



**CITY OF LA VISTA**

***CERTIFICATE OF APPRECIATION***

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

WHEREAS, **Richard Carstensen** has served the City of La Vista since July 1, 1997, and

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

NOW, THEREFORE BE IT RESOLVED, that this Certificate of Appreciation is hereby presented to **Richard Carstensen** on behalf of the City of La Vista for 10 years of service to the City.

DATED THIS THIRD DAY OF JULY 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







**CITY OF LA VISTA**

***CERTIFICATE OF APPRECIATION***

A CERTIFICATE OF APPRECIATION PRESENTED TO **RANDALL ERICKSON** FOR 10 YEARS OF FAITHFUL AND EFFICIENT SERVICE TO THE CITY OF LA VISTA.

WHEREAS, **Randall Erickson** has served the City of La Vista since July 3, 1997, and

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

DATED THIS THIRD DAY OF JULY, 2007.

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Douglas Kindig, Mayor

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Ron Sheehan  
Councilmember, Ward I

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Brenda Carlisle  
Councilmember, Ward I

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Robert McLaughlin  
Councilmember, Ward II

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Terrilyn Quick  
Councilmember, Ward II

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Mark Ellerbeck  
Councilmember, Ward III

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Alan Ronan  
Councilmember, Ward III

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Kelly Sell  
Councilmember, Ward IV

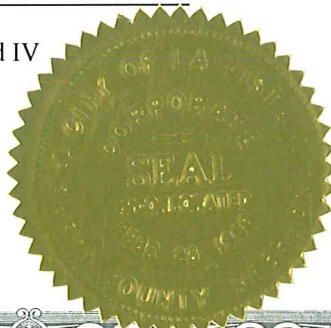
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Anthony Gowan  
Councilmember, Ward IV

ATTEST:

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Pamela A. Buethe, CMC  
City Clerk







**CITY OF LA VISTA**

***CERTIFICATE OF APPRECIATION***

A CERTIFICATE OF APPRECIATION PRESENTED TO **SCOTT WOOD** FOR 15 YEARS OF FAITHFUL AND EFFICIENT SERVICE TO THE CITY OF LA VISTA.

WHEREAS, **Scott Wood** has served the City of La Vista since June 22, 1992, and

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

DATED THIS THIRD DAY OF JULY 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





## CITIZEN BOARD AND COMMISSION EXPRESSION OF INTEREST FORM

Please indicate with an "X" all that meet your interest:

☐  
☐  
☒  
☐

Board of Adjustments  
Civil Service Commission  
Library Advisory Board  
Planning Commission

☐  
☐  
☐  
☐

Board of Health  
Parks and Recreation Advisory Board  
Personnel Board  
Citizen Advisory Review Committee  
(for Economic Development)

### Special instructions:

1. Please print in black ink or type, if possible. Please do not write on the back of this form, use another sheet of paper if necessary.
2. Please return to City Clerk's Office, 8116 Park View Blvd La Vista, NE 68128
3. Please Note- All information provided by you on this form is subject to Nebraska Open Public Record Statutes. As public information, it may be requested by news media representatives or discussed in public meetings.

Name KAREN K CATHILL

Home Address 8506 Birch Dr La Vista NE 68128

Telephone (Home) 339-4385 (Business) 968-7725 (Fax)

Number of years you have lived in La Vista 11

Occupation Homemaker Employer

Business Address

Education (highest school year, degree, etc.) BS FINANCE / ECONOMICS

Political Party Affiliation (Civil Service only)

Prior Appointed or Elected Offices Held (if any) NONE

Present/Past Community Volunteer Activities PTO, COACHING, EASTERN EGG

HUNT, Relay For Life, ADOPT A SOLDIER Program

Why would you like to serve? (Please note specific interests, experience and qualifications which would make you an effective commission member). My family & I HAVE

ALWAYS ENJOYED THE LIBRARY. WEVE PARTICIPATED IN STORYTIME &

OTHER ACTIVITIES OVER THE YEARS. I LOVE TO READ & WOULD LIKE TO HELP  
FOSTER A LOVE FOR BOOKS IN OTHERS.

Date 6/27/07 Signature K-K Cathill

This interest form will be kept on file for two (2) years.

FOR CITY USE ONLY

Appointed to

Date

Term



# MINUTE RECORD

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

## LA VISTA CITY COUNCIL MEETING June 19, 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 19, 2007. Present were Mayor Kindig and Councilmembers: Sell, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Absent: Ronan. 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 City Planner Baker.

A notice of the meeting was given in advance thereof by publication in the Times on June 7, 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.

### SERVICE AWARD – RAY CRANE, JR. – 10 YEARS

Ray Crane was unable to attend the meeting to receive his 10 year certificate and pin.

### PRESENTATION – THOMPSON CREEK 2006 CHANNEL STUDY UPDATE – JOHN KOTTMANN

City Administrator Gunn stated the presentation is to update the Mayor, Council, and Community on the Thompson Creek 2006 Channel Study. City Engineer Kottmann informed Council that 926 acres are being studied. The main emphasis of the presentation is from the retention structure down to 72nd Street. The 3000 foot long channel from Edgewood to 72nd Street is the main focus. Various agencies would have a say in any project undertaken. Kottmann presented four (4) possible schemes to take care of erosion issues. Scheme 1 is to maintain the structure and setback policy in order that structures will not be placed in areas in danger near the creek and not to allow replacement of existing structures. This scheme would not involve any significant construction projects and would not involve any acquisition of properties. Scheme 2, which is the least environmentally damaging is for no major construction and acquire 65 homes along Thompson Creek between 72nd Street and Edgewood Boulevard. Scheme 3 is a mix of acquisition and construction, acquiring 22 homes, 18 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, and relocating channels. Scheme 4 consists of intensive construction, involving the installation of an articulate concrete channel lining system from 72nd Street to the cart path bridge near Green No. 3 on the golf course, acquiring 8 homes for channel access, and acquiring temporary and permanent easements. Cost comparisons for the 4 Schemes are in the report and range from \$178,560 for Scheme 1 to \$10,408,776 for Scheme 2. Kottmann has spent some time looking for potential funding sources, but has not found any major sources to take care of this large project. There are many aspects to look at as the City moves forward. Councilmember Gowan asked if the improvements made at the golf course have helped. Kottmann responded that the improvements have helped, but the benefits become smaller as the distance increases from the improvements.

### CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. MINUTES OF THE JUNE 5, 2007 CITY COUNCIL MEETING
3. PAY REQUEST FROM DOSTALS CONSTRUCTION CO. FOR GROUP "C" CONSTRUCTION PARKING DISTRICT NO. 1 - \$27,338.55
4. PAY REQUEST FROM WATER'S EDGE AQUATIC DESIGN, LLC FOR POOL STUDY – CONCEPT PLAN - \$1,837.57
5. SOUTHPORT WEST IMPROVEMENTS
  - a. PAY REQUEST - VIERREGGER ELECTRIC CO. – TRAFFIC SIGNALS SECTION 1 - \$30,514.56
  - b. PAY REQUEST - VIERREGGER ELECTRIC CO. - TRAFFIC SIGNALS SECTION 2 - \$10,955.23



# MINUTE RECORD

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

June 19, 2007

## APPROVAL OF CLAIMS

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

3M LIBRARY SYSTEMS CONTRACTS, Service Agreement/Equip.	3,791.00
ABRAMS, IMELDA, Rental	115.00
ALEGENT HEALTH SYSTEMS, Squad Supplies	10.96
AMERICAN FENCE, Bldg & Grnds	203.06
AMERICAN LEGAL, Contract Services	550.00
AMSAN, Supplies	401.01
AQUA-CHEM, Supplies	177.00
AQUILA, Utilities	150.66
ARAMARK UNIFORM SERVICES, Contract Services	202.98
ASPHALT & CONCRETE MATERIALS, Street Maint.	287.77
ATLANTIC TACTICAL, Equipment	500.58
AUDIOVISUAL, Repairs	931.93
BAKER & TAYLOR BOOKS, Books	1,095.38
BATTERY ZONE, Supplies	168.50
BEACON BUILDING SERVICES, Mayors Luncheon	800.00
BENNINGTON IMPLEMENT, Vehicle Maint.	813.73
BETTER BUSINESS EQUIPMENT, Rentals	58.50
BOUND TREE MEDICAL, Squad Supplies	51.56
BRENTWOOD AUTO WASH, Vehicle Maint.	67.00
BRODART, Books	92.42
CARDMEMBER SERVICE-ELAN, Professional Services, Training, Travel	3,673.78
CARL JARL LOCKSMITHS, Bldg & Grnds	5.55
CENTRAL COMM COLLEGE, Training	900.00
CITY OF OMAHA, Harrison St., Contract Services	32,627.92
CJ'S HOME CENTER, Vehicle Maint., Bldg & Grnds	967.62
COMP CHOICE, Professional Services	499.50
CONTROL MASTERS, Bldg & Grnds/Equip.	1,472.66
COX, Contract Services	140.15
CPS HUMAN RESOURCE SERVICES, Testing	671.75
DEMCO, Supplies	503.31
DON'S PIONEER UNIFORMS, Wearing Apparel	41.95
EDGEWEAR SCREEN PRINTING, Wearing Apparel	104.00
ELECTRONIC ENGINEERING, Vehicle Maint.	129.41
EMS BILLING SERVICES, Rescue Revenue	1,300.81
ENTERPRISE LOCKSMITHS, Bldg & Grnds	114.00
ESRI , Contract Services	2,379.45
FEDEX KINKO'S, Professional Services	124.00
FELSBURG HOLT & ULLEVIG, Quiet Zone Study	876.83
FERRELLGAS, Street Maint./Bldg & Grnds	129.90
FILTER CARE, Vehicle Maint.	33.10
FIREGUARD, Vehicle Maint.	396.79
GREAT PLAINS ONE-CALL SVC, Contract Services.	489.78
H & H CHEVROLET, Vehicle Maint.	28.49
HAMILTON COLOR LAB, Pool Improvements	790.00
HEARTLAND TIRES AND TREADS, Vehicle Supplies	57.98
HOME DEPOT, Bldg & Grnds/Supplies	279.98
HY-VEE, Supplies	193.30
ICSC-INTL COUNCIL OF SHPG CTRS, Professional Services	500.00
J Q OFFICE EQUIPMENT, Rentals/Contract Services	216.41
KROGER, Supplies	25.63
LAUGHLIN, KATHLEEN, Payroll Withholding	372.00
LIFE ASSIST, Squad Supplies	499.99
LIFEGUARD STORE, Supplies	225.25
LINWELD, Supplies	96.55
LOGAN CONTRACTORS SUPPLY, Street Maint.	1,723.75
LOU'S SPORTING GOODS, Wearing Apparel/Equip	448.38
MAPA, Travel	35.00
MARTIN MARIETTA AGGREGATES, Bldg & Grnds	105.56
MEADOWBROOK, Bldg & Grnds	100.00
METAL SUPERMARKETS, Insurance	28.51
MID CON SYSTEMS, Vehicle Maint.	75.10



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June 19, 2007

MILLER PRESS, Printing	180.00
MUNICIPAL PIPE TOOL, Vehicle Maint.	37.15
NE LANDSCAPE SOLUTIONS, Supplies	2,715.70
NE LAW ENFORCEMENT, Training	620.00
NE LIBRARY COMMISSION, Books	275.00
NE MACHINERY COMPANY, Vehicle Maint.	17.18
NEBRASKA IOWA SUPPLY, Vehicle Supplies	18,252.80
OFFICE DEPOT, Supplies	62.50
OFFICE PROFESSIONAL, Dues	87.00
OMAHA COMPOUND, Supplies	311.08
OPPD, Utilities	30,264.04
OXMOOR HOUSE, Books	32.91
PAPILLION SANITATION, Contract Services	214.60
PARAMOUNT LINEN & UNIFORM, Uniform Cleaning	320.58
PEPSI COLA, Concessions	482.05
PERFORMANCE CHRYSLER JEEP, Vehicle Maint.	391.36
PIONEER PAINT & DECORATING, Street Maint.	66.00
PRINCIPAL LIFE-FLEX SPENDING, Employee Benefits	148.50
QUALITY BRANDS, Concessions	346.55
QUINN, JEFF, Summer Reading Program	150.00
QWEST, Telephone	162.57
RAINBOW GLASS & SUPPLY, Bldg & Grnds	29.81
REGAL AWARDS OF DISTINCTION, Supplies	31.24
ROCKHURST COLLEGE CONTINUING, Training	597.00
SAM'S CLUB, Concessions/Supplies	1,041.53
SAPP BROS PETROLEUM, Vehicle Supplies	278.90
SARPY COUNTY FIRE CHIEFS ASSN, Dues	100.00
SARPY COUNTY LANDFILL, Bldg & Grnds	99.55
SNITILY CARR, Professional Services	275.00
STAPLES, Supplies	234.48
STORMBERG HOMES, Refunds	1,415.58
SUN COUNTRY DISTRIBUTING, Bldg & Grnds	42.98
SUPERIOR SPA & POOL, Bldg & Grnds	61.54
SUSPENSION SHOP, Vehicle Maint.	1,065.58
TAB HOLDING, Southport	189,099.59
TED'S MOWER SALES & SERVICE, Equip. Maint.	1.96
THREE RING ENTERPRISES, Vehicle Maint.	1,186.88
TRAVELODGE, Travel	269.04
TURFWERKS, Bldg & Grnds/Vehicle Maint.	108.23
UPS, Postage	6.99
UTILITY EQUIPMENT, Bldg & Grnds	1.92
VEST ELECTRIC, 84th Street	97.50
WATKINS CONCRETE BLOCK, Bldg & Grnds	162.75

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

City Administrator Gunn informed the Mayor and Council that she would be on vacation from June 28th through July 6th. She stated that Assistant City Administrator Ramirez would be in charge.

Assistant City Administrator Ramirez informed Council that budgets are being prepared and updates need to be made to the Capital Improvement Program books. She asked all Council members to return their books to the City so they can be updated.

Police Chief Lausten informed Council that police had caught a group that has been vandalizing areas with graffiti.

Lausten informed Council the Citizen's Police Academy will be held on Wednesday evenings beginning the Wednesday after Labor Day.

Fire Chief Uhl informed Council that the Open House for District 2 will be held on June 30th, from 12:00 noon to 4:00 p.m.

Councilmember Sheehan asked Uhl if the family had been able to return to the home recently damaged by fire. Uhl responded that they had not yet been able to return.



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June 19, 2007

Public Works Director Soucie informed Council that the City's water feature was shut down for a short time for maintenance. Soucie stated the 84th Street project is moving forward, and he hopes milling will begin after the 4th of July as scheduled.

Soucie informed Council the City had received a notice to proceed on the Keystone Trail Project.

Councilmember Quick inquired about a section of concrete she had seen torn out. Soucie informed her that was panel replacement and is part of their routine annual maintenance of streets.

Recreation Director Stopak informed Council the new Senior Van was delivered last week.

## **B. APPLICATIONS FOR REPLAT, CONDITIONAL USE PERMIT (HOTEL), FINAL PUD PLAN & AMENDMENT TO PUD ORDINANCE – SOUTHPORT WEST REPLAT THREE**

### **1. PUBLIC HEARING**

At 7:54 p.m. Mayor Kindig stated the floor was now open for discussion on Applications For Replat, Conditional Use Permit (Hotel), Final PUD Plan & Amendment To PUD Ordinance – Southport West Replat Three.

There was no additional information presented by City staff.

At 7:55 p.m. Councilmember McLaughlin made a motion to close the public hearing. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: Ronan. Motion carried

### **2. ORDINANCE – AMEND SECTION 8.B.i.b. OF ORDINANCE NO. 1013**

Councilmember Carlisle introduced Ordinance No. 1038 entitled: 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.

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

Said ordinance was then read by title and thereafter Councilmember Carlisle moved for final passage of the ordinance which motion was seconded by Councilmember Gowan. The Mayor then stated the question was, "Shall Ordinance No.1038 be passed and adopted?" Upon roll call vote the following Councilmembers voted aye: Sell, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. The following voted nay: None. The following were absent: Ronan. The passage and adoption of said ordinance having been concurred on by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor, in the presence of the Council, signed and approved the ordinance and the City Clerk attested the passage/approval of the same and affixed her signature thereto.

### **3. RESOLUTION – APPROVAL OF REPLAT**

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 07-060: 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

# MINUTE RECORD

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

June 19, 2007

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.

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

## **4. RESOLUTION – AUTHORIZE EXECUTION OF CONDITIONAL USE PERMIT**

Councilmember McLaughlin introduced and moved for the adoption of Resolution No. 07-061: 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.

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



# MINUTE RECORD

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

June 19, 2007

**C. APPLICATION FOR REPLAT, FINAL PUD PLAN & AMENDMENT TO PUD ORDINANCE –  
LOTS 1-4, SOUTHPORT EAST REPLAT NINE (SOUTHPORT PKWY. & EASTPORT  
PKWY.)**

**1. PUBLIC HEARING (REQUEST TO CONTINUE)**

At 7:58 p.m. Mayor Kindig stated the floor was now open for discussion on an Application for Replat, Final PUD Plan & Amendment to PUD Ordinance – Lots 1-4, Southport East Replat Nine (Southport Pkwy. & Eastport Pkwy.)

Councilmember McLaughlin made a motion to continue the public hearing to the July 3rd City Council meeting. Seconded by Councilmember Gowan. Councilmember amended his motion to continue the public hearing to the July 17<sup>th</sup> City Council meeting. Councilmember Gowan seconded the amendment. Councilmembers voting aye: Sell, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: Ronan. Motion carried.

**D. RESOLUTION – CONDITIONAL USE PERMIT – HOME OCCUPATION (BEAUTY SALON)  
– 7105 PINE DRIVE**  
**1. PUBLIC HEARING**

At 7:59 p.m. Mayor Kindig stated the floor was now open for discussion on a Resolution – Conditional Use Permit – Home Occupation (Beauty Salon) – 7105 Pine Drive.

There was no additional information presented by City staff.

At 8:00 p.m. Councilmember McLaughlin made a motion to close the public hearing. Seconded by Councilmember Sell. Councilmembers voting aye: Sell, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: Ronan. Motion carried.

**2. RESOLUTION – AUTHORIZE EXECUTION OF CONDITIONAL USE PERMIT**

Councilmember Gowan introduced and moved for the adoption of Resolution No. 07-062: 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.

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

**E. RESOLUTION – THIRD AMENDMENT TO SUBDIVISION AGREEMENT – SOUTHPORT  
WEST REPLAT THREE**

Councilmember Quick introduced and moved for the adoption of Resolution No. 07-063: 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

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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.

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

## **F. ECONOMIC DEVELOPMENT PROGRAM – BOND ISSUANCE & GRANT AND LOAN FUNDING AND DOCUMENT APPROVAL**

### **1. RESOLUTION – AUTHORIZING THE ISSUANCE OF ECONOMIC DEVELOPMENT FUND BONDS (UP TO A MAXIMUM OF \$22 MILLION)**

Councilmember Ellerbeck introduced and moved for the adoption of Resolution No. 07-064: City Clerk Buethe announced that this is a revised resolution pursuant to bond councils request as follows: 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 NOT TO EXCEED TWENTY-TWO MILLION DOLLARS (\$22,000,000) 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



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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</u> <u>October 15 of Year</u>	<u>Amount of</u> <u>Principal Maturing</u>	<u>Interest Rate</u> <u>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

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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</u> <u>(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



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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

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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



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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</u> <u>(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.

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If the day for payment of the principal 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 HEREFOR IS REGISTERED IN THE NAME OF DTC AND ANY PAYMENT IS MADE TO DTC OR ITS NOMINEE, ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL BECAUSE ONLY THE REGISTERED OWNER HEREOF, DTC OR ITS NOMINEE, HAS AN INTEREST HEREIN.

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)

# MINUTE RECORD

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

June 19, 2007

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,



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(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

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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

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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



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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 for purposes of federal income taxation),
- (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.

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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. Pursuant to the provisions of Section 18-2736 of the Act, the Mayor and Council hereby declare the 2007 Bonds to be issued for an essential public and governmental purpose and determine, under the terms of such section, that the 2007 Bonds, together with interest thereon and income therefrom, are exempt from all Nebraska state taxes.

Section 18. 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 19. 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 20. This Resolution is hereby determined to be a measure necessary to carry out the contractual obligations of the City relating to the issuance of bonds as provided for in the Master Agreement and shall be in force and take effect from and after its adoption, as provided by law.

Councilmember Sheehan questioned the three (3) different bond issues. Paul Grieger, representing D.A. Davidson, responded that there is a better market if sold in three (3) sets.

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

## **2. ORDINANCE – APPROVE DOCUMENTS AND FUNDING FOR CITY GRANT (\$3 MILLION) AND LOAN (UP TO A MAXIMUM OF \$18 MILLION) FOR JOHN Q. HAMMONS HOTEL AND CONFERENCE CENTER DEVELOPMENT**

Councilmember McLaughlin introduced Ordinance No. 1039 entitled: 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.

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

Said ordinance was then read by title and thereafter Councilmember Sheehan moved for final passage of the ordinance which motion was seconded by Councilmember Carlisle. The Mayor then stated the question was, "Shall Ordinance No.1039 be passed and adopted?" Upon roll call vote the following Councilmembers voted aye: Sell, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. The following voted nay: None. The following were absent: Ronan. 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.

## **G. RESOLUTION – STRATEGIC PLAN UPDATE**

Agenda Item G is not a resolution, only an update on the Strategic Plan. City Administrator Gunn informed Council the reports will show the progress of the Strategic Plan, and will be generated quarterly.

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## **H. RESOLUTION – AWARD LEASE CONTRACT – DIGITAL IMAGING/FAX SYSTEM**

Councilmember McLaughlin introduced and moved for the adoption of Resolution No. 07-065: 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.

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

## **I. RESOLUTION – PERMISSION TO CONSUME ALCOHOL AT SWIMMING POOL ON JULY 14, 2007**

Councilmember Ellerbeck introduced and moved for the adoption of Resolution No. 07-066: 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.

Seconded by Councilmember Carlisle. Councilmembers voting aye: Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: Sell and Quick. Absent: Ronan. Motion carried.

Councilmember McLaughlin made a motion to move "Comments from the Floor" up on the agenda ahead of Item J., Executive Session. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: Ronan. Motion carried.

## **COMMENTS FROM THE FLOOR**

There were no comments from the floor.

## **J. EXECUTIVE SESSION - PERFORMANCE EVALUATION - CITY ADMINISTRATOR**

At 8:13 p.m. Councilmember Carlisle made a motion to go into executive session to prevent needless injury to the reputation of an individual to discuss the performance evaluation of the City Administrator. Seconded by Councilmember Quick. Councilmembers voting aye: Sell, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: Ronan. Motion



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carried. Mayor Kindig stated the executive session would be limited to the subject matter contained in the motion and repeated the motion made by Carlisle.

At 9:10 p.m. the Council came out of executive session. Councilmember Sheehan made a motion to reconvene in open and public session. Seconded by Councilmember Sell. Mayor Kindig stated the discussion in executive session was limited to the subject matter contained in the original motion. Councilmembers voting aye: Sell, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: Ronan. Motion carried.

## COMMENTS FROM MAYOR AND COUNCIL

Mayor Kindig thanked Councilmember Sell for representing the City at the ribbon cutting for Dino Storage at 7600 South 142nd Street on June 7, 2007.

Councilmember Quick commented on the well done presentation by Mayor Kindig at the Sarpy County State of the County meeting.

## ADJOURNMENT

At 9:11 p.m. Councilmember Sell made a motion to adjourn the meeting. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: Ronan. Motion carried. Motion carried.

PASSED AND APPROVED THIS 3RD DAY OF JULY 2007.

CITY OF LA VISTA

ATTEST:

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

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

K:\APPS\CITYHALL\07 COUNCIL MINUTES\June 19

**DRAFT**

**CITY OF LA VISTA  
PLANNING COMMISSION MINUTES  
JUNE 21, 2007**

The Planning Commission meeting of the City of La Vista was convened at 7:00 p.m. on Thursday, June 21, 2007 at the La Vista City Hall, 8116 Park View Boulevard. Members present were: Andsager, Gahan, Krzywicki, Hewitt, Horihan, Malmquist and Carcich. Rizzo absent. Also in attendance were City Engineer John Kottman and City Planner Marcus Baker.

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

**1. Call to Order**

The meeting was called to order by Chairperson Krzywicki at 7:00 p.m. A copy of the agenda and staff report were made available to the public.

**2. Approval of Meeting Minutes – May 17, 2007**

Malmquist motioned to approve the minutes of May 17, 2007 as presented. Carcich seconded. Ayes: All. Nays: None. Motion carried.

**3. Old Business**

- A. Updated Future Land Use Map for the City of La Vista.
- B. Updated Zoning Map for the City of La Vista

i. **Staff Report:** Planner Baker indicated that the maps are ready, however, a couple of amendments need yet to be made to the zoning text.

Staff recommends continuance to an effort to ensure the accuracy of content.

ii. **Public Hearing:** The public hearing is continued from the last meeting.

Carcich motioned to continue the public hearing. Malmquist seconded. Ayes: All. Nays: None. Motion passed.

DRAFT

4. New Business

A. A conditional use permit application to operate a beauty shop at 9106 Grove Court

i. **Staff Report :** Applicant, Jina Sedlacek is seeking a conditional use permit to operate a beauty shop from one side of their two car garage at a single-family residence located at 9106 Grove Court. The space will be renovated to 200 square feet to support her business. The Comprehensive Plan identifies this area as medium density residential. Off-street parking must be provided as no parking is allowed in the cul-de-sac. In response to a 300 ft. notification to the surrounding neighbors, a letter has been received by the city with concerns as to parking on the street, the safety of children playing with regard to additional traffic and snow removal. The application indicates space for four vehicles in their driveway. The business will be operated by appointments scheduled only on Tuesday and Saturday. One letter, received in opposition, was supplied to the commissioners addressing the on-street parking, children's safety in regard to the added traffic, and concerns of snow removal. A phone call was also received regarding these issues. The city monitored the property for indications of these parking issues, June 12 through June 21, 2007. Only 1 -3 vehicles were ever found to be parked in the driveway. Only one day a lawn care truck was parked in the cul-de-sac.

Staff recommends approval with the condition that parking will not be allowed in the cul-de-sac, which is already posted on the street.

ii. **Public Hearing:**

Hewitt motioned to open the public hearing. Malmquist seconded. Ayes: All. Nays: None. Public hearing was opened at 7:07 p.m.

Jina Sedlacek, the applicant was present to say that her hopes are to remodel half of the garage to accommodate the beauty salon. She will take appointments Tuesday through Friday from 1pm – 8 pm and on Saturday from 1 p.m. – 5 p.m. and her driveway will provide parking space for only those clients scheduled within those hours. She will not do walk-ins and will allow plenty of time between appointments. Her plans are to work only 15-20 hours per week.

Krzywicki asked where during her stated hours she expected the bulk of her appointments to be and, if deemed necessary by the commission, would she object to them limiting her operating hours.

Sedlacek said business would occur during the day hours, mostly afternoons. She felt she could work out a schedule to satisfy her needs with any restrictions the commission might need to establish. Her goal for herself is not to overbook and tax her personal needs.



Hewitt asked if her neighbors had brought their concerns to her prior to her application to run a beauty salon at the residence. Hewitt also inquired if the parking issues, brought about by the neighbor, could be rectified. She had no knowledge of any specific issues, knowing that all those within the 200 foot radius for her Home-Occupation License poll had not indicated any problems with the business. She stated that her college age son parked on Harvest Hills Drive when home rather than in her driveway or on the cul-de-sac.

Krzywicki pointed out that with the granting of a conditional use permit the business and any pertinent issues associated with it would be monitored. If any abuse of the conditions were found, her conditional use permit could be revoked.

Gahan asked, if the conditional use permit were granted and complaints did come in then what does the city do? Baker said all complaints would be followed up on and as with any conditional use permits, there is a monitoring of conditions. Due process would take place with any such infractions.

Horihan asked if business was currently being conducted at the house. Sedlacek said no there was not.

Cindy Metlen, the neighbor, was present to voice her concerns of parking. She stated that contrary to what had been said previously, there were times that parking had occurred in the cul-de-sac and even blocked part of her driveway. However, they had said nothing to the Sedlaceks. When they discovered a business was being considered, they were concerned with the parking. Also, if this would decrease the value of their home, considering a business was located next door. The Metlens asked in the event the conditional use permit were granted they would like this not to apply to the next owner of the home (should the Sedlacek's decide at some point to move) and that this be recorded with the registered of deeds. She felt that being zoned commercial and on a cul-de-sac residents perceive quiet and then to allow a business causes uncertainty. She said she being the immediate next door neighbor had not been approached to sign the Home Occupation poll.

Hewitt stated that the commission appreciated these legitimate concerns being brought forward. She stated that a conditional use permit is restricted to these current occupants and would not go on to the next owners of the property. If the application meets the parameters of the conditional use permit and the applicant is willing to comply, then the permit may be granted.

Horihan asked about parking on Harvest Hills. Kottman said parking is allowed on the west side of Harvest Hills Drive.

Carcich motioned to close the public hearing. Malmquist seconded. Ayes: Andsager, Gahan, Carcich, Malmquist, Hewitt, and Horihan. Nays: None. Public hearing closed at 7:28 p.m..

iii. **Recommendation:** Carcich motioned to recommend approval with the condition that parking will not be allowed in the cul-de-sac and would be monitored by code enforcement and that the hours of operation be restricted to those stated, Tue-Fri 1-8, Sat. 9-5. Malmquist seconded. Ayes: Andsager, Carcich, Krzywicki, Malmquist, Hewitt, and Horihan. Nays: Gahan. Motion approved.

This item is tentatively scheduled to be on the agenda for the City Council meeting of July 17, 2007.

B. Replat Lot 10b of Southport East to Lots 1 and 2 of Southport East Replat X, located in Sec 18, T-14-N, R-12-E, of the 6<sup>th</sup> P.M., Sarpy County, Nebraska, generally located at Eastport Parkway and Harrison Street.

i. **Staff Report:** The applicant, Real Estate Brokerage Company is requesting replat of Lot 10b to Lots 1 and 2 of Southport East Replat X. The Future Land Use Map of the Comprehensive Plan designates this property for commercial uses in the gateway corridor.

Vehicular access is proposed from Eastport Parkway. Access to Lot 1 shall be served by an access easement (see Plat note #5). A waiver is needed to Section 4.15 to allow access by easement only. A condition of this waiver will be that both Port Grace and Eastport Parkway shall be utilized for vehicular access points. No direct vehicular access will be allowed from either lot to Harrison Street. Direct vehicular and pedestrian access to Southport East Replat IV shall be provided for in the design of any future development.

Pedestrian access shall also be obtained via sidewalks that will be required on the two frontages of Eastport Pkwy. and Port Grace Blvd.

"Corner streetscapes" will be installed on the southeast corner of Lot 2. An existing landscape easement exists on this corner to help accommodate this.

A second request herein is to propose a zoning text amendment to allow childcare centers to be added to the C-3 Zoning District as a permitted use. If this use is added, then staff recommends it should be added as a conditional use.

No plans have been submitted for the proposed development of these two lots.

Staff recommends approval of Southport East Replat X subject to addressing the items noted above and the items noted in the City Engineer's report.

ii. **Public Hearing**

Carcich motioned to open the public hearing. Malmquist seconded. Ayes: All. Nays: None. Public hearing opened at 7:35 p.m.

The applicant was represented by Brad Underwood. A division is being requested as they have a locally owned daycare interested in serving Southport Business Park.

Hewitt asked if there were going to be any problems with the streetscapes requested. Underwood replied there were none.

Horihan asked what the capacity of the childcare is expected to be. Underwood replied it is 6000 sq. ft. and it is anticipated to be between 130-150 children.

Krzywicki asked what type of fencing and/or buffering was planned to prevent anyone from accessing the property, or children leaving. Underwood stated plans are not that advanced yet for the facility.

Krzywicki suggested that a change in zoning and a replat should not be considered together. Even though they feed into one another perhaps they should stand alone. The applicant is not ready to present anything which hampers the decision process of the replat.

Planner Baker felt that two different motions needed to be considered on these. Malmquist felt they need to look at the replat first and then a separate discussion as to modifying the text could be done. The applicant is asking that the zoning ordinance be changed to allow daycares as a permitted use and staff is recommending that it be a conditional use.

Gahan asked if it would not be the responsibility of the daycare center itself to ask for permitted use in C-3 Zoning? Baker said currently there is no process for an applicant to request a daycare in C-3 Zoning as it is not permitted. This is the reason for the proposed zoning text amendment along with the replat. City staff suggests instead that daycares should be considered as a conditional use in C-3 zoning. If changed to allow daycares as a conditional use then anyone in the future could request a conditional use for this purpose in any C-3 zoning district within the jurisdiction, not just this one area.

Underwood said it was not his intent for the city to change all C-3 Zoning within the jurisdiction, if there is an easier way to consider his request for his area he is open to the recommendation. Krzywicki stated a zoning text amendment would be the best way.

Hewitt motioned to close the public hearing. Horihan seconded. Ayes: All. Nays: None. Public hearing opened at 7:42 p.m.

iii. **Recommendation:** Hewitt motioned to recommend approval of Southport East Replat X subject to addressing the items noted above. Malmquist seconded. Ayes: Andsager, Gahan, Carcich, Malmquist, Krzywicki, Hewitt, and Horihan. Nays: None. Motion approved.

Hewitt motioned to recommend that the zoning text amendment, requested for childcare centers, be added to the C-3 Zoning District as a conditional use but not as a permitted use. Malmquist seconded. Ayes: Andsager, Gahan, Carcich, Malmquist, Krzywicki, Hewitt, and Horihan. Nays: None. Motion approved.

This item is tentatively scheduled to be on the agenda for the City Council meeting of July 17, 2007.

**C. Replat Lots 1-3 of Southport East Replat VII to Lots 1-3 and Outlot A of Southport East Replat XI, located in Sec 18, T-14-N, R-12-E, of the 6<sup>th</sup> P.M., Sarpy County, Nebraska, generally located at Eastport Parkway and Giles Road.**

i. **Staff Report** Applicant, RS Land, Inc. is requesting a replat and zoning map amendments for Lots 1-3 Southport East Replat VII to Lots 1-3 and Outlot A of Southport East Replat XI. The Future Land Use Map of the Comprehensive Plan designates this property for commercial uses in the gateway corridor.

Vehicular access is proposed to Eastport Parkway. Access to Lots 1-3 would be served by an access easement (see Plat note #5). A private street will serve all three lots and Lots 2 and 3 will be connected by a vehicular access. No direct vehicular access will be allowed to Giles Road.

Pedestrian accesses to each lot in the subdivision should be integrated into the design of the PUD plan. Pedestrian access can also be obtained from sidewalk that will be required along the frontage of Eastport Pkwy.

The Replat adds approximately 6 feet of land along the east side of Southport East Replat VII and creates an outlot of equal area (0.08 acres). "Corner Streetscapes" will be installed on the southwest corner of Lot 2. A landscape easement needs to be included on the plat to help accommodate this. The proposed zoning map amendment is simply a housekeeping situation to adjust the zoning boundary a few feet to the East. This will insure that the properties are completely within the C-3 zone.

Staff recommends approval of Southport East Replat XI subject to addressing the items noted above and the items noted in the City Engineer's report.



**DRAFT**

**ii. Public Hearing**

Malmquist motioned to open the public hearing. Carcich seconded. Ayes: All. Nays: None. Public hearing opened at 7:48 p.m.

Ron Smith, president of RS Land Management, was present. Smith asked Engineer Kottman if the landscape easement would correspond to what is illustrated on the plat. Kottman said the easement just needed to be enlarged a little bit to encompass the entire corner streetscape.

Hewitt asked if they had any problems with the enlargement of the easement. Smith said they did not.

Horihan motioned to close the public hearing. Carcich seconded. Ayes: All. Nays: None. Public hearing closed at 7:52 p.m.

**iii. Recommendation:** Hewitt motioned for approval of Southport East Replat XI replat subject to addressing the items noted above and the items noted in the City Engineer's report. Malmquist seconded. Ayes: Andsager, Gahan, Carcich, Malmquist, Hewitt, and Horihan. Nays: None. Motion approved.

Hewitt made a second motion for approval of the proposed amendment to the zoning map to adjust the zoning boundary to match up to the replatted boundaries. Malmquist seconded. Ayes: Andsager, Gahan, Carcich, Malmquist, Hewitt, and Horihan. Nays: None. Motion approved.

This item is tentatively scheduled to be on the agenda for the City Council meeting of July 17, 2007.

**5. Comments from the Floor.**

None.

**6. Comments from the Planning Commission.**

Planner Baker announced a special meeting of the Planning Commission at 7 p.m. on August 2, 2007 to address the annexation schedule. Members present were polled with all agreeing with the exception of Horihan who was a possible no.

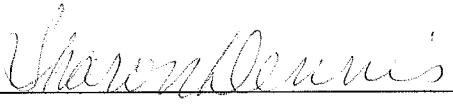
Krzywicki asked if there had been any interested parties to fill the vacancies on the Planning Commission. It was not known if there had been any.

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7. Adjournment

Hewitt motioned to adjourn. Carcich seconded. Ayes: All. Nays: None. Meeting adjourned at 7:58 p.m.

Reviewed by Planning Commission: John Gahan

  
\_\_\_\_\_  
Recording Secretary

\_\_\_\_\_  
Planning Commission Chair

\_\_\_\_\_  
Approval Date

G:\planner\Plancomm\minutes\2007\minutes 06 21 07



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

June 26, 2007

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

ROBERT E. DREESSEN, P.E.	TIMOTHY T. PAPSTEIN, P.E.
NELSON J. HYMANS, P.E.	MICHAEL J. SMITH, L.S.
JAMES D. WARNER, L.S.	TROY J. NISSEN, P.E./S.E.
CHARLES E. RIGGS, P.E.	DOUGLAS E. KELLNER, P.E.
KA "KIP" F. SQUIRE III, P.E., S.E.	KEVIN L. TRUE, L.S.
JOHN M. KOTTMANN, P.E.	GARY A. NORTON, P.E.
ARTHUR D. BECCARD, P.E.	BRIAN L. LODES, P.E.
JOSEPH G. KOSINOVSKY, P.E.	KURTIS L. ROHN, P.E.
DOUGLAS S. DREESSEN, P.E.	JEFFREY L. THOMPSON, P.E.
DEAN A. JAEGER, P.E.	DAREN A. KONDA, P.E.
RICHARD M. BROYLES, L.S.	MICHAEL T. CANIGLIA, L.S.
DAVID H. NEEF, L.S.	JEREMY T. STEENHOEK, P.E.
RONALD M. KOENIG, L.S.	JOSHUA J. STORM, P.E.
CHRIS E. DORNER, L.S.	

RE: Southport West Outfall Sewer No. 2  
Pay Estimate No. 1  
TD<sup>2</sup> File No. 171-340.25

Ms. Gunn:

Enclosed is Payment Recommendation No.1 for the above-referenced project. Payment is recommended in the amount shown.

Submitted by,

THOMPSON, DREESSEN & DORNER, INC.

John M. Kottmann, P.E.

JMK/jlf

Enclosure

cc: Mr. Joe Soucie, City of La Vista – w/enclosure  
Kerstens & Lee, Inc. – w/enclosure  
File

*Consent Agenda*  
*7-3-07*  
*0571.0658*

TD<sup>2</sup> File No. 171-340.24  
June 26, 2007

PAYMENT RECOMMENDATION NO. 1 ON CONTRACT FOR SOUTHPORT WEST OUTFALL  
SEWER NO. 2

Owner: City of La Vista  
8116 Park View Boulevard  
La Vista, NE 68128

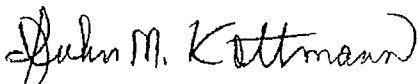
Contractor: Kerstens & Lee, Inc.  
11050 South 204<sup>th</sup> Street  
Gretna, NE 68028

AMOUNT OF PREVIOUS PAYMENT RECOMMENDATION: NONE

Item	Description	Approx. Quantities		Unit Price	Amount
1	8" Solid Wall PVC Sanitary Sewer Pipe w/Bedding, in place	801	L.F.	\$23.85	\$19,103.85
2	Jack and Bore 8" Sanitary Sewer Pipe in 14" Steel Casing	178	L.F.	\$168.00	\$29,904.00
3	Construct Concrete Manhole Ring, in place	0	EA.	\$350.00	\$0.00
4	Remove 8" Pipe Plug	1	EA.	\$60.00	\$60.00
5	Construct Concrete Collar, in place	2	EA.	\$125.00	\$250.00
6	54" I.D. Sanitary Manhole, in place, Owner Supplied Materials	70	V.F.	\$47.00	\$3,290.00
7	54" I.D. Sanitary Manhole, in place New materials	10	V.F.	\$162.00	\$1,620.00
8	84" I.D. Sanitary Manhole, in place Owner Supplied Materials	14	V.F.	\$100.00	\$1,400.00
9	Standard Ring and Cover, in place	5	EA.	\$246.00	\$1,230.00
10	Restore Gravel Drive	0	TON	\$16.00	\$0.00
11	Seeding Disturbed Areas, Irrigated Lawn and Turf	0.2	AC.	\$2,400.00	\$480.00
12	Seeding Disturbed Areas, Non-Irrigated Lawn and Turf	0.6	AC.	\$1,800.00	\$1,080.00
13	Protect Existing Bridge w/Steel Plates	1	LS	\$500.00	\$500.00
14	Clearing and Grubbing	0.5	AC.	\$6,000.00	\$3,000.00
15	Geotextile Fabric Unstable Trench, if necessary	0	S.Y.	\$1.70	\$0.00
16	Crushed Rock, Unstable Trench, if necessary	0	TON	\$34.00	\$0.00
Total					\$61,917.85
Less 10% Retained					\$6,191.79
AMOUNT DUE CONTRACTOR					\$55,726.06

We recommend that payment in the amount of \$55,726.06 be made to Kerstens & Lee, Inc.

Respectfully submitted,



John M. Kottmann, P.E.  
THOMPSON, DREESSEN & DORNER, INC.

cc: Kerstens & Lee, Inc.



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

June 26, 2007

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

RE: 84<sup>th</sup> Street Pavement Resurfacing  
Pay Estimate No. 1  
TD<sup>2</sup> File No. 171-328.32

Ms. Gunn:

Enclosed is Payment Recommendation No.1 for the above-referenced project. Payment is recommended in the amount shown.

Submitted by,

THOMPSON, DREESSEN & DORNER, INC.

John M. Kottmann, P.E.

JMK/jlf

Enclosure

cc: Mr. Joe Soucie, City of La Vista – w/enclosure  
Western Engineering Company, Inc. – w/enclosure  
File

*Consent Agenda*  
*7-3-07*  
*05.71.0665*



June 26, 2007

PAYMENT RECOMMENDATION NO. 1 ON CONTRACT FOR 84<sup>th</sup> STREET PAVEMENT RESURFACING

Owner: City of La Vista  
8116 Park View Boulevard  
La Vista, NE 68128

Contractor: Western Engineering Company, Inc.  
3345 North 109<sup>th</sup> Street  
Omaha, NE 68164

AMOUNT OF PREVIOUS PAYMENT RECOMMENDATION: NONE

Item	Description	Approx. Quantities	Unit Price	Amount
<b>SCHEDULE "A" - OVERLAY &amp; PAVEMENT REPAIRS</b>				
1A	Area Milling	0 S.Y.	\$1.74	\$0.00
2A	Asphaltic Concrete SP5, in place	0 TON	\$57.50	\$0.00
3A	Tack Coat	0 GAL.	\$1.15	\$0.00
4A	Adjust Manhole to Grade	0 EA.	\$280.00	\$0.00
5A	Adjust Valve Boxes to Grade	0 EA.	\$280.00	\$0.00
6A	Remove and Replace Inlet Top	11 EA.	\$1,900.00	\$20,900.00
7A	Remove and Replace 9" P.C.C. Median Surfacing	323.5 S.Y.	\$56.50	\$18,277.75
8A	Remove and Replace 6" P.C.C. Median Surfacing	150 S.F.	\$3.98	\$597.00
9A	Remove P.C.C. Sidewalk	0 S.F.	\$0.48	\$0.00
10A	6" Uniform Thickness P.C.C. Sidewalk, in place	0 S.F.	\$2.65	\$0.00
11A	Detectable Warning Insert, in place	0 S.F.	\$22.00	\$0.00
12A	4" Dashed White, Temporary Paint 10'-30', in place	0 L.F.	\$0.18	\$0.00
13A	4" Solid White, Temporary Paint, in place	0 L.F.	\$0.68	\$0.00
14A	4" Dashed White, Performed Plastic Pavement Marking Tape 10'-30', in place	0 L.F.	\$0.54	\$0.00
15A	4" Solid White, Performed Plastic Pavement Marking Tape, in place	0 L.F.	\$2.64	\$0.00
16A	12" Solid White, Stop Bar, Performed Plastic Pavement Marking Tape, in place	0 L.F.	\$7.42	\$0.00
17A	24" Solid White, Crosswalk, Performed Plastic Pavement Marking Tape, in place	0 L.F.	\$14.53	\$0.00
18A	Replace Detector Loop, in place	4 EA.	\$415.00	\$1,660.00
19A	Remove Curb Inlet	1 EA.	\$674.00	\$674.00
20A	54" I.D. Storm Manhole, in place	0 EA.	\$2,800.00	\$0.00
21A	Type III Curb Inlet, in place	0 EA.	\$2,600.00	\$0.00
22A	15" I.D. R.C.P., Class III w/Crushed Rock Bedding, in place	0 L.F.	\$68.00	\$0.00
23A	Dowel Bars Drilled and Grouted, in place	400 EA.	\$5.20	\$2,080.00
24A	Dowel Bar Expansion Joint, in place	234 L.F.	\$9.75	\$2,281.50
25A	Remove and Replace Pavement after Milling, if required, w/PR-3625 Concrete, 9" Thick	35 SY	\$76.00	\$2,660.00

**SCHEDULE "A" SUBTOTAL****\$49,130.25**

Item	Description	Approx. Quantities		Unit Price	Amount
SCHEDULE "B" - GILES INTERSECTION TURN					
BAYS					
1B	Remove P.C.C. Pavement	325	S.Y.	\$12.80	\$4,160.00
2B	Remove P.C.C. Sidewalk	2,100	S.F.	\$0.50	\$1,050.00
3B	Remove Curb Inlet	2	EA.	\$674.00	\$1,348.00
4B	Remove 18" Storm Sewer Pipe	7	L.F.	\$20.00	\$140.00
5B	Remove Tree	3	EA.	\$150.00	\$450.00
6B	Adjust Manhole to Grade	0	EA.	\$280.00	\$0.00
7B	Adjust Valve to Grade	0	EA.	\$280.00	\$0.00
8B	Embankment, in place	300	C.Y.	\$36.00	\$10,800.00
9B	18" I.D. R.C.P., Class III w/Crushed Rock Bedding, in place	0	L.F.	\$96.00	\$0.00
10B	Type I Curb Inlet, in place	0	EA.	\$2,300.00	\$0.00
11B	54" I.D. Storm Sewer Manhole w/Ring and Cover, in place	0	EA.	\$3,500.00	\$0.00
12B	Dowel Bars Drilled and Grouted, in place	88	EA.	\$5.25	\$462.00
13B	9" Uniform Thickness P.C.C. Pavement, w/Integral Curb, in place	415	S.Y.	\$46.00	\$19,090.00
14B	6" Uniform Thickness P.C.C. Median Surfacing, in place	2,050	S.F.	\$3.75	\$7,687.50
15B	6" Uniform Thickness P.C.C. Sidewalk, in place	0	S.F.	\$2.68	\$0.00
16B	Detectable Warning Insert, in place	0	S.F.	\$22.40	\$0.00
17B	Furnish and Install Tree	0	EA.	\$300.00	\$0.00
18B	Seeding w/Erosion Control Blanket	0	S.Y.	\$2.25	\$0.00
19B	Traffic Control Sign	0	EA.	\$350.00	\$0.00
20B	Remove Pull Box	1	EA.	\$250.00	\$250.00
21B	Furnish and Install Pull Box PB-1	0	EA.	\$615.00	\$0.00
22B	Relocate Existing 12C, 2/C PPB and 2/C Det. Lead-in Cables	1	LS	\$680.00	\$680.00
23B	2" Conduit (PVC or HDPE) - Bored/ under Roadway	60	L.F.	\$11.75	\$705.00
24B	2" Cnduit (PVC or HDPE) - Trenched	0	L.F.	\$4.40	\$0.00
25B	Furnish and Install Traffic Signal	0	EA.	\$1,110.00	\$0.00
26B	Furnish and Install Grounding Conductor	0	L.F.	\$0.83	\$0.00
27B	Furnish and Install 7/C Interconnect Cable	0	L.F.	\$2.76	\$0.00
28B	Furnish and Install Right Turn Only Sign on Mast Arm (R3-5-2)	0	EA.	\$350.00	\$0.00
29B	Make Connection to Controller, Modify Controller as necessary	0	EA.	\$765.00	\$0.00
SCHEDULE "B" SUBTOTAL					\$46,822.50
SCHEDULE "C" - MARISU LANE COURT RESURFACING					
1C	Remove Pavement	0	S.Y.	\$12.50	\$0.00
2C	Remove Drive Approach	0	S.Y.	\$12.50	\$0.00
3C	Remove Sidewalk	0	S.F.	\$0.50	\$0.00
4C	Dowel Bars, Drilled and Grouted	0	EA.	\$5.50	\$0.00
5C	Remove & Replace Subgrade	0	C.Y.	\$18.20	\$0.00
6C	Construct 4" PCC Sidewalk	0	S.F.	\$2.75	\$0.00
7C	Construct 6" PCC L8.5, AE Driveways	0	S.Y.	\$37.75	\$0.00
8C	Construct 8" PCC, L85, Air Entrained, Pavement	0	S.Y.	\$43.00	\$0.00

Item	Description	Approx. Quantities	Unit Price	Amount
9C	Adjust Manhole to Grade	0 EA.	\$280.00	\$0.00
10C	Adjust Valve to Grade	0 EA.	\$280.00	\$0.00
11C	Mill Existing Overlay	0 S.Y.	\$2.00	\$0.00
12C	Curb Height Milling, if required	0 L.F.	\$1.00	\$0.00
13C	Tack Coat	0 GAL.	\$1.20	\$0.00
14C	Asphaltic Concrete Overlay	0 TON	\$61.00	\$0.00
15C	Asphaltic Concrete Feathering	0 TON	\$65.00	\$0.00
16C	Grind Stump	0 EA.	\$475.00	\$0.00

Additions Per Change Order No.1

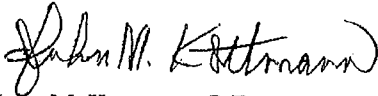
Construct Asphaltic Concrete Overlay on Frontage Rd. at NW Corner of 84 <sup>th</sup> & Brentwood Drive				
1.1	Milling & Preparation to Receive Overlay	0 L.S.	\$1,000.00	\$0.00
1.2	Furnish & Install 2" Asphaltic Concrete Overlay	0 Ton	\$57.50	\$0.00

**SCHEDULE "C" SUBTOTAL** **\$0.00**

Total	\$95,952.75
Less 10% Retained	\$9,595.28
AMOUNT DUE CONTRACTOR	\$86,357.47

We recommend that payment in the amount of \$86,357.47 be made to Western Engineering Company, Inc.

Respectfully submitted,



John M. Kottmann, P.E.  
THOMPSON, DREESSEN & DORNER, INC.

cc: Western Engineering Company, Inc.

✓  
**Mixan Heating & Air Conditioning, Inc.**  
6222 S. 23<sup>rd</sup> Street  
Omaha, NE 68107  
(402)731-5070  
(402)731-3205 Fax

City of LaVista Police Dept.  
7701 S. 96<sup>th</sup> Street  
LaVista, NE 68128

June 25, 2007

**P.O. FD2-2007**

**Invoice # 6132**

Provide and install (1) new exhaust fan with back draft damper and louver. Fabricate and install new ductwork to extend existing intake duct down the wall closer to the compressor intake opening. Provide electrical wiring of the new fan and temperature rise thermostat.

Material and labor - 3,840.00

Sales tax - 153.76 **SALES TAX FORM 17 IS REQUIRED FOR TAX EXEMPT PROJECTS**

**Total invoice amount due: \$ 3,993.76**

<sup>5</sup> 3840<sup>00</sup>

**Terms: Net 30 days**

**A 1 ½% Finance charge will be added to all invoices over 30 days.**

\$3,840

FIRE STATION #2  
OK  
Consent Agent  
FIRE BOARD  
BF



FELSBURG  
HOLT &  
ULLEVIG

*engineering paths to transportation solutions*

✓

June 20, 2007

RE: La Vista Quiet Zone Study  
FHU # 06-282

Ms. Ann Birch  
Community Development Director  
City of La Vista  
8116 Park View Blvd.  
La Vista, NE 68128

Dear Ann,

Enclosed please find Invoice # 06-282-5 in the amount of \$750.00 for services associated with the La Vista Quiet Zone Study. This invoice reflects work performed during May 2007.

We are still waiting on a cost estimate from BNSF to upgrade the crossing circuitry to Constant Warning Time. I suggest that we complete the draft study with cost estimates from other installations, with the understanding that a final cost determination will be made during the development of an agreement with BNSF should the City move forward with the establishment of the quiet zone.

If you have any questions regarding this invoice or the study, please give me a call.

Sincerely,

**FELSBURG HOLT & ULLEVIG**

Kyle A. Anderson, PE, PTOE  
Principal

*Consent Agmt  
7/03/07  
571-0658*

O:\Projects\06-282 La Vista Quiet Zone Study\Steno\Invoice Letter 06-282-5.doc





FELSBURG  
HOLT &  
ULLEVIG

*engineering paths to transportation solutions*

Invoice

tel 303.721.1440  
fax 303.721.0832

**Mail Payments to:**  
Department 1704  
Denver, CO 80291-1704

June 11, 2007

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

RE: La Vista Quiet Zone Study  
Felsburg Holt & Ullevig Project # 06-282  
Invoice # 06-282-5

For Professional Services for the Period from May 1, 2007 to May 31, 2007:

**Professional Services**

Principal I, 5.00 hours @ \$150.00

\$750.00

**Total Professional Services:**

**\$750.00**

**Total Amount Due This Invoice**

**\$750.00**

Previously Billed	\$5,252.36	Contract Maximum	\$9,500.00
Current Invoice	<u>\$750.00</u>	Less Total Billed To Date	<u>\$6,002.36</u>
Total Billed To Date	\$6,002.36	Remaining	\$3,497.64

KAA 

*All invoices are due upon receipt.*

BANK NO		BANK NAME		CHECK NO	DATE	VENDOR NO	VENDOR NAME	CHECK AMOUNT	CLEARED	VOIDED	MANUAL
-----											
1		Bank of Nebraska (600-873)									
	45908	Payroll Checks									
Thru	45909										
	45910	Missing Checks									
Thru	89642										
	89643	6/20/2007	3774	BENSON RECORDS MANAGEMENT CTR		50.30			**MANUAL**		
	89644	6/20/2007	615	MILLER BRANDS OF OMAHA INC		291.30			**MANUAL**		
	89645	6/20/2007	3132	FORT DEARBORN LIFE INSURANCE		1,168.00			**MANUAL**		
	89646	6/20/2007	3718	GENWORTH LIFE AND HEALTH		8,442.51			**MANUAL**		
	89647	6/20/2007	3666	DOSTALS CONSTRUCTION COMPANY		27,338.55			**MANUAL**		
	89648	6/20/2007	3435	WATER'S EDGE AQUATIC DESIGN		1,837.57			**MANUAL**		
	89649	6/20/2007	766	VIERREGGER ELECTRIC COMPANY		41,469.79			**MANUAL**		
	89650	6/26/2007	1270	PREMIER-MIDWEST BEVERAGE CO		102.30			**MANUAL**		
	89651	6/26/2007	615	MILLER BRANDS OF OMAHA INC		144.55			**MANUAL**		
	89652	6/26/2007	1194	QUALITY BRANDS OF OMAHA		463.40			**MANUAL**		
	89653	6/26/2007	3702	LAUGHLIN, KATHLEEN A, TRUSTEE		372.00			**MANUAL**		
	89654	7/03/2007	3797	2ND WIND EXERCISE INC		8,405.00					
	89655	7/03/2007	762	ACTION BATTERIES UNLTD INC		994.83					
	89656	7/03/2007	2723	AKSARBEN GARAGE DOOR SVCS INC		101.00					
	89657	7/03/2007	3807	ALADDIN CUSTOM SPORTSWEAR INC		201.45					
	89658	7/03/2007	571	ALAMAR UNIFORMS		.00	**CLEARED**	**VOIDED**			
	89659	7/03/2007	571	ALAMAR UNIFORMS		.00	**CLEARED**	**VOIDED**			
	89660	7/03/2007	571	ALAMAR UNIFORMS		1,816.63					
	89661	7/03/2007	736	AQUA-CHEM INCORPORATED		392.50					
	89662	7/03/2007	196	AQUILA		2,407.77					
	89663	7/03/2007	536	ARAMARK UNIFORM SERVICES INC		204.99					
	89664	7/03/2007	188	ASPHALT & CONCRETE MATERIALS		548.16					
	89665	7/03/2007	201	BAKER & TAYLOR BOOKS		1,229.49					
	89666	7/03/2007	929	BEACON BUILDING SERVICES		6,737.00					
	89667	7/03/2007	1784	BENNINGTON IMPLEMENT		2,602.97					
	89668	7/03/2007	410	BETTER BUSINESS EQUIPMENT		37.00					
	89669	7/03/2007	3448	BIRCH, ANN		50.00					
	89670	7/03/2007	3699	BOOK FARM INC		1,663.47					
	89671	7/03/2007	3613	BRADLEY, KIRSTEN		86.00					
	89672	7/03/2007	117	BRODART		1,496.74					
	89673	7/03/2007	3703	BUETHE, PAM		100.00					
	89674	7/03/2007	76	BUILDERS SUPPLY CO INC		97.70					
	89675	7/03/2007	3791	BURESH GOLF & EQUIPMENT INC		320.00					
	89676	7/03/2007	3808	CARPENTER, PHILLIP		15.00					
	89677	7/03/2007	3815	CIVIC PLUS		1,200.00					
	89678	7/03/2007	3706	CORBIT, JEFF		100.00					
	89679	7/03/2007	2158	COX COMMUNICATIONS		43.95					
	89680	7/03/2007	23	CUMMINS CENTRAL POWER LLC #410		456.65					
	89681	7/03/2007	77	DIAMOND VOGEL PAINTS		48.75					
	89682	7/03/2007	127	DON'S PIONEER UNIFORMS		360.45					
	89683	7/03/2007	3334	EDGEWEAR SCREEN PRINTING		2,573.60					
	89684	7/03/2007	2566	ELECTRONIC ENGINEERING		7.41					
	89685	7/03/2007	2098	ERICKSON, RANDALL		100.00					

## ACCOUNTS PAYABLE CHECK REGISTER

BANK NO	BANK NAME	CHECK NO	DATE	VENDOR NO	VENDOR NAME	CHECK AMOUNT	CLEARED	VOIDED	MANUAL
89686	7/03/2007	2319	ESTEE, KEN		86.00				
89687	7/03/2007	3463	FARQUHAR, MIKE		100.00				
89688	7/03/2007	3159	FASTENAL COMPANY		5.77				
89689	7/03/2007	3460	FEDEX		70.09				
89690	7/03/2007	439	FIREGUARD INC		225.20				
89691	7/03/2007	3705	FUTUREWARE DISTRIBUTING INC		85.00				
89692	7/03/2007	1248	GASSERT, MIKE		648.00				
89693	7/03/2007	53	GCR OMAHA TRUCK TIRE CENTER		138.02				
89694	7/03/2007	3419	GM ROAD MARKING LLC		274.00				
89695	7/03/2007	35	GOLDMAN, JOHN G		40.00				
89696	7/03/2007	3473	GUNN, BRENDA S		300.00				
89697	7/03/2007	426	HANEY SHOE STORE		229.90				
89698	7/03/2007	1744	HEARTLAND AWARDS		38.20				
89699	7/03/2007	1403	HELGET GAS PRODUCTS INC		140.50				
89700	7/03/2007	1705	HENRY, MARK A		18.00				
89701	7/03/2007	898	HOOK-FAST SPECIALTIES INC		54.79				
89702	7/03/2007	526	HOT COFFEE SERVICE INC		39.60				
89703	7/03/2007	3809	HURLEY, KATHY		3.99				
89704	7/03/2007	3513	HUSKER MIDWEST PRINTING		175.35				
89705	7/03/2007	1612	HY-VEE FOOD STORES & DRUGTOWN		26.71				
89706	7/03/2007	1151	ICMA-INTL CITY/COUNTY MANAGE		424.00				
89707	7/03/2007	1498	INDUSTRIAL SALES COMPANY INC		64.10				
89708	7/03/2007	2534	IWAN, ROSE		45.00				
89709	7/03/2007	1896	J Q OFFICE EQUIPMENT INC		.00	**CLEARED**	**VOIDED**		
89710	7/03/2007	1896	J Q OFFICE EQUIPMENT INC		1,623.08				
89711	7/03/2007	3112	JACK'S UNIFORMS & EQUIPMENT		572.48				
89712	7/03/2007	2379	JO DON'S		140.00				
89713	7/03/2007	3811	JONES, JIM		165.00				
89714	7/03/2007	788	KINDIG, DOUGLAS		95.51				
89715	7/03/2007	3474	KINDIG, DOUGLAS		150.00				
89716	7/03/2007	1054	KLINKER, MARK A		214.00				
89717	7/03/2007	2697	KROGER-DILLON CUST CHARGES		50.40				
89718	7/03/2007	2057	LA VISTA COMMUNITY FOUNDATION		375.50				
89719	7/03/2007	1975	LA VISTA PHARMACY		63.25				
89720	7/03/2007	926	LAMP RYNEARSON/ASSOCIATES INC		154.90				
89721	7/03/2007	231	LEAGUE OF NEBRASKA MUNICIPAL		50.00				
89722	7/03/2007	877	LINWELD		95.63				
89723	7/03/2007	1573	LOGAN CONTRACTORS SUPPLY		99.78				
89724	7/03/2007	2124	LUKASIEWICZ, BRIAN		40.00				
89725	7/03/2007	1081	M & M PORTABLES		131.41				
89726	7/03/2007	3801	MARK'S PLACE		200.00				
89727	7/03/2007	3806	MARKOWSKY, THOMAS J		86.00				
89728	7/03/2007	1842	METEORLOGIX		1,284.00				
89729	7/03/2007	553	METROPOLITAN UTILITIES DIST.		.00	**CLEARED**	**VOIDED**		
89730	7/03/2007	553	METROPOLITAN UTILITIES DIST.		781.88				
89731	7/03/2007	2497	MID AMERICA PAY PHONES		150.00				
89732	7/03/2007	3126	MID-AMERICA COCA-COLA BOTTLING		390.00				
89733	7/03/2007	1177	MIDWEST LABORATORIES INC		167.50				
89734	7/03/2007	1306	MIDWEST PLASTICS INCORPORATED		174.08				
89735	7/03/2007	1050	MILLER PRESS		150.00				
89736	7/03/2007	2382	MONARCH OIL INC		303.00				
89737	7/03/2007	2229	MOORE, WAYNE		18.00				
89738	7/03/2007	342	MUNICIPAL PIPE TOOL CO INC		58.31				

## ACCOUNTS PAYABLE CHECK REGISTER

BANK NO	BANK NAME	CHECK NO	DATE	VENDOR NO	VENDOR NAME	CHECK AMOUNT	CLEARED	VOIDED	MANUAL
89739	7/03/2007	1965	NEBRASKA FIRE CHIEF'S ASSN		60.00				
89740	7/03/2007	3350	NEBRASKA IOWA SUPPLY		9,888.90				
89741	7/03/2007	2883	NEBRASKA LANDSCAPE SOLUTIONS		86.30				
89742	7/03/2007	2388	NEBRASKA NATIONAL BANK		660.00				
89743	7/03/2007	31	NEBRASKA STATE VOLUNTEER		675.00				
89744	7/03/2007	2635	NEBRASKA TURF PRODUCTS		1,102.20				
89745	7/03/2007	2631	NEXTEL PARTNERS INC		387.03				
89746	7/03/2007	408	NOBBIES INC		25.30				
89747	7/03/2007	3415	OABR PRINT SHOP		.00	**CLEARED**	**VOIDED**		
89748	7/03/2007	3415	OABR PRINT SHOP		355.47				
89749	7/03/2007	1014	OFFICE DEPOT INC-CINCINNATI		.00	**CLEARED**	**VOIDED**		
89750	7/03/2007	1014	OFFICE DEPOT INC-CINCINNATI		.00	**CLEARED**	**VOIDED**		
89751	7/03/2007	1014	OFFICE DEPOT INC-CINCINNATI		.00	**CLEARED**	**VOIDED**		
89752	7/03/2007	1014	OFFICE DEPOT INC-CINCINNATI		477.75				
89753	7/03/2007	79	OMAHA COMPOUND COMPANY		26.43				
89754	7/03/2007	3477	ORIZON CPAS LLC		1,000.00				
89755	7/03/2007	2686	PARAMOUNT LINEN & UNIFORM		320.58				
89756	7/03/2007	3817	PATRICK, JOHN		32.00				
89757	7/03/2007	1769	PAYLESS OFFICE PRODUCTS INC		11.38				
89758	7/03/2007	709	PEPSI COLA COMPANY		568.40				
89759	7/03/2007	1821	PETTY CASH-PAM BUETHE		40.10				
89760	7/03/2007	74	PITNEY BOWES INC-KY		504.00				
89761	7/03/2007	159	PRECISION INDUSTRIES INC		14.96				
89762	7/03/2007	2699	PRIME TIME SPORTING GOODS LLC		135.00				
89763	7/03/2007	3657	PROPERTY SERVICES		174.00				
89764	7/03/2007	686	PRUITT INCORPORATED		170.00				
89765	7/03/2007	1725	PUSH PEDAL PULL		152.00				
89766	7/03/2007	802	QUILL CORPORATION		51.99				
89767	7/03/2007	219	QWEST		.00	**CLEARED**	**VOIDED**		
89768	7/03/2007	219	QWEST		2,389.38				
89769	7/03/2007	1568	RAPTOR RECOVERY NEBRASKA		65.00				
89770	7/03/2007	191	READY MIXED CONCRETE COMPANY		1,898.97				
89771	7/03/2007	1978	RECREONICS INC ETAL		36.04				
89772	7/03/2007	1063	ROSE EQUIPMENT INCORPORATED		338.65				
89773	7/03/2007	487	SAPP BROS PETROLEUM INC		60.75				
89774	7/03/2007	2240	SARPY COUNTY COURTHOUSE		3,099.17				
89775	7/03/2007	3167	SCHILDHAUER, BARB		86.00				
89776	7/03/2007	3707	SMITH, MELANIE		100.00				
89777	7/03/2007	2704	SMOOTHER CUT ENTERPRISES INC		1,650.00				
89778	7/03/2007	1996	SOFTWARE PLUS		123.84				
89779	7/03/2007	533	SOUICIE, JOSEPH H JR		30.00				
89780	7/03/2007	2111	STAPLES BUSINESS ADVANTAGE		.00	**CLEARED**	**VOIDED**		
89781	7/03/2007	2111	STAPLES BUSINESS ADVANTAGE		382.67				
89782	7/03/2007	2822	STEVENS, MARK		86.00				
89783	7/03/2007	871	STOPAK, SCOTT		85.73				
89784	7/03/2007	47	SUBURBAN NEWSPAPERS INC		1,123.50				
89785	7/03/2007	3785	SUN SOURCE		464.62				
89786	7/03/2007	3800	T-SHIRT ENGINEERS		122.47				
89787	7/03/2007	913	TARGET BANK		354.97				
89788	7/03/2007	1344	THOMSON GALE		44.93				
89789	7/03/2007	2993	TITLEIST		179.88				
89790	7/03/2007	547	TODCO BARRICADE COMPANY		160.00				
89791	7/03/2007	176	TURFWERKS		52.59				

BANK NO	BANK NAME						
CHECK NO	DATE	VENDOR NO	VENDOR NAME	CHECK AMOUNT	CLEARED	VOIDED	MANUAL
89792	7/03/2007	3312	UHL, RICHARD	661.29			
89793	7/03/2007	2426	UNITED PARCEL SERVICE	36.60			
89794	7/03/2007	33	UNIVERSITY OF NEBRASKA LINCOLN	15.00			
89795	7/03/2007	809	VERIZON WIRELESS, BELLEVUE	65.94			
89796	7/03/2007	3690	VIERS, STEVE	100.00			
89797	7/03/2007	1174	WAL-MART COMMUNITY BRC	.00	**CLEARED**	**VOIDED**	
89798	7/03/2007	1174	WAL-MART COMMUNITY BRC	1,151.44			
89799	7/03/2007	78	WASTE MANAGEMENT NEBRASKA	281.74			
89800	7/03/2007	3168	WEST, MANDY	86.00			
89801	7/03/2007	3244	WILDER, JONI	33.00			
89802	7/03/2007	3803	WILLETT, MARTIN	40.00			
89803	7/03/2007	3810	ZIEMBA, BARBIE	40.00			

BANK TOTAL	159,459.67
OUTSTANDING	159,459.67
CLEARED	.00
VOIDED	.00

FUND		TOTAL	OUTSTANDING	CLEARED	VOIDED
01	GENERAL FUND	73,181.61	73,181.61	.00	.00
02	SEWER FUND	6,146.07	6,146.07	.00	.00
05	CONSTRUCTION	46,661.78	46,661.78	.00	.00
08	LOTTERY FUND	1,135.60	1,135.60	.00	.00
09	GOLF COURSE FUND	4,996.06	4,996.06	.00	.00
15	OFF-STREET PARKING	27,338.55	27,338.55	.00	.00

REPORT TOTAL	159,459.67
OUTSTANDING	159,459.67
CLEARED	.00
VOIDED	.00

+ Gross Payroll 6/29/07      193,450.42

GRAND TOTAL      \$352,910.09

APPROVED BY COUNCIL MEMBERS 7/3/07

\_\_\_\_\_  
COUNCIL MEMBER

\_\_\_\_\_  
COUNCIL MEMBER

\_\_\_\_\_  
COUNCIL MEMBER

\_\_\_\_\_  
COUNCIL MEMBER

\_\_\_\_\_  
COUNCIL MEMBER



**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
JULY 3, 2007 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
ECONOMIC DEVELOPMENT PROGRAM — EXTEND PRINCIPAL REPAYMENT ON JOHN Q. HAMMONS CONSTRUCTION LOAN	RESOLUTION ◆ ORDINANCE RECEIVE/FILE	RITA RAMIREZ ASSISTANT CITY ADMINISTRATOR

**SYNOPSIS**

An ordinance has been prepared to grant an extension of the principal repayment on the City's Economic Development Program construction loan to John Q. Hammons for the Conference Center project in Southport West from seven (7) to ten (10) years, with quarterly interest payments until principal repayment.

**FISCAL IMPACT**

The extension of the term of the loan will require three (3) additional years of interest payments.

**RECOMMENDATION**

Approval.

**BACKGROUND**

On June 19, 2007 the Mayor and Council approved loan documents under the La Vista Economic Development Program for the Conference Center facility project of John Q. Hammons in Southport West. Since that time Mr. Hammons has requested that the term of the loan be extended from seven to ten years. All other terms of the loan remain the same.

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

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL, LA VISTA, NEBRASKA TO EXTEND PRINCIPAL REPAYMENT OF CITY ECONOMIC DEVELOPMENT PROGRAM CONSTRUCTION LOAN FOR JOHN Q. HAMMONS FOR THE CONFERENCE CENTER IN SOUTHPORT WEST FROM 7 TO 10 YEARS, WITH QUARTERLY INTEREST PAYMENTS UNTIL PRINCIPAL REPAYMENT, TO MAKE CERTAIN FINDINGS, TO AUTHORIZE MODIFICATION OF DOCUMENTS FOR EXTENDED PRINCIPAL REPAYMENT PERIOD, TO AUTHORIZE FURTHER ACTIONS AND TO REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED AND 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 of Mayor and City Council. The Mayor and City Council find and determine as follows:

1. Among other actions, Ordinance No. 1039 approved loan documents and all terms thereof for the loan under the La Vista Economic Development Program for the conference center facilities of the hotel and conference center development project of John Q. Hammons in Southport West, including loan disbursements, interest rate, interest and principal payment schedule, and all other matters and transactions described or provided therein in their entirety, subject to any modifications as the Program Administrator of the La Vista Economic Development Program determined necessary or appropriate in consultation with the City Attorney ("Loan Documents").
2. The Loan Documents provided for repayment of the entire principal of the loan in a single balloon payment no later than July 31, 2014, with quarterly interest payments to the City on the total amount of the loan proceeds from time to time disbursed until the loan principal is repaid in full, consistent with the Master Development Agreement for the hotel and conference center project dated May 1, 2007 and on file with the City Clerk.
3. John Q. Hammons has requested in negotiating the Loan Documents, among other changes, extending the time allowed for repayment of the principal of the loan under the Loan Documents to no later than July 31, 2017, with quarterly interest payments to the City on the total amount of the loan proceeds from time to time disbursed until the loan principal is repaid in full.
4. The Program Administrator advises that the requested extension for repayment of the loan principal is consistent with the parameters set forth in the original proposal Mr. Hammons provided the City on August 1, 2006, which proposed repayment of principal of the loan in 7 – 10 years.
5. In consideration of the foregoing and authority granted in Ordinance No. 1039, the Program Administrator, in consultation with the City Attorney, has caused the Loan Documents to be modified to provide for repayment of the principal of the loan no later than July 31, 2017, as requested, and asks the Mayor and City Council to ratify, affirm and approve this modification.

SECTION 2. Approve Extension of Loan Principal Repayment to July 31, 2017. The Mayor and City Council hereby ratify, affirm and approve extending repayment of the principal of the loan described in the Loan Documents from July 31, 2014 to July 31, 2017, which repayment shall be made in a single balloon payment, with quarterly interest payments to be made to the City on the total amount of the loan proceeds from time to time disbursed until the loan principal is repaid in full; provided, however, that John Q. Hammons (and related persons) shall continue to provide personal guarantees and other security of repayment of the loan during the entire repayment period until the loan is fully repaid in form and content satisfactory to the City Attorney.

SECTION 3. Authorize Modification of Documents and Further Actions. The Mayor and City Clerk are hereby authorized to execute the Loan Documents, as revised, and any necessary amendments to the Master Development Agreement or other documents or instruments to carry out the actions approved herein, subject to any further modifications as the Program Administrator determines necessary or appropriate in consultation with the City Attorney; and to take such further actions as determined necessary or appropriate.

SECTION 4. Repeal of Conflicting Ordinances. All ordinances and parts of ordinances as previously enacted that are in conflict with this ordinance or any part hereof are hereby repealed.

SECTION 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 they would have passed this ordinance and each section, subsection, sentence, clause or phrase hereof, 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. Bueth, CMC  
City Clerk

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
JULY 3, 2007 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
AMENDMENT TO RESIDENTIAL SUBDIVISION AGREEMENT — PORTAL RIDGE	◆ RESOLUTION ORDINANCE RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

**SYNOPSIS**

A resolution has been prepared to authorize the execution of an Amendment to the Residential Subdivision Agreement, satisfactory in form to the City Administrator and City Attorney, for Portal Ridge, generally located southeast of 108<sup>th</sup> & Giles Road.

**FISCAL IMPACT**

None.

**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.

This particular amendment is proposed to allow the SID to construct the ADA sidewalk ramps at all intersections. The current agreement would require the individual property owners to construct the ramps at the time of their sidewalk installation, which does not assure uniform construction.

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING AN AMENDMENT TO THE RESIDENTIAL SUBDIVISION AGREEMENT FOR PORTAL RIDGE IN A FORM SATISFACTORY TO THE CITY ADMINISTRATOR AND CITY ATTORNEY.

WHEREAS, the City did on June 6, 2006, approve the Residential Subdivision Agreement for Portal Ridge; and

WHEREAS, the City has proposed an amendment to allow the District to construct ADA sidewalk ramps at all street intersections at a total estimated cost to the District of \$78,563.80.

NOW THEREFORE, BE IT RESOLVED, that an Amendment to the Residential Subdivision Agreement presented at the July 3, 2007, City Council meeting for Portal Ridge 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.

PASSED AND APPROVED THIS 3<sup>rd</sup> DAY OF JULY 2007.

CITY OF LA VISTA

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

ATTEST:

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



**AMENDMENT TO RESIDENTIAL SUBDIVISION AGREEMENT**

**Portal Ridge Subdivision  
PUD-1 Planned Unit Development**

THIS Amendment to the Subdivision AGREEMENT, made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between PORTAL RIDGE DEVELOPMENT, LLC, a Nebraska limited liability company (hereinafter referred to as "Developer"), SANITARY AND IMPROVEMENT DISTRICT NO. 276 OF SARPY COUNTY, NEBRASKA (hereinafter referred to as "District"), and the CITY OF LA VISTA, a Municipal Corporation in the State of Nebraska (hereinafter referred to as "City");

WITNESSETH:

WHEREAS, Developer, District and the City entered into a Subdivision Agreement on October 11<sup>th</sup>, 2006, for Portal Ridge which is generally located southeast of 107th and Giles Road, as described on Exhibit "A" ; and,

WHEREAS, The Subdivision Agreement provided for the construction of "Authorized Public Improvements"; and,

WHEREAS, The parties wish to add the installation of ADA Sidewalk Ramps to all Street Intersections; and,

WHEREAS, the parties wish to agree upon the manner and the extent to which public funds may be expended in connection with installation of the ADA Sidewalk Ramps.

NOW, THEREFORE, IT IS AGREED THAT THE SUBDIVISION AGREEMENT IS AMENDED as follows:

2. Additional Authorized Public Improvements

Developer, District and City agree that the District may construct or install, or cause to be constructed or installed, and the credit of District shall be used for the installation of ADA sidewalk ramps at all street intersections as shown on attached exhibit at a construction estimate cost of \$56,117.00 and a total estimated cost, including all soft costs, of \$78,563.80

I. Sidewalks. This section of the Subdivision Agreement is hereby amended to allow the installation of the ADA Sidewalk ramps. Plans and specifications shall be approved prior to construction according to Section 11 of the Subdivision Agreement.

In all other respects, the Subdivision Agreement remains in full force and effect.

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

ATTEST:

PORTAL RIDGE DEVELOPMENT, LLC

\_\_\_\_\_

By \_\_\_\_\_  
Timothy W. Young, Managing Member

ATTEST:

SANITARY AND IMPROVEMENT DISTRICT NO. 276  
OF SARPY COUNTY, NEBRASKA

\_\_\_\_\_  
Clerk of Said District

By \_\_\_\_\_  
Chair of the Board of Trustees

ATTEST:

CITY OF LA VISTA

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

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

ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA                    )  
COUNTY OF \_\_\_\_\_            )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me a Notary Public, duly commissioned and qualified in and for said County, appeared Timothy W. Young, personally known by me to be the managing member of Portal Ridge Development, LLC. and the identical person whose name is affixed to the foregoing Amendment to Subdivision Agreement, and acknowledged the execution thereof to be his voluntary act and deed.

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

\_\_\_\_\_  
Notary Public

ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA                    )  
COUNTY OF \_\_\_\_\_                )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me a Notary Public, duly commissioned and qualified in and for said County, appeared \_\_\_\_\_, personally known by me to be the Chair of the Board of Trustees of Sanitary and Improvement District No. 276 of Sarpy County, Nebraska, and \_\_\_\_\_, to me personally known to be the Clerk of the Board of Trustees of Sanitary and Improvement District No. 276 of Sarpy County, Nebraska, the identical persons whose names are affixed to the foregoing Amendment to Subdivision Agreement, and they acknowledged the execution thereof to be their voluntary act and deed.

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

\_\_\_\_\_  
Notary Public

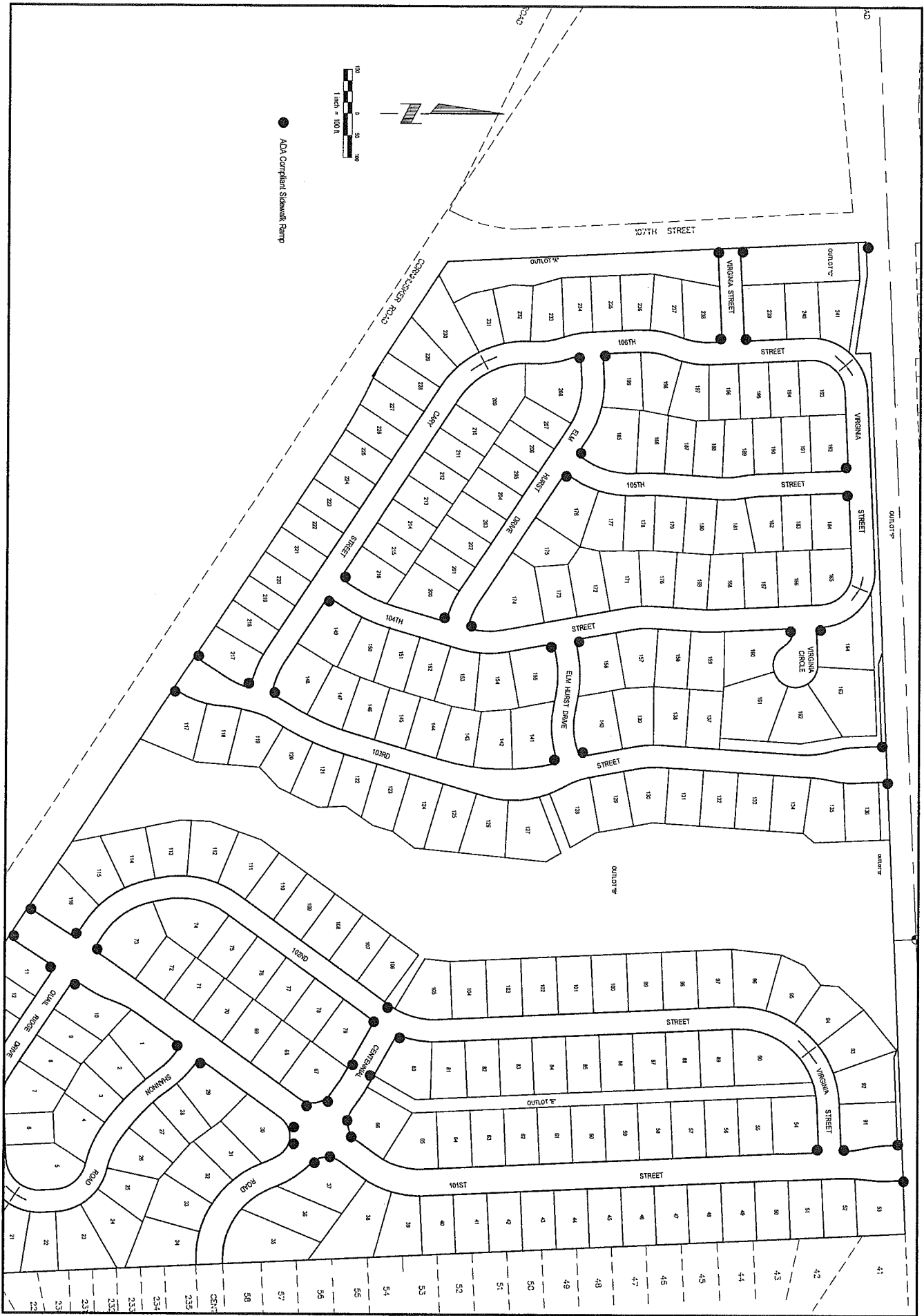
ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA                    )  
COUNTY OF \_\_\_\_\_                )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, 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 Rita Ramirez, to me personally known to be the City Clerk of the City of La Vista, the identical persons whose names are affixed to the foregoing Amendment to Subdivision Agreement, and they acknowledged the execution thereof to be their voluntary act and deed.

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

\_\_\_\_\_  
Notary Public



Proj No: 2005.054.001		Revisions	
Date: 05/14/2007		Date	See Sheets
Designed By: BJA			
Drawn By: JCT			
Checked By:			
Sheet 1 of			

**SIDWALK RAMP EXHIBIT**

**PORTAL RIDGE**  
LOTS 1 THRU 242 INCLUSIVE  
& OUTLOTS "A" THRU "F"  
SUBDIVISION AGREEMENT AMENDMENT  
S & L D NO 326  
LA VISTA, NEBRASKA

**e&a** **E&A CONSULTING GROUP, INC.**  
ENGINEERING • PLANNING • FIELD SERVICES  
330 NORTH 157TH STREET - OMAHA, NE 68154  
PHONE: (402) 395-4700 FAX: (402) 395-3399  
www.eacg.com

## Portal Ridge sidewalk ramp cost estimate

6/21/2007

Item	Quan.	unit	unit price	total
1 4'x4" sidewalk at curb ramp	1,260	SF	\$ 2.95	\$ 3,717.00
2 6" double curb ramp	2,590	SF	\$ 5.00	\$ 12,950.00
3 6" single curb ramp	770	SF	\$ 5.00	\$ 3,850.00
4 insert panel	140	EA	\$ 180.00	\$ 25,200.00
5 grind curb	1,040	LF	\$ 10.00	\$ 10,400.00
total				\$ 56,117.00
40% admin costs				\$ 22,446.80
TOTAL				\$ 78,563.80

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA RECOMMENDING TO THE NEBRASKA LIQUOR CONTROL COMMISSION, APPROVAL OF THE CLASS C LIQUOR LICENSE APPLICATION OF LA VISTA LODGING INVESTORS LLC DBA HAMPTON INN & SUITES, LA VISTA, NEBRASKA.

WHEREAS, La Vista Lodging Investors LLC, dba Hampton Inn & Suites, 12331 Southport Parkway, La Vista, Sarpy County, Nebraska, has applied to the Nebraska Liquor Control Commission for a Class C Liquor License, and

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

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, hereby recommend to the Nebraska Liquor Control Commission approval of the Class C Liquor License application submitted by La Vista Lodging Investors LLC, dba Hampton Inn & Suites.

PASSED AND APPROVED THIS 3RD DAY OF JULY 2007.

CITY OF LA VISTA

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

ATTEST:

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



# STATE OF NEBRASKA

Dave Heineman  
Governor

NEBRASKA LIQUOR CONTROL COMMISSION  
Hobert B. Rupe Executive Director  
301 Centennial Mall South, 5th Floor  
P.O. Box 95046  
Lincoln, Nebraska 68509-5046  
Phone (402) 471-2571  
Fax (402) 471-2814  
TRS USER 800 833-7352 (TTY)

June 13, 2007

La Vista City Clerk  
8116 Park View Blvd  
La Vista NE 68128-2198

RE: La Vista Lodging Investors LLC dbaHampton Inn & Suites, La Vista

Dear Local Governing Body:

Attached is the form to be used on all retail liquor license applications. Local clerks must collect proper license fees and occupation tax per ordinance, if any, before delivering the license at time of issuance.

TWO KEY TIME FRAMES TO KEEP IN MIND ARE:

- 1) Publicize one time not less than 7 days, not more than 14 days prior to date of hearing.
- 2) You have 45 days to conduct a hearing after the date of receipt of the notice from this Commission (§53-134). You may choose **NOT** to make a recommendation of approval or denial to our Commission.

PER §53-133, THE LIQUOR CONTROL COMMISSION SHALL SET FOR HEARING ANY APPLICATION WHEREIN:


- 1) There is a recommendation of denial from the local governing body.
- 2) A citizens protest; or
- 3) Statutory problems that the Commission discovers.

PLEASE NOTE...A LICENSEE MUST BE PROPERLY LICENSED IN ORDER TO PURCHASE FROM WHOLESALERS; AND, A LICENSE IS EFFECTIVE:

- 1) Upon payment of the license fees;
- 2) Physical possession of the license;
- 3) Effective date on the license.

Sincerely,

NEBRASKA LIQUOR CONTROL COMMISSION

  
Randy Seybert  
Licensing Division

Enclosures

Rhonda R. Flower  
Commissioner

Bob Logsdon  
Chairman  
*An Equal Opportunity/Affirmative Action Employer*

R.L. (Dick) Coyne  
Commissioner

RECOMMENDATION OF THE NEBRASKA LIQUOR CONTROL COMMISSION

Date Mailed from Commission Office: June 13, 2007

I, \_\_\_\_\_ Clerk of \_\_\_\_\_  
(City, Village or County)

Nebraska, hereby report to the Nebraska Liquor Control Commission in accordance with Revised Statutes of Nebraska, Chapter 53, Sec. 134 (7) (reissue 1984) the recommendation of said city, village or county, as the case may be relative to the application for a license under the provisions of the Nebraska Liquor Control Act as applied for by:

**La Vista Lodging Investors LLC dbaHampton Inn & Suites, La Vista**  
**12331 Southport Parkway**  
**La Vista NE 68128**  
**Application for Class C-77310**  
**45<sup>th</sup> day 07/30/07**

1. Notice of local hearing was published in a legal newspaper in or of general circulation in city, village or county, one time not less than 7 nor more than 14 days before time of hearing.

**Check one**.....Yes\_\_\_\_\_ No\_\_\_\_\_

The Statutes require that such hearing shall be held not more than 45 days after the date of receipt of this notice from the Commission.

2. Local hearing was held not more that 45 days after receipt of notice from the Nebraska Liquor Control Commission.

**Check one**.....Yes\_\_\_\_\_ No\_\_\_\_\_

3. Date of hearing of Governing Body: \_\_\_\_\_

4. Type or write the Motion as voted upon by the Governing Body. If additional Motions are made by the Governing Body, then use an additional page and follow same format.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. Motion was made by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

6. Roll Call Vote: \_\_\_\_\_

\_\_\_\_\_

7. Check one: The motion passed: \_\_\_\_\_ The motion failed\_\_\_\_\_

8. If the motion is for recommendation of denial of the applicant, then list the reasons of the governing body upon which the motion was made.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Attached additional page if necessary)

**SIGN HERE** \_\_\_\_\_ **DATE** \_\_\_\_\_  
clerks signature

rs

77310

City

## LICENSE APPLICATION CHECKLIST

Applicant Name Lavista Lodging Investors, LLC Telephone # 408-836-6400Trade Name Hampton Inn + Suites Previous Trade Name —

Provide all the items requested. Failure to provide any item will cause this application to be returned or placed on hold. All documents must be legible. Any false statement or omission may result in the denial, suspension, cancellation or revocation of your license. Your operation depends on receiving a liquor license the Nebraska Liquor Commission cautions you that if you purchase, remodel, start construction, spend or commit money that you do so at your own risk. Prior to submitting your application review the application carefully to ensure that all sections are complete, and that any omissions or errors have not been made. All applications & attachments must be submitted in triplicate. You may want to check with the city/village or county clerk, where you are making application, to see if any additional local requirements must be met before submitting application to the state.

RECEIVED  
MAY 30 2007

## REQUIRED ATTACHMENTS

NEBRASKA LIQUOR  
CONTROL COMMISSION

EACH ITEM MUST BE CHECKED OFF AND INCLUDED OR MARKED N/A FOR NOT APPLICABLE

- ☒ 1. Fingerprint cards for each person (two cards per person) must be enclosed with a separate check payable to the Nebraska State Patrol for processing in the amount of \$38.00 for each person. All areas must be completed on cards as per brochure. To prevent the delay in issuing your license, we strongly suggest you go to a Nebraska State Patrol Agency or law enforcement agency listed in the fingerprint brochure.
- ☒ 2. Enclose registration and license fees for the appropriate class of license, made out to the Nebraska Liquor Control Commission.
- ☒ 3. Enclose the appropriate additional application forms; Individual License - Form 1; Partnership License - Form 2; Corporate LLC License - Form 3a and Manager application - Form 3b (with corporate application only). LLC application must include all members.
- ☒ 4. If building is being leased send a copy of the lease. Be sure it is in the individual(s) or corporate name being applied for. Also, the lease must extend through the license year being applied for. If building is owned, send a copy of the deed or purchase agreement in the appropriate name.
- ☒ 5. If you are buying the business of a current licensee, provide a copy of the purchase agreement from licensee. This also needs to be in applicant's name.
- ☒ 6. Enclose a copy of the temporary agency agreement, if applicable. Must be on Commission form only. Include a copy of the signature card from the bank showing both the sellers and buyers name(s) on account.
- ☒ 7. Copy of alcohol inventory being purchased. Inventory shall include brand names and container sizes. Inventory may be taken at the time application is being submitted.
- ☒ 8. Enclose a list of any inventory or property owned by other parties that are on the premise.
- ☒ 9. For individual and partnership applications enclose proof of citizenship birth certificates, or naturalization documents for all persons listed on application. Documents must be a certificate from the State, where born, not hospital certificate.



0700010350

Bus 549034  
45-mm

**PREMISE INFORMATION**Trade Name (doing business as) Hampton Inn Suites La VistaStreet Address #1 12331 Southport Parkway

Street Address #2 \_\_\_\_\_

City La Vista County SarpyZip Code 68128Telephone number at premise to be licensed 402-895-2900Is this location inside the city/village corporate limits: ☒ YES ☐ NO

Mail to Address (where you want receipt of Liquor Control Commission mailings)

Name: The North Central GroupStreet Address #1 1100 Aspen Commons, Suite 200

Street Address #2 \_\_\_\_\_

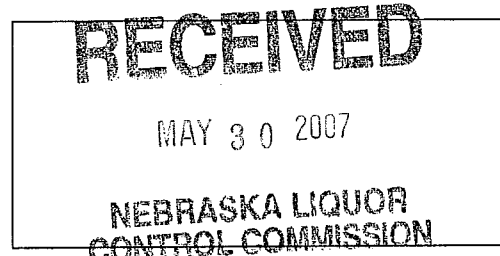
City Middleton, WI County DaneZip Code 53562**DESCRIPTION AND DIAGRAM OF THE STRUCTURE TO BE LICENSED**

In the space provided or on an attachment draw the area to be licensed. This should include storage areas, basement, sales areas and areas where consumption or sales of alcohol will take place. If only a portion of the building is to be covered by the license, you must still include dimensions (length x width) of the licensed area as well as the dimensions of the entire building in situations. No blue prints please. Be sure to indicate the direction north and number of floors of the building.

See attached

# APPLICATION FOR LIQUOR LICENSE

NEBRASKA LIQUOR CONTROL COMMISSION  
301 CENTENNIAL MALL SOUTH  
PO BOX 95046  
LINCOLN, NE 68509-5046  
PHONE: (402) 471-2571  
FAX: (402) 471-2814  
Website: www.lcc.ne.gov



OFFICE USE ONLY

## CLASS OF LICENSE FOR WHICH APPLICATION IS MADE AND FEES CHECK DESIRED CLASS(S)

### RETAIL LICENSE(S)

<input type="checkbox"/>	A	Beer, On Sale Only	\$45.00
<input type="checkbox"/>	B	Beer, Off Sale Only	\$45.00
<input checked="" type="checkbox"/>	C	Beer, Wine & Distilled Spirits, On & Off Sale	\$45.00
<input type="checkbox"/>	D	Beer, Wine & Distilled Spirits, Off Sale Only	\$45.00
<input type="checkbox"/>	I	Beer, Wine & Distilled Spirits, On Sale Only	\$45.00

Class K Catering license may be added to any of these classes with an additional fee of \$100.00 and filing form 35-4202

### MISCELLANEOUS

			Bond
<input type="checkbox"/>	L	Craft Brewery (Brew Pub)	\$295.00 1,000 min.
<input type="checkbox"/>	O	Boat	\$ 95.00 N/A
<input type="checkbox"/>	V	Manufacturer, Beer, Wine & Distilled Spirits (additional fee of \$100 to \$1,000-call for exact amount)	\$ 45.00 10,000 min.
<input type="checkbox"/>	W	Wholesale Beer	\$545.00 5,000 min.
<input type="checkbox"/>	X	Wholesale Liquor	\$795.00 5,000 min.
<input type="checkbox"/>	Y	Farm Winery	\$295.00 1,000 min.

All Class C licenses expire October 31st

All other licenses expire April 30<sup>th</sup>

Catering expire same as underlying retail license

### TYPE OF APPLICATION BEING APPLIED FOR (CHECK ONE)

- ☐ Individual License, requires insert form 1  
☐ Partnership License, requires insert form 2  
☒ Corporate License, requires insert form 3a and manager application 3b

### NAME OF PERSON OR FIRM ASSISTING WITH APPLICATION

(Commission will call this person with any questions we may have)

Name: Michael Redman Phone: 608-662-3641

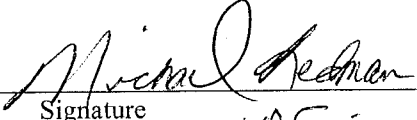
Firm Name: The North Central Group

Firm address: 11600 Aspen Commons, Suite 200 Middleton, WI 53562

- ☒ 10. If a corporation enclose a copy of the articles of incorporation. This document must show receipt (barcode) by the Secretary of States Office.

Mail checklist, all applications and attachments to: Nebraska Liquor Control Commission, 301 Centennial Mall South,  
PO Box 95046, Lincoln NE 68509-5046

I acknowledge that this application is not a guarantee that a liquor license will be issued to me, and that the average processing period is 45-60 days. Furthermore, I understand that all the information is truthful and I accept all responsibility for any false documents.

  
Signature  
VP Finance & IT, NCM (Agent)



CURT EBBE & ASSOCIATES  
ARCHITECTS  
1401 E. DOWNEY AVE.  
SUITE 100  
MILWAUKEE, WI 53217  
TEL: 414-224-1200  
FAX: 414-224-1201

PROJECT: HAMPTON INN & SUITES  
1201 SOUTH PLYMOUTH AVENUE, LA CROSSE, WISCONSIN 54601  
OWNER: NORTH CENTRAL GROUP HOTEL INVESTORS, LLC  
500 NORTH COASTLINE AVENUE, SUITE 200, LA CROSSE, WISCONSIN 54601

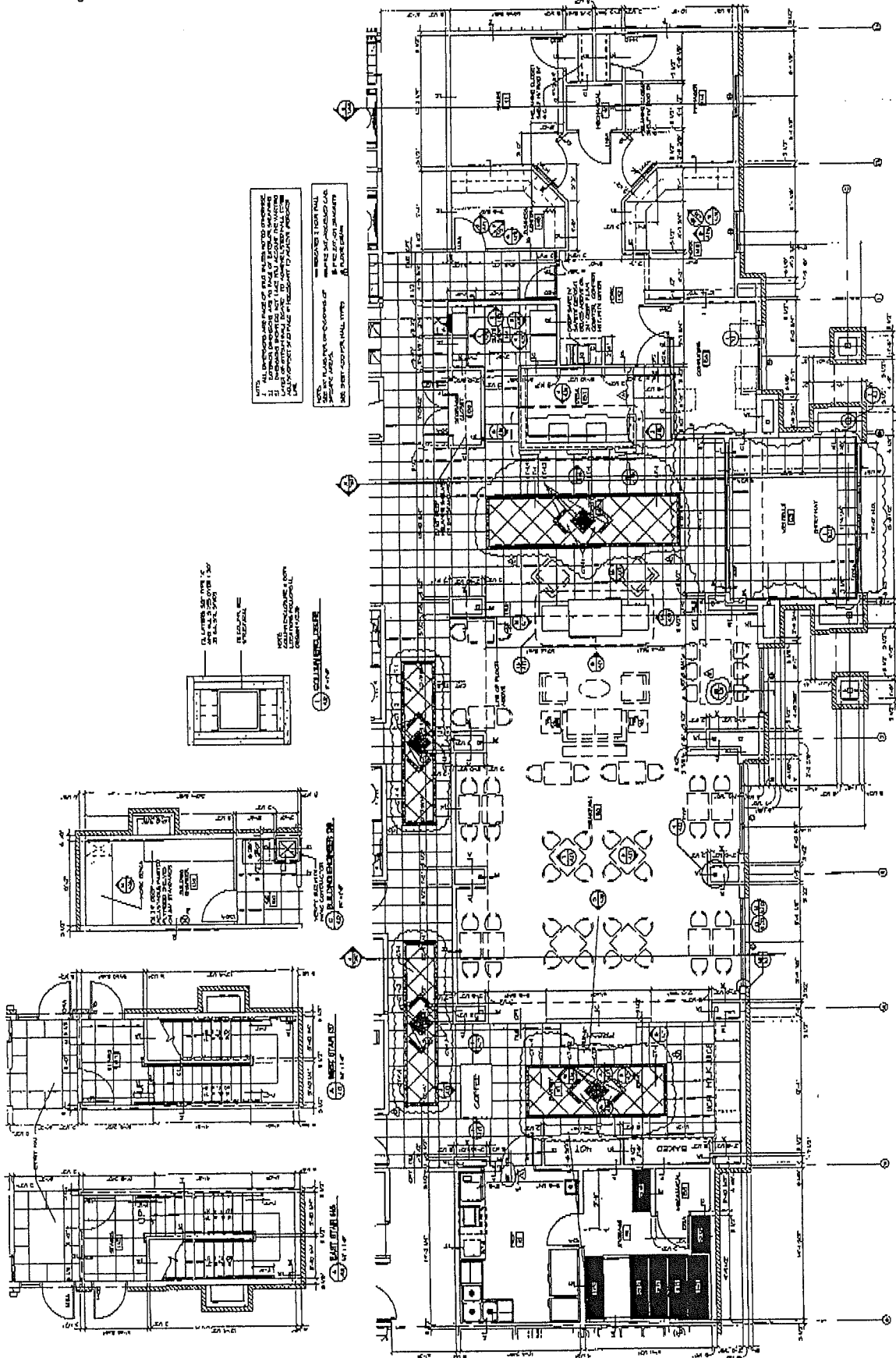
DATE: 06/08/07  
BY: [Signature]  
CHECKED BY: [Signature]  
PROJECT NO: 060807  
SHEET NO: 23  
SHEET TITLE: 4TH FLOOR PLAN  
SCALE: 1/8" = 1'-0"

412

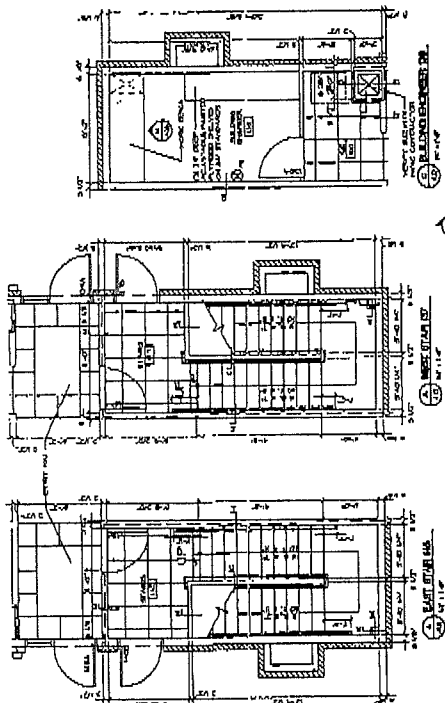
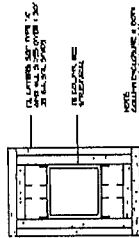
313' x 67'

4 Floors

Total Building Sq. Footage - 71,337 SF



NOTES:  
1. ALL DIMENSIONS ARE IN FEET AND INCHES.  
2. DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.  
3. DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.  
4. DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.  
5. DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.





## APPLICANT INFORMATION

### 1. READ CAREFULLY. ANSWER COMPLETELY AND ACCURATELY.

Has anyone who is a party to this application, or their spouse, EVER been convicted of or plead guilty to any charge. Charge means any charge alleging a felony, misdemeanor, violation of a federal or state law; a violation of a local law, ordinance or resolution. List the nature of the charge, where the charge occurred and the year and month of the conviction or plea. Also list any charges pending at the time of this application. If more than one party, please list charges by each individual's name.

☐  
☒

Yes If yes, please explain below or attach a separate page.  
No

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MAY 30 2007

NEBRASKA LIQUOR  
CONTROL COMMISSION

2. Are you buying the business and/or assets of a licensee? If yes, submit a copy of the sales agreement with a listing of assets being acquired including liquor inventory (name brand and container size required). Liquor Inventory may be taken at time of application being submitted.

☐

Yes

☒

Current business name and license number \_\_\_\_\_

No

3. Are you filing a temporary agency agreement, Commission form 4231, whereby current licensee allows you to operate on their license. If yes, attach agreement. **Please note: This agreement is not effective until Commissions assigns you a 3-digit ID number.**

☐

Yes

☒

No

4. Are you borrowing any money from any source to establish and/or operate the business? If yes, list the lender.

☒

Yes 1<sup>st</sup> National Bank of Omaha

☐

No

5. Will any person or entity other than applicant be entitled to a share of the profits of this business? If yes, explain. All involved members must be disclosed on application.

☐

Yes

☒

No

6. Will any of the furniture, fixtures and equipment to be used in this business be owned by others? If yes, list such items and the owner.

☐

Yes

☒

No

7. Will any person(s) other than named in this application have any direct or indirect ownership or control of the business? If yes, explain? (No silent partners)

☐

Yes

☒

No

8. Are the premises to be licensed within 150 ft of a church, school, hospital, home for the aged or indigent persons or for veterans, their wives, children, or within 300 ft of a college or university campus? If yes, list the name of such institution and where it is located in relation to the premises. Neb. Rev. Stat. 53-177.

☐

Yes

☒

No

9. Is anyone listed on this application a law enforcement officer? If yes, list the person, the law enforcement agency involved and the person's exact duties.

☐

Yes

☒

No

10. List the primary bank and/or financial institution (branch if applicable) to be utilized by the business and the individual(s) who will be authorized to write checks and/or make withdrawals on accounts at the institutions.

1<sup>st</sup> National Bank of Omaha

David A. Lenz, Jane F. Braatz, Jonathan O. Boopatz, Michael L. Redman

11. List all past and present liquor licenses held in Nebraska or any other state by any person named in this application. Include license holder name, location of license and license number. Also list reasons for termination of any licenses previously held.

Middleton Lodging Investors, LLC - Wisconsin - #B07-17C

Maple Grove Lodging Investors, LLC - Minnesota - #06-15

Omaha Downtown Lodging Investors II, LLC - Nebraska - #53570

Madison High Crossing Lodging Investors, LLC - Wisconsin - #064485

Scottsdale Lodging Investors, LLC - Arizona - #11073118

Middleton Lodging Investors II, LLC - Wisconsin - #B07<sup>4</sup>-05BW

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MAY 30 2007

12. List the person who will be the on site supervisor of the business and the estimated number of hours per week such person or manager will be on the premises supervising operations.

John Paul Villarreal - General Manager  
50-60 hours/week

NEBRASKA LIQUOR  
CONTROL COMMISSION

13. List the training or experience (when and where) of the person listed in #12 above in connection with selling and/or serving alcohol products.

- Permitted to serve alcoholic drinks at previous hotels over the last seven years.  
- Completed the "Controlling Alcohol Risk Effectively" course

14. If the property for which this license is sought is owned, submit a copy of the deed, or proof of ownership. If leased, submit a copy of the lease covering the entire license year. Documents must show title or lease held in name of applicant as owner or lessee in the individual(s) or corporate name for which the application is being filed.

☐  
☒  
☐

Lease: expiration date \_\_\_\_\_

Deed - attached

Purchase Agreement

15. When do you intend to open for business? June 1, 2007

16. What will be the main nature of business? What are the anticipated hours of operation?

Hooking - 24 hours a day, 7 days/week

17. List the principal residence(s) for the past 10 years for all persons required to sign application, including spouses. If necessary attach a separate sheet.

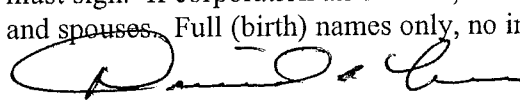
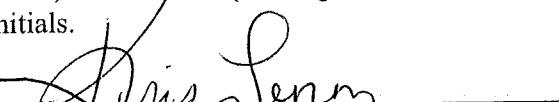
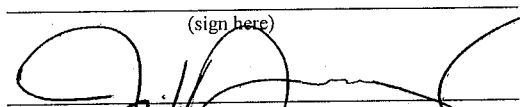
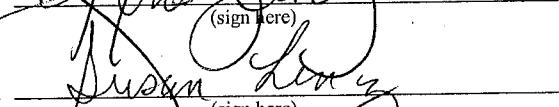
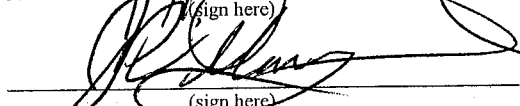
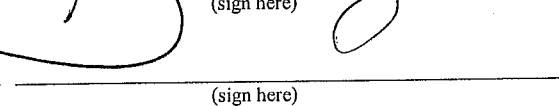
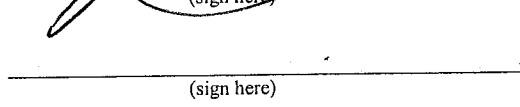
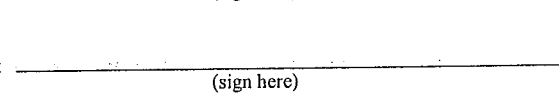
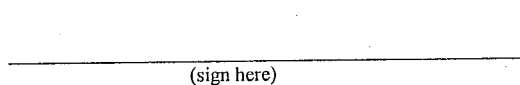
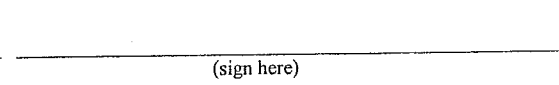
Applicant Name	From: Year	To: Year	City/State
John Paul Villarreal	1997	2004	Houston, TX
John Paul Villarreal	2004	2005	San Antonio, TX
John Paul Villarreal	2005	2007	Birmingham, AL
David A. Lenz	1997	2007	Madison, WI
Jeffrey S. Lenz	1997	2007	Middleton, WI
Kris Lenz	1997	2007	Madison, WI
Susan Lenz	1997	2007	Middleton, WI

The undersigned applicant(s) hereby consent(s) to a background investigation and release present & future records of every kind and description including police records, tax records (State and Federal), bank or lending institution records, and said applicant(s) and spouse(s) waive(s) any right or causes of action that said applicant(s) or spouse(s) may have against the Nebraska Liquor Control Commission, the Nebraska State Patrol, and any other individual disclosing or releasing said information. Any documents or records for the proposed business or for any partner or stockholder that are needed in furtherance

of the application investigation or any other investigation shall be supplied immediately upon demand to the Nebraska Liquor Control Commission or the Nebraska State Patrol. The undersigned understand and acknowledge that any license issued, based on the information submitted in this application, is subject to cancellation if the information contained herein is incomplete, inaccurate or fraudulent.

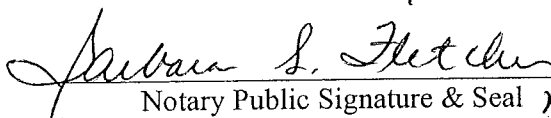
Individual applicants agree to supervise in person the management and operation of the business and that they will operate the business authorized by the license for themselves and not as an agent for any other person or entity. Corporate applicants agree the approved manager will superintend in person the management and operation of the business. Partnership applicants agree one partner shall superintend the management and operation of the business. All applicants agree to operate the licensed business within all applicable laws, rules, regulations, and ordinances and to cooperate fully with any authorized agent of the Nebraska Liquor Control Commission.

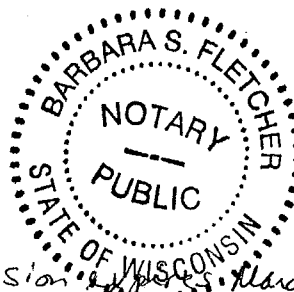
Must be signed in the presence of a notary public by applicant(s) and spouse(s). If partnership or LLC (Limited Liability Company), all partners, members and spouses must sign. If corporation all officers, directors, stockholders (holding over 25% of stock) and spouses. Full (birth) names only, no initials.

 (sign here)	 (sign here)
 (sign here)	 (sign here)
 (sign here)	 (sign here)
 (sign here)	 (sign here)
 (sign here)	 (sign here)

Subscribed in my presence and sworn to before me this

21<sup>st</sup> day of May, 2007

  
Notary Public Signature & Seal



*my commission expires March 1, 2009*

In compliance with the ADA, this application for license form is available in other formats for persons with disabilities. A ten day advance period is requested in writing to produce the alternate format.

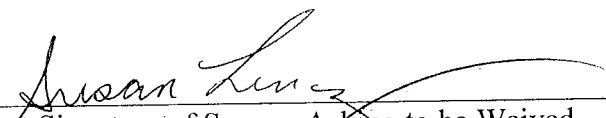
FORM 35-4010  
REV. 4/05

**NEBRASKA LIQUOR CONTROL COMMISSION  
AFFIDAVIT OF NON PARTICIPATION**

The undersigned individual acknowledges that he/she will have no interest, directly or indirectly, in the operation or profit of the business, as prescribed in Section §53-125(13) of the Liquor Control Act. Such individual shall not tend bar, make sales, serve patrons, stock shelves, write checks, sign invoices, represent themselves as owner or in any way participate in the day to day operations in any capacity. The undersigned individual will also be waived of filing fingerprint cards, however, will be required to disclose any violation(s) on all applications and sign all necessary documents.

**RECEIVED**

MAY 30 2007

  
\_\_\_\_\_  
Signature of Spouse Asking to be Waived

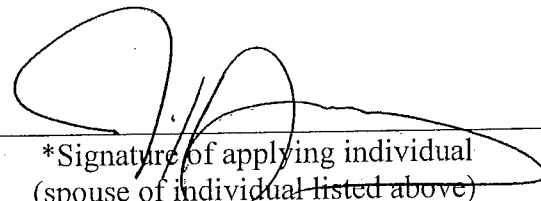
**NEBRASKA LIQUOR  
CONTROL COMMISSION**

**SUBSCRIBED** in my presence and sworn to before me this 17<sup>th</sup> day

of May, 2007.

 Exp: 1-10-10  
\_\_\_\_\_  
Signature of Notary Public

The applying individual, whose spouse is requesting to be waived, understands that he/she is responsible for compliance with the conditions set out above, and that if such terms are violated, the Commission may cancel or revoke the license.

 \_\_\_\_\_  
\*Signature of applying individual      Print name of applying individual  
(spouse of individual listed above)

**SUBSCRIBED** in my presence and sworn to before me this 17<sup>th</sup> day

of May, 2007.

 Exp: 1-10-10  
\_\_\_\_\_  
Signature of Notary Public

\*spouse of individual listed above is the individual required to sign bottom portion of affidavit

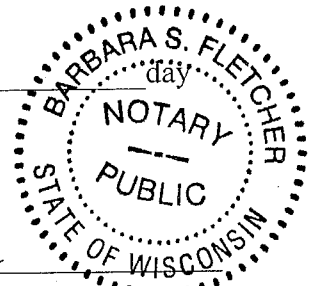
**NEBRASKA LIQUOR CONTROL COMMISSION  
AFFIDAVIT OF NON PARTICIPATION**

The undersigned individual acknowledges that he/she will have no interest, directly or indirectly, in the operation or profit of the business, as prescribed in Section §53-125(13) of the Liquor Control Act. Such individual shall not tend bar, make sales, serve patrons, stock shelves, write checks, sign invoices, represent themselves as owner or in any way participate in the day to day operations in any capacity. The undersigned individual will also be waived of filing fingerprint cards, however, will be required to disclose any violation(s) on all applications and sign all necessary documents.

Kris Lenz  
Signature of Spouse Asking to be Waived

**SUBSCRIBED** in my presence and sworn to before me this 21<sup>st</sup>  
of May, 2007.

Barbara S. Fletcher  
Signature of Notary Public *my Commission expires March 1, 2009*

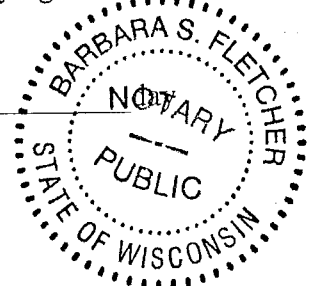


The applying individual, whose spouse is requesting to be waived, understands that he/she is responsible for compliance with the conditions set out above, and that if such terms are violated, the Commission may cancel or revoke the license.

David A. Lenz  
\*Signature of applying individual (spouse of individual listed above)      Print name of applying individual

**SUBSCRIBED** in my presence and sworn to before me this 21<sup>st</sup>  
of May, 2007.

Barbara S. Fletcher  
Signature of Notary Public *my Commission expires March 1, 2009*



\*spouse of individual listed above is the individual required to sign bottom portion of affidavit

please see attached schedule

List names of all Officers, Directors, Stockholders, Members and their Spouses

Last Name Lenz First Name David  
Social Security Number \_\_\_\_\_ Date of Birth 12/26/48  
Title sole member Number of Shares N/A  
Spouse Name (indicate N/A if single) Kn's Lenz  
Spouse Social Security Number \_\_\_\_\_ Date of Birth 1/03/48  
Title Spouse Number of Shares N/A

Last Name lenz First Name Jeff  
Social Security Number \_\_\_\_\_ Date of Birth 02/23/72  
Title sole member Number of Shares N/A  
Spouse Name (indicate N/A if single) Susan Lenz  
Spouse Social Security Number \_\_\_\_\_ Date of Birth 10/31/71  
Title Spouse Number of Shares N/A

Last Name \_\_\_\_\_ First Name \_\_\_\_\_  
Social Security Number \_\_\_\_\_ Date of Birth \_\_\_\_\_  
Title \_\_\_\_\_ Number of Shares \_\_\_\_\_  
Spouse Name (indicate N/A if single) \_\_\_\_\_  
Spouse Social Security Number \_\_\_\_\_ Date of Birth \_\_\_\_\_  
Title \_\_\_\_\_ Number of Shares \_\_\_\_\_



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MAY 30 2007

**NEBRASKA LIQUOR  
CONTROL COMMISSION**

**Lavista Lodging Investors, LLC**

Sole member: Omaha SW Lodging Investors, LLC

Managing Members:

David A. Lenz Investments, LLC – total ownership=55.3226%  
Sole Member: David A. Lenz

JSL Investments, LLC – total ownership=14.6774%  
Sole Member: Jeffrey S. Lenz

Other investor members and profits interest members: Each less than 25%.

Is this Corporation or Limited Liability Company controlled by another Corporation?

☐ Yes ☒ No

If yes, give name of corporation and supply organizational chart

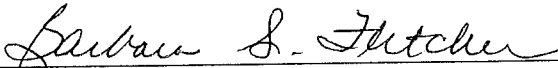
Indicate tax year with the IRS

Starting Date 10/1/2007

Ending Date 12/31/07 calendar year



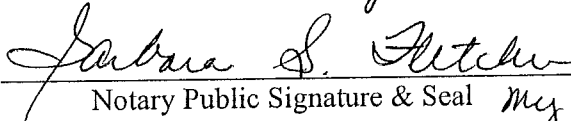
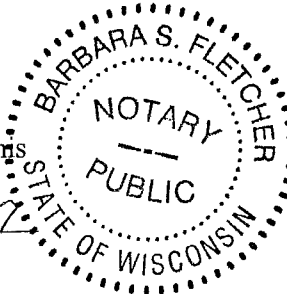
Signature of President/Managing Member



Notary Public Signature & Seal

Subscribed in my presence and sworn to before me this

21<sup>st</sup> day of May, 2007



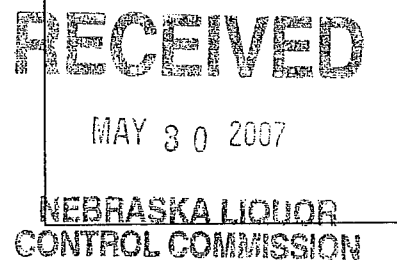
Notary Public Signature & Seal

*my commission expires March 1, 2009*

In compliance with the ADA, this application for license form is available in other formats for persons with disabilities. A ten day advance period is requested in writing to produce the alternate format.

APPLICATION FOR LIQUOR LICENSE  
CORPORATION MANAGER - FORM 3b  
\*MUST BE A NEBRASKA RESIDENT\*

301 CENTENNIAL MALL SOUTH  
PO BOX 95046  
LINCOLN, NE 68509-5046  
PHONE: (402) 471-2571  
FAX: (402) 471-2814  
Website: <http://www.lcc.ne.gov/>



LIQUOR LICENSE INFORMATION

NAME OF LICENSED CORPORATION Lavista Lodging Investors, LLC  
CLASS & LICENSE NUMBER Retail License C (Beer, wine, distilled spirits, on & off sale)  
TRADE NAME Hampton Inn & Suites Lavista  
STREET ADDRESS 12331 Southport Parkway CITY La Vista  
- applied for

A large, stylized handwritten signature in black ink, appearing to be "JP Villareal".

SIGNATURE OF CORPORATION PRESIDENT/CEO

APPLICANT INFORMATION (MUST BE 21 OR OVER AND NEBRASKA RESIDENT)

NAME John Paul Villareal  
ADDRESS 900 Farnam Street #315  
CITY Omaha STATE NE ZIP CODE 68102  
HOME PHONE NUMBER 402-505-0430 BUSINESS PHONE NUMBER 402-895-2900  
SEX ☒ MALE ☐ FEMALE SOCIAL SECURITY NUMBER \_\_\_\_\_  
DATE OF BIRTH 6/29/78 PLACE OF BIRTH Col. Maricao, Mexico  
DRIVERS LICENSE NUMBER & STATE 17067065 Texas

SPOUSES INFORMATION (IF NOT MARRIED INDICATE)

SPOUSE NAME Not Married  
SOCIAL SECURITY NUMBER \_\_\_\_\_ DATE OF BIRTH \_\_\_\_\_  
DRIVERS LICENSE NUMBER & STATE \_\_\_\_\_

1. **READ CAREFULLY. ANSWER COMPLETELY AND ACCURATELY.**

Has anyone who is a party to this application, or their spouse, EVER been convicted of or plead guilty to any charge. Charge means any charge alleging a felony, misdemeanor, violation of a federal or state law; a violation of a local law, ordinance or resolution. List the nature of the charge, where the charge occurred and the year and month of the conviction or plea. Also list any charges pending at the time of this application. If more than one party, please list charges by each individual's name.

☒ YES ☐ NO

If yes, please explain below or attach a separate page.

Driving ticket - driving with invalid license - Texas

2. Have you or your spouse ever made application for any liquor license or manager for any liquor license? **IF YES**, for what premise give license number and date.

☐ YES ☒ NO

3. Have you or your spouse ever made a compromise settlement for violation of such laws?

☐ YES ☒ NO

4. Do you, as a manager, have all the qualifications required by any person entitled to hold a Nebraska Liquor License?  
Nebraska Liquor Control Act (§53-131.01)

☒ YES ☐ NO

5. Have you filed fingerprint cards and **PROPER FEES** (if check, make out to the NE State Patrol), with this application?

☒ YES ☐ NO

**RESIDENCES FOR THE PAST 10 YEARS, APPLICANT AND SPOUSE MUST COMPLETE**

APPLICANT: CITY & STATE	YEAR		SPOUSE: CITY & STATE	YEAR	
	FROM	TO		FROM	TO
Houston, TX	6/97	8/04	N/A		
San Antonio, TX	8/04	8/05			
Birmingham, AL	8/05	3/07			

**EMPLOYERS - LIST LAST TWO EMPLOYERS**

MONTH/YEAR		NAME OF EMPLOYER	NAME OF SUPERVISOR	TELEPHONE NUMBER
FROM	TO			
9/99	3/07	Drung Hotels	Helena Robidreau	314-429-2255

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MAY 30 2007

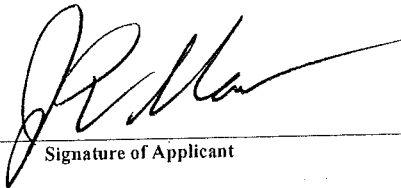
NEBRASKA LIQUOR  
CONTROL COMMISSION

PERSONAL OATH AND CONSENT OF INVESTIGATION  
MUST BE SIGNED BY APPLICANT & SPOUSE

The above individual(s), being first duly sworn upon oath, deposes and states that the undersigned is the applicant and/or spouse of applicant who makes the above and foregoing application, that said application has been read and that the contents thereof and all statements contained therein are true. If any false statement is made in any part of this application, the applicant(s) shall be deemed guilty of perjury and subject to penalties provided by law. (Sec. §53-131.01) Nebraska Liquor Control Act.

The undersigned applicant hereby consents to an investigation of his/her background including all records of every kind and description including police records, tax records (State and Federal), and bank or lending institution records, and said applicant and spouse waive any rights or causes of action that said applicant or spouse may have against the Nebraska Liquor Control Commission and any other individual disclosing or releasing said information to the Nebraska Liquor Control Commission. If spouse has NO interest directly or indirectly, an affidavit of non participation may be attached.

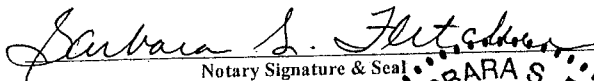
The undersigned understand and acknowledge that any license issued, based on the information submitted in this application, is subject to cancellation if the information contained herein is incomplete, inaccurate, or fraudulent.

  
\_\_\_\_\_  
Signature of Applicant

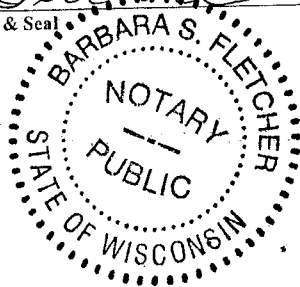
N/A  
\_\_\_\_\_  
Signature of Spouse

Subscribed in my presence and sworn to before me this 21<sup>st</sup>  
day of May, 2007.

Subscribed in my presence and sworn to before me this \_\_\_\_\_  
day of \_\_\_\_\_.

  
\_\_\_\_\_  
Notary Signature & Seal

My commission expires  
March 1, 2009



\_\_\_\_\_  
Notary Signature & Seal

Sec. 183.0203  
STAT. Wis. Stats.

06 OCT 30 PM 4:12

State of Wisconsin  
Department of Financial Institutions  
Division of Corporate and Consumer Services

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North Central Group

**ARTICLES OF AMENDMENT - LIMITED LIABILITY COMPANY**

Note: Articles of Amendment cannot be filed to add or remove members, managers or owners of the limited liability company. Member and manager information should be listed in the company's operating agreement. The operating agreement is not filed with the Department of Financial Institutions.

A. The present limited liability company name (prior to any change effected by this amendment) is:

Lavista Lodging Investors, LLC

(Enter Limited Liability Company Name)

Text of Amendment (*Refer to the existing articles of organization and the instructions on the reverse of this form. Determine those items to be changed and enter the number identifying the paragraph in the articles of organization being changed and how the amended paragraph is to read.*)

RESOLVED, THAT the articles of organization be amended as follows:

1. Article 5 of the Articles of Organization is hereby amended and restated to read in its entirety as follows:

"Article 5. Management of the limited liability company shall be vested in:  
its members."

2. The name of the registered agent is hereby changed to David A. Lenz.

3. The street address of the registered office is hereby changed to 1600 Aspen Commons, Suite 200, Middleton, WI 53562.

B. Amendment(s) to the articles of organization was adopted by the vote required by sec. 183.0404(2), Wis. Stats.

C. Executed on 10/26/06 (Date) [Signature] (Signature)

Title: ☐ Member OR ☒ Manager

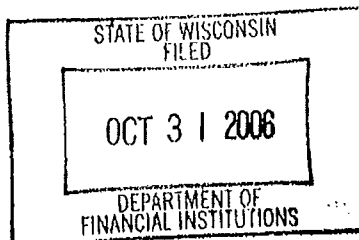
(Select and mark (X) the appropriate title)

Omaha SW Lodging Investors, LLC, Manager  
By: David A. Lenz Investments, LLC, Managing Member  
By: David A. Lenz, Sole Member (Printed name)

This document was drafted by Catherine M. Gillman

(Name the individual who drafted the document)

**FILING FEE - \$40.00**  
DFI/CORP/504(R09-05)



ARTICLES OF AMENDMENT – Limited Liability Company

Catherine M. Gillman  
The North Central Group  
1600 Aspen Commons, Suite 200  
P.O. Box 620994  
Middleton, WI 53562-0994

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MAY 30 2007

NEBRASKA LIQUOR  
CONTROL COMMISSION

▲ Enter your return address within the bracket above.

Phone number during the day: ( 608 ) 836 - 6060

**INSTRUCTIONS** (Ref. sec. 183.0203 Wis. Stats. for document content)

Submit one original and one exact copy along with the required filing fee of \$40.00 to the address listed below. Make checks payable to the "Department of Financial Institutions". Filing fee is non-refundable. Sign the document manually or otherwise allowed under sec. 183.0107(1g)(c).

<b>Mailing Address:</b> Department of Financial Institutions Division of Corporate & Consumer Services P O Box 7846 Madison WI 53707-7846	<b>Physical Address for Express Mail:</b> Department of Financial Institutions Division of Corporate & Consumer Services 345 W. Washington Ave – 3 <sup>rd</sup> Fl. Madison WI 53703	Phone: 608-261-7577 FAX: 608-267-6813 TTY: 608-266-8818
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**NOTICE:** This form may be used to accomplish a filing required or permitted by statute to be made with the department. Information requested may be used for secondary purposes. This document can be made available in alternate formats upon request to qualifying individuals with disabilities.

A. State the name of the limited liability company (before any change effected by this amendment) and the text of the amendment(s). The text should recite the resolution adopted (e.g., "Resolved, that Article 1 of the articles of organization be amended to read: . . . . . (enter the amended article).

An amendment may change or add only those provisions that are required under sec. 183.0202, Wis. Stats., to be included in articles of organization. If the amendment changes the name of the limited liability company, the new name must contain the words "limited liability company", or "limited liability co." or end with the abbreviation "L.L.C." or "LLC".

B. This statement is required by sec. 183.0203(2)(c).

C. Enter the date of execution and the name and title of the person signing the document. The document must be signed by one of the following: A **member** of the limited liability company, if management is vested in the members, or a **manager** if management is vested in one or more managers. Select and mark (X) the appropriate choice in item C.

If the document is executed in Wisconsin, sec. 182.01(3) provides that it shall not be filed unless the name of the person (individual) who drafted it is printed, typewritten or stamped thereon in a legible manner.  
If the document is not executed in Wisconsin, enter that remark.



Sec. 183.0202  
Wis. Stats.



State of Wisconsin  
Department of Financial Institutions

**ARTICLES OF ORGANIZATION - LIMITED LIABILITY COMPANY**

Executed by the undersigned for the purpose of forming a Wisconsin limited liability company under Ch. 183 of the Wisconsin statutes:

- Article 1.       **Name of the limited liability company:**  
Lavista Lodging Investors, LLC
- Article 2.       **The limited liability company is organized under Ch. 183 of the Wisconsin Statutes.**
- Article 3.       **Name of the initial registered agent.**  
CSC - Lawyers Incorporating Service Company
- Article 4.       **Street address of the initial registered office.**  
25 West Main Street  
Madison, WI 53703  
United States of America
- Article 5.       **Management of the limited liability company shall be vested in:**  
A manager or managers
- Article 6.       **Name and complete address of each organizer:**  
  
Michael Eloranto  
8101 E. Prentice Ave., Ste 400  
Greenwood Village, CO 80111 United States of America

Other Information   **This document was drafted by:**  
not executed in Wisconsin

**Signature:**  
Michael Eloranto

**Contact Information:**

Kristy Woodyard  
8101 E. Prentice Ave., Ste. 400  
Greenwood Village, CO 80111  
United States of America  
kristy@expert1031.com  
303-694-0204

**Date & Time of Receipt:**  
5/9/2006 2:04:16 PM

**Credit Card Transaction Number:**  
200659860613

**RECEIVED**

MAY 30 2007

**NEBRASKA LIQUOR  
CONTROL COMMISSION**

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**ARTICLES OF ORGANIZATION - Limited Liability Company (Ch. 183)**

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Filing Fee: \$130.00  
Expedite Fee: \$25.00  
**Total Fee: \$155.00**

**ENDORSEMENT**

**State of Wisconsin  
Department of Financial Institutions**

EFFECTIVE DATE	
5/9/2006	

<b>FILED</b> 5/10/2006	
	Entity ID Number L041298

*Lloyd J. Dowding*  
*Register of Deeds*  
*Sarpy County*

RECEIVED

JUL 11 2006

<sup>CMG</sup>  
North Central Group

*Deed to Real Estate*

Sarpy County Register of Deeds  
1210 Golden Gate Drive  
Papillion, Nebraska 68046

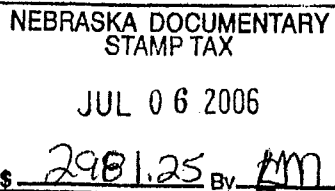
Phone: 402-593-5773 • Fax: 402-593-2338

FILED SARPY CO. NE.  
INSTRUMENT NUMBER  
2006-22743

2006 JUL -6 P 2:31 8

*Glenn J. Dowling*

REGISTER OF DEEDS



COUNTER LM C.E. D  
VERIFY PW P.E. DD  
PROOF PW  
FEES \$ 15.50  
CHECK # 116026933  
CHC 15.50 SEC CASH  
REFUND        CREDIT  
SHORT        NCR

WHEN RECORDED PLEASE RETURN TO:  
Catherine M. Gillman, Special Counsel  
North Central Group Hotel Investors, LLC  
1600 Aspen Commons, Suite 200  
Middleton, WI 53562

RECEIVED

MAY 30 2007

NEBRASKA LIQUOR  
CONTROL COMMISSION

### WARRANTY DEED

NANAIMO BAY, LLC, a Nebraska limited liability company, in consideration of \$1 and other good and valuable consideration, the exchange of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto Lavista Lodging Investors, LLC, a Wisconsin limited liability company, GRANTEE, the following described real property in Sarpy County, Nebraska:

Lot One (1) Southport East Replat Two, a Subdivision platted and recorded in Sarpy County, Nebraska.

GRANTOR covenants with GRANTEE that GRANTOR:

- (1) is lawfully seized of such real estate and that it is free from encumbrances, except those easements, covenants, restrictions and similar encumbrances of record as shown on Commitment No. NCS-236710-MAD dated May 23, 2006 issued by First American Title Insurance Company and listed on Exhibit "A" attached hereto.
- (2) has legal power and lawful authority to convey the same; and
- (3) subject to said encumbrances, warrants and will defend title to the real estate against the lawful claims of all persons.

Dated this 3<sup>rd</sup> day of July, 2006.

NANAIMO BAY, LLC

By: C.J. Raymond Investments, L.L.C.,  
Sole Member

By: *C.J. Raymond*  
C.J. Raymond, Member

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North Central Group

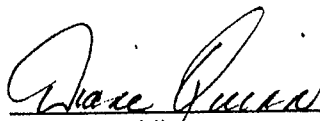
SEC  
719794

A

STATE OF WISCONSIN     )  
                                      ) ss.  
COUNTY OF DANE         )

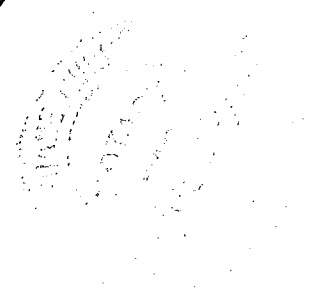
On this 3rd day of July, 2006, before me, a Notary Public, in and for the State and County aforesaid, personally appeared C.J. Raymond, Member of C.J. Raymond Investments, L.L.C., the sole Member of Nanaimo Bay, LLC, Grantor, who is personally known to me and acknowledged that his signature on this Warranty Deed is his voluntary act and deed in his authorized capacity as Member of the Sole Member, for and on behalf of the company.

Subscribed and sworn to before me on the day, month and year first above set forth.



Notary Public

*My Commission Expires: 4-26-09*



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North Central Group

2006-2774/3 B

**EXHIBIT A TO WARRANTY DEED**

**PERMITTED ENCUMBRANCES**

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MAY 30 2007

**NEBRASKA LIQUOR  
CONTROL COMMISSION**

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
2. Taxes for 2006 and subsequent years and special assessments for 2006 and subsequent years.
3. Easements as set forth on the Plat and contained in the Dedication of Southport East filed September 19, 2001, as Instrument No. 2001-30162, Records, Sarpy County, Nebraska, as shown on the survey prepared by John Meng-Frecker dated March 23, 2006, Project No. 2000030.17.
4. Affidavit of Correction filed October 8, 2002, as Instrument No. 2002-39663, Records, Sarpy County, Nebraska.
5. Partial Release of Easement by Qwest Corporation, filed March 31, 2006, as Instrument No. 2006-10705, Records, Sarpy County, Nebraska.
6. Release of Landscape Easement filed April 4, 2006, as Instrument No. 2006-11174, Records, Sarpy County, Nebraska.
7. Easements as set forth on the Plat and contained in the Dedication of Southport East Replat Two filed April 4, 2006, as Instrument No. 2006-11171, Records, Sarpy County, Nebraska.
8. Terms and provisions of Second Declaration of Covenants, Conditions, Restrictions and Easements filed November 27, 2002, as Instrument No. 2002-49202, Records, Sarpy County, Nebraska.
9. Terms and provisions of Second Amendment to Subdivision Agreement filed April 4, 2006 as Instrument No. 2006-11172, Records, Sarpy County, Nebraska.
10. Terms and provisions of Cross-Access Easement and Restrictions Agreement filed April 4, 2006 as Instrument No. 2006-11177, Records, Sarpy County, Nebraska.

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JUL 11 2006

North Central Group

**La Vista Hampton Inn & Suites Pre-Opening  
Beverage Inventory**

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MAY 30 2007

**Item**

**Storage Inventory**

**NEBRASKA LIQUOR  
CONTROL COMMISSION**

**Beer**

Heineken	24
Corona	24
Amstel Lite	24
MGD	24
Miller Lite	36
Bud	24
Bud Light	36
Odool's Aber (Non Alch)	24

**BOURBAN**

Jim Bean (Liter)	1
Maker's Mark	1

**BRANDY**

Korbel Brandy	1
Courvoiser Cognac	1

**GIN**

Bombay Gin	1
Tanqueray	1

**LIQUOR**

Baily's Irish Crème	1
Crème De Coco	1
Dr. McGillicuty (Doctor's)	1
Grand Marnier	1
Kahlua	1
Mr. Boston Triple Sec	1
Schnapps	1
Peach Schnapps	1

**RUM**

Bacardi	1
Captain Morgran	1
Malibu	1

**TEQUILA**

Jose Quervo Gold	1
------------------	---

**VODKA**

Absolut	1
Grey Goose	1
Stoli	1

**WHISKEY**

Crown Royal	1
Jack Daniels	1
Seagram's 7	1
Southern Comfort	1

**VERMOUTH**

Cinzano Dry	1
Cinzano Sweet	1

## La Vista Hampton Inn & Suites Pre-Opening

### **MIX**

Bloody Mary

1

Old Fashion

1

Roses Grenadine

2

Roses Lime

2

Bar Sour

1

Bar Syrup

1

Ginger Ale

1

### **WINES**

#### **Meridian**

Chardonnay

12

Merlot

6

Cabernet

12

Pinot Noir

6

#### **Beringer**

White Zinfandel

6

#### **Wollersheim**

Prairie Fume

6



THE  
**NORTH CENTRAL**  
GROUP

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MAY 30 2007

**NEBRASKA LIQUOR  
CONTROL COMMISSION**

May 29, 2007

Nebraska Liquor Control Commission  
301 Centennial Mall South  
Lincoln, NE 68509-5046

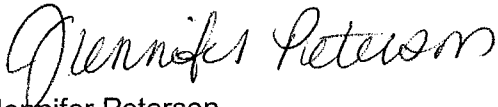
RE: Liquor License Application

To Whom It May Concern:

Please review the enclosed information for the liquor license application of Lavista Lodging Investors, LLC d/b/a Hampton Inn & Suites Lavista. Enclosed are the applications, fingerprint cards, fees, and alcohol inventory.

Should you have any questions, please give me a call at (608) 662-3647.

Sincerely,



Jennifer Peterson  
Executive Administrative Assistant

/jlp

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**LA VISTA POLICE DEPARTMENT INTEROFFICE MEMORANDUM**

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**TO:** PAM BUETHE, CITY CLERK  
**FROM:** BOB LAUSTEN, POLICE CHIEF  
**SUBJECT:** LOCAL BACKGROUND-CORPORATE MANAGER LIQUOR LICENSE  
**DATE:** 6/19/2007  
**CC:**

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The police department conducted a check of computerized records on the applicant, John Paul Villarreal, for criminal conduct in Nebraska in reference to the Corporate Manager Liquor License application. No entries were found.