



PROCLAMATION NATIONAL PUBLIC WORKS WEEK

WHEREAS, public works services provided in the City of La Vista are an integral part of our citizens' everyday lives; and

WHEREAS, the support of an understanding and informed citizenry is vital to the efficient operation of public works systems and programs such as sewers, streets and highways, public buildings, snow removal, park maintenance; and

WHEREAS, the health, safety and comfort of La Vista citizens greatly depend on these facilities and services; and

WHEREAS, the quality and effectiveness of these facilities, as well as their planning, design, and construction are dependent upon the efforts and skill of public works officials; and

WHEREAS, the efficiency of the qualified and dedicated personnel who staff the public works department is influenced by the public's attitude and understanding of the importance of their work.

NOW, THEREFORE, I, Anthony Gowan, Acting Mayor of the City of La Vista, do hereby proclaim the week of May 16 through May 22, 2010 as

NATIONAL PUBLIC WORKS WEEK

in La Vista and call upon all citizens and civic organizations to acquaint themselves with the challenges involved in providing our public works and to recognize the contributions that public works officials make every day to our health, safety and comfort.

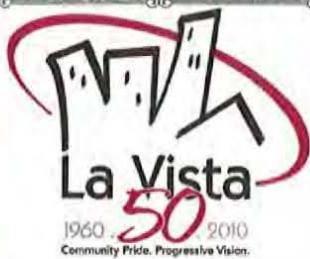
DATED THIS 18TH DAY OF MAY, 2010.



Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk



PROCLAMATION EMERGENCY MEDICAL SERVICES WEEK

WHEREAS, emergency medical service is a vital public service; and

WHEREAS, the members of emergency medical services teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and

WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS, the emergency medical services systems consists of emergency physicians, emergency nurses, emergency medical technicians, paramedics, firefighters, educators, administrators, and others; and

WHEREAS, the members of emergency medical services teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and

WHEREAS, it is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating Emergency Medical Services Week.

NOW, THEREFORE, I, Anthony Gowan, Acting Mayor of the City of La Vista, in recognition of this event, do hereby proclaim the week of May 16-22, 2010 as **EMERGENCY MEDICAL SERVICES WEEK** with the theme, EMS: Anytime, Anywhere, We'll Be There, and I encourage the community to observe this week with appropriate programs, ceremonies, and activities.

DATED THIS 18TH DAY OF MAY, 2010



Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk



PROCLAMATION

WHEREAS, the conferring of an Eagle Scout is one of the highest awards that can be bestowed upon a Boy Scout; and

WHEREAS, such award is an earned award in that the recipient must perform and successfully complete and pass the rigid requirements exacted to achieve an Eagle Scout Award; and

WHEREAS, less than two percent of all Scouts actually achieve this goal; and

WHEREAS, as his Eagle Service Project, Connor Murray reconstructed the dugout roofs on fields #2 and #3 at the La Vista Sports complex; and

WHEREAS, the City of La Vista wishes to recognize this noteworthy achievement of Connor Murray.

NOW, THEREFORE, I, Douglas Kindig, Mayor of the City of La Vista, do hereby congratulate Connor Murray on his endeavors to attain the rank of Eagle Scout and commend him for his unwavering commitment to the Boy Scouts of America.

DATED THIS 18TH DAY OF MAY, 2010.

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk



MINUTE RECORD

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

LA VISTA CITY COUNCIL MEETING May 4, 2010

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 May 4, 2010. Present were Councilmembers: Sell, Ronan, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Absent: Quick. Also in attendance were City Attorney McKeon, City Administrator Gunn, Assistant City Administrator Ramirez, City Clerk Buethe, Library Director Barcal, Police Captain Barcal, City Engineer Kottmann, Fire Chief Uhl, Recreation Director Stopak, Finance Director Lindberg, Community Development Director Birch, and Chief Building Official Sinnett.

A notice of the meeting was given in advance thereof by publication in the Times on April 22, 2010. Notice was simultaneously given to the Mayor and all members of the City Council and a copy of the acknowledgment of the receipt of notice attached to the minutes. Availability of the agenda was communicated to the Mayor and City Council in the advance notice of the meeting. All proceedings shown were taken while the convened meeting was open to the attendance of the public. Further, all subjects included in said proceedings were contained in the agenda for said meeting which is kept continuously current and available for public inspection at City Hall during normal business hours.

Mayor Kindig called the meeting to order and led the audience in the pledge of allegiance.

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

SERVICE AWARDS – BRIAN LUKASIEWICZ – 10 YEARS

Mayor Kindig recognized Brian Lukasiewicz for 10 years of service to the City.

PROCLAMATIONS – BUILDING SAFETY MONTH, MUNICIPAL CLERKS' WEEK, PUBLIC SERVICE RECOGNITION WEEK, NATIONAL DRINKING WATER WEEK

Mayor Kindig presented the Building Safety Month Proclamation to Public Buildings and Grounds Director Archibald and Chief Building Official Sinnett, the Municipal Clerk's Week Proclamation to City Clerk Buethe, and the Public Service Recognition Week Proclamation to all city employees.

SWEAR IN OFFICERS – NICK JEANETTE AND ERIC ROTHE

Mayor Kindig administered the oath of office to new police officers Nick Jeanette and Eric Rothe.

SPECIAL PRESENTATION – TOBY CHURCHILL – SARPY COUNTY ECONOMIC DEVELOPMENT CORPORATION

Toby Churchill, the Director of Sarpy County Economic Development addressed Council to give a 1st quarter update. He reviewed permits issued, valuation projects, and prospect inquiries.

A. CONSENT AGENDA

- 1. APPROVAL OF THE AGENDA AS PRESENTED**
- 2. APPROVAL OF CITY COUNCIL MINUTES FROM APRIL 20, 2010**
- 3. APPROVAL OF PLANNING COMMISSION MINUTES FROM APRIL 8, 2010**
- 4. PAY REQUEST NO. 12 FROM EDAW/AECOM - 84TH STREET REDEVELOPMENT
VISION - \$556.88**
- 5. APPROVAL OF CLAIMS**

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

ACTION BATTERIES, Electric Cart	359.80
ADAMSON INDUSTRIES, Vehicle Maint.	409.95
ADT SECURITY SERVICES, Contract Services	246.74
AGRIUM ADVANCED TECHNOLOGIES, Supplies	2,885.50
ALAMAR UNIFORMS, Wearing Apparel	58.99
ALL MAKES OFFICE EQUIPMENT, Bldg & Grnds	69.95
ANDERSON ELECTRIC, Bldg & Grnds	40.00
ANDY'S SHOE REPAIR, Equip Repair	15.00

MINUTE RECORD

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

May 4, 2010

ARAMARK UNIFORM, Contract Services	261.26
ASPHALT & CONCRETE MATERIALS, Street Maint.	197.64
ASSOCIATED FIRE PROTECTION, Contract Services	71.00
BADGER BODY, Vehicle Maint.	28.08
BAKER & TAYLOR BOOKS, Books	762.84
BARONE SECURITY SYSTEMS, Contract Services	780.00
BCDM-BERINGER CIACCIO DENNELL, Professional Services	1,150.00
BCR-BIBLIOGRAPHICAL, February Fees	30.17
BEACON BUILDING SERVICES, Contract Services	6,912.00
BENNETT REFRIGERATION, Equip Repair	132.00
BENNINGTON EQUIPMENT, Vehicle Maint.	1,144.50
BETTER BUSINESS EQUIPMENT, Rental	43.93
BIRCH, ANN, Travel	364.00
BLACK HILLS ENERGY, Utilities	2,761.31
BLACKHAWK PRODUCTS, Wearing Apparel	144.69
BRAGG, DENISE, Refund	20.00
BUETHE, PAMELA, Travel/Bldg & Grnds/Supplies/Phone	208.32
BUILDERS SUPPLY, Bldg & Grnds	32.97
CALENTINE, JEFFREY, Phone	30.00
CENTER POINT PUBLISHING, Books	248.04
CITY OF OMAHA, Show Mobile Rental	1,180.00
CLASSIC REFRIGERATION, Bldg & Grnds	172.50
CLIA LABORATORY PROGRAM, Squad Supplies	150.00
COCA-COLA, Concessions	746.50
COLOMBO/PHELPS, Concessions	482.75
COMP CHOICE, Professional Services	682.25
CORNHUSKER INTL, Vehicle Maint.	164.96
COX, Contract Services	39.00
DANDERAND, JOHN, Travel	175.00
DAVIDSON TITLE, Books	33.98
DELL, Contract Services	47.51
DIAMOND VOGEL PAINTS, Bldg & Grnds	32.92
DULTMEIER SALES & SERVICE, Vehicle Maint.	172.50
EDGEWEAR SCREEN PRINTING, Wearing Apparel	1,008.00
ELECTRIC FIXTURE & SUPPLY, Bldg & Grnds	171.06
ELECTRIC SPECIALTIES, Contract Services	120.00
FARQUHAR, MIKE, Auto Allowance	100.00
FILTER CARE, Vehicle Maint.	120.75
FITZGERALD SCHORR BARMETTLER, Professional Services	15,267.50
FROEHLICH, RORY, Auto Allowance	100.00
FUTUREWARE, Squad Supplies	32.00
GALE, Books	188.61
GALLS, Wearing Apparel	154.49
GOLDMAN, GREG, Phone	85.00
GRAYBAR ELECTRIC, Bldg & Grnds	282.06
GREAT PLAINS UNIFORMS, Wearing	463.45
GREENKEEPER COMPANY, Supplies/Bldg & Grnds	1,297.30
GUNN, BRENDA, Travel/Phone	409.00
HAMILTON COLOR LAB, Professional Services	1,820.04
HARTS AUTO SUPPLY, Vehicle Maint.	543.00
HEARTLAND PAPER, Supplies	396.00
HELGET GAS PRODUCTS, Squad Supplies	73.00
HERITAGE CRYSTAL CLEAN, Contract Services	185.50
HOST COFFEE, Concessions	41.50
HUNTEL, Contract Services	130.50
INDUSTRIAL SALES, Bldg & Grnds	5.77
INLAND TRUCK PARTS, Vehicle Maint.	191.72
INSIGHT TECHNOLOGY, Contract Services	2,593.65
J Q OFFICE EQUIPMENT, Supplies/Contract Services	1,150.05
JO DON'S, Equipment	32.00
JONES AUTOMOTIVE, Vehicle Maint.	804.00
JOURNAL BROADCAST GROUP, LV50 Marketing	2,750.00
KGBI-PENNSYLVANIA MEDIA ASSN, LV50 Marketing	350.00
KINDIG, DOUGLAS, Travel	232.00
KINSEY, JEREMY, Travel	175.00
KLINKER, MARK, Professional Services	200.00
KRIHA FLUID POWER, Vehicle Maint.	64.39
LA VISTA COMMUNITY FOUNDATION, Payroll Withholding	75.00
LA VISTA PHARMACY, Squad Supplies	29.93
LAUGHLIN, KATHLEEN, Payroll Withholdings	809.00

MINUTE RECORD

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

May 4, 2010

LEAGUE ASSN OF RISK MGMT, Insurance	718.00
LIFE ASSIST, Squad Supplies	499.94
LINDBERG, SHEILA, Travel	364.00
LITTLE, TROY, Travel	107.00
LUKASIEWICZ, BRIAN, Phone	50.00
LYMAN-RICHEY SAND & GRAVEL, Bldg & Grnds	204.76
MARKOWSKY, THOMAS, Travel	107.00
MARSHALL CAVENDISH, Books	119.70
MARTIN MARIETTA AGGREGATES, Bldg & Grnds	105.44
MARTIN, ALEX, Travel	107.00
MENARDS, Bldg & Grnds	218.58
MERIDIAN LIBRARY SYSTEM, Training	15.00
MES-MIDAM, LVFD Equipment	13,295.74
METRO AREA TRANSIT, March Fees	561.00
METRO COMMUNITY COLLEGE, Utilities/Phone/Contract Services	16,680.66
METRO LANDSCAPE MATERIALS, Supplies	2,520.00
MICHAEL TODD AND COMPANY, Vehicle Maint.	1,046.74
MID AMERICA PAY PHONES, Phone	50.00
MIDWEST SERVICE AND SALES, Traffic Markers	857.00
MIDWEST TAPE, Media	1,965.57
MONARCH OIL, Street Maint.	334.75
MUD, Utilities	1,279.16
NATIONAL PAPER COMPANY, Supplies	335.02
NE DEPT OF REVENUE-LOTTERY, Lottery Tax	89,099.92
NEBRASKA LANDSCAPE SOLUTIONS, Supplies	2,723.68
NEBRASKA LIBRARY COMMISSION, Training	35.00
NEBRASKA TURF PRODUCTS, Supplies	4,625.20
NEBRASKA WELDING, LV50 Float	37.03
NEXTEL, Phone	695.13
NIKE USA, Pro Shop	238.20
NLA PUBLIC LIBRARY SECTION, Training	20.00
ODB, Vehicle Maint.	336.84
ODEY'S, Bldg & Grnds	75.00
OFFICE DEPOT, Supplies	1,580.13
OMB EXPRESS, Supplies	1,367.10
ORIENTAL TRADING, Summer Reading Prgm	249.48
PAPILLION TIRE, Vehicle Maint.	81.15
PAPIO-MO RVR NATURAL RESOURCES, Watershed Agreement	5,000.00
PARAMOUNT LINEN & UNIFORM, Uniform Cleaning	390.96
PAUL CONWAY SHIELDS, Wearing Apparel	92.40
PERFORMANCE CHRYSLER JEEP, Vehicle Maint.	5.77
PITNEY BOWES, Supplies	221.00
QWEST, Phone	133.58
RAINBOW GIRLS SOFTBALL LEAGUE, Entry Fee	1,575.00
RAINBOW GLASS & SUPPLY, Equip. Repair	50.00
RAMIREZ, RITA, Travel/Phone	529.00
READY MIXED CONCRETE, Sewer Repair & Maint.	298.42
REPUBLIC NATIONAL, Concessions	175.36
RUSTY ECK FORD, Vehicle Maint.	24.14
SARPY COUNTY COURTHOUSE, Contract Services	3,495.03
SARPY COUNTY TREASURER, Property Tax	13,436.02
SHEPPARD'S, Bldg & Grnds	300.00
SOUCIE, JOSEPH, Phone	60.00
SOUTHEAST LIBRARY SYSTEM, Training	40.00
SPRINT, Phone	120.08
STERIL MANUFACTURING, Equip. Repair	100.00
STERLING DISTRIBUTING COMPANY, Concessions	108.90
STEVENS, MARK, Travel	107.00
STOPAK, SCOTT, Travel	474.00
TARGET BANK, Concessions	32.08
TED'S MOWER SALES & SERVICE, Vehicle Maint.	366.93
THOMPSON DREESSEN & DORNER, Professional Services	618.24
TIEHEN, JAMES, Travel	207.00
TORNADO WASH, Vehicle Maint.	275.00
TOTAL MARKETING, Bldg & Grnds	205.50
TURF CARS, Electric Cart Maint.	669.80
USI EDUCATION/GOVT SALES, Supplies	30.90
USPS, Postage	1,426.57
V & V MANUFACTURING, Wearing Apparel	48.44
VAIL, ADAM, Auto Allowance	100.00

MINUTE RECORD

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

May 4, 2010

VERIZON, Phone	193.30
VERNE SIMMONDS, Bldg & Grnds	5.00
WAL-MART, Supplies/Equip.	1,122.67
WASTE MANAGEMENT, Bldg & Grnds	296.94
WICK'S STERLING TRUCKS, Vehicle Maint.	178.55

REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

City Administrator Gunn updated Council on the recent La Vista 50 Events, which were the Arbor Day event and the Arts Festival.

City Clerk Buethe informed Council the City held a meeting on April 22nd with the property owners and tenants in the Thompson Creek voluntary buyout area. The Acquisition and Appraisal services were there and a presentation was done to explain the process of voluntary acquisition. Police Chief Lausten informed Council the new officers will start the field program Sunday night and with their experience they will 8 weeks of FTO which is a lateral program. Lausten informed Council the violence at Billy Froggs has stopped on Friday nights. Lausten informed Council that La Vista Police Officers assisted with security during Cinco de Mayo festivities. The overtime will be reimbursed through a "safe neighborhoods" grant. Lausten informed Council they had arrested a suspected shooter from the 168th Street incident.

Fire Chief Uhl informed Council on recent recruiting efforts. There are 15 or 16 applicants, and some are those that previously served in Bellevue, which can bring some valuable experience.

Public Works Director Soucie stated that he had received positive comments on how well organized the Arbor Day event was from Mr. Mooter, retired state forester. Soucie stated that they have begun planting the 50 trees. It has been determined that the new posts for the flags are not sufficient to hold them and are breaking. There are enough old posts to replace these until the company can determine what to do. The grant application for the Applewood Creek channel improvement project has been approved in the amount of \$238,000.00. Soucie gave information as to quantities of items collected during their clean up days event. Councilmember Crawford asked when public works would begin putting permanent patch in the potholes on residential streets. Soucie stated they should be in residential areas by the first week in June.

Library Director Barcal gave Council the schedule for the children's and teen's summer programs.

B. RESOLUTION – AMEND GEOGRAPHIC INFORMATION SYSTEM INTERLOCAL AGREEMENT

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 10-051: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING AN AMENDMENT TO THE INTERLOCAL AGREEMENT FOR THE GEOGRAPHIC INFORMATION SYSTEM (GIS) COALITION.

WHEREAS, the cities of Bellevue, Gretna, Papillion, Springfield and Sarpy County entered into an Interlocal Cooperation Agreement for the Geographic Information System; and

WHEREAS, an amendment to the Interlocal Agreement has been prepared to increase the participation of the cities and county to include the special projects cost shares for the 2010 NIROC regional aerial photography project

WHEREAS, the City of La Vista "Special Projects Share" is \$2,819.00

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of La Vista, Nebraska, that the amendment to the Interlocal Agreement dated March 28, 2007 is hereby approved and the Mayor and City Clerk are hereby authorized to execute said agreement on behalf of the City of La Vista.

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

C. RESOLUTION – PARKVIEW HEIGHTS ELEMENTARY SCHOOL SAFE ROUTE TO SCHOOL PLAN

Councilmember Ellerbeck introduced and moved for the adoption of Resolution No. 10-052: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA MODIFYING THE EXTENT OF SCHOOL SPEED ZONES AND NO PARKING ZONES IN ACCORDANCE WITH THE PARKVIEW HEIGHTS ELEMENTARY SCHOOL SAFE ROUTE TO SCHOOL PLAN.

MINUTE RECORD

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

May 4, 2010

WHEREAS, the City Engineer has modified the Parkview Heights Route to School Plan; and

WHEREAS, City staff has reviewed the plan and recommends approval.

NOW, THEREFORE, BE IT RESOLVED, that the School Speed Zones near the Portal Elementary School are modified as follows:

1. A 15 MPH School Speed Zone on Granville Parkway from 400 feet west of the centerline of 87th Street to 180 feet west of the centerline of Elm Drive.
2. A 15 MPH School Speed Zone on Elm Drive from 140 feet north of the centerline of Granville Parkway to 170 feet south of the centerline of Granville Parkway.
3. A 15 MPH School Speed Zone on Honey Locust Drive from 240 feet east of the centerline of Elm Drive to 450 feet west of the centerline of Chinawood Avenue.

BE IT FURTHER RESOLVED, that the No Parking Zones near the Portal Elementary School are modified as follows:

1. A No Parking Zone on the north side of Granville Parkway from the centerline of 89th Street to the centerline of Elm Drive.

BE IT FURTHER RESOLVED, that the Public Works Department be, and hereby is, authorized to install the appropriate signage and pavement markings in accordance with the aforementioned speed zones and no parking zones.

Seconded by Councilmember Carlisle. Councilmember Sheehan asked when the speed limit signs will be changed to 15 MPH. Public Works Director Soucie responded they would be changed once the resolution is passed. Councilmember Gowan thanked Soucie for his help. Councilmembers voting aye: Sell, Ronan, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: Quick. Motion carried.

D. RESOLUTION – STRATEGIC PLAN UPDATE

Councilmember Crawford introduced and moved for the adoption of Resolution No. 10-053: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, TO ADOPT THE STRATEGIC PLAN FOR 2010-2012 AS ATTACHED.

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

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

WHEREAS, the Mayor and City Council held their annual strategic planning work session on Tuesday, March 23, 2010 to:

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

WHEREAS, the attached Strategic Plan for 2010-2012 as developed as a collaborative effort between the Mayor and City Council and the city's management team and establishes the organizational priorities for a two year planning period.

NOW THEREFORE, BE IT RESOLVED that the Mayor and City Council of the City of La Vista, Nebraska, do hereby approve the Strategic Plan for 2010-2012 as attached and presented at the May 4, 2010 City Council meeting.

Seconded by Councilmember Gowan. City Administrator Gunn reviewed the additions and/or changes to the plan. Councilmembers voting aye: Sell, Ronan, Sheehan, Crawford, Carlisle, Ellerbeck, and Gowan. Nays: None. Absent: Quick. Motion carried.

E. RESOLUTION – COUNCIL POLICY STATEMENT

Councilmember Crawford introduced and moved for the adoption of Resolution No. 10-054: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING A COUNCIL POLICY STATEMENT PERTAINING TO THE CITY ADMINISTRATOR PERFORMANCE EVALUATION; AND PROVIDING FOR AN EFFECTIVE DATE.

MINUTE RECORD

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

May 4, 2010

WHEREAS, the City Council has determined that it is necessary and desirable to create Council Policy Statements as a means of establishing guidelines and direction to the members of the City Council and to the city administration in regard to various issues which regularly occur; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby approve the Council Policy Statement pertaining to the City Administrator Performance Evaluation and do further hereby direct the distribution of said Council Policy Statement to the appropriate City Departments.

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

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

COMMENTS FROM THE FLOOR

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

F. EXECUTIVE SESSION – STRATEGY SESSION/NEGOTIATING GUIDANCE - CONTRACT

At 7:40 p.m. Councilmember Carlisle made a motion to go into executive session for the protection of the public interest for a strategy/negotiating guidance – contract session. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: Quick. Motion carried. Mayor Kindig stated the executive session would be limited to the subject matter contained in the motion.

At 8:39 p.m. the Council came out of executive session. Councilmember Carlisle made a motion to reconvene in open and public session. Seconded by Councilmember Sell. Councilmembers voting aye: Sell, Ronan, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: Quick. Motion carried.

COMMENTS FROM MAYOR AND COUNCIL

Mayor Kindig asked for volunteers to help with the cooking at the G. Stanley Hall Carnival this Friday, May 7th, from 5:00 p.m. to 8:00 p.m.

Mayor Kindig asked if there was someone available to read at Central Park on Friday, May 7th at noon for the La Vista West summer reading program.

Mayor Kindig stated that Black Hills Energy donated \$500.00 to the D.A.R.E. program.

Mayor Kindig stated that proceeds from the golf tournament on June 5 being put on by the Stylehouse Barber Shop would be split between the D.A.R.E. program and the La Vista Community Foundation

At 8:43 p.m. Councilmember Crawford made a motion to adjourn the meeting. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: Quick. Motion carried.

PASSED AND APPROVED THIS 18TH DAY OF MAY 2010

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

K:\APPS\CITYHALL10 COUNCIL MINUTES\May 4, 2010

CITY OF LAVISTA, NEBRASKA
COMBINED STATEMENT OF REVENUES, EXPENDITURES
AND CHANGES IN FUND BALANCE-ALL GOVERNMENTAL FUND TYPES
For the seven months ended April 30, 2010
58% of the Fiscal Year

	General Fund					Debt Service Fund					Capital Fund				
	Budget (12 month)	MTD Actual	YTD Actual	Over/(under) Budget	% of budget Used	Budget	MTD Actual	YTD Actual	Over/(under) Budget	Budget	MTD Actual	YTD Actual	Over/(under) Budget		
REVENUES															
Property Taxes	\$ 4,834,007	\$ 1,742,741	\$ 2,253,653	\$ (2,580,353)	47%	\$ 816,253	\$ 309,207	\$ 377,796	\$ (438,458)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ (573,656)
Sales and use taxes	1,955,000	191,213	1,389,792	(565,208)	71%	977,500	95,606	694,896	(282,604)	573,656	-	-	-	-	-
Payments in Lieu of taxes	90,000	-	-	(90,000)	0%	-	-	-	-	-	-	-	-	-	-
State revenue	915,403	97,798	628,238	(287,165)	69%	-	-	-	-	-	-	-	-	-	-
Occupation and franchise taxes	650,000	214,534	539,703	(110,297)	83%	-	-	-	-	-	-	-	-	-	-
Hotel Occupation Tax	474,407	65,187	313,715	(160,692)	66%	-	-	-	-	-	-	-	-	-	-
Licenses and permits	472,600	33,518	248,966	(223,634)	53%	-	-	-	-	-	-	-	-	-	-
Interest income	50,000	720	36,009	(13,991)	72%	75,000	1,444	54,490	(20,510)	-	-	-	-	-	-
Recreation fees	131,000	6,680	60,704	(70,296)	46%	-	-	-	-	-	-	-	-	-	-
Special Services	16,490	1,446	10,791	(5,699)	65%	-	-	-	-	-	-	-	-	-	-
Grant Income	348,059	3,702	62,197	(285,862)	18%	-	-	-	-	7,960,166	-	-	-	-	(7,960,166)
Other	2,418,256	106,012	267,766	(2,150,490)	11%	965,156	136,936	411,882	(553,274)	1,276,000	6,621	125,823	(1,150,177)	-	-
Total Revenues	12,355,222	2,463,551	5,811,535	(6,543,686)	47%	2,833,909	543,193	1,539,064	(1,294,845)	9,809,822	6,621	125,823	(9,683,999)		
EXPENDITURES															
Current:															
Mayor and Council	182,262	10,595	73,106	(109,156)	40%	-	-	-	-	-	-	-	-	-	-
Boards & Commissions	10,685	421	10,065	(620)	94%	-	-	-	-	-	-	-	-	-	-
Public Buildings & Grounds	532,224	51,442	254,680	(277,544)	48%	-	-	-	-	-	-	-	-	-	-
Administration	706,494	84,656	389,786	(316,708)	55%	225,000	5,248	132,106	(92,894)	-	-	-	-	-	-
Police and Animal Control	3,607,692	355,672	2,000,102	(1,607,590)	55%	-	-	-	-	-	-	-	-	-	-
Fire	598,696	45,221	241,666	(357,030)	40%	-	-	-	-	-	-	-	-	-	-
Community Development	674,982	86,055	363,561	(311,421)	54%	-	-	-	-	-	-	-	-	-	-
Public Works	2,864,921	262,327	1,607,495	(1,257,426)	56%	-	-	-	-	-	-	-	-	-	-
Recreation	610,485	48,927	260,627	(349,858)	43%	-	-	-	-	-	-	-	-	-	-
Library	634,871	69,993	319,151	(315,720)	50%	-	-	-	-	-	-	-	-	-	-
Human Resources	457,321	7,244	367,363	(89,958)	80%	-	-	-	-	-	-	-	-	-	-
Special Services & Tri-City Bus	80,676	7,057	33,574	(47,102)	42%	-	-	-	-	-	-	-	-	-	-
Capital outlay	406,816	9,371	143,249	(263,567)	35%	-	-	-	-	-	-	-	-	-	(10,148,002)
Debt service: (Warrants)	-	-	-	-	-	398,898	-	-	(398,898)	-	-	-	-	-	-
Principal	-	-	-	-	-	13,545,000	80,000	12,985,390	(559,610)	-	-	-	-	-	-
Interest	-	-	-	-	-	1,550,878	123,149	771,449	(779,429)	-	-	-	-	-	-
Total Expenditures	11,368,125	1,038,980	6,064,425	(5,303,700)	53%	15,719,776	208,397	13,888,944	(1,830,832)	10,273,825	6,621	125,823	(10,148,002)		
EXCESS OF REVENUES OVER (UNDER) EXPENDITURES	987,097	1,424,571	(252,889)	1,239,986	-26%	(12,885,867)	334,796	(12,349,880)	(535,987)	(464,003)	-	-	(464,003)		
OTHER FINANCING SOURCES (USES)															
Operating transfers in (out)	(669,000)	-	-	669,000	-	395,784	-	-	(395,784)	65,105	-	-	(65,105)	-	-
Bond/registered warrant proceeds	-	-	-	-	-	11,758,898	11,370,000	11,370,000	(388,898)	398,898	-	-	(398,898)	-	-
Total other Financing Sources (Uses)	(669,000)	-	-	669,000	-	12,154,682	11,370,000	11,370,000	(784,682)	464,003	-	-	(464,003)		
EXCESS OF REVENUES AND OTHER FINANCING SOURCES OVER (UNDER) EXPENDITURES AND OTHER FINANCING USES	\$ 318,097	\$ 1,424,571	\$ (252,889)	\$ 570,986	-	\$ (731,185)	\$ 11,704,796	\$ (979,880)	\$ 248,695	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
FUND BALANCE, beginning of the year				4,534,624				7,701,176						66,756	
FUND BALANCES, END OF PERIOD				\$ 4,281,735				\$ 6,721,296						\$ 66,756	

* FY10 Liability and Workers' Comp Insurance

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

BUDGET AND ACTUAL
For the seven months ended April 30, 2010
58% of the Fiscal Year

	Sewer Fund					Golf Course Fund				
	Budget	MTD Actual	YTD Actual	Over (Under) Budget	% of Budget Used	Budget	MTD Actual	YTD Actual	Over (Under) Budget	% of Budget Used
REVENUES										
User fees	\$ 1,454,126	\$ 128,185	\$ 845,265	\$ (608,861)	58%	\$ 185,000	\$ 35,083	\$ 59,376	\$ (125,624)	32%
Service charge and hook-up fees	250,000	9,900	64,215	(185,785)	26%	-	-	-	-	-
Merchandise sales	-	-	-	-	-	33,800	4,741	8,044	(25,756)	24%
Grant	30,000	-	27,389	(2,611)	n/a	-	-	-	-	-
Miscellaneous	200	29	165	(35)	82%	300	26	141	-	47%
Total Revenues	1,734,326	138,114	937,034	(797,292)	54%	219,100	39,849	67,560	(151,380)	31%
EXPENDITURES										
General Administrative	388,427	42,868	215,322	(173,105)	55%	-	-	-	-	-
Cost of merchandise sold	-	-	-	-	-	23,500	5,194	11,398	(12,102)	49%
Maintenance	1,247,842	88,524	604,592	(643,250)	48%	185,771	16,956	96,817	(88,954)	52%
Production and distribution	-	-	-	-	-	134,122	10,969	58,783	(75,339)	44%
Capital Outlay	11,550	-	-	(11,550)	0%	5,000	-	-	(5,000)	0%
Debt Service:										
Principal	-	-	-	-	-	100,000	-	100,000	-	100%
Interest	-	-	-	-	-	28,178	-	15,426	(12,751)	55%
Total Expenditures	1,647,819	131,392	819,914	(827,905)	50%	476,571	33,119	282,424	(194,146)	59%
OPERATING INCOME (LOSS)	86,507	6,722	117,120	(30,613)	-	(257,471)	6,730	(214,864)	42,766	-
NON-OPERATING REVENUE (EXPENSE)										
Interest income	30,000	509	5,110	(24,890)	17%	25	15	108	83	431%
	30,000	509	5,110	(24,890)	17%	25	15	108	83	431%
INCOME (LOSS) BEFORE OPERATING TRANSFERS										
	116,507	7,231	122,230	(5,723)	-	(257,446)	6,746	(214,756)	42,690	-
OTHER FINANCING SOURCES (USES)										
Operating transfers in (out)	-	-	-	-	-	255,000	115,426	115,426	(139,574)	45%
NET INCOME (LOSS)	\$ 116,507	\$ 7,231	\$ 122,230	\$ (5,723)	-	\$ (2,446)	\$ 122,172	\$ (99,330)	\$ 96,884	-
NET ASSETS, Beginning of the year			<u>4,611,811</u>						<u>185,927</u>	
NET ASSETS, End of the year			<u>\$ 4,734,041</u>						<u>\$ 86,597</u>	

BANK NO	BANK NAME	CHECK NO	DATE	VENDOR NO	VENDOR NAME	CHECK AMOUNT	CLEARED	VOIDED	MANUAL
1 Bank of Nebraska (600-873)									
	46086				Payroll Checks				
Thru	46087								
	46088				Gap in Checks				
Thru	99884								
99885	5/05/2010	1194	QUALITY BRANDS OF OMAHA			353.85			**MANUAL**
99886	5/05/2010	3806	MARKOWSKY, THOMAS J			466.17			**MANUAL**
99887	5/05/2010	4123	AECOM TECHNICAL SERVICES INC			556.88			**MANUAL**
99888	5/12/2010	3702	LAUGHLIN, KATHLEEN A, TRUSTEE			809.00			**MANUAL**
99889	5/18/2010	3983	ABE'S PORTABLES INC			86.00			
99890	5/18/2010	762	ACTION BATTERIES UNLTD INC			139.90			
99891	5/18/2010	4314	AFTERNOONER'S			63.32			
99892	5/18/2010	571	ALAMAR UNIFORMS			418.97			
99893	5/18/2010	87	AMERICAN FENCE COMPANY INC			5,821.87			
99894	5/18/2010	720	AMERICAN LEGAL PUBLISHING CORP			1,404.00			
99895	5/18/2010	1973	ANN TROE			490.00			
99896	5/18/2010	536	ARAMARK UNIFORM SERVICES INC			112.83			
99897	5/18/2010	188	ASPHALT & CONCRETE MATERIALS			130.57			
99898	5/18/2010	706	ASSOCIATED FIRE PROTECTION			53.50			
99899	5/18/2010	201	BAKER & TAYLOR BOOKS			1,909.39			
99900	5/18/2010	2554	BARCAL, ROSE			66.30			
99901	5/18/2010	1784	BENNINGTON EQUIPMENT INC			990.97			
99902	5/18/2010	3774	BENSON RECORDS MANAGEMENT CTR			54.62			
99903	5/18/2010	196	BLACK HILLS ENERGY			289.27			
99904	5/18/2010	56	BOB'S RADIATOR REPAIR CO INC			1,240.00			
99905	5/18/2010	4311	BROTHERHOOD INSTRUCTORS LLC			1,200.00			
99906	5/18/2010	76	BUILDERS SUPPLY CO INC			295.04			
99907	5/18/2010	2625	CARDMEMBER SERVICE-ELAN			.00	**CLEARED**	**VOIDED**	
99908	5/18/2010	2625	CARDMEMBER SERVICE-ELAN			.00	**CLEARED**	**VOIDED**	
99909	5/18/2010	2625	CARDMEMBER SERVICE-ELAN			8,287.65			
99910	5/18/2010	152	CITY OF OMAHA			45,611.89			
99911	5/18/2010	3683	CITY OF OMAHA SHOW MOBILE			480.00			
99912	5/18/2010	1504	CITY OF PAPILLION PARKS/RECR			36.00			
99913	5/18/2010	83	CJ'S HOME CENTER			.00	**CLEARED**	**VOIDED**	
99914	5/18/2010	83	CJ'S HOME CENTER			.00	**CLEARED**	**VOIDED**	
99915	5/18/2010	83	CJ'S HOME CENTER			.00	**CLEARED**	**VOIDED**	
99916	5/18/2010	83	CJ'S HOME CENTER			.00	**CLEARED**	**VOIDED**	
99917	5/18/2010	83	CJ'S HOME CENTER			1,080.01			
99918	5/18/2010	2683	COLOMBO/PHELPS COMPANY			54.86			
99919	5/18/2010	3125	COMMERCIAL TURF SERVICES			1,015.00			
99920	5/18/2010	3176	COMP CHOICE INC			240.50			
99921	5/18/2010	836	CORNHUSKER INTL TRUCKS INC			399.77			
99922	5/18/2010	2158	COX COMMUNICATIONS			237.80			
99923	5/18/2010	4313	CTSS			95.00			
99924	5/18/2010	3136	D & D COMMUNICATIONS			259.00			
99925	5/18/2010	3305	DAGANAAR, MONTY L			500.00			
99926	5/18/2010	2908	DIVERSE MEDIA INC			25.36			
99927	5/18/2010	632	EASTERN LIBRARY SYSTEM			20.00			

BANK NO	BANK NAME						
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99928	5/18/2010	1042 ED M. FELD EQUIPMENT		2,400.00			
99929	5/18/2010	3334 EDGEWEAR SCREEN PRINTING		1,387.00			
99930	5/18/2010	4316 ENGLE, GARY		85.00			
99931	5/18/2010	1245 FILTER CARE		94.15			
99932	5/18/2010	4317 FISCUS, TRACY		50.00			
99933	5/18/2010	3834 FLEET US LLC		2,212.00			
99934	5/18/2010	3132 FORT DEARBORN LIFE INSURANCE		1,315.00			
99935	5/18/2010	3984 G I CLEANER & TAILORS		150.20			
99936	5/18/2010	1344 GALE		1,346.80			
99937	5/18/2010	53 GCR OMAHA TRUCK TIRE CENTER		508.29			
99938	5/18/2010	966 GENUINE PARTS COMPANY-OMAHA		.00	**CLEARED**	**VOIDED**	
99939	5/18/2010	966 GENUINE PARTS COMPANY-OMAHA		.00	**CLEARED**	**VOIDED**	
99940	5/18/2010	966 GENUINE PARTS COMPANY-OMAHA		1,297.47			
99941	5/18/2010	285 GRAYBAR ELECTRIC COMPANY INC		231.60			
99942	5/18/2010	71 GREENKEEPER COMPANY INC		395.25			
99943	5/18/2010	1624 GUNN, BRENDA		142.00			
99944	5/18/2010	1044 H & H CHEVROLET LLC		43.97			
99945	5/18/2010	3470 HAMILTON COLOR LAB INC		2,945.79			
99946	5/18/2010	4307 HAMILTON, HOWARD		125.00			
99947	5/18/2010	426 HANEY SHOE STORE		130.95			
99948	5/18/2010	3549 HARLEY DAVIDSON OF OMAHA		20.70			
99949	5/18/2010	797 HOBBY LOBBY STORES INC		92.10			
99950	5/18/2010	86 HOLIDAY INN-MIDTOWN GI		416.00			
99951	5/18/2010	1496 HOPE HEALTH/IHAC		.00	**CLEARED**	**VOIDED**	
99952	5/18/2010	1496 HOPE HEALTH/IHAC		171.36			
99953	5/18/2010	136 HUNTEL COMMUNICATIONS, INC		.00	**CLEARED**	**VOIDED**	
99954	5/18/2010	136 HUNTEL COMMUNICATIONS, INC		628.40			
99955	5/18/2010	1612 HY-VEE INC		59.76			
99956	5/18/2010	1151 ICMA-INTL CITY/COUNTY MANAGE		961.29			
99957	5/18/2010	162 INLAND TRUCK PARTS		277.40			
99958	5/18/2010	4318 INZAURO, SHANNON		20.00			
99959	5/18/2010	2762 IOWA PRISON INDUSTRIES		83.50			
99960	5/18/2010	1896 J Q OFFICE EQUIPMENT INC		596.45			
99961	5/18/2010	831 JOHN DEERE LANDSCAPES/LESCO		540.06			
99962	5/18/2010	3663 JONES AND BARTLETT PUBLISHERS		623.50			
99963	5/18/2010	2394 KRIHA FLUID POWER CO INC		75.36			
99964	5/18/2010	253 LA VISTA CHAMBER OF COMMERCE		12.00			
99965	5/18/2010	4254 LINCOLN NATIONAL LIFE INS CO		.00	**CLEARED**	**VOIDED**	
99966	5/18/2010	4254 LINCOLN NATIONAL LIFE INS CO		.00	**CLEARED**	**VOIDED**	
99967	5/18/2010	4254 LINCOLN NATIONAL LIFE INS CO		15,733.27			
99968	5/18/2010	877 LINWELD		112.10			
99969	5/18/2010	3674 LOCATE		40.00			
99970	5/18/2010	2664 LOU'S SPORTING GOODS		191.23			
99971	5/18/2010	263 LOVELAND LAWNS		2,116.90			
99972	5/18/2010	3624 MC DONALD AND ASSOCIATES		44.45			
99973	5/18/2010	4319 MCKINNEY, LUKE		50.00			
99974	5/18/2010	3061 MES-MIDAM		228.42			
99975	5/18/2010	4326 MIDWEST RIGHT OF WAY SVCS INC		1,200.00			
99976	5/18/2010	2299 MIDWEST TAPE		233.14			
99977	5/18/2010	4320 MONEY, SAMUEL		75.00			
99978	5/18/2010	1830 NE DEPT OF LABOR-WORKFORCE DEV		4,296.25			
99979	5/18/2010	3350 NEBRASKA IOWA SUPPLY		17,214.99			
99980	5/18/2010	1290 NEBRASKA NOTARY ASSOCIATION		100.23			

BANK NO	BANK NAME						
CHECK NO	DATE	VENDOR NO	VENDOR NAME	CHECK AMOUNT	CLEARED	VOIDED	MANUAL

99981	5/18/2010	2529	NEBRASKA SOFTBALL ASSN DIST#10	2,024.00			
99982	5/18/2010	179	NUTS AND BOLTS INCORPORATED	138.38			
99983	5/18/2010	1831	O'REILLY AUTOMOTIVE INC	.00	**CLEARED**	**VOIDED**	
99984	5/18/2010	1831	O'REILLY AUTOMOTIVE INC	2,482.26			
99985	5/18/2010	3415	OABR PRINT SHOP	241.50			
99986	5/18/2010	3978	ODB COMPANY	334.28			
99987	5/18/2010	1014	OFFICE DEPOT INC-CINCINNATI	286.94			
99988	5/18/2010	2799	OFFUTT YOUTH CENTER	864.00			
99989	5/18/2010	195	OMAHA PUBLIC POWER DISTRICT	.00	**CLEARED**	**VOIDED**	
99990	5/18/2010	195	OMAHA PUBLIC POWER DISTRICT	.00	**CLEARED**	**VOIDED**	
99991	5/18/2010	195	OMAHA PUBLIC POWER DISTRICT	42,986.02			
99992	5/18/2010	46	OMAHA WORLD HERALD COMPANY	1,620.37			
99993	5/18/2010	3039	PAPILLION SANITATION	304.11			
99994	5/18/2010	2686	PARAMOUNT LINEN & UNIFORM	220.34			
99995	5/18/2010	1821	PETTY CASH-PAM BUETHE	54.95			
99996	5/18/2010	1821	PETTY CASH-PAM BUETHE	300.00			
99997	5/18/2010	1921	PRINCIPAL LIFE-FLEX SPENDING	229.50			
99998	5/18/2010	219	QWEST	35.45			
99999	5/18/2010	281	RAY ALLEN MANUFACTURING CO INC	1,437.90			
100000	5/18/2010	3090	REGAL AWARDS OF DISTINCTION	59.99			
100001	5/18/2010	4321	ROBERTS, TRACY	390.00			
100002	5/18/2010	292	SAM'S CLUB	116.22			
100003	5/18/2010	487	SAPP BROS PETROLEUM INC	795.00			
100004	5/18/2010	168	SARPY COUNTY LANDFILL	72.84			
100005	5/18/2010	4322	SIEVERS, MICHAELA	60.00			
100006	5/18/2010	3514	SMITH, MELANIE	200.00			
100007	5/18/2010	910	STEVENS, MARK	66.00			
100008	5/18/2010	3795	SUN COUNTRY DISTRIBUTING LTD	118.94			
100009	5/18/2010	4276	SUPERIOR VISION SVCS INC	.00	**CLEARED**	**VOIDED**	
100010	5/18/2010	4276	SUPERIOR VISION SVCS INC	801.12			
100011	5/18/2010	332	SUSPENSION SHOP INCORPORATED	44.60			
100012	5/18/2010	822	THERMO KING CHRISTENSEN	118.00			
100013	5/18/2010	143	THOMPSON DREESSEN & DORNER	.00	**CLEARED**	**VOIDED**	
100014	5/18/2010	143	THOMPSON DREESSEN & DORNER	7,558.66			
100015	5/18/2010	161	TRACTOR SUPPLY CREDIT PLAN	156.34			
100016	5/18/2010	2765	TRADE WELL PALLET INC	450.00			
100017	5/18/2010	1122	TURF CARS LTD	101.50			
100018	5/18/2010	167	U S ASPHALT COMPANY	964.89			
100019	5/18/2010	3052	V & V MANUFACTURING INC	299.85			
100020	5/18/2010	766	VIERREGGER ELECTRIC COMPANY	8,037.45			
100021	5/18/2010	4323	WALKER, DOUG	20.00			
100022	5/18/2010	78	WASTE MANAGEMENT NEBRASKA	932.30			
100023	5/18/2010	4219	WEATHER OR NOT	250.00			
100024	5/18/2010	968	WICK'S STERLING TRUCKS INC	219.47			
100025	5/18/2010	1475	WOODHAVEN COUNSELING ASSOCS	380.00			
100026	5/18/2010	2386	WORLD POINT ECC INC	908.45			
100027	5/18/2010	984	ZIMCO SUPPLY COMPANY	1,612.00			

BANK TOTAL	214,663.24
OUTSTANDING	214,663.24
CLEARED	.00
VOIDED	.00

BANK NO BANK NAME

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FUND		TOTAL	OUTSTANDING	CLEARED	VOIDED
01	GENERAL FUND	142,762.87	142,762.87	.00	.00
02	SEWER FUND	53,304.49	53,304.49	.00	.00
05	CONSTRUCTION	2,916.03	2,916.03	.00	.00
08	LOTTERY FUND	8,879.58	8,879.58	.00	.00
09	GOLF COURSE FUND	5,790.20	5,790.20	.00	.00
15	OFF-STREET PARKING	1,010.07	1,010.07	.00	.00
REPORT TOTAL		214,663.24			
OUTSTANDING		214,663.24			
CLEARED		.00			
VOIDED		.00			
+ Gross Payroll 05/14/10		<u>220,517.96</u>			
GRAND TOTAL		<u>\$435,181.20</u>			

APPROVED BY COUNCIL MEMBERS 5/18/10

COUNCIL MEMBER

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
MAY 18, 2010 AGENDA**

Subject:	Type:	Submitted By:
PROFESSIONAL SERVICES AGREEMENT — HUNDEN STRATEGIC PARTNERS	◆ RESOLUTION ORDINANCE RECEIVE/FILE	BRENDA S. GUNN CITY ADMINISTRATOR

SYNOPSIS

A resolution has been prepared to authorize the execution of a professional services agreement with Hunden Strategic Partners for professional services associated with economic development opportunities.

FISCAL IMPACT

The FY 10 budget contains funds for professional services.

RECOMMENDATION

Approval.

BACKGROUND

As growth and development in the City and its extra-territorial zoning jurisdiction continues, it is important that the City have the expertise in place to quickly react with the necessary due diligence when said economic development opportunities arise. It is therefore recommended that the City engage with Hunden Strategic Partners, a highly reputable firm skilled in the areas of planning, financing and evaluation of economic development opportunities, on an "as needed or requested" basis.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE MAYOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH HUNDEN STRATEGIC PARTNERS.

WHEREAS, as part of the strategic planning and analysis of future economic development opportunities it is deemed in the best interest of the City to have access to specialized professional services; and

WHEREAS, Hunden Strategic Partners, Chicago, Illinois, has expertise in assisting municipalities with development or redevelopment processes that can often be complex; and

WHEREAS, Hunden Strategic Partners is able to provide technical assistance in the areas of planning, financing, and evaluating economic development opportunities on an "as needed or requested" basis.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of La Vista, Nebraska, authorizes the Mayor to execute a professional services agreement with Hunden Strategic Partners, Chicago, Illinois, in form and content acceptable to the City Administrator and City Attorney.

PASSED AND APPROVED THIS 18TH DAY OF MAY 2010.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

PROPOSAL FOR SERVICES

Scope of Work

The City of LaVista is considering various development or redevelopment proposals and may require technical and other assistance as it relates to these projects. Hunden Strategic Partners is experienced in the full range of pre-development processes and has been requested by the City to assist with development items as needed. These may include:

- Financial modeling
- Market analysis
- Competitive analysis
- Comparable project analysis
- Incentive analysis
- Strategy development/brainstorming
- Funding analysis and strategy
- Preparation of developer questions
- Negotiations/Deal Points/Development Agreement
- Phone calls/conference calls
- Visits and meetings
- Memos, presentations, etc. as needed
- Others as needed

Qualifications

A list of Hunden Strategic Partners' qualifications is attached. HSP has assisted in a number of projects, including large mixed-use projects in Kansas City, Indianapolis, Toronto, Ottawa, Louisville and many others.

Personnel

Rob Hunden will lead the project work for Hunden Strategic Partners and will be assisted by TJ Pavlov, Mark Erickson and other analysts and consultants at HSP.

Fees/Rates

The work will be billed on a time and materials basis. Hunden Strategic Partners commits to not exceed an average rate of \$200 per hour. The individual billing rates are: Rob Hunden - \$235; Mark Erickson - \$185; TJ Pavlov and Glenn Larson - \$175; Analysts - \$150; Support - \$50.

If total fees are expected to be or are approaching \$10,000 in a given month, HSP will alert you and await permission from Brenda Gunn or other client contact prior to expending any additional hours or work in a given month.

Expenses – Expenses for research, conference calls and travel related to this work will be billed to the Client at cost. Any travel or expense of more than \$150 will be requested and approved in advance, beyond the hourly administrative expense.

Conditions

The following conditions apply to HSP's engagement with you.

The findings and recommendations of HSP's research will reflect analyses of primary and secondary sources of information. Estimates and analyses presented in our report will be based on data that are subject to variation. HSP will use sources that it deems reliable, but will not guarantee their accuracy. Recommendations will be made from information provided by the analyses, internal databases, and from information provided by external sources.

It is understood in accepting this proposal that neither fees nor payment thereof is contingent upon the findings of our analysis.

Invoices will be sent monthly and are due within 30 days of receipt.

Expenses will be billed at cost plus a per-hour administrative charge will be applied to all work at the rate of \$7 per hour to account for distributed expenses. All outstanding invoices must be current prior to the release of any final report.

CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
MAY 18, 2010 AGENDA

Subject:	Type:	Submitted By:
ADVERTISEMENT FOR BIDS – PEDESTRIAN OVERPASS PAINTING	◆ RESOLUTION ORDINANCE RECEIVE/FILE	JOE SOUCIE PUBLIC WORKS DIRECTOR

SYNOPSIS

A resolution has been prepared authorizing the advertisement for bids for the Pedestrian Overpass Painting.

FISCAL IMPACT

There are savings in the FY 10 budget to fund the proposed improvements.

RECOMMENDATION

Approval

BACKGROUND

The City Engineer in conjunction with Thompson, Dreessen & Dorner, Inc. has prepared plans and specifications for the repainting of the structure.

Much of the work will take place during night-time hours with total closure of 72nd Street. The need for scheduling and phasing the work during night-time hours, including traffic control and barricading, has resulted in an increase in the estimated cost of the project exceeding the original City Engineer's estimate. We are able to accommodate this through other savings in the Capital Improvement Budget.

The work needs to occur during July in order to avoid conflicts with student access to G. Stanley Hall Elementary School.

The following schedule is suggested:

Advertise for Bids	May 27 and June 3, 2010
Open Bids	June 7, 2010
Award Bid	June 15, 2010

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE ADVERTISEMENT FOR BIDS FOR THE PEDESTRIAN OVERPASS PAINTING.

WHEREAS, the City Council has determined that the painting of the pedestrian overpass is necessary, and

WHEREAS, the FY 2009/10 Capital Improvement Budget provides funding for the purchase of said painting, and

WHEREAS, the City Engineer, in conjunction with Thompson, Dreessen & Dorner, Inc., has prepared specifications for said painting.

NOW, THEREFORE BE IT RESOLVED, that the City Administrator is hereby authorized to advertise for bids for the painting of the pedestrian overpass in accordance with specifications prepared by the City Engineer and said bids are to be opened and publicly read aloud at 10 a.m. at the office of Thompson, Dreessen & Dorner, Inc, 10836 Old Mill Road, Omaha Nebraska on June 7, 2010.

Advertise for Bids – May 27 and June 3, 2010

Open Bids – June 7, 2010

Award Bid – June 15, 2010

PASSED AND APPROVED THIS 18TH DAY OF MAY, 2010

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

NOTICE TO CONTRACTORS

City of La Vista
LaVista, Nebraska

PEDESTRIAN OVERPASS REPAINTING

Sealed proposals will be received at the City Clerk's Office, City of La Vista, 8116 Park View Boulevard, La Vista, Nebraska 68128, until June 7, 2010, at 10:00 A.M., for PEDESTRIAN OVERPASS PAINTING, in and for said City according to specifications for said improvements now on file at the office of Thompson, Dreessen & Dorner, Inc., 10836 Old Mill Road, Omaha, Nebraska 68154, which proposals at that time will be publicly opened and read aloud and tabulated.

The extent of the work consists of the construction or other effectuation of the items listed below and other related preparatory and subsidiary work from issuance of the Notice to Proceed:

Item	Description	Estimated Quantities
1	Cleaning and Repainting of Pedestrian Overpass	1 Lump Sum

All proposals must be submitted on bid forms furnished by Thompson, Dreessen & Dorner, Inc., 10836 Old Mill Road, Omaha, Nebraska 68154. Bids will be accepted only from plan holders of record as listed at Thompson, Dreessen & Dorner, Inc.

Each bid shall be accompanied in a SEPARATE SEALED ENVELOPE by a certified check or bid bond in an amount not less than five (5) percent of the amount bid and such certified check or bid bond shall be payable to the Treasurer of the City of La Vista, Nebraska, as security that the Bidder to whom the contract may be awarded will enter into a contract to perform the work in accordance with this Notice and other contract documents, and will furnish the required bonds in amount equal to 100% of the contract price.

Specifications and Contract Documents may be examined at the office of the City Clerk's Office, City of La Vista, 8116 Park View Boulevard, La Vista, Nebraska, and may be procured from the office of the Engineer, 10836 Old Mill Road, Omaha, Nebraska 68154, upon the payment of \$20.00, which no part will be refunded.

No Bidder may withdraw his proposal for a period of thirty (30) days after the date set for the opening of bids. The Owner reserves the right to reject any or all bids and to waive informalities.



May 7, 2010

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

**RE: Pedestrian Overpass Painting
Notice to Contractors & Engineer's Estimate**

Brenda:

Please find herewith a Notice to Contractors for the painting of the Pedestrian Overpass structure at 72nd and James. A bid date of June 7, 2010 at 10:00 AM has been selected for this project with the bids to be received and opened at City Hall.

I recommend that the Notice to Contractors be published on May 27th and June 3rd, 2010.

The estimate for the construction work in this project is \$27,000.

The project specifications have been prepared by Thompson, Dreessen & Dorner, Inc.

John M. Kottmann

John M. Kottmann

City Engineer

Cc file

City Hall
8116 Park View Blvd.
La Vista, NE 68128-2198
p: 402-331-4343
f: 402-331-4375

Community Development
8116 Park View Blvd.
p: 402-331-4343
f: 402-331-4375

Fire
8110 Park View Blvd.
p: 402-331-4748
f: 402-331-0410

Golf Course
8305 Park View Blvd.
p: 402-339-9147

Library
9110 Giles Rd.
p: 402-537-3900
f: 402-537-3902

Police
7701 South 96th St.
p: 402-331-1582
f: 402-331-7210

Public Works
9900 Portal Rd.
p: 402-331-8927
f: 402-331-1051

Recreation
8116 Park View Blvd.
p: 402-331-3455
f: 402-331-0299

CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
MAY 18, 2010 AGENDA

Subject:	Type:	Submitted By:
AUTHORIZATION TO PURCHASE MUD PUMP	◆ RESOLUTION ORDINANCE RECEIVE/FILE	JOE SOUCIE PUBLIC WORKS DIRECTOR

SYNOPSIS

A resolution has been prepared authorizing the purchase of (1) one 2009 – used Double Piston Mudjacking Pump from Midwest Mudjacking, Inc., 14807 S. 27th Street, Bellevue, NE 68123 in an amount not to exceed \$9,000.

FISCAL IMPACT

The FY 2009/10 General Fund Street Operating budget provides funding for the proposed purchase.

RECOMMENDATION

Approval

BACKGROUND

The mud pump is used to perform mudjacking operations by the Public Works Department. Performing the mudjacking operations in-house will provide substantial savings for the City. In addition, the time delay of scheduling a contractor in emergency situations will be eliminated.

The Street Superintendent has received six quotes for the mud pump unit. The results are listed below:

Midwest Mudjacking, Inc.	H.M.I. Power Pump #2	\$9,000.00
Nebraska Rents	MJ-16 Airplaco Pump #1	\$11,550.00
Nebraska Rents	PG-21 Airplaco Pump #1	\$12,990.00
Nebraska Rents	H.M.I. Power Pump #1	\$9,530.00
Logan Contractors	MJ-16 Airplaco Pump #1	\$11,246.00
Logan Contractors	PG-21 Airplaco Pump #1	\$12,705.00

Staff recommends the used Double Piston Mudjacking Pump from Midwest Mudjacking Inc. All other quotes are for single piston units; the double piston unit provides twice the pumping pressure which expands the type of repairs that can be performed. New double piston units start at approximately \$16,000. The used unit from Midwest Mudjacking is less than one-year old and has very low hours and comes with a six (6) month warranty. The unit has been inspected by staff.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE PURCHASE OF ONE (1) 2009 USED DOUBLE PISTON MUDJACKING PUMP FROM MIDWEST MUDJACKING, INC., 14807 S 27TH STREET, BELLEVUE, NE IN AN AMOUNT NOT TO EXCEED \$9,000.00.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of said mud pump for the Public Works Department is necessary; and

WHEREAS, the FY 2009/10 General Fund Street Operating Budget did include funds for the purchase of said mudjacking pump; and

WHEREAS, Midwest Mudjacking, Inc. has submitted the lowest most responsible quote for a used double piston mudjacking pump.

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

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska, do hereby authorize the purchase of one (1) 2009 used double piston mudjacking pump in an amount not to exceed \$9,000.00.

PASSED AND APPROVED THIS 18TH DAY OF MAY 2010.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

**Experts at Raising and Stabilizing Sunken Concrete!
Proudly Raising Nebraska/Iowa Since 1997!**



MIDWEST MUDJACKING, Inc.

14807 S. 27th St. Bellevue, NE 68123

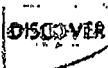
Phone: (402)-592-5983

Toll Free: (877)-592-5983

Fax: (402)-592-8808

Date	5/10/2010
Invoice #	P-100510

Bill To	Job Address	
Description	Amount	
CITY OF LAVISTA		
Att: Greg		
402-331-8927		
402-331-1051		
1-2009-Used Double-piston Mudjacking Pump with the following: #2		9,000.00
1-6' remote control		
1-6' pump hose		
1-1 pump nozzle with long handle		
*Mudpump comes with a 6-month warranty from date of delivery. Any		
warranty work to be done by Midwest Mudjacking at our facility.		
*Exclusions: This warranty does not apply to defects caused by casualty or		
unreasonable use, including faulty repairs by others and failure to provide		
reasonable and necessary maintenance.		



WE THANK YOU FOR YOUR BUSINESS!

www.midwestmudjackinginc.com



Nebraska Rents

Division of Nebraska Machinery
10608 Sapp Bros Dr., Omaha, NE 68138
402-861-9090 fax 402-861-0843

Invoice No.

SALES QUOTE

Customer

Name CITY OF LAVISTA STREET DEPT.
Address _____
City _____ State _____ ZIP _____
Phone _____

Quote Date 4/13/2010

4-13-10

Order No. ATTN: GREG

Qty	Part No.	Description	Unit	Extension
1		AIRPLACO MUDJACKING PUMPS		
1		MODEL MJ-16 PUMP W/ 2" X 10' HOSE AND NOZZLE. <i>Single</i>	11,550.00	
1		MODEL PG-21 PUMP W/ 2" X 10' HOSE AND NOZZLE. <i>Single</i>	12,990.00	
1		MODEL PG-10 SKID MOUNTED PUMP W/ 2" X 10' HOSE, <i>Single</i> NOZZLE, AND PLUMBING FOR AUXILARY HYDRAULICS.	4,695.00	
1		H.M.I. POWER PUMP #1 W/ 2" X 6' HOSE, NOZZLE AND <i>Single</i> 10' REMOTE CONTROL.	9,530.00	
1		E Z GROUT MMH12 MOBILE MUD HOG.	5,747.00	

Contact:

Pat Duffy

Office No. 402-861-9090 or Mobile No. 402-616-0840

Notes/Remarks: ALL QUOTES GOOD FOR 30 DAYS

**CONTRACTORS SUPPLY, INC.**

Lonnie Riesgaard
Sales Representative

6544 L Street (402) 339-3900
Omaha, NE 68117 FAX: (402) 597-0694
www.logancontractors.com MOBILE: (402) 510-3500
Lonnie@logancontractors.com Toll Free: (800) 211-1077

**TRACTORS SUPPLY, INC.****QUOTE**

THIS QUOTE IS SPECIFICALLY PRESENTED TO:

TO: Greg

DATE: 04/09/10

CO: City of LaVista

RE: Mud pumps

<u>QTY</u>	<u>ITEM/DESCRIPTION</u>
	<u>PRICE/PER</u>

1 – MJ-16 Airplaco concrete mud pump \$11,246.00

Or

1 – PG-21 Airplaco concrete mud pump \$12,705.00

1 – 5' concrete hose with nozzle assy. \$706.00

1- 10' concrete hose with nozzle assy. \$848.00

Plus freight in from the factory

PLUS TAX

TERMS: NET 30 DAYS

F.O.B.: OMAHA

QUOTE FIRM FOR: 90 DAYS

Thank you for the opportunity to quote you. Should you have any questions regarding this quote, please call me @ 402-339-3900 or my cell # 402-510-3500

Sincerely
Lonnie Riesgaard

Sales Representative

4114 State Street Bettendorf, IA 52722 Ph: 563-441-2949 Fax: 563-441-2953

4101 106th Street Des Moines, IA 50322 Ph: 515-253-9048 Fax: 515-253-9491

1325 S. Enterprise Dr. Olathe, KS. 66061 Ph: 913-768-1551 Fax: 913-768-1171

6544 L Street Omaha, NE 68117 Ph: 402-339-3900 Fax: 402-597-0694

www.logancontractors.com

CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
MAY 18, 2010 AGENDA

Subject:	Type:	Submitted By:
AUTHORIZATION TO PURCHASE MORTAR MIXER	◆ RESOLUTION ORDINANCE RECEIVE/FILE	JOE SOUCIE PUBLIC WORKS DIRECTOR

SYNOPSIS

A resolution has been prepared authorizing the purchase of (1) one E Z Grout MMH12 Mobile Mud Hog from Nebraska Rents, 10608 Sapp Bros Drive, Omaha, NE 68138 in an amount not to exceed \$5,747.00

FISCAL IMPACT

The FY 2009/10 General Fund Street Operating Budget provides funding for the proposed purchase.

RECOMMENDATION

Approval

BACKGROUND

The mortar mixer is used to prepare mud jacking material on site for use with a mud pump. The mortar mixer and mud pump will be used to perform mud jacking operations in-house. Performing the mud jacking operations in-house will provide substantial savings for the City. In addition, the time delay of scheduling a contractor in emergency situations will be eliminated.

The Street Superintendent has received three quotes for the Mortar Mixer unit. The results are listed below:

Nebraska Rents	MMH12 Mobile Mud Hog	\$5,747.00
Logan Contractors	140 Scoop-n-Mix Mortar Mixer	\$5,776.00
Bobcat of Omaha	140 Scoop-n-Mix Mortar Mixer	\$5,800.00

Staff recommends Nebraska Rents who provided the low compliant quote.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE PURCHASE OF ONE (1) E Z GROUT MMH12 MOBILE MUD HOG FROM NEBRASKA RENTS, 10608 SAPP BROS DRIVE, OMAHA, NE IN AN AMOUNT NOT TO EXCEED \$5,747.00

WHEREAS, the City Council of the City of La Vista has determined that the purchase of said mortar mixer for the Public Works Department is necessary; and

WHEREAS, the FY 2009/10 General Fund Street Operating Budget did include funds for the purchase of said mortar mixer; and

WHEREAS, Nebraska Rents of Omaha, NE has submitted the low, compliant quote, and

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

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska, do hereby authorize the purchase of one (1) E Z grout MMH12 mobile hog in an amount not to exceed \$5,747.00.

PASSED AND APPROVED THIS 18TH DAY OF MAY 2010.

CITY OF LA VISTA

ATTEST:

Douglas Kindig, Mayor

Pamela A. Buethe, CMC
City Clerk



Nebraska Rents

Division of Nebraska Machinery
10608 Sapp Bros Dr., Omaha, NE 68138
402-861-9090 fax 402-861-0843

Invoice No.

SALES QUOTE

Customer

Name CITY OF LAVISTA STREET DEPT.
Address _____
City _____
Phone _____

Quote Date 4/13/2010
4-13-10
Order No. ATTN: GREG

Qty	Part No.	Description	Unit	Extension
1		AIRPLACO MUDJACKING PUMPS		
1		MODEL MJ-16 PUMP W/ 2" X 10' HOSE AND NOZZLE. <i>Single</i>	11,550.00	
1		MODEL PG-21 PUMP W/ 2" X 10' HOSE AND NOZZLE. <i>Single</i>	12,990.00	
1		MODEL PG-10 SKID MOUNTED PUMP W/ 2" X 10' HOSE, <i>Single</i> NOZZLE, AND PLUMBING FOR AUXILARY HYDRAULICS.	4,695.00	
1		H.M.I. POWER PUMP #1 W/ 2" X 6' HOSE, NOZZLE AND <i>Single</i> 10' REMOTE CONTROL.	9,530.00	
1		E Z GROUT MMH12 MOBILE MUD HOG.	5,747.00	

Contact:

Pat Duffy

Office No. 402-861-9090 or Mobile No. 402-616-0840

Notes/Remarks: ALL QUOTES GOOD FOR 30 DAYS

Bobcat of Omaha
Omaha Tractor, Inc.
9317 S. 144th St. Omaha, NE 68138
Ph: 402-895-6660
Fax: 402-895-3141

Customer	City of LaVista	
Contact	Greg	QUOTE
Address		
City, State Zip	LaVista	Roger Johnson
phone#		
Fax#	331-1051	May 10 2010

This Equipment Is Outfitted with R.O.P.S. **Customer Pick up at Dealership**

Received By		Date	
Qty	Trade-In Description	Price	Total Allowance
1			
1			
This Equipment is free from Lien			Total Trade
			\$0.00

This Equipment is free from Licens

Total Trade

\$0.00

Total	\$5,800.00
Trade Value	\$0.00
Trade Difference	
Sales Tax	
Payoff	
Filing Fee	
Grand Total	\$5,800.00



Bobcat®

Balance Due

Financed Amt

331-4375

**QUOTE****THIS QUOTE IS SPECIFICALLY PRESENTED TO:****TO:** Greg**CO:** City of LaVista**DATE:** 05/10/10**RE:** Mixer

QTY	ITEM/DESCRIPTION	PRICE/PER
140	scoop-n-mix mortar mixer, hydraulic, skid mount 9 cu. Ft. with wiper blades “www.starindustries.com/scoopnmix” availability 2 – 3 weeks, price includes freight in from factory	\$5,776.00

PLUS TAX**TERMS: net 30****F.O.B.: Omaha****QUOTE FIRM FOR: 60 days**

Thank you for the opportunity to quote you. Should you have any questions regarding this quote, please call me @ 402-339-3900 or cell # 402-510-3500

Sincerely

Lonnie Riesgaard
Sales Representative

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
MAY 18, 2010 AGENDA**

Subject:	Type:	Submitted By:
COUNCIL POLICY STATEMENT – PROGRAMS, SERVICES, AND ACTIVITIES RELATED TO ADA/SECTION 504	◆ RESOLUTIONS (2) ORDINANCE RECEIVE/FILE	JOE SOUCIE PUBLIC WORKS DIRECTOR

SYNOPSIS

Resolutions have been prepared to approve Council Policy Statements pertaining to Programs, Services and Activities of the City of La Vista that are subject to Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 as a result of receiving Federal financial assistance on Transportation Projects.

FISCAL IMPACT

Additional staff time will be required to compile and submit annual compliance reports to the Nebraska Department of Roads who in turn will file reports with the Federal Highway Administration.

RECOMMENDATION

Approval

BACKGROUND

The City of La Vista, as a sub-recipient of Federal-Aid funding, is charged with the responsibility of expending said funds in accordance with Federal and State law, the rules and regulations of the Federal Highway Administration, and the requirements of the Local Public Agency (LPA) Guidelines Manual of the Nebraska Department of Roads. This includes compliance with the American's with Disability Act of 1990 and Section 504 of the Rehabilitation Act of 1973.

Failure to meet all requirements for federal funding could lead to a project or projects being declared ineligible for federal funds, which could result in the City of La Vista being required to repay some or all of the federal funds expended for a project or projects.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING A COUNCIL POLICY STATEMENT PERTAINING TO PROGRAMS, SERVICES AND ACTIVITIES OF THE CITY OF LA VISTA THAT ARE SUBJECT TO SECTION 504 OF THE REHABILITATION ACT OF 1973 AND THE AMERICANS WITH DISABILITIES ACT OF 1990 AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS: Certain transportation facilities (roads, streets, trails, and others) in City of La Vista have been designated as being eligible for federal funds by the Federal Highway Administration in compliance with federal laws pertaining thereto;

WHEREAS: City of La Vista desires to continue to participate in Federal-Aid transportation construction programs;

WHEREAS: The Nebraska Department of Roads as a recipient of said Federal funds is charged with oversight of the expenditures of said funds;

WHEREAS: City of La Vista as a sub-recipient of said Federal-Aid funding is charged with the responsibility of expending said funds in accordance with Federal and State law, the rules and regulations of the Federal Highway Administration, the requirements of the Local Public Agency (LPA) Guidelines Manual of the Nebraska Department of Roads and the Americans with Disabilities/Section 504 – Civil Rights Policy of City of La Vista; and

WHEREAS: City of La Vista understands that the failure to meet all requirements for federal funding could lead to a project(s) being declared ineligible for federal funds, which could result in City of La Vista being required to repay some or all of the federal funds expended for a project(s).

NOW THEREFORE BE IT RESOLVED: The Mayor and City Council of La Vista, Nebraska does hereby adopt and bind itself to comply with all applicable federal law, including the rules and regulations of the Federal Highway Administration, all applicable state law and rules and regulations (Nebraska Administrative Code) and the requirements of the LPA Guidelines Manual of the Nebraska Department of Roads and the Americans with Disabilities/Section 504 – Civil Rights of City of La Vista.

BE IT FURTHER RESOLVED: The Mayor and City Council of La Vista, Nebraska does hereby designate the following as responsible for the management of the Americans with Disabilities/Section 504 – Civil Rights process: City Clerk

PASSED AND APPROVED THIS 18TH DAY OF MAY, 2010.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

K:\APPS\City Hall\10 FINAL RESOLUTIONS\10. ADA 504.docx

**CITY OF LA VISTA
COUNCIL POLICY STATEMENT**

**Programs, Services, and Activities related to Section 504 - Rehabilitation Act of 1973
Americans with Disabilities Act of 1990**

Issued:
Resolution No.

Purpose

The City of La Vista will ensure that no qualified disabled individual shall, solely on the basis of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any of its programs, services, or activities as provided by Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 (ADA). The City of La Vista further ensures that every effort will be made to provide nondiscrimination in all of its programs or activities regardless of the funding source.

For our purposes, a disabled person is defined as any person who

- Has a physical or mental impairment that substantially limits one or more major life activities,
- Has a record of such an impairment, or
- Is regarded as having such an impairment

Authorities

Section 504 of the Rehabilitation Act of 1973, as amended, provides that “No otherwise qualified disabled individual in the United States, as defined in section 7(6), shall, solely by reason of his disability, be excluded for the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”

29 USC 794 (October 29, 1992 to the Rehabilitation Act of 1973) substitutes “a disability” for “handicaps” and “disability” for “handicap”.

49 CFR Part 27.13 (Nondiscrimination on the Basis of Disability in Programs and Activities Receiving or Benefiting from Federal Financial Assistance) states, “This part applies to each recipient of Federal financial assistance from the Department of Transportation and to each program or activity that receives or benefits from such assistance”.

49 CFR Part 28.102 (Enforcement of Nondiscrimination on the Basis of Disability in Programs or Activities Conducted by the Department of Transportation) states, “This part applies to all programs or activities conducted by the Department of Transportation except for programs and activities conducted outside the United States that do not involve individuals with disabilities in the United States.”

28 CFR Part 35 (Judicial Administration) states that: "The purpose of this part is to effectuate Subtitle A of Title II of the ADA which prohibits discrimination on the basis of disabilities by public entities.

49 CFR part 27 (Nondiscrimination on the Basis of Disability in Programs and Activities Receiving or Benefiting from Federal Financial Assistance) states, "The purpose of this part is to carry out the intent of Section 504 of the Rehabilitation Act of 1973 (29 USC 794) as amended, to the end that no otherwise qualified disabled individual in the United States shall, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

49 CFR Part 28-140 (Employment) states that, "(a) No qualified individual with disabilities shall, on the basis of disability, be subjected to discrimination in employment under any program or activity conducted by the Department," and "(b) The definitions, requirements, and procedures of Section 504 of the Rehabilitation Act of 1973 (29 USC 791), as established by the Equal Employment Opportunity Commission in 29 CFR part 1613, shall apply to employment in federally conducted programs or activities.

29 CFR Part 1613 (Equal Employment Opportunity in the Federal Government) states that: "It is the policy of the Government of the United States . . . to provide equal opportunity in employment for all persona to prohibit discrimination in employment because of race, color, religion, sex, or national origin and to promote the full realization of equal employment opportunity through a continuing affirmative program in each agency."

42 USC Part 12101-12213 (The Americans with Disabilities Act of 1990) states that: "No covered entity shall discriminate against a qualified individual with a disability because of the disability of such individual in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment."

Organization

Please see Responsibility Flow Chart on Attachment 1

Section 504/ADA Coordinator Responsibilities

The City Clerk is designated as the City's Section 504/ADA Coordinator. The Coordinator shall be responsible for coordinating the City's efforts to comply with and carry out its responsibilities under the Section 504/ADA including employment matters and receiving any complaints communicated to the Coordinator alleging the City's non-compliance or alleging any actions that would be prohibited acts.

Section 504/ADA Notice to the Public

The City of La Vista does not discriminate on the basis of disability in admission of its programs, services, or activities, in access to them, in treatment of individuals with disabilities, or in any aspect of their operations. The City of La Vista also does not discriminate on the basis of disability in its hiring or employment practices.

This notice is provided as required by Title II of the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973. Questions, complaints, or requests for additional information or accommodation regarding the ADA and Section 504 may be forwarded to the designated ADA and Section 504 compliance coordinator:

Pam Buethe, City Clerk
402-331-4343 Phone
402-331-4375 Fax
8116 Park View Blvd.
La Vista, NE 68128
pbuethe@cityoflavista.org
Office hours: Monday-Thursday, 8am-4:30pm, Friday, 8am-noon

Section 504/ADA Self-Evaluation

The following areas were evaluated at the time of the original passage of the acts and are reviewed periodically to ensure continued compliance.

- Personnel policies, procedures, benefits, programs, etc. were reviewed for accessibility.
- City buildings and facilities were evaluated for accessibility.
- City programs, services and activities were evaluated for accessibility.

The buildings, facilities, programs, services and activities are reviewed on an annual Basis as part of the Capital Improvement Program and the normal budget process.

Self-evaluations consider all programs, activities and services. Remedial measures necessary to bring the programs, policies, and services into compliance may include, but be limited to, (1) relocation of programs to accessible facilities; (2) offering programs in an alternative accessible manner; (3) structural changes to provide program access; (4) policy modifications to ensure nondiscrimination; and (5) auxiliary aids to needed to provide effective communication.

Section 504/ADA Transition Plan

The following areas identified in the self-evaluation process were given a transition plan and have been completed.

Employment

- Application form was reviewed and updated for compliance.
- Policy on pre-employment physical examinations was changed to be post job offer.
- Application procedure was changed to allow for changes in maximum testing times (such as those with dyslexia or other impairments).
- Job descriptions were updated. New format now includes a section for Essential Functions, Physical Requirements, Tools/Equipment Used, and Working Conditions.
- Recruitment information is now available in several formats and additional locations.
- Training was provided to all employees with additional training for supervisors regarding hiring policies, interviewing questions and procedures, etc.

Buildings/Facilities/Infrastructure

- Police Station (old facility)—pathways, door handles, and doorbells were changed, restroom facilities were modified, accessible parking and signage were altered for compliance.
- Police Station (new facility)—the new station was designed to be totally accessible according to building code requirements. Severe weather warning accommodations are available upon request.
- Fire Station No. 1 (old facility)—modified restrooms, added accessible parking spaces and with related signage and modified door handles. A new facility to replace Fire Station No. 1 is in the planning stages and will proceed when funding can be arranged.
- City Hall—a new City Hall was constructed prior to Jan. 1995 compliance deadline which conformed to all of the accessibility standards at that time.
- Municipal Swimming Pool—modifications were made to the bathhouse to modify restrooms and shower facilities, hallways were modified, and accessible parking was provided. Wheelchair access from the exterior is provided via a gate opening at the side of the building to circumvent a front door width restriction after which access to the bathhouse is available from inside the pool area. Some major issues, such as zero-depth entry remain. These will be addressed with a new aquatic facility at such time as funding can be obtained.
- Central Park-Restroom modifications were made and accessible parking stalls were provided.
- City Park—a drinking fountain was lowered and a new concession/maintenance building was constructed that provided accessible restrooms.
- Sports Complex—insulated piping and modified faucet handles in restrooms, changed door handles and provided accessible parking spaces
- Signage indicating accessible entrances was placed on each building.

Curb Ramps In Public Streets

- Newly built or altered streets and roads include ramps wherever there are curbs or other barriers to entry from a pedestrian walkway. “Altered” includes resurfacing while isolated panel replacement and filling-in potholes does not.

- New sidewalks and walkways in public right of way or public property contain curb ramps in accordance with the applicable design regulations at the time that they are constructed.
- The public may request curb ramps at specific locations at any time. They will be constructed if warranted at such time as funds are available.
- All existing streets have been provided with curb ramps.

Services

- Council meeting minutes are available in alternative formats including written and audiotape. City Council and other public hearing agendas are also available in different formats. These are available upon request to the City Clerk at least three working days prior to the public hearing.

Transition plans will be created/alterred as areas are identified during our continuing self-evaluations. Interested persons, including individuals with disabilities or organizations representing individuals with disabilities, will have an opportunity to participate in the development of the transition plan by submitting comments. A copy of the transition plan shall be made available for public inspection.

ADA Compliant Procedure

1. If you believe you have been discriminated against, denied employment or a benefit, or excluded from participation in any City program or activity on the basis of disability in violation of the ADA, you may submit a complaint in writing to the City Clerk for resolution. The complaint form attached hereto should be used. The complaint should be submitted as soon as possible but no later than sixty (60) days after the alleged violation. A record of the complaint and action taken will be maintained. A decision by the City Clerk will be rendered to you in writing or an appropriate substitute format within 10 working days.
2. Upon receipt of a complaint the City Clerk will provide the appropriate Department Head with a copy of the complaint. The Department Head will assist the City Clerk in conducting an investigation. The City Clerk may seek assistance from other Department Heads and the City Attorney depending on the nature of the complaint. A response will be provided in writing to the complainant within 15 working days of receipt of the complaint. The response will explain the position of the City of La Vista and, if applicable, offer options for resolution or actions that will be taken by the City.
3. If the complaint can't be resolved to your satisfaction by the City Clerk you may appeal the decision or action to the City Administrator within 15 days after receipt of the response from the City Clerk.
4. If the complaint can't be resolved to your satisfaction by the City Clerk or City Administrator, then the complaint will be heard by the City Council and discussed at an open, public meeting of the elected body. The decision of the City Council is the final action of the City in response to the complaint..
5. A record of action taken on each request or complaint will be maintained as a part of the records or minutes at each level of the grievance process.

6. Your right to a prompt and equitable resolution of the complaint will not be impaired by your pursuit of other remedies, such as the filing of a complaint with the Department of Justice or other appropriate federal agency, or the filing of a suit in the state or federal court. Use of this grievance procedure isn't a prerequisite to the pursuit of other remedies.

Reasonable Accommodation Procedures

The requirements related to the provision of auxiliary aids and services and information concerning local providers are set forth in an attachment to this policy.

Assurances

Pursuant to the requirements of Section 504 of the Rehabilitation Act of 1973 (29 USC 794), the City of La Vista, desiring to avail itself of federal financial assistance from the US Department of Transportation, hereby gives assurance that no qualified disabled person shall, solely by reason of his disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination, including discrimination in employment, under any program or activity that receives or benefits from this federal financial assistance.

The City of La Vista further assures that its programs will be conducted, and its facilities operated, in compliance with all requirements imposed by or pursuant to 49 CFR Part 27, 28 CFR Part 35 and 42 USC 12101-12213.

End

AMERICAN'S WITH DISABILITIES ACT
DISCRIMINATION COMPLAINT FORM

Instructions: Please fill out this form completely. Sign and return to the address on page 2.

Complainant:

Address:

City, State and Zip Code:

Telephone:

Home: _____

Cell: _____

Person Discriminated Against:
(if other than the complainant)

Address:

City, State and Zip Code:

When did the discrimination occur? _____

Where did the discrimination occur? _____

Describe the act(s) of discrimination (attach additional pages if necessary):

Have any additional efforts been made by you regarding this complaint? Yes No

If yes, what?

Signature:

Date:

Return this form to:

Ms. Pam Buethe, City Clerk
City of La Vista
8116 Park View Blvd.
City of La Vista, NE 68128
pbuethe@cityoflavista.org

AUXILIARY AIDS AND SERVICES

Under the Americans with Disabilities Act (ADA), State and local governments must ensure effective communication with individuals with disabilities. Public entities are required to provide appropriate auxiliary aids and service, where necessary, to ensure that communications (such as all public information, discourse, and/or announcements) with individuals with disabilities are as effective as communications with others. Auxiliary aids and services include: Braille, large print formats, assistive listening devices (ALS), TTY/TTD access, closed captioning, interactive software for various disabilities, website accessibility implements, interpreters, readers, service animals, etc.

When selecting an auxiliary aid or service, a public entity should:

- Give primary consideration to the aid or service preferred by the individual because that individual is usually best able to identify the communication barriers that hamper participation.
- Allow people the opportunity to use their own assistive technology products to achieve effective communication.
- Consider the context in which the communication is taking place and its importance.

A public entity is not required to provide:

- The requested aid or service if there is another equally effective means of communication available; however, it must give primary consideration to the aid or service preferred by the individual.
- Auxiliary aids that would result in a fundamental alteration in the nature of a service, program, or activity or in undue financial and administrative burdens. However, public entities must still furnish another auxiliary aid, if available, that does not result in a fundamental alteration or undue burden.

TO FIND LOCAL PROVIDERS OF SPECIFIC AUXILIARY AIDS AND SERVICES
CONTACT:

Nebraska Commission for the Blind and Visually Impaired

4600 Valley Road
Suite 100
Lincoln, NE 68510-4844
Phone: (402) 471-2891
Toll-free: (877) 809-2419
Fax: (402) 471-3009

<http://www.ncbvi.ne.gov/>

Nebraska Commission for the Deaf and Hard of Hearing

Omaha Office
1313 Farnam On-The-Mall
Omaha, NE 68102-1836
Phone: (402) 595-3991 v/tty
Fax: (402) 595-2509
Toll Free: 1-877-248-7836 v/tty
E-mail Address: ncdhh.omaha@nebraska.gov

<http://www.ncdhh.ne.gov/>

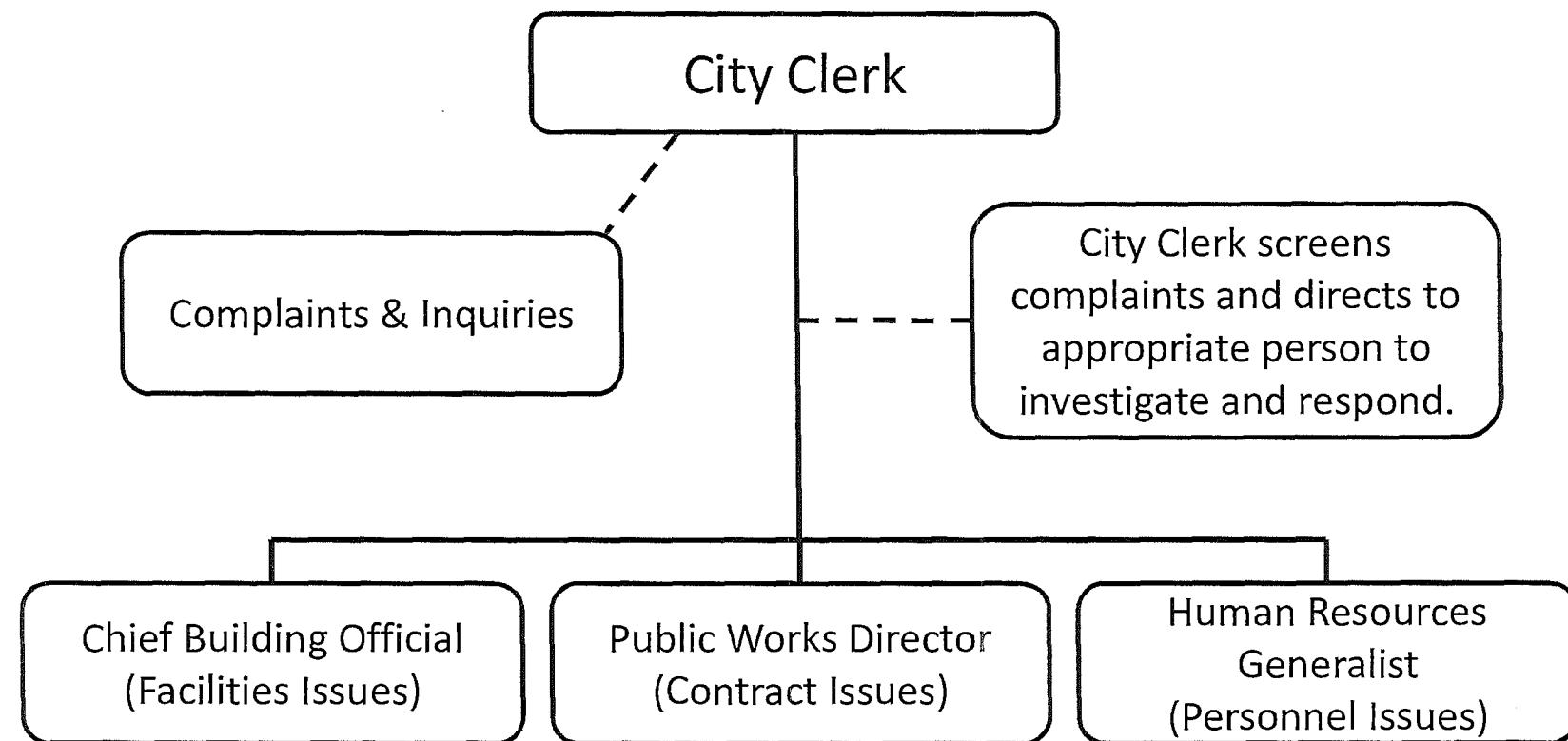
Nebraska Department of Health and Human Services

Eastern Service Area
Barry DeJong- Administrator
1313 Farnam
Omaha, NE 68102
Phone: (402) 595-2880

Lincoln Office
301 Centennial Mall South
P.O. Box 95206
Lincoln, NE 68509-5026
Phone: (402) 471-3121

<http://www.dhhs.ne.gov/>

City of La Vista
Civil Rights & ADA Compliance
Responsibility Flow Chart



Attachment 1

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING A COUNCIL POLICY STATEMENT PERTAINING TO PROGRAMS, SERVICES AND ACTIVITIES OF THE CITY OF LA VISTA THAT ARE SUBJECT TO TITLE VI OF THE CIVIL RIGHTS ACT OF 1964, AND THE CIVIL RIGHTS RESTORATION ACT OF 1987 AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS: Certain transportation facilities (roads, streets, trails, and others) in City of La Vista have been designated as being eligible for federal funds by the Federal Highway Administration in compliance with federal laws pertaining thereto;

WHEREAS: City of La Vista desires to continue to participate in Federal-Aid transportation construction programs;

WHEREAS: The Nebraska Department of Roads as a recipient of said Federal funds is charged with oversight of the expenditures of said funds;

WHEREAS: City of La Vista as a sub-recipient of said Federal-Aid funding is charged with the responsibility of expending said funds in accordance with Federal and State law, the rules and regulations of the Federal Highway Administration, the requirements of the Local Public Agency (LPA) Guidelines Manual of the Nebraska Department of Roads and the Title VI – Civil Rights Policy of City of La Vista; and

WHEREAS: City of La Vista understands that the failure to meet all requirements for federal funding could lead to a project(s) being declared ineligible for federal funds, which could result in City of La Vista being required to repay some or all of the federal funds expended for a project(s).

NOW THEREFORE BE IT RESOLVED: The Mayor and City Council of La Vista, Nebraska does hereby adopt and bind itself to comply with all applicable federal law, including the rules and regulations of the Federal Highway Administration, all applicable state law and rules and regulations (Nebraska Administrative Code) and the requirements of the LPA Guidelines Manual of the Nebraska Department of Roads and the Title VI – Civil Rights of City of La Vista.

BE IT FURTHER RESOLVED: The Mayor and City Council of La Vista, Nebraska does hereby designate the following as responsible for the management of the Title VI – Civil Rights process: City Clerk

PASSED AND APPROVED THIS 18TH DAY OF MAY, 2010.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

K:\APPS\City Hall\10 FINAL RESOLUTIONS\10. La Vista Title VI-Civil Rights.docx

**CITY OF LA VISTA
COUNCIL POLICY STATEMENT**

Programs, Services, and Activities – Title VI of the Civil Rights Act of 1964

Issued:
Resolution No.

Purpose

The City of La Vista (Local Public Agency), hereinafter referred to as the "LPA," assures that no person shall on the grounds of race, color, national origin, age, disability/handicap or sex, as provided by Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 (P.L. 100.259) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance. The LPA further assures every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not.

The Civil Rights Restoration Act of 1987, broadened the scope of Title VI coverage by expanding the definition of terms "programs or activities" to include all programs or activities of Federal Aid recipients, sub-recipients, and contractors/consultants, whether such programs and activities are federally assisted or not (Public Law 100259 [S.557] March 22, 1988.)

Pursuant to the requirements of Section 504 of the Rehabilitation Act of 1973 (29 USC 794), the LPA hereby gives assurance that no qualified disabled person shall, solely by reason of his disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination, including discrimination in employment, under any program or activity that receives or benefits from this Federal financial assistance.

In the event the LPA distributes federal aid funds to a sub-recipient, the LPA will include Title VI language in all written agreements and will monitor for compliance.

The LPA's City Clerk, is responsible for initiating and monitoring Title VI activities, preparing reports and other responsibilities as required by 23 Code of Federal Regulation(CFR) 200 and 49 Code of Federal Regulation 21.

**TITLE VI
NONDISCRIMINATION AGREEMENT
Nebraska State Department of Roads
and
City of La Vista**

Policy Statement

The City of La Vista (Local Public Agency), hereinafter referred to as the "LPA," assures that no person shall on the grounds of race, color, national origin, age, disability/handicap or sex, as provided by Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 (P.L. 100.259) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance. The LPA further assures every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not.

The Civil Rights Restoration Act of 1987, broadened the scope of Title VI coverage by expanding the definition of terms "programs or activities" to include all programs or activities of Federal Aid recipients, sub-recipients, and contractors/consultants, whether such programs and activities are federally assisted or not (Public Law 100259 [S.557] March 22, 1988.)

Pursuant to the requirements of Section 504 of the Rehabilitation Act of 1973 (29 USC 794), the LPA hereby gives assurance that no qualified disabled person shall, solely by reason of his disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination, including discrimination in employment, under any program or activity that receives or benefits from this Federal financial assistance.

In the event the LPA distributes federal aid funds to a sub-recipient, the LPA will include Title VI language in all written agreements and will monitor for compliance.

The LPA's City Clerk, is responsible for initiating and monitoring Title VI activities, preparing reports and other responsibilities as required by 23 Code of Federal Regulation(CFR) 200 and 49 Code of Federal Regulation 21.

Brenda Gunn

City Administrator

Date

Title VI Program

Organization and Staffing

Pursuant to 23 CFR 200, (LPA) has appointed a Title VI Coordinator who is responsible for Attachment 1, which describes the hierarchy for (LPA)'s Title VI Program, including an organization's chart illustrating the level and placement of Title VI responsibilities.

Standard DOT Assurances

49 CFR Part 21.7

The (LPA) hereby gives assurances:

1. That no person shall on the grounds of race, color, national origin, age, disability/handicap and sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity conducted by the LPA regardless of whether those programs and activities are Federally funded or not. Activities and programs which the LPA hereby agrees to carry out in compliance with Title VI and related statutes include but are not limited to:
 - Transportation Projects such as Street Improvements, Hike/Bike Trails, etc.
 - That the LPA agrees that each "program" and each "facility" as defined in subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a "program") conducted, or will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
 - That the LPA shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and made in connection with all *Transportation Projects* and, in adapted form in all proposals for negotiated agreements.
2. The (LPA), in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office the Secretary, Part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that in any contact entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin, sex, age and disability/handicap in consideration for an award.
3. That the LPA shall insert the clauses of Appendix A of this assurance in every contract subject to the Act and the Regulations.
4. That the LPA shall insert the clauses of Appendix B of this assurance, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereran, or interest therein.

5. That where the LPA receives Federal financial assistance to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.
6. That where the LPA receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over or under such property.



7. That the LPA shall include the appropriate clauses set forth in Appendix C of this assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the LPA with other parties: (a) for the subsequent transfer of real property acquired or improved under *Transportation Projects*; and (b) for the construction or use of or access to space on, over or under real property acquired, or improved under *Transportation Projects*.
8. That this assurance obligates the LPA for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property or interest therein or structures or improvements thereon, in which case the assurance obligates the LPA or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the LPA retains ownership or possession of the property.
9. The LPA shall provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he delegates specific authority to give reasonable guarantee that it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations and this assurance.
10. The LPA agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this assurance.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the LPA Department of Transportation under the *Transportation Projects* and is binding on it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest and other participants in the *Transportation Projects*. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the LPA.

Implementation Procedures

This agreement shall serve as the LPA's Title VI plan pursuant to 23 CFR 200 and 49 CFR 21.

For the purpose of this agreement, "Federal Assistance" shall include:

- 1) grants and loans of Federal funds,
- 2) the grant or donation of Federal property and interest in property,
- 3) the detail of Federal personnel,
- 4) the sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the LPA, or in recognition of the public interest to be served by such sale or lease to the LPA, and
- 5) any Federal agreement, arrangement, or other contract which has as one of its purposes, the provision of assistance.

The LPA shall:

- a) Issue a policy statement, signed by the head of the LPA, which expresses its commitment to the nondiscrimination provisions of Title VI. The policy statement shall be circulated throughout the LPA's organization and to the general public. Such information shall be published where appropriate in languages other than English.
- b) Take affirmative action to correct any deficiencies found by NDOR or the United States Department of Transportation (USDOT) within a reasonable time period, not to exceed 90 days, in order to implement Title VI compliance in accordance with this agreement. The head of the LPA shall be held responsible for implementing Title VI requirements.
- c) Designate a coordinator who has a responsible position in the organization and easy access to the head of the LPA. The coordinator shall be responsible for initiating and monitoring Title VI activities and preparing required reports.
- d) Develop and implement a community outreach and public education program.
- e) Process complaints of discrimination consistent with the provisions contained in this agreement. Investigations shall be conducted by civil rights personnel trained in discrimination complaint investigation. Identify each complainant by race, color, national origin or sex, the nature of the complaint, the date the complaint was filed, the date the investigation was completed, the disposition, the date of the disposition, and other pertinent information. A copy of the complaint, together with a copy of the LPA's report of investigation, will be forwarded to NDOR's Highway Civil Rights Coordinator within 10 days of the date the complaint was received by the LPA.
- f) Collect statistical data (race, color, national origin, sex) of participants in, and beneficiaries of the programs and activities conducted by the LPA.
- g) Conduct Title VI reviews of the LPA and sub-recipient contractor/consultant program areas and activities. Revise where applicable, policies, procedures and directives to include Title VI requirements.

- h) Conduct training programs on Title VI and related statutes.
- i) Prepare a yearly report of Title VI accomplishments for the last year and goals for the next year.
 - 1) Annual Work Plan
Outline Title VI monitoring and review activities planned for the coming year; state by which each activity will be accomplished and target date for completion.
 - 2) Accomplishment Report
List major accomplishments made regarding Title VI activities. Include instances where Title VI issues were identified and discrimination was prevented. Indicate activities and efforts the Title VI Coordinator and program area personnel have undertaken in monitoring Title VI. Include a description of the scope and conclusions of any special reviews (internal or external) conducted by the Title VI Coordinator. List any major problem(s) identified and corrective action taken. Include a summary and status report on any Title VI complaints filed with the LPA. Include a listing of complaints received against sub-recipients, as well as a summary of complaint and actions taken.

Discrimination Complaint Procedures – Allegations of Discrimination in Federally Assisted Programs or Activities

1. Any person who believes that he or she, individually, as a member of any specific class, or in connection with any disadvantaged business enterprise, has been subjected to discrimination prohibited by Title VI of the Civil Rights Act of 1964, the American with Disabilities Act of 1990, Section 504 of the Vocational Rehabilitation Act of 1973 and the Civil Rights Restoration Act of 1987, as amended, may file a complaint with the LPA. A complaint may also be filed by a representative on behalf of such a person. All complaints will be referred to the LPA's Title VI Coordinator for review and action.
2. In order to have the complaint consideration under this procedure, the complainant must file the complaint no later than 180 days after:
 - a) The date of alleged act of discrimination; or
 - b) Where there has been a continuing course of conduct, the date on which that conduct was discontinued.

In either case, the LPA or his/her designee may extend the time for filing or waive the time limit in the interest of justice, specifying in writing the reason for so doing.

3. Complaints shall be in writing and shall be signed by the complainant and/or the complainant's representative. Complaints shall set forth as fully as possible the facts and circumstances surrounding the claimed discrimination. In the event that a person makes a verbal complaint of discrimination to an officer or employee of the LPA, the person shall be interviewed by the Title VI Coordinator. If necessary, the Title VI Coordinator will assist the person in reducing the complaint to writing and submit the written version of the complaint to the person for signature. The complaint shall then be handled according to the LPA's investigative procedures.

4. Within 10 days, the Title VI Coordinator will acknowledge receipt of the allegation, inform the complainant of procedures to be followed, and advise the complainant of other avenues of redress available, such as NDOR and USDOT.
5. The LPA will advise NDOR within 10 days of receipt of the allegations. Generally, the following information will be included in every notification to NDOR:
 - a) Name, address, and phone number of the complainant.
 - b) Name(s) and address (es) of alleged discriminating official(s).
 - c) Basis of complaint (i.e., race, color, national origin or sex)
 - d) Date of alleged discriminatory act(s).
 - e) Date of complaint received by the LPA.
 - f) A statement of the complaint.
 - g) Other agencies (state, local or Federal) where the complaint has been filed.
 - h) An explanation of the actions the LPA has taken or proposed to resolve the issue raised in the complaint.
6. NDOR will forward the complaint to FHWA. FHWA Office of Civil Rights will determine the appropriate individual and/or organization to conduct the investigation.
7. Within 60 days, the Title VI Coordinator will conduct an investigation of the allegation and based on the information obtained, will render a recommendation for action in a report of findings to the head of the LPA. The complaint should be resolved by informal means whenever possible. Such informal attempts and their results will be summarized in the report of findings.
8. Within 90 days of receipt of the complaint, the head of the LPA will notify the complainant in writing of the final decision reached, including the proposed disposition of the matter. The notification will advise the complainant of his/her appeal rights with NDOR, or USDOT, if they are dissatisfied with the final decision rendered by the LPA. The Title VI Coordinator will also provide NDOR with a copy of this decision and summary of findings upon completion of the investigation.
9. Any complaints received against the LPA should immediately be forwarded to NDOR for investigation. The LPA will not investigate any complaint in which it has been named in the complaint.
10. Contacts for the different Title VI administrative jurisdictions are as follows:

Nebraska Department of Roads
Human Resources, Title VI Program
1500 Highway 2, P.O. Box 94759
Lincoln, NE 68509-4759
(402) 479-4870

Federal Highway Administration
Nebraska Division Office
100 Centennial Mall North
Lincoln, NE 68508
(402)437-5765

Sanctions

In the event the LPA fails or refuses to comply with the terms of this agreement, the NDOR may take any or all of the following actions:

- a) Cancel, terminate, or suspend this agreement in whole or in part;
- b) Refrain from extending any further assistance to the LPA under the program from which the failure or refusal occurred until satisfactory assurance of future compliance has been received from the LPA.
- c) Take such other action that may be deemed appropriate under the circumstances, until compliance or remedial action has been accomplished by the LPA.
- d) Refer the case to the Department of Justice for appropriate legal proceedings.

NEBRASKA DEPARTMENT OF ROADS:

Signature

Civil Rights Coordinator

Title

Date

CITY OF LA VISTA:

Brenda Gunn

City Administrator

Date

APPENDIX A

During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

- (1) **Compliance with Regulations:** The contractor shall comply with the Regulation relative to nondiscrimination in Federally-assisted programs of the Department of Transportation (hereinafter, "DOT") Title 49, Code of Federal Regulations, Part 21, and the Federal Highway Administration (hereinafter "FHWA") Title 23, Code of Federal Regulations, Part 200 as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
- (2) **Nondiscrimination:** The Contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, or national origin, sex, age, and disability/handicap in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by 49 CFR, section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
- (3) **Solicitations for Subcontractors, Including Procurements of Materials and Equipment:** In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin, sex, age, and disability/handicap.
- (4) **Information and Reports:** The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the (*Recipient*) or the FHWA to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information the contractor shall so certify to the (*Recipient*), or the FHWA as appropriate, and shall set forth what efforts it has made to obtain the information.
- (5) **Sanctions for Noncompliance:** In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the (*Recipient*) shall impose such contract sanctions as it or the FHWA may determine to be appropriate, including, but not limited to:
 - (a.) withholding of payments to the contractor under the contract until the contractor complies, and/or
 - (b.) cancellation, termination or suspension of the contract, in whole or in part.
- (6) **Incorporation of Provisions:** The contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto.

The contractor shall take such action with respect to any subcontract or procurement as the (*Recipient*) or the FHWA may direct as a means of enforcing such provisions including sanctions for non-

compliance: Provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the *(Recipient)* to enter into such litigation to protect the interests of the *(Recipient)*, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.



APPENDIX B

A. The following clauses shall be included in any and all deeds effecting or recording the transfer of real property, structures or improvements thereon, or interest therein from the United States.

(GRANTING CLAUSE)

NOW, THEREFORE, the Department of Transportation, as authorized by law, and upon the condition that the *(Name of Recipient)* will accept title to the lands and maintain the project constructed thereon, in accordance with *(Name of Appropriate Legislative Authority)*, the Regulations for the Administration of *(Name of Appropriate Program)* and the policies and procedures prescribed by FHWA, also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation and Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the *(Name of Recipient)* all the right, title and interest of the Department of Transportation in and to said lands described in Exhibit "A" attached hereto and made a part hereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto *(Name of Recipient)* and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and shall be binding on the *(Name of Recipient)*, its successors and assigns.

The *(Name of Recipient)*, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person shall on the grounds of race, color, or national origin, sex, age, and disability/handicap, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on over or under such lands hereby conveyed [,] [and] * (2) that the *(Name of Recipient)* shall use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964, Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes – Implementation and Review Procedures, and as said Regulations may be amended [,] and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the Department shall have a right to re-enter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this instruction.*

APPENDIX C

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by the *(Name of Recipient)* pursuant to the provisions of Assurance 6(a).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964, Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes – Implementation and Review Procedures, and as said Regulations may be amended.

[Include in licenses, leases, permits, etc.]*

That in the event of breach of any of the above nondiscrimination covenants, *(Name of Recipient)* shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon, and hold the same as if said [licenses, lease, permit, etc.] had never been made or issued.

[Include in deed.]*

That in the event of breach of any of the above nondiscrimination covenants, *(Name of Recipient)* shall have the right to re-enter said lands and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of *(Name of Recipient)* and its assigns.

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by *(Name of Recipient)* pursuant to the provisions of Assurance 6(b).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds, and leases add "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin, sex, age, and disability/handicap, shall be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over or under such land and the furnishing of services thereon, no person on the ground of, race, color, or national origin, sex, age, and disability/handicap, shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) shall use the premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation-Effectuation of

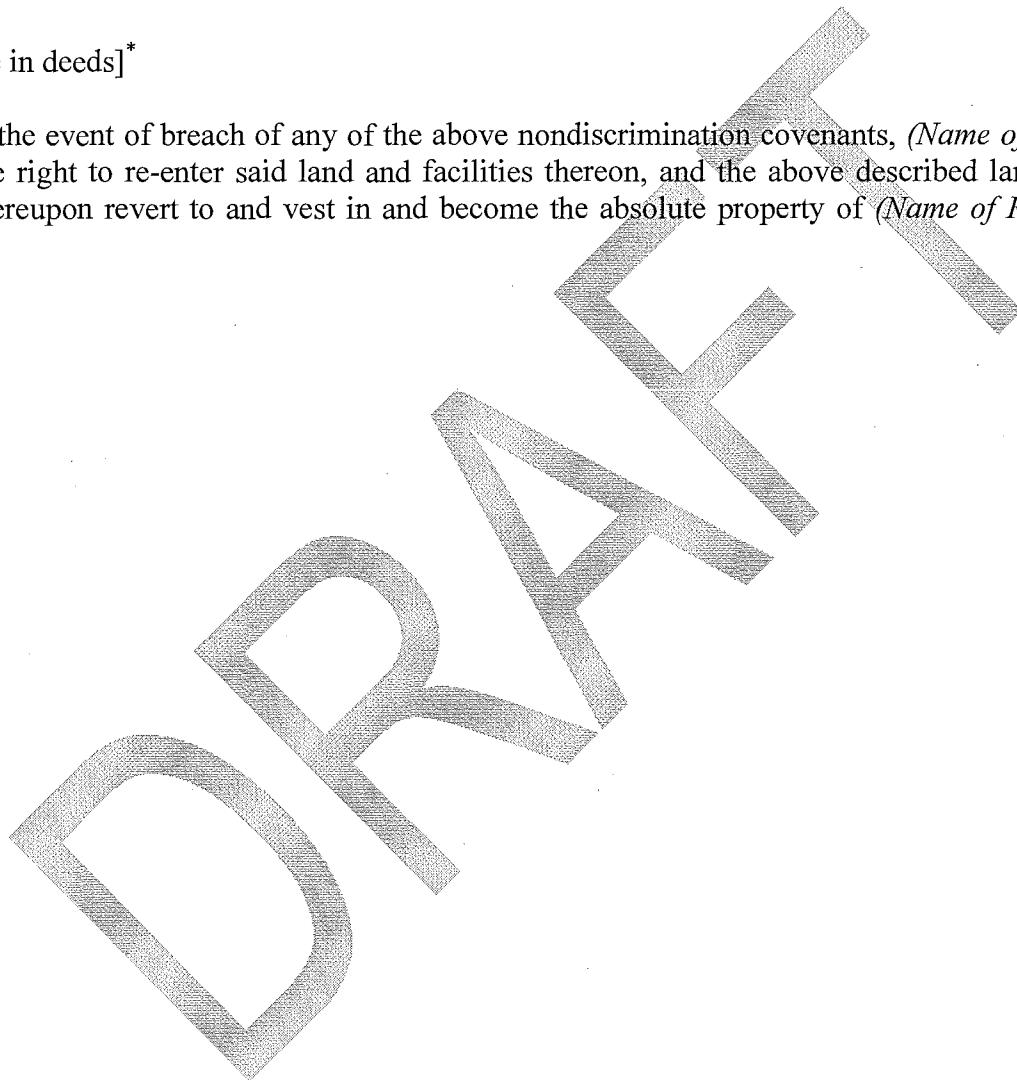
Title VI of the Civil Rights Act of 1964), Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes – Implementation and Review Procedures, and as said Regulations may be amended.

[Include in licenses, leases, permits, etc.]*

That in the event of breach of any of the above nondiscrimination covenants, (Name of Recipient) shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon, and hold the same as if said [license, lease, permit, etc.] had never been made or issued.

[Include in deeds]*

That in the event of breach of any of the above nondiscrimination covenants, (Name of Recipient) shall have the right to re-enter said land and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of (Name of Recipient) and its assigns.



CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
MAY 18, 2010 AGENDA

Subject:	Type:	Submitted By:
CODE ENFORCEMENT	RESOLUTION ORDINANCE ◆RECEIVE/FILE	RITA RAMIREZ, ACA ROBERT S. LAUSTEN, POLICE CHIEF ANN BIRCH, COMM. DEV. DIRECTOR

SYNOPSIS

Updates to the Code Enforcement Officer position have been prepared.

FISCAL IMPACT

N/A

RECOMMENDATION

Approval.

BACKGROUND

At the April 6, 2010 Council meeting, staff updated the Mayor and Council on a recommendation to transfer the Code Enforcement position from the Community Development Department to the Police Department. Based on that discussion, staff has prepared the attached revised job description. If approved, the position will be advertised and filled as soon as possible.

POSITION DESCRIPTION CITY OF LA VISTA

POSITION TITLE: Code Enforcement Officer

POSITION REPORTS TO: Police Sergeant

POSITION SUPERVISES:

DESCRIPTION:

Under the direction of a Police Sergeant, performs a variety of technical duties in support of the City's code enforcement program. Enforcement includes compliance with land use and zoning ordinances, health and housing codes, sign standards, building codes and fire codes, and may also include federal mandates for storm water management, hazardous wastes, air quality, the Americans With Disabilities Act, and others. Also serve as a resource and provide information on City regulations to property owners, residents, businesses, the general public and other City departments.

ESSENTIAL FUNCTIONS: (with or without reasonable accommodation)

1. Perform a variety of field and office work in support of the City's code enforcement program.
2. Receive and respond to citizen complaints and reports from other agencies or departments regarding code violations; interview complainant and/or witnesses; determine and initiate a course of action.
3. Conduct field investigations; inspect properties; contact the owner and/or occupant; issue and/or post warning notices and orders to comply; schedule and perform follow-up inspections to determine compliance.
4. Issue administrative and parking citations and notices of violations as necessary.
5. Prepare evidence in support of legal actions taken by the City; appear in court as necessary and testify at hearings or court proceedings as required.
6. Maintain accurate documentation and case files on all investigations, inspections, enforcement actions, and other job related activities including accurate and detailed information, diagrams and/or photographs.
7. Prepare a variety of written reports, memos, and correspondence related to enforcement activities.
8. Patrol assigned area in a City vehicle to proactively enforce code compliance.
9. Attend meetings as requested and serve as a resource regarding code compliance; provide research as requested; interpret and explain City codes and ordinances to members of the general public, contractors, business owners, and others either in the field, in the office, or over the telephone.
10. Operate a computer to enter and report accurate data regarding code enforcement activities.
11. Identify vacant buildings and check regularly for graffiti and other forms of vandalism.
12. Assist in researching, drafting and writing City codes; assist in the development of various forms and procedures used in code enforcement duties.
13. Performs other duties as directed or as the situation dictates.

ESSENTIAL PHYSICAL AND ENVIRONMENTAL DEMANDS

The physical demands and work environment characteristics listed below are representative of those that must be met by an employee to successfully perform the essential functions of this job. Work is generally performed outdoors year round, periodically during inclement weather. Job duties require a considerable amount of physical activity, including walking, standing, kneeling, bending, crouching, reaching and climbing. Must possess hearing and vision correctable to levels adequate to perform essential functions. Specific vision abilities required by this job include close vision, distance vision, peripheral vision, depth perception and the ability to adjust focus. Incumbents must have the ability to transport themselves to and from inspection sites and to lift up to 50 pounds. Incumbents must also possess the coordination and manual dexterity necessary to physically access and maneuver bodily over rough terrain and at vacant or occupied properties to conduct inspections. Work duties are also performed indoors in an office setting.

EDUCATION, TRAINING, LICENSE, CERTIFICATION AND EXPERIENCE

1. Graduation from an accredited high school or GED, supplemented by specialized training and/or college level coursework in criminal justice, public administration, business administration, or other related field.

2. One year of work experience involving a high level of public contact including some experience dealing with the public in an enforcement, inspection, investigation, or customer service capacity. Experience that includes the enforcement of municipal codes is highly desirable.
3. Must possess or be able to obtain a valid driver's license.

KNOWLEDGE, SKILLS AND ABILITIES

1. Knowledge of or ability to become familiar with municipal codes.
2. Ability to interpret ordinance and regulatory provisions.
3. Ability to read city maps.
4. Basic computer skills.
5. Basic mathematical skills.
6. Ability to read measuring devices.
7. Ability to read and write proficiently and communicate by telephone.
8. Ability to incorporate new regulations in duties.
9. Ability to maintain confidentiality.
10. Ability to enforce ordinances and other regulations with firmness, courtesy and impartiality.
11. Ability to prepare and maintain accurate departmental records and reports.
12. Ability to make presentations and testify in court.
13. Ability to establish and maintain effective working relations with City officials, fellow employees, contractors, patrons and the general public.
14. Ability to maintain regular and dependable attendance on the job.

Note: Physical examination and drug screening tests will follow all conditional offers of employment.

I have read and understand the requirements of this position description.

(Signature)

(Date)

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
MAY 18, 2010 AGENDA**

Subject:	Type:	Submitted By:
MUNICIPAL CODE 114.46 - HOURS OF SALE – ALCOHOLIC BEVERAGES	RESOLUTION ORDINANCE RECEIVE/FILE	BRENDA S. GUNN CITY ADMINISTRATOR

SYNOPSIS

Discussion regarding a change to Nebraska State Statute affecting retail sale or dispensing of alcoholic liquor on the premises.

FISCAL IMPACT

N/A

RECOMMENDATION

Council direction is requested.

BACKGROUND

In this last session of the Nebraska State Legislature, LB 861 passed and will go into effect July 15, 2010. One of the provisions allowed by this legislation is to enable governing bodies to permit retail sale or dispensing of alcoholic liquor for consumption on the premises, excluding sales for consumption off the premises, later than 1 a.m. and prior to 2 a.m. on any day.

The Municipal code follows current State Statute which allows the above until 1 a.m. If it is the desire of Council to amend the municipal code to allow for this change, the times in the code would be changed to reflect this and would come to City Council for action at a future meeting. Businesses would be able to decide whether or not they want to remain open. Adoption of this change would require a vote of at least two-thirds of the members of the City Council.

LB 861 did not change the time for sales for off premises consumption, which still must end by 1 a.m.

§ 114.45 MINOR ATTEMPTING TO PURCHASE PROHIBITED.

It shall be unlawful for any minor to purchase or attempt to purchase or to have any person purchase or procure for him or her any alcoholic liquors or alcoholic beverages, including beer, by the drink or in the original package.

(‘79 Code, § 10-120) (Ord. 43, passed - -) Penalty, see § 114.99

Statutory reference:

Similar provisions, see Neb. RS 53-180.01

§ 114.46 HOURS OF SALE.

(A) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

OFF SALE. Alcoholic beverages sold at retail in the original container for consumption off the premises of the licensed establishment.

ON SALE. Alcoholic beverages sold at retail by the drink for consumption on the premises of the licensed establishment.

(B) It shall be unlawful for any licensed person or persons or their agents to sell any alcoholic beverages within the city except during the hours provided herein, provided that such limitations shall not apply after 12:00 p.m. noon on Sunday to a licensee which is a nonprofit corporation holding a license pursuant to Neb. RS 53-124(5)(C) and (H):

HOURS OF SALE**Alcoholic Liquors (except beer and wine)****Secular Days**

Off Sale 6:00 a.m. to 1:00 a.m.

On Sale 6:00 a.m. to 1:00 a.m.

Sundays

Off Sale 12:00 noon to 1:00 a.m.

On Sale 12:00 noon to 1:00 a.m.

Beer and Wine

Secular Days

Off Sale	6:00 a.m. to 1:00 a.m.
On Sale	6:00 a.m. to 1:00 a.m.

Sundays

Off Sale	6:00 a.m. to 1:00 a.m.
On Sale	6:00 a.m. to 1:00 a.m.

(C) No person or persons shall consume any alcoholic beverages on licensed premises for a period of time longer than 15 minutes after the time fixed herein for stopping the sale of alcoholic beverages on the said premises.

(D) Nothing in this section shall be construed to prohibit licensed premises from being open for business on days and hours during which the sale or dispensing of alcoholic beverages is prohibited by this section.

('79 Code, § 10-123) (Ord. 212, passed - -; Am. Ord. 259, passed 12-4-79; Am. Ord. 306, passed 5-4-82; Am. Ord. 536, passed 9-3-91) Penalty, see § 114.99

Statutory reference:

Authority to alter statutory hours, see Neb. RS 53-179

§ 114.47 SALE OF BEER; UNLAWFUL FOR "ON SALE" LICENSED PREMISES TO HAVE OTHER ALCOHOLIC LIQUOR ON PREMISES.

In order to regulate the business of licensees of the sale of beer only for consumption upon the premises, it shall be unlawful for any person, firm, partnership or corporation, having a license to sell beer only for consumption on the premises, or any agent or servant of any such person, firm, partnership or corporation, to have, keep, store or possess in any manner whatsoever in any room or building, or in any place whatsoever upon the premises covered by such license in the city any alcoholic liquor except beer; provided, nothing herein shall apply where a license to sell alcoholic liquor other than beer has been obtained for such premises.

('79 Code, § 10-126) (Ord. 43, passed - -) Penalty, see § 114.99

§ 114.48 NO SALE OF ALCOHOL, FIT FOR BEVERAGE PURPOSES, BY NONBEVERAGE USERS.

No nonbeverage user shall, within the city, sell, give away or otherwise dispose of any alcohol, purchased under a license as such nonbeverage user, in any form fit for beverage purposes.
(Neb. RS 53-187) ('79 Code, § 10-127) (Ord. 43, passed - -) Penalty, see § 114.99

two years continuously prior to making of application for license and (b) to hotels offering restaurant service, to regularly organized clubs, or to restaurants, food shops, or other places where sale of alcoholic liquor is not the principal business carried on, if such place of business so exempted was established for such purposes prior to May 24, 1935.

(2) If a proposed location for the sale at retail of any alcoholic liquor is within one hundred fifty feet of any church, a license may be issued if the commission gives notice to the affected church and holds a hearing as prescribed in section 53-133.

(2) (3) No alcoholic liquor, other than beer, shall be sold for consumption on the premises within three hundred feet from the campus of any college or university in the state, except that this section:

(a) Does not prohibit a nonpublic college or university from contracting with an individual or corporation holding a license to sell alcoholic liquor at retail for the purpose of selling alcoholic liquor at retail on the campus of such college or university at events sanctioned by such college or university but does prohibit the sale of alcoholic liquor at retail by such licensee on the campus of such nonpublic college or university at student activities or events; and

(b) Does not prohibit sales of alcoholic liquor by a community college culinary education program pursuant to section 53-124.15.

Sec. 77. Section 53-179, Reissue Revised Statutes of Nebraska, is amended to read:

53-179 (1) No alcoholic liquor, including beer, shall be sold at retail or dispensed on any day between the hours of 1 a.m. and 6 a.m., except that the local governing body of any city or village with respect to area inside the corporate limits of such city or village, or the county board with respect to area outside the corporate limits of any city or village, may by ordinance or resolution (a) require closing prior to 1 a.m. on any day or (b) if adopted by a vote of at least two-thirds of the members of such local governing body or county board, permit retail sale or dispensing of alcoholic liquor for consumption on the premises, excluding sales for consumption off the premises, later than 1 a.m. and prior to 2 a.m. on any day.

(2) Except as provided for and allowed by ordinance of a local governing body applicable to area inside the corporate limits of a city or village or by resolution of a county board applicable to area inside such county and outside the corporate limits of any city or village, no alcoholic liquor, including beer, shall be sold at retail or dispensed between the hours of 6 a.m. Sunday and 1 a.m. Monday. No ordinance or resolution allowed by this subsection shall permit alcoholic liquor, other than beer and wine, to be sold at retail or dispensed between the hours of 6 a.m. Sunday and 12 noon Sunday. This subsection shall not apply after 12 noon on Sunday to a licensee which is a nonprofit corporation and the holder of a Class C license or a Class I license.

(3) It shall be unlawful on property licensed to sell alcoholic liquor at retail to allow alcoholic liquor in open containers to remain or be in possession or control of any person for purposes of consumption between the hours of 1:15 a.m. fifteen minutes after the closing hour applicable to the licensed premises and 6 a.m. on any day. When any city or village provides by ordinance or any county provides by resolution for an earlier closing hour, the provisions of this subsection shall become effective fifteen minutes after such closing hour instead of 1:15 a.m.

(4) Nothing in this section shall prohibit licensed premises from being open for other business on days and hours during which the sale or dispensing of alcoholic liquor is prohibited by this section.

Sec. 78. Section 53-1,104, Reissue Revised Statutes of Nebraska, is amended to read:

53-1,104 (1) Any licensee which sells or permits the sale of any alcoholic liquor not authorized under the terms of such license on the licensed premises or in connection with such licensee's business or otherwise shall be subject to suspension, cancellation, or revocation of such license by the commission.

(2) When an order suspending a license to sell alcoholic liquor becomes final, the licensee may elect to pay a cash penalty to the commission in lieu of suspending sales of alcoholic liquor for the designated period if such election is not prohibited by order of the commission. Except as otherwise provided in subsection (3) of this section, for the first such suspension for any licensee, the penalty shall be fifty dollars per day, and for a second or any subsequent suspension, the penalty shall be one hundred dollars per day.

(3) (a) For a second suspension for violation of section 53-180 or 53-180.02 occurring within four years after the date of the first suspension,