



CITY OF LA VISTA

CERTIFICATE OF APPRECIATION

A CERTIFICATE OF APPRECIATION PRESENTED TO **BENJAMIN IVERSEN** FOR 5 YEARS OF FAITHFUL AND EFFICIENT SERVICE TO THE CITY OF LA VISTA.

WHEREAS, *Ben Iversen*, has served the City of La Vista since March 1, 2004, and

WHEREAS, *Ben Iversen's* input and contributions to the City of La Vista have contributed to the success of the City.

NOW, THEREFORE BE IT RESOLVED, that this Certificate of Appreciation is hereby presented to *Ben Iversen* on behalf of the City of La Vista for 5 years of service to the City.

DATED THIS 17TH DAY OF MARCH, 2009.

Douglas Kindig, Mayor

Ronald Sheehan
Councilmember, Ward I

Brenda L. Carlisle
Councilmember, Ward I

Mike Crawford
Councilmember, Ward II

Terrilyn Quick
Councilmember, Ward II

Mark D. Ellerbeck
Councilmember, Ward III

Alan W. Ronan
Councilmember, Ward III

Kelly R. Sell
Councilmember, Ward IV

Anthony J. Gowan
Councilmember, Ward IV

ATTEST:

Pamela A. Buethe, CMC
City Clerk





CITY OF LA VISTA

CERTIFICATE OF APPRECIATION

A CERTIFICATE OF APPRECIATION PRESENTED TO JOHN GRASSO FOR 5 YEARS OF FAITHFUL AND EFFICIENT SERVICE TO THE CITY OF LA VISTA.

WHEREAS, John Grasso, has served the City of La Vista since March 9, 2004, and

WHEREAS, John Grasso's input and contributions to the City of La Vista have contributed to the success of the City.

NOW, THEREFORE BE IT RESOLVED, that this Certificate of Appreciation is hereby presented to John Grasso on behalf of the City of La Vista for 5 years of service to the City.

DATED THIS 17TH DAY OF MARCH, 2009.

Douglas Kindig, Mayor

Ronald Sheehan
Councilmember, Ward I

Brenda L. Carlisle
Councilmember, Ward I

Mike Crawford
Councilmember, Ward II

Terrilyn Quick
Councilmember, Ward II

Mark D. Ellerbeck
Councilmember, Ward III

Alan W. Ronan
Councilmember, Ward III

Kelly R. Sell
Councilmember, Ward IV

Anthony J. Gowan
Councilmember, Ward IV

ATTEST:

Pamela A. Buethe, CMC
City Clerk





CITY OF LA VISTA

CERTIFICATE OF APPRECIATION

A CERTIFICATE OF APPRECIATION PRESENTED TO ANN BIRCH FOR 5 YEARS OF FAITHFUL AND EFFICIENT SERVICE TO THE CITY OF LA VISTA.

WHEREAS, Ann Birch, has served the City of La Vista since March 15, 2004, and

WHEREAS, Ann Birch's input and contributions to the City of La Vista have contributed to the success of the City.

NOW, THEREFORE BE IT RESOLVED, that this Certificate of Appreciation is hereby presented to Ann Birch on behalf of the City of La Vista for 5 years of service to the City.

DATED THIS 17TH DAY OF MARCH, 2009.

Douglas Kindig, Mayor

Ronald Sheehan
Councilmember, Ward I

Brenda L. Carlisle
Councilmember, Ward I

Mike Crawford
Councilmember, Ward II

Terrilyn Quick
Councilmember, Ward II

Mark D. Ellerbeck
Councilmember, Ward III

Alan W. Ronan
Councilmember, Ward III

Kelly R. Sell
Councilmember, Ward IV

Anthony J. Gowan
Councilmember, Ward IV

ATTEST:

Pamela A. Buethe, CMC
City Clerk



MINUTE RECORD

No. 729—REFFIELD & COMPANY, INC., OMAHA

LA VISTA CITY COUNCIL MEETING March 3, 2009

A meeting of the City Council of the City of La Vista, Nebraska was convened in open and public session at 7:00 p.m. on March 3, 2009. Present were Councilmembers: Sell, Ronan Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Absent: None. Also in attendance were City Attorney McKeon, City Administrator Gunn, Assistant City Administrator Ramirez, City Engineer Kottmann, City Clerk Buethe, Library Director Iwan, Police Chief Lausten, Fire Chief Uhl, Recreation Director Stopak, Finance Director Lindberg, Public Works Director Soucie, and Building and Grounds Director Archibald.

A notice of the meeting was given in advance thereof by publication in the Times on February 19, 2009. 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 made an announcement of the location of the posted copy of the Open Meetings Act for public reference.

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

PRESENTATION TO MARV CARCICH FOR SERVICE TO THE CITY

Planning Commission Chairperson Mike Kryzwicki presented a commemorative clock to Marv Carcich for his years of service to the City. Mayor Kindig presented the key to the city to Carcich and stated that a sign would be place on Harrison Street for 3 months naming it after Marv in honor of his service to the City.

A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. APPROVAL OF CITY COUNCIL MINUTES FROM FEBRUARY 17, 2009
3. APPROVAL OF PLANNING COMMISSION MINUTES FROM FEBRUARY 19, 2009
4. APPROVAL OF LA VISTA/METROPOLITAN COMMUNITY COLLEGE CONDOMINIUM OWNERS ASSOCIATION, INC MINUTES FROM FEBRUARY 2, 2009
5. APPROVAL OF CLAIMS

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

ACI-NEBRASKA CHAPTER, Dues	60.00
ALAMAR UNIFORMS, Wearing Apparel	485.00
ALEX, MARY, Travel	138.92
ALL MAKES, Repair	78.00
AMERICAN PLANNING ASSN, Dues	319.00
AMSAN, Supplies	616.28
ARAMARK UNIFORM, Contract Services	348.68
ASAP SOFTWARE, Contract Services	1,016.81
ASPHALT & CONCRETE MATERIALS, Street Maint.	114.68
AVI SYSTEMS, Equipment	496.91
BAKER & TAYLOR BOOKS, Books	1,033.67
BEACON BUILDING SERVICES, Contract Services	6,437.00
BEAUMONT, MITCH, Professional Services	1,100.00
BENNINGTON EQUIPMENT, Vehicle Maint.	659.11
BEST CARE EMPLOYEE ASST PROGRM, Contract Services	2,175.00
BLACK HILLS ENERGY, Utilities	18.17
BOLEY, ANN, Auto Allowance	100.00
BRODART, Books	237.09
BUETHE, PAM, Phone	20.00
BUILDERS SUPPLY, Bldg & Grnds	51.66

MINUTE RECORD

March 3, 2009

No. 729—REFFIELD & COMPANY, INC., OMAHA

CALENTINE, JEFFREY, Phone/Travel	756.28
CENTER POINT PUBLISHING, Books	79.08
CITY OF OMAHA, Contract Services	33,320.58
CONTROL MASTERS, Control System	12,950.00
CORNHUSKER INTL TRUCKS, Vehicle Maint.	326.29
COX, Contract Services	52.00
CREATIVE PRODUCT SOURCING, D.A.R.E.	1,551.38
D & D COMMUNICATIONS, Pagers	7,110.00
DANIELSON/TECH SUPPLY, Bldg & Grnds	1,766.60
DELL, Office Equip	4,444.57
DEMCO, Supplies	96.89
DIAMOND VOGEL PAINTS, Bldg & Grnds	152.83
DITCH WITCH, Vehicle Maint.	68.57
DOSTALS CONSTRUCTION, Cart Corrals	37,350.00
DULTMEIER SALES & SERVICE, Repair	36.60
EASTERN LIBRARY SYSTEM, Training	30.00
ECCLES, PAT, Auto Allowance	100.00
EMBASSY SUITES, Travel/Training/	4,336.50
FARQUHAR, MIKE, Auto Allowance	100.00
FILTER CARE, Vehicle Maint.	9.10
FIREGUARD, Repair	25.50
FITZGERALD SCHORR BARMETTLER, Professional Service	24,223.83
FLOHR ELECTRIC, Equipment	175.58
FROEHLICH, RORY, Auto Allowance	100.00
GALL'S, Wearing Apparel	55.99
GAMETIME, Bldg & Grnds	545.74
GASSERT, ADAM, Contract Services	60.00
GASSERT, MIKE, Contract Services	364.00
GOLDMAN, JOHN, Phone	85.00
GRAPHIC IMAGINATION, Vehicle Maint.	439.00
GRAYBAR ELECTRIC, Bldg & Grnds	188.94
GUNN, BRENDA, Phone	45.00
HELGET GAS, Squad Supplies	110.50
HIGHSMITH, Supplies	204.84
HY-VEE, Supplies	70.17
J Q OFFICE EQUIPMENT, Contract Services	286.72
JINECO EQUIPMENT, Vehicle Maint.	49.00
JUSTIN THYME CAFÉ, Supplies	601.71
KIMBALL MIDWEST, Equipment	93.45
KINDIG, DOUGLAS, Phone	40.00
KLINKER, MARK, Professional Services	200.00
KORTUS, LEE, Contract Services	342.00
KRIHA FLUID POWER, Repair	312.61
LA VISTA COMMUNITY FOUNDATION, Payroll Deductions	70.00
LARRY'S BOILER SERVICE, Bldg & Grnds	144.21
LAUGHLIN, KATHLEEN, Payroll Withholdings	372.00
LEXIS NEXIS MATTHEW BENDER, Books	920.35
LIEN TERMITE & PEST CONTROL, Contract Services	230.00
LIFE ASSIST, Squad Supplies	174.70
LINWELD, Supplies	185.81
LIVE OAK MEDIA, Media	20.99
LODES, CHRIS, Contract Services	97.50
LUKASIEWICZ, BRIAN, Phones	50.00
MALLARD SAND & GRAVEL, Supplies	2,106.14
METRO COMMUNITY COLLEGE, Utilities/Phone/Contract Services	10,653.33
MID AMERICA PAY PHONES, Phones	100.00
MIDLANDS LIGHTING & ELECTRIC, Bldg & Grnds	197.16
MID-STATES UTILITY TRAILER, Vehicle Supplies	315.56
MIDWEST TURF & IRRIGATION, Bldg & Grnds	305.80
MILLER PRESS, Printing	605.00
MIRACLE RECREATION EQUIPMENT, Bldg & Grnds	401.50
MORGAN MANUFACTURING, Traffic Signs	86.00
MPH INDUSTRIES, Supplies	51.79
MUD, Utilities	820.64
NE FURNITURE MART, Supplies	198.97
NE LANDSCAPE SOLUTIONS, Supplies	1,964.00
NE TURF PRODUCTS, Ice Control Salt	7,285.08
NEBRASKA AIR FILTER, Contract Services	393.00
NEFSMA-NE FLOODPLAIN/STORMWTR, Dues	35.00
NEUMAN EQUIPMENT, Bldg & Grnds/Vehicle Maint.	952.66
NEXTEL COMMUNICATIONS, Phone	619.31
NOBBIES, Recognition Dinner	90.39

MINUTE RECORD

March 3, 2009

No. 729—REFFIELD & COMPANY, INC., OMAHA

NUTS AND BOLTS, Vehicle Maint.	27.84
OABR, Printing	3,990.09
ODB COMPANY, Vehicle Maint.	1,818.23
OFFICE DEPOT, Supplies	112.95
OMAHA COMPOUND, Supplies	40.30
OMNIGRAPHICS, Books	61.63
ON YOUR MARKS, Printing	423.56
ORIZON CPAS, Professional Services	3,095.75
PARAMOUNT LINEN & UNIFORM, Uniform Cleaning	382.46
PAYLESS OFFICE, Supplies	155.05
PERFORMANCE CHRYSLER JEEP, Vehicle Maint.	21.00
PITNEY BOWES, Postage/Supplies	440.42
PRECISION INDUSTRIES, Vehicle Maint.	277.38
PRINCIPAL LIFE-FLEX SPENDING, Employee Benefits	208.50
QWEST, Phone	1,154.44
RAMIREZ, RITA Phone	43.00
REGAL AWARDS, Recognition Dinner	504.90
RUSTY ECK FORD, Vehicle Maint.	91.09
SAPP BROS PETROLEUM, Vehicle Maint.	640.50
SARPY COUNTY COURTHOUSE, Contract Services	3,487.34
SINNETT, HELEN, Supplies	105.00
SOUCIE, JOSEPH, Phone	60.00
SPRINT, Phone	90.00
SUSPENSION SHOP, Vehicle Maint.	161.83
TED'S MOWER, Equipment	149.59
TURF CARS, Electric Cart	47.50
TURNER, WILEY, Contract Services	117.00
U S ASPHALT COMPANY, Street Maint.	279.72
UNIVERSITY OF NE LINCOLN, Training	690.00
VERIZON, Phone	120.16
WAL-MART, Supplies/Equipment/Supplies	562.69
WASTE MANAGEMENT, Contract Services	858.02
WICK'S STERLING TRUCKS, Vehicle Maint.	763.79

REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

Assistant City Administrator Ramirez informed Council that City Clerk Buethe and she recently attended the Mid-Winter League Conference in Lincoln. She thanked Council for their opportunity to attend and gave an overview of the sessions they had attended and the information received from Governor Heineman concerning the stimulus package.

Police Chief Lausten informed Council of the Body for Life award, recently won by some members of the La Vista Police Department. Officer John York addressed Council to explain the Body for Life challenge that was sponsored by EAS Sports. K-9 handlers in the area joined in a 12-week contest to transform their bodies. The local K-9 handlers won an award in the large group category. They lost a combined 249 lbs and 40 percentage points in body fat.

Fire Chief Uhl informed Council that the Sarpy County LEPC (Local Emergency Planning Committee) will fund hazardous material training. The Fire Department also has possible training with a burn of an old house on the sod farm.

Recreation Director Stopak informed Council that a new treadmill was delivered to the Recreation Center today, bringing the number of treadmills in the workout room to four.

Stopak informed Council the Seniors St. Patrick's Day Luncheon will be held on Tuesday, March 17, 2009 at 11:30 a.m. The cost is \$6.00 per person.

Stopak informed Council that the Slumpbuster tournament begins on June 11, 2009.

Library Director Iwan informed Council that Library had two events recently in honor of the birthday of Dr. Seuss. Iwan stated that Teddy Bear Hollow is writing a grant through the Midlands Foundation to have book bags available at the local libraries with items in them to help children deal with grief.

B. ONE AND SIX YEAR STREET IMPROVEMENT PLAN

1. PUBLIC HEARING

At 7:21 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the One and Six Year Street Improvement Plan. Public Works Director Soucie introduced this agenda item stating that Street Superintendent would give an overview of the plan and Soucie would help answer any questions the Council might have. Soucie stated that the

MINUTE RECORD

March 3, 2009

No. 729—REFFIELD & COMPANY, INC., OMAHA

format for this year's presentation has been revised. Street Superintendent Goldman gave an overview of the One and Six Year Street Improvement Plan, reviewing projects completed last year and showing projects for the 09/10 season. Councilmember Sell asked when counts are done on 96th Street to determine if signalization needs to occur. Public Works Director Soucie stated that 96th Street will be monitored for 6 months. Councilmember Sheehan asked if construction on 66th Street will result in tearing up the Keystone Trail. Soucie responded that the Keystone Trail will not be torn up during the construction on 66th Street. Street Superintendent Goldman gave an overview of projects scheduled for the 10/11 year, as well. Public Works Director Soucie explained the funding of the 66th Street construction project. Councilmember Sell asked about the truck traffic on 66th Street. Public Works Director Soucie stated that was no longer a problem. Mayor Kindig asked if there would be any warning lights installed at the Sports Complex with the widening of 66th Street. Public Works Director stated that we will look at traffic calming devices and speed limits at that time. Councilmember Gowan asked about stimulus projects. Public Works Director Soucie stated there are two guaranteed projects. Councilmember Sheehan asked if there were any concerns with 96th Street from Harrison Street to Portal Road, as both La Vista and Papillion are involved. Public Works Director Soucie stated that La Vista has full control of the road.

At 7:59 p.m. Councilmember Carlisle made a motion to close the public hearing. Seconded by Councilmember Sheehan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

2. RESOLUTION

Councilmember Sell introduced and moved for the adoption of Resolution No. 09-016: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, APPROVING THE ONE-AND-SIX-YEAR PLAN FOR HIGHWAY, ROAD AND STREET IMPROVEMENTS FOR THE CITY OF LA VISTA AS SUBMITTED BY THE CITY PUBLIC WORKS DIRECTOR.

WHEREAS, the Public Works Director has revised and updated the City of La Vista One-and-Six-Year Street Plan; and

WHEREAS, the La Vista Planning Commission has reviewed the One-and-Six-Year Street Plan for the City of La Vista and recommends to Council approval of the Plan; and

WHEREAS, the Mayor and City Council of the City of La Vista, Nebraska held a public hearing on the City of La Vista's One-and-Six-Year Plan for highway, road and street improvements for the City of La Vista as submitted by the City Public Works Director; and

WHEREAS, the citizens of the City of La Vista have therefore had an opportunity to comment on the One-and-Six-Year Plan for highway, road and street improvements for the City of La Vista as submitted and reviewed by the La Vista City Council; and

WHEREAS, projects in the One-and-Six-Year Street Plan have been incorporated into the City of La Vista's Capital Improvement Plan.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of La Vista, Nebraska that the One-and-Six-Year Plan for highway, road and street improvements for the City of La Vista as submitted by the City Public Works Director and reviewed by the Mayor and City Council of the City of La Vista be, and the same hereby is, accepted and approved.

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

C. FIREWORKS PERMITS

City Clerk Buethe introduced this agenda item and gave an overview of the process which occurred in order to make recommendations to Council regarding the issuance of fireworks stand permits.

1. RESOLUTION – ESTABLISH NUMBER OF PERMITS

Councilmember Gowan introduced and moved for the adoption of Resolution No. 09-017,: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA,

MINUTE RECORD

March 3, 2009

No. 729—REFFIELD & COMPANY, INC., OMAHA

ESTABLISHING THE MAXIMUM NUMBER OF FIREWORKS STANDS TO BE PERMITTED IN THE CITY OF LA VISTA FOR CALENDAR YEAR 2009.

WHEREAS, Section 111.17 and Section 111.18 of the Municipal Code establish criteria that must be met for the issuance of fireworks stand permits, and

WHEREAS, Section 111.17 (A) of the Municipal Code states in part that, "Each year the City Council shall, by resolution, establish the maximum number of permits to be issued."

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska, that the maximum number of fireworks stand permits to be issued in calendar year 2009 shall not exceed five (5).

BE IT FURTHER RESOLVED, that per Section 111.17 (C) (10) of the Municipal Code, permit holders shall provide the City of La Vista with a certificate of insurance for their fireworks stand in the type and amount outlined.

BE IT FURTHER RESOLVED, that the written statement of income and expenses, which is required by Section 111.17 (C) (3) of the Municipal Code, be detailed and provide the City with a breakdown of specific expenditures related to the fireworks operation, income from the sale of fireworks, net profit, and specific community betterment expenditures.

BE IT FURTHER RESOLVED, that the issuance of a fireworks permit is conditional upon compliance with the Municipal Code, the Zoning Ordinance, and any other applicable regulations.

Seconded by Councilmember Crawford.

Mayor Kindig asked City Clerk Buethe if any requests to speak on this item had been received. Buethe stated that requests had been received. Mayor Kindig asked those that wished to speak to come forward and print their name and address on the sign in sheet and to hold comments to three minutes.

Randy Cahill and Steve Hayden representing La Vista Youth Baseball Association came forward to ask the Council to give them additional time to find and alternate sight.

Mike Williams representing St. Columbkille Shepherds, Inc. came forward to address the Council regarding the recommendation to deny their permit as he feels they meet the requirement of the ordinance regarding community betterment as they support youth and youth activities which include youth and families from La Vista, and membership of St. Columbkille Church includes La Vista residents.

Councilmember Crawford stated that he would like to see the Council give the La Vista Youth Baseball Association the opportunity to find a different location where fireworks stands are permitted and to change the number of permits to six (6). Councilmember Sell commented that the situation with the St. Columbkille Shepherds, Inc. seemed similar to that of the Shriners previously.

Council member Gowan amended his motion to amend resolution 09-017 to allow for six (6) permits to be issued. Council member Crawford accepted the amendment with his second.

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

2. RESOLUTION – ISSUANCE OF PERMITS

3.

Councilmember Gowan introduced and moved for the adoption of Resolution No. 09-018: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING THE FIREWORKS STAND PERMIT APPLICATION OF THE, LA VISTA YOUTH FOOTBALL AND CHEERLEADING, LA VISTA AREA CHAMBER OF COMMERCE, LA VISTA YOUTH, LA VISTA LANCERS SOCCER CLUB, LA VISTA VIPERS WRESTLING CLUB

WHEREAS, the City of La Vista requires City approval of the sale of fireworks within the City limits, and

WHEREAS, the guidelines for application and sale of fireworks in La Vista are specified in the La Vista Municipal Code, Section 111.17 and Section 111.18; and

MINUTE RECORD

March 3, 2009

No. 729—REFFIELD & COMPANY, INC., OMAHA

WHEREAS, five (5) non-profit organizations have applied for permission to sell fireworks in the City of La Vista in conformance with the Municipal Code, the Zoning Ordinance and any other applicable regulations; and

WHEREAS, City staff has reviewed all applications received in 2009 for the purpose of determining which applications were compliant with the Municipal Code, the Zoning Ordinance or any other applicable regulations.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, hereby conditionally grant a permit to:

La Vista Youth Football and Cheerleading, La Vista Area Chamber of Commerce, La Vista Youth, La Vista Lancers Soccer Club, La Vista Vipers Wrestling Club

to sell fireworks within the City of La Vista for the 2009 calendar year subject to receipt of all appropriate application materials and compliance with recommendations made by the Chief Building Official regarding their site plan; compliance with the Municipal Code, the Zoning Ordinance and any other applicable regulations; and attendance by an official of the nonprofit organization which applied for the permit at a meeting with City staff (date and time to be established).

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

Councilmember Crawford made a motion to issue a permit to La Vista Youth Baseball Association provided they can find a site within the next two weeks which meets the City's zoning critieria. Councilmember Gowan seconded the motion. Councilmembers voting aye: Sell, Ronan, Quick, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: Sheehan. Absent: None. Motion carried.

D. RESOLUTION - PURCHASE SPRAY RIG – GOLF COURSE

Public Works Director Soucie introduced this agenda item and stated that this is coming back to the council for approval again as the first time it was approved to purchase at a time when it was determined we could do this fiscally. We are now able to purchase this item but the price has increased since the first approval.

Mayor Kindig asked City Clerk Buethe if any requests to speak on this item had been received. Buethe stated that no requests had been received.

Councilmember Gowan introduced and moved for the adoption of Resolution No. 09-019: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE PURCHASE OF A TORO WORKMAN 3200 SPRAY RIG FROM MIDWEST TURF & IRRIGATION, 14201 CHALCO VALLEY PARKWAY, OMAHA, NEBRASKA, FOR AN AMOUNT NOT TO EXCEED \$29,293.00.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of a spray rig is necessary; and

WHEREAS, the FY 2008/09 Golf Fund Budget provides funding for said purchase; and

WHEREAS, the purchase will be made from the National Intergovernmental Purchasing Alliance (National IPA); which Midwest Turf & Irrigation is a participating agency; and

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

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, do hereby award the purchase of a Toro Workman 3200 Spray Rig to Midwest Turf & Irrigation, Omaha, Nebraska, for an amount not to exceed \$29,293.00.

Seconded by Councilmember Quick. Councilmember Ronan asked if this was a replacement for the old spray rig. Public Works Director Soucie stated that this spray rig will replace the previous one. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

MINUTE RECORD

March 3, 2009

No. 729—REFFIELD & COMPANY, INC., OMAHA

E. RESOLUTION – RECONSIDER ASSESSMENT PER RESOLUTION 09-007

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 09-020, with the assessment of 7107 Monterrey Dr. to be reduced to \$0: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA RECONSIDERING AND ADJUSTING THE ORIGINAL ASSESSMENT OF A PROPERTY PURSUANT TO RESOLUTION 09-007 AND AUTHORIZING THE LA VISTA CITY CLERK TO FILE WITH THE SARPY COUNTY TREASURER AN ADJUSTMENT TO THE SPECIAL ASSESSMENT FOR PROPERTY IMPROVEMENTS AT THE LOCATION AND IN AMOUNT CITED HEREIN.

WHEREAS, the Mayor and City Council passed Resolution 09-007 on January 20, 2009 authorizing the City Clerk to file with the Sarpy County Treasurer a special assessment for property clean up at 7107 Monterrey Dr., Lot 167 Park View Heights 2nd Addition in the amount of \$179.18 ("7107 Monterrey Dr. Assessment"); and

WHEREAS, the City Clerk received a written protest from the property owner on February 13, 2009 requesting the Council's action and 7107 Monterrey Dr. Assessment be reconsidered and adjusted; and

WHEREAS, the City has verified that the owner did make an attempt to trim the branches in compliance with notice of the code enforcement officer; and

NOW THEREFORE BE IT RESOLVED, that, in consideration of the foregoing, exceptional circumstances and interests of equity:

1. Resolution 09-007 is hereby reconsidered to the extent of the 7107 Monterrey Dr. Assessment.
2. Resolution 09-007 is hereby ratified, affirmed and approved, with the exception of the 7107 Monterrey Dr. Assessment, which is hereby adjusted and set at the following amount \$0.
3. The La Vista City Clerk is hereby authorized to file with the Sarpy County Treasurer an adjustment to the 7107 Monterrey Dr. Assessment in accordance with the actions approved herein.

Seconded by Councilmember Sheehan. Mayor Kindig asked if there was anyone here to speak on this agenda item. There being no one, Mayor Kindig asked for the vote. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

COMMENTS FROM THE FLOOR

Mayor Kindig asked if there were any comments from the floor; and stated that anyone having comments should limit them to three minutes. There were no comments from the floor.

COMMENTS FROM MAYOR AND COUNCIL

There were no comments from Mayor and Council.

At 8:23 p.m. Councilmember Carlisle made a motion to adjourn the meeting. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

PASSED AND APPROVED THIS 17TH DAY OF MARCH 2009.

CITY OF LA VISTA

ATTEST:

Douglas Kindig, Mayor

Pamela A. Buethe, CMC
City Clerk

K:\APPS\CITYHALL\09 COUNCIL MINUTES\March 3, 2009

**LA VISTA CITY COUNCIL
STRATEGIC PLANNING RETREAT
February 28, 2009**

A Strategic Planning Retreat of the City Council of the City of La Vista, Nebraska was convened in open and public session at 8:15 a.m. on February 28, 2009. Present were Mayor Kindig and Councilmembers Ronan, Quick, Sheehan, Carlisle, Ellerbeck, Sell, Crawford, and Gowan. Absent: None. Also in attendance were City Attorney McKeon, City Administrator Gunn, Assistant City Administrator Ramirez, City Clerk Buethe, Community Development Director Birch, Fire Chief Uhl, Finance Director Lindberg, Library Director Iwan, Police Chief Lausten, Recreation Director Stopak, Building and Grounds Director Archibald, and Public Works Director Soucie.

A notice of the meeting was given in advance thereof by publication in the Omaha World Herald on February 24, 2009. 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 within 10 days after said meeting and prior to the next convened meeting of said body.

Mayor Kindig called the meeting to order.

Mayor Kindig made an announcement of the location of the posted copy of the Open Meetings Act for public reference.

Mayor Kindig welcomed the group to this Strategic Planning Retreat and then introduced the Facilitator for this Workshop, Marla Flentje.

Ms. Flentje gave an overview of the process of events for the day and the guidelines for team members.

TRACKING PROGRESS

City Administrator Gunn reviewed the strategic plan for 2008-2010 which was adopted by the Mayor and Council in 2008. She identified projects completed along with progress in each area of the plan.

VIEW FROM THE BRIDGE

City Administrator Gunn talked with the group about current items such as annexation planning, the Capital Improvement Plan, State legislative agenda, City swimming pool, and performance appraisal software. Discussion was held regarding each of these items.

BRAINSTORMING STRATEGIC OBJECTIVES

Team members worked in discussion groups. They looked at the current strategic plan to determine if there are any strategic objectives not yet undertaken that should be deleted from the plan. They also looked at possible revised or new objectives that could be added as the plan is updated for 2009-2011. Each team determined new objectives, not to exceed 7, to recommend to the full team.

STRATEGIC OBJECTIVES

Each group presented their recommendations and the full team reached preliminary agreement on objectives.

RETREAT EVALUATION

The team evaluated what was accomplished during this retreat, and if the accomplished the retreat goals for the day.

CLOSING REMARKS AND ADJOURNMENT

At 3:10 p.m. Mayor Kindig made closing remarks regarding the great efforts of council and staff to make this retreat a very productive venture and thanked all for coming. He then declared this meeting adjourned.

PASSED AND APPROVED THIS 17TH DAY OF MARCH 2009.

CITY OF LA VISTA

ATTEST:

Douglas Kindig, Mayor

Pamela A. Buethe, CMC
City Clerk

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

For the five months ended February 28, 2009

42% of the Fiscal Year

	General Fund				Debt Service Fund				Capital Fund		
	Budget (12 month)	Actual	Over(under) Budget	% of budget Used	Budget	Actual	Over(under) Budget	Budget	Actual	Over(under) Budget	
REVENUES											
Property Taxes	\$ 4,531,026	\$ 375,327	\$ (4,155,699)	8%	\$ 761,601	\$ 45,454	\$ (716,147)	\$ -	\$ -	\$ -	\$ -
Sales and use taxes	1,955,000	911,362	(1,043,638)	47%	977,500	455,681	(521,819)	835,334	-	-	(835,334)
Payments in Lieu of taxes	90,000	-	(90,000)	0%	-	-	-	-	-	-	-
State revenue	1,070,440	444,644	(625,796)	42%	-	-	-	-	-	-	-
Occupation and franchise taxes	500,000	309,805	(190,195)	62%	-	-	-	-	-	-	-
Hotel Occupation Tax	872,400	153,149	(719,251)	18%	-	-	-	-	-	-	-
Licenses and permits	637,000	251,604	(385,396)	39%	-	-	-	-	-	-	-
Interest income	50,000	23,407	(26,593)	47%	100,000	58,292	(41,708)	-	-	-	-
Recreation fees	151,000	33,471	(117,529)	22%	-	-	-	-	-	-	-
Special Services	27,295	6,784	(20,511)	25%	-	-	-	-	-	-	-
Grant Income	182,750	49,595	(133,155)	27%	-	-	-	2,893,337	-	-	(2,893,337)
Other	176,000	128,127	(47,873)	73%	585,000	216,598	(368,402)	653,334	35,222	(618,112)	(4,346,783)
Total Revenues	10,242,911	2,687,273	(7,555,638)	26%	2,424,101	776,025	(1,648,076)	4,382,005	35,222	(4,346,783)	
EXPENDITURES											
Current:											
Mayor and Council	140,996	48,807	(92,189)	35%	-	-	-	-	-	-	-
Boards & Commissions	10,025	2,442	(7,583)	24%	-	-	-	-	-	-	-
Public Buildings & Grounds	476,009	150,054	(325,955)	32%	-	-	-	-	-	-	-
Administration	540,793	210,047	(330,746)	39%	90,000	5,159	(84,841)	-	-	-	-
Police and Animal Control	3,311,601	1,278,154	(2,033,447)	39%	-	-	-	-	-	-	-
Fire	514,198	156,256	(357,942)	30%	-	-	-	-	-	-	-
Community Development	639,075	215,985	(423,090)	34%	-	-	-	-	-	-	-
Public Works	2,584,143	926,226	(1,657,917)	36%	-	-	-	-	-	-	-
Recreation	567,335	171,465	(395,870)	30%	-	-	-	-	-	-	-
Library	590,046	211,008	(379,038)	36%	-	-	-	-	-	-	-
Human Resources	397,775	329,935 *	(67,840)	83%	-	-	-	-	-	-	-
Special Services & Tri-City Bus	77,600	20,479	(57,121)	26%	-	-	-	-	-	-	-
Capital outlay	315,671	31,071	(284,600)	10%	-	-	-	6,560,859	35,222	(6,525,637)	
Debt service:											
Principal	-	-	-	-	1,770,000	1,030,000	(740,000)	-	-	-	-
Interest	-	-	-	-	1,665,549	479,190	(1,186,359)	-	-	-	-
Total Expenditures	10,165,267	3,751,929	(6,413,338)	37%	3,525,549	1,514,349	(2,011,200)	6,560,859	35,222	(6,525,637)	
EXCESS OF REVENUES OVER (UNDER) EXPENDITURES	77,644	(1,064,656)	1,142,300	-1371%	(1,101,448)	(738,324)	(363,124)	(2,178,854)	-	(2,178,854)	
OTHER FINANCING SOURCES (USES)											
Operating transfers in (out)	(820,280)	-	820,280	-	134,092	-	(134,092)	118,854	-	(118,854)	
Bond/registered warrant proceeds	-	-	-	-	1,475,000	-	(1,475,000)	2,060,000	-	(2,060,000)	
Total other Financing Sources (Uses)	(820,280)	-	820,280	-	1,609,092	-	(1,609,092)	2,178,854	-	(2,178,854)	
EXCESS OF REVENUES AND OTHER FINANCING SOURCES OVER (UNDER) EXPENDITURES AND OTHER FINANCING USES	\$ (742,636)	\$ (1,064,656)	\$ 322,020	-	\$ 507,644	(738,324)	\$ 1,245,968	\$ -	\$ -	\$ -	
FUND BALANCE, beginning of the year		4,523,855				7,508,967				(292,031)	
FUND BALANCES, END OF PERIOD		\$ 3,459,199				\$ 6,770,643				\$ (292,031)	

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

BUDGET AND ACTUAL
 For the five months ended February 28, 2009
 42% of the Fiscal Year

	Sewer Fund					Golf Course Fund				
			Over (Under) <u>Budget</u>	% of Budget <u>Used</u>			Over (Under) <u>Budget</u>	% of Budget <u>Used</u>		
	<u>Budget</u>	<u>Actual</u>			<u>Budget</u>	<u>Actual</u>			<u>Budget</u>	<u>Actual</u>
REVENUES										
User fees	\$ 1,073,780	\$ 488,649	\$ (585,131)	46%	\$ 175,000	\$ 20,201	\$ (154,799)	-	12%	
Service charge and hook-up fees	300,000	66,878	(233,122)	22%	-	-	-	-	-	
Merchandise sales	-	-	-	-	31,800	2,579	(29,221)	-	8%	
Grant	50,000	-	(50,000)	n/a	-	-	-	-	-	
Miscellaneous	200	108	(92)	54%	300	94	-	-	-	
Total Revenues	<u>1,423,980</u>	<u>555,635</u>	<u>(868,345)</u>	<u>39%</u>	<u>207,100</u>	<u>22,874</u>	<u>(184,019)</u>	<u>11%</u>		
EXPENDITURES										
General Administrative	473,381	179,551	(293,830)	38%	-	-	-	-	-	
Cost of merchandise sold	-	-	-	-	25,278	1,868	(23,410)	-	7%	
Maintenance	1,141,633	474,670	(666,963)	42%	180,170	54,253	(125,917)	-	30%	
Production and distribution	-	-	-	-	112,798	33,588	(79,210)	-	30%	
Capital Outlay	2,900	3,550	650	122%	9,500	-	(9,500)	-	0%	
Debt Service:										
Principal					95,000	95,000	-	-	100%	
Interest					33,370	17,944	(15,426)	-	54%	
Total Expenditures	<u>1,617,914</u>	<u>657,771</u>	<u>(960,143)</u>	<u>41%</u>	<u>456,116</u>	<u>202,652</u>	<u>(253,464)</u>	<u>44%</u>		
OPERATING INCOME (LOSS)	<u>(193,934)</u>	<u>(102,136)</u>	<u>(91,798)</u>	<u>-</u>	<u>(249,016)</u>	<u>(179,778)</u>	<u>69,444</u>	<u>-</u>		
NON-OPERATING REVENUE (EXPENSE)										
Interest income	35,000	9,343	(25,657)	27%	25	49	24	-	195%	
	<u>35,000</u>	<u>9,343</u>	<u>(25,657)</u>	<u>27%</u>	<u>25</u>	<u>49</u>	<u>24</u>	<u>-</u>	<u>195%</u>	
INCOME (LOSS) BEFORE OPERATING TRANSFERS	<u>(158,934)</u>	<u>(92,793)</u>	<u>(66,141)</u>	<u>-</u>	<u>(248,991)</u>	<u>(179,729)</u>	<u>69,262</u>	<u>-</u>		
OTHER FINANCING SOURCES (USES)										
Operating transfers in (out)	-	-	-	-	238,000	112,944	(125,056)	-	47%	
NET INCOME (LOSS)	<u>\$ (158,934)</u>	<u>(92,793)</u>	<u>\$ (66,141)</u>	<u>-</u>	<u>\$ (10,991)</u>	<u>\$ (66,785)</u>	<u>\$ 55,794</u>	<u>-</u>		
NET ASSETS, Beginning of the year	<u>4,962,384</u>					<u>124,229</u>				
NET ASSETS, End of the year	<u>\$ 4,869,591</u>					<u>\$ 57,444</u>				

John P. Mullen, P.C., LLO

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Attorneys at Law
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James A. Mullen, P.C., LLO

TEL: (402) 341-1080
FAX: (402) 341-8052

24-Feb-09

Federal Tax ID: 47-0766533

Brenda Sedlacek Gunn, Administrator
CITY OF LAVISTA
8116 Park View Blvd.
LaVista, NE 68128

ATTORNEY WORK PRIVILEGE
ATTORNEY CLIENT PRIVILEGE

Re: City of LaVista-OTC-Sarpy County Dispute
Regarding sewer fees

STATEMENT FOR PROFESSIONAL SERVICES AND COSTS ADVANCED

For professional services rendered from September 1, 2008 through February 24, 2009 regarding the lawsuit of Oriental Trading Co. ("O.T.C.") v. City of LaVista et al, wherein O.T.C. is seeking the return of previously paid sewer fees. Services include conferring with client, witnesses and opposing counsel; reviewing and studying documents and Court pleadings; preparing and filing a Motion To Dismiss O.T.C.'s Second Amended Complaint; preparing and filing Briefs with Judge Max Kelch on 10/10/08, 10/15/08 and 1/21/09 and participate in hearings before Judge Max Kelch on 9/18/08 and 1/23/09.

TOTAL FEE	\$ 42,384.00
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DISBURSEMENT DESCRIPTION

Westlaw	\$ 3,103.66
<i>No charge for Westlaw costs used in our research.</i>	

TOTAL BALANCE DUE:	\$ 42,384.00
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OK PGS
3/17/09
CONSENT Agenda
241-0321

51761

CITY OF OMAHA - PUBLIC WORKS DEPARTMENT

BILLING

No. 137

Date: December 31, 2008

Bill To: City of LaVista
8116 Park View Boulevard
LaVista, NE 68128-2198

JAN 14 2009

Material & Supplies	Quantity	Unit Price	Amount
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Billing for OPW 50007, Harrison Street Improvements 48th to 71st Street:

MFT Construction \$731,862.44 @ 4% \$29,274.50
Payment Estimate #10 - 11

TOTAL: \$29,274.50

2006 Transportation Bond

2008.13182.117113.1879.45399.0000 TOTAL BILLED: \$29,274.50

Patty Cantrell

Prepared By

Harold L. Johnson

Approved

OK for payment

05.71.0818.03

JF 3-6-09

BANK NO	BANK NAME	CHECK NO	DATE	VENDOR NO	VENDOR NAME	CHECK AMOUNT	CLEARED	VOIDED	MANUAL
1	Bank of Nebraska (600-873)								
95649	3/04/2009	2186	SID 195 - MAYFAIR			4,296.00			**MANUAL**
95650	3/04/2009	1194	QUALITY BRANDS OF OMAHA			144.40			**MANUAL**
95651	3/04/2009	3702	LAUGHLIN, KATHLEEN A, TRUSTEE			372.00			**MANUAL**
95652	3/05/2009	3105	GREAT AMERICAN LEASING CORP			422.04			**MANUAL**
95653	3/17/2009	4009	ACW MANUFACTURING INC			116.00			
95654	3/17/2009	571	ALAMAR UNIFORMS			289.40			
95655	3/17/2009	536	ARAMARK UNIFORM SERVICES INC			281.29			
95656	3/17/2009	706	ASSOCIATED FIRE PROTECTION			95.00			
95657	3/17/2009	201	BAKER & TAYLOR BOOKS			637.19			
95658	3/17/2009	1839	BCDM-BERINGER CIACCIO DENNELL			437.50			
95659	3/17/2009	1784	BENNINGTON EQUIPMENT INC			1,407.62			
95660	3/17/2009	3774	BENSON RECORDS MANAGEMENT CTR			53.16			
95661	3/17/2009	196	BLACK HILLS ENERGY			11,876.20			
95662	3/17/2009	220	BLUE CROSS BLUE SHIELD			708.58			
95663	3/17/2009	1242	BRENTWOOD AUTO WASH			186.00			
95664	3/17/2009	117	BRODART			497.00			
95665	3/17/2009	76	BUILDERS SUPPLY CO INC			413.48			
95666	3/17/2009	2625	CARDMEMBER SERVICE-ELAN			.00	**CLEARED**	**VOIDED**	
95667	3/17/2009	2625	CARDMEMBER SERVICE-ELAN			.00	**CLEARED**	**VOIDED**	
95668	3/17/2009	2625	CARDMEMBER SERVICE-ELAN			4,729.84			
95669	3/17/2009	2078	CAVLOVIC, PAT			120.00			
95670	3/17/2009	3450	CITY OF BELLEVUE			300.00			
95671	3/17/2009	4080	CITY OF GRAND ISLAND			26.77			
95672	3/17/2009	83	CJ'S HOME CENTER			.00	**CLEARED**	**VOIDED**	
95673	3/17/2009	83	CJ'S HOME CENTER			.00	**CLEARED**	**VOIDED**	
95674	3/17/2009	83	CJ'S HOME CENTER			.00	**CLEARED**	**VOIDED**	
95675	3/17/2009	83	CJ'S HOME CENTER			668.11			
95676	3/17/2009	836	CORNHUSKER INTL TRUCKS INC			683.06			
95677	3/17/2009	2158	COX COMMUNICATIONS			198.80			
95678	3/17/2009	2102	CREIGHTON EMS EDUCATION			250.00			
95679	3/17/2009	3136	D & D COMMUNICATIONS			393.00			
95680	3/17/2009	3295	DAYMARK SOLUTIONS			230.00			
95681	3/17/2009	619	DELL MARKETING L.P.			.00	**CLEARED**	**VOIDED**	
95682	3/17/2009	619	DELL MARKETING L.P.			1,310.43			
95683	3/17/2009	4076	DIGITAL ALLY INCORPORATED			28,645.00			
95684	3/17/2009	3892	DILLON BROS HARLEY DAVIDSON			322.50			
95685	3/17/2009	3334	EDGEWEAR SCREEN PRINTING			178.60			
95686	3/17/2009	804	ELECTRIC FIXTURE & SUPPLY CO			20.83			
95687	3/17/2009	676	ENVIRO TECH SERVICES INC			4,508.00			
95688	3/17/2009	1245	FILTER CARE			117.05			
95689	3/17/2009	3834	FLEET US LLC			2,099.50			
95690	3/17/2009	2121	FLOHR ELECTRIC SERVICE INC			29.75			
95691	3/17/2009	3705	FUTUREWARE DISTRIBUTING INC			52.00			
95692	3/17/2009	1344	GALE			149.14			
95693	3/17/2009	4078	GASSERT, ADAM			75.00			
95694	3/17/2009	2890	GASSERT, CORTNEY			37.50			
95695	3/17/2009	1248	GASSERT, MIKE			171.00			
95696	3/17/2009	53	GCR OMAHA TRUCK TIRE CENTER			116.00			
95697	3/17/2009	285	GRAYBAR ELECTRIC COMPANY INC			252.52			
95698	3/17/2009	385	GREAT PLAINS ONE-CALL SVC INC			87.51			
95699	3/17/2009	2062	GREAT WESTERN BANK			250.00			

BANK NO	BANK NAME						
CHECK NO	DATE	VENDOR NO	VENDOR NAME	CHECK AMOUNT	CLEARED	VOIDED	MANUAL
95700	3/17/2009	71	GREENKEEPER COMPANY INC	198.03			
95701	3/17/2009	2224	FRED PETERSON	360.00			
95702	3/17/2009	1044	H & H CHEVROLET LLC	495.42			
95703	3/17/2009	1744	HEARTLAND AWARDS	34.60			
95704	3/17/2009	3657	HEARTLAND PAPER	93.00			
95705	3/17/2009	86	HOLIDAY INN-MIDTOWN GI	324.75			
95706	3/17/2009	898	HOOK-FAST SPECIALTIES INC	130.77			
95707	3/17/2009	3146	HORNUNG'S GOLF PRODUCTS INC	275.70			
95708	3/17/2009	376	HURST, JEAN	256.00			
95709	3/17/2009	1612	HY-VEE INC	72.39			
95710	3/17/2009	2620	IIMC CONFERENCE REGISTRATION	510.00			
95711	3/17/2009	2322	INDUSTRIAL SALES COMPANY INC	100.00			
95712	3/17/2009	2554	IWAN, ROSE	201.73			
95713	3/17/2009	1896	J Q OFFICE EQUIPMENT INC	886.10			
95714	3/17/2009	3663	JONES AND BARTLETT PUBLISHERS	514.50			
95715	3/17/2009	2653	JONES AUTOMOTIVE INC	750.00			
95716	3/17/2009	2864	KORTUS, LEE	342.00			
95717	3/17/2009	2394	KRIHA FLUID POWER CO INC	121.47			
95718	3/17/2009	253	LA VISTA CHAMBER OF COMMERCE	450.00			
95719	3/17/2009	231	LEAGUE OF NEBRASKA MUNICIPAL	666.00			
95720	3/17/2009	1288	LIFE ASSIST	259.23			
95721	3/17/2009	877	LINWELD	182.66			
95722	3/17/2009	2142	LODES, CHRIS	210.00			
95723	3/17/2009	2664	LOU'S SPORTING GOODS	52.95			
95724	3/17/2009	4084	MAX'S BODY SHOP INCORPORATED	1,084.85			
95725	3/17/2009	153	METRO AREA TRANSIT	551.00			
95726	3/17/2009	3921	MID-STATES UTILITY TRAILER	422.86			
95727	3/17/2009	1526	MIDLANDS LIGHTING & ELECTRIC	181.34			
95728	3/17/2009	371	MIDWEST SERVICE AND SALES CO	2,310.00			
95729	3/17/2009	4085	MNJ TECHNOLOGIES DIRECT INC	2,076.00			
95730	3/17/2009	954	NE DEPT HEALTH/HUMAN SERVICES	40.00			
95731	3/17/2009	2904	NE SECRETARY OF STATE	20.00			
95732	3/17/2009	25	NEBRASKA EDUCATION MEDIA ASSN	20.00			
95733	3/17/2009	3350	NEBRASKA IOWA SUPPLY	5,187.00			
95734	3/17/2009	132	NEBRASKA SALT & GRAIN COMPANY	2,586.26			
95735	3/17/2009	2685	NEBRASKA TURF PRODUCTS	213.75			
95736	3/17/2009	407	NEBRASKALAND CONF BLDG OFFCL	145.00			
95737	3/17/2009	1152	NLA-NEBRASKA LIBRARY ASSN	285.00			
95738	3/17/2009	440	NMC EXCHANGE LLC	31.22			
95739	3/17/2009	2530	NOVA HEALTH EQUIPMENT	5,793.00			
95740	3/17/2009	179	NUTS AND BOLTS INCORPORATED	3.61			
95741	3/17/2009	3415	OABR PRINT SHOP	.00	**CLEARED**	**VOIDED**	
95742	3/17/2009	3415	OABR PRINT SHOP	87.48			
95743	3/17/2009	3978	ODB COMPANY	836.84			
95744	3/17/2009	1014	OFFICE DEPOT INC-CINCINNATI	.00	**CLEARED**	**VOIDED**	
95745	3/17/2009	1014	OFFICE DEPOT INC-CINCINNATI	.00	**CLEARED**	**VOIDED**	
95746	3/17/2009	1014	OFFICE DEPOT INC-CINCINNATI	.00	**CLEARED**	**VOIDED**	
95747	3/17/2009	1014	OFFICE DEPOT INC-CINCINNATI	.00	**CLEARED**	**VOIDED**	
95748	3/17/2009	1014	OFFICE DEPOT INC-CINCINNATI	835.39			
95749	3/17/2009	195	OMAHA PUBLIC POWER DISTRICT	.00	**CLEARED**	**VOIDED**	
95750	3/17/2009	195	OMAHA PUBLIC POWER DISTRICT	.00	**CLEARED**	**VOIDED**	
95751	3/17/2009	195	OMAHA PUBLIC POWER DISTRICT	42,115.12			
95752	3/17/2009	46	OMAHA WORLD HERALD COMPANY	1,798.24			

BANK NO	BANK NAME	CHECK NO	DATE	VENDOR NO	VENDOR NAME	CHECK AMOUNT	CLEARED	VOIDED	MANUAL
95753		3/17/2009		2129	OMB EXPRESS POLICE SUPPLY	159.97			
95754		3/17/2009		1178	OVERHEAD DOOR COMPANY OF OMAHA	17.50			
95755		3/17/2009		2686	PARAMOUNT LINEN & UNIFORM	428.00			
95756		3/17/2009		1769	PAYLESS OFFICE PRODUCTS INC	98.86			
95757		3/17/2009		1723	PENWORTHY COMPANY	1,454.85			
95758		3/17/2009		3058	PERFORMANCE CHRYSLER JEEP	116.06			
95759		3/17/2009		1821	PETTY CASH-PAM BUETHE	.00	**CLEARED**	**VOIDED**	
95760		3/17/2009		1821	PETTY CASH-PAM BUETHE	157.93			
95761		3/17/2009		1821	PETTY CASH-PAM BUETHE	.00	**CLEARED**	**VOIDED**	
95762		3/17/2009		1821	PETTY CASH-PAM BUETHE	282.01			
95763		3/17/2009		159	PRECISION INDUSTRIES INC	120.95			
95764		3/17/2009		3743	PROGRESSIVE BUSINESS	250.00			
95765		3/17/2009		802	QUILL CORPORATION	138.37			
95766		3/17/2009		219	QWEST	48.97			
95767		3/17/2009		3469	RAMIREZ, JOHN	76.00			
95768		3/17/2009		427	RAMIREZ, RITA M	125.00			
95769		3/17/2009		3139	RECORDED BOOKS, LLC	212.15			
95770		3/17/2009		4037	RUSTY ECK FORD	6.56			
95771		3/17/2009		292	SAM'S CLUB	64.31			
95772		3/17/2009		487	SAPP BROS PETROLEUM INC	882.00			
95773		3/17/2009		532	SARPY COUNTY ECONOMIC DEV.CORP	50.00			
95774		3/17/2009		503	SCHOLASTIC LIBRARY PUBLISHING	325.91			
95775		3/17/2009		1864	SINNETT, JEFF	42.97			
95776		3/17/2009		2272	SMALL, BRADY	30.00			
95777		3/17/2009		2634	STERIL MANUFACTURING CO	125.00			
95778		3/17/2009		47	SUBURBAN NEWSPAPERS INC	39.50			
95779		3/17/2009		3534	TAPE STOCK ONLINE	36.37			
95780		3/17/2009		264	TED'S MOWER SALES & SERVICE	553.63			
95781		3/17/2009		143	THOMPSON DREESSEN & DORNER	.00	**CLEARED**	**VOIDED**	
95782		3/17/2009		143	THOMPSON DREESSEN & DORNER	.00	**CLEARED**	**VOIDED**	
95783		3/17/2009		143	THOMPSON DREESSEN & DORNER	19,389.32			
95784		3/17/2009		161	TRACTOR SUPPLY COMPANY	1,185.83			
95785		3/17/2009		3987	TRANE U S INCORPORATED	73.50			
95786		3/17/2009		167	U S ASPHALT COMPANY	279.72			
95787		3/17/2009		2426	UNITED PARCEL SERVICE	7.94			
95788		3/17/2009		988	UPSTART	363.17			
95789		3/17/2009		4083	VODICKA, STEVE	42.67			
95790		3/17/2009		78	WASTE MANAGEMENT NEBRASKA	665.67			
95791		3/17/2009		968	WICK'S STERLING TRUCKS INC	84.14			
95792		3/17/2009		3227	WORLD BOOK INCORPORATED	179.00			
95793		3/17/2009		3836	ZOO BOOKS MAGAZINE	22.95			
BANK TOTAL						170,502.81			
OUTSTANDING						170,502.81			
CLEARED						.00			
VOIDED						.00			

FUND		TOTAL	OUTSTANDING	CLEARED	VOIDED
01	GENERAL FUND	141,968.15	141,968.15	.00	.00
02	SEWER FUND	11,641.25	11,641.25	.00	.00
04	BOND(S) DEBT SERVICE FUND	250.00	250.00	.00	.00
05	CONSTRUCTION	13,347.44	13,347.44	.00	.00
09	GOLF COURSE FUND	2,096.17	2,096.17	.00	.00

BANK NO BANK NAME

CHECK NO DATE

VENDOR NO VENDOR NAME

CHECK AMOUNT

CLEARED

VOIDED

MANUAL

15 OFF-STREET PARKING 1,199.80 1,199.80 .00 .00

REPORT TOTAL 170,502.81

OUTSTANDING 170,502.81

CLEARED .00

VOIDED .00

+ Gross Payroll 3/6/09 205,217.19GRAND TOTAL \$375,720.00APPROVED BY COUNCIL MEMBERS 3/17/09

COUNCIL MEMBER

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
MARCH 17, 2009 AGENDA**

Subject:	Type:	Submitted By:
FY 2007/2008 AUDIT REPORT — BKD, LLP	◆ RESOLUTION ORDINANCE RECEIVE/FILE	SHEILA LINDBERG FINANCE DIRECTOR

SYNOPSIS

A resolution has been prepared to accept the audit for the twelve months ending September 30, 2008. The Council will also be accepting the audit for the Economic Development Fund – LB840.

FISCAL IMPACT

N/A.

RECOMMENDATION

Approval.

BACKGROUND

The City Council passed Resolution 08-066 on August 5, 2008 designating Orizon CPAs, LLC as the audit firm to complete the City's financial statements and Resolution 08-067 designating BKD, LLP to be the City's financial auditors. Orizon CPAs, LLC had been the City's auditors for the last three years. However, the auditing standards have tightened and to avoid another significant deficiency or material weakness, the City went out for bid for the financial statements and financial audit. BKD, LLP had been the City's auditors prior to 2005 for over ten years.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING THE FISCAL YEAR 2007 - 2008 MUNICIPAL AUDIT AS PREPARED BY THE AUDITING FIRM OF BKD, LLP, OMAHA, NEBRASKA.

WHEREAS, the City of La Vista has contracted with the firm of BKD, LLP, Omaha, Nebraska, to complete an audit of the City's fiscal year 2007-2008 municipal operations; and

WHEREAS, BKD, LLP has completed said audit and provided copies of their findings.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, that the 2007-2008 municipal audit is hereby accepted and approved.

PASSED AND APPROVED THIS 17TH DAY OF MARCH 2009.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

Economic Development Fund of City of La Vista, Nebraska

Accountants' Reports and Financial Statements

September 30, 2008



**Economic Development Fund
City of La Vista, Nebraska**
September 30, 2008

Contents

Independent Accountants' Report on Financial Statements	1
 Financial Statements	
Balance Sheet	2
Statement of Revenues, Expenditures and Changes in Fund Balances.....	3
Notes to Financial Statements	4
 Independent Accountant's Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance With <i>Government Auditing Standards</i>	7
 Schedule of Findings and Responses.....	9

Independent Accountants' Report on Financial Statements

The Honorable Major and City Council
Economic Development Fund
City of La Vista, Nebraska

We have audited the accompanying financial statements of the Economic Development Fund of the City of La Vista, Nebraska as of and for the year ended September 30, 2008. These financial statements are the responsibility of City of La Vista's management. Our responsibility is to express an opinion on these financial statements based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

As discussed in Note 1, the financial statements present only the Economic Development Fund and do not purport to, and do not, present fairly the financial position of the City of La Vista, Nebraska as of September 30, 2008, and the changes in its financial position for the year then ended in conformity with accounting principles generally accepted in the United States of America.

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the Economic Development Fund of the City of La Vista, Nebraska as of September 30, 2008, and its changes in financial position for the year then ended in conformity with accounting principles generally accepted in the United States of America.

In accordance with *Government Auditing Standards*, we have also issued our report dated March 9, 2009, on our consideration of the Economic Development Fund of the City of La Vista, Nebraska's internal control over financial reporting and our tests of its compliance with certain provisions of laws, regulations, contracts and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* and should be considered in assessing the results of our audit.

March 9, 2009

**Economic Development Fund
City of La Vista, Nebraska**

**Balance Sheet
September 30, 2008**

Assets

Cash and cash equivalents	\$ 3,612,784
Note receivable	14,183,047
Accrued interest receivable	<u>252,258</u>
Total assets	<u>\$ 18,048,089</u>

Liabilities

Accounts payable	\$ -
------------------	------

Fund Balance

Restricted for:	
Special revenue funds	<u>18,048,089</u>
Total liabilities and fund balances	<u>\$ 18,048,089</u>

**Economic Development Fund
City of La Vista, Nebraska
Statement of Revenues, Expenditures and
Changes in Fund Balance
Year Ended September 30, 2008**

Interest Income	<u>\$ 1,168,646</u>
Expenditures	
Current:	
General government	3,023,763
Debt service:	
Interest expense	<u>1,094,520</u>
Total expenditures	<u>4,118,283</u>
Deficiency of Revenues Over Expenditures	(2,949,637)
Fund Balance - Beginning of Year	<u>20,997,726</u>
Fund Balance - End of Year	<u>\$ 18,048,089</u>

Economic Development Fund City of La Vista, Nebraska

Notes to Financial Statements Year Ended September 30, 2008

Note 1: Summary of Significant Accounting Policies

Organization

On September 30, 2003, the citizens of the City of La Vista, Nebraska (the "City") voted to establish the Economic Development Program to create jobs and/or develop tourism for the purpose of supporting the City's commercial developments, rehabilitate residential neighborhoods and expand industrial development in order to ensure economic stability and vitality of the City.

Financial Reporting Entity

The financial statements of the Economic Development Fund include all significant separately administered activities for which the Economic Development Fund is financially accountable. Financial accountability is determined on the basis of selection of governing authority, imposition of will, a financial benefit/burden relationship, and/or fiscal dependency. The Economic Development Fund's financial statements are included in the City's financial statements as a major governmental fund.

The financial statements present only the Economic Development Fund and do not purport to, and do not, present fairly the financial position of the City as of September 30, 2008, and the changes in its financial position for the years then ended in conformity with accounting principles generally accepted in the United States of America.

Basis of Accounting

The Economic Development Fund financial statements are prepared using the current financial resources measurement focus and the modified accrual basis of accounting. Under the modified accrual basis of accounting, revenues are recorded when susceptible to accrual (when they become both measurable and available). "Measurable" means the amount of the transaction can be determined and "available" means collectible within the current period or soon enough thereafter to be used to pay liabilities of the current period and that it is legally available for such purposes. Expenditures are recorded when the related fund liability is incurred, except for general obligation bond principal and interest which are reported as expenditures in the year due.

Cash and Investments

Custodial credit risk is the risk that in the event of a bank failure, a government's deposits may not be returned to it. The Economic Development Fund follows the City's deposit policy for custodial credit risk which requires compliance with the provisions of state statutes. Statutes authorize the City to invest in time deposits at banks selected as depositories of City funds, direct debt securities of the United States Government, and certain government agency bonds.

Economic Development Fund

City of La Vista, Nebraska

Notes to Financial Statements

Year Ended September 30, 2008

Note 1: Summary of Significant Accounting Policies - Continued

Cash and Investments - Continued

In addition to the separate savings account and certificates of deposit maintained by the Economic Development Fund, the Fund also participates in the pooled cash accounts maintained by the City. The Economic Development Fund's share of this pool is \$104,781.

The Economic Development Fund's cash deposits, including certificates of deposit, are insured by the Federal Deposit Insurance Corporation (FDIC) and other collateral. At September 30, 2008, the deposits were covered by FDIC insurance or collateral pledged by the bank.

Certificates of deposit are carried at amortized cost.

Note 2: Note Receivable

On April 25, 2007, the City entered into an economic development project with John Q. Hammons Affiliated Parties (the developer). Under the project the City would provide a \$3 million grant to the developer and a loan not to exceed \$18 million or 80% of the construction costs of a hotel and convention center. The developer will repay the entire principal balance of the loan in a single balloon payment no later than July 2017. The developer will make quarterly interest payments, at a rate equal to the average coupon rate of the bonds issued to fund the loan, until the entire principal balance is paid in full. As of September 30, 2008, the balance of the loan with the developer is \$14,183,047. Accrued interest receivable on the loan amounted to \$252,258 as of September 30, 2008.

Note 3: Long-term Debt

General obligation bonds, issued by the City for various municipal improvements, are repaid with property taxes recorded in the Debt Service Fund. The City has pledged its full faith and credit as collateral for the general obligation bonds. The City has no debt outstanding subject to legal debt limitations. The City's borrowing capacity is restrained by maintaining the City's debt at a responsible level.

The following is a summary of the Economic Development Fund's long-term debt activity for the year ended September 30, 2008:

	Beginning Balance	Additions	Reductions	Ending Balance	Due Within One Year
Bonds Payable					
General obligation bonds	<u>\$20,695,000</u>	<u>\$</u> <u>-</u>	<u>\$</u> <u>-</u>	<u>\$ 20,695,000</u>	<u>\$</u> <u>-</u>

Economic Development Fund City of La Vista, Nebraska

Notes to Financial Statements

Year Ended September 30, 2008

Note 3: Long-term Debt - Continued

Economic Development Fund long-term bonded debt is comprised of the following individual issues:

Description	Interest Rate	Maturity Date	Ending Balance
July 7, 2007, EDP taxable bonds	6.00-7.73%	10/15/2029	\$ 20,695,000

The annual debt service requirements to maturity for bonded debt as of September 30, 2008 are as follows:

<u>Year Ending September 30,</u>	Principal	Interest	Total
2009	\$ -	\$ 1,509,682	\$ 1,509,682
2010	-	1,509,682	1,509,682
2011	505,000	1,494,533	1,999,533
2012	535,000	1,463,172	1,998,172
2013	570,000	1,429,662	1,999,662
2014-2018	3,445,000	6,540,855	9,985,855
2019-2023	4,840,000	5,142,840	9,982,840
2024-2028	7,095,000	2,887,348	9,982,348
2029-2031	3,705,000	292,001	3,997,001
Total	\$ 20,695,000	\$22,269,775	\$ 42,964,775

Note 4: Commitments and Contingencies

Included in the Economic Development Fund is \$3,612,784 in cash and cash equivalents of bond proceeds that will be used for future community and business development.

Government Auditing Standards Report

**Independent Accountants' Report on Internal Control Over Financial Reporting
and on Compliance and Other Matters Based on an Audit of the Financial
Statements Performed in Accordance with *Government Auditing Standards***

Honorable Mayor and Members of the City Council
Economic Development Fund
La Vista, Nebraska

We have audited the financial statements of the Economic Development Fund (Fund) of the City of La Vista as of and for the year ended September 30, 2008, and have issued our report thereon dated March 9, 2009, which contained an explanatory paragraph stating the financial statements present only the Fund and do not purport to, and do not present fairly the financial position of the City of La Vista, Nebraska. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States.

Internal Control Over Financial Reporting

In planning and performing our audit, we considered the Fund's internal control over financial reporting as a basis for designing our auditing procedures for the purpose of expressing our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Fund's internal control over financial reporting. Accordingly, we do not express an opinion on the effectiveness of the Fund's internal control over financial reporting.

A control deficiency exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent or detect misstatements on a timely basis. A significant deficiency is a control deficiency, or a combination of control deficiencies, that adversely affects the Fund's ability to initiate, authorize, record, process or report financial data reliably in accordance with generally accepted accounting principles such that there is more than a remote likelihood that a misstatement of the Fund's financial statements that is more than inconsequential will not be prevented or detected by the Fund's internal control.

A material weakness is a significant deficiency, or a combination of significant deficiencies, that results in more than a remote likelihood that a material misstatement of the financial statements will not be prevented or detected by the Fund's internal control.

Our consideration of internal control over financial reporting was for the limited purpose described in the first paragraph of this section and would not necessarily identify all deficiencies in internal control that might be significant deficiencies or material weaknesses. We did not identify any deficiencies in internal control over financial reporting that we consider to be material weaknesses as defined above.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the Fund's financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

This report is intended solely for the information and use of the governing body, management and others within the Fund and is not intended to be and should not be used by anyone other than these specified parties.

A handwritten signature in black ink that reads "BKD, LLP". The "B" and "K" are connected, and "D" is a stylized letter.

March 9, 2009

**Economic Development Fund
City of La Vista, Nebraska
Schedule of Findings and Responses
Year Ended September 30, 2008**

Reference Number	Finding
	No matters are reportable.

City of La Vista, Nebraska

Accountants' Report and Financial Statements

September 30, 2008



City of La Vista, Nebraska
September 30, 2008

Contents

Independent Accountants' Report on Financial Statements	1
 Financial Statements	
<i>Government-wide Financial Statements</i>	
Statement of Net Assets.....	3
Statement of Activities.....	4
<i>Fund Financial Statements</i>	
Balance Sheet – Governmental Funds.....	5
Reconciliation of the Balance Sheet of Governmental Funds to the Statement of Net Assets.....	6
Statement of Revenues, Expenditures and Changes in Fund Balances – Governmental Funds.....	7
Reconciliation of the Statement of Revenues, Expenditures, and Changes in Fund Balances – of Governmental Funds to the Changes in Net Assets of Governmental Activities	8
Schedule of Revenues, Expenditures and Changes in Fund Balances – Budget and Actual (Budget Basis) – General Fund	9
Schedule of Revenues, Expenditures and Changes in Fund Balances – Budget and Actual (Budget Basis) – Keno Fund	10
Schedule of Revenues, Expenditures and Changes in Fund Balances – Budget and Actual (Budget Basis) – Economic Development Fund	11
Balance Sheet – Proprietary Funds	12
Statement of Revenues, Expenses and Changes in Net Assets – Proprietary Funds	13
Statement of Cash Flows – Proprietary Funds	14
Notes to Financial Statements	15
 Independent Accountant's Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance With Government Auditing Standards 32	
Schedule of Findings and Responses.....	34

Independent Accountants' Report on Financial Statements

The Mayor and City Council
City of La Vista, Nebraska
La Vista, Nebraska

We have audited the accompanying financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the City of La Vista, Nebraska as of and for the year ended September 30, 2008, which collectively comprise the City of La Vista's basic financial statements as listed in the table of contents. These financial statements are the responsibility of the City of La Vista's management. Our responsibility is to express opinions on these financial statements based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinions.

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the City of La Vista as of September 30, 2008, and the respective changes in financial position and cash flows, where applicable, thereof for the year then ended in conformity with accounting principles generally accepted in the United States of America.

In accordance with *Government Auditing Standards*, we have also issued our report dated March 9, 2009 on our consideration of the City of La Vista's internal control over financial reporting and our tests of its compliance with certain provisions of laws, regulations, contracts and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* and should be considered in assessing the results of our audit.

The City has not presented management's discussion and analysis that accounting principles generally accepted in the United States of America has determined is necessary to supplement, although not required to be part of, the basic financial statements.

BKD/LLP

March 9, 2009

City of La Vista, Nebraska

Statement of Net Assets

September 30, 2008

	Governmental Activities	Business-Type Activities	Total
Assets			
Cash and cash equivalents	\$ 7,414,659	\$ 364,253	\$ 7,778,912
Cash at county treasurer	102,934	-	102,934
Certificates of deposit	3,619,545	251,970	3,871,515
Investments	9,034,511	274,811	9,309,322
Receivables	17,935,308	123,367	18,058,675
Deferred charges	772,534	8,450	780,984
Capital assets			
Non-depreciable	8,047,475	9,524	8,056,999
Depreciable, net	<u>42,913,697</u>	<u>5,232,182</u>	<u>48,145,879</u>
Total assets	<u>89,840,663</u>	<u>6,264,557</u>	<u>96,105,220</u>
Liabilities			
Accounts payable	647,936	140,892	788,828
Accrued expenses	1,568,423	261,249	1,829,672
Deferred revenue	200,000	-	200,000
Registered warrants			
Due within one year	362,160	-	362,160
Due in more than one year	640,554	-	640,554
Compensated absences			
Payable within one year	16,005	3,841	19,846
Payable in more than one year	469,002	106,962	575,964
Bonds Payable			
Due within one year	2,040,000	95,000	2,135,000
Due in more than one year	<u>62,081,373</u>	<u>570,000</u>	<u>62,651,373</u>
Total liabilities	<u>68,025,453</u>	<u>1,177,944</u>	<u>69,203,397</u>
Net Assets			
Invested in capital assets, net of related debt	6,532,085	4,572,647	11,104,732
Unrestricted	<u>15,283,125</u>	<u>513,966</u>	<u>15,797,091</u>
Total net assets	<u>\$ 21,815,210</u>	<u>\$ 5,086,613</u>	<u>\$ 26,901,823</u>

City of La Vista, Nebraska
Statement of Activities
Year Ended September 30, 2008

	Expenses	Program Revenues			Net Revenues (Expenses) and Changes in Net Assets		
		Operating		Capital	Governmental Activities	Business-type Activities	Total
		Charges for Services	Grants and Contributions	Grants and Contributions			
Primary Governmental Activities							
General government	\$ 5,232,684	\$ 672,775	\$ 325,853	\$ -	\$ (4,234,056)	\$ -	\$ (4,234,056)
Public safety	3,886,979	-	-	-	(3,886,979)	-	(3,886,979)
Public works	2,545,172	-	-	4,813,072	2,267,900	-	2,267,900
Culture and recreation	1,900,305	348,965	-	-	(1,551,340)	-	(1,551,340)
Community development	390,295	-	1,517,098	-	1,126,803	-	1,126,803
Interest on long-term debt	3,419,896	-	-	-	(3,419,896)	-	(3,419,896)
Total governmental activities	<u>17,375,331</u>	<u>-</u>	<u>1,021,740</u>	<u>1,842,951</u>	<u>4,813,072</u>	<u>(9,697,568)</u>	<u>(9,697,568)</u>
Business-type Activities							
Sewer	1,684,665	1,269,267	-	-	-	(415,398)	(415,398)
Golf	<u>381,188</u>	<u>247,963</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>(133,225)</u>	<u>(133,225)</u>
Total business-type activities	<u>2,065,853</u>	<u>1,517,230</u>	<u>\$ 1,842,951</u>	<u>\$ 4,813,072</u>	<u>(9,697,568)</u>	<u>(548,623)</u>	<u>(548,623)</u>
Total	<u>\$ 19,441,184</u>	<u>\$ 2,538,970</u>	<u>\$ 1,842,951</u>	<u>\$ 4,813,072</u>	<u>(9,697,568)</u>	<u>(548,623)</u>	<u>(10,246,191)</u>
General Revenues							
Property taxes	4,193,020	-	-	-	-	-	-
Sales and use taxes	2,853,429	-	-	-	-	2,853,429	2,853,429
Occupation taxes	868,576	-	-	-	-	868,576	868,576
Motor vehicle taxes	315,150	-	-	-	-	315,150	315,150
Interest income	1,835,013	-	-	41,269	-	1,876,282	1,876,282
Miscellaneous	150,085	-	-	-	-	150,085	150,085
Transfers	(180,000)	-	-	180,000	-	-	-
Total general revenues and transfers	<u>10,035,273</u>	<u>-</u>	<u>-</u>	<u>221,269</u>	<u>-</u>	<u>10,256,542</u>	<u>10,256,542</u>
Change in Net Assets	337,705	-	-	(327,354)	-	10,351	10,351
Net Assets - Beginning of Year	<u>21,477,505</u>	<u>-</u>	<u>-</u>	<u>5,413,967</u>	<u>-</u>	<u>26,891,472</u>	<u>26,891,472</u>
Net Assets - End of Year	<u>\$ 21,815,210</u>	<u>-</u>	<u>-</u>	<u>\$ 5,086,613</u>	<u>-</u>	<u>\$ 26,901,823</u>	<u>\$ 26,901,823</u>

City of La Vista, Nebraska
Balance Sheet
Governmental Funds
September 30, 2008

	General Fund	Debt Service Fund	Keno Fund	Capital Improvements Fund	Economic Development Fund	Other Governmental Funds	Total
Assets							
Cash and cash equivalents	\$ 689,988	\$ 1,575,089	\$ 1,035,320	\$ 377,816	\$ 3,612,784	\$ 123,662	\$ 7,414,659
Cash at county treasurer	47,549	55,385	-	-	-	-	102,934
Certificates of deposit	126,024	1,400,126	2,093,395	-	-	-	3,619,545
Investments	3,631,573	4,326,920	1,076,018	-	-	-	9,034,511
Receivables	634,482	2,975,610	109,362	-	14,435,305	-	18,154,759
Total assets	<u>\$ 5,129,616</u>	<u>\$ 10,333,130</u>	<u>\$ 4,314,095</u>	<u>\$ 377,816</u>	<u>\$ 18,048,089</u>	<u>\$ 123,662</u>	<u>\$ 38,326,408</u>
Liabilities							
Accounts payable	\$ 228,269	\$ 250	\$ 107,186	\$ 307,687	\$ -	\$ 4,544	\$ 647,936
Accrued expenses	309,880	-	75,919	-	-	-	385,799
Warrants payable	-	-	-	362,160	-	-	362,160
Deferred revenue	67,612	2,823,913	200,000	-	-	-	3,091,525
Total liabilities	<u>605,761</u>	<u>2,824,163</u>	<u>383,105</u>	<u>669,847</u>	<u>-</u>	<u>4,544</u>	<u>4,487,420</u>
Fund Balances							
Reserved for							
Debt service		7,508,967	-	-	-	-	7,508,967
Special revenue funds	-	-	3,930,990	(292,031)	18,048,089	-	21,979,079
Capital improvements	-	-	-	-	-	-	(172,913)
Unreserved	4,523,855	-	-	-	-	-	4,523,855
Total fund balances (deficit)	<u>4,523,855</u>	<u>7,508,967</u>	<u>3,930,990</u>	<u>(292,031)</u>	<u>18,048,089</u>	<u>-</u>	<u>33,838,988</u>
Total liabilities and fund balances	<u>\$ 5,129,616</u>	<u>\$ 10,333,130</u>	<u>\$ 4,314,095</u>	<u>\$ 377,816</u>	<u>\$ 18,048,089</u>	<u>\$ 123,662</u>	<u>\$ 38,326,408</u>

City of La Vista, Nebraska
Reconciliation of the Balance Sheet
of Governmental Funds to the
Statement of Net Assets
September 30, 2008

Total fund balance - total governmental funds	\$ 33,838,988
Amounts reported for governmental activities in the statement of net assets are different because:	
Capital assets net of accumulated depreciation used in governmental activities are not financial resources and, therefore, are not reported in the funds.	50,961,172
Long-term liabilities, including bonds payable, are not due and payable in the current period and, therefore, are not reported in the funds. Other related amounts include interest payable of \$1,182,624, bond issue costs of \$772,534, and warrants payable of \$640,554.	(65,172,017)
Compensated absences are not due and payable in the current period and, therefore, are not reported in the funds.	(485,007)
Special assessments receivable are offset by deferred revenue and, therefore, no allowance for doubtful accounts is necessary; also includes a portion of allowance for doubtful accounts allocated to interest.	(219,451)
Deferred revenues represents funds not available in the current period and, therefore, are not recognized as revenue in the governmental funds.	<u>2,891,525</u>
Net assets of governmental activities	<u>\$ 21,815,210</u>

City of La Vista, Nebraska
Statement of Revenues, Expenditures and
Changes in Fund Balances -
Governmental Funds
Year Ended September 30, 2008

	General Fund	Debt Service Fund	Keno Fund	Capital Improvements Fund	Economic Development Fund	Other Governmental Funds	Total
Revenues							
Property tax	\$ 3,929,745	\$ 783,094	\$ -	\$ -	\$ -	\$ -	\$ 4,712,839
Sales and use tax	1,901,014	952,415	-	-	-	-	2,853,429
Occupation tax	868,576	-	-	-	-	-	868,576
Motor vehicle tax	313,201	1,949	-	-	-	-	315,150
Licenses and permits	672,775	-	-	-	-	-	672,775
Intergovernmental	1,326,372	-	-	-	-	-	1,326,372
Charges for services	348,965	-	1,517,098	-	-	-	348,965
Keno	-	399,540	158,444	15,731	1,168,646	45	1,517,098
Interest, income	92,607	2,226,354	-	-	-	-	1,835,013
Special assessments	-	123,175	2,202	-	-	-	2,226,354
Miscellaneous	24,708	-	-	-	-	-	150,085
Total revenues	<u>9,477,963</u>	<u>4,486,527</u>	<u>1,677,744</u>	<u>15,731</u>	<u>1,168,646</u>	<u>45</u>	<u>16,826,656</u>
Expenditures							
Current							
General government	2,148,019	47,445	-	-	3,023,763	18,686	5,237,913
Streets and street lighting	1,473,225	-	-	-	-	-	1,473,225
Public safety	3,233,709	-	-	-	-	-	3,233,709
Culture and recreation	1,683,858	-	-	-	-	-	1,683,858
Community development	-	-	390,295	-	-	-	390,295
Capital outlay	358,182	-	-	2,086,641	-	-	2,464,120
Debt service	-	8,185,000	-	-	-	-	8,185,000
Principal retirement	-	1,548,537	-	-	-	-	1,548,537
Interest	-	184,528	-	-	-	-	184,528
Bond issue costs	-	-	-	-	-	-	-
Total expenditures	<u>8,896,593</u>	<u>9,965,510</u>	<u>390,295</u>	<u>2,333,670</u>	<u>4,118,283</u>	<u>680,147</u>	<u>26,384,898</u>
Excess (Deficiency) of Revenues Over Expenditures							
Other Financing Sources (Uses)							
Bond proceeds	-	6,846,384	\$ 1,287,449	\$ (2,317,939)	\$ (2,949,637)	\$ (680,102)	\$ (9,558,242)
Transfers	(734,300)	(911,370)	(607,665)	1,323,335	-	-	12,726,404
Total other financing sources (uses)	<u>(734,300)</u>	<u>5,935,014</u>	<u>(607,665)</u>	<u>7,203,355</u>	<u>-</u>	<u>750,000</u>	<u>(180,000)</u>
Net Change in Fund Balances						<u>750,000</u>	<u>12,546,404</u>
Fund Balances (Deficit) - Beginning of Year	<u>4,677,185</u>	<u>7,052,936</u>	<u>3,251,206</u>	<u>(5,177,447)</u>	<u>20,997,726</u>	<u>49,220</u>	<u>30,830,826</u>
Fund Balances (Deficit) - End of Year	<u>\$ 4,523,855</u>	<u>\$ 7,508,967</u>	<u>\$ 3,930,990</u>	<u>\$ (292,031)</u>	<u>\$ 18,048,089</u>	<u>\$ 119,118</u>	<u>\$ 33,838,988</u>

See Notes to the Financial Statements

City of La Vista, Nebraska

Reconciliation of the Statement of Revenues, Expenditures, and Changes in Fund Balances – of Governmental Funds to the Changes in Net Assets of Governmental Activities

Year Ended September 30, 2008

Net change in fund balances - total governmental funds	\$ 2,988,162
Amounts reported for governmental activities in the statement of activities different because:	
Governmental funds report capital outlays as expenditures. However, in the statement of activities, the cost of those assets is allocated over their useful lives as depreciation expense. This is the amount by which capital outlay exceeded depreciation in the current period.	395,153
Proceeds from debt issues are an other financing source in the governmental funds, but a debt issue increases long-term liabilities in the statement of net assets. Other related amounts include the amount by which bond issue costs exceed amortization, which is an expenditure in the funds, but these costs are capitalized in the statement of net assets and amortized over their useful lives.	(12,584,194)
Repayment of bond and warrant principal is an expenditure in the governmental funds, but the repayment reduces long-term liabilities in the statement of net assets.	8,475,031
In the statement of activities, interest is accrued on outstanding bonds and warrants, whereas in governmental funds, an interest expenditure is reported when due.	(177,679)
Compensated absences do not require the use of current financial resources and, therefore, are not reported as expenditures in governmental funds.	76,908
Special assessments receivable are offset by deferred revenue and, therefore, no allowance for doubtful accounts is necessary.	97,942
Deferred revenues represents funds not available in the current period and, therefore, are not recognized as revenue in the governmental funds.	<u>1,066,382</u>
Change in net assets of governmental activities	<u>\$ 337,705</u>

City of La Vista, Nebraska
Schedule of Revenues, Expenditures, and Changes in
Fund Balances – Budget and Actual (Budget Basis)
General Fund
Year Ended September 30, 2008

	Final Budget	Actual	Variance With Final Budget Positive (Negative)
Revenues			
Taxes	\$ 6,370,476	\$ 6,288,444	\$ (82,032)
Licenses and permits	782,500	670,311	(112,189)
Intergovernmental revenues	1,354,767	1,249,752	(105,015)
Charges for services	328,430	352,623	24,193
Grant income	269,647	11,855	(257,792)
Interest income	50,000	114,476	64,476
Miscellaneous	11,500	12,853	1,353
Total revenues	9,167,320	8,700,314	(467,006)
Expenditures			
General government	2,153,998	1,999,366	154,632
Streets and street lighting	1,490,599	1,525,030	(34,431)
Public safety	3,447,207	3,289,822	157,385
Culture and recreation	1,323,427	1,203,360	120,067
Public library	567,782	502,527	65,255
Capital outlay	610,605	358,677	251,928
Total expenditures	9,593,618	8,878,782	714,836
Excess (Deficiency) of Revenues Over (Under) Expenditures	(426,298)	(178,468)	247,830
Other Financing Sources (Uses)			
Operating transfers	(1,409,620)	15,700	1,425,320
Net assets received from annexation	2,483,972	2,732,671	248,699
Total other financing sources (uses)	1,074,352	2,748,371	- 1,674,019
Net Change in Fund Balances	\$ 648,054	2,569,903	\$ 1,921,849
Fund Balance - Beginning of Year		1,877,682	
Fund Balance - End of Year		\$ 4,447,585	

City of La Vista, Nebraska
Schedule of Revenues, Expenditures, and Changes in
Fund Balances – Budget and Actual (Budget Basis)
Keno Fund
Year Ended September 30, 2008

	Final Budget	Actual	Variance With Final Budget Positive (Negative)
Revenues			
Keno	\$ 1,100,000	\$ 1,523,571	\$ 423,571
Interest income	100,000	158,444	58,444
Total revenues	<u>1,200,000</u>	<u>1,682,015</u>	<u>482,015</u>
Expenditures			
General government	42,500	79,921	(37,421)
Culture and recreational	200,000	297,912	(97,912)
Total expenditures	<u>242,500</u>	<u>377,833</u>	<u>(135,333)</u>
Excess (Deficiency) of Revenues Over (Under) Expenditures	957,500	1,304,182	346,682
Other Financing Sources (Uses)			
Operating transfers out	(1,606,361)	(607,665)	998,696
Net Change in Fund Balances	<u>\$ (648,861)</u>	<u>696,517</u>	<u>\$ 1,345,378</u>
Fund Balance - Beginning of Year		<u>3,508,216</u>	
Fund Balance - End of Year		<u>\$ 4,204,733</u>	

City of La Vista, Nebraska
Schedule of Revenues, Expenditures, and Changes in
Fund Balances – Budget and Actual (Budget Basis)
Economic Development Fund
Year Ended September 30, 2008

	Final Budget	Actual	Variance With Final Budget Positive (Negative)
Revenues			
Taxes	\$ 675,320	\$ -	\$ (675,320)
Interest Income	-	534,273	534,273
Other Income	<u>246,052</u>	<u>382,115</u>	<u>136,063</u>
Total revenues	<u>921,372</u>	<u>916,388</u>	<u>(4,984)</u>
Expenditures			
General government	-	17,213,953	(17,213,953)
Debt service interest	1,094,520	1,094,520	-
Bond issue costs	<u>25,000</u>	<u>-</u>	<u>25,000</u>
Total expenditures	<u>1,119,520</u>	<u>18,308,473</u>	<u>(17,188,953)</u>
Deficiency of Revenues Over Expenditures	<u>(198,148)</u>	<u>(17,392,085)</u>	<u>(17,193,937)</u>
Net Change in Fund Balances	<u>\$ (198,148)</u>	<u>(17,392,085)</u>	<u>\$ (17,193,937)</u>
Fund Balance - Beginning of Year		<u>21,004,869</u>	
Fund Balance - End of Year		<u>\$ 3,612,784</u>	

City of La Vista, Nebraska

Balance Sheet Proprietary Funds September 30, 2008

	Golf	Sewer	Total
Assets			
Current Assets			
Cash and equivalents	\$ 27,069	\$ 337,184	\$ 364,253
Certificates of deposit	-	251,970	251,970
Investments	-	274,811	274,811
Accounts receivable	-	123,367	123,367
Total current assets	<u>27,069</u>	<u>987,332</u>	<u>1,014,401</u>
Noncurrent Assets			
Deferred charges	<u>8,450</u>	<u>-</u>	<u>8,450</u>
Land	-	9,524	9,524
Equipment and furniture	290,381	955,962	1,246,343
Utility systems	-	5,539,713	5,539,713
Autos and trucks	94,422	323,610	418,032
Buildings and improvements	1,597,858	54,365	1,652,223
Accumulated depreciation	<u>(1,196,196)</u>	<u>(2,427,933)</u>	<u>(3,624,129)</u>
Capital assets - net of depreciation	<u>786,465</u>	<u>4,455,241</u>	<u>5,241,706</u>
Total noncurrent assets	<u>794,915</u>	<u>4,455,241</u>	<u>5,250,156</u>
Total assets	<u>\$ 821,984</u>	<u>\$ 5,442,573</u>	<u>\$ 6,264,557</u>
Liabilities and Net Assets			
Current Liabilities			
Accounts payable	\$ 6,474	\$ 134,418	\$ 140,892
Accrued expenses	22,158	239,091	261,249
Compensated absences	64	3,777	3,841
Current portion of long-term liabilities	<u>95,000</u>	<u>-</u>	<u>95,000</u>
Total current liabilities	<u>123,696</u>	<u>377,286</u>	<u>500,982</u>
Noncurrent Liabilities			
Compensated absences	4,059	102,903	106,962
Bond payable	<u>570,000</u>	<u>-</u>	<u>570,000</u>
Total noncurrent liabilities	<u>574,059</u>	<u>102,903</u>	<u>676,962</u>
Net Assets			
Invested in capital assets, net of related debt	117,406	4,455,241	4,572,647
Unrestricted	<u>6,823</u>	<u>507,143</u>	<u>513,966</u>
Total net assets	<u>124,229</u>	<u>4,962,384</u>	<u>5,086,613</u>
Total Liabilities and Net Assets	<u>\$ 821,984</u>	<u>\$ 5,442,573</u>	<u>\$ 6,264,557</u>

City of La Vista, Nebraska
Statement of Revenues, Expenses and Changes in Net Assets
Proprietary Funds
Year Ended September 30, 2008

	Golf	Sewer	Total
Operating Revenues			
User fees	\$ 211,831	\$ 892,126	\$ 1,103,957
Permits and hookups	-	352,141	352,141
Grant income	-	25,000	25,000
Merchandise sales	33,661	-	33,661
Other revenue	2,471	-	2,471
 Total operating revenues	 247,963	 1,269,267	 1,517,230
Operating Expenses			
General administrative	109,223	519,252	628,475
Cost of merchandise sold	20,189	-	20,189
Maintenance	135,637	-	135,637
Production and distribution	-	1,010,795	1,010,795
Depreciation and amortization	79,276	154,618	233,894
 Total operating expenses	 344,325	 1,684,665	 2,028,990
 Operating Loss	 (96,362)	 (415,398)	 (511,760)
Non-Operating Revenues (Expenses)			
Interest income	130	41,139	41,269
Interest on notes payable	(36,863)	-	(36,863)
 Total non-operating revenues (expenses)	 (36,733)	 41,139	 4,406
 Loss Before Transfers	 (133,095)	 (374,259)	 (507,354)
 Transfers	 180,000	 -	 180,000
 Change in Net Assets	 46,905	 (374,259)	 (327,354)
 Net Assets - Beginning of Year	 77,324	 5,336,643	 5,413,967
 Net Assets - End of Year	 \$ 124,229	 \$ 4,962,384	 \$ 5,086,613

City of La Vista, Nebraska
Statement of Cash Flows
Proprietary Funds
Year Ended September 30, 2008

	Golf	Sewer	Total
Cash Flows From Operating Activities			
Receipts from customers	\$ 247,963	\$ 1,228,745	\$ 1,476,708
Payments to suppliers	(111,141)	(814,174)	(925,315)
Payments to employees	(164,047)	(814,213)	(978,260)
Grant income	-	25,000	25,000
Net cash used in operating activities	<u>(27,225)</u>	<u>(374,642)</u>	<u>(401,867)</u>
Cash Flows From Noncapital Financing Activities			
Transfers	<u>180,000</u>	-	<u>180,000</u>
Cash Flows From Capital and Related Financing Activities			
Acquisition of fixed assets	(12,171)	(9,527)	(21,698)
Principal paid on bonds	(90,000)	-	(90,000)
Interest paid on bonds	<u>(36,863)</u>	-	<u>(36,863)</u>
Net cash used in capital and related financing activities	<u>(139,034)</u>	<u>(9,527)</u>	<u>(148,561)</u>
Cash Flows from Investing Activities			
Purchases of investments	-	(1,150,136)	(1,150,136)
Proceeds from sales and maturities of investments	-	1,699,558	1,699,558
Interest income	<u>130</u>	<u>41,139</u>	<u>41,269</u>
Net cash provided by investing activities	<u>130</u>	<u>590,561</u>	<u>590,691</u>
Net Increase in Cash and Cash Equivalents	13,871	206,392	220,263
Cash and Cash Equivalents - Beginning of Year	<u>13,198</u>	<u>130,792</u>	<u>143,990</u>
Cash and Cash Equivalents - End of Year	<u>\$ 27,069</u>	<u>\$ 337,184</u>	<u>\$ 364,253</u>
Operating loss	\$ (96,362)	\$ (415,398)	\$ (511,760)
Adjustments to reconcile operating loss to net cash used in operating activities:			
Depreciation and amortization	79,276	154,618	233,894
Increase in receivables	-	(15,522)	(15,522)
Increase in payables and accrued expenses	<u>(10,139)</u>	<u>(98,340)</u>	<u>(108,479)</u>
Net cash used in operating activities	<u>\$ (27,225)</u>	<u>\$ (374,642)</u>	<u>\$ (401,867)</u>

City of La Vista, Nebraska
Notes to Financial Statements
September 30, 2008

Note 1: Summary of Significant Accounting Policies

Introduction

The accounting and reporting framework and the more significant accounting principles and practices of the City of La Vista, Nebraska (the “City”) are discussed in the subsequent section of this Note. The remainder of the Notes are organized to provide explanations, including required disclosures, of the City’s financial activities for the fiscal year ended September 30, 2008.

The City of La Vista, Nebraska operates under a Council-Mayor form of government and provides the following services: public safety (police and fire), highway and streets, sanitary sewer, culture-recreation, public improvements, planning and zoning, and general administrative services.

Financial Reporting Entity

These financial statements present the financial statements of the City as the primary government. In determining its reporting entity, the City has considered all potential component units for which it is financially accountable, including other organizations which are fiscally dependent on the City, or the significance of their relationship with the City are such that exclusion would make the financial statements misleading or incomplete. The Governmental Accounting Standards Board (“GASB”) has set forth criteria to be considered in determining financial accountability, which was used in making this evaluation.

The City has determined the La Vista Municipal Facilities Corporation is a blended component unit. A blended component unit, although a legally separated entity is a direct part of the government’s operations.

Measurement Focus, Basis of Accounting and Financial Statement Presentation

The financial statements of the City are prepared in accordance with accounting principles generally accepted in the United States of America (“GAAP”). The City’s reporting entity applies all relevant GASB pronouncements and applicable Financial Accounting Standards Board (“FASB”) pronouncements and Accounting Principles Board (“APB”) opinions issued on or before November 30, 1989, unless they conflict with GASB pronouncements.

The government-wide statements are prepared using the economic resources measurement focus and the accrual basis of accounting generally including the reclassification or elimination of internal activity (between or within funds). However, internal eliminations do not include utility services provided to City departments. Reimbursements are reported as reductions to expenses. Proprietary fund financial statements also report using this same focus and basis of accounting although internal activity is not eliminated in these statements. Revenues are recorded when earned and expenses are recorded when a liability is incurred, regardless of the timing of related cash flows. Property tax revenues are recognized in the year for which they are levied while grants are recognized when grantor eligibility requirements are met.

City of La Vista, Nebraska
Notes to Financial Statements
September 30, 2008

Note 1: Summary of Significant Accounting Policies - Continued

Measurement Focus, Basis of Accounting and Financial Statement Presentation - Continued

Governmental fund financial statements are prepared using the current financial resources measurement focus and the modified accrual basis of accounting. Under the modified accrual basis of accounting, revenues are recorded when susceptible to accrual (when they become both measurable and available). "Measurable" means the amount of the transaction can be determined and "available" means collectible within the current period or soon enough thereafter to be used to pay liabilities of the current period and that it is legally available for such purposes. Expenditures are recorded when the related fund liability is incurred, except for general obligation bond principal and interest which are reported as expenditures in the year due.

Major revenues that are determined to be susceptible to accrual include real estate taxes, earned interest, and charges for services. Major revenues not susceptible to accrual because they are either not available early enough to pay liabilities from the current period or are not measurable until received include sales and franchise taxes, special assessments, licenses, permits, and fines. Revenues not considered available are recorded as deferred revenues.

Operating income reported in proprietary fund financial statements includes revenues and expenses related to the primary, continuing operations of the fund. Principal operating revenues for proprietary funds are charges to customers for sales or services. Principal operating expenses are the costs of providing goods or services and include administrative expenses and depreciation of capital assets. Other revenues and expenses are classified as non-operating in the financial statements.

When both restricted and unrestricted resources are available for use, it is the City's policy to use restricted resources first, then unrestricted resources as needed.

Basis of Presentation

The government-wide financial statements include the statement of net assets and the statement of activities. These statements report financial information for the City as a whole excluding fiduciary activities. Individual funds are not displayed but the statements distinguish governmental activities, generally supported by taxes and City general revenues, from business-type activities, generally financed in whole or in part with fees charged to external customers.

The statement of activities reports the expenses of a given function offset by program revenues directly connected with the functional program. A function is an assembly of similar activities and may include portions of a fund or summarize more than one fund to capture the expenses and program revenues associated with a distinct functional activity. Program revenues include charges paid by the recipients of the goods or services offered by the programs and grants and contributions that are restricted to meeting the operational or capital requirements of a particular program. Revenues not classified as program revenues are presented as general revenues. The comparison of program revenues and expenses identifies the extent to which each program or business segment is self-financing or draws from the general revenues of the City.

City of La Vista, Nebraska
Notes to Financial Statements
September 30, 2008

Note 1: Summary of Significant Accounting Policies - Continued

Basis of Presentation - Continued

Net assets should be reported as restricted when constraints placed on net asset use are either externally imposed by creditors (such as through debt covenants), grantors, contributors, or laws or regulations of other governments or imposed by law through constitutional provisions or enabling legislation.

Separate financial statements are provided for governmental funds and proprietary funds. Fund financial statements report detailed information about the City. The focus of governmental and enterprise fund financial statements is on major funds rather than reporting funds by type. Major, individual funds are reported in separate columns in the fund financial statements. A fund is considered major if it is the primary operating fund of the City, meets specific mathematical criteria set forth by GASB or is identified as a major fund by the City's management.

Fund Types and Major Funds

Governmental funds are those through which most general governmental functions of the City are financed. Governmental funds are accounted for using a current financial resources measurement focus. With this measurement focus, only current assets and current liabilities generally are included on the balance sheet. Operating statements of these funds present increases and decreases in net current assets.

The City reports the following major governmental funds:

General Fund is the general operating fund of the City. It is used to account for all financial resources except those required to be accounted for in another fund.

Debt Service Fund is used to account for the accumulation of resources for, and the payment of, general long-term debt principal, interest, and related costs.

Keno Fund is used to account for the revenues and expenses related to the Keno operations of the City; the funds of which are used for community betterment.

Capital Improvements Fund is used to account for resources and expenditures to purchase and construct capital assets. The deficit balance in this Fund, at September 30, 2008, will be resolved in the normal course of business during the next fiscal year.

City of La Vista, Nebraska
Notes to Financial Statements
September 30, 2008

Note 1: Summary of Significant Accounting Policies - Continued

Fund Types and Major Funds - Continued

Economic Development Fund is used to create jobs and/or develop tourism for the purpose of supporting the City's commercial developments, rehabilitate residential neighborhoods and expand industrial development in order to ensure economic stability and vitality of the City.

Proprietary funds are used to account for the City's ongoing organizations and activities that are similar to those often found in the private sector. Proprietary funds are accounted for on a flow of economic resources measurement focus. With this measurement focus, all assets and all liabilities associated with the operation of these funds are included on the statement of net assets. Proprietary fund operating statements present increases and decreases in net total assets.

The City reports the following major proprietary funds:

Sewer Fund accounts for the activities of the government's sewer utility.

Golf Fund accounts for the activities of the government's golf course.

Cash and Investments

The City maintains a cash deposit pool that is available for use by all funds. The pool consists of bank deposits and investments. The equity of proprietary funds in this pool is considered to be cash and cash equivalents for purposes of the statement of cash flows. In addition, cash and investments are separately held by several of the City's funds.

Nonnegotiable certificates of deposit are carried at amortized cost, which approximates fair value. All other investments are carried at fair value. Fair value is determined using quoted market prices.

Investment income includes dividend and interest income and the net change for the year in the fair value of investments carried at fair value. Investment income is assigned to the funds with which the related investment asset is associated.

Special Assessments

Special assessments are recorded as revenue in the year the assessments become current; those amounts receivable after one year are recorded as deferred revenue. Annual installments not yet due are reflected as special assessments receivables and deferred revenues.

City of La Vista, Nebraska
Notes to Financial Statements
September 30, 2008

Note 1: Summary of Significant Accounting Policies - Continued

Unbilled Sewer Revenue

Billings for sewer revenues are rendered on a monthly basis. Unbilled sewer revenues, representing estimated consumer usage for the period between the last billing date and the end of the year, have been recorded.

Capital Assets and Depreciation

The City's property, plant, equipment and infrastructure with useful lives of more than one year are stated at historical cost and comprehensively reported in the government-wide financial statements; proprietary capital assets are also reported in their respective fund. The City maintains infrastructure asset records consistent with all other capital assets. The City generally capitalizes assets with a cost of \$1,000 or more as purchase and construction outlays occur. Such assets are recorded at historical cost or estimated historical cost. Donated assets are stated at fair value on the date donated. The costs of normal maintenance and repairs that do not add to the asset value or materially extend useful lives are not capitalized.

Capital assets are depreciated using the straight-line method. When capital assets are disposed, the cost and applicable accumulated depreciation are removed from the respective accounts, and the resulting gain or loss is recorded in operations.

Estimated useful lives, in years, for depreciable assets are as follows:

Buildings	10 – 45 years
Improvements	5 – 30 years
Infrastructure	20 – 60 years
Equipment, furniture, and fixtures	5 – 20 years

Long-Term Obligations

In government-wide and proprietary fund financial statements, long-term debt and other long-term obligations are reported as liabilities. Bond issuance costs, bond discounts or premiums and the difference between the reacquisition price and the net carrying value of refunded debt are capitalized and amortized over the terms of the respective bonds using a method that approximates the effective interest method.

The governmental fund financial statements recognize the proceeds of debt and premiums as other financing sources of the current period. Issuance costs are reported as expenditures.

City of La Vista, Nebraska
Notes to Financial Statements
September 30, 2008

Note 1: Summary of Significant Accounting Policies - Continued

Compensated Absences

Vacation leave and other compensated absences with similar characteristics are accrued as the benefits are earned if the leave is attributable to past services and it is probable that the City will compensate the employees for such benefits. Sick leave and other compensated absences with similar characteristics are accrued as the benefits are earned only to the extent that it is probable that the City will compensate the employees for such benefits. Such accruals are based on current salary rates plus an additional amount for compensation-related payments such as social security and medicare taxes and pension amounts using rates in effect at that date.

Vacation and sick leave is accrued in accordance with the City's policy, when incurred in the government-wide and proprietary fund financial statements. In the governmental funds, only compensated absences expected to be liquidated with expendable available financial resources are recorded as a fund liability.

Net Assets Classification

Net assets are required to be classified into three components – invested in capital assets, net of related debt; restricted; and unrestricted. These classifications are defined as follows:

Invested in capital assets, net of related debt – This component of net assets consists of capital assets, net of accumulated depreciation, and unamortized bond issuance costs reduced by the outstanding balances of any bonds, mortgages, notes or other borrowings that are attributable to the acquisition, construction, or improvements of those assets. If there are significant unspent related debt proceeds at year-end, the portion of the debt attributable to unspent proceeds is not included in the calculation of invested in capital assets, net of related debt.

Restricted – This component of net assets consists of restrictions placed on net assets use through external constraints imposed by creditors (such as debt covenants), contributors, or law or regulations of other governments, or constraints imposed by law through constitutional provisions or enabling legislation.

Unrestricted – This component consists of net assets that do not meet the definition of “restricted” or “invested in capital assets, net of related debt.”

Use of Estimates

The preparation of financial statements in conformity with accounting principles generally accepted in the United States of America requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the date of the financial statements and the reported amounts of revenues and expenses during the reporting period. Actual results could differ from those estimates.

City of La Vista, Nebraska
Notes to Financial Statements
September 30, 2008

Note 2: Budget and Budgetary Accounting

The City follows these procedures in establishing the budgetary data reflected in the financial statements:

- The City's department and division heads prepare and submit budget requests for the following fiscal year to the City Administrator who then reviews the request with the department and division heads.
- After this review process has been completed, the City Administrator presents these budget requests to the Mayor and City Council along with recommendations as to what changes, if any, should be made. These budget requests and recommendations are reviewed by the City Council at meetings open to the public.
- A public hearing on the budget is then conducted at a City Council meeting to obtain comments from citizens.
- Prior to September 20, the City Council legally enacts the ensuing fiscal year's budget through the passage of a resolution adopting the budget.
- Formal budgetary integration is employed as a management control device during the year for General, Debt Service and Proprietary Funds.
- The budgets adopted are stated on a cash basis of accounting which is a comprehensive basis of accounting other than generally accepted accounting principles in the United States of America.

Note 3: Deposits and Investments

Deposits

Custodial credit risk is the risk that in the event of a bank failure, a government's deposits may not be returned to it. The City's deposit policy for custodial credit risk requires compliance with the provisions of state statutes. Statutes authorize the City to invest in time deposits at banks selected as depositories of City funds, direct debt securities of the United States Government, and certain government agency bonds.

Cash and investments are stated at cost, which approximates fair value. The City's cash deposits, including certificates of deposit, are insured by the Federal Deposit Insurance Corporation ("FDIC") and other collateral. At September 30, 2008, \$13,300 of the City's deposits were not covered by FDIC insurance or collateral pledged by the bank.

City of La Vista, Nebraska
Notes to Financial Statements
September 30, 2008

Note 3: Deposits and Investments - Continued

Investments

Generally, the City's investing activities are managed under the custody of the City Treasurer. The City does not have a specific investment policy, but follows state statutes. The City may legally invest in state-sponsored pooled investment funds and in direct obligations of and other obligations guaranteed as to principal by the U.S. Treasury and U.S. Agencies and instrumentalities.

Interest Rate Risk - Interest rate risk is the risk that changes in interest rates (market rates) will affect the fair value of an investment.

Custodial Credit Risk - Custodial credit risk is the risk that, in the event of the failure of the counterparty, the City will not be able to recover the value of its investment or collateral securities that are in possession of an outside party. None of the underlying securities for the City's investments at September 30, 2008, are subject to custodial credit risk, as they are held in a book entry system in an account designated as a customer account at the Federal Reserve and the custodian's internal records identifies the City as owner.

Credit Risk - Credit risk is the risk that the issuer or other counterparty to an investment will not fulfill its obligations. The City's only investments are units of participation in the short-term investment pool of the Nebraska Public Agency Investment Trust ("NPAIT"). NPAIT is a special purpose government established under Nebraska statute. The investment pool or trust is not registered and is not rated for credit risk. The City limits its interest rate risk by investing only in the short-term pool, which consists primarily of government agency or government securitized investments with maturities of less than one year. The amount invested in the NPAIT pool was \$9,309,322 at September 30, 2008.

Concentration of Credit Risk - The City places no limit on the amount that may be invested in any one issuer.

Summary of Carrying Values

The carrying values of deposits are included in the government-wide statement of net assets as follows:

Carrying Values	
Cash at county treasurer	\$ 102,934
Deposits	11,650,427
Investments	<u>9,309,322</u>
	<u><u>\$ 21,062,683</u></u>

City of La Vista, Nebraska
Notes to Financial Statements
September 30, 2008

Note 3: Deposits and Investments - Continued

Summary of Carrying Values - Continued

Included in the following balance sheet captions as follows:

Cash and cash equivalents	\$ 7,778,912
Cash at country treasurer	102,934
Certificates of deposit	3,871,515
Investments	<u>9,309,322</u>
	<u><u>\$ 21,062,683</u></u>

Note 4: Property Taxes

The tax levy for the City is certified by the Sarpy County Board each year. Real estate taxes are due and attach as an enforceable lien on December 31 following the levy date. The first half of real estate taxes becomes delinquent on April 1 and the second half becomes delinquent August 1 following the levy date. Delinquent taxes bear interest at a 14% annual rate. Property taxes are collected by the County Treasurer and are periodically remitted to the City.

The tax rate to finance governmental services other than the payment of principal and interest on long-term debt for the year ended September 30, 2008 was \$.4435 per \$100 of assessed valuation and the debt service requirement was \$.0800 per \$100 of assessed valuation. The assessed valuation for the 2007-2008 tax year was \$897,837,113.

City of La Vista, Nebraska
Notes to Financial Statements
September 30, 2008

Note 5: Reconciliation of Budget Basis to GAAP

Amounts presented on a non-GAAP budget basis of accounting differ from those presented in accordance with GAAP due to the treatment afforded accruals, encumbrances, and funds for which legally adopted annual budgets are not established. A reconciliation for the year ended September 30, 2008, which discloses the nature and amount of the adjustments necessary to convert the actual GAAP data to the budgetary basis, is presented below:

	General Fund	Keno Fund	Economic Development Fund
Net change in fund balance			
Balance on a GAAP basis	\$ (153,330)	\$ 679,784	\$ (2,949,637)
Basic differences (accruals) occur because the cash basis of accounting used for budgeting differs from the modified accrual basis of accounting prescribed for governmental funds	<u>2,723,233</u>	<u>16,733</u>	<u>(14,442,448)</u>
Balance on a budget basis	<u><u>\$ 2,569,903</u></u>	<u><u>\$ 696,517</u></u>	<u><u>\$(17,392,085)</u></u>

Note 6: Receivables

Receivables at September 30, 2008, consist of the following:

Fund	Taxes	Accounts Receivable	Special Assessments	Interest	Note Receivable	Gross Receivables	Allowance for Uncollectibles	Net Receivables
General	\$ 392,121	\$ 242,361	\$ -	\$ -	\$ -	\$ 634,482	\$ -	\$ 634,482
Debt Service	163,998	-	2,586,875	224,737	-	2,975,610	219,451	2,756,159
Keno	-	109,362	-	-	-	109,362	-	109,362
Economic Development	-	-	-	252,258	14,183,047	14,435,305	-	14,435,305
Sewer	-	123,367	-	-	-	123,367	-	123,367
	<u>\$ 556,119</u>	<u>\$ 475,090</u>	<u>\$ 2,586,875</u>	<u>\$ 476,995</u>	<u>\$ 14,183,047</u>	<u>\$ 18,278,126</u>	<u>\$ 219,451</u>	<u>\$ 18,058,675</u>

Note Receivable

On April 25, 2007, the City entered into an economic development project with John Q. Hammons Affiliated Parties (the developer). Under the project the City would provide a \$3 million grant to the developer and a loan not to exceed \$18 million or 80% of the construction costs of a hotel and convention center. The developer will repay the entire principal balance of the loan in a single balloon payment no later than July 2017. The developer will make quarterly interest payments, at a rate equal to the average coupon rate of the bonds issued to fund the loan, until the entire principal balance is paid in full. As of September 30, 2008, the balance of the loan with the developer is \$14,183,047, as reflected above as a note receivable.

City of La Vista, Nebraska
Notes to Financial Statements
September 30, 2008

Note 7: Capital Assets and Depreciation

Capital asset activity for the year ended September 30, 2008 was as follows:

	Beginning Balance	Increases	Decreases	Ending Balance
Governmental Activities				
Land, not being depreciated	\$ 7,899,443	\$ 148,032	\$ -	\$ 8,047,475
Capital assets, being depreciated				
Buildings	18,639,452	25,386	-	18,664,838
Improvements/infrastructure	37,008,698	562,212	-	37,570,910
Equipment/furniture/vehicles	<u>4,378,569</u>	<u>1,740,241</u>	<u>-</u>	<u>6,118,810</u>
Total capital assets, being depreciated	<u>60,026,719</u>	<u>2,327,839</u>	<u>-</u>	<u>62,354,558</u>
Accumulated Depreciation				
Buildings	(4,661,195)	(718,009)	-	(5,379,204)
Improvements/infrastructure	(9,791,861)	(951,594)	-	(10,743,455)
Equipment/furniture/vehicles	<u>(2,907,087)</u>	<u>(411,115)</u>	<u>-</u>	<u>(3,318,202)</u>
Total accumulated depreciation	<u>(17,360,143)</u>	<u>(2,080,718)</u>	<u>-</u>	<u>(19,440,861)</u>
Capital assets being depreciated, net	<u>42,666,576</u>	<u>247,121</u>	<u>-</u>	<u>42,913,697</u>
Governmental activities capital assets, net	<u>\$ 50,566,019</u>	<u>\$ 395,153</u>	<u>\$ -</u>	<u>\$ 50,961,172</u>
Business-type Activities				
Land, not being depreciated	\$ 9,524	\$ -	\$ -	\$ 9,524
Capital assets, being depreciated				
Golf course	1,597,858	-	-	1,597,858
Building and improvements	54,365	-	-	54,365
Sewer line system	5,539,712	-	-	5,539,712
Equipment and furniture	<u>1,643,849</u>	<u>24,171</u>	<u>(3,644)</u>	<u>1,664,376</u>
Total capital assets, being depreciated	<u>8,835,784</u>	<u>24,171</u>	<u>(3,644)</u>	<u>8,856,311</u>
Accumulated depreciation				
Golf course	(814,101)	(59,652)	-	(873,753)
Building and improvements	(53,497)	(537)	-	(54,034)
Sewer line system	(1,331,083)	(105,083)	-	(1,436,166)
Equipment and furniture	<u>(1,194,285)</u>	<u>(67,062)</u>	<u>1,171</u>	<u>(1,260,176)</u>
Total accumulated depreciation	<u>(3,392,966)</u>	<u>(232,334)</u>	<u>1,171</u>	<u>(3,624,129)</u>
Capital assets being depreciated, net	<u>5,442,818</u>	<u>(208,163)</u>	<u>(2,473)</u>	<u>5,232,182</u>
Business-type activities capital assets, net	<u>\$ 5,452,342</u>	<u>\$ (208,163)</u>	<u>\$ (2,473)</u>	<u>\$ 5,241,706</u>

City of La Vista, Nebraska
Notes to Financial Statements
September 30, 2008

Note 7: Capital Assets and Depreciation - Continued

Depreciation was charged to functions/programs as follows:

Governmental Activities

General services	\$ 154,291
Public safety	643,063
Culture and recreation	214,578
Public works	<u>1,068,786</u>
Total governmental activities depreciation expense	<u>\$ 2,080,718</u>

Business-type Activities

Golf	\$ 77,716
Sewer	<u>154,618</u>
Total business-type activities depreciation expense	<u>\$ 232,334</u>

Note 8: Long-Term Liabilities

General obligation bonds, issued by the City for various municipal improvements, are repaid with property taxes recorded in the Debt Service Fund. The City has pledged its full faith and credit as collateral for the general obligation bonds. The City has no debt outstanding subject to legal debt limitations. The City's borrowing capacity is restrained by maintaining the City's debt at a responsible level.

The following is a summary of long-term debt activity of the City for the year ended September 30, 2008:

	Beginning Balance	Additions	Reductions	Ending Balance	Due Within One Year
Governmental Activities					
Long-term debt					
General obligation bonds	\$ 59,870,000	\$ 12,675,000	\$ 8,475,000	\$ 64,070,000	\$ 2,040,000
Registered warrants	6,945,215	688,321	6,630,802	1,002,734	362,160
Premium on bonds issued	-	51,384	-	51,384	-
Other long-term liabilities					
Compensated absences	<u>561,915</u>	-	76,908	<u>485,007</u>	<u>16,005</u>
Governmental activities long-term liabilities	<u>\$ 67,377,130</u>	<u>\$ 13,414,705</u>	<u>\$ 15,182,710</u>	<u>\$ 65,609,125</u>	<u>\$ 2,418,165</u>

City of La Vista, Nebraska
Notes to Financial Statements
September 30, 2008

Note 8: Long-Term Liabilities - Continued

	Beginning Balance		Additions		Reductions		Ending Balance		Due Within One Year
Business-type Activities									
Bonds payable									
Revenue bonds	\$ 755,000	\$ -		\$ 90,000		\$ 665,000		\$ 95,000	
Other long-term liabilities									
Compensated absences	<u>113,022</u>	<u>-</u>		<u>2,219</u>		<u>110,803</u>		<u>3,841</u>	
Business-type activities long-term liabilities	<u>\$ 868,022</u>	<u>\$ -</u>		<u>\$ 92,219</u>		<u>\$ 775,803</u>		<u>\$ 98,841</u>	

Long-term bonded debt is comprised of the following individual issues:

	Interest Rate	Maturity Date	Ending Balance
General Obligation Bonds			
January 15, 2001 various purpose bonds	4.95-5.55%	1/15/2016	\$ 165,000
June 15, 2002 street improvement bonds	4.10-5.45%	6/15/2022	75,000
March 26, 2002 police facility building bonds	3.75-5.00%	3/15/2022	3,185,000
June 15, 2003 library refunding bonds	2.45-3.80%	12/15/2012	980,000
May 15, 2003 refunding bonds	2.45-4.50%	11/15/2019	2,435,000
July 15, 2003 street improvement bonds	2.60-4.45%	7/15/2023	3,300,000
October 15, 2004, SID bonds	2.75-5.20%	4/15/2024	1,705,000
December 15, 2005, fire facility bonds	3.65-4.90%	12/15/2026	5,525,000
December 15, 2005, refunding bonds for warrants	3.55-4.80%	12/15/2026	3,870,000
March 15, 2006, off-street parking bonds	4.375-4.70%	4/15/2025	7,370,000
October 15, 2001, Val Verde GO bonds	4.60-5.50%	10/15/2021	65,000
October 01, 2002, Southwind GO bonds	4.45-5.75%	4/1/2022	135,000
March 15, 2004, Southwind GO bonds	3.00-5.10%	9/15/2024	1,890,000
July 7, 2007, EDP taxable bonds	6.00-7.73%	10/15/2029	20,695,000
December 21, 2007, public safety	3.40-4.30%	11/15/2022	1,370,000
July 15, 2008, refunding bonds	3.65-4.125%	10/15/2021	6,795,000
September 19, 2008, Southport GO bonds	3.125-5.00%	11/15/2028	3,520,000
September 19, 2009, highway allocation bonds	3.50-5.00%	11/15/2028	<u>990,000</u>
Total general obligation bonds			<u>\$ 64,070,000</u>
Revenue Bonds			
December 15, 1993 golf course revenue bond	5.40-5.45%	12/15/2013	<u>\$ 665,000</u>

City of La Vista, Nebraska
Notes to Financial Statements
September 30, 2008

Note 8: Long-Term Liabilities - Continued

The annual debt service requirements to maturity for bonded debt as of September 30, 2008 are as follows:

<u>Year Ending September 30,</u>	<u>Principal</u>	<u>Interest</u>	<u>Total</u>
Governmental Activities			
2009	\$ 2,040,000	\$ 3,357,649	\$ 5,397,649
2010	2,290,000	3,267,387	5,557,387
2011	2,895,000	3,165,405	6,060,405
2012	3,020,000	3,041,061	6,061,061
2013	3,150,000	2,907,833	6,057,833
2014-2018	15,990,000	12,395,850	28,385,850
2019-2023	17,895,000	8,176,644	26,071,644
2024-2028	12,745,000	3,530,698	16,275,698
2029-2031	4,045,000	300,500	4,345,500
Total	\$ 64,070,000	\$ 40,143,027	\$104,213,027
Business-type Activities			
2009	\$ 95,000	\$ 33,370	\$ 128,370
2010	100,000	28,177	128,177
2011	110,000	22,533	132,533
2012	115,000	16,458	131,458
2013	120,000	10,082	130,082
2014-2017	125,000	3,406	128,406
Total	\$ 665,000	\$ 114,026	\$ 779,026

Registered Warrants

On August 15, 1999, the City annexed the Brook Valley South Phase II portion of Sanitary and Improvement District No. 59 ("SID"). At September 30, 2008, the agreement to divide the debt of SID No. 59 was not final. The City believes the best estimate of debt attributable to the Brook Valley South Phase II portion of SID No. 59 is \$640,554.

Bond Refundings

During 2008, the City issued Various Purpose Bonds to accomplish a current refunding of general obligation bonds. The refundings resulted in a cash flow differential of approximately \$897,000, and an economic gain of \$589,000.

City of La Vista, Nebraska
Notes to Financial Statements
September 30, 2008

Note 9: Interfund Balances and Activity

During the course of operations, numerous transactions occur between individual funds that may result in amounts owed between funds.

Transfers are used to (a) move revenues from the fund that statute or budget requires to collect them to the fund that statute or budget requires to expend them, (b) move revenues from restricted funds to funds where the expenditures were incurred related to the restrictions and to (c) use unrestricted revenues collected in the general fund to finance various programs accounted for in other funds in accordance with budgetary authorizations.

Transfer To/From Other Funds at September 30, 2008, consists of the following:

Transfer To	Transfer From				Capital Improvements Fund
	General Fund	Debt Service Fund	Keno Fund		
General	\$ 85,700	\$ -	\$ 73,900	\$ 11,800	\$ -
Debt Service	1,210,795	-	-	967,557	243,238
Keno	771,692	-	591,692	180,000	-
Capital Improvements Fund	1,566,573	70,000	1,456,573	40,000	-
Economic Development	-	-	-	-	-
Other Governmental Funds	750,000	750,000	-	-	-
Golf	-	-	-	-	-
	\$ 4,384,760	\$ 820,000	\$ 2,122,165	\$ 1,199,357	\$ 243,238

Note 10: Retirement Plans

City Administrator's Retirement Plan

The City has a defined contribution pension plan covering the City Administrator. The plan requires that both the employee and the City contribute an amount equal to 6% of the employee's base salary per pay period. The City's and plan members' contributions to the plan for the year ended September 30, 2008 were \$6,730 each.

Civilian Employee Retirement Plan

The City has a defined contribution pension plan covering all civilian employees who are eligible. The plan requires that both the employee and the City contribute an amount equal to 6% of the employee's base salary per pay period. The City's and plan members' contributions to the plan for the year ended September 30, 2008 were \$165,382 each.

City of La Vista, Nebraska

Notes to Financial Statements

September 30, 2008

Note 10: Retirement Plans - Continued

Police Retirement Plan

The City has a defined contribution pension plan for its full time employees in the Police Department. The plan was converted effective January 1, 1984, from a defined benefit plan to a defined contribution plan. The plan requires that both the employee and the City contribute an amount equal to 6% of the employee's base salary per pay period. Additional contributions may be made by the City as required to fund the benefits payable under the plan. However, the benefit for participants employed prior to January 1, 1984 and any uniformed officer disabled or killed in the line of duty shall not be less than 50% of the participant's regular pay, as defined. The City's and plan members' contributions to the plan for the year ended September 30, 2008 were \$113,126 each.

Fire Retirement Plan

The City has a defined contribution pension plan for its full time employees in the Fire Department. The plan was effective June 2007. The plan requires that the City contribute an amount equal to 13% of employee's base salary per pay period. The payment shall be credited to his or her employer account on a monthly basis and each account shall also be credited with regular interest. Additional contributions may be made by the City as required to fund the benefits payable under the plan. The City's contributions to the plan for the year ended September 30, 2008 were \$10,652 and the plan members' contributions, including voluntary contributions, to the plan for the year ended September 30, 2008 were \$5,326.

Deferred Compensation Plan

The City offers its employees a deferred compensation plan created in accordance with Internal Revenue Code Section 457. The plan, available to all regular permanent full and part-time City employees, permits them to defer a portion of their salary until future years. The deferred compensation is not available to employees until termination, retirement, death or unforeseeable emergency.

All amounts of compensation deferred under the plan, all property and rights purchased with those amounts, and all income attributable to those amounts, property, or rights are (until paid or made available to the employee or other beneficiary) held in trust for the exclusive benefits of the participants and their beneficiaries. The plan assets are held in trust by a third party for the employees and are not reflected in these financial statements.

City of La Vista, Nebraska
Notes to Financial Statements
September 30, 2008

Note 11: Keno Fund Operations

The following data summarizes the Keno (Special Revenue) Fund's activity for the year ended September 30, 2008:

Gross sales	\$ 15,140,773
Less: prizes paid	(12,109,336)
Operator's commission	(1,514,077)
Deposits to progressive games	<u>(262)</u>
Net keno revenue	<u><u>\$ 1,517,098</u></u>

Note 12: Risk Management

The City is exposed to various risks of loss related to torts; theft, damage to, or destruction of assets, errors or omissions, injuries to employees, or natural disasters. These risks are transferred to independent insurance carriers and no self-insurance program is maintained by the City. City management believes adequate coverage exists for potential exposures as of September 30, 2008. The City did not pay any settlement amounts which exceeded its insurance coverage for any of the three preceding years.

Note 13: Commitments and Contingencies

During the year, the City has accepted various bids for street improvements and other projects in the normal course of business that have not been completed and/or fully paid for at year-end.

The City is involved in various litigation matters in the normal course of business. The outcome of such litigation is not expected to have a material effect on the City's financial position or results of operations.

The City also participates in a number of federal and state assistance programs. The programs are subject to financial and compliance audits or reviews. The amount of expenditures, if any, which may be disallowed by the granting agencies, is not determinable; however, City officials do not believe such amounts would be significant.

Included in the Capital Improvements Fund and the Offstreet Parking Fund is cash of \$377,816 and \$123,662, respectively, of bond proceeds that will be used for future purchases of capital assets. The Economic Development Fund includes \$3,612,784 in cash of bond proceeds that will be used for future community and business development.

Government Auditing Standards Report

**Independent Accountants' Report on Internal Control Over Financial Reporting
and on Compliance and Other Matters Based on an Audit of the Financial
Statements Performed in Accordance with *Government Auditing Standards***

Honorable Mayor and Members of the City Council
City of La Vista, Nebraska
La Vista, Nebraska

We have audited the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the City of La Vista as of and for the year ended September 30, 2008, which collectively comprise its basic financial statements and have issued our report thereon dated March 9, 2009. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States.

Internal Control Over Financial Reporting

In planning and performing our audit, we considered the City's internal control over financial reporting as a basis for designing our auditing procedures for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the City's internal control over financial reporting. Accordingly, we do not express an opinion on the effectiveness of the City's internal control over financial reporting.

A control deficiency exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent or detect misstatements on a timely basis. A significant deficiency is a control deficiency, or a combination of control deficiencies, that adversely affects the City's ability to initiate, authorize, record, process or report financial data reliably in accordance with generally accepted accounting principles such that there is more than a remote likelihood that a misstatement of the City's financial statements that is more than inconsequential will not be prevented or detected by the City's internal control.

A material weakness is a significant deficiency, or a combination of significant deficiencies, that results in more than a remote likelihood that a material misstatement of the financial statements will not be prevented or detected by the City's internal control.

Our consideration of internal control over financial reporting was for the limited purpose described in the first paragraph of this section and would not necessarily identify all deficiencies in internal control that might be significant deficiencies or material weaknesses. We did not identify any deficiencies in internal control over financial reporting that we consider to be material weaknesses as defined above.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the City's financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

We noted certain matters that we reported to the City's management in a separate letter dated March 9, 2009.

This report is intended solely for the information and use of the governing body, management and others within the City and is not intended to be and should not be used by anyone other than these specified parties.

BKI, up

March 9, 2009

City of La Vista, Nebraska
Schedule of Findings and Responses
Year Ended September 30, 2008

Reference Number	Finding
	No matters are reportable.

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
MARCH 17, 2009 AGENDA**

Subject:	Type:	Submitted By:
AMEND BUILDING CODE — ADOPT INTERNATIONAL PROPERTY MAINTENANCE CODE	RESOLUTION ◆ ORDINANCE RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

SYNOPSIS

An ordinance has been prepared to repeal the Uniform Housing Code, 1997 Edition, and adopt the International Property Maintenance Code, 2006 Edition, in Chapter 150, Building Regulations, of the City Code.

FISCAL IMPACT

N/A.

RECOMMENDATION

Approve.

BACKGROUND

Within Chapter 150, Building Regulations, of the City Code, the City has adopted various International Code Council (ICC) standardized codes which comprise our building regulations. Additionally, the City adopted the Uniform Housing Code, 1997 Edition, as the City's housing code. An updated housing code has been prepared by ICC and is titled the International Property Maintenance Code (IPMC), 2006 Edition. Certain exceptions and amendments to the IPMC are proposed by the Chief Building Official which are shown on the attached red-line copy of the sections to be amended. Also attached is a complete copy of the IPMC as prepared by ICC.

The Planning Commission held a public hearing on February 19, 2009 and recommended approval of the adoption of the International Property Maintenance Code, 2006 Edition, to the City Council.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND SECTION 150.03 OF THE LA VISTA MUNICIPAL CODE RELATING TO HOUSING CODES; TO REPEAL SECTION 150.03 AS PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

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

SECTION 1. Amendment of Section 150.03. Section 150.03 of the La Vista Municipal Code is hereby amended to read as follows:

8 150.03 HOUSING CODE ADOPTED BY REFERENCE.

Certain documents in book form, two copies of which are on file in the office of the City Clerk of the city of La Vista and being marked and designated as International Property Maintenance Code, 2006 Edition, prepared by the International Code Council, and all amendments, revisions or editions be, and the same are, hereby adopted as the Housing Code of the city of La Vista to regulate and provide certain minimum standards, provisions and requirements for safe and stable design, methods of construction and uses of materials in houses hereafter erected, constructed, enlarged, altered, repaired, relocated and converted within the jurisdiction of the city of La Vista and providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, conditions and terms of such International Property Maintenance Code, 2006 Edition, and all amendments, revisions or editions thereto on file or hereafter placed on file in the office of the City Clerk of the city of La Vista are hereby referred to, adopted and made a part hereof as it fully set out in this section.

SECTION 2. Repeal of Section 150.03 as Previously Enacted. Section 150.03, of the La Vista Municipal Code as previously enacted are hereby repealed.

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

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

PASSED AND APPROVED THIS 17TH DAY OF MARCH 2009.

CITY OF LA VISTA

Douglas D. Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

102.3 Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the International Building Code, International Fuel Gas Code, International Mechanical Code, and ICC Electric Code.

Deleted: . Nothing in this code shall be constructed to cancel, modify or set aside any provision of the International Zoning Code.

103.5 Fees. The fees for activities and services preformed by the department in carrying out its responsibilities under this code shall be as indicated in the master fee schedule.

Deleted: following

104.2 Delete and replace in its entirety with the following:

104.2 Rule-making authority. The code official, subject to review and approval of the Mayor and City Council, shall have authority to periodically adopt or promulgate rules, regulations or procedures as from time to time they determine necessary or appropriate to implement, enforce or administer this code, including, but not limited to, designating requirements applicable because of local climatic or other conditions. Rules, regulations and procedures adopted hereunder shall not have the effect of waiving and structural or fire protection or performance requirements expressly provided for in this code or reducing any accepted engineering methods determined indispensable in the interests of public safety. The code official shall have authority to interpret, implement and enforce the provisions of this code and any such rules, regulations or procedure.

107.3 Method of service. Such notice shall be deemed to be properly served if a copy thereof except as otherwise may be required by applicable law is:

1. Delivered personally;
2. Sent by certified or first-class mail addressed to the last known address; or
3. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

107.5 Transfer of Ownership: (Delete in its entirety)

108.2 Closing of a vacant structure. If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to post a placard or condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the code official shall have the authority to cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource subject to any applicable review, approval and procedural requirements,

Deleted: .

Formatted: Font: Bold

108.5 Prohibited occupancy Any occupied structure condemned and placarded by the code official shall be vacated as ordered by the code official. Any person who shall occupy a placarded premises or shall operate placarded equipment and any owner or any person

responsible for the premises who shall let anyone occupy a placarded or operate placarded equipment shall be subject to such actions and proceedings for removal and shall be liable for the penalties provided by this code.

111.2.4 Secretary. The chief administrative officer shall designate a qualified person to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the city clerk.

Deleted: chief administrative officer

111.2.5 Compensation of members. Board members shall serve without compensation,

Deleted: Compensation of members shall be determined by law

111.4 Open hearing. All hearings before the board shall be open to the public. The appellant, the appellant's representative, the code official and any person whose interests are affected shall be given an opportunity to be heard. A majority of board members shall constitute a quorum.

Deleted: quorum shall consist of not less than two-thirds of the board membership

111.5 Delete this provision.

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111.6 Board decision. The board shall modify or reverse the decision of the code official only by a concurring vote of four members of the appointed board.

Deleted: a majority of the total number of appointed board members.

111.6.1 Records and copies. The decision of the board shall be in writing and filed with the city clerk. Copies shall be furnished to the appellant and to the code official.

Deleted: recorded

111.7 Court review. Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing decision in the office of the city clerk.

Deleted: chief administrative officer

111.9 Definitions.

Chief Administrative Officer. Shall mean the City Administrator.

Chief Appointing Authority. Shall mean the Mayor with approval of the City Council.

302.4 Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of 12 inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Deleted: (jurisdiction to insert height in inches).

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

303.2 Enclosures. Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier at least 72 inches (1219 mm) in height above the finished ground level and measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches (1372) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Deleted: 48

Exception: Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.

[F] 304.3 Premises identification. Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 2 1/2 inches (102) high with a minimum stroke width of 0.5 inch (12.7 mm).

Deleted: 4

304.14 Insect Screens. Every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approve tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every screen door used for insect control shall have a self-closing device in good working condition.

Deleted: During the period from [date] to [date]

Deleted:

Deleted: e

Exception: Screens shall not be required where other approved means, such as air curtains or insect repellant fans, are employed.

403.2 Bathrooms and toilet rooms. Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by Section 403.1 except that a window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge outside the room and shall not be recirculated.

Deleted: to the outdoors

602.2 Residential occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68° F (20° C) in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature for the locality. Cooking appliances shall not be used to provide space heating to meet the requirement of this section.

Deleted: indicated in Appendix D of the International Plumbing Code

Exception: In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 65°F (18°C) shall be maintained.

602.3 Heat Supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat to maintain a temperature of not less than 68°F (20°C in all habitable rooms, bathrooms, and toilet rooms.

Deleted: during the period from [date] to [date]

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity.
2. In areas where the average monthly temperature is above 30°F (-1°C) a minimum temperature of 65°F (18°C) shall be maintained.

Deleted: The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the International Plumbing Code.

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602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

Deleted: during a period from [date] to [date]

702.1 General A safe continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the International Building Code.

Deleted: Fire

702.2 Aisles The required width of aisles in accordance with the International Building Code shall be unobstructed.

Deleted: Fire

704.1 General All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the International Building Code.

Deleted: Fire

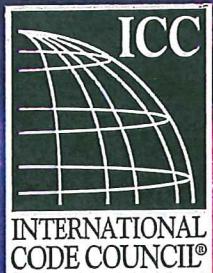
704.2 Smoke Alarms. Single or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and in dwellings not regulated in Group R occupancies, regardless of occupant load at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
2. In each room used for sleeping purposes.
3. In each story within a dwelling unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

Single or multiple station smoke alarms shall be installed in other groups in accordance with the International Building Code.

Deleted: Fire

A Member of the International Code Family®



INTERNATIONAL PROPERTY MAINTENANCE CODE®

2006

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PREFACE

Introduction

Internationally, code officials recognize the need for a modern, up-to-date property maintenance code governing the maintenance of existing buildings. The *International Property Maintenance Code*®, in this 2006 edition, is designed to meet this need through model code regulations that contain clear and specific property maintenance requirements with required property improvement provisions.

This 2006 edition is fully compatible with all *International Codes*® (I-Codes®) published by the International Code Council (ICC)®, including the *International Building Code*®, *ICC Electrical Code*®—*Administrative Provisions*, *International Energy Conservation Code*®, *International Existing Building Code*®, *International Fire Code*®, *International Fuel Gas Code*®, *International Mechanical Code*®, *ICC Performance Code*®, *International Plumbing Code*®, *International Private Sewage Disposal Code*®, *International Residential Code*®, *International Wildland-Urban Interface Code*™ and *International Zoning Code*®.

The *International Property Maintenance Code* provisions provide many benefits, among which is the model code development process that offers an international forum for code officials and other interested parties to discuss performance and prescriptive code requirements. This forum provides an excellent arena to debate proposed revisions. This model code also encourages international consistency in the application of provisions.

Development

The first edition of the *International Property Maintenance Code* (1998) was the culmination of an effort initiated in 1996 by a code development committee appointed by ICC and consisting of representatives of the three statutory members of the International Code Council at that time, including: Building Officials and Code Administrators International, Inc. (BOCA), International Conference of Building Officials (ICBO) and Southern Building Code Congress International (SBCCI). The committee drafted a comprehensive set of regulations for existing buildings that was consistent with the existing model property maintenance codes at the time. This 2006 edition presents the code as originally issued, with changes reflected through the previous 2003 editions and further changes developed through the ICC Code Development Process through 2005. A new edition of the code is promulgated every three years.

This code is founded on principles intended to establish provisions consistent with the scope of a property maintenance code that adequately protects public health, safety and welfare; provisions that do not unnecessarily increase construction costs; provisions that do not restrict the use of new materials, products or methods of construction; and provisions that do not give preferential treatment to particular types or classes of materials, products or methods of construction.

Adoption

The *International Property Maintenance Code* is available for adoption and use by jurisdictions internationally. Its use within a governmental jurisdiction is intended to be accomplished through adoption by reference in accordance with proceedings establishing the jurisdiction's laws. At the time of adoption, jurisdictions should insert the appropriate information in provisions requiring specific local information, such as the name of the adopting jurisdiction. These locations are shown in bracketed words in small capital letters in the code and in the sample ordinance. The sample adoption ordinance on page v addresses several key elements of a code adoption ordinance, including the information required for insertion into the code text.

Maintenance

The *International Property Maintenance Code* is kept up to date through the review of proposed changes submitted by code enforcing officials, industry representatives, design professionals and other interested parties. Proposed changes are carefully considered through an open code development process in which all interested and affected parties may participate.

The contents of this work are subject to change both through the Code Development Cycles and the governmental body that enacts the code into law. For more information regarding the code development process, contact the Codes and Standards Development Department of the International Code Council.

While the development procedure of the *International Property Maintenance Code* ensures the highest degree of care, ICC, its membership and those participating in the development of this code do not accept any liability resulting from compliance or non-compliance with the provisions because ICC does not have the power or authority to police or enforce compliance with the contents of this code. Only the governmental body that enacts the code into law has such authority.

Letter Designations in Front of Section Numbers

In each code development cycle, proposed changes to this code are considered at the Code Development Hearings by the ICC Property Maintenance/Zoning Code Development Committee, whose action constitutes a recommendation to the voting membership for final action on the proposed changes. Proposed changes to a code section having a number beginning with a letter in brackets are considered by a different code development committee. For example, proposed changes to code sections that have the letter [F] in front of them (e.g., [F] 704.1) are considered by the International Fire Code Development Committee at the Code Development Hearings.

The content of sections in this code that begin with a letter designation are maintained by another code development committee in accordance with the following:

[F] = International Fire Code Development Committee;

[P] = International Plumbing Code Development Committee;

[F] = International Fire Code Development Committee; and

[B] = International Building Code Development Committee.

Marginal Markings

Solid vertical lines in the margins within the body of the code indicating a technical change from the requirements of the previous edition. Deletion indicators in the form of an arrow (➡) are provided in the margin where an entire section, paragraph, exception or table has been deleted or an item in a list of items or a table has been deleted.

ORDINANCE

The *International Codes* are designed and promulgated to be adopted by reference by ordinance. Jurisdictions wishing to adopt the 2006 *International Property Maintenance Code* as an enforceable regulation governing existing structures and premises should ensure that certain factual information is included in the adopting ordinance at the time adoption is being considered by the appropriate governmental body. The following sample adoption ordinance addresses several key elements of a code adoption ordinance, including the information required for insertion into the code text.

SAMPLE ORDINANCE FOR ADOPTION OF THE *INTERNATIONAL PROPERTY MAINTENANCE CODE* ORDINANCE NO. _____

An ordinance of the [JURISDICTION] adopting the 2006 edition of the *International Property Maintenance Code*, regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures in the [JURISDICTION]; providing for the issuance of permits and collection of fees therefor; repealing Ordinance No. _____ of the [JURISDICTION] and all other ordinances and parts of the ordinances in conflict therewith.

The [GOVERNING BODY] of the [JURISDICTION] does ordain as follows:

Section 1. That a certain document, three (3) copies of which are on file in the office of the [TITLE OF JURISDICTION'S KEEPER OF RECORDS] of [NAME OF JURISDICTION], being marked and designated as the *International Property Maintenance Code*, 2006 edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the [JURISDICTION], in the State of [STATE NAME] for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the [JURISDICTION] are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

Section 2. The following sections are hereby revised:

Section 101.1. Insert: [NAME OF JURISDICTION]

Section 103.5. Insert: [APPROPRIATE SCHEDULE]

Section 302.4. Insert: [HEIGHT IN INCHES]

Section 304.14. Insert: [DATES IN TWO LOCATIONS]

Section 602.3. Insert: [DATES IN TWO LOCATIONS]

Section 602.4. Insert: [DATES IN TWO LOCATIONS]

Section 3. That Ordinance No. _____ of [JURISDICTION] entitled [FILL IN HERE THE COMPLETE TITLE OF THE ORDINANCE OR ORDINANCES IN EFFECT AT THE PRESENT TIME SO THAT THEY WILL BE REPEALED BY DEFINITE MENTION] and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The [GOVERNING BODY] hereby declares 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 and phrases be declared unconstitutional.

Section 5. That nothing in this ordinance or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or exist-

ing, under any act or ordinance hereby repealed as cited in Section 3 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 6. That the [JURISDICTION'S KEEPER OF RECORDS] is hereby ordered and directed to cause this ordinance to be published. (An additional provision may be required to direct the number of times the ordinance is to be published and to specify that it is to be in a newspaper in general circulation. Posting may also be required.)

Section 7. That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect [TIME PERIOD] from and after the date of its final passage and adoption.

TABLE OF CONTENTS

CHAPTER 1 ADMINISTRATION	1		
Section			
101 General.....	1	503 Toilet Rooms	15
102 Applicability	1	504 Plumbing Systems and Fixtures	15
103 Department of Property Maintenance Inspection.....	1	505 Water System.....	15
104 Duties and Powers of the Code Official.....	2	506 Sanitary Drainage System.....	16
105 Approval.....	2	507 Storm Drainage	16
106 Violations.....	2		
107 Notices and Orders	3	CHAPTER 6 MECHANICAL AND ELECTRICAL REQUIREMENTS	17
108 Unsafe Structures and Equipment	3	Section	
109 Emergency Measures.....	4	601 General.....	17
110 Demolition	4	602 Heating Facilities.....	17
111 Means of Appeal	5	603 Mechanical Equipment	17
CHAPTER 2 DEFINITIONS	7	604 Electrical Facilities	17
Section		605 Electrical Equipment.....	18
201 General.....	7	606 Elevators, Escalators and Dumbwaiters	18
202 General Definitions	7	607 Duct Systems	18
CHAPTER 3 GENERAL REQUIREMENTS	9		
Section		CHAPTER 7 FIRE SAFETY REQUIREMENTS	19
301 General.....	9	Section	
302 Exterior Property Areas.....	9	701 General.....	19
303 Swimming Pools, Spas and Hot Tubs.....	9	702 Means of Egress.....	19
304 Exterior Structure	10	703 Fire-Resistance Ratings.....	19
305 Interior Structure	11	704 Fire Protection Systems.....	19
306 Handrails and Guardrails	11		
307 Rubbish and Garbage	11	CHAPTER 8 REFERENCED STANDARDS	21
308 Extermination.....	11		
CHAPTER 4 LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS.....	13	INDEX.....	23
Section			
401 General.....	13		
402 Light.....	13		
403 Ventilation	13		
404 Occupancy Limitations	13		
CHAPTER 5 PLUMBING FACILITIES AND Fixture REQUIREMENTS	15		
Section			
501 General.....	15		
502 Required Facilities.....	15		

CHAPTER 1

ADMINISTRATION

SECTION 101

GENERAL

101.1 Title. These regulations shall be known as the *Property Maintenance Code* of [NAME OF JURISDICTION], hereinafter referred to as "this code."

101.2 Scope. The provisions of this code shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

101.3 Intent. This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare in so far as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

→ **101.4 Severability.** If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION 102

APPLICABILITY

102.1 General. The provisions of this code shall apply to all matters affecting or relating to structures and premises, as set forth in Section 101. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.

102.2 Maintenance. Equipment, systems, devices and safeguards required by this code or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this section to be removed from or shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner's designated agent shall be responsible for the maintenance of buildings, structures and premises.

102.3 Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the *International Building Code*, *International Fuel Gas Code*, *International Mechanical Code* and the *ICC Electrical Code*. Nothing in this code shall be construed to cancel, modify or set aside any provision of the *International Zoning Code*.

102.4 Existing remedies. The provisions in this code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe and insanitary.

102.5 Workmanship. Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's installation instructions.

102.6 Historic buildings. The provisions of this code shall not be mandatory for existing buildings or structures designated as historic buildings when such buildings or structures are judged by the code official to be safe and in the public interest of health, safety and welfare.

102.7 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Chapter 8 and considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

102.8 Requirements not covered by code. Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the code official.

SECTION 103

DEPARTMENT OF PROPERTY MAINTENANCE INSPECTION

103.1 General. The department of property maintenance inspection is hereby created and the executive official in charge thereof shall be known as the code official.

103.2 Appointment. The code official shall be appointed by the chief appointing authority of the jurisdiction; and the code official shall not be removed from office except for cause and after full opportunity to be heard on specific and relevant charges by and before the appointing authority.

103.3 Deputies. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the code official shall have the authority to appoint a deputy code official, other related technical officers, inspectors and other employees.

103.4 Liability. The code official, officer or employee charged with the enforcement of this code, while acting for the jurisdiction, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act required or permitted in the discharge of official duties.

Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code; and any officer of the department of property maintenance inspection, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

103.5 Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as indicated in the following schedule.

[JURISDICTION TO INSERT APPROPRIATE SCHEDULE.]

SECTION 104

DUTIES AND POWERS OF THE CODE OFFICIAL

104.1 General. The code official shall enforce the provisions of this code.

104.2 Rule-making authority. The code official shall have authority as necessary in the interest of public health, safety and general welfare, to adopt and promulgate rules and procedures; to interpret and implement the provisions of this code; to secure the intent thereof; and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in this code, or of violating accepted engineering methods involving public safety.

104.3 Inspections. The code official shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The code official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

104.4 Right of entry. The code official is authorized to enter the structure or premises at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the code official is authorized to pursue recourse as provided by law.

104.5 Identification. The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

104.6 Notices and orders. The code official shall issue all necessary notices or orders to ensure compliance with this code.

104.7 Department records. The code official shall keep official records of all business and activities of the department specified in the provisions of this code. Such records shall be retained in the official records as long as the building or structure to which such records relate remains in existence, unless otherwise provided for by other regulations.

SECTION 105

APPROVAL

105.1 Modifications. Whenever there are practical difficulties involved in carrying out the provisions of this code, the code official shall have the authority to grant modifications for individual cases, provided the code official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files.

105.2 Alternative materials, methods and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material or method of construction shall be approved where the code official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

105.3 Required testing. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the code official shall have the authority to require tests to be made as evidence of compliance at no expense to the jurisdiction.

105.3.1 Test methods. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the code official shall be permitted to approve appropriate testing procedures performed by an approved agency.

105.3.2 Test reports. Reports of tests shall be retained by the code official for the period required for retention of public records.

105.4 Material and equipment reuse. Materials, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested when necessary, placed in good and proper working condition and approved.

SECTION 106

VIOLATIONS

106.1 Unlawful acts. It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code.

106.2 Notice of violation. The code official shall serve a notice of violation or order in accordance with Section 107.

106.3 Prosecution of violation. Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a misdemeanor or civil infraction as determined by the local municipality, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

106.4 Violation penalties. Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

106.5 Abatement of violation. The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.

SECTION 107 NOTICES AND ORDERS

107.1 Notice to person responsible. Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Sections 107.2 and 107.3 to the person responsible for the violation as specified in this code. Notices for condemnation procedures shall also comply with Section 108.3.

107.2 Form. Such notice prescribed in Section 107.1 shall be in accordance with all of the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code.
5. Inform the property owner of the right to appeal.
6. Include a statement of the right to file a lien in accordance with Section 106.3.

107.3 Method of service. Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally;
2. Sent by certified or first-class mail addressed to the last known address; or
3. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

107.4 Penalties. Penalties for noncompliance with orders and notices shall be as set forth in Section 106.4.

107.5 Transfer of ownership. It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

SECTION 108 UNSAFE STRUCTURES AND EQUIPMENT

108.1 General. When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this code.

108.1.1 Unsafe structures. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

108.1.2 Unsafe equipment. Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

108.1.3 Structure unfit for human occupancy. A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination,

sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

108.1.4 Unlawful structure. An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law.

108.2 Closing of vacant structures. If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the code official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource.

108.3 Notice. Whenever the code official has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment in accordance with Section 107.3. If the notice pertains to equipment, it shall also be placed on the condemned equipment. The notice shall be in the form prescribed in Section 107.2.

108.4 Placarding. Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the code official shall post on the premises or on defective equipment a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

108.4.1 Placard removal. The code official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the code official shall be subject to the penalties provided by this code.

108.5 Prohibited occupancy. Any occupied structure condemned and placarded by the code official shall be vacated as ordered by the code official. Any person who shall occupy a placarded premises or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be liable for the penalties provided by this code.

SECTION 109 EMERGENCY MEASURES

109.1 Imminent danger. When, in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential dan-

ger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

109.2 Temporary safeguards. Notwithstanding other provisions of this code, whenever, in the opinion of the code official, there is imminent danger due to an unsafe condition, the code official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the code official deems necessary to meet such emergency.

109.3 Closing streets. When necessary for public safety, the code official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

109.4 Emergency repairs. For the purposes of this section, the code official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

109.5 Costs of emergency repairs. Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

109.6 Hearing. Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in this code.

SECTION 110 DEMOLITION

110.1 General. The code official shall order the owner of any premises upon which is located any structure, which in the code official's judgment is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, to demolish and remove such structure.

110.2 Notices and orders. All notices and orders shall comply with Section 107.

110.3 Failure to comply. If the owner of a premises fails to comply with a demolition order within the time prescribed, the

code official shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

110.4 Salvage materials. When any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

SECTION 111 MEANS OF APPEAL

111.1 Application for appeal. Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

111.2 Membership of board. The board of appeals shall consist of a minimum of three members who are qualified by experience and training to pass on matters pertaining to property maintenance and who are not employees of the jurisdiction. The code official shall be an ex-officio member but shall have no vote on any matter before the board. The board shall be appointed by the chief appointing authority, and shall serve staggered and overlapping terms.

111.2.1 Alternate members. The chief appointing authority shall appoint two or more alternate members who shall be called by the board chairman to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership.

111.2.2 Chairman. The board shall annually select one of its members to serve as chairman.

111.2.3 Disqualification of member. A member shall not hear an appeal in which that member has a personal, professional or financial interest.

111.2.4 Secretary. The chief administrative officer shall designate a qualified person to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the chief administrative officer.

111.2.5 Compensation of members. Compensation of members shall be determined by law.

111.3 Notice of meeting. The board shall meet upon notice from the chairman, within 20 days of the filing of an appeal, or at stated periodic meetings.

111.4 Open hearing. All hearings before the board shall be open to the public. The appellant, the appellant's representative, the code official and any person whose interests are affected shall be given an opportunity to be heard. A quorum shall consist of not less than two-thirds of the board membership.

111.4.1 Procedure. The board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

111.5 Postponed hearing. When the full board is not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

111.6 Board decision. The board shall modify or reverse the decision of the code official only by a concurring vote of a majority of the total number of appointed board members.

111.6.1 Records and copies. The decision of the board shall be recorded. Copies shall be furnished to the appellant and to the code official.

111.6.2 Administration. The code official shall take immediate action in accordance with the decision of the board.

111.7 Court review. Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the chief administrative officer.

111.8 Stays of enforcement. Appeals of notice and orders (other than Imminent Danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the appeals board.

CHAPTER 2

DEFINITIONS

SECTION 201 GENERAL

201.1 Scope. Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter.

201.2 Interchangeability. Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the *International Building Code*, *International Fire Code*, *International Zoning Code*, *International Plumbing Code*, *International Mechanical Code* or the *ICC Electrical Code*, such terms shall have the meanings ascribed to them as stated in those codes.

201.4 Terms not defined. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

201.5 Parts. Whenever the words "dwelling unit," "dwelling," "premises," "building," "rooming house," "rooming unit" "housekeeping unit" or "story" are stated in this code, they shall be construed as though they were followed by the words "or any part thereof."

SECTION 202 GENERAL DEFINITIONS

APPROVED. Approved by the code official.

BASEMENT. That portion of a building which is partly or completely below grade.

BATHROOM. A room containing plumbing fixtures including a bathtub or shower.

BEDROOM. Any room or space used or intended to be used for sleeping purposes in either a dwelling or sleeping unit.

CODE OFFICIAL. The official who is charged with the administration and enforcement of this code, or any duly authorized representative.

CONDAMN. To adjudge unfit for occupancy.

[B] DWELLING UNIT. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

EASEMENT. That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on or above a said lot or lots.

EXTERIOR PROPERTY. The open space on the premises and on adjoining property under the control of owners or operators of such premises.

EXTERMINATION. The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison spraying, fumigating, trapping or by any other approved pest elimination methods.

GARBAGE. The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

GUARD. A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

HABITABLE SPACE. Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

HOUSEKEEPING UNIT. A room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

IMMINENT DANGER. A condition which could cause serious or life-threatening injury or death at any time.

INFESTATION. The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

INOPERABLE MOTOR VEHICLE. A vehicle which cannot be driven upon the public streets for reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.*

LABELED. Devices, equipment, appliances, or materials to which has been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and by whose label the manufacturer attests to compliance with applicable nationally recognized standards.

LET FOR OCCUPANCY OR LET. To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement or contract for the sale of land.

OCCUPANCY. The purpose for which a building or portion thereof is utilized or occupied.

OCCUPANT. Any individual living or sleeping in a building, or having possession of a space within a building.

OPENABLE AREA. That part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

DEFINITIONS

OPERATOR. Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

OWNER. Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

PERSON. An individual, corporation, partnership or any other group acting as a unit.

PREMISES. A lot, plot or parcel of land, easement or public way, including any structures thereon.

PUBLIC WAY. Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

ROOMING HOUSE. A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

ROOMING UNIT. Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

RUBBISH. Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

[B] SLEEPING UNIT. A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

STRICT LIABILITY OFFENSE. An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.

STRUCTURE. That which is built or constructed or a portion thereof.

TENANT. A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

TOILET ROOM. A room containing a water closet or urinal but not a bathtub or shower.

VENTILATION. The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

WORKMANLIKE. Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

YARD. An open space on the same lot with a structure.

CHAPTER 3

GENERAL REQUIREMENTS

SECTION 301

GENERAL

301.1 Scope. The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.

301.2 Responsibility. The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.

301.3 Vacant structures and land. All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

SECTION 302

EXTERIOR PROPERTY AREAS

302.1 Sanitation. All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

302.2 Grading and drainage. All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

Exception: Approved retention areas and reservoirs.

302.3 Sidewalks and driveways. All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

302.4 Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of (jurisdiction to insert height in inches). All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the

property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

302.5 Rodent harborage. All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

302.6 Exhaust vents. Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

302.7 Accessory structures. All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

302.8 Motor vehicles. Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

302.9 Defacement of property. No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.

It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

SECTION 303

SWIMMING POOLS, SPAS AND HOT TUBS

303.1 Swimming pools. Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

303.2 Enclosures. Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier at least 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. No existing pool enclosure

shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Exception: Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.

SECTION 304 EXTERIOR STRUCTURE

304.1 General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

304.2 Protective treatment. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

[F] 304.3 Premises identification. Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm).

304.4 Structural members. All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

304.5 Foundation walls. All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

304.6 Exterior walls. All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

304.7 Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

304.8 Decorative features. All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

304.9 Overhang extensions. All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

304.10 Stairways, decks, porches and balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

304.11 Chimneys and towers. All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

304.12 Handrails and guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

304.13 Window, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

304.13.1 Glazing. All glazing materials shall be maintained free from cracks and holes.

304.13.2 Openable windows. Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

304.14 Insect screens. During the period from [DATE] to [DATE], every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

304.15 Doors. All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

304.16 Basement hatchways. Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

304.17 Guards for basement windows. Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.

304.18 Building security. Doors, windows or hatchways for dwelling units, room units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within.

304.18.1 Doors. Doors providing access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a lock throw of not less than 1 inch (25 mm). Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.

304.18.2 Windows. Operable windows located in whole or in part within 6 feet (1828 mm) above ground level or a walking surface below that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a window sash locking device.

304.18.3 Basement hatchways. Basement hatchways that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.

SECTION 305 INTERIOR STRUCTURE

305.1 General. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

305.2 Structural members. All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

305.3 Interior surfaces. All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

305.4 Stairs and walking surfaces. Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

305.5 Handrails and guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

305.6 Interior doors. Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

SECTION 306 HANDRAILS AND GUARDRAILS

306.1 General. Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have guards. Handrails shall not be less than 30 inches (762 mm) high or more than 42 inches (1067 mm) high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 30 inches (762 mm) high above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

Exception: Guards shall not be required where exempted by the adopted building code.

SECTION 307 RUBBISH AND GARBAGE

307.1 Accumulation of rubbish or garbage. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

307.2 Disposal of rubbish. Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

307.2.1 Rubbish storage facilities. The owner of every occupied premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.

307.2.2 Refrigerators. Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on premises without first removing the doors.

307.3 Disposal of garbage. Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.

307.3.1 Garbage facilities. The owner of every dwelling shall supply one of the following: an approved mechanical food waste grinder in each dwelling unit; an approved incinerator unit in the structure available to the occupants in each dwelling unit; or an approved leakproof, covered, outside garbage container.

307.3.2 Containers. The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, approved leakproof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.

SECTION 308 EXTERMINATION

308.1 Infestation. All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

308.2 Owner. The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.

308.3 Single occupant. The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for extermination on the premises.

308.4 Multiple occupancy. The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for extermination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant shall be responsible for extermination.

308.5 Occupant. The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure.

Exception: Where the infestations are caused by defects in the structure, the owner shall be responsible for extermination.

CHAPTER 4

LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS

SECTION 401 GENERAL

401.1 Scope. The provisions of this chapter shall govern the minimum conditions and standards for light, ventilation and space for occupying a structure.

401.2 Responsibility. The owner of the structure shall provide and maintain light, ventilation and space conditions in compliance with these requirements. A person shall not occupy as owner-occupant, or permit another person to occupy, any premises that do not comply with the requirements of this chapter.

401.3 Alternative devices. In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the *International Building Code* shall be permitted.

SECTION 402 LIGHT

402.1 Habitable spaces. Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be 8 percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

Exception: Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m²). The exterior glazing area shall be based on the total floor area being served.

402.2 Common halls and stairways. Every common hall and stairway in residential occupancies, other than in one- and two-family dwellings, shall be lighted at all times with at least a 60-watt standard incandescent light bulb for each 200 square feet (19 m²) of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet (9144 mm). In other than residential occupancies, means of egress, including exterior means of egress, stairways shall be illuminated at all times the building space served by the means of egress is occupied with a minimum of 1 footcandle (11 lux) at floors, landings and treads.

402.3 Other spaces. All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures.

SECTION 403 VENTILATION

403.1 Habitable spaces. Every habitable space shall have at least one openable window. The total openable area of the window in every room shall be equal to at least 45 percent of the minimum glazed area required in Section 402.1.

Exception: Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m²). The ventilation openings to the outdoors shall be based on a total floor area being ventilated.

403.2 Bathrooms and toilet rooms. Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by Section 403.1, except that a window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors and shall not be recirculated.

403.3 Cooking facilities. Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in the rooming unit or dormitory unit.

Exceptions:

1. Where specifically approved in writing by the code official.
2. Devices such as coffee pots and microwave ovens shall not be considered cooking appliances.

403.4 Process ventilation. Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space.

403.5 Clothes dryer exhaust. Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted in accordance with the manufacturer's instructions.

SECTION 404 OCCUPANCY LIMITATIONS

404.1 Privacy. Dwelling units, hotel units, housekeeping units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

404.2 Minimum room widths. A habitable room, other than a kitchen, shall not be less than 7 feet (2134 mm) in any plan dimension. Kitchens shall have a clear passageway of not less

than 3 feet (914 mm) between counterfronts and appliances or counterfronts and walls.

404.3 Minimum ceiling heights. Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a clear ceiling height of not less than 7 feet (2134 mm).

Exceptions:

1. In one- and two-family dwellings, beams or girders spaced not less than 4 feet (1219 mm) on center and projecting not more than 6 inches (152 mm) below the required ceiling height.
2. Basement rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than 6 feet 8 inches (2033 mm) with not less than 6 feet 4 inches (1932 mm) of clear height under beams, girders, ducts and similar obstructions.
3. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least 7 feet (2134 mm) over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of 5 feet (1524 mm) or more shall be included.

404.4 Bedroom and living room requirements. Every bedroom and living room shall comply with the requirements of Sections 404.4.1 through 404.4.5.

404.4.1 Room area. Every living room shall contain at least 120 square feet (11.2 m^2) and every bedroom shall contain at least 70 square feet (6.5 m^2).

404.4.2 Access from bedrooms. Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces.

Exception: Units that contain fewer than two bedrooms.

404.4.3 Water closet accessibility. Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least one water closet and lavatory located in the same story as the bedroom or an adjacent story.

404.4.4 Prohibited occupancy. Kitchens and nonhabitable spaces shall not be used for sleeping purposes.

404.4.5 Other requirements. Bedrooms shall comply with the applicable provisions of this code including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of this chapter; the plumbing facilities and water-heating facilities requirements of Chapter 5; the heating facilities and electrical receptacle requirements of Chapter 6; and the smoke detector and emergency escape requirements of Chapter 7.

404.5 Overcrowding. The number of persons occupying a dwelling unit shall not create conditions that, in the opinion of

the code official, endanger the life, health, safety or welfare of the occupants.

404.6 Efficiency unit. Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:

1. A unit occupied by not more than two occupants shall have a clear floor area of not less than 220 square feet (20.4 m^2). A unit occupied by three occupants shall have a clear floor area of not less than 320 square feet (29.7 m^2). These required areas shall be exclusive of the areas required by Items 2 and 3.
2. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches (762 mm) in front. Light and ventilation conforming to this code shall be provided.
3. The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.
4. The maximum number of occupants shall be three.

404.7 Food preparation. All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

CHAPTER 5

PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

SECTION 501 GENERAL

501.1 Scope. The provisions of this chapter shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.

501.2 Responsibility. The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any structure or premises which does not comply with the requirements of this chapter.

[P] SECTION 502 REQUIRED FACILITIES

502.1 Dwelling units. Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

502.2 Rooming houses. At least one water closet, lavatory and bathtub or shower shall be supplied for each four rooming units.

502.3 Hotels. Where private water closets, lavatories and baths are not provided, one water closet, one lavatory and one bathtub or shower having access from a public hallway shall be provided for each ten occupants.

502.4 Employees' facilities. A minimum of one water closet, one lavatory and one drinking facility shall be available to employees.

502.4.1 Drinking facilities. Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in toilet rooms or bathrooms.

[P] SECTION 503 TOILET ROOMS

503.1 Privacy. Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms in a multiple dwelling.

503.2 Location. Toilet rooms and bathrooms serving hotel units, rooming units or dormitory units or housekeeping units, shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.

503.3 Location of employee toilet facilities. Toilet facilities shall have access from within the employees' working area. The required toilet facilities shall be located not more than one story above or below the employees' working area and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m). Employee facilities shall either be separate facilities or combined employee and public facilities.

Exception: Facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of 500 feet (152 m) from the employees' regular working area to the facilities.

503.4 Floor surface. In other than dwelling units, every toilet room floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

[P] SECTION 504 PLUMBING SYSTEMS AND FIXTURES

504.1 General. All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

504.2 Fixture clearances. Plumbing fixtures shall have adequate clearances for usage and cleaning.

504.3 Plumbing system hazards. Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, backsiphonage, improper installation, deterioration or damage or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

SECTION 505 WATER SYSTEM

505.1 General. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the *International Plumbing Code*.

[P] 505.2 Contamination. The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets and other hose bibs or faucets to which hoses are attached and left in

place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

505.3 Supply. The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

505.4 Water heating facilities. Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 110°F (43°C). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

[P] SECTION 506 SANITARY DRAINAGE SYSTEM

506.1 General. All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

506.2 Maintenance. Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

[P] SECTION 507 STORM DRAINAGE

507.1 General. Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance.

CHAPTER 6

MECHANICAL AND ELECTRICAL REQUIREMENTS

SECTION 601 GENERAL

601.1 Scope. The provisions of this chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided.

601.2 Responsibility. The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises which does not comply with the requirements of this chapter.

SECTION 602 HEATING FACILITIES

602.1 Facilities required. Heating facilities shall be provided in structures as required by this section.

602.2 Residential occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature for the locality indicated in Appendix D of the *International Plumbing Code*. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

Exception: In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 65°F (18°C) shall be maintained.

602.3 Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from [DATE] to [DATE] to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms, and toilet rooms.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the *International Plumbing Code*.
2. In areas where the average monthly temperature is above 30°F (-1°C) a minimum temperature of 65°F (18°C) shall be maintained.

602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from [DATE] to [DATE] to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

602.5 Room temperature measurement. The required room temperatures shall be measured 3 feet (914 mm) above the floor near the center of the room and 2 feet (610 mm) inward from the center of each exterior wall.

SECTION 603 MECHANICAL EQUIPMENT

603.1 Mechanical appliances. All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

603.2 Removal of combustion products. All fuel-burning equipment and appliances shall be connected to an approved chimney or vent.

Exception: Fuel-burning equipment and appliances which are labeled for unvented operation.

603.3 Clearances. All required clearances to combustible materials shall be maintained.

603.4 Safety controls. All safety controls for fuel-burning equipment shall be maintained in effective operation.

603.5 Combustion air. A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.

603.6 Energy conservation devices. Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless labeled for such purpose and the installation is specifically approved.

SECTION 604 ELECTRICAL FACILITIES

604.1 Facilities required. Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section 605.

604.2 Service. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the *ICC Electrical Code*. Dwelling units shall be served by a three-wire, 120/240 volt, single-

phase electrical service having a rating of not less than 60 amperes.

604.3 Electrical system hazards. Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

SECTION 605 ELECTRICAL EQUIPMENT

605.1 Installation. All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

605.2 Receptacles. Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection.

605.3 Luminaires. Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain at least one electric luminaire.

SECTION 606 ELEVATORS, ESCALATORS AND DUMBWAITERS

606.1 General. Elevators, dumbwaiters and escalators shall be maintained in compliance with ASME A17.1. The most current certification of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter, or the certificate shall be available for public inspection in the office of the building operator. The inspection and tests shall be performed at not less than the periodical intervals listed in ASME A17.1, Appendix N, except where otherwise specified by the authority having jurisdiction.

606.2 Elevators. In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied.

Exception: Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

SECTION 607 DUCT SYSTEMS

607.1 General. Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.

CHAPTER 7

FIRE SAFETY REQUIREMENTS

SECTION 701 GENERAL

701.1 Scope. The provisions of this chapter shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided.

701.2 Responsibility. The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises that do not comply with the requirements of this chapter.

[F] SECTION 702 MEANS OF EGRESS

702.1 General. A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the *International Fire Code*.

702.2 Aisles. The required width of aisles in accordance with the *International Fire Code* shall be unobstructed.

702.3 Locked doors. All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the *International Building Code*.

702.4 Emergency escape openings. Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

[F] SECTION 703 FIRE-RESISTANCE RATINGS

703.1 Fire-resistance-rated assemblies. The required fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained.

703.2 Opening protectives. Required opening protectives shall be maintained in an operative condition. All fire and smokestop doors shall be maintained in operable condition.

Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable.

[F] SECTION 704 FIRE PROTECTION SYSTEMS

704.1 General. All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the *International Fire Code*.

704.2 Smoke alarms. Single or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and in dwellings not regulated in Group R occupancies, regardless of occupant load at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
2. In each room used for sleeping purposes.
3. In each story within a dwelling unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

Single or multiple-station smoke alarms shall be installed in other groups in accordance with the *International Fire Code*.

704.3 Power source. In Group R occupancies and in dwellings not regulated as Group R occupancies, single-station smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection.

Exception: Smoke alarms are permitted to be solely battery operated in buildings where no construction is taking place, buildings that are not served from a commercial power source and in existing areas of buildings undergoing alterations or repairs that do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for building wiring without the removal of interior finishes.

704.4 Interconnection. Where more than one smoke alarm is required to be installed within an individual dwelling unit in Group R-2, R-3, R-4 and in dwellings not regulated as Group R occupancies, the smoke alarms shall be interconnected in such

a manner that the activation of one alarm will activate all of the alarms in the individual unit. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

Exceptions:

1. Interconnection is not required in buildings which are not undergoing alterations, repairs, or construction of any kind.
2. Smoke alarms in existing areas are not required to be interconnected where alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for interconnection without the removal of interior finishes.

CHAPTER 8

REFERENCED STANDARDS

This chapter lists the standards that are referenced in various sections of this document. The standards are listed herein by the promulgating agency of the standard, the standard identification, the effective date and title and the section or sections of this document that reference the standard. The application of the referenced standards shall be as specified in Section 102.7.



American Society of Mechanical Engineers
Three Park Avenue
New York, NY 10016-5990

Standard reference number	Title	Referenced in code section number
A17.1—2004	Safety Code for Elevators and Escalators with A17.1a — 2005 Addenda and A17.15 Supplement 2005	606.1



ASTM International
100 Barr Harbor Drive
West Conshohocken, PA 19428-2959

Standard reference number	Title	Referenced in code section number
F1346—91 (2003)	Performance Specifications for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs	303.2



International Code Council
500 New Jersey Avenue, NW
6th Floor
Washington, D.C. 20001

Standard reference number	Title	Referenced in code section number
ICC EC—06	ICC Electrical Code® — Administrative Provisions	201.3, 604.2
IBC—06	International Building Code®	102.3, 201.3, 401.3, 702.3
IFC—06	International Fire Code®	201.3, 702.1, 702.2, 704.1, 704.2
IFGC—06	International Fuel Gas Code®	102.3
IMC—06	International Mechanical Code®	102.3, 201.3
IPC—06	International Plumbing Code®	201.3, 505.1, 602.2, 602.3
IZC—06	International Zoning Code®	102.3, 201.3

INDEX

A

ACCEPTED ENGINEERING METHODS	104.2
ACCESS	
Egress	702
From bedrooms	404.4.2
Plumbing fixtures, access for cleaning	504.2
To public way	702.1
Toilet room as passageway	503.1
Water closet	404.4.3
ADJACENT	
Privacy (hotel units, rooming units)	404.1
ADMINISTRATION	
Scope	101.2
AGENT (See also OPERATOR)	202
(See OWNER)	
AIR	
Combustion air	603.5
AISLES	
Minimum width	702.2
ALTERATION	
Applicability of other codes	102.3
Condemnation	108.1, 108.2
Inspection	104.3
Prosecution	106.3
Unlawful acts	106.1
ANCHOR	
Architectural trim	304.8
Signs, marquees and awnings	304.9
APPEAL	
Application	111.1
Board decision	111.6
Board of appeals	111.2
Court review	111.7
Disqualification	111.2.3
Financial interest	111.2.3
Hearing, emergency orders	109.6
Membership	111.2
Notice of appeal	111.1
Postponed hearing	111.5
Records	104.7
Right to appeal	111.1
Vote	111.6
APPLIANCE	
Cooking	403.3, 602.2
Heating	602.2, 603.1
Mechanical	603.1
APPLICATION	
Other codes	102.3
APPROVAL	
Alternatives	105.2
Authority	104.1, 105.2
Modifications	105.1
APPROVED	

Alternative materials, methods and equipment	105.2
Definition	202
Energy conservation devices	603.6
Fireplaces	603.1
Garbage storage facilities	307.3.1
Modifications	105.1
Used materials and equipment	105.4

ARCHITECTURAL

Structural members	304.4
Trim	304.8

ARTIFICIAL

Lighting of habitable rooms	401.3
Lighting of other spaces	402.3

AUTOMOBILE

Motor vehicles	302.8
--------------------------	-------

AWNING

Signs, marquees and awnings	304.9
---------------------------------------	-------

B

BALCONY

Handrails and guardrails	306.1
------------------------------------	-------

BASEMENT

Definition	202
Hatchways	304.16
Windows	304.17

BATHROOM

Common bathrooms	502.3, 503.1
Hotels	502.3
Lighting	605.3
Locks	503.1
Outlets required	605.2
Privacy	503.1
Ventilation	403.2

BATHTUB

Required facilities	502.1
Rooming houses	502.2
Sewage system	506.1
Water heating facilities	505.4
Water system	505.1

BEDROOM

Room area	404.4.1
---------------------	---------

BOILER

Unsafe equipment	108.1.2
----------------------------	---------

C

CAPACITY

Heating facilities	602.2, 602.3, 602.4
------------------------------	---------------------

CAR (See AUTOMOBILE)

CEILING

Basement rooms	404.3
--------------------------	-------

Fire-resistance ratings	703.1
Interior surfaces	305.3
Minimum height	404.3
CHANGE, MODIFY	
Application of other codes	102.3
CHIMNEY	
Exterior structure	304.11
Fireplaces	603.1
Flue	603.2, 603.3
CLEANING	
Access for cleaning	504.2
Bathroom and kitchen floors	305.3, 503.4
Disposal of garbage	307.3
Disposal of rubbish	307.2
Interior sanitation	307.1
Interior surfaces	305.3
Plumbing facilities, maintained	504.1
Required plumbing facilities	502
Responsibility of persons	305.1
Trash containers	307.3.2
Vacant structures and land	301.3
CLEARANCE	
Heating facilities	603.3
Plumbing fixtures	504.2
CLOSING	
Streets	109.3
Vacant structures	108.2
CLOTHES DRYER	
Exhaust	403.5
CODE OFFICIAL	
Condemnation	108.1
Demolition	110
Duties	104
Emergency order	109
Enforcement authority	104.1
Failure to comply with demolition order	110.3
Identification	104.5
Inspections	104.3
Liability, relief of personal	103.4
Membership of board of appeals	111.2
Notice of violation	104.6, 107
Notices and orders	107
Official records	104.7
Personal liability	103.4
Placarding	108.4
Prosecution	106.3
Removal of placard	108.4.1
Right of entry	104.4
Rule-making authority	104.2
Transfer of ownership	107.5
Vacant structures	108.2
Voting of appeals board	111.2, 111.6
COLD WATER	
Drinking	502.4
Required facilities	502
Rooming houses	502.2
Water system	505
COMBUSTION	
Combustion air	603.5
CONDEMNATION	
Closing of vacant structures	108.2
Failure to comply	110.3
General	108.1
Notices and orders	108.2, 108.3
Placarding	108.4
Removal of placard	108.4.1
CONFLICT	
Conflict of interest	111.2.3
Violations	106.1
CONNECTION	
Plumbing fixtures	504.1
Sewage system	506.1
Water heating	505.4
Water system	505.1
CONSTRUCTION	
Existing structures	101.2
CONTAINER	
Garbage	307.3.2
Rubbish storage	307.2.1
CONTINUOUS	
Egress	702.1
CONTRACTOR	
Conflict of interest	111.2.3
CONTROL	
Insect and rodent control	302.5, 304.5
Safety controls	603.4
COOLING	
Cooling towers	304.11
CORRIDOR	
Accumulation of rubbish	307.1
Light	402.2
Lighting fixtures	605.3
Ratings maintained	703
Toilet rooms, access	503.1
D	
DAMP, DAMPNESS	
Roofs	304.7
Window, door frames	304.13
DANGEROUS, HAZARDOUS	
Condemnation	108.1
Demolition	110
Electrical hazards	604.3
Elevators	606.1
Existing remedies	102.4
Fire safety	701.1
Heating facilities	602, 603.1
Imminent danger	202
Unsafe structures and equipment	108
DECKS	
Handrails and guardrails	304.12
Maintenance	304.2, 304.10
DECORATION	
Exterior structure	304.8
DEMOLITION	
Existing remedies	102.4

Failure to comply	110.3
General	110
Order	110.2
Salvage materials	110.4
Violations	110.3
DETECTORS	
Smoke	704
DETERIORATION	
Exterior walls	304.6
DIRECT	
Egress	702.1
DISPOSAL	
Disposal of garbage	307.3
Disposal of rubbish	307.2
DOOR	
Exit doors	702.3
Fire	703.2
Hardware	304.15
Insect screens	304.14
Interior surfaces	305.3
Locks	304.15, 702.3
Maintenance	304.13, 304.15
Weather tight	304.13
Window and door frames	304.13
DORMITORY (ROOMING HOUSE, HOTEL, MOTEL)	
Locked doors	702.3
Privacy	503.1, 503.2
DRAIN, DRAINAGE	
Basement hatchways	304.16
Plumbing connections	506
Storm drainage	507
DUCT	
Exhaust duct	304.9
DUST	
Process ventilation	403.4
DWELLING	
Cleanliness	305.1, 307.1
Definition	202
Electrical	604.1
Heating facilities	602
Required facilities	502
E	
EASEMENT	
Definition	202
EGRESS	
Aisles	702.2
Emergency escape	702.4
General	702.1
Lighting	402.2
Locked doors	702.3
Obstructions prohibited	702.1
Stairs, porches and railings	304.10, 305.4, 305.5, 306.1
ELECTRIC, ELECTRICAL	
Condemnation	108.1
Facilities required	604.1
General	601.1
Hazards	604.3
Installation	605.1
Luminaires	605.3
Receptacles	604.3, 605.2
Responsibility	601.2
Service	604.2
ELEVATOR	
Condemnation	108.1
General	606.1
Maintenance	606.1, 606.2
EMERGENCY	
Emergency measures	109
Emergency orders	109.1
Escape	702.4
ENFORCEMENT	
Duties and powers	104
Scope	101.2
EQUIPMENT	
Alternative	105.2
Combustion air	603.5
Condemnation	108.1.2, 108.3
Electrical installation	605.1
Emergency order	109.1
Energy conservation devices	603.6
Fire safety requirements, responsibility	701.2
Flue	603.2
Installation	603.1
Interior structure	305.1
Placarding	108.3, 108.4
Prohibited occupancy	108.5
Responsibility	601.2
Safety controls	603.4
Scope	101.2
Scope, mechanical and electrical	601.1
Unsafe	108
Used	105.4
EXHAUST	
Clothes dryer	403.5
Exhaust ducts	304.9
Process ventilation	403.4
EXISTING	
Remedies	102.4
Scope	101.2
Structural members	304.4
Structures	101.3
EXTERIOR	
Decorative features	304.8
Egress	702.1
Exterior structure	304
Exterior walls	304.6
Painting	304.2, 304.6
Rodent harborage	302.5, 304.5
Sanitation	304.1
Scope	301.1
Stair	304.10
Street numbers	304.3

Weather tight	304.13	Anchorage and maintenance	304.12																																																																																																																																																																																																																																																																																																																																							
EXTERMINATE																																																																																																																																																																																																																																																																																																																																										
Definition	202	H																																																																																																																																																																																																																																																																																																																																								
Insect and rodent control	302.5, 304.5, 304.14																																																																																																																																																																																																																																																																																																																																									
Responsibility of owner	301.2, 306.2	HABITABLE																																																																																																																																																																																																																																																																																																																																								
Responsibility of tenant-occupant	306.3, 306.5	F					FAN					Exhaust vents	302.6	FEES, EXPENSES, COST					Closing vacant structures	108.2	FENCE					Demolition	110.1, 110.3, 110.4	Extermination	308.2, 308.3, 308.4, 308.5	General	103.5	Relief from personal liability	103.4	Responsibility, fire safety	701.2	FIRE					Accessory	302.7	Maintenance	304.2	Fire-resistance ratings	703.1	General, fire-protection systems	704	Responsibility, fire safety	701.2	Scope	101.2	Scope, fire safety	701.1	Smoke alarms	704.2	FLAMMABLE LIQUID					Containers	108.1.2	FLOOR, FLOORING					Area for bedrooms and living rooms	404.4.1	Fire-resistance ratings	703.1	Interior surfaces	305.1, 305.3	Space requirements	404.4.1, 404.6	FOOD PREPARATION					Cooking equipment	403.3, 602.2	Sanitary condition	305.1, 404.7	Ventilation	403.4	FOUNDATION					Condemnation	108.1.1	Foundation walls	304.5	FRAME					Window and door frames	304.13	G					GAS					Energy conservation devices	603.6	Exhaust vents	302.6	Process ventilation	403.4	GLAZING					Materials	304.13.1	GRADE					Drainage	302.2, 507	GUARD					Basement windows	304.17	Definition	202	G					GAS					Energy conservation devices	603.6	Exhaust vents	302.6	Process ventilation	403.4	GLAZING					Materials	304.13.1	GRADE					Drainage	302.2, 507	GUARD					Basement windows	304.17	Definition	202	H					HABITABLE					Definition	202	Light	402	Minimum ceiling height	404.3	Minimum room width	404.2	Required plumbing facilities	502	Residential heating facilities	602.2, 602.3	Space requirements	404.4.1	Ventilation	403	HANDRAIL					Handrails	304.12, 305.5, 306.1	HARDWARE					Door hardware	304.15, 702.3	Openable windows	304.13.2	HAZARDOUS (See DANGEROUS, HAZARDOUS)					HEAT, HEATING					Cooking equipment	403.3, 602.2	Energy conservation devices	603.6	Fireplaces	603.1	Heating	603.1	Mechanical equipment	603.1	Required capabilities	602	Residential heating	602.2, 602.3	Scope	101.2	Supply	602.3	Water heating facilities	505.4	Water system	505	HOUSEKEEPING UNIT					Definition	202	HEIGHT					Minimum ceiling height	404.3	HOT (See HEAT, HEATING)					HOTELS, ROOMING HOUSES AND DORMITORY UNITS, MOTELS					Definition	202	Locked doors	702.3	Required facilities	502	Toilet rooms	503	I					IDENTIFICATION					Code official	104.5	INFESTATION					Condemnation	108.1.3	Definition	202	Insect and rodent	302.5, 304.14, 308.1	INSECTS					Extermination	308	Infestation	308.1	Insect screens	304.14	INSPECTIONS					General	104.3	Right of entry	104.4
F																																																																																																																																																																																																																																																																																																																																										
FAN																																																																																																																																																																																																																																																																																																																																										
Exhaust vents	302.6	FEES, EXPENSES, COST					Closing vacant structures	108.2	FENCE					Demolition	110.1, 110.3, 110.4	Extermination	308.2, 308.3, 308.4, 308.5	General	103.5	Relief from personal liability	103.4	Responsibility, fire safety	701.2	FIRE					Accessory	302.7	Maintenance	304.2	Fire-resistance ratings	703.1	General, fire-protection systems	704	Responsibility, fire safety	701.2	Scope	101.2	Scope, fire safety	701.1	Smoke alarms	704.2	FLAMMABLE LIQUID					Containers	108.1.2	FLOOR, FLOORING					Area for bedrooms and living rooms	404.4.1	Fire-resistance ratings	703.1	Interior surfaces	305.1, 305.3	Space requirements	404.4.1, 404.6	FOOD PREPARATION					Cooking equipment	403.3, 602.2	Sanitary condition	305.1, 404.7	Ventilation	403.4	FOUNDATION					Condemnation	108.1.1	Foundation walls	304.5	FRAME					Window and door frames	304.13	G					GAS					Energy conservation devices	603.6	Exhaust vents	302.6	Process ventilation	403.4	GLAZING					Materials	304.13.1	GRADE					Drainage	302.2, 507	GUARD					Basement windows	304.17	Definition	202	G					GAS					Energy conservation devices	603.6	Exhaust vents	302.6	Process ventilation	403.4	GLAZING					Materials	304.13.1	GRADE					Drainage	302.2, 507	GUARD					Basement windows	304.17	Definition	202	H					HABITABLE					Definition	202	Light	402	Minimum ceiling height	404.3	Minimum room width	404.2	Required plumbing facilities	502	Residential heating facilities	602.2, 602.3	Space requirements	404.4.1	Ventilation	403	HANDRAIL					Handrails	304.12, 305.5, 306.1	HARDWARE					Door hardware	304.15, 702.3	Openable windows	304.13.2	HAZARDOUS (See DANGEROUS, HAZARDOUS)					HEAT, HEATING					Cooking equipment	403.3, 602.2	Energy conservation devices	603.6	Fireplaces	603.1	Heating	603.1	Mechanical equipment	603.1	Required capabilities	602	Residential heating	602.2, 602.3	Scope	101.2	Supply	602.3	Water heating facilities	505.4	Water system	505	HOUSEKEEPING UNIT					Definition	202	HEIGHT					Minimum ceiling height	404.3	HOT (See HEAT, HEATING)					HOTELS, ROOMING HOUSES AND DORMITORY UNITS, MOTELS					Definition	202	Locked doors	702.3	Required facilities	502	Toilet rooms	503	I					IDENTIFICATION					Code official	104.5	INFESTATION					Condemnation	108.1.3	Definition	202	Insect and rodent	302.5, 304.14, 308.1	INSECTS					Extermination	308	Infestation	308.1	Insect screens	304.14	INSPECTIONS					General	104.3	Right of entry	104.4												
FEES, EXPENSES, COST																																																																																																																																																																																																																																																																																																																																										
Closing vacant structures	108.2	FENCE					Demolition	110.1, 110.3, 110.4	Extermination	308.2, 308.3, 308.4, 308.5	General	103.5	Relief from personal liability	103.4	Responsibility, fire safety	701.2	FIRE					Accessory	302.7	Maintenance	304.2	Fire-resistance ratings	703.1	General, fire-protection systems	704	Responsibility, fire safety	701.2	Scope	101.2	Scope, fire safety	701.1	Smoke alarms	704.2	FLAMMABLE LIQUID					Containers	108.1.2	FLOOR, FLOORING					Area for bedrooms and living rooms	404.4.1	Fire-resistance ratings	703.1	Interior surfaces	305.1, 305.3	Space requirements	404.4.1, 404.6	FOOD PREPARATION					Cooking equipment	403.3, 602.2	Sanitary condition	305.1, 404.7	Ventilation	403.4	FOUNDATION					Condemnation	108.1.1	Foundation walls	304.5	FRAME					Window and door frames	304.13	G					GAS					Energy conservation devices	603.6	Exhaust vents	302.6	Process ventilation	403.4	GLAZING					Materials	304.13.1	GRADE					Drainage	302.2, 507	GUARD					Basement windows	304.17	Definition	202	G					GAS					Energy conservation devices	603.6	Exhaust vents	302.6	Process ventilation	403.4	GLAZING					Materials	304.13.1	GRADE					Drainage	302.2, 507	GUARD					Basement windows	304.17	Definition	202	H					HABITABLE					Definition	202	Light	402	Minimum ceiling height	404.3	Minimum room width	404.2	Required plumbing facilities	502	Residential heating facilities	602.2, 602.3	Space requirements	404.4.1	Ventilation	403	HANDRAIL					Handrails	304.12, 305.5, 306.1	HARDWARE					Door hardware	304.15, 702.3	Openable windows	304.13.2	HAZARDOUS (See DANGEROUS, HAZARDOUS)					HEAT, HEATING					Cooking equipment	403.3, 602.2	Energy conservation devices	603.6	Fireplaces	603.1	Heating	603.1	Mechanical equipment	603.1	Required capabilities	602	Residential heating	602.2, 602.3	Scope	101.2	Supply	602.3	Water heating facilities	505.4	Water system	505	HOUSEKEEPING UNIT					Definition	202	HEIGHT					Minimum ceiling height	404.3	HOT (See HEAT, HEATING)					HOTELS, ROOMING HOUSES AND DORMITORY UNITS, MOTELS					Definition	202	Locked doors	702.3	Required facilities	502	Toilet rooms	503	I					IDENTIFICATION					Code official	104.5	INFESTATION					Condemnation	108.1.3	Definition	202	Insect and rodent	302.5, 304.14, 308.1	INSECTS					Extermination	308	Infestation	308.1	Insect screens	304.14	INSPECTIONS					General	104.3	Right of entry	104.4																			
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Demolition	110.1, 110.3, 110.4	Extermination	308.2, 308.3, 308.4, 308.5	General	103.5	Relief from personal liability	103.4	Responsibility, fire safety	701.2	FIRE					Accessory	302.7	Maintenance	304.2	Fire-resistance ratings	703.1	General, fire-protection systems	704	Responsibility, fire safety	701.2	Scope	101.2	Scope, fire safety	701.1	Smoke alarms	704.2	FLAMMABLE LIQUID					Containers	108.1.2	FLOOR, FLOORING					Area for bedrooms and living rooms	404.4.1	Fire-resistance ratings	703.1	Interior surfaces	305.1, 305.3	Space requirements	404.4.1, 404.6	FOOD PREPARATION					Cooking equipment	403.3, 602.2	Sanitary condition	305.1, 404.7	Ventilation	403.4	FOUNDATION					Condemnation	108.1.1	Foundation walls	304.5	FRAME					Window and door frames	304.13	G					GAS					Energy conservation devices	603.6	Exhaust vents	302.6	Process ventilation	403.4	GLAZING					Materials	304.13.1	GRADE					Drainage	302.2, 507	GUARD					Basement windows	304.17	Definition	202	G					GAS					Energy conservation devices	603.6	Exhaust vents	302.6	Process ventilation	403.4	GLAZING					Materials	304.13.1	GRADE					Drainage	302.2, 507	GUARD					Basement windows	304.17	Definition	202	H					HABITABLE					Definition	202	Light	402	Minimum ceiling height	404.3	Minimum room width	404.2	Required plumbing facilities	502	Residential heating facilities	602.2, 602.3	Space requirements	404.4.1	Ventilation	403	HANDRAIL					Handrails	304.12, 305.5, 306.1	HARDWARE					Door hardware	304.15, 702.3	Openable windows	304.13.2	HAZARDOUS (See DANGEROUS, HAZARDOUS)					HEAT, HEATING					Cooking equipment	403.3, 602.2	Energy conservation devices	603.6	Fireplaces	603.1	Heating	603.1	Mechanical equipment	603.1	Required capabilities	602	Residential heating	602.2, 602.3	Scope	101.2	Supply	602.3	Water heating facilities	505.4	Water system	505	HOUSEKEEPING UNIT					Definition	202	HEIGHT					Minimum ceiling height	404.3	HOT (See HEAT, HEATING)					HOTELS, ROOMING HOUSES AND DORMITORY UNITS, MOTELS					Definition	202	Locked doors	702.3	Required facilities	502	Toilet rooms	503	I					IDENTIFICATION					Code official	104.5	INFESTATION					Condemnation	108.1.3	Definition	202	Insect and rodent	302.5, 304.14, 308.1	INSECTS					Extermination	308	Infestation	308.1	Insect screens	304.14	INSPECTIONS					General	104.3	Right of entry	104.4																										
Extermination	308.2, 308.3, 308.4, 308.5	General	103.5	Relief from personal liability	103.4	Responsibility, fire safety	701.2	FIRE					Accessory	302.7	Maintenance	304.2	Fire-resistance ratings	703.1	General, fire-protection systems	704	Responsibility, fire safety	701.2	Scope	101.2	Scope, fire safety	701.1	Smoke alarms	704.2	FLAMMABLE LIQUID					Containers	108.1.2	FLOOR, FLOORING					Area for bedrooms and living rooms	404.4.1	Fire-resistance ratings	703.1	Interior surfaces	305.1, 305.3	Space requirements	404.4.1, 404.6	FOOD PREPARATION					Cooking equipment	403.3, 602.2	Sanitary condition	305.1, 404.7	Ventilation	403.4	FOUNDATION					Condemnation	108.1.1	Foundation walls	304.5	FRAME					Window and door frames	304.13	G					GAS					Energy conservation devices	603.6	Exhaust vents	302.6	Process ventilation	403.4	GLAZING					Materials	304.13.1	GRADE					Drainage	302.2, 507	GUARD					Basement windows	304.17	Definition	202	G					GAS					Energy conservation devices	603.6	Exhaust vents	302.6	Process ventilation	403.4	GLAZING					Materials	304.13.1	GRADE					Drainage	302.2, 507	GUARD					Basement windows	304.17	Definition	202	H					HABITABLE					Definition	202	Light	402	Minimum ceiling height	404.3	Minimum room width	404.2	Required plumbing facilities	502	Residential heating facilities	602.2, 602.3	Space requirements	404.4.1	Ventilation	403	HANDRAIL					Handrails	304.12, 305.5, 306.1	HARDWARE					Door hardware	304.15, 702.3	Openable windows	304.13.2	HAZARDOUS (See DANGEROUS, HAZARDOUS)					HEAT, HEATING					Cooking equipment	403.3, 602.2	Energy conservation devices	603.6	Fireplaces	603.1	Heating	603.1	Mechanical equipment	603.1	Required capabilities	602	Residential heating	602.2, 602.3	Scope	101.2	Supply	602.3	Water heating facilities	505.4	Water system	505	HOUSEKEEPING UNIT					Definition	202	HEIGHT					Minimum ceiling height	404.3	HOT (See HEAT, HEATING)					HOTELS, ROOMING HOUSES AND DORMITORY UNITS, MOTELS					Definition	202	Locked doors	702.3	Required facilities	502	Toilet rooms	503	I					IDENTIFICATION					Code official	104.5	INFESTATION					Condemnation	108.1.3	Definition	202	Insect and rodent	302.5, 304.14, 308.1	INSECTS					Extermination	308	Infestation	308.1	Insect screens	304.14	INSPECTIONS					General	104.3	Right of entry	104.4																												
General	103.5	Relief from personal liability	103.4	Responsibility, fire safety	701.2	FIRE					Accessory	302.7	Maintenance	304.2	Fire-resistance ratings	703.1	General, fire-protection systems	704	Responsibility, fire safety	701.2	Scope	101.2	Scope, fire safety	701.1	Smoke alarms	704.2	FLAMMABLE LIQUID					Containers	108.1.2	FLOOR, FLOORING					Area for bedrooms and living rooms	404.4.1	Fire-resistance ratings	703.1	Interior surfaces	305.1, 305.3	Space requirements	404.4.1, 404.6	FOOD PREPARATION					Cooking equipment	403.3, 602.2	Sanitary condition	305.1, 404.7	Ventilation	403.4	FOUNDATION					Condemnation	108.1.1	Foundation walls	304.5	FRAME					Window and door frames	304.13	G					GAS					Energy conservation devices	603.6	Exhaust vents	302.6	Process ventilation	403.4	GLAZING					Materials	304.13.1	GRADE					Drainage	302.2, 507	GUARD					Basement windows	304.17	Definition	202	G					GAS					Energy conservation devices	603.6	Exhaust vents	302.6	Process ventilation	403.4	GLAZING					Materials	304.13.1	GRADE					Drainage	302.2, 507	GUARD					Basement windows	304.17	Definition	202	H					HABITABLE					Definition	202	Light	402	Minimum ceiling height	404.3	Minimum room width	404.2	Required plumbing facilities	502	Residential heating facilities	602.2, 602.3	Space requirements	404.4.1	Ventilation	403	HANDRAIL					Handrails	304.12, 305.5, 306.1	HARDWARE					Door hardware	304.15, 702.3	Openable windows	304.13.2	HAZARDOUS (See DANGEROUS, HAZARDOUS)					HEAT, HEATING					Cooking equipment	403.3, 602.2	Energy conservation devices	603.6	Fireplaces	603.1	Heating	603.1	Mechanical equipment	603.1	Required capabilities	602	Residential heating	602.2, 602.3	Scope	101.2	Supply	602.3	Water heating facilities	505.4	Water system	505	HOUSEKEEPING UNIT					Definition	202	HEIGHT					Minimum ceiling height	404.3	HOT (See HEAT, HEATING)					HOTELS, ROOMING HOUSES AND DORMITORY UNITS, MOTELS					Definition	202	Locked doors	702.3	Required facilities	502	Toilet rooms	503	I					IDENTIFICATION					Code official	104.5	INFESTATION					Condemnation	108.1.3	Definition	202	Insect and rodent	302.5, 304.14, 308.1	INSECTS					Extermination	308	Infestation	308.1	Insect screens	304.14	INSPECTIONS					General	104.3	Right of entry	104.4																														
Relief from personal liability	103.4	Responsibility, fire safety	701.2	FIRE					Accessory	302.7	Maintenance	304.2	Fire-resistance ratings	703.1	General, fire-protection systems	704	Responsibility, fire safety	701.2	Scope	101.2	Scope, fire safety	701.1	Smoke alarms	704.2	FLAMMABLE LIQUID					Containers	108.1.2	FLOOR, FLOORING					Area for bedrooms and living rooms	404.4.1	Fire-resistance ratings	703.1	Interior surfaces	305.1, 305.3	Space requirements	404.4.1, 404.6	FOOD PREPARATION					Cooking equipment	403.3, 602.2	Sanitary condition	305.1, 404.7	Ventilation	403.4	FOUNDATION					Condemnation	108.1.1	Foundation walls	304.5	FRAME					Window and door frames	304.13	G					GAS					Energy conservation devices	603.6	Exhaust vents	302.6	Process ventilation	403.4	GLAZING					Materials	304.13.1	GRADE					Drainage	302.2, 507	GUARD					Basement windows	304.17	Definition	202	G					GAS					Energy conservation devices	603.6	Exhaust vents	302.6	Process ventilation	403.4	GLAZING					Materials	304.13.1	GRADE					Drainage	302.2, 507	GUARD					Basement windows	304.17	Definition	202	H					HABITABLE					Definition	202	Light	402	Minimum ceiling height	404.3	Minimum room width	404.2	Required plumbing facilities	502	Residential heating facilities	602.2, 602.3	Space requirements	404.4.1	Ventilation	403	HANDRAIL					Handrails	304.12, 305.5, 306.1	HARDWARE					Door hardware	304.15, 702.3	Openable windows	304.13.2	HAZARDOUS (See DANGEROUS, HAZARDOUS)					HEAT, HEATING					Cooking equipment	403.3, 602.2	Energy conservation devices	603.6	Fireplaces	603.1	Heating	603.1	Mechanical equipment	603.1	Required capabilities	602	Residential heating	602.2, 602.3	Scope	101.2	Supply	602.3	Water heating facilities	505.4	Water system	505	HOUSEKEEPING UNIT					Definition	202	HEIGHT					Minimum ceiling height	404.3	HOT (See HEAT, HEATING)					HOTELS, ROOMING HOUSES AND DORMITORY UNITS, MOTELS					Definition	202	Locked doors	702.3	Required facilities	502	Toilet rooms	503	I					IDENTIFICATION					Code official	104.5	INFESTATION					Condemnation	108.1.3	Definition	202	Insect and rodent	302.5, 304.14, 308.1	INSECTS					Extermination	308	Infestation	308.1	Insect screens	304.14	INSPECTIONS					General	104.3	Right of entry	104.4																																
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General, fire-protection systems	704	Responsibility, fire safety	701.2	Scope	101.2	Scope, fire safety	701.1	Smoke alarms	704.2	FLAMMABLE LIQUID					Containers	108.1.2	FLOOR, FLOORING					Area for bedrooms and living rooms	404.4.1	Fire-resistance ratings	703.1	Interior surfaces	305.1, 305.3	Space requirements	404.4.1, 404.6	FOOD PREPARATION					Cooking equipment	403.3, 602.2	Sanitary condition	305.1, 404.7	Ventilation	403.4	FOUNDATION					Condemnation	108.1.1	Foundation walls	304.5	FRAME					Window and door frames	304.13	G					GAS					Energy conservation devices	603.6	Exhaust vents	302.6	Process ventilation	403.4	GLAZING					Materials	304.13.1	GRADE					Drainage	302.2, 507	GUARD					Basement windows	304.17	Definition	202	G					GAS					Energy conservation devices	603.6	Exhaust vents	302.6	Process ventilation	403.4	GLAZING					Materials	304.13.1	GRADE					Drainage	302.2, 507	GUARD					Basement windows	304.17	Definition	202	H					HABITABLE					Definition	202	Light	402	Minimum ceiling height	404.3	Minimum room width	404.2	Required plumbing facilities	502	Residential heating facilities	602.2, 602.3	Space requirements	404.4.1	Ventilation	403	HANDRAIL					Handrails	304.12, 305.5, 306.1	HARDWARE					Door hardware	304.15, 702.3	Openable windows	304.13.2	HAZARDOUS (See DANGEROUS, HAZARDOUS)					HEAT, HEATING					Cooking equipment	403.3, 602.2	Energy conservation devices	603.6	Fireplaces	603.1	Heating	603.1	Mechanical equipment	603.1	Required capabilities	602	Residential heating	602.2, 602.3	Scope	101.2	Supply	602.3	Water heating facilities	505.4	Water system	505	HOUSEKEEPING UNIT					Definition	202	HEIGHT					Minimum ceiling height	404.3	HOT (See HEAT, HEATING)					HOTELS, ROOMING HOUSES AND DORMITORY UNITS, MOTELS					Definition	202	Locked doors	702.3	Required facilities	502	Toilet rooms	503	I					IDENTIFICATION					Code official	104.5	INFESTATION					Condemnation	108.1.3	Definition	202	Insect and rodent	302.5, 304.14, 308.1	INSECTS					Extermination	308	Infestation	308.1	Insect screens	304.14	INSPECTIONS					General	104.3	Right of entry	104.4																																															
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Cooking equipment	403.3, 602.2	Energy conservation devices	603.6	Fireplaces	603.1	Heating	603.1	Mechanical equipment	603.1	Required capabilities	602	Residential heating	602.2, 602.3	Scope	101.2	Supply	602.3	Water heating facilities	505.4	Water system	505	HOUSEKEEPING UNIT					Definition	202	HEIGHT					Minimum ceiling height	404.3	HOT (See HEAT, HEATING)					HOTELS, ROOMING HOUSES AND DORMITORY UNITS, MOTELS					Definition	202	Locked doors	702.3	Required facilities	502	Toilet rooms	503	I					IDENTIFICATION					Code official	104.5	INFESTATION					Condemnation	108.1.3	Definition	202	Insect and rodent	302.5, 304.14, 308.1	INSECTS					Extermination	308	Infestation	308.1	Insect screens	304.14	INSPECTIONS					General	104.3	Right of entry	104.4																																																																																																																																																																																																																																										
Energy conservation devices	603.6	Fireplaces	603.1	Heating	603.1	Mechanical equipment	603.1	Required capabilities	602	Residential heating	602.2, 602.3	Scope	101.2	Supply	602.3	Water heating facilities	505.4	Water system	505	HOUSEKEEPING UNIT					Definition	202	HEIGHT					Minimum ceiling height	404.3	HOT (See HEAT, HEATING)					HOTELS, ROOMING HOUSES AND DORMITORY UNITS, MOTELS					Definition	202	Locked doors	702.3	Required facilities	502	Toilet rooms	503	I					IDENTIFICATION					Code official	104.5	INFESTATION					Condemnation	108.1.3	Definition	202	Insect and rodent	302.5, 304.14, 308.1	INSECTS					Extermination	308	Infestation	308.1	Insect screens	304.14	INSPECTIONS					General	104.3	Right of entry	104.4																																																																																																																																																																																																																																												
Fireplaces	603.1	Heating	603.1	Mechanical equipment	603.1	Required capabilities	602	Residential heating	602.2, 602.3	Scope	101.2	Supply	602.3	Water heating facilities	505.4	Water system	505	HOUSEKEEPING UNIT					Definition	202	HEIGHT					Minimum ceiling height	404.3	HOT (See HEAT, HEATING)					HOTELS, ROOMING HOUSES AND DORMITORY UNITS, MOTELS					Definition	202	Locked doors	702.3	Required facilities	502	Toilet rooms	503	I					IDENTIFICATION					Code official	104.5	INFESTATION					Condemnation	108.1.3	Definition	202	Insect and rodent	302.5, 304.14, 308.1	INSECTS					Extermination	308	Infestation	308.1	Insect screens	304.14	INSPECTIONS					General	104.3	Right of entry	104.4																																																																																																																																																																																																																																														
Heating	603.1	Mechanical equipment	603.1	Required capabilities	602	Residential heating	602.2, 602.3	Scope	101.2	Supply	602.3	Water heating facilities	505.4	Water system	505	HOUSEKEEPING UNIT					Definition	202	HEIGHT					Minimum ceiling height	404.3	HOT (See HEAT, HEATING)					HOTELS, ROOMING HOUSES AND DORMITORY UNITS, MOTELS					Definition	202	Locked doors	702.3	Required facilities	502	Toilet rooms	503	I					IDENTIFICATION					Code official	104.5	INFESTATION					Condemnation	108.1.3	Definition	202	Insect and rodent	302.5, 304.14, 308.1	INSECTS					Extermination	308	Infestation	308.1	Insect screens	304.14	INSPECTIONS					General	104.3	Right of entry	104.4																																																																																																																																																																																																																																																
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Required facilities	502	Toilet rooms	503	I					IDENTIFICATION					Code official	104.5	INFESTATION					Condemnation	108.1.3	Definition	202	Insect and rodent	302.5, 304.14, 308.1	INSECTS					Extermination	308	Infestation	308.1	Insect screens	304.14	INSPECTIONS					General	104.3	Right of entry	104.4																																																																																																																																																																																																																																																																																												
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INFESTATION																																																																																																																																																																																																																																																																																																																																										
Condemnation	108.1.3	Definition	202	Insect and rodent	302.5, 304.14, 308.1	INSECTS					Extermination	308	Infestation	308.1	Insect screens	304.14	INSPECTIONS					General	104.3	Right of entry	104.4																																																																																																																																																																																																																																																																																																																	
Definition	202	Insect and rodent	302.5, 304.14, 308.1	INSECTS					Extermination	308	Infestation	308.1	Insect screens	304.14	INSPECTIONS					General	104.3	Right of entry	104.4																																																																																																																																																																																																																																																																																																																			
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INSECTS																																																																																																																																																																																																																																																																																																																																										
Extermination	308	Infestation	308.1	Insect screens	304.14	INSPECTIONS					General	104.3	Right of entry	104.4																																																																																																																																																																																																																																																																																																																												
Infestation	308.1	Insect screens	304.14	INSPECTIONS					General	104.3	Right of entry	104.4																																																																																																																																																																																																																																																																																																																														
Insect screens	304.14	INSPECTIONS					General	104.3	Right of entry	104.4																																																																																																																																																																																																																																																																																																																																
INSPECTIONS																																																																																																																																																																																																																																																																																																																																										
General	104.3	Right of entry	104.4																																																																																																																																																																																																																																																																																																																																							
Right of entry	104.4																																																																																																																																																																																																																																																																																																																																									

INSPECTOR	
Identification	104.5
Inspections	104.3
Records	104.7
INTENT	
Code	101.3
Rule-making authority.....	104.2
INTERIOR	
Interior structure	305
Interior surfaces	305.3
Means of egress	702
Sanitation	305.1
J	
JURISDICTION	
Title	101.1
K	
KITCHEN	
Electrical outlets required	605.2
Minimum width	404.2
Prohibited use	404.4.4
Room lighting	605.3
Water heating facilities	505.4
L	
LANDING	
Handrails and guards	304.12, 305.4, 305.5, 306.1
Maintenance	304.10, 305.4
LAUNDRY	
Room lighting	605.3
Water heating facilities	505.4
LAVATORY	
Hotels	502.3
Required facilities	502
Rooming houses.....	502.2
Sanitary drainage system	506
Water heating facilities	505.4
Water system.....	505
LEASE (SELL, RENT)	
Heat supplied	602.3
Salvage materials.....	110.4
Transfer of ownership	107.5
LIEN	
Closing of vacant structures	108.2
Demolition.....	110.3
Failure to comply.....	110.3
LIGHT, LIGHTING	
Common halls and stairways.....	402.2, 605.3
Luminaires	605.3
General	402
Habitable rooms	402.1
Other spaces	402.3
Responsibility	401.2
Scope	101.2
Toilet rooms	605.3
LIVING ROOM	
Room area.....	404.4.1
LOAD, LOADING	
Elevators, escalators and dumbwaiters	606.1
Handrails and guards	304.12, 305.5
Live load	304.4, 305.2
Stairs and porches.....	304.10, 305.2
Structural members.....	304.4, 305.2
M	
MAINTENANCE	
Required.....	102.2
MATERIAL	
Alternative.....	105.2
Salvage.....	110.4
Used	105.4
MEANS OF EGRESS (See EGRESS)	
MECHANICAL	
Installation.....	603.1
Responsibility	601.2
Scope	601.1
Ventilation, general	403
Ventilation, toilet rooms.....	403.2
MINIMUM	
Ceiling height	404.3
Room width.....	404.2
Scope	301.1
MODIFICATION	
Approval	105.1
MOTEL (See HOTELS)	
MOTOR VEHICLES	
Inoperative	302.8
Painting	302.8
N	
NATURAL	
Lighting	401.3, 402
Ventilation	401.3, 403
NOTICE	
Appeal.....	111.1
Form	107.2
Method of service	107.3
Orders	107
Owner, responsible person.....	107.1
Penalties.....	107.4
Placarding of structure	108.4
Transfer of ownership	107.5
Vacating structure.....	108.2
NOXIOUS	
Process ventilation	403.4
Weeds.....	302.4

NUISANCE

Closing of vacant structures 108.2

O**OBSTRUCTION**Light 402.1
Right of entry 104.4**OCCUPANCY (See USE)****OPENABLE**Definition 202
Habitable rooms 403.1
Locked doors 702.3
Windows 304.13.2**OPERATOR**

Definition 202

ORDER (See NOTICE)**ORDINANCE, RULE**Applicability 102
Application for appeal 111.1**OUTLET**

Electrical 605.2

OWNERClosing of vacant structures 108.2
Definition 202
Demolition 110
Extermination 308.2
Failure to comply 110.3
Insect and rodent control 302.5, 308.2, 308.4
Notice 107.1, 108.3
Placarding of structure 108.4
Responsibility 301.2
Responsibility, fire safety 701.2
Responsibility, light, ventilation 401.2
Responsibility, mechanical and electrical 601.2
Responsibility, plumbing facilities 501.2
Right of entry 104.4
Rubbish storage 307.2.1
Scope 101.2
Transfer of ownership 107.5**P****PASSAGEWAY**Common hall and stairway 402.2
Interior surfaces 305.3
Toilet rooms, direct access 503.1**PENALTY**Notices and orders 107.4
Placarding of structure 108.4
Prohibited occupancy 108.5
Removal of placard 108.4.1
Scope 101.2
Violations 106.4**PEST (VERMIN)**Condemnation 108.1
Extermination 308.1
Insect and rat control 302.5, 304.14, 308.1**PLACARD, POST**Closing 108.2
Condemnation 108.1
Demolition 110
Emergency, notice 109.1
Notice to owner 107.1, 108.3
Placarding of structure 108.4
Prohibited use 108.5
Removal 108.4.1**PLUMBING**Access 504.2
Clean and sanitary 504.1
Connections 505.1
Contamination 505.2
Employee's facilities 503.3
Fixtures 504.1
Required facilities 502
Responsibility 501.2
Sanitary drainage system 506
Scope 501.1
Storm drainage 507
Supply 505.3
Water heating facilities 505.4**PORCH**Handrails 306.1
Structurally sound 304.10**PORTABLE (TEMPORARY)**

Cooking equipment 603.1

PRESSURE

Water supply 505.3

PRIVATE, PRIVACYBathtub or shower 503.1
Occupancy limitations 404.1
Required plumbing facilities 502
Sewage system 506.1
Water closet and lavatory 503.1
Water system 505.1**PROPERTY, PREMISES**Cleanliness 304.1, 307.1
Condemnation 108
Definition 202
Demolition 110
Emergency measures 109
Exterior areas 302
Extermination, multiple occupancy 302.5, 308.4
Extermination, single occupancy 302.5, 308.3
Failure to comply 110.3
Grading and drainage 302.2
Responsibility 301.2
Scope 301.1
Storm drainage 507
Vacant structures and land 301.3**PROTECTION**Basement windows 304.17
Fire-protection systems 704
Signs, marquees and awnings 304.9**PUBLIC**Cleanliness 304.1, 305.1
Egress 702.1

Hallway	502.3
Sewage system	506.1
Toilet rooms	503
Vacant structures and land	301.3
Water system	505
PUBLIC WAY	
Definition	202
 R	
RAIN	
Basement hatchways	304.16
Exterior walls	304.6
Grading and drainage	303.2
Roofs	304.7
Window and door frames	304.13
RECORD	
Official records	104.7
REHABILITATION	
Intent	101.3
REPAIR	
Application of other codes	102.3
Chimneys	304.11
Demolition	110.1
Exterior surfaces	304.1
Maintenance	102.2
Public areas	302.3
Signs, marquees and awnings	304.9
Stairs and porches	304.10
Weather tight	304.13
Workmanship	102.5
REPORTS	
Test reports	105.3.2
RESIDENTIAL	
Extermination	308
Residential heating	602.2
Scope	101.2
RESPONSIBILITY	
Extermination	308
Fire safety	701.2
Garbage disposal	307.3
General	301.2
Mechanical and electrical	601.2
Persons	301.1
Placarding of structure	108.4
Plumbing facilities	501.2
Rubbish storage	307.2.1
Scope	101.2, 301.1
REVOKE, REMOVE	
Demolition	110
Existing remedies	102.4
Process ventilation	403.4
Removal of placard	108.4.1
Rubbish removal	307.2.1
RIGHT OF ENTRY	
Duties and powers of code official	104.4
Inspections	104.3
 RODENTS	
Basement hatchways	304.16
Condemnation	108
Exterior surfaces	304.6
Extermination	302.5, 308
Guards for basement windows	304.17
Harborage	302.5
Insect and rodent control	308.1
 ROOF	
Exterior structure	304.1
Roofs	304.7
Storm drainage	507
 ROOM	
Bedroom and living room	404.4
Cooking facilities	403.3
Direct access	503.2
Habitable	402.1
Heating facilities	602
Light	402
Minimum ceiling heights	404.3
Minimum width	404.2
Overcrowding	404.5
Prohibited use	404.4.4
Temperature	602.5
Toilet	503
Ventilation	403
 ROOMING HOUSES (See DORMITORY)	
 RUBBISH	
Accumulation	307.1
Definition	202
Disposal	307.2
Garbage facilities	307.3.1
Rubbish storage	307.2.1
Storage	307.2.1
 S	
 SAFETY, SAFE	
Chimney	304.11
Condemnation	108.1
Electrical installation	605.1
Emergency measures	109
Fire safety requirements	701
Fireplaces	603.1
Intent	101.3
Safety controls	603.4
Scope	101.2
Unsafe structures and equipment	108
 SANITARY	
Bathroom and kitchen floors	305.3
Cleanliness	304.1, 305.1
Disposal of garbage	307.3
Disposal of rubbish	307.2
Exterior property areas	302.1
Exterior structure	304.1
Food preparation	404.7
Furnished by occupant	302.1
Interior surfaces	305.3

Plumbing fixtures	504.1
Required plumbing facilities	502
Scope	101.2
SASH	
Window	304.13
SCREENS	
Insect screens	304.14
SECURITY	
Basement hatchways	304.18.3
Building	304.18
Doors	304.18.1
Vacant structures and land	301.3
Windows	304.18.2
SELF-CLOSING SCREEN DOORS	
Insect screens	304.14
SEPARATION	
Fire-resistance ratings	703
Privacy	404.1
Separation of units	404.1
Water closet and lavatory	502.1
SERVICE	
Electrical	604.2
Method	107.3
Notices and orders	107.1, 108.3
Service on occupant	108.3
SEWER	
General	506.1
Maintenance	506.2
SHOWER	
Bathtub or shower	502.1
Rooming houses	502.2
Water heating facilities	505.4
Water system	505
SIGN	
Signs, marquees and awnings	304.9
SINGLE-FAMILY DWELLING	
Extermination	308
SINK	
Kitchen sink	502.1
Sewage system	506
Water supply	505.3
SIZE	
Habitable room, light	402
Habitable room, ventilation	403
Room area	404.4.1
SMOKE	
Alarms	704.2
Interconnection	704.4
Power source	704.3
SPACE	
General, light	402
General, ventilation	403
Occupancy limitations	404
Privacy	404.1
Scope	401.1
STACK	
Chimneys	304.11
STAIRS	
Common halls and stairways, light	402.2
Exit facilities	305.4
Handrails	304.12, 305.5
Luminaires	605.3
Public areas	302.3
Stairs and porches	304.10
STANDARD	
Referenced	102.7
STORAGE	
Food preparation	404.7
Garbage storage facilities	307.3
Rubbish storage facilities	307.2.1
Sanitation	307.1
STRUCTURE	
Accessory structures	302.7
Closing of vacant structures	108.2
Definition	202
Emergency measures	109
General, exterior	304.1
General, condemnation	110
General, interior structure	305.1
Placarding of structure	108.4
Scope	301.1
Structural members	304.4, 305.2
Vacant structures and land	301.3
SUPPLY	
Combustion air	603.5
Connections	505.1
Water heating facilities	505.4
Water supply	505.3
Water system	505
SURFACE	
Exterior surfaces	304.2, 304.6
Interior surfaces	305.3
SWIMMING	
Swimming pools	303.1, 303.2
Safety covers	303.2
T	
TEMPERATURE	
Nonresidential structures	602.4
Residential buildings	602.2
Water heating facilities	505.4
TENANT	
Scope	101.2
TEST, TESTING	
Agency	105.3.2
Methods	105.3.1
Reports	105.3.3
Required	105.3
TOXIC	
Process ventilation	403.4
TRASH	
Rubbish and garbage	307

U**UNOBSTRUCTED**

Access to public way 702.1
 General, egress 702.1

UNSAFE

Equipment 108.1.2
 Existing remedies 102.4
 General, condemnation 108, 110
 General, demolition 110
 Notices and orders 107, 108.3
 Structure 108.1.1

USE

Application of other codes 102.3
 General, demolition 110

V**VACANT**

Closing of vacant structures 108.2
 Emergency measure 109
 Method of service 107.3, 108.3
 Notice to owner or to person
 responsible 107, 108.3
 Placarding of structure 108.4
 Vacant structures and land 301.3

VAPOR

Exhaust vents 302.6
 Process ventilation 403.4

VEHICLES

Inoperative 302.8
 Painting 302.8

VENT

Connections 504.3
 Exhaust vents 302.6
 Flue 603.2

VENTILATION

Clothes dryer exhaust 403.5
 Combustion air 603.5
 Definition 202
 General, ventilation 403
 Habitable rooms 403.1
 Process ventilation 403.4
 Recirculation 403.2, 403.4
 Toilet rooms 403.2

VERMIN

Condemnation 108
 Insect and rat control 302.5, 308

VIOLATION

Condemnation 108
 General 106
 Notice 107, 108.3
 Penalty 106.4
 Placarding of structure 108.4
 Prosecution 106.3
 Strict liability offense 106.3, 202
 Transfer of ownership 107.5

W**WALK**

Sidewalks 302.3

WALL

Accessory structures 302.7
 Exterior surfaces 304.2, 304.6
 Exterior walls 304.6
 Foundation walls 304.5
 General, fire-resistance rating 703.1
 Interior surfaces 305.3
 Outlets required 605.2
 Temperature measurement 602.5

WASTE

Disposal of garbage 307.3
 Disposal of rubbish 307.2
 Dwelling units 502.1
 Garbage storage facilities 307.3.1

WATER

Basement hatchways 304.16
 Connections 506.1
 Contamination 505.2
 General, sewage 506
 General, storm drainage 507
 General, water system 505
 Heating 505.4
 Hotels 502.3
 Kitchen sink 502.1
 Required facilities 502
 Rooming houses 502.2
 Supply 505.3
 System 505
 Toilet rooms 503
 Water heating facilities 505.4

WEATHER, CLIMATE

Heating facilities 602
 Rule-making authority 104.2

WEATHERSTRIP

Window and door frames 304.13

WEEDS

Noxious weeds 302.4

WIDTH

Minimum room width 404.2

WIND

Weather tight 304.13
 Window and door frames 304.13

WINDOW

Emergency escape 702.4
 Glazing 304.13.1
 Guards for basement windows 304.17
 Habitable rooms 402.1
 Insect screens 304.14
 Interior surface 305.3
 Light 402
 Openable windows 304.13.2
 Toilet rooms 403.2
 Ventilation 403
 Weather tight 304.13
 Window and door frames 304.13

WORKER

Employee facilities 503.3, 602.4

WORKMANSHIP

General 102.5

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CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
MARCH 17, 2009 AGENDA

Subject:	Type:	Submitted By:
AMENDMENT TO COMPENSATION ORDINANCE	RESOLUTION ◆ ORDINANCE ◆ RECEIVE/FILE	RITA M. RAMIREZ ASSISTANT CITY ADMINISTRATOR

SYNOPSIS

An amended compensation ordinance has been prepared for your consideration to adjust salaries for those positions currently below the minimums recommended in the Classification and Compensation Study.

FISCAL IMPACT

The FY09 General Fund budget includes funding for these adjustments.

RECOMMENDATION

Approval.

BACKGROUND

The FY 2008 budget authorized funding for a Classification and Compensation Study, which was completed by The Austin Peters Groups and accepted by Council in November 2008. The study contained several recommendations including new salary ranges to bring La Vista's positions into market range.

At budget time last year we approached Council with preliminary information from the study that indicated several of our positions were significantly below market ranges and asked that adjustments be considered. At that time Council indicated a desire to see the study completed and an implementation schedule prior to authorizing any salary adjustments. Council did include funding in the budget to implement the salary adjustments at some point during the budget year.

The Classification and Compensation Study clearly indicates that for the most part the City pays a competitive wage to its employees. A chart has been provided showing all of the City's positions, the current range for each position and the new range (in blue) that was recommended in the study. The new pay ranges were created by completing an internal equity study of all of the City's positions and conducting an external market survey. Proposed ranges were set at the mid-point of the market survey and positions were grouped by the results of the internal analysis.

There are, however, a few positions that are significantly lower than the mid-point of the market survey. There are several other positions that require minimal adjustments to bring them to the minimums of the new ranges (all in tan). The chart makes it clear that we have some employees doing the same level of work and receiving very different compensation.

The original study results concluded that the annual cost to bring all of the City's positions to the minimums of the new market ranges was over \$85,000. As a result of the 3% cost of living adjustment given in October and the step increases that have been granted to some employees under our current evaluation system since that time, the annual total to bring all of our positions to the new minimums is now just over \$51,000. As we are nearing the midpoint of the fiscal year (April 1), the impact to the current budget would be approximately \$26,000.

Staff has reviewed the current compensation ordinance and made recommendations for adjustments and new placements that would facilitate getting all of our positions in line with the minimum salaries recommended in the study. We would propose an effective date of March 29, 2009.

A switch to an electronic, web-based performance appraisal system is currently underway which will allow us to implement a Pay for Performance (PFP) compensation system (another recommendation in the study). At that time a completely new compensation ordinance will be presented to Council containing the new salary ranges and outlining other necessary changes.

K:\APPS\CITYHALL\CNCLRPT\09FILE\09ADM Amend Comp Ord for Comp Study Minimums

City of La Vista Classification and Compensation Study
Proposed Pay Ranges

Table 1: Department	Title	Current Range Minimum 10/1/08	Current Range Maximum 10/1/08	Proposed Range Minimum	Proposed Range Maximum	Annual Cost New Minimum	Old Schedule Placement New Min		New Range
Part Time Positions									
Bldg & Grounds - PT	Custodian			\$8.69	\$11.29				100
Golf Course - PT	Seasonal Clubhouse			\$8.69	\$11.29				100
Golf Course - PT	Seasonal Grounds			\$8.69	\$11.29				100
Library - PT	Circulation Clerk I			\$8.69	\$11.29				100
Public Works - PT	Clerical			\$8.69	\$11.29				100
Public Works - PT	Seasonal (All Divisions) 1-5 Years			\$8.69	\$11.29				100
Public Works - PT	Shop			\$8.69	\$11.29				100
Recreation - PT	Asst. Pool Manager			\$8.69	\$11.29				100
Recreation - PT	Lifeguards			\$8.69	\$11.29				100
Recreation - PT	Recreation Supervisor			\$8.69	\$11.29				100
Public Works - PT	Seasonal (All Divisions) 5+ Years			\$10.67	\$13.86				110
Recreation - PT	Pool Manager			\$10.67	\$13.86				110
Senior Bus - PT	Driver			\$10.67	\$13.86				110
Community Dev. - PT	Intern/Special Projects			\$11.48	\$14.91				115
Full Time Positions									
Administration	Secretary/Receptionist	\$11.47	\$14.64	\$12.34	\$16.03				120
Police	Data Entry Clerk	\$11.88	\$15.15	\$12.34	\$16.03				120
Bldg & Grounds	Maintenance Worker I - B&G	\$11.92	\$15.24	\$13.28	\$17.25	\$270.40	211D		125
Community Dev.	Secretary II	\$13.01	\$16.59	\$13.28	\$17.25				125
Administration	Accounting Clerk	\$13.01	\$16.59	\$13.74	\$17.84				130
Community Dev.	Code Enforcement Officer	\$14.10	\$17.97	\$13.74	\$17.84				130
Fire	Administrative Assistant	\$14.10	\$17.97	\$13.74	\$17.84				130
Police	Administrative Assistant	\$14.10	\$17.97	\$13.74	\$17.84				130
Police	Evidence Technician (PT)	\$11.47	\$14.64	\$13.74	\$17.84	\$1,112.80	212D		130
Public Works	Administrative Assistant	\$14.10	\$17.97	\$13.74	\$17.84				130
Public Works	Maintenance Worker I - Parks	\$11.98	\$15.30	\$13.74	\$17.84	\$2,412.80	x 2	311D	No A-C
Public Works	Maintenance Worker I - Sewer	\$11.98	\$15.30	\$13.74	\$17.84				130
Public Works	Maintenance Worker I - Streets	\$11.98	\$15.30	\$13.74	\$17.84				130
Recreation	Administrative Assistant	\$11.47	\$14.64	\$13.74	\$17.84				130
Administration	Executive Assistant	\$15.53	\$19.82	\$15.03	\$19.52				140
Community Dev.	Building Inspector I	\$16.18	\$21.69	\$15.03	\$19.52				140
Golf Course	Asst. Golf Superintendent	\$9.88	\$12.37	\$15.03	\$19.52	\$5,532.80	113F		140
Library	Librarian I	\$13.01	\$16.59	\$15.03	\$19.52				140
Public Works	Maintenance Worker II - Parks	\$14.79	\$19.79	\$15.03	\$19.52				140
Public Works	Maintenance Worker II - Sewer	\$14.79	\$19.79	\$15.03	\$19.52				140
Public Works	Maintenance Worker II - Streets	\$14.79	\$19.79	\$15.03	\$19.52				140
Public Works	Mechanic	\$16.17	\$21.63	\$15.03	\$19.52				140
Administration	Accountant (PT)	\$16.18	\$21.69	\$15.83	\$20.56				145
Bldg & Grounds	Foreman - B&G	\$14.79	\$18.84	\$18.24	\$23.69				160
Community Dev.	Building Inspector II	\$18.67	\$23.83	\$18.24	\$23.69				160
Library	Librarian II	\$14.10	\$17.97	\$18.24	\$23.69	\$561.60	215G		160
Recreation	Program Coordinator	\$11.87	\$15.15	\$18.24	\$23.69	\$12,064.00	116E		160
Administration	Deputy City Clerk/Office Mgr.	\$16.72	\$22.57	\$19.43	\$25.24				165
Administration	Human Resource Generalist	\$14.09	\$17.97	\$19.43	\$25.24	\$3,036.80	116F		165
Golf Course	Golf Course Services Mgr.	\$11.87	\$15.15	\$19.43	\$25.24	\$8,902.40	116F		165
Public Works	Foreman - Parks	\$16.33	\$21.84	\$19.43	\$25.24	\$3,016.00	320E	No A-D	165
Public Works	Foreman - Sewer	\$16.33	\$21.84	\$19.43	\$25.24				165
Public Works	Foreman - Streets	\$16.33	\$21.84	\$19.43	\$25.24				165
Public Works	Foreman - Shop	\$17.12	\$22.93	\$19.43	\$25.24				165
Community Dev.	Planner	\$22.92	\$29.24	\$22.90	\$29.74				175
Community Dev.	Chief Bldg. Official	\$22.92	\$29.24	\$22.90	\$29.74				175
Golf Course	Golf Course Superintendent	\$15.22	\$19.43	\$22.90	\$29.74	\$1,289.60	128A		175
Library	Librarian III	\$16.43	\$20.97	\$22.90	\$29.74	\$8,070.40	128A		175
Recreation	Assistant Director	\$16.43	\$20.97	\$22.90	\$29.74	\$2,808.00	128A		175
Public Works	Superintendent - Parks	\$22.92	\$29.24	\$25.38	\$32.96				180
Public Works	Superintendent - Streets	\$22.92	\$29.24	\$25.38	\$32.96				180
Police	Captain	\$26.64	\$33.97	\$31.36	\$40.74				190
Bldg & Grounds	Buildings & Grounds Director	\$32.08	\$40.94	\$32.08	\$40.94				200
Administration	City Clerk	\$33.32	\$42.53	\$33.32	\$42.53				205
Library	Library Director	\$33.32	\$42.53	\$33.32	\$42.53				205
Recreation	Recreation Director	\$33.32	\$42.53	\$33.32	\$42.53				205
Administration	Finance Director	\$35.46	\$45.15	\$35.46	\$45.15				210
Community Dev.	Community Development Director	\$35.46	\$45.15	\$35.46	\$45.15				210
Fire	Fire Chief	\$35.46	\$45.15	\$35.46	\$45.15				210
Administration	Asst. City Administrator	\$38.58	\$49.24	\$38.58	\$49.24				215
Police	Police Chief	\$38.58	\$49.24	\$38.58	\$49.24				215
Public Works	Public Works Director	\$38.58	\$49.24	\$38.58	\$49.24				215
						\$51,490.40			

1 - There are currently two MWI employees in the Parks Division being paid below the new minimum due to placement on the existing schedule. All other MWI positions in all divisions are within the new range.

2 - There is currently a Program Coordinator and a Program Director Position in the Recreation Department. Consultant recommendation is to title both positions Recreation Coordinator and place at the range indicated. The current Program Director compensation is within the new range.

3 - There is currently one Foreman employee in the Parks Division being paid below the new minimum due to placement on the existing schedule. All other PW Foremen in all divisions are within the new range.

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ORDINANCE NO. _____

AN ORDINANCE TO FIX THE COMPENSATION OF OFFICERS AND EMPLOYEES OF THE CITY OF LA VISTA; TO PROVIDE FOR THE REPEAL OF ALL PRIOR ORDINANCES IN CONFLICT HEREWITH; ORDERING THE PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM; AND TO PROVIDE THE EFFECTIVE DATE HEREOF.

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

Section 1. City Council. The compensation of members of the City Council shall, in addition to such vehicle and other allowances as may from time to time be fixed by the Budget or other Resolution of the City Council, be, and the same hereby is, fixed at the sum of \$4,320.00 per year for each of the members of the City Council.

Section 2. Mayor. The compensation of the Mayor shall, in addition to such vehicle and other allowances as may from time to time be fixed by the Budget or other Resolution of the City Council, be, and the same hereby is, fixed at the sum of \$10,800.00 per year.

Section 3. City Administrator. The compensation of the City Administrator shall, in addition to such vehicle and other allowances as may from time to time be fixed by the Budget or other Resolution of the City Council, be established by contractual agreement.

Section 4. Management Exempt Employees. The management exempt employees of the City of La Vista, Nebraska, hereafter named, and collectively referred to as department head level employees, shall, in addition to such vehicle and other allowances as may from time to time be fixed by Resolution of the City Council, receive annualized salaries not to exceed the amounts established in Table A, set forth in Section 21 of this Ordinance, for the following respective wage ranges:

Position	Range
Asst. City Administrator	39
City Clerk	37
Community Development Director	38
Finance Director	38
Fire Chief	38
Library Director	37
Police Chief	39
Director of Public Buildings and Grounds	36
Public Works Director	39
Recreation Director	37

Section 5. Salaried Exempt Employees. The monthly salary compensation rates of the salaried exempt employees of the City of La Vista shall be, and the same hereby are, fixed in accordance with the schedules of Table 100, set forth in Section 21 of this Ordinance, for the following respective wage ranges, and in accordance with such rules as the City Council may by resolution establish:

Position	Range
Asst. Golf Superintendent	113F4
Asst. Recreation Director	128A0
Chief Building Official	128
Golf Course Services Manager	116F3
Golf Course Superintendent	128A3D
Human Resources Assistant	116F5
Office Manager	122
Park Superintendent	128
Planner	128
Police Lieutenant	131
Program Director	116
Street Superintendent	128
Librarian III	128A0

Section 6. Hourly Non-Exempt Employees. The hourly compensation rates of the hourly (non-exempt) employees of the City of La Vista shall be, and the same hereby are, fixed in accordance with the schedules of Table 200, Table 300, and Table 400, set forth in Section 21 of this Ordinance, for the following respective wage ranges, and in accordance with such rules as the City Council may by Resolution establish:

Position	Range
Accountant	218
Accounting Clerk	214
Administrative Assistant	215
Administrative Secretary	215
Asst. Mechanic	318
Building Inspector	218
Building Inspector II	223
Circulation Clerk – Full Time	211
Code Enforcement Officer	215
Custodian	210
Evidence Technician	212D4
Executive Assistant	217
Librarian II	215
Librarian I	214
Maintenance Assistant	216
Maintenance Worker I	311
Maintenance Worker II	316
Park Foreman	320
Police Sergeant	426
Police Officer	423
Police Data Entry Clerk	212
Program Coordinator	116E212
Public Buildings & Grounds MWI	211D3
Records Clerk & Computer Specialist	218
Secretary II	214
Secretary/Receptionist	211
Sewer Foreman	320
Street Foreman	320
Shop Foreman	322

Section 7. Part-Time and Temporary Employees. The compensation of part-time and temporary City employees shall be, and the same hereby is, continued in accordance with the following schedule and in accordance with such rules as have been or may be established by Resolution of the City Council:

- A. Part-Time Help/Seasonal An hourly rate not to exceed \$10.50 per hour.
- B. Temporary/Part-Time Professional An hourly rate not to exceed \$22.00 per hour.
- C. Part-Time Help An hourly compensation rate as fixed in accordance with the schedules of Table 200, set forth in Section 21 of this Ordinance.

Part-time employees shall receive no benefits other than salary or such benefits as established in accordance with such rules as have been or may be established by Resolution of the City Council:

Section 8. Certification Incentive Pay for Chief Building Official and Building Inspectors. Employees of the City in the positions of Chief Building Official and Building Inspector are eligible to receive a one time only incentive payment of \$1,000 for each certification obtained in an applicable construction field/trade. Such payment must be approved by the City Administrator.

Section 9. Legal Counsel. Compensation of the legal counsel other than special City Prosecutor for the City shall be, and the per diem rates respecting same shall be, at 90% of the standard hourly rate the firm may from time to time charge. Compensation for Special City prosecution shall be as agreed upon at the time of specific employment.

Section 10. Engineers. Compensation of Engineers for the City shall be, and the same hereby is, fixed in accordance with such schedules of hourly and per diem or percentage rates as shall from time to time be approved by Resolution of the City Council. Travel allowances respecting same shall be as may from time to time be fixed by Resolution of such City Council.

Section 11. Longevity Pay for Salaried Full-Time Employees and Hourly Paid Full-Time Employees, Including Police Employees. Employees of the City in the positions set forth in Sections 3, 5 and 6 of this Ordinance, including police positions, shall receive longevity pay as follows:

An amount equal to the following percentage of the hourly rate set forth in Section 3, 5 and 6 of this Ordinance, rounded to the nearest whole cent:

Length of Service	Allowance Per Hour
Over 7 Years	2.00% (or .02)
Over 10 Years	2.75% (or .0275)
Over 15 Years	4.00% (or .04)
Over 20 Years	4.50% (or .0450)

Section 12. Health, Dental Life and Long Term Disability Insurance. Subject to the terms, conditions and eligibility requirements of the applicable insurance plan documents and policies, regular full-time employees of the City of La Vista and their families shall be entitled to be enrolled in the group life, health, and dental insurance program maintained by the City. Regular full-time employees shall also be entitled to be enrolled in the long term disability insurance program maintained by the City.

Unless otherwise provided by collective bargaining agreement, or other applicable agreement, the City's employer share shall be ninety (90) percent of the amount of the actual premium and the employee shall pay the ten percent (10%) balance of the actual premium via payroll deduction for employees enrolled in single coverage. The City's employer share shall be eighty percent (80%) of the amount of the actual premium and the employee shall pay the twenty percent (20%) balance of the actual premium via payroll deduction for any employee enrolled in a level of coverage other than single. Those employees electing not to participate in these programs will receive no other form of compensation in lieu of this benefit.

Section 13. Establishment of Shifts. The City may establish duty shifts of such length, and to have such beginning and ending times, and to have such meal and break times, as it may deem appropriate or necessary, respecting employees of the City.

Section 14. Special Provisions.

- A. Employees covered by the "Agreement Between the La Vista Fraternal Order of Police Lodge No. 28 and the City of La Vista, Nebraska, Covering The Period From October 1, 2007 through September 30, 2009," shall receive compensation and benefits and enjoy working conditions, as described, provided and limited by such Agreement. The terms of such Agreement shall supersede any provisions of this Ordinance inconsistent therewith, and be deemed incorporated herein by this reference.
- B. Holiday Pay shall be compensated as set forth in the Agreement between the La Vista Fraternal Order of Police Lodge No. 28 and the City of La Vista for police officers and as set forth in the Personnel Manual for all other full time employees.
- C. Subject to subsection 14.D. hereof, each regular full-time salaried non-exempt employee and each full time hourly paid employee of the City shall be entitled to receive overtime pay at the rate of one and one half times the employee's regular rate for each hour worked in excess of forty hours during a work week. If called out at any time other than during regular assigned work hours during the pay period, such employee shall be entitled to compensation at the rate of one and one half times the regular rate for each hour so worked, provided that in no case shall an employee receive less than two hours overtime pay for such call out work, and further provided there shall be no pyramiding of hours for purposes of computing overtime. For purposes of this subsection an employee's "regular rate" shall be the sum of his or her hourly rate specified in Section 5 or 6 of this Ordinance and any longevity pay due under this Ordinance.
- D. Police Department employees covered by the "Agreement Between the La Vista Fraternal Order of Police Lodge No. 28 and the City of La Vista, Nebraska," described in subsection 14.A hereof shall, as provided in such Agreement, be paid overtime at one and one half times the employee's hourly rate (including any longevity allowance) for each hour worked in excess of 80 hours during any 14 day work period coinciding with the pay period established by Section 16 of this Ordinance.
- E. All Management Exempt Employees and all Salaried Exempt Employees are considered to be salaried employees and shall not be eligible for overtime pay, holiday pay, or other special pay as provided by this section.
- F. Employees covered by the "Memorandum of Understanding" with the Public Works Employees Collective Bargaining Group may submit to the City for reimbursement for the cost of work boots in an amount not to exceed \$120.
- G. Employees covered by the "Memorandum of Understanding" with the Public Works Employees Collective Bargaining Group may submit to the City for reimbursement for the difference in cost between a Nebraska Driver's License and a "CDL" driver's license within 30 days of obtaining a CDL license when a CDL license is required as a part of the covered employee's job description.

H. Employees covered by the "Memorandum of Understanding" with the Public Works Employees Collective Bargaining Group shall be provided by the City five safety work shirts in each fiscal year at no cost to the employee.

Section 15. Pay for Unused Sick Leave Upon Retirement or Death. Employees who voluntarily retire after twenty or more years of service with the City and have no pending disciplinary action at the time of their retirement, shall be paid for any unused sick leave. Employees who began their employment with the City after January 1, 2005, or who began their employment prior to this date but elected to waive their eligibility for emergency sick leave, shall be paid for any unused sick leave, if they voluntarily leave City employment and have no pending disciplinary action, according to the following sliding schedule: After 10 years of employment – 100% of sick leave hours accrued over 660 and up to 880; after 15 years of employment – 100% of sick leave hours accrued over 440 hours and up to 880; after 20 years of employment – 100% of sick leave hours accrued up to 880. No other employee shall be paid for any unused sick leave upon termination of employment.

A regular full-time employee's unused sick leave shall also be paid if, after October 1, 1999, the employee sustains an injury which is compensable by the City or the City's insurer under the Nebraska Workers' Compensation Act and such injury causes the death of the employee within two years after the date of injury. Any payment made pursuant to the preceding sentence shall be made to the surviving spouse of the employee; provided, such payment shall be made to the employee's estate if the employee leaves no surviving spouse or if, prior to his or her death, the employee filed with the City Clerk a written designation of his or her estate as beneficiary of such payment.

Section 16. Pay Periods. All employees of the City of La Vista shall be paid on a bi-weekly basis. The pay period will commence at 12:01 a.m. Sunday and will conclude at 11:59 p.m. on the second succeeding Saturday, except for Police Officers, in which case the pay period will commence at 11:00 p.m. Saturday and will conclude at 10:59 p.m. on the second succeeding Sunday. On the Friday following the conclusion of the pay period, all employees shall be paid for all compensated time that they have been accredited with during the pay period just concluded.

Section 17. Public Works Lunch and Clean-up Times. Lunch period for employees of the Public Works Department shall be one half hour (30 minutes) in duration. Public Works employees shall be granted a 5 minute clean-up period prior to start of lunch period, and shall be granted an additional 5 minutes clean-up period prior to the end of the work day.

Section 18. Sick Leave and Personal Leave. Sick leave and personal leave will be awarded and administered in conjunction with the provisions set forth in the personnel manual and the Agreement between the La Vista Fraternal Order of Police Lodge No. 28 and the City of La Vista, as applicable to the employee in question.

Section 19. Vacation Leave. Upon satisfactory completion of the probationary period applicable to the employee in question, regular full-time employees and permanent part-time employees shall be entitled to vacation leave. Such vacation shall not be used in installments of less than two hours. Increments of vacation leave of less than four hours must have 48 hours prior approval and can be taken only at the beginning or at the end of the work day.

Section 20. Vacation Entitlement.

- A. All full-time employees whose employment is governed by the Agreement described in Section 14, Paragraph A. of this Ordinance shall earn and be eligible for vacation as provided in such Agreement.
- B. All other full-time Hourly Non-Exempt Employees shall earn: six (6) days of paid vacation upon completion of one (1) year of continuous full-time employment; eleven (11) days of paid vacation upon completion of two (2) years of continuous full-time employment; and thereafter, eleven (11) days of paid vacation upon completion of each subsequent year of continuous full-time employment, plus one (1) additional day of paid vacation for each year of continuous full-time employment in excess of two years. Notwithstanding the foregoing, no employee shall earn more than twenty-three (23) days of paid vacation per employment year.
- C. All Management Exempt Employees, and Salaried Exempt Employees, shall earn ten (10) days paid vacation after one (1) year of continuous employment, and one (1) additional vacation day for each additional year of continuous employment not to exceed twenty-six (26) days.
- D. All Permanent Part Time Employees working a minimum of twenty (20) hours per week shall earn forty (40) hours of paid vacation time per year after six (6) months of employment and

successful completion of the initial or extended initial probationary period. Total paid vacation time earned per year shall not exceed forty (40) hours.

E. Exempt, Non-Exempt, and Permanent Part-Time Employees shall be allowed to accrue unused vacation leave from previous years to a maximum of 220 hours.

Section 21. Wage Tables.

Table A Classification: Management Exempt Employees							
	Range	A	B	C	D	E	F
39	Monthly	6,687	7,021	7,372	7,741	8,128	8,534
	Annual	80,244	84,257	88,470	92,893	97,537	102,414
38	Monthly	6,132	6,438	6,760	7,098	7,453	7,825
	Annual	73,578	77,257	81,120	85,176	89,434	93,905
37	Monthly	5,776	6,065	6,368	6,686	7,021	7,372
	Annual	69,311	72,777	76,416	80,236	84,247	88,459
36	Monthly	5,560	5,838	6,130	6,436	6,758	7,096
	Annual	66,716	70,051	73,554	77,231	81,093	85,148

Table 100 Classification: Salaried Exempt Employees							
	Range	A	B	C	D	E	F
131	Monthly	4,617	4,847	5,160	5,343	5,608	5,889
	Annual	55,400	58,169	61,925	64,116	67,296	70,664
128	Monthly	3,972	4,169	4,376	4,595	4,825	5,068
	Annual	47,667	50,023	52,518	55,140	57,895	60,822
123	Monthly	3,336	3,503	3,677	3,861	4,054	4,256
	Annual	40,027	42,035	44,129	46,337	48,647	51,072
122	Monthly	2,898	3,116	3,330	3,548	3,725	3,911
	Annual	34,774	37,391	39,956	42,572	44,700	46,937
120	Monthly	2,848	2,991	3,140	3,297	3,462	3,635
	Annual	34,180	35,889	37,685	39,568	41,547	43,625
116	Monthly	2,638	2,770	2,909	3,054	3,162207	3,367
	Annual	31,661	33,244	34,905	36,650	37,9398,48 3	40,408
115	Monthly	2,443	2,563	2,692	2,825	2,965	3,116
	Annual	29,311	30,762	32,307	33,899	35,583	37,387
113	Monthly	2,056	2,157	2,269	2,380	2,502	2,60527
	Annual	24,671	25,881	27,232	28,559	30,026	31,26252 4
111	Monthly	1,712	1,764	1,853	1,945	2,042	2,145
	Annual	20,538	21,172	22,230	23,342	24,509	25,735

Table 200
Classification: Hourly Non-Exempt

Range		A	B	C	D	E	F	G
223	Hrly	18.67	19.61	20.59	21.62	22.70	23.83	
218	Hrly	16.18	17.00	17.84	18.74	19.67	20.65	21.69
217	Hrly	15.53	16.29	17.11	17.97	18.86	19.82	
216	Hrly	14.79	15.52	16.27	17.10	17.95	18.84	
215	Hrly	14.10	14.79	15.53	16.29	17.11	17.97	<u>18.24</u>
214	Hrly	13.01	13.64	14.31	15.04	15.81	16.59	
213	Hrly	11.92	12.49	13.15	13.81	14.51	15.24	
212	Hrly	11.88	12.43	13.09	13.77	14.46	15.15	
211	Hrly	11.47	12.03	12.67	13.27	13.94	14.64	
210	Hrly	8.91	9.35	9.82	10.32	10.83	11.36	

Table 300
Classification: Public Works Collective Bargaining
Hourly Non-Exempt

Range		A	B	C	D	E	F	G
322	Hrly	17.12	17.97	18.87	19.81	20.79	21.85	22.93
320	Hrly	<u>16.33</u>	<u>17.11</u>	<u>17.98</u>	<u>18.88</u>	<u>19.4380</u>	20.81	21.85
318	Hrly	16.17	16.94	17.81	18.70	19.60	20.60	21.63
316	Hrly	<u>14.79</u>	<u>15.0354</u>	16.28	17.11	17.96	18.84	19.79
311	Hrly	<u>11.98</u>	<u>12.58</u>	<u>13.19</u>	<u>13.7486</u>	14.58	15.30	

Table 400
Classification: FOP Collective Bargaining
Hourly Non-Exempt

Range		A	B	C	D	E	F
426	Hrly				29.03	30.23	32.16
423	Hrly	19.04	20.31	22.32	23.63	25.79	27.13

Section 22. Repeal of Ordinance No. 107463. Ordinance No. 107463 originally passed and approved on the 167th day of September June 2008 is hereby repealed.

Ordinance No.

Section 23. Effective Date. This Ordinance shall take effect after its passage, approval and publication as provided by law.

Section 24. This Ordinance shall be published in pamphlet form and take effect as provided by law.

PASSED AND APPROVED THIS 176TH DAY OF MARCH 2009SEPTEMBER 2008.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
MARCH 17, 2009 AGENDA

Subject:	Type:	Submitted By:
AUTHORIZATION TO PURCHASE 4X4 PICKUP TRUCK	◆ RESOLUTION ORDINANCE RECEIVE/FILE	JOE SOUCIE PUBLIC WORKS DIRECTOR

SYNOPSIS

A resolution has been prepared authorizing the purchase of one (1) 2009 Ford F-550 4x4 Pickup Truck from Anderson Auto Group, Lincoln, Nebraska, for the Public Works Department in an amount not to exceed \$56,978.00.

FISCAL IMPACT

The FY 08/09 General Fund Budget includes \$57,000 for the purchase of one new 4x4 pickup truck for the Public Works Department.

RECOMMENDATION

Approval

BACKGROUND

The truck will be utilized by the Parks Division. The truck will be equipped with snow/ice removal equipment and a 9' dump box. In addition, the truck will be equipped with a removable chip box for the tree chipping operation.

The purchase is being made off the State of Nebraska Bid; contract # 12295-0c. Deadline for orders off the current contract is April 9, 2009.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE PURCHASE OF ONE (1) 2009 FORD F-550 4 X 4 PICKUP TRUCK FROM ANDERSON AUTO GROUP, LINCOLN, NEBRASKA, IN AN AMOUNT NOT TO EXCEED \$56,978.00.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of one 2009 Ford F-550 4 X 4 Pickup Truck for the Public Works Department is necessary; and

WHEREAS, the FY08/09 General Fund budget does include funds for the purchase of said vehicle; and

WHEREAS, Anderson Auto Group, Lincoln, Nebraska, was awarded the State Bid for said vehicle being requested; 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 one 2009 Ford F-550 4 X 4 Pickup Truck for the Public Works Department from Anderson Auto Group, Lincoln, Nebraska, in an amount not to exceed \$56,978.00.

PASSED AND APPROVED THIS 17TH DAY OF MARCH 2009.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk



Correct

BRIAN 402-331-1051

STATE CONTRACT #12295-0c

1TON REGULAR CAB
12,600 LB GVW 4x2

STANDARD EQUIPMENT AS FOLLOWS

6.4L DIESEL MOTOR
AUTO TRANSMISSION
AIR CONDITIONING
MANUAL DOOR LOCKS AND WINDOWS
AM/FM RADIO
VINAL BENCH SEAT
ENGINE BLOCK HEATER
19.5 TRACTION TIRES AND SPARE TIRE AND WHEEL

BASE PRICE \$30,397.00

OPTIONS ARE AS FOLLOWS

4 WHEEL DRIVE ADD \$4900.00
TRAILER BRAKE CONTROL ADD \$250.00
SNOW PLOW PREP PACKAGE ADD \$85.00
PTO PROVISION ADD \$250.00
6,900 LB GVW UPGRADE TO 19,500 LB F-550 ADD \$3260.00
XLT TO XL MODEL (\$2800.00)

FINAL CHASSIS ONLY PRICE IS \$36,342.00

THANKS,
FLEET MANAGER
DON DOSER
402-613-1119

CHASSIS CAB PLUS EXTRA OPTIONS

TOTAL COST \$56,978.00

COST OF OPTIONS \$20,636.00

Ford/Mazda
2500 Wildcat Drive
Lincoln, NE 68521
402-458-9800
Fax: 402-458-9805

Buick, Chevrolet, Chrysler,
Dodge, Jeep, Pontiac
1951 W. Highway 30
Missouri Valley, IA 51555
712-642-1131
Fax: 712-642-1569

Ford & Mercury
3151 Joplin Place
Missouri Valley, IA 51555
712-642-4131
Fax: 712-612-2649

Lincoln/Mercury
120 Diers Avenue
Grand Island, NE 68803
308-384-1700
Fax: 308 381-0750

Ford
2207 N. Belt Hwy
St Joseph, MO 64506
816-383-8000
Fax: 816-383-8005

**Badger Body
& Truck Equipment Co.**

SALES QUOTATION

6326 GROVER STREET, OMAHA, NEBRASKA 68106 - (402) 558-5300 • NEBR. TOLL FREE (800) 642-9325

To:
Anderson Ford
Lincoln, Ne

Ship To:
Brian Lushenwitz
City of Lincoln
21 Vista, Ne 68128

Date:
3/6/09
Quote valid 30 days
from date shown

Phone Number	Customer Contact	Sales Rep Name
	<u>Don Doyes</u>	<u>Spencer</u>
PO Number	Shipping Method	Payment Terms
		<u>Net 15 days</u>
Delivery Date		
Truck Info	<u>2009 Ford F550 Reg Cab 4x4 84" CA</u>	
Deposit		

Item	Description	Quantity	Unit Price	Extension
	<u>Install the following</u>			
	<u>Garrison 100 USDDS 4' Dump Body</u>			<u>\$11,103.00</u>
	<u>18" Drop Down sides 24" ends</u>			
	<u>3/16" Hi tensile steel floor</u>			
	<u>Seafloor PT5241D4EM Rail</u>			
	<u>Double acting, subframe, electric lift hoist</u>			
	<u>Push button control</u>			
	<u>Body gap</u>			
	<u>1/2 cab protectors</u>			
	<u>LED lighting</u>			
	<u>Oval strobe blue & amber</u>			
	<u>Halogen, plus TCC underbody</u>			
	<u>Light flaps, reflectors painted black</u>			
	<u>Knapheide LP 82E K Day Pack</u>			
	<u>82" wide x 34" long</u>			
	<u>painted black</u>			
	<u>Removable Chassis Box Top</u>			<u>\$40,855.00</u>
	<u>96" x 88" x 48" high</u>			
	<u>Smooth steel exterior</u>			
	<u>Floor lift loops & four quick attach pins</u>			
	<u>painted black</u>			

Received By: _____ Date: _____

I hereby authorize the above work to be done. You and your employees may operate above vehicle for purposes of loading, inspection or delivery at my risk. You will not be held responsible for loss or damage in vehicle or articles left in vehicle in case of fire, theft, accident or any other cause beyond your control. I agree to payment terms and dollar amounts stated in contract.
I HAVE READ AND UNDERSTAND THE ABOVE TERMS.

Subtotal _____

Sales Tax _____

TOTAL ORDER AMOUNT _____



SALES QUOTATION

6336 GROVER STREET, OMAHA, NEBRASKA 68106 - (402) 558-5300 - NEBR. TOLL FREE (800) 642-9325

To:
Anderson Ford
Lincoln, Ne

Ship To:
Brian L
City of Lincoln

Date:
3/09/09
 Quota valid 30 days
 from date shown

Phone Number	Customer Contact	Sales Rep Name
PO Number	<u>Don Rogers</u>	<u>Spencer</u>
	Shipping Method	Payment Terms
Delivery Date	<u>2009 Ford F550 Reg Cab 4x4 84" CA</u>	
Truck Info		
Deposit		
Item	Description	Quantity Unit Price Extension
	Western 9' UltraMount Pro-Plow 4 springs, 2 shocks HP Edge Blade Guards Dive Hawk lighting Cbr Command Post Powder Coat Red	\$4,241.00
	Reader Snow Deflector	\$149.00
	Rock Dazzle Edge	\$85.00
	Pro Plus Wing Extensions	\$423.00
	Pro Plus Western Emergency Kit	\$100.00
		\$549.80
	Tarp Body, Chipper, Knapack	15,138.00
Received By:	Date:	

I hereby authorize the above work to be done. You and your employees may operate above vehicle for purposes of testing, inspection or delivery at my risk. You will not be held responsible for loss or damage to vehicle or articles left in vehicle in case of fire, theft, accident or any other cause beyond your control. I agree to payment terms and dollar amounts stated in contract.
 I HAVE READ AND UNDERSTAND THE ABOVE TERMS.

Authorized By: _____ Date: _____

TOTAL ORDER AMOUNT

Subtotal

Sales Tax

\$ 20,636.00
 Sales Tax
 \$ 20,636.00

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
MARCH 17, 2009 AGENDA**

Subject:	Type:	Submitted By:
EXTENSION OF CONTRACT FOR GOLF MERCHANDISE CONSIGNMENT	◆ RESOLUTION ORDINANCE RECEIVE/FILE	SCOTT STOPAK RECREATION DIRECTOR

SYNOPSIS

A resolution has been prepared authorizing the Mayor to execute an extension to the contract with Fairway Golf LLC., Omaha, Nebraska to furnish and supply the La Vista Falls Golf Course Clubhouse golf merchandise on a consignment basis.

FISCAL IMPACT

N/A

RECOMMENDATION

Approval.

BACKGROUND

Fairway Golf LLC has been under contract with the City since 2006 to furnish and supply the La Vista Falls Golf Course Clubhouse with golf merchandise on a consignment basis. This gives the golf course the ability to offer an expanded line of merchandise to customers without an investment on the part of the City. The current contract will expire March 17, 2009 and staff is recommending that an extension be granted for one year.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE MAYOR TO EXECUTE A ONE – YEAR CONTRACT WITH FAIRWAY GOLF LLC., OMAHA, NEBRASKA, TO FURNISH AND SUPPLY THE LA VISTA FALLS GOLF COURSE WITH GOLF CLUBHOUSE MERCHANDISE ON A CONSIGNMENT BASIS.

WHEREAS, the City has determined that it is desirable to contract for the furnishing and supplying of golf merchandise on a consignment basis at La Vista Falls Golf Course Clubhouse; and

WHEREAS, Fairway Golf LLC., supplied said golf merchandise on a consignment basis to the City since 2006; and

WHEREAS, the current contract with Fairway Golf LLC will expire in March of 2009; and

WHEREAS, the Recreation Director recommends extending the current contract with Fairway Golf LLC for one year; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize the Mayor to sign a one-year contract with Fairway Golf LLC., Omaha, Nebraska, to furnish and supply the La Vista Falls Golf Course Clubhouse with golf merchandise on a consignment basis.

PASSED AND APPROVED THIS 17TH DAY OF MARCH, 2009.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

GOLF COURSE CLUBHOUSE MERCHANDISE CONSIGNMENT AGREEMENT

THIS GOLF COURSE CLUBHOUSE MERCHANDISE CONSIGNMENT AGREEMENT is made and entered into March _____, 2009 by and between the City of La Vista, a Nebraska municipal corporation (hereinafter referred to as the "City") and Fairway Golf LLC., a Nebraska corporation, (hereinafter collectively referred to as "Contractor").

WHEREAS, City has established the desire to contract for the furnishing and supplying of golf merchandise on a consignment basis at La Vista Falls Golf Course; and

WHEREAS, City has determined that it is desirable to have merchandise available for sale; and

WHEREAS, Contractor is willing and able to provide merchandise on consignment in accordance with terms hereinafter set forth.

NOW THEREFORE, in consideration of the foregoing and the mutual promises, terms, and covenants contained, the parties hereto agree as follows:

- 1. Appointment of Contractor.** The City hereby appoints Contractor, and Contractor hereby accepts such appointment, to supply City with golf merchandise at the La Vista Falls Golf Course Clubhouse.
- 2. Independent Contractor.** In all matters pertaining to Consignment Operation, Contractor is and shall be an independent contractor. Nothing contained in the Agreement or in the practice or course of dealing between the parties shall be construed to create a partnership, joint venture, agency or employment relationship.
- 3. Term and Termination.** This Agreement shall be and become effective commencing March 17, 2009, and shall be effective for a term of one (1) year ending on March 17, 2010, with the option to renew for one additional twelve (12) month period at the discretion of both the City and the Contractor. Notwithstanding the foregoing, either the City or Contractor may terminate this Agreement for any reason at any time upon written notice given from one party to the other at least sixty (60) days prior to the effective date of termination.
- 4. Record Keeping Requirements.** City agrees to maintain or cause to be maintained, on a calendar year basis, complete books and records of all aspects of the Consignment Operation. City shall submit to the Contractor monthly financial reports for said operations no later than thirty (30) days following the last day of each month's operations. Such monthly reports shall contain all information related to merchandise sold.

5. Merchandise and Furnishings. All merchandise and furnishings and replacements thereof, shall be the property of the Contractor, and, at the termination of this Agreement, possession thereof shall be peaceably given to the Contractor.

Defective product merchandise clause: Contractor replaces merchandise if defect comes from normal use of clubs and flaws present on clothing.

Replacement merchandise available at monthly inventory.

6. Fees. In consideration of the merchandise on consignment in accordance with the terms of this Agreement, City shall pay Contractor set price per type of merchandise and approved by Recreation Director and or Finance Director.

7. Insurance. All merchandise and furnishings and replacements thereof owned by the Contractor, will be covered by the City of La Vista insurance.

8. Notices. Any notices or payments required hereunder shall be made in writing and delivered personally or by the U.S. mail in certified or registered form, with postage fully prepaid, and addressed as follows:

If to the City of La Vista:

City of La Vista
8116 Park View Boulevard
La Vista, Nebraska 68128

If to the Contractor:

Jason Laferriere
11219 Ohio St
Omaha, Nebraska 68164

or such different address as either party may designate in writing to the other. Notice shall be deemed given or made upon request.

9. Governing Law. This Agreement shall be construed and governed in accordance with the laws of the State of Nebraska.

10. Binding Nature. This agreement shall inure to the benefit and be binding upon the parties hereto and their respective successors and assigns. Nothing in this Agreement, either express or implied, is intended to confer upon any other person or entity any rights or revenues under or by reason of this Agreement.

11. Waiver. No waiver by either party to this Agreement at any time of any breach of the other party of or compliance by the other party with any condition or provision of this Agreement to be performed by the other party shall be deemed to be a waiver of similar or dissimilar provisions or conditions at the same or any prior to subsequent time.

12. Counterparts. This document may be executed in one or more counterparts, each of which shall be deemed to be an original and each of which shall constitute the parties' Agreement.

13. Entire Agreement. This Agreement constitutes the entire agreement between the parties hereto with respect to the subject matter hereof, superseding any prior agreement, understanding, arrangement, warranty or representation, oral or written, express or implied, with respect to such subject matter. It may not be amended except by a writing signed by the parties hereto.

14. Assignment. This Agreement may not be assigned by Contractor without the prior written consent of the City.

IN WITNESS WHEREOF, the parties have hereunto set their hands the day and year first set forth above.

CITY OF LA VISTA, NEBRASKA,
A municipal corporation

BY: _____
Douglas Kindig, Mayor

Pamela A. Buethe, CMC
City Clerk

CONTRACTOR: FAIRWAY GOLF LLC.
A Nebraska corporation,

BY: _____
Jason Laferriere, President

CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
MARCH 17, 2009 AGENDA

Subject:	Type:	Submitted By:
EXTENSION OF CONTRACT FOR CONCESSION STAND OPERATIONS	◆ RESOLUTION ORDINANCE RECEIVE/FILE	SCOTT STOPAK RECREATION DIRECTOR

SYNOPSIS

A resolution has been prepared authorizing the Mayor to execute an extension to the contract with HAMS, Inc., Laurie Hamzhie, for operation of the concession stands at LaVista Sports Softball Complex, La Vista Soccer Complex, City Park, and the La Vista Community Center.

FISCAL IMPACT

The Contractor will pay the City a monthly commission of ten percent (10%) of gross food, beverage and merchandise concessions sold from the Softball Complex, Soccer Complex, City Park and Community Center.

RECOMMENDATION

Approval.

BACKGROUND

HAMS, Inc. has been under contract with the City of La Vista since 2005 for concession stand operations. Since 2005 the City has received \$8,107.19 in commission. The current contract expires on April 30, 2009 and staff is recommending that an extension be granted for two years.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE MAYOR TO EXECUTE A TWO-YEAR CONTRACT WITH HAMS, INC., OMAHA, NEBRASKA, FOR THE OPERATION OF CONCESSIONS AT THE SPORTS SOFTBALL COMPLEX, SOCCER COMPLEX, CITY PARK, AND COMMUNITY CENTER.

WHEREAS, the City has determined that it is desirable to contract for the operation of concession stands at various recreation sites in the City with HAMS Inc.; and

WHEREAS, HAMS, Inc. operated concessions at various recreation sites in the City since 2005; and

WHEREAS, the current contract with HAMS, Inc. will expire in April of 2009; and

WHEREAS, the Recreation Director recommends extending the current contract with HAMS, Inc. for two years; and

WHEREAS, the contract provides for Hams Inc. to make payments of 10% of the gross revenues from all sales to the City; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize the Mayor to sign a two-year contract with HAMS Inc., Omaha, Nebraska, for the operation of the concessions at the Sports Softball Complex, Soccer Complex, City Park and Community Center.

PASSED AND APPROVED THIS 17TH DAY OF MARCH 2009

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

SOFTBALL COMPLEX, SOCCER COMPLEX, CITY PARK AND COMMUNITY CENTER CONCESSION OPERATION AGREEMENT

THIS SOFTBALL COMPLEX, SOCCER COMPLEX, CITY PARK AND COMMUNITY CENTER CONCESSION OPERATION AGREEMENT is made and entered into MARCH _____, _____ by and between the City of La Vista, a Nebraska municipal corporation (hereinafter referred to as the "City") and Hams Inc., a Nebraska corporation, (hereinafter collectively referred to as "Contractor"), and Laurie Hamzhie (hereinafter referred to as "Guarantor").

WHEREAS, City has established and caused to be operated on its behalf, a softball complex concession stand, soccer complex concession stand, city park concession stand and community center concession stand; and

WHEREAS, City has determined that it is necessary and desirable to cause the softball complex concession stand, soccer complex concession stand, city park concession stand and community center concession stand as defined herein (the "Concession Operations") to be operated by Contractor as an independent contractor of City; and

WHEREAS, Contractor is willing and able to manage and operate such Concession Operations in accordance with terms hereinafter set forth.

NOW THEREFORE, in consideration of the foregoing and the mutual promises, terms, and covenants contained, the parties hereto agree as follows:

- 1. Appointment of Contractor.** The City hereby appoints Contractor, and Contractor hereby accepts such appointment, to operate the Concession Operations on behalf of the City pursuant to the terms contained herein. Such Concession Operations shall include, but not be limited to, staffing and supervision with Contractor's own employees; record keeping and daily accounting of all revenues and expenses related to Softball Complex, Soccer Complex, City Park and Community Center Concessions Operations; preparation and submission of statements of operations; operation of Softball Complex, Soccer Complex, City Park and Community Center collection of revenues and disbursement of all expenses; purchasing and selling food and beverage concessions; purchasing supplies and services; procurement of insurance coverage's; maintenance and cleaning of the Softball Complex, Soccer Complex, City Park and Community Center concession facilities; maintenance of the area immediately surrounding the concession stands to keep the area free of litter during the stands' normal hours of operation; collecting, reporting and paying all payroll taxes in respect to all personnel employed by the Contractor; development and implementation of sales promotion programs; and such other activities as shall be necessary to successful Concession Operations. Contractor shall provide all services hereunder under the direct supervision of Laurie Hamzhie. Contractor shall operate all aspects of the Concession Operations

such that concession stands are open for business during such hours as determined by the City and the City's Recreation Director.

2. **Independent Contractor.** In all matters pertaining to Concession Operations, Contractor is and shall be an independent contractor. Nothing contained in the Agreement or in the practice or course of dealing between the parties shall be construed to create a partnership, joint venture, agency or employment relationship or to create in Contractor any ownership interest in the Concession Buildings Softball Complex, Soccer Complex, City Park and Community Center or the operations thereof, except as otherwise specifically provided herein. No employee of Contractor shall be deemed to be an employee of city. However, the City expressly reserves the right to approve matters pertaining to policy for the concession Operations, including but not limited to, general staffing and qualifications therefore, concession products, and inventory mixture. Contractor acknowledges and agrees that it shall be the obligation of Contractor to report all income, compensation and fees received hereunder and to pay all applicable taxes in respect thereto and Contractor shall indemnify and hold harmless City against any obligation imposed on City to pay withholding, social security, unemployment or other taxes, including interest and penalties in connection with any payments made to Contractor.
3. **Contractor's Employee's.** Contractor shall be responsible for hiring and staffing of employees at the concession stands and shall be responsible for the withholding and payment of all payroll taxes and the payment of all compensation and fringe benefits of its staff in compliance with all applicable laws.
4. **Term and Termination.** This Agreement shall be and become effective commencing May 1, 2009, and shall be effective for a term of two (2) years ending on April 30, 2011, with the option to renew for two additional twelve (12) month periods at the discretion of both the City and the Contractor. Notwithstanding the foregoing, either the City or Contractor may terminate this Agreement for any reason at any time upon written notice given from one party to the other at least sixty (60) days prior to the effective date of termination; provided, however, that if Contractor desires to terminate this Agreement and the date of termination is to occur during the months of March through October, Contractor shall provide at least ninety (90) days notice of termination. Notice of termination of the agreement shall not negate the contractor's obligation to pay rental fees to City and Contractor's obligation to operate Concession Operations as provided herein to the date of termination.
5. **Record Keeping Requirements.** Contractor agrees to maintain or cause to be maintained, on a calendar year basis, complete books and records of all aspects of the Concession Operations. Contractor shall submit to the City monthly financial reports for said operations no later than ten (10) days following the last day of each month's operations. Such monthly reports shall contain all information related to revenues, expenses, inventories and cost of goods sold,

taxes and fees for the month reported. Contractor shall submit a year end report to City reporting such operations for the previous year on or before January 1st of each year. All records and reports shall be kept by Contractor in the manner and on the forms approved by City. City reserves the right to prescribe cash handling, accounting and reporting practices and procedures which shall be strictly followed by Contractor and shall at any time have the right without notice to review and examine all books and records of Contractor relating to the concession Operations. In addition, the City reserves the right to conduct, or cause to be conducted, an audit of contractor's books and records pertaining to the concession Operations, annually or more frequently as it shall determine. In such event, the City shall pay for the expense of such audit, provided however, that if such audit discloses shortages or non-compliance on the part of the Contractor, then Contractor shall pay the cost of the audit.

6. **Equipment and Furnishings.** Except for Concession inventory, supplies, and equipment purchased by Contractor in connection with Concession Operations, all machinery, equipment, furnishings and replacements thereof, whether purchased or leased by City, shall be the property of the City, and, at the termination of this Agreement, possession thereof shall be peaceably given to the city. All machinery, equipment and furnishings owned or leased by the City and used by the Contractor for Concession Operations shall be maintained, cleaned and repaired in a husband like manner by Contractor and Contractor shall, at all times, keep said machinery, equipment and furnishings in good working condition and repair. All City parts, mechanisms and devices required to keep the City equipment running in good repair shall be provided at the expense of the City. All Contractor parts, mechanisms and devices required to keep the Contractor equipment running in good repair shall be provided at the expense of the Contractor. Contractor shall have no authority to mortgage, encumber or otherwise hypothecate any of such equipment, machinery and furnishings, or to contract on behalf of the City for any improvements or repairs which would give rise to a mechanic's, artisan's or other lien against any of the same.
7. **Fees.** In consideration of use of the Concession buildings in accordance with the terms of this Agreement, Contractor shall pay operation fees as follows:
 - a. Contractor shall pay to the City a commission in the amount of ten percent (10%) of gross food, beverage and merchandise concessions sold from the Softball Complex, Soccer Complex, City Park and Community Center premises. Commissions shall be paid to City by contractor on a monthly basis no later than the 10th day of the month and shall accompany the contractor's monthly financial report.
 8. **Insurance.** Contractor shall provide and maintain, at its own expense, general liability insurance in the amount of \$1,000,000 combined single limit for products liability insurance, property damage insurance and personal injury insurance. Contractor shall name the City as additional insured as pertains to the

performance of this agreement. The insurance policies shall insure the City from any and all demands, claims, and causes of action at law or in equity resulting from the performance of these services. Contractor agrees to indemnify and save harmless the City from any and all demands, claims, causes of action at law or in equity arising out of the performance of these services. Contractor shall provide and at all time maintain, at its own expense, Workers' Compensation coverage on all personnel employed by Contractor in connection with the concession Operations with such endorsements as City shall deem appropriate and with an insurer acceptable to the City. Contractor shall provide City with certification of such insurances, subject to the approval of the City Attorney.

9. **Notices.** Any notices or payments required hereunder shall be made in writing and delivered personally or by the U.S. mail in certified or registered form, with postage fully prepaid, and addressed as follows:

If to the Corporation:

City of La Vista
8116 Park View Boulevard
La Vista, Nebraska 68128

If to the Contractor:

Laurie Hamzhie
14930 N Circle
Omaha, Nebraska 68137

or such different address as either party may designate in writing to the other. Notice shall be deemed given or made upon request.

10. **Governing Law.** This Agreement shall be construed and governed in accordance with the laws of the State of Nebraska.

11. **Binding Nature.** This agreement shall inure to the benefit and be binding upon the parties hereto and their respective successors and assigns. Nothing in this Agreement, either express or implied, is intended to confer upon any other person or entity any rights or revenues under or by reason of this Agreement.

12. **Waiver.** No waiver by either party to this Agreement at any time of any breach of the other party of or compliance by the other party with any condition or provision of this Agreement to be performed by the other party shall be deemed to be a waiver of similar or dissimilar provisions or conditions at the same or any prior to subsequent time.

13. **Counterparts.** This document may be executed in one or more counterparts, each of which shall be deemed to be an original and each of which shall constitute the parties' Agreement.

14. **Entire Agreement.** This Agreement constitutes the entire agreement between the parties hereto with respect to the subject matter hereof, superseding any

prior agreement, understanding, arrangement, warranty or representation, oral or written, express or implied, with respect to such subject matter. It may not be amended except by a writing signed by the parties hereto.

15. Assignment. This Agreement may not be assigned by Contractor without the prior written consent of the City.

IN WITNESS WHEREOF, the parties have hereunto set their hands the day and year first set forth above.

CITY OF LA VISTA, NEBRASKA,
A municipal corporation

BY: _____
Douglas Kindig, Mayor

Pamela A. Buethe, CMC
City Clerk

CONTRACTOR: HAMS Inc.
A Nebraska corporation,

BY: _____
Laurie Hamzhie, President

H

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE LA VISTA CITY CLERK TO FILE WITH THE SARPY COUNTY TREASURER A SPECIAL ASSESSMENT FOR PROPERTY IMPROVEMENTS AT LOCATIONS AND IN AMOUNTS CITED HEREIN.

WHEREAS, the property owners of 7708 S 71st Ave. were notified to clean up their property as they were in violation of the City Municipal Code, Section 93.015, or the City would do so and bill them accordingly, and

WHEREAS, the property owners of said addresses chose not to clean the property, thus necessitating the City to do the clean up, and

WHEREAS, the City sent the property owners bills for said clean up which have not been paid, and

WHEREAS, the City may file a Special Assessment for Improvements against property for which a City bill for services has not been paid.

NOW THEREFORE BE IT RESOLVED, that the La Vista City Clerk is hereby authorized to file with the Sarpy County Treasurer Special Assessments for Improvements in the amounts and against the properties specified above, all located within Sarpy County, La Vista, Nebraska.

PASSED AND APPROVED THIS 17TH DAY OF MARCH, 2009

CITY OF LA VISTA

ATTEST:

Douglas Kindig, Mayor

Pamela A. Buethe, CMC
City Clerk

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only, No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com®

OFFICIAL USE

7006 0810 0001 6713 9461	Postage \$
	Certified Fee
	Return Receipt Fee (Endorsement Required)
	Restricted Delivery Fee (Endorsement Required)
	Total Postage & Fees \$

Postmark
Here

Sent To **DALIA JIMENEZ**

Street, Apt. No.,
or PO Box No. **7708 S 71ST AVE**

City, State, ZIP+4 **CA VISTA NE 68128**

PS Form 3800, June 2002 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

DALIA JIMENEZ
7708 S 71ST AVE
CA VISTA NE 68128

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X 

Agent

Addressee

B. Received by (Printed Name)

Dalia Jimenez 2/26/09 C. Date of Delivery

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

2. Article Number
(Transfer from service label)

7006 0810 0001 6713 9461

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540



January 30, 2009

Dalia Jimenez
7708 S 71st Ave
La Vista, NE 68128

RE: Lot 80/Ardmore

Dear Ms. Jimenez:

On January 13, 2009, your property on s 71st Ave in La Vista was in violation of the City of La Vista's Municipal Code, Sections 93.015 (snow removal). On January 21, 2009 the Public Works Department removed the snow and/or ice from the sidewalk at this location. The cost of \$119.91 was incurred by the City for the clean up. The cost breakdown is as follows:

Administrative Fee	\$	50.00
 Snow/Ice Removal		
Two Workers, 1 Hour Each		41.36
Equipment Cost		20.00
Material (ice melt)		8.55
 TOTAL	\$	<u>119.91</u>

Please remit \$119.91, payable to the City of La Vista, 8116 Park View Blvd., La Vista, Nebraska 68128, within 30 days. If payment is not received within 30 days of issuance of this statement, the City Council will, on March 17, 2009, take action to file the above referenced cost with the Sarpy County Treasurer as a special assessment for improvements against your property.

Thank you for your attention to this matter.

Sincerely,

Pamela A. Buethe, CMC
City Clerk

City Hall
8116 Park View Blvd.
La Vista, NE 68128-2198
p: 402-331-4343
f: 402-331-4375

Community Development
8116 Park View Blvd.
p: 402-331-4343
f: 402-331-4375

Fire
8110 Park View Blvd.
p: 402-331-4748
f: 402-331-0410

Golf Course
8305 Park View Blvd.
p: 402-339-9147

Library
9110 Giles Rd.
p: 402-537-3900
f: 402-537-3902

Police
7701 South 96th St.
p: 402-331-1582
f: 402-331-7210

Public Works
9900 Cornhusker Rd.
p: 402-331-8927
f: 402-331-1051

Recreation
8116 Park View Blvd.
p: 402-331-3455
f: 402-331-0299

January 26, 2009

To: Valerie Houloose
Code Enforcement

Fr: Joe Soucie
Public Works Dept.

Re: Snow & Ice Removal From Sidewalk
7708 S. 71st Ave.

The following is a list of expenses incurred by the Public Works Dept. while removing the snow and/or ice from the sidewalk at 7708 S. 71st Ave. on January 21, 2009, per your request.

LABOR:

	<u>HOURLY RATE</u>	<u>HOURS</u>	<u>TOTAL</u>
Employee #1	\$25.38	1	\$25.38
Employee #2	\$15.98	1	\$15.98
TOTAL			\$41.36

EQUIPMENT:

	<u>HOURLY RATE</u>	<u>HOURS</u>	<u>TOTAL</u>
1 pickup	\$20.00	1	\$20.00
TOTAL			\$20.00

MATERIALS:

1 50-pound bag ice melt	\$8.55
-------------------------	--------

TOTAL LABOR, EQUIPMENT & MATERIALS	\$69.91
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* * * Communication Result Report (Jan. 15, 2009 1:25PM) * * *

2) CITY OF LA VISTA

Date/Time: Jan. 15, 2009 1:24PM

File No. Mode	Destination	Pg(s)	Result	Page Not Sent
1601 Memory TX	PW	P. 2	OK	

Reason for error

E. 1) Hang up or line fail
 E. 3) No answer
 E. 5) Exceeded max. E-mail size

E. 2) Busy
 E. 4) No facsimile connection

City of La Vista
 8116 Park View Blvd.
 La Vista, NE 68128
 402-331-4343 phone number
 402-331-4375 fax number
www.cityoflavista.org

**fax**

To: Cindy
 Fax Number: _____
 Phone Number: _____
 RE: _____

From: Valerie
 Pages: 2 (including Cover Page)
 Date: 1/15/09
 cc: _____

Urgent For Review Please Comment Please Reply

Comments:

Please create a work order to remove
 snow/ice from 7708 S. 71st Avenue.

Thank you!

City of La Vista
8116 Park View Blvd.
La Vista, NE 68128
402-331-4343 phone number
402-331-4375 fax number
www.cityoflavista.org



fax

To: Cindy

From: Valerie

Fax Number: _____

Pages: 2 (Including Cover Page)

Phone Number: _____

Date: 1/15/09

RE: _____

cc: _____

Urgent

For Review

Please Comment

Please Reply

Comments:

Please create a work order to remove
snow/ice from 7708 S. 71st Avenue.

Thank you!

7708 S. 71st Ave.

Anonymous caller turned
in on 1/13/09.

93.015

1/14/09 Took before pictures
and turned over to Public
Works to create a work
order to shovel the
sidewalk.



1.14.2009 09:34



1.14.2009 09:34



Active

Parcel Number: 011127473
 Location: 07708 \S 71ST AVE
 Owner: JIMENEZ/DALIA
 C/O
 Mail Address: 7708 S 71ST AVE
 LA VISTA NE 68128-
 Legal: LOT 80 ARDMORE
 Tax District: 27002
 Map #: 2959-13-0-30019-000-0080



Click Picture/Sketch for Larger View.

Residential Information for 1 January Roll Year 2008

Style:	Split Entry		
Year Built:	1993	Bedrooms	2
Bathrooms	2	Total Sqft	1144
Total Bsmt Finish Sqft	886	Bsmt Total Sqft	1024
Garage Type	Attached	Garage Sqft	443
Lot Depth	0	Lot Width	
Misc			
Description	Sqft or Quantity		
COVERED OPEN PORCH	32		
WOOD DECK	160		
SGLE 1/S FIREPLACE	1		
DRIVEWAY	1		

Sales Information (Updated 1/28/2009)

Sale Date B & P	Grantor	Grantee	Sale Price
9/30/1998 98-27890	TANGEMAN/JOANN BURBACH 7708 S 71ST AVE LA VISTA NE 68128-0000	SLOBODRIK/TRACY 7708 S 71ST AVE LA VISTA NE 68128-	\$110,000
9/26/2006 06-34184	HERNANDEZ/VALAREE A 7708 S 71ST AVE LA VISTA NE 68128-	JIMENEZ/DALIA 7708 S 71ST AVE LA VISTA NE 68128-	\$150,000
8/27/2004 04-33688	FREY JR/WILLIAM ANSEL P O BOX 1018 BELLEVUE NE 68005-1018	HERNANDEZ/VALAREE A 7708 S 71ST AVE LA VISTA NE 68128-	\$146,000
11/5/2003 03-72263	SLOBODRIK/TRACY 7708 S 71ST AVE LA VISTA NE 68128-	FREY JR/WILLIAM ANSEL 7708 S 71ST AVE LA VISTA NE 68128-	\$135,000

Valuation Information

Valuation
PV = Partial Valuation

Roll Year	Land Value	Impr Value	Outbuildings	Total Value	PV
2008	\$26,000	\$128,168	\$0	\$154,168	NO

CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
MARCH 17, 2009 AGENDA

Subject:	Type:	Submitted By:
PURCHASE OF BUNKER GEAR	◆RESOLUTION ORDINANCE RECEIVE/FILE	RICH UHL FIRE CHIEF

SYNOPSIS

A resolution has been prepared authorizing the purchase of five sets of firefighter bunker gear, firefighting gloves, rescue gloves, PBI hoods, and firefighting boots from Municipal Emergency Services, Inc., Snyder, NE in the amount of \$13,132.00.

FISCAL IMPACT

The FY 08/09 Fire Department budget provides a line item amount of \$15,000.00 for the proposed purchase.

RECOMMENDATION

Approval

BACKGROUND

Funding was included in the current year's budget for the purchase of new firefighter bunker gear. This purchase will bring the department closer to its goal of attaining NFPA 1971 compliance for the 2007 standards for protective gear.

Experience and consultation indicates that the Globe G7 bunker gear meets NFPA 1971 standards and will provide excellent protection for fire fighting applications. Several brands and models of bunker gear were evaluated by the Fire Chief during a recent seminar. MES is the local provider of the gear, which was determined to be the best equipment at the best price. There has not been a significant change in price since the last request for bids and for continuity it is recommendation that we continue replacement with the Globe product. The conclusion has been drawn that this particular selection will best meet the needs of the firefighters of the La Vista Fire Department.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE PURCHASE OF FIVE SETS OF GLOBE G7 BUNKER GEAR FROM MUNICIPAL EMERGENCY SERVICES, INC., SNYDER, NEBRASKA IN AN AMOUNT NOT TO EXCEED \$13,132.00.

WHEREAS, the Mayor and City Council have determined that it is necessary to purchase bunker gear and accessories for the Fire Department; and

WHEREAS, funds are provided in the FY 08/09 General Fund Budget for the proposed purchase; and

WHEREAS, the purchase of this bunker gear will bring the department closer to attaining NFPA 1971 compliance for the 2007 standards for protective gear; 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 authorizes the purchase of five sets of Globe G7 Bunker Gear from Municipal Emergency Services, Inc., Snyder, Nebraska in an amount not to exceed \$13,132.00.

PASSED AND APPROVED THIS 17TH DAY OF MARCH 2009.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk