



CITY OF LA VISTA

CERTIFICATE OF APPRECIATION

A CERTIFICATE OF APPRECIATION PRESENTED TO **RAY CRANE JR.** FOR 10 YEARS OF FAITHFUL AND EFFICIENT SERVICE TO THE CITY OF LA VISTA.

WHEREAS, **Ray Crane** has served the City of La Vista since June 16, 1997, and

WHEREAS, **Ray Crane'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 **Ray Crane** on behalf of the City of La Vista for 10 years of service to the City.

DATED THIS NINETEENTH DAY OF JUNE 2007.

Douglas Kindig, Mayor

Ron Sheehan
Councilmember, Ward I

Brenda Carlisle
Councilmember, Ward I

Robert McLaughlin
Councilmember, Ward II

Terrilyn Quick
Councilmember, Ward II

Mark Ellerbeck
Councilmember, Ward III

Alan Ronan
Councilmember, Ward III

Kelly Sell
Councilmember, Ward IV

Anthony Gowan
Councilmember, Ward IV



ATTEST:

Pamela A. Buethe, CMC
City Clerk

2006 CHANNEL STUDY UPDATE
THOMPSON CREEK
72ND STREET TO LA VISTA FALLS GOLF COURSE
CITY OF LA VISTA
TEXT & APPENDICES "A" & "C"

June 13, 2007

INTRODUCTION

This study update has been prepared based upon authorization of the Public Works Director of the City of La Vista. The purpose of conducting the update is to provide an evaluation of alternatives for the treatment of Thompson Creek downstream of the storm water detention structure located on the La Vista Falls Golf Course. The primary focus will be on the section from the storm water detention structure to 72nd Street where erosion control and channel maintenance are ongoing problems due to existing development immediately adjacent to the creek. The section from 72nd Street to 69th Street was stabilized under a previous project constructed in 1999. The section from 69th Street to 66th Street lies in an area not yet developed and would best be addressed when development plans occur on that property; therefore, this section is not addressed by this update. The final section from 66th Street to the confluence with the Big Papillion Creek has been straightened and has levees. This section is relatively stable and is not addressed by this update. The goals of the update are to present alternatives and provide sufficient information to allow the City of La Vista to select a desired alternative. The process of reviewing and selecting a desired alternative is quite often a pre-requisite to applying for funding from various agencies and is required for obtaining permits from the Corps of Engineers. This update should be able to serve as a major component of an alternatives analysis that will be required by the Corps of Engineers for obtaining an individual permit for whatever physical improvements are undertaken in future channel improvement projects on Thompson Creek.

BACKGROUND

Existing Conditions

Thompson Creek is a small tributary of the Big Papillion Creek. It flows easterly discharging into the Big Papillion Creek approximately one-half mile downstream of Harrison Street. The study area includes Thompson Creek from its confluence with the Big Papillion Creek upstream to the outlet of the principal spillway from the Thompson Creek Flood Detention Structure consisting of a channel length of nearly 11,000 feet. The entire drainage basin for Thompson Creek contains 1300 acres and is shown on Figure 1. The drainage area to 72nd Street contains 926 acres and the portion lying above the flood detention structure is 341 acres. This structure contains 71.5 acre-feet of storage, has a maximum discharge from the principal spillway of 240 cubic feet per second, and was placed into operation in 1986.

The existing channel has an overall average gradient of 0.0087 ft. /ft. and as a result the channel is degrading. The lower 3100 feet of the channel has been straightened and includes levees that run from 66th Street to the levees along the Big Papillion Creek. The next 3000 feet of the channel between 66th Street and 72nd Street follows its natural alignment except for isolated instances where severe meanders have been altered or cut off by manmade activities. The westerly 1500 feet of this section was treated with grade control structures and slope protection at the base of a tall bluff on the south side of this reach. The lower part of this section is abutted by undeveloped property used primarily for agricultural purposes, which is likely to be redeveloped for residential purposes at a future date. The next 3000 feet from 72nd Street to Edgewood Blvd. was straightened when the adjacent lots and subdivision were developed and platted in 1961. The lots were platted to the middle of the channel and a 45 feet wide drainage easement was noted on the plat. The lower 1000 feet of this section drops 19 feet from the west side of 73rd Avenue to the east side of 72nd Street in a distance of about 1000 feet. Throughout this section the channel banks are eroding and are the primary source of damages and complaints from the abutting property owners. Except in those areas where the City has acquired lots for park space there is no vehicular access to the creek channel to provide for maintenance activities. This section also includes the roadway crossing structures at 72nd Street, 73rd Avenue, and Edgewood Boulevard. The structures at 73rd Avenue and Edgewood Boulevard are overtapped periodically which results in erosion problems on the downstream side of these structures. Efforts to stabilize the downstream side of these crossings have been undertaken in recent years including grouted rip-rap and stone-filled gabions. The final segment of the channel in this study lies between Edgewood Blvd. and the principal spillway from the flood detention structure consisting of 1800 feet with an average gradient of 0.0056 ft. /ft. This portion lies in Central Park and is abutted on the north side of the channel by residential lots. This portion of the channel receives primarily the controlled discharge from the flood detention structure and does not have steep, eroding channel banks. Two problem areas in this section consist of erosion at the abutment walls for a pedestrian bridge across the channel and erosion adjacent to a retaining wall around a green on the No. 3 hole on the La Vista Falls Golf Course. This section of the channel has a grade drop of 12 feet in a distance of 1500 feet for a gradient of 0.8 percent. This is allowing from some moderate degradation of the channel in the upper end of this section in the vicinity of the pedestrian bridge and the retaining wall.

Flood Plain Regulations

Thompson Creek was initially made a part of the National Flood Insurance Program as a result of a Flood Insurance Study that was initiated in November of 1977 and was published with an effective date of July 1979. This study addressed all creeks within the City of La Vista zoning jurisdiction at that time and addressed Thompson Creek as well. Originally, the study was to have examined Thompson Creek with detailed methods; however, it was changed to an approximate method of analysis because the U.S. Army Corps of Engineers determined that the average width of the 100-year flood boundaries were less than 200 feet. As a result, the area along Thompson Creek was analyzed with approximate methods and was classified as a Zone A on the Flood Insurance Rate Map. This means that no elevations or depths of flooding were determined. The Flood Insurance Study for Sarpy County was recently updated with an issuance date of December 2, 2005. The areas along Thompson Creek are shown as Zone A with no Base Flood Elevations determined. This makes the abutting properties subject to the need for Flood Insurance. It should be noted that the Flood Insurance Rate Map does not take into consideration the existence of the detention structure and was not prepared with detailed topographic information.

Previous Studies

The first formal study of Thompson Creek was undertaken in 1978 by the Papio Natural Resources District who engaged the services of Backlund Engineering Company. They prepared a report that examined Thompson Creek from 84th Street to 72nd Street. The initial version of this study evaluated up to ten schemes for channel improvement including various combinations of vegetated channels, rock rip-rap lining, concrete grid lining, concrete lining, grade control structures, partially enclosed pipe system, and identified the possibility of a flood detention structure near 84th Street. The interim final report produced in this study, dated August 10th, 1978, identified five channel improvement plans ranging from only rock rip-rap lining to partially enclosed system with a combination of rock rip-rap and gabion linings and a flood detention structure. This report will not discuss in detail these previously considered options but reference may be made to this previous report for those that may be interested. After having held public hearings, a final report was issued on August 30, 1978. The final recommendation was for an enclosed system from 72nd Street to 73rd Avenue, a rectangular gabion lined channel from 73rd Avenue to Edgewood Blvd., a trapezoidal gabion lined channel from Edgewood Blvd. to a flood detention structure near 84th Street. In 1978 dollars the construction cost was estimated at \$845,000. The report also identified the Nebraska Natural Resources Development Fund as a possible funding source.

Subsequently, the City of La Vista appeared before the Nebraska Natural Resources Development Fund Advisory Board on February 17, 1981 to propose that the recommended project be considered by the Board. The Board recommended that the City of La Vista proceed with an Application and Feasibility Report. This became the next formal study of Thompson Creek and it focused only on the flood detention structure due to the NRDF guidelines concerning what type of projects they would participate in. In 1982 the application and feasibility study was submitted to the Advisory Board for formal consideration. In January of 1985 after various delays the final approval of the necessary funds representing 75% of the project costs was obtained from the Nebraska Natural Resources Development Fund Advisory Board. Construction of the flood detention structure began in 1985 and was completed in 1986. The application and feasibility report for this project is not addressed by this report but is available for review by interested parties.

The most recent study was undertaken in 1995 to identify options to address Thompson Creek erosion problems downstream of the flood retention structure. At that time the most pressing issue was channel and bank stabilization in the section between 72nd Street and 69th Street where erosion was threatening the integrity of existing sewer lines and where very tall creek banks were in danger of becoming unstable. In 1999 a construction project was undertaken on this priority area. Extensive engineering analysis was done for the preparation of that report including hydrologic and hydraulic analyses, which continue to be the foundation for this study update. The condition of the drainage basin has not changed significantly and the prior analyses remain applicable to the current conditions.

In regards to the channel improvements below the flood detention structure downstream to 72nd Street, which are the focus of this study, the reduction in peak design flows resulting from the construction of the flood detention structure is illustrated in the following table:

Storm Event	Peak Discharge By Location, C.F.S.		
	<u>Edgewood</u>	<u>73rd Avenue</u>	<u>72nd Street</u>
Before Structure			
50-year	1860	1980	2380
100-year	1960	2225	2610
After Structure			
50-year	1182	1809	2162
100-year	1347	2111	2541

The existing topography in the study area is illustrated on Figures 2A through 2D. The approximate location of property lines are also shown on these drawings as well as the estimated limits of the water surface during a 100-year storm event under existing conditions. These water surface limits are based on the detention structure being in place and the culverts under Edgewood Blvd., 73rd Avenue, and 72nd Street being free of obstructions during the storm event

Park & Recreation Master Plan

Since the last study on Thompson Creek, the City has adopted a Park and Recreation Master Plan. This was done in 2002. In Section 6 of this Plan there are Greenways and Neighborhood Green Streets identified in this study area of Thompson Creek. The Greenway sections are anticipated to be passive greenways with the purpose of protecting natural areas. Along Park View Blvd. a Neighborhood Green Street is proposed. The concept of a green street calls for a sidewalk widened to at least 8 feet to allow for use as a multi-use walk/trail along with planting of trees. Where possible, it would be preferable to widen the trail to the standard width of 10 feet and to locate it in public property to avoid driveway conflicts and resolve maintenance and liability issues associated with placement in front of privately owned property.

ANALYSIS

Engineering Methods

Standard hydrologic and hydraulic study methods were used to determine the flood hazard data in the 1995 study. For existing conditions, flood events of a magnitude that are expected to be equaled or exceeded once on the average during any 10-, 50-, and 100-year period (recurrence interval) were examined. These events, commonly termed the 10-year, 50-year, and 100-year floods, have a 10, 2, and 1 percent chance, respectively of being equaled or exceeded during any year. Although the recurrence interval represents the long-term average period between floods of a specific magnitude, rare floods could occur at short intervals or even within the same year. The analyses were conducted using the U. S. Army Corps of Engineers HEC-1 computer program, PC version, March 1987 revision with the SCS dimensionless unit hydrograph for determination of peak discharges. The HEC-2 computer program, version 4.6 was used to route the peak flows through the channel and determine the water surface elevations. Culvert capacity calculations for the current study were performed using HY-8, Version 6.1 as authored by the Federal Highway Administration for Culvert Analysis.

Hydrologic Analyses

Hydrologic analyses were carried out to establish peak discharge-frequency relationships. The drainage basin limits were established based upon USGS 7.5 minute quadrangle maps. The land lying west of 72nd Street in the drainage basin is already completely developed as a combination of residential and commercial uses. Peak discharges were computed for six sub-basins within the drainage area. The rainfall data used was obtained from U.S. Weather Bureau Technical Paper No. 40 verified by rainfall data from Omaha gages. The storage effect of the flood detention structure was considered and the outflows from this structure were determined by the HEC-1 computer program.

Hydrologic Analyses

Analyses of the hydraulic characteristics of Thompson Creek were carried out in 1995 to provide estimates of the elevations of the floods of the various frequencies for existing conditions. Cross section data was obtained from the topographic survey conducted in December, 1994. The most current topography taken from Sarpy County's GIS data is shown on Figure 2. In addition detailed information about each creek crossing structure at 66th Street, 72nd Street, 73rd Avenue, and Edgewood Boulevard was obtained which was used to rate the capacity of the existing drainage structures at these locations.

The roughness coefficients used in the analyses were selected as follows:

Concrete	Manning's n value = 0.016
Natural Channel	Manning's n value = 0.03 to 0.12

The starting water surface elevation at the confluence of the Big Papillion Creek and Thompson Creek was determined by comparing two possible combinations of events. These were a 10-year flood on the Big Papillion Creek in conjunction with a 100-year flood on Thompson Creek versus a 100-year flood on the Big Papillion Creek in conjunction with a 10-year flood on Thompson Creek. The condition resulting in the highest water surface elevations upstream on Thompson Creek was utilized. This was determined to be the 10-year flood on the Big Papillion Creek with a 100-year flood on Thompson Creek. Due to the disparity in the size of the drainage basins for Thompson Creek and the Big Papillion Creek it was assumed that a 100-year event occurring on both streams at the same time was too unlikely to base the analyses upon. The hydraulic analyses for this study were based on unobstructed flow. The flood elevations shown on Figure 2 are therefore considered valid only if the hydraulic structures, such as culverts, remain unobstructed, operate properly, and do not fail.

Regulatory Considerations

Corps of Engineers: This project will require a Section 404 Permit from the Corps of Engineers since construction activities are expected to affect both wetlands and jurisdictional waterways. The City Engineer and the Public Works Director met with Matt Wray from the local office of the Corps of Engineers to discuss this study area in general terms. Mr. Wray advised that the Corps desires to see an overall plan for improvements to Thompson Creek rather than piecemeal construction permit applications. The scope of potential project will require an individual permit process as opposed to a nationwide permit process. This requires public hearings and notices to adjacent property owners. The application for an individual permit also requires an alternatives analysis showing what alternative measures the applicant has considered. This analysis is to include identification of the least damaging alternative to the environment. This study will provide a good foundation for preparation of such an alternatives analysis.

Nebraska Dept. of Natural Resources: The Nebraska Department of Natural Resources has authority to review the plans and request changes since the project will affect more than 100 feet of a natural waterway.

Nebraska Dept. of Environmental Quality: The Nebraska Department of Environmental Quality has authority to issue the erosion control permit for compliance with NPDES regulations for this project since the disturbed area will exceed 1 acre.

Papio-Missouri River Natural Resources District: The amount of authority exercised by this agency will depend in part on whether they are participating in funding on an improvement to the channel. They may make recommendations or they may require plan approval in order to qualify for funding.

Other agencies: Various federal agencies such as EPA, Fish & Wildlife, and others will have an opportunity to review the plans for any selected improvement project through the Corps of Engineers individual permit process.

ALTERNATIVE SOLUTIONS

The identification of possible solutions is based upon taking into consideration the possible physical solutions, the environmental impacts, the social impacts, conformance with City master plans, costs, aesthetics and durability of the solutions. Based on our experience with prior projects on Thompson Creek and our general familiarity with the community we have identified the following alternatives for consideration.

Scheme 1

This scheme would not involve any significant construction projects and would not involve any acquisition of properties. Essentially this approach would strive to maintain the existing conditions. The replacement of a retaining wall around Green No. 3 on the golf course and replacement of the pedestrian bridge in Central Park would be part of the project as these structures are suffering from erosion damage at this time. Repair of erosion at storm sewer outlets, around utility structures, and other locations in public property would be performed on an ongoing basis as needed. Channel banks on private property would remain the responsibility of the property owners. The City will have to monitor and stop individual property owners from building retaining walls or other encroachments into the channel. We also recommend that in this scheme a policy be adopted setting forth a restriction on construction of any new structures within a channel setback area. The channel setback area would be defined as the limits of a three horizontal to one vertical slope plus 20 feet from the edge of the normal water surface. Further, if existing structures within such a setback area are lost due to erosion or fire or some other reason, then we recommend that these structures not be allowed to be replaced in the setback area. The establishment of a channel setback area would serve to reduce potential economic losses by the property owners due to erosion along Thompson Creek.

While this scheme does not involve major capital expenditures it does have cost impacts. These would include the following:

Annual costs to the Public Works Department to repair erosion

Annual costs to property owners to repair erosion.

Annual costs to utility companies to repair their facilities due to erosion

Perceived or real decline in property values due to erosion

Perceived or real decline in property values due to building setbacks

It is obviously difficult to assign a reliable cost to these factors. The cost to the Public Works Department just for erosion repairs has been approximated at \$20,000 per year in 2006 dollars.

This scheme does not promote the Park and Recreation Master Plan as it does not enhance the ability to establish a greenway along Thompson Creek. Instead it would be necessary to pursue the green street concept along Park View Blvd with numerous driveways crossing the contemplated 8 feet wide walk/trail and would impact the adjoining landowners with such a trail in their front yard.

On Exhibits 2A through 2D aerial photos of the area are presented that show the approximate property lines, the location of the 100-year water surface and the extent of existing drainage easements.

Scheme 2

This scheme would consist of acquiring all the homes along Thompson Creek between 72nd Street and Edgewood Boulevard. There would be no major construction project undertaken for Thompson Creek other than to repair erosion at various storm sewer outlets. Rather than trying to control erosion the solution is to leave the creek alone. There would be 24 homes acquired between 72nd Street and 73rd Avenue. There would be 41 homes acquired between 73rd Avenue and Edgewood Blvd. Between Edgewood Blvd and the flood detention structure on the golf course, the channel is shallow and generally does not have significant bank erosion potential. Further, in this last section the City has access to the channel throughout from Central Park, which allow for maintenance access. The existing pedestrian bridge into Central Park from Park View Blvd. near Lillian Street is suffering from erosion around the abutments and there is a retaining wall around Green No. 3 that is beginning to fail. These two structures need to be replaced and are included as part of this project.

The acquisition of the properties would result in an increase of 13.5 acres of land to maintain. This additional property would obviously allow for the establishment of a greenway along Thompson Creek and would be consistent with the Park and Recreation Master Plan goals. Space would be available to allow for development of a hiking/biking trail from Central Park easterly to 72nd Street, which could ultimately be connected to the Keystone Trail along the Big Papillion Creek.

This scheme has the least environmental impact but the greatest social impact. Economic impacts would include the following:

- Cost to acquire homes and relocate residents
- Cost to demolish and remove structures
- Lost property tax revenue from the acquired properties
- Increased quantity of public property to maintain
- Replacement of pedestrian bridge and retaining wall
- Reduced cost to utility companies for erosion damage to facilities
- Real or perceived increase in property values to lots along Park View and Valley Drive abutting the new greenway

On Exhibits 3A through 3D are aerial photos on which are shown the approximate property lines and designation of the homes that would be acquired. The addresses are also shown. In Appendix A is presented the tax base valuation of the existing homes based on information available on the Sarpy County web site in November of 2006.

Scheme 3

This scheme would include acquiring 22 existing homes. This would consist of 18 homes along the north side of Thompson Creek between 72nd Street and Edgewood Boulevard and 4 homes on the south side of Thompson Creek just east of Edgewood Boulevard. Where homes are not acquired we recommend obtaining a channel easement and/or building setback line based upon the limits of a three horizontal to one vertical slope plus 20 feet from the edge of the normal water surface. Further, if existing structures within such a setback area are lost due to erosion or fire or some other reason, then we recommend that these structures not be allowed to be replaced in the setback area. The acquisition of the homes on the north side of the creek would allow for relocation of the channel in some locations where there are problems with bank erosion on the south side of the creek. These locations are shown on Figures 4A and 4B in this report. The total length of channel relocation is 1,430 linear feet, which is about 50% of the length of the channel between 72nd Street and Edgewood Boulevard. The acquisition of the homes also provides maintenance access to the channel, which does not presently exist. The construction work involved would consist of demolishing homes, clearing and grubbing trees at channel relocation areas, grading the channel to the new location, regrading slopes on the south side of the channel at problem areas, installing articulated concrete block channel lining only at inlets and outlets from existing culverts, installing a gabion wall on the north bank just east of Edgewood Boulevard for about 450 feet and re-vegetation including tree mitigation planting. Mitigation of wetlands would also be included and may consist of replacement wetlands being constructed in the vicinity of the Soccer Complex or contribution to a wetlands bank as would be determined as conditions in a Corps Permit for this project. As in Scheme 2, the replacement of the pedestrian bridge into Central Park from Park View Blvd. near Lillian Street and the retaining wall around Green No. 3 would be included.

The acquisition of the properties would result in an increase of 4.7 acres of land to maintain. As in Scheme 2 additional property would allow for the establishment of a greenway along Thompson Creek and would be consistent with the Park and Recreation Master Plan goals. Space would be available to allow for development of a hiking/biking trail from Central Park easterly to 72nd Street, which could ultimately be connected to the Keystone Trail along the Big Papillion Creek. A bridge to cross Thompson Creek would be needed in the southwest corner of Champion Park.

This scheme increases the environmental impact and reduces the social impact as compared to Scheme 2. Economic impacts would include the following:

- Cost to acquire homes and relocate residents
- Cost to demolish and remove structures
- Cost to perform clearing, grubbing and grading of the relocated channel areas
- Lost property tax revenue from the acquired properties
- Increased quantity of public property to maintain
- Replacement of pedestrian bridge and retaining wall
- Reduced cost to utility companies for erosion damage to facilities
- Real or perceived increase in property values to lots along Valley Drive and Park View Blvd. abutting the new greenway

On Figures 4A through 4D are aerial photos on which are shown the approximate property lines, designation of homes that would be required, the proposed extent of channel relocation and existing drainage easements. The tax base valuation of the existing homes can be found in Appendix A.

Scheme 4

This scheme would be the most construction intensive solution. The plan would involve constructing an articulated concrete block channel lining system from 72nd Street to the cart path bridge near Green No. 3 on the golf course. This lining system would be the same as previously used on Thompson Creek on the golf course just east of 84th Street and between 85th and 87th in Kelly Field. The acquisition of homes would be made only where necessary to facilitate construction access and physical installation of the lining system. The section between 72nd Street and 73rd Avenue is the most difficult section to access as there is no existing public property along the creek. In this section we anticipate that it would be necessary to acquire 4 homes in order to provide construction and long term maintenance access. The goal would be to find willing sellers at appropriately spaced locations. The section between 73rd Avenue and Edgewood Boulevard already has some sections of public property abutting the creek. There are still some locations where additional construction and maintenance access will be needed. We estimate that 2 to 4 homes will need to be acquired in this section. Again, the goal would be to find willing sellers at appropriate locations to meet this need.

The construction work will involve nearly total removal of existing trees in and along Thompson Creek throughout the reach from 72nd Street to the cart path bridge near Green No. 3. The creek would be reshaped to allow a uniform configuration and to create a smooth bed upon which to place the channel lining system. There is a 450 feet long section on the north side of the channel just east of Edgewood Boulevard where gabions would be installed in lieu of the channel lining system. This would be done to match the gabions that exist on the south side. On the golf course, the channel would be relocated away from the existing retaining wall at Green No. 3 in order to eliminate removal and replacement of this wall. Due to the large environmental impact, there will be substantial mitigation involved with this scheme. It is likely that some wetlands creation will be required by the Corps of Engineers. The terms of the permit from the Corps to perform such work can also be expected to include tree mitigation similar to the permit that was obtained for the work between 72nd Street and 69th Street. From past experience, the density of tree planting that will be required will use all open space that is owned by the City along this section of Thompson Creek and may well involve additional property to meet the planting requirements. The channel lining would also be planted with native grasses and wetlands plants. As in Schemes 2 and 3, the replacement of the pedestrian bridge into Central Park from Park View Blvd. near Lillian Street and the retaining wall around Green No.3 would be included. In order to construct this project it will be necessary to obtain additional permanent grading and drainage easements as well as temporary construction easements on most privately owned lots abutting the channel.

This scheme is the most costly in terms of construction and would likely be the most difficult on which to obtain permits due to the environmental impact. In addition, this scheme does not create the opportunity to create the greenway along Thompson Creek. However, the reasons for considering this scheme are that it requires the least amount of property acquisition is expected to have the least long-term maintenance costs in terms of repairing erosion. The economic impacts would include the following:

- Limited acquisition of homes from willing sellers
- Cost to demolish and remove structures
- Cost to perform clearing, grubbing and grading of the entire channel area
- Lost property tax revenue from the acquired properties
- Cost to construction channel lining system
- Replacement of pedestrian bridge and retaining wall

Reduced cost to utility companies for erosion damage to facilities
Reduced long term costs to City for erosion maintenance
Real or perceived increase in property values to lots along Valley Drive and Park View Blvd. abutting the stabilized creek banks
Real or perceived decrease in property values due to loss of mature trees at rear of properties abutting Thompson Creek

On Figures 5A through 5D are aerial photos on which are shown the approximate property lines and the estimated limits of the channel lining system. In Appendix B there are cross sections illustrating the extent of the grading required for the channel lining.

COSTS

A true cost comparison of the various alternatives is not possible to prepare. This is due to the solutions being different in nature. For example, Scheme 1 does not include construction but the costs of this scheme are essentially annual maintenance and repair costs that are not predictable or constant. In addition, to convert an annual stream of costs to a present value one needs to assign an annual inflation factor and establish a time period over which to consider the costs. The other schemes involve varying social and economic impacts and benefits. It is impossible to assign reliable values to such factors. In the following, cost figures are presented for the elements that are identifiable and for which definite expenditures would be made by the City in order to implement the solutions. The elements for each scheme that are not able to be estimated and/or which would not be direct expenditures by the City will be noted so that they can be weighed subjectively as part of the alternative selection process. Examples of such items would be the increased valuation of homes left in place but abutting a stabilized channel or the decreased valuation to a home if a building restriction is imposed that would prohibit replacement of a structure that is too close to the channel.

Scheme 1

This scheme does not involve any major construction but does include replacement of the retaining wall at Green No. 3 on the golf course and replacement of the pedestrian bridge into Central Park project. The cost expenditures to the City consist of the costs expended annually on creek channel maintenance and the wall and bridge replacement. The structure replacements would cost \$180,000. Based on discussions with the Public Works Department the annual creek channel maintenance may be approximated as \$20,000 per year in 2006 dollars. Then for comparison with a construction alternative a time horizon of 50 years can be used. By assuming the average investment interest on City funds over this period to be 4%, then the annual stream of maintenance costs is converted to approximately \$430,000 in 2006 dollars.

The other costs of this scheme that are real but would not be direct expenditures of City funds include:

Annual costs of erosion repairs by property owners
Annual costs of erosion repairs to utility companies

Other value considerations include impacts to property values due to ongoing erosion versus impacts due to adopting increased setback requirements and reducing the buildable space on the lots. In general these impacts could be considered a trade-off with little net effect.

Scheme 2

This scheme involves minimal construction of improvements. The cost expenditures to the City would be the cost of acquiring homes, relocating residents, and demolishing structures. A line item summary of the initial cost expenditures by the City can be found in Appendix C. These costs are summarized as follows:

Total Construction Expenditures	\$1,156,176
Total Property Expenditures	\$9,252,600
 Total Project Expenditures	 \$10,408,776

In addition to the direct expenditures there are also direct losses of income to the City as a result of the acquisition of the homes in the form of lost property taxes. Based on the 2006 tax information shown on the Sarpy County website the lost revenue to the City would be \$25,750.73 per year. This is an annual revenue stream, therefore, if we assume a time horizon of 50 years and an average interest rate of 4% during this period then the present value of the revenue stream is \$533,000.

This scheme is intended to relieve the City of the annual costs of repairing erosion, however, the increase in publicly owned property would also cause an increase in the expense of maintenance such as mowing. Therefore, for purposes of this comparison it will be assumed that these two expenses are equal with no net impact.

The other costs of this scheme that are real but would not directly impact City funds include:

Annual savings to utility companies for elimination of erosion damages
Annual costs to homeowners for erosion damage are eliminated

Other value considerations include increases to property values for homes remaining along Park View Boulevard and Valley Road, recreational benefits to citizens as a result of the creation of the greenway, and environmental benefits of leaving the mature vegetation in place along the channel.

Scheme 3

This scheme includes a combination of construction and property acquisition as outlined in the foregoing. A line item summary of the initial cost expenditures by the City can be found in Appendix C. These costs are summarized as follows:

Total Construction Expenditures	\$1,344,854
Total Property Expenditures	\$2,971,261
 Total Project Expenditures	 \$4,316,116

In addition to the direct expenditures there are also direct losses of income to the City as a result of the acquisition of the homes in the form of lost property taxes. Based on the 2006 tax information shown on the Sarpy County website the lost revenue to the City would be \$8,560.57. This is an annual revenue stream, therefore, if we assume a time horizon of 50 years and an average interest rate of 4% during this period then the present value of the revenue stream is \$183,898.

As with Scheme 2 this scheme is intended to relieve the City of the annual costs of repairing erosion, however, the increase in publicly owned property would also cause an increase in the expense of maintenance such as mowing. Therefore, for purposes of this comparison it will be assumed that these two expenses are equal with no net impact.

The other costs of this scheme, which are real but would not be direct expenditures of City funds include:

Annual savings to utility companies for elimination of erosion damages
Annual costs to some homeowners for erosion damage are eliminated

Other value considerations include increases to property values for homes remaining along the north side of Park View Boulevard and along Valley Road immediately abutting the stabilized channel, recreational benefits to citizens as a result of the creation of the greenway, and environmental benefits of leaving at least some of the mature vegetation in place along the channel.

Scheme 4

This scheme is a construction intensive solution aimed at solving the erosion problems while leaving the existing homes in place. A line item summary of the initial cost expenditures can be found in Appendix C. These costs are summarized as follows:

Total Construction Expenditures	\$4,395,552
Total Property Expenditures	\$1,169,520
Total Project Expenditures	\$5,565,072

In addition to the direct expenditures there are also direct losses of income to the City as a result of the acquisition of eight homes in the form of lost property taxes. Based on the an average value of \$83,000 for these homes based on information shown on the Sarpy County website the lost revenue to the City would be \$3,199. This is an annual revenue stream, therefore, if we assume a time horizon of 50 years and an average interest rate of 4% during this period then the present value of the revenue stream is \$68,724.

This scheme would result in a reduction of certain cost expenditures to the City consisting of the costs expended annually on creek channel maintenance. Based on discussions with the Public Works Department this amount may be approximated as \$20,000 per year in 2006 dollars. Then for comparison with a construction alternative a time horizon of 50 years can be used. By assuming the average investment interest on City funds over this period to be 4%, then the annual stream of maintenance costs is converted to a savings of approximately \$430,000 measured in present dollars, which could be treated as an offset towards the construction costs.

The other costs of this scheme that are real but would not be direct expenditures of City funds include:

- Annual savings to utility companies for elimination of erosion damages
- Annual costs to homeowners for erosion damage are eliminated

Other value considerations include decreases to property values for homes along the channel due to the loss of mature vegetation and the resultant impact on aesthetics. This loss in value would be partially offset by those properties that no longer are threatened by erosion damage. There would be a loss to the community at large in comparison to Schemes 2 and 3 since there would be less recreational benefits to citizens as a result of not creating greenway, and the environmental impacts of removing all mature vegetation along the channel.

General

It is worth noting that none of these schemes include the removal and replacement of the major drainage culverts under Edgewood Boulevard, 73rd Avenue or 72nd Street. While these structures do not pass the 100-year storm events, the depth of overtopping was considered shallow enough and infrequent enough to not warrant the expenditures. While the replacement of the culverts to convey 100-year storm events would allow the water surface elevation to be lowered by approximately 2 feet, the present water surface does not inundate homes. The present water surface as shown in Figures 2A through 2D only inundates street and yard areas. The cost to replace these culverts is estimated to be \$1,125,000. There is not enough benefit to justify this expense and replacing the culverts does not address the erosion problems.

RECOMMENDATIONS

City staff has discussed the schemes outlined in this report. Selection of an alternative took into consideration many factors. Foremost in the considerations were:

- Project Costs
- Social Impacts
- Environmental Impacts
- Permitting Approvals
- Conformance to Master Plans
- Maximizing Protection of Property (Safety)
- Indirect Costs & Benefits
- Funding Eligibility

The recommendation is to accept Scheme 3 as the best solution. It is the least costly of the alternatives, other than Scheme 1, which is essentially the “Do Nothing” alternative. It represents a compromise between social impact to those that would be relocated versus addressing the needs of those that would not be relocated and the community as a whole. This solution also considers environmental impact by leaving mature vegetation in place where possible and confining construction operations as much as possible.

Details of this scheme remain to be worked out and would likely be revised during the permitting process and further public hearings.

Prepared by,

THOMPSON, DREESSEN & DORNER, INC.

John M. Kottmann, P.E.
City Engineer

JMK/jlf

APPENDIX A
2006 STUDY UPDATE
THOMPSON CREEK

Address	2006 Valuation	Property Taxes	La Vista Taxes	Ownership On Site	Ownership Off Site
7201 Park View Blvd	\$67,987.00	\$1,450.90	\$338.93		X
7205 Park View Blvd	\$75,207.00	\$1,605.00	\$374.93		X
7209 Park View Blvd	\$83,665.00	\$1,785.50	\$417.09		X
7213 Park View Blvd.	\$103,294.00	\$2,204.40	\$514.95	X	
7217 Park View Blvd.	\$71,893.00	\$1,536.18	\$358.85		X
7221 Park View Blvd.	\$76,343.00	\$1,629.24	\$380.59	X	
7225 Park View Blvd.	\$72,369.00	\$1,544.42	\$360.78		X
7229 Park View Blvd.	\$73,285.00	\$1,563.98	\$365.35	X	
7233 Park View Blvd.	\$90,206.00	\$1,925.08	\$449.70		X
7301 Park View Blvd.	\$72,517.00	\$1,547.58	\$361.51		X
7305 Park View Blvd.	\$74,122.00	\$1,581.84	\$369.52	X	
7309 Park View Blvd.	\$72,517.00	\$1,547.58	\$361.51		X
7601 So. 73rd. Ave.	\$72,565.00	\$1,548.60	\$361.75	X	
7602 So. 73rd Ave.	\$77,188.00	\$1,647.26	\$384.80		X
7405 Park View Blvd.	\$79,794.00	\$1,702.88	\$397.79	X	
7409 Park View Blvd.	\$73,154.00	\$1,561.18	\$364.69		X
7413 Park View Blvd.	\$85,535.00	\$1,825.40	\$426.41	X	
7417 Park View Blvd.	\$82,888.00	\$1,768.92	\$413.22	X	
7603 Park View Blvd.	\$107,947.00	\$2,303.70	\$538.14		X
7605 Park View Blvd.	\$117,698.00	\$2,511.80	\$586.76	X	
7607 Park View Blvd.	\$105,873.00	\$2,259.44	\$527.81	X	
7609 Park View Blvd.	\$105,572.00	\$2,253.02	\$526.31		X
7611 Park View Blvd.	\$89,847.00	\$0.00	\$0.00	X	
7613 Park View Blvd.	\$118,275.00	\$2,524.10	\$589.63	X	
7615 Park View Blvd.	\$119,832.00	\$2,557.34	\$597.39	X	
7617 Park View Blvd.	\$111,638.00	\$2,382.46	\$556.54	X	
7619 Park View Blvd.	\$111,067.00	\$2,370.28	\$553.70		X
7621 Park View Blvd.	\$90,763.00	\$1,936.98	\$452.48		X
7623 Park View Blvd.	\$104,594.00	\$2,232.14	\$521.43	X	
7601 Edgewood Blvd.	\$92,913.00	\$1,982.86	\$463.20	X	
7608 Valley Rd.	\$80,092.00	\$1,709.24	\$399.28		X
7604 Valley Rd.	\$84,918.00	\$1,812.24	\$423.34	X	
7602 Valley Rd.	\$74,887.00	\$1,598.16	\$373.33	X	
7548 Valley Rd.	\$72,662.00	\$1,550.68	\$362.24		X
7544 Valley Rd.	\$72,345.00	\$1,543.92	\$360.66	X	
7540 Valley Rd.	\$73,752.00	\$1,573.94	\$367.67	X	
7536 Valley Rd.	\$87,267.00	\$1,862.36	\$435.05	X	
7532 Valley Rd.	\$78,810.00	\$1,681.88	\$392.89	X	
7528 Valley Rd.	\$115,683.00	\$2,468.78	\$576.71	X	
7524 Valley Rd.	\$79,777.00	\$1,702.52	\$397.71	X	
7520 Valley Rd.	\$75,343.00	\$1,607.90	\$375.61	X	
7516 Valley Rd.	\$79,490.00	\$1,017.84	\$237.77	X	
7512 Valley Rd.	\$70,853.00	\$1,512.08	\$353.22		X
7508 Valley Rd.	\$76,247.00	\$1,627.18	\$380.11		X
7504 Valley Rd.	\$106,103.00	\$2,264.34	\$528.95		X

7502 Valley Rd.	\$70,668.00	\$0.00	\$0.00	X
7414 Valley Rd.	\$81,730.00	\$1,744.20	\$407.45	X
7410 Valley Rd.	\$70,943.00	\$1,514.00	\$353.67	X
7406 Valley Rd.	\$71,338.00	\$1,522.42	\$355.64	X
7402 Valley Rd.	\$80,510.00	\$1,718.16	\$401.36	X
7314 Valley Rd.	\$74,582.00	\$1,591.66	\$371.81	X
7310 Valley Rd.	\$74,527.00	\$1,590.48	\$371.54	X
7306 Valley Rd.	\$88,209.00	\$1,882.46	\$439.74	X
7606 So. 73rd Ave.	\$75,446.00	\$0.00	\$0.00	X
7605 So. 73rd Ave.	\$77,393.00	\$1,651.64	\$385.82	X
7238 Valley Rd.	\$71,573.00	\$1,527.44	\$356.81	X
7234 Valley Rd.	\$80,731.00	\$1,722.88	\$402.46	X
7230 Valley Rd.	\$76,443.00	\$1,631.36	\$381.09	X
7226 Valley Rd.	\$79,223.00	\$1,690.70	\$394.95	X
7222 Valley Rd.	\$73,573.00	\$1,570.12	\$366.78	X
7218 Valley Rd.	\$72,372.00	\$1,544.50	\$360.80	X
7214 Valley Rd.	\$71,997.00	\$1,536.48	\$358.92	X
7210 Valley Rd.	\$72,365.00	\$1,544.34	\$360.76	X
7206 Valley Rd.	\$83,817.00	\$1,788.74	\$417.85	X
7202 Valley Rd.	\$76,828.00	\$1,639.58	\$383.01	X

Totals \$5,433,045.00 \$110,234.28 \$25,750.73

Inf. From Sarpy County Records the week of Nov. 27, 2006

APPENDIX C
THOMPSON CREEK 2006 STUDY UPDATE
COST ESTIMATE INFORMATION

SUMMARY OF DIRECT EXPENDITURES

SCHEME	CONST. COST	PROPERTY COSTS	TOTAL
1	\$ 178,560	\$ 0	\$ 178,560
2	\$ 1,156,176	\$ 9,252,600	\$ 10,408,776
3	\$ 1,344,854	\$ 2,971,261	\$ 4,316,115
4	\$ 4,395,552	\$ 1,169,520	\$ 5,565,072

SEE FOLLOWING PAGES FOR ITEMIZATION OF EACH SCHEME

THOMPSON CREEK 2006 STUDY UPDATE
 PRELIMINARY ESTIMATE FOR SCHEME 1
 ESTIMATE BASED ON CONCEPTUAL PLANS
 TDD 171-318

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
CONSTRUCTION COSTS					
1.	Remove & Replace Ped. Bridge	1	LS	\$100,000.00	\$100,000.00
2.	Replace Retaining Wall at Green No.	500	SF	\$30.00	\$15,000.00
3.	Restore Green	1	LS	\$5,000.00	\$5,000.00
4.	Reserved				
5.	Reserved				
6.	Reserved				
7.	Reserved				
8.	Reserved				
9.	Reserved				
10.	Reserved				
11.	Reserved				
	Construction Costs Subtotal				\$120,000.00
	Contingency, 20%				\$24,000.00
	Construction Costs Total				\$144,000.00
	Preliminary Engineering, 10%				\$14,400.00
	Final Design & Const. Engineering, 14%				\$20,160.00
	Engineering Costs, Total				\$34,560.00
	Total Project Costs				\$178,560.00
PROPERTY COSTS					
	Assume no acquisitions				
	Temporary Easement	0	AC	\$8,000.00	\$0.00
	Right of Way	0	AC	\$30,000.00	\$0.00
	Home & Lot	0	EA		
	Total for Right of Way				\$0.00

NOTES

THOMPSON CREEK 2006 STUDY UPDATE
 PRELIMINARY ESTIMATE FOR SCHEME 2
 ESTIMATE BASED ON CONCEPTUAL PLANS
 TDD 171-318

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
CONSTRUCTION COSTS					
1.	Remove & Replace Ped. Bridge	1	LS	\$100,000.00	\$100,000.00
2.	Replace Retaining Wall at Green No.	500	SF	\$30.00	\$15,000.00
3.	Restore Green	1	LS	\$5,000.00	\$5,000.00
4.	Demolish homes	65	EA	\$10,000.00	\$650,000.00
5.	Stabilize storm sewer outlets	7	EA	\$1,000.00	\$7,000.00
6.	Reserved				
7.	Reserved				
8.	Reserved				
9.	Reserved				
10.	Reserved				
11.	Reserved				
	Construction Costs Subtotal				\$777,000.00
	Contingency, 20%				\$155,400.00
	Construction Costs Total				\$932,400.00
	Preliminary Engineering, 10%				\$93,240.00
	Final Design & Const. Engineering, 14%				\$130,536.00
	Engineering Costs, Total				\$223,776.00
	Total Construction Expenditures				\$1,156,176.00

PROPERTY COSTS

Assume no acquisitions				
Temporary Easement	0	AC	\$8,000.00	\$0.00
Right of Way	0	AC	\$30,000.00	\$0.00
Acquire Homes & Lots	65	EA		\$6,248,000.00 *
Relocation Assistance	65	EA		\$1,462,500.00 **
Total for Right of Way				\$7,710,500.00
Legal & Appraisals, 20%				\$1,542,100.00
Total Property Expenditures				\$9,252,600.00
Total Project Expenditures				\$10,408,776.00

NOTES

- * Based on Sarpy website tax value week of Nov. 27, 2006 plus 15% for estimate of fair market value
- ** Based on allowing \$22,500 per residence

THOMPSON CREEK 2006 STUDY UPDATE
 PRELIMINARY ESTIMATE FOR SCHEME 3
 ESTIMATE BASED ON CONCEPTUAL PLANS
 TDD 171-318

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
CONSTRUCTION COSTS					
1.	Remove & Replace Ped. Bridge	1	LS	\$100,000.00	\$100,000.00
2.	Replace Retaining Wall at Green No.	500	SF	\$30.00	\$15,000.00
3.	Restore Green	1	LS	\$5,000.00	\$5,000.00
4.	Demolish homes	22	EA	\$10,000.00	\$220,000.00
5.	Stabilize storm sewer outlets	7	EA	\$1,000.00	\$7,000.00
6.	Clearing & Grubbing	1	LS	\$60,000.00	\$60,000.00
7.	Excavation for relocated channel areas	22,000	CY	\$3.00	\$66,000.00
8.	Channel Lining	12,600	SF	\$10.00	\$126,000.00
9.	Gabion Wall	700	CY	\$200.00	\$140,000.00
10.	Tree Mitigation	328	EA	\$300.00	\$98,400.00
11.	Erosion Control	1	LS	\$23,000.00	\$23,000.00
12.	Seeding	4.2	AC	\$2,000.00	\$8,400.00
13.	Relocate Play Structure	1	EA	\$10,000.00	\$10,000.00
14.	Wetlands Mitigation	0.5	AC	\$50,000.00	\$25,000.00
Construction Costs Subtotal					
					\$903,800.00
Contingency, 20%					
					\$180,760.00
Construction Costs Total					
					\$1,084,560.00
Preliminary Engineering, 10%					
					\$108,456.00
Final Design & Const. Engineering, 14%					
					\$151,838.40
Engineering Costs, Total					
					\$260,294.40
Total Construction Expenditures					
					\$1,344,854.40
PROPERTY COSTS					
Assume no acquisitions					
Temporary Easement					
		0.8	AC	\$8,000.00	\$6,400.00
Permanent Easement					
		0	AC	\$30,000.00	\$0.00
Acquire Homes & Lots					
		22	EA		\$1,974,651.00 *
Relocation Assistance					
		22	EA		\$495,000.00 **
Total for Right of Way					
					\$2,476,051.00
Legal & Appraisals, 20%					
					\$495,210.20
Total Property Expenditures					
					\$2,971,261.20
Total Project Expenditures					
					\$4,316,115.60

NOTES

- * Based on Sarpy website tax value week of Nov. 27, 2006 plus 15% for estimate of fair market value
- ** Based on allowing \$22,500 per residence

THOMPSON CREEK 2006 STUDY UPDATE
 PRELIMINARY ESTIMATE FOR SCHEME 4
 ESTIMATE BASED ON CONCEPTUAL PLANS
 TDD 171-318

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
CONSTRUCTION COSTS					
1.	Remove & Replace Ped. Bridge	1	LS	\$100,000.00	\$100,000.00
2.	Replace Retaining Wall at Green No.	500	SF	\$30.00	\$15,000.00
3.	Restore Green	1	LS	\$5,000.00	\$5,000.00
4.	Demolish homes	8	EA	\$10,000.00	\$80,000.00
5.	Stabilize storm sewer outlets	7	EA	\$1,000.00	\$7,000.00
6.	Clearing & Grubbing	1	LS	\$300,000.00	\$300,000.00
7.	Excavation for relocated channel areas	12,000	CY	\$5.00	\$60,000.00
8.	Channel Lining	185,000	SF	\$10.00	\$1,850,000.00
9.	Gabion Wall	700	CY	\$200.00	\$140,000.00
9.	Tree Mitigation	850	EA	\$300.00	\$255,000.00
10.	Erosion Control	1	LS	\$60,000.00	\$60,000.00
11.	Seeding	11	AC	\$2,000.00	\$22,000.00
12.	Relocate Play Structure	1	EA	\$10,000.00	\$10,000.00
13.	Wetlands Mitigation	1	AC	\$50,000.00	\$50,000.00
Construction Costs Subtotal					\$2,954,000.00
Contingency, 20%					\$590,800.00
Construction Costs Total					\$3,544,800.00
Preliminary Engineering, 10%					\$354,480.00
Final Design & Const. Engineering, 14%					\$496,272.00
Engineering Costs, Total					\$850,752.00
Total Construction Expenditures					\$4,395,552.00
PROPERTY COSTS					
Assume no acquisitions					
Temporary Easement					2 AC \$8,000.00 \$16,000.00
Permanent Easement					0.5 AC \$30,000.00 \$15,000.00
Acquire Homes & Lots					8 EA \$763,600.00 *
Relocation Assistance					8 EA \$180,000.00 **
Total for Right of Way					\$974,600.00
Legal & Appraisals, 20%					\$194,920.00
Total Property Expenditures					\$1,169,520.00
Total Project Expenditures					\$5,565,072.00

NOTES

- * Based on average valuations at 83,000 per home
plus 15% for estimate of fair market value
- ** Based on allowing \$22,500 per residence

2006 CHANNEL STUDY UPDATE
THOMPSON CREEK
72ND ST. TO LA VISTA FALLS GOLF COURSE
CITY OF LA VISTA
FIGURES & APPENDIX "B"

June 13, 2007



THOMPSON, DREESSEN & DORNER, INC.
Consulting Engineers & Land Surveyors
10836 OLD MILL ROAD OMAHA, NEBRASKA 68154
PHONE: 402.330.8860 FAX: 402.330.5866 EMAIL: TD2MAIL@TD2CO.COM

PHONE: 402.355.5000 WEBSITE: WWW.TD2CO.COM
FAX: 402.355.5001 EMAIL: TD2CO@TD2CO.COM

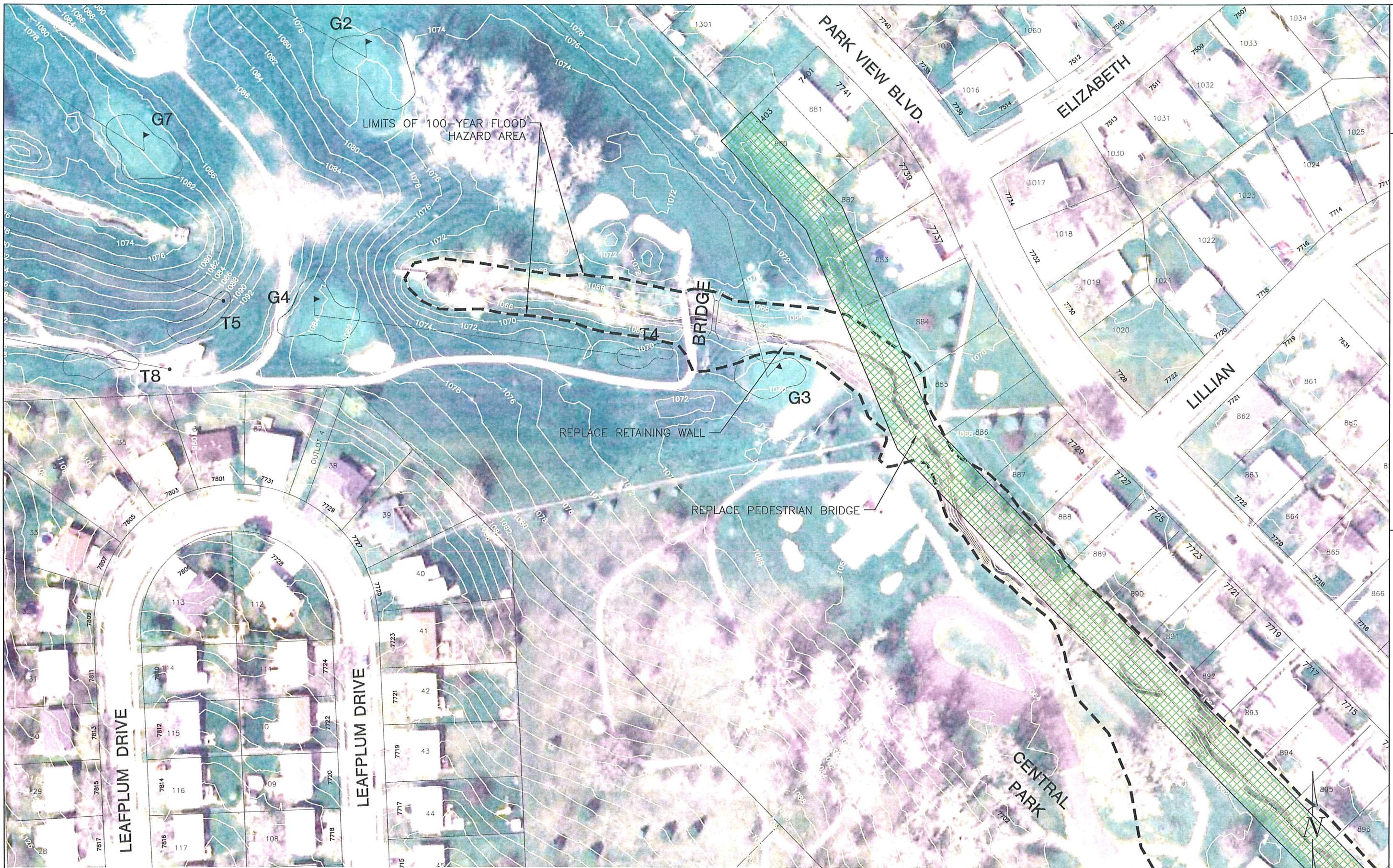
CITY OF LA VISTA		SCALE: AS SHOWN
		DATE: OCT. 20, 2006
		DRAWN BY: ASB
		CHECKED BY: JMK
		REVISIONS:
THOMPSON CREEK	2006 STUDY UPDATE SCHEME 1 EXHIBITS	

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171-318
FIGURE 2A

FIGURE 2A







2 THOMPSON, DREESSEN & DORNER, INC.	CITY OF LA VISTA
Consulting Engineers & Land Surveyors	
1036 OLD MILL ROAD OMAHA, NEBRASKA 68154	
PHONE: 402.330.8860 FAX: 402.330.5866 EMAIL: TD2MAIL@TD2CO.COM	
WEBSITE: WWW.TD2CO.COM	
AS SHOWN	DATE: OCT. 20, 2006
DRAWN BY: ASB	CHECKED BY: JMK
REVISIONS:	2006 STUDY UPDATE SCHEME 1 EXHIBITS
FIGURE 2D	17131BEH_2006 STUDY.DWG



LEGEND

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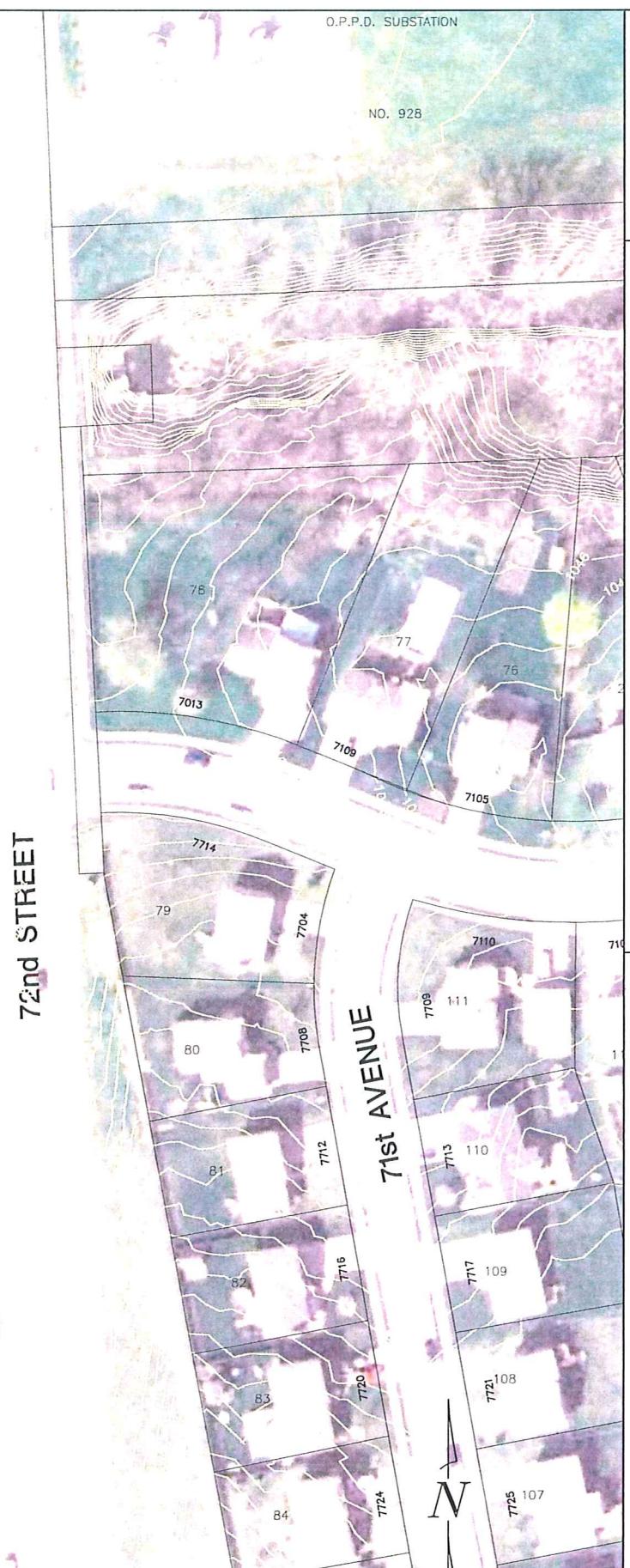
PROPOSED ACQUISITION
& REMOVAL

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SCALE IN FEET

171-318

FIGURE 3A



2 THOMPSON, DREESSEN & DORNER, INC.	CITY OF LA VISTA
Consulting Engineers & Land Surveyors	
10336 OLD MILL ROAD OMAHA, NEBRASKA 68154	
PHONE: 402.330.8860 FAX: 402.330.5866 EMAIL: TD2MAIL@TD2CO.COM	WEBSITE: WWW.TD2CO.COM
THOMPSON CREEK	2006 STUDY UPDATE SCHEME 2 EXHIBITS

SCALE: AS SHOWN
DATE: OCT. 20, 2006
DRAWN BY: ASB
CHECKED BY: JMK
REVISIONS:







2 THOMPSON, DREESSEN & DORNER, INC.
Consulting Engineers & Land Surveyors
 10836 OLD MILL ROAD OMAHA, NEBRASKA 68154
 PHONE: 402.330.8866 FAX: 402.330.3866 EMAIL: TD2MAIL@TD2CO.COM
 WEBSITE: WWW.TD2CO.COM

SCALE: AS SHOWN
DATE: OCT. 20, 2006
DRAWN BY: ASB
CHECKED BY: JMK
REVISIONS:
CITY OF LA VISTA
THOMPSON CREEK
2006 STUDY UPDATE SCHEME 2 EXHIBITS



2 THOMPSON, DREESSEN & DORNER, INC. Consulting Engineers & Land Surveyors 10836 OLD MILL ROAD OMAHA, NEBRASKA 68154 PHONE: 402.330.8860 FAX: 402.330.5866 EMAIL: TD2MAIL@TD2CO.COM WEBSITE: WWW.TD2CO.COM	CITY OF LA VISTA	2006 STUDY UPDATE SCHEME 3 EXHIBITS
AS SHOWN DATE: OCT. 20, 2006 DRAWN BY: ASB CHECKED BY: JMK REVISIONS:	171-318	171318EH_2006 STUDY.DWG FIGURE 4A







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SCALE IN FEET



SUPPLEMENTAL DRAINAGE EASEMENT



PLATTED DRAINAGE EASEMENT

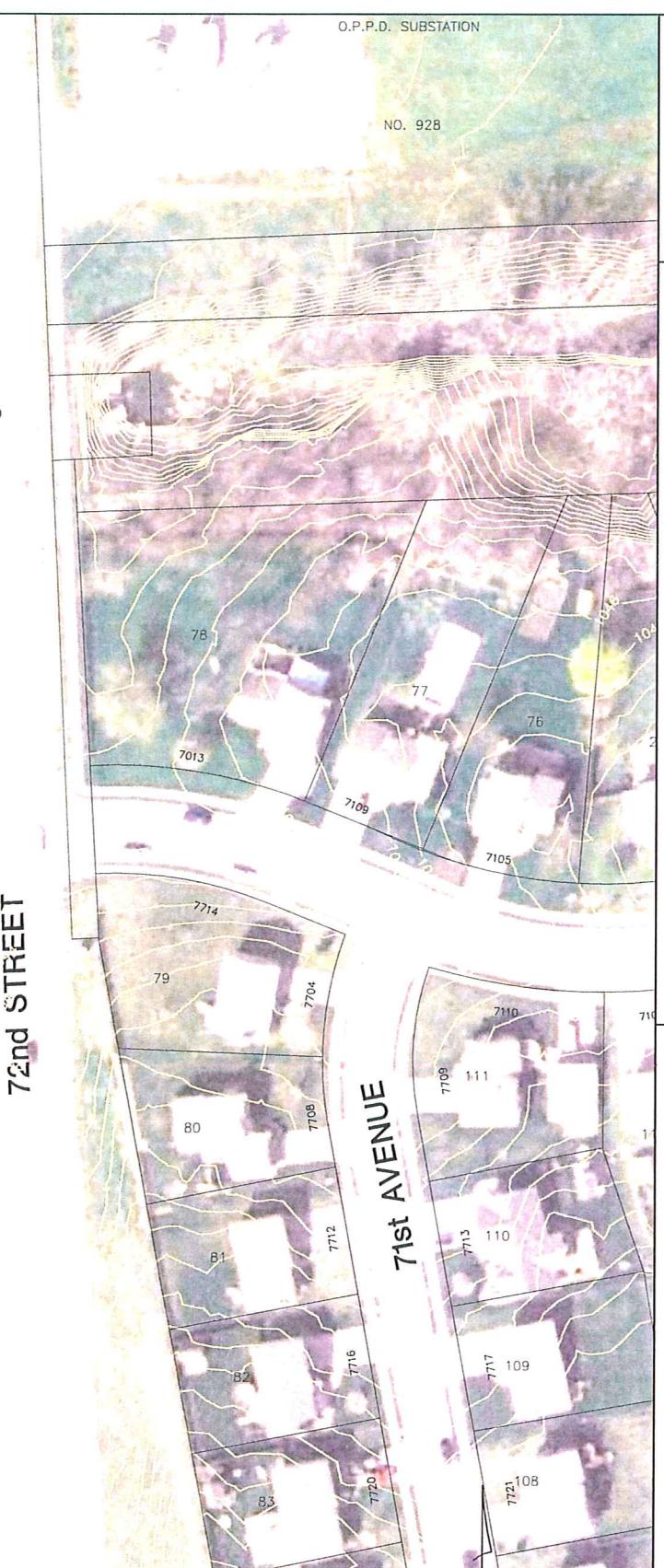
2 THOMPSON, DREESSEN & DORNER, INC.
Consulting Engineers & Land Surveyors
10886 OLD MILL ROAD OMAHA, NEBRASKA 68154

PHONE: 402.330.8860 FAX: 402.330.5866 EMAIL: TD2MAIL@TD2CO.COM
WEBSITE: WWW.TD2CO.COM

CITY OF LA VISTA		SCALE: AS SHOWN
		DATE: OCT. 20, 2006
		DRAWN BY: ASB
		CHECKED BY: JMK
		REVISIONS:
THOMPSON CREEK	2006 STUDY UPDATE SCHEME 3 EXHIBITS	

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2 THOMPSON, DREESSEN & DORNER, INC.	CITY OF LA VISTA
Consulting Engineers & Land Surveyors	2006 STUDY UPDATE
10836 OLD MILL ROAD OMAHA, NEBRASKA 68154	SCHEME 4 EXHIBITS
PHONE: 402.330.9860 FAX: 402.330.5866 EMAIL: TD2MAIL@TD2CO.COM	WEBSITE: WWW.TD2CO.COM
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171-318	
FIGURE 5A	

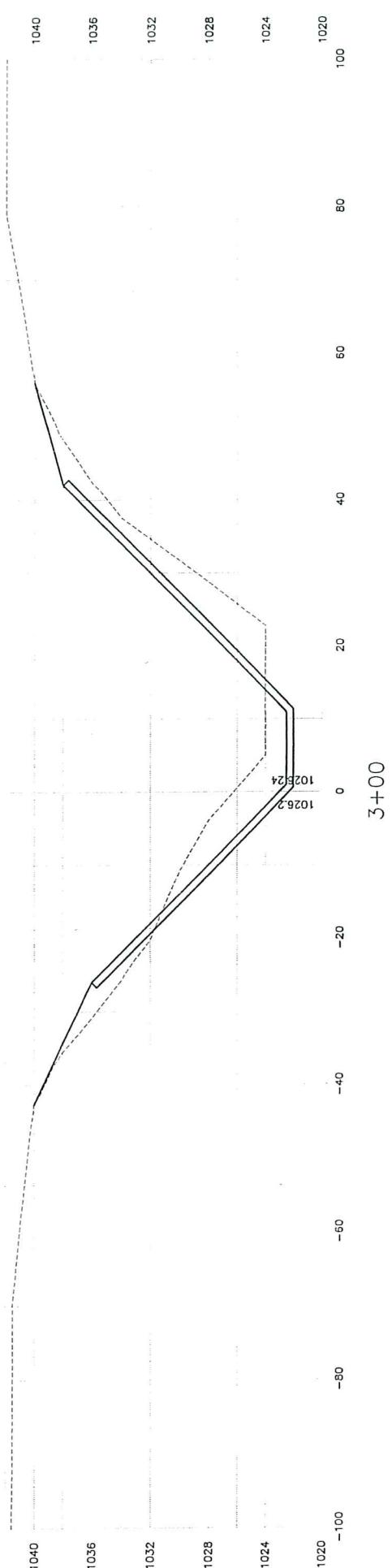
SCALE: AS SHOWN
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REVISIONS:

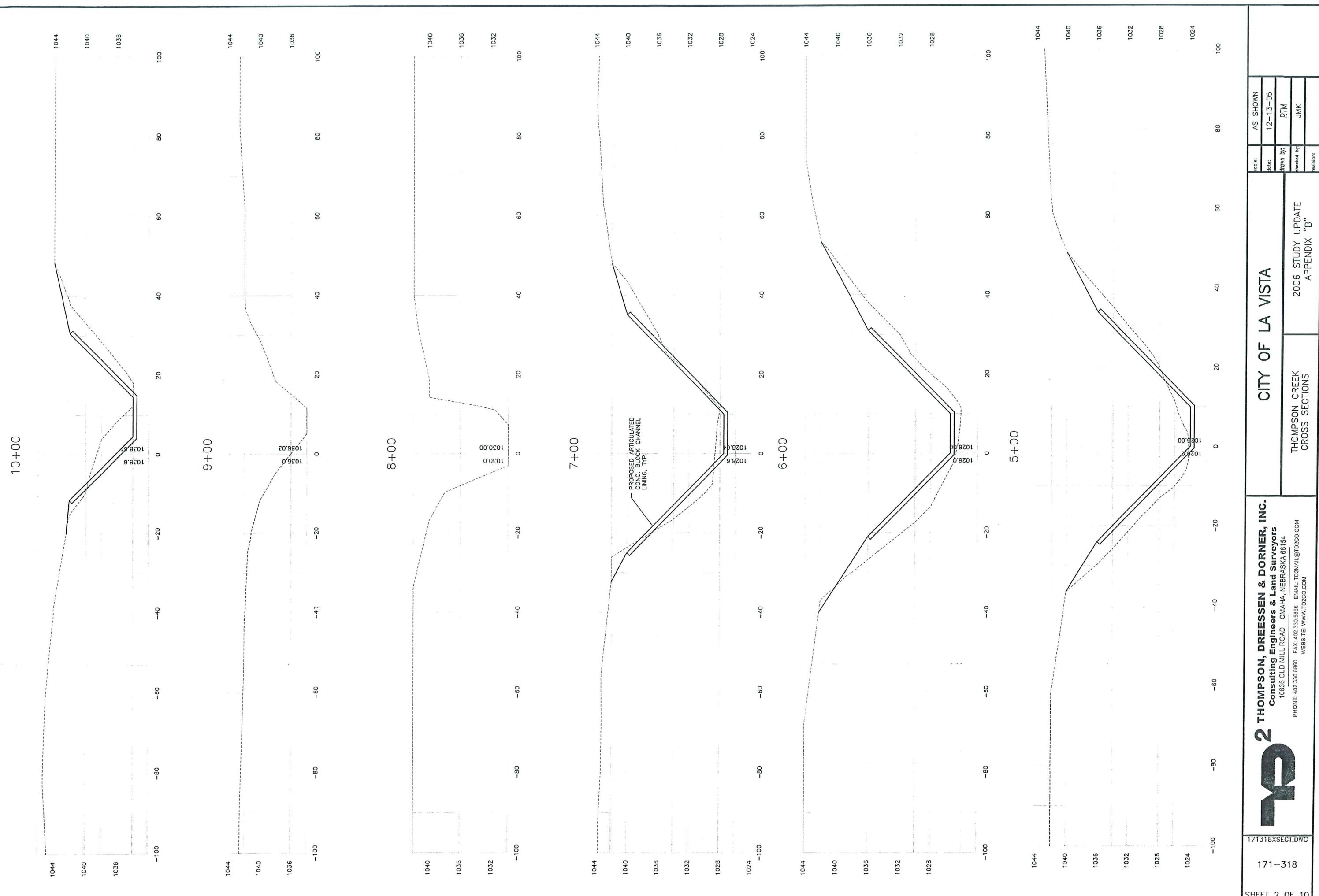






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CITY OF LA VISTA

THOMPSON CREEK
CROSS SECTIONS

2006 STUDY UPDATE
APPENDIX "B"

10836 OLD MILL ROAD, OMAHA, NEBRASKA 68154
PHONE: 402.330.8860 FAX: 402.330.5666 EMAIL: TD2MAIL@TD2CO.COM
WEBSITE: WWW.TD2CO.COM

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SHEET 2 OF 10

scale: AS SHOWN
date: 12-13-05
drawn by: RTM
checked by: JMK
revision:

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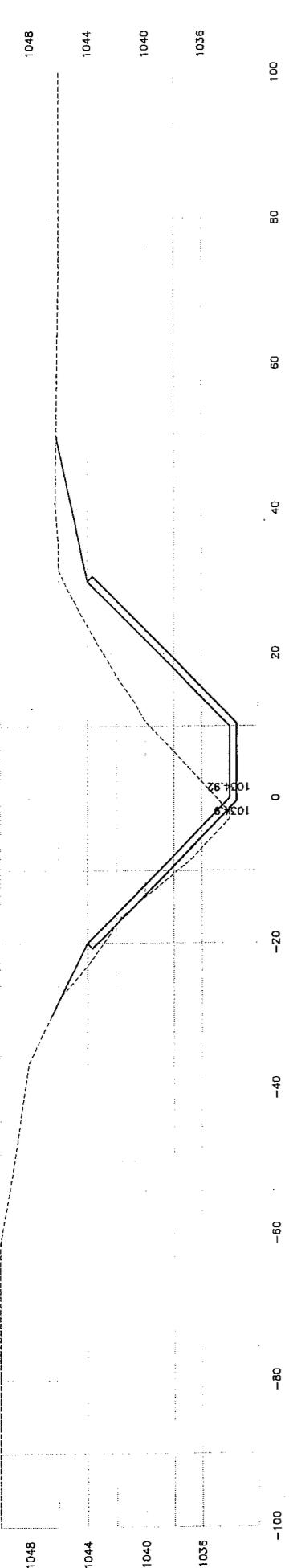
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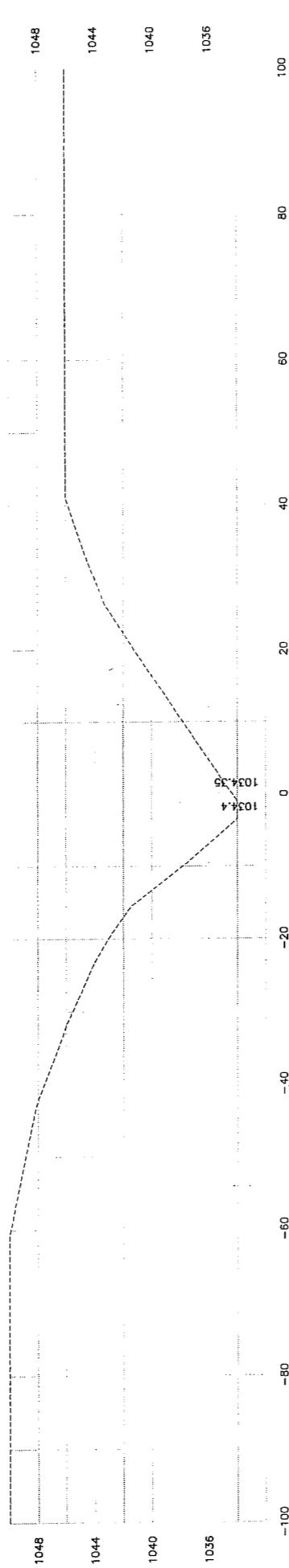
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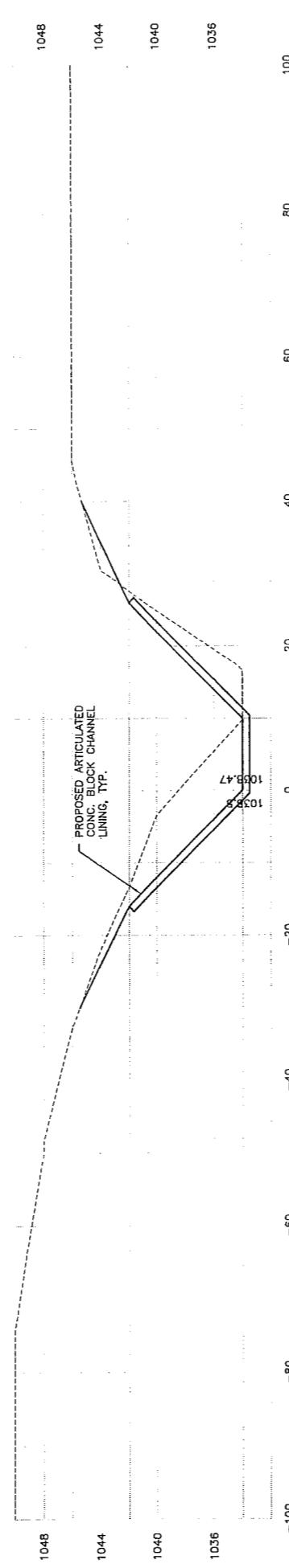
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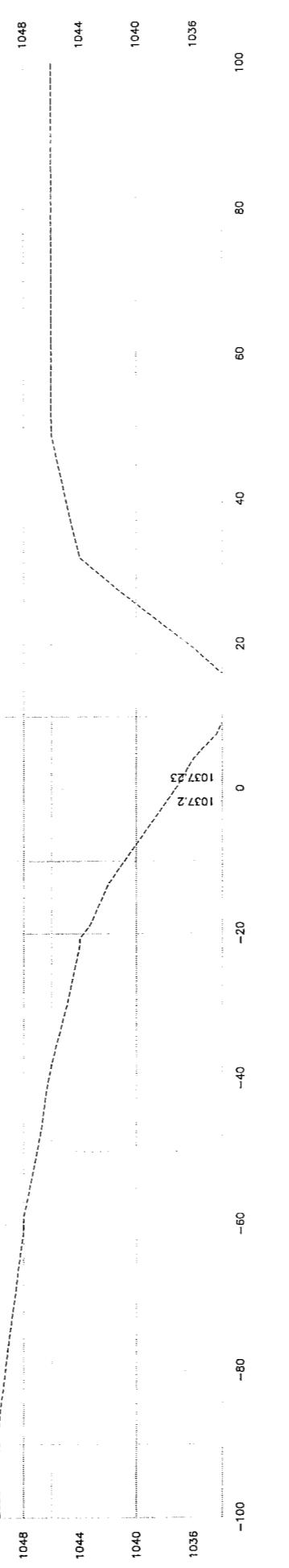
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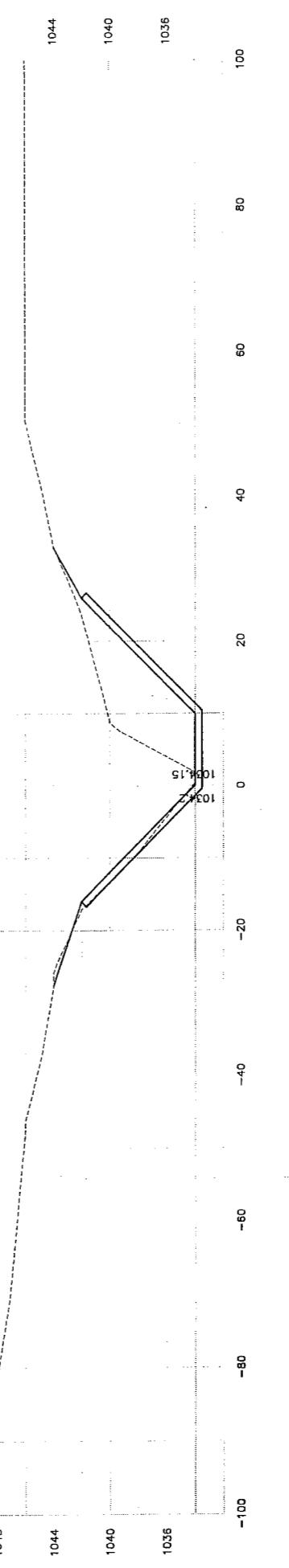
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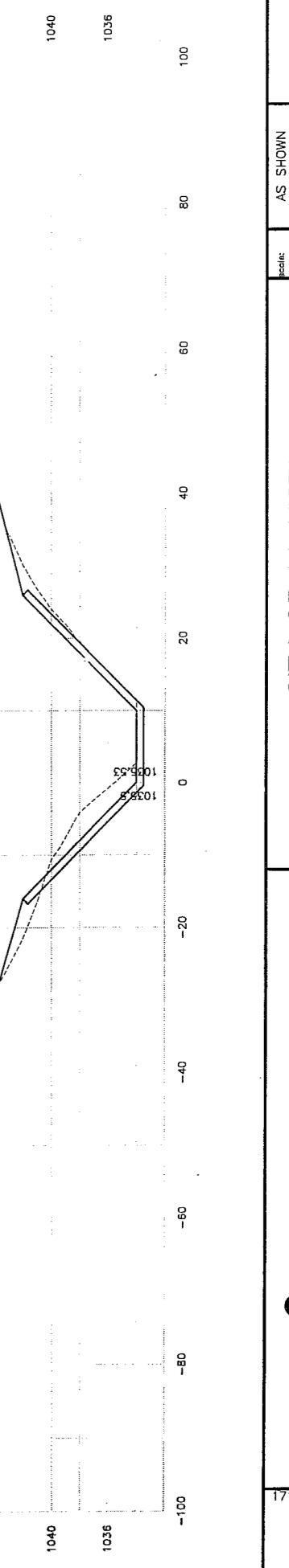
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**TD****THOMPSON, DREESSEN & DORNER, INC.**
Consulting Engineers & Land Surveyors10336 OLD MILL ROAD OMAHA, NEBRASKA 68134
PHONE: 402.330.8866 FAX: 402.330.5866 EMAIL: TD2MAIL@TD2CO.COM
WEBSITE: WWW.TD2CO.COM**CITY OF LA VISTA**2006 STUDY UPDATE
APPENDIX "B"

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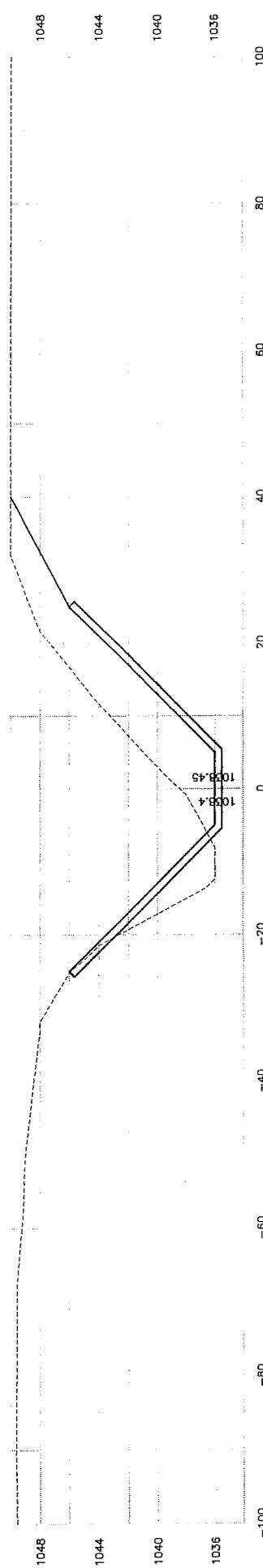
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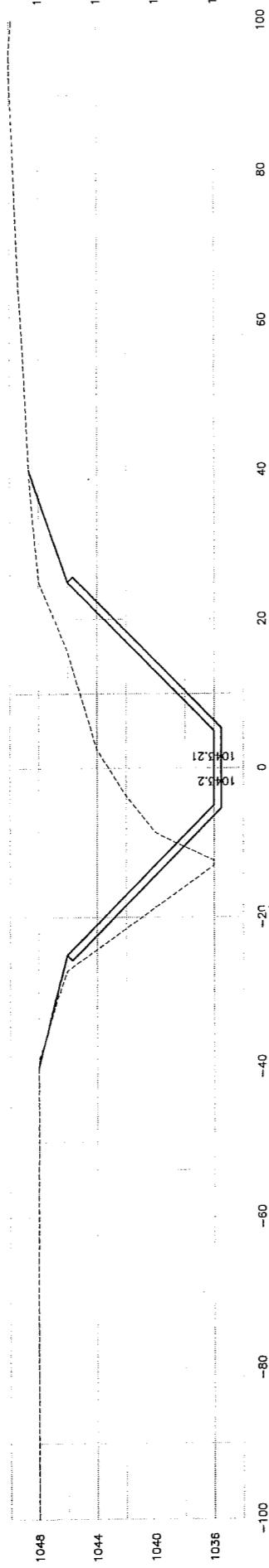
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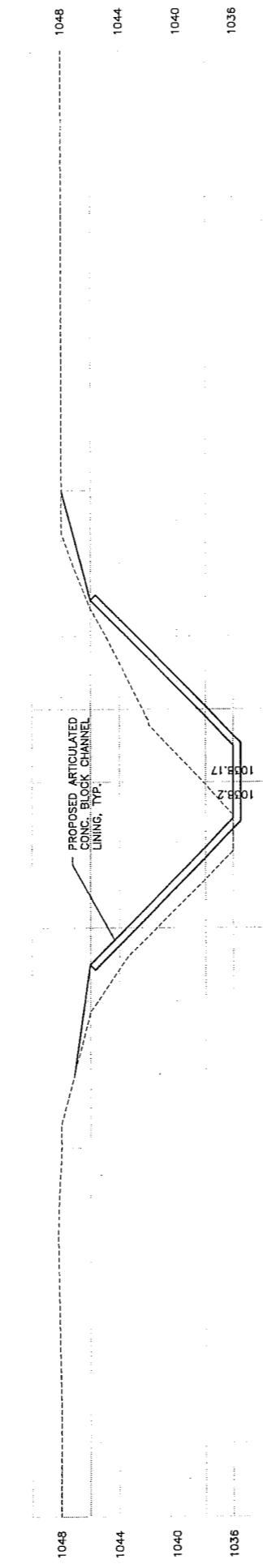
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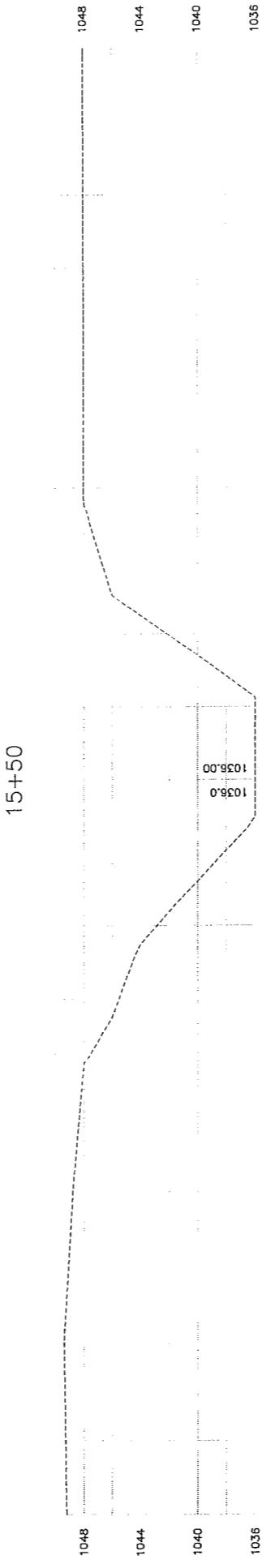
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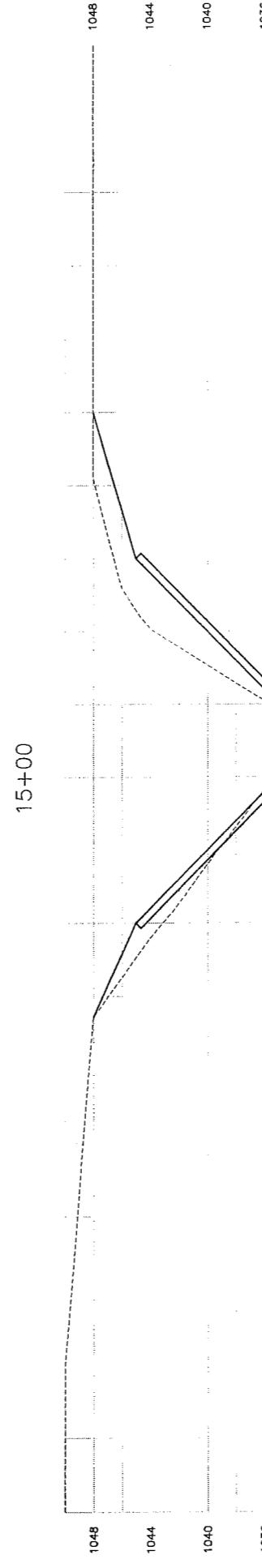
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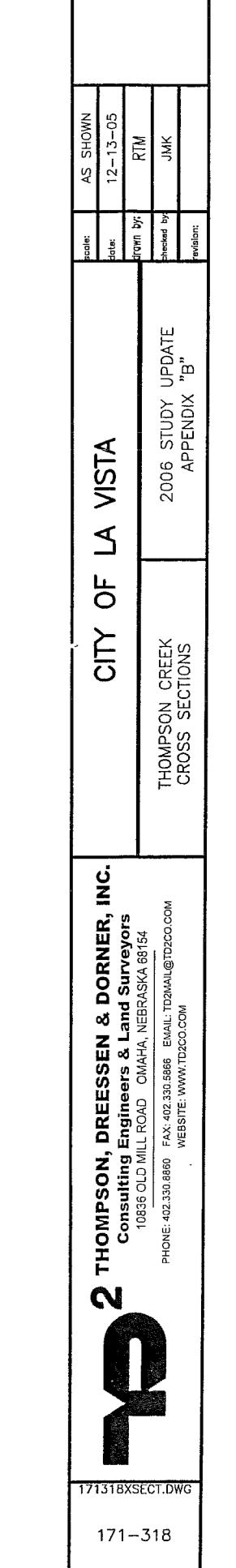
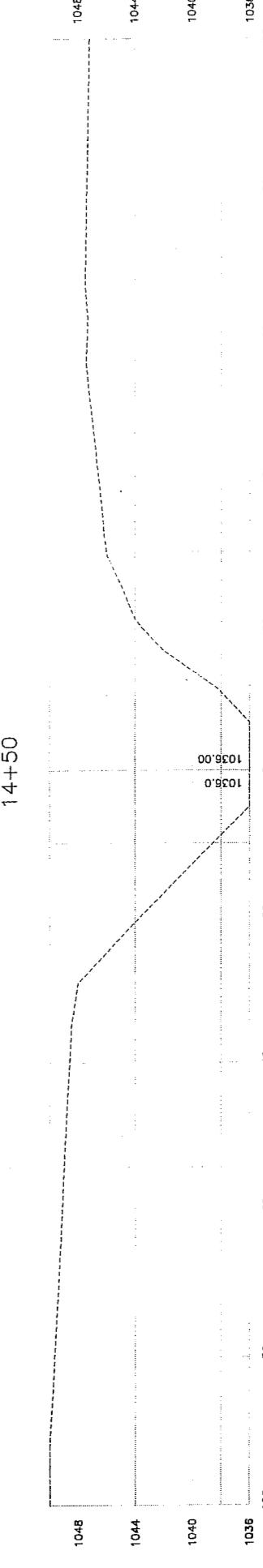
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2 THOMPSON, DREESSEN & DORNER, INC.
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10836 OLD MILL ROAD OMAHA, NEBRASKA 68164
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WEBSITE: WWW.TD2CO.COM

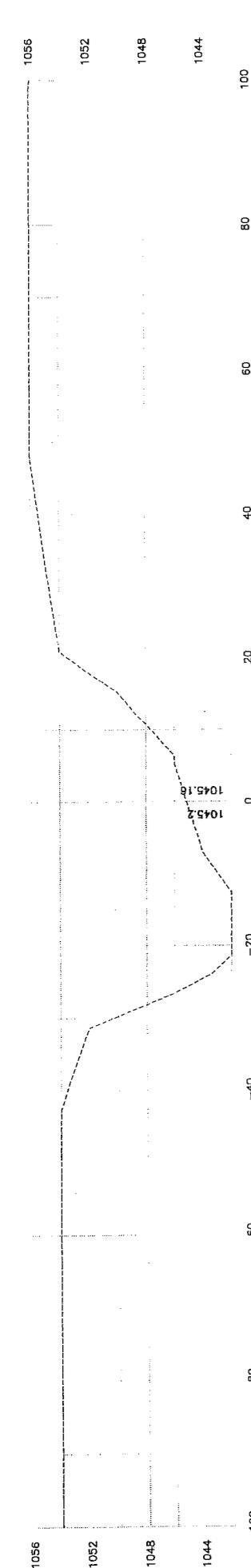
CITY OF LA VISTA

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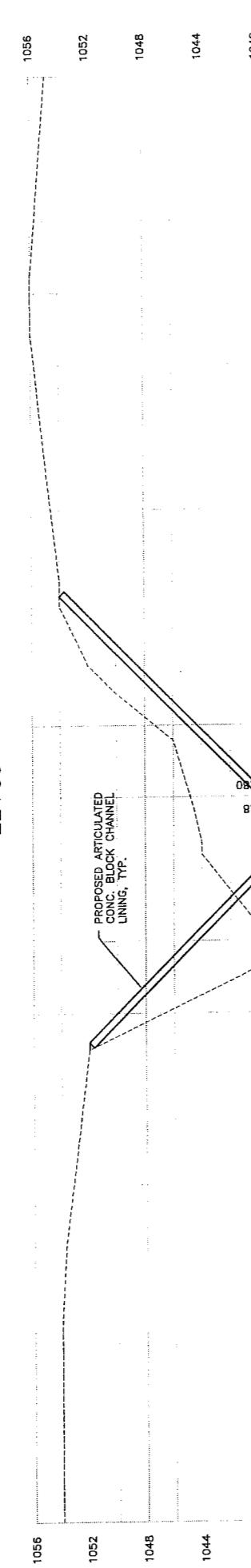
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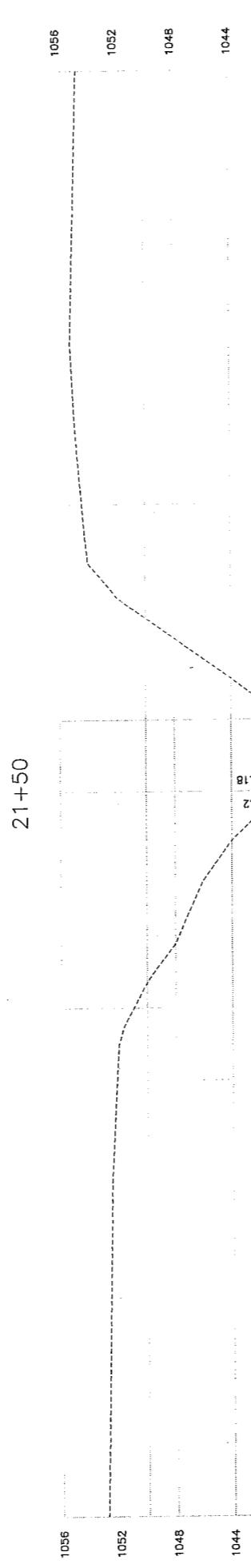
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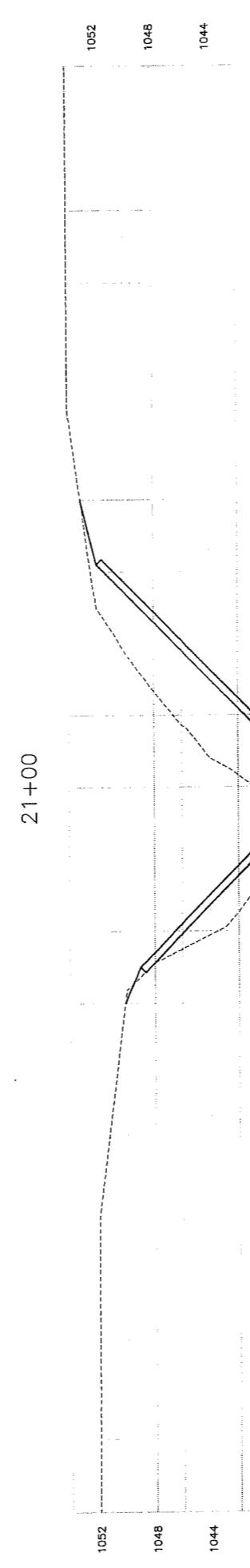
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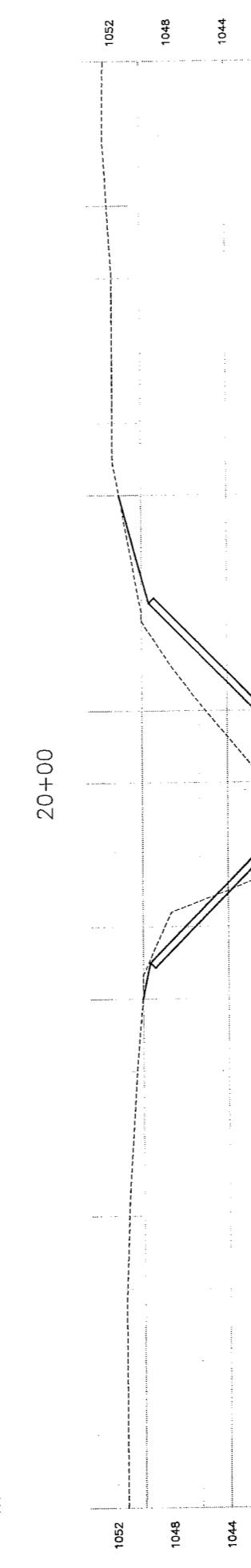
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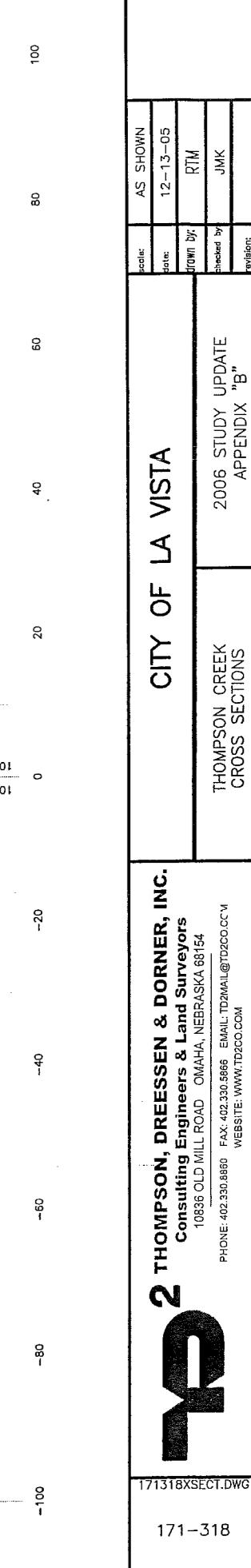
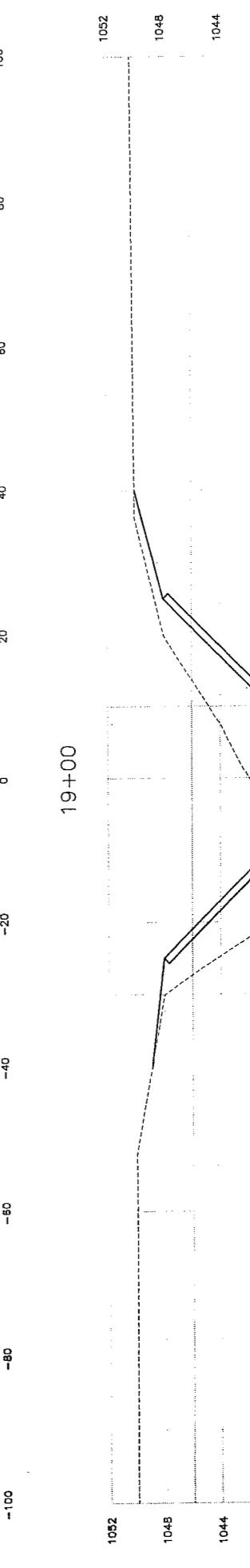
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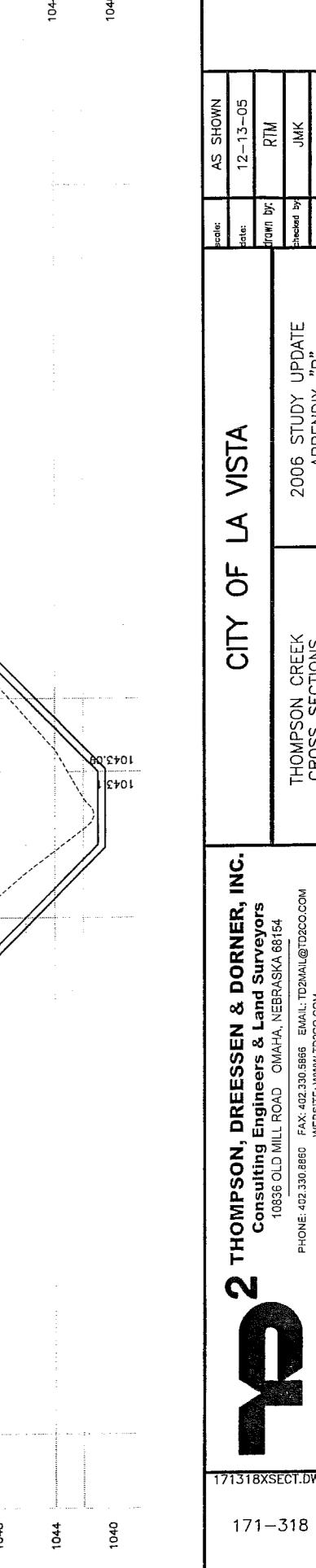
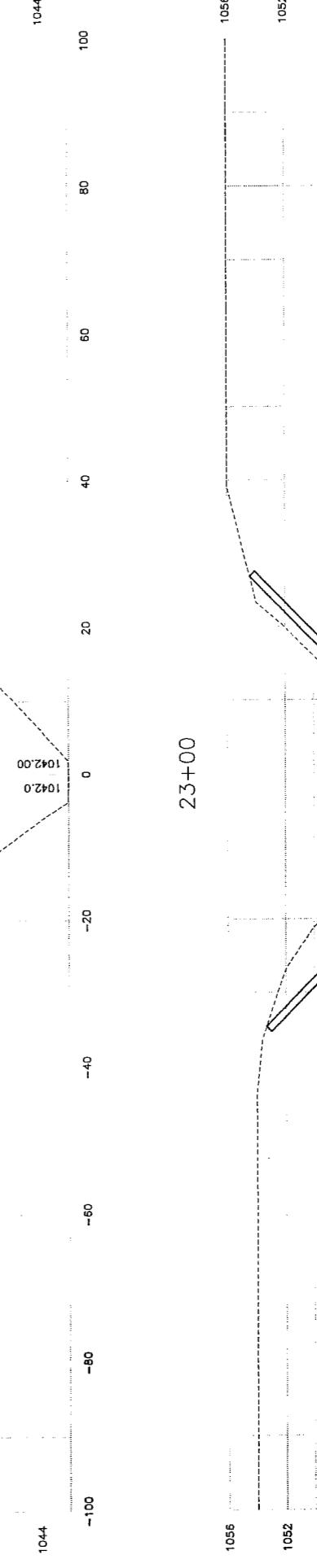
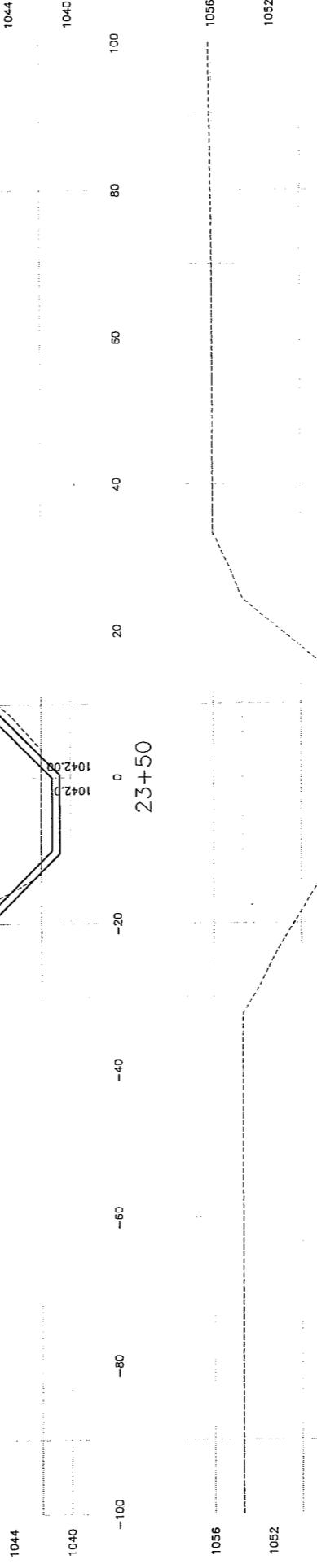
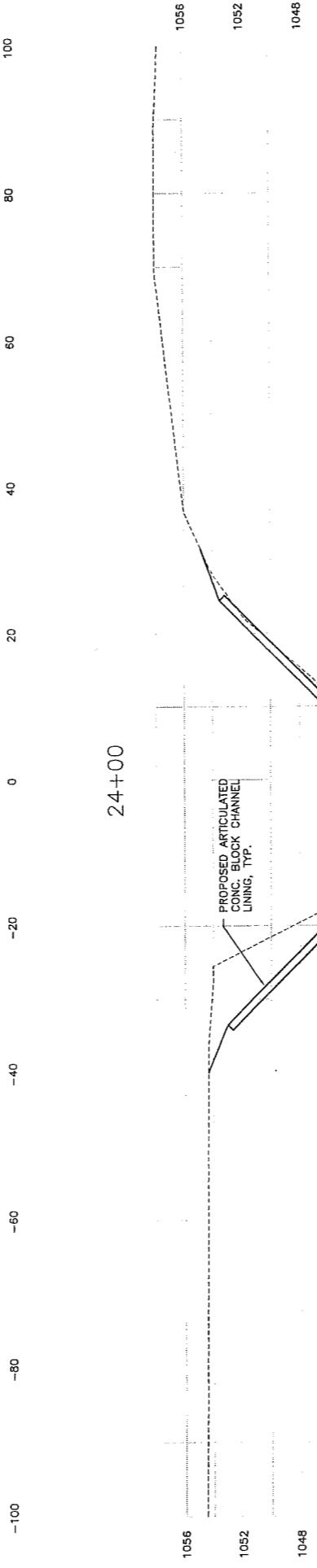
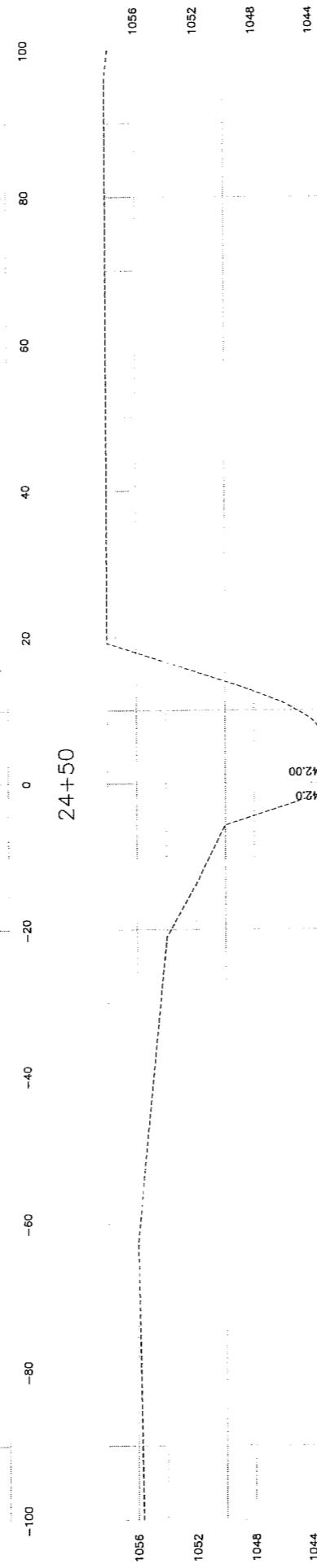
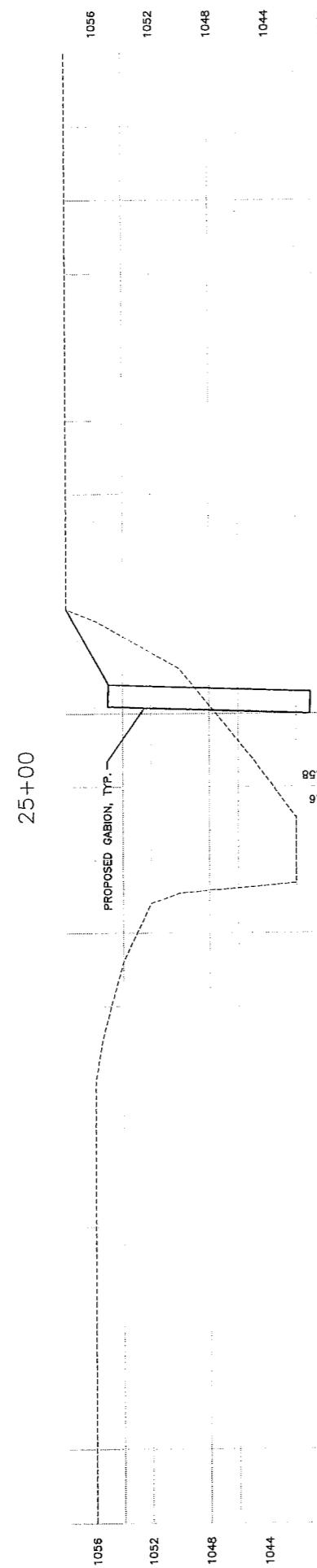
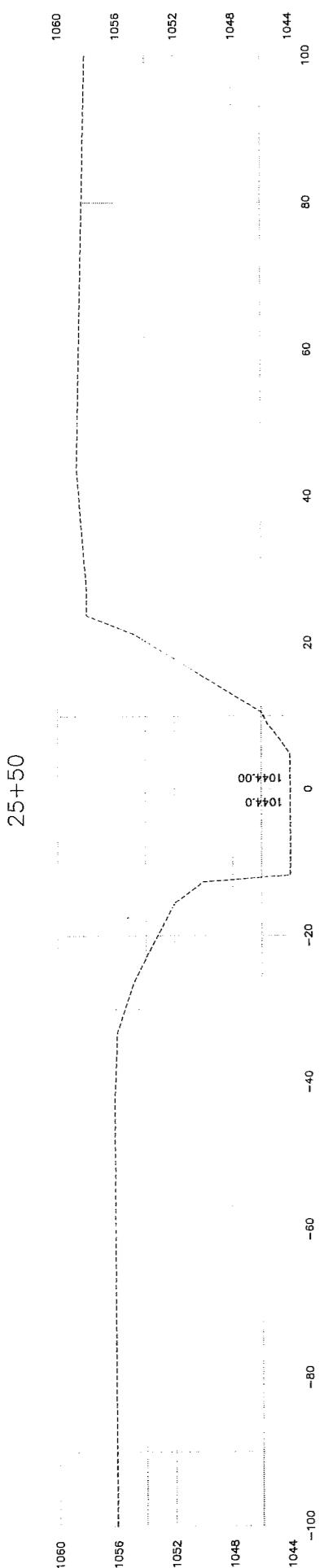


CITY OF LA VISTA

2 THOMPSON, DREESSEN & DORNER, INC.
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10836 OLD MILL ROAD OMAHA, NEBRASKA 68154
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SHEET 5 OF 10

scale: AS SHOWN
date: 12-13-05
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checked by: JMK
revision:



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Consulting Engineers & Land Surveyors
10836 OLD MILL ROAD OMAHA, NEBRASKA 68154
PHONE: 402.330.8860 FAX: 402.330.5866 EMAIL: TD2MAIL@TD2CO.COM
WEBSITE: WWW.TD2CO.COM

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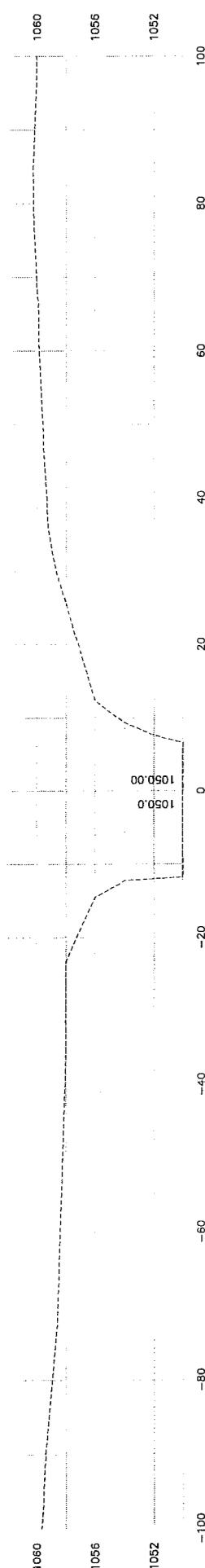
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THOMPSON CREEK
CROSS SECTIONS

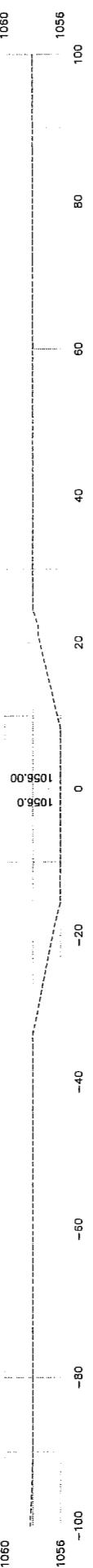
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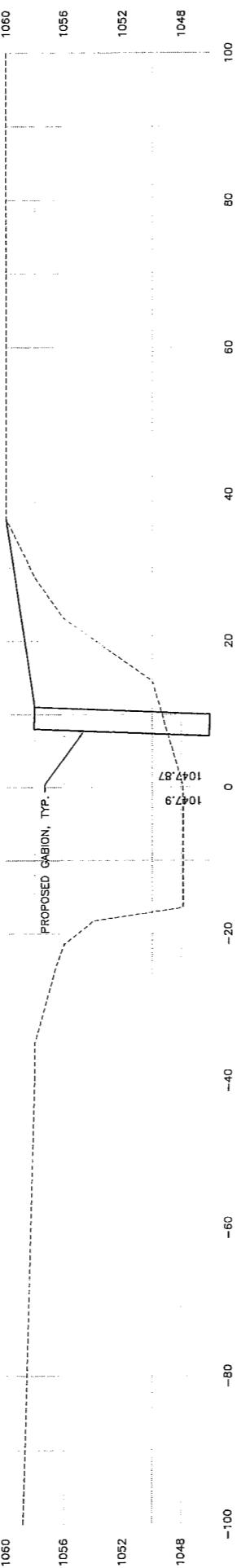
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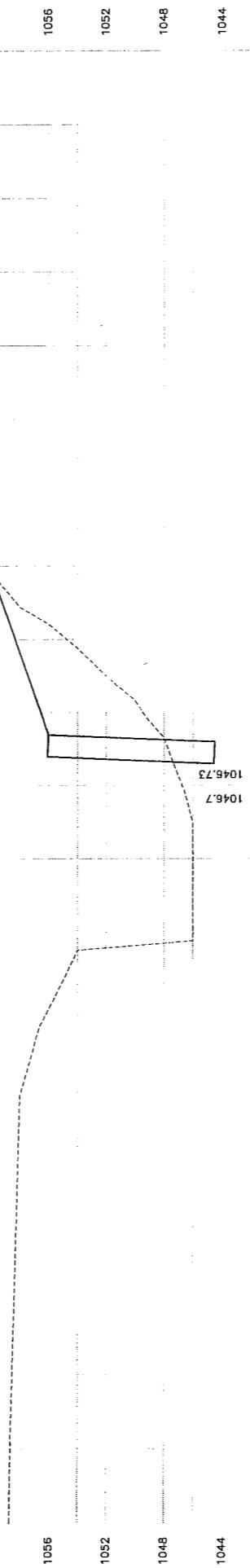
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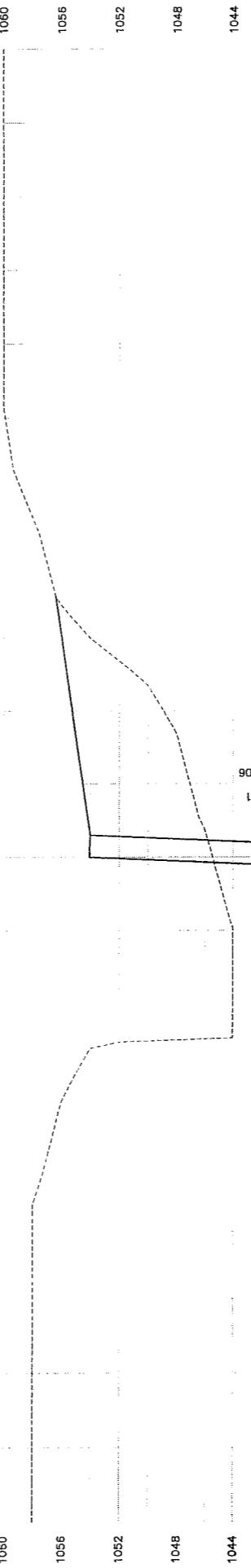
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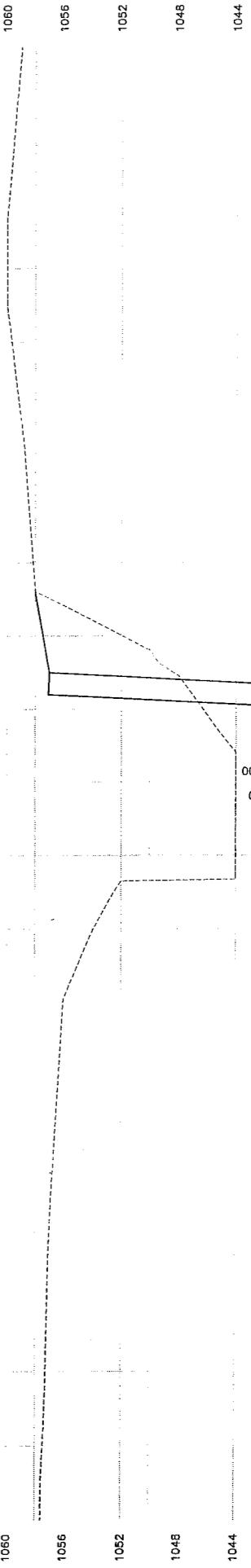
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T2 THOMPSON, DREESSEN & DORNER, INC.
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10336 OLD MILL ROAD OMAHA, NEBRASKA 68154
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CITY OF LA VISTA

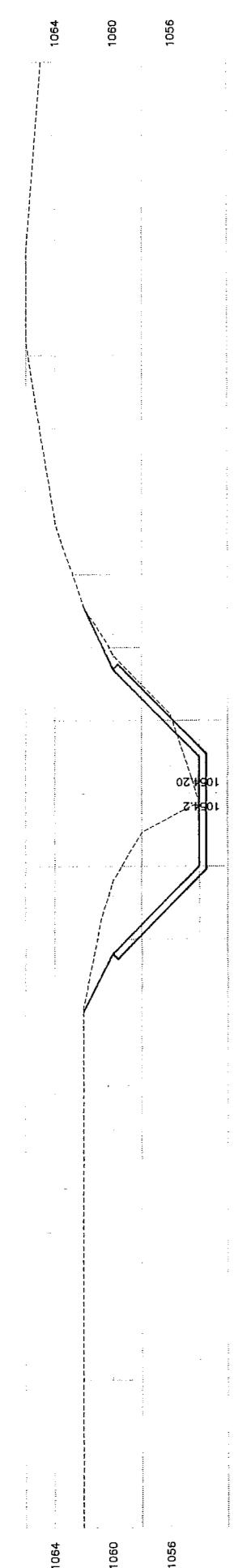
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CROSS SECTIONS

2006 STUDY UPDATE
APPENDIX "B"

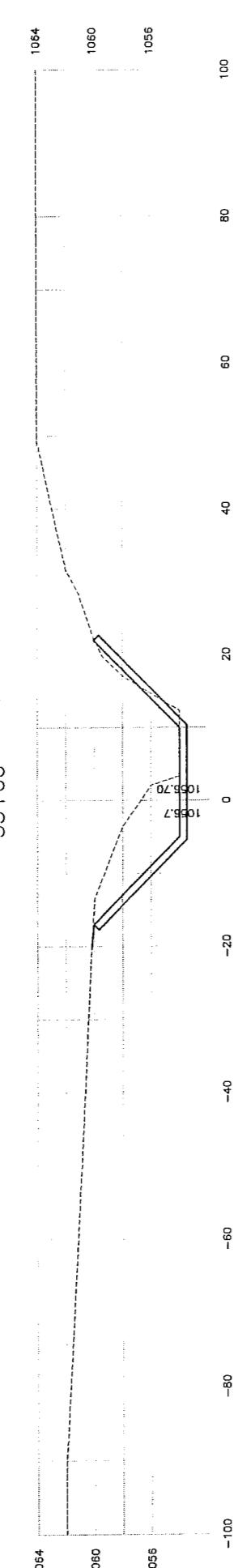
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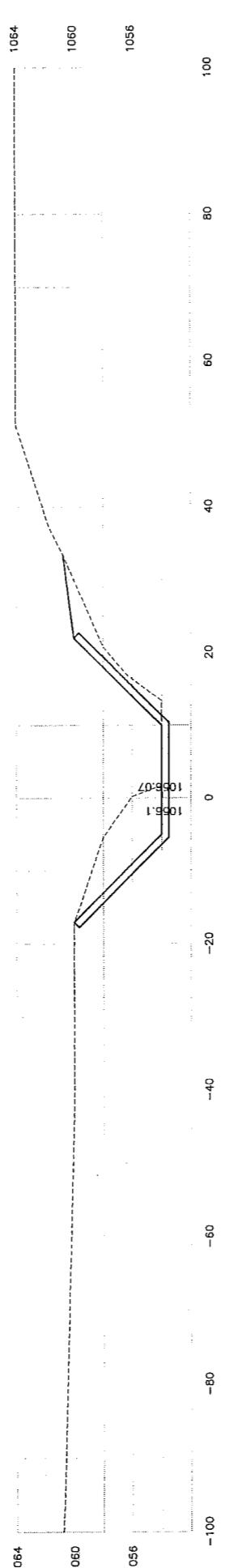
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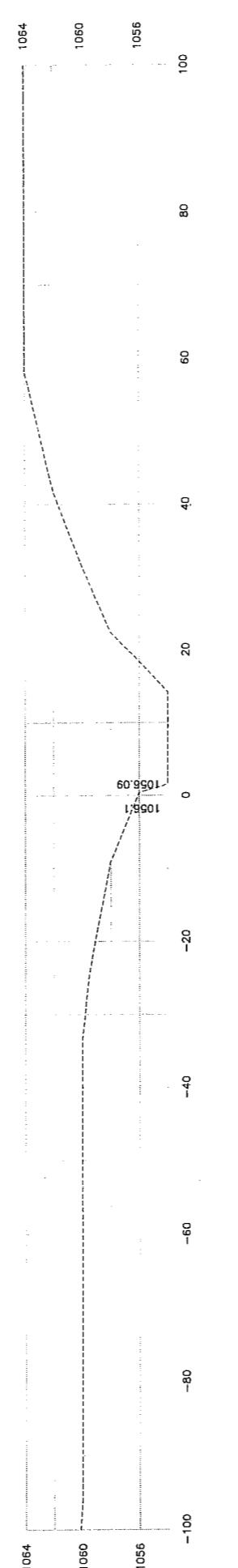
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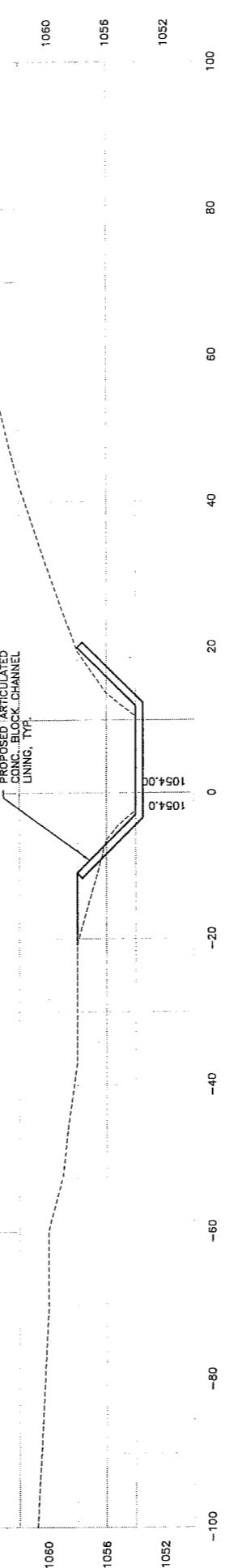
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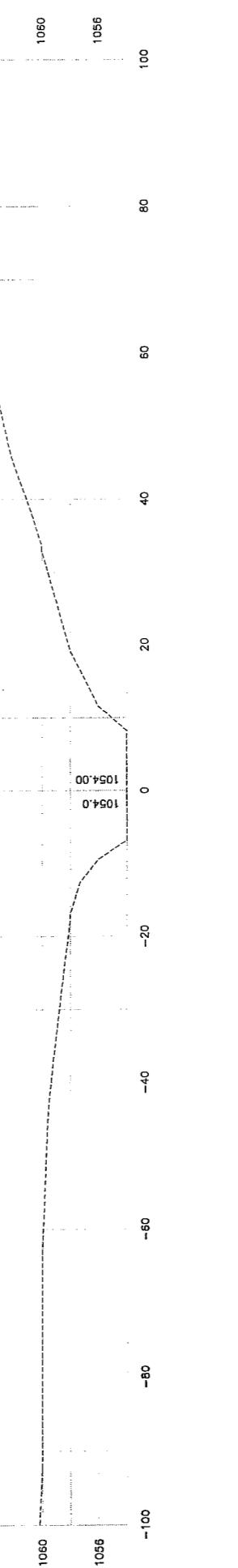
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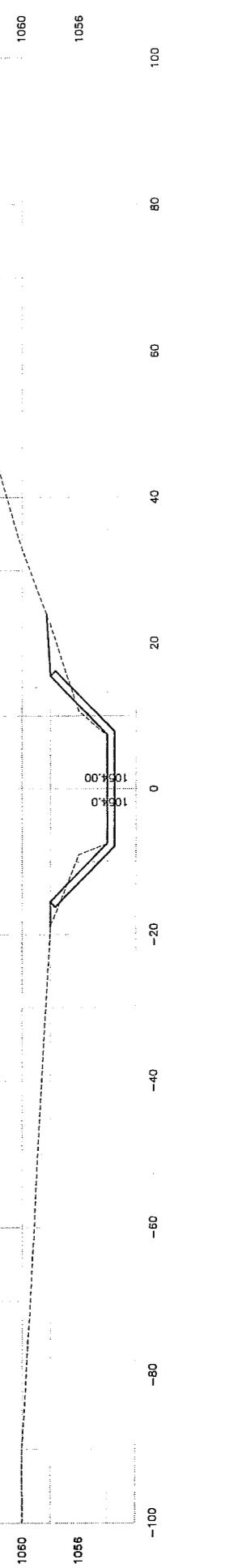
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CITY OF LA VISTA

2 THOMPSON, DREESSEN & DORNER, INC.
Consulting Engineers & Land Surveyors
10856 OLD MILL ROAD OMAHA, NEBRASKA 68154
PHONE: 402.330.8850 FAX: 402.330.8856 EMAIL: TD2CO@COMCAST.COM
WEBSITE: WWW.TD2CO.COM

2006 STUDY UPDATE
APPENDIX "B"

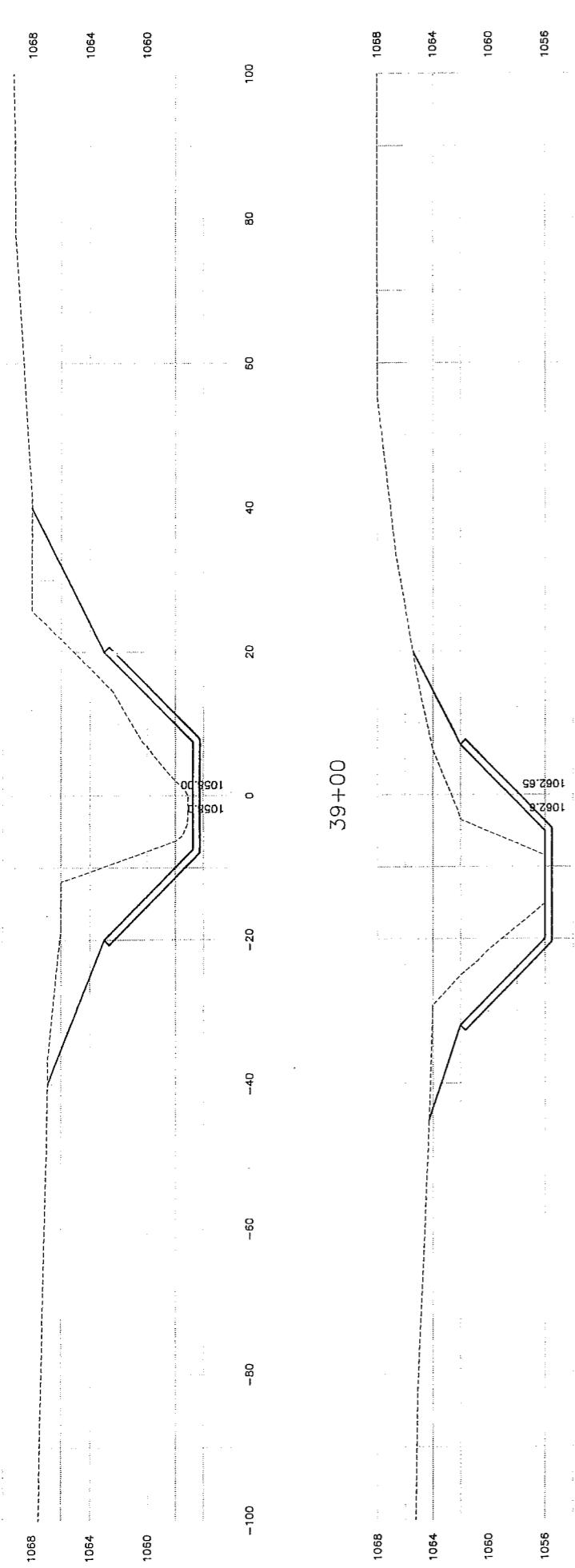
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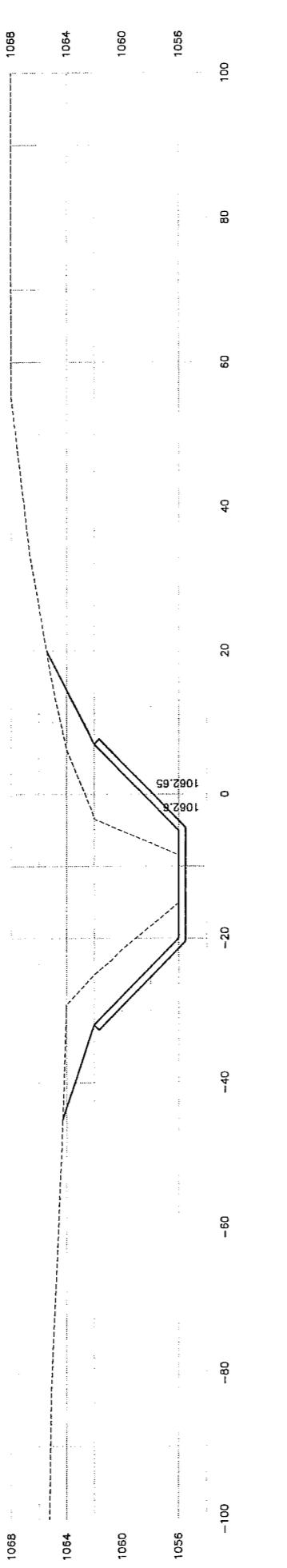
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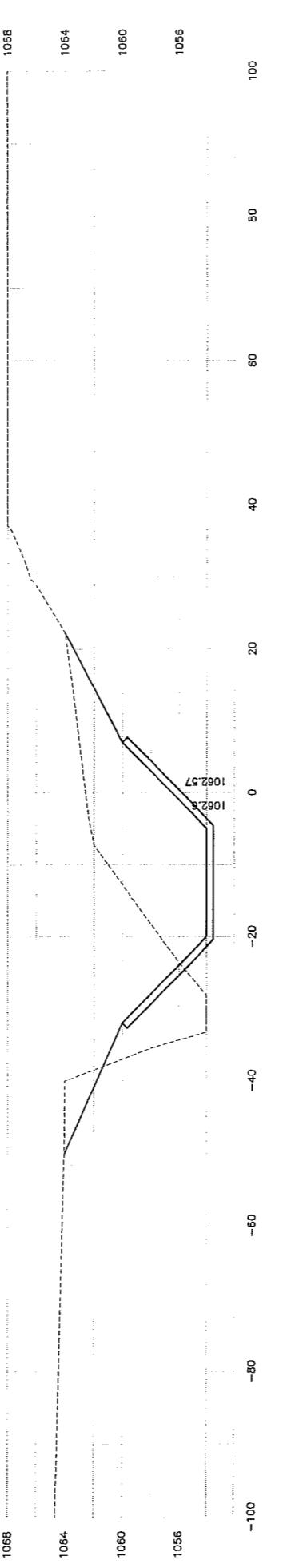
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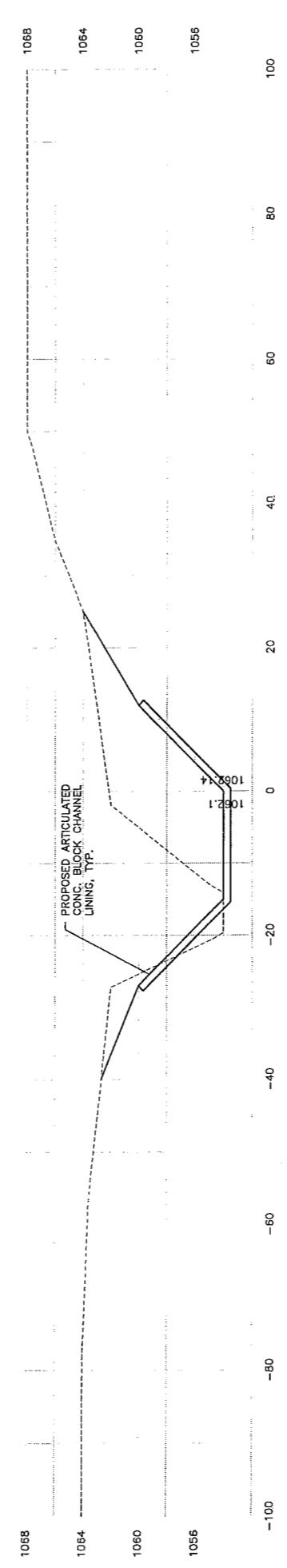
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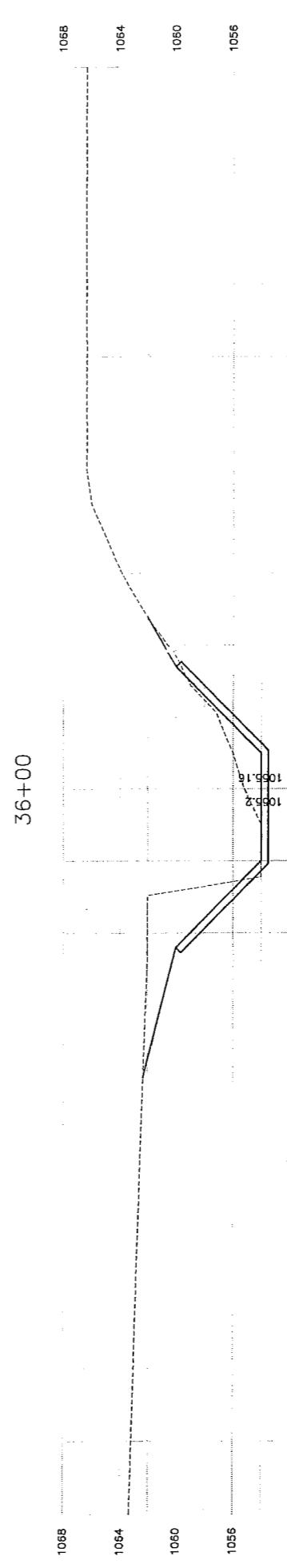
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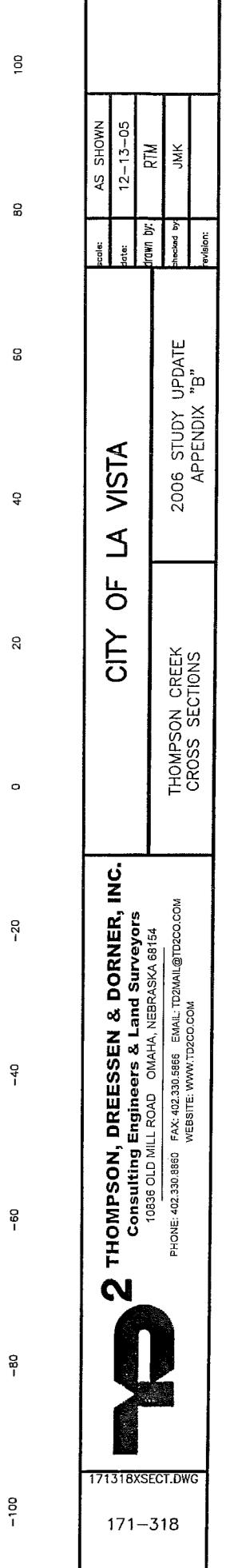
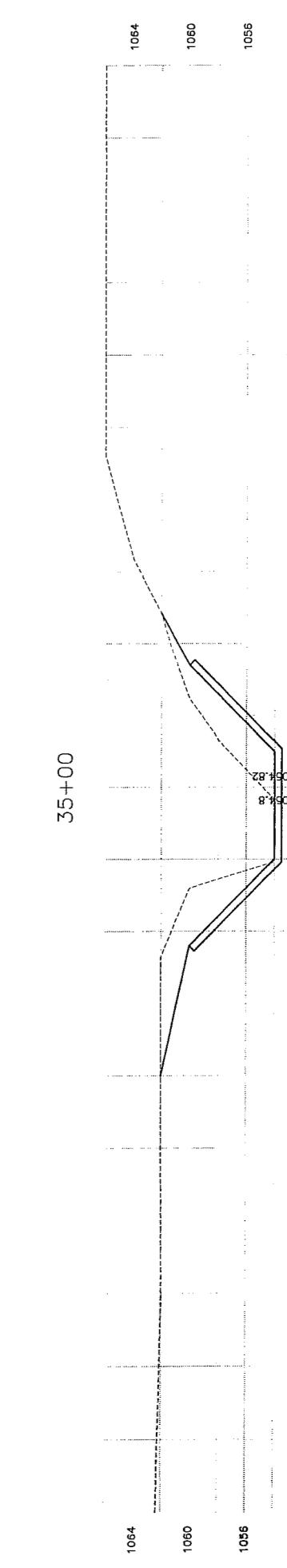
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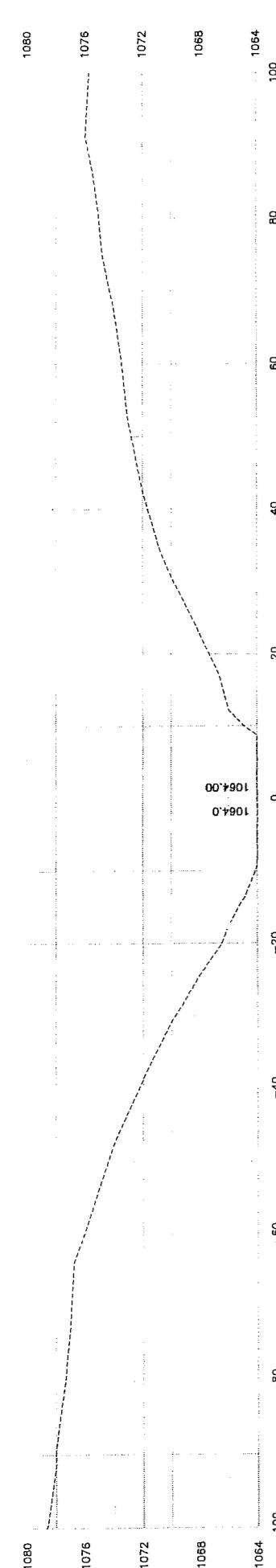
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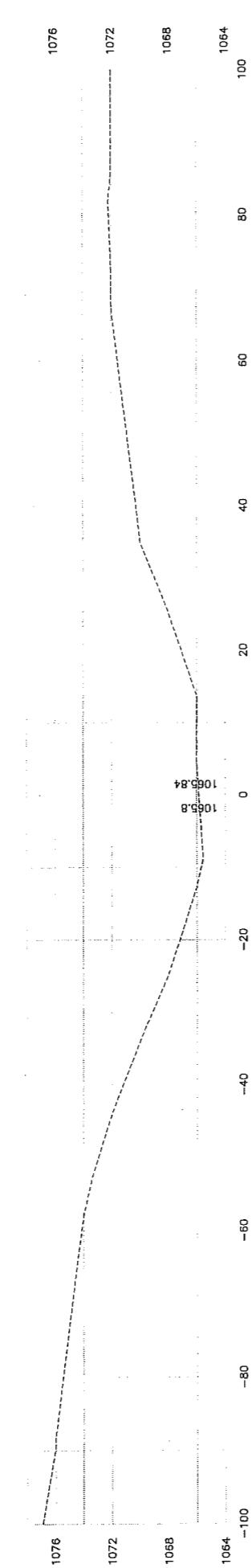
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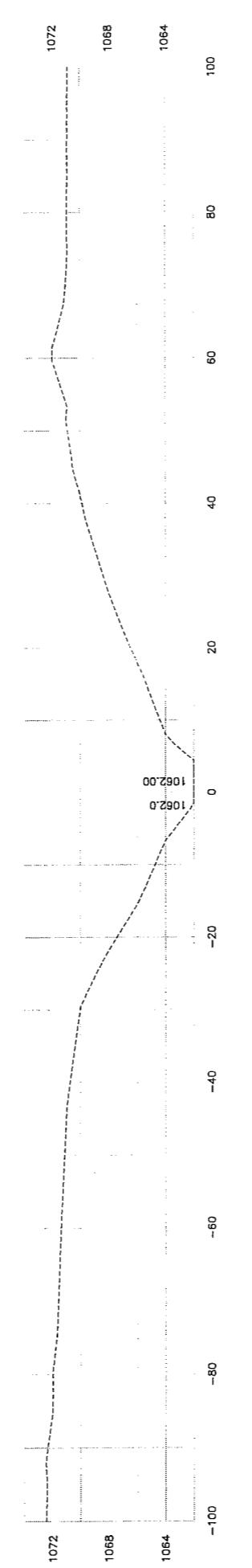
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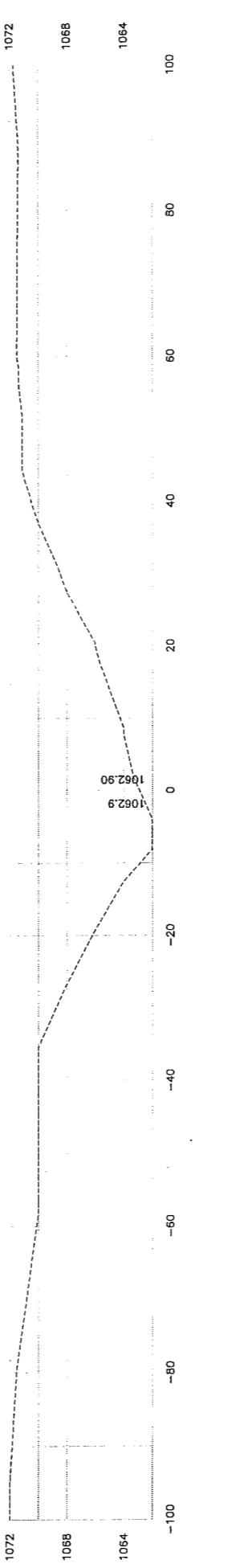
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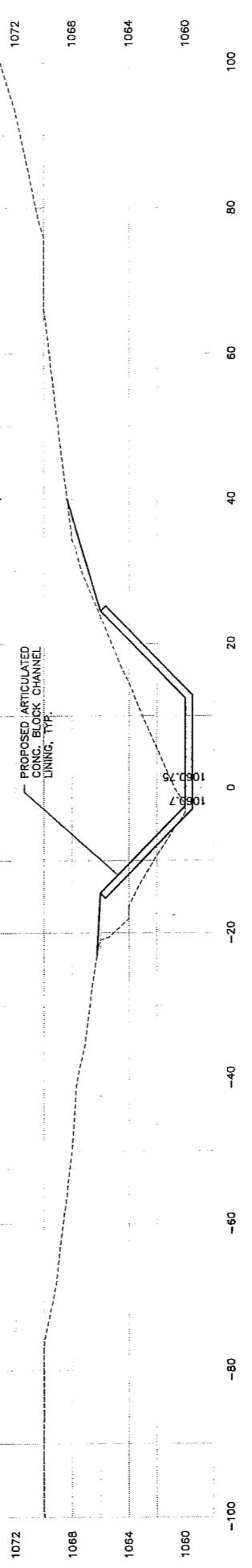
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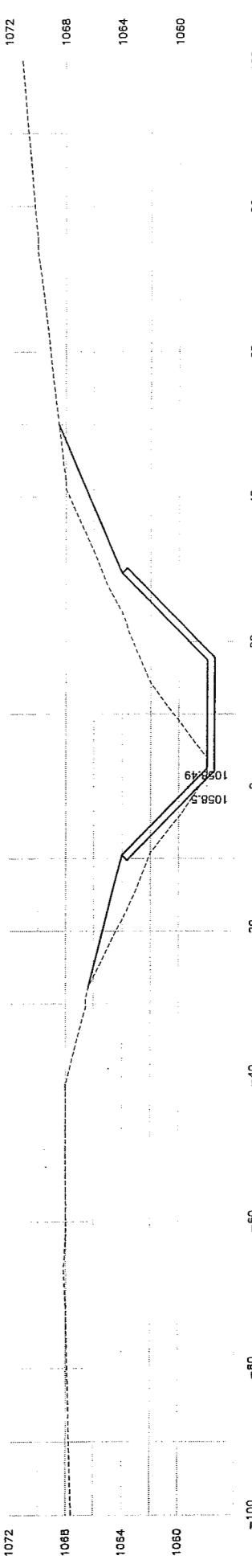
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TD2 THOMPSON, DREESSEN & DORNER, INC.
Consulting Engineers & Land Surveyors
10836 OLD MILL ROAD OMAHA, NEBRASKA 68154
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CITY OF LA VISTA

2006 STUDY UPDATE
APPENDIX "B",

171-318

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SHEET 10 OF 10

scale: AS SHOWN
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drawn by: RTM
checked by: JMK
revision:

MINUTE RECORD

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

LA VISTA CITY COUNCIL MEETING June 5, 2007

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 June 5, 2007. Present were Mayor Kindig and Councilmembers: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, 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, Community Development Director Birch, Library Director Iwan, Finance Director Lindberg, Police Chief Lausten, Fire Chief Uhl, Recreation Director Stopak, 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 May 24, 2007. Notice was simultaneously given to the Mayor and all members of the City Council and a copy of the acknowledgment of the receipt of notice attached to the minutes. Availability of the agenda was communicated to the Mayor and City Council in the advance notice of the meeting. All proceedings shown were taken while the convened meeting was open to the attendance of the public. Further, all subjects included in said proceedings were contained in the agenda for said meeting which is kept continuously current and available for public inspection within 10 days after said meeting and prior to the next convened meeting of said body.

Mayor Kindig called the meeting to order 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.

SPECIAL REPORTS - TOBY CHURCHILL - SARPY COUNTY EDC

Toby Churchill of the Sarpy County EDC addressed Council to review the first Quarter Report. Some of the highlights included; net taxable sales increased in the 4th quarter of 2006 as compared to the 4th quarter of 2005; single family housing, with nearly 263 permits issued the 1st quarter of 2007, is down about 126 from 2006; and Banner County was the fastest growing county in 2006, with a 3% increase (population grew from 754 to 783), while Sarpy County's population increased 2.4%.

A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. MINUTES OF THE MAY 15, 2007 CITY COUNCIL MEETING
3. MINUTES OF THE MAY 17, 2007 PLANNING COMMISSION MEETING
4. MINUTES OF THE MAY 7, 2007 LA VISTA/METROPOLITAN COMMUNITY COLLEGE
CONDOMINIUM OWNERS ASSOCIATION, INC. MEETING
5. PAY REQUEST FROM TAB HOLDING COMPANY, INC. FOR SOUTHPORT WEST 126TH
6. & GILES ROAD IMPROVEMENTS-SECTION 1 - \$189,099.59
7. PAY REQUEST FROM CITY OF OMAHA FOR DESIGN WORK - HARRISON STREET
IMPROVEMENTS FROM 47TH TO 71ST STREET - \$5,213.92
8. PAY REQUEST FROM FELSBURG HOLT & ULLEVIG FOR QUIET ZONE STUDY -
9. \$876.83
10. NEW FIRE STATION NO. 2
 - a. PAY REQUEST FROM AVI SYSTEMS FOR AUDIO/VISUAL EQUIPMENT - \$2,412.90
 - b. PAY REQUEST FROM AVI SYSTEMS FOR AUDIO/VISUAL EQUIPMENT - \$2,500.00
 - c. PAY REQUEST FROM CONTROL MASTERS INC. FOR HVAC SYSTEM - \$381.00
 - d. PAY REQUEST FROM FGM FOR PROFESSIONAL SERVICES - \$3,256.05
11. APPROVAL OF CLAIMS

Councilmember McLaughlin made a motion to approve the consent agenda as presented. Seconded by Councilmember Ellerbeck. Councilmember McLaughlin reviewed the claims for this period and reported that he found everything to be in order. Councilmember Sheehan asked Public Works Director Soucie about the final plans on the Harrison Street Improvements from 47th to 71st Street. Soucie will bring those plans for viewing to the next meeting. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

A & D TECHNICAL SUPPLY, Bldg & Grnds	280.00
A.S.P. ENTERPRISES, Bldg & Grnds	376.60
ACCURATE TESTING, Bldg & Grnds/Utilities	499.65
ACTION BATTERIES, Vehicle Maint./Electric Cart/Vehicle Supplies	694.07
ALAMAR UNIFORMS, Wearing Apparel	408.82
ALEGENT HEALTH SYSTEMS, Training	60.00
AMsan, Supplies	642.65

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AQUA-CHEM, Supplies	347.60
AQUILA, Utilities	2,881.83
ARAMARK UNIFORM SERVICES, Contract Services	318.29
ASPHALT & CONCRETE MATERIALS, Street Maint.	4,656.19
ATLANTIC TACTICAL, Equipment	359.90
BAKER & TAYLOR BOOKS, Books	366.83
BARONE SECURITY SYSTEMS, Contract Services	648.00
BCDM-BERINGER CIACCIO DENNELL, Professional Services	442.50
BEACON BUILDING SERVICES, Contract Services	6,737.00
BENNINGTON IMPLEMENT, Equipment Maint.	559.03
BENSON RECORDS MANAGEMENT, Contract Services	50.00
BEST ACCESS SYSTEMS DIVISION, Equipment	45.23
BETTER BUSINESS EQUIPMENT, Contract Services	57.76
BIRCH, ANN, Auto Allowance	50.00
BOBCAT, Vehicle Maint.	1,765.74
BRAND, STEVEN, Contract Services	31.25
BRODART, Books	1,240.84
BUETHE, PAM, Auto Allowance/Travel/Concessions/Training	599.24
BUILDERS SUPPLY, Bldg & Grnds	95.05
BURESH GOLF & EQUIPMENT, Cart Rental	448.00
BUSINESS INTERIORS GROUP, Furniture	5,403.32
CARROLL DISTRIBUTING, Bldg & Grnds	199.16
CDW GOVERNMENT, Equipment	11,295.47
CENTER POINT PUBLISHING, Books	77.88
CIACCIO ROOFING, Complex Improvements	43,080.00
CITY OF OMAHA, Contract Services	28,644.40
COMPUTER NETWORK SERVICES, Contract Services	80.00
CONTROL MASTERS, Contract Services	1,773.82
CORBIT, JEFF, Auto Allowance	100.00
COURTESY CLEANERS, Cleaning	116.34
COX, Contract Services	43.95
DANIELSON EQUIPMENT/SUPPLY, Bldg & Grnds	1,056.00
DANKO EMERGENCY EQUIPMENT, Vehicle Maint.	251.74
DAYSPRING PRINTING, Professional Services	59.00
DEIML, KEITH, Disaster Exercise	300.00
DEMCO, Supplies	38.61
DULTMEIER SALES & SERVICE, Vehicle Maint.	114.38
ED M. FELD EQUIPMENT, Supplies/Wearing Apparel	2,577.00
EDGEWEAR SCREEN PRINTING, Wearing Apparel/Supplies	694.75
ELECTRONIC CONTRACTING COMPANY, Repairs	567.00
ENTERPRISE LOCKSMITHS, Bldg & Grnds	97.00
ERICKSON, RANDALL, Auto Allowance	100.00
FARQUHAR, MIKE, Auto Allowance	100.00
FASTENAL COMPANY, Supplies/Bldg & Grnds	82.60
FAVORABLE IMPRESSIONS, Books	39.96
FEDEX, Postage	42.63
FEDEX KINKO'S, Supplies/Printing	453.58
FELSBURG HOLT & ULLEVIG, Quiet Zone Study	3,110.84
FILTER CARE, Vehicle Maint.	103.15
FIRE-EXTRICATION-HAZMAT, Rescue Revenue	48.50
FIREGUARD, Equip Maint.	37.50
FITZGERALD SCHORR BARMETTLER, Professional Services	12,187.19
FLEETPRIDE, Vehicle Maint.	158.14
FORT DEARBORN LIFE INSURANCE, Employee Benefits	1,106.00
FUTUREWARE DISTRIBUTING, Contract Services	145.00
GALL'S, Wearing Apparel	162.10
GCR OMAHA TRUCK TIRE CENTER, Vehicle Supplies	98.81
GENWORTH LIFE AND HEALTH, Employee Benefits	8,536.63
GOLDMAN, JOHN, Telephone	40.00
GROLIER PUBLISHING COMPANY, CD Rom	415.00
GUNN, BRENDA, Auto Allowance	300.00
H & H CHEVROLET, Vehicle Maint.	64.25
HAMILTON COLOR LAB, Professional Services	966.10
HANEY SHOE STORE, Wearing Apparel	120.00
HARTS AUTO SUPPLY, Vehicle Maint.	120.00
HELGET GAS, Squad Supplies	67.00
HENRY, MARK, Contract Services	18.00
HIGHSMITH CO, Supplies	376.45

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HOOK-FAST SPECIALTIES, Wearing Apparel	34.94
HOST COFFEE SERVICE, Concessions	61.20
HP EXPRESS SERVICES, Contract Services	1,772.00
HUNTEL COMMUNICATIONS, Equipment	196.37
HURST, JEAN, Training,	560.50
HY-VEE, Supplies	152.02
ICMA-INTL CITY/COUNTY MANAGE, Supplies	119.00
IDENTICOMM, Supplies	28.80
INDUSTRIAL SALES COMPANY, Bldg & Grnds	126.67
INSIGHT TECHNOLOGY, Contract Services	4,170.95
IOMA-INST MGMT/ADMINSTRTN, Dues	333.03
IWAN, ROSE, Auto Allowance/Travel	301.00
J Q OFFICE EQUIPMENT, Supplies/Contract Services	856.03
JOHNSON HARDWARE, Equipment	25.32
KAPCO-KENT ADHESIVE PRODS, Supplies	49.40
KELLY INN, Travel	10.88
KELLY'S AWARDS, Bldg & Grnds	9.10
KEYSTONE GLASS, Bldg & Grnds	120.00
KIMBALL MIDWEST, Vehicle Maint.	93.34
KINDIG, DOUGLAS, Telephone/Auto Allowance	180.00
KLINKER, MARK, Professional Services	200.00
KRIHA FLUID POWER, Vehicle Maint.	93.12
LA VISTA COMMUNITY FOUNDATION, Payroll Deductions	257.00
LANDS' END BUSINESS OUTFITTERS, Wearing App/Professional Serv.	659.44
LANGLEY ANIMAL HOSPITAL, Contract Services	287.00
LAUGHLIN, KATHLEEN, Payroll Withholdings	744.00
LEAGUE ASSN OF RISK MGMT, Insurance	4,544.00
LEAGUE OF NEBRASKA MUN., Books	56.89
LEXIS NEXIS MATTHEW BENDER, Books	191.50
LIBRARY STORE, Supplies	80.89
LIFE ASSIST, Squad Supplies	498.61
LINDBERG, SHEILA, Travel	78.00
LINWELD, Street Maint./Bldg & Grnds	233.38
LOGAN CONTRACTORS SUPPLY, Bldg & Grnds/Street Maint.	306.24
LOVELAND LAWNS, Street Maint./Bldg & Grnds	2,635.50
LUKASIEWICZ, BRIAN, Telephone	40.00
LYNN PEAVEY, Supplies	16.99
M & M PORTABLES, Rentals/Bldg & Grnds	215.21
MASA, Bldg & Grnds	1,992.17
MAXIMUS, Contract Services	150.00
METAL SUPERMARKETS, Bldg & Grnds	53.54
METRO AREA TRANSIT, Contract Services	522.00
METROPOLITAN COMM. COLLEGE, Utilities/Phone/Contract Services	8,936.07
METROPOLITAN TEE TIMES, Advertising	145.00
MICHAEL TODD AND COMPANY, Street Maint.	290.00
MID AMERICA PAY PHONES, Telephone	100.00
MILLER BRANDS, Concessions	480.55
MONARCH OIL, Street Maint.	231.00
MOORE WALLACE, Printing	496.82
MUD, Utilities	569.75
MULHALL'S, Bldg & Grnds	453.53
NE DEPT OF LABOR-WORKFORCE, Bldg & Grnds	100.00
NEBRASKA CRIME COMMISSION, Training	6.00
NEBRASKA NATIONAL BANK, Cart Lease	660.00
NEBRASKA TURF PRODUCTS, Bldg & Grnds	23.80
NEUMAN EQUIPMENT COMPANY, Vehicle Maint./Bldg & Grnds	453.26
OFFICE DEPOT, Supplies	1,433.95
OMAHA COMPOUND COMPANY, Supplies	595.95
OMAHA SLINGS, Bldg & Grnds	90.72
OMAHA WORLD HERALD, Legal Advertising	338.24
OMB EXPRESS POLICE SUPPLY, Supplies	230.86
ON YOUR MARKS, Professional Services	977.94
OPPD, Utilities	1,657.97
OVERHEAD DOOR, Bldg & Grnds	533.00
PAPILLION SANITATION, Contract Services	214.60
PAPILLION TIRE, Vehicle Maint.	60.55
PARAMOUNT LINEN & UNIFORM, Uniform Cleaning	502.42
PAUL CONWAY SHIELDS, Wearing Apparel	44.00

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PEPSI COLA, Concessions	689.50
PRECISION INDUSTRIES, Vehicle Maint.	67.13
PREMIER-MIDWEST BEVERAGE, Concessions	238.70
PRIME TIME SPORTING GOODS, Wearing Apparel	825.00
PROPERTY SERVICES, Supplies	592.00
QUALITY AUTO REPAIR & TOWING, Contract Services	70.00
QUALITY BRANDS, Concessions	909.90
QUIXTAR, Supplies	92.65
QWEST, Telephone	2,369.33
R & R PRODUCTS, Bldg & Grnds	129.95
RAINBOW GLASS & SUPPLY, Bldg & Grnds	118.36
RECREONICS INC ETAL, Bldg & Grnds	1,626.90
ROSE EQUIPMENT, Vehicle Maint.	245.62
RUTHERFORD, BECKY, Refund	40.00
SAFE KIDS WORLDWIDE, Training	60.00
SAM'S CLUB, Concessions/Supplies	392.59
SAPP BROS PETROLEUM, Vehicle Maint.	170.00
SARPY COUNTY COURTHOUSE, Contract Services	3,099.17
SCHOLASTIC BOOK FAIRS, Books	778.33
SIGN SOLUTIONS, Equipment	30.00
SIMON, KENNETH, Refund	165.11
SMITH, MELANIE, Auto Allowance	100.00
SMOOTHER CUT ENTERPRISES, Contract Services	990.00
SNITILY CARR, Printing	2,816.00
SOUCIE, JOSEPH, Telephone	30.00
STANDARD DIGITAL IMAGING, Squad Supplies	118.10
STATE CHEMICAL MFG, Supplies	158.48
SUBURBAN NEWSPAPERS, Legal Advertising	1,094.71
SUSPENSION SHOP, Vehicle Maint.	379.28
TARGET BANK, Wearing Apparel	186.30
TED'S MOWER SALES & SERVICE, Equip. Maint.	629.63
THOMPSON DREESSEN & DORNER, Professional Services	12,644.55
THOMSON GALE, Books	44.93
TRACTOR SUPPLY COMPANY, Street Maint./Bldg & Grnds	358.19
TREAT AMERICA FOOD SERVICES, Travel	397.75
UAP DISTRIBUTION, Supplies	5,067.50
UNITED WAY, Payroll Withholdings	120.00
UNIVERSAL HOSPITAL SVCS, Squad Supplies	413.00
UNIVERSAL POLICE SUPPLY, Equipment	553.25
UPSTART, Supplies	35.85
V & V MANUFACTURING, Equip. Maint.	65.70
VERIZON WIRELESS, Telephone	71.23
VIERS, STEVE, Auto Allowance	100.00
WAL-MART, Supplies/Equipment	650.52
WASTE MANAGEMENT, Contract Services/Bldg & Grnds	1,097.02
WF TINGEY AND ASSOCIATES, Books	350.00
WICK'S STERLING TRUCKS, Vehicle Maint.	1,361.38
WILDER, JONI, Auto Allowance	33.00
WILSON, BARRY, Contract Services	18.00
WITT, ROB, Supplies	22.68
WOODHAVEN COUNSELING, Contract Services	380.00

REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

City Administrator Gunn informed Council of an opportunity to put a web video on the City's website to promote the City. This would be at no cost to the city. The video could feature an introduction to the City by the Mayor, information on the City, healthcare, etc. City Council members felt this would be good for the website.

Gunn reminded Council of the budget workshop on July 16th and 18th and suggested that the City Council meeting start an hour earlier on the 17th, at 6:00 p.m., to allow time for a short budget workshop session. Council was in favor.

Gunn spoke about the introduction of the swimming pool concept and stated the committee is continuing to work on plans. The Swimming Pool Advisory Committee will meet on June 13, 2007.

Police Chief Lausten informed Council that La Vista Days went well with no major incident.

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Lausten stated that members of the motorcycle force have been involved in five funeral processions in the last eight weeks.

Public Works Director Soucie informed Council that HGM illustration will be available at the next City Council meeting.

Soucie stated that La Vista Days went well for his department also.

Council members commented to Public Works Director Soucie that they had positive feedback regarding the advance notice on the 84th Street reconstruction project.

Building and Grounds Director Archibald introduced the newest addition to his department, Tim Keller.

Recreation Director Stopak informed Council of the La Vista Chamber Scavenger Hunt. The hunt targets people to businesses, with 20 businesses participating. The event will be held on June 25th, after hours, with prizes of \$300 and \$100. The La Vista Falls Golf Course is participating in the event.

Stopak informed Council the senior van will be delivered next week.

B. ORDINANCE – AMEND MUNICIPAL CODE SECTION 134.03

Councilmember Sell introduced Ordinance No. 1037 entitled: AN ORDINANCE OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA, TO AMEND THE LA VISTA MUNICIPAL CODE SECTION 134.03; TO REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

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

Councilmember Gowan asked why the change to the municipal code was needed. Police Chief Lausten informed Council that Cabela's is planning an exhibition, which could not be allowed if the code is not changed.

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. 1037 be passed and adopted?" Upon roll call vote the following Councilmembers voted aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. The following voted nay: None. The following were absent: None. The passage and adoption of said ordinance having been concurred on by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor, in the presence of the Council, signed and approved the ordinance and the City Clerk attested the passage/approval of the same and affixed her signature thereto.

C. RESOLUTION – AWARD LEASE CONTRACT – DIGITAL IMAGING/FAX SYSTEM

Councilmember Gowan introduced and moved for the adoption of Resolution No. 07-054: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF A 36 MONTH LEASE AGREEMENT WITH JQ OFFICE EQUIPMENT, OMAHA, NEBRASKA, FOR A DIGITAL IMAGING/FAX SYSTEM FOR THE LA VISTA POLICE DEPARTMENT IN AN AMOUNT NOT TO EXCEED \$2,868.00 PER YEAR.

WHEREAS, the City Council of the City of La Vista has determined that the acquisition of a digital imaging/fax system is necessary to replace a 15 year old copy machine at the police station, and

WHEREAS, expenditure savings in the FY06-07 Police Department General Fund budget will provide for the leasing of said equipment, and

WHEREAS, JQ Office Equipment submitted the lowest, most responsible bid for this equipment, and

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WHEREAS, Paragraph 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 36 month lease of a digital imaging/fax system for the La Vista police department from JQ Office Equipment, Omaha, Nebraska in an amount not to exceed \$2,868.00 per year.

Seconded by Councilmember Quick. Councilmember McLaughlin asked about the cost to purchase, rather than lease the machine. City Administrator Gunn and Police Chief Lausten explained the benefits of leasing include the ability to update to newer machines and staying current with available products. Councilmember Sheehan asked about the cost for overage use on the machine. Police Chief Lausten informed Council the cost would be approximately \$15 - \$20 per month. Councilmember Carlisle asked if the price of the lease was fair. City Administrator Gunn stated the City received a competitive price. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

D. RESOLUTION – PURCHASE AUTHORIZATION - MOBILE DATA MODEM/TERMINAL

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 07-055: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING THE PURCHASE OF (1) MOBILE DATA MODEM/TERMINAL FROM MOBILE COMMUNICATIONS, OMAHA, NEBRASKA, IN AN AMOUNT NOT TO EXCEED \$6,100.00.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of a mobile data modem/terminal for the City's marked police cars is necessary, and

WHEREAS, funding for the purchase was approved and included in the City's FY06-07 municipal budget, and

WHEREAS, Mobile Communications, Omaha, Nebraska, is the sole source Motorola provider of the equipment, and

WHEREAS, Paragraph 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 (1) mobile data modem/terminal for the police department from Mobile Communications, Omaha, Nebraska, in an amount not to exceed \$6,100.00.

Seconded by Councilmember Quick. Councilmember Sheehan inquired as to whether we would be purchasing the fourth terminal this year. Police Chief Lausten stated that we may get the entire final setup from a UASI grant and that would eliminate any cost to the city. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

E. RESOLUTION – FIREFIGHTERS TRUST – ESTABLISH AND DESIGNATE MEMBERS OF THE RETIREMENT COMMITTEE

Councilmember Quick introduced and moved for the adoption of Resolution No. 07-056: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA ESTABLISHING AND DESIGNATING MEMBERS OF THE RETIREMENT COMMITTEE FOR THE CITY OF LA VISTA FIREFIGHTERS RETIREMENT PLAN AND TRUST.

WHEREAS, the City of La Vista has adopted the City of La Vista Firefighters Retirement Plan and Trust ("Plan"); and

WHEREAS, Section 16-1034 of the Nebraska Statutes requires the City to establish a retirement committee; and

WHEREAS, Section 16-1035 of the Nebraska Statutes provides that the retirement committee shall have six members, four of whom shall be selected by the active paid firefighters of the City, and two of whom shall be designated by the City Council.

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NOW, THEREFORE, BE IT RESOLVED that the City Council hereby establishes the retirement committee of the City of La Vista Firefighters Retirement Plan and Trust and designates the following two members of said retirement committee to serve a term of four years pursuant to Neb. Rev. Stat. Section 16-1035:

Rita Ramirez
Sheila Lindberg

BE IT FURTHER RESOLVED that the Mayor and City Clerk are hereby authorized to execute such documents and take such further actions as necessary or appropriate to carry out the actions approved herein.

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

F. RESOLUTION – POLICE OFFICERS TRUST – APPOINT NEW MEMBERS TO THE RETIREMENT COMMITTEE

Councilmember Sell introduced and moved for the adoption of Resolution No. 07-057 as amended: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA TO APPOINT NEW MEMBERS OF THE RETIREMENT COMMITTEE OF THE CITY OF LA VISTA POLICE OFFICER'S RETIREMENT PLAN AND TRUST.

WHEREAS, the City of La Vista, maintains the City of La Vista Police Officers Retirement Plan and Trust; and

WHEREAS, the Plan and Trust require a retirement committee; and

WHEREAS, Section 16-1015 of the Nebraska Statutes provides that the retirement committee shall have six members, four of whom shall be selected by the police officers from the police force of the City, and two of whom shall be designated by the City Council

NOW, THEREFORE, BE IT RESOLVED, that the Council hereby appoints the following two individuals to serve a term of four years on the retirement committee pursuant to Neb. Rev. Stat. Section 16-1015:

Rita Ramirez
Sheila Lindberg

BE IT FURTHER RESOLVED that the Mayor and City Clerk are hereby authorized to execute such documents and take such further actions as necessary or appropriate to carry out the actions approved herein.

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

G. RESOLUTION – SPECIAL DESIGNATED LICENSE – BRYCO, INC DBA SS TOBACCO/LIQUOR, 8052 S 84TH STREET – JUNE 23, 2007 AND JULY 14, 2007

Councilmember Sell introduced and moved for the adoption of Resolution No. 07-058: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING A WINE & SPIRITS TASTING EVENT AT SS TOBACCO/LIQUOR OF 8052 SOUTH 84TH STREET, LA VISTA, NEBRASKA ON JUNE 23, 2007 AND JULY 14, 2007

WHEREAS, SS Tobacco/Liquor is located within the City of La Vista; and

WHEREAS, Bryco, Inc dba SS Tobacco/Liquor has requested approval of a Special Designated License to have a wine & spirit tasting event on June 23, 2007 and July 14, 2007 from 3:00 p.m. to 6:00 p.m.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize Bryco, Inc dba SS Tobacco/Liquor to proceed with the application for a "Special Designated License" from the Nebraska Liquor Control Commission to have a wine & spirit tasting event on June 23, 2007 and July 14, 2007.

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Seconded by Councilmember Carlisle. Councilmember Sell asked if this event posed any problems for the police. Police Chief Lausten informed Council that they saw no issues with this application. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

H. SPECIAL ASSESSMENT FOR PROPERTY IMPROVEMENTS

1. PUBLIC HEARING

At 7:33 p.m. Mayor Kindig stated the floor was now open for discussion on a Special Assessment for Property Improvements.

There was no additional information presented by City staff.

At 7:33 p.m. Councilmember McLaughlin made a motion to close the public hearing. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried

2. RESOLUTION

Councilmember Ellerbeck introduced and moved for the adoption of Resolution No. 07-059: 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
Lot 69/Park View Heights \$118.03
were notified to clean up their property as they were in violation of the City of La Vista's Municipal Code, Section 93.015, or the City would do so and bill them accordingly, and

WHEREAS, the property owner of said address chose not to clean the property, thus necessitating the City to do the clean up, and

WHEREAS, the City sent the property owner a bill for said clean up which has 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 property specified above, located within Sarpy County, La Vista, Nebraska.

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

There were no comments from the floor.

COMMENTS FROM THE FLOOR

Brian Ford at 7206 Valley Road addressed Council to express his concern on the speed and noise control on 72nd Street. He used to see speed control, but he is not seeing those controls now. The noise from motorcycles is loud. Mr. Ford asked the Mayor and Council to look at the noise ordinance

COMMENTS FROM MAYOR AND COUNCIL

Mayor Kindig thanked Councilmember Carlisle for attending the Annual Awards Luncheon at the Safety and Health Summit on May 17th.

Councilmember Gowan asked about the deafening noise on motorcycles.

Police Chief Lausten informed Council the City has a noise ordinance, but the infraction would have to be viewed by police to go to court. Lausten stated that the police resources are taxed, but they can still cover increased traffic on 66th, 72nd, and 96th.

MINUTE RECORD

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

June 5, 2007

Councilmember Ellerbeck thanked Police Chief Lausten for the police representation in last weeks prayer walk.

Councilmember Sell thanked Police Chief Lausten for the recent police academy. He felt it was very educational. Lausten informed Council a new academy is scheduled for this fall.

Mayor Kindig thanked Councilmember Ellerbeck for his participation in the prayer walk.

Mayor Kindig felt La Vista Days went well. At the Community Cookout, \$300 and approximately 300 cans were collected for the Food Bank. Kindig commented on the softball game which ended in a 14-14 tie.

Mayor Kindig commented on the ICSC Convention the City recently attended in Las Vegas. A discussion was held by Mayor and Council on the convention and its potential benefits to the City's growth. City Administrator Gunn informed Council that many contacts were made and networking done which is beneficial to the City as we continue to look for business and look at the revitalization of the 84th Street corridor.

ADJOURNMENT

At 8:05 p.m. Councilmember Gowan made a motion to adjourn the meeting. Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

PASSED AND APPROVED THIS 19TH DAY OF JUNE 2007.

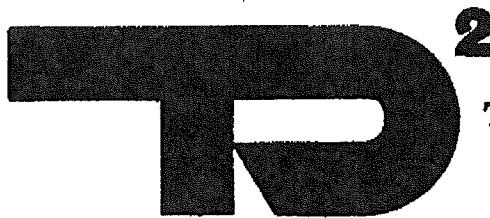
CITY OF LA VISTA

ATTEST:

Douglas Kindig, Mayor

Pamela A. Buethe, CMC
City Clerk

K:\APPS\CITYHALL\07 COUNCIL MINUTES\June 5



THOMPSON, DREESSEN & DORNER, INC.

Consulting Engineers & Land Surveyors

June 12, 2007

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

ROBERT E. DREESSEN, P.E.
NELSON J. HYMANS, P.E.
JAMES D. WARNER, L.S.
CHARLES E. RIGGS, P.E.
KA "KIP" P. SQUIRE III, P.E., S.E.
JOHN M. KOTTMANN, P.E.
ARTHUR D. BECCARD, P.E.
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DOUGLAS S. DREESSEN, P.E.
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GARY A. NORTON, P.E.
BRIAN L. LODES, P.E.
KURTIS L. ROHN, P.E.
JEFFREY L. THOMPSON, P.E.
DAREN A. KONDA, P.E.
MICHAEL T. CANIGLIA, L.S.
JEREMY T. STEENHOBK, P.E.
JOSHUA I. STORM, P.E.

RE: Group "C" Construction
Parking District No. 1
Final Payment Recommendation
TD² File No. 171-330.57

Ms. Gunn:

Enclosed is the Final Payment Recommendation for the above-referenced project. We do hereby certify that Dostals Construction Co., Inc. has completed the construction of the above-referenced project in substantial compliance with the plans and specifications. Payment is recommended in the amount shown.

The work was performed promptly and within the time period allocated for this contract.

I am also enclosing the Consent of Surety to Final Payment, the Subcontractor's lien waiver, and the Contractor's Affidavit of Payment and Release of Liens.

Submitted by,

THOMPSON, DREESSEN & DORNER, INC.

John M. Kottmann, P.E.

JMK/jlf

Enclosure

cc: Mr. Joe Soucie, City of La Vista - w/final pay recommendation
Dostals Construction Co., Inc. - w/final pay recommendation
Chris Pesek, The Weitz Co. - w/final pay recommendation
File

Consent Agenda
6-19-07
1552.0308

APPLICATION FOR PAYMENT NO. 4 & FINAL
GROUP "C" CONSTRUCTION
PARKING DISTRICT NO. 1
CITY OF LA VISTA, NEBRASKA

OWNER:

CITY OF LA VISTA, NEBRASKA
8116 PARK VIEW BLVD.
LA VISTA, NEBRASKA 68128

CONTRACTOR:

DOSTALS CONSTRUCTION CO.
13680 SOUTH 220TH STREET
OMAHA, NE 68028

SUMMARY OF CONTRACT STATUS & PAY REQUEST

1.	ORIGINAL CONTRACT SUM	\$518,735.00
2.	CHANGE ORDERS TO DATE	\$28,036.00
3.	CONTRACT SUM TO DATE	\$546,771.00
4.	TOTAL COMPLETED TO DATE (See Itemization on Sheet 2)	\$546,771.00
5.	5% RETAINAGE (5% * Line 4)	\$0.00
6.	PREVIOUS PAYMENT RECOMMENDATIONS	\$519,432.45
7.	AMOUNT DUE THIS PAYMENT REQUEST (Line 4 - Line 5 - Line 6)	\$27,338.55
8.	PAYMENT RECOMMENDATIONS TO DATE (Line 6 + Line 7)	\$546,771.00

We recommend that payment in the amount of \$27,338.55
be made to Dostals Construction Co.

Respectfully submitted


Charles E. Riggs, P.E.
THOMPSON, DREESSEN, & DORNER, INC.

6/11/07
Date

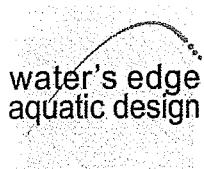
cc DOSTALS CONSTRUCTION CO.

APPLICATION FOR PAYMENT NO. 4 & FINAL
 GROUP "C" CONSTRUCTION
 PARKING DISTRICT NO. 1
 CITY OF LA VISTA, NEBRASKA

ITEMIZATION:

ITEM NO.	DESCRIPTION OF WORK IN THIS ITEM	SCHEDULED VALUE	PREVIOUS REQUESTS	WORK TO DATE THIS PERIOD *
1.	On Site Piping	45,000.00		45,000.00
2.	Valve & Pump Pit Plumbing	112,000.00		112,000.00
3.	Site Grading	18,000.00		18,000.00
4.	Concrete Pump Pit	35,000.00		35,000.00
5.	Construction Fence	2,500.00		2,500.00
6.	Boulders, Materials	45,000.00		45,000.00
7.	Install Boulders	20,235.00		20,235.00
8.	Sidewalk	4,000.00		4,000.00
9.	Install Deer	3,000.00		3,000.00
10.	Electrical	35,000.00		35,000.00
11.	Upper Fountain Slab	30,000.00		30,000.00
12.	Lower Fountain Slab	50,000.00		50,000.00
13.	Top Wall	25,000.00		25,000.00
14.	Middle Wall	50,000.00		50,000.00
15.	Lower Wall	28,000.00		28,000.00
16.	Pool Drains	16,000.00		16,000.00
C.O. 1	Change Order No. 1	28,036.00		28,036.00
TOTALS		\$546,771.00	\$546,771.00	\$0.00

* The work this period consisted of completion of punch list items covered by the 5% retainerage.



Water's Edge Aquatic Design, LLC

11205 W. 79th St.
Lenexa, KS 66214

Invoice

Date	Invoice #
6/5/2007	1469

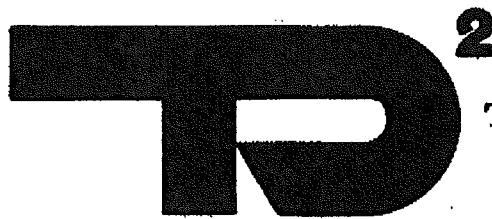
Bill To
City of LaVista, Nebraska Brenda Sedlacek, Parks & Recreation 8116 Park View Blvd. La Vista, NE 68128

Terms	Due Date	Rep
Net 30	7/5/2007	CAR

Description	Est Amt	Prior Amt	Prior %	Curr %	Total %	Amount
Project # 05522 - LaVista, NE/Pool Study evaluation concept plan	16,690.00	13,683.94	81.99%	11.01%	93.00%	1,837.57
						Total \$1,837.57
						Payments/Credits \$0.00
						Balance Due \$1,837.57

Phone #	Fax #	E-mail	Web Site
913-438-4338	913-438-1465	cschwartz@wedesignpools.com	www.wedesignpools.com

OK PLZ
6/19/07
consent
S-71-06491



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

June 13, 2007

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

ROBERT E. DREESSEN, P.E.
NELSON J. HYMANS, P.E.
JAMES D. WARNER, L.S.
CHARLES E. RIGGS, P.E.
KA "KIP" P. SQUIRE III, P.E., S.E.
JOHN M. KOTTMANN, P.E.
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MICHAEL T. CANIGLIA, L.S.
JEREMY T. STEENHOEK, P.E.
JOSHUA J. STORM, P.E.

RE: Southport West
Traffic Signals Section I
Vierregger Electric Company
Pay Estimate No. 3 & Final
TD² File No. 171-325.43

Brenda:

I received the Final Payment Recommendation from E&A Consulting Group, Inc. for the above-referenced project on June 6, 2007. I have reviewed this Final Payment Recommendation as prepared by E&A Consulting Group, Inc. Enclosed is a copy of the Certificate of Completion prepared by E&A Consulting Group, Inc. I recommend that payment be made to Vierregger Electric Company in the amount of \$30,514.56.

Submitted by,

THOMPSON, DREESSEN & DORNER, INC.

John M. Kottmann, P.E.

JMK/jlf

Enclosure

cc: Mr. Joe Soucie, City of La Vista - w/enclosure
Mr. Randy Pierce, E&A Consulting Group, w/o enclosure
File

Consent Agenda
6-19-07
05/11/0658



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930 NORTH 117TH STREET
OMAHA, NE 68154-2509

www.eacg.com

PHONE: (402) 895-4700
FAX: (402) 895-3599

June 6, 2007

City of LaVista - Public Works
Joe Soucie
9900 Comhusker Rd.
LaVista, NE 68128

RE: Pay Estimate No.2 - Southport West
Traffic Signals - Section I
Vieragger Electric Company
E & A #2000 030.11

Joe:

We certify that to the best of our knowledge, Vieragger Electric Company, has satisfactorily completed the below-itemized quantities of work under their construction contract for Traffic Signals - Section I, and we recommend payment to them in the amount shown:

BID

ITEM

NO

DESCRIPTION	QUANTITY	UNIT	PRICE	AMOUNT
1. COMB. MAST ARM SIGNAL & LIGHTING POLE (TYPE CMP 70-12-40)	2.00	EA	12,386.00	24,772.00
2. COMB. MAST ARM SIGNAL & LIGHTING POLE (TYPE CMP 65-12-40)	1.00	EA	12,321.00	12,321.00
3. COMB. MAST ARM SIGNAL, & LIGHTING POLE (TYPE CMP 60-12-40)	1.00	EA	11,822.00	11,822.00
4. TRAFFIC SIGNAL (TYPE TS-1) WITH T31 FACE, BACK PLATE & MA-5 MTG.	8.00	EA	544.00	4,352.00
5. TRAFFIC SIGNAL (TYPE TS-1A) WITH T31 FACE & B-4 MTG	2.00	EA	483.00	966.00
6. TRAFFIC SIGNAL (TYPE TS-1RR) WITH T31 FACE & B-4 MTG	2.00	EA	699.00	1,398.00
7. TRAFFIC SIGNAL (TYPE TS-1L) WITH T51A FACE, BACK PLATE & MA-5 MTG	8.00	EA	504.00	4,032.00
8. PEDESTRIAN SIGNAL (TYPE PS-1) WITH T20 FACE & B-4 MTG.	0.00	EA	431.00	0.00
9. PEDESTRIAN PUSH BUTTON (TYPE PPB)	8.00	EA	128.00	1,024.00
10. 30" X 36" "RIGHT TURN OPTION" SIGN (TYPE A R3-6-2)	2.00	EA	308.00	616.00
11. 30" X 96" "RT TURN ONLY" SIGN (TYPE A R3-5-2)	2.00	EA	308.00	616.00
12. 30" X 36" "THRU ONLY" SIGN (TYPE A R3-5-3)	2.00	EA	297.00	594.00
13. 24" X 30" "KEEP RT" SIGN (TYPE A R4-7-1)	4.00	EA	285.00	1,140.00
14. 36" X 36" EXCL DBL LT SIGN (TYPE A R3-8-5)	4.00	EA	1.00	4.00
15. L.E.D. "NO RIGHT TURN" SIGN	4.00	EA	2,854.00	11,416.00
16. 30" X 30" "RIGHT LANE MUST TURN RIGHT" SIGN (TYPE A R3-7-2)	2.00	EA	274.00	548.00
17. STREET NAME SIGN (TYPE A)	0.00	EA	366.00	0.00
18. PROVIDE AND INSTALL COMPLETE MODULAR VEHICLE DETECTION SYSTEM	1.00	LS	15,547.00	15,547.00
19. 3" CONDUIT BORED	416.00	LF	10.21	4,247.36
20. 3" CONDUIT IN TRENCH	40.00	LF	4.48	179.20
21. 2" CONDUIT BORED	416.00	LF	7.88	3,278.08
22. 2" CONDUIT IN TRENCH	160.00	LF	8.62	579.20
23. SERVICE DISCONNECT PEDESTAL	1.00	EA	2,882.00	2,882.00
24. TRAFFIC SIGNAL CONTROLLER, TYPE NEMA TS-1	1.00	EA	2,689.00	2,689.00
25. CONTROLLER CABINET, TYPE NEMA TS-1 W12 POSITION BACK PANEL	1.00	EA	4,831.00	4,831.00
26. SERVICE ENTRANCE CABLE	360.00	LF	0.85	306.00
27. GROUNDING CONDUCTOR	160.00	LF	0.65	104.00
28. 16/C CONDUCTOR CABLE, NO. 14 AWG	644.00	LF	2.45	1,577.80
29. 3/C NO. 6 AWG STREET LIGHTING CABLE	576.00	LF	1.65	950.40
30. 2/C NO. 6 PPB LEAD-IN CABLE, IMSA'20-1	644.00	LF	0.65	418.60
31. PULL BOX, TYPE PB-6	4.00	EA	432.00	1,728.00
32. PROVIDE AND INSTALL VEHICLE PRIORITY CONTROL SYSTEM	1.00	LS	6,294.00	6,294.00
33. STREET LIGHT LUMINAIRE, 200 WT	4.00	EA	101.00	404.00
34. CONSTRUCT 4' PCC SIDEWALK	146.00	SY	67.41	9,774.45

EXTRAS

A. ADDITIONAL COST FOR YELLOW LED & COUNTDOWN PED SIGNALS	1.00	LS	5,725.00	5,725.00
B. INSTALL STREET NAME SIGNS	1.00	LS	1,164.00	1,164.00
C. MODIFY STORM SEWER INCLD. 1 FES	1.00	LS	3,407.80	3,407.80
D. EXTEND DRAIN TILE INCLD. HEADWALL	1.00	LS	382.80	382.80
E. IMPORT EMBANKMENT, COMPAKTED IN PLACE	24.00	LOADS	104.50	2,508.00
F. ADDITIONAL FES	1.00	EA	674.10	674.10
G. MODIFY PAVEMENT MARKING, REMOVE "ONLY" AND ARROW	1.00	LS	572.45	572.45
H. SEEDING DISTURBED AREAS	1.00	LS	342.40	342.40

TOTAL AMOUNT EARNED TO DATE	146,187.64
AMOUNT PAID CONTRACTOR, EST. #1 & 2	\$115,673.08
0% RETAINED	\$0.00
AMOUNT DUE CONTRACTOR, EST. #3-Final	\$30,514.56

We recommend the above work be approved and accepted by the owner and final payment be made to
Vierregger Electric Company.

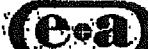
Very truly yours

E & A CONSULTING GROUP



Randall L. Pierce
Construction Engineer

cc: Vierregger Electric Company



E & A CONSULTING GROUP, INC.
ENGINEERING • PLANNING • FIELD SERVICES

CHANGE ORDER 2

PROJECT: SOUTHPORT WEST, TRAFFIC SIGNALS-SECTION I, E&A # 2000030.11
 OWNER: CITY OF LAVISTA
 CONTRACTOR: VIERREGGER ELECTRIC CO.
 DATE: June 6, 2007

The following additions and deductions to the approximate quantities in the construction contract for the above referenced project are necessary to adjust the work to match the approved plan quantities, which quantities are included:

<u>ADDITIONS TO APPROXIMATE QUANTITIES</u>		QUANTITY	UNIT	UNIT PRICE	AMOUNT
BID NO.	DESCRIPTION				
19.	3" CONDUIT BORED	216.00	LF	10.21	2,205.36
21.	2" CONDUIT BORED	216.00	LF	7.88	1,702.08
22.	2" CONDUIT IN TRENCH	110.00	LF	3.62	398.20
26.	SERVICE ENTRANCE CABLE	210.00	LF	0.85	178.50
28.	16/C CONDUCTOR CABLE, NO. 14 AWG	69.00	LF	2.45	169.05
29.	3/C NO. 6 AWG STREET LIGHTING CABLE	1.00	LF	1.65	1.65
30.	2/C NO. 6 PPB LEAD-IN CABLE, IMSA 20-1	69.00	LF	0.65	44.85
34.	CONSTRUCT 4" PCC SIDEWALK	14.00	SY	67.41	947.74
F.	ADDITIONAL FEES	1.00	EA	674.10	674.10
G.	MODIFY PAVEMENT MARKING, REMOVE "ONLY" AND ARROW	1.00	LS	572.45	572.45
H.	SEEDING DISTURBED AREAS	1.00	LS	342.40	342.40
TOTAL ADDITIONS					\$7,232.38
<u>DEDUCTIONS TO APPROXIMATE QUANTITIES</u>					
8.	PEDESTRIAN SIGNAL (TYPE PS-1) WITH T23 FACE & B-4 MTG. 36" X 36" EXCL DBL LT SIGN (TYPE A R3-6-5)	8.00	EA	431.00	3,448.00
14.		4.00	EA	1.00	4.00
17.	STREET NAME SIGN (TYPE A)	4.00	EA	366.00	1,464.00
20.	3" CONDUIT IN TRENCH	10.00	LF	4.48	44.80
27.	GROUNDING CONDUCTOR	415.00	LF	0.65	269.75
TOTAL DEDUCTIONS					\$5,230.55
ORIGINAL CONTRACT AMOUNT ADDED CO #1 AMOUNT TO BE ADDED REVISED CONTRACT					
129,582.60 14,603.21 \$2,001.83 \$146,187.64					

The contract amount is revised to \$146,187.64. The time of completion in the contract is not changed.

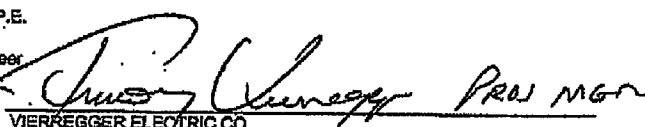
Recommended for approval by:

E&A CONSULTING GROUP, INC.


 Randall L. Pierce, P.E.

Construction Engineer

ACCEPTED BY:


 VIERREGGER ELECTRIC CO.

APPROVED BY:

CITY OF LAVISTA, Douglas Kindig, Mayor



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

June 13, 2007

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

ROBERT E. DREESSEN, P.E.
NELSON J. HYMANS, P.E.
JAMES D. WARNER, L.S.
CHARLES E. RIGGS, P.E.
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DAREN A. KONDA, P.E.
MICHAEL T. CANIGLIA, L.S.
JEREMY T. STEENHOEK, P.E.
JOSHUA J. STORM, P.E.

RE: Southport West
Traffic Signals Section II
Vierregger Electric Company
Pay Estimate No. 2 & Final
TD² File No. 171-325.44

Brenda:

I received the Final Payment Recommendation from E&A Consulting Group, Inc. for the above-referenced project on June 6, 2007. I have reviewed this Final Payment Recommendation as prepared by E&A Consulting Group, Inc. Enclosed is a copy of the Certificate of Completion prepared by E&A Consulting Group, Inc. I recommend that payment be made to Vierregger Electric Company in the amount of \$10,955.23.

Submitted by,

THOMPSON, DREESSEN & DORNER, INC.

John M. Kottmann, P.E.

JMK/jlf

Enclosure

cc: Mr. Joe Soucie, City of La Vista - w/enclosure
Mr. Randy Pierce, E&A Consulting Group, w/o enclosure
File

Consent Agenda
6-19-07
05.71.0658



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Quality and Service for You

330 NORTH 117TH STREET
OMAHA, NE 68154-2509

www.eacg.com

PHONE: (402) 895-4700
FAX: (402) 895-2599

June 7, 2007

City of LaVista - Public Works
Joe Spoule
9900 Comhusker Rd.
LaVista, NE 68128

RE: Pay Estimate No.1 - Southport West
Traffic Signals - Section II
Vieragger Electric Company
E & A #2000 030.11

Joe:

We certify that to the best of our knowledge, Vieragger Electric Company, has satisfactorily completed the below-itemized quantities of work under their construction contract for Traffic Signals - Section II, and we recommend payment to them in the amount shown:

BID ITEM NO.	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	AMOUNT
1.	COMB. MAST ARM SIGNAL & LIGHTING POLE (TYPE, CMP 85-12-40)	1.00	EA	12,311.00	12,311.00
2.	COMB. MAST ARM SIGNAL & LIGHTING POLE (TYPE, CMP 80-12-40)	1.00	EA	11,004.00	11,004.00
3.	PROVIDE & INSTALL MAST ARM (TYPE, CMP 58)	1.00	EA	2,999.00	2,999.00
4.	PROVIDE & INSTALL MAST ARM (TYPE, CMP 40)	1.00	EA	1,979.00	1,979.00
5.	CONSTRUCT COMB. MAST ARM SIGNAL & LIGHTING POLE/BASE	2.00	EA	2,141.00	4,282.00
6.	RELOCATE EXISTING STREET LIGHT POLE	2.00	EA	606.00	1,212.00
7.	TRAFFIC SIGNAL (TYPE, TS-1)-WITH T31 FACE, BACK PLATE & MA-5 MTG	7.00	EA	619.00	4,333.00
8.	TRAFFIC SIGNAL (TYPE, TS-1RR)-WITH T31 FACE, & B-4 MTG	4.00	EA	777.00	3,108.00
9.	TRAFFIC SIGNAL (TYPE, TS-1LL)-WITH T5A FACE, BACKPLATE, MA-5 MNTG	4.00	EA	976.00	3,904.00
10.	PEDESTRIAN SIGNAL (TYPE, PS-1)-WITH T23 FACE & B-4 MTG	8.00	EA	598.00	4,784.00
11.	PEDESTRIAN PUSH BUTTON (TYPE, PP8)	4.00	EA	138.00	552.00
12.	30"X36" LT TURN ONLY SIGN (TYPE A R3-5-2)	4.00	EA	345.00	1,380.00
13.	30"X36" RT TURN ONLY SIGN (TYPE A R3-6-2)	4.00	EA	345.00	1,380.00
14.	30"X36" THRU ONLY SIGN (TYPE A R3-6-3)	1.00	EA	345.00	345.00
15.	24"X30" KEEP RT SIGN (TYPE A R4-7-1)	1.00	EA	301.00	301.00
16.	30"X30" RIGHT LANE MUST TURN RIGHT SIGN (TYPE A R3-7-2)	4.00	EA	262.00	1,048.00
17.	INSTALL STREET NAME SIGN (TYPE A), PROVIDED BY THE CITY OF LAVISTA	4.00	EA	240.00	960.00
18.	PROVIDE AND INSTALL COMPLETE MODULAR VEHICLE DETECTION SYSTEM	1.00	EA	14,754.00	14,754.00
19.	3" CONDUIT BORED	375.00	LF	9.44	3,540.00
20.	3" CONDUIT IN TRENCH	50.00	LF	9.44	472.00
21.	2" CONDUIT BORED	375.00	LF	6.47	2,428.25
22.	2" CONDUIT IN TRENCH	60.00	LF	6.47	323.50
23.	SERVICE DISCONNECT/PEDESTAL	1.00	EA	3,150.00	3,150.00
24.	TRAFFIC SIGNAL CONTROLLER, TYPE NEMA TS-1	1.00	EA	2,793.00	2,793.00
25.	CONTROLLER CABINET, TYPE NEMA TS-1 W/12 POSITION BACK PANEL	1.00	EA	4,539.00	4,539.00
26.	SERVICE ENTRANCE CABLE	150.00	LF	1.67	250.50
27.	GROUNDING CONDUCTOR	575.00	LF	0.74	425.50
28.	16/2 CONDUCTOR CABLE, NO. 14 AWG	575.00	LF	2.51	1,443.25
29.	3/C NO. 6 AWG STREET LIGHTING CABLE	575.00	LF	2.93	1,684.75

30. 2IC NO. 6 PPB LEAD-IN CABLE, IMSA 20-1	575.00	LF	0.74	425.50
31. PULL BOX, TYPE PB-8	4.00	EA	457.00	1,828.00
32. PROVIDE AND INSTALL VEHICLE PRIORITY CONTROL SYSTEM	1.00	EA	6,779.00	6,779.00
33. INSTALL STREET LIGHT LUMINAIRE, 200WLT, PROVIDED BY OPPD	4.00	EA	111.00	444.00
EXTRAS				
A. SEEDING DISTURBED AREAS	1.00	LS	342.40	342.40

TOTAL AMOUNT EARNED TO DATE	101,502.65
AMOUNT PAID CONTRACTOR, EST. #1	\$90,547.43
0% RETAINED	\$0.00
AMOUNT DUE CONTRACTOR, EST. #2-Final	\$10,955.23

We certify that to the best of our knowledge, the above quantities are correct and the amount of
is due Vieregger Electric Company. \$10,955.23

Very truly yours,

E & A CONSULTING GROUP



Randall L. Pierce
Construction Engineer

cc: Vieregger Electric Company



E&A CONSULTING GROUP, INC.
ENGINEERING - PLANNING - REED SERVICES

CHANGE ORDER 1

PROJECT: SOUTHPORT WEST, TRAFFIC SIGNALS-SECTION II, E&A # 2000030:11
 OWNER: CITY OF LAVISTA
 CONTRACTOR: VIERREGGER ELECTRIC CO.
 DATE: June 7, 2007

The following additions and deductions to the approximate quantities in the construction contract for the above referenced project are necessary to adjust the work to match the approved plan quantities, which quantities are included:

ADDITIONS TO APPROXIMATE QUANTITIES

BID NO.	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	AMOUNT
A.	SEEDING DISTURBED AREAS	1.00	LS	342.40	342.40
					\$342.40

DEDUCTIONS TO APPROXIMATE QUANTITIES

NONE

TOTAL DEDUCTIONS	\$0.00
ORIGINAL CONTRACT AMOUNT TO BE ADDED	101,160.25
REVISED CONTRACT	\$342.40
	\$101,502.65

The contract amount is revised to \$101,502.65. The time of completion in the contract is not changed.

Recommended for approval by:

E&A CONSULTING GROUP, INC.



Randall L. Pierce, P.E.

Construction Engineer

ACCEPTED BY:

 6-8-07

VIERREGGER ELECTRIC CO.

APPROVED BY:

CITY OF LAVISTA, Douglas Kindig, Mayor

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)

Thru	45901				Payroll Checks				
Thru	45907								
Thru	45908				Missing Checks				
Thru	89530								
89531	6/06/2007	3511 TAB HOLDING COMPANY INC				189,099.59			**MANUAL**
89532	6/06/2007	152 CITY OF OMAHA				5,213.92			**MANUAL**
89533	6/06/2007	3739 FELSBURG HOLT & ULLEVIG				876.83			**MANUAL**
89534	6/11/2007	2625 CARDMEMBER SERVICE-ELAN				3,673.78			**MANUAL**
89535	6/12/2007	1194 QUALITY BRANDS OF OMAHA				346.55			**MANUAL**
89536	6/13/2007	3702 LAUGHLIN, KATHLEEN A, TRUSTEE				372.00			**MANUAL**
89537	6/19/2007	820 3M LIBRARY SYSTEMS CONTRACTS				3,791.00			
89538	6/19/2007	3798 ABRAMS, IMELDA				115.00			
89539	6/19/2007	1430 ALEGENT HEALTH SYSTEMS				10.96			
89540	6/19/2007	87 AMERICAN FENCE COMPANY INC				203.06			
89541	6/19/2007	720 AMERICAN LEGAL PUBLISHING CORP				550.00			
89542	6/19/2007	81 AMSAN				401.01			
89543	6/19/2007	736 AQUA-CHEM INCORPORATED				177.00			
89544	6/19/2007	196 AQUILA				150.66			
89545	6/19/2007	536 ARAMARK UNIFORM SERVICES INC				202.98			
89546	6/19/2007	188 ASPHALT & CONCRETE MATERIALS				287.77			
89547	6/19/2007	3769 ATLANTIC TACTICAL				500.58			
89548	6/19/2007	2945 AUDIOVISUAL INC				931.93			
89549	6/19/2007	201 BAKER & TAYLOR BOOKS				1,095.38			
89550	6/19/2007	3169 BATTERY ZONE INC				168.50			
89551	6/19/2007	929 BEACON BUILDING SERVICES				800.00			
89552	6/19/2007	1784 BENNINGTON IMPLEMENT				813.73			
89553	6/19/2007	410 BETTER BUSINESS EQUIPMENT				58.50			
89554	6/19/2007	2209 BOUND TREE MEDICAL LLC				51.56			
89555	6/19/2007	1242 BRENTWOOD AUTO WASH				67.00			
89556	6/19/2007	117 BRODART				92.42			
89557	6/19/2007	92 CARL JARL LOCKSMITHS				5.55			
89558	6/19/2007	2931 CENTRAL COMM COLLEGE-GR ISLAND				900.00			
89559	6/19/2007	152 CITY OF OMAHA				27,414.00			
89560	6/19/2007	83 CJ'S HOME CENTER				.00	**CLEARED**	**VOIDED**	
89561	6/19/2007	83 CJ'S HOME CENTER				.00	**CLEARED**	**VOIDED**	
89562	6/19/2007	83 CJ'S HOME CENTER				.00	**CLEARED**	**VOIDED**	
89563	6/19/2007	83 CJ'S HOME CENTER				967.62			
89564	6/19/2007	3176 COMP CHOICE INC				499.50			
89565	6/19/2007	468 CONTROL MASTERS INCORPORATED				1,472.66			
89566	6/19/2007	2158 COX COMMUNICATIONS				140.15			
89567	6/19/2007	2870 CPS HUMAN RESOURCE SERVICES				671.75			
89568	6/19/2007	111 DEMCO				503.31			
89569	6/19/2007	127 DON'S PIONEER UNIFORMS				41.95			
89570	6/19/2007	3334 EDGEWEAR SCREEN PRINTING				104.00			
89571	6/19/2007	2566 ELECTRONIC ENGINEERING				129.41			
89572	6/19/2007	2318 EMS BILLING SERVICES INC				1,300.81			
89573	6/19/2007	1219 ENTERPRISE LOCKSMITHS INC				114.00			

BANK NO	BANK NAME	CHECK NO	DATE	VENDOR NO	VENDOR NAME	CHECK AMOUNT	CLEARED	VOIDED	MANUAL
89574	6/19/2007	3789	ESRI INC			2,379.45			
89575	6/19/2007	1235	FEDEX KINKO'S			124.00			
89576	6/19/2007	1201	FERRELLGAS			129.90			
89577	6/19/2007	1245	FILTER CARE			33.10			
89578	6/19/2007	439	FIREGUARD INC			396.79			
89579	6/19/2007	385	GREAT PLAINS ONE-CALL SVC INC			489.78			
89580	6/19/2007	1044	H & H CHEVROLET			28.49			
89581	6/19/2007	3470	HAMILTON COLOR LAB INC			790.00			
89582	6/19/2007	3681	HEARTLAND TIRES AND TREADS			57.98			
89583	6/19/2007	2888	HOME DEPOT CREDIT SERVICES			279.98			
89584	6/19/2007	1612	HY-VEE FOOD STORES & DRUGTOWN			193.30			
89585	6/19/2007	3440	ICSC-INTL COUNCIL OF SHPG CTRS			500.00			
89586	6/19/2007	1896	J Q OFFICE EQUIPMENT INC			216.41			
89587	6/19/2007	2697	KROGER-DILLON CUST CHARGES			25.63			
89588	6/19/2007	1288	LIFE ASSIST			.00	**CLEARED**	**VOIDED**	
89589	6/19/2007	1288	LIFE ASSIST			499.99			
89590	6/19/2007	3370	LIFEGUARD STORE			225.25			
89591	6/19/2007	877	LINWELD			96.55			
89592	6/19/2007	1573	LOGAN CONTRACTORS SUPPLY			1,723.75			
89593	6/19/2007	2664	LOU'S SPORTING GOODS			448.38			
89594	6/19/2007	544	MAPA-METRO AREA PLANNING AGNCY			35.00			
89595	6/19/2007	919	MARTIN MARIETTA AGGREGATES			105.56			
89596	6/19/2007	1119	MEADOWBROOK INC			100.00			
89597	6/19/2007	3468	METAL SUPERMARKETS-OMAHA			28.51			
89598	6/19/2007	184	MID CON SYSTEMS INCORPORATED			75.10			
89599	6/19/2007	1050	MILLER PRESS			180.00			
89600	6/19/2007	342	MUNICIPAL PIPE TOOL CO INC			37.15			
89601	6/19/2007	3350	NEBRASKA IOWA SUPPLY			18,252.80			
89602	6/19/2007	2883	NEBRASKA LANDSCAPE SOLUTIONS			2,715.70			
89603	6/19/2007	370	NEBRASKA LAW ENFORCEMENT			620.00			
89604	6/19/2007	479	NEBRASKA LIBRARY COMMISSION			275.00			
89605	6/19/2007	440	NEBRASKA MACHINERY COMPANY			17.18			
89606	6/19/2007	1014	OFFICE DEPOT INC-CINCINNATI			62.50			
89607	6/19/2007	3804	OFFICE PROFESSIONAL			87.00			
89608	6/19/2007	79	OMAHA COMPOUND COMPANY			311.08			
89609	6/19/2007	195	OMAHA PUBLIC POWER DISTRICT			.00	**CLEARED**	**VOIDED**	
89610	6/19/2007	195	OMAHA PUBLIC POWER DISTRICT			30,264.04			
89611	6/19/2007	3172	OMMOOR HOUSE			32.91			
89612	6/19/2007	3039	PAPILLION SANITATION			214.60			
89613	6/19/2007	2686	PARAMOUNT LINEN & UNIFORM			320.58			
89614	6/19/2007	709	PEPSI COLA COMPANY			482.05			
89615	6/19/2007	3058	PERFORMANCE CHRYSLER JEEP			391.36			
89616	6/19/2007	3802	PIONEER PAINT & DECORATING			66.00			
89617	6/19/2007	1921	PRINCIPAL LIFE-FLEX SPENDING			148.50			
89618	6/19/2007	962	QUINN, JEFF			150.00			
89619	6/19/2007	219	QWEST			162.57			
89620	6/19/2007	58	RAINBOW GLASS & SUPPLY			29.81			
89621	6/19/2007	3090	REGAL AWARDS OF DISTINCTION			31.24			
89622	6/19/2007	498	ROCKHURST COLLEGE CONTINUING			597.00			
89623	6/19/2007	292	SAM'S CLUB			1,041.53			
89624	6/19/2007	487	SAPP BROS PETROLEUM INC			278.90			
89625	6/19/2007	1190	SARPY COUNTY FIRE CHIEFS ASSN			100.00			
89626	6/19/2007	168	SARPY COUNTY LANDFILL			99.55			

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89627	6/19/2007	3234 SNITILY CARR	275.00	APPROVED BY COUNCIL MEMBERS 6-19-07
89628	6/19/2007	2111 STAPLES BUSINESS ADVANTAGE	234.48	
89629	6/19/2007	3796 STORMBERG HOMES LLC	1,415.58	
89630	6/19/2007	3795 SUN COUNTRY DISTRIBUTING LTD	42.98	
89631	6/19/2007	807 SUPERIOR SPA & POOL	61.54	
89632	6/19/2007	332 SUSPENSION SHOP INCORPORATED	1,065.58	
89633	6/19/2007	264 TED'S MOWER SALES & SERVICE	1.96	COUNCIL MEMBER
89634	6/19/2007	3309 THREE RING ENTERPRISES INC	.00	**CLEARED** **VOIDED**
89635	6/19/2007	3309 THREE RING ENTERPRISES INC	.00	**CLEARED** **VOIDED**
89636	6/19/2007	3309 THREE RING ENTERPRISES INC	1,186.88	
89637	6/19/2007	3333 TRAVELODGE	269.04	
89638	6/19/2007	176 TUREWERKS	108.23	
89639	6/19/2007	2426 UNITED PARCEL SERVICE	6.99	
89640	6/19/2007	300 UTILITY EQUIPMENT COMPANY	1.92	
89641	6/19/2007	668 VEST ELECTRIC INCORPORATED	97.50	
89642	6/19/2007	258 WATKINS CONCRETE BLOCK CO INC	162.75	COUNCIL MEMBER

BANK TOTAL

315,198.80

OUTSTANDING

315,198.80

CLEARED

.00

VOIDED

.00

FUND	TOTAL	OUTSTANDING	COUNCIL MEMBER	VOIDED
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01 GENERAL FUND	80,395.56	80,395.56	.00	.00
02 SEWER FUND	30,555.52	30,555.52	.00	.00
05 CONSTRUCTION	198,490.69	198,490.69	.00	.00
08 LOTTERY FUND	2,736.29	2,736.29	.00	.00
09 GOLF COURSE FUND	3,020.74	3,020.74	.00	.00

REPORT TOTAL

315,198.80

OUTSTANDING

315,198.80

CLEARED

.00

VOIDED

.00

+ Gross Payroll 6-15-07 199,809.30GRAND TOTAL \$515,008.10

COUNCIL MEMBER

COUNCIL MEMBER

CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
JUNE 19, 2007 AGENDA

Subject:	Type:	Submitted By:
APPLICATIONS FOR REPLAT, CONDITIONAL USE PERMIT (HOTEL), FINAL PUD PLAN & AMENDMENT TO PUD ORDINANCE — SOUTHPORT WEST REPLAT THREE	◆RESOLUTION(S) ◆ORDINANCE RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

SYNOPSIS

Public hearings have been scheduled, and an ordinance and resolutions have been prepared to facilitate the development of the Marriott Courtyard project in Southport West. Specific action is requested on the following:

1. Amendment to the PUD ordinance to allow for a zero setback on the side lot line;
2. Replat and final PUD plan for approximately 19.33 acres to be known as Southport West Replat Three; and
3. Conditional Use Permit to locate and operate a Courtyard by Marriott hotel on Lot 1, Southport West Replat Three.

The site is generally located southwest of I-80 and Giles Road.

FISCAL IMPACT

N/A.

RECOMMENDATION

Approve subject to resolution of items identified by the city engineer and staff.

BACKGROUND

Public hearings have been scheduled to consider an application for a replat of Lot 1, Southport West Replat Two; an application for a conditional use permit to locate and operate a Courtyard by Marriott hotel on proposed Lot 1, Southport West Replat Three; and an application for a final PUD Plan. Staff is also recommending an amendment to the PUD ordinance to allow for a zero setback on the side lot line. The property is zoned C-3 Highway Commercial/Office Park with the Gateway Corridor and PUD-1 Overlay Districts. The lot is owned by JQH LaVista III Development, LLC. The application was submitted by Carl James of Pellham Phillips Architects and Engineers on behalf of the owner.

The applicant is proposing to construct a six story hotel with 243 rooms, and will include meeting rooms, a restaurant, a lounge and recreational facilities. An airport shuttle service is also being proposed by the applicant which will help reduce the demand for parking spaces and reduce traffic congestion in and around the site.

The hotel is proposed to be connected to the La Vista Conference Center through an enclosed walkway. The property is being replatted so that the Embassy Suites hotel, the La Vista Conference Center and the Marriott Courtyard hotel will be located on individually platted lots with their respective parking areas, however easements provide for the parking areas and access to be shared among all of the users.

The most recent PUD ordinance for Southport West included setbacks of 60 feet to property lines for buildings under eight stories and 125 feet to property lines for buildings over eight stories. Because of the proposed replat, lot lines are being created between connecting structures. An amendment to the PUD ordinance has been prepared to allow for a zero setback on the side lot line where the structures connect.

City Engineer John Kottmann and staff have reviewed the applications for the replat, conditional use permit and final PUD plan, and have the following comments:

1. Southport West Replat Three must be filed and recorded prior to execution of the conditional use permit.
2. The applicant will need to complete the FAA permit process and obtain approval prior to obtaining building permits.
3. All requirements of the Southport West PUD Plan and Design Guidelines must be met prior to execution of the conditional use permit. Final design approval is pending.
4. All signage shall comply with the La Vista sign regulations and the adopted Southport West PUD Plan and Design Guidelines.
5. Prior to the issuance of a building permit, the applicant shall pay the tract sewer connection fee.
6. Prior to the issuance of a building permit, the Fire Chief should review the fire hydrant location(s) for adequacy to serve the facility.
7. Pedestrian sidewalks and walkways need to provide safe and convenient linkages to perimeter sidewalks. The pedestrian connection at the southwest corner of the development from the sidewalk to the parking lot dead-ends at a parking stall. The island should be moved to this location to accommodate the sidewalk.
8. The PUD plan should show an enclosed connection between the buildings on Lots 1 and 2 as has been represented by the developer.

On May 17, 2007, the Planning Commission recommended approval of the replat application, conditional use permit and amendment to the PUD plan to City Council subject to the resolution of items identified in the staff report.



ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LA VISTA, NEBRASKA, AMENDING SECTION 8.B.i.b. OF ORDINANCE NO. 1013 TO CHANGE THE BUILDING SETBACKS IN PARCEL 1, PREVIOUSLY KNOWN AS LOT 1, SOUTHPORT WEST REPLAT TWO, BEING REPLATTED AS LOTS 1 THRU 3, SOUTHPORT WEST REPLAT THREE; TO REPEAL SECTION 8.B.i.b. OF ORDINANCE NO. 1013 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, NEBRASKA:

Section 1. Amendment to Section 8.B.i.b. of Ordinance No. 1013. Section 8.B.i.b. of Ordinance No. 1013 is hereby changed to read as follows:

b. Building Setback. No part of any building eight (8) stories and over in height shall be erected within sixty (60) feet of the perimeter property line. No part of any building under eight (8) stories in height shall be erected within one hundred twenty-five (125) feet of the perimeter property line. The building setback from an internal lot line may be zero (0) feet if approved by the City as part of a PUD Plan.

Section 2. Repeal of Section 8.B.i.b. of Ordinance No. 1013 as Previously Enacted. Section 8.B.i.b. of Ordinance No. 1013 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 after its passage, approval, and publication as provided by law.

PASSED AND APPROVED THIS 19TH DAY OF JUNE, 2007.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

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RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING APPROVAL OF A REPLAT AND PLANNED UNIT DEVELOPMENT (PUD-1) FOR LOTS 1-3, SOUTHPORT WEST REPLAT THREE, BEING A REPLAT OF LOT 1, SOUTHPORT WEST REPLAT TWO, LOCATED IN THE SW $\frac{1}{4}$ OF SECTION 18; AND THE SE $\frac{1}{4}$ OF SECTION 18; ALL LOCATED IN T14N, R12E OF THE 6TH P.M., SARPY COUNTY, NEBRASKA, GENERALLY LOCATED SOUTHWEST OF I-80 AND AND GILES ROAD.

WHEREAS, the owners of the above described piece of property have made application for approval of a replat and final PUD plan for the proposed Lots 1-3, Southport West Replat Three; and

WHEREAS, the City Administrator and the City Engineer have reviewed the replat and final PUD plan; and

WHEREAS, on May 17, 2007, the La Vista Planning Commission held a public hearing and reviewed the replat and PUD plan and has recommended approval subject to the resolution of items identified in the staff report.

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of La Vista, Nebraska, that the replat and final PUD plan for Lots 1-3, Southport West Replat Three, being a replat of Lot 1, Southport West Replat Two, located in the SW $\frac{1}{4}$ of Section 18; and the SE $\frac{1}{4}$ of Section 18; all located in the T14N, R12E of the 6TH P.M., Sarpy County, Nebraska, generally located southwest of I-80 and Giles Road be, and hereby is, approved subject to the satisfactory resolution of all items in the staff report and execution of a Subdivision Agreement as approved by the City Administrator and City Attorney.

PASSED AND APPROVED THIS 19TH DAY OF JUNE 2007.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF A CONDITIONAL USE PERMIT FOR JQH-LAVISTA COURTYARD DEVELOPMENT, LLC TO OPERATE A HOTEL (COURTYARD BY MARRIOTT) ON LOT 1, SOUTHPORT WEST REPLAT THREE.

WHEREAS, JQH-LaVista Courtyard Development, LLC has applied for a conditional use permit for the purpose of operating a hotel (Marriott by Courtyard) on Lot 1, Southport West Replat Three, located southwest of I-80 and Giles Road; and

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

WHEREAS, the Mayor and City Council of the City of La Vista are agreeable to the issuance of a conditional use permit for such purposes, subject to the following conditions:

1. Southport West Replat Three must be filed and recorded prior to the execution of the conditional use permit.
2. The applicant will need to complete the FAA permit process and obtain approval prior to obtaining full building permits.
3. All requirements of the Southport West PUD Plan and Design Guidelines must be met prior to execution of the conditional use permit. Final design approval is pending.
4. All signage shall comply with the La Vista sign regulations and the adopted Southport West PUD Plan and Design Guidelines.
5. Prior to the issuance of a building permit, the applicant shall pay the tract sewer connection fee.
6. Prior to the issuance of a building permit, the Fire Chief should review the fire hydrant location(s) for adequacy to serve the facility.
7. Pedestrian sidewalks and walkways need to provide safe and convenient linkages to perimeter sidewalks. The pedestrian connection at the southwest corner of the development from the sidewalk to the parking lot dead-ends at a parking stall. The island should be moved to this location to accommodate the sidewalk.
8. The PUD plan should show an enclosed connection between the buildings on Lots 1 and 2 as has been represented by the developer.

NOW THEREFORE, BE IT RESOLVED, that the Conditional Use Permit presented at the June 19, 2007, City Council meeting for JQH-LaVista Courtyard Development, LLC to operate a hotel (Courtyard by Marriott) on Lot 1, Southport West Replat Three be, and hereby is approved, and the Mayor and City Clerk be and hereby are, authorized to execute same on behalf of the City with such revisions or amendments thereto that the City Administrator may determine necessary to carry out the intent of the City Council.

PASSED AND APPROVED THIS 19th DAY OF JUNE 2007.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC

City Clerk

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**CITY OF LA VISTA
PLANNING DIVISION**

RECOMMENDATION REPORT

CASE NUMBER:

FOR HEARING OF: June 19, 2007
Report Prepared on June 15, 2007

I. GENERAL INFORMATION

- A. **APPLICANT:** JQH-La Vista Courtyard Development, LLC
- B. **PROPERTY OWNER:** JQH La Vista III Development, LLC
- C. **LOCATION:** 12520 Westport Pkwy
- D. **LEGAL DESCRIPTION:** Lot 1, Southport West Replat Two
- E. **REQUESTED ACTION(S):** CUP Review, Replat and PUD Amendment
- F. **EXISTING ZONING AND LAND USE:**
C-3, Highway Commercial / Office Park District; PUD-1, Planned Unit Development; and Gateway Corridor District.
- G. **PURPOSE OF REQUEST:** The proposal is build a Courtyard by Marriott Hotel on a separated lot from the adjoining La Vista Conference Center and Embassy Suites Hotel. An amendment to the PUD is requested to allow for a zero setback on the side lot line.
- H. **SIZE OF SITE:** 4.9 acres

II. BACKGROUND INFORMATION

- A. **EXISTING CONDITION OF SITE:** Embassy Suites and La Vista Conference Center are under construction on Lot 1 of the Southport West Replat Two.
- B. **GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:**
 1. **North:** Interstate 80 Interchange
 2. **East:** C-3, Southport East/Office and other commercial uses
 3. **South:** C-3, Southport West Replat One/Cabela's and City parking lot
 4. **West:** C-3, Southport West/Vacant
- C. **RELEVANT CASE HISTORY:** Southport West Replat Two, PUD Plan and Conditional Use Permit for the Embassy Suites Hotel and La Vista Conference Center were approved in 2006.

D. APPLICABLE REGULATIONS:

1. Section 6.05, Zoning Ordinance, CUP Standards for Approval
2. Southport West PUD Plan: Architectural and Site Design Guidelines
3. Section 5.12, Zoning Ordinance, regarding C-3 Zoning District
4. Section 5.17, Zoning Ordinance, regarding Gateway Corridor District
5. Section 3.08, Subdivision Regulations, regarding Replats

III. ANALYSIS

A. COMPREHENSIVE PLAN: The Future Land Use Map of the Comprehensive Plan designates this property for commercial uses in the gateway corridor.

B. OTHER PLANS: Southport West PUD Plan

C. TRAFFIC AND ACCESS:

1. Access is proposed to Westport Parkway. The access points noted on the replat are consistent with what was previously approved. The PUD plan shows the location of the existing driveways into the City parking lot to demonstrate coordination with the proposed entrances.
2. Parking for the hotel facility would consist of 246 on-site, non-covered parking spaces. In addition, the adjoining parking lot for the conference center and Embassy Suites hotel may be utilized for shared parking. There has been considerable discussion regarding the amount of parking required for all three facilities however staff believes there will be adequate shared parking for the proposed uses. (See attached letter from John Kottmann dated April 10, 2007, RE: Proposed PUD Plan Amendment, comment #8.)
3. The application states that shuttle services will be provided to the airport.
4. A traffic study was conducted prior to approval of the first CUP for Embassy Suites to evaluate the impact two hotels and the conference center would have on public roads in the area. The proposed replat will not change any trip generation or traffic impacts from what have been anticipated and considered previously from the subject site. Arterial street improvements on the roadway system in the Southport area will be needed in the years ahead as the developments in this area are completed and overall traffic increases in the Giles Road corridor. The City has begun planning for such improvements and will need to continue to do so.

5. Lot 1, the conference center lot, does not have direct access to a private or public street; however, a blanket access easement will allow for ingress and egress.

- D. UTILITIES:** All utilities are available to the site; the proposed replat should not affect the overall drainage plan for the subdivision as previously agreed upon.

IV. REVIEW COMMENTS:

1. The proposed hotel would be six stories with 243 rooms, including meeting rooms, a restaurant, a lounge and recreational facilities. The recreational facilities include a swimming pool, fitness center, spa, outdoor playground and patio.
2. This hotel would assist in serving the patrons of the adjoining conference center; an enclosed walkway has been represented to be constructed as a connection to the conference center however the PUD plan does not show this connection.
3. The property is being replatted so that the two hotels and the conference center would each have their respective lots with parking areas; although it is understood that the parking areas will be shared among the users.
4. The building footprint for the proposed hotel would be over 37,000 sq. ft. and about 68,000 sq. ft. of open/green space is planned for the site.
5. Building design review has been substantially completed however several design elements are under discussion or need additional information prior to any building permit approvals:
 - The glass curtain wall above the entrance canopy needs to be revised to add interest and detail; this portion of the building does not have “an eclectic style that is weighted towards the historical” as required. Options would include sun shades, a different proportion of punched windows, more brick, etc.
 - A roof plan which shows the screening of the first floor rooftop mechanical units;
 - The exterior screening used for individual room mechanical units;
 - The design of the enclosed walkway which connects the hotel to the conference center; and
 - A detailed site lighting plan.
6. The most recent PUD Plan for Southport West included setbacks of 60 feet to property lines for buildings under eight stories and 125 feet to property lines for buildings over eight stories. Because of the proposed replat, lot lines are being created between the structures resulting in zero setbacks. A PUD amendment has been prepared to allow for the perimeter property line setbacks to be left as written however a new category has been created for internal lot lines which would allow for zero setbacks.

7. The airport shuttle service proposed by the applicant would help reduce the demand for parking spaces and would reduce traffic congestion in and around the site. This proposal would satisfy the CUP standard found in Section 6.05.11 of the Zoning Ordinance regarding an increased burden on public facilities.
8. Pedestrian sidewalks and walkways need to provide safe and convenient linkages to perimeter sidewalks. The pedestrian connection at the southwest corner of the development from the sidewalk to the parking lot dead-ends at a parking stall. The island should be moved to this location to accommodate the sidewalk.
9. Information indicating the applicant has completed the FAA permit process for this hotel.

V. **STAFF RECOMMENDATION:** Approval of the Courtyard by Marriott Hotel Conditional Use Permit, Southport West Replat Three final plat, and the PUD amendments subject to addressing items noted above.

VI. **ATTACHMENTS TO REPORT:**

1. Vicinity Map
2. City Engineer's comments
3. Southport West Replat Three PUD Plan
4. Southport West Replat Three Final Plat
5. Courtyard by Marriott CUP Site Development Plan

VII. **COPIES OF REPORT TO:**

1. Applicant
2. Carl James, Pellham Phillips
3. Anthony Moody, Embassy Suites Hotel Omaha
4. John Meng-Frecker, E&A Consulting
5. Ricky Carter, Kirkham Michael Associates

AB

Prepared by:

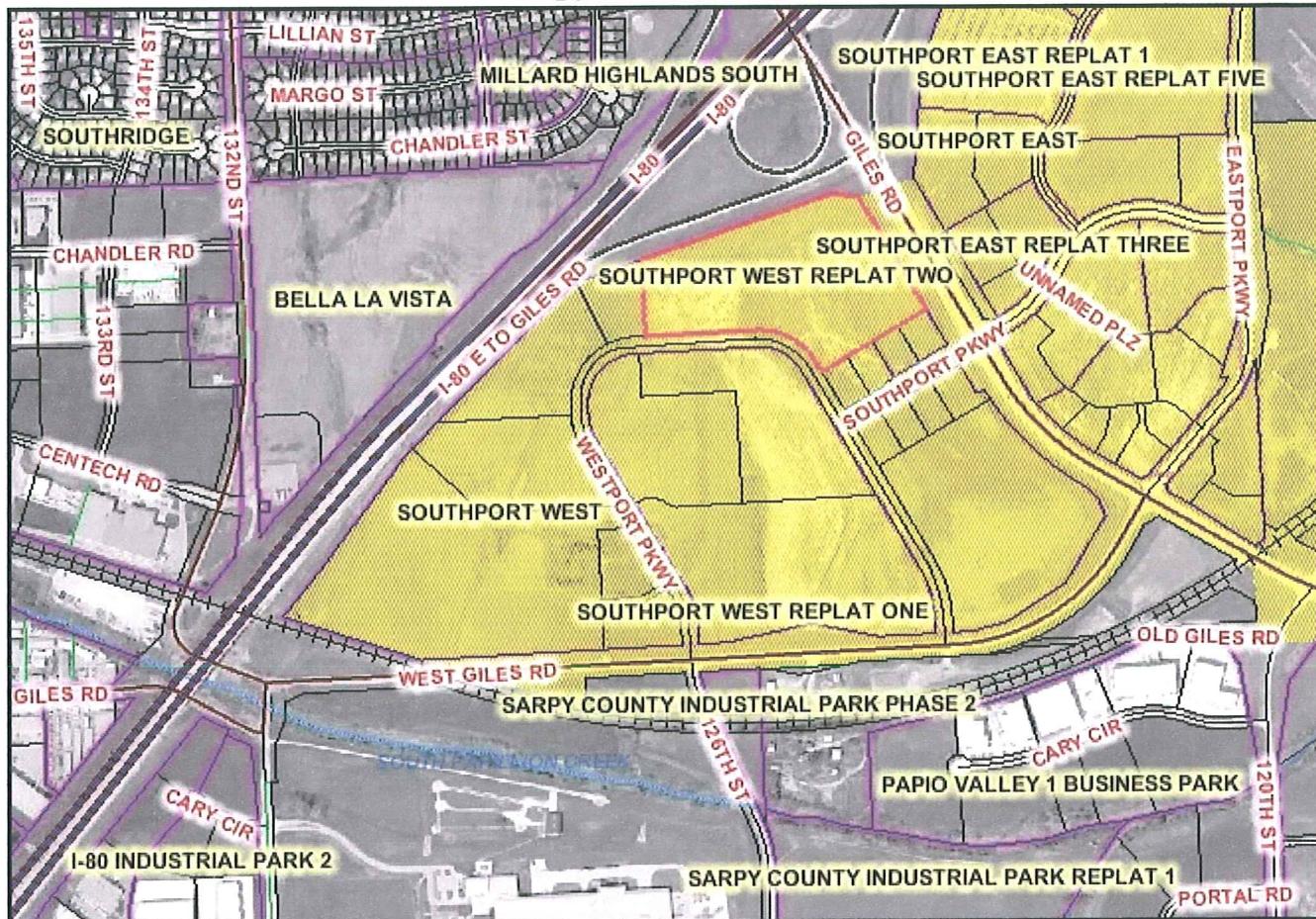
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Community Development Director

6-14-07

Date

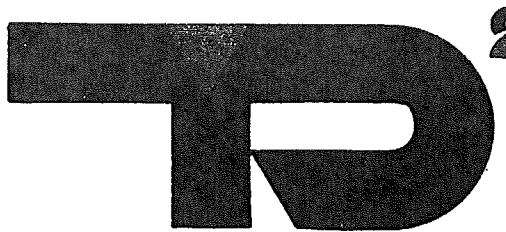
Sarpy County Map



Parcel ID Number	011590193	Legal Description	LOT 1 SOUTHPORT WEST REPLAT TWO
Owner Name	JQH LAVISTA III DEVELOPMENT LLC	Neighborhood Code	500
Mailing Address	300 JOHN Q HAMMONS PRKwy #900	Property Type	COMM
City State	SPRINGFIELD MO	Improvements Value	\$1,500,000
Zip Code	65806-	Land Value	\$4,210,725
Property Class	2000	Total Value	\$5,710,725
Property Class Codes	01 03 03 01 03 07	Estimated Acres	19.32
Property Address	12520 WESTPORT PKWY	Tax District	27044

Disclaimer: This data is for informational purposes only, and should not be substituted for a true titles search, property appraisal, survey, or for zoning district verification. Sarpy County and the Sarpy County GIS Coalition assume no legal responsibility for the information contained in this data.

Map Scale
1 inch = 821 feet



THOMPSON, DREESSEN & DORNER, INC.

Consulting Engineers & Land Surveyors

April 10, 2007

Mr. Marcus Baker
City Planner
City of La Vista
8116 Park View Boulevard
La Vista, Nebraska 68128

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JEREMY T. STEENHOEK, P.E.
JOSHUA J. STORM, P.E.

RE: Proposed Conditional Use Permit
Lot 1, Southport West Replat Three
Proposed Courtyard Hotel
TD² File No. 171-345.2

Mr. Baker:

I have reviewed the documents you provided to me in your transmittal dated April 3, 2007 for the proposed conditional use permit. I offer the following comments:

1. I have reviewed the proposed use against the standards found in Section 6.05 of the Zoning Regulations and have no objections based on engineering aspects of those standards. Please note that the most recent traffic impact study for Southport West as a whole was prepared in June 2006. This study included 470 hotel rooms and a conference center on what is being platted at Southport West Replat Three. The proposed Courtyard Hotel will raise that room count to 500 rooms. This is not a substantial change in my opinion and will not change the findings of this previous traffic impact study. That study shows that arterial street improvements on the roadway system in the Southport area will be needed in the years ahead as the developments in this area are completed and overall traffic increases in the Giles Road corridor. The City has begun planning for such improvements and will need to continue to do so.
2. The applicant will need to complete the FAA permit process relative to the height of the proposed hotel.
3. The PUD plans will need to be approved in order to facilitate the proposed hotel. Please refer to my review letter on the PUD.

I have no objections to the proposed Conditional Use Permit for a hotel on Lot 1, Southport West Replat Three.

Submitted by,

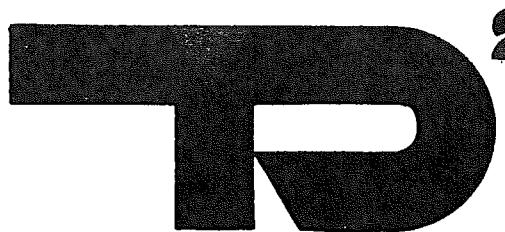
THOMPSON, DREESSEN & DORNER, INC.

John M. Kottmann

John M. Kottmann, P.E.

JMK/jlf

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

April 10, 2007

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City Planner
City of La Vista
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JOSHUA J. STORM, P.E.

RE: Proposed PUD Plan Amendment
Lots 1-3, Southport West Replat Three
Proposed Hotels & Conference Center
TD² File No. 171-345.3

Mr. Baker:

I have reviewed the documents you provided to me in your transmittal dated April 3, 2007 for the proposed conditional use permit. I offer the following comments:

1. The most recent PUD amendment approved on October 23, 2006, included setback requirements of 60 feet to property lines for buildings under eight stories in height and 125 feet to property lines for buildings over eight stories in height. The current plan shows creating lot lines between the structures on the site with zero setbacks. The most recent amendment contemplated the perimeter lot lines of the PUD district and did not address the idea of internal lot lines. Therefore, the PUD amendment for this PUD plan will need to differentiate between PUD district perimeter lot lines and internal PUD district lot lines. The perimeter property line setbacks could be left as written, but a new category for internal lot lines should be provided which would allow for zero setbacks should be considered.
2. The PUD plan needs to address sidewalk connections from the proposed buildings to the external sidewalk system. The plan shows only one sidewalk connection from the conference center main entrance. I recommend consideration of secondary sidewalk connections at two other locations to accommodate probable pedestrian movements.
3. The PUD plan needs to show the location of the existing driveways into the City parking lot on the southerly side of Westport Parkway to demonstrate coordination of the proposed entrances with these existing entrances. What is labeled as Cabela's parking lot should be changed to say "City Parking Lot".
4. The distances from the proposed parking lot perimeters to the right of way lines along Westport Parkway and I-80 should be identified on the PUD plan to demonstrate compliance with the greenspace requirements in the Southport West Design Guidelines.

5. The Southport West Design Guidelines require 10 feet of landscaping along interior lot lines. At the westerly perimeter of the PUD Plan there is a shared access driveway centered on the lot line, which makes it impossible to place the 10 feet of greenspace along the property line. I recommend that the row of islands adjacent to this shared drive contain an amount of greenspace equivalent to the 10 feet strip that would have been required along the property line. The PUD amendment may need to address this situation.
6. There is a data table on the PUD plan that shows composite open space on the combined three lots to be 22.9 percent. This is less than the 25 percent required in the latest PUD amendment and the Southport West Design Guidelines. The applicant needs to identify whether they will revise the plan to meet this requirement or whether they are requesting an amendment to the PUD to allow a lower percentage.
7. The applicant needs to provide information on the amount of parking lot interior green space. The latest PUD amendment and the Southport West Design Guidelines require 10 percent. It is unknown whether the proposed plan complies with this requirement.
8. The PUD plan contains information on proposed and required parking. This data shows 1990 stalls required and 953 stalls provided. The City undertook the creation of a City Parking Lot in order to provide for shared uses between developments in Southport and to allow for peak event overflow from one facility or use to another. The applicable zoning regulation requirements are one space per unit for the hotels and one space for four persons of licensed capacity in places of assembly like the conference center. For retail, the requirement is 4.5 spaces per 1,000 square feet of gross floor area. The largest variable in this instance is the capacity of the conference center. It appears the data table on the submitted PUD plan is based on the Code capacity of the conference center being 6,000 persons. The applicant should confirm that this is what was used to show the 1500 stall requirement for the conference center. Previous communications with the applicant and the manager of the facility have indicated much lower capacities or parking requirements are expected for the conference center. Perhaps it would be helpful to review what is known about the composite parking for Cabela's, the hotels and the conference center so far:

Available parking:

Cabela's Lot	123 spaces
City Parking Lot	776 spaces
Proposed Hotel/Conf. Lot	953 spaces
Total	1852 spaces

Then we can examine the parking requirements for the hotels and Cabela's since those are fairly certain requirements. I recommend applying a 15 percent reduction to the composite parking requirements to account for multi-purpose trips such as those parked at the hotel that walk across the street to Cabela's. The 15 percent factor is very judgmental, but is based on typical multi-purpose trip reduction factors applied in traffic impact studies.

Mr. Marcus Baker

April 10, 2007

Page 3

Required parking:

Cabela's (129,000 sf at 4.5/1,000 sf)	581 spaces
Two Hotels (500 hotel rooms)	500 spaces
Total	1081 spaces
After 15% reduction	919 spaces

Therefore, with 1852 spaces available this leaves 933 spaces available for the conference center. Again, we need to adjust for multi-purpose trips. That is some hotel guests will also be attending conference center functions. For purposes of examining the conference center use by itself, we would adjust the 933 stalls upwards and use 1097 equivalent stalls available. At four persons per space this would result in 4,388 person capacity for the conference center. This is in contract to the code interpretation that rates the conference center at 6,000 persons (needs to be confirmed), the general manager's opinion that the more likely capacity of the facility is 2,800 persons and the parking study done by JQH of their facilities showing an average of 84.02 square feet of meeting space for each parking stall. With 42,000 square feet of meeting space in the proposed conference center the study would show a requirement of 500 stalls. The experience of JQH in owning and operating such facilities is probably the best source of information in this instance. I am of the opinion that the proposed parking is adequate. It may be necessary to address the adjustment to the parking requirement in either the amendment to the PUD or in the conditional use permit. This could be in the form of reserving the right of the City to limiting the size of functions at the conference to be commensurate with 933 parking stalls if parking capacity problems are found to exist.

I recommend approval of the PUD plan subject to revising the plan to address the items noted in this letter and any other concerns that you or other City staff have identified. The language of the PUD amendment should be prepared prior to the request moving forward to City Council.

Submitted by,

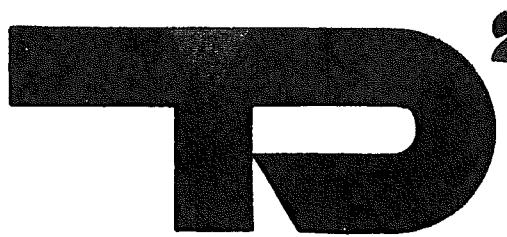
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John M. Kottmann, P.E.

JMK/jlf

cc: File



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April 10, 2007

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JOSHUA J. STORM, P.E.

RE: 2007 Minor & Administrative Plat Reviews
Southport West Replat Three
Review of Initial Submittal
TD² File No. 171-344.2

Mr. Baker:

I have reviewed the proposed final plat that you provided me under your transmittal dated April 3, 2007. I offer the following comments:

TRAFFIC & ACCESS

1. The proposed replat will not change any trip generation or traffic impacts from what have been anticipated and considered previously from the property in this application.
2. Perimeter sidewalks will be required as the lots are built upon. These sidewalks will need to be 6 inches thick, 5 feet wide, and placed at least 6 feet from edge of walk to back of curb. The sidewalk will need to be curvilinear in design and that will be part of the design review process.
3. There is an existing blanket ingress/egress easement over all of the Southport West subdivision, except for areas occupied by buildings. This blanket easement allows for sharing of the access points identified on the plat to Southport and Westport Parkways.
4. The access points noted on the replat are consistent with what was previously approved. However, refer to my comment letter on the PUD plan concerning verification of driveway alignment with the City parking lot driveways.

UTILITIES & DRAINAGE

5. The proposed replatting should not affect the overall drainage plan for the subdivision previously agreed upon.
6. The lots will have access to existing public utilities in Westport Parkways.

Mr. Marcus Baker

April 10, 2007

Page 2

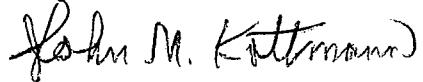
MISCELLANEOUS

7. Article 3.08.04 of the Subdivision Regulations requires a concurrent preliminary plat. However, Article 3.08.08 implies that a preliminary plat is not required if the guidelines of Article 3.09.03 do not apply. Therefore, it is my opinion that a preliminary plat is not required.
8. The plat will create a lot that does not have direct vehicular access to a public street. Article 4.15 of the Subdivision Regulations states that each lot shall be provided with satisfactory vehicular access by means of a public street or approved private street. In this case, an approved private street will occur through the PUD process.
9. The City Attorney should review the replat and provide an amendment to the subdivision agreement as appropriate.
10. I assume that you have received a properly completed and signed application form from the applicant.

I recommend that the final plat of Southport West Replat Three contingent upon the PUD being approved. The City Attorney should prepare an amendment to the Subdivision Agreement as he determines necessary, prior to this case moving forward to City Council.

Prepared by,

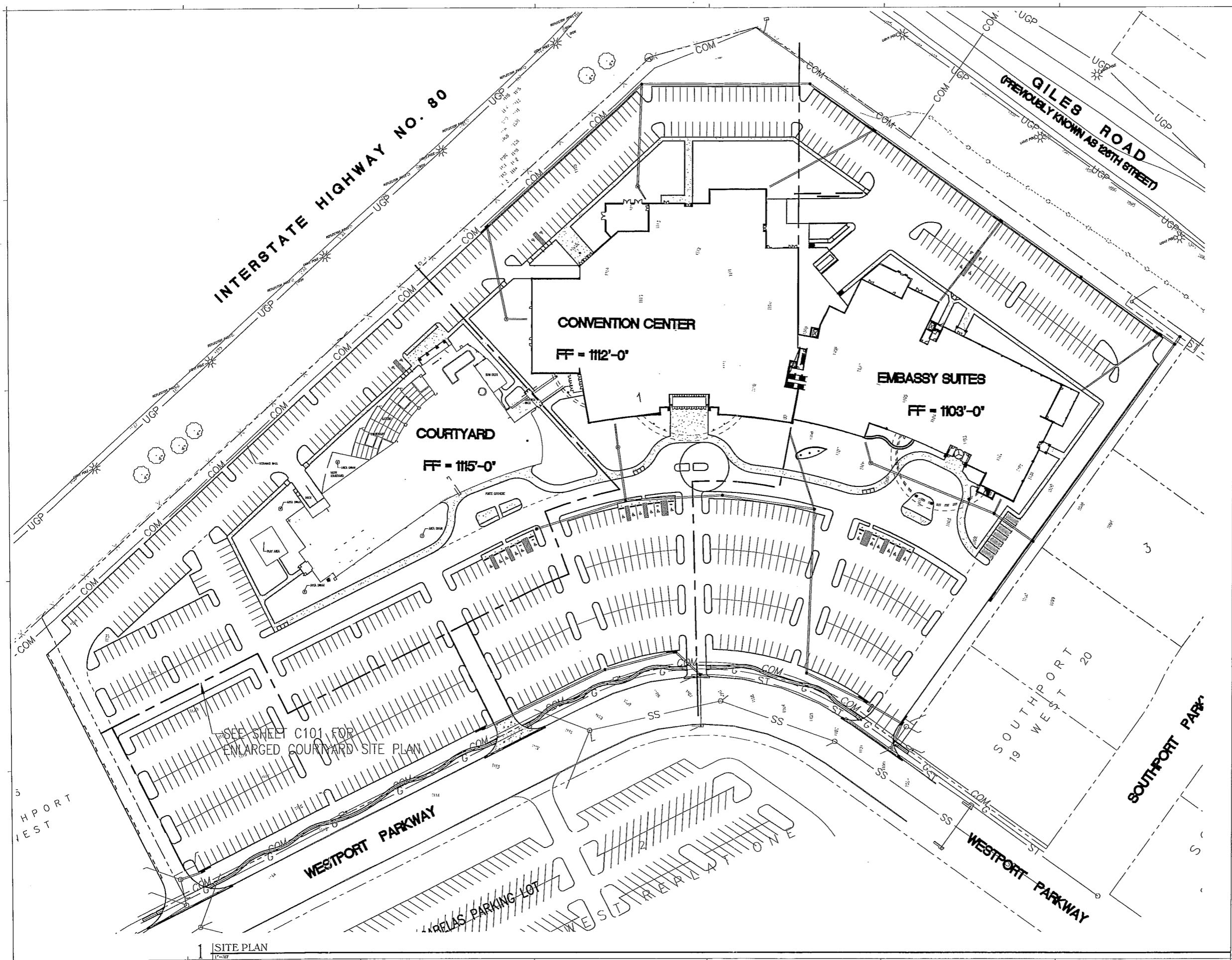
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John M. Kottmann, P.E.

JMK/jlf

cc: File



REVISIONS

RECEIVED APR - 2 2007

COURTYARD BY MARRIOTT HOTEL
LA VISTA, NEBRASKA

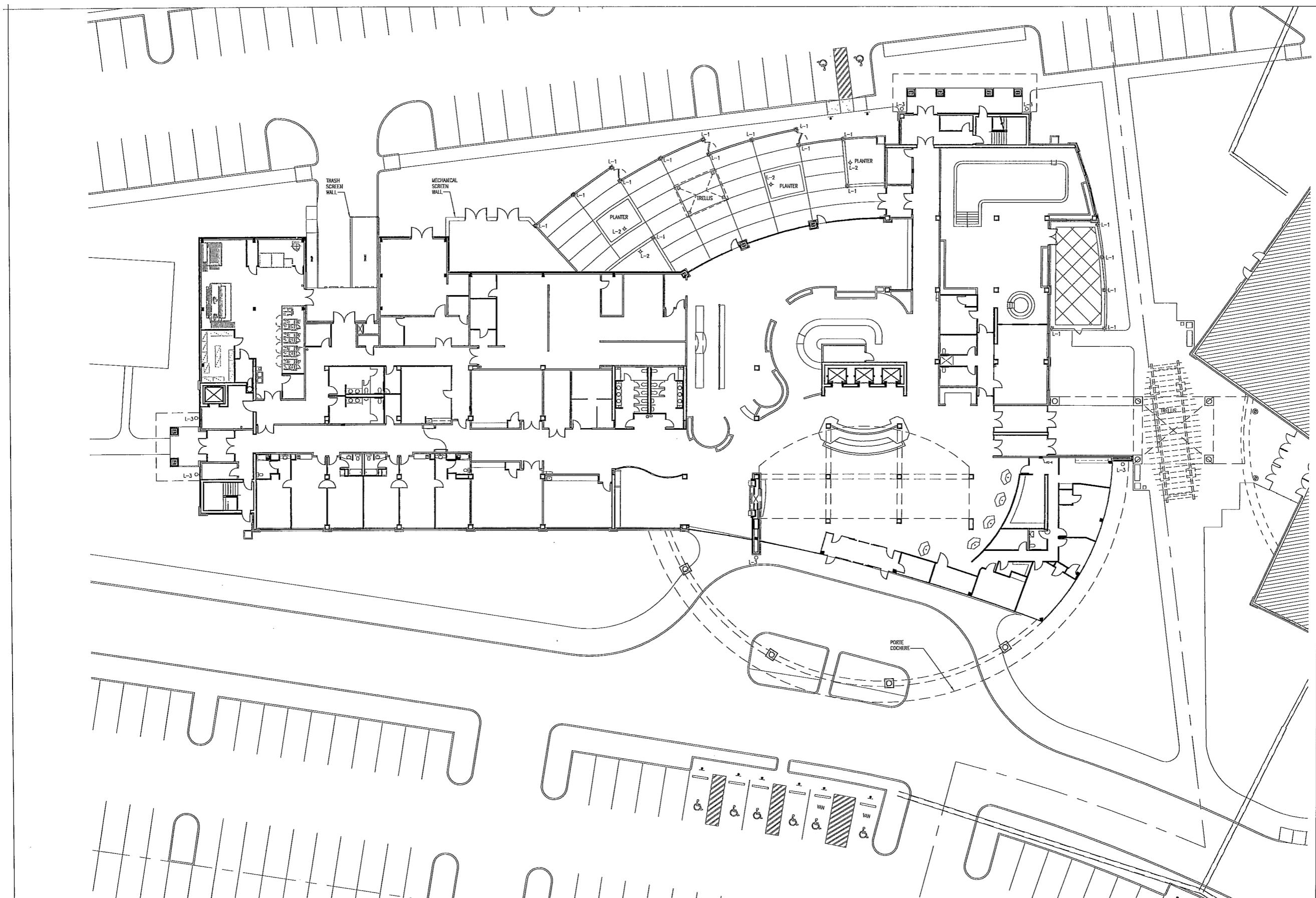
John Q Hannans
303 John Q Hannans Highway
Sparta, Illinois 61081
(708) 451-1800

PRELIMINARY
NOT FOR
CONSTRUCTION
SCH. DESIGN

PELLHAM
PHILLIPS
ARCHITECTS
ENGINEERS

Project # 20206
Date: 05/01/2007

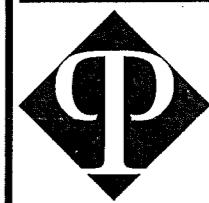
C101



REVISIONS

COURTYARD BY
MARRIOTT HOTEL

LA VISTA, NEBRASKA



PELLHAM
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ENGINEERS

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Project #20206 -
Date: 05/11/2007

A101

**City of La Vista
Conditional Use Permit**

Conditional Use Permit for Hotel

This Conditional Use Permit issued this _____ day of _____, 2007, by the City of La Vista, a municipal corporation in the County of Sarpy County, Nebraska ("City") to, JQH-LaVista Courtyard Development, LLC ("Owner"), pursuant to the La Vista Zoning Ordinance.

WHEREAS, Owner wishes to construct and operate a hotel upon the following described tract of land within the City of La Vista zoning jurisdiction:

Lot 1, Southport West Replat Three located in the SW $\frac{1}{4}$ of Section 18, and also the SE $\frac{1}{4}$ of Section 18, Township 14 North, Range 12 East of the 6th P.M. Sarpy County, Nebraska.

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

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

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

Conditions of Permit

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

1. The rights granted by this permit are transferable and any variation or breach of any terms hereof shall cause permit to expire and terminate without the prior written consent of the City (amendment to permit) or unless exempted herein.
2. In respect to the proposed Use:
 - a. A site plan showing the property boundaries of the tract of land and easements, proposed structures, parking, access points, and drives shall be provided to the City and attached to the permit as Exhibit "B".
 - b. The hours of operation will be 24 hours a day seven days a week.
 - c. There shall not be any outside storage of materials. All trash receptacles, benches and planters shall be placed on property and securely fastened to building or concrete.
 - d. The premises shall be developed and maintained in accordance with the site plan (Exhibit "B") as approved by the City and incorporated herein by this reference. Any modifications must be submitted to the Chief Building Official for approval.
 - e. Exterior lighting, when used, shall enhance the building design and the adjoining landscape. Building fixtures shall be of a design and size compatible with the building and adjacent areas. Lighting shall be restrained in design and excessive brightness avoided. Lighting shall be designed to a standard that does not impact adjoining properties.

- f. Owner shall obtain all required permits from the City of La Vista and shall comply with any additional requirements as determined by the Chief Building Official, including, but not limited to, building, fire, FAA and ADA.
 - g. Owner shall comply (and shall ensure that all employees, invitees, suppliers, structures, appurtenances and improvements, and all activities occurring or conducted, on the premises at any time comply) with any applicable federal, state and/or local regulations, as amended or in effect from time to time, including, but not limited to, applicable environmental or safety laws, rules or regulations.
 - h. Owner hereby indemnifies the City against, and holds the City harmless from, any liability, loss, claim or expense whatsoever (including, but not limited to, reasonable attorney fees and court cost) arising out of or resulting from the acts, omissions or negligence of the owner, his agents, employees, assigns, suppliers or invitees, including, but not limited to, any liability, loss, claim or expense arising out of or resulting from any violation on the premises of any environmental or safety law, rule or regulation.
3. In respect to the Gateway Corridor Overlay District and Southport West PUD Plan and Design Guidelines:
- a. Building Exterior (Style and Building Materials)
 - i. The elevation plans (Exhibits “C-1 and C-2”) and material samples submitted indicate a combination of brick, E.I.F.S., precast concrete and metal panels. The building has a recognizable base, mid-façade and cornice; **however the area of the glass curtain wall over the entry lacks interest and detail. Revisions are necessary to meet the general style requirements of the design guidelines which state the “development should have an eclectic style that is weighted towards the historical”.**
 - ii. The design of the enclosed walkway which connects the hotel to the conference center must be submitted for review.
 - iii. All window mullions shall be natural aluminum.
 - iv. The building has a combination of pitched and curved roofs. The curved roof is utilized as a design element emphasizing the entry and signage. The pitched roof is noted to be 5/12 rather than the required 6/12 due to FAA height restrictions.
 - v. The project has incorporated five of the eight optional building elements to the exterior design of the building as prescribed by the Southport West Design Guidelines. Trellises are illustrated on Exhibit “D” which match the trellises designed on the adjoining conference center; the project also incorporates square columns, a pitched roof, a curved roof, and a Porte’ Cochere.
 - b. Mechanical Units
 - i. According to the building elevations (Exhibits “C-1 and C-2”), there are louvers integrated with the windows at each individual room. Such louvers shall be painted to match the surrounding wall finishes.
 - ii. All roof top mechanical units shall be screened from view from public rights-of-way through the use of permanent architectural screens that are integrated with the overall design of the building. Roof top units are only proposed to be placed on the flat roof above the first floor on the north elevation however detailed plans must be submitted.
 - iii. The plans identify the appropriate screening for the ground level units however detailed building plans must be reviewed.
 - c. Refuse Screening
 - i. The plans indicate that the refuse containers will be screened with brick masonry walls to match the material on the main structure. Two gates with steel frames and perforated metal will be utilized on the enclosure per the design guidelines.
 - d. Landscaping and Site Treatment
 - i. The landscape plan (Exhibit “E”) has identified the required landscaping to the site and shall be incorporated accordingly.
 - ii. Any changes to the landscape plan must be approved by the City of La Vista.

- iii. All perimeter sidewalks shall be serpentine.
 - e. Exterior Light Fixtures
 - i. All exterior light fixtures used on this project for parking lots shall be in accordance with the Southport West Design Guidelines. A Site Lighting Plan must be submitted and approved.
 - ii. Additional exterior decorative light fixtures to be used for pedestrian plazas and as feature lights are attached as Exhibit "G", and are compatible with the fixtures used on the adjacent Embassy Suites hotel.
 - iii. All additional exterior light fixtures must be submitted for approval.
 - f. Signage
 - i. All signs shall comply with the City's sign regulations.
4. The applicant's right to maintain the use as approved pursuant to these provisions shall be based on the following:
- a. An annual inspection to determine compliance with the conditions of approval. The conditional use permit may be revoked upon a finding by the City that there is a violation of the terms of approval, if the violation continues after written notice from the City to Owner and a reasonable time for Owner to cure such violation.
 - b. The use authorized by the conditional use permit must be initiated within one (1) year of approval and shall become void two (2) years after the date of approval unless the applicant has fully complied with the terms of approval.
 - c. All obsolete or unused structures, accessory facilities or materials with an environmental or safety hazard shall be abated and/or removed at owner's expense within twelve (12) months of cessation of the conditional use.
5. Notwithstanding any other provision herein to the contrary, this permit, and all rights granted hereby, shall expire and terminate as to a permitted use hereunder upon the first of the following to occur:
- a. Owner's abandonment of the permitted use. Non-use thereof for a period of twelve (12) months shall constitute a presumption of abandonment.
 - b. Cancellation, revocation, denial or failure to maintain any federal, state or local permit required for the Use.
 - c. Owner's breach of any other terms hereof and his failure to correct such breach within ten (10) days of City's giving notice thereof.
6. If the permitted use is not commenced within one (1) year from _____, this Permit shall be null and void and all rights hereunder shall lapse, without prejudice to owner's right to file for an extension of time pursuant to the La Vista Zoning Ordinance.
7. In the event of the owner's failure to promptly remove any safety or environmental hazard from the premises, or the expiration or termination of this permit and the owner's failure to promptly remove any permitted materials or any remaining environmental or safety hazard, the City may, at its option (but without any obligation to the owner or any third party to exercise said option) cause the same to be removed at owner's cost (including, but not limited to, the cost of any excavation and earthwork that is necessary or advisable) and the owner shall reimburse the City the costs incurred to remove the same. Owner hereby irrevocably grants the City, its agents and employees the right to enter the premises and to take whatever action as is necessary or appropriate to remove the structures or any environmental or safety hazards in accordance with the terms of this permit, and the right of the City to enter the premises as necessary or appropriate to carry out any other provision of this permit.
8. If any provision, or any portion thereof, contained in this agreement is held to be unconstitutional, invalid, or unenforceable, the remaining provisions hereof, or portions thereof, shall be deemed severable, shall not be affected, and shall remain in full force and effect.

Miscellaneous

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

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

Contact Name and Address: Steve Minton
John Q. Hammons Hotels
300 John Q. Hammons Parkway
Springfield, Missouri 65806
(417) 873-3580

Effective Date:

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

THE CITY OF LA VISTA

By _____
Douglas Kindig, Mayor

Attest:

Pamela A. Buethe, CMC
City Clerk

CONSENT AND AGREEMENT

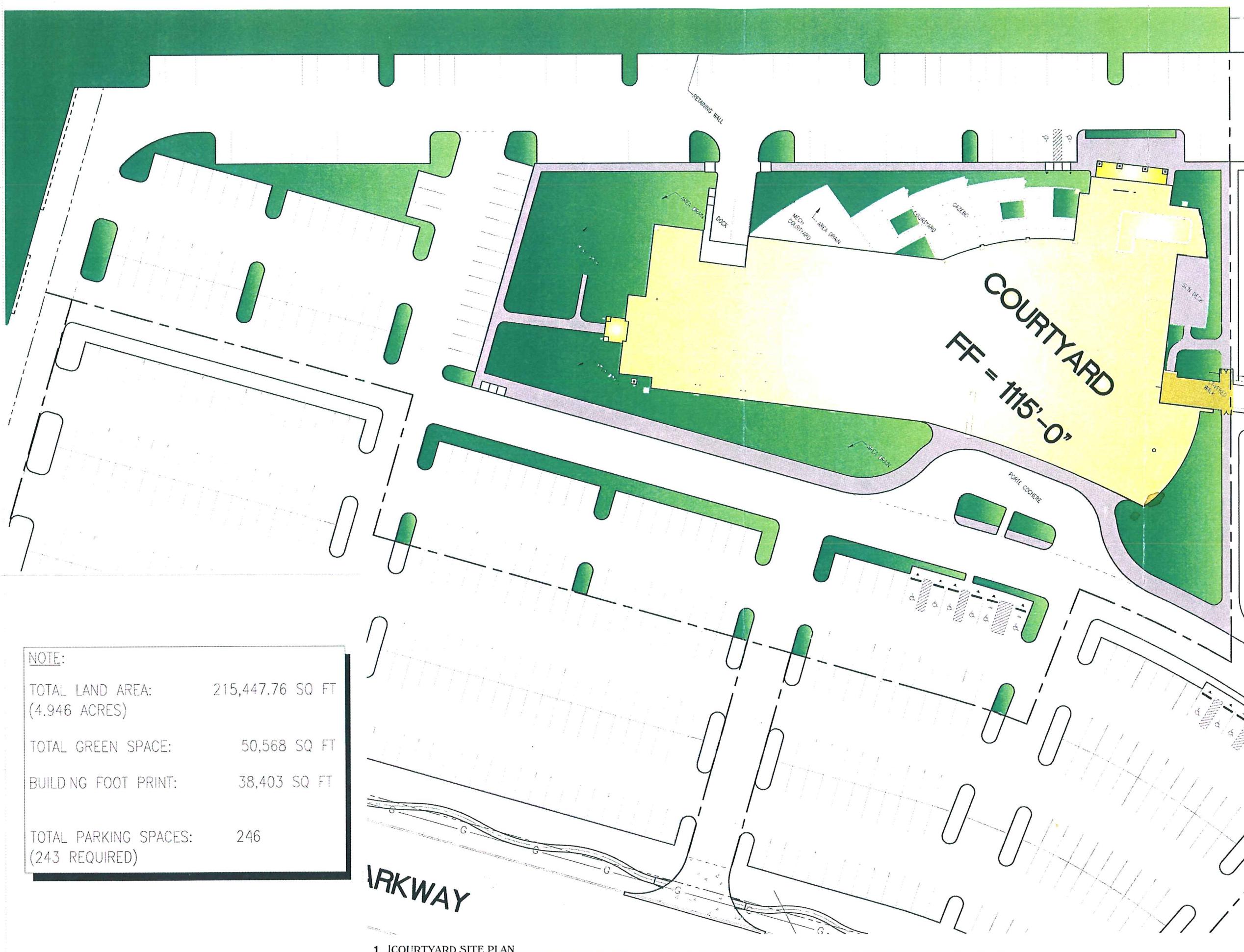
The undersigned does hereby consent and agree to the conditions of this permit and that the terms hereof constitute an agreement on the part of the undersigned to fully and timely perform each and every condition and term hereof, and the undersigned does hereby warrant, covenant and agree to fully and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

Owner:

By: _____

Title: _____

Date: _____



REVISIONS

RECEIVED APR - 2 2007

COURTYARD BY MARRIOTT HOTEL
LA VISTA, NEBRASKA

John Q Hammons
u o t p l s
Sesame Kitchen
Sesame Kitchen
Nestle's
117 Main Street • 417-251-0000

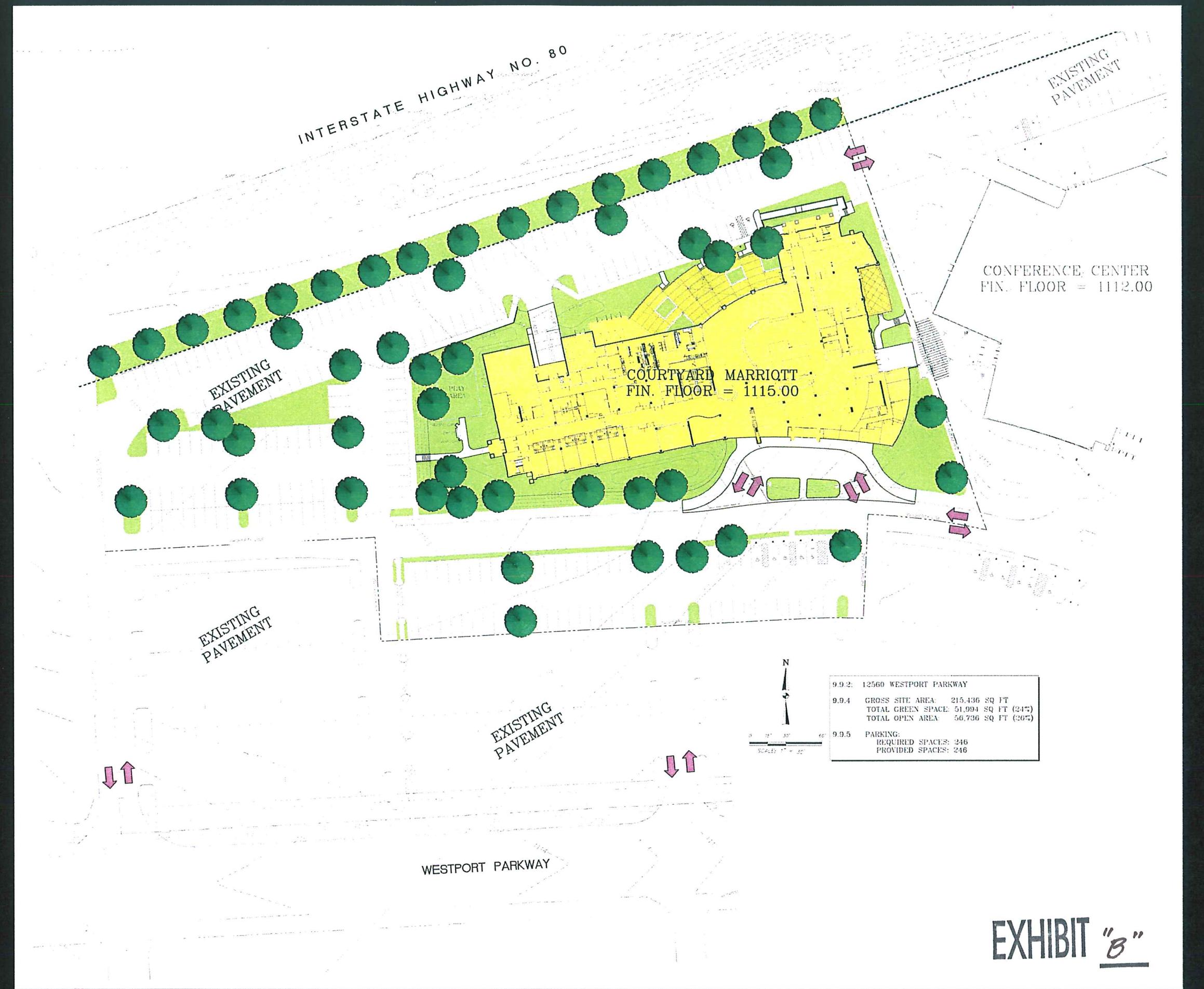
**PRELIMINARY
NOT FOR
CONSTRUCTION
SCH. DESIGN**

**PELLHAM
PHILLIPS**
ARCHITECTS
ENGINEERS

Project # 20206
Date: 05/01/2007

C101

EXHIBIT "A"





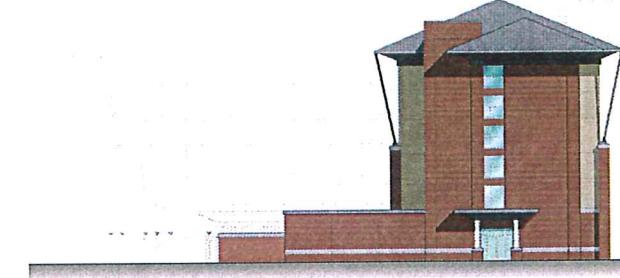
SOUTH ELEVATION



EAST ELEVATION



NORTH ELEVATION



WEST ELEVATION

EXHIBIT "C-1"

COURTYARD BY MARRIOTT
LA VISTA, NEBRASKA

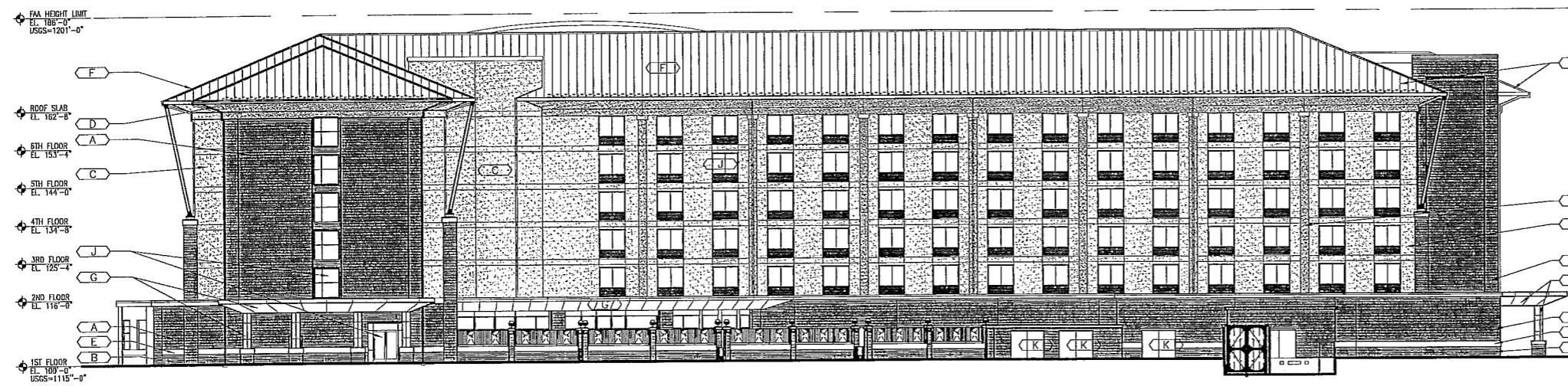
DEVELOPMENT FOR:
JOHN Q. HAMMONS
CITY OF LA VISTA



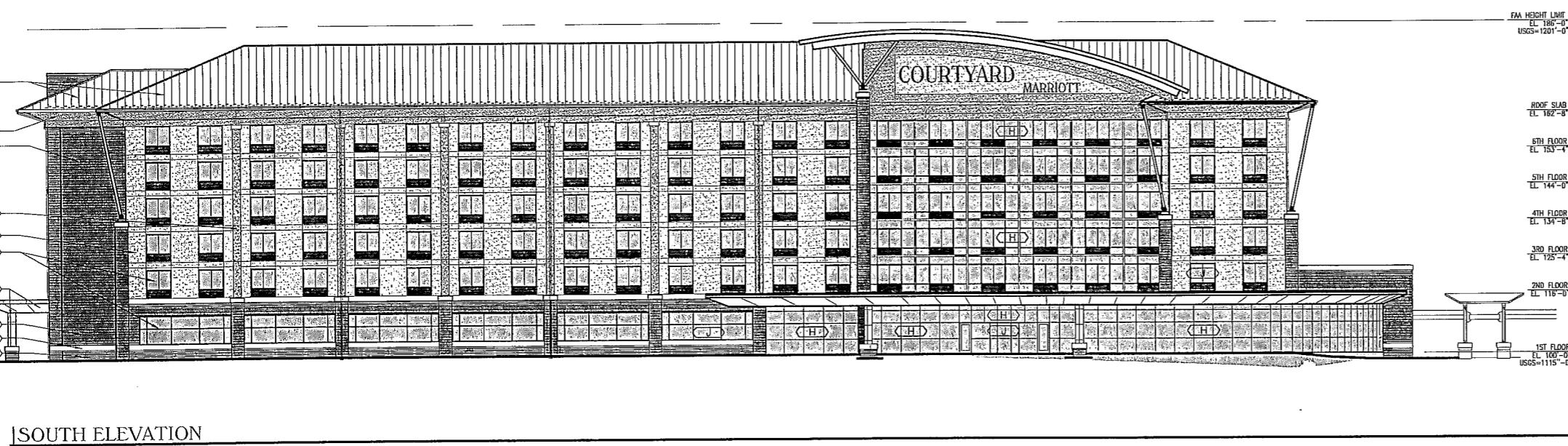
REVISIONS

MATERIAL LEGEND:

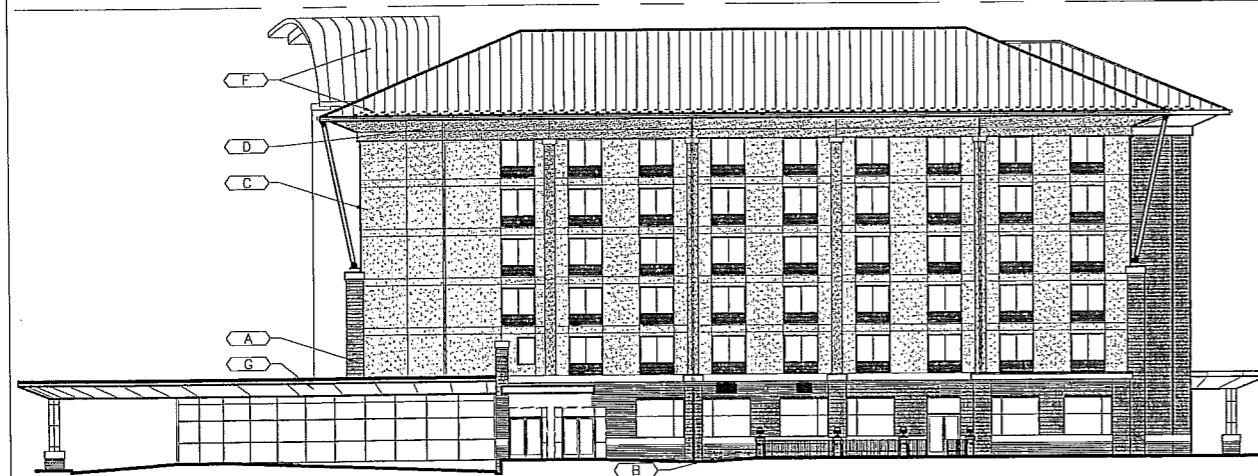
- Ⓐ BRICK VENEER - COLOR 1
- Ⓑ BRICK VENEER - COLOR 2
- Ⓒ EXTERIOR INSULATION SYSTEM - COLOR 1
- Ⓓ EXTERIOR INSULATION SYSTEM - COLOR 2
- Ⓔ PRECAST BAND
- Ⓕ METAL ROOF
- Ⓖ METAL COLUMN/FASCIA WRAP
- Ⓗ TINTED INSULATING GLASS W/ ALUW. FRAME
- Ⓘ ALUMINUM WINDOW OR DOOR & FRAME
- Ⓚ HOLLOW METAL DOOR & FRAME



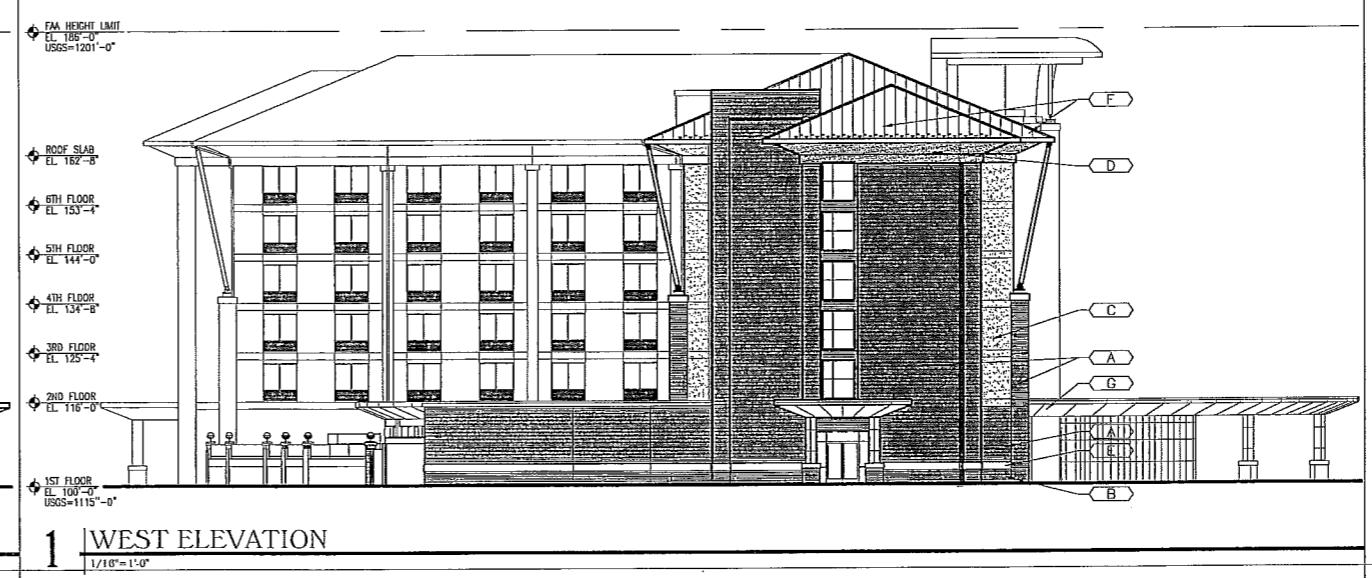
4 NORTH ELEVATION



3 SOUTH ELEVATION



2 EAST ELEVATION



1 WEST ELEVATION

COURTYARD BY
MARRIOTT HOTEL

LA VISTA, NEBRASKA



PELLHAM
PHILLIPS
ARCHITECTS
ENGINEERS

Pellham + Phillips
1111 S. Dietzenbach, Springfield, MO 65804
(417)865-1872 FAX (417)865-2461
www.pph.com
© 2006 Pellham Phillips

Project #20206 -
Date: 05/11/2007

EXHIBIT "C-2"

A201

PROJECT NOTES

LANDSCAPE MATERIALS:

1. The A/E or Owner reserve the right to select and tag all plant materials for the Owner prior to planting. The Contractor shall provide minimum 72-hour notice to the A/E to schedule plant selection visit.
 2. Care shall be taken during the delivery of plant material to ensure plants are not damaged or subjected to dry desiccating winds. All plants shall be delivered in enclosed or tarped truck or trailers.
 3. All plant material shall be checked and planted to size and condition of bolls and root systems, insects, injuries and latent defects, and to reject unsatisfactory or defective material at anytime during progress of work. Remove rejected materials immediately and do not plant.
 4. All plant materials shall be "northern grown" using northern seed sources. All plant species shall conform to the American Standards for Nursery Stock (ASNS), latest edition, published by the American Association of Nurseries, Washington, D.C.
 5. Larger sizes sizes of the species listed may be used if stock conforms to the ASNS. All species substitutions must be approved in writing by the A/E.
 6. All trees shall be branched and of good form for size specified. Tree grade shall not meet these specifications.
 7. Shrub liners shall be dense and shrubby. Shrub liners do not meet these specifications.
 8. Imported topsoil shall consist of topsoil similar in physical characteristics, development, pH and fertility to that of the site's native "A" horizon soils.
 9. Landscape mulch shall consist of shredded hardwood bark mulch which has been screened and is free of any green foliage, twigs, rocks, sawdust, wood shavings, dirt, growth or germination inhibiting ingredients, or other foreign material. Provide mulch sample in 1 cubic plastic bag to A/E for approval.
 10. Organic matter should be dark brown or black in color and capable of enhancing plant growth. 98 percent of the organic matter shall pass a 1-inch screen. There shall be no admixture of refuse (i.e., noticeable inert contamination) or other materials toxic to plant growth. The organic matter shall be well aerated, larger than 1 inch in diameter. Organic matter shall be standard ground mix. Submit sample in 1 gallon plastic bag to A/E for review and approval.
 11. Edging shall be Permaloc aluminum edging, 1/8" x 4" black oxidized finish. Contact: Permaloc Aluminum Edging, 1-800-356-9660.

PLANTING BED PREPARATION:

12. Apply "Round-Up" or approved equivalent of manufacturer's recommended rate to kill any existing vegetation in all planting bed areas. Confirm length of waiting period between chemical application and plant installation. Do not apply vegetation killing operation until prescribed post-application waiting period has elapsed. Take extreme care to avoid chemical drift to adjoining properties of landscape plantings.
 13. Prior to planting, roll all planting beds to prepare for plant installation. Grade to a minimum 12 inch depth or the height of the planting container or root ball for larger plant materials. Completely pulverize soils to remove all clods and clumps to obtain natural texture of soil materials. Eliminate uneven areas and low spots. Maintain lines, levels, proportions and alignment in ground surfaces and slope level areas. Remove all debris, weeds, and undesirable plants and their roots from areas to be planted. Remove all concrete slag larger than 2" diameter.
 14. Amend all soil in planting beds by placing a minimum of 4" of imported topsoil 2" depth over existing materials in areas of these areas. The soil and organic matter into upper 12" of soil by digging, spading, or roto-tilling. Do not spread if organic material or subgrade is frozen. Finish grade surface of planting bed to conform to grading plan allowing for natural settlement and mulch thickness.
 15. Remove existing soil and debris in all parking lot islands with trees to the depth of the tree root ball. Measure a 4 foot by 4 foot area to serve as a tree planting island from the center of the island to the top of the surrounding curb. Dispose of soil and debris off site.
 16. Backfill planting area in 6 inch lifts using fully pulverized soil consisting of a mixture of one part organic matter to five parts native soil.
 17. Finish grade surface of planting area by sloping topsoil at minimum 10% up from the back of curb to the center of the island to provide adequate drainage, or as indicated on the Grading Plan.

PLANTING INSTALLATION:

18. Contractor shall stake all plant material locations in accordance with the Drawings. Stake the alignment of planting beds every 10 feet or create a continuous chalk dust line. Contact A/E 72 hours before completion with plant material to change locations on site.
 19. Planting holes shall be constructed as shown on the planting details. Holes shall be hand dug, machine dug or excavated with a tree stump remover. Excavate core shall be taken to not exceed 10% depth of the root ball. A minimum of 12" of backfill shall be placed around any materials encountered in excavation that may be injurious to plant growth including stones larger than 2" diameter or other debris. Soil to be used as backfill shall be pulverized.
 20. Set staked and burlapped trees on undisturbed subsoil. Roll back burlap to 3" from the top of the root ball. Remove burlap if frayed (green). Cut and remove, or cut and fold down upper half of wire basket dependent upon tree size. Backfill hole with pulverized soil by firmly tamping to avoid air packets or voids.
 21. For a watering ring of firmly tampered soil around all trees and shrubs, the depth shall be the same distance as the planting hole with a height of 3".
 22. Install 3" depth of mulch around all tree and shrub beds as indicated on Drawings or planting details. Mulch shrub planting areas as continuous beds. Do not place mulch directly against tree trunk from mulch to stem. Mulch shall be applied in a thin layer.
 23. All plant materials shall be thoroughly watered upon completion of planting operations. Plants that cannot be installed on the same day they are delivered to the site shall be mulched in and adequately watered until planting.
 24. Planting beds shall be edged in a smooth and continuous manner. Secure in place with aluminum stakes manufactured specifically for this purpose. Securely join ends of individual sections to adjacent sections.

PLANT SCHEDULE

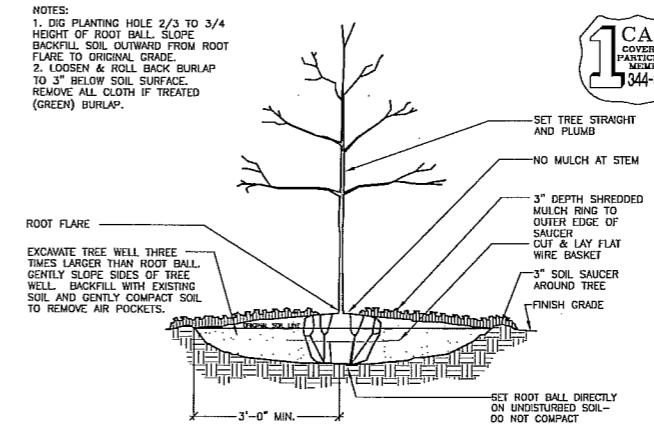
COMMON NAME	BOTANICAL NAME	QTY.	SIZE	ROOT COND.	SPACING
OVERSTORY TREES					
Autumn Blaze Maple	Acer x freemanii	5	2 1/2" Col.	B&B	as shown
Red Sunset Maple	Acer rubrum 'Red Sunset'	3	3-3 1/2" Col.	B&B	as shown
Shademaster Honeylocust	Gleditsia triacanthos var. inermis 'Shademaster'	5	3-3 1/2" Col.	B&B	as shown
Northern Red Oak	Quercus rubra	7	2 1/2" Col.	B&B	as shown
ORNAMENTAL TREES					
Japanese Tree Lilac	Syringa reticulata	2	7' HL, Multi-stem	B&B	as shown
CONIFEROUS TREES					
Concolor Fir	Abies concolor	3	6-7' HL	B&B	as shown
Black Hills Spruce	Picea glauca var. densata	2	6-7' HL	B&B	as shown
DECIDUOUS SHRUBS					
Brilliant Red Chokeberry	Aronia arbutifolia 'Brillantissima'	3	24" HL, 5 Gal.	CON.	as shown
Minature Snowflake	Philadelphus x virginicus 'Minature Snowflake'	16	18" HL, 5 Gal.	CON.	as shown
Knock Out Rose	Rosa x 'Knock Out'	5	18" HL, 5 Gal.	CON.	as shown
Nearly Wild Rose	Rosa x 'Nearly Wild'	35	18" HL, 5 Gal.	CON.	as shown
Japanese White Spruce	Spiraea albiflora	13	18" HL, 5 Gal.	CON.	as shown
Little Princess Spirea	Spiraea japonica 'Little Princess'	27	18" HL, 5 Gal.	CON.	as shown
Judd Viburnum	Viburnum x juddii	7	30" HL, 5 Gal.	CON.	as shown
Mohican Viburnum	Viburnum dentatum 'Mohican'	10	30" HL, 5 Gal.	CON.	as shown
Doublefile Viburnum	Viburnum plicatum var. tomentosum	4	24" HL, 5 Gal.	CON.	as shown
CONIFEROUS SHRUBS					
Sea Green Juniper	Juniperus chinensis 'Sea Green'	127	5 Gal.	CON.	as shown
Dense Yew	Toxus baccata	33	5 Gal.	CON.	as shown
PERENNIALS & GROUNDCOVER					
Purple Poppy Mallow	Callirhoe involucrata	136	1 Gal.	CON.	18" o.c.
Moonglow Coreopsis	Coreopsis verticillata 'Moonglow'	35	1 Gal.	CON.	24" o.c.
Purpleleaf Wintercreeper	Euonymus fortunei var. coloratus	549	4" Pot	CON.	18" o.c.
Happy Returns Daylily	Hemerocallis 'Happy Returns'	30	1 Gal.	CON.	24" o.c.
Pardon Me Daylily	Hemerocallis 'Pardon Me'	61	1 Gal.	CON.	24" o.c.
Goldsturm Rudbeckia	Rudbeckia fulgida 'Goldsturm'	60	1 Gal.	CON.	24" o.c.
May Night Salvia	Salvia x sylvestris 'May Night'	210	1 Gal.	CON.	18" o.c.
Prairie Dropseed	Sporobolus heterolepis	80	1 Gal.	CON.	24" o.c.
Periwinkle	Vinca minor 'Dart's Blue'	115	4" Pot	CON.	18" o.c.

Retain the Location Request Number for YOUR Own Protection I



METROPOLITAN UTILITIES DISTRICT
OMAHA PUBLIC POWER DISTRICT
WEST
CITY OF OMAHA
CARLTON
COX CABLE OF OMAHA
PEOPLES NATURAL GAS
NORTH OMAHA GAS
UNITED CABLE TELEVISION

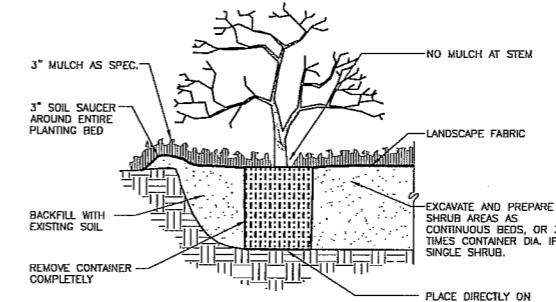
REVISIONS



1 TREE PLANTING

L102

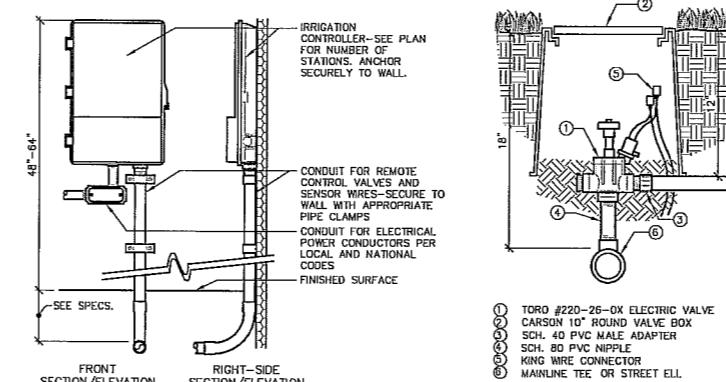
SCALE: 1/2" = 1'-0"



2 SHRUB PLANTING

L102

NO SCALE



3 TREE ISLAND PLANTING

L102

1/4" = 1'-0"

IRRIGATION CONTROLLER-SEE PLAN FOR NUMBER OF STATIONS. ANCHOR SECURELY TO WALL.

CONDUIT FOR REMOTE CONTROL VALVES AND SENSORS-SECURE TO WALL WITH APPROPRIATE PIPE CLAMPS

CONDUIT FOR ELECTRICAL POWER CONDUCTORS PER LOCAL AND NATIONAL CODES

FRONT SECTION/ELEVATION

RIGHT-SIDE SECTION/ELEVATION

4 INTERIOR WALL-MOUNT CONTROLLER

L102

NOT TO SCALE

① TORO #220-26-0X ELECTRIC VALVE

② CARSON 10" ROUND VALVE BOX

③ SCH. 40 PVC MALE ADAPTER

④ SCH. 80 PVC NIPPLE

⑤ KINN CONNECTOR

⑥ MAINLINE TEE OR STREET ELL

⑦ TORO #474-00 1" QUICK COUPLER VALVE

⑧ 1" O-RING SWING JOINT ASSEMBLY #591-010

⑨ 1" x 12" SCH. 80 PVC NIPPLE

⑩ 1" x 3" SCH. 80 NIPPLE

⑪ SERVICE TEE (SST)

⑫ 1/2" O-RING

⑬ 1/2" x 12" SCH. 80 TEE

⑭ 1/2" x 12" SCH. 80 TEE

⑮ 1/2" x 12" SCH. 80 TEE

⑯ 1/2" x 12" SCH. 80 TEE

⑰ 1/2" x 12" SCH. 80 TEE

⑱ 1/2" x 12" SCH. 80 TEE

⑲ 1/2" x 12" SCH. 80 TEE

⑳ 1/2" x 12" SCH. 80 TEE

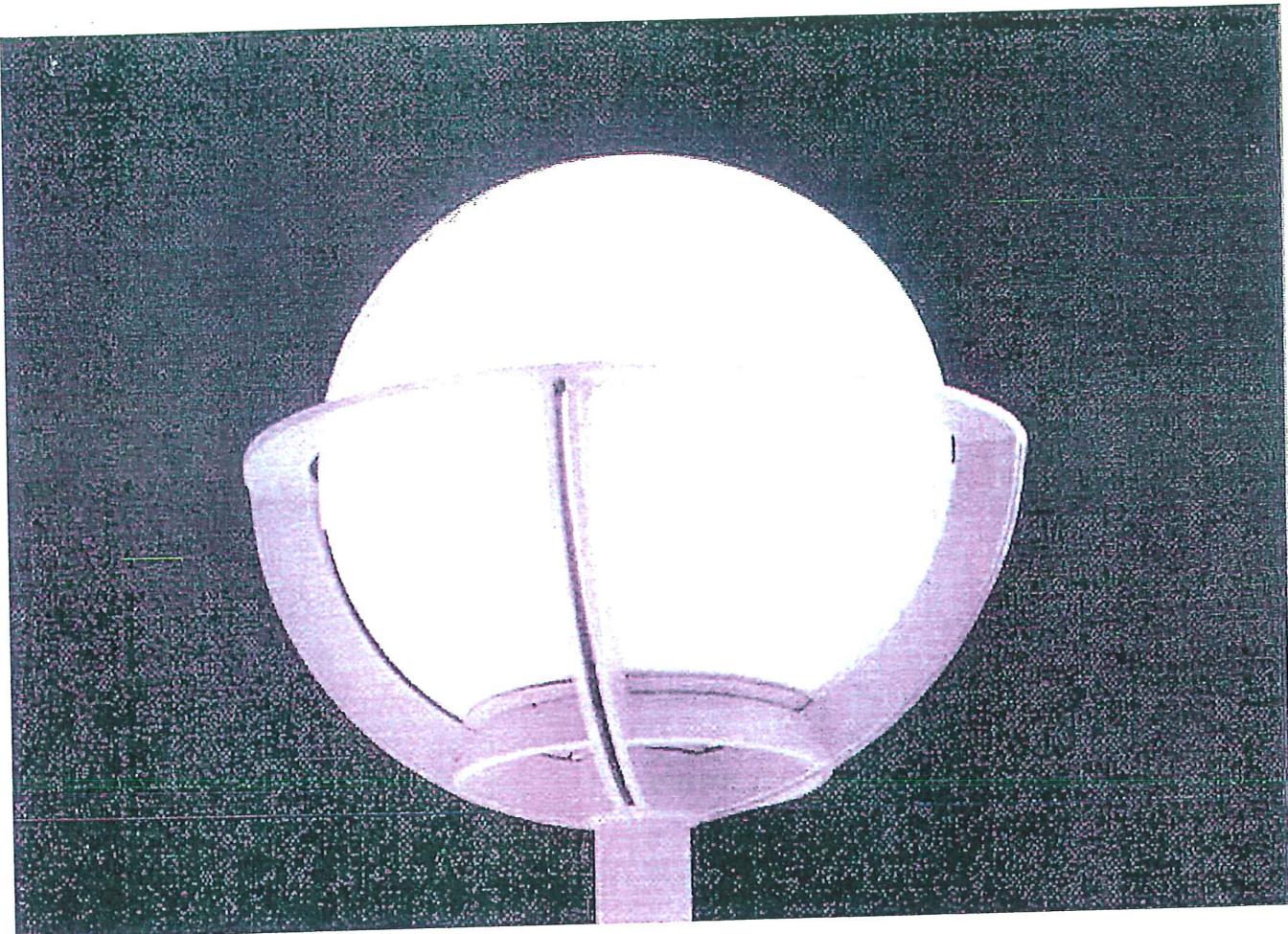


EXHIBIT "G"
Page 1



EXHIBIT
"6"
Page 2

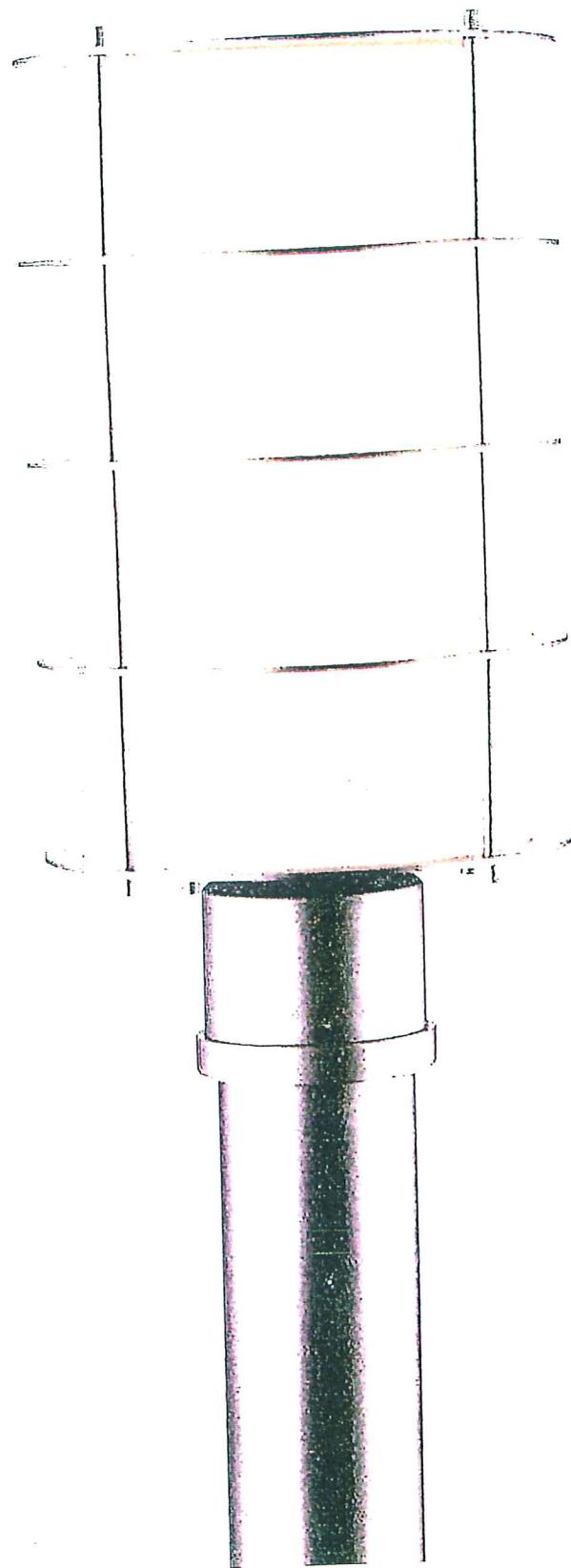


EXHIBIT
"G"
Page 3

CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
JUNE 19, 2007AGENDA

Subject:	Type:	Submitted By:
APPLICATION FOR REPLAT, FINAL PUD PLAN & AMENDMENT TO PUD ORDINANCE LOTS 1-4, SOUTHPORT EAST REPLAT NINE (SOUTHPORT PKWY. & EASTPORT PKWY.)	◆ RESOLUTION ORDINANCE RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

SYNOPSIS

A public hearing was advertised to consider a replat application for Lots 1-4 Southport East Replat Nine (a replat of Lots 1 and 2, Southport East Replat Six); and an application for an amendment to the PUD Plan for Lots 1-4, Southport East Replat Nine, generally located at Southport Parkway and Eastport Parkway.

FISCAL IMPACT

None.

RECOMMENDATION

Continue.

BACKGROUND

A public hearing was advertised to consider a replat application for Lots 1-4 Southport East Replat Nine (a replat of Lots 1 and 2, Southport East Replat Six); and an application for an amendment to the PUD Plan for Lots 1-4, Southport East Replat Nine. The application was submitted by John L. Hoich.

An amendment to the subdivision agreement must be prepared in order for the final plat to be considered by the City Council. Staff is waiting for the applicant's representative to submit a draft of the proposed agreement and requests the hearing to be continued to the July 17th City Council meeting.

\\Lvdclf01\users\Administration\BRENDA\WORD\COUNCIL\07 Memos\Southport West Replat 9.doc

CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
JUNE 19, 2007 AGENDA

Subject:	Type:	Submitted By:
CONDITIONAL USE PERMIT — HOME OCCUPATION (BEAUTY SALON) 7105 PINE DRIVE	◆RESOLUTION ORDINANCE RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

SYNOPSIS

A public hearing is scheduled for Council to consider a Conditional Use Permit for the location and operation of a Home Occupation (Beauty Salon) at 7105 Pine Drive.

FISCAL IMPACT

N/A.

RECOMMENDATION

Approval.

BACKGROUND

A public hearing has been scheduled to consider an application submitted by Jana Newell for a conditional use permit to locate and operate a home occupation (beauty salon) at 7105 Pine Drive.

The property is zoned R-1 Single Family Residential. According to the La Vista Zoning Ordinance, beauty salons are considered class one home occupations and are permitted within the R-1 Zoning District as a conditional use subject to the following regulations prescribed in Section 7.10:

- 7.10.01 No external evidence of the home occupation with the exception of one unlighted nameplate of not more than two square foot in area attached flat against the building located on local or collector streets. However, four square feet in area attached flat against the building located on arterial streets.
- 7.10.02 Advertising displays and advertising devices displayed through a window of the building shall not be permitted.
- 7.10.03 No more than 25% of the home, not to exceed 400 square feet, can be used for the home occupation, except for Child Care Home.
- 7.10.04 No one other than the resident(s) can work from that site.
- 7.10.05 No retail sales are permitted from the site other than incidental sales related to services provided.
- 7.10.07 No exterior storage is permitted.

- 7.10.08 There shall not be a stock of goods or material on the premises in excess of one hundred twenty (120) square feet of the area of the home occupation, none of which shall be of a flammable or hazardous nature.
- 7.10.09 Additional off-street parking may be required for the business.
- 7.10.10 If home occupation is for a business office for services rendered at another location then not more than two business or employee vehicles parked on or adjacent to the home occupation property at any one time; provided only one said vehicle may be allowed to park on street right-of-way. Construction or maintenance equipment shall not be stored on the property other than in an enclosed garage; provided one piece of equipment shall be counted as one of the two business or employee vehicles allowed. For the purpose of enforcement of the home occupation provisions of this ordinance, a piece of construction equipment parked on a trailer shall be counted as a single business vehicle. A trailer being pulled by another vehicle, however, shall be counted as two vehicles. Personal vehicles of occupants of the residential dwelling shall not be included in the count of number of business or employee vehicles.
- 7.10.11 No offensive noise, vibration, smoke, odor, heat, or glare shall be noticeable at or beyond the property line.
- 7.10.12 Home Occupation License shall be required.
- 7.10.13 Conditional use permit is required, except for Home Occupation II uses and child care homes.
- 7.10.14 Child Care Homes and Child Care Centers shall require a certificate (CRED 9911) signed by the State of Nebraska Fire Marshall.
- 7.10.15 All fees shall be paid in accordance with the Master Fee Schedule.

In addition to and in compliance with Section 7.10.12 stated above, a home occupation license as defined in Section 2.02.137 of the Zoning Ordinance must be obtained and includes the following:

- 2.02.137.01 Application fee in accordance with Master Fee Schedule.
- 2.02.137.02 A minimum of seventy-five percent (75%) of the households within two hundred feet (200') of the proposed home occupation shall indicate no objections, in writing, to the operation of such home occupation. A "no objections" signature form shall be provided by the City and said residents shall sign next to their respective address.
- 2.02.137.03 Minimum standards for home occupations as provided in Section 7.10 of the Supplemental Regulations.
- 2.02.137.04 Conditional use permit, except for Home Occupation II uses and child care homes.

Staff has reviewed the request for a conditional use permit and has determined that the applicant has successfully completed or adhered to the required regulations. Furthermore, it has been determined that parking for such a use is adequate. The application states there is room for three vehicles in the driveway in front of the house. Since the applicant has stated that she is the only operator and she takes customers by appointment only, the parking appears to be adequate.

The Planning Commission held a public hearing on May 17, 2007 and recommended approval.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF A CONDITIONAL USE PERMIT TO JANA NEWELL TO LOCATE AND OPERATE A HOME OCCUPATION (BEAUTY SALON) AT 7105 PINE DRIVE.

WHEREAS, Jana Newell has applied for a conditional use permit for the purpose of locating and operating a Home Occupation (Beauty Salon) at 7105 Pine Drive; and

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

WHEREAS, the Mayor and City Council of the City of La Vista are agreeable to the issuance of a conditional use permit for such purposes, subject to the conditions identified within Section 7.10 of the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista hereby authorize the execution of a Conditional Use Permit for Jana Newell to locate and operate a Home Occupation (Beauty Salon) at 7105 Pine Drive.

PASSED AND APPROVED THIS 19TH DAY OF JUNE 2007.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

**CITY OF LA VISTA
PLANNING DIVISION**

CASE NUMBER:

**FOR HEARING OF: June 19, 2007
Report prepared on June 13, 2007**

I. GENERAL INFORMATION

- A. APPLICANT:
Jana Newell
- B. PROPERTY OWNER:
John J. & Jill R. Henderson
- C. LOCATION:
7105 Pine Drive
- D. LEGAL DESCRIPTION:
Lot 367, Park View Heights 2nd Addition, NE ¼ 15-14-12
- E. REQUESTED ACTIONS(S):
Conditional Use Permit to locate and operate a home occupation (beauty salon).
- F. EXISTING ZONING AND LAND USE:
R-1, Single Family Residential
- G. PURPOSE OF REQUEST:
The applicant was previously granted a conditional use permit to operate a beauty shop at her residence at 9006 Granville Parkway however she is moving and she would like to operate the beauty shop at her new residence.
- H. SIZE OF SITE: 9,375 Sq. Ft.

II. BACKGROUND INFORMATION

- A. EXISTING CONDITION OF SITE: A single family home was constructed on the site.
- B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:
 - 1. North: R-1/Single Family Home
 - 2. East: (same)
 - 3. South: (same)
 - 4. West: (same)
- C. REVELANT CASE HISTORY: The applicant was previously granted a conditional use permit to operate a beauty shop at her residence at 9006 Granville Parkway.

D. APPLICABLE REGULATIONS:

1. Section 5.06, Zoning Ordinance, regarding the Single Family Residential District.
2. Article 6, Zoning Ordinance, regarding Conditional Use Permits.
3. Section 7.10, Zoning Ordinance, regarding Home Occupations

III. ANALYSIS

- A. **COMPREHENSIVE PLAN:** The Comprehensive Plan identifies this area as medium density residential.
- B. **OTHER PLANS:** None.
- C. **TRAFFIC AND ACCESS:**
 1. Access to the lot is from Pine Drive.
- D. **UTILITIES:** All utilities are available to the site.

IV. REVIEW COMMENTS:

1. The applicant provided a copy of a purchase agreement addendum authorizing her to apply for a conditional use permit for a beauty shop on this property.
2. The application indicates there is space for three vehicles to be parked in her driveway.
3. The applicant has stated that she takes customers by appointment only and she is the only operator.
4. The applicant stated the proposed hours of operation are Saturday 9 a.m.-3 p.m., Wednesday/Thursday 10 a.m.-7 p.m., and Tuesday/Friday 9 a.m.-5 p.m.

V. STAFF RECOMMENDATION: Approve.

VI. ATTACHMENTS TO REPORTS:

1. Vicinity Map
2. Layout of "Double Vision Salon" provided by applicant.
3. Copy of purchase agreement addendum.
4. Conditional Use Permit

VII. COPIES OF REPORT TO:

1. Jana Newell
2. John J. & Jill R. Henderson
3. Public Upon Request

JB
Prepared by:

Ami Newell
Community Development Director

6-13-07
Date

**City of La Vista
Conditional Use Permit**

Conditional Use Permit for Home Occupation (Beauty Salon)

This Conditional Use Permit issued this _____ day of _____, 2007, by the City of La Vista, a municipal corporation in the County of Sarpy County, Nebraska ("City") to, Jana Newell ("Owner"), pursuant to the La Vista Zoning Ordinance.

WHEREAS, Owner wishes to locate and operate a home occupation (beauty salon) in a single-family dwelling at 7105 Pine Drive upon the following legally described property of land within the City of La Vista zoning jurisdiction:

Lot 367, Park View Heights 2nd Addition, located in the NE ¼ of Section 15, Township 14 North, Range 12 East of the 6th P.M. Sarpy County, Nebraska.

WHEREAS, Owner has applied for a conditional use permit for the purpose of locating and operating a home occupation (beauty salon); and

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

NOW, THEREFORE, BE IT KNOWN THAT subject to the conditions hereof, this conditional use permit is issued to the owner to use the area of the property described herein for a home occupation (beauty salon), said use hereinafter being referred to as "Permitted Use or Use".

Conditions of Permit

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

1. The rights granted by this permit are transferable and any variation or breach of any terms hereof shall cause permit to expire and terminate without the prior written consent of the City (amendment to permit) or unless exempted herein.
2. In respect to the proposed Use:
 - a. Permitted use will utilize only that area of the home shown on the drawing titled "Double Vision Salon" submitted by the applicant. Use will consist of equipment and supplies commonly associated with a beauty salon including salon chairs, sink, dryer and waiting area.
 - b. Hours of operation will be Saturday 9 a.m.-3 p.m., Wednesday/Thursday 10 a.m.-7 p.m., and Tuesday/Friday 9 a.m.-5 p.m.
 - c. There will be no employees.
 - d. Fires escapes (36" doors) shall be designated.
 - e. There shall be no storage, placement or display of goods or supplies outside described areas relating to permitted use. Hair care products to be sold include hairspray, gel, shampoo, conditioner, and related items.
 - f. Waste materials shall be stored in proper containers. Disposal of perm and color containers are to be wrapped in plastic bags and then placed in dumpster.
 - g. Client parking will consist of owner's driveway (off-street parking).
 - h. Owner shall obtain all required permits from the City of La Vista and shall comply with any

- additional requirements as determined by the Building Inspector.
- i. Owner shall comply (and shall ensure that all, invitees, suppliers, structures, appurtenances and improvements, and all activities occurring or conducted, on the premises at any time comply) with any applicable federal, state and/or local regulations, as amended or in effect from time to time, including, but not limited to, applicable environmental or safety laws, rules or regulations.
 - j. Owner hereby indemnifies the City against, and holds the City harmless from, any liability, loss, claim or expense whatsoever (including, but not limited to, reasonable attorney fees and court cost) arising out of or resulting from the acts, omissions or negligence of the owner, his/her agents, employees, assigns, suppliers or invitees, including, but not limited to, any liability, loss, claim or expense arising out of or resulting from any violation on the premises of any environmental or safety law, rule or regulation.
3. The applicant's right to maintain the use as approved pursuant to these provisions shall be based on the following:
- a. An annual renewal of a home occupation license and annual inspection to determine compliance with the conditions of approval. The conditional use permit may be revoked upon a finding by the City that there is a violation of the terms of approval.
 - b. The use authorized by the conditional use permit must be initiated within one (1) year of approval and shall become void two (2) years after the date of approval unless the applicant has fully complied with the terms of approval.
 - c. All obsolete or unused structures and accessory facilities or materials specifically pertaining to such permitted use shall be removed at owner's expense within twelve (12) months of cessation of the conditional use, if required by the City.
4. Notwithstanding any other provision herein to the contrary, this permit, and all rights granted hereby, shall expire and terminate as a permitted use hereunder upon the first of the following to occur:
- a. Owner's abandonment of the permitted use. Non-use thereof for a period of twelve (12) months shall constitute a presumption of abandonment.
 - b. Cancellation, revocation, denial or failure to maintain any federal, state or local permit required for the Use.
 - c. Owner's breach of any other terms hereof and his/her failure to correct such breach within ten (10) days of City's giving notice thereof.
5. If the permitted use is not commenced within one (1) year from _____, 2007, this Permit shall be null and void and all rights hereunder shall lapse, without prejudice to owner's right to file for an extension of time pursuant to the La Vista Zoning Ordinance.
6. In the event of the owner's failure to promptly remove any safety or environmental hazard from the premises, or the expiration or termination of this permit and the owner's failure to promptly remove any permitted materials or any remaining environmental or safety hazard, the City may, at its option (but without any obligation to the owner or any third party to exercise said option) cause the same to be removed at owner's cost and the owner shall reimburse the City the costs incurred to remove the same. Owner hereby irrevocably grants the City, its agents and employees the right to enter the premises and to take whatever action as is necessary or appropriate to remove the structures or any environmental or safety hazards in accordance with the terms of this permit, and the right of the City to enter the premises as necessary or appropriate to carry out any other provision of this permit.
7. If any provision, or any portion thereof, contained in this agreement is held to be unconstitutional, invalid, or unenforceable, the remaining provisions hereof, or portions thereof, shall be deemed severable, shall not be affected, and shall remain in full force and effect.

Miscellaneous

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

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

Contact Name and Address: Jana Newell
7105 Pine Drive
La Vista, NE 68128

Effective Date:

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

THE CITY OF LA VISTA

By _____
Douglas Kindig, Mayor

Attest:

Pamela A. Buethe, CMC
City Clerk

CONSENT AND AGREEMENT

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

Owner:

By: _____

Title: owner/operator _____

Date: _____

John Kottmann P.E.
Home Occupation Conditional Use Permit
7105 Pine Drive-Beauty Salon
2007 Rezoning & Use Permit Reviews
City of Lavista
TD File No. 171-345.5

Mr. Kottmann,

Please let us know if you need any further information.

Thank you,

John & Jill Henderson
Jana Newell
(402) 630-7527
(402) 699-9813

ADDENDUM # TO PURCHASE AGREEMENT

(This is a legally binding contract. If not understood, seek legal advice.)

THIS CONTRACT made and entered into this 27th Day of March, 2007: by and between BUYERS John & Jill Henderson, & Jana Newell and SELLERS Keith & Linda Rathlisberger. Both buyers and sellers understand that this property 7105 Pine Drive, LaVista, NE 68128 is being zoned for the use as a Beauty Shop. They also understand the hours are to be Tuesday – Saturday, 9-4. Realizing there will rarely be more than one customer car in driveway at a time.

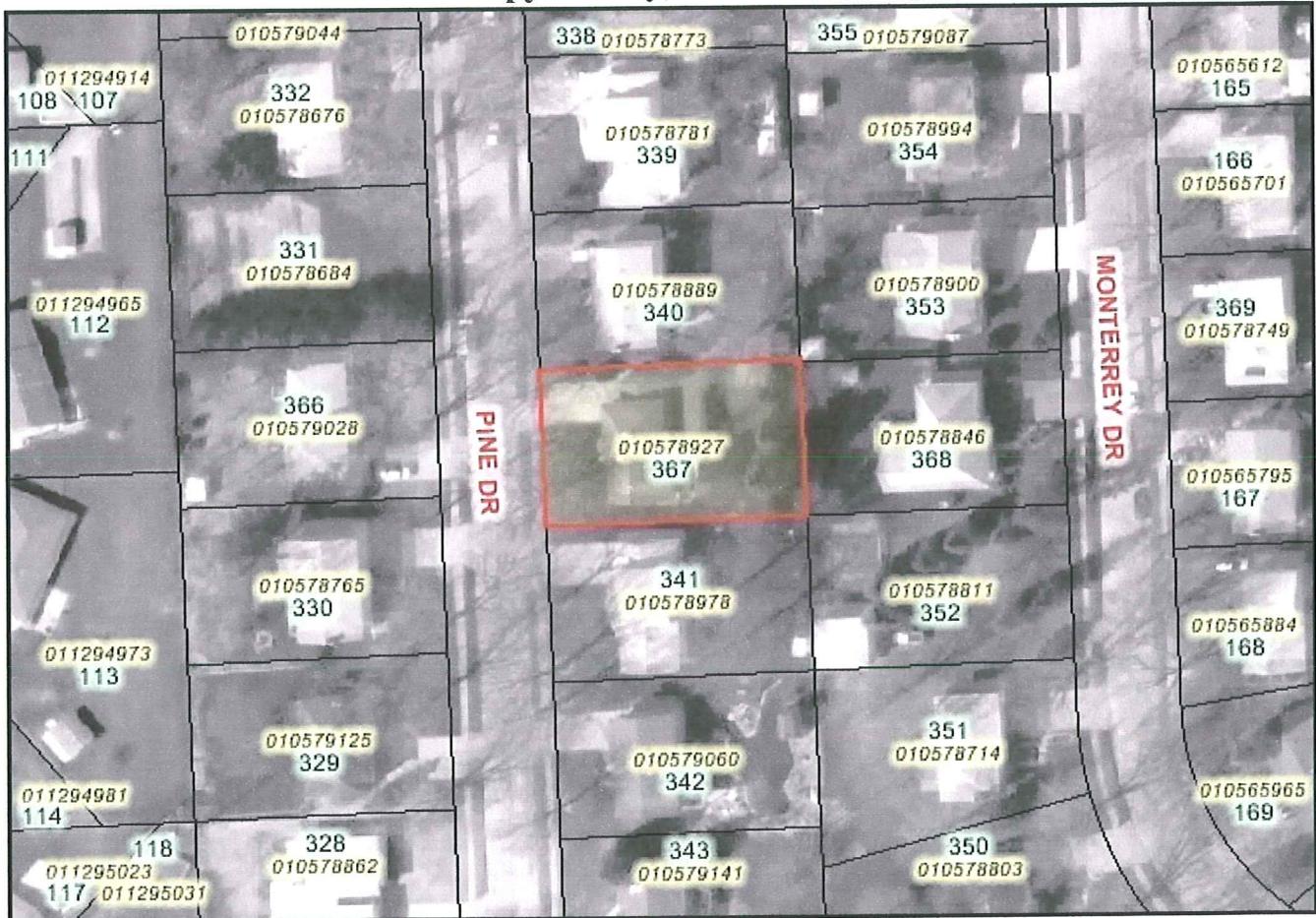
The property at 7105 Pine Drive, LaVista, NE 68128 will be transferred from John & Jill Henderson to Jana Newell as soon as practicable.

John J. Henderson
John J. Henderson

Jill R. Henderson
Jill R. Henderson

Jana L. Newell
Jana Newell

Sarpy County, Nebraska



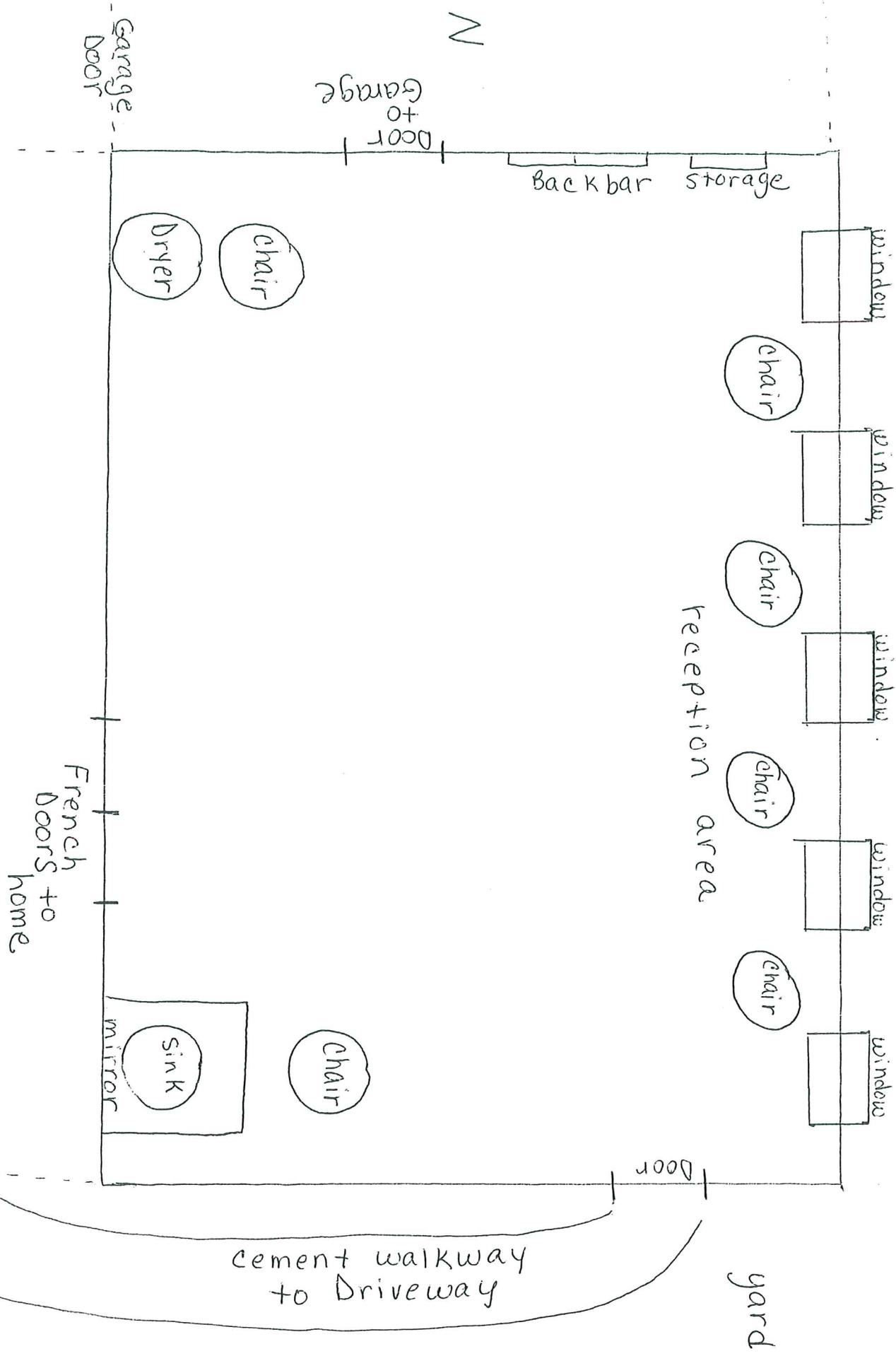
Parcel ID Number	Neighborhood Code	LPV
Owner Name	Property Type	RES
Mailing Address	Improvements Value	\$121,449
City State	Land Value	\$22,000
Zip Code	Total Value	\$143,449
Property Address	Tax District	27002
Legal Description		

Disclaimer: This data is for informational purposes only, and should not be substituted for a true titles search, property appraisal, survey, or for zoning district verification. Sarpy County and the Sarpy County GIS Coalition assume no legal responsibility for the information contained in this data.

Map Scale
1 inch = 80 feet

Double Vision Salon

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CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
JUNE 19, 2007 AGENDA

Subject:	Type:	Submitted By:
THIRD AMENDMENT TO SUBDIVISION AGREEMENT — SOUTHPORt WEST REPLAT THREE	◆ RESOLUTION ORDINANCE RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

SYNOPSIS

A resolution has been prepared to authorize the execution of the Third Amendment to the Subdivision Agreement, satisfactory in form to the City Administrator and City Attorney, for Southport West Replat Three, generally located southwest of I-80 and Giles Road.

FISCAL IMPACT

A subdivision agreement amendment has been prepared according to the city's subdivision financing policy.

RECOMMENDATION

Approval.

BACKGROUND

On August 5, 1997 the City Council adopted Resolution No. 97-101 establishing the city's subdivision financing policy regarding public funding of improvements and other costs within or serving residential subdivisions, including both residential and commercial development within the zoning jurisdiction of the City of La Vista.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING THE THIRD AMENDMENT TO THE SUBDIVISION AGREEMENT FOR SOUTHPORT WEST REPLAT THREE IN A FORM SATISFACTORY TO THE CITY ADMINISTRATOR AND CITY ATTORNEY.

WHEREAS, the City Council did on June 19, 2007, approve the plat for Lots 1-3, Southport West Replat Three; and

WHEREAS, the Developer, JQH-La Vista Courtyard Development, LLC, have agreed to execute a Subdivision Agreement satisfactory in form to the City Attorney and City Engineer.

NOW THEREFORE, BE IT RESOLVED, that the Third Amendment to the Subdivision Agreement presented at the June 19, 2007, City Council meeting for Southport West Replat Three be, and hereby is approved, and the Mayor and City Clerk be and hereby are, authorized to execute same on behalf of the City with such revisions or amendments thereto that the City Administrator and City Attorney may determine necessary to carry out the intent of the City Council. Prior to the City Clerk's release of the Third Amendment to the Developer, there shall have been fully executed and filed of record a written acknowledgement pertaining to the obligation of property owners within the Subdivision, or their property owner's association, to reimburse the City for the additional cost that it must pay to OPPD for decorative street lighting within the Subdivision. This shall be accomplished in a manner satisfactory to the City Administrator, in consultation with the City Attorney, prior to release of the Third Amendment to the Subdivision Agreement and prior to release of the final plat for Southport West Replat Three.

PASSED AND APPROVED THIS 19TH DAY OF JUNE 2007.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

THIRD AMENDMENT TO SUBDIVISION AGREEMENT
(Southport West Subdivision)
(Replat of Lot 1 into Lots 1 through 3, inclusive,
Southport West Replat Three)

THIS THIRD AMENDMENT, made this _____ day of _____, 2007, to that certain Commercial Subdivision Agreement dated June 30, 2005 (herein the "Subdivision Agreement") as amended by the First Amendment thereto dated the 6th day of June, 2006 and amended by the Second Amendment thereto dated the 18th day of October, 2006. This Third Amendment pertains to Lot 1, which is to be replatted as Lots 1,2 and 3, Southport West Replat Three of the Subdivision (herein the "Replat" or "Replatted Area").

WITNESSETH:

WHEREAS, the ownership and transfers of lots occurring since the original platting of Southport West Subdivision are set forth in the First Amendment to the Subdivision Agreement and the Second Amendment to the Subdivision Agreement and there have been no further land transfers since the date of said Second Amendment.

WHEREAS, JQH - La Vista III Development, LLC (herein "JQH - La Vista") (herein the "Developer") is the owner of the land within the Replat, being Lot 1 which is the subject of this Third Amendment to Subdivision Agreement, and Developer herein wishes to replat Lot 1 into Lots 1, 2 and 3, Southport West Replat Three (herein the "Replat" or the "Replatted Area"), same being that part of the Subdivision as shown on Replat drawing attached as Exhibit "A" and consisting of approximately 19.333 acres, more or less, per Surveyor's Certificate attached as Exhibit "B" hereto, and being more specifically shown on the "Final Plat" of the Replatted Area dated 3/7/06 and attached hereto as Exhibit "C"; and

WHEREAS, City, subsequent to the filing of the Subdivision plat, did annex all of Southport West Subdivision, which annexation resulted in District being merged into the City whereupon by operation of law City did succeed in ownership to all assets of District, including but not limited to, paving, storm sewers, sanitary sewers and other public infrastructure and all easements, rights-of-way and contractual entitlements of District of every kind and description located within or without the boundaries of the Subdivision; and

WHEREAS, the parties by this Third Amendment do amend the Subdivision Agreement to include the specific understandings and agreements pertaining to this replatting.

NOW, THEREFORE, IT IS AGREED by Subdivider and City as follows:

1. Replattings. Subject to the terms of this Amendment, Lot 1 of Southport West Replat Two shall be replatted as Lots 1, 2 and 3 of Southport West Replat Three, as more fully shown on Exhibit "C".
2. Drainage Calculations and Map. Subdivider has provided, or shall provide, drainage calculations and a drainage map for the Replatted Area for review and approval by the City's Engineer prior to execution of the final Replat demonstrating what easements, if any, may be needed to convey storm sewers and major storm sewer events (hundred year flood) under and across the surface of the property, all of which are in a form satisfactory to the City's Engineer.

3. Perimeter Sidewalks. Developer, or its assigns, shall, at its cost, install and maintain perimeter sidewalks abutting the Replatted Area as the lots are built upon. Sidewalks are not required along Giles Road (formerly 126th Street).
4. Commercial Building Design Guide and Criteria. City's Commercial Building Design Guide and Criteria ("Commercial Criteria") dated September 15, 1999, and the Southport West Design Guidelines, the specific design criteria to be utilized within the Southport West Subdivision, including the City's Gateway Corridor Design Guidelines, all of which are incorporated into this amendment by reference and shall be applicable to commercial development within the Replatted Area. Developer agrees to abide by the provisions thereof as it may have or shall be from time to time amended or modified by the City.
5. Grading Plan. The Grading Plan for each individual lot of the Replat is to be submitted with the development plan of each individual lot.
6. Site Approval Precondition to Building Permit. Nothing herein shall be deemed a waiver or lessening of any of City's requirements for City approved site plan for any building prior to the issuance of a building permit therefor.
7. Public Access Roads or Driveways. Direct vehicular access to and from abutting streets shall be limited as indicated on the Replat. Any publicly used roads and driveways within the Replat shall be constructed to City approved specifications and shall not be less than seven inches (7") P.C. concrete paving or such greater thickness as specified in the project construction specifications as approved by City. The City shall have access to and over such roadways and driveways for any purpose it deems appropriate in the exercise of its general governmental powers, including but not limited to, inspection, police, fire and rescue and other public safety purposes, and the exercise of all rights granted to City by the terms of the Subdivision Agreement as previously amended and as amended by this Third Amendment thereto.
8. Staking Bond. Subdivider shall provide the City a staking bond satisfactory to City Engineer prior to City's release of the final plat of the Replatted Area or in the alternative the certification of a Nebraska certified engineer/certified land surveyor that such staking has been completed.
9. Tract Sewer Connection Fees. Subdivider agrees that the terms and conditions for the benefit of the City that are contained in the Subdivision Agreement and the separate Sewer Connection Agreement pertaining to the sanitary sewer system shall be equally applicable to any private sanitary sewer provided for herein and enforceable by City in respect thereto to the same extent as though the private sewer had originally been incorporated and made a part of said agreements. Tract sanitary sewer connection fees shall be due and payable to the City in the following amounts prior to the issuance of a building permit for a particular lot:

Lot 1, Southport West Replat Three	4.946 acres @ \$5,500/Ac. =	\$ 27,203
Lot 2, Southport West Replat Three	7.853 acres @ \$5,500/Ac. =	43,191
Lot 3, Southport West Replat Three	6.534 acres @ \$5,500/Ac. =	<u>35,937</u>

Total	<u>\$106,331</u>
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The aforestated fee of \$5,500 per acre is the City rate now in effect and is subject to future increase. The rate in effect at time of connection to the sanitary sewer system will be the rate paid.

10. Infrastructure to be at Private Expense. The cost of all infrastructure, improvements and easements within and serving the Replatted Area, including but not limited to parking and internal street improvements, ingress and egress, sanitary sewer, storm sewer, power, CATV, gas, water, together with the cost of connection to external infrastructure shall be constructed and maintained at private expense and no part thereof shall be the responsibility of or at the expense of the City.
11. Specific Requirements of City Engineer for Replat Approval. Attached hereto as Exhibit "D" is a copy of the City Engineer's comments concerning Application for Replat. Subdivider, its successors and assigns in title, agree to fully and timely comply with all such requirements within the applicable time and sequence therein stated or designated.
12. Common Improvements/Maintenance. For purposes hereof, the following provisions shall be applicable:
 - a. Common Area Improvement Defined. The term Common Area Improvement shall mean all infrastructure and improvements constructed on, or to be constructed within or benefiting any two or more lots, or combination of lots, within the Replatted Area. Said Common Area Improvements shall include, but not be limited to, ingress and egress, roads, parking, storm drainage, storm water detention and/or retention, sanitary sewer, public utility infrastructure or services and other infrastructure needs for or benefiting more than a single lot.
 - b. Common Area Expense Defined. Common Area Expense shall include all engineering expense, including engineering costs, the costs of construction, reconstruction, modification, repair, maintenance (including clean up and clean out) and replacement of any such items or services, together with the City's costs, if any, of engineering, inspection, review and design.
 - c. Sharing of Common Area Expense. Common Area Expense shall be shared as follows:
 - c-1. Initial Cost Sharing Ratio. The owners, their successors and assigns, of the replatted lots shall be responsible for and defray the Common Area Expense in the same ratio that each of their replatted lots bears to the total land area of lots served by the improvement, to wit:

Replat Lot No.	Acres	Percent of Common Area Expense
1	4.946	25.6%
2	7.853	40.6%
3	6.534	33.8%
TOTAL	19.333	100.00%

The foregoing percentages of Common Area Expense shall prevail unless adjusted pursuant to subparagraph 12.c-2 hereof.

- c-2. Adjustment of Common Area Cost Sharing Ratios. The method of sharing Common Area Expense as set forth in subparagraph 12.c-1 above may be modified by the owners of all replatted lots agreeing to a different cost sharing as among themselves and filing with the City an application executed by all property owners within the Replatted Area to allow sharing in the designated different ratio. If the City Administrator, in consultation with the City Engineer, determines the original cost allocation is to be unfair and such requested change, if approved, will not be adverse to the City's or to the public interest, then the City Administrator may approve such application. Approval shall be discretionary. If approved, the property owners, at their expense, shall file the modification with the appropriate written approval of the City Administrator and City Engineer endorsed thereon.
- d. Filing of Record. The Developer, at its expense, shall record this Third Amendment in the land records of the Office of the Register of Deeds of Sarpy and shall cause a recorded copy thereof to be transmitted to the City Administrator. Any adjustment under subparagraph 12.c-2 above shall be similarly recorded and transmitted at Subdivider's expense. Such recordings shall include indexing the recording by individual lot.
- e. City Engineer to be Determiner. The City Engineer shall be the determiner of which improvements are required to be made and which, if any, are eligible for City support, in whole or in part.
- f. City Access/Repair, Etc. The City, its employees and agents, shall have right of entry and full access to any and all areas and improvements within the Replatted Area for purposes of inspection. In the event City determines construction, repair or maintenance is not progressing or not being performed satisfactorily or in a timely manner, City may, at its sole option and without obligation to do so, decide to undertake construction, repair and/or maintenance of any such Common Area Improvements and to assess the cost, including engineering costs and legal costs, together with interest at the rate of twelve percent (12%) per annum until paid, and City shall have a lien for the cost therefor, which lien City may file of record against the lots benefited. If said lien amount is not timely paid in full, the City may foreclose the lien for said amount with interest thereon and reasonable attorneys fees incurred by City in such foreclosure.
- g. City's Exercise of Rights Discretionary. City's and/or City Engineer's exercise of any or all of the authority herein given shall be at City's sole and absolute discretion, and City, City Engineer and City agents shall have no responsibility or liability by reason of either the nonexercise or the exercise of any such authority.
13. Special Assessments. The lots within the Replatted Area are subject to special assessments that have been levied. Prior to delivery of the plat to Subdivider, Subdivider shall have either (1) paid all installments and accrued interest on such special assessments in full, or (2) have paid the principal and all accrued interest to date on delinquent installments and shall have reapportioned the remaining principal and interest thereon to the lots as configured by the Replat. Such reapportionment shall be computed in a manner acceptable to the City Engineer. Such written reapportionment agreement and recording thereof with the County Treasurer's written acceptance thereof shall be provided to City by Developer at Developer's expense.

14. Ownership Representation. The undersigned signatory on the proposed Final Plat of Southport West Replat Three and to the Third Amendment to the Subdivision Agreement, to wit, JQH - La Vista III Development, LLC does warrant and represent that it has executed the Final Plat for Southport West Replat Three and this Third Amendment to Subdivision Agreement by and on behalf of JQH - La Vista III Development, LLC, and that it owns 100% of the Replatted Area at date of execution of this Third Amendment and that at date of recording will own 100%.
15. Covenants Running With the Land. The obligations and agreements of Developer herein are perpetual covenants running with the land and shall be binding on the Developer and all of Developer's successors and assigns in title. The covenants herein shall be cumulative to, and not in lieu of, prior covenants running with the land or amendments thereto. City shall have the right, but not the obligation, to enforce any and all covenants.
16. Planned Unit Development. Build out of the Replatted Area will be in compliance with the applicable provisions of the Planned Unit Development plan and overlay.
17. Amendment of Declaration of Covenants. The Declaration of Covenants, Conditions, Restrictions and Easements for Southport West Subdivision dated July 5, 2005, and recorded in the office of the Sarpy County Register of Deeds that same date as Instrument No. 2005-22478 were amended by a First Amendment thereto filed the 24th day of May, 2006 and recorded in the records of the Register of Deeds of Sarpy County as Instrument No. 2006-17152. The parties to this Third Amendment do agree to abide by the terms of such Declaration of Covenants as so amended.
18. "No Build" Zone on Lot 18. JQH - La Vista CY Development, LLC has agreed with Heritage-Westwood La Vista to create a "no build" easement area on reconfigured Lot 18 that is parallel to and twenty-four feet (24') north of that portion of the south property line of Lot 18 that abuts Lots 19 and 20, Southport West Subdivision. The parties hereto agree that said easement shall be noted on the final plat of the Replatted Area prior to recording thereof, or recorded in some other manner acceptable to the City.
19. Access Easements. It is understood that the location of one or more currently designated access easements for the Replatted Area may have to be relocated to meet the needs of owners within the Replatted Area as such time as plans for build out of the Replatted Area are finalized, or sooner. Such redesignation may occur by either amendment of Replat Three prior to its recording, or, in accordance with Section 2-A(5) of the Southport West Subdivision Agreement.
20. Exhibit Summary. The Exhibits proposed by E & A Consulting Group, Inc. engineers for the Subdivider, attached hereto and made a part hereof, are as follows:

- | | |
|--------------|--|
| Exhibit "A": | Composite Drawing of Replat Three. |
| Exhibit "B": | Surveyor's Certificate. |
| Exhibit "C": | Final Plat of Southport West Replat Three. |
| Exhibit "D": | City Engineer's requirements for approval of replatting. |

21. Right to Enforce. Provisions of this Amendment may be enforced at law or in equity by the owners of land within the Replatted Area and may be enforced by the City at law, in equity or such other remedy as City determines appropriate.
22. Ratification. In all other respects, the Subdivision Agreement shall not be affected hereby, and is hereby ratified and confirmed.
23. Counterparts. This Agreement may be executed in counterparts, each of which shall be deemed an original, but all of which taken together shall constitute one and the same instrument.

IN WITNESS WHEREOF, we, the parties hereto, by our respective duly authorized agents, hereto affix our signatures the day and year first above written.

EXECUTED by JQH - La Vista III Development, LLC this _____ day of _____, 2007.

JQH - LA VISTA III DEVELOPMENT, LLC, a Missouri limited liability company

By: The Revocable Trust of John Q. Hammons dated December 28, 1989, as Amended and Restated, its manager

By: _____
John Q. Hammons, Trustee

ACKNOWLEDGMENT OF NOTARY

STATE OF MISSOURI)
COUNTY OF GREENE)

On this _____ day of _____, 2007, before me a Notary Public, duly commissioned and qualified in and for said County, appeared John Q. Hammons, personally known by me to be the Trustee of the Revocable Trust of John Q. Hammons, dated December 28, 1989, as Amended and Restated, the manager of JQH - La Vista III Development, LLC, and the identical person whose name is affixed to the foregoing Third Amendment to Subdivision Agreement, and acknowledged the execution thereof to be his voluntary act and deed as said Trustee and the voluntary act and deed of said Trust and said limited liability company.

WITNESS my hand and Notarial Seal the day and year last above written.

Notary Public

**COUNTERPART TO THIRD AMENDMENT
COMMERCIAL/INDUSTRIAL SUBDIVISION AGREEMENT
SOUTHPORT WEST SUBDIVISION**

EXECUTED by Heritage-Westwood La Vista, LLC this _____ day of _____, 2007.

HERITAGE-WESTWOOD LA VISTA, LLC

ATTEST: By: WDG La Vista, LLC, its Manager

By: _____
Michael J. Bowen, Its Manager

ACKNOWLEDGMENT OF NOTARY

STATE OF _____)
COUNTY OF _____)

On this _____ day of _____, 2007, before me a Notary Public, duly commissioned and qualified in and for said County, appeared Michael J. Bowen, personally known by me to be the Manager of WDG La Vista, LLC, the Managing Member of Heritage-Westwood La Vista, LLC, and the identical person whose name is affixed to the foregoing Third Amendment to Subdivision Agreement, and acknowledged the execution thereof to be his voluntary act and deed and the voluntary act and deed of said limited liability companies.

WITNESS my hand and Notarial Seal the day and year last above written.

Notary Public

**COUNTERPART TO THIRD AMENDMENT
COMMERCIAL/INDUSTRIAL SUBDIVISION AGREEMENT
SOUTHPORT WEST SUBDIVISION**

EXECUTED by the City of La Vista this _____ day of _____, 2007.

ATTEST:

CITY OF LA VISTA, a Nebraska municipal corporation

Pamela A. Buethe, City Clerk

By _____
Douglas Kindig, Mayor

ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA)
COUNTY OF SARPY)

On this _____ day of _____, 2007, before me a Notary Public, duly commissioned and qualified in and for said County, appeared Douglas Kindig, personally known by me to be the Mayor of the City of La Vista, and Pamela A. Buethe, to me personally known to be the City Clerk of the City of La Vista, and the identical persons whose names are affixed to the foregoing Third Amendment to Subdivision Agreement, and they acknowledged the execution thereof to be their voluntary act and deed and the voluntary act and deed of said City.

WITNESS my hand and Notarial Seal the day and year last above written.

Notary Public

CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
JUNE 19, 2007 AGENDA

Subject:	Type:	Submitted By:
ECONOMIC DEVELOPMENT PROGRAM – BOND ISSUANCE & GRANT AND LOAN FUNDING AND DOCUMENT APPROVAL	◆ RESOLUTION ◆ ORDINANCE RECEIVE/FILE	SHEILA LINDBERG FINANCE DIRECTOR

SYNOPSIS

Bond Counsel has prepared a resolution to provide for the City of La Vista to issue Economic Development Fund bonds in the principal amount of \$21,225,000 for the purpose of funding the City of La Vista Economic Development Program as established by Ordinance.

An ordinance has also been prepared to fund and approve documents for grant and loan to John Q. Hammons under the City of La Vista Economic Development Program.

FISCAL IMPACT

The City will provide a grant of \$3M. It is estimated that the City can recoup this investment in the first three (3) years the hotels & conference center are open through enhanced revenues. The City will provide an \$18M loan which will be repaid by JQH with interest in seven (7) years.

RECOMMENDATION

Approval.

BACKGROUND

On February 20, 2007, by Ordinance No. 1023, the City Council approved the Economic Development program application of John Q. Hammons along with a Development Agreement, Loan Classification, Loan Application and grant of \$3 Million and loan of \$18 Million to construct a full service hotel and conference center facility in Southport West.

A complete copy of all supporting documents is on file at City Hall.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE ISSUANCE OF ECONOMIC DEVELOPMENT FUND BONDS OF THE CITY OF LA VISTA, NEBRASKA, IN THE PRINCIPAL AMOUNT OF TWENTY-ONE MILLION TWO HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$21,225,000) FOR THE PURPOSE OF FUNDING THE LA VISTA ECONOMIC DEVELOPMENT PROGRAM AS ESTABLISHED BY ORDINANCE OF THE CITY; PRESCRIBING THE FORM OF SAID BONDS; PROVIDING FOR THE PLEDGING OF SALES TAX COLLECTIONS RECEIVED FOR SAID PROGRAM INTO THE ECONOMIC DEVELOPMENT FUND OF THE CITY OF LA VISTA FOR THE PAYMENT OF PRINCIPAL AND INTEREST ON SAID BONDS; PROVIDING FOR THE RIGHT OF THE CITY TO MAKE PAYMENT FROM OTHER SOURCES IN THE ECONOMIC DEVELOPMENT FUND; PROVIDING FOR PAYMENT FROM PROPERTY TAXES IN THE EVENT THAT PLEDGED SALES TAXES AND FUNDS FROM OTHER SOURCES ARE INSUFFICIENT; PROVIDING FOR THE HOLDING AND APPLICATION OF PROCEEDS; PROVIDING FOR THE SALE OF THE BONDS; PROVIDING FOR THE APPLICATION OF THE PROCEEDS OF SAID BONDS; AND AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER.

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

Section 1. The Mayor and Council of the City of La Vista, Nebraska, hereby find and determine that (a) pursuant to the provisions of the Local Option Municipal Economic Development Act (Sections 18-2701 to 18-2738, R.R.S. Neb. 1997, as amended, the "Act"), the Mayor and Council have previously passed and approved Ordinance No. 921 (the "Program Ordinance") establishing an economic development program for the City of La Vista (the "Program") and providing funding for such program through the application of funds from the City's 1% sales tax (the "Sales Tax") previously adopted under the Local Option Revenue Act (Sections 77-27,142 to 77-27,148, R.R.S. Neb. 1997, as amended) (the "Special Tax Portion"); (b) the Program was approved by the voters of the City at an election held on September 30, 2003; (c) the Sales Tax has been imposed under the terms of Ordinance No. 363 passed and approved on November 20, 1984 (the "Sales Tax Ordinance") and the levying of such tax was approved by the voters of the City at an election held on November 6, 1984 and is to remain in effect indefinitely; (d) under the terms of the Program the City has received an application from John Q Hammons and related entities (collectively, the "Hammons Interests") for the development of a portion of Southport West by construction of a hotel and conference center complex which is expected to

provide substantial economic development benefits for the City in the form of (i) significant employment opportunities, (ii) a substantial increase in the City's property tax base, (iii) increased governmental revenues from occupation taxes resulting from taxes on hotel and motel occupancy, (iv) increased sales taxes from hotel patrons using both hotel services and nearby retail shopping, (v) increased incentives for other private interests to further develop Southport West and adjacent commercial areas and (vi) hotel and conference space within the City; (e) under the terms of the Program, the Program Administrator, the Application Review Committee of the City Economic Development Program and Strategic Advisory Group (as consultant to the City) have recommended the application submitted by the Hammons Interests and the City has entered into a Master Development Agreement with the Hammons Interests dated May 1, 2007 (the "Master Agreement"); (f) under the terms of the Master Agreement the City has agreed (i) to provide a grant in the amount of \$3,000,000 to assist the Hammons Interests with paying the costs of land acquisition primarily associated with the acquisition of the proposed conference center and related parking (the "EDP Grant") and (ii) to provide a loan in the amount of up to \$18,000,000 to the Hammons Interests to finance a portion of the costs of the proposed conference center (the "EDP Loan"); (g) by the issuance of bonds as provided for in this Resolution, the City will have committed within five full budget years by contract for the spending of more than 50% of the money collected and to be collected from local sources of revenue for the Program and the City will not be required to place the continuation of the Program on a ballot at any election under the terms of Section 18-2718(5) of the Act; (h) under the terms of the Program the City may issue bonds to provide funding for the Program and the Mayor and Council hereby declare it necessary and advisable for the City to issue its economic development fund bonds in the principal amount of Twenty-one Million Two Hundred Twenty-five Thousand Dollars (\$21,225,000) for the purpose of funding the EDP Grant and the EDP Loan; and (i) all conditions, acts and things required by law to exist or to be done precedent to the issuance of such bonds do exist and have been done as required by law.

Section 2. To provide funds for the Program, including the funding of the EDP Grant and the EDP Loan, there shall be and there are hereby ordered issued negotiable bonds of the City of La Vista, Nebraska, to be designated as "Economic Development Fund Bonds, Series 2007" (the "2007 Bonds") in the aggregate principal amount of Twenty-one Million Two Hundred Twenty-five Thousand Dollars (\$21,225,000), with said bonds bearing interest at the rates per annum and to become due on October 15 of the year as indicated below:

<u>Maturing on October 15 of Year</u>	<u>Amount of Principal Maturing</u>	<u>Interest Rate Per Annum</u>
2017	\$5,855,000	7.20%
2023	6,430,000	7.40%
2029	8,940,000	7.60%

The 2007 Bonds maturing as term bonds on October 15, 2017 (the "2017 Term Bonds"), the 2007 Bonds maturing as term bonds on October 15, 2023 (the "2023 Term Bonds") and the 2007 Bonds maturing as term bonds on October 15, 2029 (the "2029 Term Bonds" and together with the 2017 Term Bonds and the 2023 Term Bonds, the "Term Bonds") are subject to mandatory sinking fund redemptions as provided for in Section 5 of this Resolution.

The terms set forth above are intended as preliminary directions relating to the sale and issuance of the 2007 Bonds. In connection with determining the final terms of sale for the 2007 Bonds under Section 8 of this Resolution there shall be executed and delivered on behalf of the City a designation of final terms (the "Designation") subject to the following: (a) such 2007 Bonds may bear interest at any lower interest rate per annum for each maturity from that shown above, (b) the principal maturity amounts may be modified, (c) term maturities and the related mandatory sinking fund redemptions may be modified and (d) the premium payable on any optional redemption may be modified within the limitations permitted under Section 10-126, R.R.S. Neb. 1997, as amended, all as the City Administrator and/or Mayor may establish acting on behalf of the City and as may be agreed to by the initial purchaser designated in Section 8 of this Resolution, provided further that in no event shall (x) the aggregate stated principal amount of the 2007 Bonds exceed \$22,000,000 or (y) the debt service (taking into consideration any and all designated mandatory sinking fund redemptions) due on the 2007 Bonds in any fiscal year exceed \$2,000,000.

The 2007 Bonds shall be issued in fully registered form in the denomination of \$5,000 or any integral multiple thereof. The date of original issue of the 2007 Bonds shall be the date of delivery thereof. Interest on the 2007 Bonds, at the respective rate for each maturity, shall be payable on

April 15 and October 15 of each year, commencing April 15, 2008 (each an "Interest Payment Date"), and the 2007 Bonds shall bear such interest from the date of original issue or the most recent Interest Payment Date, whichever is later. Interest shall be computed on the basis of a 360-day year consisting of twelve 30-day months. The interest due on each Interest Payment Date shall be payable to the registered owners of record as of the fifteenth day (whether or not a business day) immediately preceding the Interest Payment Date (the "Record Date"), subject to the provisions of Section 4 hereof. The 2007 Bonds shall be numbered from 1 upwards in the order of their issuance. No 2007 Bond shall be issued originally or upon transfer or partial redemption having more than one principal maturity. The initial bond numbering and principal amounts for each of the 2007 Bonds issued shall be as directed by the initial purchaser thereof. Payments of interest due on the 2007 Bonds prior to maturity or earlier redemption shall be made by the Paying Agent and Registrar as designated pursuant to Section 3 hereof (the "Paying Agent and Registrar"), by mailing a check or draft in the amount due for such interest on each Interest Payment Date to the registered owner of each 2007 Bond, as of the Record Date for such Interest Payment Date, to such owner's registered address as shown on the books of registration as required to be maintained in Section 3 hereof. Payments of principal due at maturity or at any date fixed for redemption prior to maturity together with any unpaid interest accrued thereon shall be made by the Paying Agent and Registrar to the registered owners upon presentation and surrender of the 2007 Bonds to the Paying Agent and Registrar. The City and the Paying Agent and Registrar may treat the registered owner of any 2007 Bond as the absolute owner of such 2007 Bond for the purpose of making payments thereon and for all other purposes and neither the City nor the Paying Agent and Registrar shall be affected by any notice or knowledge to the contrary whether such 2007 Bond or any installment of interest due thereon shall be overdue or not. All payments on account of interest or principal made to the registered owner of any 2007 Bond in accordance with the terms of this Resolution shall be valid and effectual and shall be a discharge of

the City and the Paying Agent and Registrar, in respect of the liability upon the 2007 Bonds or claims for interest to the extent of the sum or sums so paid.

Section 3. The City Treasurer is hereby designated to serve as Paying Agent and Registrar for the 2007 Bonds. The Paying Agent and Registrar shall keep and maintain for the City books for the registration and transfer of the 2007 Bonds at the City's Offices in La Vista, Nebraska. The names and registered addresses of the registered owner or owners of the 2007 Bonds shall at all times be recorded in such books. Any 2007 Bond may be transferred pursuant to its provisions at the office of the Paying Agent and Registrar by surrender of such bond for cancellation, accompanied by a written instrument of transfer, in form satisfactory to said Paying Agent and Registrar, duly executed by the registered owner in person or by such owner's duly authorized agent and thereupon the Paying Agent and Registrar on behalf of the City will register such transfer and will deliver at its office (or send by registered mail to the transferee owner or owners thereof at such transferee owner's or owners' risk and expense), registered in the name of such transferee owner or owners, a new 2007 Bond or 2007 Bonds of the same interest rate, aggregate principal amount and maturity. To the extent of the denominations authorized for the 2007 Bonds by this Resolution, one 2007 Bond may be transferred for several such 2007 Bonds of the same interest rate and maturity and for a like aggregate principal amount, and several such 2007 Bonds may be transferred for one or several such 2007 Bonds, respectively, of the same interest rate and maturity and for a like aggregate principal amount. In every case of transfer of a 2007 Bond, the surrendered 2007 Bond or 2007 Bonds shall be cancelled and destroyed. All 2007 Bonds issued upon transfer of the 2007 Bonds so surrendered shall be valid obligations of the City evidencing the same obligations as the 2007 Bonds surrendered and shall be entitled to all the benefits and protection of this Resolution to the same extent as the 2007 Bonds upon transfer of which they were delivered. The City and said Paying Agent and Registrar shall not be required to transfer any 2007 Bond during any period from any Record Date until its immediately following

Interest Payment Date or to transfer any 2007 Bond called for redemption for a period of 30 days next preceding the date fixed for redemption.

Section 4. In the event that payments of interest due on the 2007 Bonds on an Interest Payment Date are not timely made, such interest shall cease to be payable to the registered owners as of the Record Date for such Interest Payment Date and shall be payable to the registered owners of the 2007 Bonds as of a special date of record for payment of such defaulted interest as shall be designated by the Paying Agent and Registrar whenever monies for the purpose of paying such defaulted interest become available.

Section 5. The 2007 Bonds maturing on or after October 15, 2012, shall be subject to redemption, in whole or in part, prior to maturity at any time on or after the fifth anniversary of the date of original issuance of the 2007 Bonds at the following redemption prices for the periods shown plus accrued interest on the principal amount redeemed to the date fixed for redemption:

<u>Period During Which Redeemed (both dates inclusive)</u>	<u>Redemption Price</u>
Fifth Anniversary through October 15, 2013	102%
October 16, 2013 through October 15, 2014	101.5%
October 16, 2014 through October 15, 2015	101%
October 16, 2015 through October 15, 2016	100.5%
October 16, 2016 and thereafter	100%

provided that such redemption prices may be modified (including to provide for higher redemption prices for any period and for extended periods at which redemption prices exceed 100%) in the Designation as provided for in Section 2 of this Resolution. Such optional redemption shall be made from time to time as shall be directed by the Mayor and Council of the City. The City may select the 2007 Bonds for optional redemption in its sole discretion.

The 2017 Term Bonds, the 2023 Term Bonds and the 2029 Term Bonds shall be redeemed prior to their stated maturity and paid at stated maturity from mandatory sinking fund payments required to be made by the City in accordance with the following schedules:

The 2017 Term Bonds

<u>Redemption Date</u>	<u>Amount Required to be Redeemed</u>
October 15, 2010	\$600,000
October 15, 2011	\$630,000
October 15, 2012	\$670,000
October 15, 2013	\$705,000
October 15, 2014	\$745,000
October 15, 2015	\$790,000
October 15, 2016	\$835,000
October 15, 2017	\$880,000 (final maturity)

The 2023 Term Bonds

<u>Redemption Date</u>	<u>Amount Required to be Redeemed</u>
October 15, 2018	\$930,000
October 15, 2019	\$980,000
October 15, 2020	\$1,040,000
October 15, 2021	\$1,095,000
October 15, 2022	\$1,160,000
October 15, 2023	\$1,225,000 (final maturity)

The 2029 Term Bonds

<u>Redemption Date</u>	<u>Amount Required to be Redeemed</u>
October 15, 2024	\$1,295,000
October 15, 2025	\$1,365,000
October 15, 2026	\$1,445,000
October 15, 2027	\$1,525,000
October 15, 2028	\$1,610,000
October 15, 2029	\$1,700,000 (final maturity)

Such mandatory redemptions shall be at a price equal to 100% of the principal amount redeemed, plus accrued interest to the date fixed for redemption. The Paying Agent shall select the 2017 Term Bonds, the 2023 Term Bonds and the 2029 Term Bonds for mandatory redemption using any random method of selection determined appropriate by the Paying Agent. On or before the forty-fifth (45th) day prior to any mandatory sinking fund redemption date set forth above, the Paying Agent and Registrar shall proceed to select for redemption, from all the Term Bonds then subject to redemption (as applies for such mandatory redemption date), an aggregate principal amount of such Term Bonds, as the case may be, equal to the amount for such year as set forth in the table above and shall call such Term Bonds, or portions thereof (\$5,000 or any integral multiple thereof) for redemption and give notice of such call. At the option of the City, to be exercised by delivery of

a certificate to the Paying Agent and Registrar on or before the sixtieth (60th) day next preceding any mandatory sinking fund redemption date, the City may (i) deliver to the Paying Agent and Registrar for cancellation Term Bonds, which are then subject to such redemption or portions thereof (\$5,000 or any integral multiple thereof) in any aggregate principal amount desired by the City, or (ii) specify a principal amount of such Term Bonds, as are then next subject to mandatory sinking fund redemption, or portions thereof (\$5,000 or any integral multiple thereof), which prior to said date have been purchased or redeemed (otherwise than through the operation of mandatory sinking fund redemption) and canceled by the Paying Agent and Registrar at the request of the City and not theretofore applied as a credit against any sinking fund payment. Each Term Bond or portion thereof so delivered or previously redeemed shall be credited by the Paying Agent and Registrar at 100% of the principal amount thereof against the obligation of the City on such mandatory sinking fund redemption date. Any excess shall be credited against the next mandatory sinking fund redemption amount (including payments due at final maturity).

2007 Bonds shall be redeemed only in amounts of \$5,000 or integral multiples thereof. Any 2007 Bond redeemed in part only shall be surrendered to said Paying Agent and Registrar in exchange for a new 2007 Bond evidencing the unredeemed principal thereof. Notice of redemption of any 2007 Bond called for redemption shall be given, at the direction of the City in the case of optional redemption and without further direction in the case of mandatory sinking fund redemption, by said Paying Agent and Registrar by mail not less than 30 days prior to the date fixed for redemption, first class, postage prepaid, sent to the registered owner of such 2007 Bond at said owner's registered address. Such notice shall designate the 2007 Bond or 2007 Bonds to be redeemed by maturity or otherwise, the date of original issue and the date fixed for redemption and shall state that such 2007 Bond or 2007 Bonds are to be presented for prepayment at the office of said Paying Agent and Registrar. In case of any 2007 Bond partially redeemed, such notice shall specify the portion of the principal amount of such 2007 Bond to be redeemed. No

defect in the mailing of notice for any 2007 Bond shall affect the sufficiency of the proceedings of the City designating the 2007 Bonds called for redemption or the effectiveness of such call for the 2007 Bonds for which notice by mail has been properly given and the City shall have the right to direct further notice of redemption for any such 2007 Bond for which defective notice has been given.

Section 6. If the date for payment of the principal of or interest on the 2007 Bonds shall be a Saturday, Sunday, legal holiday or a day on which the banking institutions in the City of La Vista, Nebraska, are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not a Saturday, Sunday, legal holiday or a day on which such banking institutions are authorized to close, and payment on such date shall have the same force and effect as if made on the nominal date of payment.

Section 7. The 2007 Bonds shall be in substantially the following form:

UNITED STATES OF AMERICA
STATE OF NEBRASKA
COUNTY OF SARPY

CITY OF LA VISTA

ECONOMIC DEVELOPMENT FUND BOND
SERIES 2007

No. _____ \$ _____

<u>Interest Rate</u>	<u>Maturity Date</u>	<u>Date of Original Issue</u>	<u>CUSIP NUMBER</u>
_____ %	October 15, _____	July __, 2007	

Registered Owner:

Principal Amount:

KNOW ALL PERSONS BY THESE PRESENTS: That the City of La Vista, in the County of Sarpy, in the State of Nebraska, hereby acknowledges itself to owe and for value received promises to pay, but only from the special sources hereinafter described, to the registered owner specified above, or registered assigns, the principal amount specified above in lawful money of the United States of America on the date of maturity specified above with interest thereon to maturity (or earlier redemption) from the date of original issue or most recent Interest Payment Date, whichever is later, at the rate per annum specified above, payable semiannually on April 15 and October 15 of each year, commencing April 15, 2008 (each, an "Interest Payment Date"). Such interest shall be computed on the basis of a 360-day year consisting of twelve 30 day months. The principal of this bond together with interest thereon unpaid and accrued at maturity (or earlier redemption) is payable upon presentation and surrender of this bond at the office of the City Treasurer of the City of La Vista, Nebraska, as Paying Agent and Registrar, at such City's offices in La Vista, Nebraska. Interest on this bond due prior to maturity or earlier redemption will be paid on each Interest Payment Date by a check or draft mailed by the Paying Agent and Registrar to the registered owner of this bond, as shown on the books of record maintained by the Paying Agent and Registrar, at the close of business on the fifteenth day immediately preceding the Interest Payment Date, to such owner's address as shown on such books and records. Any interest not so timely paid shall cease to be payable to the person entitled thereto as of the record date such interest was payable, and shall be payable to the person who is the registered owner of this bond (or of one or more predecessor bonds hereto) on such special record date for payment of such defaulted interest as shall be fixed by the Paying Agent and Registrar whenever monies for such purpose become available.

This bond is one of an issue of fully registered bonds of the total principal amount of Twenty-one Million Two Hundred Twenty-five Thousand Dollars (\$21,225,000) of even date and like tenor, except as to date of maturity, rate of interest and denomination, which were issued by the City for the purpose of providing funds for the economic development program of the City of La Vista as established pursuant to Ordinance No. 921 of the City and has been duly authorized by

resolution duly adopted (the "Resolution") and by proceedings duly had by the Mayor and Council of the City of La Vista, Nebraska, pursuant to Sections 18-2701 to 18-2738, R.R.S. Neb. 1997, as amended.

The bonds due as term bonds in the year 2017 (the "2017 Term Bonds") are required to be redeemed, in part, prior to their stated maturity, commencing on October 15, 2010, and to be paid at maturity which redemption and payment at maturity shall be in the years and for the principal amounts set forth below:

The 2017 Term Bonds

<u>Redemption Date</u>	<u>Amount Required to be Redeemed</u>
October 15, 2010	\$600,000
October 15, 2011	\$630,000
October 15, 2012	\$670,000
October 15, 2013	\$705,000
October 15, 2014	\$745,000
October 15, 2015	\$790,000
October 15, 2016	\$835,000
October 15, 2017	\$880,000 (final maturity)

The bonds due as term bonds in the year 2023 (the "2023 Term Bonds") are required to be redeemed, in part, prior to their stated maturity, commencing on October 15, 2018, and to be paid at maturity which redemptions and payment at maturity shall be in the years and for the principal amounts set forth below:

The 2023 Term Bonds

<u>Redemption Date</u>	<u>Amount Required to be Redeemed</u>
October 15, 2018	\$930,000
October 15, 2019	\$980,000
October 15, 2020	\$1,040,000
October 15, 2021	\$1,095,000
October 15, 2022	\$1,160,000
October 15, 2023	\$1,225,000 (final maturity)

The bonds due as term bonds in the year 2029 (the "2029 Term Bonds") are required to be redeemed, in part, prior to their stated maturity, commencing on October 15, 2024, and to be paid at maturity which redemptions and payment at maturity shall be in the years and for the principal amounts set forth below:

The 2029 Term Bonds

<u>Redemption Date</u>	<u>Amount Required to be Redeemed</u>
October 15, 2024	\$1,295,000
October 15, 2025	\$1,365,000
October 15, 2026	\$1,445,000
October 15, 2027	\$1,525,000
October 15, 2028	\$1,610,000
October 15, 2029	\$1,700,000 (final maturity)

Such mandatory redemptions for the 2017 Term Bonds, the 2023 Term Bonds and the 2029 Term Bonds shall be at a price equal to 100% of the principal amount redeemed plus interest accrued on the principal amount being redeemed to the date fixed for redemption. The Paying Agent and Registrar shall select the 2017 Term Bonds, the 2023 Term Bonds and the 2029 Term Bonds for mandatory redemption using any random method of selection deemed appropriate by the Paying Agent and Registrar, subject to the terms of the Resolution.

Any or all of the bonds of said issue maturing on or after October 15, 2012, are subject to redemption at the option of the City, in whole or in part, at any time on or after the fifth anniversary of the date of original issue at the following redemption prices for the periods shown plus accrued interest on the principal amount redeemed to the date fixed for redemption:

<u>Period During Which Redeemed (both dates inclusive)</u>	<u>Redemption Price</u>
Fifth Anniversary through October 15, 2013	102%
October 16, 2013 through October 15, 2014	101.5%
October 16, 2014 through October 15, 2015	101%
October 16, 2015 through October 15, 2016	100.5%
October 16, 2016 and thereafter	100%

Notice of redemption shall be given by mail to the registered owner of any bond called for redemption in the manner specified in the Resolution authorizing said issue of bonds. Individual bonds may be redeemed in part but only in the amount of \$5,000 or integral multiples thereof.

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

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

Under the Resolution, the City has pledged all revenues of the City received for its Economic Development Fund from a designated portion of that tax upon sales within the City of La Vista, Nebraska, provided for pursuant to Ordinance No. 363 of the City of La Vista, passed and approved, after the approving vote of a majority of the electors of said City voting at an election held on November 6, 1984, in accordance with the provisions of Sections 77-27,142 to 77-27,148, R.R.S. Neb. 2003, as amended. The City has further agreed that in each fiscal year funds from such sales tax or other sources as deposited to such fund, subject to a limitation of \$2,000,000 per fiscal year, shall be applied to pay principal and interest on the bonds of this issue as the same fall

due. The bonds of this issue are limited obligations of the City payable from amounts in the City's Economic Development Fund as so pledged and not from any other fund or source and are not general obligations of the City of La Vista, Nebraska.

The Resolution sets forth the covenants and obligations of the City with respect to its Economic Development Fund and certain revenues therein and the application of such revenues which are by the terms of the Resolution to be disbursed to make payments of principal and interest on the bonds of this issue. The City also reserves the right to provide for payments of the bonds of this issue from other available revenues in its Economic Development Fund and to issue bonds junior in lien to the bonds of this issue, the principal and interest of which are payable from such revenues on a subordinate basis as described in the Resolution. The Resolution also designates the terms and conditions upon which this bond shall cease to be entitled to any lien, benefit or security under the Resolution and all covenants, agreements and obligations of the City under the Resolution may be discharged and satisfied at or prior to the maturity or redemption of this bond if monies or certain specified securities shall have been deposited with a trustee bank. The Resolution constitutes a contract with the holders of the bonds and cannot be modified except as provided in the Resolution.

IT IS HEREBY CERTIFIED AND WARRANTED that all conditions, acts and things required by law to exist or to be done precedent to and in the issuance of this bond did exist, did happen and were done and performed in regular and due form and time as provided by law.

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

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

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

IN WITNESS WHEREOF, the Mayor and Council of the City of La Vista, Nebraska, have caused this bond to be executed on behalf of the City with the facsimile signatures of the Mayor and City Clerk of the City, all as of the Date of Original Issue shown above.

CITY OF LA VISTA, NEBRASKA

(facsimile signature)

Mayor

ATTEST:

(facsimile signature)

City Clerk

CERTIFICATE OF AUTHENTICATION

This bond is one of the bonds authorized by Resolution passed and approved by the Mayor and Council of the City of La Vista, Nebraska, as described in said bond.

City Treasurer of the City of La Vista, Nebraska,
Paying Agent and Registrar

Authorized Signature

(FORM OF ASSIGNMENT)

For value received _____ hereby sells, assigns, and transfers unto _____ the within bond and hereby irrevocably constitutes and appoints _____, Attorney, to transfer the same on the books of registration in the office of the within mentioned Paying Agent and Registrar with full power of substitution in the premises.

Date: _____

Registered Owner(s)

Signature Guaranteed

By _____

Authorized Officer

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

Section 8. Each of the 2007 Bonds shall be executed on behalf of the City with the manual or facsimile signatures of the Mayor and City Clerk of the City. The 2007 Bonds shall be issued initially as "book-entry only" bonds under the services of The Depository Trust Company (the "Depository"), with one typewritten bond per maturity being issued to the Depository. In such connection said officers of the City are authorized to execute and deliver a Letter of Representations (the "Letter of Representations") in the form required by the Depository (which may be in the form of a blanket letter previously executed and delivered by the City), for and on behalf of the City, which shall thereafter govern matters with respect to registration, transfer, payment and redemption of the 2007 Bonds. Upon issuance of the 2007 Bonds as "book-entry-only" bonds, the following provisions shall apply:

(a) The City and the Paying Agent and Registrar shall have no responsibility or obligation to any broker-dealer, bank or other financial institution for which the Depository holds 2007 Bonds as securities depository (each, a "Bond Participant") or to any person who is an actual purchaser of a 2007 Bond from a Bond Participant while the 2007 Bonds are in book-entry form (each, a "Beneficial Owner") with respect to the following:

(i) the accuracy of the records of the Depository, any nominees of the Depository or any Bond Participant with respect to any ownership interest in the 2007 Bonds,

(ii) the delivery to any Bond Participant, any Beneficial Owner or any other person, other than the Depository, of any notice with respect to the 2007 Bonds, including any notice of redemption, or

(iii) the payment to any Bond Participant, any Beneficial Owner or any other person, other than the Depository, of any amount with respect to the 2007 Bonds. The Paying Agent and Registrar shall make payments with respect to the 2007 Bonds only to or upon the order of the Depository or its nominee, and all such payments shall be valid and effective fully to satisfy and discharge the obligations with respect to such 2007 Bonds to the extent of the sum or sums so paid. No person other than the Depository shall receive an authenticated Bond, except as provided in (e) below.

(b) Upon receipt by the Paying Agent and Registrar of written notice from the Depository to the effect that the Depository is unable or unwilling to discharge its responsibilities, the Paying Agent and Registrar shall issue, transfer and exchange 2007 Bonds requested by the Depository in appropriate amounts. Whenever the Depository requests the Paying Agent and Registrar to do so. The

Paying Agent and Registrar will cooperate with the Depository in taking appropriate action after reasonable notice (i) to arrange, with the prior written consent of the City, for a substitute depository willing and able upon reasonable and customary terms to maintain custody of the 2007 Bonds or (ii) to make available 2007 Bonds registered in whatever name or names the Beneficial Owners transferring or exchanging such 2007 Bonds shall designate.

(c) If the City determines that it is desirable that certificates representing the 2007 Bonds be delivered to the ultimate Beneficial Owners of the 2007 Bonds and so notifies the Paying Agent and Registrar in writing, the Paying Agent and Registrar shall so notify the Depository, whereupon the Depository will notify the Bond Participants of the availability through the Depository of bond certificates representing the 2007 Bonds. In such event, the Paying Agent and Registrar shall issue, transfer and exchange bond certificates representing the 2007 Bonds as requested by the Depository in appropriate amounts and in authorized denominations.

(d) Notwithstanding any other provision of this Resolution to the contrary, so long as any 2007 Bond is registered in the name of the Depository or any nominee thereof, all payments with respect to such 2007 Bond and all notices with respect to such 2007 Bond shall be made and given, respectively, to the Depository as provided in the Letter of Representations.

(e) Registered ownership of the 2007 Bonds may be transferred on the books of registration maintained by the Paying Agent and Registrar, and the 2007 Bonds may be delivered in physical form to the following:

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

(f) In the event of any partial redemption of a 2007 Bond unless and until such partially redeemed 2007 Bond has been replaced in accordance with the provisions of this Resolution, the books and records of the Paying Agent and Registrar shall govern and establish the principal amount of such 2007 Bond as is then outstanding and all of the 2007 Bonds issued to the Depository or its nominee shall contain a legend to such effect.

If for any reason the Depository resigns and is not replaced or upon termination by the City of book-entry-only form, the City shall immediately provide a supply of bond certificates for issuance upon subsequent transfers or in the event of partial redemption. In the event that such supply of certificates shall be insufficient to meet the requirements of the Paying Agent and Registrar for issuance of replacement bond certificates upon transfer or partial redemption, the City agrees to

order printed an additional supply of bond certificates and to direct their execution by manual or facsimile signature of its then duly qualified and acting officers. In case any officer whose signature or facsimile thereof shall appear on any 2007 Bond shall cease to be such officer before the delivery of such 2007 Bond (including any bond certificates delivered to the Paying Agent and Registrar for issuance upon transfer or partial redemption) such signature or such facsimile signature shall nevertheless be valid and sufficient for all purposes the same as if such officer or officers had remained in office until the delivery of such 2007 Bond. The 2007 Bonds shall not be valid and binding on the City until authenticated by the Paying Agent and Registrar. The 2007 Bonds shall be delivered to the Paying Agent and Registrar for registration and authentication. Upon execution, registration and authentication of the 2007 Bonds, they shall be delivered to the City's Treasurer, acting on behalf of the City, who is authorized to deliver them to D.A. Davidson & Co. as initial purchaser thereof, upon receipt of the purchase price of 99.25% (which amount may be modified in the Designation to include original issue discount and/or original issue premium if determined appropriate for any maturity in connection with the determination of final interest rates and maturity schedule under the terms of Section 2 of this Resolution) of the principal amount thereof plus accrued interest on the stated principal amount of the 2007 Bonds to date of payment for the 2007 Bonds. Said initial purchasers shall have the right to direct the registration of the 2007 Bonds and the denominations thereof within each maturity, subject to the restrictions of this Resolution. Such purchaser and its agents, representatives and counsel (including the City's bond counsel) are hereby authorized to take such actions on behalf of the City as are necessary to effectuate the closing of the issuance and sale of the 2007 Bonds, including, without limitation, authorizing the release of the 2007 Bonds by the Depository at closing. The City Clerk shall make and certify a transcript of the proceedings of the Mayor and Council with respect to the 2007 Bonds which shall be delivered to said purchaser.

Section 9. Pursuant to the terms of the Program (as approved by the voters of the City and as set forth in Ordinance No. 921), the City hereby agrees to appropriate and deposit into the Economic Development Fund in each budget/fiscal year (the period commencing October 1 of each year and ending September 30 of the following year) commencing with the City's budget/fiscal year beginning October 1, 2007, so long as the 2007 Bonds remain outstanding and until and including the budget/fiscal year ending September 30, 2029, an amount from collections received with respect to the Special Tax Portion or other sources sufficient to pay the principal and interest on the 2007 Bonds as the same fall due, subject to the limitation set forth in Ordinance No. 921 that such deposited amount shall not exceed \$2,000,000 in any such budget/fiscal year. The City hereby covenants and agrees that there shall be set up within the Economic Development Fund a separate special account in the Economic Development Fund designated as the "Economic Development Fund Bond Payment Account" (the "Bond Payment Account") which shall constitute a separate and special account held by the City Treasurer of the City of La Vista for the benefit of the registered owners of the 2007 Bonds. In each budget/fiscal year, the City further hereby covenants and agrees that it shall deposit to the Bond Payment Account from amounts attributable to the Special Tax Portion an amount sufficient to pay principal of and interest on the 2007 Bonds as the same fall due, after taking into consideration any other amounts available for such purposes in the Bond Payment Account. The City reserves the right to make deposit to the Bond Payment Account in any budget/fiscal year from any other amounts in the Economic Development Fund to satisfy its obligation under the terms of this Resolution to make deposit of amounts from the Special Tax Portion. Receipts from the Special Tax Portion required to be deposited to the Bond Payment Account and any such other amounts deposited to the Bond Payment Account are hereby pledged for the payment of the 2007 Bonds as the same fall due. The pledge and hypothecation provided for the 2007 Bonds in this Resolution is intended to and shall provide for a first and prior pledge or lien upon and security interest on

amounts held in the Bond Payment Account superior to any pledge, lien or security interest made or given with respect to any other indebtedness of the City and is intended as an exercise of the powers of the City provided for in Sections 18-2701 to 18-2738, R.R.S. Neb. 1997, as now or hereafter amended, with respect to such deposited amounts. In the event of default of any of the provisions of the 2007 Bonds, the bondholders (or any receiver appointed for their protection) shall have the right at any time while such default continues to apply or require the application of receipts from the Special Tax Portion to the indebtedness evidenced by the 2007 Bonds, equally and ratably, subject to the limitation set forth in Ordinance No. 921. For purposes of holding, allocating and applying the receipts from the Economic Development Fund, the City hereby agrees to establish and maintain under this Resolution the Bond Payment Account in accordance with the following terms and conditions:

BOND PAYMENT ACCOUNT - In each budget/fiscal year, as and when received, revenues from the Special Tax Portion or allocated from other available funds in the Economic Development Fund shall be deposited to the Bond Payment Account until such account has credited thereto an amount equal to the amount of principal and interest falling due on the 2007 Bonds in such budget/fiscal year. The City Treasurer is hereby authorized and directed, without further authorization, to withdraw monies credited to the Bond Payment Account in an amount sufficient to pay, when due, the principal of and interest on the 2007 Bonds (including amounts necessary for any mandatory sinking fund redemptions as set forth in Section 5 of this Resolution) and to transfer such amounts to the Paying Agent and Registrar for the 2007 Bonds on or before each principal and interest payment date (including any mandatory sinking fund redemption date). Amounts required to make payments on the 2007 Bonds falling due on October 15, 2029 shall be deposited to the Bond Payment Account on or before September 30, 2029.

The provisions of this Section 9 shall require the City to maintain a set of books and records in accordance with such accounting methods and procedures as are generally applicable to municipal funds and accounts, which books and records shall show credits to and expenditures from the separate account required by this Section. Monies credited to the account described in this Section 9 shall be deposited or invested separate and apart from other City funds. The City shall not be required to establish separate bank or investment accounts within its separate and

segregated Economic Development Fund, for the account described in this Section 9. In any fiscal year collections from Special Tax Portion appropriated to or budgeted for the Economic Development Fund, after satisfying the requirements for the Bond Payment Account may be applied to any other purposes of the Program determined appropriate by the Mayor and Council. The City hereby acknowledges and agrees (a) that the provisions of the Program and Ordinance No. 921 both provide for the levying of taxes on all the taxable property in the City of La Vista to provide funding for the Program; (b) that the Program as presented to the voters of the City indicated that property taxes as authorized under the terms of the Program were not expected to be required to be applied to the funding of the Program; (c) that if, for any reason, including but not limited to changes in law or changes in economic conditions, receipts for the Special Tax Portion or other sources are not sufficient to make the deposits to the Bond Payment Account and payments on the 2007 Bonds as provided for in this Section 9, the City shall cause to be levied and collected annually a tax on all the taxable property in the City sufficient in rate or amount (within the limitation to \$2,000,000 per budget/fiscal year as set forth in the Program) to pay the principal of and interest on the 2007 Bonds as the same fall due, after application of all other available resources.

Section 10. Until the 2007 Bonds have been paid in full, the City agrees that it will not incur any additional indebtedness or issue any bonds or notes payable from the Economic Development Fund unless such indebtedness, bonds or notes are expressly made subordinate to the 2007 Bonds, with the payments for such bonds or notes to be made from any monies available in each budget/fiscal year after the Bond Payment Account has been fully funded for such budget/fiscal year. Refunding Bonds to refund the 2007 Bonds may be issued so long as none of the 2007 Bonds shall remain outstanding after the issuance of such refunding bonds.

Section 11. So long as any of the 2007 Bonds remain outstanding, the City agrees that it shall not amend the terms of the Program or Ordinance No. 921 or Ordinance No. 363 in any manner to reduce the rate of tax provided for therein or reduce the anticipated revenues from such tax available for deposit to the Economic Development Fund.

Section 12. The City's obligations under this Resolution and the liens, pledges, covenants and agreements of the City herein made or provided for, shall be fully discharged and satisfied as to the 2007 Bonds issued pursuant to this Resolution and any such bonds shall no longer be deemed outstanding hereunder if such bonds shall have been purchased and cancelled by the City, or when payment of the principal of and interest thereon to the respective date of maturity or redemption (a) shall have been made or caused to be made in accordance with the terms thereof, or (b) shall have been provided for by depositing with a national or state bank having trust powers or trust company, in trust solely for such payment, (i) sufficient money to make such payment and/or (ii) Deposit Securities in such amount and bearing interest payable and maturing or redeemable at stated fixed prices at the option of the holder as to principal, at such time or times, as will ensure the availability of sufficient money to make such payment; provided, however, that, with respect to any 2007 Bond to be paid prior to maturity, the City shall have duly given notice of redemption of such bond as provided by law or made irrevocable provisions for the giving of such notice. Any such money so deposited with a bank or trust company may be invested and reinvested in Deposit Securities and all interest and income from such Deposit Securities in the hands of such bank or trust company, in excess of the amount required to pay principal of and interest on the bonds for which such monies were deposited, shall be paid over to the City as and when collected. The term "Deposit Securities" as used in this Section shall mean direct obligations of or obligations the principal and interest which are unconditionally guaranteed by the United States of America, including obligations issued in book-entry form.

Section 13. The terms and provisions of this Resolution do and shall constitute a contract between the City and the registered owner or owners of the 2007 Bonds and no changes, variations or alterations of any kind, except for changes necessary to cure any ambiguity, formal defect or omission, shall be made to this Resolution without the written consent of the registered owners of two-thirds (2/3rds) in principal amount of the 2007 Bonds then outstanding, provided, however, that neither the principal and interest to be paid upon any 2007 Bond nor the maturity date of any 2007 Bond shall be changed without the written consent of the registered owners of all such bonds then outstanding. Any registered owner of a 2007 Bond may by mandamus or other appropriate action or proceedings at law or in equity in any court of competent jurisdiction enforce and compel performance of this Resolution and every provision and covenant hereof, including without limiting the generality of the foregoing, the enforcement of the performance of all duties required of the City by this Resolution and the applicable laws of the State of Nebraska, including in such duties the collecting of revenues pursuant to the provisions of the Program and Ordinance No. 921 and the segregation of such revenues in the Bond Payment Account of the City's Economic Development Fund for the 2007 Bonds as described in Section 9 of this Resolution. Any and all actions brought by any registered owner or owners of the 2007 Bonds shall be maintained for the equal and ratable benefit of all registered owners of the 2007 Bonds then outstanding and no registered owners of any of the 2007 Bonds shall have any right in any manner whatsoever by any action or proceedings to affect, disturb or prejudice the pledge created by this Resolution.

Section 14. In accordance with the requirements of Rule 15c2-12 (as now existing or subsequently amended, the "Rule") promulgated by the Securities and Exchange Commission (the "Commission"), the City hereby agrees that it will provide the following continuing disclosure information:

- (a) to each nationally recognized municipal securities information repository (a "NRMSIR") and to the initial purchaser of the Bonds, the City shall provide annual financial and operating information generally consistent with the information set forth under the heading "SELECTED FINANCIAL AND OPERATING INFORMATION" in Appendix A to the Official Statement for the 2007 Bonds and its audited financial statements; such information is expected to be available not later than seven months after the end of each fiscal year for the City; audited financial information shall be provided for the regular City funds, proprietary funds and pension trust funds in conformity with generally accepted accounting principles;
- (b) in a timely manner to each NRMSIR (as and to the extent required by the Rule) or to the Municipal Securities Rule Making Board ("MSRB") (as and to the extent required by the Rule), notice of the occurrence of any of the following events with respect to the 2007 Bonds, if in the judgment of the City, such event is material:
- (1) principal and interest payment delinquencies,
 - (2) non-payment related defaults,
 - (3) unscheduled draws on debt service reserves reflecting financial difficulties,
 - (4) unscheduled draws on credit enhancements reflecting financial difficulties,
 - (5) substitution of credit or liquidity providers, or their failure to perform,
 - (6) adverse tax opinions or events affecting the tax-exempt status of the 2007 Bonds (interest on the 2007 Bonds is not tax-exempt),
 - (7) modifications to rights of the registered owners of the 2007 Bonds,
 - (8) bond calls for the 2007 Bonds,
 - (9) defeasances for the 2007 Bonds,
 - (10) release, substitution, or sale of property securing repayment of the 2007 Bonds, and
 - (11) rating changes, if any.

The City has not undertaken to provide notice of the occurrence of any other material event, except the events listed above.

(c) in a timely manner to each NRMSIR (as and to the extent required by the Rule) or to the MSRB (as and to the extent required by the Rule) notice of any failure on the part of the City to provide required annual financial information not later than seven months from the close of the City's fiscal year.

The City reserves the right to modify from time to time the specific types of information provided or the format of the presentation of such information, to the extent necessary or appropriate in the judgment of the City, consistent with the Rule. The City hereby agrees that such covenants may be enforced by any registered owner or Beneficial Owner of the Bonds, provided that any such right to enforcement shall be limited to specific enforcement of the continuing disclosure provisions of this Resolution and any failure shall not constitute an event of default under this Resolution or the 2007 Bonds. The continuing disclosure obligations of the City shall cease when none of the 2007 Bonds remain outstanding.

Section 15. The proceeds of the 2007 Bonds shall be deposited with the City Treasurer and shall be held and applied in accordance with the terms of the Program Ordinance and the Master Agreement. The Mayor and Council may designate any depository bank or banks and may contract for disbursing agent services as may be determined appropriate by subsequent resolution. Investment earnings related to the proceeds of the 2007 Bonds shall be transferred to the Economic Development Fund and shall be deposited to the Bond Payment Account within such fund as established by this Resolution.

Section 16. The Mayor and City Clerk and City Treasurer of the City are hereby authorized to do all things and execute all documents as may by them be deemed necessary and proper to complete the issuance and sale of the 2007 Bonds contemplated by this Resolution. The Preliminary Official Statement is hereby approved and such officers are further authorized to approve a final Official Statement on behalf of the City.

Section 17. The net principal proceeds of the 2007 Bonds, after payment of issuance expenses, shall be held in a separate account in the Economic Development Fund of the City of La Vista and shall be applied to make the EDP Grant and the EDP Loan in accordance with the terms of the Master Redevelopment Agreement.

Section 18. If any section, paragraph, clause or provision of this Resolution shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Resolution.

Section 19. This Resolution shall be in force and take effect from and after its adoption as provided by law.

PASSED AND APPROVED THIS 19TH DAY OF JUNE, 2007.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

PRELIMINARY OFFICIAL STATEMENT DATED JUNE __, 2007

NEW ISSUE--BOOK-ENTRY ONLY

RATING: _____

In the opinion of Bond Counsel, under existing laws, regulations and judicial decisions, interest on the Series 2007 Bonds IS INCLUDABLE in gross income for federal income taxes and for purposes of Nebraska state income taxation (see, "TAXABLE STATUS OF INTEREST").

\$21,225,000

**CITY OF LA VISTA, NEBRASKA
ECONOMIC DEVELOPMENT FUND BONDS, SERIES 2007**

Dated: Date of Delivery

Due: October 15, as shown below

The Economic Development Fund Bonds, Series 2007 (the "Series 2007 Bonds") are issuable as fully registered bonds and, when initially issued, will be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York ("DTC"), which will act as securities depository for the Series 2007 Bonds. Purchases of the Series 2007 Bonds will be made in book-entry only form, in the principal amount of \$5,000 or any integral multiple thereof, through brokers and dealers who are, or who act through, DTC participants. Beneficial owners of the Series 2007 Bonds will not receive physical delivery of bond certificates so long as DTC or a successor securities depository acts as the securities depository with respect to the Series 2007 Bonds. Interest is payable semiannually on April 15 and October 15 of each year, commencing April 15, 2008. So long as DTC or its nominee is the registered owner of the Series 2007 Bonds, payments of the principal or redemption price of and interest on the Series 2007 Bonds will be made directly to DTC. Disbursement of such payments to DTC participants is the responsibility of DTC and disbursement of such payments to the beneficial owners is the responsibility of DTC participants. See "THE SERIES 2007 BONDS - Global Book-Entry Bonds." The City Treasurer of the City of La Vista, Nebraska, will act as Paying Agent and Registrar for the Series 2007 Bonds. For terms relating to payments made to DTC or its nominee or in the event that the use of book-entry form is discontinued, see "THE SERIES 2007 BONDS."

MATURITY SCHEDULE

\$5,855,000 of ____ % Term Bonds Due October 15, 2017, Price ____ %
 \$6,430,000 of ____ % Term Bonds Due October 15, 2023, Price ____ %
 \$8,940,000 of ____ % Term Bonds Due October 15, 2029, Price ____ %

The Series 2007 Bonds are subject to optional redemption prior to maturity as more fully described herein. The proceeds of the Series 2007 Bonds will be used (1) to make a loan in the amount of up to \$18,000,000 (the "Loan") to John Q. Hammons and certain entities affiliated with John Q. Hammons (as more particularly described in this Official Statement, the "Hammons Interests") to finance a portion of the costs of constructing a conference center to be located on a site adjacent to two hotels being constructed by the Hammons Interests and (2) to make a grant in the amount of \$3,000,000 to the Hammons Interests to pay or reimburse the costs of land acquisition primarily associated with the conference center and related parking improvements.

Principal and interest on the Series 2007 Bonds are payable from amounts from local tax sources (principally sales taxes, with ad valorem taxes available only if needed) appropriated and allocated by the City to its Economic Development Fund on an annual basis in an amount not to exceed \$2,000,000 in each year. The City may in its discretion from year to year apply to the payment of the Series 2007 Bonds other amounts deposited to the City's Economic Development Fund, including amounts to be paid to the City on the Loan. The Amounts payable to the City on the Loan have not been pledged for the payment of the Series 2007 Bonds. This cover page contains certain information for quick reference only. It is not a summary of this issue. Investors must read the entire official statement to obtain information essential to the making of an informed investment decision.

The Series 2007 Bonds are offered when, as and if issued and received by the Underwriter, subject to the approval of legality by Baird Holm LLP, Omaha, Nebraska, as the City's Bond Counsel, and certain other conditions. It is expected that the Series 2007 Bonds will be available for delivery through The Depository Trust Company in New York, New York, on or about July __, 2007.



This Preliminary Official Statement and the information contained herein are subject to completion or amendment. These securities may not be sold nor may offers to buy be accepted prior to the time the Official Statement is delivered in final form. Under no circumstances shall this Preliminary Official Statement constitute an offer to sell or a solicitation of an offer to buy nor shall there be any sale of these securities in any jurisdiction in which such offer, solicitation or sale would be unlawful prior to registration or qualification under the securities laws of any such jurisdiction.

Preliminary Draft, Subject to Revision – 6/11/2007

No dealer, broker, salesman or other person has been authorized by the City of La Vista or the Underwriter to give any information or to make any representations with respect to the Series 2007 Bonds other than the information and representations contained in this Official Statement, and, if given or made, such other information or representations must not be relied upon as having been authorized by any of the foregoing. This Official Statement does not constitute an offer to sell or the solicitation of an offer to buy nor shall there be any sale of the Series 2007 Bonds by any person in any jurisdiction in which it is unlawful for such person to make such offer, solicitation or sale. The information set forth herein has been furnished by the City and such information is not guaranteed as to accuracy or completeness, and is not to be construed as a representation, by the Underwriter. The information and expressions of opinion herein are subject to change without notice and neither the delivery of this Official Statement nor any sale made hereunder shall, under any circumstances, create any implication that there has been no change in the affairs of the City since the date hereof.

IN CONNECTION WITH THE OFFERING OF THE SERIES 2007 BONDS, THE UNDERWRITER MAY OVERALLOT OR EFFECT TRANSACTIONS WHICH STABILIZE OR MAINTAIN THE MARKET PRICE OF SUCH SERIES 2007 BONDS AT LEVELS ABOVE THOSE WHICH MIGHT OTHERWISE PREVAIL IN THE OPEN MARKET. SUCH STABILIZING, IF COMMENCED, MAY BE DISCONTINUED AT ANY TIME.

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FORWARD-LOOKING STATEMENTS

This Official Statement contains statements which should be considered “forward-looking statements,” meaning they refer to possible future events or conditions.

THE ACHIEVEMENT OF CERTAIN RESULTS OR OTHER EXPECTATIONS CONTAINED IN SUCH FORWARD-LOOKING STATEMENTS INVOLVE KNOWN AND UNKNOWN RISKS, UNCERTAINTIES AND OTHER FACTORS WHICH MAY CAUSE ACTUAL RESULTS, PERFORMANCE OR ACHIEVEMENTS DESCRIBED TO BE MATERIALLY DIFFERENT FROM ANY FUTURE RESULTS, PERFORMANCE OR ACHIEVEMENTS EXPRESSED OR IMPLIED BY SUCH FORWARD-LOOKING STATEMENTS. THE CITY DOES NOT EXPECT OR INTEND TO ISSUE ANY UPDATES OR REVISIONS TO THOSE FORWARD-LOOKING STATEMENTS IF OR WHEN ITS EXPECTATIONS CHANGE OR EVENTS, CONDITIONS OR CIRCUMSTANCES ON WHICH SUCH STATEMENTS ARE BASED OCCUR OR FAIL TO OCCUR.

THESE SECURITIES HAVE NOT BEEN REGISTERED WITH THE SECURITIES AND EXCHANGE COMMISSION BY REASON OF THE PROVISIONS OF SECTION 3(a)(2) OF THE SECURITIES ACT OF 1933, AS AMENDED. THE REGISTRATION OR QUALIFICATION OF THESE SECURITIES IN ACCORDANCE WITH APPLICABLE PROVISIONS OF SECURITIES LAWS OF THE STATES IN WHICH THESE SECURITIES HAVE BEEN REGISTERED OR QUALIFIED AND THE EXEMPTION FROM REGISTRATION OR QUALIFICATION IN OTHER STATES SHALL NOT BE REGARDED AS A RECOMMENDATION THEREOF. NEITHER THESE STATES NOR ANY OF THEIR AGENCIES HAVE PASSED UPON THE MERITS OF THE SECURITIES OR THE ACCURACY OR COMPLETENESS OF THIS OFFICIAL STATEMENT. ANY REPRESENTATION TO THE CONTRARY MAY BE A CRIMINAL OFFENSE.

**OFFICIAL STATEMENT
RELATING TO
\$21,225,000
CITY OF LA VISTA, NEBRASKA
ECONOMIC DEVELOPMENT FUND BONDS, SERIES 2007**

INTRODUCTION

The purpose of this Official Statement, which includes the cover page and appendices, is to set forth information concerning the City of La Vista, Nebraska, (“La Vista” or the “City”), and the City’s \$21,225,000 of Economic Development Fund Bonds, Series 2007 (the “Series 2007 Bonds”) offered hereby.

Sources of Certain Information

There follow in this Official Statement brief descriptions of the Series 2007 Bonds and the City. All descriptions of documents herein are only summaries and are qualified in their entirety by reference to each such document. During the offering period, copies of such documents may be obtained from the City or from D.A. Davidson & Co. (the “Underwriter”). Information in this Official Statement concerning the City has been furnished by the City or obtained from other sources believed to be reliable.

AUTHORITY

The Series 2007 Bonds are being issued pursuant to the Constitution and laws of the State of Nebraska, specifically Sections 18-2701 to 18-2738, R.R.S. Neb. 1997, as amended, (the “Act”) and Resolution No. _____ of the City passed and approved on June 19, 2007 (the “Resolution”).

PURPOSE

The proceeds of the Series 2007 Bonds will be applied to (1) to make a loan in the amount of up to \$18,000,000 (the “Loan”) to John Q. Hammons and certain entities affiliated with John Q. Hammons (as more particularly described in this Official Statement, the “Hammons Interests”) to finance a portion of the costs of constructing a conference center to be located on a site adjacent to two hotels being constructed by the Hammons Interests, (2) to make a grant in the amount of \$3,000,000 to the Hammons Interests to pay or reimburse the costs of land acquisition primarily associated with the conference center and related parking improvements and (3) to pay issuance expenses.

SECURITY

Under the Act the City has created an Economic Development Fund. The Series 2007 Bonds are payable from amounts which the City has agreed to deposit to the Economic Development Fund. In accordance with the terms of the Act and the terms of the Economic Development Program adopted by the City (the “Program”), the City has agreed to deposit to deposit amounts derived from the City’s one percent (1.0%) sales tax sufficient to pay principal and interest on the Series 2007 Bonds as the same fall due. The City has reserved the right to make payments on the Series 2007 Bonds from other monies in its Economic Development Fund, including payments attributable to the Loan in its discretion. Under the terms of the Program only \$2,000,000 from local tax sources may be deposited to the Economic Development Fund in any fiscal year. In the event that receipts from the 1% sales tax and other sources prove insufficient, the City has further agreed to apply amounts from local property taxes. The need for any such application is not currently expected by the City. The Series 2007 Bonds are not general obligations of the City and are payable from the City’s taxing power only to the extent provided for under the terms of the Program.

THE SERIES 2007 BONDS

The Series 2007 Bonds will be issued in the aggregate principal amount of \$21,225,000, will be dated the date of their delivery, bear interest (computed on the basis of a year of 360 days consisting of twelve thirty-day months) at specified rates, payable semiannually on April 15 and October 15 of each year, commencing April 15, 2008 (collectively, the “Interest Payment Dates”), and mature on the dates, all as set forth on the cover page of this Official Statement. The Series 2007 Bonds are issuable only in fully registered form in the denomination of \$5,000 or any integral multiple thereof. Initially, the Series 2007 Bonds will be issued using the services of The Depository Trust Company (“DTC”) and will be registered in the name of Cede & Co. and will be made available to beneficial owners in book-entry only form, as described below.

General Information

The principal of and interest on the Series 2007 Bonds due at maturity or upon redemption prior to maturity are payable at the office of the City Treasurer of the City of La Vista, Nebraska (the “Paying Agent” or the “Registrar”) or of any successor paying agent and registrar appointed by the City, as provided in the Resolution, upon presentation and surrender thereof. Interest on the Series 2007 Bonds due prior to maturity or earlier date of redemption will be paid to the registered owners thereof as of the close of business on the fifteenth day immediately preceding each Interest Payment Date (the “Record Date”) and will be paid by check or draft drawn on the Registrar and mailed on each Interest Payment Date to the registered owners thereof at the addresses shown on the registration books maintained by the Registrar notwithstanding the cancellation of any such Series 2007 Bond upon any exchange or transfer thereof subsequent to the Record Date and prior to such Interest Payment Date. The principal of and interest on the Series 2007 Bonds will be paid in lawful money of the United States of America. The foregoing procedures and methods for payment will apply in the event that provisions for global book-entry-only bonds as described below cease to be in effect and will apply to the holding and transfer of Series 2007 Bonds by DTC subject to certain modifications provided for in a Letter of Representations between the City, the Registrar and DTC.

Global Book-Entry Bonds

The Series 2007 Bonds will be available to the ultimate purchasers in global book-entry form only, in the principal amount of \$5,000 or integral multiples thereof. Purchasers of the Series 2007 Bonds will not receive certificates representing their interests in the Series 2007 Bonds purchased, except as described below.

The following description of the procedures and record-keeping with respect to beneficial ownership interests in the Series 2007 Bonds, payment of interest and other payments on the Series 2007 Bonds to Participants (as hereinafter defined) or Beneficial Owners (as hereinafter defined) of the Series 2007 Bonds, confirmation and transfer of beneficial ownership interests in the Series 2007 Bonds and other related transactions by and between DTC, Participants and Beneficial Owners of the Series 2007 Bonds, is based solely on information furnished by DTC to the City for inclusion in this Official Statement. Accordingly, the City makes no representations concerning these matters, and the Beneficial Owners of the Series 2007 Bonds should not rely on the following information with respect to such matters, but should instead confirm the same with the Participants from whom they purchased the Series 2007 Bonds.

The Depository Trust Company (“DTC”), New York, NY, will act as securities depository for the Series 2007 Bonds. The Series 2007 Bonds will be issued as fully-registered securities registered in the name of Cede & Co. (DTC’s partnership nominee) or such other name as may be requested by an authorized representative of DTC. One fully-registered Series 2007 Bond certificate will be issued for each separate maturity of the Series 2007 Bonds, each in the aggregate principal amount of such maturity, and will be deposited with DTC.

DTC, the world's largest depository, is a limited-purpose trust company organized under the New York Banking Law, a "banking organization" within the meaning of the New York Banking Law, a member of the Federal Reserve System, a "clearing corporation" within the meaning of the New York Uniform Commercial Code, and a "clearing agency" registered pursuant to the provisions of Section 17A of the Securities Exchange Act of 1934. DTC holds and provides asset servicing for over 2.2 million issues of U.S. and non-U.S. equity issues, corporate and municipal debt issues, and money market instruments from over 100 countries that DTC's participants ("Direct Participants") deposit with DTC. DTC also facilitates the post-trade settlement among Direct Participants of sales and other securities transactions in deposited securities, through electronic computerized book-entry transfers and pledges between Direct Participant's accounts. This eliminates the need for physical movement of securities certificates. Direct Participants include both U.S. and non-U.S. securities brokers and dealers, banks, trust companies, clearing corporations and certain other organizations. DTC is a wholly-owned subsidiary of The Depository Trust & Clearing Corporation ("DTCC"). DTCC, in turn, is owned by a number of Direct Participants of DTC and Members of the National Securities Clearing Corporation, Fixed Income Securities Clearing Corporation, and Emerging Markets Clearing Corporation (NSCC, FICC, and EMCC, also subsidiaries of DTCC), as well as by the New York Stock Exchange, Inc., the American Stock Exchange LLC, and the National Association of Securities Dealers, Inc. Access to the DTC system is also available to others such as both U.S. and non-U.S. securities brokers and dealers, banks, trust companies, and clearing corporations that clear through or maintain a custodial relationship with a Direct Participant, either directly or indirectly ("Indirect Participants"). DTC has Standard & Poor's highest rating: AAA. The DTC Rules applicable to its Participants are on file with the Securities and Exchange Commission. More information about DTC can be found at www.dtcc.com and www.dtcc.org.

Purchases of the Series 2007 Bonds under the DTC system must be made by or through Direct Participants, which will receive a credit for the Series 2007 Bonds on DTC's records. The ownership interest of each actual purchaser of each Series 2007 Bond ("Beneficial Owner") is in turn to be recorded on the Direct and Indirect Participants' records. Beneficial Owners will not receive written confirmation from DTC of their purchase. Beneficial Owners are, however, expected to receive written confirmations providing details of the transaction, as well as periodic statements of their holdings, from the Direct or Indirect Participant through which the Beneficial Owner entered into the transaction. Transfers of ownership interests in the Series 2007 Bonds are to be accomplished by entries made on the books of Direct and Indirect Participants acting on behalf of Beneficial Owners. Beneficial Owners will not receive certificates representing their ownership interests in Series 2007 Bonds, except in the event that use of the book-entry system for the Series 2007 Bonds is discontinued.

To facilitate subsequent transfers, all Series 2007 Bonds deposited by Direct Participants with DTC are registered in the name of DTC's partnership nominee, Cede & Co., or such other name as may be requested by an authorized representative of DTC. The deposit of Securities with DTC and their registration in the name of Cede & Co. or such other DTC nominee do not effect any change in beneficial ownership. DTC has no knowledge of the actual Beneficial Owners of the Series 2007 Bonds; DTC's records reflect only the identity of the Direct Participants to whose accounts such Series 2007 Bonds are credited, which may or may not be the Beneficial Owners. The Direct and Indirect Participants will remain responsible for keeping account of their holdings on behalf of their customers.

Conveyance of notices and other communications by DTC to Direct Participants, by Direct Participants to Indirect Participants, and by Direct Participants and Indirect Participants to Beneficial Owners will be governed by arrangements among them, subject to any statutory or regulatory requirements as may be in effect from time to time. Beneficial Owners of Series 2007 Bonds may wish to take certain steps to augment the transmission to them of notices of significant events with respect to the Series 2007 Bonds, such as redemptions, tenders, defaults, and proposed amendments to the documents relating to the Series 2007 Bonds. For example, Beneficial Owners of Series 2007 Bonds may wish to ascertain that the nominee holding the Series 2007 Bonds for their benefit has agreed to obtain and transmit notices to Beneficial Owners. In the alternative, Beneficial Owners may wish to provide their names and addresses to the Registrar and request that copies of notices be provided directly to them.

Redemption notices shall be sent to DTC. If less than all of the Series 2007 Bonds within a maturity are being redeemed, DTC's practice is to determine by lot the amount of the interest of each Direct Participant in such issue to be redeemed.

Neither DTC nor Cede & Co. (nor any other DTC nominee) will consent or vote with respect to Series 2007 Bonds unless authorized by a Direct Participant in accordance with DTC's procedures. Under its usual procedures, DTC mails an Omnibus Proxy to the City (or the Registrar) as soon as possible after the record date. The Omnibus Proxy assigns Cede & Co.'s consenting or voting rights to those Direct Participants to whose accounts Series 2007 Bonds are credited on the record date (identified in a listing attached to the Omnibus Proxy).

Redemption proceeds, principal, and interest payments on the Series 2007 Bonds will be made to Cede & Co., or such other nominee as may be requested by an authorized representative of DTC. DTC's practice is to credit Direct Participants' accounts upon DTC's receipt of funds and corresponding detail information from the Registrar, on payable date in accordance with their respective holdings shown on DTC's records. Payments by Participants to Beneficial Owners will be governed by standing instructions and customary practices, as is the case with securities held for the accounts of customers in bearer form or registered in "street name," and will be the responsibility of such Participant and not of DTC nor its nominee, the Registrar or the City, subject to any statutory or regulatory requirements as may be in effect from time to time. Payment of redemption proceeds, principal, and interest payments to Cede & Co. (or such other nominee as may be requested by an authorized representative of DTC) is the responsibility of the Registrar (from funds provided by the City), disbursement of such payments to Direct Participants will be the responsibility of DTC, and disbursement of such payments to the Beneficial Owners will be the responsibility of Direct and Indirect Participants.

DTC may discontinue providing its services as depository with respect to the Series 2007 Bonds at any time by giving reasonable notice to the City and the Registrar. Under such circumstances, in the event that a successor depository is not obtained, certificates for the Series 2007 Bonds are required to be printed and delivered.

The City may decide to discontinue use of the system of book-entry transfers through DTC (or a successor securities depository). In that event, certificates for the Series 2007 Bonds will be printed and delivered.

The information under this subcaption concerning DTC and DTC's book-entry system has been obtained from sources that the City believes to be reliable, but the City takes no responsibility for the accuracy thereof.

The City and the Registrar will not have any responsibility or obligation to Participants, to Indirect Participants or to any Beneficial Owner with respect to (i) the accuracy of any records maintained by DTC, any Direct Participant or any Indirect Participant; (ii) the payment by DTC or any Direct Participant or Indirect Participant of any amount with respect to the principal or redemption price of or interest on the Series 2007 Bonds; (iii) any notice which is permitted or required to be given to bondholders under the Resolution; (iv) the selection by DTC or any Direct or Indirect Participant of any person to receive payment in the event of a partial redemption of the Series 2007 Bonds; or (v) any consent given or other action taken by DTC as Bondholder.

The information included under this subcaption, other than in this paragraph, the preceding paragraph hereof and the first two full paragraphs under this subcaption, has been provided by DTC. No representation is made by the City or the Registrar as to the accuracy or adequacy of such information provided by DTC or as to the absence of material adverse changes in such information subsequent to the date hereof. The Beneficial Owners of the Series 2007 Bonds will rely on DTC Participants or Indirect Participants for timely payments and other notices and for otherwise making available to the Beneficial Owners the rights of a bondholder. No assurances can be given, in the event of the bankruptcy or insolvency of DTC or the Direct Participant or Indirect Participant through which a Beneficial Owner holds beneficial interest in the Series 2007 Bonds, that payment will be made by DTC, the Direct Participant or the Indirect Participant on a timely basis.

Notice to Bondholders

Notice of any proposed modification or amendment of the Resolution by means of an amending resolution that is to be effective with the consent of the registered owners of the Series 2007 Bonds as well as all notices of redemption will be mailed to DTC, as the registered owner of the Series 2007 Bonds then outstanding.

No assurance can be given by the City or the Registrar that DTC will distribute to the Participants, or that the Participants will distribute to the Beneficial Owners, (i) payment of debt service on the Series 2007 Bonds paid to DTC, or its nominee, as the registered owner, or (ii) any redemption or other notices, or that DTC or the Participants will serve and act on a timely basis or in the manner described in this Official Statement.

Optional Redemption

The Series 2007 Bonds maturing on and after October 15, 2012, are subject to redemption at the option of the City prior to maturity at any time on or after the fifth anniversary of the date of original issue for the Series 2007 Bonds, in whole or in part, at the following redemption prices for the periods shown plus accrued interest on the principal amount redeemed to the date fixed for redemption:

<u>Period During Which Redeemed (both dates inclusive)</u>	<u>Redemption Price</u>
Fifth Anniversary through October 15, 2013	
October 16, 2013 through October 15, 2014	
October 16, 2014 through October 15, 2015	
October 16, 2015 through October 15, 2016	
October 16 2016 and thereafter	

Such optional redemption shall be made from time to time as shall be directed by the Mayor and Council of the City. The City may select the 2007 Bonds for optional redemption in its sole discretion, including particular maturities as it deems appropriate.

Mandatory Redemption

The Series 2007 Bonds maturing on October 15, 2017 (the "2017 Term Bonds") on October 15, 2023 (the "2023 Term Bonds") and on October 15, 2029 (the "2029 Term Bonds" and collectively with the 2017 Term Bonds and the 2023 Term Bonds, the "Term Bonds") shall be redeemed prior to their stated maturity and paid at stated maturity from mandatory sinking fund payments required to be made by the City in accordance with the following schedule:

The 2017 Term Bonds

<u>Redemption Date</u>	<u>Amount Required to be Redeemed</u>
October 15, 2010	\$600,000
October 15, 2011	630,000
October 15, 2012	670,000
October 15, 2013	705,000
October 15, 2014	745,000
October 15, 2015	790,000
October 15, 2016	835,000
October 15, 2017	880,000

The 2023 Term Bonds

<u>Redemption Date</u>	<u>Amount Required to be Redeemed</u>
October 15, 2018	\$930,000
October 15, 2019	980,000
October 15, 2020	1,040,000
October 15, 2021	1,095,000
October 15, 2022	1,160,000
October 15, 2023	1,225,000

The 2029 Term Bonds

<u>Redemption Date</u>	<u>Amount Required to be Redeemed</u>
October 15, 2024	\$1,295,000
October 15, 2025	1,365,000
October 15, 2026	1,445,000
October 15, 2027	1,525,000
October 15, 2028	1,610,000
October 15, 2029	1,700,000

Such mandatory redemptions shall be at a price equal to 100% of the principal amount redeemed, plus accrued interest to the date fixed for redemption. The Paying Agent shall select the Series 2007 Bonds for mandatory redemption using any random method of selection determined appropriate by the Paying Agent. At the option of the City, to be exercised by delivery of a certificate to the Paying Agent and Registrar on or before the sixtieth (60th) day next preceding any mandatory sinking fund redemption date, the City may (i) deliver to the Paying Agent and Registrar for cancellation Term Bonds, which are then subject to such redemption or portions thereof (\$5,000 or any integral multiple thereof) in any aggregate principal amount desired by the City, or (ii) specify a principal amount of such Term Bonds, as are then next subject to mandatory sinking fund redemption, or portions thereof (\$5,000 or any integral multiple thereof) which prior to said date have been purchased or redeemed (otherwise than through the operation of mandatory sinking fund redemption) and canceled by the Paying Agent and Registrar at the request of the City and not theretofore applied as a credit against any sinking fund payment. Each Term Bond or portion thereof so delivered or previously redeemed shall be credited by the Paying Agent and Registrar at 100% of the principal amount thereof against the obligation of the City on such mandatory sinking fund redemption date.

Redemption--Series 2007 Bonds Held by DTC

If the Series 2007 Bonds are being held by DTC under the book-entry system and less than all of such Series 2007 Bonds within a maturity are being redeemed, DTC's current practice is to determine by lot the amount of the interest of each Participant in such maturity to be called for redemption, and each Participant is to then select by lot the ownership interest in such maturity to be redeemed. See "THE SERIES 2007 BONDS - Global Book-Entry Bonds" herein.

Notice of Redemption; Effect of Redemption

Notice of call for redemption, identifying the Series 2007 Bonds or portions thereof to be redeemed shall be given by the Registrar by mail, sent to the registered owners of the Series 2007 Bonds to be redeemed (initially, Cede & Co.) at their registered addresses as shown on the registration books maintained by the Registrar, first class, postage prepaid, not less than thirty (30) days prior to the date fixed for redemption. Failure to give notice to any registered owner or any defect in the notice shall not affect the validity of the proceedings calling the Series 2007 Bonds or the redemption of any Series 2007 Bonds for which proper notice has been given. The City shall have the right to direct further notice of redemption for any Series 2007 Bond for which defective notice has been given.

Transfer of Series 2007 Bonds

The Series 2007 Bonds are transferable upon presentation for cancellation to the Registrar at its office in La Vista, Nebraska. To be transferred, any Series 2007 Bonds must be accompanied by a written instrument of transfer in form satisfactory to the Registrar and must be accompanied by such signature guaranties and other evidence as the Registrar may require. Upon surrender of any Series 2007 Bond in proper form, the Registrar will deliver at its office or send by registered mail to the transferee owner or owners at such transferee owner's or owners' risk and expense, a new Series 2007 Bond or Series 2007 Bonds of the same maturity, interest rate and aggregate principal amount registered in the name of the transferee owner or owners. To the extent of the denominations permitted by the Resolution, one Series 2007 Bond may be transferred for several Series 2007 Bonds of a like maturity, interest rate and aggregate principal amount and several Series 2007 Bonds may be transferred for one or several Series 2007 Bonds, respectively, of the same maturity, interest rate and aggregate principal amount. Transfer of interests by Beneficial Owners, so long as there is a securities depository serving will be governed by the procedures described under "THE SERIES 2007 BONDS - Global Book-Entry Bonds" herein.

SOURCES AND USES OF FUNDS

Sources of Funds

Principal Amount of Bonds	\$
Net Premium (Discount)	
Total	

Uses of Funds

Project Costs (Loan and Grant)	\$
Issuance Costs (including Underwriter's Discount)	
Additional Proceeds	
Total	

DEBT SERVICE ON THE SERIES 2007 BONDS

The following table shows the debt service on the Series 2007 Bonds. It is based upon the maturity schedule shown on the cover page of this Official Statement.

<u>Fiscal Year Ending September 30</u>	<u>Maturities for Series 2007 Bonds*</u>	<u>Interest Due on Series 2007 Bonds</u>	<u>Total Debt Service for Series 2007 Bonds</u>
2008			
2009			
2010			
2011			
2012			
2013			
2014			
2015			
2016			
2017			
2018			
2019			
2020			
2021			
2022			
2023			
2024			
2025			
2026			
2027			
2028			
2029			
2030			
TOTALS			

* Includes mandatory redemption amounts.

The following schedule sets forth the debt service requirements for City's outstanding lease-purchase obligations and its outstanding bonded indebtedness, together with the debt service requirements for 1 for the Series 2007 Bonds:

<u>Fiscal Year Ending September 30</u>	<u>Debt Service on Outstanding Obligations</u>	<u>Debt Service on Series 2007 Bonds</u>	<u>Total Debt Service for Leases and Bonds</u>
2008	\$2,761,939.75		
2009	2,909,531.00		
2010	2,908,976.50		
2011	2,907,835.26		
2012	2,912,053.76		
2013	2,905,503.76		
2014	2,698,176.00		
2015	2,591,992.00		
2016	2,614,000.50		
2017	2,350,410.50		
2018	2,331,760.50		
2019	2,328,985.00		
2020	2,307,160.00		
2021	2,135,128.75		
2022	2,122,268.75		
2023	1,668,190.50		
2024	1,375,587.50		
2025	1,372,415.00		
2026	736,526.25		
2027	737,492.50		
2028			
2029			
2030			
TOTALS	<u>\$48,856,714.78</u>		

Under Nebraska law, there is no general limitation on general obligation or revenue indebtedness.

THE CITY

The City of La Vista, Nebraska (the "City") is a city of the first class of the State of Nebraska. The population of the City, according to the 2000 Census, is 11,699 (2004 Census Estimate 14,685). The City is located in the metropolitan area of the City of Omaha, just south of the Douglas County-Sarpy County line on State Highway No. 85. The City limits border on the north with Ralston and Omaha and on the south with the City of Papillion. The east boundary is 69th Street (66th Street at certain places) with Interstate 80 as the current west boundary line. The City is governed by a Mayor and a Council consisting of eight members. More detailed information concerning the City and its operations and the Program is provided in Appendix A to this Official Statement.

BONDHOLDERS' RISKS

The payment of the Series 2007 Bonds is subject to certain risks. Each prospective investor in the Series 2007 Bonds is encouraged to read this Official Statement in its entirety. Particular attention should be given to the factors described below which, among others, could affect the payment of debt service on the

Series 2007 Bonds and which could also affect the market price of the Series 2007 Bonds to an extent that cannot be determined.

1. [Series 2007 Bonds Not Rated. The Series 2007 Bonds have not been rated or reviewed by any rating agency and it is not expected that any rating will be applied for. The absence of a rating may limit the market for reselling the Series 2007 Bonds because certain institutional and other investors limit their purchases to securities which have received a rating.]

2. Limitation of Rights Upon Insolvency. The United States Bankruptcy Code enables debtors, including cities, which are insolvent to obtain relief through petition and plan which may result in the modification or delay of payments to creditors, including bondholders. In the event of any insolvency upon the part of the City, the holders of the Series 2007 Bonds would be treated as general creditors of the City along with other unsecured claimants. The extent to which the exception from limitations upon overall tax rates provided for in existing legislation, including the Tax Limitations and the Budget Limitations (see "NEBRASKA DEVELOPMENTS RELATED TO BUDGETS AND TAXATION"), might entitle bondholders to be treated as a separate class or otherwise given priority over other unsecured claimants is a matter that would be subject to future determinations of Nebraska state and federal courts interpreting and applying both state law and the United States Bankruptcy Code. Procedures under the Bankruptcy Code or other insolvency laws could result in delays in payment and modifications of payment rights. The State of Nebraska has authorized its political subdivisions to seek relief under the United States Bankruptcy Code by statute.

3. Nebraska Developments Related to Budgets and Taxation. The Nebraska Legislature has recently taken actions designed to limit increases in spending and to reduce the reliance of local governmental units on property taxation. For a discussion of such changes, see "NEBRASKA DEVELOPMENTS RELATED TO BUDGETS AND TAXATION". The City's local option sales tax which represents the primary anticipated source for payment of the Series 2007 Bonds is limited to 1% upon taxable sales and uses. The Nebraska Legislature has from time to time expanded and narrowed the types of sales and uses subject to this tax. Under LB 367, recently enacted by the Nebraska Legislature, sales and use taxes on construction services and wind energy are to be eliminated beginning on October 1, 2007.

4. Opportunities for Growth and Related Indebtedness. The City and Sarpy County are in a period of relatively rapid growth. See "Appendix A—Future Borrowing Plans" for information concerning annexations, anticipated commercial developments and related increased indebtedness.

5. Risks Related to Sales Taxes and Other Program Receipts. Sales tax receipts fluctuate from year to year depending upon consumer behavior. Sales tax receipts can also fluctuate depending upon the decisions of large commercial retailers as to the location and closing of their stores. Sales tax receipts are also subject to variation because of (a) higher utilization of the internet for purchases, (b) changes in travel and tourism related to fuel costs, (c) decisions of the Nebraska Legislature concerning the kinds of transactions to which the sales tax is made applicable (historically and currently not applicable to food purchases for consumption off premises) and (d) general economic conditions.

6. Risks Related to the Program. The City has undertaken a major effort to encourage the development of the area immediately east of Interstate 80 and served by the Harrison Street exit. This area is expected to provide significant increased tax revenues from greater property valuations, increased sales taxes and from an occupation tax on hotels. The hotel business and the business of retailing are both subject to economic risks related to the general state of the economy and to fuel costs for motor vehicles. The City's Economic Development Fund is expected to receive significant annual revenues from the Hammons Interests related to the Loan. Such payments have not been pledged for the payment of the Series 2007 Bonds and are subject to being applied to other economic development purposes so long as the Loan remains outstanding. All

of the principal on the Loan falls due in 2014. The City's Economic Development Fund can be expected to be subject to the financial condition of this single developer so long as the Loan remains outstanding.

NEBRASKA DEVELOPMENTS RELATED TO BUDGETS AND TAXATION

The Nebraska Legislature has endeavored to reduce the level of property taxation and political subdivision expenditures in the State. The Legislature has, for such purposes, enacted legislation to provide for budget limitations and legislation requiring reductions in the rate of taxation for general property taxes. Budget limitations relating to cities, villages, counties and other political subdivisions (Sections 13-518 to 13-522, R.R.S. Neb. 1997, as amended, and related sections, the "Budget Limitations") limit the growth in amounts which may be budgeted with respect to certain restricted funds. Restricted funds include (a) property taxes, (b) payments in lieu of property taxes, (c) local option sales taxes, (d) motor vehicle taxes, (e) state aid, (f) transfers of surpluses from user and other fees if the transfer funds a service or function not directly related to the fee or charge and (g) unexpended funds from the prior year budgeted for capital expenditures which are not expected to be spent for capital improvements. The limitation imposed does not apply to (a) restricted funds budgeted for capital improvements, (b) restricted funds expended from a qualified sinking fund for acquisition or replacement of tangible personal property, (c) restricted funds pledged to retire bonded indebtedness or used to pay other financial instruments that are approved and agreed to before July 1, 1999 (d) restricted funds budgeted in support of a service which is the subject of an interlocal cooperation agreement, (e) restricted funds budgeted for repairs to infrastructure in the case of a declared disaster emergency and (f) restricted funds budgeted to pay for certain judgments. The Budget Limitations currently provide for a base limitation of 2.5% upon increases. Such base limitation is subject to review by the Nebraska Legislature from year to year. The base limitation may be exceeded by an additional 1% upon an affirmative vote of at least 75% of the governing body. These limitations are to be enforced through the office of the Auditor of Public Accounts of the State of Nebraska and state aid may be withheld from governmental units which fail to comply. The Budget limitations thus do not apply to amounts required to pay debt service on the Series 2007 Bonds.

Tax levy limitations (Section 77-3442, R.R.S. Neb. 2003, as amended, and related sections, the "Levy Limitations") provide for overall limitations on the property tax levies of political subdivisions, including cities. The Levy Limitations provide for an express exclusion from the limitations for property tax levies for bonded indebtedness.

Under the Levy Limitations the rates for levying property taxes have been reduced for each type of governmental unit in the State of Nebraska. The rate for cities is set at 45¢ per \$100 of taxable valuation with an additional 5¢ available for payments under interlocal cooperation agreements. LB 367 recently enacted by the Nebraska Legislature has established a Property Tax Credit Cash Fund into which \$105,000,000 is to be deposited for tax year 2007 and \$115,000,000 is to be deposited for tax year 2008. Amounts deposited are to be distributed to the various counties in proportion to the taxable valuations of the various counties and applied within each county as a credit against each property taxpayer's tax bill for the respective years in an amount based upon proportional valuations within each county.

The future methods for providing for financing cities, schools and other local units may be altered depending upon future actions to be taken by the Nebraska Legislature, further decisions of the Nebraska Supreme Court and federal courts and future initiative petitions proposed by voters.

SUMMARY OF PROVISIONS OF RESOLUTION

Certain provisions of the Resolution are summarized elsewhere. Summaries of the provisions of the Resolution as contained in this Official Statement are to be considered as summaries only and are subject to reference to the Resolution itself. Copies of the Resolution are available through the office of the City Clerk of

the City and D.A. Davidson & Co, at its office at 10350 Regency Circle, Suite 500, Omaha, Nebraska 68114. In addition to the provisions summarized elsewhere, the Resolution provides for the following::

Bond Payment Account. For purposes of holding, allocating and applying the receipts from the Economic Development Fund, the City agrees to establish and maintain under the Resolution a Bond Payment Account in accordance with the following terms and conditions: **BOND PAYMENT ACCOUNT** - In each budget/fiscal year, as and when received, revenues from the limited sales taxes (the "Sales Tax Portion") or allocated from other available funds in the Economic Development Fund shall be deposited to the Bond Payment Account until such account has credited thereto an amount equal to the amount of principal and interest falling due on the 2007 Bonds in such budget/fiscal year. The City Treasurer is authorized and directed to withdraw monies credited to the Bond Payment Account in an amount sufficient to pay, when due, the principal of and interest on the 2007 Bonds (including amounts necessary for any mandatory sinking fund redemptions as set forth in Section 5 of this Resolution) and to transfer such amounts to the Paying Agent and Registrar for the 2007 Bonds on or before each principal and interest payment date (including any mandatory sinking fund redemption date).

Property Tax Support. The City acknowledges and agrees (a) that the provisions of the Program provide for the levying of taxes on all the taxable property in the City of La Vista to provide funding for the Program; (b) that the Program as presented to the voters of the City indicated that property taxes as authorized under the terms of the Program were not expected to be required to be applied to the funding of the Program; (c) that if, for any reason, including but not limited to changes in law or changes in economic conditions, receipts for the Special Tax Portion are not sufficient to make the deposits to the Bond Payment Account and payments on the 2007 Bonds as provided for in the Resolution, the City shall cause to be levied and collected annually a tax on all the taxable property in the City sufficient in rate or amount (within the limitation to \$2,000,000 per budget/fiscal year as set forth in the Program) to pay the principal of and interest on the Series 2007 Bonds as the same fall due, after application of all other available resources.

Application of Proceeds. The net principal proceeds of the Series 2007 Bonds are to be held in a separate account in the Economic Development Fund of the City of La Vista and shall be applied to make the grant and the Loan to the Hammons Interests in accordance with the terms of the Master Development Agreement. Such agreement calls for the proceeds of the Loan to be applied to the construction and other related costs for the conference center which forms a part of the project being undertaken by the Hammons Interests. The grant, under the terms of such agreement is to be applied to certain land acquisition costs.

Additional Indebtedness. Until the Series 2007 Bonds have been paid in full, the City agrees that it will not incur any additional indebtedness or issue any bonds or notes payable from the Economic Development Fund unless such indebtedness, bonds or notes are expressly made subordinate to the Series 2007 Bonds, with the payments for such bonds or notes to be made from any monies available in each budget/fiscal year after the Bond Payment Account has been fully funded for such budget/fiscal year. Refunding Bonds to refund the 2007 Bonds may be issued so long as none of the 2007 Bonds shall remain outstanding after the issuance of such refunding bonds.

Amendments/Remedies. The terms and provisions of this Resolution are stated to constitute a contract between the City and the registered owner or owners of the Series 2007 Bonds and no changes, variations or alterations of any kind, except for changes necessary to cure any ambiguity, formal defect or omission, shall be made to this Resolution without the written

consent of the registered owners of two-thirds (2/3rds) in principal amount of the Series 2007 Bonds then outstanding, provided, however, that neither the principal and interest to be paid upon any Series 2007 Bond nor the maturity date of any Series 2007 Bond shall be changed without the written consent of the registered owners of all such bonds then outstanding. The City agrees that any registered owner of a Series 2007 Bond may by mandamus or other appropriate action or proceedings at law or in equity in any court of competent jurisdiction enforce and compel performance of the Resolution, including without limiting the generality of the foregoing, the enforcement of the performance of all duties required of the City by the Resolution and the applicable laws of the State of Nebraska, including in such duties the collecting of revenues pursuant to the provisions of the Program and Ordinance No. 921 and the segregation of such revenues in the Bond Payment Account of the City's Economic Development Fund for the Series 2007 Bonds as described in the Resolution. Any and all actions brought by any registered owner or owners of the Series 2007 Bonds shall be maintained for the equal and ratable benefit of all registered owners of the Series 2007 Bonds then outstanding and no registered owners of any of the Series 2007 Bonds shall have any right in any manner whatsoever by any action or proceedings to affect, disturb or prejudice the pledge created by the Resolution.

Defeasance. The Resolution provides that its provisions may be discharged with respect to the Series 2007 Bonds by deposit with a national or state bank having trust powers of monies or United States government securities payable at such times and bearing interest sufficient in amount to fully provide for the payment of such bonds.

CONTINUING DISCLOSURE UNDERTAKING

In accordance with the requirements of Rule 15c2-12 (the "Rule") promulgated by the Securities and Exchange Commission, the City has agreed in the Resolution that it will provide continuing disclosure information as described in Appendix C to this Official Statement.

UNDERWRITING

The Underwriter has agreed, subject to certain customary conditions to closing, to purchase the Series 2007 Bonds from the City for \$_____, which amount takes into consideration the Underwriter's discount in the amount of \$_____ and net original issue premium (discount) in the amount of \$_____. After the Series 2007 Bonds are released for sale, the price and other terms may be varied from time to time by the Underwriter and such Series 2007 Bonds may be offered and sold to certain dealers (including dealers who may sell Series 2007 Bonds into investment accounts) at prices lower than the initial public offering price set forth on the cover page hereof. The Underwriter is committed to take and pay for all of the Series 2007 Bonds if any of the Series 2007 Bonds of such issue are taken.

While the Underwriter expects, insofar as possible, to maintain a secondary market for the Series 2007 Bonds, no assurance can be given concerning the future maintenance of such a market by the Underwriter or others, and prospective purchasers of the Series 2007 Bonds should therefore be prepared to hold their Series 2007 Bonds to their maturity.

LITIGATION

No litigation is pending or, to the knowledge of the City, threatened in any court to restrain or enjoin the issuance or delivery of the Series 2007 Bonds, or attacking in a material way the City's ability to appropriate and deposit sales tax receipts or other amounts to pay principal and interest on the Series 2007 Bonds or in any way contesting or affecting the validity of the Series 2007 Bonds or the Resolution or contesting the power or authority of the City to adopt the Resolution.

TAX EXEMPTION

Under the Internal Revenue Code of 1986, as amended (the "Code") interest on the Series 2007 Bonds **will be includable in gross income** for purposes of determining federal income taxes and Nebraska state income taxes.

APPROVAL OF LEGAL PROCEEDINGS

All of the legal proceedings in connection with the authorization and issuance of the Series 2007 Bonds are subject to the approval of Baird Holm LLP, Omaha, Nebraska, Bond Counsel for the City.

MISCELLANEOUS

The information contained in this Official Statement has been compiled or prepared from information obtained from the City and other sources deemed to be reliable and, while not guaranteed as to completeness or accuracy, is believed to be correct as of this date. Any statements involving matters of opinion, whether or not expressly so stated, are intended as such and not as representations of fact.

CITY OF LA VISTA, NEBRASKA

By:

Mayor

APPENDIX A

THE CITY OF LA VISTA, NEBRASKA

The City

Located immediately southwest of Omaha, Nebraska, the City of La Vista is the youngest city in Sarpy County, Nebraska. La Vista got its start in 1960 when 335 homes were built with a scenic view of the Big Papio Creek Basin. La Vista was named for its Spanish translation – The View.

Today, La Vista has grown to an estimated population of 15,692 with a diversity of family homes, apartment complexes, parks and retail/commercial business. The center for local government is the La Vista City Hall and Community Center which was constructed in 1994 at a cost of \$4 million. The City's Public Works Department is located west of the City in La Vista's growth area. A new police station has been constructed located at 96th and Granville Parkway. In 2006 the City provided for the construction of off-street parking facilities at a cost in excess of \$7.3 million for the Southport shopping area. Several commercial and/or industrial developments are located in the western part of the City.

The City of La Vista Facilities Corporation (the "Corporation") was formed in 1991 for the purpose of providing for, erecting, owning, leasing, furnishing and managing buildings, land and grounds for the use or benefit of the City. In 1997, the City entered into a joint project with Metropolitan Community College ("MCC") and the Corporation on behalf of the City issued bonds to finance a portion of the La Vista Library and MCC's Sarpy Center, which houses La Vista's new public library as well as MCC's classrooms and computer labs. In 2002 the Corporation issued \$4,070,000 of bonds to assist the City with the construction and acquisition of the new police facility. In 2005 the Corporation issued \$5,900,000 of bonds to assist the City with the construction of a second fire station.

City Government

La Vista has a Mayor-Council form of government. The Mayor is elected at-large to a four-year term. Eight City council members are elected from four wards to staggered four-year terms. The Mayor, with confirmation of the City Council, appoints a professional City Administrator to manage the day to day operations of the City.

Public Safety

A survey of La Vista residents recently ranked the quality of fire & rescue protection among the top five services in the City. In a typical year, members of the La Vista Volunteer Fire Department spend over 3,000 hours training, 4,500 on fire/rescue calls, 400 hours on equipment maintenance and 300 plus hours attending community services events. The Fire Department has a fleet of fire protection vehicles which provides the City with the up to date fire fighting technology. Additions to this fleet will be necessary upon completion of the Project, with possible borrowing by issuance of limited tax bonds to pay the costs.

The La Vista Police Department received a favorable evaluation in a recent survey. The professionalism and behavior of La Vista's police officers was ranked in the top five for quality of services. The only law enforcement agency in Nebraska to be accredited by both the Commission on Accreditation for Law Enforcement Agencies (CALEA) and the Police Chief's Association of Nebraska (PCAN) – the La Vista Police Department has embraced the community policing philosophy and partnered with residents to offer programs such as DARE (Drug Abuse Resistance Education), GREAT (Gang Resistance Education and Training) and Safety City (a safety program designed for pre-school children). La Vista was the first

community in Nebraska to implement the Crime-Free Multi-Housing program which strives to keep apartment complexes crime-free and drug-free through a series of tenant and landlord education programs.

Educational Opportunities

La Vista is part of the Papillion-La Vista Public School System. In January 1996, Money Magazine did a story entitled *Where Your Housing Dollars Buy Super Public Schools*. Listed in the top 100 communities in the United States where families can afford to live was the Papillion-La Vista School District. Median home value, enrollment, SAT/ACT scores, and the percentage of students going on to college or technical schools were evaluated. La Vista's Public Library is also an integral part of the City's commitment to the education of all residents. The Public Library, constructed in 1997, is noted for its excellent pre-school storytime programs.

The Papillion-La Vista School District (Sarpy County School District 0027) has a current 2006-07 enrollment of 8,774 students. There are two high schools, two junior high schools and twelve elementary schools. On November 7, 2006, the voters of the School District approved a bond proposition for \$39,995,000 in bonds to provide for further construction of schools to serve the School District's growing population, of which \$19,450,000 have been issued to date.

Recreational Opportunities

An abundance of recreational activities are available in La Vista from softball to swimming. The City is proud of its many parks and recreational facilities. Topping the list is the Community Center. Open daily, the Center offers a gym, weight room, game room, racquetball, senior shuttle bus and programs and a variety of community meetings, craft classes and educational programs for children. La Vista is home to a number of sports clubs which provide organized recreational programs for youth. The sport complex has 5 baseball/softball fields and twelve soccer fields. The La Vista Municipal Pool is open in the summer for recreation as well as learn-to-swim classes. The City owns La Vista Falls, a nine-hole executive golf course, open to the public. The Corporation has also assisted the City with financing for this course.

Municipal Utilities and Services

Utility service in the City is provided by a mix of public and private facilities. The Metropolitan Utilities District provides water and sewer service. Electric service is provided by Omaha Public Power District. Natural gas is furnished by Aquila and supplied by Internorth. Telephone service to the area is provided by Qwest Telephone Company and by cellular providers.

The commitment of the Public Works Department staff strives to ensure that La Vista has high quality public infrastructure. Public Works crews are responsible for maintaining 147 lane-miles of city streets, 151 acres of city park land and approximately 58 miles of sewer lines. The Public Works Department also has a program in sewer maintenance and the recent acquisition of a special video camera allows the operator to view the sewer lines to pinpoint trouble spots for homeowners.

Medical and Health Facilities

The City is served by several doctors and dentists. Additionally, all medical facilities in the Omaha Metropolitan Statistical Area ("OMSA") are readily available to the residents along with the Midland Community Hospital in Papillion which is three miles south of the City.

Employees

In 2006, the City employed 99 full-time staff and 68 part-time staff. Except for the police department and public works department, the City's employees are not represented by a union, or other bargaining agent, nor is such representation anticipated. Relations with employees are considered excellent with little turnover.

Employee Pension Plans

Civilian Employee Pension Plan. The City provides pension benefits for its full-time civilian employees through a single employer defined contribution plan. Employees are required to participate from the date of employment. The plan requires that both the employee and the City contribute an amount equal to 6% of the employee's base salary per pay period. The City's contributions for each employee, including interest, are fully vested after 7 years of continuous service. Any forfeitures which arise as a result of a participant's cessation of participation are utilized by the City to reduce future contributions. The contribution to the civilian employee plan was \$267,606 for the year ended September 30, 2006, and consisted of \$133,170 from the City and \$134,436 from covered employees.

Deferred Compensation Plan. The City also offers deferred compensation plans created in accordance with Section 457 of the Internal Revenue Code. The plan permits employees to defer a portion of their salary until termination, retirement, death or unforeseeable emergency.

Firefighter Pension Plan. The City recently adopted a single employer firefighter pension plan. The plan is required by state statute to cover all paid firefighters of the City. The City hired a fire chief in 2007, who is the only paid firefighter of the City. The remainder of the fire department is comprised of volunteer firefighters. There is currently no plan to hire any additional paid firefighters. The firefighter plan is a defined contribution plan. Each year, the City and each participating firefighter must contribute to the plan. The City's contribution is 13% of salary and the firefighter's contribution is 6.5% of salary. Generally, participant benefits under the plan are equal to amounts contributed to the plan and allocated to participant accounts, as adjusted by investment earnings and losses. However, paid firefighters are entitled to a minimum benefit of 50% of pay in the event of death or disability in the line of duty. The City must contribute additional amounts as needed if the accumulated balance of a firefighter's account is not sufficient to provide the minimum benefit. The plan has a graded vesting schedule, with full vesting after completing seven years of service.

Police Pension Plan. The City's single employer police pension plan covers all uniformed employees of the La Vista Police Department. The plan was converted, effective January 1, 1984, from a defined benefit plan to a defined contribution plan. Benefit provisions, as established by ordinance, stipulate that participant benefits be equal to amounts contributed to the plan, plus investment earnings; however, the benefit for participants employed prior to January 1, 1984 and any uniformed officer disabled or killed in the line of duty shall not be less than 50% of the participant's regular pay, as defined. This benefit shall not be less than 40% of regular pay, as defined, in the event the participant elects early retirement. Employees become fully vested in their benefits after ten years of service.

City ordinance requires that both the employee and City contribute an amount equal to 6% of the employee's base salary per pay period. Additional contributions may be made by the City as required to fund the benefits payable under the plan, as described above. The contribution to the police plan was \$193,178 for the year ended September 30, 2006, and consisted of \$97,544 from the City and \$95,634 from covered employees.

Financial and Banking Institutions

There are four banks which provide banking services in the City.

Population

Sarpy County exhibited a dramatic 19.5% increase in population between 1990 and 2000 and continues as the fastest growing county in Nebraska. This strong growth in population is expected to continue. A 19.8% increase is projected from 2000 to 2010, and an 19.7% increase is expected between 2010 and 2020. The following table sets forth information concerning population growth in the City of La Vista, as well as Sarpy County, since 1970:

<u>Year</u>	<u>City Population</u>	<u>Increase</u>	<u>County Population</u>	<u>Increase</u>
2000	11,699	18.9%	122,595	19.5%
1990	9,840	2.6%	102,583	19.3%
1980	9,588	97.4%	86,015	29.9%
1970	4,858	N/A	66,200	N/A

Source: Greater Omaha Chamber of Commerce and US Census Bureau

Age distribution in the year 2000 was:

<u>Age Group</u>	<u>Sarpy County</u>	<u>OMSA</u>
0-17	40,606	195,279
18-24	17,666	70,591
25-44	32,029	223,082
45-64	24,171	151,731
Over 65	8,123	76,315
Median Age	31.5 Years	33.7 Years

Housing and Income

In Sarpy County, only 6.8% of the housing stock was built before 1950. In 2000 there were a total of 44,981 housing units, with a 66.8% owner occupancy rate; and the median home value in Sarpy County was \$112,110.

According to the most recent census information available (for 2000), the median household income in the OMSA was \$44,981 and in Sarpy County was \$53,804. Per capita income according to the Census (for 1999 as reported in the 2000 Census report) was \$24,417 in Sarpy County with only 4.2% of the population below poverty level.

Commerce, Industry and Employment

Shopping centers within the City offer area residents retail shopping convenience – usually within a short drive – including a supermarket, discount stores, retail shops, financial institutions, medical facilities, restaurants and service businesses. Business and light industrial parks are expanding westward into the City's designated area for expansion. This economic development has been fueled by the strategic location of Interstate 80, the major east/west corridor in Nebraska and Iowa, and a transportation system insuring easy access to Omaha, Offutt and Eppley Airfield. The City is working to revitalize shopping areas along its 84th Street commercial strip.

Several potential developments are currently in the planning or negotiation stages with developers and enterprises, which are anticipated to be located in newly annexed areas.

Employers

The twenty largest employers located in Sarpy County are indicated in the following table:

<u>Major Employers</u>	<u>Product/Service</u>	<u>Employees</u>
Offutt Air Force Base	Military	9,537
PayPal, Inc.	Service	2,000
Werner Enterprises	Trucking	1,720
Bellevue Public Schools	Education	1,300
Papillion-La Vista Schools	Education	1,287
Ameritrade Corp. Southroads Call Center	Financial	1,050
Northrop Grumman/Info Technology	Service	600
Bellevue University	Education	570
Alegent Health Midlands Hospital	Health Care	560
Sarpy County Government	Government	550
InfoUSA Compilation Center	Service	480
Walmart Super Center	Retail	460
HP Computers	Mfg./Service	400
ADT Corp	Service	335
Professional Veterinary Products	Distribution	325
Gretna Public Schools	Education	320
Coreslab Structures, Inc. (former Wilson Concrete)	Manufacturing	285
Streck Laboratories, Inc.	Manufacturing	280
CSG Systems	Service	262
Super Target Store	Retail	260

Source: Sarpy County Department of Labor Planning & Development

Unemployment

Unemployment statistics for Sarpy County and the State of Nebraska appears below:

<u>Year</u>	<u>Sarpy County</u>	<u>State</u>
2006	2.8%	3.2%
2005	3.3%	3.8%
2004	3.3%	3.9%
2003	3.2%	4.0%
2002	3.2%	3.7%
2001	2.6%	3.1%
2000	2.3%	2.7%

Source: Nebraska Department of Labor

Building Permits

The following table indicates the number of building permits and total valuation of the permits issued within the City over a five-year period, either for new construction or for major renovation.

Number of Permits Issued:

<u>Year</u>	<u>Commercial</u>	<u>Residential</u>	<u>Remodel</u>	<u>Total</u>
2006	17	153	152	322
2005	21	187	147	395
2004	14	204	143	361
2003	9	207	165	381
2002	11	182	166	359
2001	17	115	154	286

Valuation of Permits Issued:

<u>Year</u>	<u>Commercial</u>	<u>Residential</u>	<u>Remodel</u>	<u>Total</u>
2006	\$53,268,311	\$38,585,015	\$5,743,761	\$97,597,087
2005	14,270,804	46,032,562	4,113,934	64,477,300
2004	27,728,339	47,711,310	2,747,358	78,187,007
2003	4,871,850	48,883,195	1,787,383	55,542,428
2002	13,363,263	34,391,496	4,356,772	52,111,531
2001	23,560,741	32,342,766	3,418,364	59,321,872

Accounting, Budgeting and Auditing Procedures

The Mayor and City Council have directed the City Administrator to start building up the City's reserves (to the extent permitted under applicable statutes), as a part of the standard budgeting procedures. The City Administrator projects what revenues will be for the upcoming budget year and calculates what percentage of the revenues the City Departments will expend in order to maintain the reserve that the Mayor and Council have requested.

The Mayor and City Council review the proposed budget during budget workshops which are open to the public. A public hearing on the budget is then conducted at a City Council meeting to obtain comments from the citizens. Prior to September 20, the City Council adopts the ensuing fiscal year's budget through the passage of an ordinance adopting the budget.

The accounts of all governmental fund types are reported on the modified accrual basis of accounting. Revenues are recognized when susceptible to accrual. Property, sales and use taxes are considered "measurable and available" when in the hands of intermediary collecting governments. "Measurable" means collectible within the current period or soon enough thereafter to be used to pay liabilities of the current period. The City considers property taxes as available if they are collected within 60 days after year end. Property taxes collected after 60 days of year end are not considered material and are not accrued. The City considers sales and use taxes as available when in the hands of the State of Nebraska. These taxes are normally collected by the City within 30 days of year end. Expenditures are recorded when the related fund liability is incurred, except for principal and interest on general long-term debt which is recognized when due.

Proprietary and Fiduciary Fund Types are reported on the accrual basis of accounting, whereby revenues are recognized when earned and expenses when incurred.

The financial records of the City are audited annually by a firm of independent certified public accountants in accordance with generally accepted accounting standards. The annual audits for the last two fiscal years have been performed by Orizon CPAs LLC, Omaha, Nebraska. A copy of the annual audit for the fiscal year ended September 30, 2006, is included in this Official Statement as Appendix B. A survey of significant accounting policies of the City is contained in the Notes accompanying the financial statements in Appendix B.

PROPERTY TAX INFORMATION CONCERNING THE CITY

Property Valuations

Tax requests for all political subdivisions in Sarpy County are certified annually by the County Board of Equalization on or before October 31. Property taxes are due and become an enforceable lien on property on December 31. The first half of property taxes becomes delinquent on April 1 and the second half becomes delinquent on August 1 following the levy date.

The County Assessor is responsible for preparing the tax roll each year and for submitting the tax roll to the Board of Equalization. The County Board of Equalization has the authority to adjust and equalize the values of individual properties appearing on the tax rolls.

History of Property Valuations

The total valuation of all taxable property situated in the City, according to assessments of January 1 in each of the following years, has been as follows:

<u>Year</u>	<u>Tax Valuation</u>	<u>Percentage Change</u>
2006	\$651,690,883	17.69%
2005	553,757,119	8.18%
2004	511,881,414	6.00%
2003	482,934,886	6.09%
2002	455,212,777	7.45%
2001	423,659,368	9.70%
2000	386,190,032	14.96%
1999	335,928,777	21.09%
1998	277,417,910	1.83%
1997*	272,418,533	-1.40%
1996	276,294,714	N/A

* Motor vehicle property was removed from reported total taxable valuation starting in 1997.

Tax Collection Procedure

Property taxes are levied and collected for the City by the County. The City is required by law to prepare an annual budget, which includes an estimate of the amount of revenues to be received from all sources for the budget year, including the amount to be requested to be raised from property taxes. The budget must also include proposed expenditures and must state the amount required for the payment of principal and interest on the City's debt for the ensuing budget year.

The County Clerk receives the county tax book from the County Assessor, which sets forth the taxable valuations as assessed for real and personal property. The County Clerk enters the tax rates determined by the County Board based upon the certified requests by the local taxing bodies in the tax books and levies such rates against all taxable property in the City as shown in such books. The County Clerk forwards the tax books by

October 31 to the County Treasurer, who is charged with collecting the taxes as shown. The County Treasurer extends the taxes on the tax rolls and issues the tax statements in early December. Taxes are due by December 31 and become delinquent if not paid, one-half on April 1 and one-half on August 1 of each year. All lands and lots on which taxes are delinquent and unpaid are subject to sale at public auction after appropriate procedures are followed. The County Treasurer is required to make disbursements of collected taxes to the City each month.

Tax Collection Record

The following tables set forth tax collection information for the City:

<u>Year</u>	<u>Tax Levy</u>	<u>Property Tax Levied</u>	<u>Property Tax Collected</u>	<u>Total Percentage</u>
2006	\$0.493500	\$2,732,791	\$2,863,751	104.8%*
2005	0.493500	2,526,135	2,437,685	96.5%
2004	0.473500	2,383,284	2,283,425	95.8%
2003	0.450000	2,048,458	1,993,425	97.3%
2002	0.450000	1,906,467	1,837,010	96.4%
2001	0.450000	1,748,272	1,749,798	98.1%
2000	0.450000	1,511,679	1,448,032	95.8%

* Collections in part from annexed territory

Major Property Taxpayers

The following table sets forth the twenty largest taxpayers in Sarpy County for fiscal year 2006:

<u>Business Name</u>	<u>2006 Taxes</u>	<u>Nature of Business</u>
Werner Leasing, Inc./Werner Express	\$900,379.00	Lease/Trucking Company
Wells Exchange-Maass Rd/Samson Way	657,872.44	Business Services
Offutt AFB America	623,993.68	Base Housing
Shopko Properties/SPE Real Estate	587,647.68	Distribution
Toys NE QRS 15-74 Inc.	538,483.76	Real Estate Investment
Paypal, Inc.	537,239.40	Commercial Business
Harrison Hills Apartments	447,500.24	Apartments
Nebco Inc/Intermodal	393,689.94	Commercial Business
GPI at Bellevue Overlook	382,767.40	Apartments
Rock Creek Apartments GP	361,257.38	Apartments
Pointe Partnership	360,022.50	Apartments
Brentwood Crossing Associates III	357,674.02	Retail Business
Nebraska Machinery Co	328,662.36	Commercial Business
Twin Creek LP	319,792.94	Real Estate Investment
Walmart Real Estate/Stores	303,225.66	Retail Business
Tregarion Oaks Apartments LP	300,859.02	Apartments
Rogers Development Inc	296,106.14	Land Development
Claas Omaha LLC	295,124.42	Manufacturing
Haley Fontenelle Hills	283,652.10	Apartments
Great Western Bank	277,175.70	Banking

Source: Sarpy County Treasurer's Office.

Sales Tax Receipts

Net taxable sales (excluding motor vehicles) within the County increased from \$840,660,751 in calendar 2005 to \$885,489,436 in calendar 2006, representing a 5.3% growth rate over the prior year. The City currently imposes an overall sales tax of 1.5%. Of this amount .5% is an additional tax imposed under separate ordinance for paying costs of street and road improvements. The following table sets forth the City's sales tax receipts from the State attributable to collections for the fiscal years 2000 through 2006 (ending September 30 of the year shown):

<u>Fiscal Year</u>	<u>1% Sales Tax</u>	<u>Additional .5% Sales Tax</u>	<u>Total</u>
2006	\$1,675,495	837,742	\$2,513,243
2005	1,641,810	820,905	2,462,715
2004	1,576,359	788,179	2,364,538
2003	1,470,172	735,086	2,205,258
2002	1,535,419	767,709	2,303,128
2001	1,504,287	752,143	2,256,430
2000	1,409,836	680,479	2,090,315

Source: Nebraska Department of Revenue Research Department

In each of fiscal 2005 and fiscal 2006, the City has transferred \$192,000 to the Economic Development Fund and such fund has a current available balance of approximately \$480,000. The Wal-Mart store in the City closed in late 2006 and a new store was opened in the neighboring city of Papillion, Nebraska. The City estimates losses to sales tax revenues ranging from \$480,000 to \$600,000 per year. The City expects replacement of all the lost revenues through sales tax collections from a new Cabella's store and hotel which opened in late 2006 and mid 2007, respectively, as well as the anticipated opening of two more hotels and a conference center and the development of other commercial retail facilities located in the City. The City anticipates collection of an occupation tax of 5% on hotel occupancies. After completion of the construction of the hotel projects by the Hammons Interest, there will be approximately 598 hotel room units available for occupancy. The additional .5% sales tax is committed to paying the costs of street and road improvement costs. It terminates in 2010 but is expected to be renewed, subject to voter approval.

Keno Revenues

The following table shows the City's share of keno lottery revenues for the fiscal years ending September 30, 2000 through 2006:

<u>Year</u>	<u>Revenues</u>
2006	\$1,194,224
2005	1,032,254
2004	1,099,344
2003	1,032,333
2002	1,156,335
2001	1,098,946
2000	981,030

Source: City of La Vista

As the table indicates, keno revenues fluctuate from year to year. Recent increases have occurred despite the presence of three casino facilities located in Council Bluffs, Iowa. The City has utilized revenues from keno as a significant source for payment of its lease-purchase obligations. The City's contract with its current keno operator ends in September of 2008. The City is not certain concerning the terms available under a future contract and estimates that revenues available to the City could fall to a level of approximately \$750,000 per year based upon terms of operation contracts of other municipalities.

CITY DEBT STRUCTURE

Financial Overview

The following table summarizes certain financial information concerning the City. This information should be reviewed in conjunction with the information contained in this section and, in particular, with the subsection entitled "Financial Information Concerning the City" and the financial statement information of the City in Appendix B hereto.

2006 Taxable Valuation *	\$651,690,883
Outstanding General Obligation and Lease-Backed Bonds (including this issue) **	\$56,330,000
Population (2004 Census Estimate)	15,692
Per Capita Net General Obligation Debt	\$3,590
Ratio of Net General Obligation Debt to Taxable Valuation	8.64%
Net Direct and Overlapping and Underlying G.O. Debt ***	\$69,479,840
Ratio of Net Direct and Overlapping and Underlying G.O. Debt to Taxable Valuation	10.66%

* Shows 2006 real and personal property valuations including valuation attributable to recent annexations.

** For further details see "Summary of City's Bonded Indebtedness" on page A-11.

*** For further details see "Estimated Overlapping and Underlying Indebtedness" on page A-12.

There are two other sanitary and improvement districts which may be considered for annexation in the near future. Both districts are primarily residential with some commercial property. The aggregate estimated debt for both districts is \$6,750,000 and the aggregate taxable valuation is \$164,025,853. The City's decision concerning whether and when to annex these districts will depend upon information provided in connection with statutory procedures which require, among other things, formulation of a plan and conduct of a public hearing.

Summary of City's Bonded Indebtedness*

The following table sets forth as of the date of this Official Statement all of the outstanding bond and lease-purchase indebtedness of the City, prior to issuance of the Building Bonds.

<u>Category of Indebtedness</u>	<u>Date of Indebtedness</u>	<u>Amount Outstanding</u>
Golf Course Lease-Purchase	1993	\$840,000
G.O. Various Purpose	2001	1,920,000
Police Facility Lease-Purchase	2002	3,500,000
Street Improvement Bonds	2002	1,610,000
Library Bonds (2003 Bonds)	2003	1,335,000
G.O. Various Purpose Bonds	2003	3,300,000
Refunding V. P. Bonds	2003	2,905,000
Refunding Various Purpose Bonds	2004	1,855,000
Fire Station Bonds (2005)	2005	5,900,000
Refunding Bonds (2005)	2005	4,000,000
Off-Street Parking (2006)	2006	7,940,000
Economic Development Fund Bonds (2007 – this issue)	2007	<u>21,225,000</u>
Total:		<u>\$56,330,000</u>

* Does not include outstanding warrant indebtedness of the City (see "Future Bonded Indebtedness" below).

Lease Obligations

The City has various lease purchase agreements in effect with the Corporation for the acquisition of facilities including the City's golf course, library and police station. The library lease and the police station leases are non cancellable (for non-appropriation) by their respective terms. Although the golf course lease agreement contains cancellation clause (for non-appropriation), the City does not foresee exercising its option to cancel. The leases are accounted for as non cancellable capital leases and have been included in general obligation debt shown immediately above.

The existing lease agreements provide for interest at various tax-exempt rates. The annual (as to fiscal years) lease payments range from a maximum of \$979,132.50 to a minimum of \$311,625.00. Each of these obligations are shown in the listing set forth above.

Defaults on City Indebtedness

The City has never defaulted on the payment of any of its debt obligations.

Future Bonded Indebtedness

The City expects to issue approximately \$300,000 of warrants in late 2007 to pay costs relating to existing contractual obligations of District 218 and District 253 and expects to issue further refunding bonds as it determines appropriate to refinance the outstanding warrant debt attributable to such districts (currently approximately \$5,000,000).

The City expects to incur additional general obligation debt or limited tax debt in connection with future street and other local improvements. Equipment for the 2005 fire station project is expected to be financed by the City's public safety department tax anticipation bonds, payable from a special tax levy in an amount not to exceed 5¢ on each \$100 of taxable valuation. Such debt is expected in the approximate amount of \$1,500,000.

Estimated Overlapping and Underlying Indebtedness

The following table sets forth overlapping indebtedness of political subdivisions with boundaries overlapping the City and the percent attributable (on the basis of taxable valuations established in 2005 and applicable for taxes due December 31, 2005, excluding state assessed railroad and utility property) to the City. Political subdivisions may have ongoing programs requiring the issuance of substantial additional bonds, the amounts of which cannot be determined at this time.

<u>Political Subdivision</u>	<u>Total Taxable Valuation</u>	<u>Total Debt</u>	<u>Percent Applicable to City</u>	<u>Amount Applicable to City</u>
Sarpy County	\$9,053,018,751	\$4,985,000	6.12%	\$305,082
School District 0027	3,149,728,290	74,800,000	17.58%	13,149,840

Not included in the information provided above is information with respect to Educational Service Unit No. 3 and Metropolitan Community College each of which have indebtedness outstanding in relatively small amounts against very large tax bases.

The Program

The City's economic development program was approved by the voters of the City at an election held on September 30, 2003. The application of the Hammons Interests represents the only application which has been reviewed and approved to date. The Program by its terms expires in 2029. The Program provides for the making of grants and loans to qualified businesses, including tourism related activities. The Mayor and Council, after review assisted by City staff and outside consultants, determined to approve the application of the Hammons Interests, which calls for the erection of two hotels and a conference center at the intersection of Interstate 80 and Giles Road. The site for these two hotels is near the site of Cabela's new retail facility. The City expects to receive several tax related advantages from this development, including increased sales and property taxes. In addition, the City expects to have receipts from an occupation tax upon the providing of hotel accommodations. An additional hotel not constructed by the Hammons Interests is also located near the same interchange, opening in 2007.

The Master Development Agreement between the City and the Hammons Interests (the "Master Agreement") calls for the construction of 2 hotels with approximately 475 rooms and a conference center. The City is to make an outright grant in the amount of \$3,000,000 for land acquisition costs. The City is to make the Loan to the Hammons Interests in the amount of \$18,000,000 for paying the costs of the conference center. The principal of the Loan is required to be repaid in a single balloon principal payment due on July 31, 2014. Interest on the loan is to be paid quarterly on amounts disbursed and outstanding. Interest on the loan is to be at a rate comparable to the rate on the Series 2007 Bonds. In each budget/fiscal year, the City will retain discretion with respect to the application of receipts attributable to the Loan in its Economic Development Fund. The Loan is expected to be secured by a deed of trust in favor of the City encumbering the conference center only. Neither the Loan nor any documents evidencing or securing the Loan will be pledged for the security of the Series 2007 Bonds. The City expects to obtain certain limited use rights with respect to the conference center under the terms of the Master Agreement. **The Hammons Interests are all privately held and have undertaken to provide only limited publicly available financial information.**

SELECTED FINANCIAL AND OPERATING INFORMATION

Total Taxable Valuation (2006)	\$651,690,883
Total General Obligation Debt Outstanding*	35,105,000
Total Lease-Purchase Obligation Principal	11,575,000
Population (2004 Census Estimate)	15,692
Total Budgeted Revenue 2005-06*	\$11,685,869
Total Revenue Received 2005-06*	\$12,095,797
Total Building Permits (2005)	322
Total Sales Tax Collection (FY 2005-06)**	\$2,321,243
Total Keno Revenues for FY 2005-06	\$1,194,224

* Includes golf course lease related debt.

** Includes general fund, debt service fund and capital projects fund.

The foregoing table shows information to be reported as a part of the City's continuing disclosure obligation with respect to the Series 2007 Bonds. It is as of September 30, 2006 and does not reflect indebtedness incurred after September 30, 2006 and does not include the Series 2007 Bonds.

APPENDIX B
FINANCIAL STATEMENTS FOR CITY OF LA VISTA
FOR FISCAL YEAR ENDED
SEPTEMBER 30, 2005

APPENDIX C
CONTINUING DISCLOSURE UNDERTAKING

APPENDIX C

CONTINUING DISCLOSURE UNDERTAKING

The Resolution includes the following provision relating to continuing disclosure under Rule 15c2-12:

In accordance with the requirements of Rule 15c2-12 (as now existing or subsequently amended, the “Rule”) promulgated by the Securities and Exchange Commission (the “Commission”), the City hereby agrees that it will provide the following continuing disclosure information:

- (a) to each nationally recognized municipal securities information repository (a “NRMSIR”) and to the initial purchaser of the Series 2007 Bonds, the City shall provide annual financial and operating information generally consistent with the information set forth under the heading “SELECTED FINANCIAL AND OPERATING INFORMATION” in Appendix A to the Official Statement for the Series 2007 Bonds and its audited financial statements; such information is expected to be available not later than seven months after the end of each fiscal year for the City; audited financial information shall be provided for the regular City funds, proprietary funds and pension trust funds in conformity with generally accepted accounting principles;
- (b) in a timely manner to each NRMSIR (as and to the extent required by the Rule) or to the Municipal Securities Rule Making Board (“MSRB”) (as and to the extent required by the Rule), notice of the occurrence of any of the following events with respect to the Series 2007 Bonds, if in the judgment of the City, such event is material:
 - (1) principal and interest payment delinquencies with respect to the Series 2007 Bonds,
 - (2) non-payment related defaults with respect to the Series 2007 Bonds,
 - (3) unscheduled draws on debt service reserves reflecting financial difficulties (there are no debt service reserves established for the Series 2007 Bonds),
 - (4) unscheduled draws on credit enhancements reflecting financial difficulties (not applicable to the Series 2007 Bonds),
 - (5) substitution of credit or liquidity providers, or their failure to perform (not applicable to the Series 2007 Bonds),
 - (6) adverse tax opinions or events affecting the tax-exempt status of the Series 2007 Bonds,
 - (7) modifications to rights of the registered owners of the Series 2007 Bonds,
 - (8) bond calls with respect to the Series 2007 Bonds,
 - (9) defeasances with respect to the Series 2007 Bonds,

(10) release, substitution, or sale of property securing repayment of the Series 2007 Bonds, and

(11) rating changes, if any.

The City has not undertaken to provide notice of the occurrence of any other material event, except the events listed above.

(c) in a timely manner to each NRMSIR (as and to the extent required by the Rule) or to the MSRB (as and to the extent required by the Rule) notice of any failure on the part of the City to provide required annual financial information not later than seven months from the close of the City's fiscal year.

The City reserves the right to modify from time to time the specific types of information provided or the format of the presentation of such information, to the extent necessary or appropriate in the judgment of the City, consistent with the Rule. The City hereby agrees that such covenants may be enforced by any registered owner or Beneficial Owner of the Series 2007 Bonds, provided that any such right to enforcement shall be limited to specific enforcement of the continuing disclosure provisions of the Resolution and any failure shall not constitute an event of default under the Resolution or the Series 2007 Bonds. The continuing disclosure obligations of the City shall cease when none of the Series 2007 Bonds remain outstanding.

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ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL, LA VISTA, NEBRASKA, TO FUND AND APPROVE DOCUMENTS FOR GRANT AND LOAN TO JOHN Q. HAMMONS UNDER THE CITY OF LA VISTA ECONOMIC DEVELOPMENT PROGRAM; TO MAKE CERTAIN FINDINGS, TO PROVIDE FOR SERVICING, ADMINISTRATION AND REPORTING OF SAID LOAN; TO SPECIFY CERTAIN CONDITIONS AND AUTHORIZE FURTHER ACTIONS; AND TO PROVIDE FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

SECTION 1. Findings. The Mayor and City Council find, determine and approve the following:

1. The Legislature enacted the Local Option Municipal Economic Development Act ("Act"), Neb. Rev. Stat. Sections 18-2701 to 18-2738, in 1991, allowing municipalities including cities of the first class in Nebraska to establish economic development programs and use local sources of revenue for financial assistance to qualifying businesses upon voter approval.
2. Section 18-2738 of the Act provides that the powers conferred by the Act shall be in addition and supplemental to the powers conferred by any other law and shall be independent of and in addition to any other provisions of the law of Nebraska.
3. Section 18-2738 of the Act further provides that the Act and all grants of power, authority, rights, or discretion to the City under the Act shall be liberally construed, and all incidental powers necessary to carry the Act into effect are expressly granted to and conferred upon the City.
4. In 2003, the Mayor and City Council proposed establishing an economic development program and use of local sources of revenue for financial assistance to qualifying businesses. The voters of La Vista approved the proposed economic development program by a majority affirmative vote of registered voters voting at a special election held September 30, 2003.
5. In accordance with said voter approval, the Mayor and City Council subsequently established the economic development program as codified in La Vista Municipal Code Sections 117.01 et seq. ("La Vista Economic Development Program").
6. Section 117.14 of the La Vista Economic Development Program provides broad authority for the City to provide financial assistance to qualifying businesses, including direct loans and grants to qualifying businesses. "Qualifying businesses" includes limited liability companies and sole proprietorships that derive their principal source of income from tourism-related activities.
7. The Mayor and City Council in Ordinance No. 1022 established a Loan Fund under the La Vista Economic Development Program for such loans as the Mayor and City Council may from time to time approve. The Loan Fund is governed by Loan Fund Terms and Conditions approved by the Mayor and City Council.
8. National hotel developer, owner and operator, John Q. Hammons, submitted an application and request for funding under the La Vista Economic Development Program for a hotel and conference center development project in the Southport West area of the City, dated November 22, 2006 ("John Q. Hammons Application"). The project consisted of a full service Embassy Suites Hotel having 257 guest suites, Marriott Courtyard Hotel having 221 guest rooms, and adjacent conference center having no less than 40,000 square feet of net rentable ballroom and meeting space. The John Q. Hammons Application asked the City for financial assistance for the development in the form of a \$3 million grant for land acquisition costs primarily associated with the conference center and parking ("Grant") and loan up to the lesser of \$18 million or 80% of the costs of construction of the conference center and parking, excluding land costs ("Loan"). Total costs of constructing the conference center and parking, including land costs, were estimated to be \$24 million. Total estimated cost of the hotel and conference center project was \$110 million.

9. Upon review and favorable recommendations of the Program Administrator and Application Review Committee of the La Vista Economic Development Program and consultants of the City, and finding that all applicable requirements of the La Vista Economic Development Program and Loan Fund had been satisfied, the City Council in Ordinance No. 1023 approved the John Q. Hammons Application, Grant, Loan and related matters, subject to certain conditions, including availability of bond proceeds to fund the Grant and Loan and execution of a Master Development Agreement for the project and certain loan, security and other documents, instruments and agreements. The Master Development Agreement was executed and an original dated May 1, 2007 is on file with the City Clerk.
10. The Master Development Agreement allows John Q. Hammons to elect to carry out any of his obligations thereunder, with the exception of required guaranties, through any of several limited liability companies included as parties to the Master Development Agreement ("Companies"), so long as the performance of the Companies is guaranteed by John Q. Hammons, in his individual capacity and in his capacity as Trustee of the Revocable Trust of John Q. Hammons, dated December 28, 1989, as amended and restated, and by John Q. Hammons' wife, Juanita K. Hammons. All of the Companies are wholly owned and managed by John Q. Hammons either individually or in his capacity as Trustee of the Revocable Trust of John Q. Hammons, dated December 28, 1989, as amended and restated.
11. John Q. Hammons has elected to carry out obligations under the Master Development Agreement using three of the Companies. Specifically, JQH-La Vista III Development, LLC, JQH-La Vista CY Development, LLC and JQH-La Vista Conference Center Development, LLC will build, own and operate the Embassy Suites Hotel, Marriott Courtyard Hotel and Conference Center, respectively.
12. The Mayor and City Council have approved bonds for purposes of funding the Loan and Grant ("La Vista Economic Development Program Bond Issue"). Closing on the bond issue is scheduled for July 30, 2007. Closing of the Loan and Grant is scheduled for August 1, 2007, subject to satisfaction of all conditions set forth in the Master Development Agreement, below or elsewhere ("Closing").
13. The following documents for the Loan and Grant are presented at this meeting and incorporated into this Ordinance by this reference:

Construction Loan Agreement; Deed of Trust, Assignment of Rents and Security Agreement; Completion Guaranty (Juanita K. Hammons); Completion Guaranty (John Q. Hammons, Settlor and Trustee of the Revocable Trust of John Q. Hammons, dated December 28, 1989, as amended and restated); Completion Guaranty (John Q. Hammons); Unconditional Guaranty of Payment and Performance (Juanita K. Hammons); Unconditional Guaranty of Payment and Performance (John Q. Hammons, Settlor and Trustee of the Revocable Trust of John Q. Hammons, dated December 28, 1989, as amended and restated); Unconditional Guaranty of Payment and Performance (John Q. Hammons); Request for Notice; Notice of Commencement by the Contracting Owner; Borrower's Certificate, Acceptance and Estoppel Affidavit; Assignment of Leases and Rents; Security Agreement; Promissory Note (Construction); Notice Pursuant to Neb. Rev. Stat. § 45-1,113; Common Wall Agreement; and Grant Receipt ("Loan and Grant Documents").
14. The City desires to approve said Loan and Grant Documents, authorize the Mayor and City Clerk to execute and deliver said documents at Closing, provide for servicing, administration and reporting of the Loan, and authorize further action, subject to the conditions set forth below.

SECTION 2. Approval. Subject to all conditions specified in this Section and in Section 3 below, the Mayor and City Council hereby approve the following:

1. The Loan and Grant Documents and all terms thereof, including Loan disbursements, interest rate, interest and principal payment schedule, and all other matters and transactions described or provided therein are hereby approved in their entirety, subject to any modifications as the Program Administrator of the La Vista Economic Development Program ("Program Administrator") determines necessary or appropriate in consultation with the City Attorney. The Mayor and City Clerk are authorized to execute and deliver the Loan and Grant Documents at Closing upon performance of all applicable conditions of Closing to their satisfaction.

2. The Loan and Grant shall be funded with proceeds of the La Vista Economic Development Program Bond Issue and such other amounts as may be deposited under the La Vista Economic Development Program from time to time in accordance with applicable law.
3. All amounts at any time received by the City by reason of the La Vista Economic Development Program, including funds related to the Grant and Loan, shall be deposited in a separate economic development fund pursuant to Neb. Rev. Stat. Section 18-2718 ("Economic Development Fund") and held and administered in accordance with the La Vista Economic Development Program, the Act and any other applicable law. The Finance Director (who also is the City Treasurer) shall invest any money in the Economic Development Fund in accordance with Neb. Rev. Stat. Section 77-2341.
4. The Finance Director shall have primary responsibility for servicing the Loan. She shall establish an account under the Economic Development Fund for the Loan at the Bank of Nebraska that is separate from any other loan under the Loan Fund. Bond proceeds and other amounts for funding the Loan, and interest and principal payments on the Loan, shall be received, held and disbursed in, by and from the account.
5. Disbursements of the Loan shall be made upon presentation and approval of properly completed and filed progress payment requests and other documentation in accordance with the Loan Documents. Progress payments shall be subject to approval of the Mayor and City Council upon review and verification of amounts requested and completion of the work to the satisfaction of the Finance Director, City Engineer and/or such other parties designated by the Program Administrator.
6. The Finance Director or her designee shall provide the Mayor and City Council on a monthly basis with an account of the status of the Loan, receipts of principal and interest and investment income, and current investments of unexpended funds.
7. Records kept on the Loan and reports made to the Mayor and City Council shall include the following information:
 - (i) The name of the borrower,
 - (ii) The purpose of the loan,
 - (iii) The date the loan was made,
 - (iv) The amount of the loan,
 - (v) The basic terms of the loan, including interest rate, maturity date and frequency of payments, and
 - (vi) The payments made to date and the current balance due.
8. Loan servicing functions may be delegated by contract to any appropriate business or financial institution upon approval of the Mayor and City Council.
9. The Finance Director shall monitor the status of the Loan and, subject to any necessary approval of the Mayor and Council, take appropriate action in accordance with the Loan Documents, Master Development Agreement, Loan Fund Terms and Conditions and La Vista Economic Development Program and other applicable law in the event of a delinquency or default on the Loan.

SECTION 3. Conditions. Actions, approvals and performance of the City under this Ordinance shall be subject to continuing satisfaction of the following conditions, in addition to any other conditions set forth elsewhere in this Ordinance, the Loan and Grant Documents, Master Development Agreement, Loan Fund or any other agreement, instrument, law, rule, requirement or regulation:

1. Updated loan commitment or other documentation issued within 30 days of Closing for the portion of the hotel and conference center project John Q. Hammons shall finance through a third party lender, satisfactory to the Program Administrator;
2. Approval, closing, issuance and availability of proceeds (without legal contest) of City bond financing to provide the Loan and Grant.
3. Performance of any unresolved conditions of Ordinance No. 1023 and all conditions and requirements of the Grant, Loan and Master Development Agreement, Loan Fund, La Vista Economic Development Program and other applicable laws, rules, regulations, agreements and instruments to the satisfaction of the Program Administrator.

4. The amount to be expended by the City each year under the La Vista Economic Development Program shall be fixed at the time of making the annual budget required by law and shall be included in the City's budget.
5. Annual appropriations required for the Grant and Loan and compliance, performance and satisfaction of all applicable requirements, agreements, conditions, laws, rules and regulations, as enacted, executed, applicable or amended from time to time, including but not limited to, the Master Development Agreement, Loan Fund, La Vista Economic Development Program, the Act and applicable levy, budget and appropriation requirements.
6. Such further information, assurances, certifications, requirements, guarantees, security, documents or instruments as the Program Administrator from time to time determines necessary or appropriate;

SECTION 4. Authorization of Further Actions. The Mayor, City Clerk and City Treasurer are hereby authorized to take such further actions, including, but not limited to, preparation, execution and delivery of further documents and instruments, as determined in consultation with the City Attorney to be necessary or appropriate to carry out the actions approved in this Ordinance, to proceed with Closing and/or to provide, document, service or administer the Grant or Loan.

SECTION 5. 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 6. Effective Date. This ordinance shall be in full force and effect from and after passage, approval and publication as provided by law.

PASSED AND APPROVED THIS ____ DAY OF _____ 2007.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
JUNE 19, 2007 AGENDA

Subject:	Type:	Submitted By:
STRATEGIC PLAN UPDATE	◆ RESOLUTION ORDINANCE RECEIVE/FILE	BRENDA S. GUNN CITY ADMINISTRATOR

SYNOPSIS

On March 20, 2007 the City Council adopted the strategic plan that was developed during the annual strategic planning work session held by the Mayor and City Council on February 24, 2007. This is the first quarterly progress report.

FISCAL IMPACT

N/A.

RECOMMENDATION

Approval.

BACKGROUND

On Saturday, February 24, 2007 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 2007-2009 which Council approved via Resolution No. 07-033 on March 20, 2007.

It is intended that the Mayor and Council will be briefed quarterly on the status of the strategic planning initiatives. This first report outlines action steps, timetables and responsible parties.



City of La Vista, Nebraska Strategic Plan for 2007-2009

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

1. Pursue revitalization of the 84th Street corridor

Key objectives:

- a. Understand that revitalization of the 84th Street corridor is twofold which includes dealing with the loss of businesses and vacant storefronts as well as potential redevelopment of the corridor
- b. Seek professional services to bring new ideas to the table and assist with plan development
- c. Appoint a committee to work on the development of an 84th Street Corridor Revitalization plan (*with consultant*)
 - i. Provide avenues to involve current business owners and other stakeholders in decisions about a redevelopment plan
- d. Adopt and enforce design standards to assure attractive redevelopment that promotes a unique community identity

Responsible Parties: Administration & Community Development

Action Steps:

- ♦ ICSC Attendance & Exhibition — May 2007
 - Cultivate resources and contacts identified from recent attendance.
- ♦ Budget for increased ICSC Participation & Exposure
 - ICSC Deal Makers — October 2007
 - ICSC Alliance — January 2008 (anticipated)
 - ICSC Annual Conference — May 2008
- ♦ Begin 84th Street Visioning Process for Public Spaces — Anticipate utilizing American Planning Association (APA) resources.
- ♦ Items C & D are not currently anticipated in the upcoming fiscal year.

Timeline: Immediate & Ongoing

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

Key objectives:

a. Prepare 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:

- ♦ Community Development and Finance prepare draft
- ♦ Draft to Council at 2008 Strategic Planning Workshop
- ♦ Plan approval by Fall of 2008

Timeline: Plan completion at time of FY 08/09 Budget adoption

b. Plan for infrastructure improvements in the city's capital improvement budget

Responsible Parties: Administration, Finance & Public Works

Action Steps:

- ♦ Adoption of CIP 2008-2013, September 2007
- ♦ Develop Capital budget for projects approved for FY 2008
- ♦ Implement quarterly project progress reports
- ♦ Draft of 2009-2014 plan to Council at 2008 Strategic Planning Workshop

Timeline: Fall of 2007 & Ongoing

c. Communicate the annexation plan and property tax implications to key stakeholders

Responsible Parties: Administration

Action Steps:

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

Timeline: TBD based on plan.

3. Preservation of older residential neighborhoods

Key objectives:

a. Schedule needed improvements in public facilities through the city's capital improvement plan

Responsible Parties: Public Works

Action Steps:

- ♦ Submit public facility improvements as part of the CIP process.

Timeline: Ongoing

b. Strengthen and enforce 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.

Timeline: Ongoing

c. Implement a rental inspection program

Responsible Parties: Community Development

Action Steps:

- ♦ Review resource requirements for program.
- ♦ Develop proposal for rental housing program.

Timeline: Propose program as part of the FY 2008/09 Budget

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 50th anniversary.

Responsible Parties: Administration

Action Steps:

- ♦ Retain the services of an author to write the La Vista Story.
- ♦ Engage the La Vista Community Foundation in the planning of 50th Anniversary celebration events
- ♦ In conjunction with the LVCF, identify a 50th Anniversary Celebration committee.

Timeline:

- ♦ Currently in the process of identifying an author, timeline to be identified.
- ♦ Committee established by Summer of 2008

b. Market community identity through strategic partnerships with the Chamber of Commerce and the Community Foundation

Responsible Parties: Administration

Action Steps:

- ♦ Propose funding for marketing materials
- ♦ Develop Website Video
- ♦ Identify opportunities for cooperative efforts with Chamber and Foundation (i.e. Citizen Survey)

Timeline: Immediate & Ongoing.

d. Conduct a random-sample written survey of citizens to determine attachment to community and ideas for improving the community and municipal services.

Responsible Parties: Administration

Action Steps:

- ♦ Funding request as part of the FY 07/08 budget
- ♦ If approved, engage with the National Citizen Survey to conduct survey.

Timeline: TBD

e. Distribute quarterly citizen newsletter to residents of La Vista's SID's

Responsible Parties: Administration

Action Steps:

- ♦ Funding request as part of the FY 07/08 budget

Timeline: Winter 2008 if funding is approved.

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

Key objectives:

a. Complete swimming pool plan and determine implementation schedule

Responsible Parties: Administration & Finance

Action Steps:

- ♦ Continue working with Citizen Committee to present recommendation to the Mayor & Council
- ♦ Based on scope of recommended project, prepare financing proposal.
- ♦ Propose a timeline for potential bond issue.

Timeline: Fall 2008

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

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

Action Steps:

- ♦ Explore opportunities with the La Vista Community Foundation
- ♦ Request funding for plan development.

Timeline: Ongoing. Propose funding for plan as part of the FY 2008/09 Budget.

d. Create strategies for accomplishing other high priority quality of life amenities identified by residents through the citizen survey

- ♦ To Be Determined based on results of citizen survey.

6. Become more proactive on legislative issues

Key objectives:

a. Form a consortium with other local governments in the region so as to work cooperatively in pursuit of mutual interests

Responsible Parties: Mayor & Administration

Action Steps:

- ♦ Quarterly Mayors Meeting

Timeline: Immediate & ongoing.

b. Adopt a common legislative agenda for advancing state policies that promote the interests of communities in the consortium

i. Consider hiring a lobbyist

Responsible Parties: Administration

Action Steps:

- ♦ Current exploration of this initiative is underway
- ♦ Funding to be requested in the FY 07/08 budget

Timeline: Immediate & Ongoing.

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

Key objectives:

a. Achieve a successful leadership transition in the fire department

Responsible Parties: Fire & Administration

Action Steps:

- ♦ This has been successfully completed and the transition will continue to evolve.
- ♦ Continue to monitor progress and address related issues.

Timeline: Ongoing.

b. 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.

Timeline: Immediate & Ongoing.

c. Expand formal learning opportunities for employee development

Responsible Parties: All Departments.

Action Steps:

- ♦ Fund training requests as part of the annual budget.
- ♦ Identify opportunities in-house training

Timeline: Immediate & Ongoing.

d. Assure the recruitment and retention of city staff through competitive compensation which is guided by results of a wage and benefit survey

Responsible Parties: Human Resources

Action Steps:

- ♦ Funding request as part of the FY 07/08 budget
- ♦ If approved, engage with consultant to conduct survey.

Timeline: TBD

CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
JUNE 19, 2007 AGENDA

Subject:	Type:	Submitted By:
AWARD LEASE CONTRACT DIGITAL IMAGING/FAX SYSTEM	◆ RESOLUTION ORDINANCE RECEIVE/FILE	RICH UHL FIRE CHIEF

SYNOPSIS

A resolution has been prepared authorizing the 63 month lease of a digital imaging/fax system (copy machine) from JQ Office Equipment, Omaha, Nebraska in an amount not to exceed \$1,068.00 per year.

FISCAL IMPACT

The FY 2006/07 Fire Department budget contains savings to provide for the lease.

RECOMMENDATION

Approval

BACKGROUND

The administrative secretary to the fire chief has been reassigned to the District 1 fire station. To more efficiently accommodate this transition, a copier/fax/scanner is needed at her work station. The existing machinery will not be sufficient to provide for her needs, but will be adequate for use at the District 2 fire station. To remain in compliance with HIPAA regulations, it is essential that we maintain this equipment at the District 1 fire station.

JQ Office Equipment is currently the vendor leasing copy machines to the City of La Vista. The lease agreement will require a monthly payment of \$89.00 for 63 months.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF A 63 MONTH LEASE AGREEMENT WITH JQ OFFICE EQUIPMENT, OMAHA, NEBRASKA, FOR A DIGITAL IMAGING/FAX SYSTEM FOR THE LA VISTA FIRE DEPARTMENT IN AN AMOUNT NOT TO EXCEED \$1,068.00 PER YEAR.

WHEREAS, the City Council of the City of La Vista has determined that the acquisition of a digital imaging/fax system is necessary to replace a personal copy machine at the fire station, and

WHEREAS, expenditure savings in the FY06-07 Fire Department General Fund budget will provide for the leasing of said equipment, and

WHEREAS, JQ Office Equipment submitted the lowest, most responsible bid for this equipment, and

WHEREAS, Paragraph 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 63 month lease of a digital imaging/fax system for the La Vista fire department from JQ Office Equipment, Omaha, Nebraska in an amount not to exceed \$1068.00 per year.

PASSED AND APPROVED THIS 19TH DAY OF JUNE 2007.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE CONSUMPTION OF ALCOHOL AT THE LA VISTA CITY SWIMMING POOL AND SAND VOLLEYBALL COURT ON SATURDAY, JULY 14, 2007, BY CITY EMPLOYEES, VOLUNTEERS AND THEIR GUESTS IN CONJUNCTION WITH THE ANNUAL VOLUNTEER/EMPLOYEE PICNIC.

WHEREAS, the La Vista Employee Activity Committee has requested permission to consume alcohol at the La Vista City Swimming Pool and Sand Volleyball Court in conjunction with the annual volunteer/employee picnic to be held on July 14, 2007, and

WHEREAS, City Council approval must be obtained prior to allowing the consumption of alcoholic beverages on city property.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska, do hereby authorize the consumption of alcohol at the La Vista City Swimming Pool and Sand Volleyball Court on July 14, 2007, in conjunction with the annual volunteer/employee picnic.

PASSED AND APPROVED THIS 19TH DAY OF JUNE 2007.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk