

A regular meeting of the Mayor and City Council of the City of Columbus, Nebraska was convened in open and public session on September 6, 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 August 31, 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, Police Chief William Gumm, Finance Director Anne Kinnison, Public Property Director Doug Moore, Fire Chief Dean Hefti, City Engineer David Goedeken, Public Works/Environmental Services Director Chuck Thomerson, Community Development Director Dan Curtis, Library Director Jill Owens, Human Resources Director Mike Oglevie and Airport Manager Mark Cozad.

**PRAYER:** Mayor Moser asked all to rise and Council Member 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 August 15, 2011, City Council meeting.
- B. Approval of reappointment of Joie Taylor to the Library Board for a four-year term.
- C. Approval of request of Dustin and Chad Oppliger for Lottery Sales Outlet location at 4 Jokers Bar, 2521 11th Street, Columbus, Nebraska.

- D. Approval of request from Northeast Nebraska Economic Development District for extension of 09-CR-206 Department of Economic Development Contract from September 30, 2011 to January 31, 2012.
- E. Approval of Resolution No. R11-86 approving Service/Consultant Agreement for Housing Management Services and Subrecipient Agreement for 10-CR-006 with NeighborWorks Northeast Nebraska.
- F. Approval of Resolution No. R11-87 designating City Engineer David Goedeken and Assistant City Engineer Michael D. Middendorf as city representatives to the Storm Water Cooperative Board for management of storm water relating to Municipal Separate Storm Sewer System (MS4) Program.
- G. Approval of payroll and bills on file. 09/16/11 Payroll \$446,511.10 TOTAL \$446,511.10.

Moved by Bogus, seconded by Augustine, 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 YAO HUA, DBA REMIX, FOR RETAIL CLASS "I" BEER, WINE AND DISTILLED SPIRITS ON SALE ONLY LIQUOR LICENSE AT 2313 11TH STREET:**

The Affidavit of Publication and Notice of Hearing were presented on the application of Yao Hua, d.b.a. Remix, for a Retail Class "I" Beer, Wine and Distilled Spirits On Sale Only Liquor License at 2313 11th Street, Columbus, Nebraska. The following exhibits were also presented: Exhibit "A" - Application; Exhibit "B" - Notice of Hearing; Exhibit "C" - Letter to Applicant; Exhibit "D" - Police Chief's Report; Exhibit "E" - City Engineer's Report; Exhibit "F" - List of Current Liquor License Holders; and Exhibit "G" - Criteria for Approval/Denial of License. A memorandum was included from the City Clerk's office regarding Nebraska Liquor Control Commission requirements. A communication was also included from Police Chief Gumm making no recommendation regarding this application. It was noted in the communication that the application is for an individual license, the license holder is expected to be readily available for questions or problems that arise during operation and although Mr. Hua lists a local address on the application, he still resides in Lincoln, Nebraska. It was further noted that Mr. Hua has indicated that he intends to relocate to Columbus upon opening of the business. It was also noted that the applicant's business name is listed as "Remix" while the window advertising states the name of the business as "Mojo's" and Mr. Hua was advised that the license has to reflect the name of the business and he should contact the State Liquor Control Commission for direction on any name change. In response to Council Member Jablonski, Yao Hua stated he has relocated to Columbus, has operated a restaurant in Lincoln for four years and said the restaurant will be located in the front portion of the establishment. No one appeared in opposition. Moved by Bulkley, seconded by Schilling, the public hearing be closed, the application be approved and a letter be sent to the Nebraska Liquor Control Commission notifying them of the Council's action. Roll call and Council Members Augustine, Bahr, Bogus,

Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Motion carried.

**PUBLIC HEARING – 2011–2012 BUDGET:** The Affidavit of Publication and Notice of Hearing were presented on the public hearing held for the purpose of hearing support, opposition, criticism, suggestions or observations of taxpayers relating to the proposed 2011-2012 Budget. A memorandum was also presented from Finance Director Kinnison regarding the proposed budget of \$53,828,656. Included in the packet was a draft of the forms that will be filed with Platte County and the Auditor of Public Accounts. Also included were calculations on the preliminary as well as the final assessed valuation and growth factor for 2011-2012 and updated sales tax numbers through June 2011. Kinnison explained that the proposed budget includes receipts of \$48,925,957, which includes \$4,028,988 of property taxes, and expenditures of \$53,828,656. Kinnison further explained that the draft 2011-2012 Budget presented at the Committee of the Whole meeting included a property tax request of \$4,074,400, using an estimated assessed valuation of \$1,250,466,604, and an estimated growth factor of \$32,500,000 due to the fact that the final numbers from the Platte County Assessor were not received until August 20. Kinnison pointed out that the actual assessed valuation is \$1,238,975,039, the actual growth factor is \$18,808,125 and as a result, the property tax asking has been adjusted to \$4,028,988 in order to comply with the Council's direction. Kinnison noted that the property tax request is \$45,412 less than the original property tax number; however, there are sufficient reserves in the General Fund. Kinnison explained that in order to generate property taxes of \$4,028,988 for the 2011-2012 Budget, a levy rate of .325187 per \$100 of valuation is required, which can be compared to .325830 for 2010-2011. Kinnison stated that the City share of property taxes for a house with a \$100,000 assessed valuation would be \$325.19 for 2011-2012 and pointed out that last year it would have been \$328.83, which computes to a \$0.64 decrease in property taxes for a \$100,000 home. No one appeared in opposition.

**PUBLIC HEARING – PROPERTY TAX REQUEST FOR 2011–2012:** The Affidavit of Publication and Notice of Hearing were presented on the public hearing held for the purpose of hearing support, opposition, criticism, suggestions or observations of taxpayers relating to setting the final tax request at a different amount than the prior year tax request. A memorandum was included from Finance Director Kinnison submitting detailed information and a staff recommendation to approve the resolution setting the property tax request at \$4,028,988. It was noted in the memorandum that the Mayor and Council are required to adopt this resolution as part of the budget process, which requests the levy of property taxes for the 2011-2012 fiscal year at a different amount than last year. It was further noted that if this resolution is not adopted, Nebraska law requires Platte County to set the rate at the same amount as the previous year, which was \$3,861,782. In response to Council Member Lohr, Kinnison reviewed the city's General Fund reserves, pointed out that the final projection is \$5,648,570 and said she is comfortable with this amount of reserve. Kinnison explained that approximately \$60,000 of the city's cash reserve was used to adjust the budget following receipt of the final numbers from the Platte County Assessor. Council Member Bogus clarified that the Council's direction to "Seek to control property tax income to grow no faster than cost-of-living plus growth due to new construction" has been followed since the 2006 Strategic Planning Session. No one appeared in opposition.

Moved by Bogus, seconded by Bulkley, the public hearing on the 2011-2012 Budget be closed. Roll call and Council Members Augustine, Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Motion carried.

Moved by Bogus, seconded by Bulkley, the public hearing on the property tax request for 2011-2012 be closed. Roll call and Council Members Augustine, Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Motion carried.

**APPOINTMENT OF MIMI ERNST TO THE LIBRARY BOARD:** A memorandum was presented from Mayor Moser submitting the name of Mimi Ernst for appointment to the Library Board for a four-year term. Council President Bogus read a brief resume and it was moved by Bogus, seconded by Bahr, 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.

**REQUEST OF COUNCIL MEMBER REARDON TO DISCUSS TRAFFIC CONTROL AND SPEED LIMIT ON LOST CREEK PARKWAY:** City Engineer Goedecken explained that the speed limit on the Lost Creek Parkway was determined at the time the roadway was designed and the criteria was based on the amount of curves and profile of the road. Goedecken pointed out that the designed speed for the parkway is 55 miles per hour and the recommended speed limit, as accepted by the State of Nebraska Department of Roads, is 50 miles per hour. In response to a question from Council Member Reardon regarding the speed limit on 18th Avenue from 38th Street to the Lost Creek Parkway, City Attorney Hansen pointed out that the speed limit on 18th Avenue should not be discussed as it is not on this agenda and would be a violation of the Open Meetings Act. Mayor Moser read the appeals procedure from the City Code and it was moved by Bahr, seconded by Bogus, the speed limit on Lost Creek Parkway and all approachable roads, i.e. 18th, 33rd and 48th Avenues, be referred to the September 12, 2011 Public Property, Safety and Works Committee. City Attorney Hansen referred to the fact that the Property Committee reviews and hears appeals on actions taken by the Traffic Control Device Committee and recommended that any action taken at that meeting be presented to the City Council for consideration. Roll call and Council Members Augustine, Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Motion carried. Carroll Ebner, 29267 State Hwy 22, who lives along Highway 22 near Monroe, questioned how the four-lane parkway can have the same speed limit as many gravel roads and a lower speed limit than two-lane highways with higher traffic counts. Goedecken explained that the parkway was designed to parallel Lost Creek and minimize impact on adjacent properties. Goedecken reiterated that the speed limit was determined by the numbers of curves, along with multiple high-volume intersections and the number of traffic lights. Goedecken also pointed out that the parkway was not designed as an expressway. In response to Council Member Bahr, Goedecken said he would contact the State of Nebraska Department of Roads prior to the September 12th Property meeting regarding the possibility of raising the speed limit, but said that HDR, Inc., the parkway's engineering firm, had previously indicated that the State would not be receptive to this.

**COMMENTS FROM MAYOR AND CITY COUNCIL MEMBERS:** Mayor Moser reported that he has received a number of phone calls regarding railroad trains blocking the crossings west of Howard Boulevard at 11th Street, 19th Street and 48th Avenue. City Administrator Mangiamelli said he has ongoing discussions with representatives from Union Pacific Railroad and Central Nebraska Railroad regarding this issue. Mangiamelli advised the Council that he will be meeting with representatives from both entities as well as Fire Chief Hefti, Police Chief Gumm and City Engineer Dave Goedecken on September 7th to discuss blockage of these crossings. City Attorney Hansen pointed out that the federal government has ultimate control over the railroads. Council Member Reardon stated that a pre-school on 19th Street is losing patrons and he has received a report of children climbing trains to cross the tracks near West Park Elementary School.

Council Member Jablonski commended the Chamber of Commerce for a successful Columbus Days celebration.

**RESOLUTION NO. R11-88 WAS INTRODUCED BY COUNCIL MEMBER BAHR.**

**RESOLUTION NO. R11-88**  
**ADOPTED: SEPTEMBER 6, 2011**

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, APPROVING THE ACQUISITION OF TRACT 44B FROM MARGARET E. AND GLEN E. (THROUGH HIS POWER OF ATTORNEY TO MARGARET E. REYNOLDSON) REYNOLDSON FOR RUNWAY PROTECTION ZONE CLEARANCE AT A COST OF \$255,000.

Moved by Bahr, seconded by Schilling, Resolution No. R11-88 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.

**RESOLUTION NO. R11-89 WAS INTRODUCED BY COUNCIL MEMBER REARDON.**

**RESOLUTION NO. R11-89**  
**ADOPTED: SEPTEMBER 6, 2011**

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA TO APPROVE THE AGREEMENT WITH HDR ENGINEERING, INC., FOR PROFESSIONAL SERVICES IN CONDUCTING THE AREA ASSESSMENT NECESSARY TO COMPLETE THE TERMS OF A PLANNING GRANT OFFERED BY THE NEBRASKA DEPARTMENT OF ECONOMIC DEVELOPMENT FOR A RAIL SERVED SITE IN THE EAST INDUSTRIAL AREA AT A COST OF \$98,820.

Moved by Reardon, seconded by Bahr, Resolution No. R11-89 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.

**RESOLUTION NO. R11-90 WAS INTRODUCED BY COUNCIL MEMBER AUGUSTINE.**

**RESOLUTION NO. R11-90**  
**ADOPTED: SEPTEMBER 6, 2011**

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA TO APPROVE THE FEES AS STATED AND HEREBY DECLARED IN THE ATTACHED "SCHEDULE OF FEES"; TO PROVIDE FOR AN EFFECTIVE DATE AND TO REPEAL ALL RESOLUTIONS OR PORTIONS THEREOF IN CONFLICT HEREWITH.

Moved by Augustine, seconded by Bogus, Resolution No. R11-90 be passed and adopted. In response to questions from Council Member Augustine regarding discussion held at the August 15, 2011 City Council meeting related to funding for the Columbus Area Transit and city golf courses, City Administrator Mangiamelli distributed a comparison of the budget for the two departments and pointed out that with the increase in fees for the Columbus Area Transit, the subsidy per ride is 82.1% as compared to 5.5% of subsidy per round of golf. Roll call and Council Members Augustine, Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Motion carried.

**RESOLUTION NO. R11-91 WAS INTRODUCED BY COUNCIL MEMBER LOHR.**

**RESOLUTION NO. R11-91**  
**ADOPTED: SEPTEMBER 6, 2011**

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, TO SET THE 2011-2012 PROPERTY TAX REQUEST AT \$4,028,988.

Moved by Lohr, seconded by Bahr, Resolution No. R11-91 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.

**ORDINANCE NO. 11-28 WAS INTRODUCED BY COUNCIL MEMBER SCHILLING.**

**ORDINANCE NO. 11-28**  
**ADOPTED: SEPTEMBER 6, 2011**

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, REGARDING THE SALARIES OF OFFICERS AND EMPLOYEES; PAY PLAN FOR ALL CLASSIFICATIONS WITHIN THE CITY; AND MONTHLY SALARY RANGES FOR EACH INDIVIDUAL CLASSIFICATION.

Moved by Schilling, seconded by Lohr, the rules be suspended and Ordinance No. 11-28 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. 11-28 was read by number only at this meeting.

Moved by Schilling, seconded by Augustine Ordinance No. 11-28 be passed and adopted.

Mayor Moser put the question, "Shall Ordinance No. 11-28 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. 11-28," and it was duly signed.

**ORDINANCE NO. 11-29 WAS INTRODUCED BY COUNCIL MEMBER BULKLEY.**

**ORDINANCE NO. 11-29**

**ADOPTED: SEPTEMBER 6, 2011**

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, TO ADOPT THE BUDGET STATEMENT TO BE TERMED THE ANNUAL APPROPRIATION BILL; TO APPROPRIATE SUMS FOR NECESSARY EXPENSES AND LIABILITIES; TO PROVIDE FOR AN EFFECTIVE DATE.

Moved by Bulkley, seconded by Schilling, the rules be suspended and Ordinance No. 11-29 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. 11-29 was read by number only at this meeting.

Moved by Bulkley, seconded by Schilling, Ordinance No. 11-29 be passed and adopted.

Mayor Moser put the question, "Shall Ordinance No. 11-29 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. 11-29," and it was duly signed.

**ORDINANCE NO. 11-30 WAS INTRODUCED BY COUNCIL MEMBER BULKLEY.**

**ORDINANCE NO. 11-30**

**FIRST READING**

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA TO AMEND CHAPTER 70 OF TITLE VII OF ORDINANCE NO. 05-47 (COLUMBUS CITY CODE) BY ADDING A DEFINITION FOR UTILITY TYPE VEHICLES TO SECTION 70.001; BY AMENDING THE DEFINITION OF MOTOR VEHICLE IN SECTION 70.001; AND BY AMENDING SECTION 70.015 BY PERMITTING THE OPERATION OF UTILITY TYPE VEHICLES WITHIN THE CITY; AND BY FURTHER AMENDING SECTION 70.015 BY ADDING SUBSECTIONS (C)

THROUGH (J) TO DESCRIBE REGULATIONS RESTRICTING THE USE OF UTILITY TYPE VEHICLES ON CITY STREETS; BY AMENDING SECTION 71.014(A) BY DEFINING THE DEFINITION OF "ALL-TERRAIN AND UTILITY TYPE VEHICLES;" TO REPEAL ALL ORDINANCES OR PORTIONS THEREOF IN CONFLICT HEREWITH AND TO PROVIDE FOR AN EFFECTIVE DATE.

On its first reading, Ordinance No. 11-30 was read by title only at this meeting. It was noted that this ordinance will be continued to the September 19, 2011 City Council meeting for a second reading to allow for public input and advanced to the October 3, 2011 City Council meeting for a final reading.

**ORDINANCE NO. 11-31 WAS INTRODUCED BY COUNCIL MEMBER JABLONSKI.**

**ORDINANCE NO. 11-31**  
**FIRST READING**

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA TO AMEND SECTION 91.20 OF CHAPTER 91 OF TITLE IX OF ORDINANCE NO. 05-47 (COLUMBUS CITY CODE) TO PROVIDE REGULATIONS FOR OUTSIDE FIRES; TO PROVIDE FOR USE OF OUTDOOR FIREPLACES; TO PROVIDE A PENALTY FOR VIOLATION OF THIS ORDINANCE; TO PROVIDE FOR AN EFFECTIVE DATE HEREWITH; AND TO REPEAL ALL ORDINANCES OR PORTIONS THEREOF IN CONFLICT HEREWITH.

On its first reading, Ordinance No. 11-31 was read by title only at this meeting. It was noted that this ordinance will be continued to the September 19, 2011 City Council meeting for a second reading to allow for public input and advanced to the October 3, 2011 City Council meeting for a final reading.

**ORDINANCE NO. 11-26**

**THIRD READING**  
**ADOPTED: SEPTEMBER 6, 2011**

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA TO AMEND CHAPTER 97 OF TITLE IX OF ORDINANCE NO. 05-47 (COLUMBUS CITY CODE) BY ADOPTING SECTION 97.01(R) SO AS TO PLACE RESTRICTIONS ON THE USE OF PAWNEE PARK TENNIS COURTS, CENTENNIAL PARK TENNIS COURTS AND GERRARD PARK TENNIS COURTS; TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH AND TO PROVIDE FOR AN EFFECTIVE DATE.

On its third reading, Ordinance No. 11-26 was read by title only at this meeting. Moved by Schilling, seconded by Lohr, Ordinance No. 11-26 be passed and adopted.

Mayor Moser put the question, "Shall Ordinance No. 11-26 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. 11-26," and it was duly signed.

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 8:07 p.m.

Presented and approved this 19th day of September, 2011.

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MAYOR

ATTEST:

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CITY CLERK