

# MINUTE RECORD

A-3

No. 729 — REDFIELD & COMPANY, INC. OMAHA E1310556LD

## LA VISTA CITY COUNCIL ORGANIZATIONAL MEETING December 1, 2020

A meeting of the City Council of the City of La Vista, Nebraska was convened in open and public session at 6:30 p.m. on December 1, 2020. Present in the Council Chambers were Councilmembers: Thomas, Crawford, Quick, Hale, and Sell. Present via Zoom were Councilmembers: Frederick and Sheehan. Also in attendance were, City Attorney McKeon, City Administrator Gunn, Assistant City Administrator Ramirez, Chief of Police Lausten, City Clerk Bueth, Director of Public Works Soucie, Director of Administrative Services Pokorny, Library Director Barcal, Recreation Director Stopak, City Engineer Dowse, and Community Development Director Fountain.

A notice of the meeting was given in advance thereof by publication in the Times on November 25, 2020. 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. Governor Pete Ricketts issued Executive Order No. 20-34 – Coronavirus – Public Meetings Requirement Limited Waiver for Alternative Participation for Elected Officials. Such order allowed virtual meeting participation by elected officials that have been ordered to quarantine or isolate by the local public health agency due to exposure to COVID-19, in conformance with guidance from the Nebraska Department of Health and Human Services. 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.

All votes of Councilmembers Frederick and Sheehan at the meeting were by roll call vote using Zoom videoconference.

### II. CITY CLERK'S REPORT OF ELECTION RESULTS

City Clerk Bueth read the results of the General Election held on Tuesday, November 3, 2020 as certified by the Sarpy County Election Commissioner for the City of La Vista are as follows:

For the office of Mayor, Douglas Kindig received 6,328 votes and Klaus Lindner received 1,324 votes. For the office of City Council Ward I Mike Crawford received 1,368 votes. For the office of City Council Ward II Ron Sheehan received 851 votes and Nicolas Crawford received 666 votes. For the office of City Council Ward III Deb Hale received 1,443 votes. For the office of City Council Ward IV Jim Frederick received 1,317 votes and Kevin Wetuski received 854.

### III. ADMINISTRATION OF OATH OF OFFICE TO DOUGLAS KINDIG - MAYOR

City Attorney McKeon administered the Oath of Office to Mayor Kindig

### IV. ADMINISTRATION OF OATH TO COUNCILMEMBERS MIKE CRAWFORD – WARD I RON SHEEHAN – WARD II DEB HALE – WARD III JIM FREDERICK – WARD IV

Mayor Kindig Administered the Oath of Office to Councilmembers: Crawford, Sheehan, Hale, and Frederick.

### V. ELECTION OF COUNCIL PRESIDENT

Mayor Kindig called for nominations for Council President. Councilmember Sell nominated Councilmember Thomas. Councilmember Crawford seconded that nomination. Mayor Kindig asked for any further nominations. Councilmember Hale made a motion to cease nominations. Seconded by Councilmember Sheehan. Councilmembers voting aye: Frederick, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: Ronan. Motion carried.

Councilmember Crawford made a motion to cast a unanimous ballot for Councilmember Thomas for Council President. Seconded by Councilmember Sell. Councilmembers

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voting aye: Frederick, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: Ronan. Motion carried.

**VI. APPOINTMENTS BY MAYOR KINDIG**  
**CITY ADMINISTRATOR – BRENDA GUNN**  
**CITY CLERK – PAM BUETHE**  
**FINANCE DIRECTOR – CINDY MISEREZ**  
**PUBLIC WORKS DIRECTOR – JOE SOUCIE**  
**CHIEF OF POLICE – BOB LAUSTEN**  
**CITY ATTORNEY – TOM MCKEON (FITZGERALD, SCHORR,**  
**BARTMETTLER AND BRENNAN, PC, LLO)**  
**CITY ENGINEER – PAT DOWSE**

Councilmember Sell made a motion to approve the appointments by Mayor Kindig. Seconded by Councilmember Quick. Councilmembers voting aye: Frederick, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: Ronan. Motion carried.

**VII. RESOLUTION – APPROVAL OF BLANKET BOND – APPOINTED**  
**OFFICIALS**

Councilmember Crawford introduced and moved for the adoption of Resolution No. 20-121: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, APPROVING BLANKET BOND IN PLACE OF INDIVIDUAL OFFICIAL BONDS.

WHEREAS, Nebraska Statutes ("Statutes") and the City of La Vista Municipal Code ("Code") require that certain City officials give bonds in favor of the City for certain amounts and subject to certain conditions, including the faithful performance of official duties; the premiums of which shall be paid by the City and have been included in the budget of the City adopted for fiscal years 2020-2021 and 2021-2022; and

WHEREAS, the Statutes and Code specify requirements of bonds when bonds are required; and

WHEREAS, Section 11-104(2) of the Statutes, as enacted by LB 347 (2007) permits a blanket bond in place of individual bonds; and

WHEREAS, a blanket bond, number 69372735, issued by Western Surety Company as surety, ("Bond") is on file and has been presented by the City Clerk at this meeting for approval by the Mayor and City Council in place of individual bonds pursuant to Section 11-104(2) of the Statutes for such City officials other than the City Treasurer; and

WHEREAS, by undertakings and additional indemnity rider, the Bond is in joint and several form, payable to the City of La Vista, and in such amount(s) as have been fixed by Statutes or the City Council; and

WHEREAS, the Bond has been executed by the principals and the surety and the required oaths have been endorsed thereon; and

WHEREAS, the corporate surety of the Bond is legally authorized to transact business in the State of Nebraska; and

WHEREAS, the Bond obligates the principals and surety named therein for the faithful performance of the duties of the offices and positions held by such principals; and

WHEREAS, all applicable legal requirements with respect to said Bond have been satisfied.

NOW, THEREFORE, BE IT RESOLVED, that, the Mayor and City Council have reviewed the penalty amounts set forth in the Bond and hereby set, fix and approve said amounts as the required penalties pursuant to Neb. Rev. Stat. Section 11-104(1) and any other applicable law.

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BE IT FURTHER RESOLVED, that, the recitals above are hereby adopted and approved and shall be and constitute findings and determinations of the Mayor and City Council for purposes of this Resolution; the penalty amounts set forth in the Bond are hereby adopted and approved; and the Mayor and City Council find and determine that the Bond submitted at this meeting satisfies all requirements of applicable law.

BE IT FURTHER RESOLVED, that said Bond, and the surety named therein, are hereby approved, and the Mayor is hereby authorized to endorse approval of the City Council and surety in writing on the Bond or by attachment incorporating or incorporated into said Bond by reference, which shall be and constitute endorsement of approval upon said Bond.

BE IT FURTHER RESOLVED, that the City shall pay the premiums for said Bond, except for any premium that is voluntarily paid by any other person.

BE IT FURTHER RESOLVED, that the Mayor and/or City Clerk are authorized to take any other action that is necessary or appropriate to carry out the actions approved herein.

Seconded by Councilmember Thomas. Councilmembers voting aye: Frederick, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: Ronan. Motion carried.

## **VIII. RESOLUTION – APPROVAL OF INDIVIDUAL BOND – TREASURER**

Councilmember Sell introduced and moved for the adoption of Resolution No. 20-122: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, APPROVING OFFICIAL BOND OF CITY TREASURER.

WHEREAS, Section 16-318 of the Nebraska Revised Statutes, as amended, and Section 31.21 of the City of La Vista Municipal Code ("Code") require that the City Treasurer give a bond in favor of the City in the amount of not less than \$25,000.00 and subject to certain conditions, including the faithful performance of official duties; the premiums of which shall be paid by the City and have been included in the budget of the City adopted for fiscal years 2020-2021 and 2021-2022; and

WHEREAS, the Statutes and Code specify requirements of bonds when bonds are required; and

WHEREAS, a bond, number 71652885, issued by Western Surety Company as surety ("Bond") has been issued and has been executed by the City Treasurer as principal and by said surety and has been submitted to the City Clerk; and

WHEREAS, the Bond has been presented by the City Clerk at this meeting for approval by the Mayor and City Council; and

WHEREAS, the submitted Bond is in joint and several form, payable to the City of La Vista, and in such amount(s) as have been fixed by Statutes or the City Council; and

WHEREAS, the Bond has been executed by the principal and the surety and the required oaths have been endorsed thereon; and

WHEREAS, the corporate surety of the Bond is legally authorized to transact business in the State of Nebraska; and

WHEREAS, the Bond obligates the principal and surety named therein for the faithful performance of the duties of the office and position held by the City Treasurer; and

WHEREAS, all applicable legal requirements with respect to said Bond have been satisfied.

NOW, THEREFORE, BE IT RESOLVED, that, the Mayor and City Council have reviewed the penalty amounts set forth in the Bond and hereby set, fix

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and approve said amount as the required penalty pursuant to Neb. Rev. Stat. Section 16-318 and any other applicable law.

BE IT FURTHER RESOLVED, that, the recitals above are hereby adopted and approved and shall be and constitute findings and determinations of the Mayor and City Council for purposes of this Resolution; the penalty amounts set forth in the Bond are hereby adopted and approved; and the Mayor and City Council find and determine that the Bond for the City Treasurer submitted at this meeting satisfies all requirements of applicable law.

BE IT FURTHER RESOLVED, that said Bond, and the surety named therein, are hereby approved, and the Mayor is hereby authorized to endorse approval of the City Council and surety in writing on the Bond or by attachment incorporating or incorporated into said Bond by reference, which shall be and constitute endorsement of approval upon said Bond.

BE IT FURTHER RESOLVED, that the City shall pay the premiums for said Bond (except for any premium that is voluntarily paid by any other person), including all renewal premiums necessary, if any, to continue said bond in effect during the term of office of the Treasurer.

BE IT FURTHER RESOLVED, that the Mayor and/or City Clerk are authorized to take any other action that is necessary or appropriate to carry out the actions approved herein.

Seconded by Councilmember Hale. Councilmembers voting aye: Frederick, Sheehan, Thomas, Crawford, Quick, Hale, and Frederick. Nays: None. Abstain: None. Absent: Ronan. Motion carried.

## **IX. COMMENTS FROM THE FLOOR**

There were no comments from the floor.

## **X. COMMENTS FROM THE MAYOR AND COUNCIL**

Councilmember Sheehan commented on Santa's Sleigh Ride and the Tree Lighting.

There was Council consensus to hold the next City Council meeting in person in the Council Chambers.

At 6:46 p.m. Councilmember Crawford made a motion to adjourn the meeting. Seconded by Councilmember Thomas. Councilmembers voting aye: Frederick, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: Ronan. Motion carried.

PASSED AND APPROVED THIS 15TH DAY OF DECEMBER, 2020.

CITY OF LA VISTA

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

ATTEST:

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