

A regular meeting of the Mayor and City Council of the City of Columbus, Nebraska was convened in open and public session on November 7, 2011 at 7 p.m. in the Council Chambers, 1369 25th Avenue, Columbus, Nebraska.

Notice of this meeting was given in advance thereof by publication in the Columbus Telegram on October 26, 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 Charlie Bahr, Ron Bogus, Jim Bulkley, Ron Schilling, Rich Jablonski, John Lohr and Terry Reardon. Council Member Beth Augustine-Schulte was absent and excused.

City staff members present included City Administrator Joseph Mangiamelli, City Clerk Linda Walters, City Attorney Stephen Hansen, Police Chief William Gumm, City Engineer David Goedeken, Finance Director Anne Kinnison, Public Works/Environmental Services Director Chuck Thomerson and Public Property Director Doug Moore.

PRAYER: Mayor Moser asked all to rise and Council President Bogus led in prayer.

NATIONAL ANTHEM AND PLEDGE OF ALLEGIANCE: Mayor Moser asked all to remain standing and join him in the National Anthem and Pledge of Allegiance.

CONSENT AGENDA: City Administrator Mangiamelli stated that the following items are considered routine by the City Council and will be enacted by one motion. He pointed out that there will be no separate discussion of these items unless a City Council Member or a citizen so requests, in which event the item will be removed from consent status and considered in its normal sequence on the agenda.

- A. Approval of minutes of the October 17, 2011, City Council meeting.
- B. Approval of reappointment of Hazel Adams to the Columbus Housing Authority for five-year term.
- C. Approval of reappointment of Ronald "Ron" Bogus to the Northeast Nebraska Area Agency on Aging for three-year term.

- D. Approval of renewal of Bingo Licenses and Pickle Card Permits for the following:
- American Legion Post 84
 - Fraternal Order of Eagles
 - V. F. W. Post 3704
- E. Approval of proposal from Technology Associates International Corporation in the amount of \$13,534 to assist in development of the request for proposal and evaluation criteria for creation of computerized maintenance and management system utilizing GIS technology.
- F. Approval of Resolution No. R11-105 approving agreement with Northeast Nebraska Economic Development District for general administration services of Community Development Block Grant application 11-ED-002 in conjunction with Apogee Retail expansion.
- G. Approval of Resolution No. R11-106 approving agreement with Golf Professional Douglas Dunbar to extend services from January 1, 2012 through December 31, 2014.
- H. Resolution No. R11-107 amending Schedule of Fees with regard to Individual Installment Pass Program, Family Installment Pass Program and Annual Cart Pass for Spouse at Quail Run and Van Berg Golf Courses.
- I. Approval of Resolution No. R11-108 approving agreement with Columbus Family YMCA, Inc. to extend services for use of Aquatic Center through September 30, 2012.
- J. Approval of Resolution No. R11-109 supporting efforts of the Rural Enterprise Assistance Project (REAP) for small business development programs.
- K. Approval of payroll and bills on file. 11/11/11 Payroll 452,750.37; State of Nebraska Department of Revenue – Sales Tax 32,976.84. TOTAL \$485,727.21.

Council Member Bahr requested that Item I., Approval of Resolution No. R11-108 approving agreement with Columbus Family YMCA, Inc. to extend services for use of Aquatic Center through September 30, 2012, be removed from consent status and considered in its normal sequence on the agenda under Item 14, Resolutions. Moved by Bogus, seconded by Schilling, the items on the consent agenda, with the exception of Item I., being routine in nature, be approved as presented. Roll call and Council Members Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Council Member Augustine-Schulte was absent. Motion carried.

APPOINTMENT OF LEE IWANSKY TO SENIOR CENTER ADVISORY BOARD: A memorandum was presented from Mayor Moser submitting the name of Lee Iwansky

for appointment to the Senior Center Advisory Board for a three-year term. Council President Bogus read a brief resume and it was moved by Bulkley, seconded by Schilling, to approve the Mayor's appointment. Roll call and Council Members Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Council Member Augustine-Schulte was absent. Motion carried.

COMMENTS FROM MAYOR AND CITY COUNCIL MEMBERS: Council Member Reardon commended Finance Director Kinnison and city staff on the design of the new city's website. In response to Mayor Moser, Kinnison explained the enhanced features of the website and said the address is www.columbusne.us.

RESOLUTION NO. R11-110 WAS INTRODUCED BY COUNCIL MEMBER LOHR.

RESOLUTION NO. R11-110
ADOPTED: NOVEMBER 7, 2011

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA APPROVING A CONTRACT WITH RDG SCHUTTE WILSCAM BIRGE, INC., DOING BUSINESS AS RDG PLANNING & DESIGN, FOR CONDUCT OF THE DOWNTOWN REVITALIZATION SERVICES IN COMPLIANCE WITH THE GRANT AWARDED TO THE CITY BY THE NEBRASKA DEPARTMENT OF ECONOMIC DEVELOPMENT, AT A COST NOT TO EXCEED \$50,000.

City Administrator Mangiamelli explained that this is the first step in the Downtown Revitalization Project. Mangiamelli said the Business Improvement District (BID) Board met on November 2, 2011 and recommended approval of the agreement as well as the creation of a district improvement project to recoup the local share of project costs. Mangiamelli reported that the agenda for the November 21st City Council meeting will include a resolution of intent to create this district improvement project as well as an ordinance on its first reading creating the district. Mangiamelli pointed out that the local share of costs of \$18,000 will be paid by the affected downtown businesses who will benefit from any improvements and with approximately 225 parcels in the project area, this would equate to \$80 per parcel. Mangiamelli said this cost should not be detrimental to the project and the anticipation is that it will lead to an opportunity for the downtown to identify their priorities as well as alternatives they wish to consider in the ongoing years and also set the stage for Phase II of the project. Moved by Lohr, seconded by Bahr, Resolution No. R11-110 be passed and adopted. In response to a question from Council Member Jablonski as to the boundaries of this district, Mangiamelli said the BID has recommended that 11th, 12th, 13th and 14th Streets between 22nd and 30th Avenues be included in this planning grant. Mangiamelli said there are a number of governmental properties, church properties and owner occupied residential properties included in these boundaries and those properties would be excluded from the cost by State Statute. Council Member Bulkley referred to the contract in an amount not to exceed \$50,000 and pointed out that the city's share of the cost will only be \$4,100. Roll call and Council Members Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Council Member Augustine-Schulte was absent. Motion carried.

RESOLUTION NO. R11-108 WAS INTRODUCED BY COUNCIL MEMBER BOGUS.**RESOLUTION NO. R11-108
REMOVED FROM AGENDA**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, APPROVING THE AMENDMENT TO THE AGREEMENT WITH THE COLUMBUS FAMILY YMCA, INC., BY PROVIDING FOR EXTENSION OF THE CURRENT USAGE AGREEMENT OF THE AQUATIC CENTER BY YMCA MEMBERS THROUGH SEPTEMBER 30, 2012.

Moved by Bogus, seconded by Lohr, Resolution No. R11-108 be passed and adopted. Council Member Bahr referred to Section 3 of the amendment to the agreement which states that "Future amendment and extensions of this agreement shall be authorized administratively by the City Administrator, for the city, and CEO/Executive Director, for the YMCA and said he would prefer that any amendments and extensions of the agreement be presented to the City Council. Moved by Bahr, seconded by Bulkley, to delete Section 3 of the amendment to the agreement. Roll call and Council Members Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Council Member Augustine-Schulte was absent. Motion carried. Moved by Bulkley, seconded by Bahr, to adopt the agreement as amended. Discussion followed regarding the fact that the amendment is contained in the agreement as opposed to the resolution. City Administrator Mangiamelli said the amendment will need to be presented to the YMCA for their concurrence. Council Member Bulkley, with the consent of his second, withdrew his motion. Moved by Bogus, seconded by Schilling, Resolution No. R11-108 be removed from the agenda. Roll call and Council Members Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Council Member Augustine-Schulte was absent. Motion carried.

ORDINANCE NO. 11-36 WAS INTRODUCED BY COUNCIL MEMBER BAHR.**ORDINANCE NO. 11-36
FIRST READING**

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA TO AMEND CHAPTER 112 OF TITLE XI OF ORDINANCE NO. 05-47 (COLUMBUS CITY CODE) BY AMENDING SECTION 112.16 TO PERMIT LICENSED ESTABLISHMENTS TO REMAIN OPEN UNTIL 2:00 A.M. ON FRIDAYS AND SATURDAYS FOR ON SALE BUSINESS; TO REPEAL ALL ORDINANCES OR PORTIONS THEREOF IN CONFLICT HEREWITH AND TO PROVIDE FOR AN EFFECTIVE DATE.

On its first reading, Ordinance No. 11-36 was read by title only at this meeting. It was noted that this ordinance will be continued to the November 21, 2011 City Council meeting for a second reading to allow for public input and advanced to the December 5, 2011 City Council meeting for a final reading.

ORDINANCE NO. 11-37 WAS INTRODUCED BY COUNCIL MEMBER SCHILLING.**ORDINANCE NO. 11-37****ADOPTED: NOVEMBER 7, 2011**

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 AMENDING SECTION 70.015 TO REDEFINE THE OPERATION OF UTILITY TYPE VEHICLES WITHIN THE CITY BY AMENDING REGULATIONS RESTRICTING THE USE OF UTILITY TYPE VEHICLES ON CITY STREETS; TO REPEAL ALL ORDINANCES OR PORTIONS THEREOF IN CONFLICT HEREWITH AND TO PROVIDE FOR AN EFFECTIVE DATE.

City Administrator Mangiamelli explained that an ordinance was adopted at the October 3, 2011 City Council meeting to allow the use of UTV's in certain areas under certain conditions and pointed out that several changes are being proposed in the new ordinance to make it more compatible for UTV use. Mangiamelli listed the following changes as contained in Ordinance No. 11-37: a) changes age of operators from 21 years to 18 years of age; b) eliminates the use of helmets; c) clarifies language for passenger restraint systems; and d) provides for revocation of permits in the case of violations. Mangiamelli further stated that if this ordinance is adopted, a resolution will be presented at the November 21, 2011 City Council meeting to amend the fee schedule to provide for a UTV permit fee. Moved by Schilling, seconded by Bulkley, the rules be suspended and Ordinance No. 11-37 be read by number only at this meeting. Roll call and Council Members Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Council Member Augustine-Schulte was absent. Motion carried.

Moved by Schilling, seconded by Bahr, Ordinance No. 11-37 be passed and adopted.

Mayor Moser put the question, "Shall Ordinance No. 11-37 be passed and adopted?" In response to Council Member Lohr, Council Member Schilling explained that the age was changed to 18 due to the fact that individuals 18 and over would be out of school and their jobs may require that they operate a UTV. Council Member Schilling further explained that nothing was specified at the state level as to the use and type of helmet and he felt this should be determined by the legislature when they revisit this issue. In response to Mayor Moser, Public Property Director Moore said his employees are now wearing helmets when they operate UTV's on public roads. Council Member Reardon referred to four user manuals he has read and said they highly recommend the use of helmets. Roll call and Council Members Bahr, Bogus, Bulkley, Schilling and Lohr voted "Aye" and Jablonski and Reardon voted "Nay." Council Member Augustine-Schulte was absent. Motion carried.

Mayor Moser declared, "By your action, you have passed Ordinance No. 11-37," and it was duly signed.

Moved by Bulkley, seconded by Schilling, the meeting be adjourned. Roll call and Council Members Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Council Member Augustine-Schulte was absent. Motion carried and the meeting was adjourned at 7:34 p.m.

Presented and approved this 21st day of November, 2011.

MAYOR

ATTEST:

CITY CLERK