

# MINUTE RECORD

A-2

No. 729 - REDFIELD DIRECT E2106195KV

## LA VISTA CITY COUNCIL MEETING October 19, 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 19, 2021. Present were Councilmembers: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Also in attendance were City Attorney McKeon, City Administrator Gunn, Assistant City Administrator Ramirez, Chief of Police Lausten, City Clerk Buethe, Director of Public Works Soucie, Director of Administrative Services Pokorny, Library Director Barcal, 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 October 6, 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.

### SERVICE AWARD: JOE SOUCIE – 35 YEARS

Mayor Kindig recognized Joe Soucie for 35 years of service to the City.

### OATH OF OFFICE - MAYOR'S YOUTH LEADERSHIP COUNCIL OFFICERS. HENRY BELIK – PRESIDENT; MADDY DELOS REYES – VICE PRESIDENT; REAGAN FOLGER – SECRETARY; MEGAN HIYKEL - SECRETARY

Mayor Kindig administered the oath of office to the Youth Council Members.

### PROCLAMATION – NATIONAL POLICE WEEK & LAW ENFORCEMENT APPRECIATION WEEK

Mayor Kindig proclaimed the week of October 17 – 23, 2021 as National Police Week & Law Enforcement Appreciation week and presented the proclamation to Chief of Police Lausten.

#### 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 NO. 21-115 – ELECTION OF DIRECTORS TO THE LA VISTA METROPOLITAN COMMUNITY COLLEGE BOARD OF DIRECTORS

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

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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.

## 7. APPROVAL OF CLAIMS

ACCUCUT LLC, supplies	300.00
ACTIVE NETWORK LLC, services	54.31
AKRS EQUIPMENT SOLUTIONS INC, supplies	460.86
AMAZON, supplies	1,500.94
BAUER BUILT INC, maint.	228.96
BIBLIOTHECA LLC, services	6,508.09
BLACK HILLS ENERGY, utilities	1,314.56
BOBCAT OF OMAHA, maint.	700.38
BOB'S RADIATOR REPAIR, maint.	385.00
BOYSTOWN, services	50.00
BRITE IDEAS DECORATING, services	1,328.00
BUILDERS SUPPLY CO INC, supplies	2,156.58
CENTER POINT INC, books	419.46
CENTURY LINK/LUMEN, phones	148.15
CINTAS CORPORATION, services	518.05
CITY OF PAPILLION, services	2,567.31
COLBY RIDGE POPCORN, supplies	1,875.00
COMP CHOICE INC, services	257.50
COX COMMUNICATIONS, services	170.15
CULLIGAN OF OMAHA, supplies	19.00
D & K PRODUCTS, bld&grnds	3,600.34
DELL MARKETING LP, services	2,056.97

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DEMCO INC, supplies	633.14
DIAMOND VOGEL PAINTS, supplies	45.80
DOWSE, P., travel	100.50
DULTMEIER SALES LLC, bld&grnds	5,050.00
ESSENTIAL SCREENS, services	264.50
FELSBURG HOLT & ULLEVIG INC, services	175.00
FERGUSON ENTERPRISES INC, supplies	126.47
FIKES COMMERCIAL HYGIENE LLC, supplies	48.00
FIRST STATE BANK, services	12,205.78
GENUINE PARTS CO, maint.	332.34
GOMON, KRAIG, apparel	55.00
GRAYBAR ELECTRIC CO, bld&grnds	133.92
GREAT PLAINS COMMUNICATION, services	777.60
GUARDIAN ALLIANCE TECHNOLOGIES INC, services	120.00
HGM ASSOCIATES INC, services	32,311.89
HOBBY LOBBY, supplies	164.01
HUNTEL COMMUNICATIONS INC, services	1,230.00
HY-VEE INC, services	67.00
INDUSTRIAL SALES CO, supplies	170.74
INGRAM LIBRARY SERVICES, books	1,532.52
J & J SMALL ENGINE, supplies	139.90
J RETZ LANDSCAPE INC, services	2,100.00
KANOPY INC, services	143.00
KRIHA FLUID POWER, maint.	12.20
LARSEN SUPPLY CO, supplies	248.76
LIBRA INDUSTRIES INC, supplies	66.00
LIBRARY IDEAS LLC, services	3,613.00
LOGO LOGIX EMBROIDERY, apparel	697.00
LOU'S SPORTING GOODS, supplies	723.82
MACQUEEN EQUIPMENT LLC, services	11,747.46
MARVIN JOHNSON, services	40.00
MATHESON TRI-GAS INC, maint.	119.34
MENARDS-RALSTON, bld&grnds	250.89
METRO AREA TRANSIT, services	767.00
MICROFILM IMAGING SYSTEMS INC, services	736.08
MID-AMERICAN BENEFITS INC, services	1,051.77
MIDWEST SERVICE AND SALES CO, services	11,775.00
MIDWEST TAPE, media	59.99
MIDWEST TURF & IRRIGATION, bld&grnds	557.29
MITCHELL1, service	3,180.00
NE CODE OFFICIALS ASSN, services	500.00
NE LIBRARY COMMISSION, services	1,716.30
NE SECRETARY OF STATE, services	30.00
NE STATE FIRE MARSHAL, services	120.00
NSG LOGISTICS LLC, supplies	17,874.96
OCLC INC, media	164.44
OFFICE DEPOT INC, supplies	151.63
OLSSON INC, services	2,571.00
OMAHA ELECTRIC INC, services	7,271.78
OMAHA WINNELSON SUPPLY, maint.	825.42
OMNI ENGINEERING, services	2,279.70
ONE CALL CONCEPTS INC, services	325.35
O'REILLY AUTO PARTS, maint.	740.76
PAPILLION SANITATION, services	1,474.80
PAYROLL MAXX, payroll & taxes	360,569.25
PITNEY BOWES, postage	50.00
PLUTA, D., travel	118.50
RAMADA CONFERENCE CENTER, travel	576.00
RDG PLANNING & DESIGN, services	2,696.62
RTG BUILDING SERVICES INC, bldg&grnds	6,665.00

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SAMPSELL, J., travel	100.50
SAPP BROS INC, maint.	129.25
SCARPA, D, travel	100.50
SCHAEFFER MANUFACTURING CO, maint.	652.80
SHERWIN-WILLIAMS, supplies	293.11
SHI INTERNATIONAL CORP, services	978.42
SMALL, B, travel	100.50
SOUCIE, J., travel	100.50
STOLTENBERG NURSERIES, bld&grnds	2,360.00
SUBURBAN NEWSPAPERS INC, services	802.67
SWAIN CONSTRUCTION INC, services	420,836.65
TED'S MOWER SALES, services	260.21
THE COLONIAL PRESS INC, services	6,816.47
THE SCHEMMER ASSOCIATES INC, services	101.25
THE UNIVERSITY OF NE MED CTR, services	3,375.00
THE WALDINGER CORP, bld&grnds	1,097.46
TORNADO WASH LLC, services	413.00
TRANS UNION RISK, services	75.00
U.S. CELLULAR, phones	1,554.50
UNITE PRIVATE NETWORKS LLC, services	4,400.00
VERIZON WIRELESS, phones	362.11
WALMART, supplies	1,531.30
WATCHGUARD INC, services	480.00
WESTLAKE HARDWARE INC, supplies	685.39
ZIMCO SUPPLY CO, bld&grnds	1,127.00

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

## REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

Recreation Director Stopak reported on programs through the Recreation Department.

Library Director Barcal reported on daily Zoo passes being free for the next 2 months to those residents that have a Library Card.

Communication Manager Beaumont reported on the success of the coat drive and another coat drive is scheduled on 11/20/2021 in the Gym.

Director of Public Works Soucie thanked the Mayor & Council for the Service Award and the personal and professional growth over the past 35 years. He provided a reminder that the Fall Clean up runs through October 24<sup>th</sup> and an update on Swain Construction and 96<sup>th</sup> Street progress.

## B. BOND ISSUANCE – OFFSTREET PARKING DISTRICT NO. 2 – GARAGE NO. 2

### 1. PUBLIC HEARING

At 6:14 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for comment on the Bond Issuance – Offstreet Parking District No. 2 – Garage No. 2.

At 6:16 p.m. Councilmember Hale made a motion to close the public hearing. Seconded by Councilmember Crawford. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

### 2. ORDINANCE

Councilmember Thomas introduced Ordinance No. 1428 entitled: 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

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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.

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

Councilmember Sell made a motion to approve final reading and adopt Ordinance 1428. Councilmember Hale seconded the motion. The Mayor then stated the question, "Shall Ordinance No. 1428 be passed and adopted?" Upon roll call vote the following Councilmembers voted aye Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. The passage and adoption of said ordinance having been concurred on by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor, in the presence of the Council, signed and approved the ordinance and the City Clerk attested the passage/approval of the same and affixed her signature thereto.

## C. 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

Councilmember Thomas introduced Ordinance No. 1429 entitled: 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.

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

Councilmember Quick made a motion to approve final reading and adopt Ordinance 1429. Councilmember Frederick seconded the motion. The Mayor then stated the question, "Shall Ordinance No. 1429 be passed and adopted?" Upon roll call vote the following Councilmembers voted aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, and Sell. Nays: None. Abstain: Hale. Absent: None. The passage and adoption of said ordinance having been concurred on by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor, in the presence of the Council, signed and approved the ordinance and the City Clerk attested the passage/approval of the same and affixed her signature thereto.

### 2. RESOLUTION – AUTHORIZE ISSUANCE OF ECONOMIC DEVELOPMENT FUND BONDS

Councilmember Sell introduced and moved for the adoption of Resolution No. 21-116 entitled: 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;

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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

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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, (vii) 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

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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:

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No. 729 — REDFIELD DIRECT E2106195KV

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

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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 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 HEREOF IS REGISTERED IN THE NAME OF DTC AND ANY PAYMENT IS MADE TO DTC OR

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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.

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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**

signature)

(facsimile)

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.

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

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**(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 \_\_\_\_\_

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**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.

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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

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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

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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

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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

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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. 240.15c-2-12 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.

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

## D. METROPOLITAN UTILITIES DISTRICT (MUD) – RENEW FRANCHISE AGREEMENT

### 1. ORDINANCE – RENEW WATER FRANCHISE WITH MUD

Councilmember Thomas introduced Ordinance No. 1430 entitled: 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.

Councilmember Thomas 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: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: None. Motion passed.

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Councilmember Sheehan made a motion to approve final reading and adopt Ordinance 1430. Councilmember Hale seconded the motion. The Mayor then stated the question, "Shall Ordinance No. 1430 be passed and adopted?" Upon roll call vote the following Councilmembers voted aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: None. The passage and adoption of said ordinance having been concurred on by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor, in the presence of the Council, signed and approved the ordinance and the City Clerk attested the passage/approval of the same and affixed her signature thereto.

## **2. RESOLUTION – APPROVE WATER FRANCHISE AGREEMENT WITH MUD**

Councilmember Sheehan introduced and moved for the adoption of Resolution No. 21-117 entitled: 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.

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

## **E. RESOLUTION – 84<sup>TH</sup> STREET UNDERPASS – PROFESSIONAL SERVICES AGREEMENT**

Councilmember Hale introduced and moved for the adoption of Resolution No. 21-118 entitled: 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

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WHEREAS, it was determined that design work related to the Iconic Feature over the 84th 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 84th Street Underpass at a cost of \$43,900.00.

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

## F. RESOLUTION – APPROVE CONTRACT – WORKIVA SOFTWARE IMPLEMENTATION & DESIGN

Councilmember Frederick introduced and moved for the adoption of Resolution No. 21-119 entitled: 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.

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

## G. RESOLUTION – ON-STREET PARKING CHANGE

Councilmember Sell introduced and moved for the adoption of Resolution No. 21-120 entitled: 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

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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.

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

## **H. RESOLUTION -- AUTHORIZE PURCHASE -- SEWER JET TRUCK**

Councilmember Crawford introduced and moved for the adoption of Resolution No. 21-121 entitled: 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.

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

## **I. RESOLUTION -- AMEND COUNCIL POLICY STATEMENT 138 -- COLLECTION POLICY**

Councilmember Sheehan introduced and moved for the adoption of Resolution No. 21-122 entitled: 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.

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

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## J. PRESENTATION & DISCUSSION – WAYFINDING

Renee Ludlam with Design Workshop gave a presentation on the Wayfinding project.

City Council will review designs and give feedback to City Administrator Gunn.

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

## COMMENTS FROM THE FLOOR

There were no comments from the floor.

## EXECUTIVE SESSION – CONTRACT NEGOTIATIONS

At 7:46 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, Hale 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 8:12 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, Hale and Sell. Nays: None. Abstain: None. Motion carried.

## COMMENTS FROM MAYOR AND COUNCIL

Councilmember Thomas commented on the Alzheimer's Walk and the group being the #1 collector of funds.

At 8:14 p.m. Councilmember Crawford made a motion to adjourn the meeting. Seconded by Councilmember Thomas. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

PASSED AND APPROVED THIS 2ND DAY OF NOVEMBER 2021.

CITY OF LA VISTA

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

ATTEST:

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