

A regular meeting of the Mayor and City Council of the City of Columbus, Nebraska was convened in open and public session on September 19, 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, Human Resources Director Mike Oglevie and Public Works/Environmental Services Director Chuck Thomerson.

Mayor Moser welcomed Boy Scout Troop 276 to the meeting.

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 September 6, 2011, City Council meeting.
- B. Approval of award of low quote to B-K Flooring America, Columbus, Nebraska, in the amount of \$29,900 for repair of tiles and grout at Aquatic Center.

- C. Approval of award of low quote to Municipal Supply, Hastings, Nebraska, in the amount of \$20,765.40 for ten fire hydrants, valves and valve boxes for hydrant replacement program.
- D. Approval of Resolution No. R11-92 reappointing Dr. Mark S. Howerter as Medical Director for Columbus Fire Department.
- E. Approval of Resolution No. R11-93 approving payment for acquisition of easements for extending water service east of city limits in 8th Street right of way in conjunction with Platte County Paving Project.
- F. Approval of Resolution No. R11-94 authorizing payment of various improvement projects.
- G. Approval of Finance Department reports.
- H. Approval of payroll and bills on file. 9/30/2011 Payroll 356,743.36; A & S Detailing – Service 45.00; A C & L Sprinklers Plus – Service 125.00; AAT, Inc. – Chemicals 2,006.10; Ace Hardware & Garden Center – Supplies 1,358.98; Donald D Adkisson – Pension 609.00; AJ Guns – Supplies 902.93; Alamar Uniforms – Supplies 192.56; Alltel – Utilities 1,504.84; American Association of Police Polygraphists – Membership 500.00; American Legal Publishing Corporation – Service 350.00; Anderson Auto Body – Service 1,045.00; ANSIR4U – Service 90.00; Aqua-Pure, Inc. – Chemicals 9,591.45; Arcadia Publishing – Supplies 17.59; AS Central Services – Service 704.00; Asphalt & Concrete Materials – Supplies 1,423.06; AT&T – Utilities 23.96; ATCO International – Supplies 375.90; AVI Systems, Inc. – Supplies 548.00; Awards & Engraving – Supplies 354.00; B-D Construction, Inc. – South Water Plant 19,566.94; Baker & Taylor – Supplies 673.92; Barco Municipal Products – Supplies 398.00; Wesley Baxa – Pension 1,232.54; Beard-Warren Heating & Air Conditioning – Heat Pump/Service 10,491.83; Behlen Auto Repair – Service 705.57; Behlen Towing – Service 1,120.00; Big Red Sanitation – Service 425.00; Bill's Tire Outlet – Service 2,170.00; Bissell Hose Company – Expenses 144.45; Carroll A Bisson – Pension 716.51; Black Hills Energy – Utilities 1,766.63; Blackstrap, Inc. – Supplies 2,788.75; Frank J Blahak Jr – Pension 762.00; Blazer Manufacturing Co., Inc. – Supplies 50.00; Bomgaars – Supplies 827.51; Bound Tree Medical LLC – Supplies 3,341.19; Mike Breuer – Expenses 31.00; Brodart Co. – Supplies 65.85; Brown Traffic Products – Supplies 676.50; Bullseye Fire Sprinkler, Inc. – Service 597.76; Buresh Golf & Equipment – Golf Cart Rental 1,800.00; Business Telecommunication Systems – Service 299.85; California Contractors – Supplies 126.96; Capstone Press, Inc. – Supplies 21.75; Cat's Pro Mow – Service 457.40; CDW Government – Supplies 3,169.94; Central Insulation & Roofing – Service 125.00; Central Parts & Machine – Supplies 936.91; Central Sand & Gravel Company – Supplies 654.30; Central Valley Ag – Supplies 55.30; Century Link – Utilities 1,490.16; Jay Cerny Landscaping – Service 88.00; City of Columbus – Utilities 109.80; Claritus, Inc. – Supplies 170.94; Club Prophet Systems – Service 180.00; Columbus Area Chamber of Commerce – Supplies 1,220.00; Columbus Community Hospital –

Service/Supplies 1,807.33; Columbus Custom Embroidery – Supplies 1,269.00; Columbus Dry Cleaners & Laundry – Service 12.00; Columbus Family Practice – Service 24.00; Columbus PD F.O.P. Lodge 72 – Supplies 420.00; Columbus Police Department – Expenses 314.88; Columbus Screen Printing – Supplies 621.25; Columbus Steel Supply – Supplies 433.04; Columbus Telegram – Subscription 36.44; Columbus Telegram – Publications 1,037.84; Columbus Tire & Service – Service 410.14; Community Internet – Service 435.00; Connecting Point/Radio Shack – Computers/Supplies 9,585.48; Consolidated Management Co. – Supplies 170.25; Consolidated Water Solutions – Chemicals 11,431.68; Continental Research Corp – Supplies 3,770.00; Cornhusker Public Power District – Utilities 800.82; Creative Product Sourcing – Supplies 449.88; Credit Bureau Services – Membership 5.00; Crouch/Churchich Recreational Design, Inc. – Service 629.00; Cues – Supplies 773.67; Culligan – Supplies 165.20; Mila J. Curtis – Refund 200.00; Danko Emergency Equipment – Supplies/Equipment 18,934.98; Daylight Donuts – Meals 11.20; DBSP, Inc. – Service 1,000.00; Dell Marketing LP – Computers/Supplies 3,585.98; DEMCO – Supplies 295.73; Diamond Vogel Paints – Supplies 597.50; Dippin’ Dots – Supplies 596.00; Doernemann Construction, Inc. – Contract 5,121.93; Doozy’s – Meals 107.38; Douglas Dunbar – Contract 4,936.00; Douglas Dunbar – Expenses 953.40; Douglas Dunbar – Commissions 9,577.51; Dymaxion Research Ltd – Service 312.00; Eakes Office Plus – Supplies/Furniture 11,848.70; Educational Service Unit #7 – Supplies 22.51; Electric Pump, Inc. – Flyght Pump 13,692.97; Electrical Engineering & Equipment Company – Supplies 2,065.44; Eller Heating Air Conditioning & Plumbing LLC – Supplies 97.26; EMC Insurance Companies – Payment 5,000.00; Engine Company #1 – Expenses 17.20; Enterprise Electric CO/CED – Supplies 484.01; Ernst Auto Center – Service 202.11; ESRI – Service 650.00; Excel Commercial – Utilities 50.00; Express Truck Center – Service 933.41; Fastenal Company – Supplies 367.47; Fireblast 451, Inc. – Supplies 1,551.75; Fireguard, Inc. – Supplies 5,109.32; First Bankcard – Expenses 5,878.99; First National Bank & Trust Company – Service Fee 194.76; S A Foster Lumber Co. – Supplies 83.46; Fox Bros Hay Co., Inc. – Wood Grinding 9,710.40; Frontier – Utilities 4,871.89; Frontier Communications – Utilities 229.13; Gaeth Pest Control Services, Inc. – Service 285.00; Gale – Supplies 411.93; Galls – Supplies 1,068.29; Gaylord Brothers, Inc. – Supplies 134.72; Gehring Construction & Ready-Mix – Supplies 11,922.55; Gerhold Concrete Company – Supplies 6,574.62; Fernando Gil – Service 20.00; Gilmore & Associates – Deerfield Park Paving 38,616.18; Gilmore & Associates – Armory Project 394.00; Great American Outdoor – Supplies 85.65; Great Plains GFOA – Training 150.00; Great Plains Meter, Inc. – Supplies 9.95; Great Plains One Call Service – Service 196.81; The Greenkeeper – Supplies 4,553.20; Hach Company – Supplies 329.09; Hadley-Braithwait Company – Supplies 864.86; Hahn Trucking – Service 170.00; Har-Mor Ag Air, Inc. – Service/Supplies 3,747.01; B J Harris, Inc. – Service 1,950.00; Hawkins, Inc. – Chemicals 11,360.15; HD Supply Waterworks Ltd – Supplies 366.00; HDR Engineering, Inc. – UV Disinfection 4,774.00; HDR Engineering, Inc. – Lost Creek Parkway 4,343.62; Heartland Concrete – Service 200.00; Dean Hefti – Expenses 264.07; HOA Solutions, Inc. – Service 253.75; Holiday Inn Express Kearney – Lodging 142.00; Hometown Leasing – Supplies 177.12; Mark S Howerter MD – Contract

500.00; Brad Hruska – Expenses 101.20; Huffman Engineering – Supplies 1,453.69; Humphrey Fire Department – Supplies 952.00; Husker Coop – Fuel 8,244.60; Hy-Vee, Inc. – Supplies 1,204.93; IAEI – Dues 204.00; IAEI-Nebraska Chapter – Training 250.00; IBM Corporation – Service 990.00; ICPC Region 3-RTS 2011 – Training 150.00; Idea Art – Supplies 157.07; Identi-Kit Solutions – Supplies 204.00; Industrial Control Systems, Inc. – Service 250.00; Infoprint Solutions Co. – Service 480.00; Ingram Library Services, Inc. – Library Materials 5,727.11; Insituform Technologies, Inc. – Sewer Rehabilitation 109,658.00; Inspro, Inc. – Insurance 311.00; Insurance Services of Columbus – Insurance 4,353.73; Jack’s Uniforms & Equipment – Supplies 133.89; Jackson Services, Inc. – Supplies 2,714.68; Jackson Services, Inc. – Rent/Electricity 656.93; Harriette Janicek – Meals 237.50; Terrance Janicek – Expenses 722.25; Herman Janssen – Expenses 216.00; JEO Consulting Group, Inc. – Loup River Levee Recertification 21,956.25; Joe & Al’s Grocery – Supplies 14.12; K-C Auto Supply, Inc. – Supplies 2.74; Tim Kayl – Expenses 250.00; Kelly Supply Company – Supplies 1,336.99; Kimball Midwest – Supplies 60.67; Kirkham Michael – 8th Street Water Design 6,723.00; KJSK – Advertising 159.00; KKOT/KTTT – Advertising 318.00; KLIR – Advertising 159.00; Michael Kratochvil – Expenses 27.78; Elaine Krumland – Refund 79.74; KZEN – Advertising 159.00; Lab Safety Supply, Inc. – Supplies 118.21; Laboratory Corporation of America Holdings – Service 168.00; Lake Stop LLC – Supplies 25.00; Lakeview Small Engine – Supplies 2,293.81; Larue Distributing, Inc. – Supplies 132.99; LCL Truck Equipment – Supplies 64.59; League of Nebraska Municipalities – Training 432.00; Pete Lien & Sons, Inc. – Chemicals 3,931.08; Lifeguard Store, Inc. – Supplies 1,390.00; Lindahl Engineering LLC – Pawnee Park Tennis Courts 2,493.75; John F. Lohr – Expenses 244.50; Loup Power District – Utilities 117,824.87; M & O Door Products – Service/Supplies 1,275.50; Mail Prep, Etc. – Postage 273.89; The Mailbox – Postage 166.47; MailFinance – Postage Meter Lease 198.03; Marley’s Electric, Inc. – Service 2,935.67; Marshall Cavendish Corp – Supplies 129.20; Master Care Services, Inc. – Service 100.00; Matheson-Linweld – Supplies 2,014.64; Rachelle M McPhillips – Expenses 194.40; Mead Lumber Co-Columbus – Supplies 43.76; Menards – Supplies 1,988.03; Metron-Farnier LLC – Meter Supplies 8,087.27; Mid-American Research Chemical – Supplies 948.60; Mid-Nebraska Communications, Inc. – Service/Equipment 21,618.52; Mid-Nebraska Mutual Aid Association – Supplies 316.72; Midwest Glass Service, Inc. – Service 90.00; Midwest Laboratories, Inc. – Service 617.95; Midwest Service & Sales – Supplies 7,647.31; Midwest Tape LLC – Supplies 1,080.67; Mike’s Towing – Service 1,688.74; Miller & Associates – Sewer Survey 4,900.00; Minnesota Corn Processors LLC – 8th Street Easement 680.00; Motion Industries, Inc. – Supplies 293.17; Shane Mueller – Service 146.50; Municipal Emergency Services – Supplies 564.13; Municipal Supply, Inc. – Fire Hydrants 22,218.98; NAPE – Training 70.00; Nebraska Department of Economic Development – Grants 4,773.73; Nebraska Department of Environmental Quality – Service 500.00; Nebraska Environmental Products – Service 693.62; Nebraska Harvestore Systems – Service/Supplies 1,259.21; Nebraska Irrigation – Service 284.20; Nebraska Law Enforcement Training Center – Training 100.00; Nebraska Public Health Environmental Laboratory – Service 2,111.00; Nebraska Sports – Supplies 20.00; Neighborworks Northeast Nebraska – Grant 5,000.00

Neighborworks Northeast Nebraska – Dues 15,000.00; Marvin O Nelson – Pension 502.50; Cheryl Newman – Expenses 45.31; NFPA – Supplies 504.63; Niemann’s Port-A-Pot – Service 632.00; Northeast Library System – Training 40.00; Northeast Nebraska Economic Development District – Grants 5,398.69; Northeast Nebraska Solid Waste Coalition – Landfill Disposal 53,480.78; Northwest Electric LLC – Service 128.69; NoSwett Fencing & Decks – Fence 3,819.99; Novicki Fire Prevention Service Co. – Service 1,855.50 ; NWEA – Training 1,000.00; O’Reilly Automotive, Inc. – Supplies 579.49; Oberg Locksmith & Security Service – Service 1,190.00; Occupational Health Services – Service 138.00; OCLC, Inc. – Service 13.63; Officenet – Supplies 1,306.80; Mike Oglevie – Expenses 89.65; Old Home Outlet – Supplies 49.50; Overturf Electric Motors – Service 855.00; Jill Owens – Expenses 43.00; P & R Sales – Service 380.52; The Parts Bin – Supplies 123.17; Pet Care Specialists – Service 212.00; Petty Cash – Expenses 79.00; Pioneer Manufacturing Co., Inc. – Supplies 1,345.00; Platte County – 8th Street Project 299,139.30; Platte County – Contract 2,750.00; Virginia Pocwierz – Service 20.00; Pollardwater.com-East – Hydrant Relief 4,713.65; Pollardwater.com-East – Dechlorination Diffuser – 7,194.75; Presto-X-Company – Service 248.00; Quill Corporation – Supplies 380.08; Ralston Advertising – Supplies 216.93; Recorded Books LLC – Supplies 272.20; Redstone Veterinary Clinic – Service 1,089.11; Rembolt Ludtke LLP – Service 135.00; Renner Sports Surfaces – Pawnee Park Tennis Courts 81,282.83; Resource Recycling – Subscription 52.00; Rusty’s Lawn Service – Service 800.00; S & S Willers, Inc. – Supplies 1,474.09; Sackett Electric – Service 4,840.00; Sapp Bros Columbus, Inc. – Fuel 11,016.64; Sapp Bros Petroleum, Inc. – Fuel 18,911.50; Schaben Industries – Supplies 55.96; Scheffler Machine & Tool, Inc. – Service 187.50; Schieffer Signs, Inc. – Supplies 391.00; Schneider’s O K Tire Company – Service 1,173.98; Schneider’s O K Tire Company – Lease Payment 30.00; School District #1 – Payment 3,662.50; Seacrest & Kalkowski – TIF Project 836.00; Sears Commercial One – Supplies 977.58; Security Equipment, Inc. – Service 96.00; Rod Seidel – Expenses 7.11; Servicemaster by Shevlin – Service 1,951.00; Settje Plumbing – Service 184.08; Sherwin-Williams Co. – Supplies 162.88; Shevlin Supply – Supplies 1,079.14; Short Elliott Hendrickson, Inc. – Loup River Levee 2,292.79; Siedlik Signs – Supplies 110.00; Siemens Industry, Inc. – Supplies 3,380.00; Sigma-Aldrich RTC – Service 110.00; Sipple, Hansen, Emerson & Schumacher – Service 2,505.21; Sirsidynix – Self Checkout Reader 11,194.00; Chuck Sliva – Expenses 125.00; Jim Speicher – Expenses 31.00; Stanley Petroleum – Service 2,461.68; State of Nebraska Department of Revenue – Sales Tax 45,011.19; Gene Steffy Ford – Service 561.87; Stericycle, Inc. – Supplies 147.16; Super Saver – Supplies 79.82; Superior Publishing Co. – Supplies 190.00; Swisher Hygiene Franchisee – Supplies 391.61; Symtrax – Supplies 846.50; Sysco Lincoln – Supplies 3,562.23; T & L Services – Service 250.00; Techno Ply Ltd – Supplies 347.94; Technology Associates – GPS Equipment 21,683.58; Telebeep Wireless – Service 34.22; Cindy Ternus – Service 40.00; Todd Thalken – Expenses 100.00; Charles Thomerson – Expenses 227.12; Today’s Distributor – Supplies 790.00 ; Tool Shed – Supplies 748.62; Tractor Supply Credit Plan – Supplies 703.24; Tri-County Truck Repair – Service 128.95; Jim Tubbs – Supplies 22.45; Turfwerks – Supplies 1,592.38; Jerry Tworek – Service 187.00; Typhoon Wash – Service

30.00; U & I Sanitation – Service 83.00; U S Bank – Expenses 3,762.11; U S Cavalry – Supplies 34.89; U.S. Asphalt Co. – Rose Lane Paving 108,722.77; Ultra Graphics – Supplies 692.26; Underwriters Laboratories, Inc. – Service 2,200.00; United Rotary Brush Corp – Supplies 1,875.02; United States Post Office – Postage 1,818.09; United States Postal Service – Postage 1,500.00; UPS Store – Postage 16.91; USA Blue Book – Supplies 630.79; Van Diest Supply Company – Supplies 791.20; Vidacare – Supplies 1,571.91; Walmart Community – Supplies 4,050.96; Christopher Warren – Expenses 722.25; Waste Connections of Nebraska – Service 309.84; Wells Fargo Bank – Fee 750.00; Wemhoff Refrigeration, Inc. – Service/Supplies 3,083.13; West Payment Center – Supplies 2,151.50; West Point Implement of Columbus – Supplies 100.17; Wilke Landscape Center – Trees 4,997.75; Donna Winig – Expenses 57.81; Lee Ora Withem – Refund 273.43; Yart – Training 10.00; Zee Medical Service – Supplies 304.65; Zoll Medical Corporation – Supplies 1,849.26. TOTAL 1,846,882.35.

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, Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted “Aye” and none voted “Nay.” Motion carried.

PUBLIC HEARING – CITIZEN’S ADVISORY REVIEW COMMITTEE REPORT OF ACTIVITIES PRESENTED IN ACCORD WITH THE COLUMBUS ECONOMIC DEVELOPMENT PLAN:

The Affidavit of Publication and Notice of Hearing were presented on the public hearing held for the purpose of receiving comments from the Citizen’s Advisory Review Committee (CARC) and its report of activities presented in accord with the Columbus Economic Development Plan (LB 840). A memorandum was also presented from City Administrator Mangiamelli as well as minutes from the November 30, 2010 and August 18, 2011 CARC meetings. Mangiamelli pointed out that the first set of minutes addresses the loan to Maine Plastics, Inc. while the second set of minutes deals with two requests submitted by the Co-Administrators of the plan. Mangiamelli explained that the first project involves paying the local share of a planning grant to establish a rail served site in the east industrial area of the community while the second project will provide for expansion of the Apogee call center. David Bell, Co-Administrator of the plan, was present to answer questions. No one appeared in opposition. Moved by Bogus, seconded by Bahr, the public hearing be closed and the report be placed on file. 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 FOR COMMUNITY DEVELOPMENT ACTIVITIES AS THEY RELATE TO APOGEE RETAIL IN THE AMOUNT OF \$505,000:

The Affidavit of Publication and Notice of Hearing were presented on the public hearing concerning the application to the Nebraska Department of Economic Development (NDED) for a Community Development Block Grant (CDBG) for community development activities as they relate to Apogee Retail in the amount of \$505,000 (\$500,000 for purchase of equipment and renovation of

property located at 3620 23rd Street and \$5,000 for general administration). A memorandum was also presented from Lisa Hurley, Northeast Nebraska Economic Development District (NENEDD), recommending that the city sign the application to the NDED. It was noted that the total project is estimated at \$1,300,800, of which \$505,000 is CDBG funds, \$120,000 is City of Columbus LB 840 funds and \$675,800 is bank financing. City Administrator Mangiamelli clarified that of the \$500,000, \$250,000 is a forgivable loan contingent on hiring requirements being met and \$250,000 is a loan that will be repaid throughout the term of the agreement. Hurley explained that the City of Columbus will sub-grant the \$500,000 to Northeast Economic Development, Inc., a Non-Profit Development Organization (NDO), who will then loan the \$500,000 CDBG funds to Apogee Retail. Hurley further explained that the repayment from Apogee will be made to the NDO, which is NENEDD's sister organization, for reuse in Columbus or the region without having to meet some of the federal requirements. Hurley clarified that the purpose of the NDO is to de-federalize the loan payments made by the business in order to allow for more flexibility on future loans to businesses. 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. R11-95 WAS INTRODUCED BY COUNCIL MEMBER LOHR.

RESOLUTION NO. R11-95

ADOPTED: SEPTEMBER 19, 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 Bahr, Resolution No. R11-95 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. R11-96 WAS INTRODUCED BY COUNCIL MEMBER LOHR.

RESOLUTION NO. R11-96

ADOPTED: SEPTEMBER 19, 2011

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA APPROVING A MEMORANDUM OF UNDERSTANDING WITH APOGEE RETAIL, LLC, FOR FORGIVABLE LOAN OF \$120,000 FOR EXPANSION OF THE COLUMBUS CALL CENTER FOR 150 ADDITIONAL SEATS AS RECOMMENDED BY THE CITIZENS ADVISORY REVIEW COMMITTEE.

City Administrator Mangiamelli clarified that this loan will be made from the Economic Development Reuse Fund. Moved by Lohr, seconded by Schilling, Resolution No. R11-

96 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.

PUBLIC HEARING – APPLICATION TO NEBRASKA DEPARTMENT OF ECONOMIC DEVELOPMENT FOR COMMUNITY DEVELOPMENT BLOCK GRANT PROJECT #09-CR-206 FOR COMPREHENSIVE REVITALIZATION: The Affidavit of Publication and Notice of Hearing were presented on the public hearing concerning Nebraska Department of Economic Development Community Development Block Grant (CDBG) Project #09-CR-206 (Comprehensive Revitalization). Lisa Hurley, Northeast Nebraska Economic Development District, explained that this grant funded the Purchase/Rehabilitation/Resell of three homes to low-to-moderate income families in partnership with NeighborWorks Northeast Nebraska. Hurley pointed out that the grant requirements call for a second public hearing for citizen participation toward the end of the project. Hurley reported that two of the three homes have been completed and the third home is being constructed. 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.

PUBLIC HEARING – APPLICATION OF TALLGRASS WEST, LLC FOR FINAL PLAT AND SUBDIVISION AGREEMENT OF TALLGRASS WEST ADDITION (WEST OF 5205 41ST STREET)

AND

PUBLIC HEARING – TO DETERMINE WHETHER TALLGRASS WEST ADDITION SHOULD BE INCLUDED WITHIN THE CORPORATE CITY LIMITS (WEST OF 5205 41ST STREET): The Affidavit of Publication and Notice of Hearing were presented on the application of Tallgrass West, LLC for the final plat and Subdivision Agreement of Tallgrass West Addition located in the N1/2 S1/2 SE1/4 of Section 11, T17N, R1W of the 6th P.M. in Platte County, Nebraska (west of 5205 41st Street). The Affidavit of Publication and Notice of Hearing were presented on the public hearing to determine whether Tallgrass West Addition located west of 5205 41st Street should be included within the corporate city limits. These public hearings were continued from the August 15, 2011 City Council meeting. The Planning Commission recommended both public hearings be continued to 7 p.m. on October 10, 2011 at the request of the applicant. Moved by Bogus, seconded by Augustine, these two public hearings before the City Council be continued to 7 p.m. on October 17, 2011. 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 MEADOW RIDGE PROPERTIES, LLC FOR FINAL PLAT AND SUBDIVISION AGREEMENT OF MEADOW RIDGE SUBDIVISION (VICINITY OF 49TH AVENUE AND 38TH STREET)

AND

PUBLIC HEARING – TO DETERMINE WHETHER MEADOW RIDGE SUBDIVISION SHOULD BE INCLUDED WITHIN THE CORPORATE CITY LIMITS (VICINITY OF 49TH AVENUE AND 38TH STREET):

The Affidavit of Publication and Notice of Hearing were presented on the application of Meadow Ridge Properties, LLC for the final plat and Subdivision Agreement of Meadow Ridge Subdivision located in part of the SE1/4 of Section 11, T17N, R1W of the 6th P.M. in Platte County, Nebraska and part of the NE1/4 of Section 14, T17N, R1W of the 6th P.M. in Platte County, Nebraska (vicinity of 49th Avenue and 38th Street). The Affidavit of Publication and Notice of Hearing were presented on the public hearing to determine whether Meadow Ridge Subdivision located in the vicinity of 49th Avenue and 38th Street should be included within the corporate city limits. The Planning Commission recommended both public hearings be continued to 7 p.m. on October 10, 2011. Moved by Bogus, seconded by Schilling, these two public hearings before the City Council be continued to 7 p.m. on October 17, 2011. 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 NE COLORADO CELLULAR INC., DBA VIAERO WIRELESS, FOR SPECIAL USE PERMIT TO ALLOW FOR BROADCASTING TOWER IN “R-1” (SINGLE-FAMILY RESIDENTIAL DISTRICT) ZONE AT 308 8TH STREET:

The Affidavit of Publication and Notice of Hearing were presented on the application of NE Colorado Cellular Inc., d.b.a. Viaero Wireless, for a Special Use Permit to allow for a broadcasting tower on the following described real estate in an “R-1” (Single-Family Residential District) zone: southeast quarter of the southeast quarter of Section 20, Township 17 North, Range 1 East of the 6th P.M., Platte County, Nebraska (308 8th 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. The Planning Commission recommended approval. Tom Fehringer of the law firm, Fehringer and Mielak, 3919 25th Street, on behalf of the applicant, explained that the proposed tower will be constructed on a 240 foot by 240 foot tract of land located behind the C.W. Louis Fire Station. Fehringer pointed out that this pasture land is owned by Marvin and Enola Luchsinger who also own the surrounding property. Fehringer stated that this tower will serve south and east Columbus as well as ADM. In response to Council Member Lohr, Eugene Carroll, representing Viaero, said the antenna located by the fire station is not adequate for use as a broadcasting tower. Carroll stated that the existing public safety antenna could be mounted on Viaero’s tower at no cost to the city. 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.

ORDINANCE NO. 11-32 WAS INTRODUCED BY COUNCIL MEMBER BAHR.

ORDINANCE NO. 11-32

ADOPTED: SEPTEMBER 19, 2011

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA TO ISSUE A SPECIAL USE PERMIT TO NE COLORADO

CELLULAR, INC. D/B/A VIAERO WIRELESS TO ALLOW FOR A 110' LATTICE SELF-SUPPORT WIRELESS TELECOMMUNICATIONS TOWER AND ANTENNA ON A TRACT OF LAND DESCRIBED AS: A PARCEL OF LAND LOCATED IN THE SE1/4SE1/4 OF SECTION 20, TOWNSHIP 17 NORTH, RANGE 1 EAST OF THE 6TH P.M., PLATTE COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: REFERRING TO THE SOUTHEAST CORNER OF THE SE1/4SE1/4 OF SECTION 20; THENCE S 88°30'15" W (ASSUMED BEARING) ON THE SOUTH LINE OF SAID SE1/4SE1/4, A DISTANCE OF 376.06 FEET; THENCE N 01°29'45" W, PERPENDICULAR TO SAID SOUTH LINE, A DISTANCE OF 33.00 FEET TO THE NORTH RIGHT OF WAY LINE OF 8TH STREET AND THE SOUTHEAST CORNER OF LOT 1, EIGHTH STREET FIRESTATION SUBDIVISION; THENCE N 61°15'04" W ON THE NORTHEASTERLY LINE OF SAID LOT 1, A DISTANCE OF 435.03 FEET TO THE NORTHWEST CORNER OF SAID LOT 1 AND THE TRUE POINT OF BEGINNING; THENCE N 61°14'48" W ON THE SOUTHWESTERLY RIGHT OF WAY LINE OF THE ABANDONED BURLINGTON NORTHERN RAILROAD, A DISTANCE OF 240.00 FEET; THENCE N 28°45'12" E, PERPENDICULAR TO SAID SOUTHWESTERLY RIGHT OF WAY LINE, A DISTANCE OF 240.00 FEET; THENCE S 61°14'48" E, PARALLEL WITH SAID SOUTHWESTERLY RIGHT OF WAY LINE, A DISTANCE OF 240.00 FEET; THENCE S 28°45'12" W, PERPENDICULAR TO SAID SOUTHWESTERLY RIGHT OF WAY LINE, A DISTANCE OF 240.00 FEET TO THE POINT OF BEGINNING, CONTAINING 1.32 ACRES, MORE OR LESS AND 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. 11-32 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. 11-32 was read by number only at this meeting.

Moved by Bahr, seconded by Lohr, Ordinance No. 11-32 be passed and adopted.

Mayor Moser put the question, "Shall Ordinance No. 11-32 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. 11-32," and it was duly signed.

PUBLIC PROPERTY, SAFETY AND WORKS COMMITTEE REPORT – REQUEST OF 4 JOKERS BAR FOR A 2 A.M. CLOSING: The report of the Public Property, Safety and Works Committee was presented with the recommendation that the request of 4 Jokers Bar for a 2 a.m. closing be kept in committee for discussion at the October 10, 2011 Public Property, Safety and Works Committee. Moved by Bahr, seconded by Augustine, this report be adopted. Roll call and Council Members Augustine, Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Motion carried.

PUBLIC PROPERTY, SAFETY AND WORKS COMMITTEE REPORT – RECONSTRUCTION OF EAST 14TH AVENUE:

The report of the Public Property, Safety and Works Committee was presented with the recommendation to direct city staff to meet with the adjacent property owners for the purpose of creating a street improvement district for East 14th Avenue north of 23rd Street and to approach the Platte County Board of Supervisors to offer the opportunity to participate in an extension of the reconstruction of the East 14th Avenue Project. Moved by Bahr, seconded by Schilling, this report be adopted. In response to Council Member Bulkley, City Administrator Mangiamelli said he will be contacting the Platte County Board of Supervisors on September 20th regarding this issue. Roll call and Council Members Augustine, Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted “Aye” and none voted “Nay.” Motion carried.

PUBLIC PROPERTY, SAFETY AND WORKS COMMITTEE REPORT – DISCUSSION REGARDING SPEED LIMIT ON LOST CREEK PARKWAY AND ALL APPROACHABLE ROADS; I.E., 18TH AVENUE, 33RD AVENUE, AND 48TH AVENUE:

The report of the Public Property, Safety and Works Committee was presented with the recommendation that the discussion regarding the speed limit on Lost Creek Parkway and all approachable roads, i.e. 18th Avenue, 33rd Avenue and 48th Avenue be removed from the agenda. Moved by Bahr, seconded by Schilling, this report be adopted. Roll call and Council Members Augustine, Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted “Aye” and none voted “Nay.” Motion carried.

PUBLIC PROPERTY, SAFETY AND WORKS COMMITTEE REPORT – LETTER FROM LINDA AERNI APPEALING DECISION OF TRAFFIC CONTROL DEVICE COMMITTEE REGARDING SPEED LIMIT ON 18TH AVENUE FROM 38TH STREET TO LOST CREEK PARKWAY:

City Administrator Mangiamelli distributed a copy of a Letter to the Editor from the father of a young boy killed in an accident on 18th Avenue/Wilderness Road and Lost Creek Parkway and his comments urging the city to keep the speed limit at 35 miles per hour. The report of the Public Property, Safety and Works Committee was presented with the recommendation that the City Council consider amending the action taken by the Traffic Control Device Committee and increase the speed limit on 18th Avenue from 38th Street north to the Lost Creek Parkway from 35 miles per hour to 45 miles per hour. Moved by Bahr, seconded by Reardon, this report be adopted. Council Member Lohr pointed out that a petition was presented at the Public Property meeting from residents who live on 18th Avenue south of 38th Street requesting that the speed limit remain at 35 miles per hour along 18th Avenue for the safety of those who reside in the area and access 18th Avenue from their homes. A motion was made by Council Member Lohr to amend the committee report to provide for a 45 mile per hour speed limit 100 yards north of 38th Street to Lost Creek Parkway to provide for a buffer and motion died for lack of a second. Council Member Jablonski said he has observed vehicles tailgating on the 55 mile per hour section of 18th Avenue north of Columbus and Dale Gonka, 1930 55th Street, reported that he has experienced increased tailgating since the speed limit was changed to 35 miles per hour. Following discussion, it was noted that a portion of 18th Avenue between 38th Street and the Lost Creek Parkway will remain at 35 miles per hour during activities at Wilderness Park, which are signified by flashing traffic signs. Roll call and Council

Members Bahr, Bogus, Bulkley, Schilling, Lohr and Reardon voted "Aye" and Augustine and Jablonski voted "Nay." Motion carried.

PUBLIC FINANCE, JUDICIARY AND PERSONNEL COMMITTEE REPORT – REVIEW RECOMMENDATION FOR AWARD OF PROPERTY AND CASUALTY INSURANCE FOR CITY OF COLUMBUS:

The report of the Public Finance, Judiciary and Personnel Committee was presented with the recommendation to award the low bid to the League Association of Risk Management in the corrected amount of \$332,858 for property and casualty insurance for a three year period of annual renewals. Moved by Augustine, seconded by Bogus, to defer action on this committee report and combine discussion on the committee report with discussion on Resolution No. R11-100 approving an Interlocal Agreement with the League Association of Risk Management for property and casualty insurance for a three year period (Agenda Item 14-D). Roll call and Council Members Augustine, Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Motion carried.

PUBLIC FINANCE, JUDICIARY AND PERSONNEL COMMITTEE REPORT – REVIEW REQUEST TO AMEND CITY OF COLUMBUS SICK LEAVE BANK POLICY:

The report of the Public Finance, Judiciary and Personnel Committee was presented with the recommendation to amend Section 5.20 – Sick Leave of the 2010 City of Columbus, Nebraska, Personnel Policy Manual to provide for the possibility of donation of sick leave hours for an employee's spouse and resident minor children (biological or adopted children being changed to resident minor children as recommended by City Attorney Hansen) under age 19 who is diagnosed with a severe illness or injury. Moved by Augustine, seconded by Schilling, this report be adopted as amended. Roll call and Council Members Augustine, Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Motion carried.

CHANGE ORDER NO. 1 FOR VARIOUS FIELD MODIFICATIONS FOR ULTRAVIOLET DISINFECTION PROJECT AT WASTEWATER TREATMENT FACILITY:

A memorandum was presented from Public Works/Environmental Services Director Thomerson submitting detailed information and a staff recommendation to approve Change Order No. 1 with Eriksen Construction, Blair, Nebraska, in the amount of \$11,740.97 for various field modifications for the Ultraviolet Disinfection Project at the Wastewater Treatment Facility. Thomerson explained the following change orders in detail and answered questions from the Mayor and Council: modifications of input/output points for specific data required for proper monitoring of the UV System; installation of vertical vent pipe to assist in removal of air pockets in the effluent pipe; addition of a receptacle, conduit and communication cable; reduced pipe testing requirements; additional junction box; installation of transformer to accommodate 4-wire plus ground to the UV System; and extension of substantial completion date by 117 calendar days due to inclement weather and extension of final completion date 13 days due to contractor involvement in aiding flood issues in Blair/Omaha during Missouri River flood. Thomerson explained that the \$11,740.97 change order is an addition to the original \$1,174,900.00 construction contract, bringing the total cost of construction to \$1,186,640.97. Thomerson concluded by explaining that this is slightly under a 1% increase in the contract but just under \$400,000 less than the second lowest bid received on the project. Moved by Bogus, seconded by Augustine, Change Order No. 1

be approved. 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 Bogus commended Boy Scout Troop 276 and their Scout Master for attending the City Council meeting.

RESOLUTION NO. R11-97 WAS INTRODUCED BY COUNCIL MEMBER SCHILLING.

RESOLUTION NO. R11-97

ADOPTED: SEPTEMBER 19, 2011

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA SELECTING DESIGN-BUILD DELIVERY SYSTEM FOR CONSTRUCTION OF A TRACK AND INSTALLATION OF FOOTBALL FIELD TURF AT MEMORIAL STADIUM IN PAWNEE PARK AND DESIGNATING MERLIN LINDAHL, LINDAHL ENGINEERING, LLC, TO SERVE AS PERFORMANCE CRITERIA DEVELOPER IN ACCORD WITH THE PROVISIONS OF SECTIONS 13-2905 THROUGH 13-2914, REISSUE REVISED STATUTES OF NEBRASKA, 1943, AS AMENDED.

Moved by Schilling, seconded by Lohr, Resolution No. R11-97 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. R11-98 WAS INTRODUCED BY COUNCIL MEMBER JABLONSKI.

RESOLUTION NO. R11-98

ADOPTED: SEPTEMBER 19, 2011

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA TO APPROVE A LEASE AGREEMENT WITH THE STATE OF NEBRASKA FOR USE OF SPACE AT THE FORMER FEDERAL AVIATION ADMINISTRATION BUILDING AT THE COLUMBUS MUNICIPAL AIRPORT FOR USE BY THE NEBRASKA STATE PATROL FOR A 14 YEAR PERIOD AT AN ANNUAL COST OF \$27,200.

Moved by Jablonski, seconded by Bogus, Resolution No. R11-98 be passed and adopted. In response to Council Member Bogus, City Administrator Mangiamelli explained that the building is now being fully utilized. Mangiamelli also explained that the rent for the Nebraska State Patrol includes utilities and cleaning services. Roll call and Council Members Augustine, Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Motion carried.

RESOLUTION NO. R11-99 WAS INTRODUCED BY COUNCIL MEMBER AUGUSTINE.

RESOLUTION NO. R11-99

ADOPTED: SEPTEMBER 19, 2011

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA TO APPROVE THE CONTRACT WITH MECHANICAL SALES FOR DESIGN ENGINEERING AND CONSTRUCTION MANAGEMENT PROFESSIONAL SERVICES AS WELL AS REQUIRED EQUIPMENT NECESSARY IN REPLACING THE AIR HANDLING EQUIPMENT AT THE COLUMBUS AQUATIC CENTER AT A COST OF \$401,082.

Moved by Augustine, seconded by Reardon, Resolution No. R11-99 be passed and adopted. In response to Council Member Jablonski, Public Property Director Moore explained that the original air handling equipment has been completely overhauled once and the new equipment will be one of the steps in correcting air quality in the facility. Moore pointed out that the new system will be outside the building, which will help with corrosion problems and heat exchange. In response to Council Member Reardon, Moore said they are anticipating that the work can be completed during the annual shutdown in late October and early November depending on the timetable for construction of the new units. Moore said Columbus Public Schools and Columbus Family YMCA have been informed that this timetable is tentative. In response to a question from Council Member Reardon as to why this work was not done this summer, Moore responded that this purchase was included in the 2011-2012 budget and staff could not move forward until the budget was approved by the City Council. City Administrator Mangiamelli said staff feels the new equipment, as well as operational changes, will resolve a number of issues at the facility. Roll call and Council Members Augustine, Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Motion carried.

RESOLUTION NO. R11-100 WAS INTRODUCED BY COUNCIL MEMBER BULKLEY.**RESOLUTION NO. R11-100****ADOPTED: SEPTEMBER 19, 2011**

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, APPROVING AN INTERLOCAL AGREEMENT WITH THE LEAGUE ASSOCIATION OF RISK MANAGEMENT (LARM) FOR PROPERTY AND CASUALTY INSURANCE FOR A THREE YEAR PERIOD AT COSTS IDENTIFIED IN THE LOW BID OF \$332,858 SUBMITTED ON AUGUST 29, 2011.

Moved by Bulkley, seconded by Lohr, Resolution No. R11-100 be passed and adopted. Frances Fey, CEO of JL Companies, representing the reinsurance company, explained the basic advantages and features of the League Association of Risk Management (LARM) program. Fey reviewed in detail the formula for establishing the City of Columbus' worker's compensation premiums and compared it to premiums established for the City of Norfolk. Discussion followed regarding the discount program as recommended by city staff. Michael Nolan, Executive Director of LARM, summarized the City of Norfolk's experience with LARM and their decision to go out for bids on the property and casualty insurance coverage for next year. John Curry, 3645 Brookfield Drive, representing INSPRO, the city's property and casualty insurance company for the

past nine years, referred to the handout he provided to the Mayor and Council earlier in the day and said he was unable to attend the Public Finance meeting due to a death in the family. Curry outlined his view of how the history of property and casualty insurance premiums would have been affected had the city chosen LARM in 2002. Further discussion ensued in regard to the city participating in the LARM discount program. A motion was made by Council Member Bulkley to withdraw his motion to adopt this resolution to allow for further review and to "ask questions" and motion died for lack of a second. In response to Council Member Lohr, Human Resources Director Oglevie said he is still comfortable with accepting the proposal from LARM after reviewing the information provided by Curry. City Administrator Mangiamelli concurred with Oglevie and pointed out that accepting the LARM bid would results in a \$127,000 savings to the city. Finance Director Kinnison distributed a spread sheet analysis of the insurance bids that were effective October 1, 2005 as compared to October 1, 2010. Kinnison also spoke in favor of awarding the bid for a three year term. Roll call and Council Members Augustine, Bogus, Schilling, Jablonski, Lohr and Reardon voted "Aye" and Bahr and Bulkley voted "Nay." Motion carried.

**PUBLIC FINANCE, JUDICIARY AND PERSONNEL COMMITTEE REPORT – REVIEW
RECOMMENDATION FOR AWARD OF PROPERTY AND CASUALTY INSURANCE
FOR CITY OF COLUMBUS:**

The report of the Public Finance, Judiciary and Personnel Committee was presented with the recommendation to award the low bid to the League Association of Risk Management in the corrected amount of \$332,858 for property and casualty insurance for a three year period of annual renewals. Moved by Augustine, seconded by Jablonski, this report be 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. 11-33 WAS INTRODUCED BY COUNCIL MEMBER REARDON.

**ORDINANCE NO. 11-33
ADOPTED: SEPTEMBER 19, 2011**

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA TO REPEAL ORDINANCE NO. 11-27 CREATING SIDEWALK IMPROVEMENT DISTRICT NO. 14 BASED ON THE FACT THAT ALL SIDEWALKS INCLUDED IN SAID DISTRICT HAVE BEEN REPAIRED AND/OR INSTALLED; TO PROVIDE FOR THE EFFECTIVE DATE HEREOF AND TO REPEAL ALL ORDINANCES OR PORTIONS THEREOF IN CONFLICT HEREWITH.

Moved by Reardon, seconded by Bahr, the rules be suspended and Ordinance No. 11-33 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. 11-33 was read by number only at this meeting.

Moved by Reardon, seconded by Bahr, Ordinance No. 11-33 be passed and adopted.

Mayor Moser put the question, "Shall Ordinance No. 11-33 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. 11-33," and it was duly signed.

ORDINANCE NO. 11-30
SECOND 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 second reading, Ordinance No. 11-30 was read by title only at this meeting. It was noted that this ordinance will be advanced to the October 3, 2011 City Council meeting for a final reading. City Administrator Mangiamelli referred to a minor housekeeping amendment to remove the words "motor vehicle or" from Section 70.015 (B) of the ordinance, as suggested by City Attorney Steve Hansen, and the City Council concurred with the amendment. Richard Snyder, 126 Lakeshore Drive, expressed support for this ordinance. John Curry, officer and part owner of Curry Brothers MotorSports, referred to accident statistics in states that allow UTV's on public streets and said the numbers do not indicate reasons for serious concerns. Curry also said he does not feel there will be an excessive amount of these types of vehicles in the city. In response to Council Member Augustine, Police Chief Gumm said he feels UTV's on city streets are an unsafe mix of speed and size for traffic. Justin Stenger, The Offroad Company pointed out that the State of Nebraska currently allows motorcycles and scooters on all streets and highways and said UTV's are larger and safer in comparison. Gumm stated that he feels this legislation permitting cities to allow UTV's on public streets by ordinance was poorly crafted at the state level.

ORDINANCE NO. 11-31
SECOND 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 second reading, Ordinance No. 11-31 was read by title only at this meeting. It was noted that this ordinance will be advanced to the October 3, 2011 City Council meeting for a final reading. Michael Jones, 2172 18th Avenue, referred to a previous City Council meeting he had attended where a committee report regarding fire pits was not adopted and Jones was presented with a copy of Ordinance No. 11-31 for review. Jerome Staroscik, 1716 10th Street, referred to issues with a neighbor's fire pit and was told to contact the Police Department with his concerns.

CONSIDERATION OF PAYROLL AND BILLS ON FILE: ARL Credit Services – Services 473.63; Reardon Lawn & Garden, Inc. – Supplies 273.16. TOTAL \$746.79. 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 Schilling, 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, 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 Bahr, to approve the bills on file. Roll call and Council Members Augustine, Bahr, Bogus, Bulkley, Schilling and Lohr voted “Aye” and none voted “Nay.” Council Members Jablonski and Reardon abstained from voting. Motion carried.

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 9:35 p.m.

Presented and approved this 3rd day of October, 2011.

MAYOR

ATTEST:

CITY CLERK