

# MINUTE RECORD

No. 729--REDFIELD & COMPANY INC. OMAHA

## LA VISTA CITY COUNCIL MEETING February 21, 2012

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 February 21, 2012. Present were Councilmembers: Sell, Ronan, Sheehan, Quick, Carlisle, Crawford, Ellerbeck and Gowan. Also in attendance were City Administrator Gunn, Assistant City Administrator Ramirez, City Attorney McKeon, City Clerk Buehe, Library Director Barcal, Police Chief Lausten, Fire Chief Uhl, Public Works Director Soucie, Finance Director Lindberg, Community Development Director Birch, Recreation Director Stopak, City Planner Solberg, City Engineer Kottmann, and Streets Superintendent Goldman.

A notice of the meeting was given in advance thereof by publication in the Times on February 08, 2012. Notice was simultaneously given to the Mayor and all members of the City Council and a copy of the acknowledgment of the receipt of notice attached to the minutes. Availability of the agenda was communicated to the Mayor and City Council in the advance notice of the meeting. All proceedings shown were taken while the convened meeting was open to the attendance of the public. Further, all subjects included in said proceedings were contained in the agenda for said meeting which is kept continuously current and available for public inspection at City Hall during normal business hours.

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

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

### APPOINTMENT OF FIRE DEPARTMENT RECRUIT - SHANE LOWMAN

Mayor Kindig stated, with the approval of the City Council, he would like to appoint the following Fire Department recruit: Shane Lowman. Councilmember Carlisle motioned the approval, seconded by Councilmember Sheehan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck and Gowan. Nays: None. Absent: None. Motion carried.

### APPOINTMENTS - RE-APPOINT - BRAD STRITTMATTER - BOARD OF ADJUSTMENT - 3 YEAR TERM; APPOINT - SUSAN LEWIS - PERSONNEL BOARD - FILL VACANCY

Mayor Kindig stated, with the approval of the City Council, he would like to appoint/reappoint Brad Strittmatter to the Board of Adjustments and Susan Lewis to the Personnel Board. Councilmember Sell motioned the approval, seconded by Councilmember Crawford. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck and Gowan. Nays: None. Abstain: None. Absent: None. Motion carried.

#### A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. APPROVAL OF CITY COUNCIL MINUTES FROM FEBRUARY 7, 2012
3. MONTHLY FINANCIAL REPORT - JANUARY 2012
4. REQUEST FOR PAYMENT - MIDWEST RIGHT OF WAY SERVICES, INC. -  
PROFESSIONAL SERVICES - THOMPSON CREEK - \$578.00
5. REQUEST FOR PAYMENT - THOMPSON, DREESSEN & DORNER, INC. -  
PROFESSIONAL SERVICES - APPLEWOOD CREEK IMPROVEMENTS -  
\$5,396.23
6. APPROVAL OF CLAIMS

LAUGHLIN, KATHLEEN A, TRUSTEE	474.00
4 SEASONS AWARDS, services	30.00
A.S.P. ENTERPRISES, bld&grnds	25.60
AA WHEEL & TRUCK SUPPLY, maint	43.56
ABANTE MARKETING, supplies	773.75
ACTION BATTERIES, equip.	10.32
AKSARBEN GARAGE DOOR, bld&grnds	447.00
ALAMAR, apparel	275.96
AMERICAN MARKING, maint.	33.08
TROE, A., printing	775.00
ARAMARK, services	162.72
ASSOCIATED FIRE PROTECTION, supplies	820.73

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AVI SYSTEMS, services	778.00
BABER, B., training	225.00
BAKER & TAYLOR, books	622.76
BCDM-BERINGER CIACCIO DENNELL, services	367.50
BOB'S RADIATOR REPAIR, maint.	87.00
BOLER WOOD & ASSC., ins.	4954.35
BRENTWOOD AUTO WASH, services	126.00
BRITE IDEAS DECORATING, supplies	143.75
BROWN, G., training	115.00
BUILDERS SUPPLY, bld&grnds	80.19
CALENTINE, J., travel	355.00
CARDMEMBER SERVICE, training&travel	5350.93
CITY OF OMAHA, services	68131.22
CJ'S HOME CENTER, bld&grnds	1462.67
CONSOLIDATED MANAGEMENT, travel	264.25
CORNHUSKER INTL TRUCKS, maint	18.50
COX, utilities	192.85
CREIGHTON EMS EDU., training	975.00
D & D COMM., contracts	507.50
DANKO EMERGENCY EQUIP., maint	535.21
DARE CATALOG, supplies	1203.85
DEIML, K., training	330.00
DELL MARKETING, services	29114.97
DOUGLAS COUNTY SHERIFF'S OFC, services	50.00
ED ROEHR SAFETY PRODUCTS, supplies	433.04
EDGEWEAR SCREEN PRINTING, apparel	38.00
ELECTRIC SPECIALTIES, bld&grnds	133.00
EMBASSY SUITES HOTEL, services	3587.40
EN POINTE TECHN., services	6235.80
FASTENAL COMP., maint.	51.92
FERRELLGAS, utilities	5.00
FILTER CARE, maint.	82.15
FIREGUARD, equip.	1342.50
FITZGERALD SCHORR BARMETTLER, services	23395.98
FOCUS PRINTING, services	111.00
FOSTER, T., services	262.00
FRONT RANGE TRAINING, training	400.00
GALE, books	123.65
GALLS, apparel	74.99
GARROD, M., travel	180.00
GAYLORD BROS, supplies	141.62
GCR TIRE CENTERS, maint.	36.03
GCSAA, dues	340.00
GENUINE PARTS, maint.	1347.70
GREAT PLAINS ONE-CALL, services	95.67
PETERSON, F., maint.	720.00
GUNN, B., travel	61.50
HARBOR FREIGHT TOOLS, maint.	66.89
HARM'S CONCRETE, bld&grnds	184.50
HEARTLAND AWARDS, equip.	11.55
HEIMES, bld&grnds	25.00
HELGET GAS, supplies	78.00
HERITAGE CRYSTAL CLEAN, services	235.69
HOBBY LOBBY, supplies	188.64
HOOK-FAST SPECIALTIES, apparel	15.87
HY-VEE, supplies	86.75
ICSC, dues	100.00

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IMAGE TREND, services	2500.00
J Q OFFICE EQUIPMENT, services	1273.04
JNFS ENGINEERING, services	896.00
LEAGUE OF NEBR MUNICIPALITIES, training	398.00
LINCOLN NATIONAL LIFE INS	10405.79
LOGAN CONTRACTORS, equip	180.00
LOU'S SPORTING GOODS, equip.	214.40
LOWE'S, supplies	419.41
MALLARD SAND & GRAVEL, equip.	54.84
MASIMORE MAGNUSON, services	4900.00
MATHESON TRI-GAS, supplies	611.56
MENARDS, bld&grnds	46.69
MAT, services	691.00
METRO CHIEFS ASSN, dues	25.00
MCC, utilities	9531.11
MID CON SYSTEMS, bld&grnds	206.53
MID-STATES UTILITY, maint.	38.16
MIDWEST STORAGE, supplies	132.79
MSC INDUSTRIAL, equip.	59.68
NATIONAL LEAGUE OF CITIES, postage	1489.00
NEBRASKA IOWA SUPPLY, supplies	20443.72
NEBRASKA CLERK INSTITUTE, training	223.00
NEBRASKA SALT & GRAIN, maint.	8872.05
NEUMAN EQUIPMENT, equip.	186.00
NLA-training	20.00
NUTS AND BOLTS INC., maint.	133.78
O'KEEFE ELEVATOR, bld&grnds	200.00
O'REILLY, maint.	938.92
OFFICE DEPOT, supplies	855.83
OLD NEWS, books	17.00
OPPD, utilities	1966.41
OMAHA WINNELSON, bld&grnds	39.00
OMAHA WORLD HERALD, ads	1185.04
OMB GUNS, supplies	264.00
OMNIGRAPHICS, books	59.70
PANASONIC COMPUTER, maint.	2527.40
PAPILLION SANITATION, services	304.11
PAPILLION TIRE INC., maint.	81.15
PARAMOUNT, apparel	395.61
PARTSMASER, supplies	52.43
PAUL CONWAY SHIELDS, apparel	97.22
PAYFLEX SYSTEMS, services	1500.00
PERFORMANCE CHRYSLER JEEP, maint.	114.64
PETTY CASH	125.29
PITNEY BOWES, supplies	408.00
PLAINS EQUIPMENT GROUP, maint.	703.05
PUSH PEDAL PULL, equip.	76.00
RDG, services	22618.40
REDSHAW PAINT, maint.	132.14
REGAL AWARDS, services	1122.62
RETRIEVEX, services	84.52
SAM'S CLUB, supplies	182.72
SAPP BROS, supplies	404.75
SARPY COUNTY CHAMBER, training	50.00
SCHLEGEL, J., travel	231.00
SIMON, D., travel	225.00
SINNETT, J., travel	225.00

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SMALL, B., apparel	120.00
SOUKIE, J., services	31.00
STATE STEEL, maint.	637.67
SUPERIOR VISION SVCS INC	481.76
THERMO KING, maint.	219.43
THOMPSON DREESSEN & DORNER, services	2417.00
TITAN MACHINERY, maint.	324.22
TURFWERKS, bld&grnds	2037.60
TY'S OUTDOOR, equip.	860.00
U S ASPHALT, maint.	76.29
UNIVERSITY OF VIRGINIA, training	3000.00
UPSTART, books	57.25
WALZ, R., services	60.09
WASTE MANAGEMENT NE., services	1082.78
WICK'S STERLING, maint.	62.72
WINGATE INNS, travel	539.00

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

## REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

City Administrator Gunn reported that she along with Mayor Kindig, Police Chief Lausten, Police Captain Pokorny, and Finance Director Lindberg attended the first meeting of the shared services feasibility study. The study has a completion date of November 2012.

City Clerk Bueth presented the Council with the new design for the consent agenda using the current agenda as a sample. Bueth stated that she would provide them with one more sample and begin using the new format on March 20th. Bueth also stated that the ballot language to put the pool bond issue on the May 15<sup>th</sup>, 2012 ballot will be sent via regular mail and email to the Election Commissioner on February 22<sup>nd</sup>, 2012. Bueth also informed the Mayor and Council that a memo had been placed in their mailboxes regarding National Incident Management System Training necessary for Elected Officials to be held February 28<sup>th</sup>, 2012 at the District 2 Fire Station.

Fire Chief Uhl reported that the emergency tabletop exercise will be held on March 1, 2012 and the District 2 Fire Station and will be run by emergency manager Keith Deiml.

Public Works Director Soucie reported that the members of the APWA have joined with the Great Plains Environmental Group where over 300 participants will attend the spring conference April 11<sup>th</sup> and 12<sup>th</sup>, 2012. Soucie also gave kudo's to Jan Bolte of the La Vista Library on her Nebraska Forts Program.

Community Director Birch reported that the plans for the Civic Park Master Plan are moving forward. The consultant for the project will host a workshop with the City Council on March 13<sup>th</sup> at 6:30pm to talk about various results and give further guidance and direction.

Recreation Director Stopak thanked the Mayor and Council for help with the senior's Valentine's Day Lunch. Stopak also informed the Council that Program Director Carstensen obtained a \$1000.00 grant from the Knights of Columbus for Senior Programming.

Library Director Barcal reported that Teen Coordinator Lindsey Tomsu received a \$1000.00 grant from YALSA/Dollar General for the Summer Reading Program.

## B. RESOLUTION – APPLICATION FOR PRELIMINARY PUD, LOT 2, BELLA LA VISTA TABLED FROM JANUARY 17, 2012

Councilmember Carlisle moved to table any action on this agenda item until the March 6, 2012 city council meeting.

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

## **C. ONE AND SIX YEAR STREET IMPROVEMENT PLAN**

### **1. PUBLIC HEARING**

Mayor Kindig stated that a public hearing has been scheduled to discuss the One and Six Year Street Improvement Plan.

At 07:17 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the One and Six Year Street Improvement Plan.

Mayor Kindig asked who would be leading the 132<sup>nd</sup> Street project and Public Works Director Soucie stated that it had not been decided but potentially could be Sarpy County. Councilmember Crawford asked if Lillian or James were scheduled this year and Street Superintendent Goldman stated that they had been pushed back. Councilmember Sheehan asked if any streets on the east side of 84<sup>th</sup> Street had been pushed back for work on the west side. Goldman stated that there were safety issues with an area that had to be fixed, and Soucie stated that they were changes in the last 3 years, but working within the CIP and the budget numbers. Councilmember Crawford questioned a project that was out west that the city did not oversee and was now being replaced. Crawford thought that was troubling to tax payers to pay for fixes after only five years. Soucie stated that all current projects have warranties to eliminate this issue. Mayor Kindig stated that all were frustrated with having to redo projects we did not oversee.

At 7:32 p.m. Councilmember Ellerbeck made a motion to close the public hearing. Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck and Gowan. Nays: None. Abstain: None. Absent: None. Motion carried.

### **2. RESOLUTION**

Councilmember Carlisle moved to adopt Resolution 12-015: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, APPROVING THE ONE-AND-SIX-YEAR PLAN FOR HIGHWAY, ROAD AND STREET IMPROVEMENTS FOR THE CITY OF LA VISTA AS SUBMITTED BY THE CITY PUBLIC WORKS DIRECTOR.

WHEREAS, the Public Works Director has revised and updated the City of La Vista One-and-Six-Year Street Plan; and

WHEREAS, the La Vista Planning Commission has reviewed the One-and-Six-Year Street Plan for the City of La Vista and recommends to Council approval of the Plan; and

WHEREAS, the Mayor and City Council of the City of La Vista, Nebraska held a public hearing on the City of La Vista's One-and-Six-Year Plan for highway, road and street improvements for the City of La Vista as submitted by the City Public Works Director; and

WHEREAS, the citizens of the City of La Vista have therefore had an opportunity to comment on the One-and-Six-Year Plan for highway, road and street improvements for the City of La Vista as submitted and reviewed by the La Vista City Council; and

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 One-and-Six-Year Plan for highway, road and street improvements for the City of La Vista as submitted by the City Public Works Director and reviewed by the Mayor and City Council of the City of La Vista be, and the same hereby is, accepted and approved.

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

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## **D. RESOLUTION - AUTHORIZE REQUEST FOR BIDS - RE-ROOFING DOMED PORTION OF CITY HALL/COMMUNITY CENTER FACILITY**

Councilmember Quick introduced and moved for the adoption of Resolution No. 12-016; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE REQUEST FOR BIDS FOR RE-ROOFING THE DOMED PORTION OF THE CITY HALL/COMMUNITY CENTER FACILITY.

WHEREAS, the City Council has determined that a need exists to re-roof the domed portion of the City Hall/Community Center facility; and

WHEREAS, the FY 11/12 Capital Improvement Program (CIP) Budget provides funding for re-roofing the domed portion of the City Hall/Community Center facility; and

WHEREAS, the Public Building and Grounds Director has prepared specifications for said re-roofing project.

NOW, THEREFORE BE IT RESOLVED, that the City Administrator is hereby authorized to advertise for bids for the re-roofing of the domed portion of the City Hall/Community Center facility in accordance with specifications prepared by the Director of Public Building and Grounds, and said bids are to be opened and publicly read aloud at 9:00 a.m. at La Vista City Hall, 8116 Park View Blvd., La Vista, on March 9, 2012.

Advertise for Bids      February 22, 2012

Open Bids              March 9, 2012

Award Bid              March 20, 2012

Councilmember Crawford asked what the estimated cost to fix will be. Building and Grounds Director Archibald stated the estimate should be around \$81,000. Councilmember Carlisle asked if they will be using a bonded company, and Councilmember Sheehan asked how much area will be replaced. Archibald responded that yes, they would use a bonded company and that the area's being replaced are the white areas of the roof. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck and Gowan. Nays: None. Abstain: None. Absent: None. Motion carried.

## **E. RESOLUTION - COUNCIL POLICY STATEMENT - FACILITY AND FIELD USAGE FEE**

Councilmember Ellerbeck introduced and moved to table Resolution No. 12-017 until a future date; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, APPROVING CHANGES AND REVISIONS TO AN EXISTING COUNCIL POLICY STATEMENT.

WHEREAS, the City Council has determined that it is necessary and desirable to create Council Policy Statements as a means of establishing guidelines and direction to the members of the City Council and to the city administration in regard to various issues which regularly occur; and

WHEREAS, a Council Policy Statement entitled Policy, Rules and Regulations for Use of the Community Center and Recreation: Scheduling, Operation and Maintenance of City Fields have been reviewed and revisions recommended to the City Administrator.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby approve the changes to Council Policy Statement entitled Policy, Rules and Regulations for Use of the Community Center and Recreation: Scheduling, Operation and Maintenance of City Fields and do further hereby direct the distribution of said Council Policy Statement to the appropriate City Departments.

Seconded by Councilmember Ronan. Mayor Kindig addressed the Council and explained that this agenda item was to determine a council policy in regards to waiving usage fees at certain city properties. Kindig explained that a set policy would give staff the direction needed with organizations asked to have usage or rental fees waived. Councilmember Ronan suggested that this item be tabled until they were able to hear all sides as there were citizens who wished to speak on the subject. Steve Hayden addressed the Council and stated that as a group who hosts

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a benefit although they understand the need for field rental in the large picture of the city's budget the field rental fees are less than 1%. That one percent may only be a few hundred dollars, and as the organization raising money it is a large portion of what they could give. Mayor Kindig explained that there is no current policy about waiving fees and asked if the Council would like to begin a discussion as we get requests and need to begin giving a uniform answer. Councilmember Ellerbeck asked if they had to make a determination tonight about waiving the fees, and City Administrator Gunn stated that they could decide tonight to set parameters and bring those to staff, or have staff make suggestions. Recreation Director Stopak stated that they receive several requests per year to waive fees for both the baseball, softball and the recreation center. Gunn stated that they did waive one for an organization last year, but told several others no. Mayor Kindig stated that this group now wants to have a yearly tournament and wants their fees waived every year and that council should include this type of request in their decision making process. Councilmember Gowan stated that if we don't waive other fees such as building permit fees for a group repairing an elderly persons home than we should stay consistent about waiving fees. Councilmember Crawford stated that maybe all requests should come to Council and Council decide. Gunn stated that they should discuss with the City Attorney how to choose who to waive fees for in order to stay out of any trouble. Councilmember Carlisle agreed the Council should choose when fees are waived. Mayor Kindig stated that he suggests Council set a policy so that the administration and department heads can enforce it. Councilmember Ellerbeck asked if Council was even interested in waiving fees, and if so what are the potential ramifications. Councilmember Quick stated that Council should set a policy and remember that they can review it at any time to see if working or if the policy needs to be reviewed. Mayor Kindig suggested that the Council give the Recreation Director the ability to waive fees for the first year and the group pay 50 percent in subsequent years. Kindig stated we need to keep the Recreation Director from being the bad guy. Councilmember Crawford stated that the best way is to bring all the requests to the Council for a decision, and let Council decide when fees can be waived. Gunn stated that parameters should still be set so people apply will have an idea of their request will be approved or not. Councilmember Sell asked if the Council can afford to approve to waive all fees. Councilmember Crawford suggested continuing this discussion during a strategic planning session, and City Administrator Gunn stated that anyone with ideas should let her know and she will keep a list. Councilmember Ellerbeck amended his motion to table action on this agenda item to a future date. Seconded by Councilmember Ronan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck and Gowan. Nays: None. Abstain: None. Absent: None. Motion carried.

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

## COMMENTS FROM THE FLOOR

Panther's Baseball Board Members Jodee Drake-Soto, Bryan Sparks, Steve Hayden, Kevin Kros and Ryan Pearson addressed the Council in regards to regular field rental fees. Drake-Soto presented Council with numbers representing the fees in La Vista versus fees in the surrounding area for youth competitive baseball. Drake-Soto stated that the Panthers are requesting that the City of La Vista pass a resolution lowering usage fees for organizations that involve over 80 percent of students from the Papillion- La Vista School District as Papillion does. Councilmember Sheehan, stated that Council would ask staff to verify the information and review to ensure that all comparisons were the same in the information presented. City Administrator Gunn stated that staff would review and let the Panther's Organization know when the item may appear before the City Council at a later date.

## F. EXECUTIVE SESSION – CONTRACT NEGOTIATIONS: PERSONEL

At 8:09 p.m. Councilmember Carlisle made a motion to go into executive session for protection of the public interest for a litigation strategy session. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck and Gowan. Nays: None. Abstain: None. Absent: None. Motion carried. Mayor Quick stated the executive session would be limited to the subject matter contained in the motion.

At 8:56 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. Abstain: None. Absent: None. Motion carried.

## COMMENTS FROM MAYOR AND COUNCIL

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Mayor Kindig reminded Council that DARE program graduations will take place at Parkview Heights and La Vista West. Kindig gave a report on legislative issues that are being watched.

At 9:04 p.m. Councilmember Crawford made a motion to adjourn the meeting. Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck and Gowan. Nays: None. Abstain: None. Absent: None. Motion carried.

PASSED AND APPROVED THIS 6TH DAY OF MARCH, 2012.

CITY OF LA VISTA

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Douglas Kindig  
Mayor

ATTEST:

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Pamela A. Buethe, CMC  
City Clerk