

# LA VISTA CITY COUNCIL MEETING AGENDA

October 19, 2021

6:00 p.m.

Harold “Andy” Anderson Council Chamber

La Vista City Hall

8116 Park View Blvd

- Call to Order
- Pledge of Allegiance
- Announcement of Location of Posted Open Meetings Act
- Service Award: Joe Soucie – 35 Years
- Oaths of Office – Mayor’s Youth Leadership Council Officers

*All matters listed under item A, Consent Agenda, are considered to be routine by the city council and will be enacted by one motion in the form listed below. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.*

## A. CONSENT AGENDA

1. Approval of the Agenda as Presented
2. Approval of the Minutes of the October 5, 2021 City Council
3. Monthly Financial Report – August 2021
4. Request for Payment – Kissel, Kohout, ES Associates LLC – Professional Services – Legislative Services – \$9,898.03
5. Request for Payment – Design Workshop, Inc – Professional Services – La Vista Wayfinding – \$7,135.00
6. Resolution – Election of Directors to the La Vista Metropolitan Community College Board of Directors
7. Approval of Claims –

- Reports from City Administrator and Department Heads

## B. Ordinance – Bond Issuance – Offstreet Parking District No. 2 – Garage No. 2

1. Public Hearing
2. Ordinance

## \*\* C. Economic Development Program

1. Ordinance – Approve Economic Development Program Application and Award of \$3.0 million – Omaha Multi-Sport Complex d/b/a Nebraska Multisport Complex
2. Resolution – Authorize Issuance of Economic Development Fund Bonds

## D. Metropolitan Utilities District (MUD) – Renew Franchise Agreement

1. Ordinance – Renew Water Franchise with MUD
2. Resolution – Approve Water Franchise Agreement with MUD

## E. Resolution – 84<sup>th</sup> Street Underpass – Professional Services Agreement

## F. Resolution – Approve Contract – Workiva Software Implementation & Design

## G. Resolution – On-Street Parking Change

## H. Resolution – Authorize Purchase – Sewer Jet Truck

## I. Resolution – Amend Council Policy Statement 138 – Collection

## J. Wayfinding – Presentation and Discussion

## K. Executive Session – Contract Negotiations

- Comments from the Floor
- Comments from Mayor and Council
- Adjournment

\*\*Amended October 18, 2021 4:00PM

**Complete Packet (PDF)**

The public is welcome and encouraged to attend all meetings. If special accommodations are required, please contact the City Clerk prior to the meeting at 402-331-4343. A copy of the Open Meeting Act is posted in the Council Chamber and available in the public copies of the Council packet. Citizens may address the Mayor and Council under "Comments from the Floor." Comments should be limited to three minutes. We ask for your cooperation in order to provide for an organized meeting.



CITY OF LA VISTA

**CERTIFICATE OF APPRECIATION**

A CERTIFICATE OF APPRECIATION PRESENTED TO JOE SOUCIE OF THE LA VISTA PUBLIC WORKS DEPARTMENT, FOR 35 YEARS OF FAITHFUL AND EFFICIENT SERVICE TO THE CITY OF LA VISTA.

WHEREAS, **Joe Soucie** has served the City of La Vista since October 6, 1986; and

WHEREAS, **Joe Soucie's** input and contributions to the City of La Vista have contributed to the success of the City;

NOW, THEREFORE BE IT RESOLVED that this Certificate of Appreciation is hereby presented to **Joe Soucie** on behalf of the City of La Vista for 35 years of service to the City.

DATED THIS 19TH DAY OF OCTOBER 2021.

A blue ink signature of Douglas Kindig, Mayor, written over a horizontal line.

Douglas Kindig, Mayor

A blue ink signature of Kim J. Thomas, Councilmember, Ward I, written over a horizontal line.

Kim J. Thomas  
Councilmember, Ward I

A blue ink signature of Mike Crawford, Councilmember, Ward I, written over a horizontal line.

Mike Crawford  
Councilmember, Ward I

A blue ink signature of Ronald Sheehan, Councilmember, Ward II, written over a horizontal line.

Ronald Sheehan  
Councilmember, Ward II

A blue ink signature of Terrilyn Quick, Councilmember, Ward II, written over a horizontal line.

Terrilyn Quick  
Councilmember, Ward II

A blue ink signature of Deb Hale, Councilmember, Ward III, written over a horizontal line.

Deb Hale  
Councilmember, Ward III

A blue ink signature of Alan W. Ronan, Councilmember, Ward III, written over a horizontal line.

Alan W. Ronan  
Councilmember, Ward III

A blue ink signature of Kelly R. Sell, Councilmember, Ward IV, written over a horizontal line.

Kelly R. Sell  
Councilmember, Ward IV

A blue ink signature of Jim Frederick, Councilmember, Ward IV, written over a horizontal line.

Jim Frederick  
Councilmember, Ward IV

ATTEST:

A blue ink signature of Pamela A. Buethe, City Clerk, written over a horizontal line.

Pamela A. Buethe, CMC  
City Clerk



# LA VISTA CITY COUNCIL MEETING AGENDA

October 19, 2021

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8116 Park View Blvd

**A-1**

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**\*\*Amended October 18, 2021 4:00PM**

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# MINUTE RECORD

A-2

No. 729 — REDFIELD DIRECT E2106195KV

## LA VISTA CITY COUNCIL MEETING October 5, 2021

A meeting of the City Council of the City of La Vista, Nebraska was convened in open and public session at 6:00 p.m. on October 5, 2021. Present were Councilmembers: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick and Sell. 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, Recreation Director Stopak, City Engineer Dowse, Community Development Director Fountain, Finance Director Miserez.

A notice of the meeting was given in advance thereof by publication in the Times on September 22, 2021. 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, led the audience in the Pledge of Allegiance, and made the announcements.

### A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. APPROVAL OF THE MINUTES OF THE SEPTEMBER 21, 2021 CITY COUNCIL MEETING
3. APPROVAL OF THE MINUTES OF THE SEPTEMBER 9, 2021 LIBRARY ADVISORY BOARD MEETING
4. APPROVAL OF THE MINUTES OF THE AUGUST 9, 2021 LA VISTA/METROPOLITAN COMMUNITY COLLEGE CONDOMINIUM OWNERS ASSOCIATION, INC. MEETING
5. REQUEST FOR PAYMENT – FELSBURG HOLT & ULLEVIG – PROFESSIONAL SERVICES – 114<sup>TH</sup> AND GILES INTERSECTION IMPROVEMENTS – \$175.00
6. REQUEST FOR PAYMENT – HGM ASSOCIATES INC. – PROFESSIONAL SERVICES – EAST LA VISTA SEWER AND PAVEMENT REHABILITATION – \$32,311.89
7. REQUEST FOR PAYMENT – OLSSON – PROFESSIONAL SERVICES – LA VISTA CITY CENTRE PHASE 1 PUBLIC INFRASTRUCTURE – \$2,238.50
8. REQUEST FOR PAYMENT – OLSSON – PROFESSIONAL SERVICES – LA VISTA COMMUNITY DEVELOPMENT AGENCY EXISTING CHILI'S DEMOLITION – ADDITIONAL SERVICES – \$332.50
9. REQUEST FOR PAYMENT – OMAHA ELECTRIC SERVICE, INC. – CONSTRUCTION SERVICES – 114<sup>TH</sup> AND GILES – \$7,271.78
10. REQUEST FOR PAYMENT – RDG PLANNING & DESIGN – PROFESSIONAL SERVICES – PLACEMAKING & LA SERVICES – \$2,696.62
11. REQUEST FOR PAYMENT – SWAIN CONSTRUCTION – CONSTRUCTION SERVICES – 96<sup>TH</sup> & 108<sup>TH</sup> STREET PAVEMENT RECONSTRUCTION & REHABILITATION – \$420,836.65
12. RESOLUTION NO. 21-109 – AUTHORIZE PAYMENT – SEWER CAMERA REPAIR

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING PAYMENT TO MACQUEEN EQUIPMENT, ST. PAUL, MINNESOTA FOR AN EMERGENCY REPAIR TO THE SEWER CAMERA IN AN AMOUNT NOT TO EXCEED \$8,497.46.

WHEREAS, the City Council of the City of La Vista has determined that repair of the sewer camera is necessary; and

WHEREAS, the Sewer Maintenance Budget provides funding for the proposed repairs; and

# MINUTE RECORD

October 5, 2021

No. 729 — REDFIELD DIRECT E2106195KV

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

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska authorize payment to MacQueen Equipment, St. Paul, Minnesota for emergency repair to the Sewer Camera in an amount not to exceed \$8,497.46.

## 13. APPROVAL OF CLAIMS

3C PYMT USA CORP, services	100.00
911 CUSTOM LLC, services	141.75
ACTIVE NETWORK LLC, services	21.95
AKRS EQUIPMENT SOLUTIONS INC, maint.	110.57
ALFRED BENESCH & CO, services	46,265.88
ALTEC INDUSTRIES INC, maint.	615.96
AMAZON, supplies	809.48
AMERICAN HERITAGE LIFE INS CO, services	1,208.11
A-RELIEF, services	1,000.00
ASP ENTERPRISES INC, bld&grnds	444.00
AT&T MOBILITY LLC, phones	97.40
ATLAS AWNING CO, services	1,020.00
BACON LETTUCE CREATIVE, services	1,710.00
BAUER BUILT INC, maint.	484.72
BEACON ATHLETICS LLC, supplies	2,247.00
BERGANKDV LLC, services	1,000.00
BISHOP BUSINESS EQUIPMENT, services	1,002.39
BOLD OFFICE SOLUTIONS, services	1,410.23
BOOT BARN, apparel	423.24
BRODERSEN, C., travel	196.00
BSN SPORTS LLC, supplies	1,433.34
BUETHE, P., travel	354.93
CCAP AUTO LEASE LTD, services	391.12
CENTURY LINK/LUMEN, phones	896.04
CINTAS CORP, services	64.62
CITY OF PAPILLION, services	247,233.02
COMFORT INN-KEARNEY, travel	899.55
CONTINENTAL RESEARCH CORP, supplies	478.85
CONTROL MASTERS INC, bld&grnds	412.33
CORNHUSKER INTL TRUCKS INC, maint.	163.12
COX COMMUNICATIONS INC, services	317.18
CULLIGAN OF OMAHA, supplies	29.00
D & K PRODUCTS, supplies	2,508.20
DANIELSON TECH SUPPLY INC, services	18,335.00
DEARBORN NATIONAL LIFE INS CO, services	7,422.52
DEERE & CO, services	28,956.52
DELL MARKETING LP, services	4,311.54
DESIGN WORKSHOP INC, services	1,935.00
DIAMOND VOGEL PAINTS, supplies	43.70
EDGEWEAR SCREEN PRINTING, apparel	458.75
FELSBURG HOLT & ULLEVIG INC, services	875.00
FERGUSON ENTERPRISES INC, bld&grnds	856.69
FIRST BANKCARD, supplies	19,602.83
FIRST WIRELESS INC, services	116.00
FITZGERALD SCHORR BARMETTLER, services	31,770.65
FNIC, services	1,483.00
FUN EXPRESS LLC, services	528.11
G I CLEANERS & TAILORS, services	400.75
GALE, books	149.94
GENERAL FIRE & SAFETY EQUIP, bld&grnds	206.00
GREATAMERICA FINANCIAL, services	1,127.00
HDR ENGINEERING INC, services	2,144.88

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HEARTLAND WOOD FLOORS CO, bld&grnds	2,448.50
HEIMES CORP, services	40.00
HERITAGE CRYSTAL CLEAN LLC, services	419.74
HGM ASSOCIATES INC, services	16,052.01
HOME DEPOT, bld&grnds	216.74
INDUSTRIAL SALES CO INC, services	965.70
INGRAM LIBRARY SERVICES, books	3,352.46
INSIGHT DIRECT USA INC, services	3,726.90
INTERNATIONAL CODE COUNCIL, services	995.00
J & J SMALL ENGINE, maint.	69.95
JOHNSON, ALLEN L., services	149.50
JUSTIN KOFOED LLC, services	2,300.00
KEYMASTERS LOCKSMITH, bldYgrnds	54.00
KIESLER POLICE SUPPLY, services	430.41
KINDIG, D., refund	88.99
LV COMM FOUNDATION, payroll	30.00
LABRIE, DONALD P, services	450.00
LARSEN SUPPLY CO, bld&grnds	533.28
LIBRARY IDEAS LLC, services	387.00
LINCOLN NATIONAL LIFE INS CO, services	5,961.61
LITTLE GUY BRANDING, services	2,475.00
LOU'S SPORTING GOODS, supplies	682.00
MARCO INC, services	130.37
MARTIN ASPHALT - MONARCH OIL, services	388.50
MATHESON TRI-GAS INC, supplies	213.90
MEDICA INSURANCE CO, services	105,259.67
MENARDS-RALSTON, bld&grnds	13.48
MUD, utilities	13,663.91
MICROFILM IMAGING SYSTEMS, services	180.00
MID-AMERICAN BENEFITS INC, services	18,319.09
MIDWEST TAPE, media	39.99
MSC INDUSTRIAL SUPPLY CO, supplies	250.68
NSG LOGISTICS LLC, supplies	31,181.05
OFFICE DEPOT INC, supplies	1,043.37
OPPD, utilities	47,440.06
OMAHA WINNELSON SUPPLY, bld&grnds	139.19
OMNI ENGINEERING, services	952.22
PAPIO-MISSOURI RIVER NRD, services	164,280.57
PAYROLL MAXX, payroll & taxes	346,602.39
PER MAR SECURITY, services	2,633.21
PITNEY BOWES, services	1,706.06
POWER DMS INC, services	8,699.86
READY MIXED CONCRETE CO, services	360.72
RECORDED BOOKS INC, services	900.00
RED EQUIPMENT LLC, maint.	1,077.21
RTG BUILDING SERVICES INC, services	3,515.40
SARPY COUNTY COURTHOUSE, services	4,313.96
SGH REDGLAZE HOLDINGS INC. bld&grnds	397.00
SHI INTERNATIONAL CORP, services	2,020.69
SINNETT, J., travel	201.04
SNAP-ON INDUSTRIAL TOOL, services	3,318.00
SOLBERG, C., travel	22.98
TED'S MOWER SALES & SERVICE INC, maint.	1,437.95
TEMPLE DISPLAY LTD, services	36,710.00
THE SCHEMMER ASSOCIATES INC, services	1,800.00
THE WALDINGER CORP, bld&grnds	506.75
THOMPSON DREESSEN & DORNER INC, services	3,562.50
TOSHIBA FINANCIAL, services	265.40
TRAIL, R., refund	144.85
TRUCK CENTER COMPANIES, maint.	2,658.52
TURFWERKS, maint.	187.19

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TY'S OUTDOOR POWER & SERVICE, maint.	334.31
UNITED DISTRIBUTORS INC, supplies	87.72
UNITED HEALTHCARE INS CO, services	957.02
UNITED STATES POSTAL SERVICE, postage	1,609.28
USIQ INC, services	663.16
VERIZON CONNECT NWF, phones	631.41
VERIZON WIRELESS, phones	18.02
WHITE CAP LP, supplies	76.68

Councilmember Thomas made a motion to approve the consent agenda. Seconded by Councilmember Frederick. Councilmember Ronan reviewed the bills and stated everything was in order. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, and Sell. Nays: None. Abstain: None. Absent: Hale. Motion carried.

## REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

Recreation Director Stopak reported on programs through the Community Center and the Tree Program.

Community Relations Director Beaumont reported on the launching of the Central Park video series.

Chief of Police Lausten reported on the portable pole mounted speed device.

Director of Public Works Soucie reported on Fall Clean Up October 18, 2021 – October 24, 2021, from 7am – 5pm.

## B. 1 AND 6 YEAR STREET IMPROVEMENT PLAN

### 1. PUBLIC HEARING

At 6:07 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for comment on the 1 and 6 Year Street Improvement Plan.

At 6:08 p.m. Councilmember Sell made a motion to close the public hearing. Seconded by Councilmember Crawford. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, and Sell. Nays: None. Abstain: None. Absent: Hale. Motion carried.

### 2. RESOLUTION – APPROVAL OF THE 1 AND 6 YEAR PLAN

Councilmember Thomas introduced and moved for the adoption of Resolution No. 21-110 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, APPROVING THE ONE-AND-SIX-YEAR PLAN FOR HIGHWAY, ROAD AND STREET IMPROVEMENTS FOR THE CITY OF LA VISTA AS SUBMITTED BY THE DIRECTOR OF PUBLIC WORKS.

WHEREAS, the Director of Public Works has revised and updated the City of La Vista One-and-Six-Year Street Plan; and

WHEREAS, the La Vista Planning Commission has reviewed the One-and-Six-Year Street Plan for the City of La Vista and recommends to Council approval of the Plan; and

WHEREAS, the Mayor and City Council of the City of La Vista, Nebraska held a public hearing on the City of La Vista's One-and-Six-Year Plan for highway, road and street improvements for the City of La Vista as submitted by the City Director of Public Works; and

WHEREAS, the citizens of the City of La Vista have therefore had an opportunity to comment on the One-and-Six-Year Plan for highway, road and street improvements for the City of La Vista as submitted and reviewed by the La Vista City Council; and

WHEREAS, projects in the One-and-Six-Year Street Plan have been incorporated into the City of La Vista's Capital Improvement Plan;

# MINUTE RECORD

October 5, 2021

No. 729 — REDFIELD DIRECT E2106195KV

NOW THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of La Vista, Nebraska that the One-and-Six-Year Plan for highway, road and street improvements for the City of La Vista as submitted by the Director of Public Works and reviewed by the Mayor and City Council of the City of La Vista be, and the same hereby is, accepted and approved.

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

### **3. RESOLUTION – AUTHORIZING THE SIGNING OF THE MUNICIPAL ANNUAL CERTIFICATION**

Councilmember Sell introduced and moved for the adoption of Resolution No. 21-111 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE SIGNING OF THE MUNICIPAL ANNUAL CERTIFICATION OF PROGRAM COMPLIANCE FORM FOR 2021.

WHEREAS, State of Nebraska Statutes, sections 39-2115, 39-2119, 39-2120, 39-2121, and 39-2520(2), requires an annual certification of program compliance to the Nebraska Board of Public Roads Classifications and Standards; and

WHEREAS, State of Nebraska Statute, section 39-2120 also requires that the annual certification of program compliance by each municipality shall be signed by the Mayor or Village Board Chairperson and shall include a copy of a resolution of the governing body of the municipality authorizing the signing of the certification form;

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of the City of La Vista that the Mayor of La Vista is hereby authorized to sign the Municipal Annual Certification of Program Compliance form for 2021.

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

### **C. RESOLUTION – ACQUISITION OF DEMOLITION RIGHTS – CHILI'S GRILL AND BAR, LOT 8, LA VISTA CITY CENTRE, REPLAT THREE – AMEND AGREEMENT AND EASEMENT (ACTION ON THIS ITEM WAS TAKEN BY THE COMMUNITY DEVELOPMENT AGENCY)**

Councilmember Thomas introduced and moved for the adoption of Resolution No. 21-112 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VISTA NEBRASKA, ACTING AS THE LA VISTA COMMUNITY DEVELOPMENT AGENCY, APPROVING AN AMENDMENT TO AN AGREEMENT AND EASEMENT INSTRUMENT IN CONNECTION WITH ACQUISITION OF DEMOLITION RIGHTS WITH RESPECT TO LEASEHOLD IMPROVEMENTS OF THE CHILI'S GRILL AND BAR, LOT 8, LAVISTA CITY CENTRE REPLAT THREE IN THE 84<sup>TH</sup> STREET REDEVELOPMENT AREA.

WHEREAS, the La Vista Community Development Agency ("Agency") and City of La Vista entered an agreement ("City - Agency Agreement") for the Agency to act as lead agent and contract and otherwise provide for all actions or requirements for demolition and site preparation of the former Brentwood Crossing shopping area located in the vicinity of 84<sup>th</sup> Street and Brentwood Drive, with the City Engineer designated as the project manager and the City to fund and pay for all costs arising under the agreement from proceeds of the additional one-half of one percent local sales and use tax approved by voters in 2014 for public infrastructure projects within the 84<sup>th</sup> Street Redevelopment Area, or other available resources; and

WHEREAS, the City Council, acting as the La Vista Community Development Agency and based on advice of the City Engineer, determined that acquisition of demolition rights was necessary to carry out such demolition and site preparation ("Demolition Rights"); and



# MINUTE RECORD

October 5, 2021

No. 729 -- REDFIELD DIRECT E2106195KV

WHEREAS, proposed agreements to acquire such Demolition Rights with respect to building and other improvements of the Chili's Grill and Bar located in the vicinity of 84<sup>th</sup> Street and Brentwood Drive were approved by the City Council and the La Vista Community Development Agency on October 3, 2017 and together with other applicable documents and instruments were executed and entered by the City, Agency, or other appropriate parties, including without limitation an Easement and Demolition Agreement and Demolition and Site Preparation Easement ("Agreement and Easement Instrument"); and

WHEREAS, the Agreement and Easement Instrument specified October 10, 2021 as the date by which all obligations would be met in order to facilitate the demolition and site preparation work; and

WHEREAS, it has become apparent that obligations cannot be met by October 10, 2021 and that an extension is necessary.

NOW, THEREFORE, BE IT RESOLVED, that the City Council, acting as the La Vista Community Development Agency and pursuant to the City - Agency Agreement and the Redevelopment Plan for the 84<sup>th</sup> Street Redevelopment Area, as amended, hereby approves the amendment to the Easement and Demolition Agreement and Demolition and Site Preparation Easement in form and content as presented at this meeting, subject to any additions, subtractions, or modifications as the Mayor or City Administrator of the City of La Vista, or any designee of the Mayor or City Administrator, on behalf of the Agency determines necessary or appropriate ("Amendment").

BE IT FURTHER RESOLVED, that the Mayor or City Administrator of the City of La Vista, or any designee of the Mayor or City Administrator, shall be authorized to take all actions on behalf of the Agency as he or she determines necessary or appropriate to carry out the Amendment, this Resolution, or any actions approved in this Resolution, including without limitation executing and delivering the Amendment or any other documents or instruments on behalf of the Agency.

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

## **D. RESOLUTION – ACQUISITION OF DEMOLITION RIGHTS – CHILI'S GRILL AND BAR, LOT 8, LA VISTA CITY CENTRE, REPLAT THREE – AMEND AGREEMENT AND EASEMENT**

Councilmember Quick introduced and moved for the adoption of Resolution No. 21-113 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA NEBRASKA, APPROVING AN AMENDMENT TO AN AGREEMENT AND EASEMENT INSTRUMENT IN CONNECTION WITH ACQUISITION OF DEMOLITION RIGHTS WITH RESPECT TO LEASEHOLD IMPROVEMENTS OF THE CHILI'S GRILL AND BAR, LOT 8, LAVISTA CITY CENTRE REPLAT THREE IN THE 84<sup>TH</sup> STREET REDEVELOPMENT AREA.

WHEREAS, the La Vista Community Development Agency ("Agency") and City of La Vista entered an agreement ("City - Agency Agreement") for the Agency to act as lead agent and contract and otherwise provide for all actions or requirements for demolition and site preparation of the former Brentwood Crossing shopping area located in the vicinity of 84<sup>th</sup> Street and Brentwood Drive, with the City Engineer designated as the project manager and the City to fund and pay for all costs arising under the agreement from proceeds of the additional one-half of one percent local sales and use tax approved by voters in 2014 for public infrastructure projects within the 84<sup>th</sup> Street Redevelopment Area, or other available resources; and

WHEREAS, the City Council, acting as the La Vista Community Development Agency and based on advice of the City Engineer, determined that acquisition of demolition rights was necessary to carry out such demolition and site preparation ("Demolition Rights"); and

# MINUTE RECORD

October 5, 2021

No. 729 -- REDFIELD DIRECT E210619SKV

WHEREAS, proposed agreements to acquire such Demolition Rights with respect to building and other improvements of the Chili's Grill and Bar located in the vicinity of 84<sup>th</sup> Street and Brentwood Drive were approved by the City Council and the La Vista Community Development Agency on October 3, 2017 and together with other applicable documents and instruments were executed and entered by the City, Agency, or other appropriate parties, including without limitation an Easement and Demolition Agreement and Demolition and Site Preparation Easement ("Agreement and Easement Instrument"); and

WHEREAS, the Agreement and Easement Instrument specified October 10, 2021 as the date by which all obligations would be met in order to facilitate the demolition and site preparation work; and

WHEREAS, it has become apparent that obligations cannot be met by October 10, 2021 and that an extension is necessary.

NOW, THEREFORE, BE IT RESOLVED, that the City Council, acting on behalf of the City of La Vista and pursuant to the City - Agency Agreement and the Redevelopment Plan for the 84<sup>th</sup> Street Redevelopment Area, as amended, hereby approves the amendment to the Easement and Demolition Agreement and Demolition and Site Preparation Easement in form and content as presented at this meeting, subject to any additions, subtractions, or modifications as the Mayor or City Administrator of the City of La Vista, or any designee of the Mayor or City Administrator, on behalf of the City determines necessary or appropriate ("Amendment").

BE IT FURTHER RESOLVED, that the Mayor or City Administrator of the City of La Vista, or any designee of the Mayor or City Administrator, shall be authorized to take all actions on behalf of the City as he or she determines necessary or appropriate to carry out the Amendment, this Resolution, or any actions approved in this Resolution, including without limitation executing and delivering the Amendment or any other documents or instruments on behalf of the City.

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

## **E. PARK VIEW BOULEVARD PANEL REPLACEMENT PROJECT**

### **1. RESOLUTION – CHANGE ORDER NO. 1**

Councilmember Frederick introduced and moved for the adoption of Resolution No. 21-114 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING CHANGE ORDER NUMBER 1 TO THE CONTRACT WITH TR CONSTRUCTION, INC, OMAHA, NEBRASKA, TO PROVIDE FOR ADDITIONAL QUANTITIES FOR ITEMS OF WORK IN AN AMOUNT NOT TO EXCEED \$19,392.07, INCREASING THE TOTAL CONTRACT AMOUNT NOT TO EXCEED \$391,568.03.

WHEREAS, the City has determined it is necessary for additions of work to the contract; and

WHEREAS, the FY21/22 Biennial Budget provides funding for the project; and

WHEREAS, the contract amount will increase by \$19,392.07 for a contract total of \$391,568.03 with change order number 1;

NOW THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of La Vista, Nebraska, that the Mayor is authorized to execute the necessary documents for change order number 1 to the contract with TR Construction, Inc., Omaha, Nebraska, to provide for additional quantities for items of work in an amount not to exceed \$19,392.07.

# MINUTE RECORD

October 5, 2021

No. 729 — REDFIELD DIRECT E2106195KV

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

## **2. REQUEST FOR PAYMENT – TR CONSTRUCTION – PROFESSIONAL SERVICES – PARK VIEW BLVD PANEL REPAIR - \$42,447.27**

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

## **F. POSITION DESCRIPTION UPDATES**

Councilmember Sell made a motion to receive and file the position description updates. Seconded by Councilmember Thomas. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, and Sell. Nays: None. Abstain: None. Absent: Hale. Motion carried.

## **G. ORDINANCE – AMEND COMPENSATION ORDINANCE**

Councilmember Thomas introduced Ordinance No. 1427 entitled: AN ORDINANCE TO FIX THE COMPENSATION OF OFFICERS AND EMPLOYEES OF THE CITY OF LA VISTA; TO PROVIDE FOR THE REPEAL OF ALL PRIOR ORDINANCES IN CONFLICT HERewith; ORDERING THE PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM; AND TO PROVIDE THE EFFECTIVE DATE HEREOF.

Councilmember Sell moved that the statutory rule requiring reading on three different days be suspended. Councilmember Crawford seconded the motion to suspend the rules and roll call vote on the motion. Councilmembers voting aye: Ronan, Sheehan, Thomas, Crawford, Quick, and Sell. Nays: None. Abstain: None. Absent: Hale. Motion passed.

Councilmember Sheehan made a motion to approve final reading and adopt Ordinance 1427. Councilmember Sell seconded the motion. The Mayor then stated the question, "Shall Ordinance No. 1427 be passed and adopted?" Upon roll call vote the following Councilmembers voted aye: Ronan, Sheehan, Thomas, Crawford, Quick, and Sell. Nays: None. Abstain: None. Absent: Hale. The passage and adoption of said ordinance having been concurred on by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor, in the presence of the Council, signed and approved the ordinance and the City Clerk attested the passage/approval of the same and affixed her signature thereto.

Councilmember Crawford motioned to move Comments from the Floor up on the agenda ahead of item H. Executive Session. Seconded by Councilmember Thomas. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, and Sell. Nays: None. Abstain: None. Absent: Hale. Motion carried.

## **COMMENTS FROM THE FLOOR**

There were no comments from the floor.

## **EXECUTIVE SESSION – CONTRACT NEGOTIATIONS**

At 6:20 p.m. Councilmember Crawford made a motion to go into executive session for protection of the public interest for negotiating guidance regarding contract negotiations. Seconded by Councilmember Thomas. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, and Sell. Nays: None. Abstain: None. Motion carried. Mayor Kindig stated the executive session would be limited to the subject matter contained in the motion.

At 6:44 p.m. the Council came out of executive session. Councilmember Crawford made a motion to reconvene in open and public session. Seconded by Councilmember Thomas. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, and Sell. Nays: None. Abstain: None. Absent: Hale. Motion carried.

# MINUTE RECORD

October 5, 2021

No. 729 — REDFIELD DIRECT E2106195KV

## COMMENTS FROM MAYOR AND COUNCIL

Councilmember Frederick commented on the Astro Theater ground-breaking.

Councilmember Crawford commented on land on 66<sup>th</sup> Street North of the Sports Complex.

At 6:45 p.m. Councilmember Thomas made a motion to adjourn the meeting. Seconded by Councilmember Crawford. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, and Sell. Nays: None. Abstain: None. Absent: Hale. Motion carried.

PASSED AND APPROVED THIS 19TH DAY OF OCTOBER 2021.

CITY OF LA VISTA

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

ATTEST:

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

**CITY OF LAVISTA, NEBRASKA**  
**COMBINED STATEMENT OF REVENUES, EXPENDITURES**  
**AND CHANGES IN FUND BALANCE-ALL GOVERNMENTAL FUND TYPES**  
**For the Eleven months ending August 31, 2021**  
**92% of the Fiscal Year 2021**

	<b>Total All Funds</b>				
	<b><u>Budget</u></b> <b><u>(12 month)</u></b>	<b><u>MTD</u></b> <b><u>Actual</u></b>	<b><u>YTD</u></b> <b><u>Actual</u></b>	<b><u>Over(under)</u></b> <b><u>Budget</u></b>	<b><u>% of Budget</u></b> <b><u>Used</u></b>
<b><u>OPERATING REVENUES</u></b>					
General Fund	\$ 18,573,006	\$ 3,643,344	\$ 20,073,449	\$ 1,500,443	108%
Sewer Fund	4,469,263	494,778	4,585,811	116,548	103%
Debt Service Fund	3,401,489	554,033	3,585,211	183,722	105%
Capital Improvement Program Fund	387	327	1,808	1,421	467%
Lottery Fund	940,945	90,992	1,468,835	527,890	156%
Economic Development Fund	10,070	455	954	(9,116)	9%
Off Street Parking Fund	24,111	2,706	21,155	(2,956)	88%
Redevelopment Fund	2,038,587	245,298	2,273,374	234,787	112%
Police Academy	148,423	6	163,893	15,470	110%
TIF 1A	305,081	-	137,528	(167,553)	45%
TIF 1B	418,803	-	53,729	(365,074)	13%
Sewer Reserve Fund	17,747	-	3,353	(14,394)	19%
Qualified Sinking Fund	3,757	124	775	(2,982)	21%
<b>Total Operating Revenues</b>	<b>30,351,669</b>	<b>5,032,063</b>	<b>32,369,876</b>	<b>2,018,207</b>	<b>107%</b>

**OPERATING EXPENDITURES**

General Fund	19,306,753	1,469,770	16,070,176	(3,236,577)	83%
Sewer Fund	4,034,908	332,937	3,249,497	(785,411)	81%
Debt Service Fund	3,334,779	20,428	2,997,925	(336,854)	90%
Capital Improvement Program Fund	-	-	166,452	166,452	0%
Lottery Fund	685,187	75,121	625,868	(59,319)	91%
Economic Development Fund	82,510	-	109,021	26,511	132%
Off Street Parking Fund	1,098,065	21,825	793,518	(304,547)	72%
Redevelopment Fund	1,807,575	30,163	1,427,200	(380,375)	79%
Police Academy	116,612	8,352	106,099	(10,513)	91%
TIF 1A	352,417	-	184,864	(167,553)	52%
TIF 1B	434,083	-	69,010	(365,073)	16%
Sewer Reserve Fund	-	-	-	-	0%
Qualified Sinking Fund	-	-	-	-	0%
<b>Total Operating Expenditures</b>	<b>31,252,889</b>	<b>1,958,596</b>	<b>25,799,630</b>	<b>(5,453,259)</b>	<b>83%</b>

**OPERATING REVENUES NET OF EXPENDITURES**

General Fund	(733,747)	2,173,574	4,003,273	4,737,020
Sewer Fund	434,355	161,841	1,336,315	901,960
Debt Service Fund	66,710	533,605	587,286	520,576
Capital Improvement Program Fund	387	327	(164,644)	(165,031)
Lottery Fund	255,758	15,871	842,967	587,209
Economic Development Fund	(72,440)	455	(108,067)	(35,627)
Off Street Parking Fund	(1,073,954)	(19,119)	(772,362)	301,592
Redevelopment Fund	231,012	215,135	846,174	615,162
Police Academy	31,811	(8,346)	57,794	25,983
TIF 1A	(47,336)	-	(47,336)	(0)
TIF 1B	(15,280)	-	(15,281)	(1)
Sewer Reserve Fund	17,747	-	3,353	(14,394)
Qualified Sinking Fund	3,757	124	775	(2,982)
<b>Operating Revenues Net of Expenditures</b>	<b>(901,220)</b>	<b>3,073,467</b>	<b>6,570,246</b>	<b>7,471,466</b>
	-	-	-	-



**CITY OF LAVISTA, NEBRASKA**  
**COMBINED STATEMENT OF REVENUES, EXPENDITURES**  
**AND CHANGES IN FUND BALANCE-ALL GOVERNMENTAL FUND TYPES**  
**For the Eleven months ending August 31, 2021**  
**92% of the Fiscal Year 2021**

	<b>Total All Funds</b>				
	<b><u>Budget</u></b> <b><u>(12 month)</u></b>	<b><u>MTD</u></b> <b><u>Actual</u></b>	<b><u>YTD</u></b> <b><u>Actual</u></b>	<b><u>Over(under)</u></b> <b><u>Budget</u></b>	<b><u>% of Budget</u></b> <b><u>Used</u></b>
<b><u>OTHER FINANCING SOURCES &amp; USES</u></b>					
<b><u>TRANSFERS IN</u></b>					
General Fund	193,867	(54,728)	139,139	(54,728)	72%
Sewer Fund	350,000	-	-	(350,000)	0%
Debt Service Fund	577,831	-	184,085	(393,746)	32%
Capital Improvement Program Fund	484,445	-	552,178	67,733	114%
Lottery Fund	-	-	-	-	
Economic Development Fund	82,510	-	-	(82,510)	0%
Off Street Parking Fund	1,275,065	170,477	1,052,114	(222,951)	83%
Redevelopment Fund	-	-	-	-	
Police Academy	-	-	-	-	
TIF 1A	-	-	-	-	
TIF 1B	-	-	-	-	
Sewer Reserve Fund	-	-	-	-	
Qualified Sinking Fund	50,000	-	50,000	-	100%
<b>Total Transfers In</b>	<b>3,013,718</b>	<b>115,749</b>	<b>1,977,516</b>	<b>(1,036,202)</b>	<b>66%</b>
<b><u>TRANSFERS OUT</u></b>					
General Fund	(940,943)	-	(359,085)	581,858	38%
Sewer Fund	-	-	-	-	
Debt Service Fund	(1,182,985)	-	(1,181,594)	1,391	100%
Capital Improvement Program Fund	-	-	-	-	
Lottery Fund	(293,867)	54,728	(190,914)	102,953	65%
Economic Development Fund	-	-	-	-	
Off Street Parking Fund	-	-	-	-	
Redevelopment Fund	(245,923)	(170,477)	(245,923)	-	100%
Police Academy	-	-	-	-	
TIF 1A	-	-	-	-	
TIF 1B	-	-	-	-	
Sewer Reserve Fund	(350,000)	-	-	350,000	0%
Qualified Sinking Fund	-	-	-	-	
<b>Total Transfers Out</b>	<b>(3,013,718)</b>	<b>(115,749)</b>	<b>(1,977,516)</b>	<b>1,036,202</b>	<b>66%</b>
<b><u>NET TRANSFERS</u></b>					
General Fund	(747,076)	(54,728)	(219,946)	527,130	29%
Sewer Fund	350,000	-	-	(350,000)	0%
Debt Service Fund	(605,154)	-	(997,509)	(392,355)	165%
Capital Improvement Program Fund	484,445	-	552,178	67,733	114%
Lottery Fund	(293,867)	54,728	(190,914)	102,953	65%
Economic Development Fund	82,510	-	-	(82,510)	0%
Off Street Parking Fund	1,275,065	170,477	1,052,114	(222,951)	83%
Redevelopment Fund	(245,923)	(170,477)	(245,923)	-	100%
Police Academy	-	-	-	-	
TIF 1A	-	-	-	-	
TIF 1B	-	-	-	-	
Sewer Reserve Fund	(350,000)	-	-	350,000	0%
Qualified Sinking Fund	50,000	-	50,000	-	100%
<b>Total Net Transfers</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	

**CITY OF LAVISTA, NEBRASKA**  
**COMBINED STATEMENT OF REVENUES, EXPENDITURES**  
**AND CHANGES IN FUND BALANCE-ALL GOVERNMENTAL FUND TYPES**  
**For the Eleven months ending August 31, 2021**  
**92% of the Fiscal Year 2021**

	<b>Total All Funds</b>				
	<b><u>Budget</u></b> <b><u>(12 month)</u></b>	<b><u>MTD</u></b> <b><u>Actual</u></b>	<b><u>YTD</u></b> <b><u>Actual</u></b>	<b><u>Over(under)</u></b> <b><u>Budget</u></b>	<b><u>% of Budget</u></b> <b><u>Used</u></b>
<b><u>OTHER REVENUE: BOND PROCEEDS</u></b>					
Sewer Fund	-	-	-	-	
Capital Improvement Program Fund	6,490,000	-	8,054,913	1,564,913	124%
Economic Development Fund	3,000,000	-	5,610,000	2,610,000	187%
Off Street Parking Fund	-	-	-	-	
Redevelopment Fund	9,615,000	-	153,523	(9,461,477)	2%
<b>Total Bond Proceeds</b>	<b>19,105,000</b>	<b>-</b>	<b>13,818,436</b>	<b>(5,286,564)</b>	<b>72%</b>
<b><u>OTHER EXPENDITURES: CAPITAL IMPROVEMENT PROGRAM</u></b>					
Sewer Fund	630,000	16,052	16,311	(613,689)	3%
Capital Improvement Program Fund	6,979,445	1,332,437	3,753,086	(3,226,359)	54%
Off Street Parking Fund	100,000	132	28,583	(71,417)	29%
Redevelopment Fund	4,181,000	19,282	107,860	(4,073,140)	3%
<b>Total Capital Improvement Program</b>	<b>11,890,445</b>	<b>1,367,903</b>	<b>3,905,841</b>	<b>(7,984,604)</b>	<b>33%</b>
<b><u>OTHER EXPENDITURES: EDP GRANT</u></b>					
Economic Development Fund	1,000,000	-	-	(1,000,000)	0%
<b><u>NET FUND ACTIVITY</u></b>					
General Fund	(1,480,823)	2,118,846	3,783,327	5,264,150	
Sewer Fund	154,355	145,789	1,320,004	1,165,649	
Debt Service Fund	(538,444)	533,605	(410,223)	128,221	
Capital Improvement Program Fund	(4,613)	(1,332,109)	4,689,361	4,693,974	
Lottery Fund	(38,109)	70,599	652,053	690,162	
Economic Development Fund	2,010,070	455	5,501,933	3,491,863	
Off Street Parking Fund	101,111	151,225	251,168	150,057	
Redevelopment Fund	5,419,089	25,376	645,914	(4,773,175)	
Police Academy	31,811	(8,346)	57,794	25,983	
TIF 1A	(47,336)	-	(47,336)	(0)	
TIF 1B	(15,280)	-	(15,281)	(1)	
Sewer Reserve Fund	(332,253)	-	3,353	335,606	
Qualified Sinking Fund	53,757	124	50,775	(2,982)	
<b>Net Activity</b>	<b>\$ 5,313,335</b>	<b>1,705,564</b>	<b>16,482,842</b>	<b>11,169,507</b>	

**CITY OF LAVISTA, NEBRASKA**  
**COMBINED STATEMENT OF REVENUES, EXPENDITURES**  
**AND CHANGES IN FUND BALANCE-ALL GOVERNMENTAL FUND TYPES**  
**For the Eleven months ending August 31, 2021**  
**92% of the Fiscal Year 2021**

	<b>Total All Funds</b>				
	<b><u>Budget</u></b> <b><u>(12 month)</u></b>	<b><u>MTD</u></b> <b><u>Actual</u></b>	<b><u>YTD</u></b> <b><u>Actual</u></b>	<b><u>Over(under)</u></b> <b><u>Budget</u></b>	
<b><u>FUND BALANCE</u></b>	<b><u>Ending Fund Balance</u></b>				
	<b><u>As of 9/30/2021</u></b>		<b><u>As of 8/31/2021</u></b>	<b><u>Variance</u></b>	<b><u>Notes</u></b>
General Fund	6,063,848		12,379,531	6,315,683	
Sewer Fund	1,064,689		2,485,621	1,420,932	
Debt Service Fund	2,546,407		3,028,481	482,074	
Capital Improvement Program Fund	36,922		4,650,854	4,613,932	
Lottery Fund	3,813,883		4,533,522	719,639	
Economic Development Fund	2,017,138		5,509,002	3,491,864	
Off Street Parking Fund	165,570		266,312	100,742	
Redevelopment Fund	8,831,835		4,439,528	(4,392,306)	
Police Academy	58,683		89,568	30,885	
TIF 1A	-		-	-	
TIF 1B	-		-	-	
Sewer Reserve Fund	1,623,681		1,960,613	336,932	
Qualified Sinking Fund	404,998		402,247	(2,751)	
<b>Net Fund Balance</b>	<b>26,627,654</b>	<b>-</b>	<b>39,745,279</b>	<b>13,117,625</b>	

**CITY OF LAVISTA, NEBRASKA**  
**COMBINED STATEMENT OF REVENUES, EXPENDITURES**  
**AND CHANGES IN FUND BALANCE-ALL GOVERNMENTAL FUND TYPES**  
**For the Eleven months ending August 31, 2021**  
**92% of the Fiscal Year 2021**

	<b>General Fund</b>				
	<u>Budget</u> <u>(12 month)</u>	<u>MTD</u> <u>Actual</u>	<u>YTD</u> <u>Actual</u>	<u>Over(under)</u> <u>Budget</u>	<u>% of Budget</u> <u>Used</u>
<b><u>REVENUES</u></b>					
Property Taxes	\$ 9,393,170	\$ 2,718,177	\$ 8,738,262	\$ (654,908)	93%
Sales and use taxes	3,887,077	488,343	4,513,085	626,008	116%
Payments in Lieu of taxes	356,710	-	195,126	(161,584)	55%
State revenue	1,739,301	170,209	1,915,898	176,597	110%
Occupation and franchise taxes	885,022	52,525	713,802	(171,220)	81%
Hotel Occupation Tax	363,215	92,943	625,057	261,842	172%
Licenses and permits	457,113	13,225	456,040	(1,073)	100%
Interest income	67,207	2,813	25,542	(41,665)	38%
Recreation fees	171,782	11,487	163,599	(8,183)	95%
Special Services	24,000	2,018	21,527	(2,473)	90%
Grant Income	165,736	4,009	1,676,932	1,511,196	1012%
Other	1,062,673	87,594	1,028,578	(34,095)	97%
<b>Total Revenues</b>	<b>18,573,006</b>	<b>3,643,344</b>	<b>20,073,449</b>	<b>1,500,443</b>	<b>108%</b>
<b><u>EXPENDITURES</u></b>					
Administrative Services	582,929	43,997	488,803	(94,126)	84%
Mayor and Council	220,064	15,472	166,802	(53,262)	76%
Boards & Commissions	6,335	185	1,667	(4,668)	26%
Building Maintenance	635,049	20,948	364,050	(270,999)	57%
Administration	689,538	47,623	580,304	(109,234)	84%
Police and Animal Control	5,406,114	401,496	5,000,038	(406,076)	92%
Fire	2,412,062	192,885	2,113,776	(298,286)	88%
Community Development	675,426	49,821	573,108	(102,318)	85%
Public Works	4,157,840	356,142	3,151,914	(1,005,926)	76%
Recreation	860,732	80,778	683,145	(177,587)	79%
Library	948,460	62,964	756,795	(191,665)	80%
Information Technology	399,586	25,006	315,120	(84,466)	79%
Human Resources	1,001,387	57,346	739,837	(261,550)	74%
Public Transportation	111,198	6,253	77,701	(33,497)	70%
Finance	475,544	51,309	423,647	(51,897)	89%
Communication	216,020	11,583	124,173	(91,847)	57%
Capital outlay	508,469	45,962	509,297	828	100%
<b>Total Expenditures</b>	<b>19,306,753</b>	<b>1,469,770</b>	<b>16,070,176</b>	<b>(3,236,577)</b>	<b>83%</b>
<b><u>REVENUES NET OF EXPENDITURES</u></b>	<b><u>(733,747)</u></b>	<b><u>2,173,574</u></b>	<b><u>4,003,273</u></b>	<b><u>4,737,020</u></b>	
<b><u>OTHER FINANCING SOURCES (USES)</u></b>					
Operating transfers in (Lottery)	193,867	(54,728)	139,139	(54,728)	72%
Operating transfers out (DSF, OSP, CIP)	(940,943)	-	(359,085)	581,858	38%
<b>Total other Financing Sources (Uses)</b>	<b>(747,076)</b>	<b>(54,728)</b>	<b>(219,946)</b>	<b>527,130</b>	
<b><u>NET FUND ACTIVITY</u></b>	<b>\$ (1,480,823)</b>	<b>\$ 2,118,846</b>	<b>\$ 3,783,326.7</b>	<b>\$ 5,264,150</b>	

**CITY OF LAVISTA, NEBRASKA**  
**COMBINED STATEMENT OF REVENUES, EXPENDITURES**  
**AND CHANGES IN FUND BALANCE-PROPRIETARY FUNDS**  
**For the Eleven months ending August 31, 2021**  
**92% of the Fiscal Year 2021**

	<b>Sewer Fund</b>				
	<u>Budget</u> <u>(12 month)</u>	<u>MTD</u> <u>Actual</u>	<u>YTD</u> <u>Actual</u>	<u>Over(under)</u> <u>Budget</u>	<u>% of Budget</u> <u>Used</u>
<b><u>REVENUES</u></b>					
User fees	\$ 4,336,482	\$ 492,575	\$ 4,513,840	\$ 177,358	104%
Service charge and hook-up fees	123,065	1,994	66,751	(56,314)	54%
Miscellaneous	19	4	52	33	272%
<b>Total Revenues</b>	<b>4,459,566</b>	<b>494,573</b>	<b>4,580,643</b>	<b>121,077</b>	<b>103%</b>
<b><u>EXPENDITURES</u></b>					
Personnel Services	549,189	40,291	485,961	(63,228)	88%
Commodities	35,356	1,471	14,173	(21,183)	40%
Contract Services	3,065,964	290,612	2,700,975	(364,989)	88%
Maintenance	39,084	563	24,540	(14,544)	63%
Other	230	-	748	518	325%
Storm Water	55,085	-	23,100	(31,985)	42%
Capital Outlay	290,000	-	-	(290,000)	0%
<b>Total Expenditures</b>	<b>4,034,908</b>	<b>332,937</b>	<b>3,249,497</b>	<b>(785,411)</b>	<b>81%</b>
<b><u>OPERATING INCOME (LOSS)</u></b>	<b>424,658</b>	<b>161,636</b>	<b>1,331,146</b>	<b>906,488</b>	<b>Note 1</b>
<b><u>NON-OPERATING REVENUE (EXPENSE)</u></b>					
Interest income	9,697	205	5,168	(4,529)	53%
	9,697	205	5,168	(4,529)	53%
<b><u>INCOME (LOSS) BEFORE</u></b>					
<b><u>OPERATING TRANSFERS</u></b>	<b>434,355</b>	<b>161,841</b>	<b>1,336,315</b>	<b>901,960</b>	
<b><u>OTHER FINANCING SOURCES (USES)</u></b>					
Operating transfers in					
(Sewer Reserve Fund & Lottery Events)	350,000	-	-	(350,000)	0%
Operating transfers out (CIP & Sewer Reserve Fund)	-	-	-	-	0%
Bond/registered warrant proceeds	-	-	-	-	0%
Capital Improvement	(630,000)	(16,052)	(16,311)	613,689	3%
<b>Total other Financing Sources (Uses)</b>	<b>(280,000)</b>	<b>(16,052)</b>	<b>(16,311)</b>	<b>263,689</b>	<b>6%</b>
<b><u>NET INCOME (LOSS)</u></b>	<b>\$ 154,355</b>	<b>\$ 145,789</b>	<b>\$ 1,320,004</b>	<b>\$ 1,165,649</b>	

**Note 1: Explanation of Budget Variance**

Net Income (Loss)	1,165,649
City of Omaha billing in arrears 0 months	-
Capital Outlay delayed to FY22	(290,000)
Sewer Reserve Fund transfer	350,000
Capital Improvement not yet started	(613,689)
Adjusted Net Income (Loss)	<b>611,960</b>



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<b>Debt Service Fund</b>					
	<u>Budget</u> <u>(12 month)</u>	<u>MTD</u> <u>Actual</u>	<u>YTD</u> <u>Actual</u>	<u>Over(under)</u> <u>Budget</u>	<u>% of Budget</u> <u>Used</u>
<b><u>REVENUES</u></b>					
Property Taxes	\$ 891,190	\$ 267,444	\$ 833,798	\$ (57,392)	94%
Sales and use taxes	1,943,539	244,171	2,256,543	313,004	116%
Payments in Lieu of taxes	35,279	-	19,513	(15,766)	55%
Other (Special Assessments; Fire Reimbursement)	503,714	41,976	466,086	(37,628)	93%
Interest income	27,767	441	9,272	(18,495)	33%
<b>Total Revenues</b>	<b>3,401,489</b>	<b>554,033</b>	<b>3,585,211</b>	<b>183,722</b>	<b>105%</b>
<b><u>EXPENDITURES</u></b>					
Administration	98,571	2,634	17,483	(81,088)	18%
Fire Contract Bond	122,906	17,794	195,684	72,778	159%
Debt service					
Principal	2,645,000	-	2,440,000	(205,000)	92%
Interest	468,302	-	344,757	(123,545)	74%
<b>Total Expenditures</b>	<b>3,334,779</b>	<b>20,428</b>	<b>2,997,925</b>	<b>(336,854)</b>	<b>90%</b>
<b><u>REVENUES NET OF EXPENDITURES</u></b>	<b>66,710</b>	<b>533,605</b>	<b>587,286</b>	<b>520,576</b>	
<b><u>OTHER FINANCING SOURCES (USES)</u></b>					
Operating transfers in (GF Hwy Alloc)	577,831	-	184,085	(393,746)	32%
Operating transfers out (CIP, OSP)	(1,182,985)	-	(1,181,594)	1,391	100%
<b>Total other Financing Sources (Uses)</b>	<b>(605,154)</b>	<b>-</b>	<b>(997,509)</b>	<b>(392,355)</b>	
<b><u>NET FUND ACTIVITY</u></b>	<b>\$ (538,444)</b>	<b>\$ 533,605</b>	<b>\$ (410,223)</b>	<b>\$ 128,221</b>	

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	<b>Capital Fund</b>				
	<b><u>Budget</u></b> <b><u>(12 month)</u></b>	<b><u>MTD</u></b> <b><u>Actual</u></b>	<b><u>YTD</u></b> <b><u>Actual</u></b>	<b><u>Over(under)</u></b> <b><u>Budget</u></b>	<b><u>% of Budget</u></b> <b><u>Used</u></b>
<b><u>REVENUES</u></b>					
Interest income	\$ 387	\$ 327	\$ 1,808	\$ 1,421	467%
Grant income	-	-	-	-	0%
Special assessment	-	-	-	-	0%
Other income	-	-	-	-	0%
<b>Total Revenues</b>	<b>387</b>	<b>327</b>	<b>1,808</b>	<b>1,421</b>	<b>467%</b>
<b><u>EXPENDITURES</u></b>					
Administration	-	-	166,452	166,452	0%
Other	-	-	-	-	0%
<b>Total Expenditures</b>	<b>-</b>	<b>-</b>	<b>166,452</b>	<b>166,452</b>	<b>0%</b>
<b><u>REVENUES NET OF EXPENDITURES</u></b>	<b>387</b>	<b>327</b>	<b>(164,644)</b>	<b>(165,031)</b>	
<b><u>OTHER FINANCING SOURCES (USES)</u></b>					
Operating transfers in (GF, DSF)	484,445	-	552,178	67,733	114%
Operating transfers out (DSF)	-	-	-	-	0%
Bond/registered warrant proceeds	6,490,000	-	8,054,913	1,564,913	124%
Capital outlay	(6,979,445)	(1,332,437)	(3,753,086)	3,226,359	54%
<b>Total other Financing Sources (Uses)</b>	<b>(5,000)</b>	<b>(1,332,437)</b>	<b>4,854,005</b>	<b>4,859,005</b>	
<b><u>NET FUND ACTIVITY</u></b>	<b>\$ (4,613)</b>	<b>\$ (1,332,109)</b>	<b>\$ 4,689,361</b>	<b>\$ 4,693,974</b>	

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	<b>Lottery Fund</b>				
	<b><u>Budget</u></b> <b><u>(12 month)</u></b>	<b><u>MTD</u></b> <b><u>Actual</u></b>	<b><u>YTD</u></b> <b><u>Actual</u></b>	<b><u>Over(under)</u></b> <b><u>Budget</u></b>	<b><u>% of Budget</u></b> <b><u>Used</u></b>
<b><u>REVENUES</u></b>					
Lottery Rev/Community Betterment	\$ 645,147	\$ 64,410	\$ 1,115,926	\$ 470,779	173%
Lottery Tax Form 51	258,067	25,764	336,956	78,889	131%
Interest income	37,731	818	13,852	(23,879)	37%
Miscellaneous / Other	-	-	2,100	2,100	0%
<b>Total Revenues</b>	<b>940,945</b>	<b>90,992</b>	<b>1,468,835</b>	<b>527,890</b>	<b>156%</b>
<b><u>EXPENDITURES</u></b>					
Professional Services	174,735	2,459	107,769	(66,966)	62%
Salute to Summer	150,127	46,663	116,488	(33,639)	78%
Community Events	29,840	-	24,930	(4,910)	84%
Events - Marketing	60,000	235	34,082	(25,918)	57%
Recreation Events	1,518	-	-	(1,518)	0%
Concert & Movie Nights	10,900	-	5,642	(5,258)	52%
State Taxes	258,067	25,764	336,956	78,889	131%
<b>Total Expenditures</b>	<b>685,187</b>	<b>75,121</b>	<b>625,868</b>	<b>(59,319)</b>	<b>91%</b>
<b><u>REVENUES NET OF EXPENDITURES</u></b>	<b>255,758</b>	<b>15,871</b>	<b>842,967</b>	<b>587,209</b>	
<b><u>OTHER FINANCING SOURCES (USES)</u></b>					
Operating transfers in	-	-	-	-	
Operating transfers out (GF, SF, DSF)	(293,867)	54,728	(190,914)	102,953	65%
<b>Total other Financing Sources (Uses)</b>	<b>(293,867)</b>	<b>54,728</b>	<b>(190,914)</b>	<b>102,953</b>	<b>65%</b>
<b><u>NET FUND ACTIVITY</u></b>	<b>\$ (38,109)</b>	<b>\$ 70,599</b>	<b>\$ 652,053</b>	<b>\$ 690,162</b>	

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	<b>Economic Development</b>				
	<b><u>Budget</u></b> <b><u>(12 month)</u></b>	<b><u>MTD</u></b> <b><u>Actual</u></b>	<b><u>YTD</u></b> <b><u>Actual</u></b>	<b><u>Over(under)</u></b> <b><u>Budget</u></b>	<b><u>% of Budget</u></b> <b><u>Used</u></b>
<b><u>REVENUES</u></b>					
Other Income	\$ -	\$ -	\$ -	\$ -	0%
Interest income	10,070	455	954	(9,116)	9%
<b>Total Revenues</b>	<b>10,070</b>	<b>455</b>	<b>954</b>	<b>(9,116)</b>	
<b><u>EXPENDITURES</u></b>					
Professional Services	34,500		109,021	74,521	316%
Debt service: (Warrants)					
Principal	-	-	-	-	0%
Interest	48,010	-	-	(48,010)	0%
<b>Total Expenditures</b>	<b>82,510</b>	<b>-</b>	<b>109,021</b>	<b>26,511</b>	<b>132%</b>
<b><u>REVENUES NET OF EXPENDITURES</u></b>	<b><u>(72,440)</u></b>	<b><u>455</u></b>	<b><u>(108,067)</u></b>	<b><u>(35,627)</u></b>	
<b><u>OTHER FINANCING SOURCES (USES)</u></b>					
Operating transfers in (GF, DSF)	82,510	-	-	(82,510)	0%
Operating transfers out	-	-	-	-	0%
Bond/registered warrant proceeds	3,000,000	-	5,610,000	2,610,000	187%
Community Development - Grant	(1,000,000)	-	-	1,000,000	0%
<b>Total other Financing Sources (Uses)</b>	<b>2,082,510</b>	<b>-</b>	<b>5,610,000</b>	<b>3,527,490</b>	<b>269%</b>
<b><u>NET FUND ACTIVITY</u></b>	<b><u>\$ 2,010,070</u></b>	<b><u>\$ 455</u></b>	<b><u>\$ 5,501,933</u></b>	<b><u>\$ 3,491,863</u></b>	

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	<b>Off Street Parking</b>				
	<b><u>Budget</u></b> <b><u>(12 month)</u></b>	<b><u>MTD</u></b> <b><u>Actual</u></b>	<b><u>YTD</u></b> <b><u>Actual</u></b>	<b><u>Over(under)</u></b> <b><u>Budget</u></b>	<b><u>% of Budget</u></b> <b><u>Used</u></b>
<b><u>REVENUES</u></b>					
Garage fees	\$ 23,000	\$ 2,686	\$ 21,119	\$ (1,881)	92%
Interest income	1,111	20	36	(1,075)	3%
<b>Total Revenues</b>	<b>24,111</b>	<b>2,706</b>	<b>21,155</b>	<b>(2,956)</b>	<b>88%</b>
<b><u>EXPENDITURES</u></b>					
General & Administrative	160,326	16,370	158,873	(1,453)	99%
Professional Services	780	-	375	(405)	48%
Maintenance	32,276	5,455	23,700	(8,576)	73%
Commodities	11,000	-	4,027	(6,973)	37%
Debt service: (Warrants)					
Principal	695,000	-	500,000	(195,000)	72%
Interest	198,683	-	106,543	(92,140)	54%
<b>Total Expenditures</b>	<b>1,098,065</b>	<b>21,825</b>	<b>793,518</b>	<b>(304,547)</b>	<b>72%</b>
<b><u>REVENUES NET OF EXPENDITURES</u></b>	<b><u>(1,073,954)</u></b>	<b><u>(19,119)</u></b>	<b><u>(772,362)</u></b>	<b><u>301,592</u></b>	
<b><u>OTHER FINANCING SOURCES (USES)</u></b>					
Operating transfers in (GF, DSF, RDF)	1,275,065	170,477	1,052,114	(222,951)	83%
Operating transfers out	-	-	-	-	0%
Bond/registered warrant proceeds	-	-	-	-	0%
Capital Improvement	(100,000)	(132)	(28,583)	71,417	29%
<b>Total other Financing Sources (Uses)</b>	<b>1,175,065</b>	<b>170,344</b>	<b>1,023,531</b>	<b>(151,534)</b>	<b>87%</b>
<b><u>NET FUND ACTIVITY</u></b>	<b><u>\$ 101,111</u></b>	<b><u>\$ 151,225</u></b>	<b><u>\$ 251,168</u></b>	<b><u>\$ 150,057</u></b>	



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	<b>Redevelopment Fund</b>				
	<b><u>Budget</u></b> <b><u>(12 month)</u></b>	<b><u>MTD</u></b> <b><u>Actual</u></b>	<b><u>YTD</u></b> <b><u>Actual</u></b>	<b><u>Over(under)</u></b> <b><u>Budget</u></b>	<b><u>% of Budget</u></b> <b><u>Used</u></b>
<b><u>REVENUES</u></b>					
Sales and use taxes	\$ 1,943,539	\$ 244,171	\$ 2,256,542	\$ 313,003	116%
Franchise Fee & Occupation Tax	34,657	11	46	(34,611)	0%
Interest income	60,391	1,116	16,785	(43,606)	28%
<b>Total Revenues</b>	<b>2,038,587</b>	<b>245,298</b>	<b>2,273,374</b>	<b>234,787</b>	<b>112%</b>
<b><u>EXPENDITURES</u></b>					
Professional Services	99,700	1,034	4,741	(94,959)	5%
Financial / Legal Fees	196,750	29,129	298,584	101,834	152%
Debt service: (Warrants)				-	0%
Principal	750,000	-	645,000	(105,000)	86%
Interest	761,125	-	478,874	(282,251)	63%
<b>Total Expenditures</b>	<b>1,807,575</b>	<b>30,163</b>	<b>1,427,200</b>	<b>(380,375)</b>	<b>79%</b>
<b><u>REVENUES NET OF EXPENDITURES</u></b>	<b>231,012</b>	<b>215,135</b>	<b>846,174</b>	<b>615,162</b>	
<b><u>OTHER FINANCING SOURCES (USES)</u></b>					
Operating transfers in	-	-	-	-	0%
Operating transfers out (OSP)	(245,923)	(170,477)	(245,923)	-	100%
Bond/registered warrant proceeds	9,615,000	-	153,523	(9,461,477)	2%
Capital Improvement	(4,181,000)	(19,282)	(107,860)	4,073,140	3%
<b>Total other Financing Sources (Uses)</b>	<b>5,188,077</b>	<b>(189,759)</b>	<b>(200,260)</b>	<b>(5,388,337)</b>	
<b><u>NET FUND ACTIVITY</u></b>	<b>\$ 5,419,089</b>	<b>\$ 25,376</b>	<b>\$ 645,914</b>	<b>\$ (4,773,175)</b>	

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**Police Academy Fund**

	<b><u>Budget</u></b> <b><u>(12 month)</u></b>	<b><u>MTD</u></b> <b><u>Actual</u></b>	<b><u>YTD</u></b> <b><u>Actual</u></b>	<b><u>Over(under)</u></b> <b><u>Budget</u></b>	<b><u>% of budget</u></b> <b><u>Used</u></b>
<b><u>REVENUES</u></b>					
Academy income	\$ 148,000	\$ -	\$ 161,500	\$ 13,500	109%
Interest income	423	6	89	(334)	21%
Other income	-	-	2,304	2,304	0%
<b>Total Revenues</b>	<b>148,423</b>	<b>6</b>	<b>163,893</b>	<b>15,470</b>	<b>110%</b>
<b><u>EXPENDITURES</u></b>					
Personnel Services	97,692	7,428	87,356	(10,336)	89%
Commodities	2,150	-	2,018	(132)	94%
Contract Services	11,970	923	7,717	(4,253)	64%
Other Charges	4,800	-	9,007	4,207	188%
<b>Total Expenditures</b>	<b>116,612</b>	<b>8,352</b>	<b>106,099</b>	<b>(10,513)</b>	<b>91%</b>
<b><u>REVENUES NET OF EXPENDITURES</u></b>	<b>31,811</b>	<b>(8,346)</b>	<b>57,794</b>	<b>25,983</b>	
<b><u>OTHER FINANCING SOURCES (USES)</u></b>					
Operating transfers in (GF)	-	-	-	-	0%
Operating transfers out	-	-	-	-	0%
<b>Total other Financing Sources (Uses)</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	
<b><u>NET FUND ACTIVITY</u></b>	<b>\$ 31,811</b>	<b>\$ (8,346)</b>	<b>\$ 57,794</b>	<b>\$ 25,983</b>	

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		TIF 1A			
		<u>Budget</u>	MTD	YTD	Over(under)
		<u>(12 month)</u>	<u>Actual</u>	<u>Actual</u>	<u>Budget</u>
					<u>% of Budget</u>
					<u>Used</u>
<b><u>REVENUES</u></b>					
Property Tax	\$	<u>305,081</u>	\$ -	\$ <u>137,528</u>	\$ <u>(167,553)</u>
Total Revenues		<u>305,081</u>	<u>-</u>	<u>137,528</u>	<u>(167,553)</u>
					<u>45%</u>
<b><u>EXPENDITURES</u></b>					
TIF Distributed Funds		<u>349,366</u>	-	<u>183,489</u>	<u>(165,877)</u>
Contract Services		<u>3,051</u>	-	<u>1,375</u>	<u>(1,676)</u>
Total Expenditures		<u>352,417</u>	<u>-</u>	<u>184,864</u>	<u>(167,553)</u>
<b><u>REVENUES NET OF EXPENDITURES</u></b>		<u>(47,336)</u>	<u>-</u>	<u>(47,336)</u>	<u>(0)</u>
<b><u>OTHER FINANCING SOURCES (USES)</u></b>					
Operating transfers in		-	-	-	-
Operating transfers out		-	-	-	-
Total other Financing Sources (Uses)		<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
<b><u>NET FUND ACTIVITY</u></b>	\$	<u>(47,336)</u>	\$ -	\$ <u>(47,336)</u>	\$ <u>(0)</u>

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	TIF 1B				
	<u>Budget</u> <u>(12 month)</u>	<u>MTD</u> <u>Actual</u>	<u>YTD</u> <u>Actual</u>	<u>Over(under)</u> <u>Budget</u>	<u>% of Budget</u> <u>Used</u>
<u>REVENUES</u>					
Property Tax	\$ 418,803	\$ -	\$ 53,729	\$ (365,074)	13%
Total Revenues	<u>418,803</u>	<u>-</u>	<u>53,729</u>	<u>(365,074)</u>	<u>13%</u>
<u>EXPENDITURES</u>					
TIF Distributed Funds	429,895	-	68,473	(361,422)	16%
Contract Services	<u>4,188</u>	<u>-</u>	<u>537</u>	<u>(3,651)</u>	<u>13%</u>
Total Expenditures	<u>434,083</u>	<u>-</u>	<u>69,010</u>	<u>(365,073)</u>	
<u>REVENUES NET OF EXPENDITURES</u>					
	<u>(15,280)</u>	<u>-</u>	<u>(15,281)</u>	<u>(1)</u>	
<u>OTHER FINANCING SOURCES (USES)</u>					
Operating transfers in				-	0%
Operating transfers out	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>0%</u>
Total other Financing Sources (Uses)	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	
<u>NET FUND ACTIVITY</u>					
	\$ <u>(15,280)</u>	\$ <u>-</u>	\$ <u>(15,281)</u>	\$ <u>(1)</u>	

**CITY OF LAVISTA, NEBRASKA**  
**COMBINED STATEMENT OF REVENUES, EXPENDITURES**  
**AND CHANGES IN FUND BALANCE-ALL GOVERNMENTAL FUND TYPES**  
**For the Eleven months ending August 31, 2021**  
**92% of the Fiscal Year 2021**

<b>Sewer Reserve Fund</b>					
	<b><u>Budget</u></b>		<b><u>MTD</u></b>	<b><u>YTD</u></b>	<b><u>Over(under)</u></b>
	<b><u>(12 month)</u></b>		<b><u>Actual</u></b>	<b><u>Actual</u></b>	<b><u>Budget</u></b>
					<b><u>% of Budget</u></b>
					<b><u>Used</u></b>
<b><u>REVENUES</u></b>					
Interest income	\$ 17,747	\$ -	\$ 3,353	\$ (14,394)	19%
Total Revenues	<u>17,747</u>	<u>-</u>	<u>3,353</u>	<u>(14,394)</u>	<u>19%</u>
<b><u>EXPENDITURES</u></b>					
Other	-	-	-	-	0%
Total Expenditures	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
<b><u>REVENUES NET OF EXPENDITURES</u></b>	<u>17,747</u>	<u>-</u>	<u>3,353</u>	<u>(14,394)</u>	
<b><u>OTHER FINANCING SOURCES (USES)</u></b>					
Operating transfers in	-	-	-	-	0%
Operating transfers out	(350,000)	-	-	350,000	0%
Total other Financing Sources (Uses)	<u>(350,000)</u>	<u>-</u>	<u>-</u>	<u>350,000</u>	
<b><u>NET FUND ACTIVITY</u></b>	<u>\$ (332,253)</u>	<u>\$ -</u>	<u>\$ 3,353</u>	<u>\$ 335,606</u>	



**CITY OF LAVISTA, NEBRASKA**  
**COMBINED STATEMENT OF REVENUES, EXPENDITURES**  
**AND CHANGES IN FUND BALANCE-ALL GOVERNMENTAL FUND TYPES**  
**For the Eleven months ending August 31, 2021**  
**92% of the Fiscal Year 2021**

		<b>Qualified Sinking Fund</b>				
		<b><u>Budget</u></b>	<b><u>MTD</u></b>	<b><u>YTD</u></b>	<b><u>Over(under)</u></b>	<b><u>% of Budget</u></b>
		<b><u>(12 month)</u></b>	<b><u>Actual</u></b>	<b><u>Actual</u></b>	<b><u>Budget</u></b>	<b><u>Used</u></b>
<b><u>REVENUES</u></b>						
Interest income	\$	<u>3,757</u>	\$ <u>124</u>	\$ <u>775</u>	\$ <u>(2,982)</u>	<u>21%</u>
<b>Total Revenues</b>		<u>3,757</u>	<u>124</u>	<u>775</u>	<u>(2,982)</u>	<u>21%</u>
<b><u>EXPENDITURES</u></b>						
Other		<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>0%</u>
<b>Total Expenditures</b>		<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	
<b><u>REVENUES NET OF EXPENDITURES</u></b>		<u>3,757</u>	<u>124</u>	<u>775</u>	<u>(2,982)</u>	
<b><u>OTHER FINANCING SOURCES (USES)</u></b>						
Operating transfers in		<u>50,000</u>	<u>-</u>	<u>50,000</u>	<u>-</u>	<u>100%</u>
Operating transfers out		<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>0%</u>
<b>Total other Financing Sources (Uses)</b>		<u>50,000</u>	<u>-</u>	<u>50,000</u>	<u>-</u>	
<b><u>NET FUND ACTIVITY</u></b>	\$	<u>53,757</u>	\$ <u>124</u>	\$ <u>50,775</u>	\$ <u>(2,982)</u>	



**Kissel, Kohout,  
ES Associates LLC**

301 South 13th Street Suite 400  
Lincoln, Nebraska 68508  
kisselkohoutes.com  
Phone: 402-476-1188  
Fax: 402-476-6167

**INVOICE**

October 1, 2021

Inv. #UCSC-L-1021

Bill To: United Cities of Sarpy County  
Brenda Gunn, City Administrator  
City of LaVista  
8116 Park View Blvd  
LaVista, Nebraska 68128

Remit To: Joseph D. Kohout  
Kissel Kohout ES Associates LLC  
301 S. 13<sup>th</sup> Street, Suite 400  
Lincoln, NE 68508

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LEGISLATIVE SERVICES	October 1, 2021 – September 30, 2022	\$9,898.03
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\$49,515 - \$24.84 / 5 cities = \$9,898.03

TOTAL	\$9,898.03
-------	------------

DUE ON RECEIPT

THANK YOU FOR YOUR BUSINESS!

Design Workshop, Inc.  
Landscape Architecture  
Planning  
Urban Design

October 5, 2021

Invoice No: 0068530

Rita Ramirez  
City of LaVista  
8116 Parkview Blvd.  
LaVista, NE 68128

Current Invoice Total	\$7,135.00
-----------------------	------------

Project 006515.00 La Vista Wayfinding

Purchase Order # 21-009295

**Professional Services from September 1, 2021 to September 30, 2021**

Task	001	Project Kick-off and Project Management				
Fee						
		Fee	Percent Complete	Earned to Date	Previous Fee Billing	Current Fee Billing
		3,500.00	100.00	3,500.00	3,430.00	70.00
		Total Fee				70.00
		Total this Task				\$70.00
Task	002	Project Context				
Fee						
		Fee	Percent Complete	Earned to Date	Previous Fee Billing	Current Fee Billing
		15,000.00	100.00	15,000.00	15,000.00	0.00
		Total Fee				0.00
		Total this Task				0.00
Task	003	Signage and Wayfinding Framework				
Fee						
		Fee	Percent Complete	Earned to Date	Previous Fee Billing	Current Fee Billing
		30,000.00	100.00	30,000.00	30,000.00	0.00
		Total Fee				0.00
		Total this Task				0.00

*R. Ramirez*  
10-5-21

**DESIGNWORKSHOP**

Aspen • Austin • Chicago • Denver • Houston • Lake Tahoe • Los Angeles • Shanghai  
1390 Lawrence Street, Suite 100, Denver, Colorado 80204 • 303.623.5186 • 303.623.2260 (fax)

Project	006515.00	La Vista Wayfinding	Invoice				0068530
Task	004	Signage and Wayfinding Plan					
Fee							
		Fee	Percent Complete	Earned to Date	Previous Fee Billing	Current Fee Billing	
		9,000.00	100.00	9,000.00	1,935.00	7,065.00	
		Total Fee					7,065.00
		Total this Task					\$7,065.00
Task	099	Reimbursable Expenses					
Fee							
		Fee	Percent Complete	Earned to Date	Previous Fee Billing	Current Fee Billing	
		2,500.00	43.9632	1,099.08	1,099.08	0.00	
		Total Fee					0.00
		Total this Task					0.00
		Total this Invoice					<u><u>\$7,135.00</u></u>

Please include invoice number on remittance to:

1390 Lawrence Street, Suite 100, Denver, CO 80204

# DESIGNWORKSHOP

Aspen • Austin • Chicago • Denver • Houston • Lake Tahoe • Los Angeles • Shanghai  
 1390 Lawrence Street, Suite 100, Denver, Colorado 80204 • 303.623.5186 • 303.623.2260 (fax)

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
OCTOBER 19, 2021 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
ELECTION OF DIRECTORS TO THE LA VISTA METROPOLITAN COMMUNITY COLLEGE BOARD OF DIRECTORS	◆ RESOLUTION ORDINANCE RECEIVE/FILE	BRENDA S. GUNN CITY ADMINISTRATOR

**SYNOPSIS**

A resolution has been prepared to designate and ratify, as well as affirm and approve the re-election of, the City's three directors of the La Vista Metropolitan Community College Board of Directors for the purposes of the Condominium Board for the public library and MCC Sarpy Center and approving actions of the directors at the 2021 Annual Meeting.

**FISCAL IMPACT**

N/A

**RECOMMENDATION**

Approval.

**BACKGROUND**

Currently, the City Council has elected the following persons to the Condominium Board:

- City Administrator
- Library Director
- Director of Public Works

It is proposed that Council designate these positions to hold a seat on the Board on behalf of the City. Additionally, the Condominium Board of Directors will hold its annual meeting on November 8, 2021, at which time the above directors will take action on behalf of the City and the resolution will ratify their actions.

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA TO ELECT DIRECTORS OF THE LA VISTA/METROPOLITAN COMMUNITY COLLEGE CONDOMINIUM OWNERS ASSOCIATION, INC.

WHEREAS, the City of La Vista Facilities Corporation ("City Facility Corporation") and the Metropolitan Community College Facilities Corporation made and entered a Declaration and Master Deed of La Vista Metropolitan Community College Condominium Property Regime dated December 29, 1997 ("Declaration") for the purposes of administering the condominium property regime and maintaining common areas of the Library/Sarpy Center; and

WHEREAS, the La Vista/Metropolitan Community College Condominium Owners Association, Inc., ("Association") was incorporated for purposes of administering the condominium property regime and maintaining the common areas under the Declaration, and the Association is governed by a Board of Directors; and

WHEREAS, pursuant to Article 1.24 of the Declaration, as amended, the City Facilities Corporation delegated to and authorized the City of La Vista ("City") to exercise voting rights with respect to the Association and its Board of Directors, and the City desires to exercise said voting rights to elect Directors of the Association; and

WHEREAS, the following positions (and the individuals holding the titles) have been designated by the Mayor and City Council to be the City's three directors ("City's Director's) on the Association's Board of Director's (Association's Board):

City Administrator  
Library Director  
Director of Public Works

WHEREAS, the Association will hold its 2021 Annual Meeting on November 8, 2021, at which time and at such meeting the City's Directors voted on behalf of the City and in accordance with the desire of the City Council and the Mayor to nominate and re-elect the City's Director's to the Association's Board; and

WHEREAS, the Mayor and City Council desire to designate, and ratify, affirm and approve the election of the City's Directors;

NOW, THEREFORE, BE IT RESOLVED, that the following are hereby designated and elected to serve as the City's appointees to the Board of Director's of the Association:

City Administrator  
Library Director  
Director of Public Works

and further that their attendance, participation, voting and exercise of other rights on behalf of the City (in exercise of the delegated rights of the City Facilities Corporation) to nominate and elect said individuals as directors at the annual meeting of the Association to be held November 8, 2021 (and all other related actions) are hereby ratified, affirmed and approved.

PASSED AND APPROVED THIS 19TH DAY OF OCTOBER 2021.

CITY OF LA VISTA

---

Douglas Kindig, Mayor

ATTEST:

---

Pamela A. Buethe, CMC  
City Clerk

User: CBUURMAN

DB: La Vista

COUNCIL REVIEWED

Check #	Check Date	Vendor Name	Amount	Voided
1627(E)	10/01/2021	CITIBANK COSTCO VISA	1,319.26	N
135694	10/06/2021	FELSBURG HOLT & ULLEVIG INC	175.00	N
135695	10/06/2021	HGM ASSOCIATES, INC.	32,311.89	N
135696	10/06/2021	MACQUEEN EQUIPMENT LLC	8,497.46	N
135697	10/06/2021	OLSSON, INC.	2,571.00	N
135698	10/06/2021	OMAHA ELECTRIC SERVICE INC	7,271.78	N
135699	10/06/2021	RDG PLANNING & DESIGN	2,696.62	N
135700	10/06/2021	SWAIN CONSTRUCTION INC	420,836.65	N
135701	10/08/2021	NEBRASKA SECRETARY OF STATE	30.00	N
1628(E)	10/14/2021	ACTIVE NETWORK LLC	54.31	N
1629(E)	10/14/2021	BLACK HILLS ENERGY	1,314.56	N
1630(E)	10/14/2021	CENTURY LINK/LUMEN	148.15	N
1631(E)	10/14/2021	ESSENTIAL SCREENS	264.50	N
1632(E)	10/14/2021	FIRST STATE BANK	5,668.85	N
1633(E)	10/14/2021	FIRST STATE BANK	4,399.70	N
1634(E)	10/14/2021	FIRST STATE BANK	2,137.23	N
1635(E)	10/14/2021	GREAT PLAINS COMMUNICATION	777.60	N
1636(E)	10/14/2021	MID-AMERICAN BENEFITS INC	1,051.77	N
1637(E)	10/14/2021	PAYROLL MAXX	360,569.25	N
1638(E)	10/14/2021	PITNEY BOWES-EFT POSTAGE	50.00	N
135702	10/19/2021	ACCUCUT LLC	300.00	N
135703	10/19/2021	AKRS EQUIPMENT SOLUTIONS, INC.	460.86	N
135704	10/19/2021	AMAZON CAPITAL SERVICES, INC.	1,500.94	N
135705	10/19/2021	BAUER BUILT INC	228.96	N
135706	10/19/2021	BIBLIOTHECA LLC	6,508.09	N
135707	10/19/2021	BOB'S RADIATOR REPAIR CO INC	385.00	N
135708	10/19/2021	BOBCAT OF OMAHA	700.38	N
135709	10/19/2021	BOYSTOWN	50.00	N
135710	10/19/2021	BRITE IDEAS DECORATING	1,328.00	N
135711	10/19/2021	BUILDERS SUPPLY CO INC	2,156.58	N
135712	10/19/2021	CENTER POINT, INC.	419.46	N
135713	10/19/2021	CINTAS CORPORATION NO. 2	518.05	N
135714	10/19/2021	CITY OF PAPILLION	2,567.31	N
135715	10/19/2021	COLBY RIDGE POPCORN	1,875.00	N
135716	10/19/2021	COMP CHOICE INC	257.50	N
135717	10/19/2021	COX COMMUNICATIONS, INC.	170.15	N
135718	10/19/2021	CULLIGAN OF OMAHA	19.00	N
135719	10/19/2021	D & K PRODUCTS	3,600.34	N
135720	10/19/2021	DELL MARKETING L.P.	2,056.97	N
135721	10/19/2021	DEMCO INCORPORATED	633.14	N
135722	10/19/2021	DIAMOND VOGEL PAINTS	45.80	N
135723	10/19/2021	DOWSE, PATRICK	100.50	N
135724	10/19/2021	DULTMEIER SALES LLC	5,050.00	N
135725	10/19/2021	FERGUSON ENTERPRISES INC #226	126.47	N
135726	10/19/2021	FIKES COMMERCIAL HYGIENE LLC	48.00	N
135727	10/19/2021	GENUINE PARTS COMPANY-OMAHA	332.34	N
135728	10/19/2021	GOMON, KRAIG	55.00	N



## COUNCIL REVIEWED

Check #	Check Date	Vendor Name	Amount	Voided
135729	10/19/2021	GRAYBAR ELECTRIC COMPANY INC	133.92	N
135730	10/19/2021	GUARDIAN ALLIANCE TECHNOLOGIES INC	120.00	N
135731	10/19/2021	HOBBY LOBBY STORES INC	164.01	N
135732	10/19/2021	HUNTEL COMMUNICATIONS, INC	1,230.00	N
135733	10/19/2021	HY-VEE INC	67.00	N
135734	10/19/2021	INDUSTRIAL SALES COMPANY INC	170.74	N
135735	10/19/2021	INGRAM LIBRARY SERVICES	1,532.52	N
135736	10/19/2021	J & J SMALL ENGINE SERVICE	139.90	N
135737	10/19/2021	J RETZ LANDSCAPE, INC	2,100.00	N
135738	10/19/2021	KANOPY, INC.	143.00	N
135739	10/19/2021	KRIHA FLUID POWER CO INC	12.20	N
135740	10/19/2021	LARSEN SUPPLY COMPANY	248.76	N
135741	10/19/2021	LIBRA INDUSTRIES INC	66.00	N
135742	10/19/2021	LIBRARY IDEAS LLC	3,613.00	N
135743	10/19/2021	LOGO LOGIX EMBROIDERY & SCREEN	697.00	N
135744	10/19/2021	LOU'S SPORTING GOODS	723.82	N
135745	10/19/2021	MACQUEEN EQUIPMENT LLC	3,250.00	N
135746	10/19/2021	MARVIN JOHNSON	40.00	N
135747	10/19/2021	MATHESON TRI-GAS INC	119.34	N
135748	10/19/2021	MENARDS-RALSTON-CORPORATE	250.89	N
135749	10/19/2021	METRO AREA TRANSIT	767.00	N
135750	10/19/2021	MICROFILM IMAGING SYSTEMS, INC.	736.08	N
135751	10/19/2021	MIDWEST SERVICE AND SALES CO	11,775.00	N
135752	10/19/2021	MIDWEST TAPE	59.99	N
135753	10/19/2021	MIDWEST TURF & IRRIGATION	557.29	N
135754	10/19/2021	MITCHELL1	3,180.00	N
135755	10/19/2021	NEBRASKA CODE OFFICIALS ASSN	500.00	N
135756	10/19/2021	NEBRASKA LIBRARY COMMISSION	1,716.30	N
135757	10/19/2021	NEBRASKA STATE FIRE MARSHAL	120.00	N
135758	10/19/2021	NSG LOGISTICS, LLC	17,874.96	N
135759	10/19/2021	O'REILLY AUTO PARTS	740.76	N
135760	10/19/2021	OCLC INC	164.44	N
135761	10/19/2021	OFFICE DEPOT INC	151.63	N
135762	10/19/2021	OMAHA WINNELSON SUPPLY	825.42	N
135763	10/19/2021	OMNI ENGINEERING	2,279.70	N
135764	10/19/2021	ONE CALL CONCEPTS INC	325.35	N
135765	10/19/2021	PAPILLION SANITATION	1,474.80	N
135766	10/19/2021	PLUTA, DON	118.50	N
135767	10/19/2021	RAMADA MIDTOWN CONFERENCE CENTER	576.00	N
135768	10/19/2021	RTG BUILDING SERVICES INC	6,665.00	N
135769	10/19/2021	SAMPELL, JAMES	100.50	N
135770	10/19/2021	SAPP BROS, INC.	129.25	N
135771	10/19/2021	SCARPA, DAN	100.50	N
135772	10/19/2021	SCHAEFFER MANUFACTURING COMPANY	652.80	N
135773	10/19/2021	SHERWIN-WILLIAMS	293.11	N
135774	10/19/2021	SHI INTERNATIONAL CORP.	978.42	N
135775	10/19/2021	SMALL, BRADY	100.50	N

## ACCOUNTS PAYABLE CHECK REGISTER

## COUNCIL REVIEWED

Check #	Check Date	Vendor Name	Amount	Voided
135776	10/19/2021	SOUKIE, JOSEPH H JR	100.50	N
135777	10/19/2021	STOLTENBERG NURSERIES	2,360.00	N
135778	10/19/2021	SUBURBAN NEWSPAPERS INC	802.67	N
135779	10/19/2021	TED'S MOWER SALES & SERVICE INC	260.21	N
135780	10/19/2021	THE COLONIAL PRESS, INC	6,816.47	N
135781	10/19/2021	THE SCHEMMER ASSOCIATES INC	101.25	N
135782	10/19/2021	THE UNIVERSITY OF NEBRASKA MED CTR	3,375.00	N
135783	10/19/2021	THE WALDINGER CORPORATION	1,097.46	N
135784	10/19/2021	TORNADO WASH LLC	413.00	N
135785	10/19/2021	TRANS UNION RISK AND ALT. DATA SOL.	75.00	N
135786	10/19/2021	U.S. CELLULAR	1,554.50	N
135787	10/19/2021	UNITE PRIVATE NETWORKS LLC	4,400.00	N
135788	10/19/2021	VERIZON WIRELESS	362.11	N
135789	10/19/2021	WALMART COMMUNITY BRC	1,531.30	N
135790	10/19/2021	WATCHGUARD, INC.	480.00	N
135791	10/19/2021	WESTLAKE HARDWARE INC NE-022	647.65	N
135792	10/19/2021	WESTLAKE HARDWARE INC NE-022	37.74	N
135793	10/19/2021	ZIMCO SUPPLY COMPANY	1,127.00	N
112	CHECKS PRINTED	TOTAL CLAIM AMOUNT:	\$976,966.68	0

COUNCIL REVIEWED

Check #	Check Date	Vendor Name	Amount	Voided
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APPROVED BY COUNCIL MEMBERS ON: 10/19/2021

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

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

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

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

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

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
OCTOBER 19, 2018 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
BOND ISSUANCE – OFFSTREET PARKING DISTRICT NO. 2 GARAGE NO. 2	RESOLUTION ◆ ORDINANCE RECEIVE/FILE	KEVIN L. POKORNY DIRECTOR OF ADMINISTRATIVE SERVICES

**SYNOPSIS**

Bond Counsel has prepared an ordinance to provide for the City of La Vista to proceed with the construction improvements within vehicle Offstreet Parking District No. 2. The ordinance also directs the Mayor to execute the official statement.

**FISCAL IMPACT**

It is anticipated that the City will act as the dispersing agent for the bond issue, which will not exceed \$13.5 million.

**RECOMMENDATION**

Approval.

**BACKGROUND**

Ordinance No. 1301 passed and approved by the Mayor and Council of the City on February 7, 2017, the District was created and the City is authorized to proceed with the construction and financing of offstreet parking improvements within the District. By resolution adopted on December 20, 2017, the Mayor and Council proposed the creation of Vehicle Offstreet Parking District No. 2 of the City of La Vista, Nebraska.

It is necessary and advisable, in the interests of promoting safe and uncongested traffic flows through, in, and around City streets, Nebraska State Highway 85, Giles Road, Harrison Street and connections with Interstate 80 and other parts of the metropolitan area, encouraging redevelopment and eliminating and preventing recurrence of the substandard and blighted 84<sup>th</sup> Street Redevelopment Project Area, encouraging visitors to the City and enhancing the possibilities of additional services and amenities to the City and its inhabitants, and for additional sales tax revenues and increased property values for supporting the costs of public services, to construct offstreet parking improvements within the District to be owned and operated by the City (the “Project”).

A complete copy of all supporting documents is on file in the Office of the City Clerk.

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

AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION OFFSTREET PARKING BONDS, SERIES 2022 OF THE CITY OF LA VISTA, NEBRASKA, IN THE STATED PRINCIPAL AMOUNT OF NOT TO EXCEED THIRTEEN MILLION FIVE HUNDRED THOUSAND DOLLARS (\$13,500,000) ISSUED FOR THE PURPOSES OF PAYING THE COST OF CONSTRUCTING IMPROVEMENTS WITHIN VEHICLE OFFSTREET PARKING DISTRICT NO. 2 OF THE CITY AND PAYING COSTS OF ISSUANCE; PRESCRIBING THE FORM OF SAID BONDS; PROVIDING FOR A SINKING FUND AND FOR THE LEVY OF TAXES TO PAY SAID BONDS; PROVIDING FOR THE SALE OF THE BONDS; AUTHORIZING OFFICERS OF THE CITY TO ENTER INTO A BOND PURCHASE AGREEMENT FOR THE BONDS; AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER; PROVIDING FOR THE DISPOSITION OF THE BOND PROCEEDS AND ORDERING THE ORDINANCE PUBLISHED IN PAMPHLET OR ELECTRONIC FORM.

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

Section 1. The Mayor and City Council (the "Council") of the City of La Vista, Nebraska (the "City"), hereby find and determine that:

(a) The City has given notice inviting applications for private ownership and operation of offstreet parking facilities within the City with such notice being published in the *Papillion Times* on November 9, November 16, November 23, November 30 and December 7, 2016;

(b) Pursuant to said published notice, a hearing was held before the Mayor and Council with respect to applications (if any) received on December 20, 2016;

(c) No applications were received at any time prior to such hearing and the City is authorized to proceed to exercise the powers granted under the Offstreet Parking District Act (Sections 19-3301 to 19-3326, R.R.S. Neb., as amended, the "Act");

(d) By resolution adopted on December 20, 2016, the Mayor and Council proposed the creation of Vehicle Offstreet Parking District No. 2 of the City of La Vista, Nebraska (the "District");

(e) Notice of creation of the District and of a hearing on any objections filed was published in the *Papillion Times* on December 28, 2016, January 4, and January 11, 2017;

(f) Pursuant to said notice a hearing was held with respect to the creation of the District and any objections thereto;

(g) No objections to the creation of the District were filed at any time prior to said hearing;

(h) By Ordinance No. 1301 passed and approved by the Mayor and Council of the City on February 7, 2017, the District was created and the City is authorized to proceed with the construction and financing of offstreet parking improvements within the District as provided under the Act;

(i) It is necessary and advisable, in the interests of promoting safe and uncongested traffic flows through, in, and around City streets, Nebraska State Highway 85, Giles Road, Harrison Street and connections with Interstate 80 and other parts of the metropolitan area, encouraging redevelopment and eliminating and preventing recurrence of the substandard and blighted 84th Street Redevelopment Project Area, encouraging visitors to the City and enhancing the possibilities of additional services and amenities to the City and its inhabitants, and for additional sales tax revenues and increased property values for supporting the costs of public services, to construct offstreet parking improvements within the District to be owned and operated by the City (the "Project");

(j) The City's engineers have provided a cost estimate for the portion of the Project financed by the bonds authorized herein in an amount exceeding \$13,500,000;

(k) To pay such costs it is necessary and advisable for the City to issue its general obligation bonds pursuant to Section 19-3317 of the Act and Section 77-27,142 et seq., Neb. R.S.Cumm.Supp. 2016; and

(l) All conditions, acts and things required by law for the issuance by the City of its general obligation bonds in the aggregate stated principal amount of not to exceed \$13,500,000 pursuant to the Act, and other applicable statutes, do exist and have been done as required by law.

Section 2. To provide funds for the purpose of paying the costs of the Project as set forth in Section 1 hereof, there shall be and there are hereby ordered issued the General Obligation Offstreet Parking Bonds of the City, in the aggregate stated principal amount of not to exceed Thirteen Million Five Hundred Thousand Dollars (\$13,500,000). The Bonds or any portion thereof are hereby authorized to be sold pursuant to a negotiated sale with D.A. Davidson & Co., as initial purchaser (the "Underwriter"). In connection with such sale, the Mayor, City Administrator or City Clerk (each, an "Authorized Officer") are hereby authorized to specify, determine, designate, establish and appoint, as the case may be, in one or more written designations which may be included in a bond purchase agreement (each, a "Designation"), the following with respect to the Bonds: (i) the aggregate purchase price of the Bonds and the underwriting discount which shall not exceed 0.75% of the aggregate stated principal amount thereof, (ii) the form and contents of any bond purchase agreement in connection with such sale, (iii) for each series, the title, dated date, aggregate principal amount (which aggregate stated principal amount shall not exceed \$13,500,000; provided, however, the principal amount may be increased to account for any net original issue discount), and the final maturity date not more than twenty years after the date of original issue of the Bonds, (iv) the principal amounts maturing in each year and whether maturities will be issued as serial or term bonds, (v) the rate or rates of interest to be borne by each principal maturity, and any original issue premium or original issue discount, provided that the true interest cost of the Bonds shall not exceed 4.00%, (vi) the principal payment dates and interest payment dates, (vii) whether the Bonds will be subject to redemption prior to their stated maturity, and if subject to such optional redemption, the provisions governing such redemption, including a redemption price not to exceed 104% of the principal amount then being redeemed plus accrued interest to the date of redemption, (viii) the amount and due date of each sinking fund installment for any of the Bonds issued as term Bonds, (ix) the designation of the Paying Agent and Registrar and the form and content of any agreement between the City and such entity, (x) the certain maturities of Bonds (the "Insured Bonds") to be insured by the Assured Guaranty Municipal Corp. (the "Bond Insurer") as determined pursuant to section 15 of this Ordinance and the terms and provisions of any such bond insurance policy, and

(xi) all other terms and provisions of the Bonds not otherwise specified or fixed by this Ordinance.

The Bonds shall be issued in fully registered form in the denomination of \$5,000 or any integral multiple thereof. The date of original issue for the Bonds shall be date of original delivery. Interest on the Bonds, at the respective rates for each maturity, shall be payable semi-annually on March 15 and September 15 of each year beginning September 15, 2022 (or such other dates as may be determined in the Designation, each an "Interest Payment Date"), and the Bonds shall bear interest from the date of original issue or the most recent Interest Payment Date, whichever is later. The interest due on each Interest Payment Date shall be payable to the registered owners of record as of the fifteenth day immediately preceding the Interest Payment Date (the "Record Date"), subject to the provisions of Section 4 hereof. The Bonds shall be numbered from 1 upwards in the order of their issuance. No Bond shall be issued originally or upon transfer or partial redemption having more than one principal maturity. The initial bond numbering and principal amounts for each of the Bonds issued shall be as directed by the initial purchaser thereof. Payments of interest due on the Bonds prior to maturity or earlier redemption shall be made by the Paying Agent and Registrar, as designated pursuant to Section 3 hereof, by mailing a check or draft in the amount due for such interest on each Interest Payment Date to the registered owner of each Bond, as of the Record Date for such Interest Payment Date, to such owner's registered address as shown on the books of registration as required to be maintained in Section 3 hereof. Payments of principal due at maturity or at any date fixed for redemption prior to maturity, together with unpaid accrued interest thereon, shall be made by said Paying Agent and Registrar to the registered owners upon presentation and surrender of the Bonds to said Paying Agent and Registrar. The City and said Paying Agent and Registrar may treat the registered owner of any Bond as the absolute owner of such Bond for the purpose of making payments thereon and for all other purposes and neither the City nor the Paying Agent and Registrar shall be affected by any notice or knowledge to the contrary, whether such Bond or any installment of interest due thereon shall be overdue or not. All payments on account of interest or principal made to the registered owner of any Bond in accordance with the terms of this Ordinance shall be valid and effectual and shall be a discharge of the City and said Paying Agent and Registrar, in respect of the liability upon the Bonds or claims for interest to the extent of the sum or sums so paid.

Section 3. BOKF, National Association, Lincoln, Nebraska is hereby designated to serve as Paying Agent and Registrar for the Bonds, provided that the City reserves the right to designate a different bank or trust company to serve in such capacity and upon such agreed terms as may be determined in the Designation by one or more Authorized Officers or at any time by the Mayor at the Mayor's discretion. If a different bank or trust company is designated, such bank or trust company shall serve as Paying Agent and Registrar in such capacities under the terms of an agreement entitled "Paying Agent and Registrar's Agreement" between the City and said Paying Agent and Registrar, the form of which is hereby approved. The Mayor and City Clerk are hereby authorized to execute said agreement on behalf of the City in the form as an Authorized Officer shall deem appropriate on behalf of the City. The Paying Agent and Registrar shall keep and maintain for the City books for the registration and transfer of the Bonds at its office. The names and registered addresses of registered owner or owners of the Bonds shall at all times be recorded in such books. Any Bond may be transferred pursuant to its provisions at the office of said Paying Agent and Registrar by surrender of such bond for cancellation, accompanied by a written instrument of transfer, in form satisfactory to said Paying Agent and Registrar, duly executed by the registered owner in person or by such owner's duly authorized agent, and thereupon the Paying Agent and Registrar on behalf of the City will deliver at its office (or send by registered mail to the transferee owner or owners thereof at such

transferee owner's or owners' risk and expense), registered in the name of such transferee owner or owners, a new Bond or Bonds of the same interest rate, aggregate principal amount and maturity. To the extent of the denominations authorized for the Bonds by this ordinance, one such bond may be transferred for several such bonds of the same interest rate and maturity, and for a like aggregate principal amount, and several such bonds may be transferred for one or several such bonds, respectively, of the same interest rate and maturity and for a like aggregate principal amount. In every case of transfer of a Bond, the surrendered Bond shall be canceled and destroyed. All Bonds issued upon transfer of the Bonds so surrendered shall be valid obligations of the City evidencing the same obligation as the Bonds surrendered and shall be entitled to all the benefits and protection of this ordinance to the same extent as the Bonds upon transfer of which they were delivered. The City and said Paying Agent and Registrar shall not be required to transfer any Bond during any period from any Record Date until its immediately following Interest Payment Date or to transfer any Bond called for redemption for a period of 30 days next preceding the date fixed for redemption.

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

Section 5. Bonds shall be subject to redemption, in whole or in part, prior to maturity at any time on or after the fifth anniversary of the date of original issue thereof at par plus accrued interest on the principal amount redeemed to the date fixed for redemption (or such other date as may be determined in the Designation). The City may select the Bonds to be redeemed for optional redemption in its sole discretion. Bonds for mandatory redemption shall be selected by the Paying Agent and Registrar using any random method of selection determined appropriate by the Paying Agent and Registrar. Bonds redeemed pursuant to the requirements for mandatory redemption shall be redeemed at par plus accrued interest on the principal amount redeemed. The Bonds shall be redeemed only in amounts of \$5,000 or integral multiples thereof. Bonds redeemed in part only shall be surrendered to said Paying Agent and Registrar in exchange for a new Bond evidencing the unredeemed principal thereof. Notice of redemption of any Bond called for redemption shall be given, at the direction of the City in the case of optional redemption and without further direction in the case of mandatory redemption, by said Paying Agent and Registrar by mail not less than 30 days prior to the date fixed for redemption, first class, postage prepaid, sent to the registered owner of such Bond at said owner's registered address. Such notice shall designate the Bond or Bonds to be redeemed by maturity or otherwise, the date of original issue, series and the date fixed for redemption and shall state that such Bond or Bonds are to be presented for prepayment at the office of said Paying Agent and Registrar. In case of any Bond partially redeemed, such notice shall specify the portion of the principal amount of such Bond to be redeemed. No defect in the mailing of notice for any Bond shall affect the sufficiency of the proceedings of the City designating the Bonds called for redemption or the effectiveness of such call for Bonds for which notice by mail has been properly given and the City shall have the right to further direct notice of redemption for any such Bond for which defective notice has been given.

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

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



**UNITED STATES OF AMERICA  
STATE OF NEBRASKA  
COUNTY OF SARPY**

**CITY OF LA VISTA**

**GENERAL OBLIGATION OFFSTREET PARKING BOND  
SERIES 2022**

No. \_\_\_\_\_

\$ \_\_\_\_\_

Interest Rate

Maturity Date

Date of  
Original Issue

CUSIP NUMBER

\_\_\_\_\_%

October 15, 20\_\_

\_\_\_\_\_, 2021

Registered Owner:

Principal Amount:

KNOW ALL PERSONS BY THESE PRESENTS: That the City of La Vista, in the County of Sarpy, in the State of Nebraska (the "City"), hereby acknowledges itself to owe and for value received promises to pay to the registered owner specified above the principal amount specified above in lawful money of the United States of America on the maturity date specified above, with interest thereon from date of original issue specified above or most recent interest payment date, whichever is later, to maturity (or earlier redemption) at the rate per annum specified above. Said interest shall be payable semiannually on \_\_\_\_\_ and \_\_\_\_\_ in each year, starting \_\_\_\_\_, 20\_\_. If this bond is not paid upon presentation at maturity or any interest installment hereon is not paid when due, the bond or interest installment shall bear interest thereafter until paid at a rate equal to the rate assessed against delinquent taxes under Section 45-104.01 R.R.S. Nebraska, as now existing or as the same may be amended from time to time by the Nebraska Legislature. The interest hereon due prior to maturity or earlier redemption shall be paid on each interest payment date by \_\_\_\_\_ as Paying Agent and Registrar for the City by wire transfer (but only in accordance with the limited terms of the authorizing ordinance), check or draft mailed to the registered owner hereof, as shown on the records of the Paying Agent and Registrar as of the close of business on the fifteenth day immediately preceding an interest payment date, at such owner's registered address as it appears on the books of registration of the City. The principal of this bond and the interest due at maturity or upon call for redemption prior to maturity are payable on presentation and surrender to said Paying Agent and Registrar at the office of the Paying Agent and Registrar in \_\_\_\_\_, Nebraska. Any interest not so timely paid shall cease to be payable to the person entitled thereto as of the record date such interest was payable, and shall be payable to the person who is the registered owner of this bond (or of one or more predecessor bonds hereto) on such special record date for payment of such defaulted interest as shall be fixed by the Paying Agent and Registrar whenever monies for such purpose become available. For the prompt payment of this bond, principal and interest as the same become due, the full faith, credit and resources of the City are hereby irrevocably pledged.

The City, however, reserves the right and option of paying bonds of this issue on \_\_\_\_\_, 20\_\_, or at any time thereafter, at the principal amount thereof plus accrued interest to the date fixed for redemption.

[Bonds maturing \_\_\_\_\_, 20\_\_ shall be subject to mandatory sinking fund redemption at a redemption price equal to 100% of the principal amount thereof and accrued interest to the redemption date of \_\_\_\_\_ of the years, and in the principal amounts, as follows:

Redemption Date  
of the Year

Principal Amount]

Notice of any such redemption shall be given by mail, sent to the registered owner of any bond to be redeemed at said registered owner's address in the manner provided in the ordinance authorizing said bonds. Individual bonds may be redeemed in part but only in the amount of \$5,000 or integral multiples thereof. Any bond redeemed in part only shall be surrendered to the Paying Agent and Registrar in exchange for a new bond or bonds evidencing the unredeemed principal thereof.

This bond is issued pursuant to Sections 19-3301 to 19-3327, R.R.S. Nebraska, as amended, and 77-27,142, R.S.Cumm.Supp. 2016, and is one of an issue of fully registered bonds of the total principal amount of \$\_\_\_\_\_, of like tenor herewith except as to denomination, date of maturity and rate of interest issued by the City for the purpose paying the cost of vehicle offstreet parking improvements constructed in the City in Vehicle Offstreet Parking District No. 2 of the City of La Vista, Nebraska (the "District"). The issuance of said bonds has been authorized by an ordinance duly passed by the Mayor and Council of the City.

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

For the prompt payment of the principal and interest on this bond and the other bonds of the same issue, as described in the Ordinance, the City of La Vista, Nebraska, the City agrees that it shall cause to be levied and collected annually a levy of taxes on all the taxable property in the City for the purpose of paying and sufficient to pay the interest and principal of the Bonds when and as such principal and interest become due. The City reserves the right to provide for payments of principal and interest on the Bonds in any fiscal year from other available funds, including but not limited to general sales tax receipts and/or revenues from the District, as appropriated and applied, and thereby satisfy its obligation to levy taxes on property. Secondly, the City has pledged a portion of the additional ½ cent sales and use tax imposed pursuant to Ordinance No. 1216 (the "Tax") to the payment of the principal of and interest on the Bonds; provided, however, that such pledge shall be junior to the pledge provided with respect to the City's Tax Supported Improvement Bonds, Series 2017, (the "Sales Tax Bonds"), any additional bonds payable on par with the Sales Tax Bonds equally and ratably secured by a pledge of receipts from the Tax, and any other similar bonds issued by the City with the pledge of the Tax as the primary security for payment.

AS PROVIDED IN THE ORDINANCE REFERRED TO HEREIN, UNTIL THE TERMINATION OF THE SYSTEM OF BOOK-ENTRY-ONLY TRANSFERS THROUGH THE

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

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

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

IT IS HEREBY CERTIFIED AND WARRANTED that all conditions, acts and things required by law to exist or to be done precedent to and in the issuance of this bond did exist, did happen and were done and performed in regular and due form and time as required by law, and that the indebtedness of said City, including this bond, does not exceed any limitation imposed by law.

IN WITNESS WHEREOF, the Mayor and Council of the City of La Vista, Nebraska, have caused this bond to be executed on behalf of the City by being signed by the Mayor and Clerk of the City, both of which signatures may be facsimile signatures, and by causing the official seal of the City to be affixed hereto, all as of the date of original issue shown above.

CITY OF LA VISTA, NEBRASKA

By \_\_\_\_\_ (Do not sign)  
Mayor

ATTEST:

\_\_\_\_\_  
(Do not sign)  
City Clerk  
(S E A L)

#### CERTIFICATE OF AUTHENTICATION

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

\_\_\_\_\_  
(Do not sign)

BOKF, National Association, Lincoln,  
Nebraska, as Paying Agent and Registrar

**[STATEMENT OF INSURANCE]**

Assured Guaranty Municipal Corp. ("AGM"), New York, New York, has delivered its municipal bond insurance policy (the "Policy") with respect to the scheduled payments due of principal of and interest on the Bonds maturing \_\_\_\_\_, 20\_\_ through \_\_\_\_\_, 20\_\_, inclusive (the "Insured Bonds"), to \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, or its successor, as paying agent for the Insured Bonds (the "Paying Agent"). Said Policy is on file and available for inspection at the principal office of the Paying Agent and a copy thereof may be obtained from AGM or the Paying Agent. All payments required to be made under the Policy shall be made in accordance with the provisions thereof. The owner of this Bond acknowledges and consents to the subrogation rights of AGM as more fully set forth in the Policy.]

**(FORM OF ASSIGNMENT)**

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

Date: \_\_\_\_\_

\_\_\_\_\_  
Registered Owner

SIGNATURE GUARANTEED

By \_\_\_\_\_

\_\_\_\_\_  
Authorized Officer

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

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

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

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

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

(iii) the payment to any Bond Participant, any Beneficial Owner or any other person, other than the Depository, of any amount with respect to the Bonds.

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

(b) Upon receipt by the Paying Agent and Registrar of written notice from the Depository to the effect that the Depository is unable or unwilling to discharge its responsibilities, the Paying Agent and Registrar shall issue, transfer and exchange Bonds requested by the Depository in appropriate amounts. Whenever the Depository requests the Paying Agent and Registrar to do so, the Paying Agent and Registrar will cooperate with the Depository in taking appropriate action after reasonable notice (i) to arrange, with the prior written consent of the City, for a substitute depository willing and able upon reasonable and customary terms to maintain custody of the Bonds or (ii) to make available Bonds registered in whatever name or names the Beneficial Owners transferring or exchanging such Bonds shall designate.

(c) If the City determines that it is desirable that certificates representing the Bonds be delivered to the Bond Participants and/or Beneficial Owners of the

Bonds and so notifies the Paying Agent and Registrar in writing, the Paying Agent and Registrar shall so notify the Depository, whereupon the Depository will notify the Bond Participants of the availability through the Depository of bond certificates representing the Bonds. In such event, the Paying Agent and Registrar shall issue, transfer and exchange bond certificates representing the Bonds as requested by the Depository in appropriate amounts and in authorized denominations.

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

(e) Registered ownership of the Bonds may be transferred on the books of registration maintained by the Paying Agent and Registrar, and the Series 2022 Bonds may be delivered in physical form to the following:

(i) any successor securities depository or its nominee;

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

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

If for any reason the Depository resigns and is not replaced or upon termination by the City of book-entry-only form, the City shall immediately provide a supply of bond certificates for issuance upon subsequent transfers or in the event of partial redemption. In the event that such supply of certificates shall be insufficient to meet the requirements of the Paying Agent and Registrar for issuance of replacement bond certificates upon transfer or partial redemption, the City agrees to order printed an additional supply of bond certificates and to direct their execution by manual or facsimile signature of its then duly qualified and acting officers. In case any officer whose signature or facsimile thereof shall appear on any Bond shall cease to be such officer before the delivery of such Bond (including any bond certificates delivered to the Paying Agent and Registrar for issuance upon transfer or partial redemption) such signature or such facsimile signature shall nevertheless be valid and sufficient for all purposes the same as if such officer or officers had remained in office until the delivery of such Bond. After being executed by the Mayor and City Clerk, said Bonds shall be delivered to the Treasurer of the City who shall be responsible therefor under his/her official bond and such Treasurer shall maintain a record of information with respect to said Bonds in accordance with the requirements of Section 10-140, R.R.S. Neb, as amended, and shall cause the same to be filed with the Auditor of Public Accounts of the State of Nebraska. The Bonds shall not be valid and binding on the City until authenticated by the Paying Agent and Registrar. The Bonds shall be delivered to the Paying Agent and Registrar for registration and authentication. Upon execution, registration and authentication of the Bonds, they shall be delivered to the City Treasurer, who is authorized to deliver them to the Underwriter, as initial purchaser thereof, upon receipt of the purchase price thereof plus accrued interest thereon

to date of payment of the Bonds. Such initial purchaser shall have the right to direct the registration of the Bonds and the denominations thereof within each maturity, subject to the restrictions of this Ordinance. The Underwriter and its agents, representatives and counsel (including the City's bond counsel) are hereby authorized to take such actions on behalf of the City as are necessary to effectuate the closing of the issuance and sale of the Bonds, including, without limitation, authorizing the release of the Bonds by the Depository at closing. The Bond Purchase Agreement (the "Purchase Agreement") to be entered into between the City and the Underwriter with respect to the purchase of the Bonds from the City, in such form as the Authorized Officer executing the Purchase Agreement shall in the exercise of his or her own independent judgment and absolute discretion determine to be necessary, proper, appropriate, advisable, or desirable in order to effectuate the issuance, sale, and delivery of the Bonds, be and the same is hereby in all respects authorized, adopted, specified, accepted, ratified, approved and confirmed.

Section 9. The City Clerk is directed to make and certify a transcript or transcripts of the proceedings of the Mayor and City Council precedent to the issuance of said Bonds, a copy of which shall be delivered to the Underwriter.

Section 10. The proceeds of the Bonds shall be applied to the costs of the Project as described in Section 1 hereof, including payment of any related warrant indebtedness and issuance expenses for the Bonds. Pending such application, the City Treasurer shall hold such proceeds.

Section 11. The City agrees that it shall cause to be levied and collected annually a levy of taxes on all the taxable property in the City for the purpose of paying and sufficient to pay the interest and principal of the Bonds when and as such principal and interest become due (including as principal falling due any amounts for mandatory redemption of term bonds as may be set forth in the Designation). The City reserves the right to provide for payments of principal and interest on the Bonds in any fiscal year from other available funds, including but not limited to general sales tax receipts of the City and/or revenues from the District, as appropriated and applied, and thereby satisfy its obligation to levy taxes on property as provided in this Section 11. Secondly, the City hereby pledges a portion of the additional ½ cent sales and use tax imposed pursuant to Ordinance No. 1216 (the "Tax") to the payment of the principal of and interest on the Bonds; provided, however, that such pledge shall be junior to the pledge provided with respect to the City's Tax Supported Improvement Bonds, Series 2017, (the "Sales Tax Bonds"), any additional bonds payable on par with the Sales Tax Bonds equally and ratably secured by a pledge of receipts from the Tax, and any other similar bonds issued by the City with the pledge of the Tax as the primary security for payment. The junior lien pledge of the Tax provided for in this Section 11 for the Bonds shall not prevent the City from otherwise applying receipts from the Tax in any year for any other lawful purpose. In addition, the City further reserves the right to issue additional bonds payable on par with the Bonds equally and ratably secured by a junior pledge of receipts from the Tax.

Section 12. The Mayor and City Council hereby authorize the Authorized Officers, or each individually, to approve and deem final, within the meaning of Rule 15c2-12 under the Securities Exchange Act of 1934, as amended, a Preliminary Official Statement with respect to the Bonds and the information therein contained and to approve and deliver a final Official Statement for and on behalf of the City. The Authorized Officers, or any one or more of them, are hereby further authorized to take any and all actions and enter into any and all agreements and execute any documents deemed necessary or appropriate in connection with the issuance and sale of the Bonds, and any such actions previously taken are hereby ratified and confirmed.

Section 13. The City hereby (a) authorizes and directs that an Authorized Officer execute and deliver, on the date of issue of the Bonds, a continuing disclosure undertaking (the "Continuing Disclosure Undertaking") in such form as shall be satisfactory to the City and in

compliance with Rule 15c2-12 of the Securities and Exchange Commission, and (b) covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Undertaking. Notwithstanding any other provision of this resolution, failure of the City to comply with the Continuing Disclosure Undertaking shall not be considered an event of default hereunder; however, any Participating Underwriter (as such term is defined in the Continuing Disclosure Undertaking) or any Beneficial Owner or any Registered Owner of a Bond (as such terms are defined in the Continuing Disclosure Undertaking) may take such actions as may be necessary and appropriate, including seeking mandamus or specific performance by court order, to cause the City to comply with its obligations under this section.

Section 14. The City hereby covenants with the purchasers and holders of the Bonds herein authorized that it will make no use of the proceeds of said issue, including monies held in any sinking fund for the payment of principal and interest on said Bonds, which would cause said Bonds to be arbitrage bonds within the meaning of Sections 103 and 148 and other related sections of the Internal Revenue Code of 1986, as amended (the "Code"), and further covenants to comply with said Sections 103 and 148 and related sections and all applicable regulations thereunder throughout the term of said issue. The City hereby covenants and agrees to take all actions necessary under the Code to maintain the tax exempt status (as to taxpayers generally) of interest payable on the Bonds.

Section 15. The Authorized Officers are authorized to enter into an insurance policy (the "Bond Insurance Policy") issued by the Bond Insurer guaranteeing the scheduled payment of the principal of and interest on the Insured Bonds. Notwithstanding any other provision of this Ordinance to the contrary, the following provisions shall be applicable to any bonds designated as Insured Bonds:

- (a) The Bond Insurer is a third party beneficiary to this Ordinance.
- (b) No modification, amendment or supplement to this Ordinance shall become effective except upon obtaining the prior written consent of the Bond Insurer.
- (c) The City shall send copies of any modification or amendment to this Ordinance to Moody's Investors Service at least 10 days prior to the effective date thereof.
- (d) The rights granted to the Bond Insurer under this Ordinance to request, consent to or direct any action are rights granted to the Bonds Insurer in consideration of its issuance of the Bond Insurance Policy. Any exercise by the Bond Insurer of such rights is merely an exercise of the Bond Insurer's contractual rights and shall not be construed or deemed to be taken for the benefit or on behalf of the Bondholders nor does such action evidence any position of the Bond Insurer, positive or negative, as to whether Bondholder consent is required in addition to consent of the Bond Insurer.
- (e) Amounts paid by the Bond Insurer under the Bond Insurance Policy shall not be deemed paid for purposes of this Ordinance and shall remain outstanding and continue to be due and owing until paid by the City in accordance with this Ordinance.
- (f) Claims upon the Bond Insurance Policy and payments by and to the Bond Insurer shall be made in accordance with the following provisions:

If, on the third business day prior to the related scheduled interest payment date or principal payment date ("Payment Date") there is not on deposit with the Paying Agent, after making all transfers and deposits required under this Ordinance, moneys sufficient to pay the principal of and interest on the Insured Bonds due on such Payment



Date, the Paying Agent shall give notice to the Bond Insurer and to its designated agent (if any) (the "Insurer's Fiscal Agent") by telephone or telecopy of the amount of such deficiency by 12:00 noon, New York City time, on such business day. If, on the second business day prior to the related Payment Date, there continues to be a deficiency in the amount available to pay the principal of and interest on the Insured Bonds due on such Payment Date, the Paying Agent shall make a claim under the Insurance Policy and give notice to the Bond Insurer and the Insurer's Fiscal Agent (if any) by telephone of the amount of such deficiency, and the allocation of such deficiency between the amount required to pay interest on the Insured Bonds and the amount required to pay principal of the Insured Bonds, confirmed in writing to the Bond Insurer and the Insurer's Fiscal Agent by 12:00 noon, New York City time, on such second business day by filling in the form of Notice of Claim and Certificate delivered with the Insurance Policy.

The Paying Agent shall designate any portion of payment of principal on Insured Bonds paid by the Bond Insurer, whether by virtue of mandatory sinking fund redemption, maturity or other advancement of maturity, on its books as a reduction in the principal amount of Insured Bonds registered to the then current Bondholder, whether DTC or its nominee or otherwise, and shall issue a replacement Insured Bond to the Bond Insurer, registered in the name of Assured Guaranty Municipal Corp., in a principal amount equal to the amount of principal so paid (without regard to authorized denominations); provided that the Paying Agent's failure to so designate any payment or issue any replacement Insured Bond shall have no effect on the amount of principal or interest payable by the Issuer on any Insured Bond or the subrogation rights of the Bond Insurer.

The Paying Agent shall keep a complete and accurate record of all funds deposited by the Bond Insurer into the Policy Payments Account (defined below) and the allocation of such funds to payment of interest on and principal of any Insured Bond. The Bond Insurer shall have the right to inspect such records at reasonable times upon reasonable notice to the Paying Agent.

Upon payment of a claim under the Insurance Policy, the Paying Agent shall establish a separate special purpose trust account for the benefit of Bondholders referred to herein as the "Policy Payments Account" and over which the Paying Agent shall have exclusive control and sole right of withdrawal. The Paying Agent shall receive any amount paid under the Insurance Policy in trust on behalf of Bondholders and shall deposit any such amount in the Policy Payments Account and distribute such amount only for purposes of making the payments for which a claim was made. Such amounts shall be disbursed by the Paying Agent to Bondholders in the same manner as principal and interest payments are to be made with respect to the Insured Bonds under the sections hereof regarding payment of Insured Bonds. It shall not be necessary for such payments to be made by checks or wire transfers separate from the check or wire transfer used to pay debt service with other funds available to make such payments. Notwithstanding anything herein to the contrary, the City agrees to pay to the Bond Insurer (i) a sum equal to the total of all amounts paid by the Bond Insurer under the Insurance Policy (the "Insurer Advances"); and (ii) interest on such Insurer Advances from the date paid by the Bond Insurer until payment thereof in full, payable to the Bond Insurer at the Late Payment Rate per annum (collectively, the "Insurer Reimbursement Amounts"). "Late Payment Rate" means the lesser of (A) the greater of (1) the per annum rate of interest, publicly announced from time to time by JPMorgan Chase Bank at its principal office in The City of New York, as its prime or base lending rate (any

change in such rate of interest to be effective on the date such change is announced by JPMorgan Chase Bank) plus 3%, and (2) the then applicable highest rate of interest on the Insured Bonds and (B) the maximum rate permissible under applicable usury or similar laws limiting interest rates. The Late Payment Rate shall be computed on the basis of the actual number of days elapsed over a year of 360 days. The City hereby covenants and agrees that the Insurer Reimbursement Amounts are secured by a lien on and pledge of the Revenues and payable from such Revenues on a parity with debt service due on the Insured Bonds.

Funds held in the Policy Payments Account shall not be invested by the Paying Agent and may not be applied to satisfy any costs, expenses or liabilities of the Paying Agent. Any funds remaining in the Policy Payments Account following a Insured Bond payment date shall promptly be remitted to the Bond Insurer.

(g) The Bond Insurer shall, to the extent it makes any payment of principal or interest on the Insured Bonds, become subrogated to the rights of the recipients of such payments in accordance with the terms of the Insurance Policy.

(h) The City shall pay or reimburse the Bond Insurer any and all charges, fees, costs and expenses which the Bond Insurer may reasonably pay or incur in connection with (i) the administration, enforcement, defense or preservation of any rights or security in this Ordinance; (ii) the pursuit of any remedies under this Ordinance or otherwise afforded by law or equity, (iii) any amendment, waiver or other action with respect to, or related to, this Ordinance whether or not executed or completed, (iv) the violation by the City of any law, rule or regulation, or any judgment, order or decree applicable to it or (v) any litigation or other dispute in connection with this Ordinance or the transactions contemplated hereby, other than amounts resulting from the failure of the Bond Insurer to honor its obligations under the Insurance Policy. The Bond Insurer reserves the right to charge a reasonable fee as a condition to executing any amendment, waiver or consent proposed in respect of this Ordinance.

(i) The Bond Insurer shall be entitled to pay principal or interest on the Insured Bonds that shall become Due for Payment but shall be unpaid by reason of Nonpayment by the City (as such terms are defined in the Bond Insurance Policy) and any amounts due on the Insured Bonds as a result of acceleration of the maturity thereof in accordance with this Ordinance, whether or not the Bond Insurer has received a Notice of Nonpayment (as such terms are defined in the Bond Insurance Policy) or a claim upon the Bond Insurance Policy.

(j) The notice address of the Bond Insurer is: Assured Guaranty Municipal Corp, 1633 Broadway, New York, New York 10019, Attention: Managing Director – Surveillance, Re: Policy No. 214971-N, Telephone: (212) 974-0100, Telecopier (212) 581-3268. In each case in which notice or other communication refers to an Event of Default, then a copy of such notice or other communication shall also be sent to the attention of the General Counsel and shall be marked to indicate “URGENT MATERIAL ENCLOSED.”

(k) The Bond Insurer shall be provided with the following information:

(i) Annual audited financial statements within 150 days after the end of the City’s fiscal year (together with a certification of the City that it is not aware of any default or Event of Default under this Ordinance), and the City’s annual budget within 30 days after the approval thereof together with such other information, data or reports as the Insurer shall reasonably request from time to time;

(ii) Notice of any default known to the City within five business days after knowledge thereof;

(iii) Prior notice of the advance refunding or redemption of any of the Insured Bonds, including the principal amount, maturities and CUSIP numbers thereof;

(iv) Notice of the resignation or removal of the Paying Agent and Bond Registrar and the appointment of, and acceptance of duties by, any successor thereto;

(v) Notice of the commencement of any proceeding by or against the City commenced under the United States Bankruptcy Code or any other applicable bankruptcy, insolvency, receivership, rehabilitation or similar law (an "Insolvency Proceeding");

(vi) Notice of the making of any claim in connection with any Insolvency Proceeding seeking the avoidance as a preferential transfer of any payment of principal of, or interest on, the Insured Bonds;

(vii) A full original transcript of all proceedings relating to the execution of any amendment or supplement to this Ordinance; and

(viii) All reports, notices and correspondence to be delivered to Bondholders under the terms of this Ordinance.

(l) To accomplish defeasance of the Insured Bonds, the City shall cause to be delivered (i) a report of an independent firm of nationally recognized certified public accountants or such other accountant as shall be acceptable to the Bond Insurer (the "Accountant") verifying the sufficiency of the escrow established to pay the Insured Bonds in full on the maturity or redemption date (the "Verification"), (ii) an Escrow Deposit Agreement (which shall be acceptable in form and substance to the Insurer), (iii) an opinion of nationally recognized bond counsel to the effect that the Insured Bonds are no longer "Outstanding" under the Ordinance and (iv) if there is a Paying Agent for the Insured Bonds a certificate of discharge of the Paying Agent with respect to the Insured Bonds; each Verification and defeasance opinion shall be acceptable in form and substance, and addressed, to the City, the Paying Agent and the Bond Insurer. The Bond Insurer shall be provided with final drafts of the above-referenced documentation not less than five business days prior to the funding of the escrow.

(m) The maturity of the Insured Bonds shall not be accelerated without the consent of the Bond Insurer and in the event the maturity of the Insured Bonds is accelerated, the Bond Insurer may elect, in its sole discretion, to pay accelerated principal and interest accrued on such principal to the date of acceleration (to the extent unpaid by the City) and the Paying Agent shall accept such amounts. Upon payment of such accelerated principal and interest accrued to the acceleration date as provided above, the Bond Insurer's obligations under the Bond Insurance Policy with respect to such Insured Bonds shall be fully discharged.

(n) The prior written approval of the Bond Insurer is required if the City exercises any provision of this Ordinance permitting the purchase of Insured Bonds in lieu of redemption if any Insured Bond so purchased is not cancelled upon purchase.

(o) The City shall provide the Bond Insurer with such additional information as the Bond Insurer may reasonably request.

(p) The City will permit the Bond Insurer to discuss the affairs, finances and accounts of the City or any information or any information the Bond Insurer may reasonably request regarding the security for the Bonds with appropriate officers of the Bond Insurer and will use commercially reasonable efforts to enable the Bond Insurer to have access to the facilities, books and records of the City on any business day upon reasonable prior notice.

(q) Notwithstanding satisfaction of the other conditions to the issuance of Parity Bonds set forth herein, no Parity Bonds shall be issued if an event of default (or any event which, once all notice or grace period have passed, would constitute an event of default) exists unless such default shall be cured upon such issuance.

(r) The Bond Insurer shall be deemed to be the sole holder of the Insured Bonds for the purpose of exercising any voting right or privilege or giving any consent or direction or taking any other action that the owners of the Insured Bonds are entitled to take in the event of a default. In furtherance thereof and as a term of the Ordinance and each Insured Bond, the Registrar and each Owner appoint the Bond Insurer as their agent and attorney-in-fact and agree that the Bond Insurer may at any time during the continuation of any proceeding by or against the Issuer under the United States Bankruptcy Code or any other applicable bankruptcy, insolvency, receivership, rehabilitation or similar law (an "Insolvency Proceeding") direct all matters relating to such Insolvency Proceeding, including without limitation, (A) all matters relating to any claim or enforcement proceeding in connection with an Insolvency Proceeding (a "Claim"), (B) the direction of any appeal of any order relating to any Claim, (C) the posting of any surety, supersedeas or performance bond pending any such appeal, and (D) the right to vote to accept or reject any plan of adjustment. In addition, the Registrar and each Owner delegate and assign to the Insurer, to the fullest extent permitted by law, the rights of the Registrar and each Owner in the conduct of any Insolvency Proceeding, including, without limitation, all rights of any party to an adversary proceeding or action with respect to any court order issued in connection with any such Insolvency Proceeding.

Section 16. The City's obligations under this Ordinance with respect to any or all of the Bonds herein authorized shall be fully discharged and satisfied as to any or all of such Bonds and any such Bond shall no longer be deemed to be outstanding hereunder if such Bond has been purchased by the City and canceled or when the payment of principal of and interest thereon to the respective date of maturity or redemption (a) shall have been made or caused to be made in accordance with the terms thereof, (b) shall have been provided for by depositing with a national or state bank having trust powers, or trust company, in trust, solely for such payment (i) sufficient money to make such payment and/or (ii) direct general obligations (including obligations issued or held in book entry form on the books of the Department of Treasury of the United States of America) of or obligations the principal and interest of which are unconditionally guaranteed by the United States of America (herein referred to as "U.S. Government Obligations") in such amount and bearing interest payable and maturing or redeemable at stated fixed prices at the option of the holder as to principal, at such time or times, as will ensure the availability of sufficient money to make such payments; provided, however, that with respect to any Bond to be paid prior to maturity, the City shall have duly called such Bond for redemption and given notice of such redemption as provided by law or made irrevocable provision for the giving of such notice. Any money so deposited with such bank or trust company in excess of the amount required to pay principal of and interest on the Bonds for which such monies or U.S. Government Obligations were deposited shall be paid over to the City as and when collected.

Section 17. All documents, agreements, certificates, and instruments related to the Bonds shall be valid, binding, and enforceable against the City when executed and delivered by means of (i) an original manual signature; (ii) a faxed, scanned, or photocopied manual signature, or (iii) any other electronic signature permitted by electronic signatures laws, including any relevant provisions of the Uniform Commercial Code, in each case to the extent applicable. Each faxed, scanned, or photocopied manual signature, or other electronic signature, shall for all purposes have the same validity, legal effect, and admissibility in evidence as an original manual signature. Each document, agreement, certificate, and instrument related to the Bonds may be executed in any number of counterparts, each of which shall be deemed to be an original, but such counterparts shall, together, constitute one and the same document, agreement, certificate, or instrument, as applicable.

Section 18. This Ordinance shall be in full force and effect from and after its passage and publication in pamphlet or electronic form as provided by law.

PASSED AND APPROVED this 19th day of October 2021.

CITY OF LA VISTA

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Douglas Kindig, Mayor

ATTEST:

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Pamela A. Buethe, CMC  
City Clerk

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
OCTOBER 19, 2021 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
ECONOMIC DEVELOPMENT PROGRAM AUTHORIZE ISSUANCE OF BONDS	◆ RESOLUTION ORDINANCE RECEIVE/FILE	RITA RAMIREZ ASSISTANT CITY ADMINISTRATOR/ DIRECTOR OF COMMUNITY SERVICES

**SYNOPSIS**

A resolution has been prepared authorizing the issuance of Economic Development Fund bonds in the principal amount of up to \$3.5 million for the purpose of funding an award to Omaha Multi-Sport Complex, Inc. dba Nebraska Multisport Complex.

**FISCAL IMPACT**

The FY21/22 Budget contains funding for the bond issue.

**RECOMMENDATION**

Approval.

**BACKGROUND**

Pursuant to voter approval, the City in 2003 established the City's Economic Development Program ("Program"), giving the City flexibility among other things to respond to desirable opportunities for community or economic development using funds raised from local sources of revenue to provide incentives or investment in the La Vista community.

An application was received from Omaha Multi-Sport Complex, Inc., dba Nebraska Multisport Complex for a \$3 million award for the Phase 1 development of a premier multisport complex and related facilities in the vicinity of Interstate 80, 120<sup>th</sup> Street and Eastport Parkway. Phase 1 is comprised of twelve synthetic multisport playing fields and related parking, concession, and other amenities, which is expected to provide substantial economic development benefits for the City.

The Application Review Committee recommended approval of the application and submission of the application to the City Council for consideration of approval and funding. The Citizen Advisory Review Committee ratified and adopted the Application Review Committee's recommendation. Documents in connection with the award(s) have been prepared and on file with the City Clerk.

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

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL, LA VISTA, NEBRASKA, MAKING FINDINGS; APPROVING RECOMMENDATIONS, APPLICATION AND AWARD OF \$3.0 MILLION UNDER CITY ECONOMIC DEVELOPMENT PROGRAM FOR MULTISPORT FIELDS COMPLEX TO BE CONSTRUCTED BY OMAHA MULTI-SPORT COMPLEX D/B/A NEBRASKA MULTISPORT COMPLEX, SUBJECT TO SPECIFIED CONDITIONS; AUTHORIZING FURTHER ACTIONS; AND PROVIDING FOR SEVERABILITY, PUBLICATION AND AN EFFECTIVE DATE.

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

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

1. The Nebraska Legislature made the following findings in Neb. Rev. Stat. Section 18-2702:
  - a. There is a high degree of competition among states and municipalities in our nation in their effort to provide incentives for businesses to expand or to locate in their respective jurisdictions;
  - b. Municipalities in Nebraska are hampered in their efforts to effectively compete because of their inability under Nebraska law to respond quickly to opportunities or to raise sufficient capital from local sources to provide incentives for the provision of new services or business location or expansion decisions which are tailored to meet the needs of the community;
  - c. The ability of a municipality to encourage the provision of new services or business location and expansion has a direct impact not only upon the economic well-being of the community and its residents but upon the whole state as well; and
  - d. There is a need to provide Nebraska municipalities with the opportunity of providing assistance to business enterprises in their communities, whether for expansion of existing operations, the creation of new businesses, or the provision of new services, by the use of funds raised by local taxation when the voters in the municipality determine that it is in the best interest of their community to do so.
2. Based on these findings, the Legislature enacted the Local Option Municipal Economic Development Act ("Act"), Neb. Rev. Stat. Sections 18-2701 to 18-2738, in 1991, as subsequently amended, allowing municipalities including cities of the first class in Nebraska to establish economic development programs and use local sources of revenue for financial assistance to qualifying businesses upon voter approval.
3. The City of La Vista voter-approved Economic Development Program is codified in La Vista Municipal Code Chapter 117 ("La Vista Economic Development Program" or "Program"). In establishing the La Vista Economic Development Program, the Mayor and City Council stated a purpose of the Economic Development Program as giving the City flexibility to quickly respond to desirable opportunities for community or economic development using funds raised from local sources of revenue to provide incentives or investment in the La Vista community or its infrastructure for the location or expansion of services or businesses or rehabilitation of residential neighborhoods in or near the City.
4. Neb. Rev. Stat. Section 18-2738 provides that the powers conferred by the Act shall be in addition and supplemental to the powers conferred by any other law and shall be independent of and in addition to any other provisions of the law of Nebraska, including the Community Development Law.
5. Neb. Rev. Stat. Section 18-2738 further provides that the Act and all grants of power, authority, rights, or discretion to the City under the Act shall be liberally construed, and all incidental powers necessary to carry the Act into effect are expressly granted to and conferred upon the City.
6. Section 117.14 of the La Vista Economic Development Program provides broad authority for the City to provide financial assistance to qualifying businesses, including direct loans or grants.
7. Omaha Multi-Sport Complex d/b/a Nebraska Multisport Complex ("Applicant") submitted an application for a \$3.0 million award ("Award") under the Program ("Application") for

twelve synthetic multisport playing fields and related parking, concession, and other amenities ("Fields Complex") as the first phase of its multisport complex in the vicinity of Interstate 80, 120<sup>th</sup> Street and Eastport Parkway. Once built, Applicant at its cost will own, operate, and maintain the Fields Complex, which will be a destination not only for teams, parents, and families from other parts of Nebraska, but also from the surrounding states and region. The facility is projected to regularly host regional sport events in the months of March-October. In addition, it is expected to draw an estimated 5,000 - 6,000 visitors to La Vista each week by participants, spectators, families and others from within 75 miles in connection with regular programming at the complex.

8. Total estimated cost to design, construct, acquire, and equip the proposed Fields Complex is approximately \$30 million, including \$4.5 million for land. Applicant will finance and contribute funds to pay remaining costs of the Fields Complex in excess of Award. The City would not have any responsibility with respect to the Fields Complex, including without limitation, its construction, equipping, upkeep, maintenance, repairs, or replacement. Applicant, as a condition of the Award, agrees that the Fields Complex and related parking in perpetuity will be subject to a perpetual right of City to elect to use all or part of the Fields Complex each calendar year for events of City or its designee on such days or at such times that events are not previously scheduled for events of Applicant, for a total of not less than ten days per year, fully staffed by Applicant and at no cost or expense to City or its designee, except actual costs of labor, and no markup or profit ("Right of Use"). Such Right of Use will be subject to any additional requirements specified in connection with Program award(s) or as agreed in writing by the City and Applicant.
9. The Program Administrator of the La Vista Economic Development Program by memorandum ("Program Administrator Memorandum") made and communicated to the Application Review Committee findings and determinations including a preliminary determination that the Application appeared to be viable pursuant to La Vista Municipal Code Section 117.16(B), based on the following, and subject to the conditions specified in the Program Administrator Memorandum, if any:
  - The Applicant is a qualifying business and eligible under the La Vista Economic Development Program. The Application states that the Applicant is a nonprofit corporation which, upon opening of the Fields Complex, derives its principal source of income from tourism-related activities;
  - The proposed Award and activities are eligible under the La Vista Economic Development Program;
  - Applicant in connection with the Application indicates that the Applicant does not have any actual or potential legal actions or other risks that may significantly impact its ability to perform; and
  - The Applicant has complied with application requirements to the satisfaction of the Program Administrator ("Program Administrator Preliminary Determination").
10. The Program Administrator, pursuant to La Vista Municipal Code Section 117.16(C), referred the Application, together with the Program Administrator Memorandum and any supplemental financial or other information, to the Application Review Committee for the Committee to review and otherwise perform responsibilities under the Economic Development Program. The Program Administrator also provided such information to the Citizen Advisory Review Committee to advise the Mayor and City Council; and further provided such information to Hunden Strategic Partners ("City Consultant"), which analyzed the Application, for analysis and feedback. After reviewing the Application, City Consultant, among other things, stated that the project offers the City a unique opportunity to develop a novel regional sports asset that will generate significant economic impact with relatively low public sector investment.
11. The Application Review Committee reviewed the Application and other information described above, and the findings and determinations including the Program Administrator Preliminary Determination in the Program Administrator Memorandum, and provided any recommendations to the Program Administrator concerning negotiations with the Applicant and whether any further information, assurances, certifications, requirements or guarantees from the Applicant are desired. Once the Committee completed its review, and following any additional negotiations by the Program Administrator, the Application Review Committee, based on its review of the Application and other information provided, found and determined that the Applicant under the Application demonstrated the following to the satisfaction of the Application Review Committee:
  - The Applicant's eligibility for funding under the La Vista Economic Development Program;



- That the type and amount of assistance requested is appropriate and desirable for the City;
- A desirable level, type and quality of public benefit to the City or its residents from the Applicant's proposed use of the funding; and
- That the timing, type, magnitude and probability of public benefit that the Committee determines is likely to be achieved from the funding is reasonable and efficient in relation to the cost of funding provided.

The Application Review Committee recommended that the Application and \$3.0 million Award be approved and funded; and that said Application be submitted to the La Vista City Council for consideration of approval and funding ("Application Review Committee Recommendation"); subject to the following conditions to the satisfaction of the Program Administrator or her designee:

- a. Submittal, satisfaction, or waiver of any additional information or requirements as Program Administrator determines advisable to the satisfaction of the Program Administrator;
  - b. Applicant indicated in the Application that Applicant will directly pay or finance through a third-party lender all costs of constructing and acquiring the facilities, except as provided by the proposed City Award under the Program. The Program Administrator or the Program Administrator's designee shall confirm appropriate documentation evidencing negotiations with one or more primary lenders for financing construction of the Fields Complex and the terms on which said financing will be provided. Applicant shall update said documentation from time to time for any material changes or as otherwise required by the Program Administrator;
  - c. Such further due diligence, information, assurances, certifications, or requirements of or from Applicant as Program Administrator from time to time may determine necessary or appropriate; and
  - d. Satisfaction of any conditions specified in the Program Administrator Preliminary Determination.
12. The Citizen Advisory Review Committee subsequently ratified and adopted the Program Administrator Preliminary Determination and Application Review Committee Recommendation and recommended to the Mayor and City Council that the Application and \$3.0 million Award be approved and funded, subject to satisfaction of any conditions specified in the Program Administrator Preliminary Determination or Application Review Committee Recommendation, or any other terms or conditions as the Mayor, City Council, or Program Administrator, or any designee of the Mayor, City Council, or Program Administrator, determines necessary or appropriate.
  13. The City Council agrees with the findings, determinations, conclusions and recommendations of the Program Administrator, Application Review Committee, and Citizen Advisory Review Committee with respect to the Application.
  14. The City Council finds and determines that the Application and the Applicant thereunder, have satisfied all applicable requirements, including requirements of the La Vista Economic Development Program.
  15. The City Council desires to accept and approve the recommendations of the Program Administrator, Application Review Committee, and Citizen Advisory Review Committee and take and authorize further actions with respect to the Application, subject to such conditions as set forth below.

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

1. All findings, determinations, conclusions, proceedings, documents, actions and recommendations of the Program Administrator, Application Review Committee, or Citizen Advisory Review Committee with respect to the Application are hereby ratified, affirmed, adopted and approved;
2. All Application Review Committee and Citizen Advisory Review Committee recommendations of approval of the Application and \$3.0 million Award are hereby accepted, adopted and approved; and
3. The Application and \$3.0 million Award are approved and shall be funded.

SECTION 3. Conditions. Actions and approvals of this Ordinance, including, but not limited to, approval and disbursements of the Award, shall be subject to the following conditions to the satisfaction of the Program Administrator:

1. City Right of Use of the Fields Complex in perpetuity;
2. Any conditions set forth in Section 1 or 2 above, or in any findings, recommendations, actions, or conditions of the Program Administrator, Application Review Committee, or Citizen Advisory Review Committee;
3. Commitment and funding of a third party lender and private funds in sufficient amounts and on satisfactory terms for Applicant to acquire, develop, construct, equip, and complete the Fields Complex;
4. Approval, closing, issuance and availability of proceeds of any City bond or other financing to provide the Award;
5. Commencement and diligently proceeding to completion of construction and equipping of the Fields Complex in accordance with applicable requirements;
6. Execution or delivery of an Award Agreement, Promissory Note, and Letter of Credit, initial drafts of which as presented and on file with the City Clerk at this meeting are approved subject to any additions, subtractions or modifications, or additional, different, or other documents or instruments, as the Program Administrator or Program Administrator's designee determines necessary or appropriate;
7. Performance of applicable terms, conditions, and requirements of all agreements, documents, and instruments of the City to which Applicant or any affiliated entity or person is a party or bound; and
8. Such further information, assurances, certifications, or requirements as the Program Administrator or Program Administrator's designee from time to time may determine necessary or appropriate.

SECTION 4. Authorization of Further Actions. The Mayor, City Administrator, City Engineer, or City Clerk, or any designee of any such City official, each shall be authorized to take all actions, including without limitation approving, executing or delivering documents or instruments, as he or she determines necessary or appropriate to carry out the Award or actions approved in this Ordinance.

SECTION 5. Severability Clause. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the constitutionality or validity of the remaining portions of this ordinance. The Mayor and City Council of the City of La Vista hereby declare that it would have passed this ordinance and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION 6. Effective Date. This ordinance shall be in full force and effect from and after passage, approval and publication in accordance with applicable law.

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

CITY OF LA VISTA

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

ATTEST:

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

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

A RESOLUTION OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE ISSUANCE OF ECONOMIC DEVELOPMENT FUND BONDS OF THE CITY OF LA VISTA, NEBRASKA, IN THE PRINCIPAL AMOUNT OF UP TO THREE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$3,500,000) FOR THE PURPOSE OF FUNDING THE LA VISTA ECONOMIC DEVELOPMENT PROGRAM AS ESTABLISHED BY ORDINANCE OF THE CITY; PRESCRIBING THE FORM OF SAID BONDS; PROVIDING FOR THE PLEDGING OF SALES TAX COLLECTIONS RECEIVED FOR SAID PROGRAM INTO THE ECONOMIC DEVELOPMENT FUND OF THE CITY OF LA VISTA FOR THE PAYMENT OF PRINCIPAL AND INTEREST ON SAID BONDS; PROVIDING FOR THE RIGHT OF THE CITY TO MAKE PAYMENT FROM OTHER SOURCES IN THE ECONOMIC DEVELOPMENT FUND; PROVIDING FOR PAYMENT FROM PROPERTY TAXES IN THE EVENT THAT PLEDGED SALES TAXES AND FUNDS FROM OTHER SOURCES ARE INSUFFICIENT; PROVIDING FOR THE HOLDING AND APPLICATION OF PROCEEDS; PROVIDING FOR THE SALE OF THE BONDS; PROVIDING FOR THE APPLICATION OF THE PROCEEDS OF SAID BONDS; AND AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER.

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

Section 1. The Mayor and Council of the City of La Vista, Nebraska, hereby find and determine that (a) pursuant to the provisions of the Local Option Municipal Economic Development Act (Sections 18-2701 to 18-2738, R.R.S. Neb., as amended, the "Act"), the Mayor and Council have previously passed and approved Ordinance No. 921 (the "Program Ordinance") establishing an economic development program for the City of La Vista (the "Program") and providing funding for such program through the application of funds from the City's 1% sales tax (the "Sales Tax") previously adopted under the Local Option Revenue Act (Sections 77-27,142 to 77-27,148, R.R.S. Neb., as amended) (the "Special Tax Portion"); (b) the Program was approved by the voters of the City at an election held on September 30, 2003; (c) the Sales Tax has been imposed under the terms of Ordinance No. 363 passed and approved on November 20, 1984 (the "Sales Tax Ordinance") and the levying of such tax was approved by the voters of the City at an election held on November 6, 1984 and is to remain in effect indefinitely; (d) under the terms of the Program the City has received an application from Omaha Multi-Sport Complex, a Nebraska nonprofit corporation, doing business as Nebraska Multisport Complex ("Nebraska Multisport") for the development of a multisport complex and related facilities which is expected to provide substantial economic development benefits for the City in the form of (i) significant employment opportunities, (ii) an increase in recreational activity opportunities and a regional draw for sporting events and tournaments, (iii) increased sales taxes and occupation taxes from events at the complex and nearby retail shopping and hotels, (iv) increased incentives for other private interests to further develop in adjacent commercial areas and (v) multiple sports venues within the City; (e) under the terms of the Program, the application submitted by Nebraska Multisport has been recommended for approval and the City has approved the application pursuant to an ordinance passed and approved by the City approving an award under the Program to Nebraska Multisport (the "Award Ordinance"); (f) the City has agreed to provide an award in the amount of \$3,000,000 to assist Nebraska Multisport, subject to the terms and conditions of the Award Ordinance, (the "EDP Award"); (g) under the terms of the Program the City may issue bonds to provide funding for the Program and the Mayor and Council hereby declare it necessary and advisable for the City to issue its economic development fund bonds in the maximum principal amount of Three Million Five Hundred Thousand Dollars (\$3,500,000) for the purpose of funding the EDP Award; and (h) all

conditions, acts and things required by law to exist or to be done precedent to the issuance of such bonds do exist and have been done as required by law.

Section 2. To provide funds for the Program, including the funding of the EDP Award, there shall be and there are hereby ordered issued negotiable bonds of the City of La Vista, Nebraska, to be designated as "Economic Development Fund Bonds, Series 2021B" (the "2021B Bonds" or the "Bonds") in the aggregate principal amount of not to exceed Three Million Five Hundred Thousand Dollars (\$3,500,000). The Bonds or any portion thereof are hereby authorized to be sold pursuant to a negotiated sale with D.A. Davidson & Co., as initial purchaser (the "Underwriter"). In connection with such sale, the Mayor, City Administrator or Director of Administrative Services (each, an "Authorized Officer") are hereby authorized to specify, determine, designate, establish and appoint, as the case may be, in one or more written designations which may be included in a bond purchase agreement (each, a "Designation"), (i) the aggregate purchase price of the Bonds (including any original issue discount or premium) and the underwriting discount which shall not exceed 0.75% of the aggregate stated principal amount thereof, (ii) the form and contents of any bond purchase agreement in connection with such sale, (iii) the title (including series designation), dated date, aggregate principal amount (including the aggregate principal amounts of serial Bonds and term Bonds, if any), which aggregate stated principal amount shall not exceed \$3,500,000, and the final maturity date, which shall not be later than October 15, 2029, (iv) the principal amounts maturing in each year, (v) the rate or rates of interest to be borne by each principal maturity of the Bonds, provided that the true interest cost of the Bonds shall not exceed 3.0%, (vi) the principal payment dates and interest payment dates, (vii) whether the Bonds will be subject to redemption prior to their stated maturity, and if subject to such optional redemption, the provisions governing such redemption, including a redemption price not to exceed 104% of the principal amount then being redeemed plus accrued interest to the date of redemption, (viii) the amount and due date of each sinking fund installment for any of the Bonds issued as term Bonds, (ix) the designation of the Bond Registrar and Paying Agent (defined herein) and the form and content of any agreement between the City and such entity and (x) all other terms and provisions of the Bonds not otherwise specified or fixed by this Ordinance.

The 2021B Bonds shall be issued in fully registered form in the denomination of \$5,000 or any integral multiple thereof. The date of original issue of the 2021B Bonds shall be the date of delivery thereof. Interest on the 2021B Bonds, at the respective rate for each maturity, shall be payable on April 15 and October 15 of each year, commencing on such date as provided in the Designation (each an "Interest Payment Date"), and the 2021B Bonds shall bear such interest from the date of original issue or the most recent Interest Payment Date, whichever is later. Interest shall be computed on the basis of a 360-day year consisting of twelve 30-day months. The interest due on each Interest Payment Date shall be payable to the registered owners of record as of the fifteenth day (whether or not a business day) immediately preceding the Interest Payment Date (the "Record Date"), subject to the provisions of Section 4 hereof. The 2021B Bonds shall be numbered from 1 upwards in the order of their issuance. No 2021B Bond shall be issued originally or upon transfer or partial redemption having more than one principal maturity. The initial bond numbering and principal amounts for each of the 2021B Bonds issued shall be as directed by the initial purchaser thereof. Payments of interest due on the 2021B Bonds prior to maturity or earlier redemption shall be made by the Paying Agent and Registrar as designated pursuant to Section 3 hereof (the "Paying Agent and Registrar"), by mailing a check or draft in the amount due for such interest on each Interest Payment Date to the registered owner of each 2021B Bond, as of the Record Date for such Interest Payment Date, to such owner's registered address as shown on the books of registration as required to be maintained in Section 3 hereof. Payments of principal due at maturity or at any date fixed for redemption prior to maturity together with any unpaid interest accrued thereon shall be made by the Paying Agent and Registrar to the registered owners upon presentation and surrender of the 2021B Bonds to the Paying Agent and Registrar. The City and

the Paying Agent and Registrar may treat the registered owner of any 2021B Bond as the absolute owner of such 2021B Bond for the purpose of making payments thereon and for all other purposes and neither the City nor the Paying Agent and Registrar shall be affected by any notice or knowledge to the contrary whether such 2021B Bond or any installment of interest due thereon shall be overdue or not. All payments on account of interest or principal made to the registered owner of any 2021B Bond in accordance with the terms of this Resolution shall be valid and effectual and shall be a discharge of the City and the Paying Agent and Registrar, in respect of the liability upon the 2021B Bonds or claims for interest to the extent of the sum or sums so paid.

Section 3. The Authorized Officers, or any one or more of them, are hereby authorized to appoint a Bond Registrar and Paying Agent (the "Paying Agent and Registrar" or the "Registrar") for the Bonds, which Registrar may be a bank or trust company, or the City Treasurer. The Registrar shall keep the books for the registration and transfer of Bonds at its office. If the Registrar is a bank or trust company, the Registrar shall serve in such capacities under the terms of an agreement entitled "Paying Agent and Registrar's Agreement" between the City and the Registrar, the form of which shall be approved by an Authorized Officer. The Mayor and Clerk are hereby authorized to execute said agreement. The Registrar shall keep and maintain for the City books for the registration and transfer of the 2021B Bonds at the Registrar's designated office. The names and registered addresses of the registered owner or owners of the 2021B Bonds shall at all times be recorded in such books. Any 2021B Bond may be transferred pursuant to its provisions at the office of the Paying Agent and Registrar by surrender of such bond for cancellation, accompanied by a written instrument of transfer, in form satisfactory to said Paying Agent and Registrar, duly executed by the registered owner in person or by such owner's duly authorized agent and thereupon the Paying Agent and Registrar on behalf of the City will register such transfer and will deliver at its office (or send by registered mail to the transferee owner or owners thereof at such transferee owner's or owners' risk and expense), registered in the name of such transferee owner or owners, a new 2021B Bond or 2021B Bonds of the same interest rate, aggregate principal amount and maturity. To the extent of the denominations authorized for the 2021B Bonds by this Resolution, one 2021B Bond may be transferred for several such 2021B Bonds of the same interest rate and maturity and for a like aggregate principal amount, and several such 2021B Bonds may be transferred for one or several such 2021B Bonds, respectively, of the same interest rate and maturity and for a like aggregate principal amount. In every case of transfer of a 2021B Bond, the surrendered 2021B Bond or 2021B Bonds shall be cancelled and destroyed. All 2021B Bonds issued upon transfer of the 2021B Bonds so surrendered shall be valid obligations of the City evidencing the same obligations as the 2021B Bonds surrendered and shall be entitled to all the benefits and protection of this Resolution to the same extent as the 2021B Bonds upon transfer of which they were delivered. The City and said Paying Agent and Registrar shall not be required to transfer any 2021B Bond during any period from any Record Date until its immediately following Interest Payment Date or to transfer any 2021B Bond called for redemption for a period of 30 days next preceding the date fixed for redemption.

Section 4. In the event that payments of interest due on the 2021B Bonds on an Interest Payment Date are not timely made, such interest shall cease to be payable to the registered owners as of the Record Date for such Interest Payment Date and shall be payable to the registered owners of the 2021B Bonds as of a special date of record for payment of such defaulted interest as shall be designated by the Paying Agent and Registrar whenever monies for the purpose of paying such defaulted interest become available.

Section 5. The 2021B Bonds shall be subject to redemption, in whole or in part, prior to maturity at any time on or after the fifth anniversary of the date of original issuance of the 2020 Bonds at a price equal to 100%, plus accrued interest on the principal amount redeemed to the date fixed for redemption, or upon such other terms as provided in the Designation. 2021B Bonds shall be redeemed only in amounts of \$5,000 or integral multiples thereof. Any 2021B Bond redeemed in part only shall be surrendered to said Paying Agent and Registrar in exchange for a

new 2021B Bond evidencing the unredeemed principal thereof. Notice of redemption of any 2021B Bond called for redemption shall be given, at the direction of the City in the case of optional redemption and without further direction in the case of mandatory sinking fund redemption, by said Paying Agent and Registrar by mail not less than 30 days prior to the date fixed for redemption, first class, postage prepaid, sent to the registered owner of such 2021B Bond at said owner's registered address. Such notice shall designate the 2021B Bond or 2021B Bonds to be redeemed by maturity or otherwise, the date of original issue and the date fixed for redemption and shall state that such 2021B Bond or 2021B Bonds are to be presented for prepayment at the office of said Paying Agent and Registrar. In case of any 2021B Bond partially redeemed, such notice shall specify the portion of the principal amount of such 2021B Bond to be redeemed. No defect in the mailing of notice for any 2021B Bond shall affect the sufficiency of the proceedings of the City designating the 2021B Bonds called for redemption or the effectiveness of such call for the 2021B Bonds for which notice by mail has been properly given and the City shall have the right to direct further notice of redemption for any such 2021B Bond for which defective notice has been given.

Section 6. If the date for payment of the principal of or interest on the 2021B Bonds shall be a Saturday, Sunday, legal holiday or a day on which the banking institutions in the City of La Vista, Nebraska, are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not a Saturday, Sunday, legal holiday or a day on which such banking institutions are authorized to close, and payment on such date shall have the same force and effect as if made on the nominal date of payment.

Section 7. The 2021B Bonds shall be in substantially the following form:

UNITED STATES OF AMERICA  
STATE OF NEBRASKA  
COUNTY OF SARPY

CITY OF LA VISTA

ECONOMIC DEVELOPMENT FUND BOND  
SERIES 2021B

No. \_\_\_\_\_ \$ \_\_\_\_\_

<u>Interest Rate</u>	<u>Maturity Date</u>	<u>Date of Original Issue</u>	<u>CUSIP NUMBER</u>
_____%	October 15, 20__	_____, 2021	

Registered Owner:

Principal Amount:

KNOW ALL PERSONS BY THESE PRESENTS: That the City of La Vista, in the County of Sarpy, in the State of Nebraska, hereby acknowledges itself to owe and for value received promises to pay, but only from the special sources hereinafter described, to the registered owner specified above, or registered assigns, the principal amount specified above in lawful money of the United States of America on the date of maturity specified above with interest thereon to maturity (or earlier redemption) from the date of original issue or most recent Interest Payment Date, whichever is later, at the rate per annum specified above, payable semiannually on April 15 and October 15 of each year, commencing \_\_\_\_\_, 20\_\_ (each, an "Interest Payment Date"). Such interest shall be computed on the basis of a 360-day year consisting of twelve 30 day months. The principal of this bond together with interest thereon unpaid and accrued at maturity (or earlier redemption) is payable upon presentation and surrender of this bond at the office of the City Treasurer of the City of La Vista, Nebraska, as Paying Agent and Registrar, at such City's offices in La Vista, Nebraska. Interest on this bond due prior to maturity or earlier redemption will be paid on each Interest Payment Date by a check or draft mailed by the Paying Agent and Registrar to the registered owner of this bond, as shown on the books of record maintained by the Paying Agent and Registrar, at the close of business on the fifteenth day immediately preceding the Interest Payment Date, to such owner's address as shown on such books and records. Any interest not so timely paid shall cease to be payable to the person entitled thereto as of the record date such interest was payable, and shall be payable to the person who is the registered owner of this bond (or of one or more predecessor bonds hereto) on such special record date for payment of such defaulted interest as shall be fixed by the Paying Agent and Registrar whenever monies for such purpose become available.

This bond is one of an issue of fully registered bonds of the total principal amount of \_\_\_\_\_ Dollars (\$\_\_\_\_\_) of even date and like tenor, except as to date of maturity, rate of interest and denomination, which were issued by the City for the purpose of providing funds for the economic development program of the City of La Vista as established pursuant to Ordinance No. 921 of the City and has been duly authorized by resolution duly adopted (the "Resolution") and by proceedings duly had by the Mayor and Council of the City of La Vista, Nebraska, pursuant to Sections 18-2701 to 18-2738, R.R.S. Neb., as amended.

Any or all of the bonds of said issue are subject to redemption at the option of the City, in whole or in part, at any time on or after the fifth anniversary of the date of original issue at a price equal to 100% plus accrued interest on the principal amount redeemed to the date fixed for redemption. Notice of redemption shall be given by mail to the registered owner of any bond called for redemption in the manner specified in the Resolution authorizing said issue of bonds. Individual bonds may be redeemed in part but only in the amount of \$5,000 or integral multiples thereof.

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

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

Under the Resolution, the City has pledged all revenues of the City received for its Economic Development Fund from a designated portion of that tax upon sales within the City of La Vista, Nebraska, provided for pursuant to Ordinance No. 363 of the City of La Vista, passed and approved, after the approving vote of a majority of the electors of said City voting at an election held on November 6, 1984, in accordance with the provisions of Sections 77-27,142 to 77-27,148, R.R.S. Neb., as amended. The City has further agreed that in each fiscal year funds from such sales tax or other sources as deposited to such fund, subject to a limitation of \$2,000,000 per fiscal year, shall be applied to pay principal and interest on the bonds of this issue as the same fall due. **The bonds of this issue are limited obligations of the City payable from amounts in the City's Economic Development Fund as so pledged and not from any other fund or source and are not general obligations of the City of La Vista, Nebraska.**

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



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

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

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

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

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

CITY OF LA VISTA, NEBRASKA

\_\_\_\_\_  
(facsimile signature)

Mayor

ATTEST:

\_\_\_\_\_  
(facsimile signature)  
City Clerk

#### CERTIFICATE OF AUTHENTICATION

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

\_\_\_\_\_, Paying Agent and Registrar

\_\_\_\_\_  
Authorized Signature

(FORM OF ASSIGNMENT)

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

Date: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Registered Owner(s)

Signature Guaranteed

By \_\_\_\_\_

\_\_\_\_\_  
Authorized Officer

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

Section 8. Each of the 2021B Bonds shall be executed on behalf of the City with the manual or facsimile signatures of the Mayor and City Clerk of the City. The 2021B Bonds shall be issued initially as “book-entry only” bonds under the services of The Depository Trust Company (the “Depository”), with one typewritten bond per maturity being issued to the Depository. In such connection said officers of the City are authorized to execute and deliver a Letter of Representations (the “Letter of Representations”) in the form required by the Depository (which may be in the form of a blanket letter previously executed and delivered by the City), for and on behalf of the City, which shall thereafter govern matters with respect to registration, transfer, payment and redemption of the 2021B Bonds. Upon issuance of the 2021B Bonds as “book-entry-only” bonds, the following provisions shall apply:

(a) The City and the Paying Agent and Registrar shall have no responsibility or obligation to any broker-dealer, bank or other financial institution for which the Depository holds 2021B Bonds as securities depository (each, a “Bond Participant”) or to any person who is an actual purchaser of a 2021B Bond from a Bond Participant while the 2021B Bonds are in book-entry form (each, a “Beneficial Owner”) with respect to the following:

(i) the accuracy of the records of the Depository, any nominees of the Depository or any Bond Participant with respect to any ownership interest in the 2021B Bonds,

(ii) the delivery to any Bond Participant, any Beneficial Owner or any other person, other than the Depository, of any notice with respect to the 2021B Bonds, including any notice of redemption, or

(iii) the payment to any Bond Participant, any Beneficial Owner or any other person, other than the Depository, of any amount with respect to the 2021B Bonds. The Paying Agent and Registrar shall make payments with respect to the 2021B Bonds only to or upon the order of the Depository or its nominee, and all such payments shall be valid and effective fully to satisfy and discharge the obligations with respect to such 2021B Bonds to the extent of the sum or sums so paid. No person other than the Depository shall receive an authenticated Bond, except as provided in (e) below.

(b) Upon receipt by the Paying Agent and Registrar of written notice from the Depository to the effect that the Depository is unable or unwilling to discharge its responsibilities, the Paying Agent and Registrar shall issue, transfer and exchange 2021B Bonds requested by the Depository in appropriate amounts. Whenever the Depository requests the Paying Agent and Registrar to do so. The Paying Agent and Registrar will cooperate with the Depository in taking appropriate action after reasonable notice (i) to arrange, with the prior written consent of the City, for a substitute depository willing and able upon reasonable and customary terms to maintain custody of the 2021B Bonds or (ii) to make available 2021B Bonds registered in whatever name or names the Beneficial Owners transferring or exchanging such 2021B Bonds shall designate.

(c) If the City determines that it is desirable that certificates representing the 2021B Bonds be delivered to the ultimate Beneficial Owners of the 2021B Bonds and so notifies the Paying Agent and Registrar in writing, the Paying Agent and Registrar shall so notify the Depository, whereupon the Depository will notify

the Bond Participants of the availability through the Depository of bond certificates representing the 2021B Bonds. In such event, the Paying Agent and Registrar shall issue, transfer and exchange bond certificates representing the 2021B Bonds as requested by the Depository in appropriate amounts and in authorized denominations.

(d) Notwithstanding any other provision of this Resolution to the contrary, so long as any 2021B Bond is registered in the name of the Depository or any nominee thereof, all payments with respect to such 2021B Bond and all notices with respect to such 2021B Bond shall be made and given, respectively, to the Depository as provided in the Letter of Representations.

(e) Registered ownership of the 2021B Bonds may be transferred on the books of registration maintained by the Paying Agent and Registrar, and the 2021B Bonds may be delivered in physical form to the following:

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

(f) In the event of any partial redemption of a 2021B Bond unless and until such partially redeemed 2021B Bond has been replaced in accordance with the provisions of this Resolution, the books and records of the Paying Agent and Registrar shall govern and establish the principal amount of such 2021B Bond as is then outstanding and all of the 2021B Bonds issued to the Depository or its nominee shall contain a legend to such effect.

If for any reason the Depository resigns and is not replaced or upon termination by the City of book-entry-only form, the City shall immediately provide a supply of bond certificates for issuance upon subsequent transfers or in the event of partial redemption. In the event that such supply of certificates shall be insufficient to meet the requirements of the Paying Agent and Registrar for issuance of replacement bond certificates upon transfer or partial redemption, the City agrees to order printed an additional supply of bond certificates and to direct their execution by manual or facsimile signature of its then duly qualified and acting officers. In case any officer whose signature or facsimile thereof shall appear on any 2021B Bond shall cease to be such officer before the delivery of such 2021B Bond (including any bond certificates delivered to the Paying Agent and Registrar for issuance upon transfer or partial redemption) such signature or such facsimile signature shall nevertheless be valid and sufficient for all purposes the same as if such officer or officers had remained in office until the delivery of such 2021B Bond. The 2021B Bonds shall not be valid and binding on the City until authenticated by the Paying Agent and Registrar. The 2021B Bonds shall be delivered to the Paying Agent and Registrar for registration and authentication. Upon execution, registration and authentication of the 2021B Bonds, they shall be delivered to the City's Treasurer, acting on behalf of the City, who is authorized to deliver them to the Underwriter in exchange for the purchase price thereof plus accrued interest on the stated principal amount of the 2021B Bonds to date of delivery of the 2021B Bonds. Said initial purchasers shall have the right to direct the registration of the 2021B Bonds and the denominations thereof within each maturity, subject to the restrictions of this Resolution. Such purchaser and its agents, representatives and counsel (including the City's bond counsel) are hereby authorized to take such actions on behalf of the City as are necessary to effectuate the closing of the issuance and sale of the 2021B Bonds,

including, without limitation, authorizing the release of the 2021B Bonds by the Depository at closing. The City Clerk shall make and certify a transcript of the proceedings of the Mayor and Council with respect to the 2021B Bonds which shall be delivered to said purchaser.

Section 9. The City has issued and outstanding its \$5,610,000 Economic Development Fund Bonds (Federally Taxable Interest), Series 2021, date of original issue – July 1, 2021, (the “Outstanding Bonds”), which are payable from the Program. Pursuant to the terms of the Program (as approved by the voters of the City and as set forth in Ordinance No. 921), the City hereby agrees to appropriate and deposit into the Economic Development Fund in each budget/fiscal year (the period commencing October 1 of each year and ending September 30 of the following year) commencing with the City’s budget/fiscal year beginning October 1, 2021, so long as the Outstanding Bonds and 2021B Bonds remain outstanding and until and including the budget/fiscal year ending September 30, 2029, an amount from collections received with respect to the Special Tax Portion or other sources sufficient to pay the principal and interest on the Outstanding Bonds and 2021B Bonds as the same fall due, subject to the limitation set forth in Ordinance No. 921 that such deposited amount shall not exceed \$2,000,000 in any such budget/fiscal year. The City hereby covenants and agrees that there shall be set up within the Economic Development Fund a separate special account in the Economic Development Fund designated as the “Economic Development Fund Bond Payment Account” (the “Bond Payment Account”) which shall constitute a separate and special account held by the City Treasurer of the City of La Vista for the benefit of the registered owners of the Outstanding Bonds and 2021B Bonds. In each budget/fiscal year, the City further hereby covenants and agrees that it shall deposit to the Bond Payment Account from amounts attributable to the Special Tax Portion an amount sufficient to pay principal of and interest on the Outstanding Bonds and 2021B Bonds as the same fall due, after taking into consideration any other amounts available for such purposes in the Bond Payment Account. The City reserves the right to make deposit to the Bond Payment Account in any budget/fiscal year from any other amounts in the Economic Development Fund to satisfy its obligation under the terms of this Resolution to make deposit of amounts from the Special Tax Portion. Receipts from the Special Tax Portion required to be deposited to the Bond Payment Account and any such other amounts deposited to the Bond Payment Account are hereby pledged for the payment of the Outstanding Bonds and 2021B Bonds as the same fall due. The pledge and hypothecation provided for the Outstanding Bonds and the 2021B Bonds in this Resolution is intended to and shall provide for a first and prior pledge or lien upon and security interest on amounts held in the Bond Payment Account superior to any pledge, lien or security interest made or given with respect to any other indebtedness of the City and is intended as an exercise of the powers of the City provided for in Sections 18-2701 to 18-2738, R.R.S. Neb., as now or hereafter amended, with respect to such deposited amounts. In the event of default of any of the provisions of the Outstanding Bonds or 2021B Bonds, the bondholders (or any receiver appointed for their protection) shall have the right at any time while such default continues to apply or require the application of receipts from the Special Tax Portion to the indebtedness evidenced by the Outstanding Bonds and 2021B Bonds, equally and ratably, subject to the limitation set forth in Ordinance No. 921. For purposes of holding, allocating and applying the receipts from the Economic Development Fund, the City hereby agrees to establish and maintain under this Resolution the Bond Payment Account in accordance with the following terms and conditions:

**BOND PAYMENT ACCOUNT** - In each budget/fiscal year, as and when received, revenues from the Special Tax Portion or allocated from other available funds in the Economic Development Fund shall be deposited to the Bond Payment Account until such account has credited thereto an amount equal to the amount of principal and interest falling due on the Outstanding Bonds and 2021B Bonds in such budget/fiscal year. The City Treasurer is hereby authorized and directed, without further authorization, to withdraw monies credited to the Bond

Payment Account in an amount sufficient to pay, when due, the principal of and interest on the Outstanding Bonds and 2021B Bonds (including amounts necessary for any mandatory sinking fund redemptions as set forth in Section 5 of this Resolution) and to transfer such amounts to the Paying Agent and Registrar for the Outstanding Bonds and 2021B Bonds on or before each principal and interest payment date (including any mandatory sinking fund redemption date). Amounts required to make payments on the Outstanding Bonds and 2021B Bonds falling due on October 15, 2029 shall be deposited to the Bond Payment Account on or before September 30, 2029.

The provisions of this Section 9 shall require the City to maintain a set of books and records in accordance with such accounting methods and procedures as are generally applicable to municipal funds and accounts, which books and records shall show credits to and expenditures from the separate account required by this Section. Monies credited to the account described in this Section 9 shall be deposited or invested separate and apart from other City funds. The City shall not be required to establish separate bank or investment accounts within its separate and segregated Economic Development Fund, for the account described in this Section 9. In any fiscal year collections from Special Tax Portion appropriated to or budgeted for the Economic Development Fund, after satisfying the requirements for the Bond Payment Account may be applied to any other purposes of the Program determined appropriate by the Mayor and Council. The City hereby acknowledges and agrees (a) that the provisions of the Program and Ordinance No. 921 both provide for the levying of taxes on all the taxable property in the City of La Vista to provide funding for the Program; (b) that the Program as presented to the voters of the City indicated that property taxes as authorized under the terms of the Program were not expected to be required to be applied to the funding of the Program; (c) that if, for any reason, including but not limited to changes in law or changes in economic conditions, receipts for the Special Tax Portion or other sources are not sufficient to make the deposits to the Bond Payment Account and payments on the Outstanding Bonds and 2021B Bonds as provided for in this Section 9, the City shall cause to be levied and collected annually a tax on all the taxable property in the City sufficient in rate or amount (within the limitation to \$2,000,000 per budget/fiscal year as set forth in the Program) to pay the principal of and interest on the Outstanding Bonds and 2021B Bonds as the same fall due, after application of all other available resources.

Section 10. The City reserves the right to incur additional indebtedness payable from the Program on a parity with the Outstanding Bonds and 2021B Bonds so long as the annual obligations of the Program do not exceed an aggregate amount of \$2,000,000 per budget/fiscal year as set forth in the Program and are within other applicable limitations under Nebraska law.

Section 11. So long as any of the 2021B Bonds remain outstanding, the City agrees that it shall not amend the terms of the Program or Ordinance No. 921 or Ordinance No. 363 in any manner to reduce the rate of tax provided for therein or reduce the anticipated revenues from such tax available for deposit to the Economic Development Fund.

Section 12. The City's obligations under this Resolution and the liens, pledges, covenants and agreements of the City herein made or provided for, shall be fully discharged and satisfied as to the 2021B Bonds issued pursuant to this Resolution and any such bonds shall no longer be deemed outstanding hereunder if such bonds shall have been purchased and cancelled by the City, or when payment of the principal of and interest thereon to the respective date of maturity or redemption (a) shall have been made or caused to be made in accordance with the terms thereof, or (b) shall have been provided for by depositing with a national or state bank having trust powers or trust company, in trust solely for such payment, (i) sufficient money to make such payment and/or (ii) Deposit Securities in such amount and bearing interest payable and maturing

or redeemable at stated fixed prices at the option of the holder as to principal, at such time or times, as will ensure the availability of sufficient money to make such payment; provided, however, that, with respect to any 2021B Bond to be paid prior to maturity, the City shall have duly given notice of redemption of such bond as provided by law or made irrevocable provisions for the giving of such notice. Any such money so deposited with a bank or trust company may be invested and reinvested in Deposit Securities and all interest and income from such Deposit Securities in the hands of such bank or trust company, in excess of the amount required to pay principal of and interest on the bonds for which such monies were deposited, shall be paid over to the City as and when collected. The term "Deposit Securities" as used in this Section shall mean direct obligations of or obligations the principal and interest which are unconditionally guaranteed by the United States of America, including obligations issued in book-entry form.

Section 13. The terms and provisions of this Resolution do and shall constitute a contract between the City and the registered owner or owners of the 2021B Bonds and no changes, variations or alterations of any kind, except for changes necessary to cure any ambiguity, formal defect or omission, shall be made to this Resolution without the written consent of the registered owners of two-thirds (2/3rds) in principal amount of the 2021B Bonds then outstanding, provided, however, that neither the principal and interest to be paid upon any 2021B Bond nor the maturity date of any 2021B Bond shall be changed without the written consent of the registered owners of all such bonds then outstanding. Any registered owner of a 2021B Bond may by mandamus or other appropriate action or proceedings at law or in equity in any court of competent jurisdiction enforce and compel performance of this Resolution and every provision and covenant hereof, including without limiting the generality of the foregoing, the enforcement of the performance of all duties required of the City by this Resolution and the applicable laws of the State of Nebraska, including in such duties the collecting of revenues pursuant to the provisions of the Program and Ordinance No. 921 and the segregation of such revenues in the Bond Payment Account of the City's Economic Development Fund for the 2021B Bonds as described in Section 9 of this Resolution. Any and all actions brought by any registered owner or owners of the 2021B Bonds shall be maintained for the equal and ratable benefit of all registered owners of the 2021B Bonds then outstanding and no registered owners of any of the 2021B Bonds shall have any right in any manner whatsoever by any action or proceedings to affect, disturb or prejudice the pledge created by this Resolution.

Section 14. The proceeds of the 2021B Bonds shall be deposited with the City Treasurer and shall be held and applied in accordance with the terms of the Program Ordinance and the Award Ordinance. The Mayor and Council may designate any depository bank or banks and may contract for disbursing agent services as may be determined appropriate by subsequent resolution. Investment earnings related to the proceeds of the 2021B Bonds shall be transferred to the Economic Development Fund and shall be deposited to the Bond Payment Account within such fund as established by this Resolution.

Section 15. The Mayor and City Clerk and City Treasurer of the City are hereby authorized to do all things and execute all documents as may by them be deemed necessary and proper to complete the issuance and sale of the 2021B Bonds contemplated by this Resolution. The Authorized Officers or any one or more of them is authorized to approve, deem final and deliver a Preliminary Official Statement and a final Official Statement for and on behalf of the City with respect to the 2021B Bonds, all in accordance with the requirements of Reg. Sec. 240.15c2-12 of the Securities and Exchange Commission.

Section 16. Pursuant to the provisions of Section 18-2736 of the Act, the Mayor and Council hereby declare the 2021B Bonds to be issued for an essential public and governmental purpose and determine, under the terms of such section, that the 2021B Bonds, together with interest thereon and income therefrom, are exempt from all Nebraska state taxes.

Section 17. The net principal proceeds of the 2021B Bonds, after payment of issuance expenses, shall be held in a separate account in the Economic Development Fund of the



City of La Vista and shall be applied to make the EDP Award in accordance with the terms of the Award Ordinance.

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

Section 19. All documents, agreements, certificates, and instruments related to the Bonds shall be valid, binding, and enforceable against the City when executed and delivered by means of (i) an original manual signature; (ii) a faxed, scanned, or photocopied manual signature, or (iii) any other electronic signature permitted by electronic signatures laws, including any relevant provisions of the Uniform Commercial Code, in each case to the extent applicable. Each faxed, scanned, or photocopied manual signature, or other electronic signature, shall for all purposes have the same validity, legal effect, and admissibility in evidence as an original manual signature. Each document, agreement, certificate, and instrument related to the Bonds may be executed in any number of counterparts, each of which shall be deemed to be an original, but such counterparts shall, together, constitute one and the same document, agreement, certificate, or instrument, as applicable.

Section 20. This Resolution shall be in force and take effect from and after its adoption, as provided by law.

PASSED AND APPROVED THIS 19th DAY OF OCTOBER 2021.

CITY OF LA VISTA

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

ATTEST:

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

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
OCTOBER 19, 2021 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
METROPOLITAN UTILITIES DISTRICT FRANCHISE AGREEMENT RENEWAL	◆ RESOLUTION ◆ ORDINANCE RECEIVE/FILE	PAM BUETHE CITY CLERK

**SYNOPSIS**

The following have been prepared to approve the Water Franchise Agreement with Metropolitan Utilities District (MUD).

- An ordinance to approve a franchise with Metropolitan Utilities District and approve a franchise agreement.
- A resolution to approve the Water Franchise Agreement with MUD.

**FISCAL IMPACT**

N/A

**RECOMMENDATION**

Approval.

**BACKGROUND**

On June 4, 1996, the City Council approved a water franchise agreement with MUD for a period of 25 years. This agreement went into effect on June 5, 1996.

The proposed ordinance provides for a 25 year term and will renew automatically at the end of the term for an additional 25 years unless the City or MUD give notice at least 3 years before the last day of the agreement. This ordinance will also allow for a separate document to be called the "Water Franchise Agreement" so that MUD can have similar agreements on file for all municipalities they service.

The resolution is approving the Water Franchise Agreement document which complies with the ordinance.

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

WATER FRANCHISE

AN ORDINANCE GRANTING TO METROPOLITAN UTILITIES DISTRICT OF OMAHA, A MUNICIPAL CORPORATION AND POLITICAL SUBDIVISION OF THE STATE OF NEBRASKA, ITS SUCCESSORS AND ASSIGNS, THE EXCLUSIVE RIGHT AND PRIVILEGE TO CONSTRUCT, OPERATE AND MAINTAIN A SYSTEM OF WATER WORKS AND WATER SUPPLY CONSISTING OF MAINS, PIPES, HYDRANTS AND OTHER APPURTENANCES, IN, UPON, OVER, ACROSS AND ALONG STREETS, AVENUES, ALLEYS, BRIDGES AND PUBLIC PLACES OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA, FOR THE TRANSMISSION, DISTRIBUTION AND SALE OF WATER FOR DOMESTIC, MANUFACTURING, INDUSTRIAL, PUBLIC AND FIRE PROTECTION PURPOSES IN THE CITY AND ELSEWHERE; PRESCRIBING THE TERMS AND CONDITIONS UNDER WHICH SAID METROPOLITAN UTILITIES DISTRICT OF OMAHA IS TO OPERATE; PROVIDE FOR SEVERABILITY; PRESCRIBING THE TIME WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND TAKE EFFECT, AND PROVIDING FOR AN EFFECTIVE DATE AND RENEWAL.

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

Section 1. FRANCHISE; GRANT; PERIOD; RIGHTS OF GRANTEE: That in consideration of the benefits to be derived from the operation of a water supply and water distribution system in the City of La Vista, Nebraska (hereinafter designated "City"), by said City and its inhabitants, a franchise is hereby granted to Metropolitan Utilities District of Omaha, a municipal corporation and political subdivision of the State of Nebraska (hereinafter referred to as "Grantee"), its successors and assigns, the exclusive right, permission and authority to lay, install, maintain and operate a water distribution system, including all necessary appurtenances and structures therefor, and including the existing water distribution system within the limits of said City as the same now exist or hereafter may be extended, for a period of twenty-five (25) years ("Term") from and after the Effective Date of this Ordinance as defined in Section 11; and for this purpose there is also further granted to Grantee the right, permission and authority, during said period, to lay, install, maintain and operate, in, upon, over, across and along all of the said streets, avenues, alleys, bridges and public places of said City, all mains, pipes, structures and appurtenances necessary or convenient for transmitting, transporting, distributing and supplying water for domestic, manufacturing, industrial, public and fire protection purposes for which water may be used by the inhabitants of said City and platted subdivisions thereto during the term hereof and for the purpose of transmitting, transporting and conveying such water into, through or beyond the immediate limits of said City to other customers, villages or cities ("Grant").

Section 2. MAINS. PIPES. INSTALLATION. RELAYING. RULES AS TO: That all mains, pipes, structures, and appurtenances which shall be laid or installed under this grant shall, when construction is completed, be so located, and laid as not to obstruct or interfere with any other pipes, drains, sewers, paving or other structures already installed, and all such mains, pipes and structures shall be laid in place under practices being followed by Grantee within its own boundaries. Grantee shall, in the doing of any work in connection with its water distribution system, avoid, so far as may be practicable, interfering with the use of any street, alley or other highway, and where the paving or surface of the street is disturbed, Grantee shall, at its own expense, replace such paving or surface of said streets, alleys, or other highways in as reasonably good condition as existed before said work was commenced.

In the event that a change in the grade or location of any street, alley, or bridge within said City or other construction or repair work required by City requires the relocation or alteration of any portion of the water system of Grantee, either temporary or permanent, Grantee shall be reimbursed by City for the cost thereof. Grantee shall obtain from City all required permits for street openings in connection with work on its water distribution system, but City shall waive any permit fees on such permits issued to Grantee. In the event of emergency street openings, Grantee shall

obtain the permit as soon thereafter as practicable.

Section 3. MAINS CONSTRUCTED. EXTENDED, WHEN: That Grantee, its successors or assigns, shall make such reasonable extensions of its mains, from time to time, as may be required to furnish service to parties making application therefor, located within the corporate limits of said City; provided, that Grantee's Rules and Regulations covering the use of water and installation of mains, services, meters and piping, duly adopted by its Board of Directors pursuant to the laws of Nebraska, which shall be filed with the Clerk of said City, shall, to the extent not inconsistent with applicable state law, govern the extension of mains, installation of services, meters and piping, and the use of water, except as may be otherwise agreed herein or by separate agreement. Mains installed in platted subdivisions of City, whether done by Grantee or others, shall comply with Grantee's specifications. Grantee shall not, without first notifying City, extend water service into or for areas within City's zoning jurisdiction prior to City's plat approval and acceptance of dedicated public right-of-way.

Section 4. RATE SCHEDULE: The rates to be charged for water service within the franchise area shall, during the term of this Water Franchise, be the same as those charged by Grantee to customers of similar class of service within Grantee's boundaries.

In each bill for water service to consumers in the franchise area there may be included or added any sum which Grantee is or may be required by City or by law to pay to City on account of sales of water. At the effective date hereof, §14-2139 R.R.S. Neb. 1943 (formerly §14-1042 R.R.S. Neb. 1943) requires payment to City in an amount equal to two percent (2%) of retail sales within the City and precludes City from levying a license, occupation, or excise tax upon or from such district. City reserves the right to levy or increase its levy for license, occupation, or excise tax as it may be allowed by future legislation, provided in the event of such levy, or increase in levy Grantee shall be allowed to add to its customer billings the additional cost thereof.

Section 5. CONNECTION CHARGES: Grantee shall be entitled to make charges for connections to service mains as follows:

(A) Grantee shall not make a connection charge for lots abutting other mains installed within the City of La Vista at the date of this franchise, full cost of which has been paid by developers or has been or will be recovered by special assessment.

(B) For connections to mains and extensions of mains constructed within the City following the date of this franchise, Grantee shall be entitled to make such usual connection charges as are made throughout the remainder of its water system in its own district, not exceeding the full cost of such construction.

Section 6. WATER HYDRANTS: Grantee shall provide to City for fire fighting purposes and other municipal purposes and uses of City, a system of fire hydrants, as follows:

(A) Grantee shall cause all hydrants to have threading compatible with that now on hydrants within City and shall endeavor to keep all fire hydrants within the City in good condition and repair, giving to such hydrants the same degree of care and maintenance it affords hydrants on the water system Grantee operates within its own boundaries. Subject to breakdown, mechanical failure, and other causes beyond its reasonable control, Grantee will at all times maintain an adequate, constant, and uninterrupted water supply to such hydrants.

(B) On any extensions of its water system, whether within the corporate limits of City or outside the City but within the area of the zoning jurisdiction of City, Grantee will install, or require to be installed, hydrants for fire protection at approximately the same intervals as hydrants previously installed on service mains now in existence within the City. In the event City or any other person or entity within the zoning jurisdiction of City shall require hydrants to be placed upon service mains between the hydrants as now installed or at lesser intervals than hereby required, Grantee will, if reasonably possible, install such additional hydrants, at the cost of the City or the person or entity requiring them. In no event shall City be charged for any such hydrant installations unless its City Council shall have, by resolution, first approved the City's payment therefor.

(C) City, without cost to City, will be entitled to water for reasonable municipal needs for fire fighting, street flushing or sewer flushing, and such other purposes which by Grantee's Water Rules are to be provided without cost to municipalities within Grantee's district boundaries.

Section 7. NO WAIVER OF RESPECTIVE POWERS: Neither the grant herein made nor any of the provisions herein contained shall in any event be construed as a waiver or setting aside of City's right to supervise and control Grantee in performance of its Franchise nor a waiver, reduction, or limitation upon the right of powers and duties of Grantee as prescribed by the laws of the State of Nebraska.

Section 8. SEWER USE FEE COLLECTIONS: Grantee shall provide to City sewer use fee billing and collection services on the same basis as it does to municipalities within Grantee's district boundaries.

Section 9. FRANCHISE AGREEMENTS: City and Grantee in accordance with the Grant provided by this Ordinance from time to time may enter one or more agreements containing terms and conditions consistent with the provisions of this Ordinance as approved by the City Council or its designee.

Section 10. SEVERABILITY CLAUSE: If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this Ordinance. The Mayor and City Council of the City of La Vista hereby declare that it would have passed this Ordinance and each section, subsection, sentence clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

Section 11. WHEN OPERATIVE; RENEWAL TERM: This Ordinance shall take effect from and after passage, approval and publication as provided by law, effective as the earlier of September 1, 2021 or expiration of the franchise granted by Ordinance No. 650 ("Effective Date"). The Grant provided by this Ordinance will automatically renew at the end of the Term for an additional twenty-five (25) year term unless either City or Grantee at least three (3) years before the last day of the Term gives the other written notice that the Grant shall not renew.

PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2021

CITY OF LA VISTA, NEBRASKA

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

ATTEST:

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

**Publication**

Published in pamphlet form by order of the Mayor and City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING THE EXECUTION OF A WATER FRANCHISE AGREEMENT WITH METROPOLITAN UTILITIES DISTRICT.

WHEREAS, on June 4, 1996, by Ordinance No. 650, the City Council approved a Water Franchise with Metropolitan Utilities District (MUD); and

WHEREAS, The Water Franchise ordinance was for a period of twenty-five (25) years; and

WHEREAS, the City and MUD wish to continue the water franchise for services provided to the City by MUD; and

WHEREAS, the new ordinance will allow for the City and MUD to enter into a Water Franchise Agreement; and

WHEREAS, in accordance with such ordinance adopted by La Vista on or about equal date with this resolution approving the Agreement granting MUD a water supply and distribution franchise within La Vista; and

WHEREAS, this Agreement will automatically renew at the end of the term of twenty-five (25) years unless either party gives notice at least three (3) years before the last day of the term.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, hereby approve the Water Franchise Agreement and authorize the Mayor to execute said agreement.

PASSED AND APPROVED THIS 19TH DAY OF OCTOBER 2021.

CITY OF LA VISTA

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

ATTEST:

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

## **WATER FRANCHISE AGREEMENT**

THIS AGREEMENT (“Agreement”), entered into this \_\_\_\_ day of \_\_\_\_\_, 2021, by and between the Metropolitan Utilities District of Omaha (“District”), a municipal corporation and political subdivision of the State of Nebraska, and the City of La Vista (“La Vista”), a city of the first class and political subdivision of the State of Nebraska, collectively referred to as the (“Parties”).

WHEREAS, the District was established and is governed by the State of Nebraska pursuant to Neb. Rev. Stat. § 14-2101 et seq. to provide gas and water services to a city of the metropolitan class and may contract with adjacent municipalities to provide water services outside of the city of the metropolitan class.

WHEREAS, District and La Vista previously entered into a twenty-five (25) year water franchise agreement on June 5<sup>th</sup>, 1996 to allow the District to provide water services to those ratepayers of the District located within La Vista’s City boundaries;

WHEREAS, this Agreement is entered pursuant to an Ordinance adopted by La Vista, on or about equal date with its resolution approving this Agreement, granting the District a water supply and distribution franchise within La Vista (“Ordinance”);

WHEREAS, in accordance with such Ordinance the Parties now desire to enter into this Agreement to continue the franchise to allow the District to continue providing water and related services within La Vista City boundaries as defined below for an additional 25 years from the Effective Date of this Agreement.

NOW THEREFORE, in consideration of the covenants and agreements set forth herein and within the prior agreements cited above, the Parties mutually agree as follows:

## I. FRANCHISE

- A. La Vista in accordance with the Ordinance grants to the District a franchise to provide water services to those existing and future ratepayers of the District within La Vista's corporate boundaries and extra territorial jurisdiction ("ETJ") as defined by Neb. Rev. Stat. § 16-901 as it may be modified from time to time by La Vista.
- B. The District shall provide water services to its existing ratepayers and any new ratepayers within La Vista's corporate boundaries and ETJ in the same manner with which it provides water services to all of its other ratepayers.
- C. To provide this service, the District shall maintain all necessary water main pipelines, valves and other necessary appurtenances and shall, when deemed necessary by it, repair and construct such appurtenances to provide adequate water services.
- D. This franchise allows the District to use all existing and future publicly dedicated streets, avenues, alleys, bridges and public rights of way to lay, construct and operate the District's existing water distribution system.
- E. This franchise further allows the District to use all existing and future publicly dedicated streets, avenues, alleys, bridges and public rights of way to repair, maintain, replace, modify, extend and relocate its water distribution system as it deems necessary.
- F. The District will continue to keep all public fire hydrants within La Vista corporate boundaries and ETJ in good and working condition pursuant to all relevant District Water Rules and Regulations.



- G. In the event the District is required to initiate water use restrictions, those ratepayers within La Vista's corporate boundaries and ETJ shall be treated in the same manner as all other customers of the District.
- H. No provision within this Agreement shall be construed to create any property right or interest of any nature in, over, along, under or across any public right of way within La Vista nor shall it preclude La Vista from making any change or modification to its public rights of way as it deems necessary.
- I. All ratepayers within La Vista's corporate boundaries and ETJ as they exist as of the Effective Date of this Agreement and as they may change from time to time as determined by La Vista, will be subject to all applicable rules and regulations established by the District.
- J. The District will charge all ratepayers within La Vista's corporate boundaries and ETJ the appropriate rate schedule mandated by those ratepayers' respective agreements with the District as established by and modified by the District, being the same rate schedules charged by the District to its other ratepayers within the District's water service boundary.
- K. The Parties agree that all of the District's Water Rules and Regulations applicable to all similarly situated customers of District, including those rates and services set forth in its Billing Price Book as they exist on the Effective Date of this Agreement and as they may be amended from time to time by the District shall apply to the area subject to this franchise in the same manner as they apply throughout the remainder of the District's water service boundary.

- L. The Parties agree that this franchise will be in full force and effect for a period of twenty-five (25) years (“Term”) from the Effective Date of this Agreement. The effective date of this Agreement shall be the earlier of September 1, 2021 or expiration of the franchise granted by Ordinance No. 650 (“Effective Date”).
- M. The Parties agree that this Agreement will automatically renew at the end of the Term as defined in Paragraph L for an additional twenty-five (25) year term unless either Party at least three (3) years before the last day of the Term gives the other written notice that the Agreement shall not renew.

## II. MISCELLANEOUS

- A. The Parties agree and acknowledge that La Vista and the District are municipal corporations and political subdivisions organized pursuant to, and that this Agreement shall be subject by, applicable laws, rules and regulations as adopted or amended from time to time, including without limitation Nebraska State Laws and in particular with respect to District all sections of state law under Section 14, Article 21 applicable to it.
- B. This Agreement shall be governed in all respects by the laws of the State of Nebraska and the jurisdiction and venue for any litigation with respect hereto shall be in the courts of Sarpy County, Nebraska.
- C. For purposes of determining the enforceability of this Agreement, electronic, digital and facsimile signatures shall be deemed originals, and this Agreement may be executed in any number of counterparts, each and all of which shall constitute an original and one and the same document.

IN WITNESS WHEREOF, Metropolitan Utilities District of Omaha and the City of La Vista execute this Agreement through their duly authorized officers.

CITY OF LA VISTA

METROPOLITAN UTILITIES  
DISTRICT OF OMAHA

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

\_\_\_\_\_  
Mark Doyle, President

ATTEST:

By: \_\_\_\_\_

By: \_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY OF LA VISTA

\_\_\_\_\_  
METROPOLITAN UTILITIES DISTRICT OF OMAHA  
Senior Vice President, General Counsel

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
OCTOBER 19, 2021 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
PROFESSIONAL SERVICES AGREEMENT – ICONIC FEATURE – 84 <sup>TH</sup> STREET UNDERPASS	◆ RESOLUTION ORDINANCE RECEIVE/FILE	CHRISTOPHER SOLBERG DEPUTY COMMUNITY DEVELOPMENT DIRECTOR

**SYNOPSIS**

A resolution has been prepared to approve a professional services agreement with METALAB to provide conceptualization and optimization services associated with the iconic feature over the 84<sup>th</sup> Street Underpass in an amount not to exceed \$43,900.00.

**FISCAL IMPACT**

The FY21/22 biennial budget provides funding for multiple public infrastructure improvements and associated services.

**RECOMMENDATION**

Approval.

**BACKGROUND**

On April 20, 2021 the City Council approved an agreement with Design Workshop, and their subconsultant Schemmer Associates, to provide preliminary and final design services related to the 84<sup>th</sup> Street Underpass.

In preparation for related project design work associated with the underpass, it was concluded that design work related to the iconic feature over the underpass should be conducted. The overall design, and especially the footings for this feature will have an impact on the final design of the underpass structure due to the close proximity of these two structures. With design of the underpass currently underway and the possibility of federal funding for the underpass/streetscape project the timing of these design services is appropriate.

The proposed professional services agreement with METALAB will provide conceptual design services for this feature. Design Workshop and Schemmer Associates will also be involved in this process in order to understand and adjust the impacts of the design of the iconic feature on the underpass structure design.

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING AN AGREEMENT WITH METALAB, LLC OF HOUSTON, TEXAS, TO PROVIDE CONCEPTUAL DESIGN AND OPTIMIZATION SERVICES RELATING TO THE ICONIC FEATURE OVER THE 84<sup>TH</sup> STREET UNDERPASS.

WHEREAS, the Mayor and City Council of the City of La Vista have determined that professional services are necessary in preparation for the conceptual design of the Iconic Feature over the 84<sup>th</sup> Street underpass; and

WHEREAS, on July 5, 2017 the City Council of the City of La Vista approved the selection of Design Workshop to provide schematic design services for the Streetscape Plan for 84<sup>th</sup> Street; and

WHEREAS, on April 20, 2021 the City Council of the City of La Vista approved an agreement with Design Workshop and Schemmer for design, bidding, and limited construction management services related to the Underpass for 84<sup>th</sup> Street; and

WHEREAS, it was determined that design work related to the Iconic Feature over the 84<sup>th</sup> Street Underpass project should be conducted, in part to determine the impact on the design of the 84<sup>th</sup> Street Underpass; and

WHEREAS, a detailed scope of work and terms of an agreement for conceptual design and optimization services has been determined; and

WHEREAS, the FY21/22 Biennial Budget contains funding for multiple potential public infrastructure improvements and associated services; and

WHEREAS, Subsection (C) (9) of Section 31.23 of the La Vista Municipal Code requires that the City Administrator secures Council approval prior to authorizing any purchase over \$5,000.00;

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska do hereby approve an agreement with Metalab, LLC of Houston, Texas, to provide conceptual design and optimization services for the Iconic Feature over the 84<sup>th</sup> Street Underpass at a cost of \$43,900.00.

PASSED AND APPROVED THIS 19TH DAY OF OCTOBER 2021.

CITY OF LA VISTA

ATTEST:

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

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

K:\APPS\City Hall\21 FINAL RESOLUTIONS\21.  
METALAB Agreement - Arches Design 10.19.2021.Docx



## **Consulting Architect Agreement for Design Conceptualization and Optimization**

28 September, 2021

For: The City of La Vista, NE  
Attn: Rita Ramirez, Assistant City Administrator  
8116 Park View Blvd.  
La Vista, NE 68128

**Landscape Architect of Record**  
Design Workshop  
c/o Robb Berg PLA, Principal  
1390 Lawrence Street, Suite 100  
Denver, CO 80204

**Consulting Architects**  
Metalab, LLC  
c/o Joe Meppelink, Andrew Vrana  
20 North Sampson  
Houston, TX 77003

For the Following Project (referred to herein as "the project"):

Design Optimization for the new 84<sup>th</sup> Streetscape in La Vista, Nebraska, herein referred to as the "La Vista Gateway" initiately conceived by DW as a series free-span structures integrated into the landscape, roadway, pedestrian pathways and flatwork designed by Design Workshop (DW), Landscape Architects and their consultants. Metalab proposes work with DW providing "narrative placemaking" and design conceptualization to expand and refine this proposal, following, Metalab will provide Design Optimization consultation of the structures with input from La Vista city stakeholders. Resolution of formal configuration, location and scale, structural design analysis, recommended fabrication methods with a focus on regional resources, material and finish resources, connections and components appropriate for assembly sequences and logistical planning for installation on the site will be developed once the concept is determined.

We understand the Gateway project as follows:

- DW has proposed four monumental archway structures that span over the roadway bridge at Thompson Creek and are anchored to foundations in the landscape below. We understand the arch structures are placeholders and are indicative of broader goals of narrative placemaking and iconic representation of the City of La Vista. These icons are to serve as placemaking beacons for La Vista and will therefore be impactful from a distance as well as when experienced by pedestrians close-by. Design conceptualization efforts will consider the scale, position and

alternative concepts. The potential for engagement with the public from all vantage points will be considered as well as the potential for the public to further embrace the experience in closer proximity.

It is understood that Metalab will work closely with DW in determining the form and arrangement of the components and systems of these structures and integrating them with the project site placement conditions, landscape topographic features, visual and physical impact on the roadway, clearances and site work. Access pathways, flatwork, grading, lighting and signage are not included in this scope of work but will be coordinated with DW. Metalab will receive drawings and 3D models of existing conditions and direct a process of design conceptualization, visualization, analysis, optimization and detailing, coordinating as needed with DW.

It shall be the joint responsibility of METALAB Architecture and DW that the structure meet applicable codes and requirements. Structural Engineering is to be provided by third-party engaged by Metalab. Metalab will retain and coordinate with Structural Engineers for analysis and optimization of the structures. Sealed structural drawings will not be required in this initial phase but this process will yield a set of documents that can be developed into a fully engineered design. Cost of structural engineering is a reimbursable expense described below.

DW is to maintain the master drawing documents of the project and is responsible for accurate transfer and translation of digital information to their shared digital workspace. Metalab will define documentation guidelines for consultants including structural engineers in order to maintain continuity with the documentation standard set by DW. Metalab works in Rhino 3D for modeling and AutoCAD for drawings. We will provide information to integrate with documentation in file formats that comport with commonly used software (.iges, .obj, .dxf and .dwg)

Design Optimization/Construction Documentation work for Phase 1 activities will include:

1. Conduct in-person and initial site visit with Metalab principals and one design lead to meet city stakeholders and staff, tour the project site, and learn about local and regional influences to this design effort.
2. Gather all relevant background material from the city of La Vista and DW in order to inform "Narrative Placemaking" and Conceptual Design efforts.
3. Conduct a virtual presentation with DW and city of La Vista stakeholders to review 2-3 preliminary design concepts. Receive feedback and proceed with development of (1) concept for further development and cost estimation.
4. Refine and expand the concept in collaboration with DW and the city of La Vista to explore "narrative placemaking" and create a holistic experience as a Gateway to the city of La Vista. Investigation of formal arrangement of proposed design and

overall structural logic. Provide initial structural and detail resolution in sketch form for rapid evaluation and approval.

5. Receive current 3D design files from DW that have resolved all known conflicts and translate to Rhino 3D for design optimization process. Convey feedback from initial investigation to DW and provide recommendations on any general changes or adjustments to the overall design of the structures for material efficiency, fabrication methods and optimized detail development.

Suggested Phase II Design Optimization/Construction Documentation work would include:

6. Research regional manufacturing and fabrication capacities for local production of specialty / fabricated components.
7. Explore reduction of component types to develop economies of scale through repetition and efficient material usage. Develop typical connection details between components.
8. Coordinate with structural engineers for performance and optimization to meet all structural design criteria, cost and material efficiency
9. Determine viable installation logistics and methods of field connections. Provide narrative and diagrams describing the design considerations for dry fit assembly as required, shipping, site mobilization, subassembly laydown, crane staging including understanding of roadway bridge limitations and final installation logistics. These are intended to be recommendation only, final means and methods of construction are the responsibility of the General Contractor and their fabrication and erection subcontractors.
10. Coordinate with DW to solicit pricing / statement of probable cost to be coordinated with a third party contactors and estimators
11. Present final design conceptualization and optimization resolution in-person with Metalab principal, design lead and DW to La Vista stakeholders along with detailed statement of probable cost with options for expanding and reducing scope and cost. Photo-realistic presentation quality renderings provided by third-party as a reimbursable expense based on model and coordination provided by Metalab.

Phase II activities would be completed only after a contract amendment for the additional work depicted about is approved.

The Schedule is to begin work in October, 2021, upon execution of this agreement and meet / coordinate thereafter with critical path schedule provided and maintained by DW with completion of work effort in approximate 8 weeks.



METALAB proposes a **lump sum of \$33,900 for Phase 1 activities.**

The fee breakdown and estimated work load share:

**Design Conceptualization and Optimization (Items 1-5 above) - \$6,900** upon execution of this agreement; **\$17,000** upon completion of Item 3, plus reimbursables; and **\$10,000** upon completion of Item 5, plus reimbursables.

We estimate the following reimbursables expenses to be:

Structural Engineering retained by Metalab: \$5,000

Travel expenses: Not to exceed \$5,000

The current estimate of cost for Phase II activities is \$12,600 plus travel est @ \$3500.

Structural engineering will be engaged and coordinated by Metalab for the outlined SOW for the Arches with an estimated cost of this initial phase estimated not to exceed \$5,000. The cost of structural engineering will be passed on as a reimbursable expense with 1.1 multiplier. Other consultants including MEP, Code Consulting, Civil Engineering, Lighting Consulting are to be retained by DW, and are not included in our scope of work, though our work will incorporate their input.

Our hourly rates are \$150.00 per hour for Principal Partners Joe Meppelink and Andrew Vrana, \$120.00 per hour for conceptualization and design research, \$100.00 per hour for digital production, \$80.00 per hour for technical coordination / field work and administrative work. Our combined rate is approximately \$120 per hour.

Operational reimbursable expenses incurred that are directly attributable to the project for photo-realistic renderings, large-format printing, materials, samples, components, and/or prototypes purchased by Metalab for the project will be reimbursed at cost. Travel expenses for airfare, accommodation and transportation will be invoiced as reimbursable expenses at cost. Travel Meals or per diem expenses are not charged to the project. E-mail, fax, renderings or 3D computer models used to convey and/or study the design, and singular reproductions will not be charged.

The conditions of this proposal may be suspended or terminated by the owners upon 7 days written notice. The conditions of this proposal may be terminated by Metalab upon written notice of non-performance and/or non-payment under the terms of this agreement.

Thank you for the opportunity to work through this exciting process with you. We look forward to the results.

Signature of DW Representative

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Printed Name and Title

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Date

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**METALAB, LLC**

A handwritten signature in black ink that reads "Andrew Vrana". The signature is written in a cursive, flowing style.

Andrew Vrana, Principal

16 July, 2021

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
OCTOBER 19, 2021 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
CONTRACT – WORKIVA SOFTWARE IMPLEMENTATION & DESIGN	◆ RESOLUTION ORDINANCE RECEIVE/FILE	KEVIN POKORNY DIRECTOR OF ADMINISTRATIVE SERVICE

**SYNOPSIS**

A resolution has been prepared to approve a Workiva software implementation and design in an amount not to exceed \$79,880.00.

**FISCAL IMPACT**

The FY22 Amended Budget provides funding for the purchase of the recommended purchase.

**RECOMMENDATION**

Approval

**BACKGROUND**

At the June 15, 2021 City Council meeting, staff presented the Questica and Workiva budgeting and financial document software solution. The first phase of the implementation in FY21 was the CAFR. The second phase of implementation planned in FY22 are the budget documents.

This will provide the link between Questica and InDesign, the budget preparation software and document production software. As noted in June, two document production products were reviewed and evaluated, CaseWare and Workiva. Workiva provided the greatest flexibility for maximizing the use of InDesign software (which is utilized for other applications) while maintaining data connectivity. Workiva has a connected platform that puts reporting in one place so multiple users can collaborate in the software at the same time.

**RESOLUTION NO. 21 \_\_\_\_\_**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, AUTHORIZE THE WORKIVA SOFTWARE IMPLEMENTATION AND DESIGN IN AN AMOUNT NOT TO EXCEED \$79,880.00.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of Workiva Software implementation and design is necessary; and

WHEREAS, the FY22 Finance amended budget provides funding for the purchase of the implementation and design software; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize the purchase of Workiva Software Implementation and Design in an amount not to exceed \$79,880.00.

PASSED AND APPROVED THIS 19TH DAY OF OCTOBER 2021.

CITY OF LA VISTA

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

ATTEST:

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



Pricing Proposal  
Quotation #: 21081574  
Created On: 10/1/2021  
Valid Until: 10/28/2021

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## City of La Vista

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### Kevin Pokorny

ATTN: Ryan South  
8116 Park View Blvd  
La Vista, NE 68128  
United States  
Phone: (402) 331-4343  
Fax:  
Email: kporkony@cityoflavista.org

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## Inside Account Manager

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### Wan Tangtrakul

290 Davidson Ave.  
Somerset, NJ 08873  
Phone: 888-591-3400  
Fax: 877-289-6088  
Email: edgov@shi.com

All Prices are in US Dollar (USD)

Product	Qty	Your Price	Total
1 Biennial Budget (Budge Book) in Wdesk Vertosoft - Part#: WDESK-FHBLACK-ONBOARD Contract Name: Omnia Partners - IT Solutions Contract #: 2018011-02	1	\$59,436.84	\$59,436.84
2 Joint Onboarding Adobe InDesign with Budget Book & ACFR Templates Vertosoft - Part#: WDESK-FHBLACK-ONBOARD Contract Name: Omnia Partners - IT Solutions Contract #: 2018011-02	1	\$20,443.16	\$20,443.16
Total			\$79,880.00

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## Additional Comments

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Please note, if Emergency Connectivity Funds (ECF) will be used to pay for all or part of this quote, please let us know as we will need to ensure compliance with the funding program.

Hardware items on this quote may be updated to reflect changes due to industry wide constraints and fluctuations.

Thank you for choosing SHI International Corp! The pricing offered on this quote proposal is valid through the expiration date listed above. To ensure the best level of service, please provide End User Name, Phone Number, Email Address and applicable Contract Number when submitting a Purchase Order. For any additional information including Hardware, Software and Services Contracts, please contact an SHI Inside Sales Representative at (888) 744-4084. SHI International Corp. is 100% Minority Owned, Woman Owned Business. TAX ID# 22-3009648; DUNS# 61-1429481; CCR# 61-243957G; CAGE 1HTF0

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*The products offered under this proposal are resold in accordance with the terms and conditions of the Contract referenced under that applicable line item.*

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
OCTOBER 19, 2021 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
ON-STREET PARKING CHANGE – JOSEPHINE ST.	◆ RESOLUTION ORDINANCE RECEIVE/FILE	JEFF CALENTINE DEPUTY DIRECTOR OF PUBLIC WORKS

**SYNOPSIS**

A resolution has been prepared to approve the location change of a “No Parking This Side of Street” designation and the establishment of a “No Parking Anytime” zone in the area of Josephine Street, between 72<sup>nd</sup> & 74<sup>th</sup> Streets.

**FISCAL IMPACT**

N/A

**RECOMMENDATION**

Approval.

**BACKGROUND**

The north side of Josephine St. from 72<sup>nd</sup> St. to 74<sup>th</sup> St. is currently signed as “No Parking This Side of Street.” Over the past several years there have been issues with vehicles parking on the south side of Josephine St. and blocking resident’s mailboxes resulting in their mail not being delivered. As a result, a recommendation is being made to move the “No Parking This Side of Street” signage from the north side of Josephine St. from 72<sup>nd</sup> St. to 74<sup>th</sup> St. to the south side of the street. An additional recommendation is the establishment of a “No Parking Anytime” zone on the north side of Josephine St. from 72<sup>nd</sup> St. to the east entrance of Josephine Ct. to address site distance issues for vehicles traveling up the hill on Josephine St going westbound, (See attached map.)

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING THE LOCATION CHANGE OF A "NO PARKING THIS SIDE OF STREET" DESIGNATION AND THE ESTABLISHMENT OF A "NO PARKING ANYTIME" ZONE IN THE AREA OF JOSEPHINE STREET, BETWEEN 72<sup>ND</sup> AND 74<sup>TH</sup> STREETS.

WHEREAS, based upon the recommendation of the City Engineer, the City Council has determined that a location change of a "No Parking this Side of the Street" designation from the north side of Josephine St., from 72<sup>nd</sup> to 74<sup>th</sup> Street, to the south side of the street is necessary; and

WHEREAS, a "No Parking Anytime" zone be established from 72<sup>nd</sup> St. to the east entrance of Crestview Village at Josephine Ct. on the north side of Josephine St.; and

WHEREAS, the Police Department has reviewed and supports the recommended parking changes; and

WHEREAS, the Public Works Department possesses the materials necessary for installation of the modified parking signs.

NOW THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska hereby approve the location change of a "No Parking this Side of Street" designation and the establishment of a "No Parking Anytime" zone in the area of Josephine Street, between 72<sup>nd</sup> and 74<sup>th</sup> Streets.

PASSED AND APPROVED THIS 19TH DAY OF OCTOBER 2021.

CITY OF LA VISTA

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

ATTEST:

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







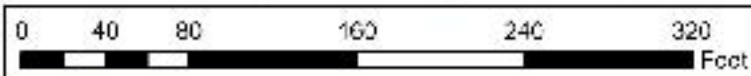
## Josephine Street No Parking Zone



### Legend

 No Parking Zone

 No Parking Sign





**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
OCTOBER 19, 2021 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
PURCHASE OF SEWER JET TRUCK	◆ RESOLUTION ORDINANCE RECEIVE/FILE	JEFF CALENTINE DEPUTY DIRECTOR OF PUBLIC WORKS

**SYNOPSIS**

A resolution has been prepared to authorize the purchase of (1) one 2021 Freightliner 800-HPR-ECO Series IV Sewer Jet Truck from Sewer Equipment of America, 1590 Dutch Rd. Dixon, IL 61021 in an amount not to exceed \$245,000.00.

**FISCAL IMPACT**

The FY 21/22 Biennial Budget provides funding for the proposed purchase.

**RECOMMENDATION**

Approval

**BACKGROUND**

The Sewer Division uses the sewer jet truck in flushing operations associated with the City's sanitary sewer infrastructure. It is also a critical piece of equipment in emergency sewer plug situations. The current sewer jet truck is 10 years old, and over the past 2 years has been out of service for repairs several times. The timing of the purchase is good in that the current truck still retains good trade-in value to offset the costs of the new jet truck.

The proposed vehicle will be purchased through Sourcewell, contract #122017-SCA. Sourcewell operates just like the state bid but on a national scale.

**RESOLUTION NO. 21 \_\_\_\_\_**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE PURCHASE OF ONE (1) 2021 FREIGHTLINER 800-HPR-ECO SERIES IV SEWER JET TRUCK FROM SEWER EQUIPMENT OF AMERICA, DIXON, ILLINOIS IN AN AMOUNT NOT TO EXCEED \$245,000.00.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of a 2021 Freightliner 800-HPR-ECO Series IV Sewer Jet Truck is necessary; and

WHEREAS, the FY21/FY22 Biennial Budget provides funding for this purchase; and

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

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska authorize the purchase of one (1) 2021 Freightliner 800-HPR-ECO Series IV Sewer Jet Truck from Sewer Equipment of America, Dixon, Illinois in an amount not to exceed \$245,000.00.

PASSED AND APPROVED THIS 19TH DAY OF OCTOBER 2021.

CITY OF LA VISTA

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

ATTEST:

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



1590 Dutch Road | Dixon, IL 61021

p 815.835.5566 | f 815.284.5600

www.SewerEquipment.com

Sourcewell

Awarded Contract

Contract # 122017-SCA

October 7, 2021

Payment Terms: Net 30

Distributor: Mid-Iowa Solid Waste Equipment Co. Inc.

Salesman: Chad Spencer

End User: City of LaVista / Sourcewell ID# 94124

Address: 9900 Portal Road

City, State, Zip: LaVista, NE 68128

Phone: 402-331-8927

Contact: Terry Foster

Email: tfoster@cityoflavista.org

PO#

Product Class:

REV:

WO#

**800-HPR-ECO SERIES IV Truck Mounted High Pressure Sewer Cleaner****Rear Compartment Options:**

Giant 65 GPM @ 2000 PSI  
w/30 Min Run Dry Capability  
Hydrostatic Drive Via Trans Power PTO  
Lighted NEMA 4 Control Panel  
Tachometer / Hour Meter  
Air Purge Valve  
Recirculation System at Highway Speed  
Painted Steel Shroud Enclosure  
w/3 Roll-Up Doors  
80,000 BTU Compartment Heater  
Midship Water Manifold System  
Consolidated Water Drain System

**Hose Reel & Hose Option:**

Telescoping & Rotating Safety Reel  
w/700' Capacity of 1" Hose

**Tank & Fill:**

1500 Gallon Duraprolene™ (Black)  
Water Tank w/10 Year Warranty  
2.5" Fill System

**Truck:**

Mounting to Approved Chassis  
Mudflaps & Aluminum Side Skirting  
Bumper / Hitch Receiver  
Aluminum Underbody Toolboxes (2) Per Side, (1) Rear  
D.O.T. Approved LED Lighting

**Nozzles & Accessories:**

10' Leader Hose  
BB Hose Guide  
Tri-Star (Chisel Point) Nozzle  
DD (High Flow) Nozzle  
Finned Nozzle Extension  
Nozzle Rack  
25' Fill Hose  
Washdown Gun w/25' Ext. Hose  
Upstream Pulley Guide  
Paper Operator / Owner Manual

BASE UNIT AS OUTLINED ABOVE

\$127,610.00 1 \$127,610.00

-----Specify Chassis Details-----

**FACTORY SUPPLIED CHASSIS****SINGLE AXLE**

LIST PRICE OF SELECTED OPTIONS: \$103,362.00

SOURCEWELL DISCOUNT (enter % →) 3% \$ (6,929.16)

NET PRICE OF UNIT: \$224,042.84

FACTORY SUPPLIED FREIGHTLINER M2-106 CHASSIS: \$76,000.00

LESS TRADE, PLUS FREIGHT, P.D.I., DELIVERY and TRAINING: (\$56,565.00)

ESTIMATED TOTAL: \$243,477.84

FOR ALL NON STANDARD OPTIONS PLEASE CONTACT FACTORY FOR PRICING

**STANDARD OPTIONS:**

LIST PRICE QTY TOTAL

**REAR COMPARTMENT OPTIONS:**

UPGRADE WATER SYSTEM TO GIANT 80 GPM @ 2000 PSI PLUNGER STYLE TRIPLEX WATER PUMP W/30 MIN RUN DRY CAPABILITY (made from 43596-00-X)	\$9,706.00	1	\$9,706.00
HYDRAULIC PRESSURE GAUGE	\$329.00	1	\$329.00
VAPOROOTER SYSTEM: INCLUDES PATENTED ROOT FOAMING SYSTEM W/TOUCH SCREEN CONTROLLER AND AUTOMATIC MIXING SYSTEM FOR AIR, WATER, & FOAMING AGENT - NOT AVAILABLE W/ LATERAL LINE CLEANING KIT	\$42,769.00	1	\$42,769.00
VAPOROOTER INSTALLATION - NOT AVAILABLE WITH LATERAL LINE CLEANING KIT	\$4,502.00	1	\$4,502.00
UPGRADE TO ALUMINUM SHROUD	\$6,077.00	1	\$6,077.00
ELECTRIC OVERHEAD CANOPY - 8' EXTENSION	\$6,365.00	1	\$6,365.00

**HOSE REEL AND HOSE OPTIONS:**

SEWER HOSE (1" I.D. X 2500 PSI OPERATING PRESSURE) PER FT.	\$4.70	600	\$2,820.00
AUTOMATIC LEVELWIND WITH HYDRAULIC UP/DOWN ACTION	\$7,022.00	1	\$7,022.00
DIGITAL 'SMART COUNTER' FOOTAGE METER (made from 63289-00-X) ±3% ACCURACY	\$3,102.00	1	\$3,102.00

**TANK & FILL OPTIONS:**

FILL HOSE STORAGE RACK	\$221.00	1	\$221.00
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**ELECTRICAL & LIGHTING:**



ENGINE/WATER PUMP COMPARTMENT LIGHT	\$216.00	1	\$216.00
LED FLOOD LIGHT (FACTORY STANDARD)	\$458.00	1	\$458.00
LED STROBE LIGHT (FACTORY STANDARD) - CLASS 1 RATING	\$534.00	1	\$534.00
LED ARROW STICK (FACTORY STANDARD)	\$1,085.00	1	\$1,085.00
HAND-HELD WIRELESS 12v/110v RECHARGEABLE LED SPOTLIGHT W/STORAGE BRACKET	\$341.00	1	\$341.00
12VDC POWER OUTLET	\$82.00	1	\$82.00
(8) 4" X 1" LED CLASS 1 SURFACE MOUNTED STROBE PACKAGE - (2) GRILL MOUNTED, (2) DRIVERS SIDE SHROUD, (2) PASSENGER SIDE SHROUD, (2) REAR OF SHROUD.	\$2,348.00	1	\$2,348.00
WIRELESS REMOTE PENDANT CONTROL (WITH HOSE REEL PAYOUT/RETREIVE, THROTTLE UP/DOWN, WATER ON/OFF, WATER PRESSURE UP/DOWN, HOSE REEL SPEED UP/DOWN, WATER PRESSURE DISPLAY, AND KILL SWITCH)	\$7,568.00	1	\$7,568.00
<b><u>PAINT:</u></b>			
SHROUD: STANDARD WHITE PAINT •	INCLUDED		
HOSE REEL - UPRIGHT: SEWER BLUE •	INCLUDED		
<b><u>TRUCK MOUNTING AND TOOL STORAGE OPTIONS:</u></b>			
LOCKABLE LONG HANDLED TOOL STORAGE (2) 4" TUBES	\$855.00	1	\$855.00
REAR BACK UP CAMERA SYSTEM WITH BLIND SPOT CAMERAS (includes color monitor in cab)	\$2,575.00	1	\$2,575.00
HITCH - REESE STYLE (10,000 LBS MAXIMUM) W/CAB MOUNTED BRAKE CONTROLLER AND 7-PIN RV TYPE RECEPTACLE	\$769.00	1	\$769.00
<b><u>MANUALS &amp; TRAINING:</u></b>			
USB OPERATOR'S MANUAL		1	
<b><u>NOZZLES &amp; ACCESSORIES:</u></b>			
25' X 1" LEADER HOSE (IN LIEU OF STANDARD 10')	\$368.00	1	\$368.00
<b><u>SPECIAL ITEMS:</u></b>			
Trade-In: 2012 International MaxxForce S/N: 1HTMMAAN7DJ256760			
2012 Sewer Equipment of America 800H ECO S.N: 5479			
Factory Installed Line-X / Ryno Lining Type Coating	\$2,500.00	1	\$2,500.00
Chassis Additions: Aluminum Wheels Upgrade and Passenger Captain Air Ride Chair w/Armrests	\$750.00	1	\$750.00
* Notes: Trade Value for the Jetter and Chassis \$60,000.00			\$0.00
Freight, PDI, Delivery and Training: \$3,435.00			\$0.00
SIGNATURE _____ DATE _____			
Please return a signed copy to <a href="mailto:bigequipment@SewerEquipment.com">bigequipment@SewerEquipment.com</a>			

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
OCTOBER 19, 2021 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
AMEND COUNCIL POLICY STATEMENT – CITY FINANCIAL POLICIES	◆ RESOLUTION ORDINANCE RECEIVE/FILE	CINDY MISEREZ FINANCE DIRECTOR

**SYNOPSIS**

A resolution has been prepared to approve an amendment to Council Policy Statement 138 – City Financial Policies to add a Collection Policy.

**FISCAL IMPACT**

N/A

**RECOMMENDATION**

Approval.

**BACKGROUND**

Council Policy Statement 138 - City Financial Policies was approved by the City Council on June 15, 2021, providing a broad directive for budgeting, reserves, reporting, accounting, investment and debt management.

The purpose of the Collection Policy is to provide general guidelines with respect to small amounts owed to the City and writing-off such amounts that are considered uncollectable.

The Collection Policy is a new policy and does not replace existing Council Policy Statements, Standard Operating Policies or sections of the La Vista Municipal Code.

Additional amendments will be presented to the City Council until Council Policy Statement 138 is complete.

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, APPROVING AN AMENDMENT TO A COUNCIL POLICY STATEMENT.

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

WHEREAS, a Council Policy Statement entitled "Collection Policy" was established and an amendment is recommended.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby approve the amendment Council Policy Statement entitled "Collection Policy" and do further hereby direct the distribution of said amended Council Policy Statement to the appropriate City Departments.

PASSED AND APPROVED THIS 19TH DAY OF OCTOBER 2021.

CITY OF LA VISTA

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

ATTEST:

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

# City of La Vista

## Council Policy Statement

### *City Financial Policies*

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## Collection Policy

### Purpose

The purpose of this policy is to provide general guidelines to staff with respect to small amounts owed to the City and writing-off such amounts that are considered uncollectable. This policy is not intended to be an exclusive statement, or to waive or limit any rights or remedies of the City, with respect to any amount at any time owed to the City. In addition, this policy (i) shall not be construed to prevent the City from at any time or in any circumstance requiring advance or immediate payment, or from agreeing to extended, partial, periodic, or other payment terms, and (ii) shall not apply to any amount for which advance deposit or prepayment is required or permitted by applicable laws, rules, regulations, policies, or agreement. Except as otherwise specified, the City Administrator shall be authorized to take any action on behalf of the City as necessary or appropriate to carry out this policy. The policy shall not apply to any delinquent and unpaid real property taxes or assessments.

### **Definitions** *(these will be added to the Definition section of the City Financial Policies)*

**Cash-only basis:** Contemporaneous or advance cash payment for goods, services or other transactions, as determined by the Finance Director.

**City Administrator:** The City Administrator of the City of La Vista or any designee of the City Administrator.

**Collection:** Any action taken to collect or attempt to collect a small amount pursuant to this policy.

**Debt:** Any amount described in this policy that a person owes the City.

**Debtor:** Any person owing a debt described in this policy.

**Dunning Letter:** A notification sent to any person stating that payment for goods, services or other amounts owed to City is overdue, including more strident demands for payment or other actions to collect should the person continue to be non-responsive in paying. Provided, however, such notification shall incorporate any required provisions of any applicable laws or regulations, including without limitation required Notice of Neb. Rev. Stat. § 45-623 if an amount subsequently is assigned to a collection agency.

**Due Date:** Payment is due 30 days from the invoice date, unless otherwise specified by applicable laws, rules, regulations, policies, or agreement in connection with a particular amount.

**Finance Director:** The Finance Director of the City of La Vista or any designee of the Finance Director. Any authority of the Finance Director under this policy also may be exercised by the City Administrator.

**Good standing:** Status of any person achieved by full payment of any amounts for goods, services or otherwise owed to the City.

**Notice:** Pursuant to Neb. Rev. Stat. § 45-623 in connection with any amount assigned to a collection agency, an attempt of the City to advise the debtor at least 30 days in advance by first-class mail,

# City of La Vista

## Council Policy Statement

### *City Financial Policies*

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#### Collection Policy (Cont.)

postage prepaid, at the last-known address of the debtor (i) of the existence of the debt and (ii) that the debt may be assigned to a collection agency for collection if the debt is not paid.

**Overdue:** Any small amount owed to the city which has not been paid within 30 days of the invoice date, unless a different due date is specified by applicable laws, rules, regulations, policies or agreement in connection with a particular amount.

**Person:** Any individual, organization, association, or entity.

**Small amount:** \$100 or less.

**Uncollectable amount:** Any small amount owed to the City which has not been paid within 120 days of the invoice due date and has been determined to be uncollectible pursuant to this policy.

**Write-off:** Removal of any uncollectible amount from the City's financial records.

### Scope

The City of La Vista (City) may provide goods or services to, or otherwise transact with, any person on a cash-only basis. In certain situations, the City may provide goods, services, or other consideration to any person in advance of payment and present an invoice for payment. If an invoice is issued, the invoice due date should be included on the invoice. A summary of or reference to this policy also may be included.

Unless otherwise specified by applicable laws, rules, regulations, policies, or agreement in connection with a particular amount, the invoice due date is 30 days after the invoice date, overdue beyond 30 days of the invoice due date, and uncollectible 120 days after the invoice due date.

If a person has an overdue invoice, services or access to City facilities could cease until delinquent amounts are paid or other arrangements are made for payment satisfactory to the Finance Director. All business interactions or other transactions with the person shall be conducted on a cash-only basis until the balance due is paid in full and good standing is restored, unless otherwise approved by the Finance Director. Once revoked, good standing may be restored by fully paying all overdue amounts, except as otherwise determined by Finance Director based on a person's history of prior delinquencies. The City may, at its discretion, require any conditions of restoration to good standing, including without limitation, a deposit. The City department handling an account in this situation should consult with the Finance Director.

The intent of the City – where reasonably practicable – is to employ progressive steps to attempt to collect small amounts owed to the City. These progressive steps, which may be determined on a case-by-case basis by the Finance Director or Finance Director's designee, may include any one or more of the following:

- Issuing up to three invoices, statements, or other communications within 120-days of the invoice due date;
- Calling the person and requesting payment;
- Mailing a dunning letter to the last known address of the person. With respect to any debt that might be assigned to a collection agency, the dunning letter shall constitute notice



# City of La Vista

## Council Policy Statement

### *City Financial Policies*

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#### Collection Policy (Cont.)

("Notice") pursuant to Neb. Rev. Stat. § 45-623(2), and shall be mailed first-class mail, postage prepaid, to the last-known address of the debtor, advising the debtor (i) of the existence of the debt and (ii) that the debt may be assigned to a collection agency for collection if the debt is not paid.

- After at least 30 days have elapsed from the time the Notice in subsection "c" is sent, the debt may be assigned to a collection agency for further collection attempts in accordance with applicable provisions of Neb. Rev. Stat. § 45-623 and on such terms and conditions as agreed by the City and such collection agency;
- Publication on the City website and/or in a local newspaper of the names of any person who meets the three following criteria:
  - Have a small amount(s) owed to the City which are overdue;
  - To whom a collection or dunning letter has been written; and
  - Who have not paid or responded to the City.
- Placing the person and any owned or controlled entities on a cash-only basis;
- Filing of a civil suit in the appropriate legal jurisdiction for both a judgment of indebtedness and a writ of execution;
- Taking any further action as the City Administrator determines necessary or appropriate under applicable laws to collect, including without limitation execution of writs of judgment, till taps, bank account sweeps, seizure of other collateral; and
- Filing of foreclosure lawsuits against real property of the debtor.

The City may, at its discretion as directed by the Finance Director or City Administrator, add collection costs to any overdue balance. As a matter of policy, collection costs will be added to all accounts turned over to a collection agency for further collection attempts.

The Finance Director shall have the authority to approve payment plans for overdue amounts owed the City. This authority shall include the ability to establish repayment terms. The following criteria shall be applicable to all payment plans:

- A person may not have more than one active repayment plan at any time. Consolidation of multiple payments owed into a single repayment plan may occur at the discretion of the Finance Director.
- Unless unusual circumstances are present, no payment plan shall have a repayment term exceeding 12 months.
- Any default on a payment plan shall result in revocation of good standing, and subsequent transactions with the debtor shall be on a cash-only basis.

### **Uncollectible Amounts**

Unpaid amounts for which more than 120 days has elapsed since the due date of the invoice, and which are under a cumulative amount of up to \$100 per person, may be written off immediately upon approval of the Finance Director.

# City of La Vista

## Council Policy Statement

### *City Financial Policies*

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#### Collection Policy (Cont.)

Unpaid amounts for which more than 120 days has elapsed since the due date of the invoice, and which in total are greater than \$100 and less than or equal to a cumulative amount of \$1,000 per person, may be written off immediately upon approval of the City Administrator.

Unpaid amounts for which more than 120 days has elapsed since the due date of the invoice, and which are **over** a cumulative amount of \$1,000 per person, may be written off immediately upon approval of the City Council.

#### **Accounting for Bad Debt**

The City shall use the direct write-off method for uncollectible accounts, removing the account receivable and creating a bad debt adjustment.

Collection actions shall not cease, however, until the debt is collected, the account is returned from the collection agency as uncollectible, a statute of limitations is reached, or the debt is written off.

Any debt which is subsequently recovered after a write-off, shall as a matter of accounting policy be recorded as a miscellaneous revenue.