

MINUTE RECORD

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

LA VISTA CITY COUNCIL MEETING August 15, 2006

A meeting of the City Council of the City of La Vista, Nebraska was convened in open and public session at 7:00 p.m. on August 15, 2006. Present were Mayor Kindig and Councilmembers: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Absent: None. Also in attendance were City Attorney McKeon, City Administrator Gunn, City Clerk Ramirez, Finance Director Lindberg, City Planner Potter, Library Director Schinker, Recreation Director Stopak, Fire Chief Schuster, Police Chief Lausten, City Engineer Kottmann, Building and Grounds Director Archibald, and Public Works Director Soucie.

A notice of the meeting was given in advance thereof by publication in the Times on August 3, 2006. 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 within 10 days after said meeting and prior to the next convened meeting of said body.

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

Mayor Kindig made an announcement of the location of the posted copy of the Open Meetings Act for public reference.

A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. MINUTES OF THE AUGUST 1, 2006 CITY COUNCIL MEETING
3. PAY REQUEST NO. 7 FROM TAB HOLDING COMPANY FOR SOUTHPORT WEST IMPROVEMENTS, SECTION 1 - \$203,301.95
4. PAY REQUEST NO. 3 FROM ANDRUS ENTERPRISES FOR GROUP A CONSTRUCTION IN PARKING DISTRICT NO. 1, SOUTHPORT WEST - \$471,909.82
5. PAY REQUEST NO. 1 FROM ALL PURPOSE UTILITIES FOR 2006 PAVEMENT RECONSTRUCTION - \$31,688.32
6. PAY REQUEST FROM THOMPSON, DREESSEN & DORNER FOR PROFESSIONAL SERVICES ASSOCIATED WITH GROUP A CONSTRUCTION IN PARKING DISTRICT NO. 1, SOUTHPORT WEST - \$40,793.88
7. PAY REQUEST FROM INTERNATIONAL CODE COUNCIL FOR PROFESSIONAL SERVICES, HAMPTON INN BUILDING PLAN REVIEW - \$8,389.00
8. PAY REQUEST FROM WATER'S EDGE FOR PROFESSIONAL SERVICES, POOL STUDY CONCEPT PLAN - \$1,100.00
9. PAY REQUEST FROM CONSTRUCT, INC. FOR FIRE STATION NO. 2 PROJECT - \$317,910.20
10. CHANGE ORDER NO. 2 FOR GROUP A CONSTRUCTION IN PARKING DISTRICT NO. 1, SOUTHPORT WEST – ANDRUS ENTERPRISES - \$6,730.52
11. APPROVAL OF CLAIMS

Councilmember McLaughlin made a motion to approve the consent agenda as presented. Seconded by Councilmember Carlisle. Councilmember Sell reviewed the claims for this period and reported that he found everything to be in order. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

A & D TECHNICAL SUPPLY, Supplies	12.00
ALAMAR UNIFORMS, Wearing Apparel	444.85
AQUILA, Utilities	955.52
ARAMARK UNIFORM, Contract Services	144.33
BAKER & TAYLOR BOOKS, Books	1,509.69
BCDM-BERINGER CIACCIO DENNELL, Professional Services	165.00
BLUE CROSS BLUE SHIELD, Rescue Revenue	243.27
BRENTWOOD AUTO WASH, Vehicle Maint.	135.00
BRODART COMPANY, Supplies	47.31
CARDMEMBER, Travel, Training, Wearing Apparel	1,883.50
CITY OF BELLEVUE, Training	1,080.00
CITY OF OMAHA, Contract Services	52,673.91
CJ'S HOME CENTER, Bldg & Grnds, Supplies	798.62
CMI, Supplies	95.20
COCA-COLA, Concessions	172.40

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COMPASS POINT BOOKS, Books	27.95
COX, Contract Services	140.15
DATA TECHNOLOGIES, Contract Services	14.00
DAVIDSON TITLE, Books	30.31
DESGANTIS HOLSTER & LEATHER, Wearing Apparel	223.95
DON'S PIONEER UNIFORMS, Wearing Apparel	119.95
EMBLEM ENTERPRISES, Wearing Apparel	224.48
EMS BILLING SERVICES, Rescue Revenue	681.44
FIREGUARD, Vehicle Maint.	78.00
FITZGERALD SCHORR BARMETTLER, Professional Services	15,757.72
FORT DEARBORN LIFE INSURANCE, Employee Benefits	1,141.00
GAYLORD BROS, Supplies	222.94
GCR OMAHA TRUCK TIRE CENTER, Vehicle Supplies	234.14
GRAYBAR ELECTRIC, Bldg & Grnds	209.02
GREAT PLAINS ONE-CALL, Contract Services	396.07
HAMILTON COLOR LAB, Professional Services	550.00
HARTFORD LIFE-PRIORITY ACCTS, Payroll Withholdings	1,474.18
HEIMES, Street Maint.	211.73
HEWLETT PACKARD, Contract Services	1,223.00
HOME DEPOT, Equipment	191.06
ICSC-INTL COUNCIL OF SHPG CTRS, Deposit	500.00
J Q OFFICE EQUIPMENT, Rental	61.45
JACK'S UNIFORMS & EQUIPMENT, Wearing Apparel	926.82
KELLY INN, Travel	253.72
LANGLEY ANIMAL HOSPITAL, Canine Donations	191.00
LAWLESS DISTRIBUTING, Concessions	154.50
LEAGUE ASSN OF RISK MGMT, Insurance	184.00
LIFE ASSIST, Squad Supplies	579.26
LOU'S SPORTING GOODS, Equipment	778.85
MCCAIN, JEFF, Contract Services	660.00
MELVIN SUDBECK HOMES, Permit Refunds	2,905.74
MUD, Utilities	1,839.54
MIDLAND TELECOM, Pagers	1,330.00
MILLER PRESS, Printing	600.00
MOBILE COMMUNICATIONS, Vehicle Maint.	260.00
MUNICIPAL EMERGENCY SVCS, Wearing Apparel, Supplies	1,405.00
NOTARY PUBLIC UNDERWRITERS, Dues	87.50
OFFICE DEPOT, Supplies	133.68
OPPD, Utilities	28,513.80
ON YOUR MARKS, Printing	453.16
PEPSI COLA COMPANY, Concessions	144.55
QWEST, Telephone	181.46
RITA RAMIREZ, Summer Picnic	305.00
READY MIXED CONCRETE COMPANY, Street Maint.	480.26
SADLER LINE CONSTRUCTION, Traffic Signal	4,050.93
SARPY COUNTY LANDFILL, Street Maint.	79.75
SID 195 – MAYFAIR, Sewer Fees	27,282.00
SID 200 – SOUTHWIND, Sewer Fees	7,260.00
SINNETT, JEFF, Travel	35.81
SQUAD-FITTERS, Postage	5.00
STANDARD DIGITAL IMAGING, Squad Supplies	10.40
STOP TECH, Equipment	400.75
SUPERIOR SPA & POOL, Bldg & Grnds	9.95
THIELE GEOTECH, Southport	1,204.00
THOMPSON DREESSEN & DORNER, Professional Services	40,799.35
THOMSON GALE, Books	26.18
THREE RING ENTERPRISES, Vehicle Maint.	1,030.71
TRACTOR SUPPLY, Bldg & Grnds, Supplies	633.61
TROE, ANN, Printing	925.00
UNIVERSITY NE LINCOLN, Summer Reading Program	55.00
V & V MANUFACTURING, Wearing Apparel	388.86
W S DARLEY, Equipment	346.34

REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

Police Chief Lausten reported that a 2nd suspect in the Southfield Apartment drive-by shooting had been arrested. Lausten introduced Sherry Bryant, the new Administrative Assistant at the Police Department. Lausten also updated Council on the Fire Station No. 2 Project. He said due

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to 10" of rain in the last two weeks, progress has been slowed. Drywall is being installed in the administrative area and installation of concrete in the bays is continuing, weather permitting.

Fire Chief Schuster reported to Council the second ambulance is expected to arrive later this week or the first part of next week. He is reviewing the bids for two new fire trucks.

Public Works Director Soucie updated Council on the demolition of Blooming Deals. The inside of the building has been completely salvaged and the building has been fenced off. The outside of the building should start coming down within the next few days.

Soucie reported that the permanent traffic signals have been installed at 72nd Street and Giles Road. The cameras and other associated equipment are still needed to complete the project. The paving portion of the 96th Street and Cornhusker Road intersection project should be completed within the next two weeks, again weather permitting, and the entire intersection project could be complete in approximately 30 days.

Community Development Director Birch introduced Eric Englund, the City's new Community Development Intern.

B. FISCAL YEAR 06/07 MUNICIPAL BUDGET

1. APPROPRIATIONS ORDINANCE NO. 1000 – SECOND READING

Mayor Kindig stated, "Ordinance No. 1000 now comes on for its second reading." City Clerk Ramirez then read the ordinance by title: AN ORDINANCE TO APPROPRIATE THE SUMS OF MONEY DEEMED NECESSARY TO DEFRAY ALL OF THE NECESSARY EXPENSES AND LIABILITIES OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA FOR THE FISCAL PERIOD BEGINNING ON OCTOBER 1, 2006 AND ENDING ON SEPTEMBER 30, 2007; SPECIFYING THE OBJECTS AND PURPOSES FOR WHICH SUCH APPROPRIATIONS ARE MADE AND THE AMOUNT TO BE APPROPRIATED FOR EACH OBJECT OR PURPOSE; SPECIFYING THE AMOUNT TO BE RAISED BY TAX LEVY; PROVIDING FOR THE CERTIFICATION OF THE TAX LEVY HEREIN SENT TO THE COUNTY CLERK OF SARPY COUNTY; AND PRESCRIBING THE TIME WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT.

Councilmember McLaughlin made a motion to approve Ordinance No. 1000 on its second reading and pass it on to a third reading. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

2. MASTER FEE ORDINANCE NO. 1001 – SECOND READING

Mayor Kindig stated, "Ordinance No. 1001 now comes on for its second reading." City Clerk Ramirez then read the ordinance by title: AN ORDINANCE TO AMEND ORDINANCE NO. 987, 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 Quick made a motion to approve Ordinance No. 1001 on its second reading and pass it on to a third reading. Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

C. RESOLUTION – SECOND AMENDMENT TO SUBDIVISION AGREEMENT – SID NO. 198 (VAL VERDE)

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 06-114: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING THE SECOND AMENDMENT TO SUBDIVISION AGREEMENT FOR SANITARY AND IMPROVEMENT DISTRICT NO. 198 OF SARPY COUNTY, NEBRASKA, IN A FORM SATISFACTORY TO THE CITY ADMINISTRATOR AND CITY ATTORNEY.

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WHEREAS, the City Council did on January 5, 1999 the City entered into a residential subdivision agreement with Sanitary and Improvement District No. 198 of Sarpy County, Nebraska; and

WHEREAS, Sanitary and Improvement District No. 198 has agreed to execute a subdivision Agreement satisfactory in form to the City Attorney and City Engineer.

NOW THEREFORE, BE IT RESOLVED, that the Second Amendment to the Subdivision Agreement presented at the August 15, 2006 City Council meeting be, and hereby is approved, and the Mayor and City Clerk be and hereby are, authorized to execute same on behalf of the City with such revisions or amendments thereto that the City Administrator and City Attorney may determine necessary to carry out the intent of the City Council.

Councilmember Sheehan asked the date for the actual levy. Bob Doyle, the attorney for SID 198, addressed the Council and stated the levy must be submitted by September 20th. He stated the SID has not yet set a hearing date for their budget, however they usually do this sometime after Labor Day and before the State deadline of September 20.

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

D. RESOLUTION – PAPIO-MISSOURI RIVER NRD ALL-HAZARDS MITIGATION PLAN

Councilmember Gowan introduced and moved for the adoption of Resolution No. 06-115: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA ADOPTING THE LA VISTA PORTION OF THE PAPIO-MISSOURI RIVER NRD ALL-HAZARDS MITIGATION PLAN.

WHEREAS, in August 2005, the City of La Vista participated in the public meetings for the Papio-Missouri River NRD All-Hazards Mitigation Plan; and

WHEREAS, the purpose of the plan is to identify potential projects which could reduce or eliminate a community's vulnerability to various natural disasters; and

WHEREAS, in the future, a community must have an adopted hazard mitigation plan in place in order to receive federal disaster assistance for mitigation projects.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of La Vista, Nebraska, that the La Vista portion of the Papio-Missouri River NRD All-Hazards Mitigation Plan be, and hereby is, adopted.

Councilmember Sell asked if other government bodies had enacted or would be enacting similar plans. Public Works Director Soucie stated that most communities have already approved their plans. He also noted that communities really don't have much of a choice on this issue as the federal government has stated it will not provide funding to communities that do not have a plan in place in the event of a disaster. La Vista has developed its plan as part of the Papillion Creek Watershed Partnership with each community in the partnership having a section of the plan.

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

E. RESOLUTION – AUTHORIZATION OF AGREEMENT – SUPPLY & INSTALL PHONE SYSTEM AND UPGRADE FOR FIRE STATION NO. 2

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 06-116: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH HUNTEL COMMUNICATIONS, OMAHA, NEBRASKA TO SUPPLY AND INSTALL A PHONE SYSTEM AND UPGRADE TO ACCOMMODATE THE NEW FIRE STATION, IN AN AMOUNT NOT TO EXCEED \$26,945.52.

WHEREAS, on December 7, 2004, the City Council passed Ordinance No. 945, authorizing and approving the development, construction, acquisition, equipping and financing of a new fire station; and

WHEREAS, the supply and installation of telephone system and upgrade is required for the operation of the new fire station; and

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WHEREAS, the supply and installation of telephone system and upgrade is required for the operation of the new fire station; and

WHEREAS, the fire station project budget provides funds for the proposed improvements; and

WHEREAS, Huntel Communications currently provides telephone maintenance services for the City of La Vista; and

WHEREAS, staff has reviewed their proposal and recommends Huntel Communications to supply and install a phone system and upgrade for the operation of the new fire station.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, hereby authorize the execution of an agreement with Huntel Communications, Omaha, Nebraska, to supply and install a phone system and upgrade to accommodate the new fire station in an amount not to exceed \$26,945.52.

Councilmember Sheehan asked if this purchase included an upgrade to the City's current phone system. Building and Grounds Director reported that the new telephones are all digital versus the existing analog equipment. This purchase provides for the new telephones for the Fire Station and the system that will enable the new digital technology to work with the City's current system. It does not provide for an upgrade to the City's system.

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

F. DISCUSSION – AMEND SECTION 111.17 OF MUNICIPAL CODE – FIREWORKS SALES

A draft ordinance was presented to Council for discussion regarding the permit and application process for the sale of permissible fireworks. City Administrator Gunn stated that Council had previously discussed potential changes to the fireworks regulations, including the use of a point system for evaluating applications. The City Attorney had provided some input following that discussion, and Council directed staff to review the permitting process and present proposed changes for consideration. As the application deadline for the sale of fireworks during the 2007 season is January 15, and the application forms are typically made available in November, this item is presented for discussion and recommendation regarding any potential changes.

The proposed system for evaluating applications was reviewed and discussed. Councilmember Sheehan made a request for a specific point deduction for non-compliance with operating hours. City Clerk Ramirez stated the point system being proposed was more of a way to evaluate the applications that are submitted each year rather than an on-going system whereby points are kept track of from year to year with deductions for various infractions. She stated that the City Attorney had expressed some concern about carrying points over from one year to the next as there could be some issue as to whether that would invoke some sort of expectation for a permit in the following year.

A lengthy discussion was held regarding the potential to have more than six applications meeting all of the criteria and being equal in point value. Some language regarding first preference is included in the ordinance based on the community betterment use of net proceeds and organizations that would agree to co-locate a fireworks stand. Council discussed whether there was a way to give preference or special consideration to organizations that have held a permit for a long period of time, either through the issuance of extra points or some other means. The City Attorney has indicated that in order to survive a challenge the application process should be as non-subjective as possible. All applicants should be subject to the same criteria.

A discussion was held regarding the enforcement efforts associated with the operation of the fireworks stands. The ordinance states that if a permit holder violates the law in regard to the operation of its fireworks stand, the organization will be automatically disqualified from receiving a permit the following year. It was agreed that a group would have to be cited by law enforcement or the Fire Marshal in order to be disqualified. Discussion was held regarding closing times for fireworks stands and Councilmember Sheehan suggested that permit holders be advised to use a "last call" system where customers are notified 10-15 minutes prior to closing time that they need to bring their selections to the cash register. Every effort should be made to have all customers out of the stand or paying for their final purchases at closing time.

Councilmember Ellerbeck pointed out a discrepancy between the ordinance and the actual application form on the refund amount for an application that is denied. Ramirez stated the \$400

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amount included on the application was correct and the ordinance would be changed to reflect the \$400 amount, as well.

Councilmember Sheehan suggested that a template or sample of a correctly completed application form be included in the packet of information that is distributed to organizations.

The proposed ordinance will be brought back for Council consideration at the next meeting on September 5, 2006.

Councilmember Sell made a motion to move “Comments from the Floor” up on the agenda ahead of Item G. Executive Session. Seconded by Councilmember Ellerbeck. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

COMMENTS FROM THE FLOOR

Mayor Kindig acknowledged several members of Boy Scout Troop 430 who were in the audience. The scouts addressed Council to introduce themselves and indicate their rank and the current merit badges they were working on.

G. EXECUTIVE SESSION – CONTRACT NEGOTIATIONS – HOTEL/CONFERENCE CENTER AND FOP; PERSONNEL PERFORMANCE

At 8:03 p.m. Councilmember Gowan made a motion to go into executive session for protection of the public interest to discuss contract negotiations regarding a proposed hotel/conference center project and the Fraternal Order of Police collective bargaining agreement and for the protection of the reputation of an individual to discuss a personnel performance issue. Seconded by Councilmember Quick. Mayor Kindig stated the executive session would be limited to the subject matter contained in the motion and repeated the motion made by Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

At 9:00 p.m. the Council came out of executive session. Councilmember Sheehan made a motion to reconvene in open and public session. Seconded by Councilmember Carlisle. Mayor Kindig stated the discussion in executive session was limited to the subject matter contained in the original motion. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

H. RESOLUTION - PERSONNEL PERFORMANCE

Councilmember Ellerbeck introduced and moved for the adoption of Resolution No. 06-117: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING A PERSONNEL DECISION OF THE CITY ADMINISTRATOR.

WHEREAS, pursuant to §37.13 (C)(5)(c) of the Municipal Code of the City of La Vista and §5.3 (E)(3) of the Rules and Regulations of the Civil Service Commission of the City of La Vista, the City Council has reviewed and approved the decision of the City Administrator regarding certain personnel matters.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska, do hereby approve the decision of the City Administrator that Police Officer Brad Wood be suspended from duty without pay for ten (10) working days (a total of eighty 80 work hours) and be transferred from the Criminal Investigations Bureau to the Uniform Patrol Bureau.

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

COMMENTS FROM MAYOR AND COUNCIL

Councilmember Sell asked about the COX Cable community access channel and why La Vista is not participating. Gunn stated this has been a budget issue for Council as there are costs associated with this venture.

Mayor Kindig referenced the upcoming YMCA fundraiser. Councilmembers are asked to contact Mary at City Hall if they are interested in attending.

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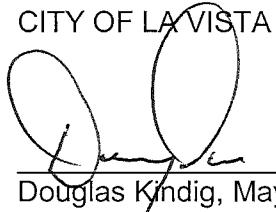
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ADJOURNMENT

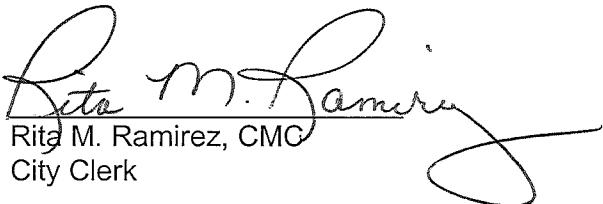
At 9:05 p.m. Councilmember Carlisle made a motion to adjourn the meeting. Seconded by Councilmember Ellerbeck. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

PASSED AND APPROVED THIS 5TH DAY OF SEPTEMBER 2006.

CITY OF LA VISTA


Douglas Kindig, Mayor

ATTEST:


Rita M. Ramirez, CMC
City Clerk

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