

**MUNICIPALITY OF GERMANTOWN COUNCIL**

**MONDAY, AUGUST 3, 15**

The Municipality of Germantown Council met in regular session on August 3, 2015 at 7:00 p.m. in the Municipal Building Council Chambers.

**PLEDGE OF ALLEGIANCE:**

The Pledge of Allegiance was recited.

**MEMBERS PRESENT:**

The following members were present at the Call to Order: Mayor Stephen Boeder, Mr. Mark Heistand, Mr. Terry Johnson, Mr. Lynn Koogle, Mr. Michael Kuhn, Mr. Robert Rettich, IV and Mr. Brian Wafzig.

**MEMBERS ABSENT:**

None.

**ALSO PRESENT:**

Also present were Anna Sizemore, Municipal Manager; Tom Schiff, Law Director; Roy McGill, Chief of Police; Matt Burns, Police Major; Scott Brown, Police Lieutenant; Jonathan Moore, Director of Public Service; Kelli Sanders-Novak, Clerk of Council and several visitors.

**APPROVAL OF MINUTES:**

Mayor and Council reviewed the July 06, 2015 Work Session minutes.

**MOTION:** Mr. Wafzig moved to approve the July 06, 2015 Work Session minutes as submitted.

**ROLL CALL:** Mr. Heistand, yes; Mr. Johnson, yes; Mr. Koogle, yes; Mr. Kuhn, yes; Mr. Rettich, yes; Mr. Wafzig, yes; Mayor Boeder, yes. 7-yes, 0-no. **MOTION CARRIED.**

Mayor and Council reviewed the July 20, 2015 Regular Session minutes.

**MOTION:** Mr. Kuhn moved to approve the July 20, 2015 Regular Session minutes as submitted.

**ROLL CALL:** Mr. Heistand, yes; Mr. Johnson, yes; Mr. Koogle, yes; Mr. Kuhn, yes; Mr. Rettich, yes; Mr. Wafzig, yes; Mayor Boeder, yes. 7-yes, 0-no. **MOTION CARRIED.**

Mayor and Council reviewed the July 20, 2015 Work Session minutes.

**MOTION:** Mr. Kuhn moved to approve the July 20, 2015 Work Session minutes as submitted.

**ROLL CALL:** Mr. Heistand, yes; Mr. Johnson, yes; Mr. Koogle, yes; Mr. Kuhn, yes; Mr. Rettich, yes; Mr. Wafzig, yes; Mayor Boeder, yes. 7-yes, 0-no. **MOTION CARRIED.**

**PUBLIC RECOGNITION:**

Mrs. Sizemore read a memo from Lieutenant Brown describing an incident that Chief McGill assisted in and handled so well. She then presented Chief McGill with a plaque and the commendation metal. She thanked him for being such a great Chief of Police and for all he does.

Chief McGill thanked everyone for the recognition.

Mayor Boeder thanked Chief McGill for his support to us all and the information that he provides them to make good decisions. Council counts on that greatly.

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### CITIZEN'S FORUM:

James Willis, 421 West Market Street, expressed concerns regarding the 4 mil street levy that is on the ballot tomorrow. He was unaware of the street levy until last week and would have liked to have seen the advertising done better with yard signs and the flyers sent out months ago. He appreciates the efforts of the street levy committee but some residents have not yet received the flyer. He expressed concern of the levy being continuous in length, the amount of the levy and questioned if there was a plan on what order the streets would be repaired. He stated that there were some conflicting figures between the Germantown Press and the flyer.

Mr. Kuhn explained that the City Engineer has mapped out the streets of the city and the degree of repair each street needs.

Mr. Willis questioned why channel 5 was not used to get the information to the voters. Mr. Wafzig replied that the State Auditors have restricted us on using city funds and city property to show support of any city levy.

The Law Director explained that the city is limited to what it can spend money on and cannot spend city money on to support the levy.

Mr. Johnson stated that Council has discussed this street levy for nearly two years.

Mr. Wafzig explained the need for a continuous levy versus a set term of possibly 5 years. This continuous levy will allow the city to have a better chance at doing the larger projects when going out and getting bonds.

Harold Holbrook, 94 South Maple Street, stated he agreed with what Mr. Willis just said. He then questioned the grant that was mentioned in the flyer and why the city has not applied for it to fund the street projects.

Mr. Kuhn explained that many of the streets that are in need of repair are not considered main thoroughways and would not score well to obtain funding from the Ohio Public Works Commission. The City Engineer who has much experience in this situation has advised us to not apply for the smaller projects and to concentrate on the larger projects that have a much better chance of being awarded funding.

Mr. Holbrook stated that he received his flyer at 5:00 p.m. today and agreed that the information should have been distributed much earlier. He questioned the names at the bottom of the flyer and how they found out about the levy committee and why there was a Township resident on the list. He expressed concern of the high amount of the levy and it being such a big hit.

Mayor Boeder explained that the residents of South Main Street approached Council and volunteered to support and run the levy committee. He went on by saying that the 4 mil amount was determined on the urgent need of funds to repair the amount of streets that are in need of desperate repair.

Mr. Willis questioned why the street levy was placed on a special election that cost additional money to the city. Mayor Boeder replied that Council decided to try the special election and if it did fail we would place it again on the November ballot. Council has passed legislation in anticipation of the levy failing; we are prepared for the November ballot.

Jo Ann Botts, 142 South Main Street, Chairman of the street levy, stated that she has lived on the South Main Street for 28 years and has been waiting to get her street repaired. A group of residents approached Council regarding the issue on South Main Street and they offered to help in any way with the street levy. She met with the Manager and was informed that there was no money to help support the levy. The Dupps Company provided the 2,700 copies of the flyers and 25 volunteers distributed the flyers. She apologized for the late arrival of some of the flyers and for not removing the Township resident's name. The levy committee did the best they could do with what they had.

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Mary Ann Recker, 49 South Main Street, stated that they also put information on Facebook with questions and answers. She explained the discrepancy in the numbers in the Germantown Press and in the flyer by saying that the flyer slightly overstated the numbers. Sometimes the timing for advertising in the Germantown Press is not always timely, so they chose to not use them. There was simply just not any money for advertising with signs. They did try to focus their efforts towards the registered voters in the community.

Mr. Johnson added that the citizens can have the levy removed if they feel it is not what they want.

Mayor Boeder thanked the street levy committee for all their efforts and support. He also thanked Mr. Willis and Mr. Holbrook for coming and expressing their thoughts.

**MANAGER'S REPORT:**

Mrs. Sizemore thanked the levy committee for all their hard work.

She went on by stating that the 2013-2014 audit will begin Tuesday. They attended a pre-audit meeting and reviewed the documents that would be needed. As we go along we will update Council.

The St. Johns clothes closet that we have discussed will be ran from the Astoria Road nursing center. St. Johns will also be present at National Night Out under the shelter giving their clothes away.

National Night Out and the Festival of Churches will be August 4 at Veterans' Memorial Park. The Police and Fire-EMS Departments will participate and the pool will be open for those who wish to swim at no charge.

The Camp Miami project should be completed the week of August 17. Ms. Brown has signed a contract with Rauch Construction to remove her building debris at the same time. The city will also have Rauch Construction clean up the north well field area while they are here.

She attended a meeting last week regarding the combined newsletter. The school has decided to participate but German Township and Jackson Township will not be participating. This newsletter will be sent in April, August and November and the inserts in the water bills will go out in the remaining months.

The pool schedule will have to be modified due to the life guards returning to school in mid August. Starting August 17 the daily hours will be 4:00 to 7:00 p.m., weekend hours will be noon to 7:00 p.m. and September 3 thru September 7 the hours will be noon to 7:00 p.m. each day.

We have hired a new Senior Center Director, her name is Chenoa Erisman.

The cities insurance company is looking into the documents from the Camp Miami site and if they would be covered as fine arts under our policy. The agent did recommend that the coins that are currently in a safety deposit box should be appraised. She asked Council for their approval to have the coins appraised. The consensus of Council was to have the Manager have the coins appraised.

She announced that Saturday Night Out would be August 15.

She again thanked the levy committee for all their hard work with the street levy. She encouraged everyone to get out and vote tomorrow. She added that Council had discussed the street levy repeatedly and we began passing legislation in March.

Under Introduction is Ordinance No. 15-46 which is an amendment to the appropriation and expenditures Ordinance. The Finance Director explained at the last meeting the removing of dispatch fees from the Police levy fund and moving them to the general fund to avoid a negative balance. Resolution No. 15-47 allows us to become a member of the Montgomery County

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Regional Radio Council. We will need to appoint a member to the board from Germantown after the legislation is passed. She believes that most communities are making their Manager the delegate and their Police or Fire Chief as the alternative. This group will oversee the change to the Multi-Agency Radio Communication system

Mr. Wafzig stated that the options were to allow the county to run the communication system or have Miami Valley Communications Council members run it. We thought that the best option would be to allow Miami Valley Communications Council run it.

Under Public Hearing is Resolution No. 15-38 which is the monthly transfer of funds for July in the amount of \$5,874.87. Resolution No. 15-39 is to allow the sale of Senior Center surplus property. Resolution No. 15-40 is to allow the sale of Administrative surplus property. Resolution No. 15-41 is to allow the Manager to prepare an application for the Cherry Street phase 5 project and is estimated to cost \$685,627.00. This project will be from Huber Street to Montgomery Street. Resolution No. 15-42 is to allow the Manager to prepare an application for the sanitary sewer project phase 3 and is estimated to cost \$199,587.00. This project will include Bradley Drive, Lisa Drive, Pollyanna Avenue, Kemp Street, Marshall Avenue and part of East Market Street. Ordinance No. 15-43 is the street light assessments for 2016. Ordinance 15-44 is creating a new section in the Codified Ordinances pertaining to vacant lots that were platted some time ago but have become unbuildable due to a revision in the building standards. This will allow them to revert back to the original building standard at the time they were platted. Resolution No. 15-45 is authorizing the Mayor to enter into an employment contract with the Municipal Manager.

Mr. Rettich questioned if the tornado siren in the Hillcrest area is now working. Mrs. Sizemore replied that yes it is. Chief Alldred was there today to check it.

Mr. Rettich questioned if they looked into using the funding that were to be used for the Police dog to prevent us from having to make that transfer that Mr. Wafzig mentioned at the last meeting. Mrs. Sizemore explained that those funds have restrictions and may not be allowed to be used for dispatch cost.

Mr. Wafzig stated that he believes he had mentioned using the funding for the dog to be used to purchase the portable, digital speed reading signs.

Mr. Wafzig questioned if there would be a way to look at the flow at the lift station to see if there has been any impact from the relining we have been doing. Mr. Moore replied that he can tell that there it is definitely helping but there is not a flow meter to monitor the flow. He is not getting called to the lift station nearly as much.

Mr. Wafzig requested that the old water tower be discussed when the Engineer is at the next meeting.

Mr. Wafzig questioned when the final paving would be done in the Hickory Pointe commercial area. It is approximately ½ inch below the gutter. Mrs. Sizemore replied that she would look into the situation and get back with Council.

**CLERK'S REPORT:**

None.

**LAW DIRECTOR'S REPORT:**

The Law Director reminded Council that he would like to have an Executive Session tonight.

He thanked Council for allowing him to attend the Ohio Municipal Attorneys Association meeting. He enjoyed it and finds it to be a great learning tool. At the meeting they discussed several items including that all Municipalities will have to change their Municipal income tax laws. These changes will have to be done by the end of the year.

Mr. Heistand asked for more information on how the proposed income tax changes will impact the city. Mrs. Sizemore replied that she would get that information.

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The Law Director stated he was unaware that Chief McGill was going to be recognized tonight but he feels that if anyone deserves the recognition it would be Chief McGill. He has always done such a great job in the Police Department and makes his job much easier. He is lucky enough to not only call him Chief but to also call him a friend.

### **POLICE CHIEF'S REPORT:**

Chief McGill passed out memos regarding the recent speed study done at various locations in the City.

### **DIRECTOR OF PUBLIC SERVICE'S REPORT:**

Mr. Moore updated the Mayor and Council on the various projects that are being done in the Municipality. They have been working on repairing some issues in the South Walnut Street area and will have the paving corrected Tuesday. They have also replaced the culvert pipe on South Water Street at Gunckel Street.

He will be attending the Franklin Regional Waste Water Treatment Corporation meeting on August 18.

Mr. Wafzig thanked Mr. Moore for repairing the street issue on Astoria Road. He was wondering if we have the equipment to do large patches. Mr. Moore replied that they normally do the work by hand but to bring a company in to do large paving jobs like South Walnut Street.

Mr. Wafzig asked that Mr. Moore look into the pavement issues on Perry Street and along Route 4 near Worthington Drive. Mr. Moore replied that he will look into the issues and get more information.

Mr. Wafzig went on by asking for a cost comparison in getting a new street sweeper machine versus contracting a company to come in and doing our sweeping since our street sweeper is no longer working. He has noticed that along some of the streets the dirt has accumulated and weeds are now growing in the street/gutter area.

Mayor Boeder suggested that someone spray for weeds throughout the city. Mr. Moore replied that they have sprayed the weeds in the downtown area twice this year and weeds are a huge issue this year due to the rain.

### **MAYOR'S REPORT:**

Mayor Boeder stated that he met Chief McGill many years ago when he was coaching 7<sup>th</sup> and 8<sup>th</sup> grade football teams and he never got upset or raised his voice. He appreciated this when he was refereeing the games.

He reviewed the July 20 work session meeting. They discussed how Council is to handle questions from the public. It was decided that the Manager and staff would give the answers and information. We should be utilizing the Managers knowledge. We also discussed public recognition and it was decided that if anyone has a recognition the Mayor would read a small text acknowledging the achievement during Public Recognition at the Council meeting.

He went on by saying that he understands the concerns that residents may have pertaining to the street levy and apologized for not giving the necessary information. He feels that the levy committee did an excellent job. We are in desperate need of financial support to do the street maintenance.

He has the compilation of the Law Director's review and will send it to Council members after he has spoken with the Law Director and get his comments.

He reminded everyone that National Night Out is Tuesday.

He encouraged everyone to get out and vote.

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He will be attending the Miami Valley Regional Planning Commission meeting on Thursday.

The Franklin Regional Waste Water Treatment Corporation meeting is on August 18.

### **COUNCIL MEMBER'S REPORT:**

#### **Mr. Heistand's Report:**

Mr. Heistand stated that the City Beautiful Commission will meet on August 11. At that time they will select the 2015 Spring and Summer Flower Contest winner. He announced that there will be a hands on seminar on August 18 that will address Fall landscape with Horticulturalist Mike Engler.

He thanked the community for attending the Arthur Huffer, Jr. Memorial Hot Air Balloon Festival and Germantown Founders Day.

He encouraged everyone to vote tomorrow and asked that they support the street levy.

He thanked the street levy committee for all their hard work and the Dupps Company for their support of the flyers.

He stated that the concerns that were raised tonight regarding the street levy were good concerns and he appreciates that they were heard. He addressed the issues that were raised by the residents and his take on the duration of the levy and the amount. Streets are always going to be there and will always need repair. We chose to do the special election to try to get a start on the process.

#### **Mr. Johnson's Report:**

Mr. Johnson thanked Chief McGill for his leadership and service to the Police Department over the years.

He attended the Arthur Huffer, Jr. Memorial Hot Air Balloon Festival and Germantown Founders Day; his family had a great time.

He spoke to the Manager and the Mayor regarding Peffley Street and the Engineer wanting to wait to bid the project in the Spring. He asked that the Engineer meet with the residents or give them information on the progress of the project.

He attended a VV Base Board meeting last week. They discussed the many issues that they feel need to be addressed at Kercher Park. He will pass the list to the Manager for consideration.

He thanked the street levy committee for their hard work and those residents that came and spoke tonight regarding the street levy. He encouraged everyone to get out and vote in the election tomorrow.

#### **Mr. Koogle's Report:**

Mr. Koogle attended the retirement party for Don Hurley. He was presented plaques for all his hard work at the Cemetery and his efforts at establishing the current data base.

He thanked the many senior citizens who have been filling in at the Senior Center while we were hiring a new Director. He is looking forward to meeting the new Director.

He stated the levy has been discussed more in depth than any other issue. This is for a lot of money and a lot of responsibility. We take any extra money and put it into the street fund to try to maintain what we have and it just is not enough. We have never had funds designated for the street. He encouraged everyone to get out and vote tomorrow and support the street levy.

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**Mr. Kuhn's Report:**

Mr. Kuhn thanked the residents who attend the meeting and encouraged everyone to vote tomorrow.

**Mr. Rettich's Report:**

Mr. Rettich thanked the residents for coming tonight and encouraged everyone to get out and vote tomorrow.

**Mr. Wafzig's Report:**

Mr. Wafzig encouraged everyone to get out and vote tomorrow and thanked the levy committee for their help and support. We have been trying to repair streets that are just too far gone and the repairs are continuing to fail. This levy would allow the City to not just reconstruct our streets but also maintain the ones we repair.

He also encouraged everyone to attend National Night Out tomorrow.

**Legislation:**

**Introduction:**

ORDINANCE NO. 15-46

AN ORDINANCE AMENDING ORDINANCE NO. 15-24 APPROPRIATIONS FOR CURRENT EXPENSES AND EXPENDITURES OF THE MUNICIPALITY OF GERMANTOWN, STATE OF OHIO, FOR THE FISCAL YEAR ENDING DECEMBER 31, 2015.

Mayor Boeder stated the Public Hearing would be August 17, 2015.

RESOLUTION NO. 15-47

A RESOLUTION AGREEING THAT THE MUNICIPALITY OF GERMANTOWN SHALL BECOME A MEMBER OF THE PROPOSED MONTGOMERY COUNTY REGIONAL RADIO COUNCIL AND TO AUTHORIZE THE MUNICIPAL MANAGER TO EXECUTE THE AGREEMENT FOR PARTICIPATION IN A REGIONAL COUNCIL OF GOVERNMENTS KNOWN AS THE MONTGOMERY COUNTY REGIONAL RADIO COUNCIL.

Mayor Boeder stated the Public Hearing would be August 17, 2015.

Mayor Boeder stated that the Council had addressed the street levy legislation several times and we rarely see anyone attend the meetings to comment. He encouraged everyone to attend the meetings and make suggestions.

**Public Hearing:**

RESOLUTION NO. 15-38

A RESOLUTION TO AUTHORIZE THE TRANSFER OF FUNDS FROM THE GENERAL FUND TO THE STREET CAPITAL IMPROVEMENT FUND.

Mayor Boeder explained that this is an example of the city transferring any extra funds to the street fund.

Mayor Boeder opened the Public Hearing, Mayor and Council were not addressed. The Public Hearing was then closed.

**MOTION:** Mr. Johnson moved to adopt Resolution No. 15-38.

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ROLL CALL: Mr. Heistand, yes; Mr. Johnson, yes; Mr. Koogle, yes; Mr. Kuhn, yes; Mr. Rettich, yes; Mr. Wafzig, yes; Mayor Boeder, yes. 7-yes, 0-no. MOTION CARRIED.

**RESOLUTION NO. 15-39**

**A RESOLUTION TO DECLARE SENIOR CENTER SURPLUS PROPERTY AND AUTHORIZE THE MUNICIPAL MANAGER TO ADVERTISE FOR BIDS TO SELL SAID PROPERTY.**

Mayor Boeder opened the Public Hearing, Mayor and Council were not addressed. The Public Hearing was then closed.

**MOTION:** Mr. Kuhn moved to adopt Resolution No. 15-39.

ROLL CALL: Mr. Heistand, yes; Mr. Johnson, yes; Mr. Koogle, yes; Mr. Kuhn, yes; Mr. Rettich, yes; Mr. Wafzig, yes; Mayor Boeder, yes. 7-yes, 0-no. MOTION CARRIED.

**RESOLUTION NO. 15-40**

**A RESOLUTION TO DECLARE ADMINISTRATIVE SURPLUS PROPERTY AND AUTHORIZE THE MUNICIPAL MANAGER TO ADVERTISE FOR BIDS TO SELL SAID PROPERTY.**

Mayor Boeder opened the Public Hearing, Mayor and Council were not addressed. The Public Hearing was then closed.

**MOTION:** Mr. Heistand moved to adopt Resolution No. 15-40.

ROLL CALL: Mr. Heistand, yes; Mr. Johnson, yes; Mr. Koogle, yes; Mr. Kuhn, yes; Mr. Rettich, yes; Mr. Wafzig, yes; Mayor Boeder, yes. 7-yes, 0-no. MOTION CARRIED.

**RESOLUTION NO. 15-41**

**A RESOLUTION AUTHORIZING THE MUNICIPAL MANAGER TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED.**

Mayor Boeder opened the Public Hearing, Mayor and Council were not addressed. The Public Hearing was then closed.

**MOTION:** Mr. Wafzig moved to adopt Resolution No. 15-41.

ROLL CALL: Mr. Heistand, yes; Mr. Johnson, yes; Mr. Koogle, yes; Mr. Kuhn, yes; Mr. Rettich, yes; Mr. Wafzig, yes; Mayor Boeder, yes. 7-yes, 0-no. MOTION CARRIED.

**RESOLUTION NO. 15-42**

**A RESOLUTION AUTHORIZING THE MUNICIPAL MANAGER TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED.**

Mayor Boeder opened the Public Hearing, Mayor and Council were not addressed. The Public Hearing was then closed.

**MOTION:** Mr. Johnson moved to adopt Resolution No. 15-42.

ROLL CALL: Mr. Heistand, yes; Mr. Johnson, yes; Mr. Koogle, yes; Mr. Kuhn, yes; Mr. Rettich, yes; Mr. Wafzig, yes; Mayor Boeder, yes. 7-yes, 0-no. MOTION CARRIED.

**ORDINANCE NO. 15-43**



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**AN ORDINANCE LEVYING SPECIAL ASSESSMENTS ON THE LOTS OF THE MUNICIPALITY OF GERMANTOWN TO PAY THE COST AND EXPENSES OF FURNISHING AND MAINTAINING A STREET LIGHTING SYSTEM FOR 2016 IN THE MUNICIPALITY OF GERMANTOWN.**

Mayor Boeder opened the Public Hearing, Mayor and Council were not addressed. The Public Hearing was then closed.

**MOTION:** Mr. Koogle moved to adopt Ordinance No. 15-43.

**ROLL CALL:** Mr. Heistand, yes; Mr. Johnson, yes; Mr. Koogle, yes; Mr. Kuhn, yes; Mr. Rettich, yes; Mr. Wafzig, yes; Mayor Boeder, yes. 7-yes, 0-no. **MOTION CARRIED.**

**ORDINANCE NO. 15-44**

**AN ORDINANCE CREATING SECTION 1127.04 OF THE PLANNING AND ZONING CODE OF THE CODIFIED ORDINANCES OF THE MUNICIPALITY OF GERMANTOWN REGARDING REINSTATING CERTAIN LOT SIZES AS ORIGINALLY ZONED.**

Mayor Boeder opened the Public Hearing, Mayor and Council were not addressed. The Public Hearing was then closed.

**MOTION:** Mr. Heistand moved to adopt Ordinance No. 15-44.

**ROLL CALL:** Mr. Heistand, yes; Mr. Johnson, yes; Mr. Koogle, yes; Mr. Kuhn, yes; Mr. Rettich, yes; Mr. Wafzig, yes; Mayor Boeder, yes. 7-yes, 0-no. **MOTION CARRIED.**

**RESOLUTION NO. 15-45**

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN EMPLOYMENT CONTRACT WITH ANNA M. SIZEMORE FOR HER APPOINTMENT AS MUNICIPAL MANAGER.**

Mayor Boeder opened the Public Hearing, Mayor and Council were not addressed. The Public Hearing was then closed.

**MOTION:** Mr. Johnson moved to adopt Resolution No. 15-45.

**ROLL CALL:** Mr. Heistand, yes; Mr. Johnson, yes; Mr. Koogle, yes; Mr. Kuhn, yes; Mr. Rettich, no; Mr. Wafzig, yes; Mayor Boeder, yes. 6-yes, 1-no. **MOTION CARRIED.**

**EXCUSE ABSENT MEMBERS:**

None.

**MOTION:** Mr. Heistand moved to adjourn to Executive Session to discuss pending litigation.

**ROLL CALL:** Mr. Heistand, yes; Mr. Johnson, yes; Mr. Koogle, yes; Mr. Kuhn, yes; Mr. Rettich, yes; Mr. Wafzig, yes; Mayor Boeder, yes. 7-yes, 0-no. **MOTION CARRIED.**

Mayor and Council adjourned to Executive Session at 8:50 p.m.

**EXECUTIVE SESSION:**

**PRESENT:**

The following members were present at the start of the Executive Session: Mayor Stephen Boeder, Mr. Mark Heistand, Mr. Terry Johnson, Mr. Lynn Koogle, Mr. Michael Kuhn, Mr. Robert Rettich, IV and Mr. Brian Wafzig.

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**MEMBERS ABSENT:**

None.

**ALSO PRESENT:**

Also present was Anna Sizemore, Municipal Manager and Tom Schiff, Law Director.

The aforementioned persons discussed pending litigation.

**MOTION:** Mr. Johnson motioned to return to Regular Session.

VOICE VOTE ON MOTION. ALL IN FAVOR. MOTION CARRIED.

Mayor and Council reconvened into Regular Session at 9:28 p.m.

**ADJOURNMENT:**

There being no further business to come before the Council, Mr. Kuhn moved to adjourn the meeting.

The meeting adjourned at 9:29 p.m.

Respectfully Submitted,

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Kelli R. Sanders-Novak  
Clerk of Council

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Stephen A. Boeder  
Mayor