

A regular meeting of the Mayor and City Council of the City of Columbus, Nebraska was convened in open and public session on January 3, 2011 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 December 29, 2010, 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, 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 Attorney Stephen Hansen, City Engineer David Goedeken and Police Chief William Gumm.

**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 December 20, 2010, City Council meeting.
- B. Approval of specifications and authorization to purchase two 2011 Rear Wheel Drive, Ford Crown Victorias with accessories for Police Department from current Nebraska State Bid Contract in the total amount not to exceed \$75,000.
- C. Approval of report from Columbus Housing Authority (Annual Report) ~ Computation of Payments in Lieu of Taxes.

- D. Approval of payroll and bills on file. 01/07/11 Payroll \$461,292.79; Connecting Point/Radio Shack – Equipment 9,205.00; State of Nebraska – Training 20.00  
TOTAL \$470,517.79.

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

**PUBLIC HEARING – APPLICATION OF NEBRASKA VAULT COMPANY FOR SPECIAL USE PERMIT TO ALLOW FOR A CREMATORY IN A “B-2” (GENERAL COMMERCIAL DISTRICT) ZONE LOCATED AT 1808 E. 23RD STREET:** The Affidavit of Publication and Notice of Hearing were presented on the application of Nebraska Vault Company for a Special Use Permit to allow for a crematory on the following described real estate in a “B-2” (General Commercial District) zone: SE1/4SW1/4 of Section 15, Township 17 North, Range 1 East of the 6th P.M. in Platte County, Nebraska (1808 E. 23rd Street). 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 Special Use Permit subject to receipt of a site plan as required by the Text Amendments recommended to the City Council and that all operators be licensed by the State of Nebraska prior to operation of the crematory. The Planning Commission recommended approval. It was noted that this public hearing was continued from the December 20, 2010 City Council meeting due to the fact the Text Amendments were not in effect at that time. No one appeared in opposition. Moved by Schilling, seconded by Bulkley, the public hearing be closed. In response to Council Member Augustine, Jim Scow, Nebraska Vault Company, stated that there are no plans to add to the current four employees and other than personal property tax, there will be no additional revenue generated from taxes. In response to Council Member Reardon, Scow explained that local funeral directors have requested that Nebraska Vault provide this service as it has been costly and time consuming for them to drive out of town. Roll call and Council Members Augustine, Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted “Aye” and none voted “Nay.” Motion carried.

**ORDINANCE NO. 11-01 WAS INTRODUCED BY COUNCIL MEMBER BULKLEY.**

**ORDINANCE NO. 11-01**  
**ADOPTED: JANUARY 3, 2011**

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA TO ISSUE A SPECIAL USE PERMIT TO ALLOW FOR A CREMATORY AND TO PROVIDE CREMATORY SERVICES, AS CONTAINED IN TABLE 4-2, ZONING DISTRICT REGULATIONS, OF THE ZONING CODE, ON THE FOLLOWING DESCRIBED REAL ESTATE IN A “B-2” (GENERAL COMMERCIAL DISTRICT) ZONING DISTRICT: A TRACT OF LAND LOCATED IN THE SE1/4SW1/4 OF SECTION 15, TOWNSHIP 17 NORTH, RANGE 1 EAST OF THE 6TH P.M., IN PLATTE

COUNTY, NEBRASKA MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SE1/4SW1/4 AND ASSUMING THE WEST LINE OF SAID SE1/4SW1/4 TO HAVE A BEARING OF N 00°03'59" W; THENCE N 00°03'59" W AND ON SAID WEST LINE, 749.83 FEET, THENCE N 89°50'27" E, 140.69 FEET, TO THE POINT OF BEGINNING; THENCE N 89°50'27" E, 149.31 FEET; THENCE S 00°03'59" E, 204.83 FEET; THENCE S 89°50'27" W, 50.00 FEET, THENCE N 25°57'01" W, 227.49 FEET, TO THE POINT OF BEGINNING, CONTAINING 20,412.18 SQUARE FEET, MORE OR LESS; AND A TRACT OF LAND IN THE SE1/4SW1/4 OF SECTION 15, TOWNSHIP 17 NORTH, RANGE 1 EAST OF THE 6TH P.M., PLATTE COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS: COMMENCING AT THE SW CORNER OF THE SE1/4SW1/4 OF SAID SECTION 15; THENCE EAST 290' ALONG THE SOUTH LINE OF SAID SE1/4SW1/4 TO A POINT; THENCE NORTH 545' PARALLEL TO THE WEST LINE OF SAID SE1/4SW1/4 TO A POINT; THENCE WEST 50' PARALLEL TO THE SOUTH LINE OF SAID SE1/4SW1/4 TO A POINT; THENCE NORTHWESTERLY TO A POINT ON THE WEST LINE OF SAID SE1/4SW1/4 TO SAID POINT LYING 1040' NORTH OF THE SW CORNER OF SAID SE1/4SW1/4; THENCE SOUTH 1040' ALONG THE WEST LINE OF SAID SE1/4SW1/4 TO THE POINT OF BEGINNING, EXCEPT THE SOUTH 215 FEET OF SAID TRACT; AND THE NORTH 155' OF THE SOUTH 215' OF THE WEST 290' OF THE SE1/4SW1/4 OF SECTION 15, TOWNSHIP 17 NORTH, RANGE 1 EAST OF THE 6TH P.M., PLATTE COUNTY, NEBRASKA, SUBJECT TO THE EASEMENT GRANTED AND TOGETHER WITH THE EASEMENT RIGHTS RECEIVED PURSUANT TO THAT CERTAIN EASEMENT AGREEMENT DATED SEPTEMBER 27, 1982 AND RECORDED IN BOOK 72 AT PAGE 1025 OF THE MISCELLANEOUS RECORDS IN THE OFFICE OF THE REGISTER OF DEEDS OF PLATTE COUNTY, NEBRASKA; EXCEPT A TRACT OF LAND LOCATED IN THE SE1/4SW1/4 OF SECTION 15, TOWNSHIP 17 NORTH, RANGE 1 EAST OF THE 6TH P.M., IN PLATTE COUNTY, NEBRASKA MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SE1/4SW1/4 AND ASSUMING THE WEST LINE OF SAID SE1/4SW1/4 TO HAVE A BEARING OF N 00°03'59" W; THENCE N 00°03'59" W AND ON SAID WEST LINE, 749.83 FEET, TO THE POINT OF BEGINNING; THENCE N 00°03'59" W AND ON SAID WEST LINE, 290.17 FEET; THENCE S 25°57'01" E, 322.28 FEET; THENCE S 89°50'27" W, 140.69 FEET, TO THE POINT OF BEGINNING, CONTAINING 20,412.22 SQUARE FEET, MORE OR LESS; TO REPEAL ALL ORDINANCES AND RESOLUTIONS OR PARTS THEREOF IN CONFLICT HEREWITH; AND TO PROVIDE FOR THE EFFECTIVE DATE.

Moved by Bulkley, seconded by Bahr, the rules be suspended and Ordinance No. 11-01 be read by number only at this meeting. Roll call and Council Members Augustine, Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Motion carried and Ordinance No. 11-01 was read by number only at this meeting.

Moved by Bulkley, seconded by Schilling, Ordinance No. 11-01 be passed and adopted.

Mayor Moser put the question, "Shall Ordinance No. 11-01 be passed and adopted?" Roll call and Council Members Augustine, 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. 11-01," and it was duly signed.

**PUBLIC PROPERTY, SAFETY AND WORKS COMMITTEE REPORT - ELECT CHAIR**

**AND VICE CHAIR:** The report of the Public Property, Safety and Works Committee was presented stating that the Committee elected Council Member Charlie Bahr to serve as Chair and Council Member Terry Reardon to serve as Vice Chair of the Public Property, Safety and Works Committee. City Administrator Mangiamelli announced that in accordance with the City Council Rules, no further action is required.

**PUBLIC FINANCE, JUDICIARY AND PERSONNEL COMMITTEE REPORT - ELECT**

**CHAIR AND VICE CHAIR:** The report of the Public Finance, Judiciary and Personnel Committee was presented stating that the Committee elected Council Member Beth Augustine to serve as Chair and Council Member John Lohr to serve as Vice Chair of the Public Finance, Judiciary and Personnel Committee. City Administrator Mangiamelli announced that in accordance with the City Council Rules, no further action is required.

**ORDINANCE NO. 10-39 WAS INTRODUCED BY COUNCIL MEMBER LOHR.**

**FIRST READING**

**ADOPTED: JANUARY 3, 2011**

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA TO AMEND CHAPTER 74 OF TITLE VII OF ORDINANCE NO. 05-47 (COLUMBUS CITY CODE) BY DELETING AND THEREBY REPEALING THAT PORTION OF SCHEDULE II TRUCK ROUTES THAT PROVIDES THAT HOWARD BOULEVARD IS A DESIGNATED TRUCK ROUTE BY ADOPTING A NEW SCHEDULE II TRUCK ROUTES SO AS TO NOT INCLUDE THAT SEGMENT OF HOWARD BOULEVARD FROM THE INTERSECTION WITH 23RD STREET TO THE INTERSECTION WITH 33RD AVENUE; TO DEFINE PERMITTED USES FOR CERTAIN EMERGENCY AND MAINTENANCE VEHICLES; AND TO REPEAL ALL ORDINANCES OR PORTIONS THEREOF IN CONFLICT HEREWITH; AND TO PROVIDE FOR AN EFFECTIVE DATE.

Moved by Lohr, seconded by Bulkley, the rules be suspended and Ordinance No. 10-39 be read by number only at this meeting. Roll call and Council Members Augustine, Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Motion carried and Ordinance No. 10-39 was read by number only at this meeting.

Moved by Lohr, seconded by Augustine, Ordinance No. 10-39 be passed and adopted to become effective 30 days after the opening of the arterial. City Attorney Hansen stated

that the ordinance will be in effect 15 days after passage and would need to be amended in order to provide language to specify an effective date. Council Member Lohr, with the consent of his second, withdrew his motion.

Moved by Lohr, seconded by Augustine, Ordinance No. 10-39 be amended to make the effective date 30 days after the official opening of the arterial. In response to Council Member Reardon, City Engineer Goedeken said the opening of the arterial is anticipated to be in August or September, 2011, but could be delayed due to weather conditions.

In response to Council Member Lohr, Goedeken explained that the north/south truck traffic will not be directly affected by removal of Howard Boulevard from the truck route but said he feels it would be best to delay the removal and review all truck traffic patterns once the arterial has opened. Council Member Bogus said he feels there is no relation between removal of Howard Boulevard from the truck route and proposed truck traffic on the arterial. Council Member Augustine stated that a number of constituents have expressed concerns that removing Howard Boulevard from the truck route will increase congestion at the intersection of 23rd Street and 33rd Avenue. Council Member Schilling stated that he is opposed to removing Howard Boulevard from the truck route after discussing the issue with a number of constituents. Schilling cited the need for increased patrolling on 33rd Avenue from 23rd Street to the Lost Creek Parkway as this street is not a designated truck route. In response to Council Member Bulkley, Police Chief Gumm said citations will not be issued to people hauling trailers with boats, livestock and mowers. City Attorney Hansen clarified that City Code permits trucks with a bed of less than 96" and said there is no mention of trailers being prohibited. Council Member Augustine cited police records and said in 2010 there were 9 semi truck related accidents out of 28 accidents reported at the intersection of 23rd Street and 33rd Avenue and 5 semi truck related accidents out of 10 accidents reported along Howard Boulevard. Council Member Augustine also pointed out that the 23rd Street/33rd Avenue intersection is a concentrated area as opposed to the several block stretch of Howard Boulevard. Council Member Bahr referred to a citizen's request that brought this issue before the Public Property, Safety and Works Committee and said the committee determined that 1) Howard Boulevard is not designed to be a state highway; and 2) the city is responsible for repair and maintenance of Howard Boulevard. In response to Mayor Moser, Goedeken explained that Howard Boulevard was a state highway a number of years ago; however, by today's standards, it would need to be wider to be considered a highway. Goedeken referred to the condition of Howard Boulevard and pointed out that age is a contributing factor. Council Member Jablonski expressed concerns regarding safety issues on Howard Boulevard and said large trucks contribute to the current condition of the road. In response to Council President Bogus, City Attorney Hansen explained that the ordinance was revised to exempt maintenance vehicles owned by the city or utility companies as well as any authorized emergency vehicles responding to emergencies. Council Member Bulkley referred to citizen's concerns regarding potential truck traffic on 33rd Avenue, stressed the fact that 33rd Avenue is not a truck route and said there have been no discussions or committee meetings in that regard. Council Member Reardon said he feels Howard Boulevard

should be removed from the truck route but is not opposed to the delay; however, alternate truck routes should be discussed in the near future.

In response to Mayor Moser, City Administrator Mangiamelli stated that if the amended ordinance is adopted, a traffic engineering study should be conducted in order to identify alternative truck routes. Mangiamelli requested that the motion be rephrased to amend Section 3 of Ordinance No. 10-39 to state that this ordinance shall take effect and be in full force 30 days from and after the date of the official opening of the Lost Creek Parkway. Council Member Lohr concurred. Council Member Augustine expressed appreciation to the citizens who have concerns regarding the use of tax dollars for repair and maintenance of Howard Boulevard, pointed out that trucks have been using Howard Boulevard since it was constructed and does not feel that delaying the removal as a truck route will have significant impact. Council Member Bogus clarified that voting for the amended ordinance will remove that segment of Howard Boulevard from the intersection with 23rd Street to the intersection with 33rd Avenue from the truck route at a later date. Roll call on the motion to amend Ordinance No. 10-39 to take effect and be in full force 30 days from and after the date of the official opening of the Lost Creek Parkway and Council Members Augustine, Schilling, Jablonski, Lohr and Reardon voted "Aye" and Bahr, Bogus and Bulkley voted "Nay." Motion carried.

Moved by Lohr, seconded by Jablonski, Ordinance No. 10-39 be passed and adopted as amended. In response to Council Member Bulkley, Goedeken said there will be a press release announcing the official day that the Lost Creek Parkway is open to traffic. In response to City Attorney Hansen, Mangiamelli read the amended verbiage and Hansen approved. Council Member Reardon suggested that signs be posted notifying that Howard Boulevard is no longer a truck route in conjunction with the opening of the Lost Creek Parkway.

Mayor Moser put the question, "Shall Ordinance No. 10-39 be passed and adopted as amended?" Roll call and Council Members Augustine, Bahr, Bogus, Bulkley, Jablonski, Lohr and Reardon voted "Aye" and Schilling voted "Nay." Motion carried.

Mayor Moser declared, "By your action, you have passed Ordinance No. 10-39," and it was duly signed.

### **ORDINANCE NO. 10-40**

#### **THIRD READING**

**ADOPTED: JANUARY 3, 2011**

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA TO AMEND CHAPTER 93 OF TITLE IX OF ORDINANCE NO. 05-47 (COLUMBUS CITY CODE) BY AMENDING SECTION 93.01 SO AS TO FURTHER DEFINE THE DEFINITION OF "ALARM SYSTEM" BY AMENDING SECTION 93.02 TO FURTHER DEFINE WHO SHALL BE REQUIRED TO HAVE A PERMIT TO POSSESS AND OPERATE AN ALARM SYSTEM; TO REPEAL ALL ORDINANCES IN CONFLICT

HEREWITH AND TO PROVIDE FOR AN EFFECTIVE DATE.

On its third reading, Ordinance No. 10-40 was read by title only at this meeting. Moved by Bahr, seconded by Bulkley, Ordinance No. 10-40 be passed and adopted.

Mayor Moser put the question, "Shall Ordinance No. 10-40 be passed and adopted?"

Roll call and Council Members Augustine, 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. 10-40," and it was duly signed.

**DISCUSSION REGARDING POSSIBLE LEGISLATION RELATED TO THE CITY COUNCIL RULES:**

Moved by Bogus, seconded by Augustine, that the City Council go into closed session at 7:58 p.m. The subject matter to be discussed in the closed session shall be possible legislation; specifically discussion of legislation related to the City Council Rules; the reason for going into closed session is for the protection of the public interests and the matters to be discussed involve attorney-client issues. The following individuals will be included in the closed session: City Administrator Joseph Mangiamelli and City Attorney Stephen Hansen. 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 possible legislation; specifically discussion of legislation related to the City Council Rules; the reason for going into closed session is for the protection of the public interests and the matters to be discussed involve attorney-client issues. The following individuals will be included in the closed session: City Administrator Joseph Mangiamelli and City Attorney Stephen Hansen. Roll call and Council Members Augustine, Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." 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 possible legislation; specifically discussion of legislation related to the City Council Rules; the reason for going into closed session is for the protection of the public interests and the matters to be discussed involve attorney-client issues. The following individuals will be included in the closed session: City Administrator Joseph Mangiamelli and City Attorney Stephen Hansen.

Moved by Schilling, seconded by Lohr, to exit closed session at 8:28 p.m. Roll call and Council Members Augustine, Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Motion carried.

Moved by Bulkley, seconded by Augustine, the meeting be adjourned. Roll call and Council Members Augustine, Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Motion carried and the meeting was adjourned at 8:29 p.m.

Presented and approved this 17 day of January, 2011.

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MAYOR

ATTEST:

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CITY CLERK