



## CITY OF LA VISTA

### CERTIFICATE OF APPRECIATION

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

WHEREAS, Tim Keller, has served the City of La Vista since April 4, 2004, and

WHEREAS, Tim Keller'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 Tim Keller on behalf of the City of La Vista for 5 years of service to the City.

DATED THIS 7TH DAY OF APRIL, 2009.

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Douglas Kindig, Mayor

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Ronald Sheehan  
Councilmember, Ward I

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Brenda L. Carlisle  
Councilmember, Ward I

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Mike Crawford  
Councilmember, Ward II

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Terrilyn Quick  
Councilmember, Ward II

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Mark D. Ellerbeck  
Councilmember, Ward III

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Alan W. Ronan  
Councilmember, Ward III

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Kelly R. Sell  
Councilmember, Ward IV

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Anthony J. Gowan  
Councilmember, Ward IV

ATTEST:

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Pamela A. Buethe, CMC  
City Clerk





## CITY OF LA VISTA

### CERTIFICATE OF APPRECIATION

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

WHEREAS, Don Ward, has served the City of La Vista since April 5, 2004, and

WHEREAS, Don Ward'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 Don Ward on behalf of the City of La Vista for 5 years of service to the City.

DATED THIS 7TH DAY OF APRIL, 2009.

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Douglas Kindig, Mayor

\_\_\_\_\_  
Ronald Sheehan  
Councilmember, Ward I

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Brenda L. Carlisle  
Councilmember, Ward I

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Mike Crawford  
Councilmember, Ward II

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Terrilyn Quick  
Councilmember, Ward II

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Mark D. Ellerbeck  
Councilmember, Ward III

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Alan W. Ronan  
Councilmember, Ward III

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Kelly R. Sell  
Councilmember, Ward IV

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Anthony J. Gowan  
Councilmember, Ward IV



ATTEST:

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Pamela A. Buethe, CMC  
City Clerk



**CITY OF LA VISTA**

**CERTIFICATE OF APPRECIATION**

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

WHEREAS, *Richard Baker*, has served the City of La Vista since April 5, 2004, and

WHEREAS, *Richard Baker'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 *Richard Baker* on behalf of the City of La Vista for 5 years of service to the City.

DATED THIS 7TH DAY OF APRIL, 2009.

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Douglas Kindig, Mayor

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Ronald Sheehan  
Councilmember, Ward I

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Brenda L. Carlisle  
Councilmember, Ward I

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Mike Crawford  
Councilmember, Ward II

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Terrilyn Quick  
Councilmember, Ward II

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Mark D. Ellerbeck  
Councilmember, Ward III

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Alan W. Ronan  
Councilmember, Ward III

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Kelly R. Sell  
Councilmember, Ward IV

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Anthony J. Gowan  
Councilmember, Ward IV

ATTEST:

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Pamela A. Buethe, CMC  
City Clerk





## CITY OF LA VISTA

### CERTIFICATE OF APPRECIATION

A CERTIFICATE OF APPRECIATION PRESENTED TO RICHARD ULRICH FOR 10 YEARS OF FAITHFUL AND EFFICIENT SERVICE TO THE CITY OF LA VISTA.

WHEREAS, Richard Ulrich, has served the City of La Vista since April 20, 1998, and

WHEREAS, Richard Ulrich'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 Richard Ulrich on behalf of the City of La Vista for 10 years of service to the City.

DATED THIS 7TH DAY OF APRIL, 2009.

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Douglas Kindig, Mayor

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Ronald Sheehan  
Councilmember, Ward I

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Brenda L. Carlisle  
Councilmember, Ward I

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Mike Crawford  
Councilmember, Ward II

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Terrilyn Quick  
Councilmember, Ward II

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Mark D. Ellerbeck  
Councilmember, Ward III

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Alan W. Ronan  
Councilmember, Ward III

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Kelly R. Sell  
Councilmember, Ward IV

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Anthony J. Gowan  
Councilmember, Ward IV



ATTEST:

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Pamela A. Buethe, CMC  
City Clerk



## CITY OF LA VISTA

### CERTIFICATE OF APPRECIATION

A CERTIFICATE OF APPRECIATION PRESENTED TO JEREMY KINSEY FOR 15 YEARS OF FAITHFUL AND EFFICIENT SERVICE TO THE CITY OF LA VISTA.

WHEREAS, *Jeremy Kinsey*, has served the City of La Vista since March 28, 1994, and

WHEREAS, *Jeremy Kinsey'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 *Jeremy Kinsey* on behalf of the City of La Vista for 15 years of service to the City.

DATED THIS 7TH DAY OF APRIL, 2009.

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Douglas Kindig, Mayor

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Ronald Sheehan  
Councilmember, Ward I

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Brenda L. Carlisle  
Councilmember, Ward I

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Mike Crawford  
Councilmember, Ward II

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Terrilyn Quick  
Councilmember, Ward II

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Mark D. Ellerbeck  
Councilmember, Ward III

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Alan W. Ronan  
Councilmember, Ward III

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Kelly R. Sell  
Councilmember, Ward IV

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Anthony J. Gowan  
Councilmember, Ward IV



ATTEST:

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Pamela A. Buethe, CMC  
City Clerk



**PROCLAMATION  
PARKINSON'S DISEASE AWARENESS MONTH**

WHEREAS, Parkinson's disease is a progressive disorder of the central nervous system, affecting more than one and a half million people in the United States. Approximately 40,000 new patients will be diagnosed this year, with 10-20% of them being under the age of 50. The State of Nebraska ranks the fourth highest state for the disease in the nation; and

WHEREAS, The American Parkinson Disease Association, Inc., founded in 1961, has sought to "Ease the Burden and Find the Cure" for this disease through research, patient and family services, education, and sponsorship of 63 Chapters, 57 Information and Referral Centers, and 800 support groups throughout the United States; and

WHEREAS, the world, the nation, the state, and city of La Vista observe "Parkinson's Disease Awareness Month" in April 2009; and

WHEREAS, La Vista recognizes the efforts of the local Parkinson Support Group as well as the Nebraska Chapter and Information and Referral Center to raise funds and promote awareness to fight Parkinson's Disease, thereby improving the quality of life for those living with the disease.

NOW, THEREFORE, I, Douglas Kindig, Mayor of the City of La Vista, in recognition and in honor of those who work with the American Parkinson Disease Association, Inc. and their value to the residents of La Vista, do hereby proclaim **April 2009 Parkinson's Disease Awareness Month** in La Vista, Nebraska.

IN WITNESS WHEREOF, I have set my hand and caused the official Seal of the City of La Vista to be affixed this 7<sup>th</sup> day of April, 2009.



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

ATTEST:

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



**PROCLAMATION  
NATIONAL LIBRARY WEEK 2009**

WHEREAS, our nation's school, academic, public and special libraries make a difference in the lives of millions of Americans, today, more than ever;

WHEREAS, librarians are trained professionals, helping people of all ages and backgrounds find and interpret the information they need to live, learn and work in the a challenging economy;

WHEREAS, libraries are part of the American Dream – places for opportunity, education, self-help and lifelong learning;

WHEREAS, library use is up nationwide among all types of library users, continuing a decade-long trend;

WHEREAS, libraries can help you discover a world of knowledge, both in person and online, as well as personal service and assistance in finding what you need, when you need it;

WHEREAS, it is most appropriate that we recognize and extend appreciation to our Library Director, Rose Iwan, and to all of our library staff for the vital services they perform.

NOW, THEREFORE, I, Douglas Kindig, Mayor of the City of La Vista, do hereby proclaim the week of April 12 - 18, 2009 as **NATIONAL LIBRARY WEEK** in La Vista. I encourage all residents to visit the library this week to take advantage of the wonderful library resources available and thank their librarians and library workers for making information accessible to all who walk through the library's doors. Worlds connect @ your library.

IN WITNESS WHEREOF, I have set my hand and caused the official Seal of the City of La Vista to be affixed this 7th day of April, 2009.



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

ATTEST:

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Pamela A. Buethe, CMC  
City Clerk

# MINUTE RECORD

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

## LA VISTA CITY COUNCIL MEETING March 17, 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 17, 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, Community Development Director Birch, 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 March 5, 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.

### **SERVICE AWARDS – 5 YEARS – BEN IVERSEN, JOHN GRASSO, ANN BIRCH**

Mayor Kindig presented service awards to John Grasso and Ann Birch for 5 years of service to the City. Ben Iversen was unable to attend.

#### **A. CONSENT AGENDA**

- 1. APPROVAL OF THE AGENDA AS PRESENTED**
- 2. APPROVAL OF CITY COUNCIL MINUTES FROM MARCH 3, 2009**
- 3. APPROVAL OF CITY COUNCIL STRATEGIC PLANNING RETREAT FROM FEBRUARY 28, 2009**
- 4. MONTHLY FINANCIAL REPORT – FEBRUARY 2009**
- 5. PAY REQUEST FROM MULLEN & MULLEN FOR PROFESSIONAL SERVICES - \$42,384.00**
- 6. PAY REQUEST FROM CITY OF OMAHA – HARRISON STREET IMPROVEMENTS - \$29,274.50**
- 7. APPROVAL OF CLAIMS**

Councilmember Carlisle made a motion to approve the consent agenda. Seconded by Councilmember Sell. Councilmember Quick 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.

ACW MANUFACTURING, Vehicle Maint.	116.00
ALAMAR UNIFORMS, Wearing Apparel	289.40
ARAMARK UNIFORM, Contract Services	281.29
ASSOCIATED FIRE PROTECTION, Contract Services	95.00
BAKER & TAYLOR BOOKS, Books	637.19
BCDM-BERINGER CIACCIO DENNELL, Professional Services	437.50
BENNINGTON EQUIPMENT INC, Vehicle Maint.	1,407.62
BENSON RECORDS, Contract Services	53.16
BLACK HILLS ENERGY, Utilities	11,876.20
BLUE CROSS BLUE SHIELD, Rescue Revenue	708.58
BRENTWOOD AUTO WASH, Vehicle Maint.	186.00
BRODART, Books	497.00
BUETHE, PAMELA, Vehicle Maint/Travel/Dues/ Supplies	439.94
BUILDERS SUPPLY, Bldg & Grnds	413.48
CARDMEMBER SERVICE, Travel/Supplies/Training	4,729.84
CAVLOVIC, PAT, Wearing Apparel	120.00
CITY OF BELLEVUE, Training	300.00

# MINUTE RECORD

March 17, 2009

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

CITY OF GRAND ISLAND, Travel	26.77
CJ'S HOME CENTER, Vehicle Maint/Supplies/Bldg & Grnds	668.11
CORNHUSKER INTL TRUCKS, Vehicle Maint.	683.06
COX, Contract Services/Phone	198.80
CREIGHTON EMS EDUCATION, Training	250.00
D & D COMMUNICATIONS, Repair	393.00
DAYMARK SOLUTIONS, Contract Services	230.00
DELL, Contract Services	1,310.43
DIGITAL ALLY, Capital Outlay	28,645.00
DILLON BROS HARLEY DAVIDSON, Vehicle Maint.	322.50
EDGEWEAR SCREEN PRINTING, Supplies	178.60
ELECTRIC FIXTURE & SUPPLY, Bldg & Grnds	20.83
ENVIRO TECH SERVICES, Ice Control Liquid	4,508.00
FILTER CARE, Vehicle Maint.	117.05
FLEET US, Bldg & Grnds	2,099.50
FLOHR ELECTRIC SERVICE, Equipment	29.75
FRED PETERSON	360.00
FUTUREWARE DISTRIBUTING, Contract Services	52.00
GALE, Books	149.14
GASSERT, ADAM, Contract Services	75.00
GASSERT, CORTNEY, Contract Services	37.50
GASSERT, MIKE, Contract Services	171.00
GCR OMAHA TRUCK TIRE CENTER, Vehicle Supplies	116.00
GRAYBAR ELECTRIC, Bldg & Grnds	252.52
GREAT AMERICAN LEASING, Contract Services	422.04
GREAT PLAINS ONE-CALL SVC, Contract Services	87.51
GREAT WESTERN BANK, Fees	250.00
GREENKEEPER, Bldg & Grnds	198.03
H & H CHEVROLET, Vehicle Maint.	495.42
HEARTLAND AWARDS, Wearing Apparel	34.60
HEARTLAND PAPER, Supplies	93.00
HOLIDAY INN, Travel	324.75
HOOK-FAST SPECIALTIES, Wearing Apparel	130.77
HORNUNG'S GOLF PRODUCTS, Wearing Apparel/Equipment	275.70
HURST, JEAN, Travel	256.00
HY-VEE, Supplies	72.39
IIMC CONFERENCE REGISTRATION, Training	510.00
INDUSTRIAL SALES COMPANY, Training	100.00
IWAN, ROSE, Travel	201.73
J Q OFFICE EQUIPMENT, Contract Services	886.10
JONES AND BARTLETT PUBLISHERS, Training	514.50
JONES AUTOMOTIVE, Equip. Maint.	750.00
KORTUS, LEE, Contract Services	342.00
KRIHA FLUID POWER, Vehicle Maint.	121.47
LA VISTA CHAMBER OF COMMERCE, Travel	450.00
LAUGHLIN, KATHLEEN, Payroll Withholding	372.00
LEAGUE OF NEBRASKA MUN, Training/Travel	666.00
LIFE ASSIST, Squad Supplies	259.23
LINWELD, Supplies	182.66
LODES, CHRIS, Contract Services	210.00
LOU'S SPORTING GOODS, Supplies	52.95
MAX'S BODY SHOP, Vehicle Maint.	1,084.85
METRO AREA TRANSIT, Contract Services	551.00
MIDLANDS LIGHTING & ELECTRIC, Bldg & Grnds	181.34
MID-STATES UTILITY TRAILER, Vehicle Supplies	422.86
MIDWEST SERVICE AND SALES, Traffic Signs	2,310.00
MNJ TECHNOLOGIES DIRECT, Contract Services	2,076.00
NE DEPT HEALTH/HUMAN SERVICES, Permit	40.00
NE SECRETARY OF STATE, Fees	20.00
NEBRASKA EDUCATION MEDIA ASSN, Training	20.00
NEBRASKA IOWA SUPPLY, Vehicle Supplies	5,187.00
NEBRASKA SALT & GRAIN COMPANY, Ice Control Salt	2,586.26
NEBRASKA TURF PRODUCTS, Bldg & Grnds	213.75
NEBRASKALAND CONF BLDG OFFCL, Dues	145.00
NLA-NEBRASKA LIBRARY ASSN, Dues	285.00
NMC EXCHANGE, Vehicle Maint.	31.22
NOVA HEALTH EQUIPMENT, Equipment	5,793.00
NUTS AND BOLTS, Vehicle Maint.	3.61

# MINUTE RECORD

March 17, 2009

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

OABR PRINT SHOP, Printing	87.48
ODB COMPANY, Vehicle Maint.	836.84
OFFICE DEPOT, Supplies	835.39
OMAHA WORLD HERALD, Legal Advertising	1,798.24
OMB EXPRESS POLICE SUPPLY, Wearing Apparel	159.97
OPPD, Utilities	42,115.12
OVERHEAD DOOR, Bldg & Grnds	17.50
PARAMOUNT LINEN & UNIFORM, Uniform Cleaning	428.00
PAYLESS, Supplies	98.86
PENWORTHY, Books	1,454.85
PERFORMANCE CHRYSLER JEEP, Vehicle Maint.	116.06
PRECISION INDUSTRIES, Bldg & Grnds	120.95
PROGRESSIVE BUSINESS, Contract Services	250.00
QUALITY BRANDS, Concessions	144.40
QUILL CORPORATION, Supplies	138.37
QWEST, Phone	48.97
RAMIREZ, JOHN, Contract Services	76.00
RAMIREZ, RITA, Travel	125.00
RECORDED BOOKS, Media	212.15
RUSTY ECK FORD, Vehicle Maint.	6.56
SAM'S CLUB, Concessions/Supplies	64.31
SAPP BROS PETROLEUM, Vehicle Supplies	882.00
SARPY COUNTY ECONOMIC DEV.CORP, Travel	50.00
SCHOLASTIC LIBRARY PUBLISHING, Books	325.91
SID 195 - MAYFAIR, Sewer Fees	4,296.00
SINNETT, JEFF, Travel	42.97
SMALL, BRADY, Travel	30.00
STERIL MANUFACTURING, Repair Flags	125.00
SUBURBAN NEWSPAPERS, Dues	39.50
TAPE STOCK ONLINE, Supplies	36.37
TED'S MOWER SALES & SERVICE, Vehicle Maint.	553.63
THOMPSON DREESSEN & DORNER, Professional Services	19,389.32
TRACTOR SUPPLY, Vehicle Maint.	1,185.83
TRANE, Bldg & Grnds	73.50
U S ASPHALT, Street Maint.	279.72
UPS, Postage	7.94
UPSTART, Supplies	363.17
VODICKA, STEVE, Repair	42.67
WASTE MANAGEMENT, Contract Services	665.67
WICK'S STERLING TRUCKS, Vehicle Maint.	84.14
WORLD BOOK, Books	179.00
ZOO BOOKS MAGAZINE, Books	22.95

## REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

City Clerk Buethe informed Council that Deputy City Clerk Lupomech and she would be attending the Nebraska Municipal Clerk Academy in North Platte on Wednesday through Friday.

Police Chief Lausten informed Council that Officer Danderand and Armbrust will be attending tactics training in California to put together a better defense and tactics training program in La Vista.

Fire Chief Uhl gave Council an update on the UASI grant money. Seven portable and two mobile radios obtained from the grant will be in service by next week.

Public Works Director Soucie informed Council that construction season is beginning. Street light poles are now on one side of Harrison. Street sweeping has been completed; pothole repair is going well; and the final inspection of the cart corals has been completed.

Community Development Director Birch informed Council the La Vista Building Inspectors will be attending a class in Denver to obtain their plumbing certificates. Birch informed Council she met with EDIAW, Inc. last week to set up review dates for the Vision 84 project. They will meet with Council at April 14, 2009.

Recreation Director Stopak informed Council that the senior's St. Patrick's Day luncheon was held today with 60 seniors in attendance.

Library Director Iwan informed Council that circulation increased in the month of February. There was an increase of 4,000 over the previous year.

# MINUTE RECORD

March 17, 2009

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

## **B. RESOLUTION - FY 2007/2008 AUDIT REPORT – BKD, LLP**

Councilmember Quick introduced and moved for the adoption of Resolution No. 09-021: 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, by the Mayor and City Council of La Vista, Nebraska, that the 2007-2008 municipal audit is hereby accepted and approved.

Seconded by Councilmember Gowan. Finance Director Lindberg introduced Roger Wattan of BKD, who gave a summary of the audit reports. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## **C. AMEND BUILDING CODE – ADOPT INTERNATIONAL PROPERTY MAINTENANCE CODE**

### **1. PUBLIC HEARING**

At 7:26 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on Amending the Building Code – Adopt International Property Maintenance Code. Chief Building Official Sinnott gave an overview of the code and explained that a few wording changes have to be made before the code is adopted; so Council was asked to table the ordinance. Sinnott asked if there was any input or issues from Council regarding the code to be considered and any additional revisions made before the code is brought back for adoption. Councilmember Ellerbeck asked if Section 602.3 meant an owner/operator must supply a level of heat. Sinnott informed Council that an owner/operator must provide a heat source with the minimum room temperature at 3' off the floor.

At 7:32 p.m. Councilmember Gowan made a motion to close the public hearing. Seconded by Councilmember Ellerbeck. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

### **2. ORDINANCE**

Councilmember Sheehan made a motion to table Ordinance No. 1086 entitled: 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. Seconded by Councilmember Crawford. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried

## **D. ORDINANCE – AMENDMENT TO COMPENSATION ORDINANCE**

Councilmember Crawford introduced Ordinance No. 1087 entitled: AN ORDINANCE TO FIX THE COMPENSATION OF OFFICERS AND EMPLOYEES OF THE CITY OF LA VISTA; TO PROVIDE FOR THE REPEAL OF ALL PRIOR ORDINANCES IN CONFLICT HEREWITH; ORDERING THE PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM; AND TO PROVIDE THE EFFECTIVE DATE HEREOF.

Assistant City Administrator Ramirez reviewed the ordinance and discussion was held.

Councilmember Sell moved that the statutory rule requiring reading on three different days be suspended. Councilmember Carlisle seconded the motion to suspend the rules and upon roll call vote on the motion the following Councilmembers voted aye: Sell, Ronan, Sheehan, Carlisle, Crawford, Ellerbeck, Quick and Gowan. The following voted nay: None. The following were absent: None. The motion to suspend the rules was adopted and the statutory rule was declared suspended for consideration of said ordinance.

Said ordinance was then read by title and thereafter Councilmember Ellerbeck moved for final passage of the ordinance which motion was seconded by Councilmember Carlisle. The Mayor then stated the question was, "Shall Ordinance No. 1087 be passed and adopted?" Upon roll call vote the following Councilmembers voted aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. The following voted nay: None. The following were absent: None. The

# MINUTE RECORD

March 17, 2009

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

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

## **E. RESOLUTION – AUTHORIZATION TO PURCHASE 4X4 PICKUP TRUCK**

Councilmember Sell introduced and moved for the adoption of Resolution No. 09-022: 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.

Seconded by Councilmember Gowan. 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.

## **F. RESOLUTION – AWARD OF CONTRACT FOR GOLF MERCHANDISE CONSIGNMENT**

Councilmember Gowan introduced and moved for the adoption of Resolution No. 09-023: 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.

Seconded by Councilmember Ellerbeck. Recreation Director Stopak stated the City has used Fairway Golf the past three years and felt the arrangement was satisfactory. Several Councilmembers requested that Stopak look at possible other vendors for next year. It was noted that the City sought other vendors in 2006. 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

# MINUTE RECORD

March 17, 2009

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

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

## **G. RESOLUTION – AWARD OF CONTRACT FOR CONCESSION STAND OPERATIONS**

Councilmember Sheehan introduced and moved for the adoption of Resolution No. 09-024: 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.

Seconded by Councilmember Gowan. Recreation Director Stopak addressed Council to give a review of the contract. The difference is the contract has changed from a one year term to two years. Councilmember Crawford stated he would prefer to see a one year contract. The city will work with the vendor to possibly bring in more tournaments to help with concessions. Laurie Hamzhie was present to answer any questions on behalf of the contractor. 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.

## **H. SPECIAL ASSESSMENTS**

### **1. PUBLIC HEARING**

At 8:03 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on Special Assessments.

At 8:04 p.m. Councilmember Ellerbeck made a motion to close the public hearing. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

### **2. RESOLUTION**

Councilmember Gowan introduced and moved for the adoption of Resolution No. 09-025: 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 71<sup>st</sup> Ave. \$119.91, 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

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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.

Seconded by Councilmember Carlisle. 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.

## **I. RESOLUTION – PURCHASE OF FIREFIGHTER BUNKER GEAR**

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 09-026: 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.

Seconded by Councilmember Crawford. 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.

## **J. DISCUSSION – LEGISLATIVE UPDATE – LB 615 - ADOPT THE FAMILY ENTERTAINMENT AND SPORTS ATTRACTION ACT AND RENAME THE MUNICIPAL INFRASTRUCTURE REDEVELOPMENT FUND ACT AND AUTHORIZE A COUNTY SALES TAX**

Mayor Kindig gave an overview of LB615, LB616, LB617, and LB618. Various Councilmembers commented on the proposed legislation.

Councilmember Gowan made a motion to move “Comments from the Floor” up on the agenda ahead of Item K. “Executive Session”. Seconded by Councilmember Crawford. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Ellerbeck, Crawford, 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.

## **K. EXECUTIVE SESSION – STRATEGY SESSION REGARDING POTENTIAL LITIGATION**

At 8:21 p.m. Councilmember Carlisle made a motion to go into executive session for protection of the public interest for a Strategy Session regarding Potential Litigation. Seconded by Councilmember Quick. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle,

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Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried. Mayor Kindig stated the executive session would be limited to the subject matter contained in the motion.

At 8:55 p.m. the Council came out of executive session. Councilmember Sheehan made a motion to reconvene in open and public session, stating that the executive session was limited to the subject matter contained in the motion. Seconded by Councilmember Sell. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## COMMENTS FROM MAYOR AND COUNCIL

There were no comments from Mayor and Council.

At 8:56 p.m. Councilmember Crawford made a motion to adjourn the meeting. Seconded by Councilmember Ellerbeck. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

PASSED AND APPROVED THIS 7TH DAY OF APRIL 2009.

CITY OF LA VISTA

ATTEST:

Douglas Kindig, Mayor

Pamela A. Buethe, CMC  
City Clerk

K:\APPS\CITYHALL\09 COUNCIL MINUTES\March 17, 2009

**CITIZEN ADVISORY REVIEW COMMITTEE  
MEETING  
March 9, 2009**

A regular meeting of the Citizen Advisory Review Committee of the City of La Vista, Nebraska was convened in open and public session at 7:00 p.m. on March 9, 2009, in the Harold "Andy" Anderson Council Chamber at City Hall. Present were Committee members Shafer, Kellner, and Burns. Placzek and Dunbar were absent. Also in attendance was Assistant City Administrator Ramirez.

A notice of the meeting was given in advance thereof by publishing in the Papillion Times on February 26, 2009. Notice was simultaneously given to all members of the Citizen Advisory Review Committee and a copy of the acknowledgement of the receipt of notice is attached to the minutes. Availability of the agenda was communicated to the Citizen Advisory Review Committee 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.

Chairman Shafer called the meeting of the Citizen Advisory Review Committee to order at 7:00 p.m.

**A. OPEN MEETINGS ACT STATEMENT**

Chairman Shafer acknowledged the Open Meetings Act statement as printed on the Agenda.

**B. EMERGENCY PROCEDURES STATEMENT**

Chairman Shafer acknowledged the Emergency Procedures statement as printed on the Agenda.

**C. APPROVAL OF THE AGENDA**

Kellner moved approval of the Agenda as presented. Burns seconded. Ayes: All. Nays: None. Motion carried.

**D. ELECTION OF OFFICERS**

Kellner made a motion to nominate the existing slate of officers for another term – Lynda Shafer, Chairman; Doug Kellner, Vice Chairman; Rick Burns, Secretary. Seconded by Shafer. Ayes: All. Nays: None. Motion carried.

**E. APPROVAL OF MINUTES OF DECEMBER 8, 2008**

Burns moved approval of the December 8, 2008 meeting minutes as presented. Kellner seconded. Ayes: All. Nays: None. Motion carried.

## **F. ASSISTANT CITY ADMINISTRATOR'S REPORT**

Assistant City Administrator Ramirez presented and reviewed a copy of the Community Development projects currently underway and updated the Committee on the upcoming 84<sup>th</sup> Street visioning project and the opening of the Marriott Courtyard Hotel.

## **G. SARPY COUNTY ECONOMIC DEVELOPMENT CORPORATION REPORT**

Toby Churchill from Sarpy County Economic Development Corporation (SCEDC) was scheduled to present and review the SCEDC 4th Quarter 2008 Report, however Mr. Churchill was unable to attend the meeting.

## **H. ECONOMIC DEVELOPMENT PROGRAM REVIEW**

Ramirez presented a draft of the Economic Development Program Biannual Report for the Committee's review. This report will be presented to the City Council by Chairman Lynda Shafer at their meeting on April 7, 2009.

No new applications have been made to the Economic Development Program.

## **I. AMENDMENT TO THE RULES AND OPERATING PROCEDURES – MEETING SCHEDULE AND ELECTION OF OFFICERS**

An amendment to the Rules and Operating Procedures was presented that would change the regular meeting date of the Committee to the second Thursday of March, June, September and December. It was determined at the last meeting that Thursday would work better for the current Committee members as a meeting day. Also, the Rules currently indicate that election of officers will be held in February and since the Committee does not meet in February, that election was changed to March. Kellner made a motion to approve the amendments to the Rules and Operating Procedures of the Committee. Seconded by Burns. Ayes: All. Nays: None. Motion carried.

Chairman Shafer asked if there was anything in the Rules relative to member attendance. Committee member Jim Placzek has missed several meetings without contacting either the Chairman or City staff. The Rules do designate that a committee member can be removed by the Mayor with the consent of the City Council for lack of attendance which is defined as three consecutive meetings without just cause. Ramirez will report on Mr. Placzek's attendance to the Mayor.

## **J. CODE OF CONDUCT**

A copy of the City's Code of Conduct for elected and appointed officials was supplied to each member of the Citizen Advisory Review Committee upon their appointment. The Code was placed in the meeting packet for review and each member of the committee was asked to sign an acknowledgement indicating they had received and read the document.

### **COMMENTS FROM THE FLOOR**

There were no comments from the floor.

### **COMMENTS FROM THE COMMITTEE**

There were no further comments from the Committee.

### **ADJOURNMENT**

At 7:30 p.m. Kellner made a motion to adjourn the meeting. Shafer seconded. Ayes: All. Nays: None. Motion carried.

Respectfully Submitted by:

Rick Burns  
Secretary

**MEETING OF THE LIBRARY ADVISORY BOARD  
CITY OF LA VISTA**

**MINUTES OF MEETING  
March 12, 2009**

Members Present:      Karen Cahill      Rose Iwan      Janice Podoll  
                            Carol Westlund

**Agenda Item #1: Call to Order**

The meeting was called to order at 5:36 p.m.

**Agenda Item #2: Announcement of Location of Posted Open Meetings Act**

An announcement was made of the location of the posted copy of the Open Meetings Act for public reference.

**Agenda Item #3: Introductions**

Janice Podoll was welcomed and introduced to the Library Board.

**Agenda Item #4: Approval of Minutes of September 11, 2008 Meeting**

It was moved by Westlund and seconded by Cahill that the minutes be accepted as presented. Ayes: all. Nays: none. Motion carried.

**Agenda Item #5: Library Director's Report**

- a. Programs: an overview of various programs was given including the partnership with local day cares.
- b. Employee updates were given.
- c. Library Meetings were reviewed.
- d. General Library Information included the Great Books for Great Kids hosted by Runza. \$323.41 was given to the library by Runza to purchase children's books.

**Agenda Item #6: Circulation Report**

Library Director Iwan distributed the circulation report. The report was discussed and accepted. The report will now include a monthly gate count.

**Agenda Item #7: Old Business**

- a. Current and future grants were reviewed. The La Vista Community Foundation for May Louise Anderson Storytime Room Grant for \$4,000 was received. The Eastern Library System grant for Children's/Youth Services was not funded. The library is being included in a grant written by Teddy Bear Hollow for book bags for grieving teens and children.
- b. Budget FY08/09. 6 new computers for the children's area have been installed.
- c. Book Drop Discussion. The La Vista Recreational Center has agreed to take library books at their location, acting as a drop off site.

**Agenda Item #8: New Business**

- a. Library Advisory Board Meeting Dates were approved for January 8<sup>th</sup>, March 12<sup>th</sup>, May 14<sup>th</sup>, July 9<sup>th</sup>, September 10<sup>th</sup>, and November 12<sup>th</sup>.
- b. President and Secretary Positions for 2009. Westlund nominated Cahill as President and Schmit-Pokorny as Secretary. A motion was made by Cahill and seconded by Westlund to close nominations and cast a unanimous ballot for Cahill as President and Schmit-Pokorny as Secretary. Ayes: all. Nays: none. Motion carried.

- c. State Report FY07/08. A summary of the State Report was distributed.
- d. Amnesty Time 2008. 328 items were donated during the Amnesty Time which ran from November 17<sup>th</sup> through November 26<sup>th</sup>.
- e. Inventory 2009 has started as of March 3<sup>rd</sup>. A final report will be distributed at the next meeting.

Agenda Item #9: Comments from the Floor

There were no comments from the floor.

Agenda Item #10: Comments from the Board

Westlund welcomed Podoll to the Board!

There was a motion by Westlund and seconded by Podoll to adjourn the meeting at 6:22 p.m.

The next meeting is scheduled for May 14, 2009 at 5:30 p.m. at the La Vista Public Library, Conference Room #142.

**Dostals Construction Company Inc.**13680 South 220<sup>th</sup> Street, Gretna, NE 68028

Office Phone: (402) 332-4537

Fax: (402) 332-2881

Mobile Phones:

(402) 690-9468 (Jim)

(402) 670-8506 (Bodie)

To: Joe Soucie at City of LaVista

From: Bodie Dostal

Date: 3/18/09

Re: LaVista Cart Corral

Invoice #: 2

**Invoice**

Labor and Materials	\$45,650
Amount received	\$37,350
Total Contract Amount	\$83,000
Total Amount Due	<b>\$45,650</b>
Amount to Complete	\$ 0

*Final Payment**OK for payment**3-24-09**15.52.0508*

BANK NO	BANK NAME	CHECK NO	DATE	VENDOR NO	VENDOR NAME	CHECK AMOUNT	CLEARED	VOIDED	MANUAL
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1 Bank of Nebraska (600-873)

46012 Payroll Checks  
Thru 46015

46016 Gap in Checks  
Thru 95793

95794	3/18/2009	3702 LAUGHLIN, KATHLEEN A, TRUSTEE		372.00		**MANUAL**
95795	3/18/2009	152 CITY OF OMAHA		29,274.50		**MANUAL**
95796	3/18/2009	3753 MULLEN & MULLEN		42,384.00		**MANUAL**
95797	3/18/2009	3718 SUN LIFE & HEALTH INSURANCE CO		2,024.58		**MANUAL**
95798	3/19/2009	1194 QUALITY BRANDS OF OMAHA		535.50		**MANUAL**
95799	3/19/2009	1270 PREMIER-MIDWEST BEVERAGE CO		125.65		**MANUAL**
95800	3/26/2009	1864 SINNETT, JEFF		245.00		**MANUAL**
95801	3/26/2009	3711 SIMON, DON		245.00		**MANUAL**
95802	3/26/2009	3710 DAHL, DOUG		245.00		**MANUAL**
95803	4/01/2009	3702 LAUGHLIN, KATHLEEN A, TRUSTEE		372.00		**MANUAL**
95804	4/07/2009	762 ACTION BATTERIES UNLTD INC		80.85		
95805	4/07/2009	571 ALAMAR UNIFORMS		206.41		
95806	4/07/2009	3894 ALLIED ELECTRONICS INC		125.25		
95807	4/07/2009	81 AMSAN		736.26		
95808	4/07/2009	536 ARAMARK UNIFORM SERVICES INC		480.46		
95809	4/07/2009	4088 ASI-ADVANCED SECURITY INC		92.69		
95810	4/07/2009	188 ASPHALT & CONCRETE MATERIALS		80.52		
95811	4/07/2009	201 BAKER & TAYLOR BOOKS		1,169.61		
95812	4/07/2009	929 BEACON BUILDING SERVICES		6,437.00		
95813	4/07/2009	3965 BEAUMONT, MITCH		925.00		
95814	4/07/2009	1784 BENNINGTON EQUIPMENT INC		589.37		
95815	4/07/2009	410 BETTER BUSINESS EQUIPMENT		47.50		
95816	4/07/2009	4092 BIBLIONIX LLC		3,200.00		
95817	4/07/2009	249 BKD LLP		4,500.00		
95818	4/07/2009	196 BLACK HILLS ENERGY		9,146.07		
95819	4/07/2009	220 BLUE CROSS BLUE SHIELD		76.24		
95820	4/07/2009	4051 BOLEY, ANN		100.00		
95821	4/07/2009	117 BROADART		607.14		
95822	4/07/2009	3760 BUETHE, PAM		316.57		
95823	4/07/2009	76 BUILDERS SUPPLY CO INC		31.60		
95824	4/07/2009	1401 BURT, STACIA		360.00		
95825	4/07/2009	4024 CALENTINE, JEFFREY		30.00		
95826	4/07/2009	2285 CENTER POINT PUBLISHING		77.88		
95827	4/07/2009	3126 COCA-COLA BOTTLING COMPANY		1,113.40		
95828	4/07/2009	4077 COMMISSION ON POST-TPS/CPTN		198.00		
95829	4/07/2009	3176 COMP CHOICE INC		.00	**CLEARED**	**VOIDED**
95830	4/07/2009	3176 COMP CHOICE INC		1,035.00		
95831	4/07/2009	836 CORNHUSKER INTL TRUCKS INC		151.18		
95832	4/07/2009	2158 COX COMMUNICATIONS		58.65		
95833	4/07/2009	3305 DAGANAAR, MONTY L		470.00		
95834	4/07/2009	3466 DESANTIS HOLSTER & LEATHER		108.01		
95835	4/07/2009	2149 DOUGLAS COUNTY SHERIFF'S OFC		150.00		
95836	4/07/2009	632 EASTERN LIBRARY SYSTEM		35.00		

BANK NO	BANK NAME	CHECK NO	DATE	VENDOR NO	VENDOR NAME	CHECK AMOUNT	CLEARED	VOIDED	MANUAL
		95837	4/07/2009	3559	ECCLES, PAT	100.00			
		95838	4/07/2009	4049	ECCLES, PAT	100.00			
		95839	4/07/2009	3781	ECOLAB	472.12			
		95840	4/07/2009	3193	ED ROEHR SAFETY PRODUCTS CO	209.70			
		95841	4/07/2009	3334	EDGEWEAR SCREEN PRINTING	181.00			
		95842	4/07/2009	4082	EDUCATIONAL RECORD CENTER	55.94			
		95843	4/07/2009	4012	EMBASSY SUITES HOTEL	571.25			
		95844	4/07/2009	3463	FARQUHAR, MIKE	100.00			
		95845	4/07/2009	3460	FEDEX	11.16			
		95846	4/07/2009	1235	FEDEX KINKO'S	148.50			
		95847	4/07/2009	1245	FILTER CARE	84.55			
		95848	4/07/2009	3007	FIRE-EXTRICATION-HAZMAT	91.30			
		95849	4/07/2009	439	FIREGUARD INC	271.50			
		95850	4/07/2009	581	FIREHOUSE MAGAZINE	29.95			
		95851	4/07/2009	142	FITZGERALD SCHORR BARMETTLER	18,333.31			
		95852	4/07/2009	3132	FORT DEARBORN LIFE INSURANCE	1,235.50			
		95853	4/07/2009	4050	FROEHLICH, RORY	100.00			
		95854	4/07/2009	3984	G I CLEANER & TAILORS	464.40			
		95855	4/07/2009	1344	GALE	98.21			
		95856	4/07/2009	1161	GALL'S INCORPORATED	18.89			
		95857	4/07/2009	3495	GAMETIME	369.00			
		95858	4/07/2009	4078	GASSERT, ADAM	112.50			
		95859	4/07/2009	1248	GASSERT, MIKE	22.00			
		95860	4/07/2009	1697	GAYLORD BROS	326.32			
		95861	4/07/2009	53	GCR OMAHA TRUCK TIRE CENTER	323.55			
		95862	4/07/2009	966	GENUINE PARTS COMPANY-OMAHA	.00	**CLEARED**	**VOIDED**	
		95863	4/07/2009	966	GENUINE PARTS COMPANY-OMAHA	.00	**CLEARED**	**VOIDED**	
		95864	4/07/2009	966	GENUINE PARTS COMPANY-OMAHA	.00	**CLEARED**	**VOIDED**	
		95865	4/07/2009	966	GENUINE PARTS COMPANY-OMAHA	.00	**CLEARED**	**VOIDED**	
		95866	4/07/2009	966	GENUINE PARTS COMPANY-OMAHA	2,294.45			
		95867	4/07/2009	3157	GLS SALES INC	87.60			
		95868	4/07/2009	35	GOLDMAN, JOHN G	85.00			
		95869	4/07/2009	285	GRAYBAR ELECTRIC COMPANY INC	113.97			
		95870	4/07/2009	4086	GREAT PLAINS UNIFORMS	499.95			
		95871	4/07/2009	2062	GREAT WESTERN BANK	250.00			
		95872	4/07/2009	1624	GUNN, BRENDA	45.00			
		95873	4/07/2009	1044	H & H CHEVROLET LLC	39.58			
		95874	4/07/2009	426	HANEY SHOE STORE	120.00			
		95875	4/07/2009	387	HARM'S CONCRETE INC	223.50			
		95876	4/07/2009	3681	HEARTLAND TIRES AND TREADS	1,085.00			
		95877	4/07/2009	1403	HELGET GAS PRODUCTS INC	100.50			
		95878	4/07/2009	892	HONEYMAN RENT-ALL	49.05			
		95879	4/07/2009	526	HOST COFFEE SERVICE INC	21.50			
		95880	4/07/2009	4099	HUMANA	371.00			
		95881	4/07/2009	136	HUNTEL COMMUNICATIONS, INC	95.00			
		95882	4/07/2009	3513	HUSKER MIDWEST PRINTING	688.50			
		95883	4/07/2009	1612	HY-VEE INC	92.84			
		95884	4/07/2009	162	INLAND TRUCK PARTS	172.03			
		95885	4/07/2009	1760	INTERSTATE ALL BATTERY CENTER	59.94			
		95886	4/07/2009	530	IPMA	360.00			
		95887	4/07/2009	835	IVERSON, DENNIS	120.00			
		95888	4/07/2009	1896	J Q OFFICE EQUIPMENT INC	991.34			
		95889	4/07/2009	3870	JOHNSON CONTROLS INC	1,440.27			

BANK NO	BANK NAME	CHECK NO	DATE	VENDOR NO	VENDOR NAME	CHECK AMOUNT	CLEARED	VOIDED	MANUAL
		95890	4/07/2009	4042	JOHNSON FARM EQUIPMENT COMPANY	136.30			
		95891	4/07/2009	100	JOHNSTONE SUPPLY CO	124.72			
		95892	4/07/2009	3645	JUSTIN THYME CAFE	195.00			
		95893	4/07/2009	223	KAPCO-KENT ADHESIVE PRODS CO	35.19			
		95894	4/07/2009	788	KINDIG, DOUGLAS	40.00			
		95895	4/07/2009	1054	KLINKER, MARK A	280.00			
		95896	4/07/2009	2394	KRIHA FLUID POWER CO INC	698.21			
		95897	4/07/2009	1061	KUSTOM SIGNALS INCORPORATED	2,283.00			
		95898	4/07/2009	2057	LA VISTA COMMUNITY FOUNDATION	90.00			
		95899	4/07/2009	381	LANDS' END BUSINESS OUTFITTERS	398.40			
		95900	4/07/2009	231	LEAGUE OF NEBRASKA MUNICIPAL	57.50			
		95901	4/07/2009	2380	LEXIS NEXIS MATTHEW BENDER	267.10			
		95902	4/07/2009	3931	LIBRARY ADVANTAGE	375.00			
		95903	4/07/2009	1288	LIFE ASSIST	509.64			
		95904	4/07/2009	877	LINWELD	278.14			
		95905	4/07/2009	2142	LODES, CHRIS	150.00			
		95906	4/07/2009	1573	LOGAN CONTRACTORS SUPPLY	4,065.60			
		95907	4/07/2009	263	LOVELAND LAWNS	335.00			
		95908	4/07/2009	2124	LUKASIEWICZ, BRIAN	50.00			
		95909	4/07/2009	3531	LUPOMECH, CATHY	81.65			
		95910	4/07/2009	544	MAPA-METRO AREA PLANNING AGNCY	60.00			
		95911	4/07/2009	94	MCCANN PLUMBING SERVICE INC	105.30			
		95912	4/07/2009	153	METRO AREA TRANSIT	586.00			
		95913	4/07/2009	2308	METROPOLITAN CHIEFS ASSN	25.00			
		95914	4/07/2009	872	METROPOLITAN COMMUNITY COLLEGE	11,433.42			
		95915	4/07/2009	553	METROPOLITAN UTILITIES DIST.	.00	**CLEARED**	**VOIDED**	
		95916	4/07/2009	553	METROPOLITAN UTILITIES DIST.	.00	**CLEARED**	**VOIDED**	
		95917	4/07/2009	553	METROPOLITAN UTILITIES DIST.	850.99			
		95918	4/07/2009	98	MICHAEL TODD AND COMPANY INC	726.41			
		95919	4/07/2009	2497	MID AMERICA PAY PHONES	100.00			
		95920	4/07/2009	184	MID CON SYSTEMS INCORPORATED	60.60			
		95921	4/07/2009	742	MID-STATE DISTRIBUTING COMPANY	11.68			
		95922	4/07/2009	1526	MIDLANDS LIGHTING & ELECTRIC	182.28			
		95923	4/07/2009	1046	MIDWEST TURF & IRRIGATION	200.21			
		95924	4/07/2009	4085	MNJ TECHNOLOGIES DIRECT INC	561.66			
		95925	4/07/2009	2382	MONARCH OIL INC	575.75			
		95926	4/07/2009	918	MPH INDUSTRIES INCORPORATED	1,199.00			
		95927	4/07/2009	719	NEBRASKA FOREST TREE SERVICE	60.00			
		95928	4/07/2009	479	NEBRASKA LIBRARY COMMISSION	1,989.00			
		95929	4/07/2009	132	NEBRASKA SALT & GRAIN COMPANY	4,048.55			
		95930	4/07/2009	653	NEUMAN EQUIPMENT COMPANY	391.50			
		95931	4/07/2009	3924	NEW YORK TIMES	176.80			
		95932	4/07/2009	2631	NEXTEL COMMUNICATIONS	551.66			
		95933	4/07/2009	2631	NEXTEL COMMUNICATIONS	93.85			
		95934	4/07/2009	2530	NOVA HEALTH EQUIPMENT	75.00			
		95935	4/07/2009	124	NPZA-NE PLANNING/ZONING ASSN	210.00			
		95936	4/07/2009	179	NUTS AND BOLTS INCORPORATED	617.75			
		95937	4/07/2009	3978	ODB COMPANY	317.28			
		95938	4/07/2009	3778	ODEY'S INCORPORATED	419.33			
		95939	4/07/2009	1014	OFFICE DEPOT INC-CINCINNATI	.00	**CLEARED**	**VOIDED**	
		95940	4/07/2009	1014	OFFICE DEPOT INC-CINCINNATI	.00	**CLEARED**	**VOIDED**	
		95941	4/07/2009	1014	OFFICE DEPOT INC-CINCINNATI	.00	**CLEARED**	**VOIDED**	
		95942	4/07/2009	1014	OFFICE DEPOT INC-CINCINNATI	.00	**CLEARED**	**VOIDED**	

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95943	4/07/2009	1014 OFFICE DEPOT INC-CINCINNATI	.00	**CLEARED**	**VOIDED**
95944	4/07/2009	1014 OFFICE DEPOT INC-CINCINNATI	1,657.53		
95945	4/07/2009	79 OMAHA COMPOUND COMPANY	43.51		
95946	4/07/2009	3611 OMAHA NEWSPAPER	397.50		
95947	4/07/2009	195 OMAHA PUBLIC POWER DISTRICT	1,446.41		
95948	4/07/2009	46 OMAHA WORLD HERALD COMPANY	25.00		
95949	4/07/2009	2129 OMB EXPRESS POLICE SUPPLY	.00	**CLEARED**	**VOIDED**
95950	4/07/2009	2129 OMB EXPRESS POLICE SUPPLY	1,142.54		
95951	4/07/2009	4095 ORIN, ANGELA	29.38		
95952	4/07/2009	3039 PAPILLION SANITATION	212.11		
95953	4/07/2009	976 PAPILLION TIRE INCORPORATED	289.10		
95954	4/07/2009	2589 PAPIO-MO RVR NATURAL RESOURCES	5,000.00		
95955	4/07/2009	2686 PARAMOUNT LINEN & UNIFORM	491.15		
95956	4/07/2009	1769 PAYLESS OFFICE PRODUCTS INC	350.90		
95957	4/07/2009	1821 PETTY CASH-PAM BUETHE	2,640.00		
95958	4/07/2009	74 PITNEY BOWES INC-KY	.00	**CLEARED**	**VOIDED**
95959	4/07/2009	74 PITNEY BOWES INC-KY	221.00		
95960	4/07/2009	159 PRECISION INDUSTRIES INC	421.19		
95961	4/07/2009	1921 PRINCIPAL LIFE-FLEX SPENDING	209.25		
95962	4/07/2009	219 QWEST	1,192.53		
95963	4/07/2009	3120 RACOM CORPORATION	214.09		
95964	4/07/2009	304 RADIO SHACK CORPORATION	14.98		
95965	4/07/2009	427 RAMIREZ, RITA M	43.00		
95966	4/07/2009	3339 REW MATERIALS	20.64		
95967	4/07/2009	2240 SARPY COUNTY COURTHOUSE	3,487.34		
95968	4/07/2009	4094 SCHMIDT, LORI	30.00		
95969	4/07/2009	503 SCHOLASTIC LIBRARY PUBLISHING	449.80		
95970	4/07/2009	461 SIMPLEX GRINNELL LP	1,267.10		
95971	4/07/2009	3925 SINNETT, HELEN	45.00		
95972	4/07/2009	3514 SMITH, MELANIE	188.00		
95973	4/07/2009	533 SOUCIE, JOSEPH H JR.	60.00		
95974	4/07/2009	3838 SPRINT	95.88		
95975	4/07/2009	3390 ST COLUMBKILLE SHEPHERDS INC	770.00		
95976	4/07/2009	171 STANDARD IRON WORKS INC	70.76		
95977	4/07/2009	47 SUBURBAN NEWSPAPERS INC	776.40		
95978	4/07/2009	4090 SUCCESS FACTORS INCORPORATED	4,250.00		
95979	4/07/2009	3718 SUN LIFE & HEALTH INSURANCE CO	2,021.78		
95980	4/07/2009	332 SUSPENSION SHOP INCORPORATED	451.97		
95981	4/07/2009	1150 SUTPHEN CORPORATION	90.40		
95982	4/07/2009	913 TARGET BANK	8.76		
95983	4/07/2009	264 TED'S MOWER SALES & SERVICE	100.64		
95984	4/07/2009	161 TRACTOR SUPPLY COMPANY	732.37		
95985	4/07/2009	176 TURFWERKS	107.40		
95986	4/07/2009	4079 TURNER, WILEY C	22.00		
95987	4/07/2009	3735 TY'S OUTDOOR POWER & SVC INC	22.50		
95988	4/07/2009	167 U S ASPHALT COMPANY	924.48		
95989	4/07/2009	269 UNITED SEEDS INCORPORATED	320.00		
95990	4/07/2009	4087 VANGUARD INDUSTRIES	424.50		
95991	4/07/2009	809 VERIZON WIRELESS, BELLEVUE	93.98		
95992	4/07/2009	766 VIERREGGER ELECTRIC COMPANY	3,229.29		
95993	4/07/2009	1174 WAL-MART COMMUNITY BRC	393.28		
95994	4/07/2009	78 WASTE MANAGEMENT NEBRASKA	220.59		
95995	4/07/2009	3089 WHITTAKER, VICKI	188.00		

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95996 4/07/2009 1475 WOODHAVEN COUNSELING ASSOCS 380.00

BANK TOTAL	215,159.06
OUTSTANDING	215,159.06
CLEARED	.00
VOIDED	.00

FUND	TOTAL	OUTSTANDING	CLEARED	VOIDED
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01 GENERAL FUND	117,702.18	117,702.18	.00	.00
02 SEWER FUND	86,937.15	86,937.15	.00	.00
04 BOND(S) DEBT SERVICE FUND	250.00	250.00	.00	.00
05 CONSTRUCTION	3,720.00	3,720.00	.00	.00
08 LOTTERY FUND	1,297.00	1,297.00	.00	.00
09 GOLF COURSE FUND	4,751.11	4,751.11	.00	.00
15 OFF-STREET PARKING	501.62	501.62	.00	.00

REPORT TOTAL	215,159.06
OUTSTANDING	215,159.06
CLEARED	.00
VOIDED	.00
+ Gross Payroll 3/20/09	194,107.34
+ Gross Payroll 4/03/09	<u>194,376.87</u>
GRAND TOTAL	<u>\$603,643.27</u>

APPROVED BY COUNCIL MEMBERS 4/07/09

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COUNCIL MEMBER

**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**APRIL 7, 2009 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
AMEND CITY CODE – BUILDING BOARD OF APPEALS	RESOLUTION ◆ ORDINANCE (2) RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

**SYNOPSIS**

A public hearing has been scheduled and ordinances prepared to designate that the Board of Adjustment shall also serve as the Building Board of Appeals, in Chapter 32, Boards, Commissions, and Committees, of the City Code, and in Chapter 150, Building Regulations, of the City Code, Section (D) regarding the Uniform Code for the Abatement of Dangerous Buildings.

**FISCAL IMPACT**

N/A.

**RECOMMENDATION**

Approve.

**BACKGROUND**

Chapter 32, Boards, Commissions, and Committees, of the City Code, states that one of the duties of the Board of Adjustment, among other duties, is to “hear and decide appeals where it is alleged there is an error in any order, requirement, or decision or determination made by a city official based on or made in the enforcement of any zoning regulation or any regulation relating to the location or soundness of structures.” Based on this duty, the city has utilized the Board of Adjustment for appeals under the building codes as adopted in Chapter 150 of the City Code, Building Regulations. Within these building regulations, however, a Board of Appeals is identified for purposes of hearing and deciding any appeals of orders, decisions or determinations made by the building official relative to the application, interpretation, and enforcement of the building regulations. In the near future we will be proposing to update the various International Code Council (ICC) standardized codes which comprise our building regulations to the 2006 Editions, and the sections of those codes which reference a Board of Appeals will be amended. For now we are proposing only to amend Section 205 of the Uniform Code for the Abatement of Dangerous Buildings which refers to the Board of Appeals.

Two ordinances have been prepared; one to amend Chapter 32, Boards, Commissions and Committees, and one to amend Chapter 150, Building Regulations. Both ordinances are intended to specifically state that the Board of Adjustment shall also act as the Board of Appeals for purposes of the building regulations.

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

AN ORDINANCE TO AMEND SECTION 32.03 OF THE LA VISTA MUNICIPAL CODE RELATING TO THE BOARD OF ADJUSTMENT AND BOARD OF APPEALS; TO REPEAL SECTION 32.03 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 32.03. Section 32.03 of the La Vista Municipal Code is hereby amended to read as follows:

**§ 32.03 BOARD OF ADJUSTMENT & BOARD OF APPEALS.**

(A) The Mayor shall appoint, with the consent of the City Council, a Board of Adjustment which shall consist of five regular members plus one additional member designated as an alternate who shall attend and serve only when one of the regular members is unable to attend for any reason. Each member of the Board shall serve a term of three years, unless reappointed, and shall be removable only for cause by the Mayor, with the consent of the City Council, upon written charges and after a public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. One member only of the Board of Adjustment shall be appointed from the membership of the Planning Commission, and the loss of membership on the Planning Commission by such member shall also result in his or her immediate loss of membership on the Board of Adjustment and the appointment of another Planning Commissioner to the Board of Adjustment. After the effective date of this section, the first vacancy occurring on the Board of Adjustment shall be filled by the appointment of a person who resides in the extraterritorial zoning jurisdiction of the city at such time as more than 200 persons reside within such area. Thereafter, at all times, at least one member of the Board of Adjustment shall reside outside the corporate boundaries of the city but within its extraterritorial zoning jurisdiction.

(Neb. RS 19-908)

(B) The members of the Board shall serve without compensation and may be required, in the discretion of the Mayor and City Council, to give a bond in a sum set by resolution of the Mayor and City Council and conditioned upon the faithful performance of their duties. The Board shall conduct an organizational meeting in January of each year and elect from its membership a Chairperson and a Secretary. It shall be the duty of the Secretary to keep complete and accurate minutes of all Board members, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the City Clerk and shall be public record. All meetings of the Board shall be open to the public and shall be held at such times as the Chairperson may, in his or her discretion, call a meeting, and at such other times as the Board may determine. Special meetings may also be held upon the call of any three members of the Board. A majority of the Board shall constitute a quorum for the purpose of doing business. The Board shall adopt rules in accordance with the provisions of any ordinance adopted pursuant to Neb. RS 19-901 to 19-914.

(C) It shall be the duty of the Board:

(1) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by a city official based on or made in the enforcement of any zoning regulation or any regulation relating to the location or soundness of structures;

(2) To hear and decide, in accordance with the provisions of the zoning regulations, requests for interpretation of any map; and

(3) Where by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the enactment of the zoning regulations, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to or exceptional and undue hardships upon the owner of such property, to authorize, upon an appeal relating to the property, a variance from such strict application so as to relieve such difficulties or hardship, if such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of any ordinance or resolution.

(D) (1) No variance shall be authorized by the Board unless it finds that:

(a) The strict application of the zoning regulation would produce undue hardship;

(b) Such hardship is not shared generally by other properties in the same zoning district and the same vicinity;

(c) The authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of the variance; and

(d) The granting of such variance is based upon reason of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit or caprice.

(2) No variance shall be authorized unless the Board finds that the condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the zoning regulations.

(E) In exercising the above-mentioned powers, the Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all powers of the officer from whom the appeal is taken. The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision or determination of any such city official or to decide in favor of the applicant on any matter upon which it is required to pass under any such regulation or to effect any variance in such regulation. (Neb. RS 19-910)

(F) The Board shall be responsible for making such reports and performing such other duties as the Mayor and City Council may designate. Neither the Mayor nor any member of the City Council shall serve as a member of the Board of Adjustment. No member of the Board of Adjustment shall serve in the capacity of both Chairperson and Secretary of the Board.

(G) The Board shall also act as the Board of Appeals for purposes of the building regulations contained in Chapter 150 of this Code in order to hear and decide appeals of orders, decisions, or determinations made by the building official relative to the application and interpretation of said building regulations. If at any time there is any conflict, inconsistency or ambiguity between or among the provisions of Section 32.03(A) or (B) above and Chapter 150, or any code thereunder, as adopted or amended from time to time, the provisions of Section 32.03(A) or (B) shall govern and control.

SECTION 2. Repeal of Section 32.03 as Previously Enacted. Section 32.03, of the La Vista Municipal Code as previously enacted is hereby repealed.

SECTION 3. Severability Clause. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this ordinance. The Mayor and City Council of the City of La Vista hereby declare that it would have passed this ordinance and each section, subsection, 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 7TH DAY OF APRIL 2009.

CITY OF LA VISTA

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

ATTEST:

Pamela A. Buethe, CMC  
City Clerk  
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ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND SECTION 150.01(D) OF THE LA VISTA MUNICIPAL CODE RELATING TO STANDARD CODES AND REGULATION OF BUILDINGS; TO REPEAL SECTION 150.01(D) 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 150.01(D). Section 150.01(D) of the La Vista Municipal Code is hereby amended by deleting Section 150.01(D) and replacing it in its entirety with the following:

**“§ 150.01(D)(1) Uniform Code for the Abatement of Dangerous Buildings adopted by reference.** Two copies of certain documents in book form, being marked and designated as the *Uniform Code for the Abatement of Dangerous Buildings*, 1985 Edition, (“UCADB”) are on file in the Office of the City Clerk of the City of La Vista. **With the exception of Section 205 of said UCADB, the UCADB is hereby adopted;** and each and all of the regulations, provisions, conditions and terms of such adopted UCADB, and all amendments, revisions or editions thereto in Section 150.01(D)(2) below or 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 if fully set out herein.

**§ 150.01(D)(2) Additional requirements, rules and regulations adopted.**

(a) *Board of Appeals (adopted in lieu of Section 205 of the UCADB).* In order to provide for reasonable interpretation of the provisions of the UCADB and to hear appeals provided for hereunder, there is hereby created a Board of Appeals consisting of five members and one alternate who are qualified by experience and training to pass upon matters pertaining to building construction and who are not employees of the City.

Members appointed to the Board of Adjustment pursuant to Code Section 32.03 also shall be the members of the Board of Appeals. Adoption of this Section 150.01(D)(2) shall constitute appointment of the initial Board of Appeals comprised of the existing members of the Board of Adjustment. Terms of office of members of the Board of Appeals shall correspond to and be the same as the respective terms of office of said members on the Board of Adjustment; provided, however, that the initial term of office of each member of the first Board of Appeals of the City after this Section 150.01(D)(2) is adopted shall be equal to said member's remaining term on the Board of Adjustment.

All actions taken with respect to any individual's membership on the Board of Adjustment also shall be deemed to be a corresponding action and have the same effect with respect to said individual's membership on the Board of Appeals. The Chairperson and Secretary of the Board of Adjustment from time to time shall serve in the same capacities with respect to the Board of Appeals. Procedural rules applicable to proceedings of the Board of Adjustment also shall constitute procedural rules of the Board of Appeals, unless otherwise expressly provided by the Board of Appeals, UCADB or other applicable laws, rules or regulations.

Appeals to the Board of Appeals shall be processed in accordance with the provisions contained in Section 501 of the UCADB. The building official shall be responsible for assisting the Board of Appeals and providing it with necessary information.”

SECTION 2. Repeal of Section 150.01(D) as Previously Enacted. Section 150.01(D), of the La Vista Municipal Code as previously enacted is hereby repealed.

SECTION 3. Severability Clause. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this ordinance. The Mayor and City Council of the City of La Vista hereby declare that it would have passed this ordinance and each section, subsection, 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 7TH DAY OF APRIL 2009.

CITY OF LA VISTA

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Douglas Kindig, Mayor

ATTEST:

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Pamela A. Buethe, CMC  
City Clerk

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**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
APRIL 7, 2009 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
CITIZEN ADVISORY REVIEW COMMITTEE — EDP REPORT	◆ RESOLUTION ORDINANCE RECEIVE/FILE	RITA RAMIREZ ASST. CITY ADMINISTRATOR

**SYNOPSIS**

A public hearing has been scheduled and a resolution has been prepared for the Citizen Advisory Review Committee to submit a written report to the Mayor and City Council regarding the City's Economic Development Program and to approve amendments to the Rules and Operating Procedures for the Committee. A copy of the report is attached.

**FISCAL IMPACT**

N/A.

**RECOMMENDATION**

Approval.

**BACKGROUND**

Ordinance No. 921 established the City's Economic Development Program and formed the Citizen Advisory Review Committee which is charged with reporting to the Mayor and City Council in a public hearing at least once every six months.

At their last meeting the Committee also made some minor amendments to the Rules and Operating Procedures. They changed the regular meeting date from the second Monday in March, June, September and December to the second Thursday of those same months. This meeting day will work better for a majority of the current Committee members. The Rules also indicated that officers would be elected each year in February and this was changed to March as the Committee has never met in February. The City Council needs to approve any changes to the Rules and Operating Procedures of the CAR Committee.

## LA VISTA CITIZEN ADVISORY REVIEW COMMITTEE

To: Mayor and Members of the City Council

Dt: March 9, 2009

Fr: Citizen Advisory Review Committee

Re: Economic Development Program Bi-Annual Report

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Pursuant to §117-15 (g) the Citizen Advisory Review Committee shall report to the Mayor and City Council, at least once every six months, regarding the Economic Development Program. The following report generally covers activity for the period of September 2008 to date:

1. One application to the Economic Development Program has been received to date. The application was from John Q. Hammons to construct a full service Embassy Suites Hotel and conference center facility which has been completed and is open for business; and a Marriott Courtyard Hotel, which is currently under construction with an anticipated opening in spring of 2009. These facilities are located in the Southport West subdivision.
2. The City has been collecting sales tax revenue for the Economic Development fund since its effective date and the fund had accumulated approximately \$480,000. In FY 08 the fund received approximately \$534,000 in interest income on the bond proceeds and \$382,115 in loan payments (interest only) from John Q. Hammons. Expenditures in 2008 included \$1,094,520 for debt service associated with the grant and construction loan, \$23,800 for legal fees, and \$17,183,050 for land and construction costs (the construction loan and land grant to JQH).
3. The Economic Development Fund Budget for Fiscal Year 2009 anticipates that \$3,612,784 will be carried forward from FY 08 and the fund will receive \$1,234,663 in revenue from loan payments (interest only) by John Q. Hammons. Expenditures in FY 09 will include debt service payments (interest only) of \$1,509,683, legal fees of \$25,000 and final construction costs of \$1,627,645.
4. The City's assessed valuation for 2009 is over \$950 million, up approximately 6% from 2008. Over the past 10 years, growth in the City's valuation has averaged about 13.5%.
5. Net taxable sales increased by 1.54% from 2007 to 2008 (through Nov.) \$155,552,205 to \$157,949,602.
6. During the 2008 fiscal year (October 1, 2007 through September 30, 2008), the City received \$2,898,476 in local option sales tax revenue. This is an increase of approximately 2.8% as compared to the prior fiscal year. While sales tax revenue for the first five months of the current fiscal year is up over the same period last year, it is believed this is due in part to an on-going construction project in the City that will be receiving incentives from the state, funded in part by local sales tax dollars.
7. Although building permits were down in 2008 (a total of \$43,487,781 in valuation), since 1997 the City has issued building permits totaling in excess of \$773 million in valuation.

The members of the Citizen Advisory Review Committee consider themselves trustees of La Vista's Economic Development Program, based upon the parameters of Ordinance 921. In submitting this bi-annual report, the Committee notes that it has a sincere interest in monitoring and reporting to the Mayor

and City Council on the City's economic health and objectively evaluating the City's progress and success in the economic arena. Thank you for this opportunity and we are happy to answer any questions.

Respectfully submitted:

Lynda Shafer, Chair  
Doug Kellner, Vice-Chair  
Rick Burns  
Jim Placzek  
Courtney Dunbar

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, APPROVING CHANGES AND REVISIONS TO THE EXISTING RULES AND OPERATING PROCEDURES OF THE LA VISTA CITIZEN ADVISORY REVIEW COMMITTEE.

WHEREAS, The La Vista Citizen Advisory Review Committee was formed as an advisory committee to the Mayor and City Council to review the function and progress of the Economic Development Program; and

WHEREAS, The La Vista Citizen Advisory Review Committee has recommended some minor amendments to the Rules and Operating Procedures of the Committee; and

WHEREAS, The City Council must approve any changes to the Rules and Operating Procedures of the Citizen Advisory Review Committee.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby approve the changes to the existing Rules and Operating Procedures of the Citizen Advisory Review Committee.

PASSED AND APPROVED THIS 7TH DAY OF APRIL 2009.

CITY OF LA VISTA

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Douglas Kindig, Mayor

ATTEST:

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Pamela A. Buethe, CMC  
City Clerk

**RULES AND OPERATING PROCEDURES  
OF  
THE CITY OF LA VISTA CITIZEN ADVISORY REVIEW COMMITTEE**

**CHAPTER 1 - RULES**

**ARTICLE 1 - POWERS AND DUTIES**

Section 1 - AUTHORITY: The La Vista Citizen Advisory Review Committee (hereinafter called the "Committee"), duly established under Chapter 117 of the La Vista Municipal Code, exists as an advisory committee to the Mayor and City Council to review the function and progress of the Economic Development Program.

Section 2 - NAME: The legal name of the Committee shall be the City of La Vista Citizen Advisory Review Committee.

Section 3 - DUTIES: The duties of the Committee shall be as set forth in the applicable sections of the La Vista Municipal Code and in Ordinance No. 921, adopted by the City Council, such Ordinance being the Economic Development Program of the City of La Vista, Nebraska, together with such other responsibilities as may be lawfully assigned to it by the City Council including the following:

- a. The Committee shall hold regular meetings once per quarter to review the functioning and progress of the Economic Development Program and advise the Mayor and City Council about the Program;
- b. At least once every six-month period the Committee shall report to the Mayor and City Council on its findings and suggestions regarding the Economic Development Program.

**ARTICLE 2 - COMPOSITION OF THE COMMITTEE**

Section 1 - MEMBERSHIP: The Committee shall consist of five (5) voting members who shall be registered voters of the City of La Vista, appointed by the Mayor, by and with the approval of a majority vote of the members elected to the La Vista City Council. The Economic Development Program Administrator (the City Administrator) shall serve as an ex-officio member of the Committee.

Section 2 - COMPENSATION: All members of the Committee shall serve without compensation, except for mileage and reasonable expenses when traveling outside the Metropolitan Area in an amount fixed by the City Council.

Section 3 - TERMS OF OFFICE: The term of each Committee member shall be five (5) years. All members shall hold office until their successors have been appointed.

Section 4 - REMOVAL FROM THE COMMITTEE: Any member of the Committee may, after public hearing before the City Council, be removed as a member of the Committee by the Mayor with the consent of a majority vote of the City Council for inefficiency, lack of attendance (three consecutive meetings without just cause), neglect of duty, malfeasance in office, or

any other good and sufficient cause, as determined by the City Council.

Section 5 - VACANCIES: Vacancies occurring on the Committee other than through expiration of terms of office shall be filled for the un-expired terms by registered voters of the City of La Vista appointed by the Mayor in accordance with Section 1 above.

Section 6- PUBLIC OFFICE: No member of the Committee shall hold any other municipal office.

### **ARTICLE 3 - MEETINGS**

Section 1 - NUMBER OF MEETINGS: The Committee shall hold at least one (1) regular meeting once per quarter, except Special Meetings of the Committee may be called by the Mayor or the chairperson of the Committee. Said regular meetings shall be held on the second Thursday of March, June, September and December at 7:00 p.m. in the Council Chambers at City Hall.

Section 2 - RECORDS: The Committee shall follow *Robert's Rules of Order* for transaction of its business and shall keep a record of its motions, votes of each member on each motion and its other transactions, determinations and findings. The records of the Committee shall be maintained in the Office of the City Clerk of La Vista and shall be a public record.

Section 3 - MEETINGS OPEN TO THE PUBLIC: All meetings of the Committee shall be open to the public and conducted in accordance with the State of Nebraska Public Meetings and Disclosure Laws. Executive sessions of the Committee are prohibited unless discussion exclusively relates to legal actions in which the Committee is a party or such other discussion as expressly permitted under State Statute. No action shall be taken by the Committee during any executive session.

### **ARTICLE 4 - OFFICERS AND STAFF**

Section 1 - OFFICERS AND DUTIES: At its first meeting and annually thereafter, the Committee shall elect, from its membership, a Chairperson, a Vice-Chairperson, and a Secretary, and/or designate a person from outside its membership to serve as Recording Secretary to the Committee.

Chairperson: The Chairperson shall be a voting member and shall preside over Committee meetings and, on behalf of the Committee, shall exercise general supervision over the affairs of the Committee. The Chairperson shall have the authority to determine points of order and procedure and to sign all official documents and records of the Committee.

Vice-Chairperson: The Vice-Chairperson shall have the responsibilities and authorities of the Chairperson of the Committee during the absence or disability of the Chairperson. The Vice-Chairperson shall have the authority to act as Chairperson in the event a conflict of an interest by the Chairperson.

Secretary/Recording Secretary: The Secretary/Recording Secretary shall be responsible for keeping a complete and accurate record of all Committee proceedings, including keeping of records and minutes and shall certify all official acts of the Committee, including votes of each member on any and all matters for which a vote is required.

Section 2 - **ELECTION OF OFFICERS:** Nomination of Officers shall be made from the floor at the annual organization meeting which shall be at the first meeting in March in each year, and the elections shall follow immediately thereafter. A candidate receiving a majority vote of the entire membership of the Committee shall be declared elected and shall serve one year or until his successor shall take office. The Chairperson may be re-elected. Vacancies in offices shall be filled immediately by regular election procedures.

## **ARTICLE 5 - GENERAL RULE**

Section 1 - **RULES:** In all matters not otherwise provided for by statute, the Municipal Code or these Rules and Operating Procedures, the most recent edition of Robert's Rules of Order available to the Committee, as interpreted by the presiding officer, shall govern the conduct of the Committee's meetings.

## **CHAPTER 2 – OPERATING PROCEDURES**

### **ARTICLE 1 - COMMITTEE MEETINGS**

Section 1 - **MEETINGS:** All meetings of the Committee shall be open to the public and conducted in accordance with the State of Nebraska Public Meetings and Disclosure laws.

**Regular Meetings:** The Committee shall meet at least once in each calendar quarter, except the Mayor or the chairperson of the Committee may call for a special meeting when necessary to deal with business pending before the Committee.

Section 2 - **CANCELLATION OF MEETINGS:** Whenever there is business to be conducted by the Committee and it is ascertained that a quorum of the members is or will not be present or available at any Committee meeting, the Chairperson shall dispense with the meeting by opening the meeting and informing all members, petitioners, news media and all other persons in attendance that a meeting cannot be held. The Chairperson shall inform all in attendance of the date, time and place for a rescheduled meeting. In the event of a lack of quorum, all business scheduled for such meeting shall be automatically continued to the next regular or special meeting.

The Chairperson or City Administrator may also cancel any meeting in the event of a natural disaster, snow emergency or other emergency situation. In the event of such cancellation, the City Clerk shall notify the news media for announcement of such cancellation.

Section 3 - **QUORUM:** A number of Committee Members equal to a majority of the number of regular members appointed to the Committee shall constitute a quorum. No official business shall be conducted at any Committee meeting unless a quorum is present.

Section 4 - **VOTING:** No action of the Committee shall be official unless such action is authorized at a regular or special meeting by a majority vote of the entire membership of the Committee. All votes of the Committee shall be voice votes duly recorded as to the vote cast by each member.

**Voting Required:** Except in the case of a conflict of interest, as specified in Section 5 herein, all voting members of the Committee present at each meeting of the Committee shall vote on each matter before the Committee. An abstention from voting for any other reason shall be the same as casting a negative vote.

Absentee Voting: Absentee or proxy voting by any Committee member is prohibited. Members must be present to vote on any matter before the Committee.

Section 5 - CONFLICT OF INTEREST: A Committee member shall not participate in the discussion of any matter before the Committee in which he/she or their immediate family has a direct or indirect ownership or financial interest nor shall such member vote on deciding such matter. A member shall declare, for the record, that he/she has such a conflict of interest prior to the discussion of any issue in which a conflict of interest exists and such member shall refrain from any discussion of the matter. Questions as to whether such a conflict of interest exists shall be determined by the Chairperson. When there is uncertainty as to the applicability of this Section, the member involved shall abstain from any discussion or vote on such matter. In all cases, the Secretary/Recording Secretary shall enter into the minutes of the Committee the fact that a member (by name) declared or was declared by the Chairperson, to have a conflict of interest and abstained from all discussion and voting on the matter in which the conflict of interest exists.

Section 6 - ORDER OF BUSINESS: The order of business at meetings of the Committee shall be as listed below, provided that such order of business may be changed by the Chairperson upon the consent of a majority of those members present.

- A. Call Meeting to Order
- B. Approval of Agenda
- C. Approval of Minutes
- D. Old Business
- E. New Business
- F. Comments from the Floor
- G. Comments from the Planning Committee
- H. Adjournment

Section 7 - RULES OF CONDUCT: The following rules of conduct shall apply to and at all public hearings conducted by the Committee:

- A. Comments Addressed to the Chairperson: All comments by members of the public present at any Committee meeting shall be addressed to the Committee through the Chairperson. Comments and arguments between the persons in attendance at the public hearing shall be prohibited by the Chairperson.
- D. Authority of the Chairperson: The Chairperson shall have the authority to prohibit repetitious or irrelevant testimony and comments and shall have the authority to limit the length of comment by each person to five minutes.
- E. Orderly Conduct: Every person appearing before the Committee shall abide by the order and direction of the Chairperson. Discourteous, disorderly, or contemptuous conduct shall not be permitted by the Chairperson and the Chairperson shall have the authority to have any person guilty of such conduct removed from the hearing room.

## ARTICLE 2 - AMENDMENTS OF SUSPENSION OF RULES AND OPERATING PROCEDURES

Section 1 - AMENDMENTS: These Rules and Operating Procedures may be amended upon

*Rules and Operating Procedures – La Vista Citizen Advisory Review Committee – adopted June 7, 2004; amended March 9, 2009*

recommendation of the Committee and approval by the City Council. A vote of 2/3 of the total membership of the Committee is required prior to City Council consideration, provided however, that the proposed amendment(s) shall have been presented in writing to the full Committee at the previous meeting of the Committee.

Section 2 - SUSPENSION: The suspension of any rule or procedure set forth herein may be authorized by the Committee at any meeting of the Committee upon the affirmative vote of a majority of the Committee members, provided however, that no rule or procedure may be suspended more than once and that no rule or procedure which is required to comply with the La Vista Municipal Code or Nebraska law shall be suspended.

### **ARTICLE 3 - SEVARABILITY**

If any section, clause, provision, or portion of these Rules and Operating Procedures shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of any other section, clause, provision or portion of these Rules and Operating Procedures.

### **ARTICLE 4 - CERTIFICATE OF ADOPTION**

The foregoing Rules and Operating Procedures of the City of La Vista Citizen Advisory Review Committee are hereby amended by affirmative vote of the Committee on the 9th day of March 2009.

  
\_\_\_\_\_  
Citizen Advisory Review Committee Secretary

  
\_\_\_\_\_  
Citizen Advisory Review Committee Chairperson

The foregoing Rules and Operating Procedures of the City of La Vista Citizen Advisory Review Committee are hereby amended by affirmative vote of the La Vista City Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**APRIL 7, 2009 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
SUPPORT OF EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT	◆ RESOLUTION ORDINANCE RECEIVE/FILE	ROBERT S. LAUSTEN POLICE CHIEF

**SYNOPSIS**

A resolution has been prepared in support of La Vista's application for the "Edward Byrne Memorial Justice Assistance Grant".

**FISCAL IMPACT**

The police department has received a grant from the Edward Byrne Memorial Justice Assistance Grant (JAG) Program in the amount of \$16,526.

**RECOMMENDATION**

Approval.

**BACKGROUND**

The Edward Byrne Memorial Justice Assistance Grant (JAG) Program is the primary provider of federal criminal justice funding to state and local jurisdictions. JAG funds support all components of the criminal justice system, from multijurisdictional drug and gang task forces to crime prevention and domestic violence programs, courts, corrections, treatment, and justice information sharing initiatives. JAG funds may be used for state and local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support, information systems for criminal justice, and criminal justice-related research and evaluation activities that will improve or enhance law enforcement services.

The La Vista Police Department was awarded a direct Justice Assistance grant of \$16,526. There are no matching funds required. Based on the needs of the police department, a project request has been made to allocate the grants funds for the purchase of two mobile data computers which will be installed in the remaining two primary fleet police cars that do not have the equipment. This technology enables officers to quickly access information which is normally retrieved via radio contact with the Communications Center, especially for access to criminal records while on patrol or during a stop. The mobile data computers allow officers to continue to run license and driver files, and access the county-wide records management system from any place within the Omaha metropolitan area. Officers will also be able to access CAD and GIS information. With mobile data computers, law enforcement officers can continue to make rapid, informed decisions, which allow them to focus their energies on making La Vista a safer place to live.

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA SUPPORTING THE APPLICATION FOR THE "EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT".

WHEREAS, funding for equipment has been made available to the La Vista Police Department through the "American Recovery and Reinvestment Act of 2009";

WHEREAS, a grant application for the funds through the "Edward Byrne Memorial Justice Assistance Grant" has been made by the police department;

WHEREAS, the grant application must be submitted to the U.S. Department of Justice along with certifications and assurances;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby support the police department's application for the "Edward Byrne Memorial Justice Assistance Grant".

PASSED AND APPROVED THIS 7TH DAY OF APRIL, 2009.

CITY OF LA VISTA

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Douglas Kindig, Mayor

ATTEST:

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Pamela Buethe, CMC  
City Clerk

<b>APPLICATION FOR FEDERAL ASSISTANCE</b>		2. DATE SUBMITTED	Applicant Identifier
1. TYPE OF SUBMISSION  Preapplication Non-Construction		3. DATE RECEIVED BY STATE	State Application Identifier
		4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier
<b>5. APPLICANT INFORMATION</b>			
Legal Name		Organizational Unit	
City of La Vista		Police Department	
Address  7701 South 96 Street La Vista, Nebraska 68128-3172		Name and telephone number of the person to be contacted on matters involving this application  Lausten, Robert (402) 331-1582	
6. EMPLOYER IDENTIFICATION NUMBER (EIN)		7. TYPE OF APPLICANT	
47-6050031		Municipal	
8. TYPE OF APPLICATION		9. NAME OF FEDERAL AGENCY	
		Bureau of Justice Assistance	
10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE  NUMBER: 16.804 CFDA Recovery Act - Justice Assistance Grants - TITLE: Localities		11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT  Mobile Data Computer Acquisition	
<b>12. AREAS AFFECTED BY PROJECT</b>			
City of La Vista, Nebraska Sarpy County, Nebraska Omaha (NE) metropolitan area			
13. PROPOSED PROJECT  Start Date: June 01, 2009 End Date: June 01, 2010		14. CONGRESSIONAL DISTRICTS OF  a. Applicant b. Project NE02	
15. ESTIMATED FUNDING		16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?	
Federal	\$16,526		
Applicant	\$0		
State	\$0		
Local	\$0	Program has not been selected by state for review	
Other	\$0		

Program Income	\$0	17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?
TOTAL	\$16,526	N
18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS REQUIRED.		

[Close Window](#)

## **Abstract**

Applicant Name: La Vista Police Department

Title of Project: Mobile Data Computer Acquisition

### **Goals of the Project:**

Goal 1 – Advance police officer access to criminal history records while on patrol.

Objective: Check status of individuals

Objective: Check status of vehicle stopped

Goal 2 – Better communication and access to GIS and CAD information patrolling.

Objective: Aid in gathering information on suspects or witnesses.

Objective: Access to CAD and GIS information to assist officers on patrol.

### **Program Strategy**

The mobile data computer acquisition will fund the equipment necessary to have immediate accessibility to criminal and related records while an officer is patrolling in the vehicle. Additionally, officers will have access to valuable CAD and GIS information. With technology ever-changing, police officers need the equipment to be able to continue to provide professional police services. The City of La Vista is one of the fastest growing cities in Nebraska. La Vista faces the same economic challenges as other cities in America with the issue of continuing to providing quality services to a growing population as resources become limited. This grant will allow the police officers in La Vista to continue to provide a safe and secure atmosphere for citizens with the technological acquisition.

The mobile data computers will be purchased through a state contract and installed in two police cars. The timeline for the delivery and installation is estimated to be within 60 days of grant approval and funding. The project will be complete prior to June 1, 2010.

### **Program Narrative**

Mobile Data Computer (MDC) acquisition.

This technology will enable officers to quickly access information which is normally retrieved via radio contact with a dispatch center, especially for access to criminal records while on patrol or during a stop. This will allow officers immediate discretion in handling persons encountered. Using in-car mobile data computers improves criminal history records because the officer can use case and incident level data from criminal history data to link suspects and arrestees. The records will be automated, searchable and readily available to law enforcement during the arrest process. The new mobile data computers will allow officers to continue to run license and driver files, and access county-wide records management system from any where within the Omaha metropolitan area. Additionally, the officer will be able to wirelessly enter incident information from the field, improving timeliness and quality of arrest data in the criminal history records. Officers will also be able to access CAD and GIS information. With MDC's, law enforcement officers can continue to make rapid, informed decisions, which allow them to focus their energies on making La Vista a safer place to live. This investment will enhance and complement already existing local, regional and State collaboration. In addition; it addresses other priorities of strengthening information sharing and collaboration and strengthening interoperable communication capabilities.

### **Goals and Objectives:**

Goal 1 -- Advance police officer access to criminal history records while on patrol.

Objective: Check status of individuals

Objective: Check status of vehicle stopped

Goal 2 -- Better communication and access to GIS and CAD information patrolling.

Objective: Aid in gathering information on suspects or witnesses.

Objective: Access to CAD and GIS information to assist officers on patrol.

### **Performance Indicators:**

Although it can be difficult for the law enforcement officer to keep track of, the performance indicators are the number of times, using the mobile data computer, the officer accesses criminal history records, checks status of vehicles in question or status of individuals encountered.

# Budget Detail Worksheet

**Purpose:** The Budget Detail Worksheet may be used as a guide to assist you in the preparation of the budget and budget narrative. You may submit the budget and budget narrative using this form or in the format of your choice (plain sheets, your own form, or a variation of this form). However, all required information (including the budget narrative) must be provided. Any category of expense not applicable to your budget may be deleted.

**A. Personnel** - List each position by title and name of employee, if available. Show the annual salary rate and the percentage of time to be devoted to the project. Compensation paid for employees engaged in grant activities must be consistent with that paid for similar work within the applicant organization.

Name/Position	Computation	Cost

**B. Fringe Benefits** - Fringe benefits should be based on actual known costs or an established formula. Fringe benefits are for the personnel listed in budget category (A) and only for the percentage of time devoted to the project. Fringe benefits on overtime hours are limited to FICA, Workman's Compensation, and Unemployment Compensation.

<b>B. Fringe Benefits</b> - Fringe benefits should be based on actual known costs or an established formula. Fringe benefits are for the personnel listed in budget category (A) and only for the percentage of time devoted to the project. Fringe benefits on overtime hours are limited to FICA, Workman's Compensation, and Unemployment Compensation.
--

**C. Travel** - Itemize travel expenses of project personnel by purpose (e.g., staff to training, field interviews, advisory group meeting, etc.). Show the basis of computation (e.g., six people to 3-day training at \$X airfare, \$X lodging, \$X subsistence). In training projects, travel and meals for trainees should be listed separately. Show the number of trainees and the unit costs involved. Identify the location of travel, if known. Indicate source of Travel Policies applied, Applicant or Federal Travel Regulations.

Purpose of Travel	Location	Item	Computation	Cost
<b>TOTAL</b>				<b>\$0.00</b>

**D. Equipment** - List non-expendable items that are to be purchased. Non-expendable equipment is tangible property having a useful life of more than two years and an acquisition cost of \$5,000 or more per unit. (Note: Organization's own capitalization policy may be used for items costing less than \$5,000). Expendable items should be included either in the "supplies" category or in the "Other" category. Applicants should analyze the cost benefits of purchasing versus leasing equipment, especially high cost items and those subject to rapid technical advances. Rented or leased equipment costs should be listed in the "Contractual" category. Explain how the equipment is necessary for the success of the project. Attach a narrative describing the procurement method to be used.

Item	Computation	Cost
Motorola Mobile Data Computers (2)	\$8263 ea including installation	\$16,526.00
<b>TOTAL</b>		<b>\$16,526.00</b>

**E. Supplies** - List items by type (office supplies, postage, training materials, copying paper, and expendable equipment items costing less than \$5,000, such as books, hand held tape recorders) and show the basis for computation. (Note: Organization's own capitalization policy may be used for items costing less than \$5,000). Generally, supplies include any materials that are expendable or consumed during the course of the project.

**F. Construction** - As a rule, construction costs are not allowable. In some cases, minor repairs or renovations may be allowable. Check with the program office before budgeting funds in this category.

Purpose	Description of Work	Cost

**G. Consultants/Contracts** - Indicate whether applicant's formal, written Procurement Policy or the Federal Acquisition Regulations are followed.

**Consultant Fees:** For each consultant enter the name, if known, service to be provided, hourly or daily fee (8-hour day), and estimated time on the project. Consultant fees in excess of \$450 per day require additional justification and prior approval from OJP.

**Consultant Expenses:** List all expenses to be paid from the grant to the individual consultants in addition to their fees (i.e., travel, meals, lodging, etc.)

Item	Location	Computation	Cost
<i>Subtotal</i>			\$0.00

**Contracts:** Provide a description of the product or service to be procured by contract and an estimate of the cost. Applicants are encouraged to promote free and open competition in awarding contracts. A separate justification must be provided for sole source contracts in excess of \$100,000.

Item	Cost

**H. Other Costs** - List items (e.g., rent, reproduction, telephone, janitorial or security services, and investigative or confidential funds) by major type and the basis of the computation. For example, provide the square footage and the cost per square foot for rent, or provide a monthly rental cost and how many months to rent.

**I. Indirect Costs** - Indirect costs are allowed only if the applicant has a Federally approved indirect cost rate. A copy of the rate approval, (a fully executed, negotiated agreement), must be attached. If the applicant does not have an approved rate, one can be requested by contacting the applicant's cognizant Federal agency, which will review all documentation and approve a rate for the applicant organization, or if the applicant's accounting system permits, costs may be allocated in the direct costs categories.

Description	Computation	Cost
<b>TOTAL</b>		\$0.00

**Budget Summary-** When you have completed the budget worksheet, transfer the totals for each category to the spaces below. Compute the total direct costs and the total project costs. Indicate the amount of Federal requested and the amount of non-Federal funds that will support the project.

<b>Budget Category</b>	<b>Amount</b>
<b>A. Personnel</b>	\$0.00
<b>B. Fringe Benefits</b>	\$0.00
<b>C. Travel</b>	\$0.00
<b>D. Equipment</b>	\$16,526.00
<b>E. Supplies</b>	\$0.00
<b>F. Construction</b>	\$0.00
<b>G. Consultants/Contracts</b>	\$0.00
<b>H. Other</b>	\$0.00
<b>Total Direct Costs</b>	\$16,526.00
<b>I. Indirect Costs</b>	\$0.00
<b>TOTAL PROJECT COSTS</b>	\$16,526.00
 <b>Federal Request</b>	 \$16,526.00
 <b>Non-Federal Amount</b>	 \$0.00

### **Review Narrative**

The Justice Assistance Grant (Mobile Data Computers) application was made available for review by the La Vista City Council at the April 7, 2009 La Vista City Council meeting. The application was posted as an agenda item on the City Council meeting agenda and a public hearing was held. An opportunity to comment on the application was provided to citizens at the Council meeting.

**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**APRIL 7, 2009 AGENDA**

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

**SYNOPSIS**

A revised 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 maintenance code governing the condition and maintenance of all property, buildings and structures 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.

The City Council held a public hearing on March 17, 2009 and tabled the ordinance pending several revisions. A revised ordinance has been prepared and is attached.

ORDINANCE NO. 1086

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-PROPERTY MAINTENANCE 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-Property Maintenance 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 therefor 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 city of La Vista; providing for the issuance of permits and collection of fees therefor; 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-7TH DAY OF MARCH-APRIL 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 any 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:** .

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**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 premised 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 repellent 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

*A Member of the International Code Family®*



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2006 International Property Maintenance Code®

First Printing: January 2006  
Second Printing: November 2006  
Third Printing: March 2007

ISBN-13: 978-1-58001-263-8 (soft)  
ISBN-10: 1-58001-263-9 (soft)  
ISBN-13: 978-158001-311-6 (e-document)  
ISBN-10: 1-58001-311-2 (e-document)

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PRINTED IN THE U.S.A.

# 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.

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# 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.

**CONDENM.** 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.

## GENERAL REQUIREMENTS

**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 m<sup>2</sup>). 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 m<sup>2</sup>) 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 m<sup>2</sup>). 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<sup>2</sup>) and every bedroom shall contain at least 70 square feet (6.5 m<sup>2</sup>).

**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<sup>2</sup>). A unit occupied by three occupants shall have a clear floor area of not less than 320 square feet (29.7 m<sup>2</sup>). 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

## FIRE SAFETY REQUIREMENTS

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



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**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**APRIL 7, 2009 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
AMEND SECTIONS 33.22 AND 70.001 OF THE MUNICIPAL CODE	RESOLUTION ◆ ORDINANCES RECEIVE/FILE	PAM BUETHE CITY CLERK

**SYNOPSIS**

Ordinances have been prepared to amend Sections 33.22 and 70.001 of the La Vista Municipal Code.

**FISCAL IMPACT**

N/A.

**RECOMMENDATION**

Approval.

**BACKGROUND**

These changes are a result of American Legal Publishing Corporation incorporating the legislative changes from the previous legislative session into our Code including some minor language changes.

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

AN ORDINANCE OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA, TO AMEND THE LA VISTA MUNICIPAL CODE SECTION 33.22; TO REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

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

SECTION 1. Section 33.22 of the La Vista Municipal Code is amended to read as follows:

**§ 33.22 PUBLIC PARTICIPATION.**

(A) Subject to the Open Meetings Act, the public shall have the right to attend and the right to speak at meetings of public bodies, and all or any part of a meeting of a public body, except for closed meetings called pursuant to § 33.17, may be videotaped, televised, photographed, broadcast or recorded by any person in attendance by means of a tape recorder, camera, video equipment or any other means of pictorial or sonic reproduction or in writing.

(B) It shall not be a violation of this section for any public body to make and enforce reasonable rules and regulations regarding the conduct of persons attending, speaking at, videotaping, televising, photographing, broadcasting or recording its meetings. A body may not be required to allow citizens to speak at each meeting, but it may not forbid public participation at all meetings. No public body shall require members of the public to identify themselves as a condition for admission to the meeting nor shall such body require that the name of any member of the public be placed on the agenda prior to such meeting in order to speak about items on the agenda. The body may require any member of the public desiring to address the body to identify himself or herself.

(C) No public body shall, for the purpose of circumventing the provisions of the Open Meetings Act, hold a meeting in a place known by the body to be too small to accommodate the anticipated audience. No public body shall be deemed in violation of this section if it holds its meeting in its traditional meeting place which is located in this state.

(D) An agency which contracts with municipalities outside the state of Nebraska may hold meetings of any committee outside the state of Nebraska if such meetings are held only in such contracting municipalities. Final action on any agenda item shall only be taken by the agency at a meeting in the state of Nebraska, which meeting shall comply with Neb. RS 84-1408 to 84-1414.

(E) The public body shall, upon request, make a reasonable effort to accommodate the public's right to hear the discussion and testimony presented at the meeting. Public bodies shall make available at the meeting, for examination and copying by members of the public, at least one copy of all reproducible written material to be discussed at an open meeting. Public bodies shall make available at least one current copy of the Open Meetings Act posted in the meeting room at a location accessible to members of the public. At the beginning of the meeting, the public body shall be informed about the location of the posted information.

(Neb. RS 84-1412) ('79 Code, 5 1-609) (Am. Ord. 353, passed 12-6-83; Am. Ord. 398, passed 11-19-85; Am. Ord. 457, passed 1-19-88; Am. Ord. 997, passed 6-20-06)

SECTION 2. Repeal of Conflicting Ordinances. All ordinances and parts of ordinances as previously enacted that are in conflict with this Ordinance or any part hereof are hereby repealed.

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

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

PASSED AND APPROVED THIS 7TH DAY OF APRIL 2009.

CITY OF LA VISTA

---

Douglas Kindig, Mayor

ATTEST:

---

Pamela A. Buethe, CMC  
City Clerk

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

AN ORDINANCE OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA, TO AMEND THE LA VISTA MUNICIPAL CODE SECTION 70.001; TO REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

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

**SECTION 1.** Section 70.001 of the La Vista Municipal Code is amended to read as follows:

**§ 70.001 DEFINITIONS.**

Except as otherwise herein defined, the words and phrases used in this title, pertaining to motor vehicles and traffic regulations, shall be construed as defined in Neb. RS Chapter 60, article 6, as now existing or hereafter amended. If not defined in the designated statutes, the word or phrase shall have its common meaning.

**AUTHORIZED EMERGENCY VEHICLES.** Vehicles of the Volunteer Fire Department, vehicles of firefighters responding to an emergency when properly identified, police vehicles and such ambulances or other emergency vehicles as are designated or authorized by the City Council and such publicly owned military vehicles of the National Guard as are designated by the Adjutant General pursuant to Neb. RS 55-133.

**DRIVER** Every person who drives or is in the actual physical control of a vehicle.

**INTERSECTION** or **STREET INTERSECTION.** The space occupied by two streets at the point where they cross each other, bounded by the lot lines extended and shall include the sidewalk space as well as the roadway.

**LOADING ZONE.** A place designated by the City Council as a place for the loading and unloading of freight, materials or merchandise and suitably marked so as to indicate its use for such purpose.

**MUFFLER.** A device consisting of a series of chamber or baffle plates, or other mechanical design for the purpose of receiving exhaust gas from an internal combustion engine, and effective in reducing noise.

**OFFICIAL TRAFFIC SIGNS OR DEVICES.** All signs, markings and devices, other than mechanical or electrical signals, not inconsistent with this chapter, placed or erected by authority of the City Council for the purpose of directing, warning or regulating traffic.

**PASSENGER ZONE.** A place designated by the City Council as a place for the loading and unloading of passengers and suitably marked so as to indicate its use for such purpose.

**POLICE OFFICER** or **TRAFFIC OFFICER.** Every officer of the Police Department of the city or any officer authorized to direct or regulate traffic or make arrests for the violation of traffic regulation.

**SIDEWALK.** That portion of a street between the curb lines and the adjacent property lines intended for pedestrian use.

**STREET.** The entire width between the boundary limits of any street, avenue or way which is publicly maintained and open for public vehicular traffic.

**TRAFFIC.** Pedestrians, ridden animals and vehicles or other conveyances, either singly or together, while using any street, alley or public way for purposes of travel.

**VEHICLE.** Every device in, upon or by which any person or property is or may be transported or drawn upon a street, except devices moved by human power or used exclusively on stationary rails or tracks.

(Neb. RS 60-606 through 60-676) ('79 Code, § 5-101) (Am. Ord. 608, passed 1-17-95)

**SECTION 2. Repeal of Conflicting Ordinances.** All ordinances and parts of ordinances as previously enacted that are in conflict with this Ordinance or any part hereof are hereby repealed.

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

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

PASSED AND APPROVED THIS 7TH DAY OF APRIL 2009.

CITY OF LA VISTA

---

Douglas Kindig, Mayor

ATTEST:

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Pamela A. Buethe, CMC  
City Clerk

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
APRIL 7, 2009 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
FIREWORKS PERMITS	◆ RESOLUTION ORDINANCE RECEIVE/FILE	PAM BUETHE CITY CLERK

**SYNOPSIS**

A resolution has been prepared to conditionally grant a 2009 fireworks permit to the La Vista Youth Baseball Association.

**FISCAL IMPACT**

A \$2,500 permit fee is required of each applicant. Additionally, a tent permit fee of \$150, temporary sign permit fee of \$30/sign (maximum of four), and an explosive materials storage permit fee of \$100 are required. The City has received a \$500 application deposit and the additional required permit fees from the applicant. For each permit issued, the remaining \$2,000 fireworks sales permit fee balance is due no later than noon on June 25, 2008.

**RECOMMENDATION**

Approval of the application submitted by the La Vista Youth Baseball Association, stipulating their compliance with requirements made by the Chief Building Official regarding their site plan and compliance with City Code.

**BACKGROUND**

On March 3, 2009 the City Council voted to allow the La Vista Youth Baseball Association two additional weeks to find a new site for their fireworks stand as their proposed sight was not zoned to allow fireworks stands as a temporary use.

On March 9, 2009 staff received a new site plan and application for a site that is within a zoning district which allows fireworks stands as a temporary use.

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

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 BASEBALL ASSOCIATION

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

WHEREAS, La Vista Youth Baseball Association has 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 the application received for the purpose of determining that the application was 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 Baseball Association

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).

PASSED AND APPROVED THIS 7TH DAY OF APRIL 2009.

CITY OF LA VISTA

---

Douglas Kindig, Mayor

ATTEST:

---

Pamela A. Buethe, CMC  
City Clerk

## 2009 Fireworks Application Review

### La Vista Youth Baseball Association (20 points) (96<sup>th</sup> & Giles Road)

- Did not sell fireworks in La Vista previous to this year.
- Police Chief had no concerns with the proposed site.
- Building Official stated that parking needs some sort of surfacing – gravel/rock.
- Building Official stated that they need a 25' setback between storage trailers and any other structure.
- Fire Chief did not state any concerns

**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**APRIL 7, 2009 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
WASTEWATER SERVICE AGREEMENT & ADDENDUM	◆ RESOLUTION ORDINANCE RECEIVE/FILE	SHEILA LINDBERG FINANCE DIRECTOR

**SYNOPSIS**

A resolution has been prepared authorizing the Mayor to execute the 2009 Wastewater Service Agreement and Addendum between the City of Omaha and the City of La Vista.

**FISCAL IMPACT**

An increase in revenues for the Sewer fund with sewer use fees will now be collected from subdivisions within our extraterritorial jurisdiction (ETJ) east to the interstate dating back to June 2007 and then in 2011 expanding to include those west of the interstate. In conjunction, the City of La Vista will now be responsible to collect and remit sewer connection fees to the City of Omaha for those areas within the shaded area in Exhibit C-2008 currently and those dating back to June 2007.

**RECOMMENDATION**

Approval.

**BACKGROUND**

The first wastewater service agreement was in 1975 and it has been renewed and amended several times. This new agreement will supersede the existing wastewater service agreement and addendums.

This will allow the City of La Vista to define and establish an expanded retail wastewater service area which will include portions of its extraterritorial jurisdiction (ETJ) and by 2011 include all of the City's ETJ.

The sewer rate study that has been on hold until this agreement was approved will now be able to be completed.

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING THE 2009 WASTEWATER SERVICE AGREEMENT AND ADDENDUM BETWEEN THE CITY OF OMAHA AND THE CITY OF LA VISTA.

WHEREAS, the City of La Vista and City of Omaha entered into the first wastewater service agreement on February 11, 1975; and

WHEREAS, that agreement has been renewed and amended several times; and

WHEREAS, this new agreement will supersede the existing wastewater service agreement and addendums; and

WHEREAS, this new agreement will allow the City of La Vista to define and establish an expanded retail wastewater service area;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of La Vista, Nebraska, the new Wastewater Service Agreement and Addendum is hereby approved subject to review by the City Attorney as to form and the Mayor and City Clerk are hereby authorized to execute said agreement on behalf of the City of La Vista.

PASSED AND APPROVED THIS 7TH DAY OF APRIL, 2009.

CITY OF LA VISTA

---

Douglas Kindig, Mayor

ATTEST:

---

Pamela A. Buethe, CMC  
City Clerk

AGREEMENT FOR WASTEWATER SERVICE  
BETWEEN  
CITY OF OMAHA, NEBRASKA  
AND  
CITY OF LAVISTA, NEBRASKA

THIS AGREEMENT is entered into this \_\_\_\_\_, day of \_\_\_\_\_, 2009 by and between CITY OF LAVISTA, Sarpy County, Nebraska (hereinafter called "LAVISTA") a municipal corporation in the State of Nebraska, and the CITY OF OMAHA, Douglas County, Nebraska (hereinafter called "OMAHA"), a municipal corporation in the State of Nebraska, pursuant to the Nebraska Interlocal Agreement Act, Neb. R.R.S. 1943, §13-801 et. seq. as amended.

WITNESSETH THAT:

WHEREAS, OMAHA owns and operates a wastewater treatment system in the Omaha metropolitan area; and,

WHEREAS, OMAHA had previously entered into an agreement to provide wastewater service to LAVISTA dated February 13, 1975, amended, February 20, 1986 and, the parties agree that this Agreement shall supercede all prior agreements and amendments; and,

WHEREAS, LAVISTA desires to define and establish an expanded retail LAVISTA wastewater service area which includes portions of unincorporated Sarpy County, to have OMAHA continue to convey and treat sewage originating in LAVISTA'S incorporated areas and certain extraterritorial areas flowing through each of the various connection points to the OMAHA treatment system and to continue a contractual relationship to provide for the same; and,

WHEREAS, it is to the mutual advantage of the parties hereto and in the general public interest for the sewage of LAVISTA'S wastewater service area as defined herein to be accepted, conveyed and treated by the Omaha wastewater treatment system; and,

WHEREAS, the accomplishment of such an arrangement is authorized by law.

NOW, THEREFORE, in consideration of these facts, the parties hereto do mutually agree as follows:

1. **General Provisions for Wastewater Service Agreement:** For the services hereinafter stipulated to be performed by OMAHA, LAVISTA shall comply with the terms as set forth in the City of Omaha WASTEWATER SERVICE AGREEMENT, GENERAL PROVISIONS FOR MUNICIPALITIES, dated February 1, 2000, a copy of which is attached hereto and made a part hereof, and make payment of user fees accordingly. In the event of a conflict between the terms of said GENERAL PROVISIONS FOR MUNICIPALITIES and this Agreement for Wastewater Service, the terms of this Agreement shall prevail.
2. **Area Subject to Wastewater Treatment Services:** OMAHA shall provide sewage conveyance and treatment services as called for in said GENERAL PROVISIONS for the service area designated on Exhibit A-2008, prepared by LAVISTA and submitted to OMAHA. This agreement covers only the drainage areas designated on Exhibit A-2008 and shown in Table A-2008 immediately following and, subject to the terms of Section 21 hereof, expansion thereof to include the service areas identified in Table B-2011. Development and connection to the sewer system for undeveloped areas within the LAVISTA wastewater service area using one of the listed existing connection points shall

not require amendment of this agreement. New connection points to sewers of the OMAHA treatment system within the LAVISTA wastewater service area must be provided for by a written administrative service agreement amendment signed by the Public Works Directors of LAVISTA and OMAHA.

**Table A-2008 LaVista Connection Points to the Omaha Treatment System**

Connection Point	Name	# of Lots	Area/Subdivision Served
A	Big Papio No. 1	3105	- City of La Vista & Giles Corner
B	Harrison No. 3	20	-City of La Vista
C	Harrison No. 2	120	- City of La Vista
D	Papillion No. 1	74	City of La Vista
E	West Papio No. 5	452	City of La Vista and Crossroads Industrial Park
F	Applewood No. 1	84	City of La Vista
G	Applewood No. 2	385	Mayfair and Part of Cimarron Woods
H	Applewood No. 3	364	Part of Cimarron Woods and Southwind 2
I	West Papio No. 1	7	City of La Vista
J	Hell Creek No. 1	6	City of La Vista
K	Hell Creek No. 2	39	Oakdale Park and Part of Brook Valley Business Park
L	Hell Creek No. 3	29	Part of Brook Valley Business Park
M	Applewood No. 4	242	Portal Ridge
N	Stonybrook No. 1	1	Part of Brook Valley II Business Park
O	Stonybrook No. 2	7	Papio Valley Business Park 1
P	Stonybrook No. 3	3	City of La Vista
Q	West Papio No. 2	7	Cityof La Vista
R	West Papio No. 3	7	City of La Vista
S	Hell Creek No. 4	5	City of La Vista
T	West Papio No. 7	26	City of La Vista

U	West Papio No. 6	107	City of La Vista
V	Stonybrook No. 4	12	City of La Vista
EE	West Papio No. 4	3	Oriental Trading Co Business Park

3. **Excluded “Shaded” Areas:** Exhibit B-2008 shows the boundaries of the LAVISTA wastewater service area. Shaded areas are not at this time served by one of the connection points listed in Table A-2008. Future connection to the Omaha sewer/wastewater system for any lots platted within the shaded areas must be provided for by a written administrative service agreement amendment signed by the Public Works Directors of LAVISTA and OMAHA. Wastewater service to any development in the shaded areas is not guaranteed expressly or by inference. However, it shall be based upon sound engineering principles and shall not be unreasonably or inequitably withheld.
4. **Governmental Permits and Use of Non-LaVista Sewers:** LAVISTA shall be responsible for obtaining or providing all necessary local and state governmental permits for sewer construction and connection. OMAHA'S permission provided for herein is only that of the owner of the utility. Any use of sewers owned by other entities, to convey wastewater from the LAVISTA wastewater service area to OMAHA, shall require a written agreement between LAVISTA and the owner of such sewer. A copy of any such agreement(s) shall be promptly submitted to OMAHA.
5. **OMAHA Sewer Connection Fees Apply in Shaded Area:** Exhibit C-2008 shows the relationship between the LAVISTA wastewater service area and the current extraterritorial jurisdiction for the LAVISTA. Exhibit C will be administratively updated each time there is a change in the extraterritorial jurisdiction for the LAVISTA. OMAHA interceptor connection fees equal to the prevailing rates established in the Omaha Municipal Code Chapter 31, Section 31-259, as from time to time amended, shall apply within the shaded area. LAVISTA shall collect such fees at the time of issuance of a building permit on all new lots or replatted lots within the shaded area shown on an up-to-date Exhibit C. Each month, LAVISTA shall remit to OMAHA the applicable sewer connection fees assessed in the shaded area of an up-to-date Exhibit C from the previous month less an administrative fee of 10% to reimburse LAVISTA for the cost of collecting and remitting the OMAHA sewer connection fee on OMAHA's behalf. Additionally, LAVISTA shall direct new commercial or residential developments outside the LAVISTA wastewater service area but within the LAVISTA extraterritorial jurisdiction to the Environmental Quality Control Division (QCD) of OMAHA or Sarpy County Permits and Planning so that a wastewater service agreement can be developed and executed with the entity owning the interceptor or outfall sewer to be tapped.
6. **LAVISTA Design Standards:** As provided by State law, LAVISTA will maintain control over the platting of property within its extraterritorial jurisdiction and over the design of sewer collection facilities in all such platting. LAVISTA sewer design standards will meet or exceed OMAHA'S then applicable minimum design standards for all areas served by the OMAHA treatment system.
7. **Non-Domestic Waste Contribution, Curative Action:** At such time as the zoning or the intended use of the area covered by this agreement changes such that there is a likelihood for significant and measurable non-domestic wastewater contribution, LAVISTA shall construct and maintain metering and sampling manhole(s). The first six (6) feet of riser

above the floor of such manhole shall be a minimum of seventy-two inches in diameter and shall be equipped with a primary measuring device.

- a. The location of each such manhole and selection of suitable primary device shall be approved by the Environmental QCD of OMAHA and consistent with City of Omaha Standard Plate 3-18.
- b. LAVISTA shall provide a hard surfaced road to each such manhole.
- c. Should LAVISTA fail to properly install any such monitoring manhole in a reasonable period after written notice, OMAHA may perform such construction and other activities necessary to provide a suitable monitoring manhole and charge LAVISTA for all associated costs.

8. **Rehabilitation or Rerouting of the LAVISTA Sewer System:** LAVISTA shall timely notify the OMAHA Environmental Quality Control Division of any proposed rehabilitation or rerouting of the collection or outfall sewer system within the LAVISTA wastewater service area.

9. **Interceptor Connection Agreements Required:** No NEW direct connections to the OMAHA interceptor system after execution of this agreement shall occur without the execution of an Interceptor Connection agreement and a written administrative wastewater service agreement amendment signed by the Public Works Directors of LAVISTA and OMAHA. Such connections shall be based upon sound engineering principles and shall not be unreasonably or inequitably withheld. Any such new connections made prior to completion of a signed Interceptor Connection agreement shall be subject to inspection fees ten times the current fees for interceptor connection inspections.

10. **Prior Direct Connections:** Prior to the date of execution of this agreement, within the LAVISTA service area or LAVISTA extraterritorial jurisdiction, developments have been connected onto OMAHA interceptor or outfall sewers without OMAHA'S permission or inspection. OMAHA agrees that these existing direct connections shall not be subject to fines or penalties for such unauthorized connections. LAVISTA agrees to perform and supply OMAHA copies of all inspections of these connection points performed by or under the supervision of a registered professional engineer. Copies of inspection reports done at the time of connection may be supplied in lieu of 2009 inspection reports of each connection point.

11. **Retroactive Assessment of OMAHA Sewer Connection Fees:** OMAHA desires to recover all applicable sewer connection fees from lots developed in the shaded area of Exhibit C-2008 since June 1, 2007 and prior to the signing of this agreement. LAVISTA agrees to prepare and supply OMAHA with an audit of building permits issued in the shaded area during this period and make payment of all applicable OMAHA sewer connection fees from sewer connection fees previously collected by LAVISTA. Retroactive OMAHA sewer connection fees shall be limited to the Omaha sewer connection fees actually collected by LAVISTA after June 1, 2007 less an administrative fee of 10% to reimburse LAVISTA for the cost of collecting and remitting the OMAHA sewer connection fee. Omaha may seek direct recovery with LAVISTA's cooperation, from the owners of property, if any, in the shaded area, previously connected to the sewer system, for which such fees have not been previously paid to LAVISTA.

12. **Connection Point Manholes:** A manhole shall be constructed at each connection point indicated on Exhibit A-2008 and all future connection points, such that the first six (6) feet of riser above the floor of the manhole is a minimum of fifty-four inches in diameter. The

location of each such manhole shall be approved by the Environmental QCD of the City of Omaha.

13. **Wastewater Sampling Locations:** LAVISTA is responsible for providing and maintaining sampling locations suitable and representative of the wastewater contributed by their wastewater service area. Maintenance shall include, but not be limited to, cleaning and removal of accumulated grit deposits on a regular schedule. Any sampling of major connection points will be done on a seasonal rotation as is administratively determined to be equitable in order to best represent the annualized strength of the wastewater contributed to the OMAHA treatment system.
14. **Ongoing Monthly Sewer Service Charges:** OMAHA'S charges to the LAVISTA wastewater service area shall in part be based upon data from Metropolitan Utilities District (MUD) billing records (or private water sources where applicable). The OMAHA wastewater treatment system is a regional service provider in the two-county area and OMAHA wishes to receive the water account detail information on all MUD water accounts. LAVISTA hereby authorizes MUD to provide this monthly detail information directly to OMAHA. An alternate water service provider or billing system may be utilized by amending the wastewater service agreement. Sewer service charges as now and hereafter established in the Omaha Municipal Code, currently Chapter 31, Article IV, shall apply and shall include each of the following types of charges:
  - a. the customer charge assessed to a Bulk I customer, for the first connection point (additional connection points will not result in a new charge), plus
  - b. the customer charge assessed to Bulk II customers times the number of Bulk II customers in the LAVISTA wastewater service area each month, plus
  - c. the residential sewer usage (actual water usage or sewer base, whichever is less) times the Bulk I wholesale flow charge, plus
  - d. the actual monthly water consumption for all commercial and industrial meters times the Bulk I wholesale flow charge, plus
  - e. an abnormal charge on the total flow if the wastewater is determined to have strengths greater than 240 mg/L Biochemical Oxygen Demand and/or 300 mg/L Suspended Solids.
15. **Transfer of Direct Retail Customer Billing from OMAHA to LAVISTA:** Upon execution of this agreement, OMAHA and LAVISTA will collaborate to create a listing of accounts within the LAVISTA wastewater service area designated on Exhibit A-2008 but outside of the corporate limits of the LAVISTA. OMAHA and LAVISTA will jointly authorize MUD to use this listing of accounts to change MUD account coding such that the direct retail sewer billing rights and responsibilities for each account will transfer from OMAHA to LAVISTA.
16. **Sharing OMAHA Retail Sewer Use Fees Collected in the LAVISTA Exhibit A-2008 Service Area:** OMAHA and LAVISTA agree to share the OMAHA retail sewer fees collected in the expanded wastewater service area designated on Exhibit A-2008 for the time period between the first LAVISTA retail sewer billing of the list of transferred accounts and MUD water billings issued in June 2007. OMAHA and LAVISTA will collaborate to add accounts annexed by LAVISTA in the last quarter of 2007 to the listing of accounts created in paragraph 15. This combined listing of transferred and annexed accounts will be used to calculate a credit LAVISTA will be able to apply to future monthly LAVISTA wholesale

sewer billings from OMAHA. The credit will be the difference between OMAHA retail sewer charges invoiced to the combined list of customers and the wholesale sewer charges LAVISTA would have been assessed by OMAHA for the same listing of accounts less the monthly per bill fee that MUD assessed OMAHA for the retail billing service.

17. **Identification and Coding New Construction in the LAVISTA ETJ:** LAVISTA and OMAHA agree to establish a shared procedure to identify and code addresses from new construction in the LAVISTA extraterritorial jurisdiction in order to assist MUD with the accurate assignment of watershed and billing codes used to sort and query the master MUD database of accounts.
18. **Monthly Summary Report to OMAHA QCD:** Within 20 calendar days after receipt of billing statements from MUD, LAVISTA will provide the OMAHA Environmental QCD with the summary report containing the water and sewer billing information from the previous month. A sample format for the summary report is attached as Exhibit D-2008; this report may be administratively changed and updated by the parties. LAVISTA will make the backup data summarized on the monthly report available for QCD review on a request basis. OMAHA shall provide LAVISTA with an invoice for billing no later than 30 days after receipt of the complete summary reports.
19. **Penalties for Delinquent Summary Reports:** On any month where the summary reports are not made available to OMAHA within 20 calendar days after LAVISTA receives billing statements from MUD for the preceding month, OMAHA may assess LAVISTA a late charge of twenty-five dollars (\$25) per day for each day that the information is not available after having given LAVISTA a written notice of the intent to levy such charges if the reports are not provided within 5 calendar days of such notice. On any month where OMAHA has not submitted an invoice to LAVISTA by the 30<sup>th</sup> day after summary reports are provided to OMAHA, LAVISTA may assess OMAHA a late charge of twenty-five dollars (\$25) per day for each day that the invoice is not available after having given OMAHA a written notice of the intent to levy such charges if the invoices are not provided within 5 calendar days of such notice.
20. **Notice of Changes to Wholesale Sewer Service Charges:** OMAHA shall give LAVISTA a minimum of 90-day written notice of the intent to change wholesale sewer service charges. Such charges are only changed by approval of the OMAHA City Council following at least one public hearing on the same. The multiyear schedule of charges in the Omaha Municipal Code, currently Chapter 31, Article IV meets the written notice criteria through calendar year 2010.
21. **2011 Expansion of the LAVISTA Wastewater Service Area:** LAVISTA wishes to provide for a future wastewater service retail area expansion to become effective with MUD water billings issued in January 2011. At that time, OMAHA shall switch to providing bulk sewage treatment services as called for in said GENERAL PROVISIONS and as generally described in paragraph 14 above, for the service area designated on Exhibit E-2011, prepared by LAVISTA and submitted to OMAHA. The 2011 wastewater service area expansion covers only the drainage areas designated on Exhibit E-2011 and shown in Table B-2011 immediately following. During the fourth quarter of 2010, LAVISTA and OMAHA agree to collaborate to create a listing of accounts within the LAVISTA wastewater service area designated on Exhibit E-2011 paying retail OMAHA sewer use fees but outside of the wastewater service area designated on Exhibit A-2008. OMAHA and LAVISTA will jointly authorize MUD to use this listing of accounts to change MUD account coding such that the direct retail sewer billing rights and responsibilities for each account will transfer from OMAHA to LAVISTA effective with MUD water billings issued in January 2011.

**Table B-2011 LaVista Connection Points to the Omaha Treatment System (West of I80)**

Connection Point	Name	# of Lots	Area/Subdivision Served
W	Stonybrook No. 5	235	Millard Highlands So. & Part of Centech
X	Stonybrook No. 6	31	Part of Centech
Y	Stonybrook No. 7	645	Millard Highlands So. & Stoneybrook South
Z	Stonybrook No. 8	11	Chalco Valley Bus. Park
AA	Stonybrook No. 9	146	Stonybrook South
BB	Stonybrook No. 10	62	Pt. Millard Highlands So. & Bella La Vista
CC	Harrison No. 3	6	Performance Auto & Attic Storage
DD	Harrison No. 4	533	Millard Highlands So.

22. **Original Term of Agreement; Agreement Termination or Continuation:** As provided by Nebraska law (R.R.S. 14-365.09), this agreement will, unless extended as provided below, terminate ten (10) years after its effective date. This agreement may be extended by written amendment. OMAHA acknowledges its sewage treatment system is a public utility available without discrimination to members of specified classes. Termination of sewage treatment will not be made without the approval of the appropriate state or federal agencies having jurisdiction over wastewater pollution and treatment. Termination of sewage treatment service will not be made before ninety (90) days following written notice of such termination. It is acknowledged that during said period, if negotiations produce no new agreement, the parties, or any one of them, may file an action in any court having jurisdiction over the matter to provide equitable relief concerning the issue of continued sewage system connection and treatment (which the parties hereto admit is a vital public health service) and the conditions and charges appropriate thereto. Nothing in this paragraph will be construed as a limitation on the regulations concerning sewage/wastewater service and the appropriate rates pertaining thereto. This agreement (and all documents referenced herein, which are incorporated herein by this reference) constitutes the complete and entire understanding and agreement parties with respect to the subject matter hereof, and shall supersede any and all prior agreements and understandings, both oral and written, between the parties regarding said subject matter.

23. **No Third Party Beneficiaries:** This is an agreement between the named parties hereto, enforceable only by them. No third party beneficiaries are created or allowed to enforce this agreement or claim damages for its breach.

24. **Exhibit Schedule:** Attached hereto are the following Exhibits prepared by Thompson, Dreessen & Dorner, Inc. depicting the current status as of date noted and made a part of this Wastewater Service Agreement effective upon execution of this Agreement.

a.	<u>Exhibit A-2008</u>	<u>December 2008</u>	<u>Current La Vista Wastewater Service Area</u>
b.	<u>Exhibit B-2008</u>	<u>December 2008</u>	<u>Existing Boundaries of La Vista ETJ and Related Data</u>
c.	<u>Exhibit C-2008</u>	<u>December 2008</u>	<u>Stonybrook Area Subject to Omaha Connection Fees</u>
d.	<u>Exhibit D-2008</u>		<u>Sample Form of Summary Report Sheet</u>
e.	<u>Exhibit E-2011</u>	<u>December 2008</u>	<u>2011 Expansion of La Vista Wastewater Service Area</u>

**NOTE: LA VISTA FUTURE WESTERN ETJ IS NOT DEPICTED ON ANY EXHIBIT**

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed by the proper officials thereunto duly authorized as of the dates below indicated.

EXECUTED BY LAVISTA this \_\_\_\_\_ day of \_\_\_\_\_, 2008

ATTEST:

\_\_\_\_\_  
City Clerk

CITY OF LAVISTA:

\_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
John J. Johnson  
City Attorney

EXECUTED BY OMAHA this 5<sup>th</sup> day of MARCH, 2008

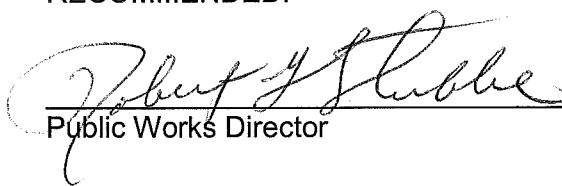
ATTEST:

\_\_\_\_\_  
City Clerk

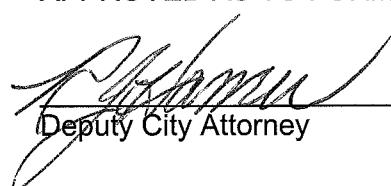
CITY OF OMAHA:

\_\_\_\_\_  
Mike Jolley  
Mayor

RECOMMENDED:

  
\_\_\_\_\_  
Robert Y. Shubbe  
Public Works Director

APPROVED AS TO FORM:

  
\_\_\_\_\_  
T. Schuman 2/1/09  
Deputy City Attorney

**ADDENDUM TO AGREEMENT  
FOR WASTEWATER SERVICE BETWEEN CITY OF OMAHA, NEBRASKA  
AND CITY OF LAVISTA, NEBRASKA**

This Addendum to Agreement for Wastewater Service Between City of Omaha, Nebraska and City of LaVista, Nebraska (herein the "Wastewater Service Agreement"), entered into this \_\_\_\_ day of \_\_\_\_\_, 2009, by and between The City of LaVista, Sarpy County, Nebraska (hereinafter called "LaVista"), a Municipal Corporation in the State of Nebraska, and the City of Omaha, Douglas County, Nebraska (hereinafter called "Omaha"), a Municipal Corporation in the State of Nebraska, do amend said Agreement as follows:

WHEREAS the parties to this Addendum to the aforescribed Wastewater Service Agreement have agreed to modify the terms of said Agreement in the following particulars:

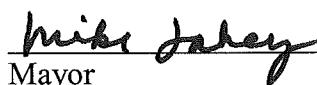
1. Nothing in this Agreement precludes LaVista from imposing and collecting sewer connection fees on its own behalf anywhere it is otherwise authorized by law to collect. Without limitation of the foregoing, such right may be exercised by LaVista in those areas where LaVista is collecting connection fees on behalf of Omaha.

2. The administrative fee to be paid by Omaha to LaVista for collecting and remitting to Omaha such sewer connection fees as LaVista may collect on behalf of Omaha is hereby revised to be 5% rather than 10%, and lines 5 and 10 of Paragraph Fifth of the Agreement are amended to reflect the agreed reduced rate of 5% which rate shall be applicable without regard to the character of the connected property.

3. Omaha reserves the right to charge its own lawful sewer connection fees for the purpose of constructing its own interceptor sewer(s). Should such construction occur, it shall be at no cost to LaVista.

It is the intent of the parties that the provisions hereof become effective simultaneously with the Wastewater Service Agreement that it amends.

CITY OF OMAHA:

  
\_\_\_\_\_  
Mike Jolley  
Mayor

CITY OF LAVISTA:

\_\_\_\_\_  
Mayor

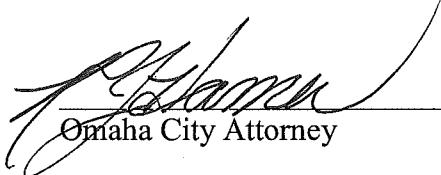
ATTEST:

  
\_\_\_\_\_  
Betsy Brown 3/5/08  
City Clerk

ATTEST:

\_\_\_\_\_  
City Clerk

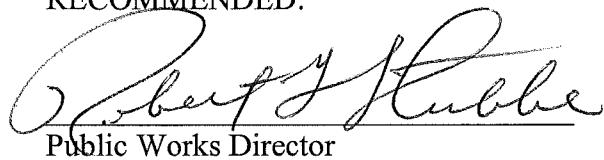
APPROVED AS TO FORM:

  
\_\_\_\_\_  
Omaha City Attorney

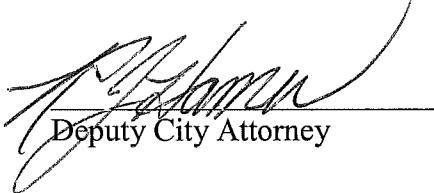
APPROVED AS TO FORM:

\_\_\_\_\_  
LaVista City Attorney

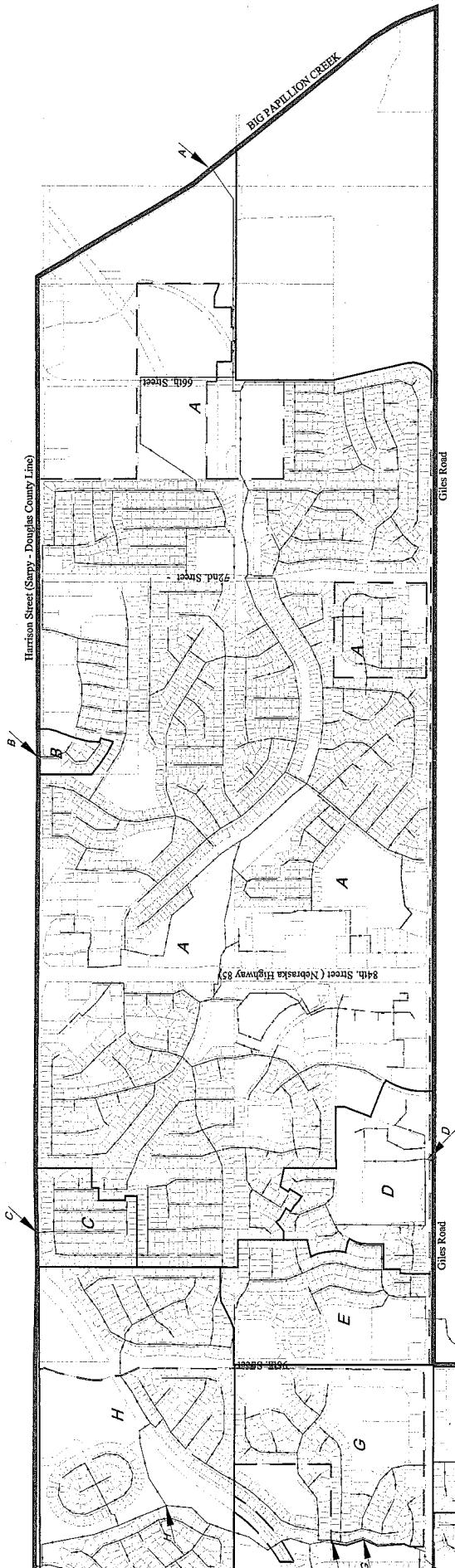
RECOMMENDED:

  
\_\_\_\_\_  
Public Works Director

APPROVED AS TO FORM:

  
\_\_\_\_\_  
2/11/09  
Deputy City Attorney

EXECUTED BY OMAHA this \_\_\_\_ day  
of \_\_\_\_\_, 2009



SANITARY SEWER LEGEND

	(WSA) WASTEWATER SERVICE AREA BOUNDARY
	APPROXIMATE LOCATION OF INDIVIDUAL OUTFALLS
	INDIVIDUAL OUTFALL DRAINAGE AREAS
	INDIVIDUAL OUTFALL CONNECTION POINTS
	CITY LIMITS BOUNDARY
	SEWERS
	(EJ) EXTRA TERRITORIAL JURISDICTION AREA BOUNDARY FOR CITY OF LA VISTA

*City of La Vista*  
EXHIBIT A - 2008  
WASTEWATER SERVICE AGREEMENT  
WITH CITY OF OMAHA

Date: December 2008

SHEET 1 OF 2



**THOMPSON, DREESSEN & DORNER, INC.**  
Consulting Engineers & Land Surveyors  
10836 OLD MILL ROAD  
OMAHA, NEBRASKA 68154  
PHONE: 402.330.8880 FAX: 402.330.5666 EMAIL: TD2MAIL@TD2.COM  
WEBSITE: WWW.TD2.COM

THIS MAP PREPARED BY:



171233 OMAHA SEWER RENEWAL EXHIBIT 208 11X1.DWG







(ETJ & WSA)



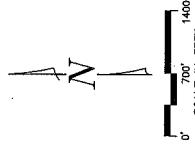
**City of La Vista**  
**EXHIBIT C - 2011**  
**WASTEWATER SERVICE AGREEMENT**  
**WITH CITY OF OMAHA**

Date: December 2008

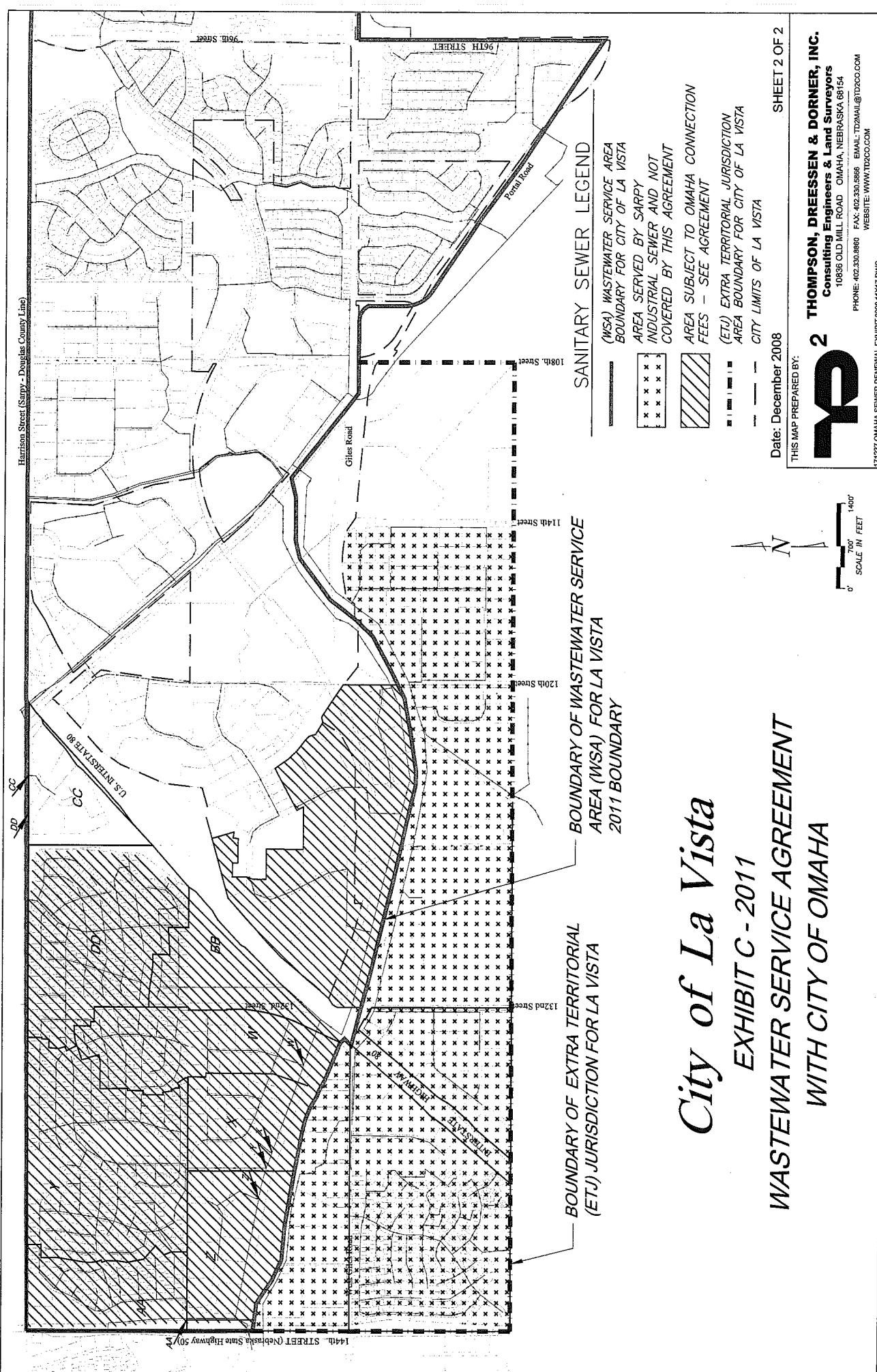
SHEET 1 OF 2

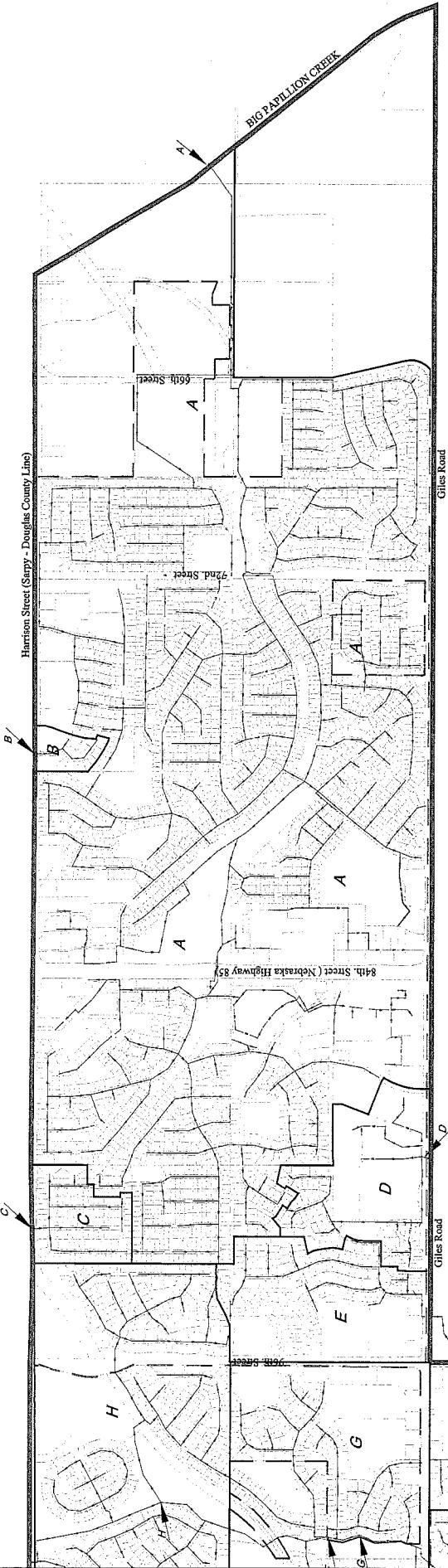
**TD 2 THOMPSON, DREESSEN & DORNER, INC.**  
Consulting Engineers & Land Surveyors  
10826 OLD MILL ROAD OMAHA, NEBRASKA 68154  
PHONE: 402.330.8660 FAX: 402.330.5668 EMAIL: TD2MAIL@TD2CO.COM  
WEBSITE: WWW.TD2CO.COM

117237 OMAHA SEWER RENEWAL EXHIBIT 2008.1X7.DWGS



700  
1400'  
SCALE IN FEET





CONNECTION POINT	NAME OF OUTFALL	SANITARY SEWER LEGEND
A	Big Pao No. 1	(WSA) WASTEWATER SERVICE AREA BOUNDARY
B	Harrison No. 1	— APPROXIMATE LOCATION OF INDIVIDUAL OUTFALLS
C	Harrison No. 2	— INDIVIDUAL OUTFALL DRAINAGE AREAS
D	Papillion No. 1	— INDIVIDUAL OUTFALL CONNECTION POINTS
E	West Papio No. 5	— CITY LIMITS BOUNDARY
F	Applewood No. 1	— SEWERS
G	Applewood No. 2	— (ETO) EXTRA TERRITORIAL JURISDICTION
H	Applewood No. 3	— AREA BOUNDARY FOR CITY OF LA VISTA
I	West Papio No. 1	
J	Hell Creek No. 1	
K	Hell Creek No. 2	
L	Hell Creek No. 3	
M	Applewood No. 4	
N	Stonybrook No. 1	
O	Stonybrook No. 2	
P	Stonybrook No. 3	
Q	West Papio No. 2	
R	West Papio No. 3	
S	Hell Creek No. 4	
T	West Papio No. 7	
U	West Papio No. 6	
V	Stonybrook No. 4	
W	Stonybrook No. 5	
X	Stonybrook No. 6	
Y	Stonybrook No. 7	
Z	Stonybrook No. 8	
A1	Stonybrook No. 9	
A2	Stonybrook No. 10	
BB	Harrison No. 3	
CC	Harrison No. 4	
DD	West Papio No. 4	
EE		

**City of La Vista**  
**EXHIBIT E - 2011**  
**WASTEWATER SERVICE AGREEMENT**  
**WITH CITY OF OMAHA**

Date: December 2008

SHEET 1 OF 2

**2 THOMPSON, DREESSEN & DORNER, INC.**  
**Consulting Engineers & Land Surveyors**  
 10836 OLD MILL ROAD OMAHA, NEBRASKA 68154  
 PHONE: 402.330.8866 FAX: 402.330.8860 EMAIL: TD200@TD200.COM  
 WEBSITE: WWW.TD200.COM



THIS MAP PREPARED BY:  
**2 TD**

SCALE IN FEET

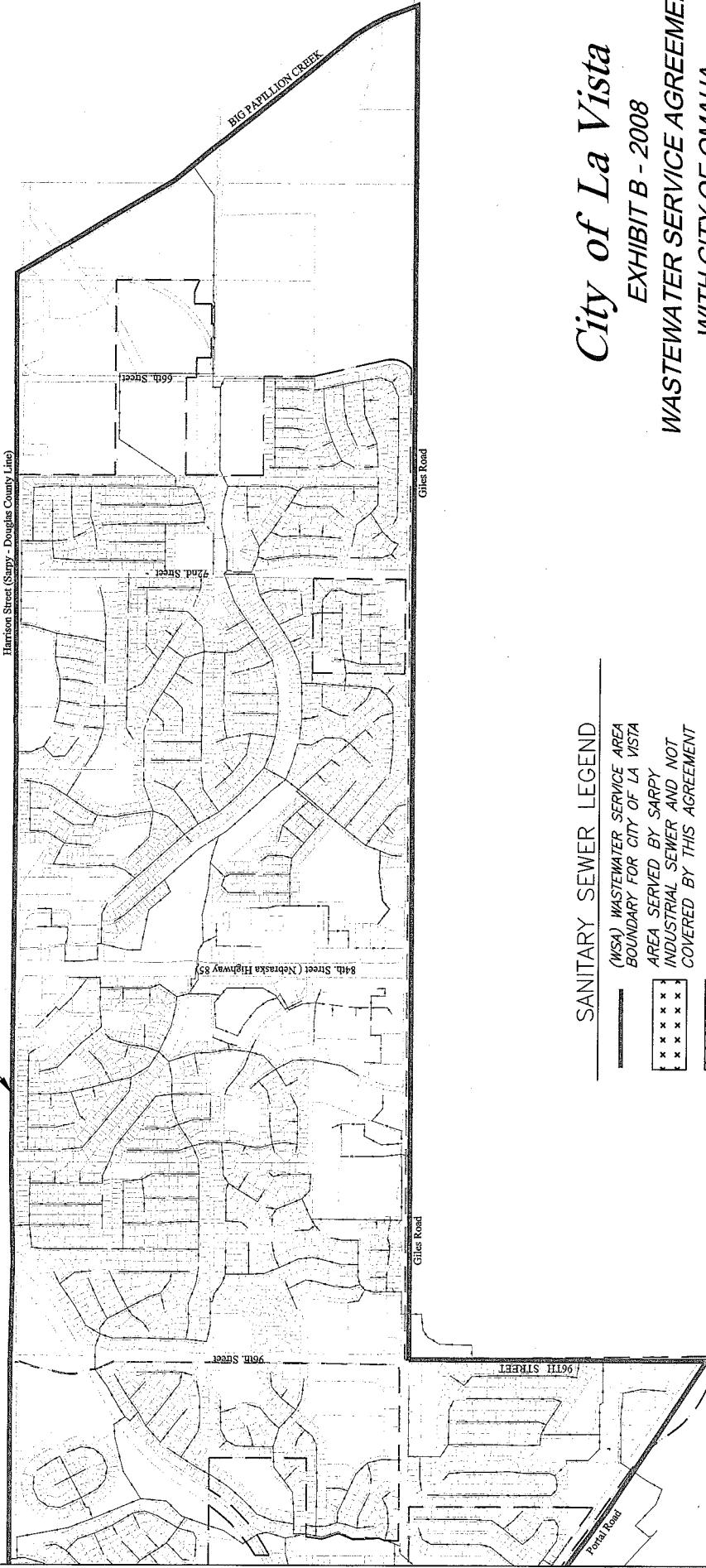
700' 1400'

6'

131237 OMAHA SEWER RENEWAL EXHIBIT 2008 11X17.DWG



**BOUNDARY OF WASTEWATER SERVICE AREA  
2011 BOUNDARY**



**SANITARY SEWER LEGEND**

- (WSA) WASTEWATER SERVICE AREA
- BOUNDARY FOR CITY OF LA VISTA
- AREA SERVED BY SARPY
- INDUSTRIAL SEWER AND NOT
- COVERED BY THIS AGREEMENT
- THIS AREA NOT SERVED BY SARPY
- INDUSTRIAL SEWER
- AREA TO BE ADDRESSED BY FUTURE AMENDMENTS
- TO LA VISTA WASTEWATER SERVICE AREA.
- (ETJ) EXTRA TERRITORIAL JURISDICTION
- AREA BOUNDARY FOR CITY OF LA VISTA
- CITY LIMITS OF LA VISTA

Date: December 2008

SHEET 1 OF 2

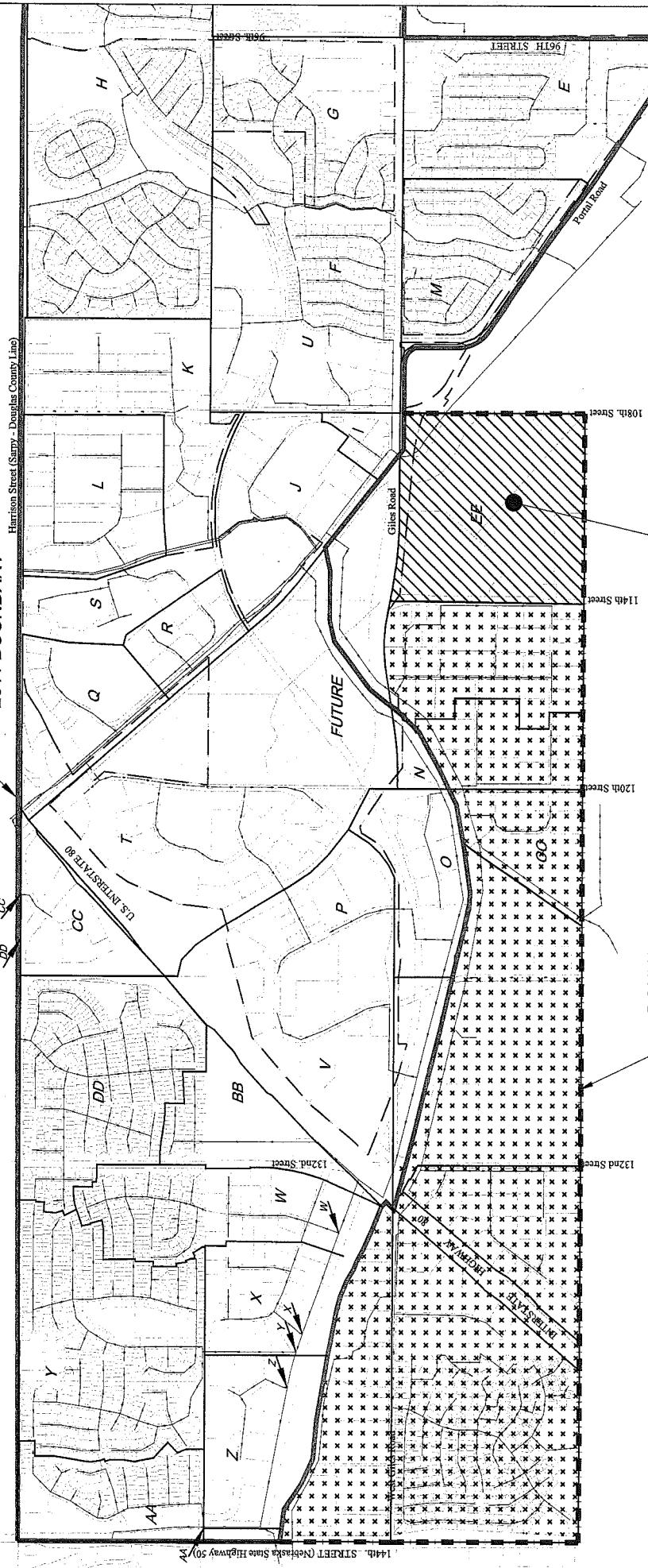


**THOMPSON, DREESSEN & DORNER, INC.**

**Consulting Engineers & Land Surveyors**  
10836 OLD MILL ROAD OMAHA, NEBRASKA 68154  
PHONE: 402.330.8860 FAX: 402.330.8866 EMAIL: TDMAIL@TDCCO.COM  
WEBSITE: WWW.TDCCO.COM

171237 OMAHA SEWER RENEWAL EXHIBIT 2008.11X17.DWG

**BOUNDARY OF WASTEWATER SERVICE AREA  
2011 BOUNDARY**



**SANITARY SEWER LEGEND**

- (WSA) WASTEWATER SERVICE AREA BOUNDARY FOR CITY OF LA VISTA
- AREA SERVED BY SARPY INDUSTRIAL SEWER AND NOT COVERED BY THIS AGREEMENT
- THIS AREA NOT SERVED BY SARPY INDUSTRIAL SEWER

- AREA TO BE ADDRESSED BY FUTURE AMENDMENTS TO LA VISTA WASTEWATER SERVICE AREA.
- (ETJ) EXTRA TERRITORIAL JURISDICTION AREA BOUNDARY FOR CITY OF LA VISTA
- CITY LIMITS OF LA VISTA

**BOUNDARY OF EXTRA TERRITORIAL  
(ETJ) JURISDICTION FOR LA VISTA**

NOTE: AREA IS NOT SERVED BY SARPY IND. SEWER

**City of La Vista  
EXHIBIT B - 2008  
WASTEWATER SERVICE AGREEMENT  
WITH CITY OF OMAHA**

Date: December 2008

THIS MAP PREPARED BY:

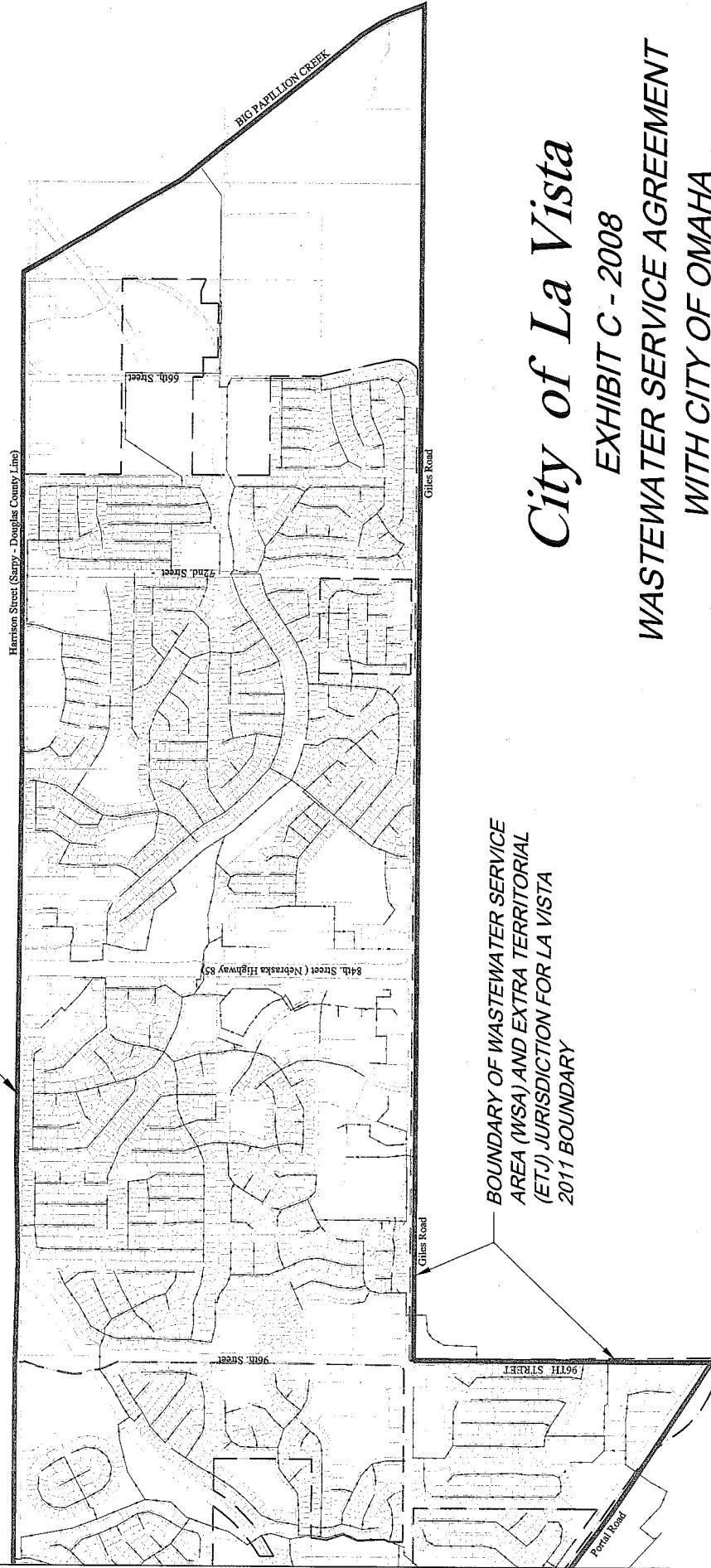
**THOMPSON, DREESSEN & DORNER, INC.**  
Consulting Engineers & Land Surveyors  
10836 OLD MILL ROAD OMAHA, NEBRASKA 68154  
PHONE: 402.330.8866 FAX: 402.330.8866 EMAIL: TDMAIL@TD2CO.COM WEBSITE: WWW.TD2CO.COM

SHEET 2 OF 2

700' 1400'  
SCALE IN FEET

171237 OMAHA SEWER RENEWAL EXHIBIT 2008.11X17.DWG

(ETJ & WSA)



**City of La Vista**  
**EXHIBIT C - 2008**  
**WASTEWATER SERVICE AGREEMENT**  
**WITH CITY OF OMAHA**

**SANITARY SEWER LEGEND**

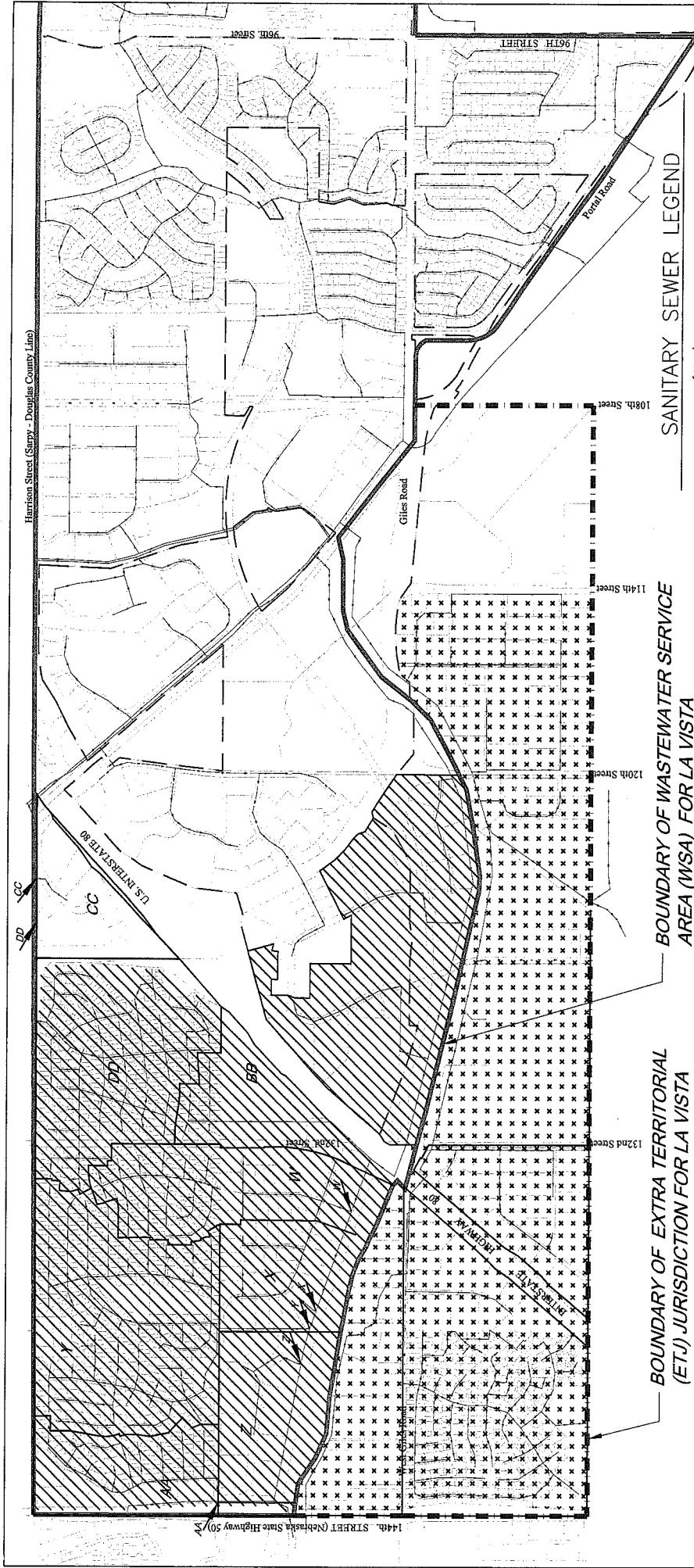
- (WSA) WASTEWATER SERVICE AREA  
BOUNDARY FOR CITY OF LA VISTA
- ××××× AREA SERVED BY SARPY  
INDUSTRIAL SEWER AND NOT  
COVERED BY THIS AGREEMENT
- AREA SUBJECT TO OMAHA CONNECTION  
FEES - SEE AGREEMENT
- (ETJ) EXTRA TERRITORIAL JURISDICTION  
AREA BOUNDARY FOR CITY OF LA VISTA
- CITY LIMITS OF LA VISTA

Date: December 2008

SHEET 1 OF 2

**2 THOMPSON, DREESSEN & DORNER, INC.**  
Consulting Engineers & Land Surveyors  
10836 OLD MILL ROAD OMAHA, NEBRASKA 68154  
PHONE: 402.330.5880 FAX: 402.330.5886 EMAIL: TD2MAIL@TD2CO.COM  
WEBSITE: WWW.TD2CO.COM

171237 OMAHA SEWER RENEWAL EXHIBIT 2008.11X17.DWG



**BOUNDARY OF WASTEWATER SERVICE AREA (MSA) FOR LA VISTA  
2011 BOUNDARY**

**SANITARY SEWER LEGEND**

- (MSA) WASTEWATER SERVICE AREA BOUNDARY FOR CITY OF LA VISTA
- AREA SERVED BY SARPY INDUSTRIAL SEWER AND NOT COVERED BY THIS AGREEMENT
- AREA SUBJECT TO OMAHA CONNECTION FEES - SEE AGREEMENT
- (ETJ) EXTRA TERRITORIAL JURISDICTION AREA BOUNDARY FOR CITY OF LA VISTA
- CITY LIMITS OF LA VISTA

Date: December 2008

THIS MAP PREPARED BY:



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

10836 OLD MILL ROAD   OMAHA, NEBRASKA 68154  
PHONE: 402.330.8680   FAX: 402.330.5886   EMAIL: TD2MAIL@TD2CO.COM  
WEBSITE: WWW.TD2CO.COM

SHEET 2 OF 2

**City of La Vista  
EXHIBIT C - 2008  
WASTEWATER SERVICE AGREEMENT  
WITH CITY OF OMAHA**



171237.OMAHA SEWER RENEWAL EXHIBIT 2008.11X17.DWG

**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**APRIL 7, 2009 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
INTERLOCAL COOPERATION AGREEMENT — LEAGUE ASSOCIATION OF RISK MANAGEMENT (LARM)	◆ RESOLUTION ORDINANCE RECEIVE/FILE	PAM BUETHE CITY CLERK

**SYNOPSIS**

A resolution has been prepared to establish that La Vista will continue its participation in the League Association of Risk Management (LARM) the next three years and will agree to provide 180 days notice should it intend to end participation in 2012.

**FISCAL IMPACT**

The City's participation in LARM has allowed stabilization of property and casualty insurance rates as well as worker's compensation insurance rates. Establishment of a three-year commitment will also provide a 5% discount to La Vista on its current year premiums.

**RECOMMENDATION**

Approval.

**BACKGROUND**

The City has been a member of LARM, an insurance pool established under the Intergovernmental Risk Management Act, since 1995. La Vista continues to be satisfied with LARM services and premiums remain stable in comparison to the insurance industry in general.

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA RELATING TO THE TERM OF PARTICIPATION IN THE LEAGUE ASSOCIATION OF RISK MANAGEMENT.

WHEREAS the City of La Vista is a member of the League Association of Risk Management (LARM); and

WHEREAS, section 8.10 of the Interlocal Agreement for the Establishment and Operation of the League Association of Risk Management provides that a member may voluntarily terminate its participation in LARM by written notice of termination given to LARM and the Director of Insurance at least 90 days prior to the desired termination date and that members may agree to extend the required termination notice beyond 90 days in order to realize reduced excess coverage costs, stability of contribution rates, and efficiency in operation of LARM; and

WHEREAS, the Board of Directors of LARM has adopted a plan to provide contribution credits in consideration of certain agreements by members of LARM; and

WHEREAS, the Mayor and City Council have determined that it is in the best financial interest of the City to extend the term of agreement by three years and establish notice of termination terms in order to receive participation discounts.

NOW THEREFORE, BE IT RESOLVED that the Mayor and City Council of the City of La Vista, Nebraska, in consideration of the contribution credits provided under the LARM Board's plan, agrees to provide written notice of termination at least 180 days prior to the desired termination date, which date shall be no sooner than September 30, 2012, and hereby authorize the Mayor to execute the necessary agreements to implement the action authorized herein.

PASSED AND APPROVED THIS 7TH DAY OF APRIL 2009.

CITY OF LA VISTA

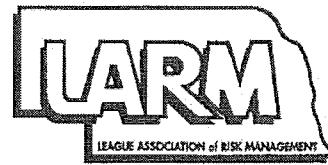
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Douglas Kindig, Mayor

ATTEST:

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Pamela A. Buethe, CMC  
City Clerk



3/11/2009

City of La Vista  
8116 Park View Boulevard  
La Vista, NE 68128-2198

Dear Board or Council Members,

The LARM Board of Directors is offering two options for Members to modify their annual contributions in the upcoming 2009/2010 coverage year, the **Participation Discount Plan** and the **Installment Plan**.

Once again, Members are being given the opportunity to take a 5% discount by extending their membership to September 30, 2012. The Participation Discount plan is illustrated in the chart below:

**Participation Discount Table**

Discount 180 Days Notice	Discount Multi Year Commitment	Additional Discount for Both	Discount Total
2%	2 % (3 year) – Sept 2012	1%	5%
2%	1% (2 year) - Sept 2011	1%	4%
2%	0% (1 year) + Sept 2010	0%	2%

LARM also offers a quarterly or a semi-annual **Installment Plan**. The additional charge for using an installment plan is 2% of the Member's total annual contribution.

Please complete the attached form by indicating your intention on both the **Participation Discount Plan**, and the **Installment Plan**. Please note that the Participation Discount Plan also requires a resolution to be passed by your Board or Council (sample attached).

If you have any questions about the options set forth on the attached form or resolution, please feel free to contact Yvonne Svec at (888) 553-5276.

Sincerely,

Shannon Novotny  
LARM Customer Service Representative

Enclosure:

**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**APRIL 07, 2009 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
AWARD CONTRACT — INSTALL AC IN COMPUTER/COMMUNICATIONS ROOM AT CITY HALL	◆ RESOLUTION ORDINANCE RECEIVE/FILE	PAT ARCHIBALD DIRECTOR PUBLIC BUILDINGS & GROUNDS

**SYNOPSIS**

A resolution has been prepared authorizing the installation of a Carrier 2 ton individual AC unit in the Computer/Communications Room at City Hall by Standard Heating and Air Conditioning of Omaha NE in an amount not to exceed \$5,190.00

**FISCAL IMPACT**

Funding is provided in the FY 08/09 General fund budget.

**RECOMMENDATION**

Approval.

**BACKGROUND**

When the City Hall Facility was constructed, the City had very little computer equipment. Since that time we have placed a considerable amount of equipment in the computer room. Currently the large air-handler and 60 ton AC unit are kept running 24 hours a day to cool the 8 x 12 room. The individual unit will allow us to turn off the large units which will save on utility bills and prevent premature wear on the large units.

It is recommended that the bid be awarded to Standard Heating and Air Conditioning Inc as the most responsible bidder. The Carrier brand unit is not the lowest bid but is recommended due to availability of parts and service.

Mixan Heating and Air Conditioning	Mitsubishi	\$5,912.00
Johnson Controls	Sanyo	No Bid
Standard Heating and Air Conditioning Inc.	Sea Breeze	\$4,677.00
	Carrier	\$5,190.00
	Sanyo	\$5,914.00

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, TO AWARD A CONTRACT TO STANDARD HEATING AND AIR CONDITIONING, OMAHA, NEBRASKA, FOR INSTALLATION OF A 2 TON INDIVIDUAL AIR CONDITIONING UNIT IN THE COMPUTER/COMMUNICATIONS ROOM AT CITY HALL IN AN AMOUNT NOT TO EXCEED \$5,190.00.

WHEREAS, the City Council of the City of La Vista has determined that the proposed improvement is necessary; and

WHEREAS, the FY 2008/09 General Fund provides funding for the proposed project.

WHEREAS, the Director of Public Buildings and Grounds solicited bids and recommends that a contract be awarded to Standard Heating and Air Conditioning, as the most responsible bidder; and

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

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska, that a contract be awarded to Standard Heating and Air Conditioning, Omaha, Nebraska, for installation of a 2 ton individual air conditioning unit in an amount not to exceed \$5,190.00, and that the Mayor is hereby authorized to execute said contract and the City Clerk is further directed to attest to the same.

PASSED AND APPROVED THIS 7TH DAY OF APRIL 2009

CITY OF LA VISTA

---

Douglas Kindig, Mayor

ATTEST:

---

Pamela A. Buethe, CMC  
City Clerk

# standard

HEATING AND  
AIR CONDITIONING, INC.

*"Committed to Excellence"*

3/20/09

City of La Vista  
8116 Park View Blvd  
La Vista, Ne 68128

Re: City of La Vista, 8116 Park View Blvd, La Vista

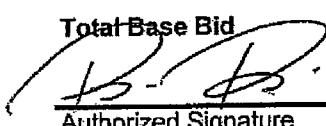
Standard Heating & Air Conditioning, Inc. is pleased to quote the following:

- Supply and install a Carrier 2 ton A/C only condenser
- Supply and install a Carrier 2 ton A/C only evaporator
- Supply and install a Carrier line set with formed fittings on both ends
- Supply and install drain line draining to the exterior of the building
- Supply and install wall mount brackets for condenser to mount to
- Supply and install condensate pump for drain line
- Supply and install low ambient for operations down to 0 deg F (-18 deg C)
- Includes all labor
- Includes all electrical
- Includes 5 year compressor warranty
- Includes 1 year parts warranty
- Includes 1 year labor warranty

Total Base Bid

\$

5,190.00 (Plus applicable tax)

  
Authorized Signature

Acceptance of Proposal

Date

11746 PORTAL RD • OMAHA, NE 68128-5524

PHONE 402.339.6700 • FAX 402.339.5809

# standard

HEATING AND

AIR CONDITIONING, INC.

*"Committed to Excellence"*

3/20/09

City of La Vista  
8116 Park View Blvd  
La Vista, Ne 68128

Re: City of La Vista, 8116 Park View Blvd, La Vista

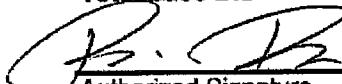
Standard Heating & Air Conditioning, Inc. is pleased to quote the following:

Supply and install a Sanyo 2 ton A/C only condenser  
Supply and install a Sanyo 2 ton A/C only evaporator  
Supply and install a Sanyo line set with formed fittings on both ends  
Supply and install drain line draining to the exterior of the building  
Supply and install wall mount brackets for condenser to mount to  
Supply and install condensate pump for drain line  
Supply and install low ambient for operations down to 0 deg F (-18 deg C)  
Includes all labor  
Includes all electrical  
Includes 5 year compressor warranty  
Includes 1 year parts warranty  
Includes 1 year labor warranty

Total Base Bid

\$

5,914.00 (Plus applicable tax)

  
Authorized Signature

Acceptance of Proposal

Date

11746 PORTAL RD • OMAHA, NE 68128-5524

PHONE 402.339.6700 • FAX 402.339.5809

# standard

HEATING AND  
AIR CONDITIONING, INC.

*"Committed to Excellence"*

3/20/09

City of La Vista  
8116 Park View Blvd  
La Vista, Ne 68128

Re: City of La Vista, 8116 Park View Blvd, La Vista

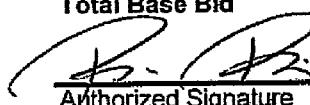
Standard Heating & Air Conditioning, Inc. is pleased to quote the following:

Supply and install a Sea Breeze 2 ton A/C only condenser  
Supply and install a Sea Breeze 2 ton A/C only evaporator  
Supply and install a Sea Breeze line set with formed fittings on both ends  
Supply and install drain line draining to the exterior of the building  
Supply and install wall mount brackets for condenser to mount to  
Supply and install condensate pump for drain line  
Supply and install low ambient for operations down to 0 deg F (-18 deg C)  
Includes all labor  
Includes all electrical  
Includes 5 year compressor warranty  
Includes 1 year parts warranty  
Includes 1 year labor warranty

Total Base Bid

\$

4,677.00 (Plus applicable tax)

  
Authorized Signature

Acceptance of Proposal

Date

11746 PORTAL RD • OMAHA, NE 68128-5524

PHONE 402.339.6700 • FAX 402.339.5809

MIXAN HEATING AND AIR CONDITIONING  
6222 S. 23<sup>RD</sup> STREET  
OMAHA NE, 68107  
(402-731-5070)                    FAX(402-731-3205)

DATE: 3-19-09

TO: City of La Vista

ATTENTION: Pat Archibald

FROM: David Jr.

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RE: Computer room A/C

We are pleased to provide a quote to supply and install a wall mounted Mitsubishi Mini-Mate per specifications in the computer room at City Hall. The condenser would be placed on the roof, the condensate drain will be run to the outside of the building with heat tape to keep it from freezing in the winter, and the electrical wiring will come from the closet panel up to the condensing unit on the roof and the wall mounted unit. The remote sensor will be mounted on the wall. Includes factory start-up and owner training. Includes mounting brackets for the condensing unit.

We exclude roof repair/penetrations, bond and tax.

Price \$5,912.00

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
APRIL 7, 2009 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
ADVERTISEMENT FOR BIDS – STREET SWEEPER	◆ RESOLUTION ORDINANCE RECEIVE/FILE	JOE SOUCIE PUBLIC WORKS DIRECTOR

**SYNOPSIS**

A resolution has been prepared authorizing the advertisement of bids for the purchase of a new Street Sweeper for the Public Works Department.

**FISCAL IMPACT**

The FY 2008/09 Street Operating Budget provides funding for the lease/purchase of a new street sweeper.

**RECOMMENDATION**

Approval

**BACKGROUND**

The new sweeper will replace a 1992 Johnson Sweeper. Industry life span for a street sweeper is 5 years. Public Works has been able to keep this unit operating for 17 years; one main reason is that we do not sweep every day. The current sweeper has been through several major overhauls; it has finally reached the point where it is not cost effective to sink any more money into the unit.

Advertise for Bids	April 8, 2009
Open Bids	April 23, 2009
Award Bid	May 5, 2009

A complete copy of the specifications is on file in the Office of the City Clerk.

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE ADVERTISEMENT FOR BIDS FOR THE PURCHASE OF A NEW STREET SWEEPER FOR THE PUBLIC WORKS DEPARTMENT.

WHEREAS, the City Council has determined that the purchase of a new Street Sweeper for the Public Works Department is necessary, and

WHEREAS, the FY 2008/09 Street Operating Budget provides funding for the purchase of said Street Sweeper, and

WHEREAS, the Public Works Street Superintendent has prepared specifications for said Street Sweeper.

NOW, THEREFORE BE IT RESOLVED, that the City Administrator is hereby authorized to advertise for bids for the purchase of a new Street Sweeper in accordance with specifications prepared by the Public Works Street Superintendent and said bids are to be opened and publicly read aloud at 2 p.m. at La Vista City Hall, 8116 Park View Blvd., La Vista, Nebraska on April 23, 2009.

Advertise for Bids – April 8, 2009

Open Bids – April 23, 2009

Award Bid – May 5, 2009

PASSED AND APPROVED THIS 7TH DAY OF APRIL, 2009

CITY OF LA VISTA

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Douglas Kindig, Mayor

ATTEST:

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Pamela A. Buethe, CMC  
City Clerk

## EQUIPMENT SPECIFICATIONS

### MECHANICAL STREET SWEEPER

The sweeper to be furnished under this proposal shall be, high dump hopper, hydrostatic drive, and minimum 5 cubic yard hopper capacity with dual gutter broom system. It shall be the manufacturer's latest model and design. Any deviations, deletions or variations from these specifications must be stated. These specifications shall be regarded as MINIMUM. Bidders must furnish descriptive literature, manufacturer's compliance certificates and all other necessary data on the equipment proposed to be furnished.

Meets Specification – Please indicate – (if other explain on comment line)

YES    NO    OTHER

#### **1. HOPPER**

- \_\_\_\_\_ 1.1 Hopper shall be high dump (9'6" minimum) capable of dumping into a dump truck or roll off container.
- \_\_\_\_\_ 1.2 Hopper shall have a minimum capacity of 3 cubic yards.
- \_\_\_\_\_ 1.3 Hopper shall have a lifting capacity of 12,000 lbs.
- \_\_\_\_\_ 1.4 Hopper shall carry a lifetime warranty. The warranty shall cover rust, corrosion, and abrasion perforation, including normal wear and tear.
- \_\_\_\_\_ 1.5 Hopper dump system shall have a safety lockout system to prevent any forward or reverse movement of the sweeper with hopper in the raised position.
- \_\_\_\_\_ 1.6 Hopper shall be raised and lowered by means of two 4" or larger diameter hydraulic cylinders.
- \_\_\_\_\_ 1.7 Hopper shall have a mechanically activated load discharge door which will open automatically when hopper is being raised and close automatically when hopper is being lowered.
- \_\_\_\_\_ 1.8 Hopper dump control shall be by means of a single cab dash mounted rocker switch.
- \_\_\_\_\_ 1.9 A dirt/debris deflector shall be mounted to the hopper to prevent engine compartment contamination.
- \_\_\_\_\_ 1.10 Hopper shall have a hopper full indicator.
- \_\_\_\_\_ 1.11 Hopper shall be equipped with an access door.

Other or Comment

---

YES    NO    OTHER

**2. CAB**

- \_\_\_\_\_ 2.1 Cab shall be fully enclosed and of all steel construction.
- \_\_\_\_\_ 2.2 Cab shall be attached to chassis frame by means of rubber mounts.
- \_\_\_\_\_ 2.3 Cab shall be dust and weather sealed and be equipped with factory installed air conditioning, heater and defroster.
- \_\_\_\_\_ 2.4 Limb guard protection shall be supplied
- \_\_\_\_\_ 2.5 Cab interior shall be sound suppressed and insulated with an in-cab noise level not exceeding 83 dBA.
- \_\_\_\_\_ 2.6 Cab shall be furnished with two seats, one being the primary operator's station and the other for the purpose of training and accompaniment by service staff for operator tutoring.
- \_\_\_\_\_ 2.7 Operator's seat shall be single bucket air ride suspension type with cloth upholstery, dual arm rests, and shock absorbers.
- \_\_\_\_\_ 2.8 Operator and "buddy seat" shall have three point safety seat belts with shoulder and lap harnesses.
- \_\_\_\_\_ 2.9 AM/FM stereo radio with CD player.
- \_\_\_\_\_ 2.10 Cab shall have a single lever operated tilt and telescoping steering wheel.
- \_\_\_\_\_ 2.11 Cab shall have opening windows on both right and left sides.
- \_\_\_\_\_ 2.12 Cab shall have adequate storage space for driver's tool kit, lunch box, hard hat, coffee cup, coat, etc.
- \_\_\_\_\_ 2.13 Cab shall have dual west coast mirrors with extended frames and 12" convex sweeping mirrors on both sides.
- \_\_\_\_\_ 2.14 Cab shall have a tinted safety glass throughout and gradient tinted band on windshield.
- \_\_\_\_\_ 2.15 Cab door hinges shall be fitted with grease fittings or constructed of stainless steel to prevent corrosion.

Other or Comment \_\_\_\_\_

YES    NO    OTHER

**3. ENGINE**

- 3.1 Sweeper shall be powered by a minimum, Tier 3, four-cylinder, Turbo charged diesel engine with a horsepower rating of at least 100 HP @ 2500 engine RPM and a net torque rating of 270 ft. lbs. at 1400 RPM. All sweeper functions and drive systems shall be powered by this engine.
- 3.2 Engine shall have a two stage dry type air cleaner with safety element and restriction indicator.
- 3.3 Engine shall be fitted with a pusher fan with special "EJECTOR" blades for centrifugal ejection of ambient dust particles from engine compartment.
- 3.4 Engine shall be water cooled by aid of a radiator of swing-away design and have grease fittings in the hinges.
- 3.5 Antifreeze protection for engine shall be not less than minus (-) 40 degrees Fahrenheit.
- 3.6 Engine shall automatically shut down and dispose itself from re-starting if any attempt is made to unlatch radiator or oil cooler away from their locked positions.
- 3.7 Engine shall be protected against damage by means of anti-crank device which will prevent re-engagement of starter while the engine is running.
- 3.8 Engine shall have an air restriction indicator in cab.
- 3.9 Engine shall have an air/pre-cleaner, Turbo II (HD).
- 3.10 Engine shall have a safety shutdown.

Other or Comment

YES    NO    OTHER

**4. TRACTION SYSTEM**

- 4.1 Traction system shall be fully hydrostatic and capable of variable speed up to 25 MPH.
- 4.2 Direction and speed selection shall be controlled by means of a dash mounted four position quadrant shifter and vernier throttle control with integral quick release feature.
- 4.3 Engine mounted traction pump shall be variable displacement axial piston type.
- 4.4 The broom and elevator speed shall be independent of vehicle speed.

- \_\_\_\_\_ 4.5 The traction drive system shall be capable of being shifted from "LOW" to "HIGH" while the sweeper is in motion.
- \_\_\_\_\_ 4.6 The traction pump and motors shall be relief valve protected.
- \_\_\_\_\_ 4.7 Operational control shall be by means of a single automotive type foot pedal.
- \_\_\_\_\_ 4.8 The traction system shall provide braking assistance when control pedal is released.

Other or Comment \_\_\_\_\_

YES NO OTHER

**5. ELEVATOR**

- \_\_\_\_\_ 5.1 The elevator shall be constructed of a continuously molded rubber belts and replaceable corded rubber squeegee tips.
- \_\_\_\_\_ 5.2 Elevator sprockets shall be of split flange type to enable replacement without having to remove belts and shafts.
- \_\_\_\_\_ 5.3 Elevator sprockets shall have hardened steel teeth for longevity.
- \_\_\_\_\_ 5.4 Elevator flight bars shall be constructed of 2" x 1/2" aluminum angle.
- \_\_\_\_\_ 5.5 Elevator speed shall be variable and reversible.
- \_\_\_\_\_ 5.6 Elevator belt shafts shall be of split design to facilitate easy belt replacement.
- \_\_\_\_\_ 5.7 Elevator drive shall be direct hydraulic with relief cartridge protection.
- \_\_\_\_\_ 5.8 Elevator shall have an adjustable throw plate and deflector system to ensure even hopper loading and prevent debris from back spilling.
- \_\_\_\_\_ 5.9 Elevator shall have a flasher system.
- \_\_\_\_\_ 5.10 Elevator shall have stall alarm installed.
- \_\_\_\_\_ 5.11 Elevator height shall be adjustable.

Other or Comment \_\_\_\_\_

YES    NO    OTHER

**6. HYDRAULIC SYSTEM**

- 6.1 Hydraulic oil reservoir system shall consist of two frame mounted tower tanks, each with an oil capacity of 18 gallons. The residual oil capacity shall be an additional 5 gallons for a total system capacity of 41 gallons.
- 6.2 Each hydraulic tank shall be dedicated to specific sweeper functions and shall have "low oil level" probes with dash mounted warning systems to alert operator of impending malfunctions.
- 6.3 The hydraulic system MUST include the following filtration elements:
  - 6.3.1 Each tank neck fill strainer must be rated at a minimum 40 microns.
  - 6.3.2 Each tank MUST have its own suction strainer rated at a minimum 100 mesh.
  - 6.3.3 A suction filter with restriction gauge MUST be supplied with a minimum rating of 10 microns.
  - 6.3.4 A return filter with a minimum rating of 10 microns MUST be supplied.
  - 6.3.5 A high pressure filter complete with restriction status indicator shall be supplied.
  - 6.3.6 Each hydraulic tank shall be provided with 5 lb. pressurized fill cap.
  - 6.3.7 Each hydraulic tank shall contain a magnetized drain plug probe.

Other or Comment

YES    NO    OTHER

**7. PICKUP BROOM**

- 7.1 Pickup broom shall be 32" diameter and 58" long minimum.
- 7.2 Pickup broom drive shall be direct hydraulic, variable speed with relief valve protection.
- 7.3 Pickup broom shall be hydraulically raised and lowered by a single, in cab dash mounted rocker switch.
- 7.4 Pickup broom shall be self adjusting for pressure and wear.

\_\_\_\_\_ 7.5 Pickup broom motors shall have a shaft and seal protection device which will prevent the ingress of damaging wire, cassette tape, fishing line, etc.

Other or Comment \_\_\_\_\_

YES NO OTHER

## 8. GUTTER BROOMS

\_\_\_\_\_ 8.1 Gutter brooms (right & left sides) shall be a minimum of 36" in diameter and each shall contain snap in "Tuff Grip" disposable segments.

\_\_\_\_\_ 8.2 Gutter broom drive shall be completely hydraulic and relief valve protected.

\_\_\_\_\_ 8.3 Gutter brooms shall be hydraulically lowered and raised by means of an in-cab, dash mounted rocker switch.

\_\_\_\_\_ 8.4 Provisions shall be made for gutter broom pressure adjustment by means of independent dash mounted switch gauges.

\_\_\_\_\_ 8.5 Gutter brooms shall be free floating both horizontally and vertically and shall be impact protected.

\_\_\_\_\_ 8.6 Gutter broom curb angle adjustment shall be wrench free.

\_\_\_\_\_ 8.7 Gutter broom support towers shall have adjustable travel "stop" mechanisms.

\_\_\_\_\_ 8.8 Gutter broom motors shall have a shaft and seal protection device which will prevent the ingress of damaging wire, cassette tape, fishing line, etc.

Other or Comment \_\_\_\_\_

YES NO OTHER

## 9. WATER SYSTEM

\_\_\_\_\_ 9.1 Water tank capacity shall be 200 gallons minimum.

\_\_\_\_\_ 9.2 Water tank/s shall be constructed of corrosion proof polyethylene.

\_\_\_\_\_ 9.3 A water level indicator shall be dash mounted in cab.

\_\_\_\_\_ 9.4 Individual adjustable water delivery valves shall be installed in the sweeper cab to allow operator to control water sprays over main broom and both gutter brooms.

\_\_\_\_\_ 9.5 Water pump/s shall be "run dry" with total output rating of at least 7.2 gallons per minute shall be supplied.

9.6 An in line stainless steel mesh screen type filter with a clear view inspection bowl shall be installed in an accessible area and shall be capable of being checked, cleaned or changed without the use of tools.

9.7 A 15' hydrant hose, coupler with valve, and wrench shall be supplied.

Other or Comment \_\_\_\_\_

YES NO OTHER

#### 10. FUEL SYSTEM

10.1 Vehicle fuel system must be a minimum of 35 gallons.

10.2 Fuel system must incorporate a fuel/water separator system with built in primary fuel filter.

Other or Comment \_\_\_\_\_

YES NO OTHER

#### 11. DIRT SHOES

11.1 Dirt shoes shall be of parallel arm construction and be capable of floating over uneven surfaces, railroad tracks, raised manhole covers, etc.

Other or Comment \_\_\_\_\_

YES NO OTHER

#### 12. BRAKES

12.1 Service brakes shall be internal expanding drum type on rear wheels.

12.2 Parking brake shall be mechanically applied and hydraulically released internal expanding type.

12.3 Parking brake shall be automatically applied when sweeper is placed in "PARK" position or the hopper is raised.

12.4 Brake master cylinder shall have an auxiliary boost feature.

12.5 Standard braking system shall be assisted by vehicle's inherent dynamic braking when control pedal ("GO" pedal) is released.

Other or Comment \_\_\_\_\_

YES    NO    OTHER

**13. STEERING**

13.1 Steering shall be hydrostatic type by means of an engine driven gear pump through an orbital hydraulic motor, and shall still be capable of operation in the event of engine shutdown.

Other or Comment

YES    NO    OTHER

**14. FRONT STEERING AXLE (IF EQUIPPED)**

14.1 Front assembly shall be of double strut steel fork configuration with its own full axle and bearings.

14.2 Front axle assembly shall be supported on both sides and shall have a weight and load matched suspension springs and shock absorbers.

14.3 Front axle configuration shall be such that the standard front steering road wheel shall be kept at a distance of NOT LESS THAN 55" away from the curb line to avoid front tire damage from broken bottles and other sharp debris.

14.4 Front axle shall also be available with optional dual tired road wheel with full independent rubber spring and shock protected suspension.

Other or Comment

YES    NO    OTHER

**15. FRAME**

15.1 Frame shall be constructed of 4 gauge, high strength low alloy steel (HSLA 50 or equivalent) with an RBM rating of 831,500 inch pounds and a minimum yield strength of not less than 50,000 pounds per square inch.

15.2 Frame shall be 13" x 3" 'C' section channel.

15.3 Frame shall incorporate tow points front and rear.

15.4 A tool / storage compartment shall be supplied.

15.5 Frame attached gutter broom towers shall have reinforced cut outs to enable access to lower elevator bearings for ease of maintenance.

15.6 Dual rear drive tires to be fully suspended. (full suspension)

Other or Comment

YES    NO    OTHER

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## **16. ELECTRICAL SYSTEM 12 VOLT**

16.1 Battery/s shall be maintenance free and rated at a minimum 900 CCA.

16.2 A heavy duty 120 amp dust shielded alternator shall be supplied.

16.3 All electrical connections shall be sealed and no harness splices shall be allowed.

16.4 A sealed electrical systems locker shall be provided to house all electrical components and protect from exposure to dirt and inclement weather.

16.5 The system locker shall comprise of two compartments to separately house both high amperage and low amperage components.

16.6 All components within the locker shall be easily replaceable with minimum effort.

16.7 All rocker switches in cab shall be sealed, back lit, and function identified.

16.8 Bridge rectifiers shall be used in lieu of diodes and they shall be rated at 30 amps minimum.

16.9 A laminated electrical schematic shall be permanently attached to systems locker door for instant easy reference during troubleshooting or repair procedures.

16.10 Two sealed beam headlights with in dash high beam indicator shall be standard.

16.11 Two speed windshield wiper with adjustable intermittent feature shall be provided.

16.12 Sweeper shall be supplied with dual stop and tail light combinations, dual gutter broom lights, rear license plate light and bracket, back up lights and reflectors, self canceling turn signals with hazard flashers, electrical back up alarm (107 dB(A) minimum) and hopper dump alarm (107 dB(A) minimum).

16.13 All hydraulic manifold solenoids shall be pre-wired and shall have molded in flying leads to eliminate corrosion.

16.14 All electrical wiring shall be solid colored, numbered and function coded every 12 inches for quick, easy identification purposes.

16.15 Sweeper shall be equipped with amber strobe lights which can be seen from all directions and an arrow board mounted in the rear.

Other or Comment

YES NO OTHER

#### 17. **SWEeper BODY**

- 17.1 Sweeper body shall have hinged, swing out single latched side panels for simple, easy access to elevator, fuel tank fill, air conditioning unit and water manifold components.
- 17.2 Rear radiator grill and engine cover shall have stainless steel hinges to enhance longevity and eliminate rust or be equipped with grease fittings.
- 17.3 A heavy duty rust and corrosion proof front bumper shall be supplied.
- 17.4 A two step cab entry ladder with anti-slip, positive grip feature shall be supplied.

Other or Comment

YES NO OTHER

#### 18. **WHEELS & TIRES**

- 18.1 Wheels shall be heavy duty steel disc type. Split rims are NOT ACCEPTABLE.
- 18.2 Steering tires shall be 11R x 17.5 x 16Ply Rating tubeless radials.
- 18.3 Drive tires shall be 11R x 22.5 x 14Ply Rating tubeless radials.
- 18.4 1 spare drive tire and wheel and 1 spare steering tire and wheel shall be supplied.

Other or Comment

YES NO OTHER

#### 19. **IN-CAB DASH & INSTRUMENTS**

- 19.1 An automotive style, anti glare, wraparound dash with easily removable fascia and instrument panel shall be supplied.
- 19.2 All dash mounted equipment including instruments, gauges, switches and display panels shall have extra length wires to permit lifting of dash for internal component access.

19.3 Dash panel shall have VIP (AV 1000) light emitting diode panel system which will monitor and provide an alert to the following systems: OIL PRESSURE, SWEEPER in PARK, ENGINE WATER TEMP, RIGHT HYDRAULIC TANK LEVEL, LEFT HYDRAULIC TANK LEVEL, RIGHT AND LEFT TURN SIGNALS and HIGH BEAM INDICATOR. The panel shall also be capable of accommodating additional monitoring systems if required.

19.4 The dash board shall be of low cut design for completely unobstructed vision.

19.5 The dash panel shall incorporate high flow adjustable side and windshield defrost vents.

19.6 The side instrument panel shall accommodate all sweeping functions, heating and air conditioning controls.

Other or Comment \_\_\_\_\_

YES NO OTHER

## 20. **SWEEPER DIMENSIONS**

20.1 Sweeper shall meet the following minimum requirements:

20.1.1 Wheel Base..... 116 in.  
20.1.2 Turning Radius (Not to exceed) ..... 14 ft.  
20.1.3 Overall Length (Not to exceed)..... 206 in.  
20.1.4 Maximum Height (Not to exceed)..... 106 in.  
20.1.5 Maximum Width (Not to exceed) ..... 98 in.  
20.1.6 Sweeping Swath ..... 125 in.  
20.1.7 Maximum Weight/Empty ..... 14,000 lbs.

Other or Comment \_\_\_\_\_

YES NO OTHER

## 21. **PAINT**

21.1 All sweeper components, including but not limited to, CAB, HOPPER, FRAME, ELEVATOR, BODY PANELS, ENGINE COVER PANELS, BODY FLOOR PANELS, GENERAL BRACKETRY, shall be individually 100% powder coated BEFORE VEHICLE ASSEMBLY to protect the machine from the adversities of weather and the ravages of sweeping environments.

21.2 Sweeper color shall be standard white.

Other or Comment \_\_\_\_\_

YES    NO    OTHER

**22. QUALITY**

22.1 All fasteners above  $\frac{1}{4}$ " in thread size shall be grade #8 or better,  
22.2 ALL critical fasteners shall be torqued to manufacturer's quality requirements and a special torque striping vibration proof paste shall be applied as witness to this procedure.  
22.3 ALL hydraulic hose pressure fittings shall be torqued to manufacturer's requirements and a special torque striping vibration proof paste shall be applied as witness to this procedure.

Other or Comment

YES    NO    OTHER

**23. WARRANTY**

23.1 Sweeper shall carry a minimum one year warranty covering 100% parts and labor.

Other or Comment

YES    NO    OTHER

**24. MANUALS**

24.1 The following documentation shall be supplied upon delivery of unit:

24.1.1 Sweeper: 2-Parts Manuals, 2-Service/Operation Manuals, 1-Driver's Guide delivery of unit.

24.1.2 Engine: 1-Engine Users Guide.

Other or Comment

YES    NO    OTHER

**25. TRAINING**

25.1 Operator/mechanic training shall be provided at no charge by dealer on customer's premises.

Other or Comment

**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**APRIL 7, 2009 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
RECONSIDER ASSESSMENT PER RESOLUTION 09-007	◆ RESOLUTION ORDINANCE RECEIVE/FILE	PAM BUETHE CITY CLERK

**SYNOPSIS**

A resolution has been prepared to reconsider and adjust the original assessment filed with the Sarpy County Treasurer for property clean up at 6905 Josephine St., Lot 171 La Vista Replat.

**FISCAL IMPACT**

N/A

**RECOMMENDATION**

**BACKGROUND**

The Council passed Resolution 09-007 on January 20, 2009 to authorize the clerk to file special assessments with the Sarpy County Treasurer for unpaid charges for property cleanup on various properties. 6905 Josephine St. was one of the properties.

Since that time, the property owner has sent a letter asking that the Council reconsider the assessment.

The City gave proper notification with regard to the violation. Once the work was completed the bill was sent via certified mail which gives the property owner time to protest the bill prior to or at the Council meeting at which the assessment is presented. The Certified Letter sent to the property owner was returned to the City after the post office made three attempts to have the certified letter claimed.

Staff has reviewed similar requests from other property owners regarding the tree trimming violations and has waived the assessment. Because of the similarity of situations this is being brought back for Council reconsideration. This assessment has already been filed with the Sarpy County Treasurer and therefore if Council wants to adjust the assessment it requires action through the approval of a resolution with the amount of adjustment stated.

We have supplied the information presented at the time of the original assessment, the letter received from the property owner, and the memo from our Public Works Director regarding this clean up.

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

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 6905 Josephine Street., Lot 171 La Vista Replat in the amount of \$177.78 ("6905 Josephine St. Assessment"); and

WHEREAS, the City Clerk received a written protest from the property owner on March 13, 2009 requesting the Council's action and 6905 Josephine St. 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 6905 Josephine St. Assessment.
2. Resolution 09-007 is hereby ratified, affirmed and approved, with the exception of the 6905 Josephine St. Assessment, which is hereby adjusted and set at the following amount \_\_\_\_\_.
3. The La Vista City Clerk is hereby authorized to file with the Sarpy County Treasurer an adjustment to the 6905 Josephine St. Assessment in accordance with the actions approved herein.

PASSED AND APPROVED THIS 7TH DAY OF APRIL, 2009

CITY OF LA VISTA

ATTEST:

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

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

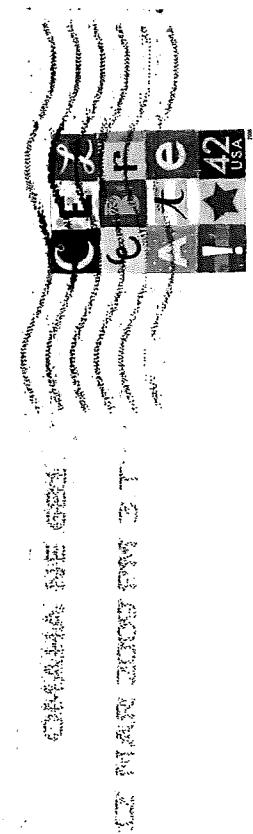
Rec'd 3/13/09

Attention City Clerk I am writing this letter to you in hope's that you will reconsider charging me for any tree's that were trimmed by the City of Cal Vista being's that my wife's cousin & I had already done the trimming that we thought was needed prior to the City of Cal Vista doing what they did I have included pictures of the pile of limbs that we trimmed to show you the work that we did I hope this will help you make your decision and show you we made the attempt to comply with the City of Cal Vista's tree regulations Thank You.

Sincerely  
Donald R Grunkle Jr &  
Heather J Grunkle



Donald R Gaudette Jr.  
6905 Josephine St.  
La Vida Vie. 68128



Attention City Clerk  
8116 Parkview Blvd.  
La Vida Vie. 68128

MAR 13 2009

6512332132

## Pam Buethe

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**From:** Joe Soucie  
**Sent:** Wednesday, March 25, 2009 1:30 PM  
**To:** Cathy Lupomech; Ann Birch  
**Cc:** Pam Buethe  
**Subject:** RE: Tree Assessment Response

The crew does not specifically remember this address. As before, they used the same policy on each residence; if the homeowner made and attempt to trim and the branches were within one foot of being correct they trimmed them back and did not put it on the charge list. If the branches were more than one foot from code, the branches were trimmed and the homeowner was assessed the charges.

**Joe**

---

**From:** Cathy Lupomech  
**Sent:** Monday, March 16, 2009 7:49 AM  
**To:** Ann Birch; Joe Soucie  
**Cc:** Pam Buethe  
**Subject:** Tree Assessment Response

Good Morning All,

Attached is a letter that was sent in response to a tree assessment that was approved at the January 20, 2009 City Council meeting.

Let me know what you decide.

Cathy

## RESOLUTION NO. 09-007

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  
8016 Park View Blvd., Lot 1279 La Vista, \$182.06,  
7410 Park View Blvd., Lot 757 La Vista, \$182.06,  
7332 Frederick Ave., Lot 412 La Vista Replat, \$181.90,  
8812 Pine Dr., Lot 183 Park View Heights 2<sup>nd</sup> Addition, \$176.43,  
7501 S 76<sup>th</sup> Ave., Lot 559 La Vista Replat, \$179.15,  
7425 Josephine St., Lot 120 Crestview Heights, \$179.15,  
7222 Joseph Ave., Lot 358 La Vista Replat, \$181.90,  
6905 Josephine St., Lot 171 La Vista Replat, \$177.78,  
6905 Gertrude St., Lot 85 La Vista Replat, \$182.06,  
7107 Monterrey Dr., Lot 167 Park View Heights 2<sup>nd</sup> Addition, \$179.18 and  
7505 Diane Ct., Lot 740 La Vista, \$189.81  
were notified to clean up their property as they were in violation of the City Municipal Code, Section 94.06, 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 20TH DAY OF JANUARY, 2009

CITY OF LA VISTA

ATTEST:

Douglas Kindig, Mayor

Pamela A. Buethe, CMC  
City Clerk

K:\APPS\CITYHALL\09 FINAL RESOLUTIONS\1ien

	Motion	Second	Aye	Nay	Abstain	Absent
Kindig						
Carlisle	✓		✓			
Crawford			✓			
Ellerbeck		✓	✓			
Gowan			✓			
Quick			✓			
Ronan			✓			
Sheehan			✓			
Sell			✓			

**CERTIFIED MAIL™**

City of La Vista  
8116 Park View Blvd  
La Vista, NE 68128



7006 0810 0001 6713 7665



W  
15/5/08 DEC 29 2008

Donald Graunke & Heather Knott  
6905 Josephine St  
La Vista, NE 68128

RECEIVED 1681 4E 1 04 12/27/08

RETURN TO SENDER  
UNCLAIRED  
UNABLE TO FORWARD

SC: 68128219899 \*1035-03160-27-23

68128219899 [REDACTED]

7006 0810 0001 6713 7665

<b>U.S. Postal Service™ CERTIFIED MAIL™ RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)</b>	
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<b>OFFICIAL USE</b>	
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Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$
<i>[Handwritten signature and postmark]</i>	
<i>Postmark Here</i>	
<i>Sent</i>	Donald Graunke & Heather Knott
<i>Street or PC</i>	6905 Josephine St
<i>City,</i>	La Vista, NE 68128
PS Fd	
[Redacted]	



December 4, 2008

Donald Graunke & Heather Knott  
6905 Josephine St  
La Vista, NE 68128

RE: Lot 171/La Vista Replat

Dear Mr. Graunke & Ms. Knott:

On September 10, 2008, your property on Josephine St. in La Vista was in violation of the City of La Vista's Municipal Code, Sections 94.06 and a yellow tag was left at the above address that stated the trees on the property needed to be trimmed within 14 days or the City would correct the violation at the owner's expense. On October 9, 2008 the Public Works Department trimmed and disposed of the tree branches that were over the street and/or the sidewalk. A total cost of \$177.78 was incurred by the City for the clean up. The cost breakdown is as follows:

Administrative Fee	\$	50.00
Tree Trimming and Disposal		
Two Workers, 1 Hour Each		37.78
Equipment Cost		40.00
Chipping		50.00
<b>TOTAL</b>	\$	<b>177.78</b>

Please remit \$177.78, 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 January 20, 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,

A handwritten signature in black ink that reads "Pamela A. Buethe".

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

November 21, 2008

To: Valerie Houloose  
Code Enforcement Officer

Fr: Joe Soucie  
Public Works Director

Re: Tree Trimming  
6905 Josephine St.

The following is a list of expenses incurred by the Public Works Department on October 9, 2008 while trimming and disposing of the tree branches over the street and/or sidewalk at 6905 Josephine St., per your instructions.

**LABOR:**

	<u>Rate</u>	<u>Hours</u>	<u>Total</u>
Employee #1	23.17	1	23.17
Employee #2	14.61	1	14.61
			\$ 37.78

**EQUIPMENT:**

<u>Description</u>	<u>Rate</u>	<u>Hours</u>	<u>Total</u>
1 pickup truck	20.00	1	20.00
1 trailer	15.00	1	15.00
1 manual pruner	5.00	1	5.00
			\$ 40.00

**CHIPPING:**

Standardized fee for chipping tree branches \$ 50.00

**TOTAL LABOR, EQUIPMENT and CHIPPING:** \$ 127.78

✓ Not done 10/11/08

Date	<u>9/10/08</u>
Location	<u>6705 Josephine</u>
Violation	<u>94.06 tree branches</u>
Time to Comply	<u>14 days</u>
Vehicle Description	<u>593-9443</u>
Follow-up Officer	<u>Don S. of 30108</u>
	<u>Valerie Knollse</u>
	<u>Donald &amp; Heather</u>
	<u>front</u>
	<u>Due: 9/24/08 #171 LV5</u>
	<u>Replat</u>

**Active**

Parcel Number: 010322566  
 Location: 06905 JOSEPHINE ST  
 Owner: GRAUNKE/DONALD R  
 & HEATHER J KNOTT  
 C/O  
 Mail Address: 6905 JOSEPHINE ST  
 LA VISTA NE 68128-  
 Legal: LOT 171 LA VISTA REPLAT  
 Tax District: 27002  
 Map #: 2959-13-2-30051-000-0143

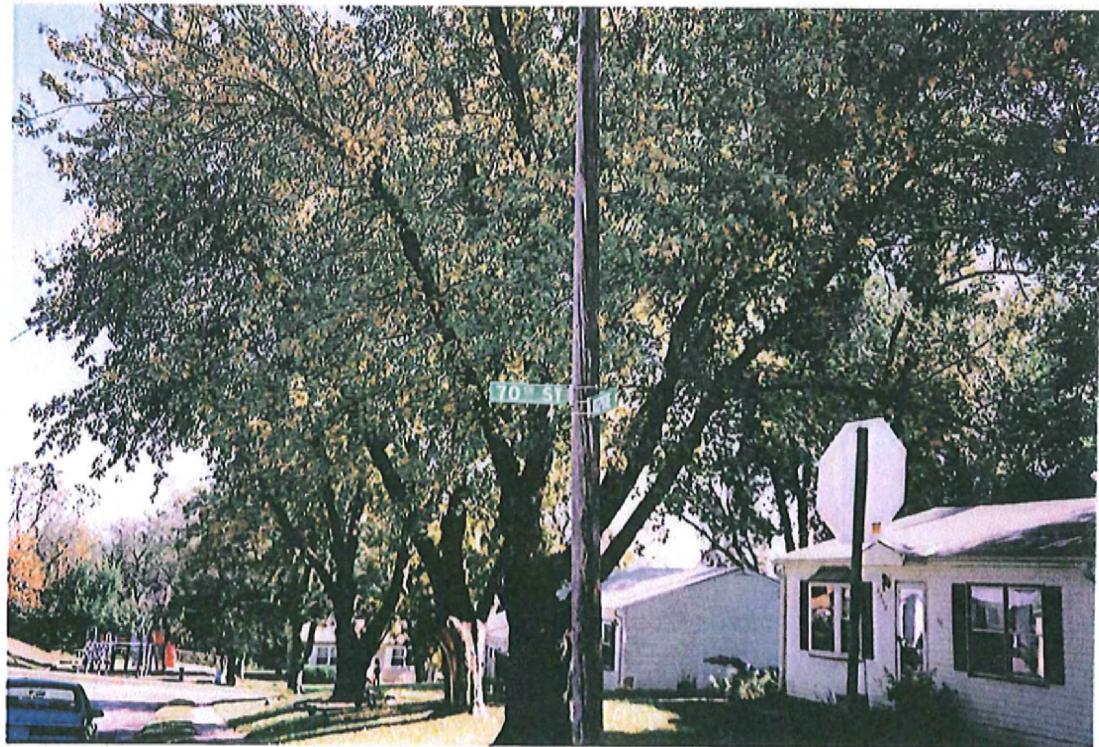


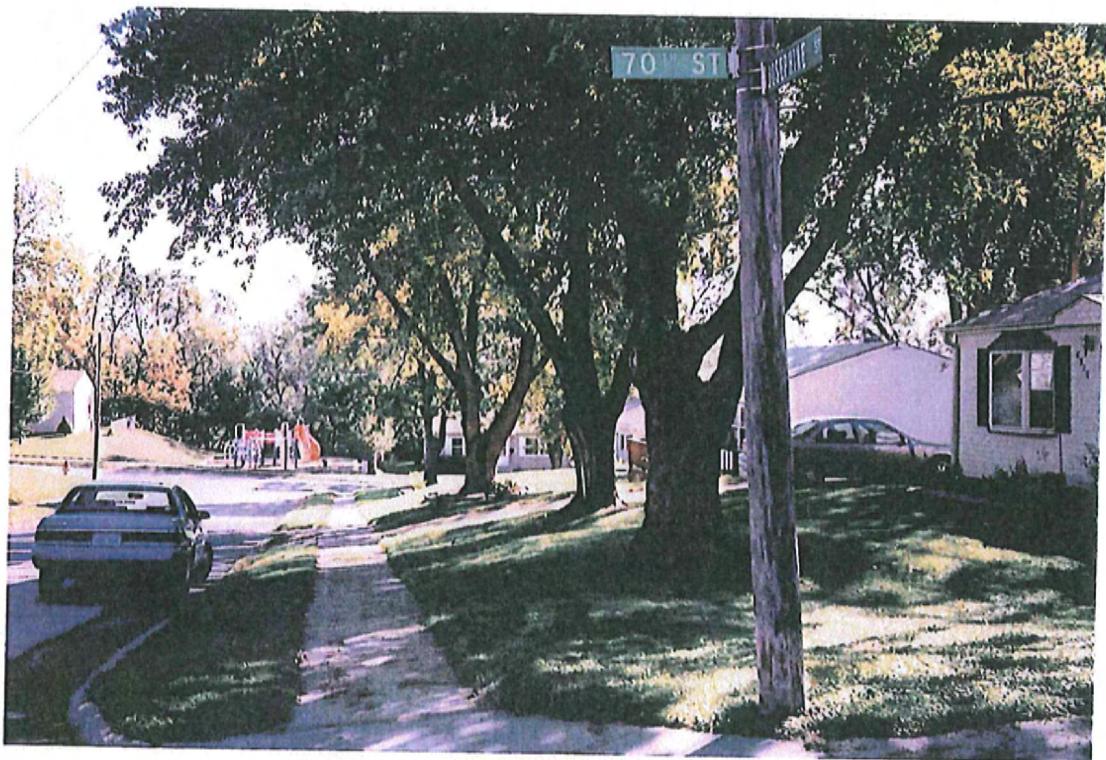
Click Picture/Sketch for Larger View.

Residential Information for 1 January Roll Year 2008			
Style:	Ranch		
Year Built:	1960	Bedrooms	2
Bathrooms	1	Total Sqft	792
Total Bsmt Finish Sqft	0	Bsmt Total Sqft	0
Garage Type	Detached	Garage Sqft	352
Lot Depth	110	Lot Width	70
Misc			
Description		Sqft or Quantity	
CONCRETE STOOP		16	
DRIVEWAY		1	

Sales Information (Updated 12/2/2008)			
Sale Date B & P	Grantor	Grantee	Sale Price
7/29/1997 97-16549			\$59,000
8/7/1995 95-15425			\$44,000
8/26/2001 01-31916	HUTCHISON/MICHAEL C 6905 JOSEPHINE ST LA VISTA NE 68128-0000	GRAUNKE/DONALD R & HEATHER J KNOTT 6905 JOSEPHINE ST LA VISTA NE 68128-	\$73,500

Valuation Information					
Valuation PV = Partial Valuation					
Roll Year	Land Value	Impr Value	Outbuildings	Total Value	PV
2008	\$18,000	\$64,843	\$0	\$82,843	NO
2007	\$18,000	\$60,348	\$0	\$78,348	NO
2006	\$18,000	\$58,838	\$0	\$76,838	NO
2005	\$18,000	\$54,314	\$0	\$72,314	NO
2004	\$18,000	\$50,555	\$0	\$68,555	NO
2003	\$18,000	\$49,110	\$0	\$67,110	NO
2002	\$18,000	\$46,823	\$0	\$64,823	NO
2001	\$16,000	\$43,823	\$0	\$59,823	NO
2000	\$15,520	\$39,930	\$0	\$55,450	NO
1999	\$15,360	\$37,108	\$0	\$52,468	NO
1998	\$11,280	\$35,712	\$0	\$46,992	NO
1997	\$46,244			\$46,244	NO





**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
APRIL 7, 2009 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
ADOPTION—STRATEGIC PLAN	◆ RESOLUTION ORDINANCE RECEIVE/FILE	BRENDA S. GUNN CITY ADMINISTRATOR

**SYNOPSIS**

A resolution has been prepared to adopt the strategic plan that was developed during the annual strategic planning work session held by the Mayor and City Council on February 28, 2009.

**FISCAL IMPACT**

N/A.

**RECOMMENDATION**

Approval.

**BACKGROUND**

On Saturday, February 28, 2009 the Mayor and City Council held their annual strategic planning work session. As a result, the collaborative effort with the management team produced the City's Strategic Plan for 2009-2011, a draft of which is attached for your review. Staff has also identified action steps, timetables and responsible parties. The Council is being asked to adopt this plan with any additions or revisions deemed necessary. It is further understood that the identified goals and objectives may change as conditions warrant. Staff will continue to provide quarterly updates at City Council meetings to keep the Mayor and Council informed on the progress being made.

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, TO ADOPT THE STRATEGIC PLAN FOR 2009-2011 AS ATTACHED.

WHEREAS, the Mayor and City Council recognize the importance and value of having a deliberate planning process to help guide all facets of city government; and

WHEREAS, the Mayor and City Council believe that it is essential to set goals and review them periodically to ensure progress; and

WHEREAS, the Mayor and City Council held their annual strategic planning work session on Saturday, February 28, 2009 to:

1. Align the city's priorities with changing conditions and new opportunities.
2. Create shared commitments among council members and city staff concerning short-term and long-term endeavors.
3. Assess the city's present and future strengths, weaknesses, opportunities and threats; and

WHEREAS, the attached Strategic Plan for 2009-2011 as developed as a collaborative effort between the Mayor and City Council and the city's management team and establishes the organizational priorities for a two year planning period.

NOW THEREFORE, BE IT RESOLVED that the Mayor and City Council of the City of La Vista, Nebraska, do hereby approve the Strategic Plan for 2009-2011 as attached and presented at the April 7, 2009 City Council meeting.

PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2009.

CITY OF LA VISTA

---

Douglas Kindig, Mayor

ATTEST:

---

Pamela A. Buethe, CMC  
City Clerk



Draft 3/4/09

## **City of La Vista, Nebraska Strategic Plan for 2009-2011**

As a part of their annual strategic planning work session the Mayor and City Council have adopted this strategic plan to position the city government to meet La Vista's future needs.

### **1. Pursue revitalization of the 84<sup>th</sup> Street corridor.**

*Key objectives:*

- a. In conjunction with the consulting firm EDAW, complete Vision 84, the creation of a long term revitalization/redevelopment plan for 84<sup>th</sup> Street**

**Responsible Parties:** Mayor, Council, Administration & Community Development

**Action Steps:**

- Identify stakeholders & encourage active participation in the visioning process.
- Identify community resources
- Utilize press releases, quarterly *CityWise* newsletter, website, and community workshops to inform the public about issues and progress related to 84<sup>th</sup> Street
- Pursue discussions with the cities of Papillion and Ralston about inter-local cooperation in corridor redevelopment
- Charge the Vision 84 Working Group with considering community and consultant data, evaluating options and advising the City Council on a long-term vision for the corridor
- Facilitate the preparation of a long-range plan for City Council consideration

**Timeline:** 2009 – Spring 2010

- b. As part of the Vision 84 process, seek community consensus on a long-term corridor vision that includes a "City Centre"**

**Responsible Parties:** Mayor, Council, Administration & Community Development

**Action Steps:**

- Seek and encourage citizen participation at community workshops, walking tours and educational forums regarding the corridor

- Use the findings and recommendations in the City's Municipal Facilities Plan as a springboard for community discussion of a "city centre" concept during Vision 84 discussions

**Timeline:** Ongoing

**d. Develop a plan for implementation of Vision 84 findings and any necessary public improvements that align with the revitalization/redevelopment strategy created through this process**

**Responsible Parties:** Administration, Community Development, Public Works

**Action Steps:**

- Work with NE Department of Roads on the transition of 84<sup>th</sup> Street from a State Highway to local arterial
- Coordinate with neighboring cities
- Incorporate any public improvements outlined in the plan into the CIP
- Stay abreast of opportunities to facilitate the "City Centre" concept

**Timeline:** Spring 2010 and Beyond

**e. Rigorously pursue actions to encourage property owners with vacant space, especially owner of former Wal-Mart property, to lease or sell their property to viable businesses**

**Responsible Parties:** Mayor, Administration, Community Development

**Action Steps:**

- Involve property owners in Vision 84 as stakeholders
- ICSC Meeting with Kroenke representative
- Provide additional information to Kroenke as requested
- Coordinate meeting with property decision maker(s)
- Develop inventory of vacant commercial/retail properties and provide direct links to site that lists properties available for development
- Market the plan to potential developers through ICSC events and other local opportunities

**Timeline:** Immediate & ongoing

**e. Develop and cultivate relationships with commercial/shopping center owners, developers, leasing agents and retailers**

**Responsible Parties:** Mayor, Administration, Community Development

**Action Steps:**

- Continued Participation & Exposure
  - ICSC Alliance
  - ICSC Annual Conference
- Continue to market La Vista to targeted retailers & restaurants
- Use Vision 84 as an opportunity to engage with developers, owners, property managers, etc.

**Timeline:** Immediate & ongoing

## 2. Provide for planned, fiscally responsible expansion of the city's boundaries.

*Key objectives:*

- a. Adopt a long-range plan for the annexation of both residential and industrial subdivisions

**Responsible Parties:** All departments will be involved with primary responsibility to Community Development, Finance & Administration

**Action Steps:**

- Finalize detailed annexation plan
- Adoption of annexation plan as part of Comprehensive Plan

**Timeline:** Plan adoption Fall 2009

- b. Take any action necessary to implement the annexation plan adopted by Council

**Responsible Parties:** Administration, Finance, Community Development

**Action Steps:**

- Preparation of necessary plans, notices, ordinances, and other documents as required
- Consider the feasibility and prudence of extending the City's ETJ

**Timeline:** Immediate and ongoing

- c. Ensure the City's budget and CIP provide for infrastructure improvements that would be necessary to serve areas targeted in the annexation plan

**Responsible Parties:** Administration, Finance & Public Works

**Action Steps:**

- Evaluate infrastructure in areas contemplated for annexation
- Submit public infrastructure improvements as part of the CIP process

**Timeline:** Ongoing

- d. Communicate the annexation plan and property tax implications to residents and businesses located in new growth areas

**Responsible Parties:** Administration

**Action Steps:**

- Letters to property owners
- Quarterly newsletter
- Website
- Public Meetings

Timeline: TBD based on plan

- e. Conduct on-going discussions with neighboring cities about how to protect the integrity of each city's boundaries and ETJs (Extra Territorial Jurisdictions)

Responsible Parties: Mayor and Administration

Action Steps:

- Pursue this discussion through the United Cities format

### **3. Maintain the quality of older residential neighborhoods.**

*Key objectives:*

- a. Provide for essential maintenance and priority improvements in neighborhood public facilities through the City's Capital Improvement Plan

Responsible Parties: Public Works and Public Buildings and Grounds

Action Steps:

- Submit public facility improvements as part of the CIP process

Timeline: Ongoing

- b. Ensure attractive neighborhoods by strengthening and enforcing city building and environmental codes

Responsible Parties: Community Development

Action Steps:

- Review and propose improvements to municipal codes
- Continue to be proactive in code enforcement
- Evaluate the merits of using a private vendor to complete property clean up and mowing

Timeline: Ongoing

- c. Contribute to the safety and attractiveness of rental housing through the implementation of a rental inspection program

Responsible Parties: Community Development

Action Steps:

- Work toward implementation of the proposed program that was presented to City Council in a draft format

Timeline: Summer 2009

- d. Continue to develop strategy to address the erosion and maintenance issues related to Thompson Creek

**Responsible Parties:** City Engineer, Public Works, Community Development, Administration

**Action Steps:**

- Identify potential funding sources through grant applications
- Provide regular progress reports
- Based on funding refine the scope and develop project timeline

**Timeline:** Immediate & ongoing

**e. Evaluate the need for a Neighborhood Revitalization Program**

**Responsible Parties:** Community Development and Administration

**Action Steps:**

- Research the need for and the City's role in a Neighborhood Revitalization Program

**Timeline:** Summer 2011

**4. Strengthen a sense of shared community identity among residents and businesses.**

**Key objectives:**

**a. Provide leadership to accomplish a significant celebration of the community's 50<sup>th</sup> anniversary**

**Responsible Parties:** All

**Action Steps:**

- Continue to document La Vista's history and finalize the written La Vista Story
- Engage the La Vista Community Foundation in the planning of 50th Anniversary celebration events
- Work with 50<sup>th</sup> Anniversary Celebration Committee to identify and facilitate a variety of events during 2010

**Timeline:** Book completed, events identified and plans in place for event implementation by February 2010

**b. Develop and aggressively market a La Vista community identity through strategic partnerships with the Chamber of Commerce and the Community Foundation**

**Responsible Parties:** Administration

**Action Steps:**

- Provide funding for community marketing materials
- Expand the usage of banners and signage to "brand" La Vista
- Identify opportunities for cooperative efforts with Chamber and Foundation
- Consider creation of a Communications staff position

**Timeline:** Immediate & Ongoing

c. Continue to pursue opportunities to engage citizens in City decision making including citizen boards and commissions

**Responsible Parties:** Administration

**Action Steps:**

- Develop citizens leadership academy program
- Develop Mayor's youth leadership council

**Timeline:** Dependent on the addition of Communications staff or after 50<sup>th</sup> anniversary celebration activities

d. Create new opportunities that bring residents together for celebration, leisure pursuits or civic engagement

**Responsible Parties:** Administration

**Action Steps:**

- Seek community partners, including the Community Foundation and La Vista Area Chamber of Commerce (Ongoing)
- Investigate feasibility of Holiday Lights initiative (Immediate)
- Look for opportunities to initiate ongoing events such as community movie nights (Ongoing)
- Look for opportunities to incorporate elements such as a community garden or memorial feature into future park and facility improvements (Ongoing)
- Investigate the feasibility of providing live and archived web casts of City Council meetings (Dependent upon the addition of Communication staff)

**Timeline:** Ongoing

## 5. Improve and expand the City's quality of life amenities for residents and visitors to the community.

**Key objectives:**

a. Address the needs associated with the City's aging swimming pool facility

**Responsible Parties:** Administration, Public Works, Recreation, Community Development

**Action Steps:**

- Make recommendations to address any operational issues with the existing swimming pool as they arise
- Following completion of the Vision 84 process, make a recommendation regarding the future of the existing swimming pool

b. Identify options for creation of public green space with the property owner of the sod farm and develop a plan

**Responsible Parties:** Administration, Comm. Dev., Public Works & Recreation

**Action Steps:**

- Explore opportunities with the La Vista Community Foundation
- Provide funding for plan development in FY10 budget

- Seek participation from current property owner

**Timeline:** Immediate & ongoing

**c. Expand recreation programs and services for all age groups**

**Responsible Parties:** Recreation

**Action Steps:**

- Evaluate existing programs for popularity and effectiveness
- Research and recommend new programs or changes to existing programs

**Timeline:** Report on existing adult and senior programs and make recommendations for any changes Spring 2009; Youth Programs and Re-evaluation Ongoing

**d. Initiate development of other high priority quality of life amenities identified by residents through the citizen survey**

**Responsible Parties:** All

**Action Steps:**

- Identify and promote development of new cultural amenities in partnership with other community groups

**Timeline:** Ongoing

**e. Maintain and enhance the City's existing and future park areas and green spaces**

**Responsible Parties:** Public Works, Community Development, Recreation, Administration

**Action Steps:**

- Using the City's Master Park Plan, create a mini-plan for each City park that identifies needed amenities
- Develop a plan for financing park amenities and incorporate into the CIP

**f. Develop and begin implementation of a "green plan" that identifies the City's role, through its facilities and programs, in contributing to a sustainable community**

**Responsible Parties:** All

**Action Steps:**

- Continued involvement with the Papillion Creek Watershed Partnership
- Explore the development of an organizational recycling program
- Explore options to incorporate green building principals as city facilities are remodeled or new facilities are constructed

**Timeline:** Watershed partnership ongoing. Recycling program recommendation Spring 09

## 6. Pursue action that enables the City to be more proactive on legislative issues

*Key objectives:*

- a. Participate actively in the United Cities of Sarpy County to promote the shared interests of La Vista and its partner communities

**Responsible Parties:** Mayor and Administration

**Action Steps:**

- Continue regular meetings of the Mayors of Sarpy County communities

- b. Adopt and lobby on behalf of a legislative agenda specific to the City

**Responsible Parties:** Mayor and Administration

**Action Steps:**

- Continue joint lobbying efforts with United Cities of Sarpy County on items of mutual interest
- Identify legislative issues of specific interest to La Vista and allocate resources for lobbying efforts

**Timeline:** Ongoing

- c. Actively pursue opportunities under the American Recovery and Reinvestment Act and other future stimulus legislation for financing city projects

**Responsible Parties:** All

**Action Steps:**

- Monitor current stimulus programs for application requirements and deadlines
- Make contact with State officials (Governor) regarding potential projects
- Pursue COPS Grant funding
- Pursue funding for construction of District 1 Fire Station
- CDBG – Sanitary Sewer Replacement

**Timeline:** Ongoing

## 7. Adopt and implement standards of excellence for the administration of City services.

*Key objectives:*

- a. Maintain City's Volunteer Fire Department by striving to achieve compliance with national Fire Protection Standards (NFPA) for volunteer fire departments

**Responsible Parties:** Fire

**Action Steps:**

- Monitor current operational procedures in comparison to NFPA Standards

- Make recommendations for changes to bring Fire Department into compliance with NFPA 1720 Standards for volunteer departments
- Establish targets for recommended changes and incorporate funding into budget and/or CIP as appropriate

**Timeline:** Immediate & Ongoing

b. Determine whether and to what extent City government should play a role in the delivery of solid waste services in the community.

**Responsible Parties:** Public Works and City Clerk

**Action Steps:**

- Compile information regarding alternative methods of delivering solid waste services

**Timeline:** Strategic Planning 2010

c. Provide for the orderly and uninterrupted transition of personnel into key City appointed positions through a succession plan

**Responsible Parties:** All Departments

**Action Steps:**

- Utilize hiring process as an opportunity to review position descriptions to articulate long term organizational expectations
- Fund and provide training opportunities
- Provide succession planning training to the Management Team
- Review and make recommendation regarding the City's policies for funding for employee educational assistance
- In conjunction with a local educational institution develop a training program for mid-level supervisors tailored to the needs of our organization
- Continue regular meetings between mid-level supervisors and City Administrator
- Recruit mid-level managers to coordinate events and activities associated with the city's 50<sup>th</sup> anniversary celebration
- Continue to explore options for involving mid-level managers in organizational initiatives and special projects
- Consider establishing a City Hall internship for an up and coming supervisor

**Timeline:** Immediate & Ongoing

d. Provide for continuous employee professional development through expansion of in-house, customized education programs

**Responsible Parties:** All Departments

**Action Steps:**

- Fund training requests as part of the annual budget
- Identify opportunities in-house training
- Initiate a leadership development program for senior and mid-level management staff

**Timeline:** Immediate & Ongoing

e. Contribute to the successful recruitment and retention of high quality City staff through implementation of the pay recommendations in the City's 2008 Compensation Study

**Responsible Parties:** Human Resources

**Action Steps:**

- Compensation study is complete and execution of the recommendations contained in the study is ongoing
- Implementation of a new performance appraisal system that will allow for a switch to PFP

**Timeline:** Recommendation as a part of the FY 09/10 budget

f. Update the City's Emergency Preparedness Plan to assure the inclusion of all city departments in preparedness training and implementation

**Responsible Parties:** Police, Fire, Administration, Safety Committee

**Action Steps:**

- Provide opportunities for appropriate staff and officials to receive the NIMS 100 and 700 training
- Complete Pandemic Plan
- Keep Local Emergency Operations Plan (LEOP) up to date
- Communicate Emergency Preparedness Plan to elected officials through periodic review

**Timeline:** Ongoing

g. Begin the process of developing a high performance organization through the creation and implementation of performance measures for each department to evaluate service delivery efficiency and effectiveness

**Responsible Parties:** All

**Action Steps:**

- Provide opportunities for appropriate staff training regarding the development of performance measures

**Timeline:** Ongoing

## **8. Insure efficient, effective investment in technology to enhance service delivery.**

**Key objectives:**

- a. Secure outside expertise to work with the City's Internal Technology Committee regarding a review of the city's existing technology and recommendations for new technology that could enhance productivity.
- b. Develop a long-range technology plan
- c. Develop a multi-year plan for financing technology improvements

- d. Designate adequate resources to provide appropriate technology training for city staff

**Responsible Parties:** Finance, Administration & All

**Timeline:** Fiscal Year 2010