

A regular meeting of the Mayor and City Council of the City of Columbus, Nebraska was convened in open and public session on July 16, 2012 at 7 p.m. in the Council Chambers, 1369 25th Avenue, Columbus, Nebraska.

Notice of this meeting was given in advance thereof by publication in the Columbus Telegram on June 27, 2012, with a copy of the proof of publication being on file in the office of the City Clerk. Notice of this meeting was given simultaneously to the Mayor and members of the City Council, with a copy of the acknowledgement of receipt of notice being on file in the office of the City Clerk. Availability of the agenda was communicated in the advance notice and in the notice to the Mayor and City Council of this meeting. All proceedings hereafter shown were taken while the convened meeting was open to the public.

STATEMENT OF COMPLIANCE WITH OPEN MEETINGS ACT: Mayor Moser read the following statement: "In compliance with the Open Meetings Act, Legislative Bill 898, Second Session Ninety-Ninth Legislature of Nebraska, a current copy of the Act is posted in this meeting room".

ROLL CALL: Present were Mayor Michael Moser and Council Members Charlie Bahr, Ron Bogus, Jim Bulkley, Ron Schilling, Rich Jablonski, John Lohr and Terry Reardon. Council Member Beth Augustine-Schulte was absent and excused.

City staff members present included City Administrator Joseph Mangiamelli, City Clerk Linda Walters, Finance Director Anne Kinnison, Police Chief William Gumm and City Attorney Gene Schumacher.

PRAYER: Mayor Moser asked all to rise and Council President Bogus led in prayer.

NATIONAL ANTHEM AND PLEDGE OF ALLEGIANCE: Mayor Moser asked all to remain standing and join him in the National Anthem and Pledge of Allegiance.

CONSENT AGENDA: City Administrator Mangiamelli stated that the following items are considered routine by the City Council and will be enacted by one motion. He pointed out that there will be no separate discussion of these items unless a City Council Member or a citizen so requests, in which event the item will be removed from consent status and considered in its normal sequence on the agenda.

- A. Approval of minutes of the July 2, 2012, City Council meeting.
- B. Approval of reappointment of Ray Hajek and Larry Mares to the Board of Appeals for three-year terms.
- C. Approval of plans, specifications and estimate of cost, as submitted by City Engineer Goedeken, for Replace Water Mains-2012 Project and authorization for city staff to advertise for bids.

- D. Approval of plans, specifications and estimate of cost, as submitted by City Administrator Mangiamelli, for Electrical Vault Replacement Project for Columbus Municipal Airport.
- E. Approval of Resolution No. R12-70 approving agreement with State of Nebraska Department of Roads for federal and state funding of Columbus Area Transit program.
- F. Approval to change date of first meeting in September 2012 to 7 p.m., Tuesday, September 4, 2012, due to Labor Day holiday.
- G. Approval of Resolution No. R12-71 authorizing payment of various improvement projects.
- H. Approval of payroll and bills on file. 7/20/12 Payroll 499,340.69; 8/3/12 Payroll 495,283.38; A & D Technical Supply – Supplies 69.11; A & J Guns – Supplies 774.98; Ace Hardware & Garden Center – Supplies 1,290.26; Tom Adamson – Supplies 8.00; Donald D Adkisson – Pension 609.00; Advance Auto Parts – Supplies 35.98; Aetna – Refund 14.00; Alamar Uniforms – Supplies 1,188.88; American Legal Publishing Corp – Service 103.00; American Red Cross – Training 2,095.00; Amsan – Supplies 35.83; Anderson Auto Body – Service 578.85; ANSIR4U – Service 95.00; Aqua-Pure, Inc. – Chemicals 9,948.22; AS Central Services – Service 704.00; Ash Battery Systems, Inc. – Supplies 248.90; Asphalt & Concrete Materials – Supplies 5,486.27; AT&T – Utilities 18.30; Atlas Pen & Pencil Corp. – Supplies 338.91; Awards & Engraving – Supplies 14.60; Wesley Baxa – Pension 1,232.54; Beard-Warren Heating & Air Conditioning – Service 634.72; Behlen Towing – Service 880.00; Best Disc Repair, Inc. – Supplies 45.65; Big Red Sanitation – Service 425.00; Bill's Tire Outlet – Service 4,795.90; Carroll A Bisson – Pension 716.51; Black Hills Energy – Utilities 993.30; Blackstone – Supplies 32.91; Frank J Blahak Jr – Pension 762.00; Blazer Manufacturing Co., Inc. – Supplies 115.00; Bomgaars – Supplies 799.75; Bound Tree Medical LLC – Supplies 722.80; Brodart Co. – Supplies 631.38; Brown Traffic Products – Supplies 645.00; Buresh Golf & Equipment – Golf Carts 360.00; Business Telecommunication Systems – Service/Supplies 991.76; California Contractors – Supplies 110.00; Carolina Software – Service 200.00; Cat's Pro Mow – Service 253.60; Central Parts & Machine – Supplies 8,849.59; Central Valley Ag – Supplies 55.30; Century Link – Utilities 1,513.91; City of Columbus – Utilities 87.25; Civil Air Patrol Magazine – Advertising 65.00; Club Prophet Systems – Service 90.00; Columbus Area Chamber of Commerce – Supplies 1,420.00; Columbus Community Hospital – Service/Supplies 2,880.84; Columbus Custom Embroidery – Service 12.50; Columbus Electronics, Inc. – Supplies 35.99; Columbus Plumbing Company – Supplies 147.50; Columbus Steel Supply – Supplies 572.96; Columbus Telegram – Publications 1,279.63; Columbus Tire & Service – Service 773.70; Columbus/Platte County CVB – Supplies 230.00; Commonwealth Electric Co. – Service 465.03; Community Internet – Service 195.00; Connecting Point/Radio Shack – Supplies 236.92; Consolidated Management Company – Meals 347.75; Consolidated Water

Solutions – Chemicals 5,790.00; Continental Research Corp. – Supplies 1,711.50; Cornhusker International – Service 52.41; Cornhusker Public Power District – Utilities 874.71; Credit Bureau Services – Membership 5.00; Culligan of Columbus – Supplies 96.15; Danko Emergency Equipment – Equipment 5,431.00; Danko Emergency Equipment – Supplies 571.95; Diamond Vogel Paints – Supplies 4,333.74; Diesel Power Equipment Co., Inc. – Service 1,561.86; Tom Dinsdale Chevrolet Cadillac GMC – Service 183.51; Doernemann Construction, Inc. – Yard Waste Contract 2,865.61; Dohmen Garage Door, Inc. – Service 60.00; Douglas Dunbar – Contract 5,070.00; Douglas Dunbar – Commissions 7,189.52; Douglas Dunbar – Expenses 1,672.60; Eakes Office Plus – Supplies 3,996.43; Eakes Office Plus – Copier 5,279.00; Electric Pump, Inc. – Service 634.88; Electrical Engineering & Equipment Co. – Supplies 60.96; Engine Company #1 – Expenses 28.52; Ernst Auto Center – Service 569.28; Evident Crime Scene Products – Supplies 607.50; Excal Visual LLP – Supplies 490.75; Express Truck Center – Service 703.54; Fastenal Company – Supplies 932.67; Fedex – Postage 21.47; First Bankcard – Expenses 5,212.23; First National Bank & Trust Company – Service 180.66; Foreman Supply – Supplies 12.00; Frontier – Utilities 4,915.59; Frontier Communications – Utilities 211.95; Gaeth Pest Control Services, Inc. – Service 285.00; Gale – Supplies 354.30; Galls – Supplies 2,644.35; Gehring Construction & Ready-Mix – Supplies 320.97; Gerhold Concrete Company – Supplies 3,059.55; GFOA – Supplies 159.00; Gilmore & Bell P C – Service 2,770.00; Godfather's Pizza – Meals 178.25; David Goedeken – Expenses 93.50; Good Neighbor CHC Behavioral Health – Service 399.00; James Goodenberger – Refund 327.75; Great American Outdoor – Supplies 131.78; Great Plains One Call Service – Service 231.87; The Greenkeeper Co., Inc. – Chemicals 3,540.00; Ron Groene – Expenses 12.50; Henry Groteluschen Estate – Refund 552.00; Hach Company – Supplies 177.75; Hadley-Braithwait Company – Supplies 2,084.80; Hawkins, Inc. – Chemicals 8,306.89; HD Supply Waterworks Ltd – Supplies 6,541.90; Dean Hefti – Expenses 161.04; Heiman, Inc. – Supplies 2,107.65; Hometown Leasing – Supplies 177.12; Mark S Howerter MD – Contract 500.00; Husker Coop – Fuel 8,281.87; Hy-Vee, Inc. – Supplies 789.51; IBM Corporation – Service 960.75; Ingram Library Services, Inc. – Library Materials 6,631.68; Jack's Uniforms & Equipment – Supplies 829.78; Jackson Services, Inc. – Supplies 2,512.69; Jackson Services, Inc. – Rent 200.00; Bradley J. & Amy C. Jareske – Airport Runway Expansion 2,675.00; JEO Consulting Group, Inc. – Loup River Levee Recertification 47,685.50; Jimmy John's – Meals 63.80; Kelly Supply Company – Supplies 953.01; Anne Kinnison – Expenses 352.00; Keith Kline – Expenses 20.00; KNEN-FM 94 Rock – Advertising 700.00; Michael Kratochvil – Expenses 24.07; Lakeview Small Engine – Supplies 224.97; LARM – Insurance 7.00; League of Nebraska Municipalities – Training 369.00; Liberty Cleaners – Service 76.00; Pete Lien & Sons, Inc. – Chemicals 4,566.40; The Lifeguard Store, Inc. – Supplies 1,968.00; Lincoln Journal Star – Advertising 589.94; Lincoln Winwater Works – Supplies 1,341.53; John Lohr – Expenses 173.00; Loup Power District – Utilities 128,582.85; Lucity, Inc. – GIS Software 3,450.00; M & O Door Products – Supplies 86.70; Mail Prep, Etc. – Postage 282.83; The Mailbox – Postage 21.25;

MailFinance – Postage Meter Lease 585.63; Marley’s Electric, Inc. – Service 2,039.50; Matheson-Linweld – Supplies 137.07; McIntire Management Group – Service 662.21; Mead Lumber Co-Columbus – Supplies 116.74; Menards – Supplies 1,969.16; Mid Con Systems, Inc. – Supplies 138.06; Mid-American Research Chemical – Supplies 347.00; Midwest Glass Service, Inc. – Service 11.00; Midwest Laboratories, Inc. – Service 21.10; Midwest Mini Melts – Supplies 1,342.50; Midwest Ready Mix – Service 85.00; Midwest Service & Sales – Supplies 279.25; Midwest Tape LLC – Supplies 1,019.15; Midwest Turf & Irrigation – Supplies 39.24; Mike’s Towing – Service 1,645.06; Mobilitat – Computer Software 5,000.00; Shane Mueller – Service 146.50; Nebraska Custom Cover – Service 524.00; Nebraska Department of Agriculture – Service 132.02; Nebraska Department of Economic Development – Grants 4,773.73; Nebraska Department of Labor – Service 10.00; Nebraska Department of Motor Vehicle Driver & Vehicle Records – Supplies 6.60; Nebraska Golf & Turf, Inc. – Service 646.30; Nebraska Harvestore Systems – Supplies 69.13; Nebraska Law Enforcement Training Center – Training 50.00; Nebraska Library Commission – Service 1,250.00; Nebraska Military Department – Refund 1,634.52; Nebraska U C Fund – Payment 4,426.53; Nebraska-Iowa Industrial Fasteners Corp – Supplies 172.28; Marvin O Nelson – Pension 502.50; Nemaha Landscape Construction – Pawnee Park Track/Field 298,377.90; Niemann’s Port-A-Pot – Service 247.00; NMC Exchange LLC – Service 100.98; Northeast Nebraska Solid Waste Coalition – Landfill Disposal 43,641.72; Novicki Fire Prevention Service – Service 116.25; O’Reilly Automotive, Inc. – Supplies 67.89; Obrist & Co., Inc. – Sewer Line 19,050.00; Occupational Health Services – Service 1,149.00; OCLC, Inc. – Service 382.78; Officenet – Supplies 162.66; Josephine Olsufka – Refund 66.37; Omaha World Herald – Advertising 458.10; Otte Electric – Service 1,903.67; Robert Ottemann – Service 950.00; Overturf Electric Motors – Service 3,351.86; Jill Owens – Expenses 10.00; Paraclete Press, Inc. – Supplies 49.95; Paragon Consulting Services – Service 375.00; The Parts Bin – Supplies 363.58; Pat’s Exhaust Shop, Inc. – Service 40.00; Pepsi Bottling Group – Supplies 1,340.11; Pet Care Specialists – Service 188.75; Petty Cash – Expenses 115.99; Pioneer Hook & Ladder Company – Expenses 95.50; Platte County – Contract 2,750.00; Platte Valley Humane Society – Payment 12,855.00; Virginia Pocwierz – Service 50.00; Presto-X-Company – Service 213.19; Quality Inn & Suites – Lodging 79.99; Quill Corporation – Supplies 187.87; Rave Sports – Supplies 899.25; Reams Sprinkler Supply Co. – Service 235.10; Recreation Supply Company – Supplies 365.40; Redstone Veterinary Clinic – Service 142.39; Renner Sports Surfaces – Track Resurfacing 275,439.69; Rhomar Industries, Inc. – Supplies 993.65; Dona Ridenour – Service 12.00; Sackett Electric – Service 285.56; Sahling Kenworth, Inc. – Supplies 9.87; Sapp Bros Columbus, Inc. – Fuel 9,170.62; Sapp Bros Petroleum, Inc. – Fuel 10,660.77; Schieffer Signs, Inc. – Supplies 350.00; Schneider’s O K Tire Company – Lease Payment 30.00; Schneider’s O K Tire – Service 23.00; Schwing Bioset – Lime Crusher 12,283.00; Servicemaster By Shevlin – Service 1,541.00; Settje Plumbing – Service 65.00; Jean Sharman – Expenses 123.85; Shevlin Supply – Supplies 507.62; Sipple, Hansen, Emerson & Schumacher –

Service 7,003.74; Chuck Sliva – Expenses 31.00; Virgil Sliva – Service 300.00; Smiths Detection, Inc. – Hazmat 360 Command System 67,689.29; Jim Speicher – Expenses 110.67; Sta-Bilt Construction Co. – Street Resurfacing 30,636.32; State of Nebraska Department of Revenue – Sales Tax 43,594.98; Gene Steffy Ford – Service 548.02; Stericycle, Inc. – Supplies 174.64; Bret Strecker – Expenses 42.75; Karen Stuart – Expenses 50.00; Sungard Public Sector, Inc. – Maintenance Agreement 9,909.30; Super Saver – Supplies 114.89; Swisher Hygiene Franchisee Trust – Supplies 198.66; Symtrax – Supplies 302.00; Sysco Lincoln – Supplies 11,014.03; T & L Services – Service 525.00; T-Bone Fuel Delivery – Fuel 14,456.11; Telvent DTN LLC – Service 642.00; Ten Minute Lube Center – Service 46.95; Three Eagles Communications – Advertising 845.00; Tighton Fastener & Supply, Inc. – Supplies 149.97; Tool Shed Supply & Maintenance LLC – Supplies 8.46; Totalfunds By Hasler – Postage 1,000.00; Tractor Supply Credit Plan – Supplies 154.34; Turfwerks – Supplies 1,175.01; Jerry Tworek – Service 186.00; U & I Sanitation – Service 83.00; U S Bank – Expenses 2,250.67; Ultra Graphics – Supplies 1,508.21; Underwriters Laboratories, Inc. – Service 725.00; Union Pacific Railroad Co. – Lease Payment 2,268.70; United States Post Office – Postage 1,993.73; UPS Store – Postage 154.32; Upstart – Supplies 23.25; USA Blue Book – Supplies 352.56; Utility Service Co., Inc. – Tank Maintenance 22,288.25; Gregory Vacha – Expenses 78.46; Van Diest Supply Company – Supplies 344.32; Vendnet – Supplies 65.49; Verizon Wireless – Utilities 1,890.47; Vidacare – Supplies 501.73; Wahoo Heritage Inn – Lodging 328.38; Walmart Community – Supplies 2,527.09; Waste Connections of Nebraska – Service 328.43; Nancy Welker – Refund 326.36; Wellness Councils of America – Supplies 15.20; West Point Implement of Columbus – Supplies 358.39; Wingate Inn – Lodging 462.00; Yamaha Golf & Equipment – Supplies 435.70; James & Christine Zlomke – Cemetery Space 100.00; Rich Zuerlein – Expenses 31.00. TOTAL 2,325,761.44.

Moved by Bogus, seconded by Reardon, the items on the consent agenda, being routine in nature, be approved as presented. Roll call and Council Members Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted “Aye” and none voted “Nay”. Council Member Augustine-Schulte was absent. Motion carried.

PUBLIC HEARING – CITIZEN’S ADVISORY REVIEW COMMITTEE’S SEMI-ANNUAL REPORT:

The Affidavit of Publication and Notice of Hearing were presented on the public hearing held for the purpose of receiving comments from the Citizen’s Advisory Review Committee (CARC) and its report of activities presented in accord with the Columbus Economic Development Plan. A memorandum was also presented from Connie Hellbusch, Chair of the CARC, reporting that their committee recommended the following three projects be submitted to the City Council for approval since the last report: 1) A forgivable loan was approved for Central Community College for assistance in the development of a business incubator. It was noted that the incubator has started and four businesses are utilizing the opportunity to grow their business in the community. 2) A loan was approved for Shred Monster for business/building expansion. It was noted that the facility is currently under construction to provide space for continued growth and

to house the city recycling services beginning October 1, 2012. 3) A loan was approved for Marlon and Carlos Reyes, d.b.a. Central American Foods, to assist in equipment purchase for a cheese making operation. City Administrator Mangiamelli announced that this semi-annual report of activities is required in accordance with the Columbus Economic Development Plan. No one appeared in opposition. Moved by Bogus, seconded by Schilling, the public hearing be closed and the report be placed on file. Roll call and Council Members Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay". Council Member Augustine-Schulte was absent. Motion carried.

APPOINTMENT OF AMANDA LEWIS TO BOARD OF ADJUSTMENT: A memorandum was presented from Mayor Moser submitting the name of Amanda Lewis for appointment to the Board of Adjustment for a three-year term. Council President Bogus read a brief resume and it was moved by Bahr, seconded by Bulkley, to ratify the Mayor's appointment. Roll call and Council Members Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay". Council Member Augustine-Schulte was absent. Motion carried.

APPLICATION OF LEROY KALLWEIT FOR PRELIMINARY PLAT OF CENTENNIAL PARK 6TH ADDITION (NORTH OF CENTENNIAL STREET BETWEEN 3RD AND 5TH AVENUES): An application was presented from Leroy Kallweit for the preliminary plat of Centennial Park 6th Addition, a tract of land located in the SE1/4 of the NE1/4 of Section 29, T17N, R1E of the 6th P.M., Platte County, Nebraska (north of Centennial Street between 3rd and 5th Avenues). A memorandum was also presented from City Engineer Goedeken submitting detailed information and a staff recommendation to approve the preliminary plat with the following contingencies: 1) adjacent streets are labeled and dimensioned; 2) a subdivision agreement is filed with the final plat; and 3) the east/west street is named. The Planning Commission recommended approval with the contingencies as listed. Roger Nadrchal, Executive Director of NeighborWorks Northeast Nebraska, explained that they have an outstanding purchase agreement to acquire this tract of land from Leroy Kallweit for Phase II of the New Neighborhoods Initiative. Nadrchal noted that the development of Bradshaw Place was Phase I and said an application has been submitted for Phase II. Nadrchal further explained that funds have been allocated for this purpose and sale of the property is contingent upon approval of the grant application. Moved by Bogus, seconded by Lohr, the preliminary plat be approved with the contingencies as listed. Roll call and Council Members Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay". Council Member Augustine-Schulte was absent. Motion carried.

APPLICATION OF JIMBO'S, 1067 26TH AVENUE, FOR SPECIAL DESIGNATED LICENSE TO SERVE BEER AT CITY PARKING LOT ON CORNER OF 26TH AVENUE AND 11TH STREET, 3 P.M. TO 1 A.M., AUGUST 3, 2012 FOR FUND RAISER FOR DOG PARK: An application was presented from Jimbo's, 1067 26th Avenue, Columbus, Nebraska, for a Special Designated License to serve beer at a city parking lot on the corner of 26th Avenue and 11th Street from 3 p.m. to 1 a.m., August 3, 2012 for a fund raiser for the local dog park committee. A memorandum was also

presented from Police Chief Gumm recommending the application not be approved due to the fact that alcohol would be sold and consumed on city property. A memorandum was also presented from City Administrator Mangiamelli explaining that a letter was sent to the applicant requesting additional information with regard to security measures to ensure minors would not have access to the area and whether there would be sufficient facilities in place for the anticipated crowd as well as the method used to notify the adjacent establishments. A response from Holly Faulkner, on behalf of Jimbo's, was included in the packet identifying the precautionary measures that will be taken to address city staff concerns as well as the plan for notifying adjacent establishments. Alikea Thompson, 3218 17th Street, on behalf of the Columbus Bark Park and Jimbo's, said they are hoping to raise \$1,200 for the new dog park. Moved by Bogus, seconded by Bahr, the application be approved and a letter be sent to the Nebraska Liquor Control Commission notifying them of the Council's action. Roll call and Council Members Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay". Council Member Augustine-Schulte was absent. Motion carried.

COMMENTS FROM MAYOR AND CITY COUNCIL MEMBERS: Council Member Schilling announced that this evening is the second Monday night of Bands on the Square, a new event directed at providing entertainment for middle and high school students at Frankfort Square from 7 p.m. to 9 p.m. through the month of July. Schilling said these events, which are free of charge and include a root beer stand, are co-sponsored by T4C (Time For Change) and Back to Basics. Council Member Schilling reported that he received positive comments from the approximately 50 people who were in attendance at the first event on July 9th.

ORDINANCE NO. 12-11 WAS INTRODUCED BY COUNCIL MEMBER BAHR.

ORDINANCE NO. 12-11
ADOPTED: JULY 16, 2012

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA TO AMEND THE CITY OF COLUMBUS LAND DEVELOPMENT ORDINANCE OF 1996, ZONING CHAPTER, DATED MARCH 18, 1996 UNDER ORDINANCE NO. 96-08, AS AMENDED, AND ADOPTED AUGUST 4, 1997, AS THE OFFICIAL ZONING CODE FOR THE CITY OF COLUMBUS BY ORDINANCE NO. 97-17, TO REZONE AND RECLASSIFY THE FOLLOWING DESCRIBED REAL ESTATE, TO WIT: THE ARBOR 2ND SUBDIVISION, AN ADMINISTRATIVE SUBDIVISION OF LOTS 2, 3 AND 4, ARBOR SUBDIVISION, COLUMBUS, PLATTE COUNTY, NEBRASKA FROM THE PRESENT ZONING CLASSIFICATION OF "R-1" (SINGLE FAMILY RESIDENTIAL DISTRICT) TO "R-2" (URBAN-FAMILY RESIDENTIAL DISTRICT); TO AMEND THE FUTURE LAND USE MAP AS WELL AS THE ZONING MAP WHICH IS ATTACHED TO AND MADE A PART OF SAID CITY OF COLUMBUS LAND DEVELOPMENT ORDINANCE OF 1996 TO SHOW SAID REZONING AND RECLASSIFICATION; TO REPEAL ALL ORDINANCES AND RESOLUTIONS OR PARTS THEREOF IN CONFLICT HERewith; AND TO PROVIDE FOR THE EFFECTIVE DATE.

Moved by Bahr, seconded by Bulkley, the rules be suspended and Ordinance No. 12-11 be read by number only at this meeting. Roll call and Council Members Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay". Council Member Augustine-Schulte was absent. Motion carried.

Moved by Bahr, seconded by Bulkley, Ordinance No. 12-11 be passed and adopted. Council Member Lohr pointed out that the public hearing on this rezoning application was held May 16, 2011 and questioned why the rezoning ordinance is being presented over a year later. City Administrator Mangiamelli explained that while the contractor was in the process of applying for permits to construct duplexes on this property, it was discovered that an ordinance had never been submitted to the City Council for approval.

Mayor Moser put the question, "Shall Ordinance No. 12-11 be passed and adopted?" Roll call and Council Members Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay". Council Member Augustine-Schulte was absent. Motion carried.

Mayor Moser declared, "By your action, you have passed Ordinance No. 12-11," and it was duly signed.

CONSIDERATION OF PAYROLL AND BILLS ON FILE: ARL Credit Services – Service \$1,659.42; Reardon Lawn & Garden, Inc. – Service \$622.26. TOTAL \$2,281.68. Council Member Jablonski requested to be excused from discussion on this agenda item because he is an owner of ARL Credit Services and therefore has a conflict of interest. Council Member Reardon requested to be excused from discussion on this agenda item because he is an owner of Reardon Lawn & Garden, Inc. and therefore has a conflict of interest. Moved by Bogus, seconded by Bahr, Council Members Jablonski and Reardon be allowed to abstain from voting on this agenda item and to suspend the City Council rules requiring them to leave the Council Chambers during the discussion and vote on this agenda item. Roll call and Council Members Bahr, Bogus, Bulkley, Schilling and Lohr voted "Aye" and none voted "Nay." Council Members Jablonski and Reardon abstained from voting. Council Member Augustine-Schulte was absent. Motion carried.

Moved by Bogus, seconded by Bahr, to approve the bills on file. Roll call and Council Members Bahr, Bogus, Bulkley, Schilling and Lohr voted "Aye" and none voted "Nay." Council Members Jablonski and Reardon abstained from voting. Council Member Augustine-Schulte was absent. Motion carried.

DISCUSSION WITH CITY ATTORNEY ON POTENTIAL NEGOTIATIONS OR LITIGATION FOR PROPERTY DEVELOPMENT: Moved by Bogus, seconded by Reardon, that the City Council go into closed session at 7:20 p.m. The subject matter to be discussed in the closed session shall be discussion with the City Attorney on potential negotiations or litigation for property development; the reason for going into closed session is for the protection of the public interests. The following individuals will

be included in the closed session: City Administrator Joseph Mangiamelli and City Attorney Gene Schumacher. Mayor Moser stated that Council President Bogus has made a motion to go into closed session at this time. The subject matter to be discussed in the closed session shall be discussion with the City Attorney on potential negotiations or litigation for property development, the reason for going into closed session is for the protection of the public interests. The following individuals will be included in the closed session: City Administrator Joseph Mangiamelli and City Attorney Gene Schumacher. Roll call and Council Members Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay". Council Member Augustine-Schulte was absent. Motion carried. Mayor Moser stated that the City Council has voted to go into closed session at this time. The subject matter to be discussed in the closed session shall be discussion with the City Attorney on potential negotiations or litigation for property development; the reason for going into closed session is for the protection of the public interests. The following individuals will be included in the closed session: City Administrator Joseph Mangiamelli and City Attorney Gene Schumacher. Moved by Bogus, seconded by Bulkley, to exit closed session at 7:53 p.m. Roll call and Council Members Bahr, Bogus, Bulkley, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay". Council Member Augustine-Schulte was absent and Council Member Schilling did not return to the Council Chambers following the closed session. Motion carried.

Moved by Bulkley, seconded by Bahr, the meeting be adjourned. Roll call and Council Members Bahr, Bogus, Bulkley, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay". Council Member Augustine-Schulte was absent and Council Member Schilling did not return to the Council Chambers following the closed session. Motion carried and the meeting was adjourned at 7:54 p.m.

Presented and approved this 6th day of August, 2012.

MAYOR

ATTEST:

ASSISTANT CITY CLERK