

A regular meeting of the Mayor and City Council of the City of Columbus, Nebraska was convened in open and public session on March 7, 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 March 2, 2011, 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, City Clerk Linda Walters, City Attorney Stephen Hansen, City Engineer David Goedeken, Police Chief William Gumm, Finance Director Anne Kinnison, Fire Chief Dean Hefti, Community Development Director Dan Curtis and Public Property Director Doug Moore.

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 February 22, 2011, City Council meeting.
- B. Approval of reappointment of Douglas M. Kluth to the Civil Service Commission for five-year term.
- C. Approval of award of low quote to Kush Construction and Coatings, Monroe, Nebraska, in the amount of \$10,160 for installation of gutters on mechanical building and bath house at Pawnee Plunge, as submitted by Public Property Director Moore.

- D. Approval of award of low quote to ET & T Distributors, Inc., South Daytona, Florida, in the amount of \$22,190.59 for 300 Bahia chaise lounge chairs for Pawnee Plunge, as submitted by Public Property Director Moore.
- E. Approval of application of Casey's Retail Company, DBA Casey's General Store #2881, for addition to Class "B" (Beer Off Sale Only) licensed premise at 2903 23rd Street, Columbus, Nebraska.
- F. Approval of request of Sarah Cunningham for Lottery Sales Outlet location at Bigunz Bar, 2313 11th Street, Columbus, Nebraska.
- G. Approval of specifications and authorization to purchase a 2011 Sport Utility Vehicle with accessories for Police Department from current Nebraska State Bid Contract in an amount not to exceed \$35,000, as submitted by Police Chief Gumm.
- H. Approval of payroll and bills on file. 03/18/11 Payroll \$426,377.22 TOTAL \$426,377.22.

Council Member Augustine requested that Item D., Approval of award of low quote to ET & T Distributors, Inc., South Daytona, Florida, in the amount of \$22,190.59 for 300 Bahia chaise lounge chairs for Pawnee Plunge, be removed from consent status and considered in its normal sequence on the agenda under Item 13, New Business. Moved by Bogus, seconded by Augustine, the items on the consent agenda, with the exception of Item D., 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 TO NEBRASKA DEPARTMENT OF ECONOMIC DEVELOPMENT FOR COMMUNITY DEVELOPMENT BLOCK GRANT REQUESTING \$30,000 FOR COMMUNITY DEVELOPMENT ACTIVITIES (\$27,900 FOR DOWNTOWN REVITALIZATION PLAN AND \$2,100 FOR GENERAL ADMINISTRATION):

The Affidavit of Publication and Notice of Hearing were presented on the public hearing concerning an application to the Nebraska Department of Economic Development for a Community Development Block Grant requesting \$30,000 for community development activities (\$27,900 for a downtown revitalization plan and \$2,100 for general administration). A memorandum was also presented from Lisa Hurley, Northeast Nebraska Economic Development District, explaining that the objective of the Downtown Revitalization Funding category is to provide for investments in Nebraska communities that will contribute to the revitalization of downtown infrastructure, address health as well as safety concerns and develop a capacity for greater growth. It was noted in the memorandum that funding from this grant will assist in carrying out a comprehensive downtown revitalization plan to stabilize and enhance clearly defined downtown areas that will provide a benefit to low/moderate income residents of the community or aid in the elimination of substandard or blighted structures or areas in the downtown. It was further noted that this is the first year the program has been open to communities over 20,000 in population and the Department of Economic Development anticipates awarding four communities this year. Steve Dolezal, 3366 Pershing Road, Co-Manager of the Downtown Business Association,

appeared in support of this application. Dolezal asked the 27 business owners, who were in attendance for support of this grant, to stand and be recognized. In response to Council Member Bogus, City Administrator Mangiamelli explained that the first phase of this two phase application process requires a 25% match to be paid by the business owners through a proposed business improvement district that would be subject to the public hearing process. No one appeared in opposition. Moved by Bogus, seconded by Bulkley, the public hearing be closed. Roll call and Council Members Augustine, Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Motion carried.

RESOLUTION NO. R11-17 WAS INTRODUCED BY COUNCIL MEMBER LOHR.

RESOLUTION NO. R11-17
ADOPTED: MARCH 7, 2011

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA AUTHORIZING THE MAYOR TO SIGN THE APPLICATION TO THE NEBRASKA DEPARTMENT OF ECONOMIC DEVELOPMENT FOR NEBRASKA COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS, A COPY OF WHICH IS ATTACHED HERETO; PROVIDING FOR THE MAYOR AND CITY CLERK TO EXECUTE THE SAME.

Moved by Lohr, seconded by Schilling, Resolution No. R11-17 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.

APPOINTMENT OF TRAVIS W. DONNELLY AS POLICE OFFICER FOR THE CITY OF COLUMBUS: A memorandum was presented from Mayor Moser submitting the name of Travis W. Donnelly as a Police Officer for the City of Columbus. Council President Bogus read a brief resume and it was moved by Bogus, seconded by Bulkley, to approve the Mayor's appointment. Roll call and Council Members Augustine, Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Motion carried.

NORTHEAST NEBRASKA AREA AGENCY ON AGING 2012 BUDGET AND APPLICATION FOR FUNDING FOR COLUMBUS SENIOR CENTER PROGRAM:

The Northeast Nebraska Area Agency on Aging (NENAAA) 2012 Budget and the application for funding for the Columbus Senior Center Program was presented. A memorandum was also presented from Public Property Director Moore stating that staff recommends approval of the budget and application for funding for Senior Center programs with the NENAAA. It was noted that the NENAAA administers federal and state meal and activity subsidies for senior centers in northeast Nebraska and in order for the city to receive these funds, an annual budget application must be prepared, approved by the Mayor and City Council and submitted. It was further noted that the NENAAA also serves as the pass-through agency for federal USDA funds and these combined sources provide approximately 30% of the cost of the Senior Center operations. Moved by Bogus, seconded by Schilling, to approve the budget and application for funding for the Senior Center Program with the Northeast Nebraska Area

Agency on Aging. In response to Mayor Moser, Council Member Bogus, a member of the NENAAA Board of Directors, as well as Public Property Director Moore, explained the aspects of this funding. Roll call and Council Members Augustine, Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Motion carried.

MEMORANDUM FROM CITY ADMINISTRATOR RECOMMENDING CITY COUNCIL SUBMIT QUESTION OF WHETHER A TRACT OF LAND IN DOWNTOWN COLUMBUS GENERALLY BOUNDED BY 22ND AVENUE ON THE EAST, 15TH STREET ON THE NORTH, 30TH AVENUE ON THE WEST, AND 10TH STREET ON THE SOUTH IS BLIGHTED AND SUBSTANDARD TO THE PLANNING COMMISSION FOR ITS REVIEW AND RECOMMENDATION:

A memorandum was presented from City Administrator Mangiamelli recommending that the City Council submit the question of whether a tract of land in downtown Columbus generally bounded by 22nd Avenue on the east, 15th Street on the north, 30th Avenue on the west, and 10th Street on the south is blighted and substandard, as described in the Blight Study for the City of Columbus, Nebraska, prepared by RDG Crose Gardner Shukert dated June 1999, to the Planning Commission for its review and recommendation. Mangiamelli explained that this topic is relative to the public hearing previously discussed for a Community Development Block Grant for a downtown revitalization plan. Mangiamelli further explained a requirement of the grant application is that the area must be declared blighted and substandard. Mangiamelli pointed out that the grant application is due March 18, 2011 and said a Special Planning Commission meeting is scheduled for March 18, 2011 at 9 a.m. to conduct a public hearing to determine whether this tract of land is blighted and substandard and to make a recommendation to the City Council. In response to questions from Council Member Reardon regarding the requirements for a blighted and substandard designation, Mangiamelli referred to the criteria contained in the Blight Study, such as the age of the buildings, and said this area meets 9 of the 11 criteria. Mangiamelli pointed out that this designation allows for another level of funding. Moved by Bogus, seconded by Bulkley, that the City Council submit the question of whether a tract of land in downtown Columbus generally bounded by 22nd Avenue on the east, 15th Street on the north, 30th Avenue on the west, and 10th Street on the south is blighted and substandard, as described in the Blight Study for the City of Columbus, Nebraska, prepared by RDG Crose Gardner Shukert dated June 1999, to the Planning Commission for its review and recommendation. Roll call and Council Members Augustine, Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Motion carried.

COMMENTS FROM MAYOR AND CITY COUNCIL MEMBERS: Council Member Lohr expressed appreciation to the Downtown Business Association and Business Improvement District Board for their support of the Community Development Block Grant for a downtown revitalization plan. Council Member Augustine concurred and pointed out the attributes of the downtown businesses.

Council Member Bulkley announced that City Administrator Joe Mangiamelli has withdrawn his name from consideration for the position of Bellevue City Administrator and expressed his appreciation to Mangiamelli for this decision. This announcement

was immediately followed by applause from the governing body, staff and citizens in attendance.

APPROVAL OF AWARD OF LOW QUOTE TO ET & T DISTRIBUTORS, INC., SOUTH DAYTONA, FLORIDA, IN THE AMOUNT OF \$22,190.59 FOR 300 BAHIA CHAISE LOUNGE CHAIRS FOR PAWNEE PLUNGE:

A memorandum was presented from Public Property Director Moore submitting detailed information and a staff recommendation to approve the award of low quote to ET & T Distributors, Inc., South Daytona, Florida, in the amount of \$22,190.59 for 300 Bahia chaise lounge chairs for Pawnee Plunge. In response to Council Member Augustine, Public Property Director Moore explained that these chairs are being purchased to replace some of the original chairs that are breaking and beyond repair. Moore pointed out that approximately 250 chairs have been purchased over the last two years and they are very pleased with this type of chair. Moved by Augustine, seconded by Bahr, to approve the award of low quote to ET & T Distributors, Inc., South Daytona, Florida, in the amount of \$22,190.59 for 300 Bahia chaise lounge chairs for Pawnee Plunge. Roll call and Council Members Augustine, Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Motion carried.

ORDINANCE NO. 11-08
SECOND READING

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA TO AMEND A PORTION OF SECTION 130.052, 130.053, AND 130.054 OF CHAPTER 130 OF TITLE XIII OF ORDINANCE NO. 05-47 (COLUMBUS CITY CODE), TO-WIT: CHANGE HOURS OF SALES OF FIREWORKS; ALLOW FOR SALES FROM TEMPORARY STRUCTURES AND TENTS; PROVIDE PENALTIES FOR NONCOMPLIANCE; CHANGE HOURS OF DISCHARGING OF FIREWORKS; AND PROVIDE FOR THE EFFECTIVE DATE HEREOF AND THE REPEAL OF ALL OTHER ORDINANCES IN CONFLICT HEREWITH.

On its second reading, Ordinance No. 11-08 was read by title only at this meeting. It was noted that this ordinance will be advanced to the March 21, 2011 City Council meeting for final reading due to the fact it is an amendment to the City Code.

Council Member Bulkley referred to the penalty section and recommended that a fireworks permit be revoked after three offenses as opposed to five. Fire Chief Hefti explained that this type of lenient penalty structure was added because 13 of the 17 fireworks vendors are charitable organizations. Council President Bogus questioned the fact that a fireworks permit for a tent would be revoked following one offense and Council Member Bulkley pointed out the need for consistency. Hefti voiced his concerns with safety associated with sales of fireworks from tents.

Mayor Moser pointed out that the Public Finance Committee will be discussing the fireworks fee schedule on March 8, 2011 at 4 p.m.

Council Member Bahr pointed out that a communication was received from Marv Kohler, 1739 Ingalls Street, Grand Island, Nebraska, regarding hours of sale on July 4th, the use of walk-through trailers and the required time for set-up. City Administrator

Mangiamelli pointed out that these issues were addressed at previous committee meetings and he reiterated the discussion held regarding these topics. Daryl Thiele, 316 Pershing Road, restated the reason for his initial request to allow the use of tents, said he expects this will increase sales by 25 percent and pointed out that there will be additional expense as well. Thiele emphasized that he has been in the business of selling fireworks for 39 years and has always been a responsible businessman. Council President Bogus spoke in support of Thiele's request as he feels the city should accommodate individuals who are willing to make the investment and keep sales tax money in Columbus. Extensive discussion followed regarding the requirements for a fence around the tent placed 10 feet from the stake pins that hold up the sides of the tents as well as the number of fire extinguishers. Council Member Reardon spoke in support of the fence requirement from a safety standpoint. Mangiamelli also pointed out that the sides of the tent will be open in the summer to allow air flow which increases the need for a fence. Council Member Bogus referred to the cities of Seward as well as Ashland and pointed out that their fireworks regulations do not include fences. Council Members Bulkley and Lohr suggested that the ordinance be amended to allow for the fence to be placed on the perimeter of the tent against the stake pins as opposed to 10 feet away. It was also noted that the need for security on site when the facility is closed and immediate revocation of the permit for certain offenses only applies to tents.

Ted Pearson, Columbus Rescue Mission, said their organization will be operating a fireworks stand this year and thanked the Council for the opportunity to do so.

Mangiamelli said staff will present amendments to the ordinance at the March 21, 2011 City Council meeting to address the following: number of fire extinguishers required; revocation of a fireworks permit after three offenses as opposed to five; a provision for the fence to be placed on the perimeter of the tent against the stake pins as opposed to 10 feet away; and the need for security on site when the facility is closed as well as immediate revocation of the permit for certain offenses would only apply to tents. City Attorney Hansen requested that the governing body inform city staff of any other amendments they wish to be considered prior to the March 21, 2011 City Council meeting. Hansen explained that there would be a separate vote on each amendment offered prior to a vote on the ordinance as amended.

ORDINANCE NO. 11-09
SECOND READING

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA TO AMEND CHAPTER 150 OF TITLE XV OF ORDINANCE NO. 05-47 (COLUMBUS CITY CODE) ADOPTING THE 2009 UNIFORM PLUMBING CODE; PROVIDING FOR AN EFFECTIVE DATE HEREOF AND THE REPEAL OF ALL ORDINANCES OR PORTIONS THEREOF IN CONFLICT HEREWITH.

On its second reading, Ordinance No. 11-09 was read by title only at this meeting. It was noted that this ordinance will be advanced to the March 21, 2011 City Council meeting for final reading due to the fact it is an amendment to the City Code.

ORDINANCE NO. 11-10
SECOND READING

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA TO AMEND CHAPTER 150 OF TITLE XV OF ORDINANCE NO. 05-47 (COLUMBUS CITY CODE) ADOPTING THE 2006 INTERNATIONAL BUILDING CODE; PROVIDING FOR AN EFFECTIVE DATE HEREOF AND THE REPEAL OF ALL ORDINANCES OR PORTIONS THEREOF IN CONFLICT HEREWITH.

On its second reading, Ordinance No. 11-10 was read by title only at this meeting. It was noted that this ordinance will be advanced to the March 21, 2011 City Council meeting for final reading due to the fact it is an amendment to the City Code.

In response to Council Member Bulkley, Community Development Director Curtis explained that the city is currently operating under the 2003 Building and Residential Codes pending the State Legislature determining a statewide resolution on requirements in the 2009 International Residential Code for fire sprinklers. Curtis said staff is recommending approval of the 2006 as opposed to the 2009 Code as to date this issue is still unresolved. Curtis also clarified that the City's standard is to use the Uniform Plumbing Code as opposed to the International Plumbing Code.

ORDINANCE NO. 11-11
SECOND READING

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA TO AMEND CHAPTER 150 OF TITLE XV OF ORDINANCE NO. 05-47 (COLUMBUS CITY CODE) ADOPTING THE 2006 INTERNATIONAL RESIDENTIAL CODE; PROVIDING FOR AN EFFECTIVE DATE HEREOF AND THE REPEAL OF ALL ORDINANCES OR PORTIONS THEREOF IN CONFLICT HEREWITH.

On its second reading, Ordinance No. 11-11 was read by title only at this meeting. It was noted that this ordinance will be advanced to the March 21, 2011 City Council meeting for final reading due to the fact it is an amendment to the City Code.

Moved by Bulkley, seconded by Schilling, 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 8:08 p.m.

Presented and approved this 21 day of March, 2011.

MAYOR

ATTEST:

CITY CLERK