

A regular meeting of the Mayor and City Council of the City of Columbus, Nebraska was convened in open and public session on October 17, 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 September 28, 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-Schulte, 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 and Finance Director Anne Kinnison.

Mayor Moser welcomed Boy Scout Troop 276 to the meeting.

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 October 3, 2011, City Council meeting.
- B. Approval of application of Rose M. Lusche as manager of American Legion Hartman 84, d.b.a. American Legion, 2263 3rd Avenue, Columbus, Nebraska in conjunction with Class "C" Liquor License.
- C. Approval of Resolution No. R11-101 authorizing payment of various improvement projects.

- D. Approval of payroll and bills on file. 10/28/2011 Payroll 452,537.15; A & J Guns – Service 45.00; A.L.S. Irr. & Welding, Inc. – Service 30.00; Ace Hardware & Garden Center – Supplies 293.98; Donald D Adkisson – Pension 609.00; Alamar Uniforms – Supplies 2,799.88; American Payroll Institute – Membership 219.00; American Public Works Association – Membership 476.00; ANSIR4U – Service 90.00; Aqua- Chem, Inc. – Training 150.00; Aqua-Pure, Inc. – Chemicals 8,825.61; Art Editions Framing & Gallery – Supplies 54.00; AS Central Services – Service 704.00; Asphalt & Concrete Materials – Supplies 653.40; B-K Flooring America – Grout Tile at Aquatic Center 15,050.00; Baker & Taylor – Supplies 332.90; Banner Press – Supplies 34.00; Wesley Baxa – Pension 1,232.54; Beard-Warren Heating & Air Conditioning – Heat Pumps/Service 13,398.80; Behlen Towing – Service 800.00; Big Red Sanitation – Service 275.00; Bill's Tire Outlet – Service 3,747.00; Carroll A Bisson – Pension 716.51; Black Hills Energy – Utilities 1,199.69; Blackhawk Industrial Distributor's, Inc. – Wall Panels/Steel Doors 9,675.11; Frank J Blahak Jr – Pension 762.00; Bomgaars – Supplies 683.40; Bound Tree Medical LLC – Supplies 1,988.46; Brown Traffic Products – Supplies 676.50; Business Management Software – Service 140.00; California Contractors – Supplies 109.50; Camaco LLC – Refund 1,620.00; Carolina Software – Service/Supplies 581.56; Central Community College – Training 20.00; Central Parts & Machine – Supplies 1,472.95; Central Sand & Gravel Co. – Nursery Green 4,231.12; Central Valley Ag – Supplies 178.57; Century Link – Utilities 1,512.63; Jay Cerny Landscaping – Service 162.78; City of Columbus – Utilities 82.94; City of Norfolk – Payment 5,400.00; Civic Plus – Website Design 11,131.01; Civil Air Patrol Magazine – Subscription 65.00; Club Prophet Systems – Service 889.00; Columbus Area Chamber of Commerce – Supplies 1,240.00; Columbus Community Hospital – Service/Supplies 918.61; Columbus Custom Embroidery – Supplies 78.00; Columbus Dry Cleaners & Laundry, Inc. – Service 36.95; Columbus Electronics, Inc. – Supplies 294.99; Columbus Telegram – Publications 941.87; Columbus Tire & Service – Service 845.10; Community Internet – Service 255.00; Connecting Point/Radio Shack – Supplies 229.98; Consolidated Management Co. – Training 56.50; J P Cooke Company – Supplies 849.21; Core Products – Supplies 193.15; Cornhusker International Trucks, Inc. – Supplies 68.88; Cornhusker Public Power District – Utilities 805.26; Mark Cozad – Expenses 349.80; Credit Bureau Services – Membership 5.00; Culligan – Supplies 102.30; Department of Aeronautics – Runway Crack Sealing 18,350.40; Des Moines Stamp Mfg Co., Inc. – Supplies 31.80; DHHS – Service 900.00; Diamond Vogel Paints – Supplies 121.60; Diesel Power Equipment Co., Inc. – Service 1,042.44; Peter & Marilyn Digilio – Cemetery Spaces 575.00; Doernemann Construction, Inc. – Contract 4,228.73; Drain Surgeon – Service 95.00; Douglas Dunbar – Contract 4,936.00; Douglas Dunbar – Commissions 5,842.01; Douglas Dunbar – Expenses 1,043.64; Eakes Office Plus – Supplies 3,859.33; EBSCO Industries, Inc. – Supplies 38.58; Electrical Engineering & Equipment Co. – Supplies 29.70; Electronic Systems, Inc. – Supplies 117.00; Enterprise Electric CO/CED – Supplies 233.80; Eriksen Construction Co., Inc. – UV Disinfection 73,775.97; Ernst Auto Center – Supplies 608.23; Evident Crime Scene Products – Supplies 932.00; Excel Commercial – Utilities 50.00; Experience Works, Inc. – Donation 400.00; Fairbanks International – Snow Equipment 151,200.00; Fastenal Company – Supplies 1,134.85; First Bankcard –

Expenses 3,732.63; S A Foster Lumber Co. – Supplies 5.27; Frontier – Utilities 4,925.40; Frontier Communications – Utilities 230.11; Gaeth Pest Control Services, Inc. – Service 285.00; Gale – Supplies 1,507.79; Galetton – Supplies 44.45; Gaylord Brothers, Inc. – Supplies 49.45; Gehring Construction & Ready-Mix Company – Supplies 1,125.67; Gehring Construction & Ready-Mix Company – Street Construction 45,579.82; General Traffic Controls – Service 1,682.20; Gerhold Concrete Company – Supplies 3,435.28; Gilmore & Bell P C – Service 2,250.00; Godfather's Pizza – Meals 68.00; David Goedecken – Expenses 1,028.14; Great Plains One Call Service – Service 188.62; The Greenkeeper – Supplies 3,372.50; Ron Groene – Expenses 35.00; Groundwater Foundation – Training 140.00; Hach Company – Supplies 1,009.37; Hadley-Braithwait Company – Supplies 274.55; Scott Hanis – Expenses 95.29; Hawkins, Inc. – Chemicals 10,448.49; HD Supply Waterworks Ltd – Supplies 472.34; HDR Engineering, Inc. – UV Disinfection 2,189.00; Heartland Concrete – Service 431.25; Dean Hefti – Expenses 90.48; Holiday Inn of Norfolk – Lodging 462.00; Hometown Leasing – Supplies 177.12; Mark S Howerter MD – Contract 500.00; Hy-Vee, Inc. – Supplies 597.33; IAEI – Supplies 374.40; Industrial Sales Company, Inc. – Supplies 451.18; Ingram Library Service, Inc. – Library Materials 4,251.05; Insurance Services of Columbus – Insurance 467.35; Integrated Systems Group – Service 80.00; Jackson Services, Inc. – Supplies 2,587.72; Jackson Services, Inc. – Rent/Utilities 357.53; JEO Consulting Group, Inc. – Loup Levee Recertification 30,663.00; JI Special Risks Insurance – Insurance 7,668.00; Joe & Al's Grocery – Supplies 11.52; Johnson Controls – Boiler 4,580.67; Joy's Uniforms N More – Supplies 15.00; Timothy Kayl – Expenses 267.21; Kelly Supply Company – Supplies 1,698.16; Kentucky Fried Chicken – Meals 159.98; Kimball Midwest – Supplies 76.55; Kralik's Sew & Vac Center – Supplies 16.94; Michael Kratochvil – Expenses 24.20; Laclede Equipment, Inc. – Supplies 192.36; Lakeview Small Engine – Supplies 117.72; LARM – Insurance 325,545.00; Larue Distributing, Inc. – Supplies 73.48; Lawson Products, Inc. – Supplies 211.39; League of Nebraska Municipalities – Membership 32,185.00; Pete Lien & Sons, Inc. – Chemicals 4,004.40; Lincoln Winwater Works – Supplies 866.84; Logan Contractors Supply, Inc. – Supplies 6,712.42; John F Lohr – Expenses 163.35; Loup Power District – Utilities 108,761.88; M & O Door Products – Service 854.19; Mail Prep, Etc. – Postage 353.51; MailFinance – Postage Machine Lease 198.03; Joseph Mangiamelli – Expenses 717.20; Marley's Electric, Inc. – Service 6,179.18; Matheson-Linweld – Supplies 323.02; Rachelle McPhillips – Expenses 123.73; Tim Meays – Expenses 66.69; Menards – Supplies 2,488.82; Metron-Farnier LLC – Supplies 5,119.95; Mid-American Research Chemical – Supplies 1,467.90; Mid-Iowa Solid Waste Equipment Co., Inc. – Supplies 24.68; Mid-Nebraska Communications, Inc. – Service 1,404.00; Mid-State Engineering & Testing, Inc. – Service 489.00; Midwest Laboratories, Inc. – Supplies 1,245.10; Midwest Marketing Services – Supplies 48.75; Midwest Right of Way Services – Airport Land Acquisition 1,679.81; Midwest Service & Sales – Supplies 425.65; Midwest Tape LLC – Supplies 1,835.26; Midwest Turf & Irrigation – Service 5,294.13; Mike's Towing – Service 1,529.72; Motion Industries, Inc. – Supplies 22.95; Mountain View LLC – Service 195.00; MTM Recognition – Supplies 729.17; Shane Mueller – Service 146.50; Mueller Sprinklers – Supplies 272.31; James Murphy – Expenses

354.21; NCS Equipment Rental – Supplies 1,631.00; Nebraska Department of Economic Development – Grants 4,773.73; Nebraska Department of Environmental Quality – Training 300.00; Nebraska Emergency Service Communications Association – Training 85.00; Nebraska Environmental Products – Supplies 852.99; Nebraska Library Commission – Supplies 3,723.70; Nebraska Public Health Environmental Laboratory – Service 1,499.00; Nebraska Rural Water Association – Training 500.00; Nebraska Section AWWA – Training 45.00; Nebraska U C Fund – Payment 1,738.48; Nebraska-Iowa Industrial Fasteners Corp. – Supplies 155.73; Marvin O Nelson – Pension 502.50; Rose Nelson – Service 26.99; Newsbank, Inc. – Supplies 970.00; NMC Exchange LLC – Service 136.50; Northeast Nebraska Economic Development District – Grants 2,193.35; Northeast Nebraska Solid Waste Coalition – Landfill Disposal 51,040.66; NSAWWA – Training 675.00; O’Keefe Elevator Company – Service 487.09; O’Reilly Automotive, Inc. – Supplies 350.32; Oberg Locksmith & Security Service – Service 98.50; Occupational Health Services – Service 880.00; OCLC, Inc. – Service 606.32; Officenet – Supplies 22.00; Olsson Associates – Service 4,770.00; Optics Planet, Inc. – Supplies 89.99; Jill Owens – Expenses 175.16; Paragon Consulting Services – Maintenance Agreement 18,365.00; The Parts Bin – Supplies 58.18; Peerless Wiping Cloth – Supplies 299.00; Penworthy Company – Supplies 2,632.32; Pet Care Specialists – Service 515.75; Petty Cash – Expenses 215.93; Platte County – Contract 2,750.00; Platte Valley Humane Society – Payment 12,582.50; PR Diamond Products – Supplies 1,074.00; Presto-X-Company – Service 138.00; Pumping Solutions – Supplies 1,504.53; Pyramid Canvas & Mfg Company – Supplies 10.00; Ramada Inn – Lodging 69.00; Random House, Inc. – Supplies 12.00; James Rawhouser Jr – Expenses 35.00; Recorded Books LLC – Supplies 548.20; Redstone Veterinary Clinic – Service 433.23; Reis Environmental – Service 1,886.31; Rembolt Ludtke LLP – Service 67.50; Riotech Industrial Products – Supplies 195.00; Nancy Roubal – Expenses 80.99; S & S Willers, Inc. – Nursery Green 18,260.34; Sackett Electric – Service 72.80; Sahling Kenworth, Inc. – Service 1,101.07; Sapp Bros Columbus, Inc. – Fuel 9,305.76; Sapp Bros Petroleum, Inc. – Fuel 17,759.37; Schaben Industries – Supplies 83.74; Scheffler Machine & Tool, Inc. – Service 187.50; Schieffer Signs, Inc. – Supplies 304.75; Schneider’s O K Tire Company – Lease Payment 30.00; Schneider’s O K Tire Company – Service 42.88; Seacrest & Kalkowski – Service 44.00; Security Equipment, Inc. – Supplies 792.00; Servicemaster By Shevlin – Service 1,541.00; Settje Plumbing – Service 1,057.54; Sherwin-Williams Company – Service 156.09; Shevlin Supply – Supplies 142.32; Simplex Grinnell LP – Service 923.38; Sipple, Hansen, Emerson & Schumacher – Service 2,614.70; Kay Sprunk – Expenses 194.46; Heather St. Clair – Expenses 52.25; State of Nebraska Department of Revenue – Sales Tax 34,485.17; State of Nebraska HHS Finance & Support – Refund 74.39; State Treasurer of Nebraska – License Fee 2,581.17; Gene Steffy Ford – Service 85.42; Stericycle, Inc. – Supplies 147.16; Super Saver – Supplies 38.58; Sysco Lincoln – Supplies 3,172.94; T & L Services – Service 250.00; Telvent DTN – Service 627.00; Cindy Ternus – Service 20.00; Donna Thomerson – Expenses 120.14; Tighton Fastener & Supply, Inc. – Service/Supplies 333.01; Tool Shed – Supplies 186.00; Tractor Supply Credit Plan – Supplies 90.89; Alfredo Trevino – Service 80.00; Turfwerks

– Supplies 971.21; Typhoon Wash – Service 90.00; U & I Sanitation – Service 83.00; U S Bank – Expenses 2,080.05; Ultra Graphics – Supplies 432.17; United States Post Office – Postage 1,833.59; USA Blue Book – Supplies 169.04; Utilities Section League of Nebraska Municipalities – Training 70.00; Utilities Section League of Nebraska Municipalities – Dues 2,640.00; Utility Service Co., Inc. – Water Tank Maintenance Program 22,288.25; Verizon Wireless – Utilities 1,424.56; Volunteer Fire Department – Expenses 30.00; Walmart Community – Supplies 786.61; Waste Connections of Nebraska – Service 309.84; Wellness Councils of America – Supplies 11.75; West Point Implement of Columbus – Service 291.36; Yant Equipment Co., Inc. – Supplies 887.52; Zee Medical Service – Supplies 278.04. TOTAL 1,728,514.24.

Moved by Bogus, seconded by Bulkley, the items on the consent agenda, being routine in nature, be approved as presented. Roll call and Council Members Augustine-Schulte, 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):

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). This public hearing was continued from the September 19, 2011 meeting. A memorandum was also presented from City Engineer Goedeken submitting detailed information and a staff recommendation to approve the final plat and Subdivision Agreement with the following contingencies: 1) a final Subdivision Agreement is signed; 2) a temporary turn around area is located at the west end of the proposed 41st Street; 3) a drainage analysis for the waterway along the property line of Lots 3 and 4, and Lots 9 and 10 is conducted to verify the adequacy of the location of the proposed easement; and 4) all local, state and federal agency requirements are met. The Planning Commission recommended approval with contingencies as recommended by city staff. No one appeared in opposition and no one spoke regarding this issue. Moved by Bogus, seconded by Bulkley, the public hearing be closed and the final plat and Subdivision Agreement be approved. City Administrator Mangiamelli reported that the city is waiting for information on the wetlands area. Council Member Bogus, with the consent of the second, amended the motion to state that the public hearing be closed and the final plat and Subdivision Agreement be approved contingent upon receipt of the deed of dedication and the pending information on the wetlands. Roll call on the motion as amended and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted “Aye” and none voted “Nay.” Motion carried.

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 public hearing to determine whether Tallgrass West Addition located west of 5205 41st Street should be included within the corporate city limits. This public hearing was continued from the September 19, 2011 meeting. A memorandum was also presented

from City Engineer Goedeken submitting detailed information and a staff recommendation to bring this addition into the corporate city limits. The Planning Commission recommended approval. In response to Mayor Moser, City Administrator Mangiamelli stated that approval should also be contingent upon receipt of the deed of dedication and the pending information on the wetlands. No one spoke regarding this issue and no one appeared in opposition. Moved by Bogus, seconded by Bulkley, the public hearing be closed and to bring said addition into the corporate city limits contingent upon receipt of the deed of dedication and the pending information on the wetlands. Clark Grant, on behalf of the applicant, reported that the deed of dedication was submitted with the resolution. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Motion carried.

RESOLUTION NO. R11-102 WAS INTRODUCED BY COUNCIL MEMBER SCHILLING.

RESOLUTION NO. R11-102
ADOPTED: OCTOBER 17, 2011

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, ACCEPTING THE DEED OF DEDICATION TO A PARCEL OF LAND LEGALLY DESCRIBED AS: A TRACT OF LAND LOCATED IN THE N1/2 S1/2 SE1/4 OF SECTION 11, T17N, R1W OF THE 6TH P.M. IN PLATTE COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF TALLGRASS SECOND ADDITION TO THE CITY OF COLUMBUS, PLATTE COUNTY, NEBRASKA, LOCATED IN THE N1/2S1/2SE1/4 OF SECTION 11, T17N, R1W OF THE 6TH P.M. IN PLATTE COUNTY, NEBRASKA AND ASSUMING THE SOUTH LINE N1/2S1/2SE1/4 OF SAID SECTION 11 TO HAVE A BEARING OF S 89°51'30" W; THENCE S 89°51'30" W AND ON SAID SOUTH LINE, 1484.68 FEET, TO THE SOUTHWEST CORNER N1/2S1/2SE1/4 OF SAID SECTION 11; THENCE N 00°21'21" W AND ON THE WEST LINE N1/2S1/2SE1/4 OF SAID SECTION 11, 577.66 FEET; THENCE N 89°50'29" E, 1483.45 FEET, TO THE NORTHWEST CORNER OF TALLGRASS SECOND ADDITION TO THE CITY OF COLUMBUS; THENCE S 00°20'39" E AND ON THE WEST LINE OF SAID TALLGRASS SECOND ADDITION, 578.08 FEET, TO THE POINT OF BEGINNING, CONTAINING, 19.69 ACRES, MORE OR LESS, HEREINAFTER TO BE KNOWN AS TALLGRASS WEST ADDITION TO THE CITY OF COLUMBUS, PLATTE COUNTY, NEBRASKA, APPROVING THE PLAT THEREOF; APPROVING INCLUSION OF SAID PLAT INTO THE CORPORATE LIMITS OF COLUMBUS, PLATTE COUNTY, NEBRASKA; AND AUTHORIZING THE MAYOR TO SIGN THE SUBDIVISION AGREEMENT PROVIDING FOR PUBLIC IMPROVEMENTS TO SERVE THIS SUBDIVISION.

Moved by Schilling, seconded by Lohr, Resolution No. R11-102 be passed and adopted contingent upon receipt of the deed of dedication and the pending information on the wetlands. Roll call and Council Members Augustine-Schulte, 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):

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). This public hearing was continued from the September 19, 2011 meeting. A memorandum was also presented from City Engineer Goedeken submitting detailed information and a staff recommendation to approve the final plat and Subdivision Agreement. The Planning Commission recommended approval. No one appeared in opposition and no one spoke regarding this issue. Moved by Bogus, seconded by Schilling, the public hearing be closed and the final plat and Subdivision Agreement be approved. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Motion carried.

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 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. This public hearing was continued from the September 19, 2011 City Council meeting. A memorandum was also presented from City Engineer Goedeken submitting detailed information and a staff recommendation to bring this addition into the corporate city limits. The Planning Commission recommended approval. No one appeared in opposition and no one spoke regarding this issue. Moved by Schilling, seconded by Bogus, the public hearing be closed and to bring said addition into the corporate city limits. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Motion carried.

RESOLUTION NO. R11-103 WAS INTRODUCED BY COUNCIL MEMBER JABLONSKI.

RESOLUTION NO. R11-103
ADOPTED: OCTOBER 17, 2011

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, ACCEPTING THE DEED OF DEDICATION TO A PARCEL OF LAND SITUATED WITHIN THE SE1/4 OF SECTION 11, TOWNSHIP 17 NORTH, RANGE 1 WEST OF THE 6TH P.M., PLATTE COUNTY, NEBRASKA, AND PART OF THE NE1/4 OF SECTION 14, TOWNSHIP 17 NORTH, RANGE 1 WEST OF THE 6TH P.M., PLATTE COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF LOT 1, BLOCK F, THE MEADOWS FIRST ADDITION TO THE CITY OF COLUMBUS, PLATTE COUNTY, NEBRASKA; THENCE S 89°58'18" W ON AN ASSUMED BEARING ON THE NORTH LINE OF SAID BLOCK F, 800.00 FEET; THENCE N 28°29'39" W, 420.88 FEET; THENCE N 89°58'18" E AND PARALLEL TO THE NORTH LINE OF SAID BLOCK "F", 1000.00 FEET TO A

POINT ON THE NORTHERLY EXTENSION OF THE WEST LINE OF BLOCK "E" AND SAID BLOCK "F", THE MEADOWS FIRST ADDITION; THENCE S 00°07'20" E ALONG SAID WEST LINE, 370.00 FEET TO THE POINT OF BEGINNING, CONTAINING 7.65 ACRES, MORE OR LESS, HEREINAFTER TO BE KNOWN AS "MEADOW RIDGE SUBDIVISION TO THE CITY OF COLUMBUS, NEBRASKA"; APPROVING THE PLAT THEREOF, APPROVING THE INCLUSION OF SAID PLAT INTO THE CORPORATE CITY LIMITS OF COLUMBUS, PLATTE COUNTY, NEBRASKA AND APPROVING AND ACCEPTING THE MEADOW RIDGE SUBDIVISION AGREEMENT BY AND BETWEEN THE CITY OF COLUMBUS, NEBRASKA, A MUNICIPAL CORPORATION, AND MEADOW RIDGE PROPERTIES, LLC, A NEBRASKA LIMITED LIABILITY COMPANY WHICH SETS FORTH THE AGREEMENT BETWEEN THE PARTIES INCLUDING THE DUTIES AND RESPONSIBILITIES OF THE SUBDIVIDER AND THE LOT OWNERS WITH RESPECT TO SAID SUBDIVISION; AND AUTHORIZING THE MAYOR TO SIGN THE SUBDIVISION AGREEMENT PROVIDING FOR PUBLIC IMPROVEMENTS TO SERVE THIS SUBDIVISION.

Moved by Jablonski, seconded by Bahr, Resolution No. R11-103 be passed and adopted. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Motion carried.

PUBLIC HEARING – APPLICATION OF COLUMBUS PUBLIC SCHOOLS FOR FINAL PLAT AND SUBDIVISION AGREEMENT OF DISCOVERER ADDITION (38TH STREET BETWEEN 33RD AVENUE AND 41ST AVENUE):

The Affidavit of Publication and Notice of Hearing were presented on the application of Columbus Public Schools for the final plat and Subdivision Agreement of Discoverer Addition located in the SE1/4 of Section 12, Township 17 North, Range 1 West of the 6th P.M. in Platte County, Nebraska (38th Street between 33rd Avenue and 41st Avenue). A memorandum was also presented from City Engineer Goedeken submitting detailed information and a staff recommendation to approve the final plat and Subdivision Agreement. A letter from Corey Briggs, Columbus Family YMCA, expressing support of this plat was also presented. The Planning Commission recommended approval. Troy Loeffelholz, Superintendent of Columbus Public Schools, stated that they are requesting approval of this plat and Subdivision Agreement to construct 41st Avenue to connect to the Lost Creek Parkway as well as 38th Street for future development of the Quality of Life partners. Loeffelholz referred to East Central Health Department (ECHD) and their grant application requirement to include an address for their future facility and said approval of the plat would provide this address. Loeffelholz pointed out that this plat includes roads, infrastructure, utilities and lift stations for this property but does not include any plans for land or dirt work for the proposed middle school. City Administrator Mangiamelli referred to a diagram of the proposed plans for the area and said this parcel of land runs from 33rd Avenue to the proposed 41st Avenue and from 38th Street to the Lost Creek Parkway. Mangiamelli pointed out that the north end of the parcel is reserved for commercial development, the east half may include residential or commercial, contingent on proposed buyers of the property, and the school district will occupy the southern portion of the property, with the ECHD facility to be located west of the proposed middle school. Mangiamelli explained that should the Columbus Family Y choose to become part of this Quality of Life Project, they would be located on

the same parcel of land as the school. Mangiamelli further explained the intent of the entire project is to share resources and space. Mangiamelli pointed out a sizeable lake located on the east side of the parcel, said the property does not include a street configuration running west between the two lakes but said there will be a connection on the south end to a frontage road that serves the hospital property. In response to Mayor Moser, Mangiamelli confirmed that the only public improvement is 41st Avenue and all other drives and parking lots will be the responsibility of the property owners. Rebecca Rayman, 1207 2nd Street, Executive Director of East Central Health Department, explained their need for expansion and said they are applying for a \$5,000,000 grant for funding this \$6,520,000 project. Rayman further explained that the grant deadline is November 9th and another requirement of the grant application is to include a deed for the property. Rayman stated that ECHD purchased the property from the school district at fair market value and will pay their portion of assessments for all associated costs. Rayman described the functions of their facility and explained the benefits for moving to this location. Mangiamelli pointed out that the subdivision agreement provides that the parties would renegotiate the contract up to and including termination of the agreement should grant funding not become available and approval of the plat will provide authorization to develop the property as time and approvals become available. In response to Council Member Bulkley, Mangiamelli confirmed that all city costs associated with this project will be brought to the City Council for approval. In response to Council Member Jablonski, Rayman explained that they will proceed with the project regardless of whether the grant is awarded or not. In response to Mayor Moser, City Attorney Hansen stated that the city's share will be 30% of the \$2,100,000 project. In response to Council Member Reardon, Mangiamelli confirmed that the city will fund the total project and be reimbursed by the school district and ECHD for their share. Mangiamelli noted that the applicant still needs to submit a deed of dedication. No one appeared in opposition. Moved by Bogus, seconded by Augustine-Schulte, the public hearing be closed and the final plat and Subdivision Agreement be approved subject to receipt of the deed of dedication. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Motion carried.

PUBLIC HEARING – TO DETERMINE WHETHER DISCOVERER ADDITION SHOULD BE INCLUDED WITHIN THE CORPORATE CITY LIMITS (38TH STREET BETWEEN 33RD AVENUE AND 41ST AVENUE): The Affidavit of Publication and Notice of Hearing were presented on the public hearing to determine whether Discoverer Addition located at 38th Street between 33rd Avenue and 41st Avenue should be included within the corporate city limits. A memorandum was also presented from City Engineer Goedeken submitting detailed information and a staff recommendation to bring this addition into the corporate city limits. The Planning Commission recommended approval. No one spoke regarding this issue and no one appeared in opposition. Moved by Schilling, seconded by Bogus, the public hearing be closed and to bring said addition into the corporate city limits. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Motion carried.

RESOLUTION NO. R11-104 WAS INTRODUCED BY COUNCIL MEMBER LOHR.

RESOLUTION NO. R11-104
ADOPTED: OCTOBER 17, 2011

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, ACCEPTING THE DEED OF DEDICATION TO A PARCEL OF LAND SITUATED WITHIN THE SE 1/4 OF SECTION 12, T17N, R1W OF THE 6TH P.M., PLATTE COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER SE 1/4 OF SECTION 12, T17N, R1W OF THE 6TH P.M. IN PLATTE COUNTY, NEBRASKA, AND ASSUMING THE EAST LINE NE 1/4 OF SAID SE 1/4 TO HAVE A BEARING OF S 00°02'02" E; THENCE S 00°02'02" E AND ON SAID EAST LINE, 421.06 FEET, TO THE POINT OF BEGINNING; THENCE S 00°02'02" E AND ON SAID EAST LINE, 900.92 FEET, TO THE SOUTHEAST CORNER NE 1/4 SE 1/4 OF SAID SECTION 12; THENCE S 00°06'19" E AND ON THE EAST LINE SE 1/4 OF SAID SE 1/4, 1289.45 FEET, TO THE EXTENSION OF THE NORTH RIGHT-OF-WAY LINE OF 38TH STREET; THENCE N 89°51'01" W AND ON SAID NORTH RIGHT-OF-WAY LINE, 1317.39 FEET, TO THE WEST LINE SE 1/4 OF SAID SE 1/4; THENCE N 89°51'35" W AND ON THE NORTH RIGHT-OF-WAY LINE OF SAID 38TH STREET, 1317.36 FEET, TO THE WEST LINE SW 1/4 OF SAID SE 1/4; THENCE N 00°17'05" W AND ON SAID WEST LINE, 1287.40 FEET, TO THE SOUTHWEST CORNER NW 1/4 SE 1/4 OF SAID SECTION 12; THENCE N 00°17'34" W AND ON THE WEST LINE NW 1/4 OF SAID SE 1/4, 1111.74 FEET, TO THE SOUTH RIGHT-OF-WAY LINE OF LOST CREEK PARKWAY; THENCE N 89°59'58" E AND ON SAID SOUTH LINE, 1321.88 FEET, TO THE WEST LINE NE 1/4 OF SAID SE 1/4; THENCE S 89°59'51" E AND ON SAID SOUTH LINE, 1271.83 FEET; THENCE S 00°01'37" E, 215.43 FEET; THENCE N 89°56'33" E, 50.11 FEET, TO THE POINT OF BEGINNING, CONTAINING 145.29 ACRES, MORE OR LESS HEREINAFTER TO BE KNOWN AS DISCOVERER ADDITION TO THE CITY OF COLUMBUS, PLATTE COUNTY, NEBRASKA, APPROVING THE PLAT THEREOF; APPROVING THE SUBDIVISION AGREEMENT PROVIDING FOR THE PUBLIC IMPROVEMENTS NECESSARY TO SERVE THE PROPERTY; AND APPROVING THE INCLUSION OF SAID PLAT INTO THE CORPORATE CITY LIMITS OF COLUMBUS, PLATTE COUNTY, NEBRASKA.

Moved by Lohr, seconded by Schilling, Resolution No. R11-104 be passed and adopted subject to receipt of the deed of dedication. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Motion carried.

PUBLIC HEARING – APPLICATION OF TALLGRASS WEST, LLC TO REZONE A TRACT OF LAND LOCATED WEST OF 41ST STREET AND 52ND AVENUE FROM "RR" (RURAL RESIDENTIAL DISTRICT) TO "R-1" (SINGLE-FAMILY RESIDENTIAL DISTRICT) AND TO CONSIDER AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN TO REFLECT THE SAME CHANGE IN ZONING FOR SAID REAL ESTATE: The Affidavit of Publication and Notice of Hearing were presented on the application of Tallgrass West, LLC to rezone a tract of land 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 41st Street and 52nd Avenue) from "RR" (Rural Residential District) to "R-1" (Single-Family Residential District) and to consider amending the Future Land Use Map of the

Comprehensive Plan to reflect the same change in zoning. 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 rezoning and amend the Future Land Use Map of the Comprehensive Plan to reflect the same change in zoning. The Planning Commission recommended approval. No one spoke regarding this issue and no one appeared in opposition. Moved by Bogus, seconded by Schilling, the public hearing be closed. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Motion carried.

ORDINANCE NO. 11-35 WAS INTRODUCED BY COUNCIL MEMBER BULKLEY.

ORDINANCE NO. 11-35

ADOPTED: OCTOBER 17, 2011

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA TO AMEND THE CITY OF COLUMBUS LAND DEVELOPMENT ORDINANCE OF 1996, ZONING CHAPTER, DATED MARCH 18, 1996 UNDER ORDINANCE NO. 96-08, AS AMENDED, AND ADOPTED AUGUST 4, 1997, AS THE OFFICIAL ZONING CODE FOR THE CITY OF COLUMBUS BY ORDINANCE NO. 97-17, TO REZONE AND RECLASSIFY THE FOLLOWING DESCRIBED REAL ESTATE, TO WIT: A TRACT OF LAND LOCATED IN THE N1/2 S1/2 SE1/4 OF SECTION 11, T17N, R1W OF THE 6TH P.M. IN PLATTE COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF TALLGRASS SECOND ADDITION TO THE CITY OF COLUMBUS, PLATTE COUNTY, NEBRASKA, LOCATED IN THE N1/2S1/2SE1/4 OF SECTION 11, T17N, R1W OF THE 6TH P.M. IN PLATTE COUNTY, NEBRASKA AND ASSUMING THE SOUTH LINE N1/2S1/2SE1/4 OF SAID SECTION 11 TO HAVE A BEARING OF S 89°51'30" W; THENCE S 89°51'30" W AND ON SAID SOUTH LINE, 1484.68 FEET, TO THE SOUTHWEST CORNER N1/2S1/2SE1/4 OF SAID SECTION 11; THENCE N 00°21'21" W AND ON THE WEST LINE N1/2S1/2SE1/4 OF SAID SECTION 11, 577.66 FEET; THENCE N 89°50'29" E, 1483.45 FEET, TO THE NORTHWEST CORNER OF TALLGRASS SECOND ADDITION TO THE CITY OF COLUMBUS; THENCE S 00°20'39" E AND ON THE WEST LINE OF SAID TALLGRASS SECOND ADDITION, 578.08 FEET, TO THE POINT OF BEGINNING, CONTAINING, 19.69 ACRES, MORE OR LESS. FROM THE PRESENT ZONING CLASSIFICATION OF "RR" (RURAL RESIDENTIAL DISTRICT) TO "R-1" (SINGLE FAMILY RESIDENTIAL DISTRICT); TO AMEND THE FUTURE LAND USE MAP AS WELL AS THE ZONING MAP WHICH IS ATTACHED TO AND MADE A PART OF SAID CITY OF COLUMBUS LAND DEVELOPMENT ORDINANCE OF 1996 TO SHOW SAID REZONING AND RECLASSIFICATION; TO REPEAL ALL ORDINANCES AND RESOLUTIONS OR PARTS THEREOF IN CONFLICT HERewith; AND TO PROVIDE FOR THE EFFECTIVE DATE.

Moved by Bulkley, seconded by Schilling, the rules be suspended and Ordinance No. 11-35 be read by number only at this meeting. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted

“Aye” and none voted “Nay.” Motion carried and Ordinance No. 11-35 was read by number only at this meeting.

Moved by Bulkley, seconded by Schilling, Ordinance No. 11-35 be passed and adopted.

Mayor Moser put the question, “Shall Ordinance No. 11-35 be passed and adopted?” Roll call and Council Members Augustine-Schulte, 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. 11-35,” and it was duly signed.

PUBLIC HEARING – APPLICATION OF EARLEY RENTALS, LLC TO REZONE 1256 34TH AVENUE FROM “R-2” (URBAN-FAMILY RESIDENTIAL DISTRICT) TO “B-2” (GENERAL COMMERCIAL DISTRICT) AND TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN TO REFLECT THE SAME CHANGE IN ZONING

AND

PUBLIC HEARING – APPLICATION OF EARLEY RENTALS, LLC FOR SPECIAL USE PERMIT TO ALLOW FOR CONVENIENCE STORAGE IN A “B-2” (GENERAL COMMERCIAL DISTRICT) ZONE LOCATED AT 1256 34TH AVENUE: The Affidavit of Publication and Notice of Hearing were presented on the application of Earley Rentals, LLC to rezone the north half of Lots 10, 11 and 12, Block 10, Highland Park Addition to the City of Columbus, Nebraska (1256 34th Avenue) from “R-2” (Urban-Family Residential District) to “B-2” (General Commercial District) and to amend the Future Land Use Map of the Comprehensive Plan to reflect the same change in zoning. The Affidavit of Publication and Notice of Hearing were presented on the application of Earley Rentals, LLC for a Special Use Permit to allow for convenience storage on the following described real estate in a “B-2” (General Commercial District) zone: the north half of Lots 10, 11 and 12, Block 10, Highland Park Addition to the City of Columbus, Nebraska (1256 34th Avenue). A letter was presented from Clark Grant, on behalf of the applicant, requesting these public hearings be continued to the November meetings. The Planning Commission recommended both public hearings be continued to 7 p.m. on November 14, 2011. Moved by Bogus, seconded by Schilling, these two public hearings before the City Council be continued to November 21, 2011 at 7 p.m. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted “Aye” and none voted “Nay.” Motion carried.

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 to amend the City Code to allow for on-site alcohol sales until 2 a.m. on Friday and Saturday nights only. Moved by Bahr, seconded by Schilling, this report be adopted. In response to Council President Bogus, City Attorney Hansen stated that if this report is adopted, he would draft an ordinance to be presented at the November 7th meeting. Hansen pointed out that State Statute requires this ordinance be adopted by at least a two-thirds vote of the City

Council. City Administrator Mangiamelli explained that this ordinance would be presented for three readings as it is an amendment to the City Code. Council Member Reardon explained that the Public Property Committee recommended the amendment to the City Code in order to bring the issue forward to the City Council and to give the public the opportunity to express their comments to the City Council. Council Member Bahr pointed out that the ordinance allows bar owners to remain open until 2 a.m. but does not require them to stay open that late. Mangiamelli stated that the ordinance would go into effect 15 days after it is adopted. Council Member Jablonski stated that as a result of Barb Sedlak's comments at the Public Property meeting with regard to bar owners potentially feeling pressured to stay open until 2 a.m. should this ordinance be adopted, the committee added the restriction to be open until 2 a.m. only on Friday and Saturday nights. Erica Young, on behalf of 4 Jokers Bar, pointed out that they choose to close at 9 p.m. on Mondays and 11 p.m. on Wednesdays and other bars also have the option to close at whatever time they choose. Young reported that their business loses 30% of their revenue from patrons who leave their establishment at midnight to travel to Duncan where bars have the option of staying open until 2 a.m. Council Member Lohr referred to other options, such as entertainment, that could potentially attract business and Young reported that entertainment is costly. Lohr also referred to safety issues and questioned whether a 2 a.m. closing would present a hazard to patrons coming from surrounding communities. Jim Schaefer, 2214 34th Street, expressed opposition to the 2 a.m. closing as he feels an additional hour of drinking alcohol will cause additional problems. Roll call and Council Members Bahr, Bogus, Bulkley, Schilling, Jablonski and Lohr voted "Aye" and Augustine-Schulte and Reardon voted "Nay." Motion carried.

REQUEST FROM COUNCIL MEMBER SCHILLING FOR RECONSIDERATION OF ORDINANCE NO. 11-30 TO PROVIDE FOR USE OF UTILITY TYPE VEHICLES ON CITY STREETS:

A memorandum was presented from City Administrator Mangiamelli regarding reconsideration of Ordinance No. 11-30 to provide for use of Utility Type Vehicles (UTVs) on city streets. It was noted in the memorandum that following the adoption of Ordinance No. 11-30 on October 3, 2011, a meeting was held with Mayor Moser as well as Council Member Schilling and it was determined that the ordinance was not reflective of the intentions of either party. It was further noted that Council Member Schilling, being on the prevailing side, is requesting the ordinance be reconsidered to provide amendments to reduce the age for operators from 21 years of age to 18 years of age and also that the requirement for helmet usage by all operators and passengers be removed. Mangiamelli pointed out that an amended ordinance will be presented at the November 7th City Council meeting. Council Member Schilling explained that he would prefer the age requirement be changed due to the fact there are employees in the community between the age of 18 and 21 who use UTVs. Council Member Schilling also explained that he would like to leave the helmet requirement to the discretion of the legislature. City Attorney Hansen stated that a new ordinance will be presented at the November 7th meeting and he invited Council Members to bring additional ideas forward prior to the meeting. Council Member Augustine-Schulte questioned the feasibility of designating specific areas for UTV use and following discussion, concurrence of the City Council was to amend the ordinance as specified.

CONSIDERATION OF PAYROLL AND BILLS ON FILE: ARL Credit Services – Services 603.32; Reardon Lawn & Garden, Inc. – Supplies 83.08. TOTAL \$686.40.

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 Bulkley, 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-Schulte, 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-Schulte, 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-Schulte, Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Motion carried and the meeting was adjourned at 8:27 p.m.

Presented and approved this 7th day of November, 2011.

MAYOR

ATTEST:

CITY CLERK