

MINUTE RECORD

No. 729 -- REDFIELD DIRECT E2106195KV

LA VISTA CITY COUNCIL MEETING May 16, 2023

A meeting of the City Council of the City of La Vista, Nebraska was convened in open and public session at 6:00 p.m. on May 16, 2023. Present were Councilmembers: Frederick, Ronan, Sheehan, Thomas, Sell and Hale. Also in attendance were City Attorney McKeon, City Administrator Gunn, Assistant City Administrator Ramirez, City Clerk Bueth, Director of Administrative Services Pokorny, City Engineer Dowse, Human Resources Director Lowery, Finance Director Harris, Community Development Director Fountain, Library Director Barcal, Police Captain Barcal, Deputy Director of Public Works Calentine and Assistant Recreation Director Karlson.

A notice of the meeting was given in advance thereof by publication in the Sarpy County Times on May 3, 2023. Notice was simultaneously given to the Mayor and all members of the City Council and a copy of the acknowledgment of the receipt of notice attached to the minutes. Availability of the agenda was communicated to the Mayor and City Council in the advance notice of the meeting. All proceedings shown were taken while the convened meeting was open to the attendance of the public. Further, all subjects included in said proceedings were contained in the agenda for said meeting which is kept continuously current and available for public inspection at City Hall during normal business hours.

Mayor Kindig called the meeting to order, led the audience in the Pledge of Allegiance, and made the announcements.

SERVICE AWARD: JODI NORTON – 15 YEARS

Mayor Kindig recognized Jodi Norton for 15 years of service to the City.

PROCLAMATION – NATIONAL PUBLIC WORKS WEEK

Mayor Kindig proclaimed May 21 – 27, 2023 as National Public Works Week and presented the proclamation to Deputy Director of Public Works Calentine and City Engineer Dowse.

APPOINTMENT – PARK & RECREATION ADVISORY COMMITTEE – DEBORAH DOGBA – FILL VACANCY

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

A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. APPROVAL OF THE MINUTES OF THE MAY 2, 2023 CITY COUNCIL MEETING
3. APPROVAL OF THE MINUTES OF THE MARCH 16, 2023 PLANNING COMMISSION MEETING
4. APPROVAL OF THE MINUTES OF THE MAY 8, 2023 LA VISTA/METROPOLITAN COMMUNITY COLLEGE CONDOMINIUM OWNERS ASSOCIATION, INC. MEETING
5. MONTHLY FINANCIAL REPORT – MARCH 2023
6. REQUEST FOR PAYMENT – THOMPSON, DREESSEN & DORNER, INC. – PROFESSIONAL SERVICES – CENTRAL PARK IMPROVEMENTS – \$1,539.50
7. REQUEST FOR PAYMENT – OLSSON, INC – PROFESSIONAL SERVICES – CITY PARK PAVILION TESTING – \$4,231.50
8. REQUEST FOR PAYMENT – SAMPSON CONSTRUCTION – CONSTRUCTION SERVICES – OFFSTREET PARKING DISTRICT NO. 2, STRUCTURE NO. 2 – \$830,089.00
9. REQUEST FOR PAYMENT – MACKIE CONSTRUCTION – CONSTRUCTION SERVICES – CENTRAL PARK ACCESS ROAD – PARK VIEW BLVD – \$39,972.51
10. REQUEST FOR PAYMENT – JE DUNN CONSTRUCTION CO – CONSTRUCTION SERVICES – CENTRAL PARK PAVILION AND SITE IMPROVEMENTS – \$994,686.00

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11. REQUEST FOR PAYMENT – NL & L CONCRETE, INC – CONSTRUCTION SERVICES – EAST LA VISTA SEWER AND PAVEMENT REHABILITATION -

\$77,684.99

12. APPROVE MANAGER APPLICATION – CLASS D LIQUOR LICENSE – KWIK SHOP – ROSALIND SELLS

13. APPROVAL OF CLAIMS

4 SEASONS AWARDS, supplies	41.00
ABM INDUSTRIES INC, services	6,403.54
ACTIVE NETWORK LLC, services	14.88
ALFRED BENESCH & CO, services	1,575.00
ALLDATA LLC, services	1,500.00
AMAZON, supplies	4,265.50
AMERICAN HERITAGE LIFE INS CO, services	1,288.40
ARNOLD MOTOR SUPPLY, maint.	44.90
AWARDS & MORE CO, supplies	86.62
BACON LETTUCE CREATIVE, services	2,680.00
BADGER BODY & TRUCK EQUIP, maint.	1,045.00
BALLOON BRIGADE, services	2,000.00
BERGANKDV LLC, services	2,000.00
BIBLIOTHECA LLC, books	60.19
BIG RED LOCKSMITHS, bld&grnds	782.00
BIZCO INC, services	4,022.50
BLACK HILLS ENERGY, utilities	5,030.27
BOB'S RADIATOR REPAIR, maint.	499.00
BODY BASICS INC, services	596.00
BOK FINANCIAL, bonds	846,026.83
BOOT BARN, apparel	203.94
BOWERS, SYDNEY	60.00
BRODERSEN, CALE	248.63
BUETHE, PAM	168.50
CARROT-TOP INDUSTRIES INC, supplies	729.58
CENTER POINT INC, books	212.13
CENTURY LINK/LUMEN, phones	256.47
CINTAS CORP, services	517.70
CITY OF OMAHA, services	241,487.00
COMP CHOICE INC, services	325.00
CONNER PSYCHOLOGICAL, services	1,275.00
COSGRAVE CO, supplies	165.90
COX COMMUNICATIONS INC, services	300.38
CPS HUMAN RESOURCE, services	515.00
CREATIVE SITES LLC, services	46,405.00
CULLIGAN OF OMAHA, services	12.50
CUMMINS CENTRAL POWER LLC, services	698.93
D & K PRODUCTS, supplies	12,272.00
DAIGLE LAW GROUP LLC, services	2,460.00
DANIELSON TECH SUPPLY INC, maint.	769.24
DATABASEUSA.COM, services	933.00
DEARBORN NATL LIFE INS CO, services	8,254.37
ECHO GROUP INC, supplies	41.28
ESRI INC, services	3,410.00
ESTHER VILLARREAL, refund	22.99
EVENT STRUCTURE SOLUTIONS LLC, services	3,465.69
EVERLIGHT SOLAR, refund	22.50
FERGUSON ENTERPRISES INC, maint.	115.36
FIKES COMMERCIAL HYGIENE LLC, supplies	62.00
FIRST NAT'L BANK OF OMAHA, services	204.80
FITZGERALD SCHORR BARMETTLER, services	36,630.60
FNIC, services	252.50
FUN SERVICES, services	7,770.00

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GALE, books	110.96
GALLS LLC, apparel	149.20
GRAINGER, bld&grnds	247.22
GREAT PLAINS COMMUNICATION, services	777.60
GREAT PLAINS UNIFORMS, apparel	1,595.50
GT DISTRIBUTORS INC, supplies	1,890.94
GUARDIAN ALLIANCE TECH INC, services	100.00
GUNN, B., travel	66.29
HARM'S CONCRETE INC, services	163.60
HARRIS, M., travel	72.86
HGM ASSOCIATES INC, services	41,899.62
HITOUCH BUSINESS SERVICES, supplies	225.95
HOME LIFE INC, services	27.50
HOTSY EQUIPMENT CO, supplies	1,002.25
HY-VEE INC, services	105.00
IDEAL IMAGES INC, apparel	1,922.00
INDUSTRIAL SALES CO, supplies	233.22
INGRAM LIBRARY SERVICES, books	1,770.15
J & J SMALL ENGINE SERVICE, maint.	814.49
J&M DISPLAYS INC, services	12,000.00
JENSEN TIRE & AUTO, maint.	97.00
JOHNSON, ALLEN L, services	129.50
KANOPY INC, services	128.00
LINCOLN NAT'L LIFE INS CO, services	6,506.33
LOU'S SPORTING GOODS, supplies	192.00
LOWE'S CREDIT, supplies	89.61
MAINTAINX INC, services	1,950.00
MCNEIL, J., travel	70.23
MEDICA INSURANCE CO, services	121,745.38
MENARDS-120TH, supplies	125.76
MENARDS-RALSTON, supplies	179.48
METLIFE, services	1,058.04
METRO LANDSCAPE MATERIALS, bld&grnds	504.00
METRO COMM COLLEGE, services	17,082.53
MID-AMERICAN BENEFITS INC, services	9,579.60
MIDWEST TAPE, supplies	197.94
MILLARD METAL SERVICES INC, maint.	689.00
MOBOTREX INC, services	1,332.90
NAPA-GENUINE AUTO PARTS, maint.	466.34
NE IOWA DOOR SERVICES INC, bld&grnds	330.00
NE STATE FIRE MARSHAL, bld&grnds	252.00
NEBRASKALAND TIRE INC, maint.	246.10
NMC GROUP INC, maint.	18.81
NORTH AMERICAN RESCUE, supplies	59.92
OFFICE DEPOT INC, supplies	815.78
OMNI ENGINEERING, services	481.66
ONE CALL CONCEPTS INC, services	339.16
O'REILLY AUTO PARTS, maint.	5,377.48
PAPILLION SANITATION, services	514.95
PAPIO VALLEY NURSERY INC, services	4,602.84
PAYROLL MAXX, payroll & taxes	489,202.66
PER MAR SECURITY, services	1,213.89
PETTY CASH, services	300.00
PITNEY BOWES, postage	429.99
PORT-A-JOHNS, services	90.00
RDG PLANNING & DESIGN, services	2,786.09
READY MIX CONCRETE CO, services	1,884.50
REGAL AWARDS INC, services	119.80

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RESOURCE RENTAL CENTER INC, services	842.00
ROBERT HALF, services	4,387.12
ROBERT T. HENNRICH, services	1,270.00
RTG BUILDING SERVICES INC, bld&grnds	6,765.00
SARAH LOVELAND, refund	9.95
SARPY COUNTY COURTHOUSE, services	4,496.00
SARPY COUNTY FISCAL ADMIN, services	32,209.85
SARPY COUNTY SHERIFF'S OFFICE, services	400.00
SCHOLASTIC LIBRARY PUBLISHING, books	78.28
SHERWIN-WILLIAMS, bld&grnds	360.00
SHI INTERNATIONAL CORP, services	4,542.97
SIGN IT, services	3,510.00
SITE ONE LANDSCAPE, supplies	533.05
SOUTHERN UNIFORM, apparel	522.18
STANARD & ASSOCIATES, services	2,448.50
SUBURBAN NEWSPAPERS INC, services	642.49
SUCCESS FACTORS INC, services	925.58
TECH MASTERS INC, services	240.50
THE COLONIAL PRESS INC, services	8,213.39
THE SCHEMMER ASSOCIATES INC, services	3,111.25
THOMAS & THOMAS COURT REPORTERS, services	1,085.00
THOMPSON DREESSEN & DORNER INC, services	8,588.25
TORNADO WASH LLC, maint.	462.00
TRANS UNION RISK, services	75.00
TRUCK CENTER COMPANIES, maint.	13,000.00
U.S. CELLULAR, phones	1,874.06
UNITE PRIVATE NETWORKS LLC, services	4,400.00
UNITED PARCEL, services	11.59
US BANK NATIONAL ASSOC, supplies/services	21,166.91
UTILITY EQUIPMENT CO, supplies	185.00
VAL VERDE ANIMAL HOSPITAL INC, services	136.20
VAN-WALL EQUIPMENT INC, supplies	482.72
VOIANCE LANGUAGE, services	25.00
WESTLAKE HARDWARE INC, supplies	1,529.47

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

REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

Library Director Barcal reported on Library programs.

Assistant Recreation Director Karlson reported on upcoming events.

Police Captain Kinsey reported on speeding issues on Brentwood Drive.

Deputy Director of Public Works Calentine provided an update on projects.

B. PLANNED UNIT DEVELOPMENT AMENDMENT – LB SOUTHWEST, LLC – LOT 2, WOODHOUSE PLACE & LOTS 1-2 WOODHOUSE PLACE REPLAT 1

1. PUBLIC HEARING

At 6:17 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for comment on the Planned Unit Development Amendment – LB Southwest, LLC – Lot 2, Woodhouse Place and Lots 1-2 Woodhouse Place Replat 1.

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At 6:18 p.m. Councilmember Hale made a motion to close the public hearing. Seconded by Councilmember Thomas. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Sell, Hale and Wetuski. Nays: None. Abstain: None. Absent: Quick. Motion carried.

2. RESOLUTION – APPROVE PUD SITE PLAN

Councilmember Thomas introduced and moved for the adoption of Resolution No. 23-057 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, DETERMINING CONDITIONS FOR APPROVAL OF AN AMENDMENT TO THE PLANNED UNIT DEVELOPMENT (PUD) SITE PLAN FOR LOT 2, WOODHOUSE PLACE, AND LOTS 1 AND 2 WOODHOUSE PLACE REPLAT 1, A SUBDIVISION LOCATED IN THE NE 1/4 OF SECTION 23, T14N, R11E OF THE 6TH P.M., SARPY COUNTY, NEBRASKA.

WHEREAS, the applicant, LB Southwest, LLC, has made application for approval of an amendment to the planned unit development site plan for Lot 2, Woodhouse Place and Lots 1 and 2 Woodhouse Place Replat 1; and

WHEREAS, the Community Development Director and the City Engineer have reviewed the planned unit development site plan; and

WHEREAS, the La Vista Planning Commission has reviewed the application and recommends approval.

WHEREAS, projects in the One-and-Six-Year Street Plan have been incorporated into the City of La Vista's Capital Improvement Plan;

NOW THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of La Vista, Nebraska that the amended Planned Unit Development (PUD) site plan for Lot 2, Woodhouse Place and Lots 1 and 2 Woodhouse Place Replat 1, located in the NE 1/4 of Section 23, T14N, R11E of the 6th P.M., Sarpy County, Nebraska, generally located southwest of 144th Street and Giles Road be, and hereby is, approved.

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

3. ORDINANCE – APPROVE PUD DESIGN PLAN

Councilmember Frederick introduced Ordinance No. 1480 entitled: AN ORDINANCE OF THE CITY OF LA VISTA, NEBRASKA, ESTABLISHING STANDARDS AND CONDITIONS FOR DEVELOPMENT UNDER THE FINAL PLANNED UNIT DEVELOPMENT PLAN; TO PROVIDE FOR SEVERABILITY; TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT; AND TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

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, Sell, Hale and Wetuski. Nays: None. Abstain: None. Absent: Quick. Motion carried.

Councilmember Sheehan made a motion to approve final reading and adopt Ordinance 1480. Councilmember Frederick seconded the motion. Upon roll call vote the following Councilmembers voted aye: Frederick, Ronan, Sheehan, Thomas, Sell, Hale and Wetuski. Nays: None. Abstain: None. Absent: Quick. Motion carried. 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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C. ZONING MAP AMENDMENT – LOTS 1-3 MAYFAIR 2ND ADDITION REPLAT SEVEN & LOT 2 MAYFAIR 2ND ADDITION REPLAT THREE

1. PUBLIC HEARING

At 6:22 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for comment on the Zoning Map Amendment – Lots 1-3 Mayfair 2nd Addition Replat Seven & Lot 2 Mayfair 2nd Addition Replat Three. Doug Kellner of 10836 Old Mill Road addressed council and requested action on this item

At 6:25 p.m. Councilmember Hale made a motion to close the public hearing. Seconded by Councilmember Thomas. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Sell, Hale and Wetuski. Nays: None. Abstain: None. Absent: Quick. Motion carried.

2. ORDINANCE

Councilmember Thomas introduced Ordinance No. 1481 entitled: AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

Councilmember Sell moved that the statutory rule requiring reading on three different days be suspended. Councilmember Sheehan seconded the motion to suspend the rules and roll call vote on the motion. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Sell, Hale and Wetuski. Nays: None. Abstain: None. Absent: Quick. Motion carried.

Councilmember Frederick made a motion to approve final reading and adopt Ordinance 1481. Councilmember Wetuski seconded the motion. Upon roll call vote the following Councilmembers voted aye: Frederick, Ronan, Sheehan, Thomas, Sell, Hale and Wetuski. Nays: None. Abstain: None. Absent: Quick. Motion carried. 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.

D. AMEND SECTIONS 33.19 AND 35.50 OF THE LA VISTA MUNICIPAL CODE

1. ORDINANCE – AMEND SECTION 33.19 - MINUTES

Councilmember Frederick introduced Ordinance No. 1482 entitled: AN ORDINANCE OF THE CITY OF LA VISTA, NEBRASKA TO AMEND MUNICIPAL CODE SECTION 33.19; TO REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY AND AN 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, Sell, Hale and Wetuski. Nays: None. Abstain: None. Absent: Quick. Motion carried.

Councilmember Frederick made a motion to approve final reading and adopt Ordinance 1482. Councilmember Wetuski seconded the motion. Upon roll call vote the following Councilmembers voted aye: Frederick, Ronan, Sheehan, Thomas, Sell, Hale and Wetuski. Nays: None. Abstain: None. Absent: Quick. Motion carried. 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 SECTION 35.50 – PROPERTY TAX REQUEST; PROCEDURE

Councilmember Frederick introduced Ordinance No. 1483 entitled: AN ORDINANCE OF THE CITY OF LA VISTA, NEBRASKA TO AMEND MUNICIPAL CODE SECTION

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35.50; TO REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY AND AN 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, Sell, Hale and Wetuski. Nays: None. Abstain: None. Absent: Quick. Motion carried.

Councilmember Frederick made a motion to approve final reading and adopt Ordinance 1483. Councilmember Wetuski seconded the motion. Upon roll call vote the following Councilmembers voted aye: Frederick, Ronan, Sheehan, Thomas, Sell, Hale and Wetuski. Nays: None. Abstain: None. Absent: Quick. Motion carried. 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.

E. RESOLUTION – APPROVE FIRST AMENDMENT TO IMPROVEMENT AGREEMENT WITH NEBRASKA MULTISPORT COMPLEX

Councilmember Thomas introduced and moved for the adoption of Resolution No. 23-058 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING THE FIRST AMENDMENT TO IMPROVEMENT AGREEMENT IN CONNECTION WITH MULTISPORT RECREATIONAL FACILITY GENERALLY NORTH AND EAST OF GILES ROAD AND EASTPORT PARKWAY.

WHEREAS, the City Council did on October 18, 2022 approved an Improvement Agreement, filed with the Sarpy County Register of Deeds as Instrument No. 2022-28876, for a private recreational facility to be constructed, owned, and operated by Omaha Multi-Sport Complex, a Nebraska nonprofit corporation d/b/a Nebraska Multisport Complex, ("Nebraska Multisport") upon the following described tract of land within the City of La Vista: Tax Lots 11 and 15, together with all of Tax Lot 2A and parts of Tax Lots 2B1 and 3 lying North and West of railroad right-of-way, together with Northwesterly part of Tax Lot 1A1B and the Northwesterly part of Tax Lots 2B1 and 3 lying South and East of railroad right-of-way, all located in Section 17, Township 14 North, Range 12 East, of the 6th P. M., and other development on adjacent lots, subject to certain conditions; and

WHEREAS, in the Improvement Agreement, the parties among other things agreed to designation of a 120 Giles Enhanced Employment Area that included without limitation the NMSC Project and potential site of the Hotel(s) Project, and imposition and levy of the 120 Giles GBOT within such 120 Giles Enhanced Employment Area pursuant to Neb. Rev. Stat. Section 18-2142.04 for the purpose of paying all or any part of the costs and expenses of 120 Giles Authorized Work, as initially described or depicted in Exhibit 19 of the Improvement Agreement.

WHEREAS, the City and Nebraska Multisport desire to execute and enter a First Amendment to Improvement Agreement including without limitation Exhibit 19, to incorporate changes to the 120 Giles Enhanced Employment Area including location(s) of proposed Hotel Project(s), restaurant(s) or other improvements.

NOW THEREFORE, BE IT RESOLVED, a proposed First Amendment to Improvement Agreement ("Amendment") is presented with this Resolution for consideration of the City Council, which Amendment is approved in form and content presented, subject to any additions, subtractions, or modifications as the Mayor or City Administrator or his or her designee determines necessary or appropriate before the Amendment is executed, the final form and content of which Amendment the Mayor is authorized to execute and deliver on behalf of the City.

BE IT FURTHER RESOLVED, that the Mayor or City Administrator or his or her designee

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shall be authorized to take any actions on behalf of the City as he or she determines necessary or appropriate to carry out the Amendment or actions approved in this Resolution.

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

F. GENERAL BUSINESS OCCUPATION TAXES ("GBOT"); PROPERTY OWNER CONSENT TO ENHANCEMENT EMPLOYMENT AREA; GBOT REVENUE NOTE – VICINITY OF 120TH AND GILES ROAD

1. ORDINANCE – AMEND, REPLACE & SUPERSEDE ORDINANCE NO. 1462 REGARDING GENERAL BUSINESS OCCUPATION TAXES WITHIN DESIGNATED ENHANCED EMPLOYMENT AREA

Councilmember Frederick introduced Ordinance No. 1484 entitled: AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF LA VISTA, NEBRASKA TO AMEND, REPLACE AND SUPERSEDE ORDINANCE NO. 1462 IN ITS ENTIRETY REGARDING AN ENHANCED EMPLOYMENT AREA AND GENERAL BUSINESS OCCUPATION TAXES WITHIN SUCH AREA IN THE VICINITY OF 120TH AND GILES ROAD; TO REVOKE ORDINANCE NO. 1462 AS ORIGINALLY ENACTED, AND TO PROVIDE FOR SEVERABILITY, PUBLICATION AND AN EFFECTIVE DATE.

Councilmember Sell moved that the statutory rule requiring reading on three different days be suspended. Councilmember Thomas seconded the motion to suspend the rules and roll call vote on the motion. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Sell and Wetuski. Nays: None. Abstain: Hale. Absent: Quick. Motion carried.

Councilmember Frederick made a motion to approve final reading and adopt Ordinance 1484. Councilmember Wetuski seconded the motion. Upon roll call vote the following Councilmembers voted aye: Frederick, Ronan, Sheehan, Thomas, Sell and Wetuski. Nays: None. Abstain: Hale. Absent: Quick. Motion carried. 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. RESOLUTION – CONSENT OF PROPERTY OWNERS TO INCLUSION OF PROPERTY IN ENHANCED EMPLOYMENT AREA

Councilmember Thomas introduced and moved for the adoption of Resolution No. 23-059 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING THE CONSENT TO INCLUSION OF PROPERTY IN ENHANCED EMPLOYMENT AREA GENERALLY NORTH AND EAST OF GILES ROAD AND EASTPORT PARKWAY.

WHEREAS, the City Council on October 18, 2022 approved an Improvement Agreement, filed with the Sarpy County Register of Deeds as Instrument No. 2022-28876, in connection with a private recreational facility ("NMSC Project") to be constructed, owned, and operated by Omaha Multi-Sport Complex, a Nebraska nonprofit corporation d/b/a Nebraska Multisport Complex, ("Nebraska Multisport") and other development on adjacent lots ("Hotel(s) Project"); and

WHEREAS, in the Improvement Agreement, the parties among other things agreed to designation of a 120 Giles Enhanced Employment Area that included without limitation the NMSC Project and potential site of the Hotel(s) Project, and imposition and levy of the 120 Giles GBOT within such 120 Giles Enhanced Employment Area pursuant to Neb. Rev. Stat. Section 18-2142.04 for the purpose of paying all or any part of the costs and expenses of 120 Giles Authorized Work, as initially described or depicted in Exhibit 19 of the Improvement Agreement

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WHEREAS, the City at this Council meeting is considering a First Amendment to Improvement Agreement including without limitation revised Exhibit 19 for changes to the 120 Giles Enhanced Employment Area to include new location(s) of proposed Hotel Project(s), restaurant(s) or other improvements, subject to consent of owners of properties included in the revised 120 Giles Enhanced Employment Area.

NOW THEREFORE, BE IT RESOLVED, a proposed Consent of Property Owners to Inclusion in Enhanced Employment Area ("Consent") is presented with this Resolution for consideration of the City Council, which Consent is approved in form and content presented, subject to any additions, subtractions, or modifications as the Mayor or City Administrator or his or her designee determines necessary or appropriate before the Consent is executed, the final form and content of which Consent the Mayor is authorized to execute and deliver on behalf of the City..

BE IT FURTHER RESOLVED, that the Mayor or City Administrator or his or her designee shall be authorized to take any actions on behalf of the City as he or she determines necessary or appropriate to carry out the Consent or actions approved in this Resolution.

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

3. RESOLUTION – AUTHORIZING CITY OF LA VISTA OCCUPATION TAX REVENUE NOTE

Councilmember Frederick introduced and moved for the adoption of Resolution No. 23-060 entitled: A RESOLUTION AUTHORIZING THE ISSUANCE OF AN OCCUPATION TAX REVENUE NOTE (120 AND GILES PROJECT), OF THE CITY OF LA VISTA, NEBRASKA, FOR THE PURPOSE OF PAYING CERTAIN PROJECT COSTS IN CONNECTION WITH THE 120 AND GILES ENHANCED EMPLOYMENT AREA; PRESCRIBING THE FORM AND DETAILS OF SUCH NOTE AND THE COVENANTS AND AGREEMENTS TO FACILITATE AND PROTECT THE PAYMENT THEREOF; AND PRESCRIBING OTHER MATTERS RELATING THERETO.

WHEREAS, the City of La Vista, in the State of Nebraska, (the "City") is a municipal corporation and first class city organized and existing under the constitution and laws of the State of Nebraska;

WHEREAS, pursuant to Section 18-2142.04, R.R.S. Neb., as amended, (the "Act") the City may establish an enhanced employment area for a portion of the City under certain terms and conditions as provided in the Act;

WHEREAS, the City established the 120 and Giles Enhanced Employment Area of the City of La Vista, Nebraska, under the Act (the "Enhanced Employment Area") and pursuant to an Improvement Agreement, filed with the Sarpy County Register of Deeds as Instrument No. 2022-28876 as amended by a First Amendment to Improvement Agreement to incorporate changes to the Enhanced Employment Area, (together, the "Improvement Agreement") between the City and Omaha Multi-Sport Complex, a Nebraska nonprofit corporation d/b/a Nebraska Multisport Complex ("NMSC") approved by the Mayor and Council of the City prior to the adoption of this resolution;

WHEREAS, the Act permits the City to levy general business occupation taxes within the Enhanced Employment Area, and the City has established the 120 Giles GBOT pursuant to the Occupation Tax Ordinance (defined herein) and as described and defined in the Improvement Agreement which shall be imposed and levied within the Enhanced Employment Area (the "GBOT") for the purpose of paying all or any part of the costs or expenses to design, construct, and provide the 120 Giles Authorized Work, as defined in the Improvement Agreement;

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WHEREAS, a prior resolution adopted by the City Council of the City on October 18, 2022, (the "Prior Resolution") approved issuance of an Occupation Tax Revenue Note (120 and Giles Project), which has not been issued as of the date of this resolution and, given the amendment to the Improvement Agreement and related matters, it is necessary and appropriate to repeal and replace the Prior Resolution with this resolution; and

WHEREAS, in order to pay a portion of the 120 Giles Authorized Work, it is necessary, desirable, advisable, and in the best interest of the City to issue the Occupation Tax Revenue Note (120 and Giles Project) (the "Note"), in a principal amount determined by an Authorized City Representative, but not to exceed \$3,500,000, and deliver such Note to NMSC in exchange for NMSC paying the costs of the GBOT Public Improvements, as described and defined in the Improvement Agreement, to pay the costs of issuing the Note, and such Note to be issued and secured in the form and manner as hereinafter provided.

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

G. ORDINANCE – AMEND COMPENSATION ORDINANCE

Councilmember Frederick introduced Ordinance No. 1485 entitled: AN ORDINANCE TO FIX THE COMPENSATION OF OFFICERS AND EMPLOYEES OF THE CITY OF LA VISTA; TO PROVIDE FOR THE REPEAL OF ALL PRIOR ORDINANCES IN CONFLICT HERewith; ORDERING THE PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM; AND TO PROVIDE THE EFFECTIVE DATE HEREOF.

Councilmember Sell moved that the statutory rule requiring reading on three different days be suspended. Councilmember Hale seconded the motion to suspend the rules and roll call vote on the motion. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Sell, Hale and Wetuski. Nays: None. Abstain: None. Absent: Quick. Motion carried.

Councilmember Sheehan made a motion to approve final reading and adopt Ordinance 1485. Councilmember Frederick seconded the motion. Upon roll call vote the following Councilmembers voted aye: Frederick, Ronan, Sheehan, Thomas, Sell, Hale and Wetuski. Nays: None. Abstain: None. Absent: Quick. Motion carried. 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.

H. RESOLUTION – APPROVE FIRST AMENDMENT TO INTERLOCAL AGREEMENT – SARPY COUNTY AND CITIES WASTEWATER AGENCY

Councilmember Hale introduced and moved for the adoption of Resolution No. 23-061 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING AND AUTHORIZING THE EXECUTION OF THE FIRST AMENDMENT TO THE INTERLOCAL AGREEMENT FOR THE CONTRIBUTION AND ALLOCATION OF OMAHA PUBLIC POWER DISTRICT PAYMENTS IN LIEU OF TAXES (PILOT).

WHEREAS, pursuant to the Interlocal Cooperation Act, Neb. Rev. Stat. § 13-801, et seq. (the "Act"), Sarpy County and the Cities of Papillion, Bellevue, Springfield, La Vista and Gretna entered into that certain Interlocal Agreement Creating the Sarpy County and Cities Wastewater Agency dated September 19, 2017 (as amended, the "Formation Interlocal") and formed the interlocal agency called the Sarpy County and Cities Wastewater Agency (the "Agency") (all capitalized terms not otherwise expressly defined herein shall have the same meanings as provided in the Formation Interlocal). The Formation Interlocal is incorporated herein by this reference; and

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WHEREAS, pursuant to the Formation Interlocal, the powers of the Agency as a body are exercised by the Agency Board; and

WHEREAS, the City of La Vista is a Member of the Agency; and

WHEREAS, the Agency and the Members are parties to that certain Revised Interlocal Agreement from the Contribution and Allocation of Omaha Public Power District Payments in Lieu of Taxes with an effective date of November 6, 2019 (the "PILOT Agreement"); The PILOT Agreement is authorized under Agency and Resolution No. 2019-016, and pursuant to separate approvals by the governing bodies of each of the Members;

WHEREAS, the Agency and the Members desire to amend the PILOT Agreement to clarify how and from what sources the Members are obligated to pay to the Agency their respective Member PILOT Contributions (as defined in the PILOT Agreement);

WHEREAS, the Agency Board has discussed the proposed First Amendment to Interlocal Agreement for the Contribution and Allocation of Omaha Public Power District Payments in Lieu of Taxes in the form of the instrument attached hereto as **Exhibit "A"** (the "First Amendment"), and after discussion, the Agency Board has deemed it appropriate, necessary, convenient and advisable to approve the First Amendment, and authorize its execution on behalf of the Agency;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of La Vista, Nebraska that, pending approval of Sarpy County and the Cities of Bellevue, Springfield, Papillion, and Gretna, the First Amendment, a copy of which is attached hereto as Exhibit A, is hereby approved; and

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Mayor and City Council of the City of La Vista, Nebraska, that the Mayor is hereby authorized to execute on behalf of the City of La Vista the First Amendment, as approved by the Sarpy County and Cities Wastewater Agency at its November 6, 2019, Agency Board Meeting; and further that the Recitals above are incorporated into the Resolutions by reference.

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

I. RESOLUTION – APPROVAL OF SARPY COUNTY AND CITIES WASTEWATER AGENCY FY2023-2024 BUDGET

Councilmember Thomas introduced and moved for the adoption of Resolution No. 23-062 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING THE SARPY COUNTY AND CITIES WASTEWATER AGENCY PROPOSED FY2023-2024 BUDGET.

WHEREAS, the City of La Vista is a party to an agreement (the "Agreement") entered into pursuant to the Interlocal Cooperation Act, set out at Neb. Rev. Stat. § 13-801 et seq. (the "Act"), by and between Sarpy County and the Cities of Papillion, Bellevue, Springfield, La Vista and Gretna (the "Members"), which formed the interlocal agency called the Sarpy County and Cities Wastewater Agency (the "Agency"); and

WHEREAS, pursuant to Section IX of the Agreement, the Agency Board is required to approve an itemized annual budget which shall be presented to and subject to approval of the individual governing body of each Member; and

WHEREAS, pursuant to Section IX of the Agreement, the Agency Board approved the proposed FY2023-2024 Budget, which was approved by the Agency Board at the Agency's Board Meeting on April 26, 2023; and

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WHEREAS, the City Council deems it appropriate and advisable to approve the proposed FY2023-2024 Budget which has been approved by the Agency Board.

NOW, THEREFORE, BE IT RESOLVED by the City Council of La Vista, Nebraska that the proposed FY2023-2024 Budget is hereby approved.

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

J. RESOLUTION – AUTHORIZE CITY ADMINISTRATOR TO APPROVE STANDARD OPERATION POLICIES COVERING SECURE PROCEDURES

Councilmember Thomas introduced and moved for the adoption of Resolution No. 23-063 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE CITY ADMINISTRATOR TO APPROVE STANDARD OPERATION POLICIES OF THE CITY OF LA VISTA PERTAINING TO PROTECTION OF SECURITY.

WHEREAS, the City Council has determined that it is necessary and desirable to create Standard Operation Policies as a means of establishing guidelines and direction governing officials, employees and facilities, equipment and other property of the City of La Vista; and

WHEREAS, it has been determined that some Standard Operation Policies pertaining to security are sensitive in nature ("Sensitive Security Policies") and publicly disclosing them could jeopardize public safety, property or other public interests.

WHEREAS, the City Council desires to authorize the City Administrator or her/his designee to oversee, determine, develop and approve, and from time to time amend or replace, such Sensitive Security Policies.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize the City Administrator or his or her designee, to determine, develop and approve, and from time amend or replace, any Sensitive Security Policies as Standard Operation Policies of the City of La Vista, subject to such direction and approval of the Mayor as the Mayor determines necessary or appropriate.

FURTHER RESOLVED, that Sensitive Security Policies shall be (i) maintained by the City Clerk in a reasonably secure manner to reduce the likelihood of unintended disclosure and (ii) made available for review of any Councilmember at his or her request.

NOW, THEREFORE, BE IT RESOLVED by the City Council of La Vista, Nebraska that the proposed FY2023-2024 Budget is hereby approved.

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

K. RESOLUTION – AUTHORIZATION TO INVEST CITY FUNDS WITH NEBRASKA INVESTMENT TRUST (NFIT)

Councilmember Frederick introduced and moved for the adoption of Resolution No. 23-064 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT WITH UNION BANK & TRUST (UBT) FOR INVESTMENT OF FUNDS WITH NEBRASKA FEDERAL INVESTMENT TRUST THAT UTILIZES UBT'S SHORT TERM FEDERAL INVESTMENT TRUST.

WHEREAS, Nebraska Law expressly allows public agencies to invest surplus or excess funds; and

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WHEREAS, an Information Statement and Business Agreement and Application relating to the Nebraska Federal Investment Trust has been presented to the La Vista City Council; and

WHEREAS, the La Vista City Council deems it advisable for the City of La Vista to enter into the Agreement with Union Bank & Trust to allow investment of funds with Nebraska Federal Investment Trust that utilizes UBT's Short Term Federal Investment Trust for the investment of the City of La Vista's money.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of La Vista, Nebraska:

1. That the City of La Vista shall and hereby does authorize the Mayor to execute an agreement with Union Bank & Trust to allow investment of funds with Nebraska Federal Investment Trust that utilizes UBT's Short Term Federal Investment Trust.
2. That the City of La Vista is hereby authorized to invest its available funds from time to time and to withdraw such funds from time to time in accordance with the provisions of the agreement.
3. The City of La Vista hereby delegates all authority and duties which the law otherwise authorizes it to delegate in accordance with the agreement. The following officers and officials of the City of La Vista and their respective successors in office each are hereby designated as "Agents" and are authorized to take such actions and execute any and all such documents as they may deem necessary and appropriate to effectuate the entry by the City of La Vista into the Agreement and to effectuate the investment and withdrawal of monies of the City of La Vista from time to time in accordance with the Agreement

Douglas Kindig, Mayor
Kim Thomas, City Council President
Brenda S. Gunn, City Administrator
Kevin Pokorny, Director of Administrative Services
Meg Harris, Finance Director
Pamela A. Bueth, City Clerk

An Authorized Official of the City of La Vista shall advise the Nebraska Public Agency Investment Trust of any changes in the Authorized Officials in accordance with procedures established by the Agreement.

4. All resolutions and parts of resolutions insofar as they conflict with the provisions of this Resolution being the same are hereby rescinded.

BE IT FURTHER RESOLVED that the Mayor and City Council of the City of La Vista Nebraska to hereby authorize the City to enter into an agreement with Union Bank & Trust (UBT for investment of funds with Nebraska Federal Investment Trust that utilizes UBT's short Term Federal Investment Trust in a form satisfactory to the City Administrator and City Attorney.

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

L. RESOLUTION – SOFTWARE AGREEMENT & PURCHASE – PARKING GARAGES

1. RESOLUTION – APPROVAL OF PARKING SOFTWARE AGREEMENT

Councilmember Frederick introduced and moved for the adoption of Resolution No. 23-065 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF A SOFTWARE

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AGREEMENT WITH FISHER PARKING & SECURITY, INC TO PROVIDE PARKING MANAGEMENT SOFTWARE FOR PARKING GARAGE NO. 1 AND PARKING GARAGE NO. 2.

WHEREAS, the Mayor and City Council have determined that parking management software for Parking Garage No. 1 and Parking Garage No. 2; and

WHEREAS, the FY23/FY24 Biennial Budget provides funding for the proposed service,

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, hereby authorize the execution of a Software Agreement with Fisher Parking & Security, Inc for Parking Garage No.1 and Parking Garage No. 2.

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

2. RESOLUTION – PURCHASE OF TIBA SPARK SUITE PLATFORM

Councilmember Frederick introduced and moved for the adoption of Resolution No. 23-066 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE PURCHASE OF TIBA SPARK SUITE PLATFORM FROM FISHER PARKING & SECURITY, INC IN AN AMOUNT NOT TO EXCEED \$9,936.00.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of TIBA SPARK Suite Platform is necessary; and

WHEREAS, the FY23/FY24 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 TIBA SPARK Suite Platform from Fisher Parking & Security, Inc in an amount not to exceed \$9,936.00.

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

M. APPROVE – TITLE VI CIVIL RIGHTS NON-DISCRIMINATION PLAN – LA VISTA/RALSTON SPECIAL SERVICES BUS

There was not action taken on this item.

COMMENTS FROM THE FLOOR

Victor Robb of 7720 Lillian Avenue addressed the Council regarding property sold to the City.

Levi Schreck of 9819 Idora Street addressed the Council regarding the Zoning Map Amendment – Lots 1-3 Mayfair 2nd Addition Replat Seven & Lot 2 Mayfair 2nd Addition Replat Three.

COMMENTS FROM MAYOR AND COUNCIL

Mayor Kindig reported on legislative updates.

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N. EXECUTIVE SESSION – CONTRACT NEGOTIATIONS

At 7:03 p.m. Councilmember Wetuski made a motion to go into executive session for protection of the public interest for contract negotiations. Seconded by Councilmember Thomas. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Sell, Hale and Wetuski. Nays: None. Abstain: None. Absent: Quick. Motion carried. Mayor Kindig stated the executive session would be limited to the subject matter contained in the motion.

At 7:55 p.m. the Council came out of executive session. Councilmember Wetuski made a motion to reconvene in open and public session. Seconded by Councilmember Thomas. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Sell, Hale and Wetuski. Nays: None. Abstain: None. Absent: Quick. Motion carried.

At 7:55 p.m. Councilmember Thomas made a motion to adjourn the meeting. Seconded by Councilmember Sell. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Sell, Hale, and Wetuski. Nays: None. Abstain: None. Absent: Quick. Motion carried.

PASSED AND APPROVED THIS 6TH DAY OF JUNE 2023.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Patti Anderson
Deputy City Clerk

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