

# MINUTE RECORD

A-2

No. 729 — REDFIELD DIRECT E2106195KV

## LA VISTA CITY COUNCIL MEETING October 17, 2023

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 17, 2023. Present were Mayor Kindig and Councilmembers: Frederick, Ronan, Sheehan, Quick, Sell, Hale and Wetuski. Also in attendance were City Attorney McKeon, Assistant City Administrator Ramirez, City Clerk Buethe, Director of Administrative Services Pokorny, Finance Director Harris, Library Director Barcal, Police Captain Barcal, Recreation Director Buller, Human Resources Director Lowery, City Engineer Dowse, Deputy Director of Public Works Calentine and Community Development Director Fountain.

A notice of the meeting was given in advance thereof by publication in the Sarpy County Times on September 30, 2023. Notice was simultaneously given to the Mayor and all members of the City Council and a copy of the acknowledgment of the receipt of notice attached to the minutes. Availability of the agenda was communicated to the Mayor and City Council in the advance notice of the meeting. All proceedings shown were taken while the convened meeting was open to the attendance of the public. Further, all subjects included in said proceedings were contained in the agenda for said meeting which is kept continuously current and available for public inspection at City Hall during normal business hours.

Mayor Kindig called the meeting to order and made the announcements.

### OATHS OF OFFICE - MAYOR'S YOUTH LEADERSHIP COUNCIL

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

### APPOINTMENTS – PARK AND RECREATION ADVISORY COMMITTEE – SAMANTHA GENTRY – FILL VACANCY; PLANNING COMMISSION ALTERNATE – DEBROAH DOGBA – FILL VACANCY

Mayor Kindig stated, with the approval of the City Council, he would like to appoint Samantha Gentry to the Park and Recreation Advisory Committee to fill a vacancy; appoint Deborah Dogba to the Planning Commission as an alternate to fill a vacancy. Councilmember Sheehan motioned the approval, seconded by Councilmember Quick. Councilmembers voting aye: Frederick, Ronan, Sheehan, Quick, Sell, Hale, and Wetuski. Nays: None. Abstain: None. Absent: Thomas. Motion carried.

### A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. APPROVAL OF THE MINUTES OF THE OCTOBER 3, 2023 CITY COUNCIL  
MEETING
3. MONTHLY FINANCIAL REPORT – AUGUST 2023
4. REQUEST FOR PAYMENT – DESIGN WORKSHOP, INC. – PROFESSIONAL  
SERVICES – 84<sup>TH</sup> STREET BRIDGE – \$9,110.00
5. REQUEST FOR PAYMENT – HDR ENGINEERING – PROFESSIONAL  
SERVICES – PROJECT MANAGEMENT FOR PUBLIC IMPROVEMENTS –  
\$305.11
6. REQUEST FOR PAYMENT – NL & L CONCRETE, INC – CONSTRUCTION  
SERVICES – EAST LA VISTA SEWER AND PAVEMENT REHABILITATION –  
\$293,738.56
7. REQUEST FOR PAYMENT – SAMPSON CONSTRUCTION – CONSTRUCTION  
SERVICES – OFFSTREET PARKING DISTRICT NO. 2, STRUCTURE NO. 2 –  
\$28,863.96
8. REQUEST FOR PAYMENT – OLSSON, INC – PROFESSIONAL SERVICES –  
CITY PARK PAVILION TESTING – \$3,463.50
9. REQUEST FOR PAYMENT – THOMPSON, DREESSEN & DORNER, INC. –  
PROFESSIONAL SERVICES – CENTRAL PARK IMPROVEMENTS – \$1,324.50
10. REQUEST FOR PAYMENT – THOMPSON, DREESSEN & DORNER, INC. –  
PROFESSIONAL SERVICES – CENTRAL PARK IMPROVEMENTS – \$7,099.00
11. REQUEST FOR PAYMENT – THOMPSON, DREESSEN & DORNER, INC. –  
PROFESSIONAL SERVICES – CENTRAL PARK ACCESS IMPROVEMENTS –  
\$895.00
12. REQUEST FOR PAYMENT – HGM ASSOCIATES INC – PROFESSIONAL  
SERVICES – EAST LA VISTA SEWER AND PAVEMENT REHABILITATION –  
PHASE 2 FINAL DESIGN – \$45,964.72

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**13. REQUEST FOR PAYMENT – HGM ASSOCIATES INC – PROFESSIONAL SERVICES – EAST LA VISTA SEWER AND PAVEMENT REHABILITATION – PHASE 2 FINAL DESIGN – \$39,817.28**

**14. REQUEST FOR PAYMENT – DLR GROUP – PROFESSIONAL SERVICES – LA VISTA CITY CENTRE PARKING STRUCTURE 2 – \$5,250.00**

**15. APPROVAL OF CLAIMS**

|   |            |
|---|------------|
| ACTIVE NETWORK LLC, services              | 22.22      |
| AKRS EQUIPMENT SOLUTIONS, maint.          | 341.91     |
| AMAZON, supplies                          | 2,950.20   |
| BACON LETTUCE CREATIVE, services          | 1,360.00   |
| BARCAL, R., travel                        | 87.77      |
| BAUER BUILT INC, maint.                   | 114.00     |
| BLACK HILLS ENERGY, utilities             | 1,380.43   |
| BUETHE, P., travel                        | 910.77     |
| CANOYER GARDEN CENTER, supplies           | 181.74     |
| CENTER POINT INC, books                   | 46.74      |
| CENTURY LINK/LUMEN, phones                | 79.62      |
| CINTAS CORP, services                     | 464.83     |
| CITY OF OMAHA, services                   | 295,261.64 |
| CITY OF PAPILLION, services               | 258,993.64 |
| CIVICPLUS, services                       | 22,671.34  |
| COMP CHOICE INC, services                 | 762.45     |
| CONTROL MASTERS INC, bld&grnds            | 2,161.25   |
| CONVERGINT TECHN, services                | 27,453.98  |
| CORNHUSKER SIGN, services                 | 3,758.70   |
| COX COMMUNICATIONS, services              | 893.65     |
| CPS HUMAN RESOURCE, services              | 620.50     |
| CULLIGAN OF OMAHA, services               | 12.50      |
| D & K PRODUCTS, supplies                  | 2,787.00   |
| DAIGLE LAW GROUP LLC, services            | 260.00     |
| DEMCO INC, supplies                       | 34.47      |
| DFC FLOORING SPECIALISTS, services        | 4,998.22   |
| DLR GROUP, services                       | 23,407.51  |
| DOWNING, DAVID, services                  | 500.00     |
| ERNCO INC, services                       | 18,340.00  |
| FERGUSON US INC, maint.                   | 114.70     |
| FIKES COMMERCIAL, supplies                | 62.00      |
| FISHER PARKING & SECURITY INC, services   | 9,936.00   |
| FITZGERALD SCHORR BARMETTLER, services    | 75,559.30  |
| G I CLEANERS & TAILORS, services          | 399.00     |
| GRASS PAD INC, supplies                   | 80.82      |
| GREAT PLAINS COMMUNICATION, services      | 1,107.71   |
| GREAT PLAINS UNIFORMS, apparel            | 72.99      |
| GUARDIAN ALLIANCE TECH INC, services      | 306.00     |
| HDR ENGINEERING INC, services             | 8,081.88   |
| HY-VEE INC, services                      | 1,762.50   |
| INGRAM LIBRARY SERVICES, books            | 332.62     |
| JOHNSON, TREVOR, reimbursement-apparel    | 175.00     |
| K ELECTRIC, services                      | 766.74     |
| KANOPIY INC, services                     | 179.00     |
| KISSEL KOHOUT ES ASSOCIATES LLC, services | 10,500.91  |
| LABRIE, DONALD P, services                | 225.00     |
| LEWIS, MELISSA N, services                | 450.00     |
| LOGO LOGIX EMBROIDERY & SCREEN, apparel   | 827.88     |
| LOU'S SPORTING GOODS, supplies            | 530.00     |
| MARTIN ASPHALT - MONARCH OIL, services    | 268.00     |
| MATHESON TRI-GAS INC, supplies            | 206.40     |
| MAX I WALKER UNIFORM, services            | 20.50      |
| MENARDS-RALSTON, supplies                 | 286.25     |

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|  |            |
|--|------------|
| MID-AMERICAN BENEFITS INC, services      | 695.78     |
| MIDWEST TAPE, media                      | 129.93     |
| MOORE, JEFFREY, services                 | 600.00     |
| NE MUNICIPAL CLERKS ASSOC, services      | 200.00     |
| NEWSBANK, services                       | 4,009.00   |
| NSG LOGISTICS LLC, supplies              | 16,264.78  |
| OFFICE DEPOT, services                   | 973.99     |
| OMAHA WORLD-HERALD, services             | 30.40      |
| OMNI ENGINEERING, services               | 200.45     |
| O'REILLY AUTO PARTS, maint.              | 2,433.49   |
| PAPILLION SANITATION, services           | 592.18     |
| PAYROLL MAXX, payroll & taxes            | 439,128.15 |
| PITNEY BOWES, postage                    | 50.00      |
| POMP'S TIRE SERVICE INC, maint.          | 182.80     |
| PRIMA DISTRIBUTION INC, supplies         | 218.07     |
| QUALITY AUTO REPAIR, services            | 125.00     |
| RDG PLANNING & DESIGN, services          | 12,443.00  |
| REACH SPORTS GROUP INC, services         | 700.00     |
| ROBERT HALF, services                    | 2,830.40   |
| RTG BUILDING SERVICES INC, bld&grnds     | 6,765.00   |
| SHERWIN-WILLIAMS, bld&grnds              | 3,912.40   |
| SHI INTERNATIONAL CORP, services         | 5,190.80   |
| SIGN IT, services                        | 1,087.00   |
| SITE ONE LANDSCAPE SUPPLY LLC, bld&grnds | 142.37     |
| SPORTS IMPORTS INC, supplies             | 1,211.95   |
| SUBURBAN NEWSPAPERS INC, services        | 953.04     |
| THE SCHEMMER ASSOCIATES INC, services    | 875.00     |
| TORNADO WASH LLC, services               | 392.00     |
| TRACTOR SUPPLY, supplies                 | 169.99     |
| TRANS UNION RISK, services               | 75.00      |
| TRAVELERS, services                      | 22,940.00  |
| TRUESCOPE INC, services                  | 4,800.00   |
| UNITE PRIVATE NETWORKS LLC, services     | 4,950.00   |
| US BANK NAT'L ASSOC, supplies/services   | 22,696.01  |
| VERIZON WIRELESS, phones                 | 383.83     |
| VOIANCE LANGUAGE, services               | 25.00      |
| WESTLAKE HARDWARE, supplies              | 1,767.69   |
| WHITE, SCOTT L, services                 | 1,400.00   |
| WOODHOUSE FORD, maint.                   | 36.75      |

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

## REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

Communications Manager Beaumont and Library Director Barcal reported on a program that encourages people to take the City flag with them on vacation and take photos.

Community Development Director Fountain provided follow up on CBD store zoning.

Fire Chief Gottsch reported on activities for Fire Prevention Week and that 3 new firefighters have been hired and will be sworn in.

Deputy Director of Public Works Calentine reported on the tree carving that was on the City Hall campus.

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## **B. RESOLUTION – AWARD BID – EXISTING CENTRAL PARK ACCESS ROAD RECONSTRUCTION**

Councilmember Frederick introduced and moved for the adoption of Resolution No. 23-126 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AWARDING A CONTRACT TO SWAIN CONSTRUCTION, OMAHA, NEBRASKA, FOR GRADING, PAVING, STORM SEWER, UTILITY AND TRAFFIC DEVICE WORK WITHIN CENTRAL PARK IN AN AMOUNT NOT TO EXCEED \$628,750.39.

WHEREAS, the City Council of the City of La Vista has determined that the Central Park Access Road Reconstruction Project is necessary; and

WHEREAS, the FY23/FY24 Biennial Budget provides funding for this project; and

WHEREAS, bids were solicited, and five (4) bids were received; 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 award the contract to Swain Construction, Omaha, Nebraska for grading, paving, storm sewer, utility and traffic device work within Central Park in an amount not to exceed \$628,750.39.

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

## **C. 84TH STREET REDEVELOPMENT AREA PHASE 1 TAX INCREMENT FINANCING RESOLUTION AMENDMENTS (ACTION ON THIS ITEM WILL BE TAKEN BY THE COMMUNITY DEVELOPMENT AGENCY)**

### **1. RESOLUTION – AMEND RESOLUTION NO. 17-073 – CITY CENTRE NOTE 1A**

Councilmember Frederick introduced and moved for the adoption of Resolution No. 23-127 entitled: A RESOLUTION AMENDING RESOLUTION NO. 17-073, AS AMENDED BY RESOLUTION NO. 23-094, RELATING TO TAX INCREMENT REVENUE NOTE (LA VISTA CITY CENTRE PHASE IA PROJECT), SERIES 2017, OF THE LA VISTA COMMUNITY DEVELOPMENT AGENCY, TO ALLOW SEPARATE NOTES ISSUED THEREUNDER TO BE SECURED BY SPECIFIC PARCELS RATHER THAN SECURED EQUALLY UNDER THE RESOLUTION; AND PRESCRIBING OTHER MATTERS RELATING THERETO.

WHEREAS, the City of La Vista (the "City") has established a community development agency (the "Agency") under Chapter 18, Article 21, Reissue Revised Statutes of Nebraska, as amended (the "Act");

WHEREAS, the Agency adopted Resolution No. 17-073, on July 5, 2017, (the "Original Resolution") which authorized issuance of the Agency's \$5,312,561 Community Redevelopment Tax Increment Revenue Note (La Vista City Centre Phase IA Project), Series 2017, dated September 26, 2017 (the "Original Note"), and which Original Resolution governs the repayment of the Original Note from the sources provided and described in the Original Resolution;

WHEREAS, the Agency adopted Resolution No. 23-094, on August 1, 2023, (together with the Original Resolution, the "Amended Resolution") which authorized the transfer of the Original Note to one or more transferees, and provided that the resulting transferred notes shall be payable equally and ratably from the sources provided in the Original Resolution. Any Original Note, either as originally issued or as transferred and outstanding as permitted by the Amended Resolution, shall be referred to as the "Phase IA Note" whether outstanding as a single or multiple instruments;

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WHEREAS, the repayment source for the Phase IA Note under the Amended Resolution is the combined TIF Revenues attributable to that portion of the Redevelopment Area consisting of the following (together, the "Project Area"): La Vista City Centre, Lot 15 ("Lot 15"); and La Vista City Centre Replat 1, Lot 2 ("Lot 2");

WHEREAS, the Phase IA Note was issued to and is currently registered in the name of an affiliate of the Redeveloper (the "Current Owner") pursuant to the terms of the Original Resolution, and the Current Owner has further requested that the Amended Resolution be amended to allow specified notes outstanding thereunder to be repaid from the specific TIF Revenues attributable to either Lot 2 or Lot 15 included in the Project Area, rather than equally and ratably secured by the combined TIF Revenues from the Project Area; and

WHEREAS, it is necessary, desirable, advisable, and in the best interest of the Agency to amend the Original Resolution for such purposes and in the manner as hereinafter provided.

NOW, THEREFORE, BE IT RESOLVED by the mayor and city council of the city of La Vista, Nebraska, acting as the Community Development Agency, as follows:

Section 1. Definitions of Words and Terms. Unless otherwise provided herein, and in addition to words and terms defined elsewhere in this second amending resolution (the "Second Amending Resolution"; and the Amended Resolution as further amended by this Second Amending Resolution shall be referred to as the "Bond Resolution"), the capitalized words and terms used herein, including in the recitals hereto, shall have the meanings provided in the Amended Resolution. Definitions of capitalized terms in this Second Amending Resolution shall control for purposes of the Bond Resolution to the extent of any conflict under the Amended Resolution.

Section 2. Authorization of Alternative Security for Multiple Notes. As provided in the Amended Resolution, multiple notes issued and outstanding under the Amended Resolution are payable equally and ratably from the TIF Revenues attributable to the Project Area. However, upon the request of the registered owner of all of the outstanding Phase IA Notes, the City may execute a designation (the "Designation") providing that TIF Revenues from Lot 2 shall be dedicated to repayment of a specific identified note and TIF Revenues from Lot 15 shall be dedicated to repayment of a specific identified note. Any such Designation may be included in an agreement with the registered owners of the Phase IA Notes at the time of issuance or transfer of the Phase IA Notes. Any Designation shall bind the City with respect to the TIF Revenues pledged from Lot 2 and from Lot 15 as provided in the Designation until the remaining principal of the applicable note has been repaid in full, or the 15 year period for division of taxes has ended as provided in Section 6.1 of the Original Resolution, whichever occurs first. The terms of the Designation shall be applicable to any transferees or other subsequent registered owners of a note without further agreement by or acknowledgement from the City or registered owners of the notes. Upon execution of a Designation, the City shall reissue all affected notes and shall include language in each form of note to indicate the portion of TIF Revenues pledged for repayment of such note.

Section 3. Further Authority. The officers of the Agency, including the Chair and Secretary, are hereby authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Resolution and to make any changes or additions in this Resolution and the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they determine to be in the Agency's best interest, and the execution or taking of such action shall be conclusive evidence of such determination.

Section 4. Effect of Amendment. Except as amended by this Resolution, the Original Resolution is hereby ratified and confirmed in all respects. All resolutions or orders, or parts thereof in conflict with the provisions of this Resolution are to be extent of such conflict hereby repealed.

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Section 5. Severability. If any section or other part of this Resolution is for any reason held invalid, the invalidity thereof shall not affect the validity of the other provisions of this Resolution.

Section 6. Governing Law. This Resolution shall be governed exclusively by and construed in accordance with the applicable laws of the State.

Section 7. Effective Date. This Resolution shall take effect and be in full force from and after its passage by the governing body of the Agency.

Seconded by Councilmember Sell. Mike Rogers with Gilmore & Bell gave an overview. Councilmembers voting aye: Frederick, Ronan, Sheehan, Quick, Sell, Hale and Wetuski. Nays: None. Abstain: None. Absent: Thomas. Motion carried.

## **2. RESOLUTION – AMEND RESOLUTION NO. 17-074 – CITY CENTRE NOTE 1B**

Councilmember Quick introduced and moved for the adoption of Resolution No. 23-128 entitled: A RESOLUTION AMENDING RESOLUTION NO. 17-074, AS AMENDED BY RESOLUTION NO. 23-095, RELATING TO TAX INCREMENT REVENUE NOTE (LA VISTA CITY CENTRE PHASE IB PROJECT), SERIES 2017, OF THE LA VISTA COMMUNITY DEVELOPMENT AGENCY, TO ALLOW SEPARATE NOTES ISSUED THEREUNDER TO BE SECURED BY SPECIFIC PARCELS RATHER THAN SECURED EQUALLY UNDER THE RESOLUTION; AND PRESCRIBING OTHER MATTERS RELATING THERETO.

WHEREAS, the City of La Vista (the "City") has established a community development agency (the "Agency") under Chapter 18, Article 21, Reissue Revised States of Nebraska, as amended (the "Act");

WHEREAS, the Agency adopted Resolution No. 17-074, on July 5, 2017, (the "Original Resolution") which authorized issuance of the Agency's \$8,222,287 Community Redevelopment Tax Increment Revenue Note (La Vista City Centre Phase IB Project), Series 2017, dated September 26, 2017 (the "Original Note"), and which Original Resolution governs the repayment of the Original Note from the sources provided and described in the Original Resolution;

WHEREAS, the Agency adopted Resolution No. 23-095, on August 1, 2023, (together with the Original Resolution, the "Amended Resolution") which authorized the transfer of the Original Note to one or more transferees, and provided that the resulting transferred notes shall be payable equally and ratably from the sources provided in the Original Resolution. Any Original Note, either as originally issued or as transferred and outstanding as permitted by the Amended Resolution, shall be referred to as the "Phase IB Note" whether outstanding as a single or multiple instruments;

WHEREAS, the repayment source for the Phase IB Note under the Amended Resolution is the combined TIF Revenues attributable to that portion of the Redevelopment Area consisting of the following (together, the "Project Area"): La Vista City Centre, Lot 14 ("Lot 14"); and La Vista City Centre, Lot 10 ("Lot 10");

WHEREAS, the Phase IB Note was issued to and is currently registered in the name of an affiliate of the Redeveloper (the "Current Owner") pursuant to the terms of the Original Resolution, and the Current Owner has further requested that the Amended Resolution be amended to allow specified notes outstanding thereunder to be repaid from the specific TIF Revenues attributable to either Lot 10 or Lot 14 included in the Project Area, rather than equally and ratably secured by the combined TIF Revenues from the Project Area; and

WHEREAS, it is necessary, desirable, advisable, and in the best interest of the Agency to amend the Original Resolution for such purposes and in the manner as hereinafter provided.

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NOW, THEREFORE, BE IT RESOLVED by the mayor and city council of the City of La Vista, Nebraska, acting as the Community Development Agency, as follows:

**Section 1.** Definitions of Words and Terms. Unless otherwise provided herein, and in addition to words and terms defined elsewhere in this second amending resolution (the "Second Amending Resolution"; and the Amended Resolution as further amended by this Second Amending Resolution shall be referred to as the "Bond Resolution"), the capitalized words and terms used herein, including in the recitals hereto, shall have the meanings provided in the Amended Resolution. Definitions of capitalized terms in this Second Amending Resolution shall control for purposes of the Bond Resolution to the extent of any conflict under the Amended Resolution.

**Section 2.** Authorization of Alternative Security for Multiple Notes. As provided in the Amended Resolution, multiple notes issued and outstanding under the Amended Resolution are payable equally and ratably from the TIF Revenues attributable to the Project Area. However, upon the request of the registered owner of all of the outstanding Phase IB Notes, the City may execute a designation (the "Designation") providing that TIF Revenues from Lot 10 shall be dedicated to repayment of a specific identified note and TIF Revenues from Lot 14 shall be dedicated to repayment of a specific identified note. Any such Designation may be included in an agreement with the registered owners of the Phase IA Notes at the time of issuance or transfer of the Phase IA Notes. Any Designation shall bind the City with respect to the TIF Revenues pledged from Lot 10 and from Lot 14 as provided in the Designation until the remaining principal of the applicable note has been repaid in full, or the 15 year period for division of taxes has ended as provided in Section 6.1 of the Original Resolution, whichever occurs first. The terms of the Designation shall be applicable to any transferees or other subsequent registered owners of a note without further agreement by or acknowledgement from the City or registered owners of the notes. Upon execution of a Designation, the City shall reissue all affected notes and shall include language in each form of note to indicate the portion of TIF Revenues pledged for repayment of such note.

**Section 3.** Further Authority. The officers of the Agency, including the Chair and Secretary, are hereby authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Resolution and to make any changes or additions in this Resolution and the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they determine to be in the Agency's best interest, and the execution or taking of such action shall be conclusive evidence of such determination.

**Section 4.** Effect of Amendment. Except as amended by this Resolution, the Original Resolution is hereby ratified and confirmed in all respects. All resolutions or orders, or parts thereof in conflict with the provisions of this Resolution are to be extent of such conflict hereby repealed.

**Section 5.** Severability. If any section or other part of this Resolution is for any reason held invalid, the invalidity thereof shall not affect the validity of the other provisions of this Resolution.

**Section 6.** Governing Law. This Resolution shall be governed exclusively by and construed in accordance with the applicable laws of the State.

**Section 7.** Effective Date. This Resolution shall take effect and be in full force from and after its passage by the governing body of the Agency.

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

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## **3. RESOLUTION – AMEND RESOLUTION NO. 20-052 – CITY CENTRE NOTE 1C**

Councilmember Wetuski introduced and moved for the adoption of Resolution No. 23-129 entitled: A RESOLUTION AMENDING RESOLUTION NO. 20-052, RELATING TO TAX INCREMENT REVENUE NOTE (LA VISTA CITY CENTRE PROJECT), SERIES 2020, OF THE LA VISTA COMMUNITY DEVELOPMENT AGENCY, TO ALLOW SEPARATE NOTES ISSUED THEREUNDER TO BE SECURED BY SPECIFIC PARCELS RATHER THAN SECURED EQUALLY UNDER THE RESOLUTION; AND PRESCRIBING OTHER MATTERS RELATING THERETO.

WHEREAS, the City of La Vista (the "City") has established a community development agency (the "Agency") under Chapter 18, Article 21, Reissue Revised States of Nebraska, as amended (the "Act");

WHEREAS, the Agency adopted Resolution No. 20-052, on May 19, 2020, (the "Original Resolution") which authorized issuance of the Agency's \$798,000 Community Redevelopment Tax Increment Revenue Note (La Vista City Centre Project), Series 2020 (the "Original Note"), and which Original Resolution governs the repayment of the Original Note from the sources provided and described in the Original Resolution;

WHEREAS, the repayment source for the Phase IB Note under the Amended Resolution is the combined TIF Revenues attributable to that portion of the Redevelopment Area consisting of the following (together, the "Project Area"): La Vista City Centre, Lot 3 ("Lot 3"); La Vista City Centre, Lot 4 ("Lot 4"); and La Vista City Centre, Lot 5 ("Lot 5");

WHEREAS, the Original Note was issued to and is currently registered in the name of an affiliate of the Redeveloper (the "Current Owner") pursuant to the terms of the Original Resolution, and the Current Owner has requested that the Original Resolution be amended to allow transfer of the Original Note to one or more transferees, and that such transferred note be permitted to be repaid from the specific TIF Revenues attributable to one or a combination of Lot 3, Lot 4 or Lot 5 included in the Project Area, rather than equally and ratably secured by the combined TIF Revenues from the Project Area; and

WHEREAS, it is necessary, desirable, advisable, and in the best interest of the Agency to amend the Original Resolution for such purposes and in the manner as hereinafter provided.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of La Vista, Nebraska, acting as the community development agency, as follows:

Section 1. Definitions of Words and Terms. Unless otherwise provided herein, and in addition to words and terms defined elsewhere in this amending resolution (the "Amending Resolution"; and the Original Resolution as amended by this Amending Resolution shall be referred to as the "Bond Resolution"), the capitalized words and terms used herein, including in the recitals hereto, shall have the meanings provided in the Original Resolution. Definitions of capitalized terms in this Amending Resolution shall control for purposes of the Bond Resolution to the extent of any conflict under the Bond Resolution.

Section 2. Authorization of Multiple Notes and Transfer. The Original Note may be transferred as a single note or as multiple notes (any such notes referred to herein as the "Note" or "Notes"). If more than one Note is outstanding under the Bond Resolution, all such Notes be issued with the same interest rate and maturity date and shall be payable equally and ratably from the sources provided in the Original Resolution, unless otherwise determined in accordance with Section 3 of this Amending Resolution. A Note may be transferred pursuant to its provisions at the office of the Agency by surrender of such note for cancellation by the Registered Owner, accompanied by a written instrument of transfer, in form satisfactory to the Agency, duly executed by the Registered Owner in person or by such owner's duly authorized agent, and thereupon the Agency will deliver at its office (or send to the transferee

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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 Note or Notes of the same interest rate, aggregate principal amount and maturity. One such note may be transferred for several such notes of the same interest rate and maturity, and for a like aggregate principal amount, and several such notes may be transferred for one or several such notes, respectively, of the same interest rate and maturity and for a like aggregate principal amount. In every case of transfer of a note, the surrendered note shall be canceled and destroyed. Unless otherwise provided pursuant to the terms of Section 3 of this Amending Resolution, all notes issued upon transfer of the notes so surrendered shall be valid obligations of the Agency evidencing the same obligation as the note or notes surrendered, including the principal and accrued interest thereon, and shall be entitled to all the benefits and protection of the Original Resolution as amended by this Resolution to the same extent as the note or notes upon transfer of which they were delivered.

Section 3. Authorization of Alternative Security for Multiple Notes. Upon the request of the registered owner of all of the outstanding Notes, the City may execute a designation (the "Designation") providing that TIF Revenues from one or a combination of Lot 3, Lot 4 or Lot 5 shall be dedicated to repayment of a specific identified Note. Any such Designation may be included in an agreement with the registered owners of the Notes at the time of issuance or transfer of the Notes. Any Designation shall bind the City with respect to the TIF Revenues pledged from Lot 3, Lot 4 and Lot 5 as provided in the Designation until the remaining principal of the applicable Note has been repaid in full, or the 15 year period for division of taxes has ended as provided in Section 6.1 of the Original Resolution, whichever occurs first. The terms of the Designation shall be applicable to any transferees or other subsequent registered owners of a Note without further agreement by or acknowledgement from the City or registered owners of the Notes. Upon execution of a Designation, the City shall reissue all affected Notes and shall include language in each form of Note to indicate the portion of TIF Revenues pledged for repayment of such Note.

Section 4. Further Authority. The officers of the Agency, including the Chair and Secretary, are hereby authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Resolution and to make any changes or additions in this Resolution and the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they determine to be in the Agency's best interest, and the execution or taking of such action shall be conclusive evidence of such determination.

Section 5. Effect of Amendment. Except as amended by this Resolution, the Original Resolution is hereby ratified and confirmed in all respects. All resolutions or orders, or parts thereof in conflict with the provisions of this Resolution are to be extent of such conflict hereby repealed.

Section 6. Severability. If any section or other part of this Resolution is for any reason held invalid, the invalidity thereof shall not affect the validity of the other provisions of this Resolution.

Section 7. Governing Law. This Resolution shall be governed exclusively by and construed in accordance with the applicable laws of the State.

Section 8. Effective Date. This Resolution shall take effect and be in full force from and after its passage by the governing body of the Agency.

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

## **D. RESOLUTION – AUTHORIZE AGREEMENT – LEADERSHIP DEVELOPMENT & STRATEGIC PLANNING SERVICES**

Councilmember Frederick introduced and moved for the adoption of Resolution No. 23-130 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING AN AGREEMENT WITH STRATEGIC

# MINUTE RECORD

GOVERNMENT RESOURCES, KELLER, TX, FOR LEADERSHIP DEVELOPMENT AND STRATEGIC PLANNING SERVICES IN AN AMOUNT NOT TO EXCEED \$31,000.00.

WHEREAS, the Mayor and Council have determined that leadership development and strategic planning services are necessary; and

WHEREAS, the FY23/FY24 Biennial Budget provides funding for the proposed services; and

WHEREAS, Strategic Government Resources (SGR) has been providing leadership development and strategic visioning and planning services to cities since 2002; 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;

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska authorize the negotiation of a contract with Strategic Government Resources for leadership development and strategic planning services subject to any modifications the City Administrator or her designee determines necessary in an amount not to exceed \$31,000.00.

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

## E. RESOLUTION – AUTHORIZE PURCHASE – ROTARY MOWER

Councilmember Frederick introduced and moved for the adoption of Resolution No. 23-131 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE PURCHASE OF ONE (1) 2023 JACOBSEN AR530 ROTARY MOWER FROM TURFWERKS, OMAHA, NEBRASKA IN AN AMOUNT NOT TO EXCEED \$74,364.00.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of a Jacobsen AR530 Rotary Mower is necessary; and

WHEREAS, the FY23/FY24 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) 2023 Jacobsen AR530 Rotary Mower from Turkwerks, Omaha, Nebraska in an amount not to exceed \$74,364.00.

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

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

## COMMENTS FROM THE FLOOR

There were no comments from the floor.

# MINUTE RECORD

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## **F. EXECUTIVE SESSION – CONTRACT NEGOTIATIONS**

At 6:29 p.m. Councilmember Quick made a motion to go into executive session for protection of the public interest for contract negotiations. Seconded by Councilmember Hale. Councilmembers voting aye: Frederick, Ronan, Sheehan, Quick, Sell, Hale and Wetuski. Nays: None. Abstain: None. Absent: Thomas. Motion carried. Mayor Kindig stated the executive session would be limited to the subject matter contained in the motion.

At 7:17 p.m. the Council came out of executive session. Councilmember Sell made a motion to reconvene in open and public session. Seconded by Councilmember Frederick. Councilmembers voting aye: Frederick, Ronan, Sheehan, Quick, Sell, Hale and Wetuski. Nays: None. Abstain: None. Absent: Thomas. Motion carried.

## **COMMENTS FROM MAYOR AND COUNCIL**

Councilmember Frederick commented on the Fall Festival.

Mayor Kindig reported on legislative updates.

At 7:25 p.m. Councilmember Hale made a motion to adjourn the meeting. Seconded by Councilmember Sell. Councilmembers voting aye: Frederick, Ronan, Sheehan, Quick, Sell, Hale and Wetuski. Nays: None. Abstain: None. Absent: Thomas. Motion carried.

PASSED AND APPROVED THIS 7TH DAY OF NOVEMBER 2023.

CITY OF LA VISTA

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

ATTEST:

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