**	
116236	11/18/2014			83	CJ'S HOME CENTER	1,341.98			

## ACCOUNTS PAYABLE CHECK REGISTER

BANK NO	BANK NAME	CHECK NO	DATE	VENDOR NO	VENDOR NAME	CHECK AMOUNT	CLEARED	VOIDED	MANUAL
116237	11/18/2014	4615	CONSOLIDATED MANAGEMENT	18.00					
116238	11/18/2014	1346	COSGRAVE COMPANY	54.00					
116239	11/18/2014	1676	CRANE, RAY	82.00					
116240	11/18/2014	3136	D & D COMMUNICATIONS	393.00					
116241	11/18/2014	4863	D & K PRODUCTS	275.65					
116242	11/18/2014	3132	DEARBORN NATIONAL LIFE INS CO	1,085.00					
116243	11/18/2014	2149	DOUGLAS COUNTY SHERIFF'S OFC	275.00					
116244	11/18/2014	159	DXP ENTERPRISES INC	287.62					
116245	11/18/2014	632	EASTERN LIBRARY SYSTEM	51.00					
116246	11/18/2014	4663	EN POINTE TECHNOLOGIES SALES	1,312.80					
116247	11/18/2014	1235	FEDEX KINKO'S	20.25					
116248	11/18/2014	1245	FILTER CARE	20.00					
116249	11/18/2014	3415	FOCUS PRINTING	75.00					
116250	11/18/2014	1344	GALE	162.68					
116251	11/18/2014	4644	GARROD, MANDY	61.69					
116252	11/18/2014	966	GENUINE PARTS COMPANY-OMAHA	.00	**CLEARED**	**VOIDED**			
116253	11/18/2014	966	GENUINE PARTS COMPANY-OMAHA	.00	**CLEARED**	**VOIDED**			
116254	11/18/2014	966	GENUINE PARTS COMPANY-OMAHA	.00	**CLEARED**	**VOIDED**			
116255	11/18/2014	966	GENUINE PARTS COMPANY-OMAHA	2,110.52					
116256	11/18/2014	164	GRAINGER	38.10					
116257	11/18/2014	285	GRAYBAR ELECTRIC COMPANY INC	206.53					
116258	11/18/2014	426	HANEY SHOE STORE	150.00					
116259	11/18/2014	2407	HEIMES CORPORATION	80.15					
116260	11/18/2014	892	HONEYMAN RENT-ALL #1	125.35					
116261	11/18/2014	1612	HY-VEE INC	30.55					
116262	11/18/2014	4795	ICMA RETIREMENT CORPORATION	3,400.00					
116263	11/18/2014	1498	INDUSTRIAL SALES COMPANY INC	26.98					
116264	11/18/2014	2323	INGRAM LIBRARY SERVICES	1,139.37					
116265	11/18/2014	1222	KARLSON, DAVID	25.71					
116266	11/18/2014	2394	KRIHA FLUID POWER CO INC	319.91					
116267	11/18/2014	906	LA VISTA FIREFIGHTERS ASSN	350.76					
116268	11/18/2014	787	LEARNER PUBLISHING GROUP	359.08					
116269	11/18/2014	4784	LIBRARY IDEAS LLC	3,500.00					
116270	11/18/2014	263	LOVELAND GRASS PAD	362.78					
116271	11/18/2014	153	METRO AREA TRANSIT	465.00					
116272	11/18/2014	872	METROPOLITAN COMMUNITY COLLEGE	24,189.94					
116273	11/18/2014	2497	MID AMERICA PAY PHONES	50.00					
116274	11/18/2014	184	MID CON SYSTEMS INCORPORATED	511.58					
116275	11/18/2014	3475	MIDLANDS BUSINESS JOURNAL	70.00					
116276	11/18/2014	2299	MIDWEST TAPE	585.04					
116277	11/18/2014	4855	MONTPELIER GLOVE & SAFETY PROD	86.39					
116278	11/18/2014	342	MUNICIPAL PIPE TOOL CO LLC	244.57					
116279	11/18/2014	1028	NATIONAL EVERYTHING WHOLESALE	272.75					
116280	11/18/2014	479	NEBRASKA LIBRARY COMMISSION	1,175.30					
116281	11/18/2014	214	NEBRASKA MUNICIPAL CLERKS ASSN	35.00					
116282	11/18/2014	408	NOBBIES INC	80.66					
116283	11/18/2014	179	NUTS AND BOLTS INCORPORATED	18.93					
116284	11/18/2014	1831	O'REILLY AUTOMOTIVE STORES INC	76.30					
116285	11/18/2014	1014	OFFICE DEPOT INC	.00	**CLEARED**	**VOIDED**			
116286	11/18/2014	1014	OFFICE DEPOT INC	1,243.35					
116287	11/18/2014	195	OMAHA PUBLIC POWER DISTRICT	.00	**CLEARED**	**VOIDED**			
116288	11/18/2014	195	OMAHA PUBLIC POWER DISTRICT	.00	**CLEARED**	**VOIDED**			
116289	11/18/2014	195	OMAHA PUBLIC POWER DISTRICT	49,033.55					



## ACCOUNTS PAYABLE CHECK REGISTER

BANK NO	BANK NAME	CHECK NO	DATE	VENDOR NO	VENDOR NAME	CHECK AMOUNT	CLEARED	VOIDED	MANUAL
116290	11/18/2014	195	OMAHA PUBLIC POWER DISTRICT			2,085.89			<u>APPROVED BY COUNCIL MEMBERS</u> <u>11/18/14</u>
116291	11/18/2014	1178	OVERHEAD DOOR COMPANY OF OMAHA			485.60			
116292	11/18/2014	3039	PAPILLION SANITATION			922.98			
116293	11/18/2014	2686	PARAMOUNT LINEN & UNIFORM			320.66			
116294	11/18/2014	1769	PAYLESS OFFICE PRODUCTS INC			471.91			
116295	11/18/2014	3058	PERFORMANCE CHRYSLER JEEP			622.55			
116296	11/18/2014	1821	PETTY CASH-PAM BUETHE			194.81			
116297	11/18/2014	1784	PLAINS EQUIPMENT GROUP			1,450.58			
116298	11/18/2014	135	DEAN R PODOLL			100.00			
116299	11/18/2014	3469	RAMIREZ, JOHN			40.00			<u>COUNCIL MEMBER</u>
116300	11/18/2014	427	RAMIREZ, RITA M			56.56			
116301	11/18/2014	191	READY MIXED CONCRETE COMPANY			2,023.10			
116302	11/18/2014	292	SAM'S CLUB			233.53			
116303	11/18/2014	4885	SAPP BROS INCORPORATED			705.00			
116304	11/18/2014	120	MARK SCHERER			100.00			
116305	11/18/2014	144	SILVERSTONE INVESTMENT			900.00			
116306	11/18/2014	138	SPRINT SPECTRUM LP			30.00			
116307	11/18/2014	3069	STATE STEEL OF OMAHA			77.39			
116308	11/18/2014	4993	SUNSET LAW ENFORCEMENT LTD			4,992.70			<u>COUNCIL MEMBER</u>
116309	11/18/2014	1150	SUTPHEN CORPORATION			16.84			
116310	11/18/2014	822	THERMO KING CHRISTENSEN			173.83			
116311	11/18/2014	121	WILLIAM G THOMAS III			100.00			
116312	11/18/2014	2426	UNITED PARCEL SERVICE			202.32			
116313	11/18/2014	4632	UPS STORE			21.92			
116314	11/18/2014	766	VIERREGGER ELECTRIC COMPANY			5,700.00			
116315	11/18/2014	103	VIRGINIA RUBBER CORP			821.88			
116316	11/18/2014	78	WASTE MANAGEMENT NEBRASKA			678.03			<u>COUNCIL MEMBER</u>
116317	11/18/2014	968	WICK'S STERLING TRUCKS INC			51.10			
1441001 Payroll Checks									
Thru 1457301									
BANK TOTAL						162,723.38			
OUTSTANDING						162,723.38			
CLEARED						.00			<u>COUNCIL MEMBER</u>
VOIDED						.00			
FUND		TOTAL		OUTSTANDING		CLEARED		VOIDED	
01	GENERAL FUND	142,630.29		142,630.29		.00		.00	
02	SEWER FUND	5,392.76		5,392.76		.00		.00	
05	CONSTRUCTION	7,497.19		7,497.19		.00		.00	
08	LOTTERY FUND	3,927.00		3,927.00		.00		.00	
09	GOLF COURSE FUND	2,413.31		2,413.31		.00		.00	
15	OFF-STREET PARKING	862.83		862.83		.00		.00	
REPORT TOTAL						162,723.38			
OUTSTANDING						162,723.38			
CLEARED						.00			
VOIDED						.00			
+ Gross Payroll 11/07/18						247,158.62			
GRAND TOTAL						\$409,882.00			<u>COUNCIL MEMBER</u>

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
NOVEMBER 18, 2014 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
APPLICATION FOR CONDITIONAL USE PERMITS, FINAL PUD PLAN, REPLAT & SUBDIVISION AGREEMENT – LOTS 1 & 2, BELLA LA VISTA (NE OF 132 <sup>ND</sup> & CENTECH ROAD)	RESOLUTION ORDINANCE ◆ RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

**SYNOPSIS**

A public hearing has been scheduled for two conditional use permits (multiple family dwellings and a communication tower), to finalize the rezoning, and to approve the Final PUD Plan, replat and subdivision agreement for approximately 39.59 acres located northeast of 132<sup>nd</sup> Street and Centech Road.

**FISCAL IMPACT**

None.

**RECOMMENDATION**

Postpone.

**BACKGROUND**

A public hearing has been scheduled to consider a conditional use permit (CUP), the Final PUD Plan, replat and subdivision agreement applications by Edward Rose Development Company, LLC for approximately 39.59 acres currently platted as Lots 1 and 2, Bella La Vista. The project is located on the east side of 132<sup>nd</sup> Street, generally between Chandler Road and Centech Road.

On October 21, 2014, the City Council held a public hearing and approved the rezoning and Preliminary PUD Plan. At that hearing the Council identified two issues for further consideration at the time of the Final PUD Plan – the number of garages and the location of the cable television tower. Additional information has been submitted by the applicant and staff will provide additional comments in the staff report. However at this time, the subdivision agreement and conditional use permit documents are not in final form. **Staff is requesting the public hearing be continued.**

Notices were mailed to residents regarding the public hearing, and notices were also mailed regarding the postponement, however there may be someone in attendance for this hearing.



**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
NOVEMBER 18, 2014 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
CONDITIONAL USE PERMIT – EDGE BODY BOOTCAMP LOT 48, BROOK VALLEY BUSINESS PARK (SE OF 110 <sup>TH</sup> & HARRISON)	◆ RESOLUTION ORDINANCE RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

**SYNOPSIS**

A public hearing has been scheduled and a resolution prepared for Council to consider an application for a Conditional Use Permit to locate and operate an indoor recreational facility on Lot 48, Brook Valley Business Park, generally located southeast of 110<sup>th</sup> Street and Harrison Street.

**FISCAL IMPACT**

N/A.

**RECOMMENDATION**

Approval.

**BACKGROUND**

A public hearing has been scheduled to consider an application submitted by Melissa Henry, representing Edge Body Bootcamp, for a Conditional Use Permit to locate and operate an indoor recreation facility on Lot 48, Brook Valley Business Park. The property is zoned I-1 Light Industrial and indoor recreation is listed in the I-1 District as a conditional use. The applicant proposes to operate an indoor cross-training facility in a 3,600 s.f. bay within the building.

A detailed staff report is attached.

The Planning Commission held a public hearing on October 16, 2014 and unanimously recommended approval of the Conditional Use Permit to City Council.

K:\APPS\City Hall\CNCLRPT (Blue Letters)\14file\14 CD CUP - Edge Body Bootcamp 11.18.14.Doc

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF A CONDITIONAL USE PERMIT FOR EDGE BODY BOOTCAMP TO LOCATE AND OPERATE AN INDOOR RECREATION FACILITY IN A 3,600 SQUARE FOOT BAY OF A BUILDING ON LOT 48, BROOK VALLEY BUSINESS PARK.

WHEREAS, Melissa Henry representing Edge Body Bootcamp, on behalf of property owner Central Holding Properties, has applied for a Conditional Use Permit to locate and operate an indoor recreation facility within a 3,600 square foot bay of a building on Lot 48, Brook Valley Business Park located at 10931 Harrison Street; and

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

WHEREAS, the Mayor and City Council of the City of La Vista are agreeable to the issuance of a Conditional Use Permit for such purposes,

NOW THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista hereby authorize the execution of a Conditional Use Permit in form and content submitted at this meeting, for Edge Body Bootcamp to locate and operate an indoor recreation facility within a 3,600 square foot bay of a building on Lot 48, Brook Valley Business Park.

PASSED AND APPROVED THIS 18TH DAY OF NOVEMBER, 2014.

CITY OF LA VISTA

ATTEST:

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

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





**CITY OF LA VISTA  
PLANNING DIVISION**

**RECOMMENDATION REPORT**

CASE NUMBER: 2014-CUP-05

FOR HEARING OF: November 18, 2014

Report Prepared on November 10, 2014

**I. GENERAL INFORMATION**

- A. APPLICANT:** Edge Body Bootcamp, Melissa Henry
- B. PROPERTY OWNER:** Central Holding Properties
- C. LOCATION:** 10931 Harrison St.
- D. LEGAL DESCRIPTION:** Lot 48, Brook Valley Business Park
- E. REQUESTED ACTION(S):** Approval of a Conditional Use Permit to use a portion of the building for an indoor recreational facility as conditionally permitted in the I-1 Light Industrial district in the City of La Vista Zoning Ordinance.
- F. EXISTING ZONING AND LAND USE:**  
I-1 Light Industrial; the property contains one existing building which houses six bays for miscellaneous industrial use.
- G. PROPOSED USES:** The Conditional Use Permit would allow for indoor recreation, specifically cross-training in an approximately 3,600 sq. ft. bay within a 30,000 sq. ft. building.
- H. SIZE OF SITE:** 2.3 acres

**II. BACKGROUND INFORMATION**

- A. EXISTING CONDITION OF SITE:** The property contains one building which has tenant bays for industrial flex space. Sue's Stepperettes, The Shirt Shack, and Central West Building Management operate in separate bays of the same building. A home furnishing store will soon occupy another of the 3,600 sq. ft. bays.
- B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:**
  - 1. **North:** Omaha; Residential
  - 2. **East:** Brook Valley Business Park; I-1 Light Industrial
  - 3. **South:** Brook Valley Business Park; I-2 Heavy Industrial
  - 4. **West:** Brook Valley Business Park; I-1 Light Industrial

**C. RELEVANT CASE HISTORY: N/A**

**D. APPLICABLE REGULATIONS:**

1. Section 5.13 of the Zoning Regulations – I-1 Light Industrial
2. Article 6 of the Zoning Regulations – Conditional Use Permits
3. Section 7.06 of the Zoning Regulations – Schedule of Minimum Off-Street Parking Requirements

**III. ANALYSIS**

**A. COMPREHENSIVE PLAN:** The Future Land Use Map of the Comprehensive Plan designates this property for industrial uses.

**B. OTHER PLANS: N/A**

**C. TRAFFIC AND ACCESS:**

1. Access would be from an existing drive providing egress / ingress to Emiline Street. One access point currently exists on the property.

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

**F. PARKING REQUIREMENTS:**

1. Parking requirements would follow the minimum needed for a recreational facility. The site has 107 parking spaces. Sue's Stepperettes, which occupies another bay in the building and will have hours overlapping those of Edge Body Bootcamp, utilizes an estimated 39 spaces during its busiest time. This leaves 68 spaces for use by Edge Body Bootcamp.
2. Other uses in the building that will coincide with this use include the Shirt Shack, which mostly deals with online orders, and the building's management. Their overlap with Edge Body Bootcamp occurs for one hour, 8:30am-9:30am, Monday through Friday, and requires a maximum of about 12 parking spaces.
3. A new home décor/furniture store will be opening in one of the bays. The Zoning Ordinance requires this use to have 18 spaces available, one for every 200 square feet. During times of overlap, particularly when including Sue's Stepperettes, 50 spaces will still be available for Edge Body Bootcamp.

**G. LANDSCAPING: N/A**

**IV. REVIEW COMMENTS:**

1. Parking will need to be monitored to insure it does not exceed available spaces.

**V. PLANNING COMMISSION RECOMMENDATION:**

The Planning Commission held a public hearing on October 16, 2014 and unanimously recommended approval of the Conditional Use Permit to City Council.

**VI. STAFF RECOMMENDATION:**

Approval of the Conditional Use Permit for Edge Body Bootcamp.

**VII. ATTACHMENTS TO REPORT:**

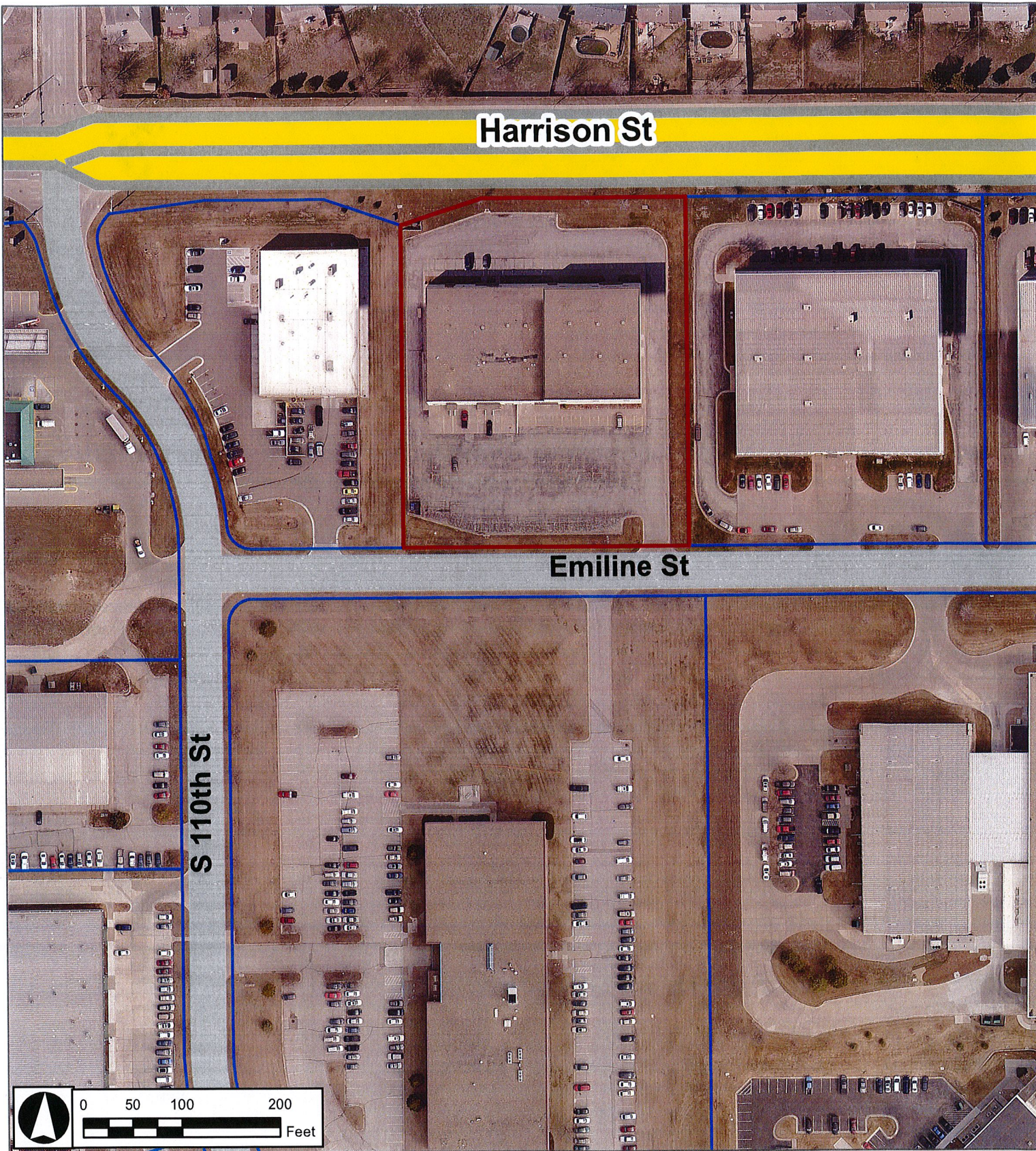
1. Vicinity Map
2. Draft CUP
3. Applicant's written proposal

**VIII. COPIES OF REPORT TO:**

1. Melissa Henry, Edge Body Bootcamp; Applicant
2. Dale Watts, Central Holding Properties; Owner
3. Public Upon Request

  
Prepared by: \_\_\_\_\_  
 11-10-14  
Community Development Director Date





**Vicinity Map**

## Edge Body Bootcamp CUP

October 6, 2014  
CSB





## **City of La Vista Conditional Use Permit**

### **Conditional Use Permit for Indoor Recreational Facility (Training Facility)**

This Conditional Use Permit issued this \_\_\_\_ day of \_\_\_\_\_, 2014, by the City of La Vista, a municipal corporation in the County of Sarpy County, Nebraska ("City") to, Lion Heart Enterprises, DBA Edge Body Bootcamp ("Owner"), pursuant to the La Vista Zoning Ordinance.

WHEREAS, Owner wishes to locate and operate an indoor recreational facility upon the following described tract of land within the City of La Vista zoning jurisdiction:

Lot 48 Brook Valley Business Park located in the NE ¼ Section 17, Township 14 North, Range 12 East of the 6th P.M. Sarpy County, Nebraska, located at 10931 Harrison Street (3600 sq. ft. of the building).

WHEREAS, Owner has applied for a conditional use permit for the purpose of locating and operating a indoor recreational facility; and

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

NOW, THEREFORE, BE IT KNOWN THAT subject to the conditions hereof, this conditional use permit is issued to the owner to use the area designated on Exhibit "A" hereto for an indoor recreational facility, said use hereinafter being referred to as "Permitted Use or Use".

#### **Conditions of Permit**

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

1. The rights granted by this permit are transferable and any variation or breach of any terms hereof shall cause permit to expire and terminate without the prior written consent of the City (amendment to permit) or unless exempted herein.
2. In respect to the Permitted Use:
  - a. A site plan showing the property boundaries of the tract of land and easements, proposed structures, parking, access points, and drives shall be provided to the City and attached to the permit as "Exhibit A" and "Exhibit B".
  - b. Hours of operation of classes for said indoor recreational facility will generally be Monday through Friday from 5:45 a.m. – 6:45 a.m., 8:30 a.m. – 9:30 a.m., 5:30 p.m. – 7:30 p.m.; Saturday from 8:30 a.m. – 10:00 a.m.; and Sunday from 11:00 a.m. – 12:00 noon. Additionally, one-on-one personal training will occur by appointment in between classes.
  - c. There will be approximately 2 staff members on site for the Permitted Use. During peak use, approximately 20 clients will utilize the facility at any one time.
  - d. There shall be no storage, placement or display of goods, supplies or any other material, substance, container or receptacle outside of the indoor recreational facility, except trash receptacles and those approved in writing by the City.
  - e. There shall not be any games, tournaments, or other events that draw a larger spectator crowd than typical training activities.

- f. Off-street parking shall be provided for the Permitted Use and the number of parking spaces shall be adequate to accommodate the patrons and guests of the Permitted Use without negatively impacting or limiting the number of parking spaces for other existing or future tenants.
  - g. Owner shall obtain all required permits from the City of La Vista and shall comply with any additional requirements as determined by the Chief Building Official, including, but not limited to, building, fire, and ADA.
  - h. Owner shall comply (and shall ensure that all employees, invitees, suppliers, structures, appurtenances and improvements, and all activities occurring or conducted, on the premises at any time comply) with any applicable federal, state and/or local regulations, as amended or in effect from time to time, including, but not limited to, applicable environmental or safety laws, rules or regulations.
  - i. Owner hereby indemnifies the City against, and holds the City harmless from, any liability, loss, claim or expense whatsoever (including, but not limited to, reasonable attorney fees and court cost) arising out of or resulting from the acts, omissions or negligence of the owner, his agents, employees, assigns, suppliers or invitees, including, but not limited to, any liability, loss, claim or expense arising out of or resulting from any violation on the premises of any environmental or safety law, rule or regulation.
3. The applicant's right to maintain the use as approved pursuant to these provisions shall be based on the following:
    - a. An annual inspection to determine compliance with the conditions of approval. The conditional use permit may be revoked upon a finding by the City that there is a violation of the terms of approval.
    - b. The use authorized by the conditional use permit must be initiated within one (1) year of approval and shall become void two (2) years after the date of approval unless the applicant has fully complied with the terms of approval.
    - c. All obsolete or unused structures, accessory facilities or materials with an environmental or safety hazard shall be abated and/or removed at owner's expense within twelve (12) months of cessation of the conditional use.
  4. Notwithstanding any other provision herein to the contrary, this permit, and all rights granted hereby, shall expire and terminate as to a permitted use hereunder upon the first of the following to occur:
    - a. Owner's abandonment of the permitted use. Non-use thereof for a period of twelve (12) months shall constitute a presumption of abandonment.
    - b. Cancellation, revocation, denial or failure to maintain any federal, state or local permit required for the Use.
    - c. Owner's breach of any other terms hereof and his failure to correct such breach within ten (10) days of City's giving notice thereof.
  5. In the event of the owner's failure to promptly remove any safety or environmental hazard from the premises, or the expiration or termination of this permit and the owner's failure to promptly remove any permitted materials or any remaining environmental or safety hazard, the City may, at its option (but without any obligation to the owner or any third party to exercise said option) cause the same to be removed at owner's cost (including, but not limited to, the cost of any excavation and earthwork that is necessary or advisable) and the owner shall reimburse the City the costs incurred to remove the same. Owner hereby irrevocably grants the City, its agents and employees the right to enter the premises and to take whatever action as is necessary or appropriate to remove the structures or any environmental or safety hazards in accordance with the terms of this permit, and the right of the City to enter the premises as necessary or appropriate to carry out any other provision of this permit.
  6. If any provision, or any portion thereof, contained in this agreement is held to be unconstitutional, invalid, or unenforceable, the remaining provisions hereof, or portions thereof, shall be deemed severable, shall not be affected, and shall remain in full force and effect.



## Miscellaneous

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

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

**Contact Name and Address:** Melissa Henry  
Edge Body Bootcamp  
1223 Mayberry Plaza  
Omaha, NE 68108  
(402) 618-8506

## Effective Date:

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

THE CITY OF LA VISTA

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

Attest:

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

### CONSENT AND AGREEMENT

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

Owner:

By: \_\_\_\_\_

Title: \_\_\_\_\_

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

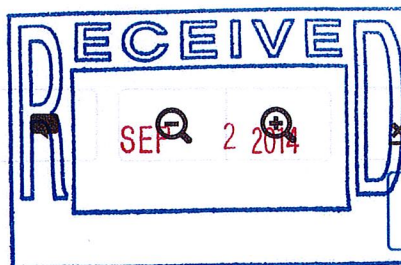




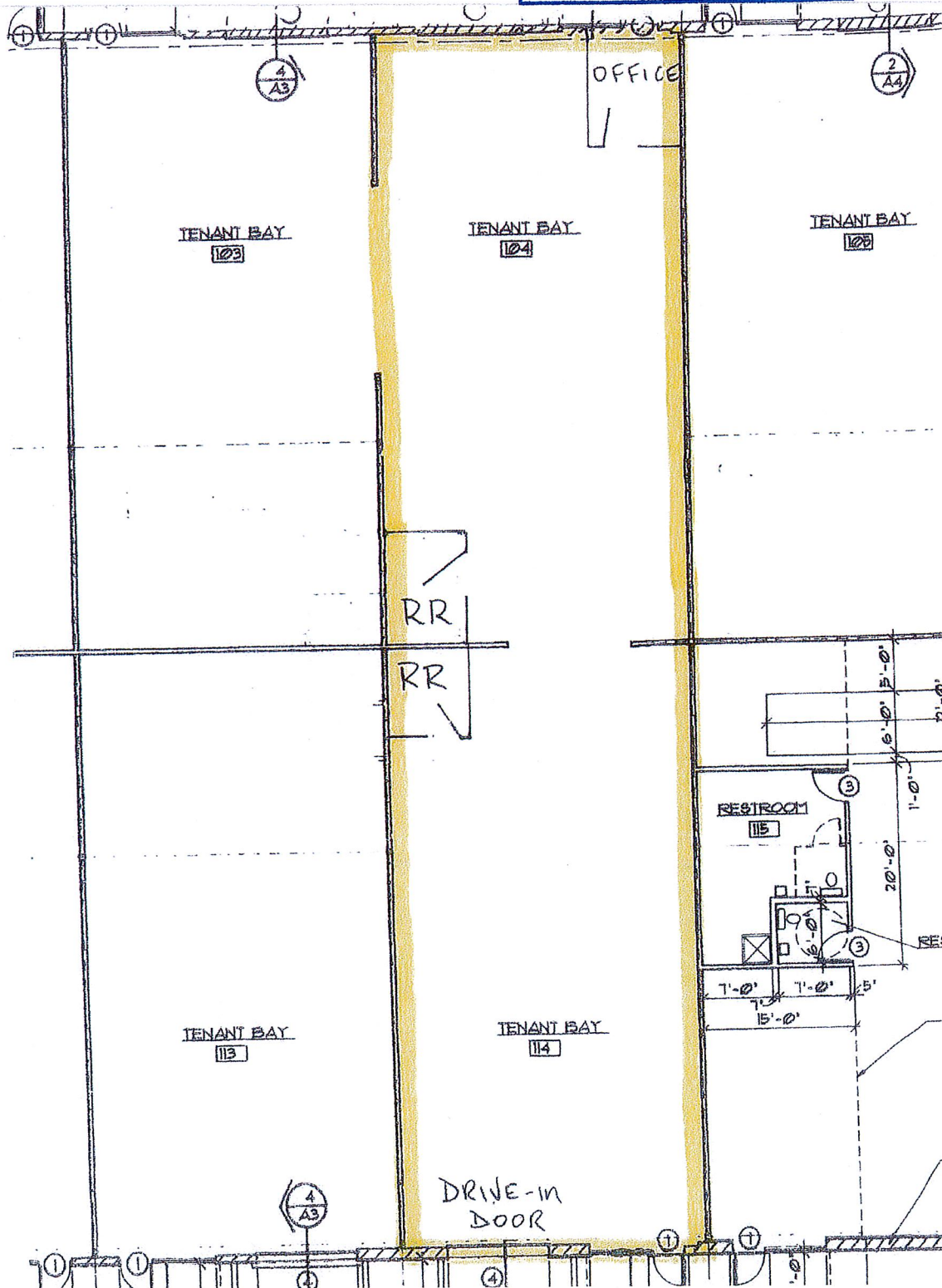
10931 Harrison St. Floor Plan.pdf

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Download



## Edge Body Bootcamp Proposal

The 3,600 sq. foot bay will be used as the first Edge Body Boot Camp (EBBC) in the state of Nebraska. EBBC was founded back in 2012 and currently has 5 locations operating in the state of Kentucky. This business was created to provide group training classes (boot camps) designed for weight loss and improved fitness ability. The workouts programmed for the group classes are more high-intensity in nature, but have modifications for all fitness levels. A variety of equipment is used; ranging from barbells and dumbbells, to sleds, medicine balls and kickboxing bags. The owner, Melissa Henry, will be bringing this to the Omaha metro area. She has been teaching exercise science courses full time at the University of Nebraska Omaha. Her credentials include; B.S. Exercise Science, M.S. Fitness/Wellness Mgmt., American College of Sports Medicine (ACSM) certified Health Fitness Specialist (HFS) and a certified Strength and Conditioning Coach (CSCS) through the National Strength and Conditioning Association (NSCA).

The classes at EBBC will average about 8-15 members per class. A more popular class time or larger class may have 20. There will always be 1 certified instructor teaching each class, larger class sizes may have 2 instructors for safety and coaching purposes. Class times are as follows; 5:45-6:45am, 8:30-9:30am, 4:30-7:30pm (3 classes) Monday through Thursday. Fridays would be same day time classes, but only a 4:30 and 5:30pm class. Saturday morning classes are 8:30-10:30am (2 classes) and Sunday 11-12:00pm. If the need presents itself as membership grows, there may be an additional noon class offered Monday- Friday. During the off hours (when no classes are going on), personal training sessions will be available to schedule. This will be strictly due to the owner's/trainer's availability. Personal training would involve one trainer and one client during either a 30 minute or 50 minute session.

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
NOVEMBER 18, 2014 AGENDA**

Subject:	Type:	Submitted By:
CALL FOR REDEMPTION OF BONDS AND REFUNDING SERIES 2014 BOND ISSUES	◆ RESOLUTIONS ◆ ORDINANCES RECEIVE/FILE	KEVIN POKORNY DIRECTOR OF ADMINISTRATIVE SERVICES

**SYNOPSIS**

Resolutions have been prepared authorizing bonds called for redemption of the Refunding of the Public Safety Tax Anticipation Refunding Bonds, Series 2007 (\$830,000); the Highway Allocation Fund Pledge refunding Bonds, Series 2008 (\$780,000); General Obligation Refunding bonds, Series 2009 (\$5,105,000); General Obligation Refunding Bonds, Series 2009 issued by SID 59 (\$1,410,000).

Ordinances have been prepared authorizing the issuance of: General Obligation Refunding Bonds, Series 2014 in the principal amount not to exceed \$6,600,000; Highway Allocation Pledge Refunding Bonds, Series 2014, in principal amount of not to exceed \$800,000; Public Safety Tax Anticipation Refunding Bonds, Series 2014, in principal amount of not to exceed \$855,000 and La Vista Facilities Corporation of the Corporation's Building and Refunding Bonds (Public Works and Police Facility Projects), Series 2014, in a principal amount of not to exceed \$3,000,000 for the benefit of the City, and authorization of a Lease-Purchase Agreement and other documents related to such financing, and related documents .

**FISCAL IMPACT**

Savings of approximately \$694,371.62 will be recognized over time in the Debt Service Fund as a result of the lower interest rate.

**RECOMMENDATION**

Approval.

**BACKGROUND**

The City is paying an average coupon (interest) rate of 4.09% on these current bond issues; however, with the refunding, the average coupon rate will fall to approximately 2.233%.



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

**RESOLUTION CALLING PUBLIC SAFETY TAX ANTICIPATION BONDS, SERIES 2007, FOR REDEMPTION**

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

Section 1. That the following bonds of the City of La Vista, Nebraska (the "City"), which are callable at any time on or after November 15, 2012, are hereby authorized to be irrevocably called for redemption on such date as set forth in the Direction for Call (as defined below):

**Public Safety Tax Anticipation Bonds, Series 2007**, date of original issue—December 21, 2007, in the principal amount of Eight Hundred Thirty Thousand Dollars (\$830,000), numbered as shown on the books of the Paying Agent becoming due and bearing interest as follows:

<u>Principal Amount</u>	<u>Maturing November 15 Of Year</u>	<u>Interest Rate</u>	<u>CUSIP No.</u>
\$ 90,000	2015*	3.80%	505318 LJ2
190,000	2017*	3.95	505318 LK9
550,000	2022*	4.30	505318 LL7

\*Term Bond

Said bonds were issued pursuant to Section 18-1202, R.R.S. Neb, as amended, for the purpose of paying the costs of two fire trucks and other fire suppression equipment.

Section 2. Said bonds are payable at the office of the City Treasurer of the City of La Vista, Nebraska, as paying agent and registrar (the "Paying Agent").

Section 3. The Mayor, Clerk or Director of Administrative Services of the City (each, an "Authorized Officer") are each individually hereby authorized at any time on or after the date of this resolution to determine the call date for said Bonds on behalf of the City and such determination, when made in writing (the "Direction for Call"), shall constitute the action of the City without further action of the Mayor and City Council of the City. The Call Date shall be set for such date as determined in the Direction for Call, and such determination shall be made by an Authorized Officer not later than June 1, 2015, after which the Authorized Officers shall have no authority to make any such determination hereunder without further action of the Mayor and City Council of the City and this resolution shall be of no further force and effect. Upon delivery of this resolution and the Direction for Call to the Paying Agent, said bonds shall be irrevocably called for redemption on the Call Date.

Section 4. A copy of this resolution and the Direction for Call shall be filed at least 30 days prior to the date of call with the Paying Agent and said Paying Agent is hereby irrevocably instructed to mail notice to each registered owner of said bonds not less than thirty days prior to the date fixed for redemption, all in accordance with the ordinance authorizing said called bonds.

PASSED AND APPROVED THIS 18TH DAY OF NOVEMBER, 2014.

CITYOF LA VISTA

ATTEST:

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

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

[SEAL]



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

**RESOLUTION CALLING HIGHWAY ALLOCATION FUND PLEDGE BONDS, SERIES 2008,  
FOR REDEMPTION**

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

Section 1. That the following bonds of the City of La Vista, Nebraska (the "City"), which are callable at any time on or after September 19, 2013, are hereby authorized to be irrevocably called for redemption on such date as set forth in the Direction for Call (as defined below):

**Highway Allocation Fund Pledge Bonds, Series 2008**, date of original issue—September 19, 2008, in the principal amount of Seven Hundred Eighty Thousand Dollars (\$780,000), numbered as shown on the books of the Paying Agent becoming due and bearing interest as follows:

Principal Amount	Maturing November 15 Of Year	Interest Rate	CUSIP No.
\$125,000	2017*	4.50%	505318 MU6
145,000	2020*	4.75	505318 MV4
510,000	2028*	5.00	505318 MW2

\*Term Bond

Said bonds were issued for the purpose of paying the costs of street construction, including refunding of temporary indebtedness, relating to construction costs for 96<sup>th</sup> Street paving, Cornhusker Road paving and certain paving in the Southport area.

Section 2. Said bonds are payable at the office of the City Treasurer of the City of La Vista, Nebraska, as paying agent and registrar (the "Paying Agent").

Section 3. The Mayor, Clerk or Director of Administrative Services of the City (each, an "Authorized Officer") are each individually hereby authorized at any time on or after the date of this resolution to determine the call date for said Bonds on behalf of the City and such determination, when made in writing (the "Direction for Call"), shall constitute the action of the City without further action of the Mayor and City Council of the City. The Call Date shall be set for such date as determined in the Direction for Call, and such determination shall be made by an Authorized Officer not later than June 1, 2015, after which the Authorized Officers shall have no authority to make any such determination hereunder without further action of the Mayor and City Council of the City and this resolution shall be of no further force and effect. Upon delivery of this resolution and the Direction for Call to the Paying Agent, said bonds shall be irrevocably called for redemption on the Call Date.

Section 4. A copy of this resolution and the Direction for Call shall be filed at least 30 days prior to the date of call with the Paying Agent and said Paying Agent is hereby irrevocably instructed to mail notice to each registered owner of said bonds not less than thirty days prior to the date fixed for redemption, all in accordance with the ordinance authorizing said called bonds.



PASSED AND APPROVED THIS 18TH DAY OF NOVEMBER, 2014.

CITY OF LA VISTA

ATTEST:

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

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

[SEAL]

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

**RESOLUTION CALLING GENERAL OBLIGATION VARIOUS PURPOSE REFUNDING BONDS, SERIES 2009, FOR REDEMPTION**

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

Section 1. That the following bonds of the City of La Vista, Nebraska (the "City"), which were callable at any time on or after November 6, 2014, are hereby authorized to be irrevocably called for redemption on such date as set forth in the Direction for Call (as defined below):

**General Obligation Various Purpose Refunding Bonds, Series 2009**, date of original issue—November 6, 2009, in the principal amount of Five Million One Hundred Five Thousand Dollars (\$5,105,000), numbered as shown on the books of the Paying Agent becoming due and bearing interest as follows:

<u>Principal Amount</u>	<u>Maturing November 15 Of Year</u>	<u>Interest Rate</u>	<u>CUSIP No.</u>
\$615,000	2015	2.50%	505318 NC5
625,000	2016	2.75	505318 ND3
640,000	2017	3.00	505318 NE1
650,000	2018	3.20	505318 NF8
310,000	2019	3.30	505318 NG6
350,000	2019	3.35	505318 NH4
520,000	2020	3.45	505318 NJ0
535,000	2021	3.55	505318 NK7
560,000	2022	3.65	505318 NL5
300,000	2023	3.80	505318 NM3

Said bonds were issued for the purpose of paying the costs of refunding the City's Various Purpose Bonds, Series 2003, in the principal amount of \$2,945,000; the City's General Obligation Refunding Bonds, Series 2003, in the principal amount of \$2,005,000; the General Obligation Bonds, Series 2004, issued by Sanitary and Improvement District No. 200 of Sarpy County, Nebraska, (which district has been annexed by the City) in the principal amount of \$1,725,000, which are valid obligations of the City; and General Obligation Bonds, Series 2004, issued by Sanitary and Improvement District No. 218 of Sarpy County, Nebraska, (which district has been annexed by the City) in the principal amount of \$1,545,000 which are valid obligations of the City.

Section 2. Said bonds are payable at the office of the City Treasurer of the City of La Vista, Nebraska, as paying agent and registrar (the "Paying Agent").

Section 3. The Mayor, Clerk or Director of Administrative Services of the City (each, an "Authorized Officer") are each individually hereby authorized at any time on or after the date of this resolution to determine the call date for said Bonds on behalf of the City and such determination, when made in writing (the "Direction for Call"), shall constitute the action of the City without further action of the Mayor and City Council of the City. The Call Date shall be set for such date as determined in the Direction for Call, and such determination shall be made by



an Authorized Officer not later than June 1, 2015, after which the Authorized Officers shall have no authority to make any such determination hereunder without further action of the Mayor and City Council of the City and this resolution shall be of no further force and effect. Upon delivery of this resolution and the Direction for Call to the Paying Agent, said bonds shall be irrevocably called for redemption on the Call Date.

Section 4. A copy of this resolution and the Direction for Call shall be filed at least 30 days prior to the date of call with the Paying Agent and said Paying Agent is hereby irrevocably instructed to mail notice to each registered owner of said bonds not less than thirty days prior to the date fixed for redemption, all in accordance with the ordinance authorizing said called bonds.

PASSED AND APPROVED THIS 18TH DAY OF NOVEMBER, 2014.

CITY OF LA VISTA

ATTEST:

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

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

[SEAL]

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

**RESOLUTION CALLING GENERAL OBLIGATION REFUNDING BONDS, SERIES 2009, FOR REDEMPTION**

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

Section 1. That the following bonds issued by the Sanitary and Improvement District No. 59 of Sarpy County, Nebraska (the "District"), which were callable at any time on or after July 1, 2014, are hereby authorized to be irrevocably called for redemption on such date as set forth in the Direction for Call (as defined below):

**General Obligation Refunding Bonds, Series 2009**, date of original issue—July 1, 2009, in the principal amount of One Million Four Hundred Ten Thousand Dollars (\$1,410,000), numbered as shown on the books of the Paying Agent becoming due and bearing interest as follows:

<u>Principal Amount</u>	<u>Maturing July 1 Of Year</u>	<u>Interest Rate</u>	<u>CUSIP No.</u>
\$260,000	2015	3.10%	80374D AF8
270,000	2016	3.30	80374D AG6
280,000	2017	3.50	80374D AH4
295,000	2018	3.70	80374D AJ0
305,000	2019	3.90	80374D AK7

Said bonds were issued for the purpose of providing the funds, including funds on deposit in the District's bond fund, required to currently refund \$4,495,000 aggregate principal amount of the District's outstanding General Obligation Bonds, Series 1999 and the District's outstanding General Obligation Bonds, Series 2001. The District has since been annexed by the City of La Vista, Nebraska (the "City") and the General Obligation Refunding Bonds, Series 2009 are valid and legally binding obligations of the City.

Section 2. Said bonds are payable at the principal corporate office of Great Western Bank, Omaha, Nebraska, as paying agent and registrar (the "Paying Agent").

Section 3. The Mayor, Clerk or Director of Administrative Services of the City (each, an "Authorized Officer") are each individually hereby authorized at any time on or after the date of this resolution to determine the call date for said Bonds on behalf of the City and such determination, when made in writing (the "Direction for Call"), shall constitute the action of the City without further action of the Mayor and City Council of the City. The Call Date shall be set for such date as determined in the Direction for Call, and such determination shall be made by an Authorized Officer not later than June 1, 2015, after which the Authorized Officers shall have no authority to make any such determination hereunder without further action of the Mayor and City Council of the City and this resolution shall be of no further force and effect. Upon delivery of this resolution and the Direction for Call to the Paying Agent, said bonds shall be irrevocably called for redemption on the Call Date.



Section 4. A copy of this resolution and the Direction for Call shall be filed at least 30 days prior to the date of call with the Paying Agent and said Paying Agent is hereby irrevocably instructed to mail notice to each registered owner of said bonds not less than thirty days prior to the date fixed for redemption, all in accordance with the ordinance authorizing said called bonds.

PASSED AND APPROVED THIS 18TH DAY OF NOVEMBER, 2014.

CITY OF LA VISTA

ATTEST:

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

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

[SEAL]

ORDINANCE NO. \_\_\_\_

AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2014, OF THE CITY OF LA VISTA, NEBRASKA, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED SIX MILLION SIX HUNDRED THOUSAND DOLLARS (\$6,600,000) FOR THE PURPOSE OF REFUNDING (A) \$5,105,000 OUTSTANDING PRINCIPAL AMOUNT OF GENERAL OBLIGATION VARIOUS PURPOSE REFUNDING BONDS, SERIES 2009, DATED NOVEMBER 6, 2009 AND (B) \$1,410,000 OUTSTANDING PRINCIPAL AMOUNT OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2009, ISSUED BY SANITARY AND IMPROVEMENT DISTRICT NO. 59 OF SARPY COUNTY, NEBRASKA, DATED JULY 1, 2009; PRESCRIBING THE FORM OF SUCH BONDS AND AUTHORIZING OFFICERS OF THE CITY TO APPROVE CERTAIN FINAL TERMS OF THE BONDS; PROVIDING FOR THE LEVY AND COLLECTION OF TAXES TO PAY THE SAME, IF NECESSARY; PROVIDING FOR THE SALE OF THE BONDS; AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER; AND PROVIDING FOR THE DISPOSITION OF BOND PROCEEDS; AND ORDERING THE ORDINANCE PUBLISHED IN PAMPHLET FORM.

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

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

(a) General Obligation Various Purpose Refunding Bonds, Series 2009, in the outstanding principal amount of \$5,105,000, dated November 6, 2009 (the "Refunded 2009 Bonds"), which mature and bear interest as follows:

<u>Principal Amount</u>	<u>Maturing November 15 Of Year</u>	<u>Interest Rate</u>	<u>CUSIP No.</u>
\$615,000	2015	2.50%	505318 NC5
625,000	2016	2.75	505318 ND3
640,000	2017	3.00	505318 NE1
650,000	2018	3.20	505318 NF8
310,000	2019	3.30	505318 NG6
350,000	2019	3.35	505318 NH4
520,000	2020	3.45	505318 NJ0
535,000	2021	3.55	505318 NK7
560,000	2022	3.65	505318 NL5
300,000	2023	3.80	505318 NM3

such bonds being part of an issue of \$8,320,000 principal amount of General Obligation Various Purpose Refunding Bonds, Series 2009 issued pursuant to Ordinance No. 1101 duly passed by the Council and approved by the Mayor on September 15, 2009 (the "2009 Ordinance"), bonds maturing on or after November 15, 2014, are redeemable at the option of the City at any time on or after November 6, 2014 (the "2009 Bonds Redemption Date"), at a redemption price equal to the principal amount thereof plus accrued interest to the date fixed for redemption.

(b) General Obligation Refunding Bonds, Series 2009, in the outstanding principal amount of \$1,410,000, dated July 1, 2009 (the "Refunded 2009 SID Bonds"), which mature and bear interest as follows:

<u>Principal Amount</u>	<u>Maturing July 1 Of Year</u>	<u>Interest Rate</u>	<u>CUSIP No.</u>
\$260,000	2015	3.10%	80374D AF8
270,000	2016	3.30	80374D AG6
280,000	2017	3.50	80374D AH4
295,000	2018	3.70	80374D AJ0
305,000	2019	3.90	80374D AK7

such bonds being part of an issue of \$2,600,000 principal amount of General Obligation Refunding Bonds, Series 2009, issued by Sanitary and Improvement District No. 59 of Sarpy County, Nebraska (the "District") pursuant to a bond resolution duly adopted by the Board of Trustees of the District on May 26, 2009 (the "2009 SID Resolution"). The District has since been annexed by the City and the Refunded 2009 SID Bonds are valid and legally binding obligations of the City. Such



bonds maturing on or after July 1, 2015, are redeemable at the option of the City at any time on or after July 1, 2014 (the "2009 SID Bonds Redemption Date" and, together with the 2009 Bonds Redemption Date, the "Redemption Dates"), at a redemption price equal to the principal amount thereof plus accrued interest to the date fixed for redemption.

(c) All of the Refunded 2009 Bonds and the Refunded 2009 SID Bonds (collectively, the "Refunded Bonds") are valid, interest bearing obligations of the City; (d) since the Refunded Bonds were issued, the rates of interest available in the market have so declined that by issuing its refunding bonds to provide funds for the payment and redemption of the Refunded Bonds, all as set out above, a substantial savings in the amount of yearly running interest will be made to the City; (e) for the purpose of providing for the payment and redemption of the Refunded Bonds as above set out and to pay costs of issuance thereof, it is in the best interest of the City to issue general obligation refunding bonds of the City in the principal amount of not to exceed \$6,600,000 (the "2014 Bonds" or the "Bonds"); and (f) except as set forth herein, the City has no bond sinking funds on hand for the retirement of the Refunded Bonds not required for the timely payment of principal and interest due on the Redemption Dates.

Section 2. The Mayor and Council further find and determine that (a) it is necessary, desirable, advisable and in the best interest of the City to provide for the payment and redemption of the Refunded Bonds; and, (b) all conditions, acts and things required by law to exist or to be done precedent to the issuance of the Bonds in the amount of not to exceed \$6,600,000 pursuant to Section 10-142, Reissue Revised Statutes of Nebraska, as amended, and other applicable statutes, do exist and have been done as required by law.

Section 3. To provide funds for the purpose of refunding the Refunded Bonds as set out in Sections 1 and 2 hereof, there shall be and there are hereby ordered issued the General Obligation Refunding Bonds, Series 2014, of the City in the principal amount of not to exceed Six Million Six Hundred Thousand Dollars (\$6,600,000) with principal payments to become due on August 15 of each year as follows:

Principal Amount	Maturing August 15
\$ 305,000	2015
\$985,000	2016
985,000	2017
995,000	2018
995,000	2019
690,000	2020
535,000	2021
545,000	2022
565,000	2023

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

- (a) the aggregate principal amount of the Bonds shall not exceed \$6,600,000, but may be reduced in principal amount;
- (b) the true interest cost on the Bonds shall not exceed 2.50% per annum;
- (c) the principal amount due in any year (including principal due as mandatory redemption amounts) for each maturity may be decreased by any amount determined but shall not increase by more than 10% or \$10,000, whichever is greater;
- (d) the longest maturity of the Bonds may not be later than August 15, 2023.
- (e) two or more of the principal maturities may be combined and issued as "term bonds" and the Authorized Officers may determine the mandatory sinking fund payments and mandatory redemption amounts. Any Bonds issued as "term bonds" shall be redeemed at a redemption price equal to 100% of the principal amount thereof plus accrued interest thereon to the date of redemption and may be selected for redemption by any random method of selection determined appropriate by the



*Registrar (as hereinafter designated) or by the Depository (as hereinafter designated).*

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

The Bonds shall be issued in fully registered form in the denomination of \$5,000 or any integral multiple thereof. The date of original issue for the Bonds shall be date of original delivery. Interest on the Bonds, at the respective rates for each maturity, shall be payable semi-annually on February 15 and August 15 of each year beginning February 15, 2015 (or such other date or dates as may be determined in the Designation, each an "Interest Payment Date"), and the Bonds shall bear such interest from the date of original issue or the most recent Interest Payment Date, whichever is later. The interest due on each Interest Payment Date shall be payable to the registered owners of record as of the fifteenth day immediately preceding the Interest Payment Date (the "Record Date"), subject to the provisions of Section 4 hereof. The Bonds shall be numbered from 1 upwards in the order of their issuance. No Bond shall be issued originally or upon transfer or partial redemption having more than one principal maturity. The initial bond numbering and principal amounts for each of the Bonds issued shall be as directed by the initial purchaser thereof. Payments of interest due on the Bonds prior to maturity or earlier redemption shall be made by the Paying Agent and Registrar, designated in Section 4 hereof, by mailing a check or draft in the amount due for such interest on each Interest Payment Date to the registered owner of each Bond, as of the Record Date for such Interest Payment Date, to such owner's registered address as shown on the books of registration as required to be maintained in Section 4 hereof. Payments of principal due at maturity or at any date fixed for redemption prior to maturity, together with unpaid accrued interest thereon, shall be made by the Paying Agent and Registrar to the registered owners upon presentation and surrender of the Bonds to the Paying Agent and Registrar. The City and the Paying Agent and Registrar may treat the registered owner of any Bond as the absolute owner of such Bond for the purpose of making payments thereon and for all other purposes and neither the City nor the Paying Agent and Registrar shall be affected by any notice or knowledge to the contrary, whether such Bond or any installment of interest due thereon shall be overdue or not. All payments on account of interest or principal made to the registered owner of any Bond in accordance with the terms of this Ordinance shall be valid and effectual and shall be a discharge of the City and the Paying Agent and Registrar, in respect of the liability upon the Bonds or claims for interest to the extent of the sum or sums so paid.

Section 4. The Authorized Officers are hereby authorized to designate the Paying Agent and Registrar for the Bonds in the Designation, which Paying Agent and Registrar may be a bank or trust company or the City Treasurer. If a bank or trust company is designated as Paying Agent and Registrar, said Paying Agent and Registrar shall serve in such capacities under the terms of an agreement entitled "Paying Agent and Registrar's Agreement" between the City and said Paying Agent and Registrar, the form of which is hereby approved. The Mayor and City Clerk are hereby authorized to execute said agreement in substantially the form presented but with such changes as they shall deem appropriate or necessary. The Paying Agent and Registrar shall keep and maintain for the City books for the registration and transfer of the Bonds at its office. The names and registered addresses of the registered owner or owners of the Bonds shall at all times be recorded in such books. Any Bond may be transferred pursuant to its provisions at the office of the Paying Agent and Registrar by surrender of such Bond for cancellation, accompanied by a written instrument of transfer, in form satisfactory to the Paying Agent and Registrar, duly executed by the registered owner in person or by such owner's duly authorized agent, and thereupon the Paying Agent and Registrar, on behalf of the City, will deliver at its office (or send by registered mail to the transferee owner or owners thereof at such transferee owner's or owners' risk and expense), registered in the name of the transferee owner or owners, a new Bond or Bonds of the same series, interest rate, aggregate principal amount and maturity. To the extent of the denominations authorized for the Bonds by this Ordinance, one Bond may be transferred for several such Bonds of the same series, interest rate and maturity, and for a like aggregate principal amount, and several such Bonds may be transferred for one or several such Bonds, respectively, of the same series, interest rate and maturity and for a like aggregate principal amount. In every case of transfer of a Bond, the surrendered Bond shall be canceled and destroyed. All Bonds issued upon transfer of the bonds so surrendered shall be valid obligations of the City evidencing the same obligation as the Bonds surrendered and shall be entitled to all the benefits and protection of this Ordinance to the same extent as the Bonds upon transfer of which they were delivered. The City and the Paying Agent and Registrar shall not be required to transfer any Bond during any period from any Record Date until its immediately following Interest Payment Date or to transfer any Bond called for redemption for a period of 30 days next preceding the date fixed for redemption.



Section 5. In the event that payments of interest due on the Bonds on an Interest Payment Date are not timely made, such interest shall cease to be payable to the registered owners as of the Record Date for such Interest Payment Date and shall be payable to the registered owners of the Bonds as of a special date of record for payment of such defaulted interest as shall be designated by the Paying Agent and Registrar whenever monies for the purpose of paying such defaulted interest become available.

Section 6. In addition to any mandatory sinking fund redemptions, the Bonds shall be subject to redemption at the option of the City, in whole or in part, prior to maturity at any time on or after five years after the date of original issue, at par plus accrued interest on the principal amount redeemed to the date fixed for redemption. The City may select the Bonds to be redeemed for optional redemption in its sole discretion. Bonds for mandatory redemption shall be selected by the Paying Agent and Registrar using any random method of selection determined appropriate by the Paying Agent and Registrar. Bonds redeemed pursuant to the requirements for mandatory redemption shall be redeemed at par plus accrued interest on the principal amount redeemed. The Bonds shall be redeemed only in amounts of \$5,000 or integral multiples thereof. Bonds redeemed in part only shall be surrendered to the Paying Agent and Registrar in exchange for a new Bond evidencing the unredeemed principal thereof. Notice of redemption of any Bond called for redemption shall be given, at the direction of the City in the case of optional redemption and without further direction in the case of mandatory redemption, by the Paying Agent and Registrar by mail not less than 30 days prior to the date fixed for redemption, first class, postage prepaid, sent to the registered owner of such Bond at said owner's registered address. Such notice shall designate the Bond or Bonds to be redeemed by maturity or otherwise, the date of original issue, series and the date fixed for redemption and shall state that such Bond or Bonds are to be presented for prepayment at the office of the Paying Agent and Registrar. In case of any Bond partially redeemed, such notice shall specify the portion of the principal amount of such Bond to be redeemed. No defect in the mailing of notice for any Bond shall affect the sufficiency of the proceedings of the City designating the Bonds called for redemption or the effectiveness of such call for Bonds for which notice by mail has been properly given and the City shall have the right to further direct notice of redemption for any such Bond for which defective notice has been given.

Section 7. If the date for payment of the principal of or interest on the Bonds shall be a Saturday, Sunday, legal holiday or a day on which banking institutions in the municipality where the Paying Agent and Registrar is located are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not a Saturday, Sunday, legal holiday or a day on which such banking institutions are authorized to close, and payment on such day shall have the same force and effect as if made on the nominal date of payment.

Section 8. The Bonds shall be in substantially the following form:

UNITED STATES OF AMERICA  
STATE OF NEBRASKA  
COUNTY OF SARPY

CITY OF LA VISTA, NEBRASKA  
GENERAL OBLIGATION REFUNDING BOND  
SERIES 2014

\$

No. \_\_\_\_\_

Interest Rate  
%

Maturity Date  
August 15, 20\_\_

Date of Original Issue  
\_\_\_\_\_, 2014

CUSIP

Registered Owner: Cede & Co.

Principal Amount:

The CITY OF LA VISTA, NEBRASKA (the "City"), hereby acknowledges itself to owe and for value received promises to pay to the Registered Owner specified above, or registered assigns, the Principal Amount specified above in lawful money of the United States of America on the Maturity Date specified above with interest thereon to maturity (or earlier redemption) computed on the basis of a 360-day year consisting of twelve 30-day months from the Date of Original Issue or most recent Interest Payment Date, whichever is later, at the Interest Rate per annum specified above, payable semiannually on \_\_\_\_\_ and \_\_\_\_\_ of each year, beginning \_\_\_\_\_, 20\_\_ (each of such dates an "Interest Payment Date"). The Principal Amount hereof, together with unpaid accrued interest due at maturity or upon earlier redemption, is payable upon presentation and surrender of this bond at the office of \_\_\_\_\_, as the Paying Agent and Registrar, in \_\_\_\_\_, Nebraska. Interest on this bond due prior to maturity or earlier redemption will be paid on each Interest Payment Date by a check or draft mailed by the Paying Agent and Registrar to the registered owner of this bond, as shown on the books of record maintained by the Paying Agent and Registrar, at the close of business on the fifteenth day immediately preceding such Interest Payment Date, to such owner's registered address as shown on such books and records. Any interest not so timely paid shall cease to be payable to the person entitled thereto as of the record date such interest was payable, and shall be payable to the person who is the registered owner of this bond (or of one or more predecessor bonds hereto) on such special record date for payment of such defaulted interest as shall be fixed by the Paying Agent and Registrar whenever monies for such purposes become available.

This bond is one of an issue of fully registered bonds (the "Bonds") of the total principal amount of \_\_\_\_\_ (\$\_\_\_\_\_), of even date and like tenor except as to date of maturity, rate of interest and denomination which were issued by the City in strict compliance with Section 10-142, Reissue Revised Statutes of Nebraska, as amended, and other applicable statutes for the purpose of refunding (a) \$5,105,000 outstanding principal amount of General Obligation Various Purpose Refunding Bonds, Series 2009, dated November 6, 2009 and (b) \$1,410,000 outstanding principal amount of General Obligation Refunding Bonds, Series 2009, issued by Sanitary and Improvement District No. 59 of Sarpy County, Nebraska, dated July 1, 2009. The issuance of such bonds has been authorized by proceedings duly had and an ordinance legally passed and approved by the Mayor and Council of the City (the "Ordinance").

The Bonds are subject to redemption at the option of the City, in whole or in part, at any time on or after five years after the date of delivery, at par plus interest accrued on the principal amount redeemed to the date fixed for redemption.

[In addition, the Bonds shall be subject to mandatory sinking fund redemption payments (with bonds being redeemed at par plus accrued interest) as follows:

\$	<u>Principal Maturing August 15, 20__</u>
\$	_____ to be called August 15, 20__
\$	_____ to be called August 15, 20__
\$	_____ Payable August 15, 20__]

Notice of redemption shall be given by mail to the registered owner of any Bond to be redeemed at such registered owner's address in the manner specified in the Ordinance authorizing the Bonds. Individual Bonds may be redeemed in part but only in \$5,000 amounts or integral multiples thereof.

This Bond is transferable by the Registered Owner or such owner's attorney duly authorizing in writing at the office of the Paying Agent and Registrar upon surrender and



cancellation of this Bond, and thereupon a new Bond or Bonds of the same aggregate principal amount, interest rate and maturity will be issued to the transferee as provided in the Ordinance, subject to the limitations therein prescribed. The City, the Paying Agent and Registrar and any other person may treat the person in whose name this Bond is registered as the absolute owner hereof for the purpose of receiving payment due hereunder and for all purposes and shall not be affected by any notice to the contrary, whether this Bond be overdue or not.

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

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

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

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

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

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

CITY OF LA VISTA, NEBRASKA  
(facsimile signature)

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
(facsimile signature)  
Clerk  
(SEAL)

CERTIFICATE OF AUTHENTICATION

This Bond is one of the Bonds authorized by Ordinance of the Mayor and Council of the City of La Vista, Nebraska, described in the foregoing Bond.

\_\_\_\_\_  
Nebraska, Paying Agent and Registrar

\_\_\_\_\_  
(Form of Assignment)

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

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

\_\_\_\_\_  
Registered Owner(s)

Signature Guaranteed

By \_\_\_\_\_

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

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

Section 9. Each of the Bonds shall be executed on behalf of the City with the manual or facsimile signatures of the Mayor and Clerk of the City. The Bonds shall be issued initially as "book-entry-only" bonds using the services of The Depository Trust Company (the "Depository"), with one typewritten bond per maturity being issued to the Depository. In such connection said officers are authorized to execute and deliver a letter of representations (the "Letter of Representations") in the form required by the Depository, for and on behalf of the City, which shall thereafter govern matters with respect to registration, transfer, payment and redemption of the Bonds. Upon the issuance of the Bonds as "book-entry-only" bonds, the following provisions shall apply:

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

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

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



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

(b) Upon receipt by the Paying Agent and Registrar of written notice from the Depository to the effect that the Depository is unable or unwilling to discharge its responsibilities, the Paying Agent and Registrar shall issue, transfer and exchange Bonds requested by the Depository in appropriate amounts. Whenever the Depository requests the Paying Agent and Registrar to do so, the Paying Agent and Registrar will cooperate with the Depository in taking appropriate action after reasonable notice (i) to arrange, with the prior written consent of the City, for a substitute depository willing and able upon reasonable and customary terms to maintain custody of the Bonds or (ii) to make available Bonds registered in whatever name or names the Beneficial Owners transferring or exchanging such Bonds shall designate.

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

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

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

(i) any successor securities depository or its nominee;

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

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

If for any reason the Depository resigns and is not replaced or upon termination by the City of book-entry-only form, the City shall immediately provide a supply of bond certificates for issuance upon subsequent transfers or in the event of partial redemption. In the event that such supply of certificates shall be insufficient to meet the requirements of the Paying Agent and Registrar for issuance of replacement bond certificates upon transfer or partial redemption, the City agrees to order printed an additional supply of bond certificates and to direct their execution by manual or facsimile signature of its then duly qualified and acting officers. In case any officer whose signature or facsimile thereof shall appear on any Bond shall cease to be such officer before the delivery of such Bond (including any bond certificates delivered to the Paying Agent and Registrar for issuance upon transfer or partial redemption) such signature or such facsimile signature shall nevertheless be valid and sufficient for all purposes the same as if such officer or officers had remained in office until the delivery of such Bond. The Bonds shall not be valid and binding on the City until authenticated by the Paying Agent and Registrar. The Bonds shall be delivered to the Paying Agent and Registrar for registration and authentication. Upon execution, registration and authentication of the Bonds, they shall be delivered to the City Treasurer, who is authorized to deliver them to D.A. Davidson & Co., as initial purchaser thereof, upon receipt of 99.25% of the principal amount of the Bonds plus accrued interest thereon to date of payment for the Bonds



(which purchase price may be modified by the terms of the Designation). Such initial purchaser shall have the right to direct the registration of the Bonds and the denominations thereof within each maturity, subject to the restrictions of this Ordinance. The Underwriter and its agents, representatives and counsel and the City's bond counsel are hereby authorized to take such actions on behalf of the City as are necessary to effectuate the closing of the issuance and sale of the Bonds, including, without limitation, authorizing the release of the Bonds by the Depository at closing. The Authorized Officers of the City (or any one of them) are hereby authorized to execute the Bond Purchase Agreement for the sale of the Bonds to the Underwriter, in substantially the form presented herewith, with such changes as such Authorized Officers may deem necessary and appropriate. The officers of the City, or any one or more of them are hereby further authorized to take any and all actions and enter into any and all agreements deemed necessary or appropriate in connection with the issuance and sale of the Bonds and the redemption and payment of the Refunded Bonds, and any such actions previously taken are hereby ratified and confirmed.

Section 10. The Clerk is directed to make and certify a transcript or transcripts of the proceedings of the Mayor and Council precedent to the issuance of the Bonds, a copy of which shall be delivered to the initial purchaser of the Bonds.

Section 11. The net sale proceeds of the Bonds, along with any necessary funds of the City on hand, shall be applied to the payment and satisfaction of all of the principal of and the interest on the Refunded Bonds as called for redemption on the Redemption Date. Accrued interest received from the sale of the Bonds, if any, shall be applied to pay interest first falling due on the Bonds. Expenses of issuance of the Bonds may be paid from the proceeds of the Bonds.

Section 12. The City agrees that it will cause to be levied and collected annually a tax by valuation on all the taxable property in the City, except intangible property, in addition to all other taxes, which with other funds of the City available therefor, shall be sufficient in rate and amount to fully pay the principal of and interest on the Bonds as the same become due.

Section 13. The Mayor and Council hereby approve the Preliminary Official Statement with respect to the Bonds and the information therein contained, and the Mayor and City Administrator or either of them is authorized to approve and deliver a final Official Statement for and on behalf of the City, and such final Official Statement shall be delivered in accordance with the requirements of Reg. Sec. 240.15c2-12 of the Securities and Exchange Commission.

Section 14. The City hereby covenants and agrees that it will make no use of the proceeds of the Bonds which would cause the Bonds to be arbitrage bonds within the meaning of Sections 103(b)(2) and 148 of the Internal Revenue Code of 1986, as amended (the "Code") and further covenants to comply with said Sections 103(b)(2) and 148 and all applicable regulations thereunder throughout the term of said issue, including all requirements with respect to payment and reporting of rebates, if applicable. The City hereby covenants to take all action necessary to preserve the tax-exempt status of the interest on the Bonds for federal income tax purposes under the Code with respect to taxpayers generally. The City further agrees that it will not take any actions which would cause the Bonds to constitute "private activity bonds" within the meaning of Section 141 of the Code. The City hereby designates the Bonds as its "qualified tax-exempt obligations" pursuant to Section 265(b)(3)(B)(i)(III) of the Code and covenants and warrants that it does not reasonably expect to issue bonds or other obligations aggregating in principal amount more than \$10,000,000 during calendar 2014 (taking into consideration the exception for current refunding issues). The Mayor is hereby authorized to make any and all certifications deemed necessary in connection with the designation of the Bonds as "qualified tax-exempt obligations", including "deemed designating" the Bonds.

Section 15. The City's obligations under this Ordinance with respect to any or all of the Bonds herein authorized shall be fully discharged and satisfied as to any or all of such Bonds and any such Bond shall no longer be deemed to be outstanding hereunder if such Bond has been purchased by the City and canceled or when the payment of principal of and interest thereon to the respective date of maturity or redemption (a) shall have been made or caused to be made in accordance with the terms thereof, (b) shall have been provided for by depositing with a national or state bank having trust powers, or trust company, in trust, solely for such payment (i) sufficient money to make such payment and/or (ii) direct general obligations (including obligations issued or held in book entry form on the books of the Department of Treasury of the United States of America) of or obligations the principal and interest of which are unconditionally guaranteed by the United States of America (herein referred to as "U.S. Government Obligations") in such amount and bearing interest payable and maturing or redeemable at stated fixed prices at the option of the holder as to principal, at such time or times, as will ensure the availability of sufficient money to



make such payments; provided, however, that with respect to any Bond to be paid prior to maturity, the City shall have duly called such Bond for redemption and given notice of such redemption as provided by law or made irrevocable provision for the giving of such notice. Any money so deposited with such bank or trust company in excess of the amount required to pay principal of and interest on the Bonds for which such monies or U.S. Government Obligations were deposited shall be paid over to the City as and when collected.

Section 16 In order to promote compliance with certain federal tax and securities laws relating to the Bonds herein authorized (as well as other outstanding bonds) the policy and procedures attached hereto as Exhibit "A" (the "Post-Issuance Compliance Policy and Procedures") are hereby adopted and approved in all respects. To the extent that there is any inconsistency between the attached Post-Issuance Compliance Policy and Procedures and any similar policy or procedures previously adopted and approved, the Post-Issuance Compliance Policy and Procedures shall control.

Section 17. The City hereby (a) authorizes and directs that an Authorized Officer execute and deliver, on the date of issue of the Bonds, a continuing disclosure undertaking (the "Continuing Disclosure Undertaking") in such form as shall be satisfactory to the City and in compliance with Rule 15c2-12 of the Securities and Exchange Commission, and (b) covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Undertaking. Notwithstanding any other provision of this resolution, failure of the City to comply with the Continuing Disclosure Undertaking shall not be considered an event of default hereunder; however, any Participating Underwriter (as such term is defined in the Continuing Disclosure Undertaking) or any Beneficial Owner or any Registered Owner of a Bond (as such terms are defined in the Continuing Disclosure Undertaking) may take such actions as may be necessary and appropriate, including seeking mandamus or specific performance by court order, to cause the City to comply with its obligations under this section.

Section 18. This Ordinance shall be in force and take effect from and after its passage and publication in pamphlet form as provided by law.

PASSED AND APPROVED THIS 18TH DAY OF NOVEMBER, 2014.

CITY OF LA VISTA

ATTEST:

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

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

[SEAL]

## **EXHIBIT A**

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

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

**COMPLIANCE OFFICER (BY TITLE):** City Clerk

#### **POLICY**

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

#### **PROCEDURES**

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

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

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

#### Scope of Review.

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

- (a) the resolution(s) and/or ordinance(s), as applicable, adopted by the governing body of the Issuer authorizing the issuance of its outstanding bonds, together with any documents setting the final rates and terms of such bonds (the "Authorizing Proceedings"),
- (b) the tax documentation associated with each bond issue, which may include some or all of the following (the "Tax Documents"):
  - i. covenants, certifications and expectations regarding Federal tax requirements which are described in the Authorizing Proceedings;
  - ii. Form 8038 series filed with the Internal Revenue Service;
  - iii. tax certificates, tax compliance agreements, tax regulatory agreement or similar documents;
  - iv. covenants, agreements, instructions or memoranda with respect to rebate or private use;
  - v. any reports from rebate analysts received as a result of prior compliance review or evaluation efforts; and
  - vi. any and all other agreements, certificates and documents contained in the transcript associated with the Authorizing Proceedings relating to federal tax matters.



- (c) the Issuer's continuing disclosure obligations, if any, contained in the Authorizing Proceedings or in a separate agreement (the "Continuing Disclosure Obligations"), and
- (d) any communications or other materials received by the Issuer or its counsel, from bond counsel, the underwriter or placement agent or its counsel, the IRS, or any other material correspondence relating to the tax-exempt status of the Issuer's bonds or relating to the Issuer's Continuing Disclosure Obligations.

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

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

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

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

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

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

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

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



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

AN ORDINANCE AUTHORIZING THE ISSUANCE OF HIGHWAY ALLOCATION FUND PLEDGE REFUNDING BONDS, SERIES 2014, OF THE CITY OF LA VISTA, NEBRASKA, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED EIGHT HUNDRED THOUSAND DOLLARS (\$800,000) FOR THE PURPOSE OF REFUNDING \$780,000 OUTSTANDING PRINCIPAL AMOUNT OF HIGHWAY ALLOCATION FUND PLEDGE BONDS, SERIES 2008, DATED SEPTEMBER 19, 2008, ALL OF WHICH BONDS WERE ISSUED FOR THE PURPOSE OF PAYING THE COSTS OF CONSTRUCTING CERTAIN STREETS OF THE CITY; PRESCRIBING THE FORM OF SUCH BONDS AND AUTHORIZING OFFICERS OF THE CITY TO APPROVE CERTAIN FINAL TERMS OF THE BONDS; PLEDGING FUNDS TO BE RECEIVED BY THE CITY FROM THE STATE OF NEBRASKA HIGHWAY ALLOCATION FUND FOR THE PAYMENT OF SUCH BONDS; PROVIDING FOR THE LEVY AND COLLECTION OF TAXES TO PAY THE SAME, IF NECESSARY; PROVIDING FOR THE SALE OF THE BONDS; AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER; AND PROVIDING FOR THE DISPOSITION OF BOND PROCEEDS; AND ORDERING THE ORDINANCE PUBLISHED IN PAMPHLET FORM.

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

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

(a) Highway Allocation Fund Pledge Bonds, Series 2008, in the outstanding principal amount of \$780,000, dated September 19, 2008 (the "Refunded Bonds"), which mature and bear interest as follows:

Principal Amount	Maturing November 15 Of Year	Interest Rate	CUSIP No.
\$125,000	2017*	4.50%	505318 MU6
145,000	2020*	4.75	505318 MV4
510,000	2028*	5.00	505318 MW2

\*Term Bonds

the Refunded Bonds are subject to redemption prior to maturity at any time on or after September 19, 2013, at par plus accrued interest to the date fixed for redemption; the Refunded Bonds have been called for redemption in accordance with their call provisions on such date as determined pursuant to the Call Resolution (the "Redemption Date").

(b) the Refunded Bonds are valid, interest bearing obligations of the City; (c) since the Refunded Bonds were issued, the rates of interest available in the market have so declined that by issuing its highway allocation fund pledge refunding bonds to provide funds for the payment and redemption of the Refunded Bonds, all as set out above, a substantial savings in the amount of yearly running interest will be made to the City; (d) for the purpose of providing for the payment and redemption of the Refunded Bonds as above set out and to pay costs of issuance thereof, it is in the best interest of the City to issue highway allocation fund pledge refunding bonds of the City in the principal amount of not to exceed \$800,000 (the "2014 Bonds" or the "Bonds"); and (e) except as set forth herein, the City has no bond sinking funds on hand for the retirement of the Refunded Bonds not required for the timely payment of principal and interest due on the Redemption Dates.

Section 2. The Mayor and Council further find and determine that (a) it is necessary, desirable, advisable and in the best interest of the City to provide for the payment and redemption of the Refunded Bonds; (b) the City's expected receipts from the Nebraska Highway Allocation Fund for its current fiscal year are expected to be not less than \$1,399,678; (c) that the Refunded Bonds are the only bonds which the City has outstanding as of the date of this ordinance issued pursuant to Section 66-4,101, Reissue Revised Statutes of Nebraska, as amended (or any predecessor statute thereto) (d) that the maximum annual debt service for the bonds authorized herein is not expected to exceed \$80,000; and, (e) all conditions, acts and things required by law to exist or to be done precedent to the issuance of the Bonds in the amount of not to exceed \$800,000 pursuant to Sections 10-142 and 66-4,101, Reissue Revised Statutes of Nebraska, as amended, and other applicable statutes, do exist and have been done as required by law.



Section 3. To provide funds for the purpose of refunding the Refunded Bonds as set out in Sections 1 and 2 hereof, there shall be and there are hereby ordered issued the Highway Allocation Fund Pledge Refunding Bonds, Series 2014, of the City in the principal amount of not to exceed Eight Hundred Thousand Dollars (\$800,000) with principal payments to become due on November 15 of each year as follows:

Principal Amount	Maturing November 15
\$ 55,000	2015
55,000	2016
55,000	2017
50,000	2018
55,000	2019
55,000	2020
55,000	2021
55,000	2022
60,000	2023
55,000	2024
60,000	2025
65,000	2026
60,000	2027
65,000	2028

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

- (a) *the aggregate principal amount of the Bonds shall not exceed \$800,000, but may be reduced in principal amount;*
- (b) *the true interest cost on the Bonds shall not exceed 3.25% per annum;*
- (c) *the principal amount due in any year (including principal due as mandatory redemption amounts) for each maturity may be decreased by any amount determined but shall not increase by more than 10% or \$10,000, whichever is greater;*
- (d) *the longest maturity of the Bonds may not be later than November 15, 2028.*
- (e) *two or more of the principal maturities may be combined and issued as "term bonds" and the Authorized Officers may determine the mandatory sinking fund payments and mandatory redemption amounts. Any Bonds issued as "term bonds" shall be redeemed at a redemption price equal to 100% of the principal amount thereof plus accrued interest thereon to the date of redemption and may be selected for redemption by any random method of selection determined appropriate by the Registrar (as hereinafter designated) or by the Depository (as hereinafter designated).*

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

The Bonds shall be issued in fully registered form in the denomination of \$5,000 or any integral multiple thereof. The date of original issue for the Bonds shall be date of original delivery. Interest on the Bonds, at the respective rates for each maturity, shall be payable semi-annually on May 15 and November 15 of each year beginning May 15, 2015 (or such other date or dates as may be determined in the Designation, each an "Interest Payment Date"), and the Bonds shall bear such interest from the date of original issue or the most recent Interest Payment Date, whichever is later. The interest due on each Interest Payment Date shall be payable to the registered owners of record as of the fifteenth day immediately preceding the Interest Payment Date (the "Record Date"), subject to the provisions of Section 4 hereof. The Bonds shall be numbered from 1 upwards in the order of their issuance. No Bond shall be issued originally or upon transfer or partial redemption having more than one principal maturity. The initial bond



numbering and principal amounts for each of the Bonds issued shall be as directed by the initial purchaser thereof. Payments of interest due on the Bonds prior to maturity or earlier redemption shall be made by the Paying Agent and Registrar, designated in Section 4 hereof, by mailing a check or draft in the amount due for such interest on each Interest Payment Date to the registered owner of each Bond, as of the Record Date for such Interest Payment Date, to such owner's registered address as shown on the books of registration as required to be maintained in Section 4 hereof. Payments of principal due at maturity or at any date fixed for redemption prior to maturity, together with unpaid accrued interest thereon, shall be made by the Paying Agent and Registrar to the registered owners upon presentation and surrender of the Bonds to the Paying Agent and Registrar. The City and the Paying Agent and Registrar may treat the registered owner of any Bond as the absolute owner of such Bond for the purpose of making payments thereon and for all other purposes and neither the City nor the Paying Agent and Registrar shall be affected by any notice or knowledge to the contrary, whether such Bond or any installment of interest due thereon shall be overdue or not. All payments on account of interest or principal made to the registered owner of any Bond in accordance with the terms of this ordinance shall be valid and effectual and shall be a discharge of the City and the Paying Agent and Registrar, in respect of the liability upon the Bonds or claims for interest to the extent of the sum or sums so paid.

Section 4. The Authorized Officers are hereby authorized to designate the Paying Agent and Registrar for the Bonds in the Designation, which Paying Agent and Registrar may be a bank or trust company or the City Treasurer. If a bank or trust company is designated as Paying Agent and Registrar, said Paying Agent and Registrar shall serve in such capacities under the terms of an agreement entitled "Paying Agent and Registrar's Agreement" between the City and said Paying Agent and Registrar, the form of which is hereby approved. The Mayor and City Clerk are hereby authorized to execute said agreement in substantially the form presented but with such changes as they shall deem appropriate or necessary. The Paying Agent and Registrar shall keep and maintain for the City books for the registration and transfer of the Bonds at its office. The names and registered addresses of the registered owner or owners of the Bonds shall at all times be recorded in such books. Any Bond may be transferred pursuant to its provisions at the office of the Paying Agent and Registrar by surrender of such Bond for cancellation, accompanied by a written instrument of transfer, in form satisfactory to the Paying Agent and Registrar, duly executed by the registered owner in person or by such owner's duly authorized agent, and thereupon the Paying Agent and Registrar, on behalf of the City, will deliver at its office (or send by registered mail to the transferee owner or owners thereof at such transferee owner's or owners' risk and expense), registered in the name of the transferee owner or owners, a new Bond or Bonds of the same series, interest rate, aggregate principal amount and maturity. To the extent of the denominations authorized for the Bonds by this ordinance, one Bond may be transferred for several such Bonds of the same series, interest rate and maturity, and for a like aggregate principal amount, and several such Bonds may be transferred for one or several such Bonds, respectively, of the same series, interest rate and maturity and for a like aggregate principal amount. In every case of transfer of a Bond, the surrendered Bond shall be canceled and destroyed. All Bonds issued upon transfer of the bonds so surrendered shall be valid obligations of the City evidencing the same obligation as the Bonds surrendered and shall be entitled to all the benefits and protection of this ordinance to the same extent as the Bonds upon transfer of which they were delivered. The City and the Paying Agent and Registrar shall not be required to transfer any Bond during any period from any Record Date until its immediately following Interest Payment Date or to transfer any Bond called for redemption for a period of 30 days next preceding the date fixed for redemption.

Section 5. In the event that payments of interest due on the Bonds on an Interest Payment Date are not timely made, such interest shall cease to be payable to the registered owners as of the Record Date for such Interest Payment Date and shall be payable to the registered owners of the Bonds as of a special date of record for payment of such defaulted interest as shall be designated by the Paying Agent and Registrar whenever monies for the purpose of paying such defaulted interest become available.

Section 6. In addition to any mandatory sinking fund redemptions set forth in Section 4 of this Ordinance, the Bonds shall be subject to redemption at the option of the City, in whole or in part, prior to maturity at any time on or after five years after the date of original issue, at par plus accrued interest on the principal amount redeemed to the date fixed for redemption. The City may select the Bonds to be redeemed for optional redemption in its sole discretion. Bonds for mandatory redemption shall be selected by the Paying Agent and Registrar using any random method of selection determined appropriate by the Paying Agent and Registrar. Bonds redeemed pursuant to the requirements for mandatory redemption shall be redeemed at par plus accrued interest on the principal amount redeemed. The Bonds shall be redeemed only in amounts of \$5,000 or integral multiples thereof. Bonds redeemed in part only shall be surrendered to the



Paying Agent and Registrar in exchange for a new Bond evidencing the unredeemed principal thereof. Notice of redemption of any Bond called for redemption shall be given, at the direction of the City in the case of optional redemption and without further direction in the case of mandatory redemption, by the Paying Agent and Registrar by mail not less than 30 days prior to the date fixed for redemption, first class, postage prepaid, sent to the registered owner of such Bond at said owner's registered address. Such notice shall designate the Bond or Bonds to be redeemed by maturity or otherwise, the date of original issue, series and the date fixed for redemption and shall state that such Bond or Bonds are to be presented for prepayment at the office of the Paying Agent and Registrar. In case of any Bond partially redeemed, such notice shall specify the portion of the principal amount of such Bond to be redeemed. No defect in the mailing of notice for any Bond shall affect the sufficiency of the proceedings of the City designating the Bonds called for redemption or the effectiveness of such call for Bonds for which notice by mail has been properly given and the City shall have the right to further direct notice of redemption for any such Bond for which defective notice has been given.

Section 7. If the date for payment of the principal of or interest on the Bonds shall be a Saturday, Sunday, legal holiday or a day on which banking institutions in the municipality where the Paying Agent and Registrar is located are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not a Saturday, Sunday, legal holiday or a day on which such banking institutions are authorized to close, and payment on such day shall have the same force and effect as if made on the nominal date of payment.

Section 8. The Bonds shall be in substantially the following form:

UNITED STATES OF AMERICA  
STATE OF NEBRASKA  
COUNTY OF SARPY

CITY OF LA VISTA, NEBRASKA  
HIGHWAY ALLOCATION FUND PLEDGE REFUNDING BOND  
SERIES 2014

No. \_\_\_\_\_

\$

Interest Rate  
%

Maturity Date  
November 15,

Date of Original Issue  
\_\_\_\_\_, 2014

CUSIP

Registered Owner: Cede & Co.

Principal Amount:

The CITY OF LA VISTA, NEBRASKA (the "City"), hereby acknowledges itself to owe and for value received promises to pay to the Registered Owner specified above, or registered assigns, the Principal Amount specified above in lawful money of the United States of America on the Maturity Date specified above with interest thereon to maturity (or earlier redemption) computed on the basis of a 360-day year consisting of twelve 30-day months from the Date of Original Issue or most recent Interest Payment Date, whichever is later, at the Interest Rate per annum specified above, payable semiannually on \_\_\_\_\_ and \_\_\_\_\_ of each year, beginning \_\_\_\_\_, 20\_\_ (each of such dates an "Interest Payment Date"). The Principal Amount hereof, together with unpaid accrued interest due at maturity or upon earlier redemption, is payable upon presentation and surrender of this bond at the office of \_\_\_\_\_, as the Paying Agent and Registrar, in \_\_\_\_\_, Nebraska. Interest on this bond due prior to maturity or earlier redemption will be paid on each Interest Payment Date by a check or draft mailed by the Paying Agent and Registrar to the registered owner of this bond, as shown on the books of record maintained by the Paying Agent and Registrar, at the close of business on the fifteenth day immediately preceding such Interest Payment Date, to such owner's registered address as shown on such books and records. Any interest not so timely paid shall cease to be payable to the person entitled thereto as of the record date such interest was payable, and shall be payable to the person who is the registered owner of this bond (or of one or more predecessor bonds hereto) on such special record date for payment of such defaulted interest as shall be fixed by the Paying Agent and Registrar whenever monies for such purposes become available.

This bond is one of an issue of fully registered bonds (the "Bonds") of the total principal amount of \_\_\_\_\_ (\$\_\_\_\_\_), of even date and like tenor except as to date of maturity, rate of interest and denomination which were issued by the City in strict compliance with Sections 10-142 and 66-4,101, Reissue Revised Statutes of Nebraska, as amended, and other applicable statutes for the purpose of refunding \$\_\_\_\_\_ outstanding principal amount of the City's Highway Allocation Fund Pledge Bonds, Series 2008, dated September 19, 2008, all of which bonds were issued for the purpose of paying the costs of street construction, including refunding of temporary indebtedness, relating to construction costs for 96<sup>th</sup> Street paving, Cornhusker Road paving and certain paving in the Southport area. The issuance of such bonds has been authorized by proceedings duly had and an ordinance legally passed and approved by the Mayor and Council of the City (the "Ordinance").

The Bonds are subject to redemption at the option of the City, in whole or in part, at any time on or after five years after the date of delivery, at par plus interest accrued on the principal amount redeemed to the date fixed for redemption.

[In addition, the Bonds shall be subject to mandatory sinking fund redemption payments (with bonds being redeemed at par plus accrued interest) as follows:

\$ \_\_\_\_\_ Principal Maturing November 15, 20\_\_  
\$ \_\_\_\_\_ to be called November 15, 20\_\_  
\$ \_\_\_\_\_ to be called November 15, 20\_\_  
\$ \_\_\_\_\_ Payable November 15, 20\_\_]

Notice of redemption shall be given by mail to the registered owner of any Bond to be redeemed at such registered owner's address in the manner specified in the Ordinance authorizing the Bonds. Individual Bonds may be redeemed in part but only in \$5,000 amounts or integral multiples thereof.



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

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

For the prompt payment of the principal and interest on this bond and the other bonds of the same issue, the City has pledged funds received and to be received from the Highway Allocation Fund of the State of Nebraska with receipts from such fund to be allocated by the City to payment of principal and interest as the same fall due. In addition, the City hereby covenants and agrees that it shall levy ad valorem taxes upon all the taxable property in the City at such rate or rates, within applicable statutory and constitutional limitations, as will provide funds which together with receipts from the Highway Allocation Fund, as pledged to the payment of such principal and interest and any other money made available and used for such purpose, will be sufficient to make payment of the principal of and interest on this Bond and the other Bonds of the same issue as the same fall due.

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

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

IT IS HEREBY CERTIFIED AND WARRANTED that all conditions, acts and things required by law to exist or to be done precedent to and in the issuance of this Bond did exist, did happen and were done and performed in regular and due form and time as required by law and that the indebtedness of the City, including this Bond, does not exceed any limitation imposed by law.

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

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

CITY OF LA VISTA, NEBRASKA  
(facsimile signature)

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
(facsimile signature)  
Clerk  
(SEAL)

### CERTIFICATE OF AUTHENTICATION

This Bond is one of the Bonds authorized by Ordinance of the Mayor and Council of the City of La Vista, Nebraska, described in the foregoing Bond.

\_\_\_\_\_  
Nebraska, Paying Agent and Registrar

\_\_\_\_\_  
(Form of Assignment)

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

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

\_\_\_\_\_  
Registered Owner(s)

Signature Guaranteed

By \_\_\_\_\_

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

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

Section 9. Each of the Bonds shall be executed on behalf of the City with the manual or facsimile signatures of the Mayor and Clerk of the City. The Bonds shall be issued initially as "book-entry-only" bonds using the services of The Depository Trust Company (the "Depository"), with one typewritten bond per maturity being issued to the Depository. In such connection said officers are authorized to execute and deliver a letter of representations (the "Letter of Representations") in the form required by the Depository, for and on behalf of the City, which shall thereafter govern matters with respect to registration, transfer, payment and redemption of the Bonds. Upon the issuance of the Bonds as "book-entry-only" bonds, the following provisions shall apply:

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

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



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

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

(b) Upon receipt by the Paying Agent and Registrar of written notice from the Depository to the effect that the Depository is unable or unwilling to discharge its responsibilities, the Paying Agent and Registrar shall issue, transfer and exchange Bonds requested by the Depository in appropriate amounts. Whenever the Depository requests the Paying Agent and Registrar to do so, the Paying Agent and Registrar will cooperate with the Depository in taking appropriate action after reasonable notice (i) to arrange, with the prior written consent of the City, for a substitute depository willing and able upon reasonable and customary terms to maintain custody of the Bonds or (ii) to make available Bonds registered in whatever name or names the Beneficial Owners transferring or exchanging such Bonds shall designate.

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

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

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

(i) any successor securities depository or its nominee;

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

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

If for any reason the Depository resigns and is not replaced or upon termination by the City of book-entry-only form, the City shall immediately provide a supply of bond certificates for issuance upon subsequent transfers or in the event of partial redemption. In the event that such supply of certificates shall be insufficient to meet the requirements of the Paying Agent and Registrar for issuance of replacement bond certificates upon transfer or partial redemption, the City agrees to order printed an additional supply of bond certificates and to direct their execution by manual or facsimile signature of its then duly qualified and acting officers. In case any officer whose signature or facsimile thereof shall appear on any Bond shall cease to be such officer before the delivery of such Bond (including any bond certificates delivered to the Paying Agent and Registrar for issuance upon transfer or partial redemption) such signature or such facsimile signature shall nevertheless be valid and sufficient for all purposes the same as if such officer or officers had remained in office until the delivery of such Bond. The Bonds shall not be valid and binding on the City until authenticated by the Paying Agent and Registrar. The Bonds shall be delivered to the



Paying Agent and Registrar for registration and authentication. Upon execution, registration and authentication of the Bonds, they shall be delivered to the City Treasurer, who is authorized to deliver them to D.A. Davidson & Co., as initial purchaser thereof, upon receipt of 99.25% of the principal amount of the Bonds plus accrued interest thereon to date of payment for the Bonds (which purchase price may be modified by the terms of the Designation). Such initial purchaser shall have the right to direct the registration of the Bonds and the denominations thereof within each maturity, subject to the restrictions of this Ordinance. The Underwriter and its agents, representatives and counsel and the City's bond counsel are hereby authorized to take such actions on behalf of the City as are necessary to effectuate the closing of the issuance and sale of the Bonds, including, without limitation, authorizing the release of the Bonds by the Depository at closing. The Authorized Officers of the City (or any one of them) are hereby authorized to execute the Bond Purchase Agreement for the sale of the Bonds to the Underwriter, in substantially the form presented herewith, with such changes as such Authorized Officers may deem necessary and appropriate. The officers of the City, or any one or more of them are hereby further authorized to take any and all actions and enter into any and all agreements deemed necessary or appropriate in connection with the issuance and sale of the Bonds and the redemption and payment of the Refunded Bonds, and any such actions previously taken are hereby ratified and confirmed.

Section 10. The Clerk is directed to make and certify a transcript or transcripts of the proceedings of the Mayor and Council precedent to the issuance of the Bonds, a copy of which shall be delivered to the initial purchaser of the Bonds.

Section 11. The net sale proceeds of the Bonds, along with any necessary funds of the City on hand, shall be applied to the payment and satisfaction of all of the principal of and the interest on the Refunded Bonds as called for redemption on the Redemption Date. Accrued interest received from the sale of the Bonds, if any, shall be applied to pay interest first falling due on the Bonds. Expenses of issuance of the Bonds may be paid from the proceeds of the Bonds.

Section 12. For the prompt payment of the Bonds, both principal and interest as the same fall due, the City hereby pledges all receipts now or hereafter received by the City from the State of Nebraska Highway Allocation Fund (the "Fund"), as described and referred to in Section 66-4,101, Reissue Revised Statutes of Nebraska, as amended. The pledge provided for in this Section 12 for the Bonds provides, however, that such pledge shall not prevent the City from otherwise applying receipts from the Fund in any year so long as sufficient receipts from the Fund have been set aside for the payment of principal and interest falling due in such year on the Bonds. In addition, the City further reserves the right to issue additional highway allocation fund pledge bonds payable on a parity with the Bonds and equally and ratably secured by a pledge of receipts from the Fund. The City hereby further agrees that it shall levy ad valorem taxes upon all the taxable property in the City at such rate or rates within any applicable statutory and constitutional limitations as will provide funds which, together with receipts from the Fund, as pledged to the payment of the Bonds, and any other monies made available and used for such purpose, will be sufficient to pay the principal of and interest on the Bonds as the same fall due (including mandatory sinking fund redemptions).

Section 13. The Mayor and Council hereby approve the Preliminary Official Statement with respect to the Bonds and the information therein contained, and the Mayor and City Administrator or either of them is authorized to approve and deliver a final Official Statement for and on behalf of the City, and such final Official Statement shall be delivered in accordance with the requirements of Reg. Sec. 240.15c2-12 of the Securities and Exchange Commission.

Section 14. The City hereby covenants and agrees that it will make no use of the proceeds of the Bonds which would cause the Bonds to be arbitrage bonds within the meaning of Sections 103(b)(2) and 148 of the Internal Revenue Code of 1986, as amended (the "Code") and further covenants to comply with said Sections 103(b)(2) and 148 and all applicable regulations thereunder throughout the term of said issue, including all requirements with respect to payment and reporting of rebates, if applicable. The City hereby covenants to take all action necessary to preserve the tax-exempt status of the interest on the Bonds for federal income tax purposes under the Code with respect to taxpayers generally. The City further agrees that it will not take any actions which would cause the Bonds to constitute "private activity bonds" within the meaning of Section 141 of the Code. The City hereby designates the Bonds as its "qualified tax-exempt obligations" pursuant to Section 265(b)(3)(B)(i)(III) of the Code and covenants and warrants that it does not reasonably expect to issue bonds or other obligations aggregating in principal amount more than \$10,000,000 during the calendar year in which the Bonds are issued (taking into consideration the exception for current refunding issues). The Mayor is hereby authorized to make



any and all certifications deemed necessary in connection with the designation of the Bonds as "qualified tax-exempt obligations", including "deemed designating" the Bonds.

Section 15. The City's obligations under this Ordinance with respect to any or all of the Bonds herein authorized shall be fully discharged and satisfied as to any or all of such Bonds and any such Bond shall no longer be deemed to be outstanding hereunder if such Bond has been purchased by the City and canceled or when the payment of principal of and interest thereon to the respective date of maturity or redemption (a) shall have been made or caused to be made in accordance with the terms thereof, (b) shall have been provided for by depositing with a national or state bank having trust powers, or trust company, in trust, solely for such payment (i) sufficient money to make such payment and/or (ii) direct general obligations (including obligations issued or held in book entry form on the books of the Department of Treasury of the United States of America) of or obligations the principal and interest of which are unconditionally guaranteed by the United States of America (herein referred to as "U.S. Government Obligations") in such amount and bearing interest payable and maturing or redeemable at stated fixed prices at the option of the holder as to principal, at such time or times, as will ensure the availability of sufficient money to make such payments; provided, however, that with respect to any Bond to be paid prior to maturity, the City shall have duly called such Bond for redemption and given notice of such redemption as provided by law or made irrevocable provision for the giving of such notice. Any money so deposited with such bank or trust company in excess of the amount required to pay principal of and interest on the Bonds for which such monies or U.S. Government Obligations were deposited shall be paid over to the City as and when collected.

Section 16 In order to promote compliance with certain federal tax and securities laws relating to the Bonds herein authorized (as well as other outstanding bonds) the policy and procedures attached hereto as Exhibit "A" (the "Post-Issuance Compliance Policy and Procedures") are hereby adopted and approved in all respects. To the extent that there is any inconsistency between the attached Post-Issuance Compliance Policy and Procedures and any similar policy or procedures previously adopted and approved, the Post-Issuance Compliance Policy and Procedures shall control.

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

PASSED AND APPROVED THIS 18TH DAY OF NOVEMBER, 2014.

CITY OF LA VISTA

ATTEST:

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

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

[SEAL]

## **EXHIBIT A**

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

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

**COMPLIANCE OFFICER (BY TITLE):** City Clerk

#### **POLICY**

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

#### **PROCEDURES**

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

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

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

#### Scope of Review.

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

- (a) the resolution(s) and/or ordinance(s), as applicable, adopted by the governing body of the Issuer authorizing the issuance of its outstanding bonds, together with any documents setting the final rates and terms of such bonds (the "Authorizing Proceedings"),
- (b) the tax documentation associated with each bond issue, which may include some or all of the following (the "Tax Documents"):
  - i. covenants, certifications and expectations regarding Federal tax requirements which are described in the Authorizing Proceedings;
  - ii. Form 8038 series filed with the Internal Revenue Service;
  - iii. tax certificates, tax compliance agreements, tax regulatory agreement or similar documents;
  - iv. covenants, agreements, instructions or memoranda with respect to rebate or private use;
  - v. any reports from rebate analysts received as a result of prior compliance review or evaluation efforts; and
  - vi. any and all other agreements, certificates and documents contained in the transcript associated with the Authorizing Proceedings relating to federal tax matters.



- (c) the Issuer's continuing disclosure obligations, if any, contained in the Authorizing Proceedings or in a separate agreement (the "Continuing Disclosure Obligations"), and
- (d) any communications or other materials received by the Issuer or its counsel, from bond counsel, the underwriter or placement agent or its counsel, the IRS, or any other material correspondence relating to the tax-exempt status of the Issuer's bonds or relating to the Issuer's Continuing Disclosure Obligations.

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

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

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

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

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

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

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

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



ORDINANCE NO. \_\_\_\_

AN ORDINANCE AUTHORIZING THE ISSUANCE OF PUBLIC SAFETY TAX ANTICIPATION REFUNDING BONDS, SERIES 2014, OF THE CITY OF LA VISTA, NEBRASKA, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED EIGHT HUNDRED FIFTY-FIVE THOUSAND DOLLARS (\$855,000) FOR THE PURPOSE OF REFUNDING \$830,000 OUTSTANDING PRINCIPAL AMOUNT OF PUBLIC SAFETY TAX ANTICIPATION BONDS, SERIES 2007, DATED DECEMBER 21, 2007, ALL OF WHICH BONDS WERE ISSUED FOR THE PURPOSE OF PAYING THE COSTS OF PURCHASING PUBLIC SAFETY VEHICLES AND PUBLIC SAFETY EQUIPMENT FOR THE CITY; PRESCRIBING THE FORM OF SUCH BONDS AND AUTHORIZING OFFICERS OF THE CITY TO APPROVE CERTAIN FINAL TERMS OF THE BONDS; PROVIDING FOR THE LEVY AND COLLECTION OF TAXES TO PAY THE SAME, IF NECESSARY; PROVIDING FOR THE SALE OF THE BONDS; AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER; AND PROVIDING FOR THE DISPOSITION OF BOND PROCEEDS; AND ORDERING THE ORDINANCE PUBLISHED IN PAMPHLET FORM.

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

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

(a) Public Safety Tax Anticipation Bonds, Series 2007, in the outstanding principal amount of \$830,000, dated December 21, 2007 (the "Refunded Bonds"), which mature and bear interest as follows:

Principal Amount	Maturing November 15 Of Year	Interest Rate	CUSIP No.
\$ 90,000	2015*	3.80%	505318 LJ2
190,000	2017*	3.95	505318 LK9
550,000	2022*	4.30	505318 LL7

\*Term Bonds

the Refunded Bonds are subject to redemption prior to maturity at any time on or after November 15, 2012, at par plus accrued interest to the date fixed for redemption; the Refunded Bonds have been called for redemption in accordance with their call provisions on such date as determined pursuant to the Call Resolution (the "Redemption Date").

(b) the Refunded Bonds are valid, interest bearing obligations of the City; (c) since the Refunded Bonds were issued, the rates of interest available in the market have so declined that by issuing its public safety tax anticipation refunding bonds to provide funds for the payment and redemption of the Refunded Bonds, all as set out above, a substantial savings in the amount of yearly running interest will be made to the City; (d) for the purpose of providing for the payment and redemption of the Refunded Bonds as above set out and to pay costs of issuance thereof, it is in the best interest of the City to issue public safety tax anticipation refunding bonds of the City in the principal amount of not to exceed \$855,000 (the "2014 Bonds" or the "Bonds"); and (e) except as set forth herein, the City has no bond sinking funds on hand for the retirement of the Refunded Bonds not required for the timely payment of principal and interest due on the Redemption Dates.

Section 2. The Mayor and Council further find and determine that (a) it is necessary, desirable, advisable and in the best interest of the City to provide for the payment and redemption of the Refunded Bonds; (b) that the taxable valuation of all taxable property within the City as most recently determined, is \$1,243,966,760 and that annual debt service on the bonds herein authorized shall not exceed \$130,000; (c) that pursuant to Sections 10-142, 18-1201 and 18-1202 R.R.S. Neb. 2012, as amended, the Mayor and Council of the City do hereby provide for the levying of a special tax, all as more specifically described in Section 12 hereof; (d) the Refunded Bonds are the only bonds of the City currently outstanding pursuant to Sections 18-1201 and 18-1202, R.R.S. Neb., 2012; and (e) that all conditions, acts and things required by law to exist or to be done precedent to the issuance of Public Safety Tax Anticipation Refunding Bonds in the amount of not to exceed \$855,000 pursuant to Sections 10-142, 18-1201 and 18-1202 R.R.S. Neb. 2012, as amended, and other applicable statutes, do exist and have been done as required by law.

Section 3. To provide funds for the purpose of refunding the Refunded Bonds as set out in Sections 1 and 2 hereof, there shall be and there are hereby ordered issued the Public Safety Tax Anticipation Refunding Bonds, Series 2014, of the City in the principal amount of not to exceed



Eight Hundred Fifty-Five Thousand Dollars (\$855,000) with principal payments to become due on November 15 of each year as follows:

Principal Amount	Maturing November 15
\$ 105,000	2015
110,000	2016
105,000	2017
105,000	2018
105,000	2019
105,000	2020
110,000	2021
110,000	2022

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

- (a) *the aggregate principal amount of the Bonds shall not exceed \$855,000, but may be reduced in principal amount;*
- (b) *the true interest cost on the Bonds shall not exceed 2.50% per annum;*
- (c) *the principal amount due in any year (including principal due as mandatory redemption amounts) for each maturity may be decreased by any amount determined but shall not increase by more than 10% or \$10,000, whichever is greater;*
- (d) *the longest maturity of the Bonds may not be later than November 15, 2022.*
- (e) *two or more of the principal maturities may be combined and issued as "term bonds" and the Authorized Officers may determine the mandatory sinking fund payments and mandatory redemption amounts. Any Bonds issued as "term bonds" shall be redeemed at a redemption price equal to 100% of the principal amount thereof plus accrued interest thereon to the date of redemption and may be selected for redemption by any random method of selection determined appropriate by the Registrar (as hereinafter designated) or by the Depository (as hereinafter designated).*

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

The Bonds shall be issued in fully registered form in the denomination of \$5,000 or any integral multiple thereof. The date of original issue for the Bonds shall be date of original delivery. Interest on the Bonds, at the respective rates for each maturity, shall be payable semi-annually on May 15 and November 15 of each year beginning May 15, 2015 (or such other date or dates as may be determined in the Designation, each an "Interest Payment Date"), and the Bonds shall bear such interest from the date of original issue or the most recent Interest Payment Date, whichever is later. The interest due on each Interest Payment Date shall be payable to the registered owners of record as of the fifteenth day immediately preceding the Interest Payment Date (the "Record Date"), subject to the provisions of Section 4 hereof. The Bonds shall be numbered from 1 upwards in the order of their issuance. No Bond shall be issued originally or upon transfer or partial redemption having more than one principal maturity. The initial bond numbering and principal amounts for each of the Bonds issued shall be as directed by the initial purchaser thereof. Payments of interest due on the Bonds prior to maturity or earlier redemption shall be made by the Paying Agent and Registrar, designated in Section 4 hereof, by mailing a check or draft in the amount due for such interest on each Interest Payment Date to the registered owner of each Bond, as of the Record Date for such Interest Payment Date, to such owner's registered address as shown on the books of registration as required to be maintained in Section 4 hereof. Payments of principal due at maturity or at any date fixed for redemption prior to maturity, together with unpaid accrued interest thereon, shall be made by the Paying Agent and Registrar to the registered owners upon presentation and surrender of the Bonds to the Paying Agent and Registrar. The City and the Paying Agent and Registrar may treat the registered owner of any Bond as the absolute owner of such Bond for the



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

Section 4. The Authorized Officers are hereby authorized to designate the Paying Agent and Registrar for the Bonds in the Designation, which Paying Agent and Registrar may be a bank or trust company or the City Treasurer. If a bank or trust company is designated as Paying Agent and Registrar, said Paying Agent and Registrar shall serve in such capacities under the terms of an agreement entitled "Paying Agent and Registrar's Agreement" between the City and said Paying Agent and Registrar, the form of which is hereby approved. The Mayor and City Clerk are hereby authorized to execute said agreement in substantially the form presented but with such changes as they shall deem appropriate or necessary. The Paying Agent and Registrar shall keep and maintain for the City books for the registration and transfer of the Bonds at its office. The names and registered addresses of the registered owner or owners of the Bonds shall at all times be recorded in such books. Any Bond may be transferred pursuant to its provisions at the office of the Paying Agent and Registrar by surrender of such Bond for cancellation, accompanied by a written instrument of transfer, in form satisfactory to the Paying Agent and Registrar, duly executed by the registered owner in person or by such owner's duly authorized agent, and thereupon the Paying Agent and Registrar, on behalf of the City, will deliver at its office (or send by registered mail to the transferee owner or owners thereof at such transferee owner's or owners' risk and expense), registered in the name of the transferee owner or owners, a new Bond or Bonds of the same series, interest rate, aggregate principal amount and maturity. To the extent of the denominations authorized for the Bonds by this ordinance, one Bond may be transferred for several such Bonds of the same series, interest rate and maturity, and for a like aggregate principal amount, and several such Bonds may be transferred for one or several such Bonds, respectively, of the same series, interest rate and maturity and for a like aggregate principal amount. In every case of transfer of a Bond, the surrendered Bond shall be canceled and destroyed. All Bonds issued upon transfer of the bonds so surrendered shall be valid obligations of the City evidencing the same obligation as the Bonds surrendered and shall be entitled to all the benefits and protection of this ordinance to the same extent as the Bonds upon transfer of which they were delivered. The City and the Paying Agent and Registrar shall not be required to transfer any Bond during any period from any Record Date until its immediately following Interest Payment Date or to transfer any Bond called for redemption for a period of 30 days next preceding the date fixed for redemption.

Section 5. In the event that payments of interest due on the Bonds on an Interest Payment Date are not timely made, such interest shall cease to be payable to the registered owners as of the Record Date for such Interest Payment Date and shall be payable to the registered owners of the Bonds as of a special date of record for payment of such defaulted interest as shall be designated by the Paying Agent and Registrar whenever monies for the purpose of paying such defaulted interest become available.

Section 6. In addition to any mandatory sinking fund redemptions set forth in Section 4 of this Ordinance, the Bonds shall be subject to redemption at the option of the City, in whole or in part, prior to maturity at any time on or after five years after the date of original issue, at par plus accrued interest on the principal amount redeemed to the date fixed for redemption. The City may select the Bonds to be redeemed for optional redemption in its sole discretion. Bonds for mandatory redemption shall be selected by the Paying Agent and Registrar using any random method of selection determined appropriate by the Paying Agent and Registrar. Bonds redeemed pursuant to the requirements for mandatory redemption shall be redeemed at par plus accrued interest on the principal amount redeemed. The Bonds shall be redeemed only in amounts of \$5,000 or integral multiples thereof. Bonds redeemed in part only shall be surrendered to the Paying Agent and Registrar in exchange for a new Bond evidencing the unredeemed principal thereof. Notice of redemption of any Bond called for redemption shall be given, at the direction of the City in the case of optional redemption and without further direction in the case of mandatory redemption, by the Paying Agent and Registrar by mail not less than 30 days prior to the date fixed for redemption, first class, postage prepaid, sent to the registered owner of such Bond at said owner's registered address. Such notice shall designate the Bond or Bonds to be redeemed by maturity or otherwise, the date of original issue, series and the date fixed for redemption and shall state that such Bond or Bonds are to be presented for prepayment at the office of the Paying Agent and Registrar. In case of any Bond partially redeemed, such notice shall specify the portion of the principal amount of such Bond to be redeemed. No defect in the mailing of notice for any Bond shall affect the sufficiency of the proceedings of the City designating the Bonds called for redemption or the effectiveness of such call for Bonds for which notice by mail has been properly



given and the City shall have the right to further direct notice of redemption for any such Bond for which defective notice has been given.

Section 7. If the date for payment of the principal of or interest on the Bonds shall be a Saturday, Sunday, legal holiday or a day on which banking institutions in the municipality where Paying Agent and Registrar is located are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not a Saturday, Sunday, legal holiday or a day on which such banking institutions are authorized to close, and payment on such day shall have the same force and effect as if made on the nominal date of payment.

Section 8. The Bonds shall be in substantially the following form:

UNITED STATES OF AMERICA  
STATE OF NEBRASKA  
COUNTY OF SARPY

CITY OF LA VISTA, NEBRASKA  
PUBLIC SAFETY TAX ANTICIPATION REFUNDING BOND  
SERIES 2014

No. \_\_\_\_\_

\$

Interest Rate  
%

Maturity Date  
November 15,

Date of Original Issue  
\_\_\_\_\_, 2014

CUSIP

Registered Owner: Cede & Co.

Principal Amount:

The CITY OF LA VISTA, NEBRASKA (the "City"), hereby acknowledges itself to owe and for value received promises to pay to the Registered Owner specified above, or registered assigns, the Principal Amount specified above in lawful money of the United States of America on the Maturity Date specified above with interest thereon to maturity (or earlier redemption) computed on the basis of a 360-day year consisting of twelve 30-day months from the Date of Original Issue or most recent Interest Payment Date, whichever is later, at the Interest Rate per annum specified above, payable semiannually on \_\_\_\_\_ and \_\_\_\_\_ of each year, beginning \_\_\_\_\_, 20\_\_\_\_ (each of such dates an "Interest Payment Date"). The Principal Amount hereof, together with unpaid accrued interest due at maturity or upon earlier redemption, is payable upon presentation and surrender of this bond at the office of \_\_\_\_\_, as the Paying Agent and Registrar, in \_\_\_\_\_, Nebraska. Interest on this bond due prior to maturity or earlier redemption will be paid on each Interest Payment Date by a check or draft mailed by the Paying Agent and Registrar to the registered owner of this bond, as shown on the books of record maintained by the Paying Agent and Registrar, at the close of business on the fifteenth day immediately preceding such Interest Payment Date, to such owner's registered address as shown on such books and records. Any interest not so timely paid shall cease to be payable to the person entitled thereto as of the record date such interest was payable, and shall be payable to the person who is the registered owner of this bond (or of one or more predecessor bonds hereto) on such special record date for payment of such defaulted interest as shall be fixed by the Paying Agent and Registrar whenever monies for such purposes become available.

This bond is one of an issue of fully registered bonds (the "Bonds") of the total principal amount of \_\_\_\_\_ (\$\_\_\_\_\_), of even date and like tenor except as to date of maturity, rate of interest and denomination which were issued by the City in strict compliance with Sections 10-142 and 18-1201, Reissue Revised Statutes of Nebraska, as amended, and other applicable statutes for the purpose of refunding \$\_\_\_\_\_ outstanding principal amount of the City's Public Safety Tax Anticipation Bonds, Series 2007, dated December 21, 2007, all of which bonds were issued for the purpose of paying the costs of two fire trucks and other fire suppression equipment. The issuance of such bonds has been authorized by proceedings duly had and an ordinance legally passed and approved by the Mayor and Council of the City (the "Ordinance").

The Bonds are subject to redemption at the option of the City, in whole or in part, at any time on or after five years after the date of delivery, at par plus interest accrued on the principal amount redeemed to the date fixed for redemption.

[In addition, the Bonds shall be subject to mandatory sinking fund redemption payments (with bonds being redeemed at par plus accrued interest) as follows:

\$ \_\_\_\_\_ Principal Maturing November 15, 20\_\_\_\_  
\$ \_\_\_\_\_ to be called November 15, 20\_\_\_\_  
\$ \_\_\_\_\_ to be called November 15, 20\_\_\_\_  
\$ \_\_\_\_\_ Payable November 15, 20\_\_\_\_]

Notice of redemption shall be given by mail to the registered owner of any Bond to be redeemed at such registered owner's address in the manner specified in the Ordinance authorizing the Bonds. Individual Bonds may be redeemed in part but only in \$5,000 amounts or integral multiples thereof.

This Bond is transferable by the Registered Owner or such owner's attorney duly authorizing in writing at the office of the Paying Agent and Registrar upon surrender and cancellation of this Bond, and thereupon a new Bond or Bonds of the same aggregate principal



amount, interest rate and maturity will be issued to the transferee as provided in the Ordinance, subject to the limitations therein prescribed. The City, the Paying Agent and Registrar and any other person may treat the person in whose name this Bond is registered as the absolute owner hereof for the purpose of receiving payment due hereunder and for all purposes and shall not be affected by any notice to the contrary, whether this bond be overdue or not.

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

IT IS HEREBY CERTIFIED AND WARRANTED that all conditions, acts and things required by law to exist or to be done precedent to and in the issuance of this bond did exist, did happen and were done and performed in regular and due form and time as required by law and that the indebtedness of said City, including this bond, does not exceed any limitation imposed by law. The City has agreed to make a special levy of taxes as permitted by Section 18-1201 R.R.S. Neb., 2012, as amended, of not more than 5¢ per \$100 of taxable value on all the taxable property within the City, which tax shall be sufficient in rate and amount to fully pay the principal and interest of this bond and the other bonds of this issue as the same become due, as more specifically provided in Section 18-1201 and 18-1202, R.R.S. Neb., 2012. The City agrees that said bonds shall be secured by such tax so assessed and levied and shall be payable out of the funds derived from such tax.

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

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

IT IS HEREBY CERTIFIED AND WARRANTED that all conditions, acts and things required by law to exist or to be done precedent to and in the issuance of this Bond did exist, did happen and were done and performed in regular and due form and time as required by law and that the indebtedness of the City, including this Bond, does not exceed any limitation imposed by law.

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

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

CITY OF LA VISTA, NEBRASKA  
\_\_\_\_\_  
(facsimile signature)

Mayor

ATTEST:

\_\_\_\_\_  
(facsimile signature)

Clerk  
(SEAL)

CERTIFICATE OF AUTHENTICATION

This Bond is one of the Bonds authorized by Ordinance of the Mayor and Council of the City of La Vista, Nebraska, described in the foregoing Bond.

\_\_\_\_\_, Nebraska, Paying Agent and Registrar

\_\_\_\_\_  
(Form of Assignment)

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

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

\_\_\_\_\_  
Registered Owner(s)

Signature Guaranteed

By \_\_\_\_\_

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

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

Section 9. Each of the Bonds shall be executed on behalf of the City with the manual or facsimile signatures of the Mayor and Clerk of the City. The Bonds shall be issued initially as "book-entry-only" bonds using the services of The Depository Trust Company (the "Depository"), with one typewritten bond per maturity being issued to the Depository. In such connection said officers are authorized to execute and deliver a letter of representations (the "Letter of Representations") in the form required by the Depository, for and on behalf of the City, which shall thereafter govern matters with respect to registration, transfer, payment and redemption of the Bonds. Upon the issuance of the Bonds as "book-entry-only" bonds, the following provisions shall apply:

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

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

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



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

(b) Upon receipt by the Paying Agent and Registrar of written notice from the Depository to the effect that the Depository is unable or unwilling to discharge its responsibilities, the Paying Agent and Registrar shall issue, transfer and exchange Bonds requested by the Depository in appropriate amounts. Whenever the Depository requests the Paying Agent and Registrar to do so, the Paying Agent and Registrar will cooperate with the Depository in taking appropriate action after reasonable notice (i) to arrange, with the prior written consent of the City, for a substitute depository willing and able upon reasonable and customary terms to maintain custody of the Bonds or (ii) to make available Bonds registered in whatever name or names the Beneficial Owners transferring or exchanging such Bonds shall designate.

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

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

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

(i) any successor securities depository or its nominee;

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

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

If for any reason the Depository resigns and is not replaced or upon termination by the City of book-entry-only form, the City shall immediately provide a supply of bond certificates for issuance upon subsequent transfers or in the event of partial redemption. In the event that such supply of certificates shall be insufficient to meet the requirements of the Paying Agent and Registrar for issuance of replacement bond certificates upon transfer or partial redemption, the City agrees to order printed an additional supply of bond certificates and to direct their execution by manual or facsimile signature of its then duly qualified and acting officers. In case any officer whose signature or facsimile thereof shall appear on any Bond shall cease to be such officer before the delivery of such Bond (including any bond certificates delivered to the Paying Agent and Registrar for issuance upon transfer or partial redemption) such signature or such facsimile signature shall nevertheless be valid and sufficient for all purposes the same as if such officer or officers had remained in office until the delivery of such Bond. The Bonds shall not be valid and binding on the City until authenticated by the Paying Agent and Registrar. The Bonds shall be delivered to the Paying Agent and Registrar for registration and authentication. Upon execution, registration and authentication of the Bonds, they shall be delivered to the City Treasurer, who is authorized to deliver them to D.A. Davidson & Co., as initial purchaser thereof, upon receipt of 99.25% of the principal amount of the Bonds plus accrued interest thereon to date of payment for the Bonds



(which purchase price may be modified by the terms of the Designation). Such initial purchaser shall have the right to direct the registration of the Bonds and the denominations thereof within each maturity, subject to the restrictions of this Ordinance. The Underwriter and its agents, representatives and counsel and the City's bond counsel are hereby authorized to take such actions on behalf of the City as are necessary to effectuate the closing of the issuance and sale of the Bonds, including, without limitation, authorizing the release of the Bonds by the Depository at closing. The Authorized Officers of the City (or any one of them) are hereby authorized to execute the Bond Purchase Agreement for the sale of the Bonds to the Underwriter, in substantially the form presented herewith, with such changes as such Authorized Officers may deem necessary and appropriate. The officers of the City, or any one or more of them are hereby further authorized to take any and all actions and enter into any and all agreements deemed necessary or appropriate in connection with the issuance and sale of the Bonds and the redemption and payment of the Refunded Bonds, and any such actions previously taken are hereby ratified and confirmed.

Section 10. The Clerk is directed to make and certify a transcript or transcripts of the proceedings of the Mayor and Council precedent to the issuance of the Bonds, a copy of which shall be delivered to the initial purchaser of the Bonds.

Section 11. The net sale proceeds of the Bonds, along with any necessary funds of the City on hand, shall be applied to the payment and satisfaction of all of the principal of and the interest on the Refunded Bonds as called for redemption on the Redemption Date. Accrued interest received from the sale of the Bonds, if any, shall be applied to pay interest first falling due on the Bonds. Expenses of issuance of the Bonds may be paid from the proceeds of the Bonds.

Section 12. The City agrees that it shall, pursuant to Section 18-1201 R.R.S. Neb. 2012, as amended, levy a special tax so long as any of the Bonds remain outstanding of not more than 5¢ per \$100 of taxable value on all the taxable property within the City. The City further agrees that such tax shall be levied in such amount so that in each calendar year in which payments of principal and interest fall due on the Bonds, the anticipated amount to be collected from such tax shall be an amount of not less than 112% of the total amount of principal and interest payable on the Bonds in such calendar year. The Bonds shall be secured by such tax and shall be payable out of the funds derived from such tax. On receipt of such taxes, the City Treasurer shall hold such tax in a separate fund for the purpose of paying the Bonds.

Section 13. The Mayor and Council hereby approve the Preliminary Official Statement with respect to the Bonds and the information therein contained, and the Mayor and City Administrator or either of them is authorized to approve and deliver a final Official Statement for and on behalf of the City, and such final Official Statement shall be delivered in accordance with the requirements of Reg. Sec. 240.15c2-12 of the Securities and Exchange Commission.

Section 14. The City hereby covenants and agrees that it will make no use of the proceeds of the Bonds which would cause the Bonds to be arbitrage bonds within the meaning of Sections 103(b)(2) and 148 of the Internal Revenue Code of 1986, as amended (the "Code") and further covenants to comply with said Sections 103(b)(2) and 148 and all applicable regulations thereunder throughout the term of said issue, including all requirements with respect to payment and reporting of rebates, if applicable. The City hereby covenants to take all action necessary to preserve the tax-exempt status of the interest on the Bonds for federal income tax purposes under the Code with respect to taxpayers generally. The City further agrees that it will not take any actions which would cause the Bonds to constitute "private activity bonds" within the meaning of Section 141 of the Code. The City hereby designates the Bonds as its "qualified tax-exempt obligations" pursuant to Section 265(b)(3)(B)(i)(III) of the Code and covenants and warrants that it does not reasonably expect to issue bonds or other obligations aggregating in principal amount more than \$10,000,000 during the calendar year in which the Bonds are issued (taking into consideration the exception for current refunding issues). The Mayor is hereby authorized to make any and all certifications deemed necessary in connection with the designation of the Bonds as "qualified tax-exempt obligations", including "deemed designating" the Bonds.

Section 15. The City's obligations under this Ordinance with respect to any or all of the Bonds herein authorized shall be fully discharged and satisfied as to any or all of such Bonds and any such Bond shall no longer be deemed to be outstanding hereunder if such Bond has been purchased by the City and canceled or when the payment of principal of and interest thereon to the respective date of maturity or redemption (a) shall have been made or caused to be made in accordance with the terms thereof, (b) shall have been provided for by depositing with a national or state bank having trust powers, or trust company, in trust, solely for such payment (i) sufficient money to make such payment and/or (ii) direct general obligations (including obligations issued or held in book entry form on the books of the Department of Treasury of the United States of America) of or obligations the principal and interest of which are unconditionally guaranteed by the



United States of America (herein referred to as "U.S. Government Obligations") in such amount and bearing interest payable and maturing or redeemable at stated fixed prices at the option of the holder as to principal, at such time or times, as will ensure the availability of sufficient money to make such payments; provided, however, that with respect to any Bond to be paid prior to maturity, the City shall have duly called such Bond for redemption and given notice of such redemption as provided by law or made irrevocable provision for the giving of such notice. Any money so deposited with such bank or trust company in excess of the amount required to pay principal of and interest on the Bonds for which such monies or U.S. Government Obligations were deposited shall be paid over to the City as and when collected.

Section 16 In order to promote compliance with certain federal tax and securities laws relating to the Bonds herein authorized (as well as other outstanding bonds) the policy and procedures attached hereto as Exhibit "A" (the "Post-Issuance Compliance Policy and Procedures") are hereby adopted and approved in all respects. To the extent that there is any inconsistency between the attached Post-Issuance Compliance Policy and Procedures and any similar policy or procedures previously adopted and approved, the Post-Issuance Compliance Policy and Procedures shall control.

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

PASSED AND APPROVED THIS 18TH DAY OF NOVEMBER, 2014.

CITY OF LA VISTA

ATTEST:

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

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

[SEAL]

## **EXHIBIT A**

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

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

**COMPLIANCE OFFICER (BY TITLE):** City Clerk

#### **POLICY**

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

#### **PROCEDURES**

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

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

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

#### Scope of Review.

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

- (a) the resolution(s) and/or ordinance(s), as applicable, adopted by the governing body of the Issuer authorizing the issuance of its outstanding bonds, together with any documents setting the final rates and terms of such bonds (the "Authorizing Proceedings"),
- (b) the tax documentation associated with each bond issue, which may include some or all of the following (the "Tax Documents"):
  - i. covenants, certifications and expectations regarding Federal tax requirements which are described in the Authorizing Proceedings;
  - ii. Form 8038 series filed with the Internal Revenue Service;
  - iii. tax certificates, tax compliance agreements, tax regulatory agreement or similar documents;
  - iv. covenants, agreements, instructions or memoranda with respect to rebate or private use;
  - v. any reports from rebate analysts received as a result of prior compliance review or evaluation efforts; and
  - vi. any and all other agreements, certificates and documents contained in the transcript associated with the Authorizing Proceedings relating to federal tax matters.



- (c) the Issuer's continuing disclosure obligations, if any, contained in the Authorizing Proceedings or in a separate agreement (the "Continuing Disclosure Obligations"), and
- (d) any communications or other materials received by the Issuer or its counsel, from bond counsel, the underwriter or placement agent or its counsel, the IRS, or any other material correspondence relating to the tax-exempt status of the Issuer's bonds or relating to the Issuer's Continuing Disclosure Obligations.

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

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

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

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

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

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

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

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



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

AN ORDINANCE APPROVING THE ISSUANCE OF BUILDING AND REFUNDING BONDS (PUBLIC WORKS AND POLICE FACILITY PROJECTS), SERIES 2014, OF THE CITY OF LA VISTA FACILITIES CORPORATION IN A PRINCIPAL AMOUNT NOT TO EXCEED THREE MILLION DOLLARS (\$3,000,000); APPROVING AND AUTHORIZING A BOND PURCHASE AGREEMENT WITH THE CORPORATION PROVIDING FOR THE SALE OF THE BONDS TO THE UNDERWRITER; AUTHORIZING A LEASE-PURCHASE AGREEMENT WITH THE CITY OF LA VISTA FACILITIES CORPORATION RELATING TO THE ACQUISITION OF CERTAIN PUBLIC WORKS AND POLICE FACILITIES; PROVIDING FOR THE CALLING AND REDEMPTION OF OUTSTANDING BONDS ISSUED BY THE CORPORATION TO FINANCE CERTAIN POLICE FACILITIES; APPROVING THE EXECUTION OF DOCUMENTS WITH RESPECT TO SAID LEASE-PURCHASE AGREEMENT AND PROVIDING FOR THE PUBLISHING OF THIS ORDINANCE IN PAMPHLET FORM.

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

Section 1. The Mayor and Council of the City of La Vista, Nebraska do hereby find and determine as follows: (a) That the City authorized the formation of the City of La Vista Facilities Corporation (the "Corporation") for the purpose of acquiring and developing real property; (b) that it is necessary for the City to acquire a public works facility and related facilities (the "Public Works Project"), and a police facility and related facilities (the "Police Project"; and together with the Public Works Project, the "Project") all to be used for public purposes and related improvements; (c) that the City has been appointed by the Lessor named herein to act as purchasing agent and project manager in connection with the acquisition of such Project; and that the estimated cost of the Project and the lease-purchase agreement pertaining to the construction of said Project should be and hereby is approved; and (d) that the City previously issued its Refunding Bonds, Series 2009 (the "2009 Police Bonds") to finance a portion of the Police Project in the aggregate principal amount of \$3,050,000.

Section 2. The Mayor and Council approve and reaffirm the formation of the Corporation in part for the purpose of issuing bonds, acquiring and equipping a portion of the Project, and leasing the Project to the City. The Mayor and Council do further find and determine that the City shall enter into a Lease-Purchase Agreement for the purpose of acquiring a portion of the Project and that the City will enter into such Lease-Purchase Agreement with the Corporation, and by which the City may provide for the acquisition and financing of a portion of the Project as approved in Section 1 hereof and pursuant to Section 19-2421, R.R.S. Neb. 2012, and thereby provide for the acquisition, construction and financing of a portion of the Project approved in Section 1 hereof and that the documents for such financing should be approved and their execution authorized.

Section 3. The City shall enter into a lease-purchase agreement with the City of La Vista Facilities Corporation, whereby said corporation will acquire the Project referred to and as described in Section 1 and 2 hereof and the Lease-Purchase Agreement in the form presented to this meeting is hereby approved together with such changes and modifications as the City deems necessary, desirable or appropriate. That the parcels of real estate related to the Project are as described in the Lease-Purchase Agreement.

Section 4. The Mayor, Director of Administrative Services and/or Clerk of the City and such other officers as may be required, are hereby authorized and directed to execute and deliver on behalf of the City of La Vista said Lease-Purchase Agreement, including necessary counterparts and other related documentation in substantially the form and content as presented to this meeting, or with such changes and modifications therein as to them seem necessary, desirable or appropriate for and on behalf of the City of La Vista and to affix the seal of the City thereto, and said Mayor, Director of Administrative Services and City Clerk are further authorized and directed to execute and deliver all such documents or certificates and do all other things, necessary or appropriate to carry out said Lease-Purchase Agreement.

Section 5. The Mayor and Council of the City of La Vista, Nebraska, do hereby approve the execution and delivery of a Trust Indenture and Security Agreement in substantially the form presented to this meeting by said Corporation to a bank or trust company (as designated by the Mayor, Director of Administrative Services and/or City Clerk), as Trustee, under which Building and Refunding Bonds (Public Works and Police Facility Projects), Series 2014, in the aggregate stated principal amount of up to \$3,000,000 (the "Series 2014 Bonds") are to be issued and the Mayor and Council of the City of La Vista do hereby approve the issuance of the Series 2014 Bonds in the aggregate stated principal amount of up to \$3,000,000 bearing interest as determined in accordance with this Section 5 and as shall be set forth in said Trust Indenture and



Security Agreement and the sale of said bonds to D.A. Davidson & Co., as Underwriter, pursuant to a Bond Purchase Agreement related thereto. The Mayor and City Clerk are hereby authorized to approve, execute and deliver a Bond Purchase Agreement and said Trust Indenture and Security Agreement, with any changes as shall be deemed appropriate by them, for and on behalf of the City.

The Mayor, Director of Administrative Services and/or Clerk of the City may negotiate for the sale of the Series 2014 Bonds in one or more series with an underwriting discount of not more than 0.75% of the principal amount thereof and a sale price not less than 99.25% of the principal amount thereof (which amount may be adjusted to take into account any original issue discount), in either case, to D.A. Davidson & Co., as Underwriter. In connection with and as a part of such sale or sales, the Mayor, Director of Administrative Services and/or Clerk of the City shall fix (which may be done in connection with one or more Bond Purchase Agreements among the Corporation, the City and the Underwriter) (a) the series designation of such series of Series 2014 Bonds; (b) the dated date, which shall not be later than June 1, 2015; (c) the principal amount of such series of the Series 2014 Bonds including the principal amounts of the respective Serial Bonds and Term Bonds, if any, of such series of the Series 2014 Bonds, provided, however that the aggregate stated principal amount of all series of Series 2014 Bonds shall not exceed the amount in the immediately preceding paragraph but may be less than that amount; (d) the rate or rates of interest to be borne by each maturity of such series of the Series 2014 Bonds, provided that none of said Series of Bonds shall have a true interest cost in excess of 3.50% per annum; (e) the date or dates upon which semiannual interest shall be payable, and the record date for the purpose of determining the owners of each series of the Series 2014 Bonds for the payments of interest; (f) the principal amount of such series of the Series 2014 Bonds maturing in each year; (g) the sinking fund installments due and the dates thereof with respect to such series of the Series 2014 Bonds in each year for which the Mayor, Director of Administrative Services and/or Clerk of the City determines that a sinking fund installment shall be due; (h) the dates upon which such series of the Series 2014 Bonds will be subject to redemption at the option of the Corporation upon direction from the City and the redemption price, not to exceed 100%, payable upon the redemption of such series of the Series 2014 Bonds; (i) the identity of the trustee, registrar or paying agent for each series of the Series 2014 Bonds and the form and contents of any agreement or agreements under which the trustee, registrar or paying agent would serve in such respective capacities with respect to each series of the Series 2014 Bonds; (j) the date of redemption, if any, of any outstanding obligations of the City and the form and contents of any notice to be given with respect thereto; (k) the disposition of the proceeds of such series of the Series 2014 Bonds; and (l) provisions for redemption of the 2009 Police Bonds. Upon the delivery of and payment for each series of the Series 2014 Bonds, the Underwriter also shall pay to the City the interest accrued on such series of the Series 2014 Bonds from the date thereof to the date of delivery of and payment therefor, all as the Mayor, Director of Administrative Services and/or Clerk of the City may establish acting on behalf of the City and as may be agreed to by the Underwriter.

Section 6. The Mayor and Council do further state that it is the intention of the City that interest on said Bonds, as issued by said Corporation on behalf of the City, shall be excludable from gross income under the federal income tax by virtue of Section 103(a) of the Internal Revenue Code of 1986, as amended, and Revenue Ruling 63-20 and Revenue Procedure 82-26 of the Internal Revenue Service and the Mayor, Director of Administrative Services and/or Clerk of the City are hereby authorized to take all actions necessary and appropriate to carry out said intention and for obtaining such interest exclusion. The Series 2014 Bonds, as issued on behalf of the City, are hereby authorized to be designated by the Mayor, Director of Administrative Services and/or Clerk of the City of the City as the City's "qualified tax-exempt obligations" pursuant to Section 265(b)(3)(B)(i)(III) of the Code, and such officers are hereby authorized to make any representations and warranties in connection therewith. The City hereby covenants, as and to the fullest extent that it may lawfully do so, to take all actions necessary to preserve the tax-exempt status of the interest payable with respect to the Series 2014 Bonds.

Section 7. The Preliminary Official Statement is hereby authorized and approved in substantially the form presented herewith, with such changes therein and additions thereto as may be deemed approved by an Authorized Officer. An Authorized Officer is further authorized to approve and deem final the preliminary Official Statement and final Official Statement and to distribute such documents to investors and the public. All officers of the City, or any one of them is hereby authorized to approve, execute and deliver a Continuing Disclosure Undertaking on behalf of the City in order to permit the Underwriter to comply with its obligations under Rule 15c2-12 under the Securities Exchange Act of 1934, as amended.

Section 8. Without in any way limiting the power, authority, or discretion elsewhere herein granted or delegated, the City hereby (1) authorizes and directs all of the officers, employees, and agents of the City to carry out, or cause to be carried out, and to perform such obligations of

the City and such other actions as they or any one of them shall consider necessary, advisable, desirable, or appropriate in connection with this ordinance, and the issuance, sale, and delivery of the Bonds including, without limitation and whenever appropriate, the execution and delivery thereof and of all other related documents, instruments, certifications, and opinions; and (2) delegates, authorizes, and directs the Mayor and City Clerk the right, power, and authority to exercise her or his own independent judgment and absolute discretion in determining and finalizing the terms, provisions, form, and contents of each of the foregoing. The execution and delivery by the Mayor or the City Clerk and their approval of all changes, modifications, amendments, revisions, and alterations made therein, and shall conclusively establish their absolute, unconditional, and irrevocable authority with respect thereto from the City and the authorization, approval, and ratification by the City of the documents, instruments, certifications, and opinions so executed and the action so taken.

Section 9. The City's Policy and Procedures – Federal Tax Law and Disclosure Requirements for Tax-exempt Bonds and/or Build America Bonds adopted contemporaneously herewith, are hereby ratified, confirmed and approved in all respects.

Section 10. If any one or more of the provisions of this ordinance should be determined by a court of competent jurisdiction to be contrary to law, then such provisions shall be deemed severable from the remaining provisions of this ordinance and the invalidity thereof shall in no way affect the validity of the other provisions of this ordinance or of the Bonds and the owners of the Bonds shall retain all the rights and benefits accorded to them under this ordinance and under any applicable provisions of law. If any provisions of this ordinance shall be held or deemed to be or shall, in fact, be inoperative or unenforceable or invalid in any particular case in any jurisdiction or jurisdictions, or in all cases because it conflicts with any constitution or statute or rule of public policy, or for any other reason, such circumstances shall not have the effect of rendering the provision in question inoperative or unenforceable or invalid in any other case or circumstances, or of rendering any other provision or provisions herein contained inoperative or unenforceable or invalid to any extent whatever.

Section 11. This ordinance shall be published in pamphlet form and take effect as provided by law.

PASSED AND APPROVED THIS 18TH DAY OF NOVEMBER, 2014.

CITY OF LA VISTA

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

ATTEST:

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

(SEAL)



**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
NOVEMBER 18, 2014 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
COMMUNICATION TOWERS — CONSULTING AGREEMENT	◆ RESOLUTION ORDINANCE RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

**SYNOPSIS**

A resolution has been prepared to approve an agreement with Richard A. Comi d/b/a The Center for Municipal Solutions for the purpose of assisting, advising and representing the City to review and analyze applications for wireless communication facilities.

**FISCAL IMPACT**

A separate agenda item is proposed to amend the Master Fee Ordinance to add a fee to cover the cost of these services.

**RECOMMENDATION**

Approval.

**BACKGROUND**

The Center for Municipal Solutions (CMS) is a nation-wide company that reviews wireless tower applications for governments and other clients. The review of these facilities is highly technical, requires knowledge of federal regulations and someone with expertise in this area. CMS is independent of the wireless communication industry and has significant experience in reviewing applications for these facilities. Robert Naumann is a structural engineer who works for CMS and handles this area.

Sarpy County is using this consultant for their wireless telecommunication applications and to assist them with revising their zoning regulations. Bruce Fountain, Sarpy County Planning and Building Director, has recommended this consultant.

Applicants for these facilities would pay a fee to cover the cost of the review.

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, APPROVING AN AGREEMENT WITH RICHARD A. COMI DBA THE CENTER FOR MUNICIPAL SOLUTIONS FOR THE PURPOSE OF ASSISTING, ADVISING AND REPRESENTING THE CITY TO REVIEW AND ANALYZE APPLICATIONS FOR WIRELESS COMMUNICATION FACILITIES.

WHEREAS, the City Council of the City of La Vista has determined that the selection of a consultant for assisting, advising and representing the City to review and analyze applications for wireless communication facilities is necessary; and

WHEREAS, the fee to cover the cost of these services is in the Master Fee Ordinance; 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 do hereby approve an agreement with Richard A. Comi dba The Center for Municipal Solutions for the purpose of assisting, advising and representing the City to review and analyze applications for wireless communication facilities.

PASSED AND APPROVED THIS 18TH DAY OF NOVEMBER, 2014.

CITY OF LA VISTA

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

ATTEST:

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



## AGREEMENT

This agreement made and entered into this \_\_\_\_ day of \_\_\_\_\_ 2014 by and between RICHARD A. COMI d/b/a THE CENTER FOR MUNICIPAL SOLUTIONS (herein after referred to as Consultant) (mailing address: 70 Cambridge Drive, Glenmont, New York 12077) party of the first part, and City of La Vista, a Nebraska municipal corporation (hereinafter referred to as Client) (mailing address; 8116 Park View Boulevard, La Vista, Nebraska 68128) party of the second part.

Consultant and Client, for the consideration named, hereby agree as follows:

1. PURPOSE

Client hereby retains Consultant for the purpose of assisting, advising and representing Client on matters relating to the preparation of a Wireless Telecommunications Facilities Local Ordinance for Client, and reviewing and analyzing applications received by Client for Wireless Telecommunications Facilities, in accordance with all applicable laws, rules and regulations.

2. SPECIFIC SERVICES: LOCAL ORDINANCE

As soon as possible after the execution of this agreement, Consultant shall prepare and deliver to Client for use by Client a comprehensive Wireless Telecommunications Facilities Local Ordinance (hereinafter referred to as Ordinance). Subsequently, in consultation with designated officials of Client, Consultant shall devote up to five (5) hours to draft and deliver to Client, as may be requested, legally permissible revisions to the Ordinance, prior to the public hearing relating to the adoption of the Ordinance. Consultant shall attend one meeting with Client, which Client will schedule in connection with the adoption of the Ordinance.

3. SPECIFIC SERVICES: SERVICES DURING PROCESSING OF APPLICATIONS

The Consultant shall furnish appropriate Wireless Telecommunications Facilities siting assistance and advice to Client and Client officials involved in the processing of applications for Wireless Telecommunications Facilities, and, in connection therewith, shall:

- (a) Review all applications filed with Client for Wireless Telecommunications Facilities;
- (b) Assist and advise Client as regards all applications, to include attending meetings with the Applicants and/or Client's staff and/or officials as required;
- (c) Recommend in writing to Client whether a particular application should be approved or disapproved, and set forth in writing the reasons for such approval or disapproval; and,
- (d) Inspections of the construction of the facility and in writing recommend when/if the certificate of compliance should be issued.
- (e) Consultant shall, in conjunction with the Client's Municipal Attorney, assist in the negotiation of all leases for the use of Client-owned property or facilities by wireless communications entities or persons at its normal hourly rate, with such cost to be paid out of the Applicant's escrow deposit or a written commitment by the potential lessee to reimburse the Client for the cost reasonably incurred on behalf of Client. The consultant is not a real estate broker or agent. All real estate brokerage services, if any, shall be performed by the Client or the Client's attorney.

4. TIMES AND ATTENDANCE: COOPERATION BY CLIENT

Consultant shall perform the services described herein in as expeditious a manner as is reasonably possible and with due consideration of the time requirements of Client. Client recognizes that the timing of the performance of Consultant's services may be affected by previous commitments to other clients (including the delivery of promised services and work product and previously scheduled meetings), and situations normally and traditionally deemed to be matters of a force majeure nature, including those influenced by the weather, strikes, or power outages.

Client agrees to cooperate with Consultant, as needed, and to provide Consultant with copies of any records, documents and other information needed for the fulfillment of this agreement on a timely basis. Client further agrees to provide Consultant with access to appropriate officials and/or employees of Client, as may be needed in the fulfillment of the agreement. Moreover, both parties understand and agree that mutual accountability and responsiveness is critical to the successful completion of the project, and therefore both shall always make their best faith efforts to be accountable and promptly responsive to each other.

5. COMPENSATION

In payment for the services to be performed hereunder by Consultant, Client shall make payments to the Consultant as follows:

- (a) For the services to be performed by the Consultant pursuant to paragraph 2 hereof, there shall be no charge. Time beyond five hours customizing the draft ordinance or attendance at more than one meeting related to the customization, consideration or adoption of the Ordinance shall be billed at the Consultant's normal hourly rate. Based on prior experience, Consultant feels that performance described in paragraph 2 above should be sufficient to prepare an Ordinance that will meet Client's needs. Therefore, Consultant anticipates that, absent extraordinary circumstances, there will be no charge to Client for the preparation of the Ordinance.



(b) For the services to be performed by the Consultant pursuant to paragraph 3 hereof, Client shall pay Consultant its normal published hourly rate (which at the date of this agreement is \$250.00 per hour, but is subject to reasonable change over time as agreed by the City Administrator of Client) for each hour of time devoted by Consultant to the performance of such services, provided, however, that for time traveling by Consultant in conjunction with the performance of such services Client shall pay Consultant for actual travel time up to eight hours per day at only 50% of the Consultant's normal published rate. (The draft Ordinance as initially provided to Client shall require an applicant to pay, in advance of any work related to the application or the application process, a sum to be put into an escrow account to assure that Client is reimbursed by the applicant for the amounts payable by Client hereunder to the Consultant.)

(c) Consultant shall invoice Client regularly, but no less frequently than monthly, after services have been performed, for any compensation payable pursuant to paragraph 5(b) of this agreement. Such invoices that are undisputed by the Client shall be due and payable in no case later than thirty (30) days after receipt.

6. REIMBURSEMENT FOR EXPENSES

For services performed hereunder, Client shall reimburse Consultant, for out-of-pocket expenses for the following items:

(a) Travel-related costs such as airfare, car rental, night lodging accommodations and meals consumed while on-site or enroute; (b) Expedited or overnight delivery service; (c) Any other reasonably necessary expenses directly related and attributable to the fulfillment of this agreement.

Consultant's requests for expense reimbursement shall be included in Consultant's invoice at actual cost, with no markup.

7. TERM OF AGREEMENT; TERMINATION

This agreement shall be for a period of three (3) years commencing on the date set forth at the top of page one (1) of this agreement. After the three (3) year period, the agreement will continue automatically on a month-to-month basis, unless terminated in writing by either party with sixty (60) days notices. Notwithstanding anything in this agreement to the contrary, this agreement can be terminated at any time by Client providing at least thirty (30) days written notification to Consultant. There will be no additional billing after this agreement terminates.

8. STATUS OF CONSULTANT

Consultant and Client agree that in the performance of Consultant's services hereunder, Consultant shall not be deemed to be an employee of Client for any purpose whatsoever, nor act under Color of State.

9. NOTICES

Any and all notices, invoices, and payments required hereunder shall be addressed to the parties at their respective addresses set forth in page 1 hereof, or to such other address as may hereafter be designated in writing by either party hereto.

10. CONSTRUCTION OF AGREEMENT

This agreement shall be construed and interpreted in accordance with the Laws of the State of Nebraska.

11. COMPLETE AGREEMENT; MODIFICATION

There are no terms, conditions or obligations other than those contained herein, and there are no written or verbal statements or representations, warranties or agreements with respect to this Agreement that have not been embodied herein.

This agreement constitutes the complete understanding of the parties with respect to the subject matter hereof. No modification or amendment of any provisions of this agreement shall be valid unless in writing and signed by both parties.

IN WITNESS THEREOF, the Consultant and Client by individuals duly authorized to do so, have signed this agreement, the day and year first above written.

CONSULTANT

By: *R.A. Comi*

R.A.Comi

The Center for Municipal Solutions

CLIENT

By: \_\_\_\_\_

\_\_\_\_\_ (printed)

Title: \_\_\_\_\_



**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
NOVEMBER 18, 2014 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
AMENDMENT TO MASTER FEE ORDINANCE	RESOLUTION ◆ ORDINANCE RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

**SYNOPSIS**

An ordinance has been prepared to amend the Master Fee Ordinance to change the tower development and tower co-locate permit fees to a minimum base fee, plus the cost of third-party review services if it exceeds the base fee.

**FISCAL IMPACT**

N/A

**RECOMMENDATION**

Approve.

**BACKGROUND**

An ordinance has been prepared to amend the fees for a tower development permit and a tower co-locate permit fee from \$1,000 and \$100 respectively to a minimum fee of \$8,500 and \$5,000. If the base fee is exceeded by the actual cost incurred by the City for the third-party review, an additional fee would be due. This is the same process currently used for the fees associated with building design review.

(Changes are on page 2 of the Master Fee Ordinance)

ORDINANCE NO. ~~1222~~1229

AN ORDINANCE TO AMEND ORDINANCE NO. ~~1222~~1229, AN ORDINANCE TO ESTABLISH THE AMOUNT OF CERTAIN FEES AND TAXES CHARGED BY THE CITY OF LA VISTA FOR VARIOUS SERVICES INCLUDING BUT NOT LIMITED TO BUILDING AND USE, ZONING, OCCUPATION, PUBLIC RECORDS, ALARMS, EMERGENCY SERVICES, RECREATION, LIBRARY, AND PET LICENSING; SEWER AND DRAINAGE SYSTEMS AND FACILITIES OF THE CITY FOR RESIDENTIAL USERS AND COMMERCIAL USERS (INCLUDING INDUSTRIAL USERS) OF THE CITY OF LA VISTA AND TO GRANDFATHER EXISTING STRUCTURES AND TO PROVIDE FOR TRACT PRECONNECTION PAYMENTS AND CREDITS; REGULATING THE MUNICIPAL SEWER DEPARTMENT AND RATES OF SEWER SERVICE CHARGES; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE THE EFFECTIVE DATE HEREOF.

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

Section 1. General Fee Schedule. The fees and taxes charged by the City of La Vista for various services and occupations shall be, and the same hereby are, fixed in accordance with the following schedule, no modifier shall be used, and such fees and taxes charged shall be in accordance with such rules as the City Council may establish:

**BUILDING & USE FEES**

**(Apply inside City limits and within the Extra-territorial zoning jurisdiction)**

Building Permit

(Building valuation is determined by the most current issue of the ICC Building Valuation Data)

General	\$30 Base fee + see building fee schedule
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Commercial/Industrial	\$30 Base fee + see building fee schedule
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Plan Review Fee

Commercial (non-refundable)	\$100 or 10% of building permit
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fee (whichever is greater)

Design Review (non-refundable)	\$1,000 Bldgs 24,999 sq. ft. or less (min. fee) (or Actual Fee Incurred) \$2,000 Bldgs 25,000 – 49,999 sq. ft (min. fee) (or Actual Fee Incurred) \$3,000 Bldgs 50,000 -100,000+ sq.ft. (min. fee) (or Actual Fee Incurred) \$4,000 Bldgs 100,000 + sq.ft (min. fee) (or Actual Fee Incurred)
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Replacement Plan Review Fee

\$100 + Request for records fees

Engineer's Review

\$500

Rental Inspection Program

License Fees:

Multi-family Dwellings	\$6.00 per unit
Single-family Dwellings	\$50.00 per property
Duplex Dwellings	\$50.00 per unit
Additional Administrative Processing Fee (late fee)	\$100.00

Inspection Fees:

Primary Inspection	No charge
Class B Property Inspection (after primary inspection):	
Violation corrected	No charge
Violation not corrected	See Re-inspection Fee below
Re-inspection Fee (no show or follow up inspection)	See Re-inspection Fee below

Re-inspection Fee

\$50

Penalty Fee

3x Regular permit fee



Amended Master Fee Schedule 14/15 Fiscal Year

Refund Policy	75% will be refunded when the project is cancelled or not complete within one year. No refund will be given after one year. (Sewer Hook-up Fee is 100% refunded)
Certificate of Occupancy	\$ 50
Temporary Certificate of Occupancy	\$750
Pre-occupancy fee (Occupancy without C.O.)	\$750
Temporary Use Permit (includes tents, greenhouses, event structures)	\$ 50 plus \$10/day
Sign Permit	\$150/sign
Identification Sign, Incidental Sign	\$75/sign
Master Sign Plan (more than 1 sign)	\$250
Common Sign Plan	\$250
Temporary Sign Permit:	
Non-profit or tax exempt organization	\$0
All other temporary signs	\$ 30/year
Tower Development Permit	<del>\$4000</del> <u>\$8,500(min fee) (or actual fee incurred)</u>
Co-locates – Towers	<del>\$4005</del> <u>\$5,000(min fee) (or actual fee incurred)</u>
Tarp Permit(valid for 6 months)	\$ 30
Solar Panel Permit	\$ 30
Satellite Dish Permit	\$ 30
Wading/Swimming Pools at residence	\$ 30
Dedicated Electrical circuit for pumps	\$ 30
Mechanical Permits fee	\$30 Base fee + See mechanical
Plumbing Permits fee	\$30 Base fee + See mechanical
Sewer Repair Permit	\$30
Backflow protector permit	\$ 30 (\$22 permit & \$8 backflow)
Underground Sprinklers	\$ 30 (\$22 issue fee & \$8 fixture)
Electrical Permits fee	\$30 Base Fee + See electrical
City Professional License (Plumbers; Mech. Contractors)	\$ 15 and a \$1,000,000 Liability, and a \$500,000 bodily injury insurance Certificate per each occurrence Also a \$5,000 Bond is required, naming the City as the recipient.
Demolition of building	\$250 plus Insurance Certificate
Moving Permit (buildings 120 square feet or greater)	\$250 plus Insurance Certificate
Sheds and Fences	\$ 30.00
Sidewalks	\$ 30.00
Driveway Replacement	\$ 30.00
Driveway Approach w/o curb cut or grinding	\$ 30.00
With curb requiring cut plus the 4' apron on each side)	
Contractor (Contractor performs curb cut or grind)	\$ 30.00 plus \$1.00/ft.
City Charge (if City performs curb cuts)	\$50 + \$5/ft (\$40 set up fee; \$10 permit fee)
City charge (if City performs curb grinds)	\$50 + \$6/ft (\$40 set up fee; \$10 permit fee)
Utility Cut Permit	\$30.00
Appeal Fee Regarding Issuance or Denial of Curb Cut/Driveway Approach Construction Permit	\$250
Street Paving, Surfacing, Resurfacing, Repairing, Sealing or Resealing Permit	\$ 30.00/Yearly
Appeal Fee Regarding Issuance or Denial of Street Paving, Resurfacing, etc. Permit	\$250

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**FIRE INSPECTION FEES****Plan Review Fees**

Commercial Building	5% of building permit fee with a maximum of \$1,000
Fire Sprinkler Plan Review	\$50.00
Fire Alarm Plan Review	\$50.00
<b><u>Child Care Facilities:</u></b>	
0 – 8 Children	\$50.00
9 – 12 Children	\$55.00
13 or more children	\$60.00
<b><u>Foster Care Homes:</u></b>	
Inspection	\$25.00
<b><u>Liquor Establishments:</u></b>	
Non-consumption establishments	\$60.00
Consumption establishments	\$85.00
<b><u>Nursing Homes:</u></b>	
50 beds or less	\$55.00
51 to 100 beds	\$110.00
101 or more beds	\$160.00
<b><u>Fire Alarm Inspection:</u></b>	
Four year license (Test)	\$100.00
NICET	\$25.00 per year NICET certification last
Annual test (witnessed)	\$30.00
<b><u>Sprinkler Contractor Certificate:</u></b>	
Annual	\$100.00
<b><u>Fuels Division:</u></b>	
Above ground Hazardous Substance Storage Tanks (Title 158)	
Registration	\$25.00 per tank
Re-registration	\$25.00 per tank (Required whenever change is made to tank or contents)
Above ground Petroleum Storage Tanks (Title 153, Chapter 17)	
Inspection Fee	\$50.00 (Per installation regardless of the number of tanks)
Under ground Storage Tanks (Title 159, Chapter 2)	
Farm, residential and heating oil tanks	
(tanks with a capacity of 1100 gallons or less)	\$10.00 one-time registration fee
All other tanks	\$30.00 per tank, annually
Petroleum Release Remedial Action Fund	\$90.00 per tank, annually
Tank installation	\$60.00 per tank
Piping only installation	\$60.00

**GRADING PERMIT FEES**

5 acres or less	\$ 500
More than 5 acres	\$1,000

**ZONING FEES**

Comprehensive Plan Amendment	\$500
Zoning Map Amendment (rezoning)	\$500



Amended Master Fee Schedule 14/15 Fiscal Year

Zoning Text Amendment	\$500
Zoning Verification Letter	\$50
Subdivision Text Amendment	\$500
Conditional Use Permit (1 acre or less)	\$300
Conditional Use Permit (more than 1 acre)	\$500
Conditional Use Permit Amendment	\$200
Flood Plain Development Permit	\$500
Administrative Plat – Lot Split, Lot Consolidation or Boundary Adjustment	\$750+ additional fee of \$250 for review of revised drawings
Preliminary Platting	\$1,000 +additional fee of \$250 for review of revised drawings
Final Platting	\$1000+additional fee of \$250 for review of revised drawings
Revised Preliminary Plat	\$500+additional fee of \$250 for review of revised drawings
Replat	\$1500 +additional fee of \$250 for review of revised drawings
Preliminary P.U.D. (includes rezoning fee)	\$1000 +additional fee of \$250 for review of revised drawings
Final P.U.D.	\$500+additional fee of \$250 for review of revised drawings
Vacation of Plat and Right of Way Vacation	\$150
Variance, Appeals, Map Interpretation (B.O.A.)	\$250
Watershed Fees – the following fees apply to only new developments or significant redevelopments as specified in a subdivision agreement: (fees are remitted to Papillion Creek Watershed Partnership)	
Single Family Residential Development (up to 4-plex)	\$823 per dwelling unit
High-Density Multi-Family Residential Development	\$3,619 per gross acre*
Commercial/Industrial Development	\$4,387 per gross acre*
*Computed to the nearest .01 acre.	

**OCCUPATION TAXES**

Publication fees	\$10
Class A Liquor License Holder	\$200
Class B Liquor License Holder	\$200
Class C Liquor License Holder	\$600
Class D Liquor License Holder	\$400
Class I Liquor License Holder	\$500
Class L Liquor License Holder	\$500
Class W Wholesale Beer License Holder	\$1000
Class X Wholesale Liquor License Holder	\$1500
Class Y Farm Winery License Holder	\$500
Class Z Liquor License Holder	\$500
Class AB Liquor License Holder	\$400
Class AD Liquor License Holder	\$600
Class ADK Liquor License Holder	\$800
Class AK Liquor License Holder	\$400
Class ABK Liquor License Holder	\$600
Class BK Liquor License Holder	\$400
Class CK Liquor License Holder	\$800
Class DK Liquor License Holder	\$600
Class IB Liquor License Holder	\$700
Class IBK Liquor License Holder	\$900
Class ID Liquor License Holder	\$900
Class IDK Liquor License Holder	\$1100
Class IK Liquor License Holder	\$700

Special Designated Permit – Liquor Control	\$ 50/day except non-profits
Transfer of Liquor License from One Location to Another	\$ 25
(These fees are in addition to the State Fee Requirement)	
Amusement Concessions (i.e. Carnivals)	\$ 10/concession/day
(This would include any vendors set up for special functions at the La Vista Sports Complex)	
Auto dealers - new and used	- \$250 plus \$.01 per sq. ft. of inside area, and \$.005 per sq. ft. of outside area used for display, sales or storage.
Auto repair	\$100
Banks, small loan and finance companies	\$250 plus \$75/each detached facility.
Barber shops, beauty salons, tanning & nail salons	\$ 75 plus \$10 per operator over one.
Bowling Alleys or Billiard/Pool Halls	\$ 50/year + \$10/table or alley
(Additional fee for Restaurant or Bar if applicable)	
Car washes	\$100 (includes all vacuum & supply vending machines)
Circus, Menagerie or Stage Show	\$ 50/day
Collecting agents, detective agents or agencies and bail bondsmen	\$ 75
Construction/Tradesmen	\$ 75 and a \$1,000,000 Liability, \$500,000 bodily injury insurance certificate
Convenience stores	\$ 75
Convenience store with car wash vending machines)	\$120 (Includes all vacuum & supply vending machines)
Dry cleaning or laundry and tailoring	\$ 50
Funeral homes	\$150
Gaming Device Distributors exempt)	5% of gross receipts (non-profits)
Games of Chance/Lotteries exempt)	5% of gross receipts (non-profits)
Games of Chance/Lottery License Fee	\$ 50/1st location - \$10/ea additional
Gas Companies	5% of gross receipts
Hawkers/Peddlers	\$ 75/day or \$500/year
Home Occupations (not specified elsewhere)	
Home Occupation Permit Application Fee	\$30
Home Occupation 1 and Child Care Home	\$50
Home Occupation Conditional Use Permit – see Zoning Fees	
Hotels/motels – Any hotel or motel in the City shall pay to the City monthly an Occupation Tax equal to 5% of gross receipts from room rentals. Any shops and/or restaurants, which are part of, associated with, or located in or with a hotel or motel facility will be considered a separate business and taxed in accordance with the provisions of this Ordinance and the applicable classifications(s) of the shop and/or restaurant hereunder. The Occupation Taxes with Respect to any banquet and/or ballroom facilities of, or associated with, or located in or with, any such hotel or motel shall be determined in accordance with the square footage schedule above, based on the actual square footage of said facilities.	
Movie theatres	\$150/complex and \$75/viewing room
Music, Vending, & Pinball Machines	\$ 20/year/machine +Service Provider
Fee of &75.00 for business outside the City that provides machines for local businesses	
Nurseries, greenhouses, landscaping businesses, and tree trimmers	\$ 75
Nursing homes, assisted living, hospitals and retirement homes	\$ 5 per bed
Pawnbrokers	\$ 1.00/pawnbroker transaction
evidenced by a pawnbroker card or ledger entry per Neb. Rev. Stat. Section 69-204.	
Minimum of \$30/year	



Amended Master Fee Schedule 14/15 Fiscal Year

Professional services - engineers, architects, physicians, dentists, chiropractors, osteopaths, accountants, photographers, auctioneers, veterinarians, attorneys, real estate offices and insurance agents or brokers - \$75 plus \$10 per agent or professional over one (1)

Recreation businesses - indoor and outdoor \$100

Restaurants, Bars, and drive-in eating establishments \$ 50 (5 employees or less)  
\$100 (more than 5 employees)

Retail, Manufacturing, Wholesale, Warehousing and Other - Any person or entity engaged primarily in a manufacturing, wholesale, and/or warehousing business shall pay an Occupation Tax based on the schedule below and the actual interior or enclosed square footage of facilities in the City used by said person or entity in the conduct of such business; and any person or entity engaged in a business of making retail sales of groceries, clothing, hardware, notions, furniture, home furnishings, services, paint, drugs, or recreational equipment, and any other person or entity engaged in a business for which an Occupation Tax is not specifically provided elsewhere in this Ordinance, shall pay an Occupation Tax based on the schedule below and actual interior or enclosed square footage of facilities in the City used by said person or entity in the conduct of such business; provided, however, that persons or entities that use a basement or one or more additional floors in addition to the main floor (the main floor being the floor with the greatest total square footage) in the conduct of one or more specified businesses of sales at retail shall determine square footage for purposes of the Occupation Tax imposed hereunder based on the square footage of the entire main floor plus one-half (1/2) of the square footage of all such basement and additional floors.

0	999 sq. ft.	\$ 50
1,000	2,999 sq. ft.	\$ 65
3,000	4,999 sq. ft.	\$ 80
5,000	7,999 sq. ft.	\$ 120
8,000	9,999 sq. ft.	\$ 150
10,000	14,999 sq. ft.	\$ 200
15,000	24,999 sq. ft.	\$ 225
25,000	39,999 sq. ft.	\$ 300
40,000	59,999 sq. ft.	\$ 400
60,000	99,999 sq. ft.	\$ 500
100,000	and greater	\$ 750

Schools - trade schools, dance schools, music schools, nursery school or any type of school operated for profit \$ 50

Service providers, such as persons, firms partnerships or corporations delivering any product, good or service whatsoever in nature within the City \$ 75

Service stations selling oils, supplies, accessories for service at retail wash \$ 75 + \$25.00 for attached car

Telephone Companies 5% of gross receipts  
(includes land lines, wireless, cellular, and mobile)

Telephone Surcharge - 911 \$1.00 per line per month

Tobacco License \$ 15 (based on State Statute)  
Tow Truck Companies \$ 75  
Late Fee (Up to 60 days) \$ 35  
Late Fee ( 60-90 days) \$ 75  
Late Fee ( over 90 days) Double Occupation tax or \$100, whichever is greater

#### **OTHER FEES**

Barricades  
Deposit Fee(returnable) \$ 60/barricade  
Block Parties/Special Event \$ 5/barricade per day  
Construction Use \$30 ea. (7 days maximum)

Amended Master Fee Schedule 13/14 Fiscal Year

Blasting Permit	\$1,000
Bucket Truck Rental w/operator	\$150 per hour
Community Garden Plot Rental	\$20 annually
Conflict Monitor Testing	\$200
Cat License Fee (per cat – limit 3)	\$ 5 each if spayed/neutered \$ 15 each if not spayed/neutered  \$ 10 each (delinquent) if spayed/neutered  \$ 30 each (delinquent) if not spayed/neutered
Senior Citizen Discount (Age 65+)	Free if spayed/neutered
Dog License Fee (per dog – limit 3)	\$ 5 each if spayed/neutered \$ 15 each if not spayed/neutered \$ 10 each (delinquent) if spayed/neutered \$ 30 each (delinquent) if not spayed neutered
Senior Citizen Discount (Age 65+)	Free if spayed/neutered
Dog/Cat License Handling Fee (in addition to above fees)	\$ 5
Dog or Cat License Replacement if Lost	\$ 1
Dog or Cat Capture and Confinement Fee	\$ 10 + Boarding Costs
MAXIMUM OF 4 DOGS AND/OR CATS WITH NO MORE THAN 3 OF EITHER SPECIES	
Election Filing Fee	1% of Annual Position Salary
Fireworks Sales Permit (Non-Profits)	\$2,500
Handicap Parking Permit Application Fee	\$ Currently Not Charging Per State
Natural Gas Franchisee Rate Filing Fee	Per Agreement
(For rate changes not associated w/the cost of purchased gas.)	
Open Burning Permit	\$ 10
Parking Ticket Fees	
If paid within 7 days of violation date	\$ 20 (\$5 + \$15 admin fee)
If paid after 7 days of violation date but within 30 days	\$ 25 (\$10 + \$15 admin fee)
If paid after 30 days of violation date	\$ 35 (\$20 + \$15 admin fee)
Pawnbroker Permit Fees:	
Initial	\$ 150
Annual Renewal	\$ 100
Pet Store License	\$ 50 (In addition to Occ. License)
Police Officer Application Fee	\$ 20
Public Assembly Permit (requires application and approval)	\$ 00
Returned Check Fee (NSF)	\$ 35



Amended Master Fee Schedule 14/15 Fiscal Year

Storage of Explosive Materials Permit	\$ 100
Towing/Impound Fee	\$ 30
Trash Hauling Permit	\$ 25/yr/truck + \$25,000
Performance Bond	

**PUBLIC RECORDS**

Request for Records	\$15.00/Half Hour + Copy Costs* (May be subject to deposit)
Audio Tapes	\$5.00 per tape
Video Tapes or CD/DVD	\$10.00 per tape/CD
*Copy costs shall be established by the Finance Director	

Unified Development Ordinance	\$100
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Comprehensive Plan	\$ 50
Zoning Map	\$10 12"x36" \$30 36"x120"

Zoning Ordinance w/Map	\$ 30
Subdivision Regulations	\$ 30

Future Land Use Map	\$10 12"x36" \$30 36"x120"
Ward Map	\$ 2

Fire Report	\$ 5
Police Report	\$ 5

Police Photos (5x7)	\$ 5/ea. for 1-15 \$ 3/ea. for additional
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Police Photos (8x10)	\$ 10/ea. for 1-15 \$ 5/ea. for additional
Police Photos (Digital)	\$ 10/ea. CD

Criminal history	\$ 10
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**FALSE AND NUISANCE ALARMS**

Registration Fee for Alarm System (not to include single family or duplexes)	\$25
Renewal Fee for Alarm System (not to include single family or duplexes)	\$25
Late Registration Charge	\$35

False Alarm Fee for any false alarm generated by the registrant's alarm system, a fee in accordance with the following schedule (from 1 January through 31 December of each year) shall be charged:

Number of False/Nuisance Alarms	False/Nuisance Alarm Charge
1	No Charge
2	No Charge
3	\$100.00
4 or more	\$250.00

False Alarm Fee for Alarm Systems without Registration - \$250 per alarm after 1<sup>st</sup> alarm  
(not to include single family or duplexes)

**RESPONSE TO LARGE HAZARDOUS MATERIALS INCIDENTS**

A Dispatch and mobilization charge of \$300 + mileage shall be charged for response to any incident where no action is taken. If services are provided, the following rates shall apply:

Amended Master Fee Schedule 13/14 Fiscal Year

Response Vehicles: One-hour minimum charge. All charges will be made to the closest ¼ hour. Mileage will be charged at \$8.00 per mile per vehicle.

Pumper/Tanker Truck	\$500/hour
Weed Truck	\$150/hour
Aerial Ladder Truck	\$750/hour
Utility Vehicle	\$200
Command Vehicle	\$100

Equipment Charges:	
Jaws of Life	\$250
Power Saw	\$75
Hydraulic jack/chisels	\$75
Cribbing Blocks	\$10
Winches	\$10

Air Bags	\$50
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High Lift Jack	\$20
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Supplies: The actual City cost of the supplies plus 25% shall be charged for all supplies including but not limited to safety flares, Class A foam, Class B foam, absorbent pads, absorbent material, salvage covers, and floor dry.

#### **RESCUE SQUAD FEES**

BLS Emergency Base	\$600
ALS Emergency Level I	\$700
ALS Emergency Level 2	\$800
Mileage Rural	\$ 14

#### **LIBRARY FEES**

Membership (Non-Resident Family)	6 month	\$ 35.00
	1 year	\$ 60.00
	1 month	\$ 7.00

Fax	\$2.00 up to 5 pages
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Fines	
Books	\$ .05/day
Audio Books	\$ 1.00/day
Videos/DVDs/CDs	\$ 1.00/day

Damaged & Lost Books	\$5.00 processing fee + actual cost
Videos/DVDs/CDs	\$5.00 processing fee + actual cost
Color Copies	\$ .50
Copies	\$ .10

Inter-Library Loan	\$3.00/transaction
Lamination – 18" Machine	\$2.00 per foot

Lamination – 40" Machine	\$6.00 per foot
Children's Mini-Camp	\$10.00 per week

#### **RECREATION FEES**

Refund Policy (posted at the Community Center)	\$10.00 administrative fee on all approved refunds
Late Registration Fee	\$10.00
Community Center	

	Resident	Non-Resident	Business
<u>Groups</u>			
Facility Rental			
Gym (1/2 Gym)	\$ 38/Hour	\$ 75/Hour	\$
75/Hour			
Gym/Stage (Rental)	\$420/Day	\$840/Day	\$840/Day



Amended Master Fee Schedule 14/15 Fiscal Year

Gym/Stage (Deposit)	\$215	\$420	\$420
Game Room	\$ 22/Hour	\$ 44/Hour	\$ 44/Hour
Meeting Rooms (Rental)	\$ 12/Hour/Room	\$ 22/Hour/Room	\$ 27/Hour
Meeting Rooms (Deposit)	\$ 50/Room	\$ 50/Room	\$
50/Room			
Kitchen (Rental)	\$ 19/Hour	\$ 27/Hour	\$ 33/Hour
Kitchen (Deposit)	\$ 50/Room	\$ 50/Room	\$
50/Room			
Racquetball Court	\$ 7/Hour	\$ 14/Hour	\$ 14/Hour
Facility Usage			
Daily Visit (19 and up)	\$ 3.00	\$ 4.00	
Daily Visit (Seniors +55)	\$ -0-	\$ 2.00	
Fitness Room (19 and up)			
Membership Card	\$27.00/month		

(Exercise Room, Gym, Racquetball/Walleyball Courts)

(Mon - Fri 8:00 -5:00 pm)	\$3.00	\$ 4.00/Visit
Gym (19 and up)		
(Mon - Fri 8:00 -5:00 pm)	\$3.00	\$ 4.00/Visit
Resident Punch Card	\$50.00	
Non-resident Punch Card	\$35.00	
Non-resident Punch Card	\$20.00	
Ind. Weight Training		
Classes	\$ 25	

Variety of programs as determined by the Recreation Director

Fees determined by cost of program

Classes

Contractor	City
75%	25%

Contract Instructor Does Registration and Collects Fees

Other Facilities:

	Resident	Non-Resident
Tournament Fees	\$ 30/Team/Tournament	\$
30/Team/Tournament		
Gate/Admission Fee	\$ 40/Field/Day	\$ 40/Field/Day
Model Airplane Flying	10% of Gross	
Field Pass	\$30*	\$40*
* includes \$10 club membership 1 – year license		
Field Rentals	\$40/2 hours	Resident and Non-
Resident		
Park Shelters	\$15/3 hours	\$25/3 hours
Swimming Pool	Resident	Non-Resident
Youth Daily	\$ 2	\$ 4
Adult Daily	\$ 3	\$ 4
Resident Tag	\$ 2	
Family Season Pass	\$105	\$165
Youth Season Pass	\$ 65	\$ 95
Adult Season Pass	\$ 75	\$105
30-Day Pass	\$ 55	\$ 85
Season Pass (Day Care)	\$275	\$275
Swim Lessons	\$ 30	\$ 55
Swimming Pool memberships and specials prices shall be established by the Finance Director		
Youth Recreation Programs	Resident	Non-Resident
Coed Softball/Baseball Ages 5-6	\$ 45/55	\$60/70
Coed Softball/Baseball Ages 7-8	\$ 45/55	\$60/70
Softball/Baseball Ages 9-10	\$ 60/70	\$80/90
Softball/Baseball Ages 11-12	\$ 70/80	\$100/110
Tackle Football	\$ 110/120	\$140/150
Soccer Ages 8 and above	\$65/75	\$65/75

Amended Master Fee Schedule 13/14 Fiscal Year

Fall Baseball clinic	\$17/27	\$22/32	
Basketball Clinic	\$ 17/27	\$22/32	
Basketball Ages 9-10	\$ 55/65	\$65/75	
Basketball Ages 11-12	\$ 55/65	\$65/75	
Soccer Academy	\$ 33/43	\$53/63	
Flag Football	\$ 33/43	\$53/63	
Volleyball	\$ 33/43	\$53/63	
Cheerleading	\$ 27/37	\$47/57	
3 yr. old Soccer Clinic	\$17/27	\$22/33	
Uniform Deposit Fee			
Basketball	\$ 40	\$ 40	
Tackle Football	\$180	\$180	
Cheerleading	\$ 75	\$ 75	Adult Recreation Programs
Spring Softball – Single	\$215	\$15	
Spring Softball – Double	\$420	\$420	
Basketball	\$145	\$145	
Volleyball	\$110	\$110	
Fall Softball – Single	\$120	\$120	
Fall Softball – Double	\$235	\$235	

Golf Green Fees

October 1<sup>st</sup> – February 28<sup>th</sup>

9-hole Weekdays (adults)	\$ 8.50
9-hole Weekends – Sa - Su (adults)	\$ 10.00
18-hole Weekdays (adults)	\$14.50
18-hole Weekends - Sa - Su (adults)	\$16.00
9-hole Weekdays - M-F (jr/sr)	\$ 6.00
9-hole Weekends - Sa-Su (jr/sr)	\$ 8.00
18-hole Weekdays - M-F (jr/sr)	\$11.00
18-hole Weekends - Sa-Su (jr/sr)	\$13.00
Pull Carts	\$ 2.50
Rental Clubs -	\$ 7.00
Electric Carts – 9-hole	\$6.00
Electric Carts – 18-hole	\$9.00

March 1<sup>st</sup> – September 30<sup>th</sup>

9-hole Weekdays (adults)	\$ 10.00
9-hole Weekends – Sa - Su (adults)	\$12.00
18-hole Weekdays (adults)	\$16.00
18-hole Weekends - Sa - Su (adults)	\$18.00
9-hole Weekdays - M-F (jr/sr)	\$ 8.00
9-hole Weekends - Sa-Su (jr/sr)	\$ 10.00 sr/jr.
18-hole Weekdays - M-F (jr/sr)	\$13.00
18-hole Weekends - Sa-Su (jr/sr)	\$ /15.00 sr/jr.
Pull Carts	\$ 2.50
Rental Clubs	\$ 7.00
Electric Carts – 9-hole	\$ 6.50
Electric Carts – 18-hole	\$ 10.50

Junior – Age 15 & under; Senior – Age 55 & over

Golf concessions, merchandise, specials, league and tournament prices shall be established by the Finance Director.

Annual Passes

(One Full Year from date of purchase)

Adult (16over)	\$400.00
Senior (55 over)	\$300.00
Junior (15 under)	\$300.00
Family	\$750.00



Discount Cards

(Adult Rates)

12 rounds \$100.00

(Jr./Sr. Rates)

12 rounds \$ 80.00

Special Services Van Fees

Zone 1 Trip within city limits (LaVista & Ralston) \$1.00 one way  
Includes trips to grocery stores and senior center

Zone 2 Trip outside city limits \$3.00 one way

Zone 3 Trip outside city limits \$10.00 one way

Bus pass (each punch is worth \$1.00) \$30.00

Section 2. Sewer Fee Schedule.

§3-103 Municipal Sewer Department: Rates.

- A. Levy of Sewer Service Charges. The following sewer service charges shall be levied against the user of premises, property or structures of every kind, nature and description, which has water service from any supply source and are located within the wastewater service area of the City of La Vista.
  - B. Computation of Sewer Service Charges. For the months of December, January, February and March, the monthly charge for residential sewer services will be computed on the actual water used for these months. The monthly charge for residential sewer service in the months of April, May, June, July, August, September, October and November will be computed on the average water usage of the four (4) preceding winter months of December, January, February and March or for such portion of said consumption, whichever is the lesser. At the option of the City of La Vista, water used from private wells shall be either metered or estimated for billing purposes.
  - C. Amount of Sewer Service Charges. The total sewer service charge for each sewer service user will be the sum of three (3) charges: (1) customer charge, (2) flow charge, and (3) abnormal charge.
    1. The customer charge is as follows
      - a. For sewer service users classified as Residential, the same being sewer service to a single family dwelling, or a duplex, apartment, or other multi-family dwelling (e.g. apartments) wherein each dwelling unit has a separate water meter that is read and charged for water and sewer use by the Metropolitan Utilities District - \$8.34 per month.
      - b. For sewer service users classified as Residential-Multi-Family, the same being sewer service to Multi-Family dwellings (e.g. apartments) wherein there is only a separate water meter to each building or complex that is read and charged for water and sewer use by the Metropolitan Utilities District - \$8.34 per month plus an amount equal to \$5.82 times the total number of dwelling units, less one, in the Multi-Family dwellings that comprise an apartment complex. The customer charge for Residential-Multi Family sewer service users will be billed by the City of La Vista in addition to the flow charge billing from the Metropolitan Utilities District. A late charge of 14% will be applied for for Multi-Family sewer use billings.
      - c. For sewer service users classified as General Commercial: Customers who normally use less than 100,000 cubic feet of water per month and who are not Residential users or Residential-Multi-Family users - \$8.94 per month. For sewer service users in this category that require manual

billing, add \$10.00 for a total of \$18.94. The manual billing of the customer charge will come from the City of La Vista instead of the Metropolitan Utilities District.

2. The flow charge for all sewer service users shall be \$2.43 per hundred cubic feet (ccf).
3. If users have abnormal strength sewage as determined by the terms of the Wastewater Service Agreement between the City of La Vista and the City of Omaha, then additional charges will be billed to the user at the applicable rates as determined by said Agreement.
4. If users other than those classified herein are connected to the wastewater collection system, the Customer Charges, the Flow Charges and Other Charges will be determined by the City Council in accordance with rules and regulations of the EPA and the Agreement between the City of La Vista and the City of Omaha.

Section 3. Sewer/Drainage Connection Fee Schedule. A fee shall be paid to the City Treasurer as set forth in this section for each structure or tract to be connected to the sewer system of the City. No connection permit or building permit shall be issued until the following connection fees have been paid.

Residential	
Single Family Dwelling	\$1,100
Duplex	\$1,100/unit
Multiple Family	\$ 858/unit
Commercial/Industrial	\$5,973/acre of land as platted

The fee for commercial (including industrial) shall be computed on the basis of \$5,973 per acre within each platted lot or tract, irrespective of the number of structures to be constructed thereon.

The applicable fee shall be paid in respect to each lot or building site as a condition of City's issuance of any building or sewer connection permit.

- A. Changes in Use. If the use of a lot changes subsequent to payment of the fee, which different use would require payment of a fee greater than that payable in respect to the use for which the fee was originally paid, the difference in fee shall be paid to the City at time of such change in use.
- B. Existing Structures. Structures for which sewer connection and building permits have been issued, and all permit fees in respect thereto paid, prior to the effective date hereof shall be exempt from the fees herein imposed.
- C. Preconnection Payments. Where preconnection payment charges for a subdivision or portion thereof have been paid to City at time of subdivision of a tract pursuant to agreement between the City and the developer and the sanitary and improvement district, if any, financing improvements of the subdivision, the preconnection payment so made shall be credited by City to the sewer/drainage fees payable at time of connection of the individual properties to the sewer/drainage systems of the City.
- D. Sewer Tap and Inspection and Sewer Service Fees. The fees imposed by Section 3 hereof are in addition to and not in lieu of (1) sewer tap and inspection fees payable pursuant to Section 3-122 of the La Vista Municipal Code and listed herein and (2) sewer service charges imposed by Section 2 hereof.

Section 4. Sewer Inspection Charges Established for Installation. Inspection charges for nonresidential property sewer installation shall be:

Sewer Tap Fee (Inspection Fee)	
Service Line w/inside diameter of 4"	\$400



Amended Master Fee Schedule 14/15 Fiscal Year

Service Line w/inside diameter of 6"	\$600
Service Line w/inside diameter of 8"	\$700

Service Line w/inside diameter over 8"	Special permission/set by Council
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Section 5. Miscellaneous Sewer Related Fees: Miscellaneous sewer related fees shall be:

Private Sewage Disposal System Const. Permit	\$	1,500
Appeal Fee Re: Issuance or Denial of Sewer Permits	\$	1,500

Section 6. Repeal of Ordinance No.1158. Ordinance No. 1158 as originally approved on November 15, 2011, and all ordinances in conflict herewith are hereby repealed.

Section 7. 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 8. Effective Date. This Ordinance shall take effect from and after its passage, approval and publication in pamphlet form as provided by law; provided, however, that:

(1) Pawnbroker occupation taxes of Section 1 shall be effective April 1, 2003. Pawnbroker occupations taxes shall be payable on a monthly basis no later than the last day of the calendar month immediately following the month in which the subject pawnbroker transactions occur. For example, the occupation tax on pawnbroker transactions for the month of April 2003 shall be due and payable on or before May 31, 2003.

(2) Pawnbroker permit fees shall be effective January 1, 2004. Annual pawnbroker permit fees shall be due and payable annually on or before January 1. Initial pawnbroker permit fees shall be due and payable on or before the date that the pawnbroker license is issued. Issuance of renewal of pawnbroker permits shall be subject to payment of applicable permit fees.

(3) Rental Inspection Program License fees shall be effective January 1, 2011

(4) The remaining provisions of this Ordinance other than those specified in Sections 8(1), 8(2) and 8(3) shall take effect upon publication.

PASSED AND APPROVED THIS 18TH DAY OF NOVEMBER, 2014.

CITY OF LA VISTA

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

ATTEST:

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

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
NOVEMBER 18, 2014 AGENDA**

Subject:	Type:	Submitted By:
RELEASE AND SETTLEMENT AGREEMENT WITH MUTUAL OF OMAHA BANK	◆ RESOLUTION ORDINANCE RECEIVE/FILE	RITA M. RAMIREZ ASSISTANT CITY ADMINISTRATOR DIRECTOR OF ADMINISTRATIVE SERVICES

**SYNOPSIS**

A resolution has been prepared to approve a Release and Settlement Agreement with Mutual of Omaha Bank regarding special assessments on Lot 20 and Lot 36 Brook Valley II Business Park.

**FISCAL IMPACT**

Revenue of \$340,812.00.

**RECOMMENDATION**

Approval

**BACKGROUND**

In 2008 the City levied special assessments for improvements against Lot 20 and Lot 36 in Brook Valley II Business Park. Mutual of Omaha Bank is the current owner of these lots and the assessments, as well as the interest that has accumulated thereon, have not been paid. In December of 2013 the City filed two lawsuits against the bank seeking to foreclose on these liens against the property.

As a result of that lawsuit, the City and the bank have had settlement talks and have negotiated a Release and Settlement Agreement in which the bank would pay the City \$340,812.00 in full satisfaction of the assessment debt and the City would dismiss the assessment lawsuits. This settlement represents the principal amount of the assessments plus \$50,000.00 of the accrued interest.



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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING A RELEASE AND SETTLEMENT AGREEMENT WITH MUTUAL OF OMAHA BANK REGARDING SPECIAL ASSESSMENTS ON LOT 20 AND LOT 36 BROOK VALLEY II BUSINESS PARK.

WHEREAS, Mutual of Omaha Bank is the current owner of Lot 20 and Lot 36 Brook Valley II Business Park; and

WHEREAS, on or about January 23, 2008 the City levied special assessments against Lot 20 in the amount of \$100,557.25 and against Lot 36 in the amount of \$190,255.41; and

WHEREAS, as of December 17, 2013 the special assessment amounts plus accrued interest had not been paid and the City filed two lawsuits against the bank seeking to foreclose its asserted liens against the property; and

WHEREAS, the City and the bank desire to resolve these matters by compromise and without need for further litigation; and

WHEREAS, the City and the bank have negotiated a Release and Settlement Agreement in which the bank will pay the City \$340,812.00 in full satisfaction of the assessment debt and the City will dismiss the assessment lawsuits.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of La Vista, Nebraska, that the Release and Settlement Agreement is hereby approved in form and content presented at this meeting, subject to any modifications the City Administrator determines necessary or advisable; and the City Clerk is hereby authorized and directed to instruct Sarpy County officials to remove the special assessment liens from Lot 20 and Lot 36, and to take any other actions as necessary or appropriate to carry out the Settlement Agreement.

PASSED AND APPROVED THIS 18TH DAY OF NOVEMBER 2014.

CITY OF LA VISTA

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

ATTEST:

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

## RELEASE AND SETTLEMENT AGREEMENT

THIS RELEASE AND SETTLEMENT AGREEMENT ("**Agreement**") is made and entered into as of November \_\_\_, 2014, by and between the **CITY OF LA VISTA, NEBRASKA** ("**City**") and **MUTUAL OF OMAHA BANK** ("**Bank**").

### **RECITALS**

A. By virtue of certain non-judicial foreclosure proceedings, Bank is the current owner of the following real property:

- i. Lot 20 Brook Valley II Business Park, an addition in Sarpy County, Nebraska ("**Lot 20**"); and
- ii. Lot 36 Brook Valley II Business Park, an addition in Sarpy County, Nebraska ("**Lot 36**", and collectively with Lot 20, the "**Real Property**").

B. On or about January 23, 2008, City levied special assessment 2007-011336366 in the amount of \$100,557.25 against Lot 20, and special assessment 2007-011564303 in the amount of \$190,255.41 against Lot 36 (collectively, the "**Special Assessments**").

C. As of August 22, 2013, City asserts Bank owes the principal amount of \$100,577.25, plus interest in the amount of \$78,644.03 and accruing interest pursuant to the Lot 20 Special Assessment, and the principal amount of \$190,255.41, plus interest in the amount of \$148,792.36 and accruing interest pursuant to the Lot 36 Special Assessment (collectively, the "**Assessment Debt**").

D. City asserts that it has a first priority lien against the Real Property securing payment of the Assessment Debt.

E. On December 17, 2013, City filed two lawsuits against, among others, Bank seeking to foreclose its asserted liens against the Real Property, case numbers CI 13-1908 and CI 13-1909 in the District Court of Sarpy County, Nebraska (collectively, the "**Assessment Foreclosure Lawsuits**").

F. City and Bank desire to resolve these matters by compromise and without the need for further litigation.

NOW THEREFORE in consideration of the mutual covenants and representations set forth herein, City and Bank agree as follows:

1. The parties acknowledge and agree that, after the parties have signed this Agreement, both the City's Mayor and City Council must approve the Agreement after notice and a public meeting pursuant to NEB. REV. STAT. § 84-713. Approval by the City's Mayor and City Council is a condition precedent to the parties' obligations to perform under this Agreement, and the Agreement shall be null, void, and of no force or effect if the City's Mayor and City Council do not approve the Agreement.

2. After all parties have signed this Agreement and within seven (7) days after the City's Mayor and City Council have approved this Agreement, Bank shall pay City the total amount of Three Hundred Forty Thousand Eight Hundred Twelve Dollars (\$340,812.00) (the



"**Settlement Payment**") in full satisfaction of the Assessment Debt and any and all other amounts owed pursuant to the Special Assessments. The Settlement Payment shall be delivered to Gerald L. Friedrichsen, Fitzgerald, Schorr, Barmettler & Brennan, P.C., L.L.O., 10050 Regency Circle, Suite 200, Omaha, Nebraska 68114-3794.

3. After all parties have signed this Agreement and within seven (7) days after Bank's delivery of the Settlement Payment as described in Paragraph 2 hereinabove, City shall dismiss the Assessment Lawsuits with prejudice. In addition, City shall take all action necessary to cancel, satisfy, release, and/or otherwise terminate the effectiveness of the Special Assessments so that they are no longer liens and/or encumbrances of record against the Real Property.

4. After: (a) all parties have signed this Agreement, (b) the City's Mayor and City Council have approved the Agreement pursuant to and NEB. REV. STAT. § 84-713, and (c) Bank has paid the Settlement Payment, City shall be deemed to release, acquit, and forever discharge Bank and any subsidiaries, affiliates, officers, directors, agents, employees, servants, attorneys, and representatives, as well as the respective heirs, personal representatives, successors, and assigns of any and all of them (collectively, the "**Released Bank Parties**") from any and all claims, demands, debts, actions, causes of action, suits, contracts, agreements, obligations, accounts, defenses, and liabilities of any kind or character whatsoever, known or unknown, suspected or unsuspected, in contract or in tort, at law or in equity, which the City ever had or now has against the Released Bank Parties, jointly or severally, for or by reason of any matter or cause arising out of and/or related to the Real Property, the Special Assessments, the Assessment Debt and/or the Assessment Foreclosure Lawsuits. In addition, City agrees not to commence, join in, prosecute, or participate in any suit or other proceeding in a position that is adverse to any of the Released Bank Parties arising directly or indirectly from any of the foregoing matters.

5. After: (a) all parties have signed this Agreement, (b) the City's Mayor and City Council have approved the Agreement pursuant to and NEB. REV. STAT. § 84-713, (c) City has dismissed the Assessment Foreclosure Lawsuits with prejudice, and (d) City has canceled, satisfied, released, and/or otherwise terminated the effectiveness of the Special Assessments, Bank shall be deemed to release, acquit, and forever discharge the City and any subsidiaries, affiliates, officers, directors, agents, employees, servants, attorneys, and representatives, as well as the respective heirs, personal representatives, successors, and assigns of any and all of them (collectively, the "**Released City Parties**") from any and all claims, demands, debts, actions, causes of action, suits, contracts, agreements, obligations, accounts, defenses, and liabilities of any kind or character whatsoever, known or unknown, suspected or unsuspected, in contract or in tort, at law or in equity, which Bank ever had or now has against the Released City Parties, jointly or severally, for or by reason of any matter or cause arising out of and/or related to the Real Property, the Special Assessments, the Assessment Debt and/or the Assessment Foreclosure Lawsuits. In addition, Bank agrees not to commence, join in, prosecute, or participate in any suit or other proceeding in a position that is adverse to any of the Released City Parties arising directly or indirectly from any of the foregoing matters.

6. The parties agree that the terms of this Agreement, and the proposals and discussions relating to this Agreement, are and shall be held confidential by them, unless and to the extent disclosure is required by law, except that any of the parties to this Agreement may disclose the terms of this Agreement to their attorneys, accountants, auditors, parent companies and/or subsidiaries, regulators, governmental bodies and agencies, and in response to a



subpoena or the equivalent. The parties may also disclose the terms of this Agreement for purposes of performing and enforcing this Agreement.

7. The parties acknowledge that: (a) they have each thoroughly read and reviewed the terms and provisions of this Agreement, are familiar with said terms and provisions, and that they have each had the full benefit and advice of competent counsel of their own selection in regard to understanding the meaning and effect of this Agreement; (b) the execution of this Agreement is done voluntarily and with full knowledge and without duress; and (c) in executing this Agreement, neither of the parties are relying on representations or promises, either written or oral, express or implied, made to them by the other party, other than any express representations and promises contained herein.

8. The terms and conditions of this Agreement shall be governed by and construed in accordance with the internal laws of the State of Nebraska, without regard to conflicts of laws principles.

9. If any provision of this Agreement shall be invalid, illegal or otherwise unenforceable, such provision shall be severable from the remainder of this Agreement and the validity, legality and enforceability of the remaining provisions shall not be adversely affected or impaired thereby and shall remain in full force and effect.

10. The parties do not intend, by this Agreement, to provide any benefit to any third parties and persons or entities who are not a party to this Agreement shall not be entitled to rely on any part or provision of it, and no such third party shall be entitled to make a claim against any party to this Agreement alleging third party beneficiary status.

11. This Agreement constitutes the entire and final agreement among the parties and there are no agreements, understandings, warranties, or representations among the parties except as set forth in this Agreement. All statements by or among the parties concerning matters leading up to this Agreement, and all negotiations and writings related thereto, by the parties and their officers, agents and representatives, are deemed integrated within this Agreement and no such statements or writings shall be admissible to vary the terms hereof.

12. This Agreement will inure to the benefit of and bind the respective heirs, personal representatives, successors, and permitted assigns of the parties to it.

13. This Agreement may be executed in counterparts, each of which will be deemed an original document, but all of which will constitute a single document. This Agreement will not be binding on or constitute evidence of a contract between the parties until such time as a counterpart of this Agreement has been executed by each party and a copy thereof delivered to each other party to this Agreement.

14. Neither this Agreement nor any of the provisions hereof may be changed, waived, discharged, or terminated, except by an instrument in writing signed by the party against whom enforcement of the change, waiver, discharge, or termination is sought.



EXECUTED and effective as of the date first above written.

THE CITY OF LA VISTA, NEBRASKA

By: 

Douglas Kindig  
Its: Mayor

MUTUAL OF OMAHA BANK

By: 

Its: Assistant vice president



**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
NOVEMBER 18, 2014 AGENDA**

Subject:	Type:	Submitted By:
AUTHORIZATION TO PURCHASE - TABLETS	◆ RESOLUTION ORDINANCE RECEIVE/FILE	KEVIN L. POKORNY DIRECTOR ADMINISTRATIVE SERVICES

**SYNOPSIS**

A resolution has been prepared authorizing the purchase of 25 Apple iPad Air devices and corresponding keyboard cases from MNJ Technologies Public Sector LLC of Buffalo Grove, IL in an amount not to exceed \$11,008.

**FISCAL IMPACT**

The FY 15 General Fund Budget provides funding for the proposed purchase

**RECOMMENDATION**

Approval.

**BACKGROUND**

A subcommittee of the IT Committee was formed with the task of updating technology in the Council Chambers. In addition, the committee reviewed the potential use of tablets for City Council meetings.

It is recommended that the tablets be initially distributed to the Mayor, City Councilmembers, City Administrator, Assistant City Administrator, Department Directors and staff members that attend City Council meetings on a regular basis. Additional tablet use will be determined by departments on a case by case basis. Use of tablets will be in accordance with the Standard Operating Policy regarding Internet access, email and computer use (the policy is currently being updated).

It has been estimated that the cost savings in paper and copier costs by having paperless packets for the City Council and staff is approximately \$3,000.00 annually.

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE PURCHASE OF TWENTY FIVE (25) APPLE IPAD AIR DEVICES AND CORRESPONDING KEYBOARD CASES FROM MNJ TECHNOLOGIES PUBLIC SECTOR LLC OF BUFFALO GROVE ILLINOIS IN AN AMOUNT NOT TO EXCEED \$11,008.00.

WHEREAS, the Mayor and City Council have determined that the purchase of tablet devices for use in conjunction with City Council meetings is necessary; and

WHEREAS, the FY 15 General Fund Budget provides funding for the purchase of said tablets, and

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

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize the purchase of twenty five (25) Apple iPad Air Devices and corresponding keyboard cases from MNJ Technologies Public Sector LLC, in an amount not to exceed \$11,008.00.

PASSED AND APPROVED THIS 18TH DAY OF NOVEMBER, 2014.

CITY OF LA VISTA

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

ATTEST:

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





# QUOTE

DATE  
11/07/2014

QUOTE NO  
0950065848

Page: 1

MNJ TECH PUBLIC SECTOR LLC  
1027 E BUSCH PARKWAY  
Buffalo Grove, IL 60089  
(877) 665-4681

P.O.:  
PRINTED: Nov 7, 2014 6:37 am  
ORDERED BY: KEVIN L POKORNY

SALESPERSON:	Jimmy Lochner
EMAIL:	jlochner@mnjtech.com
PHONE NO:	(847) 876-8841 EXT: 8341

**BILL TO:** (00-5008361)  
CITY OF LA VISTA  
8116 PARK VIEW BLVD  
KEVIN POKOMY  
La Vista, NE 68128

**SHIP TO:** (9999)  
CITY OF LA VISTA  
8116 PARK VIEW BLVD  
La Vista, NE 68128

ATTN:

ATTN: KEVIN L POKORNY  
Phn: 4023314343  
Email: kpokorny@cityoflavista.org

LN	PRODUCT	QTY ORD	DESCRIPTION	PRICE (\$)	AMOUNT (\$)
1	MNJ10428302	25	Apple iPad Air MD785LL/A 16 GB Tablet - 9.7" - Apple A7 1.30 GHz - Space Gray	376.00	9,400.00
MFG PART NO: MD785LL/A					
2	MNJ10444363	24	ZAGG ZAGGkeys Keyboard/Cover Case (Folio) for iPad - Black	67.00	1,608.00
MFG PART NO: ZKFHFBKLIT105					
				Net Order:	\$11,008.00
				Sales Tax:	\$0.00
				Shipping Charges:	\$0.00
				Total:	\$11,008.00
				Less Deposit:	\$0.00
				Order Balance:	\$11,008.00
Thanks for the opportunity. We appreciate all your business					
SHIP VIA		FOB		TERMS	
FEDEX GROUND				Net 30 Days	