

A regular meeting of the Mayor and City Council of the City of Columbus, Nebraska was convened in open and public session on November 21, 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 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, 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 November 7, 2011, City Council meeting.
- B. Approval of reappointments of James P. Ferguson and Herman Person to Columbus Board of Airport Commissioners for three-year terms.
- C. Approval of reappointments of Nancy Saalfeld and Roger Wurdeman to Employee Pension Committee for two-year terms.

- D. Approval of award of sole source quote to Electric Fixture, Inc., Columbus, Nebraska, in the amount of \$10,214 for lights and fixtures at Gerrard Park tennis courts.
- E. Approval of award of low quote to Marley's Electric, Inc., Columbus, Nebraska, in the amount of \$10,500 for installation of poles, lights, wiring and connections at Gerrard Park tennis courts.
- F. Approval of award of low quote to The Sprinkler Company, Stanton, Nebraska, in the amount of \$16,668.48 for variable frequency drive conversion on irrigation system at Van Berg Golf Course.
- G. Approval of award of low quote to Nebraska Harvestore Systems, Norfolk, Nebraska, in the amount of \$27,078.45 for a Bobcat Skid-Steer Loader for the Park Department.
- H. Approval to change date of first meeting in January 2012 to 7 p.m., Tuesday, January 3, 2012, due to New Year's Day holiday.
- I. Approval of Resolution No. R11-111 amending Schedule of Fees to add a fee for Utility Type Vehicle permits for Police Department.
- J. Approval of Resolution No. R11-112 authorizing payment of various improvement projects.
- K. Approval of Finance Department reports.
 - a) Twelve month period ended September 30, 2011.
 - b) Accounting procedures for one-half of one percent (0.5%) city sales tax.
 - c) One month period ended October 31, 2011.
- L. Approval of payroll and bills on file. 11/25/11 Payroll 452,657.54; A & J Guns – Supplies 1,084.58; A & S Detailing – Service 175.00; AAT, Inc. – Chemicals 749.63; Ace Hardware & Garden Center – Supplies 1,454.92; Manuel Acosta – Service 20.00; Donald D Adkisson – Pension 609.00; Advance Auto Parts – Supplies 40.89; Alamar Uniforms – Supplies 78.58; American Public Works Association – Membership 476.00; American Red Cross – Training 561.00; ANSIR4U – Service 90.00; Aqua-Pure, Inc. – Chemicals 6,183.15; AS Central Services – Service 704.00; AT&T – Utilities 12.52; ATCO International – Supplies 169.00; Awards & Engraving – Supplies 121.20; Awards Unlimited – Service 12.10; B-K Flooring America – Grout Replacement 14,850.00; Baker & Taylor – Supplies 330.56; Wesley Baxa – Pension 1,232.54; Beard-Warren Heating & Air Conditioning – Service/Supplies 93.80; Behlen Auto Repair – Service 39.70; Behlen Towing – Service 1,390.00; Matthew Bender & Co. – Publications 4,031.88; Big Red Printing – Supplies 53.50; Big Red Sanitation – Service 275.00; Bill's Tire Outlet – Service 889.00; Carroll A Bisson – Pension 716.51; Black Hills

Energy – Utilities 2,813.78; Frank J Blahak Jr – Pension 762.00; Blazer Manufacturing Co., Inc. – Supplies 45.00; Bob's U-Save Pharmacy – Supplies 156.14; Bomgaars – Supplies 398.98; Bound Tree Medical LLC – Supplies 4,471.79; Brown Traffic Products – Supplies 1,108.00; Buresh Golf & Equipment – Golf Cart Rental 1,800.00; Business Telecommunication Systems – Service 442.70; California Contractors – Supplies 309.50; Vanessa Casper – Service 40.00; Cat's Pro Mow – Service 203.75; Central Parts & Machine – Supplies 2,119.18; Central Sand & Gravel Company – Supplies 77.63; Central Valley Ag – Supplies 134.30; Century Link – Utilities 1,513.47; Jay Cerny Landscaping – Service 88.00; City of Columbus – Utilities 83.12; Civic Plus – City Website 8,658.66; Club Prophet Systems – Service 90.00; Columbus Area Chamber of Commerce – Supplies 1,160.00; Columbus Community Hospital – Service/Supplies 2,001.28; Columbus Custom Embroidery – Supplies 258.00; Columbus Monument – Service 175.00; Columbus Plumbing Company – Service 65.00; Columbus Telegram – Publications 2,105.74; Columbus Tire & Service – Service 685.36; Community Internet – Service 255.00; Connecting Point/Radio Shack – Supplies 102.36; Consolidated Management Co. – Supplies 83.00; Consolidated Water Solutions – Chemicals 5,790.00; Continental Research Corp. – Supplies 219.00; Cornhusker Public Power District – Utilities 803.20; CRA Payment Center – Supplies 614.81; Credit Bureau Services – Membership 5.00; Culligan – Supplies 515.20; Danko Emergency Equipment – Supplies 900.00; Dell Marketing LP – Supplies 1,107.63; DEMCO – Supplies 135.26; DHHS – Licenses 1,725.00; Diamond Vogel Paints – Supplies 961.56; Tom Dinsdale Chevrolet, Cadillac, GMC – Service 671.00; Doernemann Construction, Inc. – Contract 7,455.20; DPC Industries – Chemicals 956.18; Dugan Business Forms – Supplies 307.39; Douglas Dunbar – Contract 4,936.00; Douglas Dunbar – Expenses 262.22; Douglas Dunbar – Commissions 926.93; Eakes Office Plus – Supplies 4,191.16; EBSCO Industries, Inc. – Supplies 3,807.02; Electric Pump, Inc. – Supplies 1,202.06; Electrical Engineering & Equipment Company – Supplies 180.01; Eller Heating Air Conditioning & Plumbing LLC – Supplies 81.27; Enterprise Electric CO/CED – Supplies 165.46; Ernst Auto Center – Service 114.14; Excel Commercial – Utilities 50.00; Fairbanks International – Snow Removal Equipment 16,800.00; Fastenal Company – Supplies 921.44; Ferrellgas – Service 147.70; Fireguard, Inc. – Supplies 3,902.98; First Bankcard – Expenses 3,900.40; First National Bank & Trust Company – Service Fee 333.02; First National Bank & Trust Company – Safe Deposit Box 60.00; Fisher Scientific – Supplies 388.75; Gabriela Flores – Service 20.00; Foreman Supply – Supplies 97.99; Frontier – Utilities 4,874.60; Frontier Communications – Utilities 229.33; Gaeth Pest Control Services, Inc. – Service 285.00; Gale – Supplies 421.25; Galls – Supplies 366.98; Gehring Construction & Ready-Mix – Supplies 808.12; Gehring Construction & Ready-Mix – Street Construction 8,239.23; Gehring Construction & Ready-Mix – Street Improvement District 124,229.84; Geno's Ice – Supplies 13.00; Gerhold Concrete Company – Supplies 503.94; Godfather's Pizza – Meals 220.00; David Goedeken – Expenses 185.90; Governmental Accounting Standards Board – Subscription 215.00; Great American Outdoor – Supplies 475.38; Great Plains One Call Service – Service 186.06; Hach Company – Supplies 543.48; Hadley-Braithwait Company – Supplies 1,091.50; B J Harris, Inc. – Service 346.57;

Kenneth D Hash – Expenses 756.25; Susan Haskell – Expenses 9.76; Hawkins, Inc. – Chemicals 3,270.85; HD Supply Waterworks Ltd – Supplies 7,092.92; HDR Engineering, Inc. – Rail Study 4,826.17; HDR Engineering, Inc. – UV Disinfection 1,806.75; Dean Hefti – Expenses 57.23; Hi-Lo Equipment Company – Supplies 136.00; Kathleen Hogelin – Expenses 20.00; Holiday Inn Express Fremont – Lodging 419.85; Holiday Inn of Kearney – Lodging 849.50; Hometown Leasing – Supplies 177.12; Horiba International Corp. – Supplies 602.31; Mark S Howerter MD – Contract 500.00; Brad Hruska – Expenses 92.10; Husker Coop – Fuel 11,493.58; Hy-Vee, Inc. – Supplies 661.01; IBM Corporation – Service 960.75; Image Tech & Printing – Service 7.50; Industrial Control Systems, Inc. – Service 250.00; Infobase Publishing – Supplies 7,650.00; Ingram Library Services, Inc. – Library Materials 10,430.49; Inspro, Inc. – Supplies 15.00; Jackson Services, Inc. – Supplies 2,381.84; Jackson Services, Inc. – Rent/Electricity 363.67; Randy Janicek – Expenses 448.60; Terrance Janicek – Expenses 34.00; JEO Consulting Group, Inc. – Loup River Levee Recertification 34,058.25; John Deere Financial – Supplies 76.84; Kelly Jewelry – Supplies 235.98; Kelly Supply Company – Supplies 1,374.07; Ken's Appliance Service – Service 50.00; Kimball Midwest – Supplies 135.04; Kirkham Michael – 8th Street Water Design 4,482.00; KJSK – Advertising 338.00; KKOT/KTTT – Advertising 676.00; KLIR – Advertising 338.00; Knudsen Berkheimer Richardson & Endacott LLP – Service 825.00; Michael Kratochvil – Expenses 39.23; KZEN – Advertising 338.00; Lake Stop LLC – Supplies 15.83; Lakeview Small Engine – Supplies 938.00; Larue Distributing, Inc. – Supplies 101.50; League of Nebraska Municipalities – Dues 517.00; Pete Lien & Sons, Inc. – Chemicals 4,167.96; Logan Contractors Supply, Inc. – Supplies 5,802.47; Loup Power District – Utilities 72,301.34; M & O Door Products – Service/Supplies 190.91; The Mailbox – Postage 226.15; MailFinance – Postage Meter Lease 585.63; Joseph A Mangiamelli – Expenses 344.30; Marley's Electric, Inc. – Service 3,880.03; Matheson-Linweld – Supplies 712.57; Mary Maxwell – Service 600.00; Mead Lumber Co-Columbus – Supplies 90.75; Mechanical Sales, Inc. – Service 866.82; Menards – Supplies 1,591.01; Microfilm Imaging Systems – Service 360.00; Mid Con Systems, Inc. – Supplies 146.31; Mid-American Research Chemical – Supplies 411.50; Mid-Nebraska Communications, Inc. – Service 1,129.85; Michael Middendorf – Expenses 34.02; Midwest Laboratories, Inc. – Supplies 39.83; Midwest Machine & Tool, Inc. – Service 476.00; Midwest Right of Way Services – 8th Street Project 750.00; Midwest Right of Way Services – Runway Expansion 1,283.76; Midwest Service & Sales – Supplies 2,907.07; Midwest Special Services, Inc. – Service 60.14; Midwest Tape LLC – Supplies 40.48; Mike's Towing – Service 4,531.30; Patrick Miller – Expenses 163.00; Ginger Moon & Associates – Bond Renewal 100.00; Motion Industries, Inc. – Supplies 222.28; MTM Recognition – Supplies 1,123.71; Shane Mueller – Service 146.50; Municipal Pipe Services, Inc. – South Water Plant 6,800.45; Municipal Supply, Inc. – South Water Plant 552.62; NCS Equipment Rental – Supplies 53.95; Nebraska Department of Economic Development – Grants 4,773.73; Nebraska Environmental Products – Supplies 855.54; Nebraska Golf & Turf, Inc. – Supplies 62.65; Nebraska Law Enforcement Training Center – Training 312.00; Nebraska Municipal Fire Chiefs Association – Membership 50.00; Nebraska Notary Association – Notary Renewal 98.25; Nebraska Public Health Environmental

Laboratory – Service 1,576.00; Nebraska Section AWWA – Training 45.00; Marvin O Nelson – Pension 502.50; NEPM – ASI #279381 – Supplies 465.00; New World Inn – Municipal Banquet 2,737.20; Niemann’s Port-A-Pot – Service 149.00; NMC Exchange LLC – Service 1,221.43; Norfolk Daily News – Supplies 168.00; Alysso Norris – Expenses 77.25; Northeast Nebraska Economic Development District – Grants 2,169.45; Northeast Nebraska Solid Waste Coalition – Landfill Disposal 48,577.99; Northeast Research & Extension Center – Supplies 125.00; Northwest Electric LLC – Service 4,512.81; O’Reilly Automotive, Inc. – Supplies 81.86; Obrist & Co., Inc. – Service 95.00; Occupational Health Services – Service 669.00; OCLC, Inc. – Service 1,514.21; Officenet – Supplies 6,082.89; Olsson Associates – Service 530.00; Optics Planet, Inc. – Supplies 67.99; Jill Owens – Expenses 30.00; The Parts Bin – Supplies 489.49; Party Palace – Supplies 38.18; Pet Care Specialists – Service 93.00; Petty Cash – Expenses 251.52; Alan Pickrel – Expenses 123.20; Platte County – Auction Proceeds 586.86; Platte County – Contract 2,750.00; Police Officers’ Association – Training 52.50; Presto-X-Company – Service 248.00; Quill Corporation – Supplies 60.84; Recorded Books LLC – Supplies 99.00; Recreation Supply Company – Supplies 219.32; Redstone Veterinary Clinic – Service 308.20; Renner Sports Surfaces – Pawnee Park Tennis Courts 41,632.20; Glen E & Margaret E Reynoldson – Airport Land Acquisition 251,100.00; Nancy Saalfeld – Expenses 18.07; Sackett Electric – Service 130.50; Sahling Kenworth, Inc. – Service 2,231.64; Sapp Bros Columbus, Inc. – Fuel 9,663.63; Sapp Bros Petroleum, Inc. – Fuel 25,970.80; Schaben Industries – Supplies 47.28; Keith Schademann – Expenses 172.31; Schneider’s O K Tire Company – Lease Payment 30.00; Schwing Bioset – Piston Pump/Mixer System 201,804.32; Sears Commercial One – Supplies 224.65; Security Equipment, Inc. – Service 1,118.05; Servicemaster By Shevlin – Service 1,753.27; Sherwin-Williams Co. – Supplies 108.93; Shevlin Supply – Supplies 191.64; Silver Pressure Service LLC – Supplies 65.00; Simplex Grinnell LP – Service 456.64; Sipple, Hansen, Emerson & Schumacher – Service 4,912.56; Skeeter Barnes – Meals 575.28; Dan Smith – Expenses 65.17; Matt Soukup – Expenses 89.50; Kathy Soulliere – Expenses 8.72; Matthew Soward – Expenses 18.55; Spectrum Singers – Service 200.00; Kay Sprunk – Expenses 4.27; Stanley Petroleum – Service 1,284.75; State of Nebraska Secretary of State – Training 50.00; Gene Steffy Ford – Service 79.92; Stericycle, Inc. – Supplies 147.16; Bret Strecker – Expenses 64.07; Super Saver – Supplies 65.49; Swisher Hygiene Franchisee – Supplies 242.39; Sysco Lincoln – Supplies 2,401.84; T & L Services – Service 400.00; T-Bone Fuel Delivery – Fuel 7,989.60; Ten Minute Lube Center – Service 48.95; Cindy Ternus – Service 50.00; Charles Thomerson – Expenses 299.20; Trent Tobiason – Expenses 87.13; Tool Shed – Supplies 70.00; Tractor Supply Credit Plan – Supplies 924.98; Brenda Tubbs – Service 234.08; Jerry Tworek – Service 1,330.00; Typhoon Wash – Service 36.00; U & I Sanitation – Service 83.00; U S Bank – Expenses 943.84; Ultra Graphics – Supplies 266.62; United States Post Office – Postage 1,806.10; USA Blue Book – Supplies 416.64; USA Today – Supplies 213.20; Utility Service Co., Inc. – Water Tank Maintenance 22,288.35; Scott Van Keppel LLC – Service 3,500.11; Verizon Wireless – Utilities 1,450.14; VFW Post 3704 – Volunteer Fire Banquet 1,993.00; Volunteer Fire Department – Supplies 61.60; Wahoo Heritage Inn – Lodging 239.80; Walman Optical Company

– Supplies 134.00; Walmart Community – Supplies 1,810.56; Waste Connections of Nebraska – Service 309.84; Watchguard Video – Supplies 239.00; Water Gear, Inc. – Supplies 352.81; Weldon Parts, Inc. – Supplies 620.00; Wells Fargo Bank – Fiscal Fees 1,567,641.19; Wemhoff Refrigeration, Inc. – Supplies 88.10; West Point Implement of Columbus – Supplies 339.97; Donna Winig – Expenses 24.60; Winter Equipment Company, Inc. – Supplies 621.18; Wunderlich’s Catering – Meals 119.90; Zee Medical Service – Supplies 108.35; Zep Sales & Service – Supplies 264.83. TOTAL 3,188,948.33

Moved by Bogus, seconded by Augustine-Schulte, 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 JAMES B. FAULKNER SR.; JAMES B. FAULKNER JR.; AND HOLLY J. FAULKNER, D.B.A. JIMBO’S, FOR RETAIL CLASS “C” BEER, WINE AND DISTILLED SPIRITS, ON AND OFF SALE LIQUOR LICENSE AT 1067 26TH AVENUE, COLUMBUS, NEBRASKA:

The Affidavit of Publication and Notice of Hearing were presented on the application of James B. Faulkner Sr.; James B. Faulkner Jr.; and Holly J. Faulkner, d.b.a. Jimbo’s, for a Retail Class “C” Beer, Wine and Distilled Spirits, On and Off Sale Liquor License at 1067 26th Avenue, Columbus, Nebraska. The following exhibits were also presented: Exhibit “A” - Application; Exhibit “B” - Notice of Hearing; Exhibit “C” - Letter to Applicant; Exhibit “D” - Police Chief’s Report; Exhibit “E” - City Engineer’s Report; Exhibit “F” - List of Current Liquor License Holders; and Exhibit “G” - Criteria for Approval/Denial of License. A memorandum was included from the City Clerk’s office regarding Nebraska Liquor Control Commission requirements. A communication was also included from Police Chief Gumm making no recommendation regarding this application. It was noted in the communication that Mr. Faulkner Sr. had failed to list prior arrests for D.U.I. in 1977, 1985 and 1995 on the application. It was further noted that the license application has been amended through the Nebraska Liquor Control Commission to include the prior arrests. James Faulkner Sr., 1816 11th Street, requested approval of this application. No one appeared in opposition. Moved by Bogus, seconded by Lohr, the public hearing be closed, the application be approved and a letter be sent to the Nebraska Liquor Control Commission notifying them of the Council’s action. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Schilling, Lohr and Reardon voted “Aye” and Jablonski voted “Nay.” Motion carried.

PUBLIC HEARING – APPLICATION OF EARLEY RENTALS, LLC TO REZONE PROPERTY AT 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 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.

AND

PUBLIC HEARING – APPLICATION OF EARLEY RENTALS, LLC FOR SPECIAL USE PERMIT TO ALLOW CONVENIENCE STORAGE IN A “B-2” (GENERAL COMMERCIAL DISTRICT) ZONE AT 1256 34TH AVENUE: 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 in a “B-2” (General Commercial District) zone located in the north half of Lots 10, 11 and 12, Block 10, Highland Park Addition to the City of Columbus, Nebraska (1256 34th Avenue). A memorandum was also presented from Community Development Director Curtis submitting detailed information and a staff recommendation to deny the rezoning and special use permit applications due to the following reasons: 1) Non-conformity with adjacent residential land use; and 2) Lack of appropriate proposed site plan to show landscaping, buffer yards, set-backs, location of building and access to public right-of-way. City Administrator Mangiamelli noted that both hearings were continued from the October 17, 2011 City Council meeting. A letter from Clark Grant, on behalf of the applicant, requesting the public hearings be continued to the December meeting in order to prepare a proper site plan was also presented. The Planning Commission recommended the public hearings be continued to December 12, 2011 at 7 p.m. Moved by Bogus, seconded by Schilling, the public hearings be continued to December 19, 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 HEARING – APPLICATION OF JAMES A. HELLBUSCH TO REZONE PROPERTY AT 2810 38TH STREET FROM “RR” (RURAL RESIDENTIAL DISTRICT) TO “MH” (GENERAL INDUSTRIAL 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 James A. Hellbusch to rezone a tract of land in the Southwest Quarter of Section 7, Township 17 North, Range 1 East of the 6th P.M., Platte County, Nebraska (2810 38th Street) from “RR” (Rural Residential District) to “MH” (General Industrial District) and to amend 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. In response to Council Member Bogus, City Administrator Mangiamelli clarified that this rezoning will allow for further expansion to the north as needed without having to expand the “MH” district to the east. No one appeared in opposition. Moved by Bulkley, seconded by Reardon, 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. 11-38 WAS INTRODUCED BY COUNCIL MEMBER SCHILLING.**ORDINANCE NO. 11-38****ADOPTED: NOVEMBER 21, 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, UNDER ORDINANCE NO. 96-08, AS AMENDED, DATED MARCH 18, 1996, AND ADOPTED AUGUST 4, 1997 AS THE OFFICIAL ZONING CODE OF COLUMBUS BY ORDINANCE NO. 97-17; TO REZONE AND RECLASSIFY THE FOLLOWING DESCRIBED REAL ESTATE, TO-WIT: A TRACT OF LAND IN THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 17, NORTH, RANGE 1, EAST OF THE 6TH P.M., PLATTE COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SE CORNER OF THE SAID SW 1/4 OF SAID SECTION, THENCE 45 FEET NORTH, THENCE 370 FEET WEST; THENCE 605 FEET NORTH TO THE POINT OF BEGINNING; THENCE 695 FEET NORTH; THENCE 620 FEET WEST; THENCE 1,300 FEET SOUTH; THENCE 75 FEET EAST; THENCE 605 FEET NORTH, THENCE 545 FEET EAST TO THE POINT OF BEGINNING; FROM THE PRESENT ZONING CLASSIFICATION OF "RR" (RURAL RESIDENTIAL DISTRICT) TO "MH" (GENERAL INDUSTRIAL DISTRICT), TO AMEND THE ZONING MAP WHICH HAS BEEN ADOPTED BY AND MADE A PART OF SAID COLUMBUS, NEBRASKA LAND DEVELOPMENT ORDINANCE OF 1996, ZONING CHAPTER, 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 Schilling, seconded by Lohr, the rules be suspended and Ordinance No. 11-38 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. 11-38 was read by number only at this meeting.

Moved by Schilling, seconded by Lohr, Ordinance No. 11-38 be passed and adopted.

Mayor Moser put the question, "Shall Ordinance No. 11-38 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. 11-38," and it was duly signed.

PUBLIC HEARING – APPLICATION OF BRUCE CRABTREE, LLC FOR SPECIAL USE PERMIT TO ALLOW FOR A DUPLEX IN A "B-2" (GENERAL COMMERCIAL DISTRICT) ZONE LOCATED AT 3303 28TH STREET AND 2778 33RD AVENUE:

The Affidavit of Publication and Notice of Hearing were presented on the application of Bruce Crabtree, LLC for a special use permit to allow for a duplex on the following

described real estate in a "B-2" (General Commercial District) zone: Lot 1, Block B, Brunken Addition to the City of Columbus, Platte County, Nebraska (3303 28th Street and 2778 33rd Avenue). 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. No one appeared in opposition and no one spoke regarding this issue. Moved by Augustine-Schulte, seconded by Reardon, 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. 11-39 WAS INTRODUCED BY COUNCIL MEMBER AUGUSTINE-SCHULTE.

ORDINANCE NO. 11-39
ADOPTED: NOVEMBER 21, 2011

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA TO ISSUE A SPECIAL USE PERMIT TO ALLOW FOR A DUPLEX AS CONTAINED IN TABLE 4-2 ZONING DISTRICT REGULATIONS OF THE ZONING CODE, ON THE FOLLOWING DESCRIBED REAL ESTATE IN A "B-2" (GENERAL COMMERCIAL DISTRICT) ZONE: LOT 1, BLOCK B, BRUNKEN ADDITION TO THE CITY OF COLUMBUS, PLATTE COUNTY, NEBRASKA; TO REPEAL ALL ORDINANCES AND RESOLUTIONS OR PARTS THEREOF IN CONFLICT HERewith; AND TO PROVIDE FOR THE EFFECTIVE DATE.

Moved by Augustine-Schulte, seconded by Bogus, the rules be suspended and Ordinance No. 11-39 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. 11-39 was read by number only at this meeting.

Moved by Augustine-Schulte, seconded by Bahr, Ordinance No. 11-39 be passed and adopted.

Mayor Moser put the question, "Shall Ordinance No. 11-39 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. 11-39," and it was duly signed.

APPLICATION OF FERGUSON PROPERTIES, INC. FOR PRELIMINARY PLAT OF PARK PLACE 5TH ADDITION LOCATED WEST OF 31ST STREET AND 45TH AVENUE: An application was presented from Ferguson Properties, Inc. for the preliminary plat of Park Place 5th Addition located in the SW1/4 NW1/4 of Section 13, T17N, R1W of the 6th P.M. in Platte County, Nebraska (west of 31st Street and 45th

Avenue). A memorandum was also presented from City Engineer Goedeken submitting detailed information and a staff recommendation to approve the preliminary plat. Planning Commission recommended approval. Moved by Bogus, seconded by Schilling, the preliminary plat 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.

COMMENTS FROM MAYOR AND CITY COUNCIL MEMBERS: Council Member Bulkley referred to the traffic light at the intersection of 18th Avenue and Lost Creek Parkway and inquired about the feasibility of installing a flashing light to notify oncoming traffic of the signal. City Engineer Goedeken responded that this would involve an engineering study and said the Traffic Control Device Committee (TCDC) has previously discussed this issue and will revisit the topic. Mayor Moser referred to a similar topic at signalized intersections on 23rd Street and Goedeken said he would need to discuss the matter with the State of Nebraska Department of Roads.

RESOLUTION NO. R11-108 WAS INTRODUCED BY COUNCIL MEMBER JABLONSKI.

RESOLUTION NO. R11-108
ADOPTED: NOVEMBER 21, 2011

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 Jablonski, seconded by Augustine-Schulte, Resolution No. R11-108 be passed and adopted. City Administrator Mangiamelli clarified that this resolution was removed from the October 17, 2011 City Council meeting in order to delete Section 3 of the amendment regarding terms, renewal and termination of the agreement and reported that the YMCA has approved the change. 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. R11-113 WAS INTRODUCED BY COUNCIL MEMBER BOGUS.

RESOLUTION NO. R11-113
ADOPTED: NOVEMBER 21, 2011

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA TO APPROVE AN APPLICATION FOR FEDERAL ASSISTANCE FOR COOPERATIVE AGREEMENT #98760901-A WITH THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (EPA), A COPY OF WHICH IS ATTACHED HERETO; TO PROVIDE ADDITIONAL FEDERAL FUNDING IN THE AMOUNT OF \$226,633 FOR CONTINUED OPERATION OF THE GROUNDWATER EXTRACTION AND TREATMENT SYSTEM AS PART OF THE 10TH STREET

SUPERFUND PROJECT AND TO AUTHORIZE THE MAYOR TO EXECUTE THE SAME ON BEHALF OF THE CITY OF COLUMBUS, NEBRASKA.

Moved by Bogus, seconded by Augustine-Schulte, Resolution No. R11-113 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.

RESOLUTION NO. R11-114 WAS INTRODUCED BY COUNCIL MEMBER BULKLEY.

RESOLUTION NO. R11-114
ADOPTED: NOVEMBER 21, 2011

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA APPROVING AN EXTENSION OF THE FARM LAND LEASE FOR USE OF CITY WELL FIELD PROPERTY WITH ROSENDAHL FARMS, INC. FOR THE PERIOD OF 2012 – 2014.

Moved by Bulkley, seconded by Bogus, Resolution No. R11-114 be passed and adopted. Finance Director Kinnison distributed a report prepared by Allan Vyhnalek, Extension Educator for Platte County, that showed results from a survey of rent received on farm land in the area and said she feels the agreement reflects a fair market rate. Discussion followed with regard to crop prices as well as the bidding process and Kinnison pointed out that the primary purpose for renting out this land is for well head protection. City Administrator Mangiamelli stated that property around the airport is being acquired to eventually be sold at auction or through bids and a bid package will include this well field property as well as other properties near the Columbus Armed Forces Reserve Center. Council Members Bahr and Bulkley said they feel the city should seek the best offer available. Stan Rosendahl, Creston, Nebraska, stated that the offer is fair for a general corn crop and pointed out that a large investment was made in irrigation equipment for this property. Roll call and Council Members Augustine-Schulte, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and Bahr voted "Nay." Motion carried.

RESOLUTION NO. R11-115 WAS INTRODUCED BY COUNCIL MEMBER SCHILLING.

RESOLUTION NO. R11-115
ADOPTED: NOVEMBER 21, 2011

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA TO APPROVE MAINTENANCE AGREEMENT NO. 8 ATTACHED HERETO BETWEEN THE CITY OF COLUMBUS AND THE STATE OF NEBRASKA DEPARTMENT OF ROADS SETTING FORTH THE MAINTENANCE RESPONSIBILITIES OF THE CITY AND THE STATE REGARDING THOSE PORTIONS OF THE STATE HIGHWAY SYSTEM THAT LEAD INTO AND TRAVEL THROUGH THE CITY OF COLUMBUS; TO AUTHORIZE AND DIRECT THE MAYOR TO EXECUTE THE SAME ON BEHALF OF THE CITY OF COLUMBUS, NEBRASKA

AND TO REPEAL ALL RESOLUTIONS OR PORTIONS THEREOF IN CONFLICT HEREWITH.

Moved by Schilling, seconded by Lohr, Resolution No. R11-115 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.

RESOLUTION NO. R11-116 WAS INTRODUCED BY COUNCIL MEMBER BAHR.

RESOLUTION NO. R11-116
ADOPTED: NOVEMBER 21, 2011

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA TO EXPRESS ITS INTENT TO ESTABLISH BUSINESS IMPROVEMENT DISTRICT NO. 2 FOR THE PURPOSE OF RECOUPING A PORTION OF THE LOCAL COSTS OF THE DOWNTOWN PLANNING GRANT TO ASSESS AND TO IDENTIFY THE COLLECTIVE VISION DOWNTOWN FOR A REVITALIZED DOWNTOWN.

AND

ORDINANCE NO. 11-40 WAS INTRODUCED BY COUNCIL MEMBER LOHR.

ORDINANCE NO. 11-40
FIRST READING

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, TO ESTABLISH BUSINESS IMPROVEMENT DISTRICT NO. 2 FOR THE PURPOSE OF RECOUPING A PORTION OF THE LOCAL COSTS IN A PLANNING GRANT AWARDED BY NEBRASKA DEPARTMENT OF ECONOMIC DEVELOPMENT FOR DOWNTOWN REVITALIZATION; AND TO PROVIDE THE EFFECTIVE DATE.

On its first reading, Ordinance No. 11-40 was read by title only at this meeting. It was noted that this ordinance will be continued to the December 5, 2011 City Council meeting for a second reading to allow for public input and advanced to the December 19, 2011 City Council meeting for a final reading. City Administrator Mangiamelli stated that the affected property owners will be notified of the public hearing scheduled for the December 5, 2011 City Council meeting.

Moved by Bahr, seconded by Lohr, Resolution No. R11-116 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.

ORDINANCE NO. 11-36
SECOND 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 second reading, Ordinance No. 11-36 was read by title only at this meeting. Erica Young, Albion, Nebraska, explained the events that have transpired to date regarding the request of 4 Joker's Bar, as well as several other establishments, to allow bars the option to remain open until 2 a.m. on Friday and Saturday nights. Young pointed out that 4 Joker's relies heavily on the late night crowd for business and said people are leaving their establishment to travel to Duncan as their bar is open until 2 a.m. Young estimated that they are seeing a 30% decline in revenue from people traveling to other towns. Young presented a petition she circulated at 4 Joker's with approximately 233 signatures of individuals in support of the 2 a.m. closing. Young also spoke regarding the need to keep revenue in Columbus and addressed safety issues with people leaving their establishment to travel to neighboring towns. Council Member Lohr said he feels the city would lose a minimal amount of tax revenue from lost alcohol sales based on Young's estimates. Chad Oppliger, owner of 4 Joker's Bar, said he has worked at B-D since 1993 and second shift employees would like the opportunity to patronize a bar after work. City Administrator Mangiamelli presented a letter from Brenda Preister, Youth Substance Abuse Prevention Coordinator for Back to BASICS, in opposition to the 2 a.m. bar closing. Jim Schaefer, 2214 34th Street, appeared in opposition and said the 2 a.m. closing will lead to repercussions in the future. Barb Sedlak, 322 SE Calle Colombo and co-owner of Pawnee Bar, said they have been in business for 37 years and spoke in opposition to the 2 a.m. closing. Mike Oglevie, 4518 24th Street, stated that he feels the 2 a.m. closing will lower the quality of life in Columbus. Council Member Lohr noted that this ordinance is on its second reading, pointed out that it has been discussed by the Public Property, Safety and Works Committee on more than one occasion and recommended that a vote be taken at this meeting. Council Member Bahr, who introduced the ordinance, concurred with Council Member Lohr. Moved by Bahr, seconded by Jablonski, the rules be suspended and Ordinance No. 11-36 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.11-36 was read by number only at this meeting.

Moved by Bahr, seconded but Bulkley, Ordinance No. 11-36 be passed and adopted.

Mayor Moser put the question, "Shall Ordinance No. 11-36 be passed and adopted?" Council Members Bahr and Bulkley said they do not feel it is their responsibility to legislate morality or tell people how to operate their businesses. Council Member Bogus pointed out that he requested from the beginning that licensees who want the 2 a.m. closing show their support and said this has not happened.

Roll call and Council Members Bahr and Bulkley voted "Aye" and Augustine-Schulte, Bogus, Schilling, Jablonski, Lohr and Reardon voted "Nay." Motion failed and Ordinance No. 11-36 was not adopted.

CONSIDERATION OF PAYROLL AND BILLS ON FILE: ARL Credit Services – Services 1,011.46; Reardon Lawn & Garden, Inc. – Supplies 236.25. TOTAL \$1,247.71. 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 Bahr, 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 Lohr, 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 8:16 p.m.

Presented and approved this 5th day of December, 2011.

MAYOR

ATTEST:

CITY CLERK