



**PROCLAMATION
MARK KLINKER**

WHEREAS: the Mayor and City Council of La Vista, Nebraska recognize that Mark Klinker has served as the City's prosecuting attorney for code violations for 25 years; and

WHEREAS: Mark and his wife were once residents of La Vista; and

WHEREAS: Mark also served for some time on the La Vista Library Advisory Board; and

WHEREAS: Mark has served the City of La Vista and its residents well for many years and his work has contributed to the City's success;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Council of the City of La Vista Nebraska, thank Mark Klinker for his service to the City of La Vista and hereby wish him well in his retirement.

IN WITNESS WHEREOF, I have set my hand and caused the official Seal of the City of La Vista to be affixed this 2nd day of February, 2021.

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk



CITY OF LA VISTA

CERTIFICATE OF APPRECIATION

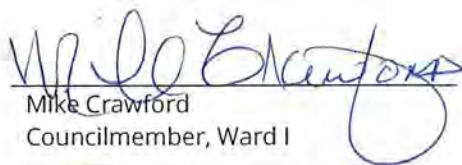
A CERTIFICATE OF APPRECIATION PRESENTED TO **STACIA BURT** OF THE LA VISTA POLICE DEPARTMENT, FOR 25 YEARS OF FAITHFUL AND EFFICIENT SERVICE TO THE CITY OF LA VISTA.

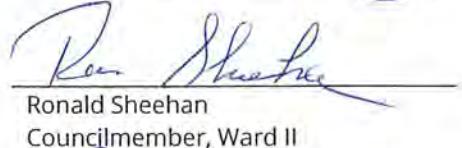
WHEREAS, **Stacia Burt** has served the City of La Vista since January 9, 1996; and

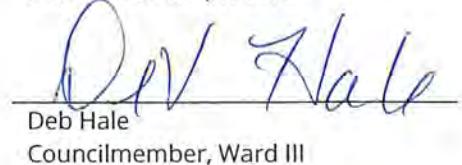
WHEREAS, **Stacia Burt's** input and contributions to the City of La Vista have contributed to the success of the City;

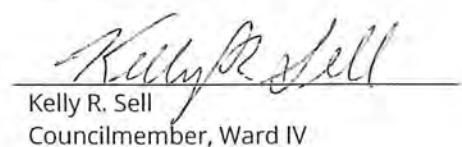
NOW, THEREFORE BE IT RESOLVED that this Certificate of Appreciation is hereby presented to **Stacia Burt** on behalf of the City of La Vista for 25 years of service to the City.

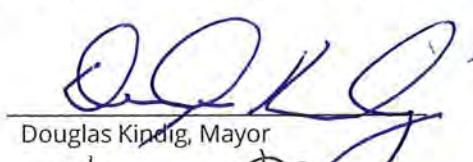
DATED THIS 2ND DAY OF FEBRUARY 2021.

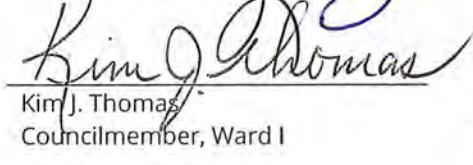

Mike Crawford
Councilmember, Ward I

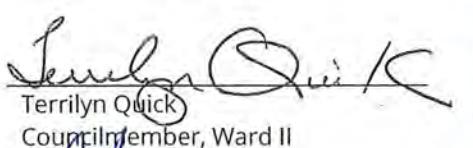

Ronald Sheehan
Councilmember, Ward II

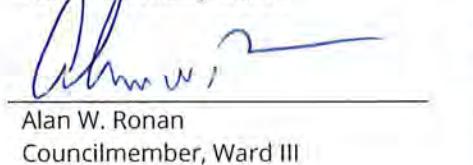

Deb Hale
Councilmember, Ward III

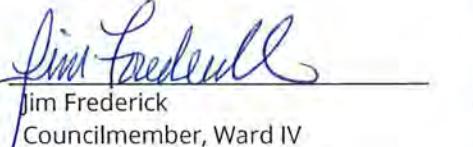

Kelly R. Sell
Councilmember, Ward IV


Douglas Kipdig, Mayor


Kim J. Thomas
Councilmember, Ward I


Terrilyn Quick
Councilmember, Ward II


Alan W. Ronan
Councilmember, Ward III


Jim Frederick
Councilmember, Ward IV

ATTEST:


Pamela A. Buethe, CMC
City Clerk

LA VISTA CITY COUNCIL MEETING AGENDA
February 2, 2021
6:00 p.m.
Harold "Andy" Anderson Council Chamber
La Vista City Hall
8116 Park View Blvd

- Call to Order
- Pledge of Allegiance
- Announcement of Location of Posted Open Meetings Act
- Proclamation: Service to La Vista – Mark Klinker
- Service Award: Stacia Burt – 25 Years

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

A. CONSENT AGENDA

1. Approval of the Agenda as Presented
2. Approval of the Minutes of the January 19, 2021 City Council Meeting
3. Request for Payment – Olsson – Professional Services – City Centre Phase 1 Public Infrastructure - \$2,034.50
4. Request for Payment – RDG Planning & Design – Professional Services – Placemaking & LA Services – \$2,067.42
5. Request for Payment – Thompson, Dreessen & Dorner, Inc. – Professional Services – Miscellaneous Services – \$1,050.00
6. Request for Payment – Thompson, Dreessen & Dorner, Inc. – Professional Services – Central Park Improvements – \$1,480.30
7. Approval of Claims

- Reports from City Administrator and Department Heads

B. Authorize Bond Refunding and New Bonds

1. Ordinance – Issue General Obligation bonds to refund Outstanding Bonds Series 2015
2. Ordinance – Issue Highway Allocation Fund Pledge Bonds to Refund Outstanding Bonds Series 2014 and Series 2016 and issue new Highway Allocation Fund Pledge Bonds Series 2021
3. Ordinance – Issue Taxable Tax Supported Bonds to Refund Outstanding Bonds Series 2017

C. Ordinance – Regulation Requiring Face Coverings in the City

D. Resolution – Authorize Agreement – Grade Control Improvements – La Vista City Centre, LLC and City Centre I, LLC

E. Resolution – Renaming the Area Currently Referred to as Civic Center Park as Central Park

F. Resolution – Authorize Request for Proposals – Operation of Concession Services at City Locations

G. Resolution – Authorize Purchase – FortiGate Firewall

H. Executive Session – Contract Negotiations

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

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

MINUTE RECORD

A-2

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

LA VISTA CITY COUNCIL MEETING January 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 January 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, City Engineer Dowse, and Community Development Director Fountain.

A notice of the meeting was given in advance thereof by publication in the Times on January 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.

APPOINTMENTS – PLANNING COMMISSION – REAPPOINT JOSHUA FREY – 3 YEAR TERM – BOARD OF ADJUSTMENT – APPOINT JASON SOKOLEWICZ – FILL VACANCY – 3 YEAR TERM

Mayor Kindig stated, with the approval of the City Council, he would like to re-appoint Joshua Frey to the Planning Commission for a 3 year term and appoint Jason Sokolewicz to the Board of Adjustment for a 3 year term. Councilmember Thomas motioned the approval, seconded by Councilmember Quick. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. APPROVAL OF THE MINUTES OF THE JANUARY 5, 2021 CITY COUNCIL
MEETING
3. APPROVAL OF THE MINUTES OF THE JANUARY 7, 2021 PLANNING
COMMISSION MEETING
4. MONTHLY FINANCIAL REPORT - NOVEMBER 2020
5. REQUEST FOR PAYMENT – HUNDEN STRATEGIC PARTNERS –
PROFESSIONAL SERVICES – \$10,000.00
6. REQUEST FOR PAYMENT – LAMP RYNEARSON – PROFESSIONAL
SERVICES – \$17,191.20
7. RESOLUTION NO. 21-003 – AUTHORIZE PAYMENT – MCC/LIBRARY
COOLING TOWER REPAIR

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING PAYMENT TO METROPOLITAN COMMUNITY COLLEGE (MCC), OMAHA, NEBRASKA, FOR A FLUID COOLING TOWER REPLACEMENT AT THE METROPOLITAN COMMUNITY COLLEGE – SARPY CENTER / LA VISTA PUBLIC LIBRARY IN AN AMOUNT NOT TO EXCEED \$72,623.91.

WHEREAS, the Mayor and City Council have determined that the replacement of a fluid cooling tower was necessary; and

WHEREAS, the City is responsible for 42.28% of the project costs; and

WHEREAS, the costs total \$171,768.95 with the City's portion being \$72,623.91; and

WHEREAS, the FY 19/20 and FY 21/22 Biennial Budgets provide funding for this project; and

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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 the City of La Vista, Nebraska, do hereby authorize payment to Metropolitan Community College (MCC), for replacement of a fluid cooling tower in an amount not to exceed \$72,623.91.

8. APPROVAL OF CLAIMS

AKRS EQUIPMENT SOLUTIONS INC, maint.	1,491.68
AMAZON CAPITAL SERVICES, bld&grnds	602.22
ASCAP, services	367.00
BKD LLP, services	4,200.00
BLIZZARD BOYS, maint.	931.52
BLUE 360 MEDIA, services	2,868.75
BOBCAT OF OMAHA, maint.	466.74
CENTER POINT, books	364.32
CINTAS CORP, services	285.07
CITY OF PAPILLION, services	208,707.00
CORNHUSKER INTL TRUCKS INC, maint.	72.15
COX COMMUNICATIONS, services	280.55
CULLIGAN OF OMAHA, services	56.92
CUMMINS CENTRAL POWER, maint.	257.34
D & K PRODUCTS, supplies	416.50
DASH MEDICAL GLOVES, supplies	100.90
DELL MARKETING, services	3,523.96
DEMCO INC, supplies	108.19
DLR GROUP, services	547.00
DOUGLAS COUNTY SHERIFF, services	75.00
DULTMEIER SALES LLC, supplies	723.65
FASTENAL CO, maint.	141.21
FEDEX, services	50.57
FLEETPRIDE, maint.	124.70
GENUINE PARTS CO, maint.	1,921.98
HERITAGE CRYSTAL CLEAN LLC, services	396.78
HGM ASSOCIATES, services	5,069.56
HUNTEL COMMUNICATIONS, services	212.50
INGRAM LIBRARY SERVICES, books	2,781.22
K ELECTRIC, services	6,525.93
KEYMASTERS LOCKSMITH, services	35.00
KIMBALL MIDWEST, maint.	591.89
KRIHA FLUID POWER, maint.	332.32
MARK A KLINKER, services	34.00
MATHESON TRI-GAS INC, supplies	625.92
MENARDS-RALSTON, bld&grnds	777.53
MICHAEL TODD & CO, services	9,976.40
MID-STATES ORGANIZED CRIME INFO, services	200.00
MIDWEST RIGHT OF WAY, services	237.50
MIDWEST TAPE, media	123.10
MIDWEST TURF & IRRIGATION, maint.	591.02
MNJ TECHNOLOGIES, services	1,063.00
MURPHY TRACTOR & EQUIPMENT CO, maint.	119.73
NE IOWA INDL FASTENERS, maint.	31.69
NOLL, MARGARET M, services	90.00
OFFICE DEPOT INC, supplies	853.83
OMAHA SLINGS INC, maint.	316.04
ONE CALL CONCEPTS, services	137.63
O'REILLY AUTO PARTS, maint.	935.39
RDG PLANNING & DESIGN, services	10,444.16
RED WING, apparel	113.99

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SESAC INC, services	483.00
SHI INTERNATIONAL CORP, services	27,647.95
SIGN IT, services	298.00
SOUTHERN UNIFORM, apparel	127.99
STAPLES INC, supplies	158.99
SUBURBAN NEWSPAPERS INC, services	159.95
SUN VALLEY LANDSCAPING, services	728.32
SUNSET LAW ENFORCEMENT LLC, supplies	4,744.18
THE SCHEMMER ASSOCIATES INC, services	181.25
THOMPSON DREESSEN & DORNER INC, services	600.00
TRANS UNION RISK, services	50.00
TRUCK CENTER CO, maint.	1,038.16
TY'S OUTDOOR POWER, maint.	140.70
U.S. CELLULAR, phones	1,820.46
VAL VERDE ANIMAL HOSPITAL, services	257.63
WALMART, supplies	1,091.80
WESTLAKE HARDWARE, bld&grnds	886.80
WHITE CAP CONSTR SUPPLY, apparel	154.88

Councilmember Sell made a motion to approve the consent agenda. Seconded by Councilmember Quick. Councilmember Quick 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

City Clerk Buethe reminded Council to turn on their microphones so that other Council members and the audience would be able to hear them clearly.

Director of Administrative Services Pokorny reported that the Finance Department received an award from the Government Finance Officers Association for the City's first Comprehensive Annual Financial Report (CAFR).

Community Relations Coordinator Beaumont reported on the analytics for video content on the City's website.

Recreation Director Scott Stopak reported on programming.

B. RESOLUTION – ADOPTION - INFORMATION TECHNOLOGY STRATEGIC PLAN

Keith Damon, from Berry Dunn, presented the Information Technology Strategic Plan.

Councilmember Thomas introduced and moved for the adoption of Resolution No. 21-004 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA ADOPTING THE INFORMATION TECHNOLOGY STRATEGIC PLAN.

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

WHEREAS, the Mayor and City Council believe that it is essential to have an Information Technology Strategic Plan; and

WHEREAS, the Mayor and City Council included the creation of an Information Technology Strategic Plan as a part of their overall Strategic Plan for the City;

WHEREAS, the Information Technology Strategic Plan is developed as a collaborative effort between BerryDunn Consultants, the IT Committee, consisting of representatives from each department; management staff and all employees.

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NOW THEREFORE, BE IT RESOLVED that the Mayor and City Council of the City of La Vista, Nebraska, do hereby adopt the Information Technology Strategic Plan as presented at the January 19, 2021 City Council meeting.

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

C. VACANT PROPERTY REGISTRATION PROGRAM

1. Ordinance – Adoption of Vacant Property Registration Program

Councilmember Frederick introduced Ordinance No. 1407 entitled: AN ORDINANCE TO REPEAL AND REPLACE MUNICIPAL CODE SECTION 150.80 ENACTED BY ORDINANCE NO. 1317; TO ADOPT AND CODIFY A VACANT PROPERTY REGISTRATION PROGRAM; TO REPEAL ORDINANCE NO. 1317; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

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, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion passed.

Councilmember Sheehan made a motion to approve final reading and adopt Ordinance 1407. Councilmember Frederick seconded the motion. The Mayor then stated the question, "Shall Ordinance No. 1407 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. Ordinance – Amend Master Fee Ordinance

Councilmember Thomas introduced Ordinance No. 1408 entitled: AN ORDINANCE TO AMEND ORDINANCE NO.1397, AN ORDINANCE TO ESTABLISH THE AMOUNT OF CERTAIN FEES AND TAXES CHARGED BY THE CITY OF LA VISTA FOR VARIOUS SERVICES INCLUDING BUT NOT LIMITED TO BUILDING AND USE, ZONING, OCCUPATION, PUBLIC RECORDS, ALARMS, EMERGENCY SERVICES, RECREATION, LIBRARY, AND PET LICENSING; SEWER AND DRAINAGE SYSTEMS AND FACILITIES OF THE CITY FOR RESIDENTIAL USERS AND COMMERCIAL USERS (INCLUDING INDUSTRIAL USERS) OF THE CITY OF LA VISTA AND TO GRANDFATHER EXISTING STRUCTURES AND TO PROVIDE FOR TRACT PRECONNECTION PAYMENTS AND CREDITS; REGULATING THE MUNICIPAL SEWER DEPARTMENT AND RATES OF SEWER SERVICE CHARGES; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE THE EFFECTIVE DATE HEREOF.

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, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion passed.

Councilmember Frederick made a motion to approve final reading and adopt Ordinance 1408. Councilmember Thomas seconded the motion. The Mayor then stated the question, "Shall Ordinance No. 1408 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.

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D. RESOLUTION – FINAL PLAT – LOT 1 I-80 BUSINESS PARK 2ND ADDITION REPLAT 1

Councilmember Frederick introduced and moved for the adoption of Resolution No. 21-005 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, APPROVING THE FINAL PLAT FOR A REPLAT OF LOT 1 I-80 BUSINESS PARK 2ND ADDITION AND PT HARRY ANDERSEN AVE ADJ TO LOT 1 I-80 BUSINESS PARK 2ND ADDITION LOCATED IN THE NW 1/4 OF THE NW 1/4 OF SECTION 17, T14, R12 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA, AND PT STATE ROW ADJ TO LOT 1 I-80 BUSINESS PARK 2ND ADDITION LOCATED IN THE NE 1/4 OF THE NE 1/4 OF SECTION 18, T14, R12 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA, TO BE REPLATTED AS LOT 1 I-80 BUSINESS PARK 2ND ADDITION REPLAT 1 LOCATED IN SECTIONS 17 AND 18, T14, R12 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA.

WHEREAS, the owner of the above described pieces of property has made application for approval of a final plat as presented at this meeting for Lot 1 I-80 Business Park 2nd Addition Replat 1 ("Final Plat"); and

WHEREAS, the La Vista Board of Adjustment determined that sufficient evidence was presented, including unique attributes of the property, to grant requested variances from certain setback requirements of the La Vista Zoning Ordinance; and

WHEREAS, due to the unique attributes of the property including elevations, terrain, and topography, the Final Plat application also includes a request for a waiver from a provision of Section 4.20 of the Subdivision Regulations that requires a minimum distance of six (6) feet between edge of sidewalks and curbs ("Minimum Sidewalk Setback") with respect to a section of the sidewalk on the northeast corner of the property; and

WHEREAS, waivers under the Subdivision Regulations may be granted upon determining that:

- i. There are unique circumstances or conditions affecting the property that are not merely for the convenience or profit of the Subdivider;
- ii. The waivers are necessary for the reasonable and acceptable development of the property in question; and
- iii. The granting of the waivers will not be detrimental to the public or injurious to adjacent and nearby properties ("Requirements for a Waiver").

WHEREAS, the City Engineer has reviewed the Final Plat and request for a waiver; and

WHEREAS, on January 7, 2021, the La Vista Planning Commission reviewed the requests and voted unanimously to recommended approval of both the waiver of the Minimum Sidewalk Setback of Section 4.20 of the Subdivision Regulations with respect to the particular section of sidewalk, and the Final Plat;

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of La Vista, Nebraska, that the Requirements for a Waiver are satisfied and a waiver of Section 4.20 of the Subdivision Regulations regarding the Minimum Sidewalk Setback shall be granted, provided a minimum setback shall be established by the property owner for this section of sidewalk to the satisfaction of the City Engineer prior to release of the Final Plat for recording or issuance of a building permit.

BE IT FURTHER RESOLVED by the Mayor and City Council of the City of La Vista, Nebraska, that the Final Plat for Lot 1 I-80 Business Park 2nd Addition, Pt Harry Andersen Ave Adj to Lot 1 I-80 Business Park 2nd Addition, and Pt State Row Adj to Lot 1 I-80 Business Park 2nd Addition, to be replatted as Lot 1 I-80 Business Park 2nd Addition Replat 1, a subdivision located in the northwest 1/4 of the northwest 1/4 of Section 17, and the northeast 1/4 of the northeast 1/4 of Section 18, both in Township 14, Range 12E, generally

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located northwest of the intersection of S. 118th Street and Harry Anderson Avenue, be, and hereby is approved, subject to the recording of the Final Plat.

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

E. RESOLUTION – INTERLOCAL AGREEMENT – PACE ADMINISTRATION

Councilmember Thomas introduced and moved for the adoption of Resolution No. 21-006 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING EXECUTION OF AN INTERLOCAL COOPERATION AGREEMENT BETWEEN THE CITY OF LA VISTA AND THE CITY OF GRETNA FOR PACE APPLICATION REVIEW FOR THE GRETNA PACE DISTRICT.

WHEREAS, the City of La Vista established the La Vista Property Assessed Clean Energy District on August 5, 2020; and

WHEREAS, the City of Gretna is interested in establishing a PACE District and has requested the assistance of La Vista staff in the administration of their program; and

WHEREAS, the City of La Vista has the experience and capacity necessary to review additional applications for PACE financing; and

WHEREAS, an interlocal cooperation agreement has been drafted;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of La Vista, Nebraska, that the interlocal agreement between the City of Gretna and the City of La Vista regarding PACE application review for the Gretna PACE District is hereby approved in form and content submitted with this resolution, subject to any additions, subtractions, or changes as the City Administrator or any designee of the City Administrator determines necessary or appropriate in consultation with the City Attorney, and that the Mayor or any designee of the Mayor is hereby authorized to execute said agreement on behalf of the City of La Vista.

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

F. RESOLUTION – MEMORANDUM OF UNDERSTANDING (UPDATE) – SHARED MAINTENANCE – GILES ROAD

Councilmember Sell introduced and moved for the adoption of Resolution No. 21-007 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF AN UPDATED MEMORANDUM OF UNDERSTANDING WITH THE CITY OF PAPILLION FOR SHARED MAINTENANCE RESPONSIBILITIES FOR GILES ROAD FROM THE EAST RIGHT OF WAY LINE OF 66TH STREET TO THE WEST RIGHT OF WAY LINE OF PORTAL ROAD.

WHEREAS, the City desires to update a Memorandum of Understanding with the City of Papillion for shared maintenance responsibilities for Giles Road from the east right of way line of 66th Street to the west right of way line of Portal Road; and

WHEREAS, the Memorandum of Understanding identifies the maintenance roles and responsibilities of the parties as they relate to Giles Road from the east right of way line of 66th Street to the west right of way line of Portal Road; and

WHEREAS, the update is to account for the relinquishment of N85 within the cities of La Vista and Papillion and the additional responsibilities of the 84th Street and Giles Road traffic signal; and

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WHEREAS, the Memorandum of Understanding runs for a period of one (1) year which will renew January 1st of each year unless mutually agreed otherwise by the two Cities;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska, hereby authorize execution of an updated Memorandum of Understanding with the City of Papillion for shared maintenance responsibilities for portions of Giles Road from the east right of way line of 66th Street to the west right of way line of Portal Road.

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

G. RESOLUTION – AMEND PROFESSIONAL SERVICES AGREEMENT

Councilmember Frederick introduced and moved for the adoption of Resolution No. 21-008 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF THE FIRST AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH ALFRED BENESCH AND COMPANY, OMAHA, NEBRASKA TO INCLUDE CONSTRUCTION ENGINEERING SERVICES FOR AN INCREASE OF \$373,816.50, ADJUSTING THE NOT TO EXCEED AMOUNT TO \$490,811.50.

WHEREAS, the Mayor and City Council have determined that the addition of construction engineering services are necessary; and

WHEREAS, the FY21/22 Biennial Budget provides funding for the proposed services;

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska, that the first amendment to the professional services agreement, in a form satisfactory to the City Administrator or their designee, be authorized with Alfred Benesch and Company, Omaha, Nebraska for the addition of construction engineering services for an increase of \$373,816.50 adjusting the not to exceed amount to \$490,811.50.

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

H. RESOLUTION – ADVERTISEMENT FOR BIDS – PARK VIEW BOULEVARD PANEL REPLACEMENT

Councilmember Thomas introduced and moved for the adoption of Resolution No. 21-009 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE ADVERTISEMENT FOR BIDS FOR PANEL REPLACEMENT ON PARK VIEW BOULEVARD FROM 84TH STREET TO 96TH STREET.

WHEREAS, the Mayor and Council have determined that panel replacement on Park View Boulevard from 84th Street to 96th Street is necessary; and

WHEREAS, the FY21/FY22 Biennial Budget provides funding for the proposed project; and

WHEREAS, the schedule for awarding this contract is as follows:

Publish Notice to Contractors January 27, 2021 and February 3, 2021

Open Bids February 12, 2021 at 10:00 am at City Hall

City Council Award Contract March 2, 2021

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska hereby authorize the advertisement for bids for

MINUTE RECORD

January 19, 2021

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

panel replacement on Park View Boulevard from 84th Street to 96th Street.

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

I. CLASS D LIQUOR LICENSE BUCKY'S EXPRESS

1. PUBLIC HEARING

At 7:19 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the application for a Class D Liquor License for Bucky's Express.

At 7:19 p.m. Councilmember Hale made a motion to close the public hearing. Seconded by Councilmember Frederick. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

2. RESOLUTION

Councilmember Sheehan introduced and moved for the adoption of Resolution No. 21-010 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA RECOMMENDING TO THE NEBRASKA LIQUOR CONTROL COMMISSION, APPROVAL OF THE CLASS D LIQUOR LICENSE APPLICATION BUCKY'S LLC DBA BUCKY'S EXPRESS 73, 7203 HARRISON STREET, LA VISTA, NEBRASKA.

WHEREAS, Bucky's LLC dba Bucky's Express 73, 7203 Harrison Street, La Vista, Sarpy County, Nebraska, has applied to the Nebraska Liquor Control Commission for a Class D Liquor License, and

WHEREAS, the Nebraska Liquor Control Commission has notified the City of said application, and

WHEREAS, the City has adopted local licensing standards to be considered in making recommendations to the Nebraska Liquor Control Commission, and

WHEREAS, said licensing standards have been considered by the City Council in making its decision.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, hereby recommend to the Nebraska Liquor Control Commission approval of the Class D Liquor License application submitted by Bucky's LLC dba Bucky's Express 73, 7203 Harrison Street, La Vista, Sarpy County, Nebraska.

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

COMMENTS FROM THE FLOOR

Juliane Popelka and Ali O'Connor commented in favor of the creation of a dog park in the lot north of the Library.

COMMENTS FROM MAYOR AND COUNCIL

Councilmember Sell commented on the trash collection questionnaire that the City sent out several years ago.

At 7:36 p.m. Councilmember Thomas made a motion to adjourn the meeting. Seconded by Councilmember Crawford. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

MINUTE RECORD

January 19, 2021

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

PASSED AND APPROVED THIS 2ND DAY OF FEBRUARY 2021.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

Invoice

601 P St Suite 200
PO Box 84608
Lincoln, NE 68501-4608
Tel 402.474.6311, Fax 402.474.5063

olsson

January 19, 2021

Invoice No: 377793

Pat Dowse
City Engineer
City of La Vista NE
8116 Park View Blvd
La Vista, NE 68128-2198

Invoice Total \$2,034.50

Olsson Project # B16-05460 La Vista NE City Centre Phase 1 Public Infrastructure

Professional services rendered October 12, 2020 through January 2, 2021 for work completed in accordance with agreement dated October 7, 2016 and Amendment #1 dated July 7, 2017, Amendment #2 dated July 21, 2017, Amendment #3 dated November 21, 2017, Amendment #4 dated May 17, 2018, and Amendment #5 dated October 24, 2018.

NTP: 12.06.16
PO: 20-008346

Phase 300 Project Management (Including Amendments 2, 3, 5 & 7)

Labor

Phase 402 SWPPP Inspections (Including Amendment 5 & 7)

Fee

Number of Mo Insp Fees	2.00
Fee Each	800.00
Subtotal	1,600.00
Subtotal	1,600.00
Total this Phase	\$1,600.00

INVOICE PAYMENT IS REQUESTED WITHIN 30 DAYS

Consent Agenda 2/2/2021

⑩

Project	B16-05460	La Vista NE City Centre Phase 1 Public	Invoice	377793
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Billing Limits	Current	Prior	To-Date
Total Billings	2,034.50	1,161,128.67	1,163,163.17
Limit			1,174,991.75
Balance Remaining			11,828.58

AMOUNT DUE THIS INVOICE **\$2,034.50**

Email Invoices to: pdowse@cityoflavista.org

Authorized By: Anthony Egelhoff

OK TO PAY
PMD 1/26/2021

INVOICE PAYMENT IS REQUESTED WITHIN 30 DAYS



December 31, 2020
 Project No: R3003.066.00
 Invoice No: 48139

Rita Ramirez
 Assistant City Administrator
 City of La Vista
 8116 Parkview Blvd
 La Vista, NE 68128

Project R3003.066.00 LaVista, City of - Placemaking & LA Svcs

Professional Services through December 31, 2020

Fee

Billing Phase	Fee	Billed %	Earned	Prior Fee	Current Fee
Planning	237,167.50	90.268	214,086.36	212,027.74	2,058.62
Schematic Design	12,482.50	0.00	0.00	0.00	0.00
Total Fee	249,650.00		214,086.36	212,027.74	2,058.62
Total Fee					2,058.62

Reimbursable Expenses

Printing	8.80
Total Reimbursables	8.80
	8.80

Total this Invoice **\$2,067.42**

Outstanding Invoices

Number	Date	Balance
48053	11/30/2020	10,444.16
Total		10,444.16

PO Number: 20-008351

R. Ramirez
 1/21/21

Consent Agenda 02/02/2021

(14)



A-5



Thompson, Dreessen & Dorner, Inc.
Consulting Engineers & Land Surveyors

INVOICE

engineering
& surveying

Please remit to:
TD2 Nebraska Office
10836 Old Mill Road; Omaha, NE 68154
Office: 402/330-8860 Fax: 402/330-5866

TD2 South Dakota Office
5000 S. Minnesota Ave., Ste. 300; Sioux Falls, SD 57108
Office: 605/951-0886

CITY OF LA VISTA
PAT DOWSE
9900 PORTAL ROAD
LA VISTA, NE 68128

Invoice number 141724
Date 01/20/2021
Project 0171-400 CITY OF LA VISTA -
MISCELLANEOUS SERVICES 2012 -
CURRENT, CIVIL

Professional Services from November 16, 2020 through December 27, 2020

Description	Current Billed
Civil Engineering Services	1,050.00
On-call - CD: Review Kelly Field pool site CIP list.	37.50
On-call - PW: Provide Harrison Hills drainage calc files.	150.00
On-call - PW: Giff property appraisal revision.	75.00
On-call - CD: Monthly virtual CD meeting.	75.00
On-call - PW: Review and discuss SID 237 drainage calculations and culvert options.	712.50
Construction Materials Testing and Special Inspections	0.00
	Total 1,050.00

Invoice total 1,050.00

Aging Summary

Invoice Number	Invoice Date	Outstanding	Current	Over 30	Over 60	Over 90	Over 120
141724	01/20/2021	1,050.00	1,050.00				
	Total	1,050.00	1,050.00	0.00	0.00	0.00	0.00

Terms Net 30 Days. A Finance Charge of 1 1/2% Per Month (18% per Annum) Will Be Charged on Past Due Accounts. Also Liable for all Legal and Collection Fees. Invoices not paid within 90 days of the invoice date will be subject to possible lien filings.

OK PAY
PMO 1/26/21
1.19.6303.00

Consent Agenda 2/2/2021
(Y)

A-6



Thompson, Dreessen & Dorner, Inc.
Consulting Engineers & Land Surveyors

INVOICE

engineering
& surveying

Please remit to:
TD2 Nebraska Office
10836 Old Mill Road; Omaha, NE 68154
Office: 402/330-8860 Fax: 402/330-5866

TD2 South Dakota Office
5000 S. Minnesota Ave., Ste. 300; Sioux Falls, SD 57108
Office: 605/951-0886

CITY OF LA VISTA
PAT DOWSE
9900 PORTAL ROAD
LA VISTA, NE 68128

Invoice number 141725
Date 01/20/2021
Project 0171-422 CENTRAL PARK
IMPROVEMENTS

Professional Services from October 1, 2020 through December 27, 2020

Description	Contract Amount	Prior Billed	Remaining	Current Billed
Task 1 - Topographic Survey	3,500.00	3,500.00	0.00	0.00
Task 2 thru 4-Design Work except Task 2.4	39,500.00	9,133.75	30,326.25	40.00
<i>Fee maximum not to be exceeded due to extra work until an amendment is approved at a future date.</i>				
Reimbursables	20,000.00	9,251.56	9,308.14	1,440.30
Subconsultant Services - Felsburg, Holt and Ullevig	0.00	640.00	-640.00	0.00
Additional Services	0.00	640.00	-640.00	0.00
Total	63,000.00	22,525.31	38,994.39	1,480.30

Invoice total 1,480.30

Aging Summary

Invoice Number	Invoice Date	Outstanding	Current	Over 30	Over 60	Over 90	Over 120
141725	01/20/2021	1,480.30	1,480.30	0.00	0.00	0.00	0.00
	Total	1,480.30	1,480.30	0.00	0.00	0.00	0.00

Terms Net 30 Days. A Finance Charge of 1 1/2% Per Month (18% per Annum) Will Be Charged on Past Due Accounts. Also Liable for all Legal and Collection Fees. Invoices not paid within 90 days of the invoice date will be subject to possible lien filings.

OKD PA-1
DMD 1/26/21
16.71.0917.006 - PARK 20002

Consent Agenda 2/2/2021

(u)

User: mgustafson

DB: La Vista

Check #

Check #	Check Date	Vendor Name	Amount	Voided
134007	01/20/2021	ACTION BATTERIES UNLTD INC	278.42	N
134008	01/20/2021	AMERICA'S FENCE STORE INC	5,917.97	N
134009	01/20/2021	BAUER BUILT INC	1,018.40	N
134010	01/20/2021	BERRY DUNN	3,900.00	N
134011	01/20/2021	CITY OF OMAHA	8,912.79	N
134012	01/20/2021	CITY OF PAPILLION	9,244.59	N
134013	01/20/2021	FBG SERVICE CORPORATION	5,965.00	N
134014	01/20/2021	HELGET SAFETY SUPPLY INC	240.00	N
134015	01/20/2021	HUNDEN STRATEGIC PARTNERS	10,000.00	N
134016	01/20/2021	KRIHA FLUID POWER CO INC	177.51	N
134017	01/20/2021	LAMP RYNEARSON & ASSOCIATES	17,191.20	N
134018	01/20/2021	METROPOLITAN COMMUNITY COLLEG	72,623.91	N
134019	01/20/2021	O'KEEFE ELEVATOR COMPANY INC	1,252.40	N
134020	01/20/2021	OMAHA PUBLIC POWER DISTRICT	3,806.67	N
134021	01/20/2021	PAPILLION SANITATION	1,875.90	N
134022	01/20/2021	ROBERT T. HENNICH	1,765.00	N
134023	02/02/2021	4 SEASONS AWARDS	43.90	N
134024	02/02/2021	AMAZON CAPITAL SERVICES, INC.	294.44	N
134025	02/02/2021	AT&T MOBILITY LLC	97.40	N
134026	02/02/2021	AWARDS AND MORE COMPANY	52.78	N
134027	02/02/2021	BADGER BODY & TRUCK EQUIP CO INC	158.00	N
134028	02/02/2021	BERGANKDV LLC	10,000.00	N
134029	02/02/2021	BIBLIOTHECA LLC	6.53	N
134030	02/02/2021	BLIZZARD BOYS	1,182.37	N
134031	02/02/2021	CENTER POINT, INC.	408.66	N
134032	02/02/2021	CERTIFIED LABORATORIES	170.00	N
134033	02/02/2021	CINTAS CORPORATION NO. 2	413.40	N
134034	02/02/2021	COMP CHOICE INC	569.50	N
134035	02/02/2021	CORNHUSKER INTL TRUCKS INC	63.00	N
134036	02/02/2021	COX COMMUNICATIONS, INC.	147.03	N
134037	02/02/2021	D & K PRODUCTS	30.00	N
134038	02/02/2021	DANNER, DENELL	50.00	N
134039	02/02/2021	DELL MARKETING L.P.	1,666.56	N
134040	02/02/2021	DEMCO INCORPORATED	96.77	N
134041	02/02/2021	DIAMOND VOGEL PAINTS	43.36	N
134042	02/02/2021	EBIX, INC.	313.00	N
134043	02/02/2021	EDGEWEAR SCREEN PRINTING	1,537.20	N
134044	02/02/2021	FAC PRINT & PROMO COMPANY	169.38	N
134045	02/02/2021	FERGUSON ENTERPRISES INC #226	227.34	N
134046	02/02/2021	GALE	124.45	N
134047	02/02/2021	GALLS LLC	157.99	N
134048	02/02/2021	HANEY SHOE STORE	148.99	N
134049	02/02/2021	HEARTLAND TIRES AND TREADS	365.25	N
134050	02/02/2021	HOME DEPOT CREDIT SERVICES	448.03	N
134051	02/02/2021	INGRAM LIBRARY SERVICES	352.83	N
134052	02/02/2021	INTERSTATE POWER SYSTEMS INC	300.71	N
134053	02/02/2021	ISLAND SPRINKLER SUPPLY COMPANY	405.79	N
134054	02/02/2021	KANOPI, INC.	83.00	N
134055	02/02/2021	KRIHA FLUID POWER CO INC	1,193.51	N
134056	02/02/2021	KS'STUDIO LLC	693.40	N
134057	02/02/2021	LIBRARY IDEAS LLC	3.00	N
134058	02/02/2021	LOWE'S CREDIT SERVICES	334.90	N
134059	02/02/2021	MACQUEEN EQUIPMENT LLC	837.46	N
134060	02/02/2021	MAX I WALKER UNIFORM & APPAREL	12.20	N
134061	02/02/2021	MENARDS-RALSTON	802.65	N
134062	02/02/2021	MERRymakers ASSOCIATION	1,200.00	N
134063	02/02/2021	METRO AREA TRANSIT	1,935.00	N
134064	02/02/2021	METROPOLITAN COMMUNITY COLLEG	8,946.50	N
134065	02/02/2021	MIDWEST SERVICE AND SALES CO	1,092.00	N
134066	02/02/2021	MIDWEST TAPE	39.27	N

User: mgustafson

DB: La Vista

Check #

Check #	Check Date	Vendor Name	Amount	Voided
134067	02/02/2021	MILLARD METAL SERVICES INC	58.00	N
134068	02/02/2021	MINITEX - CPP	50.00	N
134069	02/02/2021	MOBILITY MOTORING	164.00	N
134070	02/02/2021	MOBOTREX, INC.	2,718.00	N
134071	02/02/2021	MSC INDUSTRIAL SUPPLY CO	158.40	N
134072	02/02/2021	NEWMAN SIGNS INC	208.64	N
134073	02/02/2021	NMC EXCHANGE LLC	367.00	N
134074	02/02/2021	OCLC INC	161.21	N
134075	02/02/2021	OFFICE DEPOT INC	350.16	N
134076	02/02/2021	OMNI ENGINEERING	527.85	N
134077	02/02/2021	ORIENTAL TRADING COMPANY	65.93	N
134078	02/02/2021	PER MAR SECURITY SERVICES	117.72	N
134079	02/02/2021	RED WING BUSINESS ADVANTAGE ACC	150.00	N
134080	02/02/2021	ROSE EQUIPMENT INCORPORATED	235.51	N
134081	02/02/2021	SIRCHIE ACQUISITION COMPANY, LLC	219.95	N
134082	02/02/2021	SOUTHERN UNIFORM & EQUIPMENT	230.96	N
134083	02/02/2021	THE SCHEMMER ASSOCIATES INC	577.50	N
134084	02/02/2021	V & V MANUFACTURING INC	100.90	N
134085	02/02/2021	VERIZON CONNECT NWF, INC.	631.41	N
134086	02/02/2021	WOODHOUSE FORD-BLAIR	6.60	N
134087	02/02/2021	WOODHOUSE PARTS DIRECT, INC	121.11	N
134088	02/02/2021	WOODHOUSE SW OMAHA, INC.	62.72	N

TOTAL:

188,670.88

APPROVED BY COUNCIL MEMBERS ON: 02/02/2021

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
FEBRUARY 2, 2021 AGENDA

Subject:	Type:	Submitted By:
AUTHORIZATION OF REFUNDING BONDS AND TO ISSUE A NEW HIGHWAY ALLOCATION FUND PLEDGE BOND	RESOLUTION ◆ ORDINANCE RECEIVE/FILE	CINDY MISEREZ FINANCE DIRECTOR

SYNOPSIS

Ordinances have been prepared authorizing the issuance of General Obligation Bonds, Highway Allocation Bonds and Taxable Tax Supported Bonds to refund Outstanding Bonds of the City.

FISCAL IMPACT

The refunding bonds will only be issued if the City will realize net present value savings that is redeemable at a price equal to the principal amount thereof plus accrued interest to the date fixed for redemption.

- B.1 Refund outstanding General Obligation Refunding Bonds, Series 2015;
- B.2 Refund outstanding Highway Allocation Fund Bonds Series 2014 and Series 2016; AND the issuance of new Highway Allocation Fund Pledge Bonds Series 2021
- B.3 Refund outstanding Taxable Tax Supported Bonds Series 2017.

RECOMMENDATION

Approval.

BACKGROUND

The ordinances authorize the refunding transaction but requires there be a minimum level of savings before the transaction can proceed. Authorizing the refunding now will allow the City to more quickly react to favorable market conditions as the interest rate environment continues to be volatile.

Since the 2014, 2015, 2016 and 2017 bonds were issued, the rates of interest available in the market have so declined that by issuing its refunding bonds to provide funds for the payment and redemption in whole or in part, a substantial savings in the amount of yearly running interest will be made to the City.

The Highway Allocation Fund Pledge Bond, Series 2021 will be sized to meet FY21 approved construction contracts in place and expected FY21 construction projects as approved in the Biennial Budget.

ORDINANCE NO. ____

AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS OF THE CITY OF LA VISTA, NEBRASKA, IN ONE OR MORE SERIES, IN THE AGGREGATE STATED PRINCIPAL AMOUNT OF NOT TO EXCEED \$4,200,000 FOR THE PURPOSE OF REFUNDING ALL OR A PORTION OF CERTAIN OUTSTANDING GENERAL OBLIGATION BONDS OF THE CITY; AND AUTHORIZING THE REDEMPTION OF SUCH OUTSTANDING BONDS TO BE REFUNDED; PRESCRIBING THE FORM OF SUCH BONDS TO BE ISSUED AND AUTHORIZING OFFICERS OF THE CITY TO APPROVE CERTAIN FINAL TERMS OF THE BONDS; PROVIDING FOR THE LEVY AND COLLECTION OF TAXES TO PAY THE SAME, IF NECESSARY; PROVIDING FOR THE SALE OF THE BONDS; AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER; AND PROVIDING FOR THE DISPOSITION OF BOND PROCEEDS; AND ORDERING THE ORDINANCE PUBLISHED IN PAMPHLET FORM.

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

Section 1. (a) The Mayor and Council of the City of La Vista, Nebraska (the "City") hereby find and determine that: There have been heretofore issued and are now outstanding and unpaid valid interest-bearing bonds of the City as follows:

General Obligation Refunding Bonds, Series 2015, in the outstanding principal amount of \$4,105,000, dated December 1, 2015 (the "2015 Bonds"), which mature and bear interest as follows:

Principal <u>Amount</u>	Maturing December 15 <u>Of Year</u>	Interest <u>Rate</u>	<u>CUSIP No.</u>
\$870,000	2021	2.00%	505318 RT4
890,000	2022	2.00	505318 RU1
910,000	2023	2.00	505318 RV9
925,000	2024	2.20	505318 RW7
250,000	2025	2.25	505318 RX5
260,000	2026	2.35	505318 RY3

such 2015 Bonds being part of an issue of \$8,240,000 principal amount of General Obligation Refunding Bonds, Series 2015 issued pursuant to an ordinance duly passed by the Council and approved by the Mayor on September 15, 2015 (the "2015 Ordinance"), and such 2015 Bonds maturing on and after December 15, 2020 are redeemable at the option of the City at any time on or after December 1, 2020 (the "2015 Bonds Redemption Date"), at a redemption price equal to the principal amount thereof plus accrued interest to the date fixed for redemption.

(b) (i) All of the 2015 Bonds are valid, interest bearing obligations of the City; (ii) since the 2015 Bonds were issued, the rates of interest available in the market have so declined that by issuing its refunding bonds to provide funds for the payment and redemption of all or a portion of the 2015 Bonds, all as set out above, a substantial savings in the amount of yearly running interest will be made to the City; (iii) all or a portion of the 2015 Bonds (as called for redemption, collectively, the "Refunded Bonds") are herein authorized to be called for redemption; (iv) for the purpose of providing for the payment and redemption of the Refunded Bonds as above set out and to pay costs of issuance thereof, it is in the best interest of the City

to issue general obligation refunding bonds of the City, in one or more series, in the aggregate stated principal amount of not to exceed \$4,200,000 (the “Bonds”); and (v) except as set forth herein, the City has no bond sinking funds on hand for the retirement of the Refunded Bonds not required for the timely payment of principal and interest due on the Redemption Dates.

Section 2. (a) The Mayor and Council further find and determine that (a) it is necessary, desirable, advisable and in the best interest of the City to provide for the payment and redemption of the Refunded Bonds; and, (b) all conditions, acts and things required by law to exist or to be done precedent to the issuance of the Bonds, in one or more series, in the aggregate stated principal amount of not to exceed \$4,200,000 pursuant to Section 10-142, Reissue Revised Statutes of Nebraska, as amended, and other applicable statutes, do exist and have been done as required by law. To provide funds for the purpose of refunding the Refunded Bonds as set out in Section 1 hereof, there shall be and there are hereby ordered issued the General Obligation Refunding Bonds of the City, in one or more series, in the aggregate stated principal amount of not to exceed 4,200,000.

(b) 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 or placement agent, as applicable, or such other entity determined appropriate by an Authorized Officer (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 and the underwriting discount which shall not exceed 0.7% 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 \$4,200,000, and the final maturity date, which shall not be later than December 15, 2026, (iv) the principal amounts maturing in each year, (v) the rate or rates of interest to be borne by each principal maturity, with present value savings in an amount approved by an Authorized Officer in a Designation, (vi) the principal payment dates and interest payment dates, (vii) whether the Bonds will be subject to redemption prior to their stated maturity, and if subject to such optional redemption, the provisions governing such redemption, including a redemption price not to exceed 104% of the principal amount then being redeemed plus accrued interest to the date of redemption, (viii) the amount and due date of each sinking fund installment for any of the Bonds issued as term Bonds, (ix) the designation of the Paying Agent and Registrar and the form and content of any agreement between the City and such entity, (x) whether interest on each series of Bonds shall be taxable or tax-exempt, and (xi) all other terms and provisions of the Bonds not otherwise specified or fixed by this Ordinance.

(c) The Authorized Officers, or each individually, are hereby authorized to irrevocably call any or all of the Refunded Bonds for redemption on such date or dates he or she determines appropriate, which date or dates shall be the Redemption Dates hereunder. The Authorized Officers, or each individually, are hereby authorized to designate, approve, execute and deliver, as the case may be (i) the form, content, terms and provisions of any published and/or mailed notice of redemption with respect to the payment and redemption of the Refunded Bonds, (ii) an Escrow Agent, (iii) the form, content, terms and provisions of an Escrow Agreement with the Escrow Agent for the purpose of providing for the deposit in trust with the Escrow Agent a portion of the net proceeds of the Bonds, the investment of such net proceeds pending their application, the application of such proceeds and any investment income to the payment of all of the principal of and interest on the Refunded Bonds maturing on or before the Redemption Date and the application of the balance of such proceeds and any investment income thereof to the redemption and retirement of the Refunded Bonds on the Redemption Date.

Section 3. The Bonds shall be issued in fully registered form in the denomination of \$5,000 or any integral multiple thereof. The date of original issue for the Bonds shall be date of original delivery. Interest on the Bonds, at the respective rates for each maturity, shall be payable semi-annually on June 15 and December 15 of each year beginning June 15, 2021 (or such other date or dates as may be determined in a Designation, each an “Interest Payment Date”), and the Bonds shall bear such interest from the date of original issue or the most recent Interest Payment Date, whichever is later. The interest due on each Interest Payment Date shall be payable to the registered owners of record as of the fifteenth day immediately preceding the Interest Payment Date (the “Record Date”), subject to the provisions of Section 4 hereof. The Bonds shall be numbered from 1 upwards in the order of their issuance. No Bond shall be issued originally or upon transfer or partial redemption having more than one principal maturity. The initial bond numbering and principal amounts for each of the Bonds issued shall be as directed by the initial purchaser thereof. Payments of interest due on the Bonds prior to maturity or earlier redemption shall be made by the Paying Agent and Registrar, designated in Section 4 hereof, by mailing a check or draft in the amount due for such interest on each Interest Payment Date to the registered owner of each Bond, as of the Record Date for such Interest Payment Date, to such owner’s registered address as shown on the books of registration as required to be maintained in Section 4 hereof. Payments of principal due at maturity or at any date fixed for redemption prior to maturity, together with unpaid accrued interest thereon, shall be made by the Paying Agent and Registrar to the registered owners upon presentation and surrender of the Bonds to the Paying Agent and Registrar. The City and the Paying Agent and Registrar may treat the registered owner of any Bond as the absolute owner of such Bond for the purpose of making payments thereon and for all other purposes and neither the City nor the Paying Agent and Registrar shall be affected by any notice or knowledge to the contrary, whether such Bond or any installment of interest due thereon shall be overdue or not. All payments on account of interest or principal made to the registered owner of any Bond in accordance with the terms of this Ordinance shall be valid and effectual and shall be a discharge of the City and the Paying Agent and Registrar, in respect of the liability upon the Bonds or claims for interest to the extent of the sum or sums so paid.

Section 4. The Authorized Officers are hereby authorized to designate the Paying Agent and Registrar for the Bonds in a Designation, which Paying Agent and Registrar shall be a bank or trust company. Said Paying Agent and Registrar shall serve in such capacities under the terms of an agreement entitled “Paying Agent and Registrar’s Agreement” between the City and said Paying Agent and Registrar and the Mayor and City Clerk are hereby authorized to execute said agreement. The Paying Agent and Registrar shall keep and maintain for the City books for the registration and transfer of the Bonds at its office. The names and registered addresses of the registered owner or owners of the Bonds shall at all times be recorded in such books. Any Bond may be transferred pursuant to its provisions at the office of the Paying Agent and Registrar by surrender of such Bond for cancellation, accompanied by a written instrument of transfer, in form satisfactory to the Paying Agent and Registrar, duly executed by the registered owner in person or by such owner’s duly authorized agent, and thereupon the Paying Agent and Registrar, on behalf of the City, will deliver at its office (or send by registered mail to the transferee owner or owners thereof at such transferee owner’s or owners’ risk and expense), registered in the name of the transferee owner or owners, a new Bond or Bonds of the same series, interest rate, aggregate principal amount and maturity. To the extent of the denominations authorized for the Bonds by this Ordinance, one Bond may be transferred for several such Bonds of the same series, interest rate and maturity, and for a like aggregate principal amount, and several such Bonds may be transferred for one or several such Bonds, respectively, of the same series, interest rate and maturity and for a like aggregate principal amount. In every case of transfer of a Bond, the surrendered Bond shall be canceled and destroyed. All Bonds issued upon transfer of the bonds so surrendered shall be valid obligations of the City evidencing the same obligation as the Bonds surrendered and shall be entitled to all the benefits and protection of this Ordinance to the same extent as the Bonds upon transfer of which they were delivered. The City and the Paying Agent and Registrar shall not be required to transfer any Bond during any period from any Record Date until its

immediately following Interest Payment Date or to transfer any Bond called for redemption for a period of 30 days next preceding the date fixed for redemption.

Section 5. In the event that payments of interest due on the Bonds on an Interest Payment Date are not timely made, such interest shall cease to be payable to the registered owners as of the Record Date for such Interest Payment Date and shall be payable to the registered owners of the Bonds as of a special date of record for payment of such defaulted interest as shall be designated by the Paying Agent and Registrar whenever monies for the purpose of paying such defaulted interest become available.

Section 6. In addition to any mandatory sinking fund redemptions, the Bonds shall be subject to redemption at the option of the City, in whole or in part, prior to maturity at any time on or after five years after the date of original issue, at par plus accrued interest on the principal amount redeemed to the date fixed for redemption (or such other date or dates as may be determined in a Designation). The City may select the Bonds to be redeemed for optional redemption in its sole discretion. Bonds for mandatory redemption shall be selected by the Paying Agent and Registrar using any random method of selection determined appropriate by the Paying Agent and Registrar. Bonds redeemed pursuant to the requirements for mandatory redemption shall be redeemed at par plus accrued interest on the principal amount redeemed. The Bonds shall be redeemed only in amounts of \$5,000 or integral multiples thereof. Bonds redeemed in part only shall be surrendered to the Paying Agent and Registrar in exchange for a new Bond evidencing the unredeemed principal thereof. Notice of redemption of any Bond called for redemption shall be given, at the direction of the City in the case of optional redemption and without further direction in the case of mandatory redemption, by the Paying Agent and Registrar by mail not less than 30 days prior to the date fixed for redemption, first class, postage prepaid, sent to the registered owner of such Bond at said owner's registered address. Such notice shall designate the Bond or Bonds to be redeemed by maturity or otherwise, the date of original issue, series and the date fixed for redemption and shall state that such Bond or Bonds are to be presented for prepayment at the office of the Paying Agent and Registrar. In case of any Bond partially redeemed, such notice shall specify the portion of the principal amount of such Bond to be redeemed. No defect in the mailing of notice for any Bond shall affect the sufficiency of the proceedings of the City designating the Bonds called for redemption or the effectiveness of such call for Bonds for which notice by mail has been properly given and the City shall have the right to further direct notice of redemption for any such Bond for which defective notice has been given.

Section 7. If the date for payment of the principal of or interest on the Bonds shall be a Saturday, Sunday, legal holiday or a day on which banking institutions in the municipality where the Paying Agent and Registrar is located are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not a Saturday, Sunday, legal holiday or a day on which such banking institutions are authorized to close, and payment on such day shall have the same force and effect as if made on the nominal date of payment.

Section 8. The Bonds shall be in substantially the following form:

UNITED STATES OF AMERICA
STATE OF NEBRASKA
COUNTY OF SARPY

CITY OF LA VISTA, NEBRASKA
GENERAL OBLIGATION REFUNDING BOND (TAXABLE INTEREST)
SERIES 20____

No. _____ \$

<u>Interest Rate</u> %	<u>Maturity Date</u> December 15, 20____	<u>Date of Original Issue</u> _____, 20____	<u>CUSIP</u>
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Registered Owner: Cede & Co.

Principal Amount:

The CITY OF LA VISTA, NEBRASKA (the "City"), hereby acknowledges itself to owe and for value received promises to pay 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 Maturity Date specified above with interest thereon to maturity (or earlier redemption) computed on the basis of a 360-day year consisting of twelve 30-day months from the Date of Original Issue or most recent Interest Payment Date, whichever is later, at the Interest Rate per annum specified above, payable semiannually on _____ and _____ of each year, beginning _____, 20____ (each of such dates an "Interest Payment Date"). The Principal Amount hereof, together with unpaid accrued interest due at maturity or upon earlier redemption, is payable upon presentation and surrender of this bond at the office of _____, as the Paying Agent and Registrar, in _____, 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 such Interest Payment Date, to such owner's registered 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 purposes become available.

This bond is one of an issue of fully registered bonds (the "Bonds") of the total principal amount of _____ (\$_____), of even date and like tenor except as to date of maturity, rate of interest and denomination which were issued by the City in strict compliance with Section 10-142, Reissue Revised Statutes of Nebraska, as amended, and other applicable statutes for the purpose of refunding \$_____ outstanding principal amount of General Obligation Refunding Bonds, Series 2015, dated December 1, 2015. The issuance of such bonds has been authorized by proceedings duly had and an ordinance legally passed and approved by the Mayor and Council of the City (the "Ordinance").

The Bonds are subject to redemption at the option of the City, in whole or in part, at any time on or after five years after the date of delivery, at par plus interest accrued on the principal amount redeemed to the date fixed for redemption.

[In addition, the Bonds shall be subject to mandatory sinking fund redemption payments (with bonds being redeemed at par plus accrued interest) as follows:

\$ Principal Maturing December 15, 20
\$ to be called December 15, 20
\$ to be called December 15, 20
\$ Payable December 15, 20]

Notice of redemption shall be given by mail to the registered owner of any Bond to be redeemed at such registered owner's address in the manner specified in the Ordinance authorizing the Bonds. Individual Bonds may be redeemed in part but only in \$5,000 amounts or integral multiples thereof.

This Bond is transferable by the Registered Owner or such owner's attorney duly authorizing in writing at the office of the Paying Agent and Registrar upon surrender and cancellation of this Bond, and thereupon a new Bond or Bonds of the same aggregate principal amount, interest rate and maturity will be issued to the transferee as provided in the Ordinance, 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 purposes and shall not be affected by any notice to the contrary, whether this Bond be overdue or not.

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

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 and in the issuance of the Bonds refunded hereby did exist, did happen and were done and performed in regular and due form and time as required by law and that the indebtedness of said City, including this Bond and the Bonds refunded hereby, does not exceed any limitation imposed by law. The City agrees that it will cause to be levied and collected annually a tax by valuation on all the taxable property in the City, in addition to all other taxes, sufficient in rate and amount to fully pay the principal and interest of this Bond and the other Bonds of this issue as the same become due. The City reserves the right to provide for payments of principal and interest on the Bonds in any fiscal year from other available funds, and thereby satisfy its obligation to levy taxes on property.

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

UNLESS THIS BOND IS PRESENTED BY AN AUTHORIZED OFFICER OF DTC (A) TO THE 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 ITS NOMINEE, ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL BECAUSE ONLY THE REGISTERED OWNER HEREOF, DTC OR ITS NOMINEE, HAS AN INTEREST HEREIN.

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

IN WITNESS WHEREOF, the Mayor and Council of the City have caused this Bond to be executed on behalf of the City with the manual or facsimile signatures of the Mayor and the Clerk and by causing the official seal of the City to be impressed or imprinted hereon, all as of the date of original issue specified above.

CITY OF LA VISTA, NEBRASKA
(facsimile signature)

ATTEST:

Mayor

(facsimile signature)
Clerk
(SEAL)

CERTIFICATE OF AUTHENTICATION

This Bond is one of the Bonds authorized by Ordinance of the Mayor and Council of the City of La Vista, Nebraska, described in the foregoing Bond.

_____,
_____, Nebraska, Paying Agent and Registrar

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby sells, assigns and transfers unto

Print or Type Name, Address and Social Security Number
or other Taxpayer Identification Number of Transferee

the within Bond and all rights thereunder, and hereby irrevocably constitutes and appoints _____ agent to transfer the within Bond on the Bond Register kept by the Paying Agent for the registration thereof, with full power of substitution in the premises.

Dated: _____

NOTICE: The signature to this assignment must correspond with the name of the Registered Owner as it appears upon the face of the within Bond in every particular.

Medallion Signature Guarantee:

Section 9. Each of the Bonds shall be executed on behalf of the City with the manual or facsimile signatures of the Mayor and Clerk of the City. The Bonds shall be issued initially as “book-entry-only” bonds using the services of The Depository Trust Company (the “Depository”), with one typewritten bond per maturity being issued to the Depository. In such connection said officers are authorized to execute and deliver a letter of representations (the “Letter of Representations”) in the form required by the Depository, for and on behalf of the City, which shall thereafter govern matters with respect to registration, transfer, payment and redemption of the Bonds. Upon the issuance of the Bonds as “book-entry-only” bonds, the following provisions shall apply:

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

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

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

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

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

(c) If the City determines that it is desirable that certificates representing the Bonds be delivered to the Bond Participants and/or Beneficial Owners of the Bonds and so notifies the Paying Agent and Registrar in writing, the Paying Agent and Registrar shall so notify the Depository, whereupon the Depository will notify the Bond Participants of the availability through the Depository of bond certificates representing the Bonds. In such event, the Paying Agent and Registrar shall issue, transfer and exchange bond certificates representing the Bonds as requested by the Depository in appropriate amounts and in authorized denominations.

(d) Notwithstanding any other provision of this Ordinance to the contrary, so long as any Bond is registered in the name of the Depository or any nominee thereof, all payments with

respect to such Bond and all notices with respect to such Bond shall be made and given, respectively, to the Depository as provided in the Letter of Representations.

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

(i) any successor securities depository or its nominee;

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

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

If for any reason the Depository resigns and is not replaced or upon termination by the City of book-entry-only form, the City shall immediately provide a supply of bond certificates for issuance upon subsequent transfers or in the event of partial redemption. In the event that such supply of certificates shall be insufficient to meet the requirements of the Paying Agent and Registrar for issuance of replacement bond certificates upon transfer or partial redemption, the City agrees to order printed an additional supply of bond certificates and to direct their execution by manual or facsimile signature of its then duly qualified and acting officers. In case any officer whose signature or facsimile thereof shall appear on any Bond shall cease to be such officer before the delivery of such Bond (including any bond certificates delivered to the Paying Agent and Registrar for issuance upon transfer or partial redemption) such signature or such facsimile signature shall nevertheless be valid and sufficient for all purposes the same as if such officer or officers had remained in office until the delivery of such Bond. The Bonds shall not be valid and binding on the City until authenticated by the Paying Agent and Registrar. The Bonds shall be delivered to the Paying Agent and Registrar for registration and authentication. Upon execution, registration and authentication of the Bonds, they shall be delivered to the City Treasurer, who is authorized to deliver them to the Underwriter, as initial purchaser thereof, upon receipt of the principal amount of the Bonds plus accrued interest thereon, to date of payment for the Bonds and less the Underwriter's discount, in accordance with Section 3 hereof. Such initial purchaser shall have the right to direct the registration of the Bonds and the denominations thereof within each maturity, subject to the restrictions of this Ordinance. The Underwriter and its agents, representatives and counsel and the City's bond counsel are hereby authorized to take such actions on behalf of the City as are necessary to effectuate the closing of the issuance and sale of the Bonds, including, without limitation, authorizing the release of the Bonds by the Depository at closing. The Authorized Officers of the City (or any one of them) are hereby authorized to execute a bond purchase agreement for the sale of the Bonds to the Underwriter. The officers of the City, or any one or more of them are hereby further authorized to take any and all actions and enter into any and all agreements deemed necessary or appropriate in connection with the issuance and sale of the Bonds and the redemption and payment of the Refunded Bonds, and any such actions previously taken are hereby ratified and confirmed.

Section 10. The Clerk is directed to make and certify a transcript or transcripts of the proceedings of the Mayor and Council precedent to the issuance of the Bonds, a copy of which shall be delivered to the initial purchaser of the Bonds.

Section 11. The net sale proceeds of the Bonds, along with any necessary funds of the City on hand, shall be applied to the payment and satisfaction of all of the principal of and the interest on the Refunded Bonds falling due prior to, and as called for redemption on, the Redemption Dates. Accrued interest received from the sale of the Bonds, if any, shall be applied to pay interest first falling due on the Bonds. Expenses of issuance of the Bonds may be paid from the proceeds of the Bonds. In order to satisfy the City's obligations on the Refunded Bonds, if determined necessary and appropriate by an Authorized Officer, such proceeds of the Bonds along with funds of the City on hand shall be set aside and held and invested in a special trust account which is hereby ordered established with such bank or trust company as determined by an Authorized Officer to act as escrow agent (the "Escrow Agent"). The Escrow Agent shall have custody and safekeeping of the funds and investments which are to be set aside for the payment of the Refunded Bonds. For purposes of governing such escrow account and the holding and application of such funds and investments, the City shall enter into a contract entitled "Escrow Agreement" with the Escrow Agent. The Authorized Officers, or each individually, are hereby authorized and directed to execute and deliver on behalf of the City said Escrow Agreement, including necessary counterparts, in substantially the form and content as presented to the meeting at which this ordinance is adopted, but with such changes and modifications therein as to them seem necessary, desirable, or appropriate for and on behalf of the City. The Authorized Officers, or each individually, are further authorized to approve the investments provided for in said Escrow Agreement, and to make any necessary subscriptions for United States Treasury Securities, State and Local Government Series, or to contract for the purchase of securities in the open market. Said proceeds shall be invested in obligations of the United States Government, direct or guaranteed, including United States Treasury Securities, State and Local Government Series. To the extent that such proceeds are held in a bank depository account, such deposits shall be insured by insurance of the Federal Deposit Insurance Corporation or, to the extent not fully insured, fully collateralized in the same manner as is required for deposit of public funds. Any investment from the proceeds of the Bonds herein authorized shall mature not later than the Redemption Dates. As provided in said Escrow Agreement, the proceeds of the Bonds herein authorized and investment earnings thereon shall be applied to the payment of the principal of and interest on the Refunded Bonds as the same become due on and prior to the Redemption Dates, and as called for redemption on the Redemption Dates. The City agrees that on the date of original issue of the Bonds, or as soon thereafter as practicable, it shall deposit or otherwise have on hand with the Escrow Agent, from tax levy or other available sources, funds sufficient after taking into consideration available proceeds of the Bonds and investment earnings to provide funds for all payments due on the Refunded Bonds on or before the Redemption Dates, and as called for redemption on the Redemption Dates.

Section 12. The City agrees that it will cause to be levied and collected annually a tax by valuation on all the taxable property in the City, except intangible property, in addition to all other taxes, which with other funds of the City available therefor, shall be sufficient in rate and amount to fully pay the principal of and interest on the Bonds as the same become due. The City reserves the right to provide for payments of principal and interest on the Bonds in any fiscal year from other available funds, and thereby satisfy its obligation to levy taxes on property as provided in this Section 11.

Section 13. 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, all in accordance with the requirements of Reg. Sec. 240.15c2-12 of the Securities and Exchange Commission.

Section 14. The City's obligations under this Ordinance with respect to any or all of the Bonds herein authorized shall be fully discharged and satisfied as to any or all of such Bonds and any such Bond shall no longer be deemed to be outstanding hereunder if such Bond has been purchased by the City and canceled or when the payment of principal of and interest thereon to the respective date of maturity or

redemption (a) shall have been made or caused to be made in accordance with the terms thereof, (b) shall have been provided for by depositing with a national or state bank having trust powers, or trust company, in trust, solely for such payment (i) sufficient money to make such payment and/or (ii) direct general obligations (including obligations issued or held in book entry form on the books of the Department of Treasury of the United States of America) of or obligations the principal and interest of which are unconditionally guaranteed by the United States of America (herein referred to as "U.S. Government Obligations") in such amount and bearing interest payable and maturing or redeemable at stated fixed prices at the option of the holder as to principal, at such time or times, as will ensure the availability of sufficient money to make such payments; provided, however, that with respect to any Bond to be paid prior to maturity, the City shall have duly called such Bond for redemption and given notice of such redemption as provided by law or made irrevocable provision for the giving of such notice. Any money so deposited with such bank or trust company in excess of the amount required to pay principal of and interest on the Bonds for which such monies or U.S. Government Obligations were deposited shall be paid over to the City as and when collected.

Section 15. The City hereby (a) authorizes and directs that an Authorized Officer execute and deliver, on the date of issue of the Bonds, a continuing disclosure undertaking (the "Continuing Disclosure Undertaking") in such form as shall be satisfactory to the City and in compliance with Rule 15c2-12 of the Securities and Exchange Commission, and (b) covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Undertaking. Notwithstanding any other provision of this ordinance, failure of the City to comply with the Continuing Disclosure Undertaking shall not be considered an event of default hereunder; however, any Participating Underwriter (as such term is defined in the Continuing Disclosure Undertaking) or any Beneficial Owner or any Registered Owner of a Bond (as such terms are defined in the Continuing Disclosure Undertaking) may take such actions as may be necessary and appropriate, including seeking mandamus or specific performance by court order, to cause the City to comply with its obligations under this section.

Section 16. 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 17. This Ordinance shall be in force and take effect from and after its passage and publication in pamphlet form as provided by law.

PASSED AND APPROVED this 2nd day of February, 2021.

ATTEST:

Mayor

City Clerk

[SEAL]

Motion for adjournment was duly made, seconded and on roll call vote was declared adopted by the Mayor.

I, Pamela Buethe, the undersigned City Clerk for the City of La Vista, Nebraska, hereby certify that the foregoing is a true and correct copy of the proceedings had and done by the Mayor and Council on February 2, 2021; that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the office of the City Clerk; that such subjects were contained in said agenda for at least twenty-four hours prior to said meeting; that a current copy of the Nebraska Open Meetings Act was available and accessible to members of the public, posted during such meeting in the room in which such meeting was held; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the said minutes from which the foregoing proceedings have been extracted were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that all news media requesting notification concerning meetings of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

Pamela Buethe
City Clerk

[SEAL]

NOTICE OF PUBLICATION
OF ORDINANCE NO. _____
IN PAMPHLET FORM

Public Notice is hereby given that at a meeting of the Mayor and Council of the City of La Vista, Nebraska, held at :_:_.m. on Tuesday, February 2, 2021, there was passed and adopted Ordinance No. (the "Ordinance") entitled:

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS OF THE CITY OF LA VISTA, NEBRASKA, IN ONE OR MORE SERIES, IN THE AGGREGATE STATED PRINCIPAL AMOUNT OF NOT TO EXCEED \$4,200,000 FOR THE PURPOSE OF REFUNDING ALL OR A PORTION OF CERTAIN OUTSTANDING GENERAL OBLIGATION BONDS OF THE CITY; AND AUTHORIZING THE REDEMPTION OF SUCH OUTSTANDING BONDS TO BE REFUNDED; PRESCRIBING THE FORM OF SUCH BONDS TO BE ISSUED AND AUTHORIZING OFFICERS OF THE CITY TO APPROVE CERTAIN FINAL TERMS OF THE BONDS; PROVIDING FOR THE LEVY AND COLLECTION OF TAXES TO PAY THE SAME, IF NECESSARY; PROVIDING FOR THE SALE OF THE BONDS; AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER; AND PROVIDING FOR THE DISPOSITION OF BOND PROCEEDS; AND ORDERING THE ORDINANCE PUBLISHED IN PAMPHLET FORM.

The Ordinance was published in pamphlet form on February , 2021. Copies of the Ordinance as published in pamphlet form are available for inspection and distribution at the Office of the Clerk, in the City of La Vista, Nebraska.

Pamela Buethe
City Clerk

[SEAL]

Publish: , 2021.

ORDINANCE NO. ____

AN ORDINANCE AUTHORIZING THE ISSUANCE OF HIGHWAY ALLOCATION FUND PLEDGE AND REFUNDING BONDS OF THE CITY OF LA VISTA, NEBRASKA, IN ONE OR MORE SERIES, IN THE AGGREGATE STATED PRINCIPAL AMOUNT OF NOT TO EXCEED \$10,400,000, IN ONE OR MORE SERIES, FOR THE PURPOSE OF REFUNDING ALL OR A PORTION OF CERTAIN OUTSTANDING HIGHWAY ALLOCATION FUND PLEDGE BONDS OF THE CITY; AND AUTHORIZING THE REDEMPTION OF SUCH OUTSTANDING BONDS TO BE REFUNDED; PRESCRIBING THE FORM OF SUCH BONDS TO BE ISSUED AND AUTHORIZING OFFICERS OF THE CITY TO APPROVE CERTAIN FINAL TERMS OF THE BONDS; PLEDGING FUNDS TO BE RECEIVED BY THE CITY FROM THE STATE OF NEBRASKA HIGHWAY ALLOCATION FUND FOR THE PAYMENT OF SAID BONDS; PROVIDING FOR THE LEVY AND COLLECTION OF TAXES TO PAY THE SAME IF NECESSARY; PROVIDING FOR THE SALE OF THE BONDS; AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER; AND PROVIDING FOR THE DISPOSITION OF BOND PROCEEDS; AND ORDERING THE ORDINANCE PUBLISHED IN PAMPHLET FORM.

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

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

(a) The City requires the construction of certain streets and other appurtenant related improvements within the City (the "Project"), all as set out in the project scope of improvements as prepared by the special engineers for the City; that the City's Engineers heretofore prepared plans, specifications and estimates of cost for the Project; that bids have been taken and the Council has awarded a contract for the construction of the aforesaid improvements; that the City has the authority to fund the project costs through issuance of highway allocation fund pledge bonds; and, that it is necessary and advisable for the City to provide financing for the Project by the issuance of its highway allocation fund pledge bonds as further described herein.

(b) There have been heretofore issued and are now outstanding and unpaid valid interest-bearing bonds of the City as follows:

(i) Highway Allocation Fund Pledge Bonds, Series 2016, in the outstanding principal amount of \$1,805,000, dated May 24, 2016 (the "2016 Bonds"), which mature and bear interest as follows:

<u>Principal Amount</u>	<u>Maturing Of Year</u>	<u>Interest Rate</u>	<u>CUSIP No.</u>
\$65,000	2021	1.000%	505318 RZ0
355,000	2026	2.000	505318 SA4
850,000	2036	3.000	505318 SB2
535,000	2041	3.125	505318 SC0

such 2016 Bonds being part of an issue of \$2,070,000 principal amount of Highway Allocation Fund Pledge Bonds, Series 2016 issued pursuant to an ordinance duly passed by the Council and approved by the Mayor on March 15, 2016 (the "2016 Ordinance"), and such 2016 Bonds maturing on and after May 1, 2022 (the

“Callable 2016 Bonds”) are redeemable at the option of the City at any time on or after May 24, 2021 (the “2016 Bonds Redemption Date”), at a redemption price equal to the principal amount thereof plus accrued interest to the date fixed for redemption.

(ii) Highway Allocation Fund Pledge Refunding Bonds, Series 2014, in the outstanding principal amount of \$480,000, dated December 31, 2014 (the “2014 Bonds”), which mature and bear interest as follows:

Principal <u>Amount</u>	Maturing		Interest <u>Rate</u>	CUSIP No.
	November 15	<u>Of Year</u>		
\$110,000	2022		2.35%	505318 QR9
115,000	2024		2.65	505318 QS7
125,000	2026		3.00	505318 QT5
130,000	2028		3.25	505318 QU2

such 2014 Bonds being part of an issue of \$790,000 principal amount of Highway Allocation Fund Pledge Refunding Bonds, Series 2014 issued pursuant to an ordinance duly passed by the Council and approved by the Mayor on November 25, 2014 (the “2014 Ordinance”), and such 2014 Bonds are redeemable at the option of the City at any time on or after December 31, 2019 (the “2014 Bonds Redemption Date”; and together with the 2016 Bonds Redemption Date, the “Redemption Dates”), at a redemption price equal to the principal amount thereof plus accrued interest to the date fixed for redemption.

(c) Other than the 2016 Bonds and the 2014 Bonds, the City has no other bonds outstanding issued pursuant to Section 66-4,101, R.R.S. Neb, as amended, and that based upon the City’s current receipts from the Nebraska Highway Allocation Fund, the City anticipates that future receipts will be sufficient to pay debt service on the Bonds and any unrefunded portions of the 2016 Bonds and the 2014 Bonds as remain outstanding (collectively, the “Outstanding Highway Bonds”), as and when the same fall due.

(d) (i) All of the 2016 Bonds and the 2014 Bonds are valid, interest bearing obligations of the City; (ii) since the 2016 Bonds and the 2014 Bonds were issued, the rates of interest available in the market have so declined that by issuing its refunding bonds to provide funds for the payment and redemption of a portion of the 2016 Bonds and the 2014 Bonds, all as set out above, a substantial savings in the amount of yearly running interest will be made to the City; (iii) all or a portion of the Callable 2016 Bonds and the 2014 Bonds (as called for redemption, collectively, the “Refunded Bonds”) are herein authorized to be called for redemption; (iv) for the purpose of providing for the payment and redemption of the Refunded Bonds, to pay or reimburse costs of the Project as above set out and to pay costs of issuance thereof, it is in the best interest of the City to issue highway allocation fund pledge and refunding bonds of the City, in one or more series, in the aggregate stated principal amount of not to exceed \$10,400,000 (the “Bonds”); and (v) except as set forth herein, the City has no bond sinking funds on hand for the retirement of the Refunded Bonds not required for the timely payment of principal and interest due on the Redemption Dates.

Section 2. (a) The Mayor and Council further find and determine that (a) it is necessary, desirable, advisable and in the best interest of the City to provide for the financing of the Project and the payment and redemption of the Refunded Bonds; and, (b) all conditions, acts and things required by law to exist or to be done precedent to the issuance of the Bonds, in one or more series, in the aggregate stated principal amount of not to exceed \$10,400,000 pursuant to Sections 10-142 and 66-4,101, Reissue Revised Statutes of Nebraska, as amended, and other applicable statutes, do exist and have been done as required by law. To provide funds for the purpose of paying the costs of the Project and refunding the Refunded Bonds as set out in Section 1 hereof, there shall be and there are hereby ordered issued the Highway Allocation

Fund Pledge and Refunding Bonds of the City, in one or more series, in the aggregate stated principal amount of not to exceed \$10,400,000.

(b) 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 or placement agent, as applicable (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 and the underwriting discount which shall not exceed 0.7% 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 \$10,400,000, and the final maturity date, which shall not be later than December 15, 2042, (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 present value savings results from refunding the Refunded Bonds and provided that the true interest cost of the Bonds shall not exceed 3.0%, (vi) the principal payment dates and interest payment dates, (vii) whether the Bonds will be subject to redemption prior to their stated maturity, and if subject to such optional redemption, the provisions governing such redemption, including a redemption price not to exceed 104% of the principal amount then being redeemed plus accrued interest to the date of redemption, (viii) the amount and due date of each sinking fund installment for any of the Bonds issued as term Bonds, (ix) the designation of the Paying Agent and Registrar 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.

(c) The Authorized Officers, or each individually, are hereby authorized to irrevocably call any or all of the Refunded Bonds for redemption on such date or dates he or she determines appropriate, which date or dates shall be the Redemption Dates hereunder. The Authorized Officers, or each individually, are hereby authorized to designate, approve, execute and deliver, as the case may be (i) the form, content, terms and provisions of any published and/or mailed notice of redemption with respect to the payment and redemption of the Refunded Bonds, (ii) an Escrow Agent, (iii) the form, content, terms and provisions of an Escrow Agreement with the Escrow Agent for the purpose of providing for the deposit in trust with the Escrow Agent a portion of the net proceeds of the Bonds, the investment of such net proceeds pending their application, the application of such proceeds and any investment income to the payment of all of the principal of and interest on the Refunded Bonds maturing on or before the Redemption Date and the application of the balance of such proceeds and any investment income thereof to the redemption and retirement of the Refunded Bonds on the Redemption Date.

Section 3. The Bonds shall be issued in fully registered form in the denomination of \$5,000 or any integral multiple thereof. The date of original issue for the Bonds shall be date of original delivery. Interest on the Bonds, at the respective rates for each maturity, shall be payable semi-annually on such dates as shall be determined in a Designation, each an "Interest Payment Date", and the Bonds shall bear such interest from the date of original issue or the most recent Interest Payment Date, whichever is later. The interest due on each Interest Payment Date shall be payable to the registered owners of record as of the fifteenth day immediately preceding the Interest Payment Date (the "Record Date"), subject to the provisions of Section 4 hereof. The Bonds shall be numbered from 1 upwards in the order of their issuance. No Bond shall be issued originally or upon transfer or partial redemption having more than one principal maturity. The initial bond numbering and principal amounts for each of the Bonds issued shall be as directed by the initial purchaser thereof. Payments of interest due on the Bonds prior to maturity or earlier redemption shall be made by the Paying Agent and Registrar, designated in Section 4 hereof, by mailing a check or draft in the amount due for such interest on each Interest Payment Date to the registered owner of

each Bond, as of the Record Date for such Interest Payment Date, to such owner's registered address as shown on the books of registration as required to be maintained in Section 4 hereof. Payments of principal due at maturity or at any date fixed for redemption prior to maturity, together with unpaid accrued interest thereon, shall be made by the Paying Agent and Registrar to the registered owners upon presentation and surrender of the Bonds to the Paying Agent and Registrar. The City and the Paying Agent and Registrar may treat the registered owner of any Bond as the absolute owner of such Bond for the purpose of making payments thereon and for all other purposes and neither the City nor the Paying Agent and Registrar shall be affected by any notice or knowledge to the contrary, whether such Bond or any installment of interest due thereon shall be overdue or not. All payments on account of interest or principal made to the registered owner of any Bond in accordance with the terms of this Ordinance shall be valid and effectual and shall be a discharge of the City and the Paying Agent and Registrar, in respect of the liability upon the Bonds or claims for interest to the extent of the sum or sums so paid.

Section 4. The Authorized Officers are hereby authorized to designate the Paying Agent and Registrar for the Bonds in a Designation, which Paying Agent and Registrar shall be a bank or trust company. Said Paying Agent and Registrar shall serve in such capacities under the terms of an agreement entitled "Paying Agent and Registrar's Agreement" between the City and said Paying Agent and Registrar and the Mayor and City Clerk are hereby authorized to execute said agreement. The Paying Agent and Registrar shall keep and maintain for the City books for the registration and transfer of the Bonds at its office. The names and registered addresses of the registered owner or owners of the Bonds shall at all times be recorded in such books. Any Bond may be transferred pursuant to its provisions at the office of the Paying Agent and Registrar by surrender of such Bond for cancellation, accompanied by a written instrument of transfer, in form satisfactory to the Paying Agent and Registrar, duly executed by the registered owner in person or by such owner's duly authorized agent, and thereupon the Paying Agent and Registrar, on behalf of the City, will deliver at its office (or send by registered mail to the transferee owner or owners thereof at such transferee owner's or owners' risk and expense), registered in the name of the transferee owner or owners, a new Bond or Bonds of the same series, interest rate, aggregate principal amount and maturity. To the extent of the denominations authorized for the Bonds by this Ordinance, one Bond may be transferred for several such Bonds of the same series, interest rate and maturity, and for a like aggregate principal amount, and several such Bonds may be transferred for one or several such Bonds, respectively, of the same series, interest rate and maturity and for a like aggregate principal amount. In every case of transfer of a Bond, the surrendered Bond shall be canceled and destroyed. All Bonds issued upon transfer of the bonds so surrendered shall be valid obligations of the City evidencing the same obligation as the Bonds surrendered and shall be entitled to all the benefits and protection of this Ordinance to the same extent as the Bonds upon transfer of which they were delivered. The City and the Paying Agent and Registrar shall not be required to transfer any Bond during any period from any Record Date until its immediately following Interest Payment Date or to transfer any Bond called for redemption for a period of 30 days next preceding the date fixed for redemption.

Section 5. In the event that payments of interest due on the Bonds on an Interest Payment Date are not timely made, such interest shall cease to be payable to the registered owners as of the Record Date for such Interest Payment Date and shall be payable to the registered owners of the Bonds as of a special date of record for payment of such defaulted interest as shall be designated by the Paying Agent and Registrar whenever monies for the purpose of paying such defaulted interest become available.

Section 6. In addition to any mandatory sinking fund redemptions, the Bonds shall be subject to redemption at the option of the City, in whole or in part, prior to maturity at any time on or after five years after the date of original issue, at par plus accrued interest on the principal amount redeemed to the date fixed for redemption (or such other date or dates as may be determined in a Designation). The City may select the Bonds to be redeemed for optional redemption in its sole discretion. Bonds for mandatory

redemption shall be selected by the Paying Agent and Registrar using any random method of selection determined appropriate by the Paying Agent and Registrar. Bonds redeemed pursuant to the requirements for mandatory redemption shall be redeemed at par plus accrued interest on the principal amount redeemed.

The Bonds shall be redeemed only in amounts of \$5,000 or integral multiples thereof. Bonds redeemed in part only shall be surrendered to the Paying Agent and Registrar in exchange for a new Bond evidencing the unredeemed principal thereof. Notice of redemption of any Bond called for redemption shall be given, at the direction of the City in the case of optional redemption and without further direction in the case of mandatory redemption, by the Paying Agent and Registrar by mail not less than 30 days prior to the date fixed for redemption, first class, postage prepaid, sent to the registered owner of such Bond at said owner's registered address. Such notice shall designate the Bond or Bonds to be redeemed by maturity or otherwise, the date of original issue, series and the date fixed for redemption and shall state that such Bond or Bonds are to be presented for prepayment at the office of the Paying Agent and Registrar. In case of any Bond partially redeemed, such notice shall specify the portion of the principal amount of such Bond to be redeemed. No defect in the mailing of notice for any Bond shall affect the sufficiency of the proceedings of the City designating the Bonds called for redemption or the effectiveness of such call for Bonds for which notice by mail has been properly given and the City shall have the right to further direct notice of redemption for any such Bond for which defective notice has been given.

Section 7. If the date for payment of the principal of or interest on the Bonds shall be a Saturday, Sunday, legal holiday or a day on which banking institutions in the municipality where the Paying Agent and Registrar is located are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not a Saturday, Sunday, legal holiday or a day on which such banking institutions are authorized to close, and payment on such day shall have the same force and effect as if made on the nominal date of payment.

Section 8. The Bonds shall be in substantially the following form:

UNITED STATES OF AMERICA
STATE OF NEBRASKA
COUNTY OF SARPY

CITY OF LA VISTA, NEBRASKA
HIGHWAY ALLOCATION FUND PLEDGE AND REFUNDING BOND
SERIES 20____

No. _____ \$

<u>Interest Rate</u> %	<u>Maturity Date</u> _____, 20____	<u>Date of Original Issue</u> _____, 20____	<u>CUSIP</u>
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Registered Owner: Cede & Co.

Principal Amount:

The CITY OF LA VISTA, NEBRASKA (the "City"), hereby acknowledges itself to owe and for value received promises to pay 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 Maturity Date specified above with interest thereon to maturity (or earlier redemption) computed on the basis of a 360-day year consisting of twelve 30-day months from the Date of Original Issue or most recent Interest Payment Date, whichever is later, at the Interest Rate per annum specified above, payable semiannually on _____ and _____ of each year, beginning _____, 20____ (each of such dates an "Interest Payment Date"). The Principal Amount hereof, together with unpaid accrued interest due at maturity or upon earlier redemption, is payable upon presentation and surrender of this bond at the office of _____, as the Paying Agent and Registrar, in _____, 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 such Interest Payment Date, to such owner's registered 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 purposes become available.

This bond is one of an issue of fully registered bonds (the "Bonds") of the total principal amount of _____ (\$_____), of even date and like tenor except as to date of maturity, rate of interest and denomination which were issued by the City in strict compliance with Section 66-4,101, Reissue Revised Statutes of Nebraska, as amended, and other applicable statutes for the purposes of (1) paying the costs of financing various street improvements within the City and (2) refunding (a) \$_____ outstanding principal amount of Highway Allocation Fund Pledge Bonds, Series 2016, dated May 24, 2016; and (b) \$_____ outstanding principal amount of Highway Allocation Fund Pledge Refunding Bonds, Series 2014, dated December 31, 2014. The issuance of such bonds has been authorized by proceedings duly had and an ordinance legally passed and approved by the Mayor and Council of the City (the "Ordinance").

The Bonds are subject to redemption at the option of the City, in whole or in part, at any time on or after five years after the date of delivery, at par plus interest accrued on the principal amount redeemed to the date fixed for redemption.

[In addition, the Bonds shall be subject to mandatory sinking fund redemption payments (with bonds being redeemed at par plus accrued interest) as follows:

\$ Principal Maturing .20
\$ to be called , 20
\$ to be called , 20
\$ Payable , 20]

Notice of redemption shall be given by mail to the registered owner of any Bond to be redeemed at such registered owner's address in the manner specified in the Ordinance authorizing the Bonds. Individual Bonds may be redeemed in part but only in \$5,000 amounts or integral multiples thereof.

This Bond is transferable by the Registered Owner or such owner's attorney duly authorizing in writing at the office of the Paying Agent and Registrar upon surrender and cancellation of this Bond, and thereupon a new Bond or Bonds of the same aggregate principal amount, interest rate and maturity will be issued to the transferee as provided in the Ordinance, 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 purposes and shall not be affected by any notice to the contrary, whether this Bond be overdue or not.

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

[The City has in the Ordinance designated such issue of bonds as "qualified tax-exempt obligations" pursuant to Section 265(b)(3)(B)(i) of the Internal Revenue Code of 1986, as amended.]

IT IS HEREBY CERTIFIED AND WARRANTED that all conditions, acts and things required by law to exist or to be done precedent to and in the issuance of this Bond did exist, did happen and were done and performed in regular and due form and time as required by law and that the indebtedness of said City, including this Bond, does not exceed any limitation imposed by law. For the prompt payment of the principal and interest on this bond and the other bonds of the same issue, the City has pledged funds received and to be received from the Highway Allocation Fund of the State of Nebraska with receipts from such fund to be allocated by the City to payment of principal and interest as the same fall due. In addition, the City hereby covenants and agrees that it shall levy ad valorem taxes upon all the taxable property in the City at such rate or rates, within applicable statutory and constitutional limitations, as will provide funds which together with receipts from the Highway Allocation Fund, as pledged to the payment of such principal and interest and any other money made available and used for such purpose, will be sufficient to make payment of the principal of and interest on this Bond and the other Bonds of the same issue as the same fall due.

AS PROVIDED IN THE ORDINANCE REFERRED TO HEREIN, UNTIL THE TERMINATION OF THE SYSTEM OF BOOK-ENTRY-ONLY TRANSFERS THROUGH THE DEPOSITORY TRUST COMPANY, NEW YORK, NEW YORK (TOGETHER WITH ANY SUCCESSOR SECURITIES DEPOSITORY APPOINTED PURSUANT TO THE ORDINANCE, "DTC"), AND NOTWITHSTANDING ANY OTHER PROVISIONS OF THE ORDINANCE TO THE CONTRARY, A PORTION OF THE PRINCIPAL AMOUNT OF THIS BOND MAY BE PAID OR REDEEMED WITHOUT SURRENDER HEREOF TO THE REGISTRAR, DTC OR A NOMINEE, TRANSFeree OR ASSIGNEE OF DTC OF

THIS BOND MAY NOT RELY UPON THE PRINCIPAL AMOUNT INDICATED HEREON AS THE PRINCIPAL AMOUNT HEREOF OUTSTANDING AND UNPAID. THE PRINCIPAL AMOUNT HEREOF OUTSTANDING AND UNPAID SHALL FOR ALL PURPOSES BE THE AMOUNT DETERMINED IN THE MANNER PROVIDED IN THE ORDINANCE.

UNLESS THIS BOND IS PRESENTED BY AN AUTHORIZED OFFICER OF DTC (A) TO THE 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 ITS NOMINEE, ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL BECAUSE ONLY THE REGISTERED OWNER HEREOF, DTC OR ITS NOMINEE, HAS AN INTEREST HEREIN.

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

IN WITNESS WHEREOF, the Mayor and Council of the City have caused this Bond to be executed on behalf of the City with the manual or facsimile signatures of the Mayor and the Clerk and by causing the official seal of the City to be impressed or imprinted hereon, all as of the date of original issue specified above.

CITY OF LA VISTA, NEBRASKA
(facsimile signature)

ATTEST: _____
Mayor

(facsimile signature)
Clerk
(SEAL)

CERTIFICATE OF AUTHENTICATION

This Bond is one of the Bonds authorized by Ordinance of the Mayor and Council of the City of La Vista, Nebraska, described in the foregoing Bond.

_____,
_____, Nebraska, Paying Agent and Registrar

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby sells, assigns and transfers unto

Print or Type Name, Address and Social Security Number
or other Taxpayer Identification Number of Transferee

the within Bond and all rights thereunder, and hereby irrevocably constitutes and appoints _____ agent to transfer the within Bond on the Bond Register kept by the Paying Agent for the registration thereof, with full power of substitution in the premises.

Dated: _____

NOTICE: The signature to this assignment must correspond with the name of the Registered Owner as it appears upon the face of the within Bond in every particular.

Medallion Signature Guarantee:

Section 9. Each of the Bonds shall be executed on behalf of the City with the manual or facsimile signatures of the Mayor and Clerk of the City. The Bonds shall be issued initially as “book-entry-only” bonds using the services of The Depository Trust Company (the “Depository”), with one typewritten bond per maturity being issued to the Depository. In such connection said officers are authorized to execute and deliver a letter of representations (the “Letter of Representations”) in the form required by the Depository, for and on behalf of the City, which shall thereafter govern matters with respect to registration, transfer, payment and redemption of the Bonds. Upon the issuance of the Bonds as “book-entry-only” bonds, the following provisions shall apply:

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

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

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

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

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

(c) If the City determines that it is desirable that certificates representing the Bonds be delivered to the Bond Participants and/or Beneficial Owners of the Bonds and so notifies the Paying Agent and Registrar in writing, the Paying Agent and Registrar shall so notify the Depository, whereupon the Depository will notify the Bond Participants of the availability through the Depository of bond certificates representing the Bonds. In such event, the Paying Agent and Registrar shall issue, transfer and exchange bond certificates representing the Bonds as requested by the Depository in appropriate amounts and in authorized denominations.

(d) Notwithstanding any other provision of this Ordinance to the contrary, so long as any Bond is registered in the name of the Depository or any nominee thereof, all payments with

respect to such Bond and all notices with respect to such Bond shall be made and given, respectively, to the Depository as provided in the Letter of Representations.

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

(i) any successor securities depository or its nominee;

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

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

If for any reason the Depository resigns and is not replaced or upon termination by the City of book-entry-only form, the City shall immediately provide a supply of bond certificates for issuance upon subsequent transfers or in the event of partial redemption. In the event that such supply of certificates shall be insufficient to meet the requirements of the Paying Agent and Registrar for issuance of replacement bond certificates upon transfer or partial redemption, the City agrees to order printed an additional supply of bond certificates and to direct their execution by manual or facsimile signature of its then duly qualified and acting officers. In case any officer whose signature or facsimile thereof shall appear on any Bond shall cease to be such officer before the delivery of such Bond (including any bond certificates delivered to the Paying Agent and Registrar for issuance upon transfer or partial redemption) such signature or such facsimile signature shall nevertheless be valid and sufficient for all purposes the same as if such officer or officers had remained in office until the delivery of such Bond. The Bonds shall not be valid and binding on the City until authenticated by the Paying Agent and Registrar. The Bonds shall be delivered to the Paying Agent and Registrar for registration and authentication. Upon execution, registration and authentication of the Bonds, they shall be delivered to the City Treasurer, who is authorized to deliver them to the Underwriter, as initial purchaser thereof, upon receipt of the principal amount of the Bonds plus accrued interest thereon, to date of payment for the Bonds and less the Underwriter's discount, in accordance with Section 3 hereof. Such initial purchaser shall have the right to direct the registration of the Bonds and the denominations thereof within each maturity, subject to the restrictions of this Ordinance. The Underwriter and its agents, representatives and counsel and the City's bond counsel are hereby authorized to take such actions on behalf of the City as are necessary to effectuate the closing of the issuance and sale of the Bonds, including, without limitation, authorizing the release of the Bonds by the Depository at closing. The Authorized Officers of the City (or any one of them) are hereby authorized to execute a bond purchase agreement for the sale of the Bonds to the Underwriter. The officers of the City, or any one or more of them are hereby further authorized to take any and all actions and enter into any and all agreements deemed necessary or appropriate in connection with the issuance and sale of the Bonds and the redemption and payment of the Refunded Bonds, and any such actions previously taken are hereby ratified and confirmed.

Section 10. The Clerk is directed to make and certify a transcript or transcripts of the proceedings of the Mayor and Council precedent to the issuance of the Bonds, a copy of which shall be delivered to the initial purchaser of the Bonds.

Section 11. The net sale proceeds of the Bonds, along with any necessary funds of the City on hand, shall be applied to pay or reimburse costs of the Project and to the payment and satisfaction of all of the principal of and the interest on the Refunded Bonds falling due prior to, and as called for redemption on, the Redemption Dates. Accrued interest received from the sale of the Bonds, if any, shall be applied to pay interest first falling due on the Bonds. Expenses of issuance of the Bonds may be paid from the proceeds of the Bonds. In order to satisfy the City's obligations on the Refunded Bonds, if determined necessary and appropriate by an Authorized Officer, such proceeds of the Bonds along with funds of the City on hand shall be set aside and held and invested in a special trust account which is hereby ordered established with such bank or trust company as determined by an Authorized Officer to act as escrow agent (the "Escrow Agent"). The Escrow Agent shall have custody and safekeeping of the funds and investments which are to be set aside for the payment of the Refunded Bonds. For purposes of governing such escrow account and the holding and application of such funds and investments, the City shall enter into a contract entitled "Escrow Agreement" with the Escrow Agent. The Authorized Officers, or each individually, are hereby authorized and directed to execute and deliver on behalf of the City said Escrow Agreement, including necessary counterparts, in substantially the form and content as presented to the meeting at which this ordinance is adopted, but with such changes and modifications therein as to them seem necessary, desirable, or appropriate for and on behalf of the City. The Authorized Officers, or each individually, are further authorized to approve the investments provided for in said Escrow Agreement, and to make any necessary subscriptions for United States Treasury Securities, State and Local Government Series, or to contract for the purchase of securities in the open market. Said proceeds shall be invested in obligations of the United States Government, direct or guaranteed, including United States Treasury Securities, State and Local Government Series. To the extent that such proceeds are held in a bank depository account, such deposits shall be insured by insurance of the Federal Deposit Insurance Corporation or, to the extent not fully insured, fully collateralized in the same manner as is required for deposit of public funds. Any investment from the proceeds of the Bonds herein authorized shall mature not later than the Redemption Dates. As provided in said Escrow Agreement, the proceeds of the Bonds herein authorized and investment earnings thereon shall be applied to the payment of the principal of and interest on the Refunded Bonds as the same become due on and prior to the Redemption Dates, and as called for redemption on the Redemption Dates. The City agrees that on the date of original issue of the Bonds, or as soon thereafter as practicable, it shall deposit or otherwise have on hand with the Escrow Agent, from tax levy or other available sources, funds sufficient after taking into consideration available proceeds of the Bonds and investment earnings to provide funds for all payments due on the Refunded Bonds on or before the Redemption Dates, and as called for redemption on the Redemption Dates.

Section 12. For the prompt payment of the Bonds, both principal and interest as the same fall due, the City hereby pledges all receipts now or hereafter received by the City from the State of Nebraska Highway Allocation Fund (the "Fund"), as described and referred to in the Act. The pledge provided for in this Section 12 for the Bonds provides, however, that such pledge shall not prevent the City from otherwise applying receipts from the Fund in any year so long as sufficient receipts from the Fund have been set aside for the payment of principal and interest falling due in such year on the Bonds. In addition, the City further reserves the right to issue additional highway allocation fund pledge bonds payable on a parity with the Bonds and the Outstanding Highway Bonds and equally and ratably secured by a pledge of receipts from the Fund. The City hereby further agrees that it shall levy ad valorem taxes upon all the taxable property in the City at such rate or rates within any applicable statutory and constitutional limitations as will provide funds which, together with receipts from the Fund, as pledged to the payment of the Bonds and the Outstanding Highway Bonds, and any other monies made available and used for such purpose, will be sufficient to pay the principal of and interest on the Bonds and the Outstanding Highway Bonds as the same fall due (including mandatory sinking fund redemptions).

Section 13. The City hereby covenants and agrees that it will make no use of the proceeds of the Bonds which would cause the Bonds to be arbitrage bonds within the meaning of Sections 103(b)(2) and 148 of the Internal Revenue Code of 1986, as amended (the “Code”) and further covenants to comply with said Sections 103(b)(2) and 148 and all applicable regulations thereunder throughout the term of said issue, including all requirements with respect to payment and reporting of rebates, if applicable. The City hereby covenants to take all action necessary to preserve the tax-exempt status of the interest on the Bonds for federal income tax purposes under the Code with respect to taxpayers generally. The City further agrees that it will not take any actions which would cause the Bonds to constitute “private activity bonds” within the meaning of Section 141 of the Code. The City hereby authorizes the Authorized Officers, or any one or more of them, as appropriate, to designate the Bonds as its “qualified tax-exempt obligations” pursuant to Section 265(b)(3)(B)(i)(III) of the Code and covenants and warrants that it does not reasonably expect to issue bonds or other obligations aggregating in principal amount more than \$10,000,000 during the calendar year or years in which the Bonds are issued (taking into consideration the exception for current refunding issues). The Authorized Officers, or each individually, are hereby authorized to make, or cause to be made, any and all certifications deemed necessary in connection with the designation of the Bonds as “qualified tax-exempt obligations”, including “deemed designating” the Bonds.

Section 14. 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, all in accordance with the requirements of Reg. Sec. 240.15c2-12 of the Securities and Exchange Commission.

Section 15. The City’s obligations under this Ordinance with respect to any or all of the Bonds herein authorized shall be fully discharged and satisfied as to any or all of such Bonds and any such Bond shall no longer be deemed to be outstanding hereunder if such Bond has been purchased by the City and canceled or when the payment of principal of and interest thereon to the respective date of maturity or redemption (a) shall have been made or caused to be made in accordance with the terms thereof, (b) shall have been provided for by depositing with a national or state bank having trust powers, or trust company, in trust, solely for such payment (i) sufficient money to make such payment and/or (ii) direct general obligations (including obligations issued or held in book entry form on the books of the Department of Treasury of the United States of America) of or obligations the principal and interest of which are unconditionally guaranteed by the United States of America (herein referred to as “U.S. Government Obligations”) in such amount and bearing interest payable and maturing or redeemable at stated fixed prices at the option of the holder as to principal, at such time or times, as will ensure the availability of sufficient money to make such payments; provided, however, that with respect to any Bond to be paid prior to maturity, the City shall have duly called such Bond for redemption and given notice of such redemption as provided by law or made irrevocable provision for the giving of such notice. Any money so deposited with such bank or trust company in excess of the amount required to pay principal of and interest on the Bonds for which such monies or U.S. Government Obligations were deposited shall be paid over to the City as and when collected.

Section 16. The City hereby (a) authorizes and directs that an Authorized Officer execute and deliver, on the date of issue of the Bonds, a continuing disclosure undertaking (the “Continuing Disclosure Undertaking”) in such form as shall be satisfactory to the City and in compliance with Rule 15c2-12 of the Securities and Exchange Commission, and (b) covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Undertaking. Notwithstanding any other provision of this ordinance, failure of the City to comply with the Continuing Disclosure Undertaking shall not be considered an event of default hereunder; however, any Participating Underwriter (as such term is defined in the Continuing Disclosure Undertaking) or any Beneficial Owner or any Registered Owner of a Bond (as such terms are defined in the Continuing Disclosure Undertaking) may take such actions as may be necessary and

appropriate, including seeking mandamus or specific performance by court order, to cause the City to comply with its obligations under this section.

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

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

PASSED AND APPROVED this 7th day of February, 2021.

ATTEST:

Mayor

City Clerk

[SEAL]

Motion for adjournment was duly made, seconded and on roll call vote was declared adopted by the Mayor.

I, Pamela Buethe, the undersigned City Clerk for the City of La Vista, Nebraska, hereby certify that the foregoing is a true and correct copy of the proceedings had and done by the Mayor and Council on February 2, 2021, 2021; that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the office of the City Clerk; that such subjects were contained in said agenda for at least twenty-four hours prior to said meeting; that a current copy of the Nebraska Open Meetings Act was available and accessible to members of the public, posted during such meeting in the room in which such meeting was held; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the said minutes from which the foregoing proceedings have been extracted were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that all news media requesting notification concerning meetings of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

Pamela Buethe
City Clerk

[SEAL]

NOTICE OF PUBLICATION

OF ORDINANCE NO. _____

IN PAMPHLET FORM

Public Notice is hereby given that at a meeting of the Mayor and Council of the City of La Vista, Nebraska, held at :_ _.m. on Tuesday, February 2, 2021, there was passed and adopted Ordinance No. ___ (the "Ordinance") entitled:

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE ISSUANCE OF HIGHWAY ALLOCATION FUND PLEDGE AND REFUNDING BONDS OF THE CITY OF LA VISTA, NEBRASKA, IN ONE OR MORE SERIES, IN THE AGGREGATE STATED PRINCIPAL AMOUNT OF NOT TO EXCEED \$10,400,000, IN ONE OR MORE SERIES, FOR THE PURPOSE OF REFUNDING ALL OR A PORTION OF CERTAIN OUTSTANDING HIGHWAY ALLOCATION FUND PLEDGE BONDS OF THE CITY; AND AUTHORIZING THE REDEMPTION OF SUCH OUTSTANDING BONDS TO BE REFUNDED; PRESCRIBING THE FORM OF SUCH BONDS TO BE ISSUED AND AUTHORIZING OFFICERS OF THE CITY TO APPROVE CERTAIN FINAL TERMS OF THE BONDS; PLEDGING FUNDS TO BE RECEIVED BY THE CITY FROM THE STATE OF NEBRASKA HIGHWAY ALLOCATION FUND FOR THE PAYMENT OF SAID BONDS; PROVIDING FOR THE LEVY AND COLLECTION OF TAXES TO PAY THE SAME IF NECESSARY; PROVIDING FOR THE SALE OF THE BONDS; AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER; AND PROVIDING FOR THE DISPOSITION OF BOND PROCEEDS; AND ORDERING THE ORDINANCE PUBLISHED IN PAMPHLET FORM.

The Ordinance was published in pamphlet form on _____, 2021. Copies of the Ordinance as published in pamphlet form are available for inspection and distribution at the Office of the Clerk, in the City of La Vista, Nebraska.

Pamela Buethe
City Clerk

[SEAL]

Publish: _____, 2021.

ORDINANCE NO. ____

AN ORDINANCE AUTHORIZING THE ISSUANCE OF TAX SUPPORTED REFUNDING BONDS OF THE CITY OF LA VISTA, NEBRASKA, IN ONE OR MORE SERIES, IN THE AGGREGATE STATED PRINCIPAL AMOUNT OF NOT TO EXCEED \$17,750,000 FOR THE PURPOSE OF REFUNDING ALL OR A PORTION OF CERTAIN OUTSTANDING TAX SUPPORTED IMPROVEMENT BONDS OF THE CITY; AND AUTHORIZING THE REDEMPTION OF SUCH OUTSTANDING BONDS TO BE REFUNDED; PRESCRIBING THE FORM OF SUCH BONDS TO BE ISSUED AND AUTHORIZING OFFICERS OF THE CITY TO APPROVE CERTAIN FINAL TERMS OF THE BONDS; PLEDGING FUNDS TO BE RECEIVED BY A SALES AND USE TAX AND OTHER SOURCES OF FUNDS FOR THE PAYMENT OF SAID BONDS; PROVIDING FOR THE LEVY AND COLLECTION OF SAID TAXES TO PAY THE SAME; PROVIDING FOR THE SALE OF THE BONDS; AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER; AND PROVIDING FOR THE DISPOSITION OF BOND PROCEEDS; AND ORDERING THE ORDINANCE PUBLISHED IN PAMPHLET FORM.

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

Section 1. (a) The Mayor and Council of the City of La Vista, Nebraska (the "City") hereby find and determine that: There have been heretofore issued and are now outstanding and unpaid valid interest-bearing bonds of the City as follows:

Tax Supported Improvement Bonds, Series 2017, in the outstanding principal amount of \$17,560,000, dated December 21, 2017 (the "Outstanding Bonds"), which mature and bear interest as follows:

Principal <u>Amount</u>	Maturing <u>July 15 Of Year</u>	Interest <u>Rate</u>	<u>CUSIP No.</u>
\$ 515,000	2021	5.000%	505318 SJ5
545,000	2022	5.000	505318 SK2
570,000	2023	5.000	505318 SL0
600,000	2024	5.000	505318 SM8
630,000	2025	5.000	505318 SN6
660,000	2026	5.000	505318 SP1
6,160,000	2034	3.000	505318 SQ9
7,880,000	2042	3.250	505318 SR7

such Outstanding Bonds being part of an issue of \$18,840,000 principal amount of Tax Supported Improvement Bonds, Series 2017 issued pursuant to an ordinance duly passed by the Council and approved by the Mayor on November 8, 2017 (the "2017 Ordinance"), and such Outstanding Bonds maturing on and after July 15, 2023 are redeemable at the option of the City at any time on or after July 15, 2022 (the "Redemption Date"), at a redemption price equal to the principal amount thereof plus accrued interest to the date fixed for redemption.

(b) An election (the "Election"), was duly called and held in conjunction with the Statewide Primary Election on May 13, 2014, pursuant to Section 77-27,142 to 787-27,148, inclusive, R.R.S. Neb., as amended, (the "Act") to impose an additional one-half of one percent (0.50%) sales and use tax to pay the costs of public infrastructure projects (as defined in section 77-27,142 of the Act) in the 84th Street

Redevelopment Project Area (collectively, the “Project”), at which Election a majority of all the qualified electors voting on said proposition voted in favor of the levy and collection of the additional 1/2% sales and use tax (the “Tax”), which Tax was imposed pursuant to Ordinance No. 1215 passed and approved on June 3, 2014. Proceeds of the Tax have been pledged for payment of the Outstanding Bonds, as more fully described in the 2017 Ordinance, and the Tax shall remain in effect at least until payment in full of the Outstanding Bonds and any bonds issued to refund the Outstanding Bonds.

(c) (i) All of the Outstanding Bonds are valid, interest bearing obligations of the City; (ii) since the Outstanding Bonds were issued, the rates of interest available in the market have so declined that by issuing its refunding bonds to provide funds for the payment and redemption of all or a portion of the Outstanding Bonds, a substantial savings in the amount of yearly running interest will be made to the City; (iii) all or a portion of the Outstanding Bonds (as called for redemption, the “Refunded Bonds”) are herein authorized to be called for redemption; (iv) for the purpose of providing for the payment and redemption of the Refunded Bonds as above set out and to pay costs of issuance thereof, it is in the best interest of the City to issue tax supported refunding bonds of the City, in one or more series, in the aggregate stated principal amount of not to exceed \$17,750,000 (the “Bonds”); and (v) except as set forth herein, the City has no bond sinking funds on hand for the retirement of the Refunded Bonds not required for the timely payment of principal and interest due on the Redemption Date.

Section 2. (a) The Mayor and Council further find and determine that (a) it is necessary, desirable, advisable and in the best interest of the City to provide for the payment and redemption of the Refunded Bonds; and, (b) all conditions, acts and things required by law to exist or to be done precedent to the issuance of the Bonds, in one or more series, in the aggregate stated principal amount of not to exceed \$17,750,000 pursuant to Section 10-142, Reissue Revised Statutes of Nebraska, as amended, and other applicable statutes, do exist and have been done as required by law. To provide funds for the purpose of refunding the Refunded Bonds as set out in Section 1 hereof, there shall be and there are hereby ordered issued the Tax Supported Refunding Bonds of the City, in one or more series, in the aggregate stated principal amount of not to exceed \$17,750,000.

(b) The Bonds or any portion thereof are hereby authorized to be sold pursuant to a negotiated sale with such bank or underwriting firm determined in the Designation, as initial purchaser or placement agent, as applicable (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 and the underwriting discount which shall not exceed 0.7% 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 \$17,750,000, and the final maturity date, which shall not be later than July 15, 2042, (iv) the principal amounts maturing in each year, (v) the rate or rates of interest to be borne by each principal maturity, with present value savings in an amount approved by an Authorized Officer in a Designation, (vi) the principal payment dates and interest payment dates, (vii) whether the Bonds will be subject to redemption prior to their stated maturity, and if subject to such optional redemption, the provisions governing such redemption, including a redemption price not to exceed 104% of the principal amount then being redeemed plus accrued interest to the date of redemption, (viii) the amount and due date of each sinking fund installment for any of the Bonds issued as term Bonds, (ix) the designation of the Paying Agent and Registrar and the form and content of any agreement between the City and such entity (x) whether interest on each series of Bonds shall be taxable or tax-exempt, and (xi) all other terms and provisions of the Bonds not otherwise specified or fixed by this Ordinance.

(c) The Authorized Officers, or each individually, are hereby authorized to irrevocably call any or all of the Refunded Bonds for redemption on such date or dates he or she determines appropriate, which date or dates shall be the Redemption Dates hereunder. The Authorized Officers, or each individually, are hereby authorized to designate, approve, execute and deliver, as the case may be (i) the form, content, terms and provisions of any published and/or mailed notice of redemption with respect to the payment and redemption of the Refunded Bonds, (ii) an Escrow Agent, (iii) the form, content, terms and provisions of an Escrow Agreement with the Escrow Agent for the purpose of providing for the deposit in trust with the Escrow Agent a portion of the net proceeds of the Bonds, the investment of such net proceeds pending their application, the application of such proceeds and any investment income to the payment of all of the principal of and interest on the Refunded Bonds maturing on or before the Redemption Date and the application of the balance of such proceeds and any investment income thereof to the redemption and retirement of the Refunded Bonds on the Redemption Date.

Section 3. The Bonds shall be issued in fully registered form in the denomination of \$5,000 or any integral multiple thereof. The date of original issue for the Bonds shall be date of original delivery. Interest on the Bonds, at the respective rates for each maturity, shall be payable semi-annually on January 15 and July 15 of each year beginning July 15, 2021 (or such other date or dates as may be determined in a Designation, each an “Interest Payment Date”), and the Bonds shall bear such interest from the date of original issue or the most recent Interest Payment Date, whichever is later. The interest due on each Interest Payment Date shall be payable to the registered owners of record as of the fifteenth day immediately preceding the Interest Payment Date (the “Record Date”), subject to the provisions of Section 4 hereof. The Bonds shall be numbered from 1 upwards in the order of their issuance. No Bond shall be issued originally or upon transfer or partial redemption having more than one principal maturity. The initial bond numbering and principal amounts for each of the Bonds issued shall be as directed by the initial purchaser thereof. Payments of interest due on the Bonds prior to maturity or earlier redemption shall be made by the Paying Agent and Registrar, designated in Section 4 hereof, by mailing a check or draft in the amount due for such interest on each Interest Payment Date to the registered owner of each Bond, as of the Record Date for such Interest Payment Date, to such owner’s registered address as shown on the books of registration as required to be maintained in Section 4 hereof. Payments of principal due at maturity or at any date fixed for redemption prior to maturity, together with unpaid accrued interest thereon, shall be made by the Paying Agent and Registrar to the registered owners upon presentation and surrender of the Bonds to the Paying Agent and Registrar. The City and the Paying Agent and Registrar may treat the registered owner of any Bond as the absolute owner of such Bond for the purpose of making payments thereon and for all other purposes and neither the City nor the Paying Agent and Registrar shall be affected by any notice or knowledge to the contrary, whether such Bond or any installment of interest due thereon shall be overdue or not. All payments on account of interest or principal made to the registered owner of any Bond in accordance with the terms of this Ordinance shall be valid and effectual and shall be a discharge of the City and the Paying Agent and Registrar, in respect of the liability upon the Bonds or claims for interest to the extent of the sum or sums so paid.

Section 4. The Authorized Officers are hereby authorized to designate the Paying Agent and Registrar for the Bonds in a Designation, which Paying Agent and Registrar shall be a bank or trust company. Said Paying Agent and Registrar shall serve in such capacities under the terms of an agreement entitled “Paying Agent and Registrar’s Agreement” between the City and said Paying Agent and Registrar and the Mayor and City Clerk are hereby authorized to execute said agreement. The Paying Agent and Registrar shall keep and maintain for the City books for the registration and transfer of the Bonds at its office. The names and registered addresses of the registered owner or owners of the Bonds shall at all times be recorded in such books. Any Bond may be transferred pursuant to its provisions at the office of the Paying Agent and Registrar by surrender of such Bond for cancellation, accompanied by a written

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

Section 5. In the event that payments of interest due on the Bonds on an Interest Payment Date are not timely made, such interest shall cease to be payable to the registered owners as of the Record Date for such Interest Payment Date and shall be payable to the registered owners of the Bonds as of a special date of record for payment of such defaulted interest as shall be designated by the Paying Agent and Registrar whenever monies for the purpose of paying such defaulted interest become available.

Section 6. In addition to any mandatory sinking fund redemptions, the Bonds shall be subject to redemption at the option of the City, in whole or in part, prior to maturity at any time on or after five years after the date of original issue, at par plus accrued interest on the principal amount redeemed to the date fixed for redemption (or such other date or dates as may be determined in a Designation). The City may select the Bonds to be redeemed for optional redemption in its sole discretion. Bonds for mandatory redemption shall be selected by the Paying Agent and Registrar using any random method of selection determined appropriate by the Paying Agent and Registrar. Bonds redeemed pursuant to the requirements for mandatory redemption shall be redeemed at par plus accrued interest on the principal amount redeemed. The Bonds shall be redeemed only in amounts of \$5,000 or integral multiples thereof. Bonds redeemed in part only shall be surrendered to the Paying Agent and Registrar in exchange for a new Bond evidencing the unredeemed principal thereof. Notice of redemption of any Bond called for redemption shall be given, at the direction of the City in the case of optional redemption and without further direction in the case of mandatory redemption, by the Paying Agent and Registrar by mail not less than 30 days prior to the date fixed for redemption, first class, postage prepaid, sent to the registered owner of such Bond at said owner's registered address. Such notice shall designate the Bond or Bonds to be redeemed by maturity or otherwise, the date of original issue, series and the date fixed for redemption and shall state that such Bond or Bonds are to be presented for prepayment at the office of the Paying Agent and Registrar. In case of any Bond partially redeemed, such notice shall specify the portion of the principal amount of such Bond to be redeemed. No defect in the mailing of notice for any Bond shall affect the sufficiency of the proceedings of the City designating the Bonds called for redemption or the effectiveness of such call for Bonds for which notice by mail has been properly given and the City shall have the right to further direct notice of redemption for any such Bond for which defective notice has been given.

Section 7. If the date for payment of the principal of or interest on the Bonds shall be a Saturday, Sunday, legal holiday or a day on which banking institutions in the municipality where the Paying Agent and Registrar is located are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not a Saturday, Sunday, legal holiday or a day on which

such banking institutions are authorized to close, and payment on such day shall have the same force and effect as if made on the nominal date of payment.

Section 8. The Bonds shall be in substantially the following form:

UNITED STATES OF AMERICA
STATE OF NEBRASKA
COUNTY OF SARPY

CITY OF LA VISTA, NEBRASKA
TAX SUPPORTED REFUNDING BOND (TAXABLE INTEREST)
SERIES 20____

No. _____ \$

<u>Interest Rate</u>	<u>Maturity Date</u>	<u>Date of Original Issue</u>	<u>CUSIP</u>
%	July 15, 20____	_____, 20____	

Registered Owner: Cede & Co.

Principal Amount:

The CITY OF LA VISTA, NEBRASKA (the "City"), hereby acknowledges itself to owe and for value received promises to pay 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 Maturity Date specified above with interest thereon to maturity (or earlier redemption) computed on the basis of a 360-day year consisting of twelve 30-day months from the Date of Original Issue or most recent Interest Payment Date, whichever is later, at the Interest Rate per annum specified above, payable semiannually on _____ and _____ of each year, beginning _____, 20____ (each of such dates an "Interest Payment Date"). The Principal Amount hereof, together with unpaid accrued interest due at maturity or upon earlier redemption, is payable upon presentation and surrender of this bond at the office of _____, as the Paying Agent and Registrar, in _____, 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 such Interest Payment Date, to such owner's registered 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 purposes 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 to refund the \$_____ principal amount of the City's Tax Supported Improvement Bonds, Series 2017, date of original issue – December 21, 2017, (the "Refunded Bonds") which Refunded Bonds were issued to pay the costs of constructing public infrastructure improvements in the 84th Street Redevelopment Project Area. The Refunded Bonds were authorized at an election duly called and held in conjunction with the Statewide Primary Election on May 13, 2014, at which election a majority of all the qualified electors voting on said proposition voted in favor of the levy and collection of the additional 1/2% sales and use tax for payment of costs of the Project. The issuance of this bond and the bonds of this issue has been authorized by proceedings duly had and Ordinance No. _____ (the "Ordinance") legally passed and approved by the Mayor and City Council of said City on _____, 2021.

The Bonds are subject to redemption at the option of the City, in whole or in part, at any time on or after five years after the date of delivery, at par plus interest accrued on the principal amount redeemed to the date fixed for redemption.

[In addition, the Bonds shall be subject to mandatory sinking fund redemption payments (with bonds being redeemed at par plus accrued interest) as follows:

\$ Principal Maturing July 15, 20
\$ _____ to be called July 15, 20 _____
\$ _____ to be called July 15, 20 _____
\$ _____ Payable July 15, 20 _____]

Notice of redemption shall be given by mail to the registered owner of any Bond to be redeemed at such registered owner's address in the manner specified in the Ordinance authorizing the Bonds. Individual Bonds may be redeemed in part but only in \$5,000 amounts or integral multiples thereof.

This Bond is transferable by the Registered Owner or such owner's attorney duly authorizing in writing at the office of the Paying Agent and Registrar upon surrender and cancellation of this Bond, and thereupon a new Bond or Bonds of the same aggregate principal amount, interest rate and maturity will be issued to the transferee as provided in the Ordinance, 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 purposes and shall not be affected by any notice to the contrary, whether this Bond be overdue or not.

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

For the prompt payment of the principal and interest on this bond and the other bonds of the same issue, as described in the Ordinance, the City of La Vista, Nebraska, has pledged funds received and to be received from revenues from a ½ cent sales and use tax as described in the Ordinance (the "Tax"), with receipts from such tax to be allocated by the City to payment of principal and interest as the same fall due. In addition, the City has covenanted and agreed in the Ordinance that it shall designate a portion of its property tax authority pursuant to Section 77-3442, Neb. R.S. Supp. 2015, in such amount as will provide funds which, together with receipts from the Tax as pledged to the payment of such principal and interest and any other money made available and used for such purpose, will be sufficient to make payment of the principal of and interest on this bond and the other bonds of the same issue as the same fall due.

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

HEREOF OUTSTANDING AND UNPAID SHALL FOR ALL PURPOSES BE THE AMOUNT DETERMINED IN THE MANNER PROVIDED IN THE ORDINANCE.

UNLESS THIS BOND IS PRESENTED BY AN AUTHORIZED OFFICER OF DTC (A) TO THE 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 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.

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

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

IN WITNESS WHEREOF, the Mayor and Council of the City have caused this Bond to be executed on behalf of the City with the manual or facsimile signatures of the Mayor and the Clerk and by causing the official seal of the City to be impressed or imprinted hereon, all as of the date of original issue specified above.

CITY OF LA VISTA, NEBRASKA

(facsimile signature)

Mayor

ATTEST:

CERTIFICATE OF AUTHENTICATION

This Bond is one of the Bonds authorized by Ordinance of the Mayor and Council of the City of La Vista, Nebraska, described in the foregoing Bond.

_____,
_____, Nebraska, Paying Agent and Registrar

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby sells, assigns and transfers unto

Print or Type Name, Address and Social Security Number
or other Taxpayer Identification Number of Transferee

the within Bond and all rights thereunder, and hereby irrevocably constitutes and appoints _____ agent to transfer the within Bond on the Bond Register kept by the Paying Agent for the registration thereof, with full power of substitution in the premises.

Dated: _____

NOTICE: The signature to this assignment must correspond with the name of the Registered Owner as it appears upon the face of the within Bond in every particular.

Medallion Signature Guarantee:

Section 9. Each of the Bonds shall be executed on behalf of the City with the manual or facsimile signatures of the Mayor and Clerk of the City. The Bonds shall be issued initially as “book-entry-only” bonds using the services of The Depository Trust Company (the “Depository”), with one typewritten bond per maturity being issued to the Depository. In such connection said officers are authorized to execute and deliver a letter of representations (the “Letter of Representations”) in the form required by the Depository, for and on behalf of the City, which shall thereafter govern matters with respect to registration, transfer, payment and redemption of the Bonds. Upon the issuance of the Bonds as “book-entry-only” bonds, the following provisions shall apply:

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

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

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

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

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

(c) If the City determines that it is desirable that certificates representing the Bonds be delivered to the Bond Participants and/or Beneficial Owners of the Bonds and so notifies the Paying Agent and Registrar in writing, the Paying Agent and Registrar shall so notify the Depository, whereupon the Depository will notify the Bond Participants of the availability through the Depository of bond certificates representing the Bonds. In such event, the Paying Agent and Registrar shall issue, transfer and exchange bond certificates representing the Bonds as requested by the Depository in appropriate amounts and in authorized denominations.

(d) Notwithstanding any other provision of this Ordinance to the contrary, so long as any Bond is registered in the name of the Depository or any nominee thereof, all payments with

respect to such Bond and all notices with respect to such Bond shall be made and given, respectively, to the Depository as provided in the Letter of Representations.

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

(i) any successor securities depository or its nominee;

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

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

If for any reason the Depository resigns and is not replaced or upon termination by the City of book-entry-only form, the City shall immediately provide a supply of bond certificates for issuance upon subsequent transfers or in the event of partial redemption. In the event that such supply of certificates shall be insufficient to meet the requirements of the Paying Agent and Registrar for issuance of replacement bond certificates upon transfer or partial redemption, the City agrees to order printed an additional supply of bond certificates and to direct their execution by manual or facsimile signature of its then duly qualified and acting officers. In case any officer whose signature or facsimile thereof shall appear on any Bond shall cease to be such officer before the delivery of such Bond (including any bond certificates delivered to the Paying Agent and Registrar for issuance upon transfer or partial redemption) such signature or such facsimile signature shall nevertheless be valid and sufficient for all purposes the same as if such officer or officers had remained in office until the delivery of such Bond. The Bonds shall not be valid and binding on the City until authenticated by the Paying Agent and Registrar. The Bonds shall be delivered to the Paying Agent and Registrar for registration and authentication. Upon execution, registration and authentication of the Bonds, they shall be delivered to the City Treasurer, who is authorized to deliver them to the Underwriter, as initial purchaser thereof, upon receipt of the principal amount of the Bonds plus accrued interest thereon, to date of payment for the Bonds and less the Underwriter's discount, in accordance with Section 3 hereof. Such initial purchaser shall have the right to direct the registration of the Bonds and the denominations thereof within each maturity, subject to the restrictions of this Ordinance. The Underwriter and its agents, representatives and counsel and the City's bond counsel are hereby authorized to take such actions on behalf of the City as are necessary to effectuate the closing of the issuance and sale of the Bonds, including, without limitation, authorizing the release of the Bonds by the Depository at closing. The Authorized Officers of the City (or any one of them) are hereby authorized to execute a bond purchase agreement for the sale of the Bonds to the Underwriter. The officers of the City, or any one or more of them are hereby further authorized to take any and all actions and enter into any and all agreements deemed necessary or appropriate in connection with the issuance and sale of the Bonds and the redemption and payment of the Refunded Bonds, and any such actions previously taken are hereby ratified and confirmed.

Section 10. The Clerk is directed to make and certify a transcript or transcripts of the proceedings of the Mayor and Council precedent to the issuance of the Bonds, a copy of which shall be delivered to the initial purchaser of the Bonds.

Section 11. The net sale proceeds of the Bonds, along with any necessary funds of the City on hand, shall be applied to the payment and satisfaction of all of the principal of and the interest on the Refunded Bonds falling due prior to, and as called for redemption on, the Redemption Dates. Accrued interest received from the sale of the Bonds, if any, shall be applied to pay interest first falling due on the Bonds. Expenses of issuance of the Bonds may be paid from the proceeds of the Bonds. In order to satisfy the City's obligations on the Refunded Bonds, if determined necessary and appropriate by an Authorized Officer, such proceeds of the Bonds along with funds of the City on hand shall be set aside and held and invested in a special trust account which is hereby ordered established with such bank or trust company as determined by an Authorized Officer to act as escrow agent (the "Escrow Agent"). The Escrow Agent shall have custody and safekeeping of the funds and investments which are to be set aside for the payment of the Refunded Bonds. For purposes of governing such escrow account and the holding and application of such funds and investments, the City shall enter into a contract entitled "Escrow Agreement" with the Escrow Agent. The Authorized Officers, or each individually, are hereby authorized and directed to execute and deliver on behalf of the City said Escrow Agreement, including necessary counterparts, in substantially the form and content as presented to the meeting at which this ordinance is adopted, but with such changes and modifications therein as to them seem necessary, desirable, or appropriate for and on behalf of the City. The Authorized Officers, or each individually, are further authorized to approve the investments provided for in said Escrow Agreement, and to make any necessary subscriptions for United States Treasury Securities, State and Local Government Series, or to contract for the purchase of securities in the open market. Said proceeds shall be invested in obligations of the United States Government, direct or guaranteed, including United States Treasury Securities, State and Local Government Series. To the extent that such proceeds are held in a bank depository account, such deposits shall be insured by insurance of the Federal Deposit Insurance Corporation or, to the extent not fully insured, fully collateralized in the same manner as is required for deposit of public funds. Any investment from the proceeds of the Bonds herein authorized shall mature not later than the Redemption Dates. As provided in said Escrow Agreement, the proceeds of the Bonds herein authorized and investment earnings thereon shall be applied to the payment of the principal of and interest on the Refunded Bonds as the same become due on and prior to the Redemption Dates, and as called for redemption on the Redemption Dates. The City agrees that on the date of original issue of the Bonds, or as soon thereafter as practicable, it shall deposit or otherwise have on hand with the Escrow Agent, from tax levy or other available sources, funds sufficient after taking into consideration available proceeds of the Bonds and investment earnings to provide funds for all payments due on the Refunded Bonds on or before the Redemption Dates, and as called for redemption on the Redemption Dates.

Section 12. The Bonds are special obligations of the City payable from, and secured as to the payment of principal and interest by a pledge of the additional ½ cent sales and use tax imposed pursuant to Ordinance No. 1215 (as described and defined in Section 1 hereof as the "Tax"). The City hereby pledges the Tax to the payment of the principal of and interest on the Bonds. The City hereby further agrees that it shall dedicate such portion of its property tax levy authority (as provided in Section 77-3442, R.S.S. Neb., as amended) as is necessary to provide funds which, together with receipts from the Tax as pledged to the payment of the Bonds and any other monies made available and used for such purpose, will be sufficient to pay the principal of and interest on the Bonds as the same fall due (including mandatory sinking fund redemptions). The pledge of the Tax provided for in this Section 12 for the Bonds shall not prevent the City from otherwise applying receipts from the Tax in any year so long as sufficient receipts from such fund have been set aside for the payment of principal and interest falling due in such year on the Bonds. In addition, the City further reserves the right to issue additional bonds payable on par with the Bonds equally and ratably secured by a pledge of receipts from the Tax.

Section 13. 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, all in accordance with the requirements of Reg. Sec. 240.15c2-12 of the Securities and Exchange Commission.

Section 14. The City's obligations under this Ordinance with respect to any or all of the Bonds herein authorized shall be fully discharged and satisfied as to any or all of such Bonds and any such Bond shall no longer be deemed to be outstanding hereunder if such Bond has been purchased by the City and canceled or when the payment of principal of and interest thereon to the respective date of maturity or redemption (a) shall have been made or caused to be made in accordance with the terms thereof, (b) shall have been provided for by depositing with a national or state bank having trust powers, or trust company, in trust, solely for such payment (i) sufficient money to make such payment and/or (ii) direct general obligations (including obligations issued or held in book entry form on the books of the Department of Treasury of the United States of America) of or obligations the principal and interest of which are unconditionally guaranteed by the United States of America (herein referred to as "U.S. Government Obligations") in such amount and bearing interest payable and maturing or redeemable at stated fixed prices at the option of the holder as to principal, at such time or times, as will ensure the availability of sufficient money to make such payments; provided, however, that with respect to any Bond to be paid prior to maturity, the City shall have duly called such Bond for redemption and given notice of such redemption as provided by law or made irrevocable provision for the giving of such notice. Any money so deposited with such bank or trust company in excess of the amount required to pay principal of and interest on the Bonds for which such monies or U.S. Government Obligations were deposited shall be paid over to the City as and when collected.

Section 15. The City hereby (a) authorizes and directs that an Authorized Officer execute and deliver, on the date of issue of the Bonds, a continuing disclosure undertaking (the "Continuing Disclosure Undertaking") in such form as shall be satisfactory to the City and in compliance with Rule 15c2-12 of the Securities and Exchange Commission, and (b) covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Undertaking. Notwithstanding any other provision of this ordinance, failure of the City to comply with the Continuing Disclosure Undertaking shall not be considered an event of default hereunder; however, any Participating Underwriter (as such term is defined in the Continuing Disclosure Undertaking) or any Beneficial Owner or any Registered Owner of a Bond (as such terms are defined in the Continuing Disclosure Undertaking) may take such actions as may be necessary and appropriate, including seeking mandamus or specific performance by court order, to cause the City to comply with its obligations under this section.

Section 16. 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 17. This Ordinance shall be in force and take effect from and after its passage and publication in pamphlet form as provided by law.

PASSED AND APPROVED this 2nd day of February, 2021.

ATTEST:

Mayor

City Clerk

[SEAL]

Motion for adjournment was duly made, seconded and on roll call vote was declared adopted by the Mayor.

I, Pamela Buethe, the undersigned City Clerk for the City of La Vista, Nebraska, hereby certify that the foregoing is a true and correct copy of the proceedings had and done by the Mayor and Council on February 2, 2021; that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the office of the City Clerk; that such subjects were contained in said agenda for at least twenty-four hours prior to said meeting; that a current copy of the Nebraska Open Meetings Act was available and accessible to members of the public, posted during such meeting in the room in which such meeting was held; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the said minutes from which the foregoing proceedings have been extracted were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that all news media requesting notification concerning meetings of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

Pamela Buethe
City Clerk

[SEAL]

NOTICE OF PUBLICATION
OF ORDINANCE NO. _____
IN PAMPHLET FORM

Public Notice is hereby given that at a meeting of the Mayor and Council of the City of La Vista, Nebraska, held at :__ .m. on Tuesday, February 2, 2021, there was passed and adopted Ordinance No. (the "Ordinance") entitled:

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE ISSUANCE OF TAX SUPPORTED REFUNDING BONDS OF THE CITY OF LA VISTA, NEBRASKA, IN ONE OR MORE SERIES, IN THE AGGREGATE STATED PRINCIPAL AMOUNT OF NOT TO EXCEED \$17,750,000 FOR THE PURPOSE OF REFUNDING ALL OR A PORTION OF CERTAIN OUTSTANDING TAX SUPPORTED IMPROVEMENT BONDS OF THE CITY; AND AUTHORIZING THE REDEMPTION OF SUCH OUTSTANDING BONDS TO BE REFUNDED; PRESCRIBING THE FORM OF SUCH BONDS TO BE ISSUED AND AUTHORIZING OFFICERS OF THE CITY TO APPROVE CERTAIN FINAL TERMS OF THE BONDS; PLEDGING FUNDS TO BE RECEIVED BY A SALES AND USE TAX AND OTHER SOURCES OF FUNDS FOR THE PAYMENT OF SAID BONDS; PROVIDING FOR THE LEVY AND COLLECTION OF SAID TAXES TO PAY THE SAME; PROVIDING FOR THE SALE OF THE BONDS; AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER; AND PROVIDING FOR THE DISPOSITION OF BOND PROCEEDS; AND ORDERING THE ORDINANCE PUBLISHED IN PAMPHLET FORM.

The Ordinance was published in pamphlet form on , 2021. Copies of the Ordinance as published in pamphlet form are available for inspection and distribution at the Office of the Clerk, in the City of La Vista, Nebraska.

Pamela Buethe
City Clerk

[SEAL]

Publish: , 2021.

CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
FEBRUARY 2, 2021 AGENDA

Subject:	Type:	Submitted By:
EXTENSION— COVID 19 RULES/REGULATIONS – FACE COVERINGS	RESOLUTION ◆ ORDINANCE RECEIVE/FILE	BRENDA S. GUNN CITY ADMINISTRATOR

SYNOPSIS

An ordinance has been prepared to amend Section 92.30 of the La Vista Municipal Code, entitled “Prevention of Covid-19,” subsection 92.30.11, extending the sunset provision from February 23, 2021 to May 25, 2021.

FISCAL IMPACT

N/A.

RECOMMENDATION

Approval.

BACKGROUND

On November 24, 2020, the Board of Health, via Resolution No. 20-001, approved rules and regulations requiring face coverings in indoor public places in the City, subject to City Council approval.

Subsequently, the City Council met immediately following the Board of Health on November 24, 2020, and approved Ordinance No. 1402 adding subchapter 92.30 to the La Vista Municipal Code requiring face coverings while indoors within the City. The requirements imposed by this subchapter expire and terminate at 11:59 p.m. on February 23, 2021, unless otherwise extended by ordinance of the City Council.

At this time, COVID-19 remains a serious threat to the health, safety, and welfare of the residents of La Vista and the Omaha metropolitan area. Because face coverings continue to be an effective tool in slowing and reducing the spread of COVID-19 in our community, an 90-day extension is recommended.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 92 OF THE LA VISTA MUNICIPAL CODE TO EXTEND THE SUNSET PROVISION TO MAY 25, 2021; TO REPEAL CONFLICTING ORDINANCES; AND TO PROVIDE FOR SEVERABILITY, PUBLICATION AND THE EFFECTIVE DATE HEREOF.

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

I. As result of the Novel Coronavirus (COVID-19) pandemic, continued community transmission and increased number of confirmed COVID-19 cases within the City limits of the City of La Vista, and resulting dangers to the public health, safety, and welfare, an emergency exists within the City of La Vista requiring immediate action of the City as provided in this ordinance. This ordinance shall amend Chapter 92 of the La Vista Municipal Code to adopt rules and regulations for a non-pharmaceutical intervention to combat and halt the spread and progression of COVID-19.

II. Chapter 92 of the La Vista Municipal Code is hereby amended by adding subchapter 92.30 as follows:

“§92.30. — PREVENTION OF COVID-19

Sec. 92.30.1. — Legislative Findings and Intent.

- (1) The City Council hereby finds and declares, based upon the scientific and medical evidence before it, that:
 - (a) the Novel Coronavirus (COVID-19) has impacted and continues to dramatically impact the citizens of the City of La Vista, Nebraska; and
 - (b) exposure to COVID-19 presents a risk of death or serious long-term disability; the exposure is widespread and poses significant risk of harm, including death, to people in the general population of the City of La Vista; there is a particular subset of the population that is more vulnerable to the threat and thus at an increased risk; and the threat is from a novel infectious disease; and
 - (c) information from the World Health Organization, the United States Centers for Disease Control and Prevention (CDC), Nebraska Department of Health and Human Services, the Sarpy/Cass Health Department, local public health departments throughout Nebraska, and members of the Sarpy County and metropolitan area medical community indicate that citizens of the metropolitan area, including the City of La Vista, have been and will continue to be exposed due to community transmissions of COVID-19; and
 - (d) the manner in which the spread of COVID-19 cases in the City of La Vista has occurred creates an unacceptable risk to the health, safety, and welfare of the citizens of the City of La Vista; and
 - (e) the number of COVID-19 infections within the City of La Vista continues to increase; and
 - (f) COVID-19 constitutes a public nuisance and a threat to the health, safety, and welfare of the City of La Vista and its residents; and
 - (g) The Director of the CDC, the Director the Sarpy/Cass Health Department, doctors and infectious disease experts from the University of Nebraska Medical Center and Nebraska Medicine, as well as others in the medical profession, have concluded that the wearing of face coverings by every individual while in public, particularly while indoors, is one of the best methods to slow and stop the spread of COVID-19; and
 - (h) the wearing of face coverings by every individual while indoors in public places in the City of La Vista will reduce community transmissions of COVID-19, resulting in fewer deaths and serious health complications, and will ease the strain on hospitals and other medical offices and facilities; and
 - (i) the wearing of face coverings by every individual while indoors in public places in the City of La Vista will increase the chances of keeping

businesses open and operating, encouraging economic growth and preventing prolonged economic harm; and

(j) it is just and proper for the City Council to exercise the authority granted to it by applicable law, including without limitation Neb. Rev. Stat. Sections 16-238, 16-240, 16-246, and 18-1720, in furtherance of protecting the public health, safety, and welfare.

Sec. 92.30.2. — Definitions.

For purposes of this subchapter, the following terms are defined as follows:

(1) **Face Covering.** — A face covering is defined as a covering which, when worn properly, must cover the nose and mouth completely and can include a paper or disposable face mask, a cloth face mask, a scarf, a bandanna, a neck gaiter, or a religious face covering. Medical-grade masks and respirators are sufficient face coverings, but to preserve adequate supplies, their purchase and use is discouraged for those who do not work in a health care setting or in other occupations that require medical-grade personal protective equipment. Masks that incorporate a valve designed to facilitate easy exhaling, mesh masks, or masks with openings, holes, visible gaps in the design or material, or vents are not sufficient face coverings because they allow exhaled droplets to be released into the air.

(2) **Premises That Is (or Are) Open to the General Public.** — Premises that is (or are) open to the general public means property upon or into which any members of the public are allowed to enter. The term is intended to be broadly defined to include without limitation real or personal property owned or operated by entities that employ or engage workers, including private-sector entities, public-sector entities, non-profit entities, regular commercial or business establishments, private clubs, religious centers or buildings, public transportation (including buses, taxis, ride-sharing vehicles, or vehicles used for business purposes), and any place which is generally open to any members of the public, including educational institutions and daycare facilities.

(3) **Subchapter.** — **Subchapter** means the provisions set forth in sections 92.30.1 through 92.30.12.

Sec. 92.30.3. — individual Face Coverings Required.

All individuals age five (5) and older shall wear a face covering over their mouth and nose while indoors in a premises that is open to the general public including, but not limited to, educational institutions, unless the individual maintains a minimum of six (6) feet of separation or social distance at all times from anyone who is not a member of the individual's household, except face coverings will not be required if the individual:

- (1) is seeking federal, state, county, or city governmental services;
- (2) is seated at a bar or restaurant to eat or drink, or while immediately consuming food or beverages;
- (3) is engaged in an occupation preventing the wearing of a face covering;
- (4) is obtaining a service or purchasing goods or services that requires the temporary removal of the face covering;
- (5) is asked to remove a face covering to verify an identity for lawful purposes;
- (6) is providing a speech, lecture, or broadcast to an audience so long as six (6) feet of distancing from other individuals is maintained; or
- (7) cannot otherwise wear a face covering because of a medical condition, a mental health condition, or a disability that makes it unreasonable for the individual to wear a face covering.

Nothing in this section shall prohibit the owner or person in charge of a premises that is open to the general public, including without limitation the owner or person in charge of any federal, state, city, or other governmental facility, from requiring an individual to wear a face covering during any of the circumstances enumerated above or from implementing a more restrictive face covering policy.

Sec. 92.30.4. — Premises That Are Open to the Public — Duty to Require Face Coverings.

Any individual or entity which maintains premises that are open to the general public including, but not limited to, educational institutions, shall require all individuals age five (5) and older to wear a face covering over their mouth and nose while indoors in

said premises, unless the individual maintains a minimum of six (6) feet of separation or social distance at all times from anyone who is not a member of the individual's household, except face coverings will not be required if the individual:

- (1) is seeking federal, state, county, or city governmental services;
- (2) is seated at a bar or restaurant to eat or drink, or while immediately consuming food or beverages;
- (3) is engaged in an occupation preventing the wearing of a face covering;
- (4) is obtaining a service or purchasing goods or services that requires the temporary removal of the face covering;
- (5) is asked to remove a face covering to verify an identity for lawful purposes;
- (6) is providing a speech, lecture, or broadcast to an audience so long as six (6) feet of distancing from other individuals is maintained; or
- (7) cannot otherwise wear a face covering because of a medical condition, a mental health condition, or a disability that makes it unreasonable for the individual to wear a face covering.

Nothing in this section shall prohibit the owner or person in charge of a premises that is open to the general public, including without limitation the owner or person in charge of any federal, state, city, or other governmental facility, from requiring an individual to wear a face covering during any of the circumstances enumerated above or from implementing a more restrictive face covering policy.

Sec. 92.30.5. — Notice of Face Covering Requirements.

Any individual or entity which maintains premises that are open to the general public, including but not limited to educational institutions, must post one or more signs that are visible to all persons — including workers, customers, and visitors — instructing them to wear face coverings as required by this subchapter. The signs required by this section must be printed on a poster or paper that is a minimum size of 8.5 inches by 11 inches, and be written or typed in a legible font or typeface that is no smaller than 12 points of leading or 12-point type.

Sec. 92.30.6. — Exceptions.

The provisions of this subchapter shall not apply to:

- (1) Courts of law; public utilities or federal, state, county, or city operations; medical providers, facilities, or pharmacies; congregate living centers or facilities; group homes and residential drug and/or mental health treatment facilities; shelters; airport travel; election offices; polling places on an election day; or to residential dwelling units.
- (2) Children under the age of five (5). While children ages three (3) and four (4) may wear a face covering if that child can remove the face covering without assistance, guidance from the CDC states that children two (2) years old and under should never wear a face covering due to the risk of suffocation.
- (3) Federal and state activities. Nothing in this subchapter shall be construed to limit, prohibit, or restrict in any way the operations of the federal or state government or the movement of federal or state officials in the City while acting in their official capacity, including federal and state judicial, legislative, and executive staff and personnel.
- (4) Individuals at their workplace when wearing a face covering would create a job hazard for the individual or others, as determined by federal, state, or local regulators or workplace safety and health standards and guidelines.
- (5) Individuals who are alone in an office, room, a vehicle, the cab of heavy equipment or machinery, or an enclosed work area. In such situations, the individual should still carry a face covering to be prepared for person-to-person interactions and to be used when the individual is no longer alone.
- (6) Individuals who are seated at a desk or standing at a stationary work station, provided that the desk or work station has a solid Plexiglas or plastic barrier installed upon it which cannot be moved.
- (7) Individuals who are officiating at a religious service.
- (8) Individuals communicating with other individuals who are deaf or hard of hearing or who have a disability, medical condition, or mental health condition that makes

communication with that individual while wearing a face covering difficult, provided that minimum social distancing of six (6) feet or more is maintained to the extent possible between persons who are not members of the same household.

- (9) Individuals who are engaged in activities, such as swimming or showering, where the face covering will get wet.
- (10) Individuals who are exercising in an indoor business or indoor space such as a gym or fitness center, while the level of exertion makes it difficult to wear a face covering, provided that minimum social distancing of six (6) feet or more is maintained at all times.
- (11) Individuals in an indoor premises that is generally open to the public while playing a musical instrument that cannot be played when a face covering is worn, provided that a minimum social distancing of six (6) feet or more is maintained at all times.
- (12) Individuals actively participating in a team sports activity, while the level of exertion makes it difficult to wear a face covering.
- (13) Public safety workers actively engaged in a public safety role, including but not limited to law enforcement personnel, fire fighters, or emergency medical personnel, in situations where wearing a face covering would seriously interfere in the performance of the individual's public safety responsibilities.

Nothing in this section shall prohibit the owner or person in charge of a premises that is open to the general public, including without limitation the owner or person in charge of any federal, state, city, or other governmental facility, from requiring an individual to wear a face covering during any of the circumstances enumerated above or from implementing a more restrictive face covering policy.

Sec. 92.30.7. — Public Nuisance Declared.

Any individual or entity which maintains premises that are open to the general public who fails to comply with the requirements of section 92.30.4, above, is hereby declared to be a nuisance and a danger to the public health, safety, and welfare.

Sec. 92.30.8. — Application.

The provisions of this subchapter shall only apply to all persons and property within the corporate limits of the City of La Vista and shall not extend into the extraterritorial jurisdiction of the City.

Sec. 92.30.9. — Penalty.

Any individual or person who is found to have violated any of the provisions of this subchapter shall be guilty of an infraction as defined in Neb. Rev. Stat. Section 29-436 and shall be subjected to the fines set forth in such Section 29-436; provided, however, the fine for an initial offense shall be \$25.00. Each instance of violation of this subchapter may be considered a separate offense.

Sec. 92.30.10. — Civil Abatement.

In addition to any other penalty sought or obtained under this subchapter or other applicable law, the City Attorney, upon direction of the Mayor or City Administrator, may institute injunctive or other appropriate civil proceedings necessary to obtain compliance with this subchapter or to abate any nuisance resulting from violations of this subchapter.

Sec. 92.30.11. — Sunset Provision.

The requirements imposed by this subchapter shall expire and terminate at 11:59 p.m. on February 23~~May 25~~, 2021, unless otherwise extended by ordinance of the City Council.

92.30.12. — Report Required.

The City Administrator of the City of La Vista, or any designee of the City Administrator, while the provisions of this subchapter remain in effect, periodically shall prepare a report or update to be delivered to the Mayor and the City Council. The report or update shall contain information from the prior report or update on the status of COVID-19 infections in the City of La Vista and such additional information as the Mayor or City Council shall specify, which may include, for example, information on the current number of cases in the City, the number of new cases diagnosed, the number of tests performed, the positivity rate of those tests, the number of new deaths that have occurred, the metropolitan area hospital occupancy rate, the ventilator

utilization rate, the COVID-19 hospitalization rate, a breakdown of cases by zip code, and any such other information that the City Administrator, such designee, Mayor or City Council deems relevant to the spread of COVID-19 within the City of La Vista.”

III. Repeal of Conflicting Provisions. Any and all Ordinances or portions thereof, which are in conflict herewith are hereby repealed.

IV. Severability. The sections, subsections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance, for any reason, shall be declared invalid, unenforceable, or unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such invalidity, unenforceability, or unconstitutionality shall not affect any of the remaining sections, subsections, paragraphs, sentences, clauses, or phrases of this Ordinance. The Mayor and City Council of the City of La Vista hereby declare that it would have passed this Ordinance and each section, subsection, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid.

V. Publication and Effective Date. This Ordinance shall take effect from and after its passage, approval and publication as provided by law.

PASSED AND APPROVED THIS 2ND DAY OF FEBRUARY 2021

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST

Pamela A. Buethe, CMC
City Clerk

CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
FEBRUARY 2, 2021 AGENDA

Subject:	Type:	Submitted By:
IMPROVEMENT AND EASEMENT AGREEMENT – GRADE CONTROL IMPROVEMENTS	◆ RESOLUTION ORDINANCE RECEIVE/FILE	PAT DOWSE CITY ENGINEER

SYNOPSIS

A resolution has been prepared authorizing execution of an Improvement and Easement Agreement with La Vista City Centre, LLC, and City Centre I, LLC to construct Grade Control Improvements near the northeast corner of Lot 14, City Centre in an amount not to exceed \$112,233.28..

FISCAL IMPACT

The FY 21/22 Biennial Budget provided funding for the proposed project.

RECOMMENDATION

Approval

BACKGROUND

City Centre, LLC and its affiliate City Centre I, LLC, are in the process of constructing buildings and other improvements on or serving Lot 14 to be used for mixed use multi-family residential and commercial purposes. This construction requires grade control improvements near the northeast corner of Lot 14 in City Centre. The grade control improvements will need to extend onto adjacent City property in order to facilitate the extension of the dual purpose fire lane and construction of a pedestrian walkway connected to said fire lane. These improvements are necessary in order to provide emergency and other access to future buildings and amenities and the City is responsible for those improvements.

This agreement will allow all grade control improvements to be done as one project with City Centre I, LLC as the lead. Estimated total costs of the improvements are \$264,012.10 of which the City share is anticipated to be \$112,233.28. A cost breakdown is provided in Exhibit C of the agreement.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF AN IMPROVEMENT AND EASEMENT AGREEMENT WITH LA VISTA CITY CENTRE, LLC AND CITY CENTRE I, LLC TO CONSTRUCT GRADE CONTROL IMPROVEMENTS NEAR THE NORTHEAST CORNER OF LOT 14, CITY CENTRE.

WHEREAS, the Mayor and City Council of the City of La Vista find it necessary to do grade control improvements near the northeast corner of Lot 14, City Centre; and

WHEREAS, these grade control improvements are necessary to build a dual purpose fire land and pedestrian walkway to access future buildings and amenities; and

WHEREAS, this agreement would allow all grade control improvements to be done as one project with City Centre I, LLC as the lead; and

WHEREAS, anticipated total costs of the project are \$264,012.10 of which the City of La Vista share is anticipated to be \$112,233.28. The cost breakdown is included in the agreement.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council of the City of La Vista hereby authorize the execution of an Improvement and Easement Agreement with La Vista City Centre, LLC and City Centre I, LLC to construct grade control improvements near the northeast corner of Lot 14, City Centre in a form satisfactory to the City Administrator or designee.

PASSED AND APPROVED THIS 2ND DAY OF FEBRUARY 2021.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

[Space above the line for recording data]

IMPROVEMENT AND EASEMENT AGREEMENT
Grade Control Improvements

THIS AGREEMENT is made and entered into this _____ day of _____, 202_____, by and among La Vista City Centre, LLC (hereinafter referred to as "City Centre"), City Centre I, LLC, a Nebraska limited liability company, (hereinafter referred to as "City Centre I,) (City Centre and City Centre I together are hereinafter referred to as "Reveloper"), and the CITY OF LA VISTA, NEBRASKA (hereinafter referred to as "City").

WHEREAS, La Vista City Centre in 2016 acquired and replatted as La Vista City Centre a tract of real property and improvements for redevelopment pursuant to the Redevelopment Plan for the 84th Street Redevelopment Area, as amended ("Plan"), which included Lot 14, La Vista City Centre, ("Lot 14") as depicted on the Plat attached hereto as Exhibit A (Lot 14) hereinafter is referred to as the "Lot 14"). City Centre conveyed Lot 14 to its affiliate, City Centre I, for redevelopment pursuant to the Plan; and

WHEREAS, City Centre I at its cost shall construct buildings and other improvements on or serving Lot 14 to be used for mixed used multifamily residential and commercial purposes, including without limitation required grade control improvements in the vicinity of the northeast boundary of Lot 14 as described or depicted in Exhibit "B" ("Grade Control Improvements"); and

WHEREAS, Grade Control Improvements also will serve a dual purpose fire lane and pedestrian walkway City will construct on adjacent City property; and

WHEREAS, Redeveloper and City desire to agree with respect to Grade Control Improvements.

NOW, THEREFORE, the parties agree as follows:

1. City Centre I as Lead. City Centre I, as primary beneficiary of Grade Control Improvements in connection with its ownership of Lot 14, shall take the lead and provide for design, construction, and payment of costs of Grade Control Improvements, including without limitation the following. Upon execution of this Agreement, City Centre I at its cost shall take all actions as necessary or appropriate to design, construct, and install all Grade Control Improvements in a timely and orderly manner in accordance with this Agreement and Redevelopment Plan, including without limitation obtaining all applicable permits, construction plans, and contracts ("Applicable Documents"). City Centre I shall cause construction and completion of the Grade Control Improvements to be observed by a professional engineer licensed in Nebraska, and upon completion shall have the professional engineer submit to City as-built records and issue to the City a certificate of compliance of the improvements with the approved plans, in form and content satisfactory to the City Engineer ("Certificate of Compliance"). Each party shall own the portion of Grade Control Improvements located on real property it owns. Redeveloper and each contractor or subcontractor performing work with respect to the Grade Control Improvements shall warrant to City, for a period of two years following completion of such construction, that such work has been performed using first quality materials, as approved by Redeveloper and the City Engineer, in a good and workmanlike manner, in accordance with all applicable plans and specifications, and is free of any defects. In the event of any defect, Redeveloper shall be permitted to correct such defect as follows ("Cure"). Cure shall be commenced and completed as soon as possible and in all cases within 30 days after City provides notice of defect. In any case that Cure cannot be completed within 30 days, additional time will be allowed so long as Cure is commenced within the time required by the preceding sentence and diligently pursued and completed as soon as possible, and allowing additional time does not present an increased risk of harm to persons or property.

2. Payment of Costs. Upon completion of the Grade Control Improvements, City shall pay City Centre I an amount equal to the sum of the following amounts: The share of each line item of cost allocable to the City as set forth in Exhibit "C" that is actually incurred, not to exceed the dollar amount estimated as the City share for such line item in Exhibit "C" ("Applicable Share"). City Centre I shall pay all costs in excess of the Applicable Share. The City's obligation to pay the Applicable Share shall be subject to City receipt of the Certificate of Compliance satisfactory to City Engineer.

3. Financial Guarantee: As a condition of the City's Applicable Share, Redeveloper concurrent with its execution of this Agreement shall provide to City bank letters of credit or other financial guarantees (such bank letters of credit or other financial guarantees hereinafter referred to as "Financial Guarantees") as required by, and in form and content satisfactory to, the City Engineer in the amount of 110% of the total estimated cost to design and construct the Grade Control Improvements, as set forth on "Exhibit C". Redeveloper in contracts for the work shall require the contractor performing the Grade Control Improvements to provide to Redeveloper and City such surety bonds, including without limitation performance, payment, and maintenance bonds, as the City Engineer determines necessary or appropriate, with Redeveloper and City to be named as co-obligees on such bonds. Such bonds shall be in forms, amounts, and content satisfactory to City and shall have one or more sureties thereon who are authorized to write such bonds in the State of Nebraska.

4. Maintenance of Improvements. Redeveloper, upon completion of Grade Control Improvements shall be responsible for maintaining Grade Control Improvements in good and working condition and repair, ordinary wear and tear excepted, which shall include without limitation providing all applicable maintenance, repairs and replacements of said Grade Control Improvements (“Maintenance”). Each party shall pay the cost of any Maintenance provided on Grade Control Improvements located on such party’s property, provided, however, (i) any Maintenance of Grade Control Improvements located on City property shall be subject to prior review and approval of the City, and (ii) any Maintenance necessitated by the negligence of any party shall be provided by such party at its sole cost.

5. City Determinations. Except as otherwise expressly provided to the contrary in this Agreement: the City Engineer on behalf of the City shall administer and be the determiner of any matter under this Agreement, and any review or approval required of the City under this Agreement shall mean the particular item, issue, solution, or manner of proceeding must be satisfactory to the City Engineer as indicated by the City Engineer in writing. Not in limitation of the immediately preceding sentence, the City Engineer shall have the right, but shall not have any obligation, to periodically inspect the Grade Control Improvements or any work on or relating to such Grade Control Improvements, or otherwise pursuant to this Agreement, and to require modification, replacement, maintenance or repair of any Grade Control Improvements, work or improvements the City Engineer determines are defective, unsatisfactory or in need of repair, maintenance or replacement, and Redeveloper shall comply with said requirements. Any such review by the City Engineer, or City Engineer’s designee, shall not constitute an assumption of responsibility by the City, or a waiver or release by the City of any claim or any other party from its responsibility, for any plans, specifications, designs, addenda, work, or any performance. In the event City Engineer determines construction, replacement, repair or maintenance is defective or not progressing or not being performed satisfactorily or in a timely manner, City (upon Redeveloper’s failure to Cure pursuant to Section 1 above) may, at its sole option and without obligation to do so, decide to undertake construction, replacement, repair and/or maintenance and assess the cost against City Centre I and Lot 14, including without limitation engineering costs and legal costs together with interest at the rate permitted for special assessments under applicable law until paid, and City shall have a lien for the cost therefor, which lien City may file of record against Lot 14 and shall be subject to foreclosure if not timely paid in full with interest. City’s and/or City Engineer’s exercise of any or all of the authority pursuant to this Section 5 shall be at City’s sole and absolute discretion and for the sole benefit of the City and City’s interests and not for the benefit or interests of Redeveloper or any other party; and City, City Engineer and City officials, officers, employees, or agents shall have no responsibility or liability by reason of either the exercise or nonexercise of any such authority.

6. Continuation of Grade Control Improvements. Grade Control Improvements shall be continued in effect in accordance with this Agreement unless the parties agree to terminate, relocate, remove, add to, subtract from, or otherwise modify all or any part of such Grade Control Improvements, or the location thereof. Any agreement to terminate, relocate, remove, add to, subtract from, or otherwise modify all or any part of such Grade Control Improvements, or the location thereof, shall be in a written amendment to this Agreement and require approval of the City Council of the City.

7. City Requirements. Nothing in this Agreement shall be deemed approval, waiver or lessening of any approval, or satisfaction of any requirement of this Agreement or any laws, rules, or regulations, including without limitation requirements of any provisions of the La Vista Municipal Code or any building, planning, subdivision, or zoning laws, rules or regulations. Notwithstanding anything in this Agreement to the contrary, City reserves the right to take any other actions as it determines necessary or appropriate if any requirement is not satisfied, including without limitation withholding issuance of a certificate of occupancy for Lot 14 until Grade Control Improvements are satisfactorily completed.

8. Easements. City Centre I and City each shall have a perpetual easement in that part of the premises of the other on which the Grade Control Improvements are located as reasonably necessary to construct or maintain the Grade Control Improvements or otherwise carry out this Agreement.

9. Exhibit Summary. The Exhibits attached hereto and incorporated herein by this reference and made a part hereof, are as follows:

Exhibit "A":	Final Plat – La Vista City Centre
Exhibit "B":	Grade Control Improvements
Exhibit "C":	Applicable Share

10. Right to Enforce. Provisions of this Agreement may be enforced by the parties at law, or in equity. All rights and remedies of a party, whether specified in this Agreement or otherwise provided, are cumulative.

11. Incorporation of Recitals. Recitals at the beginning of this Agreement are incorporated into this Agreement by reference.

12. Nondiscrimination. Notwithstanding anything in this Agreement to the contrary, (i) each party agrees that neither it nor any subcontractor of the party shall discriminate against any employee or applicant for employment to be employed in the performance of this Agreement, with respect to the employee's or applicant's hire, tenure, terms, conditions or privileges of employment, because of race, color, religion, age, sex, disability, or national origin; and (ii) the City is a recipient of federal funds; and as a result, all required contractual provisions related to such federal funds shall be deemed incorporated into this Agreement by this reference and binding upon the parties.

13. Assignment. This Agreement may not be assigned by any party without the express written consent of all parties.

14. Severability. If any part of this Agreement is held by a court of competent jurisdiction to be illegal or unenforceable, the illegality or unenforceability shall not affect the remainder of this Agreement, and this Agreement shall be construed as if such illegal or unenforceable provision had never been included herein.

15. Deeds of Trust; Mortgages. Lot 14 is subject to certain mortgages, deeds of trust,

liens, or other encumbrances ("Mortgages") that require City Centre I to obtain approval of this Agreement by the owner(s) or holder(s) of such Mortgages ("Mortgagees") before City Centre I enters or subjects Lot 14 to some or all of this Agreement. This Agreement shall be subject to approval of all such Mortgagees as indicated by execution of this Agreement by such Mortgagees below. City Centre I represents and warrants to City that consent of any other Mortgagees is not required under any Mortgage before City Centre I enters this Agreement. City represents and warrants that City property adjacent to Lot 14 is not subject to any mortgages or deeds of trust.

16. Recording: This Agreement, upon execution by the parties and Mortgagees, shall be recorded with the Register of Deeds of Sarpy County, Nebraska and all terms and conditions of this Agreement shall constitute covenants running with the land that are binding on each of City, La Vista City Centre, City Centre I, and Mortgagees, and all successors and assigns of the City, La Vista City Centre, City Centre I, or any Mortgagees, or any person claiming under or through any such party, Mortgagee, successor or assign. City shall have the right, but not the obligation, to enforce any and all such covenants.

17. Binding Effect. This Agreement shall be binding upon and inure to the benefit of the undersigned and their respective successors and assigns; and shall be subject to Redeveloper's compliance with the terms and conditions of the Redevelopment Plan for the 84th Street Redevelopment Area and the Redevelopment Agreement and Subdivision Agreement applicable to the Redeveloper Property, as such plan or either agreement may be amended from time to time.

18. Amendments. This Agreement shall not be amended unless set forth in a written amendment that is executed by all parties.

19. Governing Law. It is the intention of the parties that the laws of the State of Nebraska shall govern the validity of this Agreement, the construction of its terms and the interpretation of the rights and duties of the parties hereto.

20. Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be deemed an original, and all of which shall constitute one and the same Agreement.

IN WITNESS WHEREOF, each of the undersigned has executed this Agreement as of the day and year indicated.

[Remainder of page intentionally left blank; signatures to follow]

COUNTERPART SIGNATURE PAGE

CITY OF LA VISTA, NEBRASKA,

Mayor _____ **Date** _____

ATTEST:

City Clerk _____ **Date** _____

ACKNOWLEDGMENT

STATE OF NEBRASKA)
.)ss.
COUNTY OF SARPY)

On this _____ date of _____, before me, a Notary Public duly commissioned and qualified in and for said County, appeared Douglas Kindig, Mayor of the City of La Vista, Nebraska, and Pamela A. Buethe, City Clerk of the City of La Vista, Nebraska, and the identical persons whose names are affixed to the foregoing instrument, and acknowledged the execution thereof to be their voluntary act and deed, and the voluntary act and deed of said City.

WITNESS my hand and Notarial Seal the day and year last above written.

My Commission expires _____

Notary Public

COUNTERPART SIGNATURE PAGE

LA VISTA CITY CENTRE, LLC,
a Nebraska limited liability company

By: _____
Christopher L. Erickson, Manager

Date: _____

ACKNOWLEDGEMENT OF NOTARY

STATE OF NEBRASKA)
)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me this _____ day of _____, _____, by Christopher L. Erickson, Manager of La Vista City Centre, LLC, a Nebraska limited liability company, as his voluntary act and deed and the voluntary act and deed of said company.

Notary Public

COUNTERPART SIGNATURE PAGE

CITY CENTRE I, LLC,
a Nebraska limited liability company

By: _____
Christopher L. Erickson, Manager

Date: _____

ACKNOWLEDGEMENT OF NOTARY

STATE OF NEBRASKA)
)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me this _____ day of _____, _____, by Christopher L. Erickson, Manager of City Centre I, LLC, a Nebraska limited liability company, as his voluntary act and deed and the voluntary act and deed of said company.

Notary Public

COUNTERPART SIGNATURE PAGE

CONSENT OF MORTGAGEE

The undersigned, as the holder of a lien with respect to some or all of the property described in the **IMPROVEMENT AND EASEMENT AGREEMENT** ("Agreement") above hereby consents and agrees to the Agreement and all terms and conditions thereof.

By: _____, a _____

Its: _____

DATE: _____

ACKNOWLEDGEMENT OF NOTARY

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me this _____ day of _____, _____, by _____, _____, a _____, as his/her voluntary act and deed and the voluntary act and deed of said _____.

Notary Public

EXHIBIT A
FINAL PLAT – LA VISTA CITY CENTRE

(Attached)

EXHIBIT B
GRADE CONTROL IMPROVEMENTS

(Attached)

EXHIBITC
APPLICABLE SHARE

(Attached)

EXHIBIT C

APPLICABLE SHARE

#	Civil Work Description	Total Cost of Work	City+Ventures	City of La Vista
1A	EARTHWORK	\$30,000.00	\$15,000.00	\$15,000.00
1B	FLEXAMAT & SOME CLASS B RIP RAP INSTALLED	\$16,750.00	\$8,375.00	\$8,375.00
1C	INLET STRUCTURES AND PIPING - 30" RCP & 42" last 24'	\$49,000.00	\$24,500.00	\$24,500.00
2	LANDSCAPING - SEED/EROSION NETTING	\$4,000.00	\$2,000.00	\$2,000.00
3	SPRINKLERS	\$2,000.00	\$1,000.00	\$1,000.00
4	RETAINING WALL	\$106,436.00	\$67,056.00	\$39,380.00
5	SURVEYING	\$4,000.00	\$2,000.00	\$2,000.00
6	SPECIAL INSPECTIONS - OLSSON	\$4,000.00	\$2,000.00	\$2,000.00
7	SILT FENCE AND EROSION CONTROL	\$2,000.00	\$1,000.00	\$1,000.00
8	SHORING AT TRANSFORMER	\$2,500.00	\$1,250.00	\$1,250.00
9	FENCING - 220' of black Puppy Picket fencing - 4' tall	\$6,500.00	\$6,500.00	\$0.00
10	ADDITIONAL 6' SWITCHBACK SIDEWALK	\$4,000.00	\$2,000.00	\$2,000.00
11	MISCELLANEOUS FINISH GRADING AND OCI LABOR	\$2,000.00	\$1,000.00	\$1,000.00
12	STAINING OF WALL TO MATCH PREVIOUS WALLS ON SITE	\$3,675.00	\$2,315.25	\$1,359.75
13	INSTALL ANTI-GRAFFITI COATING TO WALL	\$3,150.00	\$1,984.50	\$1,165.50
14	SUTOTAL	\$240,011.00	\$137,980.75	\$102,030.25
15	OCI OVERHEAD - 5%	\$12,000.55	\$6,899.04	\$5,101.51
16	OCI PROFIT - 5%	\$12,000.55	\$6,899.04	\$5,101.51
TOTAL		\$264,012.10	\$151,778.83	\$112,233.28

CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
FEBRUARY 2, 2021 AGENDA

Subject:	Type:	Submitted By:
NAMING AREA CURRENTLY REFERRED TO AS CIVIC CENTER PARK	♦ RESOLUTION ORDINANCE RECEIVE/FILE	SCOTT STOPAK RECREATION DIRECTOR

SYNOPSIS

A resolution has been prepared to rename of the area currently referred to as “Civic Center Park” to “Central Park”.

FISCAL IMPACT

N/A

RECOMMENDATION

Approval.

BACKGROUND

The City closed La Vista Falls Golf Course several years ago to make way for the creation of a regional recreation area abutting the new City Centre development. Multiple improvements have been made to this area including expanding the size of the lake, adding a fountain, and installing new trails, irrigation and electrical infrastructure. Additional improvements are anticipated.

The new park area abuts and shares a common border with the City’s existing Central Park on the southeast and is backed by 84th Street on the west. A future anticipated project includes the installation of a pedestrian underpass and the City is currently in the process of developing a plan for the future use of this space.

As all of these adjoining projects, both public and private, began to take shape, there was a need to reference this space as something other than “the former golf course”. While no official naming process was undertaken, it began to be referred to as Civic Center Park. As the 84th Street redevelopment continues to move forward, it has become apparent that a deliberate naming of this park space is necessary for consistency and ease of wayfinding.

Staff has reviewed and discussed this at length and is recommending that the entire area—existing Central Park, the former golf course, and the adjacent area immediately west of 84th Street be officially named Central Park. All of the spaces will ultimately connect and join together. It is anticipated that while some areas might eventually be referred to as Central Park East or Central Park West, this would be much easier than trying to assign different names to each space, particularly for marketing and directional purchases.

In accordance with the Council Policy Statement, all City of La Vista parks and recreational facilities shall be identified by a name established by the Mayor and City Council. Prior to the approval of a name for a city park or recreational facility, the La Vista Park and Recreation Advisory Committee shall be requested to provide a recommendation to the Mayor and City Council.

At their meeting on January 20, 2021 the Park and Recreation Advisory Committee held a public hearing and voted unanimously to recommend naming the area currently referred to as Civic Center Park “Central Park”.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA OFFICIALLY NAMING THE AREA CURRENTLY REFERRED TO AS CIVIC CENTER PARK AND THE ADJACENT AREA IMMEDIATELY WEST OF 84TH STREET AS CENTRAL PARK.

WHEREAS, the site of the former La Vista Falls Golf Course has been created into a regional recreation area abutting the new City Centre development; and

WHEREAS, the recreation area formally has not been named, but has been referred to as Civic Center Park; and

WHEREAS, the future plans include the installation of a connection under 84th Street between this new recreation area and the land that is the current location of the municipal swimming pool and some smaller baseball fields; and

WHEREAS, the Park and Recreation Advisory Committee held a public hearing at their meeting on January 20, 2021 to discuss naming these areas as required by the Council Policy Statement, and they are recommending the name Central Park; and

WHEREAS, the official park name will be Central Park;

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska does hereby officially name the area currently referred to as Civic Center Park and the area immediately west of 84th Street as Central Park.

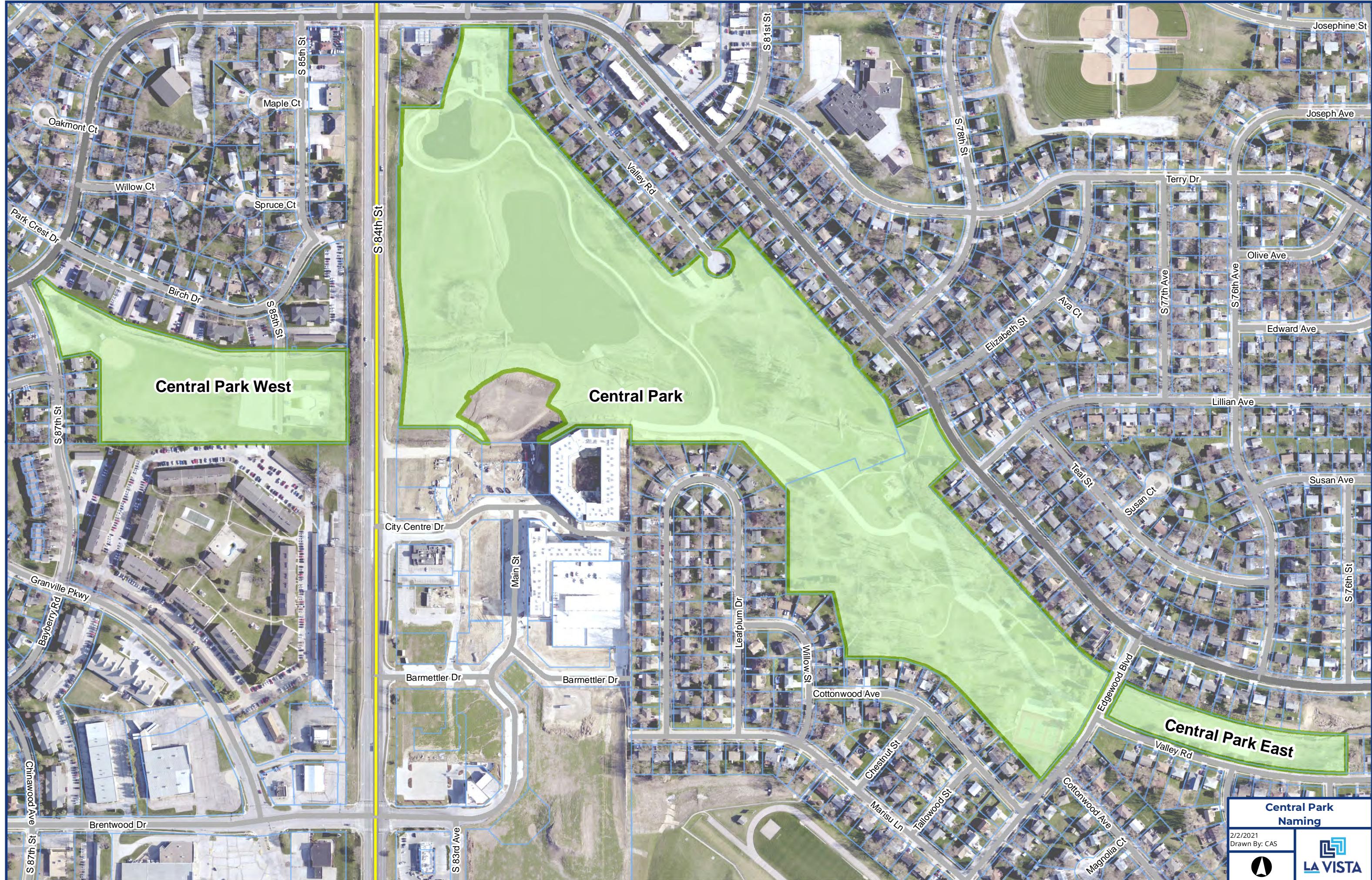
PASSED AND APPROVED THIS 2ND DAY OF FEBRUARY 2021.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk



Central Park Naming

2021
wn By: CAS



CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
FEBRUARY 2, 2021 AGENDA

Subject:	Type:	Submitted By:
REQUEST FOR PROPOSALS OPERATION OF CONCESSION SERVICES AT CITY LOCATIONS	◆ RESOLUTION ORDINANCE RECEIVE/FILE	SCOTT STOPAK RECREATION DIRECTOR

SYNOPSIS

A resolution has been prepared authorizing the advertisement for bids for the operation of the concession services at the Softball Complex, Soccer Complex, City Park, and the Community Center.

FISCAL IMPACT

The Contractor will pay the City a monthly commission of no less than ten percent (10%) of gross food, beverage and merchandise concessions sold from the Softball Complex, Soccer Complex, City Park and Community Center.

RECOMMENDATION

Approval.

BACKGROUND

HAMS, Inc. has been under contract with the City of La Vista since 2005 for concession stand operations. The current contract was to expire on May 31, 2021. HAMS, Inc. submitted a notice of termination effective January 14, 2021.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE ADVERTISEMENT FOR BIDS FOR THE OPERATION OF THE CONCESSION SERVICES AT THE SOFTBALL COMPLEX, SOCCER COMPLEX, CITY PARK, AND THE COMMUNITY CENTER.

WHEREAS, the Softball Complex, Soccer Complex, City Park, and the Community Center are owned and operated by the City of La Vista; and

WHEREAS, the City Council has indicated a desire to contract out the operation of the concession services at the previously listed locations; and

WHEREAS, the Recreation Director has prepared specifications for said operations; and

WHEREAS, the schedule for awarding this contract is as follows:

Advertise for Bids	February 10, 2021
Bid Deadline	February 26, 2021 at 10:00 am at City Hall
City Council Award Bid	March 16, 2021

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska hereby authorize the advertisement for bids for the operation of the concession services at the Softball Complex, Soccer Complex, City Park, and the Community Center in accordance with the specifications prepared by the Recreation Director.

PASSED AND APPROVED THIS 2ND DAY OF FEBRUARY 2021.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

CITY OF LA VISTA

REQUEST FOR BID AND BID SHEET
ON: OPERATION OF CONCESSION SERVICES AT LA VISTA
SOFBALL COMPLEX, SOCCER COMPLEX, CITY PARK AND
COMMUNITY CENTER

NOT AN ORDER

From: City of La Vista
City Clerk
8116 Park View Blvd.
La Vista, Nebraska 68128

Published: February 10, 2021

BID DEADLINE:
February 26, 2021 at 10:00 a.m.
La Vista City Hall
8116 Park View Blvd.

(Contract Award Scheduled for March 16, 2021)

IMPORTANT

1. The owner reserves the right to reject any or all bids, and to waive informalities or irregularities in the bidding, and to negotiate contract terms with the various bidders when such is deemed by the owner to be in its best interest. The right is also reserved to accept or reject any part of bid unless otherwise indicated by vendor.
2. Any bidder's exceptions to those terms and conditions or deviations from the written specifications shall be shown in writing on the attached bid form. However, such exceptions may be cause for rejection of the bid.
3. All prices and notations must be in ink or typewritten. Mistakes may be crossed out, and corrections typed adjacent and must be initialed in ink by person signing the proposal.
4. No bid may be withdrawn after the scheduled closing time for receipt of bids for at least sixty (60) days.
5. Bids (2 copies) must be submitted on the forms provided in a sealed envelope addressed to the City Clerk at the above address and plainly marked "**SEALED BID**" with description, date and time of closing written thereon. All bid proposals must be signed with the firm name and by an authorized officer or employee of the company.
6. The bids will be reviewed by the Recreation Director, who will submit a recommendation to the City Council. Only proposals received at the location described and in the time frame will be given consideration.

mail to sstopak@cityoflavista.org before quotation is submitted. As required by State Law, neither the vendor nor his subcontractors shall discriminate against any employee or applicant for employment, to be employed in the performance of this contract, with respect to their hire, tenure, terms, conditions, or privileges of employment or because of their race, color, religion, sex, disability, or natural origin.

RB-2

CITY OF LA VISTA

SPECIFICATIONS

FOR OPERATION OF CONCESSION SERVICES AT SOFTBALL COMPLEX, SOCCER COMPLEX, CITY PARK, AND COMMUNITY CENTER

1. TERMS AND CONDITIONS

- 1.1 Bidders must be licensed and bonded.
- 1.2 Bidders will be given a 1 year contract with the option to renew for one additional Twelve (12) month period at the discretion of both the City and the Contractor.

2. LOCATION AND HOURS OF OPERATION

- 2.1 Anticipated and minimum hours of operation will be established at each location by the Recreation Department.
 - 2.1.1 Hours of operation are subject to change according to weather, special events and/or sales conditions.
- 2.2 Locations and anticipated hours of operation are as follows:
 - 2.2.1 LA VISTA SOFTBALL COMPLEX, 4 blocks South of 66th & Harrison St.
LA VISTA SOCCER COMPLEX, 4 blocks South of 66th & Harrison St.
CITY PARK, 78TH & Josephine St.
COMMUNITY CENTER, 8116 Park View Blvd.

3. SITE VISITATION

- 3.1 Bidders should visit the site to familiarize themselves with the facility space furnished by the City.
- 3.2 Contact Scott Stopak, Recreation Director, (402) 331-3455, to arrange such site visitations.

4. BIDDING PROCEDURE

- 4.1 Bidders shall indicate the following rate for the complex facilities on the Proposal Form:
 - 4.1.1 The monthly commission of no less than ten percent (10%) of gross from food, beverage and merchandise concessions to be paid to the City in exchange for the exclusive right to operate the concession services.
- 4.2 Bidders shall furnish the following documentation as part of their bid:

4.2.1 List of concession equipment to be used by bidder.

4.2.2 List of products to be sold, including product pricing schedule.

5. AWARD OF BID

5.1 The City of La Vista reserves the right to reject any and all bid proposals received.

5.2 Only proposals received at the location described and in the time frame will be given consideration.

CITY OF LA VISTA

BID SHEET

OPERATION OF CONCESSION SERVICES AT LA VISTA SOFTBALL COMPLEX, SOCCER COMPLEX, CITY PARK AND COMMUNITY CENTER

<u>LOCATION</u>	<u>% OF GROSS REV (minimum of 10%)</u>
LA VISTA SOFTBALL COMPLEX, SOCCER COMPLEX, CITY PARK AND COMMUNITY CENTER	_____ %

COMPANY REPRESENTATIVE RESPONSIBLE FOR THE ADMINISTRATION OF THIS AGREEMENT:

NAME: _____

TITLE: _____

PHONE NO.: _____

RETURN TWO (2) COMPLETE COPIES OF PROPOSAL AND SUPPORTING MATERIAL.

COMPANY NAME

BY (SIGNATURE)

STREET ADDRESS/P.O. BOX

(PRINT NAME)

CITY, STATE, ZIP CODE

(TITLE)

TELEPHONE NO.

(DATE)

EMPLOYER'S FEDERAL I.D. NO. OR SOCIAL SECURITY NUMBER

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
FEBRUARY 2, 2021 AGENDA**

Subject:	Type:	Submitted By:
AUTHORIZE PURCHASE FIREWALL FOR CITY HALL	◆ RESOLUTION ORDINANCE RECEIVE/FILE	RYAN SOUTH INFORMATION TECHNOLOGY MANAGER

SYNOPSIS

A resolution has been prepared to authorize the purchase of a FortiGate firewall for City Hall from Heartland Business Systems in the amount not to exceed \$12,801.48.

FISCAL IMPACT

The FY21/22 Biennial Budget provides funding for the recommended purchase.

RECOMMENDATION

Approval.

BACKGROUND

The City's current firewall is reaching end of life and does not have the modern features needed to efficiently support day-to-day network operations. As the City's reliance on cloud-based applications and tools continues to increase, it is necessary to update the firewall to one that can support and leverage current technology. The FortiGate firewall is a solution that will leverage the existing network, and multi-cloud connectivity, to deliver high-speed application performance and stability. Additionally, the new firewall will provide redundancies and fault tolerance in the event of a device failure or connectivity loss to ensure that the City's network stays online, safeguarding business continuity.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE PURCHASE OF A FORTIGATE FIREWALL FOR CITY HALL FROM HEARTLAND BUSINESS SYSTEMS IN AN AMOUNT NOT TO EXCEED \$12,801.48.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of a FortiGate Firewall for City Hall is necessary; and

WHEREAS, the FY21/22 Biennial Budget provides funding for the proposed 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 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 a FortiGate Firewall for City Hall from Heartland Business Systems in an amount not to exceed \$12,801.48.

PASSED AND APPROVED THIS 2ND DAY OF FEBRUARY 2021.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

FortiGate SD-WAN - La Vista

Quote #234596 v1



Prepared For:
Sarpy County, Nebraska
 PJ Biodrowski
 1210 Golden Gate Drive
 Papillion, NE 68046
P: (402) 593-2358
E: pj@sarpy.com

Prepared By:
Omaha, Nebraska Area Office
 Mike Bonham
 2111 South 67th Street Suite 300
 Omaha, NE 68016
P: 402-680-3116
E: mbonham@hbs.net

Date Issued:
01.22.2021
Expires:
02.26.2021

La Vista 3 Year	Price	Qty	Ext. Price
NCPA contract# 01-77			
FortiGate-101F Hardware plus 24x7 FortiCare and FortiGuard Unified (UTM) Protection 3 year	\$6,288.54	2	\$12,577.08
10GE SFP+ transceiver module, short range for all systems with SFP+ and SFP/SFP+ slots Fortinet, Inc.	\$56.10	4	\$224.40
Subtotal			\$12,801.48

Quote Summary	Amount
La Vista 3 Year	\$12,801.48
Total:	\$12,801.48

This quote may not include applicable sales tax, shipping, handling and/or delivery charges. Final applicable sales tax, shipping, handling and/or delivery charges are calculated and applied at invoice. The above prices are for hardware/software only, and do not include delivery, setup or installation by Heartland ("HBS") unless otherwise noted. Installation by HBS is available at our regular hourly rates, or pursuant to a prepaid HBSFlex Agreement. This configuration is presented for convenience only. HBS is not responsible for typographical or other errors/omissions regarding prices or other information. Prices and configurations are subject to change without notice. HBS may modify or cancel this quote if the pricing is impacted by a tariff. A 15% restocking fee will be charged on any returned part. Customer is responsible for all costs associated with return of product and a \$25.00 processing fee. No returns are accepted by HBS without prior written approval. This quote expressly limits acceptance to the terms of this quote, and HBS disclaims any additional terms. By providing your "E-Signature," you acknowledge that your electronic signature is the legal equivalent of your manual signature, and you warrant that you have express authority to execute this agreement and legally bind your organization to this proposal and all attached documents. Any purchase that the customer makes from HBS is governed by HBS' Standard Terms and Conditions ("ST&Cs") located at <http://www.hbs.net/standard-terms-and-conditions>, which are incorporated herein by reference. The ST&Cs are subject to change. When a new order is placed, the ST&Cs on the above-stated website at that time shall apply. If customer has signed HBS' ST&Cs version 2018.v2.0 or later, or the parties have executed a current master services agreement, the signed agreement shall supersede the version on the website. QT.2020.v1.0

Acceptance

Omaha, Nebraska Area Office

Sarpy County, Nebraska

Mike Bonham

[Signature / Name](#)

01/22/2021

[Date](#)

[Signature / Name](#)

[Initials](#)

[Date](#)