

A regular meeting of the Mayor and City Council of the City of Columbus, Nebraska was convened in open and public session on September 17, 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 August 29, 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 Beth Augustine-Schulte, Charlie Bahr, Ron Bogus, Jim Bulkley, Ron Schilling, Rich Jablonski, John Lohr and Terry Reardon.

City staff members present included City Administrator Joseph Mangiamelli, Assistant City Clerk Janelle Kline, City Engineer David Goedeken, Finance Director Anne Kinnison, Police Captain Charles Sherer, Community Development Director Dan Curtis and City Attorney Steve Hansen.

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 September 4, 2012, City Council meeting.
- B. Approval of Resolution No. R12-86 approving second year renewal with the League Association of Risk Management for property and casualty insurance.
- C. Approval of Resolution No. R12-87 authorizing payment of various improvement projects.
- D. Approval of Finance Department reports.

- E. Approval of payroll and bills on file. 9/28/12 Payroll \$443,166.89; A & J Guns – Supplies 1,118.16; A & S Detailing – Service 80.00; A C & L Sprinklers Plus – Service 85.00; AAT (U.S.), Inc. – Chemicals 2,129.00; Ace Hardware & Garden Center – Supplies 4,673.54; Donald D Adkisson – Pension 609.00; Airport Lighting Company – Supplies 199.41; Alamar Uniforms – Supplies 177.93; American Association of Police Polygraphists – Membership 125.00; American Ramp Company – Supplies 1,834.07; Amsan – Supplies 44.16; Anderson Auto Body – Service 488.00; ANSIR4U – Service 95.00; Aqua-Pure, Inc. – Chemicals 10,839.84; AS Central Services – Service 704.00; Ashbrook Simon-Hartley – Supplies 388.71; AT&T – Utilities 10.82; Erica Ayala – Refund 30.00; B-D Construction, Inc. – South Water Plant 59,504.31; Wesley Baxa – Pension 1,232.54; Beard-Warren Heating & Air Conditioning – Service 1,612.60; Behlen Auto Repair – Service 222.12; Behlen Towing – Service 640.00; Alfred Benesch & Company – Electrical Vault 4,630.71; Best Care Employee Assistance Program – Annual Fee 3,560.00; Bierman Contracting – Service 1,350.00; Big Red Printing – Supplies 632.87; Big Red Sanitation – Service 350.00; Bill's Tire Outlet – Service 20,663.00; Bissell Hose Company – Expenses 309.75; Carroll A Bisson – Pension 716.51; Black Hills Energy – Utilities 837.87; Frank J Blahak Jr – Pension 762.00; BMI – Music License 320.00; Bob's U-Save Pharmacy – Supplies 123.62; Bomgaars – Supplies 832.53; Bound Tree Medical LLC – Supplies 3,587.15; Brown Traffic Products – Supplies 1,062.00; Brown's Shoe Fit Company – Supplies 128.00; BSN Sports, Inc. – Supplies 885.00; Bullseye Fire Sprinkler, Inc. – Service 597.76; Buresh Golf & Equipment – Golf Carts 1,080.00; California Contractors – Supplies 79.90; Cat's Pro Mow – Service 253.90; Central Parts & Machine – Supplies 1,786.65; Central Sand & Gravel Co. – Supplies 538.68; Central Valley Ag – Supplies 157.70; Century Link – Utilities 1,517.99; Jay Cerny Landscaping – Service 125.00; City of Columbus – Utilities 124.91; Club Prophet Systems – Service 90.00; Columbus Area Chamber of Commerce – Supplies 1,240.00; Columbus Community Hospital – Service/Supplies 2,119.71; Columbus Custom Embroidery – Service 1,999.00; Columbus Music – Supplies 268.15; Columbus Plumbing Company – Supplies 63.80; Columbus Steel Supply – Supplies 362.50; Columbus Telegram – Subscription 40.62; Columbus Telegram – Publications 761.89; Columbus Tire & Service – Service 587.85; Community Internet – Service 375.00; Connecting Point/Radio Shack – Computers/Supplies 3,850.66; Consolidated Water Solutions – Chemicals 5,815.00; Cornhusker Public Power District – Utilities 843.80; Mark Cozad – Expenses 452.00; CRA Payment Center – Supplies 241.15; Crane Sales & Service – Service 4,227.39; Credit Bureau Services – Membership 5.00; Culligan of Columbus – Supplies 318.83; Danko Emergency Equipment – Equipment/Supplies 4,025.08; Diamond Vogel Paints – Supplies 3,612.01; Doernemann Construction, Inc. – Yard Waste Contract 1,989.79; Drain Surgeon – Service 135.00; Douglas Dunbar – Contract 5,070.00; Douglas Dunbar – Commissions 8,806.55; Douglas Dunbar – Expenses 4,384.15; DXP Enterprises – Supplies 391.24; DXP Enterprises – Pump Kit 11,761.42; Eakes Office Plus – Supplies 3,767.04; Earl May Nursery & Garden Center – Trees 4,305.00; Electric Pump, Inc. – Supplies 989.96; Electric Pump – Sump Pump 2,274.07; Electrical Engineering & Equipment Co. – Supplies 371.27; Electronic Systems, Inc. – Service 198.60; Elliott Equipment Co. – Sewer Hose 2,150.00;

Enterprise Electric CO/CED – Supplies 317.04; Ernst Toyota – Vehicle 7,700.00; Excel Commercial – Utilities 110.20; Express Truck Center – Service 503.52; Fastenal Company – Supplies 643.07; Fireguard, Inc. – Supplies 1,809.75; First Bankcard – Expenses 2,791.99; First National Bank & Trust Company – Service 215.58; Fisher Scientific – Supplies 873.86; Sonya Fleeman – Expenses 31.04; Gabriela Flores – Service 20.00; S A Foster Lumber Company – Supplies 34.32; Franklin Products – Supplies 591.24; Frontier – Utilities 5,145.82; Frontier Communications – Utilities 191.96; G. Neil – Supplies 59.99; Gaeth Pest Control Services, Inc. – Service 285.00; Gehring Construction & Ready-Mix – Supplies 1,138.38; Gehring Construction & Ready-Mix – Street Construction 158,816.38; Gerhold Concrete Company – Supplies 4,665.06; Fernando Gil – Service 20.00; Glass Time – Service 75.00; Godfather's Pizza – Meals 137.94; David Goedeken – Expenses 115.50; Grainger – Supplies 155.35; Great American Outdoor – Supplies 1,632.80; Great Plains GFOA – Training 150.00; Great Plains One Call Service – Service 213.91; The Greenkeeper Co., Inc. – Chemicals 5,480.00; Hach Company – Supplies 193.99; Hadley-Braithwait Company – Supplies 955.01; Karen Hake – Training 200.00; B J Harris, Inc. – Service 4,078.75; Hawkins, Inc. – Chemicals 10,736.55; HD Supply Waterworks Ltd – Meters/Supplies 16,449.45; HDR Engineering, Inc. – Viaducts 19,420.44; HDR Engineering, Inc. – Headworks 5,400.00; HDR Engineering, Inc. – Transfer Station 29,385.36; Dean Hefti – Expenses 54.17; Heiman, Inc. – Equipment 15,737.05; Hi-Lo Equipment – Supplies 30.20; HOA Solutions, Inc. – Equipment 3,715.04; Holiday Inn Hotel & Conference Center – Lodging 191.98; Hometown Leasing – Supplies 177.12; Stan Houston Equipment Co., Inc. – Supplies 2,950.00; Mark S Howerter MD – Contract 500.00; Hy-Vee, Inc. – Supplies 635.39; Hydraulic Equipment Service – Supplies 67.84; IBM Corporation – Service 1,026.00; Jackson Services, Inc. – Supplies 2,783.01; Jackson Services, Inc. – Rent/Utilities 554.47; Herman Janssen – Expenses 31.00; JEO Consulting Group, Inc. – Loup River Levee Recertification 46,706.75; Jimmy John's – Meals 62.15; Johnson Controls – Service 1,883.22; Kelly Supply Company – Supplies 1,963.77; Kimball Midwest – Supplies 119.78; Justin Kohl – Service 33.00; Michael Kratochvil – Expenses 23.65; Lake Stop LLC – Supplies 77.81; Lakeview Small Engine – Supplies 221.54; LARM – Insurance 11.00; Lawson Products, Inc. – Supplies 129.65; Layne Christensen Co. – Chemicals 8,355.30; Leach Camper Sales, Inc. – Service 317.46; Elmer Leon – Refund 35.00; Pete Lien & Sons, Inc. – Chemicals 4,422.40; Lincoln Winwater Works – Service 2,208.89; Lindahl Engineering LLC – Football Field/Track 3,372.50; LLCHD – Training 300.00; Loup Power District – Street Lights 89,067.67; Loup Power District – Utilities 132,809.16; M & O Door Products – Service/Supplies 579.90; Mail Prep, Etc. – Postage 308.97; The Mailbox – Postage 305.12; Marley's Electric, Inc. – Service 2,511.26; Matheson-Linweld – Supplies 246.47; Mead Lumber Co-Columbus – Supplies 65.61; Menards – Supplies 1,872.26; Metron-Farnier LLC – Meter Supplies 7,704.00; Metron-Farnier LLC – Radios 7,623.75; Mid Con Systems, Inc. – Supplies 137.79; Mid-American Research Chemical – Supplies 1,565.40; Mid-Nebraska Communications, Inc. – Service/Supplies 19,110.82; Midlands Contracting, Inc. – Sanitary Sewer Rehabilitation 93,939.35; Midwest Service & Sales – Supplies 4,538.35; Midwest Turf & Irrigation – Supplies 1,443.75; Mike's Towing – Service 1,575.67; Motion Industries, Inc. –

Supplies 7,633.41; Shane Mueller – Service 146.50; Mueller Sprinklers – Supplies 12,024.48; Municipal Pipe Services, Inc. – Service 3,941.79; National Pen Company – Supplies 133.40; NCS Equipment Rental – Supplies 89.00; Nebraska Department of Economic Development – Grants 923.16; Nebraska Department of Environmental Quality – Training 1,425.00; Nebraska Department of Environmental Quality-Fiscal Services – Annual Fee 500.00; Nebraska Department of Health and Human Services – Service 303.63; Nebraska Environmental Products – Supplies 4,219.51; Nebraska Harvestore Systems – Supplies 750.20; Nebraska Law Enforcement Training Center – Training 180.00; Nebraska Notary Association – Notary 196.50; Nebraska Public Health Environmental Laboratory – Service 3,190.00; Nebraska Rural Water Association – Training 810.00; Nebraska Sports – Supplies 39.96; Nebraska Water Environment Association – Training 2,500.00; NEFSMA – Training 125.00; Marvin O Nelson – Pension 502.50; Nemaha Landscape Construction – Pawnee Park Track/Field 22,044.70; NFPA – Supplies 504.63; Niemann’s Port-A-Pot – Service 316.00; NLA/NEMA Conference – Training 285.00; NMC Exchange LLC – Supplies 36.27; Northeast Nebraska Economic Development District – Grant 957.00; Northeast Nebraska Solid Waste Coalition – Landfill Disposal 44,543.57; NoSwett Fencing & Decks – Supplies 1,450.00; Novicki Fire Prevention Service – Service 93.00; O’Keefe Elevator Co. – Service 25.00; O’Reilly Automotive, Inc. – Supplies 265.74; Occupational Health Services – Service 626.00; OCLC, Inc. – Service 561.13; Officenet – Supplies 612.96; Mike Oglevie – Expenses 202.40; OMB Guns – Supplies 1,405.00; Jill Owens – Expenses 10.00; Paragon Consulting Services – Service 115.00; The Parts Bin – Supplies 484.24; Peerless Wiping Cloth – Supplies 211.00; Pet Care Specialists – Service 441.00; C. Jo Petersen – Service 247.50; Petty Cash – Expenses 273.50; Alan Pickrel – Expenses 60.00; Pierce Manufacturing, Inc. – Ambulance 212,202.00; Pioneer Hook & Ladder Company – Expenses 112.50; Platte Center Screenprinting – Supplies 65.41; Platte County – Contract 2,750.00; PR Diamond Products – Supplies 323.00; Presto-X-Company – Service 146.08; Pumping Solutions – Service 172.08; Pyramid Canvas & Mfg Co. – Supplies 60.00; Quill Corporation – Supplies 76.78; Recreation Supply Company – Supplies 3,450.00; Redstone Veterinary Clinic – Service 1,430.89; Reis Environmental – Supplies 1,730.19; Renner Sports Surfaces – Track Resurfacing 169,761.51; Ricoh Production Print Solutions LLC – Service 479.15; S & S Willers, Inc. – Supplies 991.45; Safety Flag Co. of America – Supplies 1,231.31; Sahling Kenworth, Inc. – Service 2,204.17; Sapp Bros Columbus, Inc. – Fuel 8,801.14; Sapp Bros Petroleum, Inc. – Fuel 28,813.87; Schaben Industries – Supplies 5,010.51; Keith Schademann – Expenses 63.75; Schieffer Signs, Inc. – Supplies 367.00; Schneider’s O K Tire Company – Lease Payment 30.00; Schneider’s O K Tire – Service 308.00; School District #1 – Payment 4,125.00; Schweiss Doors – Service 919.94; Servicemaster By Shevlin – Service 1,541.00; Mike Shemek – Expenses 80.98; Sherwin-Williams Co. – Supplies 200.21; Shevlin Supply – Supplies 27.51; Sid Dillon – Vehicle 28,803.00; Sipple, Hansen, Emerson & Schumacher – Service 3,200.17; Sirius Computer Solutions, Inc. – Service 604.60; Kay Sprunk – Expenses 103.02; Stanley Petroleum – Service 111.99; State of Nebraska Department of Revenue – Sales Tax 50,191.77; Gene Steffy Ford – Service 170.28; Stericycle, Inc. – Supplies 252.96; Bret Strecker – Expenses 31.78;

Super Saver – Supplies 42.38; Superior Publishing Co. – Supplies 202.00; Swisher Hygiene Franchisee Trust – Supplies 218.80; Swissphone LLC – Supplies 979.21; Sysco Lincoln – Supplies 5,049.67; T & L Services – Service 525.00; TEC Electric – Service 175.00; Technology Associates – GIS System 7,723.58; Ten Minute Lube Center – Service 48.95; Cindy Ternus – Service 20.00; Three Eagles Communications – Advertising 845.00; Tool Shed Supply & Maintenance LLC – Supplies 136.67; Totalfunds By Hasler – Postage 1,000.00; Tractor Supply Credit Plan – Supplies 856.30; Tri-County Truck Repair – Service 189.12; Turfwerks – Supplies 468.30; Jerry Tworek – Service 115.00; Typhoon Wash – Service 96.00; U & I Sanitation – Service 101.00; U S Bank – Expenses 3,887.78; Ultra Graphics – Supplies 250.09; Underwriters Laboratories, Inc. – Service 2,325.00; United States Post Office – Postage 2,000.00; UPS Store – Postage 32.05; USA Blue Book – Supplies 1,017.77; Van Diest Supply Company – Chemicals 4,239.00; Verizon Wireless – Utilities 1,860.37; Wallick's Radiator Service – Service 85.00; Walmart Community – Supplies 1,432.10; Waste Connections of Nebraska – Service 328.43; Wellness Councils of America – Supplies 15.20; Wells Fargo Bank – Fees 400.00; West Payment Center – Supplies 2,345.50; West Point Implement of Columbus – Supplies 2,582.27; Wunderlich's Catering – Meals 360.75; Yamaha Golf & Equipment – Supplies 508.79; Yant Equipment Co., Inc. – Service/Supplies 901.00; Zep Sales & Service – Supplies 240.62. TOTAL 2,089,717.20.

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

PUBLIC HEARING – APPLICATION OF WEST WOOD, LLC FOR FINAL PLAT OF RIVERSIDE ADDITION (19TH STREET AND 48TH AVENUE): The Affidavit of Publication and Notice of Hearing were presented on the application of West Wood, LLC for the final plat of Riverside Addition located in the SE1/4 of the NE1/4 of Section 23, Township 17 North, Range 1 West of the 6th P.M. in Platte County, Nebraska (19th Street and 48th Avenue). A memorandum was also presented from City Engineer Goedeken submitting detailed information and a staff recommendation to approve the final plat with the following contingencies: 1) sanitary sewer mains be built to minimum slopes as recommended by the "10 State Standards", 2) drainage calculations be provided to City Engineering Department, and 3) a subdivision agreement be executed. The Planning Commission recommended approval with the contingencies as listed. No one appeared in opposition and no one spoke regarding this issue. Moved by Bogus, seconded by Bulkley, the public hearing be closed, the final plat be approved and not signed by Mayor Moser until an acceptable, signed subdivision agreement is received. In response to Council Member Jablonski, City Engineer Goedeken explained that listing contingencies is a routine procedure for clarifying terms and said a final subdivision agreement for this application is currently being reviewed by the City Attorney. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay". Motion carried.

PUBLIC HEARING – TO DETERMINE WHETHER RIVERSIDE ADDITION SHOULD BE INCLUDED WITHIN THE CORPORATE CITY LIMITS (19TH STREET AND 48TH AVENUE):

The Affidavit of Publication and Notice of Hearing were presented on the public hearing to determine whether Riverside Addition located at 19th Street and 48th Avenue should be included within the corporate city limits. A memorandum was also presented from City Engineer Goedecken submitting detailed information and a staff recommendation to bring this addition into the corporate city limits once the final plat is approved. The Planning Commission recommended approval. No one appeared in opposition and no one spoke regarding this issue. Moved by Bogus, seconded by Schilling, the public hearing be closed and to bring said addition into the corporate city limits. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay". Motion carried.

RESOLUTION NO. R12-88 WAS INTRODUCED BY COUNCIL MEMBER REARDON.

RESOLUTION NO. R12-88

ADOPTED: SEPTEMBER 17, 2012

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, ACCEPTING THE DEED OF DEDICATION TO A PARCEL OF LAND LOCATED IN THE SE1/4NE1/4 OF SECTION 23, TOWNSHIP 17 NORTH, RANGE 1 WEST OF THE 6TH P.M., PLATTE COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF THE SE1/4NE1/4 OF SECTION 23, TOWNSHIP 17 NORTH, RANGE 1 WEST OF THE 6TH P.M., PLATTE COUNTY, NEBRASKA; S 88°11'02" W ON AN ASSUMED BEARING ON THE NORTH LINE OF THE SE1/4NE1/4, 33.00 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF "48TH AVENUE" TO THE CITY OF COLUMBUS, PLATTE COUNTY, NEBRASKA; THENCE S 01°46'24" E ON SAID WEST RIGHT-OF-WAY LINE, 130.14 FEET TO THE POINT BEGINNING; THENCE S 01°46'24" E ON SAID WEST RIGHT-OF-WAY LINE, 398.87 FEET; THENCE S 88°08'31" W AND PARALLEL TO THE SOUTH LINE OF THE SE1/4NE1/4, 210.53 FEET ; THENCE N 01°47'14" W AND PARALLEL TO THE WEST LINE OF THE SE1/4NE1/4 , 66.87 FEET; THENCE S 88°08'31" W AND PARALLEL TO THE SOUTH LINE, 506.00 FEET; THENCE N 01°47'14" W AND PARALLEL TO SAID WEST LINE, 332.00 FEET; THENCE N 88°08'31" E AND PARALLEL TO SAID SOUTH LINE, 716.63 FEET TO THE POINT OF BEGINNING, CONTAINING 5.78 ACRES, MORE OR LESS, HEREINAFTER TO BE KNOWN AS "RIVERSIDE ADDITION TO THE CITY OF COLUMBUS, NEBRASKA"; APPROVING THE PLAT THEREOF, APPROVING THE INCLUSION OF SAID PLAT INTO THE CORPORATE CITY LIMITS OF COLUMBUS, PLATTE COUNTY, NEBRASKA AND APPROVING AND ACCEPTING THE RIVERSIDE ADDITION AGREEMENT BY AND BETWEEN THE CITY OF COLUMBUS, NEBRASKA, A MUNICIPAL CORPORATION, AND WEST WOOD ADDITION, LLC, A NEBRASKA LIMITED LIABILITY COMPANY WHICH SETS FORTH THE AGREEMENT BETWEEN THE PARTIES INCLUDING THE DUTIES AND RESPONSIBILITIES OF THE SUBDIVIDER AND THE LOT OWNERS WITH RESPECT TO SAID SUBDIVISION; AND AUTHORIZING THE MAYOR TO SIGN THE

SUBDIVISION AGREEMENT PROVIDING FOR PUBLIC IMPROVEMENTS TO SERVE THIS ADDITION.

Moved by Reardon, seconded by Bogus, Resolution No. R12-88 be passed and adopted. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay". Motion carried.

PUBLIC HEARING – APPLICATION OF MIKE AND BARBARA SIEDLIK TO REZONE PROPERTIES AT 2321 11TH STREET AND 2323 11TH STREET FROM "ML/C-1" (LIMITED INDUSTRIAL DISTRICT) TO "B-1" (CENTRAL BUSINESS DISTRICT) AND TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN TO REFLECT THE SAME CHANGE IN ZONING:

The Affidavit of Publication and Notice of Hearing were presented on the application of Mike and Barbara Siedlik to rezone the W44' of Lot 4, Block 116, Original City of Columbus, Platte County, Nebraska (2321 11th Street and 2323 11th Street) from "ML/C-1" (Limited Industrial District) to "B-1" (Central Business District) and to amend the Future Land Use Map of the Comprehensive Plan to reflect the same change in zoning. The Affidavit of Posting and Mailing Notices was presented. A memorandum was also presented from Community Development Director Curtis submitting detailed information and a staff recommendation to approve the rezoning and amend the Future Land Use Map of the Comprehensive Plan to reflect the same change in zoning. The Planning Commission recommended approval. No one appeared in opposition and no one spoke regarding this issue. Moved by Bogus, seconded by Bahr, the public hearing be closed. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay". Motion carried.

ORDINANCE NO. 12-16 WAS INTRODUCED BY COUNCIL MEMBER JABLONSKI.

ORDINANCE NO. 12-16

ADOPTED: SEPTEMBER 17, 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 WEST 44' OF LOT 4, BLOCK 116, ORIGINAL CITY OF COLUMBUS, PLATTE COUNTY, NEBRASKA FROM THE PRESENT ZONING CLASSIFICATION OF "ML/C-1" (LIMITED INDUSTRIAL DISTRICT) TO "B-1" (CENTRAL BUSINESS 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 Jablonski, seconded by Bogus, the rules be suspended and Ordinance No. 12-16 be read by number only at this meeting. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Motion carried and Ordinance No. 12-16 was read by number only at this meeting.

Moved by Jablonski, seconded by Reardon, Ordinance No. 12-16 be passed and adopted.

Mayor Moser put the question, "Shall Ordinance No. 12-16 be passed and adopted?" Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Motion carried.

Mayor Moser declared, "By your action, you have passed Ordinance No. 12-16," and it was duly signed.

PUBLIC HEARING – APPLICATION OF BANK OF THE VALLEY TO REZONE A TRACT OF LAND AT 33RD AVENUE AND LOST CREEK PARKWAY FROM "RR" (RURAL RESIDENTIAL DISTRICT) TO "UC" (URBAN COMMERCIAL DISTRICT):

The Affidavit of Publication and Notice of Hearing were presented on the application of Bank of the Valley to rezone a tract of land located in the NW1/4 of Section 7, T17N, R1E of the 6th P.M. in Platte County, Nebraska (33rd Avenue and Lost Creek Parkway) from "RR" (Rural Residential District) to "UC" (Urban Commercial District). The Affidavit of Posting and Mailing Notices was presented. A memorandum was also presented from Community Development Director Curtis submitting detailed information and a staff recommendation to approve the rezoning. The Planning Commission recommended approval. No one appeared in opposition and no one spoke regarding this issue. Moved by Bogus, seconded by Bulkley, the public hearing be closed. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay". Motion carried.

ORDINANCE NO. 12-17 WAS INTRODUCED BY COUNCIL MEMBER BULKLEY.

**ORDINANCE NO. 12-17
ADOPTED: SEPTEMBER 17, 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, UNDER ORDINANCE NO. 96-08, AS AMENDED, DATED MARCH 18, 1996, AND ADOPTED AUGUST 4, 1997 AS THE OFFICIAL ZONING CODE OF COLUMBUS BY ORDINANCE NO. 97-17; TO REZONE AND RECLASSIFY THE FOLLOWING DESCRIBED REAL ESTATE, TO-WIT: A TRACT OF LAND LOCATED IN THE NW 1/4 OF SECTION 7, T17N, R1E OF THE 6TH P.M. IN PLATTE COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER NW 1/4 OF SECTION 7, T17N, R1E OF THE 6TH P.M. IN PLATTE COUNTY, NEBRASKA AND ASSUMING THE WEST LINE OF SAID NW 1/4 TO HAVE A BEARING OF N 00°03'57" W; THENCE N 00°03'57" W AND ON SAID WEST LINE 363.94 FEET, TO THE POINT OF

BEGINNING; THENCE N 00°03'57" W AND ON SAID WEST LINE 69.72 FEET; THENCE S 89°12'54" E, 237.72 FEET; THENCE S 00°03'57" E, 219.89 FEET TO THE NORTH LINE OF LOST CREEK FLOOD CONTROL CHANNEL; THENCE N 89°12'54" W AND ON SAID NORTH LINE 204.78 FEET; THENCE N 00°07'40" W, 150.66 FEET; THENCE S 89°56'03" W, 32.97 FEET, TO THE POINT OF BEGINNING, CONTAINING 1.09 ACRES, MORE OR LESS; FROM THE PRESENT ZONING CLASSIFICATION OF "RR" (RURAL RESIDENTIAL DISTRICT) TO "UC" (URBAN COMMERCIAL DISTRICT), TO AMEND THE ZONING MAP WHICH HAS BEEN ADOPTED BY AND MADE A PART OF SAID COLUMBUS, NEBRASKA LAND DEVELOPMENT ORDINANCE OF 1996, ZONING CHAPTER, 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 Bulkley, seconded by Lohr, the rules be suspended and Ordinance No. 12-17 be read by number only at this meeting. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Motion carried and Ordinance No. 12-17 was read by number only at this meeting.

Moved by Bulkley, seconded by Lohr, Ordinance No. 12-17 be passed and adopted.

Mayor Moser put the question, "Shall Ordinance No. 12-17 be passed and adopted?" Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Motion carried.

Mayor Moser declared, "By your action, you have passed Ordinance No. 12-17," and it was duly signed.

PUBLIC HEARING – APPLICATION OF PINNACLE BANK TO REZONE A TRACT OF LAND AT 6767 SHADOW RIDGE PLACE FROM "RR" (RURAL RESIDENTIAL DISTRICT) TO "B-2" (GENERAL COMMERCIAL DISTRICT) AND TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN TO REFLECT THE SAME CHANGE IN ZONING: The Affidavit of Publication and Notice of Hearing were presented on the application of Pinnacle Bank to rezone a tract of land located in the NW1/4 NW1/4 of Section 1, T17N, R1W of the 6th P.M. in Platte County, Nebraska (6767 Shadow Ridge Place) from "RR" (Rural Residential District) to "B-2" (General Commercial District) and to amend the Future Land Use Map of the Comprehensive Plan to reflect the same change in zoning. The Affidavit of Posting and Mailing Notices was presented. A memorandum was also presented from Community Development Director Curtis submitting detailed information and a staff recommendation to approve the rezoning and amend the Future Land Use Map of the Comprehensive Plan to reflect the same change in zoning. The Planning Commission recommended approval. City Administrator Mangiamelli referred to the application of Longhardt, LLC for the preliminary plat of Scott Loseke Subdivision, Item 13A on this agenda, and explained that the Country Shadows Golf Course and Club House property was available for sale for approximately one year prior to an auction that resulted in the sale of only the golf course portion. Mangiamelli further explained that a plat will divide the golf course and club house into two separate lots and this rezoning application is for the club house

property only. Mangiamelli said there will be no change in the zoning of the golf course. No one appeared in opposition and no one spoke regarding this issue. Moved by Bogus, seconded by Bahr, the public hearing be closed. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay". Motion carried.

ORDINANCE NO. 12-18 WAS INTRODUCED BY COUNCIL MEMBER BAHR.

ORDINANCE NO. 12-18

ADOPTED: SEPTEMBER 17, 2012

AN ORDINANCE 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 96-08, AS AMENDED, AND ADOPTED AUGUST 4, 1997 AS THE ZONING CODE FOR THE CITY OF COLUMBUS, NEBRASKA BY ORDINANCE NO. 97-17, TO REZONE AND RECLASSIFY THE FOLLOWING DESCRIBED REAL ESTATE, TO-WIT: A TRACT OF LAND LOCATED IN THE NW 1/4 NW 1/4 OF SECTION 1, T17N, R1W OF THE 6TH P.M. IN PLATTE COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER NW 1/4 NW 1/4 OF SECTION 1, T17N, R1W OF THE 6TH P.M. IN PLATTE COUNTY, NEBRASKA AND ASSUMING THE EAST LINE OF SAID NW 1/4 NW 1/4 TO HAVE A BEARING OF S 00°02'13" W; THENCE S 00°02'13" W ON SAID EAST LINE 243.00 FEET; THENCE N 89°35'33" W, 54.09 FEET; THENCE N 22°07'17" W, 21.11 FEET; THENCE N 42°17'48" W, 24.79 FEET; THENCE N 63°02'47" W, 19.32 FEET; THENCE N 88°37'46" W, 33.07 FEET; THENCE S 84°49'00" W, 25.75 FEET; THENCE S 67°50'30" W, 26.99 FEET; THENCE S 53°34'00" W, 18.60 FEET; THENCE S 73°58'43" W, 6.30 FEET, TO THE EAST LINE OF COUNTRY SHADOWS 4TH SUBDIVISION; THENCE ALONG THE EAST LINE OF COUNTRY SHADOWS 4TH SUBDIVISION, THE FOLLOWING COURSES: 137.99 FEET NORTHWESTERLY ON A 218.95-FOOT RADIUS CURVE TO THE LEFT AND HAVING A CHORD BEARING AND DISTANCE OF N 31°06'55" W, 135.72 FEET; THENCE N 49°03'14" W. 72.26 FEET; THENCE NORTHERLY ON A 6.50-FOOT RADIUS CURVE TO THE RIGHT AND HAVING A CHORD BEARING AND DISTANCE OF N 21°09'51" W, 5.25 FEET; THENCE N 00°35'50" W, 85.33 FEET, TO THE NORTH LINE NW 1/4 NW 1/4 OF SAID SECTION 1; SAID POINT ALSO BEING THE NORTHEAST CORNER OF COUNTRY SHADOWS 4TH SUBDIVISION; THENCE S 89°56'47" E ON SAID NORTH LINE NW 1/4 NW 1/4, 328.34 FEET, TO THE POINT OF BEGINNING, SAID TRACT CONTAINING 1.58 ACRES, MORE OR LESS, FROM THE PRESENT ZONING CLASSIFICATION OF "RR" (RURAL RESIDENTIAL DISTRICT) TO "B-2" (GENERAL COMMERCIAL DISTRICT); TO AMEND THE FUTURE LAND USE MAP AS WELL AS THE ZONING MAP WHICH HAS BEEN ADOPTED AND MADE A PART OF SAID CITY OF COLUMBUS, NEBRASKA 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 Lohr, the rules be suspended and Ordinance No. 12-18 be read by number only at this meeting. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Motion carried and Ordinance No. 12-18 was read by number only at this meeting.

Moved by Bahr, seconded by Lohr, Ordinance No. 12-18 be passed and adopted.

Mayor Moser put the question, "Shall Ordinance No. 12-18 be passed and adopted?" Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Motion carried.

Mayor Moser declared, "By your action, you have passed Ordinance No. 12-18," and it was duly signed.

PUBLIC PROPERTY, SAFETY AND WORKS COMMITTEE – DISCUSSION ON LOAD LIMITS ON CHRISTOPHER'S COVE BRIDGE:

The report of the Public Property, Safety and Works Committee was presented with the recommendation that the city repost the weight limit restrictions on the Christopher's Cove bridge to those limits listed on the Nebraska Department of Roads (NDOR) Load Rating Summary Sheet and direct city staff to hire a consultant to determine whether the load limit can be increased. Moved by Bahr, seconded by Schilling, this report be adopted. In response to Mayor Moser, City Engineer Goedecken explained the findings of the NDOR and stated that they are recommending a three-truck sign with weight limits of 12, 19 and 25 tons. Goedecken pointed out that the state could close the bridge if the sign is not reposted. Goedecken pointed out that the Public Property, Safety and Works Committee is recommending approval of the state engineer's recommendation that the city hire a consultant to evaluate the bridge to determine options for upgrades in order to attain a higher load rating. Goedecken described the type of vehicles permitted for each of the weight limits and said garbage and concrete haulers would be restricted to the 12 ton limit. In response to Mayor Moser, Police Captain Sherer said the city does not have a scale to determine the weight of vehicles and would have to coordinate with the State of Nebraska for enforcement of violations. In response to Council Member Bulkley, Goedecken estimated that it could take up to six months to complete a study and make improvements to the current bridge. Goedecken pointed out that emergency vehicles would be exempt from the weight restrictions. Gary Schlesinger, Big Red Sanitation, questioned how he should provide service to his customers as his trucks exceed the weight limit when empty. Dennis Hirschbrunner, 1950 West Camino Real, acknowledged the state's findings and urged the city to proceed with the study in order to resolve this issue expeditiously. In response to Council Member Bogus, Goedecken stated that the bridge is in critical finding status and there is no option except to repost the sign, hire an engineer to perform a study to confirm the findings and determine whether improvements can be made to increase the load rating. Goedecken strongly recommended that service providers not violate the weight restrictions as they will be subject to fines and responsible for damages or injuries. Following discussion, City Attorney Hansen confirmed that the City Code could be amended to temporarily waive restrictions on the type of vehicles permitted to haul trash and Mayor Moser asked city staff to research this issue and report back to the City Council. In response to Jill

Bauermeister, 1955 East Camino Real, Goedeken stated that following a quality control inspection, it was discovered the bridge was posted incorrectly. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Motion carried.

PUBLIC PROPERTY, SAFETY AND WORKS COMMITTEE – REVIEW OF SIDEWALK WAIVERS: The report of the Public Property, Safety and Works Committee was presented with the recommendation to extend sidewalk waivers for another year for the following locations: 1317 East 17th Street, 1520 East 25th Street, and 3210 30th Street. Moved by Bahr, seconded by Bogus, this report be adopted. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Motion carried.

PUBLIC PROPERTY, SAFETY AND WORKS COMMITTEE – REPORT ON REPLACEMENT AND REPAIR OF SIDEWALKS THROUGHOUT COLUMBUS AS DISCUSSED AT 6-11-12 PUBLIC PROPERTY, SAFETY AND WORKS COMMITTEE MEETING: The report of the Public Property, Safety and Works Committee was presented with the recommendation to proceed with forming a sidewalk improvement district for the following properties: 3919 13th Street, 3617 Howard Boulevard, 3704 16th Street and 2153 37th Avenue. Moved by Bahr, seconded by Bogus, this report be adopted. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Motion carried. Dee McCarthy, 3722 17th Street, explained that she is speaking on behalf of her son and daughter-in-law, property owners of 3919 13th Street, as they had another commitment and were unable to attend this meeting. McCarthy reported that repairs were made to the sidewalk on September 7, 2012 and questioned why the address has been included in publications after the repairs were made. City Engineer Goedeken explained that the agenda packets were prepared prior to knowledge of the repairs and said if it is determined that the appropriate repairs were made, the address will not be included in the creation of a sidewalk improvement district. McCarthy said she often uses a stroller to take her great grandchild for walks and she submitted a list of addresses where sidewalks are in need of repair.

APPLICATION OF LONGHARDT, LLC FOR PRELIMINARY PLAT OF SCOTT LOSEKE SUBDIVISION (BETWEEN 53RD AND 68TH STREET, EAST OF 48TH AVENUE): An application was presented from Longhardt, LLC for the preliminary plat of Scott Loseke Subdivision, a tract of land located in the NW1/4 of Section 1, T17N, R1W of the 6th P.M., Platte County, Nebraska (between 53rd and 68th Street, east of 48th Avenue). A memorandum was presented from City Engineer Goedeken submitting detailed information and a staff recommendation to approve the preliminary plat with the following contingencies: 1) drainage plans and calculations be provided to the City Engineering Department, 2) final utility easements (if proposed) be shown on the final plat, 3) a subdivision agreement be submitted with the final plat, and 4) a stipulation be included with the subdivision agreement regarding usage of the water well for future needs of the existing building. The Planning Commission recommended approval with the contingencies as listed. Tom Maul, 2468 18th Avenue, on behalf of Longhardt LLC, explained that Country Shadows Golf Course and Club House were offered for sale at an auction with the option to purchase as a single tract of land or two separate tracts

and only the golf course portion sold. Maul pointed out that the City Council's role is to make a decision on the preliminary plat and not to determine property rights. Jason Mielak, 3919 25th Street, on behalf of Pinnacle Bank, concurred with Maul regarding property rights not being a factor for approval of the plat. Mielak clarified that the property was sold at a public auction and was not a foreclosure sale. Mielak said notices regarding first right of refusal were sent to all property owners involved as per information provided by the title company. Mielak stated that there is a potential purchaser for the club house property and delay of the plat approval could jeopardize the sale. City Administrator Mangiamelli referred to the contingencies identified and said they should be resolved by the time the final plat is submitted. Mayor Moser pointed out that the City Council is bound to approve the final plat if there are no substantial changes made from the preliminary plat. Ray Baker, 3310 26th Street, on behalf of a group of residents in the Country Shadows area referred to the following five property owners: Allen Matthews, Dennis Podany, Patricia Anderson, Ronald Pinger and Bob Hoppe who serve on a committee regarding current proceedings that affect the land owners and said this group represents approximately 84% of the residents who are involved. Baker referred to the Land Development Ordinance for the City of Columbus and said it is the City Council's duty to consider all facts when making a decision on this application. Baker pointed out that 25 property owners received a notice from Mielak informing them of an option to purchase the golf course and said property owners in three other subdivisions are also involved and should have received the notice. Baker said the option to purchase the club house should also have been included with the first right of refusal. Baker referred to the Omaha Skyline Woods case of 2008 involving homeowners and a golf course and said the Supreme Court ruled that there was an implied covenant the area remain open and the golf course not be developed. Baker pointed out that homes in the Country Shadows area were purchased due to the fact they were near a golf course. Clark Grant, 1464 27th Avenue, on behalf of Ron and Charlotte Lambert, 5297 48th Avenue, expressed opposition to the subdivision. Grant referred to the September 10, 2012 Planning Commission meeting and said there is no commitment from Mr. and Mrs. Lambert to convey the road right-of-way for 48th Avenue and 68th Street. In response to Maul, Greg Lower of Gilmore and Associates, explained that the road right-of-way can be removed from the plat. In response to Council Member Lohr, City Attorney Hansen recommended that the City Council delay the preliminary plat until the issue can be resolved. City Administrator Mangiamelli pointed out that there is an option for the road right-of-way to be included in a deed of dedication with the final plat. Ron Lambert said he would consider the option to transfer the road right-of-way but has not made a final decision at this time. Moved by Reardon, seconded by Augustine-Schulte, the preliminary plat be continued to October 1, 2012. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Motion carried.

APPLICATION OF C. RONALD LAMBERT FOR PRELIMINARY PLAT OF LAMBERT ACRES 1ST ADDITION (PROPERTY EAST OF EAST CALLE COLOMBO): An application was presented from C. Ronald Lambert for the preliminary plat of Lambert Acres 1st Addition, a tract of land located in the NW1/4 SW1/4 of Section 21, T17N, R1E of the 6th P.M. in Platte County, Nebraska (property east of East Calle Colombo). A memorandum was presented from City Engineer Goedeken submitting detailed information and a staff recommendation to approve the preliminary plat with the

following contingencies: 1) a Flood Plain Development Permit be approved for the area; 2) the city and property owner agree to terms as to the party responsible for maintenance of a storm drain; 3) the city and property owner agree to terms for inspection and maintenance access into manhole on western end of drainage; and 4) a subdivision agreement be submitted with the final plat. The Planning Commission recommended approval with the contingencies as listed. Moved by Bogus, seconded by Augustine-Schulte, the preliminary plat be approved with the contingencies as listed. Council Member Jablonski expressed concerns with regard to additional lots in an area that has only one entrance and City Engineer Goedeken confirmed that the property is restricted due the surrounding area. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Schilling, Lohr and Reardon voted "Aye" and Jablonski voted "Nay." Motion carried.

COMMENTS FROM MAYOR AND CITY COUNCIL MEMBERS: Council Member Augustine-Schulte commended city staff on the thorough job they do regarding the payroll and claims process. Council Member Augustine-Schulte said she has received positive comments from the public in anticipation of the future Quality of Life projects.

Council Member Bogus referred to results of a survey that showed the City of Columbus has the lowest crime rate out of six communities and he commended the citizens of Columbus as well as the Police Department for providing a safe environment.

Mayor Moser announced that Jeff Gokie and Molly Johnk will be guests at the September 25, 2012 Mayor's Roundtable discussion regarding a new Entrepreneur Task Force of the Columbus Area Chamber of Commerce.

RESOLUTION NO. R12-89 WAS INTRODUCED BY COUNCIL MEMBER LOHR.

RESOLUTION NO. R12-89
NOT ADOPTED

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, AUTHORIZING CITY STAFF TO INITIATE AN AMENDMENT TO THE REDEVELOPMENT AGREEMENT WITH COLUMBUS WESTGATE II, LLC, TO PROVIDE FOR THE USE OF EMINENT DOMAIN IN THE DEVELOPMENT OF THE PROPERTY AT 23RD STREET AND 33RD AVENUE BY REMOVING PARKING, BUILDING OR OTHER RIGHTS ON THE LAND CURTAILING DEVELOPMENT AS PROVIDED IN THE REDEVELOPMENT PLAN.

A motion was made by Lohr to pass and adopt Resolution No. R12-89 and motion died for lack of a second.

CONSIDERATION OF PAYROLL AND BILLS ON FILE: ARL Credit Services – Service \$1,503.08; Reardon Lawn & Garden, Inc. – Service \$223.66. TOTAL \$1,726.74. 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 Augustine-Schulte, Bahr, Bogus, Bulkley, Schilling and Lohr voted "Aye" and none voted "Nay." Council Members Jablonski and Reardon abstained from voting. Motion carried. Moved by Bogus, seconded by Bulkley, to approve the bills on file. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Schilling and Lohr voted "Aye" and none voted "Nay." Council Members Jablonski and Reardon abstained from voting. Motion carried.

Moved by Augustine-Schulte, seconded by Jablonski, the meeting be adjourned. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Motion carried and the meeting was adjourned at 8:50 p.m.

Presented and approved this 1st day of October, 2012.

MAYOR

ATTEST:

ASSISTANT CITY CLERK