

MINUTE RECORD

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

LA VISTA CITY COUNCIL MEETING January 19, 2010

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 January 19, 2010. Present were Councilmembers: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Absent: None. Also in attendance were City Attorney McKeon, City Engineer Kottmann, City Administrator Gunn, Assistant City Administrator Ramirez, City Clerk Buethe, Assistant Library Director Linhart, Police Chief Lausten, Fire Chief Uhl, Finance Director Lindberg, Recreation Director Stopak, 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 January 7, 2010. 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 made an announcement regarding the agenda policy statement providing for expanded opportunity for public comment on the agenda items.

SERVICE AWARDS – JOHN YORK – 5 YEARS; STEVE STARK – 15 YEARS

Mayor Kindig recognized John York for 5 years of service to the City and Steve Stark for 15 years of service to the City.

APPOINTMENT – MICHAEL CIRCO – PLANNING COMMISSION – 3 YEAR TERM

Mayor Kindig stated that with the approval of Council he would like to appoint Michael Circo to the Planning Commission for a 3 year term. Councilmember Carlisle motioned the approval, seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

A. CONSENT AGENDA

- 1. APPROVAL OF THE AGENDA AS PRESENTED**
- 2. APPROVAL OF CITY COUNCIL MINUTES FROM JANUARY 5, 2010**
- 3. APPROVAL OF PLANNING COMMISSION MINUTES FROM DECEMBER 10, 2009**
- 4. MONTHLY FINANCIAL REPORT – DECEMBER 2009**
- 5. APPROVAL OF CLAIMS**

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

ABRAHAMS KASLOW & CASSMAN, Professional Services	6,659.14
ADMINISTRATIVE PROFESSIONAL, Dues	79.00
AMERICAN LIBRARY ASSN, Supplies	45.45
ARAMARK UNIFORM, Contract Services	249.52
BADGER BODY, Winter Maint.	705.58
BAKER & TAYLOR BOOKS, Books	204.18
BANKERS TRUST, Bond Fees	250.00
BENNINGTON EQUIPMENT, Vehicle Maint.	1,787.76
BETTER BUSINESS EQUIPMENT, Rentals	43.93
BKD, Professional Services	24,500.00
BLACK HILLS ENERGY, Utilities	7,812.35
BLACKHAWK PRODUCTS GROUP, Forfeiture Funds	987.01
BOBCAT OF OMAHA, Winter Maint./Vehicle Maint.	235.41
BRENTWOOD AUTO WASH, Vehicle Maint.	49.00
BROWN TRAFFIC PRODUCTS, Traffic Markers	242.25
BUETHE, PAMELA, Travel, Training, Supplies	129.96

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CALENTINE, JEFFREY, Travel	335.00
CARDMEMBER, Travel/Supplies/Equip./Training	10,098.26
CENTRAL STATES TACTICAL, Supplies	172.33
CITY OF OMAHA	17,075.37
CJ'S HOME CENTER, Bldg & Grnds/Maintenance	439.52
CORNHUSKER INTL, Vehicle Maint.	566.37
COX, Contract Services	145.10
CUMMINS CENTRAL POWER, Contract Services	824.97
DATASPACE, Contract Services	623.75
DIGITAL ALLY, In-Car Cameras	28,950.00
DORIS OSENTOWSKI ESTATE, ROW Acquisition	23,500.00
DOUGLAS COUNTY ENGINEER, Construction Costs	20,452.73
EARTHWAY PRODUCTS, Equipment	17.83
EBSCO SUBSCRIPTION SERVICES, CD Rom	4,395.00
EDAW, Planning	22,766.38
ENVIRO TECH SERVICES, Winter Maint.	6,786.34
FASTENAL COMPANY, Vehicle Maint.	53.46
FEDEX KINKO'S, Printing	63.00
FORT DEARBORN LIFE INSURANCE, Employee Benefits	1,253.00
FUTUREWARE DISTRIBUTING, Contract Services	98.00
G I CLEANER & TAILORS, Uniform Cleaning	91.50
GALE, Books	23.96
GCR OMAHA TRUCK TIRE CENTER, Vehicle Maint.	77.53
GCSAA, Dues	320.00
GENUINE PARTS COMPANY, Vehicle Maint.	2,424.51
GRAINGER, Bldg & Grnds	3.64
GREAT PLAINS ONE-CALL, Contract Services	71.46
GREAT PLAINS UNIFORMS, Wearing Apparel	259.00
H & H CHEVROLET, Vehicle Maint.	388.26
H R DIRECT, Supplies	147.40
HANEY SHOE STORE, Wearing Apparel	232.90
HERITAGE CRYSTAL CLEAN, Contract Services	185.50
HIGHSMITH, Supplies	64.64
HUNTEL, Contract Services	123.50
IACP, Dues	240.00
IIMC, Dues	125.00
INTERSTATE ALL BATTERY CENTER, Batteries	152.43
J Q OFFICE EQUIPMENT, Supplies	241.89
JONES AUTOMOTIVE, Vehicle Maint.	273.00
KAYLINE PROFESSIONAL, Traffic Signs	102.87
KINDIG, DOUGLAS, Phone	40.00
KLINKER, MARK, Professional Services	160.00
KRIHA FLUID POWER, Vehicle Maint./Supplies	853.15
LA VISTA KENO, Refund	80.00
LANDS' END BUSINESS OUTFITTERS, Wearing Apparel	302.05
LAUGHLIN, KATHLEEN	809.00
LAWSON PRODUCTS, Equipment	159.99
LINWELD, Supplies	90.00
MALLARD SAND & GRAVEL, Winter Maint.	2,935.59
MCCANN PLUMBING SERVICE, Bldg & Grnds	11.95
METR COMMUNITY COLLEGE, Phone/Utilities/Contract Services	10,649.09
METRO AREA TRANSIT, Fees	626.00
MICHAEL TODD AND COMPANY, Winter Maint.	1,292.75
MIDLANDS LIGHTING & ELECTRIC, Bldg & Grnds	72.38
MID-STATES UTILITY TRAILER, Vehicle Supplies	709.91
MSC INDUSTRIAL SUPPLY, Bldg & Grnds	59.10
NATIONAL PAPER, Supplies	113.51
NE DEPT OF LABOR, Insurance	1,335.42
NEBRASKA CONCRETE PAVING ASSN, Training	380.00
NEBRASKA FURNITURE MART, Equipment	1,799.86
NEBRASKA IOWA SUPPLY, Vehicle Supplies	26,622.91
NEBRASKA MUNICIPAL CLERKS ASSN, Dues	70.00
NEBRASKA TURF PRODUCTS, Bldg & Grnds	384.65
NELSON & SONS GLASS, Bldg & Grnds	225.00
NEUMAN EQUIPMENT, Vehicle Supplies	189.00
NMC EXCHANGE, Winter Maint.	729.40
NSFSI-NE SOC/FIRE SVC INSTRS, Training	85.00

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NUTS AND BOLTS, Winter Maint.	465.39
OABR PRINT SHOP, Printing	169.98
OFFICE DEPOT, Supplies	456.51
O'KEEFE ELEVATOR, Contract Services	946.75
OMAHA COMPOUND, Supplies	118.66
OMAHA STANDARD DISTRIBUTION, Winter Maint.	60.25
OMAHA WINNELSON, Bldg & Grnds	5.22
OMAHA WORLD HERALD, Legal Advertising	1,732.40
OPPD, Utilities	39,982.64
PARAMOUNT LINEN & UNIFORM, Uniform Cleaning	549.94
PAYLESS, Supplies	183.87
PEARSON, CHRISTINA, Refund	95.00
PITNEY BOWES, Supplies	571.49
QWEST, Phone	52.66
RANGER JOE'S, Wearing Apparel	68.93
ROSE EQUIPMENT, Vehicle Maint.	155.61
RUSTY ECK FORD, Vehicle Maint.	40.40
SAM'S CLUB, Supplies/Equip.	132.35
SAPP BROS, Vehicle Supplies	19,086.71
SARPY COUNTY CHAMBER, Travel	360.00
SARPY COUNTY LANDFILL, Fees	9.55
SARPY COUNTY REGISTER OF DEEDS, Professional Services	21.00
SARPY COUNTY TREASURER, Contract Services	13,965.50
SHELL, BECKY, Refund	15.00
SHRM-SOCIETY FOR HUMAN, Dues	160.00
SOUSA, STAN, Contract Services	108.00
STAPLES, Supplies	56.97
SUN LIFE & HEALTH INS, Payroll Withholdings	1,885.08
SUPERIOR TRANSIT SALES, Vehicle Maint.	74.20
TARGET BANK, Fees	24.00
TED'S MOWER SALES & SERVICE, Vehicle Maint.	33.65
THERMO KING CHRISTENSEN, Vehicle Maint.	335.42
THOMPSON DREESSEN & DORNER, Professional Services/Planning	6,326.99
TY'S OUTDOOR POWER & SVC, Vehicle Maint.	100.82
UNIVERSAL HOSPITAL SVCS, Contract Services	1,100.00
VALUATION SERVICES, Appraisal Service	3,000.00
WASTE MANAGEMENT, Contract Services/Bldg & Grnds	760.63
WEATHER OR NOT, Professional Services	250.00
WICK'S STERLING TRUCKS, Vehicle Maint.	281.29
WOODHAVEN COUNSELING, Contract Services	600.00

REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

City Administrator Gunn informed Council that the legislative session has begun, and items that affect the City are being watched.

Assistant City Administrator Ramirez informed Council that plans for the 50th Anniversary Celebration are moving ahead.

City Clerk Buethe informed Council that firework permit applications for the 2010 season had been received.

Finance Director Lindberg informed Council the auditors had finished their in-house review. She stated that W-2's will be distributed with paystubs this Friday, January 22nd.

Fire Chief Uhl informed Council that a van with school children left the road at 108th Street and Chandler Road. Everyone was safe, and they spent some time at District 2.

Police Chief Lausten informed Council there was a robbery at Walgreens. The woman knew the suspect, and the purse was recovered on 83rd Street. An arrest was made on Monday.

Public Works Director Soucie informed Council that Sarpy County had filed a disaster declaration for the county and cities within, and is hoping for some relief of the cost of snow clean-up. Soucie stated that the City has two 8-hour shifts hauling snow daily, and will continue until complete. Forty-seven cul-de-sacs are completed, and two parking lots are completed. Four components of the budget that have been affected are; material purchases, at 102% of budget; overtime, at 67% of budget; fuel expense, at 49% of budget; and vehicle repair, at 22% of budget.

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Soucie informed Council that graffiti damage at City Park was extensive between Christmas and New Years.

Community Development Director Birch updated Council on the Rental Inspection Program. She stated that the City has been receiving registrations and some inspections have been completed or scheduled. Birch informed Council that a new City Planner has been hired and will start on February 8, 2010.

Building and Grounds Director Archibald informed Council that City Hall, the Community Center, and both District 1 and District 2 Fire Departments are all now set up for wireless access. The City is working with the Sarpy IT department to get guest access. Councilmember Crawford asked Archibald as if there was any damage to the racquetball court roof, due to weight of snow. Archibald stated there is no damage and the court is open again.

Recreation Director Stopak informed Council that youth basketball begins on Saturday. Stopak stated the Park and Recreation Advisory Board meets on Wednesday, January 20, 2010.

B. RESOLUTION – APPROVAL OF CONDITIONAL USE PERMIT – LOT 4, HARRISON HEIGHTS (TABLED FROM JANUARY 5, 2010 MEETING)

Councilmember Gowan introduced and moved for the adoption of Resolution No. 10-006: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF A CONDITIONAL USE PERMIT FOR MULTIPLE FAMILY DWELLINGS FOR SENIORS ON PROPOSED LOT 4, HARRISON HEIGHTS

WHEREAS, Scott Kennedy, on behalf of Calamar, has applied for a conditional use permit for the purpose of having multiple family dwellings for seniors on proposed Lot 4, Harrison Heights; and

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

WHEREAS, the Mayor and City Council of the City of La Vista are agreeable to the issuance of a conditional use permit for such purposes;

NOW THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista hereby authorize the execution of a Conditional Use Permit in form and content submitted at this meeting, for Calamar, represented by Scott Kennedy for the purpose of having multiple family dwellings for seniors on proposed Lot 4, Harrison Heights.

Seconded by Councilmember Ellerbeck. Scott Kennedy, representing Calamar, address Council to answer any questions. Councilmember Sheehan asked if there is a courtyard planned on the north side. Kennedy responded that a courtyard is planned for the north side. Councilmember Sheehan asked about access to the commercial property, coming off access roads. Kennedy stated that access to the west would come into the commercial property, others would not. Councilmembers voting aye: Sell, Ronan, Quick, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: Sheehan. Absent: None. Motion carried.

C. APPROVAL OF CONDITIONAL USE PERMIT – INDOOR RECREATIONAL FACILITY – LOT 2, I-80 INDUSTRIAL PARK REPLAT 1

1. PUBLIC HEARING

At 7:21 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the approval of a conditional use permit – Indoor Recreation Facility – Lot 2, I-80 Industrial Park Replat 1. Mike and Debi Godek, representatives of the Indoor Facility, addressed Council to state that currently the season runs from November through May. They requested a change to the conditional use permit to allow other sports, including soccer and basketball so they could have some revenue coming in during June through October.

At 7:30 p.m. Councilmember Carlisle made a motion to close the public hearing. Seconded by Councilmember Quick. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

2. RESOLUTION – APPROVE CONDITIONAL USE PERMIT

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Councilmember Carlisle introduced and moved for the adoption of Resolution No. 10-007 subject to approval of the language change by the City Administrator and staff: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF A CONDITIONAL USE PERMIT FOR NEBRASKA IMPACT VOLLEYBALL CLUB TO OPERATE AN INDOOR RECREATIONAL FACILITY (VOLLEYBALL) ON LOT 2, I-80 INDUSTRIAL PARK REPLAT 1.

WHEREAS, Nebraska Impact Volleyball Club has applied for a conditional use permit for the purpose of operating an indoor recreational facility (volleyball) on Lot 2, I-80 Industrial Park Replat 1, located at 8619 South 137th Circle; and

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

WHEREAS, the Mayor and City Council of the City of La Vista are agreeable to the issuance of a conditional use permit for such purposes,

NOW THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista hereby authorize the execution of a Conditional Use Permit in form and content submitted at this meeting, for Nebraska Impact Volleyball Club to operate an indoor recreational facility (volleyball) on Lot 2, I-80 Industrial Park Replat 1.

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

D. RESOLUTION – APPROVE SECOND AMENDMENT – UCSC INTERLOCAL COOPERATION AGREEMENT

Councilmember Gowan introduced and moved for the adoption of Resolution No. 10-008: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING THE SECOND AMENDMENT TO INTERLOCAL COOPERATION AGREEMENT WITH THE CITIES OF BELLEVUE, GRETNNA, PAPILLION AND SPRINGFIELD.

WHEREAS, the cities of Bellevue, Gretna, La Vista, Papillion and Springfield desire to promote the common legislative interest of the five cities which make up the "United Cities of Sarpy County" and

WHEREAS, the cities have agreed that it is in their best interest to hire a joint lobbyist to lobby the Nebraska legislative and executive branches with regard to Nebraska legislation; and

WHEREAS, the parameters of such arrangement have been updated in the second amendment to interlocal agreement.

NOW THEREFORE, BE IT RESOLVED, that the Second Amendment to Interlocal Cooperation Agreement with the cities of Bellevue, Gretna, Papillion and Springfield, is hereby 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.

Seconded by Councilmember Sell. Councilmember Sheehan asked what prompted the amendment. City Administrator Gunn stated that over time items need to be tweaked to make the process work better and to clarify information. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

E. RESOLUTION – AUTHORIZATION TO PURCHASE COMPUTER EQUIPMENT

Councilmember Crawford introduced and moved for the adoption of Resolution No. 10-009: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE PURCHASE OF TECHNOLOGY RELATED ITEMS FROM WESTERN STATES CONTRACTING ALLIANCE (WSCA), AND DELL, AND DLT SOLUTIONS IN AN AMOUNT NOT TO EXCEED \$10,000.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of one (1) lap top computer with software; and

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WHEREAS, the FY 10 budget did include funds for the purchase of said technology items; 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 one (1) lap top computer with software, from Dell through the Western States Contracting Alliance (WSCA), in an amount not to exceed \$10,000.

Seconded by Councilmember Quick. Councilmember Sheehan asked the cost of software that will be needed. Finance Director Lindberg stated the cost of "auto cad" is \$7,000. Lindberg also stated that this computer will need more memory and a larger video card to run that software. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

F. RESOLUTION – AUTHORIZATION TO PURCHASE BANNERS

Councilmember Sell introduced and moved for the adoption of Resolution No. 10-009: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE PURCHASE OF ONE HUNDRED FIFTY (150) BANNERS FROM DISPLAY SALES, BLOOMINGTON, MINNESOTA IN AN AMOUNT NOT TO EXCEED \$14,460.00.

WHEREAS, the FY 2009/2010 Community Betterment Fund Budget provides funding for the purchase of the banners; and
WHEREAS, the banners will display the logo commemorating the City of La Vista's 50th Anniversary year long celebration; and
WHEREAS, the city's previous banners and brackets were purchased from Display Sales Company; and
WHEREAS, in order to effectively utilize the existing brackets, staff has recommended purchasing the new banners from the same vendor; 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 one hundred fifty (150) banners from Display Sales, Bloomington, Minnesota in an amount not to exceed \$14,460.00.

Seconded by Councilmember Ellerbeck. Councilmember Crawford stated he knows about the banners on 84th Street and Giles Road, but he would like to see some also on 72nd Street, since the City began in that area. City Administrator Gunn asked Council if staff can get the authority to purchase more banners. Councilmember Sell stated the resolution should include banners needed for 72nd Street. Change seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

Councilmember Carlisle made a motion to move "Comments from the Floor" up on the agenda ahead of Item G. "Executive Session". Seconded by Councilmember Crawford. 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 stated that anyone having comments should limit them to three minutes.

Kathy Malt, a La Vista resident, addressed Council to state she would like to propose a change to the animal ordinance from two cats and/or two dogs to four pets. She currently owns three dogs and is facing a court appearance and a fine. Mayor Kindig informed Ms. Malt that the issue has

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been brought up and Council is comfortable with the current ordinance. Councilmember Gowan stated that last year he proposed the ordinance change, but it failed, and he feels it is too soon to recommend a change again.

G. EXECUTIVE SESSION – LAND ACQUISITION

At 7:45 p.m. Councilmember Carlisle made a motion to go into executive session for protection of the public interest for a strategy session regarding land acquisition. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried. Mayor Kindig stated the executive session would be limited to the subject matter contained in the motion.

At 7:49 p.m. the Council came out of executive session. Councilmember Carlisle made a motion to reconvene in open and public session. Seconded by Councilmember Crawford. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

COMMENTS FROM MAYOR AND COUNCIL

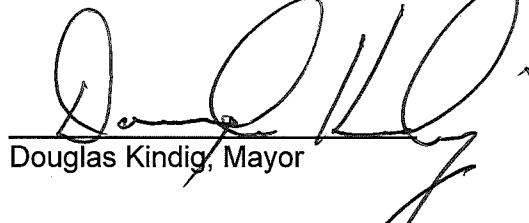
Councilmember Sheehan reminded Council to respond to the RSVP for the Fire Department banquet.

Councilmember Gowan stated he spoke with a gentleman who moved his football team to La Vista from Papillion. He stated that is was an easy transition. Councilmember Gowan told the Recreation Department to keep up the good work.

At 7:51 p.m. Councilmember Carlisle made a motion to adjourn the meeting. Seconded by Councilmember Sell. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

PASSED AND APPROVED THIS 2ND DAY OF FEBRUARY 2010

CITY OF LA VISTA



Douglas Kindig, Mayor

ATTEST:



Pamela A. Buethe

Pamela A. Buethe, CMC
City Clerk