

**LA VISTA CITY COUNCIL
ORGANIZATIONAL MEETING
December 4, 2012**

A meeting of the City Council of the City of La Vista, Nebraska was convened in open and public session at 7:30 p.m. on December 4, 2012. Present were Councilmembers: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Hale, and Gowan. Also in attendance were City Attorney McKeon, City Administrator Gunn, Assistant City Administrator Ramirez, City Clerk Buethe, Finance Director Lindberg, Police Captain Pokorny, Fire Chief Uhl, Public Works Director Soucie, Community Development Director Birch, Public Building and Grounds Director Archibald, Recreation Director Stopak, and Assistant Library Director Linhart.

A notice of the meeting was given in advance thereof by publication in the Times on November 21, 2012. Notice was simultaneously given to the Mayor and all members of the City Council and a copy of the acknowledgment of the receipt of notice attached to the minutes. Availability of the agenda was communicated to the Mayor and City Council in the advance notice of the meeting. All proceedings shown were taken while the convened meeting was open to the attendance of the public. Further, all subjects included in said proceedings were contained in the agenda for said meeting which is kept continuously current and available for public inspection at City Hall during normal business hours.

Mayor Kindig called the meeting to order and led the audience in the pledge of allegiance.

Mayor Kindig announced that a copy of the Open Meetings Act was posted on the west wall of the Council Chambers and copies were also available in the lobby of City Hall.

Mayor Kindig made an announcement regarding the agenda policy statement providing for an expanded opportunity for public comment on the agenda items.

II. CITY CLERK'S REPORT OF ELECTION RESULTS

City Clerk Buethe read the results of the General Election held on Tuesday, November 6, 2012 as certified by the Sarpy County Election Commissioner for the City of La Vista are as follows:

For the office of Mayor, Douglas Kindig received 4,645 votes and Klaus Lidner received 1,321 votes. For the office of City Council Ward I Mike Crawford received 856 votes and Mark Groulx received 287 votes. For the office of City Council Ward II Ron Sheehan received 1,165 votes. For the office of City Council Ward III Debra L. Hale-Ellerbeck received 1,065 votes. For the office of City Council Ward IV Anthony J. Gowan received 791 votes and Randy Eshelman received 670 votes.

Councilmember Sheehan made a motion to accept the report. Seconded by Councilmember Sell. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Hale and Gowan. Nays: None. Abstain: None. Absent: None. Motion carried.

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

City Attorney McKeon administered the Oath of Office to Douglas Kindig, Mayor of La Vista.

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V. ELECTION OF COUNCIL PRESIDENT

Mayor Kindig called for nominations for Council President. Councilmember Gowan nominated Councilmember Crawford. Councilmember Sheehan made a motion to cease nominations. Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Hale and Gowan. Nays: None. Abstain: None. Absent: None. Motion carried. Councilmember Sheehan then made a motion to cast a unanimous ballot for Mike Crawford as Council President. Seconded by Brenda Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Hale and Gowan. Nays: None. Abstain: None. Absent: None. Motion carried. Councilmember Crawford is the Council President.

VI. APPOINTMENTS BY MAYOR KINDIG
CITY ADMINISTRATOR – BRENDAGUNN
CITY CLERK – PAM BUETHE
FINANCE DIRECTOR – SHEILA LINDBERG
PUBLIC WORKS DIRECTOR – JOE SOUCIE
CHIEF OF POLICE – BOB LAUSTEN
FIRE CHIEF - RICH UHL
CITY ATTORNEY – TOM MCKEON
CITY ENGINEER – JOHN KOTTMANN

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

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

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 12-112; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, APPROVING BLANKET BOND IN PLACE OF INDIVIDUAL OFFICIAL BONDS.

WHEREAS, Nebraska Statutes ("Statutes") and the City of La Vista Municipal Code ("Code") require that certain City officials give bonds in favor of the City for certain amounts and subject to certain conditions, including the faithful performance of official duties; the premiums of which shall be paid by the City and have been included in the budget of the City adopted for fiscal year 2012-2013; and

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

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

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

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

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

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

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

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

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

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

Seconded by Councilmember Gowan. Councilmember Sheehan asked why the Treasurer's bond was being done separately. City Attorney McKeon explained that it is required to do a separate bond for the City Treasurer due to the extra bond amount required. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Hale and Gowan. Nays: None. Abstain: None. Absent: None. Motion carried.

VIII. RESOLUTION – APPROVAL OF INDIVIDUAL BOND – TREASURER

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 12-113; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, APPROVING OFFICIAL BOND OF CITY TREASURER.

WHEREAS, Section 16-318 of the Nebraska Revised Statutes, as amended, and Section 31.21 of the City of La Vista Municipal Code ("Code") require that

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

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, that, the Mayor and City Council have reviewed the penalty amounts set forth in the Bond and hereby set, fix and approve said amount as the required penalty pursuant to Neb. Rev. Stat. Section 16-318 and any other applicable law.

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

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

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

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

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At 7:41 p.m. Councilmember Carlisle made a motion to adjourn the meeting. Seconded by Councilmember Crawford. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Hale, and Gowan. Nays: None. Abstain: None. Absent: None. Motion carried.

PASSED AND APPROVED THIS 18TH DAY OF DECEMBER, 2012

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk