

# MINUTE RECORD

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

## LA VISTA CITY COUNCIL ORGANIZATIONAL MEETING December 2, 2008

An organizational meeting of the City Council of the City of La Vista, Nebraska was convened in open and public session at 7:53 p.m. on December 2, 2008. Present were Mayor Kindig and Councilmembers: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Also in attendance were City Attorney McKeon, City Administrator Gunn, Assistant City Administrator Ramirez, City Clerk Buethe, Library Director Iwan, Police Chief Lausten, Fire Chief Uhl, Community Development Director Birch, Recreation Director Stopak, Finance Director Lindberg, Public Works Director Soucie, and Building and Grounds Director Archibald.

A notice of the meeting was given in advance thereof by publication in the Times on November 20, 2008. 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 there was a presentation of flags by the Color Guard.

### II. CITY CLERK'S REPORT OF ELECTION RESULTS

City Clerk Buethe read the results of the General Election held on Tuesday, November 4, 2008 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 4,053 votes and Brenda L. Carlisle received 1,779 votes. For the office of City Council Ward I Ronald Sheehan received 723 votes. For the office of City Council Ward II Mike Crawford received 573 votes and Ian M. Hartfield received 454 votes. For the office of City Council Ward III Mark D. Ellerbeck received 718 votes. For the office of City Council Ward IV Anthony J. Gowan received 1,688 votes and Ralph G. Healey Jr. received 772 votes. For the City of La Vista Nebraska Bond Election For received 2,896 votes and Against received 3,201 votes.

### III. ADMINISTRATION OF OATH OF OFFICE TO DOUGLAS KINDIG – MAYOR

City Attorney McKeon administered the oath of office to Mayor Kindig.

### IV. ADMINISTRATION OF OATH OF OFFICE TO: RON SHEEHAN, WARD I MIKE CRAWFORD, WARD II MARK ELLERBECK, WARD III TONY GOWAN, WARD IV

Mayor Kindig administered the oath of office to Councilmembers Sheehan, Crawford, Ellerbeck, and Gowan.

### V. ELECTION OF COUNCIL PRESIDENT

Mayor Kindig stated the nominations will now be taken for Council President. Councilmember Quick nominated Councilmember Carlisle and Councilmember Ellerbeck nominated Councilmember Gowan. Mayor Kindig asked if there were any further nominations.

Councilmember Sell motioned to close the nominations. Seconded by Councilmember Sheehan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

A ballot vote was taken, and the ballots were collected by City Attorney McKeon. City Clerk Buethe read the ballots. Councilmember Gowan received 6 votes and councilmember Carlisle received 2 votes. Councilmember Gowan is the new City Council President.

### VI. APPOINTMENTS BY MAYOR KINDIG CITY ADMINISTRATOR – BRENDA GUNN CITY CLERK – PAM BUETHE FINANCE DIRECTOR – SHEILA LINDBERG PUBLIC WORKS DIRECTOR – JOE SOUCIE

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## CHIEF OF POLICE – BOB LAUSTEN

FIRE CHIEF – RICH UHL

CITY ATTORNEY – TOM MCKEON

CITY ENGINEER – JOHN KOTTMANN (THOMPSON, DREESSEN, DORNER)

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

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

Councilmember Gowan introduced and moved for the adoption of Resolution No. 08-114: 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 2008-2009; 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

WHEREAS, by undertakings and additional indemnity rider, the 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 principals 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 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.

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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 Quick. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## **VIII. RESOLUTION – APPROVAL OF INDIVIDUAL BOND – TREASURER**

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 08-115: 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 the City Treasurer give a bond in favor of the City in the amount of not less than \$25,000.00 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 2008-2009; and

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

WHEREAS, a bond, number 69791069, issued by Western Surety Company as surety (“Bond”) has been issued and has been executed by the City Treasurer as principal and by said surety and has been submitted to the City Clerk; and

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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Seconded by Councilmember Sheehan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## COMMENTS FROM THE FLOOR

Mayor Kindig asked if there were any comments from the floor; and if so, for each person to limit his or her comments to 3 minutes. There were no comments from the floor.

## COMMENTS FROM MAYOR AND COUNCIL

Councilmember Sheehan asked staff to keep track of revenues on a monthly basis to see if the downward trend continues, and so any potential issue can be addressed in a timely manner. City Administrator Gunn assured the Mayor and Council that staff is closely tracking revenues.

Councilmember Gowan welcomed Councilmember Crawford. Councilmember Crawford stated he is looking forward to working with the City Council.

Mayor Kindig stated the tree lighting event was a success, and Santa talked to a number of children.

At 8:12 p.m. Councilmember Crawford made a motion to adjourn the meeting. Seconded by Councilmember Sheehan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

PASSED AND APPROVED THIS 16TH DAY OF DECEMBER 2008.

CITY OF LA VISTA

  
Douglas Kindig, Mayor

ATTEST:

  
Pamela A. Buethe, CMC

City Clerk

K:\APPS\CITYHALL\08 COUNCIL MINUTES\December 2, 2008 Org Meeting