

A regular meeting of the Mayor and City Council of the City of Columbus, Nebraska was convened in open and public session on December 19, 2011 at 7 p.m. in the Council Chambers, 1369 25th Avenue, Columbus, Nebraska.

Notice of this meeting was given in advance thereof by publication in the Columbus Telegram on November 30, 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, Ron Bogus, Jim Bulkley, Ron Schilling, Rich Jablonski, John Lohr and Terry Reardon. Council Member Charlie Bahr was absent and excused.

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

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 December 5, 2011, City Council meeting.
- B. Approval of motion to elect Ron Bogus to serve as City Council President.
- C. Approval of reappointment of Roland Augspurger to the Board of Parks Commissioners for three-year term.
- D. Approval of request of Holly Faulkner for Lottery Sales Outlet location at Jimbo's, 1067 26th Avenue, Columbus, Nebraska.

- E. Approval of award of low quote to Van Wall Equipment, Omaha, Nebraska, in the amount of \$34,688.78 for two 72" John Deere mowers for Quail Run and Van Berg Golf Courses.
- F. Approval to change date of second meeting in February 2012 to 7 p.m., Tuesday, February 21, 2012, due to President's Day holiday.
- G. Approval of request from Northeast Nebraska Economic Development District for extension of 07-HP-5096 and 07-TFHP-5096 (NNI) Contract Extension from January 3, 2012 to January 3, 2013.
- H. Approval of Resolution No. R11-120 authorizing payment of various improvement projects.
- I. Approval of Finance Department reports.
- J. Approval of payroll and bills on file. 12/23/2011 Payroll 452,913.96; A & D Technical Supply – Supplies 72.36; A & J Guns – Supplies 477.93; A & S Detailing – Service 45.00; Ace Hardware & Garden Center – Supplies 1,280.57; ACS Firehouse Software – Supplies 110.00; Donald D Adkisson – Pension 609.00; Advance Auto Parts – Supplies 22.98; The Alarm Center, Inc. – Service 97.50; American Public Works Association – Training 875.00; American Red Cross – Training 95.00; Jeff Anderson – Expenses 111.15; ANSIR4U – Service 90.00; APCO International – Training 92.00; Aqua-Pure, Inc. – Chemicals 3,725.24; AS Central Services – Service 704.00; AT&T – Utilities 27.96; ATCO International – Supplies 135.00; Awards & Engraving – Supplies 35.85; Awards Unlimited – Supplies 148.50; Baker & Taylor – Supplies 137.31; Barco Municipal Products – Supplies 727.18; Timothy Bartholomew – Training 377.41; Wesley Baxa – Pension 1,232.54; Beard-Warren Heating & Air Conditioning – Service 220.00; Behlen Manufacturing – Supplies 336.80; Behlen Towing – Service 720.00; Marc T & Bonnie L Beller – Airport Land Acquisition 989.41; Matthew Bender & Co., Inc. – Supplies 104.24; Berens-Tate Consulting Group – Service 2,000.00; Berry – Advertising 180.00; Big Red Sanitation – Service 275.00; Bill's Tire Outlet – Service 1,381.00; Cole Birkel – Expenses 342.36; Bissell Hose Company – Expenses 216.30; Carroll A Bisson – Pension 716.51; Black Hills Energy – Utilities 5,652.20; Frank J Blahak Jr – Pension 762.00; Blazer Manufacturing Co., Inc. – Supplies 20.00; Bomgaars – Supplies 938.87; Bound Tree Medical LLC – Supplies 927.07; Brown Traffic Products – Supplies 708.00; Tom Bryan Flag Sales – Supplies 55.30; Business Telecommunication Systems – Service 922.96; C & H Distributors LLC – Supplies 267.99; Capstone Press, Inc. – Supplies 4,547.21; Cat's Pro Mow – Service 103.40; CCH – Supplies 98.50; Center Point Large Print – Supplies 43.74; Central Community College – Training 20.00; Central Parts & Machine – Supplies 2,610.35; Central Sand & Gravel Co. – Supplies 901.74; Central Valley Ag – Supplies 55.30; Jay Cerny Landscaping – Service 136.78; City of Columbus – Utilities 84.17; City of North Platte – License 200.00; Civic Plus – Website Design 240.00; Club Prophet Systems – Service 90.00; Columbus Area Chamber of Commerce – Quality of Life Study 1,275.00; Columbus Area Chamber of Commerce – Supplies

1,060.00; Columbus Community Hospital – Service/Supplies 1,593.90; Columbus Dry Cleaners & Laundry, Inc. – Service 8.00; Columbus Plumbing Co. – Service/Supplies 124.95; Columbus Telegram – Subscription 241.50; Columbus Telegram – Publications 1,313.44; Columbus Tire & Service – Service 802.90; Community Internet – Service 255.00; Consolidated Water Solutions – Chemicals 5,790.00; Cornhusker Public Power District – Utilities 803.08; Credit Bureau Services – Membership 5.00; Frank A. Cuba – Service 259.00; Culligan – Supplies 109.68; Danko Emergency Equipment – Supplies 1,446.73; DEMCO – Supplies 310.27; Diamond Vogel Paints – Supplies 339.07; Tom Dinsdale Chevrolet Cadillac GMC – Supplies 193.07; Doernemann Construction, Inc. – Contract 5,967.31; Don’s Pioneer Uniforms – Supplies 35.95; Drain Surgeon – Service 85.00; George & Sharelyn Drummond – Payment 500.00; Douglas Dunbar – Contract 4,936.00; Douglas Dunbar – Commissions 203.61; Douglas Dunbar – Expenses 743.70; Eakes Office Plus – Supplies 2,299.70; EBSCO Industries, Inc. – Supplies 57.00; Educational Service Unit #7 – Supplies 1.87; Electric Pump, Inc. – Supplies 366.72; Electric Pump, Inc. – Chemical Pump 5,763.54; Electrical Engineering & Equipment Co. – Supplies 913.47; Electrical Engineering & Equipment Co. – Gerrard Park Tennis Court Lights 5,462.40; Eller Heating Air Conditioning & Plumbing LLC – Service 4,251.01; Enterprise Electric CO/CED – Supplies 111.36; Ernst Auto Center – Supplies 1,221.94; Excel Commercial – Utilities 50.00; Express Truck Center – Service 347.72; Fastenal Company – Supplies 443.32; Fedex – Postage 12.94; Fireguard, Inc. – Supplies 213.37; First Bankcard – Expenses 4,107.37; First National Bank & Trust Company – Service Fee 164.06; S A Foster Lumber Co. – Supplies 16.25; Frontier – Utilities 4,877.98; Frontier Communications – Utilities 234.00; Gaeth Pest Control Services, Inc. – Service 285.00; Gale – Supplies 3,899.00; Galls – Supplies 480.27; Gaylord Brothers, Inc. – Supplies 240.60; Gehring Construction & Ready-Mix Company – Supplies 1,199.75; Gehring Construction & Ready-Mix Company – Street Construction 16,651.14; Gehring Construction & Ready-Mix Company – Street Improvement District 22,303.31; GFOA – Membership 225.00; Fernando Gil – Service 20.00; John A & Katheryn R Gillett – Airport Land Acquisition 189.16; Glass Time – Service 146.00; Great Plains One Call Service – Service 143.53; The Greenkeeper – Supplies 137.15; Grosch Irrigation Co., Inc. – Service 7,634.95; Hadley-Braithwait Company – Supplies 375.75; Juana Hanson – Service 20.00; Hawkins, Inc. – Chemicals 12,090.32; HD Supply Waterworks Ltd – Supplies 300.11; HDR Engineering, Inc. – Rail Access 5,581.11; HDR Engineering, Inc. – Lost Creek Parkway 5,528.78; Dean Hefti – Expenses 64.41; Hi-Lo Equipment Company – Supplies 25.00; Holland Supply, Inc. – Service 486.24; Hometown Leasing – Supplies 177.12; Mark S Howerter MD – Contract 500.00; Husker Coop – Fuel 7,583.74; Hy-Vee, Inc. – Supplies 614.32; Hydro Tech, Inc. – Service 108.00; IBM Corporation – Service 990.00; Industrial Control Systems, Inc. – Service 250.00; Ingram Library Service, Inc. – Library Materials 4,432.91; Inland Truck Parts & Service – Supplies 154.31; Insurance Services of Columbus – Bond Renewal 100.00; Jack’s Uniforms & Equipment – Supplies 140.94; Jackson Services, Inc. – Supplies 2,883.43; Jackson Services, Inc. – Rent/Utilities 660.35; Bradley J & Amy C Jareske – Airport Land Acquisition 256.25; Michael Jarvis – Expenses 53.48; JEO Consulting Group, Inc. – Loup Levee Recertification 50,022.75; KAPCO –

Supplies 117.44; Keeton Industries, Inc. – Supplies 641.17; Kelly Supply Company – Supplies 5,495.16; Kimball Midwest – Supplies 50.84; Anne Kinnison – Expenses 208.00; KJSK – Advertising 169.00; KKOT/KTTT – Advertising 338.00; KLIR – Advertising 169.00; Knudsen Berkheimer Richardson & Endacott LLP – Service 1,046.00; Kralik's Sew & Vac Center – Supplies 2.50; Michael Kratochvil – Expenses 38.06; KZEN – Advertising 169.00; L & P Financial Services – Supplies 743.09; Lakeview Small Engine – Supplies 389.00; LARM – Insurance 679.00; Larue Distributing, Inc. – Supplies 75.98; Layne Christensen Co. – Service 14,519.92; Lerner Publishing Group – Supplies 44.90; Liberty Cleaners – Service 13.00; Pete Lien & Sons, Inc. – Chemicals 4,025.55; Lifeguard Store, Inc. – Supplies 184.00; Logan Contractors Supply, Inc. – Supplies 9,885.66; John F Lohr – Expenses 272.25; Loup Power District – Utilities 73,548.14; M & O Door Products – Service 72.50; Mail Prep, Etc. – Postage 920.64; The Mailbox – Postage 23.82; Joseph Mangiamelli – Expenses 173.15; Marley's Electric, Inc. – Service 1,770.83; Marshall Cavendish Corp. – Supplies 957.00; McDonalds – Meals 75.00; Rachelle McPhillips – Expenses 54.45; Menards – Supplies 1,798.41; Metron-Farnier LLC – Service/Supplies 13,076.55; Mid-American Research Chemical – Supplies 1,603.40; Mid-Nebraska Communications, Inc. – Supplies 3,488.00; Mid-State Engineering & Testing, Inc. – Service 1,441.00; Midwest Glass Service, Inc. – Service 177.00; Midwest Laboratories, Inc. – Service 1,049.00; Midwest Service & Sales – Supplies 1,670.85; Midwest Special Services, Inc. – Service 95.65; Midwest Tape LLC – Supplies 698.78; Midwest Turf & Irrigation – Supplies 688.86; Mike's Towing – Service 2,644.34; Mohrmann Tool, Inc. – Service 100.00; Motion Industries, Inc. – Supplies 1,112.01; Mueller & Schoepf Drywall, Inc. – Service 2,171.36; Shane Mueller – Service 146.50; Mueller Sprinklers – Supplies 1,805.00; Nebraska Department of Economic Development – Grants 4,773.73; Nebraska Environmental Products – Supplies 1,365.04; Nebraska Golf Course Superintendent Association – Training 35.00; Nebraska Green Expo – Training 235.00; Nebraska Library Commission – Training 10.00; Nebraska Public Health Environmental Laboratory – Service 1,741.00; Nebraska State Fire Marshal – Annual Fee 600.00; Nebraska Supreme Court – Supplies 130.80; Nebraska Turfgrass Association – Membership 150.00; Nebraska-Iowa Industrial Fasteners Corp. – Supplies 83.22; Neighborworks Northeast Nebraska – Grant 27,048.00; Marvin O Nelson – Pension 502.50; Newman Traffic Signs – Supplies 4,057.50; NFPA – Subscription 1,710.00; Niemann's Port-A-Pot – Service 549.21; Northeast Nebraska Economic Development District – Grants 1,667.43; Northeast Nebraska Solid Waste Coalition – Landfill Disposal 46,939.92; Northwest Electric LLC – Service 233.31; Novicki Fire Prevention Service Co. – Service 20.00; NSAWWA – Training 45.00; O'Keefe Elevator Company – Service 487.09; O'Reilly Automotive, Inc. – Supplies 142.18; Occupational Health Services – Service 360.00; OCLC, Inc. – Service 653.43; Officenet – Supplies 266.28; Oliver Products – Supplies 1,352.00; Omaha World Herald – Advertising 309.80; OMB Guns – Supplies 1,229.99; Overhead Door Company – Service 622.22; Paragon Consulting Services – Service 825.00; The Parts Bin – Supplies 342.07; PCWorld – Subscription 29.97; Lynn Peavy Co. – Supplies 399.00; Peerless Wiping Cloth – Supplies 256.00; Rachel Pensick – Expenses 21.40; Pet Care Specialists – Service 496.51; Petty Cash – Expenses 193.38; Alan Pickrel –

Expenses 9.90; Platte County – Contract 2,750.00; Police Officers’ Association of Nebraska – Training 17.50; Quill Corporation – Supplies 73.14; Recorded Books LLC – Supplies 720.80; Recreation Supply Company – Supplies 414.82; Redstone Veterinary Clinic – Service 95.75; Ricoh Production Print – Service 449.22; Sackett Electric – Service 1,293.82; Sahling Kenworth, Inc. – Service 132.63; Sapp Bros Columbus, Inc. – Fuel 9,490.44; Sapp Bros Petroleum, Inc. – Fuel 21,674.93; Schieffer Signs, Inc. – Supplies 40.50; Schneider’s O K Tire Company – Lease Payment 30.00; Schneider’s O K Tire Company – Service 527.56; Rod Seidel – Expenses 18.10; Servicemaster By Shevlin – Service 1,541.00; Jean Sharman – Expenses 55.00; Sherwin-Williams Company – Supplies 20.19; Shevlin Supply – Supplies 682.69; Sipple, Hansen, Emerson & Schumacher – Service 1,450.92; Stanley Petroleum – Supplies 305.61; State of Nebraska Department of Revenue – Sales Tax 29,228.80; Gene Steffy Ford – Service 107.00; Stericycle, Inc. – Supplies 147.16; Bret Strecker – Expenses 50.48; Sungard Public Sector User’s Group, Inc. – Membership 195.00; Symbolarts LLC – Supplies 434.00; Sysco Lincoln – Supplies 2,703.61; T & L Services – Service 525.00; Tammy’s Design Interiors – Supplies 451.00; Technology Associates – GIS System 18,238.91; Tenenz, Inc. – Supplies 202.75; Tool Shed Supply & Maintenance LLC – Supplies 159.00; Tractor Supply Credit Plan – Supplies 295.07; Tri-County Truck Repair – Service 334.61; Turfwerks – Supplies 206.66; U & I Sanitation – Service 83.00; U S Bank – Expenses 1,668.89; Uline Shipping Supply – Supplies 146.40; Ultra Graphics – Supplies 1,018.03; Union Pacific Railroad Co. – Rent 700.00; United States Post Office – Postage 1,783.93; Verizon Wireless – Utilities 1,489.96; Wall Street Journal – Supplies 409.40; Walmart Community – Supplies 3,195.94; Waste Connections of Nebraska – Service 309.84; Water Environment Fed – Dues 96.00; Arlys Wehrer – Expenses 31.45; Wells Fargo Bank – Fees 400.00; Wemhoff Refrigeration, Inc. – Service/Supplies 954.75; West Payment Center – Supplies 430.50; West Point Implement of Columbus – Service 2,493.48; Wolters Kluwer Law & Business – Supplies 349.00; Zee Medical Service – Supplies 134.30; Zoll Medical Corporation – Supplies 347.32. TOTAL 1,058,920.50.

Council Member Lohr requested that Item E., Approval of award of low quote to Van Wall Equipment, Omaha, Nebraska, in the amount of \$34,688.78 for two 72” John Deere mowers for Quail Run and Van Berg Golf Courses, be removed from consent status and considered in its normal sequence on the agenda under Item 13, New Business. Moved by Bogus, seconded by Schilling, the items on the consent agenda, with the exception of Item E., being routine in nature, be approved as presented. Roll call and Council Members Augustine-Schulte, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted “Aye” and none voted “Nay.” Council Member Bahr was absent. Motion carried.

PUBLIC HEARING – CONSIDER ESTABLISHING A BUSINESS IMPROVEMENT DISTRICT FOR PURPOSE OF CONDUCTING A PLANNING EFFORT TO IDENTIFY POTENTIAL ALTERNATIVES FOR A DOWNTOWN REVITALIZATION PROJECT:

The Affidavit of Publication and Notice of Hearing were presented on the public hearing held to consider establishing a Business Improvement District (BID) within the following boundaries: 11th Street, north and south sides of street, between 22nd Avenue and

25th Avenue; south side of 11th Street between 25th Avenue and 28th Avenue; 12th Street, north side of street, between 24th Avenue and 30th Avenue; 13th Street, north and south sides of street, between 22nd Avenue and 30th Avenue; and 14th Street, north and south sides of street, between 22nd Avenue and 30th Avenue (the boundaries include parcels on the avenues) for the purpose of conducting a planning effort to identify potential alternatives for a downtown revitalization project. Resolution No. R11-116 expressing intent to establish Business Improvement District No. 2 was presented. This public hearing was continued from the December 5, 2011 City Council meeting. The Planning Commission recommended approval. City Administrator Mangiamelli explained that prior to 2010 planning grants for downtown revitalizations were only available to cities with a population of less than 20,000 and the Nebraska Department of Economic Development amended that policy in 2010 to allow cities with a population of greater than 20,000 to compete for these types of grants. Mangiamelli further explained that the City of Columbus had to declare the area as blighted and substandard prior to the grant application in order to be eligible for potential tax increment financing. Mangiamelli pointed out that the Downtown Business Association and Business Improvement District Boards have been partners in this project and have worked with city staff in moving the project forward. Mangiamelli said the city was awarded \$30,000 with matching local funds for Phase I of the project which will be used to identify the best options for revitalization of the downtown area and these options will then be submitted to the Department of Economic Development with an application for a grant for the second phase. Mangiamelli explained that grant funding will provide \$29,000 of the project costs, the city's portion will be \$4,100 and the remaining \$18,000 will be divided among business property owners included in the district on a per lot basis, which will equate to less than \$100 per lot. Mangiamelli pointed out that governmental entities and owner occupied residences will be exempt from the cost. Mangiamelli stated that should a grant be awarded for Phase II of the project, it would provide approximately \$350,000 with matching local funds. Mangiamelli noted that Phase I does not include any plans for construction. In response to Council Member Bulkley, Mangiamelli explained that Business Improvement District No. 1 was for a single project and was not all inclusive. Mangiamelli further explained that the purpose of this grant project is to cover broader revitalization plans of the downtown area. Bob Stachura, 3355 36th Avenue and owner of Columbus Tire and Service, said he feels this is a continuation process for keeping the downtown area vital in the community for a long term period. In response to Mayor Moser, Mangiamelli stated that there will be an opportunity for opponents to sign a protest petition once the ordinance establishing the BID is adopted and it would require a majority of protestors to prevent the district from being created. In response to Renee Held, 1618 14th Street and owner of HKH, LLC on 11th Street, Mangiamelli clarified that there are no plans available at this time to submit for Phase II and he explained the benefits of declaring an area blighted and substandard. Held referred to the plan to divide the business owner's portion of the cost by lots and said she feels splitting by front footage would be more appropriate. In response to David Rich, 1669 West Calle Colombo, Mangiamelli stated that the railroad would not be included in the BID. In response to Russ Koza, 4124 31st and owner of an apartment building at 2910 14th Street, Mangiamelli said he is requesting the Council not let anyone opt out of the project at this time in order to determine who all may benefit from any improvements. Chris Scholl, 2469 53rd Avenue and owner of property at 2921 14th Street, expressed concerns that this project will become costly for

his daughter who is purchasing the property through a land contract and Mangiamelli explained that all property owners will be notified of any plans for improvements and will have an opportunity to express support or opposition. Mangiamelli also pointed out that if Mr. Scholl's daughter is owner and resident of the property, she would be exempt from the BID. Moved by Bogus, seconded by Schilling, the public hearing be closed and the City Council reaffirm its recommendation to establish a Business Improvement District through Resolution No. R11-116. Roll call and Council Members Augustine-Schulte, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Council Member Bahr was absent. Motion carried.

PUBLIC HEARING – APPLICATION OF FERGUSON PROPERTIES, INC. FOR FINAL PLAT AND SUBDIVISION AGREEMENT OF PARK PLACE 5TH ADDITION (WEST OF 31ST STREET AND 5TH AVENUE):

The Affidavit of Publication and Notice of Hearing were presented on the application of Ferguson Properties, Inc. for the final plat and subdivision agreement 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 final plat and subdivision agreement. The Planning Commission recommended approval. No one spoke regarding this issue and no one appeared in opposition. Moved by Bulkley, seconded by Lohr, the public hearing be closed and the final plat and subdivision agreement be approved. Roll call and Council Members Augustine-Schulte, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Council Member Bahr was absent. Motion carried.

PUBLIC HEARING – TO DETERMINE WHETHER PARK PLACE 5TH ADDITION SHOULD BE INCLUDED WITHIN THE CORPORATE CITY LIMITS (WEST OF 31ST STREET AND 45TH AVENUE):

The Affidavit of Publication and Notice of Hearing were presented on the public hearing to determine whether Park Place 5th Addition located west of 31st Street and 45th 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 Bulkley, seconded by Schilling, the public hearing be closed and to bring said addition into the corporate city limits. Roll call and Council Members Augustine-Schulte, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Council Member Bahr was absent. Motion carried.

RESOLUTION NO. R11-121 WAS INTRODUCED BY COUNCIL MEMBER BULKLEY.

RESOLUTION NO. R11-121
ADOPTED: DECEMBER 19, 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 SW1/4 NW1/4 OF SECTION 13, T17N, R1W OF THE 6TH P.M. IN PLATTE COUNTY, NEBRASKA,

MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER SW1/4 NW1/4 OF SECTION 13, T17N, R1W OF THE 6TH P.M. IN PLATTE COUNTY, NEBRASKA AND ASSUMING THE SOUTH LINE OF SAID SW1/4 NW1/4 TO HAVE A BEARING OF N 89°56'07" W; THENCE N 89°56'07" W AND ON SAID SOUTH LINE, 466.34 FEET; THENCE N 00°00'00" E, 121.98 FEET; THENCE N 88°27'29" W, 9.40 FEET; THENCE N 00°01'12" W, 182.01 FEET; THENCE S 89°51'35" E, 455.00 FEET, TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF 45TH AVENUE; THENCE S 00°01'08" E AND ON SAID WEST LINE, 133.63 FEET; THENCE S 06°57'51" E AND ON SAID WEST LINE, 171.29 FEET, TO THE POINT OF BEGINNING, CONTAINING 3.19 ACRES, MORE OR LESS., HEREINAFTER TO BE KNOWN AS PARK PLACE 5TH 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 INCLUSION OF SAID PLAT INTO THE CORPORATE LIMITS OF COLUMBUS, PLATTE COUNTY, NEBRASKA,

Moved by Bulkley, seconded by Augustine, Resolution No. R11-121 be passed and adopted. Roll call and Council Members Augustine-Schulte, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Council Member Bahr was absent. 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 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. A letter from Clark Grant, on behalf of the applicant, requesting these public hearings be

continued to the January meeting in order to prepare a proper site plan was also presented. The Planning Commission recommended the public hearings be continued to January 9, 2012 at 7 p.m. Moved by Bogus, seconded by Augustine, the public hearings be continued to January 16, 2012 at 7 p.m. Roll call and Council Members Augustine-Schulte, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Council Member Bahr was absent. Motion carried.

PUBLIC HEARING – APPLICATION OF J.L.O. PROPERTIES, LLC TO REZONE 472 26TH AVENUE FROM “R-2” (URBAN-FAMILY RESIDENTIAL DISTRICT) TO “ML/C-1” (LIMITED 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 J.L.O. Properties, LLC to rezone Block 223, Original City of Columbus, Nebraska and 80 feet north of Block 223 to Berne Square (472 26th Avenue) from “R-2” (Urban-Family Residential District) to “ML/C-1” (Limited 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 deny the rezoning as the Future Land Use Map shows this area as Parks and Public Facilities. It was also noted in the memorandum that the code requires a 15 foot front landscaped bufferyard, a 30 foot landscaped bufferyard along the west side with rear elevation screening, a 30 foot landscaped bufferyard along the north side and a 30 foot landscaped bufferyard along the south side. A Rezoning Application Analysis prepared by Attorney Tom Fehringer was also presented. A memorandum was also presented from Public Property Director Moore expressing opposition to the rezoning due to its proximity to East Pawnee Park and the negative impact ML/C-1 zoning could have on it. The Planning Commission recommended approval of the rezoning **contingent** upon complying with regulations set forth in The Land Development Ordinance or obtaining a proper variance of the same and to amend the Future Land Use Map of the Comprehensive Plan to reflect the same change in zoning. City Administrator Mangiamelli referred to the Planning Commission’s recommendation and requested that the Mayor and City Council go into closed session. Moved by Bogus, seconded by Augustine-Schulte, that the City Council go into closed session at 8:01 p.m. The subject matter to be discussed in the closed session shall be possible litigation; specifically involving the rezoning request of J.L.O. Properties, LLC; the reason for going into closed session is for the protection of the public interests. The following individuals will be included in the closed session: City Administrator Joseph Mangiamelli, City Attorney Stan Emerson and Community Development Director Dan Curtis. Mayor Moser stated that Council Member Bogus has made a motion to go into closed session at this time. The subject matter to be discussed in the closed session shall be possible litigation; specifically involving the rezoning request of J.L.O. Properties, LLC; the reason for going into closed session is for the protection of the public interests. The following individuals will be included in the closed session: City Administrator Joseph Mangiamelli, City Attorney Stan Emerson and Community Development Director Dan Curtis. Roll call and Council Members Augustine-Schulte, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted “Aye” and none voted “Nay.” Council Member Bahr was absent. Motion carried. Mayor Moser stated that the City Council has voted to go into closed session at this time; the

subject matter to be discussed in the closed session shall be possible litigation; specifically involving the rezoning request of J.L.O. Properties, LLC; the reason for going into closed session is for the protection of the public interests. The following individuals will be included in the closed session: City Administrator Joseph Mangiamelli, City Attorney Stan Emerson and Community Development Director Dan Curtis. Moved by Bogus, seconded by Reardon, to exit closed session at 8:41 p.m. Roll call and Members Augustine-Schulte, Bogus, Bulkley, Schilling, Jablonski and Reardon voted "Aye" and none voted "Nay." Council Member Lohr had not returned to his seat. Council Member Bahr was absent. Motion carried.

Council Member Lohr returned to his seat.

Tom Fehringer, 3919 25th Street, on behalf of the applicant, described the surrounding area with regard to zoning designations and said he feels this property is an ideal location for an ML/C-1 zoning. Fehringer pointed out that all property owners located within 300 feet were notified of this public hearing and he has not received any objections. Fehringer referred to Moore's memorandum, distributed photographs of the view from East Pawnee Park looking north toward buildings currently owned by the city and said the applicant's plans for the property would not have a detrimental impact with regard to appearance. Fehringer asked the City Council to not accept the Planning Commission's recommendation of approving the rezoning with conditions as the variances may or may not be required by the Land Development Ordinance. Fehringer referred to his report, said his position, whether looked at today or down the road which would be at a Board of Adjustment hearing or District Court, is he believes this property is exempt from the Land Development Ordinance as the code does not require the property to meet the different requirements for buffer yards, screening and landscaping as is required under Chapter 8. Fehringer referred to 8-2 b. under Article Eight with regard to Applicability and said these provisions apply to all new development except remodeling, rehabilitation or improvements to existing uses or structures which do not change the location of structures, parking, or site improvements. Fehringer also referred to Chapter 11 regarding different nonconforming structures that would not be required to follow the requirements under Chapter 8 and said he feels this property falls under non-conforming properties. Fehringer pointed out that under the current R-2 zoning the property has never met the landscaping requirements and said under ML/C-1 zoning with the 30 yard buffer requirement, there would not be access to any doors on the west side, making the building useless. In response to Council Member Lohr, City Attorney Emerson clarified that there are setback requirements when an ML/C-1 abuts a less intensive zoning district such as R-2. Council Member Augustine-Schulte said she feels the requested zoning classification should be more defined to the neighboring property owners. Council Member Bogus referred to the applicability of the landscaping and screening portion of the Land Development Ordinance where it notes that provisions apply to all new development with the exception of remodeling, rehabilitation or improvements to existing uses or structures which do not change the location of structures, parking, or site improvements and said the issue with rezoning to ML/C-1 is the potential of future occupants who may change the structure. Fehringer stated that any changes to the structure would have to receive prior approval. Community Development Director Curtis clarified that Table 8-1 of the Land Development Ordinance pertains to landscaping adjacent to the road and pointed out that there are

no landscaping requirements for ML/C-1. Curtis further clarified that Table 8-4 pertains to bufferyard provisions that are required when a more intensive zone is established against a less intensive zone. In response to Council Member Bogus, Fehringer explained that in order to meet the requirements of the buffer zones, an inordinate amount of concrete and fencing would have to be removed. Council Member Bulkley suggested that the applicant, attorneys and city staff meet to determine whether a compromise could be reached. Following further discussion, Emerson stated that the bufferyard requirements do apply in this case and is the issue that needs to be resolved. In response to a question from Fehringer with regard to approving the rezoning contingent upon a variance, Emerson stated that the City Council cannot grant variances. Mayor Moser stated that the ordinance is on its first reading and said there is opportunity before the ordinance goes to three readings to arrive to some compromise. In response to Council Member Reardon, John Obrist, J.L.O. Properties, 3460 48th Avenue, said to the best of his knowledge, his plans for the property would be to keep it the same as it is today. Obrist explained that there is sufficient square footage inside the building, there may be some things parked outside, it will not be a trash area, there is adequate fencing for security and there are no plans for additions to the building. Steve Kohl, 816 2nd Street, explained that although he is a member of the Park Board he is not representing them, and he expressed concerns with the walking trail running through a limited industrial area. Chuck Thomerson, 3109 17th Street, referred to the previous rezoning of the old hospital to "B-2" (General Commercial District) and asked the Council to keep in mind the uses allowed in the rezoning is long term. Moved by Augustine-Schulte, seconded by Reardon, the public hearing and Ordinance No. 11-42 be continued to Tuesday, January 3, 2012 at 7 p.m. Roll call and Council Members Augustine-Schulte, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Council Member Bahr was absent. Motion carried.

ORDINANCE NO. 11-42

FIRST READING - CONTINUED TO JANUARY 3, 2012

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: BLOCK 223 OF THE CITY OF COLUMBUS, NEBRASKA, AND A PIECE OF PROPERTY BOUNDED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF BLOCK 223; THENCE WEST ALONG THE NORTH LINE OF SAID BLOCK TO THE NORTHWEST CORNER OF SAME; THENCE NORTH A DISTANCE OF 80 FEET TO THE SOUTHWEST CORNER OF BERNE'S SQUARE; THENCE EAST ALONG THE SOUTH SIDE OF BERNE'S SQUARE TO THE SOUTHEAST CORNER OF SAME; THENCE SOUTH 80 FEET TO THE POINT OF BEGINNING, ALL OF SAID PROPERTY BEING IN COLUMBUS, PLATTE COUNTY, NEBRASKA, AS RECORDED IN THE RECORDS OF THE REGISTER OF DEEDS OFFICE, PLATTE COUNTY, NEBRASKA, ON JULY 20, 1954, AT BOOK 100, PAGE 553, DATED JULY 12, 1954, FROM THE PRESENT ZONING CLASSIFICATION OF R-2" (URBAN-FAMILY

RESIDENTIAL DISTRICT) TO "ML/C-1" (LIGHT INDUSTRIAL DISTRICT), TO AMEND THE FUTURE LAND USE MAP AS WELL AS 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.

SPECIAL PRESENTATION BY JAVIER SALDANA, JR. (SPC NG NG FORSCOM) OF

CERTIFIED FLAG FLOWN IN AFGHANISTAN: Javier Saldana, Jr., 565 15th Avenue, presented a certified flag that he had the opportunity to fly in honor of the Columbus Junior City Council on September 11, 2011 while serving in Afghanistan.

PUBLIC PROPERTY, SAFETY AND WORKS COMMITTEE REPORT – REVIEW TRAFFIC CONTROL DEVICE COMMITTEE AGENDA ITEMS:

The report of the Public Property, Safety and Works Committee was presented with the recommendation to approve the recommendations of the Traffic Control Device Committee from their December 5, 2011 meeting. Moved by Jablonski, seconded by Bogus, this report be adopted. In response to Mayor Moser, Police Chief Gumm explained that significant efforts have been directed toward enforcement of traffic signal violations and results have been reported to the Columbus Telegram. Gumm pointed out that it takes education, enforcement and engineering to rectify issues with violations and his department is doing what they can to enforce the law. Mayor Moser referred to a report from the City Engineer and said the traffic count on the south end of the 33rd Avenue viaduct is 20,000 and 20 percent of that count is truck traffic. Mayor Moser also referred to the number of police officers in the city and pointed out the number of duties they have in addition to traffic violations. Roll call and Council Members Augustine-Schulte, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Council Member Bahr was absent. Motion carried.

APPOINTMENT OF CHUCK SAHS TO BUSINESS IMPROVEMENT BOARD:

A memorandum was presented from Mayor Moser submitting the name of Chuck Sahs for appointment to the Business Improvement Board to fill unexpired term of Sue Burton. Council President Bogus read a brief resume and it was moved by Schilling, seconded by Lohr, to approve the Mayor's appointment. Roll call and Council Members Augustine-Schulte, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Council Member Bahr was absent. Motion carried.

PURCHASE OF GIS SYMBOLOGY, MAP MIGRATION AND SERVER INSTALLATION:

A memorandum was presented from Public Works/Environmental Services Director Chuck Thomerson recommending approval of purchase of GIS Symbology, Map Migration and Server Installation from Technology Associates International Corporation, Omaha, Nebraska, in the amount of \$40,530. Public Works Environmental Services Director Thomerson reported that this project will provide proper licensing for the Engineering Department, apply a map to the city website, include a software program for computerized maintenance and management to allow use by other departments and provide for access to on-line permits. Moved by Bogus, seconded by Schilling, to approve the purchase of GIS Symbology, Map Migration and Server Installation. It was noted that two representatives of Technology Associates were in

attendance at this meeting. Roll call and Council Members Augustine-Schulte, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Council Member Bahr was absent. Motion carried.

COMMENTS FROM MAYOR AND CITY COUNCIL MEMBERS: Council Member Lohr wished everyone a Happy Holidays. Council Member Jablonski referred to the placement of special presentations on the agenda and asked if it could be changed to the beginning of the meeting.

AWARD OF QUOTE FOR TWO JOHN DEERE MOWERS FOR QUAIL RUN AND VAN BERG GOLF COURSES: A memorandum was presented from Public Property Director Moore submitting detailed information and a staff recommendation to approve the low quote to Van Wall Equipment, Omaha, Nebraska, in the amount of \$34,688.78 for two 72" John Deere mowers for Quail Run and Van Berg Golf Courses. City Administrator Mangiamelli reported that there was an error in calculating the quotes received and the low quote should actually be awarded to Reardon Lawn and Garden, Columbus, Nebraska, in the amount of \$34,250.00 for two Grasshopper mowers. 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 Member Reardon be allowed to abstain from voting on this agenda item and to suspend the City Council rules requiring him to leave the Council Chambers during the discussion and vote on this agenda item. Roll call and Council Members Augustine-Schulte, Bogus, Bulkley, Schilling, Jablonski and Lohr voted "Aye" and none voted "Nay." Council Member Reardon abstained from voting. Council Member Bahr was absent. Motion carried. Moved by Bogus, seconded by Augustine-Schulte, the low quote be awarded to Reardon Lawn and Garden, Inc. in the amount of \$34,250.00 for two 72" Grasshopper mowers for Quail Run and Van Berg Golf Courses. Public Property Director Moore explained how the miscalculation was made. Roll call and Council Members Augustine-Schulte, Bogus, Bulkley, Schilling, Jablonski and Lohr voted "Aye" and none voted "Nay." Council Member Reardon abstained from voting. Council Member Bahr was absent. Motion carried.

ORDINANCE NO. 11-40
SECOND 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 second reading, Ordinance No. 11-40 was read by title only at this meeting. City Administrator Mangiamelli noted that this ordinance was continued from the December 5, 2011 City Council meeting. It was also noted that this ordinance will be advanced to the January 3, 2012 City Council meeting for a final reading.

CONSIDERATION OF PAYROLL AND BILLS ON FILE: ARL Credit Services – Services 691.67; Reardon Lawn & Garden, Inc. – Supplies 40.95. TOTAL \$732.62.

Council Member Jablonski requested to be excused from discussion on this agenda item because he is an owner of ARL Credit Services and therefore has a conflict of interest. Council Member Reardon requested to be excused from discussion on this agenda item because he is an owner of Reardon Lawn & Garden, Inc. and therefore has a conflict of interest. Moved by Bogus, seconded by Schilling, Council Members Jablonski and Reardon be allowed to abstain from voting on this agenda item and to suspend the City Council rules requiring them to leave the Council Chambers during the discussion and vote on this agenda item. Roll call and Council Members Augustine-Schulte, Bogus, Bulkley, Schilling and Lohr voted "Aye" and none voted "Nay." Council Members Jablonski and Reardon abstained from voting. Council Member Bahr was absent. Motion carried. Moved by Bogus, seconded by Lohr, to approve the bills on file. Roll call and Council Members Augustine-Schulte, Bogus, Bulkley, Schilling and Lohr voted "Aye" and none voted "Nay." Council Members Jablonski and Reardon abstained from voting. Council Member Bahr was absent. Motion carried.

Moved by Bulkley, seconded by Schilling, the meeting be adjourned. Roll call and Council Members Augustine-Schulte, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Council Member Bahr was absent. Motion carried and the meeting was adjourned at 10:05 p.m.

Presented and approved this 3rd day of January, 2012.

MAYOR

ATTEST:

CITY CLERK